IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)

Civil Action No. 18-cv-3636 (ELH)

MAYOR AND CITY COUNCIL OF BALTIMORE,

Plaintiff,

v.

DONALD J. TRUMP*, et al.,*

Defendants.

PROPOSED BRIEF OF *AMICI CURIAE* PUBLIC JUSTICE CENTER, CAPITAL AREA IMMIGRANT RIGHTS COALITION, CASA DE MARYLAND, CATHOLIC CHARITIES OF BALTIMORE, IMMIGRATION LEGAL SERVICES, AND EPISCOPAL REFUGEE AND IMMIGRANT CENTER ALLIANCE, IN SUPPORT OF THE PLAINTIFF

Ejaz H. Baluch, Jr. (Bar No. 20006)
Murnaghan Appellate Advocacy Fellow
Public Justice Center
One North Charles Street, Suite 200
Baltimore, Maryland 21201
T: (410) 625-9409
F: (410) 625-9423
baluche@publicjustice.org

Counsel for Proposed Amici Curiae

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STATEMENTS OF INTEREST OF *AMICI CURIAE*

The **Public Justice Center (PJC)**, is a non-profit civil rights and anti-poverty legal organization established in 1985. PJC uses impact litigation, public education, and legislative advocacy to accomplish law reform for its clients. Its Appellate Advocacy Project expands and improves representation of indigent and disadvantaged persons and civil rights issues before the Maryland and federal trial and appellate courts. The PJC has participated in a number of cases guarding immigrant's rights. *See, e.g.*, *United States v. California*, No. 18-490 (E.D. Ca. 2018); *United States v. Texas*, 136 S.Ct. 2271 (2016). The PJC has an interest in this case because of its commitment to ensuring a fair immigration process.

The **Capital Area Immigrant Rights (CAIR) Coalition** is a nonprofit organization providing legal services to noncitizen men, women, and children who are detained by the federal government and facing removal proceedings throughout Maryland and Virginia. With offices in Baltimore, Maryland and Washington, D.C., the CAIR Coalition has strong ties to the immigrant community in Maryland, Washington, D.C., and Virginia. CAIR has a strong interest in assuring that the immigration laws are fairly and correctly applied and do not violate due process or equal protection.

CASA de Maryland, Inc. (CASA) is a non-profit membership organization headquartered in Langley Park, Maryland, with offices in Maryland, Virginia and Pennsylvania. Founded in 1979, CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 90,000 members, including more than 8,000 in the City of Baltimore. CASA's mission is to create a more just society by building power and improving the quality of life in low-income immigrant communities. In furtherance of this mission, CASA offers a wide variety of social, health, job training, employment, and legal

services to immigrant communities in Maryland, as well as the greater Washington DC metropolitan area, Virginia and Pennsylvania. In 2018, CASA's legal team provided more than 1,200 individual immigration consultations. In addition, CASA's Health team routinely meets with community members and offers advice and assistance with registering for public benefits.

The **Catholic Charities of Baltimore's Immigration Legal Services (CCILS)**, one of the Esperanza Center's programs, was founded in 1994 to provide low-cost immigration legal services to immigrants in the Baltimore area. CCILS was the first such organization of its kind in the region. Today, CCILS is one of the largest providers of non-profit immigration legal services in Maryland. CCILS provides counseling and legal representation to primarily low-income individuals and their families in a wide-range of humanitarian- and family-based immigration matters, both affirmative and defensive. Due to the complexity of the immigration statutes, code, and case law and its ever-changing nature, immigrants and their families require competent assistance in navigating the process of obtaining/maintaining lawful permanent resident status, applying for U.S. citizenship, and defense against deportation.

