

Docket No. 25-5724

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.

*Appeal from a Decision of the United States District Court for the Northern District of California,
No. 3:25-cv-01766-EMC · Honorable Edward M. Chen*

**BRIEF OF ECONOMISTS AS *AMICI CURIAE*
IN SUPPORT OF PLAINTIFFS-APPELLEES**

VINCENT LEVY
Counsel of Record
COLIN A. MARK
TORRELL E. MILLS
HOLWELL SHUSTER & GOLDBERG LLP
425 Lexington Avenue, 14th Floor
New York, NY 10017
(646) 837-5120
vlevy@hsgllp.com
Counsel for Amici Curiae

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INTEREST OF AMICI CURIAE

Amici curiae are economists of national standing who study the field of immigration and its impact on the American economy.¹ Their research has been widely cited in academic literature and has been relied upon in federal court as expert opinions. Policymakers—including the White House, the National Security Council, the Department of Homeland Security (DHS), and foreign governments—have likewise drawn on their expertise in shaping immigration regulation. *Amici curiae* have a strong interest in ensuring that immigration regulation in the United States rests on the best available scientific understanding of its impacts.

INTRODUCTION

This appeal is not about abstract questions of administrative law. It concerns the Government’s attempt, without factual or economic

¹ Pursuant to Fed. R. App. P. 29(a)(4)(E), *Amici* affirm that no counsel for any party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *Amici* or their counsel made a monetary contribution to its preparation or submission. A complete list of *Amici* is set forth in the appendix to this brief. University affiliations are provided for identification purposes only.

justification, to upend the lives of nearly one million lawfully present workers and the communities that rely on them. Terminating Temporary Protected Status for Venezuelan and Haitian nationals would destabilize regional economies, shrink the national workforce, and harm the very public interests the agency aims to serve.

The Government's defense of terminating TPS turns on claims about national interest, resource strain, and public safety that are economically and empirically false. The record and every credible source of data show that ending TPS for these populations would not relieve pressure on U.S. communities or strengthen the national economy but rather would inflict massive harm.

The Government says the Secretary of Homeland Security permissibly exercised broad discretion to determine that continuing TPS for Venezuela and Haiti was "contrary to the national interest," Gov't Br. 9–10 (citing 8 U.S.C. § 1254a(b)(1)(C)), and invokes supposed strain on "local community resources," "demands caused by increased numbers," and a speculative nexus to criminal gang membership that may potentially draw more immigrants to the border. *Id.* at 9–10 (citing *Termination of*

the October 3, 2023 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 9040, 9042 (Feb. 5, 2025); *Protecting the American People Against Invasion* § 16(b), Exec. Order No. 14,159, 90 Fed. Reg. 8443, 8446 (Jan. 29, 2025)). Yet the Government identifies no empirical evidence that continuing TPS has (or will) burden domestic labor markets, strain municipal budgets, or jeopardize public safety. In fact, the best available data, peer-reviewed research, and federal government analyses bespeak precisely the opposite. More than 935,000 Venezuela and Haiti nationals lawfully reside and work in the United States under TPS. They are overwhelmingly employed, pay billions annually in taxes, and fill essential roles in healthcare, construction, transportation, and food production. *Infra*, Section III. Terminating their status would shed over 360,000 domestic jobs for a period exceeding four years because the absence of Venezuelan and Haitian workers both reduces U.S. consumer demand and curtails economic productivity that generates U.S. employment. *Infra*, Section IV. Annual Gross Domestic Product (the aggregate value-added for the U.S. economy as a whole) would decline by over \$20 billion in each year on an ongoing basis—a macroeconomic loss of the

magnitude the Congressional Review Act, 5 U.S.C. § 804, treats as “major.” *Infra*, Sections IV–V. And federal tax revenue (net of expenses) would fall by over \$5 billion annually, reflecting both contraction in the overall economy and loss of tax revenue collected directly from the migrants themselves. *Infra*, Section VI.

The Government’s invocation of “public safety” fares no better. Large-scale removal of lawfully present, fully employed residents has never been shown to reduce crime or protect communities. Empirical research on immigration enforcement confirms that deportations of this scale have no measurable effect on violent- or property-crime rates. *Infra*, Section VIII. The economic record therefore refutes the Government’s claimed justifications and reinforces the district court’s conclusion that the agency acted without reasoned basis. At a moment when U.S. growth is slowing and unemployment is rising, the termination of TPS for Venezuelans and Haitians would undermine—not advance—the national interest. *Amici* urge this Court to affirm.

ARGUMENT

I. Number of Venezuelan and Haitian Nationals Affected.

The scale of the affected population is immense. Some 935,750 Venezuelan and Haitian nationals covered by TPS risk removal. Far from transient migrants, they are contributing members of the labor force, homeowners, taxpayers, and parents of tens of thousands of U.S.-citizen children. Center for Migration Studies, *Venezuelan and Haitian TPS Beneficiaries Contribute to the Nation and Should Not Be Deported*, at 2 (2025), <https://cmsny.org/venezuelan-and-haitian-tps-beneficiaries-contribute-to-the-nation-and-should-not-be-deported/>. The economic significance of any policy affecting a population that size cannot be overstated.

The best available economic evidence allows a conservative estimate of the economic impacts of terminating TPS for Venezuelan nationals under the 2021 and 2023 TPS designations, 86 Fed. Reg. 13574 (Mar. 9, 2021); 88 Fed. Reg. 68130 (Oct. 3, 2023), and for Haitian nationals under the 2024 TPS re-designation and extension, 89 Fed. Reg. 54484 (Jul. 1, 2024). The first step is to estimate the number of TPS beneficiaries affected.

