Nos. 25-1083 and 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, PRESIDENT
OF THE UNITED STATES, *et al.*,

Petitioners,

v.

FRITZ EMMANUEL LESLY MIOT, *et al.*,

Respondents.

ON WRITS OF CERTIORARI BEFORE JUDGMENT TO THE UNITED STATES COURTS OF APPEALS FOR THE SECOND CIRCUIT AND THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF OF ECONOMISTS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

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INTEREST OF AMICI CURIAE

Amici curiae are economists of national and global standing who study how immigration and other changes in the labor market affect the American economy as a whole.[1] Three of them are recipients of the Nobel Memorial Prize in Economic Sciences, the highest honor in the economics discipline. The research of the *Amici* has been widely cited in academic literature and has been relied upon in federal court as expert opinions. Policymakers—including the White House, the National Security Council, the Department of Homeland Security (DHS), and foreign governments—have likewise drawn on their expertise in shaping immigration regulation. *Amici curiae* have a strong interest in ensuring that immigration regulation in the United States rests on the best available scientific understanding of its impacts.

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[1] Under this Court's Rule 37.6, no counsel for a party authored this brief in whole or in part, and no person or entity other than *amici* or their counsel made a monetary contribution intended to fund the preparation or submission of this brief. A complete list of *Amici* is set forth in Appendix A of this brief. University affiliations are provided for identification purposes only.

SUMMARY OF THE ARGUMENT

Terminating Temporary Protected Status (TPS) for nationals of all designated countries would eliminate employment opportunities for American workers, reduce growth and income opportunities for American businesses, and harm the very public interests the Government aims to serve. The Government's defense of terminating TPS turns in part on claims about national interest, resource strain, and public safety that are economically and empirically false. The record and every credible source of data show that ending TPS for these populations would not relieve pressure on U.S. communities or strengthen the national economy—it would inflict massive harm.

As of early 2025, approximately 1.4 million TPS holders from 17 countries are lawfully present and working in the United States. DHS has already moved to terminate TPS for thirteen of those countries and must decide the fate of the remaining four—Lebanon, El Salvador, Sudan, and Ukraine—between May 27 and October 19, 2026. This case thus presents not a series of isolated determinations, but the functional dismantling of the TPS system as a whole. The economic analysis that follows accordingly evaluates the consequences of a complete termination scenario—the termination of TPS for all 17 designated countries.

The Government says the DHS Secretary permissibly exercised broad discretion to decide that continuing TPS for Syria and Haiti "rested on multiple foreign policy and national-security determinations." *Petr's' Br.* at 3–4, *Mullin v. Doe*, Nos. 25-1083 & 25-1084 (U.S. Mar. 30, 2026). Yet the Government identifies no systematic empirical evidence that continuing TPS has (or will) burden domestic labor markets, strain municipal budgets, or jeopardize public safety. In several of its announcements terminating TPS, the Government notes that its authority to do so rests on a determination of "national interest" that explicitly includes "economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities)" (such as 90 Fed. Reg. 45400, 90 Fed. Reg. 20311, 90 Fed. Reg. 53380). But the same announcements offer no analysis of the economic impacts, such as adverse effects on U.S. workers, caused by terminating TPS.

Indeed, the best available data, peer-reviewed research, and federal government analyses bespeak precisely the opposite. Over 1.4 million nationals of 17 designated countries lawfully reside and work in the United States under TPS (or have, prior to the recent termination of their legal status). They are overwhelmingly employed, pay billions annually in taxes, and fill essential roles in healthcare, construction, transportation, and food production. *Infra*, Section III. Terminating their status would shed over 660,000 domestic jobs for a period exceeding four years because the absence of TPS beneficiaries both reduces U.S. consumer demand and curtails economic productivity that generates U.S. employment. *Infra*, Section IV. Annual Gross Domestic Product (the aggregate value-added for the U.S. economy as a whole) would decline by over $45 billion in each year on an ongoing basis—a macroeconomic loss of the magnitude the Congressional Review Act, 5 U.S.C. § 804, treats as "major." *Infra*, Sections IV–V. This economic impact, in the tens of billions of dollars, furthermore meets the standard that the Supreme Court has set for a "major question." *Alabama Ass'n of Realtors v. Dep't of Health & Human Servs.*, 594 U.S. 758 (2021). The removal of all TPS beneficiaries would moreover cause federal tax revenue (net of additional outlays) to fall by over $9 billion annually, reflecting both contraction in the overall economy and loss of tax revenue collected directly from the migrants themselves. *Infra*, Section VI.

The Government's invocation of "public safety" fares no better. Large-scale removal of lawfully present, fully employed residents has never been shown to reduce crime or protect communities. Empirical research on immigration enforcement confirms that deportations of this scale have no measurable effect on violent- or property-crime rates. *Infra*, Section VIII. The economic record therefore refutes the Government's claimed justifications and reinforces the conclusion of the two district courts below that the agency likely acted without reasoned basis. At a moment of slowing U.S. economic growth and job growth, as well as rising prices, the termination of TPS would undermine—not advance—the national interest. *Amici* urge this Court to affirm the rulings below.

ARGUMENT

I. Number of TPS Beneficiaries Affected.

The scale of the affected population is immense. Approximately 1.4 million nationals of 17 designated countries covered by TPS at the start of 2025 risk removal. Far from transient migrants, they are contributing members of the labor force, homeowners, taxpayers, and parents of tens of thousands of U.S.-citizen children. Center for Migration Studies, *Venezuelan and Haitian TPS Beneficiaries Contribute to the Nation and Should Not Be Deported*, at 2 (2025), https://cmsny.org/venezuelan-and-haitian-tps-beneficiaries-contribute-to-the-nation-and-should-not-be-deported/. The economic significance of any policy affecting a population that size cannot be overstated.

