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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 **NATIONAL TPS ALLIANCE, ET AL,**

16 ***Plaintiffs,***

17 **v.**

18 **NOEM, ET AL,**

19 ***Defendants.***
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Case No. 3:25-cv-05687-TLT

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

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I. INTRODUCTION

On the first day of his second term in office, President Donald Trump signed an executive order titled “Protecting the American People Against Invasion” that characterized immigrants as “engaged in hostile activities” and “committing vile and heinous acts against innocent Americans.”¹ In line with his public statements denigrating immigrants with and without legal status, the order laid out an immigration policy agenda that included broadly restricting Temporary Protected Status (TPS).² On June 6, 2025, Department of Homeland Security (DHS) Secretary Kristi Noem purported to terminate Nepal’s designation for TPS protection, revoking TPS for approximately 7,500 Nepali immigrants who have lawfully lived and worked in the United States for more than a decade since the catastrophic 2015 earthquakes in Nepal.³ On July 8, 2025, Noem purported to terminate Honduras’s and Nicaragua’s TPS designations,⁴ revoking the status of 52,500 and 2,900 immigrants, respectively.⁵ TPS holders from Honduras and Nicaragua have built their lives in the United States for more than 25 years, having been granted TPS status in 1999 due to the devastation left by Hurricane Mitch, one of the most destructive storms in Central America’s history.⁶ Together, Secretary Noem’s actions would strip more than

¹ Exec. Order No. 14,159: Protecting the American People Against Invasion, 90 Fed. Reg. 8443, 8443 (Jan. 29, 2025) <https://www.federalregister.gov/documents/2025/01/29/2025-02006/protecting-the-american-people-against-invasion>

² *Id.* at 8446; see also, e.g., *Fact-checking Over 12,000 of Donald Trump’s Quotes About Immigrants*, The Marshall Project (Oct. 21, 2024, 6:00 AM), https://www.themarshallproject.org/2024/10/21/fact-check-12000-trump-statements-immigrants#individual_murder_victims.

³ Termination of the Designation of Nepal for Temporary Protected Status, 90 Fed. Reg. 24151, 24151 (June 6, 2025), <https://www.federalregister.gov/documents/2025/06/06/2025-10363/termination-of-the-designation-of-nepal-for-temporary-protected-status>; see also *Nepal earthquake: What happened and how is the country rebuilding?* BBC (Apr. 25, 2016), <https://www.bbc.co.uk/newsround/36129992>; Nat. Imm. Forum, *Temporary Protected Status (TPS): Fact Sheet* (Mar. 14, 2025), <https://immigrationforum.org/article/temporary-protected-status-fact-sheet/>.

⁴ Termination of the Designation of Honduras for Temporary Protected Status, 90 Fed. Reg. 30089, 30089 (July 8, 2025), <https://www.federalregister.gov/documents/2025/07/08/2025-12621/termination-of-the-designation-of-honduras-for-temporary-protected-status>; Termination of the Designation of Nicaragua for Temporary Protected Status, 90 Fed. Reg. 30086, 30086 (July 8, 2025), <https://www.federalregister.gov/documents/2025/07/08/2025-12688/termination-of-the-designation-of-nicaragua-for-temporary-protected-status>.

⁵ Nat. Imm. Forum, *supra* note 3.

⁶ Lois McHugh, Cong. Rsch. Serv., 98-1030, *Central America: Reconstruction After Hurricane Mitch* (Oct. 12, 1999) https://www.everycrsreport.com/files/19991012_98-

60,000 people of the legal status that has allowed them to participate in and strengthen the civic life and economy of the United States.

The Amici States⁷ submit this brief to demonstrate that Secretary Noem’s decision is against the public interest. As home to some of the largest Honduran, Nicaraguan, and Nepali communities in the U.S., the Amici States can attest that these TPS holders, far from being a threat to our states, bring enormous benefits.⁸ They are homeowners and neighbors, teachers and students, entrepreneurs and job-creators, construction workers and union members, caregivers and parents. Stripping these individuals of legal status would harm our residents, our economies, and our public health and safety, particularly considering the ongoing mass deportation raids where masked immigration agents are terrifying immigrants and their loved ones through indiscriminate enforcement actions. The public interest therefore weighs strongly in favor of granting Plaintiffs’ requested relief and postponing the termination orders pending adjudication of Plaintiffs’ claims.

II. BACKGROUND AND INTEREST OF THE AMICI STATES

The Amici States are home to an estimated 410,000 immigrants from Honduras, Nicaragua, and Nepal, many of whom are TPS holders or family members of TPS holders.⁹ As of 2023, of the ten counties nationwide with the largest populations of Nicaraguan immigrants, six were in California; Queens County in New York had the largest number of Nepali immigrants, Maryland’s Baltimore and Montgomery Counties and Middlesex County in Massachusetts also were among the top ten counties nationwide with the largest Nepali communities; and Los Angeles County in California had the third largest number of Honduran immigrants.¹⁰

These families have made meaningful contributions to our States, and our States have welcomed them and invested in their success. For example, California has historically allocated

[1030_77f43bca8f2a0eaa432ebaa9fcd99a544eeb8a91.pdf](#).

⁷ California, New York, Connecticut, Delaware, Hawai’i, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, Oregon, Vermont, and the District of Columbia are collectively referred to as the “Amici States.”

⁸ See *U.S. Immigrant Population by State and County*, Migration Policy Institute <https://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-state-and-county?width=850&height=850&iframe=true> (last visited July 18, 2025).

