

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

THE CITY OF CHICAGO,

Plaintiff,

v.

**JEFFERSON B. SESSIONS III, Attorney
General of the United States,**

Defendant.

Civil Action No. 1:17-cv-5720

**BRIEF OF *AMICUS CURIAE* ILLINOIS BUSINESS IMMIGRATION COALITION IN
SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTIVE RELIEF**

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INTERESTS OF *AMICUS CURIAE*

Amicus curiae Illinois Business Immigration Coalition (“IBIC”) promotes “sensible immigration reform that support[s] the economic recovery of Illinois, provides Illinois companies with both the high-skilled and low-skilled talent they need, and allows the integration of immigrants into our economy as consumers, workers, entrepreneurs and citizens.”¹ In partnership with other leading local business organizations, IBIC’s goal is to provide a strong and effective voice for Illinois businesses in the national immigration conversation to benefit the people and economy of our state.² Consistent with this mission, the IBIC has a strong interest in ensuring that Chicago’s economy is not irreparably injured by unwelcoming policies like the new Department of Justice conditions on the Edward Byrne Memorial Justice Assistance Grant program.

INTRODUCTION

“Immigration policy shapes the destiny of the Nation.” *Arizona v. United States*, 567 U.S. 387, 415 (2012). The business community acutely feels the effects of immigration policy, as “[i]mmigration policy can affect trade, investment, [and] tourism.” *Id.* at 395. Indeed, the success of businesses in cities and states is directly linked to national immigration policies.

Businesses in the State of Illinois and the City of Chicago are especially dependent on welcoming immigration policies. Chicago has always been a city of immigrants. “The first wave of overseas immigrants came from Ireland in the 1840’s, quickly followed by Germans, British, Scandinavians, Russians, Eastern Europeans and Chinese. By 1890, 79% of Chicagoans

¹ Illinois Business Immigration Coalition, *About Us*, <http://www.illinoisbic.biz/About.aspx> (last visited Aug. 26, 2017).

² Illinois Business Immigration Coalition, *Partner Organizations*, <http://www.illinoisbic.biz/About/PartnerOrganizations.aspx> (last visited Aug. 26, 2017).

were foreign born or children of immigrants.”³ Today, Illinois is home to almost 1.8 million immigrants from all over the globe—the sixth-largest population of foreign-born residents of any state in the country.⁴ Nearly twenty percent of Chicago residents are foreign born.⁵ These residents contribute millions of dollars each year to Chicago’s economy, and their hard work and entrepreneurship sustain businesses across the city and state. Anyone who takes a stroll along 26th Street in Little Village can witness this first-hand. Immigrant-owned businesses on that popular thoroughfare generate approximately \$900 million in revenues annually.⁶

It is for this reason that business leaders from both sides of the aisle have recognized the vital importance of welcoming immigration policies. John Rowe, a Republican who serves as the chairman emeritus of Exelon and co-chairman of *amicus curiae* IBIC, has written: “Immigration makes us a more prosperous nation Undocumented immigrants pay \$11 billion in state and local taxes each year, including \$743 million in Illinois. Given our state’s current economic crisis, we cannot afford to miss out on this much-needed revenue.”⁷ Similarly, Penny Pritzker, a Democrat who served as President Obama’s Secretary of Commerce, recently stated: “[W]e need to remember the economic benefits of immigration For many cities and communities—like Chicago—refugees have been an economic boon because so many of them

³ Susan G. Scott, *Chicago, City of Immigrants*, <http://amtrak.adventgx.com/pdfs/ChicagoCityofImmigrants.pdf> (last visited Aug. 29, 2017).

⁴ New American Economy, *The Contributions of New Americans in Illinois*, at 1 (Aug. 2016), <http://www.newamericaneconomy.org/wp-content/uploads/2017/02/nae-il-report.pdf>.

⁵ Chicago Metropolitan Agency for Planning, *Demographic Shifts Planning For a Diverse Region*, at 23 (Feb. 2017), <http://www.cmap.illinois.gov/documents/10180/514101/FY17-0054+Demographics+Snapshot/8a9caead-a16a-4cba-a57d-7ffc33a1c0>.

⁶ Sara McElmurry and Sam Tabory, *Cities, Suburbs, and Immigration: Connected Economies, Divided Politics*, CHICAGO COUNCIL ON GLOBAL AFFAIRS (Dec. 5, 2016), <https://www.thechicagocouncil.org/blog/global-insight/cities-suburbs-and-immigration-connected-economies-divided-politics>.