There were 1,446,043 people who had TPS in February 2025, from 17 countries. To date, DHS has sought to terminate TPS for 13 of these countries. The DHS Secretary has not yet made a decision on the TPS designation for the remaining four countries, whose most recent TPS designation has not yet expired. The Secretary must make a decision regarding these TPS designations (Lebanon, El Salvador, Sudan and Ukraine) between May 27 and October 19, 2026. This analysis considers the economic effects if the termination of TPS for all 17 of the countries is ordered by the Secretary of Homeland Security and permitted to enter into effect. The number of affected TPS beneficiaries for each country, and the sources for each estimate, are listed in Appendix B of this brief.

II. The Economic Characteristics of TPS Beneficiaries.

TPS beneficiaries are integral to the U.S. economy. They contribute billions in annual labor income across multiple sectors, from construction and logistics to health care and food production. A rigorous estimate of their economic characteristics is essential to understanding the nationwide costs that would follow from their removal.

The best source for this information is the anonymized, individual-level Public Use Microdata Samples (PUMS) of the U.S. Census Bureau's American Community Survey (ACS). The data includes representative 1% samples of the entire resident population of the United States in each of the years 2019–2024, that is, 19,335,281 people residing in the United States. These samples have been carefully designed to be representative of the entire population, as well as the native and foreign-born populations, when adjusted with quantitative weights calculated by the Census Bureau to reflect differences in coverage between the sample and the full population.

Using that data, this brief identifies and analyzes the typical characteristics of inadmissible migrants who are nationals of all 17 TPS-designated countries using a routine method by which economists, demographers, and other social scientists impute likely immigration status to each individual.[2] This method im-

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[2] Jeffrey S. Passel & D'Vera Cohn, *Unauthorized Immigrant Totals Rise in 7 States, Fall in 14*, Pew Rsch. Ctr. (Nov. 18, 2014), https://www.pewresearch.org/race-and-ethnicity/2014/11/18/unauthorized-immigrant-totals-rise-in-7-states-fall-in-14/; George J. Borjas & Hugh Cassidy, *The Wage Penalty to Undocumented Immigration*, 61 Lab. Econ. 101757 (2019); *MPI Methodology for Assigning Legal Status to Noncitizen Respondents in U.S. Census Bureau Survey Data*, Migration Pol'y Inst., https://www.migrationpolicy.org/about/mpi-methodology-assigning-legal-status-noncitizens-census-data (last visited Sep. 29, 2025); Annie Ro & Jennifer Van Hook, *Comparing the Effectiveness of Assignment Strategies for Estimating Likely Undocumented Status in Secondary Data Sources for Latino and Asian Immigrants*, 41 Population Rsch. & Pol'y Rev. 449 (2022). Major occupations requiring licensing are given by Maury Gittleman, Mark A. Klee & Morris

putes the most likely status for foreign-born individuals based on data about country of birth, citizenship, receipt of public benefits, veteran status, employment in public agencies or the military, cohabitation with a U.S.-citizen spouse, recent arrival from a country of frequent refugee resettlement, and work in an occupation that requires licensing. Estimates resulting from this method are standard in peer-reviewed academic research and have been extensively validated against other sources.[3]

This analysis—summarized in Table 1—reveals that 60% of TPS beneficiaries earned income from employment in the previous year. This average figure is population-weighted, that is, it represents the average

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M. Kleiner, *Analyzing the Labor Market Outcomes of Occupational Licensing*, 57 Indus. Rels. 57 (2018), whose method is based on de facto self-reported licensing rates in the Current Population Survey and is widely accepted, *see, e.g.*, Hugh Cassidy & Tennecia Dacass, *Occupational Licensing and Immigrants*, 64 J. L. & Econ. 1 (2021); Morris M. Kleiner & Evan J. Soltas, *A Welfare Analysis of Occupational Licensing in U.S. States*, 90 Rev. Econ. Stud. 2481 (2023). These occupations are: architects, audiologists, barbers, bus drivers, chiropractors, dental hygienists, dentists, driver/sales workers and truck drivers, emergency medical technicians and paramedics, funeral directors, hairdressers, hairstylists, and cosmetologists, insurance sales agents, lawyers, licensed practical and licensed vocational nurses, occupational therapists, optometrists, pest control workers, pharmacists, physical therapists, physician assistants, physicians and surgeons, podiatrists, real estate brokers and sales agents, registered nurses, respiratory therapists, taxi drivers and chauffeurs, teachers, veterinarians, water and liquid waste treatment plant and system operators.

[3] *E.g.*, Bryan Baker & Robert Warren, U.S. Dep't Homeland Sec., *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2018–January 2022* (2024).

across all 1,446,043 TPS beneficiaries as individuals, not the simple average of the employment rates by nationality.[4]

[4] Margins of error are reported in the corresponding tables, here Table 1, showing a range of 95% statistical confidence based on the U.S. Census Bureau's sampling weight.

Table 1: **Estimated economic traits of average TPS beneficiaries**

	Amount	**Age**	**Years educ.**
All TPS beneficiaries	1,446,043	35.34	12.19
margin of error		±0.20	±0.05
Non-TPS Inadmissible	9,095,692	37.08	11.63
margin of error		±0.05	±0.02
U.S. Natives	286,031,658	38.37	13.72
margin of error		±0.01	±<0.01

