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13
14 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA
15

16 INLAND EMPIRE – IMMIGRANT
17 YOUTH COLLECTIVE, et al., on behalf
of themselves and others similarly situated,

18 Plaintiffs,

19 v.

20 KIRSTJEN NIELSEN, Secretary, U.S.
Department of Homeland Security, et al.,

21 Defendants.
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} Case No. 5:17-cv-02048-PSG-SHK

} **PLAINTIFFS' MOTION FOR**
CLASS CERTIFICATION

} **Judge:** Hon. Philip S. Gutierrez
Courtroom: 6A
Hearing: February 26, 2018
Time: 1:30 p.m.

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
2 PLEASE TAKE NOTICE that on February 26, 2018 at 1:30 p.m., or at the
3 nearest available date at which counsel may be heard, in Courtroom 6A of
4 the above-referenced court located at the First Street Courthouse, 350 West 1st
5 Street, 6th Floor, Los Angeles, California 90012-4565, Plaintiffs will, and hereby
6 do, move this Court pursuant to Federal Rules of Civil Procedure 23(a) and (b)(2)
7 to certify a nationwide Notice Class of:

8 All recipients of Deferred Action for Childhood Arrivals (“DACA”)
9 who, after January 19, 2017, have had or will have their DACA grant
10 and employment authorization revoked without notice or an
11 opportunity to respond, even though they have not been convicted of a
12 disqualifying criminal offense.

13 Plaintiffs further move to be appointed Class Representatives and their counsel
14 to be appointed Class Counsel.

15 The Motion is based upon this Notice of Motion; the accompanying
16 Memorandum of Points and Authorities, the supporting declarations, all pleadings and
17 papers filed in this action, and such additional papers and arguments as may be
18 presented at or in connection with the hearing.¹

19

20 Dated: December 29, 2017

Respectfully submitted,

21

/s/ Katrina L. Eiland

22

Katrina L. Eiland

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Jennifer Chang Newell

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Michael K. T. Tan*

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David Hausman*

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IMMIGRANTS’ RIGHTS PROJECT

28

¹ Plaintiffs met and conferred with counsel for Defendants on December 12, 2017, regarding this Motion in accordance with Local Rule 7-3.

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INTRODUCTION

1
2 Plaintiffs José Eduardo Gil Robles (“Mr. Gil”), Ronan Carlos De Souza
3 Moreira (“Mr. Moreira”), and Jesús Alonso Arreola Robles (“Mr. Arreola”)
4 (collectively, “Plaintiffs”), along with numerous other Deferred Action for Childhood
5 Arrivals (“DACA”) recipients nationwide, have had their permission to live in the
6 United States and employment authorization arbitrarily stripped away by the United
7 States Citizenship and Immigration Services (“USCIS”) since President Trump took
8 office, without any notice, reasoned explanation, or opportunity to be heard. USCIS
9 has abruptly revoked these young immigrants’ valid DACA and work authorization
10 even though they remain eligible for the program. Losing the protection of DACA
11 and, with it, the ability to work and plan for the future, is devastating to these young
12 immigrants who have called the United States home since they were children.

13 Mr. Gil is a 24-year-old who has lived in the United States for more than 19
14 years. USCIS found him eligible for and granted him DACA in both 2015 and 2017.
15 His DACA allowed him to work as a bakery manager and for a logistics company, and
16 he used his earnings to help support his five younger U.S. citizen siblings. Mr. Gil
17 was also able to get a driver’s license, which allowed him to drive to work and church,
18 and to give his siblings rides to school. However, USCIS suddenly revoked Mr. Gil’s
19 DACA and work authorization in November 2017—just three months after USCIS
20 renewed it—without providing him with a reasoned explanation or a process to
21 challenge the revocation.

22 Mr. Moreira is also 24 years old and has lived in the United States since he was
23 a child. In high school, Mr. Moreira was active in school sports and other activities
24 and received various certificates of achievement for his academic performance. After
25 Mr. Moreira graduated, USCIS granted him DACA, which allowed him to secure a
26 good job with a flooring company, where he excelled and was quickly promoted from
27 an assistant manager to a manager position. USCIS granted Mr. Moreira DACA twice
28

1 more—most recently in November 2017—just days before USCIS abruptly
2 terminated it.¹

3 Plaintiffs are not alone. Indeed, Plaintiffs’ counsel are aware of at least 17
4 DACA recipients across the country who have had their DACA and work permits
5 terminated without notice or process since January 2017, even though they still
6 qualify for the program. Declaration of Katrina L. Eiland (“Eiland Decl.”) ¶¶ 3-14.
7 Hundreds of thousands more DACA recipients nationwide are at risk of having their
8 DACA terminated pursuant to Defendants’ unlawful policies and practices. *Id.* ¶ 48,
9 Ex. 33.

10 Indeed, Defendants have conceded in this lawsuit that USCIS engages in a
11 practice of terminating DACA without notice or an opportunity to respond, including
12 by automatically terminating DACA based on the issuance of a Notice to Appear
13 (“NTA”) in immigration court, without regard to whether the recipient remains
14 eligible for the program. *See* Doc No. 23-2, Declaration of Ron Thomas (“Thomas
15 Decl.”) ¶ 4. Defendants also have conceded that this practice is widespread. In fact,
16 Defendants have represented that the number of individuals subjected to its practice is
17 such that identifying “all automatic terminations of DACA would . . . involve a
18 manual review of *hundreds* of cases.” *Id.* ¶ 5 (emphasis added).

19 However, as this Court and others have ruled, USCIS’s admitted practice of
20 terminating DACA without notice or process violates the agency’s own rules and is,
21 therefore, arbitrary and capricious and contrary to law under the Administrative
22 Procedure Act (“APA”). As described in Plaintiffs’ Motion for a Classwide
23 Preliminary Injunction, filed this same date, Defendants’ termination practice is also
24 arbitrary and capricious because it fails to provide good reasons for changing course
25 with respect to the agency’s determination that the individual merits DACA, and is
26 based on arbitrary, irrelevant factors. Terminating DACA without notice and an

27 ¹ The termination of Mr. Arreola’s DACA is described in detail in Plaintiff
28 Arreola’s Memorandum of Law in Support of his Motion for a Preliminary Injunction.
See Doc. No. 16-2 at 5-10.

1 opportunity to be heard also violates the Due Process Clause of the Fifth Amendment
2 to the U.S. Constitution.

3 A class action lawsuit is appropriate to challenge Defendants’ unlawful policies
4 and practices. Plaintiffs seek to certify the following nationwide Notice Class under
5 Federal Rules of Civil Procedure 23(a) and 23(b)(2):

6 All recipients of Deferred Action for Childhood Arrivals (“DACA”)
7 who, after January 19, 2017, have had or will have their DACA grant
8 and employment authorization revoked without notice or an
9 opportunity to respond, even though they have not been convicted of a
10 disqualifying criminal offense.²

11 The proposed class readily satisfies the requirements of numerosity,
12 commonality, typicality, and adequacy in Rule 23(a) and is readily ascertainable. The
13 proposed class includes at least 17 and likely many more individuals whose DACA
14 already has been unlawfully terminated, which is sufficient to satisfy numerosity. *See,*
15 *e.g., Ark. Educ. Ass’n v. Board Of Educ. of Portland, Ark. Sch. Dist.*, 446 F.2d 763,
16 765-66 (8th Cir. 1971) (class of 17 sufficient); *Hum v. Dericks*, 162 F.R.D. 628, 634
17 (D. Haw. 1995) (noting that courts have certified classes with as few as 13 members).
18 The class raises numerous common legal questions that generate common answers:
19 namely, whether Defendants’ challenged policies and practices violate the APA and
20 the Due Process Clause. The class also raises common factual issues because
21 Plaintiffs and class members are subject to the same policies and practices. Plaintiffs’
22 APA and Due Process Clause claims are typical of those whom they seek to
23 represent—that is, other DACA recipients who have or will have their DACA and
24 work authorization terminated without notice or process pursuant to Defendants’
25 unlawful policies and practices, despite having no disqualifying convictions. And as
26 to adequacy, a team of seasoned attorneys from the ACLU Immigrants’ Rights Project

27 _____
28 ² This motion does not address the proposed “Enforcement Priority” Class pled in
Plaintiffs’ Amended Complaint, filed this same date.

1 and the ACLU of Southern California, with significant experience in immigrants’
2 rights and class action cases, represents Plaintiffs.

3 Plaintiffs’ proposed class likewise satisfies Rule 23(b)(2) because Defendants
4 have “acted or refused to act on grounds that apply generally to the class, so that final
5 injunctive relief or corresponding declaratory relief is appropriate respecting the class
6 as a whole.” Because the government has a policy or practice of terminating DACA
7 without notice, process, or a reasoned explanation, including based solely on the
8 issuance of an NTA, even where a DACA recipient has never engaged in any
9 disqualifying conduct, Defendants have necessarily acted in the same way as to all
10 class members. Injunctive and declaratory relief to stop Defendants’ unlawful
11 practices is therefore appropriate with respect to the class as a whole.

12 Accordingly, this Court should grant class certification under Rule 23(b)(2) for
13 purposes of entering Plaintiffs’ requested classwide preliminary injunction.³ See
14 *Carrillo v. Schneider Logistics, Inc.*, No. 11-cv-8557CAS-DTBX, 2012 WL 556309,
15 at *9 (C.D. Cal. Jan. 31, 2012) (“courts routinely grant provisional class certification
16 for purposes of entering [preliminary] injunctive relief” under Rule 23(b)(2), where
17 the plaintiff establishes that the four prerequisites in Rule 23(a) are also met) (citing
18 *Baharona-Gomez v. Reno*, 167 F.3d 1228, 1233 (9th Cir. 1999)).

19 BACKGROUND

20 **The DACA Program⁴**

21 Under DACA, young immigrants who entered the United States as children
22 who meet specified educational and residency requirements, and who pass extensive
23 criminal background checks, are eligible to receive deferred action. Doc. No. 16-4,
24 Declaration of Dae Keun Kwon (“Kwon Decl.”) ¶ 10, Ex. 9 (“Napolitano Memo” at

25 _____
26 ³ Plaintiffs also request that they be appointed Class Representatives, and that
undersigned counsel be appointed Class Counsel.

27 ⁴ Additional background about the DACA program is provided in Plaintiffs’
28 Amended Complaint, filed concurrently with this Motion, and Plaintiff Arreola’s
Memorandum of Law in support of his Motion for a Preliminary Injunction, Doc No.
16-2.

1 1-2). The enumerated eligibility criteria include the requirements that DACA
2 recipients not have been convicted of a felony, a significant misdemeanor,⁵ or three or
3 more other misdemeanors. Napolitano Memo at 1.

4 USCIS is the agency charged with making DACA determinations. *Id.* at 2-3.
5 The DACA Standard Operating Procedures (“SOPs”) set forth the uniform procedures
6 that the agency must follow in adjudicating all DACA applications, as well as in
7 terminating DACA and EADs granted through the program. *See* Doc No. 31, Order
8 Granting Pl.’s Mot. for Prelim. Inj. (“PI Order”) at 2; Kwon Decl. ¶ 21, Ex. 20 at 16
9 (“This SOP is applicable to all Service Center personnel performing adjudicative and
10 clerical functions or review of those functions. Personnel outside of Service Centers
11 performing duties related to DACA processing will be similarly bound by the
12 provisions of this SOP.”); *id.* (“This SOP describes the procedures Service Centers are
13 to follow when adjudicating DACA requests.”); *see also Colotl v. Kelly*, No. 17-cv-
14 1670-MHC, 2017 WL 2889681, at *4 (N.D. Ga. June 12, 2017); *Gonzalez Torres v.*
15 *U.S. Dep’t of Homeland Sec.*, No. 17-cv-1840 JM(NLS), 2017 WL 4340385, at *3
16 (S.D. Cal. Sept. 29, 2017).

17 On September 5, 2017, the Department of Homeland Security (“DHS”)
18 announced that it was winding down the DACA program. Although the program is
19 ending, DHS officials have confirmed that the same program rules continue to apply
20 until it ends. PI Order at 1-2.

21 **Defendants’ Unlawful DACA Revocation Policies and Practices**

22 Despite President Trump’s assurances that DACA recipients “have nothing to
23 worry about”⁶ and despite the critically important interests at stake once an individual
24 has received a grant of DACA, Defendants have engaged in a policy and practice of

25 ⁵ Significant misdemeanors are convictions for domestic violence; sexual abuse or
26 exploitation; burglary; unlawful possession or use of a firearm; drug distribution or
27 trafficking; and, driving under the influence; and any offense for which an individual
28 was sentenced to time in custody of more than 90 days. Kwon Decl. ¶ 20, Ex. 19 at 20.

⁶ Eiland Decl. ¶ 30, Ex. 15 (@realDonaldTrump, TWITTER (Sept. 7, 2017, 6:42 AM), <https://twitter.com/realDonaldTrump/status/905788459301908480>).

1 unlawfully revoking individuals’ DACA and work permits without notice, a reasoned
2 explanation, or an opportunity to respond, even though these individuals remain
3 eligible for the program.

4 Defendants’ unlawful termination of qualified individuals’ DACA and work
5 authorization involves at least two systemic policies and practices:

6 *First*, Defendants have a practice of revoking DACA without providing notice,
7 a reasoned explanation, an opportunity to be heard prior to revocation, or a process for
8 reinstatement where the revocation is in error. Defendants’ have engaged in this
9 practice despite the fact that USCIS’s own SOPs governing the DACA program do
10 not allow for termination without notice in the vast majority of cases, including in
11 Plaintiffs’ and the proposed class members. *See, e.g., Gonzalez Torres*, 2017 WL
12 4340385, at *3 (“In short, except in EPS cases [i.e., certain cases involving an
13 egregious risk to public safety], the DACA SOP requires notice and an ability to
14 contest the [Notice of Intent to Terminate] before DACA status may be terminated.”).

15 *Second*, USCIS has a practice of automatically terminating DACA and work
16 permits based on the issuance of an NTA where the sole basis for the NTA is the
17 individual’s lack of immigration status in the United States. Defendants themselves
18 have asserted in this litigation that USCIS has a “consistent practice” of automatically
19 terminating DACA “with the issuance of NTAs.” Doc No. 23, Defs.’ Opp. to PI at
20 26; *see also* Thomas Decl. ¶ 4 (“The issuance of a Notice to Appear (NTA) by U.S.
21 Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection
22 (CBP) automatically terminates DACA. . . . This has been USCIS’ practice since FY
23 2013 when such terminations began.”). As this Court has observed, however, all
24 DACA recipients could be charged with unlawful presence, and DACA is available to
25 noncitizens who are in removal proceedings. PI Order at 9.

26 **Plaintiffs and Proposed Class Members**

27 The termination of Plaintiffs’ DACA and work authorization illustrates
28 Defendants’ unlawful policies and practices. Mr. Gil, who has lived in the United

1 States since he was five years old, was working for a logistics company in Minnesota
2 and helping to support his five U.S. citizen siblings when USCIS revoked his DACA
3 and work authorization. Declaration of José Eduardo Gil Robles (“Gil Decl.”) ¶¶ 1-2,
4 11-12. Mr. Gil was arrested in September 2017 and ultimately charged with a
5 misdemeanor for driving on a cancelled license, which is still pending.⁷ *Id.* ¶ 14. Mr.
6 Gil was not aware of any problem with his driver’s license, which was allegedly
7 cancelled because it required a “status check” when his previous grant of DACA
8 expired a few weeks before. *Id.* Mr. Gil was released on bond and went back to his
9 work and family. *Id.* ¶ 15. However, a month later, ICE appeared at his job, arrested
10 him, and took him to an immigration detention facility. *Id.* ICE subsequently issued
11 him an NTA charging him with being present without admission. *Id.* Mr. Gil was
12 released on bond after an immigration judge found that he was not a danger to the
13 community or a flight risk. *Id.* ¶¶ 18-20. However, while he was in detention, Mr. Gil
14 received a notice from USCIS terminating his renewed DACA based on ICE’s
15 issuance of an NTA. *Id.* ¶¶ 22-23, 30, Ex. B. He received no notice or explanation
16 beyond the single sentence in the notice, and he had no chance to respond. *Id.* ¶ 23.