⁷ John W. Rowe, *John Rowe: sowing conscience among confusion on immigration mess*, CRAIN’S CHICAGO BUSINESS (Feb. 3, 2017), <http://www.chicagobusiness.com/article/20170203/OPINION/170209934/john-rowe-sowing-conscience-among-confusion-on-immigration-mess>.

are hard-working entrepreneurs who start and succeed in their own businesses. So immigrants and refugees don't threaten America, they help renew us.”⁸

By contrast, the policies embodied in the United States Department of Justice's recent conditions on the Edward Byrne Memorial Justice Assistance Grant (“Byrne JAG”) program do, in fact, threaten businesses in Chicago and Illinois. These ill-advised conditions will undermine the substantial economic benefit that immigrants bring to the City and State in their capacities as consumers, employees, taxpayers, and entrepreneurs. The IBIC therefore submits this brief to provide this Court with information about the effects these new grant conditions will have on the local economy. The harms described below are relevant to a number of legal questions that this Court must consider. Most significantly, the information below demonstrates that the irreparable harm, balance of the equities, and the public interest factors weigh decidedly in Chicago's favor.⁹ What is more, because studies show that unwelcoming policies make it *less likely* for undocumented immigrants and their family members to report crimes, these new conditions will lead to an *increase* in crime, creating an environment that both harms business and nullifies the very purposes of the Byrne JAG program in violation of the Spending Clause.¹⁰

⁸ Penny Pritzker, *Remarks by Penny Pritzker at the Global Leadership Awards Dinner*, THE CHICAGO COUNCIL ON GLOBAL AFFAIRS (May 24, 2017), <https://www.thechicagocouncil.org/blog/global-insight/remarks-penny-pritzker-global-leadership-awards-dinner>.

⁹ See *City of El Cenzio v. Texas*, No. 5:17-cv-00404, slip op. at 90, 92 (W.D. Tex. Aug. 30, 2017) (finding a threat of irreparable injury from a Texas law that imposes penalties on so-called sanctuary cities because “[l]ocal jurisdictions face severe economic consequences under SB 4, including...the loss of immigrant workers (who help drive state and local economic engines)” and that the public interest weighed in favor of a preliminary injunction in light of “ample evidence that localities will suffer adverse economic consequences” from such a policy); see generally *Planned Parenthood of Ind., Inc. v. Comm’r of Ind. State Dep’t of Health*, 699 F.3d 962, 981 (7th Cir. 2012).

¹⁰ Complaint for Injunctive and Declaratory Relief ¶ 66, 70 *City of Chicago v. Sessions*, No. 1:17-cv-5720 (N.D. Ill. Aug. 7, 2017).

Ultimately, if the new grant conditions are allowed to go into effect, they will inflict painful economic harm on Chicago, Illinois, and country as a whole. Put simply, these new grant conditions are not just anti-immigrant—they are profoundly anti-business.

I. IMMIGRATION PLAYS A VITAL ROLE IN THE ILLINOIS AND CHICAGO ECONOMIES

Chicago's history of welcoming immigrants is fundamental to its character and economy. Businesses small and large continue to benefit from the hard work and imagination of immigrants. Chicago reaps the rewards of foreign-born leaders like Sanjay Jha, born in India, who rose to become CEO of Motorola Mobility.¹¹ Its economy thrives because of the work of small business owners like Eduardo Rodriguez, owner of the Dulcelandia stores that specialize in Mexican sweets. After immigrating to the United States in 1966, Mr. Rodriguez has been able to build a “mini-empire of sorts with four locations in the city since launching in 1995.”¹² These modern examples also fit a longer pattern of immigrant contributions to the local, state, and national economies. For instance, Dr. Bernard Fantus, a Hungarian educated at the University of Illinois, immigrated to the region and invented the blood bank, a medical innovation that is essential to thousands of life saving technologies and procedures.¹³ And Chicago can claim a particularly colorful (if not ironic) example of an immigrant's essential role in the American story: James L. Kraft, a Canadian immigrant and inventor of “American” cheese.¹⁴

¹¹ Steve Franklin, *Immigrant Chicago*, CHICAGOSTORIES.ORG, <http://chicagostories.org/immigrant-chicago/> (last visited Aug. 29, 2017).