	Amount	Age	Years educ.
TPS beneficiaries by nationality			
Afghanistan	11,700	26.47	10.84
margin of error		±1.14	±0.48
Burma	3,969	38.58	7.87
margin of error		±1.27	±0.66
Cameroon	5,200	33.83	13.46
margin of error		±1.22	±0.33
El Salvador	232,000	36.80	9.00
margin of error		±0.20	±0.07
Ethiopia	5,001	33.43	12.87
margin of error		±0.84	±0.22
Haiti	352,959	37.41	11.43
margin of error		±0.50	±0.13
Honduras	76,000	30.75	9.07
margin of error		±0.24	±0.08
Lebanon	11,000	38.60	13.91
margin of error		±1.69	±0.42
Nepal	12,700	31.46	13.72
margin of error		±0.59	±0.23
Nicaragua	4,000	34.63	10.62
margin of error		±0.51	±0.16
Somalia	1,082	40.73	10.04
margin of error		±3.32	±1.33
South Sudan	232	38.49	12.39
margin of error		±5.19	±1.36
Sudan	1,200	36.00	13.09
margin of error		±1.96	±0.57
Syria	6,132	38.25	13.50
margin of error		±1.71	±0.50
Ukraine	103,700	34.29	14.38
margin of error		±0.73	±0.17
Venezuela	616,358	34.54	13.82
margin of error		±0.34	±0.08
Yemen	2,810	29.83	11.21
margin of error		±2.41	±0.74

Table 1: **Estimated economic traits of average TPS beneficiaries (cont.)**

	Working-age fraction	**Employed fraction**	**Wage income, $/yr.**
All TPS beneficiaries	0.80	0.60	$36,039
margin of error	±<0.01	±0.01	±$620
Non-TPS Inadmissible	0.87	0.62	$50,452
margin of error	±<0.01	±<0.01	±$269
U.S. Natives	0.59	0.49	$57,546
margin of error	±<0.01	±<0.01	±$49

	Working-age fraction	**Employed fraction**	**Wage income, $/yr.**
TPS beneficiaries by nationality			
Afghanistan	0.69	0.47	$39,155
margin of error	±0.04	±0.04	±$3,513
Burma	0.94	0.79	$37,160
margin of error	±0.02	±0.04	±$4,269
Cameroon	0.86	0.67	$35,421
margin of error	±0.03	±0.04	±$4,241
El Salvador	0.89	0.68	$32,876
margin of error	±<0.01	±0.01	±$485
Ethiopia	0.85	0.66	$35,404
margin of error	±0.02	±0.03	±$2,332
Haiti	0.84	0.62	$30,753
margin of error	±0.01	±0.01	±$1,114
Honduras	0.78	0.55	$29,671
margin of error	±0.01	±0.01	±$530
Lebanon	0.78	0.58	$67,483
margin of error	±0.04	±0.04	±$11,53
Nepal	0.88	0.68	$42,829
margin of error	±0.01	±0.02	±$2,306
Nicaragua	0.87	0.60	$29,895
margin of error	±0.01	±0.02	±$1,206
Somalia	0.99	0.76	$42,843
margin of error	±0.03	±0.10	±$7,960
South Sudan	0.87	0.66	$52,980
margin of error	±0.11	±0.15	±$38,45
Sudan	0.88	0.68	$37,067
margin of error	±0.04	±0.06	±$6,519
Syria	0.83	0.59	$48,548
margin of error	±0.04	±0.05	±$6,361
Ukraine	0.78	0.55	$54,119
margin of error	±0.02	±0.02	±$3,853
Venezuela	0.75	0.56	$37,100
margin of error	±0.01	±0.01	±$1,091

Yemen	0.73	0.49	$44,542
margin of error	±0.07	±0.07	±$13,20

Note: 'margin of error' is the statistical margin of error with 95% confidence. Working age means 18–65. Years of schooling is for working-age only. 'Working age/capita' means the number of working age as a fraction of the overall subpopulation of any age. 'Employment/capita' means the number of people who earned labor income in the past 12 months, as a fraction of the overall subpopulation of any age. 'Wage income $/yr.' is average dollars of income from wages, salaries, commissions, cash bonuses, tips, and other money income received from an employer, in the previous 12 months, among those who received any such income. *N* for natives and non-TPS immigrants is measured in the most recent year available (2024), for comparability with TPS counts in the same column. Source: IPUMS USA American Community Survey pooled 2019–2024.

The annual average wage income for employed TPS beneficiaries in Table 1 is $36,039. TPS beneficiaries are typically somewhat younger and more educated than average inadmissible migrants who are not TPS beneficiaries, but have lower rates of employment and earnings than non-TPS inadmissible immigrants, reflecting the more recent arrival of typical TPS beneficiaries. TPS beneficiaries vary in educational attainment across countries of origin; some (such as those from Venezuela, Ukraine, Lebanon, and Nepal) having education levels comparable to or higher than U.S. natives, while others (such as those from El Salvador, Honduras, and Burma) are on average less educated.

As implied in Table 1, removing all 1,446,043 TPS beneficiaries would reduce the aggregate economic product by $30.9 billion of labor per year, calculated as the sum across all 17 countries of each country's TPS beneficiary count, times its employment rate, times its average wage income.[5]

This calculation implies a conservative estimate of one part of the decline in U.S. economic product that would arise from removing the 1,446,043 nationals of all 17 countries currently covered by TPS. It implies that the portion of U.S. value-added allocated to these TPS beneficiaries as labor income collectively exceeds $30 billion annually. Removing TPS would cause a loss to the overall U.S. economy including that amount. It would, moreover, cause additional losses,

[5] This calculation only includes labor force participants who are currently employed and excludes all non-working dependents.

comprising lost capital income to U.S. shareholders and proprietors of firms that employ migrants, and lost labor income to U.S. nationals whose employment depends on firms where migrant workers make an essential contribution to production.[6]

III. Comparison to Other Inadmissible Migrants.

TPS beneficiaries are economically comparable to the broader population of inadmissible immigrants who sustain key segments of the U.S. labor market. That comparability makes it appropriate—indeed, necessary—to draw on the extensive body of economic studies analyzing the removal of inadmissible immigrants as a whole, rather than limiting the inquiry to targeted studies of TPS beneficiaries.

