

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: j davidson@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*
13 *University of California*

14 THEODORE J. BOUTROUS, JR. (SBN 132099)
15 ETHAN D. DETTMER (SBN 196046)
16 JESSE S. GABRIEL (SBN 263137)
17 GIBSON, DUNN & CRUTCHER LLP
18 333 South Grand Avenue
19 Los Angeles, CA 90071-3197
20 Telephone: (213) 229-7000
21 Facsimile: (213) 229-7520
22 Email: tboutrous@gibsondunn.com,
23 edettmer@gibsondunn.com,
24 jgabriel@gibsondunn.com
25 *Attorneys for Plaintiffs Dulce Garcia, Miriam*
26 *Gonzalez Avila, Saul Jimenez Suarez, Viridiana*
27 *Chabolla Mendoza, Norma Ramirez, and Jirayut*
28 *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
Email: 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

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

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

Plaintiffs,

v.

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

Defendants.

CASE NO. 17-CV-05211-WHA

**DECLARATION OF MITCHELL SANTOS
TOLEDO**

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,
18 NORMA RAMIREZ, and JIRAYUT
LATTHIVONGSKORN,

19 Plaintiffs,

20 v.

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

24 Defendants.

CASE NO. 17-CV-05380-WHA

1 COUNTY OF SANTA CLARA and
2 SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 521,

3 Plaintiffs,

4 v.

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

10 Defendants.

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1 I, MITCHELL SANTOS TOLEDO, DECLARE:

2 1. I am an immigrant to the United States who was born in Mexico. I am a Harvard Law
3 School student and also a Deferred Action for Childhood Arrivals (“DACA”) recipient. The matters set
4 forth herein are true and correct of my own personal knowledge and, if called as a witness, I could and
5 would testify competently thereto.

6 **My Life Before DACA**

7 2. I came to the United States when I was almost two years old, in 1993. I am now 26 years
8 old. I grew up in South Central Los Angeles. Our neighborhood was dangerous and violent. I saw drive-
9 by shootings, gang violence and drug deals being done from the house next door. When I was little, this
10 was just life. As I got older, I started to understand that we lived there because my parents were
11 undocumented, which meant it was hard for them to get the jobs and earn the wages needed to afford to
12 live in a safer neighborhood.

13 3. When I was growing up, my parents made it clear that education was the key to success
14 for me and my siblings. I always worked hard in school and got good grades because of my parents.

15 4. I remember when I was about to enter high school, a private school recruiter contacted
16 me and another student in my class. He wanted to talk about attending a private high school on a
17 scholarship. I was excited and felt that my hard work and academic success were starting to pay off and
18 be recognized. However, the prospect of applying and going to a private school scared my parents. They
19 worried that the school would ask for my identification and information about where we lived and what
20 my parents did for a living. My parents did not allow me to apply to this private school, which at the
21 time confused and disappointed me, particularly because the other student did get to go on a scholarship.
22 I only understood later that my parents were trying to protect me because of our immigration status. I
23 did not know that I was undocumented at the time.

24 5. My parents advocated for my sister and me to be able to attend a public high school in
25 Venice, California, which was a safer and better than the schools in our neighborhood. Our daily bus
26 ride to school was over an hour long.

27 6. High school was the first time in my life that I was surrounded by kids whose parents had
28 college degrees. Some of their mothers and fathers worked as professionals. I figured I needed to do

1 whatever these kids were doing to get into college, since they had knowledge from their parents about
2 the process. I started taking honors and Advanced Placement (“AP”) classes and engaging in
3 extracurricular activities, just like my friends.

4 7. About a year into high school, my parents knew that I was focusing and preparing for
5 college. That was when sat me down and told me for the first time that I was undocumented. They tried
6 to explain what that meant. What I remember most is my mom apologizing to me. It felt like she was
7 saying sorry for the hopes they had built up. My parents had always said, “keep going to school,” “keep
8 getting good grades,” as a promise to get ahead, and I did that. Now it seemed like none of that was true.

9 8. I did not understand right away what it meant to be undocumented, but I was motivated
10 to get involved in the immigrants’ rights movement. Around the time I learned I was undocumented, I
11 began volunteering at grassroots immigration advocacy organizations and student chapters of larger
12 immigrants’ rights organizations. I also started to realize in hindsight what being undocumented meant
13 for my family and childhood, where we lived, and why my dad worked the jobs that he did.

14 9. I kept at the AP courses and continued earning good grades. Part of me still believed
15 what my parents had always taught me about hard work -- that school was the answer. My dad takes the
16 view that something will come along and life will work out if you stick to it. I had this same sense that if
17 I continued to work harder academically, then maybe something would happen that would make college
18 possible.

19 10. In high school I often felt like an outsider because of how my immigration status shaped
20 my life. For instance, people around me would study abroad or go on vacations and I did not. I studied
21 Italian with the same cohort of students in all four years of high school, but then my parents would not
22 allow me to go on a trip to Italy with that group of students when we got to senior year. I could not
23 travel because I was undocumented.

