20-449 DEPT. OF HOMELAND SECURITY V. NEW YORK

DECISION BELOW: 969 F.3d 42

LOWER COURT CASE NUMBER: 19-3591, 19-3595

QUESTION PRESENTED:

Under the Immigration and Nationality Act, 8 U.S.C. 1101 *et seq*., an alien is "inadmissible" if, "in the opinion of the [Secretary of Homeland Security] at the time of application for admission or adjustment of status, [the alien] is likely at any time to become a public charge." 8 U.S.C. 1182(a)(4)(A). Following notice-and-comment rulemaking, the United States Department of Homeland Security (DHS) promulgated a final rule interpreting the statutory term "public charge" and establishing a framework by which DHS personnel are to assess whether an alien is likely to become a public charge.

The questions presented are:

1. Whether entities that are not subject to the public-charge ground of inadmissibility contained in 8 U.S.C. 1182(a)(4)(A), and which seek to expand benefits usage by aliens who are potentially subject to that provision, are proper parties to challenge the final rule.

2. Whether the final rule is likely contrary to law or arbitrary and capricious.

CERT. GRANTED 2/22/2021