

No. 25A999

IN THE
Supreme Court of the United States

DONALD J. TRUMP, ET AL.

Petitioner,

v.

FRITZ EMMANUEL LESLY MIOT, ET AL.,

Respondent.

**BRIEF OF FORMER OHIO STATE ATTORNEYS
GENERAL AS *AMICI CURIAE*
IN OPPOSITION TO THE
APPLICATION FOR A STAY**

ALICE YIQIAN WANG

KEVIN K. WANG

GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036

MCKENZIE ROBINSON

GIBSON, DUNN & CRUTCHER LLP
333 S. Grand Ave.
Los Angeles, CA 90071

RICHARD W. MARK

Counsel of Record

SANJAY NEVREKAR
APRATIM VIDYARTHI
NABIL SHAIKH

GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
(212) 351-3818
RMark@gibsondunn.com

Counsel for Amici Curiae

TABLE OF CONTENTS

INTEREST OF *AMICI CURIAE* 1

INTRODUCTION AND SUMMARY OF
ARGUMENT 2

ARGUMENT 5

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

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

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

C. The District Court Correctly Held that
the Government Failed to Consider
Economic Benefits and Reliance
Interests..... 12

II. THERE IS NO EVIDENCE TO SUGGEST THAT
HAITIAN IMMIGRANTS OR TPS HOLDERS ARE
MORE LIKELY TO BE INVOLVED IN CRIME THAN
ANY OTHER GROUPS OR INDIVIDUALS..... 16

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

B. The Government's Public-Safety Rationale Is Legally Insufficient.	19
CONCLUSION	21
APPENDIX: LIST OF <i>AMICI CURIAE</i>	App. 1a

TABLE OF AUTHORITIES

Cases

<i>American Clinical Laboratory Ass’n v. Becerra</i> , 40 F.4th 616 (D.C. Cir. 2022)	13
<i>American Public Health Ass’n v. Nat’l Institutes of Health</i> , 145 F.4th 39 (1st Cir. 2025)	14
<i>Biden v. Texas</i> , 597 U.S. 785 (2022)	19
<i>Blum v. Caldwell</i> , 446 U.S. 1311 (1980)	13
<i>Calumet Shreveport Ref., L.L.C. v. United States EPA</i> , 2023 U.S. App. LEXIS 17368 (5th Cir. Jan. 27, 2023)	14
<i>Dep’t of Homeland Security v. Regents of the University of California</i> , 591 U.S. 1 (2020)	13, 14, 16, 21
<i>Encino Motorcars, LLC v. Navarro</i> , 579 U.S. 211 (2016)	14
<i>Guerrero-Lasprilla v. Barr</i> , 589 U.S. 221 (2020)	21
<i>Int’l Org. of Masters, Mates & Pilots, ILA, AFL-CIO v. Nat’l Labor Relations Board</i> , 61 F.4th 169 (D.C. Cir. 2023)	14

<i>Karem v. Trump</i> , 960 F.3d 656 (D.C. Cir. 2020)	20
<i>Miot v. Noem</i> , 2026 WL 266413 (D.D.C. Feb. 2, 2026)	3, 9, 12, 13, 14, 15, 19, 20
<i>Miot v. Trump</i> , 2026 WL 659420 (D.C. Cir. Mar. 6, 2026)	3, 4, 20
<i>Motor Vehicle Manufacturers Ass'n of U.S., Inc. v. State Farm Mutual Automobile Insurance</i> , 463 U.S. 29 (1983)	13, 15, 16, 19
<i>Nat'l Life Ass'n v. Fed. Commc'ns Comm'n</i> , 921 F.3d 1102 (D.C. Cir. 2019)	15
<i>Nken v. Holder</i> , 556 U.S. 418 (2009)	16, 20
<i>Serrano v. Garland</i> , 2024 U.S. App. LEXIS 13374 (6th Cir. June 3, 2024)	14
<i>United States v. United Liquors Corp.</i> , 1956 Trade Cas. (CCH) P68,489 (Sup. Ct. 1956)	13
<i>Wisconsin Gas Co. v. Federal Energy Regulatory Comm'n</i> , 758 F.2d 669 (D.C. Cir. 1985)	14

