

No. 25-2120

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL TPS ALLIANCE, et al.,

Plaintiffs-Appellees,

v.

KRISTI NOEM, et al.,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRIEF OF SERVICE
EMPLOYEES INTERNATIONAL UNION,
COMMUNICATIONS WORKERS OF AMERICA,
AND UNITED FARM WORKERS OF AMERICA
AS *AMICI CURIAE* IN SUPPORT OF APPELLEES

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CORPORATE DISCLOSURE STATEMENT

Amici curiae Service Employees International Union, Communications Workers of America, and United Farm Workers of America have no parent corporations. They have no stock, and therefore, no publicly held company owns 10% or more of their stock.

Dated: June 3, 2025

Respectfully submitted,

/s/ Steven K. Ury

Steven K. Ury

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INTEREST OF *AMICI CURIAE*¹

Amici curiae are labor organizations whose members and their families are impacted by this case. *Amici curie* are the Service Employees International Union, the Communications Workers of America, and the United Farm Workers of America.

The **Service Employees International Union (“SEIU”)** is a labor organization of approximately two million working people in the United States and Canada employed in healthcare, property services, and public services. SEIU’s members include foreign-born U.S. citizens, lawful permanent residents, and immigrants authorized to work in the United States. Many of SEIU’s members have mixed-status families.

The **Communications Workers of America (“CWA”)** is the largest communications and media labor union in the United States. Its membership consists of workers in the communications and information industries, as well as the news media, the airlines, broadcast and cable television, public service, higher education, healthcare, manufacturing, video games, and high tech. CWA takes an

¹ No party opposes the filing of this brief. No counsel of any party to this proceeding authored any part of this brief. No party or party’s counsel, or person other than *amici* and their members, contributed money to the preparation or submission of this brief.

active role advocating for its members on workplace issues, which includes participating in litigation as a party or amicus.

The **United Farm Workers of America (“UFW”)**, a labor organization that represents thousands of migrant and seasonal farm workers in various agricultural occupations throughout the country, has members of diverse racial, ethnic, and immigration backgrounds throughout the United States. UFW seeks to improve the lives, wages, and working conditions of agricultural workers and their families through collective bargaining, worker education, state and federal legislation, litigation, and through public campaigns. Since its founding in 1962 by Cesar Chavez and Dolores Huerta, UFW has been dedicated to the cause of eliminating discrimination against farmworkers, Latinos, and against any other groups that have been the target of unfair or unlawful treatment. UFW’s members include foreign-born U.S. citizens, lawful permanent residents, and immigrants authorized to work in the United States. Many of UFW’s members have mixed-status families, with members born both in the United States and outside of the country.

INTRODUCTION AND SUMMARY OF ARGUMENT

The Venezuelan Temporary Protected Status (“TPS”) designations recognized the extraordinary and devastating economic and political conditions in Venezuela and conferred TPS protection and work authorization on 600,000 individuals, 350,000 of whom are at issue in this case. Nonetheless, in January 2025, without legal authorization or factual support, Department of Homeland Security Secretary Noem abruptly vacated and terminated TPS based on the erroneous assumption that conditions in Venezuela have improved and TPS is no longer warranted. That foundational fact is unsupportable and either mischaracterizes or ignores contemporary conditions in Venezuela. On that basis alone, the Secretary’s actions cannot withstand review and must be postponed.

Amici submit this brief to further demonstrate the ongoing horrific conditions that caused Venezuelan TPS recipients to flee their homes, the disastrous consequences that the termination of TPS will impose on them and their families, and the impact on the Nation’s economy of the Secretary’s summary termination.

BACKGROUND

There is no dispute that conditions in Venezuela in 2021 warranted the designation of that country for TPS. In his last days in office in January 2021, President Trump directed the Department of Homeland Security (“DHS”) to defer

for 18 months the removal of any Venezuelan national due to a “catastrophic economic crisis and shortages of basic goods and medicine” and the human rights violations of the “autocratic government of Nicolas Maduro.”²

On March 9, 2021, President Biden’s DHS Secretary designated an 18-month TPS designation for Venezuela, citing, among other conditions: deepening poverty; reduced access to and shortages of food and medicine; a severely weakened medical system; a collapse in basic services; water shortages; and human rights abuses and repression.³ Thereafter, Secretary Mayorkas repeatedly found that the conditions in Venezuela warranted TPS extensions in September 2022,⁴ October 2023,⁵ and January 2025.⁶ In addition, in the October 2023 extension of TPS, Secretary Mayorkas also expanded TPS eligibility by

² Deferred Enforced Departure for Certain Venezuelans, 86 Fed. Reg. 6845 (Jan. 19, 2021).

³ Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure, 86 Fed. Reg. 15374 (Mar. 9, 2021).

⁴ Extension of the Designation of Venezuela for Temporary Protected Status, 87 Fed. Reg. 55024 (Sept. 8, 2022).

⁵ Extension and Redesignation of Venezuela for Temporary Protected Status, 88 Fed. Reg. 68130 (Oct. 3, 2023).

⁶ Extension of the 2023 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 5961 (Jan. 17, 2025).

“redesignating” TPS to include Venezuelans who resided in the United States since July 31, 2023.⁷ This group of TPS recipients is composed of 350,000 people.

Notwithstanding the consistency of these findings across two administrations, on January 28, 2025, DHS Secretary Noem vacated⁸ former Secretary Mayorkas’s January 10, 2025 designation, and on February 5, 2025, Secretary Noem terminated⁹ the 2023 TPS designation for Venezuela. In the termination, Secretary Noem asserted that “there are notable improvements in several areas such as the economy, public health, and crime that allow for these nationals to be safely returned to their home country.”¹⁰ However, contrary to that assertion, the conditions originally relied upon by Secretary Mayorkas continue.

Secretary Noem’s actions would strip protections from the nearly 350,000 Venezuelan nationals who, since 2023, have had legal status and permission to reside and work in the United States. Without TPS protections they are subject to possible imminent deportation and separation from the estimated 152,000 U.S.

⁷ *Id.*

⁸ Vacatur of 2025 Temporary Protected Status Decision for Venezuela, 90 Fed. Reg. 8805 (Feb. 3, 2025).

⁹ Termination of the October 3, 2023 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 9040 (Feb. 5, 2025).

¹⁰ *Id.*

citizens with whom they share households.¹¹ If these actions were allowed to go into effect, they would inflict tremendous suffering on these hundreds of thousands of people.

Amici submit this brief containing detailed examples from union members about the circumstances in Venezuela that caused them to flee, and the devastating consequences that the abrupt termination of the TPS extension would have on the Venezuelan TPS recipients living in the United States, their families, and the U.S. economy.

ARGUMENT

I. The Original Rationales for the TPS Designations and Extensions Have Not Changed

Contrary to Secretary Noem’s assertions, the catastrophic economic crisis in Venezuela continues to result in reduced access to food, water, and medicine. Public health conditions continue to deteriorate and basic services like public transportation have collapsed. Moreover, as many have observed, the State Department itself identifies a “high risk of wrongful detentions [and] the arbitrary

¹¹ *Temporary Protected Status Protects Families while also Boosting the U.S. Economy*, FWD.US (Mar. 21, 2025), <https://www.fwd.us/news/temporary-protected-status-report-2025/>.

enforcement of local laws” in Venezuela.¹² This risk has only increased following President Maduro’s assertion of victory in the presidential election of July 2024.¹³

A. The Economic Catastrophe in Venezuela Continues

Roughly 82.8% of the Venezuelan population of 26.5 million lived in poverty in 2023.¹⁴ In 2025, food remains scarce for 41.9% of the population, according to the European Commission.¹⁵ The price of basic monthly food supplies remains very high and costs about 170 times the minimum monthly wage earned by most of the population.¹⁶ Meanwhile, an estimated 86% of the population relies on alternative sources of water, as the public infrastructure is insufficient and/or inoperable.¹⁷

¹² U.S. Dep’t of State, Bureau of Consular Affairs, *Venezuela Travel Advisory* (May 12, 2025), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/venezuela-travel-advisory.html>.

¹³ Claire Seelke, Cong. Rsch. Serv., IF10230, *Venezuela: Political Crisis and U.S. Policy* (2025).