When DHS last published an official estimate, it reported “approximately 607,000 current Venezuelan TPS beneficiaries[.]” 90 Fed. Reg. 5961, 5966 (Jan. 17, 2025). As of August 28, 2025, DHS reported to the Congressional Research Service that the number of Venezuelan nationals “approved” or “covered” by TPS was 605,015.² Jill H. Wilson, Cong. Rsch. Serv., *Temporary Protected Status and Deferred Enforced Departure* 8–9, tbl. 1 (Aug. 28, 2025), <https://www.congress.gov/crs-product/RS20844>. The same source reports that as of August 28, 2025, there were 330,735 Haitian nationals covered by TPS. This analysis therefore considers 605,015 Venezuelan nationals and 330,735 Haitian nationals currently covered by TPS because these are the most recent figures made publicly available.³

² This comprises 252,825 Venezuelan nationals covered by the 2021 designation (available only to those who arrived before March 8, 2021, and have since resided continuously in the U.S.) and 352,190 Venezuelan nationals covered by the 2023 designation (available only to those who arrived before July 31, 2023, have since resided continuously in the U.S., and were not covered by the 2021 designation).

³ On February 5, 2025, DHS stated that “approximately 348,202 aliens are eligible for TPS under the 2023 Venezuela designation” 90 Fed. Reg. at 9043, but this analysis uses the more recent, August 28, 2025, number reported and sourced to DHS. See Wilson, *supra*, at 8–9, tbl. 1.

DHS has moved to terminate TPS for both the 2021 and 2023 groups of Venezuelan nationals and for all Haitian nationals. *See* 90 Fed. Reg. 8805 (Feb. 3, 2025); 90 Fed. Reg. 9040 (Feb. 5, 2025); 90 Fed. Reg. 10511 (Feb. 24, 2025); 90 Fed. Reg. 28760 (Jul. 1, 2025). If these actions by DHS take effect, most Venezuelan nationals covered by TPS will become removable immediately, and all will become removable by October 2, 2026; Haitian nationals will become removable immediately.⁴

II. The Economic Characteristics of Venezuelan and Haitian TPS Beneficiaries.

Venezuelan and Haitian TPS holders are integral to the U.S economy. They contribute billions in annual labor income across multiple sectors, from construction and logistics to health care and food production. A rigorous estimate of their economic characteristics is essential to understanding the nationwide costs that would follow from their removal.

⁴ Certain Venezuelans would retain TPS until October 2, 2026; DHS puts this number at approximately 5,000, *see Nat'l TPS All. v. Noem*, 2025 WL 1547628, at *5 n.4 (N.D. Cal. May 30, 2025), or less than one percent of Venezuelans with TPS.

The best source for this information is the anonymized, individual-level Public Use Microdata Samples (PUMS) of the U.S. Census Bureau's American Community Survey (ACS). The data includes representative 1% samples of the entire resident population of the United States in each of the years 2019–2023, that is, 15,912,393 people residing in the United States. These samples have been carefully designed to be representative of the entire population, as well as the native and foreign-born populations, when adjusted with quantitative weights calculated by the Census Bureau to reflect differences in coverage between the sample and the full population.

Using that data, this brief identifies and analyzes the typical characteristics of inadmissible Venezuelan and Haitian nationals using a routine method by which economists, demographers, and other social scientists impute likely immigration status to each individual.⁵ This method

⁵ Jeffrey S. Passel & D'Vera Cohn, *Unauthorized Immigrant Totals Rise in 7 States, Fall in 14*, Pew Rsch. Ctr. (Nov. 18, 2014), <https://www.pewresearch.org/race-and-ethnicity/2014/11/18/unauthorized-immigrant-totals-rise-in-7-states-fall-in-14/>; George J. Borjas & Hugh Cassidy, *The Wage Penalty to Undocumented Immigration*, 61 Lab. Econ. 101757 (2019); *MPI Methodology for Assigning Legal Status to Noncitizen Respondents in U.S. Census Bureau Survey Data*, Migration Pol'y Inst., <https://www.migrationpolicy.org/about/mpi-methodology-assigning->

imputes the most likely status for foreign-born individuals based on data about country of birth, citizenship, receipt of public benefits, veteran status, employment in public agencies or the military, cohabitation with a

legal-status-noncitizens-census-data (last visited Sep. 29, 2025); Annie Ro & Jennifer Van Hook, *Comparing the Effectiveness of Assignment Strategies for Estimating Likely Undocumented Status in Secondary Data Sources for Latino and Asian Immigrants*, 41 Population Rsch. & Pol’y Rev. 449 (2022). Major occupations requiring licensing are given by Maury Gittleman, Mark A. Klee & Morris M. Kleiner, *Analyzing the Labor Market Outcomes of Occupational Licensing*, 57 Indus. Rels. 57 (2018), whose method is based on de facto self-reported licensing rates in the Current Population Survey and is widely accepted, *see, e.g.*, Hugh Cassidy & Tennecia Dacass, *Occupational Licensing and Immigrants*, 64 J. L. & Econ. 1 (2021); Morris M. Kleiner & Evan J. Soltas, *A Welfare Analysis of Occupational Licensing in U.S. States*, 90 Rev. Econ. Stud. 2481 (2023). These occupations are: architects, audiologists, barbers, bus drivers, chiropractors, dental hygienists, dentists, driver/sales workers and truck drivers, emergency medical technicians and paramedics, funeral directors, hairdressers, hairstylists, and cosmetologists, insurance sales agents, lawyers, licensed practical and licensed vocational nurses, occupational therapists, optometrists, pest control workers, pharmacists, physical therapists, physician assistants, physicians and surgeons, podiatrists, real estate brokers and sales agents, registered nurses, respiratory therapists, taxi drivers and chauffeurs, teachers, veterinarians, water and liquid waste treatment plant and system operators.

