Nos. 18-587, 18-588, and 18-589

In the Supreme Court of the United States

DEPARTMENT OF HOMELAND SECURITY, et al.,
Petitioners,

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF UNITED WE DREAM AND 50 ORGANIZATIONS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

GEOFFREY BROUNELL
DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas
21st Floor
New York, N.Y. 10020
Tel. (212) 489-8230
geoffreybrounell@dwt.com

PETER KARANJIA*
MELISSA L. TURCIOS
DLA PIPER LLP (US)
500 Eighth Street, NW
Washington, D.C. 20004
Tel. (202) 799-4000
peter.karanjia@dlapiper.com
**Counsel of Record*

Counsel for Amici Curiae

October 2, 2019

Additional Captions Listed on Inside Cover

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, et al.,

Petitioners,

v.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, et al.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

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KEVIN K. MCALEENAN, ACTING SECRETARY OF HOMELAND SECURITY, et al.,

Petitioners,

v.

MARTIN JONATHAN BATALLA VIDAL, et al.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit

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INTEREST OF *AMICI CURIAE*[1]

Amicus curiae United We Dream ("UWD") is the largest immigrant youth-led community in the United States. UWD is a national non-profit, non-partisan, membership-based organization comprising more than 500,000 immigrant youth and their allies, with more than 100 affiliate organizations located in 28 States. UWD's primary purpose is to advocate for the dignity and fair treatment of immigrant youth and their families, regardless of their immigration status. Among UWD's members are recipients of deferred action under the Deferred Action for Childhood Arrivals ("DACA") initiative announced on June 15, 2012. Because the government action in this case seeks to undo DACA's protections—protections that have formed the basis for the most consequential life decisions of hundreds of thousands of immigrant youth—UWD has a substantial interest in the proper resolution of the issues presented in this case.

UWD is joined by fifty organizations, including social service and advocacy organizations that work with DACA applicants and beneficiaries, across the United States. A full listing of *amici*—

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[1] The parties have consented to the filing of this brief, and their letters of consent have been filed with the Clerk. Pursuant to Supreme Court Rule 37.6, *amici* state that no counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amici* or their counsel made a monetary contribution to its preparation or submission.

including the organizational plaintiffs in *CASA de Maryland* v. *U.S. Dep't of Homeland Security*, 924 F.3d 684 (4th Cir. 2019) (concluding that the government's decision to rescind the DACA program was arbitrary and capricious)—appears in the Appendix.

INTRODUCTION AND SUMMARY OF ARGUMENT

In this brief, United We Dream and fifty other organizations offer a glimpse into the lives of the more than 825,000 young people who have placed their trust in, and organized their lives around, the government's promise in the DACA program.

DACA has accomplished far more than affording deferred prosecutorial action. It has created life-changing opportunities for hundreds of thousands of promising young people. DACA has allowed them to lead fuller and more vibrant lives, including by seizing opportunities to advance their education, furthering their careers, providing critical help to their families, and giving back to their communities. Able to make use of the basic building blocks of a productive life—a Social Security number, work authorization, or driver's license, for example—DACA recipients have thrived. They are students, teachers, health care workers, first responders, community leaders, and small business owners. They are also spouses, neighbors, classmates, friends, and co-workers. Collectively, they are parents of over a quarter-million U.S. citizens, and 70% of DACA recipients have an immediate family member who is a U.S. citizen. They pay taxes, contribute to their local economies in myriad ways, and spur a virtuous cycle of further opportunity for many Americans.

The sample stories below include, among many others, an Oregon schoolteacher and community volunteer from Mexico; a Rhodes scholar from South Korea with a bright future in health science; the first

transgender immigrant appointed as a Commissioner for the Mayor's Office of Latino Affairs in the District of Columbia; a Maryland small-business owner and musician, born in Nigeria; a critically-acclaimed, Mexican chef in Missouri; a Michigan-based community organizer from Poland; and an entrepreneur and mother of five who, after serving at the Chamber of Commerce, launched her own translation and interpreter business in Oklahoma. *Amici* hope to illustrate how, from their diverse backgrounds spanning the globe, DACA recipients are now fully part of their communities and the broader fabric of America.

Their stories of resilience, generosity, and accomplishment epitomize the American dream. Yet, the government's effort to rescind DACA, which has given hope to so many, would put these young people in grave danger of deportation and threatens to cause massive disruption to their lives, tearing apart families and uprooting productive members of society from the networks that rely on them. If allowed to stand, the cancellation of DACA will have devastating ripple effects that extend well beyond the DACA recipients into every community in the United States.

ARGUMENT

The Stories of a Cross-Section of DACA Recipients Illustrate the Program's Critical Role in Improving the Lives of Promising Young Individuals, Their Families, Local Communities, and the Nation

DACA has enabled hundreds of thousands of young individuals to live their lives in the open, fully realizing their potential and contributing to their local communities. Most DACA recipients arrived in the United States when they were just six years old or younger—indeed, nearly a quarter of DACA recipients were under the age of three—and two-thirds of DACA recipients no longer have any close family members in the country of their birth. Tom K. Wong et al., *Results from 2019 National DACA Study* 7, 15 (Sept. 2019), https://ampr.gs/2noR7pv ("Wong et al."). For these promising young people, the United States is the only home they have ever known. They've grown up here, gone to school here, played sports here, and built families here. They play critical roles in their communities—as entrepreneurs who create jobs, as family members who support hundreds of thousands of U.S. citizens, as public servants who teach our children and care for us, and as volunteers who improve their communities. In short, they have become fully integrated into the fabric of American society.

Despite these deep and longstanding ties to the United States, before DACA, many of these young immigrants who arrived in the country as children struggled to survive due to their undocumented

status—often living in constant fear of deportation.[2] DACA was life-changing. For the first time, these individuals could obtain work authorizations, healthcare, a Social Security number, a driver's license, and, in many States, in-state tuition, scholarships, and financial aid. DACA recipients can also board planes, open bank accounts, apply for credit for their businesses, and access other resources so that they can support their families, communities, and local economies. As ***Lidia D.***, a 23-year-old Dreamer, explains, "DACA gave me a sense of liberty." Thanks to her deferred action, Lidia was able to relocate from her home in Nebraska to accept job opportunities in California and Nevada—opportunities that would have been out-of-reach for her without a four-year college degree, a work authorization, or the ability to board a plane.

