

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HAITIAN-AMERICANS UNITED INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

CIVIL ACTION
NO. 1:25-cv-10498-RGS

[PROPOSED] BRIEF OF THE COMMONWEALTH OF MASSACHUSETTS AND THE STATES OF CALIFORNIA, NEW YORK, CONNECTICUT, DELAWARE, HAWAII, ILLINOIS, MAINE, MARYLAND, MICHIGAN, MINNESOTA, NEVADA, NEW JERSEY, OREGON, RHODE ISLAND, VERMONT, WASHINGTON, WISCONSIN, AND THE DISTRICT OF COLUMBIA AS AMICI CURIAE IN SUPPORT OF PLAINTIFF'S MOTION TO POSTPONE EFFECTIVE DATE OF AGENCY ACTION

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I. Introduction

During his 2024 campaign, President Trump and his campaign falsely alleged that Haitian immigrants in Springfield, Ohio had come to the United States without authorization and were eating their neighbors' pets.¹ Despite officials in Springfield denying this baseless claim and making clear that the members of their Haitian population were lawfully present, in many cases on the basis of Temporary Protected Status (TPS), Trump later disputed that those TPS holders had legal status, saying "they may have done it through a certain little trick, but they are illegal immigrants as far as I am concerned."² A few short weeks after taking office, the Trump Administration (via Secretary of Homeland Security Kristi Noem) purported to partially vacate Haiti's TPS designation without regard to the perilous conditions in Haiti and without any evidence that such conditions had improved (Haiti Vacatur).³

Moreover, four days after taking office, Secretary Noem later accused Venezuelan TPS holders of "violat[ing] our laws" and suggested that many were "dirt bags."⁴ Shortly thereafter, Secretary Noem purported to vacate and terminate Venezuela's TPS designation, claiming, again without evidence, that Venezuelans had cost the country billions in tax dollars and had

¹ Julia Reinstein and Hannah Demissie, *Trump pushes false claim that Haitian migrants are stealing and eating pets* (Sept. 10, 2024), <https://tinyurl.com/Trump-False-Claim>.

² *Id.*; Edith Olmsted, *Trump Is Now Threatening All Immigrants "Illegal" or Not* (Oct. 9, 2024), <https://newrepublic.com/post/186961/donald-trump-racist-attacks-springfield-ohio-lie>.

³ USCIS, *Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti*, 90 Fed. Reg. 10511 (Feb. 20, 2025), <https://tinyurl.com/Haiti-Vacatur>.

⁴ See Fox & Friends, *DHS Sec. Noem Announces End to Temporary Protected Status for Venezuelan Migrants*, Fox News, at 0:59, 1:22 (Jan. 29, 2025), <https://tinyurl.com/Announces-End-TPS-Venezuela>.

endangered the economy, safety, and public welfare of our communities (Venezuelan Termination).⁵

Through these unprecedented and unjustified actions, defendants seek to strip legal protection from communities that comprise more than 50 percent of all TPS holders.⁶ The Amici States⁷ respectfully submit this brief in support of the plaintiffs in this case because of the Amici States' strong interests in forestalling defendants' unlawful actions—and ultimately in preventing those actions from taking effect. The Amici States are home to thriving Haitian and Venezuelan communities—including many who are able to live and work in the United States because of TPS—and submit this brief to underscore plaintiffs' showing that Secretary Noem's decisions were baseless and arbitrary. Far from being a burden or threat to our States, Haitian and Venezuelan TPS holders are a resounding benefit. They are valued employees and residents of the Amici States, and many provide important public services to the Amici States' residents. They are homeowners and neighbors, co-workers, 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, our economies, and our public health and safety. The public interest therefore weighs heavily in favor of granting Plaintiffs' requested relief and postponing the vacatur and termination orders pending adjudication of Plaintiffs' claims.

⁵ USCIS, Termination of the October 3, 2023 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 9040 (Feb. 5, 2025), <https://tinyurl.com/Termination-2023-Designation><https://tinyurl.com/ythtkffn>.

⁶ U.S. Dep't of Homeland Security, *Temporary Protected Status: Calendar Year 2023 Annual Report*, at 4 (May 15, 2024), <https://tinyurl.com/8xneb338>.

⁷ The Amici States include: the Commonwealth of Massachusetts and the States of California and New York, together with Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and the District of Columbia.

II. Background and Interest of Amici States

A. Haitian TPS Holders

In 2010, a catastrophic earthquake in Haiti killed and displaced hundreds of thousands of people, throwing the country into crisis.⁸ In response, the Department of Homeland Security (DHS) designated Haiti for TPS protection in 2010, redesignated and extended the TPS protection in 2011, and repeatedly issued extensions thereafter.⁹ During the first Trump Administration, in 2018, DHS attempted to terminate Haiti’s TPS designation, but the termination was enjoined.¹⁰ DHS later newly designated Haiti for TPS in 2021, and then redesignated and extended TPS for Haiti in 2023 and 2024 (2024 Haiti Extension).¹¹ As of September 2024, 260,790 Haitians were living in the United States with TPS.¹²

The 2024 Haiti Extension, issued just seven months before the Haiti Vacatur and extending TPS protections through February 3, 2026, recognized that Haiti is experiencing severe political, security, environmental, humanitarian, and economic crises “that prevent Haitian nationals ... from returning to Haiti in safety.”¹³ The situation in Haiti is particularly perilous as the country lacks a functioning democratically-elected government to control the gang violence that killed or injured over 2,500 people in 2024 alone and led to an attack on the country’s primary

⁸ Richard Pallardy, *2010 Haiti Earthquake*, Britannica (Feb. 19, 2025), <https://tinyurl.com/2hz7mzwmw>.

