

No. 21-40680

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

State of Texas; State of Alabama; State of Arkansas; State of Louisiana; State of
Nebraska; State of South Carolina; State of West Virginia; State of Kansas; State
of Mississippi,

Plaintiffs – Appellees,

v.

United States of America; Alejandro Mayorkas, Secretary, U.S. Department of
Homeland Security; Troy Miller, Acting Commissioner, U.S. Customs and Border
Protection; Tae D. Johnson, Acting Director of U.S. Immigration and Customs
Enforcement; Ur M. Jaddou, Director of U.S. Citizenship and Immigration
Services,

Defendants – Appellants,

Elizabeth Diaz; Jose Magaña-Salgado; Karina Ruiz De Diaz; Jin Park; Denise
Romero; Angel Silva; Moses Kamau Chege; Hyo-Won Jeon; Blanca Gonzalez;
Maria Rocha; Maria Diaz; Elly Marisol Estrada; Darwin Velasquez; Oscar
Alvarez; Luis A. Rafael; Nanci J. Palacios Godinez; Jung Woo Kim; Carlos
Aguilar Gonzalez; State of New Jersey,

Intervenor Defendants – Appellants.

On Appeal from the United States District Court for the
Southern District of Texas, Brownsville Division, No. 1:18-CV-68

**BRIEF OF UNITED WE DREAM AND 84 ORGANIZATIONS AS
AMICI CURIAE IN SUPPORT OF DEFENDANTS-APPELLANTS**

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CERTIFICATE OF INTERESTED PERSONS

Pursuant to Fifth Circuit Rules 29.2 and 28.2.1, the undersigned counsel of record for *Amici* certifies that the following persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Plaintiffs-Appellees:

State of Texas; State of Alabama; State of Arkansas; State of Louisiana; State of Nebraska; State of South Carolina; State of West Virginia; State of Kansas; State of Mississippi.

Defendants-Appellants:

United States of America; Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security; Troy Miller, Acting Commissioner, U.S. Customs and Border Protection; Tae D. Johnson, Acting Director of U.S. Immigration and Customs Enforcement; Ur M. Jaddou, Director of U.S. Citizenship and Immigration Services.

Intervenor Defendants-Appellants:

Elizabeth Diaz; Jose Magaña-Salgado; Karina Ruiz De Diaz; Jin Park; Denise Romero; Angel Silva; Moses Kamau Chege; Hyo-Won Jeon; Blanca Gonzalez; Maria Rocha; Maria Diaz; Elly Marisol Estrada; Darwin Velasquez; Oscar Alvarez; Luis A. Rafael; Nanci J. Palacios Godinez; Jung Woo Kim; Carlos Aguilar Gonzalez; State of New Jersey.

Amici:

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The Catholic University of America; California State University – Chico; Center for American Progress; Center for Popular Democracy; Central Washington University; Coalition for Humane Immigrant Rights (CHIRLA); Colgate University; The College of Wooster; Colorado College; Colorado Immigrant Rights Coalition; Colorado Mountain College; Colorado State University Pueblo; Colorado State University System; Cornell College; De Anza College; DePaul University; Dickinson College; Drexel University; Eastern Connecticut State University; Eastern Michigan University; Equal Justice Center; Foothill-De Anza Community College District; Grand Valley State University; HACC, Central Pennsylvania’s Community College; Hartnell College; The Hispanic National Bar Association; Immigration Hub; Institute for Holocaust and Genocide Studies; Interfaith Council for Peace & Justice; Ithaca College; Joliet Junior College; Justice Action Center; Keuka College; Kids in Need of Defense (KIND); LatinoJustice PRLDEF; Leadership Conference of Women Religious (LCWR); Los Angeles Mission College; Macalester College; Make the Road New York; Mexican American Legal Defense and Educational Fund (MALDEF); Marymount University; Metropolitan State University of Denver; Mississippi Center for Justice; National Education Association; National Immigration Law Center (NILC); The New School; Northampton Community College; Oberlin College; Pace University; Paul Quinn College; Pomona College; Portland State University; Presidents’ Alliance on Higher Education and Immigration; Refugee & Migrant Education Network; Ringling College of Art and Design; Rutgers University – Newark; Salt Lake Community College; Santa Clara University; Smith College; Soka University of America; South Asian Americans Leading Together (SAALT); Southern New Hampshire University; Teach for America; Tennessee Immigrant & Refugee Rights Coalition; Towson University; Trinity Washington University; The Trustees of the California State University; University of Massachusetts – Boston; University of Illinois – Chicago; University of Nevada – Reno; University of New Hampshire; University of Puget Sound; University of the Southwest; Wake Forest University; Wellesley College; William Paterson University; Williams College.

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Further, pursuant to Federal Rule of Appellate Procedure 26.1, United We Dream and the *amici* listed in the Appendix to this brief hereby state that they each have no parent corporation and that no publicly held company owns 10 percent or more of their stock.

/s/ Peter Karanjia
Peter Karanjia

Counsel for Amici Curiae

RULE 29(a) STATEMENT

This brief is submitted under Federal Rule of Appellate Procedure 29(a) with the consent of (or without the opposition of) all parties. Undersigned counsel for *amici curiae* certify that this brief was not authored in whole or part by counsel for any of the parties; no party or party's counsel contributed money for the brief; and no one other than *amici* and their counsel have contributed money for this brief.

