

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

AFRICAN COMMUNITIES  
TOGETHER, a membership  
organization; UNDOCUBLACK  
NETWORK, a membership  
organization; DAVID KROMA;  
MOMOLU BONGAY; OTHELLO  
A.S.C. DENNIS; YATTA KIAZOLU;  
CHRISTINA WILSON; JERRYDEAN  
SIMPSON; C.B., AL. K., D.D., D.K.,  
AI. K., AD. K. by and through their  
father and next friend DAVID KROMA;  
O.D., and A.D., by and through their  
father and next friend OTHELLO  
A.S.C. DENNIS; O.S. by and through  
his mother and next friend  
JERRYDEAN SIMPSON,

Plaintiffs,

v.

DONALD J. TRUMP, President  
of the United States in his  
official capacity; U.S. DEPARTMENT  
OF HOMELAND SECURITY;  
KEVIN MCALEENAN, Acting Secretary  
of the Department of Homeland Security  
in his official capacity,

Defendants.

Civil Action No. 19-cv-10432

**[PROPOSED] *AMICI CURIAE* BRIEF OF  
THE STATE OF MINNESOTA, THE  
COMMONWEALTH OF  
MASSACHUSETTS, THE STATES OF  
CALIFORNIA, CONNECTICUT,  
DELAWARE, ILLINOIS, MARYLAND,  
NEVADA, NEW JERSEY, NEW YORK,  
OREGON, RHODE ISLAND, VERMONT,  
AND WASHINGTON,  
AND THE DISTRICT OF COLUMBIA IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS**

## TABLE OF CONTENTS

INTRODUCTION AND INTEREST OF <i>AMICI</i> STATES .....	1
ARGUMENT	
I. THE PRESIDENT’S DECISION TO TERMINATE DED WILL INFLICT HARM IN THE <i>AMICI</i> STATES AND ON INDIVIDUAL LIBERIAN NATIONALS, INCLUDING PLAINTIFFS. ....	2
1. Minnesota.....	2
2. Massachusetts .....	6
3. California. ....	8
4. New Jersey .....	9
5. New York.....	11
II. CHILDREN IN THE <i>AMICI</i> STATES, INCLUDING MINOR PLAINTIFFS, ARE SUFFERING BECAUSE OF THE PRESIDENT’S DECISION. ....	12
III. THE PRESIDENT’S POWER TO EXTEND THE DED DEADLINE DOES NOT ELIMINATE PLAINTIFFS’ INJURIES OR MOOT THIS CASE.....	15
CONCLUSION.....	17

## TABLE OF AUTHORITIES

### CASES

<i>Adarand Constructors, Inc. v. Slater</i> , 528 U.S. 216 (2000) .....	10
<i>Brown v. Colegio de Abogados de Puerto Rico</i> , 613 F.3d 44 (1st Cir. 2010) .....	10
<i>City News &amp; Novelty, Inc. v. City of Waukesha</i> , 531 U.S. 278 (2001) .....	10

### OTHER AUTHORITIES

Anu-Katriina Pesonen et al., <i>Intellectual Ability in Young Men Separated Temporarily from Their Parents in Childhood</i> , 39 <i>Intelligence</i> 335 (2011) .....	14
Anu-Katriina Pesonen et al., <i>Reproductive Traits Following a Parent-Child Separation Trauma During Childhood: A Natural Experiment During World War II</i> , 20 <i>Am. J. Hum. Biology</i> 345 (2007) .....	14
Bill Catlin, <i>Minn. Worker Shortage Squeezing Employers Gets Tighter</i> , MPR News (Sept. 21, 2018) .....	3
<i>Final Report on Strengthening Minnesota’s Health Care Workforce</i> , Minnesota Legislative Health Care Workforce Commission (Dec. 2016) .....	3
Heather Koball et al., <i>Health and Social Service Needs of US-Citizen Children with Detained or Deported Immigrant Parents</i> , <i>Migration Pol’y Inst.</i> (Sept. 2015) .....	14
Hirokazu Yoshikawa, <i>Immigrants Raising Citizens: Undocumented Parents and Their Young Children</i> (2011) .....	13
Jared Goyette, <i>‘I Was Raised an American’: Liberians Await Possible Deportation from US</i> , <i>The Guardian</i> (Mar. 19, 2019) .....	6
Jared Goyette, <i>She Fled Liberia’s Civil War 24 Years Ago. Now Trump Wants Her to Go Back</i> , <i>The Guardian</i> (Apr. 1, 2018) .....	13
Jim Walsh, <i>Linda Clark Tells Her Story as Local Liberians Plan Friday Rally for ‘DED Awareness’ at the State Capitol</i> , <i>Minnpost.com</i> (Feb. 21, 2019) .....	5
Josefina de la Fuente, <i>Liberian Immigrants are Running Out of Time</i> , <i>N.Y. City Lens</i> (Feb. 16, 2019) .....	11, 12

