AMY CONEY BARRETT SIDED AGAINST IMMIGRANTS IN NEARLY NINE OUT OF EVERY TEN CASES

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IMMIGRATION: Amy Coney Barrett Ruled Against Immigrants 88% Of The Time While Serving On The 7th Circuit

Amy Coney Barrett Sided With The Government In Immigration Cases 88-Percent Of The Time.

Of The 25 Immigration Cases That Came Before Barrett's Court, She Sided With Defendants 88-Percent Of The Time.

NOTE: Blue in the chart below denotes a decision siding with migrants, asylum-seekers, or pro-immigration organizations. Red denotes a decision against them. White is neutral.

OPINION DATE	CASE TITLE	CASE NUMBER	BARRETT'S VOTE	DESCRIPTION
3/10/20	Ali Alkady v. Corinna Luna	19-1838	Luna (L.A. USCIS official). Barrett voted with the majority to uphold the district court's dismissal of Alkady's case on moot grounds.	A US citizen submitted application for his 3 children to receive permanent resident status and failed to notice the application was denied.
7/26/18	Christopher Fliger v. Kirstjen M. Nielsen	17-2492	Nielsen. Barrett sided with the majority in affirming the district court's ruling against the Fligers, although the 7th circuit held "There is no question that Christopher and Anna's marriage is legitimate."	Christopher Fliger filed a visa petition to adjust his wife Anna's immigration status following their marriage. The petition was denied due to Anna's past attempt to gain lawful permanent resident status through a marriage. The Fligers sued for review in district court, which ruled against them.
1/31/18	Gerardo Correa-Diaz v. Jefferson B. Sessions III	16-3198	Sessions. Barrett voted to deny a petition for review of a removal order for a Mexican citizen who came to the US as a minor.	A Mexican citizen who had pleaded guilty to two counts of attempted sexual assault was petitioning for a review of a removal order (deportation) from DHS.
1/29/19	Aleksey Arkadyevich Ruderman v. Matthew G. Whitaker, Acting US AG	17-1689	Ruderman. Barrett wrote this opinion granting review for Ruderman's asylum claim.	An immigration judge ruled Aleksey Arkadyevich Ruderman inadmissible and ordered his removal to Belarus. Ruderman petitioned for review.
3/18/19	Rafael Giovanni Herrera-Garcia v. William P. Barr, US AG	18-3196 & 18-1511	Barr. Barrett wrote this opinion denying Herrera-Garcia asylum despite his claims he would be subject to torture and gang violence should be returned to El Salvador because he "had not shown that he, specifically, would be in danger."	Rafael Giovanni Herrera-Garcia argued before an immigration judge that he should not be removed to El Salvador because he would be endangered there. The judge ruled that he could not prove that he in particular would be threatened. Herrera-Garcia petitioned for review.

