

IN THE SUPREME COURT OF THE UNITED STATES

DONALD J. TRUMP, President of the United States of America, *et al.*,

Applicants,

v.

FRITZ EMMANUEL LESLY MIOT, *et al.*,

Respondents.

**BRIEF OF THE AMERICAN FEDERATION OF LABOR & CONGRESS OF
INDUSTRIAL ORGANIZATIONS (“AFL-CIO”) AND TEN AFFILIATED LABOR
UNIONS AS *AMICI CURIAE* IN OPPOSITION TO APPLICATION FOR STAY**

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INTEREST OF AMICI CURIAE¹

The **American Federation of Labor & Congress of Industrial Organizations** (“**AFL-CIO**”) is a federation of 65 national and international labor organizations with a total membership of nearly 15 million working men and women who are employed in every sector of this country. All ten other *amici* are labor organizations affiliated with the AFL-CIO.

The **Service Employees International Union** (“**SEIU**”) is a labor organization of approximately two million members who work in the healthcare industry, state and local government, and in property service industries, such as janitors, security officers, airport workers, retail, distribution, laundry, and fast food workers, and adjunct professors, throughout the United States, Canada, and Puerto Rico. SEIU is the largest healthcare union in the United States with one million members nationwide, with its members working in hospitals, ambulatory care centers, off-site provider-based clinics, nursing homes and home care settings. The decision by the U.S. Department of Homeland Security (“**DHS**”) to terminate the Temporary Protected Status (“**TPS**”) designation for Haiti would harm SEIU's members and the communities they serve, including SEIU members in the healthcare sector, where tens of thousands of Haitian TPS holders are employed and providing critical healthcare services.

The **American Federation of Teachers** (“**AFT**”) is a labor union that represents approximately 1.8 million members across the United States who provide essential services in education, healthcare, and the public sector. Many AFT members are foreign-born, including those authorized to work in the U.S. through the TPS program for Haitian nationals. These

¹ *Amici* certify that no counsel for a party authored this brief in whole or in part; and that no person other than these *amici* made a monetary contribution to its preparation or submission.

workers are public servants. They teach in our classrooms, care for patients, and serve our communities. The AFT is greatly concerned about the harmful impact that ending Haitian TPS will have on its members with Haitian TPS, their families, colleagues, and the communities they serve.

The **American Federation of State, County and Municipal Employees, AFL-CIO (“AFSCME”)** is a union of 1.4 million members in the United States and Puerto Rico who serve in a wide range of public-sector roles—from health care and veterans’ home staff to nurses and corrections officers to transportation and infrastructure workers—that provide essential services to their communities. AFSCME represents members who are lawfully present and authorized to work under TPS for Haiti and who are integral to the communities they serve. The continuation of TPS directly affects their ability to remain employed, support their families, and deliver the critical services our communities rely on. AFSCME participates in this case to protect its members’ rights and to support policies that ensure lawfully present workers can continue contributing to the public good.

The **United Food and Commercial Workers International Union (“UFCW”)** is a labor union that represents over a million workers across the United States, Canada and Puerto Rico. UFCW is the largest purely private sector union in the United States, with the majority of its members working in the retail food, meatpacking and food processing industries. A significant number of Haitian TPS holders are among their ranks and play a vital role in feeding American families.

The **International Association of Machinists and Aerospace Workers (“IAM”)** is a large and diverse international union representing nearly 600,000 active and retired members across aerospace, air transport, rail, manufacturing, public sector, health care, and more. The

IAM demands respect and dignity in the workplace and its communities, for all its members and their families, including members legally working in the United States through the Haiti TPS program. These Haitian national members are vital contributors in the workplace, and integral to our communities.

The **Laborers' International Union of North America ("LIUNA")** is a union of over 530,000 workers who build and serve this country every day, including many authorized to work in the U.S. through the TPS program for Haitian nationals. LIUNA was founded in 1903 by immigrant workers who believed that every worker that labors with dignity deserves fair treatment, safe conditions, and a voice on the job. That promise still guides LIUNA today.

UNITE HERE International Union ("UNITE HERE") is a labor union with approximately 300,000 members in the United States and Canada that primarily represents workers in the hotel, casino gaming, and food service industries. Service jobs in the hospitality industry attract new immigrants as they arrive and seek work opportunities in the United States. As a result, UNITE HERE's membership includes many immigrants who are temporarily authorized to work in the United States, including through the TPS program. Haitian TPS holders make up a significant number of members in locals representing workers in Florida, New Orleans, Atlantic City, and New York City. Those members and the employees who work with them will be impacted by the termination of Haiti's TPS program.

