

No. 18-55564

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

Inland Empire — Immigrant Youth Collective, et al.,

Plaintiffs-Appellees,

v.

Kirstjen Nielsen, et al.,

Defendants-Appellants.

On Appeal From the United States District Court
for the Central District of California

Case No. 5:17-cv-02048

**BRIEF OF CATHOLIC LEGAL IMMIGRATION NETWORK, INC. AS
AMICUS CURIAE IN SUPPORT OF PLAINTIFFS-APPELLEES**

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CORPORATE DISCLOSURE STATEMENT

Amicus curiae Catholic Legal Immigration Network, Inc. is a non-profit entity that has no parent corporation. It has no stock, and therefore, no publicly held corporation owns 10 percent or more of its stock.

INTEREST OF AMICUS CURIAE*

The Catholic Legal Immigration Network, Inc. (“CLINIC”) is the largest nationwide network of nonprofit immigration programs, with 330 affiliates in 47 states and the District of Columbia that collectively serve hundreds of thousands of low-income immigrants each year. CLINIC’s activities include providing training and support for immigration legal services agencies, advocating for humane immigration policies, and working to build the capacity of local immigration programs. CLINIC also is a partner in providing pro bono representation to low-income immigrants through various projects, including the BIA Pro Bono Project. Additionally, CLINIC’s staff has developed numerous resources for immigrants and immigration law practitioners, including regarding the Deferred Action for Childhood Arrivals (“DACA”) program.† CLINIC’s work derives from Catholic social teaching to promote the dignity and protect the rights of immigrants in partnership with its network.

* All parties consent to the filing of this brief. No counsel of any party to this proceeding authored any part of this brief. No party or party’s counsel, or person other than amicus, its members, or its counsel, contributed money to the preparation or submission of this brief.

† See, e.g., Michelle Mendez and Rebecca Scholtz, Catholic Legal Immigration Network, Inc., *Practice Advisory: Motions to Reopen for DACA Recipients with Removal Orders* (Mar. 13, 2018), https://cliniclegal.org/sites/default/files/Motion-to-Reopen-PA_1.pdf.

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I. INTRODUCTION

When the government established the Deferred Action for Childhood Arrivals (“DACA”) program in 2012, it made a promise to more than eight hundred thousand young people who had entered the United States as children.¹ Under DACA, young men and women who applied for and met the program’s eligibility criteria could receive a grant of deferred action for a two-year period subject to renewal, during which time they would be authorized to be present in the United States. The government encouraged these young people to come forward, and many of them took the government up on its offer—providing personal information, paying a substantial fee, and undergoing rigorous background checks.

DACA’s impact on these young peoples’ lives was profound. For the first time, they could obtain work authorization, a Social Security number, and a driver’s license. They could buy a home or a car, start businesses, pursue higher education, and provide for their families. They could plan for a future in the United States and feel secure as they went about their daily lives. Perhaps most importantly, they could

¹ See U.S. Citizenship & Immigration Servs., Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Intake and Case Status Fiscal Year 2012-2018 (Sept. 30, 2018), https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performance_data_fy2018_qtr4.pdf.

fully participate, and feel like they truly belonged, in the communities that they had long called home.

The Catholic Legal Immigration Network, Inc. (“CLINIC”) submits this amicus brief in support of the Plaintiffs-Appellees in this action, who challenge the government’s unlawful termination of their DACA without process on behalf of a class of DACA recipients. CLINIC’s goal is to show the human faces behind DACA, along with their stories of promise, opportunity, hope, and heartbreak. The five stories below illuminate the real-world benefits of DACA—and the devastating effects of its unlawful termination—for DACA recipients, their families, and their communities. These individuals’ stories also illustrate the positive impact of the injunction issued in this case, which restored DACA recipients’ wrongfully terminated DACA grants and enabled them to regain many of the benefits that DACA had conferred in the first instance. This not only includes the tangible benefits of work authorization, Social Security numbers, driver’s licenses, and more, but also the ability to plan for the future and have a sense of security and belonging in the only home that many of them have ever known.

