

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

**CITY OF AUSTIN’S NOTICE OF FILING DECLARATION OF TOM K. WONG IN  
SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

TO THE ORLANDO L. GARCIA, UNITED STATES DISTRICT JUDGE:

Plaintiff-Intervenor the City of Austin (“Austin”) hereby gives notice that it is filing the Declaration of Tom K. Wong, attached herein as Exhibit 1, in support of its motion for preliminary injunction (Doc. 57).

Respectfully submitted,

ANNE L. MORGAN, CITY ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION

/s/ Michael Siegel  
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**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the foregoing pleading on all parties, or their attorneys of record, via the Court's ECF/CM system, in compliance with the Federal Rules of Civil Procedure, this 23rd day of June, 2017.

/s/ Michael Siegel  
MICHAEL SIEGEL

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**DECLARATION OF TOM K. WONG**

Pursuant to 28 U.S.C. § 1746, I, Tom K. Wong, declare the following:

1. My name is Tom K. Wong and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.

2. I am an Associate Professor with tenure at the University of California, San Diego (UCSD). I work in the political science department, which is consistently ranked by U.S. News & World Report as one of the top ten political science departments nationally. I am also the Director of the International Migration Studies Program Minor at UCSD.

3. I am an expert on immigration politics and policy. I have written two peer-reviewed books and several peer-reviewed journal articles, book chapters, and reports on these subjects. My most recent book analyzes 31,193 roll call votes on immigration-related legislation in the United States Congress from 2005 to present, which makes it the most comprehensive analysis to date on the contemporary politics of immigration in the United States.

4. I received a Ph.D. in political science at the end of the 2010-2011 academic year. I was a post-doctoral research fellow during the 2011-2012 academic year. I joined the political science department at UCSD during the 2012-2013 academic year. I served as an advisor to the

White House Initiative on Asian Americans and Pacific Islanders (WHIAAPI) during the 2015-2016 academic year, where I worked on the immigration portfolio.

5. I have attached a true and complete copy of my curriculum vitae as Exhibit A to this Declaration.

**Senate Bill No. 4 Will Negatively Impact Public Health**

6. I agree with the City of Austin's Complaint in Intervention against the State of Texas (Doc. 37) that Senate Bill No. 4 will inflict harm on the local community in the City of Austin.

7. I agree with paragraph 55 in the City of Austin's Complaint in Intervention against the State of Texas. The implementation of Senate Bill No. 4 will have negative public health implications for the City of Austin, not just for immigrants, but also for the American citizen children of undocumented parents.

8. I analyzed data on participation in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in the City of Austin. The data was provided to me by the City of Austin and comes from Austin Public Health (previously known as the Austin/Travis County Health and Human Services Department), which is the public health authority for the City of Austin and Travis County, Texas. The data analyzed includes the total number of WIC participants by month and by year for fiscal years (FY) 2013 to present (up to May 2017).

9. These data show that WIC participation in the City of Austin in FY 2017 is estimated to be 21.9 percent lower than expected.

10. Data on WIC participation in the City of Austin from FY 2013 to FY 2016 are used to estimate WIC participation in the City of Austin for FY 2017. Using Ordinary Least Squares (OLS) regression analysis to statistically model WIC participation by month, and including year

fixed-effects to adjust for year-to-year differences in WIC participation, an estimated 399,124 people would be expected to participate in WIC in the City of Austin in FY 2017. However, based on actual FY 2017 data up to May 2017, an estimated 311,486 people are expected to participate in WIC in the City of Austin in FY 2017. This difference of 87,638 fewer people means that WIC participation in FY 2017 is estimated to be 21.9 percent lower than expected.

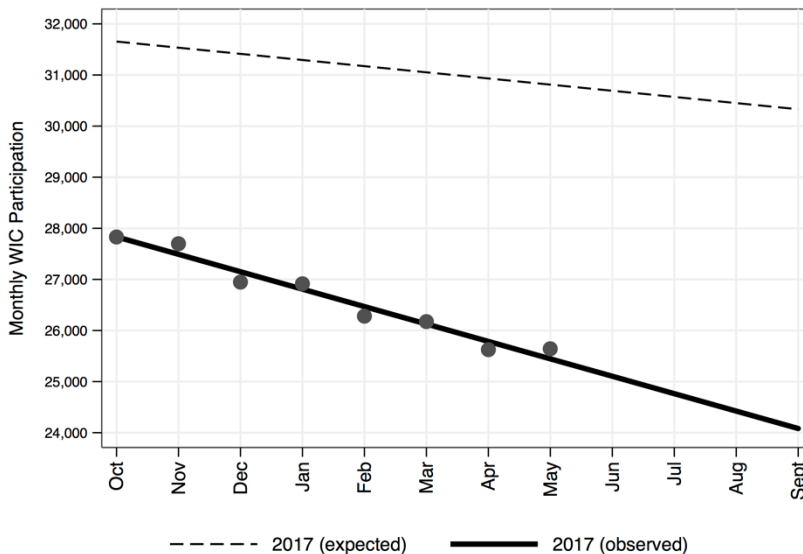
11. Infants, meaning a baby, child, or foster child under the age of 1, accounted for 23.0 percent of WIC participants in the City of Austin from FY 2013 to FY 2016. As 87,638 fewer people are expected to participate in WIC in FY 2017, and as 23.0 percent of WIC participants are, on average, infants, this means that potentially 20,190 fewer infants will participate in WIC in FY 2017 than would otherwise be expected.

12. Children, meaning a child or foster child between the ages of 1 and 5, accounted for 49.3 percent of WIC participants in the City of Austin from FY 2013 to FY 2016. As 87,638 fewer people are expected to participate in WIC in FY 2017, and as 49.3 percent of WIC participants are, on average, children, this means that potentially 43,216 fewer children will participate in WIC in FY 2017 than would otherwise be expected.

13. Pregnant women accounted for 9.8 percent of WIC participants in the City of Austin from FY 2013 to FY 2016. As 87,638 fewer people are expected to participate in WIC in FY 2017, and as 9.8 percent of WIC participants are, on average, pregnant women, this means that potentially 8,571 fewer pregnant women will participate in WIC in FY 2017 than would otherwise be expected.

14. Figure 1 graphically depicts expected monthly participation in WIC in the City of Austin using data from FY 2013 to FY 2016 (top dotted line) and compares this to expected

monthly participation in WIC in FY 2017 based on actual FY 2017 data up to May 2017 (bottom solid line).



15. In November 2016, actual WIC participation was 6,103 fewer people than would be expected based on the previous four fiscal years.

16. In December 2016, actual WIC participation was 6,735 fewer people than would be expected based on the previous four fiscal years.

17. In January 2017, actual WIC participation was 6,646 fewer people than would be expected based on the previous four fiscal years.

18. In February 2017, actual WIC participation was 7,160 fewer people than would be expected based on the previous four fiscal years.

19. In March 2017, actual WIC participation was 7,149 fewer people than would be expected based on the previous four fiscal years.

20. In April 2017, actual WIC participation was 7,575 fewer people than would be expected based on the previous four fiscal years.

21. In May 2017, actual WIC participation was 7,437 fewer people than would be expected based on the previous four fiscal years.

22. The data are clear: WIC participation in FY 2017 is lower than expected.

23. According to the United States Department of Agriculture (USDA), which administers the WIC program, “WIC saves lives and improves the health of nutritionally at-risk women, infants, and children. The results of studies conducted by FNS [Food and Nutrition Service] and other non-government entities prove that WIC is one of the nation’s most successful and cost-effective nutrition intervention programs.”<sup>1</sup> As the USDA summarizes:

- WIC reduces fetal deaths and infant mortality.
- WIC reduces low birthweight rates and increases the duration of pregnancy.
- WIC improves the growth of nutritionally at-risk infants and children.
- WIC decreases the incidence of iron deficiency anemia in children.
- WIC improves the dietary intake of pregnant and postpartum women and improves weight gain in pregnant women.
- Pregnant women participating in WIC receive prenatal care earlier.
- Children enrolled in WIC are more likely to have a regular source of medical care and have more up to date immunizations.
- WIC helps get children ready to start school: children who receive WIC benefits demonstrate improved intellectual development.
- WIC significantly improves children’s diets.