¹⁴ *Id.*

¹⁵ European Commission, *Venezuela* (May 15, 2025), https://civil-protection-humanitarian-aid.ec.europa.eu/where/latin-america-and-caribbean/venezuela_en.

¹⁶ *Id.*

¹⁷ *Informe de Seguimiento a la Emergencia Humanitaria Compleja en Venezuela*, Hum Venezuela (Nov. 2023), <https://humvenezuela.com/wp-content/uploads/2024/01/Informe-de-Seguimiento-de-la-EHC-HumVenezuela-Noviembre-2023-2.pdf>. For instance, 57% of households transport water by foot, while 49% rely on purchased, bottled drinking water, and 17% purchase water from cisterns transported on private trucks. Overall, around 70% of the population does not have regular access to water. European Commission, *Venezuela* (May 15,

As of March 2025, there are continuing reports about the lack of vital medicine and medical supplies in an already understaffed public healthcare system.¹⁸ In 2023, 88% of the population depended on this public health system to access primary care, ambulatory care, and hospital services.¹⁹ Ninety-eight percent of patients reported inoperative or shuttered services in primary care facilities; 88% reported inaccessible ambulatory care; and 74% reported denial of service in public hospitals.²⁰ Moreover, most patients and their families reportedly are unable to cover the cost of drugs and are often asked to bring their own supplies to surgeries.²¹

The country has also seen several widespread outbreaks of infectious diseases – measles, diphtheria, and malaria – because sanitary conditions, such as

2025), https://civil-protection-humanitarian-aid.ec.europa.eu/where/latin-america-and-caribbean/venezuela_en.

¹⁸ Nada Al-Nashif, Deputy High Commissioner for Human Rights, Oral Update on the Human Rights Situation in Venezuela at 58th session of the Human Rights Council (Mar. 20, 2025), <https://www.ohchr.org/en/statements-and-speeches/2025/03/oral-update-human-rights-situation-venezuela> (reporting a shortage of 80% of medical supplies due to the economic crisis).

¹⁹ *See* Hum Venezuela, *supra* note 17.

²⁰ *Id.*

²¹ *Id.*

reliable water supplies, have worsened²² and preventative and vaccination programs have been discontinued or are available to very few people.²³

Economic mismanagement and neglect of the country's healthcare infrastructure has severely restricted access to resources for reproductive health and hygiene as well as to skilled health attendants during pregnancy and childbirth.²⁴ Common causes of maternal death were postpartum hemorrhages, sepsis, and pregnancy-induced hypertension.²⁵ Doctors stated these “predictable and treatable” conditions were often fatal due to hospitals' lack of adequate beds, medical resources, medicine, and qualified doctors and specialists.²⁶

²² *Id.* Even in 2020, an infectious disease specialist at the Central University in Caracas stated that “[s]ixty-six percent of the biggest hospitals in Venezuela do not have running water. They just receive water once or twice a week. They don't have water, and they don't have soap either.” Phillip Reeves, *Many Venezuelan Hospitals Lack Basics to Function, Let Alone Handle COVID-19*, NPR (Apr. 10, 2020), <https://www.npr.org/2020/04/10/831569313/many-venezuelan-hospitals-lack-basics-to-function-let-alone-handle-covid-19>.

²³ *Id.*

²⁴ U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, *Venezuela 2023 Human Rights Report* (2023), <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/venezuela/>.

²⁵ *Id.* There are no official statistics available since 2017, but according to a UN report, the maternal mortality rate rose from 92 deaths per 100,000 live births in 2000 to 259 deaths per 100,000 births in 2020. *Trends in Maternal Mortality 2000 to 2020: Estimates by WHO, UNICEF, UNFPA, World Bank Group and UNDESA/Population Division*, World Health Organization (Feb. 23, 2023), <https://www.who.int/publications/i/item/9789240068759>.