Statutes

8 U.S.C. § 1182(a).....	20
8 U.S.C. § 1254a(c)	20

Other Authorities

Abbie VanSickle & Miriam Jordan, <i>Trump Administration Asks Supreme Court to End Protections for Haitian Immigrants</i> , N.Y. Times (Mar. 11, 2026), available at http://bit.ly/4s8knvH	2
Alex Nowrasteh, <i>Haitian Crime in the United States. What Does the Evidence Say?</i> , Cato Institute (Oct. 5, 2021), https://bit.ly/4lvPwH7	17
Brief for 91 Members of Congress as <i>Amici Curiae</i> Supporting Plaintiffs, <i>Miot v. Noem</i> , No. 1:25-cv-02471 (D.D.C. Sep. 12, 2025).....	9
Bureau of Econ. Analysis, <i>Regional Data: CAGDP1 County Gross Domestic Product (GDP) Summary</i> , https://bit.ly/4ryS7kW (last visited Mar. 15, 2026)	8

- Catalina Amuedo-Dorantes et al., *No One Size Fits All: Diverse Impacts of Temporary Protected Status on Haitians and Hondurans*, 228 Econ. Letters 111163, 111168 (2023), available at <https://bit.ly/47BHLtl> 18
- Chrissa Loukas, *Economic Uncertainty Strikes Following Haitian TPS Ruling*, Spectrum News (Feb. 3, 2026), <https://bit.ly/4rx3g5A> 9
- Cornelius Frolik, *Springfield Has the Worst Job Losses in Ohio: Haiti TPS Ending Could Make It Worse* (Feb. 2, 2026), <https://bit.ly/3PmEpnH> 9
- Danae King, *Haitians Bring Growth, Challenges and Unwanted Attention to Springfield*, Columbus Dispatch (Feb. 17, 2026), <https://bit.ly/4rwn0X0> 7
- Daniel Dale, *Fact Check: Springfield Had More Murders Under Trump than Under Biden-Harris*, CNN (Sep. 20, 2024), <https://bit.ly/4sR6GS6> 17
- David J. Bier, *Haitians Assimilate Well in the United States*, Cato Institute (Oct. 4, 2021), <https://bit.ly/415hiRf> 18
- Haitian Immigration Statement*, Greater Springfield P'ship, <https://bit.ly/4sk8lQg> (last visited Mar. 15, 2026) 7

<i>Haitian TPS Holders Make the U.S. Stronger</i> , FWD.us, https://bit.ly/414gbkL (last visited Mar. 15, 2026)	6
<i>Haitian TPS Holders Pump \$6 Billion into US Economy, Groups Say</i> , Haitian Times (Feb. 2, 2026), https://bit.ly/4uuz5i7	8
Howard Schneider, <i>How Haitian Immigrants Fueled Springfield's Growth</i> , Reuters (Sep. 11, 2024), https://bit.ly/415VLYE	7, 8
<i>Immigration FAQs</i> , City of Springfield, https://bit.ly/40BmWuf (last visited Mar. 15, 2026)	17
Jessica Orozco, <i>Springfield Employment Gains Among Highest in Ohio Since Pandemic</i> , Springfield News-Sun (Jan. 20, 2025), https://bit.ly/4urzOAV	8
Laura Barrón-López & Marc Santia, <i>ICE Eyeing Ohio Next, Where it is Expected to Target Haitian Immigrants</i> , MS Now (Jan. 30, 2026), https://bit.ly/3Pl8Cna	9
Max Rego, <i>Ohio's GOP Governor: Ending TPS for Haitians Would Be 'Blow to the Economy'</i> , The Hill (Feb. 5, 2026), https://bit.ly/415VTaB	6, 7

