

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

THE UNITED STATES OF AMERICA,

Plaintiff,

- against -

THE STATE OF NEW JERSEY; MIKIE
SHERILL, Governor of New Jersey, in
her official capacity,

Defendants.

Civil Action No.:
3:26-cv-1770

**[PROPOSED] BRIEF OF 20 COMMUNITY ORGANIZATIONS AS AMICI
CURIAE IN SUPPORT OF DEFENDANTS' MOTIONS TO DISMISS**

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INTEREST OF AMICI CURIAE

Proposed amici curiae are 20 organizations that represent or advocate on behalf of a wide range of New Jersey communities, including immigrants, children, and faith communities, among others. Amici are united in their strong belief that Executive Order No. 12 is lawful and benefits all residents of New Jersey by promoting democratic participation, public safety, public health, and access to higher education.

INTRODUCTION

The essence of each of the three counts in the Federal Government's Complaint is that it has an absolute right under the Supremacy Clause to dictate to the State of New Jersey how the State can make use of its own property. That is a patent misstatement of settled constitutional law which, if accepted, would stick a dagger in the heart of our federalist system. And the consequences of doing so would be to effectively deprive large portions of immigrant populations residing in New Jersey of access to hospitals, schools, and law enforcement authorities and to intimidate many naturalized citizens from registering to vote.

Amici therefore join fully in the comprehensive argument set forth by the Attorney General as to why the Federal Government's challenges to Governor Sherrill's Executive Order No. 12 ("EO 12") find no support in the Supremacy Clause and are, in fact, barred by the anti-commandeering doctrine. *See* ECF No.

10-1, Defs.’ Brief in Support of Mot. to Dismiss. More fundamentally, amici focus on what is at stake if federal civil immigration enforcement agencies were permitted to operate with free-ranging enforcement authority on state properties—particularly those that furnish the State’s essential services to New Jerseyans.

For all of these reasons, amici support the Attorney General’s argument that the Complaint against the State of New Jersey be dismissed.

ARGUMENT

In response to the alarming ICE activity across New Jersey, near schools,¹ churches², highways³, restaurants⁴, and other everyday community spaces, the State of New Jersey made a choice: to limit the use of state property and resources for the purposes of civil immigration enforcement.⁵ Troubled by the federal government’s

¹ See Emily Rose Grassi & Shaira Arias, *Elementary Students Run from Bus Stop During ICE Operation at NJ Apartment*, NBC Philadelphia (Feb. 13, 2026), <https://www.nbcphiladelphia.com/news/local/federal-agents-send-students-running-lindenwold-new-jersey-thursday/4351224/>.

² See *New Jersey Community Concerned After 2 Men Arrested by ICE Agents Outside Church in Union City*, ABC 7 (Feb. 16, 2026), <https://abc7ny.com/post/nj-leaders-community-concerned-ice-agents-arrest-2-outside-church-union-city/18608621/>.

³ See Steve Strunsky, *ICE Chase Ends in Multi-Vehicle Crash Involving 3 Children, N.J. City Says*, N.J.com (Feb. 26, 2026), <https://www.cbsnews.com/newyork/news/newark-new-jersey-ice-car-crash/>.

⁴ See Ryan Loughlin, *Fear of ICE Spreads Through New Jersey’s Restaurant Industry*, N.J. Monthly (Feb. 10, 2026), <https://njmonthly.com/articles/eat-drink/fear-of-ice-spreads-through-new-jerseys-restaurant-industry/>.