⁹ USCIS, Partial Vacatur, *supra* note 3 (describing redesignations and extensions).

¹⁰ USCIS, Termination of the Designation of Haiti for TPS, 83 Fed. Reg. 2648 (Jan. 18, 2018) <https://tinyurl.com/4u549cn3>; *Ramos v. Nielsen*, 336 F. Supp. 3d 1075, 1108-09 (N.D. Cal. 2018), *vacated and remanded sub nom. Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020), *reh'g en banc granted, opinion vacated*, 59 F.4th 1010 (9th Cir. 2023).

¹¹ USCIS, Partial Vacatur, *supra* note 3 (describing redesignations and extensions).

¹² Congressional Research Service, *Temporary Protected Status and Deferred Enforced Departure* at 7 (Dec. 5, 2024), <https://tinyurl.com/4pkne2fc>.

¹³ USCIS, Extension and Redesignation of Haiti for TPS, 89 Fed. Reg. 54484 (July 1, 2024), <https://tinyurl.com/2024-Haiti-Redesignation>.

international airport by gangs.¹⁴ The Haiti Vacatur took the unprecedented action of reducing the designation period announced in the 2024 Haiti Extension from eighteen months to twelve months, without evidence that the country conditions in Haiti had improved.¹⁵

B. Venezuelan TPS Holders

The collapse of Venezuela’s oil-dependent economy over the past ten years has triggered widespread violence and severe shortages of food, medicine, and other necessities.¹⁶ The calamity has been described as “an unrelenting humanitarian crisis.”¹⁷ In response, DHS designated Venezuela for TPS protection in 2021,¹⁸ then issued a re-designation in 2023—available to Venezuelans who arrived after the effective date of the 2021 designation—because of the persistence of the humanitarian crisis.¹⁹

On January 17, 2025, then-Secretary of Homeland Security Alejandro Mayorkas extended the protection for Venezuelan TPS holders through October 2, 2026 and explained in detail how Venezuela’s “humanitarian emergency [is] marked by an economic contraction, deepening poverty, reduced access to food and medicine, a collapse in basic services, fuel shortages, human rights abuses and political repression, [and] crime and violence[.]”²⁰ As a result of this persistent instability, more than one-quarter of Venezuela’s population, about 7.7 million people, have fled

¹⁴ *Id.*

¹⁵ USCIS, Partial Vacatur, *supra* note 3 (stating only that developments “might result in an improvement in conditions”).

¹⁶ USCIS, 2021 Designation of Venezuela for Temporary Protected Status, 86 Fed. Reg. 13574 (Mar. 9, 2021), <https://tinyurl.com/2021-Venezuelan-Designation>.

¹⁷ Iván Reyes, *As Election Looms, Venezuelans See-Saw Between Hope and Fear*, The New Humanitarian (July 8, 2024), <https://tinyurl.com/Venezuelans-See-Saw>.

¹⁸ USCIS, 2021 Designation, *supra* note 16.

¹⁹ USCIS, Extension and Redesignation of Venezuela for Temporary Protected Status, 88 Fed. Reg. 68130 (Oct. 3, 2023), <https://tinyurl.com/Extension-and-Redesignation>.

²⁰ USCIS, Extension of the 2023 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 5961 (Jan. 17, 2025), <https://tinyurl.com/Extension-of-2023-Designation>.

the country.²¹ As of January 2025, more than 600,000 Venezuelans are lawfully living in the United States with TPS.²²

C. Haitian and Venezuelan TPS Holders Benefit the Amici States

The Amici States are home to at least 101,600 Venezuelan immigrants, and at least 283,500 Haitian immigrants.²³ New York and Massachusetts are home to the second-largest and third-largest populations of Haitian immigrants in the country respectively. Some estimates indicate over 15,000 Haitian TPS holders live in Massachusetts;²⁴ 7,000 Haitian and 6,000 Venezuelan TPS holders live in New Jersey; and another 5,400 Haitian TPS holders live in New York City alone.²⁵ Venezuelans represent the largest share of TPS holders, making up more than half of the one million TPS holders in the United States.²⁶ These Haitian and Venezuelan immigrants and their families have made meaningful contributions to our States, and our States have worked hard to welcome them. For example, California historically allocated \$10 million annually to provide legal services to TPS holders, and will continue to dedicate resources to this important community through its funding for the immigrant community as a whole—including \$45 million annually to support legal services, education, and technical assistance to community

²¹ Karen Aho, *Spotlight on the Economic Contributions of TPS Holders*, Immigration Impact (Oct. 23, 2023), <https://tinyurl.com/Economic-Contributions-TPS>.

²² Ana Alanis Amaya & Jeanne Batalova, *Venezuelan Immigrants in the United States* (Feb. 6, 2025), <https://tinyurl.com/Venezuelan-Immigrants-in-US>.

²³ Migration Policy Institute, *U.S. Immigrant Population by State and County*, (2019-2023), <https://tinyurl.com/mrxz97ja>.

²⁴ *Id.*; International Institute of New England, *IINE Statement on Suspension of TPS for Nearly 500,000 Haitian Immigrants* (Feb. 21, 2025), <https://tinyurl.com/32x32a4e>.

