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Services

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Francisco Division)

COUNTY OF SANTA CLARA,

Plaintiff,

v.

DONALD J. TRUMP, ET AL.,

Defendants.

Case No. 17-cv-00574-WHO

**[Proposed] Brief of Amici Curiae Services,
Immigrant Rights, and Education Network,
Silicon Valley De-Bug, Asian Law Alliance,
Community Legal Services in East Palo
Alto, and Pangea Legal Services in
Opposition to Defendants' Motion to
Dismiss**

Date: July 12, 2017

Time: 2:00 p.m.

Dept.: Courtroom 2

Hon. William H. Orrick

Amici Curiae Silicon Valley De-Bug (“De-Bug”), Services, Immigrant Rights, and Education Network (“SIREN”), Asian Law Alliance, Community Legal Services in East Palo Alto (“CLSEPA”), and Pangea Legal Services (“Pangea”) submit this brief to underscore the continuing destructive impact that Executive Order No. 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017) (the “Executive Order”) is having on immigrant communities¹ in the County of Santa Clara (the “County” or “Santa Clara”) and nationwide.

On March 22, 2017, Amici filed a brief in support of Santa Clara County’s preliminary injunction motion. *See* Dkt. 64. In the brief, Amici clarified the harmful effects of the Executive Order on Santa Clara County, which reflect the ways the Executive Order harms communities nationwide. The brief explained that the Executive Order forces immigrants into a Hobson’s choice when confronted with a situation requiring police intervention: either interact with the police and risk being subjected to immigration enforcement, or avoid contact with law enforcement and face a potentially violent or dangerous situation. The brief also showed how the Executive Order engenders racialized policing for communities of color, contrary to the County’s commitment to preventing racial profiling. After considering the amicus brief and other pleadings, the Court granted Santa Clara County’s preliminary injunction motion in this case. *See County of Santa Clara v. Trump*, ___ F. Supp.3d ___, 2017 WL 1459081 (N.D. Cal. Apr. 25, 2017). Defendants have now filed a motion to dismiss, resting on a May 22, 2017 memorandum from the Attorney General interpreting the Executive Order. *See* Dkt 108-1, Attach. 1.

Amici urge the Court to deny Defendants’ motion to dismiss. While the Court’s preliminary injunction has offered temporary protection against the implementation of the Executive Order, the harmful effects of the Order—as described in the prior amicus brief, *see* Dkt. 64, at 4-11—occur regardless of the May 22 Attorney General memorandum. Amici are community-based and legal groups that provide services and assistance to immigrant communities in Santa Clara County. We see first-hand the detrimental effects of the Executive Order on

¹ The term “immigrant” in this brief refers to all noncitizens, including both undocumented individuals and those with legal immigration status.

immigrant communities in the County. The Executive Order diminishes trust in law enforcement and creates an environment in which the County's ability to prevent racialized policing is undermined. *See* Dkt. 64, at 4-11.²

For the reasons set forth here and in the prior brief, Amici urge this Court to deny Defendants' motion to dismiss.

DATED: June 28, 2017

Respectfully submitted,

IMMIGRANTS' RIGHTS CLINIC
Mills Legal Clinic at Stanford Law School

By: /s/ Jayashri Srikantiah
JAYASHRI SRIKANTIAH

² In the interest of efficiency, Amici do not repeat here the arguments previously made in their March 22, 2017 brief.