

No. 17-1351

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, et al.,
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al.,
Defendants-Appellants.

Appeal from the United States District Court
for the District of Maryland, No. 8:17-cv-00361-TDC
The Honorable Theodore D. Chuang, Judge Presiding

**BRIEF OF CHICAGO, LOS ANGELES, NEW YORK, PHILADELPHIA,
AND OTHER MAJOR CITIES AND COUNTIES
AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF-APPELLEES'
OPPOSITION TO MOTION OF DEFENDANTS-APPELLANTS
FOR A STAY PENDING APPEAL**

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STATEMENT OF INTEREST OF *AMICI CURIAE*

Amici include some of the largest cities and counties in the United States. Chicago, Los Angeles, New York City, and Philadelphia alone have a population of over 16.6 million, including more than five million immigrants.¹ These cities operate or are served by some of the busiest U.S. airports and account for almost one-fifth of the gross domestic product.²

Amici are profoundly opposed to the Executive Order, which is as misguided as it is unconstitutional. Our cities serve as gateways for immigrants and refugees starting new lives in America. And when they have come, “[e]verywhere immigrants have enriched and strengthened the fabric of American life.”³ Perhaps uniquely in the world, the identity of American cities has been forged since the inception of our

¹ Support for all data is in the appendix to this brief.

² <https://www.theatlantic.com/business/archive/2015/07/us-cities-immigrants-economy/398987/> (NYC, LA, Houston, and Chicago are roughly 1/5 of GDP).

³ John F. Kennedy, *A Nation of Immigrants* 3 (Harper rev. ed 2008).

Nation from the toil of immigrants and their embrace of the American ideal.

The restrictions imposed by the first Executive Order fell immediately and heavily on cities across the United States, especially those with major international airports and significant immigrant communities. Staying the injunction against the second Order will cause irreparable harm to our cities and counties. The Order seriously endangers our communities; harms our businesses, educational institutions, and hospitals; limits our labor pool; decreases our tax revenues; and dampens our tourism industry. The Order is also unconstitutional. *Amici* file this brief to present these issues in opposition to a stay of the injunction.

SUMMARY OF ARGUMENT

The injunction against the Executive Order should not be stayed. A stay will cause irreparable harm to cities and counties across the country and is not in the public interest. Defendants are also unlikely to prevail on the merits. Instead, as the district court found, plaintiffs

are likely to succeed in their challenge to section 2(c) as a violation of the Establishment Clause.

ARGUMENT

For months, presidential candidate Donald Trump repeated his intent to impose a ban on Muslim immigration, and in two Executive Orders, President Trump did just that. The district court properly enjoined the second Order. Defendants have not shown that the balance of harms tips in their favor or that they are likely to prevail on the merits. A stay would inflict immediate and irreparable harm on *amici* and others, while denying a stay will not undermine national security. *Amici* rely on the plaintiffs' discussion of the remaining grounds to deny the motion to stay.

I. A STAY OF THE INJUNCTION WILL IRREPARABLY INJURE *AMICI*.

Amici are heavily indebted to the contributions of immigrants.⁴ Among the five million immigrant residents of Chicago, Los Angeles, New York, and Philadelphia, at least 213,100 were born in five of the

⁴ <http://www.as-coa.org/sites/default/files/ImmigrantsandCompetitiveCities.pdf>.

six countries targeted by the Executive Order.⁵

Our cities are also some of the largest local employers, collectively employing approximately 365,000 people. In New York, 34% of city workers are foreign-born; in Los Angeles, 22% are. Immigrants also make up a substantial portion of our cities' private workforces: 46% of the 4.3 million workers in New York; 26.5% of 1.27 million workers in Chicago; and approximately 17% of 640,000 workers in Philadelphia. At least 12,500 private employees work on international visas in Chicago. Immigrants make up a majority of business owners in New York, 44% in Los Angeles, 27% in Chicago, and 14% in Philadelphia.

