

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: March 3, 2015

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Sharon M. Tso *ket*
Chief Legislative Analyst Council File No.: 15-0002-S12
Assignment No. : 15-02-0142

SUBJECT: Resolution (Cedillo – Price) to support any administrative and legislative action which would contest the Texas Federal District Court ruling suspending the President’s executive actions in support of immigrants.

CLA RECOMMENDATION:

Adopt the attached Resolution (Cedillo – Price) to include in the City’s 2015-16 Federal Legislative Program SUPPORT of any administrative or legislative action which would contest the Texas Federal District Court ruling suspending the President’s executive actions in support of immigrants and would expedite the implementation of these executive actions.

SUMMARY

Resolution (Cedillo – Price) states that the Federal District Court for the Southern District of Texas in Brownsville ruled in favor of Texas and twenty-five other states that have challenged the President’s executive actions in support of immigrants. The Resolution notes that this action came just one day before hundreds of thousands of undocumented immigrants were to begin applying for work permits and legal protection. The Resolution states that the judge’s last-minute order halting the programs has forced the postponement of President’s Obama’s sweeping executive actions on immigration indefinitely.

The Resolution indicates that the expansion of an existing program that was to begin in February 2015 will be postponed and as many as 270,000 immigrants who came to the United States as children cannot apply for it. A second program that would benefit about four million undocumented immigrants with children who are American citizens or legal residents which was scheduled to start in May, has also been delayed.

The Resolution states this ruling fails to consider the benefits to national security and the economy in having millions of unauthorized immigrants begin taking background checks and paying taxes. The Resolution further states that the Justice Department is reviewing legal actions to be taken including asking an appeals court to block the District court’s ruling and allow the executive actions to proceed. Therefore, the Resolution recommends that the City support any action which would contest the Texas Federal District Court ruling suspending the President’s executive actions.

BACKGROUND

On November 20, 2014, President Barack Obama announced a series of executive actions to address illegal immigration. These initiatives include: (1) expanding the population eligible for the Deferred Action for Childhood Arrivals (DACA) program to people of any current age who entered the United States before the age of 16 and lived in the United States continuously since January 1, 2010, and extending the period of DACA and work authorization from two years to three years; (2) allowing parents of U.S. citizens and lawful permanent residents to request deferred action and employment authorization for three years, in a new Deferred Action for Parents of Americans and Lawful Permanent Residents (aka Deferred Action for Parental Accountability or DAPA) program, provided they have lived in the United States continuously since January 1, 2010, and pass required background checks; (3) expanding the use of provisional waivers

of unlawful presence to include the spouses and sons and daughters of lawful permanent residents and the sons and daughters of U.S. citizens; (4) modernizing, improving and clarifying immigrant and nonimmigrant visa programs to grow our economy and create jobs; and (5) promoting citizenship education and public awareness for lawful permanent residents and providing an option for naturalization applicants to use credit cards to pay the application fee.

In December 2014, a coalition of states and governors filed a lawsuit, *Texas v. United States*, challenging President Obama's executive actions on immigration. On February 16, 2015 the Texas Federal District Court issued a preliminary injunction to temporarily prevent the federal government from implementing expanded DACA on February 18, as originally planned and DAPA, which was expected to open in May 2015.

Deferred Action for Childhood Arrivals (DACA)

Initiated in 2012, DACA provides temporary work authorization and relief from deportation for immigrants as follows, if they: (1) were under the age of 31 as of June 15, 2012; (2) came to the United States before reaching the age of 16; (3) have continuously resided in the United States since June 15, 2007, up to the present time; (4) were physically present in the United States on June 15, 2012 and at the time of making the request for consideration of deferred action with U.S. Citizenship and Immigration Service (USCIS); (5) had no lawful status on June 15, 2012; (6) are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and (7) have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety. The Court's temporary injunction, issued February 16, does not affect the existing DACA.

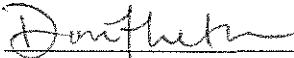
Recent City Actions Relative to Immigration

On February 20, 2013, Council adopted a Resolution (Garcetti - Reyes - Alarcon) CF # 13-0002-S12, to include in the City of Los Angeles 2013-14 Federal Legislative Program support for federal comprehensive immigration reform that creates a pathway to citizenship for law-abiding tax paying immigrant workers and their families; reduces immigration backlogs; offers opportunity for immigrant students to pursue a college education; promotes civil integration; and implements enforcements measure in a humane manner.

On December 3, 2014, Council adopted a Motion requesting that the Office of Immigrant Affairs make a presentation on President Obama's immigration initiative, the impacts on the City, implementation process and how the City can help and protect the immigrant population of the city.

On January 26, 2015, City Attorney Michael N. Feuer, Attorney for the City of Los Angeles, acting by and through Los Angeles City Mayor Eric Garcetti, and a coalition of over 30 mayors, filed an amicus brief in *Texas v United States* to support Present Obama's executive action on immigration reform. The brief opposes the lawsuit in Brownsville, Texas.

Based on the City and Mayor's prior positions to support comprehensive immigration reform that creates a pathway to citizenship, efforts to help and protect the immigrant population, and the noted benefits associated with criminal background checks and additional tax revenues, we recommend support of any administrative or legislative action which would contest the Texas Federal District Court ruling.



Dora Huerta
Analyst

Attachment: Resolution (Cedillo – Price)

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, on Monday, the Federal District Court for the Southern District of Texas, in Brownsville, ruled in favor of Texas and 25 other states that had challenged the President's executive actions in support of immigrants; and

WHEREAS, this action came just one day before hundreds of thousands of undocumented immigrants were to begin applying for work permits and legal protection; and

WHEREAS, the federal judge's last-minute order halting the programs has forced the postponement of President Obama's sweeping executive actions on immigration indefinitely; and

WHEREAS, under the court's ruling, the expansion of an existing program that was to begin on Wednesday will be postponed and as many as 270,000 immigrants who came to the United States as children cannot apply for it; and a second program that would benefit about four million undocumented immigrants with children who are American citizens or legal residents which was scheduled to start in May, has also been delayed; and

WHEREAS, this ruling fails to consider the benefits to national security and the economy of having millions of unauthorized immigrants begin taking background checks and paying taxes; and

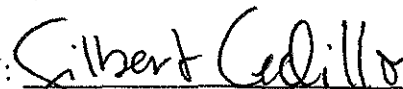
WHEREAS, the President's executive actions in the face of Congressional refusal to overhaul the immigration system are legal and proper and completely within the scope of the powers of his office; and

WHEREAS, the Justice Department is reviewing legal actions to be taken including ask an appeals court to block the District Court's ruling and allow the executive actions to proceed; and

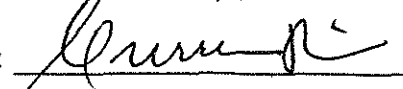
WHEREAS, the Los Angeles region has the largest number of immigrants who would have benefitted from the implementation of the President's executive actions on immigration, and we would all benefit as a result;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015-2016 Federal Legislative Program support for any administrative and legislative action which would contest the Texas Federal District Court ruling suspending the President's executive actions in support of immigrants and would expedite the implementation of these executive actions.

PRESENTED BY:


GILBERT A. CEDILLO
Councilman, 1st District

SECONDED BY:



February 18, 2015

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