Karti Räikönen et al., <i>Risk of Severe Mental Disorders in Adults Separated Temporarily from Their Parents in Childhood: The Helsinki Birth Cohort Study</i> , 45 J. Psychiatric Res. 332 (2011) .....	14
Kristen Lee Gray, <i>Effects of Parent-Child Attachment on Social Adjustment and Friendship in Young Adulthood</i> , Cal. Poly. St. U., San Luis Obispo (June 2011) .....	14
Letter from Governor Dayton to President Trump (Mar. 27, 2018) .....	3
Letter from Speaker of the Minnesota House Melissa Hortman to President Trump (Mar. 19, 2019) .....	4
Maya Rao, <i>Twin Cities Senior Care Facilities Brace for Loss of Liberian Immigrant Workers</i> , Minneapolis Star Tribune (Mar. 21, 2019) .....	4
Michael D. Goodman et al., <i>The Foreign-born Population of Worcester, Massachusetts: Assessing the Challenges and Contributions of a Diverse Community</i> , Public Pol’y Ctr, Univ. of Mass., Dartmouth (July 2015) .....	6
Moises Velasquez-Manoff, <i>Finland Saved These Children From War, Did It Hurt Them in the Process?</i> , N.Y. Times (Sept. 19, 2018) .....	14
Nicholas Zill, <i>Better Prospects, Lower Cost: The Case for Increasing Foster Care Adoption</i> , Nat’l Council for Adoption (May 1, 2011) .....	15
Nina Agrawal, <i>In New York’s ‘Little Liberia,’ Some Immigrants Get Ready to Leave — or Go Underground</i> , Los Angeles Times (Apr. 6, 2018) .....	12
Orion Donovan-Smith, <i>End of Immigration Program Gives Liberians in U.S. a Choice: Leave Their American Children or Become Undocumented</i> , Wash. Post. (Feb. 21, 2019) .....	5
Seth Freed Wessler, <i>Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System</i> , Applied Research Ctr. (Nov. 2011) .....	15
Sydney Kashiwagi, <i>Island Pols Push to Extend Immigration Status for Borough’s Liberian Population Ahead of Looming Deadline</i> , SILive.com (Mar. 4, 2019) .....	11
Tess Allen, <i>Meet Some of Your Liberian Neighbors Now Facing Deportation</i> , Mpls. St. Paul Magazine (July 25, 2018) .....	6
<i>The Economic Status of Minnesotans 2018</i> , Minnesota State Demographic Center, Minnesota Department of Administration (2018) .....	2

U.S. Census Bureau, 2011-2015 American Community Survey: Place of Birth by Nativity and Citizenship Status .....	7, 11
U.S. Census Bureau, 2011-2015 American Community Survey: Selected Economic Characteristics.....	2, 3, 7, 12
Wendy Cervantes et al., <i>Our Children's Fear: Immigration Policy's Effects on Young Children</i> , Ctr. Law & Soc. Pol'y (Mar. 2018).....	13

## INTRODUCTION AND INTEREST OF *AMICI* STATES

The *Amici* States, Minnesota, Massachusetts, California, Connecticut, Delaware, Illinois, Maryland, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia are home to a large number of people from Liberia who are protected by Deferred Enforced Departure (DED), which is an immigration program authorized by the President to protect foreign nationals whose countries have experienced armed conflict, civil unrest, natural disasters, or public health crises. Liberians protected by DED are hardworking colleagues and valued contributors to our communities in the *Amici* States.

Unless federal officials are enjoined from enforcing the President's decision to terminate DED protections, Liberian nationals in the *Amici* States will be removed to Liberia, despite the unsafe conditions there. This will deprive the *Amici* States' economies and communities of positive contributions from coworkers and neighbors who have lived here for decades. Our health care industries in particular will suffer, as many Liberians work in that field. Of course, the harms from the President's decision to end DED will be felt most acutely by individuals, including Plaintiffs, who will be forced to leave their families, jobs, and communities in the *Amici* States.

The *Amici* States also have an interest in protecting the welfare of children, including minor Plaintiffs, raised in our states who were born to Liberian parents, or who are cared for by Liberian guardians. These children, who are U.S. citizens, are suffering because of the fear that their parents may be removed from the country as a result of the President's decision to end DED protections. The fact that the President has the power to change his mind and again extend DED protections does not eliminate their injuries or moot this case.

## ARGUMENT

### **I. THE PRESIDENT’S DECISION TO TERMINATE DED WILL INFLICT HARM IN THE *AMICI* STATES AND ON INDIVIDUAL LIBERIAN NATIONALS, INCLUDING PLAINTIFFS.**

The Liberian communities in the *Amici* States have made and continue to make valuable contributions to the *Amici* States. They are civic leaders, hardworking coworkers, and reliable neighbors. Unless federal officials are enjoined from enforcing the President’s directive, the termination of DED will inflict widespread harm on our Liberian families and communities. The following examples highlight the ways that President Trump’s decision will impact the *Amici* States and cause harm to individual Liberian nationals, including Plaintiffs.

#### **1. Minnesota**

Minnesota is home to one of the largest Liberian communities in the United States, with an estimated population of 15,900 people who were born in Liberia or report Liberian ancestry.<sup>1</sup> A majority of employed Liberians work in the health care and social assistance or educational services industries, according to U.S. Census data.<sup>2</sup> The President’s actions thus pose particular harms to the state’s economy because Minnesota, like many other states, faces serious shortages

---

<sup>1</sup> See *The Economic Status of Minnesotans 2018*, Minnesota State Demographic Center, Minnesota Department of Administration 8 (2018), <https://tinyurl.com/y55tft24>.

<sup>2</sup> U.S. Census Bureau, 2011-2015 American Community Survey: Selected Economic Characteristics, <https://tinyurl.com/y4b6m7ta>.

and a growing need for workers in health and social services.<sup>3</sup> A significant percentage of Liberians in Minnesota also work in manufacturing, retail trade, and finance and real estate.<sup>4</sup>

Last year, then-Governor Mark Dayton wrote to President Trump to urge him to reverse the decision to terminate DED protections.<sup>5</sup> This letter summarized how Liberians have become enmeshed in Minnesota communities and how their removal would harm Minnesota, particularly its health care industry:

Many Liberian DED holders have been in the United States for over 30 years and have built families and careers in our country. They are part of the social fabric of Minnesota; they are our neighbors, colleagues, and friends.

