

IN THE
Supreme Court of the United States

FRITZ EMMANUEL LESLY MIOT, *et al.*,
Respondents,
v.

DONALD J. TRUMP, President of the United States of America, *et al.*,
Applicants.

ON APPLICATION TO STAY

**BRIEF OF THE COMMONWEALTH OF MASSACHUSETTS, THE STATES
OF CALIFORNIA, ILLINOIS, NEW YORK, AND FIFTEEN OTHERS AS
AMICI CURIAE IN SUPPORT OF RESPONDENTS AND IN OPPOSITION
TO APPLICATION TO STAY**

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
INTRODUCTION AND INTERESTS OF AMICI	1
ARGUMENT	2
THE PUBLIC INTEREST FAVORS PLAINTIFFS BECAUSE A STAY WOULD INFLICT IRREPARABLE HARM ON FAMILIES AND AMICI STATES	2
A. Terminating Haiti’s TPS Designation Would Separate Families, Devastate Children, and Fracture Amici States’ Communities and Schools.	3
B. Terminating Haiti’s TPS Designation Would Damage Amici States’ Economies and Workforces.	6
C. Terminating Haiti’s TPS Designation Would Compromise Public Health and Increase Health Care Costs.....	10
D. Terminating Haiti’s TPS Designation Would Harm Public Safety.....	13
CONCLUSION.....	14

TABLE OF AUTHORITIES

Cases	Page
<i>Baillargeon v. CSX Transp. Corp.</i> , 463 F. Supp. 3d 76 (D. Mass. 2020)	3
<i>City & Cnty. of S.F. v. Trump</i> , 897 F.3d 1225 (9th Cir. 2018)	3
<i>City & Cnty. of S.F. v. U.S. Citizenship & Immigr. Servs.</i> , 981 F.3d 742 (9th Cir. 2020)	3
<i>City of Philadelphia v. Sessions</i> , 280 F. Supp. 3d 579 (E.D. Pa. 2017)	11
<i>Golden Gate Rest. Ass’n v. City & Cnty. of San Francisco</i> , 512 F.3d 1112 (9th Cir. 2008)	3
<i>Hernandez v. Sessions</i> , 872 F.3d 976 (9th Cir. 2017)	2
<i>Jones v. D.C.</i> , 177 F. Supp. 3d 542 (D.D.C. 2016)	2
<i>National Ass’n of Mfrs. v. U.S. Dep’t of Homeland Sec.</i> , 491 F. Supp. 3d 549 (N.D. Cal. 2020)	2
<i>New York v. Trump</i> , No. 1:17-cv-5228 (E.D.N.Y. 2017)	11
<i>Nken v. Holder</i> , No. 556 U.S. 418 (2009).....	2
<i>Regents of Univ. of Cal. v. U.S. Dep’t of Homeland Sec.</i> , No. 3:17-cv-05211 (N.D. Cal. 2017).....	11
<i>World Gym, Inc. v. Baker</i> , 474 F. Supp. 3d 426 (D. Mass. 2020)	3

Regulations	Page
8 C.F.R.	
§ 244.4	14
§ 244.14	14
Miscellaneous Authorities	Page
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Beatrice Dain & Jeanne Batalova, <i>Haitian Immigrants in the United States</i> , Migration Pol’y Inst. (Nov. 8, 2023), https://www.migrationpolicy.org/article/haitian-immigrants-united-states...	8, 10
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Karen Aho, <i>Spotlight on the Economic Contributions of TPS Holders</i> , Immigr. Impact (Oct. 23, 2023), https://immigrationimpact.com/2023/10/23/economic-contributions-tps-holders/	8-9
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INTRODUCTION AND INTERESTS OF AMICI

Amici States submit this brief to explain why public interest considerations strongly counsel against a stay of the postponement order in *Lesly Miot v. Trump*, 1:25-cv-02471 (D.D.C. Feb. 2, 2026), App. 1a–83a.¹ We have substantial interests in maintaining Haiti’s Temporary Protected Status (TPS) designation and in preventing Defendants’ unlawful action from taking effect before the courts address its legality on the merits. Our Amici States are home to thriving Haitian communities—including many individuals who can live and work in the United States because of TPS. Far from being a burden on or threat to our States, Haitian TPS holders provide resounding benefits to their communities and to the Amici States. Haitian TPS holders are valued employees and residents of Amici States, and many provide important public services to Amici States’ residents. They are homeowners and neighbors, coworkers, teachers and students, entrepreneurs and job-creators, caregivers, construction workers and union members, and parents. Stripping these individuals of legal status would harm our residents, economies, and public health and safety. The public interest weighs heavily in favor of denying Defendants’ motion to stay the postponement order.

