

# **EXHIBIT 1**

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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 CITY AND COUNTY OF SAN FRANCISCO,  
13 Plaintiff,

v.

14 DONALD J. TRUMP, President of the United States,  
15 UNITED STATES OF AMERICA, JOHN F.  
16 KELLY, Secretary of United States Department of  
Homeland Security, JEFFERSON B. SESSIONS,  
17 Attorney General of the United States, DOES 1-100,  
18 Defendants.

19 COUNTY OF SANTA CLARA,  
20 Plaintiff,

v.

21 DONALD J. TRUMP, President of the United States  
of America, JOHN F. KELLY, in his official capacity  
22 as Secretary of the United States Department of  
Homeland Security, JEFFERSON B. SESSIONS, in  
23 his official capacity as Attorney General of the United  
States, JOHN MICHAEL "MICK" MULVANEY, in  
24 his official capacity as Director of the Office of  
Management and Budget, and DOES 1-50,  
25 Defendants.

Case No. 3:17-cv-00485-WHO

Case No. 3:17-cv-00574-WHO

**PROPOSED BRIEF FOR TAHIRIH  
JUSTICE CENTER, ET AL. AS  
AMICI CURIAE IN SUPPORT OF  
PLAINTIFFS' OPPOSITIONS TO  
DEFENDANTS' MOTIONS TO  
DISMISS**

Judge: Hon. William H. Orrick

**INTERESTS OF AMICI CURIAE**

The Tahirih Justice Center (“Tahirih”) and other Amici are direct-services and policy-advocacy organizations working on behalf of immigrant women survivors of gender-based violence. As detailed in their March 22, 2017 Amicus Brief filed in support of Plaintiffs’ motions for a preliminary injunction (“Brief”),<sup>1</sup> Amici have a special understanding of the direct and severe impact that the January 25, 2017 Executive Order, Enhancing Public Safety in the Interior of the United States, No. 13,768, 82 Fed. Reg. 8799 (the “Executive Order”), is having on immigrant survivors by limiting their access to protection from and treatment for the effects of gender-based violence.

**ARGUMENT**

**I. The Court Should Consider Amici’s Prior Arguments in Support of Plaintiffs’ Oppositions to Defendants’ Motions to Dismiss**

Amici reiterate all arguments made in their earlier Brief and respectfully request that the Court also consider these arguments in support of the Plaintiffs’ Oppositions to Defendants’ Motions to Dismiss.<sup>2</sup> Amici’s prior arguments outlining both the harms caused by the Executive Order, and the benefits that flow to our communities as a result of so-called “sanctuary” policies, continue to be relevant and consequential in the context of Defendants’ Motions to Dismiss. The Brief provides specific examples of the concrete injuries that the County of Santa Clara (“Santa Clara”), City and County of San Francisco (“San Francisco”) and similarly situated jurisdictions have faced as a result of the Executive Order.<sup>3</sup> As the Brief explained, the Executive Order has already deterred survivors of gender-based violence from accessing essential protection services and from reporting abuse, rendering immigrant women and their larger communities less safe. *See* Brief at 2-8. San Francisco, Santa Clara, and similarly situated jurisdictions are already experiencing the detrimental effects of

<sup>1</sup>Proposed Brief for Tahirih Justice Center, et al. as Amici Curiae in Support of Plaintiffs’ Motions for Preliminary Injunctions, No. 3:17-cv-00485-WHO, Dkt. 41-1; No. 3:17-cv-00574-WHO, Dkt. 76-1.

<sup>2</sup>*See* Plaintiff County of Santa Clara’s Opposition to Defendants’ Motion to Dismiss, No. 17-cv-00574-WHO (June 21, 2017), Dkt. 119; Plaintiff City and County of San Francisco’s Opposition to Defendants’ Notice of Motion and Motion to Dismiss, No. 3:17-cv-00485-WHO (June 20, 2017), Dkt. 115.

<sup>3</sup>*See* Defendants’ Notice of Motion and Motion to Dismiss; Memorandum of Point and Authorities, *City and County of San Francisco v. Trump*, No. 3:17-cv-00485-WHO (June 6, 2017) Dkt. 111 at 10; Defendants’ Notice of Motion and Motion to Dismiss; Memorandum of Point and Authorities, *County of Santa Clara v. Trump*, No. 3:17-cv-00574-WHO (June 7, 2017), Dkt. 115 at 11.

1 the Executive Order—even before its enforcement. *See* Brief at 6-8; *cf. Valle del Sol Inc. v. Whiting*,  
 2 732 F.3d 1006, 1015 (9th Cir. 2013) (Plaintiff “does not have to await the consummation of  
 3 threatened injury to obtain preventive relief.”).

