SUPREME COURT COPY

SUPREME COURT
FILED

JUL 27 2012

Frank A. McGuire Clerk

Deputy

Bar Misc. 4186
S202512

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

IN RE SERGIO C. GARCIA ON ADMISSION

REQUEST FOR JUDICIAL NOTICE BY
PROPOSED *AMICUS CURIAE* CESAR VARGAS
IN SUPPORT OF APPLICANT SERGIO C. GARCIA

CYNTHIA J. LARSEN (SBN 123994)
clarsen@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814-4497
Telephone: (916) 447-9200
Facsimile: (916) 329-4900

JUDY KWAN (SBN 273930)
jkwan@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
777 S. Figueroa Street
Suite 3200
Los Angeles, CA 90017-5855
Telephone: (213) 629-2020
Facsimile: (213) 612-2499

SARAH C. MARRIOTT (SBN 241301)
smarriott@orrick.com
ALEXIS YEE-GARCIA (SBN 277204)
aygarcia@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759

JOSE PEREZ
(*PRO HAC VICE PENDING*)
jperez@latinojustice.org
LATINOJUSTICE PRLDEF
99 Hudson Street, 14th Floor
New York, NY 10013
Telephone: (212) 219-3360
Facsimile: (212) 461-4276

Attorneys for *Amicus Curiae* Cesar Vargas

INTRODUCTION

PLEASE TAKE NOTICE that proposed *amicus curiae* Cesar Vargas files this Request for Judicial Notice and Declaration in support of HIS request. Pursuant to California Rule of Court 8.252, Evidence Code section 452, subdivisions (a), (c), (g), and (h), this proposed amicus now seeks judicial notice of the eleven documents attached to this request that are relevant to the issues raised in the proposed brief and addressed in the proposed brief:

Exhibit 1: David M. Herzenhorn, *Passion and Politics on Immigration Act*, N.Y. TIMES, September 21, 2010, http://www.nytimes.com/2010/9/22/us/politics/22immig.html;

Exhibit 2: Claudia Torrens, *Illegal Alien Lawyer?*, BROOKLYN DAILY EAGLE, March 9, 2012, http://www.brooklyneagle.com/articles/illegal-alien-lawyer;

Exhibit 3: Jose Antonio Vargas, *How Obama's New Policy Affects Undocumented Youth – and Me*, TIME MAGAZINE, June 18, 2012, http://ideas.time.com/2012/06/18/how-obamas-new-policy-affects-undocumented-youth-and-

me;

Exhibit 4: Laura Litvan & Caroline Fairchild, *Obama Policy on Young Immigrants Creates 800,000 Dreams* BLOOMBERG.COM, June 21, 2012, http://www.bloomberg.com/news/2012-06-22/obama-policy-on-young-immigrants-creates-800-000-dreams.html;

Exhibit 5: Alan Gomez, *Qualified illegal immigrants seek rights to practice law*, USA TODAY, July 2, 2012, http://www.usatoday.com/news/nation/story/2012-07-01/illegal-immigrants-want-to-practice-law/55943734/1;

Exhibit 6: Miranda Leitsinger, *Can an illegal immigrant become a lawyer?,* MSNBC.COM, July 17, 2012, http://usnews.msnbc.msn.com/_news/2012/04/24/11369925-can-an-illegal-immigrant-become-a-lawyer?lite;

Exhibit 7: Statement from Secretary of the Department of Homeland Security, Janet Napolitano regarding new executive policy "Secretary Napolitano

Announces Deferred Action Process for Young People Who Are Low Enforcement Priorities";

Exhibit 8: Release from the Office of the Press Secretary of the White House "Remarks by the President on Immigration";

Exhibit 9: Rules from the New York State Department of Motor Vehicles regarding acceptable documentation of legal presence;

Exhibit 10: Rules from the California State Department of Motor Vehicles regarding acceptable documentation of legal presence (extraneous pages omitted);

Exhibit 11: Department of Homeland Security publication titled "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2009."

ARGUMENT

I. THE COURT SHOULD NOTICE JUDICIALLY EXHIBITS 1, 2, 3, 4, 5, AND 6, ARTICLES APPEARING IN VARIOUS PUBLICATIONS, INCLUDING THE NEW YORK TIMES, A NEWSPAPER OF RECORD.

Proposed *amicus curiae* requests that this Court take judicial notice of Exhibits 1, 2, 3, 4, 5, and 6 pursuant to Evidence Code section

452, subdivision (h) on the basis that the publication of these articles is a "[f]act and proposition that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy." Proposed *amicus curiae* submits these articles for judicial notice on the basis that they reflect as representative the types of individuals who may be affected by the Court's decision.

II. THE COURT SHOULD NOTICE JUDICIALLY EXHIBITS 7 AND 8, INFORMATION AND STATEMENTS PREPARED BY FEDERAL OFFICIALS REGARDING UNDOCUMENTED "DREAMERS" AND THEIR ELIGIBILITY FOR WORK AUTHORIZATION.

Proposed *amicus curiae* requests that this Court take judicial notice of Exhibits 7 and 8 pursuant to Evidence Code section 452, subdivision (c), on the basis that they represent official acts of an executive department of the United States. Exhibit 7 is a statement from Secretary of the Department of Homeland Security, Janet Napolitano, describing the new deferred action process for individuals like proposed *amicus curiae* Cesar Vargas and other bar applicants who may be affected by the Court's decision in this matter. This process includes work authorization eligibility for such individuals. Exhibit 8 is President Barack Obama's speech publicizing Secretary Napolitano's announcement and expanding on his reasoning for establishing this new policy.

These exhibits may also be noticed judicially under California Evidence Code section 452, subdivisions (g) and (h), which authorize the

taking of judicial notice as to matters of "common knowledge" and of "[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy."

III. THE COURT SHOULD NOTICE JUDICIALLY EXHIBITS 9 AND 10 AS STATUTORY LAW OF THE RESPECTIVE STATES.

Proposed *amicus curiae* requests that this Court take judicial notice of Exhibits 9 and 10 pursuant to Evidence Code section 452, subdivision (a), on the basis that they are the "statutory law of [a] state of the United States." Exhibit 9 is the form describing acceptable proofs of identity for the purposes of obtaining a state-issued driver's license in New York. Exhibit 10 is the official website of the California Department of Motor Vehicles also describing acceptable proofs of identity for the purposes of obtaining a state-issued driver's license. Both of these documents show that Employment Authorization Cards like those that would likely be available under President Obama's new deferred action program would be acceptable for this purpose. This new deferred action would thereby allow undocumented attorneys like proposed *amicus curiae* Mr. Vargas to obtain government-issued photo identification.

IV. THE COURT SHOULD NOTICE JUDICIALLY EXHIBIT 11 BECAUSE IT DOCUMENTS FACTS AND PROPOSITIONS THAT ARE NOT REASONABLY SUBJECT TO DISPUTE.

Proposed *amicus curiae* requests that this Court take judicial

notice of Exhibit 11 pursuant to Evidence Code section 452, subdivision (h) on the basis that this document contains "[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy." This document was produced by the Department of Homeland Security's Office of Immigration Statistics, which is responsible for collecting and maintaining information of this nature. These facts are not reasonably subject to dispute because there is no other agency or group that has access to similar comprehensive data about immigration in the United States. Further, these facts come from a source of reasonably indisputable accuracy: the federal government.

V. CONCLUSION

For the foregoing reasons, proposed *amicus curiae* Cesar Vargas respectfully requests that this Court grant the above requests for judicial notice.

Dated: July 18, 2012 Respectfully submitted,

By: _____
ALEXIS YEE-GARCIA
Attorneys for *amicus curiae* Cesar Vargas

CYNTHIA J. LARSEN (SBN 123994)
ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814-4497

SARAH C. MARRIOTT (SBN 241301)
ALEXIS YEE-GARCIA (SBN 277204)
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

JUDY KWAN (SBN 273930)
ORRICK, HERRINGTON & SUTCLIFFE LLP
777 S. Figueroa Street, Suite 3200
Los Angeles, CA 90017-5855

JOSE PEREZ
(Pro Hac Vice Pending)
LATINOJUSTICE PRLDEF
99 Hudson Street, 14th Floor
New York, NY 10013

Exhibit 1

The New York Times Reprints

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers here or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for samples and additional information. Order a reprint of this article now.

FROM THE DIRECTORS OF
LITTLE MISS SUNSHINE

September 21, 2010

Passion and Politics on Immigration Act

By DAVID M. HERSZENHORN

WASHINGTON — Cesar Vargas graduated from James Madison High School in Brooklyn, just like Senators Charles E. Schumer, Democrat of New York, and Bernard Sanders, independent of Vermont.

And like his fellow Madison alumni, Mr. Vargas wants to serve his country — in his case by becoming a military lawyer after he graduates from the City University of New York law school, where he is in his third year.

But Mr. Vargas, who was brought by his parents to the United States from Mexico when he was 5, cannot join the armed forces. He cannot vote. He cannot travel outside the country or he will not be allowed to return because he is an illegal immigrant.

On Tuesday, he was in Washington to help Democrats press for legislation that would give immigrants like him a path to citizenship.

The legislation, known as the Dream Act, would give legal residency to immigrants who arrived in the United States before age 16 and resided here for at least five years, earned a high school degree and completed two years of college or military service. They would be subject to background checks, could not have a criminal record and, even if successful, would still not be eligible for benefits like Pell grants.

At a news conference with Senator Richard J. Durbin, Democrat of Illinois, who is a leading champion of the legislation, Mr. Vargas made an impassioned pitch for the bill.

"Without the Dream Act, I'm relegated to a mere shadow," he said, after recounting his longtime hopes of joining the military. He said he had repeatedly tried to enlist, especially after the Sept. 11 terrorist attacks, but was turned away.

"I'm asking Congress to give us the opportunity to serve the only country we know, the only country we call home," he said.

But this week, Senate Democrats seemed more intent on talking about the act than on passing it. By declaring his desire to attach it to a major military bill, the majority leader, Harry Reid of Nevada, sought to remind Hispanic voters that most Democrats supported the immigration measure. The military bill was blocked on Tuesday, and it is unclear that Mr. Reid has enough votes, even among Democrats, to advance the Dream Act.

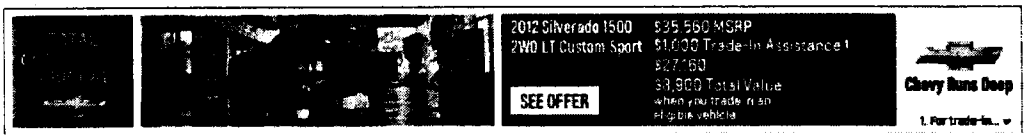
Some advocates said young immigrants were political pawns.

"The tragedy is that the kids believe it is an honest process and get played by both sides," said Kevin Appleby, director of immigration policy for the United States Conference of Catholic Bishops. "It can be very disheartening to them. They deserve a simple majority vote based on the merits, not one caught up in procedure and pre-election politics."

Julia Preston contributed reporting.

