

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

In the Supreme Court of the United States

DEPARTMENT OF HOMELAND SECURITY, ET AL.,
Petitioners,

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL.,
Respondents.

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

**BRIEF OF AMICI CURIAE SERVICE EMPLOYEES
INTERNATIONAL UNION, AMERICAN FEDERATION
OF LABOR AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS, AND AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL EMPLOYEES IN
SUPPORT OF RESPONDENTS**

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DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,
ET AL.,

Petitioners,

v.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, ET AL.,

Respondents.

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

KEVIN K. MCALEENAN, ACTING SECRETARY OF HOMELAND
SECURITY, ET AL.,

Petitioners,

v.

MARTIN JONATHAN BATALLA VIDAL, ET AL.,

Respondents.

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

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INTRODUCTION AND SUMMARY OF ARGUMENT¹

Through the Deferred Action for Childhood Arrivals program, law-abiding undocumented young people in the United States have been able to achieve a longstanding dream: to become vital, productive, and successful members of the society in which they were raised. In just five years, DACA recipients have made invaluable contributions to the American labor force as doctors, lawyers, teachers, community health workers, janitors, homecare providers, and more. They are the working parents and siblings of 200,000 adolescent American citizens,² providing what is often their family's sole source of income.

The question before this Court is whether the Trump Administration's abrupt termination of this program was lawful. Amici submit this brief to demonstrate—through individual stories of DACA recipients and social-science data—how rescinding DACA would harm working

¹ This brief was not authored in whole or in part by counsel for a party and no one other than amici curiae and their counsel made a monetary contribution to the preparation or submission of this brief. SEIU Local 521 and the American Federation of Teachers, parties to this case, are independent organizations affiliated with SEIU and the AFL-CIO respectively. SEIU and the AFL-CIO are independent legal entities, separate and distinct from the many local, regional, and national labor organizations with which they are affiliated. Counsel for SEIU are employed solely by SEIU and do not represent SEIU Local 521. Likewise, the counsel for the AFL-CIO are employed solely by the AFL-CIO and do not represent the American Federation of Teachers. All parties have consented to the filing of this brief; letters of consent have been lodged with the Clerk.

² Priscilla Alvarez, *Will DACA Parents Be Forced to Leave Their U.S.-Citizen Children Behind?*, The Atlantic, Oct. 21, 2017, <https://perma.cc/XD7H-282Q>.

people, their families, and the country in general, while doing little to address the need to reform our broken immigration system. It is conservatively estimated that DACA recipients would increase the gross domestic product of the United States economy by \$215 billion and U.S. tax revenues by \$60 billion over the next decade.³ Terminating DACA eliminates these gains. It also denies DACA recipients the security and confidence in knowing that they will return home safely to their families every day. That fear is only amplified now that the government has gained sensitive information about them through the program. Terminating DACA also severely limits their educational and employment opportunities. Multiple studies establish the obvious and acute negative consequences of living in such uncertain conditions and how DACA has already provided observable relief from those consequences. The experiences of individual union members and their relatives shared below illustrate this research, demonstrating the real human toll that rescinding DACA will inflict on undocumented young adults, their families, their communities, their workplaces, and the nation.

INTEREST OF AMICI CURIAE

Amici are two of the nation's largest labor unions and the nation's largest labor federation: Service Employees International Union, the American Federation of Labor and Congress of Industrial Organizations, and the American Federation of State, County and Municipal Employees.

³ Ike Brannon & Logan Albright, *The Economic and Fiscal Impact of Repealing DACA*, Cato Institute (Jan. 18, 2017), <https://perma.cc/ZH57-8D98>.

Service Employees International Union (SEIU) is a labor organization of approximately two million working men and women in the United States and Canada. SEIU's members include foreign-born U.S. citizens, lawful permanent residents, and undocumented immigrants authorized to work in the United States. Many of SEIU's members have mixed-status families. As described below, SEIU members will be directly affected by the termination of DACA.

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is a federation of 55 national and international labor organizations with a total membership of more than 12 million working men and women. The AFL-CIO's affiliated unions represent workers of all citizenship and immigration statuses. This includes many union members who, as a result of DACA, are themselves permitted to remain in the United States and work to support their families and communities, as well as many additional union members whose children, grandchildren, or other family members benefit from DACA. The termination of DACA would directly harm these union members and their families, as well as negatively impact the employers, community institutions, and local unions that depend on these union members' hard work and volunteer commitment.