²⁵ Jennifer Bislam, NYC officials call on Trump administration to stop TPS rollback for Haitians, CBS News (Feb. 27, 2025), <https://tinyurl.com/3tzfdtv3>.

²⁶ 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), <https://tinyurl.com/Venezuelans-Will-Lose-TPS> (finding that of the about 900,000 Venezuelans in the U.S., according to Census data, as of December 2024 there were around 600,000 approved beneficiaries of TPS).

organizations.²⁷ Massachusetts, recognizing that obtaining a work authorization through the TPS program is a valuable avenue to self-sufficiency, has arranged for TPS clinics to assist individuals in Massachusetts' emergency assistance shelters.²⁸ New York has also dedicated substantial resources and support to TPS holders, including by assisting with work authorization applications and connecting these TPS holders to employers.²⁹

In short, the Amici States are proud to invest in Haitian, Venezuelan, and other TPS holders, and have a critical interest in ensuring that their legal status is not unlawfully revoked. Indeed, the Amici States have a strong interest in ensuring that federal agencies refrain from actions that—like those at issue in this matter—are arbitrary and capricious, discriminatory, and unconstitutional.

III. The Public Interest Favors Postponement Because DHS's Actions Would Inflict Irreparable Harm on Families and on the Amici States

In evaluating a postponement motion under 5 U.S.C. § 705, courts generally apply the same factors that would apply to a preliminary injunction motion. *See, e.g., Mass. Fair Hous. Ctr. v. United States Dep't of Hous. & Urb. Dev.*, 496 F. Supp. 3d 600, 609 (D. Mass. 2020). One of those factors is whether the “injunction is in the public interest.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). The Amici States support plaintiffs' arguments in favor of all four factors relevant to postponement, but write here to explain the significant public interests at stake. In cases like this one, which affect many non-parties (including the Amici States), the

²⁷ Cal. Legis. Analyst's Off., *The 2024-2025 Budget: Department of Social Services Immigration and Equity Programs* (Mar. 15, 2024), <https://tinyurl.com/24-25-Budget>.

²⁸ Massachusetts Immigrant & Refugee Advocacy Coalition, *MIRA Partnering with State to Offer TPS Clinics for Emergency Assistance Shelter Residents* (Sept. 5, 2024), <https://tinyurl.com/MIRA-TPS-Clinic>.

²⁹ *See, e.g., State of New York, Governor Hochul, Mayor Adams Announce \$38 Million for Asylum Seeker Legal Services and Case Management* (Oct. 3, 2023), <https://tinyurl.com/38-million-for-asylum>.

hardship to third parties is integral to the public interest analysis. *See Everett J. Prescott, Inc. v. Ross*, 383 F. Supp. 2d 180, 193 (D. Me. 2005) (citing *United States v. Zenon*, 711 F.2d 476 (1st Cir. 1983)). In general, third-party harms that are relevant to the public interest analysis include harms to family members;³⁰ economic and employment-based harms;³¹ increased public health care expenses;³² public health harms;³³ public safety harms;³⁴ and impacts to public services.³⁵ All these cognizable harms would affect Amici States and their residents if the TPS termination and vacatur are not postponed.

A. Family Separation Would Devastate Children and Fracture Amici States’ Communities and Schools

The families of Haitian and Venezuelan TPS holders, many of whom live in the Amici States, will be profoundly harmed if the vacatur and termination are not postponed. In 2022, approximately 141,000 U.S. citizen children and 196,000 U.S. citizen adults lived with a Haitian

³⁰ *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017) (citing “indirect hardship to [plaintiffs’] friends and family members,” including harm to children who “had to receive counseling because of the trauma of their government-compelled separation from their father”) (citation omitted).

³¹ *Nat’l Ass’n of Mfrs. v. U.S. Dep’t of Homeland Sec.*, 491 F. Supp. 3d 549, 571 (N.D. Cal. 2020) (enjoining limitation on certain nonimmigrant work visas and noting harms to “hundreds of thousands of American businesses of all sizes and economic sectors”).

³² *Golden Gate Rest. Ass’n v. City & Cnty. of S.F.*, 512 F.3d 1112, 1126 (9th Cir. 2008) (citing municipality’s “overall health care expenses”).

³³ *World Gym, Inc. v. Baker*, 474 F. Supp. 3d 426, 434 (D. Mass. 2020) (recognizing public interest in preserving public health); *see also City & Cnty. of S.F. v. USCIS*, 981 F.3d 742, 762 (9th Cir. 2020) (affirming injunction against DHS’s redefinition of “public charge,” acknowledging that the rule would have “adverse effects on the health and welfare of the immigrant as well as general population”).

³⁴ *Baillargeon v. CSX Transportation Corp.*, 463 F. Supp. 3d 76, 86 (D. Mass. 2020) (examining public interest in access to emergency services).

³⁵ *California v. U.S. Dep’t of Educ.*, No. CV 25-10548-MJJ, 2025 WL 760825, at *5 (D. Mass. Mar. 10, 2025) (granting temporary restraining order and acknowledging disruption to public services is against the public interest) (appeal pending); *City & Cnty. of S.F. v. Trump*, 897 F.3d 1225, 1244 (9th Cir. 2018) (“[T]he public interest cannot be disserved by an injunction that brings clarity to all parties and to citizens dependent on public services.”).

or Venezuelan TPS holder.³⁶ Thus, over 330,000 U.S. citizens lived in “mixed status” households with individuals whom DHS seeks to unlawfully strip of their legal status—and this figure does not account for the hundreds of thousands of Haitians and Venezuelans who were newly eligible under the 2023 and 2024 designations. Terminating TPS would create extreme hardship for these households, withdrawing their members’ work authorization and exposing them to the threat of deportation.

