

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE TRUSTEES OF PRINCETON
UNIVERSITY,
MICROSOFT CORPORATION, and
MARIA DE LA CRUZ PERALES
SANCHEZ,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
U.S. DEPARTMENT OF HOMELAND
SECURITY, and ELAINE C. DUKE, in her
official capacity as *Acting Secretary of the
Department of Homeland Security*,

Defendants.

Civil Action No. 1:17-cv-2325 (JDB)

**BRIEF OF THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW,
ANTI-DEFAMATION LEAGUE, AND SOCIAL JUSTICE ORGANIZATIONS,
AS *AMICI CURIAE* IN SUPPORT OF THE PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND/OR PRELIMINARY INJUNCTION**

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CORPORATE DISCLOSURE STATEMENT

Amici Curiae submit their corporate disclosure statements, as required by Local Rule 7(o) and Federal Rule of Appellate Procedure 29(a)(4)(A), in Appendix B.

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IDENTITY AND INTERESTS OF *AMICI CURIAE*¹

Amici are the Lawyers' Committee for Civil Rights Under Law, Anti-Defamation League, Advocates for Youth, Lawyers' Committee for Civil Rights and Economic Justice, Mississippi Center for Justice, Public Counsel, Southern Poverty Law Center, and Washington Lawyers' Committee for Civil Rights and Urban Affairs.

Amici understand that DACA has improved the lives of undocumented young people and that Dreamers' significant contributions in every aspect of American life have made our country greater. *Amici* further understand that policies promoting economic security, diversity and inclusion are integral to the health and well-being of minority communities and the nation, and that ending DACA is not in the public interest as it will result in irreversible harms to DACA recipients and their families, institutions of higher education and workplaces, our nation's public schools, immigrant business and residential communities, our military, and beyond.

Amicus Curiae the Lawyers' Committee for Civil Rights Under Law (the "Lawyers' Committee") is a nonpartisan, nonprofit civil rights organization formed in 1963, at the request of President John F. Kennedy, to enlist the American bar's leadership and resources in defending the civil rights of racial and ethnic minorities. Through the Lawyers' Committee, attorneys have represented thousands of clients in civil rights cases across the country challenging discrimination in virtually all aspects of American life.

In furtherance of its commitment to challenge policies that discriminate against immigrants and refugees, the Lawyers' Committee has filed numerous lawsuits and submitted amicus briefs in cases involving issues similar to this one. Indeed, just this year, the Lawyers'

¹ Pursuant to Local Rule 7(o)(5) and Federal Rule of Appellate Procedure 29(a)(4)(E), *amici* state that no party's counsel authored this brief in whole or in part, and that no person other than *amici* or its counsel contributed money that was intended to fund preparing or submitting the brief.

Committee filed a lawsuit and multiple *amicus* briefs challenging the travel ban and settled an exclusionary zoning lawsuit on behalf a California group home for refugee children fleeing violence and persecution in Central America.² Beyond litigation, the Lawyers' Committee, through its Education Project, launched its Let Us Learn initiative this year to ensure that all students, regardless of immigration status, can enroll in public school. Finally, as part of its Stop Hate Project, the Lawyers' Committee has worked with individuals and organizations representing undocumented communities to provide them with resources and support if they are targeted for a hate incident or hate crime. This has included working with immigration legal services organizations to develop resources for undocumented individuals about how to access immigration relief available to victims of hate crimes, to provide undocumented youth with know your rights information for protests, and to support organizations working to ensure that immigrants targeted for hate can report hate crimes to law enforcement with less fear about adverse immigration repercussions. List of individual *amici* with statements of interest is set forth in Appendix A.

² Press Release, Lawyers' Committee For Civil Rights Under Law, Lawyers' Committee For Civil Rights Under Law Files Amicus Brief In SCOTUS Case Regarding Trump's Discriminatory Travel Ban Executive Order (Sept. 19, 2017), <https://lawyerscommittee.org/press-release/lawyers-committee-civil-rights-law-files-amicus-brief-scotus-case-regarding-trumps-discriminatory-travel-ban-executive-order/>; Press Release, Lawyers' Committee For Civil Rights Under Law, Lawyers' Committee for Civil Rights Under Law Applauds Fourth Circuit Injunction Of Unlawful Travel Ban (May 25, 2017), <https://lawyerscommittee.org/press-release/lawyers-committee-civil-rights-law-applauds-fourth-circuit-injunction-unlawful-travel-ban/>; Press Release, Lawyers' Committee for Civil Rights Under Law, Lawyers' Committee for Civil Rights Under Law and Partners Secure Settlement In Discrimination Lawsuit Against the City of Escondido (May 25, 2017), <https://lawyerscommittee.org/press-release/lawyers-committee-civil-rights-law-partners-secure-settlement-discrimination-lawsuit-city-escondido/>.