⁹ *Id.*

¹⁰ *Id.*

\$10 million annually to provide legal services to TPS holders, and will continue to dedicate resources to this important community through its funding for the immigrant community as a whole—including \$45 million annually to support legal services, education, and technical assistance to community organizations.¹¹ New York has also dedicated substantial resources and support to TPS holders, including by assisting with work authorization applications and connecting these TPS holders to employers.¹²

These residents have taken refuge in Amici States after their countries have been destabilized by the long-lasting environmental, political, and economic effects from the aftermath of severe natural disasters. The deadliest Atlantic storm in more than two centuries, Hurricane Mitch, caused over ten thousand deaths across Central America and destroyed agriculture capacity, infrastructure, and communities.¹³ Honduras and Nicaragua were hit the hardest.¹⁴ The storm left twenty percent of Honduras's population homeless, destroyed almost one in four classrooms, and decimated water supplies and healthcare facilities, leading to a surge in the spread of communicable diseases.¹⁵ In Nicaragua, almost 900,000 people were displaced, deadly landslides enveloped villages, and damage from the storm totaled 44 percent of the country's

¹¹ Legis. Analyst's Off., *The 2024-2025 Budget: Department of Social Services Immigration and Equity Programs* (Mar. 15, 2024), <https://lao.ca.gov/Publications/Report/4885#:~:text=Since%202018-19%2C%20the%20state,the%20TPS%20immigration%20services%20program>

¹² Off. of the Governor, *Governor Hochul, Mayor Adams Announce \$38 Million for Asylum Seeker Legal Services and Case Management* (Oct. 3, 2023), <https://www.governor.ny.gov/news/governor-hochul-mayor-adams-announce-38-million-asylum-seeker-legal-services-and-case>.

¹³ Nat'l Env't Satellite, Data, and Info. Serv., NOAA, *25 Years Later: Looking Back at the October Monster Named Mitch* (Oct. 27, 2023), <https://www.nesdis.noaa.gov/news/25-years-later-looking-back-the-october-monster-named-mitch>.

¹⁴ See Larry Rohter, *Officials Predict Hurricane's Toll Will Exceed 7,000; Corpses Everywhere*, N.Y. Times (Nov. 3, 1998), <https://archive.nytimes.com/www.nytimes.com/library/world/americas/110398hurricane-deaths.html>, Luis Guillermo Solís, *Central America Is Still Recovering from Hurricane Mitch*, *Americas Quarterly* (May 3, 2022), <https://www.americasquarterly.org/article/central-america-is-still-recovering-from-hurricane-mitch/>.

¹⁵ Solís, *supra* note 14; William C. Smith, *Hurricane Mitch and Honduras: An illustration of population vulnerability*, 1 Int'l J. Health Sys. and Disaster Mgmt. 54, 55 (Jan. 2013) https://www.researchgate.net/publication/259010017_Hurricane_Mitch_and_Honduras_An_illustration_of_population_vulnerability.

gross domestic product.¹⁶ Following Hurricane Mitch’s devastation, both countries “became increasingly vulnerable to crime and narcotrafficking ... and “[p]roblems long faced by the region—such as poverty, inequality and social exclusion—worsened as progress slowed, then went into reverse.”¹⁷ These crises continue: “democracy has deteriorated” in Nicaragua and corruption scandals plague Honduras.¹⁸

In Nepal, two earthquakes in the spring of 2015 killed almost 9,000 people, injured over 20,000, and damaged or destroyed nearly 800,000 homes.¹⁹ In rescinding the previous termination of protection for Nepali TPS holders, then-Secretary of Homeland Security Alejandro Mayorkas explained in detail how “subsequent environmental disasters, and the associated macroeconomic shocks,” have delayed the recovery process.²⁰ Continuing earthquakes in Nepal and the resulting loss of housing and infrastructure have continued to “substantially disrupt living conditions” and “impeded or reversed the progress the country had made since the 2015 earthquake.”²¹

The Amici States have a vital interest in ensuring that TPS holders’ legal status is not unlawfully revoked. Indeed, the Amici States have a strong interest in ensuring that federal agencies refrain from actions that—like those at issue in this matter—are arbitrary and capricious, discriminatory, and exceed their authority.²²

¹⁶ McHugh, *supra* note 6.

¹⁷ Solís, *supra* note 14.

¹⁸ *Id.*; see also Marcia Biggs & Julia Galiano Rios, *Violent crime in Honduras: Honduran Migrants Deported From the U.S. Often Face a Grim Fate*, PBS News Hour (Apr. 1, 2019), <https://www.pbs.org/newshour/show/honduran-migrants-deported-from-the-u-s-often-face-a-grim-fate>.

¹⁹ Alan Taylor, *Nepal's Earthquakes: One Year Later*, The Atlantic (Apr. 25, 2016), <https://www.theatlantic.com/photo/2016/04/nepals-earthquakes-one-year-later/479772/>.

²⁰ Reconsideration and Rescission of Termination of the Designation of Nepal for Temporary Protected Status; Extension of the Temporary Protected Status Designation for Nepal, 88 Fed. Reg. 40317, 40320-40321 (June 21, 2023), <https://www.federalregister.gov/documents/2023/06/21/2023-13019/reconsideration-and-rescission-of-termination-of-the-designation-of-nepal-for-temporary-protected>

²¹ *Id.* at 40321.