Compelling TPS holders to return en masse to Haiti and Venezuela would pose substantial dangers to many members of the Amici States’ communities. As discussed above, just over a month ago, then-Secretary Mayorkas declared that Venezuela remained in a state of “severe humanitarian emergency.”³⁷ He supported his conclusion with 52 sources, whereas Secretary Noem did not cite a single source for the conclusion that there were “notable improvements in several areas” in Venezuela.³⁸ In the Haiti Vacatur, Secretary Noem did not even attempt to argue that Haiti’s conditions had improved, but instead speculated that recent developments “might result in an improvement in conditions.”³⁹ No such “improvement” has materialized to date, as evidenced by the fact that the U.S. State Department continues to classify Haiti and Venezuela as “Level 4: Do Not Travel” countries—its highest risk designation—warning of the “high risk of wrongful detentions, terrorism, kidnapping, the arbitrary enforcement of local laws, crime, civil unrest, [and] poor health infrastructure” in Venezuela and

³⁶ FWD.us, *Temporary Protected Status Protects Families While Also Boosting the U.S. Economy* (Feb. 2024), <https://tinyurl.com/TPS-Protects-Families>.

³⁷ USCIS, *Extension of the 2023 Designation*, *supra* note 20.

³⁸ Nat’l Found. for Am. Policy, *An Analysis of the DHS Decision to Terminate TPS for Venezuela 1* (Feb. 2025), <https://tinyurl.com/344dyxbn>; *see* USCIS, *Termination of the October 3, 2023 Designation*, *supra* note 5.

³⁹ USCIS, *Partial Vacatur*, *supra* note 3.

“kidnapping, crime, civil unrest, and limited healthcare” in Haiti.⁴⁰ The Federal Aviation Administration recently extended its prohibition on commercial aircraft operations in Haiti because “[a]rmed gangs continue to control large portions of the capital, Port-au Prince, and have used small arms to fire on civilian aircraft, helicopters, airports, and related infrastructure on several occasions.”⁴¹ The United States also suspended embassy and consular operations in Venezuela in 2019, and to date, such services remain unavailable in the country.⁴²

Against that backdrop, revoking Haiti and Venezuela’s TPS designations would present current TPS holders—particularly those with U.S. citizen children, many of whom live in the Amici States—with an agonizing choice. TPS-holder parents will be forced to choose between (1) returning to Haiti or Venezuela alone, leaving their children behind in broken families or in the foster care system;⁴³ (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 and retreating into the shadows, knowing that they cannot work legally and could be forcibly removed to Haiti or Venezuela at any time.

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

⁴⁰ U.S. Dep’t of State, *Venezuela Travel Advisory* (Sept. 24, 2024), <https://tinyurl.com/VE-Travel-Adv>; U.S. Dep’t of State, *Haiti Travel Advisory* (Sept. 18, 2024), <https://tinyurl.com/Haiti-Travel-Advisory>; U.S. Dep’t of State, *Security Alerts, Strikes and Demonstrations in Port-au-Prince* (Feb. 24, 2025), <https://tinyurl.com/rmdhn2vk>.

⁴¹ Federal Aviation Administration, *United States of America Prohibition Against Certain Flights in the Territory and Airspace of Haiti* (Mar. 11, 2025) <https://tinyurl.com/89r8nyxx>; Federal Aviation Administration, *FAA Background Information Regarding U.S. Civil Aviation – Haiti*, <https://tinyurl.com/27rvkwaj>.

⁴² *Venezuela Travel Advisory*, *supra* note 40

⁴³ Am. Immigr. Council, *U.S. Citizen Children Impacted by Immigration Enforcement* (June 24, 2021), <https://tinyurl.com/Citizen-Children-Impacted>.

be deported.⁴⁴ This fear can profoundly shape their daily lives. One study found that 30 percent of Latino student participants—including those born in the United States—altered their routines due to deportation fears.⁴⁵ This included refraining from driving, seeking medical care, attending religious services, or participating in afterschool activities; taking a different route to school; and staying at home more often.⁴⁶ These harms would have ripple effects throughout the Amici States and their schools, with far-reaching and long-term consequences. Indeed, a recent profile of a California school district noted that “fear is everywhere” and “rumors about ICE sweeps abound.”⁴⁷ As a result, families are “afraid to go to school.”⁴⁸ In Massachusetts, for example, school administrators have reported thousands of absences due to fear of immigration enforcement.⁴⁹

When these fears materialize and families are forcibly separated, the consequences are severe. Parental deportation is deeply traumatic and disruptive for children: it is linked to extreme psychological distress, anxiety, depression, post-traumatic stress disorder (PTSD), externalizing behaviors (such as aggression), and difficulties sleeping.⁵⁰ Beyond emotional and psychological harm, these children often face additional hardships, including financial

⁴⁴ Ronald B. Cox, et al., *Validation of the Family Fear of Deportation Scale for Youth*, 72 *Family Relations* 734, 736 (2023).

