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March 18, 2020

Chad Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528

Matthew Albence  
Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement  
500 12th Street, S.W.  
Washington, D.C. 20536

Kenneth T. Cuccinelli  
Senior Official Performing the Duties of the Director  
U.S. Citizenship and Immigration Services  
20 Massachusetts Ave. NW  
Washington, DC 20001

Dear Acting Secretary Wolf, Acting Directors Albence and Cuccinelli:

As the leadership of the NYC Department of Health and Mental Hygiene, NYC Health + Hospitals, NYC Department of Social Services and NYC Mayor's Office of Immigrant Affairs, we write to urge the U.S. Department of Homeland Security ("DHS"), and its component agencies U.S. Immigration and Customs Enforcement ("ICE") and U.S. Citizenship and Immigration Services ("USCIS"), to immediately take critical actions as a part of the nationwide COVID-19 pandemic response.

Our city is in the midst of a national effort to limit the spread of COVID-19 and to ensure that those who become severely ill and in need of health services are able to access them without barriers. Through a multilingual messaging campaign and in coordination with elected officials, community partners, and health care providers, we are disseminating guidance to New Yorkers, including urging all New Yorkers to practice good hand hygiene and to stay home if they are feeling sick. We are also advising New Yorkers who are ill that if their symptoms worsen, they should consult with their health care provider.

To minimize the consequences of this pandemic as much as possible, it is critical that all residents of our city are able to follow the guidance issued by public health authorities and that

they seek care when they need it – without fear, and regardless of immigration status or ability to pay.

Unfortunately, we know that many families in our immigrant communities are already fearful due to changes in immigration policy, such as the recently implemented new public charge rule, as well as due to a dramatic increase in immigration enforcement in New York City. Even prior to the current COVID-19 crisis, there was tremendous confusion and fear about the use of health services and other supportive services and possible negative impacts on immigrant families' ability to remain together now or in the future. Thus, for months, our agencies have worked with partners to promote a welcoming message to all New Yorkers to “seek care without fear.”

With this pandemic upon us, we are deeply concerned as we reinforce this message and address any fears that will deter immigrants from seeking the care they need. As leaders charged with a duty to protect the health and well-being of the City of New York as a whole, we know that now more than ever, these kinds of barriers to care will only cause harm to public health – and in this case, may lead to increased transmission of disease and adverse health outcomes for individuals. Lives will be lost if action is not taken to address these barriers.

**Accordingly, we ask that during this public health crisis, USCIS suspend implementation of the final rule on Public Charge Inadmissibility to facilitate public health efforts to fight the pandemic.** The continued implementation of this rule undermines our efforts to mitigate the harm of COVID-19. For well over a year, we have invested tremendous time and resources as a City to combat widespread confusion and fear around the rule. We have engaged extensively with a wide array of stakeholders – medical professionals, patients, staff and clients of City agencies and services, communities and community-based organizations, journalists, and elected officials. Across the board, we have heard confusion and fear about many aspects of the rule, including how a person's use of healthcare could affect their immigration status, even for permanent residents and others not subject to public charge. We continue to undertake robust outreach and education efforts in an attempt to stop misinformation, but the need for this work persists. Against the backdrop of this rapidly spreading virus, our work to protect the health of New Yorkers is hindered by the ongoing implementation of the Public Charge rule.

While we recognize and appreciate the public message USCIS shared on March 13 urging individuals to get necessary medical treatment related to COVID-19 and clarifying, among other things, that care received related to COVID-19 will not be considered in public charge determinations, we remain concerned about the level of public misunderstanding and confusion regarding public charge, especially among those who are not subject to the rule. At this time, from a public health perspective, the strongest possible message we can share to address confusion about public charge and COVID-19 is to affirm that the new rule has been suspended for the duration of this crisis.