U.S.-citizen spouse, recent arrival from a country of frequent refugee resettlement, and work in an occupation that requires licensing.

Estimates resulting from this method are standard in peer-reviewed academic research and have been extensively validated against other sources.⁶ These estimates are then adjusted for the higher rate of nonresponse to the ACS among immigrants, following a method used by the U.S. Congressional Budget Office;⁷ and adjusted for the U.S. Census Bureau's best and most recent estimates of the degree to which the ACS PUMS undercounts specifically the immigrants who have arrived since 2021.⁸

This analysis—summarized in Table 1—reveals that large shares of all inadmissible migrants born in Venezuela and Haiti earned income

⁶ E.g., Bryan Baker & Robert Warren, U.S. Dep't Homeland Sec., *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2018–January 2022* (2024).

⁷ *The Demographic Outlook: 2024 to 2054* (Jan. 18, 2024), U.S. Cong. Budget Off., <https://www.cbo.gov/publication/59697>.

⁸ Mark Gross et al., *Census Bureau Improves Methodology to Better Estimate Increase in Net International Migration* (Dec. 19, 2024), <https://www.census.gov/newsroom/blogs/random-samplings/2024/12/international-migration-population-estimates.html>.

from employment in the previous year. This share is 56% for Venezuela-born migrants who arrived before 2022, 40% for Venezuela-born migrants who arrived during 2022–2023, and 61% for Haiti-born migrants who arrived before 2024. The share is 56% overall.⁹

⁹ Margins of error are reported in the corresponding tables, here Table 1.

Table 1: Traits of average, likely-inadmissible migrants born in Venezuela and Haiti compared to other migrants and natives

	<i>Status:</i> <u>Inadmissible</u>					Native
	<i>Birth:</i> Venez.	Venez.	Haiti	Venez. Or	Other non-	US
<i>Arrival:</i>	<2022	2022–3	<2024	<2024	<2024	—
Age	35.3	29.3	37.6	35.5	36.5	38.3
<i>margin of error</i>	± 0.4	± 1.2	± 0.6	± 0.3	± 0.1	$\pm < 0.1$
Years of education	14.1	12.6	11.4	13.0	11.4	13.7
<i>margin of error</i>	± 0.1	± 0.3	± 0.1	± 0.1	$\pm < 0.1$	$\pm < 0.1$
Working age/capita	0.75	0.74	0.84	0.78	0.86	0.60
<i>margin of error</i>	± 0.01	± 0.03	± 0.01	± 0.01	$\pm < 0.01$	$\pm < 0.01$
Employed/capita	0.56	0.40	0.61	0.56	0.62	0.49
<i>margin of error</i>	± 0.01	± 0.04	± 0.02	± 0.01	$\pm < 0.01$	$\pm < 0.01$
Wage income, \$/yr.	37,777	23,868	29,888	33,978	46,983	56,096
<i>margin of error</i>	$\pm 1,362$	$\pm 5,690$	$\pm 1,248$	± 983	± 263	± 53

Note: ‘margin of error’ is the statistical margin of error with 95% confidence. Working age means 18–65. Years of schooling is for working-age only. ‘Working age/capita’ means the number of working age as a fraction of the overall subpopulation of any age. ‘Employment/capita’ means the number of people who earned labor income in the past 12 months, as a fraction of the overall subpopulation of any age. ‘Wage income \$/yr.’ is average dollars of income from wages, salaries, commissions, cash bonuses, tips, and other money income received from an employer, in the previous 12 months, among those who received any such income. Source: IPUMS USA American Community Survey pooled 2019–2023.

The annual average wage income for employed inadmissible migrants in Table 1 is as follows: \$37,777 for Venezuela-born migrants who arrived before 2022, \$23,868 for Venezuela-born migrants who arrived during 2022–2023, \$29,888 for Haiti-born migrants who arrived before 2024, and \$33,978 for all Venezuela-born and Haiti-born migrants considered collectively. Likely-inadmissible migrants from Venezuela are on average more educated than inadmissible migrants from other countries (e.g. migrants Mexico and Central America); Haitian migrants are on average similarly-educated to other inadmissible migrants.

As implied in Table 1, removing 352,190 inadmissible Venezuelans who immigrated between 2021 and 2023 would reduce the aggregate economic product by \$3.36 billion of labor, per year: 352,190 removals, times 40% employment, times \$23,868 in annual income per worker.¹⁰

¹⁰ This calculation only includes labor force participants who are currently employed and excludes all non-working dependents. This calculation reasonably assumes that inadmissible Venezuelan migrants who arrived between March 2021 and July 2023 (covered by the 2023 TPS designation) are economically similar to those who arrived between January 2022 and December 2023 (identified in the ACS). It also reasonably assumes that Haitians who arrived in 2024, a period not covered by publicly-available ACS data at the time of writing, are broadly similar in economic terms to Haitians who arrived in 2023, 2022, and earlier years.