24. Thus, the negative public health implications of lower than expected participation in WIC in the City of Austin includes the loss of these proven benefits.

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<sup>1</sup> <https://www.fns.usda.gov/wic/about-wic-how-wic-helps>.

25. Lower than expected participation in WIC in the City of Austin in FY 2017 has been caused, in part, by changes in federal immigration enforcement policies, as well as by the role that the State of Texas has decided to play in federal immigration enforcement efforts. This is not to suggest, without uncertainty, that changes in immigration enforcement policies are causing every eligible individual to not participate in WIC in the City of Austin. Rather, the available evidence, including the lower than expected participation in WIC in the City of Austin in FY 2017, the “on the ground” perspectives of government agencies and non-profit organizations that serve the residents of the City of Austin, and the relevant peer-reviewed research, makes clear that the changing immigration enforcement landscape is a crucial determinant of decreased WIC participation in the City of Austin.

26. A Manager for Austin Public Health who is responsible for overseeing WIC in the City of Austin states, “Our staff has reported many anecdotal interactions with participants who are afraid to use WIC and other services due to fear that ICE or law enforcement will target the places where the services are provided for the express purpose of arresting undocumented immigrants.” I have attached a true and complete copy of the Declaration of Pete Atilano as Exhibit B.

27. Participants being “afraid to use WIC and other services due to fear” is consistent with the findings of a number of peer-reviewed studies. Research has demonstrated that fear of deportation can decrease the likelihood of receiving medical and dental care, prescription drugs,



and eyeglasses,<sup>2</sup> and can even inhibit help seeking among Latina and Asian immigrant women who have suffered intimate partner abuse.<sup>3</sup>

28. Moreover, these negative public health implications are not limited to undocumented immigrants. Peer-reviewed research also shows that fear of deportation decreases Medicaid use among the eligible American citizen children of noncitizen parents.<sup>4</sup>

29. Peer-reviewed research also exists on the public health effects of state-level immigration enforcement laws. For example, research on the public health implications of Arizona Senate Bill 1070 shows that Mexican-origin adolescent mothers were less likely to take their babies to the doctor following the passage of the law in 2010,<sup>5</sup> and that the law negatively affected the health-seeking behaviors among Hispanics/Latinos by increasing fear, decreasing resident's mobility, and by decreasing trust in public institutions.<sup>6</sup> Similarly, peer-reviewed research on Alabama House Bill 56 showed a decline in the use of county public health services among undocumented immigrants, including services for communicable diseases and sexually transmitted infections, even though the utilization of these services was allowed under the law.<sup>7</sup>

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<sup>2</sup> Berk, Marc L., and Claudia L. Schur. "The effect of fear on access to care among undocumented Latino immigrants." *Journal of Immigrant Health* 3, no. 3 (2001): 151-156.

<sup>3</sup> Bauer, Heidi M., Michael A. Rodriguez, Seline Szkupinski Quiroga, and Yvette G. Flores-Ortiz. "Barriers to health care for abused Latina and Asian immigrant women." *Journal of Health Care for the Poor and Underserved* 11, no. 1 (2000): 33-44.

<sup>4</sup> Vargas, Edward D. "Immigration enforcement and mixed-status families: The effects of risk of deportation on Medicaid use." *Children and Youth Services Review* 57 (2015): 83-89.

<sup>5</sup> Toomey, Russell B., Adriana J. Umaña-Taylor, David R. Williams, Elizabeth Harvey-Mendoza, Laudan B. Jahromi, and Kimberly A. Updegraff. "Impact of Arizona's SB 1070 immigration law on utilization of health care and public assistance among Mexican-origin adolescent mothers and their mother figures." *American Journal of Public Health* 104, no. S1 (2014): S28-S34.

<sup>6</sup> Hardy, Lisa J., Christina M. Getrich, Julio C. Quezada, Amanda Guay, Raymond J. Michalowski, and Eric Henley. "A call for further research on the impact of state-level immigration policies on public health." *American Journal of Public Health* 102, no. 7 (2012): 1250-1253.

<sup>7</sup> White, Kari, Justin Blackburn, Bryn Manzella, Elisabeth Welty, and Nir Menachemi. "Changes in Use of County Public Health Services Following Implementation of Alabama's Immigration Law." *Journal of Health Care for the Poor and Underserved* 25, no. 4 (2014): 1844-1852.

30. The inhibiting effects that the fear that “ICE or law enforcement will target the places where the services are provided” are also supported by peer-reviewed research that shows that trust in public institutions is an important determinant of help seeking and access to services among immigrants<sup>8</sup>, as well as by peer-reviewed research that demonstrates that immigration raids can have negative mental health implications.<sup>9</sup>

31. The Chief Executive Officer of CommUnityCare Health Centers (CUC), an Austin-based Federally Qualified Health Center that provides primary health care services without regard to an individual’s insurance status or ability to pay, states, “a new barrier has emerged for us and our patients to contend with — fear of immigration enforcement efforts. CUC has direct and anecdotal evidence that community members, including some of our patients, are currently delaying or foregoing needed medical care as a result of this fear barrier.” I have attached a true and complete copy of the Declaration of Jaeson T. Fournier as Exhibit C.

32. People delaying or foregoing needed medical care because of fear of immigration enforcement is also supported by peer-reviewed research. Peer-reviewed research on the effect of California’s Proposition 187 showed that patients with tuberculosis who feared that going to a physician would result in an immigration enforcement action were 4 times more likely to delay seeking care for more than 2 months.<sup>10</sup> More recently, a study of the public health effects of the

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<sup>8</sup> Hacker, Karen, Jocelyn Chu, Carolyn Leung, Robert Marra, Alex Pirie, Mohamed Brahim, Margaret English, Joshua Beckmann, Dolores Acevedo-Garcia, and Robert P. Marlin. “The impact of immigration and customs enforcement on immigrant health: perceptions of immigrants in Everett, Massachusetts, USA.” *Social Science & Medicine* 73, no. 4 (2011): 586-594.

<sup>9</sup> Lopez, William D., Daniel J. Kruger, Jorge Delva, Mikel Llanes, Charo Ledón, Adreanne Waller, Melanie Harner et al. “Health Implications of an immigration raid: findings from a Latino community in the Midwestern United States.” *Journal of Immigrant and Minority Health* 19, no. 3 (2017): 702-708.

<sup>10</sup> Asch, Steven, Barbara Leake, and Lillian Gelberg. “Does fear of immigration authorities deter tuberculosis patients from seeking care?” *Western Journal of Medicine* 161, no. 4 (1994): 373.

local implementation of the 287(g) program found that Hispanic/Latino expectant mothers sought prenatal care later during pregnancy, and with lower quality care, than non-Hispanic/Latino expectant mothers.<sup>11</sup>

33. “No shows” for medical appointments because of deportation fears provide additional evidence of the negative public health implications that the implementation of Senate Bill No. 4 can have on the City of Austin. The Chief Executive Officer of El Buen Samaritano Episcopal Mission, which provides a range of services to approximately 10,500 people a year, including health services, indicates that no show rates for medical visits increased 10 percent between February and April 2017 compared to the same period last year and that “our clients are choosing to forgo critical health and basic needs services because they are afraid to leave their homes and risk being separated from their families. To them, the risk exceeds any support we can offer them.” I have attached a true and complete copy of the Declaration of Iliana Gilman as Exhibit D.

