



LEGISLATIVE ALERT

December 3, 2014

Dear Representative,

The AFL-CIO urges you to vote against the “Preventing Executive Overreach on Immigration Act of 2014” (H.R. 5759), which would strip away protections from the millions of working families who will benefit from the Deferred Action for Parental Accountability (DAPA) program and the Deferred Action for Childhood Arrivals (DACA) program that were announced by President Obama on November 20. We firmly believe that President Obama’s administrative action represents an important step toward rational and humane enforcement of our nation’s immigration laws.

By extending relief and work authorization to an estimated 4 million people, the Obama Administration will help prevent unscrupulous employers from using unprotected workers to drive down wages and conditions for all workers in our country. Although this fix will be temporary, it will allow millions of people to live and work without fear, and afford them the status to assert their rights on the job.

The Administration has clear authority to provide deferred action and work authorization.

H.R. 5759 rests on the incorrect finding that “President Obama’s grant of deferred action... is without any constitutional or statutory basis.” Additionally, it incorrectly implies that the President’s November 20 announcement provides broad categorical relief, not case-by-case relief.

The Department of Homeland Security (DHS) has clear legal authority to exercise discretion to decide whom to prosecute or not and determine how to utilize limited resources.¹ Virtually every modern administration has used prosecutorial discretion to provide administrative relief to particular categories of undocumented immigrants. This same legal authority permits DHS to exercise prosecutorial discretion under the new policies announced on November 20.

The Secretary of Homeland Security also has explicit statutory authority to grant employment authorization to individuals with deferred action.² The substance of this regulation dates back over three decades and is firmly grounded in the statutory text of the Immigration and Nationality Act.

The DHS memo announcing the new DAPA program and DACA expansion provides guidance for case-by-case use of deferred action for parents of U.S. citizens or lawful permanent residents who have

¹ See D. Meissner, INS Commissioner, Exercising Prosecutorial Discretion 3-4 (Nov. 17, 2000) (quoting Heckler v. Chaney, 470 U.S. 821, 831 (1985)); S. Bernsen, INS General Counsel, Legal Opinion Regarding Service Exercise of Prosecutorial Discretion (July 15, 1976) (discussing federal government’s exercise of prosecutorial discretion in immigration matters dating back to 1909); J. Morton, ICE Director, Exercising Prosecutorial Discretion Consistent with the Civil Immigration Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens 2 (June 17, 2011) (reaffirming continuing vitality of principles of prosecutorial discretion set forth in Meissner and Bernsen memos).

² 29 C.F.R. § 274a.12(c)(14).

been in the country since January 1, 2010 and to individuals who entered the U.S. as children under the age of 16 before January 1, 2010. It also directs the U.S. Citizenship and Immigration Services to create an application process for individuals to apply for deferred action, submit biometrics, and undergo background checks. The memo clearly states, deferred action “does not confer any form of legal status in the country, much less citizenship.”³

Work authorization is a key protection that will help ALL workers.

The AFL-CIO strongly objects to efforts in H.R. 5759 to broadly deny work authorization and deferred action to undocumented immigrants. Eight million of the current 11 million undocumented immigrants are already in the work force. Too often, these workers are suffering from wage theft, sexual harassment, and death and injury on the job. Providing work authorization to those who qualify for the new DAPA program and expanded DACA program will help millions of workers stand up for their rights and demand a safe workplace. When employers exploit undocumented workers, steal wages, or cut corners, ALL workers suffer.

Rather than rollback relief, the House should pass immigration reform.

In the sixteen months since a bipartisan majority of the Senate passed S. 744, Republican Leadership has failed to schedule a vote or move any comprehensive immigration reform bill, like H.R. 15, through any House committee. This failure to act, combined with increased enforcement efforts, has created a crisis in our nation's immigrant communities and in workplaces across the country. Rather than providing a solution, the Republican Leadership is advancing a bill that will deny millions of aspiring Americans the opportunity to live and work without fear.