National Nurses United ("NNU") is a labor union that represents 250,000 registered nurses ("RNs") in the United States. NNU's members work in acute-care hospitals and other health care facilities across the nation. NNU's RN members work side-by-side with a wide variety of ancillary health care workers including certified nursing assistants, licensed vocational nurses, technicians, and other support staff, among whom Haitian TPS holders are well

represented. NNU will be harmed by DHS's termination decision because the abrupt departure of these valued coworkers will exacerbate the workload faced by already understaffed and overworked RNs, particularly in geographies such as Florida and New York.

The **International Union of Bricklayers and Allied Craftworkers ("BAC")** represents 70,000 workers in the masonry trades across the United States and Canada. These skilled craftworkers include bricklayers, stone and marble masons, cement masons, plasterers, tilesetters, terrazzo and mosaic workers, and pointers/cleaners/caulkers. BAC's industry and membership include Haitian TPS holders.

The **International Union of Electrical Workers-Communications Workers of America ("IUE-CWA")** is the Industrial Division of the Communications Workers of America. The Union represents 40,000 workers across the country in a wide range of manufacturing industries. IUE-CWA represents employees in at least one factory in the Mid-Atlantic where a significant number of members are Haitian TPS holders. IUE-CWA's bargaining units across the nation have already been harmed by DHS's decision to abruptly terminate parole programs earlier this year, leading to sizable discharges in a field already facing a workforce shortage. This situation will be exacerbated if Haitian TPS holders are also compelled to exit the workforce.

INTRODUCTION AND SUMMARY OF ARGUMENT

Amici are the AFL-CIO, America's largest federation of labor unions, together with ten of the AFL-CIO's affiliated unions, collectively representing millions of workers across a wide spectrum of industries, including healthcare, education, manufacturing, food processing, hospitality, transportation infrastructure, and construction. In each of these sectors, our hardworking membership is comprised of American citizens and non-citizens alike, who work

together to make this country run. Prominent among our non-citizen members are thousands of TPS holders from Haiti.

Some of these Haitian TPS holders have been employment-authorized incident to their status for 16 years, following Haiti's initial designation in the aftermath of the destructive 2010 earthquake that took over a hundred thousand lives. *See* DHS, "Designation of Haiti for Temporary Protected Status," 75 Fed. Reg. 3476 (Jan. 21, 2010). Others have arrived more recently as a result of what DHS in 2024 called "simultaneous economic, security, political, and health crises" following the July 2021 assassination of President Jovenel Moise—crises that have left the country virtually ungovernable over the last four years. DHS, "Extension and Redesignation of Haiti for Temporary Protected Status," 89 Fed. Reg. 54484, 54487 (July 1, 2024). All are valued members of our unions who have offered their considerable skills to professions that provide essential services to the public. And—given the "extraordinary and temporary" conditions prevailing in Haiti today, where gangs have taken the place of the government, over half of the country suffers from food insecurity, and outbreaks of preventable diseases such as cholera have become commonplace—none can "return[] to [their home country] in safety." 8 U.S.C. § 1254a(b)(1)(C).

As the district court correctly held in its exhaustive opinion, this manner of proceeding is contrary to law and arbitrary and capricious. The best reading of the TPS statute requires DHS to base any decisions concerning the termination or extension of TPS designations on a review of in-country conditions concerning the humanitarian situation in the designated foreign state, not solely on a malleable consideration of the "national interest." That was not done here. And, though the factors that could potentially be incorporated into a "national interest" analysis are indeed broad, DHS must nevertheless engage in reasoned decisionmaking under the

Administrative Procedure Act. It thus cannot “entirely fail[] to consider an important aspect of the problem, offer[] an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). As the district court aptly demonstrated, the Termination Notice flunks this test. *See* App. 58a–63a.

