

---

**Subject:**

Special edition newsletter: Letter from President Napolitano on UC's decision to sue the Trump Administration on the unlawful repeal of DACA

**Subject:** Special edition newsletter: Letter from President Napolitano on UC's decision to sue the Trump Administration on the unlawful repeal of DACA

**Date:** Fri, 8 Sep 2017 17:42:49 +0000

**From:** Janet Napolitano <[janet@ucop.edu](mailto:janet@ucop.edu)>

**Reply-To:** Janet Napolitano <[janet@ucop.edu](mailto:janet@ucop.edu)>

**To:** [ivano@ucsd.edu](mailto:ivano@ucsd.edu)



Dear friends and colleagues,

I wanted you to be among the first to know that today the University of California has filed a lawsuit against the Department of Homeland Security (DHS) challenging its decision to rescind the Deferred Action for Childhood Arrivals (DACA) program that has protected nearly 800,000 Dreamers who came to this country as children through no choice of their own. The law firm [Covington & Burling](#) is representing the University on a pro bono basis in filing this suit.

The University of California — and our nation — have benefitted enormously from the presence of the Dreamers, accomplished young men and women who are our students,

colleagues, neighbors and countrymen in all but name. UC has approximately 4,000 undocumented students, a substantial number of whom have DACA, as well as teachers, researchers and health care providers who are DACA recipients.

As president of the University of California, it is my job to protect the students and staff on our campuses. As the author of DACA, I know what the program was meant to do. As both, and on behalf of our University, we are suing the administration because we know that its actions will harm innocent young people, including many members of the community I am so proud to lead.

You can read more about [today's legal action here](#). The suit makes three fundamental claims about the recent actions to rescind DACA:

1. The DHS decision to rescind DACA is not supported by reasoned decision-making as required by federal law. It did not consider the impact of the decision on Dreamers — for example, their expectation that they could study, work, and live in the only country they call home — or the costs of the rescission on the universities and communities in which they live, study, and work. And, most fundamentally, the legal rationale DHS provided was wrong. No court has held DACA unlawful and, in fact, the office at the Department of Justice responsible for reviewing the constitutionality of executive branch actions determined that DACA was lawful.
2. In ending the program, the administration also failed to comply with mandatory procedures that federal law requires for a decision of this type and magnitude. These procedures, among other things, require the agency to allow and consider public comment on a proposed action from affected parties, such as from the DACA recipients themselves and institutions like UC that are deeply impacted by the decision.
3. Finally, this action tramples on the due process rights of the University and its students and employees. DHS cannot take away those rights by executive fiat without any process whatsoever.

At the University of California we all see the exceptional contributions that young Dreamers make to our country. Most are the first in their families to attend college, and they work hard to further their educations. Some are pursuing PhDs and have ambitious, humanitarian goals. They embody the spirit of the American Dream.

Neither I, nor the University of California, take the step of suing the federal government lightly, especially not the very agency I once led. It is imperative however, that we stand

up for these vital members of the UC community. They represent the best of who we are — hard working, resilient, and motivated high achievers. To arbitrarily and abruptly end the DACA program, which benefits our country as a whole, is not only unlawful, it is contrary to our national values and bad policy. And, I, along with the University of California leadership, am determined to do everything in my power to rectify this.

Yours very truly,

Janet Napolitano  
President

---

[SEND JANET A COMMENT](#)

---

[Subscribe to this Newsletter](#)|[Update Subscription Preferences](#)|[Forward to a Friend](#)  
University of California - Office of the President, 1111 Franklin Street, Oakland, CA 94607  
Copyright © 2017 Regents of the University of California