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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 REGENTS OF UNIVERSITY OF
17 CALIFORNIA and JANET NAPOLITANO, in
her official capacity as President of the
18 University of California,

19 Plaintiffs,

20 v.

21 UNITED STATES DEPARTMENT OF
22 HOMELAND SECURITY and ELAINE
DUKE, in her official capacity as Acting
23 Secretary of the Department of Homeland
Security,

24 Defendants.
25

CASE NO. 17-CV-05211-WHA

**BRIEF OF *AMICI CURIAE*
NINETEEN UNIVERSITIES IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PROVISIONAL RELIEF**

26
27
28

1 STATE OF CALIFORNIA, STATE OF
2 MAINE, STATE OF MARYLAND, and
3 STATE OF MINNESOTA,

4 Plaintiffs,

5 v.

6 U.S. DEPARTMENT OF HOMELAND
7 SECURITY, ELAINE DUKE, in her
8 official capacity as Acting Secretary of the
9 Department of Homeland Security, and the
10 UNITED STATES OF AMERICA,

11 Defendants.

CASE NO. 17-CV-05235-WHA

12 CITY OF SAN JOSE, a municipal corporation,

13 Plaintiff,

14 v.

15 DONALD J. TRUMP, President of the United
16 States, in his official capacity, ELAINE C.
17 DUKE, in her official capacity, and the
18 UNITED STATES OF AMERICA,

19 Defendants.

CASE NO. 17-CV-05329-WHA

20 DULCE GARCIA, MIRIAM GONZALEZ
21 AVILA, SAUL JIMENEZ SUAREZ,
22 VIRIDIANA CHABOLLA MENDOZA,
23 NORMA RAMIREZ, and JIRAYUT
24 LATTHIVONGSKORN,

25 Plaintiffs,

26 v.

27 UNITED STATES OF AMERICA, DONALD
28 J. TRUMP, in his official capacity as President
of the United States, U.S. DEPARTMENT OF
HOMELAND SECURITY, and ELAINE
DUKE, in her official capacity as Acting
Secretary of Homeland Security,

Defendants.

CASE NO. 17-CV-05380-WHA

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INTRODUCTION

1
2 *Amici* are nineteen distinguished American institutions of higher education.¹ *Amici* have
3 educated and helped launch the careers of many celebrated leaders and innovators in all fields,
4 including more than 200 Nobel Prize recipients, half of the astronauts who have walked on the
5 moon, dozens of Fortune 500 CEOs, and numerous Academy Award and Pulitzer Prize-winning
6 artists and authors. And every day, *amici*'s alumni can be found teaching in our schools,
7 performing cutting-edge research, discovering ground-breaking technology, healing patients in
8 our hospitals, starting businesses, leading our armed forces, and reporting on current events for
9 local and global news outlets. This is no coincidence, but a reflection of *amici*'s principal
10 objective: To improve the human condition by educating the next generation of people with the
11 talent, drive, and heart needed to identify and solve society's most pressing problems.

12 In furtherance of this mission, all *amici* institutions have admitted students who have
13 applied for and been granted participation in the Deferred Action for Childhood Arrival
14 ("DACA") program. "[L]ike their peers," the DACA students on *amici*'s campuses "are
15 extraordinarily talented young people who . . . aspire to be leaders in public service, science,
16 business, medicine, and the arts. They embody the drive and determination that has made the
17 United States the most prosperous and innovative country in the world."² And by virtue of the
18 DACA program—which protects participants against near-term deportation, allows them to work
19 lawfully, and enables them to travel abroad—these students have been able for the first time to

20 ¹ They include Brown University, California Institute of Technology ("Caltech"), Columbia
21 University, Cornell University, Dartmouth College, Duke University, Emory University,
22 Georgetown University, George Washington University, Harvard University, Massachusetts
23 Institute of Technology ("MIT"), Northwestern University, Princeton University, Stanford
University, University of Chicago, the University of Pennsylvania, Vanderbilt University,
Washington University in St. Louis, and Yale University.