²² See, e.g., Ord. Granting Plaintiffs’ Motion to Postpone at 39-43, *Nat’l TPS All. v. Noem*, No. 3:25-cv-01766 (N.D. Cal) (Mar. 31, 2025, Doc. 93, <https://tinyurl.com/OrderOnPostponement>), citing Brief of Amici Curiae in Support of Plaintiffs’ Motion to Postpone Effective Date of Agency Action at 4, 6, 8-13, *Nat’l TPS All. v. Noem*

(continued...)

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

3 In evaluating a postponement motion under 5 U.S.C. § 705, courts generally apply the same
 4 factors that would apply to a preliminary injunction motion. *See, e.g., Immigr. Legal Res. Ctr. v.*
 5 *Wolf*, 491 F. Supp. 3d 520, 529–30 (N.D. Cal. 2020). One of those factors is whether the
 6 “injunction is in the public interest.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). The
 7 public interest is particularly relevant in cases where the impact of an injunction reaches beyond
 8 the parties and carries a potential for public consequences. *Stormans, Inc. v. Selecky*, 586 F.3d
 9 1109, 1139 (9th Cir. 2009). In cases like this one, which affects many non-parties (including the
 10 Amici States), the hardship to third parties is integral to the public interest analysis. *See Golden*
 11 *Gate Rest. Ass’n v. City & Cnty. of San Francisco*, 512 F.3d 1112, 1126–27 (9th Cir. 2008). Such
 12 third-party harms include harms to family members; economic and employment-based harms;
 13 increased public health care expenses; public health harms; public safety harms; and impacts to
 14 public services. All these cognizable harms would affect Amici States and their residents if the
 15 TPS termination orders for Honduras, Nepal, and Nicaragua are not postponed.

16 **A. Family Separation Would Devastate Children and Fracture Amici States’s**
 17 **Communities and Schools.**

18 Thousands of families of Honduran, Nicaraguan, and Nepali TPS holders who live in the
 19 Amici States will be profoundly harmed if the terminations are not postponed. In 2023,
 20 approximately 54,000 U.S. citizen children and adults lived with a Honduran TPS holder.²³
 21 Approximately 6,000 U.S. citizen children and adults lived with a Nicaraguan TPS holder.²⁴ And
 22 approximately 6,000 U.S. citizen children and U.S. citizen adults lived with a Nepali TPS
 23 holder.²⁵ Thus, over 60,000 U.S. citizens lived in “mixed status” households with individuals
 24 whom DHS seeks to unlawfully strip of their legal status. Terminating TPS, particularly with the

25 (Mar. 7, 2025, Doc. 62, <https://tinyurl.com/NTPSA-IAmicus>); Memorandum Decision and Order
 26 to Show Cause at 18, *Haitian Evangelical Clergy Ass’n v. Trump*, 1:25-cv-01464 (E.D.N.Y.)
 27 (July 1, 2025, Doc. 63, <https://tinyurl.com/HECAOrder>).

28 ²³ FWD.us *Temporary Protected Status Protects Families While Also Boosting the U.S.*
Economy (March 21, 2025), <https://www.fwd.us/news/temporary-protected-status-report-2025/>
 (FWD.us 2025).

²⁴ *Id.*

²⁵ *Id.*

1 minimal 60-day timeline would create extreme hardship for these households, cutting vital family
 2 income due to loss of work authorization and exposing them to the threat of sudden detention and
 3 deportation. Many of the Amici States' residents are on already on high alert due to the ongoing
 4 immigration raids and these TPS terminations would create further harm in our communities.

5 Compelling TPS holders to return to their countries of origin would pose substantial
 6 dangers to many members of the Amici States' communities: TPS holders and often their U.S.
 7 citizen family members. The U.S. State Department continued to caution travel to these three
 8 countries at the time of Secretary Noem's decision to terminate TPS protections. Honduras and
 9 Nicaragua continue to be classified as "Level 3: Reconsider Travel" countries, warning of
 10 Nicaragua's "arbitrary enforcement of laws, risk of wrongful detention, and limited healthcare
 11 availability" and Honduras's widespread "[v]iolent gang activity, such as extortion, violent street
 12 crime, rape, narcotics, and human trafficking."²⁶ Nepal was a "Level 2: Exercise Increased
 13 Caution" country due to the potential for political violence.²⁷

14 In 2023, when then-Secretary Mayorkas rescinded the first Trump administration's initial
 15 attempt to terminate TPS protections for Hondurans, Nicaraguans, and Nepali immigrants and
 16 simultaneously extended TPS protections, he explained that perilous conditions persisted in these
 17 three countries. He noted that in Honduras "[n]umerous environmental, political, and social crises
 18 since Hurricane Mitch ... continue to impair Honduras from ensuring the safe return of its
 19 nationals."²⁸ Similarly, in Nicaragua, "several sectors including housing and infrastructure
 20 remained severely impacted" by the storm and its aftermath, with one of the highest housing

21
 22 ²⁶ U.S. Dep't of State, *Nicaragua Travel Advisory* (Dec. 13, 2024),
 23 [https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/nicaragua-travel-](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/nicaragua-travel-advisory.html)
 24 [advisory.html](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/nicaragua-travel-advisory.html); U.S. Dep't of State, *Honduras Travel Advisory* (Dec. 10, 2024),
 25 [https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/honduras-travel-](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/honduras-travel-advisory.html)
 26 [advisory.html](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/honduras-travel-advisory.html).

27 ²⁷ U.S. Dep't of State, *Nepal Travel Advisory* (Dec. 18, 2024),
 28 [https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/nepal-travel-](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/nepal-travel-advisory.html)
 29 [advisory.html](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/nepal-travel-advisory.html).