⁵ On January 20, 2026, his very last day in office, Governor Phil Murphy signed the Safe Communities Act into law. *L. 2025, c. 401, § 4*. The Act directs the Attorney General to develop and publish model policies protecting “sensitive

increasingly “militarized federal civil immigration enforcement” tactics—including the arrests and detentions of adult and children “at times in the dead of night,” the use of “masked agents unleashing chemical irritants on bystanders and non-violent protestors,” and “incidents involving racial profiling”—Governor Sherrill declared that New Jersey “is deeply committed to protecting all of its residents . . . regardless of [their] immigration status.” ECF No. 1-4, Ex. C. to Compl., Exec. Ord. 12 [hereinafter “EO 12”], Preamble. Recognizing that the use of certain state properties and resources in furtherance of civil immigration enforcement purposes would “erode public trust in State government, and undermine public safety” by “discouraging sensitive populations from seeking essential services or discouraging their relatives or caregivers from accompanying or visiting them,” Governor Sherrill made clear the State’s policy is that “property and resources owned and controlled by the State are intended to serve the residents of New Jersey.” *See id.* To that end, the Governor emphasized that the state’s property and resources “may not lawfully be commandeered to facilitate federal civil immigration enforcement.” *See id.*

EO 12 advances amici’s missions by safeguarding their members’ and constituents’ ability to access voter registration services at motor vehicle commissions, obtain health care at state hospitals and mental health institutions, seek

locations” such as schools, hospitals, courthouses, and other places where New Jerseyans seek essential services related to education, health care, and access to justice. *See id.*

assistance from law enforcement, and pursue education at public universities and colleges, to name but a few examples. Access to these services is critical to promoting healthy, safe, and democratic communities across the state. Amici therefore have a strong interest in defending EO 12, which ensures that amici’s members—and all within the boundaries of this state—can use these facilities without fear that they will double as staging grounds for sweeping civil immigration enforcement.

I. EO 12 Applies to State Property that Is Devoted to Public Uses.

EO 12 defines “State property” to include “facilities, premises, and parcels, or portions thereof, that are owned, operated, leased, or controlled by New Jersey Executive Branch departments and agencies.” EO 12, at §1.a. That definition tracks state law, which defines state property to encompass “land and improvements owned by the State,” including “state offices, hospitals, institutions, schools, colleges, universities, garages, inspection stations, warehouses, barracks and armories together with abutting vacant land held for future development for the same purposes.” N.J. Stat. Ann. § 54:4-2.2a (West 2025). Similarly, New Jersey’s regulations define “public property” as “real property owned by . . . State governments, or their agencies and devoted to public uses.” N.J. Admin. Code § 18:12-2.2(n) (2026) (citation modified).

EO 12 thus plainly encompasses Motor Vehicle Commission (“MVC”) offices, state police stations, public colleges and universities, and state-run hospitals and mental health institutions—facilities of which the State is the proprietor and that are devoted to public uses. These are precisely the locations where amici’s members and constituents access essential services. Absent the protections EO 12 provides, many would experience a chilling effect and forgo those services rather than risk exposure to immigration enforcement activity on state property severely undermining their health, safety, fundamental rights, and general well-being.

II. EO 12 Promotes Democratic Participation by Protecting Voter Registration at MVC Offices.

EO 12 promotes the right of all eligible voters to exercise that fundamental right by ensuring residents can access the automatic voter registration (“AVR”) at MVC offices without the threat of federal civil immigration enforcement setting up an operations base there. New Jersey maintains at least 39 licensing and vehicle centers across the state,⁶ which provide AVR to all eligible New Jersey residents.⁷

⁶ *Facility Locations*, NJ.Gov: N.J. Motor Vehicle Comm’n, <https://www.nj.gov/mvc/locations/facilitylocations.htm> (last visited May 13, 2026).

⁷ New Jersey implemented the motor voter requirements of the National Voter Registration Act of 1993 by designating its MVCs as the motor-voter agency and designated the Secretary of State as the chief election official responsible for coordinating the State’s compliance with the NVRA. *L. 1994, c. 182, § 23*; see Thomas M. Palisi, *Implementing the National Voter Registration Act of 1993: A Guide to the New Jersey Provisions*, 20 Seton Hall Legis. J. 41, 42 (1996), <https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1651&context=shlj>. Section 5 of the NVRA requires each motor vehicle driver’s license application,

Under this system,⁸ eligible New Jerseyans have been automatically registered to vote on the front end when they interact with the MVC.⁹ Front-end automatic voter registration is a system through which eligible residents are registered to vote on the front end while they are interacting with the MVC and given the choice to opt out, rather than after the visit by a post-transaction mailer sent to the resident.¹⁰

AVR has many benefits. One empirical study found that AVR significantly increases registration, with observed registration gains ranging from roughly 9 to 94 percent.¹¹ This is so because AVR removes barriers and “pain points” in the registration process.¹² Another study observed that AVR is about “mobilization”—that is, “urging eligible residents to get registered when it was not part of their

including any renewal application, submitted to a state motor vehicle authority, to serve as a new or updated voter registration application. 52 U.S.C. § 20504.

