

I, Daniel Renaud, declare as follows:

1. I am employed by the United States Department of Homeland Security (“DHS”), United States Citizenship and Immigration Services (“USCIS”), as Associate Director, Field Operations Directorate (“FOD”), USCIS Headquarters (“HQ”), Washington, DC. I make this declaration based on my personal knowledge, and review of official documents and records maintained by USCIS.
2. On August 14, 2019 the Department of Homeland Security published the final rule, Inadmissibility on Public Charge Grounds, which had an effective date of October 15, 2019. Litigation followed, resulting in the filing of nine federal court cases challenging the new rule in five different jurisdictions.
3. Between Friday, October 11 and Monday, October 14, 2019, federal courts in all five jurisdictions issued a collection of injunctions that halted USCIS’s efforts to implement the final rule nationwide. Presently USCIS is enjoined nationwide from implementing or applying the rule, or requiring use of any new forms associated with the rule. In addition, the effective date of the rule is enjoined. These injunctions will result in uncertainty and administrative burdens on USCIS.
4. In the final rule, DHS anticipates that one effect of the rule will be “a likely increase in the number of denials for adjustment of status applicants based on public charge inadmissibility determinations due to formalizing and standardizing the criteria and process for inadmissibility determinations.” 84 FR 41302. Further, as reflected in the economic analysis of the final rule, DHS estimates that 382,264 people will be subject to a public charge inadmissibility determination on an annual basis. *Id.* at 41497; *see also id.* at 41464. As a consequence of the injunctions, USCIS is prohibited from applying the new rule or using the new forms. As such, USCIS believes it will grant adjustment of status to some number of those estimated

382,264 people annually who, pursuant to the now-enjoined rule, should be denied.

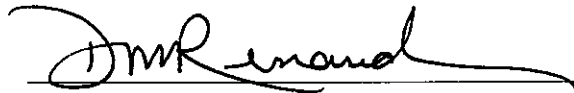
If the Government prevails on appeal, USCIS currently has no practical means to revisit applications that were adjudicated pursuant to the old guidance. Ultimately, if the injunctions remain in effect, more adjustment of status applications will be filed that require adjudication under the old guidance. As a result, USCIS will adjudicate more lawful permanent resident applications in favor of persons who should be denied under the now-enjoined rule, and USCIS will have no practical way through existing mechanisms to reexamine or reconsider those applications under the now-enjoined rule in the future.

5. USCIS has worked for over a year on operational planning and implementation of the Final Rule. USCIS was prepared to provide training to those performing public charge work including officers at that National Benefit Center and across 88 Field Offices. This training was halted due to the injunction. Development and delivery of agency-wide training takes months of planning, budgeting, and logistics set up. An extended injunction will require USCIS to start that process over when the injunction is lifted. Duplicative effort, as well as costs in time and the expenditure of additional funds will be necessary to fully prepare USCIS personnel to implement the new rule. In addition, USCIS had planned to host a national engagement a few weeks after the implementation of the new rule, with additional engagements under consideration. USCIS also planned to equip Community Relations Officers in District Offices with an informational toolkit to do local outreach in their communities. USCIS always maintains an active social media presence as part of all outreach efforts to share useful resources in our website, as well as online alerts to notify the public about filing changes. All outreach plans were put on hold as a result of the injunction.

6. In preparation for the new workload associated with implementing the new rule, USCIS entered into contracts to hire additional staff to enter the significant amount of data required on the Form I-944 into USCIS systems. Some training was already provided to contract representatives and will have to be repeated once the injunction is lifted. The contract specified the number of new hires required to complete the work associated with implementation of the Final Rule; however, the hiring process was halted due to the injunction. If the injunction is not immediately lifted, USCIS will face uncertainty the longer the injunction stays in place as contract employees slated to begin work will likely find other employment. This could further impede USCIS's ability to implement the rule when the injunction is lifted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25<sup>th</sup> day of October, 2019 at Washington, D.C.



Daniel M. Renaud

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U.S. Citizenship and Immigration Services

Washington, D.C.