¹² Kate Rogers, *How successful immigrant entrepreneurs are changing Chicago – and the US*, NBR, CNBC.COM (May 3, 2017), <http://nbr.com/2017/05/03/how-successful-immigrant-entrepreneurs-are-changing-chicago-and-the-us/>.

¹³ James Janega, *First U.S. blood bank (1937)*, CHICAGO TRIBUNE (Aug. 6, 2014) <http://www.chicagotribune.com/bluesky/series/chicago-innovations/chi-blood-bank-bernard-fantus-bsi-series-story.html>.

¹⁴ *The History of Kraft Foods Inc.*, <http://web.mit.edu/allanmc/www/kraftfoods.pdf> (last visited Aug. 29, 2017).

But anecdotes like these only are one slice of that story. An extensive array of data provides a more complete picture of the role that immigrants play locally. In general, economists agree about the “broad economic benefit that immigrants to this country bring.”¹⁵ Those economic benefits are found in spades in Illinois and Chicago.

For starters, immigrants are disproportionately represented in the Illinois labor force. Although immigrants made up 14 percent of Illinois’ population in 2014, they made up 18 percent of the employed population in the state.¹⁶ Contrary to the common refrain that immigrants “steal” jobs from American citizens, immigrant workers complement U.S. born workers rather than replace them.¹⁷ Immigrants, as compared to U.S. born residents, “are more likely to gravitate toward either end of the skill spectrum. They are more likely to lack a high school diploma than the native born, but also more likely to have an advanced degree.”¹⁸ As a result, immigrants often fill labor-intensive positions that U.S. born residents are unwilling to fill.¹⁹ As John Rowe observed: “Our undocumented immigrants work hard. They pick crops, care for cattle, sweat over hot sauté pans, clean hotel rooms, care for the elderly. By doing the dirty and backbreaking jobs that Americans do not want, undocumented immigrants create office-type and ‘front of the house’ jobs that Americans prefer.”²⁰ President Reagan made a similarly trenchant observation forty years earlier, when he asked: “Are great numbers of our unemployed really victims of the illegal alien invasion or are those illegal tourists actually doing

¹⁵ New American Economy, *An Open Letter from 1,470 Economists on Immigration* (Apr. 12, 2017), <http://www.newamericaneconomy.org/feature/an-open-letter-from-1470-economists-on-immigration/>.

¹⁶ New American Economy, *The Contributions of New Americans in Illinois*, at 8 (Aug. 2016), <http://www.newamericaneconomy.org/wp-content/uploads/2017/02/nae-il-report.pdf>.

¹⁷ *ICE Worksite Enforcement – Up to the Job?: Hearing Before the House Committee on the Judiciary Subcommittee on Immigration Policy and Enforcement*, 112th Cong., 1st Sess. 5 (Jan. 26, 2011) (testimony of Daniel Griswold), http://judiciary.house.gov/_files/hearings/pdf/Griswold01262011.pdf.

¹⁸ New American Economy, *The Contributions of New Americans in Illinois*, at 8.

¹⁹ *Id.*

²⁰ John W. Rowe, John Rowe: sowing conscience among confusion on immigration mess, CRAIN’S CHICAGO BUSINESS, (Feb. 3, 2017).

work our own people won't do? One thing is certain in this hungry world; no regulation or law should be allowed if it results in crops rotting in the field for lack of harvesters.”²¹ So, too, here.

This work on the labor-intensive end of the spectrum is particularly important to sectors that undergird Chicago's economy. The leisure and hospitality industry employs nearly 500,000 Chicagoans.²² In the wake of the most recent recession, the hospitality sector is booming.²³ It is the sixth fastest growing industry in the United States.²⁴ Immigrants satisfy a critical need for workers in this sector. Billy Lawless, an Irish immigrant who has owned Chicago restaurants for nearly two decades, has observed that “[i]mmigrants have always been the backbone of the hospitality industry.”²⁵ That is especially true today. As a result of rising education levels and the aging population in the Midwest, there are critical labor gaps in restaurants and hotels.²⁶ These roles are often filled by immigrants. Despite the fact that immigrants make up 13 percent of the U.S. population, 31 percent of workers in the hotel and lodging industry and 22 percent of workers in the food service industry are immigrants.²⁷ In Illinois, undocumented immigrants make up approximately 20 percent of all employees in the accommodation and food industry.²⁸

Anti-immigrant policies will have a deep impact on this fast-growing sector of the economy that is important to both the businesses and residents of Chicago. What is more, it will have an equally adverse effect on the closely interrelated Chicago tourism industry, which pumps

²¹ Daniel Griswold, *Reagan Embraced Free Trade and Immigration*, CATO INSTITUTE (June 24, 2004), <https://www.cato.org/publications/commentary/reagan-embraced-free-trade-immigration>.

