

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

**United States District Court
Southern District of Texas
FILED**

JAN 27 2015

David J. Bradley, Clerk of Court

STATE OF TEXAS, et al.

Plaintiffs,

v.

Case No. 1:14-cv-254

UNITED STATES OF AMERICA, et al.

Defendants.

**BRIEF FOR AMICI CURIAE THE MAYORS OF NEW YORK AND LOS ANGELES,
THE MAYORS OF THIRTY-ONE ADDITIONAL CITIES, THE UNITED STATES
CONFERENCE OF MAYORS, AND THE NATIONAL LEAGUE OF CITIES IN
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

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INTEREST OF THE AMICI CURIAE

Amici are the mayors of thirty-three cities from across the country, including Mayor Bill de Blasio of New York, New York; Mayor Eric Garcetti of Los Angeles, California; Mayor Kasim Reed of Atlanta, Georgia; Mayor Stephanie Rawlings-Blake of Baltimore, Maryland; Mayor Byron Brown of Buffalo, New York; Mayor James DiOSSa of Central Falls, Rhode Island; Mayor Rahm Emanuel of Chicago, Illinois; Mayor Steve Benjamin of Columbia, South Carolina; Mayor Nan Whaley of Dayton, Ohio; Mayor Michael Hancock of Denver, Colorado; Mayor Muriel Bowser of Washington, D.C.; Mayor Riley Rogers of Dolton, Illinois; Mayor Pedro Segarra of Hartford, Connecticut; Mayor Annise Parker of Houston, Texas; Mayor Steven Fulop of Jersey City, New Jersey; Mayor Paul Soglin of Madison, Wisconsin; Mayor Betsy Hodges of Minneapolis, Minnesota; Mayor Ras Baraka of Newark, New Jersey; Mayor Libby Schaaf of Oakland, California; Mayor Michael Nutter of Philadelphia, Pennsylvania; Mayor Bill Peduto of Pittsburgh, Pennsylvania; Mayor Charles Hales, on behalf of the City Council of the City of Portland, Oregon; Mayor Jorge O. Elorza of Providence, Rhode Island; Mayor John Dickert of Racine, Wisconsin; Mayor Tom Butt of Richmond, California; Mayor Lovely Warren of Rochester, New York; Mayor Ralph Becker of Salt Lake City, Utah; Mayor Ed Lee of San Francisco, California; Mayor Gary McCarthy of Schenectady, New York; Mayor Ed Murray of Seattle, Washington; Mayor Francis Slay of St. Louis, Missouri; Mayor Marilyn Strickland of Tacoma, Washington; and Mayor Mike Spano of Yonkers, New York. *Amici* also include the United States Conference of Mayors and the National League of Cities, two bipartisan organizations that support and represent mayors and cities, respectively.

Many of the *amici* Mayors joined together in December, 2014, to form Cities United for Immigration Action, a coalition of cities that supports President Obama's Executive Action on Immigration ("Executive Action") and advocates for comprehensive immigration reform that

will strengthen cities by keeping families together, further growing local economies, and fostering additional community trust in law enforcement and government.¹

The *amici* Mayors have a compelling interest in opposing Plaintiffs' request for a preliminary injunction, as America's cities are home to a large number of the roughly eleven million undocumented immigrants living in the United States,² and the undocumented immigrants residing in our cities make significant contributions to them. Such immigrants share their unique talents, successes, and hard work as entrepreneurs, small business owners, and workers across many different professional and service industries. Their work not only fuels local economies, but also enriches their communities and the lives of their neighbors. Because the undersigned Mayors regularly witness the substantial economic and social contributions of immigrants, including undocumented immigrants, they support the Executive Action and support the building of stronger cities through the successful integration of immigrants into the civic, legal, and cultural fabric of our communities.

Cities across the nation have long recognized the importance of immigrant integration. Cities such as Boston, Baltimore, Chicago, New York City, Philadelphia, Houston, Los Angeles, San Francisco, and Seattle have dedicated offices that support the well-being and integration of immigrants, regardless of their federal immigration status, out of a commitment to serving and

¹ Cities United for Immigration Action, <http://citiesforaction.us/> (last visited Jan. 22, 2015) (listing steering committee members). See also Cities United for Immigration Action, Mayors Challenge, <http://citiesforaction.us/mayors-challenge/> (last visited Jan. 22, 2015).

² See, e.g., MIGRATION POLICY INSTITUTE, *Unauthorized Immigrant Population Profiles*, <http://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles> (last visited Jan. 22, 2015) (follow link to review county level data on unauthorized immigrants in the U.S.).

improving the lives of all city residents.³ Other cities including Atlanta, Austin, Charlotte, Pittsburgh, Portland, and St. Louis have launched immigrant integration initiatives.⁴

The *amici* file this brief to provide the Court with their distinctive, local perspective on why a grant of preliminary injunctive relief against the President's Executive Action would be strongly contrary to the public interest. The *amici* fully support the Executive Action, which will allow eligible undocumented children and adults to apply for expanded "Deferred Action for Childhood Arrivals" ("DACA") and eligible undocumented parents of U.S. citizen and lawful permanent resident children to apply for "Deferred Action for Parental Accountability" ("DAPA"). (Dkt. No. 38, Defs.' Ex. 7.)