34. The Chief Executive Officer of People’s Community Clinic, a not-for-profit Federally Qualified Health Center headquartered in the City of Austin, indicates that no show rates have increased since December 2016 to an average of 18 percent and that, in addition to higher no show rates, “since December the clinic has experienced lower utilization rates. Where typically, clinic-wide utilization of available appointments runs between 94% and 97%, there has been a drop in patients making appointments for care [...] If, out of fear of deportation, parents avoid bringing children, including American citizen children, into the clinic for regular pediatric care

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<sup>11</sup> Rhodes, Scott D., Lilli Mann, Florence M. Simán, Eunyoung Song, Jorge Alonzo, Mario Downs, Emma Lawlor et al. “The impact of local immigration enforcement policies on the health of immigrant Hispanics/Latinos in the United States.” *American Journal of Public Health* 105, no. 2 (2015): 329-337.

including recommended immunizations, the likelihood of spreading preventable contagious diseases increases and the public's health is put in jeopardy." The Declaration of Regina Rogoff was previously filed in this case as Document 57-1 at 20-22.

35. In summary, I agree with paragraph 55 in the City of Austin's Complaint in Intervention against the State of Texas. In my evaluation, the available evidence makes clear that the implementation of Senate Bill No. 4 will have negative public health implications for the City of Austin, not just for immigrants, but also for the American citizen children of undocumented parents. These negative public health implications include: fewer infants, children, and women participating in WIC, which is a program that "saves lives and improves the health of nutritionally at-risk women, infants, and children"; the decreased likelihood that some will receive needed health care and related services, which can negatively impact the American citizen children of undocumented parents; the delaying or foregoing of urgent medical care; and the lower utilization of critical public health services.

**Senate Bill No. 4 Will Negatively Impact Educational Achievement**

36. I agree with paragraph 54 in the City of Austin's Complaint in Intervention against the State of Texas. The implementation of Senate Bill No. 4 will have negative public education implications for the City of Austin, not just for immigrants, but also for the American citizen children of undocumented parents.

37. I analyzed data on school attendance in the City of Austin. The data was provided to me by the City of Austin and comes from the Austin Independent School District (ISD). The data analyzed includes the total number of students enrolled at each school in Austin ISD by grade level and the total number of official absences at each school by grade level. The data also include the Hispanic/Latino percentage of students enrolled at each school. The data analyzed covers the

period from February 13-17, 2017 (henceforth referred to as 2017), which was the school week immediately following the “Operation Cross Check” immigration enforcement operation by ICE in Travis County, and February 15-19, 2016 (henceforth referred to as 2016), which was the comparable week during the previous academic year.

38. These data show that official absences increased by 152 percent during the week of 2017 when compared to the comparable week in 2016, increasing from 14,869 to 37,432 official absences.

39. These data also show that the Hispanic/Latino percentage of students enrolled at each school is highly statistically significantly related to official absences in 2017, but not in 2016.

40. Data on school attendance in the City of Austin are used to model official absences at each school in Austin ISD. Using Ordinary Least Squares (OLS) regression analysis to statistically model official absences at each school in Austin ISD as a function of the Hispanic/Latino percentage of students enrolled at each school, controlling for the total number of students at each school, and including grade level fixed-effects to control for differences in absences by grade level, shows that the Hispanic/Latino percentage of students enrolled at each school is highly statistically significantly related to official absences in 2017, but not in 2016.

41. Table 1 and Table 2 below shows that the results are robust to several different model specifications. Table 1 reports the results for 2017. Model 1 shows that the bivariate relationship between the Hispanic/Latino percentage of students enrolled at each school is statistically significantly related official absences at each school. Model 2 shows that the relationship between the Hispanic/Latino percentage of enrolled students and absences remains statistically significant when controlling for the total number of students at each school. Model 3 shows that the relationship between the Hispanic/Latino percentage of enrolled students and

absences remains statistically significant when controlling for the total number of students at each school and when accounting for differences in absences by grade level. Model 4 shows that the relationship between the Hispanic/Latino percentage of enrolled students and absences remains statistically significant when controlling for the total number of students at each school, when accounting for differences in absences by grade level, and when also excluding the smallest (less than 10<sup>th</sup> percentile in total number of students) and largest (greater than the 90<sup>th</sup> percentile in total number of students) schools. Table 2 reports the results for 2016. As the table shows, in 2016, the Hispanic/Latino percentage of students enrolled at each school is not statistically significantly related to official absences.

	2017			
	Model 1	Model 2	Model 3	Model 4
% Hispanic/Latino	.185*** (.036)	.168*** (.038)	.125*** (.031)	.137*** (.013)
# of Students in School		-.001 (.000)	-.002*** (.000)	-.000 (.000)
Grade-Level Fixed Effects			Yes	Yes
Observations	121	121	121	106
R <sup>2</sup>	.178	.192	.482	.661

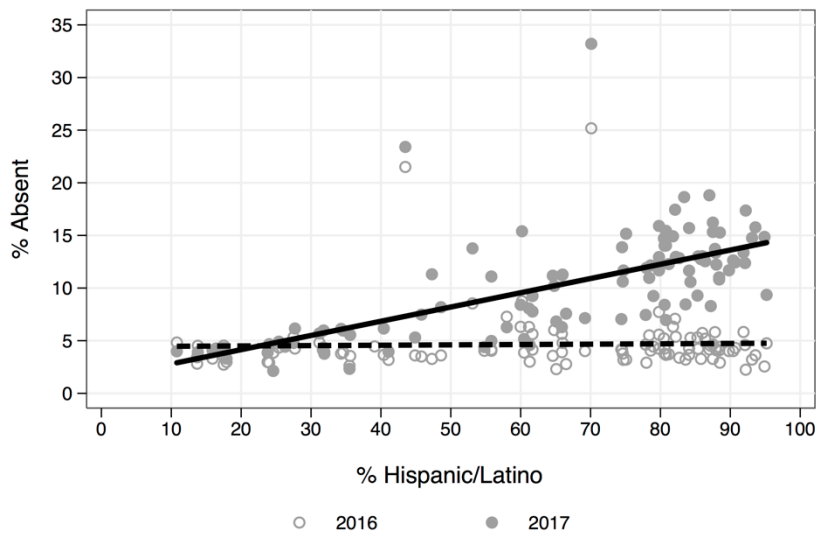
\*\*\* significant at the < .001 level; \*\* significant at the .01 level; \* significant at the .05 level

	2016			
	Model 5	Model 6	Model 7	Model 8
% Hispanic/Latino	.016 (.016)	.012 (.016)	-.000 (.013)	.000 (.009)
# of Students in School		-.000 (.000)	-.001*** (.000)	-.001* (.000)

Grade Level Fixed Effects			Yes	Yes
Observations	121	121	121	106
R <sup>2</sup>	.009	.019	.371	.513

\*\*\* significant at the < .001 level; \*\* significant at the .01 level; \* significant at the .05 level

42. Figure 2 graphically depicts the relationship between the Hispanic/Latino percentage of students enrolled at each school and official absences at each school in 2017 and in 2016. The solid circles represent each school in 2017. The solid line for 2017, which increases as the Hispanic/Latino percentage increases, reflects the statistically significant relationship between the Hispanic/Latino percentage of students enrolled in each school and official absences at each school. The hollow circles represent each school in 2016. The flat dotted trend line for 2016 reflects the statistically insignificant relationship between the Hispanic/Latino percentage of students enrolled in each school and official absences at each school.



