

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-40238

STATE OF TEXAS; STATE OF ALABAMA; STATE OF GEORGIA; STATE OF IDAHO; STATE OF INDIANA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MONTANA; STATE OF NEBRASKA; STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE OF UTAH; STATE OF WEST VIRGINIA; STATE OF WISCONSIN; PAUL R. LEPAGE, Governor, State of Maine; PATRICK L. MCCRORY, Governor, State of North Carolina; C. L. "BUTCH" OTTER, Governor, State of Idaho; PHIL BRYANT, Governor, State of Mississippi; STATE OF NORTH DAKOTA; STATE OF OHIO; STATE OF OKLAHOMA; STATE OF FLORIDA; STATE OF ARIZONA; STATE OF ARKANSAS; ATTORNEY GENERAL BILL SCHUETTE; STATE OF NEVADA; STATE OF TENNESSEE,

Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA; JEH CHARLES JOHNSON, SECRETARY, DEPARTMENT OF HOMELAND SECURITY; R. GIL KERLIKOWSKA, Commissioner of U.S. Customs and Border Protection; RONALD D. VITIELLO, Deputy Chief of U.S. Border Patrol, U.S. Customs and Border of Protection; SARAH R. SALDANA, Director of U.S. Immigration and Customs Enforcement; LEON RODRIGUEZ, Director of U.S. Citizenship and Immigration Services,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
AMERICAN IMMIGRATION COUNCIL, NATIONAL IMMIGRATION
LAW CENTER, SERVICE EMPLOYEES INTERNATIONAL UNION, AND
OTHERS IN SUPPORT OF APPELLANT UNITED STATES SEEKING
REVERSAL OF PRELIMINARY INJUNCTION**

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Pursuant to Federal Rule of Appellate Procedure 29 and Fifth Circuit Rule 29, the American Immigration Council, National Immigration Law Center, Service Employees International Union and 151 other immigrants' rights, civil rights and labor organizations ("*amici curiae*" or "*amici*") submit the accompanying brief in support of Defendants-Appellants' request that the preliminary injunction entered by the district court be reversed. All parties have consented to this filing and this motion is unopposed. Thus, *amici* have authority to file pursuant to F.R.A.P. 29(a).

I. Interest of Amici

The American Immigration Council ("Immigration Council") is a nonprofit organization established to increase public understanding of immigration law and policy, advocate for the just and fair administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America's immigrants. The Immigration Council engages in impact litigation, appears as *amicus curiae* before administrative tribunals and federal courts, provides technical assistance to immigration lawyers across the country, and has played a key role in implementing Deferred Action for Childhood Arrivals ("DACA"). The Immigration Council has a substantial interest in the issues presented in this case, which bear directly on the scope of executive

authority and the proper administration of the enforcement-related provisions of the immigration laws.

The National Immigration Law Center (“NILC”) is the primary national organization in the United States exclusively dedicated to defending and advancing the rights and opportunities of low-income immigrants and their families. Over the past 35 years, NILC has won landmark legal decisions protecting fundamental rights, and advanced policies that reinforce our nation’s values of equality, opportunity, and justice. NILC has worked extensively on the implementation of the DACA program, and works closely with organizations led by DACA recipients. NILC’s interest in the outcome of this case arises out of a concern that, if adopted, Plaintiffs’ interpretation of federal law would have an adverse impact on prospective deferred action recipients, their families, and other low-income immigrants who would be able to improve their financial position via deferred action.

The Service Employees International Union (“SEIU”) is an international labor organization representing approximately two million working men and women in the United States and Canada employed in the private and public sectors. Many of SEIU’s members are foreign-born U.S. citizens, lawful permanent residents, or immigrants authorized to work in the United States. Many

of SEIU's members have mixed-status families. SEIU and its members also have an interest in the Deferred Action Initiative because of its benefits to the economy.

In addition to these three organizations, Exhibit A identifies an additional 151 organizations joining in this proposed brief of *amici curiae*. All of these organizations are public interest groups seeking to further immigrants' rights, civil rights, and labor interests. Exhibit A also includes a statement of interest for each of these organizations. *Amici* have a substantial interest in the outcome of this case, which implicates the subject matter of their advocacy and directly impacts the communities they serve. The brief submitted herewith will assist this Court by providing additional context and perspective as to why the preliminary injunction entered by the district court should be reversed. In particular, *amici* present information within their expertise demonstrating the harms that the injunction has caused and will continue to cause, the public interest in the Deferred Action Initiative, and the discretion afforded DHS officers under the initiative.

Accordingly, *Amici* respectfully request that the Court accept the accompanying *amicus curiae* brief.

Dated April 6, 2015

Respectfully submitted,

/s/ Jonathan Weissglass

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EXHIBIT A

AMICI STATEMENT OF INTEREST

1. ACLU of Nevada is the only organization in Nevada dedicated solely to protecting the constitutional rights and civil liberties of every individual in the state. The ACLU of Nevada has played an integral role in the Nevada Immigrant Coalition, and through our other legislative, advocacy and legal work we are committed to expanding the civil liberties and civil rights of non-citizens and to combating public and private discrimination against immigrants.
2. Action NC is a statewide, grassroots community organization with offices in Raleigh, Durham, and Charlotte whose mission is to confront and reduce the root causes of poverty, underdevelopment, and social and economic inequality through grassroots education, training, organization and mobilization. Over 50 percent of Action NC's membership is made up of immigrant families who would qualify for both the Deferred Action for Parents of Americans and Lawful Permanent Residents ("DAPA") and Deferred Action for Childhood Arrivals ("DACA") programs. Because of their immigration status, many of Action NC's members have difficulties in finding quality healthcare, jobs, and affordable housing. Action NC's interest in the outcome of this case arises out of a concern that, if Plaintiffs' arguments prevail, they would have an adverse impact on the lives of these prospective deferred action recipients, their families, local economies, and the communities in which they reside.
3. The Advancement Project ("AP") is a next generation, multi-racial civil rights organization. Rooted in human rights struggles for equality and justice, AP exists to fulfill America's promise of a caring, inclusive and just democracy. AP uses innovative tools and strategies to strengthen social movements and achieve high impact policy change. AP combines law, communications, policy, and technology to create workable solutions and achieve systemic change on issues of democracy, voting rights, and access to justice. Its immigrant justice project works with grassroots organizations that serve and advocate on behalf of immigrants, including undocumented immigrants, many of whom would be eligible for DAPA and DACA. Many of these immigrants have lived and worked in their communities for a number of years and fear separation from their families as a result of enforcement actions by local, state and federal law enforcement. AP is concerned about the arguments

on which Plaintiffs' case is based and is also concerned about the outcome for countless foreign-born communities of color if deferred action does not move forward.

4. AIM for Equity is a national network of over 25 national and local Asian American, Native Hawaiian and Pacific Islander organizations, working together as a force for health justice to ensure access to the highest quality and culturally competent health care. Through advocacy, impact of collective power and community mobilization, AIM for Equity is committed to ensuring that Asian American, Native Hawaiian and Pacific Islander communities, many of whom would benefit from expanded DACA and DAPA, can live without fear of deportation and receive access to opportunities that enable them to live fruitful lives in American society.
5. Alabama Coalition for Immigrant Justice ("ACIJ") is a grassroots, statewide network of individuals and organizations that works to advance and defend the rights of immigrants in Alabama. Our coalition consists of six non-profit organizations, 14 grassroots immigrant community organizations and hundreds of individual members. ACIJ has seen first-hand the benefits of DACA with our members and their families. If this initiative were enjoined ACIJ members that would benefit from deportation relief and work authorization would be negatively impacted, and families would continue to be torn apart.
6. Alliance for a Just Society ("AJS") is a national network of 14 racial and economic justice organizations based in states across the country. The AJS's mission is to execute regional and national campaigns and build strong state affiliate organizations and partnerships that address economic, racial, and social inequities. AJS and its state affiliates have been involved in state and national campaigns advancing justice for immigrant communities for 15 years, and our state affiliates' memberships include DACA recipients and families who would benefit from the new deferred action initiative jeopardized by this lawsuit. AJS is concerned that Plaintiffs' suit will harm our affiliates' members and their families by preventing them from receiving deferred action status and leaving the threat of deportation that divides families in place.
7. Alliance of Filipinos for Immigrant Rights and Empowerment ("AFIRE") is a local non-profit organization in Chicago, Illinois, working to build the capacity of the Filipino American community to effect transformative social

change through grassroots education, action, research, and services. AFIRE is committed to support the implementation of the Administration's executive actions. Many aspiring immigrants, including Asian Americans, will benefit from expanded DACA and DAPA. AFIRE believes that implementing DACA and DAPA is the right thing to do so millions of aspiring immigrants can live without fear of deportation and receive access to opportunities that enable them to live fruitful lives in American society.

8. Alliance San Diego's mission is to empower San Diego's diverse people and organizations to engage more effectively in their communities and in the civic process. Alliance San Diego works to reform immigration policies that separate families and subject border residents to abuse of our civil and constitutional rights. At least 90,000 San Diego residents would benefit from temporary relief through extended DACA and DAPA. Alliance San Diego's believes these initiatives would ensure that all of their friends and neighbors are empowered to achieve their full potential.
9. The American Friends Service Committee ("AFSC") founded in 1917, is a Quaker organization that promotes lasting peace with justice, as a practical expression of faith in action. AFSC directly supports immigrant and refugee communities across the United States while advocating in Washington, DC for humane and just policy reform. AFSC provides educational and leadership development opportunities to prospective deferred action recipients. AFSC works with families who have been devastated because of aggressive enforcement policies, and recognizes that many of its community partners would benefit from temporary relief through the extended DACA and DAPA initiatives.
10. The American Immigration Lawyers' Association ("AILA") is a national association with more than 13,000 members throughout the United States, including lawyers and law school professors who practice and teach in the field of immigration and nationality law. AILA seeks to advance the administration of law pertaining to immigration, nationality, and naturalization; to cultivate the jurisprudence of the immigration laws; and to facilitate the administration of justice and elevate the standard of integrity, honor, and courtesy of those appearing in a representative capacity in immigration and naturalization matters. AILA's members practice regularly before the Department of Homeland Security ("DHS"), immigration courts, and the Board of Immigration Appeals ("BIA"), as well as before the United

States District Courts, Courts of Appeal, and the Supreme Court of the United States.

11. Americans for Immigrant Justice’s mission is to protect and promote the basic human rights of immigrants through a unique combination of free direct services, impact litigation, policy reform, and public education at local, state, and national levels.
12. America’s Voice Education Fund (“AVEF”) is a national, non-profit organization dedicated to harnessing the power of American voices and American values to enact policy change that guarantees full labor, civil, and political rights for immigrants and their families. AVEF works in partnership with progressive, faith-based, labor, civil rights, and grassroots groups, networks and leaders to policies and legislation that will stabilize the lives of 11 million Americans-in-waiting and put them on the road to full citizenship. A subset of this group is eligible for the enhanced DACA and DAPA initiatives, but they have been unable to move forward with their lives while this lawsuit is under consideration. The lawsuit directly impact AVEF’s mission and goals as the organization works to improve the lives of immigrants and their U.S. citizen and legal resident children and spouses.
13. Arab American Action Network (“AAAN”) is a local non-profit organization in Chicago, Illinois, providing social services, education, advocacy, cultural outreach, and youth development programming for Arab Americans and Arab immigrants across Greater Chicago. The AAAN is committed to ensuring that the Arab American community, many of whom would benefit from expanded DACA and DAPA, can live without fear of deportation and receive access to opportunities that enable them to live fruitful lives in American society.
14. Arab American Family Services (“AAFS”) is a non-profit organization in Bridgeview, Illinois, working to change and impact the quality of life by serving and building stronger and healthier generations of Arab Americans in our community. Through various efforts such as local advocacy, community outreach, and education, AAFS is committed to ensuring that the Arab American community, many of whom would benefit from expanded DACA and DAPA, can live without fear of deportation and receive access to opportunities that enable them to live fruitful lives in American society.

15. Arizona Asian Pacific American Vote Alliance (“AAPAVA”), is a non-profit, non-partisan, advocacy organization dedicated to the social, economic, and political well-beings of Asian Pacific Americans (“APA”) and other underserved communities through voter education, protection, registration, and GOTV advocacy. AAPAVA recognizes the importance of DACA and DAPA to the APA communities and supports its implementation.
16. The Arkansas United Community Coalition (“AUCC”) is an immigrants’ rights nonprofit organization that was founded in 2010 to bring together Arkansas-based organizations and individuals, across sectors, with the mission to promote meaningful immigrant integration at the local and state levels, supporting immigrants and other multicultural communities to be agents of positive change in Arkansas. AUCC is a member of several coalitions throughout the country and in the Southern region of the United States. The membership and program participants of AUCC include individuals who are eligible for deferred action under the initiative challenged in this litigation, and who plan to apply. If the initiative is enjoined, AUCC and its members would be seriously harmed, as members and their families would be unable to benefit from the initiative.
17. Asian American Legal Defense and Education Fund (“AALDEF”), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all. AALDEF advocates for fair immigration policies that recognize the human rights of undocumented immigrants in the United States, promote family reunification, enforce worker protections for all, eliminate racial and ethnic profiling, and end other discriminatory practices that violate due process. AALDEF also provides legal assistance to undocumented immigrants who may be eligible for the DACA program. AALDEF plans to represent individuals who would qualify for expanded DACA and DAPA.
18. Asian Americans Advancing Justice-AAJC (“Advancing Justice | AAJC”) is a national, non-profit organization in Washington, D.C., working to advance the civil and human rights of Asian Americans and promote a fair and equitable society for all. Through public policy advocacy, litigation, and community outreach and education, Advancing Justice | AAJC is committed to ensuring that Asian Americans and their families, many of whom are beneficiaries of expanded DACA and DAPA, receive just treatment and

access to opportunities that enable them to integrate and thrive in American society.

19. Asian Americans Advancing Justice-Asian Law Caucus (“Advancing Justice | ALC”) was founded in 1972 with a mission to promote, advance, and represent the legal and civil rights of Asian and Pacific Islanders, with a particular focus on low-income members of those communities. Advancing Justice | ALC is part of a national affiliation of Asian American civil rights groups, with offices in Los Angeles, Chicago, Washington DC, and Atlanta. Advancing Justice | ALC’s regular work includes direct legal services, impact litigation, community education, and policy work on behalf of undocumented immigrants and their families.
20. Asian Americans Advancing Justice | Atlanta (“Advancing Justice | Atlanta”) is the first non-profit law center dedicated to promoting the civil, social and economic rights of Asian immigrants and refugees in the Southeast. Advancing Justice | Atlanta designs policies rooted in the South, is a leader of immigrant civic engagement work, and defends the rights of people and communities. The South has experienced the largest Asian population growth in the past 10-15 years, has endured the largest increase in the population of low-wealth Asian immigrants and refugees, and also is home to large undocumented immigrant populations many of whom are eligible for expanded DACA and DAPA.
21. Asian Americans Advancing Justice | Chicago (“Advancing Justice | Chicago”) is a pan-Asian, non-partisan, not-for-profit organization located in Chicago, Illinois, whose mission is to empower the Asian American community through advocacy, coalition-building, education, and research. Advancing Justice | Chicago is a member of the national Asian Americans Advancing Justice affiliation. Advancing Justice | Chicago maintains programs that include community organizing, leadership development, and legal advocacy. Advancing Justice | Chicago is deeply concerned about ensuring equitable treatment and access to opportunities and services for all. This includes Asian Americans and their family members, many of whom are beneficiaries of the expansion of DACA and implementation of DAPA. Accordingly, Advancing Justice | Chicago has a strong interest in this case.
22. Asian Americans Advancing Justice | Los Angeles (“Advancing Justice | LA”), formerly the Asian Pacific American Legal Center, is the nation’s largest legal and civil rights organization for Asian Americans, Native

Hawaiians, and Pacific Islanders. Advancing Justice | LA serves more than 15,000 individuals every year, including immigrant youth, victims of human trafficking, and their families. Since its founding in 1983, Advancing Justice | LA has worked on numerous cases and policy initiatives to promote and protect immigrants' rights. Advancing Justice | LA provides legal assistance to Asian Americans and their families, many of whom are beneficiaries of expanded DACA and DAPA.

23. The Asian & Pacific Islander American Health Forum (“APIAHF”), founded in 1986, is the oldest and largest health advocacy organization working with Asian American, Native Hawaiian, and Pacific Islander communities across the nation, in the U.S. Territories, and with the U.S.-affiliated Pacific jurisdictions. APIAHF influences policy, mobilizes communities, and strengthens programs and organizations to improve the health of Asian Americans, Native Hawaiians, and Pacific Islanders, many of whom would qualify for expanded DACA and DAPA. The question presented in this case is of particular interest to APIAHF because APIAHF is dedicated to protecting the civil rights of all communities.
24. Asian & Pacific Islander American Vote - Michigan (“APIAVote-MI”) is a nonpartisan organization committed to justice and equity for the Asian American community through grassroots mobilization, civic engagement, leadership development, and coalition building. An estimated 50,000 contributing residents, a number of whom are Asian Americans, stand to benefit from the expansion of DACA and DAPA in the State of Michigan, where the Governor has publicly supported efforts to ensure that Michigan is one that welcomes all immigrants as valuable contributors to American society.
25. Asian Law Alliance (“ALA”) is non-profit organization in San Jose, California working to provide the Asian and Pacific Islander and low-income population in Santa Clara County with equal access to the legal system so they can develop self-sufficiency, self-reliance, and a better quality of life. To implement the organizational mission, ALA provides direct legal services, preventative community education and community organizing. Many potential beneficiaries of expanded DACA and DAPA reside in Santa Clara County and ALA is prepared to assist them understand and access the application process.