Amici write primarily to highlight one particular aspect of the Termination Notice that underscores its arbitrariness—its deficient treatment of the workforce and economic impacts of DHS’s actions. Simply put, allowing termination of Haiti TPS to take effect while the case proceeds through the normal course of litigation will remove hundreds of thousands of workers—including union members—from the workforce in one fell swoop. This drastic action would have disastrous effects on the U.S. labor market and economy, contrary to the public interest. Though Secretary Noem purported to consider—among other issues—“economic considerations” including “adverse effects on U.S. workers” in making her “national interest” determination, 90 Fed. Reg. at 54735, the Termination Notice lacks *any* real-world information on the workforce impact that removing hundreds of thousands of work-authorized Haitian TPS holders will have on industries that are core to our Nation’s economic health. *See also* App. 63a (finding that Secretary Noem “never considered whether . . . benefits [relating to Haiti TPS holders’ participation in the workforce] exist at all”).

Had the Secretary deigned to engage in any fact-finding to support her unreasoned conclusion, she would have discovered that, rather than protecting U.S. workers, mass layoffs of Haitian TPS holders will exacerbate labor shortages, undermine U.S. workers’ terms and conditions of employment by requiring them to work more hours, and deteriorate the quality of

services for patients, consumers, and the public. Thus, her apparent conclusion that terminating Haiti’s TPS designation would serve the “national interest” because of its impact on the U.S. workforce bears all the hallmarks of arbitrariness set forth in *State Farm*. Instead, the public interest, including that of America’s workers, weighs heavily in favor of a stay of agency action, which the district court correctly granted. The same considerations apply here. Accordingly, this Court should deny the Government’s emergency application for a stay.

ARGUMENT

I. **DHS’s Decision to Terminate Haiti’s TPS Designation Will Harm, Not Help, U.S. Workers**

A. **Removing Haiti TPS holders from the workforce would severely harm U.S. workers and the economy.**

If allowed to take effect, DHS’s decision to terminate Haiti’s TPS designation will push hundreds of thousands of workers out of the formal labor market. In many sectors crucial to our economy and our society, this will be disastrous for U.S. workers. The district court agreed, finding that termination of Haiti’s TPS designation would seriously harm U.S. workers and the overall economy. App. 79a–80a. Indeed, many employers will predictably seek to fill this artificial and deliberately-generated labor shortage by requiring remaining workers to work mandatory overtime to meet their staffing needs, diminishing U.S. workers’ quality of life, and leading to increased occupational injuries. Other employers will simply be unable to maintain a necessary level of production or services. They will thus be compelled to lay off U.S. workers—or even to close down.

The Termination Notice does not consider any of these real-world consequences of expelling hundreds of thousands of people from their jobs overnight. Instead, it references purported “adverse effects on U.S. workers” that would occur if Haiti’s TPS designation were *extended*, and asserts that people who overstay nonimmigrant visas “can place an added strain on

local communities by . . . competing in an already limited job market.” 90 Fed. Reg. at 54735–36. The Termination Notice, however, does not make any factual findings in support of these determinations with regard to Haiti TPS holders. Instead, it appears to imply that the mere presence of lawfully-authorized Haitian immigrant workers in the workforce *per se* harms their non-immigrant colleagues. That assumption is baseless and contradicted by a bevy of economic data relating to Haitian immigrants generally, and TPS holders specifically, as well as by *amici*’s experience across a wide variety of sectors of the economy.

This has two implications for this case. First, this Court must determine whether the Government has met its “especially heavy” burden of showing irreparable injury to receive emergency relief when a court of appeals has already denied a motion for a stay of a district court’s judgment. *Edwards v. Hope Med. Grp. For Women*, 512 U.S. 1301, 1302 (1994) (Scalia, J., in chambers) (quotation omitted). We agree with the *Miot* plaintiffs that the Government cannot show anything close to irreparable harm in this case. To the contrary, the balance of equities demonstrates that preventing significant harm to other U.S. workers—as well as to the consumers and patients who benefit from Haitian TPS holders’ labor—weighs heavily in favor of denying the Government’s motion for a stay.

And, second, to the extent that any portion of Secretary Noem’s “national interest” determination relies on unsubstantiated assertions about harms that would befall U.S. workers as a result of an *extension* of Haiti’s TPS designation, such a determination is arbitrary and capricious in the most literal sense of the term. It is based on no evidence at all and contradicted by both abundant evidence in the public record and by *amici*’s experiences as the leading representatives of U.S. workers in a whole host of sectors where Haitian TPS holders are employed.

