

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

AFRICAN COMMUNITIES  
TOGETHER, a membership  
organization; UNDOCUBLACK  
NETWORK, a membership  
organization; DAVID KROMA;  
MOMOLU BONGAY; OTHELLO  
A.S.C. DENNIS; YATTA KIAZOLU;  
CHRISTINA WILSON; JERRYDEAN  
SIMPSON; C.B., AL. K., D.D., D.K.,  
AI. K., AD. K. by and through their  
father and next friend DAVID KROMA;  
O.D., and A.D., by and through their  
father and next friend OTHELLO  
A.S.C. DENNIS; O.S. by and through  
his mother and next friend  
JERRYDEAN SIMPSON,

Plaintiffs,

v.

DONALD J. TRUMP, President  
of the United States in his  
official capacity;  
U.S. DEPARTMENT OF  
HOMELAND SECURITY;  
KIRSTJEN NIELSEN,  
Secretary of the  
U.S. Department of  
Homeland Security in her  
official capacity,

Defendants.

Civil Action No. 19-cv-10432

**MOTION OF THE STATE OF  
MINNESOTA, THE COMMONWEALTH  
OF MASSACHUSETTS, THE STATES OF  
CALIFORNIA, ILLINOIS, MARYLAND,  
NEW JERSEY, NEW YORK, AND  
RHODE ISLAND, THE  
COMMONWEALTH OF VIRGINIA, AND  
THE DISTRICT OF COLUMBIA FOR  
LEAVE TO FILE BRIEF AS *AMICI  
CURIAE* IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

With the State of Minnesota, the Commonwealth of Massachusetts respectfully requests leave to file the attached multistate amicus brief in support of Plaintiffs’ Motion for Preliminary Injunction. In addition to Minnesota and Massachusetts, the brief is joined by California, Illinois, Maryland, New Jersey, New York, Rhode Island, Virginia, and the District of Columbia.

The *Amici States*<sup>1</sup> are home to a large number of people from Liberia who are protected by Deferred Enforced Departure (DED) — an immigration program authorized by the President to protect foreign nationals whose countries have experienced armed conflict, civil unrest, natural disasters, or public health crises. Liberians protected by DED are hardworking colleagues and valued contributors to our communities in the *Amici States*.

The President’s decision to terminate DED for Liberian nationals would result in DED holders losing their ability to live and work legally in our states and could result in their removal to Liberia, despite the unsafe conditions there. This would deprive the *Amici States*’ economies and communities of positive contributions from coworkers and neighbors who have lived here for decades. Our health care industries in particular would suffer, as many Liberians work in that field.

The *Amici States* also have an interest in protecting the welfare of the children raised in our states who were born in the United States to Liberian parents, or who are cared for by Liberian guardians. These children, who are U.S. citizens, already have suffered because of the fear that their parents may be removed from the country as a result of the President’s decision to end DED protections. They will suffer further if the President’s decision is enforced. The *Amici States* have an interest in ensuring these children continue to live in stable and loving homes with

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<sup>1</sup> The District of Columbia is included as an “*Amici State*” for the purposes of this motion.

their parents in our communities, at least until their constitutional rights, and those of their parents, are adjudicated.

The proposed brief argues that the public interest weighs heavily in favor of a nationwide preliminary injunction in this case, as evidenced by the experience of the *Amici* States and the harm that would befall the states and our residents if DED were to be terminated. The brief further argues that the public interest in maintaining the status quo for DED holders outweighs any minimal harm to the government that might result from a preliminary injunction in this case.

The *Amici* States therefore respectfully request leave to file the attached brief. Plaintiffs have consented to the filing of the brief. Defendants have not consented to the filing of the brief. The proposed brief presents an important and unique perspective to the Court, and will assist the Court in understanding the impact of the President's termination of DED on the public interest. To the extent that Defendants oppose this filing due to a lack of opportunity to respond, Plaintiffs' counsel has informed the *Amici* States and the Defendants that they would stipulate to allow Defendants to file a supplemental reply brief on Wednesday, March 27, so long as that supplemental brief were confined to addressing issues raised in the brief filed by *Amici* States.

Dated: March 25, 2019

Respectfully submitted,

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*/s/ Jonathan B. Miller*

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**Certificate of Service**

I, Jonathan B. Miller, hereby certify that a true copy of the above document and attached proposed brief, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: March 25, 2019

*/s/ Jonathan B. Miller*  
Jonathan B. Miller  
Assistant Attorney General