

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SVITLANA DOE, et al.,

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

Case No. 1:25-cv-10495-IT

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Proposed amici curiae States of New York, Illinois, California, Connecticut, Hawai'i, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington, and Wisconsin, and the District of Columbia ("Amici States") respectfully request leave to file the attached brief as amici curiae in support of plaintiffs' motion for a preliminary injunction (ECF Nos. 23-25). All parties have consented to this request.

Amici States—which are home to many thousands of immigrants—have a compelling interest in the outcome of this challenge to the U.S. Department of Homeland Security's (DHS) termination of multiple parole processes, including those for certain nationals of Afghanistan, Ukraine, Cuba, Haiti, Nicaragua, and Venezuela. Terminating these parole processes, and prohibiting current parole recipients from applying for other forms of immigration status, would inflict substantial harms upon Amici States' fisci, residents, and economies.

The proposed brief addresses Amici States' unique perspective and will aid the Court by highlighting facts and arguments not addressed in detail by the parties. For example, Amici States are uniquely situated to detail the potential consequences to the public interest of DHS's termination

of the parole processes, which include, *inter alia*, forestalling workers from filling vital roles in industries with labor shortages, preventing the reunification of families in Amici States’ communities, and endangering parole recipients by forcing their return to dangerous country conditions. Indeed, federal appellate courts recognize the value of States’ participation as amici curiae in general, permitting States to file amicus briefs as of right. *See* Sup. Ct. R. 37.4 (2017) (“No motion for leave to file an *amicus curiae* brief is necessary if the brief is presented . . . on behalf of a State . . . when submitted by its Attorney General”); Fed. R. App. P. 29(a)(2) (“[A] state may file an amicus brief without the consent of the parties or leave of court.”).

CONCLUSION

This Court should grant Amici States’ motion for leave to file a brief as amici curiae.

Dated: New York, New York
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CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1

I, Anagha Sundararajan, Assistant Solicitor General, hereby certify that I have conferred with counsel of record for the parties in this case via email in a good faith attempt to resolve and narrow the issues posed by the motion. I further certify that the motion is unopposed.

/s/ Anagha Sundararajan
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CERTIFICATE OF SERVICE

I, Anagha Sundararajan, Assistant Solicitor General, hereby certify that I have this day, March 21, 2025, served the foregoing document and its attachments upon all parties of record, by electronic filing to all ECF-registered parties.

/s/ Anagha Sundararajan
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SVITLANA DOE, et al.,

Plaintiffs,

v.

KRISTI NOEM, in Her Official Capacity as Secretary
of Homeland Security,

Defendants.

No. 1:25-cv-10495-IT

**MEMORANDUM OF LAW FOR THE STATES OF NEW YORK, ILLINOIS,
CALIFORNIA, CONNECTICUT, HAWAI‘I, MAINE, MARYLAND,
MASSACHUSETTS, MINNESOTA, NEW JERSEY, OREGON,
RHODE ISLAND, VERMONT, WASHINGTON, AND WISCONSIN,
AND THE DISTRICT OF COLUMBIA AS AMICI CURIAE IN SUPPORT OF
PLAINTIFFS’ MOTION FOR A PRELIMINARY INJUNCTION**

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INTRODUCTION AND INTERESTS OF AMICI CURIAE

Between 2021 and 2023, the U.S. Department of Homeland Security (DHS) established parole processes (or “parole pathways”) for certain vulnerable immigrants, including Afghans who supported U.S. interests abroad; Ukrainians displaced by Russia’s invasion; and Cubans, Haitians, Nicaraguans, and Venezuelans fleeing dangerous conditions in their home countries. In implementing these parole pathways, DHS exercised its statutory authority to grant immigration parole to noncitizens “on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A). Upon taking office, President Trump directed the termination of these and other humanitarian parole pathways. Based on flawed legal reasoning and minimal explanation, DHS has stopped processing new applications for parole pathways and stopped adjudicating current parolees’ applications for other forms of temporary or permanent immigration status. These actions have upended the lives of tens of thousands of lawfully present immigrants and threaten to tear communities and families apart.

Amici States of New York, Illinois, California, Connecticut, Hawai‘i, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington, and Wisconsin, and the District of Columbia (“Amici States”) submit this brief to emphasize the severe harms to the public interest that ending the parole pathways would cause. These harms weigh decisively in favor of a preliminary injunction.

