



Hon. Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Cc: Joseph B. Maher, Acting General Counsel, DHS; Cass Sunstein, Senior Counselor, Department of Homeland Security; Dr. Marcella Nunez-Smith, Dr. David Kessler, and Dr. Vivek Murthy, Co-Chairs of COVID-19 Task Force; Jeff Zients, Coordinator, COVID-19 Task Force; Tracy Renaud, Senior Official Performing the Duties of the Director, USCIS; Felicia Escobar Carrillo, Chief of Staff, Office of the Director, USCIS; Amanda Baran, Chief, Office of Policy and Strategy, USCIS; and A. Ashley Tabaddor, Chief Counsel, USCIS; Tyler Moran, Special Assistant to the President for Immigration, Domestic Policy Counsel; Esther Olavarria, Deputy Director of the Domestic Policy Council for Immigration.

Dear Secretary Mayorkas:

The undersigned organizations affiliated with the Protecting Immigrant Families coalition urge you to end the Trump Administration's public charge rule by directing the Department of Justice to withdraw its appeals on litigation challenging the Trump DHS public charge regulations, while DHS moves forward on regulatory action. This is the fastest and most permanent way to make good on President Biden's campaign commitment -- memorialized in Executive Order 14012 -- to repeal the public charge rule.

The current public charge policy is directly harming immigrants and their families and undermining our country's pandemic response. Since their implementation on February 24, 2020, [research has shown](#) that the Trump Administration's public charge regulations have effectively denied millions in immigrant families the help they need, contributing to rising hunger, poverty, and unmet health care needs, before and during the COVID-19 pandemic.

The pandemic has taken the heaviest toll on those already bearing the burdens of health disparity and economic marginalization resulting from centuries of institutional racism. According to the [U.S. Centers for Disease Control and Prevention](#), the COVID-19 case rate, hospitalization rate, and death rate are all significantly higher for people of color. And as both [clinicians](#) and [researchers](#) have documented, immigrants and their families face additional obstacles, including policies like public charge that discourage access to testing and care. The current public charge policy also poses a significant threat to effective COVID-19 vaccine



distribution. To the degree that immigrant families consider vaccination a potential threat to immigration status, vaccination efforts will suffer, prolonging the health crisis and delaying economic recovery.

The best way to protect the country and implement the president's policy is to act on all fronts to mitigate the harm and reverse the Trump regulations. This requires four main steps.

- **Direct the Justice Department to withdraw its appeals of all lawsuits challenging the regulation.** This will invalidate the Trump public charge rule permanently nationwide. The status quo ante -- the Immigration and Naturalization Service's March 26, 1999, Field Guidance on Deportability and Inadmissibility on Public Charge Grounds "1999 INS Field Guidance" -- would become our nation's policy again. This includes withdrawing the cert petitions from the Second, Seventh and Ninth Circuits, the pending Second Circuit appeal of a preliminary injunction during the pendency of the pandemic, and the pending Seventh Circuit appeal of a summary judgment decision vacating the Rule nationwide. Withdrawing these appeals would allow the district court orders vacating and enjoining the Rule to go into effect and would return the status quo on this issue to the 1999 guidance while the agencies undertake an appropriate process to adopt a new rule. The Protecting Immigrant Families coalition strongly supports this approach as the best way to halt the severe and well-documented chilling effects of the Trump policies, and mitigate the risk that the Trump regulations come back into effect in the future.
- **Protect future agency rule-making.** The decisions on the Trump public charge rule define the outer limits of the meaning of public charge. No path to ending cases should come at the cost of vacating important precedent.
- **Communicate to immigrants and their families that the policy has been reversed and that it is safe to access health, nutrition, and other programs for which they are eligible without fear of immigration consequences.** If the 2019 rule is invalidated, the 1999 INS Field Guidance will become DHS's public charge policy again. This means that immigrants and their family members can access health and nutrition programs, and many other programs as well, without concerns that it will affect their immigration status. As has been widely reported, misinformation about the policy's reach has led families to forgo or withdraw not only from programs covered by the Trump regulations, but also from WIC, CHIP, and even [disaster assistance programs](#) like Pandemic-EBT. Relevant agencies (DHS and DOS, but also HHS, USDA, HUD, Education, Treasury, and the White House) should leverage all available communication channels, including grant funding, to inform immigrant families. In concert with these communications, DHS should withdraw the I-944 "Declaration of Self Sufficiency" form, and update the I-485



and the USCIS policy manual to conform to the 1999 Field Guidance. The Protecting Immigrant Families coalition and its member organizations have been working to educate families for years, and we would welcome the opportunity to share what we have learned.

- **Develop and issue new public charge regulations as soon as possible.** Given the urgent need for a more permanent change and the time-consuming nature of regulatory development, the regulatory work needs to begin now. The Protecting Immigrant Families coalition would welcome the opportunity to share our thinking about how you can cement and modernize the 1999 INS Field Guidance.

The President recognized months ago that the Trump public charge regulations are bad policy. He noted that the policy is both wrong, in that it “runs counter to our values as Americans and the history of our nation,” and dangerous, exactly the sort of “barriers that prevent immigrants from accessing government services available to them” that the President ordered agencies to remove.

