

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PROJECT CITIZENSHIP INC.,

*Plaintiff,*

v.

DEPARTMENT OF HOMELAND  
SECURITY, et al.,

*Defendants.*

Civil Action No.: 1:20-cv-11545-NMG

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF  
OF THE CITY OF BOSTON, 31 ADDITIONAL CITIES, COUNTIES AND MUNICIPAL  
AGENCIES, AND U.S. CONFERENCE OF MAYORS IN SUPPORT OF  
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

The City of Boston, on behalf of 31 cities, counties and municipal agencies, and the U.S. Conference of Mayors, respectfully moves the Court for leave to file a memorandum of law as *amicus curiae* in support of Plaintiff's motion for preliminary injunction.

*Amici* represent 31 cities, counties and municipal agencies across the country, comprising a broad cross-section of America all with their own unique economic, political and cultural perspectives. The *Amici* include the cities of Boston, MA; Albuquerque, NM; Austin, TX; Boise, ID; Brownsville, TX; Cambridge, MA; Carson, CA; Chelsea, MA; Chicago, IL; Davis, CA; Dayton, OH; Denver, CO; Lawrence, MA; Long Beach, CA; Los Angeles, CA; Lynn, MA; Malden, MA; McAllen, TX; Melrose, MA; Minneapolis, MN; New York, NY; Newton, MA; Oakland, CA; Palm Springs, CA; Philadelphia, PA; Pittsburgh, PA; Saint Paul, MN; Seattle, WA; Somerville, MA; Stamford, CT; Tacoma, WA; Los Angeles County, CA; Cook County, IL;

Montgomery County, MD; The Metropolitan Area Planning Council; and the U.S. Conference of Mayors, Washington DC.

*Amici* care deeply about their foreign-born populations and have a powerful and significant interest in ensuring that those eligible to become United States' citizens have fair and reasonable access to the naturalization process. Naturalization provides tangible and concrete economic benefits for immigrants and for their communities. As explained further in the *amici*'s proposed brief, eligible immigrants who naturalize have higher incomes, higher employment rates, are more likely to own homes than noncitizens and are more likely to have health insurance than non-citizens. Municipalities also receive significant benefits from naturalization. They receive increased tax income from naturalized immigrants, and decreased public benefit expenditures and their naturalized residents become more engaged and active in their communities. For these reasons, municipalities devote significant resources to assisting their immigrant constituents with the naturalization process.

The rule of the Department of Homeland Security ("DHS") challenged by Plaintiff in this action will radically increase the fee for naturalization applications, while at the same time making it all but impossible for most low-income applicants to seek a waiver or reduction of fees. In essence, the challenged rule seeks to impose a wealth test on naturalization.

The wealth test created by the challenged rule will have a chilling effect on naturalization rates in the *amici*'s communities as well as across the country. This will have a profoundly negative effect on municipalities and their immigrant populations. The wealth test created by the proposed rule will deprive eligible applicants who are unable to pay the increased fee of the benefits of citizenship and municipalities from the benefits of having residents naturalize. In addition, the challenged rule will frustrate municipalities efforts and significant investments to

promote naturalization to their eligible noncitizen residents and to help those residents with the citizenship application process. Accordingly, the *amici* have a significant interest in the outcome of Plaintiff's motion for a preliminary injunction.

Federal district courts possess "inherent authority and discretion to appoint amici."

*Boston Gas Co. v. Century Indem. Co.*, No. 02--12062-RWZ, 2006 WL 1738312, at \*1 n.1 (D. Mass. June 21, 2006).

The role of an *amicus curiae*, meaning 'friend of the court,' is to 'assist the court in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring complete and plenary presentation of difficult issues so that the court may issue a proper decision.'

*Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass.) (citation omitted), *aff'd*, 807 F. 3d. 472 (1st Cir. 2015). *Amici* seek to provide the court with *inter alia* facts and statistics regarding both the benefits of naturalization and the negative impact the challenged rule will have on *amici* and their communities as well as the Defendants' failure to address certain of these facts and statistics in the rule making process leading to the promulgation of the challenged rule.

Finally, no party or counsel for a party authored the brief in whole or in part, and no party, counsel for a party, or person other than *amici*, their members, or their counsel made any monetary contribution intended to fund the preparation or submission of the brief.

WHEREFORE, *amici* respectfully request that this Court grant leave to file their proposed brief, attached hereto as Exhibit A.

Dated: September 17, 2020

Respectfully submitted,

/s/ Nathaniel J. McPherson  
Nathaniel J. McPherson (BBO #697666)  
LATHAM & WATKINS LLP  
John Hancock Tower  
200 Clarendon Street, 27<sup>th</sup> Floor  
Boston, MA 02116  
Telephone: (617) 880-4572  
Facsimile: (617) 948-6001  
nathaniel.mcpherson@lw.com

*Counsel for Amicus Curiae, City of Boston*

### **LOCAL RULE 7.1 CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), undersigned counsel hereby certifies that he has conferred, or attempted to confer, with counsel for all parties regarding the relief requested in this motion. Counsel for Plaintiffs have assented to this motion. Counsel for Defendants have not indicated whether they assent to or oppose this motion.

/s/ Nathaniel J. McPherson  
Nathaniel J. McPherson

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing (“NEF”), and paper copies will be sent on September 17, 2020 to those identified as non-registered participants.

/s/ Nathaniel J. McPherson  
Nathaniel J. McPherson