- Megan Henry, *'The Folks are Fearful.'*
*Haitians Living in Ohio May Soon
 Lose Temporary Protected Status,*
 Ohio Cap. J. (Jan. 28, 2026),
<https://bit.ly/4bmzFpy> 6, 9
- Miriam Jordan, *An Ohio City Faces a
 Future Without Haitian Workers:
 It's Not Going to Be Good'*, N.Y.
 Times (Aug. 18, 2025), available at
<https://bit.ly/4blLQ7v> 8
- Miriam Jordan, *Why Thousands of
 Haitians Have Settled in Springfield,*
Ohio, N.Y. Times (Sep. 14, 2024),
 available at <https://bit.ly/474GbZX>; 7, 10
- Russell Mills & Brett Huettner,
*Postpandemic Employment Recovery
 in Fourth District Metro Areas*, Fed.
 Reserve Bank of Cleveland (Jan. 15,
 2025), <https://bit.ly/3PdXk48> 7
- Stephen Starr, *Haitians Helped Boost
 Springfield's Economy-Now They're
 Fleeing in Fear of Trump*, The
 Guardian (Oct. 28, 2025),
<https://bit.ly/4doXwHL> 8
- Transcript: CNN Newsroom*, CNN (Sep.
 19, 2024), <https://bit.ly/4bKM0oM> 17
- Trump: 'In Springfield, They Are Eating
 the Dogs,'* Wall St. J. (Sep. 10, 2024),
 available at <https://bit.ly/3NuaY2q> 2

Rules

Sup. Ct. R. 10.....4, 5

Constitutional Provisions

U.S. Const. art. I, § 8, cl. 4.....19

INTEREST OF *AMICI CURIAE*¹

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

¹This brief was not authored in any part by counsel for any party, and no person or entity other than *amici* or its counsel made a monetary contribution intended to fund the preparation or submission of this brief. Counsel of record for the parties received notice of the filing of this *amicus* brief after the court set a briefing schedule for the parties.

INTRODUCTION AND SUMMARY OF ARGUMENT

Amici, a bipartisan group of former Attorneys General of Ohio, do not lightly oppose the Executive on matters regarding immigration and foreign affairs. But this application does not warrant the extraordinary relief the government seeks.

The government’s requested stay would allow the termination to take effect now, and would bring immediate and irreversible consequences to Haitian TPS holders, their families, their employers, and the Ohio communities that have become home to them and come to rely on them. For Ohio, these consequences are not abstract. Ohio is home to one of the most visible Haitian TPS populations in the country.² Haitian TPS holders—lawfully present in the United States—are workers, taxpayers, parishioners, parents, and neighbors. They are a vital and integrated part of Ohioan society, contributing to the economy, supporting local communities, and revitalizing cities which, in at least one case, had previously been declining or stagnating. They help sustain employers facing persistent labor shortages

² See, e.g., Abbie VanSickle & Miriam Jordan, *Trump Administration Asks Supreme Court to End Protections for Haitian Immigrants*, N.Y. Times (Mar. 11, 2026), available at <http://bit.ly/4s8knvH>. The group was unwillingly catapulted into national headlines in 2024 when the Republican party candidate for President of the United State, repeating a “debunked” “internet conspiracy involving Haitian immigrants, stated: “In Springfield, [Ohio] they are eating the dogs They’re eating the cats. They’re eating the pets of the people that live there.” *Trump: ‘In Springfield, They Are Eating the Dogs,’* Wall St. J. (Sep. 10, 2024), available at <https://bit.ly/3NuaY2q>.

and communities striving to maintain economic stability. In contrast, and despite the current administration's political rhetoric and insinuations, there is no evidence that Haitian TPS holders are more likely to commit crimes. Indeed, as local Ohioan leaders attest, Haitian TPS holders are *more* law-abiding than the average Ohioan.

The district court correctly ruled that Secretary of Homeland Security Kristi Noem had failed to consider this economic data and laid bare the government's false claims about crime and public safety. *Miot v. Noem*, 2026 WL 266413, at *28–29 (D.D.C. Feb. 2, 2026) (“*Miot I*”). The district court carefully weighed these considerations in granting petitioners' motion for a stay of the government's decision to terminate Haiti's TPS status (the “Termination Order”). And the D.C. Circuit correctly upheld that stay. *Miot v. Trump*, 2026 WL 659420 (D.C. Cir. Mar. 6, 2026) (“*Miot II*”). This Court should deny the government's application, because the district court's analysis is exactly right. Amici's experiences support the district court's findings.

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

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

The government's arguments do not justify its request for the extraordinary remedy of a stay that it seeks before this Court. And the government similarly failed to provide the "compelling reasons" needed to warrant its request for a writ of certiorari before judgment. Sup. Ct. R. 10. The district court's order does not compel a new policy. It preserves the status quo while the legality of the Secretary's abrupt and arbitrary termination of Haiti's TPS designation is reviewed through the ordinary judicial process. For an application seeking emergency relief, that should end the matter.