The **Episcopal Refugee and Immigrant Center Alliance (ERICA)** is a social justice outreach ministry program of the Cathedral of the Incarnation in Baltimore, Maryland. ERICA offers individualized support, referrals to specialized assistance, grants for family reunification, and zero interest loans for immigration-related legal fees to smooth the journey to a promising future. ERICA's immediate goal is that program participants achieve stability and independence and, ultimately, that they self-advocate, contribute to their community, and exercise agency throughout their transition to a new life. ERICA has an interest in this case because of its mission to ensure Baltimore is a welcoming city that promotes the well-being of all its residents.

ARGUMENT

On January 4, 2018, the State Department directed consular officials to fundamentally transform how they evaluate whether a visa applicant "is likely to become a public charge." Memorandum from U.S. Dep't of State Regarding Update to 9 FAM 302.8 Public Charge-INA 212(A)(4) (Jan. 4, 2018) [hereinafter U.S. Dep't of State Memo], https://www.lexisnexis.com/legalnewsroom/immigration/b/immigration-law-blog/posts/39-public-charge-39-update-to-9-fam-302-8-jan-4-2018. The State Department instructed consular officials to consider "past or present" participation in public benefit programs "of any type" by the visa applicant or any member of the applicant's household. 9 U.S. Dep't of State, Foreign Affairs Manual (2018) [hereinafter FAM] § 302.8-2(B)(2)(f)(1)(b)(i), https://fam.state.gov/FAM/09FAM/09FAM030208.html. This includes non-cash benefit programs. *Id.* The revision to the definition of "public charge" is significant. The Foreign Affairs Manual (FAM) formerly instructed consular officials that non-cash benefits "must not be considered." Compl. Ex. 1 at 8, ECF No. 1-1.

Further, the FAM previously stated that "[c]ertain programs" were explicitly "not considered to be benefits" when determining whether a visa applicant is likely to become a public charge. Compl. Ex. 1 at 3–4. Those programs were ones "funded with public funds for the general good," like "public education and child vaccination programs." *Id.* But now the FAM states that such programs may "be considered as part of the applicant's totality of circumstances" when making a public charge determination. FAM § 302.8-2(B)(1)(d)(1). Indeed, the State Department removed a sentence that stated "neither the past nor future receipt" of non-cash benefits "may be considered" when determining whether an applicant is likely to become a public charge. *Compare id.* § 302.8-2(B)(1)(d)(2) *with* Compl. Ex. 1 at 4.

These changes to public charge rules in the FAM extend to how consular officers consider Affidavits of Support. Visa applicants who apply through family-based petitions must have their family member sponsors submit such affidavits. Consular officers may consider affidavits of support when reviewing whether a visa applicant is likely to become a public charge. 8 U.S.C. § 1182(a)(4)(B)(ii). The FAM used to provide that "[t]here is no provision in the law" saying that "the receipt of means-tested benefits by the sponsor" is enough for an applicant to be inadmissible. Compl. Ex. 1 at 23. Rather, if the sponsor or a member of the sponsor's family "has received public means-tested benefits within the past three years," consular officials were to "review fully the sponsor's current ability to provide the requisite level of support." *Id.* at 23–24. No more. The State Department took out that first sentence, *id.* at 23, permitting consular officials to consider past or current receipt of non-cash benefits by sponsors or their family members to be disqualifying.

Amici submit this proposed brief to describe to the Court the extensive consequences of this drastic expansion of public charge's definition in the FAM.

I. PUBLIC CHARGE REFUSALS HAVE ALREADY SHARPLY INCREASED SINCE THE STATE DEPARTMENT'S POLICY CHANGE.

The change to the definition of "public charge" in the FAM has been in place for barely over a year. *See* U.S. Dep't of State Memo, *supra*. Yet according to the State Department's own data, the effects of the change have been immediate and dramatic. In Fiscal Year (FY) 2018, over 13,000 visa applicants were initially refused on public charge grounds. 2018 Visa Office Ann. Rep. Table XX [hereinafter 2018 Public Charge Refusals], https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2018AnnualReport/FY18AnnualReport%20%20-%20TableXX.pdf. That is four times as many refusals on public charge grounds as the previous year. *See* 2017 Visa Office Ann. Rep. Table XX, https://travel.state.gov/content/dam/visas/

Statistics/AnnualReports/FY2017AnnualReport/FY17AnnualReport-TableXX.pdf (3,237 initial public charge refusals). As a matter of fact, it is a *fifteen*-fold increase over FY 2015. *See* 2015 Visa Office Ann. Rep. Table XX, https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2015AnnualReport/FY15AnnualReport-TableXX.pdf (897 initial public charge refusals).