Amici States have a strong interest in the parole pathways’ continued existence and success. Many thousands of immigrants from Afghanistan, Ukraine, Cuba, Haiti, Nicaragua, and Venezuela live in Amici States. Immigrants from these and other countries are essential to the fabric of our communities and are vital members of the workforce. Immigrants pay substantial sums in state and local taxes and wield significant spending power. And parolees in particular hold key jobs in state

and local workforces, including in industries facing labor shortages. Ending the parole pathways would deprive Amici States of parolees' substantial economic and social contributions, increase costs, and threaten public safety.

Ending the parole pathways would also separate families and endanger parolees. In many cases, parolees are family members and friends of individuals already living in Amici States' communities. Shutting down the parole pathways—which would both threaten current parolees' status and foreclose future applications—would result in family separations, prevent the reunification of families, and place current parolees at immediate risk of removal to countries with exceptionally dangerous living conditions. Those negative effects would reverberate in communities within our respective jurisdictions and across the Nation.

BACKGROUND

The Immigration and Nationality Act gives the Attorney General discretion to grant parole to noncitizens applying for admission to the United States “on a case-by-case basis for urgent humanitarian reasons or significant public benefit” until the purposes of such parole have been served. 8 U.S.C. § 1182(d)(5)(A). “Parole is one of several authorities that allow foreign nationals to live and work in the United States without being formally admitted to the country and without having a set pathway to a permanent immigration status.”¹ In this respect, parole shares characteristics of other immigration programs, such as Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA).²

¹ Andorra Bruno, Cong. Rsch. Serv., R46570, *Immigration Parole 1* (Oct. 15, 2020). (For authorities available online, full URLs appear in the table of authorities. All URLs were last visited on March 21, 2025.)

² *Id.* at 3.

The federal government’s exercise of its parole authority has “deep historical precedent.”³ Over the years, this authority has been used to provide safe harbor to immigrants in danger and to reunify separated families. Past parole programs have benefitted various groups, including individuals fleeing Vietnam, Cambodia, and Laos in the late 1970s; Cuban nationals; and family of U.S. military servicemembers (Military Parole in Place).⁴ Between 1998 and 2003 (the most recent six-year period for which DHS published such data), the United States admitted between 235,000 and 300,000 parolees annually.⁵ More recently, the United States has made parole available to certain Central American minor children of parents residing in the United States (CAM).⁶

In 2021, DHS implemented Operation Allies Welcome, which established a parole pathway for vulnerable Afghans, including those who had supported U.S. operations in Afghanistan over the past twenty years.⁷ DHS deployed hundreds of personnel to screen and rigorously vet prospective parolees in a process that includes “biometric and biographic screenings conducted by intelligence, law enforcement, and counterterrorism professionals.”⁸ Individuals cleared for entry into the United States underwent inspection at a port of entry and, if approved, received a two-year period of parole. Parolees could then apply for work authorization and resettlement services.⁹ In total,

³ David J. Bier, 126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders, Cato Inst. (July 17, 2023).

⁴ *Id.*

⁵ *Id.* (figure 1).

⁶ *Id.*

⁷ DHS, Operations Allies Welcome 1-2 (Aug. 29, 2021).

⁸ *Id.* at 1.

⁹ *Id.* at 1-2.

Congress has appropriated more than \$2 billion to support the program.¹⁰ More than 70,000 Afghans have received parole through this pathway.¹¹ As with all humanitarian parole programs, parole ends when the parole period expires, or when the parolee leaves the United States without first securing appropriate documentation.¹² Parolees “may be eligible individually for one or more immigration mechanisms that offer a way to remain lawfully in the United States on a temporary or permanent basis.”¹³ Many individuals who received parole through Operation Allies Welcome have since received long-term immigration status.¹⁴

In 2022, DHS announced Uniting for Ukraine, a parole pathway for Ukrainian citizens and their immediate family members displaced by the Russian invasion.¹⁵ This pathway allows parolees to stay in the United States for a two-year period, provided that a U.S.-based sponsor agrees to provide them with financial support.¹⁶ To participate, the sponsor submits an application to U.S. Citizenship and Immigration Services (USCIS), which assesses the sponsor’s ability to provide financial support. The prospective parolee must submit biographic and biometric data, which USCIS runs against national security and law enforcement databases.¹⁷ The prospective parolee

¹⁰ See, e.g., Afghanistan Supplemental Appropriations Act of 2022, Pub. L. No. 117-43, 135 Stat. 372, 372-76 (2021).

¹¹ Andorra Bruno, Cong. Rsch. Serv., R47165, *Permanent Immigration Options for Afghans with Immigration Parole 2* (June 21, 2022).

¹² See U.S. Citizenship & Immigr. Servs. (USCIS), *Humanitarian or Significant Public Benefit Parole for Aliens Outside the United States* (last updated Jan. 24, 2025) (“What Is Parole?”).

