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8
9 **UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11
12 NATIONAL TPS ALLIANCE, et al.

13 Plaintiffs,

14 v.

15 KRISTI NOEM, et al.,

16 Defendants.
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Case No. 25-cv-1766

**[PROPOSED] BRIEF OF AMICI CURIAE
CITY AND LOCAL GOVERNMENTS IN
SUPPORT OF PLAINTIFFS' MOTION
TO POSTPONE EFFECTIVE DATE OF
AGENCY ACTION**

Date: March 24, 2025

Time: 9:00 a.m.

Judge: Hon. Edward M. Chen

Ctrm: 5

LIST OF *AMICI CURIAE*

City of Denver

City and County of San Francisco

City of Hartford

City of Cambridge

City of San Diego

City of Chicago

City of Iowa City

City of Minneapolis

City of Saint Paul

City of Boston

County of Santa Clara

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INTEREST OF *AMICI CURIAE*¹

Congress created the Temporary Protected Status (“TPS”) program to protect immigrants who cannot return safely to their home countries because of armed conflict, natural disaster, or other extraordinary circumstances. Pursuant to 8 U.S.C. § 1254a, when the Secretary of the Department of Homeland Security (“DHS”) finds that such conditions exist and prevent nationals from returning safely—or, in certain circumstances, where the country is unable to adequately handle the return of nationals—that country’s citizens may live and work in the United States without fear of deportation. The TPS program enables approximately hundreds of thousands of immigrants from Venezuela and other countries to reside in communities—including those of the 12 cities and counties submitting this brief as *amici curiae* (collectively, “Amici”)—and lead lives indistinguishable from their U.S.-citizen neighbors. To earn protected status, TPS recipients must meet rigorous qualifications, including having no serious criminal record and undergoing individual review by the U.S. Citizenship and Immigration Service (“USCIS”). *See* 8 U.S.C. § 1254a(c). Because TPS entitles a recipient to work authorization and protection from deportation, *see id.* § 1254a(a)(1), (d)(4), most TPS holders have formed families, purchased homes, obtained educations, and built deep-rooted lives in the United States.

In early 2025, defendants Kristi Noem, DHS, and United States of America (collectively, “Defendants”) announced the termination of TPS for Venezuelans. Defendants have taken the position that “Venezuela no longer continues to meet the conditions for the [TPS] designation,” and that “it is contrary to the national interest to permit the covered Venezuelan nationals to remain temporarily in the United States.”²

As U.S. Representative Carlos A. Gimenez (R-FL) explained, however, “[m]any Venezuelans...have integrated into our communities, respected the laws, and contributed with honest jobs,” such that “[w]e must not allow the actions of a few to unfairly stigmatize an entire

¹ No counsel for a party authored this brief in whole or in part. No party, counsel for party, or any person other than amici and their counsel made a monetary contribution intended to fund the preparation or submission of the brief.

² 90 Fed. Reg. 9040 (Feb. 5, 2025).

community...ensuring that law-abiding Venezuelans not being punished.”³ Indeed, the percentage of Venezuelans in U.S. federal prisons is so small that the Federal Bureau of Prisons does not identify them separately; Venezuelans are among the 5.5% of prisoners from “Other/Unknown” (compared to more than 84% of prisoners who are U.S. citizens).⁴ In some places, such as Amicus City of Denver, crime rates have *fallen* since Venezuelan immigrants began arriving relatively large numbers.⁵

Amici are eleven cities or counties, located in seven states across the country, that are collectively home to thousands of Venezuelan TPS recipients whose status is at risk. There is no doubt that revocation of TPS would negatively impact Amici, their communities, and residents. For each of the Amici, TPS recipients contribute meaningfully to economic and cultural life. They work, spend money at local businesses, pay taxes, raise children (many of whom are U.S. citizens), and participate actively in their local communities. TPS protection also facilitates trust and communication between immigrant communities and law enforcement. These benefits will evaporate if TPS recipients and TPS-eligible individuals are put to the impossible choice of either going underground or returning to what President Trump previously called “the worst humanitarian crisis in the Western Hemisphere in recent memory.”⁶ Programs like TPS also impose benefits and burdens on state and local governments, which in turn often impact strategic planning and decisions by local officials.

In short, the revocation of TPS for Venezuelans will materially harm Amici and their residents.