INTRODUCTION

The Deferred Action for Childhood Arrivals (DACA) program, announced on June 15, 2012, provided eligible, undocumented immigrants temporary relief from deportation and granted them work authorization subject to renewal every two years.³ While the vast majority are from Mexico, Central and South American, DACA recipients hail from a variety of countries, including Nigeria, South Korea and Jamaica.⁴ Since 2012, approximately 800,000 unauthorized immigrants were approved for DACA status and of these, nearly 690,000 individuals still participated in the program as of September 4, 2017.⁵ On September 5, 2017, the Trump administration announced its decision to end the DACA program, stopped accepting applications from new applicants, and restricted renewal to participants whose DACA eligibility would expire by March 5, 2018.⁶ Immigrants whose work permits were set to expire between

³ Tom K. Wong et al., *Undocumented No More: A Nationwide Analysis of Deferred Action for Childhood Arrivals, or DACA* (Sept. 2013), available at <https://www.americanprogress.org/wp-content/uploads/2013/09/DACAReportCC-2-1.pdf>.

⁴ Gustavo López and Jens Manuel Krogstad, *Key Facts About Unauthorized Immigrants Enrolled in DACA*, Pew Research Center: Fact Tank (Sept. 25, 2017), <http://www.pewresearch.org/fact-tank/2017/09/25/key-facts-about-unauthorized-immigrants-enrolled-in-daca/>; *See also* USCIS Report on Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, (2012-2017), https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr4.pdf

⁵ A profile of current DACA recipients by education, industry and occupation is available at Jie Zong et al., *A Profile of Current DACA Recipients by Education, Industry, and Occupation*, Migration Pol’y Inst. (Nov. 2017), <https://www.migrationpolicy.org/research/profile-current-DACA-recipients-education-industry-and-occupation>.

⁶ Tom Jawetz and Nicole Prchal Svajlenka, *Thousands of DACA Recipients Are Already Losing Their Protection From Deportation*, Ctr. for Am. Progress (Nov. 9, 2017, 6:00 AM), <https://www.americanprogress.org/issues/immigration/news/2017/11/09/442502/thousands-daca-recipients-already-losing-protection-deportation/>.

September 5 and March 5, 2018 were given only a month to reapply, and it is estimated that 22,000 of the 154,000 individuals eligible to renew their status missed the deadline.⁷

It is estimated that by December 25, 2017, 13,500 DACA recipients will have lost protection.⁸ But for the administration's decision to end DACA, 23,000 children would have become eligible between September 5, 2017 and March 5, 2018.⁹ Unless action is taken by Congress, the administration, or the federal courts, DACA participants will begin to lose their status beginning March 5, 2018.¹⁰

DACA has improved the lives of undocumented young people, and Dreamers' significant contributions in every aspect of American life have made our country greater. Despite their significant contributions, DACA recipients now face the prospect of losing their jobs, homes, businesses, access to in-state tuition and scholarship assistance, and worse, they fear being detained, deported, and separated from their families and children (at least 200,000 U.S. children have a parent that is a DACA recipient).

Amici understand that policies promoting economic security, diversity and inclusion are integral to the health and well-being of minority communities and the nation. Ending DACA is not in the public interest as it will result in irreversible harms to DACA recipients and their

⁷ *Id.*

⁸ *The Fierce Urgency of Protecting Dreamers Now*, Ctr. for Am. Progress, <https://cdn.americanprogress.org/content/uploads/2017/12/12034644/ProtectingDreamersUrgentOnePager.pdf> (last visited Dec. 22, 2017).

⁹ *The Fierce Urgency of Protecting Dreamers Now*, Ctr. for Am. Progress, <https://cdn.americanprogress.org/content/uploads/2017/12/12034644/ProtectingDreamersUrgentOnePager.pdf> (last visited Dec. 22, 2017).

¹⁰ Tom Jawetz and Nicole Prchal Svajlenka, *Thousands of DACA Recipients Are Already Losing Their Protection From Deportation*, Ctr. for Am. Progress (Nov. 9, 2017, 6:00 AM), <https://www.americanprogress.org/issues/immigration/news/2017/11/09/442502/thousands-daca-recipients-already-losing-protection-deportation/>.

families, institutions of higher education and workplaces, our nation’s public schools, immigrant business and residential communities, our military, and beyond. These irreparable harms to the public interest are relevant to this Court’s review of the plaintiffs’ pending motion for preliminary injunction.

The arguments and policy considerations set forth in this brief are additionally relevant to the Administrative Procedure Act (APA) and constitutional claims on which Plaintiffs seek summary judgment. *Amici* discuss and cite to several studies and analyses of DACA recipient populations with findings that militate against a decision to rescind the administrative relief program. Furthermore, *Amici* believe this Court will find that the harms and public interest considerations, as fully set forth herein, necessitate the grant of Plaintiffs’ motion for preliminary injunction. Accordingly, *Amici* urge this Court to grant Plaintiffs’ motion for summary judgment and/or preliminary injunction.