As Table 1 shows, TPS beneficiaries have broadly similar skill profiles and employment rates as other inadmissible migrants. Beyond this, they are distributed across economic sectors in ways that closely mirror other inadmissible migrants. Table 2 below shows the industry distribution of TPS beneficiary workers,

[6] This estimate is conservatively low. It assumes that TPS beneficiary respondents to the ACS reporting work and earnings in or before 2024 did not advance in their labor force participation or in earnings per year by 2026. TPS beneficiaries who remain in this country for longer periods tend to experience greater economic integration, labor force participation, and earnings. Table 1 shows that inadmissible immigrants not covered by TPS, who have typically been in the United States much longer and are more established, earn much more—illustrating the general pattern that US immigrants' incomes tend to rise with the number of years they have been in the country.

other likely-inadmissible migrant workers, and U.S. natives in the same ACS data used for Table 1.[7]

[7] The industry groups in the table represent the broadest industry disaggregation in the standard North American Industry Classification System for private-sector establishments (omitting government and military). Industry is a characteristic of a worker's employer, not the worker's occupation; for example, a non-scientist who is employed by a scientific research laboratory to do janitorial work is classified as working in the "Professional, Scientific" sector.

Table 2: Industry distribution of TPS beneficiary workers compared to non-TPS unauthorized migrants and U.S. natives

	TPS beneficiaries	**Non-TPS inadmissible**	**US native workers**
Industry:	%	%	%
Construction	23.1	15.5	6.2
margin of error	±0.4	±0.1	±<0.1
Hospitality, Recreation	16.0	14.2	10.4
margin of error	±0.4	±0.1	±<0.1
Professional, Scientific	13.4	14.7	12.2
margin of error	±0.4	±0.1	±<0.1
Manufacturing	11.0	13.1	10.3
margin of error	±0.3	±0.1	±<0.1
Health Care, Education	9.8	13.8	25.7
margin of error	±0.3	±0.1	±<0.1
Retail Trade	9.6	8.4	12.3
margin of error	±0.3	±0.1	±<0.1
Other Services	4.9	4.7	4.3
margin of error	±0.2	±0.1	±<0.1

Transportation, Utilities	4.6	3.5	6.0
margin of error	±0.2	±0.1	±<0.1
Finance, Real Estate	2.7	3.7	6.9
margin of error	±0.2	±0.1	±<0.1
Wholesale Trade	2.4	2.4	2.3
margin of error	±0.2	±0.1	±<0.1
Agric., Forestry, Fishing	1.7	4.6	1.4
margin of error	±0.1	±0.1	±<0.1
Information	0.7	1.5	2.0
margin of error	±0.1	±<0.1	±<0.1

Note: 'margin of error' is the statistical margin of error with 95% confidence. Source: IPUMS USA American Community Survey pooled 2019–2024.

Table 2 confirms that TPS beneficiary workers are broadly distributed across industries. TPS beneficiaries are about eight percentage points more likely to work in construction than other inadmissible migrants, and about four percentage points less likely to work in health care and education as well as about three percentage points less likely to work in agriculture.

Apart from those narrow exceptions, no marked difference exists in TPS beneficiaries' distribution across sectors relative to other inadmissible migrants. Further, Table 2 offers no evidence that TPS beneficiaries are employed in systematically less productive sectors than their counterparts from other countries.

In sum, the evidence in Tables 1 and 2 conveys that TPS beneficiaries are economically representative of the broader inadmissible workforce that underpins many essential industries. Accordingly, the large body of established economic research quantifying the national costs of mass removals of inadmissible workers applies directly here: eliminating this population would predictably reduce output, shrink employment, and impair overall economic welfare.

IV. Removing TPS Beneficiaries Will Harm Other Workers.

Removing TPS beneficiaries would not only devastate those individuals and their families—it would also harm other workers, including by stripping more than $30 billion in labor income from the U.S. economy each year. Contrary to the Government's arguments that such removal would advance national interests, the empirical record shows that deporting these workers would depress, not enhance, employment opportunities for U.S. workers. The key inquiry is whether, upon the TPS beneficiaries' removal, U.S. nationals will replace lost labor so as to mitigate the blow to the economy.

The best evidence suggests that U.S. nationals will not replace lost labor. One peer-reviewed study in an economics journal has directly evaluated the effects of migrant workers recently fleeing Venezuela on the wages and employment of U.S. nationals. It uses modern, widely accepted methods to test whether U.S. nationals in cities that became important destinations for the Venezuelan exodus experienced reduced employment or wages, relative to those in otherwise similar cities. It finds a "lack of evidence that the labor market outcomes of U.S.-born individuals were adversely affected by the inflows." Christian Gunadi, *The Labour Market Effects of Venezuelan Refugee Crisis in the United States*, 83 Oxford Bull. Econ. & Stat. 1311, 1333 (2021). No other academic study has attempted to estimate the effects of immigrants from individual countries whose nationals are covered by TPS.

This evidence on TPS beneficiaries is consistent with the most recent peer-reviewed research on policy changes that restrict U.S. firms' ability to hire low-skill foreign workers in general (in the non-farm sector): the evidence does not show systematic displacement of low-skill U.S.-workers by low-skill immigrants. See *generally* Michael A. Clemens & Ethan G. Lewis, *The Effect of Low-Skill Immigration Restrictions on US Firms and Workers: Evidence from a Randomized Lottery* (*American Economic Journal: Applied Economics*, forthcoming, 2026).

The most rigorous evidence that economists have on the labor-market effects of removing low-skill immigrant workers in general—across all nationalities—comes from a recent study published in the highly-selective *Journal of Labor Economics*. Chloe N. East et al., *The Labor Market Effects of Immigration Enforcement*, 41 J. Lab. Econ. 957 (2023). The authors study the effects of a large deportation program conducted primarily under the Obama Administration known as Secure Communities, from 2008–2014. Because counties' start dates for Secure Communities were staggered, the study was able to isolate the effect of an uptick in deportations by comparing otherwise similar counties that began the program at different times.