American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) is a union of 1.4 million members in the United States and Puerto Rico, both in the public and private sectors, who share a commitment to service. AFSCME is participating in this case to advance its mission of helping all working people, including immigrants and people of color, achieve the American dream regardless of their identity. AFSCME is

proud to represent members who came to the United States as children and who are contributing to our communities, states, and country. The public servants of AFSCME, and indeed all Americans, deserve better.

ARGUMENT

I. Union members and their families have become vital parts of American society as a direct result of the opportunities provided to them by the DACA program.

Millions of workers nationwide are united in the amici labor organizations, and many union members and their families will be harmed by a repeal of DACA. The experiences of individual union members and their family members confirm and illustrate the successes of DACA for American society and, in turn, the gains that will be lost if DACA is terminated.⁴

M.R.: Homecare worker for the elderly by day, tutor to his American siblings by night.

M.R. is a 24-year-old member of SEIU 2015 who came to the United States from El Salvador at age eight. He lives in San Jose, California with his family, including his three U.S.-citizen siblings, aged nineteen, thirteen, and nine. M.R. is a homecare worker and has recently enrolled in a medical assistant training program at Silicon Valley Career Technical Education (SVCTE).

M.R. enrolled in DACA in 2013. “My parents raised me with the idea that I should make something of myself and contribute to the community. With DACA I was able

⁴ The individuals whose stories are told here all consented to having their experiences recounted in this brief. Participants chose to maintain a measure of anonymity by using initials only.

to work at a job that allowed me to make a difference in the life of a very ill, elderly patient. I'm a homecare worker and I care for an elderly man who is blind, diabetic, has kidney failure, a pacemaker, and is on dialysis. DACA made this meaningful job possible for me.”

M.R. attended school in California, graduating high school from Gunderson High School in 2014. During his high school years, M.R. received an honor roll award, played varsity soccer and volleyball, and participated in the multicultural club and the boxing club.

M.R. is a conscientious and responsible member of his family, his workplace, and his community. He picks up his siblings from school, helps them with their homework, and does chores around his house. He attends church regularly and is involved in a leadership development program with his co-workers. “I believe that I am responsible for more than myself alone. I think that in a democratic society we must care for the needs of our neighbors, friends, and co-workers—not just ourselves and our families. These are the values that I learned from my parents—you have to work hard for what you want, but you must respect others and treat them the way that you want to be treated.”

As a child in El Salvador, M.R. faced danger and uncertainty. His earliest memories are of hearing warnings to avoid the gang members who moved freely through his neighborhood. M.R.'s family rushed him out of the country before the gangs could recruit him. “The gangs search for young boys to become members at an early age. I was lucky to escape before I was forcibly recruited. DACA has allowed me to live in safety and security in the U.S.”

P.V.: A dedicated public servant prosecuting crime for Travis County, Texas.

P.V. is an Assistant County Attorney for Travis County, Texas, where Austin is located. As a dedicated public servant and an AFSCME Local 1624 member, P.V. spends his workdays as a criminal prosecutor protecting public safety by handling all sorts of traffic-related criminal cases from running red lights to DWIs.

P.V. came to the United States from Mexico when he was three years old. He and his family settled in the Houston area, but his living situation was difficult when he first arrived. His father found work as a dishwasher and his mother as a busser, and the family lived with various relatives while they got their footing. His father is now a bartender and his mother a licensed massage therapist. After 19 years, his parents became legal permanent residents. P.V., however, remains without permanent legal status because he aged out of his parents' application during the 19-year wait.

P.V. knew from a young age that he wanted to create a path to success in the United States, and he studied hard to make that dream a reality. He graduated from high school in 2009 and went on to study sports management at the University of Texas at Austin, where he graduated with high honors. At first, P.V. thought he wanted to pursue a career as a sports agent, "like Jerry Maguire," but decided he enjoyed public service and chose to attend The University of Texas School of Law. He graduated from law school in 2016 and soon after passed the Texas Bar.