⁸ In 2018, New Jersey became the twelfth state to adopt AVR. *See L. 2018, c. 6 (A. 2014 / S. 651 (2018))*, amending Title 19; *Governor Murphy Signs AVR Into Law, A Move Hailed by Civil Rights Leaders*, N.J. Inst. for Soc. Just. (Apr. 17, 2018), https://njisj.org/governor_murphy_signs_avr_into_law_a_move_hailed_by_civil_rights_leaders/.

⁹ *Automatic Voter Registration*, Nat’l State Conf. of Legislatures (July 21, 2025), <https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration>.

¹⁰ *See id.*

¹¹ Kevin Morris & Peter Dunphy, *AVR Impact on State Voter Registration*, Brennan Ctr. for Justice 1 (Apr. 11, 2019), https://www.brennancenter.org/media/156/download/Report_AVR_Impact_State_Voter_Registration.pdf.

¹² *Automatic Voter Registration*, MIT Election Lab (Feb. 16, 2023), <https://electionlab.mit.edu/research/automatic-voter-registration>.

plans.¹³ The authors explained that although “those who get registered through AVR might not have high turnout at first” they “gradually become more regular voters through further mobilization after the registration step is far behind them.” *Id.* Notably, the study concluded that AVR produced “even higher registration [gains] for some of the underrepresented groups that are a central focus of these reforms.” *Id.* at 23-24.

New Jersey’s front-end AVR policy thus makes MVCs a central hub of democratic participation. In fact, when New Jersey passed AVR into law in 2018, the legislature expected the passage of the bill “will likely increase the number of people registered to vote in New Jersey by an indeterminate amount.”¹⁴ State election materials themselves emphasize MVCs as a registration venue, encouraging residents to use these facilities for voter registration.¹⁵ But if the State cannot control the use of its own properties—specifically, if its facilities can be repurposed as staging sites for civil immigration enforcement—that policy choice is undermined.

¹³ Eric McGhee & Mindy Romero, *Registration Effects of Automatic Voter Registration in the United States* 6 (Election Sci., Reform, & Admin. Conf., Working Paper, 2019), https://esra-conference.org/files/election-science-conference/files/avr_multistate_esra.pdf.

¹⁴ 19:31-6.14, *Legislative History Checklist (A2014)*, N.J. State Law Library, <https://repo.njstatelib.org/server/api/core/bitstreams/d352e99e-864e-4a22-a2c6-ca479c2ae18c/content> (last visited May 13, 2026).

¹⁵ *Voter Registration*, NJ.Gov: N.J. Motor Vehicle Comm’n, <https://www.nj.gov/mvc/drivertopics/voterreg.htm> (last visited May 11, 2026).

Residents cannot safely be encouraged to interact with the MVC if they reasonably fear that doing so will expose them or their families to immigration enforcement.

For many of amici’s members and constituents—especially those who have limited awareness of New Jersey’s online registration opportunities, or do not have reliable access to the internet or to smartphones, that would make it harder for them to register online—MVCs are the only realistic registration sites. Ex. 1, Declaration of James Fukuda (“Fukuda Decl.”) ¶¶ 22-23. These residents are far more likely to visit MVCs for required license or ID transactions than to make a separate trip to the county election office solely for the purpose of registering to vote. *Id.* And many are less engaged or confident about handling separate, including online, registration processes on their own, so completing transactions at the MVC is the only practical way they are likely to become registered. *Id.* Yet visible and sometimes violent immigration enforcement activity—including highly publicized incidents in which federal officers have harmed or even killed citizens and bystanders¹⁶—creates a climate of fear that deters community members from going to MVCs at all, even when doing so is necessary for licenses and IDs. Fukuda Decl. ¶¶ 23-24.

