



# NY V. TRUMP

New Mexico's DACA litigation

Filed Eastern District of NY 10/4/17

NO. 1:17-cv-05228 (NGG) (JO)



# STATE OF NEW MEXICO

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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Committee October 17, 2017

# DACA RESCISSION FACTS:

September 5, 2017 U.S. Department of Homeland Security memorandum, *Rescission of Deferred Action for Childhood Arrivals*, rescinds the DACA program established June 15, 2012.

DACA status will be approved only for grantees whose benefits expire before March 5, 2018, provided they applied for renewal by October 5, 2018.

DHS immediately ceased accepting all new applications under DACA upon issuance of the memo.

# DACA FACTS INCLUDING NM STATISTICS

Approximately 800,000 young people who grew up in the United States have received DACA authorization.

Some 78% of DACA recipients are from Mexico.

NM statistics:

10,000 persons eligible to receive DACA status

6,838 have been approved

5,622 have been allowed to renew

6,250 DACA grantees are employed.

369 are business owners.

3,070 are students

2,195 currently are pursuing a bachelor's degree or higher.

DACA-eligible residents are estimated to contribute approximately \$18.8 million annually in state and local taxes in New Mexico—a contribution that may drop by \$7.5 million without DACA. Another estimate suggests that terminating DACA would, over a ten-year period, impact the New Mexico economy with \$258 million in budget costs and \$924.5 million in economic costs.

# DACA APPROVALS ARE GRANTED ONLY TO PERSONS

- \* Who came to the United States before the age of 16;
- \* Who lived in the United States for at least 5 years prior to June 15, 2012;
- \* Who were present and not older than 30 on June 15, 2012;
- \* Who were not convicted of any felony offense, any significant misdemeanor offense, multiple misdemeanor offenses and were not otherwise a threat to national security or public safety ;
- \* Who passed biometric and biographic background checks conducted by the Department of Homeland Security;
- \* Who were enrolled in school on the date of applying or had graduated from high school or received a general education development certificate, or were honorably discharged or a veteran of the Coast Guard or Armed Forces of the United States

# PROGRAM PROMISES

People were promised that information they used to apply for DACA status would not be “referred to ICE (Immigration and Customs Enforcement) for purposes of removal proceedings” even if the United States Citizenship and Immigration Services (USCIS) decided against approval except in limited circumstances.

Even in “exceptional circumstances” the families of people who applied for DACA status would not be referred to ICE for purposes of immigration enforcement against family members or guardians

Information provided by employers of DACA applicants would not be “shared with ICE for civil immigration enforcement purposes” when the information was submitted to support a request for consideration for DACA status.

# THREATS AGAINST PRES. TRUMP RE: DACA

On June 29, 2017, attorneys general of 10 states including Texas threatened to sue U.S. Attorney General Jeff Sessions and President Trump if they failed to end the DACA program by September 5, 2017.

Attorneys General signing the letter: Alabama, Arkansas, Idaho, Kansas, Louisiana, Nebraska, South Carolina, Tennessee, Texas, West Virginia and Governor of Idaho

# CONCLUSIONS OF THE SEPT. 5, 2017 MEMO:

Homeland Security promised to “reject all DACA initial requests and associated applications for Employment Authorization Documents” filed after Sept. 5, 2017 and to “reject all renewal applications it receives after October 5, 2017, and all renewal applications for authorizations that expire after March 5, 2018.”



# CONSEQUENCES OF RESCISSION

DACA grantees whose deferred action expires after March 5, 2018 will immediately lose their employment authorization, as well as other vital benefits, such as social security cards, driver's licenses and financial aid among other benefits. They may also lose their homes if the program is allowed to expire.

Because of the rescission, information provided to the federal government by DACA grantees may be used against them at any time, without notice, for purposes of immigration enforcement, including detention or removal.

# NM DECLARATIONS IN SUPPORT OF THE ATTORNEY GENERAL'S OPPOSITION TO DACA RESCISSION

UNM Interim President Chaouki Abdallah

- UNM represents 33,000 students, employs 9500 persons, receives more than \$50k in scholarships from the Mexican government. The vision of the [UNM] Diversity Council is to embody diversity, equity, inclusion and excellence as a strength and a strategic advantage.”

UNM School of Law Co-Deans Sergio Pareja and Alfred Mathewson

-UNM Law School admits a cohort of 110-120 students each year for a total student population of approximately 350 without regard to immigration status. “This is consonant with our core values of diversity and inclusion. . . Such diversity enriches the teaching and learning experience for all our faculty and students. It also helps ensure that UNM School of Law graduates will have the cultural and legal skills to serve the needs of our diverse state, nation, and world.”

# NM DECLARATIONS OF SUPPORT (CONTINUED)

Paul Roth, M.D. , UNM Health  
Sciences Center Executive Vice  
President and Chancellor

-UNM Health Sciences Center  
employs 8000 persons and has an  
average enrollment of 1966 students.  
Students, employees and families  
may be affected.

# ORGANIZATIONS & PERSONS AGREEING TO TESTIFY, IF NEEDED:

- Archdiocese of Santa Fe, represented by Anne Avellone, LMSW, Office of Social Justice and Respect Life
- Las Cruces Diocese, represented by David McNeill, Jr., Deacon, Chancellor & General Counsel
- UNM School of Law Professor Jennifer Moore
- Abbas Akhil, Past President of NM Islamic Center

# OTHERS AGREEING TO TESTIFY, IF NEEDED:

- NM Faith Coalition for Immigrant Justice, represented by Lane Leckman, M.D., distinguished fellow, American Psychiatric Association; clinical associate, UNM; past president, New Mexico Psychiatric Association; volunteer for psychiatric evaluations of persons held at the Cibola Corrections Facility who are seeking asylum
- El Centro de la Raza, represented by Armando Bustamante



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