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8  
 9 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**  
 10 **AT SPOKANE**

11 STATE OF WASHINGTON, *et al.*,

12 Plaintiffs,

No. 4:19-cv-5210-RMP

13 v.

14 UNITED STATES DEPARTMENT OF  
 HOMELAND SECURITY, *et al.*,

15 Defendants

16  
 17 **Notice**

18 In the February 24, 2021 Supplemental Joint Status Report, Defendants noted  
 19 that the Department of Homeland Security was reviewing the Public Charge Rule in  
 20 response to an Executive Order issued by President Biden, and that the Department of  
 21 Justice was “likewise assessing how to proceed with its appeals in relevant litigations  
 22 in light of the aforementioned Executive Order.” ECF No. 290. Defendants requested

1 a time-limited stay to allow DHS to focus its resources on the review required by the  
2 Executive Order. *Id.* On March 3, 2021, this Court granted a two-week stay through  
3 March 10, 2021. ECF No. 291.

4 On March 9, 2021, DHS released a statement indicating that (i) it “has determined  
5 that continuing to defend the final rule, Inadmissibility on Public Charge Grounds . . .  
6 is neither in the public interest nor an efficient use of limited government resources,”  
7 (ii) the Department of Justice is no longer “pursu[ing] appellate review of judicial  
8 decisions invalidating or enjoining enforcement of the 2019 Rule,” and (iii) “[o]nce the  
9 previously entered judicial invalidation of the 2019 Rule becomes final, the 1999  
10 interim field guidance on the public charge inadmissibility provision (i.e., the policy  
11 that was in place before the 2019 Rule) will apply.” Ex. A.

12 Consistent with that statement, DHS filed motions to voluntarily dismiss its  
13 pending appeals in the Supreme Court and the Fourth and Seventh Circuits. Ex. B. The  
14 Seventh Circuit promptly granted the motion and concurrently issued its mandate. *See*  
15 Order Dismissing Appeal, No. 20-3150, ECF No. 24-1 (7th Cir. March 9, 2021); Notice  
16 of Issuance of Mandate, No. 20-3150, ECF No. 24-2 (7th Cir. March 9, 2021). Shortly  
17 thereafter, DHS published another public statement confirming that “[f]ollowing the  
18 Seventh Circuit dismissal,” the “final judgment from the Northern District of Illinois,  
19 which vacated the 2019 public charge rule, went into effect” and, “[a]s a result, the 1999  
20 interim field guidance on the public charge inadmissibility provision (i.e., the policy  
21 that was in place before the 2019 public charge rule) is now in effect.” Ex. B.

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Dated: March 10, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

1  
2 I hereby certify that on March 10, 2021, I electronically filed the foregoing with  
3 the Clerk of the Court using the CM/ECF system, which will send notification of such  
4 filing to all users receiving ECF notices for this case.

5 /s/ Alexandra R. Saslaw  
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# **Exhibit A**



Official website of the Department of Homeland Security

U.S. Department of  
Homeland Security

# DHS Statement on Litigation Related to the Public Charge Ground of Inadmissibility

**Release Date:** March 9, 2021

On February 2, 2021, the President issued Executive Order 14,012, directing the Secretary of Homeland Security to review the actions of the Department of Homeland Security (DHS or Department) related to the implementation of the public charge ground of inadmissibility. Consistent with the Executive Order, DHS has begun its review, as well as its consultation with other relevant agencies.

As part of its review, DHS has determined that continuing to defend the final rule, Inadmissibility on Public Charge Grounds, 84 Fed. Reg. 41,292 (Aug. 14, 2019) (2019 Rule), is neither in the public interest nor an efficient use of limited government resources. Consistent with that decision, the Department of Justice will no longer pursue appellate review of judicial decisions invalidating or enjoining enforcement of the 2019 Rule.

Once the previously entered judicial invalidation of the 2019 Rule becomes final, the 1999 interim field guidance (<https://www.federalregister.gov/documents/1999/05/26/99-13202/field-guidance-on-deportability-and-inadmissibility-on-public-charge-grounds>) on the public charge inadmissibility provision (i.e., the policy that was in place before the 2019 Rule) will apply. Under the 1999 interim field guidance, DHS will not consider a person's receipt of Medicaid (except for Medicaid for long-term institutionalization), public housing, or Supplemental Nutrition Assistance Program (SNAP) benefits as part of the public charge inadmissibility determination. In addition, medical treatment or preventive services for COVID-19, including vaccines, will not be considered for public charge purposes.

DHS and USCIS will provide additional updates regarding the administration of the public charge ground of inadmissibility, including announcing when DHS will cease applying the 2019 Rule.

For more information on equal access to vaccines and vaccine distribution sites specifically, please see DHS's February 1 statement (<https://www.dhs.gov/news/2021/02/01/dhs-statement-equal-access-covid-19-vaccines-and-vaccine-distribution-sites>) on that subject.

Keywords: Immigration Reform (</keywords/immigration-reform>).

Last Published Date: March 9, 2021

# **Exhibit B**



 Official website of the Department of Homeland Security



U.S. Department of  
Homeland Security

# DHS Secretary Statement on the 2019 Public Charge Rule

**Release Date:** March 9, 2021

Today, DHS Secretary Alejandro N. Mayorkas announced that the government will no longer defend the 2019 public charge rule as doing so is neither in the public interest nor an efficient use of limited government resources.

“The 2019 public charge rule was not in keeping with our nation’s values. It penalized those who access health benefits and other government services available to them,” said Secretary of Homeland Security Alejandro N. Mayorkas. “Consistent with the President’s vision, we will continue to implement reforms that improve our legal immigration system.”

President Biden’s Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans called for an immediate review of agency actions on public charge inadmissibility and deportability. DHS’s review, in consultation with the Departments of Justice and State and the federal benefits-granting agencies, is ongoing.

As discussed in DHS’s [litigation statement](http://www.dhs.gov/news/2021/03/09/dhs-statement-litigation-related-public-charge-ground-inadmissibility) (<http://www.dhs.gov/news/2021/03/09/dhs-statement-litigation-related-public-charge-ground-inadmissibility>), and consistent with the government’s decision not to defend the rule, the Department of Justice is no longer pursuing appellate review of judicial decisions invalidating or enjoining enforcement of the 2019 public charge rule. Today, the Department of Justice dismissed its pending appeals in the Supreme Court and Seventh Circuit, and is in the process of doing so in the Fourth Circuit. Following the Seventh Circuit dismissal this afternoon, the final judgment from the Northern District of Illinois, which vacated the 2019 public charge rule, went into effect. As a result, the 1999 interim field guidance on the public charge inadmissibility provision (i.e., the policy that was in place before the 2019 public charge rule) is now in effect.

Topics: [Citizenship and Immigration Services](/topics/immigration-and-citizenship-services) (</topics/immigration-and-citizenship-services>), [Citizenship and Immigration Services Ombudsman](/topics/citizenship-and-immigration-services-ombudsman) (</topics/citizenship-and-immigration-services-ombudsman>), [Homeland Security Enterprise](#)

[\(/topics/homeland-security-enterprise\)](#), [Secretary of Homeland Security](#) [\(/topics/secretary-homeland-security\)](#).

Keywords: [Immigration](#) [\(/keywords/immigration\)](#).

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