4/24/19	Mauricio Gonzalez Ruano v. William P. Barr	922 F.3d 346	Gonzalez Ruano. Barrett voted with the majority to grant Gonzalez Ruano's petition for review and to remand to the BIA.	Gonzalez Ruano was victimized by a Mexican cartel and fled the U.S. to seek asylum. While an immigration judge granted relief under the Convention Against Torture, they denied asylum. The BIA agreed with the judge and he petitioned for review.
7/13/20	Eugeniusz Wojciechowicz v. William P. Barr	19-3460	Barr. Barrett voted with the majority to deny Wojciechowic's petition to review the BIA's decision, ruling the 7th circuit didn't have jurisdiction to review the immigration judge's discretionary power.	A Polish citizen who lived in the US for decades was convicted of multiple business-related crimes in 2008. In 2019, Wojciechowicz was denied re-admission due to his crimes, but requested a waiver for his family on hardship grounds.
6/5/18	Xiu Juan Zhang v. Jefferson B. Sessions III	17-2758	Sessions. Barrett sided with the majority in denying review of the BIA's refusal to reopen Zhang's asylum case.	A Chinese citizen denied asylum following connections to Falun Gong, then sued over ineffective counsel.
6/10/20	Cook County, Illinois v. Chad F. Wolf	19-3169	The 7th circuit upheld the injunction, against DHS's appeal – but Barrett wrote a *DISSENT* arguing that the DHS rule's definition of "public charge" was not too broad and/or harsh, based on the term's historical meaning and its definition in the Immigration and Nationality Act.	Cook County, Illinois requested a preliminary injunction against the Trump DHS's rule to block immigrants who might become a "public charge" and need public assistance. This case concerned their standing to do so.
2/8/18	Andre Ray Bernard v. Jefferson B. Sessions III	17-2290	Sessions. Barrett voted to dismiss a petition for reversal of a "serious crime" designation for a Jamaican immigrant and voted to deny a petition for review of a removal order.	A Jamaican immigrant was found to have committed a "serious crime" and was issued a removal order. He petitioned to have the serious crime designation overturned and the removal order reviewed
5/21/18	Rodrigo Ramos-Braga v. Jefferson B. Sessions III	17-1998	Sessions. Barrett voted to affirm BIA's denial of Ramos-Braga's appeal.	Brazilian citizen Rodrigo Ramos-Braga petitioned against the Board of Immigration Appeals (BIA) removal order, citing protection under the Convention Against Torture. The BIA denied claims his case should be reopened due to conditions changing in Brazil, and Ramos-Braga appealed.
5/25/18	Ruslana Melnik AKA Ruslana Gnatyuk et. al. v. Jefferson B. Sessions III	Nos. 15-2212, 15-2929, 15-3615	Sessions. Barrett voted to dismiss the asylum-seekers' petition for review of BIA's decision.	Ukrainian citizens applied for asylum, citing upheaval in their home country and fear of "racketeers" there. An immigration judge denied them asylum and ordered their removal, and the BIA dismissed their appeal and other motions.
8/28/18	Gerson E. Alvarenga-Flores v. Jefferson B. Sessions III	17-2920	Sessions. Barrett's opinion dismissed the asylum-seeker's petition for review of BIA's decision.	El Salvadorean citizen Alvarenga-Flores applied for asylum, citing fear of gang torture and persecution. An immigration judge ruled Alvarenga-Flores lacked credibility and denied asylum, and BIA dismissed his appeal.
9/3/20	Yeison Meza Morales v. William Barr	19-1999	Morales. Barrett's opinion dismissed Meza Morales' primary argument but still granted his petition for review on the basis that the immigration judge wrongly rejected alternatives to ordering his removal.	Yeison Meza Morales, a Mexican citizen who entered the US as a child, applied for a special "U nonimmigrant" visa protecting victims of certain crimes.

1/2/19	Eliseo Beltran-Aguilar v. Matthew G. Whitaker, Acting US AG	18-1799	USA. Barrett wrote this opinion denying a man's petition to set aside his removal (deportation) order.	A man was challenging his deportation based on a domestic violence case in Wisconsin. The man said the case did not count as a "crime of violence" but the District court disagreed and approved his removal from the United States.
12/30/19	Elvira Garcia-Arce v. William P. Barr	19-1453 & 19-2312	Barr. Barrett voted with the majority to deny the asylum-seeker's petitions for review.	Mexican citizen Garcia-Arce applied for asylum, citing fear of violence from family members there. An immigration judge denied Garcia-Arce's application and the BIA issued 2 orders against her, which she petitioned for review.
4/3/20	Eduin Perez-Castillo v. William P. Barr	19-2298	Barr. Barrett voted with the majority in denying review of Perez-Castillo's removal order.	DHS deemed Guatemalan citizen Perez-Castillo was removable after he was arrested in 2018 for domestic violence. Perez-Castillo applied to have his removal canceled, citing potential hardship for his daughter, but an immigration judge denied him. The BIA upheld the decision, finding Perez-Castillo didn't substantiate his hardship claims, and he peiitioned for review.
10/28/19	Kiril Vidinski v. William P. Barr	18-3413	Barr. Barrett voted with the majority in denying Vidinski's petition for review, arguing he did not object to his hearing notice in a timely manner and he didn't substantiate his argument that the BIA overstepped its authority.	Bulgarian citizen Vidinski challenged his removal order, claiming his hearing notice was flawed and that the BIA exceeded its authority. Vidinski petitioned for review of BIA's decision.
8/28/19	Maria Azucena Pomposo Lopez v. William P. Barr	19-1026	Barr. Barrett voted with the majority in denying Pomoso Lopez's petition for review, ruling she didn't establish her fear of being persecuted or tortured if returned to Mexico.	Mexican citizen Pomposo Lopez and her 3 children applied for asylum, citing past violence and threats. An immigration judge found the claims credible, but denied asylum because the the threats Pomposo Lopez described were of a personal nature, and not covered by asylum law. The BIA upheld that decision, and she petitioned for review
6/19/19	Hernel Silais v. William P. Barr	18-2981	Barr. Barrett sided with the majority in denying Silais' petition for review, holding he didn't establish a reason to extend a filing deadline so he could reopen his case.	Haitian citizen Silais requested asylum in 2011, citing fear of a political armed gang. An immigration judge denied his application, citing inconsistencies in his testimony. The BIA upheld that decision in 2015 and Silais petitioned the 7th circuit for review, and it denied him 2017. Silais petitioned BIA to reopen the case, but he missed a filing deadline and then filed a new petition for review with the 7th circuit.
7/22/19	Asad Umrani v. William P. Barr	18-1229	Barr. Barrett sided with the majority in denying Umrani's petition for review, holding he didn't demonstrate why BIA should reopen his removal case.	In 2017, the BIA upheld a 2009 order to deny Umrani asylum and remove him to Malawi. Umrani stayed and in 2017 asked the BIA to reopen his case after he received a DOL certifiication. The BIA deemed the motion as untimely, having missed a 90-day filing deadline, and he petitioned for review.
6/5/19	Ruben Lopez Ramos v. William P. Barr	19-1728	Barr. Barrett sided with the majority in denying Ramos' stay of removal. A dissenting	Ramos, a lawful permanent resident for thirty years with a mother who was a U.S. citizen, was ordered removed due to a technical "conundrum." Under statutes that had been repealed but still apply