4 **II. The Executive Order’s Chilling Effects on Immigrant Victims of Gender-Based  
 5 Violence Continue to Be Felt Nationwide**

6 Since Amici filed their Brief in March, even more evidence has come to light demonstrating  
 7 how the Executive Order and related efforts to entangle federal and local immigration enforcement  
 8 are deterring survivors of gender-based violence from reporting crime. In an April survey of more  
 9 than 700 legal advocates and legal-services organizations nationwide, three out of four respondents  
 10 reported that their clients had expressed concerns about contacting the police or about going to court  
 11 for matters related to their victimization.<sup>4</sup> As one advocate explained:

12 [C]lients are afraid of calling the police because they believe that they will be  
 13 deported if they do, especially if their abuser is a U.S. citizen. They think law  
 enforcement will listen to someone who is a citizen of this country more than an  
 undocumented person.<sup>5</sup>

14 Additional reports similarly make clear that more and more survivors are hesitant to apply for legal  
 15 protections from abuse, such as temporary restraining orders or U visas, out of fear that doing so  
 16 may prompt adverse immigration consequences.<sup>6</sup> One domestic violence survivor even gave up  
 17 custody of her daughter to her former abuser out of fear that a protracted litigation battle would  
 18 expose her to a risk of deportation.<sup>7</sup> These accounts demonstrate how the Executive Order and  
 19 related efforts bolster abusers’ power to silence immigrant survivors by threatening to reveal a  
 20 survivor’s immigration status to law enforcement, and impede survivors from obtaining legal  
 21 remedies available to them under the law—including remedies that Congress created for the express

22 \_\_\_\_\_  
 23 <sup>4</sup>Report, 2017 Advocate and Legal Service Survey Regarding Immigrant Survivors (April 2017),  
 24 <http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf>.

25 <sup>5</sup>*Id.*

26 <sup>6</sup>2017 Advocate and Legal Service Survey Regarding Immigrant Survivors; Virginia Fay, *Back Into  
 the Shadows: Immigrants Retreat from Needed Services as Deportation Fears Loom*, SAN  
 FRANCISCO GATE (Jun. 13, 2017 11:28 AM), <http://blog.sfgate.com/inthepeninsula/2017/06/13/back-into-the-shadows-immigrants-retreat-from-needed-services-as-deportation-fears-loom>.

27 <sup>7</sup>Manya Brachear Pashman, *Immigrant Women Fear Deportation Under Trump if They Report  
 28 Domestic Abuse, Advocates Say*, CHICAGO TRIBUNE, (Jun. 26, 2017, 7:27 AM),  
<http://www.chicagotribune.com/news/immigration/ct-domestic-violence-immigration-met-20170626-story.html>.

1 purpose of preventing further exploitation and abuse. *See* Brief at 8-11.<sup>8</sup> Following the recent  
 2 passage of a state law to promote local enforcement of immigration laws, a Tahirih client aptly  
 3 noted: “This is exactly what [my abuser] has been waiting for.”<sup>9</sup>

4 Likewise, a growing body of evidence indicates that the Executive Order and similar  
 5 measures are undermining community safety by damaging trust between law enforcement and  
 6 immigrant communities. According to the Police Executive Research Forum, police chiefs are  
 7 worried that the “national mood about immigration has made undocumented immigrants reluctant to  
 8 report crimes.”<sup>10</sup> After Amici’s Brief was filed, the San Francisco Police Department reported a 14  
 9 percent decrease in reports of domestic violence by Hispanic women compared to the same three-  
 10 month period last year.<sup>11</sup> In Houston, Texas, the Police Chief noted that, over the same three-month  
 11 period, reports by Hispanics of sexual assault dropped by 43 percent and reports by Hispanics of  
 12 robberies and aggravated assaults declined by 12 percent.<sup>12</sup> Similarly, police records in New  
 13 Jersey’s Camden County indicate a 6 percent decrease this year in service calls from communities  
 14 with primarily undocumented residents.<sup>13</sup>

15 Without community reporting and involvement, law enforcement and prosecutors are less  
 16 effective at maintaining community safety. As the United States Commission on Civil Rights