What is more, in the five years prior to the current administration (2011–2016), visa applicants ultimately "overcame" effectively all public charge refusals through provision of additional information in further proceedings or reapplications. *See, e.g.*, 2013 Visa Office Ann. Rep. Table XX, https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2013AnnualReport/FY13AnnualReport-TableXX.pdf (showing 3,544 initial public charge refusals and 3,374 applicants who overcame their ineligibility). Conversely, in 2018, at least 5,518 applicants had not overcome their initial denial on public charge grounds. *See* 2018 Public Charge Refusals, *supra* (showing only 7,932 applicants overcame their ineligibility, which may include applicants from the previous fiscal year). Thus, the public charge policy change is already having a significant effect on visa applicants going through consular processing abroad.

II. THE STATE DEPARTMENT'S POLICY CHANGE HAS DISCOURAGED USE OF NON-CASH PUBLIC BENEFITS IN BALTIMORE.

Though the new, broader definition of public charge has caused a sharp increase in visa denials from abroad, the policy change has also contributed to wide-ranging consequences in the United States. Implementing restrictions on using public benefits—changing eligibility, or as is the case here, effectively penalizing use—has a well-documented chilling effect on immigrants, their family members, and their sponsors' use of those benefits. Baltimore immigrants, their family members, and their sponsors are now more likely to avoid participation in non-cash public benefits programs such as the Supplemental Nutrition Assistance Program (SNAP), the

Children's Health Insurance Program (CHIP), the Women, Infants, and Children program (WIC), Medicaid, or city-run healthcare services, out of a heightened fear of falling into the broad new definition of public charge. When individuals and families cannot access such public benefits and services—which often assist U.S. citizen children—the health of immigrant communities and the broader city is imperiled.

A. It is Well-Documented that Restrictions on Using Public Benefits Have Historically Discouraged Immigrants Unaffected by the Restrictions Because of Fear Public Charge Rules Cause.

Predictably, restrictions on immigrants' use of public benefits discourages them from using such benefits. But perhaps surprisingly, immigrants, their family members, and their sponsors are discouraged even if the changes do not target immigrant eligibility as such. This is a well-documented phenomenon, one that the Department of Homeland Security (DHS) itself acknowledges. In October 2018, DHS proposed a new rule expanding who constitutes a "public charge" under the Immigration and Nationality Act. *Inadmissibility on Public Charge Grounds*, 83 Fed. Reg. 51,114 (Oct. 10, 2018) ("DHS Proposed Rule"). In this proposal, DHS observed "[r]esearch shows that when eligibility rules change for public benefits programs there is evidence of a 'chilling effect' that discourages immigrants from using public benefits programs." *Id.* at 51,266. This discouragement was present even among those who were "still eligible" to use the program. *Id.*

DHS discussed a United States Department of Agriculture (USDA) study performed soon after the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA), more commonly known as welfare reform, took effect. *See id.* The USDA study found that the number of food stamp recipients "fell by over 5.9 million between summer 1994 and summer 1997." *Id.* (citing Jenny Genser, U.S. Dep't of Agric., *Who is Leaving the Food Stamp Program: An Analysis of Caseload Changes from 1994 to 1997* (1999), https://www.fns.usda.gov/snap/

who-leaving-food-stamp-program-analysis-caseload-changes-1994-1997). Enrollment of legal immigrants fell by fifty-four percent. *Id.* DHS discussed another study that found "evidence of a 'chilling effect'" after PRWORA. *See id.* In that study, researchers discovered that "non-citizen enrollment in public benefits programs declined more steeply than U.S. citizen enrollment over the period 1994 to 1997." *Id.* (citing Michael E. Fix & Jeffrey S. Passel, Urban Inst., *Trends in Noncitizens' and Citizens' Use of Public Benefits Following Welfare Reform* (1999), https://www.urban.org/research/publication/trends-noncitizens-and-citizens-use-public-benefits-following-welfare-reform).