Chicago and Los Angeles resettle some of the largest numbers of refugees in the U.S. In 2016, approximately 2,100 refugees were resettled in the Chicago area, including nearly 800 from the targeted countries. 2,800 were resettled in the Los Angeles area, 1,900 from Iran alone. 682 refugees arrived in Philadelphia, including 176 from the targeted countries. Approximately 1,300 refugees have been resettled

⁵ <https://www.brookings.edu/blog/the-avenue/2017/01/30/these-communities-have-a-lot-at-stake-in-trumps-executive-order-on-immigration/>.

in New York City in the past five years.

Chicago, Los Angeles, New York, and Philadelphia also operate or are served by major international airports. More than 400 international flights and 60,000 passengers arrive daily in Chicago and Los Angeles alone. The tourism industry in Chicago, Los Angeles, New York, and Philadelphia creates roughly \$82 billion a year in local revenue. In 2016, our cities hosted more than 20 million foreign visitors, who spent \$6.3 billion in Los Angeles County, and \$1.88 billion in Chicago, including \$1.25 million by tourists from the six targeted countries. New York now predicts a 300,000-person drop in foreign visitors this year. The effect of banning travelers and immigrants will be felt nationwide, as they and others decide not to travel to the United States.⁶

Chicago, Los Angeles, New York, and Philadelphia have 162 four-year colleges and universities, with approximately 100,000 international students. Chicago is also home to 44 major hospitals,

⁶ <https://www.nytimes.com/2017/02/20/travel/after-travel-ban-declining-interest-trips-to-united-states.html>.

serving thousands of international patients a year. The Middle East is the top source of patients traveling to the U.S. for medical care. Foreign residents, visitors, and students also contribute to America's ability to compete in the global economy.⁷

The Executive Order will permanently damage all these interests. Even a stay of the injunction will have long-lasting impact. Hundreds of thousands of workers, tourists, students, and patients worldwide are making life-changing – even life-and-death – decisions now. At least some will be unwilling or unable to put their lives on pause while this court considers the merits, but will make an irrevocable decision not to travel to the U.S. if the injunction is stayed.

Chicago, Los Angeles, New York, Philadelphia, and the other *amici* are also financial, political, and cultural hubs, drawing unique attention from individuals looking to cause harm. Local law enforcement officers play a crucial, first-line defense in efforts to detect

⁷ <http://www.marketplace.org/2017/02/08/world/overseas-students>.

and protect against national security threats.⁸ To serve this purpose, our cities must work with everyone in our communities, including our diverse ethnic populations. Even at the strictly local level, the safety of our residents and visitors – the foremost priority of any city – depends upon cooperation between residents and local police, as DOJ’s Office of Community Oriented Policing Services has emphasized.⁹ With decades of experience policing neighborhoods with immigrant populations, *amici* are keenly and uniquely aware that ostracized residents are reluctant to report crimes or suspicious behavior. By targeting immigrants based on religion and national origin, the Executive Order makes *all* our residents and visitors, and indeed everyone in the country, less safe. Any terrorist activity that is not prevented will result in irreparable harm.

The Order’s message that citizens of majority-Muslim countries

⁸ *E.g.*, <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2508&context=ulj>; <https://deepblue.lib.umich.edu/bitstream/handle/2027.42/73848/j.1540-5893.2005.00236.x.pdf?sequence=1>; <https://www.dhs.gov/news/2015/09/14/dhs-announces-expansion-securing-cities-program>.

⁹ *E.g.*, <https://ric-zai-inc.com/Publications/cops-p157-pub.pdf>.

threaten national security inflicts other harm. Distrust and fear of such individuals give rise to hate crimes against anyone different. In the first 34 days following the 2016 election, 1,094 hate crimes and lesser hate incidents were reported nationwide; 315 were categorized as anti-immigrant, and 112 anti-Muslim.¹⁰ Indeed, cities across the country saw dramatic rises in hate crimes following the election. New York reported twice the number of hate crimes compared to a year earlier; Chicago had twice as many arrests for hate crimes; in Philadelphia, there was a 157% increase in the number of hate crimes reported to police, and a 1,433% increase in hate or bias incidents reported to the Commission on Human Relations. In Los Angeles, hate crime incidents doubled, to 30, in the month following the election. And in the first five weeks of 2017, the number of hate crimes recorded in Chicago was more than triple the number for the same period in 2016.