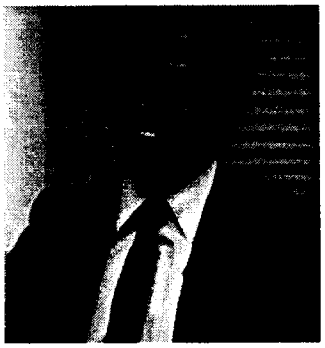
Exhibit 2

Brooklyn Daily Eagle



Welcome. We are upgrading and renovating our archives.

Illegal Alien Lawyer?


Cesar Vargas

After Interning for Brooklyn DA's Office and Passing Bar Exam, Law Graduate Can't Be Attorney

By Claudia Torrens
Associated Press

BROOKLYN — A Mexican immigrant who passed the New York bar exam last year cannot work as a lawyer because he was brought to the U.S. illegally as a child, and his situation could soon become part of a national debate.

Cesar Vargas, who recently worked as an intern at the Brooklyn District Attorney's Office, was 5 years old when he arrived from Puebla, Mexico, with his mother in 1990. He's now a 28-year-old City University of New York law graduate and said he is waiting to see how courts in California and Florida decide two similar cases involving Mexican immigrants.

While in college, he knew that because of his status, he would not enjoy the high salary and prestige of a law firm. But he decided to take up law anyway.

"I always wanted to go to school; I always loved to learn," Vargas said. "In high school when I was told I could not go to college because of my status, it was something that really struck me. It made me want to fight more."

When Brooklyn District Attorney Charles Hynes was asked what he thought about Vargas' possible admission as an attorney, he said on Friday that he didn't want to comment while Vargas' bar application was pending, but that he would speak with the Board of Law Examiners if he was contacted.

The New York State Board of Law Examiners confirmed Vargas passed the bar exam in November.

Vargas said he was able to pay for school because CUNY helped him through a private fund. He also got a scholarship from the Puerto Rican Bar Association and accepted donations and his family's help. He worked part-time at a restaurant, seven days a week.

"It was very difficult. It was a challenge," said Vargas, who, in addition to working as a student assitant district attorney in Kings County, also worked at the state Supreme Court and for former Congressman Anthony Weiner (D-Brooklyn).

Vargas is now working on his application to register as a lawyer in New York. The state's Court of Appeals asks applicants to state whether they are citizens, residents or have a visa. Vargas said he will have to mark the "other" category.

Vargas has founded DRM Capitol Group, a lobbying firm pushing for the approval of the Dream Act, a federal bill that would pave the path to citizenship for immigrant children illegally brought to the United States by their parents.

The California state Supreme Court is set to decide whether to deny an applicant, Sergio Garcia, a law license solely on the basis of his immigration status. Garcia is a Mexican immigrant who was brought illegally to the United States by his parents when he was 17 months old.

William Chiang, a spokesman for the State Bar of California, said he couldn't comment.

In a similar case in Florida, Jose Manuel Godinez-Samperio is waiting for a court decision on whether to grant him a license that would allow him to practice law in that state.

Immigrants who live illegally in the United States do not have access to federal grants to attend college.

Godinez-Samperio was born in Hidalgo, Mexico, and came to the United States when he was 9. He graduated from Florida State University Law School in May and has passed the bar exam.

"It is frustrating to me. On one hand, I feel an outpouring of support from a lot of people, and that is a very good feeling. But on the other hand, I am also disheartened that this issue even comes up," he said. "I am a dreamer. I was a child when I came to this country."

Vargas said he is going to wait for the outcome of the cases, which could determine his future and that of other immigrants who live illegally in the country and graduate from law school.

He said he would like to become an immigration lawyer in his own firm or work for a nonprofit. In the meantime, he is organizing protests in favor of the Dream Act.

"We need to step out of the shadows," Vargas said. "That's the only way we can tell our stories."

Additional reporting by Ryan Thompson of the Brooklyn Daily Eagle.

Category: Court and Crime

Published: Mar. 9, 2012

Like

Add New Comment Login

Type your comment here.

Showing 0 comments Sort by popular now

M Subscribe by email S RSS

Exhibit 3

IMMIGRATION

How Obama's New Policy Affects Undocumented Youth — and Me

The author of TIME's cover story discusses how the immigration issue continues to be divisive — and why it shouldn't be

By JOSE ANTONIO VARGAS | @joseiswriting | June 18, 2012 | 145

Log In with Facebook Sharing TIME stories with friends is easier than ever. Add TIME to your Timeline. Learn More

ROBERTO GUERRA / ZUMA PRESS

Two undocumented students hug as they are about to graduate from UCLA in Los Angeles, June 15, 2012.

"So now we're taking care of these illegal, foreign kids before taking care of our own kids?"

That question landed in my inbox late Saturday afternoon. The day before had been a landmark in immigrant rights. In a speech in the Rose Garden, President Obama ordered a stop to the deportation of upwards of 1 million undocumented youth, granting them work permits if they meet certain criteria. The emailed question echoed that of the reporter for a conservative news site — an Irish-born, documented immigrant — who interrupted the president's speech and asked if Obama's immigration policy favored "foreigners over American workers." It lines up with the series of questions that many ordinary American citizens have asked me as I traveled the country in the year since I publicly outed myself as undocumented. As immigration takes center stage in this election year, especially as we await the Supreme Court's decision on Arizona's immigration law, variations on this question will reverberate not just on the campaign trail but in schools, offices, churches and living rooms across America.

(**MORE:** Read TIME's Cover Story: "Not Legal, Not Leaving")

So let me make one thing perfectly clear. We are not illegal. First, because no human being is illegal — using that term politicizes and dehumanizes people. In what other context do we call someone illegal? If someone is driving a car at 14, we say "underage driver" not "illegal driver." Using the word "illegal" has muddled the issue and made it strictly about politics and legality, when it's much more complex than that. We are also not "foreign" people — the undocumented have been part of America's story at least as far back as Ellis Island, when crossing the border meant crossing the Atlantic Ocean.

(**MORE:** Barack Obama: A Nation of Laws and a Nation of Immigrants)

Undocumented youth, as the president underscored in his remarks Friday, are "Americans in their heart." We grew up in America. We were educated here. We want to give back — to work and pay taxes — to the country we call home. Obama's temporary order, however incremental and incomplete, is the most significant development in the fight for immigrant rights since Ronald Reagan signed the Immigration Reform and Control Act in 1986. (It should not be forgotten that Reagan as president granted amnesty to millions of undocumented immigrants.) Indeed, it has changed lives in a very visible way. On the current cover ofTIME, I pose with 35 other undocumented immigrants from 15 different countries. Now, because of Friday's announcement, almost all of the youth featured on the cover — 32 out of the 36 people in the photograph — can stay in the U.S. without fear of deportation and give back to the only country they call home.

(**VIDEO:** Undocumented Americans: Inside the Immigration Debate)

All of us in the photo are DREAMers — as defined by the Development, Relief and Education for Alien Minors Act. And even though not all of us qualified for relief — at age 31, I'm over the age limit of Obama's order — that didn't stop elder DREAMers and the rest of the 11.5 million undocumented community from celebrating the occasion. For a community that's been under attack for years, a win for one group is a win for all groups. My Facebook inbox, for example, was flooded with messages that echoed with this sentiment: "Don't worry, we'll take care of you." As I bore witness to Friday's historic event, surrounded by a rainbow of DREAMers — Gaby Pacheco, of Ecuador, who wants to be a special education teacher; Roy Naim, of Israel, an Orthodox Jew whocame to the U.S. at age 3; and Cesar Vargas, of Mexico, who graduated magna cum laude from law school, among others — I couldn't help but feel overjoyed.

(**PHOTOS:** Family Photos of an Undocumented Immigrant)

It is a feeling the entire country should share. The DREAM Act was bipartisan in origin, introduced more than a decade ago by Sen. Dick Durbin (an Illinois Democrat) and Sen. Orrin Hatch (a Utah Republican). It is now a divisive issue. The President's action invites all kinds of political and partisan interpretation, least of which is pandering to the growing and critical Latino vote. But I am heartened that Mitt Romney, in an interview with Bob Schieffer of CBS' Face the Nation on Sunday, refused to say that he would repeal the order if he were elected President. That is a dramatic turn given that Romney, amid his campaign for the GOP nomination, promoted strict policies so undocumented immigrants seeking employment would leave. (Said he: "If people don't get work here they're going to self-deport to a place where they can get work.") Romney has now effectively endorsed the president's position.

The moral weight of what happened Friday cannot be denied. There is no doubt that the fight for immigration reform, individually and collectively, continues. But, for now, the U.S. has embraced the dreams of upwards of 1 million young people. They aren't illegal, foreign kids anymore. They are American kids.

PHOTOS: Behind the Cover: America's Undocumented Immigrants

Vargas is a journalist and the founder of Define American, an immigration-awareness campaign. The views expressed are solely his own.

Stay Connected with TIME.com

Subscribe to RSS Feeds | Sign Up for Newsletters | Get the TIME Magazine iPad Edition | Read TIME Mobile on your Phone | Become a Fan of TIME | Get TIME Twitter Updates

NewsFeed U.S. Politics World Business Money Health Science Entertainment Photos Videos Specials Magazine

© 2012 Time Inc. All rights reserved Privacy Policy Your California Privacy Rights RSS Newsletter Mobile TIME For Kids
Subscribe Contact Us Terms of Use Media Kit Reprints & Permissions Help Site Map Ad Choices Custom Content

OUR PARTNERS

Exhibit 4

Bloomberg.com | Businessweek.com | Bloomberg TV | Premium

MARKET SNAPSHOT

U.S.	EUROPE	ASIA	
DJIA	12,823.20	+95.97	0.75%
S&P 500	1,362.67	+9.03	0.67%
NASDAQ	2,913.02	+16.08	0.56%

Bloomberg TV Download

Our Company | Professional | Anywhere

Sear

HOME QUICK NEWS OPINION MARKET DATA PERSONAL FINANCE TECH POLITICS SUSTAINABIL

Obama Hits on Taxes as Romney Counters on Economy

Disaster Dodged: Is This the Luckiest Man on Earth?

Obama Policy On Young Immigrants Creates 800,000 Dreams

By Laura Litvan and Caroline Fairchild - Jun 21, 2012 9:01 PM PT

208 COMMENTS QUEUE

Carolina Canizales worked her way through college in a series of odd jobs, from dog-walking to housecleaning, with hopes for a brighter future shadowed by concern over her status as an undocumented immigrant.

"I got used to being patient in the limbo that I've been living in," said Canizales, 22, who says her family came illegally to Texas from Monterrey in northern Mexico when she was 10 years old. "I've always tried to be very optimistic."

Enlarge image

Participants hold signs at a rally sponsored by United We Dream at the offices of the AFL-CIO in Washington

Now Canizales, who graduated in May with a communications degree from the University of Texas at San Antonio, may have real underpinning for her enthusiasm. She is among at least 800,000 young undocumented immigrants who could benefit from President Barack Obama's new deportation policy, which allows those eligible to stay in the U.S. and apply for temporary work permits. For Canizales,

Get

Sign

HEAL

Wooc Q

N.J. (Q

U.S. 1 Q

Penn Q

FedE Q

Foie (Q

Goldi Q

Wife Q

Pimc Q

More I

D.C., on June 20, 2012. Photographer: Joshua Roberts/Bloomberg

that could mean the ability to get a job that helps pay for graduate school.