II. PERSONAL NARRATIVES

DACA transformed the lives of hundreds of thousands of young people. The five individuals described below are just a small sample of the young men and women who accepted the government’s promise and benefited from DACA, and

who were irreparably harmed when the government wrongfully took away their DACA without process.²

A. Martin: “I Just Want to Live Here Safely”

Martin is a 21-year-old community college student and aspiring computer engineer. He has lived in Texas since he was five years old. He received DACA in 2012.

Early Life

Martin was born in Mexico with a congenital condition that stunted the growth of his left leg and impaired his ability to walk. His parents tried to procure medical treatment for him in Mexico, spending the equivalent of over \$20,000 on procedures that ultimately failed to improve his condition. His family brought him to the United States when he was only five years old, in the hopes of obtaining effective medical treatment for his condition. Martin barely remembers his early years in Mexico, and he has never returned there. One of Martin’s sisters is also a DACA recipient, while his other sister was born in the United States and is a U.S. citizen.

As a child, Martin did not think he would ever be able to walk independently. He remained wheelchair-bound until around age 11, when he underwent surgery to

² The undersigned counsel collected these stories through interviews with DACA recipients who were affected by the government’s practices challenged in this litigation. These individuals consented to their stories being shared with the Court. They are identified by pseudonyms to protect their privacy.

amputate part of his left leg and was fitted for a prosthetic leg. The procedure was financed through a program at his public elementary school in Texas. Because of the surgery and months of intense physical therapy, Martin gained the ability to walk without crutches or a walker for the first time in his life. Today, although he requires regular medical appointments to recalibrate his prosthesis and treat his leg, he can walk. Martin is eternally grateful for his local Texas community's support because, he explains, "If I had not gone to that school, I would have had a whole different life experience."

Growing up, Martin feared that his undocumented status would prevent him from doing "normal" things like getting a job or going to college. He was interested in computer programming and participated in events like a robot-programming competition at a university while in middle school. But, as an undocumented person, he could not realistically envision a career as a computer engineer. "Because I knew I did not have legal status, I was scared I would not be able to get a good job. I figured I would end up in construction."

Obtaining DACA

All of this changed in 2012, when, as a 15-year-old high school student, Martin applied for and obtained DACA. DACA made Martin's dreams and career aspirations suddenly seem obtainable because, he says, "I knew that now, if I graduate from college, I can find a good career, and I can get health insurance too."

Martin was overwhelmed by how much DACA had changed his life overnight. “I did not know how to react when I first got it; I was flabbergasted. I did not ever think that I would be able to live here comfortably.”

Martin graduated from high school in 2016, and secured a steady job at an Amazon fulfillment center. His future was bright and, for the first time, his world seemed full of possibilities.

Revocation of DACA

In October 2017, when Martin was riding in a car with relatives, a police officer pulled them over. Martin showed the officer his ID and explained that he had DACA. Nonetheless, the officer arrested him and turned him over to federal immigration authorities at a nearby detention center.

Martin remained in detention for a month, scared and unable to understand how he had ended up there. He suffered sharp pain in his leg, and he could not sleep comfortably because he had to remove his prosthesis and constantly feared it would be stolen while he slept. When he requested medical attention, detention center staff mocked his disability, saying “This is the prosthetic guy, he doesn’t need any medicine,” and “You can put a broomstick in his leg and he can sweep.” Afterwards, Martin did not return to the detention center clinic because he feared he would be bullied again.

While Martin was in detention, he learned that the government had revoked his DACA, without any chance for him to respond or challenge that action. He felt as if he had “lost everything.” Martin was never charged with a crime, and an immigration judge ordered him released on bond after finding that he did not pose a danger to the community. But after his release from detention, without DACA, he was unable to return to his job at Amazon. He once again felt like he could not live safely and securely in the United States.