P.V. is a DACA recipient and that status is what allows him to be a dedicated public servant and prosecut-

ing attorney today. Without DACA, he would not be eligible to do the work he does every day for Travis County. P.V. is the first member of his family to go to college and graduate school, and the first member of his family to work as a professional. Without DACA, he would be “unemployable” in most workplaces. With it, P.V. can do the job he loves, and contribute to the economy and his community by supporting himself, paying taxes, and contributing to the county retirement plan.

He also knows that without DACA his community would suffer dire consequences. P.V.’s experience as a prosecutor has taught him that without legal status, many immigrants, fearing deportation, refuse to report crimes or avoid testifying when they are victims of assaults and other crimes for fear of deportation. As an immigrant himself, he knows that many immigrant families’ conduit to law enforcement and their broader community is through their DACA recipient children who serve as their “ambassadors.”

P.V. wants to continue to be a “positive agent of change in the criminal justice system,” but he knows he cannot do so without DACA. The ability to achieve work status through DACA is what gave him the confidence to go to law school in the first place, and make his family and community so proud.

T.W.: From NFL athlete to Harvard-trained orthopedic surgeon.

Dr. T.W. is a practicing orthopedic surgeon in Atlanta, Georgia who recently completed a five-year medical residency in Harvard’s orthopedic surgery department and a one-year fellowship in orthopedic sports medicine at Stanford University. Dr. T.W. is a former National Football League (NFL) athlete who

participated in DACA for about four years. His wife, a U.S. citizen, is an alumnus member of SEIU's Committee of Interns and Residents (CIR).

Dr. T.W. came to the United States at age three. His family settled in California after fleeing political unrest in Nigeria. Dr. T.W.'s only memories are of life in the United States, and he grew up believing that with hard work and commitment, he could do anything. "I saw only the American Dream and truly believed if I put forth effort and determination, there was nothing I could not do." A brilliant student and a track, wrestling, and football star in high school and at Stanford University, Dr. T.W. graduated and spent several years playing football on NFL teams.

Throughout his childhood and early adult years, Dr. T.W. believed he was American. It was only when he needed his passport to travel to Canada for a position with the Canadian Football League that he learned that he was not a U.S. citizen. "In some ways, the fact that I didn't know my true immigration status freed me from the stress and obstacles imposed by undocumented status and allowed me to imagine limitless possibilities in my life."

As Dr. T.W.'s football career ended, he turned to his other passion: medicine. He excelled in his studies at Northwestern University's Feinberg School of Medicine, but recognized that his undocumented status would prevent his acceptance to a medical residency program in the United States. "DACA saved me. It rescued me and allowed me to pursue my medical residency at the Harvard Combined Orthopedic Residency Program at Massachusetts General Hospital. Thank God for DACA."

A six-week lapse of Dr. T.W.'s DACA status served as a reminder of the critical importance of DACA to his medical career. Dr. T.W. had to stop working for 6 weeks during his intern year while he waited for the extension of his DACA work authorization card. "The orthopedic surgery intern functions as a crucial member of a team, and when I wasn't able to work, I let my team down. My program could not fill the void, and I was sleepless with anxiety. All of a sudden it didn't matter that I was a doctor. Without DACA I was thrust back into the status of an unwelcome, alien intruder."

Dr. T.W. completed his training last year and now works in an orthopedic surgery practice. He intends to continue serving the community and treating muscular injuries, broken bones, and a wide range of other conditions.⁵

E.M.: A father supporting his family.

E.M. is a 33-year-old alumnus member of SEIU 32BJ who has lived in Washington, D.C. since he came to the United States from Mexico in 1999. He is a husband, a father of two U.S. citizen children aged nine and six, an active member of his community, and a DACA recipient. E.M. has held DACA status for about six years. He worked on a janitorial crew represented by SEIU 32BJ and is now a supervisor responsible for leading a crew.

E.M. attended Francis Junior High School and graduated from Roosevelt Senior High School in Washington, D.C.

⁵ In June of 2017, Dr. T.W.'s application for legal residency was approved. Although he no longer relies on DACA, he values the program that was vital to his medical career and his life.

With DACA he has been able to “step out of the shadows,” participate in the community, and not be afraid of arrest and deportation. “I can’t stand the thought of being deported and leaving my kids alone.”