The district court recognized the seriousness of these consequences and determined that a stay is in the public interest given “the critical roles that Haitian TPS holders play in workplaces across the country.” App. 79a. The court acknowledged that these workers “fill labor shortages in essential industries” like healthcare, hospitality, food service, education, and manufacturing—sectors “that already face labor shortages and would be further destabilized by the loss of this workforce.” *Id.* at 79a–80a. It also recognized the “drastic impact” that removing Haiti TPS holders would have “on co-workers’ workload and patient care quality.” *Id.* at 80a. In part because of the “indispensable roles” that Haiti TPS holders play in the U.S. economy, and without any contrary support provided by the Government, the court correctly determined that the public interest warrants a stay. *Id.*

B. Insight from *amici* shows that staying the district court’s order would cause significant harm to U.S. workers and the economy.

The experience of *amici* demonstrates the ways that the mass expiration of Haiti TPS will touch almost all aspects of our economy and all strata of our workforce. *Amici* provide the Court with insight regarding five particular sectors—healthcare, hospitality, food production, manufacturing, and construction—to show how allowing for the termination of Haiti TPS while the Government’s appeal is pending would significantly harm U.S. workers and the public interest.

Haitian immigrants work across our nation in a variety of occupations, but have made particular contributions in the healthcare sector. As of 2021, the 103,000 Haitian healthcare workers comprised the sixth-largest immigrant group in this field,² where the demand for labor is

² Beatrice Dain & Jeanne Batalova, “Haitian Immigrants in the United States,” Migration Policy Institute (Nov. 8, 2023), <https://www.migrationpolicy.org/article/haitian-immigrants-united-states-2022>.

high and understaffing and overwork is already the norm. And, because Haitian immigrants are highly concentrated, with almost 66% residing in just three metropolitan areas—Miami, New York City, and Boston³—suddenly removing Haitian TPS holders would have a drastic impact on their co-workers' workload and on the quality of patient care.

In the hospital setting, registered nurses who are members of **NNU** work alongside other hospital workers who are vital to the safe delivery of patient care. If thousands of hospital workers were suddenly unavailable to work because their work authorization was terminated, RNs, their patients, and their communities would be severely impacted.

When the number of ancillary staff such as certified nursing assistants, licensed vocational nurses, technicians, environmental service workers, and food service workers is reduced, then RNs are left to pick up the slack, putting an increased burden on an already understaffed and overworked RN workforce throughout Florida and New York. Instead of caring for patients, RNs will be forced out of necessity to distribute meal trays, answer phones, perform housekeeping duties, transport patients, and spend additional time assisting patients with daily living activities like bathing, dressing, grooming and toileting that would otherwise be performed by nursing assistants. This in turn will lead to extended wait times for emergency room admissions, delayed blood draws, delays in administering medications and in responding to call lights when patients need immediate assistance.

SEIU represents thousands of healthcare workers across New Jersey, New York, and Boston, and confirms that termination of Haiti TPS would create a crisis in the already

³ *Id.*

understaffed hospital and home healthcare industries. This would include the loss of an estimated 500 members who are nurses in New York and Boston, and 3,000 or more members who are home healthcare workers in New York. The sudden loss of these workers would have a particularly significant impact in home healthcare, where understaffing is especially severe and Haiti TPS holders make up 5% of SEIU’s 60,000 New York home healthcare members. Employers would be forced to mandate overtime which, in home healthcare, means working two 8-hour back-to-back shifts, seven days in a row, risking heightened fatigue, injury, burnout, and further loss of staff. Across the healthcare sector, patient care would suffer: staffing shortages are closely linked with slower response times, reduced assistance with daily needs, and weaker infection control. These consequences would have a noticeable effect in home healthcare, where the provider is sometimes the only person the patient ever sees. Reduced staffing would drastically impair the relationships and consistency that are critical to the care of home healthcare patients.

The nursing home industry that serves our nation’s seniors will be affected even more directly. Even with Haitian TPS holders present in the nursing home workforce, where they make up a substantial portion of entire departments,⁴ the industry continues to experience significant challenges, including short-staffing, high turnover, and staff burnout.⁵ In addition to

⁴ SEIU reports that, in some nursing homes where it has members, Haiti TPS holders make up a substantial portion of entire departments, particularly in housekeeping, dietary, laundry, and direct care.