⁴⁵ Randy Capps, et al., *Immigration Enforcement and the Mental Health of Latino High School Students*, *Migration Policy Inst.* 1, 2–3 (Sept. 2020).

⁴⁶ *Id.*

⁴⁷ Carolyn Jones, ‘*Afraid to Go to School*’: *Immigrant Families in Salinas Are Gripped by Fear*, *San Gabriel Valley Tribune* (Feb. 20, 2025), <https://tinyurl.com/afraid-to-go-to-school>.

⁴⁸ *Id.*

⁴⁹ Giulia Nieto del Rio et al, ‘*They’re going to deport us*’: *Trump’s immigration policies prompt some children to skip school*, *The Boston Globe* (Feb 25, 2025), <https://tinyurl.com/4vzwzcvy>.

⁵⁰ 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 also 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).

instability, housing and food insecurity, and disruptions in their education, such as increased school absences and lower academic engagement.⁵¹ Bullying related to immigration status is also common.⁵² 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 such separation.⁵³

The harms associated with the proposed TPS termination are particularly acute given the whiplash nature of the Administration's abrupt policy change. Less than two years ago, approximately 472,000 Venezuelans qualified for protection under the 2023 designation.⁵⁴ Secretary Mayorkas's January 17, 2025 extension gave these individuals assurance that they would remain protected through October 2, 2026.⁵⁵ Similarly, approximately 523,000 Haitians qualified for protection under the 2024 Haiti Designation and received assurance that they would be protected through February 3, 2026.⁵⁶ As discussed by Plaintiffs, such extensions have never before been vacated—even after a change in administration. *Plaintiffs' Motion*, Dkt. 10 at p. 12-13. Yet, just months after the 2024 Haiti Extension and just eleven days after the 2025 Venezuelan extension, the new Administration—in vacatur without precedent—shattered the plans and prospects of countless Haitian and Venezuelan families in the Amici States when it reversed course. *See id.* at p. 6-7, 17-18.

⁵¹ Ojeda, et al., *supra* note 50, 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, 7 (2024).

⁵² Mallika Seshadri, *Research: Immigration Enforcement Hinders Schoolwork; Schools Offer Support*, EdSource (Feb. 16, 2024), <https://tinyurl.com/Hinders-Schoolwork>.

⁵³ Pinedo & Escobar, *supra* note 50, at S501.

⁵⁴ USCIS, *Extension and Redesignation*, *supra* note 19.

⁵⁵ USCIS, *Extension of the 2023 Designation*, *supra* note 20.

⁵⁶ USCIS, *Extension and Redesignation of Haiti for TPS*, *supra* note 13.

The fracturing of Haitian and Venezuelan families would have far-reaching impacts on children, their families, and on the Amici States in which they live. The public interest strongly favors preserving the unity of these families.

B. The Amici States' Economies and Workforces Would be Strained

The termination and vacatur of Haiti and Venezuela's TPS designations would also substantially harm the Amici States' economies by depleting their workforces and depriving them of considerable tax revenue.

The Amici States employ TPS holders to perform crucial public services. For example, Massachusetts employs over forty Haitian TPS holders in its Department of Developmental Services (DDS) alone, who are primarily direct care workers in DDS group homes. DDS provides services in group home settings to some of Massachusetts' most vulnerable populations.⁵⁷ Massachusetts anticipates that there are Personal Care Attendants in MassHealth's Personal Care Attendant Program who are Haitians who would be impacted by the Haitian Vacatur.⁵⁸ Massachusetts also has reason to believe that child-care providers licensed by the Commonwealth are Haitians who will be impacted by the Haiti Vacatur. The termination and vacatur therefore pose serious operational challenges to the Amici States' abilities to care for vulnerable populations such as children, elders, and developmentally disabled individuals if these state employees and licensees are stripped of legal status, lose their work authorization, and are forced to leave en masse. At minimum, the Amici States face significant costs to rehire or

⁵⁷ See Commonwealth of Massachusetts, *Department of Developmental Services*, <https://www.mass.gov/orgs/departement-of-developmental-services>.

⁵⁸ See Commonwealth of Massachusetts, <https://www.mass.gov/masshealth-personal-care-attendant-program>.

recruit care workers to fill these positions, as care-giving positions are challenging to fill in both the private and public sector.⁵⁹

TPS holders are also crucial contributors to the Amici States' broader economies. TPS-eligible Venezuelans and Haitians contribute \$15.9 billion annually to the U.S. economy.⁶⁰ Seventy-five percent of Venezuelan immigrants sixteen and older were formally employed in 2023,⁶¹ with high rates of participation in industries such as transportation, material moving, natural resources, construction, and maintenance.⁶² Sixty-nine percent of Haitian immigrants aged sixteen and older were formally employed in 2022, with high rates of participation in healthcare support and service industries.⁶³ Moreover, a recent estimate found that 218,000 TPS-eligible Haitians and Venezuelans work in labor-short industries, defined as those with openings for at least 4 percent of their workforce.⁶⁴ In Delaware, the Haitian community provides a significant contribution to one of the state's most important sectors, the poultry industry.⁶⁵ Two

⁵⁹ Kate Johnston, 'Our future workforce': How 41 Haitian migrants solved a Marlborough nonprofit's staffing shortage (Oct. 1, 2024), <https://tinyurl.com/388h97dk>.

⁶⁰ FWD.us, *supra* note 36 at 2. "TPS-eligible" includes those who hold TPS as well as those who qualify for TPS but may not have applied. *Id.* at 5.