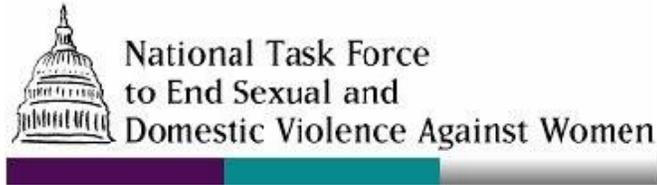
For the reasons stated above, the AFL-CIO urges you to vote NO on H.R. 5759.

Sincerely,



William Samuel, Director
Government Affairs Department

³ J. Johnson, DHS Secretary, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Whose Parents are U.S. Citizens or Permanent Residents 2 (Nov. 20, 2014).



December 3, 2014

Dear Representative,

The Steering Committee of the National Task Force to End Sexual and Domestic Violence (“NTF”), comprised of national leadership organizations advocating on behalf of sexual and domestic violence victims and women’s rights, writes in opposition to Congressman Yoho’s amendment to H.R. 5759, which seriously limits Executive Branch authority to defer the removal of various classes of non-citizens. The amendment broadly sweeps large numbers of victims into its scope and ignores the best interests of victims and their children.

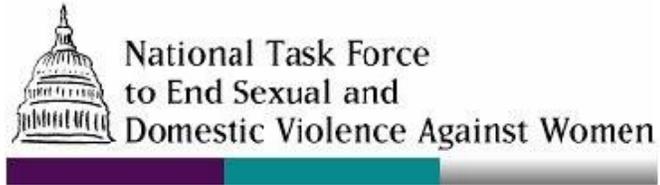
This fall we are celebrating the twentieth anniversary of the bipartisan Violence Against Women Act (“VAWA”), which has, since it was first enacted, included critical protections for immigrant victims of domestic and sexual violence. Congressman Yoho’s amendment undermines protections from removal for victims of domestic and sexual violence, dating violence, stalking, trafficking, and child abuse, and undermines the purpose and spirit of VAWA.

For example, over the last twenty years, victims have benefitted from executive action deferring removal, enhancing their safety and ability to recover from abuse, under both Republican and Democratic administrations. These include spouses and children of abusive U.S. Citizens and Permanent Residents, with approved petitions under the Violence Against Women Act, who are awaiting the availability of immigrant visas. In addition, non-citizens eligible for crime-victim visas based on certification from criminal legal system officials have benefitted from executive branch deferral from removal, enhancing victims’ ability to participate in holding offenders accountable. For these reasons, we oppose the broad restrictions on executive action deferring removal of classes of non-citizens included in Congressman Yoho’s amendments to H.R. 5759.

We strongly urge members to prioritize the needs of immigrant survivors of domestic and sexual violence, stalking, trafficking, and child abuse, and reject these amendments. If you have any questions or concerns, please contact us for further information through Grace Huang at grace@wscadv.org, or (206) 389-2515 x 209.

Sincerely,

The member organizations of The National
Taskforce to End Sexual and Domestic Violence
www.4vawa.org



Steering Committee Members Include:

Asian and Pacific Islander Institute on Domestic Violence
American Association of University Women
Break the Cycle
Casa de Esperanza
Futures Without Violence
Jewish Women International
Legal Momentum
National Alliance to End Sexual Violence
National Coalition Against Domestic Violence
National Council of Jewish Women
National Network to End Domestic Violence
National Organization for Women
National Organization of Sisters of Color Ending Sexual Assault
YWCA USA



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New York, NY

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Williamstown, NJ

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San Diego, CA

Danny J. Homan
Des Moines, IA

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New Britain, CT

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Worthington, OH

Kathryn Lybarger
Oakland, CA

Roberta Lynch
Chicago, IL

Christopher Mabe
Westerville, OH

Glenard S. Middleton Sr.
Baltimore, MD

Ralph Miller
Los Angeles, CA

Gary Mitchell
Madison, WI

Douglas Moore Jr.
San Diego, CA

Frank Moroney
Boston, MA

Henry Nicholas
Philadelphia, PA

Randy Perreira
Honolulu, HI

Steven Quick Sr.
Indianapolis, IN

Lillian Roberts
New York, NY

Eddie Rodriguez
New York, NY

Lawrence A. Roehrig
Lansing, MI

Joseph P. Rugola
Columbus, OH

Eliot Seide
South St. Paul, MN

Mary E. Sullivan
Albany, NY

Braulio Torres
San Juan, PR

Jeanette D. Wynn
Tallahassee, FL

December 4, 2014

Dear Representative:

