

No. 25-1083, 25-1084

IN THE
Supreme Court of the United States

MARKWAYNE MULLIN, SECRETARY, DEPARTMENT OF
HOMELAND SECURITY, ET AL.,

Petitioners,

v.

DAHLIA DOE, ET AL.,

Respondents.

DONALD J. TRUMP, ET AL.

Petitioners,

v.

FRITZ EMMANUEL LESLY MIOT, ET AL.,

Respondents.

**On Writs of Certiorari to the United States Court
of Appeals for the Second and D.C. Circuits**

**BRIEF OF FORMER OHIO STATE ATTORNEYS
GENERAL AS *AMICI CURIAE*
IN SUPPORT OF RESPONDENTS**

ALICE YIQIAN WANG

KEVIN K. WANG

GIBSON, DUNN & CRUTCHER LLP

1700 M Street, N.W.

Washington, D.C. 20036

MCKENZIE ROBINSON

GIBSON, DUNN & CRUTCHER LLP

333 S. Grand Ave.

Los Angeles, CA 90071

RICHARD W. MARK

Counsel of Record

SANJAY NEVREKAR

APRATIM VIDYARTHI

MELISSA V. PRIVETTE

NABIL SHAIKH

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, NY 10166

(212) 351-3818

RMark@gibsondunn.com

Counsel for Amici Curiae

TABLE OF CONTENTS

INTEREST OF *AMICI CURIAE* 1

INTRODUCTION AND SUMMARY OF
ARGUMENT 2

ARGUMENT 5

I. HAITIAN TPS HOLDERS HAVE BROUGHT
SIGNIFICANT ECONOMIC BENEFITS TO OHIO. 5

A. Data Substantiates the Economic
Benefits Generated by the Lawful
Activities of Haitian TPS Holders. 6

B. Local Leaders Attest to the Economic
and Social Benefits Ohio Communities
Experience Because of Haitian
Immigrants and TPS Holders’
Activities. 10

C. The District Court Correctly Held that
the Government Failed to Consider
Economic Benefits and Reliance
Interests When It Terminated Haiti’s
TPS Designation. 13

II. THERE IS NO EVIDENCE TO SUGGEST THAT
HAITIAN IMMIGRANTS OR TPS HOLDERS ARE
MORE LIKELY TO BE INVOLVED IN CRIME THAN
ANY OTHER GROUPS OR INDIVIDUALS. 15

A. Evidence Shows that Haitian
Immigrants Have Far Lower Rates of
Criminality than Other Legal
Immigrant Groups and American-Born
Citizens. 16

B. The Government’s Public-Safety Rationale Is Not Rational and Cannot Justify Termination of Haiti’s TPS Designation.....	18
III. THE CONSTITUTION ASSIGNS IMMIGRATION POLICY JUDGMENTS TO CONGRESS.	20
A. The Founders Clearly Intended for Congress to have Sole Authority over Immigration Policy Decisions.	20
B. The Major Questions Doctrine Forecloses the Secretary’s Boundless Interpretation of the TPS Statute.	23
C. The Executive’s Usurpation of Congressional Power on Immigration Will Affect Ohio’s Economic Success.	27
CONCLUSION	32
APPENDIX: List of <i>Amici Curiae</i>	App. 1a

TABLE OF AUTHORITIES

Cases

<i>American Clinical Laboratory Ass’n v. Becerra</i> , 40 F.4th 616 (D.C. Cir. 2022)	14
<i>Arizona v. United States</i> , 567 U.S. 387 (2012).....	20
<i>Biden v. Nebraska</i> , 600 U.S. 477 (2023).....	23
<i>Biden v. Texas</i> , 597 U.S. 785 (2022).....	18
<i>Chirac v. Lessee of Chirac</i> , 15 U.S. 259 (1817).....	22
<i>Dep’t of Homeland Security v. Regents of the University of California</i> , 591 U.S. 1 (2020).....	14, 16, 20
<i>Encino Motorcars, LLC v. Navarro</i> , 579 U.S. 211 (2016).....	14
<i>Galvan v. Press</i> , 347 U.S. 522 (1954).....	20
<i>Guerrero-Lasprilla v. Barr</i> , 589 U.S. 221 (2020).....	20
<i>INS v. Chadha</i> , 462 U.S. 919 (1983).....	21
<i>Int’l Org. of Masters, Mates & Pilots, ILA, AFL-CIO v. Nat’l Labor Relations Board</i> , 61 F.4th 169 (D.C. Cir. 2023)	14

<i>Learning Resources, Inc. v. Trump</i> , 146 S. Ct. 628 (2026).....	19, 23, 24
<i>Loper Bright Enterprises v. Raimondo</i> , 603 U.S. 369 (2024).....	24, 31
<i>Louisiana v. Biden</i> , 55 F.4th 1017 (5th Cir. 2022)	24
<i>Miot v. Noem</i> , 2026 WL 266413 (D.D.C. Feb. 2, 2026)	3, 10, 13, 14, 15, 19, 20, 25
<i>Miot v. Noem</i> , No. 25-cv-02471 (D.D.C. Sep. 12, 2025)	10
<i>Miot v. Trump</i> , 2026 WL 659420 (D.C. Cir. Mar. 6, 2026)	4
<i>Motor Vehicle Manufacturers Ass’n of U.S., Inc. v. State Farm Mutual Automobile Insurance</i> , 463 U.S. 29 (1983).....	13, 14, 15, 16, 18
<i>Nat’l Life Ass’n v. Fed. Commc’ns Comm’n</i> , 921 F.3d 1102 (D.C. Cir. 2019)	14
<i>Vasquez v. Hillery</i> , 474 U.S. 254 (1986).....	31
<i>West Virginia v. EPA</i> , 597 U.S. 697 (2022).....	23

Statutes

8 U.S.C. § 1182(a)(2)-(3)	19
8 U.S.C. § 1254a	19, 23, 24

Act of Apr. 14, 1802, ch. 28, 2 Stat. 153	22
Act of Jan. 29, 1795, ch. 20, 1 Stat. 414	22
Act of June 18, 1798, ch. 54, 1 Stat. 566	22
Act of Mar. 26, 1790, ch. 3, 1 Stat. 103.....	22
Pub. L. 101–649 (1990)	24

Other Authorities

Abbie VanSickle & Miriam Jordan, <i>Trump Administration Asks Supreme Court to End Protections for Haitian Immigrants</i> , N.Y. Times (Mar. 11, 2026), available at http://bit.ly/4s8knvH	2
Alex Nowrasteh, <i>Haitian Crime in the United States. What Does the Evidence Say?</i> , Cato Institute (Oct. 5, 2021), https://bit.ly/4lvPwH7	3, 17
American Immigration Council, <i>Immigrants in Ohio</i> , https://bit.ly/47I8xjQ	30
Beatrice Dain & Jeanne Batalova, <i>Haitian Immigrants in the United States</i> , Migration Pol'y Inst. (Nov. 8, 2023), https://bit.ly/4c4lDdW	25
Bill Toland, <i>In Desperate 1983, There Was Nowhere for Pittsburgh's Economy to Go but Up</i> , Pittsburgh Post-Gazette (Dec. 23, 2012), https://bit.ly/4scwzuD	29

