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10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

15 NATIONAL TPS ALLIANCE, et al.,  
 16 Plaintiffs,  
 17 v.  
 18 KRISTI NOEM, in her official capacity as  
 19 Secretary of Homeland Security, et al.,  
 20 Defendants.

Case No. 3:25-cv-1766-EMC

**UNOPPOSED MOTION FOR LEAVE TO  
 FILE BRIEF OF AMICI CURIAE IN  
 SUPPORT OF PLAINTIFFS' MOTION  
 TO POSTPONE EFFECTIVE DATE OF  
 AGENCY ACTION**

28

1 The States of California and New York, together with the States of Connecticut, Delaware,  
 2 Hawai‘i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey,  
 3 Oregon, Rhode Island, Vermont, Washington, and the District of Columbia (“Amici States”<sup>1</sup>)  
 4 respectfully move for leave to appear as amici curiae and file the proposed amici curiae brief,  
 5 attached hereto as Exhibit 1, in support of Plaintiffs’ Motion to Postpone Effective Date of  
 6 Agency Action [Dkt. 16]. Plaintiffs and Defendants have indicated they do not oppose this  
 7 request.

## 8 I. STANDARD FOR MOTION FOR LEAVE TO APPEAR AS AMICI CURIAE

9 District courts may consider amicus briefs from non-parties with unique information or  
 10 perspectives that are useful or otherwise desirable to the court. *See NGV Gaming, Ltd. V.*  
 11 *Upstream Point Molate, LLC*, 355 F. Supp. 2d. 1061, 1067 (N.D. Cal. 2005). While there are no  
 12 strict prerequisites to qualify for amicus status, “[d]istrict courts frequently welcome amicus  
 13 briefs from non-parties . . . if the amicus has unique information or perspective that can help the  
 14 court beyond the help that the lawyers from the parties are able to provide.” *Sonoma Falls*  
 15 *Developers, L.L.C. v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (N.D. Cal. 2023)  
 16 (internal quotation marks and citations omitted). In addition, participation of amicus curiae may  
 17 be appropriate where the legal issues have potential ramifications beyond the parties directly  
 18 involved. *Id.*

## 19 II. INTEREST AND IDENTITY OF AMICI CURIAE

20 The Amici States are home to at least 99,900 Venezuelan immigrants, most of whom are  
 21 covered by Temporary Protected Status (TPS).<sup>2</sup> Venezuelans represent the largest share of TPS  
 22 holders, making up more than half of the one million TPS holders in the United States.<sup>3</sup> The  
 23 proposed amicus brief provides a unique perspective to the Court about the meaningful

24 <sup>1</sup> The District of Columbia and the Commonwealth of Massachusetts are included as  
 25 “Amici States” for purposes of this motion.

26 <sup>2</sup> Ana Alanis Amaya & Jeanne Batalova, *Venezuelan Immigrants in the United States*  
 (Feb. 6, 2025), <https://tinyurl.com/Venezuelan-Immigrants-in-US>.

27 <sup>3</sup> Verónica Egui Brito & Syra Ortiz Blanes, *In a Few Weeks, Hundreds of Thousands of*  
 28 *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).

1 contributions these families have made to our States and the harms that will ensue if their TPS  
2 status is suddenly, arbitrarily, and unlawfully terminated. Our States have worked hard to  
3 welcome TPS holders and have dedicated resources to provide services to them.<sup>4</sup> The Amici  
4 States are proud to invest in Venezuelan and other TPS holders, and have a critical interest in  
5 ensuring that their legal status is not unlawfully revoked.

6 Venezuelan TPS holders contribute meaningfully to our communities, our economies, and  
7 our public health and safety in the following ways. *First*, many of them live in mixed-status  
8 homes with United States citizens, and losing their legal status would cause profound harms to  
9 their families and our communities. As set forth in greater detail in the attached brief, parental  
10 deportation (or even the prospect of deportation) has a disruptive and traumatic effect on children  
11 that would have ripple effects throughout the Amici States. *Second*, TPS holders' ability to work  
12 legally allows them to make significant economic contributions to Amici States. The loss of these  
13 workers will deplete Amici States' workforces, negatively impacting many labor-short industries,  
14 and the absence of their economic contributions will reduce state and federal tax revenue. *Third*,  
15 Venezuelans newly stripped of status would be less likely to seek medical assistance, raising  
16 significant public health concerns. The attached brief explains the significant negative effects on  
17 the public health of the Amici States', and the strain that State-funded programs will absorb  
18 should Venezuelan immigrants currently covered by private-employer health insurance lose that  
19 coverage. *Fourth*, as TPS holders lose benefits, including the ability to legally work, these  
20 individuals will be forced into the shadows. Fear of removal makes victims and witnesses  
21 reluctant to come forward or testify in court. It will also discourage innocent Venezuelan  
22 witnesses from coming forward and will hinder law enforcement efforts to combat the newly  
23 designated "foreign terrorist organization" Tren de Aragua, as well as other criminal  
24 organizations and individuals. This impedes the States' ability to gather evidence and enforce  
25 criminal, labor, and civil rights laws.