⁵ See Dee Gill, “Codifying the Nursing Home Industry’s Elusive, Alarming Turnover Rates,” *UCLA Anderson Rev.* (2021), <https://anderson-review.ucla.edu/codifying-the-nursing-home-industrys-elusive-alarming-turnover-rates/> (“Averages . . . for turnover at nursing homes are . . . 140.7% for RNs, 114.1% for LPNs, 129.1% for CNAs—because some nursing homes have annual turnover exceeding 300%.”); Elizabeth Trovall, “Trump administration’s ending of TPS for Haitians accelerates staffing crunch in elder care,” *Marketplace* (Jan. 15, 2026),

contributing to exacting working conditions for healthcare workers, these challenges lead to negative outcomes for patient care. Removing tens of thousands of qualified workers with Haitian TPS from this crucial sector will exacerbate the situation, further overburdening the workers that remain, compromising care for existing patients, and reducing capacity to admit additional patients.⁶

Those representing the industry whole-heartedly agree on this point. For instance, LeadingAge, which represents over 5,400 non-profit senior care providers nationwide, wrote a letter to Secretary Noem in April 2025 emphasizing the effects that the termination of Haiti’s TPS designation would have on their sector.⁷ Canvassing its members, LeadingAge reported that many providers expected to suffer significant job loss. One senior living community in South Florida noted a likely loss of 35 employees, including “skilled and difficult to replace staff

<https://www.marketplace.org/story/2026/01/15/end-of-tps-for-haitians-could-devastate-elder-care> (“[The] industry depends on Haitian and other foreign-born workers as it faces a deficit of caregivers and other workers. This year, more U.S. elder care facilities have had to downsize due to staffing shortages despite growing demand ...”).

⁶ UFCW, which represents more than 11,000 nursing home and assisted-living workers nationwide, confirms the same. It notes that strict credential and eligibility requirements in the industry make it difficult to quickly hire replacement workers. One UFCW business representative in Florida warns that ending TPS would cause longer response times to call lights and would therefore increase the risk of injuries and falls among patients. Local unions in the Greater New York region expressed concern that employers may lower their hiring standards to find new staff, potentially compromising the quality of care and patient safety.

⁷ Letter from Katie Smith Sloan, President & CEO of LeadingAge, to DHS Secretary Kristi Noem (Apr. 30, 2025), *available at* <https://leadingage.org/wp-content/uploads/2025/04/LeadingAge-to-DHS-re-TPS-and-Parole-4.30.25.pdf> (“LeadingAge Letter”). At that time, Secretary Noem had issued a “partial vacatur” of DHS’s 2024 designation of TPS, purporting to shorten the length of that designation from February 2026 to August 2025. DHS, “Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti,” 90 Fed. Reg. 10511 (Feb. 24, 2025). All of the points in LeadingAge’s letter are equally applicable to the November 28, 2025 Termination Notice.

members such as certified nursing assistants and dietary aides.”⁸ In Pennsylvania, a provider reported the likely loss of 30 Haitian employees; for a Virginia provider, that number climbed to 60.⁹ Noting that “[s]ome of the affected employees have been in their roles for a decade or more,” LeadingAge concluded that “[t]he sudden loss of these individuals risks unsettling care routines, diminishing quality of care, and causing distress among residents who depend on familiar, stable support in their daily lives.”¹⁰ Additional senior care providers in Florida and Massachusetts have gone on the record to emphasize the similar strain that the loss of Haiti TPS workers would have on their facilities.¹¹

According to an August 2025 report covering the health sector in Massachusetts, nursing home industry groups estimate that nearly 2,000 caregivers across the state would be discharged due to the termination of Haiti’s TPS designation, with some facilities bracing to lose up to 20% of their staff.¹² In that month, a rehabilitation and skilled care facility in Boston reported that the facility would lose 40% of its dietary aides and 15% of its certified nursing assistants if

⁸ LeadingAge Letter, *supra* n.7.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Miriam Jordan, “Haitians Are Vital to U.S. Health Care. Many Are About to Lose Their Right to Work,” N.Y. Times (Jan. 29, 2026), <https://www.nytimes.com/2026/01/29/us/trump-tps-haitians-health-care-job-losses.html>; Simón Rios, “In meeting with members of Congress, Haitians voice fears of losing legal status next month,” WBUR (Jan. 21, 2026), <https://www.wbur.org/news/2026/01/21/congress-haitians-pessley-boston-tps-trump>.

