

No. 19A785

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

DEPARTMENT OF HOMELAND SECURITY, et al.,

Applicants,

v.

NEW YORK, et al.,

Respondents.

I, Aaron Coskey Voit, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of eighteen. I am an attorney licensed to practice law before the State of California.
2. I am the Managing Attorney of the Monterey County Medical-Legal Partnership at California Rural Legal Assistance, Inc. (“CRLA”).
3. CRLA is a Legal Services Corporation (LSC), which provides free legal services to more than 40,000 rural, low-income Californians every year.
4. The Monterey County Medical-Legal Partnership provides free legal services to hundreds of patients every year at the Monterey County Health Department’s nine Federally Qualified Health Centers, which serve more than 40,000 low-income primary care patients every year. A team of three full-time CRLA attorneys is on site at the County’s safety net healthcare clinics every week working alongside healthcare providers to assist patients with health-harming legal needs.
5. Since the beginning of 2018, the Monterey County Medical-Legal Partnership has provided

services to more than 145 patients with legal needs related to public benefits. Since the beginning of 2018, the Medical-Legal Partnership has also provided training to over 750 doctors, physician's assistants, nurse practitioners, medical assistants, social workers, and social services providers regarding public benefits.

6. Monterey County declared a COVID-19 State of Emergency on March 6, 2020, and issued a Shelter in Place order on March 17, 2020. I am part of the Monterey County Health Department's COVID-19 Social Determinants of Health Team.
7. In Monterey County, many low-income residents are reluctant to access emergency healthcare and social services in response to the COVID-19 pandemic because they fear how the new public charge rules will impact them. The new public charge rules took effect on February 24, 2020, only weeks before Monterey County issued its COVID-19 Shelter-In-Place Order. COVID-19 has prevented planned public charge community education campaigns from moving forward, and there remains a significant chilling effect in the community that is preventing many residents from accessing needed healthcare and social services to cope with COVID-19.

Monterey County residents are vulnerable to forgoing needed healthcare and social services because of lack of information regarding the new public charge rules.

8. Thirty percent of Monterey County residents are foreign-born.¹
9. Nearly 1 in 4 households in Monterey County relies on income related to agriculture. While estimates vary from year to year, Monterey County is home to as many as 90,000 farmworkers every year. Crops grown in Monterey County supply large percentages of total national pounds produced each year: 61% of leaf lettuce, 57% of celery, 48% of broccoli,

¹ U.S. CENSUS BUREAU, American Community Survey (ACS) and Puerto Rico Community Survey (PRCS), 5-Year Estimates, <https://www.census.gov/quickfacts/montereycountycalifornia>.

38% of spinach, and 28% of strawberries.²

10. The agricultural workers that CRLA serves are predominantly immigrants, mostly from Mexico.
11. Most of the farmworkers in this area do not speak English, and some only speak indigenous languages. Language barriers deter access to guidance on public charge currently being disseminated – only 33% of farmworkers report being able to speak English well and nearly as many (27%) report they cannot speak English at all.³ Most are Spanish speakers, but many only speak indigenous languages, such as Mixtec, Zapotec, or Triqui. Many of the Mexican indigenous languages are only oral, meaning there is not commonly understood written language.
12. Only 39% of farmworkers have schooling beyond the ninth grade. In contrast, 96.5% of all U.S. adults 24 years or older, have completed the eighth grade.⁴ Many farmworkers cannot read or write in English or Spanish. Many do not know how to operate a computer.
13. Many farmworkers in Monterey and Santa Cruz Counties live and work in remote, rural areas that are severely underserved by medical and social services providers.
14. There are significant barriers to disseminating information in farmworker communities that CRLA serves. The rural nature of farmwork means that residents are spread out over wide geographic areas. Many farmworkers cannot read and cannot access written informational materials, even if the materials are also in Spanish. Other farmworkers are able to read, but have never used a computer and do not have an email address.
15. Due to these barriers, effective community education in farmworker communities typically

² MONTEREY COUNTY FARM BUREAU, Facts Figures, and FAQs, <http://montereycfb.com/index.php?page=facts-figures-faqs>.

³ U.S. DEP'T OF LABOR, EMP'T & TRAINING ADMIN., NATIONAL AGRICULTURAL WORKERS SURVEY (NAWS), PUBLIC DATA SETS, <http://www.doleta.gov/agworker/naws.cfm>.

⁴ U.S. DEP'T OF LABOR, EMP'T & TRAINING ADMIN., NATIONAL AGRICULTURAL WORKERS SURVEY (NAWS), PUBLIC DATA SETS, <http://www.doleta.gov/agworker/naws.cfm>.

requires face-to-face meetings and outreach at large events where agencies can work with trusted community leaders to help disseminate information in-person.