On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to oppose the “Preventing Executive Overreach on Immigration Act of 2014” (H.R. 5759), sponsored by Rep. Ted Yoho. This legislation seeks to prevent the Obama administration from going forward with the executive actions the President announced on November 20 that would help to fix our broken immigration system. Contrary to H.R. 5759’s deeply flawed analysis, the President’s actions were fully within his executive powers as granted by the U.S. Constitution. Both Republican and Democratic presidents have used prosecutorial discretion to provide administrative relief to particular groups of undocumented immigrants. Indeed, this reckless bill goes much further than preventing the Obama administration from expanding the Deferred Action for Childhood Arrivals (DACA) program and implementing the new Deferred Action for Parents of U.S. Citizens and Lawful Permanent Residents. It also would prevent President Obama and future presidents from taking common sense actions to, for example, protect undocumented parents, spouses, and children of military personnel from deportation.

AFSCME strongly opposes the provision in H.R. 5759 that would broadly deny work authorization to the approximately eight million undocumented workers currently in the workforce. By keeping these workers relegated to the shadows in our workplaces, H.R. 5759 would ensure that they will continue to be victims of wage theft, unsafe working conditions and sexual harassment, which hurts **all** working families. President Obama’s executive actions curtail these abusive employers who exploit undocumented immigrants and in doing so, drive down wages and benefits of all of our country’s workers. The White House Council of Economic Advisors has found that the President’s executive actions will increase average wages for U.S.-born workers and reduce the federal deficit.

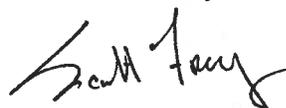
The House of Representatives has had 524 days to act since the Senate passed its bipartisan comprehensive immigration reform legislation (S. 744) by a vote of 68-32. Instead, the House majority leadership has stubbornly refused to hold a floor vote on the Senate bill or any House comprehensive immigration bill. Now, it is holding a symbolic, meaningless vote on H.R. 5759 solely to allow GOP House members to vent their opposition to the steps President Obama has taken within his legal authority to begin to fix our broken immigration system.

American Federation of State, County and Municipal Employees, AFL-CIO

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H.R. 5759 would result in subjecting millions of immigrant families to deportation and harm our economy. AFSCME urges you to vote no on H.R. 5759.

Sincerely,

A handwritten signature in black ink that reads "Scott Frey". The signature is written in a cursive style with a large, stylized "S" and "F".

Scott Frey
Director of Federal Government Affairs

SF:FB:mc

Jawetz, Tom

From: Wendy Cervantes <wendyc@firstfocus.net>
Sent: Thursday, December 04, 2014 9:00 AM
To: Jawetz, Tom
Subject: Oppose HR 5759

December 4, 2014

Dear Representative Conyers,

On behalf of the [First Focus Campaign for Children](#) (FFCC), a bipartisan advocacy organization dedicated to making children and families a priority in federal policy and budget decisions, I write in strong opposition to the "Preventing Executive Overreach on Immigration Act of 2014" (H.R. 5759). The bill would not only prevent the President from moving forward with recently announced programs that would protect immigrant youth and families from deportation, but it could put other vulnerable individuals at risk of deportation, such as relatives of military personnel and trafficking victims.

The FFCC has long advocated for both the DREAM Act and comprehensive immigration reform that would provide a pathway to citizenship for undocumented youth and families. Given the lack of progress by Congress, we have also advocated for executive action to halt the devastating separation of families due to deportation. We oppose H.R. 5759's intent to prevent any expansion of the Deferred Action for Childhood Arrivals (DACA) program, a program that has already benefitted hundreds of thousands of immigrant youth who entered the U.S. as children by enabling them to work legally, freely pursue their education, obtain drivers licenses, and better contribute to our society.