Indeed, the harm to the public interest is particularly acute at this interim posture. The harms detailed *infra*—including, the immediate detention and

¹ Amici States include: the Commonwealth of Massachusetts, the states of California, Illinois, New York, Connecticut, Delaware, Hawai‘i, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, Oregon, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia.

deportation of residents to Haiti, a nation in crises; splitting up families; traumatizing children; undermining labor markets—are not the type of harms that can be remedied if Plaintiffs ultimately prevail. The serious and irreparable nature of these harms underscores that it is especially critical to maintain the status quo during the pendency of the litigation.

ARGUMENT

THE PUBLIC INTEREST FAVORS PLAINTIFFS BECAUSE A STAY WOULD INFLICT IRREPARABLE HARM ON FAMILIES AND AMICI STATES

Amici States support Plaintiffs’ position that the stay application should be denied. We write to highlight significant public interests and harms that the Court should consider in resolving this motion. *See Nken v. Holder*, 556 U.S. 418, 434–35 (2009). In cases like this one, which affect many nonparties (including Amici States), hardship to third parties is integral to the public interest analysis. *See Jones v. District of Columbia*, 177 F. Supp. 3d 542, 546 n.3 (D.D.C. 2016). Relevant third-party harms include harms to family members;² economic harms;³ increased public health

² *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017).

³ *Nat’l Ass’n of Mfrs. v. U.S. Dep’t of Homeland Sec.*, 491 F. Supp. 3d 549, 571 (N.D. Cal. 2020).

care expenses;⁴ public health harms;⁵ public safety harms;⁶ and impacts to public services.⁷ All of these cognizable harms would affect Amici States and the Nation at large if this Court stays the postponement order. *See* App. 92a (“[P]laintiffs face substantial and well-documented harms[,]” including “risk of detention and deportation, separation from family members, and loss of work authorization” and individuals deported “would be vulnerable to violence amid a ‘collapsing rule of law’ and lack access to life-sustaining medical care.”). Crucially, these particular harms cannot be erased if Plaintiffs ultimately prevail in the litigation on the merits.

A. Terminating Haiti’s TPS Designation Would Separate Families, Devastate Children, and Fracture Amici States’ Communities and Schools.

The families of Haitian TPS holders, many of whom live in the Amici States, will be profoundly harmed if Defendants’ action takes effect. In 2024, approximately 129,000 U.S. citizens were living with Haitian TPS Holders, including 50,000 U.S. citizen children.⁸ DHS unlawfully seeks to strip these individuals in mixed-status households of their legal status, pushing many families into poverty and leaving

⁴ *Golden Gate Rest. Ass’n v. City & Cnty. of S.F.*, 512 F.3d 1112, 1126 (9th Cir. 2008).

⁵ *World Gym, Inc. v. Baker*, 474 F. Supp. 3d 426, 434 (D. Mass. 2020); *see City & Cnty. of S.F. v. U.S. Citizenship & Immigr. Servs.*, 981 F.3d 742, 762 (9th Cir. 2020).

⁶ *Baillargeon v. CSX Transp. Corp.*, 463 F. Supp. 3d 76, 86 (D. Mass. 2020).

⁷ *City & Cnty. of S.F. v. Trump*, 897 F.3d 1225, 1244 (9th Cir. 2018).

⁸ FWD.us, *Temporary Protected Status Protects Families While Also Boosting the U.S. Economy 2* (Mar. 2025). *See also* Haitian Bridge Alliance, *Haitian TPS Holders Make the U.S. Stronger* (Jan. 2026).

50,000 U.S. citizen children without a parent or trusted adult.⁹. As the district court found, terminating TPS would create extreme hardship for these households, withdrawing their members' work authorizations and exposing them to the threat of deportation. App. 81a.

