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TABLE OF AUTHORITIES

Other Authorities

INTRODUCTION AND SUMMARY OF ARGUMENT

Amici American Immigration Council, American Immigration Lawyers Association, Define American, National Immigrant Justice Center, National Immigration Law Center, New 2UOHDQV :RUNHUV¶ &HQWHU IRU 5DFLDO -XVWLFH 6HUYLFH Poverty Law Center, and United We Dream RSSRVH 3ODLQWLIIV¶ UHTXHVW IRU injunction against 'HIHQGDQWV¶ new deferred action initiative. The initiative, which is described LQ 6HFUHWDU\ -HK -RKQVRQ¶V 20, 2014 memorandum 1RYHPEHU (Exhibit 7) and UHIHUUHG WR EHORZ DV WKH ³'HIHUUHG $FWLRQ Initiative,´ should be instituted without delay.

In this brief, *amici* VXSSOHPHQW 'HIHQGDQWV¶ brief by presenting information within their expertise that supports 'HIHQGDQWV¶ position on the harms that an injunction would cause and where the public interest lies. *Amici* demonstrate that the Deferred Action Initiative promises to have significant and widespread benefits to the U.S. economy, raising wages, increasing tax revenue, and creating new jobs. In addition, *amici* show the benefits of the Deferred Action Initiative to individual immigrants, their families, and the communities in which they play an integral role.

STATEMENT OF THE NATURE AND STAGE OF THE PROCEEDING

The parties to this case have addressed the nature and stage of the proceeding in their motion and opposition. *Amici* do not agree with all of their statements, but address only two key issues here. First, as Defendants have explained, the U.S. Department of Homeland Security ³DHS´ maintains prosecutorial discretion under the Deferred Action Initiative to decide on a case-by-FDVH EDVLV ZKHWKHU WR JUDQW DQ\ SDUWLFXODU LQG

were denied. Id. at 41. (It is hardly surprising that more than 90 percent of DACA applications are approved, as individuals with stronger equities have a greater incentive to pay the DACA

ARGUMENT

Amici demonstrate below that a preliminary injunction would harm the U.S. economy, as well as individuals who would otherwise be granted deferred action, their families, and their communities. Incurring this harm would

other rather than compete.[4] This increases the productivity, and therefore the wages, of native-born workers.[5] Further, the increased spending power of both immigrants and native-born workers bolsters U.S. businesses, which are then able to invest in new ventures. The end result is more jobs for more workers, as well as upward pressure on wages created by higher demand for labor.[6]

Deferred action and temporary work authorization would amplify the positive impact that immigration has on the U.S. economy. As the White House Council of Economic Advisors (³CEA´) H[SODLQV ³EHWWHU WDVN reallocation as a result of work DQG RFF authorization for undocumented workers granted deferred action would allow for greater productivity ±and thus higher wages ±IRU QDWLYH ZRUNHUV.[7] Although small, the ZHOO´ benefits for native-born American workers are real. CEA estimates the wage gains to be 0.3

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[4] Giovanni Peri, supra n.3; see also Heidi Shierholz, Immigration and Wages: Methodological advancements confirm modest gains for native workers, at 1011 (Econ. Policy Inst., Briefing Paper No. 255, 2010), http://www.epi.org/files/page/-/bp255/bp255.pdf; Gianmarco I.P. Ottaviano and Giovanni Peri, Rethinking the Effects of Immigration on Wages, at 3-4 (1 D W ¶ O Bureau of Econ. Research, Working Paper No. 12497, 2006, revised 2008), http://www.nber.org/papers/w12497.pdf; Michael Greenstone and Adam Looney, Ten Economic Facts About Immigration, at 5 (The Hamilton Project, Brookings Inst., Policy Memo, 2010).

[5] Giovanni Peri, supra n.3; see also Heidi Shierholz, supra n.4, at 19 (estimating that, from 1994 to 2007, immigration increased the wages of native-born workers by 0.4 percent); Gianmarco I.P. Ottaviano and Giovanni Peri, supra n.4, at 4 (estimating that, from 1990 to 2004, immigration increased the wages of native-born workers by 0.7 percent); Michael Greenstone and Adam Looney, supra n.4, at 5.