²² Bureau of Labor Statistics, *Chicago Area Economic Summary*, https://www.bls.gov/regions/midwest/summary/blssummary_chicago.pdf (last visited Aug. 26, 2017).

²³ Sara McElmurry, *Heartland Hospitality: Serving the Needs of the Midwest Economy through Immigration*, THE CHICAGO COUNCIL ON GLOBAL AFFAIRS (Aug. 2017), at 4, https://www.thechicagocouncil.org/sites/default/files/report_immigration_hospitality_170824.pdf.

²⁴ *Id.* at 3.

²⁵ *Id.* at 4.

²⁶ *Id.*

²⁷ *Id.* at 3.

²⁸ New American Economy, *The Contributions of New Americans in Illinois*, at 26.

millions of dollars into the city economy at record levels each year.²⁹ Given that 20 percent of the workers in the hospitality industry in Illinois are undocumented, the hit to the hospitality industry could be particularly catastrophic,³⁰ which would likely devastate Illinois' tourism industry, putting the \$34.6 billion in GDP generated for the state in 2013 on the line.³¹

Immigration also is crucial to Illinois' manufacturing businesses. In the 1970s, Cook County had the second greatest concentration of manufacturing jobs in the country.³² Between 1970 and 2010, however, 75 percent of those jobs were eliminated.³³ While manufacturing jobs disappeared nationwide, communities with higher rates of immigration were able to keep more manufacturing jobs than cities with lower rates of immigration.³⁴ For every 1,000 immigrants in a county, 46 manufacturing jobs are created or preserved.³⁵ The result is that immigrants are to thank for many of the remaining manufacturing jobs in Illinois.³⁶ In Illinois, undocumented immigrants make up 10 percent of the workers in the manufacturing industry.³⁷

Immigrants also are vital to the housing sector of the economy. One nationwide study found that the country's more than 40 million immigrants increased U.S. housing wealth by \$3.7 trillion in recent decades.³⁸ "Much of this was possible because immigrants moved into neighborhoods once in decline, helping to revitalize communities and make them more attractive

²⁹ Greg Hinz, *City says tourism in 2016 hit record: 54.1 million visitors*, CRAIN'S CHICAGO BUSINESS (Jan. 5, 2017) <http://www.chicagobusiness.com/article/20170105/BLOGS02/170109935/city-says-tourism-in-2016-hit-record-54-1-million-visitors>.

³⁰ New American Economy, *The Contributions of New Americans in Illinois*, at 26.

³¹ *Id.* at 9.

³² Jacob L. Vigdor, *Immigration and the Revival of American Cities: From Preserving Manufacturing Jobs to Strengthening the Housing Market*, PARTNERSHIP FOR A NEW AMERICAN ECONOMY, at 7 (Sept. 2013), <http://www.as-coa.org/sites/default/files/ImmigrationUSRevivalReport.pdf>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 2.

³⁶ *Id.* at 5.

³⁷ New American Economy, *The Contributions of New Americans in Illinois*, at 25.

³⁸ Vigdor, *Immigration and the Revival of American Cities*, at 11-12.

to U.S.-born residents.”³⁹ Chicagoans know this to be true from watching the City’s growth. In Illinois, moreover, immigrants contribute enormously to the housing market; in 2014, immigrants held more than one out of every six dollars in housing wealth.⁴⁰ What is more, immigrants paid 19.1 percent of the money spent on rent, despite making up only 15.7 percent of the state’s households.⁴¹ Immigrants also will mitigate a looming economic problem for the state: the number of baby boomers who are retiring and will put up more homes “for sale than there are buyers to purchase them.”⁴² “In a state where seniors already own 27.8 percent of homes, immigrant families made up more than one in six new homebuyers from 2010 to 2014.”⁴³

More generally, the greying of Chicago’s residents poses a significant problem for its economy. And yet again, immigrants are the solution. Since 1970, the number of U.S. born residents in Cook County, Illinois, has declined by 900,000.⁴⁴ The arrival of nearly 600,000 immigrants during that time has staved off the possibility of an urban decline in Chicago.⁴⁵ In fact, throughout the 1990s, immigration accounted for *all* of Chicago’s population growth.⁴⁶

But this aging problem is not just a demographic problem; it is also an economic one. Immigration to the Chicago area has preserved its relevance as the industrial powerhouse of the Midwest, offsetting population loss of U.S. born residents and reviving an aging workforce.⁴⁷ “New immigrants are disproportionately in their early working years. The largest age category

³⁹ New American Economy, *The Contributions of New Americans in Illinois*, at 18.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Vigdor, *Immigration and the Revival of American Cities*, at 17.