With these essential keys to survival and success, DACA recipients have drawn on their remarkable

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[2] Deportation orders have been entered against DACA recipients who arrived in the country as babies and toddlers, and these young people—many of whom only later discovered their immigration status—have good reason to fear they will be first in line for deportation if the government's attempted rescission stands. Under a 2017 Executive Order, anyone who is subject to a final order of removal is an enforcement priority. *See* Exec. Order No. 13,768, 82 Fed. Reg. 8800 (Jan. 25, 2017); Memorandum from Sec'y of U.S. Dep't Homeland Sec. to Kevin McAleenan et al., *Enforcement of the Immigration Laws to Serve the National Interest* (Feb. 20, 2017), https://bit.ly/2miirQd ("DHS Memorandum") (providing limited discretion to make exceptions to enforcement priorities). Although a subsequent DHS Memorandum guidance excepted DACA recipients, DACA's rescission removes these protections.

talents, ingenuity, and dedication to make ever greater contributions to this nation. According to one survey, after receiving deferred action, nearly 60% of DACA recipients—approximately 400,000 individuals—entered the American workforce for the first time. Wong et al., *supra*, at 2. And about 71% of DACA recipients also pursued educational opportunities previously foreclosed to them. *Id.* at 5. Altogether, 96% of DACA recipients are employed or enrolled in an educational program. Tom K. Wong et al., *DACA Recipients' Livelihoods, Families, and Sense of Security Are at Stake This November*, Ctr. for Am. Progress (Sept. 19, 2019), https://ampr.gs/2mnO8N6.

Their greater educational attainment and better jobs have translated into increased financial independence—which has been crucial not only for supporting their families and social networks, but also for contributing to broader economic growth. One 2019 study found that DACA recipients and their households hold a combined annual spending power of $24.1 billion. Nicole Prchal Svajlenka, *What We Know About DACA Recipients in the United States*, Ctr. for Am. Progress (Sep. 5, 2019), https://ampr.gs/2kvp0DE ("CAP Report"). Seventy-nine percent reported that their increased earnings have helped them become financially independent. Wong et al., *supra*, at 2. Approximately 60% of DACA recipients bought a car. *Id.* at 3. Almost 14% became homeowners. *Id*. Collectively, DACA recipients own 59,000 homes and make $613.8 million in annual mortgage payments. CAP Report, *supra*. Two-thirds of DACA recipients have applied for and received

their first credit card, while more than half have opened a bank account. Wong et al., *supra*, at 3. In short, DACA has opened a world of financial independence and opportunity that was once inaccessible.

These higher wages also increase tax revenues at all levels of government. Employers automatically deduct payroll taxes from DACA recipients' paychecks—even though those individuals are ineligible for many of the social programs supported by these taxes. One report estimated that DACA recipients and their households pay a combined $8.8 billion in federal, state, and local taxes annually. CAP Report, *supra*; *see also* Democrats of the Comm. on Small Bus., *Report: Economic Impact of DACA: Spotlight on Small Business* 5 (Feb. 2018), https://bit.ly/2JQKpRZ ("House Report") (estimating $5.87 billion in taxes from DACA-eligible individuals). Another study estimates that tax revenue for Social Security and Medicare alone would decrease by $39.3 billion over a decade if the contributions of DACA-eligible individuals were lost. Jose Magaña-Salgado & Tom K. Wong, *Draining the Trust Funds: Ending DACA and the Consequences to Social Security and Medicare*, Immigrant Legal Res. Ctr. (Oct. 2017), https://bit.ly/2mTN9F7. And, even under a conservative estimate, the combined economic costs and fiscal impact of deporting DACA recipients amount to an eye-popping $283 billion over a decade. Ike Brannon & Logan Albright, *The Economic and Fiscal Impact of Repealing DACA*, Cato Inst. (Jan. 18, 2017), https://bit.ly/2k1hn1R. Other estimates are even higher. *See, e.g.*, Nicole Prchal

Svajlenka et al., *A New Threat to DACA Could Cost States Billions of Dollars*, Ctr. for Am. Progress (July 21, 2017), https://ampr.gs/2uI9Deh (estimating $460.3 billion impact). This substantial body of empirical data is borne out by the representative stories of the DACA recipients described below. Not only would the rescission of DACA be devastating for the program's recipients and their families, it would also have negative repercussions for our nation's economy, and the impacts on some local economies could be severe.

DACA was a promise made by our government to eligible young people. The realization of that promise unleashed tremendous personal, social, and economic opportunities for DACA recipients, and it established a foundation upon which many American communities now rely. The government's efforts to break faith with those young individuals now would destroy a program that works for millions of people—DACA recipients and U.S. citizens alike—and deal a staggering blow to American progress.

A. DACA Has Allowed Recipients to Maximize Their Potential, While Enriching American Schools and Universities

By design, DACA opens a world of educational opportunities for young immigrants. A key prerequisite for obtaining DACA's protection is that the applicant is pursuing a high school diploma or GED certificate, or is enrolled in a qualifying educational program. *See* JA-387. As a result, many

undocumented young people who may otherwise have dropped out are motivated to stay in school.

Moreover, DACA makes it easier for young immigrants to invest in their education. *First*, many undocumented students are forced to drop out because they are unable to both work to cover tuition fees and study at the same time, but DACA allows its recipients to obtain better-paying jobs, so they can more easily bear the costs of school. Caitlin Patler & Jorje A. Cabrera, *From Undocumented to DACAmented: Impacts of the Deferred Action for Childhood Arrivals (DACA) Program Three Years Following its Announcement* 18 (June 2015), http://bit.ly/1R7Sz1c ("Patler Report"). Indeed, 80% of DACA recipients say they are better able to fund their educations by earning more. Wong et al., *supra*, at 2; *accord* Patler Report, *supra*, at 5. As a result, young immigrants are better equipped to maximize their career potential, and their investments in education have helped many DACA recipients serve as role models for their families and communities.

