DECLARATION OF JANET NAPOLITANO

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)
STATE OF CALIFORNIA, STATE OF
MAINE, STATE OF MARYLAND, and
STATE OF MINNESOTA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, ELAINE DUKE, in her official
capacity as Acting Secretary of the Department
of Homeland Security, and the UNITED
STATES OF AMERICA,

Defendants.

CITY OF SAN JOSE, a municipal corporation,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United
States, in his official capacity, ELAINE C.
DUKE, in her official capacity, and the
UNITED STATES OF AMERICA,

Defendants.

DULCE GARCIA, MIRIAM GONZALEZ
AVILA, SAUL JIMENEZ SUAREZ,
VIRIDIANA CHABOLLA MENDOZA,
NORMA RAMIREZ, and JIRAYUT
LATTHIVONGSKORN,

Plaintiffs,

v.

UNITED STATES OF AMERICA, DONALD
J. TRUMP, in his official capacity as President
of the United States, U.S. DEPARTMENT OF
HOMELAND SECURITY, and ELAINE
DUKE, in her official capacity as Acting
Secretary of Homeland Security,

Defendants.
COUNTY OF SANTA CLARA and
SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 521,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, JEFFERSON
BEAUREGARD SESSIONS, in his official
capacity as Attorney General of the United
States; ELAINE DUKÉ, in her official
capacity as Acting Secretary of the Department
of Homeland Security; and U.S.
DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

DETECTION OF JANET NAPOLITANO
All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)
I, JANET NAPOLITANO, DECLARE:

1. I am President of the University of California ("UC") and have served in that position since September 2013; before that, I served as the United States Secretary of Homeland Security under President Barack Obama from 2009-2013. Unless otherwise explicitly stated, I have personal knowledge of the matters set forth in this Declaration and could competently testify to them if called as a witness.

2. As Governor of Arizona, Secretary of the U.S. Department of Homeland Security ("DHS"), and now president of the largest public research university system in the world, I have seen the consequences of our broken immigration system at every level. Understanding these problems and recognizing that our nation's immigration laws were not designed to be blindly enforced without consideration given to the individual circumstances of each case, on June 15, 2012, I launched a new policy at DHS to establish a clear and efficient process for exercising prosecutorial discretion, on an individual basis, by deferring action against individuals who passed an extensive background check and met other exacting criteria. This policy was Deferred Action for Childhood Arrivals (DACA).

3. The policy put in place a rigorous application and security review process. Applicants for DACA were only approved if they were in or had graduated from high school or college, were in the military, or were an honorably discharged veteran. They cannot have been convicted of a felony or significant misdemeanor or otherwise posed a threat to national security or public safety to receive DACA. To date, DACA has protected from deportation nearly 800,000 individuals (referred to as "Dreamers") who qualify under the terms of the policy.

4. Protecting these Dreamers, who were brought as children to the United States and in many cases do not know the country where they were born or speak its language, has, in my view, proven to be a smart, effective policy. It directs the U.S. Government's limited law enforcement resources to be spent on those who pose a risk to our communities, not on those who contribute to our state and national economies.
DACA Student and Staff Contributions to the University

5. UC admits undergraduate and graduate students on the basis of their individual achievements and without regard to their immigration status. I understand that UC currently has approximately 4,000 undocumented students who have earned their place in the UC student body. Most of these students are the first in their families to attend college, and a substantial number of them are DACA recipients. I understand that UC also has employees who are DACA recipients who are not students.

6. As an institution whose core mission is serving the interests of the State of California, the University seeks “to achieve diversity among its student bodies and among its employees.” See Academic Senate of the Univ. of Cal., Regents Policy 4400: Policy of University of California Diversity Statement, UNIV. OF CAL.: BOARD OF REGENTS, http://regents.universityofcalifornia.edu/governance/policies/4400.html. The University recognizes the importance of diversity to its academic mission, as it allows “students and faculty [to] learn to interact effectively with each other, preparing them to participate in an increasingly complex and pluralistic society.” Id. The educational experience of all University students is fuller and more enriching when ideas are “born and nurtured in a diverse community.” Id.

7. DACA students at the University are an integral part of our community. Their talent, perspectives, and experiences are invaluable contributions to University life.

8. DACA recipients also make significant contributions to University life in their role as employees. They fill crucial roles at UC campuses and in UC medical centers as teaching assistants, research assistants, post-docs, and health care providers. DACA recipients often possess valuable foreign language skills.

9. By allowing DACA recipients to work lawfully, DACA moved recipients out of the informal economy, increasing the pool of talent from which UC could fill positions at the University.

10. DACA recipients who are enrolled as students rely on their earnings to support themselves and cover a portion of their tuition and total costs of attendance through their part-time
work. UC expects all of its students to contribute some funding to their studies in this way. For many of these students, DACA work authorization plays a significant role in their ability to attend UC and to continue each year with their chosen program of study.

11. The University has invested considerable resources in recruiting and retaining these individuals—as students and employees. It has made scarce enrollment space available to these students on the basis of their individual achievements. It also has invested substantial time, financial aid, research dollars, housing benefits, and other resources in them on the expectation that these students—like other students—will complete their course of study and become productive members of the communities in which the University operates, and other communities throughout the nation. The University has significant interests in retaining this wealth of talent and in continuing to enjoy the many benefits of their participation in University life.

12. Furthermore, by allowing recipients to receive deferred action and obtain work authorization, DACA opened myriad opportunities to them. As noted above, DACA recipients became eligible for federal work authorization, which significantly improved their opportunities for employment and higher paying jobs. Under the program, DACA recipients received social security numbers and therefore were able to open bank accounts. DACA also enabled recipients to obtain driver’s licenses in a number of states where they otherwise could not. It also protected these individuals’ right to travel freely by making them eligible to receive “advance parole,” which allowed them to travel abroad temporarily for humanitarian, educational, or employment purposes, and to return to the United States lawfully. See 8 C.F.R. § 212.5(f); USCIS FAQs.

DACA students rely on their ability to travel freely (domestically and abroad) to take full advantage of the opportunities UC offers its students and to expand the contributions they make to the education, research and service mission of the University.

**Negative Impact of DACA’s Rescission**

13. Defendants’ decision to rescind the program will have immense and devastating effects on the University and all of its students. As a result of the termination of the program, the University and its students will lose the vital contributions that DACA recipients have made as
students and employees. The civic life of the school will be diminished, the exchange of ideas will
be reduced, teaching and research will be impaired, and diversity of viewpoints and experiences
will be reduced. The University and its students benefit from cohesive family units, robust civic
participation, and the strength of social and educational communities. The rescission damages
each of these interests, in California and nationwide.

14. The University also will lose the resources it has spent educating students who
ultimately are unable to graduate.

15. As a result of the rescission, DACA students will be unable to work to pay their
tuition and other expenses. Students subject to these hardships may be forced to withdraw from
UC altogether.

16. DACA recipients also will be at risk of removal. Indeed, in a set of “Talking
Points” released the same day of the rescission, DHS “urge[d] DACA recipients to use the time
remaining on their work authorizations to prepare for and arrange their departure from the United
States.” See Talking Points—DACA Rescission. Removal will self-evidently result in the loss of
employment, education, and relationships with others in the United States.

I declare under penalty of perjury under the laws of the United States that the
foregoing is true and correct.

Executed on Oct. 25, 2017, at Oakland California.

[Signature]

JANET NAPOLITANO

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