Crucially, PRWORA participation did not only fall among immigrants PRWORA rendered ineligible for public benefits. As the Immigration and Naturalization Service recognized, participation also fell among immigrants who remained eligible for public benefits and services. *Inadmissibility and Deportability on Public Charge Grounds*, 64 Fed. Reg. 28,676, 28,676 (May 26, 1999). Though they could apply for public benefits, immigrants feared "potentially being deemed a 'public charge,'" creating a chilling effect. *Id.*

As one example, there were "fears that users would be unable to sponsor family members in the future" if they used such benefits and consequently were considered a public charge. Jeanne Batalova et al., Migration Pol'y Inst., *Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefits Use* 14 (June 2018), https://www.migrationpolicy.org/research/chilling-effects-expected-public-charge-rule-impact-legal-immigrant-families. Immigrants with children eligible for benefits like SNAP and Medicaid had a related fear: how "public charge rules could impact families' ability to adjust their status." Sharon Parrott et al., Ctr. on Budget & Pol'y Priorities, *Trump "Public Charge" Rule Would Prove Particularly Harsh for Pregnant Women and Children* 2 (May 1, 2018),

https://www.cbpp.org/sites/default/files/atoms/files/5-1-18pov2.pdf. What is more, participation also fell because of "confusion about eligibility criteria." Batalova et al., *supra*, at 14.

As a result, USDA studies found that participation in food stamp programs fell by fifty-three percent among *U.S. citizen children* in families with a noncitizen parent between 1994 and 1998. *Id.* (citing Genser, *supra*). Likewise, in 1999 only forty-percent of eligible U.S. citizen children in families with a noncitizen parent participated in SNAP, far below the seventy-percent participation rate overall. Parrott et al., *supra*, at 2–3. And a third study found that for refugees—unaffected by PRWORA—food stamp use fell a staggering sixty-percent compared to forty-three percent during that same period among other noncitizen families. Batalova et al., *supra*, at 14 (citing Fix & Passel, *supra*). Similarly, the decline among refugees in Medicaid use was twenty-two percent higher and in use of Temporary Assistance for Needy Families (TANF) was thirty-four percent higher than among other noncitizens. *Id.* (citing Fix & Passel, *supra*).

Chilling effects are not limited to confusion about eligibility and fear of becoming a public charge. Becoming ineligible for one program "may chill noncitizens' use of other programs," even though they are eligible. Fix & Passel, *supra*. For instance, welfare participation among noncitizens dropped as much as food stamp use, though PRWORA restricted food stamps "far more broadly" than welfare. *Id.*

B. The State Department's Policy Change Has Discouraged Use of Non-Cash Public Benefits in Baltimore.

As the DHS Proposed Rule demonstrates, the current administration is well aware of how PRWORA had a chilling effect on otherwise eligible immigrants, their family members, and their sponsors participating in public benefits programs. *See* 83 Fed. Reg. at 51,266 (describing "evidence of a 'chilling effect' that discourages immigrants from using public benefits programs" after PRWORA went into effect). As the research described above shows, this

chilling effect comes from a fear of being considered a public charge. In addition, as the Mayor and City Council of Baltimore assert in their Complaint, the current administration has shown animus against immigrants and those who accept public benefits. *See, e.g.*, Compl. ¶ 74. The State Department's drastic expansion of the definition of "public charge" in the FAM has already had a similar intended effect. Despite the policy change only existing for a little over a year, the results are already clear: immigrants, their family members, and their sponsors are avoiding participation in non-cash public benefits programs such as SNAP, CHIP, WIC, Medicaid, or city-run healthcare services. They are avoiding participation out of a heightened fear of falling into the broad new definition of public charge.