¹³ Andorra Bruno, Cong. Rsch. Serv., R47654, *Immigration Options for Immigration Parolees 6* (Aug. 17, 2023).

¹⁴ Bruno, *Permanent Immigration Options for Afghans, supra*, at 7-10.

¹⁵ Implementation of the Uniting for Ukraine Parole Process, 87 Fed. Reg. 25040, 25040 (Apr. 27, 2022).

¹⁶ *Id.* at 25042-43.

¹⁷ *Id.*

then receives advance authorization to travel to a U.S. port of entry, where a customs officer inspects the individual and makes a “case-by-case processing determination” as to whether parole should be granted.¹⁸ Individuals granted parole may apply for work authorization.¹⁹

Uniting for Ukraine successfully established a safe and orderly process for prospective immigrants that obviated the need to journey to the southwest border.²⁰ More than 200,000 Ukrainians have received parole through this pathway.²¹ Congress approved parolees to receive refugee support services and appropriated substantial sums to that end.²²

In October 2022, following the success of Uniting for Ukraine, DHS implemented a similar parole pathway for Venezuelans,²³ which drastically “decreased the number of Venezuelan nationals making the dangerous journey to” the southwest border.²⁴ In January 2023, DHS announced that the parole pathway for Venezuelans would continue and that it would establish similar parole pathways for Cubans, Haitians, and Nicaraguans modeled on the successful processes for Ukrainians and Venezuelans.²⁵

¹⁸ *Id.* at 25042-43.

¹⁹ *Id.* at 25043.

²⁰ Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. 63507, 63508 (Oct. 19, 2022).

²¹ Nat’l Found. for Am. Pol’y, 2.7 Million People Could Lose TPS, DACA and Humanitarian Parole 2 (Oct. 2024).

²² *See* Act of May 21, 2022, Pub. L. No. 117-128, 136 Stat. 1211, 1218; Act of April 24, 2024, Pub. L. No. 118-50, 138 Stat. 895, 912-13.

²³ Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. at 63507.

²⁴ Implementation of a Parole Process for Cubans, 88 Fed. Reg. 1266, 1268 (Jan. 9, 2023).

²⁵ DHS, DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes (Jan. 5, 2023); *see* Implementation of a Parole Process for Haitians, 88 Fed. Reg. 1243 (Jan. 9, 2023); Implementation of a Parole Process for Nicaraguans, 88 Fed. Reg. 1255 (Jan. 9, 2023); Implementation of a Parole Process for Cubans,
(continued on the next page)

The parole pathways for Cubans, Haitians, Nicaraguans, and Venezuelans (“CHNV”) allow certain nationals of these countries, along with their spouses and qualifying children, to request to come to the United States for a period of up to two years, during which time they can apply for work authorization.²⁶ The process for obtaining parole is substantially similar to Uniting for Ukraine: a prospective parolee must have a U.S.-based sponsor commit to provide them with financial support, clear a rigorous vetting process, and demonstrate their eligibility for parole on a case-by-case basis. Individuals removed from the United States within the past five years, found to have crossed into the United States without authorization after the announcement of the parole pathways, or who are subject to an admissibility bar based on a prior removal order are not eligible to participate.²⁷

Through the CHNV parole pathways, DHS may grant advance travel authorization to up to 30,000 noncitizens each month to seek parole.²⁸ More than 530,000 individuals have been granted parole.²⁹ At the same time, the CHNV parole pathways drastically reduced the number of noncitizens entering the United States without authorization. Previously, when immigrants from these countries were detained for entering the United States without authorization, DHS faced significant challenges returning them to their home countries. But with the parole pathways in place, Mexico agreed to accept Cubans, Haitians, Nicaraguans, and Venezuelans who entered the United States without

88 Fed. Reg. at 1266; Implementation of Changes to the Parole Process for Venezuelans, 88 Fed. Reg. 1279 (Jan. 9, 2023); Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. at 63507.

²⁶ *See, e.g.*, Implementation of a Parole Process for Haitians, 88 Fed. Reg. at 1243-44, 1253.

²⁷ *Id.* at 1252.

²⁸ *Id.* at 1253.

²⁹ [USCIS, CBP Releases December 2024 Monthly Update \(Jan. 14, 2025\)](#).

authorization, creating immediate new consequences for doing so.³⁰ The CHNV parole pathways thus incentivized immigrants to use a safe and orderly process to enter the United States.