Likewise, removing 252,825 inadmissible Venezuelans who arrived prior to 2021 would reduce the aggregate economic product by \$5.35 billion of labor per year (252,825 removals, times 56% employment, times \$37,777 in annual income per worker). Removing 330,735 inadmissible Haitians would reduce the aggregate economic product by \$6.03 billion of labor per year (330,735 removals, times 61% employment, times \$29,888 in annual income per worker).¹¹

Together, these calculations imply a conservative estimate of one part of the decline in U.S. economic product that would arise from removing the roughly 935,750 Venezuelan and Haitian nationals currently covered by TPS. They imply that the portion of U.S. value-added allocated to these Venezuelan and Haitian nationals as labor income collectively exceeds \$14 billion annually. Removing TPS from Venezuelan and

¹¹ This calculation reasonably assumes that inadmissible Venezuelan migrants who arrived in any year or month prior to March 8, 2021 (covered by the 2021 TPS designation) are economically similar to those who arrived in any year or month prior to 2021 or at some point during 2021 (identified in the ACS).

Haitian nationals would cause a loss to the overall U.S. economy including that amount. It would, moreover, cause additional losses, comprising lost capital income to U.S. shareholders and proprietors of firms that employ migrants, and lost labor income to U.S. nationals whose employment depends on firms where migrant workers make an essential contribution to production.¹²

III. Comparison to Other Inadmissible Migrants.

Venezuelan and Haitian nationals with TPS are economically indistinguishable from the broader population of inadmissible immigrants who sustain key segments of the U.S. labor market. That comparability makes it appropriate—indeed, necessary—to draw on the extensive body of economic studies analyzing the removal of inadmissible immigrants as

¹² This estimate is conservatively low. It assumes that Venezuelan and Haitian respondents to the ACS reporting work and earnings in or before 2023 did not advance in their labor force participation or in earnings per year by 2025. Venezuelans and Haitians who remain in this country for longer periods tend to experience greater economic integration, labor force participation, and earnings. Table 1 illustrates the comparison of Venezuelans who had arrived by 2021 to those who arrived later.

a whole, rather than limiting the inquiry to targeted studies of recent Venezuelan arrivals.

As Table 1 shows, inadmissible Venezuelan and Haitian migrants have nearly identical skill profiles and employment rates as their non-Venezuelan counterparts. Beyond this, they are distributed across economic sectors in ways that closely mirror other inadmissible migrants. Table 2 below shows the industry distribution of inadmissible, private-sector Venezuelan and Haitian migrant workers and other likely-inadmissible migrant workers in the same ACS data used for Table 1.¹³

¹³ The industry groups in the table represent the broadest industry disaggregation in the standard North American Industry Classification System for private-sector establishments (omitting government and military). Industry is a characteristic of a worker's employer, not the worker's occupation; for example, a non-scientist who is employed by a scientific research laboratory to do janitorial work is classified as working in the "Professional, Scientific" sector.

Table 2: Industry distribution of likely inadmissible Venezuelan and Haitian workers compared to other migrants and natives

<i>Industry:</i>	<i>Status:</i>	<u>Inadmissible</u>		Native
	<i>Birth:</i>	Venez. or	Other non-US	US
	<i>Arrival:</i>	<2024	<2024	—
		%	%	%
Hospitality, Recreation		18.4	14.3	10.4
<i>margin of error</i>		± 1.0	± 0.1	± 0.0
Health Care, Education		15.6	13.2	25.6
<i>margin of error</i>		± 0.9	± 0.1	± 0.0
Retail trade		13.7	8.5	12.4
<i>margin of error</i>		± 0.9	± 0.1	± 0.0
Professional, Scientific		12.2	14.5	12.1
<i>margin of error</i>		± 0.8	± 0.1	± 0.0
Manufacturing		10.3	12.7	10.4
<i>margin of error</i>		± 0.8	± 0.1	± 0.0
Construction		8.5	16.7	6.2
<i>margin of error</i>		± 0.7	± 0.2	± 0.0
Transportation, Utilities		7.5	3.5	6.0
<i>margin of error</i>		± 0.7	± 0.1	± 0.0
Finance, Real Estate		3.7	3.5	6.9
<i>margin of error</i>		± 0.5	± 0.1	± 0.0
Wholesale trade		3.2	2.4	2.4
<i>margin of error</i>		± 0.4	± 0.1	± 0.0
Information		1.3	1.4	2.0
<i>margin of error</i>		± 0.3	± 0.0	± 0.0
Agriculture		1.2	4.4	1.4
<i>margin of error</i>		± 0.3	± 0.1	± 0.0
Other		4.4	4.8	4.3
<i>margin of error</i>		± 0.5	± 0.1	± 0.0

Note: ‘margin of error’ is the statistical margin of error with 95% confidence. Source: IPUMS USA American Community Survey pooled 2019–2023.

Table 2 confirms that inadmissible Venezuelan and Haitian migrant workers, much like their non-Venezuelan counterparts, are broadly distributed across industries. Venezuelans and Haitians collectively are about four percentage points more likely to work in the hospitality and recreation sector (e.g. restaurants, hotels, food delivery) and five percentage points more likely to work in retail trade than other inadmissible migrants. Venezuelans and Haitians are collectively eight percentage points less likely to work in construction and three percentage points less likely to work in agriculture than other inadmissible migrants.

Apart from those narrow exceptions, no marked difference exists in the Venezuelans' and Haitians' distribution across sectors relative to other inadmissible migrants. Further, Table 2 offers no evidence that inadmissible Venezuelan and Haitian migrants are employed in systematically less productive sectors than their counterparts from other countries.

In sum, the evidence in Tables 1 and 2 conveys that Venezuelan and Haitian TPS beneficiaries are economically representative of the

broader inadmissible workforce that underpins many essential industries. Accordingly, the large body of established economic research quantifying the national costs of mass removals of inadmissible workers applies directly here: eliminating this population would predictably reduce output, shrink employment, and impair overall economic welfare.