¹² Simón Rios, “As Legal Status is Set to End for Many Haitians, Mass. Health Care Sector Braces for Staffing Shortages,” WBUR (Aug. 7, 2025), <https://www.wbur.org/news/2025/08/07/haitians-tps-massachusetts-trump-health-care>.

termination of Haiti TPS took effect.¹³ This would only exacerbate the impact of an increased number of elder care facilities downsizing in 2025 “due to staffing shortages despite growing demand.”¹⁴ The loss of these valuable union workers would not only affect patient care. It would also affect the terms and conditions of employment of U.S. workers in the bargaining unit, who would be asked to “do more with less” in grueling work environments characterized by unsustainable patient-to-caregiver ratios.

The effect of the loss of Haiti TPS holders in the healthcare industry is perhaps most poignantly demonstrated by the stories of individual union members. During the COVID-19 pandemic, many of SEIU’s home healthcare members would continue visiting their clients when no one else would, and these members would often prepare meals for their clients for the days that they weren’t there. SEIU’s Haiti TPS holders are also leaders in their workplaces. A longtime nursing assistant in one facility serves as a shop steward for the union—this member mentors new hires and helps raise patient safety concerns to the facility’s management. Another member, a dietary worker, trains new staff and ensures residents with specialized dietary needs receive appropriate meals. Coworkers rely on these members for technical knowledge and language support. Losing workers like these would create operational and leadership gaps in a severely understaffed system where this critical knowledge cannot be quickly replaced.

Many Haitian TPS holders are employed in the hospitality sector—a field that has also experienced chronic labor shortages. For instance, **UNITE HERE**’s South Florida local reports that Haitian TPS holders are present in all of its bargaining units, with over 100 alone working

¹³ Rios, *supra*, n.12.

¹⁴ Trovall, *supra*, n.5.

for concessionaires at the Fort Lauderdale Airport. If they were terminated, this would lead to a serious effect on the local union's members, both in the amount of work distributed among them, as well as the chilling effect on members' willingness to organize and assert their rights at work.

The same is true of UNITE HERE's membership in New Orleans, approximately 100 of whom are Haitian TPS holders, largely at one of two major hotels. UNITE HERE estimates that one of these hotels would stand to lose 75% of its housekeeping staff. As a result, remaining workers will be forced to work overtime as well as increase the number of rooms they are expected to clean. Even with overtime, it is unlikely that the remaining workers will be able to handle the excess workload. If the hotel is unable to meet demand for housekeeping services, it will likely be forced to pause room reservations or severely reduce offering housekeeping services altogether, thus putting it at a major competitive disadvantage in the market.

Many Haitian TPS holders have been UNITE HERE union members for over a decade. They are among the most senior and experienced workers on the job. Some are longtime shop stewards or are otherwise regarded as natural leaders among their coworkers. For instance, Haitian housekeepers have played a strong role in UNITE HERE's ongoing campaigns in New Orleans. They have led the fight to raise wages at union properties, have led delegations and cafeteria rallies to demand respect from management and better pay, and are currently organizing in a campaign for a new union contract. The loss of these workers will mean more than just the loss of someone capable of doing the work—it will be the loss of years of experience, acumen, and leadership.

In UNITE HERE's experience, workforce shocks of this magnitude often lead employers to turn to temporary staffing agencies to supply workers. Such labor agencies, in addition to undermining the wages and working conditions for U.S. workers employed by the hotels by

paying substandard wages and benefits, often violate immigration law by hiring undocumented workers.¹⁵ All in all, UNITE HERE predicts that it will be harmed by a loss of members, subcontracting of work outside the bargaining unit, and harsher working conditions for existing members.

In food production, where **UFCW** represents several hundred thousand workers, the effects of DHS's labor market actions also portend to be dire. In Delaware and on Maryland's Eastern Shore, Haiti TPS holders make up a significant portion of the poultry processing workforce, especially in sanitation, live hang, and de-boning. Losing these workers would destabilize operations immediately, particularly because positions like live hang are notoriously difficult to staff and are essential to keeping poultry plants running. Without adequate staffing in live hang, employers are more likely to stop operations entirely rather than rely on mandatory overtime from remaining employees. The ripple effect of closing these plants would result in job loss for U.S. workers and economic harm to local farmers and surrounding communities that buy the product.