24 ² Letter from Harvard University President Drew Gilpin Faust to President Donald J. Trump
25 Regarding DACA (Aug. 28, 2017), <https://www.harvard.edu/president/news/2017/letter-to-president-trump-regarding-daca>. See also, e.g., Letter from Cornell University President Martha
26 E. Pollack to President Donald J. Trump (Aug. 31, 2017),
27 <http://news.cornell.edu/stories/2017/09/pollack-urges-trump-support-daca-program> ("I believe
28 that our DACA students are 'incredible kids.' . . . It would be more than a shame if you . . .
extinguish so many bright and productive futures just as they are getting started.").

1 access educational and life opportunities on nearly equal terms with their peers.

2 The Department of Homeland Security’s September 5, 2017 Memorandum (“September
3 Memorandum”) rescinding DACA deters young people from pursuing higher education and
4 precludes the remarkable students enrolled at *amici* institutions from deriving the full benefit of
5 their time on our campuses. The government’s action therefore threatens *amici*’s ability to attract
6 and educate the most talented individuals and so undermines their educational missions.³ Indeed,
7 ending DACA forces future scholars, innovators, and leaders to choose between withdrawing to
8 the margins of our society and national economy or returning to countries that they have never
9 called home. Whatever they choose, their gifts and education are lost to this nation.

10 *Amici* submit this brief to inform the court about their experiences with the DACA
11 students on their campuses and to warn of the consequences—to the students, *amici*, and the
12 country—of rescinding the DACA program. At this time of profound challenges—from global
13 pandemics and insoluble conflicts, to climate change and income inequality—the importance of
14 *amici*’s shared mission of advancing and improving the human condition through teaching and
15 research comes into sharper focus. To achieve their ambitious goals of advancing knowledge and
16 transforming our society, schools must be able to identify and educate the very best students, and
17 those students must be able to work after graduation. Ending DACA unjustly sidelines a discrete
18 group of students. As one of *amici*’s Presidents put it, no student—*amici*’s or otherwise—should
19 be forced to live in constant fear of “losing the opportunities they earned, the communities they
20 think of as home, and the nation they love.”⁴ Nor should the nation lose the benefits of that
21 student’s full participation in our society.

22
23 ³ Letter from Caltech President Thomas F. Rosenbaum to The Caltech Community (Sept. 5,
24 2017), <http://www.caltech.edu/content/statement-daca> (ending DACA “cuts to the core of what
25 we stand for as an educational institution: to identify, attract, and support talented individuals,
and to create a community where students, staff, and faculty alike can learn from each other and
thrive”).

26 ⁴ L. Rafael Reif, President of MIT, *Trump Should Not Repeal DACA*, BOSTON GLOBE (Aug. 31,
27 2017), [https://www.bostonglobe.com/opinion/2017/08/31/trump-shouldn-repeal-](https://www.bostonglobe.com/opinion/2017/08/31/trump-shouldn-repeal-daca/9sqIjciw0UseCKGTSVCRIK/story.html)
28 [daca/9sqIjciw0UseCKGTSVCRIK/story.html](https://www.bostonglobe.com/opinion/2017/08/31/trump-shouldn-repeal-daca/9sqIjciw0UseCKGTSVCRIK/story.html).

ARGUMENT

I. DACA STUDENTS ENROLLED AT AMICI INSTITUTIONS ARE SOME OF THE MOST GIFTED AND MOTIVATED YOUNG PEOPLE IN THE WORLD

Although important differences exist from school to school, *amici* are united in a core mission: to educate extraordinary students from diverse backgrounds and prepare them for leadership, active citizenship, and achievement in every field of human endeavor. Each of *amici*'s schools, to borrow from one, "educates the most promising students and prepares them for a lifetime of learning and of responsible leadership."⁵ From their founding charters⁶ to their current websites,⁷ these clearly stated educational objectives govern how *amici* "determine for [themselves] on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." *Sweezy v. New Hampshire*, 354 U.S. 234, 263 (1957)

⁵ Dartmouth College, *Dartmouth College Mission Statement*, <http://home.dartmouth.edu/mission-statement> (last visited Oct. 31, 2017).

