

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, CITY OF NEW YORK,
STATE OF CONNECTICUT, and STATE OF
VERMONT,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY; KEVIN K. McALEENAN, *in his official
capacity as Acting Secretary of the United States
Department of Homeland Security*; UNITED STATES
CITIZENSHIP AND IMMIGRATION SERVICES;
KENNETH T. CUCCINELLI II, *in his official capacity
as Acting Director of United States Citizenship and
Immigration Services*; and UNITED STATES OF
AMERICA,

Defendants.

MAKE THE ROAD NEW YORK, AFRICAN
SERVICES COMMITTEE, ASIAN AMERICAN
FEDERATION, CATHOLIC CHARITIES
COMMUNITY SERVICES, and CATHOLIC LEGAL
IMMIGRATION NETWORK, INC.,

Plaintiffs,

v.

KEN CUCCINELLI, in his official capacity as Acting
Director of United States Citizenship and Immigration
Services; UNITED STATES CITIZENSHIP &
IMMIGRATION SERVICES; KEVIN K.
McALEENAN, in his official capacity as Acting
Secretary of Homeland Security; and UNITED STATES
DEPARTMENT OF HOMELAND SECURITY,

Defendants.

**CIVIL ACTION NO.
19 Civ. 07777 (GBD)**

**CIVIL ACTION NO.
19 Civ. 07993 (GBD)**

DECLARATION OF JO-ANN YOO

JO-ANN YOO declares:

1. I am the Executive Director at the Asian American Federation (“AAF”), where I am responsible for overseeing the administration, programs, fundraising, and strategic plan of the organization. I have held this position since January 1, 2014.

2. I submit this declaration in support of the Plaintiffs’ Motion for a Preliminary Injunction and Stay or Temporary Restraining Order Pending National Emergency in the above-captioned cases. I submitted a declaration dated September 9, 2019, in support of Plaintiffs’ motion to enjoin the U.S. Department of Homeland Security’s (DHS) public charge rule (the “Rule”) on a preliminary basis in *Make the Road New York v. Cuccinelli*.

3. AAF is a non-profit umbrella leadership and organizational development network based in lower Manhattan and Flushing, Queens, with a mission of building the influence and well-being of the Asian American community. AAF represents over 70 community services agencies throughout the Northeast who work in health and human services, education, economic development, civic participation, and social justice, and are focused on serving low-income Asian American immigrants and their families.

4. During the COVID-19 crisis, AAF’s member agencies have observed the heart-wrenching choices faced by non-citizens—particularly low-income Asian-American non-citizens—as they must choose between their families’ economic survival and protecting their own health. I have heard stories from these groups that parents in mixed-status families (*i.e.*, where some members of the family are citizens and others are non-citizens) are seeking jobs out of a need to put food on the table, despite the risks to their personal safety from exposure to COVID-19. The executive director of one member agency told me: “When I asked [these individuals] what they plan to do if they catch the virus, they said, ‘being at home isn’t going to

feed my family. I have to work any job despite the risks. Coronavirus doesn't matter. I have no choice.””

5. AAF’s member agencies have also reported that, since the COVID-19 pandemic began, the individuals they serve have been afraid to apply for any form of public benefits, even if they are legally eligible for them, out of fear that doing so will adversely affect their immigration status due to the operation of the Rule. Our member agencies further report that other individuals who have been receiving such benefits decide not to recertify their eligibility for similar reasons. During the COVID-19 crisis, AAF’s member agencies have fielded questions from these individuals about immigration consequences of applying for and/or receiving such benefits.

6. Additionally, because these non-citizens are choosing to forego benefits to which they are entitled, AAF’s member agencies have been forced to try to cobble together alternative forms of non-governmental assistance. The need for such assistance is particularly acute given the difficult economic situation that has left many people out of work or otherwise struggling.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2020
New York, New York



Jo-Ann Yoo