ARGUMENT

I. RESCISSION OF DACA WILL DESTABILIZE THE ECONOMIC HEALTH OF IMMIGRANT COMMUNITIES

Amici are gravely concerned that the end of DACA will have a destabilizing impact on the economy. DACA has shown that this country’s economy prospers from the social integration of undocumented immigrants. DACA beneficiaries have become more financially stable – providing benefits to their families, communities, and our nation as a whole – because the program enabled them to engage in the economic marketplace and their communities in ways often inaccessible to undocumented immigrants by attending college, entering the workforce, starting businesses, and buying homes. Sixty-nine percent of respondents to a recent study conducted by the Center for American Progress (CAP) who were enrolled in DACA reported moving to a job with better pay, and fifty-four percent moved to a job that “better fits [their]

education and training.”¹¹ In a 2015 survey of 1,750 DACA recipients, over three quarters had obtained a new job after receiving protections.¹² In a 2014 study conducted by the Institute for Research on Labor and Employment at the University of California in Los Angeles, 66 percent of respondents enrolled in DACA went from being unemployed to employed after being granted protection.¹³

Cumulatively, CAP estimates that ending DACA would result in the loss of \$460 billion from the national GDP over the next decade.¹⁴ A study by the Immigrant Legal Resource Center found that ending DACA would result in losses of \$39.3 billion to Social Security and Medicare over the next 10 years, and would result in the removal of an estimated 685,000 workers from the nation’s economy.¹⁵ The harm may be felt even more acutely in local immigrant communities, where DACA recipients have started their own small businesses and bought homes.

¹¹ Tom K. Wong et al., *DACA Recipients’ Economic and Educational Gains Continue to Grow*, Ctr. for Am. Progress (Aug. 28, 2017), <https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-recipients-economic-educational-gains-continue-grow/>.

¹² Faye Hispman et al., *DACA at Four: Participation in the Deferred Action Program and Impacts on Recipients*, Migration Pol’y Inst. (Aug. 2016), <https://www.migrationpolicy.org/research/daca-four-participation-deferred-action-program-and-impacts-recipients>.

¹³ Caitlin Patler and Jorge A. Cabrera, *From Undocumented to DACAdmented: Impacts of the Deferred Action for Childhood Arrivals (DACA) Program*, Inst. for Research on Labor and Emp’t. (June 2015), http://www.chicano.ucla.edu/files/Patler_DACA_Report_061515.pdf

¹⁴ Tom K. Wong et al., *DACA Recipients’ Economic and Educational Gains Continue to Grow*, Ctr. for Am. Progress (Aug. 28, 2017), <https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-recipients-economic-educational-gains-continue-grow/>.

¹⁵ *Draining the Trust Funds: Ending DACA and the Consequences to Social Security and Medicare*, available at: <https://www.ilrc.org/report-daca-economic-cost>

A. Diminished Dreams of Entrepreneurship and the Loss of Small Business Owners

Our nation has greatly benefitted from entrepreneurial DACA recipients who have stimulated economic growth by starting businesses, creating jobs and employing people from their communities. In recent years, DACA recipients have outpaced Americans in the creation of startups. A survey from the National Immigration Law Center and CAP estimates that 5 percent of DACA recipients overall, including 8 percent of adults over the age of 25, started their own small business after enrollment in the program. By contrast, only 3.1 percent of U.S.-born residents are business owners.¹⁶

These immigrant-run businesses serve and bind together diverse communities and help them participate more fully in civic life. For example, one respondent to the NILC and CAP survey reported, “I started a bookkeeping business which gives me the opportunity to help our Hispanic community be in compliance with tax law.... If DACA ended, I will not be able to keep my small business and help my community.” Another respondent stated, “Because of DACA, I opened a restaurant. We are contributing to the economic growth of our local community. We pay our fair share of taxes and hire employees.... It will be hard to maintain my business if DACA ended. I depend on my [social security number] for a lot of my business, such as when getting licenses, permits, leases, and credit.”¹⁷

¹⁶ David Dyssegaard Kallick with Silva Mathema, *Refugee Integration in the United States*, Center for American Progress (June 16, 2016) available at: <https://www.americanprogress.org/issues/immigration/reports/2016/06/16/139551/refugee-integration-in-the-united-states/>.

¹⁷ Tom K. Wong et al., *DACA Recipients’ Economic and Educational Gains Continue to Grow*, *Ctr. for Am. Progress* (Aug. 28, 2017), <https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-recipients-economic-educational-gains-continue-grow/>.