Every day the Trump policy remains in force increases the health and economic danger to the nation. It is critical that the regulations be reversed effectively and completely. It is no less critical that the regulations be reversed quickly.

Thank you for considering this request. Please contact Eddie Carmona, carmona@nilc.org and Renato Rocha, rrocha@clasp.org with the Protecting Immigrant Families campaign with any questions or concerns.

Sincerely, the undersigned

ACLU-WV

African Services Committee

African Women and Development

Alabama Coalition for Immigrant Justice

Alianza Nacional de Campesinas

American Academy of Pediatrics

Arte Sana

Asian & Pacific Islander American Health Forum

Asian American Legal Defense and Education Fund (AALDEF)

Asian Health Services



Asian Law Alliance
Asian Pacific Institute on Gender-Based Violence
Asian Resources, Inc
ASISTA
Aspire for Humanity Initiatives
Association of Asian Pacific Community Health Organizations (AAPCHO)
Autistic Self Advocacy Network
Bangor - Carasque El Salvador Sister Cities Project
Bet Tzedek
Black Owned Maine Media
Boundless Immigration Inc.
Bread for the World
BrightHouse Inc
Building One Community
Cabrin Immigrant Services of NYC
California Immigrant Policy Center
California Partnership to End Domestic Violence
California WIC Association
Cambodian Community Association of Maine
CASA
Catholic Legal Immigration Network, Inc.
Center for Economic Policy and Research
Center for Law and Social Policy (CLASP)
Centro Del Inmigrante, Inc.
Children's HealthWatch
Coalition on Human Needs
Colorado Latino Leadership Advocacy and Research Organization
Community Action Marin
Community Catalyst
Community Clinic Association of Los Angeles County
Community Health Care Association of New York State
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Connecticut Shoreline Indivisible
CPCA
CRLA Foundation
D. C. Hunger Solutions



East Bay Sanctuary Covenant
Emerald Isle Immigration Center
Empowering Pacific Islander Communities (EPIC)
Enlace Chicago
Equality California
Families USA
Family Crisis Center, Inc.
Family Crisis Services, Inc.
Food Research & Action Center
Futures Without Violence
Gateway Community Services Maine
Greater Boston Legal Services
Guttmacher Institute
Health Law Advocates
ICNA CSJ
Idaho Coalition Against Sexual & Domestic Violence
ideas42
Illinois Chapter, American Academy of Pediatrics
Illinois Coalition for Immigrant and Refugee Rights (ICIRR)
Immigrant Legal Advocacy Project (ILAP)
Immigrant Legal Resource Center
Inland Coalition for Immigrant Justice
Jane Doe Inc.
Jewish Family Service of Los Angeles
Jewish Family Service of San Diego
Justice in Aging
Kansas Coalition Against Sexual and Domestic Violence
Korean Community Center of the East Bay
KRC Korean Resource Center
Latino Policy Forum
Legal Aid Society of San Mateo County
Liberal Area Rape Crisis & Domestic Violence Service Inc, dba LARC DVS
Los Angeles Regional Food Bank
Maine Business Immigration Coalition
Maine Equal Justice



Maine MultiCultural Center
Maryland Hunger Solutions
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
Massachusetts Senior Action Council
MAZON: A Jewish Response to Hunger
Michigan Immigrant Rights Center
Michigan League for Public Policy
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance to End Sexual Violence
National Coalition Against Domestic Violence
National Health Law Program
National Immigration Law Center (NILC)
National Resource Center on Domestic Violence
Nebraska Coalition to End Sexual and Domestic Violence
NETWORK Lobby for Catholic Social Justice
Nevada Coalition to End Domestic and Sexual Violence
Never Again Action RI
New Jersey Coalition To End Domestic Violence
New York Immigration Coalition
NICOS Chinese Health Coalition
NM Center on Law and Poverty
Northwest Health Law Advocates
Northwest Regional Primary Care Association
Nourish California
Oasis Legal Services
Ohio Alliance to End Sexual Violence
Ohio Domestic Violence Network
Pomona Economic Opportunity Center
Power in Community Alliances
Prevention Institute
Progreso Latino
ProsperityME
Radical Public Health (RPH) at University of Illinois at Chicago
Rainbow Pride Youth Alliance



Rhode Island KIDS COUNT
San Bernardino Community Service Center
San Francisco-Marin Food Bank
Service Employees International Union
Silver State Equality-Nevada
South Carolina Appleseed Legal Justice Center
The Children's Partnership
The Economic Progress Institute
The Workers Circle
Ujima Inc.: The National Center on Violence Against Women in the Black Community
Unified Asian Communities
Washington Coalition of Sexual Assault Programs (WCSAP)
Welcoming Immigrant Neighbors- Bangor
Welcoming The Stranger
Wisconsin Coalition Against Sexual Assault
Wisconsin Faith Voices for Justice

The Protecting Immigrant Families coalition brings together more than 500 organizations representing health, economic security, child welfare, civil and immigrant rights, food security, faith and social justice, and other sectors united to protect and defend access to health care, nutrition programs, public services and economic supports for immigrants and their families at the local, state, and federal level.