



Pete Ricketts
Governor

STATE OF NEBRASKA

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Mr. President, Mr. Speaker, and
Members of the Nebraska Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 947e without my signature and with my objections.

As I wrote to you earlier this week, not only is the bill unfair but I have serious concerns on the breadth and scope of LB 947. While proponents of this legislation have artfully focused only on the DACA youth, the bill, in its current form, would provide business licenses to a much broader group of illegal immigrants than just the young adults under the federal DACA program.

LB 947 clearly will require state agencies to issue Nebraska business licenses to multiple classes of non-qualified aliens, including those persons who have a pending application for asylum, those who have, or are pending review for, temporary protected status, and those individuals granted temporary deferred action status – a status which is much more expansive than covering only DACA youth.

I understand the desire to help these individuals, but first let's review how we got to this point and what passing LB 947 will ultimately mean for the State of Nebraska.

On June 15, 2012, President Obama usurped congressional authority and created the "Deferred Action for Childhood Arrivals ("DACA")" initiative. Deferred action, by federal definition, does not provide anyone with lawful permanent resident status or any legal status in the United States. It confers no legal immigration status, nor a pathway to citizenship.

DACA status does not confer any right or ability to remain permanently in the United States. It is merely an indication that deportation proceedings for illegal immigrants will not occur within a time specified by the federal government.

The President's unilateral executive action created a temporary status that placed a large group of illegal immigrants in limbo. There are currently estimated to be over 3,000 individuals in Nebraska with DACA status.

On November 20, 2014, President Obama once again usurped congressional authority and unilaterally announced his "Deferred Action for Parents of Americans and Lawful Permanent Residents ("DAPA") initiative. There are an estimated 18,000 individuals in Nebraska with this status.

Last year, the U.S. District Court for the Southern District of Texas issued a preliminary injunction against implementation of DAPA and further expansion of the DACA status. The federal court agreed with Nebraska and 25 other states which sued the federal government challenging the lack of the President's authority to create an immigration status out of thin air.

A federal circuit court then agreed that the DACA and DAPA temporary stay of deportation status conferred by the President was not lawful.

Next week, the U.S. Supreme Court will consider arguments and review the legality of the DACA and DAPA initiatives. A decision is expected within the next several months. Depending on the Supreme Court's decision, or a new president's policy, or further action taken by the states, there could be a reversal or complete elimination of the DACA and DAPA deferred action status.

LB 947 is premature and exacerbates the uncertain situation of individuals in a deferred action status. It is also an attempt to codify benefits in state law at the same time as there are serious legal challenges to the federal government's extension of the temporary deferred status to the DACA and DAPA groups.

The extension of business licenses proposed in this bill is not a policy that has long-term solutions in mind. It is poorly conceived policy that does not consider what happens when the deferred status is removed – by federal court order or by a change in federal policy.

LB 947 is an affront to the individuals who are observing our laws and navigating proper immigration channels to obtain jobs and legal status. The enactment of this bill would unjustly allow individuals who are here illegally to be ahead of those who have been waiting years to be granted a proper permanent or legal status in our country.

For each of these reasons, I urge you to sustain my veto of LB 947.

Sincerely,



Pete Ricketts
Governor