Foreign residents who feel unwelcome are also more likely to cut themselves off from public life and participation in public programs. They may refuse to participate in public health programs such as

¹⁰ <https://www.splcenter.org/hatewatch/2016/12/16/update-1094-bias-related-incidents-month-following-election>.

vaccinations and medical care for contagious diseases. They may keep their children out of school and stay away from places of worship.

These effects will not be limited to immigrants from the six targeted countries. Others will rightly worry that the public will embrace the Executive Order's anti-Muslim, anti-immigrant stance. The Order therefore places millions of people at risk of harm or being driven underground, making both those residents and our cities less safe.

Amici have adopted laws prohibiting discrimination in all aspects of local life – housing, employment, public accommodation, transportation, schooling, government services, and public employment. *E.g.*, Municipal Code of Chicago §§ 2-160-010, 5-8-010, 9-115-180, 13-72-040; Los Angeles Charter §§ 104(i), 1024; Los Angeles Admin. Code §§ 4.400, 10.8, 10.13; New York City Charter, § 900; N.Y.C. Admin. Code §§ 4-116, 6-108; Philadelphia Code, §§ 9-1101, 9-1103, 9-1106, 9-1108. These reflect the same values as Congress's decision to end "ope[n] discriminat[ion]" in immigration based on race and national origin in 1965. *Olsen v. Albright*, 990 F. Supp. 31, 37 (D.D.C. 1997); *see* 1965 U.S.C.C.A.N. 3328; 8 U.S.C. § 1152(a)(1)(A). The Executive Order's blatant discrimination based on national origin turns the clock back on

this important civil rights guarantee and threatens irreparable harm to *amici*'s own antidiscrimination enforcement.

Finally, the Executive Order deprives our communities of immigrants who enrich us with their customs and celebrations, their hard work and perseverance, and their unique skills and training. Our cities would be bereft without them. In short, the Order inflicts irreparable harm on *amici* – our safety, economies, diversity, values, and laws.

Defendants' claim that the balance of harms tips in their favor ignores all this and more. They identify no actual irreparable harm that would result from continuing the injunction, resorting instead to the general proposition that any interference with government activity is necessarily irreparable. Motion 7. Moreover, the federal government's interests are not the only public interests. *Amici*'s anti-terrorism efforts and their hate-crime enforcement protect the public's interests daily. A stay of the injunction imperils these efforts as the Executive Order itself does – the Order's so-called "pause" in immigration and refugees does not pause terrorist actions and hate crimes. Nor will *amici* recover what they lose during the appeal – not

workers, tourists, and students who go elsewhere, nor tax or tourism dollars. At the same time, as the district court here found, “the national security purpose, even if legitimate, is a secondary *post hoc* rationale” to the Order’s primary anti-Muslim purpose. R. 149 at 35.

II. THE EXECUTIVE ORDER VIOLATES THE ESTABLISHMENT CLAUSE.

As the district court found, defendants are not likely to succeed on their defense of section 2(c) of the Order. “The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Larson v. Valente*, 456 U.S. 228, 244 (1982). Because section 2(c) of the Executive Order “does not differentiate among religions on its face,” R. 149 at 25, the district court reviewed it under the three-part test of *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971). If a policy fails any part, it violates the Establishment Clause, *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987), and here, the Order fails at least the first. As the district court recognized, there is every indication that the predominant purpose of the Order was grounded in religion, and that the stated secular purpose of protecting national security was, at best, a secondary consideration. R. 149 at 35.