⁶ See, e.g., Duke University, *Indenture of James B. Duke establishing the Duke Endowment*, at 24 (1924), <https://archive.org/details/indentureofjames00slsn> (calling for courses of instruction in areas that "can do most to uplift mankind" and "help to develop our resources, increase our wisdom and promote human happiness"); Stanford University, *The Founding Grant with Amendments, Legislation, and Court Decrees*, at 24 (1885), https://stacks.stanford.edu/file/druid:bz978md4965/su_founding_grant.pdf (Stanford University's "chief object is the instruction of students with a view to producing leaders and educators in every field of science and industry"); Harvard University, *The Charter of the President and Fellows of Harvard College, Under the Seal of the Colony of Massachusetts Bay, and Bearing the Date May 31st A.D. 1650*, <https://library.harvard.edu/university-archives/using-the-collections/online-resources/charter-of-1650> (last visited Oct. 31, 2017) (Harvard's mission includes "the advancement of all good literature, arts, and sciences").

⁷ See, e.g., Cornell University, *About Cornell University*, <https://www.cornell.edu/about/mission.cfm> (last visited Oct. 31, 2017) (Cornell University's "mission is to discover, preserve and disseminate knowledge, to educate the next generation of global citizens, and to promote a culture of broad inquiry throughout and beyond the Cornell community"); MIT, *MIT Mission*, <http://www.mit.edu/aboutmit/> (last visited Oct. 31, 2017) (MIT's goal "is to advance knowledge and educate students in science, technology, and other areas of scholarship that will best serve the nation and the world in the 21st century"); Princeton University, *Princeton University Mission*, http://www.princeton.edu/president/eisgruber/docs/state_of_the_university_2017.pdf (last visited Oct. 31, 2017) (Princeton advances "learning through scholarship, research, and teaching of unsurpassed quality, with an emphasis on undergraduate and doctoral education that is distinctive among the world's great universities, and with a pervasive commitment to serve the nation and the world").

1 (Frankfurter, J., conc’g) (quotation omitted).

2 To fulfill their missions, *amici* devote substantial resources to identifying, recruiting, and
 3 retaining exceptional young people from around the globe. Of course, *amici* seek students with
 4 the scholarship record to excel in their classrooms, but given the great number of applications that
 5 *amici* receive—well in excess of the number of students they can admit—academic merit alone is
 6 insufficient for admission. *Amici* therefore undertake an intensive application review process to
 7 identify those students “who w[ill] make the most of the extraordinary resources” they have to
 8 offer, “those with a zest to stretch the limits of their talents, and those with an outstanding public
 9 motivation—in other words, applicants with a concern for something larger than themselves.”⁸
 10 Additionally, *amici* have worked to ensure that the most qualified students can enroll in their
 11 institutions, irrespective of their socioeconomic and immigration status.⁹

12 The DACA students at *amici* institutions were selected because they are outstanding
 13 students. Like their classmates, these young people were valedictorians, student government
 14

15 ⁸ Yale Admissions, *What Yale Looks For*, <https://admissions.yale.edu/what-yale-looks-for> (last
 16 visited Oct. 31, 2017); *see also* Harvard College Admissions & Financial Aid, *What We Look*
 17 *For*, <https://college.harvard.edu/admissions/application-process/what-we-look> (last visited Oct.
 18 31, 2017) (“We seek to identify students who will be the best educators of one another and their
 19 professors—individuals who will inspire those around them during their college years and
 20 beyond.”); Brown University, *Undergraduate Admission*,
 21 <https://www.brown.edu/admission/undergraduate/apply> (last visited Oct. 31, 2017) (“We will
 22 consider how your unique talents, accomplishments, energy, curiosity, perspective, and identity
 23 might weave into the ever-changing tapestry that is Brown University.”).