[6] Giovanni Peri, Rethinking the Effects of Immigration on Wages: New Data and Analysis from 1990-2004, 5 Immigration Policy In Focus, No. 8, at 1 (American Immigration Law Foundation (now, American Immigration Council), Oct. 2006), http://www.immigrationpolicy.org/sites/default/files/docs/IPC%20Rethinking%20Wages,%2011-2006.pdf; White House Council of Economic Advisors (³CEA´), The Economic Effects of Administrative Action on Immigration, at 9 (Nov. 2014), available at http://www.whitehouse.gov/sites/default/files/docs/cea_2014_economic_effects_of_immigration_executive_action.pdf

[7] CEA, The Economic Effects of Administrative Action on Immigration, supra n.6, at 9.

percent over the next ten years as a result of all of the executive actions (including that concerning highly-skilled workers); 0.1 percent of these gains is attributable to deferred action.[8]

The federal government, as well as state and local governments, will enjoy higher tax revenues as a result of the Deferred Action Initiative. Not only will previously unauthorized workers be brought into the formal workforce, with much higher rates of tax compliance, but they will also be able to obtain better jobs and earn higher wages. Estimates vary, but all agree

maximize their earning potential.[15] Making workers eligible for deferred action and work permits will allow them greater occupational mobility, enabling them to seek out a wider range

eligible to receive deferred action through this initiative ³ZLOO H[SHULHQFH DODERU L RI ELOOLRQ GROODUV´[20]

The benefits of the Deferred Action Initiative for upward mobility are apparent from the impact of the initial DACA program, announced in June 2012. According to the findings of a national survey of 1,402 young adults across the country who were approved for DACA through June 2013

> Since receiving DACA, young adult immigrants have become more integrated LQWR WKH QDWLRQ¶V HFRQRPLF LQVWLWXWLRQV $SSU surveyed have obtained a new job since receiving DACA. Meanwhile, over half have opened their first bank account, and 38% have obtained their first credit card.[21]

In short, DACA created greater levels of contribution to the workforce by educated individuals who previously had limited employment opportunities.

B. Examples Of Benefits From Deferred Action

The stories of the individuals described below highlight the benefits of permitting the Executive Branch to roll out the Deferred Action Initiative unimpeded by judicial intervention As Defendants have explained, the Deferred Action Initiative allows DHS to focus its limited resources on such priorities as national security and public safety. Dkt. 33 at 51 The initiative does so by identifying individuals who are low priority because they were brought to the United States as children have long-standing ties to the country and to U.S. citizen and lawful permanent resident children, and have no history of serious crimes and allowing them to submit an application (including a fee) to remain in the country for a limited period of time,

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[20] Dr. Raul Hinojosa Ojeda with Maksim Wynn, supra n.9, Appendix A at 32.

[21] Roberto G. Gonzales and Veronica Terriquez, How DACA is Impacting the Lives of Those who are now DACAmented: Preliminary Findings from the National UnDACAmented Research Project (American Immigration Council, 2013), http://www.immigrationpolicy.org/just-facts/how-daca-impacting-lives-those-who-are-now-dacamented.

thereby freeing up enforcement resources for high priorities. See ' H I H Q G D Q W V ¶ The ([K L E L W following are descriptions of some individuals who stand to benefit from deferred action.

1. Individuals brought to the United States as children

Expanded DACA, like its predecessor, is designed to allow individuals who were brought to the United States as children, pursued educational opportunities, and lack a viable means to legalize their status, to apply for a temporary reprieve from deportation and obtain work authorization. The eligible individuals often know only the United States as their home, despite having been raised and educated here, lack the ability to work legally. The original DACA program limited relief to individuals who were under age 31 as of June 15, 2012. This cut-off date excluded numerous individuals.

Jose Antonio Vargas. For example, Jose Antonio Vargas, who is now age 33, arrived in the United States at the age of 12 from Antipolo, Philippines. He currently lives in California. Jose Antonio is a well-known journalist and filmmaker who was part of the Washington Post team that won the Pulitzer Prize for coverage of the Virginia Tech shootings in 2011. He is also a filmmaker and founder of the nonprofit media and culture campaign, "Define American," which seeks to elevate the immigration conversation in the United States. Jose Antonio G L V F R Y H U H G K H Z D V X Q G R F X P H Q W H G D W W K H D J H R I Z K H license. He is the only undocumented member of his family. He missed the age cutoff for the original DACA program by a few months. Jose Antonio is already an American entrepreneur and business owner who has made tremendous contributions to society through his films and advocacy work. He has created numerous jobs for U.S. citizens despite lacking his own work

authorization, for which the expanded DACA initiative would finally allow Jose Antonio to apply.