26 <sup>4</sup> See, e.g., Cal. Legis. Analyst's Off., *The 2024-2025 Budget: Department of Social*  
27 *Services Immigration and Equity Programs* (Mar. 15, 2024), <https://tinyurl.com/24-25-Budget>;  
28 *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>.

1 Finally, the Amici States have a strong interest in ensuring that federal agencies refrain  
2 from actions that—like those at issue in this matter—are arbitrary and capricious, discriminatory,  
3 and unconstitutional.

4 **CONCLUSION**

5 For the foregoing reasons, the Amici States respectfully request this Court’s leave to appear  
6 as amici curiae and deem the proposed amicus brief filed.

7 Dated: March 6, 2025

8 Respectfully submitted,

9 ROB BONTA  
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**ATTORNEY ATTESTATION**

I, Jesse Basbaum, am the ECF user whose ID and password are being used to file this Unopposed Motion for Leave to File Brief of Amici Curiae in Support of Plaintiffs’ Motion to Postpone Effective Date of Agency Action. In compliance with N.D. Cal. Civil L.R. 5-1(i)(3), I hereby attest that I have the authority to file this document and its related exhibits and attachments on behalf of each of the signatories.

s/ Jesse Basbaum  
JESSE BASBAUM

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 6, 2025, I caused the above document and its attachments to be electronically filed with the Clerk of Court using CM/ECF, which will send electronic notification of such filing to all registered counsel.

*s/ Jesse Basbaum*  
JESSE BASBAUM

# **EXHIBIT 1**

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

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1 **I. INTRODUCTION**

2 Four days after taking office, Secretary of Homeland Security Kristi Noem accused  
 3 Venezuelan holders of Temporary Protected Status (TPS) of “violat[ing] our laws” and suggested  
 4 that many were “dirt bags.”<sup>1</sup> Shortly thereafter, Secretary Noem vacated and terminated TPS for  
 5 more than half of these immigrants, claiming, without evidence, that they had cost the country  
 6 billions in tax dollars and had endangered the economy, safety, and public welfare of our  
 7 communities.<sup>2</sup> She has also made the inflammatory claim that the Venezuelan TPS community is  
 8 rife with members of the gang Tren De Aragua. The vacatur and termination at issue in this  
 9 litigation, which aim to strip legal protection from a community that comprises more than 50  
 10 percent of all TPS holders, rest largely on such erroneous and unsubstantiated assertions.

11 The Amici States<sup>3</sup> are home to countless thriving Venezuelan communities and submit this  
 12 brief to demonstrate that Secretary Noem’s decision was baseless and arbitrary. Far from being a  
 13 burden or threat to our States, Venezuelan TPS holders are a resounding benefit. They are  
 14 homeowners and neighbors, co-workers, teachers and students, entrepreneurs and job-creators,  
 15 caregivers, construction workers and union members, and parents. Stripping these individuals of  
 16 legal status would harm our residents, our economies, and our public health and safety. The  
 17 public interest therefore weighs strongly in favor of granting Plaintiffs’ requested relief and  
 18 postponing the vacatur and termination orders pending adjudication of Plaintiffs’ claims.

19 **II. BACKGROUND AND INTEREST OF AMICI STATES**

20 The collapse of Venezuela’s oil-dependent economy over the past ten years has triggered  
 21 widespread violence and severe shortages of food, medicine, and other necessities.<sup>4</sup> The calamity

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

24 <sup>2</sup> USCIS, Termination of the October 3, 2023 Designation of Venezuela for Temporary  
 25 Protected Status, 90 Fed. Reg. 9040 (Feb. 5, 2025), <https://tinyurl.com/Termination-2023-Designation>  
<https://tinyurl.com/ythtkffn>.

26 <sup>3</sup> The Amici States include: California and New York, together with Connecticut,  
 27 Delaware, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey,  
 28 Oregon, Rhode Island, Vermont, Washington, the District Of Columbia, and the Commonwealth  
 of Massachusetts. The District of Columbia and the Commonwealth of Massachusetts are  
 included as “Amici States” for purposes of this brief.

<sup>4</sup> USCIS, 2021 Designation of Venezuela for Temporary Protected Status, 86 Fed. Reg.  
 13574 (Mar. 9, 2021), <https://tinyurl.com/2021-Venezuelan-Designation>.

1 has been described as “an unrelenting humanitarian crisis.”<sup>5</sup> In response, the Department of  
 2 Homeland Security (DHS) designated Venezuela for TPS protection in 2021,<sup>6</sup> then issued a re-  
 3 designation in 2023—available to Venezuelans who arrived after the effective date of the 2021  
 4 designation—because of the persistence of the humanitarian crisis.<sup>7</sup>

5 In recently extending the duration of protection for Venezuelan TPS holders on January 17,  
 6 2025, then-Secretary of Homeland Security Alejandro Mayorkas explained in detail how  
 7 Venezuela’s “humanitarian emergency [is] marked by an economic contraction, deepening  
 8 poverty, reduced access to food and medicine, a collapse in basic services, fuel shortages, human  
 9 rights abuses and political repression, [and] crime and violence . . .”<sup>8</sup> As a result of this persistent  
 10 instability, more than one-quarter of Venezuela’s population, about 7.7 million people, has fled  
 11 the country.<sup>9</sup> As of January 2025, more than 600,000 Venezuelans are living in the United States  
 12 with TPS status.<sup>10</sup>