Notwithstanding the success of the parole pathways, President Trump directed their termination immediately upon taking office. On January 20, 2025, the President issued an executive order directing the DHS Secretary to “[t]erminate all categorical parole programs that are contrary to the policies of the United States established in my Executive Orders, including the program known as the ‘Processes for Cubans, Haitians, Nicaraguans, and Venezuelans.’”³¹ The same day, the Acting DHS Secretary directed the agency to “phase out any parole programs that are not in accordance with the law.”³² In a nonpublic memorandum, the Acting Secretary asserted that programs which allow categories of individuals to apply for immigration parole are “blatantly inconsistent with the statute,” despite acknowledging that the Executive Branch has advanced the opposite position “over the past several decades.”³³ DHS officials subsequently stopped processing new parole applications.³⁴ DHS officials also prohibited staff from considering requests from Ukrainian and CHNV parole recipients for other forms of immigration status, such as asylum, TPS, and

³⁰ See, e.g., Implementation of a Parole Process for Haitians, 88 Fed. Reg. at 1243-44, 1253; Implementation of a Parole Process for Cubans, 88 Fed. Reg. at 1271-72.

³¹ Exec. Order No. 14165, 90 Fed. Reg. 8467, 8467 (Jan. 30, 2025).

³² DHS, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole* (Jan. 21, 2025).

³³ Adam Shaw & Bill Melugin, *Trump DHS Repeals Key Mayorkas Memo Limiting ICE Agents, Orders Parole Review*, Fox News (Jan. 21, 2025).

³⁴ See USCIS, *Update on Form I-134A* (Jan. 28, 2025) (“Due to the Jan. 20, 2025 Executive Order, Securing Our Borders, USCIS is pausing acceptance of Form I-134A, Online Request to be a Supporter and Declaration of Financial Support, until we review all categorical parole processes as required by that order.”).

adjustment of status.³⁵ And as plaintiffs explain, DHS has taken similar action with respect to earlier parole processes, including Military Parole in Place, CAM, and Family Reunification Parole programs.³⁶ Meanwhile, DHS has expanded the use of expedited removal procedures, including against current parolees.³⁷

ARGUMENT

PRESERVING THE PAROLE PATHWAYS BENEFITS THE PUBLIC AND SERVES URGENT HUMANITARIAN CONCERNS

Plaintiffs are likely to succeed on the merits of their claims because DHS's termination of the parole pathways, and its refusal to consider current parolees' applications for other forms of immigration status, are arbitrary, capricious, and contrary to law. In addition, the Court must consider the public interest and the balance of equities in assessing the propriety of a preliminary injunction. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 32 (2008). Amici States write to emphasize that terminating the parole pathways would severely harm the public interest and would be inequitable. Experience and data confirm that parolees, like other immigrants, deliver significant public benefits. And terminating the parole pathways would inflict severe harms on Amici States' communities.

³⁵ See [Camilo Montoya-Galvez, U.S. Pauses Immigration Applications for Certain Migrants Welcomed Under Biden](#), CBS News (Feb. 19, 2025).

³⁶ See Am. Compl. ¶¶ 153-187 (Mar. 17, 2025), ECF No. 22.

³⁷ See [DHS, Mem. from Benjamine C. Huffman, Acting Sec'y, to ICE, CBP & USCIS Exec. Staff, Guidance Regarding How to Exercise Enforcement Discretion 1-2](#) (Jan. 23, 2025).

A. Immigrants Are Key Contributors to the Economies and Communities of Amici States.

In the experience of Amici States, the benefits of immigration are profound. Not only do immigrants benefit from the opportunities associated with living in the United States, but the States and the Nation as a whole benefit from immigrants' contributions to our economies and communities.³⁸ Immigrants enrich the Nation's economic, social, and cultural life; offer pathbreaking contributions in science, technology, and other fields; and ultimately make our diverse communities more desirable places to live.³⁹

Immigrants contribute to national, state, and local economies in many ways, including by paying taxes, starting businesses, contributing to state and local labor forces, and consuming goods and services. Approximately 18% of the American civilian workforce is foreign born.⁴⁰ Nationally, immigrants pay over \$651 billion in taxes, and immigrant-owned companies employ millions of workers.⁴¹ Immigrants' economic contributions to Amici States are staggering. In New York alone, immigrant-led households paid \$31.3 billion in state and local taxes in 2023 and wielded \$160.5 billion in spending power.⁴² And in 2019, immigrants contributed \$244 billion to New York City's gross domestic product (GDP), or about 23% of the city's total GDP.⁴³ Likewise, in Illinois, immigrant-led households paid \$10.6 billion in state and local taxes in 2023 and wielded \$68.5

³⁸ See Joint Econ. Comm., U.S. Cong., *Immigrants Are Vital to the U.S. Economy* 1-7 (Apr. 26, 2021).

