

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE RESOLUTION

No. 134 Session of  
2019

---

INTRODUCED BY CRUZ, INNAMORATO, SCHLOSSBERG, CALTAGIRONE,  
KENYATTA AND HILL-EVANS, MARCH 8, 2019

---

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 8, 2019

---

A RESOLUTION

1 Condemning the decision by the Trump Administration to end the  
2 Deferred Action for Childhood Arrivals program and urging the  
3 Congress of the United States to enact meaningful immigration  
4 reform legislation to replace the program.

5 WHEREAS, Clause 4 of section 8 of Article I of the  
6 Constitution of the United States expressly provides the  
7 Congress of the United States with the power to establish a  
8 uniform rule of naturalization; and

9 WHEREAS, Since the first naturalization act was enacted in  
10 1790, dozens of immigration and naturalization laws have been  
11 enacted by Congress; and

12 WHEREAS, The Immigration Reform and Control Act (IRCA) of  
13 1986 (Public Law 99-603, 100 Stat. 3359), signed into law by  
14 President Ronald Reagan, was the first comprehensive immigration  
15 and naturalization law enacted by Congress to deter and control  
16 illegal immigration; and

17 WHEREAS, As part of IRCA, 2.7 million immigrants were awarded  
18 green cards after meeting certain criteria in the largest alien  
19 legalization program in United States history; and

1       WHEREAS, In response to failed congressional efforts to pass  
2 legislation to protect immediate family members who did not meet  
3 the criteria for amnesty, President Reagan's Immigration and  
4 Naturalization Service (INS) commissioner announced in 1987 that  
5 minor children of parents granted amnesty by IRCA would be  
6 protected from deportation; and

7       WHEREAS, When legislation to broaden legal status passed in  
8 the United States Senate but stalled in the House in 1989,  
9 President George H.W. Bush advanced a "family fairness" policy  
10 through the INS to protect immediate family members from  
11 deportation; and

12       WHEREAS, Through the "family fairness" policy and by signing  
13 the Immigration Act of 1990 (Public Law 101-649, Stat. 4978),  
14 President Bush protected approximately 1.5 million, or 40%, of  
15 illegal immigrants living in the United States; and

16       WHEREAS, Other than a couple of immigration statutes focused  
17 on enforcement enacted by Congress since the Immigration Act of  
18 1990, including the Illegal Immigration Reform and Immigrant  
19 Responsibility Act of 1996 (Division C of the act of September  
20 30, 1996, Public Law 104-208, 110 Stat. 3009-546), no major  
21 immigration reform legislation has been enacted in almost 30  
22 years; and

23       WHEREAS, Since 2001, some form of the Development, Relief,  
24 and Education for Alien Minors (DREAM) Act, which would create a  
25 multiphase process for qualifying immigrant minors that would  
26 first grant conditional then permanent residency upon meeting  
27 specific qualifications, has been introduced in Congress; and

28       WHEREAS, In June 2012, President Barack Obama announced an  
29 immigration policy change, known as the Deferred Action for  
30 Childhood Arrivals (DACA), as a compromise between the Obama

1 Administration and Congress after the DREAM Act of 2011 failed;  
2 and

3 WHEREAS, DACA allowed the Department of Homeland Security to  
4 exercise prosecutorial discretion on immigration cases regarding  
5 the deportation of individuals who were brought to the United  
6 States illegally as children; and

7 WHEREAS, The criteria for the individuals, known as  
8 "Dreamers," to qualify for DACA was similar to the DREAM Act and  
9 included being an immigrant who, in 2012, was between 16 and 30  
10 years of age, came to the United States as a child, had no  
11 criminal record and had lived continuously in the country for at  
12 least the past five years; and

13 WHEREAS, If Dreamers met the criteria under DACA, applied for  
14 deferred action and underwent a background check and  
15 fingerprinting, then a two-year authorization was granted during  
16 which the Department of Homeland Security would exercise its  
17 prosecutorial discretion and not deport them; and

18 WHEREAS, Unlike the DREAM Act, DACA did not confer legal  
19 status to any immigrant, because only Congress, through its  
20 legislative authority, can constitutionally do so; and

21 WHEREAS, Since DACA has been implemented, almost 700,000  
22 individuals have applied and been approved for deferred action,  
23 including nearly 6,000 Pennsylvanians; and