Bureau of Econ. Analysis, <i>Regional Data: CAGDP1 County Gross Domestic Product (GDP) Summary</i> , https://bit.ly/4ryS7kW	9
Catalina Amuedo-Dorantes et al., ' <i>No One Size Fits All</i> ': <i>Diverse Impacts of Temporary Protected Status on Haitians and Hondurans</i> , 228 <i>Econ. Letters</i> 111163 (2023), available at https://bit.ly/47BHLtl	18
Chrissa Loukas, <i>Economic Uncertainty Strikes Following Haitian TPS Ruling</i> , <i>Spectrum News</i> (Feb. 3, 2026), https://bit.ly/4rx3g5A	10
Cornelius Frolik, <i>Springfield Has the Worst Job Losses in Ohio: Haiti TPS Ending Could Make It Worse</i> (Feb. 2, 2026), https://bit.ly/3PmEpnH	7
Danae King, <i>Haitians Bring Growth, Challenges and Unwanted Attention to Springfield</i> , <i>Columbus Dispatch</i> (Feb. 17, 2026), https://bit.ly/4rwn0X0	7
Danae King, <i>What Happens to U.S. Citizen Children if Haitians with TPS Are Deported?</i> , <i>Columbus Dispatch</i> (Feb. 12, 2026), https://bit.ly/4msBc2H	6
Daniel Dale, <i>Fact Check: Springfield Had More Murders Under Trump than Under Biden-Harris</i> , <i>CNN</i> (Sep. 20, 2024), https://bit.ly/4sR6GS6	17
David J. Bier, <i>Haitians Assimilate Well in the United States</i> , <i>Cato Institute</i> (Oct. 4, 2021), https://bit.ly/415hiRf	17, 18

<i>The Federalist No. 32</i> , (Alexander Hamilton) (Clinton Rossiter ed., 1961)	21
<i>The Federalist No. 47</i> , (James Madison) (Clinton Rossiter ed., 1961)	31
FWD.us, <i>The U.S. Must Redesignate Haiti for Temporary Protected Status (TPS)</i> (May 7, 2024), https://bit.ly/4cy3DIZ	26
Guhan Venkatu, <i>Rust and Renewal: A Pittsburgh Retrospective</i> , Federal Reserve Bank of Cleveland (Feb. 2018), https://bit.ly/41kHTKi	28, 29
<i>Haitian Immigration Statement</i> , Greater Springfield P’ship, https://bit.ly/4sk8lQg	8
<i>Haitian TPS Holders Pump \$6 Billion into US Economy</i> , Groups Say, Haitian Times (Feb. 2, 2026), https://bit.ly/4uuz5i7	9
Howard Schneider, <i>How Haitian Immigrants Fueled Springfield’s Growth</i> , Reuters (Sep. 11, 2024), https://bit.ly/415VLYE	8
<i>Immigration FAQs</i> , City of Springfield, https://bit.ly/40BmWuf	16
James E. Pfander & Theresa R. Wardon, <i>Reclaiming the Immigration Constitution of the Early Republic: Prospectivity, Uniformity, and Transparency</i> , 96 Va. L. Rev. 359 (2010).....	22

- Jessica Orozco, *Springfield Employment Gains Among Highest in Ohio Since Pandemic*, Springfield News-Sun (Jan. 20, 2025), <https://bit.ly/4urzOAV>.....9
- Jesús Villero, Brendan Washauer & Youran Wu, *550,000 Workers Lose Status by End of 2025: Potential Impact by State and Industry*, Penn Wharton Budget Model (Nov. 19, 2025), <https://bit.ly/4tyHNdX>27
- Jill H. Wilson, Cong. Rsch. Serv., RL20844, *Temporary Protected Status and Deferred Enforced Departure* 8 (Dec. 5, 2024), <https://bit.ly/4sYLYzW>26
- Julian Davis Mortenson & Nicholas Bagley, *Delegation at the Founding: A Response to the Critics*, 122 Colum. L. Rev. 2323 (2022)22
- Karen Kasler, *DeWine Concerned About Economic Impact as Haitians in Western Ohio Lose TPS Status*, Statehouse News Bureau (Dec. 15, 2025), <https://bit.ly/3PWufus>7
- Kevin Landers, *Ohio Witnessing Migration Wave as Residents Exit State in Search of Better Opportunities* (Oct. 13, 2025), <https://bit.ly/4vvj9gr>.....29
- Max Rego, *Ohio’s GOP Governor: Ending TPS for Haitians Would Be ‘Blow to the Economy’*, The Hill (Feb. 5, 2026), <https://bit.ly/415VTaB>7

Megan Henry, <i>'The Folks are Fearful.'</i> <i>Haitians Living in Ohio May Soon Lose Temporary Protected Status,</i> Ohio Cap. J. (Jan. 28, 2026), https://bit.ly/4bmzFpy	10, 11
Mike DeWine, <i>I Don't Recognize the Springfield That Trump and Vance Describe</i> , N.Y. Times (Sep. 20, 2024)	8
<i>Miot v. Noem</i> , No. 25-cv-2471 (D.D.C. Jan. 16, 2026), Dkt. 103	25
Miriam Jordan, <i>An Ohio City Faces a Future Without Haitian Workers: 'It's Not Going to Be Good'</i> , N.Y. Times (Aug. 18, 2025)	9, 10
Miriam Jordan, <i>Fear Shadows Many Children in Immigrant Families</i> , N.Y. Times (Apr. 12, 2025)	26
Miriam Jordan, <i>Why Thousands of Haitians Have Settled in Springfield,</i> <i>Ohio</i> , N.Y. Times (Sep. 14, 2024)	8
Nadege Blanc, <i>By the Numbers: Haitian TPS Holders Pump \$6 Billion into US Economy, Groups Say</i> , Haitian Times (Feb. 2, 2026), https://bit.ly/4cfBuVG	6
National Ass'n of Manufacturers, <i>Ohio</i> , https://bit.ly/47I8i8q (last visited Apr. 6, 2026)	28
Ohio Dep't of Dev., <i>State of Ohio Population Projections Overview: 2020 to 2050</i> , https://bit.ly/4miuSe4	27

Ohio Manufacturers’ Ass’n, *Ohio Manufacturing Counts* (2023), <https://bit.ly/4sW3rcp>..... 28

Rob Moore, *Immigration Slowdown Threatens Ohio’s Future*, Ohio Cap. J. (Feb. 4, 2026), <https://bit.ly/4sUc1YX>..... 29, 30

Russell Mills & Brett Huettner, *Postpandemic Employment Recovery in Fourth District Metro Areas*, Fed. Reserve Bank of Cleveland (Jan. 15, 2025), <https://bit.ly/3PdXk48>..... 8

Stephen Starr, *Haitians Helped Boost Springfield's Economy-Now They're Fleeing in Fear of Trump*, Guardian (Oct. 28, 2025), <https://bit.ly/4doXwHL>..... 8

Temporary Protected Status Protects Families While Also Boosting the U.S. Economy (Apr. 7, 2026) <http://bit.ly/4sL3Qh3>..... 25

Transcript: CNN Newsroom, CNN (Sep. 19, 2024), <https://bit.ly/4bKM0oM>..... 17

Trump: ‘In Springfield, They Are Eating the Dogs’, Wall St. J. (Sep. 10, 2024), available at <https://bit.ly/3NuaY2q>..... 3

U.S. Bureau of Labor Statistics, *All Employees: Manufacturing in Ohio*, Federal Reserve Bank of St. Louis (Jan. 28, 2026), <https://bit.ly/4bUc94U> 28

Constitutional Provisions

U.S. Const. art. I, § 1..... 20

U.S. Const. art. I, § 8, cl. 4..... 20

INTEREST OF *AMICI CURIAE*¹

Amici curiae are a bipartisan group of former Ohio Attorneys General (“AG”). A complete list of signatories can be found in the Appendix of *Amici Curiae*. Amici have dedicated their careers to public service and to the impartial administration of justice in Ohio. Together, they have a distinct interest in protecting the legal rights and safety of all Ohio residents, including the Haitian Temporary Protected Status (“TPS”) community who contribute to the social and economic fabric of their state. They have relevant experience and information regarding Haitian TPS holders that the Court should consider in reviewing the government’s decision to terminate Haiti’s TPS status and any interim relief related to that decision.