/s/ Peter Karanjia
Peter Karanjia

Counsel for Amici Curiae

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Or. Rev. Stat. § 352.287 (2009)	9
S.C. Code Ann. § 59-101-430 (2008)	9
Tex. Educ. Code Ann. §§ 54.051-.057 (West 2005)	9
Other Authorities	
Catalina Amuedo-Dorantes & Francisca Antman, <i>Can Authorization Reduce Poverty among Undocumented Immigrants? Evidence from the Deferred Action for Childhood Arrivals Program</i> , 147 Econ. Letters (2016)	20
Associated Press, ‘Dreamer,’ Rhodes scholar Jin Park to attend State of the Union, NBC News (Jan. 31, 2019), https://nbcnews.to/2Bkbzvg	12
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Alexandra A. Chaidez & Sanjana L. Narayanan, <i>Harvard Senior Becomes First DACA Recipient to Win Rhodes Scholarship</i> , Harv. Crimson (Nov. 19, 2018), https://bit.ly/2QTJz7H	11
Deferred Action for Childhood Arrivals, Proposed Rule, 86 Fed. Reg. 53,736 (Sep 28, 2021).	20, 23
Democrats of the Comm. on Small Bus., <i>Report: Economic Impact of DACA: Spotlight on Small Business</i> (Feb. 2018), https://bit.ly/2JQKpRZ	7

Page(s)

Roberto G. Gonzales & Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA*, Am. Immigration Council (June 2014), <https://bit.ly/2mTP5xe> 15

American Dream and Promise Act of 2021, H.R. 6, 117th Cong. (2021-2022) 16

Misha E. Hill & Meg Wiehe, Inst. on Tax’n & Econ. Pol’y, *State & Local Tax Contributions of Young Undocumented Immigrants* (Apr. 2018), <https://bit.ly/2mWzYTL> 15-16

Sari Pekkala Kerr & William R. Kerr, *Immigrants Play a Disproportionate Role in American Entrepreneurship*, Harv. Bus. Rev. (Oct. 3, 2016) 17

Elira Kuka et al., *Do Human Capital Decisions Respond to the Returns to Education? Evidence from DACA*, Nat’l Bureau of Econ. Research (Feb. 2018), <https://bit.ly/2mTVOY7> 9

Jose Magaña-Salgado & Tom K. Wong, *Draining the Trust Funds: Ending DACA and the Consequences to Social Security and Medicare*, Immigrant Legal Res. Ctr. (Oct. 2017), <https://bit.ly/2mTN9F7> 7

Jin Park, *Opinion: I’m a Dreamer and Rhodes Scholar. Where Do I Belong?*, N.Y. Times (Jan. 11, 2009), <https://nyti.ms/2FuPTiW> 11

Caitlin Patler & Jorge A. Cabrera, *From Undocumented to DACAmented: Impacts of the Deferred Action for Childhood Arrivals (DACA) Program Three Years Following its Announcement* (June 2015), <http://bit.ly/1R7Sz1c> 8-9, 20

Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three-Years Later* 21, United We Dream (Oct. 2015), <https://bit.ly/2osP9Vl> 10

Presidents’ Alliance on Higher Education and Immigration & New American Economy, *Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?* (Mar. 2021), <https://bit.ly/3dQITOI> 10

Press Release, U.S. Census Bureau, *Highest Educational Levels Reached by Adults in the U.S. Since 1940* (Mar. 2017), <https://bit.ly/2nFBkSb> 10

	Page(s)
<i>Protecting Dreamers and TPS Recipients: Hearing Before the H. Comm. on the Judiciary</i> , 116th Cong. (2019), https://bit.ly/2mWoIGZ	11
Sofar Sounds, <i>Mannywellz - Alright Rendition Sofar NYC</i> , YouTube (Jan. 23, 2017), https://bit.ly/2man6ct	18
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Nicole Prchal Svajlenka, <i>What We Know About DACA Recipients in the United States</i> , Ctr. for Am. Progress (Sep. 5, 2019), https://ampr.gs/2kvp0DE ...6, 7, 20, 23	
Tom K. Wong et al., <i>New DHS Policy Threatens to Undo Gains Made by DACA Recipients</i> , Ctr. for Am. Progress (Oct. 5, 2020), https://ampr.gs/3EV6MiU .	5-6
Tom K. Wong et al., <i>2020 National DACA Study</i> (Oct. 2020), https://bit.ly/3oUJDm	4-6, 9-10, 15-17, 20
Kimberly Yam, <i>NYC Celebrated First Undocumented Rhodes Scholar With ‘Jin Park Day’</i> , Huffington Post (Apr. 17, 2019), https://bit.ly/2nNpUfO	12

INTEREST OF *AMICI CURIAE*

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

UWD is joined by 84 organizations, including social service, educational, and advocacy organizations that work with DACA recipients and beneficiaries in Texas and across the United States. A full listing of *amici* appears in the Appendix.

INTRODUCTION AND SUMMARY OF ARGUMENT

In this brief, United We Dream and 84 organizations offer a glimpse into the lives of the more than 590,070 young people who have placed their trust in, and organized their lives around, the DACA program.