DACA business owners have made innumerable contributions to their communities beyond the services and job opportunities provided by their businesses, and these contributions are now jeopardized because of DACA's termination. Maria from Phoenix, AZ, told the NILC, "Now, 22 years since my arrival and almost 6 years after DACA, I have become a homeowner, a business owner of a small boutique, and a regional office manager for a national company. And in my spare time I teach English to fellow immigrants like me who only want to contribute. I sit in my office thinking about a promotion that I am unwilling to take because I have the uncertainty of what will happen tomorrow. It saddens me to think that tomorrow I may not be able grow my business or even live in my own home."¹⁸

B. The Decline in Homeownership and Resulting Harm to Communities

For many recipients, DACA provided an opportunity to achieve financial security for themselves and their families and contribute to the economic stability of their communities through homeownership. The online real-estate database company Zillow estimates that 123,000 DACA recipients are homeowners and, indeed, purchased their homes *after* their DACA applications had been approved.¹⁹ According to a survey of DACA recipients conducted by the CAP, nearly 24 percent of respondents over the age of 25 purchased a home after their DACA application was approved.²⁰ Through homeownership, DACA recipients "pay an estimated \$380

¹⁸ Stories in Defense of Deferred Action for Childhood Arrivals, Nat. Immigration Law Ctr., <https://www.nilc.org/issues/daca/daca-fifth-anniversary-stories/> (last accessed Dec. 22, 2017).

¹⁹ Alexander Casey, *An Estimated 123,000 'Dreamers' Own Homes and Pay \$380M in Property Taxes*, Zillow (Sept. 20, 2017), <https://www.zillow.com/research/daca-homeowners-380m-taxes-16629/>.

²⁰ Tom K. Wong, Results from Tom K. Wong et al., 2017 National DACA Study, Ctr. for Am. Progress (Oct. 7, 2017), https://cdn.americanprogress.org/content/uploads/2017/11/02125251/2017_DACA_study_economic_report_updated.pdf.

million a year in property taxes to their communities.”²¹ Communities that benefit, even depend, on the property tax revenues from these DACA recipient homeowners will be negatively impacted by the uncertainty caused by DACA rescission.

Creating a pathway to homeownership is particularly important for communities of color who continue to suffer as a result of the widening racial and ethnic wealth gap in this country. Owning a home is oftentimes the largest investment families make. Yet, only 46 percent of Hispanics and 42 percent of African Americans own a home compared to 73.5 percent of whites.²² DACA allowed undocumented immigrants who had previously faced barriers to homeownership because of their status to accumulate long-term wealth and security. Due to the termination of DACA, recipients who are homeowners face an uncertain future, as property options are not immediately clear. As stated by homeowner and DACA recipient, Eliana Fernandez, “I, thankfully to DACA, was able to graduate [from] college, work in the line of work like I always wanted to do. I became a homeowner.... What’s going to happen with my life, with my work, with my children? I’ve been trying to process everything.”²³

II. DACA TERMINATION WILL IMPAIR OUR COUNTRY’S DIVERSITY AND LEADERSHIP

Terminating DACA would exclude the talents, ideas, work ethic and experiences of immigrants who seek only to help build and protect our nation and contribute to this nation’s rich

²¹ Alexander Casey, *An Estimated 123,000 ‘Dreamers’ Own Homes and Pay \$380M in Property Taxes*, Zillow (Sept. 20, 2017), <https://www.zillow.com/research/daca-homeowners-380m-taxes-16629/>.

²² U.S. Census Homeownership Rates by Race and Ethnicity of Householder, 2013-2017. Available at <https://www.census.gov/housing/hvs/files/currenthvspress.pdf>.

²³ Priscilla Alvarez, *Will DACA Parents Be Forced to Leave Their U.S.-Citizen Children Behind?*, The Atlantic (Oct. 21, 2017), <https://www.theatlantic.com/politics/archive/2017/10/donald-trump-daca/543519/>.

cultural tapestry and economic strength. Protections afforded under DACA have enabled members of immigrant communities to attend educational institutions, pursue training opportunities and aspire to positions of leadership. Twenty percent, or 241,000, of the immediately eligible DACA population has enrolled in college.²⁴ Approximately 57,000 DACA recipients have earned their bachelor's degree and many more are on track to do the same.²⁵

A. DACA Serves as a Necessary Pathway to Leadership in Immigrant Communities

It is a well-accepted precept that “universities . . . represent the training ground for a large number of our Nation’s leaders,” and thus “it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity.” *Grutter v. Bollinger*, 539 U.S. 306, 332 (2003). Terminating DACA will sever this pathway to leadership and prevent upward mobility within immigrant communities.

Leaders like DACA recipients Cesar Vargas, Jessica Rubio, and Juventino Meza have made indelible marks in their communities. Mr. Vargas came to the United States from Mexico at the age of five. He is a national immigration reform advocate who “made history when a New York court paved the way for him to become the first undocumented immigrant to practice law in the state,” with the support of the New York State Attorney General.²⁶ Ms. Rubio came to the United States when she was fourteen years old. She graduated college and founded a nonprofit organization that prepares low-income high school students for college in Arizona. Mr. Meza

²⁴ Randy Capps, Michael Fix, and Jie Zong, *The Education and Work Profiles of the DACA Population*, Migration Pol’y Inst. (Aug. 2017), <https://www.migrationpolicy.org/research/education-and-work-profiles-daca-population>.