¹This brief was not authored in any part by counsel for any party, and no person or entity other than *amici* or its counsel made a monetary contribution intended to fund the preparation or submission of this brief.

INTRODUCTION AND SUMMARY OF ARGUMENT

Amici, a bipartisan group of former Attorneys General of Ohio, do not lightly oppose the Executive on matters regarding immigration and foreign affairs. But in asking the Court to reverse the district court's decision, the government asks this Court to do the extraordinary: approving the Secretary of Homeland Security's TPS terminations despite clear constitutional limitations, statutory language, and precedent to the contrary. The government asks for this relief despite the substantial harm that will be caused to communities like those in Ohio, that the government did not consider when it quickly and without prescribed process or consideration of evidence terminated Haiti's TPS status.

Reversal of the district court's decision would bring significant consequences to Haitian TPS holders, their families, their employers, and the Ohio communities that have become home to them and come to rely on them. The decision to terminate Haiti's TPS status was arbitrary and capricious because the government failed to consider these economic reliance interests or identify evidence that Haitian TPS holders are more likely to be involved in crime.

For Ohio, termination of Haiti's TPS would have real-world, concrete impact. Ohio is home to one of the most visible Haitian TPS populations in the country.² Haitian TPS holders—*lawfully present* in

² See, e.g., Abbie VanSickle & Miriam Jordan, *Trump Administration Asks Supreme Court to End Protections for Haitian Immigrants*, N.Y. Times (Mar. 11, 2026), available at <http://bit.ly/4s8knvH>. The group was unwillingly catapulted into

the United States—are workers, taxpayers, parishioners, parents, and neighbors. They are a vital component of Ohio society. They are integrated into their communities—contributing to the economy, supporting local communities, and revitalizing cities which, in at least one case, had previously been declining or stagnating. They help sustain employers facing persistent labor shortages and communities striving to maintain economic stability. In contrast, and contrary to the current administration’s political rhetoric and insinuations, *there is no evidence* that Haitian TPS holders are more likely to commit crimes than other legal immigrant populations and even native-born Americans. Indeed, and as local Ohioan leaders attest, Haitian TPS holders are likely to be *more* law-abiding than the average native-born American.³

The district court correctly ruled that then-Secretary of Homeland Security Kristi Noem had failed to consider this economic data, and laid bare the government’s false claims about crime and public safety. *Miot v. Noem*, 2026 WL 266413, at *28–29 (D.D.C. Feb. 2, 2026) (“*Miot I*”). The district court

national headlines in 2024 when the Republican party candidate for President of the United States, repeating a “debunked” “internet conspiracy” involving Haitian immigrants, stated: “In Springfield, [Ohio] they are eating the dogs They’re eating the cats. They’re eating the pets of the people that live there.” *Trump: ‘In Springfield, They Are Eating the Dogs’*, Wall St. J. (Sep. 10, 2024), available at <https://bit.ly/3NuaY2q>.

³ Alex Nowrasteh, *Haitian Crime in the United States. What Does the Evidence Say?*, Cato Institute (Oct. 5, 2021), <https://bit.ly/4lvPwH7> (noting that, nationwide, Haitian immigrants with legal status have an incarceration rate 81% below that of native-born Americans).

carefully weighed the Secretary's actions in granting petitioners' motion for a stay of the government's decision to terminate Haiti's TPS status (the "Termination Order"). And the D.C. Circuit correctly upheld that stay. *Miot v. Trump*, 2026 WL 659420 (D.C. Cir. Mar. 6, 2026) ("*Miot II*"). This Court should therefore affirm the decision to stay the Termination Order. Amici's experiences support the district court's findings.

First, Haitian immigrants and TPS holders have brought significant economic benefits to Ohio. The economic literature and local leaders' experiences in Ohio offer evidence of these benefits. The government was required to consider these economic benefits in its administrative decision-making process but failed to do so. In contrast, the district court properly considered the Secretary's omission, and the evidence of these economic benefits, when granting petitioners' stay application. And Ohio, like other states with Haitian TPS holders, has substantial reliance interests arising from those economic benefits.

Second, the government argues that Haitian immigrants and TPS holders are more likely to be involved in crime. The evidence shows the opposite is true. Statistical evidence and local Ohioan leaders' experiences show that Haitians are no more likely to be involved in crime than other immigrant groups and American-born citizens and are often *more* likely to be law-abiding members of their respective communities. As such, the government's public safety rationale is unsupported, and the district court was correct to reject it.

Third, the Secretary and government's decision to terminate Haiti's TPS status usurps Congress's authority. Neither the Constitution nor the TPS-enabling statute permit the Executive to terminate TPS by executive fiat, let alone do so with threadbare process and absent any meaningful evidence supporting its decision. This Court's recent precedent also forecloses the Secretary's boundless interpretation of the TPS statute. And allowing the Executive to usurp this constitutionally-founded Congressional power will undermine economic benefits states like Ohio experience as a result of immigration. Indeed, it will create economic uncertainty and destroy any economic growth, as immigration policy changes as administrations turn over.

This Court should affirm the district court's postponement of the effective date of the Termination Order.

ARGUMENT

I. HAITIAN TPS HOLDERS HAVE BROUGHT SIGNIFICANT ECONOMIC BENEFITS TO OHIO.

Petitioners have provided ample evidence that Haitian TPS holders have brought, and continue to bring, substantial economic benefits to their communities. Revoking their TPS status will deprive these communities—including multiple cities in Ohio—of these economic benefits. This is real. Economic literature shows that Ohio economically benefited from Haitian TPS holders' presence. And local leaders in Ohio have witnessed these economic benefits firsthand. Under the Administrative Procedure Act ("APA"), the government was required

to consider these economic benefits as an important aspect of the problem, but it failed to do that. In contrast, the district court properly considered these economic benefits—and what would ensue economically should the government’s scheme come to fruition—in staying the Termination Order. Those economic benefits are also substantial reliance interests for communities with Haitian TPS holders, such as those who live in Ohio.

A. Data Substantiates the Economic Benefits Generated by the Lawful Activities of Haitian TPS Holders.

In deciding to terminate Haiti’s TPS status, the government failed to consider that many communities have become substantially reliant on Haitian TPS holders’ economic and social contributions. Ohio is home to an estimated 14,000 Haitian TPS holders who contribute \$160 million every year to the state’s economy with their patronage of Ohio businesses and willingness to work high-demand, chronically understaffed jobs.⁴ More than 3,000 children born to Haitian TPS holders in Franklin and Clark counties since 2020 are U.S. citizens, whose parents live in Ohio at the moment.⁵ To strip Haitians of TPS protection, in the words of Ohio Governor Mike DeWine, another former Ohio Attorney General,

⁴ Nadege Blanc, *By the Numbers: Haitian TPS Holders Pump \$6 Billion into US Economy, Groups Say*, Haitian Times (Feb. 2, 2026), <https://bit.ly/4cfBuVG> (reporting data prepared by Dr. Phillip Connor, Research Fellow, Princeton Univ., for FWD.us, UndocuBlack Network & Haitian Bridge Alliance).