43. The data are clear: official absences increased during February 13-17, 2017, which was the school week immediately following the “Operation Cross Check” immigration enforcement operation by ICE in Travis County, compared to February 15-19, 2016, which was the comparable week during the previous academic year. Moreover, school absences increased with the size of the Hispanic/Latino percentage of students enrolled in each school.

44. According to the Department of Research and Evaluation at Austin ISD, school attendance is a predictive criterion of graduation from high school and enrollment in postsecondary education institutions. Moreover, in their evaluation of the graduating class of 2014, Austin ISD found that 56 percent of college-going graduates who enrolled in four-year postsecondary education institutions attended a local university within 60 miles of Austin. A full 86 percent stayed in the State of Texas.

45. Thus, the negative public education consequences of decreased school attendance potentially include lower graduation rates and a decline in the City of Austin’s, as well as the State of Texas’s, college-educated and college-trained workforce.

46. Funding for Texas public schools is also determined, in part, by school attendance.

47. Thus, the negative public education consequences of decreased school attendance also potentially include decreased public education funding for Austin ISD.

48. The increase in official absences across Austin ISD schools during February 13-17, 2017 compared to February 15-19, 2016 was caused, in part, by the Operation Cross Check immigration enforcement operation conducted by ICE beginning February 6, 2017. This is not to suggest, without uncertainty, that the ICE raids caused every single official absence during the week of February 13-17, 2017. Rather, the available evidence, including the statistically significant relationship between the Hispanic/Latino percentage of students enrolled in each school and



official absences in each school in 2017, the statistically insignificant relationship between the Hispanic/Latino percentage of students enrolled in each school and official absences in each school in 2016, the “on the ground” perspectives of Austin ISD staff, news media stories, and the relevant peer-reviewed research, makes clear that the immigration enforcement actions were a crucial determinant of decreased school attendance during the week of February 13-17, 2017.

49. The Vice President of Education Austin, the labor union for certified and classified employees of the Austin Independent School District states, “I have seen the effect of the immigrant raids and anti-immigrant policies on schools. Many of our members have shared their concerns about how students are afraid of attending schools and being separated from their parents. It is extremely difficult for a teacher to teach a student how to read and write, when their parents are living in fear.” Moreover, “many mothers are depressed and do not take their children to school because they are afraid that they will be stopped by ICE agents or the police.” I have attached a true and complete copy of the Montserrat Garibay Declaration as Exhibit E.

50. Peer-reviewed research supports how fear of separation due to deportation can have far-reaching and negative impacts on undocumented families, as well as on mixed-status families comprised of American citizen children and undocumented parents. Research shows that children in mixed-status families face greater barriers to educational success<sup>12</sup> and that the American citizen children of undocumented parents often share the risks and limitations associated with

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<sup>12</sup> Mapp, Susan, and Emily Hornung. “Irregular immigration status impacts for children in the USA.” *Journal of Human Rights and Social Work* 1, no. 2 (2016): 61-70.

undocumented immigration status.<sup>13</sup> Research also finds that the stress caused by immigration raids can sap the attention of students and thus affect their academic performance.<sup>14</sup>

51. News media stories also support the causal effect that immigration enforcement actions can have on school attendance.

52. According to a March 23, 2017 *New Yorker* article, which is titled, “After an Immigration Raid, a City’s Students Vanish”:

On February 15th, Immigration and Customs Enforcement (ICE) officers conducted a raid in Las Cruces, arresting people at a trailer park on the outskirts of town. The raid came a few weeks after President Trump signed two executive orders, signaling his plans to fulfill a campaign promise of cracking down on undocumented immigrants. Rumors spread that there were further raids planned, though none took place. On February 16th, a Thursday, Las Cruces’s public schools saw a sixty-per-cent spike in absences compared to the previous week — twenty-one hundred of the district’s twenty-five thousand students missed school. Two thousand students stayed away again the next day. Attendance returned to normal the following week, which made the two-day rash of absences all the more pronounced.

53. According to a February 16, 2017 article from a local Cincinnati, Ohio news station, which is titled, “Nationwide Immigrant Protests Spotty in Cincinnati”:

Attendance dropped at Roberts Academy, Dater High and other schools with large immigrant families, particularly Hispanics. “You know, it’s not young folks playing hooky,” said Leo Pierson DeCruz, of Northside. He sensed some confusion and fear among local Latino families about what could happen. “Some folks thought maybe that ICE would be doing some raids today.”

54. According to February 26, 2016 article from the *Washington Post*, which is titled, “School system reassures immigrant families fearful of being deported,”

The superintendent of Arlington Public Schools is seeking to reassure immigrant families who are afraid to send their children to school amid threats of deportation

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<sup>13</sup> Enriquez, Laura E. “Multigenerational Punishment: Shared Experiences of Undocumented Immigration Status Within Mixed-Status Families.” *Journal of Marriage and Family* 77, no. 4 (2015): 939-953.

<sup>14</sup> Capps, Randolph, Rosa Maria Castaneda, Ajay Chaudry, and Robert Santos. “Paying the price: The impact of immigration raids on America’s children.” (2007).

[...] Prince George's school officials said that attendance among Latino students dropped as parents kept their children home from school because they feared it could lead to their deportation.

"I am deeply troubled by the fear and uncertainty that exists in so many of our school communities as a result of the actions of the Department of Homeland Security," Maxwell said in his January statement. "We urge federal authorities to see schools and other public gathering places as areas where no enforcement activities should take place and ask them to strongly consider the devastating impacts of their actions on the academic, social and emotional well-being of all of our students."

55. In summary, I agree with paragraph 54 in the City of Austin's Complaint in Intervention against the State of Texas. In my evaluation, the available evidence makes clear that the implementation of Senate Bill No. 4 will have negative public education implications for the City of Austin, not just for immigrants, but also for the American citizen children of undocumented parents. These negative public education implications include: decreased school attendance, which can negatively impact school performance and graduation rates; increased educational barriers for the American citizen children of undocumented parents; as a large percentage of college-going graduates from Austin ISD attend college within 60 miles of Austin, and as an even larger percentage attend college in the State of Texas, poorer school performance and lower graduate rates can also negatively impact the city's and the state's college-educated and college-trained workforce; and because funding for Texas public schools is determined, in part, by school attendance, decreased school attendance caused by fear of deportation can mean decreased public education funding for Austin ISD.

#### **Senate Bill No. 4 Will Negatively Impact Public Safety**

56. I agree with paragraph 53 in the City of Austin's Complaint in Intervention against the State of Texas. The implementation of Senate Bill No. 4 will have negative public safety

implications for the City of Austin, not just for immigrants, but also for the American citizen children of undocumented parents.

57. I analyzed an ICE dataset (henceforth referred to as the FOIA data) on sanctuary jurisdictions obtained via a Freedom of Information Act request filed by the Immigrant Legal Resource Center in order to examine the relationship between sanctuary policies and a broad range of social and economic indicators, including crime.

58. These data show that crime is statistically significantly lower in sanctuary counties compared to comparable nonsanctuary counties. Moreover, economies are stronger in sanctuary counties — from higher median household income, less poverty, and less reliance on public assistance to higher labor force participation, higher employment-to-population ratios, and lower unemployment.