30 ²⁸ Reconsideration and Rescission of Termination of the Designation of Honduras for
 31 Temporary Protected Status; Extension of the Temporary Protected Status Designation for
 32 Honduras., 88 Fed. Reg. 40304, 40307 (June 21, 2023),
 33 [https://www.federalregister.gov/documents/2023/06/21/2023-13017/reconsideration-and-](https://www.federalregister.gov/documents/2023/06/21/2023-13017/reconsideration-and-rescission-of-termination-of-the-designation-of-honduras-for-temporary-protected)
 34 [rescission-of-termination-of-the-designation-of-honduras-for-temporary-protected](https://www.federalregister.gov/documents/2023/06/21/2023-13017/reconsideration-and-rescission-of-termination-of-the-designation-of-honduras-for-temporary-protected).

1 deficits in Central America challenging the safe return of TPS holders.²⁹ Nepal likewise
 2 “continued to experience challenges, including internal displacement, problems with
 3 reconstruction fund distribution, and ongoing environmental disasters.”³⁰

4 Current TPS holders—particularly those with U.S. citizen children, many of whom live in
 5 the Amici States—are thus left with an awful choice. TPS holder parents in this situation, some of
 6 whom have had TPS protections for more than 25 years, will be forced to choose between
 7 (1) returning to their countries of origin alone, leaving their children behind in broken families or
 8 in the foster care system;³¹ (2) taking their U.S.-citizen children with them to a dangerous country
 9 that the children do not know; or (3) staying in the United States and navigating life without
 10 status, knowing that they cannot work legally and could be forcibly removed to their country of
 11 origin at any time.

12 This harrowing dynamic will severely harm the mental health and well-being of thousands
 13 of U.S.-citizen children who reside in the Amici States. Children of undocumented parents living
 14 in the United States frequently experience persistent anxiety, driven by the constant fear that a
 15 family member may be deported.³² This fear profoundly shapes their daily lives. One study found
 16 that nearly one in three Latino students—including those born in the United States—altered their
 17 daily routines for fear of deportation.³³ These youth refrain from such vital activities as seeking
 18

19 ²⁹ Reconsideration and Rescission of Termination of the Designation of Nicaragua for
 20 Temporary Protected Status; Extension of the Temporary Protected Status Designation for
 21 Nicaragua, 88 Fed. Reg. 40294, 40301 (June 21, 2023),
<https://www.federalregister.gov/documents/2023/06/21/2023-13246/reconsideration-and-rescission-of-termination-of-the-designation-of-nicaragua-for-temporary-protected-status>.

22 ³⁰ Reconsideration and Rescission of Termination of the Designation of Nepal for
 23 Temporary Protected Status; Extension of the Temporary Protected Status Designation for Nepal.
 24 88 Fed. Reg. 40317, 40321 (June 21, 2023),
<https://www.federalregister.gov/documents/2023/06/21/2023-13019/reconsideration-and-rescission-of-termination-of-the-designation-of-nepal-for-temporary-protected-status>.

25 ³¹ Am. Immigr. Council, *U.S. Citizen Children Impacted by Immigration Enforcement*
 26 (June 24, 2021), <https://www.americanimmigrationcouncil.org/fact-sheet/us-citizen-children-impacted-immigration-enforcement/>.

27 ³² Ronald B. Cox, et al., *Validation of the Family Fear of Deportation Scale for Youth*, 72
 Fam. Relations 734, 736 (2023).

28 ³³ Randy Capps, et al., *Immigration Enforcement and the Mental Health of Latino High School Students*, Migration Pol’y Inst. 1, 2–3 (Sept. 2020).

1 medical care, attending religious services, driving, and participating in afterschool activities.³⁴
 2 Schools in California, for example, are grappling with an increase in students “afraid to go to
 3 school” as Immigration and Customs Enforcement (ICE) raids continue to escalate.³⁵ Parents
 4 have stayed home from graduation ceremonies, in some cases missing the first in their family to
 5 graduate high school; some schools have arranged virtual summer school or alternative
 6 transportation to keep kids attending.³⁶ If TPS holders have their legal status stripped, these harms
 7 would only increase throughout the Amici States and their schools, with far-reaching and long
 8 term consequences.

9 When families are in fact forcibly separated, the consequences are life-altering. Research on
 10 U.S.-born Latino children reveals that parental deportation is a deeply traumatic and disruptive
 11 event, linked to “extreme psychological distress, anxiety, depression, post-traumatic stress
 12 disorder (PTSD), externalizing behaviors (e.g., aggression), difficulties sleeping, and disruptions
 13 to education.”³⁷ Beyond emotional and psychological harm, these children often face additional
 14 hardships, including financial instability, housing and food insecurity, and disruptions in their
 15 education, such as increased school absences and lower academic engagement.³⁸ Bullying related
 16 to immigration status is also common.³⁹ And the long-term effects extend into adulthood. Adults

17 ³⁴ *Id.* at 2–3.

18 ³⁵ Carolyn Jones, ‘Afraid to go to school’: Immigrant Families in Salinas are Gripped by
 19 Fear, San Gabriel Valley Trib. (Feb. 20, 2025),
 20 <https://www.sgvtribune.com/2025/02/20/immigrant-families-in-the-salinas-valley-gripped-by-fear/>;
 21 see also Kalyn Belsha, Schools at Epicenter of Trump’s Deportation Campaign Brace for
 22 Uncertain Summer, Chalkbeat (June 18, 2025), <https://www.chalkbeat.org/2025/06/18/los-angeles-immigration-raids-prompt-bigger-investment-in-summer-school/>.

