

**Congress of the United States**  
**Washington, DC 20515**

August 1, 2017

President Donald J. Trump  
The White House  
1600 Pennsylvania Ave., NW  
Washington, D.C. 20500

Dear Mr. President:

We respectfully request that you continue Deferred Action for Childhood Arrivals (DACA) and engage in a vigorous legal defense of DACA in light of the renewed threat of litigation. Along with continuing to accept requests for DACA, we ask that you direct your administration to: (a) oppose any efforts to challenge DACA in the ongoing *Texas v. United States* litigation;<sup>1</sup> (b) ask the court to dismiss the complaint in *United States v. Texas*; and (c) refuse any settlement that would end DACA.

On June 29, the Texas Attorney General, along with nine other attorney generals, in an attempt to usurp your authority, delivered to you an ultimatum threatening a legal challenge to DACA unless you ended the program by September 5, 2017. DOJ has already made problematic decisions in choosing not to oppose Texas' request to stay the proceedings.<sup>2</sup> We are further disturbed by Secretary Kelly's comments that he does not believe DACA is legally or constitutionally defensible.<sup>3</sup> Finally, we are concerned that Attorney General Jeff Sessions, who has historically opposed DACA, is now trying to abrogate your authority and set the Administration's immigration policies, when, ultimately, you hold that authority. You have stated, you "understand the situation very well" and that the future of DACA is "a decision that [you] make," not your subordinates.<sup>4</sup> Furthermore, as you are aware, there is substantial legal support for the constitutionality of DACA.<sup>5</sup> We commend your Administration's continuation of DACA and encourage you to keep DACA in place until Congress enacts a permanent legislative solution for this population.

As you know, over 787,000 individuals currently possess a grant of DACA, all of whom were thoroughly vetted for national security and criminal backgrounds.<sup>6</sup> Ending DACA would increase the nation's undocumented population, profoundly and negatively impact our nation's economy, contracting the nation's GDP by \$ 460.3 billion.<sup>7</sup> Additionally, this reduces federal tax contributions to Social Security and Medicare by \$24.6 billion over a decade, and costs businesses \$3.4 billion in unnecessary turnover costs.<sup>8</sup>

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<sup>1</sup> *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015).

<sup>2</sup> Motion to Stay Merits Proceedings, *Texas v. United States*, No. 14-CV-00254 (S.D. Tex. July 7, 2017).

<sup>3</sup> Ted Hesson, *Kelly won't commit to defending DACA in court*, Politico, July 12, 2017, available at <http://www.politico.com/story/2017/07/12/john-kelly-daca-legal-challenge-240470>.

<sup>4</sup> David Lauter, *Trump says he'll make the final call on DACA, not subordinates*, L.A. Times, July 13, 2017, available at <http://www.latimes.com/politics/washington/la-na-essential-washington-updates-president-trump-says-he-not-1499977334-htmstory.html>.

<sup>5</sup> Letter from Hiroshi Motomura, Professor of Law, University of California, Los Angeles School of Law, et. al, to Barack H. Obama, President, United States, Nov. 25, 2014, available at <https://pennstatelaw.psu.edu/sites/default/files/documents/pdfs/Immigrants/executive-action-law-prof-letter.pdf>.

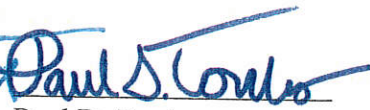
<sup>6</sup> U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, Number of I-821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2017, 1 (March 31, 2017), available at <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals>.

<sup>7</sup> Nicole Prchal Svajlenka, Tom Jawetz, and Angie Bautista-Chavez, *A New Threat to DACA Could Cost States Billions of Dollars*, Center for American Progress, July 21, 2017, <https://www.americanprogress.org/issues/immigration/news/2017/07/21/436419/new-threat-daca-cost-states-billions-dollars/>

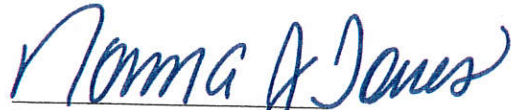
<sup>8</sup> Jose Magaña-Salgado, *Money on the Table: The Economic Cost of Ending DACA*, Immigrant Legal Resource Center, Dec. 2016, available at <https://www.ilrc.org/report-daca-economic-cost>.




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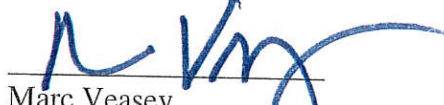
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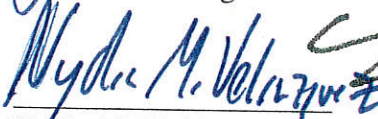
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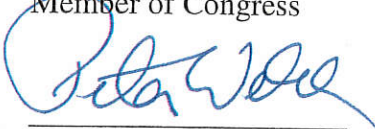
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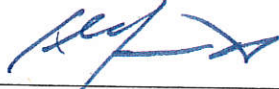
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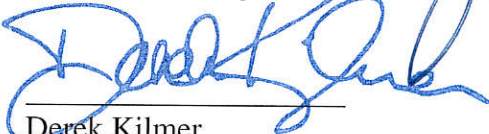
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