13 The Amici States are home to at least 99,900 Venezuelan immigrants, the majority of  
 14 whom are covered by TPS.<sup>11</sup> Venezuelans represent the largest share of TPS holders, making up  
 15 more than half of the one million TPS holders in the United States.<sup>12</sup> These families have made  
 16 meaningful contributions to our States, and our States have worked hard to welcome them. For  
 17 example, California historically allocated \$10 million annually to provide legal services to TPS  
 18 holders, and will continue to dedicate resources to this important community through its funding

19 \_\_\_\_\_  
 20 <sup>5</sup> Iván Reyes, *As Election Looms, Venezuelans See-Saw Between Hope and Fear*, The  
 New Humanitarian (July 8, 2024), <https://tinyurl.com/Venezuelans-See-Saw>.

<sup>6</sup> USCIS, *2021 Designation*, *supra* note 4.

21 <sup>7</sup> USCIS, *Extension and Redesignation of Venezuela for Temporary Protected Status*, 88  
 Fed. Reg. 68130 (Oct. 3, 2023), <https://tinyurl.com/Extension-and-Redesignation>.

22 <sup>8</sup> 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>.

23 <sup>9</sup> Karen Aho, *Spotlight on the Economic Contributions of TPS Holders*, Immigration  
 Impact (Oct. 23, 2023), <https://tinyurl.com/Economic-Contributions-TPS>.

24 <sup>10</sup> Ana Alanis Amaya & Jeanne Batalova, *Venezuelan Immigrants in the United States*  
 (Feb. 6, 2025), <https://tinyurl.com/Venezuelan-Immigrants-in-US>.

25 <sup>11</sup> *Id.*; see also Migration Policy Institute, *U.S. Immigrant Population by State and County*,  
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26 <sup>12</sup> 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),  
 27 <https://tinyurl.com/Venezuelans-Will-Lose-TPS> (finding that of the about 900,000 Venezuelans  
 28 in the U.S., according to Census data, as of December 2024 there were around 600,000 approved  
 beneficiaries of TPS).



1 for the immigrant community as a whole—including \$45 million annually to support legal  
2 services, education, and technical assistance to community organizations.<sup>13</sup> New York has also  
3 dedicated substantial resources and support to Venezuelan TPS holders, including by assisting  
4 with work authorization applications and connecting these TPS holders to employers.<sup>14</sup>

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

### 10 **III. THE PUBLIC INTEREST FAVORS POSTPONEMENT BECAUSE DHS’S ACTIONS** 11 **WOULD INFLICT IRREPARABLE HARM ON FAMILIES AND ON THE AMICI STATES.**

12 In evaluating a postponement motion under 5 U.S.C. § 705, courts generally apply the same  
13 factors that would apply to a preliminary injunction motion. *See, e.g., Immigr. Legal Res. Ctr. v.*  
14 *Wolf*, 491 F. Supp. 3d 520, 529–30 (N.D. Cal. 2020). One of those factors is whether the  
15 “injunction is in the public interest.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). The  
16 public interest is particularly relevant in cases where the impact of an injunction reaches beyond  
17 the parties and carries a potential for public consequences. *Stormans, Inc. v. Selecky*, 586 F.3d  
18 1109, 1139 (9th Cir. 2009). In cases like this one, which affects many non-parties (including the  
19 Amici States), the hardship to third parties is integral to the public interest analysis. *See Golden*  
20 *Gate Rest. Ass’n v. City & Cnty. of S.F.*, 512 F.3d 1112, 1126–27 (9th Cir. 2008). In general,  
21 third-party harms that are relevant to the public interest analysis include harms to family  
22  
23  
24  
25

26 <sup>13</sup> Cal. Legis. Analyst’s Off., *The 2024-2025 Budget: Department of Social Services*  
27 *Immigration and Equity Programs* (Mar. 15, 2024), <https://tinyurl.com/24-25-Budget>.

28 <sup>14</sup> 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-](https://tinyurl.com/38-million-for-asylum)  
[asylum](https://tinyurl.com/38-million-for-asylum).



1 members;<sup>15</sup> economic and employment-based harms;<sup>16</sup> increased public health care expenses;<sup>17</sup>  
 2 public health harms;<sup>18</sup> public safety harms;<sup>19</sup> and impacts to public services.<sup>20</sup> All these  
 3 cognizable harms would affect Amici States and their residents if the TPS termination and  
 4 vacatur are not postponed.

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

7 The families of Venezuelan TPS holders, many of whom live in the Amici States, will be  
 8 profoundly harmed if the vacatur and termination are not postponed. In 2022, approximately  
 9 54,000 U.S. citizen children and 80,000 U.S. citizen adults lived with a Venezuelan TPS holder.<sup>21</sup>  
 10 Thus, over 130,000 U.S. citizens lived in “mixed status” households with individuals whom DHS  
 11 seeks to unlawfully strip of their legal status—and this figure does not account for the hundreds  
 12 of thousands of Venezuelans who were newly eligible under the 2023 designation. Terminating  
 13 TPS would create extreme hardship for these households, withdrawing their members’ work  
 14 authorization and exposing them to the threat of deportation.