59. The FOIA data include 2,492 counties that ICE codes by their “Current Detainer/Notification Acceptance Status.” These counties account for 92 percent of the total population in the United States and 95 percent of the total foreign-born population in the United States. Of the 2,492 counties coded by ICE, 608 are identified as being sanctuary jurisdictions, meaning jurisdictions that are not willing to accept detainees. Using the FOIA data, the analysis begins by comparing all sanctuary counties to all nonsanctuary counties. Data on crime come from the FBI Uniform Crime Reporting Program. Data on social and economic indicators come from the 2015 American Community Survey (ACS) 5-Year Estimates. After a simple comparison of means, the analysis pushes further by using coarsened exact matching (CEM) to statistically match sanctuary counties to comparable nonsanctuary counties. CEM is a method for improving causal inferences that estimates the sample average treatment effect on the treated, or SATT. CEM statistically matches sanctuary counties to comparable nonsanctuary counties; compares

differences in outcomes between sanctuary counties and the matched nonsanctuary counties; allows us to evaluate these differences while controlling for differences in total population, the foreign-born percentage of the population, and the percentage of the population that is Hispanic/Latino; and then uses the results of the analysis to estimate the effect that being a sanctuary county has on crime and the other outcomes of interest.

60. The data are clear: crime rates are lower and economies are stronger in sanctuary counties compared to comparable nonsanctuary counties.

61. Table 3 reports the results of the analysis. SATT refers to the sample average treatment effect on the treated. SE refers to the standard error of the estimate. A p-value of less than .05 is considered statistically significant. As the table shows, there are 35.5 fewer crimes per 10,000 people in sanctuary counties compared to comparable nonsanctuary counties.

	SATT	SE	p-value
Crime Rate per 10,000 people	-35.5	5.9	0.000
Median Household Income	4352.7	575.1	0.000
Median Household Income — White, non-Latino	2836.1	568.3	0.000
Median Household Income — Latino	1328.9	736.4	0.000
Poverty	-2.337	0.306	0.000
Poverty — White, non-Latino	-1.361	0.222	0.000
Poverty — Latino	-2.966	0.721	0.000
Food Stamps/SNAP	-2.559	0.296	0.000
SSI	-0.879	0.127	0.000
Children Under 18 in Households w/Public Assistance	-4.967	0.548	0.000
Labor Force Participation	2.456	0.345	0.000
Labor Force Participation — White, non-Latino	2.546	0.339	0.000
Labor Force Participation — Latino	1.241	0.741	0.094
Employment-to-Population Ratio	3.103	0.369	0.000
Employment-to-Population Ratio — White, non-Latino	3.165	0.359	0.000
Employment-to-Population Ratio — Latino	0.939	0.733	0.200
Unemployment	-1.056	0.159	0.000
Unemployment — White, non-Latino	-0.829	0.129	0.000
Unemployment — Latino	1.015	0.425	0.017

62. Moreover, there is no other evidence that I am aware of that meets rigorous social science research standards that shows that crime is lower when local law enforcement engages in federal immigration law enforcement.

63. Rather, peer-reviewed research shows that there is no statistically significant relationship between local law enforcement engaging in federal immigration law enforcement efforts and crime rates.<sup>15</sup> Moreover, research also shows that policies like Senate Bill No. 4 can undermine safety by making undocumented immigrants less likely to report crimes to law enforcement, including undocumented women who are victims of violent crimes<sup>16</sup> and undocumented women who are victims of sexual assault or domestic violence.<sup>17</sup>

64. In summary, I agree with paragraph 53 in the City of Austin's Complaint in Intervention against the State of Texas. In my evaluation, the available evidence makes clear that the implementation of Senate Bill No. 4 will have negative public safety implications for the City of Austin, not just for immigrants, but for all residents of the City of Austin. These negative public safety implications include: undocumented immigrants being less likely to report crimes; undocumented women who are victims of violent crimes being less likely to report crimes; undocumented women who are victims of sexual assault or domestic violence being less likely to

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<sup>15</sup> Miles, Thomas J., and Adam B. Cox. "Does immigration enforcement reduce crime? Evidence from secure communities." *The Journal of Law and Economics* 57, no. 4 (2014): 937-973. See also, Treyger, Elina, Aaron Chalfin, and Charles Loeffler. "Immigration Enforcement, Policing, and Crime." *Criminology & Public Policy* 13, no. 2 (2014): 285-322.

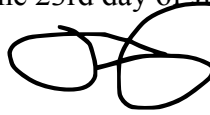
<sup>16</sup> Messing, Jill Theresa, David Becerra, Allison Ward-Lasher, and David K. Androff. "Latinas' perceptions of law enforcement: Fear of deportation, crime reporting, and trust in the system." *Affilia* 30, no. 3 (2015): 328-340.

<sup>17</sup> Vishnuvajjala, Radha. "Insecure communities: how an immigration enforcement program encourages battered women to stay silent." *Boston College Journal of Law & Social Justice* 32, no. 1 (2011).

report crimes; and that local law enforcement engaging in federal immigration enforcement efforts has no measurable effect on decreasing crime.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed in Travis County, Texas, on the 23rd day of June, 2017.

A handwritten signature in black ink, consisting of a stylized 'T' and 'W' intertwined.

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TOM K. WONG

# **EXHIBIT A**



**TOM K. WONG, PH.D.**

3408 Bancroft St. San Diego, CA 92104 | Google Voice: (619) 354-9913

Email: tomkwong@ucsd.edu | Website: www.tomwongphd.com | bit.ly/tomkwong\_citations

**POSITION**

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- 2012 - **ASSOCIATE PROFESSOR (BEGINNING JULY 2017), POLITICAL SCIENCE**  
**DIRECTOR, INTERNATIONAL MIGRATION STUDIES PROGRAM MINOR**  
University of California, San Diego
- 2016 **ADVISOR**  
**WHITE HOUSE INITIATIVE ON ASIAN AMERICANS AND PACIFIC ISLANDERS**

**EDUCATION**

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- 2011 **PH.D. IN POLITICAL SCIENCE**  
University of California, Riverside  
Focus in Comparative Politics, International Relations, and Research Methods  
Dissertation: *Immigration Control in the Age of Migration*
- 2005 **B.A. IN POLITICAL SCIENCE**  
University of California, Riverside  
Focus in International Relations  
*Magna Cum Laude*

**BOOKS**

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- (2) Tom K. Wong. [2016](#). *The Politics of Immigration: Partisanship, Changing Demographics, and American National Identity*. Oxford University Press.  
[NPR](#), [ABC News/Yahoo.com](#), [LA Times](#), [Univision](#), [Monkey Cage](#)
- (1) Tom K. Wong. [2015](#). *Rights, Deportation, and Detention in the Age of Immigration Control*. Stanford University Press. [Oxford Law blog](#)

**JOURNAL ARTICLES**

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- (6) Tom K. Wong and Hillary Kosnac. 2017. "Does the Legalization of Undocumented Immigrants in the US Encourage Unauthorized Immigration from Mexico? An Empirical Analysis of the Moral Hazard of Legalization," *International Migration*
- (5) Tom K. Wong and Angela Garcia. 2016. "Does Where I Live Affect Whether I Apply? The Contextual Determinants of Applying for Deferred Action for Childhood Arrivals (DACA)," *International Migration Review* vol. 50 no. 3: 699-727.

C-Span, Associated Press

- (4) Tom K. Wong, Donald Kerwin, Jeanne M. Atkinson, and Mary Meg McCarthy. 2014. "Paths to Lawful Immigration Status: Results and Implications from the PERSON Survey," *Journal of Migration and Human Security* vol. 2 no 4: 287-304.  
[NBC News.com](http://NBCNews.com)
- (3) Tom K. Wong. 2014. "The Politics of Interior Immigration Enforcement," *California Journal of Politics and Policy* vol. 6 no 3.
- (2) Tom K. Wong and Justin Gest. 2013. "Organizing Disorder: Indexing Migrants' Rights and International Migration Policy," *Georgetown Immigration Law Journal* vol. 28 no 1.
- (1) Tom K. Wong. 2012. "The Politics of Interior Immigration Control in the United States: Explaining Local Cooperation with Federal Immigration Authorities," *Journal of Ethnic and Migration Studies* vol. 38 no. 5.