17 Similarly, Mr. Moreira has lived in the United States since middle school, after
18 entering on a visitor’s visa. Declaration of Ronan Carlos De Souza Moreira (“Moreira
19 Decl.”) ¶ 1. His mother is a Legal Permanent Resident and his older brother, who is
20 expecting a child, is a U.S. citizen. *Id.* ¶ 5. During middle school and high school,
21 Mr. Moreira played soccer and tennis, participated in school clubs, and earned
22 certificates of achievement for his academic performance and attendance. *Id.* ¶ 2.
23 After graduating from high school and getting DACA, Mr. Moreira secured a good
24 job with a flooring company in Georgia, working his way up to a job managing 20
25 flooring installers. *Id.* ¶¶ 2, 9. On November 2, 2017, Mr. Moreira was arrested after
26 a police officer concluded that the expiration date on his license had been changed.

27 _____
28 ⁷ Such traffic violations do not even count as a misdemeanor that could disqualify an individual from DACA. *See* Kwon Decl. ¶ 20, Ex. 19 at 20.

1 He was ultimately charged with a misdemeanor for possession of an altered
2 identification document, but has not been convicted. *Id.* ¶¶ 12-14. Although Mr.
3 Moreira was quickly granted bail, ICE detained him and issued him an NTA charging
4 him with overstaying a visa. *Id.* ¶ 14. Mr. Moreira was released from immigration
5 detention after about a month. When he appeared for a bond hearing, the lawyer for
6 the government conceded that he was neither a flight risk nor a danger to the
7 community, and offered him a bond, which he accepted. *Id.* ¶ 16. However, like Mr.
8 Gil, Mr. Moreira received a notice from USCIS terminating his DACA based on
9 ICE’s issuance of an NTA. *Id.* ¶¶ 18, 26, Ex. B. Mr. Moreira also did not receive any
10 notice or explanation beyond the single sentence in the notice, and he had no chance
11 to respond. *Id.* ¶ 19.

12 Plaintiffs’ experiences are representative of DACA terminations nationally.
13 According to government statistics, DACA revocations increased by 25 percent in the
14 first three months after President Trump’s inauguration in January 2017.⁸ Plaintiffs’
15 counsel are aware of at least 17 individuals around the country who, in the last ten
16 months alone, have had their DACA and work authorization terminated without
17 notice, a reasoned explanation, or an opportunity to respond, even though they
18 continue to be eligible for DACA. Eiland Decl. ¶¶ 2-14. Given that there are
19 currently nearly 700,000 DACA recipients across the country, *id.* ¶ 48, Ex. 33, there
20 are likely at least dozens—if not many more—in the same situation whose stories
21 have not reached Plaintiffs’ counsel. Moreover, hundreds of thousands of individuals
22 nationwide are at risk of having their DACA and work authorization terminated
23 pursuant to Defendants’ unlawful policies and practices in the future as the program
24 winds down over the next two years. In fact, Plaintiffs’ counsel are aware of two
25 additional DACA recipients to whom ICE recently issued NTAs despite their
26 continued DACA eligibility, and who are at risk of receiving DACA termination

27 ⁸ Eiland Decl. ¶ 20, Ex. 5 (Keegan Hamilton, *Targeting Dreamers*, VICE News, Sept.
28 8, 2017, <https://news.vice.com/story/ice-was-going-after-dreamers-even-before-trump-killed-daca>).

1 letters from USCIS. *Id.* ¶ 15. In at least one of those cases, counsel for ICE has
2 already represented that the individual’s DACA has been terminated. *Id.*

3 Moreover, federal immigration authorities have been instructed to screen every
4 DACA recipient they encounter. *Id.* ¶¶ 21-23, Exs. 6-8. Just recently, in early
5 September, ten DACA recipients were detained for hours by Customs and Border
6 Patrol (“CBP”) agents in Texas even though they have valid DACA. *Id.* ¶ 23, Ex. 8.
7 Although they were ultimately released, CBP scrutinized their records, presumably
8 looking for a reason to hold them and revoke their DACA status. *Id.* This targeting of
9 DACA recipients is likely to result in additional unlawful terminations.

10 Moreover, Defendants’ actions demonstrate that they have been targeting
11 DACA recipients for revocation even though they have committed no disqualifying
12 conduct and remain eligible for the program. On February 20, 2017, former DHS
13 Secretary John Kelly issued a memorandum setting forth enforcement priorities that
14 DHS would follow in its enforcement of the immigration laws (hereinafter, the “Kelly
15 Memo”).⁹ The Kelly Memo states that, “[e]ffective immediately, . . . Department
16 personnel shall faithfully execute the immigration laws of the United States against all
17 removable aliens.” The memorandum provides that even noncitizens who have no
18 criminal convictions, but merely have been “charged with any criminal offense that
19 has not been resolved,” as well as any noncitizen who has “committed acts which
20 constitute a chargeable criminal offense” will be prioritized for removal from the
21 United States. USCIS has revoked DACA grants of individuals who do not have
22 criminal history disqualifying them from DACA under the carefully crafted DACA
23 Memo and SOPs, but who have had minor encounters with law enforcement that
24 could make them a priority under the Kelly Memo’s general expanded enforcement
25 priorities. *See, e.g., Colotl*, 2017 WL 2889681, at *7 (N.D. Ga. June 12, 2017).

26
27 ⁹ Eiland Decl. ¶ 18, Ex. 3 (Memorandum from John Kelly, Enforcement of the
28 Immigration Laws to Serve the National Interest 2 (Feb. 20, 2017), available at
https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf).

1 The Kelly Memo and related DHS guidance, however, *expressly exempt* the
2 DACA program from the Kelly Memo’s expanded priorities. *See* Eiland Decl. ¶¶ 17-
3 17, Exs. 2-3; *see also Colotl*, 2017 WL 2889681, at *7-8, *12 (finding that “the Kelly
4 Memo, by its own terms, has no application to the DACA program”). Indeed, the
5 Kelly Memo directly conflicts with the DACA Memo and SOPs, which define those
6 eligible for DACA as low enforcement priorities and provide the relevant rules for
7 termination of DACA. *See* Kwon Decl. ¶ 21, Ex. 20 at 18, 136-38. Even so, USCIS
8 has targeted for revocation individuals who remain eligible for DACA, thus further
9 reinforcing that numerous DACA recipients are at risk of unlawful termination in the
10 future.

11 ARGUMENT

12 A plaintiff whose suit meets the requirements of Federal Rule of Civil
13 Procedure 23 has a “categorical” right “to pursue his claim as a class action.” *Shady*
14 *Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 398 (2010). To
15 meet these requirements, the “suit must satisfy the criteria set forth in [Rule 23(a)]
16 (i.e., numerosity, commonality, typicality, and adequacy of representation), and it also
17 must fit into one of the three categories described in subdivision (b).” *Id.*

18 As set forth below, Plaintiffs’ proposed class satisfies all four of the Rule 23(a)
19 prerequisites, as well as the judicially implied requirement of ascertainability. The
20 proposed class likewise meets the requirements for certification under Rule 23(b)(2).

21 This Court should certify the proposed class in keeping with the numerous court
22 decisions certifying classes in similar actions challenging the federal government’s
23 administration of immigration programs. *See, e.g., Walters v. Reno*, 145 F.3d 1032
24 (9th Cir. 1998) (affirming certification of nationwide class of individuals challenging
25 adequacy of notice in document fraud cases); *Arnott v. U.S. Citizenship &*
26 *Immigration Servs.*, 290 F.R.D. 579 (C.D. Cal. 2012) (certifying nationwide class of
27 immigrant investors challenging USCIS’ retroactive application of new rules
28 governing approval petitions to remove permanent residency conditions); *Santillan v.*

1 *Ashcroft*, No. 04-cv-2686MHP, 2004 WL 2297990 (N.D. Cal. Oct. 12, 2004)
2 (certifying nationwide class of lawful permanent residents challenging delays in
3 receiving documentation of their status); *Wagafe v. Trump*, No. 17-cv-0094-RAJ,
4 2017 WL 2671254, at *1 (W.D. Wash. June 21, 2017) (certifying nationwide class of
5 naturalization applicants challenging national security screening procedures); *Mendez*
6 *Rojas, et al. v. Johnson*, No. 16-cv-1024-RSM, (W.D. Wash. Jan. 10, 2017)
7 (certifying two nationwide classes of asylum seekers challenging defective asylum
8 application procedures).

9 **I. The Proposed Class Satisfies Rule 23(a)’s Requirements.**

10 **A. Numerosity: The Proposed Class Consists of at Least Seventeen and**
11 **Likely Many More DACA Recipients.**

12 Rule 23(a)(1) requires that a class be “so numerous that joinder of all members
13 is impracticable.” Fed. R. Civ. P. 23(a)(1). “[I]mpracticability’ does not mean
14 ‘impossibility,’ but only the difficulty or inconvenience of joining all members of the
15 class.” *Franco-Gonzales v. Napolitano*, No. 10-cv-02211-DMG-DTBX, 2011 WL
16 11705815, at *6 (C.D. Cal. Nov. 21, 2011) (quoting *Harris v. Palm Springs Alpine*
17 *Estates, Inc.*, 329 F. 2d 909, 913-14 (9th Cir. 1964)). No fixed number of class
18 members is required. *Perez-Funez v. Dist. Dir., I.N.S.*, 611 F. Supp. 990, 995 (C.D.
19 Cal. 1984). Moreover, where a plaintiff seeks injunctive and declaratory relief, the
20 “requirement is relaxed and plaintiffs may rely on [] reasonable inference[s] arising
21 from plaintiffs’ other evidence that the number of unknown and future members of
22 [the] proposed subclass . . . is sufficient to make joinder impracticable.” *Arnott v. U.S.*
23 *Citizenship & Immigration Servs.*, 290 F.R.D. 579, 586 (C.D. Cal. 2012) (quoting
24 *Sueoka v. United States*, 101 Fed. App’x 649, 653 (9th Cir. 2004)).

25 Here, the number of class members far exceeds the requirement for numerosity.
26 First, Plaintiffs’ counsel is aware of at least 17 DACA recipients who, in the last ten
27 months alone, have had their DACA terminated without notice or process, despite
28 remaining eligible for the program. Eiland Decl. ¶¶ 2-14. Given the increasing

1 number of DACA revocations nationwide in 2017, *see id.* ¶ 20, Ex. 5, the targeting of
2 DACA recipients by federal immigration authorities, and the overall scale of the
3 program, with hundreds of thousands of current DACA recipients, *id.* ¶ 48, Ex. 33,
4 there are likely at least dozens—if not many more—who have already had their
5 DACA terminated pursuant to Defendants’ challenged practices. Indeed, Defendants
6 have submitted a declaration in the instant litigation representing that the number of
7 DACA recipients subjected to terminations without process is such that identifying
8 “all automatic terminations of DACA would . . . involve a manual review of *hundreds*
9 of cases.” Thomas Decl. ¶ 5 (emphasis added). The Court can thus reasonably
10 conclude that the proposed class is sufficiently numerous. *See Cervantez v. Celestica*
11 *Corp.*, 253 F.R.D. 562, 569 (C.D. Cal. 2008) (internal quotation marks and citations
12 omitted) (noting that “where the exact size of the class is unknown but general
13 knowledge and common sense indicate that it is large, the numerosity requirement is
14 satisfied”); *see also, e.g., Hum*, 162 F.R.D. at 634 (courts have certified classes with
15 as few as 13 members); *Ark. Educ. Ass’n*, 446 F.2d at 765-66 (class of 17 sufficient);
16 *Jordan v. Los Angeles Cty.*, 669 F.2d 1311, 1319 (9th Cir. 1982) (class of 39
17 sufficient), *vacated on other grounds*, 459 U.S. 810 (1982).

18 Second, in addition to the number of individuals who have already had their
19 DACA unlawfully terminated, Plaintiffs’ proposed class also includes individuals who
20 *will have* their DACA terminated without notice or process, despite continuing to be
21 eligible, if Defendants’ policies and practices are not enjoined. Hundreds of
22 thousands of DACA recipients are at risk of losing their deferred action if Defendants’
23 challenged practices are permitted to continue while the DACA program winds down
24 over the next two years. Indeed, Defendants themselves have conceded that USCIS
25 engages in a practice of automatically terminating DACA without notice or process,
26 based solely on the issuance of an NTA, without regard to whether the individual
27 remains eligible for DACA. *See* Thomas Decl. ¶ 4. Immigration authorities’
28 increased screening of DACA recipients, as well as the large number of already-

1 identified class members, further supports the inference that there will be additional
2 class members in the future.

3 The presence of such future class members renders joinder inherently
4 impractical, thereby satisfying the purpose behind the numerosity requirement. *See,*
5 *e.g., Ali v. Ashcroft*, 213 F.R.D. 390, 408 (W.D. Wash. 2003), *aff'd*, 346 F.3d 873 (9th
6 Cir. 2003), *vacated on other grounds*, 421 F.3d 795 (9th Cir. 2005) (internal quotation
7 marks and citation omitted) (“[W]here the class includes unnamed, unknown future
8 members, joinder of such unknown individuals is impracticable and the numerosity
9 requirement is therefore met, regardless of class size.” (quoting *Natl. Assn. of*
10 *Radiation Survivors v. Walters*, 111 F.R.D. 595, 599 (N.D. Cal. 1986)); *Smith v.*
11 *Heckler*, 595 F. Supp. 1173, 1186 (E.D. Cal. 1984) (in injunctive relief cases,
12 “[j]oinder in the class of persons who may be injured in the future has been held
13 impracticable without regard to the number of persons already injured”); *Hawker v.*
14 *Consovoy*, 198 F.R.D. 619, 625 (D.N.J. 2001) (“The joinder of potential future class
15 members who share a common characteristic, but whose identity cannot be
16 determined yet is considered impracticable.”).

17 **B. The Class Presents Common Questions of Law and Fact.**

18 To satisfy commonality, Plaintiffs must show that “there are questions of law or
19 fact common to the class.” Fed. R. Civ. P. 23(a)(2). Rule 23(a)(2)’s commonality
20 requirement “has been construed permissively.” *Preap v. Johnson*, 303 F.R.D. 566,
21 585 (N.D. Cal. 2014), *aff'd*, 831 F.3d 1193 (9th Cir. 2016) (quoting *Hanlon v.*
22 *Chrysler Corp.*, 150 F.3d 1011, 1019 (9th Cir. 1998)) (internal quotation marks
23 omitted). A plaintiff “need not show . . . that every question in the case, or even a
24 preponderance of questions, is capable of class wide resolution.” *Parsons v. Ryan*, 754
25 F.3d 657, 675 (9th Cir. 2014) (internal quotation marks and citation omitted). Rather,
26 even one shared legal issue can be sufficient. *See, e.g., Mazza v. Am. Honda Motor*
27 *Co., Inc.*, 666 F.3d 581, 589 (9th Cir. 2012) (noting that “commonality only requires a
28 single significant question of law or fact”); *Walters*, 145 F.3d at 1046 (“What makes

1 the plaintiffs' claims suitable for a class action is the common allegation that the
2 INS's procedures provide insufficient notice."); *Rodriguez v. Hayes*, 591 F.3d 1105,
3 1122 (9th Cir. 2010) ("[T]he commonality requirement[] asks us to look only for
4 some shared legal issue or a common core of facts."). Moreover, "[i]ndividual
5 variation among plaintiffs' questions of law and fact does not defeat underlying legal
6 commonality, because 'the existence of shared legal issues with divergent factual
7 predicates is sufficient' to satisfy Rule 23." *Santillan v. Ashcroft*, No. C 04-2686
8 MHP, 2004 WL 2297990, at *10 (N.D. Cal. Oct. 12, 2004) (quoting *Hanlon*, 150 F.3d
9 at 1019). The commonality standard is even more liberal in a civil rights suit like this
10 one, in which "the lawsuit challenges a system-wide practice or policy that affects all
11 of the putative class members." *Armstrong v. Davis*, 275 F.3d 849, 868 (9th Cir.
12 2001), *abrogated on other grounds by Johnson v. California*, 543 U.S. 499, 504-05
13 (2005).