²⁵ *Id.*

²⁶ See Press Release, NYS Board of Regents Proposal Removes Obstacles to Licenses for Non-Citizens Board’s decision includes DACA students and opens the door for licensure for a range of professions, (February 25, 2017), <http://aaldef.org/2.26Regentslicensing.pdf>.

came to the United States when he was fifteen years old, became the first in his family to go to college, and while in college co-founded a non-profit organization that works on behalf of undocumented youth. The progress and stability of not just immigrant communities, but all communities, are dependent on the existence of community leaders like Mr. Vargas.

B. DACA Promotes Increased Exposure to Diversity in Workplaces and Educational Institutions, Which is Critical to Societal Progress and the Country’s Ability to Foster Culturally Competent Leaders

In addition to serving as a pathway to better opportunities for recipients, DACA has exposed U.S born residents in workplaces and educational institutions to diverse individuals, perspectives and ideas. Racial and ethnic diversity are not just necessary and beneficial to immigrant communities, but of critical importance to our society as a whole. As the Supreme Court has explained, “[t]hese benefits are not theoretical but real, as major American businesses have made clear that the skills needed in today’s increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.” *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003); *see also* Douglas Laycock, *The Broader Case for Affirmative Action: Desegregation, Academic Excellence, and Future Leadership*, 78 TUL. L. REV. 1767, 1769-76 (2004) (explaining how *Grutter* connected the importance of diversity in education to the development of leaders). Indeed, “the ‘nation’s future depends upon leaders trained through wide exposure’ to the ideas and mores of students as diverse as this Nation of many peoples.” *Regents of University of California v. Bakke*, 438 U.S. 265 (1978) (quoting *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967)).

Our nation benefits greatly from residents who are better equipped to handle 21st century problems in a world that is increasingly technologically and economically interconnected. As our society grows more diverse and our economy more internationally focused, our nation and its businesses will increasingly require not only racially and culturally diverse leaders, but leaders

who have been exposed to a diverse community. In late 2016, a group of more than 700 college and university presidents issued a statement in support of DACA, noting among other comments, “the critical benefits of this program for our students, and the highly positive impacts on our institutions and communities.”²⁷ The presidents’ joint statement noted:

DACA beneficiaries on our campuses have been exemplary student scholars and student leaders, working across campus and in the community. With DACA our students and alumni have been able to pursue opportunities in business, education, high tech, and the non-profit sector; they have gone to medical school, law school, and graduate schools in numerous disciplines. They are actively contributing to their local communities and economies.²⁸

Major corporations, such as Starbucks and Microsoft, have stressed the importance of diversity within their workforce. Starbucks interim general counsel, Paul F. Mutty, noted that employing DACA recipients

supports the kind of diverse and creative workplace we seek to create and sustain... Dreamers who have gained employment under DACA represent so many of our customers—customers who are either immigrants themselves or the children, grandchildren or friends of immigrants... In addition to working... our DACA partners are going back to school, taking care of their families, and working toward realizing their own American dream.²⁹

Mr. Mutty punctuates the sentiment shared not only by major corporations, but by schools, universities and communities, by stating, “We are a better company because of their contributions.”³⁰ Not allowing DACA recipients to continue their employment or their education will create a void in diversity that will harm our country’s ability to remain competitive.

²⁷ Pomona College, College & University Presidents Call for U.S. to Uphold and Continue DACA (Nov. 21, 2016), <https://www.Pomona.edu/news/2016/11/21-college-university-presidents-call-us-uphold-and-contine-DACA>.

²⁸ *Id.*

²⁹ Affidavit of Paul M. Mutty, ¶¶8-9

³⁰ *Id.*

III. DACA REVOCATION WILL HAVE A DEVASTATING IMPACT ON OUR TEACHERS AND THE EDUCATION SYSTEM AS A WHOLE

DACA recipients are also a significant asset to our nation's public schools, especially in cities with large, immigrant student populations. An estimated 20,000 DACA recipients are employed as educators throughout the U.S., and many of them possess in-demand bilingual language skills.³¹ In certain states, the numbers of DACA recipient educators are substantial: 5,000 in California, and 2,000 each in New York and Texas.³² Meanwhile, there is currently a severe shortage nationally of teachers in the public education sector, estimated to be as high as 327,000 public educators.³³ The consequences of a shortage in public education employment are well known: larger class sizes, fewer teacher aides, fewer guidance counselors, fewer extra-curricular activities.³⁴ Furthermore, in the past few decades, the racial makeup of the country's student population has drastically shifted, but the overwhelming majority of public school teachers continue to be white.³⁵ Public schools have seen increased enrollment by students of

³¹ *Moriah Balingit, As DACA winds down, 20,000 educations are in limbo*, *Wash. Post* (Oct. 25, 2017), https://www.washingtonpost.com/local/education/as-daca-winds-down-20000-educators-are-in-limbo/2017/10/25/4cd36de4-b9b3-11e7-a908-a3470754bbb9_story.html (citing data provided by the Migration Policy Institute); see also *Greg Toppo, 20,000 DACA teachers at risk — and your kids could feel the fallout, too* (Oct. 11, 2017, 7:00 AM), <https://www.usatoday.com/story/news/2017/10/11/thousands-daca-teachers-risk/752082001/>.