IV. Removing Venezuelan and Haitian TPS Beneficiaries Will Harm Other Workers.

Removing Venezuelan and Haitian TPS beneficiaries would not only devastate those individuals and their families—it would also harm other workers, including by stripping more than \$14 billion in labor income from the U.S. economy each year. Contrary to the Secretary’s arguments that such removal would advance national interests, the empirical record shows that deporting these workers would depress, not enhance, employment opportunities for U.S. workers. The key inquiry is whether, upon the TPS beneficiaries’ removal, U.S. nationals will replace lost labor so as to mitigate the blow to the economy.

The best evidence suggests that U.S. nationals will not replace lost labor. One peer-reviewed study in an economics journal has directly

evaluated the effects of migrant workers recently fleeing Venezuela on the wages and employment of U.S. nationals. It uses modern, widely accepted methods to test whether U.S. nationals in cities that became important destinations for the Venezuelan exodus experienced reduced employment or wages, relative to those in otherwise similar cities. It finds a “lack of evidence that the labor market outcomes of U.S.-born individuals were adversely affected by the inflows.” Christian Gunadi, *The Labour Market Effects of Venezuelan Refugee Crisis in the United States*, 83 Oxford Bull. Econ. & Stat. 1311, 1333 (2021). No academic study has attempted to estimate the effects of immigrants from Haiti specifically on the labor market outcomes of U.S. nationals.

This evidence on Venezuelans is consistent with the most recent peer-reviewed research on policy changes that restrict U.S. firms’ ability to hire low-skill foreign workers in general (in the non-farm sector): the evidence does not show systematic displacement of low-skill U.S.-workers by low-skill immigrants. *See generally* Michael A. Clemens & Ethan G. Lewis, *The Effect of Low-Skill Immigration Restrictions on US Firms*

and Workers: Evidence from a Randomized Lottery (*American Economic Journal: Applied Economics*, forthcoming, 2026).

The most rigorous evidence that economists have on the labor-market effects of removing low-skill immigrant workers in general—across all nationalities—comes from a recent study published in the highly-selective *Journal of Labor Economics*. Chloe N. East et al., *The Labor Market Effects of Immigration Enforcement*, 41 J. Lab. Econ. 957 (2023). The authors study the effects of a large deportation program conducted primarily under the Obama Administration known as Secure Communities, from 2008–2014. Because counties’ start dates for Secure Communities were staggered, the study was able to isolate the effect of an uptick in deportations by comparing otherwise similar counties that began the program at different times.

The evidence not only fails to show that U.S. labor replaces lost migrant labor; it shows that a large and sudden increase in deportations causes a substantial *reduction* in employment of U.S. nationals. The principal mechanisms for this effect were that the spike in deportation deterred the formation of new businesses—mostly small businesses—and

encouraged the exit of existing businesses. The result was fewer employment opportunities for U.S. workers overall. That reduction came in part from lower U.S. employment within the businesses from which immigrants were removed. And some came from ripple effects across local economies: lost jobs in the businesses that would have provided the other lost businesses with tools or accounting services, in the restaurants that would have served the missing entrepreneurs, and the like.

Academic studies were also able to quantify U.S. job loss due to removals. Thus, a study published in the *Journal of Labor Economics* estimates that every inadmissible worker removed caused the elimination of 0.77 jobs held by U.S. nationals, for at least four years after mass deportation began in the average county, considering all ripple effects across all sectors in local economies.¹⁴

¹⁴ East et al., *supra* Section IV., tbls. 3–4. Removals of low-skill immigrant workers caused a reduction in low-skill employed immigrant workers of 0.387 people per 100 in the average local economy, and a reduction of 0.300 employed native-born workers per 100, thus 0.300 divided by .387 = 0.770. The timescale of the analysis extends only to four years after the arrival of Secure Communities in a given county.

As discussed, it is appropriate to extrapolate this study to the specific case of removal of Venezuelan and Haitian nationals. We therefore estimate that every removal contemplated here would cause the elimination of 0.77 jobs held by U.S. nationals. Accordingly, removing all Venezuelan 2023 TPS beneficiaries will result in the loss of 108,475 jobs for U.S. nationals four years later: (a) 352,190 beneficiaries of the 2023 designation who would be removed; times (b) the employed-worker-to-population ratio of 0.4 from Table 1, to get the number of employed immigrant workers removed; times (c) 0.77 U.S. nationals' jobs. Likewise, removing all Venezuelan 2021 TPS beneficiaries will result in the loss of 109,018 jobs for U.S. nationals four years later: (a) 252,825 beneficiaries of the 2021 designation who would be removed; times (b) the employed-worker-to-population ratio of 0.56 from Table 1; times (c) 0.77 U.S. nationals' jobs. Finally, removing all Haitian TPS beneficiaries will result in the loss of 143,443 jobs for U.S. nationals four years later: (a) 330,735 beneficiaries who would be removed; times (b) the employed-worker-to-population ratio of 0.61 from Table 1; times (c) 0.77 U.S. nationals' jobs. In total, removing the 935,750 Venezuelan and Haitian TPS beneficiaries

from the United States would eliminate over 360,000 Americans' jobs, for four years or more.

This research does not necessarily imply that “U.S. workers won’t do the jobs” that removed immigrant workers had been doing. Rather, the evidence is consistent with the conclusion that *some* jobs will go from removed immigrants to U.S. workers (what economists call the “substitution” effect) and yet *still more* U.S. jobs would be lost in total, because business activity is reduced (the “scale” effect). For example, a restaurant that closes due to deportations (or is never opened) not only loses its immigrant cooks but also eliminates jobs for U.S. cooks and waitstaff within the establishment, and U.S. bookkeepers and supply-delivery truckers and child-care workers outside the establishment.