In 1989, a devastating civil war began in Liberia which ravaged that country for seven years, and displaced millions. Liberia is still recovering from that conflict, and so are its people. Many fled to find new lives for themselves and their families—including thousands who settled here in the United States. Minnesotans welcomed Liberian refugees with open arms, and today our state is home to the largest community of Liberian Americans of any state in the nation.

We are proud of our Liberian neighbors, and grateful for their many contributions to our communities, our culture, and our economy. A large number of Liberian Americans work in Minnesota's health care industry—providing quality, skilled care to many sick, elderly, and other vulnerable people. Our health care industry has come to depend upon their hard work and skilled labor. If these workers are forced to leave our country, their absence would cause a workforce crisis in Minnesota's health care industry.

*Id.*

---

<sup>3</sup> See, e.g., Bill Catlin, *Minn. Worker Shortage Squeezing Employers Gets Tighter*, MPR News (Sept. 21, 2018), <https://www.mprnews.org/story/2018/09/21/minn-worker-shortage-squeezing-employers-gets-tighter>; *Final Report on Strengthening Minnesota's Health Care Workforce*, Minnesota Legislative Health Care Workforce Commission 5-13 (Dec. 2016), <https://www.leg.state.mn.us/docs/2016/mandated/161368.pdf>.

<sup>4</sup> U.S. Census Bureau, *supra* note 2.

<sup>5</sup> See Letter from Governor Dayton to President Trump (Mar. 27, 2018), [https://www.uscis.gov/sites/default/files/files/nateddocuments/TPS\\_-\\_Haiti\\_El\\_Salvador\\_Nicaragua\\_DED\\_-\\_Liberians\\_DACA\\_Governor\\_Dayton.pdf](https://www.uscis.gov/sites/default/files/files/nateddocuments/TPS_-_Haiti_El_Salvador_Nicaragua_DED_-_Liberians_DACA_Governor_Dayton.pdf).



The Minnesota Speaker of the House of Representatives sent a similar letter to President Trump, which recognized that “[o]ur Liberian neighbors contribute to our economy, our culture and our communities,” and asked the President to extend DED for Liberians.<sup>6</sup>

In addition to Minnesota’s political leaders, its business leaders are also sounding the alarm. St. Therese will be especially hard hit by the expiration of DED protections. A news article described how the Catholic nonprofit, which has senior care facilities in five Minnesota suburbs, will lose about 100 workers or more, a significant percentage of its workforce. St. Therese’s chief human resources officer was quoted as saying: “To lose that skilled care is an enormous negative impact.”<sup>7</sup>

Indeed, there are many examples of Liberians, protected by DED, who work and contribute to civic life in Minnesota. If they are deported in accordance with the President’s directive, Minnesota’s workforce will lose valuable employees and Minnesota’s communities will lose civically-involved neighbors.

Plaintiff Christina Wilson is one such example. Ms. Wilson has lived in the U.S. for 17 years and is a Minnesota resident. Am. Compl. (Doc. #46) at ¶ 63. While in the U.S., she attended a nursing assistant school. *Id.* at ¶ 64. For the past 16 years, she has worked as a nursing assistant at the St. Therese Nursing Home in Minnesota, mentioned above, where she cares for elderly patients. *Id.* She is also active in her community and church. *Id.* at ¶ 65.

---

<sup>6</sup> See Letter from Speaker of the Minnesota House Melissa Hortman to President Trump (Mar. 19, 2019), <https://www.dfl3cd.org/speaker-hortman-and-house-dflers-letter-to-president-trump-and-congressional-delegation/>.

<sup>7</sup> See Maya Rao, *Twin Cities Senior Care Facilities Brace for Loss of Liberian Immigrant Workers*, Minneapolis Star Tribune (Mar. 21, 2019), <http://www.startribune.com/twin-cities-senior-care-facilities-brace-for-loss-of-liberian-immigrant-workers/507489282/>.

Magdalene Menyongar is another example. She is a certified nursing assistant in Minnesota. She works more than 60 hours each week at two nursing homes and uses her paycheck to support her 97-year-old mother. She is also the president of the women's ministry at her Liberian church. Her husband, also a Liberian immigrant, died in 2011. If Ms. Menyongar is deported, she will be separated from her daughter, a high school student who is preparing for college.<sup>8</sup>

Linda Clark fled war-torn Liberia to Minneapolis, where she lives with her mother and two brothers. She has worked at Wells Fargo for 14 years, currently as an account resolution specialist. She is a civic leader who has raised awareness about Liberians losing DED protections and was U.S. Representative Ilhan Omar's guest to President Trump's February 5, 2019 State of the Union Address. Representative Omar said of Ms. Clark: "Linda is exactly the type of American success story we should celebrate—someone who came to this country seeking a better life, played by the rules, and built a life for herself."<sup>9</sup>

Isabela Wreh-Fofana has lived in St. Paul, Minnesota for 17 years and works as a nursing assistant. Her son, Nyensuahtee Fofana, 23, played running back for his high school football team and dreams of pursuing a college marketing degree. However, he has been diagnosed with a heart condition that has required three open-heart surgeries. He will probably need another

---

<sup>8</sup> See Orion Donovan-Smith, *End of Immigration Program Gives Liberians in U.S. a Choice: Leave Their American Children or Become Undocumented*, Wash. Post. (Feb. 21, 2019), [https://www.washingtonpost.com/national/end-of-immigration-program-gives-liberians-in-us-a-choice-leave-their-american-children-or-become-undocumented/2019/02/20/03b3cae6-30db-11e9-813a-0ab2f17e305b\\_story.html?utm\\_term=.ffb68c22aa59](https://www.washingtonpost.com/national/end-of-immigration-program-gives-liberians-in-us-a-choice-leave-their-american-children-or-become-undocumented/2019/02/20/03b3cae6-30db-11e9-813a-0ab2f17e305b_story.html?utm_term=.ffb68c22aa59).