14 Here, Plaintiffs' lawsuit raises numerous legal questions common to the
15 proposed class,¹⁰ including:

- 16 • Whether Defendants' practice of terminating DACA and work authorization
17 without notice, a meaningful explanation, or an opportunity to be heard violates
18 Defendants' own rules for the DACA program and is therefore arbitrary and
19 capricious under the APA;
- 20 • Whether Defendants' practice of revoking an existing grant of DACA and work
21 authorization without notice, a meaningful explanation, or an opportunity to be
22 heard is arbitrary and capricious and contrary to law in violation of the APA
23 because it fails to provide a good reason for the agency's change in position;
- 24 • Whether Defendants' practice of terminating DACA and work authorization
25 without notice, a meaningful explanation, or an opportunity to be heard violates
26 the Due Process Clause of the U.S. Constitution; and

27
28 ¹⁰ Plaintiffs' claims are described in greater detail in their Motion for a Classwide Preliminary Injunction, filed this same date.

- Whether Defendants’ practice of terminating DACA and work authorization based solely on the issuance of an NTA charging the individual with unlawful presence in the United States, is arbitrary and capricious under the APA because it is based on arbitrary, irrelevant factors.

Any one of these common issues, standing alone, is enough to satisfy Rule 23(a)(2)’s permissive standard. *See Perez-Olano v. Gonzalez*, 248 F.R.D. 248, 257 (C.D. Cal. 2008) (“Courts have found that a single common issue of law or fact is sufficient.”) (citation omitted); *Sweet v. Pfizer*, 232 F.R.D. 360, 367 (C.D. Cal. 2005) (observing that “there must only be one single issue common to the proposed class”) (quotation and citation omitted).

Plaintiffs and proposed class members also share a common core of facts: (1) The determination of Plaintiffs’ and class members’ DACA is subject to the same rules, namely the DACA Memo and SOPs; (2) Plaintiffs and proposed class members all had their DACA terminated without notice, a meaningful explanation, or an opportunity to respond; and (3) Plaintiffs and proposed class members do not have any convictions that would disqualify them from the program.

Finally, Plaintiffs and proposed class members “have suffered the same injury,” in that Defendants have terminated each of their DACA without notice, a meaningful explanation, or an opportunity to be heard pursuant to the same unlawful policies or practices. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011) (quoting *Gen. Tel. Co. of Sw. v. Falcon*, 457 U.S. 147, 157 (1982)). Should the Court agree that Defendants’ policies or practices violate the APA and/or the Due Process Clause, all who fall within the class will benefit from the requested relief—a nationwide injunction preventing the termination of their DACA pursuant to those practices. Thus, a common answer as to the legality of the challenged policies and practices will “drive the resolution of the litigation.” *Ellis v. Costco Wholesale Corp.*, 657 F.3d 970, 981 (9th Cir. 2011) (quoting *Wal-Mart*, 564 U.S. at 350).

1 Defendants may argue that Plaintiffs cannot satisfy commonality because the
2 agency’s decision to revoke DACA is based on particular facts and circumstances
3 unique to each recipient. But this argument would misconstrue and misapply the
4 commonality requirement. Instead, “[w]here the circumstances of each particular
5 class member vary but retain a common core of factual or legal issues with the rest of
6 the class, commonality exists.” *Evon v. Law Offices of Sidney Mickell*, 688 F.3d
7 1015, 1029 (9th Cir. 2012) (internal quotation marks and citation omitted); *see also*
8 *Walters*, 145 F.3d at 1046 (“Differences among the class members with respect to the
9 merits of their actual document fraud cases, however, are simply insufficient to defeat
10 the propriety of class certification. What makes the plaintiffs’ claims suitable for a
11 class action is the common allegation that the INS’s procedures provide insufficient
12 notice.”); *Arnott*, 290 F.R.D. at 586-87 (variation in business plans and investment
13 projects did not defeat certification in light of common question of permissibility of
14 retroactively applying new policy to those who “already received approval of I-526
15 petitions”). Moreover, any factual differences that may exist among Plaintiffs and
16 proposed class members are immaterial to their claims, which challenge Defendants’
17 common termination policies and practices as categorically violating the APA and the
18 Due Process Clause—not the agency’s ultimate exercise of discretion with respect to
19 each recipient. *See Orantes-Hernandez v. Smith*, 541 F. Supp. 351 (C.D. Cal. 1982)
20 (rejecting defendants’ argument that certification was unwarranted because class
21 members’ suitability for relief was individualized where plaintiff challenged common
22 agency practice, not ultimate outcome of cases).

23 **C. Typicality: Plaintiffs’ Claims Are Typical of Those of Other Class**
24 **Members.**

25 Rule 23(a)(3) requires that “the claims or defense of the representative parties
26 [be] typical of the claims or defenses of the class.” The purpose of this requirement is
27 to “assure that the interest of the named representative aligns with the interests of the
28 class” as a whole. *Hanon v. Dataproducts Corp.*, 976 F.2d 497, 508 (9th Cir. 1992).

1 “Under the rule’s permissive standards, representative claims are ‘typical’ if they are
2 reasonably coextensive with those of the absent class members.” *Parsons*, 754 F.3d at
3 685 (quoting *Hanlon*, 150 F.3d at 1020). “The test of typicality is ‘whether other
4 members have the same or similar injury, whether the action is based on conduct
5 which is not unique to the named plaintiffs, and whether other class members have
6 been injured by the same course of conduct.’” *Id.* (citation omitted). As with
7 commonality, factual differences among class members do not defeat typicality.
8 *LaDuke v. Nelson*, 762 F.2d 1318, 1332 (9th Cir. 1985) (“The minor differences in the
9 manner in which the representative’s Fourth Amendment rights were violated does not
10 render their claims atypical of those of the class.”)

11 Plaintiffs’ claims are typical of the claims of the proposed class. Each Plaintiff,
12 just like each proposed class members, had valid DACA and work authorization that
13 USCIS terminated without notice, a meaningful explanation, or an opportunity to be
14 heard, pursuant to Defendants’ unlawful policies or practices. Plaintiffs and class
15 members assert that such action was arbitrary and capricious under the APA and
16 violated the Due Process Clause. Any factual variations among Plaintiffs and
17 proposed class members in ways relevant to USCIS’s ultimate decision of whether to
18 terminate DACA do not defeat typicality because, as described above, Plaintiffs’
19 claims do not implicate such differences. *See, e.g., Rodriguez*, 591 F.3d at 1124 (“The
20 particular characteristics of the Petitioner or any individual detainee will not impact
21 the resolution of this general statutory question and, therefore, cannot render
22 Petitioner’s claim atypical.”).

23 **D. Adequacy: Plaintiffs Will Adequately Protect the Interests of the**
24 **Proposed Class, and Plaintiffs’ Counsel Are More Than Qualified to**
25 **Litigate this Action.**

26 Rule 23(a)(4) requires that “[t]he representative parties will fairly and
27 adequately protect the interests of the class.” Fed. R. Civ. P. 23(a)(4). “Whether the
28 class representatives satisfy the adequacy requirement depends on ‘the qualifications
of counsel for the representatives, an absence of antagonism, a sharing of interests

1 between representatives and absentees, and the unlikelihood that the suit is
2 collusive.” *Rodriguez*, 591 F.3d at 1125 (citing *Walters*, 145 F.3d at 1046).

3 Plaintiffs’ counsel are deemed qualified when they can establish their
4 experiences in previous class actions and cases involving the same area of law. *Lynch*
5 *v. Rank*, 604 F. Supp. 30, 37 (N.D. Cal. 1984), *aff’d* 747 F.2d 528 (9th Cir. 1984),
6 *amended on reh’g*, 763 F.2d 1098 (9th Cir. 1985). Here, putative Class Counsel are
7 attorneys from the ACLU Immigrants’ Rights Project and ACLU of Southern
8 California. *See* Declaration of Jennifer Chang Newell (“Newell Decl.”).

9 Collectively, putative Class Counsel have extensive and diverse experience in
10 complex immigration cases and class action litigation, and Class Counsel also have
11 sufficient resources to litigate this matter to completion. *Id.* ¶¶ 2-27. Attorneys from
12 the ACLU Immigrants’ Rights Project and ACLU of Southern California have been
13 appointed class counsel and successfully litigated similar class action lawsuits in this
14 district and in courts across the country. *Id.*; *see also, e.g., Rodriguez*, 591 F.3d at
15 1111; *Alfaro Garcia v. Johnson*, No. 14-cv-1775, 2014 WL 6657591, at *15 (N.D.
16 Cal. 2014); *Rivera v. Johnson*, 307 F.R.D. 539 at 542-43 (W.D. Wa 2015); *Franco-*
17 *Gonzales*, 2011 WL 11705815, at *1; *Preap*, 303 F.R.D. at 570; *Khoury v. Asher*, 3 F.
18 Supp. 3d 877, 878 (W.D. Wash. 2014); *RILR v. Johnson*, 80 F. Supp. 3d 164, 181
19 (D.D.C. 2015).

20 Plaintiffs will fairly and adequately protect the interests of the proposed class,
21 and therefore are adequate class representatives. Plaintiffs do not seek any unique or
22 additional benefit from this litigation that may make their interests different from or
23 adverse to those of absent class members. Instead, Plaintiffs’ aim is to secure
24 injunctive relief that will protect themselves and the entire class from the Defendants’
25 challenged practices and enjoin the Defendants from further violations. *See* Arreola
26 Decl. ¶¶ 42-43; Gil Decl. ¶¶ 27-28; Moreira Decl. ¶ 23-24. Plaintiffs and Class
27 Counsel do not seek financial gain at the cost of absent class members’ rights.
28 Accordingly, Plaintiffs have demonstrated that they lack any antagonism with the

1 class, that they share interests with proposed class members, and that no collusion is
2 present.

3 **E. The Class Is Sufficiently Ascertainable.**

4 Although the Ninth Circuit has not yet ruled whether the judicially implied
5 ascertainability requirement applies to classes certified under Rule 23(b)(2), other
6 circuits have found that it does not. *See Shelton v. Bledsoe*, 775 F.3d 554, 563 (3d
7 Cir. 2015) (“The nature of Rule 23(b)(2) actions, the Advisory Committee’s note on
8 (b)(2) actions, and the practice of many [] other federal courts all lead us to conclude
9 that ascertainability is not a requirement for certification of a (b)(2) class seeking only
10 injunctive and declaratory relief”); *Shook v. El Paso Cnty.*, 386 F.3d 963, 972
11 (10th Cir. 2004) (“[M]any courts have found Rule 23(b)(2) well suited for cases where
12 the composition of the class is not readily ascertainable.”); *Cole v. City of Memphis*,
13 839 F.3d 530, 542 (6th Cir. 2016), *cert. denied* 137 S. Ct. 2220 (2017)
14 (“[A]scertainability is not an additional requirement for certification of a (b)(2) class
15 seeking only injunctive and declaratory relief.”); *Yaffe v. Powers*, 454 F.2d 1362,
16 1366 (1st Cir.1972) (no ascertainability requirement for Rule 23(b)(2) classes); *see*
17 *also, e.g., In re Yahoo Mail Litig.*, 308 F.R.D. 577, 597 (N.D. Cal. 2015).

18 In any event, the proposed class is sufficiently ascertainable because it is
19 “administratively feasible” to ascertain whether an individual is a member. *Greater*
20 *Los Angeles Agency on Deafness, Inc. v. Reel Servs. Mgmt. LLC*, No. 13-cv-7172 PSG
21 (ASX), 2014 WL 12561074, at *5 (C.D. Cal. May 6, 2014) (Gutierrez, J.) (internal
22 quotation marks omitted) (finding ascertainable proposed class of individuals who are
23 deaf or hard of hearing and require closed captioning). Here, membership in the class
24 is defined by clear and objective criteria: (1) the individual’s DACA has been or will
25 be terminated without notice, a meaningful explanation, or an opportunity to
26 respond—that is, without the issuance of a Notice of Intent to Terminate and a
27 sufficient opportunity to respond to the reason for termination and (2) the individual
28 has not been convicted of any disqualifying crime as set forth in the DACA Memo

1 and SOPs. *See supra* at 3. This definition is ““precise, objective, and presently
2 ascertainable.”” *O’Connor v. Boeing N. Am., Inc.*, 184 F.R.D. 311, 319 (C.D. Cal.
3 1998) (observing that class definitions of actions maintained under Rule 23(b)(2)
4 command less precision than actions for damages requiring notice to the class); *see*
5 *also, e.g., Lamumba Corp. v. City of Oakland*, No. 05-cv-2712 MHP, 2007 WL
6 3245282, at *4 (N.D. Cal. Nov. 2, 2007) (“Plaintiffs putative class is based on the
7 objective factors of business ownership, race, and indebtedness to the City, and
8 therefore is sufficiently defined.”). The fact that some administrative process may be
9 required to identify class members does not undermine ascertainability. *See, e.g.,*
10 *Moreno v. Napolitano*, No. 11-cv-5452, 2014 WL 4911938, at *6-7 (N.D. Ill. Sept.
11 30, 2014) (finding that the necessity of manually reviewing tens of thousands of
12 detainer forms to identify class members did not undermine ascertainability) (citing
13 *Young v. Nationwide Mut. Ins. Co.*, 693 F.3d 532, 539 (6th Cir. 2012)). This is
14 particularly true here, where USCIS keeps detailed records regarding DACA
15 terminations, *see* Kwon Decl. ¶ 21, Ex. 20 at 138 (instructing adjudicators to update
16 systems), and routinely evaluates whether DACA recipients have disqualifying
17 convictions. *See Dunnigan v. Metro. Life Ins. Co.*, 214 F.R.D. 125, 136 (S.D.N.Y.
18 2003) (holding that even a slow and burdensome process for identifying class
19 members would not defeat the ascertainability requirement). Moreover, Plaintiffs
20 have proposed a practical process for implementing the requested preliminary
21 injunction, which includes a procedure for identifying class members whose DACA
22 USCIS has already unlawfully revoked. *See* Pls.’ PI Proposed Order.

23 **II. This Action Satisfies the Requirements of Rule 23(b)(2).**

24 In addition to satisfying the four requirements of Rule 23(a), Plaintiffs also
25 must meet one of the subsections of Rule 23(b). Certification of a class under Rule
26 23(b)(2) requires that “the party opposing the class has acted or refused to act on
27 grounds that apply generally to the class, so that final injunctive relief or
28

1 corresponding declaratory relief is appropriate respecting the class as a whole.” Fed.
2 R. Civ. P. 23(b)(2).