The causal link between deportations and native job loss has been replicated across programs and time periods. And it is not particular to the Secure Communities program. Other peer-reviewed studies, by different research teams, have replicated this result for a different deportation program known as 287(g). That program, like Secure Communities, resulted in spikes in removals, but involved material differences from

Secure Communities. Two peer-reviewed research papers find that spikes in deportation of low-skill workers under the 287(g) program also caused reductions in U.S. nationals' employment, and that a key mechanism for this effect was the deterrence of new business formation. Li Zhu, Matthew Hall & Jordan Matsudaira, *Immigration Enforcement and Employment in Large Firms: Evidence from County Participation in 287(g)*, in *Population Change and Public Policy* 277 (2020); Dipesh Shrestha & Genti Kostandini, *The Effects of Immigration Policy on Business Creation: A Study of the Effects of 287(g) Mandates*, 56 *J. Agric. & Applied Econ.* 429 (2024). These studies underscore that removal of low-skill workers itself, and not quirks of the removal program, reduces U.S. nationals' employment.

The economic evidence is unambiguous. The research summarized above is the highest-quality peer-reviewed research available. It is not one of many competing strands of a controversy within the discipline; it reflects the state of knowledge among leading, respected labor economists. And it shows substantial job loss for U.S. nationals.

V. Removing Venezuelan and Haitian TPS Beneficiaries Will Shrink Capital Income.

The labor of Venezuelan and Haitian TPS beneficiaries generates not only billions in wages but also substantial capital income for Americans. The final step in assessing macroeconomic impact of their removal is estimating Venezuelan and Haitian TPS beneficiary workers' impact on owners of capital. Owners of capital include, but are not limited to, retired Americans and owners of shares in firms, the large majority of whom are Americans. That analysis shows a loss of over \$20 billion per year.

The Bureau of Labor Statistics estimates that during 2022 to 2023, 32.8% of all value added in the United States was allocated to owners of capital, not workers, net of depreciation. *Labor Productivity by Major Sectors: Nonfarm Business, Business, Nonfinancial Corporate, and Manufacturing*, U.S. Bureau Lab. Stat. (Sep. 4, 2025), <https://www.bls.gov/productivity/tables/home.htm>. This information can be used to place a conservative lower bound on the capital income caused by immigrant employment, using a straightforward method from a peer-

reviewed academic paper recently published in the *Oxford Review of Economic Policy*. Michael A. Clemens, *The Economic and Fiscal Effects on the United States from Reduced Numbers of Refugees and Asylum Seekers*, 38 Oxford Rev. Econ. Pol'y 449 (2022). A capital share of 32.8% in national income implies that for every one dollar of labor income in the U.S. economy during this period, there were 0.487 additional dollars of capital income.¹⁵ This calculation is conservative because it excludes the value to workers of employee benefits, which would be additional to the cash earnings reported by migrants in the ACS data in Table 1.

This 0.487 figure is a conservatively low estimate of the capital income caused by the work of immigrants doing low-skill work in particular. This is because the labor economics literature generally finds that foreign-born workers, as well as low-skill workers, have less bargaining power than their native-born, high-skill counterparts in their wage negotiations with employers. That is, immigrants doing low-skill work tend to receive as wages a lower share of the additional firm revenue caused

¹⁵ That is, 0.487 divided by $(1.000+0.487) = 32.8\%$.

by their labor, relative to the average U.S. worker. This research literature is reviewed in Michael A. Clemens, *The Fiscal Effect of Immigration: Reducing Bias in Influential Estimates*, IZA Inst. Lab. Econ., Sep. 2022. No peer-reviewed research in mainstream economics suggests that low-skill immigrant workers in general, or Venezuelan and Haitian workers specifically, have the power to negotiate a systematically larger share of firm revenue for themselves than the share received by average U.S. workers. In other words, the amount of capital income in the U.S. economy per dollar of wage income by immigrants doing low skill work is some quantity *greater than* 0.487.

A lower bound on the contribution to national income from Venezuelan and Haitian TPS beneficiaries' low-skill employment can therefore be obtained by multiplying their collective labor income (over \$14 billion per year) by a factor of 1.487, to include both the portion of their value-added that is allocated to Venezuelan or Haitian labor (1.000) and the portion that is allocated to (almost exclusively American) capital (0.487). This calculation indicates that removal of all Venezuelan and Haitian nationals covered by TPS would reduce the size of the U.S.

economy by over \$20 billion per year. And that figure includes only the GDP effect from the loss of Venezuelan and Haitian workers; it does not include the effect of lost jobs held by U.S. nationals, discussed above.

This estimated GDP loss of over \$20 billion per year is consistent with estimates by federal government analysts using alternative methods. In 2024, the U.S. Congressional Budget Office (CBO) used its well-honed model of the U.S. macroeconomy to simulate how the arrival of 8 million irregular migrants (workers and non-workers) via the Southwest border between 2020 and 2025 would affect the U.S. GDP. *See* U.S. Cong. Budget Off., *Effects of the Immigration Surge on the Federal Budget and the Economy* (July 2024), <https://www.cbo.gov/publication/60569>. Their model, called a “dynamic computable general equilibrium” model, simulates the complex effects of this shock on capital markets, technological change, business investment, and so on, and includes ripple effects on U.S. workers and owners of capital. Notably, it includes the economic stimulus effects from recent inadmissible immigrants’ consumption, which raises aggregate demand for workers in general.