26. Asian Pacific American Labor Alliance, AFL-CIO (“APALA”) is the first and only national organization of Asian American and Pacific Islander (“AAPI”) union members and allies to advance worker, immigrant, and civil rights. APALA is committed to mobilizing key stakeholders to ensure undocumented Americans, especially those from AAPI communities, have access to expanded DACA and DAPA that provides working class families the opportunities for prosperity and growth.
27. Asian Pacific American Network of Oregon (“APANO”) is a statewide community non-profit organization based in Portland, Oregon. We work to win equity for all our communities by addressing the root causes of disparities and advocating for systems change. Through community organizing, leadership development and civic engagement, APANO supports policies and programs that keep our families together, and ensuring they have the rights, resources and recognition to thrive.
28. Asian Pacific Community in Action (“APCA”) was created in 2002 to meet the health-related needs of Asian American and Pacific Islander individuals and families residing in Maricopa County, Arizona. APCA provides access to preventive services such as hepatitis B screening and vaccination, mammograms, diabetes testing, and tobacco prevention and cessation information, among many other advocacy and direct service programs.
29. Asian Services In Action, Inc. (“ASIA”) empowers Asian American and Pacific Islanders in Northeast Ohio to access quality culturally and linguistically appropriate information and services. As the largest pan-Asian serving organization in the State of Ohio, ASIA annually serves over 10,000 individuals, including beneficiaries of expanded DACA and DAPA. ASIA is committed to providing justice and fairness for the immigrant families in Ohio who will boost productivity, strengthen the economy, and continue the American Dream.
30. Asociación de Liderazgo Comunitario is a grassroots, nonprofit organization based in City Heights, San Diego. Asociación de Liderazgo Comunitario’s mission is to strengthen a holistic leadership process through education and organizing in the San Diego region. For more than three decades the migrant community has been suffering a tremendous lag in opportunities and justice, leaving many families at risk of being separated and in extreme poverty conditions. Asociación de Liderazgo Comunitario believes that this not only reflects a step back on the historical advances for migrants and for civil rights,

but also in the growth of a nation forged by migrants. Asociación de Liderazgo Comunitario believes that if DAPA and the expansion of DACA remain blocked, the only thing that will stay is a system that sets apart a great diversity of people who contribute to the greatness of this country. Asociación de Liderazgo Comunitario believes that this is the time to reaffirm the basis for a solid, fair and inclusive immigration reform.

31. The Association of Asian Pacific Community Health Organizations (“AAPCHO”) is a national association of 35 community health centers, including 29 Federally Qualified Health Centers. AAPCHO advocates for the unique and diverse health needs of Asian American, Native Hawaiian, and Pacific Islander communities, including undocumented AAPIs, and the community health providers that serve their needs.

32. The Beloved Community Center of Greensboro, North Carolina (“BCC”) is a community-based, grassroots empowerment-oriented organization established in 1991. Rooted in Dr. Martin Luther King, Jr.’s legacy of proactive struggles for racial and economic justice, democracy and beloved community, the BCC envisions and works toward social and economic relations that affirm and realize the equality, dignity, worth, and potential of every person. The BCC stands against policies and practices that marginalize any person or group because of their race, national origin, citizenship, gender, sexuality, religion, age, economic, or social status. The BCC has helped feed immigrant families as part of our homeless hospitality ministry, and have worked with immigrant families to gain equitable treatment in the public school system and access to higher education. The BCC has a long history of supporting immigrant workers in advocating for humane treatment and justice in their workplaces. Much of the BCC’s work involves educating and promoting understanding among various, seemingly disparate groups, to define common interests and goals to build a welcoming nurturing community where the equality, dignity, worth, and enormous potential of all is realized and affirmed. North Carolina ranks among the top ten states where eligible parents and young immigrants would benefit from the DAPA and expanded DACA initiatives. The BCC believes full and equitable implementation of these initiatives will benefit North Carolina and contribute greatly to the building of a Beloved Community.

33. Black Alliance for Just Immigration (“BAJI”) is a racial justice and migrant rights organization which engages in education, advocacy, and cross-cultural alliance-building in order to end racism, criminalization, and economic

disenfranchisement of African American and Black immigrant communities. BAJI's headquarters are in Brooklyn, New York with additional offices in Oakland, California; Atlanta, Georgia; and Phoenix, Arizona. BAJI is the coordinating body of the Black Immigration Network ("BIN"), a national kinship of nearly 40 Black-led organizations that are connecting, training, and building towards policy and cultural shifts for a racial justice and migrant rights agenda. BAJI provides technical assistance to partner organizations, works with faith communities, engages in communication work, and initiates dynamic dialogues with African Americans and Black immigrants to discover more about race, our identities, racism and migration and globalization.

34. Boat People SOS ("BPSOS") is a national, nonprofit Vietnamese American community organization with the mission to empower, organize, and equip Vietnamese individuals and communities in their pursuit of liberty and dignity. BPSOS has dedicated the last 35 years to ensure Vietnamese Americans and their families, many of whom are beneficiaries of expanded DACA and DAPA, are treated fairly and have access to services and resources to better themselves as members of the American society.
35. The Border Network for Human Rights ("BNHR") is a grassroots, membership-led organization in El Paso, Texas and Southern New Mexico that has worked for over 16 years to organize marginalized populations to defend their human and civil rights, and advance the condition of themselves, their families, and their communities. BNHR has spent its existence working to advance humane approaches to comprehensive immigration reform, combatting a growing militarization of the U.S.-Mexico border, and working with law enforcement agencies to turn away from abusive practices and develop lasting relationships with border communities. BNHR does not inquire about immigration status, and has embraced working with communities that include mixed-status families, undocumented migrants, U.S. citizens, legal residents, and DACA recipients. BNHR also facilitates the Reform Immigration for Texas Alliance, a coalition of immigrant rights organizations throughout Texas, including the six largest metropolitan areas in the state. Through our work, BNHR has an interest in supporting deferred action programs that would benefit our communities socially and economically, as well as outcomes such as prevention of family separations that benefit individuals in our membership.
36. BreakOUT! seeks to end the criminalization of lesbian, gay, bisexual, transgender, and questioning ("LGBTQ") youth to build a safer and more just

New Orleans. Our organization has a history of working in solidarity with immigrant workers and day laborers in an effort to end the criminalization of queer and trans youth, as well as end the criminalization of immigrants. BreakOUT! believes that it is important that law enforcement organizations keep everyone safe. BreakOUT! knows that the immigrant community suffers through several systemic hardships that make it increasingly difficult to survive and make a living wage in Louisiana. Deferred action is one of the tools that, if sufficiently implemented, could potentially keep many families together, as well as positively impact the economy.

37. The California Immigrant Policy Center (“CIPC”) advances inclusive policies that build a prosperous future for all Californians, using policy analysis, advocacy, and capacity building to unlock the power of immigrants in California. CIPC has worked for more than a decade to protect and advance the rights of California’s immigrant communities. CIPC’s interest in the outcome of this case is due to the fact that, if adopted, the Plaintiffs’ interpretation of federal law would negatively impact California families and immigrants who will be eligible for deferred action.
38. The California Primary Care Association (“CPCA”) represents 1,100 non-profit community clinics and health centers (“CCHCs”) who provide care to more than 5.6 million patients each year. CCHCs, with their mission to serve all people regardless of language preference, citizenship status, or insurance coverage are the intersection between immigrant populations and health care. Their service provides a unique perspective in the health care and immigration reform debates and requires the attention of decision makers at all levels. The CPCA puts patients and their families at the center of care. The CPCA believes that healthy communities are the foundation of a safe and productive society. The CPCA also believes that the best way to be healthy is to stay healthy, in all areas of your life and therefore the outcome of this case is especially important to CPCA because it will advance the well-being of millions of low-income immigrants.
39. The Canal Alliance’s mission is to help low-income, Spanish-speaking immigrants acquire the tools they need to thrive. The Canal Alliance believes that immigrants will always be, as in the past, the life blood of a successful culture, society, and economy in the United States. The Canal Alliance believes that the sooner the United States reforms its immigration laws to embrace our immigrant population, the better off we will all be.

40. CASA's mission is to create a more just society by building power and improving the quality of life of low-income immigrant communities. CASA has more than 68,000 members who live primarily in Maryland and Virginia with smaller numbers in Delaware, Pennsylvania, and Washington, DC. CASA is the region's largest membership-based immigrant rights organization. CASA has more than 30 years of experience providing services and organizing low-income immigrants in the region and has tens of thousands of members and families that it expects to qualify for the President's expanded DACA or DAPA program. One example is community leader Roxana Orellana Santos who is the mother of three U.S. citizen children, two of whom are twins and are not yet three years old. The circumstances that prompted her to flee her home-country of El Salvador included years of abuse and death threats by her own father. For over a decade, she has led an exemplary life in the United States. Roxana, like many CASA members, would qualify for DAPA if the program moves forward.
41. The Center for Community Change ("CCC") is a nonprofit organization created in 1968 as the first project of the Robert F. Kennedy Memorial Foundation, intended by his friends and colleagues to carry on his vision and values. CCC's mission is to build the power and capacity of low-income people, especially low-income people of color, to change their communities and public policies for the better. For four decades, CCC has worked with hundreds of community-based organizations and networks of low-income people who represent the diversity of the United States. CCC has a substantial interest in the issues presented in this case, which will have a major impact on the families and communities CCC works with and on CCC's ongoing efforts to ensure the administrative policies announced by the President in November 2014 are implemented in a fair and robust manner.
42. The Center for Popular Democracy ("CPD") is a national organization that works to create equity, opportunity and a dynamic democracy in partnership with high-impact base-building organizations. In collaboration with over 40 community-based partner organizations that provide services and support to tens of thousands of immigrants, CPD pursues cutting-edge pro-immigrant policies at the state, local, and national level to protect the rights of immigrants. CPD, its partner organizations and the immigrant communities with which it works would be seriously harmed if Plaintiffs' position was adopted.

43. The Center for Public Policy Priorities (“CPPP”) is an independent public policy organization established in 1985. CPPP is a 501(c)(3) based in Austin, Texas that believes in a Texas that offers everyone the chance to compete and succeed in life. CPPP envisions a Texas where everyone is healthy, well-educated, and financially secure. CPPP wants the best Texas – a proud state that sets the bar nationally by expanding opportunity for all. To advance our vision, CPPP uses data and analysis to advocate for solutions that enable Texans of all backgrounds to reach their full potential. One in six Texans is an immigrant, with over 4.2 million immigrants calling Texas home. Because providing a pathway to citizenship for undocumented immigrants in Texas is good for the economy and the well-being of all Texans, we support common sense efforts to reform immigration policy, including the President’s Deferred Action Initiative.
44. The Central American Resource Center (“CARECEN”), Los Angeles, has assisted refugees and immigrants since 1983. CARECEN provides legal and educational services, and operates a Day Labor Center that promotes employment and job skills for immigrant workers. Having represented over 3,000 DACA applicants, CARECEN has seen the transformative role of deferred action in immigrants’ lives and economic prospects. This lawsuit challenges an executive action that would extend this opportunity to thousands of additional youth, families and workers that CARECEN serves.
45. The Central Ohio Worker Center (“COWC”) is an organization whose mission is to support, advocate for, and empower people in Central Ohio to address problems of poverty, workplace rights and equity, racial inequality, gender discrimination, immigration justice, and other social and economic issues. Many members of the COWC are immigrants and longtime residents of Central Ohio and individuals who are eligible for deferred action under the initiative challenged in this litigation. There are many who COWC is aware of that plan to apply and have attended COWC education sessions on how they need to be prepared. If the initiative is enjoined, worker center members would be affected and harmed. This includes many families that are vital to the Columbus, Ohio neighborhoods and vitality of the community.
46. Chinese American Service League is a nonprofit organization in Chicago, Illinois, working to strengthen the physical, economic, and mental health of people of all ages and backgrounds of the Chinese community in the greater Chicago area through comprehensive program activities that: (1) lead to family economic self-sufficiency; (2) strengthen families; (3) ease the cultural

transitions of individuals and families as they integrate into American society; and (4) engage in advocacy to achieve positive social systemic change. Chinese American Service League is committed to ensuring that those in the community, who would benefit from expanded DACA and DAPA, can live without fear of deportation and receive access to opportunities that enable them to live fruitful lives in the American society.

47. Chinese for Affirmative Action (“CAA”) was founded in 1969 to protect the civil and political rights of Chinese Americans and to advance multiracial democracy in the United States. Today, CAA is a progressive voice in and on behalf of the broader Asian and Pacific American community. CAA advocates for a society that fully embraces and values its immigrant population. CAA provides critically needed community education and outreach to protect immigrant rights. In this capacity, CAA provides Asian immigrants and the broader community with information about changes to immigration laws and ensures access to services and resources. CAA is currently providing outreach and referral services to immigrants who may be eligible for the DACA and DAPA programs.
48. The Cincinnati Interfaith Workers Center (“CIWC”) is a community organization leading our region forward on the issues of immigrant and worker justice. CIWC brings together low-wage workers through service, education, and leadership development. CIWC provides its community’s poorest residents with the tools they need to confront and prevent injustice. CIWC’s Worker Justice Program responds to community members experiencing wage theft, unjust terminations, and workplace injuries. The CIWC Immigrant Justice program has trained members on how to deal effectively with law enforcement. CIWC’s most active members are from immigrant families; these families have joined the CIWC to advocate for the normalization of immigrant family life and work life through meaningful immigration reform, including relief from unjust deportation. The executive action taken by President Obama will help our law abiding community members to contribute even more of their resources to the City of Cincinnati and the State of Ohio – the places CIWC calls home.
49. The Coalition for Humane Immigrant Rights of Los Angeles (“CHIRLA”) has worked to advance the human and civil rights of immigrants and refugees in Los Angeles and California. We strongly support President Obama’s November 2014 executive actions including the expanded DACA initiative

and DAPA, which are based on the long-established legal remedy of prosecutorial discretion called “deferred action.”

50. The Colorado Immigrant Rights Coalition (“CIRC”) is a statewide membership-based coalition of immigrant and ally organizations founded in 2002 to improve the lives of immigrants and refugees in Colorado and the United States. CIRC is a strong proponent of the DAPA and expanded DACA (“DACA+”) programs because they will significantly protect and strengthen Colorado’s families, economy, and workforce. Given Colorado’s current share of the U.S. economy, the Council of Economic Advisers estimates that DAPA and DACA+ will increase Colorado’s GDP by \$1.6 billion to \$3.7 billion over the next ten years. This growth in Colorado’s economy will translate into increased revenue for Colorado’s budget, job creation, and a higher quality of life for all Coloradans. Families are the bedrock of Colorado and American society. The DAPA and DACA programs will help keep families protected and together and allow parents, students, and family units to contribute more productively and positively to society. CIRC strongly and adamantly supports legal arguments to preserve and protect these vital initiatives.
51. Comunidades Unidas (“CU”) is a nonprofit organization in West Valley City, Utah that aims to empower the Latino community to recognize and achieve their own potential, and to be a positive force for change in the larger community. CU’s mission as an organization is for every Latino in its community to become a healthy, self-sufficient, and engaged member of the community by breaking down the cultural, social, linguistic, and economic barriers that prevent our community from accessible resources. CU believes this lawsuit is contrary to the well-being of our state’s economy and contrary to what the majority of Americans want and support. CU also believes that it is against Utah values and the widely supported Utah Compact, which outlines the support for policies that protect the human dignity of our immigrant community and avoid separation of families. CU believes that Utah families without documents should be able to apply for work permits through the deferred action initiatives and have the chance to live, work, and stay in the United States with their families. CU supports a diverse and culturally rich community, and a uniform immigration system that respects human rights and human dignity, values which are consistent with Utah’s pioneer heritage.
52. The Connecticut Immigrant Rights Alliance (“CIRA”) is a grassroots organization consisting of community activists, nonprofits, providers, faith,

labor, student, and other groups. CIRA advocates on behalf of all immigrants in our state, regardless of immigration status or any expression of identity. CIRA member groups serve many DACA- and DAPA-eligible individuals, families, and communities. CIRA also strives to support those who fall through the cracks of the current system. Because CIRA has direct knowledge of the harm caused to immigrant families by the ill-founded injunction, we support this amici brief seeking to reverse the Texas District Court's injunction staying the implementation of some aspects of the President's proposed executive action on immigration.

53. The Consejo de Federaciones Mexicanas en Norteamérica (“COFEM”) is a nonprofit organization based in Los Angeles whose mission is to empower immigrant communities to be full participants in the social, political, economic, and cultural life of the United States. Since its conception in 2005, COFEM has focused adamantly on issues of immigrant integration, education, and immigrant rights, while at the same time seeking to change the narrative around immigration, raising awareness about the many benefits that the immigrant community brings to this country. COFEM's interest in the outcome of this case arises out of a concern that, if adopted, Plaintiffs' interpretation of federal law would harm COFEM's membership which includes mixed-status families who are eligible for deferred action. COFEM believes that it would be an irreparable harm to destroy immigrant working families that love this country and only want the opportunity to contribute to this great nation and raise their children.
54. Define American uses the power of stories to transcend politics and shift the conversation on immigration, citizenship, and identity in a changing America. The organization was founded in 2011 by Pulitzer-prize winning journalist Jose Antonio Vargas, Jake Brewer, Jehmu Greene, and Alicia Menendez, and is a 501(c)(3) organization. In just three years, Define American has grown from an all-volunteer campaign into one of the most prominent national media organizations in the immigration and citizenship space. Define American's interest in the outcome of this case arises out of a concern that Plaintiffs advance an interpretation of federal law that is inconsistent with our heritage as a nation of immigrants and that such an interpretation, if adopted, would have an adverse impact on perceptions about potential deferred action recipients; immigrant parents of U.S. citizens and lawful permanent residents who would be able to maintain family continuity; immigrants who employ current United States citizens; and those who worship in our faith communities and are being educated in our schools. If Plaintiffs' position

were adopted, the founder of Define American and chair of its board of directors, Jose Antonio Vargas, as well as many individuals represented in videos, films, and educational initiatives of Define American could face deportation.