24 11. Towards the end of high school, I applied to colleges like my friends. I knew in my heart
25 that there was no way I could afford college. But I applied as a way to keep my immigration status
26 hidden from my friends and teachers. Not even my closest friends knew I was undocumented. I had
27 always done well academically, so I did not want to raise suspicion by not applying.

1 12. I was accepted at multiple schools, including the University of California Riverside (“UC
2 Riverside), the University of California Irvine (“UC Irvine”), and the University of California Berkeley
3 (“UC Berkeley”). My parents thought I should stay close to home at UC Riverside or UC Irvine, but UC
4 Berkeley captured my imagination. I grew up thinking of UC Berkeley as the Harvard of the West
5 Coast, that if you were accepted by UC Berkeley it meant you were smart. I also heard that UC Berkeley
6 might be open to students like me.

7 13. I sent in my statement of intent to register at UC Berkeley and I was even assigned a
8 student ID number. As far as UC Berkeley was concerned, I was going to attend in the fall. I knew,
9 though, that due to my undocumented status, it would not be possible for me to afford school right away.
10 To buy myself some time to try to figure out a way to attend, I asked the admissions office if I could
11 delay my enrollment. They gave me a semester. This was not long enough, and I knew there was no way
12 I could afford the cost of attendance. It was too expensive for me and my family.

13 14. I was very discouraged and disillusioned about not being able to attend college like my
14 friends. I had done everything right; I had the grades and I got accepted. It was frustrating not to be able
15 to go because I did not have some piece of paper or government recognition beyond my control.

16 15. My parents, always the champions of education, still pushed me to go to community
17 college. I was able to secure some funding from Santa Monica Community College and I started to
18 attend in 2010. I felt a bit rudderless at this point; my main reason for taking classes was to appease my
19 parents.

20 16. I first heard about the DACA program in 2012, about two years in to my community
21 college studies. I was part of some online immigrants’ rights groups and there was buzz about it. I was
22 skeptical. When DACA was first announced, it was not clear what information was going to be required,
23 and I did not know how the government would use my information if I gave it to them. There were some
24 mentions in the media that Immigrations and Customs Enforcement would not have access to the United
25 States Citizenship and Immigration Service information, but I was not ready to trust that promise.

26 17. Later, I remember downloading an application form to find out more. It asked all kinds of
27 questions that, when you grow up undocumented, you are taught never to answer, such as where do you
28 live, where do you go to school, what was your point of entry into the United States, and when did you

1 enter the United States. The form includes a section where applicants can provide a statement about how
2 DACA status would benefit them. For me, a major reason was getting work authorization to financially
3 support my family. But including information like that concerned me even more, because then the
4 government would have information about my family. Looking at the form, it felt like I would be giving
5 the government all the information it needed to build a case against me and possibly my family.

6 18. I waited for a few months to see what happened to other people who applied. I heard
7 from attorneys at non-profit immigration workshops and DACA town halls about the benefits of the
8 DACA policy. People posted updates to the online forums I visited, explaining that they had received
9 DACA status and were now getting certain forms of identification and student loans. It seemed real. The
10 risk seemed big but so did the benefits. I finally decided to apply.

11 **My Life with DACA**

12 19. I applied for DACA status in December of 2012 and received DACA status and
13 employment authorization in April 2013.

14 20. As soon as I got my DACA status for the first time, I went to the Social Security
15 Administration and got a social security number. I then quickly got a California driver's license. Getting
16 this legal identification was an important benefit of DACA status for me. It was physical proof that I
17 belonged in the country, and it meant a lot to me. It gave me a sense of comfort and security I never had
18 before. I could live my life in a more normal way, and if I was stopped by authorities, I could show them
19 my identification.

20 21. My DACA status employment authorization also made it possible for me to transfer from
21 community college to UC Berkeley. I would never have been able to get a job to afford UC Berkeley
22 without DACA. While I was still in community college, I worked as a bank teller at Chase Bank and
23 then at a law firm in Los Angeles. I knew that UC Berkeley—or any four year college—would be
24 expensive, so I worked for over a year to build up my savings so that I would be able to afford tuition
25 and living expenses. I wanted to reclaim my spot at UC Berkeley, which I knew I had earned.

26 22. I re-applied to UC Berkeley and, in 2014, was accepted into the Legal Studies program in
27 early 2014. UC Berkeley was a big deal to me as somewhere I had dreamed of going before. My parents
28 were nervous, though, about me leaving home and going to Northern California. They worried I would

1 not have the same support network. But I got the information and resources I needed from UC Berkeley
2 to feel comfortable that I could move there and thrive.

3 23. I moved to Berkeley in early August 2014. I immediately began working at an
4 immigration law firm. Later I had a work-study job with UC Berkeley's athletic department to earn
5 money. During my two years at UC Berkeley, I always had a job and worked about 10 to 15 hours a
6 week. My employment authorization, through DACA, was necessary for me to have these jobs, which
7 paid for my tuition and living expenses.

8 24. Having a work authorization that enabled me to work also helped my family. The money
9 I earned went to our family's living expenses, including rent, food and bills. My sister and I have been
10 the only ones in our immediate family of six working during certain periods of time. I have been able to
11 help my family financially because of DACA.