⁵ Danae King, *What Happens to U.S. Citizen Children if Haitians with TPS Are Deported?*, Columbus Dispatch (Feb. 12, 2026), <https://bit.ly/4msBc2H>.

would be an irreparable “blow to the economy” and “blow to the state.”⁶ Governor DeWine warned in February 2026 that the Termination Order would result in “a lot of unfilled jobs,” noting that employers consistently told him: “We need them to work. They are reliable.”⁷

Haitians are a critical aspect of Ohio’s statewide economic success. An estimated 1,000 Haitian TPS holders in Ohio are caregivers.⁸ Other industries including stockers, packers, and delivery drivers also employ thousands of Haitian TPS holders across Ohio.⁹ Their economic importance to Ohio is best captured by their contributions to the city of Springfield. Governor DeWine has recognized that Haitian TPS holders are part of the reason that his hometown, Springfield, “is coming back.”¹⁰ Local residents have noted that Springfield, once “dying,” experienced a “‘massive turnaround’ as about 15,000 Haitian immigrants” began to call it home “over the past five years.”¹¹ At least one Springfield

⁶ Max Rego, *Ohio’s GOP Governor: Ending TPS for Haitians Would Be ‘Blow to the Economy’*, The Hill (Feb. 5, 2026), <https://bit.ly/415VTaB>.

⁷ Karen Kasler, *DeWine Concerned About Economic Impact as Haitians in Western Ohio Lose TPS Status*, Statehouse News Bureau (Dec. 15, 2025), <https://bit.ly/3PWufus>.

⁸ Cornelius Frolik, *Springfield Has the Worst Job Losses in Ohio: Haiti TPS Ending Could Make It Worse* (Feb. 2, 2026), <https://bit.ly/3PmEpnH>.

⁹ *Ibid.*

¹⁰ Rego, *supra* note 6.

¹¹ Danae King, *Haitians Bring Growth, Challenges and Unwanted Attention to Springfield*, Columbus Dispatch (Feb. 17, 2026), <https://bit.ly/4rwn0X0>.

manufacturer stated that his business would not have survived the pandemic without Haitian employees.¹²

Springfield's economic resurgence has everything to do with Haitian TPS holders sparking the city's economy. In the years associated with Haitian immigration to the city, local wages grew for about twice as long as they did nationally.¹³ The city ranked second among small Ohio cities for job growth since the pandemic, around the same time that Springfield's Haitian community expanded.¹⁴ Haitian TPS holders have filled critical blue-collar and manufacturing roles in the local labor force, easing Springfield's "dire labor shortage."¹⁵ And due to the increase in job personnel and the new demand for housing, Springfield's struggling housing market, long plagued by underinvestment, is finally reversing course.¹⁶ In contrast, peer Ohio cities like Mansfield and Warren that have smaller immigrant populations

¹² Mike DeWine, *I Don't Recognize the Springfield That Trump and Vance Describe*, N.Y. Times (Sep. 20, 2024), available at <https://bit.ly/4c8ymMA>.

¹³ Howard Schneider, *How Haitian Immigrants Fueled Springfield's Growth*, Reuters (Sep. 11, 2024), <https://bit.ly/415VLYE>.

¹⁴ Russell Mills & Brett Huettnner, *Postpandemic Employment Recovery in Fourth District Metro Areas*, Fed. Reserve Bank of Cleveland (Jan. 15, 2025), <https://bit.ly/3PdXk48>.

¹⁵ Miriam Jordan, *Why Thousands of Haitians Have Settled in Springfield, Ohio*, N.Y. Times (Sep. 14, 2024), available at <https://bit.ly/474GbzX>; *Haitian Immigration Statement*, Greater Springfield P'ship, <https://bit.ly/4sk8lQg> (last visited Mar. 15, 2026).

¹⁶ Schneider, *supra* note 13; Stephen Starr, *Haitians Helped Boost Springfield's Economy—Now They're Fleeing in Fear of Trump*, Guardian (Oct. 28, 2025), <https://bit.ly/4doXwHL>.

have not experienced the same type of economic resurgence over the same time period.¹⁷ For example, in 2022, one year after Haiti was redesignated for TPS protection, Clark County (where Springfield sits) saw its GDP grow by 1.6%, while Trumbull County (where Warren sits) saw its GDP grow by only 0.4%, and Richland County (where Mansfield sits) actually saw its GDP *contract* by 0.4%.¹⁸

In light of those contributions of TPS workers and families, the Termination Order is nothing short of “economic self-sabotage.”¹⁹ Indeed, the administration’s rhetoric leading up to and resulting in the Order and the Order itself have already slowed Springfield’s economic comeback. Under threat of TPS revocation and deportation, Haitian immigrants have been forced to seek opportunities elsewhere.²⁰ Some Haitian community members have stopped going to work, and Haitian-owned businesses have seen a decline in foot traffic and sales.²¹ Indeed, between December 2024 and December 2025, the Springfield metro area lost 1,100 jobs (2.2%), which researchers link to the anticipated loss of Haitian TPS

¹⁷ Jessica Orozco, *Springfield Employment Gains Among Highest in Ohio Since Pandemic*, Springfield News-Sun (Jan. 20, 2025), <https://bit.ly/4urzOAV>.

¹⁸ See Bureau of Econ. Analysis, *Regional Data: CAGDP1 County Gross Domestic Product (GDP) Summary*, <https://bit.ly/4ryS7kW> (last visited Mar. 15, 2026).

¹⁹ *Haitian TPS Holders Pump \$6 Billion into US Economy, Groups Say*, Haitian Times (Feb. 2, 2026), <https://bit.ly/4uuz5i7>.

²⁰ Miriam Jordan, *An Ohio City Faces a Future Without Haitian Workers: ‘It’s Not Going to Be Good’*, N.Y. Times (Aug. 18, 2025), available at <https://bit.ly/4blLQ7v>.

²¹ Frolik, *supra* note 8.

workers.²² As a result, the administration’s anti-TPS posture has “left a big hole in both the industrial and manufacturing sectors” of the city, destabilizing Springfield’s recent economic gains.²³ See also *Miot I*, 2026 WL 266413, at *2 (Secretary Noem stating: “WE DON’T WANT THEM. NOT ONE.”). Fully revoking TPS—which would uproot more than 14,000 people across Ohio²⁴—would irreparably harm the state and wipe out economic gains that have spread throughout the community. As other amici pointed out at the district court, the same goes for every community across the country fortunate to host Haitian TPS holders. Brief for 91 Members of Congress as *Amici Curiae* Supporting Plaintiffs at 8–14, Dkt. 54, *Miot v. Noem*, No. 25-cv-02471 (D.D.C. Sep. 12, 2025). The government’s attempt to terminate Haiti’s TPS status shows no consideration of any of these economic facts. Without the district court’s order, the Secretary’s failure would have had immense adverse economic consequences for Ohio.

B. Local Leaders Attest to the Economic and Social Benefits Ohio Communities Experience Because of Haitian Immigrants and TPS Holders’ Activities.

Haitian TPS holders are eager to integrate into Ohio communities, and those communities are eager

²² *Ibid.*

²³ Chrissa Loukas, *Economic Uncertainty Strikes Following Haitian TPS Ruling*, Spectrum News (Feb. 3, 2026), <https://bit.ly/4rx3g5A>.

²⁴ Megan Henry, *‘The Folks are Fearful.’ Haitians Living in Ohio May Soon Lose Temporary Protected Status*, Ohio Cap. J. (Jan. 28, 2026), <https://bit.ly/4bmzFpy>; Blanc, *supra* note 4.

to welcome them. Springfield, which is home to 15,000 Haitians, including many TPS holders,²⁵ is one such community.

Amy Willmann, a long-time resident of Springfield, runs the Nehemiah Foundation, a network of Christian churches and ministries in the Springfield and Clark County areas. The Nehemiah Foundation operates several initiatives for the city's immigrant population, including the Welcome Project, which serves the local Haitian and Hispanic communities through family-oriented English classes, practical employment support, and community-building initiatives. According to Ms. Willmann, these initiatives have created meaningful opportunities for Springfield residents and newcomers to build relationships, cultivate a shared sense of belonging, and foster connections that extend well beyond the Project itself. The Welcome Project's Haitian participants frequently report feeling "supported" and "accepted" by program staff, with some former participants even taking on mentoring and leadership roles to help guide newer arrivals.

