

BILL ANALYSIS

AJR 49
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Date of Hearing: August 12, 2014

ASSEMBLY COMMITTEE ON JUDICIARY
Bob Wieckowski, Chair
AJR 49 (Gonzalez) - As Introduced: July 2, 2014

As Proposed to be Amended

SUBJECT : IMMIGRATION

TO KEY ISSUE : SHOULD THE LEGISLATURE CALL ON PRESIDENT OBAMA
TAKE EXECUTIVE ACTION TO SUSPEND ANY FURTHER DEPORTATIONS OF
LEGALIZATION-ELIGIBLE INDIVIDUALS WITH NO SERIOUS CRIMINAL
HISTORY?

SYNOPSIS

This resolution notes that an increasing number of immigrants have been deported in recent years, including many who have no serious criminal history. According to the resolution, many deportees are parents of U.S. citizen children who are often left with no parental guidance or care and a highly unstable financial situation as the result of the deportation. The resolution calls on the President to take executive action to suspend any further deportations of legalization-eligible individuals with no serious criminal history. This resolution is substantively identical to SR 40 (Correa) which passed the Senate with bipartisan support. There is no known opposition.

Obama to SUMMARY : Makes certain findings and calls on President
take certain actions regarding deportation of specified
immigrants. Specifically, this measure provides:

11.1 1)According to the Pew Hispanic Center, in 2011, there were
million unauthorized immigrants living in the United States;

Obama, 2)Deportations have reached record levels under President
rising to an annual average of nearly 400,000 since 2009;

no 3)According to Members of Congress Raul M. Grijalva and Yvette
Clarke, although the Obama Administration reportedly
prioritized deporting only criminals, many individuals with
serious criminal history consistently have been deported;

4)Increased deportations and a continuously broken immigration

system exacerbate the living conditions of United States citizen children whose parents have been deported;

5) Separation of children from their parents, irrespective of immigration status, always results in severe consequences for young children, who are often left with no parental guidance or care and a highly unstable financial situation;

6) As immigration continues to be at the center of a national debate, President Obama and Congress must implement a more humanitarian immigration policy that keeps families together;

7) California is home to approximately 10.3 million immigrants

of

which approximately 2.6 million are not authorized to live in the United States;

8) Many Members of Congress recently signed a letter requesting President Obama to suspend any further deportations; and

9) Since California is home to a large number of unauthorized immigrants from all parts of the world, this state should

make

it a priority to keep families together and continue to press President Obama and Congress for a solution to our broken federal immigration system.

10) Urges President Obama to take executive action to suspend

any

further deportations of legalization-eligible individuals

with

no serious criminal history.

EXISTING LAW , pursuant to the U.S. Constitution, locates the authority to regulate immigration and naturalization

exclusively

with the federal government. (U.S. Const., art. I, section 8, clauses 3 and 4; LULAC v. Wilson, (1995) 908 F. Supp. 755, 786-87; See also Takahashi v. Fish & Game Commission (1948) 334 U.S. 410, 419 (because the federal government bears the exclusive responsibility for immigration matters, the states "can neither add to nor take from the conditions lawfully imposed by Congress upon admission, naturalization and

residence

of aliens in the United States or the several states.")

FISCAL EFFECT : As currently in print this measure is keyed non-fiscal.

COMMENTS : The author explains the reason for the measure as follows

Under President Obama, deportations have risen to an average of 400,000 a year since 2009. Increased deportation and a broken immigration system harm the living conditions of U.S. citizen children whose parents have been deported. Separating families because of deportation can have severe consequences, especially for those children who are left without parental care in a highly unstable financial situation.

Therefore, it is vital that the state Legislature support an end to the deportation of legalization-eligible immigrants and back a more humanitarian immigration policy that keeps families together. The fiscal and social cost to California due to family separations and the loss of their children is enormous and inhumane.

AJR 49 calls upon President Obama to expand temporary protective status to all legalization-eligible immigrants through an executive action. This would initiate a 'deferred action' legalization process and cease the deportation of all eligible immigrants and families who have no serious criminal history, until Congress adopts humane and inclusive comprehensive immigration reform legislation.

The need for comprehensive immigration reform has been at the forefront of national debate for many years. As the resolution cites, based on data collected by the United States Census Bureau as of March 2010, an estimated 11.2 million unauthorized immigrants reportedly live in the United States, making up four percent of the nation's population, and 5.2 percent of the nation's workforce. (Passel and Cohn, Unauthorized Immigrant Population: National and State Trends, 2010 (Feb. 1, 2011) <http://www.pewhispanic.org/2011/02/01/iv-state-settlement-patterns/>.)