E.M. wants “to be able to afford a house so that my kids can play in our own backyard.” E.M.’s kids are the world to him. “I want my kids to grow up to be someone—I want them to go to college, have a good future, and be better than I am. My nine-year-old son says he wants to be a doctor and he wants to buy me a big house. My kids are my motivation, they are my anchor, and they keep me fighting for a better future.”

Since E.M. left his hometown of Puebla, Mexico in 1999, gangs and cartels there have grown dramatically. E.M. remembers his sister, his only close family member still in Mexico, warning him: “Don’t you ever come back here. It’s too dangerous.”

After 20 years of living in the U.S. and contributing to his community through his work and union activities, E.M. feels that everything most important to him is in the U.S. “I’m not here to hurt anyone—I’m here to work hard and make a better life for me and my family. I don’t want to go back to living in the shadows.”

O.S.: 23 and “able to do normal things” like attend college.

O.S. is a 23-year old citizen of Colombia, the nephew of an SEIU 1199 member, and a former DACA recipient who is now a legal resident of the United States. He resides in Queens, New York and works as a server at the Standard Hotel in Manhattan.

O.S. has lived in New York City since he arrived in the United States with his family at age 8 more than 15 years ago. He always knew that he was undocumented, and as

soon as the DACA program was created, O.S. applied for and was granted DACA. “Having DACA meant that I was able to do normal things that other people my age were doing. I was a sophomore in high school and with DACA, I qualified to get my first job through the city Summer Youth Employment Program. DACA allowed me to feel more confident and more comfortable. I didn’t feel ashamed and alien.”

After O.S. graduated from high school in Queens, he enrolled in a bachelor’s degree program at a campus of the City College of New York. O.S. hopes to complete his bachelor’s degree and work in the marketing and communications field.

O.S. renewed DACA twice and remained in DACA until he obtained legal residency in 2017.

“Although I have a green card now, I’ll never forget how much it meant to me to receive DACA. It came at just the right time in my life and helped put me on the path to college and a better future.”

F.G.: Living without fear of being deported from his American wife.

F.G., a citizen of Mexico who came to the United States 24 years ago at age four, received DACA status in 2014. He is a member of SEIU 32BJ and resides in New York City with his U.S. citizen wife.

DACA allowed F.G. to live, work, and participate in civic life without worrying that he would be deported. Fear of deportation shaped F.G.’s life for years. F.G. learned that he was undocumented when he was in high school and did everything he could to keep his undocumented status hidden. “It’s hard to describe the level of fear that affects immigrant communities. My own loving parents were so frightened that they might be deported,

leaving my brother alone, that they gave up their parental rights in order to allow my U.S. citizen aunt to adopt us. That is the level of fear I lived with until 2014 when I was granted DACA. With DACA I could breathe freely for the first time.”

F.G. spent his childhood and teenage years in Fayetteville, a small college town in northwest Arkansas. He attended Catholic school and excelled in literature, art, and football. He worked on the art magazine in high school and acted as a stage manager for high school theatre productions. “Despite my fear of deportation, I was resolved to continue my education. After I graduated from high school in 2010, I attended the University of Arkansas for several years with the goal of becoming an architect. But without work authorization, I felt that I could never get a good job. I left the University discouraged and without a degree.”

F.G. met his wife at the University of Arkansas and lived in Fayetteville until his wife graduated from the University. “We moved to Atlanta for a short time while my wife worked for CNN, and then to New York City where my wife found a job working as a photo editor for a national magazine. By the time we moved to New York, I had DACA and was able to get a good job.”

F.G. applied for legal residency in the United States and finally received his green card in early 2019. “Now my wife and I are making plans to open a business, and for my return to college. We are able to take advantage of the benefits of living in New York and often go to New York’s museums . . . I’ll always be grateful to DACA for giving me a sense of confidence, allowing me to work, and giving me the belief that I could live my life fully without the trauma of possible deportation. After receiving DACA I felt that I could finally relax.” F.G. and his wife have now

started a family; she recently gave birth to their first child.

C.F.: Living the American dream until 17, regaining it through DACA.

C.F. is a member of SEIU 32BJ who was brought to the United States from Mexico when he was a one-year-old child. He worked as a custodian and is now in training to become a maintenance technician. C.F. lives in Baltimore with his parents and his three U.S.-citizen brothers.