Amici demonstrate that implementation of DACA and DAPA will fuel economic growth in cities across the country, increase public safety and public engagement, and facilitate the full integration of immigrant residents by promoting family unity and limiting family separation. These positive impacts are possible because Executive Action will permit undocumented

³ See, e.g., City of Baltimore, Mayor's Office of Immigrant and Multicultural Affairs, <http://mayor.baltimorecity.gov/node/2229> (last visited Jan. 22, 2015); City of Boston, Mayor's Office of New Bostonians, <http://www.cityofboston.gov/newbostonians/> (last visited Jan. 22, 2015); City of Chicago, Office of New Americans, http://www.cityofchicago.org/city/en/depts/mayor/provdrs/office_of_new_americans.html (last visited Jan. 22, 2015); City of Houston, Office of International Communities, <http://www.houstontx.gov/oic> (last visited Jan. 22, 2015); Office of Los Angeles Mayor Eric Garcetti, Mayor's Office of Immigrant Affairs, <http://www.lamayor.org/immigrants> (last visited Jan. 22, 2015); New York City Mayor's Office of Immigrant Affairs, <http://www.nyc.gov/html/imm/html/home/home.shtml> (last visited Jan. 22, 2015); City of Philadelphia, Immigrant and Multicultural Affairs <http://www.phila.gov/ima/Pages/default.aspx> (last visited Jan. 22, 2015); City of San Francisco, Office of Civic Engagement & Immigrant Affairs, <http://sfgsa.org/index.aspx?page=957> (last visited Jan. 22, 2015); City of Seattle, Office of Immigrant and Refugee Affairs, <http://www.seattle.gov/office-of-immigrant-and-refugee-affairs> (last visited Jan. 22, 2014).

⁴ See, e.g., City of Atlanta, *Mayor Kasim Reed and City of Atlanta Announce Results of Welcoming America Working Group*, Sept. 17, 2014, <http://www.atlantaga.gov/index.aspx?recordid=3041&page=672>; City of Austin, *Austin Promotes Immigrant-Friendly, Welcoming Environment*, June 27, 2013, <http://austintexas.gov/news/austin-promotes-immigrant-friendly-welcoming-environment>; City of Charlotte, Immigrant Integration Task Force, <http://charmeck.org/city/charlotte/cic/getinvolved/pages/immigrant-integration-task-force.aspx> (last visited Jan. 22, 2015); Office of Pittsburgh Mayor William Peduto, *Mayor William Peduto launches Welcoming Pittsburgh Initiative*, May 28, 2014, <http://pittsburghpa.gov/mayor/release?id=3112>; City of Portland, Diversity and Civic Leadership Program, <http://www.portlandoregon.gov/oni/45147> (last visited Jan. 22, 2015); *St. Louis Mosaic Project*, <http://www.stlmosaicproject.org/> (last visited Jan. 22, 2015) (city-funded regional initiative launched in 2012 to welcome immigrants to St. Louis).

immigrants to better reach their potential and contribute to their communities. Indeed, the classic American story involves the successes and contributions of immigrants that have enhanced our country. Take, for example:

- Dr. Alfredo Quiñones-Hinojosa, who crossed the border unlawfully and toiled for years working as a farm laborer in the San Joaquin Valley and loading railroad freight cars in Stockton, California. He started to take night classes at a local community college, where he excelled, transferred to the University of California at Berkeley and then went on to graduate from Harvard Medical School. Today, Dr. Alfredo Quiñones-Hinojosa is a world-renowned surgeon and professor of neurosurgery and oncology at Johns Hopkins University where he performs around 250 brain operations per year while pursuing a cure for brain cancer.⁵
- Carlos Castro, who came to the United States at 24-years old, escaping El Salvador's bloody civil war. After years scrubbing toilets, working as a cook and dishwasher, and standing on street corners looking for day laborer work, Castro became a U.S. citizen and opened his first supermarket. His Virginia-based supermarket business, Todos Supermarket, has multiple locations and is growing with sales of approximately \$18 million in 2012.⁶
- Jose Antonio Vargas, a Pulitzer-prize winning journalist and filmmaker, who came to the United States from the Philippines as a 12-year old child and built a successful journalism

⁵ Claudia Dreifus, *A Surgeon's Path From Migrant Fields to Operating Room*, N. Y. TIMES, May 13, 2008, available at http://www.nytimes.com/2008/05/13/science/13conv.html?_r=0; Dr. Q's Quest, *Dr. Q's Story: A Doctor Without Borders*, <http://doctorqmd.com/dr-q-s-story---a-doctor-without-borders/> (last visited Jan. 22, 2015); Johns Hopkins Medicine, Alfredo Quinones-Hinojosa, MD profile, <http://www.hopkinsmedicine.org/profiles/results/directory/profile/0020540/alfredo-quinones-hinojosa> (last visited Jan. 22, 2015).

