

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, C. Mario Russell, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. My name is Mario Russell, and I serve as the Director of the Division of Immigrant and Refugee Services, Catholic Charities Community Services, Archdiocese of New York (“CCCS-NY”). I submit this declaration in support of Respondents’ application to modify the Court’s January 27, 2020, stay of the district court’s October 11, 2019 order preliminarily enjoining the U.S. Department of Homeland Security’s (DHS) public charge rule, (the “Rule”) in the above-captioned case, and the related case *Make the Road New York, et al. v. Cuccinelli, et al.*, (“*MRNY v. Cuccinelli*”), which is currently the subject of a pending appeal before the Second Circuit Court of Appeals. I submitted a declaration dated September 9, 2019, in support of

Plaintiffs' motion to enjoin the Rule on a preliminary basis in *MRNY v. Cuccinelli*. Following the Court's issuance of a stay, the Rule became effective on February 24, 2020.

***Catholic Charities Community Services, Archdiocese of New York***

2. CCCS-NY is a nonprofit organization with program sites and affiliates located throughout New York City and the Lower Hudson Valley. Our staff reaches immigrant and rural community residents in all five New York City boroughs and seven upper counties, including Westchester, Rockland, Putnam, Orange, Ulster, Sullivan, and Dutchess.

3. CCCS-NY's mission is to provide high quality human services to New Yorkers of all nationalities and religions who are in need, especially the most vulnerable: the newcomer, the family in danger of becoming homeless, the hungry child, developing youth, and persons struggling with mental health issues. CCCS-NY's mission is grounded in the belief in the dignity of each person and the building of a just and compassionate society.

4. CCCS-NY has been pursuing this mission since 1949 through a network of programs and services that enable participants to access eviction/homelessness prevention; tenant education and financial literacy training; case management services to help people resolve financial, emotional and family issues; long-term disaster case management services to help hurricane survivors rebuild their homes and lives; emergency food and access to benefits and other resources; immigration legal services; refugee resettlement; English as a second language services; specialized assistance for the blind; after-school and recreational programs for children and youth; dropout prevention and youth employment programs; and supportive housing programs for adults with severe mental illness.

***Impact on Clients Using CCCS-NY's Immigration Hotlines***

5. CCCS-NY's Immigrant and Refugee Services Division operates two hotlines that are fundamental to the provision of legal services and legal information to immigrants in both New York City and New York State. The ActionNYC hotline partners with the New York City Mayor's Office of Immigrant Affairs ("MOIA"). The hotline serves as the primary number New York City residents can call when they have immigration law questions. Depending on the issue they present they are referred to one of 21 legal services providers contracted with MOIA to handle cases. The New Americans Hotline partners with the New York Department of State Office of New Americans ("ONA"). The hotline is toll-free; it refers immigrants from around the state to immigration services and provides callers with accurate information regarding issues of concern in the immigrant community. In 2019 Catholic Charities operators staffing these two lines answered a combined total of 43,000 calls in 18 languages and made referrals to legal service providers throughout New York State. Before the Rule took effect, CCCS-NY saw spikes in call volume to these hotlines when the proposed and final versions of the Rule were published in the Federal Register in October 2018 and August 2019, respectively.

6. Over the past couple of weeks, CCCS-NY has fielded calls through these two hotlines related to the intersection of COVID-19 and the Rule. Of the approximately 60 calls related to public charge, approximately 40% involved specific mention of COVID-19 as the specific reason for seeking supportive benefits. Many of these callers expressed fear of seeking medical treatment for COVID-19 and enrolling in SNAP for their children. Others asked questions about whether they will be able to access unemployment benefits in the wake of a job loss. Given the pervasiveness of infection in the areas we serve and the extraordinary rise in unemployment, we believe the vast majority of inquiries during this recent period were triggered

by fear of the public charge consequences of seeking benefits (*e.g.*, medical insurance, SNAP, housing assistance) needed because of COVID-19.

7. Overall, these calls demonstrate a high level of confusion, panic, and misinformation concerning the Rule, particularly as it relates to individuals' ability to access benefits during this crisis.

***Impact on Clients Obtaining Legal Services from CCCS-NY***

8. The Immigrant and Refugee Services Division also provides legal services directly to immigrant clients. These services include assistance with immigration applications (including adjustment applications), removal defense, and work authorization, integration, and case management support, support to unaccompanied minors, job development, English and civics, and citizenship preparation. During 2019, the Immigrant and Refugee Services programming directly assisted over 20,000 individuals—children, families, workers—in New York. Because our ability to contact individuals is limited by New York's lockdown order and the CDC's social distancing guidance, we are hindered in getting information to individuals who may be affected by the Rule.

9. In the last couple of weeks, the questions that our clients have presented during these sessions have been similar to those we have seen through our hotline operations. These revolved around capacity to care for their families during a uniquely difficult economic period and how to navigate the legal and practical issues they face as a result. Individuals who are in need of supplemental benefits to get through this difficult period are reluctant to accept any aid for fear of being deemed public charges. For example, even clients who are not subject to public charge – such as when adjustment of status will be based on humanitarian status (*e.g.*, Asylum,

Special Immigrant Juvenile status)—have expressed fear of collecting unemployment after losing their job due to COVID-19.

*Need to Suspend the Rule*

10. Suspending the Rule during this period of national crisis would allow our clients and the communities we serve to meet their immediate needs for health care and supplemental benefits for which they are eligible and need to get through this crisis without risking their immigration status. This would alleviate some of the confusion and fear that we have observed, and would further the goals articulated by government actors of providing relief to those impacted by COVID-19. Suspending the Rule during this period of national crisis would also allow CCCS-NY to better advise our clients, and callers to our hotlines, regarding the benefits that are eligible to them, and would be able to make referrals to these programs without individuals needing to choose between accepting help and the facing the prospect of negative immigration consequences.

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

Executed this 5<sup>th</sup> day of April, 2020  
New York, New York.



C. Mario Russell, Esq.