Second, DACA offers a pathway to higher education. DACA recipients can enroll in public colleges and universities in States (such as Alabama and South Carolina) where undocumented students are otherwise barred from attending. *See* Ala. Code § 31-13-8; S.C. Code Ann. § 59-101-430. A number of States—including Texas, Oregon, New Jersey, and New York—allow DACA recipients to attend public colleges and universities at in-state or reduced tuition rates, just like their U.S. citizen peers. *See* Tex. Educ.

Code Ann. §§ 54.051-057; Or. Rev. Stat. § 352.287; N.J. Stat. Ann. 18A:3B-79; N.Y. Educ. Law §§ 355(8), 6206(7)(a). Other States, like California, Illinois, and Minnesota, even allow certain DACA recipients to receive state and institutional financial assistance. *See* Cal. Educ. Code § 66021.6; H.B. 2691, § 15(a), 101st Gen. Assem., Reg. Sess. (Ill. 2019) (Pub. Act No. 101-0021), https://bit.ly/2mFIQ08; 2013 Minn. Laws 31, https://bit.ly/2noUYCQ; *see also* Univ. Leaders for Educ. Access & Diversity Network, *Policy Environment—Select a State to See the Policies*, https://bit.ly/2ocRK5q. Despite being ineligible for all federal and most state financial aid programs, DACA recipients can fill out the Free Application for Federal Student Aid form, which helps schools determine students' financial need and eligibility for scholarships and institutional financial aid. Zenén Jaimes Pérez, *How DACA Has Improved the Lives of Undocumented Young People*, Ctr. for Am. Progress 5 (Nov. 19, 2014), http://ampr.gs/1O7iTHA. As a result of these enhanced opportunities, 31% of respondents in one survey by *amicus* United We Dream reported that they had qualified for additional financial aid. Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three-Years Later* 21, UWD (Oct. 2015), https://bit.ly/2osP9Vl ("UWD Survey").

With barriers to opportunity removed, it is not surprising that thousands of DACA recipients have pursued greater educational opportunities. In 2018, the National Bureau of Economic Research ("NBER") found that DACA eligibility correlated with greater

high school attainment and college attendance. Elira Kuka et al., *Do Human Capital Decisions Respond to the Returns to Education? Evidence from DACA*, NBER (Feb. 2018), https://bit.ly/2mTVOY7. In United We Dream's survey, 30% of respondents credited DACA for bringing them back into the classroom. UWD Survey, *supra*, at 25. Of the nearly two-thirds of survey respondents currently in school, 83% were pursuing a bachelor's degree or higher. *Id.* Over half of DACA recipients twenty-five or older have completed a bachelor's degree or higher, compared to just one-third of Americans in the same age bracket. *Compare* Wong et al., *supra*, at 7, *with* Press Release, U.S. Census Bureau, *Highest Educational Levels Reached by Adults in the U.S. Since 1940* (Mar. 2017), https://bit.ly/2nFBkSb.

Many young immigrants have seized the opportunity to further their education and pursue advanced degrees. For example, right after receiving DACA's protection, ***Luke H.*** submitted his applications for doctoral programs in chemistry. Now in his sixth year at the University of Chicago, he worries that—if allowed to stand—DACA's rescission could prevent him from completing his dissertation, jeopardizing years of hard work, and leaving his future uncertain.

Like hundreds of thousands of other immigrant youth, ***Jin Park*** used DACA as a springboard to greater educational opportunities. The first DACA recipient to receive the prestigious Rhodes Scholarship, Jin arrived in New York from South

Korea when he was just seven years old.[3] For years, his father worked in restaurants and his mother worked in beauty salons to build a life for their family in Flushing, Queens. A brilliant student, Jin nonetheless applied to 34 colleges, out of fear that his immigration status would limit his opportunities. He took his insights into the college admissions process to found Higher Dreams, a non-profit that partners with the Boston Public School system to help undocumented students gain access to higher education. He volunteered with a Boston non-profit to provide naturalization assistance, and currently serves as a chapter leader for Define American (a non-profit media and culture organization that advocates for fair representation of immigrants in the media). Jin has even testified before Congress about how DACA has fundamentally changed his life.[4]

Now a 23-year-old Harvard graduate with degrees in Molecular and Cellular Biology, Jin hopes to pursue master's degrees at the University of Oxford in Global Health Science and Epidemiology, as well as Migration Studies. With this foundation, Jin is

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[3] Jin Park, *Opinion: I'm a Dreamer and Rhodes Scholar. Where Do I Belong?*, N.Y. Times (Jan. 11, 2009), https://nyti.ms/2FuPTiW; *see also* Alexandra A. Chaidez & Sanjana L. Narayanan, *Harvard Senior Becomes First DACA Recipient to Win Rhodes Scholarship*, Harv. Crimson (Nov. 19, 2018), https://bit.ly/2QTJz7H.

[4] *Protecting Dreamers and TPS Recipients: Hearing Before the Committee on the Judiciary of the House of Representatives*, 116 Cong. 5 (Mar. 6, 2019) (statement of Jin K. Park), https://bit.ly/2mWoIGZ.

interested in working on improving health policy for immigrants and underserved communities. Although his family and community have celebrated his accomplishments—New York City declared April 16th "Jin Park Day"[5]—obtaining the Rhodes Scholarship has been bittersweet. If Jin leaves the country to continue his graduate studies abroad, he risks being barred from returning to his family and the only home he has ever known: "No matter how hard I work or what I achieve, I will never know if I have a place in America, my home."[6]

Just seven years old when she arrived in the United States in 2002, ***Monica C.***—who was born in Mexico—obtained DACA's protection in 2013. Currently, Monica works full-time as a paraeducator at William Paca Elementary School in Baltimore, Maryland, while she also studies for her associate's degree at Baltimore City Community College. As she focuses on the next generation—teaching students whose native language is not English—Monica knows that becoming a classroom instructor is her true calling: "Every day I see the light in the eyes of my students, the excitement it gives them to learn English and dream about their futures." Yet, DACA's rescission is never far from her mind: "It would break

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[5] Kimberly Yam, *NYC Celebrated First Undocumented Rhodes Scholar With 'Jin Park Day'*, Huffington Post (Apr. 17, 2019), https://bit.ly/2nNpUfO. *See also* Associated Press, *'Dreamer,' Rhodes scholar Jin Park to attend State of the Union*, NBC News (Jan. 31, 2019), https://nbcnews.to/2Bkbzvg.