**In addition, we also urge DHS to take into account the efforts of local and state public health officials during the COVID-19 crisis in its immigration enforcement activities and adjust those activities appropriately by suspending planned escalations in immigration enforcement and accounting for at-risk individuals in making detention determinations.** We appreciate the recent public reinforcement of ICE's sensitive locations guidance. However

more can and should be done. In light of significant barriers to care already experienced by immigrant communities, the planned escalations in civil immigration enforcement in New York City and other cities this spring will almost certainly be counterproductive to public health efforts. The arrest and detention of individuals who are most at risk for severe illness (including those with chronic lung disease, heart disease, diabetes, cancer, or weakened immune systems) and the prospective spread of COVID-19 in immigration detention facilities is also of significant concern. We need individuals and families to work with our teams to better understand the spread of the disease and its characteristics. Thus, ICE should suspend escalations in immigration enforcement and any detention determinations must be made with consideration of the current crisis and the risk of diminishing the willingness of individuals to engage with medical providers and public health authorities.

This pandemic requires a coordinated response that sets aside politicized rhetoric and the ongoing immigration debate to lean into what public health experts widely and confidently agree on: the way to mitigate harm from the COVID-19 crisis with the least possible damage is to take every measure available to ensure that every member of our society is equally capable of accessing the health services they need, when recommended by public health officials. We urge you to take these steps without delay.

Sincerely,



Dr. Oxiris Barbot  
Commissioner  
NYC Department of Health and Mental Hygiene



Dr. Mitchell Katz  
President and CEO  
NYC Health + Hospitals



Bitta Mostofi  
Commissioner  
NYC Mayor's Office of Immigrant Affairs

A handwritten signature in black ink, appearing to read 'S. Banks', with a stylized, cursive script.

Steven Banks  
Commissioner  
NYC Department of Social Services



**U.S. Citizenship  
and Immigration  
Services**

May 6, 2020

Dr. Oxiris Barbot  
Commissioner  
NYC Department of Health and Mental Hygiene  
462 1st Avenue  
New York, NY 10016

Dear Dr. Barbot:

Thank you for your March 18, 2020 letter to Department of Homeland Security (DHS). The Acting Secretary asked that I respond on his behalf.

DHS has no greater responsibility than ensuring the safety and security of our country. Mitigating efforts related to the pandemic require everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities.

Our primary goal is to ensure the safety of the public and our employees as the situation evolves. Therefore, U.S. Citizenship and Immigration Services (USCIS) has temporarily suspended routine in-person services at our offices. Nevertheless, our workforce continues to perform mission-essential duties that do not involve face-to-face contact with the public, and we provide emergency services for limited situations.

We recognize there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency. We continue to carefully analyze these issues and to leverage our resources to effectively address these challenges within our existing authorities.

The Public Charge rule does not restrict access to testing, screening, or treatment of communicable diseases, including COVID-19. In addition, the rule does not restrict access to vaccines for children or adults to prevent vaccine-preventable diseases. Importantly, for purposes of a public charge inadmissibility determination, USCIS considers the receipt of public benefits as only one consideration among multiple factors and considerations in the totality of the alien's circumstances over a period of time, with no single factor being outcome determinative.

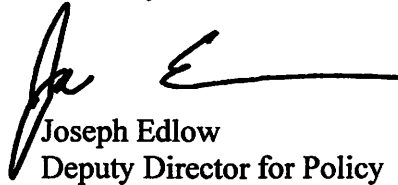
To address the possibility that some aliens impacted by COVID-19 may be hesitant to seek necessary medical treatment or preventive services, USCIS will not consider testing, treatment, or preventative care (including vaccines, if a vaccine becomes available) related to COVID-19 as part of a public charge inadmissibility determination related to the public benefit condition applicable to certain nonimmigrants seeking an extension of stay or change of status,

even if such treatment is provided or paid for by one or more public benefits, as defined in the rule (e.g., federally funded Medicaid).

We appreciate your letter and the recommendations you have put forward. Our website and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times.

Thank you again for your letter and interest in this issue. The co-signers of your letter will receive separate, identical responses.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ja' followed by a long horizontal stroke with a small upward curve at the end.

Joseph Edlow  
Deputy Director for Policy