15 Compelling TPS holders to return en masse to Venezuela would pose substantial dangers to  
 16 many members of the Amici States’ communities. As discussed above, just over a month ago,  
 17 then-Secretary Mayorkas declared that Venezuela remained in a state of “severe humanitarian  
 18 emergency.”<sup>22</sup> He supported his conclusion with 52 sources, whereas Secretary Noem did not cite

19 <sup>15</sup> *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017) (citing “indirect hardship to  
 20 [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).

21 <sup>16</sup> *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”).

22 <sup>17</sup> *Golden Gate Rest. Ass’n*, 512 F.3d at 1126 (citing municipality’s “overall health care  
 23 expenses”).

24 <sup>18</sup> *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”).

25 <sup>19</sup> *Earth Island Inst. v. Elliott*, 290 F. Supp. 3d 1102, 1125 (E.D. Cal. 2017) (examining  
 public safety implications of proposed injunction on Forest Service tree removal project).

26 <sup>20</sup> *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.”).

27 <sup>21</sup> FWD.us, *Temporary Protected Status Protects Families While Also Boosting the U.S.*  
 28 *Economy* (Feb. 2024), <https://tinyurl.com/TPS-Protects-Families>.

<sup>22</sup> USCIS, *Extension of the 2023 Designation*, *supra* note 8.

1 a single source for the conclusion that there are “notable improvements in several areas” in  
 2 Venezuela.<sup>23</sup> Indeed, at the time of Secretary Noem’s decision, the U.S. State Department  
 3 continued to classify Venezuela as a “Level 4: Do Not Travel” country—its highest risk  
 4 designation—warning of the “high risk of wrongful detentions, terrorism, kidnapping, the  
 5 arbitrary enforcement of local laws, crime, civil unrest, [and] poor health infrastructure.”<sup>24</sup> The  
 6 United States suspended embassy and consular operations in Venezuela in 2019 and, to date, such  
 7 services remain unavailable in the country.<sup>25</sup>

8 Against that backdrop, revoking Venezuela’s TPS designation would put current TPS  
 9 holders—particularly those with U.S. citizen children, many of whom live in the Amici States—  
 10 to an agonizing choice. TPS-holder parents in this situation will be forced to choose between  
 11 (1) returning to Venezuela alone, leaving their children behind in broken families or in the foster  
 12 care system;<sup>26</sup> (2) taking their U.S. citizen children with them to a dangerous country that the  
 13 children do not know; or (3) staying in the United States and retreating into the shadows, knowing  
 14 that they cannot work legally and could be forcibly removed to Venezuela at any time.

15 This harrowing dynamic would severely harm the mental health and well-being of countless  
 16 U.S.-citizen children who reside in the Amici States. Children of undocumented parents living in  
 17 the United States frequently experience persistent anxiety, driven by the constant fear that a  
 18 family member may be deported.<sup>27</sup> This fear can profoundly shape their daily lives. One study  
 19 found that 30 percent of Latino student participants—including those born in the United States—  
 20 altered their routines due to deportation fears.<sup>28</sup> This included refraining from driving, seeking  
 21 medical care, attending religious services, or participating in afterschool activities; taking a

22 \_\_\_\_\_  
 23 <sup>23</sup> Nat’l Found. for Am. Policy, *An Analysis of the DHS Decision to Terminate TPS for*  
*Venezuela* 1 (Feb. 2025); see USCIS, *Termination of the October 3, 2023 Designation*, *supra* note  
 24 2.

25 <sup>24</sup> U.S. Dep’t of State, *Venezuela Travel Advisory* (Sept. 24, 2024),  
<https://tinyurl.com/VE-Travel-Adv>.

26 <sup>25</sup> *Id.*

27 <sup>26</sup> Am. Immigr. Council, *U.S. Citizen Children Impacted by Immigration Enforcement*  
 (June 24, 2021), <https://tinyurl.com/Citizen-Children-Impacted>.

28 <sup>27</sup> Ronald B. Cox, et al., *Validation of the Family Fear of Deportation Scale for Youth*, 72  
*Family Relations* 734, 736 (2023).

<sup>28</sup> Randy Capps, et al., *Immigration Enforcement and the Mental Health of Latino High*  
*School Students*, Migration Policy Inst. 1, 2–3 (Sept. 2020).

