
No. 25-20496 & 25-40701

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Victor Buenrostro-Mendez,
Petitioner-Appellee,

v.

Pamela Bondi, U.S. Attorney General, et al.
Respondents-Appellant.

Jose Padron Covarrubias,
Petitioner-Appellee,

v.

Miguel Vergara, ICE Field Office Director, San Antonio ICE Detention and
Removal, *et al.*
Respondents-Appellant.

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS
USDC No. 4:25-CV-03726-LHR; USDC No. 5:25-CV-00112-JAK

**[PROPOSED] BRIEF OF *AMICI CURIAE* HARRIS COUNTY, TX,
EL PASO COUNTY, TX, CITY OF AUSTIN, TX,
AND LOCAL GOVERNMENT LEADERS IN SUPPORT OF
PETITIONER-APPELLEES' PETITION FOR REHEARING *EN BANC***

JENNY MA
CHRISTOPHER PEÑA
JEAN LARSEN
PUBLIC RIGHTS PROJECT
490 43rd Street, #115
Oakland, CA 94609
(510) 738-6788

SUPPLEMENTAL CERTIFICATE OF INTERESTED PARTIES

Pursuant to Fifth Circuit Rule 29.2, I hereby supplement the certificate of interested persons provided in the briefs of appellants and appellees by naming the following persons who have an interest in the outcome of this litigation:

Amici Curiae

City of Austin, Texas

El Paso County, Texas

Harris County, Texas

Arnetta Murray, Councilmember, City of Iowa Colony, Texas

Jaime Resendez, Councilmember, City of Dallas, Texas

David Stout, County Commissioner, El Paso County, Texas

Counsel for Amici Curiae

Jenny Ma, Esq.

Christopher Peña, Esq.

Jean Larsen, Esq.

TABLE OF CONTENTS

STATEMENT OF INTEREST	1
SUMMARY OF ARGUMENT	1
ARGUMENT	2
I. MANDATORY DETENTION WOULD INFLICT SEVERE LOCAL ECONOMIC HARMS.....	2
II. MANDATORY DETENTION WOULD HARM PUBLIC SAFETY AND HEALTH.....	7
CONCLUSION.....	9
ADDITIONAL COUNSEL	10
APPENDIX A – List of <i>Amici Curiae</i>	11
CERTIFICATE OF SERVICE	12
CERTIFICATE OF COMPLIANCE	13

TABLE OF AUTHORITIES

OTHER AUTHORITIES

Alejandra Martinez et al., <i>Some Texas business leaders are apprehensive about Trump’s pledged deportations</i> , Tex. Trib. (Jan. 8, 2025).....	3, 4
Am. Immigr. Council, <i>Immigration Detention Expansion in Trump’s Second Term</i> (Jan. 2026)	3
Am. Immigr. Council, <i>Mass Deportation: Devastating Costs to America, Its Budget and Economy</i> (Oct. 2024).....	4, 7
Am. Immigr. Council, <i>New Americans in Louisiana</i> (2024).....	3, 6
Am. Immigr. Council, <i>New Americans in Mississippi</i> (2024).....	3, 6
Am. Immigr. Council, <i>New Americans in Texas</i> (2024)	2, 6
Andrea Doyle, <i>Planners Fear Immigration Crackdowns Will Make Hotel Labor Shortages Worse: Exclusive Survey</i> , Skift Meetings (June 11, 2025)	3
Asha Banerjee, et al., <i>Domestic Workers Chartbook 2022</i> , Econ. Pol. Inst. (Nov. 22, 2022)	5
Avery Ruxer Franklin, <i>Economic benefits of illegal immigration outweigh the costs, Baker Institute study shows</i> , Rice Univ., News and Media Relations (May 18, 2020).....	7
Ben Zipperer, <i>Trump’s deportation agenda will destroy millions of jobs</i> , Econ. Pol. Inst.....	5
Bruce A. Scott, MD, <i>Maintaining preventive coverage is vital to public health</i> , AMA (Apr. 17, 2025).....	9
Carl Davis, Marco Guzman & Emma Sifre, <i>Tax Payments by Undocumented Immigrants</i> , Inst. on Tax’n Payment & Econ. Pol’y, 3 (July 30, 2024).....	7