17 \_\_\_\_\_  
 18 <sup>8</sup>*See, e.g.*, 2017 Advocate and Legal Service Survey Regarding Immigrant Survivors, April 2017 (“A  
 19 16-year-old survivor attempted suicide because she was concerned that her offender would report  
 20 her and her family to ICE”); Fay, *supra* note 6 (“Maria, paralyzed with fear, shrunk into herself as  
 21 her abusive husband told a judge hearing her restraining order case that she’s an illegal  
 22 immigrant[.]”); Natasha Chen, *More ICE Agents Seen Waiting Around Local Courthouses to*  
 23 *Intercept People*, KIRO 7 (Mar. 23, 2017 4:41 PM), [http://www.kiro7.com/news/local/more-ice-](http://www.kiro7.com/news/local/more-ice-agents-seen-waiting-around-local-courthouses-to-intercept-people/505226120)  
 24 [agents-seen-waiting-around-local-courthouses-to-intercept-people/505226120](http://www.kiro7.com/news/local/more-ice-agents-seen-waiting-around-local-courthouses-to-intercept-people/505226120) (“Jay Stratton, an  
 immigration attorney, said domestic violence victims who are undocumented are particularly at risk.  
 He said they have been afraid to report crimes and walk into a courthouse to file for a protection  
 order, for fear of encountering ICE.”).

23 <sup>9</sup>Tahirih Urges House Judiciary Committee to Oppose the Harmful Davis-Oliver Act, Tahirih Justice  
 24 Center (2017), [http://www.tahirih.org/news/tahirih-urges-house-judiciary-committee-to-oppose-the-](http://www.tahirih.org/news/tahirih-urges-house-judiciary-committee-to-oppose-the-harmful-davis-oliver-act/)  
[harmful-davis-oliver-act/](http://www.tahirih.org/news/tahirih-urges-house-judiciary-committee-to-oppose-the-harmful-davis-oliver-act/) (last visited Jun. 27, 2017).

25 <sup>10</sup>Lindsey Bever, *Hispanics ‘Are Going Further Into the Shadows’ Amid Chilling Immigration*  
 26 *Debate, Police Say*, WASH. POST (May 12, 2017), [https://www.washingtonpost.com/news/post-](https://www.washingtonpost.com/news/post-nation/wp/2017/05/12/immigration-debate-might-be-having-a-chilling-effect-on-crime-reporting-in-hispanic-communities-police-say/?utm_term=.d8ce4e91cd97)  
[nation/wp/2017/05/12/immigration-debate-might-be-having-a-chilling-effect-on-crime-reporting-in-](https://www.washingtonpost.com/news/post-nation/wp/2017/05/12/immigration-debate-might-be-having-a-chilling-effect-on-crime-reporting-in-hispanic-communities-police-say/?utm_term=.d8ce4e91cd97)  
[hispanic-communities-police-say/?utm\\_term=.d8ce4e91cd97](https://www.washingtonpost.com/news/post-nation/wp/2017/05/12/immigration-debate-might-be-having-a-chilling-effect-on-crime-reporting-in-hispanic-communities-police-say/?utm_term=.d8ce4e91cd97).

27 <sup>11</sup>Fay, *supra* note 6.

28 <sup>12</sup>John Burnett, *New Immigration Crackdowns Creating ‘Chilling Effect’ On Crime Reporting*, NPR  
 (May 25, 2016 4:54 AM), [http://www.npr.org/2017/05/25/529513771/new-immigration-](http://www.npr.org/2017/05/25/529513771/new-immigration-crackdowns-creating-chilling-effect-on-crime-reporting)  
[crackdowns-creating-chilling-effect-on-crime-reporting](http://www.npr.org/2017/05/25/529513771/new-immigration-crackdowns-creating-chilling-effect-on-crime-reporting).

<sup>13</sup>Bever, *supra* note 10.

1 explained in an April statement, recent immigration enforcement actions have “instill[ed] needless  
2 additional fear and anxiety within immigrant communities, discourage[d] interacting with the  
3 judicial system, and endanger[ed] the safety of entire communities.”<sup>14</sup> Recent reports detailing this  
4 chilling effect, combined with those cited in Amici’s earlier Brief, demonstrate that, unless enjoined,  
5 the Executive Order will continue to undermine cooperation between law enforcement and  
6 immigrant communities, and continue to endanger community safety.

7 **CONCLUSION**

8 The Court should deny Defendants’ Motions to Dismiss.  
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28 <sup>14</sup>Statement of United States Commission on Civil Rights, Concern with Immigrants’ Access to  
Justice (April 24, 2017), [http://www.usccr.gov/press/2017/Statement\\_04-24-2017-Immigrant-  
Access-Justice.pdf](http://www.usccr.gov/press/2017/Statement_04-24-2017-Immigrant-Access-Justice.pdf).

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Respectfully submitted,

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