24 WHEREAS, More than three-quarters of DACA applicants are from  
25 Mexico, with the remaining from El Salvador, Guatemala,  
26 Honduras, Peru, Brazil, South Korea and the Philippines; and

27 WHEREAS, On September 5, 2017, The Trump Administration  
28 announced the end of the DACA program by March 5, 2018, and  
29 called on Congress to pass comprehensive immigration reform; and

30 WHEREAS, Ending DACA and deporting Dreamers, while within

1 Executive power, is not legally required, but is a political  
2 maneuver that will not help the United States economy, lower  
3 unemployment rates, lessen tax burdens or raise wages; and

4 WHEREAS, The Commonwealth of Pennsylvania joined 15 other  
5 states and the District of Columbia in a lawsuit against the  
6 Trump Administration to block the DACA termination on the  
7 grounds that the administration violated the Constitution's due  
8 process and equal protection clauses; and

9 WHEREAS, Multiple additional lawsuits were filed across the  
10 country challenging the Trump Administration's actions in  
11 terminating DACA; and

12 WHEREAS, Beginning in January 2018, Federal judges have  
13 issued injunctions ruling that DACA must be maintained on a  
14 nationwide basis, allowing renewal of current DACA  
15 beneficiaries; and

16 WHEREAS, Due to the court injunctions, Texas and six other  
17 states filed a lawsuit challenging the legality of DACA under  
18 the Administrative Procedure Act and the Take Care Clause of the  
19 Constitution of the United States; and

20 WHEREAS, A Texas Federal judge denied the plaintiff states'  
21 request for a preliminary injunction to stop the processing of  
22 DACA applications while the lawsuit is pending, recognizing the  
23 significant hardships that DACA beneficiaries would experience  
24 if such an injunction would be granted; and

25 WHEREAS, Deporting current DACA beneficiaries would deprive  
26 the United States of more than \$60 billion in tax revenue and  
27 \$280 billion of economic growth over the next 10 years; and

28 WHEREAS, In the Commonwealth of Pennsylvania alone, 87% of  
29 the nearly 6,000 DACA beneficiaries are employed and generate  
30 more than \$20 million in State and local taxes; and

1       WHEREAS, The Dreamers covered by DACA are in the United  
2 States through no fault of their own and pose no threat to the  
3 citizens of this country; and

4       WHEREAS, Ending DACA without a replacement program is  
5 detrimental to the almost 700,000 individuals who will be  
6 adversely affected and is generally a poor policy decision; and

7       WHEREAS, Several immigration reform bills, introduced by both  
8 Democrats and Republicans during the 115th Congress, failed to  
9 pass or even receive consideration; and

10       WHEREAS, The proposed legislation had bipartisan support and  
11 included the Recognizing America's Children (RAC) Act (H.R.  
12 1468) sponsored by Congressman Carlos Curbelo, R-FL, the  
13 American Hope Act of 2017 (H.R. 3591) sponsored by Congressman  
14 Luis Gutierrez, D-IL, the Bar Removal of Individuals who Dream  
15 and Grow our Economy Act (H.R. 496) sponsored by Congressman  
16 Mike Coffman, R-CO, and the Dream Act of 2017 (S. 1615)  
17 sponsored by Senator Lindsey Graham, R-SC; and

18       WHEREAS, The Dream Act of 2017 was similar to previous  
19 introductions of the DREAM Act, had many of the protections DACA  
20 had in place and created a path for citizenship or permanent  
21 legal resident status; and

22       WHEREAS, It is imperative that Congress quickly enact  
23 meaningful immigration reform legislation that encompasses some  
24 form of the DREAM Act to replace DACA so that a permanent  
25 solution is found; therefore be it

26       RESOLVED, That the House of Representatives of the  
27 Commonwealth of Pennsylvania condemn the decision by the Trump  
28 Administration to end DACA; and be it further

29       RESOLVED, That the House of Representatives of the  
30 Commonwealth of Pennsylvania urge the 116th Congress to quickly

1 enact meaningful immigration reform legislation to replace DACA;  
2 and be it further

3       RESOLVED, That copies of this resolution be transmitted to  
4 the President of the United States, to the presiding officers of  
5 each house of Congress and to each member of Congress from  
6 Pennsylvania.