CBO found that this migrant surge caused an annual increase in U.S. GDP of \$357 billion per year. This represents an increase of \$44,625 per immigrant (including workers and non-workers) per year, from both dollars of additional income that flow to immigrants, and dollars of additional income to all other U.S. residents caused by an expanded economy. The flipside of CBO's calculations is that *removing* each of those recently-arrived, inadmissible migrants would *reduce* GDP by that same \$44,625 per year in 2025.

The GDP impact of removing recent Venezuelan and Haitian TPS recipients can be derived from this \$44,625 figure applicable to the average irregular immigrant. Per the data in Table 1, Venezuelan beneficiaries of the 2023 TPS designation earn 51% of the earnings of average irregular immigrants who are neither Venezuelan nor Haitian; Venezuelan beneficiaries of the 2021 TPS designation earn 80% of the earnings of average irregular immigrants who are neither Venezuelan nor Haitian; and average Haitian TPS beneficiaries earn 64% of the earnings of average irregular immigrants who are neither Venezuelan nor Haitian. Adjusting for these differences, the GDP effect of removing one Venezuelan

covered by the 2023 TPS designation would be \$22,670; the GDP effect of removing one Venezuelan covered by the 2021 TPS designation would be \$35,881; and the GDP effect of removing one Haitian covered by TPS would be \$28,388. Multiplying these estimates by the number of TPS beneficiaries in each group yields a total decline in GDP, caused by their removal, of over \$26 billion per year. That estimated GDP decline, implied by the CBO's sophisticated model of the entire U.S. economy—and derived independently of the analysis presented in this brief—is several billion dollars per year larger than the above estimate of over \$20 billion per year, corroborating that the above estimate is conservative.

A GDP loss of over \$20 billion per year is a major impact, in one specific sense. There is no formal definition in economics for what constitutes a “major” macroeconomic impact from a given policy. But federal law defines a “major” impact on the U.S. economy due to rule-making in the Executive Branch as any “adverse effect” on “the economy” exceeding \$100 million per year. 5 U.S.C. § 804(2). The estimated more than \$20 billion dollar impact of removing Venezuelan and Haitian TPS

beneficiaries exceeds this threshold for “major” macroeconomic impact by a multiple of over two hundred.

VI. Removing All Venezuelan and Haitian TPS Beneficiaries Would Decrease Federal Public Cooffers by Over \$5 Billion Per Year over the Next Five Years.

Terminating TPS for Venezuelan and Haitian beneficiaries would not only shrink the U.S. GDP but also would directly harm the federal fisc in lost tax revenue. The same study by the U.S. Congressional Budget Office estimates the effect on the federal budget deficit from the migration surge. CBO estimated the impact on federal public coffers from the continuing presence of recently-arrived irregular migrants, which CBO calls “Other Foreign Nationals,” in the U.S. economy from 2024 through and including 2028. The analysis accounts for federal benefits paid to migrants, taxes paid by migrants, and tax revenue created indirectly through economic activity stimulated by migrants’ labor. CBO found that 8 million of these surge migrants, arriving 2021 through 2025, reduce the federal deficit by \$296 billion over the years 2024–28. In other words, their presence *increases* federal public coffers by \$74 billion per year, on average, over the period 2024 to 2028. Equivalently, each

migrant (workers and nonworkers) causes an average increase in federal public coffers of \$9,250 per year.

Much of the tax impact of irregular migration would come not from revenue provided directly by migrants, but revenue collected from the expanded overall economy that migrants' labor causes. The impact encompasses not only (1) the sales taxes, property taxes (often paid indirectly via rent), payroll taxes, income taxes, federal excise taxes, and other taxes paid directly by migrants; but also (2) the increased taxes of all kinds paid by individuals and firms across the U.S. economy due to ripple effects of the increased economic activity created by inadmissible immigrants' labor.

Adjusting these numbers to reflect that the earnings of Venezuelan and Haitian inadmissible migrants are typically lower than those of other inadmissible migrants (Table 1), each Venezuelan covered by the 2023 TPS designation adds \$4,699 to the federal public coffers per year, each Venezuelan covered by the 2021 TPS designation adds \$7,438, and each Haitian covered by TPS adds \$5,884. Multiplying those figures by the number of migrants under each designation implies that removing all

Venezuelans and Haitians currently covered by TPS would cause a loss to federal public coffers of well over \$5 billion per year over the next five years. The CBO analysis implies that those losses would continue thereafter.¹⁶

VII. Removing Venezuelan and Haitian TPS Beneficiaries Will Cause an Increase in New Home Prices.

The economic disruption from contemplated removals will also lead to an increase in new-home prices. A recent study from economists at the University of Utah's Eccles School of Business studies the impact of increased deportations on the prices of new homes. The study has not yet been accepted in a peer-reviewed academic journal. But its research design is identical to the one reviewed and accepted by the *Journal of Labor Economics* in the above study of Secure Communities, focusing not on generalized employment effects but specifically on effects in the

¹⁶ This estimate reflects the amount that would be lost to U.S. federal taxpayers at constant levels of federal expenditure, or the amount that would be lost to government operations at constant levels of taxation.

construction sector.¹⁷ It finds that deportations under Secure Communities caused lower employment of U.S. workers in construction, caused 1,994 fewer new home completions per state per year, and caused an 18% increase in new home prices. These findings suggest that the removed migrant workers had been performing tasks crucial to home construction (increasing the housing supply) but were not themselves important demanders of newly-constructed homes. Their removal thus represented a classic supply shock: unchanged demand then had to chase reduced supply, which normally tends to drive up prices.