Chloe N. East, et al., <i>The Labor Market Effects of Immigration Enforcement</i> , Vol. 41, No. 4, J. Lab. Econ. (Oct. 2023)	6
Chuck Wexler, <i>Balancing Community Trust and Enforcement: The Complex Issue of Immigration</i> , Police Executive Research Forum (Apr. 12, 2025)	8
City of Minneapolis, <i>Preliminary Impact Assessment & Relief Needs Overview</i> (Feb. 2026)	8
Cong. Budget Off., <i>Effects of the Surge in Immigration on State and Local Budgets in 2023</i> (June 2025)	7
<i>Economic Projections for Asylum Seekers and New Immigrants: Texas, Every Texan</i> (Feb. 2024)	7
Enrique Chiabra, <i>Healthcare Clinic Reports Appointment Cancellations and No-Shows Amid Fear of ICE Raids</i> , Ctr. for Health Journalism (July 19, 2025)	8
<i>ICE Tactics and Deportation Fears Limit Access to Healthcare for Children of Immigrants: Survey</i> , Physicians for Hum. Rts. (Nov. 19, 2025)	8
José Iván Rodríguez-Sánchez, <i>Undocumented Immigrants in Texas: A Cost-Benefit Assessment</i> , Baker Inst. for Pub. Pol’y (May 8, 2020)	3
Kevin Appleby, <i>The Importance of Immigrant Labor to the US Economy</i> , Ctr. for Migration Stud. of N.Y. (Sept. 2, 2024)	2
<i>North Texas restaurants facing labor shortages amid immigration crackdown; industry praises Trump's pause on raids</i> , CBS News (June 17, 2025)	3, 4
Pew Rsch. Ctr. <i>Estimates Based on Augmented U.S. Census Bureau data - Am. Comm. Surv. 2023 (IPUMS)</i>	4
<i>Press Release: Governor Abbott Signs Laws To Combat Statewide Housing Crisis in Austin</i> , Off. of the Tex. Governor (Aug. 18, 2025)	4

Robert Lynch & Michael Ettliger, *The Economic Impact on
Citizens and Authorized Immigrants of Mass Deportation*,
Univ. N.H. Carsey Sch. Pub. Pol’y (Aug. 29, 2024).....5, 6

The GAP: Texas, National Low Income Housing Coalition (2026)
.....4

Umair Ali, Jessica H. Brown & Chris M. Herbst, *Secure
communities as immigration enforcement: How secure is the
child care market?*, 233 J. Pub. Econ. (2024)5

STATEMENT OF INTEREST

Amici are Harris County, Texas; El Paso County, Texas; City of Austin, Texas; and local government leaders across the Fifth Circuit that write in support of Appellees' Petition for Rehearing *En Banc*.¹ *Amici* share a common interest in whether noncitizens who enter without inspection are released on bond and participate in our communities, or are held indefinitely under mandatory detention. That is because many of the millions of persons affected, like Appellees, have lived in the United States for decades. And during that long period, they have posed no danger or flight risk while holding jobs, contributing to our local economies, and paying into local government tax revenues. *Amici* therefore know firsthand the severe disruptions and effects the Government's novel reinterpretation of the statutes at issue will engender within our borders.

SUMMARY OF ARGUMENT

Rejecting three decades of agency and judicial application, the Government now advances a reinterpretation of two detention statutes that would lead to the largest expansion of mandatory detention in U.S. history. This new policy would impose vast economic and other harms on Fifth Circuit communities. Mass detention of long-term residents would worsen labor shortages, shrink local economies, and

¹ In accordance with Fed. R. App. P. 29(a)(4)(E), no party's counsel authored this brief in whole or in part; no party or party's counsel contributed money that was intended to fund preparing or submitting this brief; and no person other than *amici curiae*, its members, or its counsel contributed money that was intended to fund preparing or submitting this brief.

decrease local government tax revenues. There would also be secondary job losses borne by American citizens. And the Government's sharp reversal would provoke widespread fear, reducing the vital trust of immigrants in local law enforcement and healthcare providers, and therefore threaten public safety and health. Because *amici* will bear the great economic and social burdens of a decision of this Court, *amici* urges full *en banc* review of this matter.

