Exhibit 42

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*, Plaintiffs, v. DONALD J. TRUMP, *in his official capacity as President of the United States, et al.*, Defendants.	20 Civ. 5770 (JMF) **DECLARATION OF MONICA SARMIENTO**

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

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein.

2. I am the Executive Director for the Virginia Coalition for Immigrant Rights (VACIR). I oversee a coalition of thirty-six member organizations and partnerships with nearly one hundred organizations in the immigrant rights movement. I have been employed by VACIR since 2015. I also serve as a commissioner on Governor Northman's 2020 Complete Count Census Commission.

3. VACIR has been preparing for the 2020 census since 2016. In 2016, we organized community members to comment on the correct terminology for language use on the 2020 census, and successfully got Governor McAuliffe to sign Virginia up to the Local Update of Census Addresses Operation (LUCA) program. From 2017 – 2019 we participated in local, state, and federal organizational meetings on how to create successful census outreach efforts in the immigrant community. We also fundraised and gave out grants to local community organizations to provide guidance and assistance to those who needed help filling out the census. Finally we worked with media outlets and government offices in creating in language information for non-English speakers.

4. As a Commissioner on the Virginia 2020 Census Commission I serve as the in house expert on providing outreach to the Virginia immigrant community. Governor Northam has made it an initiative of his Administration to have all individuals counted, regardless of immigration status, as has always been the practice by the United States Census Bureau.

5. Members of the coalition and partners of the coalition have shared with me that the new memorandum signed and promoted by President Trump has hindered their efforts in getting members of the undocumented community to fill out the 2020 census form. Organizational leaders have informed me that community members see this newest memorandum as a continued attack on their ability to trust the Trump Administration to make good decisions for an accurate and secure count. Community leaders informed me that undocumented Virginians feel that this memorandum dehumanizes them, and does not acknowledge that they are worthy of being counted. Personally, for me it echoed the shameful clause that enslaved African Americans would only be counted as three-fifths of a person and would not be counted as whole person. As I listed to community leaders share their stories I could hear the frustration and hurt that so many undocumented Virginians, including those who have U.S. citizen children that were born in Virginia, have been left feeling scared and dehumanized by the Trump Administrations stance to change the long held practice of counting all who reside in the United States for reapportionment (with the exclusion of tourists and temporary business travelers, as well as residents of the District of Columbia) and not just those they categorized as worthy.

6. Coronavirus has forced all of us to change work habits, and dramatically shifted on how business is carried out in our country. In Virginia organizations have been forced to changed plans and grassroots outreach efforts to ensure a complete count. Coronavirus has made the census exponentially more difficult. Organizers are now doing outreach efforts at food banks, phone banking, and mailing census literature instead of canvassers knocking on people's door. Unfortunately, President Trump's memorandum has exacerbated a highly difficult situation to encourage every Virginian, including undocumented Virginians, to fill out the census form.

Community leaders informed me that undocumented Virginians have told them explicitly that they don't see a benefit in filling out the form if they will not be counted.

7. Organizational leaders have informed me that community members have refused to fill out the census form. They told me that they have had to spend more time speaking with community members, and even with the extra effort made many community members still refuse to fill out the census form. Organizational leaders and community members repeatedly told me that undocumented Virginians have been scared out of filling out the 2020 census form. Longer conversations means more staff time is spent on easing the fears and explaining to community members why filling out the census is still important. With limited time and budgets organizations are reaching fewer people, and spending more money on staff time to do so.

8. At VACIR we have put out statement, informed member organizations of the memorandum, and worked with organizations on outreach efforts. The new memorandum has required that we use staff time in the midst of a pandemic to address the concerns, issues, and distress this memorandum has caused.

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 August, 2020

Monica Sarmiento