

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

**UNOPPOSED MOTION FOR LEAVE TO FILE 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**

Proposed Amici Curiae the Commonwealth of Massachusetts, and the States of California, New York, Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and the District of Columbia ("States") move for leave to file an amicus brief in support of Plaintiffs' Motion to Stay the Effective Date of Agency Action (ECF No. 9). In support of the motion, the States assert the following:

1. The States are sovereign states and are also home to thousands of Haitian and Venezuelan beneficiaries of Temporary Protected Status ("TPS") who are affected by the partial vacatur of the TPS designation for Haiti and the termination and vacatur of the TPS designation

for Venezuela.¹ Some States are also employers of impacted TPS beneficiaries who perform important work on behalf of the States and their residents.

2. The States support Plaintiffs' Motion to Stay the Effective Date of Agency Action because the public interest will be harmed if Haitian and Venezuelan TPS beneficiaries are stripped of legal status.

3. It is within a court's "sound discretion" whether to permit amicus briefing. *Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970). Amicus briefing may be permitted "to assist the court in cases of great public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision." *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass. 2015), *aff'd*, 807 F.3d 472 (1st Cir. 2015) (internal citations and quotations omitted).

4. The proposed brief will assist the Court in its consideration of the pending motion, because the States can speak to the irreparable harm the termination and vacatur of TPS designations in this case will inflict the States and their residents. Unless postponed, this agency action will fracture the States' communities and schools, damage their economies, deplete their workforces, and compromise public health and public safety within the States.

5. Counsel for the States have conferred with counsel of record for the parties in this case and the Plaintiffs and Defendants do not oppose this motion.

¹ 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>; USCIS, Vacatur of 2025 TPS Decision for Venezuela, 90 Fed. Reg. 8805 (Feb. 3, 2025) <https://tinyurl.com/29nu8frv>; USCIS, Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti, 90 Fed. Reg. 10511 (Feb. 20, 2025), <https://tinyurl.com/Haiti-Vacatur>.

6. A true and correct copy of the States' proposed brief is attached to this motion as **Exhibit A.**

CONCLUSION

For the foregoing reasons, the States respectfully request that the Court grant the motion for leave to file the attached brief.

Respectfully submitted,

THE COMMONWEALTH OF
MASSACHUSETTS

By and through its attorneys,

ANDREA JOY CAMPBELL
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/s/ Hannah C. Vail

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CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1

I, Hannah C. Vail, Assistant Attorney General, hereby certify that I have conferred with counsel of record for the parties in this case via email on March 19, 2025 in a good faith attempt to resolve and narrow the issues posed by the motion. I further certify that the motion is unopposed.

/s/ Hannah C. Vail
Hannah C. Vail
Assistant Attorney General

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
Hannah C. Vail