No. 15-674

IN THE

Supreme Court of the United States

UNITED STATES OF AMERICA, *et al.*,

Petitioners,

v.

STATE OF TEXAS, *et al.*,

Respondents.

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

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BRIEF OF UNITED WE DREAM AS *AMICUS CURIAE* IN SUPPORT OF PETITIONERS

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INTEREST OF THE *AMICUS CURIAE*[1]

United We Dream ("UWD") is a national non-profit, non-partisan, membership-based organization comprising more than 100,000 immigrant youth and their allies, with 52 affiliate organizations located in 25 states.[2] UWD's primary purpose is to advocate for the dignity and fair treatment of immigrant youth and their families, regardless of immigration status. Among UWD's members are recipients of deferred action under the initiative announced on June 15, 2012, and an equal or greater number of individuals who will be eligible (or have a family member who will be eligible) for the deferred action initiative announced on November 20, 2014, that is the subject of this litigation. Because this litigation challenges an Executive Branch action that would prevent unjust deportations and family separations affecting countless members of the organization, UWD has a substantial interest in the proper resolution of the highly consequential issues presented in this case.

STATEMENT

On June 15, 2012, then-Department of Homeland Security ("DHS") Secretary Janet Napolitano issued a

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[1] All parties have consented to the filing of this brief. No counsel for a party has written 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 or entity, other than the *amicus curiae* or its counsel, has made a monetary contribution to this brief's preparation or submission.

[2] A complete list of UWD's affiliate organizations is included in an appendix to this brief.

memorandum announcing the initiative known as Deferred Action for Childhood Arrivals ("DACA"). Pursuant to DACA, DHS has exercised prosecutorial discretion with regard to certain undocumented immigrants who arrived in the United States as children. The validity of DACA is not at issue in this case.

On November 20, 2014, DHS Secretary Jeh Johnson issued another memorandum ("the Guidance") announcing that DHS would again exercise its prosecutorial discretion with regard to certain individuals who belong to specific classes of undocumented immigrants. The Guidance, which is challenged in this litigation, would both expand the scope of DACA and extend deferred action to certain additional individuals in a new initiative known as Deferred Action for Parents of Americans ("DAPA").[3]

DACA and DAPA are but two recent examples of "a regular practice" of "deferred action" on the part of the Secretary. *Reno* v. *American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 483-484 (1999). See Pet. Br. 5-6, 48-60 (detailing history). As with other instances of deferred action and similar forms of enforcement discretion, both arose out of the Executive's authority to set enforcement priorities and the resource limitations faced by DHS and the federal agencies that administer and enforce the nation's immigration laws: U.S. Customs and Border

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[3] The district court's preliminary injunction in this case bars the Executive Branch from implementing the DAPA initiative and the expansion of the DACA initiative. The DACA initiative as originally announced in 2012, however, continues unimpeded.

Protection ("CBP"), U.S. Citizenship and Immigration Services ("USCIS"), and U.S. Immigration and Customs Enforcement ("ICE"). These agencies lack sufficient resources to pursue removal of every undocumented immigrant present in the country; accordingly, they (and the Secretary) must exercise prosecutorial discretion in choosing enforcement priorities.

The DACA Initiative. In establishing DACA in 2012, the Secretary elected to extend deferred action to "certain young people who were brought to this country as children and know only this country as home." JA 102. Under DACA, the Secretary chose to refrain from pursuing removal of those undocumented immigrants who meet the following criteria:

- They came to the United States under the age of 16;
- They have continuously resided in the United States for at least five years prior to June 15, 2012, and were present in the United States on June 15, 2012;
- They are currently in school, have graduated from high school, have obtained a general education development ("GED") certificate, or are honorably discharged veterans of the Coast Guard or the Armed Forces of the United States;
- They have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety; and

- They were not above the age of 30 on June 15, 2012.

JA 103.

As the DACA memorandum makes clear, relief is not automatic for those who meet all these prerequisites; rather, the Secretary considers requests on a "case by case basis" and is free to decline requests that meet the criteria but lack merit for other reasons. JA 104.

The DACA memorandum sets a limited two-year period for deferred action and work authorization,[4] subject to the possibility of renewal. JA 104-05. The renewal requirements share similarities with the requirements for initial DACA eligibility. *See* USCIS, Secretary Johnson Announces Process for DACA Renewal (June 5, 2014), *available at* http://1.usa.gov/1RnC5od.

The Guidance. With the country's immigration agencies continuing to face resource constraints, DHS Secretary Johnson issued the Guidance on November 20, 2014. Under the Guidance, the government would extend deferred action to certain adults who have long resided in the United States and who are the parents of a U.S. citizen or lawful permanent resident. Pet. App. 416a-417a. This part of the Guidance is known as DAPA.

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[4] The Executive's longstanding practice allowed recipients of deferred action to work in the United States. *See* Pet. Br. 50-53; *see, e.g.*, 8 C.F.R. § 274a.12(c). Accordingly, Secretary Napolitano also instructed USCIS to accept applications for work authorization for individuals granted deferred action under DACA. JA 106.

The Guidance also called for a three-part expansion of DACA that would (1) remove the age cap to allow individuals over the age of 30 to apply;[5] (2) extend the length of deferred action to three years (from two years); and (3) adjust the date-of-entry requirement from June 15, 2007, to January 1, 2010—still well before the date of the original 2012 DACA guidance. Pet. App. 415a-416a.

INTRODUCTION AND SUMMARY OF ARGUMENT

Despite the limited nature of DACA, it has proven to be a vital tool for hundreds of thousands of young adults with longstanding ties to the United States who had previously and have since demonstrated their commitment to improving themselves, their families, and their communities. Because the Secretary's authority to apply the Guidance at issue in this case and the Secretary's authority to enforce the original DACA initiative have the same origin, it is critically important for this Court to understand, and take into account, the positive experience under DACA in resolving the significant issues presented in this case.

