

**February 12, 2021**

**ATTORNEY GENERAL RAOUL SUPPORTS FIGHT TO STOP DEPORTATIONS**

**Chicago** — Attorney General Kwame Raoul today joined a coalition of 16 attorneys general fighting to protect undocumented immigrants from deportation. The U.S. Department of Homeland Security (DHS) recently issued a memo ordering a 100-day moratorium on deportations while a thorough review of the DHS' policies takes place. Two days later, the state of Texas sued the administration, seeking to overturn the moratorium. Texas is now seeking a preliminary injunction to halt the moratorium while the case makes its way through the courts.

In an amicus brief filed in *Texas v. United States*, Raoul and the coalition ask the district court to reject Texas' request for a preliminary injunction and deny the state's efforts to dictate federal immigration policy.

"No state has the right to dictate federal immigration policy, particularly one put in place in the 11th hour by a departing administration seeking to thwart the incoming administration's efforts to reverse unconstitutional anti-immigrant rules," Raoul said. "I urge the court to preserve the rights of immigrants and uphold the moratorium on deportations while a critically-needed review of DHS policies takes place."

As part of a series of sweeping immigration reforms, the Biden-Harris administration halted the deportation of undocumented immigrants for 100 days on Jan. 20, 2021. However, days before the new administration took office, the state of Texas entered into an agreement with the previous administration that sought to hamstring the incoming Biden-Harris administration before it had the opportunity to enact its own policies and priorities concerning removal. Specifically, the agreement purports to require the incoming administration to consult with Texas before making any modification to immigration enforcement.

In the amicus brief filed in the U.S. District Court for the Southern District of Texas, Raoul and the coalition argue that Texas' agreement with the previous administration is not only unlawful, but that it also presents serious issues related to federal immigration enforcement in Illinois and the other amici states, which are home to a significant share of the estimated 11 million undocumented immigrants in the United States. Texas' request for nationwide enforcement of an agreement that it alone signed with the DHS not only conflicts with federal law, but also undermines the sovereignty of its fellow states by attempting to direct immigration policy for every state. Further, as the amicus brief notes, an outgoing presidential administration cannot handcuff the discretion of a new administration in its efforts to change national policies to reflect the will of the voters.

Raoul and the coalition also highlight the overwhelming contributions undocumented immigrants bring to the nation. Specifically, undocumented immigrants contribute approximately \$6.8 billion in state and local taxes annually. And immigrants, both with and without documentation, are also critically-needed employees in essential sectors, including those sectors vital to combatting the COVID-19 public health crisis by delivering goods and food, providing technological and human-resources support for telecommuting, offering telehealth and other in-person health care, assisting at grocery stores, and more.

Finally, the agreement was not validly executed by the DHS. As the brief notes, the agreement was signed on behalf of the federal government only by Kenneth Cuccinelli II, who at the time was unlawfully acting as a senior official performing the duties of the deputy secretary. Several courts, as well as the Government Accountability Office, have already found that Cuccinelli was not lawfully appointed because he assumed his role in violation of two federal acts related to the succession of power: The Federal Vacancies Reform Act

and the Homeland Security Act. Thus, Cuccinelli's execution of the agreement with Texas is in excess of statutory authority and without force or effect.

Joining Raoul in filing today's amicus brief are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia and Washington.