Indeed, if the termination of Haiti's TPS status is permitted to take effect, mixed-status households throughout the Nation will immediately be destabilized, forcing families into untenable choices. TPS-holder parents would be forced to choose between (1) returning to Haiti alone, leaving their U.S. citizen children behind; (2) taking their U.S. citizen children with them to a dangerous country that the children do not know; or (3) staying in the United States without authorization and living with fear and uncertainty, knowing they cannot work legally and could be forcibly removed to Haiti at any time. The district court correctly found that each such outcome is unacceptable and would profoundly harm families. *See* App. 81a (noting that "[n]one of these options is acceptable").

This dynamic would severely harm the mental health and well-being of countless U.S.-citizen children who reside in Amici States and around the country.¹⁰ Children of undocumented parents living in the United States frequently experience persistent anxiety, driven by the constant fear that a family member may be

⁹ *See* Haitian Bridge Alliance, *supra* note 8.

¹⁰ *See* Am. Immigr. Council, Fact Sheet, *U.S. Citizen Children Impacted by Immigration Enforcement* (June 24, 2021).

deported.¹¹ This fear can profoundly shape their daily lives. For example, the *New York Times* reported on a seventeen-year-old TPS-protected Haitian girl in Columbus, Ohio, whose family is so fearful of deportation and family separation that she and her nine-year-old sister “just go to school and back, school and home”—with her sister often refusing to go to school at all.¹² Another study found that 30 percent of Latino student participants—including U.S.-born students—altered their routines due to deportation fears.¹³ This included refraining from driving, seeking medical care, attending religious services, or participating in afterschool activities; taking a different route to school; and staying home more often.¹⁴

When families are forcibly separated, the consequences are even more severe. Parental deportation is deeply traumatic for children: it is linked to extreme psychological distress, anxiety, depression, post-traumatic stress disorder (PTSD), externalizing behaviors (such as aggression), and difficulties sleeping.¹⁵ These

¹¹ Ronald B. Cox Jr. et al., *Validation of the Family Fear of Deportation Scale for Youth*, 72 *Fam. Rels.* 734, 736 (2023).

¹² See Miriam Jordan, *Fear Shadows Many Children in Immigrant Families*, *N.Y. Times* (Apr. 12, 2025).

¹³ Randy Capps et al., *Immigration Enforcement and the Mental Health of Latino High School Students*, *Migration Pol’y Inst.* 2–3 (Sept. 2020).

¹⁴ *Id.*

¹⁵ Miguel Pinedo & Christian Escobar, *Childhood Parental Deportations, Immigration Enforcement Experiences, and Posttraumatic Stress Disorder Among US-Born Latino Adults, 2021*, 114 *Am. J. Pub. Health* S495, S496 (2024); see Victoria D. Ojeda et al., *Deported Men’s and Father’s Perspective: The Impacts of Family Separation on Children and Families in the U.S.*, 11 *Frontiers in Psychiatry* 1, 10 (2020).

children often face financial instability, housing and food insecurity, and education disruptions, such as increased school absences and lower academic engagement.¹⁶ And the long-term effects extend into adulthood. Adults who experienced parental deportation during childhood are more than twice as likely to suffer from PTSD as those who did not endure separation.¹⁷

The fracturing of Haitian families would have far-reaching impacts on children, their families, and on the States and communities in which they live. As the district court correctly concluded, App. 79a–81a, the public interest strongly favors preserving the unity of these families.

B. Terminating Haiti’s TPS Designation Would Damage Amici States’ Economies and Workforces.

As the district court found, App. 79a–81a, terminating Haiti’s TPS designation would also substantially harm Amici States’ economies by depleting their workforces and depriving them of tax revenue.

TPS holders often perform crucial public services. At least 50,000 migrants with TPS work in health care, an industry struggling to fill positions, including in small cities and rural areas.¹⁸ For example, in Massachusetts, 40 percent of the front-

¹⁶ Ojeda et al., *supra* note 14, at 7, 9–10; Ana Martinez-Donate et al., *Between the Lines: A Mixed-Methods Study on the Impacts of Parental Deportation on the Health and Well-Being of U.S. Citizen Children*, 9 J. Migration & Health 1, 5 (2024).

¹⁷ Pinedo & Escobar, *supra* note 14, at S501.