ARGUMENT

I. MANDATORY DETENTION WOULD INFLICT SEVERE LOCAL ECONOMIC HARMS

Across the Fifth Circuit, immigrants (documented and undocumented), play a vital role in local economies—as workers, consumers, and taxpayers. Over eight million undocumented immigrants currently work in the U.S., contributing to key industries.² In Texas, undocumented workers comprise 27% of the construction workforce, 17% of agricultural labor, and 11% of all manufacturing jobs.³ Narrowing the focus to particular subsectors, immigrant laborers account for 79% of all brickmasons, 70% of roofers, and 66% of painters in Texas.⁴ Undocumented immigrants likewise represent a disproportionate share of the workforce in

² See Kevin Appleby, *The Importance of Immigrant Labor to the US Economy*, Ctr. for Migration Stud. of N.Y. (Sept. 2, 2024), <https://perma.cc/98UR-VYM2>.

³ See Am. Immigr. Council, *New Americans in Texas* (2024), <https://perma.cc/6T6N-Z6J9>.

⁴ *Id.*

Louisiana⁵ and Mississippi.⁶ Stated plainly, undocumented immigrants keep our cities and counties running.

Local business owners in the Fifth Circuit warn that their enterprises “*wouldn’t survive*” without undocumented labor.⁷ Studies project that even if 20% of undocumented workers were deported,⁸ Texas would lose a total impact of \$14 billion.⁹ Amid the Government’s recent escalation of immigration enforcement, business leaders already report reduced hours, an inability to staff events, and rising wage pressure.¹⁰

Certain industries would be particularly affected. Restaurant owners in Texas describe a climate of fear in which, regardless of status, immigrants are “afraid to come to work.”¹¹ According to the Texas Restaurant Association, 47% of restaurant operators have job openings and 21% cannot meet demand due to staffing

⁵ See Am. Immigr. Council, *New Americans in Louisiana* (2024), <https://perma.cc/KP4S-5TMR>.

⁶ See Am. Immigr. Council, *New Americans in Mississippi* (2024), <https://perma.cc/4YJK-FF4Y>.

⁷ See Alejandra Martinez et al., *Some Texas business leaders are apprehensive about Trump’s pledged deportations*, Tex. Trib. (Jan. 8, 2025), <https://perma.cc/7C3A-79LL>.

⁸ Mass deportation operates through—and depends on—mass detention. In 2025 alone, ICE detention grew by over 75 percent and discretionary release fell by 87 percent while individuals became over 14 times more likely to be deported from custody than released pending proceedings. See Am. Immigr. Council, *Immigration Detention Expansion in Trump’s Second Term* (Jan. 2026), <https://perma.cc/J4AS-3VJJ>.

⁹ See José Iván Rodríguez-Sánchez, *Undocumented Immigrants in Texas: A Cost-Benefit Assessment*, Baker Inst. for Pub. Pol’y (May 8, 2020), <https://perma.cc/BD6F-W6MN>.

¹⁰ See Andrea Doyle, *Planners Fear Immigration Crackdowns Will Make Hotel Labor Shortages Worse: Exclusive Survey*, Skift Meetings (June 11, 2025), <https://perma.cc/UAJ3-J5RU>.