23 ³⁶ Belsha, *supra* note 35; Kayla Jimenez, How LA School Graduations Became the
 24 Epicenter of Fear for ICE Family Separations, USA Today (June 11, 2025),
 25 <https://www.usatoday.com/story/news/politics/2025/06/11/los-angeles-schools-ice/84126553007/>.

26 ³⁷ Miguel Pinedo & Christian Escobar, *Childhood Parental Deportations, Immigration*
 27 *Enforcement Experiences, and Posttraumatic Stress Disorder Among US-Born Latino Adults*,
 28 2021, 114 Am. J. Pub. Health S495, S496 (2024); see also Victoria D. Ojeda, et al., *Deported*
 Men’s and Father’s Perspective: The Impacts of Family Separation on Children and Families in
 the U.S., 11 Frontiers in Psychiatry 1, 10 (2020).

³⁸ Ojeda, et al., *supra* note 37, at 7, 9, 10; Ana Martinez-Donate, et al., *Between the Lines:*
 A Mixed-Methods Study on the Impacts of Parental Deportation on the Health and Well-Being of
 U.S. Citizen Children, 9 J. Migration & Health 1, 5, 7 (2024).

³⁹ Mallika Seshadri, *Research: Immigration Enforcement Hinders Schoolwork; Schools*
 (continued...)

1 who experienced parental deportation during childhood are more than twice as likely to suffer
2 from PTSD as those who did not endure such separation.⁴⁰

3 The fracturing of TPS holders' families would have far-reaching impacts on children, their
4 families, and on the Amici States in which they live. The public interest strongly favors
5 preserving the unity of these families.

6 **B. Economies and Workforces Would be Depleted.**

7 The termination of Honduras, Nicaragua and Nepal's TPS designations, which terminates
8 work authorization for TPS holders, would also substantially harm the Amici States' economies
9 by depleting their workforces and depriving them of considerable tax revenue.

10 TPS holders from Honduras, Nicaragua, and Nepal collectively contribute over \$1.4 billion
11 to the United States economy,⁴¹ a substantial amount of which occurs in Amici States. A recent
12 estimate found that 31,000 TPS-eligible immigrants from Honduras, Nicaragua and Nepal work
13 in labor-short industries, defined as those with openings for at least four percent of their
14 workforce.⁴² Eighty-five percent of TPS holders from Honduras over the age of 16 participate in
15 the labor force, far greater than the 63% of the total U.S. population.⁴³ As a group, TPS holders
16 from all countries have also shown high rates of entrepreneurship—14.5 percent of TPS holders

17 *Offer Support*, EdSource (Feb. 16, 2024), <https://edsource.org/2024/immigration-enforcement-hinders-performance-in-school-heres-how-communities-are-helping/705983>.

18 ⁴⁰ Pinedo & Escobar, *supra* note 37, at S501.

19 ⁴¹ FWD.us 2025, *supra* note 23.

20 ⁴² FWD.us, *Temporary Protected Status Protects Families While Also Boosting the U.S. Economy* (Feb. 2024), https://www.fwd.us/wp-content/uploads/2024/02/FWD_TPSIIIReport.pdf.

21 ⁴³ Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5 J. Migration and Human Security 577, 582-83 (2017) <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500302>; see also *Learn About Recent Immigration Actions Under the Trump Administration*, ABC Newsline (Feb. 10, 2025), <https://www.abc.org/News-Media/Newsline/learn-about-recent-immigration-actions-under-the-trump-administration> (national trade organization representing more than 23,000 members through 67 chapters, calling for “protections for TPS recipients, who have been members of the construction industry workforce for years” and estimating between 70,000-100,000 TPS and DACA recipients work in the construction industry); see also Kevin Williams, *What Trump's Mass Deportation Plan Would Mean for Immigrant Workers and the Economy*, CNBC (Nov. 11, 2024), <https://www.nbclosangeles.com/news/business/money-report/what-trumps-mass-deportation-plan-would-mean-for-immigrant-workers-and-the-economy/3557329/> (reporting estimates from construction, housing, and technology industries that mass deportations including TPS individuals, would shrink U.S. GDP by \$1.1 trillion to \$1.7 trillion).

are self-employed, as compared with 9.3% of the U.S.-born workforce.⁴⁴ The total 2021 TPS population from all countries “included more than 38,100 entrepreneurs, or self-employed workers, who generated \$1.5 billion in business income.”⁴⁵ In California alone, 7,800 self-employed TPS holders generated \$224.8 million in business income.⁴⁶ And in New York, which is home to 56,800 TPS holders, the immigrant entrepreneur community as a whole generates \$8.6 billion in annual income.⁴⁷

TPS holders create substantial state and federal tax revenue. In 2023, TPS holders from all countries paid \$3.1 billion in federal taxes and another \$2.1 billion in state and local taxes.⁴⁸ These contributions were particularly high in several of the Amici States. For example, California TPS households earned \$2.1 billion in income, paid \$291.2 million in federal taxes, \$226.5 million in state and local taxes, and contributed \$1.6 billion in spending power.⁴⁹ In New York, TPS households earned \$2.3 billion in income, paid \$348.9 million in federal taxes, \$305.5 million in state and local taxes, and also contributed \$1.6 billion in spending power.⁵⁰ Moreover, at least 41% of TPS households are homeowners, and pay taxes on property having a total value of approximately \$19 billion.⁵¹

Revoking the affected countries’ TPS designations would deprive Amici states of these economic benefits. Many current TPS holders would have no choice but to return to their country of origin, taking their economic contributions with them. And those who remain in the country

⁴⁴ Karen Aho, *Spotlight on the Economic Contributions of TPS Holders*, *Immigration Impact* (Oct. 23, 2023), <https://www.americanimmigrationcouncil.org/blog/economic-contributions-tps-holders/>.