⁶ Avis Thomas-Lester, *What It Takes: From Salvadoran immigrant to millionaire owner of Todos Supermarkets*, WASH. POST, Sept. 27, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/24/AR2010092406003.html>; Janean Chun, *Carlos Castro, Founder Of Todos Supermarket, Says Business Climate Much Harsher For Immigrants Today*, HUFFINGTON POST, June 27, 2010, http://www.huffingtonpost.com/2010/06/27/carlos-castro-todos-supermarket-former-undocumented-immigrant-starts-business_n_1597663.html (last visited Jan. 22, 2015).

career before revealing that he was undocumented and devoting himself to advocating for immigration reform.⁷ Under Executive Action, Vargas will be eligible to apply for the expanded DACA program.

As these examples help to illustrate, and the broader experiences of the *amici* Mayors strongly confirm, the Executive Action will facilitate economic improvement, stronger families, and safer neighborhoods in our nation's cities. The *amici* know that the President's Executive Action is not a comprehensive solution, and that further legislative reform is needed. However, they recognize the Executive Action as a practical move that will allow those who qualify to participate more fully and safely in their cities and communities. *Amici* thus respectfully submit this brief to articulate the concrete benefits that the Executive Action will provide to their cities.

ARGUMENT

The United States has demonstrated that Plaintiffs have failed to satisfy the four elements required to warrant the extraordinary remedy of a preliminary injunction. This brief focuses in particular on highlighting why Plaintiffs cannot meet the critical fourth prong in the analysis – the requirement to establish that the grant of a preliminary injunction is in the public interest. *See Winter v. Natural Res. Defense Council, Inc.*, 555 U.S. 7, 26 (2008) (stressing the importance of the public interest prong in the preliminary injunction analysis); *see also Pendergest-Holt v. Certain Underwriters at Lloyd's of London*, 600 F.3d 562, 568-69 (5th Cir. 2010) (citing *Winter*). The grant of a preliminary injunction here would in fact be strongly *contrary* to the public interest, because, as *amici* show below, the Executive Action will fuel economic growth in cities across the country, increase public safety by increasing and immigrant

⁷ See Marc Fisher, *From journalism to activism: Jose Antonio Vargas's life on the run*, WASH. POST, Nov. 23, 2014, available at http://www.washingtonpost.com/lifestyle/style/jose-antonio-vargas-isnt-running-from-his-biggest-secret-anymore-so-what-is-he-running-toward/2014/11/23/09606800-6042-11e4-8b9e-2ccdac31a031_story.html.

trust and cooperation with local law enforcement, and facilitate stronger families and the fuller integration of immigrants in cities.

I. The Executive Action Will Fuel Economic Growth In Cities Across the Country.

A review of economic studies and available information all leads to one conclusion—that the Executive Action will invigorate economies in cities across the country. The grant of a preliminary injunction would only delay those economic gains, and thus would be contrary to the public interest.

It is broadly recognized that foreign-born workers contribute positively to the economy. According to an Economic Letter from the Federal Reserve Bank of San Francisco, immigration “expand[s] the U.S. economy’s productive capacity, stimulate[s] investment, and promote[s] specialization that in the long run boosts productivity.”⁸ In fact, recognizing that “there is a great deal of misinformation about the impact of immigration,” the U.S. Chamber of Commerce conducted research and found that immigrant workers will continue to prove “invaluable” in sustaining U.S. economic growth in the face of an aging U.S. workforce and impending retirements.⁹ According to the U.S. Chamber of Commerce, immigrants will bolster our Social Security and Medicare systems and “play a critical role in replenishing the labor force and, therefore, the tax base.”¹⁰

Also, despite the general misconception, studies have shown that immigration results in job creation and increased wages for U.S.-born workers over time. One study estimated that immigration caused a 0.4 percent increase in wages for U.S.-born workers between 1994 and 2007, and another found that immigration led to a 0.7 percent increase for such workers between

⁸ GIOVANNI PERI, FRBSF ECON. LETTER, FEDERAL RESERVE BANK OF SAN FRANCISCO, THE EFFECT OF IMMIGRANTS ON U.S. EMPLOYMENT AND PRODUCTIVITY (Aug. 30, 2010), <http://www.frbsf.org/economic-research/publications/economic-letter/2010/august/effect-immigrants-us-employment-productivity/>.

⁹ See U.S. CHAMBER OF COMMERCE, IMMIGRATION MYTHS AND FACTS 2, 4-5 (2013), https://www.uschamber.com/sites/default/files/legacy/reports/Immigration_MythsFacts.pdf.