³⁹ Darrell M. West, *The Costs and Benefits of Immigration*, 126 Pol. Sci. Q. 427, 437-41 (2011).

⁴⁰ Bureau of Lab. Stat., U.S. Dep't of Lab., Econ. News Release, *Labor Force Characteristics of Foreign-Born Workers Summary* (May 21, 2024).

⁴¹ Am. Immigr. Council, *Immigrants in the United States* (n.d.).

⁴² Am. Immigr. Council, *Immigrants in New York* (n.d.).

⁴³ N.Y.C. Mayor's Office of Immigr. Affs., *State of Our Immigrant City* 32 (2021).

billion in spending power.⁴⁴ In Chicago specifically, immigrant households paid \$1.6 billion in state and local taxes in 2016 and wielded \$10.9 billion in spending power—thus holding 22.4% of all spending power in Chicago.⁴⁵ Immigrant-led households in California paid \$61.8 billion in state and local taxes in 2023 and exercised \$404.4 billion in spending power.⁴⁶ And in Massachusetts, immigrant-led households paid \$6.6 billion in state and local taxes in 2023 and wielded \$51.8 billion in spending power.⁴⁷

Immigrants often take on important and difficult-to-fill jobs, especially in burgeoning sectors such as at-home healthcare.⁴⁸ For example, in New York, immigrants made up 27.8% of the labor force in 2023 and held 75.1% of home health aide jobs and 67.7% of housekeeping jobs.⁴⁹ In Illinois, for that same year, immigrants made up 18.5% of the labor force and held 56.6% of taxi driver jobs and 50.1% of housekeeping jobs.⁵⁰ In California, immigrants made up 32.7% of the labor force in 2023, and held 46.1% of health aide jobs, 85.1% of sewing machine operator jobs, and 62.2% of agricultural jobs.⁵¹ Immigrants account for similarly substantial portions of the labor forces of other States and localities.⁵²

⁴⁴ Am. Immigr. Council, *Immigrants in Illinois* (n.d.).

⁴⁵ New Am. Econ., *New Americans in Chicago* 1 (n.d.).

⁴⁶ Am. Immigr. Council, *Immigrants in California* (n.d.).

⁴⁷ Am. Immigr. Council, *Immigrants in Massachusetts* (n.d.).

⁴⁸ Dan Kosten, Nat'l Immigr. F., *Immigrants as Economic Contributors: They Are the New American Workforce* (June 5, 2018).

⁴⁹ Am. Immigr. Council, *Immigrants in New York*, *supra*.

⁵⁰ Am. Immigr. Council, *Immigrants in Illinois*, *supra*.

⁵¹ Am. Immigr. Council, *Immigrants in California*, *supra*.

⁵² See, e.g., Am. Immigr. Council, *Immigrants in Massachusetts*, *supra*.

The parole pathways at issue here particularly benefit the national, state, and local economies. Individuals who are ultimately granted parole may seek employment authorization. As a result, people who enter the country through immigration parole—together with other immigrants who have work authorization—have helped to ease worker shortages in critical industries.⁵³ According to one estimate, 1.1 million individuals granted immigration parole between 2021 to 2023 are likely working in industries with labor shortages, such as construction, food services, retail, professional and business services, manufacturing, transportation, warehousing, utilities, and healthcare.⁵⁴ By the end of 2023, recipients of immigration parole helped to reduce job openings in these industries by as much as a third.⁵⁵

Parole recipients' contributions to national, state, and local economies join the already significant contributions of immigrants who have obtained temporary legal status through other programs. For example, in a 2021 survey of DACA recipients, nine out of ten individuals reported that they were employed or in school.⁵⁶ Similarly, more than eight in ten TPS recipients from El Salvador, Honduras, and Haiti participate in the labor force.⁵⁷

Parole recipients also serve an important role in supporting the United States military. For example, the Military Parole-in-Place program—which permits the immediate family of active-

⁵³ [Lydia DePillis, *Immigration Rebound Eases Shortage of Workers, Up to a Point*, N.Y. Times \(Feb. 6, 2023\).](#)

⁵⁴ [FWD.us, *Industries with Critical Labor Shortages Added 1.1 Million Workers Through Immigration Parole* \(Jan. 3, 2024\).](#)

⁵⁵ *Id.*

⁵⁶ [Tom K. Wong et al., Ctr. for Am. Progress, *2021 Survey of DACA Recipients Underscores the Importance of a Pathway to Citizenship* \(Feb. 3, 2022\).](#)