[6] Statement of Jin K. Park 11.

my heart if I wasn't able to be there for them in the classroom."

Yazmin I.'s mother left behind a career as a physician in Mexico to give her three daughters better opportunities in the United States. An excellent student who dreamed of following in her mother's footsteps, Yazmin discovered at sixteen that she was undocumented when she tried to find work to support her family following her mother's stroke. Her status as an undocumented immigrant in Arizona (and later New Mexico) was a serious obstacle to continuing her education and accessing scholarships and financial aid. Thanks to DACA, Yazmin is now a fourth-year student at the University of New Mexico School of Medicine. She recently finished her sub-internship in surgical oncology and is currently completing a trauma-surgery and critical-care rotation as a visiting student at Washington University in St. Louis. Yazmin is also proud to give back to her community. She mentors young people through the New Mexico Dream Team and provides free health check-ups for immigrant families released from border detention facilities. But Yazmin needs a Social Security number to continue towards her residency, and her professional aspirations depend on DACA's continuation.

By authorizing undocumented individuals to work, DACA has broadened the diversity and skill set of our nation's workforce. Deferred action is thus especially important when it comes to the education, science, technology, engineering, mathematics, and

healthcare sectors, where maintaining U.S. leadership in an increasingly global economy is critical. As the stories of young men and women like Jin Park (Rhodes Scholar studying global health science and epidemiology), Monica C. (paraeducator), Yazmin I. (medical student applying to general surgery residency), and Luke H. (sixth-year University of Chicago Ph.D. candidate in chemistry) demonstrate, undocumented immigrants represent a pool of highly skilled talent that is in fierce demand.

Despite their hard work and accomplishments, the futures of Jin, Monica, Yazmin, and Luke are precarious. Forcing these exceptional young people—with a wealth of opportunities ahead of them—to live in fear of deportation would not only destroy their educational and professional prospects, but also deprive their communities and the nation of their current and future economic and societal contributions.

B. DACA Has Empowered Recipients to Found Start-up Businesses, Create Jobs, and Otherwise Realize Their Career Potential

1. DACA Increases Job Opportunity and Earning Power

Before DACA, even highly educated and skilled undocumented immigrants often had no option but to accept very low-paying jobs with bleak prospects for advancement. Without a Social Security number, driver's license, and work authorization, jobs better suited to their talents were simply unobtainable. DACA, however, suddenly enabled these young

people to obtain work authorizations for the first time. As a result, just sixteen months into the program, 59% of respondents in one survey reported having found a new or different job. Roberto G. Gonzales & Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA*, Am. Immigration Council (June 2014), https://bit.ly/2mTP5xe ("Gonzales & Bautista-Chavez"). In another survey—conducted from August to September 2019—two-thirds of respondents over twenty-five reported that DACA had allowed them to get a job that either made the best use of their qualifications or paid better. And for DACA recipients who pursued higher education, the opportunities for professional development are particularly striking. While employment rates increased by 114% for DACA recipients across the board (from 42% of respondents employed to 90%), those who obtained degrees from four-year colleges were more than *1.5 times* as likely to obtain new jobs and increase their earnings as DACA beneficiaries who never went to college. *See* Wong et al., *supra*, at 2-3.

DACA's benefits are also mutually reinforcing. When freed from the fear of looming deportation and able to work legally, DACA recipients work harder, are more productive, and earn more. *See* Misha E. Hill & Meg Wiehe, Inst. Tax'n & Econ. Pol'y, *State & Local Tax Contributions of Young Undocumented Immigrants* (Apr. 2018), https://bit.ly/2mWzYTL; Wong et al., *supra*, at 3. Overall, DACA recipients' salaries doubled on average—from an annual salary of $21,012 (pre-DACA) to $42,132 (post-DACA). Wong et al., *supra*, at 4. For DACA beneficiaries who

completed licensing programs—in fields such as nursing, dentistry, and construction—the earnings boost is even more profound. Gonzales & Bautista-Chavez, *supra*, at 4. For 68% of individuals in these programs, their salaries more than doubled from as little as $5 to more than $14 an hour. *Id.* As a result, one of the most dramatic effects of DACA is to catapult low-income individuals with great potential into higher-skilled, higher-earning jobs. In short, DACA facilitates the American Dream.

Chirayu P. is particularly emblematic of this path to increased opportunity. Despite graduating in 2006 from the University of Illinois with degrees in Economics and Political Science, Chirayu was "just barely surviving" before DACA. Chirayu and his family had attempted to adjust their status when they arrived in the United States from India in 1994, but they later discovered that an unscrupulous middleman had taken their savings and left them with nothing. Now, thanks to DACA, Chirayu makes enough money as an Asset Manager for a real estate company in Chicago, that he is able to support his family while he studies to be a Certified Public Accountant.

Sana A.—born in Pakistan and raised in Saudi Arabia—used her DACA protections to become a Lead Innovation Designer at a major multinational company. Now working at the cutting edge of technology and design, Sana explains, "I make more money than my parents have ever made in their life."

But she is acutely aware of how vulnerable her situation is. After a problem with her DACA

paperwork caused Sana to temporarily lose her deferred-action status, her company was forced to place her on a three-month leave of absence and, then, let her go. The instant her status was restored, she was re-hired. (Sana shares her story in a video available at: http://www.uwdamicusbrief.com.) As Sana's story illustrates, rescinding DACA not only hurts its recipients, it also hurts U.S. employers, who will lose an estimated $6 billion in worker turnover costs (including hiring and training) if talented young people, like Sana, are forced out of the country's workforce. House Report 8.

