



Written by [Raven Clabough](#) on January 28, 2020

## U.S. Supreme Court Rules in Favor of Trump Immigration Rule, Lifts Injunction

On Monday, the U.S. Supreme Court ruled in favor of the Trump administration's Immigration and Nationality Act (INA), which allows the administration to deny green cards and citizenship to foreign nationals who receive welfare benefits, by lifting the nationwide injunction and allowing it to be enforced while the lower courts continue to handle legal challenges against it.



Under the INA, foreign nationals do not receive green cards if they are “likely at any time to become a public charge.” The online Daily Caller reports it was the phrase “public charge” that was at issue in the case decided by the High Court.

Previous interpretations of the term defined it as one who is primarily dependent on cash assistance programs, the Caller writes, but the Trump administration's U.S. Citizenship and Immigration Services passed a rule in August 2019 that expanded the definition to include those who use non-cash benefit programs such as food stamps, housing, or Medicaid for more than 12 months in a 36-month period. Exceptions to this rule include asylum-seekers and refugees.

“The principle driving it is an old American value, and that's self-sufficiency,” USCIS Acting Director Ken Cuccinelli told Fox News in an interview last year. “It's a core principle — the American Dream itself — and it's one of the things that distinguishes us, and it's central to the legal history in the U.S. back into the 1800s.”

A nationwide injunction was placed on the rule by Manhattan-based U.S. District Judge George Daniels after Democrats in New York, Connecticut, and Vermont and pro-immigration groups filed suit.

But the justices ruled 5-4 on January 27 that the Trump administration's public-charge rule can be applied while lower court judges continue to hear from critics and advocates. This means that the rule might still eventually be blocked by the judges, but for now, it remains in effect. Fox News reports the public charge rule is now frozen only in Illinois, where a federal appeals court has upheld a state-wide injunction.

White House Press Secretary Stephanie Grisham responded to the win by saying, “Today's stay from the Supreme Court is a massive win for American taxpayers, American workers, and the American Constitution. This decision allows the government to implement regulations effectuating longstanding federal law that newcomers to this country must be financially self-sufficient and not a ‘public charge’ on our country and its citizens.”

In a separate concurrent opinion, Justice Neil Gorsuch criticized the increased reliance of activist judges on nationwide injunctions to block government policies, Fox News reports. “The real problem here is the increasingly common practice of trial courts ordering relief that transcends the cases before them. Whether framed as injunctions of ‘nationwide,’ ‘universal,’ or ‘cosmic’ scope, these orders share



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the same basic flaw—they direct how the defendant must act toward persons who are not parties to the case,” Gorsuch wrote.

*The Hill* reports that White House press secretary Stephanie Grisham seized on Gorsuch’s observation. “Two courts of appeals had already ruled that the Government should be able to implement these regulations, but one single district judge’s nationwide injunction remained,” she added. “As two Justices pointed out today, the expanding practice of district courts entering nationwide injunctions raises real problems about the proper power of a judge to decide only the case before him or her.”

The ruling has been predictably blasted by the far Left, the Daily Wire reports.

Socialist Senator Bernie Sanders (I-Vt.), a leading Democratic presidential contender, took to Twitter to bemoan the ruling.

“My father came to America at 17 without a nickel, speaking no English,” Sanders tweet reads. “He grew up to be the proudest American you ever saw. Trump’s policy is disgraceful. It is not what America is about. We will defeat him and end his demonization of immigrants and the poor.”

Socialist Representative Alexandria Ocasio-Cortez (D-N.Y.) wrote on Twitter: “This is shameful. America shouldn’t have a wealth test for admission. It’s a place where millions of people are descendants of immigrants who came w nothing & made a life. The American Dream isn’t a private club with a cover charge — it’s the possibility of remaking your future.”

But the Federation for American Immigration Reform (FAIR) contends the ruling is a “massive victory,” not just for the Trump administration, but the American people. “The rule will correct expensive and politically-driven loopholes, and uphold the clearly expressed intent of Congress that immigrants to the United States be self-reliant,” FAIR said in a statement. “That means putting back in place screening criteria that identifies and selects prospective immigrants who will be less likely to depend on government programs and become public charges.

Neil Munro of Breitbart News contends disabled Americans, older Americans, and younger Americans will especially benefit from the rule because it will “likely redirect taxpayers’ support from migrants who are unhealthy, old, and poor,” citing a 2016 finding by the National Academies of Science that showed migrants consume approximately \$57 billion in aid and welfare annually.

According to *Forbes*, the public charge rule could reduce legal immigration to the United States by hundreds of thousands of people a year.

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