This effect would likely be substantial for the case of Venezuelans and Haitians in particular, given that 8.5 percent of such migrant workers are employed in construction (Table 2), though they are roughly half as likely to be employed in construction compared to inadmissible migrant workers of other nationalities.

¹⁷ Troup Howard, Mengqi Wang & Dayin Zhang, *Cracking Down, Pricing Up: Housing Supply in the Wake of Mass Deportation*, SSRN (Nov. 7, 2024), <http://dx.doi.org/10.2139/ssrn.4729511>.

VIII. Removing Venezuelan and Haitian TPS Beneficiaries Will Not Meaningfully Reduce Crime.

A key stated goal of the revocation of TPS for Venezuela and Haiti is reducing violent crime. For example, the *Federal Register* announcement of TPS revocation for Venezuela claims that TPS has prevented the deportation of violent criminals including members of Venezuelan criminal gangs responsible for “violence and terror” such as police shootings and kidnapping. *See* 90 Fed. Reg. at 9042. The announcement terminating TPS for Haiti states, “Haitian gang members have already been identified among those who have entered the United States and, in some cases, have been apprehended by law enforcement for committing serious and violent crimes.” *See* 90 Fed. Reg. at 28763. A hypothetical decline in rates of violent crime due to removal of TPS beneficiaries would likely yield economic benefits offsetting the above economic costs in some measure.

However, the best economic research counsels that mass removal of Venezuelan and Haitian TPS beneficiaries will have no such effect. A study in the leading peer-reviewed *Journal of Law and Economics* used the same rigorous and transparent research design described above to estimate the impact on crime due to mass deportation policy under

Secure Communities. Thomas J. Miles & Adam B. Cox, *Does Immigration Enforcement Reduce Crime? Evidence from Secure Communities*, 57 J. L. & Econ. 937 (2014). It found that the sharp increase in low-skill migrant deportations under Secure Communities from 2008–2014, county by county, “did not cause a meaningful reduction in the FBI’s overall index crime rate. Nor did it reduce the rate of any individual violent offense. This is important as Secure Communities specifically, and criminal deportation policies more generally, have long been publicly justified primarily on grounds that they keep communities safer from violent crime.” *Id.* at 969.

Moreover, recent peer-reviewed research published in *Oxford Economic Papers* finds *no association* between increases in unauthorized immigration and increases in violent or property crime across U.S. states. Christian Gunadi, *On the Association Between Undocumented Immigration and Crime in the United States*, Oxford Econ. Papers 200 (2021). This is not an isolated study, but one of the most recent in decades of consistent findings, and the most recent considering unauthorized immigration to the U.S. specifically. A comprehensive review of the academic

criminology literature concludes that “overall, the immigration-crime association is negative—but very weak.” Graham C. Ousey & Charis E. Kubrin, *Immigration and Crime: Assessing a Contentious Issue*, *Annual Review of Criminology* 63, 63 (2018)—that is, immigration tends to leave crime rates unaffected, if not slightly reduced.

The evidence does not imply that there are *no* violent criminals among Venezuelan and Haitian TPS beneficiaries, or that none among them will ever commit a violent crime in the U.S. The number of violent criminals is also obviously above zero among inadmissible immigrants in general, among foreign-born individuals with nonimmigrant work visas, among foreign-born Lawful Permanent Residents, and among U.S. citizens—including every racial or religious subgroup, every category of educational attainment, and every socioeconomic class within all of those groups.

But economists and criminologists who investigate links between immigration and crime focus exclusively on the effect of immigration on the statistical *prevalence* of crime, rather than on the existence of individual criminal acts, which is uninformative as a guide to government

policy toward any one social group. Notwithstanding any incidents of violent crimes carried out by Venezuelan or Haitian nationals in the United States, there is no credible research suggesting that rates of violent crime (or any other type of crime) are higher among Venezuelan and Haitian TPS beneficiaries than among other foreign-born subpopulations, or among U.S. nationals.

CONCLUSION

For the foregoing reasons, the latest and best peer-reviewed research implies that terminating TPS for Venezuelan and Haitian nationals would harm public welfare by major reductions in GDP, employment opportunities for U.S. nationals, and net federal tax revenue. It furthermore implies that such removal would cause further inflation of home prices and would not reduce rates of violent or property crime. The Court should affirm.

November 12, 2025

Respectfully submitted,

/s/ Vincent Levy

VINCENT LEVY

Counsel of Record

COLIN A. MARK

TORRELL E. MILLS

HOLWELL SHUSTER

& GOLDBERG LLP

425 Lexington Avenue

14th Floor

New York, NY 10017

(646) 837-5120

vlevy@hsgllp.com

Counsel for Amici Curiae

APPENDIX

Leah Bouston Professor of Economics Princeton University	Michael Clemens Professor of Economics George Mason University Lead Amicus
Chloe East Associate Professor of Economics University of Colorado, Boulder	Delia Furtado Professor of Economics University of Connecticut
Britta Glennon Professor of Management University of Pennsylvania	Exequiel Hernandez Professor of Economics University of Pennsylvania
Carolyn J. Heinrich Professor of Public Policy, Education and Economics Vanderbilt University	Andrei A. Levchenko Professor of International Economics University of Michigan
Ethan Lewis Professor of Economics Dartmouth College	Hani Mansour Professor of Economics University of Colorado, Denver
Anna Maria Mayda Professor of Economics Georgetown University	Petra Moser Professor of Economics New York University
Margaret Peters Economist University of California, Los Angeles	Romain Ranciere Professor of Economics University of Southern California

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