

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

In The
Supreme Court of the United States

DEPARTMENT OF HOMELAND SECURITY, ET AL.,
Petitioners,

v.

REGENTS OF THE UNIVERSITY 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 Writs Of Certiorari To The
United States Courts Of Appeals For The Ninth,
District Of Columbia, And Second Circuits**

**AMICI CURIAE BRIEF OF EMPIRICAL
SCHOLARS IN SUPPORT OF RESPONDENTS**

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<i>Roper v. Simmons</i> , 543 U.S. 551 (2005).....	1
RULES AND REGULATIONS	
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OTHER AUTHORITIES	
Ajay Chaudry et al., <i>Facing Our Future: Children in the Aftermath of Immigration Enforcement</i> , Urb. Inst. (2010), https://www.urban.org/sites/default/files/publication/28331/412020-Facing-Our-Future.PDF	29, 30
Alexander Ortega, Sarah Horwitz, Hai Fang, Alice Kuo, Steven Wallace & Moira Inkela, <i>Documentation Status and Parental Concerns About Development in Young U.S. Children of Mexican Origin</i> , 9 Acad. Pediatrics 278 (2009).....	25
Amada Armenta, <i>Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement</i> (2017).....	14
Amy Hsin & Francesc Ortega, <i>The Effects of Deferred Action for Childhood Arrivals on Educational Outcomes of Undocumented Students</i> , 55 Demography 1487 (2018)	19

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Atheedar Venkataramani et al., <i>Health Consequences of the U.S. Deferred Action for Childhood Arrivals (DACA) Immigration Programme: A Quasi-Experimental Study</i> , 2 <i>Lancet Pub. Health</i> e175 (2017), https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(17)30047-6/fulltext	30
Brian Allen, Erica Cisneros & Alexandra Tellez, <i>The Children Left Behind: The Impact of Parental Deportation on Mental Health</i> , 24 <i>J. Child & Fam. Stud.</i> 386 (2013)	30
Caitlin Patler & Whitney Laster Pirtle, <i>From Undocumented To Lawfully Present: Do Changes In Legal Status Impact Psychological Wellbeing Among Latino Immigrant Young Adults?</i> , <i>Soc. Sci. & Med.</i> (2017), www.sciencedirect.com/science/article/pii/S027795361730148X?np=y&npKey=cd0a5382554ee22e26ffd1accf5c9a82cdd84c6a794d2bab0323cb930f528107	14, 15, 23, 31
Caitlin Patler et al., <i>From Undocumented to DACAmented: Impacts of the Deferred Action for Childhood Arrivals (DACA) Program</i> , <i>Inst. for Research Lab. & Emp.</i> 6 (2015), https://escholarship.org/uc/item/3060d4z3	18, 20, 24
Caitlin Patler et al., <i>Uncertainty About DACA May Undermine Its Positive Impact on Health for Recipients and Their Children</i> , 38 <i>Health Affairs</i> 738 (2019).....	26, 31, 33

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Cecilia Menjívar & Andrea Gómez Cervantes, Am. Psychol. Ass’n, <i>The Effects of Parental Undocumented Status on Families and Children: Influence of Parental Undocumented Status on the Development of U.S.-Born Children in Mixed-Status Families</i> (2016), https://www.apa.org/pi/families/resources/newsletter/2016/11/undocumented-status	30, 31
Cecilia Menjívar & Daniel Kanstroom, <i>Constructing Immigrant “Illegality”: Critiques, Experiences, and Responses</i> (2014).....	13
Cecilia Menjívar, <i>Liminal Legality: Salvadoran and Guatemalan Immigrants’ Lives in the United States</i> , 111 Am. J. Soc. 999 (2006)	12
Cecilia Menjívar, <i>The Power of the Law: Central Americans’ Legality and Everyday Life in Phoenix, Arizona</i> , 9 Latino Stud. 377 (2011).....	32
Edward Vargas & Vickie Ybarra, <i>U.S.-Citizen Children of Undocumented Parents: The Link Between State Immigration Policy and the Health of Latino Children</i> , 19 J. Immigrant & Minority Health 913 (2017), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5236009	24
Elira Kuka et al., <i>Do Human Capital Decisions Respond to the Returns to Education? Evidence from DACA</i> (2018), https://www.nber.org/papers/w24315.pdf	19, 21

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