

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

No. 19-cv-07777 (GBD)

**NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE AMICUS CURIAE
BRIEF IN SUPPORT OF DEFENDANTS AND IN OPPOSITION TO PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION AND
STAY PENDING JUDICIAL REVIEW**

The Immigration Reform Law Institute (“IRLI”) respectfully asks this Court for leave to file an *amicus curiae* brief in support of Defendants. IRLI’s brief is appended to this motion

IRLI is a nonprofit 501(c)(3) public interest law firm dedicated to litigating immigration-related cases in the interests of United States citizens and assisting courts in understanding federal immigration law. IRLI has litigated or filed *amicus curiae* briefs in a wide variety of cases. *See, e.g., Wash. All. of Tech. Workers v. U.S. Dep’t of Homeland Sec.*, 74 F. Supp. 3d 247 (D.D.C. 2014); *Keller v. City of Fremont*, 719 F.3d 931 (8th Cir. 2013); *Texas v. United States*, 787 F.3d 733 (5th Cir. 2015). IRLI is considered an expert in immigration law by the Board of Immigration Appeals. IRLI has prepared *amicus* briefs for the Board at the request of that body for more than twenty years. *See, e.g., Matter of Silva-Trevino*, 26 I. & N. Dec. 826 (B.I.A. 2016); *Matter of C-T-L-*, 25 I. & N. Dec. 341 (B.I.A. 2010).

This Court may welcome *amici curiae* at will. “Such seeking of advice cannot with propriety be called error; the act is the right of the court, existing because it is for the public interest that the men who happen to be judges shall be well informed in matters of public concern, and the law is always such a matter.” *The Claveresk*, 264 F. 276, 279 (2d Cir. 1920). Here, IRLI submits this *amicus curiae* brief to help this Court “be well informed” about the history of the public charge rule, a “timely and useful” issue in this case, to which both parties have each addressed some argument already. IRLI’s analysis offers additional perspective to help this Court decide the matter.

Defendants have not responded to IRLI’s inquiry concerning their position on the filing of this *amicus curiae* brief. Plaintiffs have stated that they take no position on the filing of the brief if it is filed by September 30, 2019, but oppose its later filing. On September 30, 2019, counsel for IRLI attempted to file electronically a brief identical (except for the date) appended

hereto, but was unable to complete the filing due to technical problems involving the Court's ECF system. Also on September 30, 2019, counsel emailed the brief he had attempted to file to the parties, explaining that technical issues prevented it from being filed on September 30th, and that counsel would file the brief on the following day.

CONCLUSION

For the foregoing reasons, the instant motion for leave to file a brief as *amicus curiae* should be granted.

Dated: October 1, 2019

Respectfully submitted,

/s/ R. Levy

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2019, the foregoing was served by filing a copy using the Court's ECF filing system, which will send notice of the filing to all counsel of record.

s/ R. Levy _____

*Attorney for Amicus Curiae
Immigration Reform Law Institute*