¹⁰ *Id.* at 5.

1990 and 2004.¹¹ Another study showed that because immigrants and workers born in the United States tend to possess different skill sets and fill different kinds of jobs, they complement one another (rather than compete against each other), and that cities are “rejuvenated” by immigrants who increase the labor force, tax base, and consumer base.¹²

The strong entrepreneurial spirit of immigrants to the United States has significantly boosted local economies and local labor markets. Research by the Partnership for a New American Economy estimates that immigrants started 28 percent of all new U.S. business in 2011, and that immigrant-owned businesses “generate more than \$775 billion in revenue, \$125 billion in payroll, and \$100 billion in income, employing one out of every 10 workers along the way.”¹³ A January 2015 study by the Fiscal Policy Institute found that “[w]hile accounting for 16 percent of the labor force nationally and 18 percent of business owners, immigrants make up 28 percent of Main Street business owners.”¹⁴ With “Main Street” businesses defined as “the

¹¹ HEIDI SHIERHOLZ, ECON. POLICY INST. BRIEFING PAPER NO. 255, IMMIGRATION AND WAGES: METHODOLOGICAL ADVANCEMENTS CONFIRM MODEST GAINS FOR NATIVE WORKERS 19-20 (Feb. 4, 2010), <http://www.epi.org/files/page/-/bp255/bp255.pdf> (finding 0.4 percent increase in wages for native-born workers from 1994 to 2007); GIANMARCO I.P. OTTAVIANO & GIOVANNI PERI, NAT’L BUREAU OF ECONOMIC RESEARCH, NBER WORKING PAPER SERIES 12497, RETHINKING THE EFFECTS OF IMMIGRATION ON WAGES 4 (2006, revised 2008), <http://www.nber.org/papers/w12497> (finding 0.7 percent increase in wages of native-born workers from 1990 to 2004).

¹² JACK STRAUSS, IMMIGRATION POLICY CENTER, AMERICAN IMMIGRATION COUNCIL, ALLIES, NOT ENEMIES: HOW LATINO IMMIGRATION BOOSTS AFRICAN AMERICAN EMPLOYMENT AND WAGES 2 (June 2013), http://www.immigrationpolicy.org/sites/default/files/docs/allies_not_enemies.pdf (conducting comprehensive analysis of Census data and concluding that cities with higher levels of immigration from Latin America experience lower unemployment rates, lower poverty rates, and higher wages among African Americans). *See also* PERI, *supra*, n. 8 (determining that “immigrants expand the economy’s productive capacity” and that evidence is “scant” that immigrants diminish employment opportunities for U.S. workers); SHIERHOLZ, *supra*, n. 11, at 10-11 (describing research showing that immigrants have less of an impact on U.S.-born workers than previously supposed, particularly with respect to U.S. -born workers with a high school degree or less); OTTAVIANO & PERI, *supra*, n. 11, at 3-4 (finding *inter alia* that the average wage of U.S.-born workers experienced a 1.8% increase as a consequence of immigration from 1990-2004 and that the least-educated U.S.-born workers are less negatively impacted by immigration than previously thought).

¹³ ROBERT W. FAIRLIE, PARTNERSHIP FOR A NEW AMERICAN ECONOMY, OPEN FOR BUSINESS: HOW IMMIGRANTS ARE DRIVING SMALL BUSINESS CREATION IN THE UNITED STATES 3 (Aug. 2012), <http://www.renewoureconomy.org/sites/all/themes/pnae/openforbusiness.pdf>.

¹⁴ AMERICAS SOCIETY/COUNCIL OF THE AMERICAS & FISCAL POLICY INSTITUTE, BRINGING VITALITY TO MAIN STREET: HOW IMMIGRANT SMALL BUSINESSES HELP LOCAL ECONOMIES GROW 2 (Jan. 2015), <http://fiscalpolicy.org/wp-content/uploads/2015/01/Bringing-Vitality-to-Main-Street.pdf> (also finding that “[d]ata from 2013, the most recent year available, show that in the U.S. as a whole immigrants make up 61 percent of all gas station owners, 58 percent of dry cleaners owners, 53 percent of grocery store owners, 45 percent of nail salon

shops and services that are the backbone of neighborhoods around the country,”¹⁵ it is clear that immigrants, through their entrepreneurship, play a critical role in powering the economies of our nation’s cities.

