



National Asian Pacific American Bar Association

Statement of Support for the Department of Homeland Security (DHS) Implementation of Deferred Action for Childhood Arrivals (DACA) and Stay of Deportation

Endorsed March 2014

WHEREAS, the National Asian Pacific American Bar Association (NAPABA) is the national association of Asian Pacific American attorneys, judges, law professors and law students, representing the interests of over 40,000 attorneys and nearly 70 national, state, and local Asian Pacific American bar associations; NAPABA members include solo practitioners, large firm lawyers, corporate counsel, legal service and non-profit attorneys, and lawyers serving at all levels of government; and NAPABA is committed to addressing civil rights issues confronting Asian Pacific American communities and people of color;

WHEREAS, the U.S. Department of Homeland Security (DHS) is the federal agency that is responsible for protecting the national security of the United States of America and U.S. territories;

WHEREAS, Immigration and Customs Enforcement (ICE) is responsible for the enforcement of the immigration laws of the United States;

WHEREAS, Citizenship and Immigration Services (CIS) is responsible for providing customer service to those who seek to avail themselves of the benefits of the immigration laws of the United States;

WHEREAS, DHS has limited resources to remove those who are present in the United States in violation of their immigration status;

WHEREAS, DHS must prioritize the use of its enforcement personnel, detention space, and removal assets to ensure that the aliens it removes represent, as much as reasonably possible, the agency's enforcement priorities, namely the promotion of national security, border security, public safety, and the integrity of the immigration system;

WHEREAS, DHS is confronted with more administrative violations of immigration law than its resources can address. DHS must regularly exercise "prosecutorial discretion" if it is to prioritize its efforts;

WHEREAS, U.S. immigration law is not designed to be blindly enforced without consideration given to the individual circumstances of each case;

WHEREAS, an enforcement priority of DHS should not be the removal of productive young people who pose no threat to the United States to countries where they may not have lived or spoken the language;

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Deferred Action for Childhood Arrivals (DACA) and Stay of Deportation**

WHEREAS, certain young people in violation of U.S. immigration law lacked the intent to violate the law and were brought to the United States as children (childhood arrivals);

WHEREAS, DHS has established requirements for an individual to qualify for Deferred Action for Childhood Arrivals (DACA) and CIS has successfully implemented the DACA program;

WHEREAS, ICE has the discretion to grant a stay of deportation to aliens who are not a high removal priority, especially where they do not have serious criminal convictions;

WHEREAS, it is in the interest of the United States to avoid the separation of families;

WHEREAS, it is in the interest of the United States to avoid the removal of noncitizens who contribute to the national economy; and

WHEREAS, it is in the interest of the United States to avoid uprooting people who have made a life in our nation.

THEREFORE BE IT RESOLVED, that NAPABA:

1. Calls for full support of the CIS Deferred Action for Childhood Arrivals (DACA) program.
2. Calls for increased grants of Deferred Action and Stays of Prosecution through the exercise of Prosecutorial Discretion by ICE.
3. Authorizes its president, board, and staff to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary.
4. Supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.