The effects in meatpacking would be similarly devastating. According to the Meat Institute—the lobby group for meat industry employers—approximately 20% of the country's meat processing workforce stand to lose their jobs as a result of the termination of several TPS designations, including that of Haiti, and the Administration's previous determination to end a parole program for Cubans, Haitians, Nicaraguans, and Venezuelans ("CHNV parole").¹⁶ Large

¹⁵ Steve Eder, Danielle Ivory & Marcela Valdes, "The Hidden Truth Linking the Broken Border to Your Online Shopping Cart," N.Y. Times (Nov. 17, 2024), <https://www.nytimes.com/2024/11/17/us/immigration-undocumented-migrants-jobs.html>.

¹⁶ Donnelle Eller, "Beyond Ottumwa: Thousands of Iowa, US Meatpacking Jobs at Risk in Migrant Crackdown," Des Moines Register (Aug. 11, 2025),

and mid-sized employers expect to lose up to one hundred workers at some facilities, with facilities in Indiana, Iowa, and North Carolina expected to be among those most affected. As a result, meat production is likely to decrease, disrupting supply chains and ultimately driving up consumer prices. Meanwhile, the remaining workers will be expected to shoulder increased workloads to keep up with demand. This would include a likely return to exhausting twelve-hour shifts, seven days per week—schedules that had only recently been eliminated. One union local in Pennsylvania reports that production lines or entire plants could temporarily shut down and unsafe conditions would increase if employers were forced to rapidly hire inexperienced replacements. These conditions increase the risk of fatigue-related injuries, jeopardize worker safety, and disrupt family life.

UFCW can reasonably predict the effect that the loss of Haitian members with TPS will have on its remaining members and communities based on the effects suffered by its bargaining units following the rescission of CHNV parole. UFCW locals surveyed in the Midwest reported over 500 terminations across ten bargaining units in three states with 175 of these occurring in one facility alone. As a result, UFCW-represented plants implemented enhanced mandatory overtime requirements as companies struggled to keep up with production demands while operating with a reduced workforce. Short-staffing on the meat line also means greater safety concerns for workers in an already dangerous industry; remaining workers at these plants experienced increased injuries from excessive overtime. Finally, U.S. workers at nearby

<https://www.desmoinesregister.com/story/money/agriculture/2025/08/11/trump-crackdown-on-immigrants-could-cost-meatpackers-20-of-workers-ice/85441314007>. Notably, many of these same workers had been designated as essential during the COVID-19 pandemic, when President Trump invoked the emergency powers of the Defense Production Act to force meatpacking plants to remain open. *Id.*

businesses—particularly those dependent on hide production—faced reduced hours and layoffs due to the downstream effects of the decrease in production in one rural town. Several local retail stores ultimately closed, and community leaders reported a noticeable decline in cash flow following the loss of Haitian and other immigrant workers. The loss of Haitian TPS holders from the poultry and meatpacking workforce will only exacerbate these conditions.

IUE-CWA presents a window into the effect that DHS's termination is likely to have in the manufacturing sector. IUE-CWA represents 40,000 manufacturing workers across the country, including approximately 6,000 employees at a home appliance manufacturer in the Midwest. Even before DHS's decisions to abruptly terminate the Haiti TPS designation at issue in this case, IUE-CWA reports that this facility had approximately 150 unfilled positions, and had eliminated a shift due to lack of labor. As a result, the employer announced that it was imposing mandatory overtime on all remaining workers, requiring them to work 9 hours per day, until further notice, in order to meet its production needs. Following the rescission of CHNV parole, the employer discharged almost 150 employees, causing the Union's other workers to see their working conditions further degraded by the need to meet the company's production needs with an ever-decreasing pool of workers.

As a result of the Termination Notice, IUE-CWA fears that a similar story will unfold at two other plants where it has members. One manufacturing plant in the Mid-Atlantic employs over 1,000 people who produce products for the residential energy market. Haitian TPS holders are a large part of the workforce at this plant, which is also experiencing a labor shortage and high turnover rates. Every other week, current bargaining unit employees are compelled to work mandatory overtime. Bargaining unit employees who are authorized to work through temporary protected status for Haitians are scattered throughout the facility. If those workers suddenly lose

employment authorization, the employer will likely need to reduce production, which could lead to product shortages, price increases, and supply chain disruption for the residential energy market.