would qualify for the Deferred Action Initiative under the November 20, 2014 Memorandum. Receiving deferred action would not only remove the constant fear of deportation that Juan Carlos faces but also would allow him to pursue higher education, to follow his dream of becoming an architect, and to better support his parents through lawful employment.[24]

Dani. Dani entered the U.S. lawfully from the Philippines at the age of 13 with her mother, who had a visa to work in a domestic capacity for a World Bank employee. She has lived in the United States since November 2008, attended school in the United States, and received her diploma from a high school in the District of Columbia. Despite having good grades, Dani could not qualify for financial aid due to her immigration status. The original announcement of DACA did not help Dani as she entered after the June 15, 2007 cut-off. She met the other eligibility criteria for DACA at that time. The recent expansion of DACA to those who entered between June 15, 2007, and January 1, 2010, would allow Dani to apply.[25]

2. Parents of U.S. citizens and lawful permanent residents

Certain other individuals with strong ties to the United States will become eligible for deferred action based on the immigration status of their children.

Nery. For example, Nery is a 33-year-old citizen of El Salvador who has been in the United States since 2007 and currently resides in Illinois. He is the father of two U.S. citizen sons, one of whom has been diagnosed with Fragile X syndrome, developmental delays, and a heart mu U P X U 1 H U \ ¶ V V R Q L V F R P S O H W H O \ G H S H Q G H Q W R Q W hospitals and cardiologists in the United States. His son cannot communicate his needs, cannot feed himself, and has limited mobility.

her in the stomach while she was pregnant; on another occasion, he threatened her with a knife. The abuser was arrested for felony battery and eventually deported. As the mother of U.S. citizen children, Rebeca could benefit from deferred action, which would enable her to continue to raise her children in the only country they have ever known.[28]

Rosa Maria. Rosa Maria is 61 years old and was born in Hermosillo, Mexico. She came to the United States more than 15 years ago on a tourist visa to visit California. She stayed after her visa expired hoping that she could improve her life by earning a better living and helping her children get access to a good education. She originally came to the United States alone without her children, who remained in Mexico in the care of her adult children. Her youngest daughter, Dulce, came to join her in July 2000 and they moved to Arizona.

Living in the United States has allowed Rosa Maria's daughter Dulce to get a good education and to succeed professionally. Dulce graduated from Arizona State University in 2009 with a degree in electrical engineering and has been a leader in the Arizona Dream Act Coalition, which helps promote the rights of undocumented youth in Arizona. However, living in the United States has also been challenging for Rosa Maria, who has been separated from her family in Mexico. Because of her lack of immigration status, she has had to miss the funerals of three of her siblings and one of her parents as well as the university graduation of one of her children. Rosa Maria has U.S. citizen siblings, and her daughter Dulce is now a lawful permanent resident, which qualifies Rosa Maria to apply for the Deferred Action Initiative. If granted deferred action, Rosa Maria would be in a better position to support her family.[29]

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Sara and Juan. Sara and Juan are the parents of four children, two of whom are U.S. citizens. They currently live in Austin, Texas, where they are involved in their church. Sara and Juan are originally from Guanajuato, Mexico, and have lived in the United States for 12 years and 14 years, respectively. Both of them would be eligible to apply for deferred action because of their two U.S. citizen children. If Sara and Juan are approved for deferred action, their children would no longer have to worry about the possibility that their parents might be deported while they are at school or merely going about their daily activities. To Sara and Juan, having deferred action would mean a sense of peace and opportunity for their family. They would also finally feel able to invest in a home without the fear of losing it.[30]

These stories illustrate the strong benefits the Deferred Action Initiative will provide to our nation's communities and economy. These benefits, as well as those Defendants discuss, demonstrate that a preliminary injunction would cause significant harms and would be against the public interest.

CONCLUSION

For the reasons in Defendants' brief and the reasons abov

should be denied.

Dated December 29, 2014

Respectfully submitted,

/s/ Jonathan Weissglass

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[30] *See* Letter from Julieta Garibay, Co-founder and Deputy Advocacy Director of United We Dream, to Karen Tumlin, NILC (Dec. 29, 2014) (on file with NILC).

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