			judge said he was only removable due to an "odd, arguably irrational, conundrum."	to Ramos, he could have earned citizenship if his mother had not actually been a citizen. The BIA upheld his removal and he petitioned for review.
5/24/19	Parvinder Singh v. William P. Barr	18-3257	Barr. Barrett sided with the majority in denying Singh's petition for review, upholding a BIA ruling that the threats to Singh didn't constitute persecution.	Indian citizen Singh sought asylum, citing persecution for his role in a Sikh political faction. An immigration judge denied his applications, ruling his past incidents didn't amount to persecution and finding he could safely relocate within India to avoid threats. The BIA dismissed his appeal and Singh petitioned for review.
5/4/18	Weihua Qu v. Jefferson B. Sessions III	16-3720	Sessions. Barrett sided with the majority in denying Qu's petition for review, holding the BIA and immigration judge didn't abuse their discretion. The 7th circuit's denial came despite its claim it was "disheartened by the advocacy Qu has received throughout this case."	Chinese citizen Qu requested asylum, citing fear of persecution for violating the Chinese government's one-child policy. Qu's immigration court hearing was scheduled for 2016, but it was moved to 2014 and she claimed she wasn't notified due to ineffective counsel. The immigration judge refused to reopen her case, the BIA affirmed, and Qu petitioned for review.
1/4/19	Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo, SoS	18-1205	Pompeo. Barrett wrote this opinion upholding the District Court's ruling that the woman was correctly denied a visa.	A Yemeni woman married to a United States citizen applied for a visa to come to the United States. The consular officer denied her request twice because she had previously sought to smuggle two children into the US. The District Court upheld the denial of the visa.

Methodology: *Accountable.US reviewed all cases Amy Coney Barrett heard during her time on the U.S. Court of Appeals for the 7th Circuit and analyzed her position on any case involving immigration issues. Once each relevant opinion was catalogued, Accountable.US calculated the percentage of cases in which Barrett ruled against the party identified as an immigrant.*

In Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo, Barrett Wrote An Opinion That Refused To Review A Denied Visa Claim – Despite The Existence Of Evidence That The Reason For The Denial Was Unfounded.

Case at Issue: *Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo, SoS* (Case No. 18-1205)

Zahoor Ahmed Applied For A Visa To Come To The United States To Be With Her Husband, An American Citizen.

Zahoor Ahmed Was Denied A Visa Application On The Grounds She Had Allegedly Sought To Smuggle Two Children Into The United States In The Past. "A consular officer twice denied the visa application of Zahoor Ahmed, a citizen of Yemen, on the ground that she had sought to smuggle two children into the United States. Ahmed and her husband Mohsin Yafai—a United States citizen—filed suit challenging the officer's decision. But the decision is facially legitimate and bona fide, so the district court correctly dismissed the plaintiffs' challenge to it under the doctrine of consular nonreviewability." [Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo (18-1205), 1/4/19]

US Citizen Mohsin Yafai, Ahmed's Husband, Filed Petitions With DHS For His Wife And Several Of His Children. "Mohsin Yafai and Zahoor Ahmed were born, raised, and married in Yemen. Yafai became a naturalized United States citizen in 2001. After receiving his citizenship, Yafai filed I130 petitions with the U.S. Citizenship and Immigration Service of the Department of Homeland Security on behalf of his wife and several of their children." [Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo (18-1205), 1/4/19]

Her Visa Application Was Denied Twice Because She Had Allegedly Sought To Smuggle Two Children Into The Country Previously – Children Who Were Now Deceased.