⁶¹ Amaya & Batalova, *supra* note 22.

⁶² *Id.*; see also ABC Newsline, *Learn About Recent Immigration Actions Under the Trump Administration*, (Feb. 10, 2025), <https://tinyurl.com/Recent-Immigration-Actions> (national trade organization representing more than 23,000 members through 67 chapters, calling for "protections for TPS recipients, who have been members of the construction industry workforce for years" and estimating between 70,000-100,000 TPS and DACA recipients work in the construction industry); see also Kevin Williams, *What Trump's Mass Deportation Plan Would Mean for Immigrant Workers and the Economy*, CNBC (Nov. 11, 2024), <https://tinyurl.com/Mass-Deportation-Plan> (reporting estimates from construction, housing, and technology industries that mass deportations including TPS individuals, would shrink U.S. GDP by \$1.1 trillion to \$1.7 trillion).

⁶³ Beatrice Dain and Jeanne Batalova, *Haitian Immigrants in the United States* (Nov. 8, 2023), <https://www.migrationpolicy.org/article/haitian-immigrants-united-states>.

⁶⁴ FWD.us, *supra* note 36, at 2.

⁶⁵ Delmarva Chicken Association, *DCA Facts & Figures* (Mar. 24, 2025), <https://www.dcachicken.com/facts/facts-figures.cfm>.

of Delaware's leading poultry plants, Mountaire Farms and Perdue Farms, have indicated they anticipate losing almost twenty percent of their workforce due to the TPS vacatur and termination. The removal of thousands of people from Delaware's poultry industry would almost certainly impact the national economy, as well as food security, food prices (which would increase), and food shortages at grocery stores and restaurants.

As a group, TPS holders from all countries have also shown high rates of entrepreneurship—14.5 percent of TPS holders are self-employed, as compared with 9.3 percent of the U.S.-born workforce.⁶⁶ The 2021 TPS population included more than 38,100 entrepreneurs, or self-employed workers, who generated \$1.5 billion in business income.⁶⁷ In California alone, 7,800 self-employed TPS holders generated \$224.8 million in business income.⁶⁸ These workforce contributions generate substantial state and federal tax revenue. In 2023, TPS holders from all countries paid \$3.1 billion in federal taxes, contributing to programs like Social Security and Medicare, and paid \$2.1 billion in state and local taxes.⁶⁹ These contributions were particularly high in several of the Amici States. For example, in Massachusetts, New York, and California alone, TPS households earned \$4.9 billion in income, paid \$717.7 million in federal taxes and \$588.6 million in state and local taxes, and contributed \$3.66 billion in spending power.⁷⁰

⁶⁶ Aho, *supra* note 21.

⁶⁷ Am. Immigr. Council, *The Contributions of Temporary Protected Status Holders to the U.S. Economy* 4 (Sept. 2023), <https://tinyurl.com/TPS-Economy>.

⁶⁸ *Id.*

⁶⁹ See Am. Immigr. Council, *Map the Impact: Immigrants in the United States* (updated 2024), <https://tinyurl.com/4yn722kh>.

⁷⁰ Am. Immigr. Council, *Map the Impact: Immigrants in Massachusetts* (updated 2024), <https://tinyurl.com/yz7dkxfz>; Am. Immigr. Council, *Map the Impact: Immigrants in California* (updated 2024), <https://tinyurl.com/5t3by8dw>; Am. Immigr. Council, *Map the Impact: Immigrants in New York* (updated 2024), <https://tinyurl.com/Immigrants-NY>.

Revoking Haiti and Venezuela's TPS designation would endanger all these economic contributions. Many current TPS holders would have no choice but to return to Haiti or Venezuela, taking their economic contributions with them. And those who remain in the country 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. The result would be lower wages and less productivity in the Amici States' economies. The average wage gap between undocumented and legal immigrants exceeds 35 percent,⁷¹ with particularly acute impacts for undocumented women. In California, for example, undocumented women make 58 cents for every dollar paid to all men, 44 cents compared to white men, and 67 cents for every dollar paid to all women.⁷² Such lower-wage, unauthorized employment would also inevitably lead to a decline in tax revenues for the Amici States. Finally, at least 41 percent of TPS households are homeowners and pay taxes on property having a total value of approximately \$19 billion.⁷³ The Amici States would likely face a wave of mortgage foreclosures if current TPS holders are forced suddenly to leave the country or else accept lower-paid employment, thus harming property values and reducing property tax receipts.⁷⁴

The TPS-holder community, including Haitians and Venezuelans, are dynamic contributors to Amici States' economies. Terminating their legal status would cause substantial harms to Amici States' economies, workforces, and tax revenue.

⁷¹ See George J. Borjas & Hugh Cassidy, *The Wage Penalty to Undocumented Immigration*, 61 Lab. Econ. 1, 2 (2019), <https://tinyurl.com/Wage-Penalty>.

⁷² Alejandra Reyes-Velarde, *'Double Disadvantage': These California Workers' Pay Gap Is Widest by Far*, CalMatters (July 27, 2023), <https://tinyurl.com/CA-Workers-Pay-Gap>.

⁷³ Aho, *supra* note 21.

⁷⁴ See Jacob S. Rugh & Matthew Hall, *Deporting the American Dream: Immigrant Enforcement and Latino Foreclosures*, 3 Socio. Science 1053, 1067-68 (2016).