55. Dream Action Coalition's ("DRM's") mission is to advocate for just immigration policies by confronting decision-makers and empowering and educating our immigrant communities and allies across the country. We seek to change policies that affect the lives of immigrant families using our understanding of the legislative, regulatory, and political process; combining traditional and social media technology with advocacy for rapid response communications; building partnerships that enable us to mobilize across the country; building leadership in local communities; promoting civic engagement and bringing awareness to the American public by telling the stories of our community. As an undocumented-led organization and one of the key organizations who initially pressed the White House to take executive action immigration, the efforts to implement the expansion of DACA and DAPA is an organizational priority. DRM has organized forums to educate immigrant communities on the new policies as well as continuing our work to reform immigration laws and regulations.
56. El CENTRO de Igualdad y Derechos ("El CENTRO") is an immigrants' rights, workers' justice organization based in Albuquerque, New Mexico. The broken immigration system has had a chilling impact on El CENTRO's membership and has resulted in family separation, exploitation of workers, and economic instability of families. For that reason, El CENTRO's membership has fought for comprehensive immigration reform for over a decade. The organization took a lead role in Albuquerque to implement DACA in 2012, advocated with our national affiliates for President Obama to issue the executive actions on immigration that were announced on November 20, 2014, and is taking a lead role, along with many other local organizations, in developing an infrastructure to implement deferred action under the initiative challenged in this litigation. Many of El CENTRO's members are eligible to apply for DACA or DAPA and are planning to do so and if the initiative is enjoined, El CENTRO and its members would be seriously harmed, as members and their families would be unable to benefit from the initiative.
57. End Domestic Abuse Wisconsin is Wisconsin's coalition of domestic violence victim service providers and the voice for survivors in the state. End Domestic

Abuse Wisconsin understands that undocumented victims and their children often remain hidden and unable to access help because they fear removal from the county. Therefore, the organization supports the Deferred Action Initiative as it will make eligible individuals less susceptible to violence and abuse.

58. The Fair Immigration Reform Movement (“FIRM”) was founded in 2004 by the Center for Community Change. FIRM is now the nation’s largest grassroots immigration coalition, which has 40 members in 30 states working to advance the rights of immigrants across the country. FIRM has a substantial interest in the issues presented in this case, which will have a major impact on the families and communities FIRM works with and on FIRM’s ongoing efforts to ensure the administrative policies announced by the President in November 2014 are implemented in a fair and robust manner.
59. Farmworker Justice is a nonprofit organization that seeks to empower migrant and seasonal farmworkers to improve their living and working conditions, immigration status, health, occupational safety, and access to justice. Farmworker Justice accomplishes these aims through policy advocacy, litigation, training and technical assistance, coalition-building, public education, and support for union organizations. Farmworker Justice supports and advocates for the estimated 2.4 million farmworkers laboring on our farms and ranches to bring food to our tables. At least one-half of the farm labor force is undocumented, which has a devastating impact on farmworkers’ families, communities, and working conditions. As many as 700,000 farmworkers and their spouses may be eligible for the DAPA and expanded DACA deferred action programs.
60. The Florida Immigrant Coalition (“FLIC”) is a statewide alliance of more than 55 member organizations, including farmworkers, students, undocumented families, service providers, grassroots organizations, unions and legal advocates, who came together for the fair treatment of all Floridians, including immigrants. FLIC’s mission is to amplify the power of immigrant communities to impact the root causes of inequality, defending and protecting basic human rights, including the right to live without fear. FLIC recognizes the benefits and relief that both DAPA and the expansion of DACA would provide to the 253,000 eligible Floridians, including many of its direct members.

61. The Georgia Association of Latino Elected Officials (“GALEO”) is a 501(c)(6) statewide nonprofit and non-partisan organization created in 2003 to be a catalyst for increased civic engagement and leadership development of the Latino community in Georgia. GALEO has established itself as the leading Latino advocacy organization in Georgia and has been nationally recognized as a leader in promoting a federal solution to the immigration crisis through comprehensive immigration reform. GALEO supports the U.S. Department of Homeland Security’s administrative actions on immigration which has resulted in numerous tangible benefits to both the local and national economy, public safety, and Georgia cities’ residents, and opposes efforts to undo the foregoing administrative actions providing relief from deportation for thousands of workers and their families in Georgia, and seeking to end the highly successful DACA program, which provides temporary legal status to the young people known as “DREAMers.”

62. The Georgia Latino Alliance for Human Rights (“GLAHR”) established in 2001, organizes, educates, and empowers Latinos, regardless of immigration status, to mobilize in defense of their civil and human rights, and to wage campaigns in pursuit of immigration reform and social justice. A member of the Not1More campaign, GLAHR has mobilized DREAMers, their families, and other non-citizen community members to raise their voices, protest in the streets, and carry out acts of civil disobedience to demand for the administrative relief offered by President Obama’s deferred action programs and, more importantly, for an end to all deportations. Since the ruling of the federal court in Texas to delay these deferred action programs, GLAHR has laid the groundwork to implement them at the local level, arming Latino immigrants with the information and tools they need to access the deportation relief that they fought to achieve. Through its community organizing and policy advocacy efforts, GLAHR will continue to advocate and campaign for community members who will not receive relief under these programs.

63. The Hispanic Federation, Inc. is a nonprofit membership organization that works to empower and advance the Hispanic community through public policy advocacy, leadership development, and community revitalization projects. Established in 1990, Hispanic Federation (“HF”) has grown to become one of the premier Latino organizations in the nation. HF is greatly concerned about the *Texas v. United States* district court decision, which has the potential to separate hundreds of thousands of families across the United States. Through its network of service agencies, HF’s programs provide hundreds of individuals with DACA screenings and application assistance

every year. HF also provides scholarships for the DACA application fees to financially needy applicants. HF sees the direct impact that legal presence and work authorization has on the lives of individuals with DACA, such as obtaining driver's licenses, health insurance, and furthering meaningful careers.

64. The Hispanic Interest Coalition of Alabama (“¡HICA!”) is a 501(c)(3) nonprofit organization dedicated to the social, civic, and economic integration of Hispanic families and individuals in Alabama. ¡HICA! engages and empowers Alabama’s Hispanic community and its numerous cultures as an economic and civic integrator, social resource connector, and statewide educator.
65. The Hispanic National Bar Association (“HNBA”) is a nonprofit, nonpartisan, national professional association that represents the interests of over 50,000 attorneys, judges, law professors, and other legal professionals of Hispanic descent in the United States and its territories. The HNBA has 46 affiliated bars in numerous states across the country. The HNBA’s continuing mission is to improve the study, practice, and administration of justice for all Americans by ensuring the meaningful participation of Latinos in the legal profession. Since its inception in 1972, the HNBA has served as the national voice for Latinos in the legal profession and has promoted justice, equity, and opportunity for Latinos. The HNBA also serves as the voice of the broader Latino community on issues that significantly impact the interactions of Latinos and our legal system. As such, the HNBA has a vested interest in the largely Latino undocumented population residing in the United States and supports the DACA and DAPA programs which strengthen our economy and maximize the contributions of hardworking Latino DREAMers and their families that contribute to the prosperity of our great nation.
66. HOLA Ohio is a Latino grassroots organization focusing on community organizing, advocacy, leadership development, and civic engagement. Since 1998, HOLA has worked to improve quality of life for immigrant laborers who work in the nursery and landscape industry, a main economic driver of northeast Ohio. The unfettered enforcement of our nation’s outdated immigration laws through deportations and detentions is devastating families and children of immigrant laborers—with repercussions that will impact the social and economic fabric of our communities for years to come. Thus, HOLA Ohio joins in this amicus brief and urges the court to allow the

temporary protections outlined by the president's executive actions until Congress can update our immigration laws.

67. The Idaho Community Action Network ("ICAN") is a 501(c)(3) nonprofit and membership-driven organization that is committed to advancing economic and racial justice by building power and providing a voice for underrepresented Idahoans who have been historically disenfranchised, including immigrants. ICAN's membership includes individuals who are eligible for deferred action under the initiative challenged in this litigation. ICAN members and their families would be harmed by the separation of parents from their American-born children.
68. The Illinois Coalition for Immigrant and Refugee Rights ("ICIRR") is Illinois' largest multiethnic immigrant advocacy organization. ICIRR is dedicated to promoting the rights of immigrants and refugees to full and equal participation in the civic, cultural, social, and political life of our diverse society. In partnership with our member organizations, the Coalition educates and organizes immigrant and refugee communities to assert their rights; promotes citizenship and civic participation; monitors, analyzes, and advocates on immigrant-related issues; and, informs the general public about the contributions of immigrants and refugees. ICIRR has advocated for immigrants who would benefit from deferred action through legislative and policy work, community organizing, education, and media and communications work. In particular ICIRR has led the Illinois is Ready campaign to ensure that immigrant communities and the organizations that serve them are informed about and prepared for the deferred action programs at issue in this case.
69. Iowa Citizens for Community Improvement is a grassroots membership based nonprofit organization with 3,200 members across Iowa. Iowa Citizens for Community Improvement organizes Iowans on a variety of social justice issues including many issues affecting the Latino community. Its membership includes Latino immigrants including many who would be eligible for deferred action under the initiative challenged in the litigation, and who plan to apply. Iowa Citizens for Community Improvement also works with immigrants on workplace issues and sees this initiative as beneficial for immigrant workers and the economy as a whole. If the measure is blocked, the organization will continue to see those who could have benefitted, struggle with workplace exploitation because of lack of immigration status.

70. The Japanese American Citizens League (“JACL”), founded in 1929, is the nation’s oldest and largest Asian American nonprofit, non-partisan organization and is committed to securing and maintaining civil rights for persons of Japanese ancestry and others. Since its inception, the JACL has proactively championed the rights of Asian immigrants and their families, including its efforts in the successful passage of the McCarran-Walter Immigration and Nationality Act of 1952 and the Hart-Celler Immigration and Nationality Act of 1965. Through this brief, the JACL offers its strong support for DACA, DAPA, and similar initiatives that positively impact Asian Americans communities.

71. Jobs With Justice (“JWJ”) is a national network bringing together labor, community, student, and faith at the national and local levels to fight for employment security and a decent standard of living for workers. JWJ’s interest in the deferred action programs is based on the knowledge that the ability to work with status is the single most important protection for workers to exercise their rights to improve conditions and wages, and that this will impact all workers, citizen and immigrant alike, as well as decent employers who play by the rules.

72. Junta for Progressive Action, Inc. is a 501(c)(3) nonprofit organization located in the Fair Haven neighborhood of New Haven, Connecticut. Founded in 1969, the mission of Junta is to provide services, programs, and advocacy that improve the social, political, and economic conditions of the Latino community in Greater New Haven. Junta is strongly committed to defending the civil rights of the community, and serves many clients who are affected by the deferred action programs currently being challenged by this litigation, and who plan to apply if and when the programs are allowed to continue. Junta has already addressed questions from concerned clients who worry they will not be able to benefit from the deferred action initiatives if the programs remain enjoined.

73. KAN-WIN is a local nonprofit organization in Chicago, Illinois, working to eradicate all forms of violence against women, including domestic violence and sexual assault, by empowering Asian American survivors and engaging the community through culturally competent services, community education and outreach, and advocacy. Through its bilingual domestic violence and sexual assault services, KAN-WIN is committed to ensuring that Asian American victims of gender-based violence can participate in the U.S. justice system and seek assistance from the law enforcement without fear of

deportation, and access resources and opportunities that enable them to gain stability and safety.

74. Korean Immigrant Workers Advocates of Southern California (“KIWA”) founded in 1992, KIWA is a membership-based organization promoting the leadership and rights of immigrant working people and their families.
75. Korean American Community Services (“KACS”) is a local nonprofit organization in Chicago, Illinois, with a suburban office in Prospect Heights, providing comprehensive social, health, educational, health, and cultural services to Korean Americans and others in need. Through direct service, advocacy, and education, KACS is committed to ensuring that many eligible members of the Korean American community benefit from expanded DACA and DAPA, live without fear of deportation, and receive access to opportunities that enable them to live fruitful lives in American society.
76. The Korean American Resource and Cultural Center (“KRCC”) is a local nonprofit organization in Chicago, Illinois, working to empower the Korean American and Asian American community through education, community organizing, advocacy, social service, and culture. Through various efforts such as local advocacy, community outreach, and education, KRCC is committed to ensuring that the Asian American community, many of whom would benefit from expanded DACA and DAPA, can live without fear of deportation and receive access to opportunities that enable them to live fruitful lives in America.
77. The Korean Resource Center (“KRC”) is a grassroots organization in Los Angeles and Orange County, California that is dedicated to empowering the Korean American community and low-income immigrant and people of color communities through a holistic model that combines education, social services, and culture with effective community advocacy and organizing. An estimated 1.37 million immigrants in California, many of whom are Korean American or Asian American, are potentially eligible for the existing DACA, expanded DACA, and DAPA programs, which promote a means to better support one’s family and live without fear of deportation.
78. La Fuente, a Tri-State Worker & Community Fund, Inc. (“La Fuente”), is a nonpartisan 501(c)(3) organization that empowers immigrants, workers, and their communities across the New York Metropolitan area to take action through grassroots organizing, leadership development, and civic

participation. La Fuente's projects develop local neighborhood committees to lead campaigns that bring about positive changes in immigrant communities. La Fuente facilitates regular monthly meetings in working communities to share information and plan activities and events. Members, given opportunities to learn and voice their civic concerns through La Fuente's programs, have contributed to the vital civic and leadership role immigrants play in the region. In educating eligible individuals to gather materials for DAPA and DACA under the proposed expansion, La Fuente and its member-leaders are striving to ensure that the crucial work of immigrants, many of whom know only this country as their home, is recognized and can continue to enrich communities in New York, New Jersey, and Connecticut.

79. The Labor Council for Latin American Advancement ("LCLAA") is a national organization representing the interests of approximately 2.2 million Latino trade unionists in the United States and Puerto Rico. Founded in 1973, LCLAA builds coalitions between the Latino community and unions in order to advance the civil, economic, and human rights of all Latinos.
80. Lambda Legal Defense & Education Fund, Inc. ("Lambda Legal") is the nation's oldest and largest nonprofit legal organization committed to achieving full recognition of the civil rights of lesbian, gay, bisexual, and transgender ("LGBT") people and people living with HIV through impact litigation, education, and public policy work. Lambda Legal actively litigates and advocates for LGBT and HIV-affected immigrants and asylum seekers, and its work has helped establish important immigration jurisprudence. *See, e.g., Hernandez-Montiel v. INS*, 225 F.3d 1084 (9th Cir. 2000) (recognizing that individuals may be protected against removal to countries in which they would face persecution based on their sexual orientation); *Pitcherskaia v. INS*, 118 F.3d 641 (9th Cir. 1997) (ruling that lesbians and gay men who suffer violence in their homelands need not prove the malicious intent of persecutors claiming that they act only to "cure" gay people such as with forced psychiatric hospitalization, electroshock therapy, or drugs). Lambda Legal's advocacy concerning immigration also frequently involves the organization's Proyecto Igualdad, an outreach and education project focused on serving Latino and Spanish-speaking LGBT and HIV-affected communities across the United States.
81. The Latino Commission on AIDS is a nonprofit membership organization founded in 1990 and dedicated to ending the HIV-AIDS epidemic and decreasing the health disparities in the Latino community. Latinos constitute

16 percent of the U.S. population but account for over 20 percent of the AIDS cases. Over 200,000 Latinos in the United States and Puerto Rico are currently living with HIV/AIDS. The Commission is dedicated to resolving the HIV crisis and the health inequities in the Latino community, where stigma, poverty, language barriers, immigration status, homophobia and transphobia, and challenges to health access create barriers to testing, linkage to care, retention in care and treatment and consequently increase the infection rate. The Commission realizes its mission by spearheading health advocacy and community mobilization strategies, promoting HIV education, developing model prevention and health programs for high-risk communities, and by building capacity in community organizations that serve Latinos and other at-risk communities. The Commission has steadily expanded its services outside New York to meet the emerging needs of Latino communities in more than 40 States, Washington D.C., Puerto Rico and the U.S. Virgin Island.

82. LatinoJustice PRLDEF (“LatinoJustice”) is a national nonprofit pan-Latino law organization that has engaged in impact litigation, advocacy, and education to defend the civil and constitutional rights of Latinos since 1972. LatinoJustice champions an equitable society through advancing Latino civil engagement, cultivating leadership, and protecting civil rights and equality in the areas of voting rights, immigrant rights, and fair access to housing, education, and employment. LatinoJustice strongly supports the federal government’s lawful executive actions on immigration that have provided relief from deportations for thousands of Latina/o students and DREAMers and the more recent expansion of DACA eligibility and DAPA will provide further protection for Latina/o families across the country.
83. Latinos En Axion STL, a grassroots organization based in St. Louis, Missouri, founded in the middle of immigration’s struggle, supporting Latino immigrants across the State. The organization has members in Missouri, including individuals who are eligible for deferred action under the initiative challenged in this litigation, and who plan to apply. If the initiative is enjoined, Latinos En Axion STL and its members would be seriously harmed, as members and their families would be unable to benefit from the initiative. Further, Latinos En Axion STL would have to divert its limited resources from critical civil and human rights and keep families together, to respond to community fear and concerns about the change in policy.

84. Latinos United for Change and Advancement (“LUChA”) addresses issues that affect Latinos in the areas of civil rights, education, political representation, and social and economic development. LUChA has a substantial interest in the issues presented in this case.
85. The Lawyers’ Committee for Civil Rights of the San Francisco Bay Area (“LCCR”) is a nonprofit civil rights and legal services organization that protects and promotes the rights of communities of color, low-income individuals, immigrants, and refugees through the provision of direct legal services, impact litigation, community education, and policy advocacy. A core program of LCCR is its nationally recognized Asylum Program, established in 1983. In partnership with the pro bono bar, the program has assisted thousands of individuals fleeing persecution and seeking protection in the United States.
86. The League of United Latin American Citizens (“LULAC”) is the largest and oldest Latino civil rights organization in the United States. LULAC’s mission is to advance the economic condition, educational attainment, political influence, housing, health, and civil rights of the Latino population of the United States and all those who reside within its borders. LULAC has active chapters or councils in the following plaintiff states: Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Louisiana, Michigan, Nevada, North Carolina, Ohio, Oklahoma, Tennessee, Texas, Utah, and Wisconsin. In addition, LULAC operates the Hispanic Immigrant Integration Project in 8 states which includes helping immigrants apply for deferred action and will be expanding the program to 26 states to help immigrants apply for expanded DACA and DAPA.
87. The Los Angeles Center for Law and Justice (“LACLJ”) is a Los Angeles-based nonprofit organization which has been providing culturally competent free legal services to low-income residents of Los Angeles and their families for 40 years. LACLJ’s immigration work supports undocumented youth and survivors of interpersonal violence in obtaining stability by representing them in their DACA, Violence Against Women Act, U non-immigrant status, and Special Immigrant Juvenile Status petitions, among others. LACLJ has represented hundreds of individuals with deferred action, including not only those granted DACA, but also those granted deferred action as a result of their petitions for immigration relief based on having survived domestic violence, sexual assault, and/or other violent crimes. Through this work, LACLJ has developed a thorough understanding of the critical role deferred action plays

in the lives of the vulnerable immigrant populations it serves, as well as its importance to the immigrant community at large.