³² *Id.*

³³ *Elise Gould, Local public education employment may have weathered recent storms, but schools are still short 327,000 public educators*, *Econ. Pol'y. Inst.* (Oct. 6, 2017), <http://www.epi.org/publication/teacher-employment-may-have-weathered-storms-but-schools-are-still-short-327,000-public-educators/>.

³⁴ *Id.*

³⁵ The latest data shows that about 84 percent of public school teachers are white. C. Emily Feistritzer, *Profile of Teachers in the U.S. 2011*, *Nat. Ctr. for Educ. Info.* (July 2011), <https://www.edweek.org/media/pot2011final-blog.pdf>.

color, especially by Latinos.³⁶ By 2025, it is expected that a majority of high school graduates will be students of color.³⁷ DACA has allowed schools to recruit qualified teachers with whom their students can identify.

In already resource-strapped school districts, DACA teachers do much more than just fill available positions, they also serve as mentors and role models to minority students. For many communities, DACA teachers mirror the experiences of their immigrant students, which informs their teaching with cultural competence, helps develop positive relationships with students and creates more welcoming school environments.³⁸ Recent research has demonstrated that when students of color have teachers from similar backgrounds, they are more likely to succeed. A recent study published by the Institute of Labor Economics found that “low-income black male students in North Carolina who have just one black teacher in third, fourth, or fifth grade are less likely to drop out of high school and more likely to consider attending college.”³⁹ Viridiana Carrizales of Teach For America aptly noted that, “We cannot afford to lose so many teachers and impact so many students.... Every time a student loses a teacher, that is a disruption in the student’s learning.”⁴⁰

³⁶ Alice Yin, *Education by the Numbers*, N.Y. Times (Sept. 8, 2017),

<https://www.nytimes.com/2017/09/08/magazine/education-by-the-numbers.html>.

³⁷ *Id.*

³⁸ Lisette Partelow, *America Needs More Teachers of Color*, (September 14, 2017, 9:00 am), <https://www.americanprogress.org/issues/education-k-12/reports/2017/09/14/437667/america-needs-teachers-color-selective-teaching-profession/>

³⁹ Seth Gershenson and others, *The Long-Run Impacts of Same-Race Teachers*, (Bonn, Germany: Institute of Labor Economics, 2017), available at <http://ftp.iza.org/dp10630.pdf>

⁴⁰ Greg Toppo, 20,000 DACA teachers at risk — and your kids could feel the fallout, too (Oct. 11, 2017, 7:00 AM), <https://www.usatoday.com/story/news/2017/10/11/thousands-daca-teachers-risk/752082001/>.

As Vanessa Lina, a DACA recipient who taught as a Teach for America teacher and now serves as a recruiter, told *The New York Times*: “We’re going to lose leaders and lose teachers – it’s not only their presence, but having a teacher that can share the same experiences that you possibly had growing up.... Their advocacy, their leadership, their resilience is extraordinary because of their own personal journey.”⁴¹

Diversity in teaching is a critical to educational equity, and students of all racial and ethnic backgrounds, especially immigrant students, benefit from having DACA educators. School environments that reflect the diversity of communities, the country, and the world help open students’ minds to new perspectives and actively engage them in learning. Prejudice and bias is countered in schools and communities when respect for diversity is taught, modeled, and experienced firsthand by children.⁴² The loss of 20,000 DACA teachers will cause severe and lasting harm to students and their educational trajectories, and more broadly our country which depends on the great talent of future generations.

IV. ELIMINATION OF DACA STATUS WILL ALSO HARM OUR MILITARY AND RECIPIENTS PROUDLY SERVING IN OUR ARMED FORCES

Diversity is also critically important to the military. Beginning in 2014, the Pentagon allowed DACA recipients to enroll in a program known as Military Accessions Vital to the National Interest (MAVNI). As the Defense Department has explained, MAVNI allows fast-tracked citizenship for enrollees “whose skills are considered to be vital to the national interest,” including “physicians, nurses, and certain experts in language with associated cultural

⁴¹ Liz Robbins, For Teachers Working Through DACA, a Bittersweet Start to the School Year, *N.Y. Times* (Sept. 7, 2017), <https://www.nytimes.com/2017/09/07/nyregion/daca-teachers.html>.