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³ U.S. Representative Carlos A. Gimenez, Letter to Secretary Noem (Jan. 31, 2015), https://gimenez.house.gov/_cache/files/a/6/a6393358-0d4e-4cf2-a460-0e258f01022d/F050D594E54D70E758265D7F202D2D5E.01.31.2025-letter-to-sec-noem-tps.pdf (last visited Mar. 18, 2025).

⁴ *Inmate Citizenship*, FEDERAL BUREAU OF PRISONS, https://www.bop.gov/about/statistics/statistics_inmate_citizenship.jsp (last visited Mar. 18, 2025).

⁵ Chase Woodruff, *Denver Mayor Defends Immigration Policies in GOP “Sanctuary Cities” Hearing*, Colorado Newswire (Mar. 5, 2025), <https://coloradonewswire.com/2025/03/05/denver-mayor-immigration-sanctuary-cities/> (last visited Mar. 18, 2025).

⁶ President Donald J. Trump, *Deferred Enforced Departure for Certain Venezuelans*, THE WHITE HOUSE (Jan. 19, 2021), <https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-deferred-enforced-departure-certain-venezuelans/> (last visited Mar. 18, 2025).

ARGUMENT

A. TPS Recipients Are Deeply Integrated into Amici's Communities.

The individual plaintiffs' personal experiences reflect their important roles in each of their communities: they are public servants, small business owners, students, homeowners, and active members of their communities, many of whom are married to, or parents of, U.S. citizens. ECF No. 1 ¶¶ 15-21, 134-41. These plaintiffs' stories are representative of the thousands of other TPS recipients in the United States. In Colorado, TPS recipient Genesis did things "the right way" by obtaining work authorization and then obtaining a job cleaning offices in Aurora, Colorado.⁷ Genesis, her husband, and their young child now face the prospect of being deported to Venezuela, where her husband fears that he would be tortured.⁸ In Massachusetts, Daniel worked as a restaurant manager, but after living in the United States for years, he and his wife are facing the prospect of being deported to Venezuela, where Daniel got "robbed more than five times across [his] life" and only had only intermittent water and electricity at home.⁹ In Iowa, Oriette was a PhD student at the University of Iowa, and now fears being deported to Venezuela, where there are rumors that TPS recipients who return are being jailed.¹⁰ In Minnesota, Marlenia works for a printing press and regularly attends Tapestry Church; she worked as a lawyer in Venezuela, but was kidnapped, detained, and surveilled by the government before fleeing to

⁷ Jasmine Arenas, *Future Uncertain For Family in Colorado as Temporary Protected Status Program for Venezuelans Ends*, CBS NEWS COLORADO (Feb. 4, 2025), <https://www.cbsnews.com/colorado/news/future-uncertain-family-colorado-temporary-protected-status-program-venezuelans-ends/> (last visited Mar. 18, 2025).

⁸ *Id.*

⁹ Ryan Breslin, *Venezuelan Man Living in Mass. Shares His Fears After Trump Ends Temporary Immigration Protections*, Boston 25 News (Feb. 21, 2025), <https://www.boston25news.com/news/local/venezuelan-man-living-mass-shares-his-fears-after-trump-ends-temporary-immigration-protections/A5ELYHTAYBAM3CWJ7M5KVLEFXI/> (last visited Mar. 18, 2025).

¹⁰ Laryssa Leone, *Ending TPS Stirs Anxiety Among Venezuelans in U.S.*, Weareiowa.com (Feb. 7, 2025), <https://www.weareiowa.com/article/news/local/venezuelans-in-iowa-face-uncertainty-as-tps-status-shifts-temporary-protected-stautus-immigration-jobs-plans-fears-government-recipient-attorney-jobs/524-d3a5bebb-5038-4229-9ff8-02fa42bd1de2> (last visited Mar. 18, 2025).

the United States.¹¹ Now Marlenia, her daughter, and her daughter’s husband—all Venezuelans who are in the United States, working and going to church—face the threat of deportation.¹²

For these individuals, the more than 340,000 TPS-approved Venezuelans, and the hundreds of thousands more who are TPS-eligible, TPS provides the safety and security needed to build productive lives in the United States. Many of the beneficiaries threatened by TPS rescission have U.S.-citizen children or are married to U.S. citizens. As Representative Gimenez noted, these individuals “have integrated into our communities.”¹³ The United States Conference of Mayors echoed this sentiment when DHS extended TPS for Venezuelans in 2023, stating that these individuals “continue to be an integral part of our communities.”¹⁴

These TPS recipients and TPS-eligible Venezuelans are interwoven into Amici’s community fabric. As neighbors, families, and community members, they are indistinguishable from their families and neighbors who enjoy citizenship or legal permanent residence.