1 different route to school; and staying at home more often.<sup>29</sup> These harms would have ripple  
 2 effects throughout the Amici States and their schools, with far-reaching and long-term  
 3 consequences. Indeed, a recent profile of a California school district noted that “fear is  
 4 everywhere” and “rumors about ICE sweeps abound.”<sup>30</sup> As a result, families are “afraid to go to  
 5 school.”<sup>31</sup>

6 When these fears materialize and families are forcibly separated, the consequences are even  
 7 more severe. Research on U.S.-born Latino children reveals that parental deportation is a deeply  
 8 traumatic and disruptive event, linked to extreme psychological distress, anxiety, depression,  
 9 post-traumatic stress disorder (PTSD), externalizing behaviors (such as aggression), and  
 10 difficulties sleeping.<sup>32</sup> Beyond emotional and psychological harm, these children often face  
 11 additional hardships, including financial instability, housing and food insecurity, and disruptions  
 12 in their education, such as increased school absences and lower academic engagement.<sup>33</sup> Bullying  
 13 related to immigration status is also common.<sup>34</sup> And the long-term effects extend into adulthood.  
 14 Adults who experienced parental deportation during childhood are more than twice as likely to  
 15 suffer from PTSD as those who did not endure such separation.<sup>35</sup>

16 The harms associated with the proposed TPS termination are particularly acute given the  
 17 whiplash nature of the Administration’s abrupt policy change. Less than two years ago,  
 18 approximately 472,000 Venezuelans qualified for protection under the 2023 designation.<sup>36</sup>  
 19 Secretary Mayorkas’s January 17, 2025 extension gave these individuals assurance that they

20 \_\_\_\_\_  
 21 <sup>29</sup> *Id.*

22 <sup>30</sup> Carolyn Jones, ‘Afraid to Go to School’: Immigrant Families in Salinas Are Gripped by  
 23 Fear, San Gabriel Valley Tribune (Feb. 20, 2025), <https://tinyurl.com/afraid-to-go-to-school>.

24 <sup>31</sup> *Id.*

25 <sup>32</sup> Miguel Pinedo & Christian Escobar, *Childhood Parental Deportations, Immigration*  
 26 *Enforcement Experiences, and Posttraumatic Stress Disorder Among US-Born Latino Adults,*  
 27 *2021*, 114 Am. J. Pub. Health S495, S496 (2024); see also Victoria D. Ojeda, et al., *Deported*  
 28 *Men’s and Father’s Perspective: The Impacts of Family Separation on Children and Families in*  
 29 *the U.S.*, 11 Frontiers in Psychiatry 1, 10 (2020).

30 <sup>33</sup> Ojeda, et al., *supra* note 32, at 7, 9, 10; Ana Martinez-Donate, et al., *Between the Lines:*  
 31 *A Mixed-Methods Study on the Impacts of Parental Deportation on the Health and Well-Being of*  
 32 *U.S. Citizen Children*, 9 J. Migration & Health 1, 5, 7 (2024).

33 <sup>34</sup> Mallika Seshadri, *Research: Immigration Enforcement Hinders Schoolwork; Schools*  
 34 *Offer Support*, EdSource (Feb. 16, 2024), <https://tinyurl.com/Hinders-Schoolwork>.

35 <sup>35</sup> Pinedo & Escobar, *supra* note 32, at S501.

36 <sup>36</sup> USCIS, *Extension and Redesignation*, *supra* note 7.

1 would remain protected through October 2, 2026.<sup>37</sup> As discussed by the Plaintiffs, such  
 2 extensions have never before been vacated—even after a change in administration. *Plaintiffs’*  
 3 *Motion to Postpone Effective Date*, Dkt. 16 at p. 7. Yet just 11 days later, in a “vacatur” without  
 4 precedent, the new Administration shattered the plans and prospects of countless families when it  
 5 reversed course while, at the same time, falsely accusing law-abiding TPS holders of being gang  
 6 members and a threat to national security. *See Plaintiffs’ Motion to Postpone Effective Date*, Dkt.  
 7 16 at p. 7, 10–11 (discussing relevance of reliance interests).

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

#### 11 **B. Economies and Workforces Would be Depleted.**

12 The termination of Venezuela’s TPS designation would also substantially harm the Amici  
 13 States’ economies by depleting their workforces and depriving them of considerable tax revenue.

14 The annual economic contribution of TPS-eligible Venezuelans is \$11.5 billion.<sup>38</sup> Seventy-  
 15 five percent of Venezuelan immigrants 16 and older were formally employed in 2023,<sup>39</sup> with high  
 16 rates of participation in industries such as transportation, material moving, natural resources,  
 17 construction, and maintenance.<sup>40</sup> Because 48 percent of Venezuelan immigrants have attained at  
 18 least a bachelor’s degree, the community is well-positioned to contribute to a variety of sectors.<sup>41</sup>  
 19 Moreover, a recent estimate found that 143,000 TPS-eligible Venezuelans work in labor-short  
 20

21 <sup>37</sup> USCIS, *Extension of the 2023 Designation*, *supra* note 8.

22 <sup>38</sup> FWD.us, *supra* note 21 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.

23 <sup>39</sup> Amaya & Batalova, *supra* note 10.

24 <sup>40</sup> *Id.*; see also ABC Newline, *Learn About Recent Immigration Actions Under the Trump*  
*Administration*, (Feb. 10, 2025), <https://tinyurl.com/Recent-Immigration-Actions> (national trade  
 25 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  
 26 construction industry); see also Kevin Williams, *What Trump’s Mass Deportation Plan Would*  
*Mean for Immigrant Workers and the Economy*, CNBC (Nov. 11, 2024),  
 27 <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  
 28 by \$1.1 trillion to \$1.7 trillion).

