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Dreamers and Attorneys File Opening Brief in Supreme Court Case to Decide Fate of DACA

Washington D.C. — Attorneys for eleven recipients of the Deferred Action for Childhood Arrivals (DACA) program filed their opening brief today with the U.S. Supreme Court in a case that will review several lower-court decisions that blocked the Trump Administration’s efforts to end the DACA program. The court is scheduled to hear oral argument in three consolidated cases on November 12, 2019.

Three federal district court judges have issued nationwide injunctions — in California, New York, and the District of Columbia — allowing DACA recipients to continue to participate in the program. Last November, the Ninth Circuit Court of Appeals ruled against the Trump Administration, finding that recession of DACA was “arbitrary, capricious, or otherwise not in accordance with law.” In May, the Fourth Circuit Court of Appeals issued a similar ruling.

“Federal law demands, and the public deserves, a genuine and reasonable explanation from the government before it makes sweeping policy changes that will upend the lives of 700,000 individuals who work as teachers, doctors, social workers, members of our military, attorneys, entrepreneurs, and employees of nearly all of the Fortune 500 companies,” said Mark Rosenbaum, one of the attorneys for the plaintiffs and Director of Opportunity Under Law at Public Counsel. “While the Constitution gives the Executive Branch significant authority to set immigration enforcement priorities, it does not allow a president to switch gears without considering the human, societal, and economic costs of doing so and raise the likelihood of deporting individuals who came here as children and know no other country as home.”

Mr. Rosenbaum is one of the attorneys in the “Dreamers case” — the first lawsuit on behalf of DACA beneficiaries seeking to block the Trump Administration from creating a new policy undoing the assurances that both the Trump and Obama administrations gave to recipients that they “had nothing to worry about” given their contributions to the nation.

Originally filed as Garcia v. United States, Public Counsel, Gibson Dunn & Crutcher, LLC and Immigrant Advocacy and Litigation Center currently represent five DACA beneficiaries. Garcia was consolidated with four other lawsuits brought by the State of California, the City of San Jose, the County of Santa Clara and the University of California. The five DACA beneficiaries are also represented by Laurence Tribe, professor of constitutional law at Harvard Law School; Erwin Chemerinsky, dean of University of California, Berkeley Law School; and Leah Litman, assistant professor of constitutional law at University of Michigan Law School. DHS v. Regents of the University of California, has been consolidated with: Trump v. NAACP, and McAleenan v. Vidal.

The submitted brief will be posted to PublicCounsel.org once it is available, or is available via request.

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