¹⁶ Melissa Hellmann, *Eight People Have Died in Dealings with ICE So Far in 2026. These Are Their Stories*, Guardian (Jan. 28, 2026), <https://www.theguardian.com/us-news/2026/jan/28/deaths-ice-2026->

In addition, many of amici's members are naturalized citizens or first-time voters and some come from mixed-status families (i.e., households where family members have different immigration or citizenship statuses). *Id.* at ¶¶ 14, 24. These individuals are understandably wary of visiting MVC offices because they fear exposing their loved ones to the threat of immigration enforcement. *Id.* at ¶ 24. Even when such an individual is a U.S. citizen and is eligible to vote, they worry that simply appearing at a government office with undocumented parents or siblings could draw unwanted attention, questioning, or surveillance. Stories of immigration actions near courthouses, schools, or other public spaces can reinforce the perception that any government building is risky, especially for families who already feel vulnerable. *Id.* at ¶¶ 20, 23-26. As a result, what should be routine trips to the MVC for licenses or IDs can instead become fraught with anxiety, leading some eligible first-time voters to delay or avoid registration altogether. *Id.* at ¶ 24.

EO 12 helps safeguard democratic participation by preventing MVCs and similar state properties from becoming hubs for sweeping federal civil immigration enforcement operations. It assures residents, including amici's members, that they can appear at MVC offices to obtain licenses, IDs, and voter registration services without those facilities simultaneously serving as civil immigration enforcement sites. If, instead, New Jerseyans come to believe that MVCs are effectively

extensions of federal enforcement, fewer will transact with the agency, and, as a direct consequence, fewer eligible citizens will be registered to vote.

III. EO 12 Promotes Public Safety by Allowing Immigrant Residents to Interact Openly with Local Law Enforcement.

The New Jersey State Police, among other functions, provides general police services “associated with the statewide enforcement of laws, the prevention of crime, the pursuit and apprehension of offenders, and the gathering of legal evidence to ensure the conviction of such offenders. In certain municipalities, the [New Jersey State Police] is the sole provider of these general police services.”¹⁷ EO 12 falls squarely into the “police powers” of the State of New Jersey. The Constitution reserves broad “police powers” to the states, which refers not only to an abstract legal concept but also to actions that state policymakers take to protect the safety, health, and welfare of their residents. *Medtronic, Inc. v. Lohr*, 518 U.S. 470, 475 (1996). These “police powers” include the authority to direct the activities of state law enforcement officers. *County of Ocean v. Grewal*, 475 F. Supp. 3d 355, 379 (D.N.J. 2020), *aff’d sub nom., Ocean Cnty. Bd. of Comm’rs v. Att’y Gen. of State of N.J.*, 8 F.4th 176 (3d Cir. 2021). Governor Sherill enacted EO 12 with this exact goal in mind: promoting the safety of New Jersey residents by facilitating open

¹⁷ *Core Functions*, N.J. State Police, <https://njsp.njoag.gov/about-us/core-functions/> (last visited May 14, 2026).

communication between residents and state law enforcement and reserving state law enforcement property for criminal law enforcement.

As the Third Circuit has already recognized, New Jersey's

decision not to cooperate with the enforcement of federal immigration law in an effort to strengthen the relationship between its communities and police, and shore up more effective enforcement of state criminal law. . . . is a clear exercise of the State's police power to regulate the conduct of its own law enforcement agencies.

Grewal, 475 F. Supp. 3d at 381; *see also City of Chicago v. Sessions*, 888 F.3d 272, 282 (7th Cir. 2018) (dismissing preemption claims), *reh'g en banc granted in part, opinion vacated in part*, No. 17-2991, 2018 WL 4268817 (7th Cir. June 4, 2018), *vacated on other grounds*, No. 17-2991, 2018 WL 4268814 (7th Cir. Aug. 10, 2018). EO 12 represents an exercise of that precise power.