The evidence not only fails to show that U.S. labor replaces lost migrant labor; it shows that a large and sudden increase in deportations causes a substantial *reduction* in employment of U.S. nationals. The principal mechanisms for this effect were that the spike in deportation deterred the formation of new businesses—mostly small businesses—and encouraged the exit of existing businesses. The result was fewer employment opportunities for U.S. workers overall. That reduction came in part from lower U.S. employment within the businesses from which immigrants were removed. And some came from ripple effects across local economies: lost jobs in the businesses that would have provided the other lost businesses with tools or accounting services, in the restaurants that would have served the missing entrepreneurs, and the like.

Academic studies were also able to quantify U.S. job loss due to removals. Thus, the aforementioned study by East et al. estimates that every inadmissible worker removed caused the elimination of 0.77 jobs held by U.S. nationals, for at least four years after mass deportation began in the average county, considering all ripple effects across all sectors in local economies.[8]

As discussed, it is appropriate to extrapolate this study to the specific case of removal of all TPS beneficiaries. We therefore estimate that every removal contemplated here would cause the elimination of 0.77 jobs held by U.S. nationals. Accordingly, removing all 1,446,043 TPS beneficiaries will result in the loss of 663,372 jobs for U.S. nationals four years later: (a) 1,446,043 beneficiaries who would be removed; times (b) the employed-worker-to-population ratio of 0.60 from Table 1, to get the number of employed immigrant workers removed; times (c) 0.77 U.S. nationals' jobs. In total, removing all 1,446,043 TPS beneficiaries from the United States would eliminate over 660,000 Americans' jobs, for four years or more.

This research does not necessarily imply that "U.S. workers won't do the jobs" that removed immigrant workers had been doing. Rather, the evidence is consistent with the conclusion that *some* jobs will go from removed immigrants to U.S. workers (what economists call the "substitution" effect) and yet *still more* U.S. jobs would be lost in total, because business activity is reduced (the "scale" effect). For example, a restaurant that closes due to deportations (or is never

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[8] East et al., *supra* Section IV., tbls. 3–4. Removals of low-skill immigrant workers caused a reduction in low-skill employed immigrant workers of 0.387 people per 100 in the average local economy, and a reduction of 0.300 employed native-born workers per 100, thus 0.300 divided by 0.387 = 0.770. The timescale of the analysis extends only to four years after the arrival of Secure Communities in a given county.

opened) not only loses its immigrant cooks but also eliminates jobs for U.S. cooks and waitstaff within the establishment, and U.S. bookkeepers and supply-delivery truckers and child-care workers outside the establishment.

The causal link between deportations and native job loss has been replicated across programs and time periods. And it is not particular to the Secure Communities program. Other peer-reviewed studies, by different research teams, have replicated this result for a different deportation program known as 287(g). That program, like Secure Communities, resulted in spikes in removals, but involved material differences from Secure Communities. Two peer-reviewed research papers find that spikes in deportation of low-skill workers under the 287(g) program also caused reductions in U.S. nationals' employment, and that a key mechanism for this effect was the deterrence of new business formation. Li Zhu, Matthew Hall & Jordan Matsudaira, *Immigration Enforcement and Employment in Large Firms: Evidence from County Participation in 287(g)*, *in* Population Change and Public Policy 277 (2020); Dipesh Shrestha & Genti Kostandini, *The Effects of Immigration Policy on Business Creation: A Study of the Effects of 287(g) Mandates*, 56 J. Agric. & Applied Econ. 429 (2024). These studies underscore that removal of low-skill workers itself, and not quirks of the removal program, reduces U.S. nationals' employment.

The economic evidence is unambiguous. The research summarized above is the highest-quality peer-reviewed research available. It is not one of many competing strands of a controversy within the discipline; it reflects the state of knowledge among leading, respected labor economists. And it shows substantial job loss for U.S. nationals.

V. Removing TPS Beneficiaries Will Shrink Capital Income.

The labor of TPS beneficiaries generates not only billions in wages but also substantial capital income for Americans. The final step in assessing macroeconomic impact of their removal is estimating TPS beneficiary workers' impact on owners of capital. Owners of capital include, but are not limited to, retired Americans and owners of shares in firms, the large majority of whom are Americans. That analysis shows a loss of over $20 billion per year.

The Department of Commerce Bureau of Economic Analysis estimates that during 2025, 32.6% of all value added in the United States was allocated to owners of capital, not workers, net of depreciation. *U.S. Bureau of Economic Analysis, "Table 1.10. Gross Domestic Income by Type of Income" (April 9, 2026).*, https://apps.bea.gov/iTable/?reqid=19&step=3&isuri=1&1921=survey&1903=51. This information can be used to place a conservative lower bound on the capital income caused by immigrant employment, using a straightforward method from a peer-reviewed academic paper recently published in the *Oxford Review of Economic Policy*. Michael A. Clemens, *The Economic and Fiscal Effects on the United States from Reduced Numbers of Refugees and Asylum Seekers*, 38 Oxford Rev. Econ. Pol'y 449 (2022). A capital share of 32.6% in national income implies that for every one dollar of labor income in the U.S. economy during this period, there were 0.484 additional dollars of capital income.[9] This calculation is conservative because it excludes the value to workers of employee benefits, which would be additional to the cash earnings reported by migrants in the ACS data in Table 1.