²⁶ *Id.*

Economic crisis and hyperinflation also mean that many Venezuelans living in cities lack transportation to get to their workplaces.²⁷ Private owners of the buses that operate most of the public system cannot afford to keep their buses running and the government-run system is also failing due to lack of maintenance.²⁸ Outside of cities, gas stations and restaurants are scarce and gas pumps are often empty.²⁹ Incidents of crime along intercity roads are common.³⁰

B. Human Rights Abuses and Repression in Venezuela Have Escalated Since 2023

In the four-month period from December 2023 to March 2024, leading up to the Venezuelan presidential elections, at least 48 people were detained on the grounds of alleged conspiracies against the Government, and arrest warrants were issued for others.³¹ The targeted individuals include military personnel as well as human rights defenders, journalists, and members of the political opposition.³²

²⁷ Hugo Pérez & David Smilde, *Venezuela's Public Transportation Crisis*, Venezuelan Politics and Human Rights (July 12, 2024), <https://www.venezuelablog.org/venezuelas-public-transportation-crisis/>.

²⁸ *Id.*

²⁹ Canada, *Venezuela Travel Advice* (May 29, 2025), <https://travel.gc.ca/destinations/venezuela>.

³⁰ *Id.*

³¹ Press Release, United Nations Human Rights Office of the High Commissioner, Unprecedented Venezuela Repression Plunging Nation into Acute Human Rights Crisis, UN Fact-Finding Mission Says (Sept. 17, 2024), <https://www.ohchr.org/en/press-releases/2024/09/unprecedented-venezuela-repression-plunging-nation-acute-human-rights-crisis>.

³² *Id.*

The U.N. Human Rights Council documented over 120 people arrested in connection with opposition campaign events in July 2024.³³ In the first week of protests following the elections, according to figures from the Venezuelan authorities themselves, more than 2,000 people were detained.³⁴ The criminal proceedings initiated against the detainees systematically violated basic due process guarantees.³⁵ Additionally, warrantless raids were conducted in the homes of the detainees, their families, and at trade unions and political organizations before, during and after the detentions.³⁶

Among those detained are leaders, members, and supporters of political parties, journalists, and human rights defenders considered or perceived by the authorities to be part of the opposition.³⁷ However, the vast majority of those

³³ *Id.*

³⁴ *Id.*

³⁵ *Detailed Findings of the Independent International Fact-finding Mission on the Bolivarian Republic of Venezuela*, U.N. Human Rights Council at 33-34 (Oct. 14, 2024), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/advance-versions/a-hrc-57-crp-5-en.pdf> (“The Mission has documented and investigated that arbitrary detentions that were carried out prior to the presidential election generally occurred without a warrant being presented by the State security forces and without the detainees being informed of the reasons for their arrest.”).

³⁶ *Id.*

³⁷ Press Release, United Nations Human Rights Office of the High Commissioner, *Venezuela Fact-Finding Mission Calls for End of Repression, Thorough Investigations, after Elections* (Aug. 12, 2024), <https://www.ohchr.org/en/press->

detained are individuals who simply voiced their rejection of the presidential election results announced by the authorities.³⁸ Many of these detentions occurred after individuals participated in protests or expressed their opinions on social media, with authorities selectively targeting them at their homes.³⁹

Additionally, a United Nations Human Rights Office of the High Commissioner (“UNHCR”) Fact-Finding Mission conducted an investigation into the deaths in state custody of four individuals.⁴⁰ Three had been detained between July 29 and August 2, 2024, and their deaths occurred in November and December 2024.⁴¹ The fourth individual was detained in January 2025 and died in February 2025.⁴² All deaths were due to health complications while in detention.⁴³ The Fact-Finding Mission has no information on whether Venezuelan authorities launched any investigation, as required by international law.⁴⁴

[releases/2024/08/venezuela-fact-finding-mission-calls-end-repression-thorough-investigations.](#)

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Marta Valiñas, Statement by Marta Valiñas, Chair of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 58st session of the Human Rights Council (Mar. 18, 2025), <https://www.ohchr.org/en/statements-and-speeches/2025/03/statement-marta-valinas-chair-independent-international-fact>.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

C. Venezuelan TPS Recipients Contribute to the U.S. Economy

The robust participation of Venezuelan TPS holders in the U.S. job market has helped “boost the U.S. economy.”⁴⁵ Many work in “[i]ndustries that have faced labor shortages since the coronavirus pandemic.”⁴⁶ Venezuelan TPS recipients are well integrated into the U.S. labor market, with more than 79% engaged in full- or part-time work and 16% self-employed.⁴⁷ The average income of Venezuelan TPS recipients is \$69,300 per year while 16% have purchased homes and have a mortgage.⁴⁸ This employment and home ownership result in significant tax payments to federal, state, and local jurisdictions – helping to sustain entitlement programs like Social Security and Medicare.⁴⁹

⁴⁵ Lauren Kaori Gurley and Anumita Kaur, *Venezuelan Migrants Lost Legal Status. Here’s What that Means for the Economy*, Washington Post (May 22, 2025), <https://www.washingtonpost.com/politics/2025/05/22/venezuelans-temporary-protected-status-supreme-court-economy/>.

