



DEPARTMENT OF THE ATTORNEY GENERAL

DAVID Y. IGE
GOVERNOR

CLARE E. CONNORS
ATTORNEY GENERAL

For Immediate Release
February 6, 2020

News Release 2020-15

Hawaii Attorney General Joins Coalition Challenging Federal Immigration Rules

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a coalition led by New York and California of 22 attorneys general from around the nation, as well a handful of local municipalities in fighting three actions the Trump Administration is taking to further restrict the approval of visas for immigrants seeking to enter the United States. In an [amicus brief](#) filed in support of a number of nationwide immigration advocates and individuals, the coalition calls for an immediate halt to the implementation of these new rules that aim to deny green cards and visas to immigrants who are likely to use government assistance programs in the future. These new rules also deny green cards and visas to those who cannot guarantee that they will have certain types of private health insurance within 30 days of arriving in the United States or alternatively have the means to pay for any foreseeable medical costs that may arise during their time in the United States.

“The federal administration’s actions are unlawful, and the rules were adopted improperly,” said Attorney General Connors. “Hawai‘i’s immigrant population makes significant contributions to our state, and targeting vulnerable immigrants with these federal policies is harmful to our state.”

Today’s amicus brief involves three specific rules and regulations the Trump Administration seeks to implement through the Department of State. If implemented, these actions would allow the executive branch to unilaterally reshape immigration policies and severely limit legal immigration to the United States in ways that Congress never authorized.

Two of the actions being challenged today by the coalition involve changes to incorporate a sweeping interpretation of “public charge,” which courts around the country have already found likely to be unlawful in enjoining a similar rule by the Department of Homeland Security. In 2017, nearly half a million newly arrived individuals received visas as an immediate relative of a U.S. citizen or under a family-sponsored visa preference. However, the new restrictions imposed here would likely

result in hundreds of thousands of U.S. citizens and lawful permanent residents losing the opportunity to be united with their loved ones from abroad, including spouses, siblings, and adult children.

The third action the coalition argues against today is a presidential proclamation that bars applicants from receiving immigrant visas unless they can establish that they either “will be covered by approved health insurance” within 30 days of entry to the U.S. or that they have the “financial resources to pay for reasonably foreseeable medical costs.” This health care proclamation conflicts with Congress’s objectives of providing all citizens and documented immigrants residing in the United States with comprehensive, affordable health coverage, and will thus adversely affect states’ health insurance markets under the Affordable Care Act (ACA). Specifically, the proclamation directs immigrants to purchase health insurance that does not comply with the ACA, which may increase uncompensated care costs and harm insurance markets, while increasing regulatory burdens and health care costs for states.

The coalition supports the plaintiffs’ arguments that these three actions are unconstitutional and violate the Administrative Procedure Act because they are contrary to the Immigration and Nationality Act. Additionally, the rules were not promulgated with any notice or an opportunity for comment and are arbitrary and capricious. Plaintiffs in the case of *Make the Road New York, et al. v. Pompeo* include Make the Road New York, the African Services Committee, the Central American Refugee Center New York, Catholic Charities Community Services, the Catholic Legal Immigration Network, and a number of individuals.

Attorney General Connors joins Attorney General James, Attorney General Becerra, and the attorneys general of Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia, as well as the County of Santa Clara and the Cities of New York, Chicago, Los Angeles, Oakland, and Seattle in filing today’s brief.

Attorney General Connors today also joined a coalition of 24 attorneys general and 11 local governments, led by California and Oregon, in an amicus brief in support of a separate lawsuit focused solely on challenging the Trump Administration’s unlawful proclamation imposing healthcare insurance requirements on immigrant visa applicants. The amicus brief was filed with the U.S. Court of Appeals for the Ninth Circuit in *Doe v. Trump*.

The amicus brief asserts that the Trump Administration’s actions undermine federal law and healthcare access and notes many of the same legal and policy concerns as *Make the Road New York, et al. v. Pompeo*. In the amicus brief, the coalition urges the U.S. Court of Appeals for the Ninth Circuit to affirm the preliminary injunction keeping the proclamation from going into effect.

In filing that amicus brief, General Connors joins the attorneys general of California, Oregon, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina,

Pennsylvania, Rhode Island, Vermont, Virginia, Washington, Wisconsin, and the District of Columbia. The coalition also includes Santa Clara County, CA; Baltimore, MD; Carrboro, NC; Chicago, IL; Los Angeles, CA; New York, NY; Oakland, CA; Philadelphia, PA; San Francisco, CA; Seattle, WA; and Union City, NJ.

A copy of that amicus brief is available [here](#).

#

#

For more information, contact:

Krishna F. Jayaram
Special Assistant to the Attorney General
(808) 586-1284
Email: atg.pio@hawaii.gov
Web: <http://ag.hawaii.gov>
Twitter: @ATGHlgov