88. The Lowcountry Immigration Coalition is a South Carolina coalition that recognizes that the Nation's immigration system is broken. Lowcountry believes that the only way to overcome this problem is through comprehensive immigration reform with an ultimate path to citizenship. The President's Executive actions are within the U.S. Constitution and are a necessary first step to achieving immigration reform.
89. Maine Equal Justice Partners ("MEJP") is a Maine-based nonprofit legal aid provider, whose mission is to find solutions to poverty and improve the lives of people with low-income in Maine. MEJP advocates for programs that assist people while they are unable to work and that help people to gain and sustain employment. The deferred action initiative enables immigrants that MEJP represents to work and gain independence from public assistance programs.
90. The Maine People's Alliance ("MPA") is a grassroots organization whose purpose is to bring individuals and organizations together to realize shared goals. With 32,000 members across the State, MPA focuses on leadership development to increase the number of leaders prepared to work for positive social change. MPA believes that America is a nation of immigrants. MPA also believes that our laws and national discourse on the issue of immigration should be focused on humane reform that keeps families together, respects the dignity of all workers, protects the civil rights of all people, and provides a path to full citizenship and participation in the American dream. Among MPA's members and the communities it serves, there are recipients of DACA and others who will be eligible for the deferred action initiative announced on November 20, 2014. Because this case challenges an executive action that would help prevent unjust deportations and family separation of countless members of the organization, MPA has a substantial interest in the issues presented in this case.
91. Make the Road New York ("MRNY") builds the power of Latino and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services, including legal services. MRNY has over 16,000 low-income, immigrant members, many of whom are undocumented immigrants who would potentially qualify for DAPA and expanded DACA. MRNY currently provides extensive

immigration services, including DACA assistance. MRNY has already screened over 1,700 immigrants for DAPA and expanded DACA through its offices in Brooklyn, Queens, Staten Island and Brentwood, Long Island.

92. The Michigan Coalition for Immigrant and Refugee Rights (“MCIRR”) is a statewide membership organization of nonprofit organizations and individual supporters. Since its founding in 1987, the mission of MCIRR has been to coordinate educational and organizational efforts that build capacity within Michigan’s immigrant advocacy community; support immigrants’ rights in federal, state, and local policy; and promote a more positive and inclusive atmosphere for immigrants and refugees in Michigan. MCIRR is highly invested in the outcome of this lawsuit as it would affect many of its members directly and thousands of families and individuals served by its organizations.
93. The Michigan Immigrant Rights Center (“MIRC”) is a statewide nonprofit legal resource center for advocates seeking equal justice for Michigan’s immigrant communities. MIRC represents individual low-income immigrant clients in immigration and immigrant rights matters and provides technical assistance to other organizations and leaders. MIRC has a particular focus on serving the most vulnerable immigrants including survivors of domestic violence and sexual assault and families with young children. Clarity on the law in this matter would assist many of MIRC’s clients and all of its organizational constituents.
94. Michigan United is a statewide nonprofit community organization that works for immigrant rights and services. Michigan United is “recognized” (licensed) by the Board of Immigration Appeals to provide immigration legal services, focusing on naturalization and DACA. On the first day one could apply for DACA, some 3,500 people attended workshops organized by Michigan United in Dearborn (Detroit area), Kalamazoo, and Lansing. A large number of Michigan United’s members continue to seek deferred action for their children at office visits. Through these and numerous community presentations, meetings and assemblies, it is clear that a large number of the people Michigan United serves and works with would qualify for DAPA. Michigan United has been preparing with other established nonprofits to implement administrative relief workshops. There is a clear interest for Michigan United in the outcome of this case: tens of thousands of families across Michigan would have at least one member who could be eligible for this program, were it to go forward. If approved, they would gain protection, strengthen family unity (especially among mixed-status families) and better

resist exploitation while filing tax returns and contributing to the local economy. This is especially true in southwest Detroit which is being repopulated and rebuilt by immigrant families who would benefit from this program.

95. Mi Familia Vota (“MFV”) was founded in 2004 with the belief that the Latino community is the future of our great nation and is ready to meet its destiny. MFV’s mission is to facilitate the civic engagement of Latinos by providing critical information, guidance, and training to apply for immigration programs, such as deferred action initiatives; U.S. citizenship; voter registration and voting. Mi Familia Vota seeks to unite the voices of the Latino community and its allies, through teamwork, inclusivity, transparency, honesty, and professionalism; to more effectively pursue civil, social, and economic justice, our nation’s basic ethos. MFV believes that when our political leaders fail to live by these values, or try to muffle our voices, MFV must strive for change to protect America’s identity.
96. The Montana Human Rights Network organizes to expand the base of support for human rights values across the state and promotes policies that recognize, respect, and fulfill every Montanan’s human rights. One of the Network’s goals is to educate Montanans about our state’s rich history of immigrant contributions, while at the same time creating awareness of the unfair reality of the country’s current immigration system. The Network works to defend against anti-immigrant policy while also shifting the narrative about immigration by coordinating a coalition of organizations to do legislative defense work when policies aim to criminalize, marginalize, and punish immigrants and their families while supporting community building and organizing work within the immigrant community.
97. The Montana Immigrant Justice Alliance (“MIJA”) is a statewide organization dedicated to giving voice to the immigrant communities in Montana and working to improve their lives over the long term. MIJA (which means “my daughter” in Spanish) believes that family unity is an important and fundamental human right — and one that many migrants are denied due to injustices in our immigration system. MIJA works to provide resources and services to empower migrants in our communities, and encourage broader civic participation and engagement.
98. The National Alliance of Latin American and Caribbean Communities (“NALACC”) is a national membership-based advocacy and capacity

building organization based in Chicago, Illinois whose mission is to bring about a more equitable and sustainable way of life for Latin American immigrant communities in the United States, in the context of an inclusive struggle for social, economic, racial, and cultural justice in U.S. society. NALACC counts with more than 45 active community-based organizational members in 14 states. NALACC's Latino immigrant-led organizational members reach out to more than 150,000 Latino immigrant households around the country through direct services, education programs, and local memberships. Since 2004, NALACC has conducted numerous advocacy campaigns in support of its mission. NALACC also develops and nurtures leadership capacity in organized Latino immigrant communities through leadership training programs. Many NALACC member organizations have played an active role in public education initiatives, as well as direct immigration services related to the implementation of temporary immigration relief programs such as Temporary Protected Status, and more recently, DACA. The interest of NALACC in the outcome of this case arises from our great concern that, if adopted, Plaintiffs' interpretation of federal law would have an adverse impact on prospective deferred action recipients, their families, and other low-income immigrants who would be able to improve their social and economic position via deferred action.

99. The National Asian Pacific American Women's Form ("NAPAWF"), founded in 1996 following the United Nations Fourth World Conference on Women in Beijing is the only national, multi-issue Asian and Pacific Islander women's organization in the country. NAPAWF's mission is to build a movement to advance social justice and human rights for Asian and Pacific Islander women and girls. NAPAEF advocates for the rights of immigrant women, girls, and their families. With over half of all immigrants being women and over three-quarters of immigrants being women and children, if the Plaintiffs' position is adopted, it would disproportionately have an adverse impact on immigrant women and their families.
100. National Council of Asian Pacific Americans ("NCAPA"), founded in 1996, is a coalition of 34 national Asian Pacific American organizations around the country coming together to provide a national voice to the greater Asian American and Native Hawaiian Pacific Islander communities. NCAPA strives for equity and justice by influencing policy and shaping public narratives; expanding access to deferred action for members of our community; and advancing protections for all immigrants is among its key priorities.

101. National Council of La Raza (“NCLR”) is the largest national Hispanic civil rights and advocacy organization in the United States. NCLR conducts applied research, policy analysis, and advocacy, providing a Latino perspective in key issue areas, and has a long history of fighting for sensible immigration laws at the federal and state levels. NCLR’s Affiliate Network of nearly 300 community-based organizations—operating in 41 states, Puerto Rico, and the District of Columbia—provides education, healthcare, housing, workforce development, immigration, and other services to millions of Americans and immigrants annually. Most of NCLR’s Affiliates teach English, promote financial literacy, and otherwise ease the integration of immigrants into the mainstream. NCLR supports the deferred action programs because of the economic and social benefits they will bring to millions of American families and the communities in which they live.
102. The National Domestic Workers Alliance (“NDWA”), founded in 2007, is a leading voice for dignity and fairness for workers, women, families, and immigrants. NDWA works for respect and inclusion for domestic workers - most of whom are women, almost half of whom are foreign-born and almost a third of whom are non-citizens. NDWA is powered by 42 affiliate organizations of over 10,000 nannies, housekeepers, and caregivers in 26 cities and 18 states.
103. The National Immigrant Justice Center (“NIJC”) is a Chicago-based nonprofit organization accredited by the Board of Immigration Appeals since 1980 to provide immigration assistance. NIJC provides legal education and representation to low-income immigrants, asylum seekers, and refugees, including survivors of domestic violence, victims of crimes, and victims of human trafficking, as well as immigrant families and other non-citizens facing removal and family separation. NIJC represents several hundred individuals with deferred action, including not only individuals granted DACA but also victims of domestic violence and other crimes; NIJC can thus speak to the longstanding use of the deferred action mechanism in immigration law.
104. The National Korean American Service and Education Consortium (“NAKASEC”), located in Annandale, Virginia and Los Angeles, California is a national organization focused on projecting a progressive voice on major civil rights and immigrant rights issues and empowering the Korean American and Asian American community. Through grassroots organizing, community outreach, civic engagement, and advocacy work, NAKASEC is committed to ensuring that the estimated 48,600 newly eligible Korean Americans, who

would benefit from expanded DACA and DAPA, can receive access to an affordable education, work without being exploited, and live with their families without fear of deportation.

105. The National Latina Institute for Reproductive Health (“NLIRH”) is the only national reproductive justice organization dedicated to building Latina power to advance health, dignity, and justice for 26 million Latinas, their families, and communities in the United States. NLIRH is committed to advancing just, humane, and common-sense reforms to our nation’s immigration laws and policies that acknowledge the contributions and address the needs of immigrant women and families.
106. The National LGBTQ Task Force (“Task Force”) has worked to build power, take action, and create change to achieve freedom and justice for lesbian, gay, bisexual, and transgender people and their families, since 1973. As a progressive social justice organization, the Task Force works toward a society that values and respects the diversity of human expression and identity and achieves equity for all.
107. The National Partnership for New Americans (“NPNA”) is a national multiethnic, multiracial partnership. NPNA represents the collective power and resources of the country’s 34 largest regional immigrant rights organizations in 29 states. Our members provide scaled services—from naturalization and DACA application processing to voter registration to Affordable Care Act outreach. NPNA’s aim is to achieve a vibrant, just, and welcoming democracy for all. NPNA believes America’s success is rooted in our ongoing commitment to welcoming and integrating newcomers into the fabric of our nation, and to upholding equality and opportunity as fundamental American values. Immigrants are the soul of our organization, and immigrant communities inspire, implement, and champion our work. NPNA’s leaders include U.S. citizens, lawful permanent residents, DACA recipients, and undocumented immigrants. NPNA has a significant interest in the issues presented in this case. The President’s executive actions would protect our families against unjust deportation and provide substantial benefits to our country’s economic, social, and civic vitality. NPNA believes that if adopted, the Plaintiffs’ position would adversely affect our communities and the nation.
108. The National Queer Asian Pacific Islander Alliance (“NQAPIA”) is a federation of LGBT Asian American, South Asian, Southeast Asian, and Pacific Islander (“AAPI”) organizations. NQAPIA seeks to build the

organizational capacity of local LGBT AAPI groups, develop leadership, promote visibility, educate our community, enhance grassroots organizing, expand collaborations, and challenge homophobia and racism. Countless LGBT AAPIs are undocumented immigrants and so NQAPIA has worked hard to support immigrants' rights and programs like DACA and DAPA.

109. National Tongan American Society ("NTAS") is a local nonprofit organization in Salt Lake City, Utah working to advance the rights of Asian Pacific Islanders and the broad immigrant community. Through local advocacy, community outreach, and education, NTAS is committed to ensuring that AAPI community, many of whom would benefit from expanded DACA and DAPA, can live without fear of deportation and receive access to opportunities that enable them to live fruitful lives in American society.
110. Nebraska Appleseed Center for Law in the Public Interest is a nonprofit, non-partisan law and policy organization that works for justice and opportunity for all Nebraskans. One of Nebraska Appleseed's core program areas is its Immigrants & Communities Program, which seeks to promote strong, vibrant, integrated, and engaged communities. Nebraska Appleseed works toward this goal by focusing on improving immigration and integration policy and practices on a federal, state, and local level. Nebraska Appleseed also conducts leadership development and community education with immigrant and U.S.-born community members, which brings the organization in contact with thousands of immigrant Nebraskans every year.
111. The New Jersey Alliance for Immigrant Justice ("NJAIJ") is a statewide coalition of faith-based, labor, community based organizations, grassroots, and civil liberties organizations that work together to promote policies in New Jersey that welcome and support immigrants to become rooted economically, politically, and socially within the state. New Jersey has the third largest percentage of immigrants in the country and over 200,000 people in the state would benefit from expanded DACA and DAPA. NJAIJ members and partners are actively working to identify and provide support to residents eligible for DACA and DAPA in New Jersey.
112. New Jersey Policy Perspective ("NJPP") is a nonpartisan, nonprofit organization that engages in research, analysis, and strategic communications with the goal of a New Jersey where everyone can achieve to his or her full potential in an economy that offers a widely shared, rising standard of living. Since 1997, NJPP has helped bring a progressive change in New Jersey. One

of NJPP advocacy issues of interest is immigration and how it relates to fiscal and economic policy. New Jersey ranks third highest in terms of the percentage of immigrant residents and has one of the top four destinations for the undocumented labor force. The implementation of DAPA and the expansion of DACA will allow these neighbors to participate legally in society, leading to a number of positive outcomes for them and New Jersey. Most importantly, work authorization could help level the economic playing field for these immigrants who seek an equal opportunity to succeed and invest in the state they call home.

113. The New Orleans Workers' Center for Racial Justice is a nonprofit membership organization, founded in the aftermath of Hurricane Katrina in response to the structural exclusion of African Americans and the exploitation of immigrants across the Gulf Coast South. The organization has thousands of members in Louisiana and across the Deep South. The membership of the Workers' Center includes individuals who are eligible for deferred action under the initiative challenged in this litigation, and who plan to apply. If the initiative is enjoined, the Workers' Center and its members would be seriously harmed, as members and their families would be unable to benefit from the initiative. Further, the Workers' Center would have to divert its limited resources from critical civil and labor rights and workforce development programming, to respond to community fear and concerns about the change in policy.
114. New York Immigration Coalition, New York City, NY ("NYIC") is an umbrella policy and advocacy organization for almost 200 groups in New York State that work with immigrants and refugees. As the coordinating body for organizations that serve one of the largest and most diverse newcomer populations in the United States, the NYIC has become a leading advocate for immigrant communities on local, state, and national levels. The NYIC's membership includes grassroots community organizations, not-for-profit health and human services organizations, religious and academic institutions, labor unions, and legal, social, and economic justice organizations. The NYIC and its member organizations have a stake in ensuring that President Obama's executive actions on immigration are allowed to continue to bring a measure of relief to the long-suffering communities our members serve every day.
115. North Carolina Justice Center founded in 1996, the North Carolina Justice Center is a nonprofit legal advocacy organization whose mission is to secure economic justice for disadvantaged persons and communities. Through

litigation, public policy advocacy, research, and community education, the Justice Center has protected and expanded the rights of workers, consumers, immigrants, and low-income families across North Carolina. The Justice Center's legal assistance in civil matters includes work in immigration, consumer, and employment issues. Many of the Justice Center's constituents would qualify for DAPA or expanded DACA.

116. OCA - Asian Pacific American Advocates is a national, membership-driven organization dedicated to advancing the social, political, and economic well-being of Asian Pacific Americans. Through its 100 chapters and affiliates across the nation, OCA engages in policy advocacy, community organizing, and programming to advance the civil rights of Asian Pacific Americans, including immigrant rights and immigrant integration.
117. OCA-Greater Houston ("OCA-GH") is a chapter of OCA – Asian Pacific American Advocates, a national nonprofit social justice membership-driven organization dedicated to advancing the social, political, and economic well-being of Asian Pacific Americans. Through OCA-GH's advocacy, community outreach, immigrant integration, leadership, engagement, and education programs, OCA-GH strives to foster development and ensure Asian Pacific Americans and their families, many of whom are beneficiaries of expanded DACA and DAPA, have access to opportunities and equitable treatment that enable them to engage fully in American society.
118. OneAmerica is an immigrant rights advocacy organization based in Washington State. OneAmerica's members include individuals who are undocumented and may benefit from deferred action. OneAmerica estimates that there are approximately 100,000 individuals in Washington State who may be eligible for the President's executive actions on immigration. Immediately following the President's announcement, OneAmerica began working with its members to provide programs to assist potentially eligible immigrants to prepare for and submit successful applications. If the initiative is enjoined, OneAmerica and its members would be seriously harmed. Already the delay in implementation has created significant confusion in immigrant communities and placed OneAmerica's members at risk of falling victim to scams. OneAmerica increased its outreach on this matter, diverting resources away from implementation of the program. Should the initiative be enjoined, OneAmerica's members and their families could face family separation and deportation. OneAmerica would need to divert our limited resources away from important civil rights and immigrant integration

programs, and respond instead to fears, confusion, and concerns in the community about the change in policy.