2. DACA Has Jump-Started a Wave of Entrepreneurialism

Immigrants are among our nation's most prolific small business originators and entrepreneurs, and DACA recipients are no exception. *See, e.g.*, Sari Pekkala Kerr & William R. Kerr, *Immigrants Play a Disproportionate Role in American Entrepreneurship*, Harv. Bus. Rev. (Oct. 3, 2016) (reporting that 40% of startup firms are affiliated with an immigrant). Indeed, 6% of DACA recipients have started their own business—double the rate of entrepreneurship for native-born Americans. *See* Wong et al., *supra*, at 2, 4. This is the equivalent of approximately 41,000 new businesses in total. *See id*. Nearly half of those businesses report hiring employees, each providing jobs to an average of four to five employees, amounting to some 86,000 employees who work for DACA recipient-owned firms. *Id*. Again, the benefits of DACA have extended far beyond DACA recipients themselves.

Darit A. was limited to a low-wage job at a travel agency before DACA. Under recent revisions to New Jersey law, Darit's DACA protection enables her to attend community college at in-county reduced tuition rates, and she is currently completing a program on small business management. Darit and her partner now run a landscaping company in New Jersey with several employees. The company's success has enabled Darit to purchase vehicles and equipment to serve her growing client base and members of the elder community to whom she provides free lawn care services as her way of giving back. As Darit works to expand her business and support her growing family under the cloud of DACA's potential repeal, she has to live with the fear that she could someday be detained—and worse—face deportation, losing everything she has worked so hard for.

Emmanuel A. is another example of the inspiring entrepreneurialism of DACA recipients. Now twenty-five years old, Emmanuel was only nine years old when his family migrated from Nigeria and settled in Maryland. Although he was a talented athlete, his undocumented status made him ineligible for many college scholarships, and Emmanuel was forced to leave college because his family could not afford his tuition. Now, as a full-time musician, producer, and small business owner, Emmanuel enjoys a substantial national and international following—videos of his performances on YouTube

have received hundreds of thousands of views.[7] DACA allows him the freedom to travel to perform for his fans in concerts across the nation. Ever-grateful for the opportunities DACA has given him, Emmanuel is proud to give back: Proceeds from his merchandise sales go to support other DACA recipients, and he mentors youth through his church to spread words of love and acceptance. His single, "American Dream," has become a major success, and he aims to deliver a message of hope to all people that they too can thrive amidst adversity. (Emmanuel shares his story in the video available at: http://www.uwdamicusbrief.com.)

Maricruz A. immigrated from Mexico in 2002 at the age of fifteen to reunite with her mother. For years, Maricruz worked odd jobs to make ends meet and support her family—including a thirteen-year-old son and twin five-year-old daughters, all U.S. citizens. When Maricruz received DACA protection in 2016, her life drastically changed. She was able to study at Baltimore City Community College, where she founded the first Latinx affinity organization and was the first Latina in history to be appointed to the Baltimore City Community College Board of Trustees. Now, Maricruz owns a business buying and selling used cars, and she and her partner run an auto repair shop with two employees. While managing two businesses, Maricruz is pursuing a bachelor's degree in Philosophy, Law, and Ethics at the University of Baltimore, and she hopes to become an attorney. For

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[7] *See, e.g.*, Sofar Sounds, *Mannywellz - Alright Rendition | Sofar NYC*, YouTube (Jan. 23, 2017), https://bit.ly/2man6ct.

Maricruz, "DACA is not just a legal status, it's an opportunity for this country."

Zaid C. is another young immigrant who seized this opportunity. One of four children raised by a single mother, Zaid is the co-founder and executive chef of a critically-acclaimed restaurant in Missouri. The recipient of numerous local and national culinary accolades, he actively promotes healthy and sustainable eating through his plant-based restaurant and by spearheading community education initiatives in partnership with the Kansas-Missouri Dream Act Alliance.

As the businesses of these talented young individuals continue to grow and prosper, their successes and impact on the community will be closely entwined with the continuation of DACA.

C. DACA Has Enabled Recipients to Support Their Families and Social Networks, Which Include Many United States Citizens

With the greater job, salary, and financial-planning opportunities that come with work authorizations and Social Security numbers, DACA recipients are better able to support themselves and their families. A 2016 study found that DACA-eligible households were 38% less likely than non-eligible undocumented immigrant households to live in poverty. Catalina Amuedo-Dorantes & Francisca Antman, *Can Authorization Reduce Poverty among Undocumented Immigrants? Evidence from the Deferred Action for Childhood Arrivals Program*, 147 Econ. Letters 1-4 (2016). Nearly 80% of surveyed

DACA recipients reported that they could make enough money to financially support their family. Wong et al., *supra*, at 2. And many family members of DACA recipients are U.S. citizens. Nearly 1.5 million Americans live with someone who is a DACA recipient. CAP Report, *supra*. Seventy percent of individuals granted deferred action under DACA have an immediate family member who is a U.S. citizen. Wong et al., *supra*, at 9; Patler Report, *supra*, at 26. According to another survey, 13% have a U.S. citizen spouse, and 19% have a U.S. citizen child. Wong et al., *supra*, at 9. Altogether, 256,000 U.S. citizen children have a parent who is a DACA recipient. *Id.*

As the mother of five children—all U.S. citizens—***Angelica V.*** worked long hours at a fast food restaurant to help support her family. A work authorization she obtained through DACA provided tremendous opportunity, allowing Angelica to accept a higher-paying position at the Chamber of Commerce as a program coordinator for disabled persons in Oklahoma. This, in turn, helped her realize her dreams as an entrepreneur and become the owner of a successful and growing translation and interpretation business. Angelica also volunteers to support entrepreneurs in the area and empower the local immigrant community.

In addition, DACA has helped Angelica become more engaged in her children's extra-curricular activities. She is now able to coach her children's soccer teams—which required Angelica to have a Social Security number as part of a routine background check. The prospect of DACA's rescission

has left her deeply fearful for her family, however. Preparing her young children for the worst has been a traumatic and painful process, and Angelica worries daily about how they will cope if she or her husband, also a DACA recipient, is deported. (Angelica shares her story in a video available at: http://www.uwdamicusbrief.com.)

