

No. 19A785

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

DEPARTMENT OF HOMELAND SECURITY, et al.,

Applicants,

v.

NEW YORK, et al.,

Respondents.

I, Lawrence L. Benito, Executive Director of the Illinois Coalition for Immigrant and Refugee Rights (ICIRR), pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18, competent to testify as to the matters herein and make this declaration based on my personal knowledge. I submit this declaration in support of Respondents' application in the above-captioned matter. In my role as the Executive Director of ICIRR, I am responsible for running all facets of the organization including the leadership of our membership and coalitions.

2. ICIRR is a non-profit organization located in Chicago, Illinois. ICIRR is dedicated to promoting the rights of immigrants and refugees to full and equal participation in the civic, cultural, social, and political life of our diverse society in Illinois and beyond. ICIRR is a membership-based organization, representing nearly 100 nonprofit organizations and social and health service providers throughout Illinois, many of which provide health care, nutrition, housing, and other services for immigrants, including immigrants of color, regardless of their immigration status or financial means. A core mission of ICCIR and its member organizations is to provide

health and social services to immigrant Illinoisans. ICIRR member organizations include community health centers, health and nutrition programs, social service providers and other organizations that work to ensure immigrants receive the supports they need to be successful. Created in 1986, ICIRR has been at the forefront of helping immigrants realize and contribute to the dream that is America. In that time, ICIRR won establishment of an Office of New Americans within the Governor's office (2005) and the Office of the Mayor of the City of Chicago (2011); created the New Americans Initiative (2005), which has helped 534,000 people gain access to citizenship and assisted 105,394 immigrants prepare applications for citizenship; created the Immigrant Family Resource Project ("IFRP") (1999), which has connected more than 500,000 individuals and families to safety net services; and led efforts to create the Cook County Direct Access Program, which has expanded healthcare services to over 25,000 individuals. ICIRR also operates the Immigrant Healthcare Access Initiative ("IHAI"), which works to increase access to care and improve health literacy for tens of thousands of low-income uninsured immigrants in Illinois, in order to reduce their reliance on emergency room care and to improve the overall public health of the community. As a part of IHAI, ICIRR leads the Illinois Alliance for Welcoming Healthcare, an alliance comprised of 25 healthcare providers, including clinics and hospitals, and 20 community-based organizations that convene to create and share best practices in the provision of healthcare services to immigrants and their families. ICIRR also leads the Healthy Communities Cook County ("HC3") coalition, which seeks to address and mitigate barriers to accessing healthcare for the uninsured, regardless of immigration status, through policy and systems change.

3. In spring 2018, in direct response to the Proposed and Final Rule and the growing fear and confusion within immigrant communities, ICIRR co-founded the Protecting Immigrant Families-Illinois coalition ("PIF-IL"). PIF-IL was created specifically to (1) respond to the

proposed changes to the public charge rule; and (2) provide assistance to and accurate information to immigrant communities seeking to safely make use of public benefits for which they are eligible.

4. Since the news leaked about a proposed change to the public charge rule that penalize immigrants who used safety net programs, ICIRR and its member organizations have seen a decrease in immigrants enrolling in public benefit programs and increase in immigrants seeking to disenroll from public benefit programs. In June 2019, ICIRR conducted a survey of its member organizations to document the impact of the Proposed Final Rule on its organizations and the individuals they serve. From responses to that survey, ICIRR ascertained that there was a reduction in enrollment in public benefits programs, even those benefits not subject to the public charge rule, such as unemployment benefits and WIC. The survey also confirmed that immigrants, even those who are not subject to the public charge rule, were attempting to disenroll from SNAP, Medicaid, TANF, and WIC for themselves and even their U.S. citizen children out of fear that the rule will harm their immigration status and options.

5. Since the U.S. Supreme Court decision lifting the Illinois injunction, some organizations who are part of ICIRR's Immigrant Family Resource Program ("IFRP") report receiving an increased number of calls from individuals expressing fears about how the use of public benefits could subject them to the public charge rule. They are either afraid to enroll in public benefits they are eligible for or are seeking to disenroll from public benefits they already receive. In an effort to alleviate those fears and slow declining enrollment, one IFRP organization is planning to record a public charge informational video for the community.