⁴² ADL, *Creating an Anti-Bias Learning Environment*, <https://www.adl.org/education/resources/tools-and-strategies/creating-an-anti-bias-learning-environment>

backgrounds.”⁴³ The policy behind MAVNI is to “ensure[] that the sacrifice of non-citizens during a time of national need is met with an opportunity for early citizenship, to recognize their contribution and sacrifice.”⁴⁴

The approximately 900 DACA recipients enlisted in the MAVNI program are now left in limbo, not knowing whether they will be permitted to carry out their service or be deported.⁴⁵ Multiple news sources have related the story of 24-year-old Army recruit and DACA recipient William Medeiros, who enlisted in MAVNI in August 2016.⁴⁶ Medeiros was born in Brazil and came with his family to the United States when he was 6.⁴⁷ “All we want to do is serve,” said Medeiros. “We enlisted and had our whole lives planned, and now we’re just waiting. They’re using us, our lives, as a bargaining chip.”⁴⁸ DACA rescission harms not only military recruits like Medeiros, who have chosen military careers to benefit their families and the country, but

⁴³ See *Military Accessions Vital to National Interest (MAVNI): Recruitment Pilot Program*, U.S. Dept. of Def., available at <https://www.defense.gov/news/MAVNI-Fact-Sheet.pdf>; see also *Beyond the Defense Language Transformation Roadmap: Bearing the Burden for Today’s Educational Shortcomings: Hearing Before the Subcomm. on Oversight and Investigations of the H. Comm. on Armed Servs.*, 111th Cong. (statement of Ms. Nancy E. Weaver, Dept. of Def., Senior Language Auth.), as written, <http://prhome.defense.gov/Portals/52/Documents/RFM/Readiness/DLNSEO/docs/Weaver%20Testimony%20062910.pdf> (“[The MAVNI] program recruits legal non-citizens with critical foreign language and cultural skills, as well as licensed healthcare professionals, and as an additional incentive, they receive expedited U.S. citizenship processing in return for their service.”).

⁴⁴ *Id.*

⁴⁵ Vera Bergengruen and Franco Ordoñez, *These are the military recruits who might be deported under Trump*, McClatchy DC Bureau (July 17, 2017, 7:34 PM), <http://www.mcclatchydc.com/news/nation-world/national/article161872568.html>.

⁴⁶ See, e.g., Vera Bergengruen, *BuzzFeed News* (Sept. 6, 2017, 6:20 PM), <https://www.buzzfeed.com/verabergengruen/join-the-military-to-avoid-deportation-turns-out-its-not>; Vera Bergengruen and Franco Ordoñez, *These are the military recruits who might be deported under Trump*, McClatchy DC Bureau (July 17, 2017, 7:34 PM), <http://www.mcclatchydc.com/news/nation-world/national/article161872568.html>.

⁴⁷ *Id.*

⁴⁸ *Id.*

also our armed forces in general which is in great need of the type of highly valuable and diverse skills that many like Medeiros can offer.

CONCLUSION

For the foregoing reasons, *Amici* urge this Court to grant Plaintiffs' motion for summary judgment and/or preliminary injunction.

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APPENDIX A

List of *Amici Curiae* with Individual Statements of Interest

<p>The Lawyers’ Committee for Civil Rights Under Law</p>	<p>The Lawyers’ Committee for Civil Rights Under Law (the “Lawyers’ Committee”) is a nonpartisan, nonprofit civil rights organization formed in 1963, at the request of President John F. Kennedy, to enlist the American bar’s leadership and resources in defending the civil rights of racial and ethnic minorities. Through the Lawyers’ Committee, attorneys have represented thousands of clients in civil rights cases across the country challenging discrimination in virtually all aspects of American life. In furtherance of its commitment to challenge policies that discriminate against immigrants and refugees, the Lawyers’ Committee has filed numerous lawsuits and submitted amicus briefs in cases involving issues similar to this one.</p>
<p>Anti- Defamation League</p>	<p>The Anti-Defamation League (“ADL”) was founded in 1913 “to stop the defamation of the Jewish people, and to secure justice and fair treatment to all.” Today, ADL is one of the world’s leading civil rights organizations. As an organization founded by immigrants and sworn to protect the interests of religious and ethnic minorities, ADL believes that when our nation’s values are threatened, we are duty-bound to return to the founding principles that propelled this nation of immigrants. As such, ADL has advocated for fair and just immigration policies for more than a century, including a pathway to citizenship for young undocumented immigrants brought to this country as children. As part of its commitment to create an ever-more just and inclusive society, ADL has filed amicus briefs in numerous cases challenging policies that undermine the ideal of America as a nation of immigrants. At stake in this case are the lives of 800,000 undocumented immigrants who were brought to the United States as children, their families, communities, and all of us who depend on a future that embraces diversity as a strength.</p>
<p>Advocates for Youth</p>	<p>Advocates for Youth is a national reproductive and sexual health/rights organization that centers the needs and voices of young people. The President’s decision to end DACA is an attack on immigrant youth and families living in our communities, as well as on our values of fairness, equality, and opportunity. At Advocates for Youth, we center young people, people of color, LGBTQ communities, and children of immigrants—all of who would be disproportionately impacted if DACA was rescinded. We are committed to the health and safety of all young people, and the President should be as well. This shameful decision will not deter us from working to ensure the reproductive and sexual health and rights of all young people are realized regardless of citizenship status. As a nation, we must find the moral clarity to end attacks on immigrants.</p>