Drawing on its extensive experience (and that of its members) with DACA, *amicus curiae* submits this brief to ensure that the Court is fully informed about the positive effects on individuals and on society that DACA has brought about. As both the available

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[5] In many cases, individuals over the age of 30 who came to the United States as children will have even deeper ties to the country than similar individuals who are still under age 30.

research and the stories of individual recipients set out below demonstrate, DACA has been a success, giving individuals with longstanding ties to the United States greater opportunity to make valuable contributions to their families and their communities at large.

Among other things, DACA has allowed its recipients to put their talents to use through lawful employment; to pursue new opportunities in higher education; to obtain driver's licenses, bank accounts, and other staples of modern life; and to continue supporting their families, including their U.S. citizen family members. In the aggregate, the beneficial impact of these developments is clear: Hundreds of thousands of individuals have used DACA to help improve their lives and the lives of those around them, as the stories of various representative individuals illustrate.

Assuming this Court has jurisdiction over this case, it should take into account the demonstrated positive effects produced by DACA as it evaluates respondents' claims regarding the Guidance. If the district court's erroneous preliminary injunction is overturned, the expanded DACA and DAPA initiatives would produce even greater positive effects throughout the country.

ARGUMENT

I. UNDER DACA, DEFERRED ACTION HAS IMPROVED THE LIVES OF COUNTLESS YOUNG ADULTS WHO ARE INTEGRAL MEMBERS OF OUR LOCAL AND NATIONAL COMMUNITIES

Hundreds of thousands of young adult immigrants have received a measure of security against deportation and the ability to work lawfully in this country as a result of receiving deferred action under DACA. The available data and research show that, as a result of increased educational and employment opportunities, this population has been better able to realize their potential and make greater contributions to American society.

A. DACA Affects A Diverse Range Of Young Immigrants

As the available empirical data and studies make clear, individual DACA recipients originally hail from a wide variety of foreign countries, and they reside in states all across the United States, thus enhancing the strong diversity of the American citizenry.

Estimates suggest that nearly two million young adults are currently eligible, or may soon become eligible, for relief under the 2012 DACA initiative—a meaningful but nonetheless small fraction of the total population of undocumented immigrants.[6] Migration

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[6] DHS estimates that a total of 11.4 million undocumented immigrants resided in the United States as of January 2012.

Policy Institute, *Deferred Action for Childhood Arrivals (DACA) Profiles* (last visited Mar. 4, 2016), http://bit.ly/1tWYkrJ ("MPI Survey"). Potential recipients live throughout the country. While high concentrations reside in border states such as Texas (280,000 potential recipients) and California (579,000), many live elsewhere: Significant numbers (at least 50,000) live in Florida, New York, Georgia, North Carolina, Illinois, and New Jersey, with thousands more spread throughout the country in states ranging from Minnesota (16,000) to Mississippi (4,000). MPI Survey. The 26 state respondents in this litigation are home to roughly 40 percent of the total DACA-eligible population. *Ibid.* [7]

Potential DACA recipients also come from a broad array of countries, thereby enhancing the diversity of American society with their presence. While a majority of DACA applicants were born in Latin American countries, many others came to the United States as children from countries such as South Korea, the Philippines, India, Pakistan, and Poland. USCIS, *Characteristics of Individuals Requesting and Approved for Deferred Action for Childhood Arrivals (DACA)* (July 10, 2014), *available at* http://bit.ly/1TDyog5; *accord* USCIS, *Number of I-*

DHS, *Population Estimates* (Mar. 2013), *available at* http://1.usa.gov/1RkU7F7.

[7] Residents of 49 states (all except for Vermont), the District of Columbia, and three territories have received deferred action under DACA. USCIS, *Number of I-821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2015* (Sept. 30, 2015), *available at* http://bit.ly/1n1O4Np.

821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2015 (Sept. 30, 2015), *available at* http://bit.ly/1n1O4Np ("USCIS Survey") (listing countries of origin of DACA recipients). In addition, substantial numbers of recipients identify as lesbian, gay, bisexual, transgender, or queer ("LGBTQ") and have reason to fear discrimination and violence if deported. Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three-Years Later*, United We Dream (Oct. 2015) at 10, 16, *available at* http://bit.ly/1QqP2P8 ("UWD Survey").

Of the two million young adults who are eligible (or may soon be eligible) for DACA, USCIS has received 836,212 requests for deferred action. USCIS Survey. USCIS has granted 699,832 of those requests (about 88 percent) and rejected or denied 99,833. *Ibid.* Of those 99,833, USCIS rejected 48,357 requests outright based on procedural defects in the application and denied the remainder (51,476 valid applications) following a case-by-case review. *Ibid.*[8] *Amicus curiae* and its affiliates help contribute to the

[8] Because deferred action and work authorization under DACA last only two years, recipients must submit periodic renewal requests. USCIS began the renewal process in August 2014 and has received 479,906 requests for renewals. USCIS Survey. Of those, 443,103 (about 93 percent) have been granted, and 35,027 denied (33,757 outright and 1,270 as a result of case-by-case review). *Ibid*.

impressive success rate of applications by providing education and support to potential DACA recipients.[9]

For many undocumented young adult immigrants, the DACA initiative is the only available temporary protection from deportation. But a substantial number of DACA-eligible individuals (14 percent) potentially qualify for immigration relief under other laws or programs; those individuals may have been unaware of these separate avenues for relief until they sought legal advice related to DACA. Tom K. Wong et al., *Paths to Lawful Immigration Status: Results and Implications from the PERSON Survey*, 2 J. Migration & Hum. Security 287, 292 (2014), *available at* http://bit.ly/1LKc0v7. For those individuals, DACA may be a springboard to discovering a pre-existing path toward lawful permanent residency or citizenship.