⁴⁵ *Id.*

⁴⁶ Rob Paral, *Chicago and its Mexican Immigrants—A Need Like No Other*, CHICAGO COUNCIL ON GLOBAL AFFAIRS (Feb. 22, 2016), <https://www.thechicagocouncil.org/blog/global-insight/chicago-and-its-mexican-immigrants-need-no-other>.

⁴⁷ Rob Paral, *Immigration a Demographic Lifeline in Midwestern Metros*, THE CHICAGO COUNCIL ON GLOBAL AFFAIRS (Mar. 2017), https://www.thechicagocouncil.org/sites/default/files/report_midwestern-immigration_170322.pdf.

of new legal immigrants to the United States in 2012, for example, was the 25-to-34-year-old group. In contrast, relatively few immigrants who arrived in 2012 were in their 40s, 50s, or 60s, categories already swelling with native growth.”⁴⁸ It is therefore not an exaggeration to say that immigration has functioned as a “demographic lifeline” to the state and city economies.⁴⁹

Turning to the other end of the economic spectrum, immigrants also work in “innovative, job-creating fields such as science, technology, engineering, and math that create life-improving products and drive economic growth.”⁵⁰ Immigrants represented 23.2 percent of STEM workers in the state, despite only making up 13.7 percent of Illinois’ population.⁵¹ On top of that, foreign-born workers account for 37.7 percent of software developers for applications and systems software, despite being only 17.7 percent of the state’s employed population.⁵² Immigrants in Illinois are also innovators. In 2011, almost 90 percent of the patents earned by the University of Illinois had at least one foreign-born inventor.⁵³ This entrepreneurial and high-tech immigrant workforce generates increased economic output, consumption, and investment.⁵⁴

⁴⁸ Rob Paral, *Growing the Heartland: How Immigrants Offset Population Decline and an Aging Workforce Midwest Metropolitan Areas*, THE CHICAGO COUNCIL ON GLOBAL AFFAIRS, at 9 (June 2014) https://www.thechicagocouncil.org/sites/default/files/GrowingHeartland_June2014.pdf.

⁴⁹ *Id.* at 2.

⁵⁰ New American Economy, *An Open Letter from 1,470 Economists on Immigration*.

⁵¹ New American Economy, *The Contributions of New Americans in Illinois*, at 12.

⁵² *Id.* at 10.

⁵³ *Id.* at 13.

⁵⁴ *E.g.*, Giovanni Peri, *The Effect of Immigrants on U.S. Employment and Productivity* (FED. RESERVE BANK OF S.F., ECON. Letter No. 2010-26, Aug. 30, 2010), <http://www.frbsf.org/economic-research/publications/economicletter/2010/august/effect-immigrants-us-employment-productivity>; Michael Greenstone & Adam Looney, The Hamilton Project, BROOKINGS INST., *Ten Economic Facts About Immigration*, at 5 (Sept. 2010) https://www.brookings.edu/wp-content/uploads/2016/06/09_immigration.pdf.

In addition, immigrants are more than twice as likely to start a business than U.S.-born residents.⁵⁵ These effects are pronounced in Illinois. More than 20 percent of entrepreneurs in Illinois are immigrants, and in 2014, 7.8 percent of the state's working-age undocumented immigrants were self-employed.⁵⁶ The creation of these new companies generates obvious economic benefits, job creation, and revenue. In 2014 alone, businesses founded by immigrants produced \$2.64 billion dollars.⁵⁷ Moreover, fifty percent of the Fortune 500 firms based in Illinois have at least one cofounder who was an immigrant or the child of an immigrant.⁵⁸ Those firms, in turn, create \$482.8 billion in annual revenue and employ 1,415,395 people globally.⁵⁹

Finally, immigrants benefit Illinois' economy as consumers and taxpayers. In 2014, immigrants in Illinois earned \$55 billion, generating \$5.2 billion of state and local tax revenue and \$9.8 billion of federal taxes, leaving immigrants with \$40.1 billion remaining in spending power.⁶⁰ That same year, undocumented immigrants in Illinois earned \$7.8 billion, \$415.2 million of which went to state and local taxes and \$511.1 million which went to federal taxes, leaving them with \$6.9 billion in spending power.⁶¹