**BOOK CHAPTERS**

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- (4) Tom K. Wong. 2014. "Conceptual Challenges and Contemporary Trends in Immigration Control." In *Controlling Immigration: A Global Perspective* (3<sup>rd</sup> edition), edited by James F. Hollifield, Philip Martin, and Pia Orrenius. Stanford University Press.
- (3) Tom K. Wong. 2014. "Nation of Immigrants or Deportation Nation? Analyzing Deportations and Returns in the United States, 1892-2010." In *The Nation and Its Peoples: Citizens, Denizens, and Migrants*, edited by John S.W. Park and Shannon Gleeson. Routledge.
- (2) James F. Hollifield and Tom K. Wong. 2014. "The Politics of International Migration: How Can We 'Bring the State Back In'?" In *Migration Theory: Talking Across Disciplines* (3<sup>rd</sup> edition), edited by Caroline B. Brettell and James F. Hollifield. Routledge.
- (1) Karthick Ramakrishnan and Tom K. Wong. 2010. "Partisanship, Not Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants." In *Taking Local Control: Immigration Policy Activism in U.S. Cities and States*, edited by Monica W. Varsanyi. Stanford University Press.

**WORKS UNDER REVIEW/IN PROGRESS (SELECTED LIST)**

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- Tom K. Wong and Justin Gest. "Looks Skin Deep: Do Immigrant Legislators Better Represent Immigrant Interests?" *under review with the American Political Science Review*

- Tom K. Wong Angela Garcia, and Carolina Valdivia. "The Political Incorporation of Undocumented Youth." *under review with Social Problems*
- Tom K. Wong and Carolina Valdivia. "In Their Own Words: A Nationwide Survey of Undocumented Millennials," Working Paper 191, Center for Comparative Immigration Studies.  
[New York Times](#), [Washington Post](#), [The Hill](#), [La Opinión](#), [Univision](#), [NBC News.com](#)
- Tom K. Wong. "President Obama's Executive Actions on Immigration and the 2016 Presidential Election." This project uses a nationally representative survey of Latinos ( $n = 820$ ) and Asians ( $n = 950$ ) fielded in late April and early May 2016 to analyze how knowing someone who is undocumented and potentially eligible for legal status via programs like DAPA affects the civic engagement of Latino and Asian citizens. The survey was fielded by GfK and commissioned w/Dan Hopkins and Efren Perez.
- Tom K. Wong. "Mobilizing Low-Propensity Voters of Color." This research includes 4 voter mobilization experiments utilizing direct voter contact run during the 2016 presidential primary elections and several more planned for the 2016 presidential general elections. These experiments analyze interventions designed to convey the urgency of voting to Latino, Asian, and immigrant-origin voters using the current political discourse around immigration policy and refugee admissions.
- Tom K. Wong. "Governing Diversity." This project uses survey and lab experiments to examine what citizenship means in the context of the unprecedented demographic changes that are reshaping American society and the electorate.
- w/Justin Gest. "International Migrants Bill of Rights." This project aims to create cross-national indicators on government respect for and recognition of the human rights of migrants. Funding from the World Bank (obtained by Gest) will be used to pilot a 58 item index across 5 countries.
- w/May Sudhinaraset (UCSF Department of Epidemiology and Biostatistics). "Undocumented Status and Health."

## REPORTS

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- Tom K. Wong. 2017. *The Effects of Sanctuary Policies on Crime and the Economy*. Washington, D.C.: Center for American Progress.
- Tom K. Wong et al. 2015. *Results from a Nationwide Survey of DACA Recipients Illustrate the Program's Impact*. Washington, D.C.: Center for American Progress.

Tom K. Wong. 2014. *Statistical Analysis Shows that Violence, Not Deferred Action, Is Behind the Surge of Unaccompanied Children Crossing the Border*. Washington, D.C.: Center for American Progress.

Tom K. Wong et al. 2013. *Undocumented No More: A Nationwide Analysis of Deferred Action for Childhood Arrivals (DACA)*. Washington, D.C.: Center for American Progress.

[C-Span](#), [Associated Press](#)

## OTHER PUBLICATIONS

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James F. Hollifield and Tom K. Wong. 2012/2013. "International Migration: Cause or Consequence of Political Change," *Migration and Citizenship: Newsletter of the American Political Science Association Organized Section on Migration and Citizenship* vol. 1 no. 1.

Tom K. Wong. 2012. "The Commission on Wartime Relocation and Internment of Civilians." In *The Encyclopedia of Transitional Justice*, edited by Lavina Stan and Nadya Nedelsky. Cambridge University Press.

Karthick Ramakrishnan, Dino Bozonelos, Louise Hendrickson, and Tom K. Wong. 2008. "Inland Gaps: Civic Inequalities in a High Growth Region," *Policy Matters* vol 2 no 1.

Karthick Ramakrishnan and Tom K. Wong. 2007. "Immigration Policies Go Local: The Varying Responses of Local Governments to Undocumented Immigration." Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity. Working Paper Series on Immigration.

## RESEARCH GRANTS (AS A FACULTY MEMBER)

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- \$22,500, UCSD USMEX Fellowship, 2016-2017
- \$16,000, UCLA Institute for Research on Labor and Employment, 2015-2016
- \$365,000, MacArthur Foundation, 2015-2017 (partially awarded, terminated after the DAPA program was enjoined by the Supreme Court)
- \$25,000, UCSD Frontiers of Innovation Scholars Program Grant, 2015-2016
- \$15,000, UCSD Faculty Career Development Program Grant, 2014-2015
- \$30,000, Unbound Philanthropy, 2014
- \$100,000, Department of Homeland Security, 2013
- \$30,000, Center for American Progress, 2013
- \$10,000, UCSD Center for International, Comparative, and Area Studies Grant, 2013
- \$10,000, UCSD Academic Senate, 2013

- \$1,500, UCSD Diversity, Equity, and Inclusion Grant, 2013

## TEACHING AT UCSD

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- Diversity, Equity, and Inclusion Teaching Award, 2014-2015
- The Politics of Immigration (upper-division, 280 students)
- International Human Rights Law: Rights of Migrants (upper-division, 150 students)
- The Politics of Multiculturalism (upper-division, 100 students)
- Immigration Politics and Policy (graduate seminar, 4 students)
- Undergraduate Honors Seminar (upper-division, 15 students)

## INVITED PRESENTATIONS (SELECTED)

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**2016 |** "Immigrant Integration and the Obama Administration: DACA, DAPA, and Implications for the 2016 Presidential Election." Presentation at the UCLA Institute for Research on Labor and Employment, Los Angeles, California, April 28, 2016.

"Mobilizing Low-Propensity Voters of Color: Towards an Electorate That Reflects a Changing America." Presentation at the Asian Americans Advancing Justice conference, Los Angeles, California, March 31, 2016.

"Immigrants in American Society." Presentation at KPBS San Diego, California, March 21, 2016.

"Immigration Policy." Presentation to Mi Familia Vota, Riverside, California, January 14, 2016.

**2015 |** "The European Refugee Crisis." Center for Comparative Immigration Studies, the European Studies Program, the Lifelong Learning Program of the EU, and the Scholars Strategy Network. October 27, 2015.

"U.S. Immigration Politics and the 2016 Presidential Election." Presentation at the Wilson Center, Washington D.C. October 26, 2015.

"The Political Incorporation of Undocumented Youth." Presentation at the "Challenging Borders" conference, UC Riverside. October 23, 2015.

"The Consequences of Inequality: Why Does it Matter and How." Symposium on Capital in the 21st Century with Thomas Piketty, UC San Diego. October 22, 2015.

"U.S. Immigration Politics and Policy." Presentation at the United States Consulate in Tijuana. October 13, 2015.