⁴⁵ Am. Immigr. Council, *The Contributions of Temporary Protected Status Holders to the U.S. Economy* (Sept. 2023) 4, https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/contributionstemporaryprotectedstatus_0923.pdf (Am. Immigr. Council U.S.).

⁴⁶ *Id.*

⁴⁷ Am. Immigr. Council, *Map the Impact: Immigrants in New York* (updated 2024), <https://map.americanimmigrationcouncil.org/locations/new-york/> (Am. Immigr. Council N.Y.).

⁴⁸ See Am. Immigr. Council U.S., *supra* note 45.

⁴⁹ Am. Immigr. Council, *Map the Impact: Immigrants in California* (updated 2024), <https://map.americanimmigrationcouncil.org/locations/california/>.

⁵⁰ Am. Immigr. Council N.Y., *supra* note 47.

⁵¹ Aho, *supra* note 44.

would be stripped of their work authorization, causing them to lose their current employment and forcing them to accept lower paying “off the books” jobs that do not generate tax revenue. The result would be lower wages and less productivity in the Amici States’ economies. The average wage gap between undocumented and legal immigrants exceeds 35%.⁵² This gap is more acute for undocumented women: in California, for example, “undocumented women make 58 cents for every dollar paid to all men, 44 cents compared to white men, and 67 cents for every dollar paid to all women.”⁵³ Such lower-wage, unauthorized employment would also naturally lead to a decline in tax revenues for the Amici States. Amici States’ economies are already suffering due to the Trump administration’s mass deportation agenda; fear of federal raids is keeping shoppers, employees, and business owners at home.⁵⁴ Depriving TPS holders of their legal status will create more chaos and fear, further depressing economic activity.

TPS holders are important contributors to Amici States’ economies. Terminating their legal status would cause substantial harms to Amici States’ economies, workforces, and tax revenue.

C. Public Health Would be Compromised and Health Care Costs Would Increase.

A sudden termination of the affected countries’ TPS designations would also have significant negative effects on public health in the Amici States and around the country. For example, 66% of Nepali immigrants, 52% of Nicaraguan immigrants, and 28% of Honduran

⁵² See George J. Borjas & Hugh Cassidy, *The Wage Penalty to Undocumented Immigration*, 61 Lab. Econ. 1, 2 (2019), <https://www.sciencedirect.com/science/article/abs/pii/S0927537119300831>.

⁵³ Alejandra Reyes-Velarde, ‘Double disadvantage’: These California workers’ pay gap is widest by far, CalMatters (July 27, 2023), <https://calmatters.org/california-divide/2023/07/california-workers-2/>.

⁵⁴ See, e.g., Tim Reid & Kristina Cooke, *Immigration raids in Los Angeles hit small business owners: ‘It’s worse than COVID’*, Reuters (June 17, 2025), <https://www.reuters.com/world/us/immigration-raids-los-angeles-hit-small-business-owners-its-worse-than-covid-2025-06-17>; Jonaki Mehta et al., *This Beloved Mexican Market in LA is Losing Business Amid Immigration Raids*, LAist (June 25, 2025, 11:00 AM), <https://laist.com/news/beloved-mexican-market-in-la-is-losing-business-amid-immigration-raids>; Emma Seiwell, *In one Brooklyn neighborhood, fear of ICE crackdown hitting restaurants, grocery stores hard*, NY Daily News (June 14, 2025), <https://www.nydailynews.com/2025/06/14/brooklyn-neighborhood-fear-ice-crackdown-hitting-restaurants-grocery-stores-trump/>; Nathaniel Meyersohn & Vanessa Yurkevich, *America’s migrant workers are terrified to work but unable to stay home*, CNN (June 14, 2025), <https://www.cnn.com/2025/06/13/business/ice-workplace-raids-home-depot>.

immigrants were covered by private health insurance (often through employer-sponsored insurance programs) in 2021.⁵⁵ Defendants' abrupt decision to end work authorization for tens of thousands of TPS holders will deprive many of those individuals and their families of their employer-sponsored health insurance.

The result will be to sharply increase the Amici States' health care expenditures—both by increasing the proportion of immigrants who are on public health insurance (as of 2021, 23% of Nepali immigrants, 23% of Nicaraguan immigrants, and 18% of Honduran immigrants⁵⁶), and by increasing public expenditures on emergency care provided to uninsured patients (e.g., through emergency health insurance, payments to hospitals and community health centers, and funding for public health programs⁵⁷). Avoiding such costs is an important public interest weighing in favor of postponement. And while it is true that TPS-based work authorization (upon which employer-based health insurance depends) is a temporary benefit, Defendants' unlawful actions, and abrupt termination with a minimal 60-day transition period, will unduly burden the Amici States with costs and expenditures for which neither the States nor their residents could have planned or budgeted.