To begin, the anti-Muslim statements by President Trump and his advisors are well documented. E.g., R. 149 at 8-10, 27-29. The district court below properly found that these statements showed a rampant and palpable discriminatory purpose. R. 149 at 26-31. Two other district courts likewise found. *Hawaii v. Trump*, 2017 WL 1011673, at **11-14 (D. Haw. Mar. 15, 2017); *Hawaii v. Trump*, 2017 WL 1167383, at **5-7 (D. Haw. Mar. 29, 2017); *Aziz v. Trump*, 2017 WL 580855, at **8-9 (E.D. Va. Feb. 13, 2017).¹¹

It is of no moment that the Order now disclaims discriminatory intent and professes a national security purpose, or that it lacks the prior order's explicit religious preference. "Official action that targets religious conduct for distinctive treatment cannot be shielded by mere compliance with the requirement of facial neutrality." *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993). For this reason, it is "the duty of the courts" to distinguish a "sincere"

¹¹ Campaign statements may not always evince intent, since candidates sometimes pledge one thing and do another once elected. But here, President Trump has confirmed the Order's discriminatory purpose since taking office – and it functions exactly as he promised when campaigning.

secular purpose from one that is a “sham,” or that is “secondary” to a “predominately religious” purpose. *McCreary County v. ACLU*, 545 U.S. 844, 862 (2005). Here the religious objective could not be more apparent: the Executive Order, by the administration’s own admissions, was intended to target Muslims. That the ban is temporary and against fewer than all Muslims in the world ignores that temporary and partial are not defenses to an Establishment Clause violation.

The national security reasons the Executive Order asserts are unsupported. The Order states that its restrictions are necessary to prevent “foreign nationals who may commit, aid, or support acts of terrorism” from entering the county. Order § 1(a). But as the district court correctly observed, the record provides “strong indications that the national security purpose is not the primary purpose for the travel ban.” R. 149 at 35. The Ninth Circuit likewise observed that there is “no evidence that any alien from any of the countries named in the Order has perpetrated a terrorist attack in the United States.” *Washington v. Trump*, 847 F.3d 1151, 1168 (9th Cir. 2017). Indeed, no Americans have been killed on U.S. soil by foreign nationals from the

targeted countries since 1975.¹² DHS itself reports that “country of citizenship is unlikely to be a reliable indicator of potential terrorist activity.” R. 95-10 at 93.

The Order also states that Attorney General Sessions has reported that “more than 300 persons who entered the United States as refugees are currently the subjects of counterterrorism investigations” by the FBI. Order § 1(h). Tellingly, the Order does not claim that any of these refugees came from the six targeted countries.¹³ Similarly, the Order’s assertion that “[s]ince 2001, hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States,” *id.*, does not tie that number to these countries. These numbers are further suspect because they include individuals initially wrapped into a “terror-related” investigation, but later convicted of charges with no connection

¹² <http://www.newsweek.com/where-do-terrorists-come-not-seven-countries-named-550581>.

¹³ At least 70% of suspects under review in these cases did not come from the six targeted countries.
https://www.washingtonpost.com/world/national-security/internal-trump-administration-data-undercuts-travel-ban/2017/03/16/9a2dc6b4-098e-11e7-93dc-00f9bdd74ed1_story.html?hpid=hp_hp-banner-low_travelbanreport-1230pm%3Ahomepage%2Fstory&utm_term=.f88154aa2956.

to terrorism.¹⁴

Defendants barely engage on these issues, asserting instead that plaintiffs have no redressable injury because they are not “subject to” section 2(c). Motion 10-15. While a full discussion of plaintiffs’ standing is outside the scope of this *amicus* brief, defendants have failed to carry their heavy burden of showing that the injunction should be stayed on this basis. Of defendants’ cases, *Moss v. Spartanburg Cty. Sch. Dist. 7*, 683 F.3d 599, 607 (4th Cir. 2012), found standing based on “[f]eelings of marginalization and exclusion,” while *Newdow v. Lefevre*, 598 F.3d 638, 642 (9th Cir. 2010), found standing based on “spiritual harm.” Conversely, *In re Navy Chaplaincy*, 534 F.3d 756 (D.C. Cir. 2008), rejected standing, believing the plaintiffs only abstractly affected. *Id.* at 764. Under these cases, plaintiffs have sufficiently demonstrated that they are directly affected by the Executive Order’s message of exclusion and disfavor toward Muslims.