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

The sample stories below include, among many others, a graduate of the University of North Texas at Dallas who started a nonprofit to promote higher education and provide youth counseling services; an ICU nurse who provides urgent care at hospitals overwhelmed with COVID-19 patients; a Rhodes scholar from South Korea with a bright future in health science; a small-business owner and Grammy-award winning musician, born in Nigeria; a critically-acclaimed, Mexican chef; and an entrepreneur and mother of five who, after serving at the Chamber of Commerce, launched her own translation and interpreter business. *Amici* hope to illustrate how, from their diverse backgrounds spanning the globe, DACA recipients are now fully part of their communities and the broader fabric of America.

Their stories of resilience, generosity, and accomplishment epitomize the American dream. If the District Court's decision upending DACA is allowed to stand, however, it would put countless DACA recipients in grave danger of deportation and cause massive disruption to their lives—tearing apart families and uprooting productive members of society from the networks that rely on them. Affirming the invalidation of DACA would have devastating ripple effects that extend well beyond the DACA recipients into every community in the United States.

ARGUMENT

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

DACA has enabled hundreds of thousands of immigrant youth to live their lives in the open, fully realizing their potential and contributing to their local communities. Most DACA recipients arrived in the United States when they were just six years old or younger—indeed, nearly a quarter of surveyed DACA recipients were under the age of four—and two-thirds in that survey no longer have any close family members in the country of their birth. Tom K. Wong et al., *2020 National DACA Study* 7, 21 (Oct. 2020), <https://bit.ly/3oUJDrn> (“Wong et al.”). For these promising young people, the United States is the only home they have ever known. They’ve grown up here, gone to school here, played sports here, and built families here. They play critical roles in their communities—as entrepreneurs who create jobs, as family members who support hundreds of thousands of U.S. citizens, as public servants who teach our children, and as essential health care workers who fill critical needs during the COVID-19 pandemic. In short, they have become fully integrated into the fabric of American society.

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

deportation. DACA was life-changing. For the first time, these individuals could obtain work authorizations, a Social Security number, and a driver's license. As a result, DACA recipients can open bank accounts, apply for credit for their small businesses, and access other resources to support their families and local communities, and local economies. As *Lidia D.*, a DACA recipient now in her twenties, explains, "DACA gave me a sense of liberty." Thanks to her deferred action, Lidia was able to relocate from her home in Nebraska to accept job opportunities in California and Nevada—opportunities that would have been out-of-reach for her without a four-year college degree, a work authorization, or the ability to board a plane.

With these essential keys to self-reliance and success, DACA recipients have drawn on their remarkable talents, ingenuity, and dedication to make ever greater contributions to this nation. According to one survey, after receiving deferred action, nearly 60% of DACA recipients—approximately 350,000 individuals—entered the American workforce for the first time. Wong et al., *supra*, at 2. And about 70% of DACA recipients pursued educational opportunities previously foreclosed to them. *Id.* at 5. Altogether, 92% of DACA recipients are employed or enrolled in an educational program. Tom K. Wong et al., *New DHS Policy Threatens to Undo*

Gains Made by DACA Recipients, Ctr. for Am. Progress (Oct. 5, 2020), <https://ampr.gs/3EV6MiU>.

Their greater educational attainment and better jobs have translated into increased financial independence—which has been crucial not only for supporting their families and social networks, but also for contributing to broader economic growth. One 2019 study found that DACA recipients and their households hold a combined annual spending power of \$24.1 billion. Nicole Prchal Svajlenka, *What We Know About DACA Recipients in the United States*, Ctr. for Am. Progress (Sep. 5, 2019), <https://ampr.gs/2kvp0DE> (“CAP Report”). Eighty-four percent reported that their increased earnings have helped them become financially independent. Wong et al., *supra*, at 2. Approximately 65% of DACA recipients bought a car. *Id.* Over 20% became homeowners. *Id.* Collectively, DACA recipients own 59,000 homes and make \$613.8 million in annual mortgage payments. CAP Report, *supra*. Seventy percent of DACA recipients have applied for and received their first credit card, while more than half have opened a bank account. Wong et al., *supra*, at 2. In short, DACA has opened a world of financial independence and opportunity that was once inaccessible.

These higher wages also increase tax revenues at all levels of government. Employers automatically deduct payroll taxes from DACA recipients’ paychecks—

even though those individuals are ineligible for many of the social programs supported by these taxes. One report estimated that DACA recipients and their households pay a combined \$8.8 billion in federal, state, and local taxes annually. CAP Report, *supra*; see also Democrats of the Comm. on Small Bus., *Report: Economic Impact of DACA: Spotlight on Small Business* at 5 (Feb. 2018), <https://bit.ly/2JQKpRZ> (estimating \$5.87 billion in taxes from DACA-eligible individuals). Another study estimates that tax revenue for Social Security and Medicare alone would decrease by \$39.3 billion over a decade if the contributions of DACA-eligible individuals were lost. Jose Magaña-Salgado & Tom K. Wong, *Draining the Trust Funds: Ending DACA and the Consequences to Social Security and Medicare*, Immigrant Legal Res. Ctr. (Oct. 2017), <https://bit.ly/2mTN9F7>. And, even under a conservative estimate, the combined economic costs and fiscal impact of deporting DACA recipients amount to an eye-popping \$283 billion over a decade. Ike Brannon & Logan Albright, *The Economic and Fiscal Impact of Repealing DACA*, Cato Inst. (Jan. 18, 2017), <https://bit.ly/2k1hn1R>. Other estimates are even higher. See, e.g., Nicole Prchal Svajlenka et al., *A New Threat to DACA Could Cost States Billions of Dollars*, Ctr. for Am. Progress (July 21, 2017), <https://ampr.gs/2uI9Deh> (estimating \$460.3 billion impact).