According to a 2011 research project, California has by far the largest unauthorized-immigrant population (2.55 million), which accounts for 6.8 percent of the state's population, and is among the states where unauthorized immigrants constitute the largest shares of the overall populations. (Passel and Cohn, Unauthorized Immigrant Population: National and State Trends, 2010 (Feb. 1, 2011) <http://www.pewhispanic.org/2011/02/01/iv-state-settlement-patterns/>.) Further,

unauthorized workers constitute roughly ten percent of California's labor force and are especially likely to hold

low-skilled jobs. (See Pew Hispanic Center, A Portrait of Unauthorized Immigrants in the United States (Apr. 14, 2009).)

On June 15, 2012, the Department of Homeland Security issued a directive creating deferred action for certain undocumented individuals who came to the United States as children and who have pursued education or military service. Under this federal program, the Deferred Action for Childhood Arrivals (DACA), approved applicants are granted deferred removal action, which may stop pending deportation proceedings or preclude the

federal

government from starting deportation proceedings against them. DACA does not grant lawful permanent residence or citizenship

to

these individuals, but if their applications are granted, they are lawfully permitted to work in the United States for a

period

of two years and may apply for renewal. Notably, one of the qualifications is that the individual has not been convicted of a felony offense, a significant misdemeanor, or more than three misdemeanors, and does not pose a threat to national security

or

public safety. At the same time, deportations have reached a record level, rising to an annual average of 400,000 since

2009.

(Lopez, As Deportations Rise to Record Levels, Most Latinos Oppose Obama's Policy (Dec. 28, 2011) <http://www.pewhispanic.org/2011/12/28/as-deportations-rise-to-record-levels-most-latinos->

opp

[ose-obamas-policy/](http://www.pewhispanic.org/2011/12/28/as-deportations-rise-to-record-levels-most-latinos-).) According to the National Immigration Law Center, more than 1,000 immigrants are separated from their families and communities each day.

Other recent California legislation urged Congress and the President to develop a comprehensive approach to immigration reform. (See AJR 15 (De Leon, Res. Ch. 62, Stats. 2010); AJR

15

(De Leon, Res. Ch. 60, Stats. 2010.)

This resolution would urge President Obama to take executive action to suspend any further deportations of legalization-eligible individuals with no serious criminal history. Given that DACA provides for suspension of

deportation

of individuals with no serious criminal history and

California's

legislative history supporting the enactment of DACA and urging immigration reform, this resolution is arguably consistent with current public policy and prior legislative findings and declarations regarding immigration reform.

author proposes the following minor amendments:

WHEREAS, Separation of children from their parents,
irrespective
of immigration status, always results in severe consequences
for
young children __, who are often left with no parental
guidance or
care and a highly unstable financial situation; and
?
Resolved by the Assembly and the Senate of the State of
California, jointly, That the Legislature urges President Obama
to take executive action to suspend any further deportations of
serious legalization-eligible ~~unauthorized~~ individuals with no
criminal history; and be it further

Prior/Pending Related Legislation . SR 40 (Correo) 2014,
containing virtually identical language to AJR 49, was recently
adopted.

AB 692 (Gonzalez) would require the Secretary of State to
submit
to the voters at the November 4, 2014 election an advisory
question asking whether the Congress of the United States
should
immediately reform our immigration laws and pass comprehensive
immigration reform that includes a path to citizenship for
immigrants meeting certain requirements, as specified, and
whether the President of the United States should halt
deportations of those immigrants until that new immigration law
is passed. Pending in Sen. Appropriations.

AJR 3 (Alejo) 2013 set forth goals for the reform of the
nation's immigration system, and urged Congress and the
President of the United States to take a humane and just
approach to solving the nation's broken immigration system.
Chaptered.

SJR 8 (Correa) 2013 recognized principles for repairing the
nation's historically broken immigration system, and urged
Congress and the President of the United States to take a
comprehensive and workable approach to improving the nation's
immigration system using those principles. Chaptered.

REGISTERED SUPPORT / OPPOSITION :

Support

California-Mexico Studies Center, Inc.

Opposition

None on file

Analysis Prepared by : Kevin G. Baker / JUD. / (916) 319-2334