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Civil Rights Coalition Successfully Enjoins Presidential Health Insurance Proclamation

November 26, 2019 – Today, litigators from the Justice Action Center (JAC), the American Immigration Lawyers Association (AILA), and the Innovation Law Lab, with pro bono counsel Sidley Austin LLP, and Latino Network as the organizational plaintiff, [obtained a preliminary nationwide injunction in *Doe v. Trump*](#), thereby ensuring that the administration’s attempt to ban immigrants based on their ability to obtain health insurance upon arrival to the U.S. will not be implemented while litigation continues. With this injunction, the court recognized the urgent and irreparable harm that would have been inflicted in the absence of an injunction. The health insurance proclamation is an unconstitutional effort that would permanently separate families and damage employers; a coalition of state’s Attorney Generals [filed an amicus brief](#) describing the harm it would cause.

"During this Thanksgiving week, we are so grateful for this court ruling that will keep families together and allow other families to reunite. This decision is an important check on the Trump administration's effort to rewrite our nation's immigration and health care laws in violation of the boundaries set out in the Constitution," says Esther Sung, Senior Litigator at the Justice Action Center.

Jesse Bless, Director of Federal Litigation for AILA stated, "The egregiousness of the Proclamation demanded urgent action to save so many affected immigrants and their loved ones. We are tremendously grateful that our efforts have stopped the President from harming so many immigrant families."

"Today's decision protects our Nation's immigrant families from suffering irreparable harm as a result of the President's harmful and unlawful proclamation. We are encouraged by the Court's decision to enforce the rule of law, which does not allow the President to rewrite our immigration laws this way," added Nadia Dahab, Senior Staff Attorney at Innovation Law Lab.

"We are deeply grateful we had an opportunity to be heard and relieved by the court's decision. Our families belong together and our program participants deserve to have their dignity and rights respected, no matter where they come from. Today we can assure our families, staff, and program participants that for now their families are safe from the effects of this discriminatory and abusive health care ban," said Carmen Rubio, Latino Network's Executive Director.



A temporary restraining order (TRO) issued by the U.S. District Court in Portland, OR, on November 2, 2019, had stopped the federal government from implementing the policy. During that month, approximately 25,000 visas were granted that would otherwise have been denied. The preliminary injunction now solidifies that bar, ensuring the administration cannot move forward with this ban while the litigation continues.

The government has the ability to seek immediate review of the injunction by the Ninth Circuit while the underlying case moves forward in the District Court.

Background

On October 4, 2019, President Trump signed a proclamation barring qualified immigrants from receiving visas unless they could prove they would be covered by “approved” health insurance within 30 days of arriving in the U.S., or are healthy and wealthy enough to pay for “reasonably foreseeable medical costs” upon arrival. The proclamation, labeled a ban because of its tremendous reach and impact, limited “approved” health insurance to plans that many immigrants do not qualify for; are unavailable in large states like New York and California; or would be impossible to obtain within 30 days of arrival. The proclamation was to go into effect on November 3, 2019.

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