B. DACA Has Opened Doors For Recipients, Allowing Them To Make Greater Contributions To Society

Under DACA, individuals are able to apply for temporary relief from deportation, *i.e.*, deferred action. Pursuant to separate and pre-existing legal authority, DACA beneficiaries—like all persons granted deferred action—may receive work authorization. Additional opportunities flow from

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[9] For example, *amicus curiae* and other partner organizations operate online tools to help young immigrants assess whether they should apply for DACA. *See* Own the Dream (last visited Mar. 4, 2016), http://www.weownthedream.org/.

these two crucial features, including the opportunity to receive social security numbers and apply for driver's licenses. All of these opportunities give DACA recipients a greater measure of security and independence and make it easier for them to realize their full potential as contributing members of American society.

1. DACA Recipients Have Found Jobs That Better Utilize Their Skills

By authorizing certain undocumented individuals to work, DACA has broadened the skill set of our nation's workforce. Surveys suggest that more than two-thirds of DACA recipients were able to find a first job, or a job with better pay, after receiving approval. *See* National Immigrant Justice Center, *DACA Youth Strengthen Illinois' Economy* (Aug. 2015) at 2, *available at* http://bit.ly/21i1Vg5 ("NIJC Survey"); Tom K. Wong et al., *Results of Tom K. Wong, National Immigration Law Center, and Center for American Progress National Survey* (June 2015) at 4, *available at* http://ampr.gs/1QLehOk ("NILC Survey"). One study indicates that more than half of respondents found a job that better fits their education and training (NILC Survey at 4)—helping to ensure that our economy makes full use of our talented youth.

In addition to getting jobs that are more appropriate for their skill sets, DACA recipients have boosted their hourly wages by an average of nearly one-third, according to one study. NIJC Survey at 1. These increased wages do more than help the workers who earn them and the family members who rely upon those workers; they lead to greater

spending in the community and a larger pool of tax revenue at all levels of government. Indeed, employers automatically deduct payroll taxes from DACA recipients' paychecks—even though those recipients are not eligible for many of the entitlement programs that these taxes support. Thus, DACA recipients have been able to strengthen their own finances and the wider economy at the same time.

2. DACA Recipients Have Pursued New Educational Opportunities

DACA encourages young adults to go back to school, obtain advanced degrees, and improve America's knowledge base.

To begin with, a key requirement for obtaining deferred action under DACA is obtaining a high school diploma or a GED certificate (or an honorable discharge from the military). Undocumented young adults who may otherwise have dropped out of school thus have a significant added incentive to reach their educational goals.

In addition to encouraging high-school graduation, DACA makes it easier for recipients to work toward advanced degrees. It does so in two ways.

First, since DACA allows its recipients to pursue better-paying jobs, students can more easily save up the money required to pursue costly educational opportunities. Caitlin Patler & Jorje A. Cabrera, *From Undocumented to DACAmented: Impacts of the Deferred Action for Childhood Arrivals (DACA) Program Three Years Following its Announcement* (June 2015) at 18, *available at* http://bit.ly/1R7Sz1c ("Patler Report"). Indeed, many undocumented individuals leave school because they are unable to

pay the bills and study at the same time. Zenén Jaimes Pérez, *How DACA Has Improved the Lives of Undocumented Young People*, Center for American Progress (Nov. 19, 2014) at 5, *available at* http://ampr.gs/1O7iTHA ("CAP Report"). Because DACA recipients earn higher wages, 78 percent of them say they are better able to fund their educations, according to one report. Patler Report at 18.

Second, DACA offers greater access to higher education. DACA enables students to enroll in public colleges and universities in Alabama and South Carolina, which undocumented students are otherwise barred from attending, *see* Ala. Code § 31-13-8; S.C. Code Ann. § 59-101-430, and to apply for in-state tuition in Virginia, *see* CAP Report at 4. In addition, a number of states—including Texas, California, and New York—allow undocumented immigrants and DACA recipients to attend public colleges and universities at in-state or reduced tuition rates and to receive state and institutional financial assistance so long as they meet certain criteria. *Ibid.* Although they remain ineligible for financial aid in many states and under federal programs, DACA recipients can fill out the Free Application for Federal Student Aid, which schools use to determine financial need and eligibility for scholarships and institutional financial aid. *Id.* at 5.

Indeed, since DACA came into effect, significant numbers of recipients have enrolled in higher education programs. In one survey of DACA recipients, over 16 percent of respondents were pursuing advanced degrees (NILC Survey at 6); in another, 30 percent of respondents had returned to

school after taking a break (UWD Survey at 25), and 31 percent of respondents had qualified for additional financial aid (*ibid.*). As these statistics demonstrate, DACA recipients have used these new opportunities to develop their talents more fully.

3. DACA Recipients Have Obtained Important Tools Like Driver's Licenses, Health Care, And Bank Accounts

Every adult needs certain staples and basic tools or credentials to function independently and productively: a driver's license, to get to and from work, school, and home; health care, to guard against sudden and unexpected illnesses and injuries; and bank accounts, credit cards, and other financial tools, to facilitate spending and saving. DACA has allowed hundreds of thousands of individuals to gain access to these basic but essential tools.

Because of DACA, many young adults—indeed, more than 80 percent of recipients, according to some studies—have obtained a driver's license (or other form of identification). NIJC Survey at 3; UWD Survey at 23; Tom K. Wong, *In Their Own Words: A Nationwide Survey of Undocumented Millennials* (May 20, 2014) at 3, *available at* http://bit.ly/21U4874. Many recipients who were surveyed bought their first car as a result (NIJC Survey at 3; UWD Survey at 23), and nearly all of those individuals bought auto insurance as well (NILC Survey at 7)—thus decreasing the number of uninsured drivers on the road.