"UC National Summit on Undocumented Students." UC Office of the President. May 7-8, 2015.

"Irregular Migration." Presentation at the "Politics and Policies of International Migration: Europe and the U.S." conference, Université Libre de Bruxelles, Belgium, April 28-29, 2015.

"Opportunities and Limits of the Executive Actions Proposed by President Obama." Presentation at the Mexican Ministry of Foreign Affairs, Mexico City, Mexico, April 13-14, 2015.

"Administrative Relief Implementation and Impact Project." Presentation at the Center for Migration Studies, New York, NY, March 25, 2015.

"Research Roundtable." Presentation at the "Ready America: Implementing Immigration Action" conference, Washington DC, February 9-11, 2015.

**2014 |**

"Insights from Implementing DACA for Administrative Relief." National Immigrant Integration Conference, Los Angeles, CA, December 16, 2014.

"Deferred Action for Childhood Arrivals." American Immigration Council (AIC), Washington, D.C., November 7, 2014.

"Immigration Policy and the November 2014 Midterm Elections." California Immigrant Policy Center (CIPC), October 29, 2014.

"The Many Paths to Legal Status: Results and Implications from the PERSON Survey." Presentation to the Center for Migration Studies (CMS), New York, NY, September 29, 2014.

"The Congressional Politics of Interior Immigration Enforcement." Presentation at the German Historical Institute workshop on "Migration During Economic Downturns," Washington, D.C., April 4-5, 2014.

"Mapping DACA Renewals." Presentation to U.S. Citizenship and Immigration Services (USCIS), March 13, 2014.

"Latino Politics: Left, Right, or Down the Middle?" Presentation at the Annual Hispanic Radio Conference, San Diego, CA, March 10, 2014.

"Indexing Attrition Through Enforcement Policies." Presentation at the "Causes and Consequences of Immigration and Citizenship" conference, Berlin, Germany, June 26-27, 2014.

2013 | "Undocumented No More: A Nationwide Analysis of Deferred Action for Childhood Arrivals." Presentation at the Center for Comparative Immigration Studies (CCIS), San Diego, CA, October 2, 2013.

"DACA Turns 1." Presentation at the Center for American Progress, Washington, D.C., August 15, 2013. [Televised on CSPAN]

"The Prospects for Comprehensive Immigration Reform." Presentation at the Mexican Ministry of Foreign Affairs, Mexico City, Mexico, August 12, 2013.

"A Look at the Stats: How Will Congressional Representatives Vote on Comprehensive Immigration Reform?" Presentation at the UC Berkeley "Changing Face of America" conference, Berkeley, CA, May 3, 2013.

"Will Comprehensive Immigration Reform Pass? Predicting Legislative Support and Opposition to CIR." Presentation at the Center for Comparative Immigration Studies (CCIS), San Diego, CA, April 29, 2013.

"Race, Ethnicity, the 2012 Elections, and the Politics of Comprehensive Immigration Reform." Presentation at the UCLA *Beyond the Headlines* speaker series, Los Angeles, CA, February 26, 2013.

"International Migrants Bill of Rights (IMBR) Initiative." Georgetown Law School, Washington, D.C., February 8-9, 2013.

2012 | "Immigration Policy After the 2012 Elections." Presentation at the UCLA Program on International Migration, Los Angeles, CA, November 16, 2012.

"PBS Need to Know 2012 Election Special: America by the Numbers." Presentation for KPBS at the Jo and Vi Jacobs Center, San Diego, CA, October 10, 2012.

"Immigrants in American Society." Presentation at the U.S. Citizenship and Immigration Services (USCIS) field office, Dallas, TX March 6, 2012.

2011 | "The Radical Right and the Politics of Immigration Control in Europe." Presentation at the University of Neuchâtel, Switzerland, June 16-17, 2011.

"Conceptual Challenges and Contemporary Trends in Immigration Control." Presentation at the "Immigration Policy in an Era of Globalization" conference at the Federal Reserve Bank of Dallas, May 18-20, 2011.

"Enforcing Like a State: A Mixed-Methods Study of the Politics of Immigration Control." Presentation at the UC Center for New Racial Studies Conference, Los Angeles, CA, April 21, 2011.

"Immigration Enforcement in the Age of Obama." Presentation at the UCR Center for Ideas and Society, Riverside, CA, March 8, 2011.

2010 | "The Politics and Determinants of Immigration Control: Evidence from 25 Immigrant-Receiving Democracies." Presentation at UC Irvine, Department of Political Science and the Center for Research on Immigration, Population, and Public Policy, Irvine, CA, December 1, 2010.

"States, Irregular Migrants, and a Theory of Selective Immigration Control: Evidence from European Gateway Cities." Presentation at the "Beyond Arizona: Laws Targeting Immigrants in the US and Europe" conference at the Warren Institute on Race, Ethnicity, and Diversity, Berkeley, CA, October 25, 2010.

2009 | "Immigration Control in Industrialized Democracies: What Explains Their Variations." Presentation at Metropolis, an initiative of Citizenship and Immigration Canada, Ottawa, Canada, December 2, 2009.

## PROFESSIONAL ACTIVITIES

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- Reviewer: *American Journal of Political Science*, *American Politics Research*, *Du Bois Review*, *International Migration*, *International Migration Review*, *International Studies Quarterly*, *Journal of Ethnic & Migration Studies*, *Journal of Politics*, *Journal of Race, Ethnicity, and Politics*, *Law & Social Inquiry*, *Political Research Quarterly*, *Russell Sage Foundation*, *Social Identities*, *Social Problems*
- APSA, Executive Committee, Migration and Citizenship Section, Treasurer, 2012-2015
- APSA, Executive Committee, Race and Ethnicity Section, 2013
- MPSA, International Relations and Domestic Politics Section Program Chair, 2016



- WPSA, Pi Sigma Alpha award committee, 2014
- WPSA, (Im)Migration and Citizenship Section Program Chair, 2015
- WPSA, Dissertation award committee, 2016
- WPSA, (Im)Migration and Citizenship Section Program Chair, 2017
- Advisory Board, Unbound Philanthropy, 2015-present
- Advisory Board, Integrated Voter Engagement study, 2016-present
- Advisory Board, Center for Comparative Immigration Studies (CCIS), 2012-present
- Executive Committee, Center for Comparative Immigration Studies (CCIS), 2015-present
- Editorial Board, Journal of Migration and Human Security, 2014-present

# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

**DECLARATION OF PETE ATILANO**

Pursuant to 28 U.S.C. § 1746, I Pete Atilano, declare the following:


1. My name is Pete Atilano and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.
2. I am currently employed as a Manager for Austin Public Health (APH), a department of the City of Austin. I am responsible for managing health and human service programs of APH. The social services programs that I am responsible for managing include Women, Infants and Children (WIC). Austin Public Health (previously known as Austin/Travis County Health and Human Services Department) is the public health authority for the City of Austin and Travis County, Texas.
3. Our staff has reported many anecdotal interactions with participants who are afraid to use WIC and other services due to fear that ICE or law enforcement will target the places where these services are provided for the express purpose of arresting undocumented immigrants.

4. APH has started to compare participation rates in its WIC program this year with the same time period last year. APH has found a roughly 7-9% decrease in WIC participation rates from January to April this year versus the same period last year.

5. I cannot say definitively what is causing this persistent decline, but from some of the anecdotal accounts I refer to above, many WIC participants have expressed fear about increased immigration enforcement at APH WIC locations.

I declare under penalty of perjury that the above statements are within my personal knowledge and are true and correct.”