According to a study of over 35,000 immigrant mothers of children in Baltimore, Boston, Philadelphia, Minneapolis, and Little Rock, SNAP participation went from 15,050 participating mothers to 12,180 mothers, representing a 19% decrease in the number of immigrant families receiving SNAP benefits. *See* Press Release, Megan Lowry, Am. Pub. Health Assoc., Study: Following 10-Year Gains, SNAP Participation among Immigrant Families Dropped in 2018 (Nov. 12, 2018), https://www.apha.org/news-and-media/news-releases/apha-news-releases/2018/annual-meeting-snap-participation. This is a sudden decline; during the immediately preceding ten years, participation was consistently increasing. *Id.*

The most logical explanation for the sudden decrease in participation is fear among immigrant beneficiaries of experiencing negative immigration consequences based on the public charge policy change. As the lead researcher pointed out, "the eligibility rules for SNAP remained unchanged between 2017 and 2018." *Id.* In fact, researchers interviewed immigrant families in emergency rooms and primary care clinics about their household's food security and participation in SNAP. *Id.* They learned that "[s]ome immigrant families may be forced to make

agonizing choices between enrolling in critical nutrition programs and jeopardizing their future immigration status." *Id.*

Immigrants, their family members, and their sponsors in Baltimore face this "agonizing choice" with other public benefit programs, too. Dr. Kathleen Page, Co-Director of Johns Hopkins Centro SOL in Baltimore, observed that with a broader public charge definition, "hard-working immigrant parents in low paying jobs" must choose between "enrolling their children in CHIP and getting food assistance" and "getting by without these benefits so that they can have a better chance to get a green card." Kathleen Page, Opinion, *Cutting Off Immigrants from Public Benefits Means American Children Will Pay the Price*, Balt. Sun (Sept. 25, 2018), https://www.baltimoresun.com/news/opinion/oped/bs-ed-op-0926-public-charge-20180924-story.html. She describes her patients not being "willing to risk having their families stay together for food stamps. *Id.* Similarly, Maria Gomez, President of Mary's Center clinics in Maryland, observed "seeing three to four people a week who are not applying for WIC." Christina Jewett, et al., *Under A Trump Proposal, Lawful Immigrants Might Shun Medical Care*, Nat'l Pub. Radio (May 10, 2018), https://www.npr.org/sections/health-shots/2018/05/10/609758169/under-a-trump-proposal-lawful-immigrants-might-shun-medical-care. She also noticed immigrants "canceling their appointments to re-enroll in Medicaid." *Id.*[1]

These experiences are consistent with the experiences of *Amici*. For example, one *amicus* organization's client recently came to the organization to request rental assistance. She

[1] Dr. Page and Ms. Gomez described fears immigrants had of being considered a public charge under the DHS Proposed Rule, rather than the State Department's public charge policy change in the FAM. While the DHS Proposed Rule has not gone into effect, the fact that such fears already exist reveals how changes to public charge lead to immigrants avoiding participation in public benefit programs. And the public charge policy change in the FAM *is* in effect, making it very likely that the FAM change created such fears too.

entered the U.S. lawfully with a visa but overstayed the term of her visa. She is the single mother of a preteen child. Her child is a U.S. citizen who may be able to sponsor her for permanent residence upon reaching the age of 21. Her child also receives SNAP benefits. Nevertheless, she decided to refuse the rental assistance and all other forms of assistance, including legal and medical referrals, from the *amicus* organization. She refused assistance—even if she is unemployed and having trouble finding employment— because of the public charge policy change and the DHS Proposed Rule. It is the first time in the past seven years that the *amicus* organization is aware of a client voluntarily turning down any form of benefit to which the client is entitled, including private, charitable assistance and important legal and medical referrals.