In several states—including California, Washington, and New York—DACA recipients also

have newfound access to health insurance.[10] Roberto G. Gonzales & Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA*, American Immigration Council (June 2014) at 7, *available at* http://bit.ly/1SWE3gK ("AIC Survey"); UWD Survey at 21. In addition, many individuals have been able to obtain health coverage through their employer or their university. UWD Survey at 24. DACA thus gives young adults improved access to a crucial safety net.

Large numbers of DACA recipients have opened their first bank accounts and obtained credit cards, in part because many financial institutions require new customers to show picture IDs (like driver's licenses). *See* AIC Survey at 4. As a result, these young adults can more easily participate in the formal economy and spend, save, and invest money. Moreover, by allowing recipients to store their money safely, DACA reduces the risk that these young adults will be targeted for robberies. *See* Joe Valenti, *Building Financial Security by Overcoming Identification Barriers*, Center for American Progress (Dec. 15, 2015), http://ampr.gs/21ql6Ke.

In sum, DACA has given young adults with strong ties to America access to the necessary building blocks of independent, productive life, thus

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[10] DACA recipients are not eligible for health insurance subsidies and cannot enroll in state- or federally-run health insurance exchanges under the Affordable Care Act (the Patient Protection and Affordable Care Act, Pub. L. No. 111-148 (Mar. 23, 2010), together with the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152 (Mar. 30, 2010)). *See* 45 C.F.R. §§ 152.2(8), 155.20.

encouraging them to engage more fully in their communities.

4. DACA Recipients Have Provided Additional Support To Their Families

DACA recipients are integral to their families—many of which include U.S. citizen family members—as sources of income, as translators, and in many other respects. The increased opportunities available to DACA recipients thus enrich the lives of their families as well.

Nearly 80 percent of young adults who received deferred action under DACA contribute to their household expenses, according to one survey. Patler Report at 5. According to another survey, 61.9 percent of DACA recipients help pay their families' bills, including rent and utilities. UWD Survey at 16. Unsurprisingly, since DACA recipients have the documentation necessary to open bank accounts and credit cards, their families often rely on them to hold mortgages, leases, or other significant contracts. *Id.* at 16, 18.

Aside from providing financial support, individuals who receive deferred action under DACA perform other significant functions and roles in their families. More than two-thirds of DACA recipients help their families translate and fill out important documents; more than a third attend important meetings with their families; and nearly half provide their families with immigration information. *Id.* at 17. Since DACA recipients can obtain driver's licenses, they are also an important source of

transportation for their families and are often responsible for registering family cars. *Id.* at 18.

Many family members of DACA recipients are U.S. citizens. According to one survey, 70 percent of individuals granted deferred action under DACA have an immediate family member who is a U.S. citizen. Patler Report at 26. According to another survey, 3.85 percent of DACA recipients have a U.S. citizen parent; 44.75 percent have a U.S. citizen sibling; 5.57 percent have a U.S. citizen spouse; and 12.42 percent have a U.S. citizen child. NILC Survey at 8.

DACA has been a critical lifeline for these families and their U.S. citizen members. DACA recipients have been able to secure better jobs that take full advantage of their skills, translating into higher wages and better financial support for the recipients' families. Meanwhile, DACA recipients continue to provide crucial support to their families on a practical level. Without DACA, many of these families would become more isolated and less secure—and would face the devastating possibility of separation due to removal. In myriad ways, then, DACA strengthens the families of undocumented immigrants and U.S. citizens alike.

II. THE INDIVIDUAL STORIES OF A CROSS-SECTION OF DACA RECIPIENTS ILLUSTRATE DEFERRED ACTION'S POSITIVE IMPACT ON INDIVIDUALS, THEIR FAMILIES, LOCAL COMMUNITIES, AND THE NATION

The findings of empirical studies of DACA are reinforced by the stories of DACA recipients: Deferred action works, for individual recipients and for the country. As the experiences of the representative young men and women described below make clear and concrete, the significant positive effects of deferred action ripple far beyond individual recipients, extending to their families, friends, classmates, colleagues, and communities.

A. Deferred Action Has Provided Recipients With Improved Means To Care For Their Families

As the research indicates, and the stories of the men and women described below make clear, young immigrants often play critical roles in their families: they serve as providers, caretakers, and translators—sometimes all at once. Under DACA, recipients have had access to an array of tools and protections—such as temporary security from deportation and access to driver's licenses—that strengthen their ability to fulfill their responsibilities and improve the lives of their family members in turn.[11]

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[11] Information for all individuals described below is on file with Greisa Martinez at UWD.

As 23-year-old schoolteacher *Yehimi Cambron* put it: "My entire family now has more opportunities." After being granted deferred action, Yehimi—who has lived in Atlanta, Georgia, since she arrived in the United States from Mexico as an eight-year-old—was able to obtain a driver's license for the first time. This in turn made it possible for her family to move to a better neighborhood, and for her younger sister, a U.S. citizen, to attend a better school.

As a result of being granted deferred action, 28-year-old Chinese immigrant *Perry Zheng*, a resident of California who has lived in the United States since he was 11 years old, was able to find full-time employment as a software engineer at Twitter. This made it possible for him to provide health insurance coverage for his parents, who are undocumented and live in New York. Perry's father suffers from diabetes and has a history of heart problems, and his mother suffers from arthritis. An only child, Perry describes caring for his parents as his "biggest responsibility," and he is currently saving money so that they can move across the country and join him in the San Francisco Bay area, where he recently purchased a condo.

