



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: March 1, 2016
TO: City Council
FROM: Mayor Dianne Martinez
SUBJECT: **Authorization To Join Proposed Amicus Brief Re: Supreme Court Appeal On Immigration Executive Action**

RECOMMENDATION

The City Council is asked to consider joining other local governments and public officials in supporting an amicus brief to the United States Supreme Court in support of President Obama's executive action on immigration.

BACKGROUND AND DISCUSSION

On January 19, 2016, the United States Supreme Court agreed to review a preliminary injunction blocking the implementation of the President's executive action on immigration (*Texas v. United States*, No. 15-674, ____ U.S. ____). The executive action provides that undocumented immigrants who have been in the country since January 2010 and who have children with legal status may remain in the US and apply for work permits so long as they have not committed felonies or repeated misdemeanors.

In February 2015 a Texas District Court issued a preliminary injunction halting the program while the matter worked its way through the judicial process. A federal appeals court upheld the preliminary injunction, and the White House appealed that decision. The Supreme Court has agreed to consider whether the preliminary injunction should stand or if the President's executive program may proceed.

An amicus brief is being prepared in support of the President's actions. The brief argues that local governments, including cities and counties, benefit from the executive program, as it promotes family unity and child welfare by preventing families from separation based on immigration status. On the issue of standing, the brief will argue that the plaintiff states failed to represent the interest of cities and counties who support the executive action.

A number of cities and public officials across the nation have joined in support of the amicus brief. Please see attached memo. The City of Emeryville is asked to consider

whether to join in supporting the amicus brief. The deadline to include the City on the list of supporters is March 4, 2016. A briefing schedule for the hearing before the Supreme Court has not yet been announced.

FISCAL IMPACT

There is no fiscal impact in joining the amicus brief.

Mayor Dianne Martinez

Attachments:

1. Memorandum from City of New York