¹⁴ <https://www.justsecurity.org/38341/misleading-claims-immigrants-terrorism>.

CONCLUSION

The motion to stay the preliminary injunction should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2017, I electronically filed the foregoing Brief of Chicago, Los Angeles, New York, Philadelphia, and Other Major Cities and Counties as *Amici Curiae* in Support of Plaintiffs-Appellees' Opposition to Motion of Defendants-Appellants for a Stay Pending Appeal with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system.

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APPENDIX

IMPACT OF THE EXECUTIVE ORDER ON THE CITY OF CHICAGO

The population of the City of Chicago is 2,717,534.¹

Chicago has residents from more than 127 foreign countries.²

At least 572,066 of our residents are immigrants.³

3,731 of Chicago's residents were born in Iran, Libya, Somalia, Sudan, Syria, and Yemen, of which 1,650 residents are non-citizen immigrants from these countries.⁴

Approximately 1.27 million people are employed in Chicago.⁵ Of those, 26.5% are foreign-born immigrants,⁶ including an estimated 976 non-citizen immigrants from the six targeted countries.⁷ The City of Chicago itself employs more than 32,000 people.⁸

Approximately 27% of Chicago's business owners are immigrants,⁹ of whom an estimated 0.7% come from the six targeted countries.¹⁰

At least 12,500 private employees in Chicago are working on international visas.¹¹

¹ U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

² *Id.*

³ *Id.*

⁴ U.S. Census Bureau, American Community Survey PUMS 1-Year 2015 Data.

⁵ U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

⁶ *Id.*

⁷ *Id.*

⁸ https://www.cityofchicago.org/city/en/depts/dhr/dataset/current_employee_names_salaries_and_position_titles.html

⁹ <https://www.americanimmigrationcouncil.org/research/new-americans-illinois>

¹⁰ *Id.*

¹¹ <http://ireports.wrapsnet.org/> (by destination and nationality)

In 2016, approximately 2,091 refugees were resettled in our city, including 794 from the six targeted countries.¹²

Chicago has 34 four-year colleges and universities, and these have more than 13,789 international students in the 2015-16 academic year.¹³ City Colleges of Chicago (CCC) has 7 colleges, and these had approximately 558 international students in the 2015-16 academic year. Of these, 175 CCC students were born in, arrived on visas from, or are nationals of the six countries.¹⁴

The tourism sector of Chicago's local economy accounts for \$911 million a year in local tax revenue and \$2.3 billion in hotel revenue alone.¹⁵

On any given day, 232 flights arrive at Chicago airports from international destinations, bringing 31,856 passengers.¹⁶

Each international flight arrival yields approximately \$212,000 in local economic impact.¹⁷

In 2016, Chicago welcomed 54.1 million visitors,¹⁸ 1.62 million of whom visited from overseas.¹⁹ Approximately 1000 international visitors were from the six targeted countries.²⁰

¹² U.S. Department of State, Bureau of Population, Refugees and Migration, Office of Admissions – Refugee Processing Center. Available at <http://ireports.wrapsnet.org/>.

¹³ <http://www.collegesimply.com/colleges/illinois/chicago/four-year-colleges/>;
<http://www.iie.org/Research-and-Publications/Open-Doors/Data/Fact-Sheets-by-US-State/2016-.WJe7MrYrJTY>.

¹⁴ Jeff Donoghue, CCC. Accessed 3/9/17; *includes Credit students only*.

¹⁵ Alfred Orendorff (ChooseChicago).

¹⁶ <http://www.flychicago.com/SiteCollectionDocuments/OHare/AboutUs/Facts and Figures/Air Traffic Data/1216 ORD SUMMARY.pdf>

¹⁷ Jonathan Leach, Chicago Department of Aviation.

