



December 4, 2014

RE: Oppose H.R. 5759, the Executive Amnesty Prevention Act of 2014

Dear Representative,

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On behalf of the American Civil Liberties Union, please find attached our vote recommendation opposing Rep. Ted Yoho's bill, H.R. 5759, the Executive Amnesty Prevention Act of 2014. A recorded vote on this bill is anticipated on the House floor at 1 p.m. today. **The ACLU will score the vote on the bill.**

Please don't hesitate to contact Joanne Lin (202/675-2317; jlin@aclu.org) with any questions.

LAURA W. MURPHY
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Regards,

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ACLU Recommends a NO Vote on H.R. 5759

The American Civil Liberties Union recommends a NO vote on H.R. 5759 for the following reasons:

H.R. 5759 seeks to prevent the executive branch from taking action to protect categories of persons who are unlawfully present in the U.S. On its face, the bill seeks to undo the Deferred Action for Parent Accountability (“DAPA”) initiative announced by the Obama administration on November 20, 2014.

- **H.R. 5759 seeks to bar the executive branch from temporarily protecting several million individuals from deportation; those individuals are parents of U.S. citizens or lawful permanent residents.** DAPA would prevent the separation of several million mixed-status families by allowing parents of U.S. citizens or permanent residents to remain and work in the U.S. on a temporary basis. These families have lived under the constant peril of deportation and permanent separation for years. DAPA falls far short of what is necessary to reform our immigration laws but provides a critical step to stabilize American families, schools, workplaces, and places of worship.
- **Beyond threatening several million families with deportation, H.R. 5759 would sweep in many vulnerable people in dire circumstances who depend on government protection from deportation.** This includes survivors of domestic violence, rape, and sexual assault, as well as victims of crime who have been granted immigration protection through the Violence Against Women Act. For the past two decades Congress has worked in a bipartisan manner to protect undocumented victims of domestic violence, sexual assault, and other crimes. H.R. 5759 would bar the executive branch from protecting many of these immigrant victims, thereby jeopardizing them to future harm and exploitation.

In undertaking executive action on immigration, the President acted within established legal authority. The Supreme Court has repeatedly recognized this authority, most recently in *Arizona v. United States*.¹ Rather than rescinding DAPA, the House should seriously address our immigration system by passing H.R. 15 or other comparable comprehensive legislation that legalizes the millions of undocumented immigrants in our country.

We ask that you oppose H.R. 5759. For more information, please contact ACLU legislative counsel Joanne Lin (202/675-2317; jlin@aclu.org).

¹ 567 U.S. ___, 132 S. Ct. 2492 (2012). The Court noted that: “A principal feature of the removal system is the broad discretion exercised by immigration officials. . . . Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all.” See also *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 483-84 (1999) (“at each stage” of the “initiation or prosecution of . . . the deportation process,” “the Executive has discretion to abandon the endeavor”; referring to deferred action as one aspect of that discretion).