



California v. United States DHS, consolidated with San Francisco v. United States Citizenship and Immigration Service, and with Washington v. United States DHS (9th Cir.)

Topics Covered: Immigration – Prohibition on Receiving Public Assistance

Issue

The issue in this case is whether the New DHS Regulation, entitled Inadmissibility on Public Charge Grounds (“the New DHS Regulation”), which would make it more difficult for noncitizens to immigrate to the United States if they receive public assistance, including Medicaid is valid.

AMA Interest

The AMA believes that society has an obligation to make health care available to all its members, regardless of ability to pay. Furthermore, the AMA opposes federal and state legislation denying or restricting Medicaid benefits to legal immigrants.

Case Summary

Numerous states, the District of Columbia, and two local governments sued in two lawsuits in the United States District Court for the Northern District of California and in a separate case in the United States District Court for the Eastern District of Washington to enjoin the New DHS Regulation. On the plaintiffs’ motions, the district courts preliminarily enjoined the New DHS Regulation.

The federal government appealed to the Ninth Circuit for stay of the injunctions, pending full disposition of the appeal. The Ninth Circuit, in a split decision, found that DHS was likely to succeed on the merits and stayed the preliminary injunctions. One of the judges, concurring, stated that she was “perplexed and perturbed” because of the failure of “a feckless Congress to come to the table and grapple with these issues. Don’t leave the table and expect us to clean up.”

Oral arguments took place on September 15, 2020.

Litigation Center Involvement

The AMA, sometimes through the Litigation Center and with the applicable state medical societies and sometimes not, filed (or at least sought to file) *amicus* briefs in the district courts

and in the Ninth Circuit to support the plaintiffs. (One of the district court judges denied the motion for leave to file the AMA brief).

The briefs emphasized the impact of the New DHS Regulation on the health of vulnerable populations, such as people with disabilities and chronic diseases.

United States Court of Appeals for the Ninth Circuit – California

United States Court of Appeals for the Ninth Circuit brief – Washington State

United States Court of Appeals for the Ninth Circuit brief – City and County of San Francisco