<p>The Lawyers' Committee for Civil Rights and Economic Justice</p>	<p>The Lawyers' Committee for Civil Rights and Economic Justice (“LCCR”) fosters equal opportunity and fights discrimination on behalf of people of color and immigrants. LCCR engages in creative and courageous legal action, education, and advocacy, in collaboration with law firms and community partners. As part of this work, LCCR has long sought to further immigrant justice through impact litigation. Immigrant entrepreneurs also are assisted through LCCR’s Economic Justice Project. LCCR thus has a strong interest in ensuring that DACA recipients and DACA-eligible immigrants are not unlawfully deprived of economic, educational, and other opportunities through rescission of the DACA program.</p>
<p>Mississippi Center for Justice</p>	<p>The Mississippi Center for Justice, the Deep South Affiliate of the Lawyers Committee for Civil Rights Under Law, is a 501(c)(3) nonprofit public interest law organization founded in 2003 in Jackson, Mississippi and committed to advancing racial and economic justice. Supported and staffed by attorneys and other professionals, the Center develops and pursues strategies to combat discrimination and poverty statewide. One of amicus’ original areas of interest involved predatory loan practices directed at migrant poultry workers, and MCJ has remained concerned about the plight of Mississippi’s growing immigrant population for the last decade, particularly in the areas of access to healthcare, education, housing and fair lending. MCJ has signed on as Amicus for several cases challenging President Trump’s travel ban, and it has the same concerns regarding the termination of DACA.</p>
<p>Public Counsel</p>	<p>Public Counsel’s Immigrants’ Rights Project (“IRP”), founded in 1970, provides pro bono legal representation to low-income immigrants whose claims are pending before the Department of Homeland Security, the Executive Office for Immigration Review and the federal courts. IRP attorneys have trained hundreds of attorneys nationwide on legal issues relevant to DACA, and have assisted over 1,000 young people apply for Deferred Action for Child Arrivals (“DACA”) and DACA renewals. We helped over 200 DACA recipients file renewal requests prior to the October 5, 2017 deadline established by the current administration. We currently represent hundreds of other immigrants who have family members who are DACA recipients.</p>
<p>Southern Poverty Law Center</p>	<p>Southern Poverty Law Center (“SPLC”) has provided pro bono civil-rights representation to low-income persons in the Southeast since 1971. SPLC has litigated numerous cases to enforce the civil rights of immigrants and refugees to ensure that they are treated with dignity and fairness. SPLC also monitors and exposes extremists who attack or malign groups of people based on their immutable characteristics. SPLC is dedicated to reducing prejudice and improving intergroup relations. SPLC has a strong interest in opposing discriminatory governmental action that undermines the promise of civil rights for all.</p>

<p>The Washington Lawyers' Committee for Civil Rights and Urban Affairs</p>	<p>The Washington Lawyers' Committee for Civil Rights and Urban Affairs is a non-profit civil rights organization established to eradicate discrimination and poverty by enforcing civil rights laws through litigation and public policy advocacy. In furtherance of this mission, the Washington Lawyers' Committee represents some of the most vulnerable populations in Washington, D.C., Maryland and Virginia, including immigrants and non-English speakers, who are often discriminated against on the basis of their national origin, and who are often unaware of their legal rights and protections. We are counsel in <i>CASA de Maryland v. Department of Homeland Security</i>, C.A. RWT – 17 2942 (D. Md.) (A challenge to the President's rescission of the Deferred Action for Childhood Arrivals program.)</p>
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APPENDIX B

Corporate Disclosures for *Amici Curiae*

1. The Lawyers' Committee for Civil Rights Under Law is a registered nonprofit corporation, has no parent corporation and no publicly held corporation owns 10% or more of its stock.
2. ADL is a registered non-profit organization. It has no parent corporation, nor does any publicly held corporation own 10% or more of its stock.
3. The Washington Lawyers' Committee for Civil Rights Under Law is a registered nonprofit corporation, has no parent corporation and no publicly held corporation owns 10% or more of its stock
4. The Lawyers' Committee for Civil Rights and Economic Justice is a registered nonprofit corporation, has no parent corporation and no publicly held corporation owns 10% or more of its stock.
5. Mississippi Center for Justice is a Mississippi registered nonprofit corporation, has no parent corporation and no publicly held corporation owns 10% or more of its stock.
6. The Southern Poverty Law Center is a registered nonprofit corporation, has no parent corporation and no publicly held corporation owns 10% or more of its stock
7. Advocates for Youth is a registered nonprofit corporation, has no parent corporation and no publicly held corporation owns 10% or more of its stock.
8. Public Counsel is a registered nonprofit corporation, has no parent corporation and no publicly held corporation owns 10% or more of its stock.

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2018, a copy of the foregoing pleading was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system.

William D. Coston