For ***Ritu P.***, a 25-year-old native of India, DACA gave her "a purpose to live." One of the program's first applicants, Ritu knew that DACA would open doors to her. It allowed her to apply to college and, later, land her "dream job" as a manager at MAC Cosmetics in Tampa Bay, Florida. Ritu is now deeply invested in using that experience to build her own business as a make-up artist and beauty influencer with a growing online following. The stakes are also high for Ritu, her partner, and their families. As the only adult in the household with a work authorization, Ritu is the primary breadwinner: "If I'm not employed, I don't get paid, and there's no one to take care of the bills."

For families like Angelica's and Ritu's, DACA has been a critical lifeline. DACA recipients have been able to secure better jobs that take full advantage of their skills, translating into greater pay and financial support for their loved ones. Without DACA, many of these families would become more isolated and less secure—and would face the devastating possibility of separation due to deportation. In these and other ways, DACA strengthens the families of undocumented immigrants and U.S. citizens alike.

D. DACA Has Made It Possible for Recipients to Obtain Careers that Serve the American Public

DACA recipients also dedicate their lives to public service—further enriching their local communities and the country in a manner that will no longer be possible if DACA is unwound. Some 25,000 DACA recipients work for nonprofit organizations, while 22,000 work in the public sector. CAP Report, *supra*. Moreover, 16,000 DACA recipients (including many of the above) are educators and 27,000 are healthcare professionals. *Id.*

Maricruz R. is just one example. At just seven years old, Maricruz, along with her mother and siblings, escaped an abusive father in Mexico to build a life in the United States. Before DACA, Maricruz's life was difficult: She cycled through jobs at a fast food restaurant, a fishery, and a waste disposal facility, struggling to earn a living to support herself and her family. As an undocumented immigrant, finding consistent work was impossible, and—lacking a driver's license—it was often difficult to get to interviews with potential employers and, even if lucky to find a job, commute to work. With DACA's protection, Maricruz was able to go back to school and obtain an associate's degree in Early Childhood Education and, later, a bachelor's degree.

Now a schoolteacher in Salem, Oregon, Maricruz has taught children ranging from pre-kindergarten to elementary school. She is able to drive to work, build a credit history, and support her family. As a member of the Oregon DACA Coalition, she has been a

powerful voice for immigrants' rights. She finds deep fulfillment in her teaching and volunteering: "I want to be able to give back. We are part of this community." (Maricruz shares her story in a video available at: http://www.uwdamicusbrief.com.)

Like Maricruz, many other DACA recipients have devoted themselves to teaching. ***Itzel A.***, for example, came to the United States from Mexico when she was nine years old and grew up on a dairy farm, where her mother worked. She worked hard in school, and eventually obtained a degree in education from Western Michigan University. Unable to work legally in the United States, however, Itzel had little choice but to return to the dairy farm where she grew up. It was only after Itzel was granted DACA protection in 2012 that she was able to get a job as a full-time Spanish teacher at Kalamazoo Central High School.

Other DACA recipients help meet the urgent health-care needs of their communities. For instance, ***Luis A.***, who came to the United States from Mexico at the age of seven, has been working as an intensive care nurse since receiving DACA's protection in 2013. In 2010, Arkansas passed a law prohibiting anyone without a Social Security card from obtaining a nursing license. Luis, then a nursing student, was devastated. But, through DACA, Luis was able to get a Social Security number, obtain his nursing license, and begin work as a nurse in a cardiovascular Intensive Care Unit ("ICU"). He has since been certified to work in the Neuroscience, Trauma, and Surgical ICUs. Luis also fills a critical need during the country's current shortage of qualified nurses. As a

travel nurse, Luis frequently relocates to hospitals that are understaffed or lack staff with appropriate training to meet the health needs of their local communities.

Unable to volunteer at his local hospital, work, or drive without lawful immigration status, ***Daniel C.***—an undocumented native of South Korea who arrived in the United States as a child—wrestled with clinical depression before DACA: "I felt like I was in a prison without bars," but DACA "gave me a new beginning." Now thirty-one, Daniel works as a registered nurse in New Jersey, while he attends graduate school at William Patterson University to become a nurse practitioner. If DACA continues, Daniel hopes to obtain his doctoral degree and become an educator to help address the nationwide shortage in qualified nurses—particularly for nursing faculty. Daniel is grateful for the enormous opportunities DACA has brought him, and he is committed to helping underserved communities.

DACA recipients who have devoted their careers to serving the public are not only teachers and nurses. ***Juan S.*** left Oaxaca, Mexico as an eleven-year-old boy to pick grapes in the Central Valley of California. Arriving with only a third-grade education and unable to speak English, Juan was a diligent student. In May 2015, he became the first in his family to obtain a four-year college degree.

Once Juan received DACA protection and his work authorization—and while still in college—he began serving federal and state courts as the nation's only court interpreter for his native tongue, Zapotec,

an indigenous dialect of Oaxaca. Juan was also able to pursue a competitive internship opportunity at the U.S. Congress. Advance parole (another benefit that DACA recipients could apply for before the government's attempt to rescind the program) enabled Juan to travel abroad to present his research findings about the civic engagement of indigenous young people in the San Joaquin Valley. At the invitation of the University of California, he also participated in seminars in his native Oaxaca regarding migrant education.

Now thirty years old, Juan operates an interpreting company, while working full-time as a business development specialist for a regional non-profit. As a Zapotec-speaking court interpreter, Juan travels across the U.S. southwest border region to help immigrants understand the proceedings they are involved in. As a business development specialist, Juan assists farmers and entrepreneurs in the food industry in underserved and low-resourced rural communities. In addition to allocating micro-loans on behalf of a regional non-profit, Juan provides local business owners with technical assistance, business development, and connections with resources and markets. Juan feels empowered by DACA and the knowledge that his actions have had a positive impact on his community in California's Central Valley—but he still worries daily that, with DACA's fate in peril, all of his hard work could be undone in an instant.

E. DACA Has Enabled Recipients to Serve Their Communities as Volunteers and Organizers

Many DACA recipients understand deeply the challenges faced by those who lack resources and opportunities, and they aspire to serve their local and national communities as a result. Deferred action under DACA has helped to make those ideals a reality.