<sup>41</sup> See Amaya & Batalova, *supra* note 10.

1 industries, defined as those with openings for at least 4 percent of their workforce.<sup>42</sup> As a group,  
2 TPS holders from all countries have also shown high rates of entrepreneurship—14.5 percent of  
3 TPS holders are self-employed, as compared with 9.3 percent of the U.S.-born workforce.<sup>43</sup> The  
4 2021 TPS population included more than 38,100 entrepreneurs, or self-employed workers, who  
5 generated \$1.5 billion in business income.<sup>44</sup> In California alone, 7,800 self-employed TPS holders  
6 generated \$224.8 million in business income.<sup>45</sup>

7 These workforce contributions generate substantial state and federal tax revenue. In 2023,  
8 TPS holders from all countries paid \$3.1 billion in federal taxes, contributing to programs like  
9 Social Security and Medicare, and paid \$2.1 billion in state and local taxes.<sup>46</sup> These contributions  
10 were particularly high in several of the Amici States. For example, California TPS households  
11 earned \$2.1 billion in income, paid \$291.2 million in federal taxes, \$226.5 million in state and  
12 local taxes, and contributed \$1.6 billion in spending power.<sup>47</sup> In New York, TPS households  
13 earned \$2.3 billion in income, paid \$348.9 million in federal taxes, \$305.5 million in state and  
14 local taxes, and also contributed \$1.6 billion in spending power.<sup>48</sup> Moreover, at least 41 percent  
15 of TPS households are homeowners and pay taxes on property having a total value of  
16 approximately \$19 billion.<sup>49</sup>

17 Revoking Venezuela’s TPS designation would endanger all these economic contributions.  
18 Many current TPS holders would have no choice but to return to Venezuela, taking their  
19 economic contributions with them. And those who remain in the country would be stripped of  
20 their work authorization, causing them to lose their current employment and forcing them to  
21 accept lower paying “off the books” jobs. The result would be lower wages and less productivity

22  
23 <sup>42</sup> FWD.us, *supra* note 21, at 2.

<sup>43</sup> Aho, *supra* note 9.

24 <sup>44</sup> Am. Immigr. Council, *The Contributions of Temporary Protected Status Holders to the*  
*U.S. Economy* 4 (Sept. 2023), <https://tinyurl.com/TPS-Economy>.

<sup>45</sup> *Id.*

25 <sup>46</sup> See Am. Immigr. Council, *Map the Impact: Immigrants in the United States* (updated  
26 2024), <https://tinyurl.com/4yn722kh>.

<sup>47</sup> Am. Immigr. Council, *Map the Impact: Immigrants in California* (updated 2024),  
<https://tinyurl.com/5t3by8dw>.

27 <sup>48</sup> Am. Immigr. Council, *Map the Impact: Immigrants in New York* (updated 2024),  
<https://tinyurl.com/Immigrants-NY>.

28 <sup>49</sup> Aho, *supra* note 9.

1 in the Amici States' economies. The average wage gap between undocumented and legal  
 2 immigrants exceeds 35 percent,<sup>50</sup> with particularly acute impacts for undocumented women. In  
 3 California, for example, undocumented women make 58 cents for every dollar paid to all men, 44  
 4 cents compared to white men, and 67 cents for every dollar paid to all women.<sup>51</sup> Such lower-  
 5 wage, unauthorized employment would also inevitably lead to a decline in tax revenues for the  
 6 Amici States. And the Amici States would likely face a wave of mortgage foreclosures if current  
 7 TPS holders are forced suddenly to leave the country or else to accept lower-paid employment,  
 8 thus harming property values and reducing property tax receipts.<sup>52</sup>

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

12 **C. Public Health Would be Compromised and Health Care Costs Would**  
 13 **Increase.**

14 Terminating Venezuela's TPS status would also have significant negative effects on public  
 15 health in the Amici States and around the country. For example, 67 percent of Venezuelan  
 16 immigrants are covered by private health insurance (often through employer-sponsored insurance  
 17 programs).<sup>53</sup> Ending work authorization for hundreds of thousands of Venezuelan TPS holders  
 18 would deprive many of those individuals and their families of their employer-sponsored health  
 19 insurance. The result would be to increase the Amici States' health care expenditures—both by  
 20 increasing the proportion of Venezuelan immigrants who are on public health insurance  
 21 (currently 18 percent<sup>54</sup>), and by increasing public expenditures on emergency care provided to  
 22 uninsured patients (e.g., through emergency health insurance, payments to hospitals and  
 23 community health centers, and funding for public health programs<sup>55</sup>). Avoiding such costs is an

24 <sup>50</sup> See George J. Borjas & Hugh Cassidy, *The Wage Penalty to Undocumented*  
*Immigration*, 61 Lab. Econ. 1, 2 (2019), <https://tinyurl.com/Wage-Penalty>.

25 <sup>51</sup> 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>.

26 <sup>52</sup> See Jacob S. Rugh & Matthew Hall, *Deporting the American Dream: Immigrant*  
*Enforcement and Latino Foreclosures*, 3 Socio. Science 1053, 1067-68 (2016).