We are also disturbed with H.R. 5759's goal to prevent the Executive branch from providing temporary relief to undocumented parents of U.S. citizens and LPRs. The new Deferred Action for Parental Accountability (DAPA) program has the potential to improve the lives of up to 4.5 million U.S. citizen children currently living in mixed-status families. Research shows that a parent's deportation, or simply the fear alone of a parent being deported, can harm children's mental and physical health and overall well-being. Research also documents that a parent's undocumented status can impede their child's healthy development as undocumented parents are less able to access stable employment or critical resources for their children. The DAPA program would provide parents with work authorization and temporary reprieve from deportation, enabling them to better provide and care for their children.

In conclusion, we believe HR 5759 is a reckless proposal that undermines our American values and does nothing to fix our immigration system. Rather than attempt to block the recent Executive immigration actions and maintain a status quo that harms children, we urge the House of Representatives to advance immigration reform that would provide a permanent solution for immigrant children and families.

Sincerely,

Bruce Lesley

President



Jawetz, Tom

From: Ali Noorani <jbreisblatt@immigrationforum.org>
Sent: Thursday, December 04, 2014 10:02 AM
To: Jawetz, Tom
Subject: National Immigration Forum VOTE REC Vote NO on H.R. 5759, Preventing Executive Overreach Act



The National Immigration Forum Recommends a NO Vote on H.R. 5759, Preventing Executive Overreach on Immigration Act

Immigration should be about people, not politics. H.R. 5759 is a step in the wrong direction that only further divides Congress instead of uniting both parties around the need to fix our broken immigration system.

To the extent members may distrust the President or otherwise disagree with various executive actions taken by the Administration, specifically as they relate to immigration, we urge those members not to let this distrust become a barrier against fair consideration of broad immigration reform that our country so desperately needs.

H.R. 5759 is not something the House of Representatives should be spending its time and energy on. Instead they should be considering how to bring broad common sense reforms up for a vote.

Therefore vote NO on H.R. 5759.

Ali Noorani
Executive Director
National Immigration Forum



Committee on Migration

c/o Migration and Refugee Services, USCCB

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December 3, 2014

Dear Representative:

On behalf of the U.S. Conference of Catholic Bishops (USCCB), I write in opposition to H.R. 5759, the “Executive Amnesty Prevention Act of 2014.” As a general matter, this legislation seeks to prevent the executive branch from taking executive action to even temporarily protect categories of persons who are unlawfully present in the United States from removal. Moreover, the proposed bill could have unintended consequences by unreasonably limiting the ability of this and future Administrations to enforce immigration law efficiently and to ensure public safety.

With specific respect to the immigration-related executive actions announced by the Administration on November 20, 2014, the measure, on its face, seeks to preclude the executive branch from temporarily protecting millions of individuals—mainly parents of U.S. citizens or permanent residents—from removal.

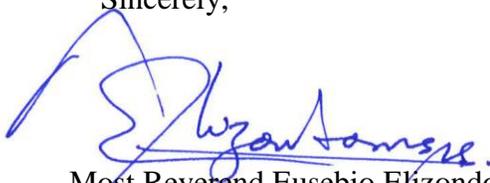
As you may know, the USCCB has long supported the enactment of comprehensive immigration reform legislation that includes a path to citizenship for undocumented persons residing in the country. In fact, USCCB frequently has urged the U.S. House of Representatives to pass such legislation during the 113th Congress.

Although short of what is necessary to fully reform our nation’s broken immigration system, the Administration’s recently announced executive actions on immigration represent a first step in the process of fixing it. Importantly, it would prevent the separation of families, ensuring that U.S. citizens and permanent residents are not faced with losing their parents or being forced to return with them to a country in which they have never lived. Instead of traumatizing these children and young adults—the future leaders of our country—we should invest in them by ensuring that their families remain intact.

Rather than attempting to rescind the Administration’s recent executive actions on immigration, I ask the U.S. House of Representatives to act on a comprehensive and permanent solution to our immigration challenges by passing comprehensive immigration reform legislation that addresses all aspects of our immigration system. Enactment of such a measure would supersede the recent executive actions.