Ahmed's Application Visa Was Denied On The Grounds That Ahmed Had Allegedly Attempted To Smuggle Two Children Into The Country – But The Children Were Deceased. "But the consular officer denied Ahmed's visa application.1 The officer based the denial on attempted smuggling under 8 U.S.C. § 1182(a)(6)(E), which provides that '[a]ny alien who at any time knowingly has encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law is inadmissible.' The denial stated: 'You attempted to smuggle two children into the United States using the identities Yaqub Mohsin Yafai and Khaled Mohsin Yafai.' Yafai and Ahmed told the embassy that Yaqub and Khaled were their children, both of whom had tragically drowned." [Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo (18-1205), 1/4/19]

- **In A Dissent, Judge Ripple Claimed The Denial Of The Visa Included A "Single Laconic Statement" That Ahmed Attempted To Smuggle Children – But Mr. Yafai Claimed The Children Drowned Accidentally As The Applications Were Pending.** "The denial included a single laconic statement that Ms. Ahmed violated the smuggling provision in § 1182(a)(6)(E): 'You attempted to smuggle two children into the United States using the identities Yaqub Mohsin Yafai and Khaled Mohsin Yafai.'8 According to Mr. Yafai, while the family's applications were pending, two of the children had drowned accidentally." [Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo (18-1205), 1/4/19]

A Dissenting Judge Said The Court Had Functionally "Rubber Stamp[ed]" A Judge's Decision Despite A Lack Of National Security Interest And The Rights Of An American Citizen And Said The Theory About Smuggled Children Lacked Evidentiary Support.

In A Dissent To Barrett, Judge Ripple Argued The Court Had Functionally "Rubber Stamp[ed]" A Judge's Decision Despite A Lack Of National Security Interest And The Rights Of An American Citizen. "This case is, therefore, precisely the unusual case that has made some of the Justices and our own court hesitate to sanction an ironclad, judge-made rule admitting of no exceptions. Here, in a case where the Government asserts no national security interest and where the important familial rights of an American citizen are at stake, the Government asks us to rubber stamp the consular decision on the basis of a conclusory assertion." [Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo (18-1205), 1/4/19]

In The Dissent, Judge Ripple Argued Yafai's Constitutional Rights Were Deprived, And That The Immigration Officer Had Invented A Theory Of Smuggling Children That Lacked Evidentiary Support. "Mohsin Yafai, a United States citizen, brought this action in the district court, alleging that a consular officer's decision to deny his wife an immigrant visa violates his right to due process of law. He submits that the officer, without any evidentiary support and with substantial evidence to the contrary, invented a theory that his wife had attempted to smuggle two children into the United States. My colleagues interpret the judicially created doctrine of consular non-reviewability to dictate dismissal of such a claim. I respectfully dissent because I believe that their view of the doctrine sweeps more broadly than required by the Supreme Court and our own precedent, and deprives Mr. Yafai of an important constitutional right." [Mohsin Yafai and Zahoor Ahmed v. Mike Pompeo (18-1205), 1/4/19]

- **People For The American Way: Ahmed Was Denied Despite "Clear Evidence" There Was No Smuggling Attempt.** "Mr. Yafai and his wife Zahoor Ahmed were born in Yemen. When he became a naturalized U.S. citizen in 2001, he filed petitions with the Department of Homeland Security to permit his wife and several of their children to apply for immigrant visas, which were granted. But a consular official denied his wife's application, making what the dissent called a 'single laconic statement' that she had improperly attempted to smuggle children into the United States. Despite clear evidence submitted by Yafai and Ahmed denying that claim, the denial stood and they filed suit in federal court." [People For The American Way, 1/30/19]

- **People For The American Way: Barrett's Decision Utilized A "Consular Non-Reviewability Doctrine" That Prevented Further Consideration Of The Denial.** "The district court dismissed the claim as a matter of law under the 'consular non-reviewability doctrine,' a standard designed by the Supreme Court based on its interpretation of federal immigration law. Under that doctrine, a court should not review a decision by a consular official to deny a visa when the official acts 'on the basis of a facially legitimate and bona fide reason.' Barrett's 2-1 opinion affirmed the lower court decision, maintaining that the non-reviewability doctrine requires 'nothing more' than the 'assertion' of a legitimate reason for visa denial, as the consular official did in this case." [People For The American Way, 1/30/19]

In Gerson E. Alvarenga-Flores v. Jefferson B. Sessions III, Amy Coney Barrett Wrote An Opinion Rejecting An Asylum-Seeker's Application Based On Fears Of Gang Torture Due To What She Called "Inconsistencies" In A Story Of A Gang Attack.