The potential economic contributions of workers eligible to obtain work authorization under Executive Action are just as significant. Numerous economic studies establish that granting some form of protection against deportation to a subset of the undocumented population and allowing them to work with authorization would have tremendous *beneficial* economic effects across the country. The North American Integration and Development Center at the University of California Los Angeles has estimated that if 3.8 million people obtain employment authorization through Executive Action, their labor income would increase \$7.1 billion dollars, generating 167,000 new jobs and over \$2.6 billion in new tax revenue.¹⁶ The Center for American Progress estimates that if 4.7 million individuals are eligible to participate in the program, payroll tax revenues will increase by \$2.87 billion in the first year and \$21.24 billion over the first five years of the program.¹⁷ Beyond the research, cities across the nation, on a daily basis, see the significant impact that undocumented immigrants have on local revenues and economies. As a result, the undersigned Mayors can speak to the added and much needed economic spark that the Executive Action will provide. Specifically, local governments will benefit from a broader tax base and higher revenue as new workers and previously cash-paid

owners, 43 percent of liquor store owners, 38 percent of restaurant owners, and 32 percent of both jewelry and clothing store owners”).

¹⁵ *Id.*

¹⁶ DR. RAUL HINOJOSA-OJEDA & MAKSIM WYNN, FROM THE SHADOWS TO THE MAINSTREAM: ESTIMATING THE ECONOMIC IMPACT OF PRESIDENTIAL ADMINISTRATIVE ACTION AND COMPREHENSIVE IMMIGRATION REFORM 32 (2014), http://www.naid.ucla.edu/uploads/4/2/1/9/4219226/ucla_naid_center_report_-_estimating_the_economic_impact_of_presidential_administrative_action_and_comprehensive_immigration_reform.pdf.

¹⁷ PATRICK OAKFORD, CENTER FOR AMERICAN PROGRESS, ADMINISTRATIVE ACTION ON IMMIGRATION REFORM, THE FISCAL BENEFITS OF TEMPORARY WORK PERMITS 9 (2014), <http://cdn.americanprogress.org/wp-content/uploads/2014/09/OakfordAdminRelief.pdf>.

workers are brought into the formal workforce, which only further increases the rates of tax compliance.

For an even greater economic boost, the Executive Action will also lead to higher wages for some of the covered individuals as they take on more formalized employment relationships. The Center for American Progress estimates that “[t]emporary work permits would increase the earnings of undocumented immigrants by about 8.5 percent as they are able to work legally and find jobs that match their skills.”¹⁸ Similarly, the Fiscal Policy Institute estimates that wages for those eligible for legal work status will increase by five to 10 percent.¹⁹ Moreover, providing work authorization to individuals covered by the Executive Action will also allow for better worker protections, minimizing wage theft.²⁰ Overall, one estimate suggests that the individuals eligible to receive work authorization through the Executive Action “will experience a labor income increase of \$7.1 billion dollars.”²¹ The increased wage benefit is significant not only to the individuals themselves and for the tax base, but also for the entire communities in which they live. This is because a large percentage of income will be diverted back into the local economy through rent, food, basic services, entertainment, and many other purchases, as well as boost property and sales taxes as immigrants become further integrated into their communities.

The experience of young adults who have obtained DACA relief under the original program provides a glimpse of the increased economic activity that the Executive Action will yield. According to a 2013 study, since 2012 when DACA started, DACA recipients have become more integrated into the nation’s economic institutions, with approximately 61 percent of the 1,402 young adults surveyed having obtained a new job since receiving DACA, over half

¹⁸ *Id.* at 3.

¹⁹ *President’s Immigration Action Expected to Benefit Economy*, NEWS FROM THE FISCAL POLICY INSTITUTE, Nov. 21, 2014, <http://fiscalpolicy.org/presidents-immigration-action-expected-to-benefit-economy>.

²⁰ See OAKFORD, *supra* n. 17, at 5 (“The interaction between our broken immigration system and employment and labor laws have made undocumented workers more susceptible to exploitation in the workplace, leading them to earn lower wages than they otherwise could.”).

²¹ HINOJOSA-OJEDA & WYNN, *supra* n. 16, at 32.

opened a bank account, and 38 percent obtained their first credit card.²² Additionally, 61 percent had obtained a driver's license, which likely widened educational, employment, and other options for these young adult immigrants.²³ These milestones are significant successes and mark important steps on the path to upward economic mobility. These successes not only benefit the individuals and their families, but also to the cities in which they live and work.

The President's Executive Action will similarly benefit a broader group of immigrants who already have significant ties to the United States and are already contributing economically in various ways. The Executive Action will assist these individuals in accessing work authorization, thereby increasing wage levels and boosting immigrant contributions to local economies. It will bolster tax revenues and increase the economic productivity of a group which has already become the backbone of many cities across the nation. In contrast, if a preliminary injunction is granted, cities across the nation will be deprived of these proven economic benefits—clearly contrary to the public interest.

II. The Executive Action Will Increase Public Safety by Encouraging More Immigrant Residents to Trust and Cooperate With Local Law Enforcement.