Academic research bears out the observation that mixing local law enforcement with federal immigration enforcement destroys trust between immigrant communities and local authorities. One study conducted in four counties across the United States found that Latinos, regardless of immigration status, reported being less likely to volunteer information about crimes because they feared attracting unwanted law enforcement attention to their family or friends.¹⁸ 70 percent

¹⁸ Nik Theodore, U. Ill. at Chi., *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement* 17 (2013), https://immigrantjustice.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF.

of undocumented Latino respondents and 44 percent of Latino respondents across all immigration statuses reported that they would be less likely to communicate with law enforcement if they were victims of a crime, out of fear that local officers would question their immigration status or the status of people they know. *Id.* at 5.

The fear that reporting a crime will lead to negative immigration consequences is especially prevalent among survivors of domestic and intimate partner violence. Immigrant women are particularly vulnerable to such violence due to factors such as language barriers and lack of familiarity with available support systems.¹⁹ Moreover, some abusers threaten survivors of violence with deportation if they disclose the abuse. *Id.* at 12. Courts have thus recognized that in the case of domestic violence or crimes of that nature, the reluctance to report that is endemic to such offenses could be magnified in communities where reporting could turn a misdemeanor into a deportation. And the failure to obtain that victim and witness cooperation could hinder law enforcement efforts. *Sessions*, 888 F.3d at 280. The data support this: in a 2019 survey of advocates across the country who represent immigrant victims of domestic and sexual violence, 76 percent of advocates reported that their immigrant survivor clients had concerns about contacting the police, and

¹⁹ Michael Runner et al., Family Violence Prevention Fund for the Robert Wood Johnson Found., *Intimate Partner Violence in Immigrant and Refugee Communities: Challenges, Promising Practices and Recommendations* 11 (2009), <https://irp.cdn-website.com/25448aaa/files/uploaded/IPV-in-Immigrant-and-Refugee-Communities-Challenges-Promising-Practices-Recommendations.pdf>.

around 60 percent of advocates reported that their agencies observed an increase in immigration-related questions from clients.²⁰ Policies like those captured in EO 12 draw a clear line between state criminal law enforcement and federal civil immigration enforcement, encouraging immigrants experiencing domestic violence to seek protection.²¹

Without EO 12, members of New Jersey's immigrant communities would reasonably fear that reporting crimes or unsafe situations at a state police station could result in deportations and family separations. EO 12 allows immigrants and their families to live in greater security and feel safer reporting crimes, thus promoting public safety for all residents.

In addition to building trust and stronger communication between immigrant communities and law enforcement, EO 12 ensures that state law enforcement agencies focus the use of state property on their core mission: enforcing criminal law. Governor Sherill has reasonably determined that rather than allowing federal immigration enforcement agents to come into nonpublic areas and disrupt police activities, or use state police stations as an operations base to facilitate enforcement

²⁰ *Survey of Advocates Reveals Immigrant Survivors Fear Reporting Violence*, Tahirih Justice Center (June 4, 2019), <https://www.tahirih.org/news/survey-of-advocates-reveals-immigrant-survivors-fear-reporting-violence/>.

²¹ Catalina Amuedo-Dorantes & Monica Deza, *Can Sanctuary Policies Reduce Domestic Violence?* 4 (Ctr. for Growth & Opportunity at Utah State U., Working Paper No. 2020.008, 2020), <https://www.thecgo.org/wp-content/uploads/2020/09/Can-Sanctuary-Policies-Reduce-Domestic-Violence.pdf>.

of civil immigration law, law enforcement property is better utilized investigating crimes. Moreover, “[t]he choice as to how to devote law enforcement resources—including whether or not to use such resources to aid in federal immigration efforts—would traditionally be one left to state and local authorities.” *Grewal*, 475 F. Supp. 3d at 381 (quoting *Sessions*, 888 F.3d at 282).²²

Consistent with this emphasis on law enforcement’s public safety mission, EO 12 expressly allows cooperation with federal authorities with regard to enforcement of criminal law.²³ EO 12 therefore keeps state law enforcement agencies’ resources focused on their core public safety mission.