<sup>9</sup> See Jim Walsh, *Linda Clark Tells her Story as Local Liberians Plan Friday Rally for 'DED Awareness' at the State Capitol*, Minnpost.com, (Feb. 21, 2019), <https://www.minnpost.com/new-americans/2019/02/linda-clark-tells-her-story-as-local-liberians-plan-friday-rally-for-ded-awareness-at-the-state-capitol/>.

surgery by the time he is 30. They fear being removed to Liberia, because they do not know how he will receive the health care he needs there.<sup>10</sup>

Moses Punni is a group production leader at Medtronic in Minnesota, an associate pastor, and a worship ministry founder. He mentors many Liberian youth in his community of Coon Rapids, Minnesota. He also has a 16-year-old daughter, who is a U.S. citizen. He fears having to leave his daughter behind, as well as the community-rich life he has built over 17 years in Minnesota.<sup>11</sup>

If Ms. Wilson, Ms. Clark, Ms. Wreh-Fofana, Mr. Fofana, Mr. Punni, and many others like them are removed, Minnesota's workforce will lose hardworking employees and Minnesota's communities will lose civically-involved neighbors and friends. These individuals and their families will, of course, suffer the most.

## **2. Massachusetts**

Massachusetts is also home to a vibrant Liberian community that contributes to the economy and civic life, especially in Worcester, where Liberian immigrants predominantly reside.<sup>12</sup> An estimated 2,750 people who were born in Liberia currently live in Massachusetts,<sup>13</sup>

---

<sup>10</sup> See Jared Goyette, *'I Was Raised an American': Liberians Await Possible Deportation from US*, The Guardian (Mar. 19, 2019), <https://www.theguardian.com/us-news/2019/mar/19/liberians-deportation-trump-administration>.

<sup>11</sup> See Tess Allen, *Meet Some of Your Liberian Neighbors Now Facing Deportation*, Mpls. St. Paul Magazine (July 25, 2018), <http://mspmag.com/arts-and-culture/meet-some-of-your-liberian-neighbors-now-facing-deportation/>.

<sup>12</sup> See Michael D. Goodman et al., *The Foreign-born Population of Worcester, Massachusetts: Assessing the Challenges and Contributions of a Diverse Community*, Public Pol'y Ctr, Univ. of Mass., Dartmouth 7 (July 2015), <http://www.sevenhills.org/uploads/ForeignBornStudy.pdf>.

<sup>13</sup> U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates: Place of Birth for the Foreign-Born Population in the United States, <https://tinyurl.com/y2ww7xzu>.

and approximately 600 people who report they are of Liberian ancestry are not U.S. citizens.<sup>14</sup>

The majority of people of Liberian ancestry in Massachusetts work in educational services, health care, and social assistance (53%).<sup>15</sup> Significant percentages also work in the financial services and real estate (13%) and retail (10%) industries.<sup>16</sup> The labor force participation rate for people of Liberian ancestry in Massachusetts is 74%,<sup>17</sup> substantially higher than the average of 67.5% for the Commonwealth as a whole.<sup>18</sup>

The plaintiffs in this case demonstrate the deep ties and significant contributions of Liberian DED holders in our communities. Plaintiff David Kroma is a Liberian DED holder in Worcester, where he owns his home. Complaint at ¶ 31. He is employed as a mental health care worker, providing care to patients of a Commonwealth mental health facility in Worcester. Declaration of David Kroma, Exhibit 34 (Doc. #13-36) at ¶ 7. Plaintiff Momolu Bongay, a Liberian DED holder, works as a direct care professional, caring for patients in Worcester. Declaration of Momolu Bongay, Exhibit 35 (Doc. #13-37) at ¶ 7. Plaintiff Othello A.S.C. Dennis is a Liberian DED holder and a social worker, also in Worcester. Complaint at ¶ 46. Mr. Dennis also supports his community outside of work, volunteering with community organizations to support youth in Worcester-area schools. Declaration of Othello Dennis, Exhibit 31 (Doc. #13-33) at ¶ 8. These Plaintiffs support their families in Massachusetts, including their U.S. citizen children. Complaint at ¶¶ 31–53. The termination of DED will not

---

<sup>14</sup> U.S. Census Bureau, 2011-2015 American Community Survey: Place of Birth by Nativity and Citizenship Status, <https://tinyurl.com/y3xhb5ky>.

<sup>15</sup> U.S. Census Bureau, *supra* note 2, <https://tinyurl.com/yypwzjk6>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*, [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15\\_SPT/DP03/0400000US25](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_SPT/DP03/0400000US25).

only harm these Plaintiffs and their families, but will also deprive the Worcester community and economy of valued neighbors and hardworking employees.