Restoration of DACA

Fortunately, as a result of the preliminary injunction obtained in this lawsuit, Martin’s DACA was reinstated several weeks after his release from detention. Soon thereafter, he began his current job as a manufacturing associate at a heating company in Texas. He enjoys this job because it gives him the opportunity to work with computers and machinery. Through this job, Martin has also been able to obtain health insurance. Martin recently began taking engineering classes at a community college. In the future, he hopes to transfer to a university, obtain a bachelor’s degree in engineering, and pursue a career as a computer engineer.

Martin’s ultimate dream is to live life like everyone else who grew up in the United States. He explains, “To me, having DACA means living a normal life like a normal person that is from here. Without DACA, we feel like intruders.” Everything that is important to Martin—his family, job, education, and the ongoing

medical treatment he depends upon—is in the United States, and he cannot imagine calling anywhere else his home. “I love Texas, it is my home,” he says, “I just want to live here safely.”

B. Daniel: “Living the American Dream”

Thanks to DACA, Daniel is a 25-year-old who is “living the American dream”: working hard, earning money, and owning a home. He has lived mostly in Texas since he came to the United States at the age of 12. He dreams of one day owning his own business. He has been a DACA recipient since 2013.

Early Life

Daniel was born in Mexico and, as a child, lived in a small ranching town. When he was 12 years old, his family brought him to the United States. His younger sister, Jessica (*see* Section II(C), below), was too young to make the journey. He did not see her for more than a year, when she came to the United States as well.

When Daniel arrived in the United States, he quickly learned English and made good friends at his new school. Daniel made the most of the new opportunities the United States afforded him and became the first in his family to graduate from high school. He attended his neighborhood church regularly with his family and continues to support the church community.

Obtaining DACA

After high school, Daniel was eager to start working to help support his family. He had seen that, in the United States, economic opportunities were available to anyone who worked hard. But without employment authorization, Daniel had few work options available.

In 2013, at age 20, Daniel applied for and obtained DACA, and his whole life changed. With employment authorization, he began working at a hardware store. For the first time, he had reliable work, good pay, paid vacation, important benefits like a 401k and health insurance, and was even able to put aside some savings for the future. He was proud to become a contributing member of the American economy.

The job gave Daniel more economic opportunities than he could ever have imagined. He was able to buy a truck, which became one of his prized possessions. And, as a result of his hard work, as well as the faith he had in a stable future with the promise of DACA, at just 21 years old (only a year after receiving DACA), Daniel bought a house to live in with his sister, Jessica.

Revocation of DACA

In January 2018, everything changed. Daniel was stopped at an immigration checkpoint while he was driving with relatives, including his sister, Jessica. Despite

the fact that Daniel showed the officers his ID and told them he was a DACA recipient, he was arrested and detained for more than two months.

While Daniel was in detention, he learned that his DACA had been terminated, without any notice or chance for him to respond to that action. He used up his two weeks' paid vacation while in detention and was let go from the job that he loved. With the loss of his income, Daniel was left with no choice but to use (and deplete) his savings and his 401k, and he even had to sell his beloved truck so that he could pay his immigration bond.

Restoration of DACA

Daniel has worked hard to put his detention behind him. Because of the injunction issued in this case, Daniel's DACA was reinstated. He moved to Colorado in search of better job opportunities, got a new job with a food company, and bought a new truck. Daniel remains close to his family and continues to help his sister with bills at the house, including the mortgage, among other things.

After his detention, even with DACA, Daniel feels that his future in the United States is more uncertain given the government's broken promise. But still, Daniel looks forward to his future in the United States. He cannot imagine a life for himself in Mexico. Instead, he holds onto the ultimate American dream of one day opening his own business and being his own boss. And, he says, "Living in America is an amazing opportunity that I don't want to lose."

C. Jessica: “DACA Is Our Connection to American Society”

Jessica is a 19-year-old honors student and aspiring civil engineer who has lived in Texas since her family brought her to the United States when she was only five years old. She has been a DACA recipient since 2016.

