

No. 19A785

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**In the  
Supreme Court of the United States**

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DEPARTMENT OF HOMELAND SECURITY, et al.,

*Applicants,*

v.

NEW YORK, et al.,

*Respondents.*

I, Pedro Moreno, pursuant to 28.U.S.C. 1746, hereby declare as follows

1. I am an Assistant Professor of Family Medicine at the University of California San Francisco. I am a member of the COVID-19 Leadership Team in the Monterey County Health Department Clinics. On the Leadership Team my role is to lead other physicians at the Health Department clinics in providing medical and social services to patients affected by COVID-19.
2. For the last 22 years I have provided medical care to immigrant families in the Alisal Health Center, a Federally Qualified Community Health Center in Salinas, California. Many of my patients work in the fields harvesting vegetables and berries, and in processing plants that package salads and other agricultural products. In my clinic I work closely with a multidisciplinary team of social workers, public health nurses, physicians, and mental health professionals to provide medical and social services to primarily immigrant farmworker families.
3. Our region, the Salinas Valley in California, is also known as the "Salad Bowl of the United States." Our immigrant farmworkers feed America and are considered "essential workers," exempt from the California Shelter in Place Order. Every day they ride crowded buses to work in the fields to harvest our nation's vegetables, risking being infected with COVID-19.
4. In Monterey County, we are in the early stages of the pandemic. So far, I have seen an increasing number of patients each week with symptoms of possible COVID-19. Some of these patients have told me that they are afraid to seek medical care in our hospital. They don't have health insurance and are fearful to receive expensive

bills if they visit the emergency room. They are also fearful of negative immigration consequences if they use publicly subsidized medical services due to the public charge rule. I am deeply afraid that these farmworkers who don't receive medical attention with early COVID-19 will spread the infection in our community.

5. I understand that state-funded services, emergency health services, and COVID-19 testing and treatment are supposed to be exempt from consideration under the public charge rule. My patients' fears and concerns about the risks associated with use of public benefits, however, apply even to services exempted by the rule.

6. I have patients with symptoms of COVID-19, and I have advised them to stay at home. However, some have told me they cannot stop working because they have no other income or resources, and their families will otherwise go hungry. They are afraid to apply for nutrition assistance programs, such as CalFresh, the California Supplemental Nutrition Assistance Program, due to fear that if they receive those benefits, the public charge rule will negatively affect their immigration status in the future.

7. I have also witnessed many farmworkers who are suffering with extreme anxiety and depression since the beginning of the COVID-19 epidemic. Unfortunately, they report to me that they are afraid to receive behavioral health services due to fears that receipt of those services will negatively affect their immigration status.

8. I am aware of USCIS's March 13<sup>th</sup> announcement concerning COVID-19 and public charge. Fear and confusion has persisted in my patient population in regards to the public charge and access to COVID-19 related care and other benefits, even after this guidance was issued. Many of my patients appear unaware of the guidance. I am not able to advise my patients about particular immigration consequences that they or their family members could likely face given their particular circumstances and benefits utilization.

9. I believe some of my farmworker patients have already been infected with COVID-19 by other farmworkers in the fields. Unfortunately, many of them are afraid to seek medical care due to the public charge rule, and are already spreading the infection in our community. This interferes with my and my colleagues' work to mitigate the risks of COVID-19 to our farmworking community.

Dated this 6<sup>th</sup> day of April, 2020 at Salinas, California

Pedro Moreno

DR. PEDRO MORENO, MD