C.F. attended school in Baltimore, completing his studies and graduating from Lansdowne High School. His favorite subject was math and he participated in the chess team in high school. C.F. learned for the first time that he was undocumented at age 17, when he sought to apply for a Social Security card.

“I felt like I was as American as anyone else and finding out that I was undocumented was terrible for me. It changed my outlook and undermined my confidence.” C.S. felt that he didn’t belong, that he was different, even in his own family. “I’m really close to my three U.S. citizen brothers. But finding out about my immigration situation made me feel like an outsider, different and alone.”

C.F. also worried that he couldn’t invest in his future. He feared he could be deported without warning. “My hopes for living the American dream—going to college, studying marketing, buying a home someday—the belief that I could succeed and build a good life suddenly seemed impossible.”

But shortly after C.F. graduated high school, he heard about and applied for the DACA program. “DACA gave me permission to work, and with that permission I was able to get a steady job and join the union. DACA gave me

a chance and the hope for a better future.” With DACA, C.F.’s self-assurance returned. He began participating in activities to help his community and in activities supporting his co-workers. “There are many people like me who just want a chance to work hard and be part of the American dream. DACA gave me that chance.”

V.S.: Public servant, psychology graduate, and the caretaker of her American siblings.

V.S. was born in Mexico City and has resided in the United States since infancy. She is the daughter of an SEIU 1021 member. Educated entirely in the United States, from elementary school through the University of California, Santa Cruz, she was granted DACA in 2012. V.S. now works in her county’s District Attorney’s office, where she provides outreach and support services to Spanish-speaking survivors of domestic violence and sexual assault.

“DACA was a game changer for me. It gave me hope and allowed me to believe that I always could be a little more: that I could graduate from the University of California, Santa Cruz, be on the dean’s list, and pursue a career in public service. When my parents were forced to depart the U.S. and I became the head of my family, DACA kept my spirits up and helped me to trust that I would be able to support and care for my three younger U.S. citizen brother and sisters.”

V.S. grew up with faith in the power of education and the value of community service. In high school she maintained a 4.0 average; organized a schoolwide activities committee; worked on the yearbook; and volunteered at a nursing home, running activities, music lessons, exercise sessions, and movie events for the elderly. During her years at U.C. Santa Cruz, she studied psychology

while working as a research assistant in a child development lab, tutoring over 40 students, and interning in a special program to advance and support diversity at the University. V.S. graduated in 2016 with a B.A. in psychology.

“My mother is a nurse and I watched her care for her patients with compassion and diligence. She inspired me to care for others who are facing trauma. But while she was forced to remain outside of the U.S., I carried the responsibility for my younger U.S. citizen siblings. I had to make sure everything went smoothly.”

During her mother’s absence, V.S. attended her brother and sisters’ parent-teacher conferences and open house nights, oversaw their homework, and made sure that they got to school on time. She took her brother and sister to the doctor, did the family grocery shopping and cooking, and handled finances for her siblings and her parents. “We’re a close-knit family, and I can sense if my brother and sisters are upset. I know they’re going through a lot and I want to be there for them. Our community, my mother’s union, and our church have been great to us.”

“I’ve always felt that I was an American,” she says. “But DACA has made me feel like my dreams could come true and I could have a career that will allow me to give something back to my community and my country.”

I.T.: *A surgical technician uncertain of her future.*

I.T. is a surgical technician at the University Medical Center in El Paso, Texas. When President Obama first announced the creation of DACA, I.T. began gathering her documents to apply. As a child, I.T.’s mother told her about her legal status and the limitations that came from

not being a citizen. As she began to approach her senior year in high school, I.T. knew she did not have the other opportunities that her classmates had. She was often envious of her classmates who lived with the freedom to take drivers' education courses and work part-time jobs in high school.

Before I.T. became eligible to apply for DACA, she couldn't go to the doctor for annual checkups. Because of their immigration status, I.T.'s family didn't participate in many things that other high school students took for granted, like going to the dentist or eye doctor. She thought she would never be able to get a driver's license, go to college, or get a job. But that all changed in October 2012 when she applied for and enrolled in DACA.