### 3. California.

California's African population in general, and Liberian population in particular, is an important part of California's large and diverse immigrant community (the largest in the United States). The state has the fourth-largest population of African immigrants in the country, with over 130,000 African immigrants calling California home,<sup>19</sup> including over 2,300 Liberians.<sup>20</sup> Over 350 Liberians living in California report they are non-citizens.<sup>21</sup> The largest percentage of Liberians by far—more than 40 percent—work as home health aides, nurses, and teachers.<sup>22</sup> Given the increasing projected need for workers in the direct care field with a growing elderly population,<sup>23</sup> Liberian immigrants' "outsized role in the healthcare industry . . . makes them a small, but important, component of our workforce."<sup>24</sup>

Plaintiff Yatta Kiazolu exemplifies the strong contributions that Liberian DED holders have made and continue to make to California, the dilemma they face if DED is terminated, and

---

<sup>19</sup> New American Economy, *Power of the Purse: How Sub-Saharan Africans Contribute to the U.S. Economy* (Jan. 2018), [http://research.newamericaneconomy.org/wp-content/uploads/sites/2/2018/01/NAE\\_African\\_V6.pdf](http://research.newamericaneconomy.org/wp-content/uploads/sites/2/2018/01/NAE_African_V6.pdf).

<sup>20</sup> U.S. Census Bureau, *supra* note 13, <https://tinyurl.com/y67394q2>.

<sup>21</sup> U.S. Census Bureau, *supra* note 14, <https://tinyurl.com/y2m8yb2b>.

<sup>22</sup> U.S. Census Bureau, *supra* note 2, <https://tinyurl.com/y67394q2>; U.S. Bureau of Labor Statistics, *Industries at a Glance*, <https://www.bls.gov/iag/tgs/iag62.htm>.

<sup>23</sup> In California and Massachusetts, the position of home health aide is the fastest growing job, predicted to grow by 41% and 38%, respectively, in the next few years. Cal. Employ. Dev. Dep't, *2016-2026 Statewide Employment Projections Highlights*, <https://tinyurl.com/CALabMar> ("CA Long-Term" tab); Mass. Exec. Off. of Labor & Workforce Dev., *Labor Market Information: Most Job Openings for Massachusetts*, <https://tinyurl.com/MASSLabMar>.

<sup>24</sup> *How Sub-Saharan Africans Contribute to the U.S. Economy*, *supra* note 19.

the senselessness of the Administration's decision to do so. Ms. Kiazolu is a 28-year-old PhD candidate at UCLA in history who has taught at colleges in California and Delaware. Am. Compl. at ¶¶ 59, 61. She was born in Botswana to Liberian parents, and has lived in the U.S. since she was six years old, growing up in Delaware. *Id.* at ¶ 60. Ms. Kiazolu has not been to Liberia since she was four, *id.*; thus, she is facing the prospect of removal to a country she barely knows and where she has never lived. She dreams of completing her studies in California and continuing her career as an educator, but her future is profoundly clouded by the uncertainty surrounding DED: "Administrators haven't been able to tell her what could happen to her research funding or whether she'll even be able to remain a student. Without permission to work, she doesn't know how she'd pay back her student loans."<sup>25</sup> This uncertainty has led to missed opportunities for Ms. Kiazolu, despite her repeated efforts to become a U.S. citizen.<sup>26</sup> California—and the Nation as a whole—will be diminished if industrious, dedicated students and educators like Ms. Kiazolu are removed from this country due to their loss of DED.

#### 4. New Jersey

New Jersey is home to the fourth largest Liberian community in the United States, with an estimated population of more than 6,000 people of Liberian ancestry.<sup>27</sup> Of the total foreign-born

---

<sup>25</sup> Andrea Castillo, *Trump's Move to End Humanitarian Program Exposes Liberian UCLA Student to Deportation*, L.A. Times (Mar. 16, 2019),

<https://www.latimes.com/local/lanow/la-me-liberian-program-20190316-story.html>.

<sup>26</sup> Camila DeChalus, *Ph.D. Student Faces Deportation to Liberia, Where She Has Never Lived*, Roll Call (Mar. 28, 2019), <https://www.rollcall.com/news/facing-deportation-to-liberia-where-she-has-never-lived>.

<sup>27</sup> U.S. Census Bureau, *supra* note 13, <https://tinyurl.com/y2ywcb9m>.

population of Liberian ancestry, more than half report not having U.S. citizenship.<sup>28</sup> Among individuals of Liberian ancestry, 85.6 percent of those over the age of 25 have a high school diploma,<sup>29</sup> and participation in the workforce is 74 percent, which is about eight percentage points higher than the state participation rate. Approximately 48.5 percent work in New Jersey's educational services, health care, and social assistance industries,<sup>30</sup> while significant numbers also work in retail (10.0%) and public administration (10.9%).<sup>31</sup> Ending DED would harm the state's economy by depriving these industries of skilled workers. In particular, the termination of DED would affect New Jersey's private businesses because three-quarters of employed individuals of Liberian ancestry work in the private sector.<sup>32</sup>

In New Jersey, Liberian refugees are leaders in the business community,<sup>33</sup> members of local faith communities,<sup>34</sup> and innovators in the local economy.<sup>35</sup> The vast majority of foreign-

---

<sup>28</sup> U.S. Census Bureau, 2011-2015 American Community Survey: Selected Social Characteristics in the United States, <https://tinyurl.com/yyjcplay>.

<sup>29</sup> *Id.*

<sup>30</sup> U.S. Census Bureau, *supra* note 2, <https://tinyurl.com/y34neecj>. By contrast, the statewide percentage of workers in educational services, health care, and social assistance is 23.7 percent. *Id.*, [https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15\\_SPT/DP03/0400000US34](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_SPT/DP03/0400000US34).

