

Nos. 18-587, 18-588, 18-589

IN THE
Supreme Court of the United States

DEP'T OF HOMELAND SECURITY, *et al.*, *Petitioners*

v.

REGENTS OF THE UNIV. OF CALIFORNIA, *et al.*, *Respondents*

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,
et al., *Petitioners*

v.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, *et al.*, *Respondents*

KEVIN K. MCALEENAN, ACTING SECRETARY OF HOMELAND
SECURITY, *et al.*, *Petitioners*

v.

MARTIN JONATHAN BATALLA VIDAL, *et al.*, *Respondents*

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURTS OF APPEALS
FOR THE NINTH, D.C., AND SECOND CIRCUITS

**BRIEF OF *AMICUS CURIAE* CENTER FOR
CONSTITUTIONAL JURISPRUDENCE
IN SUPPORT OF PETITIONERS**

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QUESTIONS PRESENTED

This dispute concerns the policy of immigration enforcement discretion known as Deferred Action for Childhood Arrivals (DACA). In 2016, this Court affirmed, by an equally divided vote, a decision of the Fifth Circuit holding that two related Department of Homeland Security (DHS) discretionary enforcement policies, including an expansion of the DACA policy, were likely unlawful and should be enjoined. *See United States v. Texas*, 136 S. Ct. 2271 (2016) (per curiam). In September 2017, DHS determined that the original DACA policy was unlawful and would likely be struck down by the courts on the same grounds as the related policies. DHS thus instituted an orderly wind-down of the DACA policy. The questions presented are as follows:

1. Whether DHS's decision to wind down the DACA policy is judicially reviewable.
2. Whether DHS's decision to wind down the DACA policy is lawful.

This *amicus curiae* brief addresses the second question presented.

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