C. Public Health Would be Compromised and Health Care Costs Would Increase

Terminating Haiti and Venezuela’s TPS designations would also have significant negative effects on public health in the Amici States and around the country. For example, 67 percent of Venezuelan immigrants and 55 percent of Haitian immigrants are covered by private health insurance (often through employer-sponsored insurance programs).⁷⁵ Ending work authorization for hundreds of thousands of Haitian and Venezuelan TPS holders would deprive many of those individuals and their families of their employer-sponsored health insurance. The result would be to increase the Amici States’ health care expenditures—both by increasing the proportion of Haitian and Venezuelan immigrants who are on public health insurance and by increasing public expenditures on emergency care provided to uninsured patients (e.g., through emergency health insurance, payments to hospitals and community health centers, and funding for public health programs).⁷⁶ Avoiding such costs is an important public interest weighing in favor of postponement.

Moreover, stripping legal status from hundreds of thousands of Haitian and Venezuelan immigrants would risk serious negative consequences for public health and the public interest.⁷⁷ As courts have noted in other contexts, the “[p]ublic health is served when individuals freely

⁷⁵ See Amaya & Batalova, *supra* note 22; Dain & Batalova, *supra* note 63.

⁷⁶ See, e.g., 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, *New York v. Trump*, 1:17-cv-5228 (E.D.N.Y. Oct. 4, 2017), ECF No. 55-83 (“Caplan Decl.”); Lila Flavin, et al., *Medical Expenditures on and by Immigrant Populations in the United States: A Systematic Review*, 2018 Int’l J. Health Servs. 601, 617 (2018) (noting that “immigrants often rely on safety-net options” such as public health programs), <https://perma.cc/2XD3-2A3E>.

⁷⁷ See, e.g., App. in Supp. of Pls.’ Mot. for Provisional Relief at 789-90, *Regents of Univ. of Cal. v. United States Dep’t of Homeland Sec.*, No. 3:17-cv-05211 (N.D. Cal. Nov. 1, 2017), ECF No. 118-1; Caplan Decl., *supra* note 76; Meredith L. King, *Immigrants in the U.S. Health Care System: Five Myths That Misinform the American Public*, Ctr. for Am. Progress 6 (2007), <https://tinyurl.com/Immigrants-Health-Care>.

seek preventive care and do not stave off care until they need emergency room treatment in the midst of a health crisis.” *E.g.*, *Philadelphia v. Sessions*, 280 F. Supp. 3d 579, 609 (E.D. Pa. 2017), *subsequent judgment aff’d*, 916 F.3d 276 (3d Cir. 2019). For example, the public greatly benefits when residents seek out diagnostic testing for and treatment of (or vaccination against) infectious diseases such as COVID-19, tuberculosis, and HIV.⁷⁸ But as studies have consistently found for decades, undocumented immigrants are often reluctant to seek medical treatment due to fear of detention and deportation.⁷⁹ This phenomenon is so well documented that health-care providers often take significant steps to combat it—as where one clinic “placed itself right next to a Baptist church in order to prevent raids by [ICE] agents that would scare away its mostly undocumented users.”⁸⁰

Against this well-understood backdrop, stripping Haitian and Venezuelan immigrants of lawful status (via mass revocation of TPS) would risk significant public health consequences.

⁷⁸ See, e.g., Cassandra D. Kelly-Cirino, et al., *Importance of Diagnostics in Epidemic and Pandemic Preparedness*, 4 *BMJ Glob. Health* 1, 1 (2018); Mark Perkins, et al., *Diagnostic Preparedness for Infectious Disease Outbreaks*, 390 *The Lancet* 2211, 2211 (2017); Alejandro Portes, et al., *The U.S. and Immigration: An Institutional Interpretation*, 24 *Socio. Forum* 487 (2009) (manuscript at 10, 14), <https://tinyurl.com/Portes-Manuscript>.

⁷⁹ See, e.g., 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* 184 (2024) (manuscript at 2, 6, 8), <https://tinyurl.com/Kisa-Manuscript>; 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 (2015) (manuscript at 10), <https://tinyurl.com/Martinez-Manuscript> (immigrants often “refrain from seeking vital services, including medical services, from any local government or private agency—even agencies unrelated to law enforcement—for fear of exposing themselves or their family members to legal sanctions or harassment”); Scott D. Rhodes, et al., *The Impact of Local Immigration Enforcement Policies on the Health of Immigrant Hispanics/Latinos in the United States*, 105 *Am. J. Pub. Health* 329, 332 (2015) (immigrants “reported that they ... did not access or utilize health services for which they were eligible, including preventive services,” because “[t]hey worried that ... their lack of documentation ... would put them at risk for detention and deportation”).

⁸⁰ Portes, et al., *supra* note 78, at 14.

Many immigrants would not only lose employer-sponsored health care but would also be discouraged from seeking medical treatment of any kind due to fear of deportation. This would increase the broader community risk and would have many adverse results for individual 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, neonatal morbidity, respiratory distress syndrome, and seizures for newborns.⁸¹

And newly undocumented former TPS holders may also elect not to seek treatment for their children or other family members—who may themselves be natural-born U.S. citizens.⁸² For example, studies show that children of undocumented immigrants are often sicker when seeking emergency room care and frequently miss preventive annual exams.⁸³ And the results can be fatal, as where a child in Oklahoma died “when his parents delayed seeking medical treatment because they feared that hospital officials would report them to ICE.”⁸⁴

Because terminating Haiti and Venezuela’s TPS designation would strip status from a significant population of immigrants in the Amici States, and because such a shift would both raise healthcare costs and pose grave substantive risks to public health, the public interest weighs in favor of postponement.