24 ⁹ Indeed, many of *amici* provide at least their undergraduate students complete, need-based
 25 financial aid. *See, e.g.*, Harvard College Financial Aid Office, *How Aid Works*,
 26 <https://college.harvard.edu/financial-aid/how-aid-works> (last visited Oct. 31, 2017) (Harvard is
 27 “committed to meeting 100 percent of demonstrated financial need for all four years” of
 28 undergraduate education irrespective of citizenship status); MIT Student Financial Services,
Financial Aid at MIT, <https://sfs.mit.edu/financial-aid-mit> (last visited Oct. 31, 2017) (MIT
 promises its undergraduate applicants that once they are admitted, the university will “meet
 [their] full financial need for all four years of [their] undergraduate career.”); Columbia
 Undergraduate Admissions, *Undocumented Students and DACA*,
<https://undergrad.admissions.columbia.edu/apply/first-year/undocumented-students> (last visited
 Oct. 31, 2017) (Columbia is “committed to meeting 100% of the demonstrated financial need of
 all students admitted as first-years or transfer students pursuing their first degree, regardless of
 citizenship status”).

1 leaders, varsity athletes, inventors, academic award winners, accomplished artists, and role
 2 models for younger children in their communities. And like many of their classmates, they are
 3 the pride of the neighborhoods in which they grew up—“local kids who made good.” To take
 4 just a few examples:

- 5 • Santiago Tobar Potes, a sophomore at Columbia University, was a straight-A student
 6 in high school, scored at the highest levels on state and national academic tests, speaks
 7 six languages and is an accomplished violinist who gave free lessons to impoverished
 8 youth in his hometown of Miami, Florida.¹⁰
- 9 • Laura Veira-Ramirez, a sophomore at Harvard, concentrating in chemistry with a
 10 secondary on ethnicity, migration, and rights, had the highest grade point average in
 11 her high school class in Connecticut.¹¹ At graduation, she gave a speech that revealed
 12 her undocumented status to many of her classmates for the first time, precisely
 13 because she “wanted to show how much you [can] accomplish even though you may
 14 be undocumented.”¹²
- 15 • Luis Gonzalez, a junior at Georgetown majoring in American Studies, graduated from
 16 high school in California, with a 4.69 grade point average and with passing scores on
 17 all nine of the Advanced Placement exams that he took. As the secretary of his high
 18 school’s National Honor Society chapter, he helped organize an anti-bullying
 19 campaign in the elementary school he had attended and spent most of his Saturdays
 20 tutoring classmates in math.
- 21 • Luke Hwang, a current PhD candidate in chemistry at the University of Chicago,
 22 graduated from a competitive math and sciences magnet high school in Bergen
 23 County, New Jersey, where he won a number of awards at regional science fairs and
 24 volunteered as an Emergency Medical Technician in his local ambulance corps. Luke
 25 was next accepted as a University Scholar in the Macaulay Honors College at the City
 26 College of New York, from which he received a Bachelor’s of Science in Chemistry.
 27 In addition to graduating *summa cum laude*, Luke received an award for obtaining the
 28 highest grade point average of any chemistry major.
- Barbara Olachea Lopez Portillo is a junior at Dartmouth, where she is majoring in
 sociology, minoring in international relations, and devoting substantial time to
 learning media production. She was the valedictorian of her high school class in
 Phoenix, Arizona, the secretary of her schools’ student government, and an active

23 ¹⁰ Santiago Tobar Potes, *DACA Student: Deporting Me and 800,000 Dreamers is a Man-Made*
 24 *Disaster That Will Be Terrible for US*, FOX NEWS (Sept. 5, 2017), [http://www.foxnews.com/opi](http://www.foxnews.com/opinion/2017/09/05/daca-student-deporting-me-and-800000-dreamers-is-man-made-disaster-that-will-be-terrible-for-us.html)
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 26 [will-be-terrible-for-us.html](http://www.foxnews.com/opinion/2017/09/05/daca-student-deporting-me-and-800000-dreamers-is-man-made-disaster-that-will-be-terrible-for-us.html).

27 ¹¹ Liz Mineo, *Ask the Undocumented*, HARVARD GAZETTE (May 4, 2017),
 28 [https://news.harvard.edu/gazette/story/2017/05/4-undocumented-harvard-college-students-](https://news.harvard.edu/gazette/story/2017/05/4-undocumented-harvard-college-students-recount-their-journeys-and-their-hopes/)
[recount-their-journeys-and-their-hopes/](https://news.harvard.edu/gazette/story/2017/05/4-undocumented-harvard-college-students-recount-their-journeys-and-their-hopes/).