This substantial body of empirical data is borne out by the representative stories of the DACA recipients described below. Not only would the judicial invalidation of DACA be devastating for the program’s recipients and their families, it would also have negative repercussions for our nation’s economy—and the impacts on some local economies could be severe. If allowed to stand, the decision below would destroy a program that works for millions of people—DACA recipients and U.S. citizens alike—and deal a staggering blow to American progress.

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

By design, DACA opens a world of educational opportunities for young immigrants. A key prerequisite for obtaining DACA’s protection is that the applicant (i) pursue a high school diploma or GED certificate or (ii) be enrolled in a qualifying educational program. As a result, many undocumented young people are motivated to stay in school and maximize their educational potential.

DACA also makes it easier for young immigrants to invest in their education. *First*, many undocumented students are forced to drop out because they are unable to both work to cover tuition fees and study at the same time, but DACA allows its recipients to obtain better-paying jobs, so they can more easily afford school. Caitlin Patler & Jorge A. Cabrera, *From Undocumented to DACAmented: Impacts of the Deferred Action for Childhood Arrivals (DACA) Program Three Years Following*

its Announcement at 18 (June 2015), <http://bit.ly/1R7Sz1c> (“Patler Report”). Fully 86% of DACA recipients say they are better able to fund their educations by earning more. Wong et al., *supra*, at 2; *accord* Patler Report, *supra*, at 5. As a result, young immigrants are better equipped to respond to the current needs of the labor market, fulfil their career potential, and serve as role models for their communities.

Second, DACA offers a pathway to higher education. DACA recipients can enroll in public colleges and universities in States where undocumented students are otherwise barred from attending. *E.g.*, Ala. Code § 31-13-8; S.C. Code Ann. § 59-101-430. Several States—including Texas—allow DACA recipients to attend public colleges and universities at in-state or reduced tuition rates, just like their U.S. citizen peers. *See* Tex. Educ. Code Ann. §§ 54.051-057; *see also* Or. Rev. Stat. § 352.287; N.J. Stat. Ann. 18A:3B-79; N.Y. Educ. Law §§ 355(8), 6206(7)(a).

With barriers to opportunity removed, it is not surprising that thousands of DACA recipients have pursued greater educational opportunities. In 2018, the National Bureau of Economic Research found that DACA eligibility correlated with greater high-school attainment and college attendance. Elira Kuka et al., *Do Human Capital Decisions Respond to the Returns to Education? Evidence from DACA*, NBER (Feb. 2018), <https://bit.ly/3dMA1ID>. Indeed, across the country, there were approximately 181,000 DACA recipient and DACA-eligible students in higher

education as of March 2021. Presidents' Alliance on Higher Education and Immigration & New American Economy, *Undocumented Students in Higher Education: How Many Students are in U.S. Colleges and Universities, and Who Are They?* (Mar. 2021), <https://bit.ly/3dQITOI>. As a survey by *amicus* United We Dream found, 30% of respondents credited DACA for bringing them back into the classroom. Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three-Years Later* at 11, UWD (Oct. 2015), <https://bit.ly/2osP9Vl>. Of the respondents currently in school, 76% were pursuing a bachelor's degree or higher. Wong et al., *supra*, at 5. Nearly half of DACA recipients twenty-five or older have completed a bachelor's degree or higher, compared to one-third of Americans in the same age bracket. *Compare id.* at 6, with Press Release, U.S. Census Bureau, *Highest Educational Levels Reached by Adults in the U.S. Since 1940* (Mar. 2017), <https://bit.ly/2nFBkSb>.

Like hundreds of thousands of other immigrant youth, ***Jin Park*** used DACA as a springboard to greater educational opportunities. The first DACA recipient to receive a Rhodes Scholarship, Jin arrived in New York from South Korea when he was just seven years old.¹ For years, his father worked in restaurants and his mother

¹ Jin Park, *Opinion: I'm a Dreamer and Rhodes Scholar. Where Do I Belong?*, N.Y. Times (Jan. 11, 2009), <https://nyti.ms/2FuPTiW>; *see also* Alexandra A. Chaidez & Sanjana L. Narayanan,

worked in beauty salons to build a life for their family in Flushing, Queens. A brilliant student, Jin nonetheless applied to 34 colleges out of fear that his immigration status would limit his opportunities. He took his insights into the college admissions process to found Higher Dreams, a non-profit that partnered with the Boston Public School system to help undocumented students gain access to higher education. He also currently serves as a chapter leader for Define American (a non-profit that advocates for fair representation of immigrants in the media). Jin has even testified before Congress about how DACA fundamentally changed his life.²

Now a 25-year-old Harvard graduate with degrees in Molecular and Cellular Biology, Jin is in his second year at Harvard Medical School. With this foundation, Jin is interested in working to improve health policy for immigrants and underserved communities. Although his family and community have celebrated his accomplishments—New York City declared April 16th “Jin Park Day”³—the

Harvard Senior Becomes First DACA Recipient to Win Rhodes Scholarship, Harv. Crimson (Nov. 19, 2018), <https://bit.ly/2QTJz7H>.