Moreover, stripping legal status from tens of thousands of Nepali, Honduran, and Nicaraguan immigrants would risk serious negative consequences for public health and the public interest.⁵⁸ As courts have noted in other contexts, the “[p]ublic health is served when individuals

⁵⁵ See Bureau of the Census, American Community Survey 1-Year Estimates Public Use Microdata Sample (2021), <https://data.census.gov/app/mdat/ACSPUMS1Y2021/table?cv=HICOV,PRIVCOV&rv=POBP&wt=PWGTP>. Survey data from the 2021 American Community Survey reflect that out of 183,670 Nepali immigrants, 120,263 were covered by private health insurance and 41,310 were covered by public insurance. Survey data also reflect that out of 787,901 Honduran immigrants, 221,422 were covered by private insurance and 144,702 by public insurance. And out of 262,230 Nicaraguan immigrants, 135,899 were covered by private insurance and 59,279 by public insurance.

⁵⁶ See *id.*

⁵⁷ See, e.g., U.S. Cong. Budget Off., *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments* 8 (Dec. 2007), <https://www.cbo.gov/sites/default/files/110th-congress-2007-2008/reports/12-6-immigration.pdf>; Decl. of Jesse M. Caplan, *New York v. Trump*, No. 1:17-cv-05228 (E.D.N.Y.) (Oct. 4, 2017, Doc. 55-83, <https://tinyurl.com/CaplanDecl>) (Caplan Decl.).

⁵⁸ See, e.g., App. in Supp. of Pls.' Mot. for Provisional Relief at 789-90, *Regents of Univ. of Cal. v. United States Dep't of Homeland Sec.*, No. 3:17-cv-05211 (N.D. Cal.) (Nov. 1, 2017,

(continued...)

freely seek preventive care and do not stave off care until they need emergency room treatment in the midst of a health crisis.” *E.g.*, *Philadelphia v. Sessions*, 280 F. Supp. 3d 579, 609 (E.D. Pa. 2017), *subsequent judgment aff’d in relevant part*, 916 F.3d 276 (3d Cir. 2019). For example, the public greatly benefits when residents seek out diagnostic testing for and treatment of (or vaccination against) infectious diseases such as COVID-19, tuberculosis, and HIV.⁵⁹ But as studies have consistently found for decades, undocumented immigrants are often reluctant to seek medical treatment due to fear of detention and deportation.⁶⁰ This phenomenon is so well documented that health-care providers often take significant steps to combat it—as where one clinic “placed itself right next to a Baptist church in order to prevent raids by [ICE] agents that would scare away its mostly undocumented users.”⁶¹

Against this well-understood backdrop, stripping the affected immigrants of lawful status (via mass revocation of TPS) would risk significant public health consequences. Many of these immigrants would not only lose employer-sponsored health care but would also be discouraged from seeking medical treatment of any kind due to fear of deportation. The result will be to exacerbate the reluctance among immigrant populations to access healthcare that has already been

Doc. 118-1, <https://tinyurl.com/PhiladelphiaApp>); Caplan Decl., *supra* note 57; Meredith L. King, *Immigrants in the U.S. Health Care System: Five Myths That Misinform the American Public*, Ctr. for Am. Progress 6 (2007), https://cdn.americanprogress.org/wp-content/uploads/issues/2007/06/pdf/immigrant_health_report.pdf.

⁵⁹ See, e.g., Cassandra D. Kelly-Cirino, et al., *Importance of Diagnostics in Epidemic and Pandemic Preparedness*, 4 BMJ Glob. Health 1, 6-7 (Jan. 29, 2019); Mark Perkins, et al., *Diagnostic Preparedness for Infectious Disease Outbreaks*, 390 The Lancet 2211, 2211 (2017); Alejandro Portes, et al., *The U.S. Health System and Immigration: An Institutional Interpretation*, 24 Socio. Forum 487, 501-502, 506-507 (2009).

⁶⁰ See, e.g., Sezer Kisa & Adnan Kisa, “No Papers, No Treatment”: A Scoping Review of Challenges Faced by Undocumented Immigrants in Accessing Emergency Healthcare, 23 Int’l J. for Equity in Health, Sept. 14, 2024, at 2, 6, 8; Omar Martinez et al., *Evaluating the Impact of Immigration Policies on Health Status Among Undocumented Immigrants: A Systematic Review*, 17 J. Immigr. & Minority Health 947, 966 (2015) (immigrants often “refrain from seeking vital services, including medical services, from any local government or private agency—even agencies unrelated to law enforcement—for fear of exposing themselves or their family members to legal sanctions or harassment”); Scott D. Rhodes et al., *The Impact of Local Immigration Enforcement Policies on the Health of Immigrant Hispanics/Latinos in the United States*, 105 Am. J. Pub. Health 329, 332 (Feb. 2015) (immigrants reported that they “did not access or utilize health services for which they were eligible, including preventive services,” because “[t]hey worried that ... their lack of documentation ... would put them at risk for detention and deportation.”).

⁶¹ Portes et al., *supra* note 59, at 506.

caused by ICE’s ongoing raids—for example, one Los Angeles, California healthcare provider has seen its appointment cancellation rate more than triple since the [ICE] raids began.⁶² This would increase the broader community risk and would have many adverse results for individual immigrants and their families. For example, undocumented women are less likely to receive needed health care and preventive screenings than the general U.S. population—leading to significantly higher rates of conditions like cervical cancer, birth complications, neonatal morbidity, respiratory distress syndrome, and seizures for newborns.⁶³

And newly undocumented former TPS holders may also elect not to seek treatment for their children or other family members—who may themselves be U.S. citizens.⁶⁴ For example, studies show that children of undocumented immigrants are often sicker than children of immigrants with legal status when seeking emergency room care and more frequently postpone preventive annual exams.⁶⁵ The results can be fatal, as when a child in Oklahoma died “when his parents delayed seeking medical treatment because they feared that hospital officials would report them to ICE.”⁶⁶

Because terminating the affected countries’ TPS designations would strip status from a significant population of immigrants in the Amici States, and because such a shift would both raise health care costs and pose grave substantive risks to public health, the public interest weighs in favor of postponement.