Consider as well *Vishal Disawar*, a 21-year-old Indian national who was born in the Philippines and now lives in Illinois. Vishal was granted deferred action under DACA when he was a senior in high school. He obtained a driver's license soon thereafter. That same year, his father suffered a severe heart attack. Thanks to his new driver's license, Vishal was able to drive his father to and from the hospital. Vishal also took over many of his father's day-to-day responsibilities, such as grocery shopping and caring

for his younger sister, who is disabled. DACA has also played a key role in Vishal's ability to provide for his family financially. Vishal is currently studying computer science at the University of Illinois. As a result of DACA, he is able to spend his summers working in the technology industry, allowing him to pay for his college tuition and provide his parents with financial support. Vishal dreams of starting his own technology company as a way to give back to America, his home since he was six years old.

B. Deferred Action Has Enriched American Schools And Universities By Opening Doors To Students And Teachers Of Great Ability And Potential

By design, DACA provides young adult immigrants with an incentive to complete high school and pursue higher education. As the stories of the recipients described below demonstrate, many young immigrants are only too happy to seize the increased opportunity to further their educations. For many, the fight for an education has been a formative experience. By expanding young adult immigrants' educational opportunities, DACA has enabled those immigrants to enrich American schools as students and as teachers.

Jin Park is one such student. Now a 19-year-old sophomore at Harvard, Jin moved to New York from South Korea when he was seven years old. Jin learned quickly and excelled in school. Growing up in the Asian-American enclave of Flushing, Queens, Jin never felt out of place among his peers. However, during the transition to high school, Jin was forced to confront the reality of his undocumented status: He

could not answer questions about his immigration status on application forms, and he lost a valuable internship at a New York City hospital due to his undocumented status. With his future so uncertain, Jin felt the need to work harder than others to secure a place for himself in the world.

Jin learned everything he could about immigration policy and what it means to be undocumented. After going through the mysterious process of applying to college as an undocumented student, he started a non-profit organization to share the information he had learned with others. For Jin, DACA has been a "game changer"—now there is no reason for him to hide. With his future more secure, Jin aspires to a life of public service: He is majoring in molecular biology and government with the goal of becoming a doctor for underserved populations.

Denisse Rojas is another such student. Denisse, a 26-year-old student at the Icahn School of Medicine at Mount Sinai School, arrived in the United States as a ten-month-old baby. As an undergraduate at the University of California, Berkeley, Denisse commuted an hour each way to school to save money and worked 30-hour weeks as a waitress to support herself—and she still managed to graduate with a 3.6 GPA as a double major in Integrative Biology and Sociology.

Because of DACA, Denisse has been able to pursue her dream of a career in medicine. Without work authorization, it would be impossible for Denisse to complete her residency or be employed as a doctor. In addition to following her own dreams, Denisse has paved the way for others by starting Pre-Health Dreamers, a 500-member non-profit organization that provides support to undocumented

students and DACA recipients pursuing health and science careers.

Aime Castillo is one such Pre-Health Dreamer. Aime is a 30-year-old immigrant from Mexico who lives in Sacramento, California, with her husband and two-year-old son (both of whom are U.S. citizens). She has lived in the United States since she was two years old, and she has dreamed of a career in medicine since she was a freshman in high school. That year, her father was seriously injured in a workplace accident, which left him bedridden and unable to work for four years. Because of his undocumented status, Aime's father was unable to obtain the medical care he needed. This experience taught Aime how important health care access is—especially for people (like her father) who make their living through manual labor.

According to Aime, "DACA is the best thing that ever happened to me." Before DACA, Aime was discouraged from applying to medical school because of the difficulties she would face without a social security number or work authorization. Since receiving DACA, Aime has been accepted to the medical school at the University of California, Davis, where she is currently a third-year student. After she completes her training, she hopes to treat patients like her father as a primary care physician serving low-income communities.

Boss Povieng is a 23-year-old immigrant from Thailand who has lived in California since he was two years old. Boss has long dreamed of becoming a doctor—for years, he rode his bicycle to volunteer at a hospital ten miles away. While it was a California state law that let him pay in-state tuition rates at the

University of California, Irvine, Boss believes it was deferred action under DACA that gave him the confidence to pursue his dreams. Boss now looks forward to attending medical school in the fall, taking one more step toward achieving his dream of treating underserved immigrant populations.

Diana Campos, a 22-year-old Mexican immigrant, has lived in the United States since she was one year old. Throughout high school, Diana held on to the belief that she would gain legal status as a result of a petition filed by her aunt 15 years earlier. But she remained undocumented as graduation neared, and she was forced to turn down an offer to attend the prestigious Berklee College of Music because of the lack of available financial aid. Trapped in place while her peers got driver's licenses, started college, and found jobs, Diana felt lost. For Diana, DACA was like "a light at the end of the tunnel," and she is now a voice and music education student at Sacramento State University. Perhaps more significantly, DACA has motivated Diana to invest her talents and education back in the United States. While she once was finding a way to sustain herself as a musician without a post-secondary degree, Diana is now focused on receiving a college education and aspires to use her musical abilities to educate others.

Deferred action does not just give its recipients access to greater educational opportunities—it creates more opportunities for undocumented immigrants to contribute as *teachers*, too. A good example is *Areli Zarate*, a high-school salutatorian who attended the University of Texas ("UT"), Austin on a full scholarship. Areli works as a teacher in the Austin Independent School District, where she

teaches high-school Spanish. Beginning next year, Areli will join a special program within the school district focused on preparing underachieving students for college. In addition to her work as a teacher, Areli helps her older brothers—who are also DACA recipients—with their curriculum-planning coursework as they follow in her footsteps and complete their own teaching degrees at UT. In this way, DACA has enriched our schools and universities on both sides of the desk.