Increased confusion due to the USCIS Public Charge COVID-19 guidance

6. On or around March 13, 2020, the U.S. Citizenship and Immigration Services (USCIS) posted an alert (in English only). This alert explained that while the Public Charge rule

“does not restrict access to testing, screening, or treatment of communicable diseases, including COVID-19,” USCIS was nonetheless required to “consider the receipt of certain cash and non-cash public benefits, including those that may be used to obtain testing or treatment for COVID-19 in a public charge inadmissibility determination,” including most forms of federally funded Medicaid. See <https://www.uscis.gov/greencard/public-charge>.

7. Due to confusion around this USCIS guidance, ICIRR member organizations and IFRP partners report that some immigrants fear that they cannot access medical treatment or testing for COVID-19 due to the public charge rule.

Increased need for food, housing, and medical assistance in light of COVID-19

8. Since the global health emergency began and Illinois residents became subject to a shelter in place order on March 21, 2020, ICIRR and its member and IFRP partner organizations have received an increase in calls from immigrants seeking assistance with food, housing, and medical care, as well as an increased concern that using public benefits will subject them to the public charge rule.

9. Immigrants in Illinois, including individuals subject to the public charge rule, are predominately employed in fields or industries that are disproportionately impacted by the COVID-19 pandemic, in that they are now either unemployed or considered essential workers. It is predicted that nearly 1.5 million Illinois workers will lose employment or hours due to COVID-19.

10. Out of concern for the public health, Illinois has joined other states in closing all non-essential businesses, including bars, restaurants, and most manufacturing businesses where immigrants are disproportionately employed. Many have now lost their jobs as a result. Immigrants are also disproportionately employed as domestic workers, such as cleaning staff, personal care

aides, or nannies, and many have lost their employment due to their employers' losing their own job or experiencing a decline of income. All these individuals and their families are thus more likely than ever to need public assistance, including SNAP, Medicaid, and housing assistance.

11. At the same time, immigrants also are disproportionately employed in fields deemed essential, including home health care aides and grocery store employees. This essential status and the inability to work from home increases their exposure to COVID-19 and their need for quality treatment and preventative care for themselves and the health of everyone they contact.

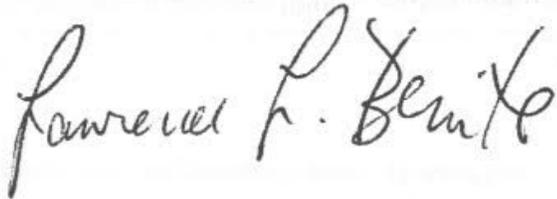
12. Organizations that are part of ICIRR's IFRP network and public benefit coordinators employed at organizations who are a part of PIF-Illinois report an increased volume of calls from immigrants, especially mixed-status households, who have lost employment as a result of COVID-19. These callers report needing cash assistance, free health care, rental assistance, and help feeding their children, including U.S. citizen children. They are seeking information about enrolling in Section 8 or public housing, SNAP, and Medicaid, but they are concerned that such enrollment, including for their U.S. citizen children, will subject them to the public charge rule. They are also afraid to apply for unemployment benefits out of fear of becoming a public charge, even though they will not be subject to the public charge rule for using unemployment benefits. Callers afraid to apply for SNAP are referred to food pantries. Because many food pantries in Latinx neighborhoods in Chicago have either closed or are seeing a marked increase in requests for food assistance, fewer residents will have their food security needs met through local pantries.

13. Since the COVID-19 crisis, fear remains rampant among immigrants calling these organizations for advice regarding medical testing and treatment. Callers are expressing concern that receiving Covid-19 related medical testing or treatment for themselves, their families or their

family members will subject them to public charge. This concern is primarily coming from seniors or individuals with underlying health conditions, even though they are at greater risk of serious health complications or even death due to COVID-19. Many callers are concerned that seeking COVID-19 related medical testing or treatment may risk their ability to stay in the country.

I, Lawrence L. Benito, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of April 2020 in Cook County, Illinois.

A handwritten signature in black ink that reads "Lawrence L. Benito". The signature is written in a cursive style with a large initial 'L' and 'B'.

Lawrence L. Benito