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## **Disability Advocacy Groups File Amicus Brief Opposing the Administration's Public Charge Rule as Illegal Disability Discrimination**

The Center for Public Representation, American Civil Liberties Union, and sixteen other national disability advocacy groups represented by the global law firm Latham & Watkins filed an [amicus brief](#) in support of litigation to stop the U.S. Department of Homeland Security (DHS) from implementing its new “public charge” rule. Twenty-one states, led by [California](#), [Washington](#), and [New York](#), have filed cases against the Trump Administration to block the new rule. The advocacy groups – representing tens of thousands of people with disabilities and their families across the country – claim that the new public charge rule will prevent people with disabilities from entering this country or becoming legal residents in violation of federal disability law.

“The new public charge rule is based on an insidious and outdated notion that people with disabilities do not have a valued place in American society,” said Alison Barkoff, Director of Advocacy for the Center for Public Representation. “Almost 30 years ago, Congress removed the *per se* exclusion of immigrants with disabilities, recognizing the discrimination and prejudice these policies embodied. In the following years, Congress has repeatedly legislated its commitment to include and integrate people with disabilities in all aspects of life. This new rule flies in the face of that progress and federal law.”

“The new rule punishes immigrants who use Medicaid, even though Medicaid is the only way to access critical disability services,” said Claudia Center, Senior Staff Attorney with the American Civil Liberties Union. “Congress has explicitly recognized the importance of Medicaid in enabling people with disabilities to be productive, contributing members of society. Studies show that access to Medicaid increases employment for people with disabilities. That is the opposite of a public charge.”

“The public charge rule is blatant disability discrimination that recalls the darkest days of the eugenics era of the early Twentieth Century, when people with disabilities were excluded, segregated, and even sterilized,” said Samuel Bagenstos, University of Michigan law professor and former Principal Deputy Assistant Attorney General of the Department of Justice’s Civil Rights Division. “An individual’s disability counts against them in multiple factors considered in the new rule. DHS even admits in the preamble to the rule that it will have an ‘outsized’ impact on people with disabilities.”

“We are proud to represent the disability community in this important litigation,” said Sarah Ray, a partner with the global law firm Latham & Watkins. “Our public interest organization partners across the disability and immigration sectors report that this new rule is causing serious fear and confusion among immigrants – especially those with disabilities and those whose family members have disabilities. This rule violates federal law and must be stopped before it goes into effect on October 15th.”

For more information about the public charge rule and its impact on people with disabilities, see [www.medicaid.publicrep.org/feature/public-charge/](http://www.medicaid.publicrep.org/feature/public-charge/) or [www.protectingimmigrantfamilies.org](http://www.protectingimmigrantfamilies.org).

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