

FOCUS LATIN AMERICA

Judge Wants to Know Reason Behind 'Public Charge' Rule



DIEGO M. RADZINSCHI

U.S. District Judge George Daniels said the proposed rule sought to impose a new definition that would include noncitizens who are likely to receive some form of public benefits for more than 12 months in a 36-month period.

by Tom McParland

A New York federal judge repeatedly pressed a Justice Department lawyer on the rationale behind the Trump administration's proposed "public charge" rule, which is aimed at making it easier for the federal government to deny green cards to immigrants who may rely on public assistance based on their income.

In an aggressive line of questioning, U.S. District Judge George B. Daniels of the Southern District of New York said the proposed rule, set to take effect Oct. 15, sought to impose a new definition that would include noncitizens who are likely to receive some form of public benefits for more than 12 months in a 36-month period.

The district judge said the new definition aimed to drastically narrow, without congressional approval, who is currently considered a public charge and asked why the administration chose to promulgate the rule.

"You gotta give me some rational basis," Daniels said. "The mere receipt of public benefits is not enough on its own to deem somebody a public charge."

Opponents are requesting a preliminary injunction that would bar the rule from going into effect while litigation is ongoing. On Monday, plaintiff attorneys argued that the measure was tinged with "racial animus" and should be reviewed under the daunting strict scrutiny standard because it would disadvantage nonwhite immigrants, while favoring those coming from Europe.

"The outcome is that people who are black, Latino or Asian are more likely to be disproportionately impacted," said Ghita Schwarz, senior staff attorney with the Center for Constitutional Rights.

Attorneys said that the designation of public charge historically has been

reserved for individuals who are "predominantly reliant on government aid" for an extended period of time. But under the new rule, immigrants who receive one or more specified public benefits for an aggregate of 12 months during a three-year window would be more likely to be deemed a public charge.

Challengers to the rule argued that immigrants who are deemed a public charge are less likely to be granted legal status to remain in the country under the Immigration and Nationality Act, which was enacted by Congress more than six decades ago.

As a result, the attorneys claimed, immigrants would likely forgo applying for Medicaid, food stamps and housing subsidies, services, the lawyers said, they are entitled to under federal law.

Ethan Davis, the DOJ attorney, said the rule would establish a "totality-of-the-circumstances" test that would weigh multiple factors to determine if someone is likely to become a public charge. Davis acknowledged that the rule would lead to fewer people obtaining green cards, but said the rule was operating within the parameters of Congress' broad definition of "public charge."

Disproportionate impacts on certain groups, he said, were not enough to hold up the rule from going into effect next week.

"The agency is entitled to adopt a reasonable interpretation of broad language," Davis said.

Daniels did not issue a ruling at the end of Monday's hearing, but his chambers said he intended to rule by the end of the week.

Tom McParland reports for the New York Law Journal, an ALM affiliate of the Daily Business Review. Contact him at tmcparland@alm.com. On Twitter: @TMcParlandALM.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Council Zoning Hearing** meeting on **Wednesday, October 23, 2019, beginning at 6:00 PM**, to consider the following text amendments to the City of Doral Land Development Code. The City Council will consider this item for **FIRST READING**. This meeting will be held at the **City of Doral, Government Center, Council Chambers** located at **8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2019-31

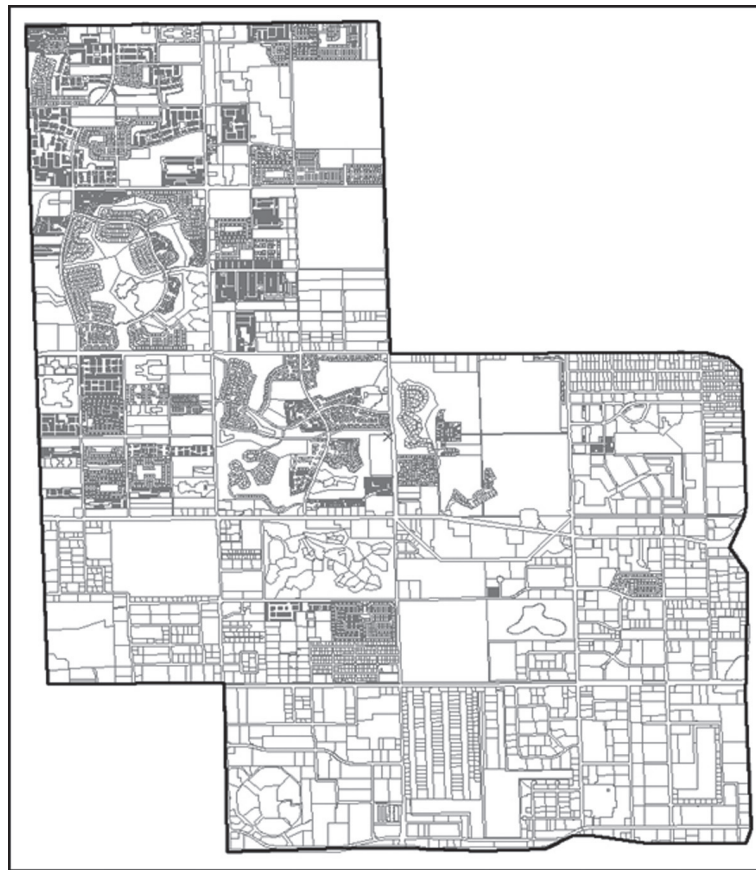
AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING A TEXT AMENDMENT TO THE CITY OF DORAL LAND DEVELOPMENT CODE, AMENDING SECTION 75-104, "MEMBERSHIP IN THE ART PROGRAM ADVISORY BOARD", CREATING THE "PUBLIC ART ADVISORY BOARD", PROVIDING FOR MEMBERSHIP; PROVIDING FOR TERMS; PROVIDING FOR MEETINGS; PROVIDING FOR QUORUM; PROVIDING FOR DISMISSAL; PROVIDING FOR CONFLICTS OF INTEREST; PROVIDING FOR DUTIES; PROVIDING FOR VACANCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 19-10-DOR-05

APPLICANT: City of Doral

REQUEST: Text amendments to the City of Doral Land Development Code, Section 75-104 – "Membership in the Arts Advisory Board", to create the "Public Arts Advisory Board".

Location Map



Information relating the subject application is on file and may be examined in the City of Doral, Planning and Zoning Department Located at **8401 NW 53rd Terrace, Doral, FL. 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide interpretation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento durante el proceso de solicitudes de zonificación.

Connie Diaz, MMC
City Clerk
City of Doral

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