<sup>31</sup> U.S. Census Bureau, *supra* note 2, <https://tinyurl.com/y34neecj>.

<sup>32</sup> *Id.*

<sup>33</sup> See Laura Michaels, *Refugee Turned IHOP Franchisee Brings the Hustle*, Franchise Times (July 25, 2019), <http://www.franchisetimes.com/August-2019/Refugee-turned-IHOP-franchisee-brings-the-hustle/> (profiling Adenah Bayoh, a New Jersey restaurant entrepreneur who immigrated to the United States when she was 13 years old after fleeing the civil war in Liberia).

<sup>34</sup> See Wendy Plump, *Trenton's Lutheran Church of the Redeemer Offers Happy Home for Many Liberian Refugees*, NJ.com (Sept. 30, 2012), [https://www.nj.com/mercer/2012/09/trentons\\_lutheran\\_church\\_of\\_th.html](https://www.nj.com/mercer/2012/09/trentons_lutheran_church_of_th.html).

<sup>35</sup> See Tammy La Gorce, *A Farmer Reclaims Liberian Roots in New Jersey*, N.Y. Times (June 26, 2015), <https://www.nytimes.com/2015/06/28/nyregion/a-farmer-reclaims-liberian-roots-in-new-jersey.html> (describing Morris Gbolo, who emigrated from Liberia in 2003 and now grows Liberian produce for the local Liberian community in New Jersey).

born individuals of Liberian descent in New Jersey entered the United States at least 10 years ago, indicating long-term ties with the state.<sup>36</sup> As described by U.S. Representative Donald M. Payne Jr. (NJ-10), in a letter co-authored with U.S. Senator Jack Reed (D-RI), the end of DED would create “anxiety and legal uncertainty within our Liberian-American communities.”<sup>37</sup>

## 5. New York

New York is also home to a large population of immigrants from Africa in general and Liberia in particular. It has the country’s second-largest population of immigrants from sub-Saharan Africa,<sup>38</sup> and its estimated population of African immigrants overall exceeds 192,000, including an estimated 5,200 people born in Liberia.<sup>39</sup> Many New York residents of Liberian ancestry live in Staten Island’s “Little Liberia” neighborhood<sup>40</sup>—one of the largest Liberian populations outside of Africa.<sup>41</sup> Approximately 1,350 of those in New York who report having Liberian ancestry are not U.S. citizens.<sup>42</sup>

---

<sup>36</sup> See U.S. Census Bureau, 2011-2015 American Community Survey: Period of Entry by Nativity and Citizenship Status in the United States, <https://tinyurl.com/y2yrrqhl> (approximately 89 percent of foreign-born individuals of Liberian descent entered the United States before 2010).

<sup>37</sup> Press Release, Office of U.S. Rep. Donald M. Payne Jr., 50 Members of Congress Call for Extension of Protected Status for Liberians Living in the United States (Mar. 1, 2019), <https://payne.house.gov/press-release/50-members-congress-call-extension-protected-status-liberians-living-united-states>.

<sup>38</sup> *How Sub-Saharan Africans Contribute to the U.S. Economy*, *supra* note 19.

<sup>39</sup> U.S. Census Bureau, *supra* note 13, <https://tinyurl.com/y4zwy2r5>.

<sup>40</sup> Josefina de la Fuente, *Liberian Immigrants are Running Out of Time*, N.Y. City Lens (Feb. 16, 2019), <http://nycitylens.com/2019/02/liberian-immigrants-running-time/>.

<sup>41</sup> Sydney Kashiwagi, *Island Pols Push to Extend Immigration Status for Borough’s Liberian Population Ahead of Looming Deadline*, SILive.com (Mar. 4, 2019), <https://www.silive.com/news/2019/03/island-pols-push-to-extend-immigration-status-for-boroughs-liberian-population-ahead-of-looming-deadline.html>.

<sup>42</sup> U.S. Census Bureau, *supra* note 14, <https://tinyurl.com/y3vq7udb>.



Terminating DED will cause significant hardship to New York and its Liberian residents. As in other States, New York's Liberian population plays an important role in crucial industries such as educational services, health care, and social assistance, which employ nearly half (45%) of the State's residents with Liberian ancestry.<sup>43</sup> Terminating DED would harm these industries and devastate communities like Little Liberia, where many Liberian immigrants are parents of U.S. citizens and DED holders wonder how they would make ends meet if forced to return to Liberia after decades in the United States.<sup>44</sup>

## **II. CHILDREN IN THE *AMICI* STATES, INCLUDING MINOR PLAINTIFFS, ARE SUFFERING BECAUSE OF THE PRESIDENT'S DECISION.**

The *Amici* States have a strong interest in protecting the welfare of children in their states. Because DED holders from Liberia have lived in the *Amici* States for many years, they have had the opportunity to raise families. *See, e.g.*, Am. Compl. at ¶¶ 36–58. Children born in the U.S. to Liberian nationals are U.S. citizens. *See id.* at ¶¶ 7, 18. The President's decision to terminate DED for Liberians is causing deep harm to these children, including to the minor Plaintiffs. *See id.* at ¶¶ 41–45, 57–58.

Studies show that fears about family members' deportations can cause children to experience serious mental health problems, including depression, anxiety, self-harm, and regression.<sup>45</sup> Children's concerns about their parents' deportation can also impair their

---

<sup>43</sup> U.S. Census Bureau, *supra* note 2, <https://tinyurl.com/yxfhfdtw>.