Shortly after she received her DACA enrollment letter, she began applying for jobs. She applied everywhere that was hiring, from retail to fast food to entry-level office work. Finally, she landed a job at a small law firm as a bilingual receptionist. She was soon promoted to a legal assistant position. She learned quickly in her new role. Newly employed, I.T. looked forward to paying taxes. "I feel like I'm contributing to society every time I pay taxes."

Being a DACA recipient meant that I.T. could continue her studies. She began taking courses at the local college in El Paso. While in school, she worked full-time and paid for her education. It took her several years to finish but in 2015, I.T. became the first person in her family to graduate from college. DACA provided her with opportunities she thought she would never have. Now she's married and working in the same field she studied in college. While DACA has provided her with many opportunities, she lives in fear of it being rescinded. "I have to renew my DACA status every two years. I can't

make a five-year plan because I'm unsure of how long I can live in this country." She cannot plan for children because she is uncertain of how to support them if DACA were rescinded. The loss of DACA would place a huge financial burden on her husband, because he would become the sole monetary provider of the family. She would live in fear of deportation to a country she has never known. Even now, I.T. lives with constant worries about the future. Being a DACA recipient has brought her pride in contributing to American society. She cannot bear the thought of losing that status.

II. Rescinding DACA will adversely impact America's workplaces, communities, and national economy.

Rescinding DACA subjects 800,000 young people to the threat of removal while reducing local, state, and federal revenues and forcing employers to expend significant resources to hire and train new employees.

The most immediate costs are those imposed on the American workplace. One study estimates that for "every business day DACA renewals are halted, over 1,400 jobs [will be] lost" in the next two years.⁶ This places a substantial burden on employers and employees, considering how even a short-term loss of DACA work authorization can seriously hinder a workplace. Take, for example, the story of Dr. T.W. in Part I of this brief. Dr. T.W. is a retired NFL athlete and practicing orthopedic surgeon in Atlanta. During his intern year, he was forced to abruptly stop working for a period of six weeks while waiting for the extension of his DACA authorization. This created a critical void that threw his surgery team into disarray

⁶ Center for American Progress & FWD.us, *Study: The Impact of Deferred Action for Childhood Arrivals (DACA) Program Repeal on Jobs*, FWD.us, 4 (Aug. 23, 2017), <https://perma.cc/3X8Q-ZJSM>.

because his role could not be temporarily filled. In this way, rescinding DACA will cause employers to grapple with the loss of staff in whom they have invested while also forcing them to absorb unnecessary turnover expenses—a cost that is projected to total \$3.4 billion for the wholesale replacement of employed DACA recipients.⁷

Terminating DACA will also mean that \$24.6 billion worth of Medicare and Social Security contributions will be lost over the next ten years, as well as most of the federal and tax revenues generated from the 91% gainfully employed DACA recipients.⁸ These effects will be particularly burdensome for the six states that are home to 59% of the undocumented immigrant population in the U.S.: California, Texas, Florida, New York, New Jersey, and Illinois.⁹ By contrast, DACA implementation has entailed almost no direct cost to taxpayers because the program's overhead is covered by the \$495 fee paid by each applicant.

In addition, the federal government's threat to deport DACA recipients would lead to a staggering result: a burden of \$7.5 billion¹⁰ on American taxpayers. The public opinion evidence suggests that the American people may at some level understand this stark

⁷ Jose Magaña-Salgado, *Money on the Table: The Economic Cost of Ending DACA*, Immigrant Legal Resource Center (Dec. 2016), <https://perma.cc/S4NY-V33Z>.

⁸ *Id.*

⁹ Jens Manuel Krogstad, Jeffrey S. Passel & D'Vera Cohn, *5 facts about illegal immigration in the U.S.*, Pew Research Center (Apr. 27, 2017), <https://perma.cc/FYM8-GAEA>.

¹⁰ Brannon & Albright, *The Economic and Fiscal Impact of Repealing DACA*.

cost-benefit calculus: 69% of Republicans, 84% of Democrats, and 74% of Independents think that DACA recipients should be able to stay in the country, whether through citizenship or other means.¹¹ Costly, ineffective, and unpopular, the deportation of these American-raised young adults would not repair our broken immigration system in any real way.

III. Terminating the DACA program inflicts irreparable harm on DACA recipients and their families, including American-citizen children.