⁴⁶ *Id.*

⁴⁷ Matthew Lisiecki & Kevin Appleby, *Venezuelan and Haitian Beneficiaries Contribute to the Nation and Should Not Be Deported*, Center for Migration Studies (May 22, 2025), <https://cmsny.org/venezuelan-and-haitian-tps-beneficiaries-contribute-to-the-nation-and-should-not-be-deported/>.

⁴⁸ *Id.*

⁴⁹ *The Contributions of Temporary Protected Status Holders to the U.S. Economy*, American Immigration Council (Sept. 2023), https://www.americanimmigrationcouncil.org/sites/default/files/research/contributionstemporaryprotectedstatus_0923.pdf.

II. The Experiences of Individual Union Members Demonstrate the Conditions in Venezuela and the Harms Resulting from the Termination of TPS

A. G.: Public Administrator Kidnapped After Reporting Public Fund Errors

G. is a 47-year-old TPS recipient and resident of New Jersey. He works the overnight shift in building maintenance in New York City and is very disciplined in his work. He performs his work with careful attention to detail and gives his best to every task he does, whether it is detailing walls, cleaning the lobby or bathrooms, or taking care of utility issues. G. explains that he likes to work and focuses on making anything he does extraordinary.

G. is an active member of SEIU 32BJ and regularly participates in union activities. He lives with and supports his sixty-nine-year-old father who is unable to work after suffering three heart attacks. TPS significantly improved G.'s life by authorizing him to work, permitting him to hold a stable job, and enabling him to provide for himself and his father.

G. was born in Caracas, Venezuela, and worked in public administration after completing twelve years of higher education and obtaining a bachelor's and three master's degrees. Around 2014, G. began to spot irregularities in the administration of public funds and reported this information. After he spoke up, G. began to experience a campaign of harassment, intimidation, and ultimately severe violence. Members of paramilitary forces loyal to or affiliated with President

Maduro appeared at G.'s apartment and threatened him. The threats continued to escalate as paramilitary forces loitered on the street outside his apartment, threw stones at him, tried to run him over with motorcycles, and beat him up. He also received written threats, including via graffiti on his street.

In 2016, a group of these individuals kidnapped him and transported him to the mountains. For about six hours, while they transported G., they beat him incessantly and threatened to kill him and his family. G. stated, "My soul left my body – it was worse than living, it was very traumatic." The kidnappers released G. in the mountains. From there, G. made his way to his parents' house outside the city. Shortly thereafter, G. secretly departed Venezuela.

Eventually G. made his way to the United States. He applied for asylum, which remains pending. G. also applied for and received TPS which he has renewed. G. explains that merely arriving in the United States gave him peace because he knew nobody was looking for him here. However, in Venezuela, paramilitary forces continued to search for G. and showed up at his parents' house. After G. left Venezuela, G.'s brother and nephew stayed in G.'s apartment while visiting Caracas. Believing G. was back, paramilitary men arrived at G.'s apartment. They kidnapped and beat his brother and nephew for three days.

The prospect of losing TPS and being sent back to Venezuela causes G. to fear for his life. G. explains, “TPS gives me the benefit of life – it allows common people like me to protect their life when it is at risk.”

B. N.: Pharmaceutical Company Manager Fled Economic and Political Collapse

N., a 55-year-old citizen of Venezuela, resides in New Jersey, is a member of SEIU 32BJ, and is a TPS recipient. She also has a pending asylum application. N.’s two adult sons, one of whom will soon graduate from Rutgers with a degree in dentistry, also live in the United States. N. works as a janitor at a large building in New York.