Early Life

Jessica was born in Mexico. When Jessica was around five years old, her family brought her to the United States because “there was no other option.” In their small town in Mexico, life was reduced to mere survival, and there was little opportunity for work or education.

Jessica does not recall her life in Mexico or the journey to the United States. For her, life began in Texas. When she arrived, she was reunited with family members, including her older brother, Daniel (*see* Section II(B), above). She continues to be particularly close to her U.S.-based relatives, who live only a five-minute drive away. Her family has formed deep roots in Texas, particularly through their church community. She and her entire family have attended weekly mass together for most of her life. Jessica explains that there is always “a comfort and indescribable feeling of being at home, and for me, that’s in Texas, the place where I grew up.”

Jessica has fond memories of her childhood in Texas. She enjoyed going to school, making friends, participating in extracurricular activities like art and French

club, and learning new things, including English. But she was always aware that her present and future were limited by invisible but very real boundaries. For example, there were out-of-state school field trips that other students were excited for, but that she did not attend for fear of encountering immigration checkpoints.

Growing up, Jessica excelled academically, particularly in her science courses. In high school, she was an honors student who achieved nearly a 4.0 GPA. She dreamed of attending college and becoming an engineer. But Jessica also knew that her lack of immigration status placed constraints on receiving scholarships or financial aid, which would limit her ability to continue her education.

Obtaining DACA

Jessica's brother, Daniel, was the first in their family to receive DACA. After seeing the benefits that DACA provided him, Jessica resolved to apply for DACA too.

Jessica applied for and received DACA in 2016, when she was 16 years old. She obtained a driver's license and work authorization, which enabled her to get her first job at a restaurant waiting tables while still in high school. But DACA was so much more than just a work permit for Jessica. It gave her a sense of security and a "real connection to American society" that she had not felt before.

DACA allowed Jessica to begin to fulfill the American dream by pursuing higher education. After graduating from high school, she started to attend college

as a civil engineering major. Jessica loved college and was the first in her family to attend. She continued to excel academically and achieved all As and Bs in her first semester. She paid for that semester with savings from her high school waitressing job and by working at a laundromat. Despite her best efforts, Jessica was soon forced to take a break from her studies due to financial pressures. She continued to work hard and looked forward to the day that she could save up enough money to complete her studies.

Revocation of DACA

In January 2018, at age 18, Jessica's world was turned upside down. The car that she was riding in with her brother, Daniel, and other relatives was stopped at an immigration checkpoint. Although Jessica told the officers that she had DACA and showed them her ID, she was arrested and detained for 35 days.

Although Jessica was scared during her arrest and detention, knowing she had DACA made her feel safe and gave her hope. But in February 2018, while she was still in detention, Jessica learned that she had received a letter at home informing her that her DACA had been terminated, without any notice or chance for her to respond. Jessica was devastated. If she had to return to Mexico, she would have no life, no opportunities. She would have to start over in a foreign land without her family.

Restoration of DACA

Jessica was released on bond after more than a month in detention. After her release, because of the injunction in this case, Jessica's DACA was restored. Although she was still shaken over her detention, Jessica regained her sense of security. She quickly found a new, stable job at a car insurance company and became more active in her community. She is now a youth leader at her church, where she leads meetings and guides and mentors other youth in her community.

Jessica remains optimistic about her future. She looks forward to returning to school and pursuing her dream to become a civil engineer. When asked about the future, she discusses the challenges she has overcome in her past and how grateful she is to live in the United States. In Mexico, she would not have had the opportunity to go to school or build a career. Here, in the United States, Jessica became the first person in her family to attend college. She appreciates the opportunities she has been given to work and to study in the United States. She explains, "At the end of the day, undocumented people are just that—people. We have the same goals as everyone else, but without the opportunity." DACA has given her that opportunity.