⁵⁷ [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 & Hum. Sec. 577, 577 \(2017\).](#)

duty and former U.S. Armed Forces members to remain in the United States while pursuing immigration status—encourages and enables participation in the military by allowing military members to carry out their duties without worrying about their loved ones’ immigration status.⁵⁸

Ending the parole pathways would harm Amici States and undermine the broader public interest. Decreasing the number of immigrants who enter the country legally through these pathways would prevent these individuals from contributing positively to our workforces and growing our economies, especially in businesses around the country facing persistent labor shortages.⁵⁹ And expelling parolees will lead to higher prices for goods and services.⁶⁰ For individuals already paroled into the United States, losing their parole status would take away their access to work authorization, thereby increasing Amici States’ costs to provide care to uninsured residents—including emergency health services and funding for public health programs that serve underinsured patients.⁶¹ DHS’s further decision to stop processing parolees’ applications for other forms of immigration status—such as asylum, TPS, and adjustment of status—has upended lives and created substantial uncertainty.⁶²

⁵⁸ See Nat’l Immigr. F., Fact Sheet, Military Parole in Place (Oct. 7, 2021).

⁵⁹ See, e.g., Stephanie Ferguson, U.S. Chamber of Com., *Understanding America’s Labor Shortage* (July 24, 2024) (listing low immigration rate as factor contributing to labor shortage); Howard Schneider, *Fed’s Barkin: Labor Shortages May Persist*, Reuters (Feb. 17, 2023) (same); Abha Bhattarai, *Worker Shortages Are Fueling America’s Biggest Labor Crises*, Wash. Post (Sept. 16, 2022) (same); see also Safia Samee Ali, *Farmers Push for Immigration Reform to Counter Labor Shortages and Rising Food Prices*, NBC News (Sept. 5, 2022).

⁶⁰ See Lydia DePillis, *Trump’s Immigration Plans Could Bring an Economic Toll*, N.Y. Times (Nov. 13, 2024).

⁶¹ Cf. U.S. Cong. Budget Off., *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments* 8 (Dec. 2007).

⁶² See Ted Hesson & Kristina Cooke, *Trump Weighs Revoking Legal Status of Ukrainians as U.S. Steps Up Deportations*, Reuters (Mar. 6, 2025).

Finally, ending the parole pathways would threaten public safety. Without the parole pathways, those who seek protection in the United States would instead make dangerous journeys here, increasing pressure on border personnel. And if the pathways were terminated, any current parolees who remain would be less likely to report crime due to fear of removal, or of having a family or community member removed.⁶³ When law enforcement is unable to obtain evidence of crimes and maintain witness cooperation at trial, public safety suffers.⁶⁴

B. Ending the Parole Pathways Would Separate Families and Endanger Parolees.

Amici States have a strong interest in fostering the reunification of community members with family in danger abroad and preventing the many harms that would result from separating families that have been reunited through the parole pathways. Many recent programs require parole recipients to have supporters in the United States who have agreed to provide them with financial support for the duration of their parole period. And in many cases, these supporters are family members and close friends. Ending the parole pathways would significantly hinder reunification and upend the lives of children granted parole as the immediate family members of parolees. And it would place parolees in danger, including those with pending asylum or TPS claims.

The parole pathways targeted here have been successful in achieving family reunification. For instance, as of March 2021, grants of refugee and parole status under the CAM program had

⁶³ See, e.g., Nik Theodore, Great Cities Inst., *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement* 14 (2013); James Queally, *Fearing Deportation, Many Domestic Violence Victims Are Steering Clear of Police and Courts*, L.A. Times (Oct. 9, 2017).

⁶⁴ See, e.g., Tom K. Wong, Ctr. for Am. Progress, *The Effects of Sanctuary Policies on Crime and the Economy* (Jan. 26, 2017) (sanctuary counties have lower crime rates than comparable nonsanctuary counties).

already “reunified nearly 5,000 children safely and securely with their families.”⁶⁵ And following a catastrophic earthquake in Haiti, more than 8,300 Haitians were aided under the Haitian Family Reunification Parole program.⁶⁶

By contrast, prolonged or permanent family separations have a devastating impact on the welfare of our communities. Multiple studies illustrate that family reunification benefits the economic, social, and psychological well-being of the affected individuals,⁶⁷ while family separation results in myriad harms. Separating family members from each other can result in negative mental and behavioral health outcomes, such as severe stress and symptoms of post-traumatic stress disorder.⁶⁸ Separation can be particularly traumatizing to children, resulting in a greater risk of cognitive impairment and developing mental-health disorders such as depression, anxiety, and attention-deficit/hyperactivity disorder.⁶⁹ Trauma can also have negative physical effects on children, such as loss of appetite, stomachaches, and headaches, which can become chronic if left untreated.⁷⁰ A

⁶⁵ Off. of the Spokesperson, U.S. Dep’t of State, *Restarting the Central American Minors Program* (Mar. 10, 2021).

