

1 Jeffrey M. Davidson (SBN 248620)
2 Alan Bersin (SBN 63874)
3 COVINGTON & BURLING LLP
4 One Front Street, 35th Floor
5 San Francisco, CA 94111-5356
6 Telephone: (415) 591-6000
7 Facsimile: (415) 591-6091
8 Email: jdavids@cov.com,
9 abersin@cov.com
10 *Attorneys for Plaintiffs The Regents of the*
11 *University of California and Janet Napolitano, in*
12 *her official capacity as President of the University*
13 *of California*

8 GIBSON, DUNN & CRUTCHER LLP
9 THEODORE J. BOUTROUS, JR. (SBN 132099)
10 tboutrous@gibsondunn.com
11 ETHAN D. DETTMER (SBN 196046)
12 edettmer@gibsondunn.com
13 JESSE S. GABRIEL (SBN 263137)
14 jgabriel@gibsondunn.com
15 333 South Grand Avenue
16 Los Angeles, CA 90071-3197
17 Telephone: (213) 229-7000
18 Facsimile: (213) 229-7520
19 *Attorneys for Plaintiffs Dulce Garcia, Miriam*
20 *Gonzalez Avila, Saul Jimenez Suarez, Viridiana*
21 *Chabolla Mendoza, Norma Ramirez, and Jirayut*
22 *Latthivongskorn*

XAVIER BECERRA
Attorney General of California
MICHAEL L. NEWMAN
Supervising Deputy Attorney General
JAMES F. ZAHRADKA II (SBN 196822)
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 879-1247
E-mail: James.Zahradka@doj.ca.gov
Attorneys for Plaintiff State of California

JOSEPH W. COTCHETT (SBN 36324)
NANCY L. FINEMAN (SBN 124870)
COTCHETT, PITRE & McCARTHY, LLP
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
Email: nfineman@cpmlegal.com
Attorneys for Plaintiff City of San Jose

JONATHAN WEISSGLASS (SBN 185008)
STACEY M. LEYTON (SBN 203827)
ERIC P. BROWN (SBN 284245)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
Email: jweissglass@altber.com
Attorneys for Plaintiffs County of Santa Clara
and Service Employees International Union
Local 521

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

21 THE REGENTS OF THE UNIVERSITY OF
22 CALIFORNIA and JANET NAPOLITANO, in
23 her official capacity as President of the
24 University of California,

24 Plaintiffs,

24 v.

25 U.S. DEPARTMENT OF HOMELAND
26 SECURITY and ELAINE DUKE, in her
27 official capacity as Acting Secretary of the
28 Department of Homeland Security,

Defendants.

CASE NO. 17-CV-05211-WHA

DECLARATION OF JANET NAPOLITANO

1 STATE OF CALIFORNIA, STATE OF
2 MAINE, STATE OF MARYLAND, and
STATE OF MINNESOTA,

3 Plaintiffs,

4 v.

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

8 Defendants.

CASE NO. 17-CV-05235-WHA

9 CITY OF SAN JOSE, a municipal corporation,

10 Plaintiffs,

11 v.

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

14 Defendants.

CASE NO. 17-CV-05329-WHA

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

18 Plaintiffs,

19 v.

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

23 Defendants.

CASE NO. 17-CV-05380-WHA

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

Defendants.

CASE NO. 17-CV-05813-WHA

1 I, JANET NAPOLITANO, DECLARE:

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

7 2. As Governor of Arizona, Secretary of the U.S. Department of Homeland Security
8 (“DHS”), and now president of the largest public research university system in the world, I have
9 seen the consequences of our broken immigration system at every level. Understanding these
10 problems and recognizing that our nation’s immigration laws were not designed to be blindly
11 enforced without consideration given to the individual circumstances of each case, on June 15,
12 2012, I launched a new policy at DHS to establish a clear and efficient process for exercising
13 prosecutorial discretion, on an individual basis, by deferring action against individuals who passed
14 an extensive background check and met other exacting criteria. This policy was Deferred Action
15 for Childhood Arrivals (DACA).

16 3. The policy put in place a rigorous application and security review
17 process. Applicants for DACA were only approved if they were in or had graduated from high
18 school or college, were in the military, or were an honorably discharged veteran. They cannot have
19 been convicted of a felony or significant misdemeanor or otherwise posed a threat to national
20 security or public safety to receive DACA. To date, DACA has protected from deportation nearly
21 800,000 individuals (referred to as “Dreamers”) who qualify under the terms of the policy.

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

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1 **DACA Student and Staff Contributions to the University**

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

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

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

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

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

26 10. DACA recipients who are enrolled as students rely on their earnings to support
27 themselves and cover a portion of their tuition and total costs of attendance through their part-time

1 work. UC expects all of its students to contribute some funding to their studies in this way. For
2 many of these students, DACA work authorization plays a significant role in their ability to attend
3 UC and to continue each year with their chosen program of study.

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

12 12. Furthermore, by allowing recipients to receive deferred action and obtain work
13 authorization, DACA opened myriad opportunities to them. As noted above, DACA recipients
14 became eligible for federal work authorization, which significantly improved their opportunities
15 for employment and higher paying jobs. Under the program, DACA recipients received social
16 security numbers and therefore were able to open bank accounts. DACA also enabled recipients to
17 obtain driver’s licenses in a number of states where they otherwise could not. It also protected
18 these individuals’ right to travel freely by making them eligible to receive “advance parole,”
19 which allowed them to travel abroad temporarily for humanitarian, educational, or employment
20 purposes, and to return to the United States lawfully. *See* 8 C.F.R. § 212.5(f); USCIS FAQs.
21 DACA students rely on their ability to travel freely (domestically and abroad) to take full
22 advantage of the opportunities UC offers its students and to expand the contributions they make to
23 the education, research and service mission of the University.

24 **Negative Impact of DACA’s Rescission**

25 13. Defendants’ decision to rescind the program will have immense and devastating
26 effects on the University and all of its students. As a result of the termination of the program, the
27 University and its students will lose the vital contributions that DACA recipients have made as

1 students and employees. The civic life of the school will be diminished, the exchange of ideas will
2 be reduced, teaching and research will be impaired, and diversity of viewpoints and experiences
3 will be reduced. The University and its students benefit from cohesive family units, robust civic
4 participation, and the strength of social and educational communities. The rescission damages
5 each of these interests, in California and nationwide.

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

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

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

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

18 Executed on Oct. 23, 2017, at Oakland California.

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JANET NAPOLITANO