D. Aaron: "The United States Is My Home"

Aaron is a 22-year-old welder and entrepreneur who dreams of starting his own company. He has lived in Georgia since he came to the United States when he was only five years old. He received DACA in 2014.

Early Life

Aaron was born in Mexico. When he was five years old, his family brought him to the United States. Aaron was too young to remember the journey and has no memory of living in Mexico. English is his primary language, and he does not speak Spanish fluently. Aaron considers Georgia to be his home.

Aaron lived in a trailer park while he was growing up, and his family struggled financially. As a child and teenager, Aaron felt the impact of being undocumented. At school, Aaron felt like he could not “fully participate” and occasionally faced insults and cruelty from other children. Despite these challenges, Aaron enjoyed going to school and attending the local Catholic church every Sunday with his family. He also loved playing soccer with other students and neighborhood kids. And in middle school—unbeknownst to him at the time—Aaron met the young woman who would one day become his fiancée.

Obtaining DACA

In 2014, Aaron applied for and obtained DACA. DACA changed Aaron’s life. Aaron had dropped out of high school, but after he learned about DACA, he was inspired to re-enroll in school to pursue his G.E.D. When Aaron earned his degree, he felt proud of his educational achievement and motivated to continue working towards his other goals.

Because of DACA, Aaron was able to obtain a driver's license and Social Security number. This gave Aaron access to new career options. He got a new job with a construction company that provided a good salary and health insurance. With hard work, he was able to rise through the ranks of that company, and eventually was given the responsibility to manage an entire crew of construction workers. Through his job, Aaron discovered a passion and skill for welding. He hopes to use his experience as a welder to obtain a welding license and one day own and operate his own welding company.

Revocation and Restoration of DACA

Aaron learned that his DACA was terminated in February 2018. His DACA was subsequently reinstated because of the injunction obtained in this case.

When Aaron lost DACA, he feared that all the progress he had made towards his education and career would be lost. Regaining DACA enabled Aaron to continue to build his life in the only home he has ever known.

Aaron is now engaged to the young woman he met in middle school, and they have a child on the way. Aaron and his fiancée are a constant source of support for one another, and they are looking forward to building a future together in Georgia. Together, they like to cook family meals and attend Aaron's childhood Catholic church every Sunday. They also have ambitious career goals and are currently deciding who will go back to school first: Aaron's fiancée, to pursue a career in

accounting; or Aaron, to pursue his welding license. Aaron has these kinds of choices, and more, thanks to his hard work and thanks to DACA.

E. Nicolas: “DACA Changed Everything”

Nicolas is a 28-year-old devoted son and husband who spent much of the last few years caring for his ailing mother. He came to the United States when he was six years old. He became a DACA recipient in 2012.

Early Life

Nicolas was born in a small town in Mexico, but he does not remember much of his early life there. When he was six years old, he came to the United States with his family. After spending a short time in Texas, they moved to Florida, their first home in the United States.

For the next several years, until Nicolas was about 12 years old, Nicolas’s family moved every six months to different states in the Southeast to follow the tobacco harvest. With each move, Nicolas’s family always made sure that two things were constant in his life: he was always enrolled in school, and he always went to church on Sundays. Through school and church, Nicolas learned English and made friends, making a home wherever he was. He loved school and excelled in it. He wanted to learn everything he could. But even at a young age, he knew that his educational opportunities would be limited by his lack of immigration status. He vividly remembers missing an eighth grade class trip to Washington, D.C. because

he did not want to risk traveling while undocumented. While all of his classmates were able to experience American history firsthand, fear deprived him of this enriching opportunity.

Nicolas's love of learning spurred him on to become the first in his family to graduate from high school. He graduated with a 3.5 GPA and hoped to attend college. He was eager to continue studying his favorite subjects, science and American history. Nicolas recalls that because of his high GPA, he was offered a grant that could have put him on the road to college. But because he lacked immigration status, he did not qualify, and he ultimately could not take advantage of the program.

