

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT  
OF COMMERCE, et al.,

Defendants.

18-CV-2921 (JMF)

**NOTICE OF FILING OF TRIAL AFFIDAVITS OF SARA CULLINANE**

Plaintiffs hereby file with the Court the following trial affidavits:

1. Oct. 23, 2018 Affidavit of Sara Cullinane (Ex. 1).
2. Nov. 3, 2018 Supplemental Affidavit of Sara Cullinane (Ex. 2).

Respectfully submitted,

**BARBARA D. UNDERWOOD**

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By: /s/ Matthew Colangelo

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Defendants.

CIVIL ACTION NO. 1:18-cv-2921 (JMF)

**AFFIDAVIT OF SARA  
CULLINANE**

Pursuant to 28 U.S.C. § 1746(2), I, Sara Cullinane, hereby declare as follows:

1. My name is Sara Cullinane, and I am the co-founder and Director of Make the Road New Jersey (“Make the Road NJ”),<sup>1</sup> a community-based immigrants’ rights organization with centers in Elizabeth and Passaic, New Jersey – two cities with significant foreign-born populations. I have worked on immigrants’ rights issues for the past fourteen years both as a community organizer and an attorney. As director of Make the Road NJ, I oversee the organization’s community organizing and education programs, as well as our legal services department, which represents individuals in immigration proceedings. Prior to founding Make the Road NJ in late 2014, I represented immigrants in labor and employment proceedings. I am an assistant adjunct professor of public service at New York University Wagner School of Public Service and the co-chair of the New Jersey Alliance for Immigrant Justice, a statewide coalition of more than forty faith, labor, community, and legal organizations that serve immigrant communities across New Jersey.

2. Make the Road NJ’s mission is to build the power of immigrant and working-class

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<sup>1</sup> Make the Road NJ and Make the Road New York are two separate entities.



communities through community organizing, legal services, policy advocacy, and transformative education. Annually, we serve more than 10,000 immigrant families by providing Know Your Rights trainings, legal services, worker safety trainings, ESL classes, and youth development programs. The majority of immigrants we serve are non-citizens from Latin America. We also convene a statewide network of Deferred Action for Childhood Arrivals (“DACA”) recipients.

3. Since January 2017, the immigrant communities that Make the Road NJ serves have experienced increased attacks and widespread fear of deportation, making individuals in these communities less likely to want to share their citizenship status with the government, and, consequently, less likely to complete a Census form that contains a citizenship question. During his first week in office, Present Trump announced a travel ban for individuals entering the United States from majority Muslim countries, as well as new priorities for detention and deportation of immigrants. Both of these actions made many immigrants in our communities targets for deportation. Our clients experienced extreme fear and anxiety. Many did not leave their homes because they were afraid of being apprehended by immigration authorities. Others pulled their children out of school and stopped attending medical appointments and social service appointments for their children.
4. The Trump administration has taken several additional actions that have adversely impacted immigrants and their U.S. citizen families in New Jersey. On September 5, 2017, the Trump administration announced the end of the DACA program, which provides relief from deportation and employment authorization to more than 700,000 immigrants who came to this country as children. In New Jersey, approximately 53,000 individuals who are DACA eligible were directly impacted by this action. Furthermore, in 2017, Immigration and



Customs Enforcement (“ICE”) increased arrests and detentions of immigrants in New Jersey by 42%, outpacing the national average of an approximately 30% increase. As a result, since January 2017, immigrants in New Jersey have been arrested at courthouses, while dropping their children off at school, and at their work places. This recent increase in immigration enforcement has had a strong chilling effect on immigrants’ use of public services and their willingness to interact with state and local government agencies.

5. Through my experience working and interacting with the immigrant community in New Jersey, I have observed an increase in the immigrant community’s fear and apprehension about engaging with government authorities during the Trump administration. In July 2017, Make the Road conducted a survey of 59 legal service providers across fourteen counties in New Jersey to specifically gauge the impact of ICE’s actions on immigrant access to the justice system. We published the report in December 2017.<sup>2</sup> We found that since President Trump took office in January 2017, 72% of respondents reported having worked with immigrant clients who feared attending court proceedings because abusive partners threatened that ICE would be there. 78% of survey respondents said that they had worked with clients who were scared to attend criminal court due to fear of ICE presence in the courts. 62% of respondents had worked with immigrant clients who had withdrawn or failed to pursue orders of protection due to fear of ICE. Finally, 56% of respondents reported that their clients had failed to attend municipal court due to fear of ICE.
6. Over the past year and a half, immigrants that have approached our organization for legal and support services have been increasingly hesitant to share their information with state

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<sup>2</sup> *The Impact of Immigration Enforcement on Access to Justice in the Garden State*, Make the Road New Jersey, [https://www.maketheroadnj.org/report\\_ice\\_in\\_the\\_new\\_jersey\\_courts](https://www.maketheroadnj.org/report_ice_in_the_new_jersey_courts) (last visited October 3, 2018).



agencies in order to help their eligible U.S. citizen children or family members apply for benefits, attend school, or access critical government services. Overall, enrollment in Supplemental Nutrition Assistance Program (“SNAP”) has declined across the state of New Jersey among families where only children qualify for the program, which is often a marker of an immigrant household. I am also aware of anecdotal evidence of declining school enrollments among immigrants in New Jersey. For example, a school in Elizabeth, New Jersey that provides head start services and is attended by mainly immigrant children and children of immigrants experienced an extreme decline in enrollment. At Passaic County College, a public community college with a significant number of immigrant students, enrollment also decreased in 2017.