In this regard, I ask that you oppose H.R. 5759 and immediately consider legislation to comprehensively address our failed immigration system. Our nation has waited too long for Congress to act on this important national issue.

Sincerely,

+ 

Most Reverend Eusebio Elizondo
Auxiliary Bishop of Seattle
Chairman, USCCB Committee on Migration



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December 4, 2014

Dear Representative:

On behalf of the three million members of the National Education Association (NEA), and the students they serve, we urge you to VOTE NO on the *Executive Amnesty Prevention Act of 2014* (H.R. 5759), introduced by Representative Yoho (R-FL). This bill seeks to prohibit any executive action by the President that would exempt or defer deportation of aspiring Americans. Votes associated with this bill may be included in the NEA Report Card for the 113th Congress.

Fixing our broken immigration system is a top priority for educators because it has a profound impact on our students and their families. Educators witness firsthand the critical role family stability plays in student success. Yet, a growing number of students live in fear that our nation's immigration policies will break up their families, forcing them to choose between their country and their loved ones—mothers, fathers, sisters, and brothers.

President Obama's recent announcement of executive action on immigration has the potential to bring five million aspiring Americans out from the shadows, many of whom were brought into the country through no fault of their own as children, and including the parents of children who are U.S. citizens. This action includes the expansion of the Deferred Action for Childhood Arrivals (DACA) program which has served to keep approximately 700,000 students and their families together.

While educators strongly support this necessary action, we still have a long way to go. This is only a temporary fix, something more permanent must be done. We urge Congress to pass a comprehensive bill, such as H.R. 15, that creates a pathway to citizenship for the more than 11 million aspiring Americans; continues to preserve the unity of family; and includes the DREAM Act and DACA.

Again, we urge you to VOTE NO on H.R. 5759. As educators, we welcome aspiring Americans in our classrooms and schools every day. For the sake of our students, their families, and communities, we urge you to take action now—not later—and turn your efforts in Congress toward making comprehensive immigration reform a reality at last by passing a bill like H.R. 15.

Sincerely,

Mary Kusler
Director, Government Relations



December 3, 2014

Dear Representative:

On behalf of SEIU's 2 million members I urge you to vote against H.R. 5759, the Executive Amnesty Prevention Act of 2014 if it is brought to the House floor for a vote. This ill-considered and poorly drafted bill appears to be intended to eliminate the President's discretion to set rational immigration enforcement priorities or protect immigrants from deportation no matter how long they have been here, what ties they have established, and how much hardship their removal would inflict.

If enacted, such a policy would have a cruel impact on many U.S. citizens, including many who are cared for, fed, and supported by undocumented immigrants who have worked hard and lived in the U.S. for many years. SEIU members know the devastation caused by our broken immigration system first hand. We've seen how employers are able to manipulate immigrant vulnerability to deter workers from asserting their basic rights to a minimum wage, health and safety, and collective bargaining. America's workers need and demand a level playing field.

The actions the President announced in November ó the apparent reason H.R. 5759 is being brought to the floor ó are *well* within his legal authority. As the Supreme Court said just a few years ago, "[a] principal feature of the removal system is the broad discretion entrusted to immigration officials." President Obama not only has the right, but also the obligation, to set priorities within the broad parameters set by the law and Constitution, and every president since President Eisenhower has used this same authority.

The administrative reforms announced by the President are necessary for the wellbeing of America's working people. Without these reforms, families will continue to be torn apart, communities divided, our economy held back, and homeland security resources wasted on good people who pose absolutely no threat.

It is tragic that the House now may find the time to vote on H.R. 5759, which is intended to prevent the President from making critical but partial improvements, while continuing to obstruct bipartisan legislation that holds the promise of making the more comprehensive changes that our nation desperately needs.

SEIU urges you to vote no on this bill and may add votes on H.R. 5759 to our Legislative Scorecard, located at www.seiu.org.

Sincerely,

Steph Sterling
Legislative Director

SS:JB:bq
opeiu#2
afl-cio,clc

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