Obtaining DACA

In 2012, everything changed when the DACA program began. Nicolas heard about DACA everywhere he went: in the news, at church, and from family and friends. People at his church connected him with an attorney who helped him apply. After he received DACA, he obtained his driver's license and a job as a store cashier.

Soon after Nicolas received DACA, his mom was diagnosed with cancer. Because he was able to get a driver's license with DACA, he could drive his mom to all of her medical appointments. And because he was able to earn a steady income with DACA, he was able to help pay for his mom's care. Without DACA, he would not have been able to help his mom as much, and her prognosis would have been

worse. One of his mom's caretakers even told him that his mom would have died years earlier if not for his dedication and support.

In 2016, Nicolas married his husband and moved to Georgia. Nicolas's husband is a U.S. citizen who works in software. Nicolas and his husband bought a mobile home together, and Nicolas began working in a plant that manufactures sun roofs for cars. Nicolas enjoyed the job, and it motivated him to make a plan to go back to college and become a quality engineer. However, Nicolas's mother's cancer subsequently worsened and she needed around-the-clock care, so he left his job and moved back to Florida to care for her.

Revocation and Restoration of DACA

In mid-2017, while caring for his mother, Nicolas was arrested for a misdemeanor crime, which did not disqualify him from DACA. Despite having DACA, he was detained and placed in removal proceedings. The government terminated his DACA without notice and a chance for him to respond. DACA had given him hope and security, but when it was revoked, he felt he had lost everything. His whole family is in the United States. His husband is here. His home is here.

Upon Nicolas's release, after three months in detention, his DACA was reinstated due to the injunction in this case. After his release, he went back to caring for his mom in Florida until her recent passing.

Nicolas is now focused on healing and the future. He hopes to find a new job that will help him find a pathway to college to pursue his dream of becoming a quality engineer. Now that his DACA is restored, Nicolas no longer feels “lost.” Instead, he feels like he can once again plan for a future with his husband and his family in the United States—his home.

III. ARGUMENT

These five brave young men and women are just a few of the faces of DACA. They represent hard work and dedication to family and community. They embody the promise of the American Dream. While each of their stories is different, for each of them: (1) DACA changed their lives in countless positive ways; (2) the government’s unlawful termination devastated the lives they had started to build; and (3) restoring DACA for these individuals not only benefits them but has reciprocal benefits for the American communities they call home.

A. DACA Conferred Innumerable Benefits on DACA Recipients

DACA offered eligible young immigrants a chance at the American Dream. These young men and women, who took a risk when they trusted the government’s promise and came forward to seek DACA, reaped many benefits by trusting the government and holding up their end of the bargain. After obtaining work authorization through DACA, each of the individuals described above found employment that would otherwise have been unavailable to him or her: Martin

secured a job at an Amazon fulfillment center; Daniel got a job at a hardware store; Jessica got a job waiting tables at a restaurant; Aaron got a job at a construction company; and Nicolas got a job at a manufacturing plant.³ Through their employment, these DACA recipients were able to obtain health insurance and other benefits, like paid vacation and access to retirement savings.⁴

These DACA recipients used the income they earned to support themselves and their families, and to pursue higher education.⁵ They were able to become

³ Reports estimate that nearly 91% of DACA recipients—almost 700,000 young people—are employed across the country, contributing billions of dollars to our communities, our economy, and in tax revenue. *See* Rachel Gillett, *Rescinding DACA Could Cost 700,000 Workers Their Jobs and Employers \$6.3 Billion in Employee Turnover Costs*, BUSINESS INSIDER (Sept. 5, 2017, 4:54 PM), <https://www.businessinsider.com/if-daca-is-rescinded-what-happens-to-workers-employers-2017-9>.