N. attended the Simon Rodriguez National Experimental University in Caracas, Venezuela, and received a bachelor’s degree in business administration more than 25 years ago. N. then completed a master’s degree in business management at the Central University of Venezuela in Caracas. With her background in business administration and scientific research, N. worked for 25 years as an administrator in the Venezuelan Institute for Scientific Research, a government agency, and in a government-owned pharmaceutical company.

For many years, N. loved her work. But, after she refused to authorize the production of medicine because of contamination concerns, she began to receive anonymous telephonic threats. “I feared for my safety, felt intimidated and anxious, and experienced panic attacks.”

At the same time, the economic crisis in Venezuela had a profound effect on N. and her family. N. remembers that “[i]t became nearly impossible to buy basic food supplies, and I spent hours and days just looking for food.” Once she did find supplies, she waited in lines for many hours a day to purchase flour, sugar, eggs, and gas. Access to electricity was limited to about three hours a day. “I worried about becoming ill since medicines couldn’t be found anywhere and the hospitals were completely depleted, unsafe, and horrible.” N. recounts that when her shoes wore out, she glued soles on them because she could not find shoes to buy that were affordable.

N. is an educated professional who worked hard at her career and considered herself a middle-class person. As the political and economic situation in Venezuela disintegrated more and more, N. decided that she had to escape.

Although N.’s sons live in New Jersey, her mother and sisters remain in Venezuela. Her family reports that water is available every 15 days and food prices are higher than ever. Eggs cost \$6 per carton, an extravagance in a country where many people on average earn \$7 a month. There is virtually no public transportation, and N. worries that her elderly mother is incapable of walking everywhere she needs to go. Often workers are not paid for their work and there is nothing they can do. N. cries as she describes the hardships that her family in Venezuela endure. She sends money to them regularly but it is never enough.

N.'s life "[t]urned completely around" when she was granted TPS and work authorization. She is grateful to be working and able to support herself and help her family in Venezuela. "I'm thankful to my union too. It has opened so many doors for me. I took English classes at the union and people helped me enroll in university classes too. Everything, my life, work, and sons are here."

C. X.: National Guard Member Refused to Suppress Protestors

X. is a 41-year-old Venezuelan and a recipient of TPS who also has a pending asylum application. He is a member of SEIU 32BJ and works at a large building in New York maintaining and cleaning the building. X. is also an active member of his church and is currently studying English.

With the earnings from his job, X. supports not only himself but also four generations of his family in Venezuela, including his two young children, aged 5 and 10, his younger brothers, his parents, and his grandparents. X.'s mother is recently bedridden after a major surgery, his father is taking care of his mother, and both of his younger brothers were forced to remain in Mexico after the Trump administration terminated the CBP One process. X. does not know what his family would do without his support as "they depend directly on me."

X. served in the Venezuelan national guard for five years after he finished his education. For many years X. and his family were financially secure but after about 2011, the economic crisis made necessities like food, medicine, and diapers

scarce and unaffordable and living conditions less safe. X.'s salary at the national guard was not enough to feed himself or his family for even a day, and he lost over forty pounds during this time. He had to wait in lines for hours to days with thousands of others for basics like diapers, milk, medication, and gas. Often these supplies would run out entirely. Electricity was rationed and water was also difficult to obtain.

When anti-government protests began ramping up in 2014, it was part of the job of the national guard to stop them. X. did not want to be part of the brutal state violence he saw against the protestors and attempted to leave active duty. Initially X. received permission to be on reserve, but within a couple of months he was under intense pressure to return to active duty and received threats against him and his family. When X. returned to active duty, he was detained and incarcerated for two months during which time he was both physically and psychologically tortured. He was treated like a traitor to his country.

Due to the ongoing unrest and economic instability, X. decided to leave Venezuela. X. secretly fled Venezuela because, as a national guard member, his departure was considered desertion or treason. After he left Venezuela, people affiliated with the national guard came to his home to ask about X.'s whereabouts and verbally threaten his family. They warned his family that if he ever came

back, he would “have to pay.” X. knows that if he returns to Venezuela, he will be incarcerated again.

X. traveled first to Colombia for a couple months, then to Ecuador for a several months, and then finally to Peru for a few years. In all these countries, X. worked and sent money home to support his family. X. decided to leave Peru for the United States after political changes in Peru made him feel unsafe.