7. The inclusion of a citizenship question on the 2020 Census will exacerbate the chilling effect. Through my personal interactions with immigrant community members, it is clear to me that many immigrant community members are worried about completing the 2020 Census because of the inclusion of the citizenship question. Concerned and worried individuals include not only immigrant community members, but also their U.S. citizen family members. Many immigrant community members that I have interacted with are undecided about whether they will complete the Census and some have decided already that they will not complete it.
8. Some community members have asked me if they would be penalized for not completing the Census. More than one community member asked me if the government will misuse the information they divulge when completing the Census. Others asked me if I thought they would be deported if they reported that they were non-citizens on the Census.
9. When discussing the citizenship question with me, individuals appeared afraid and



concerned. Some individuals' voices shook when they asked me about the citizenship question. Others had furrowed brows. The fear and concern was palpable.

10. Overall, based on my experience and observations, I anticipate that many immigrants and their U.S. citizen family members will choose not to respond to the citizenship question or the Census as a whole because they are scared to share their citizenship status with the federal government. This will lead to vast undercounting in communities of color, immigrant communities, and low-income communities across New Jersey.
11. In September 2018, I participated in a roundtable discussion on the 2020 Census in Paterson, NJ with a coalition of Passaic County-based community organizations and social service providers, as well as Paterson Mayor Andre Sayegh. About one-third of Paterson residents are foreign born. City officials and community groups expressed their concern during the roundtable discussion that the inclusion of the citizenship question on the 2020 Census will cause fewer Paterson residents to complete the Census, given the large immigrant population. Numerous social service providers that serve immigrant communities concluded that their clients, like mine, were afraid that their information would be shared with federal immigration authorities if they responded to the citizenship question on the Census.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 03th day of October, 2018




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Sara Cullinane  
Director  
Make the Road New Jersey



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**SUPPLEMENTAL AFFIDAVIT OF SARA CULLINANE**

Pursuant to 28 U.S.C. § 1746(2), I, Sara Cullinane, hereby declare as follows:

1. As explained in my affidavit, dated October 23, 2018, I am the co-founder and Director Of Make the Road New Jersey (“Make the Road NJ”),<sup>1</sup> a community-based immigrants’ rights organization with centers in Elizabeth and Passaic, New Jersey – two cities with significant foreign-born populations
2. All of the statements made in my October 23 affidavit and in this affidavit are made based on my personal knowledge acquired after fourteen years of experience working on immigrants’ rights issues. This experience includes my work as a community organizer, attorney, and now - director of Make the Road New Jersey. During this time period, I have familiarized myself with Make the Road New Jersey’s internal records, processes, and membership. It is also my practice to familiarize myself with changes in policy and practice, as well as any other related issues, that arise with regard to immigration enforcement.

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<sup>1</sup> Make the Road NJ and Make the Road New York are two separate entities.



3. The fears of immigrant communities in New Jersey and the practical results of those fears, stated in my testimony in paragraphs 4 and 6 of my October 23 affidavit, reflect my personal knowledge. Specifically, I learned of the increased rate of arrests and detentions through my practice of familiarizing myself with changes in policy, practice, and any other issues related to immigration enforcement – which included reading newspaper articles.<sup>2</sup> My statement about lower levels of use of public services, unwillingness to interact with state and local governmental agencies, and lower enrollment at Passaic Community College as well as in the Supplemental Nutrition Association Program (“SNAP”), are based on the knowledge I acquired through outreach conducted by Make the Road New Jersey, personal interactions at Make the Road events, and through my familiarity with current events in the immigrant rights’ context.<sup>3</sup> Through Make the Road New Jersey’s survey, we reached out to organizations in 15 of New Jersey’s 21 counties and 97% of those organizations responded that their clients have expressed fears about accessing social services since 2017.

4. In paragraph 11 of my October 23 affidavit, I described a September 2018 roundtable in which I participated. In that paragraph, I mentioned that various community groups and social services providers expressed concerns about the citizenship question. I have personal knowledge of these concerns based on my observations and conversations at that roundtable,

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<sup>2</sup> [https://www.nj.com/news/index.ssf/2018/02/ice\\_arrests\\_surge\\_under\\_trump\\_see\\_where\\_nj\\_ranks.html](https://www.nj.com/news/index.ssf/2018/02/ice_arrests_surge_under_trump_see_where_nj_ranks.html)

<sup>3</sup> <https://www.northjersey.com/story/news/2017/09/28/amid-daca-fears-passaic-county-freeholders-move-protect-undocumented-immigrants/709307001/>



as well as from reading press accounts that relate the sentiments of these organizations.<sup>4</sup>

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 3rd day of November, 2018



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Sara Cullinane  
Director  
Make the Road New Jersey

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<sup>4</sup> <https://www.njtvonline.org/news/video/state-lawmakers-push-to-maximize-participation-for-2020-census/>;  
<https://www.northjersey.com/story/news/paterson-press/2018/09/19/paterson-nj-hopes-calm-immigrants-fears-2020-census-count/1356016002/>;  
[https://www.nj.com/news/index.ssf/2018/07/should\\_the\\_us\\_census\\_ask\\_immigrants\\_if\\_they\\_are\\_ci.html](https://www.nj.com/news/index.ssf/2018/07/should_the_us_census_ask_immigrants_if_they_are_ci.html)