¹⁸ Jordan, *supra* note 11.

line staff in nursing homes are foreign born, many from Haiti; they include nursing assistants, licensed nurses, and those working in housekeeping and dining services.¹⁹

Haitian TPS holders also serve as personal care attendants, childcare workers, and other crucial roles in and relevant to state and local governments. For example, New York has the highest concentration of home health aides per capita, which is a major employment sector for immigrants—including those with TPS.²⁰ Employers worry about losing experienced aides who have built trust with patients and face a significant and sudden staff shortage because those with TPS will lose their work authorization.²¹ Terminating Haiti's TPS designation—and thus stripping such individuals of their legal status and work authorization—would therefore pose serious operational challenges to the Amici States' abilities to care for vulnerable populations such as children, elders, and developmentally disabled individuals. At minimum, the Amici States face significant costs to rehire or recruit care workers to fill such positions, because caregiving positions are challenging to fill in both the private and public sector.²²

¹⁹ Kay Lazar, *Looming Deportations of Haitian Immigrants Could Cripple US Health care, Leaders Warn*, Bos. Globe (Jan. 22, 2026).

²⁰ Ralph Thomassaint Joseph, *Immigrant Home Care Workers in New York Face Uncertain Future Under Trump*, N.Y. Immigr. Health Care News (Aug. 15, 2025).

²¹ *Id.*

²² See, e.g., Katie Johnston, *'Our Future Workforce': How 41 Haitian Migrants Solved a Marlborough Nonprofit's Staffing Shortage*, Bos. Globe (Oct. 1, 2024).

TPS holders are also crucial contributors to the broader economies in the Amici States and the Nation. Haitian TPS holders contribute \$3.4 billion annually to the U.S. economy.²³ Sixty-nine percent of Haitian immigrants aged sixteen and older were in the civilian labor force in 2022, with high rates of participation in healthcare support and service industries.²⁴ A recent estimate found that tens of thousands of Haitian TPS holders work in health care and other critical services, including 75,000 Haitian TPS holders working in “labor-short” industries.²⁵ In Delaware and Maryland, the Haitian community provides a significant contribution to the poultry industry, which is one of the region’s most important sectors.²⁶ Poultry industry leaders are scrambling to plan for the loss of their workforce.²⁷

TPS holders from all countries have shown high rates of entrepreneurship—14.5 percent of TPS holders are entrepreneurs, as compared with 9.3 percent of the U.S.-born workforce.²⁸ The 2021 TPS population included more than 38,100

²³ FWD.us, *supra* note 8.

²⁴ Beatrice Dain & Jeanne Batalova, *Haitian Immigrants in the United States*, Migration Pol’y Inst. (Nov. 8, 2023).

²⁵ Haitian Bridge Alliance, *supra* note 8; FWD.us, *The U.S. Must Redesignate Haiti for Temporary Protected Status (TPS)* (May 4, 2024); *see* App. 80a (Haitian TPS holders “play indispensable roles in hospitality, food service, education, and manufacturing—industries that already face labor shortages and would be further destabilized by the loss of this workforce”).

²⁶ *See* Paul Kiefer, *Haitians Found Stability in Maryland’s Poultry Plants. It’s Now in Jeopardy*, Wash. Post (Aug. 11, 2025); Lisa Held, *Poultry Companies Quietly Connect With Democrats On Immigrant Policy Concerns*, Civil Eats (Jan. 14, 2026).

²⁷ Held, *supra* note 25.

²⁸ Karen Aho, *Spotlight on the Economic Contributions of TPS Holders*, Am. Immigr. Council (Oct. 23, 2023).

entrepreneurs, or self-employed workers, who generated \$1.5 billion in business income.²⁹ In California, 7,800 self-employed TPS holders generated \$224.8 million in business income.³⁰ These workforce contributions generate substantial state and federal tax revenue. In 2023, TPS holders from all countries paid \$5.2 billion in taxes,³¹ with Haitian TPS holders alone contributing an estimated \$5.9 billion annually to the U.S. economy, and paying more than \$1.5 billion in federal, state, and local taxes.³²

Revoking Haiti's TPS designation would endanger these economic contributions. Many current TPS holders would have no choice but to return to Haiti, taking their economic contributions with them. Those who remain would be stripped of their work authorization, causing them to lose their current employment and forcing them to accept lower paying "off the books" jobs. Such lower-wage, unauthorized employment would lead to declines in Amici States' tax revenues.