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

³ Kimberly Yam, *NYC Celebrated First Undocumented Rhodes Scholar With ‘Jin Park Day’*, Huffington Post (Apr. 17, 2019), <https://bit.ly/2nNpUfO>. See also Associated Press, *‘Dreamer,’ Rhodes scholar Jin Park to attend State of the Union*, NBC News (Jan. 31, 2019), <https://nbcnews.to/2Bkbzvg>.

precariousness of Jin’s position was never far from his mind. After eight months of uncertainty, Jin’s advance parole application was approved, allowing him to pursue his studies abroad at the University of Oxford. But having his future put on hold was a grim reminder to Jin: “No matter how hard I work or what I achieve, I will never know if I have a place in America, my home.”⁴

Yazmin I.’s mother left behind a career as a physician in Mexico to give her three daughters better opportunities in the United States. An excellent student who dreamed of following in her mother’s footsteps, Yazmin discovered at sixteen that she was undocumented when she tried to find work to support her family following her mother’s stroke. Her status as an undocumented immigrant in Arizona (and later New Mexico) was a serious obstacle to continuing her education and accessing scholarships. Thanks to DACA, Yazmin is now a second-year General Surgery Resident at the University of New Mexico Hospital (“UNM”), which has been stretched during the pandemic. Yazmin was recently honored with an intern-of-the-year award by the UNM Department of Surgery. She is also proud to serve her community, including mentoring young people through the New Mexico Dream Team and volunteering her time to provide free health check-ups for immigrant families. However, Yazmin needs a Social Security number to continue providing

⁴ Statement of Jin K. Park 11.

health care services as a resident physician, and her professional aspirations depend on DACA's continuation.

By authorizing undocumented individuals to work, DACA has broadened the diversity and skill set of our nation's workforce. Deferred action is thus especially important when it comes to the education, science, technology, engineering, mathematics, and health care sectors, where maintaining U.S. leadership in an increasingly global economy is critical. As the stories of young men and women described above demonstrate, undocumented immigrants represent a pool of highly skilled talent that is in fierce demand. The District Court's decision threatens to eliminate all of this.

After migrating with his parents from Mexico at just three years old, *Yahir L.*, now 18, spent his childhood in Kansas City. A strong student, Yahir dreamed of entering the medical field to help expand access to health care for immigrants, like his own family, who still worry that a trip to the doctor could expose them to deportation. While Yahir's first-time DACA application was under review during his senior year of high school, he was accepted by Northwest Missouri State University. Facing severe processing delays amidst the COVID-19 pandemic, he waited patiently to hear back about his DACA application—but it was too late: He was forced to decline his offer to Northwest Missouri State. After the District Court

issued the decision below, Yahir's application was frozen, and with it were his plans to begin working on campus to support his family financially and study pre-med. While he pursues his associate's degree, Yahir is now looking at jobs in construction to help provide for his family, and he volunteers at his local church by distributing meals to low-income families and individuals facing homelessness.

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

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

1. DACA Increases Job Opportunity and Earning Power

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

DACA, however, has enabled these young people to obtain work authorizations for the first time. As a result, just sixteen months into the program, 59% of respondents in one survey reported having found a new or different job.

Roberto G. Gonzales & Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA*, Am. Immigration Council (June 2014), <https://bit.ly/2mTP5xe>. In another survey—conducted from August to September 2020—approximately two-thirds of respondents over twenty-five reported that DACA had allowed them to get a job that either made the best use of their qualifications or paid better. And for DACA recipients who pursued higher education, the opportunities for professional development are particularly striking. While employment rates increased by 98% for DACA recipients across the board (from 45% of respondents employed to 89%), those who obtained degrees from four-year colleges were more than *1.5 times* as likely to obtain new jobs and increase their earnings as DACA beneficiaries who never went to college. *See Wong et al., supra*, at 2-3.

DACA's benefits are also mutually reinforcing. When freed from the fear of looming deportation and able to work legally, DACA recipients work harder, are more productive, and earn more. *See Misha E. Hill & Meg Wiehe, Inst. on Tax'n & Econ. Pol'y, State & Local Tax Contributions of Young Undocumented Immigrants* (Apr. 2018), <https://bit.ly/2mWzYTL>; Wong et al., *supra*, at 2. Overall, DACA recipients' salaries doubled on average—from an annual salary of \$22,594 (pre-DACA) to \$47,979 (post-DACA). Wong et al., *supra*, at 3-4. As a result, one of the

most dramatic effects of DACA is to catapult low-income individuals with great potential into higher-earning jobs. In short, DACA facilitates the American Dream.

Sana A., born in Pakistan and raised in Saudi Arabia, today works at a top-four, global auditing firm. Now a permanent resident thanks to DACA, Sana is grateful to be “mak[ing] more money than [her] parents have ever made in their life,” but she remains acutely aware of how vulnerable the situation is for many DACA recipients. After a problem with her DACA paperwork caused Sana to temporarily lose her deferred-action status, her previous employer, a major multinational company, was forced to place her on a three-month leave of absence and then let her go. The instant her status was restored, she was re-hired. As Sana’s story illustrates, rescinding DACA not only hurts its recipients, it also hurts U.S. employers, who will lose an estimated \$6 billion in worker turnover costs (including hiring and training) if talented young people, like Sana, are forced out of the country’s workforce. H.R. 6, 117th Cong. (2021-2022). Particularly as attrition has accelerated during the pandemic and employers struggle to find qualified workers,⁵ the harm to the national economy of removing the tens of thousands of talented DACA recipients from the workforce will be ever more profound.