¹² *Id.*

1 participant in various other extracurricular activities, including Inspire Arizona, an
2 organization that promotes civic engagement.

- 3 • Johan Villanueva, a sophomore at MIT majoring in chemical engineering, graduated
4 second in his class from the largest public high school in Chicago. In addition to
5 being the co-captain of his high school's Math Team, Johan was involved in
6 Homeland Helpers, a student group dedicated to assisting the city's homeless
7 population, the Environmental Club, and the National Honor Society.

8 DACA students' presence on *amici*'s campuses is all the more notable given the enormous
9 challenges that undocumented youth face in order to obtain a higher education. To start, the vast
10 majority of these students have grown up in households that survive on incomes far below the
11 federal poverty line, and most are the first persons in their families to attend college.¹³

12 Additionally, these students often cope with family instability and anxiety relating to their
13 undocumented status.¹⁴ As one DACA student at Yale explained:

14 [The] challenges . . . start in high school—when many undocumented
15 students, seeing no way out of their limbo status, lose motivation.
16 Others pick up jobs on the side to financially help their families,
17 slowly drifting away from their classwork. Even for those who
18 remain dedicated to their classes, studies show a lack of information
19 regarding university options and an inability to obtain financial aid
20 obstructs the path to higher education.¹⁵

21 Given the significant adversity that DACA students have surmounted prior to even
22 applying to *amici* institutions, it is no surprise that DACA recipients have also excelled on
23 *amici*'s campuses. Jin Park was born in South Korea and came to New York City at age 7.
24 Growing up, Park understood that his family was different: “I knew that my family couldn't get a
25 car, that we didn't have health care, and that we should avoid busy streets, where immigration

26 _____
27 ¹³ See Institute for Immigration, Globalization, & Education, *In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform* 7 (2015),
28 <http://www.undocuscholars.org/assets/undocuscholarsreport2015.pdf> (reporting on a survey of
undocumented students that found “61.3% . . . had an annual household income below \$30,000”
and 67.6% were first-generation college students).

¹⁴ *Id.* at 2 (“[Undocumented youth] are disproportionately more likely to grow up in poverty,
crowded housing, lacking health care, and residing in households where families have trouble
paying rent and affording food.”).

¹⁵ Stephanie Leutert, *Undocumented in the Ivy League*, AM. Q. (May 5, 2012), <http://www.americasquarterly.org/content/undocumented-ivy-league>.

1 raids often take place[,] ... but I didn't quite understand it."¹⁶ He found out about his legal status
 2 when a Manhattan hospital rejected him from an internship program on that basis. Park credits
 3 DACA with giving him the confidence to apply to college to pursue his dream of becoming a
 4 "doctor to work on policies to help the most vulnerable."¹⁷ Indeed, his professional goals are an
 5 outgrowth of his experience growing up undocumented: "When I was 11, I had to search online
 6 how to treat a burn at home because my father had been burned at work and couldn't go to the
 7 hospital."¹⁸ Now a molecular and cellular biology concentrator at Harvard College conducting
 8 immunology research at Harvard Medical School, Park was recently nominated by Harvard for
 9 both a Rhodes and Marshall Scholarship.

10 **II. RESCINDING DACA HARMS AMICI'S STUDENTS AND ALUMNI, AND**
 11 **DEPRIVES BOTH AMICI INSTITUTIONS AND THE COUNTRY OF THEIR**
 12 **PROMISE**

13 **A. The September Memorandum Has a Devastating Impact on DACA**
 14 **Recipients**

15 DACA recipients are American in everything except immigration status. They have come
 16 of age in this country, excelling in our elementary, middle and high schools, praying in our
 17 houses of worship, playing on our little league teams, and celebrating our national holidays. Still
 18 more, an amazing number of these young people have demonstrated their dedication to this
 19 country's ideals by actively engaging in its civic life to the full extent permitted by law. Even
 20 before their arrival on our campuses, many of *amici's* students and alumni led voter registration
 21 drives, carried petitions, testified before state and federal legislative bodies, wrote letters to the
 22 editor and participated in documentary film projects. And they continue to do so today—despite
 23 the potential consequences for themselves, their friends, and their loved ones. In short, many of
 24 these young people have engaged in precisely the kind of courageous civic activities that are
 25 crucial to the continued vitality of our democracy.