Based on their experiences as mayors, *amici* can also attest that the grant of a preliminary injunction would harm the public interest by delaying the improvements to public safety that will directly result from the Executive Action. Law enforcement and all levels of local government require the trust and support of their communities to be effective. However, as local leaders are keenly aware, the fear that undocumented immigrants have of interacting with law enforcement and government officials is often a tremendous barrier to providing protection and service to the entire community.²⁴ Indeed, 27 police chiefs and two prestigious law enforcement associations,

²² ROBERTO G. GONZALES & VERONICA TERRIQUEZ, HOW DACA IS IMPACTING THE LIVES OF THOSE WHO ARE NOW DACAMENTED: PRELIMINARY FINDINGS FROM THE NATIONAL UNDACAMENTED RESEARCH PROJECT (2013), <http://www.immigrationpolicy.org/just-facts/how-daca-impacting-lives-those-who-are-now-dacamented>.

²³ *Id.*

²⁴ See NIK THEODORE, INSECURE COMMUNITIES: LATINO PERCEPTIONS OF POLICE INVOLVEMENT IN IMMIGRATION ENFORCEMENT i-ii, 5-6 (2013),

including law enforcement officials from some of the Plaintiff states, have filed an amicus presenting arguments to the Court explaining why the Executive Action is in the public interest from a public safety perspective. (Dkt. No. 83.1, Amicus Br. of Major Cities Chiefs Association *et al.* in Opp'n to Pls.' Mot. for Prelim. Inj. at 4-5.) Trust in law enforcement among immigrant communities is especially important when immigrants are victims or witnesses of crimes. As the Major Cities Chiefs Association concluded:

Assistance and cooperation from immigrant communities is especially important when an immigrant, whether documented or undocumented, is the victim of or witness to a crime. These persons must be encouraged to file reports and come forward with information. Their cooperation is needed to prevent and solve crimes and maintain public order, safety, and security in the whole community.²⁵

All city residents are adversely impacted when immigrants are afraid to interact with law enforcement. Not only does such fear leave immigrants vulnerable and unable to get help, but violent criminals will remain free, potentially able to target others.²⁶ Moreover, lack of immigration status for a family member can also deter U.S. citizens living in mixed-status households from reporting crime out of fear that interactions with police could lead to the identification and deportation of a loved one.²⁷ It is estimated that 85 percent of immigrants live in mixed-status families, making this a significant consideration.²⁸

http://www.academia.edu/4738588/Insecure_Communities_Latino_Perceptions_of_Police_Involvement_in_Immigration_Enforcement (presenting findings from survey of approximately 2,000 Latinos in Chicago, Houston, Los Angeles, and Phoenix and their metropolitan areas that indicate heightening of fears among Latinos of local law enforcement and impact on crime reporting by immigrants and U.S.-born Latinos).

²⁵ MAJOR CITIES CHIEFS IMMIGRATION COMMITTEE, RECOMMENDATIONS: FOR ENFORCEMENT OF IMMIGRATION LAWS BY LOCAL POLICE AGENCIES 5 (2006), http://www.houstontx.gov/police/pdfs/mcc_position.pdf

²⁶ See Amy Braunschweiger, *Nashville Immigrants Too Scared to Call the Police*, HUMAN RIGHTS WATCH, May 19, 2014, <http://www.hrw.org/news/2014/05/19/nashville-immigrants-too-scared-call-police> (describing experience of a Nashville immigrant mother's fear of calling police after her daughter was assaulted).

²⁷ See NIK THEODORE, *supra* n.24, at 5-6 (survey responses by U.S.-born Latinos about their willingness to contact law enforcement if they have been the victim of a crime or know information about a crime).

²⁸ ANITA KHASHU, THE ROLE OF LOCAL POLICE: STRIKING A BALANCE BETWEEN IMMIGRATION ENFORCEMENT AND CIVIL LIBERTIES vii, 24 (Mary Malina ed. 2009), <http://www.policefoundation.org/content/role-of-local-police>.

By providing work authorization and a formal reprieve from deportation to up to five million individuals, the Executive Action will help foster trust and eliminate this barrier between immigrant communities and our local law enforcement officials. This will encourage immigrants to work more closely with local law enforcement and directly improve the safety of all. (See Dkt. No. 83.1, Amicus Br. of Major Cities Chiefs Ass'n *et al.* in Opp'n to Pls.' Mot. for Prelim. Inj. at 6-7.) A preliminary injunction would harm the efforts of cities and local law enforcement officials across the country to encourage immigrants to cooperate with them to ensure the public safety of their communities and, therefore, is not in the public interest.

III. The Executive Action Will Facilitate the Full Integration of Immigrant Residents in Cities across the Country and Promote Family Unity.

