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Santa Clara County and San Francisco sue to block federal rule that penalizes lawful immigrants

Rule makes using food, health care or housing assistance grounds for inadmissibility or denial of a green card

SAN FRANCISCO (August 13, 2019) — Santa Clara County Counsel James R. Williams and San Francisco City Attorney Dennis Herrera today filed a joint lawsuit against the Trump administration to invalidate a new rule that allows the federal government to deny entry or green cards to legal immigrants for using certain assistance programs, like Medicaid or food stamps.

The U.S. Department of Homeland Security's new rule on "Inadmissibility on Public Charge Grounds," announced August 12, 2019, attempts to abolish decades of legal precedent. It dramatically and unilaterally broadens the reasons someone can be denied admission to the country or access to a green card if already here lawfully. The rule would make using certain government benefits, like Medicaid, federal housing assistance, or food stamps (now known as the Supplemental Nutritional Assistance Program), grounds to deny someone legal residency based on the flawed notion that a lawful immigrant availing themselves of this assistance would be a "public charge," now defined as the mere use of these forms of government support over a three-year period.

"The Trump Administration's new rule is an unlawful, foolish attack on immigrant communities," said Williams. "It will hurt all members of our communities by reducing access to critical health and safety-net services that create healthier communities for all of our residents. This latest effort by the Trump Administration to target immigrants, including those who are lawfully seeking visas and green cards, is abhorrent, and we will do everything in our power to protect our residents' ability to access the critical services and benefits we provide. We also reaffirm that Santa Clara and San Francisco counties remain committed to serving all our residents."

"This illegal rule is just another attempt to vilify immigrants," Herrera said. "It makes it easier to unfairly target hard-working, lawful immigrants while sowing fear and confusion in our communities. This rule forces people to make an impossible choice: their health or a better future for their family. We will all

bear the cost of this misguided policy, which will shift millions of dollars in health care costs onto the taxpayers of San Francisco and Santa Clara counties. At the same time, it will siphon millions from our local economies and drive more people toward homelessness. This rule is rubbish. We're determined to see that it ends up in the legal garbage bin with the rest of this administration's unlawful policies."

By design, the rule coerces individuals to forgo or withdraw from critical benefits and care. Noncitizens who seek or plan to seek admission or adjustment of status will face an unthinkable dilemma: access any of a wide-range of public benefits and jeopardize the chance for admission or adjustment of status, or forgo such benefits and suffer from lack of food, health care, or housing. Many of these individuals have chosen, and will continue to choose, the latter and forgo critical public benefits as a result of this rule.

The Department of Homeland Security itself projects that the rule will cause 2.5 percent of the noncitizens participating in those programs to stop using them, but this projection grossly underestimates the number of people who will be harmed. For example, many people who live with noncitizens, unclear about the rule's impact, will also forgo benefits out of fear of the immigration consequences to themselves or their loved ones. Indeed, in response to earlier drafts of the rule, many people already have. [A recent Urban Institute study](#) found that one in seven adults in immigrant families (13.7 percent) reported "chilling effects" from the proposed rule, in which the respondent or a family member did not participate in a government benefit program in 2018 for fear of risking future green card status. This chilling was observed in families with various mixes of immigration and citizenship statuses, including families where all foreign-born members were naturalized citizens.

The price for this policy change, however, will be paid by society as a whole:

- Reduced access to health care services will increase the risk of communicable diseases and other public health threats, like the Zika virus, measles, and tuberculosis.
- Taxpayer-funded health care costs will rise as people forgo preventative care and then wind up in the emergency room with more serious medical conditions. In Santa Clara and San Francisco, public health care costs are projected to increase by millions of dollars a year.
- Food stamp assistance helps fuel local economies, with the money flowing through shops and grocery stores to their suppliers, owners and employees. Santa Clara and San Francisco's economies could lose millions a year from people forfeiting food assistance.

Santa Clara County and San Francisco have a track record of forcing the Trump administration to follow the rule of law. That includes securing court decisions that found President Trump's executive order denying federal funding to sanctuary cities was unconstitutional.

The case is: *City and County of San Francisco and County of Santa Clara v. U.S. Citizenship and Immigration Services et al.*, U.S. District Court for the Northern District of California, 3:19-cv-04717, filed Aug. 13, 2019. Additional documentation from the case is available on the City Attorney's City Attorney's website: www.sfcityattorney.org or the Santa Clara County Counsel's public charge website: www.sccgov.org/publiccharge.

About the Office of the County Counsel

The Office of the County Counsel serves as legal counsel to the County, its Board of Supervisors and elected officials, every County department and agency, and the County's boards and commissions. With

a staff of over 200, the Office is also responsible for all civil litigation involving the County and its officers. Through its Social Justice and Impact Litigation Section, the Office litigates high-impact cases, drafts innovative local ordinances, and develops policies and programs to advance social and economic justice. The Section also defends the County in select cases with the potential to significantly affect the County's ability to provide critical safety net services to vulnerable residents. The Section is part of a growing movement to use the power and unique perspective of local government to better serve the community and to drive long-lasting change at the local, state, and national levels.

About the County of Santa Clara, California

The government of the County of Santa Clara serves a diverse, multi-cultural population of 1.9 million residents – more populous than 14 states. With a \$8.1 billion annual budget, dozens of departments and agencies, and over 20,000 employees, the County provides essential services to its residents, including public health protection, environmental stewardship, medical services through the County of Santa Clara Health System, child and adult protection services, homelessness prevention and solutions, roads, park services, libraries, emergency response to disasters, protection of minority communities and those under threat, access to a fair criminal justice system, and many others.

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