For Ms. Willmann, supporting Springfield's immigrant communities is far more than a day job. She also discussed her close friendship with another Springfield-based organizer and advocate "Pastor B," a Haitian woman who Ms. Willmann described as not just her trusted "advisor," but also one of her "dearest friends" and her "sister in the faith." As Ms. Willmann made clear, she and Pastor B have long worked together as "cultural bridge builder[s]," who seek to connect Springfield's Haitian families with

²⁵ *Ibid.*

local institutions and resources, promote intercultural dialogue, and create lasting safe spaces where both Haitian and Springfield residents can learn from and support one another.

Another Springfield community leader “J” directly addressed the economic and social benefits that Haitian TPS holders have brought to the city. J, who has resided in Springfield for well over a decade, vividly recounted watching Springfield blossom from a “community that was economically depressed” into one that is now “revitalized [due to] the contributions of the Haitian community.” J’s prior involvement with Springfield’s workforce development and English as a Secondary Language (“ESL”) programs, many of which directly serve the Haitian community, gives her a unique insight into the ways that Haitian TPS holders have facilitated Springfield’s recent economic and social renewal. According to J, Haitian TPS holders are “excellent students [and] excellent [program] participants, [who are] very punctual, very engaged, [and] very committed.” They are exactly the type of “hard-working people” that businesses are looking to employ. But the looming threat of TPS revocation has forced Haitian immigrants to seek opportunities elsewhere. Now, those same Ohio “businesses are . . . clamoring to have these folks back.” Whether it was through their contributions at the “park, grocery store, or movie theater,” the Haitian TPS community has “brought [Springfield’s] blocks back to life.”

The Haitian community’s impact on Springfield is also transformative. From downtown Springfield to her local churches, J witnessed a notable “transformation in [her] community” that was marked

by increased participation in civic life and a renewed sense of engagement. She recounted meeting several Haitian families in her Catholic church who had become “very involved [in Springfield], both at the church and in the school district.” Here, J described an immigrant population that cared deeply about their new home as well as their role in and responsibilities to the broader Springfield community.

Both Ms. Willmann and J lamented the ongoing situation in Springfield. As J bluntly put it, the government’s efforts to end the TPS program, along with ensuing threats against Haitian TPS holders and local community leaders, have “physically, economically[,] psychologically, and emotionally” devastated the Springfield community.

C. The District Court Correctly Held that the Government Failed to Consider Economic Benefits and Reliance Interests When It Terminated Haiti’s TPS Designation.

Government agencies must consider economic costs and benefits in their administrative decision-making. But here, the government entirely failed to do so, and the district court correctly identified these grave deficiencies in the government’s analysis. *Miot I*, 2026 WL 266413, at *29. Ohioans significantly benefit from, and rely on, Haitian TPS Holders’ contributions to the Ohio economy—and the Secretary was required to take these benefits and economic considerations into account.

Under the APA, the government must not “fail[] to consider an important aspect of the problem.” *Motor Vehicle Manufacturers Ass’n of U.S., Inc. v. State Farm Mutual Automobile Insurance*, 463 U.S. 29, 43

(1983). Critically, the government’s analysis must include “consideration of economic factors.” *Id.* at 55. While not dispositive, such economic factors can add up to a critical reliance interest that cannot simply be “ignore[d].” *Dep’t of Homeland Security v. Regents of the University of California*, 591 U.S. 1, 30 (2020). And as the district court noted, the government’s own regulations *required* it to weigh economic considerations, but it failed to do so. *Miot I*, 2026 WL 266413, at *29 (citing *American Clinical Laboratory Ass’n v. Becerra*, 40 F.4th 616, 625 (D.C. Cir. 2022)).

The government’s failure to consider economic factors is particularly problematic here. When an agency reverses course, it must be cognizant of whether its prior policy has “engendered serious reliance interests that must be taken into account.” *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016); see also *Regents of the University of California*, 591 U.S. at 30–32. An agency that fails to give due “regard” to such interests risks producing an unintended or improper “sweeping impact” and “might easily destabilize established” relationships. *Int’l Org. of Masters, Mates & Pilots, ILA, AFL-CIO v. Nat’l Labor Relations Board*, 61 F.4th 169, 180 (D.C. Cir. 2023); see also *Nat’l Life Ass’n v. Fed. Commc’ns Comm’n*, 921 F.3d 1102, 1114 (D.C. Cir. 2019) (finding agency failed to account for reliance interests where it neglected to consider the impact of the policy change on entities that “had crafted business models and invested significant resources” into actions consistent with the original rule).

Revoking TPS status no doubt implicates significant reliance interests. TPS confers *lawful* presence and work authorization, allowing recipients

to work openly, pay taxes, support their families, and organize their lives around the government's repeated extensions. Those reliance interests, building up over years, now extend beyond TPS holders themselves to the employers and communities that have structured themselves around, and substantially benefited from, Haitian TPS holders' continued presence and participation.

That is especially true in Ohio. Haitian TPS holders fill long-open jobs, support local businesses, contribute substantial tax revenue, and help sustain communities that had long faced labor shortages and economic decline. See *supra* Section I.A. The district court recognized as much, finding that employers actively rely on Haitian TPS holders and that terminating Haiti's TPS designation would destabilize workplaces and communities alike. *Miot I*, 2026 WL 266413, at *34–37. The government did not grapple with those reliance interests. That omission resulted in an arbitrary and capricious decision by the Secretary. See *State Farm*, 463 U.S. at 43.

II. THERE IS NO EVIDENCE TO SUGGEST THAT HAITIAN IMMIGRANTS OR TPS HOLDERS ARE MORE LIKELY TO BE INVOLVED IN CRIME THAN ANY OTHER GROUPS OR INDIVIDUALS.

The government's asserted public-safety rationale cannot bear the weight the government places on it. The available evidence shows that Haitian immigrants, including Haitian TPS holders, are not more prone to criminal conduct than comparable populations and instead are deeply integrated into the communities in which they live and work. That

matters not only as a factual rebuttal to the government’s rhetoric, but as a legal one: Under the APA, the Secretary and the Department of Homeland Security (“DHS”) had to ground their decision in the relevant evidence and supply a reasoned explanation for singling out Haitian TPS holders as posing a public-safety concern. See *State Farm*, 463 U.S. at 42; *Regents of the University of California*, 591 U.S. at 35–36. Because its public-safety theory is unsubstantiated—and, indeed, *contrary* to the evidence—the government has offered no reasoned explanation at all.

A. Evidence Shows that Haitian Immigrants Have Far Lower Rates of Criminality than Other Legal Immigrant Groups and American-Born Citizens.

Far from indicating higher rates of crime, the evidence demonstrates Haitian immigrants have far lower rates of criminality than other legal immigrant populations and even native-born Americans.

In Springfield, for example, “Haitians are more likely to be the victims of crime than they are to be the perpetrators,” according to the City’s own website.²⁶ During a typical week, the City reports, only one percent of jail inmates in Clark County (which includes Springfield) were Haitian.²⁷ Daniel Driscoll, the Clark County Prosecutor, reported that *zero* murders have involved the Haitian community in his

²⁶ *Immigration FAQs*, City of Springfield, <https://bit.ly/40BmWuf> (last visited Apr. 12, 2026).