II. POLICIES LIKE THOSE REFLECTED IN THE NEW BYRNE JAG CONDITIONS WILL HARM THE CHICAGO AND ILLINOIS ECONOMIES

As demonstrated above, the evidence is clear: without immigrants, the business community and economies in Chicago and Illinois would suffer immensely. It is therefore vital that immigration policies welcome immigration and not deter it. Again, the data tells a powerful

⁵⁵ The Partnership For a New American Economy, *Open for Business, How Immigrants are Driving Small Business Creation in the United States*, at 3 (Aug. 2012), <http://www.newamericaneconomy.org/wp-content/uploads/2013/07/openforbusiness.pdf>.

⁵⁶ New American Economy, *The Contributions of New Americans in Illinois*, at 2, 26.

⁵⁷ *Id.* at 2.

⁵⁸ *Id.* at 3.

⁵⁹ *Id.*

⁶⁰ *Id.* at 7.

⁶¹ *Id.* at 27 (emphasis added).

story. A policy that removed all U.S. workers who are unauthorized workers would result in a reduction in the United States GDP by 1.4 percent.⁶² Some national industries would be hit harder than others: the manufacturing industry stands to lose \$74 billion dollars and the leisure and hospitality industry would lose \$54 billion dollars.⁶³ Moreover, the loss of unauthorized immigrant workers in Illinois would result in a 3% reduction in Gross Domestic Product (GDP), for a loss of *over 21 billion dollars* annually.⁶⁴

Chicago itself will feel the financial impact of more than just the loss of workers who will vanish from the economy as a result of federal deportations. The simple fear of deportation and harassment by immigration or law enforcement officials will lead immigrants to stay at home, leaving their substantial discretionary income behind closed doors. This concern is not merely hypothetical. The impact has already been felt in areas of Chicago with large immigrant populations, with “business owners report[ing] as much as a 20 percent drop in sales” since January 2017.⁶⁵ Moreover, nationwide reports indicate that many Latinos in the U.S. are cutting back on discretionary spending since the turn of the year.⁶⁶

This evidence establishes beyond contention that the new grant conditions will unravel the economic gains that Chicago and Illinois have acquired as the result of its hard working

⁶² Ryan Edwards & Francesc Ortega, *The Economic Impacts of Removing Unauthorized Immigrant Workers, An Industry-and State-Level Analysis*, CENTER FOR AMERICAN PROGRESS, at 11 (Sept. 21, 2016) <https://www.americanprogress.org/issues/immigration/reports/2016/09/21/144363/the-economic-impacts-of-removing-unauthorized-immigrant-workers/>.

⁶³ *Id.*, at 4.

⁶⁴ CAP Immigration Team and Andrew Lomax, *Removing Unauthorized Workers Harms States and Industries Across the Country*, CENTER FOR AMERICAN PROGRESS, <https://www.americanprogress.org/issues/immigration/news/2016/09/21/143408/removing-unauthorized-workers-harms-states-and-industries-across-the-country> (last visited Aug. 29, 2017).

⁶⁵ Marwa Eltagouri, *Little Village streets, restaurants quite as deportation fears rise*, CHICAGO TRIBUNE (Feb. 19, 2017), <http://www.chicagotribune.com/news/ct-little-village-immigrants-met-20170216-story.html>.

⁶⁶ Richa Naidu, *U.S. retailers hit as immigration worries weigh on Hispanic spending*, REUTERS (Aug. 24, 2017), <https://www.reuters.com/article/us-usa-retail-hispanic-idUSKCN1B417J>.

immigrants. But again, this Court need not take *amicus curiae*'s word for it. Data, too, shows that economies are stronger in counties with policies that are welcoming to immigrants.⁶⁷ For example, studies show that (1) median household income, (2) labor force participation (“[o]ne indicator of a strong local economy”), and (3) employment-to-population ratio are all statistically significantly *higher* in welcoming counties as opposed to non-welcoming counties.⁶⁸ By contrast, poverty and unemployment is statistically significantly *lower* in welcoming counties as opposed to non-welcoming counties.⁶⁹ This hard evidence makes clear that “when counties protect all of their residents, they see significant economic gains.”⁷⁰ The new Byrne JAG conditions make it considerably harder for the City of Chicago to protect its foreign-born residents and therefore pose a risk of irreparably harming the Chicago economy.