B. TPS Recipients Contribute Substantially to the Economy Nationwide and in Amici’s Communities.

TPS recipients also make major contributions to Amici’s collective economies as workers, consumers, entrepreneurs, and taxpayers, “play[ing] a critical role in the strength of our economy,” as the United States Conference of Mayors put it.¹⁵ According to a study by the Migrant Policy Institute, 48% of Venezuelan immigrants age 25 or older have a bachelor’s degree or higher, compared to only

¹¹ Giovanna Dell’orto, *Venezuelan Family in US Under Curtailed Humanitarian Protections Clings to Faith Amid Uncertainty*, ASSOCIATED PRESS (Feb. 22, 2025), <https://apnews.com/venezuelan-family-in-us-under-curtailed-humanitarian-protections-clings-to-faith-amid-uncertainty-000001952e76db27a5d76ff7ff980000> (last visited Mar. 18, 2025).

¹² *Id.*

¹³ See n.3, *supra*.

¹⁴ *Statements by U.S. Conference of Mayors on Biden Administration’s Announcement on Temporary Protected Status for Venezuela*, U.S. Conference of Mayors (Sept. 21, 2023), <https://www.usmayors.org/2023/09/21/statement-by-u-s-conference-of-mayors-on-biden-administrations-announcement-on-temporary-protected-status-for-venezuela/> (last visited Mar. 18, 2025).

¹⁵ See n.14, *supra*.

36% of U.S.-born adults and 35% of other foreign-born adults.¹⁶ The same study found that Venezuelans participate in the labor force at higher rates than both U.S.-born and foreign-born populations in the United States.¹⁷ Specifically, 75% of Venezuelan immigrants 16 or older were in the U.S. labor force in 2023, compared with 67% of the overall foreign-born population and 63% of the U.S.-born population.¹⁸

The high percentage of Venezuelans in the workforce has a tremendous effect on local economies. In 2021, TPS holders in the United States from all countries—totaling about 354,000 people—held an estimated **\$8 billion** in spending power, “which support[ed] countless U.S. businesses when spent on items like groceries, haircuts, or rent.”¹⁹ In some states, the spending power of these TPS residents in 2021 exceeded one billion dollars: California (\$1.5 billion), Florida (\$1.2 billion), and Texas (\$1.2 billion).²⁰ By 2023, the number of TPS holders had increased to 696,900, with a total spending power of **\$16.9 billion**.²¹ Even a relatively small number of TPS holders had tremendous spending power in 2023. For example, in Colorado, where Amicus Denver is located, 4,700 TPS holders had \$115.2 million in spending power.²² Even just a few thousand TPS holders have spending power that can make a huge impact on local businesses.

As of September 23, 2024, the total number of approved Venezuelan TPS recipients *alone* was nearly equal to the total number of TPS recipients from all countries in 2021 and about half the total

¹⁶ Ana Alanis Amaya and Jeanne Batalova, *Venezuelan Immigrants in the United States*, MIGRATION POLICY INSTITUTE (Feb. 6, 2025), <https://www.migrationpolicy.org/article/venezuelan-immigrants-united-states-2025> (last visited Mar. 18, 2025).

¹⁷ *See id.*

¹⁸ *Id.*

¹⁹ *The Contributions of Temporary Protected Status Holders to the U.S. Economy*, AMERICAN IMMIGRATION COUNCIL, at 2, 4 (September 2023), https://www.americanimmigrationcouncil.org/sites/default/files/research/contributionstemporaryprotectedstatus_0923.pdf (last visited Mar. 18, 2025).

²⁰ *Id.* at 6.

²¹ *Immigrants in the United States*, AMERICAN IMMIGRATION COUNCIL, <https://map.americanimmigrationcouncil.org/locations/national/> (last visited Mar. 18, 2025).

