



U.S. Citizenship and Immigration Services

DHS Obtains Another Judicial Victory on Implementing Public Charge Inadmissibility Rule

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WASHINGTON—The U.S. Department of Homeland Security obtained a pivotal judicial victory today after the U.S. Supreme Court stayed a nationwide injunction that prevented the agency from enforcing its regulatory interpretation of section 212(a)(4) of the Immigration and Nationality Act, a long-standing law that makes an alien inadmissible if the alien is likely at any time to become a public charge.

The high court granted DHS’s motion for a stay of the preliminary injunction issued by a single judge in the U.S. District Court for the Southern District of New York, and recently upheld by the U.S. Court of Appeals for the Second Circuit.

“DHS has always been confident that an objective judiciary would reverse the injunctions imposed on the agency so that we are able to enforce long-standing law passed by a bipartisan Congress,” said Ken Cuccinelli, the Senior Official Performing the Duties of the DHS Deputy Secretary. “Self-sufficiency and self-reliance are key American values not to be litigiously dismissed, but to be encouraged and adopted by the next generation of immigrants. We plan to fully implement this rule in 49 states and are confident we will win the case on the merits.”

The final rule, issued in August 2019, prescribes how DHS will determine whether an alien is inadmissible to the United States based on his or her likelihood of becoming a public charge at any time in the future, as set forth in the Immigration and Nationality Act.

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