3 In the Ninth Circuit, “[i]t is sufficient’ to meet the requirements of Rule
4 23(b)(2) [when] ‘class members complain of a pattern or practice that is generally
5 applicable to the class as a whole.’” *Rodriguez*, 591 F.3d at 1125 (quoting *Walters*,
6 145 F.3d at 1047); *Lyon v. U.S. Immigration & Customs Enf’t*, 308 F.R.D. 203, 213
7 (N.D. Cal. 2015) (injunctive or declaratory relief under Rule 23(b)(2) is appropriate
8 when “the party opposing the class has acted or refused to act on grounds that apply
9 generally to the class”) (internal quotation marks omitted). Indeed, Rule “23(b)(2)
10 was adopted in order to permit the prosecution of civil rights actions” like this one.
11 *Walters*, 145 F.3d at 1047; *Rodriguez*, 591 F.3d at 1126 (finding that class of non-
12 citizens detained during immigration proceedings met Rule 23(b)(2) criteria because
13 “all class members’ [sought] the exact same relief as a matter of statutory or, in the
14 alternative, constitutional right”).

15 Importantly, “[t]he rule does not require [the court] to examine the viability or
16 bases of class members’ claims for declaratory and injunctive relief, but only to look
17 at whether class members seek uniform relief from a practice applicable to all of
18 them.” *Rodriguez*, 591 F.3d at 1125. “The key to the (b)(2) class is the indivisible
19 nature of the injunctive or declaratory remedy warranted—the notion that the conduct
20 is such that it can be enjoined or declared unlawful only as to all of the class members
21 or as to none of them.” *Lyon*, 308 F.R.D. at 213 (quoting *Wal-Mart Stores*, 131 S.Ct.
22 at 2557).

23 Rule 23(b)(2)’s requirements are plainly met. Here, Plaintiffs ask the Court to
24 declare Defendants’ termination policies and practices, which have impacted Plaintiffs
25 and proposed class members, to be unlawful and to enjoin USCIS from: (1) enforcing
26 the termination of DACA and related work authorization for Plaintiffs and class
27 members whose DACA USCIS has already unlawfully terminated and (2) terminating
28 DACA grants and work authorization in the future based solely on the issuance of an

1 NTA charging unlawful presence or otherwise absent a fair procedure that complies
2 with the agency's rules, including notice, a reasoned explanation, and an opportunity
3 to be heard prior to termination. *See* Pls.' PI Proposed Order.

4 This relief would benefit Plaintiffs as well as all members of the proposed
5 classes in the same fashion. No individual class member would be entitled to a
6 different injunction or declaratory judgment. The requested relief would address these
7 policies or practices in a single stroke, and thus the proposed class plainly warrants
8 certification under Rule 23(b)(2). *See Parsons*, 754 F.3d at 689 (finding declaratory
9 and injunctive relief proper as to the whole class where "every [member] in the
10 proposed class is allegedly suffering the same (or at least a similar) injury and that
11 injury can be alleviated for every class member by uniform changes in . . . policy and
12 practice"); *Rodriguez*, 591 F.3d at 1126 (certifying class of immigrant detainees under
13 Rule 23(b)(2) where "relief from a single practice is requested by all class members").

14 Given the nature of Plaintiffs' claims, which challenge USCIS's centralized and
15 uniform DACA termination practices, class certification should be nationwide.
16 Defendants have indicated that USCIS has a practice of automatically terminating
17 individual DACA grants, without process. *See* Thomas Decl. ¶ 4. Plaintiffs have
18 identified at least 17 examples of Defendant's unlawful DACA terminations from
19 various states around the country (including Texas, Louisiana, Georgia, Minnesota,
20 South Dakota, North Carolina, New Jersey, and California). *See* Eiland Decl. ¶¶ 2-14.
21 And given the nationwide scope and scale of the program, there are nearly 700,000
22 DACA recipients in all 50 states who are potentially at risk of having their DACA
23 unlawfully terminated pursuant to Defendants' practices. *Id.* ¶ 48, Ex. 33.
24 Certification that is not nationwide in scope would result in Defendants continuing to
25 apply an unlawful policy to DACA recipients simply by virtue of their geographic
26 location. Such piecemeal relief would lead to arbitrary and unjust results. *See*
27 *Gorbach v. Reno*, 181 F.R.D. 642, 644 (W.D. Wash. 1998), *aff'd*, 219 F.3d 1087 (9th
28 Cir. 2000) (holding certification of a nationwide class was particularly fitting because

1 “anything less [than] a nationwide class would result in an anomalous situation
2 allowing the INS to pursue denaturalization proceedings against some citizens, but not
3 others, depending on which district they reside in”).

4 Because Plaintiffs and proposed class members all have suffered or will suffer
5 the same statutory and constitutional violations as a result of the government’s
6 challenged practices or policies, and because they seek singular injunctive and
7 corresponding declaratory relief that remedy those injuries, the Court should certify
8 the class under Rule 23(b)(2).

9 **CONCLUSION**

10 Plaintiffs respectfully requests that the Court grant this Motion and enter an
11 order certifying the proposed class under Rule 23(b)(2); appoint Plaintiffs as Class
12 Representatives; and appoint the Plaintiffs’ Counsel from ACLU Immigrants’ Rights
13 Project and the ACLU of Southern California as Class Counsel.

14
15 Dated: December 29, 2017

Respectfully submitted,

16 /s/ Katrina L. Eiland

17 Katrina L. Eiland

18 Jennifer Chang Newell

19 Michael K. T. Tan*

20 David Hausman*

21 ACLU FOUNDATION

IMMIGRANTS’ RIGHTS PROJECT

22 Ahilan T. Arulanantham

23 Michael Kaufman

24 Dae Keun Kwon

25 ACLU FOUNDATION

OF SOUTHERN CALIFORNIA

26 *Attorneys for Plaintiffs*

27 *Admitted *pro hac vice*

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12 *Attorneys for Plaintiffs* (Additional counsel listed on following page)

13
14 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

15
16 INLAND EMPIRE – IMMIGRANT
YOUTH COLLECTIVE, et al., on behalf
17 of themselves and others similarly situated,

18 Plaintiffs,

19 v.

20 KIRSTJEN NIELSEN, Secretary, U.S.
Department of Homeland Security, et al.,

21 Defendants.
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27
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} Case No. 5:17-cv-02048-PSG-SHK

} **[PROPOSED] ORDER**
GRANTING PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION

} **Judge:** Hon. Philip S. Gutierrez
Courtroom: 6A
Hearing: February 26, 2018
Time: 1:30 p.m.

1 Ahilan T. Arulanantham (SBN 237841)
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[PROPOSED] ORDER

1
2 The Court has considered the parties’ briefing, evidence, arguments, and
3 authorities cited in support of their positions. Upon due consideration, it is hereby
4 **ORDERED** that Plaintiffs’ Motion for Class Certification is **GRANTED**.

5 The Court finds that Plaintiffs have satisfied Federal Rule of Civil Procedure
6 23(a)’s requirements of numerosity, commonality, typicality, and adequacy of
7 representation and that class certification is appropriate under Federal Rule of Civil
8 Procedure 23(b)(2). The Court certifies the following Notice class:

9 All recipients of Deferred Action for Childhood Arrivals (“DACA”)
10 who, after January 19, 2017, have had or will have their DACA grant
11 and employment authorization revoked without notice or an
12 opportunity to respond, even though they have not been convicted of a
13 disqualifying criminal offense.

14 It is further **ORDERED** that Jesús Alonso Arreola Robles, José Eduardo Gil
15 Robles, and Ronan Carlos De Souza Moreira, on behalf of themselves and others
16 similarly situated, are appointed as representatives of a class pursuant to Rules 23(a)
17 and 23(b)(2) of the Federal Rules of Civil Procedure.

18 It is further **ORDERED** that the Court appoints as class counsel the lawyers for
19 the American Civil Liberties Union (“ACLU”) Foundation Immigrants’ Rights Project
20 and the ACLU Foundation of Southern California.

21 **IT IS SO ORDERED.**

22
23 Dated: _____, 2018 By:

24 THE HONORABLE PHILIP S. GUTERREZ
25 UNITED STATES DISTRICT JUDGE
26
27
28

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12 *Attorneys for Plaintiffs* (Additional counsel listed on following page)

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14 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

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16 INLAND EMPIRE – IMMIGRANT
17 YOUTH COLLECTIVE, et al., on behalf
of themselves and others similarly situated,

18 Plaintiffs,

19 v.

20 KIRSTJEN NIELSEN, Secretary, U.S.
Department of Homeland Security; et al.,

21 Defendants.
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Case No. 5:17-cv-2048-PSG-SHK

**DECLARATION OF JENNIFER
CHANG NEWELL, ESQ. IN
SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. Philip S. Gutierrez
Courtroom: 6A
Hearing: February 26, 2018
Time: 1:30 p.m.

1 Ahilan T. Arulanantham (SBN 237841)
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1 I, JENNIFER CHANG NEWELL, declare and state as follows:

2 1. I am duly licensed to practice law in the State of California and am a Managing
3 Attorney with the American Civil Liberties Union (“ACLU”) Immigrants’ Rights
4 Project (“IRP”). I am counsel of record for Plaintiffs Inland Empire-Immigrant Youth
5 Collective, Jesús Alonso Arreola Robles, José Eduardo Gil Robles, and Ronan Carlos
6 De Souza Moreira in the above-entitled action. I have knowledge of the facts set forth
7 herein, and if called upon to testify as a witness thereto, I could and would
8 competently do so under oath.

9 2. I have been practicing law as an attorney with ACLU IRP since 2004. IRP is a
10 project of the national legal department of the ACLU. I have been admitted to practice
11 in California and have been admitted to the bars of the U.S. Supreme Court, the U.S.
12 Courts of Appeals for the Second, Third, Fifth, Eighth, Ninth, Tenth, and District of
13 Columbia Circuits, and the U.S. District Courts for the Northern, Central, and
14 Southern Districts of California, as well as the Eastern District of Michigan. I am a
15 2003 graduate of Stanford Law School, where I was a member of the Order of the
16 Coif. From 2003 to 2004, I served as law clerk to the Honorable Marsha S. Berzon of
17 the U.S. Court of Appeals for the Ninth Circuit. Previously, I was a Skadden Fellow at
18 IRP from 2004 to 2006, before becoming a member of IRP’s permanent staff. I was
19 named one of the National Asian Pacific American Bar Association’s Best Lawyers
20 Under 40 in 2014, and I am the 2013 recipient of Stanford Law School’s Miles Rubin
21 Public Interest Award. In January 2017, I was selected to serve a three-year term as a
22 Ninth Circuit Appellate Lawyer Representative. I have published articles on the rights
23 of undocumented immigrants and housing discrimination in the *Hofstra Labor &*
24 *Employment Law Journal*, *California Labor & Employment Law Review*, and
25 *Stanford Law Review*.

26 3. I am an expert on legal and policy issues related to the Deferred Action for
27 Childhood Arrivals (“DACA”) program. I am counsel in *Colotl v. Duke*, No. 17-1670,
28 2017 WL 2889681 (N.D. Ga. June 12, 2017), a lawsuit challenging the arbitrary

1 revocation of an individual's DACA status and employment authorization. I also serve
2 as counsel in *Arizona Dream Act Coalition v. Brewer*, 855 F.3d 957 (9th Cir. 2017), a
3 legal challenge to Arizona's policy denying drivers' licenses to DACA recipients, and
4 served as counsel in *One Michigan v. Johnson*, 2:12-cv-15551 (filed E.D. Mi. Dec. 19,
5 2012), a legal challenge to a similar policy in Michigan. In *Arizona Dream Act*
6 *Coalition*, we obtained a permanent injunction against Arizona's discriminatory
7 driver's license policy, potentially benefitting over 25,000 DACA recipients residing
8 in Arizona.

9 4. I am also an expert on federal court jurisdiction in immigration cases. My
10 jurisdictional cases have included *Luna v. Holder*, 637 F.3d 85 (2d Cir. 2011) (court-
11 appointed amicus in pro se case involving federal court jurisdiction over untimely
12 appeal caused by ineffective assistance of counsel); *Thompson v. Holder*, 637 F.3d 85
13 (2d Cir. 2011) (court-appointed amicus in pro se case involving federal court
14 jurisdiction over noncitizen's claim that federal government interference precluded
15 timely filing of his appeal); *Castro et al. v. Dep't of Homeland Security* (3d Cir. No.
16 16-1339, E.D. Penn. No. 5-15-cv-06153) (consolidated habeas petitions on behalf of
17 28 Central American families seeking judicial review of expedited removal orders);
18 *Ramadan v. Gonzales* 479 F.3d 646 (9th Cir. 2007) (judicial review of removal
19 orders) (amicus); and *Chen v. Gonzales*, 471 F.3d 315 (2d Cir. 2006) (judicial review
20 of removal orders) (amicus). I have also served as faculty on the topic of immigration
21 jurisdiction for the Federal Judiciary Center's National Seminar for Appellate Staff
22 Attorneys.

23 5. In my over 13 years' of practice as a lawyer, I have served as counsel in
24 numerous other complex cases involving immigrants' rights. For example, I served as
25 nationwide class co-counsel in *Orantes-Hernandez v. Gonzales*, Nos. 07-56509, 08-
26 55231, 321 Fed. Appx. 625, 2009 WL 905454 (9th Cir. April 6, 2009), in which I
27 successfully helped defeat the federal government's motion to dissolve a nationwide
28 injunction benefitting a class of Salvadoran asylum seekers detained by immigration

1 authorities. *See also Orantes-Hernandez v. Gonzales*, 504 F.Supp.2d 825 (C.D. Cal.
2 2007). My other cases have included *Morales v. Chadbourne*, 235 F.Supp.3d 388 (D.
3 R.I. 2017) (won summary judgment in Fourth Amendment challenge to detention of
4 U.S. citizen based on an immigration detainer); *Utah Coalition of La Raza et al. v.*
5 *Herbert*, 26 F. Supp. 3d 1125 (D. Utah 2014) (won preliminary injunction in
6 constitutional challenge to state anti-immigrant law); *Lozano v. City of Hazleton*, 724
7 F.3d 297 (3d Cir. 2013) (won permanent injunction in constitutional challenge to local
8 immigration-related employer sanctions and housing ordinance); *Villas at Parkside*
9 *Partners v. City of Farmers Branch*, 726 F.3d 524 (5th Cir. 2013) (en banc) (won
10 permanent injunction in constitutional challenge to local immigration-related housing
11 ordinance); *AFL-CIO v. Chertoff*, 552 F. Supp. 2d 999 (N.D. Cal. 2007) (won
12 preliminary injunction against Department of Homeland Security Social Security “no-
13 match” regulation); *Buck v. Stankovic* 485 F. Supp. 2d 576 (M.D. Pa. 2007) (won
14 preliminary injunction in due process and Equal Protection challenge to denial of
15 marriage license to an undocumented immigrant and his U.S. citizen fiancée).

16 6. Through these cases and others, I have come to have distinctive knowledge and
17 specialized skill in the area of immigrants’ rights litigation in the federal courts.

18 7. **Michael Tan** has worked as a Staff Attorney at IRP since 2012. He is admitted
19 in to practice in New York and has been admitted to the bars of the U.S. Supreme
20 Court, the U.S. Courts of Appeals for the First, Third, Ninth, Tenth, and Eleventh
21 Circuits, and the U.S. District Courts for the Eastern District of Michigan and
22 Northern District of California. He graduated from Yale Law School in 2008 and
23 served as a Law Clerk to the Honorable M. Margaret McKeown, U.S. Court of
24 Appeals for the Ninth Circuit, from 2009 to 2010. Previously, he was a Skadden
25 Fellow at IRP from 2010 to 2012 and a Liman Fellow at IRP from 2008 to 2009. In
26 2014, Mr. Tan was named a California Lawyer of the Year in immigration law. In
27 2016, he was awarded a Best Lawyers Under 40 Award by the National Asian Pacific
28

1 American Bar Association. He was also named a Best LGBT Lawyer Under the Age
2 of 40 by the National LGBT Bar Association in 2017.