119. The Pennsylvania Immigration and Citizenship Coalition (“PICC”) is a diverse coalition of over 50 member organizations and numerous individual members. PICC’s membership includes community groups, service providers, advocacy organizations, labor unions, faith communities, immigrant community members, and concerned individuals. PICC’s mission is to advance immigrants’ rights and promote immigrants’ full integration into society by advocating with a unified voice for greater public understanding and welcoming public policies throughout Pennsylvania. PICC functions as a public voice and vehicle for collective action to advocate for immigrants rights and to support immigrant integration. PICC’s interest in this case stems from the significant positive social and economic opportunities the deferred action initiatives would provide to Pennsylvania immigrant communities and the Pennsylvania economy. PICC and partners have enrolled more than 1,000 Pennsylvania immigrants in DACA and witnessed first-hand the positive impacts of DACA in changing immigrant lives.
120. PICO National Network is a nonprofit national network of faith-based community organizations. Since 1972 PICO has successfully worked to increase access to health care, improve public schools, reform immigration laws, redevelop communities, and revitalize democracy. Nonpartisan and multicultural, PICO provides an opportunity for people and congregations to translate their faith into action. More than 40 different religious denominations and faith traditions are part of PICO. With more than 1,000 member institutions representing one million families in 150 cities and 17 states, PICO is one of the largest community-based efforts in the United States. A large number of PICO members are undocumented immigrants, are eligible for deferred action and would be protected from deportation. The ultimate goal for PICO is full participation as citizens for its undocumented members. A decision in favor of the Defendants in this case will directly enhance PICO’s goal of protecting its members by keeping them together with their families in the United States.
121. Pineros y Campesinos Unidos del Noroeste, (“PCUN”) is Oregon’s farmworker union based in Woodburn, Oregon. PCUN’S mission is to defend and promote the rights of farmworkers many whose are immigrants and their families. PCUN has worked extensively on the implementation of the DACA program through its sister organizations. PCUN’s interest in the outcome of

this case arises out of a concern that, if adopted, Plaintiffs' interpretation of federal law would have an adverse impact on prospective deferred action recipients and their families.

122. Presente.org's mission is to advance Latino power and create winning campaigns that amplify Latino voices; expand the political imagination and traditional boundaries; and foster inspiration for freedom, equity, and justice. Founded in 2009, Presente's work was born out of the new context for on-line activism in the United States and across the world. Presente's core issue areas of immigrants' rights, environmental justice, and criminal justice, are topics that greatly affect the Latino community, Presente's 300,000+ members, and allies. Presente has worked tirelessly for the last four years to advocate for robust executive actions that could stem historic levels of deportations and separation of immigrant families. Presente's interest in the outcome of this case results from the reality that the implementation of DAPA and expanded DACA would protect eligible individuals and their families from deportation and strengthen their ability to further contribute to their communities and the nation's economy.
123. The Progressive Leadership Alliance of Nevada ("PLAN") is a statewide social justice 501(c)(3) founded in 1994, currently comprised of 31 member group organizations and more than 14,000 supporters. PLAN is working to keep families together by advocating for comprehensive immigration reform with a pathway to citizenship. Just last year PLAN's citizenship office in Reno helped more than 200 Nevada DREAMers gain approval for DACA. Five members of PLAN's staff are DACA recipients or naturalized U.S. citizens. The personal story of our Organizing Director was used by the President to illustrate the urgent need to expand DACA and create DAPA. Because this case challenges the President's legal authority to create such programs through his executive action, PLAN has a substantial interest in the issues presented in this case.
124. Promise Arizona is a nonprofit membership organizing working to protect and strengthening the lives of immigrant families in Arizona. The action proposed by this case is causing unnecessary and undue hardship to children, youth and families. Promise Arizona believes that an immediate reversal of the injunction is necessary to provide relief.
125. Public Counsel is the nation's largest not-for-profit law firm, based in Los Angeles, California. Founded in 1970, Public Counsel's primary goals are to:

(1) protect the legal rights of disadvantaged children; (2) represent immigrant victims of torture, persecution, domestic violence, trafficking, and other crimes; and (3) foster economic justice by providing underserved communities with access to quality legal representation. Public Counsel's Immigrants' Rights Project has helped over 1,300 immigrant youth apply for DACA since U.S. Citizenship and Immigration Services began accepting applications in August 2012. Public Counsel staff attorneys have also provided DACA and DAPA trainings to a wide variety of attorneys, advocates, and community stakeholders.

126. Rights for All People (“RAP”) is an individual membership, immigrant rights organization that works to bring the voices of immigrants and allies to the struggle for equality, mutual respect, and social justice through community organizing, leadership development, and civic engagement. Most of RAP’s members qualify for either DACA or DAPA and most will apply for the deferred action programs. If the Plaintiffs’ position were adopted, RAP’s members could face deportation and would be forced to leave the country they call home.
127. South Asian Helpline & Referral Agency (“SAHARA”), is committed to serving the growing community of South Asians in Southern California through culturally sensitive support services. Since 1991, SAHARA has been dedicated to eradicating inter-generational cycles of violence and promoting integration of South Asian immigrants. SAHARA has an interest in the issues presented in this case because the executive action would allow undocumented immigrants an opportunity to achieve financial security and to contribute to their communities.
128. The San Diego & Imperial Counties Labor Council, AFL-CIO is an association of 135 local labor unions located along the Mexican border, representing 200,000 working families in all sectors of the local economy. Our mission includes the charge to aid workers in securing improved wages, hours and working conditions; to encourage all workers, without regard to race, creed, color, sex, disability, sexual orientation, national origin or ancestry, to share equally in the full benefits of union organizations; to pursue policies aimed at effecting a more equal distribution of wealth and promoting full employment; and to preserve and perpetuate the cherished traditions of our democracy. Many of the members of the Council’s affiliated unions live in families of mixed-immigration status and thus have a direct interest in fair and effective immigration policies. The access to legally sanctioned

education and employment opportunities afforded through Executive Actions such as DACA and DAPA serves the Council's mission by enabling all people to improve their economic status and quality of life.

129. Southeast Asia Resource Action Center ("SEARAC") is a national organization that advances the interests of Cambodian, Laotian, and Vietnamese Americans by empowering communities through advocacy, leadership development, and capacity-building to create a socially just and equitable society. SEARAC is committed to keeping all immigrant families together, including the growing numbers of undocumented families in its communities who could benefit from DACA or DAPA.
130. Services, Immigrant Rights and Education Network ("SIREN") is a nonprofit organization based in San Jose, California whose mission is to empower low-income immigrants and refugees in Silicon Valley. SIREN's strategies include community organizing and leadership development, policy advocacy, and immigration legal services. SIREN supports and provides services to individuals in Santa Clara County, which has the largest eligible population for deferred action in Northern California. SIREN joins this brief to lift the preliminary injunction because of its significant impact on the lives of its constituents.
131. South Asian American Policy & Research Institute ("SAAPRI") is a nonprofit, non-partisan organization established in 2001 to improve the lives of South Asian Americans in the Chicago area, by using research to formulate equitable and socially responsible public policy recommendations. Given the growing number of immigrants from India and South Asia, including undocumented individuals, immigration programs such as expanded DACA and DAPA are needed for the South Asian American community to better integrate in and contribute to their communities.
132. South Asian Americans Leading Together ("SAALT") is a national nonprofit organization whose mission is to elevate the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. As an organization that is committed to supporting immigrants from the South Asian Diaspora, SAALT joins this brief to ensure that DACA and DAPA move forward without obstruction as legally permitted by the President of the United States' executive authority.

133. The South Asian Bar Association of North America (“SABA North America”) is the umbrella organization for 25 regional bar associations in North America representing the interests of over 6,000 attorneys of South Asian descent. Within the United States, SABA North America takes an active interest in the legal rights of South Asian and other minority communities. Issues relating to immigration and citizenship are of enormous significance to SABA North America, the South Asian lawyers whom it represents, and the clients of many of those lawyers. SABA North America is committed to ensuring that South Asian Americans and their families, many of whom are beneficiaries of expanded DACA and DAPA, receive just treatment and access to opportunities that enable them to integrate and thrive in American society. Accordingly, SABA North America has a powerful interest in the legal and policy issues that are implicated by this case.
134. South Asian Network (“SAN”) is a community-based organization promoting the health, solidarity, and empowerment of South Asian Americans in Southern California. SAN believes in self-sustaining communities who actively raise their voices, take leadership and challenge social injustices, both within and beyond the South Asian community. SAN provides outreach, education, service provision, and advocacy, across three programmatic units - violence prevention, healthcare access and civil rights. SAN is committed to ensuring that South Asians be able to live and work without fear, leave the shadows, and join us in the daylight.
135. South Carolina Appleseed Legal Justice Center (“SC Appleseed”) is a nonprofit legal advocacy organization for low income South Carolinians, including immigrants. SC Appleseed seeks to improve the lives of the less fortunate through public and legal education and systemic change through litigation and advocacy. SC Appleseed has long served as a voice in South Carolina for the low-income undocumented community. SC Appleseed’s work for this particular population includes advocating for comprehensive immigration reform and other changes to state and federal law that provide people greater opportunity to obtain legal status by legal means.
136. The Southern Poverty Law Center (“SPLC”), based in Montgomery, Alabama, is a nonprofit organization founded in 1971 to advance and protect the rights of minorities, the poor, and victims of injustice. SPLC’s Immigrant Justice Project seeks to address the unique legal needs of migrants, and represents thousands of migrant workers and residents, regardless of their status, in civil rights litigation throughout the South. SPLC is acutely aware

of the abuses faced by families hiding in the shadows because they lack permission to be present, and has a vested interest in helping its constituents and community to have a way to come out of the shadows.

137. The St. Joseph Valley Project stands for saving and creating jobs with dignity and wages that improve the quality of life in its communities, and for economic and social justice for working people in Northern Indiana. St. Joseph Valley Project has interest in the deferred action initiative for its benefits to our economy and community.
138. Sunflower Community Action has fought for the rights of all poor and low-income residents in the state of Kansas for over 25 years. Specifically, Sunflower serves as a safe space for undocumented members of the community. Sunflower believes that Kansas' participation in this lawsuit has nothing to do with the economic impact it will have on the state, and is instead the result of a campaign to promote xenophobic laws and policies throughout the country that has resulted in increased levels of fear in the community and discrimination against all Latinos, regardless of status.
139. The Tennessee Immigrant & Refugee Rights Coalition ("TIRRC") is a statewide coalition of immigrants, refugees, and allies working to lift up fundamental American freedoms and human rights and build a strong, welcoming, and inclusive Tennessee. Now in its twelfth year, the Coalition includes more than 30 member organizations and hundreds of immigrant members across the state. The Coalition provides direct services to individuals and families to overcome specific obstacles to full civic engagement, access key opportunities, and become active citizens. The membership of the coalition includes many individuals who would be eligible for deferred action under the initiatives challenged in the lawsuit. The Coalition's members would be harmed if they were unable to apply for deferred action, creating barriers to their full social and economic integration.
140. The Tennessee Justice Center seeks equal justice under law, both in Tennessee and beyond. It gives priority to policy issues and civil cases in which the most basic necessities of life are at stake and where advocacy can benefit low-income individuals and families without regard to immigration status. Since its founding in 1995, Tennessee Justice Center has impacted thousands of families through work with health care, civil rights, welfare reform, and food and nutrition.

141. The Texas Organizing Project (“TOP”) is a nonprofit membership organization, founded in 2009 and works to improve the lives of low-moderate income and immigrant Texas families by building power through community organizing and civic engagement. TOP has over 60,000 members and supporters statewide, many of them who are immigrants and would qualify for deferred action under the President’s administrative relief. Texas has the second largest undocumented population in the country and immigrant families in Texas are continue to live in fear of being separated from their families. They would be seriously harmed, as members and their families would be unable to benefit from the initiative due to the injunction applied by due to the ruling by the District Court.

142. The United Farm Workers of America (“UFW”) is a labor organization that represents thousands of migrant and seasonal farm workers in various agricultural occupations throughout the country, and has members of diverse racial, ethnic, and immigration backgrounds throughout the United States. The UFW seeks to improve the lives, wages, and working conditions of agricultural workers and their families through collective bargaining, worker education, state and federal legislation, and through public campaigns. Since its founding in 1962 by Cesar Chavez, the UFW has been dedicated to the cause of eliminating discrimination against farm workers, Latinos, and against any other groups that have been the target of unfair or unlawful treatment. The UFW believes that the workers who harvest the food that this nation enjoys should be entitled to protection from unjust deportation and costly family separations. Consequently, the UFW has a substantial interest in this case because farm workers through the jurisdiction of the Fifth Circuit and elsewhere lack “legal” status, directly benefit from deferred action, and will therefore be affected by the panel’s decision in this case.

143. United Migrant Opportunity Service Inc. (“UMOS”) is a private nonprofit corporation chartered in 1965 under the Laws of Wisconsin. UMOS provides Migrant and Seasonal Farmworkers with employment, training, and educational opportunities and supportive services in 10 Midwestern States, and also provides immigration-related services to victims of domestic violence, sexual assault and abuse, and human trafficking. Farmworkers play a significant role in the agricultural industry and contribute substantially to the economy of the country. The expansion of immigration benefits that would result from the expanded DACA and DAPA programs are essential for maintaining a labor supply commensurate with the demands of the economy. The disruption of the agricultural production and processing of the nation’s

food supply would not only result in extreme economic loss but also risk the security of the nation's vital food supplies. Additionally, farmworker families experience extreme personal hardship and devastation resulting from families being divided by laws that separate parents and children. Economic and educational opportunities are being denied to many motivated and talented children in the country. There are an estimated 2.4 million farmworkers in the United States. When nearly half, or in some studies more than a majority of the hired agricultural workforce, is undocumented, the significance and importance of DACA and DAPA is clear. UMOS has a direct interest in this case because of its impact on farmworkers and their families.

144. United We Dream ("UWD") is a national nonprofit, nonpartisan, membership-based organization of over 100,000 immigrant youth and allies and 55 affiliate organizations in 26 states, advocating for the dignity and fair treatment of immigrant youth and families, regardless of immigration status. Among UWD's members are recipients of DACA, and an equal or greater number of individuals who either themselves or whose families will be eligible for the deferred action initiative announced on November 20, 2014. Because this case challenges an executive action that would help prevent unjust deportations and family separation of countless members of the organization, UWD has a substantial interest in the issues presented in this case.
145. Unitarian Universalist Refugee and Immigrant Services and Education, Inc. ("UURISE") is a nonprofit organization based in Vista, California. UURISE provides affordable trustworthy legal counseling and representation to marginalized immigrants, and provides education and outreach to the larger community. UURISE partners with other community based and grassroots organizations to address the needs of our immigrant neighbors, generally those who have limited options and limited access to legal services. In office and in group workshops, UURISE has provided assistance to hundreds of DACA recipients. UURISE's interest in the outcome of this case arises out of a concern that if adopted, Plaintiffs' interpretation of federal law would greatly harm prospective deferred action applicants and their families, many of whom are U.S. citizens.
146. Valle del Sol is a community based nonprofit organization that provides health care, social services, and leadership development programs to several communities in Arizona and New Mexico. Many of the Valle del Sol's clients come from families of mixed-immigration status, meaning that even if Valle

del Sol's client is a United States citizen, their parents or other family members might qualify for the DAPA and expanded DACA programs. Fostering family unity through these programs will assist Valle del Sol's ability to ensure that its clients continue to receive its treatment and services.

147. VAYLA is a progressive multi-racial community-based organization in New Orleans that empowers youth and families through supportive services and organizing for cultural enrichment and positive social change. Many of our members are young undocumented immigrants and so VAYLA has long supported immigrants' rights over the years. Our young people and their parents would directly benefit from programs like DACA and DAPA.
148. Voces de la Frontera is a membership, community organization fighting for the rights of low-wage workers, students, and immigrants. Voces de la Frontera represents the largest Latino membership in the state of Wisconsin. Immigrants in Wisconsin are critical to the state economy as they comprise more than 40 percent of the states' signature dairy industry. The implementation of administrative relief is critical to the 34,000 immigrants and their families in Wisconsin who would benefit from Executive Action. This is not only important for immigrants and their families but for the entire state.
149. The William C. Velasquez Institute ("WCVI") is a national nonpartisan policy research organization founded in 1985 with offices in San Antonio, Texas and Los Angeles, California. WCVI provides policy analysis and development activities to minority community leaders and elected officials, especially U.S. Latinos. Since its inception WCVI has been active in immigration reform issues and played an active role in developing the Immigration Reform and Control Act of 1986 as well as numerous immigration reform policy proposals at the federal level during the 1999-2014 period. WCVI supported the effort that ultimately convinced President Obama to promulgate the DACA and DAPA executive actions granting temporary legal status to certain undocumented persons. WCVI opposes this lawsuit challenging President Obama's executive actions.
150. Workers Defense Project ("WDP") is a nonprofit organization that provides assistance to low-wage workers and empowers them to win fair working conditions. WDP serves thousands of individuals across Texas who would be eligible for deferred action under DAPA and extended DACA programs that are being challenge by the *Texas v. the United States of America* lawsuit. If

this is lawsuit is successful, thousands of WDP members will be harmed as they and their families would be unable to benefit from deferred action. Deferred action would provide thousands of hard-working immigrant men and women with the opportunities they need to obtain work permission so that they can support their families and contribute to the economy. In Texas, this is especially important because of the role that immigrant workers play in critical sectors such as construction, where over 50 percent of the workforce is undocumented.

151. The Workers' Rights Center of Madison ("WRC") is a community center dedicated to educating and advocating for worker justice. The Center is committed to empowering workers. A major focus has been training people in the community as advocates to assist others in resolving workplace problems. By its work and advocacy, the WRC seeks to affirm the dignity of work and the dignity and respect that should be afforded to all members of our community, as expressed in the social teachings of many faiths. The deferred action programs implemented by President Obama will have a dramatic positive impact on the lives of many of the individuals that WRC works with and also have a positive economic impact on many industries that rely on immigrant labor.