Another example is an *amicus* organization's client who lawfully immigrated to the U.S. under a tourist visa and remained in the U.S. under temporary protected status with work authorization. One of her adult children, who had become a U.S. citizen, sponsored her application for permanent residence. Yet at the green card interview, Immigration and Customs Enforcement (ICE) arrested her and detained her for months pursuant to an earlier removal order. ICE attempted to deport her, but her country of origin refused to issue her a passport due to her senior age, her health condition, and conditions in her country of origin. So, ICE released her to the community under a supervisory order. Tragically, her child who originally sponsored her green card application then passed away.

With legal counsel, the client is now awaiting reopening of removal proceedings to terminate them and clear a path for a new green card application. The application is based on the sponsorship of a second adult child, a refugee who is now a U.S. citizen. Because of her age and her medical needs, however, she is very concerned about being viewed as a public charge. She is

concerned despite earning more than enough work credits to draw her Social Security benefits once she obtains permanent residence. Like the immigrants described above, she is also faced with making "agonizing choice[s]:" on the one hand, receiving the medical care she needs, through federally subsidized grant programs for the uninsured, accessing senior programs, and utilizing mobility assistance to attend her ICE check-ins, or on the other hand, "getting by without these benefits" so that she "can have a better chance to get a green card." *See* Lowry, *supra*; Page, *supra*.

The effects of immigrants, their family members, and their sponsors foregoing participation in public benefit programs will reverberate through their communities and throughout Baltimore. The Baltimore City Health Department (BCHD) described such effects in a public comment to the DHS Proposed Rule. *See* Leana Wen, Balt. City Health Dep't, Comment Letter on 83 Fed. Reg. 51114 (Oct. 10, 2018), https://static1.squarespace.com/static/534b4cdde4b095a3fb0cae21/t/5bc10714419202bac27dc967/1539376916629/BCHD.PublicChargeComment.10.11.18.pdf. While the DHS Proposed Rule has not gone into effect, BCHD's public comment describes the consequences of immigrants, their family members, and their sponsors in Baltimore avoiding participation in public benefit programs—which, as described above, are already happening because the public charge policy change in the FAM is in effect.

Avoiding public benefits—and so, BCHD-run programs and services—includes not taking advantage of "vision screenings and treatments in schools, school-based health centers and suites, family planning and STD/STI services, dental clinics, meals for seniors, and home visits for infant care." *Id.* at 1. Unavoidably, not participating in such programs and services "jeopardize[es] their family's well-being as well as their own livelihoods." *Id.* at 1–2. Moreover, the resulting lack of vaccinations is a "substantial blow to herd immunity to diseases."

Id. at 2. "[U]ntreated sexually-transmitted infections and diseases" could spread "across many communities at a rapid pace." *Id.* Likewise, untreated illnesses "could result in mass casualties." *Id.*

Finally, the public charge policy change has changed how immigrant advocates, including *Amici*, must advise their clients. They must now advise that, because the definition of public charge now includes non-cash benefits, there is additional risk that the client will be considered a public charge. They must urge their clients to be especially cautious because there is a great deal of uncertainty around the public charge policy change; the change is still recent and mostly unacknowledged by the State Department. The additional risk and uncertainty have led to immigrants and their advocates spending more time and expense to navigate the consular process.

III. THE STATE DEPARTMENT'S POLICY CHANGE DISCOURAGES ELIGIBLE IMMIGRANTS FROM NORMALIZING THEIR IMMIGRATION STATUS AND PLACES A BURDEN ON IMMIGRATION SERVICE PROVIDERS.

Recent experiences of *amici* organizations' clients reflect how the public charge policy change has created additional consequences for both immigrants' compliance with United States immigration laws and counsel advising them. The new policy discourages eligible immigrants from normalizing their immigration status and places additional burdens on immigrant service providers.