26 ¹⁶ Mineo, *supra* note 11.

27 ¹⁷ *Id.*

28 ¹⁸ *Id.*

1 While DACA did not provide our students and alumni a path to citizenship, it did offer
 2 them a measure of security and access to opportunities for educational and professional
 3 development. As Juan Jose Martinez, a sophomore at Georgetown, whose goal is someday to
 4 “work for the government—to help achieve what is best for America in the world and to help
 5 make the world a safer place”—put it:

6 Thanks to DACA, I now have a part-time job on campus and can help
 7 ease the cost of college on my parents. Thanks to DACA I can feel
 8 safe and confident while traveling, whether it be to attend school or
 9 to visit my family. Thanks to DACA I can focus on my studies
 without worrying that it may all be taken away from me at any
 second. I have always *thought* of myself as an American, but it is
 thanks to DACA that I can begin to truly *feel* like one, too.

10 Rescinding DACA wrests from Juan and hundreds of thousands of strivers like him the
 11 sense of safety and possibility that they deserve. Now, through no fault of their own, they face
 12 the terrifying prospect of having to return to a life in which they have little chance of making the
 13 best use of their hard-earned skills and knowledge, or, worse still, being removed altogether and
 14 forced to make their way in a country that is wholly foreign to them.

15 The September Memorandum also sends a clear message to the more than one million
 16 undocumented children in the United States that the trails *amici*’s students and alumni have
 17 blazed lead nowhere and are not worth following. That message is antithetical to the commitment
 18 to equal opportunity on which this country was founded, raising “the specter of a permanent caste
 19 of undocumented [immigrants] . . . denied the benefits that our society makes available to
 20 citizens and lawful residents.” *Plyler v. Doe*, 457 U.S. 202, 218–19 (1982). Rather than serving
 21 our country’s interests, rescinding DACA will deprive our society of the many contributions these
 22 young people are prepared and eager to make.

23 **B. Rescinding DACA Prevents Undocumented Students From Fully Benefitting**
 24 **From and Contributing To *Amici*’s Institutions**

25 Consistent with their missions, *amici* are committed to providing a full and complete
 26 education to all of their enrolled students—anything less is insufficient to prepare them to identify
 27 and solve the consequential problems that *amici* expect them to address over the course of their
 28

1 careers. DACA helped *amici* achieve this objective by making it possible for undocumented
2 students to participate fully in educational work opportunities, such as off-campus internships and
3 on-campus research with university faculty. It also allowed them to conduct field work outside of
4 the United States and participate in *amici*'s varied study abroad programs.¹⁹ By participating in
5 these experiences, students generate questions for further exploration during their time on campus
6 and begin to chart their course for after graduation.

7 For instance, during his time at MIT, Jose Gomez, who came to the United States from
8 northern Mexico when he was five years old, participated in MIT's Undergraduate Research
9 Opportunity Program at the MIT Space Systems Laboratory, where, among other things, he
10 participated as a flyer in a NASA reduced gravity flight. This work in turn resulted in Jose co-
11 authoring a paper that was presented at an international conference in Vienna, Austria.
12 Separately, due to his DACA status, Jose was eligible to participate in an externship at a startup
13 company that develops robots to improve the efficiency of e-commerce order fulfillment. During
14 this externship, Jose led the development of a tactile sensor kit for a robotic hand and designed
15 and prototyped robotic finger mechanical components using 3D printed parts and rubber casting.
16 Given this achievement, it is no surprise that the startup asked Jose to return as an applications
17 engineer after he graduated with a Bachelor of Aerospace Engineering this past June. Without
18 DACA, Jose's story would not have been possible.