Case at Issue: *Gerson E. Alvarenga-Flores v. Jefferson B. Sessions III* (Case No. 17-2920)

Amy Coney Barrett Ruled That A Man's Fears Of Gang Persecution In El Salvador Were Not Credible Despite The Fact That The Country Has "One Of The World's Highest Homicide Rates."

Barrett Wrote A Decision That Upheld A District Court's Ruling Against Gerson Alvarenga-Flores, Saying His Fears Of Torture And Gang Persecution If He Returned To El Salvador Were Not Credible. "Alvarenga seeks asylum, withholding of removal, and relief under the Convention Against Torture because he fears torture and persecution from gang members if he returns to El Salvador. The immigration judge concluded that Alvarenga lacked credibility and denied him relief. Finding no clear error in the immigration judge's decision, the Board of Immigration Appeals dismissed the appeal. Substantial evidence supports the decisions of the immigration judge and the Board, and the record does not compel a contrary conclusion. We therefore deny Alvarenga's petition for review." [Gerson E. Alvarenga-Flores v. Jefferson B. Sessions III (17-2920), 8/28/18]

- **In 2019, Human Rights Watch Wrote That El Salvador "El Salvador Has One Of The World's Highest Homicide Rates" And That "Approximately 60,000 Gang Members Are Present In At Least 247 Of The Country's 262 Municipalities."** [Human Rights Watch, 2019]

Barrett Cited The Immigration Judge's Claim That The Man's Story Had "Inconsistencies" – The Man Said It Was Due To His Lack Of English Language Skills.

Barrett Cited Inconsistencies Between Alvarenga-Flores' Description Of Being Attacked By Gang Members In A Taxi And On A Bus. "He based the adverse credibility finding on inconsistencies in Alvarenga's testimony about the two events that had prompted him to leave El Salvador for fear of persecution. One involved his escape from gang members who attacked him in a taxi; the other involved his escape from gang members who approached him on a bus." [Gerson E. Alvarenga-Flores v. Jefferson B. Sessions III (17-2920), 8/28/18]

Barrett Described How Alvarenga's Story Changed Where He Was Sitting In A Taxi He Claims Was Attacked By A Gang. "First, the taxi: Alvarenga claimed that he and three friends were riding in a taxi that was stopped by a gang, which fired shots at the car and ultimately killed one person. He offered two different accounts of what happened. In his written statement, Alvarenga said that his friend Jose Diaz was sitting in the front passenger seat. After the attack began, Diaz exited his door and fled on foot, which distracted the gunmen and allowed the taxi to get away. In his oral testimony before the IJ, Alvarenga described events differently. He testified that no one was seated in the front—in this version, all four passengers were seated in the back. He said that Diaz, the friend who fled on foot, was sitting in the middle seat. Because everyone else stayed in the taxi, this position would have required Diaz to climb over one or more passengers to exit the car. When asked about the inconsistency in his stories, Alvarenga had no explanation for it." [Gerson E. Alvarenga-Flores v. Jefferson B. Sessions III (17-2920), 8/28/18]

In Defense Of The Inconsistencies, Alvarenga Said He Does Not Speak English Yet Was Only Sent An English Copy To Sign, And That The Statement Was Prepared Telephonically. "Alvarenga offers several explanations for the differences: he does not speak English, his statement was prepared telephonically while he was detained, and he was sent only an English copy to sign." [Gerson E. Alvarenga-Flores v. Jefferson B. Sessions III (17-2920), 8/28/18]

A Dissenting Judge Said The Immigration Judge Who Originally Ruled On The Case "Put Great Significance In Small Variations In Alvarenga's Personal Statements."