⁸¹Am. Coll. of Obstetricians & Gynecologists, Comm. Op. No. 627, *Health Care for Unauthorized Immigrants*, 125 *Obstetrics & Gynecology* 755 (2015); see also Am. Coll. of Obstetricians & Gynecologists, Comm. Statement No. 4, *Health Care for Immigrants*, 141 *Obstetrics & Gynecology* 427, 428–29 & nn.8–11 (2023), <https://tinyurl.com/Health-Care-Immigrants>.

⁸² See Flavin, *supra* note 76, at 18.

⁸³ King, *supra* note 77, at 5; Katherine Yun, et al., *Parental Immigration Status Is Associated with Children’s Health Care Utilization*, 17 *Maternal & Child Health J.* 1913, 1916–19 (2013).

⁸⁴ 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. Public Safety Would Suffer and Communities Would Hesitate to Report Crime

The Amici States have strong interests in effective law enforcement and protection of public safety, at both the state and local levels. Terminating Haiti and Venezuela’s TPS designations would make effective law enforcement and protection of public safety more difficult.

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—if they “fear that [officials] will ask . . . about their immigration status” and increase their perceived risk of being removed.⁸⁵ 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 even to seek safety in a domestic violence shelter.⁸⁶ When law enforcement is unable to obtain evidence of crimes and maintain witness cooperation at trial, public safety suffers.⁸⁷

This public interest is particularly weighty (and the TPS termination is particularly irrational) in view of the Administration’s expressed concern regarding the Venezuelan gang Tren de Aragua. Discouraging innocent Venezuelan witnesses from coming forward will hinder

⁸⁵ See, e.g., 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), <https://tinyurl.com/Insecure-Communities>.

⁸⁶ James Queally, *Fearing Deportation, Many Domestic Violence Victims Are Steering Clear of Police and Courts*, L.A. Times (Oct. 9, 2017), <https://tinyurl.com/Undocumented-Crime-Reporting>.

⁸⁷ See, e.g., Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, Ctr. for Am. Progress, Ctr. for Am. Progress (Jan. 26, 2017), <https://tinyurl.com/Effects-of-Sanctuary-Policies> (sanctuary counties have lower crime rates than comparable nonsanctuary counties); see also Queally, *supra* note 86 (quoting former San Francisco District Attorney George Gascón’s concern that “severe injury or homicide” can result when domestic violence is unreported).

law enforcement efforts to combat this gang (which the federal government has newly designated a “foreign terrorist organization”) as well as other criminal organizations and individuals.⁸⁸ And there is no plausible counterargument that terminating Venezuela’s TPS status would somehow reduce crime or facilitate the removal of noncitizens convicted of crimes from the country.

Contrary to unsubstantiated contentions, recent arrivals of immigrants, including Haitians and Venezuelans, have not led to any “crime wave,” and research shows that immigrants are *less* likely than the general population to commit crimes.⁸⁹ Moreover, TPS applicants must meet specified criteria to be granted that status, including screenings for criminal history and background checks.⁹⁰ And conviction for certain criminal offenses can also trigger withdrawal of TPS status. *See* 8 C.F.R. § 244.14(a)(1).

Terminating Haiti and Venezuela’s TPS designations would pose challenges to jurisdictions around the country in enforcing their criminal codes and protecting public safety. Amici’s interests in maintaining public order weigh heavily in favor of granting a postponement.

IV. Conclusion

For the foregoing reasons, Plaintiffs’ motion to postpone should be granted.

⁸⁸ *See* U.S. Dep’t of State, Foreign Terrorist Organization Designations of Tren de Aragua, Mara Salvatrucha, Cartel de Sinaloa, Cartel de Jalisco Nueva Generacion, Carteles Unidos, Cartel del Noreste, Cartel del Golfo, and La Nueva Familia Michoacana, 90 Fed. Reg. 10030 (Feb. 20, 2025), <https://tinyurl.com/Foreign-Terror-Designations>.

⁸⁹ *See, e.g.*, Ted Hesson & Mica Rosenberg, *Trump Says Migrants Are Fueling Violent Crime. Here Is What the Research Shows*, Reuters (July 16, 2024), <https://tinyurl.com/What-The-Research-Shows>; Maria Cramer, et al., *‘Migrant Crime Wave’ Not Supported by Data, Despite High-Profile Cases*, N.Y. Times (Feb. 15, 2024), <https://tinyurl.com/Crime-Wave-Not-Supported>; Dany Bahar, et al., *Venezuelan Migration, Crime, and Misperceptions: A Review of Data from Colombia, Peru, and Chile*, Migration Policy Inst. & Brookings Inst. (Sept. 2020), <https://tinyurl.com/Migration-Crime-Misperceptions>.

⁹⁰ *See* Egui Brito & Ortiz Blanes, *supra* note 26.

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CERTIFICATE OF SERVICE

I, Hannah C. Vail, hereby certify that I have this day, March 25, 2025, served the foregoing document upon all parties of record, by electronically filing to all ECF-registered parties and by sending a copy, first-class mail, postage prepaid to all unregistered parties.

/s/ Hannah C. Vail
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