IV. EO 12 Allows New Jersey Residents to Access Healthcare.

New Jersey operates four psychiatric hospitals and one acute care hospital. Disentangling state healthcare programs from federal immigration enforcement encourages immigrant residents of New Jersey to seek routine medical care and to attend to medical emergencies, protecting public health. Indeed, focus groups with immigrant participants have confirmed that hesitancy to seek out medical care often stems from fear of deportation and concerns about not being able to furnish

²² Indeed, “the federal government may, without the cooperation of local law enforcement agencies, expend extra efforts and resources to apprehend aliens who are subject to removal.” *Id.* at 382 (citation modified).

²³ EO 12, at §5.a.

documentation required to apply for insurance and for healthcare.²⁴ Latinos, even U.S. citizens, are less likely to see a healthcare provider when the issue of immigration is mentioned.²⁵ Assurance that federal immigration enforcement officers are not staging operations at state healthcare facilities is essential to ensuring access to medical care for both immigrant residents and their loved ones. And importantly, ensuring that immigrant residents and their families engage with the healthcare system is critical to public health: Immigration-related healthcare system avoidance increases the risk of spreading infectious disease (e.g., COVID-19) and may contribute to the loss of herd immunity for vaccine-preventable diseases.²⁶

More broadly, healthcare providers nationwide reported to Physicians for Human Rights (“PHR”) that individuals across a spectrum of immigration statuses are delaying care, missing preventive services, and interrupting ongoing treatment due to fear of immigration consequences stemming from seeking healthcare—trends

²⁴ Karen Hacker et al., *The Impact of Immigration and Customs Enforcement on Immigrant Health: Perceptions of Immigrants in Everett, Massachusetts, USA*, 73 Soc. Sci. & Med. 586, 592 (2011), <https://www.sciencedirect.com/science/article/pii/S0277953611003522>.

²⁵ Francisco Pedraza, *Cautious Citizenship: The Deterring Effect of Immigration Issue Salience on Health Care Use and Bureaucratic Interactions Among Latino US Citizens*, 42 J. Health Pol., Pol’y & L. 925, 927-28 (2017), <https://read.dukeupress.edu/jhpl/article-abstract/42/5/925/131418/Cautious-Citizenship-The-Deterring-Effect-of?redirectedFrom=fulltext>.

²⁶ Medha D. Makhoul, *Health Care Sanctuaries*, 20 Yale J. Health Pol’y, L. & Ethics 1, 49-50 (2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3915570.

that could have widespread public health implications.²⁷ Healthcare providers have highlighted that this delay in seeking care transforms treatable conditions into emergencies and undermines public health systems: consequences have included missed tuberculosis follow-ups, reduced communicable disease surveillance, and delays in screening and preventive care. *Id.* at 10. In response, PHR has recommended that local governments “introduce and advance legislation and policies that restrict immigration enforcement in health care settings and other sensitive locations.” *Id.* at 17. This is precisely what EO 12 does: draw clear distinctions between immigration enforcement and the use of state property as a staging area, thereby promoting public health by allowing residents to feel safe in accessing healthcare services.

V. EO 12 Allows New Jersey Residents to Access Higher Education.

New Jersey’s robust public higher education system comprises 13 state colleges and universities and research institutions. EO 12 ensures that these facilities serve to educate students, regardless of their immigration status or that of their loved ones, rather than instill fear as potential immigration enforcement operations bases.

²⁷ Physicians for Hum. Rts., *Consequences of Fear: How the Trump Administration’s Immigration Policies and Rhetoric Block Access to Healthcare* 6 (2025), https://phr.org/wp-content/uploads/2025/04/Consequences-of-Fear_Research-Brief_PHR_April-2025.pdf#xd_co_f=ZGIwMGUwZWEtOTI0OC00MjMwLTgxN2ItMGQ2Njg4NDVIOWI0~.