Similarly, the D.C. Circuit correctly held that the government identified no concrete, imminent harm from leaving that status quo in place pending appeal. *Miot II*, 2026 WL 659420, at *1–4. By contrast, allowing the termination to take effect now would impose immediate and irreversible consequences on Haitian TPS holders, their families, their employers, and the Ohio communities where they have integrated. It would thus foreclose any meaningful further review of the issues at stake in this case.

Finally, even if the government were correct in its factual assertions about Haitian TPS holders, its petition should be denied because the government is challenging a mere “error consist[ing] of erroneous factual findings or the misapplication of a properly stated rule of law.” Sup. Ct. R. 10. That posture does not justify this Court’s extraordinary intervention at this stage of the proceedings, which should be permitted to play out on further review in the courts below.

This Court should deny the government’s application for a stay.

ARGUMENT

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

Petitioners have provided ample evidence that Haitian TPS holders have brought, and continue to bring, substantial economic benefits to their communities. Revoking their TPS status will deprive these communities—including multiple cities in Ohio—of these economic benefits. This is not conjecture. Economic literature shows that Ohio economically benefited from Haitian TPS holders’ presence. And local leaders in Ohio have witnessed these economic benefits firsthand. Under the Administrative Procedure Act (“APA”), the government was required to consider these economic benefits as an important aspect of the problem, but it failed to do that. In contrast, the district court properly considered these economic benefits—and what would ensue economically should the government’s scheme come to fruition—in staying the Termination Order. Those economic benefits are also

substantial reliance interests for communities with Haitian TPS holders, such as those who live in Ohio.

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

Considerations of irreparable harm, the balance of the equities, and the public interest favor maintaining the status quo because many economies have become substantially reliant on Haitian TPS holders' contributions. In central Ohio alone, the Haitian community is estimated at 30,000 individuals.³ An aggregate of \$21 million annually in state and local taxes is attributable to the group.⁴ They also contribute \$160 million every year to the state's economy with their patronage of Ohio businesses and willingness to work high-demand, chronically understaffed jobs.⁵ To strip Haitians of TPS protection, in the words of Ohio Governor Mike DeWine, another former Ohio Attorney General, would be an irreparable "blow to the economy" and "blow to the state."⁶

Haitians are a critical aspect of Ohio's statewide economic success. Their economic importance to Ohio is best captured by their contributions to the city of

³ Megan Henry, *'The Folks are Fearful.' Haitians Living in Ohio May Soon Lose Temporary Protected Status*, Ohio Cap. J. (Jan. 28, 2026), <https://bit.ly/4bmzFpy>.

⁴ *Haitian TPS Holders Make the U.S. Stronger*, FWD.us, <https://bit.ly/414gbkL> (last visited Mar. 15, 2026).

⁵ *Ibid.*

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

Springfield. Governor DeWine has recognized that Haitian TPS holders are part of the reason that his hometown, Springfield, “is coming back.”⁷ Local residents have noted that Springfield, once “dying,” experienced a “‘massive turnaround’ as about 15,000 Haitian immigrants” began to call it home “over the past five years.”⁸ Springfield’s economic resurgence has everything to do with Haitian TPS holders sparking the city’s economy. In the years associated with Haitian immigration to the city, local wages grew for about twice as long as they did nationally.⁹ The city ranked second among small Ohio cities for job growth since the pandemic, around the same time that Springfield’s Haitian community expanded.¹⁰ Haitian TPS holders have filled critical blue collar and manufacturing roles in the local labor force, easing Springfield’s “dire labor shortage.”¹¹ And due to the increase in job personnel and the new demand for housing, Springfield’s struggling housing market, long plagued by underinvestment, is finally reversing

⁷ *Ibid.*

⁸ Danae King, *Haitians Bring Growth, Challenges and Unwanted Attention to Springfield*, Columbus Dispatch (Feb. 17, 2026), <https://bit.ly/4rwn0X0>.

⁹ Howard Schneider, *How Haitian Immigrants Fueled Springfield’s Growth*, Reuters (Sep. 11, 2024), <https://bit.ly/415VLYE>.

¹⁰ Russell Mills & Brett Huettner, *Postpandemic Employment Recovery in Fourth District Metro Areas*, Fed. Reserve Bank of Cleveland (Jan. 15, 2025), <https://bit.ly/3PdXk48>.