The policy's economic impact will probably be limited because the immigrants affected form a small part of the total workforce, said Heidi Shierholz, an economist with the Economic Policy Institute in Washington. It won't produce big changes in growth or the unemployment rate, and concerns by policy critics that U.S. citizens will be displaced probably are unfounded, other labor-market analysts say.

The potential effect on those eligible is another story.

"By far the biggest impact will be on these individuals themselves," Shierholz said. "They had very limited work opportunities but now they'll be able to be fully integrated into the labor force."

New Policy

The U.S. Department of Homeland Security estimates there were 11.5 million people in the country illegally in January 2011. Obama's new policy affects those who were brought to the U.S. before age 16 and are no older than 30, have been in the country for at least five years, have no criminal record and are in school or have a high-school diploma or equivalent, or have been honorably discharged from the armed forces. It allows eligible immigrants to apply for a two-year deferral on deportation and a temporary work permit.

Homeland Security says about 800,000 people could come under a new set of rules that bypasses Congress and puts in place some of the goals of the "DREAM Act," long-stalled legislation designed to give a pathway to citizenship for some younger undocumented immigrants.

Some non-government organizations that track immigration trends say the number who could benefit is larger because a pipeline of young people will become eligible later. The nonpartisan Pew Hispanic Center in Washington estimates the number rises to 1.4 million if those younger than high-school age are included.

Political Punch

Obama's policy may pack political punch as he seeks re- election in November. Recent polls show him gaining ground with Hispanic voters, who made up 9 percent of the 2008 electorate, as well as independent swing voters.

Adverti
P
Sponsc
HP®
Get 3
- Sho
HP.co
Divi
Acce
ETF-
www.
Inve
Direc
Inves
www.
2012
Uses
Guilt
www.
Adverti

A June 15-18 Bloomberg News poll found that 64 percent of likely voters surveyed after Obama's June 15 announcement said they agreed with the policy, while 30 percent said they disagreed. Independents backed the decision by better than a two-to-one margin. The poll of 734 U.S. adults likely to vote this fall had a margin of error of plus or minus 3.6 percentage points.

At the same time, the impact on the labor market, including the 8.2 percent unemployment rate, will be slight, economists said. That's because the number of added workers is small relative to a labor force the government says has reached 155 million.

'Marginal Effect'

"It will have a marginal effect on the workforce," said Michael Fix, senior vice president at the Migration Policy Institute, a nonpartisan, nonprofit research organization, in Washington. "I can't imagine it will have a big effect on gross domestic product or unemployment or any of the big metrics of economic strength."

Neither is it likely to crowd out Americans looking for jobs, even though the jobless rate for the affected age group is higher than the national average.

Unemployment among those age 16 to 29 was 12.9 percent in May. That's down from an average 14.1 percent in 2011, though up from an average 9.8 percent a decade ago, in 2002. As of May, about 33 million people in this age group were employed and about 4.9 million were out of work, Labor Department data show.

Many of the undocumented immigrants affected by the new policy probably are working in some capacity, Shierholz said. Those who aren't may ease into the job market over months and even years.

'Few People'

"It is so few people that it is not something that is going to squeeze someone out of a job," said Michael Hayes, owner of Momentum Specialized Staffing, a recruiting and temporary staffing firm based in Phoenix. "Just because they come out with that, doesn't mean they are all of a sudden legal."

Still, some critics say the risks of young citizens losing opportunities to the labor-pool newcomers are real. Roy Beck, president of NumbersUSA, an organization based in

APR:
Fees:
APR:
Fees:
APR:
Fees:
Se
Adverti
BLOO
Profes
Anywl

Arlington, Virginia, that opposes the deportation policy, said Obama just "gave a sharp elbow to unemployed Americans."

MOBI
B
B
B
B

"Most of these people that do have jobs probably are not in payroll jobs," Beck said. "And now they can compete for payroll jobs, where they will be competing with more Americans."

Undocumented immigrants affected by the policy will see a host of changes that could push them further up the income ladder and offer some modest benefits to government due to increased tax revenue, economists and immigration analysts said.

Young Immigrants

Fix said the benefits for young immigrants range from eligibility for paid internships to the ability to get a driver's license, which allows for better job mobility. Most of all, he said, more young immigrants simply will see the reason to graduate from high school and college.

At a rally June 20 in Washington, some undocumented youth, or "dreamers" as they call themselves, made the case that Obama's policy will add to the workforce and spur job growth in the country.

"A lot of dreamers like myself started their own companies and their own businesses," said Cesar Vargas, an undocumented immigrant from Mexico and managing director of a lobbying firm. "We actually hired U.S. citizens and are creating jobs."

Max Ahmed, 23, an undocumented immigrant from Pakistan, said he struggles under current law with the lack of official U.S. identification papers such as a driver's license, so he can't board an airplane or drive a car. His family moved to New York from Massachusetts, where he said his illegal status barred him from going to the University of Massachusetts on a scholarship after he did well on statewide tests.

Obama's Directive

Obama's directive could mean "I can stay on board and work, and this helps me pay for school and plan for a future here," said Ahmed, who says he came into the U.S. 12 years ago.

For others, benefits include an end to concerns that their illegal status will be discovered as they enter college or apply for their first job.

Jobs by

Yocasta Novas, 18, said she wasn't aware of the implications of her illegal status until she was in the 11th grade at the International Leadership Charter High School in the Bronx and couldn't apply to some colleges because she lacked a Social Security number. The Dominican Republic native, who says she arrived in the U.S. at age 2, was selected valedictorian of her class and accepted to Lehman College, part of the City University of New York system, with a full four-year scholarship for top grades and strong recommendations from a teacher and school principal.

The Obama decision "filled me with hope," said Novas, who plans to thank the teachers and administrators who helped her get into college when she delivers her speech June 29. "I feel that I can share my classmates' excitement at graduation. We all have our futures ahead of us now. I'm very excited for them and for myself."

Temporary Nature

Ultimately, the temporary nature of the Obama administration's new approach to young illegals may be its greatest problem. Beneficiaries get two-year work permits, then have to reapply.

What's more, if presumptive Republican presidential nominee Mitt Romney wins the White House, he could reverse the policy, and employers may have to weigh that. Romney has criticized Obama's decision to make the policy change through executive fiat and not legislation, but hasn't commented about whether he would change the policy if he is elected in November.

"Only Congress can give permanent residency and eventual citizenship to undocumented immigrants and that is what the DREAM act would do," said Angela Maria Kelley, vice president for immigration policy and advocacy at the Center for American Progress in Washington. "The most Obama can do is say that if these people come forward, I won't deport you. It is temporary, and it is not a permanent solution."

Canizales, the Texas graduate, says she realizes that the change "is an executive order that can be undone. It's just a first step. I'm not afraid because I trust the Latino voters and the other voters who can speak for us will support us."

To contact the reporters on this story: Laura Litvan in Washington at llitvan@bloomberg.net; Caroline Fairchild in Washington at cfairchild2@bloomberg.net

Q

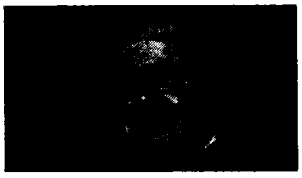
To contact the editor responsible for this story: John Walcott at jwalcott9@bloomberg.net

More News: Economy · Canada · Middle East · U.S. · Municipal Bonds · Politics

208 COMMENTS Q QUEUE

Videos you may like

Top Headlines: JPMorgan Rallies After Earnings


Scalia Questions Obama's Policies in Supreme Court

Federal Reserve May Announce QE3 in August

by Taboola

Sponsored links

2012 Ford Focus Electric
Uses Powerful, State-of-the-Art Battery. Go Anywhere, Guilt Free.
www.ford.com/technology/electric/evready/

Solar Panels (Pay No $)
Go Solar for $0 Down + Save $1,000! Free No Obligation Quote, Call Now.
VerengoSolar.com/Free_Quote

Retiring In New Zealand?
Our Team Will Help You Settle In & Remove The Stress Of the Move
CrownRelo.co.nz/RetireNZ

AdChoices

Bloomberg moderates all comments. Comments that are abusive or off-topic will not be posted to the site. Excessively long comments may be moderated as well. Bloomberg cannot facilitate requests to remove comments or explain individual moderation decisions.

Exhibit 5

Qualified illegal immigrants seek rights to practice law

Vid

By Alan Gomez, USA TODAY

Updated 7/2/2012 1:48 AM

Recommend 1.7k 170 4

Reprints & Permissions

Judges in several states are preparing to answer the latest question in the complex world of immigration: Can an illegal immigrant legally practice law in the USA?

Illegal immigrants brought to the USA as children, and who later graduated law schools in California, Florida and New York, are trying to gain entry to their state bars so they can work as attorneys.

Sergio Garcia's family illegally crossed into the USA from Mexico when he was 17 months old, and he went on to graduate from Chico State University and Cal Northern School of Law. He took the state bar exam in July 2009 and passed it but was told he could not join the state bar — a standard requirement for all practicing attorneys — because he had checked a box on his application that said he was in the country illegally.

The California Supreme Court asked for opinions on the question and could hold oral arguments in Garcia's case before making a decision. The California State Bar told the court this month that Garcia and others like him should be allowed to be licensed, but it is awaiting guidance from the Supreme Court.

By Renee C. Byer, for USA TODAY

Law school graduate Sergio Garcia has passed the California state bar exam but has been prevented from practicing law because his family entered the country illegally.

Sponsored Links

Body be m mom

Mo

Stor
Sc
Su
Ob
Fe
Bo

Vide
Ra
Ra
Ra

Map Your Flood Risk
Find Floodplan Maps, Facts, FAQs, Your Flood Risk Profile and More!
www.floodsmart.gov
AmFam Foreclosure Webinar
Take the first step! Learn about assistance & foreclosure options.
www.amfamseminar.org
Woman is 57 But Looks 27
Daly City Mom publishes simple facelift trick that angered doctors...
ConsumerLifestyles.org
Buy a link here

Though the ruling could apply only to Garcia, the 35-year-old said the court's opinion could go a long way in determining the fate of others like him.

"This case stopped being about me a long time ago," said Garcia, who is working alongside his father as a beekeeper until the case is resolved. "The outcome is going to have a major impact on future generations of attorneys and people in my situation. At least they will have good guidance."

For some, the idea of allowing people in Garcia's position to legally work not only would encourage more people to bypass the legal immigration system but would throw a cloud of illegitimacy over the country's legal system.

"There's a certain level of absurdity to someone trying to practice law when they're in violation of the law," said Ira Mehlman of the Federation for American Immigration Reform, which advocates lower levels of legal and illegal immigration. "It's unfortunate that children find themselves in these situations due to the decisions that their parents made. But that's unfortunately just the way it works. We all suffer from poor decisions that our parents made."

Pho
Ba
Me
Cri
Mo
Sig
Top
and
Mo
'7 H
die
New Edition
Reprin
Index |

Others say forbidding illegal immigrants from the legal profession would be a waste of talent. Three former presidents of the American Bar Association filed a friend-of-the-court brief in a similar case in Florida.