⁶⁶ See USCIS, *Form I-131, Travel Document Applications for the Haitian Family Reunification Parole (HFRP) Program; Applications Accepted, Denied, Approved, and Pending as of December 31, 2019* (2020).

⁶⁷ Zoya Gubernskaya & Joanna Dreby, *U.S. Immigration Policy and the Case for Family Unity*, 5 *J. Migration & Hum. Sec.* 417, 423 (2017).

⁶⁸ See Colleen K. Vesely et al., *Immigrant Families Across the Life Course: Policy Impacts on Physical and Mental Health*, 4 *Nat’l Council on Fam. Rels. Pol’y Brief* 1, 2-3 (July 2019).

⁶⁹ Allison Abrams, *Damage of Separating Families*, *Psych. Today* (June 22, 2018).

⁷⁰ *Id.*; see also Wendy Cervantes et al., Ctr. for L. & Soc. Pol’y, *Our Children’s Fear: Immigration Policy’s Effects on Young Children* 2-4 (Mar. 2018).

child’s concern about a parent’s immigration status can also impair socioemotional and cognitive development.⁷¹ Similarly, spousal separation can cause fear, anxiety, and depression.⁷²

The harms to individual residents and their families will, in turn, have a negative effect on Amici States. Intact families provide crucial social support, which strengthens not only the family unit but also the neighborhood, community, and civic society at large. *See, e.g., Moore v. City of East Cleveland*, 431 U.S. 494, 503-04 (1977) (“It is through the family that we inculcate and pass down many of our most cherished values, moral and cultural.”). The Select Commission on Immigration and Refugee Policy, a congressionally appointed commission tasked with studying immigration policy, expounded upon the necessity of family reunification in 1981:

The reunification of families 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.⁷³

By contrast, denying families the ability to reunite contradicts the foundations of our immigration system and will irreparably harm our families, neighborhoods, and communities. Removing a family’s wage-earners from the labor force—either through removal to a foreign country or termination of parole status—also leads to economic hardship for families in Amici States’ communities.

⁷¹ Hirokazu Yoshikawa, *Immigrants Raising Citizens: Undocumented Parents and Their Young Children* 120-36 (2011).

⁷² *See, e.g., Yeganeh Torbati, U.S. Denied Tens of Thousands More Visas in 2018 Due to Travel Ban: Data*, Reuters (Feb. 26, 2019) (stating that the separation of a U.S. citizen from his noncitizen wife caused them both to “break down psychologically”).

⁷³ U.S. Select Comm’n on Immigr. & Refugee Pol’y, *U.S. Immigration Policy and the National Interest: The Final Report and Recommendations of the Select Commission of Immigration and Refugee Policy* 112 (Mar. 1, 1981).

And preventing consideration of current parolees' applications for long-term immigration status destroys any hope of keeping those families who remain in the United States intact.

Ending the parole pathways would also expose current parole recipients to grave personal danger by forcing them to return to the dangerous conditions from which they fled. To guard against that outcome, many parole recipients have applied for asylum and other forms of protection. Yet DHS has refused to process those applications. Ending the parole pathways would similarly endanger tens of thousands of individuals who would otherwise qualify for parole.

For example, Afghanistan is currently under control of the Taliban, which serially violates human rights. The Taliban engages in killings, abductions, physical abuse, human trafficking, forced labor, and gender-based violence. And it oppresses women, disenfranchises citizens, restricts individual freedoms, and uses children in armed conflict.⁷⁴ Afghanistan is currently subject to a level 4 “[d]o not travel” advisory (the highest level) due to terrorism, wrongful detention, kidnapping, civil unrest, crime, and limited healthcare.⁷⁵

Ukraine is currently under a “full-scale military invasion” in which Russia has “indiscriminately targeted civilian populations, placing civilians throughout the country at significant risk of physical harm.”⁷⁶ Ukrainians have endured “sustained shelling campaigns of cities and towns” across the country, leading to population displacement and damaged civilian infrastructure.⁷⁷

⁷⁴ Bureau of Democracy, Human Rts. & Lab., U.S. Dep't of State, *Afghanistan 2023 Human Rights Report* 1-3 (n.d.).

⁷⁵ Bureau of Consular Affs., U.S. Dep't of State, *Afghanistan Travel Advisory* (Jan. 13, 2025).