²⁷ *Ibid.*

twenty-one-year tenure with the prosecutor's office.²⁸ This lack of criminality among Haitian immigrants in Ohio was echoed by Andy Wilson, Director of the Ohio Department of Public Safety. According to Mr. Wilson, the number one issue with Haitian immigrants is neither crime nor violence—it is teaching them how to drive.²⁹

The low crime rates among Haitian immigrants in Springfield is not unique to Springfield: Nationwide, Haitian immigrants with legal status have an incarceration rate 26% below that of all legal immigrants and 81% below that of native-born Americans.³⁰

With these low rates of criminality, Haitian immigrants integrate into their communities quickly. Most adult Haitian immigrants find jobs within one year of arriving in the United States.³¹ Three years after arriving, the employment rate among Haitian immigrants jumps to nearly 80%—almost 20 percentage points higher than the national average of the general population.³² Longer stays lead to even more assimilation, with over 80% of Haitian immigrants speaking English “well” once they have been in the country for 10 years, and with their

²⁸ Daniel Dale, *Fact Check: Springfield Had More Murders Under Trump than Under Biden-Harris*, CNN (Sep. 20, 2024), <https://bit.ly/4sR6GS6>.

²⁹ *Transcript: CNN Newsroom*, CNN (Sep. 19, 2024), <https://bit.ly/4bKM0oM>.

³⁰ Nowrasteh, *supra* note 3.

³¹ David J. Bier, *Haitians Assimilate Well in the United States*, Cato Institute (Oct. 4, 2021), <https://bit.ly/415hiRf>.

³² *Ibid.*

poverty rates falling below the national average after 15 years.³³

TPS plays a crucial role in enabling these benefits. One study found that Haitian TPS eligibility correlates to a one-year increase in educational attainment. In the same study, Haitians eligible for TPS were 18% more likely to be employed and earned 27% more on average than non-eligible Haitians. And these benefits flow to the entire community, “with family income rising by \$8,617/year (14%),” poverty exposure dropping by 18%, and the likelihood of food stamp receipt dropping by 30% among TPS-eligible Haitians.³⁴

B. The Government’s Public-Safety Rationale Is Not Rational and Cannot Justify Termination of Haiti’s TPS Designation.

These facts matter not merely as background, but as law. Under the APA, an agency must examine the relevant data, consider the important aspects of the problem, and articulate a rational connection between the facts found and the choice made. *State Farm*, 463 U.S. at 43. That requirement applies to agency decisions affecting TPS no less than other areas—even agency action touching foreign affairs must still be reasonable and reasonably explained. *Biden v. Texas*, 597 U.S. 785, 805–807 (2022). Indeed, the Government’s talismanic invocation of “foreign

³³ *Ibid.*

³⁴ Catalina Amuedo-Dorantes et al., ‘No One Size Fits All’: Diverse Impacts of Temporary Protected Status on Haitians and Hondurans, 228 Econ. Letters 111163, 111168 (2023), available at <https://bit.ly/47BHLtl>.

affairs” to shield the TPS revocation decision from judicial scrutiny runs directly into the Constitution. Article I, § 8, cl. 4 provides that “Congress shall have the power . . . to establish an uniform Rule of Naturalization” Thus, the executive must obey the laws that define the procedure for TPS determinations and related statutes governing administrative action. The administration cannot rely on executive fiat or invented standards to justify its actions. Cf. *Learning Resources, Inc. v. Trump*, 146 S. Ct. 628, 642 (2026) (government conceded that the enumeration of authority in U.S. Constitution Article I, Section 8 means the President has no inherent authority over the enumerated subject matter).

Here, the Secretary’s public-safety rationale fails that basic test because it does not analyze the relevant population at all: current Haitian TPS holders. As the district court explained, the Secretary’s decision referred to people seeking unlawful entry, visa overstayers, an overinclusive investigative database, and persons already disqualified from TPS—not to the *lawful*, vetted TPS population whose status she sought to terminate. *Miot I*, 2026 WL 266413, at *27–29. Haitian TPS holders are already lawfully present in the United States, and they are not difficult to locate or monitor: they must keep their address information current to maintain TPS and work authorization. *Ibid.*

The government’s criminality rationale is weaker still because Congress already excluded from TPS persons with disqualifying criminal histories. See 8 U.S.C. §§ 1182(a)(2)–(3), 1254a(c)(2)(B), (3)(A). Yet when the Secretary invoked gang affiliation and violent crime, the record identified at most *one* alleged

TPS holder who fit this description and still said nothing about the criminality rate of Haitian TPS holders as a class. *Miot I*, 2026 WL 266413, at *29. That is not reasoned decision-making. On the contrary, it is the very mismatch between evidence and outcome that *State Farm* forbids.

That conclusion follows from first principles of administrative law. The government’s invocation of public safety does not disable judicial review—there is a strong “presumption favoring judicial review of administrative action,” *Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 229 (2020), and even in immigration matters courts must ask whether the agency “complied with the procedural requirement that it provide a reasoned explanation for its action,” *Regents of the University of California*, 591 U.S. at 35. Because the reasons for its decision are inconsistent with the evidence, the government here has not complied with that requirement.

III. THE CONSTITUTION ASSIGNS IMMIGRATION POLICY JUDGMENTS TO CONGRESS.

A. The Founders Clearly Intended for Congress to have Sole Authority over Immigration Policy Decisions.

The Constitution assigns the making of immigration-status rules to Congress. Article I vests “[a]ll legislative Powers herein granted” in Congress, and Article I, Section 8 specifically empowers Congress “[t]o establish an uniform Rule of Naturalization.” U.S. Const. art. I, § 1; *id.* art. I, § 8, cl. 4. This Court has repeatedly treated that allocation as central to federal immigration law. *Arizona v. United States*, 567 U.S. 387, 394–395

(2012). In *Galvan v. Press*, the Court stated even more directly that, although the Executive enforces immigration law, “the formulation of these policies is entrusted *exclusively* to Congress.” 347 U.S. 522, 531 (1954) (emphasis added). *INS v. Chadha* is especially instructive. There, the Court held that a one-House resolution overturning the Attorney General’s suspension of deportation was legislative action because it altered “the legal rights, duties, and relations of persons” in an area governed by Article I, Section 8, Clause 4. 462 U.S. 919, 952–953 (1983). Having legislated to delegate to the Attorney General authority to make certain decisions on deportation, action by one House of Congress could not change an alien’s legal right to remain. Congress could act in that area, and change the scope (or result) of its delegation to the executive but it could do so only through the constitutional process of Article I lawmaking.

Evidence from the Founders points the same way. Alexander Hamilton explained that the naturalization power “must necessarily be exclusive,” because if different sovereigns could prescribe different rules, “there could not be a uniform rule.” *The Federalist No. 32*, at 199 (Alexander Hamilton) (Clinton Rossiter ed., 1961). James Madison likewise described the Constitution as curing the Confederation’s defect by empowering the general government to adopt a uniform rule of naturalization. *The Federalist No. 42* (James Madison), at 267 (Clinton Rossiter ed., 1961). The First Congress then implemented that design through public laws of general applicability—the Naturalization Acts of 1790, 1795, 1798, and 1802—each of which fixed the

terms on which foreign nationals could obtain the privileges of lawful membership in the United States. Act of Mar. 26, 1790, ch. 3, 1 Stat. 103; Act of Jan. 29, 1795, ch. 20, 1 Stat. 414; Act of June 18, 1798, ch. 54, 1 Stat. 566; Act of Apr. 14, 1802, ch. 28, 2 Stat. 153. As Chief Justice Marshall later put it, “[C]ongress alone has the power of prescribing uniform rules of naturalization.” *Chirac v. Lessee of Chirac*, 15 U.S. 259, 264 (1817) (emphasis added).