27 <sup>53</sup> See Amaya & Batalova, *supra* note 10.

28 <sup>54</sup> See *id.*

<sup>55</sup> See, e.g., U.S. Cong. Budget Off., *The Impact of Unauthorized Immigrants on the*

(continued...)



1 important public interest weighing in favor of postponement.

2 Moreover, stripping legal status from hundreds of thousands of Venezuelan immigrants  
 3 would risk serious negative consequences for public health and the public interest.<sup>56</sup> As courts  
 4 have noted in other contexts, the “[p]ublic health is served when individuals freely seek  
 5 preventive care and do not stave off care until they need emergency room treatment in the midst  
 6 of a health crisis.” *E.g., Philadelphia v. Sessions*, 280 F. Supp. 3d 579, 609 (E.D. Pa. 2017)  
 7 (granting preliminary injunction against enforcement of federal government’s attempt to deprive  
 8 City of Philadelphia of certain federal grants based on certain of that city’s policies regarding  
 9 immigrants), *subsequent judgment aff’d*, 916 F.3d 276 (3d Cir. 2019). For example, the public  
 10 greatly benefits when residents seek out diagnostic testing for and treatment of (or vaccination  
 11 against) infectious diseases such as COVID-19, tuberculosis, and HIV.<sup>57</sup> But as studies have  
 12 consistently found for decades, undocumented immigrants are often reluctant to seek medical  
 13 treatment due to fear of detention and deportation.<sup>58</sup> This phenomenon is so well documented that

14 *Budgets of State and Local Governments* 8 (Dec. 2007); Am. Compl., Ex. 83, Decl. of Jesse M.  
 15 Caplan, *New York v. Trump*, 1:17-cv-5228 (E.D.N.Y. Oct. 4, 2017), ECF No. 55-83 (“Caplan  
 16 Decl.”); Lila Flavin, et al., *Medical Expenditures on and by Immigrant Populations in the United  
 17 States: A Systematic Review*, 2018 Int’l J. Health Servs. 601, 617 (2018) (noting that “immigrants  
 18 often rely on safety-net options” such as public health programs), <https://perma.cc/2XD3-2A3E>.

19 <sup>56</sup> See, e.g., App. in Supp. of Pls.’ Mot. for Provisional Relief at 789-90, *Regents of Univ.  
 20 of Cal. v. United States Dep’t of Homeland Sec.*, No. 3:17-cv-05211 (N.D. Cal. Nov. 1, 2017),  
 21 ECF No. 118-1; Caplan Decl., *supra* note 55; Meredith L. King, *Immigrants in the U.S. Health  
 22 Care System: Five Myths That Misinform the American Public*, Ctr. for Am. Progress 6 (2007),  
 23 <https://tinyurl.com/Immigrants-Health-Care>.

24 <sup>57</sup> See, e.g., Cassandra D. Kelly-Cirino, et al., *Importance of Diagnostics in Epidemic and  
 25 Pandemic Preparedness*, 4 BMJ Glob. Health 1, 1 (2018); Mark Perkins, et al., *Diagnostic  
 26 Preparedness for Infectious Disease Outbreaks*, 390 *The Lancet* 2211, 2211 (2017); Alejandro  
 27 Portes, et al., *The U.S. and Immigration: An Institutional Interpretation*, 24 *Socio. Forum* 487  
 28 (2009) (manuscript at 10, 14), <https://tinyurl.com/Portes-Manuscript>.

<sup>58</sup> 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

(continued...)

1 health-care providers often take significant steps to combat it—as where one clinic “placed itself  
2 right next to a Baptist church in order to prevent raids by [ICE] agents that would scare away its  
3 mostly undocumented users.”<sup>59</sup>

4 Against this well-understood backdrop, stripping Venezuelan immigrants of lawful status  
5 (via mass revocation of TPS) would risk significant public health consequences. Many  
6 immigrants would not only lose employer-sponsored health care but would also be discouraged  
7 from seeking medical treatment of any kind due to fear of deportation. This would increase the  
8 broader community risk and would have many adverse results for individual immigrants and their  
9 families. For example, undocumented women are less likely to receive needed health care and  
10 preventive screenings than the general U.S. population—leading to significantly higher rates of  
11 conditions like cervical cancer, birth complications, neonatal morbidity, respiratory distress  
12 syndrome, and seizures for newborns.<sup>60</sup>

13 And newly undocumented former TPS holders may also elect not to seek treatment for  
14 their children or other family members—who may themselves be natural-born U.S. citizens.<sup>61</sup> For  
15 example, studies show that children of undocumented immigrants are often sicker when seeking  
16 emergency room care and frequently miss preventive annual exams.<sup>62</sup> And the results can be fatal,

