

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

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IN THE  
**Supreme Court of the United States**

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UNITED STATES DEPARTMENT OF HOMELAND SECURITY,  
ET AL.,

*Petitioners,*

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL.,

*Respondents.*

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KEVIN K. MCALEENAN, ACTING SECRETARY OF  
HOMELAND SECURITY, ET AL.,

*Petitioners,*

v.

MARTIN JONATHAN BATALLA VIDAL, ET AL.,

*Respondents.*

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

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**Brief for DACA Recipient Respondents, Make the  
Road New York, County of Santa Clara, and  
Service Employees International Union Local 521**

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DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,  
ET AL.,

*Petitioners,*

v.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF  
COLORED PEOPLE, ET AL.,

*Respondents.*

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**On Writ Of Certiorari Before Judgment To The  
United States Court Of Appeals For The  
District Of Columbia Circuit**

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## QUESTIONS PRESENTED

Since 2012, the Deferred Action for Childhood Arrivals (“DACA”) policy has enabled nearly 800,000 undocumented individuals who arrived in the United States as children to live and work here without fear of deportation, so long as they qualify and remain eligible for the policy. In September 2017, the Attorney General issued a one-page, conclusory letter reversing the government’s longstanding legal position. Bound by the Attorney General’s advice, the Acting Secretary of Homeland Security abruptly issued a new immigration enforcement policy that terminated DACA.

The questions presented in these consolidated cases are:

1. Whether either the Administrative Procedure Act (“APA”), 5 U.S.C. § 701(a)(2), or the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1252(b)(9), (g), precludes judicial review of the Secretary’s decision to terminate the DACA policy.

2. Whether the Secretary’s decision was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” in violation of the APA, 5 U.S.C. § 706(2)(A).

## **PARTIES TO THE PROCEEDING**

In No. 18-587, Petitioners are Donald J. Trump, President of the United States; William P. Barr, Attorney General of the United States; Kevin K. McAleenan, Acting Secretary of Homeland Security; U.S. Department of Homeland Security; and the United States.

Respondents are the Regents of the University of California; Janet Napolitano, President of the University of California; the State of California; the State of Maine; the State of Maryland; the State of Minnesota; the City of San Jose; Dulce Garcia; Miriam Gonzalez Avila; Saul Jimenez Suarez; Viridiana Chabolla Mendoza; Norma Ramirez; Jirayut Latthivongskorn; the County of Santa Clara; and Service Employees International Union Local 521.\*

In No. 18-588, Petitioners are Donald J. Trump, President of the United States; William P. Barr, Attorney General of the United States; Kevin K. McAleenan, Acting Secretary of Homeland Security; U.S. Citizenship and Immigration Services; U.S. Immigration and Customs Enforcement; the U.S. Department of Homeland Security; and the United States.

Respondents are the Trustees of Princeton University; Microsoft Corporation; Maria De La Cruz Perales Sanchez; National Association for the Advancement of Colored People; American Federation of Teachers, AFL-CIO; and the United Food and Commercial Workers International Union, AFL-CIO, CLC.

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\* After the Complaint was filed in September 2017, Viridiana Chabolla Mendoza was granted Lawful Permanent Resident status.

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