On the day that the DACA program was announced, ***Karen C.*** came home from high school to find her mother crying tears of happiness. DACA gave Karen new hope, motivating her to pursue a degree in Political Science at the University of Central Florida ("UCF"). While at UCF, she has worked with local organizations to persuade Florida to pass the Orlando Trust Act, a resolution that prohibits the city of Orlando from discriminating against people based on their immigration status. *See* City of Orlando, Exec. & Admin. Offices, Fair Treatment of All (Trust Act Policy) § 100.3 (adopted July 23, 2018), https://bit.ly/2p05O2N. A community organizer with a passion for environmental justice and immigrant rights, Karen hopes to eventually seek political office. Her writing was recently published in a collection of essays from young and established public figures regarding the importance of civic participation in making a better world.

Tasneem A., now twenty, learned that he was undocumented at the age of fifteen, when his parents decided that his performing at Carnegie Hall would put him in too much danger of being deported. Born

with a weak immune system, Tasneem was brought to the United States from Bangladesh when he was just nine months old. While a full-time student at University of Oklahoma, Tasneem works tirelessly to financially support his family. He founded a business that provides fundraising, communications, and graphic design for local, state, and federal campaigns, and he works part-time for a community education non-profit. DACA has given Tasneem a voice: As an activist, he has helped to elect his town mayor; as a professional community organizer, he has mobilized survivors of violence; and as a performer, he has empowered others to express themselves through the arts. (Tasneem shares his story in a video available at: http://www.uwdamicusbrief.com.)

Bartosz K. immigrated to the United States from Poland when he was ten years old. After receiving DACA protection in 2012, he completed undergraduate studies in Michigan before getting his juris doctor from Wayne State University Law School. Along the way, Bartosz became a professional organizer. He has been involved in electoral campaigns at all levels—from door-knocker to campaign manager—and believes that his work strengthens American political discourse. Now, Bartosz works as the political director of an advocacy group, Michigan United, using his talents to help make life better for his community. "For me," Bartosz explains, "the U.S. has always felt like home, but prior to DACA I worried every day about what would happen to me. . . . Ultimately, I would like to become a U.S. citizen, so that I can vote and maybe run for office one day."

Ju H. is an active volunteer and organizer on behalf of immigrants and refugees in California. A graduate of University of California, Berkeley, Ju serves on the board of a local organization that supports immigrant families. He also regularly devotes his time to the National Korean American Service & Education Consortium, a national non-profit that strives for social, economic, and racial justice for Asian Americans. But Ju suffers from Crohn's Disease, a chronic inflammation of the gastrointestinal system that, if untreated, could lead to colon cancer. Although DACA recipients are excluded from federal insurance programs (such as the Patient Protection and Affordable Care Act), DACA allows Ju to access private insurance to receive the treatment he needs to manage his condition. For Ju, "DACA is literally a matter of life and death."

Cinthia P. was only one year old when her family entered the United States. Experiencing her father's traumatic detention and deportation—coupled with the anxiety of living as an undocumented immigrant in Louisiana—led Cinthia into a downward spiral of depression and even thoughts of suicide. Despite her 4.0 GPA, Cinthia's undergraduate options were limited due to her undocumented status: She was excluded from most scholarships, and her parents had to work multiple full-time jobs to pay for college. DACA, however, allowed her to take a summer job as a law clerk for a nonprofit legal-services organization. This job, in turn, helped Cinthia afford to pursue a law degree at the Loyola University New Orleans College of Law. "[W]ith DACA," she says, "I was somebody. . . . I existed." After graduating, Cinthia

hopes to become a criminal defense attorney or a staff attorney for an immigrants' and workers' rights group.

Growing up in Macon, Georgia, ***Raymond P.***, twenty-six, knew no other undocumented children. Always conscious of his "outsider" status, Raymond struggled with depression and even attempted suicide in 2009. A Filipino immigrant who came to the United States as a one-year-old infant, Raymond lived in the United States for almost his entire life, but it was only after receiving DACA's protection that Raymond was able to accept an exciting opportunity with a non-profit group assisting Asian immigrants and refugees. Deferred action also made it possible for Raymond to travel freely within the United States, and even board a plane to attend the G92 Fellowship for Christian Leaders in 2014. Since graduating *summa cum laude* from Mercer University, Raymond works as a political consultant and paralegal, spending his free time volunteering with Freedom University, an organization that helps undocumented students in Georgia. Without DACA, Raymond's ability to openly involve himself in his community would be dramatically limited. Raymond knows his educational future is uncertain as the DACA program is threatened, but he dreams of one day going to law school.

F. DACA Has Empowered Many Young Immigrants to Live their Lives in the Open Without Fear of Persecution or Harassment

For undocumented youth of all backgrounds, deferred action can be a source of enormous psychological and emotional relief. For undocumented youth who have reason to fear persecution or harassment in their countries of origin—for example, based on their race, religion, or sexual orientation or identity—that effect can be particularly profound.

Amicus United We Dream has extensive experience helping LGBTQ communities who have enormously benefited from DACA, and the examples below illustrate DACA's broader impact in empowering various marginalized communities to live their lives in the open.

Catalina V. is a thirty-one-year-old transgender woman and Ph.D. student at the University of Washington, where she teaches undergraduates. Catalina's family came to the United States to escape political persecution in their native Colombia, and she fears further persecution on the basis of her gender identity if she is deported.[8] A graduate of the Georgetown University School of Foreign Service,

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[8] This is unfortunately common. According to a recent survey, almost 80% of LGBT DACA recipients expressed concern about their physical safety if they were deported as a result of the government's attempt to rescind the program. Tom K. Wong et al., *Findings from 2019 National Survey of DACA Recipients* (Sept. 2019) (forthcoming, Suppl. to *2019 National DACA Study*).

Catalina serves as a Partner and Senior Adviser for Megaphone Strategies, a strategic communication non-profit organization.