3 8. Mr. Tan is an expert on legal and policy issues related to the Deferred Action
4 for Childhood Arrivals (“DACA”) program. He is co-counsel in *Colotl v. Duke*, No.
5 17-1670, 2017 WL 2889681 (N.D. Ga. June 12, 2017); and *Arizona Dream Act*
6 *Coalition v. Brewer*, 855 F.3d 957 (9th Cir. 2017); and served as co-counsel in *One*
7 *Michigan v. Johnson*, 2:12-cv-15551 (filed E.D. Mi. Dec. 19, 2012), all cases
8 involving DACA, as discussed above.

9 9. Mr. Tan additionally has co-counselled numerous class action lawsuits on
10 behalf of immigrants, including *Rodriguez v. Robbins*, No. 07-03239-TJH-E (C.D.
11 Cal), 591 F.3d 1105 (9th Cir. 2010), 715 F.3d 1127 (9th Cir. 2013), 804 F.3d 1060
12 (9th Cir. 2015), *cert. granted Jennings v. Rodriguez*, 136 S.Ct. 2489 (2016)
13 (challenging the prolonged detention without bond hearings of immigrants held in the
14 Central District of California pending completion of their removal cases); *Hernandez*
15 *v. Sessions*, EDCV 16-00620-JGB (KKx), 2016 WL 7116611 (C.D. Cal. Nov. 10,
16 2016), 872 F.3d 976 (9th Cir. 2017) (challenging the detention of immigrants based
17 on a lack of financial resources in the Central District of California); *Gayle v.*
18 *Johnson*, 4 F. Supp. 3d 692 (D.N.J. 2014), 81 F. Supp. 3d 371 (D.N.J. 2015), 838 F.3d
19 297 (3d Cir. 2016) (challenging the mandatory detention of individuals with
20 substantial challenges to removal in New Jersey); *RILR v. Johnson*, 80 F. Supp. 3d
21 164 (D.D.C. 2015) (nationwide class action challenging detention of migrant families
22 seeking asylum based on general deterrence); *Rivera v. Holder*, 307 F.R.D. 539 (W.D.
23 Wa. 2015) (class action challenging immigration court’s failure to consider detainees
24 for release on recognizance); *Khoury v. Asher*, 3 F. Supp. 3d 877 (W.D. Wash. 2014)
25 (challenging the mandatory detention of immigrants in the Western District of
26 Washington who were not taken into immigration custody upon their release from
27 criminal custody); *Gordon v. Johnson*, 300 F.R.D. 31 (D. Mass. 2014) (same, for
28 immigrants detained in Massachusetts); *Preap v. Johnson*, 303 F.R.D. 566 (N.D. Cal.

1 2014), 831 F.3d 1193 (9th Cir. 2016) (same, for immigrants detained in California);
2 *Reid v. Donelan*, 297 F.R.D. 185 (D. Mass. 2014), 22 F. Supp. 3d 84 (D. Mass. 2014),
3 819 F.3d 486 (1st Cir. 2016) (challenging prolonged mandatory detention of
4 immigrants held in Massachusetts); *Alli v. Decker*, No. 4:09-cv-00698-JEJ-SF (M.D.
5 Pa), 644 F. Supp. 2d 535 (M.D. Pa. 2009), 650 F.3d 1007 (3d Cir. 2011) (same, for
6 immigrants held in Pennsylvania).

7 10. Through these cases and others, Mr. Tan has come to have distinctive
8 knowledge and specialized skill in the area of immigrants' rights litigation in the
9 federal courts and class action litigation in particular.

10 11. **Katrina Eiland** is a Staff Attorney with IRP based in San Francisco,
11 California. Ms. Eiland litigates cases and engages in advocacy to protect the civil
12 rights of immigrant communities. Ms. Eiland is a member of the California State Bar
13 and is admitted to practice in the U.S. District Court for the Northern District of
14 California, the U.S. District Court for the Central District of California, and the U.S.
15 Court of Appeals for the Ninth Circuit.

16 12. Ms. Eiland received her J.D. from Stanford Law School in 2010 and her B.A.
17 from the University of California, Los Angeles, in 2003. Following a year-long
18 clerkship with the Honorable Keith P. Ellison of the United States District Court for
19 the Southern District of Texas, Ms. Eiland was first a Civil Rights Fellow and then an
20 associate at the civil rights firm of Goldstein, Borgen, Dardarian & Ho, where she
21 litigated complex wage and hour, employment discrimination, disability access, and
22 voting rights cases. Ms. Eiland was also an associate at Outten & Golden LLP from
23 May 2014 until she joined the IRP in March 2017. At Outten & Golden, Ms. Eiland
24 represented employees in wage and hour and discrimination class actions.

25 13. Through this work, Ms. Eiland has developed particular expertise in litigating
26 class actions, including on behalf of the immigrant community. She has served as co-
27 counsel in more than a dozen putative class actions in federal courts around the
28 country, including the following: *Moussouris v. Microsoft Corp.*, No. 15-cv-01483

1 (W.D. Wash.) (putative gender discrimination class action); *Vasquez v. USM Inc.*, No.
2 13-cv-05449 (N.D. Cal.) (wage and hour putative class action on behalf of low-wage
3 immigrant workers); *Juarez v. The Northwestern Mutual Life Insurance Company,*
4 *Inc.*, No. 14-cv-05107 (S.D.N.Y.) (Section 1981 discrimination case on behalf of
5 DACA recipients denied employment).

6 14. In 2017, Ms. Eiland was selected as a “Rising Star for Northern California” by
7 Super Lawyers. She also received the ACLU of Southern California’s 2014 Voting
8 Rights Award for her work representing Latino residents in the City of Anaheim under
9 the California Voting Rights Act.

10 15. At IRP, Ms. Eiland litigates complex immigrants’ rights cases. For example,
11 she is currently co-counsel in *Colotl v. Kelly*, No. 17-cv-01670 (N.D. Georgia),
12 *Arizona Dream Act Coalition v. Brewer*, 855 F.3d 957 (9th Cir. 2017), and *Ortega*
13 *Melendres v. Maricopa Cty.*, Case No. 16-16661 (9th Cir.) (appeal from injunction in
14 class action challenging local sheriff’s pattern and practice of racial profiling Latinos
15 in Maricopa County, Arizona).

16 16. Ms. Eiland has presented on various topics related to civil rights litigation,
17 including combatting named plaintiff pick-off tactics to prevent class action mootness
18 and class action waivers in arbitration agreements.

19 17. **David Hausman** graduated from Stanford Law School in 2015 and clerked for
20 the Honorable Stephen F. Williams on the U.S. Court of Appeals for the D.C. Circuit.
21 He is currently a Skadden Fellow at the IRP. He is a member of the New York Bar
22 and is admitted to practice in the Ninth Circuit. Mr. Hausman has experience with
23 complex immigration matters, including among others, *International Refugee*
24 *Assistance Project v. Trump*, 137 S. Ct. 2080 (2017) (challenging the 2017 Executive
25 Order instituting a travel ban from Muslim-majority countries), and *Rodriguez v.*
26 *Swartz*, No. 15-16410 (9th Cir.) (*Bivens* action seeking damages for cross-border
27 shooting, currently pending before the Ninth Circuit).

28

1 18. Mr. Hausman also has experience with DACA matters and class actions. He is
2 co-counsel in *Colotl v. Duke*, No. 17-1670, 2017 WL 2889681 (N.D. Ga. June 12,
3 2017), and his Skadden Fellowship project focuses on the intersection of immigration
4 and education. He is currently part of the litigation team in *Hernandez v. Sessions*, No.
5 16-620, 2016 WL 7116611 (C.D. Cal. Nov. 11, 2016), a class action lawsuit
6 challenging the immigration authorities' failure to consider ability to pay in setting
7 immigration bonds. Before joining the ACLU, he also served as a consulting expert
8 for the ACLU on several class actions, contributing statistical analyses.

9 19. **Ahilan Arulanantham** is the Director of Advocacy/Legal Director of the
10 ACLU of Southern California. Mr. Arulanantham graduated from Yale Law School in
11 1999, after which he served as a law clerk to the Honorable Stephen Reinhardt. He
12 then worked for two years as an Equal Justice Works Fellow and attorney for the
13 ACLU Immigrants' Rights Project in New York, practiced as an assistant Federal
14 Public Defender in the Western District of Texas for two years, and then came to work
15 at the ACLU of Southern California in June 2004. He is a member of the Bar of the
16 State of California, and also a member of the Bar of the State of New York, is
17 admitted to practice before several federal courts, including the Supreme Court of the
18 United States, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. Court of
19 Appeals for the Fifth Circuit.

20 20. Mr. Arulanantham has extensive experience working on immigrants' rights
21 cases. For example, he was lead counsel in *Nadarajah v. Gonzales*, 443 F.3d 1069
22 (9th Cir. 2006) (granting habeas petition and ordering release of refugee detained
23 indefinitely as a national security threat); co-lead counsel in *Hamdan v. Gonzales*,
24 Case No. 2:05-cv-5144-TJH-JWJ (C.D. Cal. 2005) (holding that no statute authorized
25 prolonged immigration detention of non-citizen on national security grounds, despite
26 his having been given a bond hearing); one of the attorneys of record in *INS v. St. Cyr*,
27 533 U.S. 289 (2001) (upholding habeas corpus jurisdiction to review immigration
28 claims); and in *Kar v. Bush*, Case No. 1:05-01348-JR (D.D.C. 2005) (challenging

1 extra-territorial detention without judicial review of United States citizen of Iranian
2 origin) (voluntarily dismissed after petitioner's release); and served as lead counsel for
3 amici ACLU and the ACLU of Southern California in *Muehler v. Mena*, 544 U.S. 93
4 (2005) (upholding brief detention of noncitizen during raid of house against Fourth
5 Amendment challenge).

6 21. Mr. Arulanantham is also an experienced class action litigator. He has served as
7 lead counsel in a class action lawsuit challenging the prolonged detention of
8 immigrants without bond hearings, *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir.
9 2015), *cert. granted*, *Jennings v. Rodriguez*, 136 S.Ct. 2489 (2016); co-lead counsel in
10 a class action challenging the lack of appointed legal representatives for immigrants
11 with serious mental disabilities, *Franco-Gonzalez v. Holder*, Case No. 2:10-02211-
12 DMG-DTB (C.D. Cal. 2011), 2011 U.S. Dist. LEXIS 158130 (C.D. Cal. Nov. 21,
13 2011) (granting class certification) and 2013 U.S. Dist. LEXIS 186258 (C.D. Cal.
14 Apr. 23, 2013) (granting permanent injunction ordering the government to provide
15 free legal representation to immigrants with serious mental disabilities); co-lead
16 counsel in a class action against the federal government challenging the use of forcible
17 drugging in effectuating removal orders, *Diouf v. Chertoff*, Case No. 2:07-3977-TJH-
18 CT (C.D. Cal. 2007); lead counsel in a group action challenging the unlawful practice
19 of denying access to counsel for people at immigration interviews, *National Lawyers'*
20 *Guild v. Chertoff*, Case No. 2:08-1000-GW-SH (C.D. Cal. 2008); and co-lead counsel
21 in a class action challenging unlawful conditions of confinement at an immigration
22 detention center in Los Angeles, *Castellano v. Napolitano*, Case No. 2:09-cv-2281-
23 PA-VBK (C.D. Cal. 2009).

24 22. Mr. Arulanantham was named California Lawyer of the Year in 2007 in the
25 area of Immigration Law for his work in the *Nadarajah* case, and again in 2014 for his
26 work in the *Rodriguez* class action litigation. In 2007, 2008, 2009, 2012 and 2013, Mr.
27 Arulanantham was named by the *Daily Journal* as one of the Top 100 most influential
28 lawyers in California for his work in the immigrants' rights area. In 2010, he was

1 awarded the Arthur C. Helton Human Rights Award by the American Immigration
2 Lawyers' Association for his work concerning immigrants' rights. Most recently, in
3 2014, Mr. Arulanantham was awarded the American Immigration Lawyers'
4 Association Jack Wasserman Memorial Award for Excellence in Litigation in the
5 Field of Immigration Law for his work in the *Franco* litigation. In 2016, Mr.
6 Arulanantham was awarded a MacArthur Foundation fellowship.

7 23. **Michael Kaufman** is an attorney with the ACLU of Southern California. He
8 graduated with distinction from Stanford Law School in 2007. Following graduation,
9 he served as a law clerk to the Honorable Sidney Thomas of the Ninth Circuit Court of
10 Appeals. From 2008 to 2010, Michael Kaufman was a Skadden Fellow at the
11 Lawyers' Committee for Civil Rights of the San Francisco Bay Area, where he
12 worked on immigrants' rights and workers' rights issues. Mr. Kaufman joined the
13 staff of the ACLU of Southern California in 2010. He is a member of the Bar of the
14 State of California, and is admitted to practice before several federal courts, including
15 the Northern District of California, the Central District of California and the United
16 States Court of Appeals for the Ninth Circuit.

17 24. Mr. Kaufman has substantial experience litigating cases involving immigrants'
18 rights. He has represented immigrants in a number of cases raising complex legal
19 issues. For example, he serves or has served as co-lead counsel in *Santiago, et. al v.*
20 *City of Los Angeles, et. al*, Case No. 2:15-cv-08444-BRO (C.D. Cal. 2015)
21 (challenging the seizure and destruction of street vendors' property on constitutional
22 and statutory grounds); lead counsel in *Molina-de La Villa v. Holder*, No. 12-73462
23 (9th Cir. 2014) (seeking to establish the right to collaterally attack a removal order
24 based on subsequent judicial decision); lead counsel in *Ali, et al. v. Holder, et al.*,
25 Case No. 2:11-cv-4503-AHM-SP (C.D. Cal. 2010) (challenging the revocation of a
26 visa in retaliation for client's exercise of his right to counsel); and counsel in *Comite*
27 *de Jornaleros de Redondo Beach v. City of Redondo Beach*, 657 F.3d 936 (9th Cir.

1 2011) (en banc) (striking down ordinance targeting day laborers on First Amendment
2 grounds).

3 25. In addition to these cases, Mr. Kaufman has been involved in cases addressing
4 systemic issues in the federal immigration system through class actions. He is counsel
5 in several class actions challenging federal immigration policies in the detention
6 context. *See Rodriguez v. Robbins*, No. 07-03239-TJH-E (C.D. Cal), 591 F.3d 1105
7 (9th Cir. 2010), 715 F.3d 1127 (9th Cir. 2013), 804 F.3d 1060 (9th Cir. 2015), *cert.*
8 *granted Jennings v. Rodriguez*, 136 S.Ct. 2489 (2016) (challenging the prolonged
9 detention without bond hearings of immigrants held in the Central District of
10 California pending completion of their removal cases); *Hernandez v. Sessions*, EDCV
11 16-00620-JGB (KKx), 2016 WL 7116611 (C.D. Cal. Nov. 10, 2016), 872 F.3d 976
12 (9th Cir. 2017) (challenging the detention of immigrants based on a lack of financial
13 resources in the Central District of California). In 2014, Mr. Kaufman was named
14 California Lawyer of the Year for his work on *Rodriguez*. He also served as lead
15 counsel in a nationwide class action challenging unlawful delays in the processing of
16 detained asylum seekers' cases. *See Alfaro Garcia v. Johnson*, Case No. 4:14-cv-
17 1775-YGR (N.D. Cal. 2014). In 2016, Mr. Kaufman was named California Lawyer of
18 the Year for his work on *Alfaro Garcia*.

19 26. **Dae Keun Kwon** graduated from UCLA School of Law in 2016 and is an
20 attorney and the Equal Justice Works Emerson Fellow at the ACLU of Southern
21 California. He is licensed to practice law in the State of California and is admitted to
22 practice in the Central District of California. Mr. Kwon has experience with working
23 with class members and with DACA matters more broadly. In particular, as local
24 counsel, he has worked closely with plaintiff Jesus Alonso Arreola Robles since the
25 government detained Mr. Arreola and instituted removal proceedings. In addition, Mr.
26 Kwon has experience with matters involving the intersection of criminal and
27 immigration law and enforcement.

