



CITY AND COUNTY OF SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION

Edwin M. Lee, Mayor
Naomi Kelly, City Administrator

Commissioners:

Celine Kennelly, Chair
Haregu Gaime, Vice Chair
Almudena Bernabeu
Elahe Enssani
Felix Fuentes
Florence Kong
Edward Lee
Melba Maldonado
Toye Moses
Mario Paz
Leah Chen Price
Andrei Romanenko

Executive Director:

Adrienne Pon
Office of Civic Engagement &
Immigrant Affairs

November 10, 2015

STATEMENT OF THE SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION ON THE 5TH CIRCUIT COURT RULING AGAINST EXECUTIVE ACTION

Late yesterday, the 5th U.S. Circuit Court of Appeals in New Orleans upheld an earlier decision by a Texas-based federal judge to block President Obama's executive actions to prevent the deportation of nearly five million undocumented immigrants, including the parents of legal U.S. citizens and residents.

The legal battle was initiated by conservative state lawmakers who filed a 26-state lawsuit (Texas v. United States) challenging the President's legal authority to take executive action on immigration policy in the absence of any congressional effort to reform the nation's broken immigration system. In February 2015, Texas-based federal Judge Andrew Hanen issued an injunction to temporarily block the implementation of expanded Deferred Action programs, including the Deferred Action for Parental Accountability (DAPA).

The appeals court accepted the Texas state argument that an expansion of immigration relief to include a wider class of undocumented immigrants would cause the state to "incur significant costs in issuing driver's licenses to DAPA beneficiaries" – thereby, meeting the basic "harm" requirement for any litigant seeking standing to sue. The original Deferred Action for Childhood Arrivals (DACA) program announced in 2012 remains unaffected by the lawsuit.

Needless to say, for the millions of immigrants living in the shadows and fearful of their future, the ruling was disappointing but not unexpected, since the 5th Circuit Court is considered the most conservative in the nation.

It has been clear from the start that the politically driven lawsuit would likely result in the case being heard by the U.S. Supreme Court. Monday's decision could still allow enough time for the case to be heard by the nation's highest court while President Obama is still in office.

Time is of the essence. The Immigrant Rights Commission urges the Mayor and Board of Supervisors to communicate with the U.S. Department of Justice to waste no time in filing an immediate appeal of the 5th Circuit Court ruling with the Supreme Court.

We are a nation and city of immigrants. The detention, deportation and dividing of innocent families is inhumane and not a reflection of the ideas that form the foundation of American principles and values.

This decision affects our neighbors, friends and loved ones. We urge the City of San Francisco to continue its leadership in promoting family unity, justice and equal opportunity for all of America's people, regardless of status.

Respectfully Submitted on behalf of the Commission,



Celine Kennelly, Chair



Haregu Gaime, Vice Chair

The Immigrant Rights Commission is an appointed 15-member body that informs and advises the Mayor, Board of Supervisors and city officials on the wellbeing and integration of immigrants in San Francisco. Members of the Commission must be citizens of the United States. For more information on the IRC, contact the Office of Civic Engagement & Immigrant Affairs at civic.engagement@sfgov.org.