⁴ DACA opened the door for many recipients to obtain health insurance coverage through their employers, which they stand to lose if their DACA is revoked. *See, e.g.*, Paige Winfield Cunningham, *The Health 202: Dreamers Have Yet Another Worry: Losing Their Health Coverage*, WASH. POST (Feb. 27, 2018), https://www.washingtonpost.com/news/powerpost/paloma/the-health-202/2018/02/27/the-health-202-dreamers-have-yet-another-worry-losing-their-health-coverage/5a944d9c30fb047655a0694e/?utm_term=.add527e3015d.

⁵ Many DACA recipients have realized similar educational and economic benefits. *See, e.g.*, Tim K. Wong et al., *DACA Recipients' Economic and Educational Gains Continue to Grow*, Ctr. for Am. Progress, Aug. 28, 2017, <https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/dacarecipients-economic-educational-gains-continue-grow/>; Roberto Gonzales, *Here's How DACA Changed the Lives of Young Immigrants, According to Research*, VOX (Feb. 16, 2018, 8:50 AM), <https://www.vox.com/2017/9/2/16244380/daca-benefits-trump-undocumented-immigrants-jobs>.

productive, proud contributors to the American economy. Beyond these tangible benefits, DACA benefited these young people in other critically important ways. For the first time, they were able to plan for a real, stable future in the United States. Because of DACA, graduating from college, building a career, and opening a business were all possible. Also for the first time, they were able to feel secure going about their daily lives. They no longer worried that a routine trip to school or the grocery store could result in deportation. And they no longer feared that they could be separated from their U.S.-based families at any moment. As Jessica explained, DACA gave these recipients “a real connection to American society” that they had not had before.

B. The Government’s Unlawful Revocation of DACA Inflicts Irreparable Harm on DACA Recipients

The lives that DACA recipients had built for themselves, including those of the individuals described above, crumbled when the government unlawfully revoked their DACA. Suddenly, these young people found themselves unemployed, uninsured, and with little financial security. Many were forced to deplete the little they had to stay afloat. Furthermore, they could no longer improve their chances for future economic success by pursuing higher education, like Jessica, or vocational certifications, like Aaron.

This “loss of opportunity to pursue [their] chosen profession” inflicted irreparable harm on these DACA recipients and, in many instances, changed the

entire arc of their economic and professional lives. *See Enyart v. Nat'l Conference of Bar Exam'rs, Inc.*, 630 F.3d 1153, 1165 (9th Cir. 2011) (finding legally blind bar applicant “would likely suffer irreparable harm in the form of (1) the loss of the chance to engage in normal life activity, i.e., pursuing her chosen profession, and (2) professional stigma” absent injunction permitting her to use assistive technology to take bar examination); *see also Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 543 (1985) (“We have frequently recognized the severity of depriving a person of the means of livelihood.”) (collecting cases). Indeed, even if their DACA revocation was only temporary, the setbacks inflicted at this early stage in their lives and careers have caused lasting damage. *See Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014) (“The irreparable nature of Plaintiffs’ injury is heightened by Plaintiffs’ young age and fragile socioeconomic position. Setbacks early in their careers are likely to haunt Plaintiffs for the rest of their lives.”).

Young people who have regained DACA thanks to the injunction granted in this lawsuit have not simply been able to pick up where they left off: Many could not return to the jobs they lost when their DACA was terminated and have not been able to recoup the financial losses they suffered. Instead, they have had to try to rebuild their lives financially by starting new jobs or, like Daniel, even moving to new places to find work. The time that these young people spent without DACA is “productive time irretrievably lost” that they could have spent in their chosen career

paths, building toward the future for themselves and their families. *See Chalk v. U.S. Dist. Court*, 840 F.2d 701, 710 (9th Cir. 1988).

And the damage extends beyond economic harm. The DACA recipients described above endured lengthy periods of immigration detention, which inflicted a huge emotional and physical toll.⁶ For example, Martin, who is an amputee, was bullied by detention center staff and was unable to obtain medical attention during his month-long detention.⁷ DACA recipients—who are young, and many of whom have not spent time away from their homes or families—were scared and missed their loved ones.