1 27. The ACLU Immigrants' Rights Project and ACLU of Southern California have
2 capacity litigate the claims in this case to thoroughly and vigorously and properly
3 represent the plaintiff class, and intend to commit all necessary resources to do so. If
4 appointed class counsel, I will ensure that Mr. Tan, Ms. Eiland, Mr. Hausman, Mr.
5 Arulanantham, Mr. Kaufman, Mr. Kwon, and I zealously represent the interests of the
6 class to the best of our collective ability.

7 I declare under penalty of perjury under the laws of the state of California and
8 the United States that the foregoing is true and correct and that this declaration was
9 executed on December 21, 2017, at San Francisco, California.

10
11 */s/ Jennifer Chang Newell*

12 Jennifer Chang Newell
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12 *Attorneys for Plaintiffs* (Additional counsel listed on following page)

13
14 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

15
16 INLAND EMPIRE – IMMIGRANT
17 YOUTH COLLECTIVE, et al., on behalf
of themselves and others similarly situated,

18 Plaintiffs,

19 v.

20 KIRSTJEN NIELSEN, Secretary, U.S.
Department of Homeland Security, et al.,

21 Defendants.
22

} Case No. 5:17-cv-02048-PSG-SHK

} **DECLARATION OF JOSE
EDUARDO GIL ROBLES IN
SUPPORT OF PLAINTIFFS'
MOTIONS FOR CLASS
CERTIFICATION AND A
CLASSWIDE PRELIMINARY
INJUNCTION**

} **Judge:** Hon. Philip S. Gutierrez
Courtroom: 6A
Hearing: February 26, 2018
Time: 1:30 p.m.

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1 I, José Eduardo Gil Robles, upon my personal knowledge, hereby declare as
2 follows:

3 **Personal Background**

4 1. My name is José Eduardo¹ Gil Robles. I am 24 years old and I live in
5 Coon Rapids, Minnesota, near Minneapolis. I have lived in the United States since I
6 was five years old. I was born in Mexico in January 1993, but I came to the United
7 States in 1998 without inspection at a border crossing. I consider the United States to
8 be my home. I don't really remember living in Mexico.

9 2. I attended public schools in the Minneapolis area starting in kindergarten,
10 and I graduated from Coon Rapids High School.

11 3. I have five younger siblings, ages nine to 19 years old. They were all
12 born in this country and are U.S. citizens. I am very close to my younger sisters and
13 brother, and I spend a lot of my free time hanging out with them at home and taking
14 them to do activities. I also help my youngest sister with her homework.

15 4. I have a steady girlfriend who is also a U.S. citizen. I like to spend time
16 with her and her family. I have attended many of my girlfriend's family gatherings
17 and I sometimes take my girlfriend's little sister and my little sister on outings to
18 places like Chuck E. Cheese's and to go swimming at a pool during the summer.

19 5. I am a member of my local Catholic church, St. Stephens, in Anoka,
20 Minnesota. I have been an active member of the Catholic Church throughout my life,
21 and I have regularly attended services at St. Stephens for about eight years. In high
22 school, I was an Altar Server there. I also participate in a smaller Bible study and
23 prayer group on Thursday nights, where I meet with others to pray and discuss Bible
24 stories and what they teach us about everyday life and how to be a good person. In
25 addition to being a welcoming and tight-knit religious community, my church
26 encourages us to do community service to help others. For example, a few years ago,
27 after Hurricane Sandy, I traveled to the New York City area with members of my

28 ¹ Some of my friends and family call me by my middle name, Eduardo.

1 church to help rebuild a church there that was damaged in the storm. I spent about ten
2 days working on a team to replace rotten wood and damaged flooring, install new
3 sheet rock, fix sidewalks, and clean up the yard. I have also volunteered to help with
4 various landscaping projects at another local church where I am involved in the youth
5 ministry.

6 6. One of my main hobbies is training at a boxing gym. I've been doing it
7 since I was about 14 years old and I practice almost every day. Although I don't
8 compete in matches, the training helps me stay in shape and be disciplined. It requires
9 me to stick with a routine and to get up early so that I have time to train and fulfill my
10 other responsibilities. I also really enjoy learning the skills and techniques and
11 spending time at the gym with other people who love the sport. I find that it helps me
12 keep a calm mind even when things get hectic.

13 **The Impact of DACA on My Life**

14 7. When I heard about DACA, I was really happy because it would allow
15 me to apply for a work permit and a driver's license, which I wasn't able to get before.
16 I applied as soon as I could save up the money for the application fee.

17 8. When I first applied for deferred action and work authorization in 2015, I
18 gave the government my school records and information about where I lived. I also
19 went to an appointment so that U.S. Citizenship and Immigration Services ("USCIS")
20 could take my fingerprints and photographs.

21 9. I was granted DACA and work authorization in August 2015. My first
22 grant of DACA was valid for two years, until August 26, 2017.

23 10. In April 2017, I filed a DACA renewal application and, again, the
24 government granted me deferred action and work authorization. I received the
25 approval notice in August 2017, which said that my DACA was supposed to be valid
26 until August 13, 2019. I trusted the U.S. government to stay true to its word that, if I
27 followed all the rules, my DACA would not be taken away.

28

1 11. Being granted DACA had a huge positive impact on my life. I was able
2 to work full time as a baker at a local restaurant chain called Key's Café & Bakery. I
3 learned fast and was promoted to bakery manager after about a year and a half. In that
4 position, it was my job to make the bakery schedule for the other bakery employees,
5 decorate and deliver wedding cakes, order and stock ingredients, make sure we were
6 making enough cakes and pies, and handle customer complaints. I enjoyed the job a
7 lot—especially decorating cakes. Many people have told me that I have a real talent
8 for it. I worked at Key's Café & Bakery until the summer of 2017. Soon after that, I
9 started working for a logistics company, making deliveries of large items like
10 furniture and appliances to homes and businesses in the Minneapolis area. I liked that
11 the job allowed me to be active and spend time outside.

12 12. Since I got DACA, I used my work authorization to help my family by
13 contributing money towards our rent and other living expenses. Until I lost my
14 DACA, I was paying about half of our rent and bills. My jobs also allowed me to start
15 saving up money so that I can take college classes one day. My goal is to get my
16 associate's degree to help me be more competitive for jobs and figure out what I want
17 to do professionally in the long term.

18 13. DACA also allowed me to get a Social Security Number and a driver's
19 license for the first time. Having a license meant that I could drive to work and
20 church and give my siblings rides to school and to their extracurricular activities. I
21 also helped with grocery shopping and did other errands for my family using the car I
22 purchased with my money from my paychecks.

23 **My Arrest and Revocation of My DACA and Work Permit**

24 14. On September 20, 2017, I was pulled over by the police while driving in
25 my car with two passengers. I went to high school with one of the young men and the
26 other is a friend of my classmate. The officer said that my driver's license wasn't
27 valid anymore. I was arrested and taken to the local jail and later charged with the
28 misdemeanor traffic violation of driving after cancellation of my driver's license. It

1 was supposedly cancelled because it required a “status check” when my previous
2 DACA grant expired a few weeks before. I wasn’t aware that there was any problem
3 with my license.

4 15. I was released from jail the next day, but about a month later, agents from
5 Immigration and Customs Enforcement (“ICE”) showed up at my work and arrested
6 me in the parking lot. I told them that I had DACA, but they still sent me to an
7 immigration detention center and gave me a Notice to Appear on October 23, 2017,
8 which charged me with being removable because I was present in the United States
9 without admission. I couldn’t understand why they put me in deportation proceedings
10 since I had been granted a two-year DACA renewal just two months before. And a
11 minor traffic offense like driving on a cancelled license is not supposed to disqualify
12 someone from DACA.

13 16. Being in the detention center was terrible. I had trouble eating and
14 sleeping and I felt depressed and sad. It was really difficult to talk to my family on
15 the phone and hear them tell me they were having a hard time because I was in
16 detention—especially my youngest sister who is only nine years old. It broke my
17 heart to hear her cry.

18 17. Fortunately, my family was able to call an attorney who came to see me
19 at the detention center.

20 18. I first had a bond hearing before an immigration judge on November 6,
21 2017, which was continued to November 27, 2017. During the bond hearings, the
22 government attorney raised the events that led to my arrest and charge for driving on a
23 cancelled license. The government attorney argued that I was a danger to the
24 community because one of the passengers in the car when I was pulled over had a toy
25 pellet gun and had supposedly shot it from the car window. But my immigration
26 lawyer argued that I was not a danger to anyone. She explained to the judge that the
27 pellet gun was a toy, not a firearm, and that it was not mine. My lawyer also told the
28 judge that I did not touch the pellet gun or shoot it. In fact, I was concentrating on

1 driving and didn't even know that my passenger had brought a pellet gun. I don't own
2 any kind of gun—even a toy one. My lawyer also emphasized that the only crime I
3 was charged with was driving on a cancelled license. My lawyer also gave the judge
4 many letters from my relatives, friends, employers, and members of my church
5 speaking about my good character.

6 19. After hearing all the evidence, including reviewing the police records
7 from my arrest, the immigration judge concluded that I was not a danger to the public
8 and ordered my release on a \$5,000 bond.

9 20. On November 28, 2017, I posted bond and was released from detention.

10 21. I was detained for over a month, which was really hard on me and my
11 family, both emotionally and financially.

12 22. But things got worse. I found out that, while I was in detention, on
13 November 14, 2017, USCIS sent me a Notice of Action terminating my DACA and
14 work permit “as of the date [my] NTA was issued.” The Notice of Action says that an
15 “appeal or motion to reopen/reconsider this notice of action may not be filed.”

16 23. I never received any prior notice that USCIS intended to terminate my
17 DACA and work permit, nor did I have any opportunity to respond to the notice or
18 otherwise contest the termination of my DACA or work permit beforehand. I also got
19 no explanation for the decision beyond the one sentence in the Notice of Action.

20 24. Losing my DACA has changed everything for me. I am no longer able to
21 work at my job with the logistics company, which paid me approximately \$2,400 per
22 month. Being in detention for over a month was really frightening for both me and
23 my family. I missed them very much and still have bad memories about my time in
24 detention.

25 25. Everything is more difficult after losing my DACA, both because I am
26 not authorized to work, and because I don't know what will happen to me next.

27 26. I'm no longer able to contribute to my family's resources the way that I
28 could before, and I am not able to plan for my future, including saving up money to

1 attend college. The uncertainty has made me depressed. I feel very hopeless and
2 stressed.

3 27. I understand that I am a named plaintiff in this proposed class action
4 lawsuit. I understand that I need to stay informed about what is happening in the case
5 and that I need to think about the interests of other proposed class members and act on
6 those interests. I am prepared to represent the proposed class in this case and will take
7 my responsibilities seriously.

8 28. I know that there are many other people like me who have lost their
9 DACA despite doing nothing to make them ineligible for the program. I want to be a
10 class representative to help all the people like me who have lost their DACA without
11 notice and despite doing nothing to make them disqualified from the program.

12 **My Documents**


13 29. Attached as **Exhibit A** is a true and correct copy of the Notice to Appear
14 that ICE issued me when I was in immigration detention, dated October 23, 2017.

15 30. Attached as **Exhibit B** is a true and correct copy of the DACA
16 termination notice that I received from USCIS, dated November 14, 2017.

17 31. Attached as **Exhibit C** are true and correct copies of my DACA approval
18 notices from USCIS. The first is dated August 27, 2015 and the second is dated
19 August 14, 2017.

20 32. Attached as **Exhibit D** are true and correct copies of some of the letters
21 of support that I received from family, friends, and other, which were submitted in
22 support of my motion for bond in immigration court.

23 I declare under penalty of perjury under the laws of the United States that the
24 foregoing is true and correct. Executed at Coon Rapids, MN on
25 December 20, 2017.

26
27 
28 José Eduardo Gil Robles

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12 *Attorneys for Plaintiffs* (Additional counsel listed on following page)

13
14 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA
15

16 INLAND EMPIRE – IMMIGRANT
17 YOUTH COLLECTIVE, et al., on behalf
of themselves and others similarly situated,

18 Plaintiffs,

19 v.

20 KIRSTJEN NIELSEN, Secretary, U.S.
Department of Homeland Security, et al.,

21 Defendants.
22

} Case No. 5:17-cv-02048-PSG-SHK

} **DECLARATION OF RONAN
CARLOS DE SOUZA MOREIRA
IN SUPPORT OF PLAINTIFFS'
MOTIONS FOR CLASS
CERTIFICATION AND A
CLASSWIDE PRELIMINARY
INJUNCTION**

} **Judge:** Hon. Philip S. Gutierrez
Courtroom: 6A
Hearing: February 26, 2018
Time: 1:30 p.m.

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1 **DECLARATION OF RONAN CARLOS DE SOUZA MOREIRA**

2 I, Ronan Carlos De Souza Moreira, upon my personal knowledge, hereby
3 declare as follows:

4 **Personal Background**

5 1. My name is Ronan Carlos De Souza Moreira. I am 24 years old and I
6 live in Kennesaw, Georgia, near Atlanta. I have lived in the United States for almost
7 twelve years. I was born in Brazil in December 1992. I came to the United States in
8 2006 with my two brothers and my mother on a visitor’s visa. My father already lived
9 here at that time. I have never left the country since I arrived. I consider the United
10 States to be my home.

11 2. I attended public schools in Marietta, Georgia starting in middle school,
12 and I graduated from Wheeler High School. In school, I played soccer and tennis, and
13 participated in art club and French club. During middle school and high school, I
14 received various certificates of achievement for my excellent attendance in school, as
15 well as for getting good grades and working hard to improve my English language
16 skills. I graduated from high school in 2012.

17 3. While I was in high school, I also attended a Brazilian Protestant church
18 called The Vine in Atlanta. I took spiritual maturity courses at that church and
19 eventually became a youth leader, which meant that I led youth meetings at my
20 parents’ house every Wednesday. While at the church, I also collected food for the
21 homeless and organized free yard sales. I also often volunteered at church events.

22 4. About a year after graduating from high school, I started working on a
23 college degree at Perimeter College at Georgia State University in Atlanta. However,
24 I was unable to complete my college degree due to my family’s financial situation. I
25 hope someday to go back to college.

26 5. My mom is a Lawful Permanent Resident, and my older brother is a U.S.
27 citizen. My older brother’s wife is pregnant, and they’re expecting a child in January.
28 I’m excited to be an uncle. My younger brother, who recently turned 18, has a

1 pending application for permanent residence. My father is also seeking permanent
2 residence. My aunt and two cousins, who are all U.S. citizens, also live in Georgia.

3 6. I am very close to my family. We live together, and when my parents
4 need my help, I contribute to household expenses. We spend all our holidays and
5 birthdays together, and whenever we can, we travel together—for example, I often go
6 fishing with my dad in Florida. I love to travel, and have visited at least ten states.
7 Eventually, I would like to start my own travel business.

8 **The Impact of DACA on My Life**

9 7. When I first heard about DACA, I was really happy because it would
10 allow me to apply for a work permit and a driver’s license, which I wasn’t able to get
11 before. I first applied for DACA in May 2013, and was approved in August 2013. I
12 applied for renewal in July 2015, and was again approved for a DACA grant in
13 October 2015, this one lasting until October 2017. I again applied for renewal in
14 August 2017, and I was approved on November 2, 2017.

15 8. When I first applied for deferred action and work authorization in 2013, I
16 gave the government my school records and information about where I lived. I also
17 went to an appointment so that U.S. Citizenship and Immigration Services (“USCIS”)
18 could take my fingerprints and photographs.