19 In addition to unlocking the full array of enriching activities that comprise a world-class
20 higher education, DACA's promise of deferred action empowered undocumented students to talk
21 about their lived experiences without fear of retribution, adding meaningfully to the robust
22 exchange of ideas that *amici* seek to cultivate on their campuses. For instance, while attending
23 the University of Pennsylvania's Wharton School of Business, recent alumna and DACA
24 recipient Tania Chairez founded Penn for Immigrant Rights ("PIR"), an organization intended to

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26 ¹⁹ Indeed, *amici* have emphasized the importance of study abroad programs to better prepare
27 students to "build global competence" and navigate careers in an interconnected world. *See, e.g.*,
28 Northwestern University, *Why Study Abroad?*, <http://www.northwestern.edu/studyabroad/prospectivestudents/why-study-abroad/index.html> (last visited Oct. 31, 2017).

1 “debunk misconceptions and connect immigration to current events.”²⁰ Under her leadership,
 2 PIR conducted “undocu-trainings . . . [to] mak[e] sure as many student leaders as possible know
 3 what it even means to be an undocumented person.”²¹

4 True, numerous DACA recipients have continued to speak publicly about their legal status
 5 despite the September Memorandum—including the many students who agreed to the use of their
 6 name in this brief. But the policy reversal places these students, and the many more whom it has
 7 silenced, in a position wholly at odds with the principles of academic freedom to which *amici* are
 8 fervently committed. These students should not have to risk their own physical liberty—and that
 9 of their families—in order to tell their stories.

10 C. Rescinding DACA Deprives the Nation of Invaluable Resources

11 The DACA students at *amici* institutions—and the many thousands more enrolled at other
 12 colleges and universities—are by definition the product of this nation’s education system and the
 13 communities that support it. Through the opportunities provided by American institutions of
 14 higher education all over this country, including *amici*’s, these young people now have the skills
 15 to give back—in ways big and small—to the country that raised them. And they want nothing
 16 more than the opportunity to do so. “[D]riving them out” now “would be throwing away a
 17 tremendous national investment” for no discernible benefit.²²

18 Take Cristina Velasquez, whose mother brought her to Madison, Wisconsin, when she
 19 was six years old. In a letter to Senator Richard Durbin of Illinois, Cristina wrote that her values
 20 and attitude were shaped by the people surrounding her during her childhood, especially their
 21 “compassion, patience and hard work.” During middle school, Cristina’s family relocated to
 22 Florida, where she went on to graduate from high school with impeccable grades and a track
 23

24 ²⁰ Penn for Immigrant Rights, *Founders Statement*, <https://upenn4immigrantrights.wordpress.com/blog/> (last visited Oct. 31, 2017).

25 ²¹ Laura Anthony, *Two years later, Tania Chairez Still ‘Undocumented and Unapologetic’*,
 26 DAILY PENNSYLVANIAN (April 17, 2014), <http://www.thedp.com/article/2014/04/q-a-with-tania-chairez>.

27 ²² Reif, *supra* note 3.

1 record of community engagement, but she could not afford to attend college. After taking a gap
 2 year to focus on saving money, Cristina enrolled at Miami-Dade Community College before
 3 transferring to the Georgetown School of Foreign Service, from which she will graduate in
 4 December. While at Georgetown, Cristina spent both of her summers working with high-
 5 achieving, low-income middle school students, and received several awards for her academic
 6 achievement and commitment to public service. Next year, Cristina will return to the classroom
 7 as one of 190 DACA recipients who will be teaching some of our nation's most marginalized and
 8 vulnerable youth through Teach for America.²³

9 Consider, too, Alfredo Muniz, who arrived with his parents in Houston, Texas when he
 10 was only a year old and went on to earn a full scholarship to attend the University of
 11 Pennsylvania, from which he graduated in 2016 with undergraduate and graduate degrees in
 12 mechanical engineering and robotics.²⁴ While at Penn, Alfredo and a classmate developed
 13 XEED, a sensor-based system that collects and transmits data about limb movement in
 14 individuals with Parkinson's disease.²⁵ Healthcare professionals and patients can use this
 15 information to better assess the disease's progress and the effectiveness of treatment. The project,
 16 which has the potential to help hundreds of thousands of patients around the world, was awarded
 17 the 2016 University of Pennsylvania President's Innovation Prize, which was accompanied by
 18 \$100,000 to support its further development.²⁶

