

Res. No. 928-A

Resolution calling on the United States Supreme Court to issue a decision in *United States v. Texas* that overturns the Fifth Circuit's ruling in *Texas v. United States*, and upholds the implementation of President Obama's expanded DACA and DAPA programs.

By The Speaker (Council Member Mark-Viverito), Council Members Menchaca, Chin, Lander, Mendez, Rodriguez and Wills

Whereas, On November 20, 2014, President Obama announced a series of executive orders on immigration, including an expanded Deferred Action for Childhood Arrivals (DACA) program and the new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program; and

Whereas, The original DACA program, established in 2012, allows individuals who were under the age of 31 as of June 15, 2012 and came to the United States as children under the age of 16, have lived in the United States continuously since June 15, 2007, and meet certain criteria, to request consideration for deferred action for a period of two years, subject to renewal; and

Whereas, Deferred action is a discretionary determination made by the United States Citizenship and Immigration Services ("USCIS") to defer removal action of an individual as an act of prosecutorial discretion; and

Whereas, Deferred action does not provide an individual with lawful or permanent immigration status, but approved applicants may receive a work permit; and

Whereas, In order to apply for DACA, individuals must meet certain pre-requisites, including demonstrating that they are currently in school, have graduated or obtained a certificate of completion from high school, or have obtained a General Education Development certificate ("GED") while in the United States, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and

Whereas, The expanded DACA program would allow individuals of any age who entered the United States before the age of 16, have lived in the United States continuously since January 1, 2010, and meet all other eligibility requirements to request deferred action and work authorization; and

Whereas, The expanded DACA program would extend the period of deferred action and work authorization from two to three years; and

Whereas, The new DAPA program would allow parents of U.S. Citizens and Lawful Permanent Residents who have lived in the United States continuously since January 1, 2010, pass required background checks, and meet certain criteria, to request deferred action and employment authorization for a period of three years, subject to renewal; and

Whereas, Reports estimate that under expanded DACA and DAPA, between four and five million undocumented immigrants would become eligible for deferred action; and

Whereas, It is estimated that in New York City up to 121,000 individuals could become eligible for deferred action under the expanded DACA program and the new DAPA program; and

Whereas, In December of 2014, the State of Texas, along with 25 other states, filed a lawsuit against the Obama administration regarding these programs, which has stalled their launch; and

Whereas, In the lawsuit, Texas asserted that the President overstepped his constitutional and statutory authority in executive actions on immigration and that the proposed programs would place a financial burden on the state; and

Whereas, On February 16, 2015, Judge Andrew Hanen of the U.S. District Court in Brownsville, Texas issued a preliminary injunction, which temporarily halted the implementation of the expanded DACA and DAPA programs; and

Whereas, In response, the U.S. Department of Justice (“DOJ”) filed an appeal of the injunction to the U.S. Court of Appeals for the Fifth Circuit; and

Whereas, In November of 2015, nearly a year after the President announced the extended DACA and DAPA programs, the U.S. Court of Appeals for the Fifth Circuit affirmed the lower court’s decision and continued the preliminary injunction against the DAPA program and the expansion of the DACA program,; and

Whereas, The Obama administration filed a petition with the Supreme Court requesting that it review the Fifth Circuit’s decision, with the goal of the Court reviewing the appeal during the current term, which is the final full Supreme Court term of President Obama’s presidency; and

Whereas, On January 19, 2016, the Supreme Court granted the Department of Justice’s request, and in *United States v. Texas* (No. 15-674) will review and rule on the Fifth Circuit’s decision during the current term ending in June 2016; and

Whereas, The expanded DACA and DAPA programs, if implemented, would greatly benefit not only millions of undocumented immigrants, but the nation as a whole; and

Whereas, The Center for American Progress projects that implementation of the President’s administrative relief programs, such as expanded DACA and DAPA, would raise the level of U.S. gross domestic product by 0.4 percent after ten years, which is equivalent to an additional \$90 billion by 2024; and

Whereas, Beyond economic gains, immigrants contribute to the fabric and diversity of this nation, particularly in New York City, which has a long-standing history of welcoming and fostering growth among flourishing immigrant communities; and

Whereas, The expanded DACA and DAPA programs will preserve family units in immigrant communities and prevent working families from being unnecessarily separated; and

Whereas, During a time of Congressional inaction on comprehensive immigration reform, swift implementation of the President's expanded DACA and DAPA programs is vital to enhance the lives of millions of undocumented immigrants who contribute daily to this country; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Supreme Court to issue a decision in *United States v. Texas* that overturns the Fifth Circuit's ruling in *Texas v. United States* and upholds the implementation of President Obama's expanded DACA and DAPA programs.

LS #6826
MA/ IP
12/1/15