¹¹ See *North Texas restaurants facing labor shortages amid immigration crackdown; industry praises Trump’s pause on raids*, CBS News (June 17, 2025), <https://perma.cc/8SYH-JK8H>.

shortages.¹² Some Texas restaurants have reported a 45% drop in customers and shrinking applicant pools since the beginning of 2025.¹³

The construction industry is no different. Texas faces a deepening housing crisis, leaving only one in four affordable rental homes for low-income households.¹⁴ To ameliorate the issue, the state enacted policies to accelerate construction,¹⁵ but these efforts hinge upon construction labor—the predominant occupation for undocumented immigrants in Texas.¹⁶ Mass detention would remove more than 30 percent of the workers in major construction trades, such as plasterers, roofers, and painters.¹⁷ Without that workforce, housing production slows, deepening shortages and raising rents and home prices across the state.¹⁸

Similarly, mass detention and deportation is projected to remove nearly a third of graders and sorters of agriculture products.¹⁹ Farms in Texas report operating at

¹² *Id.*

¹³ *Id.*

¹⁴ See *The GAP: Texas, National Low Income Housing Coalition* (2026), <https://perma.cc/9T4T-2U5X>.

¹⁵ See *Press Release: Governor Abbott Signs Laws To Combat Statewide Housing Crisis in Austin*, Off. of the Tex. Governor (Aug. 18, 2025), <https://perma.cc/76TE-AUFM>.

¹⁶ See Pew Rsch. Ctr. Estimates Based on Augmented U.S. Census Bureau data - Am. Comm. Surv. 2023 (IPUMS), <https://perma.cc/LL24-PSZ5>.

¹⁷ See Am. Immigr. Council, *Mass Deportation: Devastating Costs to America, Its Budget and Economy* (Oct. 2024), <https://perma.cc/2LXF-SCFD>.

¹⁸ See Martinez et al., *supra* n.7.

¹⁹ See Am. Immigr. Council, *Mass Deportation*, *supra* n.17.

30% capacity following recent immigration raids.²⁰ Caregiving and home-health sectors are also in turmoil—more than a third of domestic workers are immigrants²¹ and intensifying fears deter employees from reporting to work, worsening existing shortages.²²

Beyond immigrant populations, American workers will also experience job losses and lower wages.²³ As reflected in the table below, the escalation of deportations could lead to over 2.5 million job losses for *U.S.-born workers*.²⁴ This is because deportations so deplete labor supply that “some employers will respond by shutting down operations entirely.”²⁵

²⁰ See Xavier Walton, *ICE raids return, sparking labor shortages across farms and hotels*, NewsNationNow (June 18, 2025), <https://perma.cc/LG38-QU8Q>.

²¹ See Asha Banerjee, et al., *Domestic Workers Chartbook 2022*, Econ. Pol. Inst. (Nov. 22, 2022), <https://perma.cc/J8Y4-JUDC>.

²² See Ben Zipperer, *Trump’s deportation agenda will destroy millions of jobs*, Econ. Pol. Inst. (“child care centers may face a particularly intense labor supply shock due to rising fear among immigrants...”), <https://perma.cc/3Q8R-MLL9>.

²³ See Robert Lynch & Michael Ettlinger, *The Economic Impact on Citizens and Authorized Immigrants of Mass Deportation*, Univ. N.H. Carsey Sch. Pub. Pol’y (Aug. 29, 2024), <https://perma.cc/YUC8-XDMN>.

²⁴ See Zipperer, *supra* n.22 at tbl. 1.

²⁵ *Id.* at 2; see also Umair Ali, Jessica H. Brown & Chris M. Herbst, *Secure communities as immigration enforcement: How secure is the child care market?*, 233 J. Pub. Econ. (2024) (abstract reviewed) (heightened enforcement reduced immigrant and native wages in the center-based sector and the overall number of centers).

Employment losses caused by increasing deportations to 4,000,000 over four years

Sector	Immigrant	U.S.-born	Total	Percent fall in total employment
Overall	3,316,000	2,571,000	5,887,000	3.6%
Construction	1,405,000	861,000	2,266,000	18.8%
Child care	104,000	444,000	548,000	15.1%

Note: Calculations assume 1,000,000 deportations annually for four years.