III. THE NEW CONDITIONS TO THE BYRNE JAG PROGRAM WILL CREATE A RISK TO PUBLIC SAFETY THAT FURTHER ENDANGERS THE ILLINOIS AND CHICAGO BUSINESS COMMUNITIES

Essential to a healthy business environment is a safe and secure community. And essential to a safe and secure community is a population of residents who are comfortable assisting law enforcement. Unwelcoming immigration policies undermine that trust and obstruct the ability of law enforcement to keep cities safe. As Tom Manger, President of the Major Cities Chiefs Association has said: “To do our job we must have the trust and respect of the communities we serve. . . . Cooperation is not forthcoming from persons who see their police as immigration agents. When immigrants come to view their local police and sheriffs with distrust because they fear deportation, it creates conditions that encourage criminals to prey upon victims

⁶⁷ Tom K. Wong, *The Effect of Sanctuary Policies on Crime and the Economy*, CTR. FOR AM. PROGRESS, at 7 (Jan. 26, 2017), <https://www.nilc.org/wp-content/uploads/2017/02/Effects-Sanctuary-Policies-Crime-and-Economy-2017-01-26.pdf>.

⁶⁸ *Id.* at 7-9.

⁶⁹ *Id.* at 7, 10.

⁷⁰ *Id.* at 11.

and witnesses alike.”⁷¹ Federal statutory law has itself impliedly adopted the wisdom of this position through the “U-Visa” program, which offers undocumented persons a path to permanent residence in exchange for cooperation in the investigation of serious crimes.⁷²

This commonsense principle is—yet again—borne out by the data. In a 2013 survey of Latinos living in Los Angeles, Chicago, Houston, and Phoenix, 70 percent of undocumented immigrants reported that their immigration status made them less likely to contact police to report a crime against themselves.⁷³ This reticence is not limited to undocumented immigrants, as those with close social ties to undocumented immigrants also are less likely to contact police out of concern that the eventual interaction with police will have collateral impacts on the immigration status of a close friend or family member.⁷⁴

The lingering threat of adverse immigration consequences from every police interaction deprives law enforcement officers of the information necessary to secure convictions.⁷⁵ Indeed, one 2010 survey revealed that nearly half (42 percent) of Latinos knew of a crime that had not been reported to police, and even more (54 percent) said they would not report a future crime.

⁷¹ *Oversight of the Administration’s Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims*, Hearing Before the Judiciary Committee (July 21, 2015) (Testimony of Tom Manger, Chief of Police, President of the Major Cities Chiefs Association on Behalf of Montgomery County Police Department and Major Cities Chiefs Association) <https://www.judiciary.senate.gov/imo/media/doc/07-21-15%20Manger%20Testimony.pdf>.

⁷² Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U); INA § 101(a)(15)(U).

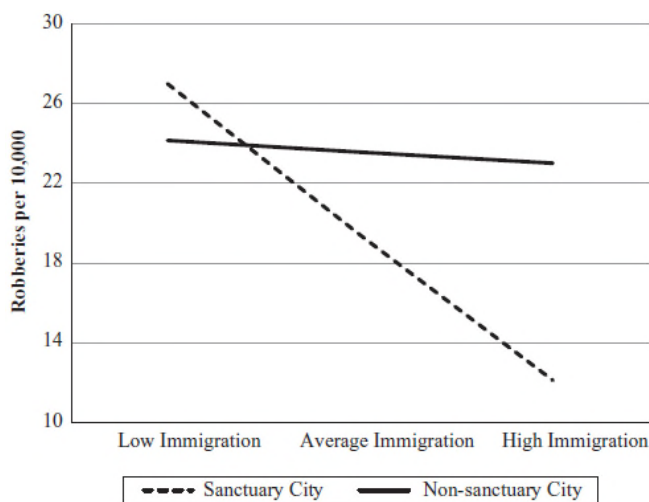
⁷³ Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, DEP’T OF URBAN PLANNING AND POLICY, UNIV. OF CHICAGO, at 5-6 (May 2013), https://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF.

⁷⁴ *Id.* at 16.

⁷⁵ Anita Khashu, Police Found., *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*, at vii, 24 (2009), <https://www.policefoundation.org/wp-content/uploads/2015/06/The-Role-of-Local-Police-Narrative.pdf>.

