

No. 18-587

In the Supreme Court of the United States

UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, *ET AL.*,

Petitioners,

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, *ET AL.*,

Respondents.

***On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit***

**BRIEF *AMICUS CURIAE* OF IMMIGRATION
LAW REFORM INSTITUTE IN SUPPORT OF
PETITIONERS**

CHRISTOPHER J. HAJEC	LAWRENCE J. JOSEPH
IMMIGRATION REFORM	<i>Counsel of Record</i>
LAW INSTITUTE	1250 Connecticut Av NW
25 Massachusetts Av NW	Suite 700-1A
Suite 335	Washington, DC 20036
Washington, DC 20001	(202) 202-355-9452
(202) 232-5590	lj@larryjoseph.com
chajec@irli.org	

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 Court, a decision of the U.S. Court of Appeals for 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 (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.

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