A trailblazer and inspiration to many around her, Catalina is a 2007 recipient of the President's Volunteer Award from the President's Council on Service and Civic Participation. In 2008, she was named an Ambassador for Peace by the Universal Peace Federation and the Inter-religious and International Federation for World Peace. Catalina was also the first transgender immigrant Latina appointed as a Commissioner for the D.C. Office of Latino Affairs (from December 2013 to June 2017). Recently, Catalina was named one of *Rolling Stone* magazine's "16 Young Americans Shaping the 2016 Election" and one of Mitu's "Young Latinos that are Leaving a Footprint in Politics."

Luis G., thirty, has lived over half of his life in the United States. During his teen years, Luis learned that he was undocumented around the same time as he first understood his sexual orientation. Luis's newfound identities as a gay man and an undocumented immigrant were destabilizing, and made him deeply fearful of deportation to Mexico (where he feared persecution for his sexual orientation). Obstacles continued to mount when Luis was forced to drop out of college because it was unaffordable.

But DACA offered Luis new hope. It enabled him to apply for state and institutional financial aid, allowing Luis leave his low-paying jobs and return to school. After making the Dean's List every quarter,

Luis graduated from the University of California, Irvine in June 2015. For the last several years, Luis has worked as an immigration resource specialist at a non-profit organization. At the LGBT Center of Orange County, Luis supervises a team that conducts advocacy and provides immigration resources to local LGBTQ individuals (including, for example, citizenship classes, immigration consultation services, and detention visitation programs).

Moises R., now twenty-two, was just five years old when his family left Mexico and relocated to Tennessee in search of a better life. Before DACA, "every single day was a gamble" and Moises reports that "we had to plan our entire day around checkpoints." With the assistance of a non-profit to help pay for his initial $465 DACA application fee, DACA was a worthwhile investment that has already unlocked tremendous opportunities for Moises. The proud recipient of a $500,000 scholarship, Moises currently attends the University of Chicago, with dreams of going to law school and becoming the first gay, Mexican U.S. Senator for Tennessee. "[A]fter I got DACA," he observed, "I was able to . . . start living."

For now, Moises has taken advantage of internship opportunities with UWD and other immigrant rights organizations. As a co-founder of Tennessee United and various other organizations, Moises works to support the rights of immigrant, LGBTQ, and homeless populations in his hometown of Chattanooga. He has mobilized hundreds of community members.

The experience of undocumented youth in this country is undeniably difficult, and those difficulties compound for LGBTQ individuals. As Moises R. observed, "[t]he pressure of being in two closets can be too much." Despite this, many undocumented LGBTQ individuals have been able to turn their struggles into remarkable strengths, as they emerge as strong voices at the local and national levels.

* * *

As the stories discussed above illustrate, DACA has had a profound and positive impact on the lives of hundreds of thousands of young individuals with deep ties to this country—and for the even larger numbers of family members, friends, classmates, colleagues, neighbors, and community members whose lives are enriched by their contributions and fellowship. By any measure, DACA has been an unqualified success. The lives of both DACA recipients and American citizens are inextricably interwoven.

DACA's beneficiaries have come from all over the world and live across every State in the nation. They have brought with them their exceptional talents, drive, entrepreneurial spirit, and commitment to their local communities and the country. They call the United States their home—and, for the countless DACA recipients who arrived as babies or young children, it is the only country they know. "[P]articularly given the significant reliance interests involved," *CASA de Maryland* v. *U.S. Dep't of Homeland Sec.*, 924 F.3d 684, 704 (4th Cir. 2019), this Court should not allow the government to renege on the promise it made to these inspiring young people

when granting them deferred action. Doing so would not only upend their lives—as well as the lives of their friends, families, and communities, all of whom have relied on DACA's promise—but also diminish the United States and harm the broader social fabric and economy.

CONCLUSION

For the foregoing reasons, this Court should affirm (1) the judgments of the Court of Appeals for the Ninth Circuit and the District Court for the District of Columbia, and (2) the orders of the District Court for the Eastern District of New York.

Respectfully submitted,

GEOFFREY BROUNELL
DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas
21st Floor
New York, N.Y. 10020
Tel. (212) 489-8230
geoffreybrounell@dwt.com

PETER KARANJIA*
MELISSA L. TURCIOS
DLA PIPER LLP (US)
500 Eighth Street, NW
Washington, D.C. 20004
Tel. (202) 799-4000
peter.karanjia@dlapiper.com
**Counsel of Record*

Counsel for Amici Curiae

October 2, 2019

APPENDIX:

LIST OF *AMICI*

1. Alabama Coalition for Immigrant Justice
2. Alliance San Diego
3. Arkansas United Community Coalition
4. Arizona Dream Act Coalition
5. Asian Americans Advancing Justice | AAJC
6. Asian Americans Advancing Justice – Los Angeles
7. Asian Law Alliance
8. Asian Pacific American Labor Alliance, AFL-CIO
9. Association of Farmworker Opportunity Programs
10. Casa de Maryland
11. CARECEN SF
12. Caring Across Generations
13. Center for American Progress
14. The Coalition for Humane Immigrant Rights

15. Connecticut Students for a Dream
16. Fair Immigration Reform Movement
17. FWD.us
18. HOLA Ohio
19. ImmSchools
20. Junta for Progressive Action, Inc.
21. Latin America Working Group
22. Make the Road Pennsylvania
23. Michigan United
24. Migrant and Immigrant Community Action Project
25. Migrant Justice
26. National Domestic Workers Alliance
27. National Equality Action Team
28. National Korean American Service & Education Consortium
29. National Partnership for New Americans
30. Next Up
31. Next100
32. One America

33. Opening Doors International Services

34. Pennsylvania Immigration and Citizenship Coalition

35. Project South

36. Promise Arizona

37. UFW Foundation

38. United Farm Workers of America

39. UPLIFT

40. The Resurrection Project

41. The Revolutionary Love Project

42. The Rhode Island Bible Society

43. The Rhode Island State Council of Churches

44. Rio Grande Valley Equal Voice Network

45. South Asian Americans Leading Together

46. South Carolina Appleseed Legal Justice Center

47. Southeast Asia Resource Action Center

48. Tennessee Immigrant and Refugee Rights Coalition

49. US Fund for UNICEF

50. Young Center for Immigrant Children's Rights