19 And as a final example, take Blanca Morales. Blanca arrived in the United States when

20 ²³ *Durbin: Let's Show The American Dream Is Still Alive By Passing The Dream Act* (Sept. 12,
 21 2017), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-lets-show-the-american-dream-is-still-alive-by-passing-the-dream-act>; Teach for America, *Teach for America Urges Congress To Pass The DREAM Act* (Sept. 5, 2017), <https://www.teachforamerica.org/top-stories/daca-dream-act-how-you-can-stand-tfa-dreamer-teachers-and-undocumented-students>.

22 ²⁴ Amanda Mott, *Inaugural President's Innovation Prize Winners Announced at Penn*,
 23 PENNNEWS (Apr. 20, 2016), <https://news.upenn.edu/news/inaugural-president-s-innovation-prize-winners-announced-penn>.

24 ²⁵ *Id.*

25 ²⁶ Roberto Torres, *These 3 Companies Are Coming to the Pennovation Center*, TECHNICAL.LY
 26 (June 30, 2016), <https://technical.ly/philly/2016/06/30/pennovation-center-cosy-xeed-fever-smart/>.

1 she was five years old. She “believed [her] teachers when they said that if [she] just worked hard
 2 enough, [she] could achieve great things.”²⁷ Heeding their advice, Blanca graduated as the
 3 valedictorian of her high school class and with honors from the University of California, Irvine,
 4 before receiving a full scholarship to attend Harvard Medical School.²⁸ Blanca’s ultimate goal is
 5 to return to Santa Ana, California, the town where she grew up, to give back to its current
 6 residents the “opportunities” and “encouragement” that they gave her.²⁹ But with the end of
 7 DACA, Blanca is “left to wonder if [she] will be deported” before she has the opportunity to do
 8 so.³⁰ “When I received this white coat, I took an oath to act whenever there are injustices and to
 9 embrace my duty to advocate for patients,” Blanca said. “The end of DACA is an injustice to my
 10 future patients, because it threatens my ability to treat diabetes, to perform heart surgery or
 11 perhaps even cure cancer as a future physician.”³¹

12 Cristina, Alfredo, Blanca, and countless others like them have “bound” themselves to this
 13 nation through their “hard work, perseverance, grit and determination to succeed.”³² And this
 14 nation, in turn, has bound itself to them. The United States now stands to benefit greatly by
 15 permitting the young people that it has raised “to put their skills to their highest use.”³³
 16 “[F]orcing them to return to the shadows of our society” by rescinding DACA would be a tragic
 17 mistake.³⁴

18 ²⁷ Troy Parks, *Med Student “Dreamers” Speak Out on Maintaining DACA Protections*, AMA
 19 WIRE (Feb. 13, 2017), <https://wire.ama-assn.org/ama-news/med-student-dreamers-speak-out-maintaining-daca-protections>.

20 ²⁸ *Id.*

21 ²⁹ Greg Lee, *Undocumented Santa Ana Scholar Accepted to Harvard Medical School*, ABC NEWS
 22 (June 16, 2016), <http://abc7.com/news/undocumented-santa-ana-scholar-accepted-to-harvard-medical-school/1388040/>.

23 ³⁰ Jake Miller, *White Coats for DACA*, HARVARD MED. SCH. NEWS (Sept. 14, 2017),
 24 <https://hms.harvard.edu/news/white-coats-daca>.

25 ³¹ *Id.*

26 ³² *Brown President Urges Trump to Continue DACA*, BROWN UNIV. NEWS (Aug. 30, 2017),
 27 <https://news.brown.edu/articles/2017/08/daca>.

28 ³³ Faust, *supra* note 2.

³⁴ *Id.*

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CONCLUSION

For the foregoing reasons, the September Memorandum impedes the ability of the undersigned institutions to advance their missions, imposes a direct harm on their current students and alumni, and deprives the United States of the benefit of DACA students’ considerable talents. Accordingly, the Court should grant Plaintiffs’ request for provisional relief.

Dated: November 1, 2017

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