⁶² Shreyas Teegala, *Fearing Ice raids, some LA Residents Skip Doctor’s Visits: ‘Everybody’s Life is on Pause’*, The Guardian (June 24, 2025), <https://www.theguardian.com/us-news/2025/jun/24/ice-raids-healthcare-los-angeles-ohio>.

⁶³ Am. Coll. of Obstetricians & Gynecologists, Comm. Op. no. 627, *Health Care for Unauthorized Immigrants*, 125 Obstetrics & Gynecology 755, 756 (Mar. 2015); see also Am. Coll. of Obstetricians & Gynecologists, Comm. Statement no. 4, *Health Care for Immigrants*, 141 Obstetrics & Gynecology 427, 428-29 (2023).

⁶⁴ See Lila Flavin et al., *Medical Expenditures on and by Immigrant Populations in the United States: A Systematic Review*, 48 Int’l J. Health Servs. 601, 617-18 (2018).

⁶⁵ See King, *supra* note 58, at 7; Katherine Yun et al., *Parental Immigration Status Is Associated with Children’s Health Care Utilization: Findings from the 2003 New Immigrant Survey of U.S. Legal Permanent Residents*, 17 Maternal & Child Health J. 1913, 1916-19 (2013).

⁶⁶ Elizabeth M. McCormick, *Federal Anti-Sanctuary Law: A Failed Approach to Immigration Enforcement and A Poor Substitute for Real Reform*, 20 Lewis & Clark L. Rev. 165, 199 (2016).

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

The Amici States have strong interests in effective law enforcement and protection of public safety, at both the state and local levels. Terminating the affected countries' TPS status would make effective law enforcement and protection of public safety more difficult.

Because TPS holders and their families have built lives in the United States, some may try to stay in this country even if their TPS status is terminated. But individuals who lack legal status are less likely to report crime—even crimes in which they themselves are victims—out of “fear that [officials] will ask ... about [their] immigration status” and increase their perceived risk of being removed.⁶⁷ Fear of removal, or of having a family or community member removed, makes victims and witnesses reluctant to come forward, to testify in court, and even to seek safety in a domestic violence shelter.⁶⁸ When law enforcement is unable to obtain evidence of crimes and maintain witness cooperation at trial, public safety suffers.⁶⁹

There is no plausible counterargument that terminating the affected countries' TPS status would somehow reduce crime or facilitate the removal of noncitizens convicted of crimes from the country. Contrary to unsubstantiated contentions, recent arrivals of immigrants have not led to any “crime wave.”⁷⁰ Moreover, TPS applicants must meet specified criteria to be granted that

⁶⁷ See, e.g., Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, Dep't of Urb. Plan. & Pol'y, Univ. of Ill. at Chi. 14 (May 2013), https://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF.

⁶⁸ James Queally, *Fearing Deportation, Many Domestic Violence Victims Are Steering Clear of Police and Courts*, L.A. Times (Oct. 9, 2017), <https://www.latimes.com/local/lanow/la-me-ln-undocumented-crime-reporting-20171009-story.html>.

⁶⁹ See, e.g., Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, Ctr. for Am. Progress, Ctr. for Am. Progress (Jan. 26, 2017), <https://www.americanprogress.org/article/the-effects-of-sanctuary-policies-on-crime-and-the-economy/> (sanctuary counties have lower crime rates than comparable non-sanctuary counties); see also Queally, *supra* note 68 (quoting former San Francisco District Attorney George Gascón's concern that “severe injury or homicide” can result when domestic violence is unreported).

⁷⁰ See, e.g., Ted Hesson & Mica Rosenberg, *Trump Says Migrants Are Fueling Violent Crime. Here Is What the Research Shows*, Reuters (July 16, 2024), <https://www.reuters.com/world/us/trump-focuses-migrants-crime-here-is-what-research-shows-2024-04-11/>; Maria Cramer et al., *'Migrant Crime Wave' Not Supported by Data, Despite High-Profile Cases*, N.Y. Times (Feb. 15, 2024), <https://www.nytimes.com/2024/02/15/nyregion/migrants-crime-nyc.html>.

1 status, including screenings for criminal history and background checks.⁷¹ And conviction for
2 certain criminal offenses can also trigger withdrawal of TPS status. *See* 8 C.F.R. § 244.4(a).

3 Terminating the affected countries' TPS designations would pose challenges to jurisdictions
4 around the country in enforcing their criminal codes and protecting public safety. Amici's
5 interests in maintaining public order weigh heavily in favor of granting a postponement.

6 **IV. CONCLUSION**

7 For the foregoing reasons, Plaintiffs' motion to postpone should be granted.
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27 ⁷¹ *See* Verónica Egui Brito & Syra Ortiz Blanes, *In a Few Weeks, Hundreds of Thousands*
28 *of Venezuelans Will Lose TPS. What You Need to Know*, Miami Herald (Feb. 13, 2025),
<https://www.miamiherald.com/news/local/immigration/article300049004.html>.

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