C. Deferred Action Has Strengthened Recipients' Ability To Serve American Communities As Volunteers, Organizers, And Public Servants

As the stories of young adults like Jin Park, Denisse Rojas, Boss Povieng, and Areli Zarate have already demonstrated, many young immigrants 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 helps make those ideals a reality.

Juan Santiago, now 27, arrived in the United States as an 11-year-old to pick grapes in the Central Valley of California. Juan comes from a family of indigenous Mexican origin that speaks the dialect of Zapotec from his native Oaxaca. Before coming to the United States, Juan and his family traveled throughout Mexico as migrant farmworkers. Although he arrived in California with only a third-grade education and spoke no English (and limited Spanish), Juan applied himself scholastically, testing out of English Language Development classes by the

time he was a junior in high school. Because he lacked a social security number, Juan was unable to apply for many colleges and scholarships. Nevertheless, he persevered, working three jobs to pay his own way through community college and completing his Bachelor's degree in Political Science at California State University, Fresno in May 2015.

Immediately after being granted DACA and work authorization, Juan began serving state and federal courts as the nation's only court interpreter for the Zapotec dialect. In this capacity, he has traveled across California and New Mexico in order to ensure that Zapotec-speaking defendants understand the legal and constitutional significance of the proceedings against them. Without Juan's unique language skills, courts would face further delays—and immigration detainees longer detentions—due to basic linguistic obstacles. In addition to being a freelance court interpreter, Juan is an account manager for the solar division of an electrical company, helping to grow the renewable-energy sector in California.

Pamela Chomba is a 26-year-old Peruvian immigrant, and she has lived in the United States since she was an 11-year-old girl. Growing up, Pamela believed in the American Dream—that if you worked hard, you would get ahead. She excelled academically and threw herself into extracurricular activities, dreaming of attending college and working in politics. But when the time came to apply for college, Pamela realized that she was ineligible for most scholarships and financial aid because of her undocumented status. Ultimately, with help from her parents, income from retail jobs, and

scholarships, Pamela was able to cobble together the funds for her college tuition. However, she continued to suppress her passion for politics because, as an undocumented immigrant, she felt alienated from the political process.

DACA brought Pamela out of her shell. Her new work authorization and a social security number empowered Pamela to quit her retail job and pursue her dream of working as a political organizer. She is now an associate at FWD.us, a non-profit founded by leaders in the technology industry that focuses on supporting immigration reform, improving American education, and encouraging scientific innovation.

Raymond Partolan is a 22-year-old Filipino immigrant who has lived in the United States since he was one year old. Growing up in Macon, Georgia, Raymond knew no other undocumented children, and he struggled with feelings of isolation and despair; he attempted suicide in 2009. When he survived, Raymond realized that he had a story to tell, and that he could use his skills, abilities, and talents to bring positive change to the immigration system.

DACA has made it possible for Raymond to do just that. As a result of being granted deferred action, he has been able to take the "job of his dreams" as Program Coordinator for Advancing Justice Atlanta, a non-profit law center dedicated to advancing the rights of Asian immigrants and refugees in Georgia and the Southeast. Deferred action also made it possible for Raymond to accept an invitation to the G92 Fellowship for Christian Leaders in 2014; without DACA, he would not have a driver's license and would not have been able to board a plane to attend the conference.

D. Deferred Action Has Made It Possible For Recipients To Contribute Valuable Labor, Skills, And Knowledge To The American Economy

A central component of the success of the deferred action initiative under DACA is work authorization. For young undocumented immigrants, the opportunity to seek employment and achieve financial independence is invaluable—so much so that many DACA recipients, like 28-year-old Israeli immigrant and California resident *Sahar Zabari*, report that they appreciate paying taxes under their own social security number. In addition to enabling young immigrants to support themselves and their families, pursue their educational and professional dreams, and serve their communities, deferred action enriches the American economy. Young immigrants have much to offer in terms of labor, technical knowledge, and entrepreneurial spirit. Because of DACA, it is possible for them to make those contributions without constant fear of deportation.

1. Deferred Action Has Enabled Recipients To Realize Their Potential More Fully

Deferred action has unleashed the potential of many educated young immigrants. *Leezia*,[12] for example, has always dreamed of being a journalist; DACA allowed her to pursue that dream. Now 26, Leezia was born in Canada and has lived in the United States since she was six years old. An

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[12] Leezia has asked that only her first name be used.

excellent student, Leezia was editor of her high school newspaper and graduated *summa cum laude*. Leezia went on to attend Northwestern University, where she studied Political Science and Journalism. It was only when she received a notice to appear in immigration court in December 2010, her junior year of college, that Leezia learned that she was undocumented. Blind-sided by the news, the once-ambitious Leezia began to dread graduation, fearful of the obstacles her status would present in the real world.

DACA—which was announced on the day of her commencement—has enabled Leezia to use her degree and fulfill her potential. As one of the first people to receive a work permit under DACA, Leezia found work as an executive communications specialist and weekend crime reporter. While Leezia still hopes for a long-term solution, she is proud to be in a position where she can pay back her student loans, save for her future, and contribute to society as a tax-paying skilled worker.