That original understanding also carried procedural implications. As Professors Pfander and Wardon have shown, the early Republic treated naturalization rules as closely bound up with immigration rules and embedded norms of prospectivity, uniformity, and transparency in the Naturalization Clause itself. See James E. Pfander & Theresa R. Wardon, *Reclaiming the Immigration Constitution of the Early Republic: Prospectivity, Uniformity, and Transparency*, 96 Va. L. Rev. 359, 370–371, 397–398, 440–441 (2010). Congress was to legislate by public, prospective rules, while executive officers administered those rules. *Ibid.* That history reinforces a simple point: Once Congress creates a lawful immigration status and specifies the conditions for its continuation or termination, the Executive may administer that framework but may not replace it with one of its own. See Julian Davis Mortenson & Nicholas Bagley, *Delegation at the Founding: A Response to the Critics*, 122 Colum. L. Rev. 2323, 2323–2324, 2330–2331, 2344 (2022).

Here, Congress did not grant the Secretary a freestanding power to terminate TPS on whatever terms she chooses. It enacted a specific rule: The Secretary, “after consultation with appropriate

agencies of the Government, shall review the conditions in the foreign state” and determine whether the statutory conditions for designation “continue to be met.” 8 U.S.C. § 1254a(b)(3)(A). This case therefore does not turn on a generalized Article II claim of executive control over foreign affairs or immigration. It turns on whether the Executive has remained within the Article I scheme Congress enacted. See *Learning Resources*, 146 S. Ct. at 641–642. Because the Secretary altered the legal status of an entire class of lawfully present noncitizens without adhering to the process Congress prescribed, the Executive displaced Congress’s rule and failed to faithfully execute it.

B. The Major Questions Doctrine Forecloses the Secretary’s Boundless Interpretation of the TPS Statute.

This Court’s principle that “agencies must be able to point to clear congressional authorization when they claim the power to make decisions of vast economic and political significance” has full force in this case. *West Virginia v. EPA*, 597 U.S. 697, 735 (2022) (Gorsuch, J., concurring) (internal quotations omitted). Here, revoking Haiti’s TPS designation would strip lawful status and work authorization from hundreds of thousands of Haitian nationals and would inflict major consequences not only on TPS holders, but also on the employers, churches, schools, and local communities that have come to rely on them—in Ohio and nationwide. In cases of this magnitude, the Court does not lightly presume that Congress silently conferred sweeping executive discretion through general language. See *Biden v. Nebraska*, 600 U.S. 477, 505–506 (2023). Instead, courts should “expect

Congress to speak clearly when authorizing an agency to exercise powers of vast economic and political significance.” *Louisiana v. Biden*, 55 F.4th 1017, 1028 (5th Cir. 2022); see also *Learning Resources, Inc.*, 146 S. Ct. at 643. But the government’s position depends on exactly that kind of extraordinary inference: It reads the TPS statute to give the Secretary effectively unreviewable discretion to terminate a designation while treating Congress’s procedural safeguards as little more than formalities. That is not the correct reading of the statute.

Congress enacted the TPS statute pursuant to its constitutional authority in Article I, Sec. 8, cl. 4. Pub. L. 101–649 (1990). Section 1254a does not grant a freestanding power to terminate TPS on whatever terms the Secretary chooses. It instead provides that, before making a determination on whether the conditions for designation “continue to be met,” the Secretary, “after consultation with appropriate agencies of the Government, shall review the conditions in the foreign state.” 8 U.S.C. § 1254a(b)(3)(A). That is a bounded delegation. Congress identified the subject of the inquiry, required interagency consultation, and tied the Secretary’s determination to the statutory criteria for designation. Whatever discretion the Secretary may possess must therefore be exercised within that framework—not outside it. In fact, courts must independently determine the statute’s best meaning and “police the outer statutory boundaries of [agency] delegations.” *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 394 (2024).

The Secretary’s interpretation of the consultation requirement conjures precisely the sort of

extraordinary authority that demands skepticism. The government contends that “the statute leaves each Secretary with substantial discretion to determine when, where, how, and with whom to consult as appropriate in each instance.” Defendants’ Supplemental Brief, *Miot v. Noem*, No. 25-cv-2471 (D.D.C. Jan. 16, 2026), Dkt. 103, at 6. On that view, a terse, non-substantive email between agency staffers would satisfy Congress’s consultation requirement. The district court correctly rejected that position. It explained that the ordinary process for TPS review involves substantially more: The State Department’s Bureau of Population, Refugees, and Migration compiles a joint action memorandum by consulting with the relevant regional bureau and overseas post, gathers detailed information on country conditions, and then transmits a recommendation and final report to DHS. *Miot I*, 2026 WL 266413, at *22–23. None of that occurred here. Congress could not have meant for the consultation requirement to be so toothless absent a far clearer indication than anything in § 1254a. Reading the phrase “after consultation with appropriate agencies” to mean whatever minimal process the Secretary chooses to call consultation does not respect the statute’s limits. It erases them.

Skepticism is especially warranted due to the vast socioeconomic significance of revoking Haiti’s TPS designation. As discussed, Haitian TPS holders play a crucial role in the state of Ohio, filling essential jobs and revitalizing economies. See *supra* Section I.A.

But their contributions also span the nation.³⁵ If allowed, the Secretary's order would uproot hundreds of thousands of TPS holders³⁶ and impact millions more across America in the affected communities. Thus, without question, the Secretary's untenable interpretation of the consultation requirement is a sweeping claim to vast power with significant socioeconomic consequences. Without clarity from Congress, this Court should not acquiesce to the Secretary's overreach.

The consequences also extend beyond domestic economic disruption: The statutory inquiry turns on whether conditions in Haiti permit safe return, and Congress required interagency consultation precisely because that judgment carries obvious humanitarian and foreign-policy implications. In a setting of such economic, political, and human consequence, this Court should not presume that Congress silently authorized the Secretary to dispense with the framework Congress enacted. The better reading is the narrower and more ordinary one: Congress delegated termination authority, but allowed its

³⁵ FWD.us, *Temporary Protected Status Protects Families While Also Boosting the U.S. Economy* (Apr. 7, 2026) <http://bit.ly/4sL3Qh3>; Beatrice Dain & Jeanne Batalova, *Haitian Immigrants in the United States*, Migration Pol'y Inst. (Nov. 8, 2023), <https://bit.ly/4c4lDdW>; FWD.us, *The U.S. Must Redesignate Haiti for Temporary Protected Status (TPS)* (May 7, 2024), <https://bit.ly/4cy3DIZ>; Miriam Jordan, *Fear Shadows Many Children in Immigrant Families*, N.Y. Times (Apr. 12, 2025), available at <https://bit.ly/4tynyNA>.

³⁶ Jill H. Wilson, Cong. Rsch. Serv., RL20844, *Temporary Protected Status and Deferred Enforced Departure 8* (Dec. 5, 2024), <https://bit.ly/4sYLYzW>.

exercise only through the process and on the terms set forth in § 1254a.

C. The Executive's Usurpation of Congressional Power on Immigration Will Affect Ohio's Economic Success.

The government's attempt to usurp Congressional authority by overstepping the bounds of the TPS statute will have dire consequences in Ohio. Haitian TPS holders are workers and members of the community. The economic impact of terminating their TPS status will irreparably harm the community, not only by their absence alone, but the ripple effects of such abrupt and unjustified action. The share of TPS workers in the foreign-born labor force in Ohio is 0.82%.³⁷ This is a greater share than California (0.68%), Pennsylvania (0.46%), and Illinois (0.59%), and just below that of New Jersey (1.01%).³⁸ Terminating TPS status would leave a void in Ohio communities, which are expected to face a sharp population decline of 5.7% by 2050.³⁹ And permitting the Executive to terminate TPS status on the basis of threadbare process and absent any meaningful evidence will disincentivize immigrants from settling in any state, denying states like Ohio economic lifelines that they are in dire need of.

³⁷ Jesús Villero, Brendan Washauer & Youran Wu, *550,000 Workers Lose Status by End of 2025: Potential Impact by State and Industry*, Penn Wharton Budget Model (Nov. 19, 2025), <https://bit.ly/4tyHNdX>.