These are staggering figures when compared to responses from other minority groups, such as African Americans, of whom only 4% knew of a crime that had not been reported to police.⁷⁶

It is therefore unsurprising that welcoming cities are safer cities. One 2017 study compared counties with welcoming policies to counties that were similar on a broad range of demographic characteristics. It concluded that “[t]here are, on average, 35.5 fewer crimes committed per 10,000 people in sanctuary counties compared to nonsanctuary counties.”⁷⁷ And this effect is amplified in communities where there is a dense immigrant population, as is the case in a metropolis such as Chicago.⁷⁸ When visualized, these effects are striking:⁷⁹



Ultimately, while the costs of increased crime and under-enforcement are predominantly human costs, they also have acute effects for Chicago’s business community. Reductions in

⁷⁶ A. Elena Lacayo, *The Impact Of Section 287(G) Of The Immigration And Nationality Act On The Latino Community*, NATIONAL COUNCIL OF LA RAZA, VOL. NO. 21, at 18 (2010), http://publications.nclr.org/bitstream/handle/123456789/1067/287g_issuebrief_pubstore.pdf?sequence=1&isAllowed=y; see also, Sefano Camino, Giovanni Mastrobuoni, & Antonio Nicolo, *Silence of the Innocents: Illegal Immigrants’ Underreporting of Crime and their Victimization*, IZA (Oct. 31, 2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2861091.

⁷⁷ Tom K. Wong, *The Effect of Sanctuary Policies on Crime and the Economy*, at 14.

⁷⁸ Christopher J. Lyons, Maria B. Velez, and Wayne A. Santoro, *Neighborhood Immigration, Violence, and City-Level Immigrant Political Opportunities*, AMERICAN SOCIOLOGICAL REVIEW, at 17 (Jun. 17, 2013), <http://asr.sagepub.com/content/early/2013/06/14/0003122413491964>.

⁷⁹ *Id.* at 18.

crime provide “considerable, tangible economic benefits to those local economies.”⁸⁰ One study has shown that reducing violent crime by 25 percent produced savings in Chicago’s municipal budget of up to \$59 million per year.⁸¹ To be sure, sound, welcoming immigration policies cannot completely reduce such violent crime. But the data described above demonstrates that it can play an important role. These facts give rise to the disturbing irony that a federal grant program designed, in part, to assist law enforcement and promote crime prevention will have such deleterious effects on public safety⁸²—with concomitantly adverse effects on local businesses and economies.

CONCLUSION

On July 4th, 1864, Illinois’ most famous son, President Abraham Lincoln, signed the Act to Encourage Immigration. In speaking in support of this signature piece of legislation, he emphasized that immigration is a “source of national wealth,” and that America should not turn away foreign-born workers when there is a “great deficiency of laborers in every field of industry.”⁸³ More than a century later, immigrants to Chicago and Illinois remain crucial drivers of economic growth and cultural vitality. Businesses across the City and State have long recognized this. As explained above, the new conditions on the Byrne JAG Program threaten to stymie the economic growth and business development that Chicago and Illinois cannot afford to lose. Accordingly, the IBIC respectfully urges the Court to preliminarily enjoin the Attorney General of the United States from imposing these economically-unwise conditions.

⁸⁰ Eli Clifton, *The Economic Benefits of Reducing Violent Crime*, THINK PROGRESS (June 20, 2012), <https://thinkprogress.org/report-violent-crime-reductions-offer-economic-benefits-96481500eb96/#.gun5joorx>.

⁸¹ *Id.*

⁸² See 42 U.S.C. §§ 3750-3758; see Edward Byrne Memorial Justice Assistance Grant Program, OFFICE OF JUSTICE PROGRAMS, <https://www.bja.gov/jag/> (last visited Aug. 26, 2017).

⁸³ Jason Silverman, *Lincoln’s ‘Forgotten’ Act to Encourage Immigration*, PRESIDENT LINCOLN’S COTTAGE (July 1, 2016), <http://www.lincolncottage.org/lincolns-forgotten-act-to-encourage-immigration/>.

Date: August 31, 2017

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CERTIFICATE OF SERVICE

I, John J. Hamill, hereby certify that on August 31, 2017, I caused to be electronically filed the foregoing **Brief of Amicus Curiae Illinois Business Immigration Coalition in Support of Plaintiff's Motion for Preliminary Injunctive Relief**, using the ECF system for the United States District Court for the Northern District of Illinois. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel of record registered on the ECF system

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