



Illinois Association of Area Agencies on Aging



## Illinois Aging Network Alert October 21, 2019

A report of the impact Area Agencies on Aging have on Illinois seniors.

### **Older Americans Act (OAA) Programs Mandated to Serve Diverse Elders!**

**Courts Block Public Charge Rule.** Three federal courts recently entered nationwide preliminary injunctions blocking the U.S. Department of Homeland Security (DHS) from implementing a new “public charge” rule which would have made it more difficult for older adults to immigrate to the United States or obtain permanent residency (i.e. green card). In August 2019, DHS had published a new public charge rule which added factors for determining when someone might use public benefits including assigning a negative inference for being older than 61.

**Nine separate lawsuits have been filed nationwide** challenging the new public charge rule with three courts entering nationwide preliminary injunctions blocking the final rule from going into effect on October 15, 2019. The first is *State of New York v. U.S. Department of Homeland Security*, where the court concluded that DHS did not have a reasonable explanation for changing the definition of public charge. Similarly, in *City and County of San Francisco v. U.S. Citizenship and Immigration Services*, the court reasoned that the new definition was too broad and found that DHS failed to adequately consider costs and benefits. Finally, in *State of Washington, et. al. v. United States Department of Homeland Security*, the court discussed the harmful effects on older adults and determined that DHS exceeded its authority in issuing the new rule.

The injunctions are temporary pending permanent rulings from the courts which will be expected in the next few months. The preliminary injunctions also do not affect the other six federal lawsuits where similar ruling could be entered.

**Area Agencies on Aging advocate for all older adults in the United States. The Older Americans Act mandates that services be offered to all older adults despite citizenship.**

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