Another plant in Southwest Ohio has over 800 employees helping to produce automotive parts. Currently, around thirty bargaining unit members at this facility have TPS under Haiti's designation. This plant is also facing a labor shortage and high turnover rates, with new employees hired on a weekly basis. The sudden loss of thirty employees would cause significant disruption to the employer's operations, affecting the other hundreds of employees at the plant. Moreover, **SEIU** predicts a similar fate at a car part manufacturing plant in Ohio where it has members. Haitian workers make up three quarters of this plant's workforce. This plant is likely to face a temporary shutdown or a complete closure if Haiti TPS is terminated.

Lastly, **LIUNA**'s experience demonstrates the snowballing effects of the loss of Haiti TPS holders in the construction industry. **LIUNA** represents members with Haiti TPS who work in construction in several states, including New York, Florida, Ohio, and Tennessee. One bargaining unit consists of members who work as landscapers, arborists, general laborers, and those who do construction, demolition and concrete, for a large entertainment venue in Florida. More than 20 out of 900–1,000 members of this local union would be lost because of termination of Haiti TPS, and in construction, the loss of this many workers at once has rapidly escalating effects. Certain laborer projects are time sensitive; for example, concrete must be ripped up and poured in the same day for it to dry overnight and cure properly, and it must be ripped up and re-poured if not properly completed. When other workers have to step in and do the jobs of two or three people because of the loss of co-workers, these types of tasks are harder to finish on time. This creates a situation where scheduled inspections cannot occur, and other craft laborers—

ironworkers, electricians, plumbers, etc.—cannot start their work until the construction workers finish their part of the project. Such delays impede consumer access to high-traffic areas of the entertainment venue, making the company lose money. Not to mention, the crew loses critical skills and training from workers who have been working alongside each other for many years.

The foregoing sectors are perhaps the most affected, but they are not the only ones—TPS holders are 5.4 times more likely than U.S. born workers to work in building and grounds cleaning and maintenance, twice as likely as U.S. born workers to work in transportation and material moving, and play significant roles in a range of other industries including sales, business management, and administrative support.¹⁷ *Amici* represent many more Haiti TPS holders who work in these other sectors: for instance, **AFSCME** represents a state employee who works for the Pennsylvania Department of Transportation, who, as a Haiti TPS holder, went through the extensive vetting process to earn a commercial driver’s license that he needs to perform essential emergency accident response and road maintenance services for the state. In the depths of winter, for example, this member volunteers to travel outside his home county to work overtime removing snow and ice, a critical service that all Pennsylvania residents rely on to commute safely. **UFCW** represents hundreds of members who work at industrial laundries that service hospitals and hotels in New England. One local union president reports that these laundries stand to lose more than 200 workers if Haiti TPS ends.

In synthesis, DHS’s termination of Haiti’s TPS designation threatens to generate a mass exodus of qualified, lawful, employment-authorized immigrant workers from the workforce.

¹⁷ Jesús Villero, Brendan Warshauer & Youran Wu, Brief: *550,000 Workers Lose Status By End of 2025: Potential Impact By State And Industry*, Penn Wharton (Nov. 19, 2025), <https://budgetmodel.wharton.upenn.edu/issues/2025/11/19/demographic-and-labor-market-profile-of-tps-beneficiaries>.

Amici's experience across a variety of economic sectors demonstrates that this is *not* a boon for U.S. workers or for the unions who represent their interests. First, unions shall lose dedicated worker-leaders whose engagement and solidarity has led to the improvement of working conditions for all. And the secondary effects shall be stark. As a direct result of DHS's actions, nurses and other healthcare workers will feel pressure to work longer hours to attend to more patients, exacerbating the turnover and burnout that is endemic to the industry. Manufacturing and food production workers will face forced overtime that degrades their quality of life and renders them more susceptible to injury as employers struggle to keep production afloat. Hospitality employers will be incentivized to turn to staffing agencies known to pay substandard wages and benefits to meet their workforce needs. And construction crews will have too few workers to meet critical deadlines, delaying large-scale projects and forcing companies to pay more and rapidly hire inexperienced workers for hazardous projects that require high levels of skill.

The balance of equities thus weighs strongly in favor maintaining the district court's stay of DHS's termination of Haiti TPS, and therefore in favor of denying the Government's stay application before this Court. And, to the extent that workforce considerations played any role in Secretary Noem's determination of where the "national interest" lies, her failure to consider the real-world impact of terminating Haiti's TPS designation on U.S. workers renders it arbitrary and capricious.

CONCLUSION

The Court should deny the Government's emergency application for a stay.

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Respectfully submitted,

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