Subhead here

Jose Manuel Godinez-Samperio was brought to the USA illegally by his parents when he was 9. He graduated from Florida State University College of Law in May 2011 and later passed the Florida state bar exam. The former Bar Association presidents argue that the resilience exhibited by people in Godinez-Samperio's position makes them more than qualified to practice law.

"Those who graduate from law school have overcome substantial obstacles — language barriers, cultural differences, inadequate finances," the former presidents wrote. "Imposing a blanket ban on their admission to the bar would be a waste of exceptional talent for our profession."

The debate comes as members of Congress and state legislators around the country grapple with the fate of the estimated 11 million illegal immigrants living in the USA.

The Obama administration has pushed for passage of the DREAM Act, which would grant legal status to some children brought to the USA as children and who either attended college or served in the military.

Opponents, including House Judiciary chairman Rep. Lamar Smith, R-Texas, say it would further encourage people to enter the country illegally. Some Republicans, including Florida Sen. Marco Rubio, call for a different version of the DREAM Act, which would allow some of those illegal immigrants to stay in the country but without the possibility of full legal residency or U.S. citizenship.

Cesar Vargas, whose family illegally crossed the border from Mexico when he was 5, graduated from the City University of New York School of Law and passed the New York state bar exam in November. He hasn't been accepted to the state bar.

Vargas has heard from others in his situation in Texas, Arizona and Connecticut, and they are creating a DREAM Bar Association to push for the right to practice law.

Whatever comes of California's decision, Garcia says he's happy it will finally give people some long-sought clarity.

"If we succeed, then I think the public policy benefits will be incredible, and it'll motivate people and let them know that the American dream is still out there," he said. "If there should be a finding against me, then at least people will know not to go law school because it's pointless."

For more information about reprints & permissions, visit our FAQ's. To report corrections and clarifications, contact Standards Editor **Brent Jones**. *For publication consideration in the newspaper, send comments to letters@usatoday.com. Include name, phone number, city and state for verification. To view our corrections, go to corrections.usatoday.com.*

Posted 7/1/2012 6:00 AM | Updated 7/2/2012 1:48 AM

More from USATODAY

At 'American Idol,' help wanted signs abound
USATODAY.com in Life

Sunday, June 24, 2012 Interleague Game: New York Yankees - New York Mets Box Scores, Game Results & Summary - USATODAY.com
USATODAY.com

New poll gives Obama 13-point lead over Romney *USATODAY.com in The Oval*

Fla. lifeguard helps save life, gets fired
USATODAY.com in News

Car returning from Boy Scout camp in head-on crash; 5 dead *USATODAY.com in News*

More from the web

Massive Wealth Destruction Coming, Economist Warns *Moneynews*

The 12 Worst Supermarkets in America *The Fiscal Times*

2012 New Gray Hair Trend *Hair Color For Women*

Why You Need To Make Moisturizing A Must
LovingYou.com

6 Markets that Will Rule the Next Decade
Business Without Borders

[?]

USA TODAY is now using Facebook Comments on our stories and blog posts to provide an enhanced user experience. To post a comment, log into Facebook and then "Add" your comment. To report spam or abuse, click the "X" in the upper right corner of the comment box. To find out more, read the FAQ and Conversation Guidelines.

Exhibit 6

Can an illegal immigrant become a lawyer?

By Miranda Leitsinger, NBC News
July 17, 2012, 12:08 pm

MSNBC.msn.com

Denny Henry for msnbc.com Jose Manuel Godinez-Samperio at Capitol Hill on April 19. He is an undocumented immigrant, brought to the U.S. from Mexico as a child, who is seeking his law license in Florida in what appears to be a landmark case.

Jose Manuel Godinez-Samperio was brought to the United States from Mexico by his parents when he was nine years old. Sixteen years later, he had graduated from his Florida high school as class valedictorian, become an Eagle Scout, completed college and law school, and passed the state bar exam.

But one big accomplishment eluded him: citizenship. Godinez-Samperio is in the country illegally, which could keep him from achieving another part of his American dream: becoming a lawyer.

In what appears to be a landmark case, the Florida Supreme Court is going to consider whether Godinez-Samperio has the right to practice the law -- a decision that could impact others who hope to follow in his footsteps.

"It makes me feel that we're living in a ... historical moment. I really think the last time something like this happened was when African Americans and women were admitted to the bar," he told msnbc.com. "I think if we win this, it'll be another historical civil rights mark."

Godinez-Samperio is pressing his case as the national debate over illegal immigration heats up. On Wednesday, the U.S. Supreme Court is set to hear oral arguments on the constitutionality of Arizona's strict anti-illegal immigration law. And last week, Godinez-Samperio was in the nation's capitol to lobby for the Dream Act, which would provide a path to legal status to some adults who came to America illegally as children. Supporters are making a renewed push for the legislation after it failed in the U.S. Senate in 2010.

Some 11.5 million "unauthorized immigrants," as the Department of Homeland Security calls them, lived in the United States as of January 2011. Of that, 6.8 million were from Mexico, like Godinez-Samperio, according to the department's Office of Immigration Statistics.

Godinez-Samperio's journey to the law began when he and his parents left their home in Pachuca, Mexico. They came on tourist visas, which they overstayed. He didn't know English and it was a few years before he began to realize what his immigration status was and what it meant for his future.

He couldn't get a social security number or a driver's license, he didn't have access to most financial aid, he couldn't work for compensation and has been ineligible for most internships and awards, according to an essay he submitted for his law school application.

But he said he managed to get private scholarships to help pay for his education, and volunteered where he could -- such as helping domestic violence victims obtain immigration relief.

"For me, it's very important to show that I have been a contributing member of society (the) entire time I have lived in this country," he said. " ... there's no reason why I shouldn't be allowed to contribute even more ... with a green card."

When Godinez-Samperio applied to take the bar exam last year, he sought a waiver because he didn't have proof of his immigration status, which is required by the Florida Board of Bar Examiners who administer the test. States set their own requirements for those seeking to become a lawyer.

His request was granted. Godinez-Samperio took the bar exam in July and found out in September that he had passed. He was ecstatic, until he learned in November that the board was going to seek an advisory opinion from the state supreme court on whether undocumented immigrants are eligible for admission to the Florida Bar.

Denny Henry for msnbc.com Cesar Vargas at Capitol Hill on April 19 to launch a Dream Act-related campaign. He is an undocumented immigrant from Mexico, brought to the U.S. as a child, who is pushing for immigration law reform.

"I had mixed feelings," he said. "I knew that it was going to be an interesting trajectory that I was about to begin."

That journey has included a number of filings from the board and his attorney, Talbot "Sandy" D'Alemberte, as well as a few friend-of-the-court submissions from groups supporting his application, including three past presidents of the American Bar Association.

"It's the first time it's ever been addressed in Florida, and I think it's probably the first time it's been before a supreme court anywhere in the country," said Thomas Arthur Pobjecky, the board's general counsel.

The board determined it was "a really serious matter" and decided to seek out the court's guidance in these types of cases, which they expect to see more of in the future.

"If the law says you cannot employ -- or it's against the law to employ -- somebody who is not legally in this country, then when we say ... here is a license to practice law in this country, are they not also implying that you can hire this person and go ahead and pay him and everything else? So there is a concern," Pobjecky said. "Once the Florida Supreme Court licenses somebody to be a lawyer, they're putting their stamp of approval on that person."

But D'Alemberte questioned why the board would let his client sit the exam if they did not intend to give him a license.

"It just seems to us fundamentally unfair after he's complied with every valid rule not to just go ahead and admit him to the bar and leave to the immigration service whether he is complying with immigration," he said.

The possibility that undocumented immigrants could receive law licenses doesn't sit well with some.

"I know what the policy ought to be, which is that ... someone who doesn't have the right to be in the United States shouldn't be admitted to the bar, period," said Mark Krikorian, executive director of the Center for Immigration Studies, a Washington think tank that supports tighter immigration controls.

"This is trying to steal a base. In other words, they're trying to skip over the debate over whether people in his situation should get legalized," he added. "It's one more way of trying to create a de facto legalization."

Cesar Vargas, an illegal immigrant from Mexico who has passed the bar exam and is in the process of applying for his law license in New York, has started a group, the Dream Bar Association, to advocate for people in his position. Membership numbers about two dozen, and includes those interested in going to law school to those who have passed the bar.

"We're basically throwing the judicial branch into the immigration debate ... through our cases," he said.

In California, Sergio Garcia, 35, an illegal immigrant, has been awaiting a decision since he passed the bar exam in 2009. Because the admissions process is confidential, neither Garcia nor the bar could speak about his application, though a bar spokeswoman said the application for admission doesn't require citizenship.

Thomas Fitton, of conservative Washington watchdog Judicial Watch, said the idea of an undocumented immigrant working as a lawyer in the U.S. was "preposterous."

"These are kind of, in some ways, public relations stunts, but you know, we'll see what happens ... the whole notion of it is at odds with the rule of law and undermines federal immigration law," he said. "I think those who've passed the bar should focus on making themselves legal as opposed to bypassing the law."

But others feel that admission should be done on a case-by-case basis, taking into account whether a specific applicant has met the moral character test of the application, said Stephen N. Zack, a former ABA president who has filed a brief in support of Godinez-Samperio.

"You can't take one finite point and say that that is an absolute determination of a person's character," he said. "You have to look in a holistic way at the person's life story and here, you have an exceptional person."

He also noted that bar candidates like Godinez-Samperio could offer some unique services, with the nation heading to a "majority minority" status in the decades to come.

"We need people who can reach out and provide access to communities that ... have historically not had access, and this is the kind of person that is ideal to provide that to the future generations," he said.

Video: Immigration officials mistakenly deported Dallas teen

Godinez-Samperio, who would like to work in immigration law, continues to research his case and to work on promoting the Dream Act.

"This is a huge fight for me and for a lot of people," he said.

Despite the challenges and the uncertainty, he doesn't regret going public before a Florida legislative committee in April 2011 with his status, which few were aware of before.

"I decided to come out with my story because I'm undocumented, unapologetic and unafraid," he said. "In telling the truth, I am risking my liberty, but that's what a lawyer is about, is about telling the truth ... so I'm being as honest as I can possibly get, even to the point of risking my liberty."

More content from msnbc.com and NBC News:

- Harlem shootout after girl, 13, killed, mom hurt
- For John Edwards, an unexpected opening
- California voters to consider ending capital punishment
- Baltimore brothers seek to delay beating trial
- Mexican immigration to US at a standstill
- Sanford police chief's resignation rejected

Exhibit 7

Homeland Security

Secretary Napolitano Announces Deferred Action Process for Young People Who Are Low Enforcement Priorities

La Secretaria Napolitano Anuncia Proceso De Acción Diferida Para Jóvenes Que Sean De Baja Prioridad Para La Aplicación De La Ley

Over the past three years, this Administration has undertaken an unprecedented effort to transform the immigration enforcement system into one that focuses on public safety, border security and the integrity of the immigration system. As DHS continues to focus its limited enforcement resources on the removal of individuals who pose a danger to national security or a risk to public safety, including aliens convicted of crimes, with particular emphasis on violent criminals, felons, and repeat offenders, DHS will move to exercise prosecutorial discretion to ensure that enforcement resources are not expended on low priority cases, such as individuals who were brought to this country through no fault of their own as children, have not been convicted of a felony offense, a significant misdemeanor offense, or multiple misdemeanor offenses, and meet other key criteria.

