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## **Santa Clara County and San Francisco succeed in blocking ‘public charge’ rule**

*Judge halts latest Trump administration attack on immigrants from taking effect while the case is decided in court*

SAN FRANCISCO (Oct. 11, 2019) — Santa Clara County Counsel James R. Williams and San Francisco City Attorney Dennis Herrera issued the following statements after U.S. Chief District Judge Phyllis Hamilton today granted San Francisco and Santa Clara County’s request for a preliminary injunction to stop the Trump administration’s new “public charge” rule from taking effect:

“The Trump Administration’s ongoing attacks on immigrants are an affront to American values, and to all of our communities. The Public Charge Rule is an unlawful attack on vulnerable families, and we’re glad that the court has recognized the tremendous harm the Rule would have caused if it had gone into effect,” said Williams. “The rule violates federal law, and creates wrongheaded obstacles for law-abiding immigrants looking to access services that are critical to protecting the health and safety of our whole community. Today’s decision is key to ensuring Santa Clara County remains a welcoming, supportive place for all our community members to succeed and thrive.”

“This decision is a victory for the rule of law and the American dream,” Herrera said. “The Trump administration has been waging a fear campaign to deprive hard-working families of food, housing, and health care. We’re fighting it in court, but anyone can fight back by asking questions, getting informed, and knowing their rights. Don’t succumb to fear. This rule is not only unlawful, it’s bad for the economy, bad for public health, and bad for our country. We’ve stopped it for now, and the court found that we are also likely to succeed in the overall case. We will not rest in our fight to prevent it from ever taking effect.”

The County of Santa Clara and the City and County of San Francisco jointly filed the first case seeking to block the U.S. Department of Homeland Security’s new rule. They were joined in arguing for a preliminary injunction on Oct. 2, 2019 by a coalition of states and a coalition of immigrant rights advocates led by the State of California and the National Immigration Law Center, respectively. Both coalitions have filed related cases.

Today's injunction blocks the rule from being applied to residents in: the entirety of the states of California, Maine, Pennsylvania, Oregon and New York, as well as the District of Columbia. In conjunction with separate cases brought by New York state and others, the rule has been blocked from taking effect nationwide.

### **Case Background**

The U.S. Department of Homeland Security's new rule on "Inadmissibility on Public Charge Grounds," announced Aug. 12, 2019, would rewrite nearly 140 years of legal precedent. It radically expands the grounds upon which a person can be deemed a "public charge," and thus denied entry into the U.S. or adjustment of their immigration status, including receiving a green card. For decades, "public charge" meant an individual who was "primarily dependent" on the government for survival. The assessment of whether someone was a public charge was based on two kinds of public aid: long-term institutionalization or direct cash assistance. In other words, the term "public charge" meant someone who was housed in a publicly funded medical institution or was dependent on a cash benefit, like Supplemental Security Income, which helps seniors, blind and disabled people who have little or no income. A public charge did not mean someone who merely receives some publicly funded, supplemental benefits.

The new rule, without authorization from Congress or the reasoned analysis required by statute, unlawfully broadens the benefits considered to determine if someone is a public charge. It adds in health benefits like Medicaid and food stamps in an amount as low as 50 cents a day.

By design, the rule coerces individuals to forgo or withdraw from critical benefits and care. DHS itself projects that the rule will cause more than 320,000 noncitizens participating in the targeted programs to stop using them, but this projection grossly underestimates the number of people who will be harmed. It also doesn't reflect the broader "chilling effect" the rule causes by [spreading fear and misinformation](#).

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, 4:19-cv-04717, filed Aug. 13, 2019. Additional documentation from the case is available on the Santa Clara County Counsel's public charge website: [www.sccgov.org/publiccharge](http://www.sccgov.org/publiccharge) or the City Attorney's website: [www.sfcityattorney.org](http://www.sfcityattorney.org).

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### **About the Santa Clara County Counsel's Office**

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.