

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**

OSSAI MIAZAD
MICHAEL N. LITROWNIK
CHAUNIQUE D. YOUNG
OUTTEN & GOLDEN LLP
685 Third Avenue, 25th Floor
New York, NY 10017
RACHEL WILLIAMS DEMPSEY
OUTTEN & GOLDEN LLP
One California Street, 12th Floor
San Francisco, CA 94111

NIKOLAS BOWIE
Counsel of Record
OREN NIMNI
IVAN ESPINOZA-MADRIGAL
OREN SELLSTROM
LAWYERS FOR CIVIL RIGHTS
61 Batterymarch Street,
5th Floor
Boston, MA 02110
(617) 988-0606
nbowie@law.harvard.edu

COCKLE LEGAL BRIEFS (800) 225-6964
WWW.COCKLELEGALBRIEFS.COM

TABLE OF CONTENTS

	Page
TABLE OF CONTENTS	i
TABLE OF AUTHORITIES	ii
INTEREST OF <i>AMICI CURIAE</i>	1
INTRODUCTION AND SUMMARY OF THE ARGUMENT.....	7
ARGUMENT	9
I. Immigrant legal status and work authorization have a critical impact on the lives of individuals and their children and families	9
A. Overview of DACA and DACA recipients	9
B. Effect of obtaining legal status and work authorization	11
II. DACA has positive effects on the lives of its recipients and their families, including U.S.-citizen children	18
III. DACA protects against the harms experienced by U.S.-citizen children when a parent or relative is undocumented or removed	26
CONCLUSION.....	33

TABLE OF AUTHORITIES

	Page
CASES	
<i>Atkins v. Virginia</i> , 536 U.S. 304 (2002).....	1
<i>Hall v. Florida</i> , 134 S. Ct. 1986 (2014).....	1
<i>Roper v. Simmons</i> , 543 U.S. 551 (2005).....	1
RULES AND REGULATIONS	
Sup. Ct. R. 37	1
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

TABLE OF AUTHORITIES—Continued

	Page
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

TABLE OF AUTHORITIES—Continued

	Page
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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.