Effective immediately, certain young people who were brought to the United States through no fault of their own as young children and meet several key criteria will be considered for relief from removal from the country or entered into removal proceedings. Those who demonstrate that they meet the criteria will be eligible to receive deferred action for a period of two years, subject to renewal.

Only those individuals who can prove through verifiable documentation that they meet these criteria will be eligible for deferred action. Individuals will not be eligible if they are not currently in the United States and cannot prove that they have been physically present in the United States for a continuous period of not less than 5 years immediately preceding today's date. The use of prosecutorial discretion confers no substantive right or pathway to citizenship. Only the Congress, acting through its legislative authority, can confer these rights.

While this guidance takes effect immediately, USCIS and ICE expect to begin implementation of the application processes within sixty days. In the meantime, individuals seeking more information on the new policy should visit USCIS's website (at www.uscis.gov), ICE's website (at www.ice.gov), or DHS's website (at www.dhs.gov). Beginning Monday, individuals can also call USCIS' hotline at 1-800-375-5283 or ICE's hotline at 1-888-351-4024 during business hours with questions or to request more information on the forthcoming process.

Frequently Asked Questions

Who is eligible to receive deferred action under the Department's new directive?
Pursuant to the Secretary's June 15, 2012 memorandum, in order to be eligible for deferred action, individuals must:

1. Have come to the United States under the age of sixteen;
2. Have continuously resided in the United States for at least five years preceding the date of this memorandum and are present in the United States on the date of this memorandum;
3. Currently be in school, have graduated from high school, have obtained a general education development certificate, or are honorably discharged veterans of the Coast Guard or Armed Forces of the United States;
4. Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety;
5. Not be above the age of thirty.

Individuals must also complete a background check and, for those individuals who make a request to USCIS and are not subject to a final order of removal, must be 15 years old or older.

What is deferred action?
Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not confer lawful status upon an individual. In addition, although an alien granted deferred action will not be considered to be accruing unlawful presence in the United States during the period deferred

action is in effect, deferred action does not absolve individuals of any previous or subsequent periods of unlawful presence.

Under existing regulations, an individual who has been granted deferred action is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate "an economic necessity for employment." Deferred action can be terminated at any time at the agency's discretion or renewed by the agency.

How will the new directive be implemented?
Individuals who are not in removal proceedings or who are subject to a final order of removal will need to submit a request for a review of their case and supporting evidence to U.S. Citizenship and Immigration Services (USCIS). Individuals may request deferred action if they meet the eligibility criteria. In the coming weeks, USCIS will outline and announce the procedures by which individuals can engage in this process. This process is not yet in effect and requests should not be submitted at this time. Beginning June 18, individuals may call the USCIS hotline at 1-800-375-5283, from 8 a.m. to 8 p.m., with questions or to request more information on the new process. The hotline offers assistance in English and Spanish. Individuals seeking more information on the new process should visit USCIS's website (at http://www.uscis.gov).

For individuals who are in removal proceedings before the Executive Office for Immigration Review, ICE will, in the coming weeks, announce the process by which qualified individuals may request a review of their case. Additional information is available from the ICE Office of the Public Advocate at http://www.ice.gov/about/offices/enforcement-removal-operations/publicadvocate/ Beginning June 18, individuals may call the ICE hotline at 1-888-351-4024, from 9 a.m. to 5 p.m., with questions or to request more information on the new process.

For individuals who are in removal proceedings and have already been identified as meeting the eligibility criteria as part of ICE's case-by-case review, ICE will immediately begin to offer deferred action for a period of two years, subject to renewal.

Are individuals who receive deferred action pursuant to the new directive eligible for employment authorization?
Yes. Pursuant to existing regulations, individuals who receive deferred action may apply for and may obtain employment authorization from USCIS provided they can demonstrate an economic necessity for their employment. Information about employment authorization requests is available on USCIS's website at http://www.uscis.gov/i-765.

Does the process result in permanent lawful status for beneficiaries?
No. The grant of deferred action under this new directive does not provide an individual with permanent lawful status or a pathway to obtaining permanent lawful status. Only the Congress, acting through its legislative authority, can confer the right to permanent lawful status.

Why will deferred actions only be granted for two years?
Grants of deferred action will be issued in increments of two years. At the expiration of the two year period, the grant of deferred action can be renewed, pending a review of the individual case.

If an individual's period of deferred action is extended, will individuals need to re-apply for an extension of their employment authorization?
Yes. If an individual applies for and receives an extension of the period for which he or she was granted deferred action, he or she must also request an extension of his or her employment authorization.

Does this policy apply to those who are subject to a final order of removal?
Yes. An individual subject to a final order of removal who can demonstrate that he or she meets the eligibility criteria can request a review of his or her case and receive deferred action for a period of two years, subject to renewal. All cases will be considered on an individualized basis.

This process is not yet in effect and requests should not be submitted at this time. In the coming weeks, USCIS will outline and announce the procedures by which individuals can engage in this process. Beginning June 18, individuals may call the USCIS hotline at 1-800-375-5283, from 8 a.m. to 8 p.m., with questions or to request more information on the new process. The hotline offers assistance in English and Spanish. Individuals seeking more information on the new process should visit USCIS's website (at http://www.uscis.gov).

How soon after USCIS receives a request to review a case will the individual receive a decision on his or her request?
USCIS will provide additional information on this issue in the coming weeks. Information will be made publicly available at http://www.uscis.gov/.

If an individual who is about to be removed by ICE believes he or she satisfies the eligibility criteria for the new process, what steps should he or she take to ensure his or her case is reviewed before removal?

Individuals who believe they can demonstrate that they satisfy the eligibility criteria and are about to be removed should immediately contact either the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week) or the ICE Office of the Public Advocate through the Office's hotline at 1-888-351-4024 (staffed 9am – 5pm, Monday – Friday) or by e-mail at EROPublicAdvocate@ice.dhs.gov.

If an individual who satisfies the eligibility criteria is encountered by Customs and Border Protection (CBP) or ICE, will he or she be placed into removal proceedings?
This policy is intended to allow ICE and CBP to focus on priority cases. Pursuant to the direction of the Secretary of Homeland Security, for individuals who satisfy the eligibility criteria, CBP or ICE should exercise their discretion to prevent them from being apprehended, placed into removal proceedings, or removed. If individuals, including individuals in detention, believe they were placed into removal proceedings in violation of this policy, they should contact either the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week) or the ICE Office of the Public Advocate through the Office's hotline at 1-888-351-4024 (staffed 9am – 5pm, Monday – Friday) or by e-mail at EROPublicAdvocate@ice.dhs.gov.

If an individual accepted an offer of administrative closure under the case-by-case review process or if his or her case was terminated as part of the case-by-case review process, can he or she receive deferred action under the new process?
Yes. Individuals who can demonstrate that they meet the eligibility criteria will be eligible for deferred action even if they had accepted an offer of administrative closure or termination under the case-by-case review process. For individuals who are in removal proceedings and have already been identified as meeting the eligibility criteria as part of ICE's case-by-case review, ICE will immediately begin to offer deferred action for a period of two years, subject to renewal.

If an individual declined an offer of administrative closure under the case-by-case review process, can he or she receive deferred action under the new process?
Yes. Individuals who can demonstrate that they meet the eligibility criteria will be eligible for deferred action even if they declined an offer of administrative closure under the case-by-case review process.

If an individual's case was reviewed as part of the case-by-case review process but he or she was not offered administrative closure, can he or she receive deferred action under the new process?
Yes. Individuals who can demonstrate that they meet the eligibility criteria will be eligible for deferred action even if they were not offered administrative closure following review of their case as part of the case-by-case review process.

Will DHS personnel responsible for reviewing requests for an exercise of prosecutorial discretion under this process receive special training?
Yes. ICE and USCIS personnel responsible for considering requests for an exercise of prosecutorial discretion under the Secretary's directive will receive special training.

Will individuals be subject to background checks before they can receive an exercise of prosecutorial discretion?
Yes. All individuals will undergo biographic and biometric background checks prior to receiving an exercise of prosecutorial discretion. Individuals who have been convicted of any felony, a significant misdemeanor offense, three or more misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or otherwise pose a threat to national security or public safety are not eligible to be considered for deferred action under the new process.

What do background checks involve?
Background checks involve checking biographic and biometric information provided by the individuals against a variety of databases maintained by DHS and other federal government agencies.

What documentation will be sufficient to demonstrate that an individual came to the United States before the age of 16?
Documentation sufficient for an individual to demonstrate that he or she came to the United States before the age of 16 includes, but is not limited to: financial records, medical records, school records, employment records, and military records.

What documentation will be sufficient to demonstrate that an individual has resided in the United States for a least five years preceding June 15, 2012?
Documentation sufficient for an individual to demonstrate that he or she has resided in the United States for at five years immediately preceding June 15, 2012 includes, but is not limited to: financial records, medical records, school records, employment records, and military records.

What documentation will be sufficient to demonstrate that an individual was physically present in the United States as of June 15, 2012?

Documentation sufficient for an individual to demonstrate that he or she was physically present on June 15, 2012, the date the memorandum was issued, includes, but is not limited to: financial records, medical records, school records, employment records, and military records.

What documentation will be sufficient to demonstrate that an individual is currently in school, has graduated from high school, or has obtained a general education development certificate (GED)?
Documentation sufficient for an individual to demonstrate that he or she is currently in school, has graduated from high school, or has obtained a GED certificate includes, but is not limited to: diplomas, GED certificates, report cards, and school transcripts.

What documentation will be sufficient to demonstrate that an individual is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?
Documentation sufficient for an individual to demonstrate that he or she is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States includes, but is not limited to: report of separation forms, military personnel records, and military health records.

What steps will USCIS and ICE take to prevent fraud in the new processes?
An individual who knowingly makes a misrepresentation to USCIS or ICE, or knowingly fails to disclose facts to USCIS or ICE, in an effort to receive deferred action or work authorization in this new process will be treated as an immigration enforcement priority to the fullest extent permitted by law, subjecting the individual to criminal prosecution and/or removal from the United States.

Are individuals with a conviction for a felony offense, a significant misdemeanor offense, or multiple misdemeanors eligible for an exercise of prosecutorial discretion under this new process?
No. Individuals who have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct are not eligible to be considered for deferred action under the new process.

What offenses qualify as a felony?
A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year.

What offenses qualify as a "significant misdemeanor"?
A significant misdemeanor is a federal, state, or local criminal offense punishable by no more than one year of imprisonment or even no imprisonment that involves: violence, threats, or assault, including domestic violence; sexual abuse or exploitation; burglary, larceny, or fraud; driving under the influence of alcohol or drugs; obstruction of justice or bribery; unlawful flight from arrest, prosecution, or the scene of an accident; unlawful possession or use of a firearm; drug distribution or trafficking; or unlawful possession of drugs.