CERTIFICATE OF SERVICE

I certify that on April 6, 2015, I caused the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Jonathan Weissglass
Jonathan Weissglass

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-40238

STATE OF TEXAS; STATE OF ALABAMA; STATE OF GEORGIA; STATE OF IDAHO; STATE OF INDIANA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MONTANA; STATE OF NEBRASKA; STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE OF UTAH; STATE OF WEST VIRGINIA; STATE OF WISCONSIN; PAUL R. LEPAGE, Governor, State of Maine; PATRICK L. MCCRORY, Governor, State of North Carolina; C. L. "BUTCH" OTTER, Governor, State of Idaho; PHIL BRYANT, Governor, State of Mississippi; STATE OF NORTH DAKOTA; STATE OF OHIO; STATE OF OKLAHOMA; STATE OF FLORIDA; STATE OF ARIZONA; STATE OF ARKANSAS; ATTORNEY GENERAL BILL SCHUETTE; STATE OF NEVADA; STATE OF TENNESSEE,

Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA; JEH CHARLES JOHNSON, SECRETARY, DEPARTMENT OF HOMELAND SECURITY; R. GIL KERLIKOWSKE, Commissioner of U.S. Customs and Border Protection; RONALD D. VITIELLO, Deputy Chief of U.S. Border Patrol, U.S. Customs and Border Protection; SARAH R. SALDANA, Director of U.S. Immigration and Customs Enforcement; LEON RODRIGUEZ, Director of U.S. Citizenship and Immigration Services,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

**AMICI CURIAE BRIEF OF AMERICAN IMMIGRATION COUNCIL,
NATIONAL IMMIGRATION LAW CENTER, SERVICE EMPLOYEES
INTERNATIONAL UNION AND OTHERS IN SUPPORT OF APPELLANT
UNITED STATES SEEKING REVERSAL OF PRELIMINARY
INJUNCTION**

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SUPPLEMENTAL CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Circuit Rule 28.2.1, in addition to those disclosed in the parties' certificates of interested persons, 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.

- ACLU of Nevada
- Action NC
- The Advancement Project
- AIM for Equity
- Alabama Coalition for Immigrant Justice
- Alliance for a Just Society
- Alliance of Filipinos for Immigrant Rights and Empowerment
- Alliance San Diego
- The American Friends Service Committee
- The American Immigration Lawyers' Association
- America's Voice Education Fund
- American Immigration Council
- Arab American Action Network
- Arab American Family Services
- Arizona Asian Pacific American Vote Alliance
- The Arkansas United Community Coalition
- Asian American Legal Defense and Education Fund
- Asian Americans Advancing Justice-AAJC
- Asian Americans Advancing Justice-Asian Law Caucus
- Asian Americans Advancing Justice | Atlanta
- Asian Americans Advancing Justice | Chicago
- Asian Americans Advancing Justice | Los Angeles
- The Asian & Pacific Islander American Health Forum
- Asian & Pacific Islander American Vote - Michigan
- Asian Law Alliance

- Asian Pacific American Labor Alliance, AFL-CIO
- Asian Pacific American Network of Oregon
- Asian Pacific Community in Action
- Asian Services In Action, Inc.
- Asociación de Liderazgo Comunitario
- The Association of Asian Pacific Community Health Organizations
- The Beloved Community Center of Greensboro, North Carolina
- Black Alliance for Just Immigration
- Boat People SOS
- The Border Network for Human Rights
- BreakOUT!
- The California Primary Care Association
- The Canal Alliance
- CASA
- The Center for Community Change
- The Center for Popular Democracy
- The Center for Public Policy Priorities
- The Central American Resource Center
- The Central Ohio Worker Center
- Chinese American Service League
- Chinese for Affirmative Action
- The Cincinnati Interfaith Workers Center
- The Coalition for Humane Immigrant Rights of Los Angeles The Colorado Immigrant Rights Coalition
- Comunidades Unidas
- The Connecticut Immigrant Rights Alliance
- The Consejo de Federaciones Mexicanas en Norteamérica
- Define American
- Dream Action Coalition
- El CENTRO de Igualdad y Derechos
- End Domestic Abuse Wisconsin
- The Fair Immigration Reform Movement
- Farmworker Justice
- The Florida Immigrant Coalition
- The Georgia Association of Latino Elected Officials
- The Georgia Latino Alliance for Human Rights
- The Hispanic Federation, Inc.

- The Hispanic Interest Coalition of Alabama
- The Hispanic National Bar Association
- HOLA Ohio
- The Idaho Community Action Network
- The Illinois Coalition for Immigrant and Refugee Rights Iowa
- Citizens for Community Improvement
- The Japanese American Citizens League
- Jobs With Justice
- Junta for Progressive Action, Inc.
- KAN-WIN
- Korean Immigrant Workers Advocates of Southern California
- Korean American Community Services
- The Korean American Resource and Cultural Center
- The Korean Resource Center
- La Fuente
- The Labor Council for Latin American Advancement
- Lambda Legal Defense & Education Fund, Inc.
- The Latino Commission on AIDS
- LatinoJustice PRLDEF
- Latinos En Axion STL
- Latinos United for Change and Advancement
- The Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- The League of United Latin American Citizens
- The Los Angeles Center for Law and Justice
- The Lowcountry Immigration Coalition
- Maine Equal Justice Partners
- The Maine People's Alliance
- Make the Road New York
- The Michigan Coalition for Immigrant and Refugee Rights
- The Michigan Immigrant Rights Center
- Michigan United
- Mi Familia Vota The Montana Human Rights Network
- The Montana Immigrant Justice Alliance
- The National Alliance of Latin American and Caribbean Communities
- The National Asian Pacific American Women's Form
- National Council of Asian Pacific Americans
- National Council of La Raza

- The National Domestic Workers Alliance
- The National Immigrant Justice Center
- The National Immigration Law Center
- The National Korean American Service and Education Consortium
- The National Latina Institute for Reproductive Health
- The National LGBTQ Task Force
- The National Partnership for New Americans
- The National Queer Asian Pacific Islander Alliance
- National Tongan American Society
- Nebraska Appleseed Center for Law in the Public Interest
- The New Jersey Alliance for Immigrant Justice
- New Jersey Policy Perspective
- The New Orleans Workers' Center for Racial Justice
- New York Immigration Coalition, New York City, NY
- North Carolina Justice Center
- OCA - Asian Pacific American Advocates
- OCA-Greater Houston
- OneAmerica
- The Pennsylvania Immigration and Citizenship Coalition
- PICO National Network
- Pineros y Campesinos Unidos del Noroeste,
- Presente.org
- The Progressive Leadership Alliance of Nevada
- Promise Arizona
- Public Counsel
- Rights for All People
- South Asian Helpline & Referral Agency
- The San Diego & Imperial Counties Labor Council, AFL-CIO
- Service Employees International Union
- Southeast Asia Resource Action Center
- Services, Immigrant Rights and Education Network
- South Asian American Policy & Research Institute
- South Asian Americans Leading Together
- The South Asian Bar Association of North America
- South Asian Network
- South Carolina Appleseed Legal Justice Center
- The Southern Poverty Law Center

- The St. Joseph Valley Project
- Sunflower Community Action
- The Tennessee Immigrant & Refugee Rights Coalition
- The Tennessee Justice Center
- The Texas Organizing Project
- The United Farm Workers of America
- United Migrant Opportunity Service Inc.
- United We Dream
- Unitarian Universalist Refugee and Immigrant Services and Education, Inc.
- Valle del Sol
- VAYLA
- Voces de la Frontera
- The William C. Velasquez Institute
- Workers Defense Project
- The Workers' Rights Center of Madison
- Stephen P. Berzon, Altshuler Berzon LLP, Counsel
- Jonathan Weissglass, Altshuler Berzon LLP, Counsel
- Eric P. Brown, Altshuler Berzon LLP, Counsel
- Judith A. Scott, Service Employees International Union, Counsel
- Deborah L. Smith, Service Employees International Union, Counsel
- Melissa Crow, American Immigration Council, Counsel
- Patrick Taurel, American Immigration Council, Counsel
- Linton Joaquin, National Immigration Law Center, Counsel
- Karen C. Tumlin, National Immigration Law Center, Counsel
- Nicholas Espiritu, National Immigration Law Center, Counsel
- Nora A. Preciado, National Immigration Law Center, Counsel
- Melissa S. Keaney, National Immigration Law Center, Counsel
- Alvaro M. Huerta, National Immigration Law Center, Counsel

/s/ Jonathan Weissglass
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INTRODUCTION AND SUMMARY OF ARGUMENT

Amici support Appellants’ request for reversal of the preliminary injunction blocking the initiative established by Department of Homeland Security (“DHS”) Secretary Jeh Johnson’s November 20, 2014 memorandum. ROA.83. That initiative, referred to below as the “Deferred Action Initiative,” should be implemented without delay.

Amici supplement Appellants’ brief by presenting information within their expertise demonstrating the harms that the injunction has caused and will continue to cause, the public interest in the Deferred Action Initiative, and the discretion afforded DHS officers under the initiative. *Amici* demonstrate that the Deferred Action Initiative promises to have significant and widespread benefits to the United States economy, raising wages, increasing tax revenue, and creating jobs. In addition, *amici* show the benefits of the Deferred Action Initiative to individual immigrants, their families, and the communities in which they play an integral role. The district court ignored these benefits in assessing the irreparable harm and public interest prongs of the preliminary injunction analysis.

Amici also offer examples of the exercise of discretion under Secretary Napolitano’s June 15, 2012 memorandum. ROA.123.¹ The district court wrongly

¹ The Deferred Action Initiative may be implemented in a different fashion than the initiative in the earlier memorandum. Nonetheless, because of the district court’s reliance on past practice, *amici* address practices under the earlier regime.

concluded that DHS officers have not exercised discretion on a case-by-case basis in denying deferred action requests. ROA.4483-4485. Record evidence belies this conclusion. *Amici* highlight this evidence and identify individual instances of such denials from their own experience.

The experience of the *amici* organizations illustrates the importance of permitting the Deferred Action Initiative to take effect without judicial interference. The district court repeatedly emphasized its mistaken understanding that the preliminary injunction maintains the status quo. ROA.4427, 4492, 4494, 4496. But the November 20, 2014 memorandum had already been issued and, as Appellants explained, DHS had already spent considerable resources to prepare for implementation of the Deferred Action Initiative. App. Br. at 53 (citing ROA.4451 n.55). At the time of the district court's order, DHS, an agency of one of the elected branches, was to begin assessing within days deferred action requests under the Deferred Action Initiative. That situation is similar to *Planned Parenthood of the Blue Ridge v. Camblos*, 116 F.3d 707 (4th Cir. 1997), in which the Fourth Circuit issued an emergency stay of a district court's injunction blocking implementation of a state statute prior to its effective date. The appellate court rejected the district court's reasoning that an injunction was necessary to preserve the status quo, explaining "[i]n this context, the status quo is that which the People

have wrought [i.e., the enacted state law that was due to take effect shortly], not that which unaccountable federal judges impose upon them.” 116 F.3d at 721.

For the reasons explained below, and in Appellants’ brief, the preliminary injunction should be reversed.

IDENTITY AND INTEREST OF AMICI CURIAE

Proposed *amici* are a broad array of immigrants’ rights, civil rights and labor organizations. *Amici* have a substantial interest in the outcome of this case, which implicates the subject matter of their advocacy and directly impacts the communities they serve. A complete list of the 154 *amici* and their interests is attached to the accompanying motion for leave to file. *Amici* have authority to file this brief pursuant to F.R.A.P. 29(a) because the parties have consented to its filing.

ARGUMENT

I. The Injunction Will Harm The Economy

Studies by the government, think-tanks, non-profit advocacy organizations, and academic researchers show that the Deferred Action Initiative would improve the U.S. economy and benefit U.S. workers. Temporary work authorization for eligible immigrants will raise not only their wages, but the wages of all Americans, which will in turn increase government tax revenue and create new jobs.

The overwhelming consensus of economists is that immigration is positive for the U.S. economy. For instance, Dr. Giovanni Peri has concluded that “immigrants expand the U.S. economy’s productive capacity, stimulate investment, and promote specialization that in the long run boosts productivity,” and that “there is no evidence that these effects take place at the expense of jobs for workers born in the United States.”² Because immigrants and native-born workers tend to fill different kinds of jobs that require different skills, they complement each other rather than compete.³ This increases the productivity, and therefore the wages, of native-born workers.⁴ Further, the increased spending power of both immigrants and native-born workers bolsters U.S. businesses, which

² Giovanni Peri, *The Effect of Immigrants on U.S. Employment and Productivity*, FRBSF Econ. Letter 2010-26, Aug. 30, 2010, <http://www.frbsf.org/economic-research/publications/economic-letter/2010/august/effect-immigrants-us-employment-productivity>; see also Jack Strauss, *Does Immigration, Particularly Increases in Latinos, Affect African American Wages, Unemployment and Incarceration Rates?*, Dec. 8, 2012, available at Social Science Research Network, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2186978.

³ Peri, *supra* n.2; see also Heidi Shierholz, *Immigration and Wages: Methodological advancements confirm modest gains for native workers*, at 10-11 (Econ. Policy Inst., Briefing Paper No. 255 (Feb. 4, 2010), <http://www.epi.org/files/page/-/bp255/bp255.pdf>); Gianmarco I.P. Ottaviano and Giovanni Peri, *Rethinking the Effects of Immigration on Wages*, at 3-4 (Nat’l Bureau of Econ. Research, Working Paper No. 12497, 2006, revised 2008), <http://www.nber.org/papers/w12497.pdf>; Michael Greenstone and Adam Looney, *Ten Economic Facts About Immigration*, at 5, The Hamilton Project, Brookings Institute (Sept. 2010).

⁴ Peri, *supra* n.2; see also Shierholz, *supra* n.3, at 19 (estimating that, from 1994 to 2007, immigration increased the wages of native-born workers by 0.4 percent); Ottaviano and Peri, *supra* n.3, at 4 (estimating that, from 1990 to 2004, immigration increased the wages of native-born workers by 0.7 percent); Greenstone and Looney, *supra* n.3, at 5.

are then able to invest in new ventures. The end result is more jobs for more workers, as well as upward pressure on wages created by higher demand for labor.⁵

Deferred action and temporary work authorization would amplify the positive impact immigration has on the U.S. economy. As the White House Council of Economic Advisors (“CEA”) explains, “better task specialization and occupational reallocation as a result of work authorization for undocumented workers granted deferred action would allow for greater productivity – and thus higher wages – for native workers as well.”⁶ CEA estimates the wage gains to be 0.1 percent for native-born workers over the next ten years as a result of the executive actions.⁷

The federal government, as well as state and local governments, will enjoy higher tax revenues as a result of the Deferred Action Initiative. Not only will

⁵ Giovanni Peri, *Rethinking the Effects of Immigration on Wages: New Data and Analysis from 1990-2004*, 5 Immigration Policy In Focus, No. 8, at 1 (American Immigration Law Foundation (now, American Immigration Council), Oct. 2006), <http://www.immigrationpolicy.org/sites/default/files/docs/IPC%20Rethinking%20Wages,%2011-2006.pdf>; White House Council of Economic Advisors (“CEA”), *The Economic Effects of Administrative Action on Immigration*, at 9 (Nov. 2014), available at http://www.whitehouse.gov/sites/default/files/docs/cea_2014_economic_effects_of_immigration_executive_action.pdf.

⁶ CEA, *supra* n.5, at 9.

⁷ *Id.* at 9-11; *see also* U.S. Chamber of Commerce, *Immigration Myths and Facts*, at 4-5 (2013), available at https://www.uschamber.com/sites/default/files/legacy/reports/Immigration_MythsFacts.pdf (discussing ten-year projections (2010-2020) for retirement and economic growth, which make immigration “invaluable” in sustaining the U.S. work force).

previously unauthorized workers be brought into the formal workforce, with much higher rates of tax compliance, but they will also be able to obtain better jobs and earn higher wages. The North American Integration and Development Center (“NAID”) at the University of California, Los Angeles, estimates that if 3.8 million people are eligible to receive deferred action, tax revenues would increase by approximately \$2.6 billion over the first two years.⁸ Similarly, the Center for American Progress (“CAP”) estimates that if 4.7 million individuals are eligible to receive deferred action, payroll tax revenues will increase by \$2.87 billion in the first year and \$21.24 billion over the first five years.⁹ The effects on individual states are striking. For instance, CAP estimates that in Texas alone, granting deferred action and a temporary work permit to those individuals who would be eligible would result in a \$338 million increase in tax revenues over five years.¹⁰ CAP also estimates that deferred action recipients will earn \$103 billion more in

⁸ Dr. Raul Hinojosa-Ojeda with Maksim Wynn, *From the Shadows to the Mainstream: Estimating the Economic Impact of Presidential Administrative Action and Comprehensive Immigration Reform*, Appendix A at 32 (NAID, Nov. 21, 2014), http://www.naid.ucla.edu/uploads/4/2/1/9/4219226/ucla_naid_center_report_-_estimating_the_economic_impact_of_presidential_administrative_action_and_comprehensive_immigration_reform.pdf.

⁹ Patrick Oakford, *Administrative Action on Immigration Reform, The Fiscal Benefits of Temporary Work Permits*, at 9 (CAP, 2014), <http://cdn.americanprogress.org/wp-content/uploads/2014/09/OakfordAdminRelief.pdf>.

¹⁰ CAP, *Executive Action on Immigration Will Benefit State Economies* at 3, available at <http://www.scribd.com/doc/248189539/Topline-Fiscal-Impact-of-Executive-Action-Numbers-for-28-States>.

wages over the next 10 years than they otherwise would. The resulting increase in economic activity will, over the coming decade, raise the income of all Americans by \$124 billion and create 28,814 new jobs per year.¹¹

As a result of these various economic benefits, deferred action will have the effect of growing the economy generally. The CEA predicts that over the next 10 years the Deferred Action Initiative will increase GDP between \$90 billion and \$210 billion,¹² and CAP predicts \$230 billion in GDP growth.¹³ Moreover, as a result of higher GDP growth and resulting higher tax revenue, CEA estimates that the executive actions on immigration will decrease federal deficits by between \$25 and \$60 billion over the next decade.¹⁴

In making its finding concerning irreparable harm, the district court credits Appellees' assertion of harm, finding "there are millions of dollars at stake in the form of unrecoverable costs to the States if DAPA is implemented and later found unlawful in terms of infrastructure and personnel to handle the influx of applications." ROA.4490. In doing so, however, the district court neglected to

¹¹ CAP, *Assessing the Economic Impacts of Granting Deferred Action Through DACA and DAPA*, available at <https://www.americanprogress.org/issues/immigration/news/2015/04/02/110045/assessing-the-economic-impacts-of-granting-deferred-action-through-daca-and-dapa/>.