Signed this 19<sup>th</sup> day of June, 2017



Pete Atilano

# **EXHIBIT C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

**DECLARATION OF JAESON T. FOURNIER**

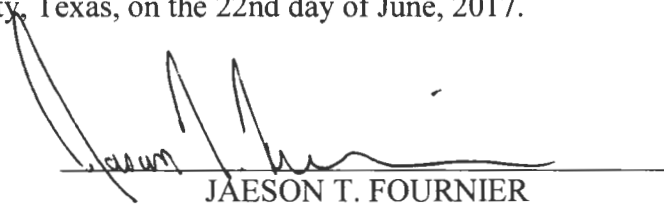
Pursuant to 28 U.S.C. § 1746, I, Jaeson T. Fournier, declare the following:

1. My name is Jaeson T. Fournier and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.
2. I am the Chief Executive Officer of CommUnityCare Health Centers.
3. CommUnityCare Health Centers (CUC) is an Austin based Federally Qualified Health Center. CUC predominately serves low income individuals of diverse backgrounds from throughout Travis County. As an organization, CUC renders primary health care services without regard to an individual's insurance status or ability to pay, and also mitigates other access to care barriers confronting those we serve.
4. Unfortunately, a new barrier has emerged for us and our patients to contend with - fear of immigration enforcement efforts. CUC has direct and anecdotal evidence that community members, including some of our patients, are currently delaying or foregoing needed medical care as a result of this fear barrier. More specifically, patients communicated that they did not feel safe leaving their homes to attend to their medical needs following ICE activity in a parking lot close to our Rundberg health center. As some of our patients are confronted with the difficult choice of

attending to their health care needs or feeling safe, CUC is increasingly concerned about not only the potential adverse impact on their health and well-being, but also the health and well-being of the community at large.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed in Travis County, Texas, on the 22nd day of June, 2017.



A handwritten signature in black ink, appearing to read "JAESON T. FOURNIER", is written over a horizontal line. The signature is stylized with several sharp peaks and a long, sweeping tail that extends to the left.

# **EXHIBIT D**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

**DECLARATION OF ILIANA GILMAN**

Pursuant to 28 U.S.C. § 1746, I, Iliana Gilman, declare the following:

1. My name is Iliana Gilman and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.

2. I am writing today in my capacity as CEO of El Buen Samaritano Episcopal Mission (El Buen) to provide information about the negative effects suffered by our organization and the community that we serve, beginning late last year.

3. El Buen is a faith-based non-profit and a mission of the Episcopal Diocese uniquely rooted in its commitment to help Latino and other families in Central Texas lead healthy, productive and secure lives. For 30 years El Buen, with the support of its partners and funders, has worked to build healthy, resilient and vibrant communities through high-quality and affordable healthcare, education, emergency food assistance and spiritual support services.

4. More than 10,500 individuals a year rely on us for the provision of these critical services. 97 percent are Latino, of which, 92 percent live at or below 150 percent of the Federal Poverty Level. El Buen has taken great care to earn the community's trust during the last three decades, and we are better position than most other non-profits to directly witness how legislative

and executive decisions can begin to fracture that trust, which in turn keeps our community from receiving the services they desperately need.

5. As an example, approximately 600 established patients from our clinic recently became eligible for the Medical Access Program (MAP) that gives them access to specialty care, dental, pharmacy, and emergency services. To enroll in MAP, patients must provide required documentation that discloses residency and income status. In one morning, 17 MAP eligible patients who originally planned to enroll all declined after being informed of this documentation requirement – fearing their information would be made available to law enforcement and therefore put them at risk of deportation.

6. Most of our client families have complex needs who require care coordination to develop tailored treatment plans and connect them with other social services as appropriate. Almost 80 percent of our clients have a chronic disease such as diabetes, depression and high cholesterol that if left untreated, can lead to poor health outcomes that result in high cost medical services at other healthcare settings such as hospitals or urgent care clinics. El Buen serves a crucial role in diverting these individuals to more cost effective treatment that ultimately results in better outcomes, but recent events have resulted in more and more of our clients no longer coming to us for help.

7. A 48-year-old patient with a long history of well controlled diabetes stopped coming to our clinic since the ICE raids occurred in February. After many weeks of physical concerns, she came in for a medical visit. Her blood sugar levels rose significantly, she was experiencing depression, not eating and was no longer taking was her medication. Her medical provider expressed concern, and was told by the patient she was afraid to leave her home. She had

stopped taking her evening walks and was now afraid to drive to the pharmacy or to get groceries because of frequent reports warning of ICE in these areas.

8. In another case, a 50-year-old female came to the clinic for her annual exam. Although she had no previous history of depression, she reported chronic nervousness and anxiety associated with the possibility of her and/or her husband being detained and was not sleeping at night. She was afraid to leave her home and no longer drives for basic errands. She has also given up her daily walks at Lady Bird Lake. Although she was seen by a mental health professional the same day, she is refusing ongoing therapy.

9. These fears have been and continue to be expressed across all service areas. Our anecdotal feedback from our Community Health Workers is resoundingly rooted in wide-spread fear of deportation. This is also demonstrated in the impact of programs as follows: 4,200 less encounters year to date than in 2016; service utilization has declined across all program areas except for mental health; medical visits declined 7% in February and April; 10% increase in no-show rates for established patients; food pantry visits and households assisted declined by 15% in February and April; and adult education attendance rates have dropped between 10% and 25% to date.

10. Although we are a trusted member of the community, our clients are choosing to forgo critical health and basic needs services because they are afraid to leave their homes and risk being separated from their families. To them, the risk exceeds any support we can offer them. These choices – made in the context of legislative actions and executive decisions that appear directly to target them – are jeopardizing the health of our community.

11. We also are feeling the impact of these actions and decisions at an organizational level. While the need for services continues to increase, the number of individuals willing to seek

help has decreased. Impending healthcare reform, and the uncertainty associated with it, may result in further decreases. And with those decreases comes a decrease in our patient encounters and visits, directly impacting fees received through our programs and potentially threatening El Buen's financial sustainability. These reduced visits and fees mean that El Buen, just like so many of our clients, faces an uncertain future.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed in Travis County, Texas, on the 22nd day of June, 2017.

  
\_\_\_\_\_  
ILIANA GILMAN

# **EXHIBIT E**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

**DECLARATION OF MONTSERRAT GARIBAY**

Pursuant to 28 U.S.C. § 1746, I, Montserrat Garibay, declare the following:

1. My name is Montserrat Garibay and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.
2. I am the Vice President of Education Austin, the labor union for certified and classified employees of the Austin Independent School District.
3. As an immigrant advocate and vice president for Education Austin, I have seen the effect of the immigration raids and anti-immigrant policies on schools. Many of our members have shared their concerns about how students are afraid of attending schools and being separated from their parents. It is extremely difficult for a teacher to teach a student how to read and write, when their parents are living in fear. The social and emotional well-being of many of our students has been shattered into pieces because they cannot concentrate in school and are nervous.
4. Parents support specialists have shared that many mothers are depressed and do not take their children to school because they are afraid that they will be stopped by ICE agents

or the police. Some parents have withdrawn their children from school in fear that their children will end up in foster care.

5. Teachers who are working in the United States with a work authorization under the DACA (Deferred Action for Childhood Arrivals) program are also worried about the safety of their parents and siblings who are undocumented. They feel worried and live every single day with concern that one day they will return from work and one of their loved ones will not be at home. The effects of immigration raids and anti-immigrant policies are taking a toll in the lives of our most precious assets, our children, the future of our country.

6. This summer many children are been kept inside their homes for their safety, they are not allowed to go to the park, go to movies or the pools. Parents are fearful that they might be stopped and deported. Our union has seen a decrease of parents attending know your rights trainings that we are holding throughout the city. Parents do not want to leave their homes.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed in Travis County, Texas, on the 22nd day of June, 2017.

  
MONTSERRAT GARIBAY