The roll-out of the new public charge rules created significant confusion about when they took effect, whom they applied to, and which public benefits they included.

16. On October 10, 2018, the Department of Homeland Security (DHS) proposed a change to the long-standing public charge policy by excluding anyone who is likely to use certain health care, nutrition or housing programs in the future. The publication of this proposed rule created significant anxiety and confusion about whom the public charge test applied to, and what public benefits were included in the test.
17. The Final Rule, published on August 8, 2019, included some changes from the proposed rule published the year prior. These changes created further confusion about the new public charge rules.
18. DHS issued a correction of the final rule on October 2, 2019, contributing to still more confusion about the contents of the new public charge rules.
19. Following publication of the final rule, states, counties and non-profit organizations filed a total of nine legal challenges to the rule and multiple federal courts issued preliminary injunctions blocking implementation of the rule.
20. On January 27, 2020, the U.S. Supreme Court stayed the preliminary injunction from New York that prevented the DHS public charge rule from taking effect. The DHS rule went into effect nationwide on February 24, 2020.
21. The ever changing status and contents of the new public charge rules, including expansive language in the February 5, 2020 USCIS policy alert, created an urgent need for community

education to clarify when the new rules went into effect, to whom they applied, and what public benefits they considered.

COVID-19 has prevented necessary community education efforts about the new public charge rules.

22. On February 24, 2020, when the new public charge rules went into effect, there remained significant confusion among Monterey and Santa Cruz County residents about when the rule would go into effect, and what the new rules entailed. In the following days and weeks, CRLA fielded questions nearly every day from patients and healthcare providers about the new public charge rules.
23. On February 6, 2020, in anticipation of the new public charge rules going into effect, the CRLA began planning a public charge community education campaign. This community education campaign involved nearly every civil legal services non-profit in Monterey and Santa Cruz Counties—more than ten different organizations.
24. On February 25, 2020, representatives from civil legal services providers in Monterey and Santa Cruz Counties met in Salinas, California to plan the public charge community education campaign. The plans entailed in-person community education through town hall events in as many as ten different locations in Monterey and Santa Cruz Counties. The plans for in-person town hall events featured participation from more than ten agencies and included transportation assistance for participants, simultaneous interpretation into indigenous languages, and a community participatory theater performance.
25. On March 6, 2020, Monterey County declared a COVID-19 State of Emergency. On March 17, 2020, Monterey County issued a Shelter in Place order. With the prohibition on public gatherings and orders regarding social distancing and sheltering in place, it is no longer

feasible to move forward with the public charge community education campaign.

26. Due to COVID-19, all of CRLA's 18 offices across the state are closed to walk-ins and members of the public cannot come to us in-person for a legal consultation. Ordinarily, the vast majority of our consultations with the public usually take place in-person. While rural Californians always face increased challenges in accessing civil legal aid, it is now more difficult than ever for them to get assistance for urgent legal needs.

COVID-19 has stymied public charge community education efforts, and there is still significant confusion about the new public charge rules that is causing Monterey County residents to forgo medically necessary COVID-19 related healthcare.

27. Since Monterey County declared a COVID-19 State of Emergency, the Monterey County Medical-Legal Partnership has been inundated with questions related to public charge. I have personally spoken with multiple patients that have refused to seek COVID-19 related treatment because they fear the new public charge rules. I spoke with a patient that said they would refuse COVID-19 related treatment even after I counseled them on the contents of the March 13, 2020 USCIS Policy Alert regarding public charge and COVID-19.

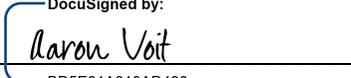
28. I have also received inquiries from several Monterey County Health Department doctors that report some of their patients have refused needed COVID-19 related services due fear about the new public charge rules.

29. Since Monterey County declared a COVID-19 State of Emergency, I have not spoken with any patients that were familiar with the recent USCIS alert that COVID-19 treatment or preventative services will not negatively affect any alien as part of a future public charge analysis.

30. Given the confusion created in the roll-out of the new public charge rules and the current

limitations on community education due to COVID-19 shelter-in-place orders, the USCIS alert is not sufficient to inform residents and advocates on how, whether, when or if seeking COVID-19 treatment would trigger public charge issues. As a result, the new public charge rules are presently causing Monterey County residents to forgo medically necessary COVID-19 related care.

DATED this 9th day of April, 2020 at Salinas, CA

Signed: [s] 
Aaron Voit BD5E91A810AD498...
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