X.’s journey to the United States was long, difficult, and dangerous. He traveled part of the way by bus, by boat, and by motorbike, but mainly by foot.

X. came to the United States because he believed that this country would offer him safety and protection – basic things that he could not find anywhere else. X. knows that the economic and political conditions in Venezuela that caused him to leave are still the same or worse. Basic necessities are expensive and difficult to find. Gas, electricity, and water are still inconsistent. The wages are not enough to survive on. And, beyond these conditions, X. knows that he would be arrested and punished for his unwillingness to take part in the national guard’s violent actions.

X. recounts that the receipt of TPS improved his life enormously and made him feel content, secure, and protected for the first time in years. All that changed since he learned that the Trump administration will end TPS for Venezuela. X. feels anxious and worries about the consequences of this loss for himself and his

family. TPS is a lifeline for X. and his entire extended family and without it they would all be harmed.

D. D.: School Principal Works and Is Involved in His U.S. Community

D., a 52-year-old Venezuelan citizen and TPS recipient, did not intend to remain in the United States when he, his wife, and his daughter entered with tourist visas. But due to severe economic insecurity and safety concerns in his home country, D. felt he had no option but to stay and exhaust all available legal avenues to lawfully remain in the United States and establish roots in California.

D. is a middle-class person who, for most of his adult life, lived in a comfortable, secure, and safe planned community in the Venezuelan state of Tachira. He possesses a bachelor's degree in mathematics from the University of the Andes, Venezuela's second oldest university, and for over 20 years, worked as a middle school principal and educator in Tachira. More recently, however, D.'s life rapidly deteriorated due to Venezuela's severe economic crisis. According to D., rampant inflation rendered his previously comfortable level of income "so low that [his family was] struggling to have enough money to eat." During D.'s last five years in Venezuela, his family home was burglarized three times, and, as a result, his family lost practically all their worldly possessions.

D. hopes to someday find long-term work in the United States teaching and tutoring math to immigrants like himself. He is eager to become more involved in

his community and help others. D., a devout Christian, has regularly volunteered and attended services at a Pentecostal church. D. is also a member of SEIU Local 721.

Since obtaining work authorization, D. has worked as a delivery driver for various apps, including Instacart, DoorDash, and Uber Eats. Although being a delivery driver is not his intended long-term career, D. still finds a lot of satisfaction serving others in this role. “I help a lot of people through my work. The majority of people I deliver to are not very mobile due to illness or old age. I take a lot of food to retirement homes. Many of the seniors I deliver to are unable to carry groceries, so I sometimes go out of my way to carry water and food up multiple flights of stairs. Other times I deliver to businesses where people are working hard and do not have the time to cook hot food. When I serve these people, I feel that I am really helping people in this country and that I am useful.”

TPS has allowed D. and his family “to think about the future” and afforded his family the opportunity to seek a more stable life. “TPS gave us a lot more calm because this is a country of laws and even if the president changed, I thought I would not suddenly have my status and protection from deportation taken away. To me, TPS means stability.”

D. and his family worry that losing TPS could result in the federal government arbitrarily detaining or imprisoning them. “If I lose TPS, I think we

would have to immediately leave the United States because we do not want to be deported. I am terrified that my daughter, who is 16, would see us in chains or in prison uniforms.”

E. H.: Mother Fled Economic Crisis Seeking Security for Herself and Her Two Sons

H., a Venezuelan citizen who was granted TPS, is 48 years old and resides in California with her 10- and 19-year-old sons. Before Venezuela’s economic crisis, H. led a comfortable middle-class life in the Venezuelan state of Lara. But after the crisis began in or around 2010, H. lost her job at a car dealership. At the same time, food and medicine became scarce, and H. had to drive several hours to Colombia to purchase essential goods. According to H., “getting sick was a luxury.”

Other basic goods, including gasoline, electricity, and water, became “almost impossible to get.” According to H., “you’d have to wait as long as four to five days and sleep in your car to get fuel. Water was easier to get, but when there was no electricity, there was no water, so we always had to have water saved and stored because of the constant outages.”