19 9. Being granted DACA had a huge—and good—effect on my life. After I
20 stopped school in the fall of 2013, I took several temporary jobs, including at AT&T,
21 at a flooring company, and at a bakery. Starting in August, 2014, I began working for
22 a new flooring company permanently. I started out as an assistant to the installation
23 manager, but within six months I took over as installation manager. That job involved
24 supervising about 20 flooring installers, dispatching them to jobs throughout the day,
25 speaking frequently with them and our customers, solving problems as they arose, and
26 addressing payroll, delivery, and inventory issues.

27 10. I used my work authorization to help my family and to travel around the
28 United States when I had time off. My job also allowed me to start saving up money

1 so that I can take college classes again one day. My goal is to get my college degree
2 in business administration eventually and to start my own business, maybe in travel.

3 11. DACA also allowed me to get a Social Security Number and a driver's
4 license for the first time. Having a license meant that I could drive to work and travel.

5 **My Arrest and Revocation of My DACA and Work Permit**

6 12. On November 2, 2017, I was out with a friend, and we stopped at a gas
7 station. We got into an argument there, and although it wasn't a serious fight, we
8 raised our voices. Someone overheard us and called the police, even though neither of
9 us threatened or touched the other. When the police arrived, they realized that our
10 argument was not serious, but they nonetheless asked to see our IDs.

11 13. When the officer looked at my ID, he said the expiration date had been
12 altered. The officers arrested me, but not my friend.

13 14. I appeared before a judge soon, who immediately granted me bail, but
14 Immigration and Customs Enforcement ("ICE") had already placed a hold on me, and
15 I had to stay in jail for several more days, until immigration officers came to pick me
16 up. The immigration officers brought me to Irwin Detention Center, where I was
17 given a Notice To Appear ("NTA") charging me with overstaying a visa. I have been
18 charged with the misdemeanor of possession of an altered identification document.

19 15. My parents found an immigration attorney for me, who requested a bond
20 hearing for me, but that hearing was repeatedly postponed, first for ICE to collect
21 documents related to the charge against me, then for Thanksgiving, and then because
22 the hearing was reassigned to a different immigration judge.

23 16. I finally had a bond hearing on December 7, 2017. At that hearing, the
24 lawyer for the government did not contest that I was neither a flight risk nor a danger
25 to the community, and offered me a bond, which I accepted. I posted the bond and
26 was released the next day.

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28

1 17. Being in detention was traumatic. Although I'm 25 years old, I look
2 much younger, and I was afraid of the older men. I got very depressed, and I missed
3 my family. I didn't know when I would be able to see them again.

4 18. While I was detained, USCIS sent me a Notice of Action terminating my
5 DACA and work permit "automatically as of the date [my] NTA was issued." The
6 Notice of Action says that an "appeal or motion to reopen/reconsider this notice of
7 action may not be filed."

8 19. I never received any prior notice that USCIS intended to terminate my
9 DACA and work permit, nor did I have any opportunity to respond to the notice or
10 otherwise contest the termination of my DACA or work permit beforehand. I also got
11 no explanation for the decision beyond the one sentence in the Notice of Action.

12 20. Now that I've lost my DACA, I don't know what to do. I'm no longer
13 authorized to work or drive, and I am not able to plan for my future. I've lost the
14 freedom to be a normal part of society. I'm really afraid about what will happen to me
15 now.

16 21. I also feel that it's not fair that I've lost my DACA just because of a
17 possible minor misdemeanor charge that would not per se disqualify me from DACA
18 even if I were convicted. Everything is more difficult after losing my DACA. I don't
19 know what will happen to me next.

20 22. The uncertainty has made me depressed. I feel very hopeless and
21 stressed.

22 23. I understand that I am a named plaintiff in this proposed class action
23 lawsuit. I understand that I need to stay informed about what is happening in the case
24 and that I need to think about the interests of other proposed class members and act on
25 those interests. I am prepared to represent the proposed class in this case and will take
26 my responsibilities seriously.

27 24. I know that there are many other people like me who have lost their
28 DACA despite doing nothing to make them ineligible for the program. I want to be a

1 class representative to help all the people like me who have lost their DACA without
2 notice or process and despite doing nothing to make them disqualified from the
3 program.

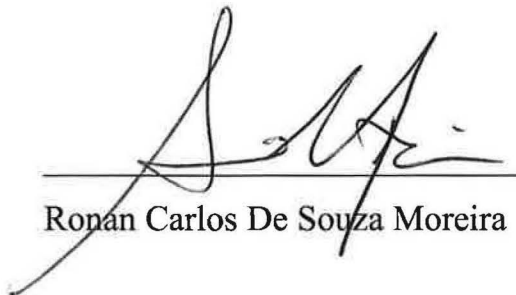
4 **My Documents**

5 25. Attached as Exhibit A is a true and correct copy of the Notice to Appear
6 that ICE issued me, dated November 5, 2017.

7 26. Attached as Exhibit B is a true and correct copy of the DACA
8 termination notice that I received from USCIS, dated November 10, 2017.

9 27. Attached as Exhibit C is a true and correct copy of the most recent
10 DACA approval notice that I received from USCIS, dated November 2, 2017.

11 I declare under penalty of perjury under the laws of the United States that the
12 foregoing is true and correct. Executed at Marietta, Georgia on
13 December 20, 2017.

14
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16 
17 Ronan Carlos De Souza Moreira
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12 *Attorneys for Plaintiffs* (Additional counsel listed on following page)

13
14 **UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

15
16 INLAND EMPIRE – IMMIGRANT
17 YOUTH COLLECTIVE et al. on behalf of
themselves and others similarly situated,

18 Plaintiffs,

19 v.

20 KIRSTJEN NIELSEN, Secretary, U.S.
21 Department of Homeland Security, et al.,

22 Defendants.

Case No. 5:17-cv-2048- PSG-SHK

**DECLARATION OF KATRINA
L. EILAND IN SUPPORT OF
PLAINTIFFS' MOTIONS FOR
CLASS CERTIFICATION AND
A. CLASSWIDE PRELIMINARY
INJUNCTION**

Judge: Hon. Philip S. Gutierrez
Courtroom: 6A
Hearing: February 26, 2018
Time: 1:30 p.m.

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1 I, Katrina L. Eiland, make this declaration based on my own personal
2 knowledge and if called to testify I could and would do so competently as follows:

3 1. I am an attorney with the American Civil Liberties Union Foundation. I am
4 licensed in the state of California and have been admitted to practice in this court. I
5 am counsel of record for Plaintiffs Inland Empire-Immigrant Youth Collective, Jesús
6 Alonso Arreola Robles, José Eduardo Gil Robles, and Ronan Carlos De Souza
7 Moreira in the above-entitled action.

8 **DACA Terminations**

9 2. In March 2017, I began collecting information about the U.S. Department of
10 Homeland Security's terminations of grants of Deferred Action for Childhood
11 Arrivals ("DACA") and associated employment authorization. Between March 2017
12 and the present, I and other staff members reviewed news reports and corresponded
13 and spoke with numerous former DACA recipients and immigration attorneys across
14 the country.

15 3. This investigation revealed that, since January 2017, there have been dozens of
16 instances around the country in which the United States Citizenship and Immigration
17 Services ("USCIS") has terminated individuals' DACA and work authorization
18 without notice, a reasoned explanation, or an opportunity to be heard. In at least 17 of
19 those cases, I determined based on publicly available information, conversations
20 and/or correspondence with the former DACA recipients and/or their immigration
21 lawyers, and/or review of criminal record documents, that the individual did not have
22 any disqualifying criminal convictions as set forth in the DACA Memorandum and
23 Standard Operating Procedures.

24 4. For example, all three of the named plaintiffs had their DACA and work
25 authorization terminated since February 2017, without notice, a meaningful
26 explanation, or an opportunity to respond. None of them have any criminal
27 convictions that would disqualify them from DACA.
28

1 5. In addition, in April, immigration authorities detained a 26-year-old DACA
2 recipient in Georgia and issued him a Notice to Appear (“NTA”) after he was arrested
3 on a misdemeanor charge. Although the prosecutor subsequently dropped the charge
4 and an immigration judge ordered the DACA recipient released on bond, USCIS had
5 already revoked his DACA, without notice or an opportunity to be heard.

6 6. In May, immigration authorities arrested and detained a 19-year-old DACA
7 recipient in North Carolina and issued him an NTA after he was arrested on a
8 misdemeanor charge. He pled guilty to a minor misdemeanor that did not disqualify
9 him from DACA, but USCIS nonetheless revoked his DACA, without notice or an
10 opportunity to be heard.

11 7. In May, USCIS also revoked the DACA grant and work permit of then-28-year-
12 old Georgia resident and paralegal Jessica Colotl without notice, denying her renewal
13 request and denying her an opportunity to be heard. Federal authorities publicly stated
14 that the revocation was based on minor, non-disqualifying criminal history—namely,
15 driving without a license—that Ms. Colotl had disclosed in her prior DACA
16 applications. *See Exhibit 5, below.*

17 8. In June, immigration authorities arrested and detained a 22-year-old DACA
18 recipient in California for twelve days. ICE issued him an NTA, even though he had
19 valid DACA and had done nothing to change his eligibility for the program. Although
20 ICE voluntarily released him from detention and cancelled his removal proceedings,
21 USCIS nonetheless revoked his DACA, without notice or an opportunity to be heard.
22 *See Exhibit 23, below.*

23 9. In July, USCIS revoked the DACA grant and work permit of a 32-year-old
24 South Dakota resident without notice or an opportunity to be heard, despite granting
25 him a two-year renewal only seven months before in December 2016. Federal
26 authorities did not provide a clear reason for revoking his DACA, even though he has
27 only a single, non-disqualifying misdemeanor conviction that he had disclosed in all
28 prior DACA applications.

1 10. In September, USCIS revoked the DACA grant and work permit of a 30-year-
2 old Minnesota resident and mother without notice or an opportunity to be heard.
3 Federal authorities did not provide a clear reason for revoking her DACA, even
4 though she has only minor traffic violations and remains eligible for the program.

5 11. In November, USCIS revoked the DACA and work permit of Felipe Abonza
6 Lopez, a 20-year-old from Texas. In October, Customs and Border Protection
7 (“CBP”) detained Mr. Abonza Lopez, who wears a prosthetic leg, when the car he was
8 riding in with undocumented family members was pulled over by local police who
9 handed the passengers over to CBP. Although CBP claimed that Mr. Abonza Lopez
10 was arrested as part of an alien smuggling investigation, he was never charged with a
11 crime and an immigration judge ordered him released on bond after finding that he did
12 not pose a danger to the community. Even so, USCIS revoked his DACA, without
13 notice or an opportunity to be heard. *See* Exhibit 22, below.

14 12. In October, USCIS revoked the DACA grant and work permit of a young
15 California resident without notice or an opportunity to be heard. USCIS did not
16 provide a clear reason for revoking his DACA, even though he does not have any
17 disqualifying criminal conviction.

18 13. In February, immigration authorities arrested and detained 23-year-old Daniel
19 Ramirez Medina, a Washington state resident. ICE issued him an NTA, even though
20 he had valid DACA and had done nothing to change his eligibility for the program.
21 An immigration judge determined that he is not a flight risk or danger to the
22 community, and ordered him released on bond, but USCIS nonetheless revoked his
23 DACA, without notice or opportunity to be heard. *See* Exhibit 4, below.

24 14. In addition to these cases, I am aware of five other individuals whose DACA
25 was revoked without notice, a meaningful explanation, or an opportunity to be heard,
26 despite having no disqualifying criminal convictions, in California, Louisiana,
27 Georgia, Minnesota, and New Jersey.

28

1 15. I recently learned of two additional DACA recipients, in Colorado and
2 Minnesota, respectively, who have been issued NTAs in immigration court, despite
3 having no disqualifying criminal convictions, but who have not yet received a notice
4 of termination from the United States Citizenship and Immigration Services. In at
5 least one of those cases, counsel for ICE represented in immigration court that the
6 individual's DACA had been terminated.

7 **Attached Documents**

8 16. Attached hereto as **Exhibit 1** is a true and correct copy of a news article entitled
9 *ICE: Arrests still up, deportations still down*, written by Tal Kopan, updated on CNN
10 Politics on August 11, 2017. The article is also available at
11 [http://www.cnn.com/2017/08/11/politics/trump-administration-](http://www.cnn.com/2017/08/11/politics/trump-administration-deportations/index.html)
12 [deportations/index.html](http://www.cnn.com/2017/08/11/politics/trump-administration-deportations/index.html) (last visited Dec. 14, 2017).

13 17. Attached hereto as **Exhibit 2** is a true and correct copy of the Q&A: DHS
14 Implementation of the Executive Order on Enhancing Public Safety in the Interior of
15 the United States, published on the Department of Homeland Security website on
16 February 21, 2017. This document is also available at
17 [https://www.dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-](https://www.dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-enhancing-public-safety-interior-united-states)
18 [enhancing-public-safety-interior-united-states](https://www.dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-enhancing-public-safety-interior-united-states) (last visited Dec. 14, 2017).

19 18. Attached hereto as **Exhibit 3** is a true and correct copy of the Memorandum
20 from John Kelly entitled Enforcement of the Immigration Laws to Serve the National
21 Interest, published on the Department of Homeland Security website on February 20,
22 2017. This memorandum is also available at
23 [https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-](https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf)
24 [Immigration-Laws-to-Serve-the-National-Interest.pdf](https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf) (last visited Dec. 14, 2017).

25 19. Attached hereto as **Exhibit 4** is a true and correct copy of a news article entitled
26 *What Immigration Raids Mean for Students*, written by Emily Goldberg, published in
27 The Atlantic on February 17, 2017. This article is also available at
28

1 [https://www.theatlantic.com/education/archive/2017/02/why-was-a-daca-recipient-](https://www.theatlantic.com/education/archive/2017/02/why-was-a-daca-recipient-detained-by-ice/517134/)
2 [detained-by-ice/517134/](https://www.theatlantic.com/education/archive/2017/02/why-was-a-daca-recipient-detained-by-ice/517134/) (last visited Dec. 14, 2017).

3 20. Attached hereto as **Exhibit 5** is a true and correct copy of a news article entitled
4 *Targeting Dreamers*, written by Keegan Hamilton, published in VICE News on Sept.
5 8, 2017. This article is also available at [https://news.vice.com/story/ice-was-going-](https://news.vice.com/story/ice-was-going-after-dreamers-even-before-trump-killed-daca)
6 [after-dreamers-even-before-trump-killed-daca](https://news.vice.com/story/ice-was-going-after-dreamers-even-before-trump-killed-daca) (last visited Dec. 14, 2017).

7 21. Attached hereto as **Exhibit 6** is a true and correct copy of a news article entitled
8 *Border Patrol Memo States Procedures to Process all DACA Recipients*, written by
9 Valerie Gonzalez, published in KRGV on Sept. 25, 2017. This article is also available
10 at [http://www.krgv.com/story/36450600/border-patrol-memo-states-procedures-to-](http://www.krgv.com/story/36450600/border-patrol-memo-states-procedures-to-process-all-daca-recipients)
11 [process-all-daca-recipients](http://www.krgv.com/story/36450600/border-patrol-memo-states-procedures-to-process-all-daca-recipients) (last visited Dec. 14, 2017).

12 22. Attached hereto as **Exhibit 7** is a true and correct copy of a Tweet by Valerie
13 Gonzalez available at [Twitter.com/ValOnTheBorder](https://twitter.com/ValOnTheBorder), posted on Sept. 25, 2017. This
14 tweet is also available at
15 <https://twitter.com/ValOnTheBorder/status/912505757958119426> (last visited Dec.
16 14, 2017).