District Judge Durkin Dissented On The Case, Saying The Immigration Judge Put Great Significance In Small Variations In Alvarenga's Personal Statements. "Viewed in fuller context, I believe the IJ placed 'great significance in small variations' among Alvarenga's personal statement and his more detailed testimony. See Cojocari, 863 F.3d at 624. The IJ's focus on these small variations 'call[s] the [IJ's] overall analysis into question.' Id. at 626" [Gerson E. Alvarenga-Flores v. Jefferson B. Sessions III (17-2920), 8/28/18]

In Cook County, Illinois v. Chad Wolf, Amy Coney Barrett Wrote A Dissent In Defense Of Chad Wolf And The Department Of Homeland Security Over A Policy Intended To Deny Any Change In Status To Any Immigrant Who Received Public Assistance

Case at Issue: *Cook County, Illinois v. Chad F. Wolf* (Case No. 19-3169)

Under The Trump Administration, The Department Of Homeland Security Instituted A New Rule To Prevent Immigrants Receiving Public Assistance From Entering The Country Or Adjusting Immigration Status – Cook County, IL Sued To Overturn The Rule.

The Department Of Homeland Security Instituted A New Rule To Prevent Immigrants Receiving Public Assistance From Entering The Country Or Adjusting Immigration Status. "Recognizing this, Congress has chosen to make immigrants eligible for various public benefits; state and local governments have done the same. Those benefits include subsidized health insurance, supplemental nutrition benefits, and housing assistance. […] Recently, however, the Department of Homeland Security (DHS) issued a new rule designed to prevent immigrants whom the Executive Branch deems likely to receive public assistance in any amount, at any point in the future, from entering the country or adjusting their immigration status." [Cook County, Illinois v. Chad F. Wolf (19-3169), 6/10/20]

- **DHS Utilized The Immigration And Nationality Act, Which Provides A Noncitizen May Be Denied Admission Or Adjustment If They Are "Likely" To "Become A Public Charge," By Referencing Any Noncitizen Receiving Any Kind Of Benefits For 12 Months In A 3-Year Period.** "The Immigration and Nationality Act (INA, or 'the Act') provides that a noncitizen may be denied admission or adjustment of status if she 'is likely at any time to become a public charge. […] In it, DHS defines as a 'public charge' any noncitizen (with some exceptions) who receives certain cash and noncash government benefits for more than '12 months' in the aggregate in a 36-month period." [Cook County, Illinois v. Chad F. Wolf (19-3169), 6/10/20]

Cook County, IL, Brought A Case Against DHS To Overturn The New Rule, With The Seventh Circuit Affirming A Lower Court Decision Of Accepting The Case. "States, cities, and nonprofit groups across the country have filed suits seeking to overturn the Rule. Cook County, Illinois, and the Illinois Coalition for Immigrant and Refugee Rights, Inc. (ICIRR) brought one of those cases in the Northern District of Illinois. They immediately sought a preliminary injunction against the Rule pending the outcome of the litigation. Finding that the criteria for interim relief were satisfied, the district court granted their motion. We conclude that at least Cook County adequately established its right to bring its claim and that the district court did not abuse its discretion by granting preliminary injunctive relief. We therefore affirm." [Cook County, Illinois v. Chad F. Wolf (19-3169), 6/10/20]

The Majority On The 7th Circuit Upheld The Preliminary Injunction Leveled By The District Court Against The DHS Rule.

The 7th Circuit Upheld The Injunction, Against DHS's Appeal. "While we disagree with the district court that this case can be resolved at step one of the Chevron analysis, we agree that at least Cook County has standing to sue. We make no ruling on ICIRR's standing, and so we have based the remainder of our opinion on Cook County's situation only. The district court did not abuse its discretion or err as a matter of law when it concluded that Cook County is likely to succeed on the merits of its APA claims against DHS. Nor did the district court's handling of the balance of harms and lack of alternative legal remedies represent an abuse of discretion. We therefore AFFIRM the district court's order entering a preliminary injunction." [Cook County, Illinois v. Chad F. Wolf (19-3169), 6/10/20]

Amy Coney Barrett Dissented, Saying That The Department Of Homeland Security's Definition Of A Public Charge Was Reasonable.

Judge Barrett Dissented On The Ruling, Saying DHS's Definition Of "Public Charge" Was Reasonable. "The plaintiffs have worked hard to show that the statutory term 'public charge' is a very narrow one, excluding only those green card applicants likely to be primarily and permanently dependent on public assistance. That argument is belied by the term's historical meaning—but even more importantly, it is belied by the text of the current statute, which was amended in 1996 to increase the bite of the public charge determination. When the use of 'public charge' in the Immigration and Nationality Act (INA) is viewed in the context of these amendments, it becomes very difficult to maintain that the definition adopted by the Department of Homeland Security (DHS) is unreasonable." [Cook County, Illinois v. Chad F. Wolf (19-3169), 6/10/20]