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## **Ending DACA Would Undermine Public Safety Say Over 100 Current and Former Prosecutors and Law Enforcement Leaders**

*Amicus Brief in Fifth Circuit Argues DACA Builds Trust and Cooperation with Law Enforcement*

**WASHINGTON** – Today, 104 current and former prosecutors, law enforcement leaders and Department of Justice officials from 34 states and the District of Columbia filed an [amicus brief](#) in the Fifth Circuit Court of Appeals defending the Deferred Action for Childhood Arrivals (DACA) program.

The brief, authored by Georgetown Law’s [Institute for Constitutional Advocacy and Protection \(ICAP\)](#) and coordinated with [Fair and Just Prosecution](#), argues that DACA promotes public safety by allowing DACA recipients to step out of the shadows, obtain valid identification and work cooperatively with police and prosecutors without fear of adverse immigration consequences.

"As an elected prosecutor, I work every day to build trust with the people I serve, which includes immigrant communities who call our nation home," said **Nueces County, Texas District Attorney Mark Gonzalez**, a signatory to the brief. "Ending DACA would be disastrous for these efforts and threaten my ability to promote public safety. At a time when we need to be investing in things that will enhance trust in the criminal legal system, ending this critical program would be a reckless mistake."

Established in 2012, DACA offers protection against deportation for more than 600,000 individuals who were brought to the United States as children and meet a stringent set of requirements. In July 2021, a federal district court in Texas ruled that the creation of DACA and its continued operation violate the Administrative Procedure Act (APA). The Fifth Circuit is reviewing the case on appeal.

"DACA benefits everyone who cares about creating safer neighborhoods," said [Mary McCord](#), **Executive Director at ICAP** and a former federal prosecutor for over 20 years. "As current and former law enforcement leaders, our goal is to reduce barriers for people to engage with law enforcement. Eliminating DACA would have the opposite effect."

"DACA protects hundreds of thousands of individuals who were brought here as children and who have built their lives here, enhancing the richness and diversity of our country," said **Miriam Krinsky**, **Executive Director of Fair and Just Prosecution**, which helped coordinate the *amicus* effort. "Ending DACA would not only devastate these individuals and their families but would also impact all of us by undermining trust in law enforcement and eroding public safety. That's why more and more elected

prosecutors and law enforcement leaders are speaking out in support of DACA. They know firsthand how much immigrants contribute to our communities and how the DACA program is essential to promoting safety and justice for all."

The signatories emphasize how ending DACA would endanger public safety: "When community residents live in constant fear that interactions with local law enforcement officials could result in removal, that fundamental breakdown in trust threatens public safety and impedes justice system leaders from doing their jobs."

ICAP's *amicus* brief in the Fifth Circuit is similar to one it [filed](#) in the Supreme Court that was signed by more than 80 law enforcement officials when the Court considered a challenge to the Trump Administration's efforts to rescind DACA in 2019. In that case, *DHS v. Regents of the University of California*, the Supreme Court held that the decision to rescind DACA was arbitrary and capricious under the APA.

### **About Georgetown Law's Institute for Constitutional Advocacy and Protection (ICAP)**

The mission of the Institute for Constitutional Advocacy and Protection is to use strategic legal advocacy to defend constitutional rights and values. ICAP is a non-partisan institute within Georgetown University's Law School that works to ensure people can have renewed confidence in the integrity of their governmental institutions. To learn more about ICAP's work, visit our [website](#) and follow us on [Twitter](#).

### **About Fair and Just Prosecution**

Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit our [website](#) and follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#).

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