Undocumented immigrants face a mountain of hardships. They suffer poverty rates nearly twice that of American citizens and have a harder time escaping those conditions because of their status.¹² Employment opportunities are generally limited to low-wage jobs, but even those can be difficult to access without a driver's license. Most undocumented immigrants also lack a bank account since "financial institutions often request U.S. identification and a Social Security number." Instead, they carry cash, making them targets for robbery.¹³

¹¹ Edward Graham, *Trump's DACA Move Comes as Most Voters Back Citizenship for 'Dreamers'*, Morning Consult (Sept. 5, 2017), <https://perma.cc/6BX9-J6K5>. The statistics given here are calculated from the "allow them to become citizens" and "allow them to stay" categories of the graph from Morning Consult.

¹² Catalina Amuedo-Dorantes & Francisca Antman, *Can authorization reduce poverty among undocumented immigrants? Evidence from the Deferred Action for Childhood Arrivals program*, Elsevier, 147 Econ. Lett. 1, 1 (2016).

¹³ Roberto G. Gonzales, et al., *Becoming DACAmented: Assessing the Short-Term Benefits of Deferred Action for Childhood Arrivals (DACA)*, 58 Am. Behav. Sci. 1852, 1855 (2014).

Undocumented youth encounter additional hurdles in their education because of their ineligibility for federal and state financial aid, paid internships, and study opportunities that require identification. On top of all these challenges is the constant fear of being deported that wreaks havoc on mental health, causing many undocumented immigrants to suffer from anxiety, depression, and suicidal thoughts.

What makes DACA so significant is that, in just five years, it has led to improved socioeconomic and health outcomes—including for American-citizen children. Researchers have found that the odds of life in poverty in households headed by DACA recipients fell by 38%.¹⁴

The story of M.R., presented in Part I above, illustrates this finding. M.R. has three U.S.-citizen siblings. DACA helped him obtain a driver's license and secure employment as a homecare worker so that he can help his parents financially support their family and also pick up his siblings from school. DACA has produced these kinds of tangible gains for the majority of its recipients. According to one survey, the program has led to new employment for 59% of recipients, 45% of whom also experienced salary growth.¹⁵ 55% of recipients were also able to purchase a vehicle while more than 10% purchased their first home.¹⁶

Looking at improved health outcomes, a study from Stanford University found that since 2012, the diagnoses

¹⁴ Amuedo-Dorantes & Antman, *Can authorization reduce poverty*, at 1.

¹⁵ Gonzales et al., *Becoming DACAmented*, at 1863.

¹⁶ Center for American Progress & FWD.us, *Study: The Impact of DACA Program Repeal on Jobs*, at 5.

of adjustment and anxiety disorders for the American children of DACA-eligible parents fell by an astounding 50%.¹⁷ Such “immediate and sizable improvements in the mental health of their U.S. citizen children . . . suggests that parents’ unauthorized status is a substantial stressor that stymies normal child development and . . . transfer[s] parental [health] disadvantages to children.”¹⁸

These improvements are likely only preliminary, due to DACA’s short existence, and the program can reasonably be expected to create more observable gains in the long term if it continues. As Stanford researcher Jens Hainmueller noted, “It’s not every day that public policy has such an immediate effect.”¹⁹

But nothing more clearly illustrates the value of DACA to its recipients than the fact that 78% of the law-abiding, American-raised young people eligible for the program have applied²⁰—in spite of its hefty \$495 fee and two-year limit. Ending DACA threatens all these advances, the improvements to come, and the hopes of young people like the union members and families described above.

¹⁷ Jens Hainmueller et al., *Protecting unauthorized immigrant mothers improves their children’s mental health*, 357 *Science* 1041, 1043 (2017).

¹⁸ *Id.*

¹⁹ Milenko Martinovich, *Rescinding DACA protections on immigrant mothers could have negative health impacts on their children, Stanford study finds*, *Stanford News* (Sept. 7, 2017), <https://perma.cc/ZMT5-K2MB>.

²⁰ Jens Manuel Krogstad, *DACA has shielded nearly 790,000 young unauthorized immigrants from deportation*, *Pew Research Center* (Sept. 1, 2017), <https://perma.cc/A5NW-HKYD>.

CONCLUSION

The judgment below should be affirmed.

Respectfully submitted,

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