¹² CEA, *supra* n.5, at 2.

¹³ *Supra* n.10.

¹⁴ CEA, *supra* n.5, at 2.

consider the far stronger evidence of economic benefits discussed above. This evidence not only compels the conclusion that Appellees failed to demonstrate irreparable harm sufficient to support the preliminary injunction, but also the conclusion that the public interest lies in reversal of the district court's order.

II. The Injunction Will Harm Individuals

A. The Economic Effects On Individuals Granted Deferred Action

Under the Deferred Action Initiative, many currently employed undocumented individuals will have access to better jobs and improved working conditions. Because undocumented immigrants seek jobs that minimize their risk of being identified and deported, they often do not work in jobs that best fit their education, skills, and abilities, or those which would maximize their earning potential.¹⁵ Making workers eligible for deferred action and work permits will allow them greater occupational mobility, enabling them to seek out a wider range of potential jobs. Moreover, as CAP has explained, “[t]he interaction between our broken immigration system and employment and labor laws have made undocumented workers more susceptible to exploitation in the workplace, leading them to earn lower wages than they otherwise could.”¹⁶ Eliminating the fear of

¹⁵ Oakford, *supra* n.9, at 6.

¹⁶ *Id.* at 5. Additionally, deferred action will not have a negative impact on employment for native-born workers. CEA explains: “Theory suggests that these policy changes would not have an effect on the long-run employment (or unemployment) rate . . . as the additional demand associated with the expanded economy would offset the additional supply of workers. . . .

retaliatory reporting and potential deportation will allow these workers to better protect their own workplace rights, leading to higher real wages and fewer violations of employment and labor laws and regulations.¹⁷

Those eligible for deferred action will enjoy increased earning potential, producing a positive multiplier effect on local economies. CAP estimates: “Temporary work permits would increase the earnings of undocumented immigrants by about 8.5 percent as they are able to work legally and find jobs that match their skills.”¹⁸ Similarly, the Fiscal Policy Institute estimates that wages for those eligible for work authorization will increase by 5 to 10 percent.¹⁹ Overall, one estimate suggests that the group of individuals eligible to receive deferred action through this initiative “will experience a labor income increase of \$7.1 billion dollars.”²⁰

Consistent with the theory, much of the academic literature suggests that changes in immigration policy have no effect on the likelihood of employment for native workers.” CEA, *supra* n.5, at 9.

¹⁷ Indeed, enabling undocumented workers to better protect their workplace rights will have a positive effect on all U.S. workers. Not only will more workers have the opportunity to bring employers’ violations to light, but diminishing the exploitation of these workers will prevent a race-to-the-bottom in workplace conditions. *See* Oakford, *supra* n.9, at 6.

¹⁸ *Id.* at 3.

¹⁹ Fiscal Policy Institute, *President’s Immigration Action Expected to Benefit Economy*, <http://fiscalpolicy.org/presidents-immigration-action-expected-to-benefit-economy>.

²⁰ Hinojosa-Ojeda and Wynn, *supra* n.8, Appendix A at 32.

The benefits of the Deferred Action Initiative for upward mobility are apparent from the impact of the initial Deferred Action for Childhood Arrivals (“DACA”) program, announced in June 2012. A national survey of 1,402 young adults across the country who were approved for DACA through June 2013 found:

Since receiving DACA, young adult immigrants have become more integrated into the nation’s economic institutions. Approximately 61% of DACA recipients surveyed have obtained a new job since receiving DACA. Meanwhile, over half have opened their first bank account, and 38% have obtained their first credit card.²¹

In short, DACA created numerous economic benefits to qualifying individuals and to society at large, including by permitting greater levels of contribution to the workforce by educated individuals who previously had limited employment opportunities. The Deferred Action Initiative would do the same.

B. The Human Impact Of The Deferred Action Initiative

The stories of the individuals described below highlight the benefits of permitting the Executive Branch to roll out the Deferred Action Initiative unimpeded by judicial intervention. As Appellants have explained, the Deferred Action Initiative allows DHS to focus its limited resources on such priorities as national security and public safety. App. Br. at 24-25. The following are

²¹ Roberto G. Gonzales and Veronica Terriquez, *How DACA is Impacting the Lives of Those who are now DACAmended: Preliminary Findings from the National UnDACAmended Research Project* (American Immigration Council, 2013), <http://www.immigrationpolicy.org/just-facts/how-daca-impacting-lives-those-who-are-now-dacamended>.

descriptions of individuals who stand to benefit from deferred action and who have long made the United States their home and contributed in a multitude of ways.

1. Individuals Who Immigrated As Children

The Deferred Action Initiative, like DACA, is designed to allow individuals who came to the United States as children, pursued educational opportunities, and lack a viable means to legalize their status, to apply for a temporary, revocable reprieve from deportation and obtain work authorization. The eligible individuals often know only the United States as their home but, despite having been raised and educated here, lack the ability to work legally and live in constant fear of deportation. DACA limited relief to individuals who were under age 31 as of June 15, 2012, and required individuals to have been in the United States as of June 15, 2007. These cut-off dates excluded numerous individuals, who have made critical contributions to our country.

Jose Antonio Vargas. Jose Antonio Vargas, who is now age 33, arrived in the United States at age 12 from Antipolo, Philippines. He currently lives in California. Jose is a well-known journalist who was part of the *Washington Post* team that won the Pulitzer Prize for coverage of the Virginia Tech shootings in 2011. He is also a filmmaker and founder of the nonprofit media and culture campaign, “Define American,” which seeks to elevate the immigration conversation in the United States. Jose discovered he was undocumented at age 16

when he attempted to apply for a driver's license. He is the only undocumented member of his family. He missed the age cutoff for the original DACA program by a few months. Jose is already an American entrepreneur and business owner who has made tremendous contributions to society through his films and advocacy work. He has created numerous jobs for U.S. citizens despite lacking his own work authorization, for which the expanded DACA initiative would finally allow Jose to apply.²²

Aly. Aly has lived in the United States for 30 years. He arrived in 1985 from Dakar, Senegal, at age 8. He currently lives in Syracuse, New York, where he is a community organizer. Aly came to the United States as the son of a diplomat working at the United Nations. He eventually traded his diplomatic visa for a student visa, graduated from Georgetown Preparatory School, attended the University of Pennsylvania, and completed his studies with a Bachelor of Arts in Political Science from Le Moyne College in Syracuse. He missed the age cutoff for the original DACA program, but would be able to apply under the expansion.²³

Juan Carlos. Juan Carlos is 21 years old and lives in North Carolina. He is originally from El Salvador but came to the United States when he was 15 years

²² Information on file with Karen Tumlin, NILC.

²³ Information on file with Karen Tumlin, NILC.

old. He was detained while crossing into the United States in 2008 and has a final order of removal. Following his high school graduation in June 2012, Juan Carlos was accepted into five colleges. But he could not afford to attend because North Carolina does not provide in-state tuition for undocumented students. To make ends meet, Juan Carlos started working with his father in construction. After he fell on his third day of work, he did not return to that job because he knew that if he suffered a more serious workplace injury, he would not be able to afford the medical costs. especially

Juan Carlos was not eligible for DACA because he came to the United States in 2008. Receiving deferred action is important to Juan Carlos because as a gay man deportation to El Salvador would be especially difficult. Moreover, deferred action also would allow him to pursue higher education, to follow his dream of becoming an architect.²⁴

2. Parents Of U.S. Citizens And Lawful Permanent Residents

Under the Deferred Action Initiative, certain other individuals with strong ties to the United States will become eligible for deferred action based on the immigration status of their children.

²⁴ See Letter from Julieta Garibay, Co-founder and Deputy Advocacy Director United We Dream, to Karen Tumlin, NILC (Dec. 29, 2014) (on file with NILC).

Rosalva and Fidel. Rosalva resides in Indianapolis, Indiana. Rosalva and her husband Fidel have three U.S. citizen children: Brandon, age 11, Candy, age 17, and Brenda, age 19. Their oldest daughter, Brenda, proudly serves our nation in the United States National Guard and recently completed basic training. Rosalva is a small business owner. Because of their U.S. citizen children, Rosalva and Fidel qualify for the Deferred Action Initiative. Deferred action would also give Rosalva the opportunity to travel to Mexico and visit her 93-year old father whom she has not seen in over 20 years.

Denis and Reina. Denis has lived in the U.S. for 11 years. His wife, Reina, has lived in the U.S. since 2007. Both are from Honduras. Denis left Honduras in 2003 because he feared for his life.

Denis has lived in the New Orleans area since Hurricane Katrina. A skilled roofer and construction worker, he came to the city to help rebuild New Orleans. Denis and Reina are the parents of a one-year-old son who is a U.S. citizen. Unfortunately, their young son has been diagnosed with respiratory complications that require regular physician visits as well as emergency care. Denis' income is the family's main source of financial support, and multiple physicians have advised him that his continued presence in the United States is critical to ensuring that his son receives adequate medical care. Denis is subject to a final removal order, which was issued following proceedings that he did not adequately

understand and at which he appeared *pro se*. Denis lives in constant fear he will be deported. The Deferred Action Initiative would protect Denis and Reina from deportation, allowing their family to remain together and maximizing the chances for a healthy future for their son.²⁵

Rebeca. Rebeca (a pseudonym) entered the United States from Mexico in 2000 and resides in Indiana. She has six children, four of whom are U.S. citizens. During her time in the United States, Rebeca suffered years of abuse at the hands of her domestic partner. Her abuser, who was often drunk, would yell at her and beat her in front of her children. On one occasion he punched her in the stomach while she was pregnant; on another occasion, he threatened her with a knife. The abuser was arrested for felony battery and deported. As the mother of U.S. citizen children, Rebeca could benefit from deferred action, which would enable her to continue to raise her children in the only country they have ever known.²⁶ For women in Rebeca's situation, obtaining deferred action would reduce their vulnerability to abuse by making them less afraid to report crimes.²⁷

²⁵ See Letter from Yihong "Julie" Mao, Esq., to Karen Tumlin, NILC (Dec. 29, 2014) (on file with NILC).

²⁶ See Letter from Charles Roth, Esq., to Karen Tumlin, NILC (Dec. 29, 2014) (on file with NILC).

²⁷ National Latina Network for Healthy Families and Communities, *Realidades Latinas: A National Survey on the Impact of Immigration and Language Access on Latina Survivors*, Research Report No. 2013.4 (2013), available at

Nga. Nga came to the United States from Vietnam on a V-nonimmigrant visa in 2004 to reunite with her husband, a lawful permanent resident. She started working in Houston, Texas, and became an integral part of her community. But her marriage ended in divorce, and her ex-husband never completed her immigrant visa process. She began living with her uncle until 2007, when he sexually abused her. She moved out, sought legal assistance, and bravely reported his conduct to the police, but her uncle was never prosecuted. Nga was placed in a women's shelter as she had nowhere else to go. Later, she moved in with her partner, who was a lawful permanent resident. In 2009, when her partner found out that Nga was pregnant with his child, he broke up with her. Nga was, once again, left to fend for herself. In June 2010, Nga gave birth to a baby girl, a U.S. citizen, and began raising her as a single mother.

Around the same time, Nga's work permit expired. She was left without a way to earn a steady income, and became embroiled in a custody battle with her ex-partner over her child. Based in part on Nga's lack of stable employment, the father of the child was awarded custody. Nga currently sees her daughter weekly, while working low-paying jobs in the restaurant industry to support her. The

http://www.casadeesperanza.org/pdfs/NLNRealidades%20Latinas_The%20Impact%20of%20Immigration%20and%20Language%20Access_FINAL.pdf.

Deferred Action Initiative would help Nga seek better and more stable employment opportunities, and gain back custody of her daughter.²⁸

Concepción. Concepción, her husband, and their two oldest children came to the United States from Mexico in 1995. They live in Winter Garden, Florida. Concepción has waited since 2001 to adjust her immigration status through a family petition by her brother, but due to backlogs a visa is not yet available. Concepción has four children—the two youngest are U.S. citizens, which qualifies her for the Deferred Action Initiative. Receiving deferred action would allow her to apply for a driver’s license so she could take her two youngest children to school and to extra-curricular activities without fear of being pulled over by police and turned over to immigration authorities.²⁹

These stories provide a small glimpse into the human toll the injunction perpetuated. They illustrate the benefits the Deferred Action Initiative will provide to our nation’s families, communities, and economy. These benefits, as well as those Appellants discuss, demonstrate that a continued preliminary injunction would be contrary to the public interest.

²⁸ Information on file with Karen Tumlin, NILC.

²⁹ Information on file with Karen Tumlin, NILC.

III. DHS Line Officers Have Discretion Under The Initiative To Evaluate Requests For Deferred Action On A Case-By-Case Basis

The district court's finding that DHS simply rubber stamps DACA requests is incorrect. The court found: "the only discretion that has been or will be exercised is that already exercised by Secretary Johnson in enacting the DAPA program and establishing the criteria therein," ROA.4483, and "[n]o DACA application that has met the criteria has been denied based on an exercise of individualized discretion," ROA.4484. This finding is contrary to record evidence and the experience of *amici*.

As Appellants have explained, DHS maintains complete and unreviewable prosecutorial discretion under the Deferred Action Initiative to decide on a case-by-case basis whether to grant any particular individual's request. App. Br. at 44-45. According to the latest statistics, almost six percent of DACA requests have been denied,³⁰ in addition to the almost six percent that were rejected as incomplete or otherwise insufficient. ROA.917; *see also* ROA.4148.³¹

³⁰ According to USCIS statistics (current through YE 2014), 677,494 initial requests have been adjudicated. Of those, 638,897 were approved and 38,597 were denied. http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/I821d_performancedata_fy2015_qtr1.pdf

³¹ It is unsurprising that a large number of DACA requests are approved, as individuals who meet the specified guidelines are more likely to warrant a favorable exercise of discretion. Thus, they have a greater incentive to pay the requisite fees and identify themselves to the government agency empowered to initiate removal proceedings. Further, in the experience of *amici*, those who do not meet DACA guidelines are counseled to refrain from submitting requests, thereby reducing the number of denials.

The record indicates that DHS officers consider numerous discretionary factors in deciding whether to grant a DACA request. ROA.4145-4148 (Neufeld Decl.). The record further shows that DACA requests have been denied in the exercise of discretion based on the agency’s belief that the applicant “submitted false statements or attempted to commit fraud in a prior application or petition . . . falsely claimed to be a U.S. citizen and had prior removals” as well as other factors not specified in the DACA guidelines. ROA.4146. Indeed, a form used for denial of DACA requests includes a box specifically allowing denials solely on the basis of discretion—even where eligibility guidelines are met, as well as another box permitting denial where requestor “do[es] not warrant a favorable exercise of prosecutorial discretion because of national security or public safety concerns.” ROA.1841.³²

The district court refused to treat denials on the basis of public safety and fraud as exercises of discretion because they “are specifically listed in the Operation Instructions as reasons to deny relief.” ROA.4485. But the point is that an undefined and flexible “public safety” concern has been the basis for denial of

³² Appendix A attached hereto includes three different versions of the denial form. *See also* Written Testimony of Stephen H. Legomsky Before the House Judiciary Committee at 13-14 (Feb. 25, 2015) (describing evolution of denial form, each version of which contains an option reflecting discretion to deny requests even when all threshold guidelines are satisfied), available at: http://judiciary.house.gov/_cache/files/fc3022e2-6e8d-403f-a19c-25bb77ddfb09/legomsky-testimony.pdf.

deferred action, even for those who meet all the objective guidelines for DACA. In other words, when DHS officers exercise judgment on a case-by-case basis to deny deferred action to those who have not “been convicted of a felony offense, a significant misdemeanor offense, [or] multiple misdemeanor offenses,” ROA.123, but because the DHS officer has public safety concerns even in the absence of such convictions, meaningful discretion is exercised.³³

In the experience of *amici*, many of whom have advised DACA applicants and their lawyers, some DACA denials are based solely on this unreviewable prosecutorial discretion. That is, individuals meeting all the DACA eligibility requirements are nonetheless denied deferred action, and have no recourse for these denials. They cannot appeal the denials, nor are they entitled to reconsideration of the discretionary determinations.

³³ DHS line officers also exercise discretion in assessing whether the DACA guidelines have been met. For instance, DACA requires that individuals have not departed the United States since June 15, 2007, except for absences that are “brief, casual, and innocent.” The assessment of whether a particular absence is “innocent,” “casual,” or “brief” is left to the officer’s discretion. Likewise, DACA requires that an individual not have committed a “significant misdemeanor,” a category that includes “driving under the influence” and “domestic violence” offenses. In making this assessment, officers review conviction records, police reports and other documents that the applicant must provide. An officer’s decision to categorize a particular offense as a “significant misdemeanor” based on the facts presented is an act of discretion. The same reasoning applies to other DACA guidelines.

The following examples illustrate the types of circumstances where agency officials exercised their discretion to deny DACA to individuals who met all the threshold eligibility guidelines.

Christian. Christian, a 24-year-old Guatemalan national, received a discretionary DACA denial in August 2013. Christian came to the United States at the age of eight. His family settled in the Kansas City area. In 2009, following a consolidated hearing with his father in which his father was denied asylum, Christian and his father were ordered removed. During the removal proceeding, the government accused Christian's father of engaging in war crimes during the Guatemalan civil war. The Guatemalan civil war concluded in 1996, when Christian was five years old.