¹¹ Miriam Jordan, *Why Thousands of Haitians Have Settled in Springfield, Ohio*, N.Y. Times (Sep. 14, 2024), available at <https://bit.ly/474GbzX>; *Haitian Immigration Statement*, Greater Springfield P’ship, <https://bit.ly/4sk8lQg> (last visited Mar. 15, 2026).

course.¹² In contrast, peer Ohio cities like Mansfield and Warren that have smaller immigrant populations have not experienced the same type of economic resurgence over the same time period.¹³ For example, in 2022, one year after Haiti was redesignated for TPS protection, Clark County (where Springfield sits) saw its GDP grow by 1.6%, while Trumbull County (where Warren sits) saw its GDP grow by only 0.4%, and Richland County (where Mansfield sits) actually saw its GDP *contract* by 0.4%.¹⁴

In light of those contributions, the Termination Order and the government’s request for a stay from this Court are nothing short of “economic self-sabotage.”¹⁵ Indeed, the administration’s rhetoric leading up to and resulting in the Order and the Order itself have already slowed Springfield’s economic comeback. Under threat of TPS revocation and deportation, Haitian immigrants have been forced to seek opportunities elsewhere.¹⁶ Some Haitian community members have stopped going to work, and Haitian-owned businesses have seen a decline in foot

¹² Schneider, *supra* note 9; Stephen Starr, *Haitians Helped Boost Springfield’s Economy—Now They’re Fleeing in Fear of Trump*, The Guardian (Oct. 28, 2025), <https://bit.ly/4doXwHL>.

¹³ Jessica Orozco, *Springfield Employment Gains Among Highest in Ohio Since Pandemic*, Springfield News-Sun (Jan. 20, 2025), <https://bit.ly/4urzOAV>.

¹⁴ See Bureau of Econ. Analysis, *Regional Data: CAGDP1 County Gross Domestic Product (GDP) Summary*, <https://bit.ly/4ryS7kW> (last visited Mar. 15, 2026).

¹⁵ *Haitian TPS Holders Pump \$6 Billion into US Economy, Groups Say*, Haitian Times (Feb. 2, 2026), <https://bit.ly/4uuz5i7>.

¹⁶ Miriam Jordan, *An Ohio City Faces a Future Without Haitian Workers: ‘It’s Not Going to Be Good’*, N.Y. Times (Aug. 18, 2025), available at <https://bit.ly/4blLQ7v>.

traffic and sales.¹⁷ As a result, the administration’s anti-TPS posture has “left a big hole in both the industrial and manufacturing sectors” of the city, destabilizing Springfield’s recent economic gains.¹⁸ See also *Miot I*, 2026 WL 266413, at *2 (Secretary Noem stating: “WE DON’T WANT THEM. NOT ONE.”). Fully revoking TPS—which would uproot anywhere from 12,000 to 15,000 people in Springfield alone¹⁹ and up to 30,000 people from around central Ohio²⁰—would irreparably harm the state and wipe out economic gains that have spread throughout the community. As other amici pointed out at the district court, the same goes for every community across the country fortunate to host Haitian TPS holders. Brief for 91 Members of Congress as *Amici Curiae* Supporting Plaintiffs at 8–14, Dkt. 54, *Miot v. Noem*, No. 1:25-cv-02471 (D.D.C. Sep. 12, 2025). The government failed to reckon with any of these economic considerations in its attempt to terminate Haiti’s TPS status. Without the district court’s order, the Secretary’s failure would have caused immense adverse economic consequences for Ohio.

¹⁷ Cornelius Frolik, *Springfield Has the Worst Job Losses in Ohio: Haiti TPS Ending Could Make It Worse* (Feb. 2, 2026), <https://bit.ly/3PmEpnH>.

¹⁸ Chrissa Loukas, *Economic Uncertainty Strikes Following Haitian TPS Ruling*, Spectrum News (Feb. 3, 2026), <https://bit.ly/4rx3g5A>.

¹⁹ Laura Barrón-López & Marc Santia, *ICE Eyeing Ohio Next, Where it is Expected to Target Haitian Immigrants*, MS Now (Jan. 30, 2026), <https://bit.ly/3Pl8Cna>.

