

AG Balderas Files Lawsuit against Trump to Protect Dreamers & Preserve DACA

Written by Office of NM Attorney General Hector Balderas
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Nearly 7,000 DACA Grantees in New Mexico

ALBUQUEQUE – Attorney General Hector Balderas joined a coalition of 16 Attorneys General in filing suit Sept. 6, to protect Deferred Action for Childhood Arrivals grantees in New Mexico and across the United States.

The lawsuit, which was filed this afternoon in the U.S. District Court for the Eastern District of New York, details how the Trump Administration has violated the Equal Protection clause of the Constitution by discriminating against Dreamers of Mexican origin, who make up 78 percent of DACA recipients; violated Due Process rights; and harmed States' residents, institutions, and economies.

"I filed suit against President Trump and his administration to protect DACA because Dreamers are just as American as First Lady Melania Trump," Balderas said. "President Trump cannot continue compromising the safety of our communities and our nation, or putting the security of thousands of New Mexicans who contribute to our classrooms, public safety and economy at risk."

The lawsuit filed today by New Mexico Attorney General Hector Balderas and attorneys general from Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Iowa, Massachusetts, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, and Virginia, and Washington.

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New Mexico is home to nearly 7,000 DACA grantees. There are approximately 800,000 DACA recipients across the country. According to the Center for American Progress, 97 percent of DACA grantees are employed or go to school, and they pay millions annually in state and local taxes, as the Institute of Taxation and Economic Policy has detailed.

The lawsuit also includes a number of declarations from businesses, academic institutions, local governments, DACA grantees, and others impacted by the Trump administration's decision.

AS THE LAWSUIT STATES:

Since 2012, DACA has allowed hundreds of thousands of young people to live, study, and work in the United States, and to become stable and even more productive members of their communities, without fear that they could be arrested and placed in deportation proceedings at any moment.

Throughout the country, DACA grantees are employed by various companies and State and municipal agencies, which benefit from their skills and productivity. DACA grantees also contribute significantly to State and local revenues and tax bases. Yet, as a result of the DHS Memorandum, approximately 1,400 DACA grantees will lose their work authorization and risk termination of employment each day as their terms begin to expire. DACA recipients will lose their eligibility for public and employer-based health insurance programs that reduce the States' health expenditures and promote public health.

They also will lose their right to enroll in higher education institutions with in-state admissions preferences and tuition; thus, public universities will be deprived of a means by which they enrich the experience of all students and faculty through diversity and new perspectives.

More than 78 percent of DACA grantees are of Mexican origin, which is more than double the percentage of people of Mexican origin that comprise of the overall foreign-born population (29 percent) of the United States. Ending DACA, whose participants are mostly of Mexican origin, is a culmination of President's Trump's oft-stated commitments—whether personally held, stated to appease some portion of his constituency, or some combination thereof—to punish and

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disparage people with Mexican roots.

The consequence of the President's animus-driven decision is that approximately 800,000 persons who have availed themselves of the program will ultimately lose its protections, and will be exposed to removal when their authorizations expire and they cannot seek renewal. The individuals who have relied on DACA are now more vulnerable to removal than before the program was initiated, as they turned over sensitive information to the federal government in their applications.

Despite the federal government's repeated promises that it would not use such information to conduct enforcement measures, the Memorandum does not explain how the government will keep that information secure, nor does it provide any assurances that immigration enforcement agents will not use such information to find and remove those who applied for DACA.

Rescinding DACA will cause harm to hundreds of thousands of the States' residents, injure State-run colleges and universities, upset the States' workplaces, damage the States' economies, hurt State-based companies, and disrupt the States' statutory and regulatory interests

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