



How United States v. Texas Impacts Communities

Presented by Penn State Law's Center for Immigrants' Rights Clinic

April 18, 2016 State College Borough Council

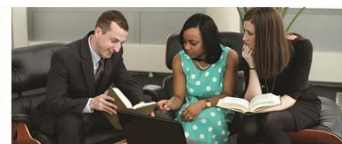


Prosecutorial Discretion

Prosecutorial discretion is the authority of an agency or officer to decide what charges to bring and how to pursue a case

Understanding Prosecutorial Discretion in Immigration Law,
American Immigration Council (September 9, 2011),
<http://www.immigrationpolicy.org/just-facts/understanding-prosecutorial-discretion-immigration-law#1>).

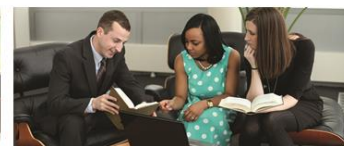




Deferred Action for Parents of Americans and Lawful Permanent Residents

- Has a son/daughter who is a citizen or holds a green card
- Continuous residence since 2010
- Physically present on date of announcement and date of application
- No lawful status in US
- Not a DHS enforcement priority
- No other significant negative factors





United States v. Texas

DAPA and DACA+ announced on November 20, 2014



Lawsuit filed by Texas and 25 states



District Court decision



5th Circuit decision



Supreme Court agrees to hear the case



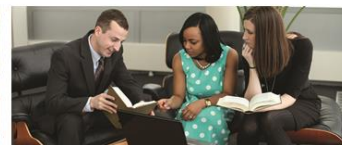


United States v. Texas

Issues:

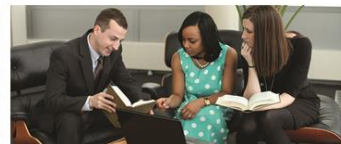
- 1) Do the states have standing?
- 2) Is the Guidance beyond the President's powers?
- 3) Is the Guidance subject to notice-and-comment rulemaking
- 4) Has the President violated the Take Care clause?





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Human Impact



Effects on Children & Families





Public Safety

“If we have any group of who are afraid to talk to us or don’t trust us, that’s going to compromise our ability to produce public safety.”

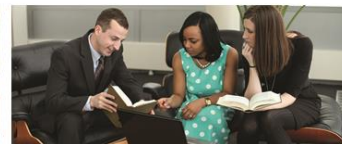
-Richard Biehl, Dayton Ohio Chief of Police





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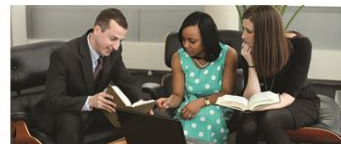




Moving forward

- 1) Unfreeze DAPA
- 2) Build Welcoming Communities initiative
- 3) Implement written police policy





Unfreezing DAPA

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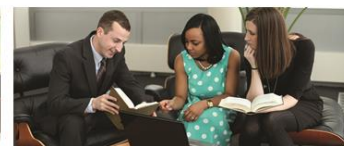
Events planned in 20 cities across the country, while Grammy winning band La Santa Cecilia will headline rally outside of the Supreme Court Monday.

buzzfeed.com



Cities for Action Retweeted

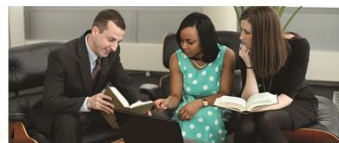




Welcoming Communities

- 1) Initial commitment
- 2) Enhancing collaboration
- 3) Taking action and demonstrating progress





Written policy

DAYTON POLICE DEPARTMENT

IMMIGRATION STATUS/ ENFORCEMENT



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

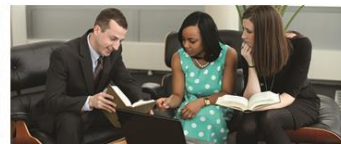
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Policy Statement

Local law enforcement activities with respect to immigration enforcement are very convoluted and difficult tasks given the realities of the Dayton Police Department's mission and personnel. The following points identify the scope of this policy:

- Local enforcement of immigration laws undermines the trust and cooperation with immigrant communities that are essential elements of community oriented policing.
- The Dayton Police Department does not possess adequate resources to enforce these laws in addition to the added responsibility of homeland security.
- Immigration laws are very complex and the training required to understand them would significantly detract from the core mission of our department to create safe communities.
- The Dayton Police Department does not possess clear authority to enforce the civil aspects of these laws. If given the authority, the Federal Government does not have the capacity to handle the volume of immigration violations that currently exist.
- The lack of clear authority increases the risk of civil liability for the City of Dayton and the Dayton Police Department.





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Thank you



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