¹⁸ https://www.cityofchicago.org/city/en/depts/mayor/press_room/press_releases/2016/april/Mayor-Choose-Chicago-Announce-Record-Tourism-2015.html.

¹⁹ U.S. Department of Commerce, National Travel and Tourism Office. Original source: http://tinet.ita.doc.gov/outreachpages/download_data_table/

In 2015, tourism brought \$14.66 billion in direct spending to Chicago. Spending by international visitors to Chicago is estimated at \$1.88 billion per year. This generates \$112 million in state and local tax revenues annually.²¹

The average overseas visitor spends about \$2,313 per trip while visiting Chicago.²²

Tourists from the six countries account for an estimated \$1.25 million of local economic impact per year.²³

Chicago is home to 44 major hospitals,²⁴ which serve thousands of international patients a year, and the Middle East is the top source of patients traveling to the U.S. for medical care.²⁵

The City of Chicago established the Chicago Legal Protection Fund (“the Fund”) to increase legal services for immigrant communities across the city.²⁶ \$1.3 million has been allocated to the Fund for FY2017 to support organizations – including Heartland Alliance’s National Immigrant Justice Center (NIJC) and the Resurrection Project (TRP) – that will serve more than 20,000 immigrants through community-based outreach, education, legal consultations, and legal representation, including courtroom representation.²⁷

2015_States_and_Cities.pdf.

²⁰ Alfred Orendorff (ChooseChicago).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ <http://www.ihatoday.org/uploadDocs/1/hospcounty.pdf>;

https://www.cityofchicago.org/city/en/depts/cdph/supp_info/clinical_health/Find_a_clinic.html.

²⁵ <http://www.chicagobusiness.com/article/20170201/news03/170209996/how-trumps-travel-ban-could-hit-medical-tourism-hard>.

²⁶ Seemi Choudry, Director of Office of New Americans, City of Chicago.

²⁷ *Id.*

NIJC also received \$150,000 from the City of Chicago for FY2017 for its Immigrant Children's Protection Project, which provides legal services to unaccompanied children held in Chicago-area shelters.²⁸

In calendar year 2016, NIJC and TRP represented clients from at least 132 countries, including clients from each of the six targeted countries.²⁹

In Chicago, there were twice as many arrests for hate crimes in the three months after the election than during the same period in the prior year.³⁰

In the first five weeks of 2017, the number of hate crimes recorded in Chicago was more than triple the number for the same period in 2016. Additionally, hate crimes categorized as anti-Muslim or anti-Arab hit five-year highs in Chicago in 2016.³¹

²⁸ *Id.*

²⁹ *Id.*

³⁰ Brandon Nemeč, Mayor's Office liaison with Chicago Police Department.

³¹ Zak Koeske, *Hate crimes in Chicago rose 20 percent in 2016, marking 5-year high, police data show*, Chicago Tribune (Mar. 3, 2017).

IMPACT OF THE EXECUTIVE ORDER ON NEW YORK CITY

The population of New York City is 8,550,405 as of 2015.⁴⁶

We have residents from more than 150 foreign countries.⁴⁷

New York City is home to 3 million foreign-born New Yorkers, about 37% of the City's population. Approximately 49% of New Yorkers speak a language other than English at home.⁴⁸

New York City is home to an estimated 26,566 individuals born in Sudan, Yemen, Syria, Iran, Somalia, and Libya.⁴⁹

Approximately 4.3 million people are employed in New York City; of those, 46% are foreign-born immigrants.⁵⁰ New York City itself employs 287,000 people,⁵¹ 34% of them foreign-born.⁵²

51% of New York City's business owners are immigrants.⁵³

About 1,300 refugees have been resettled in New York City in the last 5 years, according to federal data.⁵⁴

⁴⁶ <http://www.census.gov/quickfacts/table/PST045215/3651000>.

⁴⁷ Our Immigrant Population Helps Power NYC Economy, Comptroller Scott Stringer, 2017.