<sup>44</sup> *Liberian Immigrants Are Running Out of Time*, *supra* note 40; *see also* Nina Agrawal, *In New York's 'Little Liberia,' Some Immigrants Get Ready to Leave — or Go Underground*, Los Angeles Times (Apr. 6, 2018), <https://www.latimes.com/nation/la-na-liberians-protected-status-2018-htmlstory.html>.

<sup>45</sup> Wendy Cervantes et al., *Our Children's Fear: Immigration Policy's Effects on Young Children*, Ctr. Law & Soc. Pol'y (Mar. 2018), <https://tinyurl.com/ChildFears>.

socioemotional and cognitive development.<sup>46</sup> The children of Liberian nationals likely face these same fears, and corresponding mental and emotional harms, as a result of President Trump’s decision to terminate DED protections for their parents. Indeed, the Amended Complaint specifically alleges that the minor Plaintiffs are suffering “anxiety and fear” as a result of the President’s decision. Am. Compl. at ¶¶ 41–45, 57–58.

A recent newspaper profile of Liberians in Minnesota discussed these types of concerns. The article focused on a high school student, a cheerleader and an honors student, who is preparing for college in a couple of years. While the student is a U.S. citizen, her Liberian mother has remained in the country through DED. The student explained: “I would be so hurt if my mom were to leave. . . . I need her here, I need her with me.”<sup>47</sup>

If the President’s DED termination is enforced, injuries to children will grow even more substantial. Forced separation from a parent is a traumatic event that can have serious and lifelong physical and psychological consequences. In one study, children with parents who had been detained or deported by immigration authorities refused food, pulled out their hair, had persistent stomach-aches and headaches, used drugs and alcohol, lost interest in daily activities, and had trouble maintaining positive relationships with other parents or new guardians.<sup>48</sup> In the long term, these traumatic childhood experiences can cause severe impairments of a child’s self-

---

<sup>46</sup> Hirokazu Yoshikawa, *Immigrants Raising Citizens: Undocumented Parents and Their Young Children* 120–136 (2011).

<sup>47</sup> See Jared Goyette, *She Fled Liberia’s Civil War 24 Years Ago. Now Trump Wants Her to Go Back*, *The Guardian* (Apr. 1, 2018), <https://www.theguardian.com/us-news/2018/apr/01/liberians-us-deportation-temporary-protected-status-tps-ded>.

<sup>48</sup> Heather Koball et al., *Health and Social Service Needs of US-Citizen Children with Detained or Deported Immigrant Parents*, *Migration Pol’y Inst.* 5 (Sept. 2015), <https://tinyurl.com/MIRFinal>.

worth and ability to form close relationships, increased anxiety, and depression.<sup>49</sup> Studies of adults who were separated from their families as children have shown negative outcomes for mental health and substance abuse,<sup>50</sup> marital success,<sup>51</sup> and intellectual ability,<sup>52</sup> as well as higher rates of chronic illnesses such as diabetes and heart disease.<sup>53</sup> Moreover, these children will lose their economic stability and wellbeing, as parents will no longer be able to legally work. As a result, many families will be forced to seek increased public benefits and social services, stretching limited state resources.

The children of DED holders will not only lose their economic security and even the comfort and stability of living in homes with their parents, but also may become subject to child protective services and ultimately placed in foster homes.<sup>54</sup> When it is not possible for children to live with their parents, social service agencies may seek placement in a foster home. In this case, the termination of DED protections could result in the removal of Liberian parents and

---

<sup>49</sup> Kristen Lee Gray, *Effects of Parent-Child Attachment on Social Adjustment and Friendship in Young Adulthood*, Cal. Poly. St. U., San Luis Obispo (June 2011), <https://tinyurl.com/j3lgrno>.

<sup>50</sup> Karti Räikönen et al., *Risk of Severe Mental Disorders in Adults Separated Temporarily from Their Parents in Childhood: The Helsinki Birth Cohort Study*, 45 J. Psychiatric Res. 332 (2011); Moises Velasquez-Manoff, *Finland Saved These Children From War, Did It Hurt Them in the Process?*, N.Y. Times (Sept. 19, 2018), <https://tinyurl.com/NYT-Fam-Sep>.

<sup>51</sup> Anu-Katriina Pesonen et al., *Reproductive Traits Following a Parent-Child Separation Trauma During Childhood: A Natural Experiment During World War II*, 20 Am. J. Hum. Biology 345 (2007) (finding higher rates of divorce).

<sup>52</sup> Anu-Katriina Pesonen et al., *Intellectual Ability in Young Men Separated Temporarily from Their Parents in Childhood*, 39 Intelligence 335 (2011) (showing severe decline in verbal ability and moderate impairments in general intelligence and mathematics).

<sup>53</sup> Velasquez-Manoff, *supra* note 50.

