

Message Guidance:

Talking *United States v. Texas* Supreme Court Case on Deferred Action for Parents of Americans (DAPA) and expanded Deferred Action for Childhood Arrivals program (DACA+)

#FightForFamilies

The Supreme Court will hear oral arguments on President Obama's executive actions on the Deferred Action for Parents of Americans program (DAPA) and the expanded Deferred Action for Childhood Arrivals program (DACA+) on April 18. This case is of extreme importance to millions of immigrants and their families, to communities across the country, and to our national identity.

Here are a few tips on talking about the case and the oral argument:

1. Lead with values.

- ▶ **Family:** At its core, DAPA is about keeping families together. Eighty-nine percent of those eligible for the program are parents of American citizens.
- ▶ **Justice:** These programs are about justice for millions of workers, parents, students, and neighbors who just want to contribute to and participate in this country, like anyone else.
- ▶ **Our National Identity:** This case is about who we are as a country—one who welcomes or one who excludes. We can't allow the rhetoric of fear and hate win out over common sense and inclusion. The extremists who brought this case to the court are blocking real solutions that affect real people and families, and they're doing it to make a political point.

2. Stress that DAPA and DACA+ are commonsense solutions and well within the law.

- ▶ It is the president's lawful right to take executive action to set priorities on immigration enforcement. President Obama is enforcing existing laws passed by Congress, using discretion granted to him by Congress. President Obama's deferred action initiatives are practical, legal, and in line with actions taken by other presidents from both parties.
- ▶ Every president since Eisenhower has taken executive action to shape immigration priorities over the last 50 years, including presidents Reagan and George H.W. Bush.
- ▶ Most Americans would agree that a father or mother of a U.S. citizen or a young person who came to this country as a child are not priorities for deportation, which is what DAPA and expanded DACA establish.

3. This case is about all of us.

- ▶ Ensuring full economic participation and contribution of millions of American families will create jobs and add billions to our tax coffers.
- ▶ A ruling against DAPA and expanded DACA won't just impact immigrant families—it will impact everyone. Our communities don't want to experience the chaos of tearing families apart or making it harder for some folks to work and support a family. Inclusion and participation make our communities strong. Targeting parents of American citizens for deportation only weakens them.

Based on recommendations from the DAPA/DACA+ Communications Workgroup Messaging Guide.

Background on *United States v. Texas*

On November 20, 2014, President Obama issued a series of executive actions that clarified immigration priorities. These executive actions expanded the existing Deferred Action for Childhood Arrivals program (DACA) and initiated the Deferred Action for Parents of Americans program (DAPA). These initiatives allowed qualified individuals to come forward and request a grant of deferred action on deportation, de-prioritizing their deportations. These programs also granted recipients with temporary work authorization.

Shortly after Obama's announcement of these executive actions, Texas and several other states challenged the actions. The judge in the Texas lawsuit, Judge Andrew S. Hanen, issued a preliminary injunction in favor of Texas and the other plaintiffs. Judge Hanen held that Texas had standing because DAPA and the expanded DACA would require Texas to issue more state driver's licenses, and thus presented a sufficient legal injury on the state of Texas. The court also held that the federal government did not comply with the procedural requirements of the Administrative Procedure Act. Because of the preliminary injunction, millions of qualified immigrants are currently unable to seek relief under the expanded DACA and DAPA programs.

The United States government challenged the ruling and requested that the preliminary injunction be lifted pending its appeal to the U.S. Court of Appeals for the Fifth Circuit. However, the Fifth Circuit upheld Judge Hanen's holding, and the programs are still inactive pursuant to the preliminary injunction.¹

The Supreme Court is now reviewing the challenge to the President's executive actions. The outcome of this case will impact millions of immigrants. This case will also likely impact the discourse around immigration and may be an opportunity for political candidates to further articulate their positions on immigration.

¹ *Texas v. United States*, 787 F.3d. 733 (5th Cir. 2015).