How many non-significant misdemeanors constitute "multiple misdemeanors" making an individual ineligible for an exercise of prosecutorial discretion under this new process?
An individual who is not convicted of a significant misdemeanor but is convicted of three or more other misdemeanors not occurring on the same day and not arising out of the same act, omission, or scheme of misconduct is not eligible to be considered for deferred action under this new process.

What qualifies as a national security or public safety threat?
If the background check or other information uncovered during the review of an individual's request for deferred action indicates that the individual's presence in the United States threatens public safety or national security, he or she will be ineligible for an exercise of prosecutorial discretion. Indicia that an individual poses such a threat include, but are not limited to, gang membership, participation in criminal activities, or participation in activities that threaten the United States.

How will ICE and USCIS handle cases involving individuals who do not satisfy the eligibility criteria under this new process but may be eligible for an exercise of prosecutorial discretion under the June 2011 Prosecutorial Discretion Memoranda?
If an individual has a final order of removal and USCIS determines that he or she does not satisfy the eligibility criteria, then it will reject the individual's request for deferred action. That individual may then request an exercise of prosecutorial discretion under the ICE June 2011 Prosecutorial Discretion Memoranda through any of the established channels at ICE, including through a request to the ICE Office of the Public Advocate or to the local Field Office Director. USCIS will not consider requests for review under the ICE June 2011 Prosecutorial Discretion Memoranda.

If an individual is currently in removal proceedings and ICE determines that he or she does not satisfy the eligibility criteria for deferred action under this process, it will then consider whether the individual is otherwise eligible for an

exercise of prosecutorial discretion under its current practices for assessing eligibility under the June 2011 Prosecutorial Discretion Memoranda.

Will there be supervisory review of decisions by ICE and USCIS under this process?
Yes. Both ICE and USCIS will develop protocols for supervisory review as part of their implementation of the new process.

Can individuals appeal a denial by ICE or USCIS of their request for an exercise of prosecutorial discretion under the new process?
No. Individuals may not appeal a denial by ICE or USCIS of their request for an exercise of prosecutorial discretion. However, ICE and USCIS will develop protocols for supervisory review as part of their implementation of the new process. Although there is no right for appeal, individuals in removal proceedings who believe their cases were not correctly handled may contact the ICE Office of the Public Advocate either by phone at 1-888-351-4024 or by e-mail at EROPublicAdvocate@ice.dhs.gov.

Will dependents and other immediate relatives of individuals who receive deferred action pursuant to this process also be eligible to receive deferred action?
No. The new process is available only to those who satisfy the eligibility criteria. As a result, the immediate relatives, including dependents, of individuals who receive deferred action pursuant to this process are not eligible to apply for deferred action as part of this process unless they independently satisfy the eligibility criteria.

If an individual's request to USCIS for deferred action is denied, will he or she be placed in removal proceedings?
For individuals whose requests for deferred action are denied by USCIS, USCIS will apply its existing Notice to Appear guidance governing USCIS's referral of cases to ICE and issuance of notices to appear. Under this guidance, individuals whose requests are denied under this process will be referred to ICE if they have a criminal conviction or there is a finding of fraud in their request.

Should individuals who are not in removal proceedings but believe themselves to be eligible for an exercise of deferred action under this process seek to place themselves into removal proceedings through encounters with ICE or CBP?
No. Individuals who are not in removal proceedings but believe that they satisfy the eligibility criteria should submit their request for review of their case to USCIS under the procedures that USCIS will implement.

This process is not yet in effect and requests should not be submitted at this time. Beginning June 18, individuals may call the USCIS hotline at1-800-375-5283, from 8 a.m. to 8 p.m., with questions or to request more information on the new process. The hotline offers assistance in English and Spanish. Individuals seeking more information on the new process should visit USCIS's website (at http://www.uscis.gov).

If I receive deferred action through this process, will I be able to travel outside the United States?
USCIS is exploring this issue and will resolve it in the coming weeks as part of its implementation plan.

Will there be any exceptions to the requirement that an individual must have resided in the United States for a least five years preceding June 15, 2012?
An individual must demonstrate that he or she has resided in the United States for a least five years preceding June 15, 2012. Brief and innocent absences undertaken for humanitarian purposes will not violate this requirement.

What should I do if I am eligible under this process and have been issued an ICE detainer following an arrest by a state or local law enforcement officer?
If you meet the eligibility criteria and have been served a detainer, you should immediately contact either the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week) or the ICE Office of the Public Advocate either through the Office's hotline at 1-888-351-4024 (staffed 9am – 5pm, Monday – Friday) or by e-mail at EROPublicAdvocate@ice.dhs.gov.

Does deferred action provide individuals with a path to citizenship or permanent legal status?
No. A grant of deferred action is a form of prosecutorial discretion that does not confer a path to citizenship or lawful permanent resident status. Only the Congress, acting through its legislative authority, can confer these rights.

Why isn't DHS allowing other individuals to request deferred action under this process?
As a general matter, young people who, through no fault of their own, were brought to this country as children, lacked the intent to violate the law and our ongoing review of pending removal cases is already offering administrative closure to many of them. However, additional measures are necessary to ensure that our enforcement resources are not expended on these low priority cases but are instead appropriately focused on people who meet our enforcement priorities.

Does this Administration remain committed to comprehensive immigration reform?
Yes. The Administration has consistently pressed for passage of comprehensive immigration reform, including the DREAM Act, because the President believes these steps are critical to building a 21st century immigration system that meets our nation's economic and security needs.

Is passage of the DREAM Act still necessary in light of the new process?
Yes. As the President has stated, individuals who would qualify for the DREAM Act deserve certainty about their status, and this new process does not provide that certainty. Only the Congress, acting through its legislative authority, can confer the certainty that comes with a pathway to permanent lawful status.

How can I get more information on the new process?
Individuals seeking more information on the new process should visit ICE's website (at www.ice.gov), USCIS's website (at www.uscis.gov), or DHS's website (at www.dhs.gov). Beginning June 18, individuals can also call ICE's hotline (at 1 -888-351-4024) or USCIS's hotline (at 1-800-375-5283) during business hours with questions or to request more information on the new process.

Where can I find more information about where to go for Deferred Action?

I...	Who to submit a request to review my case:	Where can I get more information:
...am subject to a final order of removal.	U.S. Citizenship and Immigration Services (USCIS) when the application period opens	USCIS website at http://www.uscis.gov. Beginning June 18: USCIS hotline at 1-800-375-5283 (8 am-8 pm; English & Spanish)
...have a case pending before the Executive Office for Immigration Review or a federal court.	U.S. Immigration and Customs Enforcement (ICE) when the process for accepting requests is announced	ICE website at: http://www.ice.gov. Beginning June 18: ICE hotline at 1-888-351-4024 (9am – 5pm; English and Spanish)
...have never been apprehended or placed into removal proceedings.	U.S. Citizenship and Immigration Services (USCIS) when the application period opens	USCIS website at http://www.uscis.gov. Beginning June 18: USCIS hotline at 1-800-375-5283 (8 am-8 pm; English & Spanish)

This page was last reviewed / modified on June 15, 2012.

Exhibit 8

The White House

Office of the Press Secretary

For Immediate Release June 15, 2012

Remarks by the President on Immigration

Rose Garden

2:09 P.M. EDT

THE PRESIDENT: Good afternoon, everybody. This morning, Secretary Napolitano announced new actions my administration will take to mend our nation's immigration policy, to make it more fair, more efficient, and more just -- specifically for certain young people sometimes called "Dreamers."

These are young people who study in our schools, they play in our neighborhoods, they're friends with our kids, they pledge allegiance to our flag. They are Americans in their heart, in their minds, in every single way but one: on paper. They were brought to this country by their parents -- sometimes even as infants -- and often have no idea that they're undocumented until they apply for a job or a driver's license, or a college scholarship.

Put yourself in their shoes. Imagine you've done everything right your entire life -- studied hard, worked hard, maybe even graduated at the top of your class -- only to suddenly face the threat of deportation to a country that you know nothing about, with a language that you may not even speak.

That's what gave rise to the DREAM Act. It says that if your parents brought you here as a child, if you've been here for five years, and you're willing to go to college or serve in our military, you can one day earn your citizenship. And I have said time and time and time again to Congress that, send me the DREAM Act, put it on my desk, and I will sign it right away.

Now, both parties wrote this legislation. And a year and a half ago, Democrats passed the DREAM Act in the House, but Republicans walked away from it. It got 55 votes in the Senate, but Republicans blocked it. The bill hasn't really changed. The need hasn't changed. It's still the right thing to do. The only thing that has changed, apparently, was the politics.

As I said in my speech on the economy yesterday, it makes no sense to expel talented young people, who, for all intents and purposes, are Americans -- they've been raised as Americans; understand themselves to be part of this country -- to expel these young people who want to staff our labs, or start new businesses, or defend our country simply because of the actions of their parents -- or because of the inaction of politicians.

In the absence of any immigration action from Congress to fix our broken immigration system, what we've tried to do is focus our immigration enforcement resources in the right places. So we prioritized border security, putting more boots on the southern border than at any time in our history -- today, there are fewer illegal crossings than at any time in the past 40 years. We focused and used discretion about whom to prosecute, focusing on criminals who endanger our communities rather than students who are earning their education. And today, deportation of criminals is up 80 percent. We've improved on that discretion carefully and thoughtfully. Well, today, we're improving it again.

Effective immediately, the Department of Homeland Security is taking steps to lift the shadow of deportation from these young people. Over the next few months, eligible individuals who do not present a risk to national security or public safety will be able to request temporary relief from deportation proceedings and apply for work authorization.

Now, let's be clear -- this is not amnesty, this is not immunity. This is not a path to citizenship. It's not a permanent fix. This is a temporary stopgap measure that lets us focus our resources wisely while giving a degree of relief and hope to talented, driven, patriotic young people. It is --

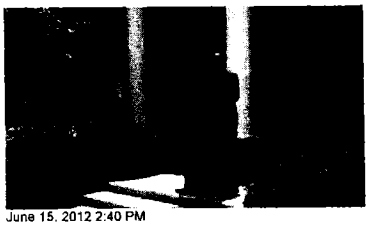
Q (Inaudible.)

THE PRESIDENT: -- the right thing to do.

Q -- foreigners over American workers.

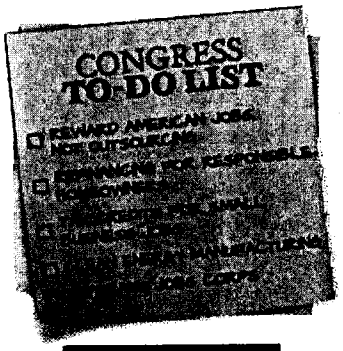
THE PRESIDENT: Excuse me, sir. It's not time for questions, sir.

WATCH THE VIDEO



June 15, 2012 2:40 PM

President Obama Speaks on Department of Homeland Security Immigration Announcement



View the To-Do List

BLOG POSTS ON THIS ISSUE

July 16, 2012 6:52 PM EDT

Vice President Biden Speaks To Seniors About Retirement Security

The Vice President told the audience that when it comes to Social Security and Medicare, "the question is what are we going to do to strengthen and sustain these programs now and for the future"

July 16, 2012 5:22 PM EDT

"It's Time to Keep the Conversation Going"

After organizing a Google+ Hangout with Secretary Donovan, we want to keep the conversation going on mortgage relief.

