



## Legislation Text

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**File #:** Res 1675-2017, **Version:** \*

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### Preconsidered Res. No. 1675

Resolution authorizing the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging the rescission or modification of the Deferred Action for Childhood Arrivals (DACA) program, which provides temporary immigration relief to certain undocumented youth

By the Speaker (Council Member Mark-Viverito) and Council Members Kallos and Menchaca

Whereas, Undocumented immigrant youth and young adults who were brought to the United States (U.S.) as children and know no other home are often called “DREAMers;” and

Whereas, The term stems from the DREAM Act of 2001, a federal bill that would have provided young immigrants with conditional immigration relief and a pathway to citizenship; and

Whereas, The DREAM Act of 2001 was not passed by Congress and subsequent re-introductions of the bill have also stagnated in Congress; and

Whereas, The Migration Policy Institute (MPI) estimates that, of the 11 million undocumented immigrants in the U.S., between 2.5 and 3 million are considered DREAMers; and

Whereas, Recognizing the need to support DREAMers, then President Barack Obama established the Deferred Action for Childhood Arrivals (DACA) program through executive order in 2012; and

Whereas, The DACA program provided temporary immigration relief and work authorization to nearly 800,000 DREAMers who met strict age, residency and education criteria, and who did not pose a threat to public safety; and

Whereas, DREAMers, including those who were not eligible for the DACA program, bolster the American economy and contribute an estimated \$2 billion a year in state and local taxes; and

Whereas, On June 29<sup>th</sup>, 2017, the Attorney General of the State of Texas, joined by the attorneys general

of nine other states, notified the Department of Homeland Security (DHS) of their intent to challenge the legality of the 2012 DACA program if it was not rescinded by September 5<sup>th</sup>, 2017; and

Whereas, The attorneys general alleged that the program was unlawful, claiming that it was created through presidential overreach; and

Whereas, On September 5<sup>th</sup>, 2017, U.S. Attorney General Jeff Sessions announced the rescission of the DACA program and the DHS issued logistical guidance regarding the program's termination; and

Whereas, New York City is home to roughly 30,000 DACA recipients who contribute daily to the City's cultural and economic vibrancy; and

Whereas, On September 6<sup>th</sup>, 2017, New York Attorney General Eric Schneiderman, along with attorneys general from 16 other states, filed a suit to protect DACA grantees in the U.S. District Court for the Eastern District of New York; and

Whereas, The suit alleges that the Trump Administration has violated the Equal Protection clause of the Constitution by discriminating against DREAMers of Mexican origin, who make up 78% of DACA recipients; violated Due Process rights, and harmed States' residents, institutions, and economies; and

Whereas, On October 5<sup>th</sup>, 2017, Attorney General Schneiderman amended the complaint to include a new cause of action that claims the Trump Administration violated the doctrine of equitable estoppel by failing to honor promises made to DACA grantees, including promises that information submitted on DACA applications would not be used for immigration enforcement; and

Whereas, On the same day, Attorney General Schneiderman also added a cause of action that claims that the Trump Administration denied DACA grantees their Procedural Due Process rights pursuant to the 5<sup>th</sup> Amendment by failing to provide adequate notice about the timeline for renewing DACA status, as well as the termination of the DACA program after March 5<sup>th</sup>, 2018; and

Whereas, On September 11<sup>th</sup>, 2017, California Attorney General Xavier Becerra filed a separate legal action, claiming that the Trump Administration discriminated against DACA recipients in violation of the Equal

Protection guarantee of the 5<sup>th</sup> Amendment; and

Whereas, the New York City Council deeply values the contributions made by DREAMers and is committed to defending their rights through advocacy at the state and federal level, as well as by filing or joining amicus briefs that align with the Council's position in support of DREAMers and DACA grantees; now, therefore, be it

Resolved, That the Council of the City of New York authorizes the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging the rescission or modification of the Deferred Action for Childhood Arrivals (DACA) program, which provides temporary immigration relief to certain undocumented youth.

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