²² *Immigrants in Colorado*, AMERICAN IMMIGRATION COUNCIL, <https://map.americanimmigrationcouncil.org/locations/colorado/> (last visited Mar. 18, 2025).

number of TPS recipients from all countries in 2023: 344,335.²³ It is therefore reasonable to estimate that the 344,335 Venezuelans with approved TPS in 2024 had spending power of approximately \$8 billion, if not more given their higher participation in the work force and higher percentage of educational attainment relative to other populations. Accordingly, the revocation of TPS for Venezuelans will likely result in tremendous amounts of lost revenue for local businesses across the United States.

Terminating TPS would also have a significant, detrimental impact on local government tax revenues. In 2021, the approximately 354,000 TPS holders in the United States from all countries paid an estimated **\$966.5 million** in state and local taxes.²⁴ In 2023, that number rose to **\$2.1 billion** in state and local taxes paid by the 696,900 TPS holders.²⁵ Using Colorado as an example again, 4,700 TPS holders in 2023 paid a significant amount of state and local taxes: \$13.2 million.²⁶

As the example of Colorado shows, even several thousand TPS holders can generate more than \$10 million in state and local tax revenue. For the same reasons set forth above with respect to spending power, it is reasonable to estimate that Venezuelan TPS holders paid approximately \$1 billion in state and local taxes in 2024. The loss of such tax contributions would make it more difficult for cities and counties to provide much-needed investments to support their schools, repair their roads and bridges, and sustain the social services that keep their communities strong.

C. Terminating TPS Will Undermine Public Safety by Eroding Police-Community Cooperation.

TPS has also helped make local communities safer. Because recipients are exempt from deportation, they are more likely to cooperate freely with law enforcement to report or assist with the investigation of crimes. As the Law Enforcement Immigration Task Force explains: “[w]hen immigrants feel safe in their communities, we are all safer.... Immigrants should feel safe in their

²³ Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure*, CONGRESSIONAL RESEARCH SERVICE, at 7 (Sept. 23, 2024), <https://sgp.fas.org/crs/homsec/RS20844.pdf> (last visited Mar. 18, 2025).

²⁴ *Contributions of Temporary Protected Status Holders*, n.19, *supra*, at 3.

²⁵ *Immigrants in the United States*, n.21, *supra*.

²⁶ *Immigrants in Colorado*, n.22, *supra*.

1 communities and comfortable calling upon law enforcement to report crimes, serving as witnesses, and
 2 calling for help in emergencies,” which “improve[s] community policing and safety for everyone.”²⁷
 3 Chicago Mayor Brandon Johnson summed it up when he stated that TPS “protect[s] individuals who
 4 seek work without fear of exploitation, wage theft, and trafficking.”²⁸

5 Revoking protected status for the more than 340,000 Venezuelans with approved TPS would
 6 create a new swath of individuals potentially subject to deportation. The revocation of TPS protection is
 7 more than a mere symbolic statement of DHS’s desire to deport these residents. All immigrants with
 8 TPS have previously submitted to DHS, as part of their TPS application, detailed information about their
 9 immigration status and where they and their families live.²⁹ As a result, TPS recipients in Amici’s
 10 communities are, understandably, afraid. That fear could lead them to avoid communicating with law
 11 enforcement, *even if* they are victims of, or witnesses to, a crime.

12 As local governments charged with ensuring their residents’ safety, Amici understand that if
 13 immigrants “fear[] that interaction with police leads to arrest and deportation, they will be reluctant to
 14 report crimes, make statements, or testify in court. This chilling effect leaves cities less safe for
 15 everyone.”³⁰ Research shows that as immigration enforcement and the threat of deportation increase,
 16 the likelihood of undocumented immigrants reporting crimes drops significantly.³¹ In a 2013 survey, for