⁵ See, e.g., Kathryn Dill, “America’s Workers Are Leaving Their Jobs in Record Numbers,” Oct. 15, 2021, *Wall St. Journal*.

2. *DACA Has Jump-Started a Wave of Entrepreneurialism*

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

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

on YouTube have received hundreds of thousands of views—and he has worked on several Grammy Award-winning projects.⁶ DACA allows him the freedom to travel to perform for his fans in concerts across the nation. Ever-grateful for these opportunities, Emmanuel is proud to give back: Proceeds from his merchandise sales go to support other DACA recipients, and he mentors youth through his church to spread words of love and acceptance. His single, “American Dream,” has become a major success, and he aims to deliver a message of hope to all people that they too can thrive amidst adversity.

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

⁶ See, e.g., Sofar Sounds, *Mannywellz - Alright Rendition | Sofar NYC*, YouTube (Jan. 23, 2017), <https://bit.ly/2man6ct>.

businesses, Maricruz is pursuing a master's degree in Legal Studies at the University of Baltimore, where she also earned a bachelor's degree in Philosophy, Law, and Ethics. She now hopes to become an attorney. For Maricruz, "DACA is not just a legal status, it's an opportunity for this country."

Zaid C. is another young immigrant who seized this opportunity. One of four children raised by a single mother, Zaid is the co-founder and executive chef of a critically-acclaimed restaurant in Missouri that is in the process of expanding to a second location. The recipient of numerous local and national culinary accolades—including Chef of the Year in 2020 in Kansas City—he spearheads community-education initiatives in partnership with the Kansas-Missouri Dream Act Alliance.

The District Court's decision threatens to undo all of this. The continuation of DACA is thus critical not only to maintain the businesses of talented immigrant youth, but also to permit other individuals to grow and prosper.

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

With the greater job, salary, and financial-planning opportunities that come with work authorizations and Social Security numbers, DACA recipients are better able to support themselves and their families. A 2016 study found that DACA-eligible households were 38% less likely than non-eligible undocumented immigrant households to live in poverty. Catalina Amuedo-Dorantes & Francisca Antman, *Can*

Authorization Reduce Poverty among Undocumented Immigrants? Evidence from the Deferred Action for Childhood Arrivals Program, 147 Econ. Letters 1-4 (2016). Over 80% of surveyed DACA recipients reported that they could make enough money to financially support their family. Wong et al., *supra*, at 2. And many family members of DACA recipients are U.S. citizens. Nearly 1.5 million Americans live with someone who is a DACA recipient. CAP Report, *supra*. Three-quarters of individuals granted deferred action under DACA have an immediate family member who is a U.S. citizen. Wong et al., *supra*, at 8; Patler Report, *supra*, at 26. According to another survey, 17% have a U.S. citizen spouse, and 28% have a U.S. citizen child. Wong et al., *supra*, at 9. Altogether, 256,000 U.S. citizen children have a parent who is a DACA recipient. CAP Report, *supra*; see also *Deferred Action for Childhood Arrivals, Proposed Rule*, 86 Fed. Reg. 53,736, 53,738 (Sept. 28, 2021) (“Proposed Rule”).

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

translation and interpretation business. In addition to overseeing her business, Angelica has served for the past four years as a Department of Justice-accredited representative at the Western Oaks Church of the Nazarene. Through the Church, Angelica helps low-income clients access immigration legal support and services.

Angelica also volunteers regularly to support local entrepreneurs and help children who have terminal illnesses via the Make-A-Wish Foundation. Angelica is proud of what she has achieved with DACA: “I’m living proof that I’ve been able to accomplish a lot . . . and help my community. . . . [Yet, w]e have to continue to prove that we are people.”

Victor E. likewise helps provide for his family’s financial needs—and he has put his family’s interests ahead of his own. As one of only two people in his immediate family of five legally able to work, he had put his college plans on hold while he helps pay his family’s bills and his siblings’ tuition by working full-time as a manager of a clothing store in Houston, Texas. Victor had dreams of working in the veterinary field, but those dreams were thwarted when he was rejected from two veterinary programs due to his uncertain immigration status. If Victor’s DACA protection is rescinded, he will never be able to become a veterinarian, as either a Social Security number or DACA is required.

When *Aurora L.*, twenty-three, learned that her DACA application would be frozen, she felt devastated and worried about her family's financial security. Aurora, who currently lives in San Antonio, Texas, arrived in the U.S. when she was just one year old. A straight-A student with dreams of becoming a child psychologist, Aurora looked forward to attending college and getting a job to help her family. Aurora's mother became severely ill with a kidney infection, and Aurora's father's medical issues have made it difficult for him to find regular work, which put significant pressure on her two older siblings—her sister is a U.S. citizen and her brother is a DACA recipient—to support the family of six. Aurora feels especially anxious about the toll the additional work has taken on her older sister, who is currently battling leukemia. For Aurora, her hope is that by getting DACA protection and securing a job, she can provide much-needed financial support to her family and relieve the burden on her sister.