Despite the immigration judge's decision, Christian did not leave the United States because his U.S. citizen daughter suffers from a chromosomal abnormality called Turner's Syndrome. Christian was the primary provider for the child and the child's mother. After the DACA program was announced, Christian applied. He met all the established eligibility guidelines.³⁴ Christian stated in his application for work authorization that he sought a work permit to provide for his

³⁴ The policy governing DACA decisions provides that a final order of removal, without more, is not disqualifying. USCIS, *DACA Frequently Asked Questions* (updated Oct. 23, 2014), at Q.7, available at <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions> (hereinafter "DACA FAQ").

immediate and extended family, and to make donations to his church. He expressed a desire to attend college and enlist in the U.S. military. USCIS denied Christian's DACA request. The denial provided that Christian had not established that he "warrant[ed] a favorable exercise of prosecutorial discretion." No further explanation was given.³⁵

Francisco.³⁶ In January 2014, DHS denied the DACA request of Francisco, a young Virginia man. Francisco came to the United States from Mexico when he was 10 years old. Francisco is married to a U.S. citizen and is the father of a five-year-old U.S. citizen child. At the time he requested DACA, Francisco was enrolled in a local community college and was working fulltime to support his family. Francisco's mother and siblings lawfully reside in the United States. DHS denied Francisco's DACA request on the ground that he did not warrant a favorable exercise of prosecutorial discretion.

The agency did not point to any other basis for denying Francisco's request. Although Francisco had minor criminal convictions, his criminal history did not disqualify him from DACA. A person is ineligible for DACA if he or she has "been convicted of a felony offense, a significant misdemeanor offense, multiple

³⁵ Information on file with Patrick Taurel, American Immigration Council.

³⁶ This individual's name has been changed at counsel's request.

misdemeanor offenses, or otherwise poses a threat to national security or public safety.” ROA.123. Francisco was convicted of misdemeanor marijuana possession as well as minor traffic offenses. In addition, Francisco was charged with—but not convicted of—driving with a suspended license, failure to possess a valid driver’s license, and reckless driving. In connection with the misdemeanor marijuana offense, Francisco was sentenced to probation, and his driver’s license was restricted for six months. He was not sentenced to serve any time in custody. Therefore, the simple possession offense does not rise to the level of a “significant misdemeanor” as DHS has defined the term under DACA.³⁷ Moreover, Francisco’s other convictions are all for driving without a license, which is the type of “minor traffic offense” DHS does not consider “a misdemeanor for purposes of [DACA].”³⁸ Nonetheless, he was denied based on prosecutorial discretion.³⁹

Adolfo. Adolfo also was denied DACA despite meeting all the eligibility guidelines. Adolfo, now age 28, came to the United States from El Salvador when he was 14. He fled violence at home at the hands of his uncle. He initially resided in Los Angeles and then moved to the Washington, DC area.

³⁷ DACA FAQ Q.62.

³⁸ DACA FAQ Q.64.

³⁹ Information on file with Patrick Taurel, American Immigration Council.

After arriving in the United States, Adolfo joined a gang. Two years later, at age 16, he decided to turn his life around and escaped the gang. For the next several years, Adolfo helped law enforcement combat gang activity. He began working with a local non-profit that seeks to keep Latino youth out of gangs and in school. He regularly travelled to schools to explain why young people should stay out of gangs. Adolfo went on to obtain his GED degree, and works full-time to support himself and his three-year-old U.S. citizen child.

Adolfo disclosed his former gang membership in his DACA application. In connection with his DACA request, an immigration officer questioned Adolfo for approximately three hours regarding his former gang membership.⁴⁰ Several months later, Adolfo received a denial of his DACA request solely because he did not “warrant[] a favorable exercise of prosecutorial discretion.”⁴¹

Luis. Luis has lived in the United States since he came from Mexico at the age of three. He grew up in California and, after completing three years of high school, moved to Colorado to find work. There, Luis got married and had a daughter. Finding work in painting and construction, Luis dedicated himself to

⁴⁰ USCIS occasionally interviews DACA requestors. Some are selected randomly for quality control purposes, while others are selected because of eligibility issues. *See* Practice Alert: DACA Interviews at Local USCIS Field Offices, AILA InfoNet Doc. No. 13050246 (posted May 2, 2013).

⁴¹ Information on file with Patrick Taurel, American Immigration Council.

supporting his family. He filed taxes and enrolled in a GED program to complete his high school education.

Luis had contact with the justice system on four occasions, but did not run afoul of the DACA disqualifying grounds. His first two offenses – underage alcohol possession and trespass – were handled in juvenile court. These incidents did not bar Luis from DACA because “juvenile convictions will not automatically disqualify” a requestor.⁴² Subsequently, Luis was cited for speeding and driving without a license. The latter is a misdemeanor in Luis’s home state; however, “minor traffic offenses, such as driving without a license” are not considered misdemeanors for purposes of DACA.⁴³ Luis’s last encounter with the criminal justice system resulted in a conviction for driving under restraint, a state law that makes it a misdemeanor to drive with knowledge that the person’s license or privilege to drive is under restraint. Luis was also charged with providing false information, but this charge was dropped. Even if Luis’s conviction for driving under restraint is *not* considered a “minor traffic offense” under DACA, it would still not rise to the level of a “significant misdemeanor” because Luis was not sentenced to 90 days in custody and the crime is not one of the enumerated significant misdemeanors. Nor would it justify a conclusion that Luis had been

⁴² DACA FAQ Q.67.

⁴³ DACA FAQ Q.64.

convicted of three or more other misdemeanors because none of Luis's other delinquency findings or convictions constitute misdemeanors for purposes of DACA.⁴⁴ Luis was thus not disqualified from DACA.

Luis applied for DACA and submitted proof that he met the eligibility guidelines. Nevertheless, USCIS denied his application as a matter of discretion. The only box checked on the template denial he received provided: "You have not established that you warrant a favorable exercise of discretion."⁴⁵

Jose. In October 2014, USCIS issued a discretionary DACA denial to Jose, a Texas high school graduate with substantial family ties in the United States. Jose met all the guidelines, had no criminal convictions, is married to a U.S. citizen, is the father of a U.S. citizen; and helps his lawful permanent resident mother take care of his three siblings, two of whom are U.S. citizens and one of whom has DACA.

Jose came to the United States from Mexico when he was four years old. His family settled in Texas, where Jose excelled in school. After graduation, he enrolled in community college courses while working various jobs to help provide for his family. Jose was a taxpayer and helped support his niece and nephew. He dreamed of one day being able to complete his education.

⁴⁴ DACA FAQ Q.62 (identifying per se significant misdemeanors).

⁴⁵ Information on file with Patrick Taurel, American Immigration Council.

The only blemish on Jose's record is a criminal charge that did not result in conviction. In 2011, Jose was arrested and accused of sexual assault of a child under 17 years of age based on his relationship with a woman who was then his girlfriend and is now his wife and the mother of his U.S. citizen child. A grand jury investigated the case and declined to indict Jose. Upon his release from state custody, Jose was placed in removal proceedings. An immigration judge subsequently ordered Jose's release on bond, which enabled him to request DACA.

Jose demonstrated that he met all the DACA guidelines. That removal proceedings were pending when he submitted his DACA request did not render him ineligible. Likewise, that Jose had been charged with a felony did not disqualify him because he was not convicted.⁴⁶ Nevertheless, USCIS denied Jose's application solely because, according to the agency, Jose did not warrant a favorable exercise of discretion.⁴⁷

Jaime Leon Rivas. Jaime was ten years old when he left El Salvador for the United States. He was accompanied by his older brother and a *coyote* whom Jaime's mother, a housekeeper, paid out of her savings. The boys made the long

⁴⁶ Memorandum from Janet Napolitano, Secretary of Homeland Security, *Exercising Prosecutorial Discretion with respect to Individuals who Came to the United States as Children* (June 15, 2012), at 1 (providing that an individual may be considered for an exercise of discretion under DACA if he or she has not been "convicted of a felony offense").

⁴⁷ Information on file with Patrick Taurel, American Immigration Council.

journey to reunite with their mother, who had moved to Colorado in the hope of being able to better provide for her family. Before leaving El Salvador, she entrusted her boys to the care of her parents. The rise in criminality in El Salvador prompted her to send for her children.

Jaime was apprehended by immigration officials while trying to enter the United States. He was placed in removal proceedings and granted voluntary departure. Because he did not leave the United States, his voluntary departure order automatically converted into a removal order. 8 C.F.R. §1240.26(d).

Jaime did not transition well to life in the United States. Between 2007 and 2011, he had several encounters with the juvenile justice system. In 2007, at age twelve, Jaime was found carrying a knife to school and charged with unlawful possession of a weapon. He was found delinquent and ordered to complete probation. In 2009, Jaime was charged with trespass and with possession of alcohol as a minor. He was sentenced to probation and 15 days in a juvenile detention facility. In 2011, Jaime was found delinquent of criminal mischief and sentenced to probation. He was also charged with a second minor in possession of alcohol offense, which was dismissed. Shortly thereafter, he was found delinquent for a crime that remains sealed but which news reports describe as larceny.⁴⁸ This

⁴⁸ Ben Trollinger, *Beloved Summit County High School Student Faces Deportation*, Summit Daily News, March 19, 2014, available at <http://www.summitdaily.com/news/10683848-113/leon-rivas-summit-peaks>.

last incident landed Jaime in a program called “Rite of Passage” that appears to have changed his life. Rite of Passage is a Colorado Division of Youth Corrections program designed to help at-risk youth transition out of the juvenile justice system.⁴⁹

By all accounts, Jaime emerged from Rite of Passage a different person.⁵⁰ According to one of Jaime’s teachers who has known him since middle school, “When students go to the juvenile justice system and return to the same home and the same school and the same community, they do not make the changes that Jaime did[....] Jaime returned to us in Summit County a respectful, dedicated, compassionate, kind young man. He is an important part of our school community. He is a leader in our school community”⁵¹ In a letter of support that was submitted with Jaime’s DACA application, his high school counselor wrote, “I work with many diverse teens and children in Summit County and Jaime is a student that has positively impacted me personally. . . . I have total trust in his character and know that he is currently contributing to our community and will continue to do so as he matures.” Jaime aspires to become a counselor to help

⁴⁹ Rite of Passage About Us Page, <http://www.riteofpassage.com/index-1.html>.

⁵⁰ Michael de Yoanna, *Deported to Death*, Boulder Weekly, April 3, 2014, *available at* <http://www.boulderweekly.com/article-12611-deported-to-death.html>.

⁵¹ Trollinger, *supra* n. 49 (internal quotation marks omitted).

troubled youth, saying, “I want to help young kids so they can learn the right way.”⁵²

Jaime’s criminal history drew government attention. On the eve of his graduation, he was taken into custody by immigration authorities. From inside a detention facility, he took the unusual step of continuing his education, eventually receiving his high school diploma. He remained in custody until granted a stay of removal so he could request DACA.⁵³

Upon release, Jaime requested DACA and demonstrated that he met all the guidelines. His contact with the juvenile justice system did not disqualify him from DACA because “juvenile convictions will not automatically disqualify” a requestor.⁵⁴ Notwithstanding Jaime’s extraordinary transition from troubled youth to community leader, USCIS denied Jaime’s DACA request on the sole basis that he did not warrant a favorable exercise of discretion.⁵⁵

CONCLUSION

For the reasons in Appellants’ brief and the reasons above, the preliminary injunction should be reversed.

⁵² de Yoanna, *supra* n.51 (internal quotation marks omitted).

⁵³ Trollinger, *supra* n.49.

⁵⁴ DACA FAQ Q.67.

⁵⁵ Information on file with Patrick Taurel, American Immigration Council.

Dated April 6, 2015

Respectfully submitted,

/s/ Jonathan Weissglass

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Appendix A

Appendix F

NOTICE OF DENIAL OF CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS, FORM I-821D

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. For the reason(s) indicated below, USCIS has, in its unreviewable discretion, determined that it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

- At the time of filing, you were under the age of fifteen (15) and were not in removal proceedings, did not have a final removal order, or did not have a voluntary departure order.
- You have not established that you came to the United States under the age of sixteen (16).
- You have not established that you were under age 31 on June 15, 2012.
- You have not established that you have continuously resided in the United States since June 15, 2007, until the date of filing your request.
- During your period of residence in the United States, you had one or more absences that did not qualify as "brief, casual, and innocent."
- You have not established that you were present in the United States on June 15, 2012.
- You have not established that you were in an unlawful immigration status in the United States on June 15, 2012.
- You have not established that you are currently in school at the time of filing your request, have graduated or obtained a certificate of completion from a U.S. high school, or have obtained a general educational development (GED) certificate or other equivalent State-authorized exam in the United States, or that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.
- You have been convicted of a felony or a significant misdemeanor, or you have been convicted of three or more misdemeanors, or you do not warrant a favorable exercise of prosecutorial discretion because of public safety concerns, or exercising prosecutorial discretion in your case would not be consistent with the Department of Homeland Security's enforcement priorities.
- You have not established that you warrant a favorable exercise of prosecutorial discretion.
- You have not paid the fee for your concurrently filed Application for Employment Authorization, Form I-765, and/or your biometrics fee, because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time.
- USCIS was unable to conduct a background check on you because you did not appear for your scheduled appointment at an Application Support Center for the collection of biometrics, or your fingerprints were rejected as unclassifiable and you did not submit a local police clearance certificate for each jurisdiction in which you have lived for six months or more within the past five years.
- You did not respond to a Request for Evidence or Notice of Intent to Deny within the time prescribed.
- You have abandoned your Form I-821D, Consideration of Deferred Action for Childhood Arrivals because you departed the United States while the form was pending.
- USCIS lacks the authority to consider your request because you were in immigration detention at the time you filed your Form I-821D and you remain in immigration detention as of the date of this notice.

Appendix F

**NOTICE OF DENIAL OF CONSIDERATION OF DEFERRED ACTION FOR
CHILDHOOD ARRIVALS, FORM I-821D**

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. For the reason(s) indicated below, USCIS has, in its unreviewable discretion, determined that it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

- You are under the age of fifteen (15) and are not in removal proceedings, do not have a final removal order, or do not have a voluntary departure order.
- You have not established that you came to the United States under the age of sixteen (16).
- You have not established that you were under age 31 on June 15, 2012.
- You have not established that you have continuously resided in the United States since June 15, 2007, until the date of filing your request.
- During your period of residence in the United States, you had one or more absences that did not qualify as "brief, casual, and innocent."
- You have not established that you were present in the United States on June 15, 2012.
- You have not established that you were in an unlawful immigration status in the United States on June 15, 2012.
- You have not established that you are currently in school at the time of filing your request, have graduated or obtained a certificate of completion from a U.S. high school, or have obtained a general educational development (GED) certificate or other equivalent State-authorized exam in the United States, or that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.
- You have been convicted of a felony or a significant misdemeanor, or you have been convicted of three or more misdemeanors, or you do not warrant a favorable exercise of prosecutorial discretion because of public safety concerns, or exercising prosecutorial discretion in your case would not be consistent with the Department of Homeland Security's enforcement priorities.
- You have not established that you warrant a favorable exercise of prosecutorial discretion.
- You have not paid the fee for your concurrently filed Application for Employment Authorization, Form I-765, and/or your biometrics fee, because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time.
- USCIS was unable to conduct a background check on you because you failed to appear for your scheduled appointment at an Application Support Center for the collection of biometrics, or your fingerprints were rejected as unclassifiable and you did not submit a local police clearance certificate for each jurisdiction in which you have lived for six months or more within the past five years.
- You did not respond to a Request for Evidence or Notice of Intent to Deny within the time prescribed.
- You have abandoned your Form I-821D, Consideration of Deferred Action for Childhood Arrivals because you departed the United States while the form was pending.
- USCIS lacks the authority to consider your request because you were in immigration detention at the time you filed your Form I-821D and you remain in immigration detention as of the date of this notice.

Appendix F

NOTICE OF DENIAL OF CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS, FORM I-821D

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. For the reason(s) indicated below, USCIS has, in its unreviewable discretion, determined that that it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

- You are under the age of fifteen (15) and are not in removal proceedings, do not have a final removal order, or do not have a voluntary departure order.
- You have failed to establish that you came to the United States under the age of sixteen (16).
- You have failed to establish that you were under age 31 on June 15, 2012.
- You have failed to establish that you have continuously resided in the United States since June 15, 2007, until the date of filing your request.
- During your period of residence in the United States, you had one or more absences that did not qualify as "brief, casual, and innocent."
- You have failed to establish that you were present in the United States on June 15, 2012 and that you were unlawfully present in the United States on that date.
- You have failed to establish that you are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.
- You have been convicted of a felony or a significant misdemeanor, or you have been convicted of three or more misdemeanors, or you do not warrant a favorable exercise of prosecutorial discretion because of public safety concerns.
- You do not warrant a favorable exercise of prosecutorial discretion because of other concerns.
- You have failed to pay the fee for your concurrently filed Application for Employment Authorization, Form I-765, and/or your biometrics fee, because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time.
- You failed to appear for the collection of biometrics at an Application Support Center.
- You failed to respond to a Request for Evidence or Notice of Intent to Deny within the time prescribed.
- You have abandoned your Form I-821D, Consideration of Deferred Action for Childhood Arrivals because you departed the United States while the form was pending.

CERTIFICATE OF COMPLIANCE WITH FRAP 29(c)(5)

Pursuant to Fed. R. App. P. 29(c)(5), I certify that:

1. A party's counsel did not author the brief in whole or in part. The brief was written in full by counsel for *amici*.

2. No party or party's counsel contributed money intended to fund preparing or submitting the brief.

3. No person—other than the *amici curiae*—contributed money that was intended to fund preparing or submitting the brief.

Dated: April 6, 2015

/s/ Jonathan Weissglass

Counsel for Service Employees
International Union

CERTIFICATE OF COMPLIANCE WITH FRAP 29(d) and 32(a)(7)

I certify that this brief is proportionately spaced in Times New Roman font, 14 point type, and that this brief contains 6,988 words, exclusive of the table of contents, table of authorities, signature blocks and certificates of compliance. This certification is based upon the word count of the word processing system used in preparing this brief.

Dated: April 6, 2015

By: s/ Jonathan Weissglass
Jonathan Weissglass

CERTIFICATE OF SERVICE

I certify that on April 6, 2015, I caused the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Jonathan Weissglass
Jonathan Weissglass