Finally, at least 41 percent of TPS households are homeowners and pay taxes on property having a total value of approximately \$19 billion.³³ State and local economies would likely face a wave of mortgage foreclosures if current TPS holders

²⁹ Am. Immigr. Council, *The Contributions of Temporary Protected Status Holders to the U.S. Economy* 4 (Sept. 2023).

³⁰ *Id.*

³¹ Am. Immigr. Council, *The Number of Immigrants in the US Increases Yearly – And That's a Good Thing* (Feb. 28, 2025).

³² See The Haitian Times, "By the numbers | Haitian TPS holders pump \$6 billion into US economy, groups say" (Feb. 2, 2026).

³³ Aho, *supra* note 27.

are forced suddenly to leave the country or else accept lower-paid employment, thus harming property values and reducing property tax receipts.³⁴ Accordingly, terminating Haiti's TPS designations would cause substantial harm to the public interest by impairing economies, workforces, and tax bases in the Amici States and in communities across the country.

C. Terminating Haiti's TPS Designation Would Compromise Public Health and Increase Health Care Costs.

Terminating Haiti's TPS designations would also have significant negative effects on public health in the Amici States and around the country. Haitians fill critical health care roles, and their imminent loss of work authorization and potential deportations could "cripple" health care across the United States.³⁵

Moreover, 55 percent of Haitian immigrants are covered by private health insurance (often through employer-sponsored insurance programs).³⁶ Ending work authorization for hundreds of thousands of Haitian TPS holders would deprive many of those individuals and their families of their employer-sponsored health insurance. *See* App. 81a. The result would be to increase publicly funded health care expenditures—by increasing the proportion of Haitian immigrants who are on public

³⁴ *See* Jacob S. Rugh & Matthew Hall, *Deporting the American Dream: Immigrant Enforcement and Latino Foreclosures*, 3 Socio. Sci. 1053, 1055, 1067–68 (Dec. 2016).

³⁵ Kay Lazar, *supra* note 18.

³⁶ *See* Dain & Batalova, *supra* note 23.

health insurance and by increasing public expenditures on emergency care provided to uninsured patients.³⁷

Stripping legal status from Haitian immigrants would also risk serious negative consequences for public health.³⁸ As courts have noted in other contexts, the “[p]ublic health is served when individuals freely seek preventive care and do not stave off care until they need emergency room treatment in the midst of a health crisis.” *City of Philadelphia v. Sessions*, 280 F. Supp. 3d 579, 609 (E.D. Pa. 2017). But as studies have consistently found, undocumented immigrants are often reluctant to seek medical treatment due to fear of detention and deportation.³⁹

Against this well-understood backdrop, terminating Haiti’s TPS protection would risk significant public health consequences. Many immigrants would lose employer-sponsored health care and be discouraged from seeking medical treatment due to fear of deportation. This would increase the broader community risk and would

³⁷ See U.S. Cong. Budget Off., *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments* 8 (Dec. 2007); Am. Compl., Ex. 83, Decl. of Jesse M. Caplan at 1–2, *New York v. Trump*, No. 1:17-cv-05228 (E.D.N.Y. Oct. 4, 2017), ECF No. 55-83 (“Caplan Decl.”).

³⁸ See App. in Supp. of Pls.’ Mot. for Provisional Relief at 789–90, *Regents of Univ. of Cal. et al. v. U.S. Dep’t of Homeland Sec.*, No. 3:17-cv-05211 (N.D. Cal. Nov. 1, 2017), ECF No. 118-1; Caplan Decl. at 1–2; Meredith L. King, *Immigrants in the U.S. Health Care System: Five Myths That Misinform the American Public*, Ctr. for Am. Progress 7 (June 7, 2007).