⁷⁶ Implementation of the Uniting for Ukraine Parole Process, 87 Fed. Reg. at 25041.

⁷⁷ *Id.*

Russia's attacks continue today,⁷⁸ and Ukraine is currently subject to a level 4 "[d]o not travel" advisory due to the ongoing war.⁷⁹

"Haiti has experienced a series of events, including natural disasters, economic stagnation, pervasive hunger, gang violence, and political assassinations that have devastated the country."⁸⁰ Collectively, these crises have led to the collapse of Haiti's economy and the proliferation of gangs that carry out hundreds of killings, assaults, and kidnappings, and have left "Haitians struggling to find basic products including food, water, and medicines."⁸¹ Haiti is currently subject to a level 4 "[d]o not travel" advisory "due to kidnapping, crime, civil unrest, and limited health care" and has been under a state of emergency since March 2024.⁸²

Nicaraguan nationals flee "political, economic, and humanitarian crises," including the government's "regime of terror and . . . suppression of all freedoms."⁸³ "Nicaragua is one of the poorest countries in Latin America," with almost 30% of families living in poverty,⁸⁴ and is currently subject to a level 3 travel advisory due to arbitrary law enforcement, wrongful detention, crime, and limited healthcare.⁸⁵

⁷⁸ *E.g.*, [Henri Astier, Russian Strikes Kill at Least 25, Ukraine Says, BBC \(Mar. 8, 2025\)](#).

⁷⁹ [Bureau of Consular Affs., U.S. Dep't of State, Ukraine Travel Advisory \(Nov. 14, 2024\)](#).

⁸⁰ Implementation of a Parole Process for Haitians, 88 Fed. Reg. at 1246.

⁸¹ *Id.* at 1246-47.

⁸² [Bureau of Consular Affs., U.S. Dep't of State, Haiti Travel Advisory \(Sept. 18, 2024\)](#) (click "[READ MORE]").

⁸³ Implementation of a Parole Process for Nicaraguans, 88 Fed. Reg. at 1258 (quotation marks omitted).

⁸⁴ *Id.*

⁸⁵ [Bureau of Consular Affs., U.S. Dep't of State, Nicaragua Travel Advisory \(Dec. 13, 2024\)](#).

Cuban nationals also face multiple challenges, including Cuba’s “worst economic crisis in decades,” marked by “[m]ass shortages of dairy and other basic goods,” and “[d]eepening poverty.”⁸⁶ The Cuban government has resorted to “repressive tactics to manage public discontent,” including restricting “freedoms of expression, association, peaceful assembly, and other human rights.”⁸⁷

And in Venezuela, the combination of “[a] complex political, humanitarian, and economic crisis; the widespread presence of non-state armed groups; crumbling infrastructure; and the repressive tactics of Nicolás Maduro have caused nearly 7 million Venezuelans to flee their country.”⁸⁸ Venezuela is currently subject to a level 4 “[d]o not travel” advisory due to terrorism, kidnapping, arbitrary law enforcement, wrongful detention, civil unrest, crime, and poor health infrastructure.⁸⁹ Fallout from last year’s elections in the country has heightened the volatility, triggering violent demonstrations, and prompting “several Latin American countries to suspend or downgrade diplomatic relations with Venezuela, plunging the polarized country into a new period of flux.”⁹⁰

For individuals who have already been granted parole, ending the parole pathways would mean returning to these dangerous, violent, and repressive conditions. And preventing prospective parole recipients from accessing relief means narrowing any chance of escape. Amici States and the public at large have strong interests in avoiding these harms, as well as the many other harms that would result from family separation.

⁸⁶ Implementation of a Parole Process for Cubans, 88 Fed. Reg. at 1269-70.

⁸⁷ *Id.* at 1270.

⁸⁸ Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. at 63509.

⁸⁹ Bureau of Consular Affs., U.S. Dep’t of State, *Venezuela Travel Advisory* (Sept. 24, 2024).

⁹⁰ Anatoly Kurmanaev & Ethan Singer, *Election Results Presented by Venezuela’s Opposition Suggest Maduro Lost Decisively*, N.Y. Times (July 31, 2024).

CONCLUSION

The motion for a preliminary injunction should be granted.

Dated: New York, New York
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SVITLANA DOE, et al.,

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

Case No. 1:25-cv-10495-IT

[PROPOSED] ORDER

Upon consideration of proposed Amici States' unopposed motion for leave to file a brief as amici curiae in support of plaintiffs' motion for a preliminary injunction, it is hereby ordered that the motion is GRANTED.

SO ORDERED.

Dated: _____

The Honorable Indira Talwani
United States District Judge