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NY, LA Lead 33 Mayors' Support Of Obama Immigration Action

By **Daniel Siegal**

Law360, Los Angeles (January 28, 2015, 3:49 PM ET) -- Mayors for 33 cities, including New York and Los Angeles, on Tuesday argued President Barack Obama's recent executive action on immigration will support local economies and law enforcement, filing an amicus brief in the 26-state suit in Texas federal court seeking to block the action.

The mayors, as well as the U.S. Conference of Mayors and the National League of Cities, filed the amicus brief opposing the Texas-led states' motion for a preliminary injunction seeking to block the executive action, which create a legal avenue for undocumented immigrants to stay in the country.

In the brief, the mayors of the largest cities in the country — including Bill de Blasio of New York and Eric Garcetti of Los Angeles, as well as the mayors of Atlanta, Baltimore, Chicago, Denver, Washington D.C., Houston, Minneapolis, San Francisco and Newark, New Jersey — argue that the measure will strengthen their cities by keeping families together, growing their economies and fostering community trust in law enforcement.

"Because the undersigned mayors regularly witness the substantial economic and social contributions of immigrants, including undocumented immigrants, they support the executive action and support the building of stronger cities through the successful integration of immigrants into the civic, legal and cultural fabric of our communities," the brief states.

Although only 17 states **initially kicked off** the suit early last month, that number has grown to 26, with **Nevada and Tennessee signing on** earlier this week. The plaintiffs claim the directives violate the so-called take care clause of the U.S. Constitution and the Administrative Procedure Act.

The president's **action on immigration** was unveiled Nov. 20, and will reportedly affect about 4.5 million people. Under the directives, undocumented immigrants who have been in the U.S. for more than five years and have children who are legal residents will be able to apply to stay in the country temporarily without fear of deportation, after passing a background check and paying taxes.

The planned changes will also expand eligibility for the 2012 Deferred Action for Childhood Arrivals program, which allows certain undocumented immigrants who entered the country as minors to apply for two-year deferred deportation and work permits, by removing age limits and expanding the program to three years.

The plaintiffs quickly pushed for a **preliminary injunction**, arguing they would lose money because the cost of additional drivers' licenses would not be recouped and because the cost of verifying deferred action documents before issuing those licenses would also be absorbed by the states.

They also claimed they were facing “irreparable injuries” because the U.S. Department of Homeland Security directives implementing the Nov. 20 executive action would cause a humanitarian crisis on Texas’ southern border with “new waves of illegal immigration.”

The federal government countered there was no risk of irreparable harm, adding that the plaintiffs lacked standing to sue because they failed to demonstrate actual injury from the action.

In a proposed amicus brief, a group of 12 states and the District of Columbia states **sided with the Obama administration**, arguing that the new deferred deportation programs will boost tax revenue and won’t lead to an increase in undocumented immigrants. The states, including California, New Mexico and New York, argued that pausing deportation and providing work authorization for immigrants provides economic benefits to states by boosting earnings and upping the tax base.

The case has attracted a host of amicus curiae requests, including a group of 27 members of Congress siding with the plaintiffs and **Arizona Sheriff Joe Arpaio**, who recently lost his own challenge to Obama’s actions on standing grounds.

On Tuesday, the amici mayors argued that while the executive action is not a “comprehensive solution” and that more legislative reform is needed, granting a preliminary injunction would harm the public interest by delaying improvements to public safety that will result from the executive action by reducing the fear undocumented immigrants have of interacting with law enforcement.

The intervening mayors are represented primarily by city attorneys; and Sean A. Andrade and Henry H. Gonzalez of Andrade Gonzalez LLP. The Mayor of the Village of Dolton is represented by John B. Murphey of Rosenthal Murphey Coblenz & Donahue. The National League of Cities is represented by in-house counsel Carolyn Coleman, and the U.S. Conference of Mayors is represented by its general counsel John Daniel Reaves.

Most of the plaintiff states are represented by their attorneys general. Indiana is represented by Joseph C. Chapelle and Peter J. Rusthoven of Barnes & Thornburg LLP, Mississippi Gov. Phil Bryant is represented by his deputy counsel, Drew Snyder. North Carolina Gov. Pat McCrory is represented by his general counsel, Robert C. Stephens. Idaho Gov. C.L. Otter is represented by Legal Counsel Tom Perry and Associate Counsel Cally Younger.

The federal government is represented by Kyle R. Freeny and Adam Kirschner of the U.S. Department of Justice and Daniel Hu of the U.S. Attorney’s Office for the Southern District of Texas.

The case is Texas et al. v. U.S. et al., case number 1:14-cv-00254, in the U.S. District Court for the Southern District of Texas.

--Additional reporting by Michael Lipkin Paul DeBenedetto, Kelly Knaub, Allissa Wickham and Jess Davis. Editing by Patricia K. Cole.

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