After entering the United States, H. found work as a delivery driver for various apps, including Instacart, DoorDash, and Uber Eats, and became a member of SEIU Local 721. H. takes pride in the fact that other people depend on her work. “Imagine a world without drivers – especially in Los Angeles. With our

services and the services provided through apps, people can pay some money to save a lot of time to obtain important goods they need at their homes and businesses. I felt incredibly happy when I obtained TPS, and my life has improved significantly since I obtained it. The fact that I am legally in this country is very important. It has allowed me to submit job applications, including for my current job as a driver.”

H. left Venezuela due to the economic crisis and to attain safety and security for herself and her two sons. “Before the terrible economic crisis in Venezuela, I was able to own a home, buy a car, and live a middle-class life. But the disintegration of the economy meant that there was no life or future for my sons there. I am very thankful to this country, and especially the state of California. We are so lucky – those of us who get to live here.”

Although she misses her family in Venezuela, H. fears she will suffer serious harm if she is forced to return to Venezuela under the current political regime. “I sometimes think about the possibility of having to return to my country even though things are horrible there. The government retaliates against people returning to Venezuela as though they are traitors because they left the country. I fear retaliation, physical harm, and imprisonment if returned to Venezuela.”

F. J.: Survivor Grateful to Have TPS, Distraught That She May Lose It

J., a 48-year-old Venezuelan citizen and TPS recipient, is from the state of Lara. In addition to TPS, J. also applied for asylum. She currently resides in California with her husband, B., also a Venezuelan citizen. J. describes TPS as crucial to maintaining her mental wellbeing and helping her feel secure, stable, and protected. “Because my asylum application is still in process, I felt so much more protected to have the protection of TPS.”

J. is a member of SEIU Local 721 and since obtaining work authorization has consistently worked as a driver for Uber Eats and DoorDash. Although she is new to the United States, J. does not “want to stay at home.” Instead, she is eager to “work and be a part of society and to contribute to society.”

J. and B. fled Venezuela to escape persecution from a fanatical paramilitary group created by President Hugo Chávez, the Bolivarian Circles. Members of the Bolivarian Circles murdered J.’s brother, a taxi driver, in 2020 shortly after he returned to Venezuela after a brief, temporary residence in the United States.

To seek redress for her brother’s murder, J. reported the crime to government authorities. Shortly thereafter, men began following and surveilling J. and B. Eventually, a group of individuals forcibly entered J.’s uniform-manufacturing business and destroyed her tools and machinery. Around the same time, members of the Bolivarian Circle followed and brutally beat B. near his

home. J. and B.'s neighbors witnessed the assault and, by intervening, were able to save B.'s life. In the aftermath of this violence, J. concluded that she and B. could not continue to live safely in Venezuela and made the difficult decision to flee.

J. is very thankful that she had the means and ability come to the United States, seek asylum and receive TPS. "I'm not sure what would have happened if the United States didn't exist, and we weren't able to come here. Thank God that we have been able to make a life here."

Although she is tremendously grateful that she was granted TPS, she is horrified and distraught that she will be forced to return to Venezuela. "I have been stressed out and lost hair because I fear I will have to return to Venezuela. It was terrifying to me because, whenever I watch the news in Venezuela, it was obvious to me that it was not safe for me to go back. With heart in my hand, I really want Americans to know that I am here to follow the law and to work."

As these experiences demonstrate, the catastrophic conditions that caused Venezuelan TPS recipients to flee their homes persist, the termination of TPS will impose disastrous consequences on them and their families, and the United States will experience economic damage from the loss of their contributions.

CONCLUSION

The district court's orders to postpone the actions taken by DHS Secretary Noem should be affirmed.

Dated: June 3, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C), I certify that: 1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) and 29(a)(5) because it contains 5,712 words, excluding parts of the brief exempted by Fed. R. App. P. 32(f) 2. This brief complies with the typeface requirements of Fed. R. App. P 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Word 2010, 14-point Times New Roman font.

Dated: June 3, 2025

Respectfully submitted,

/s/ Steven K. Ury

Steven K. Ury

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2025, I electronically filed this brief with the Clerk of the Court for the U.S. Court of Appeals for the Ninth Circuit by using the appellate ACMS system. I certify that all participants are registered ACMS users, and that service will be accomplished by the appellate ACMS system.

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