²⁰ Henry, *supra* note 3.

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

Haitian TPS holders are eager to integrate into Ohio communities, and those communities are eager to welcome them. Springfield, which is home to 15,000 Haitians, including many TPS holders,²¹ is one such community.

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

For Ms. Willmann, supporting Springfield's immigrant communities is far more than a day job. She also discussed her close friendship with another

²¹ *Ibid.*

Springfield-based organizer and advocate “Pastor B,” a Haitian woman who Ms. Willmann described as not just her trusted “advisor,” but also one of her “dearest friends” and her “sister in the faith.” As Ms. Willmann made clear, she and Pastor B have long worked together as “cultural bridge builder[s],” who seek to connect Springfield’s Haitian families with local institutions and resources, promote intercultural dialogue, and create lasting safe spaces where both Haitian and Springfield residents can learn from and support one another.

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

Haitian TPS community has “brought [Springfield’s] blocks back to life.”

The Haitian community’s impact on Springfield is also transformative. From downtown Springfield to her local churches, J witnessed a notable “transformation in [her] community” that was marked by increased participation in civic life and a renewed sense of engagement. She recounted meeting several Haitian families in her Catholic church who had become “very involved [in Springfield], both at the church and in the school district.” Here, J described an immigrant population that cared deeply about their new home as well as their role in and responsibilities to the broader Springfield community.

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

C. The District Court Correctly Held that the Government Failed to Consider Economic Benefits and Reliance Interests.

Government agencies must consider economic integration and economic factors into their administrative decision-making. But here, the government entirely failed to do so, and the district court correctly identified these grave deficiencies in the government’s analysis. *Miot I*, 2026 WL 266413, at *29. Similarly, the district court correctly assessed the balance of equities to cut against the government in its stay analysis. Indeed, Ohioans significantly

benefit from, and rely on, Haitian TPS Holders' contributions to the Ohioan economy.

Under the APA, the government must not “fail[] to consider an important aspect of the problem.” *Motor Vehicle Manufacturers Ass’n of U.S., Inc. v. State Farm Mutual Automobile Insurance*, 463 U.S. 29, 43 (1983). Critically, the government’s analysis must include “consideration of economic factors.” *Id.* at 55. While not dispositive, such economic factors can add up to a critical reliance interest. *Dep’t of Homeland Security v. Regents of the University of California*, 591 U.S. 1, 32 (2020). And as the district court noted, the government was *required* by its own regulations to weigh economic considerations, but failed to do so. *Miot I*, 2026 WL 266413, at *29 (citing *American Clinical Laboratory Ass’n v. Becerra*, 40 F.4th 616, 625 (D.C. Cir. 2022)).

Similarly, courts need to consider economic harm that goes beyond ordinary injury when considering whether to issue a stay, and the district court did exactly that. *Miot I*, 2026 WL 266413, at *34–36. This Court has similarly considered economic harm as a factor in weighing the balance of equities in deciding whether a stay is warranted. See, e.g., *Blum v. Caldwell*, 446 U.S. 1311, 1315–1316 (1980) (considering “economic harm to be considered on th[e] stay application.”); *United States v. United Liquors Corp.*, 1956 Trade Cas. (CCH) P68,489 (Sup. Ct. 1956) (weighing economic harm in denying stay). Courts of Appeals have similarly considered economic harm in their stay analysis. Indeed, “irreparable economic harm” counsels in favor of a stay, especially where the threatened harms include unemployment and permanent loss of jobs. *Calumet Shreveport Ref.*,

L.L.C. v. United States EPA, 2023 U.S. App. LEXIS 17368, at *10–11 (5th Cir. Jan. 27, 2023); *see also Wisconsin Gas Co. v. Federal Energy Regulatory Comm’n*, 758 F.2d 669, 675 (D.C. Cir. 1985) (reparable economic harm does not weigh in favor of a stay). In cases where petitioners offer concrete economic harms, and the government merely offers conjecture of the harm that it would face, the concrete economic harms outweigh the government’s conjecture. *American Public Health Ass’n v. Nat’l Institutes of Health*, 145 F.4th 39, 56 (1st Cir. 2025); *see Miot I*, 2026 WL 266413, at *38 (holding that the government’s national security factor lacks substantiation). And that economic harm is similarly relevant in the immigration context. *See Serrano v. Garland*, 2024 U.S. App. LEXIS 13374, at *2 (6th Cir. June 3, 2024) (considering irreparable economic harm in granting stay of removal).