For these inspiring young people and their families, DACA has been a critical lifeline. DACA recipients have been able to secure better jobs that take full advantage of their skills, translating into greater pay and financial support for their loved ones. Without DACA, many of these families would become more isolated and less secure—and would face the devastating possibility of separation due to

deportation. In these and other ways, DACA strengthens the families of undocumented immigrants and U.S. citizens alike.

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

DACA recipients also dedicate their lives to public service—further enriching their local communities and the country in a manner that will no longer be possible if DACA is unwound. Some 25,000 DACA recipients work for nonprofit organizations, while 22,000 work in the public sector. CAP Report, *supra*. Moreover, 16,000 DACA recipients (including many of the above) are educators and 30,000 are health care professionals. Proposed Rule at 53,738.

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

Education with an emphasis on English for Students who Speak Other Languages. She also looks forward to starting a master's program in Special Education & Disabilities Studies next fall.

Now a schoolteacher in Salem, Oregon, Maricruz has taught children ranging from pre-kindergarten to elementary school. She is able to drive to work, build a credit history, and support her family. Through her work with the Oregon DACA Coalition and the Oregon Child Development Coalition, Maricruz has been a powerful advocate for the rights of immigrants and agricultural workers. She finds deep fulfillment in her teaching and volunteering: "I want to be able to give back. We are part of this community."

Other DACA recipients help meet the urgent health care needs of their communities. For instance, *Luis A.*, who came to the United States from Mexico at the age of seven, has been working as a nurse since receiving DACA's protection in 2013. In 2010, Arkansas passed a law prohibiting anyone without a Social Security card from obtaining a nursing license. Luis, then a nursing student, was devastated. But, through DACA, Luis was able to get a Social Security number, obtain his nursing license, and begin work as a nurse in a cardiovascular Intensive Care Unit ("ICU"). He has since been certified to work in Neuroscience, Trauma, and Surgical ICUs, and began working in COVID-19 ICUs in February 2020.

While hospitals (and, in particular, ICUs) struggle to manage the surge in patients with COVID-19, Luis helps fill a critical need during the country's continued shortage of qualified nurses. Luis has relocated to hospitals that are understaffed or lack staff with appropriate training to treat their local communities, especially where COVID-19 cases are spiking. Yet, even as the pandemic has continued to devastate the nation, Luis was forced to stop working as a nurse in July 2021, after his DACA protection expired and he encountered renewal delays. Although his renewal application has since been granted, he waited for months to receive his updated DACA card and documentation in order to return to work. While he was out of work and unable to care for patients in a critical time of need, Luis could not help but be reminded of how DACA's continuation is crucial to not only his own future, but also his ability to help those around him whose lives are literally at stake.

Likewise, through her work at a hospital, *Sandra A.*, a graduate of the University of North Texas at Dallas, has become acutely aware of the lack of access to mental-health services faced by youth in her Texas hometown. As her passion for immigration-related issues grew, Sandra was able to start a non-profit—Professional Opportunity Connection for All—that offers services to undocumented individuals

including setting up LLCs, highlighting employment opportunities, and reviewing resumes.

DACA recipients who have devoted their careers to serving the public are not only teachers and nurses. *Juan S.*, who arrived in the U.S. from Mexico as a thirteen-year-old boy, is now in his thirties and works as a loan officer for a Community Development Financial Institution. He assists farmers and entrepreneurs in the food industry in rural communities and provides local business owners with technical assistance and business development. Recently, Juan became a consultant for the Valley Community Small Business Development Center in Fresno, California, where he provides business-management coaching to start-ups and small businesses. Juan feels empowered by DACA and the knowledge that his actions have had a positive impact on his local community—but he still worries daily that, with DACA’s fate in peril, all of his hard work could be undone in an instant.

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

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

Tasneem A. learned that he was undocumented at the age of fifteen, when his parents decided that his performing at Carnegie Hall would put him in too much danger of being deported. Born with a weak immune system, Tasneem was brought to the United States from Bangladesh when he was just nine months old. While a full-time student at the University of Oklahoma, Tasneem works tirelessly to financially support his family. In addition to supporting his family's businesses, he founded a business that provides fundraising, communications, and graphic design for local, state, and federal campaigns. DACA has given Tasneem a voice: He has supported the work of the Human Rights Taskforce in Oklahoma City, Oklahoma Progress Now, and local electoral campaigns; as a professional community organizer, he has mobilized his local community to support Afghan refugees and others and has empowered survivors of violence; and as a performer, he has encouraged others to express themselves through the arts.

Bartosz K. immigrated to the United States from Poland when he was ten years old. After receiving DACA protection in 2012, he completed undergraduate studies in Michigan before getting his juris doctor from Wayne State University Law School. Along the way, Bartosz became a professional organizer. He has been involved in electoral campaigns at all levels—from door-knocker to campaign manager—and believes that his work strengthens American political discourse.

Now, Bartosz works as the national organizer for Community Change, using his talents to help make life better for low-income people. “For me,” Bartosz explains, “the U.S. has always felt like home, but prior to DACA, I worried every day about what would happen to me.”