All New Jerseyans benefit from more students gaining higher education degrees. The average college graduate is 24 percent more likely to be employed, and on an annual basis, median earnings for bachelor's degree holders are 86 percent higher than median earnings for those whose highest degree is a high school diploma.²⁸ Because college graduates typically earn more and higher earnings are taxed at an increased marginal rate, they contribute on average twice as much in taxes during their lifetime than a high school graduate. *Id.* Those taxes that are collected by the State of New Jersey then contribute to a budget that benefits all New Jerseyans. Finally, higher education also plays a central role educating students in areas of statewide need, like teachers, nurses, doctors, engineers, and other professionals. *Id.*

Although New Jerseyans benefit from higher postsecondary education attainment, irrespective of immigration status, immigrants and members of mixed-status households would be disincentivized from attending a postsecondary institution if federal civil immigration enforcement agencies were able to use the campus as a civil immigration enforcement operations base. This deterrent also stands in addition to existing barriers to postsecondary education for immigrants. For example, undocumented immigrants are largely ineligible for federal

²⁸ *How Do College Graduates Benefit Society at Large?*, Ass'n of Pub. & Land-Grant Univs., <https://www.aplu.org/our-work/4-policy-and-advocacy/publicvalues/societal-benefits/> (last visited May 14, 2026).

postsecondary education benefits like Pell Grants,²⁹ and the federal government is currently challenging New Jersey's policy offering in-state tuition and financial aid to undocumented immigrants. *See* Complaint, *United States v. New Jersey*, No. 26-cv-4862 (D.N.J. Apr. 30, 2026).

Additionally, many immigrant adults face challenges to accessing and completing postsecondary education and training, including those linked to coming from low-income households, having young children, having a low level of English proficiency, or being older than the common college-going age. According to a 2022 analysis of the U.S. Census Bureau's American Community Survey, more than 40 percent of unauthorized immigrants, green-card holders, and Temporary Protected Status eligible immigrants had children under age 18; and more than half of humanitarian migrants and undocumented immigrants (excluding those eligible for DACA) had low English proficiency.³⁰

Individual students, too, benefit from accessing formal education or training after high school. Postsecondary education facilitates employment: between January 2010 and January 2016, more than 95 percent of jobs created required some

²⁹ Jeanne Batalova & Michael Fix, *Diverging Pathways: Immigrants' Legal Status and Access to Postsecondary Credentials*, Migration Pol'y Inst. 9 (2022), <https://policycommons-net.azure.lib.harvard.edu/artifacts/18760881/diverging-pathways/19661437/view/>.

³⁰ Batalova & Fix, *Diverging Pathways: Immigrant's Legal Status and Access to Postsecondary Credentials*, *supra*, at 2.

postsecondary education.³¹ And when COVID-19 struck and unemployment rose, those with some college education were more likely to retain their jobs.³² U.S. adults with postsecondary degrees are even less likely than adults without postsecondary education to report that they have a condition that prevents them from doing normal daily activities, or to have been diagnosed with a chronic medical condition such as asthma, high blood pressure, or diabetes.³³ People with education past high school also express more self-confidence and the ability to adapt to challenging circumstances. *Id.* at 21.

Without EO 12, immigrant students who would otherwise attend state postsecondary institutions may steer clear out of fear of federal immigration enforcement operations bases on the premises—costing them and all New Jerseyans the benefits that such education could provide.

³¹ Anthony P. Carnevale et al., *America's Divided Recovery: College Haves and Have-Nots*, Georgetown Univ. Ctr. on Educ. & the Workforce 3 (2016), <https://cew.georgetown.edu/wp-content/uploads/Americas-Divided-Recovery-web.pdf>.

³² *Tracking COVID-19 Unemployment and Job Losses*, Georgetown Univ. Ctr. on Educ. & the Workforce, <https://cew.georgetown.edu/cew-reports/jobtracker/#jobstracking> (last visited May 14, 2026).

³³ Gallup & Lumina Found., *Education for What?* 13 (2023), https://www.luminafoundation.org/wp-content/uploads/2023/08/Education.for_.What_.pdf.

CONCLUSION

Because EO 12 is lawful and ensures democratic participation, public safety, public health, and access to higher education benefiting all New Jerseyans, the Court should grant Defendants' Motion to Dismiss.

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Respectfully Submitted,

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