This 0.484 figure is a conservatively low estimate of the capital income caused by the work of immigrants doing low-skill work in particular. This is because the labor economics literature generally finds that foreign-born workers, as well as low-skill workers, have less bargaining power than their native-born, high-skill counterparts in their wage negotiations with employers. That is, immigrants doing low-skill work tend to receive as wages a lower share of the additional firm revenue caused by their labor, relative to the average U.S. worker. This research literature is reviewed in Michael A. Clemens, *The Fiscal Effect of Immigration: Reducing Bias in Influential Estimates*, IZA Inst. Lab. Econ., Sep. 2022. No peer-reviewed research in mainstream economics suggests that low-skill immigrant workers in general, or TPS beneficiary workers specifically, have the power to negotiate a systematically larger share of firm revenue for themselves than the share received by average U.S. workers. In other words, the amount of capital income in the U.S. economy per dollar of wage income by immigrants doing low skill work is some quantity *greater than* 0.484.

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[9] That is, 0.326 divided by (1–0.326) = 0.484.

A lower bound on the contribution to national income from TPS beneficiaries' low-skill employment can therefore be obtained by multiplying their collective labor income (over $30 billion per year) by a factor of 1.484, to include both the portion of their value-added that is allocated to TPS beneficiary labor (1.000) and the portion that is allocated to (almost exclusively American) capital (0.484). This calculation indicates that removal of all TPS beneficiaries would reduce the size of the U.S. economy by over $45 billion per year. And that figure includes only the GDP effect from the loss of TPS beneficiary workers; it does not include the effect of lost jobs held by U.S. nationals, discussed above.

This estimated GDP loss of over $45 billion per year is consistent with estimates by federal government analysts using alternative methods. In 2024, the U.S. Congressional Budget Office (CBO) used its well-honed model of the U.S. macroeconomy to simulate how the arrival of 8 million irregular migrants (workers and non-workers) via the Southwest border between 2020 and 2025 would affect the U.S. GDP. See U.S. Cong. Budget Off., *Effects of the Immigration Surge on the Federal Budget and the Economy* (July 2024), https://www.cbo.gov/publication/60569. Their model, called a "dynamic computable general equilibrium" model, simulates the complex effects of this shock on capital markets, technological change, business investment, and so on, and includes ripple effects on U.S. workers and owners of capital. Notably, it includes the economic stimulus effects from recent inadmissible immigrants' consumption, which raises aggregate demand for workers in general.

CBO found that this migrant surge caused an annual increase in U.S. GDP of $357 billion per year. This represents an increase of $44,625 per immigrant (including workers and non-workers) per year, from both dollars of additional income that flow to immigrants, and dollars of additional income to all other U.S. residents caused by an expanded economy. The flipside of CBO's calculations is that *removing* each of those recently-arrived, inadmissible migrants would *reduce* GDP by that same $44,625 per year in 2025.

The GDP impact of removing TPS beneficiaries can be derived from this $44,625 figure applicable to the average irregular immigrant. Per the data in Table 1, TPS beneficiaries on average earn 71% of the earnings of other inadmissible immigrants. Adjusting for this difference, the GDP effect of removing one TPS beneficiary implied by the CBO calculation would be $31,877. Multiplying this estimate by 1,446,043 TPS beneficiaries yields a total decline in GDP, caused by their removal, of over $46 billion per year. That estimated GDP decline, implied by the CBO's sophisticated model of the entire U.S. economy—and derived independently of the analysis presented in this brief—is similar to the above estimate of over $45 billion per year. This strongly supports the accuracy of both estimates.

A GDP loss of over $45 billion per year is a major impact. Congress has defined a "major" impact on the U.S. economy due to rule-making in the Executive Branch as any "adverse effect" on "the economy" exceeding $100 million per year. 5 U.S.C. § 804(2). The estimated more than $45 billion dollar impact of removing TPS beneficiaries exceeds this threshold for "major" macroeconomic impact by a multiple of well over four hundred.

Moreover, the Supreme Court itself has defined economic impacts of this magnitude as satisfying the threshold for "major questions". In *West Virginia v. EPA*, 597 U.S. 697 (2022), the Court held that when an agency asserts authority over a matter of "vast economic and political significance," it must point to "clear congressional authorization" for the power it claims. *Id.* at 724. In applying that principle, the Court has treated economic impacts on the order of tens of billions of dollars as presumptively triggering heightened scrutiny. In *Alabama Ass'n of Realtors v. Department of Health & Human Services*, 594 U.S. 758 (2021) (per curiam), the Court vacated the CDC's nationwide eviction moratorium—an action whose economic magnitude it gauged by reference to the nearly $50 billion Congress had appropriated in emergency rental assistance—as an exercise of authority over a matter of vast economic and political significance lacking clear statutory authorization. *Id.* at 764–65. The estimated annual GDP loss of over $45 billion from terminating TPS is of the same order of magnitude as the impact the Court found sufficient in *Alabama Ass'n of Realtors* to demand unmistakable legislative authority—authority the Government has not identified here.

VI. Removing All TPS Beneficiaries Would Remove Over $9 Billion Per Year from Federal Public Coffers over the Next Five Years.

Terminating TPS would not only shrink the U.S. GDP but also would directly harm the federal fisc in lost tax revenue. The same study by the U.S. Congressional Budget Office estimates the effect on the federal budget deficit from the migration surge. CBO estimated the impact on federal public coffers from the continuing presence of recently-arrived irregular migrants, which CBO calls "Other Foreign Nationals," in the U.S. economy from 2024 through and including 2028. The analysis accounts for federal benefits paid to migrants, taxes paid by migrants, and tax revenue created indirectly through economic activity stimulated by migrants' labor. CBO found that 8 million of these surge migrants, arriving 2021 through 2025, reduce the federal deficit by $296 billion over the years 2024–28. In other words, their presence *adds* $74 billion per year to federal public coffers, on average, over the period 2024 to 2028. Equivalently, each migrant (workers and nonworkers) causes an average net addition to federal public coffers of $9,250 per year.

Much of the tax impact of irregular migration would come not from revenue provided directly by migrants, but revenue collected from the expanded overall economy that migrants' labor causes. The impact encompasses not only (1) the sales taxes, property taxes (often paid indirectly via rent), payroll taxes, income taxes, federal excise taxes, and other taxes paid directly by migrants; but also (2) the increased taxes of all kinds paid by individuals and firms across the U.S. economy due to ripple effects of the increased economic activity created by inadmissible immigrants' labor.