For example, one of an *amicus* organization's clients entered the U.S. without inspection when she was about nineteen years old. Since then, she married a U.S citizen and they have two minor children. Because the client entered the U.S. without inspection, she cannot currently adjust her status to that of a lawful U.S. permanent resident domestically. She must therefore voluntarily depart the U.S. to her country of origin for consular processing. But first, she must

have an approved petition and an approved, provisional unlawful presence waiver. The *amicus* organization successfully represented her to obtain these approvals. At the time of this proposed brief's filing, the client's case is ripe for her voluntary departure for consular processing. If her application is approved by the U.S. embassy in her country of origin, she can lawfully return to the U.S. as a permanent resident.

Due in part to the new public charge policy outlined in the FAM, however, the client is not willing to return to go through consular processing—even though this is the final, necessary step for her to permanently normalize her immigration status. Even with an approved petition from her husband and an approved provisional unlawful presence waiver, the consulate could still deny her application on public charge grounds. Such a denial would place the client at risk of potentially permanent separation from her U.S. citizen husband and two U.S. citizen children. Consular officials have broad authority when processing immigrant visa applications. Even if she has not accessed public benefits in the past, she is still at risk of being denied on public charge grounds depending on an analysis of her and her family's financial and other circumstances. *See* 8 U.S.C. § 1182(a)(4)(A) (providing that a visa applicant is inadmissible if the applicant is "likely *at any time* to become a public charge" (emphasis added)). Additionally, since there is no statutory authorization for judicial review of adverse consular decisions, the client could remain barred from the U.S. for a significant period. She could even be permanently separated from her U.S. citizen husband and two U.S. citizen children.

Similarly, another *amicus* organization's client entered the U.S. under a diversity visa and later became a naturalized U.S. citizen. Because of physical injuries, she has been unable to work for the past two years and lives in a shelter for homeless people. She applied to have two of her adult children come to the U.S. to help care for her and provide additional financial

support. They are eligible to come to the U.S. immediately and able to work. Still, they have not begun the consular process. They are concerned that her current circumstances could cause them to be denied on public charge grounds, which could then prevent them from immigrating in the future. As a result, the client continues to rely on public programs for housing even though she has two young adult children who could support her.

These developments have forced *Amici* and others immigration service providers to change how they advise their clients. Returning to one's country of origin for consular processing is not necessarily in an immigrant's best interest, given the dramatically increased risk of being denied entry to the United States on public charge grounds. As noted above, such a denial could lead to permanent separation from family. This leaves clients with difficult and frightening choices to make. And it discourages immigrants, who would otherwise be able to gain lawful permanent residency and eventual citizenship, from doing so. Instead, they are forced to continue living in the shadows—without lawful immigration status, but with fear of accessing public benefits. The burden then falls on Baltimore City and non-profit organizations like *Amici* to find ways to meet the needs of such residents, their family members, and their sponsors, including U.S. citizen children.

Respectfully submitted,

/s/

Ejaz H. Baluch, Jr. (Bar No. 20006)
Murnaghan Appellate Advocacy Fellow
Public Justice Center
One North Charles Street, Suite 200
Baltimore, Maryland 21201
T: (410) 625-9409
F: (410) 625-9423
baluche@publicjustice.org

Counsel for Proposed Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March, 2019, I filed the foregoing electronically with the Clerk of the Court of the United States District Court for the District of Maryland by using the Court's CM/ECF System, which will send a notice of electronic filing to all counsel in this case, constituting proof of service in accordance with Local Rule 102.1.c.

/s/

Ejaz H. Baluch, Jr. (Bar No. 20006)
Murnaghan Appellate Advocacy Fellow
Public Justice Center
One North Charles Street, Suite 200
Baltimore, Maryland 21201
T: (410) 625-9409
F: (410) 625-9423
baluche@publicjustice.org

Counsel for Proposed Amici Curiae

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