Cinthia P. was only one year old when her family entered the United States. Experiencing her father’s traumatic detention and deportation—coupled with the anxiety of living as an undocumented immigrant in Louisiana—led Cinthia into a downward spiral of depression and even thoughts of suicide. Despite her 4.0 GPA, Cinthia’s undergraduate options were limited due to her undocumented status: She was excluded from most scholarships, and her family had to work multiple full-time jobs to pay for college. DACA, however, allowed her to take a summer job as a law clerk for a nonprofit legal-services organization. Cinthia went on to graduate from the Loyola University New Orleans College of Law, and she is now an Assistant District Attorney in New Orleans. “With DACA,” she says, “I am able to serve the people of Orleans, advance public safety, [and] aid victims of domestic violence and violent crimes.”

Moises R., now twenty-three, was just five years old when his family left Mexico and relocated to Tennessee in search of a better life. Before DACA, “every single day was a gamble.” Between his parents saving for weeks to pay for his initial

\$465 DACA application fee and a nonprofit helping him file it, DACA was a worthwhile investment that has already unlocked tremendous opportunities for Moises. The proud recipient of a scholarship, Moises has graduated from the University of Chicago, and is the co-founder and Field Director of Semillas—a grassroots community organization in his hometown of Chattanooga. Moises plans to go to grad school, establish his own school, and even run for public office. “[A]fter I got DACA,” he observed, “I was able to . . . start living.”

* * *

As the stories discussed above illustrate, DACA has had a profound and positive impact on the lives of hundreds of thousands of immigrant youth with deep ties to this country—and for the even larger numbers of family members, friends, classmates, colleagues, neighbors, and community members whose lives are enriched by their contributions and fellowship. The lives of both DACA recipients and American citizens are inextricably interwoven. And, by any measure, DACA has been an unqualified success. The decision below, however, threatens to obliterate this success by upending the lives of countless DACA recipients—as well as the lives of their friends, families, and communities, all of whom have relied on DACA’s promise.

CONCLUSION

For the foregoing reasons and the reasons explained by Defendants-Appellants, this Court should reverse the judgment of the U.S. District Court for the Southern District of Texas.

Respectfully submitted,

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December 15, 2021

APPENDIX

LIST OF AMICI

1. United We Dream
2. Adler University
3. Amherst College
4. Antioch College
5. Arizona State University
6. Asian American Legal Defense and Education Fund (AALDEF)
7. Bates College
8. Cabrini University
9. The Catholic University of America
10. California State University – Chico
11. Center for American Progress
12. Center for Popular Democracy
13. Central Washington University
14. Coalition for Humane Immigrant Rights (CHIRLA)
15. Colgate University
16. The College of Wooster
17. Colorado College
18. Colorado Immigrant Rights Coalition
19. Colorado Mountain College
20. Colorado State University Pueblo
21. Colorado State University System
22. Cornell College
23. De Anza College
24. DePaul University
25. Dickinson College
26. Drexel University
27. Eastern Connecticut State University

28. Eastern Michigan University
29. Equal Justice Center
30. Foothill-De Anza Community College District
31. Grand Valley State University
32. HACC, Central Pennsylvania's Community College
33. Hartnell College
34. The Hispanic National Bar Association
35. Immigration Hub
36. Institute for Holocaust and Genocide Studies
37. Interfaith Council for Peace & Justice
38. Ithaca College
39. Joliet Junior College
40. Justice Action Center
41. Keuka College
42. Kids in Need of Defense (KIND)
43. LatinoJustice PRLDEF
44. Leadership Conference of Women Religious (LCWR)
45. Los Angeles Mission College
46. Macalester College
47. Make the Road New York
48. Mexican American Legal Defense and Educational Fund (MALDEF)
49. Marymount University
50. Metropolitan State University of Denver
51. Mississippi Center for Justice
52. National Education Association
53. National Immigration Law Center (NILC)
54. The New School
55. Northampton Community College
56. Oberlin College

57. Pace University
58. Paul Quinn College
59. Pomona College
60. Portland State University
61. Presidents' Alliance on Higher Education and Immigration
62. Refugee & Migrant Education Network
63. Ringling College of Art and Design
64. Rutgers University – Newark
65. Salt Lake Community College
66. Santa Clara University
67. Smith College
68. Soka University of America
69. South Asian Americans Leading Together (SAALT)
70. Southern New Hampshire University
71. Teach for America
72. Tennessee Immigrant & Refugee Rights Coalition
73. Towson University
74. Trinity Washington University
75. The Trustees of the California State University
76. University of Massachusetts – Boston
77. University of Illinois – Chicago
78. University of Nevada – Reno
79. University of New Hampshire
80. University of Puget Sound
81. University of the Southwest
82. Wake Forest University
83. Wellesley College
84. William Paterson University
85. Williams College

CERTIFICATE OF COMPLIANCE

I certify that this corrected brief complies with the applicable type-volume limitation set forth in Federal Rule of Appellate Procedure 29(a)(5), because it contains 6,487 words, excluding the portions of the brief exempted by Federal Rule of Appellate Procedure 32(f).

I further certify that this brief complies with the typeface and type style requirements of Federal Rule of Appellate Procedure 32(a)(5) and (a)(6) because it has been prepared using Microsoft Word 2013 in a proportionally spaced typeface (Times New Roman, 14 point).

/s/ Peter Karanjia
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Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that, on December 15, 2021, I caused to be filed electronically the foregoing corrected brief with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

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