Source: Extrapolations from East et al. (2023); Howard, Wang, and Zhang (2024); and Ali, Brown, and Herbst (2024), as described in the text. Baseline employment levels from EPI (2025) analysis of the 2024 basic monthly Current Population Survey.

Economic Policy Institute

Other studies predict lower wages for all U.S.-born workers and increased overall job loss under a policy of mass deportation and detention.²⁶

Undocumented immigrants also fuel economic activity through their purse in the Fifth Circuit—accounting for \$48.8 billion spending power in Texas,²⁷ \$1.5 billion in Louisiana,²⁸ and \$434.6 million in Mississippi.²⁹ Undocumented households also contribute \$22.6 billion to Social Security and \$5.7 billion to

²⁶ See Chloe N. East, et al., *The Labor Market Effects of Immigration Enforcement*, Vol. 41, No. 4, J. Lab. Econ. (Oct. 2023) (finding that 44,000 U.S.-born workers could lose their jobs for every 500,000 immigrants removed from the labor force); see also Lynch & Ettliger, *supra* n.23 (reporting the deportation of 454,000 immigrant workers from 2008 to 2015 reduced the employment share of U.S.-born workers by 0.5 percent and reduced their hourly wages by 0.6 percent).

²⁷ See Am. Immigr. Council, *New Americans in Texas*, *supra* n.3.

²⁸ See Am. Immigr. Council, *New Americans in Louisiana*, *supra* n.5.

²⁹ See Am. Immigr. Council, *New Americans in Mississippi*, *supra* n.6.

Medicare annually.³⁰ The reduction of money spent in local communities and social safety net program contributions will be acutely felt by *amici* and all of our residents.

Undocumented residents also pay local taxes: paying \$4.9 billion in annual state and local taxes in Texas; \$181 million in Louisiana; and nearly \$50 million in Mississippi.³¹ Nationally, they pay \$96.7 billion in combined taxes.³² For local governments, these tax revenue losses reduce municipal budgets, undercutting priorities from policing and emergency services to school budgets and the building of safe roads.³³

II. MANDATORY DETENTION WOULD HARM PUBLIC SAFETY AND HEALTH

Compounding these economic harms, mandatory detention erodes public safety by fostering distrust that deters immigrant residents from reporting crimes. In the wake of heightened immigration enforcement, local police districts already

³⁰ See Am. Immigr. Council, *Mass Deportation*, *supra* n.17.

³¹ See Carl Davis, Marco Guzman & Emma Sifre, *Tax Payments by Undocumented Immigrants*, Inst. on Tax'n Payment & Econ. Pol'y, 3 (July 30, 2024), <https://perma.cc/EW9P-DNXW>; see also *Economic Projections for Asylum Seekers and New Immigrants: Texas*, Every Texan (Feb. 2024) (newly arrived immigrants contribute \$2.6 million in state/local taxes for every 1,000 workers within their first year), <https://perma.cc/5WAM-4MR8>; see also Avery Ruxer Franklin, *Economic benefits of illegal immigration outweigh the costs, Baker Institute study shows*, Rice Univ., News and Media Relations (May 18, 2020) (undocumented Texans generate \$1.21 in fiscal revenue for every \$1 in public services they receive), <https://perma.cc/5ESS-75QZ>.

³² See Davis, Guzman & Sifre, *supra* n.31.

³³ See Cong. Budget Off., *Effects of the Surge in Immigration on State and Local Budgets in 2023* (June 2025) (“CBO estimates that the increase in [state and local] spending due to the surge... result[ed] in a direct net cost of \$9.2 billion”), <https://perma.cc/989W-JVPU>.

struggle to maintain the public’s trust, particularly among immigrant communities.³⁴ Mandatory detention escalates these harms, further disincentivizing immigrants from reporting crimes they witness or experience, placing vulnerable populations at even greater risk, and making all residents across *amici*’s jurisdictions less safe.³⁵

Heightened immigration enforcement also leads to health care-avoidance, causing immigrants to forgo preventative and emergency care, raising communicable-disease risk, delaying critical treatment, and worsening public health costs.³⁶ Physicians, hospital networks, and social-service providers across the country report recent missed well-child visits, cancelled clinic appointments, and increased patient anxiety.³⁷ These patterns delay treatment for chronic conditions, increase reliance on emergency care, heighten communicable-disease risk,³⁸ and

³⁴ See Chuck Wexler, *Balancing Community Trust and Enforcement: The Complex Issue of Immigration*, Police Executive Research Forum (Apr. 12, 2025) (five police leaders report declining trust of immigrant communities amid increased ICE activity), <https://perma.cc/Q26J-AJMV>.