<sup>54</sup> Studies have estimated that, nationally, there are thousands of children in foster care due to their parents' detention or deportation. See Seth Freed Wessler, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System*, Applied Research Ctr. (Nov. 2011), <https://tinyurl.com/ARCFam>.

family members, leaving children with no parents or adult kin capable of caring for them in this country. As a result, some children could end up in foster care. These children would suffer the trauma of losing a stable home with loving parents, and could instead find themselves shuttling between temporary placements in a foster care system. Not only will this be traumatic and harmful to the children, but it will needlessly cost states valuable resources for children who have been abused or neglected.<sup>55</sup>

### **III. THE PRESIDENT’S POWER TO EXTEND THE DED DEADLINE DOES NOT ELIMINATE PLAINTIFFS’ INJURIES OR MOOT THIS CASE.**

Defendants argue that Plaintiffs’ injuries are speculative and not imminent because the President could extend DED for another year, as he did on March 28, 2019, which happened to be the same day as the preliminary injunction hearing in this matter. *See* Defendants’ Memo. (Doc. # 53) at 14–15; *see also* March 28, 2019 Notice (Doc. # 42). This argument is absurd and contrary to Supreme Court precedent and the interests of judicial efficiency.

Far from being speculative, the expiration date for DED, March 31, 2020, is clearly stated in the President’s directive. March 30 is the last day that current Liberian DED beneficiaries may lawfully reside and work in the country, per the directive. It is not the expiration date or the deportation-related harms that are speculative. Rather, it is Defendants’ assertion that the President could extend the deadline again. There has been no public indication that the President is even contemplating another extension, and Defendants offer no such evidence.

Furthermore, the President cannot evade review through last-minute extensions. As the Supreme Court has stated, “a party should not be able to evade judicial review, or to defeat a

---

<sup>55</sup> Long-term foster care is estimated to cost federal and state governments about \$25,000 annually per child. Nicholas Zill, *Better Prospects, Lower Cost: The Case for Increasing Foster Care Adoption*, Nat’l Council for Adoption (May 1, 2011), <https://tinyurl.com/ZillFoster>.

judgment, by temporarily altering questionable behavior.” *City News & Novelty, Inc. v. City of Waukesha*, 531 U.S. 278, 284 n.1 (2001). “Indeed, as a general rule of thumb, a defendant may not render a case moot by voluntarily ceasing the activity of which the plaintiff complains; were the opposite true, a defendant could immunize itself from suit by altering its behavior so as to secure a dismissal, and then immediately reinstate the challenged conduct afterwards.” *Brown v. Colegio de Abogados de Puerto Rico*, 613 F.3d 44, 49 (1st Cir. 2010). Voluntary cessation of challenged conduct only moots a case if it is “*absolutely* clear that the allegedly wrongful behavior could not reasonably be expected to recur,” and “the heavy burden of persua[ding] the court that the challenged conduct cannot reasonably be expected to start up again *lies with the party asserting mootness.*” *Adarand Constructors, Inc. v. Slater*, 528 U.S. 216, 222 (2000) (internal quotation marks and citations omitted). Here, the President’s short-term extension of DED, and the bald statement that he retains the power to issue another extension if he so chooses, do not come close to meeting this heavy burden.

Finally, Defendants would have Plaintiffs wait until March 2020 to see if DED protections will in fact cease on the date stated in the President’s directive. However, this approach would run counter to the Court’s message, delivered during the motion hearing on March 28, 2019, that Plaintiffs’ counsel should not wait until the eve of the new deadline to continue to litigate this matter. Defendants’ view is not only misguided, it is contrary to the interests of judicial efficiency expressed by the Court.

## CONCLUSION

For these reasons, the *Amici* States support Plaintiffs in opposing the motion to dismiss.

Respectfully submitted,

KEITH ELLISON  
Attorney General  
State of Minnesota  
Liz Kramer  
Solicitor General  
Jason Marisam  
Assistant Attorney General  
445 Minnesota Street, Suite 1100  
St. Paul, Minnesota, 55101-2128  
Telephone: (651) 757-1010  
Email: liz.kramer@ag.state.mn.us  
Attorneys for State of Minnesota

MAURA HEALEY  
Attorney General  
Commonwealth of Massachusetts

/s/ Abigail B. Taylor  
Abigail B. Taylor (BBO #670648)  
Chief, Assistant Attorney General  
Civil Rights Division  
Public Protection and Advocacy Bureau  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
Tel: (617) 727-2200  
Abigail.Taylor@mass.gov  
*Attorneys for Commonwealth of Massachusetts*

XAVIER BECERRA  
Attorney General  
State of California  
1515 Clay Street, 20th Floor  
Oakland, CA 94612-0550

WILLIAM TONG  
Attorney General  
State of Connecticut  
55 Elm St.  
Hartford, CT 06106

KATHLEEN JENNINGS  
Attorney General of Delaware  
820 North French Street  
Wilmington, DE 19801

KWAME RAOUL  
Attorney General of Illinois  
100 W. Randolph St., 12th Floor  
Chicago, IL 60601

BRIAN E. FROSH  
Attorney General of Maryland  
200 Saint Paul Place  
Baltimore, Maryland 21202

AARON D. FORD  
Attorney General of Nevada  
100 North Carson Street  
Carson City, NV 89701

GURBIR S. GREWAL  
Attorney General  
State of New Jersey  
25 Market Street  
Trenton, NJ 08625

LETITIA JAMES  
Attorney General of New York  
28 Liberty Street  
New York, NY 10005

ELLEN F. ROSENBLUM  
Attorney General of Oregon  
1162 Court Street NE  
Salem, OR 97301

PETER F. NERONHA  
Attorney General of Rhode Island  
150 South Main Street  
Providence, Rhode Island 02903

THOMAS J. DONOVAN, JR.  
Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, Vermont 05609-1001

ROBERT W. FERGUSON  
Attorney General of Washington  
PO Box 40100  
Olympia, Washington 98504-0100

KARL A. RACINE  
Attorney General  
District of Columbia  
441 4th Street, N.W.  
Washington, D.C. 20001