17 23. Attached hereto as **Exhibit 8** is a true and correct copy of a news article entitled
18 *Family, immigration attorney: DACA recipients being held at checkpoint*, written by
19 Lorenzo Zazueta-Castro, published in The Monitor on Sept. 11, 2017. This article is
20 also available at [http://www.themonitor.com/news/article_1ced27f4-970e-11e7-a609-](http://www.themonitor.com/news/article_1ced27f4-970e-11e7-a609-47c4564b53ec.html)
21 [47c4564b53ec.html](http://www.themonitor.com/news/article_1ced27f4-970e-11e7-a609-47c4564b53ec.html) (last visited Dec. 14, 2017).

22 24. Attached hereto as **Exhibit 9** is a true and correct copy of a news article entitled
23 *This immigrant mom had a permit to work at Amazon. Now U.S. agents hold her in*
24 *jail*, written by Mark Curnutte, published in [Cincinnati.com](http://www.cincinnati.com) on Aug. 23, 2017.
25 This article is also available at
26 [https://www.cincinnati.com/story/news/2017/08/23/ice-detains-young-nky-mother-](https://www.cincinnati.com/story/news/2017/08/23/ice-detains-young-nky-mother-legal-status/593734001/)
27 [legal-status/593734001/](https://www.cincinnati.com/story/news/2017/08/23/ice-detains-young-nky-mother-legal-status/593734001/) (last visited Dec. 14, 2017).

28

1 25. Attached hereto as **Exhibit 10** is a true and correct copy of a news article
2 entitled *Second known DACA recipient detained by immigration officials in Texas*,
3 written by Tom Dart, published in The Guardian website on Feb 17, 2017. This
4 article is also available at [https://www.theguardian.com/us-news/2017/feb/16/daca-](https://www.theguardian.com/us-news/2017/feb/16/daca-dreamer-detained-immigration-texas-josue-romero)
5 [dreamer-detained-immigration-texas-josue-romero](https://www.theguardian.com/us-news/2017/feb/16/daca-dreamer-detained-immigration-texas-josue-romero) (last visited Dec. 14, 2017).

6 26. Attached hereto as **Exhibit 11** is a true and correct copy of a Tweet, written by
7 Josh Gerstein on Twitter.com/joshgerstein and posted on Sept. 27, 2017. This tweet is
8 also available at <https://twitter.com/joshgerstein/status/913060287212933120> (last
9 visited Dec. 14, 2017).

10 27. Attached hereto as **Exhibit 12** is a true and correct copy of a news article
11 entitled *ICE chief tells lawmakers agency needs much more money for immigration*
12 *arrests*, written by Maria Sacchetti, published in The Washington Post on June 13,
13 2017. This article is also available at [https://www.washingtonpost.com/local/social-](https://www.washingtonpost.com/local/social-issues/ice-chief-tells-lawmakers-agency-needs-much-more-money-for-immigration-arrests/2017/06/13/86651e86-5054-11e7-b064-828ba60fbb98_story.html?utm_term=.2aa4e6c3e8e0)
14 [issues/ice-chief-tells-lawmakers-agency-needs-much-more-money-for-immigration-](https://www.washingtonpost.com/local/social-issues/ice-chief-tells-lawmakers-agency-needs-much-more-money-for-immigration-arrests/2017/06/13/86651e86-5054-11e7-b064-828ba60fbb98_story.html?utm_term=.2aa4e6c3e8e0)
15 [arrests/2017/06/13/86651e86-5054-11e7-b064-](https://www.washingtonpost.com/local/social-issues/ice-chief-tells-lawmakers-agency-needs-much-more-money-for-immigration-arrests/2017/06/13/86651e86-5054-11e7-b064-828ba60fbb98_story.html?utm_term=.2aa4e6c3e8e0)
16 [828ba60fbb98_story.html?utm_term=.2aa4e6c3e8e0](https://www.washingtonpost.com/local/social-issues/ice-chief-tells-lawmakers-agency-needs-much-more-money-for-immigration-arrests/2017/06/13/86651e86-5054-11e7-b064-828ba60fbb98_story.html?utm_term=.2aa4e6c3e8e0) (last visited Dec. 15, 2017).

17 28. Attached hereto as **Exhibit 13** is a true and correct copy of a news article
18 entitled *Sessions: 'We can't promise' Dreamers won't be deported*, written by Ted
19 Hesson, published in Politico on April 19, 2017. This article is also available at
20 <https://www.politico.com/story/2017/04/jeff-sessions-dreams-deported-237369> (last
21 visited Dec. 14, 2017).

22 29. Attached hereto as **Exhibit 14** is a true and correct copy of a news article
23 entitled *ICE arrests increase under Trump showing 'gloves are being taken off,'*
24 written by Brenda Gazzar, published in The Mercury News on May 10, 2017. This
25 article is also available at [http://www.mercurynews.com/2017/05/10/ice-arrests-](http://www.mercurynews.com/2017/05/10/ice-arrests-increase-under-trump-showing-gloves-are-being-taken-off-4/)
26 [increase-under-trump-showing-gloves-are-being-taken-off-4/](http://www.mercurynews.com/2017/05/10/ice-arrests-increase-under-trump-showing-gloves-are-being-taken-off-4/) (last visited Dec. 14,
27 2017).

1 30. Attached hereto as **Exhibit 15** is a true and correct copy of a Tweet written by
2 Donald J. Trump on Twitter.com/realDonaldTrump and posted on Sept. 7, 2017. This
3 tweet is also available at
4 <https://twitter.com/realdonaldtrump/status/905788459301908480?lang=en> (last visited
5 Dec. 14, 2017).

6 31. Attached hereto as **Exhibit 16** is a true and correct copy of survey results
7 entitled *DACA Recipients' Economic and Educational Gains Continue to Grow*,
8 written by Tom K. Wong, published in the Center for American Progress website on
9 August 28, 2017. This article is also available at
10 <https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca->
11 [recipients-economic-educational-gains-continue-grow/](https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-) (last visited Dec. 14, 2017).

12 32. Attached hereto as **Exhibit 17** is a true and correct copy of an article entitled
13 *Access to Driver's Licenses for Immigrant Youth Granted DACA*, published on
14 National Immigration Law Center on May 31, 2015. This article is also available at
15 <https://www.nilc.org/issues/drivers-licenses/daca-and-drivers-licenses/> (last visited
16 Dec. 14, 2017).

17 33. Attached hereto as **Exhibit 18** is a true and correct copy of an article entitled
18 *DACA recipients saw their mental health improve. Now, advocates fear its end will*
19 *have the opposite effect*, written by Tiziana Rinaldi, published on the Public Radio
20 International website on Nov. 22, 2017. This article is also available at
21 <https://www.pri.org/stories/2017-11-22/study-found-daca-improved-mental-health-its->
22 [recipients-which-why-researchers](https://www.pri.org/stories/2017-11-22/study-found-daca-improved-mental-health-its-) (last visited Dec. 14, 2017).

23 34. Attached hereto as **Exhibit 19** is a true and correct copy of an article entitled *A*
24 *New Threat to DACA Could Cost States Billions of Dollars*, written by Nicole Prchal
25 Svajlenka, Tom Jawetz and Angie Bautista-Chavez, published on the Center for
26 American Progress website on July 21, 2017. This article is also available at
27 <https://www.americanprogress.org/issues/immigration/news/2017/07/21/436419/new->
28 [threat-daca-cost-states-billions-dollars/](https://www.americanprogress.org/issues/immigration/news/2017/07/21/436419/new-) (last visited Dec. 14, 2017).

1 35. Attached hereto as **Exhibit 20** is a true and correct copy of an article entitled
2 *Ending DACA Will Cost States Billions of Dollars*, written by Silva Mathema,
3 published on the Center for American Progress website on Jan. 9, 2017. This article is
4 also available at
5 [https://www.americanprogress.org/issues/immigration/news/2017/01/09/296125/ending-](https://www.americanprogress.org/issues/immigration/news/2017/01/09/296125/ending-daca-will-cost-states-billions-of-dollars/)
6 [daca-will-cost-states-billions-of-dollars/](https://www.americanprogress.org/issues/immigration/news/2017/01/09/296125/ending-daca-will-cost-states-billions-of-dollars/) (last visited Dec. 14, 2017).

7 36. Attached hereto as **Exhibit 21** is a true and correct copy of the article entitled
8 *The Insane Economic Cost of Ending DACA* written by Ian Salisbury, published on
9 Time.com on Sept. 7, 2017. This article is also available at
10 <http://time.com/money/4928394/daca-economic-cost-trump/> (last visited Dec. 14,
11 2017).

12 37. Attached hereto as **Exhibit 22** is a true and correct copy of an article entitled
13 *Immigrant Who Had Prosthetic Leg Mocked by Trump Officials to be Freed After*
14 *'Inhumane' Detention*, written by Nicole Rodriguez, published on Newsweek.com on
15 Nov. 17, 2017. This article is also available at [http://www.newsweek.com/immigrant-](http://www.newsweek.com/immigrant-mocked-federal-officials-disability-be-freed-715251)
16 [mocked-federal-officials-disability-be-freed-715251](http://www.newsweek.com/immigrant-mocked-federal-officials-disability-be-freed-715251) (last visited Dec. 18, 2017).

17 38. Attached hereto as **Exhibit 23** is a true and correct copy of a press release
18 issued by Pangea Legal Services entitled *4th of July Celebration ends in Possible*
19 *Deportation of DACA Recipient*, dated July 20, 2017. The release is also available at
20 [http://www.pangealegal.org/news-and-updates/2017/7/20/4th-of-july-celebration-](http://www.pangealegal.org/news-and-updates/2017/7/20/4th-of-july-celebration-ends-in-possible-deportation-of-daca-recipient)
21 [ends-in-possible-deportation-of-daca-recipient](http://www.pangealegal.org/news-and-updates/2017/7/20/4th-of-july-celebration-ends-in-possible-deportation-of-daca-recipient) (last visited Dec. 18, 2017).

22 39. Attached hereto as **Exhibit 24** is a true and correct copy of a study entitled *The*
23 *Economic Benefits of Expanding the Dream: DAPA and DACA impacts on Kern*
24 *County, Fresno County and the State of California*, written by Raul Hinojosa-Ojeda
25 with assistance from Maksim Wynn, published in the North American Integration and
26 Development Center of UCLA on Jan. 26, 2015. This study is also available at
27 http://www.naid.ucla.edu/uploads/4/2/1/9/4219226/central_valley_final.pdf (last
28 visited Dec. 18, 2017).

1 40. Attached hereto as **Exhibit 25** is a true and correct copy of an article entitled
2 *The End of DACA Will Ripple Through Families and Communities*, written by Ana
3 Maria Barry-Jester, published on the website FiveThirtyEight on Sept. 6, 2017. This
4 article is also available at [https://fivethirtyeight.com/features/the-end-of-daca-will-](https://fivethirtyeight.com/features/the-end-of-daca-will-ripple-through-families-and-communities/)
5 [ripple-through-families-and-communities/](https://fivethirtyeight.com/features/the-end-of-daca-will-ripple-through-families-and-communities/) (last visited Dec. 18, 2017).

6 41. Attached hereto as **Exhibit 26** is a true and correct copy of an article entitled
7 *New Study Finds on Mixed-Status Immigrant Families: Threat of Family Separation*
8 *Affects Health of the Children*, written by Dinah Wiley, published in Georgetown
9 University Health Policy Institute Center for Children and Families on June 13, 2013.
10 This article is also available at [https://ccf.georgetown.edu/2013/06/13/new-study-](https://ccf.georgetown.edu/2013/06/13/new-study-findings-on-mixed-status-immigrant-families-threat-of-family-separation-affects-health-of-the-children/)
11 [findings-on-mixed-status-immigrant-families-threat-of-family-separation-affects-](https://ccf.georgetown.edu/2013/06/13/new-study-findings-on-mixed-status-immigrant-families-threat-of-family-separation-affects-health-of-the-children/)
12 [health-of-the-children/](https://ccf.georgetown.edu/2013/06/13/new-study-findings-on-mixed-status-immigrant-families-threat-of-family-separation-affects-health-of-the-children/) (last visited Dec. 18, 2017).

13 42. Attached hereto as **Exhibit 27** is a true and correct copy of an article entitled
14 *New Study of DACA Beneficiaries Shows Positive Economic and Educational*
15 *Outcomes*, written by Tom K. Wong, published in the Center for American Progress
16 on Oct. 18, 2016. This article is also available at [https://www.americanprogress.](https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/)
17 [org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-](https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/)
18 [shows-positive-economic-and-educational-outcomes/](https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/) (last visited Dec. 21, 2017).

19 43. Attached hereto as **Exhibit 28** is a true and correct copy of an article entitled
20 *US GDP would take a hit from DACA deportations, report finds*, written by John. W.
21 Shoen, published on the CNBC website on Aug. 8, 2017. This article is also available
22 at [https://www.cnbc.com/2017/08/31/u-s-gdp-would-take-a-hit-from-daca-](https://www.cnbc.com/2017/08/31/u-s-gdp-would-take-a-hit-from-daca-deportations-report-finds.html)
23 [deportations-report-finds.html](https://www.cnbc.com/2017/08/31/u-s-gdp-would-take-a-hit-from-daca-deportations-report-finds.html) (last visited Dec. 18, 2017).

24 44. Attached hereto as **Exhibit 29** is a true and correct copy of the text of the article
25 entitled *The High Costs of Ending DACA*, written by Chad Stone, published in US
26 News & World Report on Sept. 29, 2017. This article is also available at
27 <https://www.usnews.com/opinion/economic-intelligence/articles/2017-09-29/why->
28

1 ending-daca-and-deporting-dreamers-makes-no-economic-sense) (last visited Dec. 18,
2 2017).

3 45. Attached hereto as **Exhibit 30** is a true and correct copy of an article entitled
4 *Here's How Much Money Rescinding DACA Could Cost the U.S. Economy*, written by
5 Alana Abramson published in the Fortune website on Sept. 6, 2017. This article is also
6 available at <http://fortune.com/2017/09/05/daca-donald-trump-economic-impact/> (last
7 visited Dec. 18, 2017).

8 46. Attached hereto as **Exhibit 31** is a true and correct copy of an article entitled
9 *Ending This Immigration Program would Devastate the Economy*, written by Julissa
10 Arce, published in the Fortune website on July 21, 2017. This article is also available
11 at <http://fortune.com/2017/07/21/daca-dream-act-2017-new-immigration-news/> (last
12 visited Dec. 18, 2017).

13 47. Attached hereto as **Exhibit 32** is true and correct copy of an article entitled
14 *DACA's end would hurt the economy*, written by Paul Davidson, published in USA
15 TODAY on Sept. 8, 2017. This article is also available at
16 [https://www.usatoday.com/story/money/2017/09/08/dacas-end-would-hurt-economy-](https://www.usatoday.com/story/money/2017/09/08/dacas-end-would-hurt-economy-hiring/638835001/)
17 [hiring/638835001/](https://www.usatoday.com/story/money/2017/09/08/dacas-end-would-hurt-economy-hiring/638835001/) (last visited Dec. 18, 2017).

18 48. Attached hereto as **Exhibit 33** is a true and correct copy of a document from the
19 United States Citizenship and Immigration services website, USCIS.gov, entitled
20 *Approximate Active DACA Recipients: Country of Birth, As of September 4, 2017*.
21 This document is also available at
22 [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studie](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_population_data.pdf)
23 [s/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_population_d](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_population_data.pdf)
24 [ata.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_population_data.pdf) (last visited Dec. 18, 2017).

25 49. Attached hereto as **Exhibit 34** is a true and correct copy of a document from the
26 U.C. San Diego U.S. Immigration Policy Center, entitled *DACA Stats and Facts*. This
27 document is also available at dacastatsandfacts.com (last visited Dec. 21, 2017).

28 50.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct, based on my personal knowledge.
3 Executed at San Francisco, California, on December 21, 2017.

4 /s/ Katrina L. Eiland
5 Katrina L. Eiland
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