⁴⁸ U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ https://www.nytimes.com/2016/10/12/nyregion/bill-de-blasio-government-jobs.html?_r=0.

⁵² U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

⁵³ Our Immigrant Population Helps Power NYC Economy, Comptroller Scott Stringer, 2017.

⁵⁴ Data compiled by the Bureau of Population, Refugees, and Migrants Office of Admissions—Refugee Processing Center.

The tourism sector of New York City's local economy includes direct visitor spending in 2015 of \$42.2 billion.⁵⁵

In 2015, New York City welcomed 58.5 million visitors, including 12.3 million foreign visitors.⁵⁶ New York now predicts a 300,000-person drop in foreign visitors this year.⁵⁷

New York City has 87 four-year colleges and universities, and these have approximately 50,000 international students.⁵⁸

In the three months following the 2016 Presidential election, New York City has characterized 43 crimes as possible hate crime incidents.⁵⁹ This is an increase of 115% for the same three-month period.⁶⁰

⁵⁵ <http://www.nycandcompany.org/research/nyc-statistics-page>.

⁵⁶ *Id.*

⁵⁷ https://www.nytimes.com/2017/02/28/nyregion/new-york-foreign-tourists-trump-policies.html?_r=0.

⁵⁸ 46,870 foreign students were enrolled during the 2012–2013 school year. <https://www.nycedc.com/blog-entry/international-students-nyc>.

⁵⁹ NYPD Reports 'Huge Spike' in Hate Crimes Since Donald Trump's Election, NY Observer.

⁶⁰ <http://www.ny1.com/nyc/all-boroughs/news/2016/12/5/since-election-day--nypd-reports-a-spike-in-hate-crimes-around-the-city-compared-to-last-year.html>.

IMPACT OF THE EXECUTIVE ORDER ON THE CITY OF LOS ANGELES

The population of our metropolitan area (Los Angeles County) is 10.2 million people, with more than 3.9 million living within the city limits.⁶¹

We have residents from more than 135 foreign countries, and 185 languages are spoken here.⁶²

At least 1.5 million of our city's residents are themselves immigrants, 37.8% of our total population. Approximately 43% of all residents of Los Angeles County were born in another country.⁶³

As of 2015, the Los Angeles metropolitan area had over 152,000 immigrants from the six affected countries, including 136,000 from Iran, 14,900 from Syria, 600 from Sudan, 500 from Somalia, and 100 from Yemen.⁶⁴

Our city employs approximately 45,000 people, 22% of whom are foreign-born immigrants.

44% of business owners in Los Angeles are immigrants.⁶⁵

Between October 2015 and September 2016, approximately 2,800 refugees were resettled in Los Angeles County, including approximately 2,000 from the six targeted countries, and 1,900 from Iran alone.⁶⁶

⁶¹ U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ <https://www.brookings.edu/blog/the-avenue/2017/01/30/these-communities-have-a-lot-at-stake-in-trumps-executive-order-on-immigration/>.

⁶⁵ 2010 ACS Single year estimate.

⁶⁶ U.S. Department of State, Bureau of Population, Refugees and Migration, Office of Admissions – Refugee Processing Center.

On any given day, 185 flights arrive at LAX from international destinations bringing 31,000 passengers, including more than 150 from the targeted countries.⁶⁷

The tourism sector of the local economy accounts for \$21 billion a year in direct spending by visitors to Los Angeles County and \$260 million in hotel taxes alone. Tourism supports approximately 500,000 jobs in the leisure and hospitality sectors.⁶⁸

In 2016, Los Angeles welcomed 47 million visitors, 7.1 million of whom were foreign nationals who spent a combined \$6.3 billion. At least 160,000 of those visitors hail from the Middle East, and they spent at least \$185 million while in Los Angeles.⁶⁹

Los Angeles has at least ten four-year colleges and universities, and these have approximately 25,000 international students.⁷⁰

The Mayor of Los Angeles has reported that hate crime incidents doubled following the presidential election, with 30 such reported incidents during the month following.⁷¹

⁶⁷ LAX officials.