³⁵ See City of Minneapolis, *Preliminary Impact Assessment & Relief Needs Overview* (Feb. 2026) (finding that “fear caused by Operation Metro Surge discourage[d] people from... reporting crimes...”), <https://perma.cc/F867-P4C4>.

³⁶ See Enrique Chiabra, *Healthcare Clinic Reports Appointment Cancellations and No-Shows Amid Fear of ICE Raids*, Ctr. for Health Journalism (July 19, 2025), <https://perma.cc/D99R-M7HA>.

³⁷ *Id.*

³⁸ See *ICE Tactics and Deportation Fears Limit Access to Healthcare for Children of Immigrants: Survey*, Physicians for Hum. Rts. (Nov. 19, 2025) (surveyed health care providers report children presenting at later disease stages with preventable complications and “significant or moderate decreases in patient visits since January 2025 executive orders on immigration”), <https://perma.cc/9YVE-3LWZ>.

raise over health costs³⁹—burdens that fall directly on city and county governments like *amici*.

CONCLUSION

The Government’s expansive theory of detention would destabilize *amici*’s economies, erode public trust in our local law enforcement, and undermine public health across our jurisdictions. For these reasons, and those ably provided by Appellees, *amici* urge this Court to grant *en banc* review.

Respectfully submitted,

Dated: March 30, 2026

/s/ Jenny Ma

JENNY MA

CHRISTOPHER S. PEÑA

JEAN LARSEN

PUBLIC RIGHTS PROJECT

490 43rd Street, #115

Oakland, CA 94609

(510) 738-6788

jenny@publicrightsproject.org

Counsel for Amici Curiae

³⁹ See Bruce A. Scott, MD, *Maintaining preventive coverage is vital to public health*, AMA (Apr. 17, 2025) (“[p]reventive services also cut long-term health care costs, and reduce the overall burden placed on our health care system”), <https://perma.cc/RMS3-AS39>.

ADDITIONAL COUNSEL

DEBORAH THOMAS

City Attorney

P.O. Box 1546

Austin, TX 78767

Attorney for the City of Austin, Texas

CHRISTINA SANCHEZ

El Paso County Attorney

320 S. Campbell Street, Suite 200

El Paso, TX 79901

Attorney for the County of El Paso, Texas

JONATHAN FOMBONNE

Harris County Attorney

1019 Congress Street

Houston, TX 77002

Attorney for Harris County, Texas

APPENDIX A – List of *Amici Curiae*

Local Governments

City of Austin, Texas

County of El Paso, Texas

Harris County, Texas

Local Government Leaders

Arnetta Murray

Councilmember, City of Iowa Colony, Texas

Jaime Resendez

Councilmember, City of Dallas, Texas

David Stout

County Commissioner, El Paso County, Texas

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: March 30, 2026

/s/ Jenny Ma

JENNY MA

PUBLIC RIGHTS PROJECT

490 43rd Street, #115

Oakland, CA 94609

(510) 738-6788

jenny@publicrightsproject.org

Counsel for Amici Curiae

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because it contains 1,925 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

This brief also complies with the typeface requirements of Fed. R. App. P. 32(a)(5)(A) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman font size 14.

Dated: March 30, 2026

/s/ Jenny Ma _____

JENNY MA

PUBLIC RIGHTS PROJECT

490 43rd Street, #115

Oakland, CA 94609

(510) 738-6788

jenny@publicrightsproject.org

Counsel for Amici Curiae