

No. 18-589

In The
Supreme Court of the United States

CHAD WOLF, ACTING SECRETARY
OF HOMELAND SECURITY, ET AL.,

Petitioners,

v.

MARTÍN JONATHAN BATALLA VIDAL, ET AL.,

Respondents.

On Writ Of Certiorari Before Judgment
To The United States Court Of Appeals
For The Second Circuit

**MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF AFTER ORAL
ARGUMENT, AND SUPPLEMENTAL BRIEF**

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Pursuant to Supreme Court Rules 25.6 and 25.7, non-State respondents Martín Batalla Vidal, et al., move for leave to file a supplemental brief presenting new information that was not available at the time of oral argument.

First, this case involves whether the decision to terminate DACA must be vacated because, among other reasons, the Department of Homeland Security did not adequately assess the relevant reliance interests when it terminated the program. *See* Br. of DACA Recipient Respondents at 34 (“Here, the government never considered the ‘disruption’ its policy ‘would have on the lives of DACA recipients, let alone their families, employers and employees, schools and communities.’”) (citing *Regents* Pet. App. 60a); *see also* Transcript of Oral Argument at 23-24. The COVID-19 pandemic, and resulting mobilization of resources, provide a vivid illustration of some of the reliance interests engendered by the program that the agency failed to consider – namely, those borne by healthcare and other essential service providers that employ DACA recipients. While the agency could not have predicted the pandemic, at the very least it was required to give adequate consideration to the significant adverse consequences of termination for these and other key societal actors who rely on and benefit from the work of DACA recipients. It failed to do so.

Second, the question of whether DACA recipients would be deported if the program were terminated was raised at oral argument. Tr. at 48-9. The federal government recently clarified its plans regarding the deportation of DACA recipients with final orders of removal.

Respectfully submitted,

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**SUPPLEMENTAL BRIEF FOR RESPONDENTS
MARTÍN JONATHAN BATALLA VIDAL ET AL.**

Batalla Vidal-Respondents submit this brief to advise the Court of the bearing on this matter of the COVID-19 pandemic and the current national state of emergency. *Batalla Vidal*-Respondents argue that the decision to terminate DACA must be vacated because, among other reasons, the agency did not adequately assess the relevant reliance interests when it terminated the program. The public health crisis now confronting our nation illuminates the depth of those interests as borne by employers, civil society, state and local governments, and communities across the country, and especially by healthcare and other essential services providers. Furthermore, it throws into sharp relief DACA recipients' important contributions to the country and the significant adverse consequences of eliminating their ability to live and work without fear of imminent deportation. These are the very consequences the agency failed to consider.

Healthcare providers on the frontlines of our nation's fight against COVID-19 rely significantly upon DACA recipients to perform essential work. Approximately 27,000 DACA recipients are healthcare workers—including nurses, dentists, pharmacists, physician assistants, home health aides, technicians, and other staff—and nearly 200 are medical students, residents, and physicians. Brief for Ass'n of Am. Medical Colleges as Amicus Curiae Supporting Respondents at 2-3. The pandemic sheds new light on the reliance interests of healthcare providers and the

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