Those economic interests are especially weighty here because they are settled reliance interests created by the statutory TPS regime itself. When an agency reverses course, it must account for whether its prior policy has “engendered serious reliance interests that must be taken into account.” *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016); *see also Regents of the University of California*, 591 U.S. at 30–32. An agency action is arbitrary and capricious when the government fails to consider such reliance interests, especially when it produces a “sweeping impact” and “might easily destabilize established” relationships. *Int’l Org. of Masters, Mates & Pilots, ILA, AFL-CIO v. Nat’l Labor Relations Board*, 61 F.4th 169, 180 (D.C. Cir. 2023) (finding agency action lacked reasoned justification given the

agency’s lack of “regard for the parties’ reliance interests”); see also *Nat’l Life Ass’n v. Fed. Commc’ns Comm’n*, 921 F.3d 1102, 1114 (D.C. Cir. 2019) (finding agency failed to account for reliance interests where it neglected to consider the impact of the policy change on entities that “had crafted business models and invested significant resources” into actions consistent with the original rule). TPS confers *lawful* presence and work authorization, allowing recipients to work openly, pay taxes, support their families, and organize their lives around the government’s repeated extensions. Those reliance interests, building up over years, now extend beyond TPS holders themselves to the employers and communities that have structured themselves around Haitian TPS holders’ continued presence and participation.

That is especially true in Ohio. Haitian TPS holders fill high-demand jobs, support local businesses, contribute substantial tax revenue, and help sustain communities that had long faced labor shortages and economic decline. See *supra* Section I.A. The district court recognized as much, finding that employers actively rely on Haitian TPS holders and that terminating Haiti’s TPS designation would destabilize workplaces and communities alike. *Miot I*, 2026 WL 266413, at *34–37. The government failed to grapple with those reliance interests at all. That omission is independently arbitrary and capricious, see *State Farm*, 463 U.S. at 43, and it confirms there is no basis for the extraordinary relief the government now seeks.

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

The government's asserted public-safety rationale cannot bear the weight the government places on it. The available evidence shows that Haitian immigrants, including Haitian TPS holders, are not more prone to criminal conduct than comparable populations and instead are deeply integrated into the communities in which they live and work. That matters not only as a factual rebuttal to the government's rhetoric, but as a legal one: Under the APA, the Secretary and the Department of Homeland Security ("DHS") had to ground its decision in the relevant evidence and supply a reasoned explanation for singling out Haitian TPS holders as posing a public-safety concern. See *State Farm*, 463 U.S. at 42; *Regents of the University of California*, 591 U.S. at 35–36. And because the government did not substantiate it, its public-safety theory cannot justify the extraordinary relief it seeks on this Court's emergency docket. See *Nken v. Holder*, 556 U.S. 418, 434–435 (2009).

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

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

In Springfield, for example, “Haitians are more likely to be the victims of crime than they are to be the perpetrators,” according to the City’s own website.²² During a typical week, the City reports, only one percent of jail inmates in Clark County (which includes Springfield) were Haitian.²³ Daniel Driscoll, the Clark County Prosecutor, reported that *zero* murders have involved the Haitian community in his 21-year tenure with the prosecutor’s office.²⁴ This lack of criminality among Haitian immigrants in Ohio was echoed by Andy Wilson, Director of the Ohio Department of Public Safety. According to Mr. Wilson, the number one issue with Haitian immigrants is neither crime nor violence, but instead is teaching them how to drive.²⁵

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

With these low rates of criminality, Haitian immigrants integrate into their communities quickly.

²² *Immigration FAQs*, City of Springfield, <https://bit.ly/40BmWuf> (last visited Mar. 15, 2026).

²³ *Ibid.*

²⁴ Daniel Dale, *Fact Check: Springfield Had More Murders Under Trump than Under Biden-Harris*, CNN (Sep. 20, 2024), <https://bit.ly/4sR6GS6>.

²⁵ *Transcript: CNN Newsroom*, CNN (Sep. 19, 2024), <https://bit.ly/4bKM0oM>.

