Exhibit 34

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al., Plaintiffs, v. TRUMP, et al., Defendants.	20-CV-5770 (JMF) **DECLARATION OF Bitta Mostofi**

Pursuant to 28 U.S.C. § 1746(2), I, Bitta Mostofi, 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 Commissioner of the City of New York (the "City")'s Mayor's Office of Immigrant Affairs ("MOIA"). I have worked at MOIA since 2014, becoming Acting Commissioner in 2017 and appointed Commissioner in 2018. As Commissioner, I provide advice and guidance to the Mayor, his staff in other divisions of the Mayor's Office, and other City agencies, on a range of issues related to immigration. I also guide and oversee the work of approximately 70 City employees assigned to work on fulfilling MOIA's mission.

3. MOIA, established in the Charter of the City of New York in 2001 by referendum, develops and implements policies designed to assist immigrants across the City by enhancing their economic, civic, and social integration into the community, including, encouraging participation in the Census. In order to achieve that mission, MOIA conducts research and analysis, provides guidance to and partners with other City agencies, develops partnerships with community-based organizations, and advocates at all levels of government.

4. My office and I have been engaged in a variety of efforts to increase the participation of the City's immigrant community in the Census. I was Commissioner on the New York State's Complete Count Commission after being appointed by Governor Cuomo in January of 2019. The commission issued its final report in October of 2019. During my tenure at the Commission, I spent hours listening to testimony and concerns raised by local elected officials, community based organizations, community members and others about their concerns and needs for achieving a complete count. These concerns consistently included specifically immigrant community fears and concerns about privacy, the inclusion of a citizenship question, and distrust of the federal government. It was difficult to overcome these barriers and to focus on the benefits and importance of getting counted. Even after the Commission concluded, I have continued to work with the New York City Census Team to advise on the issue of encouraging participation in our immigrant communities. I also continue to be involved in many community and press events to ensure a complete count of the City's immigrant communities.

5. My office has expended significant staff time across teams in an effort to increase the participation of the City's immigrant community in the Census. MOIA's Outreach and Organizing team ("Outreach Team") has engaged in extensive community outreach related to increasing the participation of the City's immigrant community in the Census. The Outreach Team has incorporated the Census into almost all of its activities. When our organizers canvass neighborhoods and hold in-person and virtual events, they distribute Census materials and include information about the importance of participation in the Census by all NYC residents, regardless of their immigration status, in their remarks. Our organizers also participate in Census Days of Action coordinated by the New York City Census team. During these Days of Action, held in neighborhoods with historically low response rates, our organizers often distribute literature and

speak to community members to encourage participation and dispel misinformation about the Census, including reminding community members that there will be no citizenship question and that the information contained in their Census responses will not be shared with other parts of the federal government. Many of our organizers have created informational videos on social media in several languages describing the Census and providing information about where to get assistance with completing the Census. They also use various messaging applications favored by different immigrant communities to send out information on the Census to constituents about the importance of participation and to answer any questions to dispel misinformation. Recently, the Outreach Team held a five-hour virtual telethon event, entitled "Que Cuente Mi Gente! (Make My People Count!)," that included appearances by elected officials encouraging undocumented community members to respond to the census and educating them on its importance.

6. In support of this work, MOIA's Policy Team provides federal policy updates to teams across MOIA, including updates on Census and the Census enumeration period. These policy updates keep MOIA staff informed, including the Outreach and Organizing team, so that they have accurate information to convey when engaging with members of the community. Three members of MOIA's policy team have already devoted several hours to analyzing and explaining the Presidential Memorandum to MOIA's staff.

7. In addition, MOIA's communications team has worked for over a year with the New York City Census team on an outreach campaign focused on hard to count communities, like immigrant communities, emphasizing the importance of responding to the 2020 Census. The joint efforts are focused on posting and elevating Census related content on social media, advising on the production of multimedia messaging campaigns specifically targeted towards immigrant communities, fielding media inquiries, developing talking points and fact sheets, and conducting

a series of roundtables with community and ethnic media outlets across New York City discussing the Census.

8. Throughout its Census outreach efforts, MOIA has faced a number of challenges, many of which stem from the City's immigrant communities' distrust of the federal government, and by association, any other government entity. With the anti-immigrant rhetoric contained in the July 21, 2020 Presidential Memorandum excluding undocumented immigrants from the apportionment count, President Trump sowed fear, mistrust, and confusion amongst the immigrant communities in New York City. Official Presidential statements that *undocumented persons don't count* cultivate distrust and resentment of the federal government throughout immigrant communities, which has a chilling effect on immigrant response to the Census. As a result, the July 21, 2020 Memorandum is a significant setback to our efforts to ensure that immigrant communities respond to the Census.

9. Despite the recency of its promulgation, the Trump Administration's Census Apportionment Memorandum has already proven to be a barrier to the City's efforts to increase participation in the Census among immigrant communities. News of the Trump Administration's most recent memo has spread through immigrant communities in New York City incredibly quickly, and MOIA is concerned that the current news cycle will continue to make immigrants, specifically those who are undocumented, afraid or reluctant to complete the Census. Though the memorandum has only been published for roughly two weeks, members of our Outreach team have already encountered individuals in the community expressing concerns, fears, and confusion about completing the Census. In one instance, a member of our Outreach team shared information about the Census with a constituent during the NYC Census Week of Action, held from July 27, 2020 to August 2, 2020. The constituent asked whether individuals who are undocumented had to

complete the Census because she had heard that the President had stated that undocumented immigrants did not have to be counted. Another constituent who works as a street vendor expressed to another Outreach team member that she did not think she had to fill out the census because she was not born in the United States and that she had heard in the news that people who are undocumented do not count. In another example, a community member from Jackson Heights expressed specific concerns about the federal government's plan to exclude undocumented persons from the Census. She also expressed that the Trump administration would punish undocumented persons who filled out the Census by tracking and deporting them. She further explained that many within her community have the same concerns. Since the promulgation of the new memo, a member of the Outreach team has encountered individuals who are undocumented as well as those living in mixed status households who have expressed concerns about the security of their identifying information being shared with the federal government, specifically expressing concerns that the Trump Administration would seek to use Census information against them.

10. Regardless of whether the Trump Administration's memo is successful in excluding immigrants from the apportionment count, it is impossible to ignore the chilling effect that this memo is already having on the completion of the Census among immigrant communities in New York City.

11. In response to the Presidential Memorandum, our teams have had to devote more time and energy to combatting misinformation, fear, and confusion, and we expect to continue expending more energy than previously anticipated on these efforts. In engagements with community members since the Presidential Memorandum, our Outreach team has increasingly had to engage in very personalized and community specific outreach to build a level of trust that is much higher than necessary in their outreach on other services or topics. Likewise, our

communications strategy moving forward will continue to prioritize messaging that explains why it is important for everyone to fill out the Census, that in fact everyone can get counted regardless of their immigration status and there is no citizenship question on the census, and that the information provided to the Census Bureau is confidential and protected. For example, I will be authoring an Op-Ed in the Queens Chronicle's Immigration Corner column on the right of every New Yorker, regardless of immigration status, to be counted in this decennial Census. The Presidential Memorandum undercuts this messaging and makes it harder for our office to encourage immigrants to respond to the census.

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

Executed on this 5th day of August, 2020

Bitta Mostofi
Commissioner, Mayor's Office of Immigrant Affairs