⁶⁸ Discover LA.

⁶⁹ *Id.*

⁷⁰ University enrollment data.

⁷¹ <http://abc7.com/politics/garcetti-discusses-las-rise-in-hate-crimes-after-election/1651429/>.

IMPACT OF THE EXECUTIVE ORDER ON THE CITY OF PHILADELPHIA

The population of the City of Philadelphia is approximately 1,526,006,⁷² and for the Philadelphia Metropolitan Statistical Area, the estimated population is 6,051,170.⁷³

Philadelphia has residents from more than 130 foreign countries.⁷⁴

At least 197,563 of our residents are immigrants.⁷⁵

Approximately 1,456 of Philadelphia residents were born in Iran, Libya, Somalia, Sudan, Syria, and Yemen.⁷⁶

Approximately 640,661 people are employed in Philadelphia, and 108,010 of them are foreign-born, a figure that does not include individuals who work in Philadelphia but reside outside the city.⁷⁷

In 2013, immigrants made up 14% of business owners in Philadelphia; and immigrants are 28% of the area's "Main Street" business owners, including 23% of retail store owners and 34% of restaurant owners.⁷⁸

⁷² U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

⁷³ U.S. Census Bureau, Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2014 – United States – Metropolitan and Micropolitan.

⁷⁴ U.S. Census Bureau, Place of Birth for the Foreign-Born Population in the United States, 2011-2015 American Community Survey 5-year Estimates.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ U.S. Census Bureau, Selected Characteristics of the Native and Foreign-Born Populations, 2011 American Community Survey 5-Year Estimates.

⁷⁸ Americas Society/Council of the Americas and Fiscal Policy Institute, [Bringing Vitality to Main Street: How Immigrant Small Businesses Help Local Economies Grow](http://www.as-coa.org/sites/default/files/ImmigrantBusinessReport.pdf), at 16 (available at <http://www.as-coa.org/sites/default/files/ImmigrantBusinessReport.pdf>).

In 2016, approximately 682 refugees were resettled in Philadelphia, including 176 from the six targeted countries.⁷⁹

The Philadelphia Metropolitan Area is home to 31 four-year colleges and universities, whose students include 21,273 international students.⁸⁰

The economic impact from tourism in the City of Philadelphia in 2015 was \$6.2 billion, including \$3.9 billion in direct visitor spending, and that tourism generated an estimated \$277 million in tax revenues for the City of Philadelphia.⁸¹

In the 3 months since the November 2016 election (11/16-01/17), 11 hate crimes were reported to Philadelphia police. In the 3-month period around the same time last year (11/15-01/16), 7 hate crimes were reported, a 157% increase.⁸² In the same time period, the Philadelphia Commission on Human Relations received reports of 43 separate hate or bias incidents, as compared to just 3 reports during the same time last year, a 1433% increase.⁸³

⁷⁹ U.S. Department of State, Bureau of Population, Refugees and Migration, Office of Admissions – Refugee Processing Center. Available at <http://ireports.wrapsnet.org/>.

⁸⁰ CampusPhilly; Christine Farrugia, Rajika Bhandari, Ph.D., 2015 Open Doors, Report on International Educational Exchange.

⁸¹ Philadelphia Convention and Visitors Bureau (Staff Person), citing Tourism as an Economic Engine for Greater Philadelphia 2015 Visitation and Economic Impact Report, available at <http://files.visitphilly.com/Visit-Philly-2015-Visitation-and-Impact-Full-Report.pdf>.

⁸² Philadelphia Police Department, Research and Analysis Unit Statistical Section; see also Uniform Crime Reporting System, Monthly Summary Hate / Bias Motivation Report for Philadelphia City, available at <http://ucr.psp.state.pa.us/UCR/Reporting/Monthly/Summary/MonthlySumHateUI.asp?rbSet=4>.

⁸³ Philadelphia Commission on Human Relations.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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as the

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