²⁶ Alex Nowrasteh, *Haitian Crime in the United States. What Does the Evidence Say?*, Cato Institute (Oct. 5, 2021), <https://bit.ly/4lvPwH7>.

Most adult Haitian immigrants find jobs within one year of arriving in the United States.²⁷ Three years after arriving, the employment rate among Haitian immigrants jumps to nearly 80%—almost 20 percentage points higher than the national average of the general population.²⁸ Longer stays lead to even more assimilation, with over 80% of Haitian immigrants speaking English “well” once they have been in the country for 10 years, with their poverty rates falling below the national average after 15 years.²⁹

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

²⁷ David J. Bier, *Haitians Assimilate Well in the United States*, Cato Institute (Oct. 4, 2021), <https://bit.ly/415hiRf>.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Catalina Amuedo-Dorantes et al., ‘No One Size Fits All’: *Diverse Impacts of Temporary Protected Status on Haitians and Hondurans*, 228 *Econ. Letters* 111163, 111168 (2023), available at <https://bit.ly/47BHLtl>.

B. The Government's Public-Safety Rationale Is Legally Insufficient.

These facts matter not merely as background, but as law. Under the APA, an agency must examine the relevant data, consider the important aspects of the problem, and articulate a rational connection between the facts found and the choice made. *State Farm*, 463 U.S. at 43. That requirement applies to agency decisions affecting TPS no less than other areas—even agency action touching foreign affairs must still be reasonable and reasonably explained. *Biden v. Texas*, 597 U.S. 785, 805–807 (2022). Indeed, the Government's talismanic invocation of “foreign affairs” to shield the TPS revocation decision from judicial scrutiny runs directly into the Constitution. Article I, Sec. 8, cl. 4 provides that “Congress shall have the power . . . to establish an uniform Rule of Naturalization” Thus, the executive must obey the laws that define the procedure for TPS determinations and related statutes governing administrative action. The administration cannot rely on executive fiat or invented standards to justify its actions here.

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

locate or monitor: they must keep their address information current to maintain TPS and work authorization. *Ibid.*

The government's criminality rationale is weaker still because Congress already excluded TPS persons with disqualifying criminal histories. See 8 U.S.C. §§ 1182(a)(2)–(3), 1254a(c)(2)(B), (3)(A). Yet when the Secretary invoked gang affiliation and violent crime, the record identified at most one alleged TPS holder who fit this description and still said nothing about the criminality rate of Haitian TPS holders as a class. *Miot I*, 2026 WL 266413, at *29. That is not reasoned decision-making. On the contrary, it is the very mismatch between evidence and outcome that *State Farm* forbids.

These same defects also defeat the government's request for emergency relief. A stay requires likely irreparable harm and a public interest that favors upsetting the status quo. *Nken*, 556 U.S. at 434–435. But the D.C. Circuit held that the government offered only “generalized assertions of injury,” not a single concrete harm from maintaining Haiti's TPS designation pending appeal. *Miot II*, 2026 WL 659420, at *2–4. And where the Secretary has shown no evidence that Haitian TPS holders themselves endanger public safety, there is no equitable basis to allow an unlawful termination to take effect now. See *Karem v. Trump*, 960 F.3d 656, 668 (D.C. Cir. 2020) (“[E]nforcement of an unconstitutional law is always contrary to the public interest.”).

That conclusion follows from first principles of administrative law. The government's invocation of public safety does not disable judicial review—there is

a strong “presumption favoring judicial review of administrative action,” *Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 229 (2020), and even in immigration matters courts must ask whether the agency “complied with the procedural requirement that it provide a reasoned explanation for its action,” *Regents of the University of California*, 591 U.S. at 35.

CONCLUSION

This Court should deny the government’s application for a stay.

Respectfully submitted,

ALICE YIQIAN WANG
KEVIN K. WANG
GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036

MCKENZIE ROBINSON
GIBSON, DUNN & CRUTCHER LLP
333 S. Grand Ave.
Los Angeles, CA 90071

RICHARD W. MARK
Counsel of Record
SANJAY NEVREKAR
APRATIM VIDYARTHI
NABIL SHAIKH
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
(212) 351-3818
RMark@gibsondunn.com

Counsel for Amicus Curiae

March 16, 2026

App. 1a

APPENDIX
LIST OF *AMICI CURIAE*

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

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

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

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