July 16, 2012 4:30 PM EDT

Missouri National Guard Joining Forces with Faith Community

In Missouri, Dr. Jill Biden spent time with Partners in Care, a national program linking caring faith communities to National

Q No, you have to take questions.

THE PRESIDENT: Not while I'm speaking.

Precisely because this is temporary, Congress needs to act. There is still time for Congress to pass the DREAM Act this year, because these kids deserve to plan their lives in more than two-year increments. And we still need to pass comprehensive immigration reform that addresses our 21st century economic and security needs -- reform that gives our farmers and ranchers certainty about the workers that they'll have. Reform that gives our science and technology sectors certainty that the young people who come here to earn their PhDs won't be forced to leave and start new businesses in other countries. Reform that continues to improve our border security, and lives up to our heritage as a nation of laws and a nation of immigrants.

Just six years ago, the unlikely trio of John McCain, Ted Kennedy and President Bush came together to champion this kind of reform. And I was proud to join 23 Republicans in voting for it. So there's no reason that we can't come together and get this done.

And as long as I'm President, I will not give up on this issue, not only because it's the right thing to do for our economy -- and CEOs agree with me -- not just because it's the right thing to do for our security, but because it's the right thing to do, period. And I believe that, eventually, enough Republicans in Congress will come around to that view as well.

And I believe that it's the right thing to do because I've been with groups of young people who work so hard and speak with so much heart about what's best in America, even though I knew some of them must have lived under the fear of deportation. I know some have come forward, at great risks to themselves and their futures, in hopes it would spur the rest of us to live up to our own most cherished values. And I've seen the stories of Americans in schools and churches and communities across the country who stood up for them and rallied behind them, and pushed us to give them a better path and freedom from fear --because we are a better nation than one that expels innocent young kids.

And the answer to your question, sir -- and the next time I'd prefer you let me finish my statements before you ask that question -- is this is the right thing to do for the American people --

Q (Inaudible.)

THE PRESIDENT: I didn't ask for an argument. I'm answering your question.

Q I'd like to --

THE PRESIDENT: It is the right thing to do --

Q (Inaudible.)

THE PRESIDENT: -- for the American people. And here's why --

Q -- unemployment --

THE PRESIDENT: Here's the reason: because these young people are going to make extraordinary contributions, and are already making contributions to our society.

I've got a young person who is serving in our military, protecting us and our freedom. The notion that in some ways we would treat them as expendable makes no sense. If there is a young person here who has grown up here and wants to contribute to this society, wants to maybe start a business that will create jobs for other folks who are looking for work, that's the right thing to do. Giving certainty to our farmers and our ranchers; making sure that in addition to border security, we're creating a comprehensive framework for legal immigration -- these are all the right things to do.

We have always drawn strength from being a nation of immigrants, as well as a nation of laws, and that's going to continue. And my hope is that Congress recognizes that and gets behind this effort.

All right. Thank you very much.

Q What about American workers who are unemployed while you import foreigners?

END
2:17 P.M. EDT

Guard members and their families who need certain resources, from child care, to transportation, to counseling

VIEW ALL RELATED BLOG POSTS

Facebook YouTube
Twitter Vimeo
Flickr iTunes
Google+ LinkedIn

WWW.WHITEHOUSE.GOV
En español | Accessibility | Copyright Information | Privacy Policy | Contact USA.gov | Subscribe to RSS Feeds | Apply for a Job

Exhibit 9

New York State Department of Motor Vehicles

PROOFS OF IDENTITY

FOR REGISTRATION AND TITLE

This form is also available to download from the DMV web site www.dmv.ny.gov

GENERAL REQUIREMENTS* To obtain a registration or title, you must provide:

- **Proof of date of birth, and....**
- **6 points of proof of name**

A NYS Photo Driver License, Learner Permit, or Non-Driver ID Card that is current, or not expired for more than 2 years, meets both of these requirements. Other acceptable documents for proof of identity, and their related point value, are listed in the table below and on Page 2.

In Addition:

- At least one proof **must** have your signature on it.
- You must provide **original** documents, or documents **certified** by the agency that issued them.
- If someone other than you gives DMV your registration or title application, that person **must** provide a photocopy of your NYS photo license, permit or ID card, **and** his or her own original NYS photo license, permit or ID card.
- We will **not** accept more than one document of the same type proof. For example, 3 major credit cards count as only one credit card.
- We will **not** accept documents with any alterations or erasures. We will confiscate all fraudulent documents and send them to DMV's Investigations Unit. This could result in criminal prosecution.

IMPORTANT: Making a false statement in an application, or in any proof or statement in conjunction with the application, or deceiving or substituting, or causing another person to deceive or substitute in connection with such application, is punishable as a misdemeanor under Section 392 of the Vehicle and Traffic Law for vehicle registration applicants, and may result in the revocation or suspension of your license or registration.

* These requirements **do not apply** to INTERSTATE IN-TRANSIT PERMITS or SNOWMOBILES registered IN ANOTHER STATE that are being registered for use in NY. For INTERSTATE IN-TRANSIT PERMITS a current out-of-state driver license is the only proof of identity needed. For SNOWMOBILES registered IN ANOTHER STATE that are being registered for use in NY, the out-of-state snowmobile registration is the only proof of identity needed.

ACCEPTABLE DOCUMENTS FOR PROOF OF IDENTITY FOR REGISTRATION AND TITLE Expired documents are NOT acceptable, unless specifically noted in the table below.	POINT VALUE FOR PROOF OF NAME	ACCEPTABLE AS PROOF OF DATE OF BIRTH?
NYS Photo Driver License/Learner Permit/Non-Driver ID Card. Must be current, or not expired for more than 2 years.	6	YES
EDL NYS Photo Driver License/Learner Permit/Non-Driver ID Card. Must be current, or not expired for more than 2 years.	6	YES
DMV form MV-45 Statement of Identity and/or Residence - IF UNDER 21. Affidavit by parent or legal guardian, signed in the presence of a DMV representative. See MV-45 for more information.	6	NO
DMV form MV-45A Statement of Identity and/or Residence - For Applicants Represented by Government or Government- Approved Facilities. See the MV-45A for more information.	6	NO
US Passport or Passport Card. Must be current.	4	YES
US Military Photo ID Card (issued to Active, Reserve, and Retired military personnel only)	3	YES
Certificate of Citizenship (N-560, N-561 or N-645)	3	YES
Certificate of Naturalization (N-550, N-570 or N-578)	3	YES
Employment Authorization Card (I-688B or I-766) with photo	3	YES
Permanent Resident Card (I-551)	3	YES
Reentry Permit (I-327)	3	YES
Refugee Travel Document (I-571)	3	YES
Foreign Passport with a valid I-551 stamp or with a statement on the Visa. Passport must be in English, or translated by an embassy.	3	YES
Foreign Passport with a US Visa and current I-94 attached.	3	YES
Welfare/Medicaid/NY Food Stamp Card WITH Photo	3	NO

ACCEPTABLE DOCUMENTS FOR PROOF OF IDENTITY FOR REGISTRATION AND TITLE Expired documents are NOT acceptable, unless specifically noted in the table below.	POINT VALUE FOR PROOF OF NAME	ACCEPTABLE AS PROOF OF DATE OF BIRTH?
Welfare/Medicaid/NY Food Stamp Card WITHOUT Photo	2	NO
NYS Interim License/Permit, WITHOUT Photo	2	NO
NYS or NYC Pistol Permit	2	NO
NYS Professional License	2	NO
NYS Registration Document (Vehicle or Boat only)	2	NO
NYS Certificate of Title	2	NO
Photo Driver License issued by another US State, jurisdiction or possession, or Canadian Province or territory. (*This license must be current, or not expired for more than 1 year.*)	2	**YES**
St. Regis Mohawk Tribal Photo ID Card	2	NO
Canadian Birth Certificate with St. Regis Mohawk Tribal Photo ID Card	2	**YES**
US Military Dependent ID Card	2	NO
US College ID Card With Photo and Transcript	2	NO
US High School ID with Report Card	2	NO
US Marriage or Divorce Record OR Court Issued Name Change Decree	2	NO
US Social Security Card (must have signature)	2	NO
Computer-Printed Pay Stub (must have your name)	1	NO
Employee ID Card	1	NO
High School Diploma OR GED (General Equivalency Diploma)	1	NO
Supermarket Check Cashing Card (must have your signature and pre-printed name)	1	NO
Union Card	1	NO
US Health Insurance Card/Prescription Card	1	NO
US Life Insurance Policy (in effect at least 2 years)	1	NO
Utility Bill (must include your name and address)	1	NO
Veterans Universal Access Photo ID Card	1	NO
W-2 Form (must include Social Security number)	1	NO
Only **one** of the following items, if issued by the **same** financial institution, can be submitted: • Bank Statement • Cancelled Check (with your pre-printed name) • Cash Card (ATM) (must have your pre-printed name and your signature) • Valid Major US Credit Card	1	NO
US DOS Consular Report of Birth Abroad (FS-240, DS-1350, F-545)	0	**YES**
US Birth Certificate or US Territory Birth Certificate issued by a Board of Health, Bureau of Vital Statistics, or US State Department. (*US Territories are: American Samoa, Guam, Mariana Islands, Marshall Islands, Puerto Rico, Virgin Islands and Wake Island.*)	0	**YES**
Canadian Birth Certificate with a Canadian DMV learner permit or non-driver ID card	0	**YES**
Valid Canadian Passport (without INS documentation)	0	**YES**

Exhibit 10

Driver License and Identification (ID) Card Information

Some of the documents linked on this page are in the Adobe Portable Document Format, also known as "PDF." Adobe Acrobat Reader is required to view, fill out and print forms. To incorporate the latest accessibility features download of the latest version of Acrobat Reader may be required. If you have problems with Acrobat Reader, see the Adobe Troubleshooting page for possible solutions.

How to

- Apply for a Driver License if you are over 18
- Apply for a Commercial Driver License
  - Medical Report for Commercial Driver License
- Apply for a Noncommercial Driver License
- Apply for a Motorcycle or Moped Driver License if you are over 18
- Apply for a Provisional Permit if you are under 18
  - Provisional Instruction Permit if you are under 18
  - Parents' or guardians' signatures–accepting liability for a minor
  - Provisional Driver License restrictions during the first year
- Apply for a Motorcycle or Moped Driver License if you are under 18
- Apply for a duplicate (replace lost or stolen) Driver License of Identification (ID) Card
- Apply for or renew an Identification Card
- Renew your Driver License in person
- Renew your Driver License by mail
- Renew your Commercial Driver License by mail
- Renew your Driver License by internet
- Renew an Instruction Permit
- Change your name on your Driver License and/or Identification Card
- Find a driving under the influence program

Frequently Asked Questions

- Changes to Provisional Driver License Restrictions?
- I was on a court–ordered probation for a DUI conviction and have been arrested for DUI, What happens now?
- When you are required to report an accident to DMV?
- Alternative methods for completing the Driver License written examination?
- What other languages is the written or audio test available in?
- What is the California Motorcycle Safety course?
- What happens if I fail my Class C or motorcycle driving test?
- What do I need to do to get my Driver License if I fail the driving test on all three tries?
- What happens if I lose my Permit?
- Why do I need to bring my Instruction Permit to my driving test if I am over 18 years of age?
- If I lose my driver's education certificate, will I be able to take my driving test?
- What can I expect during the noncommercial Class C driving test?
- What is a suspended Driver License?

