

Update: Public Charge Injunction

On Friday, October 11, 2019, a federal judge placed a nationwide injunction on the Trump administration's Final Rule on Public Charge, preventing the rule from taking effect on October 15, 2019, as previously scheduled.

The Court stayed the Final Rule that would expand the types of benefits that may be considered for "public charge," affecting programs EHSD administers that help struggling, low-income individuals feed their families and themselves, stay healthy, and ultimately become self-sufficient. Under the Final Rule, for the first time, use of non-cash programs such as Medi-Cal, CalFresh and Section 8 housing subsidies could be taken into account when decisions are made about entry into the country and adjustment of legal status.

The public charge determination, indicating a person may be likely to become dependent on the government for subsistence, could be used as grounds to reject a legal immigrant's application to keep his/her legal status to in the U.S. or become a Lawful Permanent Resident (obtain a green card).

In his ruling, New York-based Judge George Daniels said there is a compelling argument that the administration lacks the authority to redefine public charge as they have. The judge also wrote that it was not clear "why this new definition [of public charge] is needed now, or why the definition set forth in the rule – which has absolutely no support in the history of U.S. immigration law – is reasonable."

Based on our values as a welcoming county, and concern about the negative health and economic impacts the changes could have on Contra Costa's entire population, the County's Board of Supervisors OPPOSED the rule changes when the Department of Homeland Security (DHS) initially proposed them last year.

No current or proposed changes affect the way EHSD determines eligibility and administers programs and services. No changes affect our processes, rules or eligibility standards pertaining to immigration. Laws and rules on privacy and confidentiality remain intact. However, we understand that community members who are immigrants may have concerns, and we continue to encourage them to consult with reliable sources, such as trained immigration attorneys, to discuss their specific situations.

EHSD is committed to supporting the needs of all community members who are eligible for our services, regardless of immigration status. One of our department's core values is to embrace diversity, honoring individual differences and equal treatment for all. With our mission to ensure access to resources that support, protect and empower individuals and families to achieve self-sufficiency, we will continue to encourage community members to seek the services they need.

We are monitoring developments related to the public charge ruling, working in collaboration with our community partners, and will stay in touch with updates.