Termination of DACA also inflicted grave emotional harm on these individuals. For DACA recipients, the United States is their home. It is where they grew up, attended school, made friends, fell in love, and started families of their

⁶ The lasting emotional and physical damage suffered by immigration detainees is well documented. *See, e.g.*, Spencer Woodman and José Olivares, *Immigrant Detainee Called ICE Help Line Before Killing Himself in Isolation Cell*, THE INTERCEPT (Oct. 8, 2018), <https://theintercept.com/2018/10/08/ice-detention-suicide-solitary-confinement/>; Catherine E. Shoichet, *Inside America's Hidden Border*, CNN (Aug. 2018), <http://www.cnn.com/interactive/2018/08/us/ice-detention-stewart-georgia/>.

⁷ Martin's experience is not isolated, as evidenced by the large number of medical care complaints filed by immigration detainees. *See, e.g.*, U.S. Gov't Accountability Office, *Immigration Detention: Additional Actions Needed to Strengthen Management and Oversight of Detainee Medical Care*, GAO-16-231, 28-31 (Feb. 29, 2016), <https://www.gao.gov/assets/680/675484.pdf>.

own. DACA gave them a sense of security that enabled them to live fuller lives, pursue their dreams, and contribute to their communities without fear. But when these recipients lost DACA, they felt as if they had “lost everything.” They had to consider in a real way what life would be like in a foreign land—a place where they did not grow up, of which they have little or no memory, and to which they have limited or no ties. For these DACA recipients, the trauma and pain associated with the unlawful termination of DACA is immeasurable.

C. Restoring DACA Serves the Public Interest

Families, communities, employers, and the public at large benefit from the restoration of these individuals’ DACA and their reintegration into life in the United States. As these stories illustrate, DACA enabled its recipients to become more active, productive, and engaged members of their communities, and to support and contribute to their families and society as a whole. DACA enabled thousands of young men and women to proudly join the American workforce—to become active participants in the economy, working at major American companies or starting their own businesses, providing for their families, saving for the future, and paying taxes.⁸

⁸ For example, one study estimated that DACA recipients would contribute \$24.6 billion in taxes to Medicare and Social Security over the next ten years. See Jose Magaña-Salgado, *Money on the Table: The Economic Cost of Ending DACA*, Immigrant Legal Res. Ctr. (Dec. 2016), https://www.ilrc.org/sites/default/files/resources/2016-12-13_ilrc_report_-_money_on_the_table_economic_costs_of_

They are important members of their communities—as sons and daughters, brothers and sisters, friends, students, church leaders, and valued employees. Reinstating these young peoples’ wrongfully terminated DACA status has permitted them to rejoin the workforce, reengage in their communities, and reclaim their sense of security and belonging. These individuals, their families and communities, their employers, and the American public as a whole stand only to gain from these young people living out the American dream.

IV. CONCLUSION

For the reasons set forth above and in Plaintiffs-Appellees’ briefs, this Court should affirm the District Court’s order.

ending_daca.pdf; *see also* Nicole Prchal Svajlenka et al., *A New Threat to DACA Could Cost States Billions of Dollars*, Ctr. for Am. Progress (July 21, 2017), <https://www.americanprogress.org/issues/immigration/news/2017/07/21/436419/new-threat-daca-cost-states-billions-dollars/>.

Dated: December 21, 2018

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief contains 5,970 words, excluding the items exempted by Fed. R. App. P. 32(f). The brief's type size and typeface comply with Fed. R. App. P. 32(a)(5) and (6).

I further certify that this brief is an amicus brief and complies with the word limit of Fed. R. App. P. 29(a)(5), Cir. R. 29-2(c)(2), or Cir. R. 29-2(c)(3).

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2018, I electronically filed this brief with the Clerk of the Court for the U.S. Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I certify that all participants are registered CM/ECF users, and that service will be accomplished by the appellate CM/ECF system.

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