³⁸ *Ibid.*

³⁹ Ohio Dep't of Dev., *State of Ohio Population Projections Overview: 2020 to 2050*, <https://bit.ly/4miuSe4> (last visited Apr. 6, 2026).

Ohio is currently experiencing what neighboring states like Pennsylvania experienced in the latter half of the twentieth century: a population decline driven by the effects of deindustrialization. Ohio's manufacturing workforce is the third largest in the nation behind California and Texas, with over 692,000 employees.⁴⁰ But that is a fraction of the state's potential and history. Ohio has lost nearly 400,000 manufacturing jobs since 1990.⁴¹

A population exodus will exacerbate this ongoing population decline, and will deepen Ohio's economic peril. Pittsburgh, in neighboring Pennsylvania, suffered a similar economic decline that offers a warning. In the 1970s and 1980s, Pittsburgh bore the brunt of the decline in national steel production. Across the country, 300,000 steelworkers lost their jobs, including many in Pittsburgh.⁴² From 1977 to 1982, Allegheny County, where Pittsburgh is located, lost nearly 16,000 of its steel-related jobs, or almost 3% of its overall employment.⁴³ Neighboring counties in the Pittsburgh metropolitan area suffered even steeper declines—Washington County lost almost 2,000 steel jobs (2% of the county's overall employment) and Beaver County lost almost 5,000

⁴⁰ National Ass'n of Manufacturers, *Ohio*, <https://bit.ly/47I8i8q> (last visited Apr. 6, 2026); see also Ohio Manufacturers' Ass'n, *Ohio Manufacturing Counts* 6 (2023), <https://bit.ly/4sW3rcp>.

⁴¹ U.S. Bureau of Labor Statistics, *All Employees: Manufacturing in Ohio*, Federal Reserve Bank of St. Louis (Jan. 28, 2026), <https://bit.ly/4bUc94U>.

⁴² Guhan Venkatu, *Rust and Renewal: A Pittsburgh Retrospective*, Federal Reserve Bank of Cleveland (Feb. 2018), <https://bit.ly/41kHTKi>.

⁴³ *Ibid.*

steel jobs (6% of its employment).⁴⁴ During this same time frame, Cleveland lost almost 19,000 of its auto and steel jobs.⁴⁵ As jobs left Pittsburgh, people left as well, reflecting a devastating self-fueling cycle of economic and population decline. From 1970 to 1990, “[Pittsburgh] lost a full 30% of its population. People left to find work, and those working-age citizens who stayed behind were feeling around in the dark, searching for jobs in an employment landscape they no longer recognized.”⁴⁶

Executive action that threatens to remove abruptly a significant number of workers and economic contributors from Ohio’s economy would result in a similar economic decline.⁴⁷ While Franklin County, where Columbus is located, is projected to grow by over 12% by 2050, migration (including international migration) is the foundation of that growth.⁴⁸ From 2014 to 2024, Ohio’s overall population grew by 290,000 people, or by only 2.5% over the decade.⁴⁹ By contrast, during that same timeframe, the population of foreign-born Ohioans grew by 36%, or by 170,000 over an initial population

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Bill Toland, *In Desperate 1983, There Was Nowhere for Pittsburgh’s Economy to Go but Up*, Pittsburgh Post Gazette (Dec. 23, 2012), <https://bit.ly/4scwzuD>.

⁴⁷ See Ohio Dep’t of Dev., *supra* note 39.

⁴⁸ *Ibid.* See also Kevin Landers, *Ohio Witnessing Migration Wave as Residents Exit State in Search of Better Opportunities*, 10tv.com (Oct. 13, 2025), <https://bit.ly/4vvj9gr>.

⁴⁹ Rob Moore, *Immigration Slowdown Threatens Ohio’s Future*, Ohio Cap. J. (Feb. 4, 2026), <https://bit.ly/4sUc1YX>.

of 480,000 people.⁵⁰ Critical industries such as medicine, tech, and higher education are staffed by immigrants. One in five doctors, one in five software developers, and one in six college educators in Ohio are born outside the United States.⁵¹ Foreign-born Ohioans are also job creators. While 5.1% of Ohio's residents were born in another country, 8.2% of Ohioan entrepreneurs were.⁵² The 8,300 TPS recipients in Ohio contribute heavily to the economy, and pay \$16.6 million annually in state and local taxes.⁵³

Driving Haitian TPS holders out of their homes and communities will exacerbate population decline in a region that has already been ravaged by it for decades. If the Trump Administration is permitted to usurp Congress's authority by trying to squeeze an elephant into a statutory mousehole in order to arbitrarily revoke TPS status for Haiti, it can do the same for any country. That will discourage migration. Without immigrants choosing to move to Ohio, the local tax base will shrink even further, and local economies will suffer.

This Executive overreach will create more than short-term harm. If the Executive is permitted to usurp Congress's constitutionally-bestowed authority to make immigration policy through statute, changing administrations could routinely upend immigration policy, creating economic and demographic

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² American Immigration Council, *Immigrants in Ohio*, <https://bit.ly/47I8xjQ>, (last visited Apr. 6, 2026).

⁵³ *Ibid.*

whiplash.⁵⁴ In order to “ensure that the law will not merely change erratically, but will develop in a principled and intelligible fashion,” the Secretary’s interpretation must be rejected. Cf. *Loper Bright*, 603 U.S. at 376 (citing *Vasquez v. Hillery*, 474 U.S. 254, 265 (1986)) (holding that *Chevron* should be overturned to preserve reliance interests). Such an oscillating immigration policy will disincentivize immigration, which will inevitably reduce the economic benefits that follow. Congress—by virtue of having many members and two chambers—offers a far more stable lawmaking authority and is appropriately empowered to make decisions that economic growth relies on. Had Congress intended to delegate sweeping authority over immigration policy to the Executive, it would have said so in the statute. As James Madison put it, “[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” *The Federalist No. 47*, at 301 (James Madison) (Clinton Rossiter ed., 1961).

⁵⁴ That TPS has “temporary” in its name is of little meaning: a country’s TPS status can be ended, but only in accordance with law and on a reasoned basis. *Supra* Sections I.C, II.B, III. Ohioans’ and Ohio’s reliance interests arise despite the name of the program, and because of the expectation that consistent with precedent, the Executive would follow the Congressionally delineated criteria of consultation offering a reason sufficient under the APA. Indeed, the statute and APA are designed to assure predictability of law from administration to administration.

CONCLUSION

This Court should affirm the district court's postponement of the Termination Order.

Respectfully submitted,

ALICE YIQIAN WANG

KEVIN K. WANG

GIBSON, DUNN & CRUTCHER LLP

1700 M Street, N.W.

Washington, D.C. 20036

MCKENZIE ROBINSON

GIBSON, DUNN & CRUTCHER LLP

333 S. Grand Ave.

Los Angeles, CA 90071

RICHARD W. MARK

Counsel of Record

SANJAY NEVREKAR

APRATIM VIDYARTHI

MELISSA V. PRIVETTE

NABIL SHAIKH

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, NY 10166

(212) 351-3818

RMark@gibsondunn.com

Counsel for Amici Curiae

April 13, 2026

APPENDIX

APPENDIX

TABLE OF CONTENTS

List of *Amici Curiae* App. 1a

App. 1a

LIST OF *AMICI CURIAE*

James Petro, 46th Attorney General of Ohio, January
2003–January 2007

Marc Dann, 47th Attorney General of Ohio, January
2007–May 2008

Nancy Rogers, 48th Attorney General of Ohio, May
2008–January 2009

Richard Cordray, 49th Attorney General of Ohio,
January 2009–January 2011