Deferred action has also enabled *Cesar Boc* to put his advanced education to good use. Cesar, now 32, has lived in the United States since he was 11 years old. When his family arrived in New York from Guatemala, Cesar spoke no English, and there was no ESL program at his local school. Nevertheless, Cesar excelled, taking Advanced Placement classes and eventually earning admission to Cornell University. But as an undocumented immigrant, Cesar was ineligible for most forms of financial aid, and his parents could afford to pay for only one year's tuition. Cesar persevered and attended St. John's University on a full scholarship, graduating after

three years with a B.A. in Philosophy. Unable to work without documentation, Cesar volunteered at a Massachusetts-based immigrants' rights organization. He also attended graduate school at Boston College on a full scholarship, earning Master's degrees in Theology and Human Rights. DACA has finally given Cesar the opportunity to make use of his fine education and join the paid workforce, first as a job counselor at Boston College, and now as a paralegal at a plaintiffs'-side firm in New York City.

2. Deferred Action Has Expanded The Pool Of High-Skilled Workers

As the stories of young men and women like Perry Zheng (software engineer at Twitter), Vishal Disawar (computer science student at the University of Illinois), Jin Park (molecular biology student at Harvard), and Denisse Rojas (medical student at Mount Sinai) have already demonstrated, undocumented immigrants represent a pool of high-skilled talent. Deferred action is thus especially important when it comes to high-demand fields in the science, technology, engineering, mathematics, and health sectors, in which young immigrants' technical abilities are particularly valuable.

Because of DACA, *Sunny Patel* has been able to achieve his dream of becoming an engineer. Sunny, who is now 24, arrived in the United States from a rural village in India when he was just three years old. The obstacles posed by his immigration status multiplied as he grew—in high school, he could not obtain a driver's license, and even after being accepted to college, he could not attend because he was ineligible for most forms of financial aid.

Nevertheless, Sunny remained determined to pursue an engineering career. He enrolled in community college in Michigan and explored completing his degree in Canada. Finally, Sunny was offered a scholarship at the Illinois Institute of Technology, where he enrolled in January 2012.

Deferred action allowed Sunny to breathe "a huge sigh of relief." He was able to travel in an airplane for the first time since arriving in the United States—a particularly rewarding experience for a man who once dreamed of becoming an aerospace engineer—and he could walk around without fear of law enforcement. Perhaps most significantly, DACA has enabled Sunny to begin his engineering career. After graduating with an M.A. in December 2015, Sunny accepted a position as a mechanical engineer in Pittsburgh, Pennsylvania. He is thrilled to have the opportunity to contribute his technical skills to the American economy, and to prove how much he has to offer despite his formerly undocumented status.

Lorena Veldañez is another young immigrant who has been able to pursue a high-skilled technical career as a result of deferred action. Prior to DACA, Lorena, who is now 25, spent six years stuck in a position as a ranch hand. She felt dissatisfied and "held back" in the position, but as her manager repeatedly reminded her, her employment options were limited by her undocumented status. Deferred action gave Lorena the opportunity to explore her potential as a skilled worker. Since being granted deferred action under DACA, Lorena has earned an Associate's degree and found a job working in the field of computer-aided design (CAD) at a civil

engineering firm. She is currently attending night school and plans to become a civil engineer after finishing her Bachelor's degree.

Luis Aguilar, a 27-year-old Mexican immigrant who has lived in the United States since he was seven years old, fought for years to obtain a nursing license. Before even enrolling in nursing school, Luis contacted the Arkansas State Board of Nursing to confirm that he would be able to obtain a license despite his immigration status. But in 2010, while he was enrolled in nursing school, a newly enacted state law made a social security card a prerequisite for a nursing license, making it impossible for Luis to work in his chosen field.

Because of DACA, however, Luis was finally able to obtain a social security number. Just two weeks after being granted deferred action in 2013, Luis was offered a position as a cardiovascular intensive-care-unit nurse, where he treats patients suffering from infections, heart failure, and respiratory failure, as well as those recovering from heart attacks and open-heart surgery.

In addition to expanding the pool of talented employees, deferred action has made it possible for undocumented immigrants to make economic contributions as entrepreneurs and potential employers. Prior to the announcement of DACA, *Darit Aldana*, a 26-year-old woman who has lived in the United States since she was ten, was trapped in a low-wage job at a travel agency. After being granted deferred action, Darit was able to obtain higher-paying work, which in turn made it possible for her and her boyfriend to purchase a landscaping company. Darit is currently studying small business

management at a local community college so that she can continue to help her company grow—and she has already hired two more employees.

E. Deferred Action Has Empowered LGBTQ Recipients To Live More Authentic And Productive Lives

For undocumented youth of all backgrounds, deferred action can be a source of enormous psychological and emotional relief. For undocumented youth who also identify as LGBTQ, the effect can be particularly profound. Many of these young people report having to "come out" twice—once as an undocumented immigrant, and again with respect to their sexual orientation and gender identity. Furthermore, many LGBTQ immigrants have good reason to fear persecution on the basis of their sexual orientation and/or gender identity if they are deported. As the following examples show, the measure of security offered by DACA gives LGBTQ immigrants a greater opportunity to live more authentic lives, which has in turn improved their ability to fulfill their individual potential and contribute to American society.

Luis Gomez is 26 years old. He has lived in the United States since he was 14. It was not until his friends began applying for driver's licenses that Luis discovered he was undocumented. At around the same time, Luis came to the realization that he was gay. Because of Luis's newfound identities as a gay man and an undocumented immigrant, he began to feel unwelcome in the place he regards as his home—and to fear persecution if he were to be deported to his native Veracruz, Mexico. The obstacles continued

to mount when Luis was forced to drop out of college because of ineligibility for financial aid.

DACA came as a major relief to Luis. By giving him the ability to thrive in a career outside of the agriculture and hospitality industries and a measure of relief from deportation, deferred action has made it possible for Luis to live "a decent life." Because of DACA and the California DREAM Act, which made him eligible to apply for certain forms of institutional and state aid, Luis was able to return to school. After making the Dean's List every quarter, he graduated from the University of California, Irvine in June 2015. Luis now works full-time as an immigration resource specialist at the LGBT Center of Orange County, a non-profit organization. In this capacity, Luis provides immigration resources to local LGBTQ individuals and fosters increased understanding of LGBTQ issues in the immigrant community.