Adjusting these numbers to reflect that the earnings of TPS beneficiaries are typically lower than those of other inadmissible migrants (Table 1), each

TPS beneficiary adds $6,608 to the federal public coffers per year. Multiplying this figure by 1,446,043 TPS beneficiaries implies that removing all nationals currently covered by TPS would cause a loss to federal public coffers of well over $9 billion per year over the next five years. The CBO analysis implies that those losses would continue thereafter.[10]

VII. Removing TPS Beneficiaries Will Cause an Increase in New Home Prices.

We have seen that TPS beneficiaries make significant economic contributions by paying taxes, enhancing employment opportunities for US workers, raising capital income, and more broadly by increasing GDP. These measures provide a lower-bound on the contributions these workers make, as they do not capture the surplus consumers derive from consuming the goods and services the TPS beneficiaries produce. Consumer surplus is simply the difference between the prices consumers pay and their willingness to pay. It is, by construction, not part of GDP but is likely of the same order of magnitude.

One of these price effects has been studied in depth. The economic disruption from contemplated removals will lead to an increase in home prices. A recent study from economists at the University of Utah's Eccles School of Business studies the impact of increased deportations on the prices of new homes. The

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[10] This estimate reflects the amount that would be lost to U.S. federal taxpayers at constant levels of federal expenditure, or the amount that would be lost to government operations at constant levels of taxation.

study has not yet been accepted in a peer-reviewed academic journal. But its research design is identical to the one reviewed and accepted by the *Journal of Labor Economics* in the above study of Secure Communities, focusing not on generalized employment effects but specifically on effects in the construction sector.[11] It finds that deportations under Secure Communities caused lower employment of U.S. workers in construction, caused 1,994 fewer new home completions per state per year, and caused an 18% increase in new home prices. These findings suggest that the removed migrant workers had been performing tasks crucial to home construction (increasing the housing supply) but were not themselves important demanders of newly-constructed homes. Their removal thus represented a classic supply shock: unchanged demand then had to chase reduced supply, which normally tends to drive up prices.

This effect would likely be substantial for TPS beneficiaries, given that 23 percent of TPS beneficiary workers are employed in construction (Table 2), and they are substantially more likely to be employed in construction compared to other inadmissible migrant workers and U.S. natives.

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[11] Troup Howard, Mengqi Wang & Dayin Zhang, *Cracking Down, Pricing Up: Housing Supply in the Wake of Mass Deportation,* SSRN (Nov. 7, 2024), http://dx.doi.org/10.2139/ssrn.4729511. Currently under review at the *Journal of Finance*.

VIII. Removing TPS Beneficiaries Will Not Meaningfully Reduce Crime.

A key stated goal of the revocation of TPS is reducing violent crime. For example, the *Federal Register* announcement of TPS revocation for Haiti claims that TPS has prevented the deportation of violent criminals including members of Haitian criminal gangs responsible for "terrorizing communities, extorting families, recruiting children to commit horrors on behalf of the gang leaders." See 90 Fed. Reg. 54733-39 (Nov. 28, 2025). The announcement terminating TPS for Haiti states, "Haitian gang members have already been identified among those who have entered the United States and, in some cases, have been apprehended by law enforcement for committing serious and violent crimes." See 90 Fed. Reg. at 54737. A hypothetical decline in rates of violent crime due to removal of TPS beneficiaries would likely yield economic benefits offsetting the above economic costs in some measure.

However, the best economic research counsels that mass removal of TPS beneficiaries will have no such effect. A study in the leading peer-reviewed *Journal of Law and Economics* used the same rigorous and transparent research design described above to estimate the impact on crime due to mass deportation policy under Secure Communities. Thomas J. Miles & Adam B. Cox, *Does Immigration Enforcement Reduce Crime? Evidence from Secure Communities*, 57 J. L. & Econ. 937 (2014). It found that the sharp increase in low-skill migrant deportations under Secure Communities from 2008–2014, county by county, "did not cause a meaningful reduction in the FBI's overall index crime rate. Nor did it reduce the rate of any individual violent offense. This is important as Secure Communities specifically, and criminal deportation policies more generally, have long been publicly justified primarily on grounds that they keep communities safer from violent crime." *Id.* at 969.

Moreover, recent peer-reviewed research published in *Oxford Economic Papers* finds *no association* between increases in unauthorized immigration and increases in violent or property crime across U.S. states. Christian Gunadi, *On the Association Between Undocumented Immigration and Crime in the United States*, Oxford Econ. Papers 200 (2021). This is not an isolated study, but one of the most recent in decades of consistent findings, and the most recent considering unauthorized immigration to the U.S. specifically. A comprehensive review of the academic criminology literature concludes that "overall, the immigration-crime association is negative—but very weak." Graham C. Ousey & Charis E. Kubrin, *Immigration and Crime: Assessing a Contentious Issue*, *Annual Review of Criminology* 63, 63 (2018)—that is, immigration tends to leave crime rates unaffected, if not slightly reduced.

The evidence does not imply that there are *no* violent criminals among TPS beneficiaries, or that none among them will ever commit a violent crime in the U.S. The number of violent criminals is also obviously above zero among inadmissible immigrants in general, among foreign-born individuals with nonimmigrant work visas, among foreign-born Lawful Permanent Residents, and among U.S. citizens—including every racial or religious subgroup, every category of educational attainment, and every socioeconomic class within all of those groups.

But economists and criminologists who investigate links between immigration and crime focus exclusively on the effect of immigration on the statistical *prevalence* of crime, rather than on the existence of individual criminal acts, which is uninformative as a guide to government policy toward any one social group. Notwithstanding any incidents of violent crimes carried out by TPS beneficiaries in the United States, there is no credible research suggesting that rates of violent crime (or any other type of crime) are higher among TPS beneficiaries than among other foreign-born subpopulations, or among U.S. nationals.