³⁹ See Sezer Kisa & Adnan Kisa, “No Papers, No Treatment”: A Scoping Review of Challenges Faced by Undocumented Immigrants in Accessing Emergency Healthcare, 23 Int’l J. for Equity in Health, no. 184, at 2, 6, 8 (2024); Omar Martinez et al., *Evaluating the Impact of Immigration Policies on Health Status Among Undocumented Immigrants: A Systematic Review*, 17 J. Immigr. & Minority Health 947, 966 (2015).

have many adverse results for immigrants and their families. For example, undocumented women are less likely to receive needed health care and preventive screenings than the general U.S. population, leading to significantly higher rates of conditions like cervical cancer, birth complications, and neonatal morbidity.⁴⁰

And newly undocumented former TPS holders may not seek treatment for their children or other family members—who may be U.S. citizens.⁴¹ For example, studies show that children of undocumented immigrants are often sicker when seeking emergency room care and frequently miss preventive annual exams.⁴² The results can be fatal; a child in Oklahoma died “when his parents delayed seeking medical treatment because they feared that hospital officials would report them to ICE.”⁴³

Because terminating Haiti’s TPS designation would raise healthcare costs and pose public health risks, the public interest weighs against a stay.

⁴⁰ Am. Coll. of Obstetricians & Gynecologists, Comm. Op. no. 627, *Health Care for Unauthorized Immigrants*, 125 *Obstetrics & Gynecology* 755, 756 (Mar. 2015).

⁴¹ See Lila Flavin et al., *Medical Expenditures on and by Immigrant Populations in the United States: A Systematic Review*, 48 *Int’l J. Health Servs.* 601, 617–18 (2018).

⁴² See King, *supra* note 36; Katherine Yun et al., *Parental Immigration Status Is Associated with Children’s Health Care Utilization: Findings from the 2003 New Immigrant Survey of U.S. Legal Permanent Residents*, 17 *Maternal & Child Health J.* 1913, 1916–19 (2013).

⁴³ Elizabeth M. McCormick, *Federal Anti-Sanctuary Law: A Failed Approach to Immigration Enforcement and a Poor Substitute for Real Reform*, 20 *Lewis & Clark L. Rev.* 165, 199 (2016).

D. Terminating Haiti’s TPS Designation Would Harm Public Safety.

The public has a strong interest in effective law enforcement and public safety at the state and local levels, both of which would be undermined by terminating Haiti’s TPS designation. *See* App. 81a.

Because TPS holders and their families have built lives in the United States, some may try to stay in this country even if their TPS status is terminated. But individuals who lack legal status are less likely to report crime—even crimes in which they themselves are victims due to fear of being removed.⁴⁴ Fear of removal, or of having a family or community member removed, makes victims and witnesses reluctant to come forward, to testify in court, and to seek safety in a domestic violence shelter.⁴⁵ When law enforcement is unable to obtain evidence of crimes and maintain witness cooperation at trial, public safety suffers.⁴⁶

Contrary to unsubstantiated contentions, recent arrivals of immigrants (including Haitians) have not led to any “crime wave.”⁴⁷ Moreover, TPS applicants must meet

⁴⁴ Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, Dep’t of Urb. Plan. & Pol’y, Univ. of Ill. at Chi. 14 (May 2013).

⁴⁵ *See* James Queally, *Fearing Deportation, Many Domestic Violence Victims Are Steering Clear of Police and Courts*, L.A. Times (Oct. 9, 2017).

⁴⁶ *See* Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, Ctr. for Am. Progress (Jan. 26, 2017) (sanctuary counties have lower crime rates than comparable non-sanctuary counties).

⁴⁷ *See* Ted Hesson & Mica Rosenberg, *Trump Says Migrants Are Fueling Violent Crime. Here Is What the Research Shows*, Reuters (July 16, 2024); Maria Cramer et al., *‘Migrant Crime Wave’ Not Supported by Data, Despite High-Profile Cases*, N.Y. Times (Feb. 15, 2024).

specified criteria to be granted that status, including screenings for criminal history and background checks.⁴⁸ And conviction for certain criminal offenses can trigger withdrawal of TPS status. *See* 8 C.F.R. §§ 244.14(a)(1), 244.4(a). The public interest in maintaining public order weighs against a stay.

CONCLUSION

The Court should deny the application for a stay.

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Respectfully submitted,

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⁴⁸ *See* Verónica Egui Brito & Syra Ortiz Blanes, *In a Few Weeks, Hundreds of Thousands of Venezuelans Will Lose TPS. What You Need to Know*, Miami Herald (Feb. 13, 2025).

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