12 25. DACA also made it possible for me to fly home to Los Angeles from school at UC
13 Berkeley. This was the first time I had travelled by plane, and I was 23 years old. I was raised to not go
14 to airports. Growing up as an undocumented person, the law enforcement checkpoints at airports were
15 up there with driving through the Gates of Hell. With my DACA status, I had a state driver's license that
16 meant I could go to the airport and fly home. Sitting on the plane as it took off toward Los Angeles was
17 an emotional experience. It felt like something I accomplished because of DACA.

18 26. It is because of my DACA status that I have health insurance. I get my insurance because
19 I am a student at Harvard, and I could never have continued in school without DACA status. When I
20 became a student at UC Berkeley, it was the first time I ever had health insurance. It was the first time in
21 my life I could just go to the doctor or dentist for a checkup. When I was growing up undocumented, we
22 went to the doctor only for real emergencies. We would have hesitated even if we had medical insurance
23 coverage. Medical treatment was a danger, triggering anxiety and fear, because it meant interacting with
24 a hospital or doctor and providing your personal information. With DACA status, I can get medical care
25 without this worry.

26 27. Significantly, my DACA status made me feel safer and more welcome in this country,
27 like a security blanket. It was a huge relief and reassurance day-to-day. I knew that the government
28 knew of my existence and had decided that I could still be in this country. With DACA status, I did not

1 have to be so afraid of being deported, and that meant I could travel safely to school and work. When I
2 spoke with friends who were eligible for DACA status but who did not apply, it made me realize just
3 what a source of relief DACA status was.

4 28. For my undergraduate thesis in legal studies, I wrote about how DACA contributes to the
5 legal consciousness of its recipients, meaning our awareness of our societal role relative to laws and
6 legal institutions. My research involved speaking to DACA recipients, and I observed how DACA made
7 individuals more able to interact with legal institutions in a comfortable, assertive manner. As a DACA
8 recipient, being able to create scholarship about DACA was very meaningful to me. It is still one of my
9 proudest achievements. My thesis advisor even nominated my paper for the Law and Society
10 Association's Undergraduate Student Paper Prize, which I won.

11 29. I kept my immigration status mostly to myself during my time at UC Berkeley. Even
12 though I was studying DACA, my own status was still something I hesitated to share. This changed
13 when I was selected as the commencement speaker for my graduating class of Legal Studies majors. My
14 parents were excited and agreed to come up to UC Berkeley for the first time ever, despite their fears of
15 traveling because of their immigration status. For weeks, I balanced writing my speech and the logistics
16 of getting my family up to Northern California, renting them a car and helping them. I realized then that
17 I wanted to tell my story to my classmates, with my parents there so that I could thank them. With my
18 family in the audience, I finally told all of my classmates that I was a DACA recipient. This speech was
19 for my parents, and it was a proud and emotional moment for our family.

20 30. I graduated from UC Berkeley with Highest Distinction in Legal Studies in 2016. Since
21 then, I have gone on to Harvard Law School where I am now in my first year. DACA made this possible
22 for me. I would not have been able to continue with school, supporting myself and my family, without
23 the benefits of DACA status.

24 **Harms to Me from the Rescission of DACA**

25 31. It was shocking when the rescission of the DACA policy was announced this September.
26 DACA had become a central part of my life. The announcement came just days after I signed a law
27 school loan agreement for my first year at Harvard, taking on a significant amount of debt. I expect to
28

1 have about \$50,000 in law school debt by the end of my first year alone, and at least three times that by
2 the time I graduate.

3 32. I would not have gone to law school or taken out tens of thousands of dollars in loans had
4 I known that DACA was going to be rescinded so quickly. By the time I applied to law school, I was in
5 my third cycle of renewing DACA. My DACA status has been renewed twice, once in April 2015 and
6 again in December 2016 (I applied for renewal early to make sure I got it in time). DACA status had
7 become a part of my long-term plans, and I expected to be able to renew going forward.

8 33. Now my DACA work authorization will expire in the middle of my second year of law
9 school in December 2018. During law school summers, I need to work to learn how to be an attorney,
10 earn money for my loans, and open doors for an associate position when I graduate. I have past legal
11 experience, and by adding that to a Harvard Law degree, I thought I would become a strong candidate to
12 work at a law firm. The plan was that I could pay off the loans I had for school through a job as a legal
13 associate. Without DACA status, all of this will be impossible.

14 34. Without DACA, I will lose the security, comfort and sense of belonging that enabled me
15 to fully participate in my education. The stability DACA brought and continues to bring to my life has
16 been essential to my health and achievement as I worked my way up from community college to
17 Harvard Law School. DACA gave and continues to give me a strong sense of purpose, has eased the
18 daily fear and anxiety I once had over immigration status, and has made me more comfortable with my
19 own identity. DACA has been and continues to be central to my ability to financially support myself and
20 my family. The rescission of DACA means suddenly returning to a state of anxiety and stress about my
21 everyday life and what will come next for me and my family.

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

24 Executed on October 29th, 2017 in Cambridge, Massachusetts.

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26 
27 _____
28 MITCHELL SANTOS TOLEDO