Catalina Velasquez is a 28-year-old transgender woman who has lived in the United States since she was 14. 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. In addition, Catalina also fears that she would be unable to obtain necessary medical treatment in Colombia.

After graduating from the highly selective Georgetown University School of Foreign Service, Catalina received deferred action in 2012 under DACA, which she called "beyond transformative." She feels safer living openly and authentically as a transgender woman, and she has been able to use her education to support herself and her family. Catalina

is currently the Director of Young People For, a non-profit initiative dedicated to developing the next generation of leaders. In addition, Catalina operates an independent consulting firm specializing in diversity, government relations, and communications.

Sheridan Aguirre, a queer film student at the University of Texas, Austin, also described DACA as life-changing. While Sheridan received a freshman-year scholarship for being the valedictorian of his high school, DACA enabled him to remain at UT the next year both by increasing opportunities for financial aid and scholarships and by allowing him to obtain paid employment as a freelance videographer. Meanwhile, the measure of security provided by DACA has helped Sheridan to find his voice and speak out on behalf of other LGBTQ and undocumented students. Sheridan feels that his own experience has made him more sensitive to the plights of others struggling with prejudice and oppression. His long-term goals include starting a non-profit organization for his fellow undocumented classmates at UT, starting his own film production business, and teaching film production to under-resourced students.

III. DACA DEMONSTRATES THE MAGNITUDE OF WHAT IS AT STAKE IN THIS LITIGATION, NOT ONLY FOR IMMIGRANTS BUT ALSO FOR THE BROADER NATIONAL COMMUNITY

Deferred action is not a panacea. In particular, the scope of deferred action under DACA is limited by its brief two-year time frame and narrow age requirements. Even with DACA, immigrants must

contend with the possibility that they may lose their work authorization and protection from deportation in the future, and they must continue to cope with the risks faced by their undocumented family members and friends who are ineligible for assistance under the initiative. Furthermore, young adults who have been granted deferred action under DACA still often lack access to health insurance, affordable higher education, and other crucial opportunities in many states. While DACA is an important start—and while expanded DACA and DAPA would build on the progress DACA has made—immigration reform is still needed.

Nevertheless, as the statistics show and the individual stories illustrate, deferred action under DACA has had a significant positive impact on the lives of large numbers of young undocumented immigrants with deep ties to this country—and for the even larger numbers of family members, friends, classmates, and colleagues whose lives are enriched by the contributions made by DACA recipients. Expanding the availability of deferred action through the Guidance would substantially increase that positive impact, for countless individuals and the nation as a whole.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

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March 8, 2016

APPENDIX

LIST OF AFFILIATES

1. Arkansas Coalition for Dream (AC4D) – AR
2. Dreamers of CIVIC – AR
3. Arizona Dream Act Coalition (ADAC) – AZ
4. No Dream Deferred (NDD) – AZ
5. Scholarships AZ – AZ
6. California Dream Network (CDN) – CA
7. San Diego Dream Team (SDDT) – CA
8. San Fernando Valley Dream Team (SFVDT) – CA
9. North Colorado Dreamer United (NCDU) – CO
10. Padres y Jóvenes Unidos – CO
11. Together Colorado/Mile High Dream Team – CO
12. CT Students for a DREAM (C4D) – CT
13. Delaware Dream Team (DDT) – DE
14. Florida Immigrant Youth Network (FLIYN) – FL
15. Homestead for Equal Rights for All (Homestead ERA) – FL
16. Students Working for Equal Rights (SWER) – FL
17. United We Dream Tampa Bay – FL
18. Youth Coalition for Comprehensive Immigration Reform (YCCIR) – GA
19. Kansas Missouri Dream Alliance (KSMODA) – KS & MO
20. Kentucky DREAM Coalition (KDC) – KY

21. Student Immigrant Movement (SIM) – MA
22. Maryland Dream Youth Committee (MDYC) – MD
23. Dream Organizing Network (DON) – NC
24. El Cambio – NC
25. Ashborough United – NC
26. New Mexico Dreamers in Action (NMDIA) – NM
27. University of New Mexico Dream Team (UNMDT) – NM
28. Desis Rising Up and Moving (DRUM) – NY
29. Long Island Immigrant Student Alliance (LIISA) – NY
30. Make the Road New York (MRNY) – NY
31. MinKwon Center for Community Action – NY
32. Sarah Lawrence for Immigration Advocacy (SL4IA) – NY
33. WALK – NY
34. DREAM Act Oklahoma (DAOK) – OK
35. Pennsylvania Liberty Dreamers (PLD) – PA
36. Brown Immigrant Rights Coalition – RI
37. Tennessee Immigrant & Refugees Rights - Jóvenes Para Un Mejor Presente (JUMP) – TN
38. Youth for Youth (Y4Y) – TN
39. Council Minority for Student Affairs (CMSA) – TX
40. Education Initiative Association (EIA) – TX
41. Minorities Affairs Council (MAC) – TX

42. Students United for the Dream Act (SUDA) – TX
43. North Texas Dream Team (NTDT) – TX
44. University Leadership Initiative (ULI) – TX
45. Youth Empowerment Alliance (YEA) – TX
46. Waco Dream Alliance (WDA) – TX
47. United We Dream Houston (UWDH) – TX
48. Salt Lake DREAM Team (SLDT) – UT
49. Dreamers of Virginia (DOV) – VA
50. Washington Dream Act Coalition (WDC) – WA
51. Latinos Unidos (LU) – WI
52. Youth Empowered in the Struggle (YES) – WI