CONCLUSION

For the foregoing reasons, the latest and best peer-reviewed research implies that terminating TPS would harm public welfare by major reductions in GDP, employment opportunities for U.S. nationals, and net federal tax revenue. It furthermore implies that such removal would cause further inflation of home prices and would not reduce rates of violent or property crime.

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APPENDIX

TABLE OF APPENDICES

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APPENDIX A

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APPENDIX B

Estimates of current TPS beneficiary populations by nationality, with sources:

Country	***Date of Initial Designation & Redesignations***	***Dates of Terminations***	***Estimate of Current Beneficiaries***
Afghanistan	May 20, 2022; September 25, 2023	Jul. 14, 2025	11,700 90 Fed. Reg. 20309 (May 13, 2025)
Burma	May 25, 2021	Nov. 25, 2025	3,969 90 Fed. Reg. 53378-82 (Nov. 25, 2025)
Cameroon	June 7, 2022; December 8, 2023	Aug. 4, 2025	5,200 90 Fed. Reg. 23697 (June 4, 2025)

El Salvador	March 9, 2001; June 21, 2023 (Rescission of Termination)	Jan. 18, 2018	232,000 90 Fed. Reg. 5953-61 (Jan. 17, 2025).
Ethiopia	Dec. 12, 2022; Apr. 15, 2024	Dec. 15, 2025	5,001 90 Fed. Reg. 58028-32 (Dec. 15, 2025)
Haiti	Jan. 21, 2010 ; Aug. 3, 2021 ; Jan. 26, 2023 ; July 1, 2024	Jan. 18, 2018; (challenged by litigation); Feb. 24, 2025 (Partial Vacatur, vacated by litigation); July 1, 2025; Nov. 28, 2025	352,959 90 Fed. Reg. 54733-39 (Nov. 28, 2025)
Honduras	Jan. 5, 1999; June 21, 2023 (Rescission of Termination); July, 8, 2025 (Agreement	June 15, 2018 ; (rescinded); July 8, 2025	76,000 88 Fed. Reg. 40304-15 (June 21, 2023); 90

	Between the Government of the United States of America and the Government of the Republic of Honduras for Cooperation in the Examination of Protection Requests.)		Fed. Reg. 30089 (July 8, 2025)
Lebanon	Nov. 27, 2024		11,000 89 Fed. Reg. 93641-47 (Nov. 27, 2024)
Nepal	June 24, 2015; June 21, 2023 (Rescission of Termination)	May 22, 2018 (rescinded); June 6, 2025	12,700 90 Fed. Reg. 24151-54 (June 6, 2025)
Nicaragua	Jan. 5, 1999; June 21, 2023 (Rescission of Termination)	Dec. 15, 2017; (rescinded); July 8, 2025	4,000 90 Fed. Reg. 30086-89 (July 8,

			2025)
Somalia	Sep. 16, 1991 ; Sep. 4, 2001 (Extension & Redesignation) ; May 1, 2012 (Extension & Redesignation); July 22, 2021 (Extension & Redesignation) ; Mar. 13, 2023 (Extension & Redesignation) ; July 22, 2024 (Extension & Redesignation)	Jan. 14, 2026	1,082 91 Fed. Reg. 1547-53 (Jan. 14, 2026)
South Sudan	Oct. 3, 2011; Jan. 9, 2013 (Extension & Redesignation); Sep. 2, 2014 (Extension & Redesignation); Jan. 25, 2016 (Extension & Redesignation); Mar. 3,	Nov. 6, 2025	232 90 Fed. Reg. 50484-87 (Nov. 6, 2025)

	2022 (Extension & Redesignation); Aug. 21, 2023 (Extension & Redesignation)		
Sudan	Nov. 4, 1997; Nov. 9, 1999 (Extension & Redesignation); Oct. 7, 2004 (Extension & Redesignation); Jan. 9, 2013 (Extension & Redesignation) ; Apr. 19, 2022 ; Aug. 21, 2023 (Extension & Redesignation)	Oct. 11, 2017 ; (challenged in litigation)	1,200 88 Fed. Reg. 56864-72 (Aug. 21, 2023)
Syria	Mar. 29, 2012 ; June 17, 2013 (Extension & Redesignation); Jan. 5, 2015 (Extension & Redesignation); Aug. 1, 2016	Sep. 22, 2025	6,132 90 Fed. Reg. 45398 (Sep. 22, 2025)

	(Extension & Redesignation); Mar. 19, 2021 (Extension & Redesignation); Aug. 1, 2022 (Extension & Redesignation); Jan. 29, 2024 (Extension & Redesignation)		
Ukraine	Apr. 19, 2022; Aug. 21, 2023 (Extension & Redesignation)		103,700 90 Fed. Reg. 5936-5944 (Jan. 17,2025)
Venezuela	Mar. 9, 2021; Oct. 3, 2023	Feb. 3, 2025 (Vacatur); Feb. 5, 2025 (Terminate-2023); Sep. 8, 2025 (Terminate-2021)	268,156 (2021 Designation) 90 Fed. Reg. 43225-31 (Sep. 8, 2025); 348,202 (2023 Designation);

			90 Fed. Reg. 9040-44 (Feb. 5, 2025); Total: 616,358
Yemen	Sep. 3, 2015; Jan. 4, 2017 (Extension & Redesignation); Mar. 2, 2020 (Extension & Redesignation); July 9, 2021 (Extension & Redesignation); Jan. 3, 2023 (Extension & Redesignation); July 10, 2024 (Extension & Redesignation)	Mar. 3, 2026	2,810 91 Fed. Reg. 10402-08 (Mar. 3, 2026)