

MEMORANDUM

Agenda Item No. 11(A)(24)

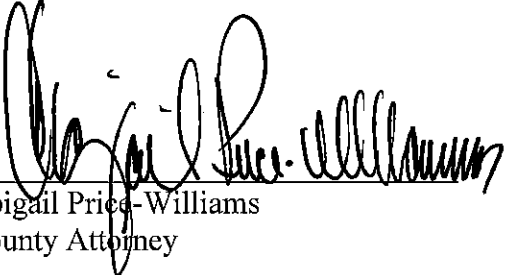
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the United States Congress to enact S. 1615, H.R. 3440, the Dream Act, or similar legislation that would require the Department of Homeland Security to cancel the deportation of and grant legal status to individuals who were granted Deferred Action for Childhood Arrivals ("DACA") status; opposing the deportation of DACA Dreamers; urging the United States Congress to enact legislation that would protect DACA Dreamers from deportation and create a pathway to legal status; and opposing the issuance of executive orders further limiting the DACA program

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(24)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(24)

11-7-17

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT S. 1615, H.R. 3440, THE DREAM ACT, OR SIMILAR LEGISLATION THAT WOULD REQUIRE THE DEPARTMENT OF HOMELAND SECURITY TO CANCEL THE DEPORTATION OF AND GRANT LEGAL STATUS TO INDIVIDUALS WHO WERE GRANTED DEFERRED ACTION FOR CHILDHOOD ARRIVALS (“DACA”) STATUS; OPPOSING THE DEPORTATION OF DACA DREAMERS; URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION THAT WOULD PROTECT DACA DREAMERS FROM DEPORTATION AND CREATE A PATHWAY TO LEGAL STATUS; AND OPPOSING THE ISSUANCE OF EXECUTIVE ORDERS FURTHER LIMITING THE DACA PROGRAM

WHEREAS, on June 15, 2012, Janet Napolitano, former Secretary of the Department of Homeland Security, issued a memorandum (“DACA Memorandum”) to Immigration and Customs Enforcement (“ICE”), U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services (“USCIS”) entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” which established the program known as Deferred Action for Childhood Arrivals (“DACA”); and

WHEREAS, the DACA Memorandum set forth the criteria for the Department of Homeland Security to exercise prosecutorial discretion to defer removal actions for certain young people who were brought to this country as children who lacked the intent to violate immigration laws and who only know this country as home; and

WHEREAS, to apply for DACA, individuals must have lacked legal immigration status, been younger than 31 on June 15, 2012, arrived in the U.S. before turning 16, and lived continuously in the U.S. since June 2007; and

WHEREAS, the DACA program permits individuals brought to the United States illegally as minors to receive a renewable two-year period of deferred action from deportation and provides an opportunity for eligible individuals to obtain a work permit; and

WHEREAS, DACA provides its recipients, often referred to as “Dreamers,” the temporary right to live, study and work in America without fear of deportation; and

WHEREAS, almost 800,000 Dreamers were granted protections under the DACA program; and

WHEREAS, on September 5, 2017, Elaine Duke, Acting Secretary of the Department of Homeland Security, issued a memorandum to ICE, U.S. Customs and Border Protection, and USCIS, rescinding the June 15, 2012 DACA Memorandum and advised Department of Homeland Security personnel to take all appropriate actions to execute a wind down of the DACA program; and

WHEREAS, the Department of Homeland Security provided a limited six month window during which it would consider requests for DACA and applications for work authorization under specific parameters; and

WHEREAS, DACA benefits are provided on a two-year basis and individuals with DACA status will be permitted to retain DACA status and work authorizations until expiration, on or before March 2020; and

WHEREAS, Dreamers will no longer have protection from deportation under DACA or receive authorization to work after expiration of their DACA application and employment authorization documents; and

WHEREAS, the wind down of the DACA program impacts almost 800,000 young people who entered the U.S. before age 16, who had temporary protection from deportation, and who obtained work authorization; and

WHEREAS, Dreamers are integral to our country, community, and economy; and

WHEREAS, a pair of bills entitled the Dream Act of 2017, S. 1615 by United States Senator Lindsey Graham (R-South Carolina) and H.R. 3440 by United States Representative Lucille Roybal-Allard (D-California), have been filed for consideration during the 115th Congress; and

WHEREAS, S. 1615 and H.R. 3440 are bills authorizing the cancellation of removal, known as deportation, and the adjustment of status to a legal permanent resident for certain individuals, including but not limited to Dreamers, who are long-term United States residents and who entered the United States as children; and

WHEREAS, the Dream Act of 2017 would also prohibit the Department of Homeland Security from disclosing or using information provided in DACA requests for immigration enforcement purposes; and

WHEREAS, the United States Congress has considered legislation similar to the Dream Act of 2017 several times since 2001; and

WHEREAS, on March, 7, 2017, this Board adopted Resolution No. R-199-17 which urged the United States Congress and President Trump to enact comprehensive immigration reform during the 115th Congress; and

WHEREAS, this Board supports S.1615, H.R. 3440 or similar legislation that would prohibit the deportation of Dreamers and provide Dreamers a pathway for legal status to remain in the United States,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the United States Congress to enact S. 1615, H.R. 3440 or similar legislation that would direct the Department of Homeland Security to cancel the deportation of and grant legal status to individuals who were granted Deferred Action for Childhood Arrivals (“DACA”) status.

Section 2. Opposes the deportation of DACA Dreamers.

Section 3. Urges the United States Congress to enact legislation that would protect DACA Dreamers from deportation and create a pathway to legal status for DACA Dreamers.

Section 4. Opposes the issuance of executive orders further limiting the DACA program.

Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States, Members of the Florida Congressional Delegation and the Department of Homeland Security.

Section 6. Directs the County’s federal lobbyists to advocate for the legislative actions set forth in Sections 1, 3 and 4 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 Federal Legislative Package to include this item and to include this item in the 2018 Federal Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------------------|----------------------|
| Esteban L. Bovo, Jr., Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Suzanne Villano-Charif