The *amici* Mayors further recognize that the integration of all residents, including immigrants, into the fabric of our communities is essential for our nation's cities, families, and children to prosper. Indeed, the cornerstone of a healthy city is strong civic engagement by its residents. As noted above, many cities including Los Angeles, Seattle, Chicago, Baltimore, New York, St. Louis, Atlanta, Chicago and Philadelphia already have established specific offices or initiatives charged with integrating immigrants.²⁹ For example, the New York City Mayor's Office of Immigrant Affairs has been organized to "promote[] the well-being of immigrant communities by recommending policies and programs that facilitate successful integration of immigrant New Yorkers into the civic, economic, and cultural life of the City."³⁰ New York's recently launched municipal identification card program is one such integration initiative led by Mayor de Blasio and the Mayor's Office of Immigrant Affairs to promote access to New York City services and benefits by all New Yorkers, particularly immigrants.³¹ Similarly, the mission

²⁹ See *supra* nn. 3 & 4.

³⁰ New York City, Mayor's Office of Immigrant Affairs, <http://www.nyc.gov/html/imm/html/home/home.shtml> (last visited Jan. 22, 2015).

³¹ See IDNYC homepage, <http://www1.nyc.gov/site/idnyc/index.page> (last visited Jan. 22, 2015); Melissa Russo, *More than 50,000 Sign Up to Enroll in City's New Municipal Identification Program in First Week*, NBC

of the Los Angeles Mayor's Office of Immigrant Affairs is to "create[] programs and initiatives to support immigrant integration into the City of Los Angeles through Coordination of city services, outreach, and legislative advocacy."³²

For cities, the Executive Action will increase civic and economic engagement by eligible immigrants who have been afraid to get more involved despite already positively contributing to their communities for at least five years. For those who qualify, the Executive Action will encourage them to forge better relationships with members and leaders of local government and law enforcement. Those immigrants will feel more comfortable getting involved in local issues and community affairs, be better able to volunteer and help in their local schools, and feel less restrained from cooperating with law enforcement officials to ensure the public safety of their communities.

Cities will also benefit from the stronger families that will result from Executive Action. Families are the cornerstones of communities. This Executive Action will protect and promote family unity, which is critical for cities as the devastating effects that current deportations have on mixed-status families – and thus, invariably, on our communities – are widely documented.³³

NEW YORK, Jan. 16, 2015, <http://www.nbcnewyork.com/news/local/IDNYC-Municipal-Identification-Card-Immigrant-New-York-Wait-Time-311-Appointment-New-York-City-288871711.html>.

³² Office of Los Angeles Mayor Eric Garcetti, Mayor's Office of Immigrant Affairs, <http://www.lamayor.org/immigrants> (last visited Jan. 22, 2015).

³³ See, e.g., KALINA BRABECK ET AL., REPORT FOR THE INTER-AMERICAN HUMAN RIGHTS COURT, THE PSYCHOSOCIAL IMPACT OF DETENTION AND DEPORTATION ON U.S. MIGRANT CHILDREN AND FAMILIES (Aug. 2013), <http://www.bc.edu/content/dam/files/centers/humanrights/doc/IACHR%20Report%20on%20Psychosocial%20Impact%20of%20Detention%20%20Deportation-FINAL%208-16-13.pdf> (discussing the psychosocial impact of parents' unauthorized immigration status on the approximately 4.5 million U.S.-citizen children living in mixed-status families); JOANNA DREBY, CENTER FOR AMERICAN PROGRESS, HOW TODAY'S IMMIGRATION ENFORCEMENT POLICIES IMPACT CHILDREN, FAMILIES, AND COMMUNITIES (Aug. 2012), <http://cdn.americanprogress.org/wp-content/uploads/2012/08/DrebyImmigrationFamiliesFINAL.pdf> (examining how immigration enforcement shapes family life in the United States among immigrant and mixed-status families and in their communities); APPLIED RESEARCH CENTER, SHATTERED FAMILIES: THE PERILOUS INTERSECTION OF IMMIGRATION ENFORCEMENT AND THE CHILD WELFARE SYSTEM (Nov. 2011), <http://www.atlanticphilanthropies.org/learning/report-shattered-families-perilous-intersection-immigration-enforcement-and-child-welfare-s> (estimating that in 2011 at least 5,100 children live in foster care whose parents were deported or detained by immigration authorities); URBAN INSTITUTE, FACING OUR FUTURE: CHILDREN IN THE AFTERMATH OF IMMIGRATION ENFORCEMENT (Feb. 2010) http://www.urban.org/uploadedpdf/412020_FacingOurFuture_final.pdf (examining consequences of parental arrest, detention, and deportation on 190 children in 85 families in six locations in the U.S.); INT'L HUMAN RIGHTS LAW CLINIC AT UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW, ET. AL., IN THE CHILD'S BEST INTEREST? THE CONSEQUENCES OF LOSING A LAWFUL IMMIGRANT PARENT TO DEPORTATION, March 2010,

Congress repeatedly emphasized the importance of keeping families together,³⁴ a principle that a 1981 commission convened by Congress reinforced:

[R]eunification . . . serves the national interest not only through the humaneness of the policy itself, but also through the promotion of the public order and well-being of the nation. Psychologically and socially, the reunion of family members with their close relatives promotes the health and welfare of the United States.³⁵