17 ²⁷ *Our Principles*, LAW ENFORCEMENT IMMIGRATION TASK FORCE, <https://leitf.org/our-principles/> (last
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19 ²⁸ *Mayor Brandon Johnson Statement on The Biden Administration Extension and Redesignation of*
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22 ²⁹ See, e.g., *Temporary Protected Status*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES,
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23 ³⁰ Angela S. Garcia, *The Sanctuary Cities Debate*, Univ. of Chicago, 23 SSA Magazine 1 (2016),
 24 available at <https://crownschool.uchicago.edu/news-events/magazine/sanctuary-cities-debate> (last
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25 ³¹ See, e.g., Chuck Wexler, *Police chiefs across the country support sanctuary cities because they*
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 28 *The Police Foundation, The Role of Local Police: Striking a Balance Between Immigration*
Enforcement and Civil Liberties 24 (Apr. 2009), available at [https://www.policinginstitute.org/wp-](https://www.policinginstitute.org/wp-content/uploads/2015/06/The-Role-of-Local-Police-Narrative.pdf)
[content/uploads/2015/06/The-Role-of-Local-Police-Narrative.pdf](https://www.policinginstitute.org/wp-content/uploads/2015/06/The-Role-of-Local-Police-Narrative.pdf) (last visited Mar. 18, 2025).

example, 67% of undocumented individuals reported they would be less likely to offer information to law enforcement as a witness if officers were free to inquire about their or others' immigration status.³² 70% reported being less likely to contact law enforcement authorities, *even if they were victims of a crime*.³³ In a survey conducted by the Police Foundation, 74% of law enforcement personnel and public officials reported that aggressive enforcement of immigration law would decrease community trust of police, and 83% said it would decrease reporting of criminal activity.³⁴ Similarly, Police Chief Magazine reported that the rise of aggressive immigration enforcement "has increased fear and concerns over police encounters and reporting crimes, especially among immigrant community members. The resulting perception of police as less trustworthy and legitimate is a cause for concern since trust is fundamental to sustaining crime reduction and safer communities."³⁵

As Los Angeles County Sheriff Jim McDonnell put it: "[p]ublic safety...requires that people come forward if they are a crime victim or be willing to come forward as a witness to a crime without fear of being deported."³⁶ The New York Attorney General has similarly warned that a lack of "cooperation and trust between [law enforcement agencies] and immigrants" can "impact[] the

³² Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, Univ. of Ill. Chicago, at 5-6 (May 2013), available at https://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF (last visited Mar. 18, 2025).

³³ *Id.* at 5; see also Randy Capps, et al., *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* 43, MIGRATION POLICY INSTITUTE (Jan. 2011), available at <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf> (last visited Mar. 18, 2025) (finding in multiple counties that increased local-federal law enforcement cooperation meant "community respondents were likely to report that immigrants were venturing into public places with less frequency, failing to report crimes or interact with police, interacting less with schools and other institutions, patronizing local businesses less often, and changing their driving patterns").

³⁴ Khashu, n.31, *supra*.

³⁵ Giovanni Veliz, et al., *Enhancing Police Services in Immigrant Communities: The Successful Use of U and T Visas in San Francisco and Minneapolis*, POLICE CHIEF ONLINE (Aug. 21, 2024), <https://www.policechiefmagazine.org/enhancing-police-services-immigrant-communities/> (last visited Mar. 18, 2025).

³⁶ Case No. 17-cv-4701 (N.D. Cal.), ECF No. 31 ¶ 5; see also Sheriff Jim McDonnell, Letter to the Los Angeles County Inspector General, at 8 (Oct. 3, 2017) (noting sheriff policy to "reassure immigrant communities that there is no need to fear contact with the Sheriff's Department"), available at http://shq.lasdnews.net/content/uoa/SHB/upload/Sheriff_Response_to_OIG_Report_on_Immigration.pdf (last visited Mar. 18, 2025).

1 willingness of victims and witnesses to come forward and cooperate,” thereby “draw[ing] resources
2 away from essential local law enforcement functions.”³⁷

3 The uncertainty and fear among TPS recipients and TPS-eligible Venezuelans caused by the TPS
4 revocation undermines broader public safety.

5 **CONCLUSION**

6 Amici respectfully submit that the plaintiff’s motion to postpone the effective date of
7 Defendants’ action should be granted.

8 Respectfully submitted,

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10 Dated: March 18, 2025

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26 ³⁷ *Immigration Enforcement: Guidance Concerning Local Authorities’ Participation in Immigration*
27 *Enforcement and Model Provisions*, NEW YORK ATTORNEY GENERAL (Jan. 19, 2017; updated Jan. 2,
28 2025), <https://ag.ny.gov/police-departments-law-enforcement/immigration-enforcement> (last visited
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