17 \_\_\_\_\_  
18 deportation”); Karen Hacker, et al., *The Impact of Immigration and Customs Enforcement on*  
19 *Immigrant Health: Perceptions of Immigrants in Everett, Massachusetts, USA*, 73 So. Sci. Med.  
20 586 (2011) (manuscript at 7) (“Both documented and undocumented immigrants discussed fears  
21 that giving out personal information to acquire health insurance or health care would be reported  
22 to ICE,” which “[i]n some cases ... led to avoidance of care”), [https://tinyurl.com/Hacker-](https://tinyurl.com/Hacker-Manuscript)  
23 [Manuscript](https://tinyurl.com/Hacker-Manuscript); Huyen Pham, *The Constitutional Right Not to Cooperate? Local Sovereignty and the*  
24 *Federal Immigration Power*, 74 Univ. Cin. L. Rev. 1373, 1400 (2006) (“Immigrants ... may  
25 refuse to seek medical care if they believe that hospital workers will report them or their family  
26 members to federal immigration authorities.”); Marc L. Berk & Claudia L. Schur, *The Effect of*  
27 *Fear on Access to Care Among Undocumented Latino Immigrants*, 3 J. Immigr. Health 151, 155  
28 (2001) (“[L]ack of documentation—and the fear associated with it—is a powerful deterrent to  
people obtaining care they believe they need[.]”).

<sup>59</sup> Portes, et al., *supra* note 57, at 14.

<sup>60</sup> Am. 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-](https://tinyurl.com/Health-Care-Immigrants)  
[Immigrants](https://tinyurl.com/Health-Care-Immigrants).

<sup>61</sup> *See* Flavin, *supra* note 55, at 18.

<sup>62</sup> King, *supra* note 56, 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).



1 as where a child in Oklahoma died “when his parents delayed seeking medical treatment because  
2 they feared that hospital officials would report them to ICE.”<sup>63</sup>

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

7 **D. Public Safety Would Suffer and Communities Would Hesitate to Report  
8 Crime.**

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

12 Because TPS holders and their families have built lives in the United States, some may try  
13 to stay in this country even if their TPS status is terminated. But individuals who lack legal status  
14 are less likely to report crime—even crimes in which they themselves are victims—out of “fear  
15 that [officials] will ask . . . about [their] immigration status” and increase their perceived risk of  
16 being removed.<sup>64</sup> Fear of removal, or of having a family or community member removed, makes  
17 victims and witnesses reluctant to come forward, to testify in court, and even to seek safety in a  
18 domestic violence shelter.<sup>65</sup> When law enforcement is unable to obtain evidence of crimes and  
19 maintain witness cooperation at trial, public safety suffers.<sup>66</sup>

20 This public interest is particularly weighty (and the TPS termination is particularly

21 <sup>63</sup> Elizabeth M. McCormick, *Federal Anti-Sanctuary Law: A Failed Approach to*  
22 *Immigration Enforcement and A Poor Substitute for Real Reform*, 20 Lewis & Clark L. Rev. 165,  
199 (2016).

23 <sup>64</sup> See, e.g., Nik Theodore, *Insecure Communities: Latino Perceptions of Police*  
24 *Involvement in Immigration Enforcement*, Dep’t of Urb. Plan. & Pol’y, Univ. of Ill. at Chi. 14  
(May 2013), <https://tinyurl.com/Insecure-Communities>.

25 <sup>65</sup> James Queally, *Fearing Deportation, Many Domestic Violence Victims Are Steering*  
26 *Clear of Police and Courts*, L.A. Times (Oct. 9, 2017), <https://tinyurl.com/Undocumented-Crime-Reporting>.

27 <sup>66</sup> See, e.g., Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*,  
28 *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 65 (quoting former San Francisco District Attorney George Gascón’s concern that “severe injury or homicide” can result when domestic violence is unreported).

1 irrational) in view of the Administration’s expressed concern regarding the Venezuelan gang Tren  
2 de Aragua. Discouraging innocent Venezuelan witnesses from coming forward will hinder law  
3 enforcement efforts to combat this gang (which the federal government has newly designated a  
4 “foreign terrorist organization”) as well as other criminal organizations and individuals.<sup>67</sup> And  
5 there is no plausible counterargument that terminating Venezuela’s TPS status would somehow  
6 reduce crime or facilitate the removal of noncitizens convicted of crimes from the country.  
7 Contrary to unsubstantiated contentions, recent arrivals of immigrants, including Venezuelans,  
8 have not led to any “crime wave,” and research shows that immigrants are *less* likely than the  
9 general population to commit crimes.<sup>68</sup> Moreover, TPS applicants must meet specified criteria to  
10 be granted that status, including screenings for criminal history and background checks.<sup>69</sup> And  
11 conviction for certain criminal offenses can also trigger withdrawal of TPS status. *See* 8 C.F.R.  
12 244.14(a)(1).

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

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23 <sup>67</sup> *See* U.S. Dep’t of State, Foreign Terrorist Organization Designations of Tren de  
24 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>.

25 <sup>68</sup> *See, e.g.,* Ted Hesson & Mica Rosenberg, *Trump Says Migrants Are Fueling Violent*  
26 *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*  
27 *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*  
28 *Colombia, Peru, and Chile*, Migration Policy Inst. & Brookings Inst. (Sept. 2020),  
<https://tinyurl.com/Migration-Crime-Misperceptions>.

<sup>69</sup> *See* Egui Brito & Ortiz Blanes, *supra* note 12.

1 **IV. CONCLUSION**

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

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4 Dated: March 6, 2025

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