But while family unity is one of our country's core values, more than 46,000 parents of U.S. citizen children were deported in the first six months of 2011 alone.³⁶ Splitting up these families has adverse effects throughout our communities, including leaving cities with more single-parent families and children in foster care.³⁷

For cities, this creates numerous additional stresses and strains because children in single-parent households are 4.2 times more likely to live in poverty than are children with married parents.³⁸ The poverty rate for single-mother families is 40.7 percent.³⁹ An Urban Institute study found that after losing the family breadwinner due to immigration enforcement, the households studies experienced "steep declines" in income, housing instability, and food

http://www.law.berkeley.edu/files/Human_Rights_report.pdf (examining the experiences of U.S. citizen children impacted by deportation of their lawful permanent resident parents). *See also* Hirokazu Yoshikawa & Carola Suarez-Orozco, *Deporting Parents Hurts Kids*, N.Y. TIMES, April 20, 2012, available at http://www.nytimes.com/2012/04/21/opinion/deporting-parents-ruins-kids.html?_r=0.

³⁴ *See Hong v. Napolitano*, 772 F. Supp. 2d 1270, 1278-79 (D. Haw. 2011) (citing legislative history and case law to demonstrate that "maintenance of family unity and, in particular, the liberal treatment of children represent well-known goals" of immigration law).

³⁵ INT'L HUMAN RIGHTS LAW CLINIC AT UNIVERSITY OF CALIFORNIA, *supra* n. 33, at 6 (quoting U.S. Select Commission on Immigration and Refugee Policy, U.S. Immigration Policy and the National Interest 112-13 (1981)).

³⁶ Seth Freed Wessler, *U.S. Deports 46K Parents with Citizen Kids in Just Six Months*, COLORLINES, Nov. 3, 2011, http://colorlines.com/archives/2011/11/shocking_data_on_parents_deported_with_citizen_children.html.

³⁷ *See supra* n. 33.

³⁸ DREBY, *supra* n. 33, at 9-10.

³⁹ *Id.* *See also* WOMEN'S LEGAL DEFENSE AND EDUCATION FUND, *READING BETWEEN THE LINES: WOMEN'S POVERTY IN THE UNITED STATES 1* (2010), <http://www.legalmomentum.org/sites/default/files/reports/reading-between-the-lines.pdf>.

insufficiency, resulting in increased reliance on public benefits.⁴⁰ The effects of splitting up families are not only economic. The children left behind have significant negative health impacts, including depression, anxiety, anger and fear, and have a greater likelihood of struggling in school and potentially dropping out completely.⁴¹ Additionally, data estimates show that in 2011 there were 5,100 children in foster care nationwide whose parents had been either detained or deported, placing them in even more challenging circumstances.⁴²

Cities are at the forefront of these quality of life issues. Allowing eligible children and adults to apply for expanded DACA and parents of U.S. citizen and Lawful Permanent Resident children to apply for DAPA will promote family unity, prevent the splitting of families due to deportation, and provide relief from such deportations.⁴³ A preliminary injunction preventing all these immigrants the opportunity to more fully integrate and continue contributing to their communities would most assuredly harm cities and is not in the public interest.

⁴⁰ URBAN INSTITUTE, *supra* n. 33, at 37-38.

⁴¹ *Id.* at 41-53 (detailing short-term and long-term behavior changes among children studied who experienced separation from parents due to immigration enforcement, including impact on school attendance and performance). *See also* BRABECK, *supra* n. 33, at 5 (“The physical separation between a parent and child, particularly when unexpected as in the case of deportation, disrupts the essential secure base, risking internalizing symptoms (depression, anxiety), externalizing behaviors (withdrawal, aggression), and social and cognitive difficulties.”).

⁴² APPLIED RESEARCH CENTER, *supra* n. 33.

⁴³ *As Many as 3.7 Million Unauthorized Immigrants Could Get Relief from Deportation under Anticipated New Deferred Action Program*, MIGRATION POLICY INSTITUTE, Nov. 20, 2014, <http://migrationpolicy.org/news/mpi-many-37-million-unauthorized-immigrants-could-get-relief-deportation-under-anticipated-new> (also estimating that with existing DACA program, the new actions could benefit more than 5.2 million people in total, nearly half of the U.S. unauthorized population).

CONCLUSION

Deferred action is a crucial first step in addressing our broken immigration system and fostering healthy, welcoming, and inclusive communities that prosper. For the reasons set forth in Defendants' brief, and for the reasons set forth above, Plaintiffs' request for a preliminary injunction should be denied.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Brief for *Amici Curiae* the Mayors of New York and Los Angeles, the Mayors of Thirty-One Additional Cities, the United States Conference of Mayors, and the National League of Cities in Opposition to Plaintiffs' Motion for Preliminary Injunction was served on this date, January 27, 2015, by overnight mail to:

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