Miscellaneous

- Driver Education and Driver Training Information
- Interpreter Services
- Identification Cards
- Reduced–fee ID Cards
- Negligent operator violation point count

Birth date verification and legal presence requirements

The issue of identification reliability, integrity, and confidentiality is of prime concern to all citizens. Eligibility for government services, issuance of various licenses, assessment of taxes, the right to vote, etc., are all determined through evaluations based on identification documents. It is critical that identification documents be authenticated and accurate in identifying each individual. The California driver license and ID card have been declared as primary identification documents in this state by the California legislature.

State law requires every applicant for an original California identification (ID) card and driver license to show verification of birth date and proof of legal presence within the United States to help safeguard the accuracy and integrity of departmental documents.

If your current name no longer matches the name on your birth date/legal presence document, see "True Full Name" and "How to Change Your Name" for more information.

Only the original or a certified copy of one of the following documents is acceptable:

- US Birth Certificate (certified copy from state or local vital statistics office)
- US Certificate of Birth Abroad or Report of Birth Abroad
- Federal Proof of Indian Blood Degree
- USCIS American Indian Card
- Birth Certificate or passport issued from a US Territory
- US Passport or US Passport Card
- US Military Identification Cards (Active or reserve duty, dependent of a military member, retired member, discharged from service, medical/religious personnel)
- Common Access Card (only if designated as Active military or Active Reserve or Active Selected Reserve)
- Certificate of Naturalization or Citizenship
- Northern Mariana Card
- USCIS US Citizen ID Card
- Permanent Resident Card
- Temporary Resident Identification Card
- Canadian Passport/Birth Certificate
- Non–resident Alien Canadian Border Crossing Card
- Valid foreign passport with a valid Record of Arrival/Departure (form I–94)
- "Processed for I–551" stamped in a valid foreign passport
- Permanent Resident Re–entry Permit
- Refugee travel document
- Certified court order or judgment issued from a court of competent jurisdiction. Must contain name, birth date, place of birth, legal presence status, and judge's signature.
- Certification from California Department of Corrections or California Youth Authority
- Employment Authorization Card
- Valid I–94 stamped "Refugee," "Parole or Parolee," "Asylee," or Section 207, Section 208, Section 209, Section 212d(2), HP or PIP
- Valid I–94 with attached photo stamped "Processed for I–551 temporary evidence of lawful admission for permanent residence"
- Notice of Action (I–797 Approved Petition) – must indicate approved extension of stay or change in status that grants temporary or permanent residency, or indicates that an original, duplicate or renewal Resident Alien card is forthcoming.
- Immigration judge's order granting asylum
- Mexican Border Crossing Card with valid I–94
- U.S. Border Crossing Identification card with valid I–94

For information or to request a certified copy of a birth certificate from another state, you may call the following vital statistics offices:

- Alabama (334) 206–5418
- Alaska (907) 465–3391
- Arizona (602) 364–1300
- Arkansas (501) 661–2336
- California (916) 445–2684
- Colorado (303) 692–2200
- Connecticut (860) 509–7897
- Delaware (302) 744–4549
- District of Columbia (202) 671–5000
- Florida (904) 359–6900 ext. 1029
- Georgia (404) 679–4702
- Hawaii (808) 586–4533
- Idaho (208) 334–5988

- Illinois (217) 782–6553
- Indiana (317) 233–2700
- Iowa (515) 281–4944
- Kansas (785) 296–1400
- Kentucky (502) 564–4212
- Louisiana (504) 593–5100
- Maine (207) 287–3181
- Maryland (410) 764–3038
- Massachusetts (617) 740–2600
- Michigan (517) 335–8656
- Minnesota (651) 201–5000
- Mississippi (601) 576–7450
- Missouri (573) 751–6387
- Montana 1 (888) 877–1946
- Nebraska (402) 471–2871
- Nevada (775) 684–4242
- New Hampshire (603) 271–4654
- New Jersey 1 (866) 649–8726
- New Mexico 1 (866) 534–0051
- New York (518) 474–3075
- New York City (212) 639–9675
- North Carolina (919) 733–3000
- North Dakota (701) 328–2360
- Ohio (614) 466–2531
- Oklahoma (405) 271–4040
- Oregon (971) 673–1190
- Pennsylvania (724) 656–3100
- Rhode Island (401) 222–2811
- South Carolina (803) 898–3630
- South Dakota (605) 773–4961
- Tennessee (615) 741–1763
- Texas (512) 458–7111
- Utah (801) 538–6105
- Vermont (802) 863–7275
- Virginia (804) 662–6200
- Washington (360) 236–4300
- West Virginia (304) 558–2931
- Wisconsin (608) 266–1371
- Wyoming (307) 777–7591

For information or to request a certified copy of a birth certificate from a US Territory or possession, you may call the following vital statistics offices:

- American Samoa (684) 633–1406
- Guam (671) 735–7292
- Puerto Rico (787) 767–9120
- Virgin Islands:
  St. Croix, St. Thomas, and St. John (340) 774–9000 ext 4685 or 4686
- Commonwealth of the Northern Mariana Islands (670) 236–8717
- Canal Zone (202) 955–0307

US Citizenship and Immigration Services; a Bureau of Department of Homeland Security (DHS)

- US Citizenship and Immigration Services (USCIS) National Customer Service Center 1 (800) 375–5283
- US State Department (For US citizen born abroad) (202) 955–0307

All phone numbers and website information are subject to change without notice.

Exhibit 11

Population Estimates
JANUARY 2010

Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2009

MICHAEL HOEFER, NANCY RYTINA, AND BRYAN C. BAKER

This report provides estimates of the number of unauthorized immigrants residing in the United States as of January 2009 by period of entry, region and country of origin, state of residence, age, and gender. The estimates were obtained using the "residual" methodology employed for estimates of the unauthorized population in 2008 (see Hoefer, Rytina, and Baker, 2009). The unauthorized resident population is the remainder or "residual" after estimates of the legally resident foreign-born population – legal permanent residents (LPRs), asylees, refugees, and nonimmigrants – are subtracted from estimates of the total foreign-born population. Data to estimate the legally resident population were obtained primarily from the Department of Homeland Security (DHS) while the American Community Survey (ACS) of the U.S. Census Bureau was the source for estimates of the total foreign-born population.

In summary, DHS estimates that the unauthorized immigrant population living in the United States decreased to 10.8 million in January 2009 from 11.6 million in January 2008. Between 2000 and 2009, the unauthorized population grew by 27 percent. Of all unauthorized immigrants living in the United States in 2009, 63 percent entered before 2000, and 62 percent were from Mexico.

DEFINITIONS

Legal Residents

The legally resident immigrant population as defined for these estimates includes all persons who were granted lawful permanent residence; granted asylee status; admitted as refugees; or admitted as nonimmigrants for a temporary stay in the United States and not required to leave by January 1, 2009. Nonimmigrant residents refer to certain aliens who were legally admitted temporarily to the United States for specified time periods such as students and temporary workers.

Unauthorized Residents

The unauthorized resident immigrant population is defined as all foreign-born non-citizens who are not legal residents. Most unauthorized residents either entered the United States without inspection or were admitted temporarily and stayed past the date they were required to leave. Unauthorized immigrants applying for adjustment to lawful permanent resident status under the Immigration and Nationality Act (INA) Section 245(i) are unauthorized until they have been granted LPR status, even though they may have been authorized to work. Persons who are beneficiaries of Temporary Protected Status (TPS)—an estimated several hundred thousand—are not technically unauthorized but were excluded from the legally resident immigrant population because data are unavailable in sufficient detail to estimate this population.

METHODOLOGY AND DATA

Two populations are estimated in order to derive the unauthorized population estimates: 1) the total foreign-born population living in the United States on January 1, 2009, and 2) the legally resident population on the same date. The unauthorized population is equal to 1) minus 2). It was assumed that foreign-born residents who had entered the United States prior to 1980 were legally resident since most were eligible for legal permanent resident status.[1] Therefore, the starting point for

[1] The Registry Provision of the Immigration and Nationality Act (INA) allows persons who have been in the United States since January 1, 1972 to apply for LPR status. Additionally, persons who had lived in the United States before 1982 as unauthorized residents were eligible to adjust to LPR status under the Immigration Reform and Control Act (IRCA) of 1986.

Homeland Security

Office of Immigration Statistics
POLICY DIRECTORATE

the estimates was January 1, 1980. The steps involved in estimating the components of each population are shown in Appendix 1. Data on the foreign-born population that entered during 1980-2008 by country of birth, state of residence, year of entry, age, and gender were obtained from the 2008 ACS. The ACS is a nationwide sample survey that collects information from U.S. households on social, demographic, and economic characteristics, including country of birth and year of entry of the foreign-born population. The ACS consists of non-overlapping samples from which information is collected monthly over the course of a year. The ACS was selected for the estimates because of its large sample size, about 3 million households in 2008 compared to 100,000 for the March 2009 Current Population Survey, the primary alternative source of national data on the foreign-born population.

Data on persons who obtained LPR status by country of birth, state of residence, age, gender, category of admission, and year of entry were obtained from DHS administrative records maintained in an application case tracking system of U.S. Citizenship and Immigration Services (USCIS). Data on refugees arriving in the United States by country of origin were obtained from the Department of State. Data on persons granted asylum by country of origin were obtained from USCIS for those granted asylum affirmatively and from the Executive Office of Immigration Review of the Department of Justice for those granted asylum defensively through removal proceedings. Data on nonimmigrant admissions by country of citizenship, state of residence, age, gender, and class of admission were obtained from I-94 arrival-departure records in the TECS system of the U.S. Customs and Border Protection. Estimates of the unauthorized population were generated for the ten leading countries of birth and states of residence, age, and gender. The Cuban-born population living in the United States was excluded from the estimates since, according to immigration law, Cubans living in the United States more than a year are eligible to apply to adjust to LPR status.

Caution is recommended in interpreting changes in the size of the unauthorized population presented in this report. Annual estimates of the unauthorized immigrant population are subject to sampling error in the ACS and considerable nonsampling error because of uncertainty in some of the assumptions required for estimation (see Limitations below). In addition, changes in the ACS, including revisions in the wording of the question on Hispanic origin in the 2008 ACS and measurement of net international migration (see U.S. Census Bureau, 2009) may have affected the size of the foreign born population and thus estimates of the unauthorized population. This report does not discuss changes in the unauthorized population between 2008 and 2009 by countries of origin or states of residence because of greater uncertainty in those estimates. For reference, Appendix 2 provides DHS estimates by leading countries of birth and states of residence for 2000 and 2005-2009.

Limitations

Assumptions about undercount of the foreign-born population in the ACS and rates of emigration. The estimates are sensitive to the assumptions that are made about these components (see **RESULTS**).

Accuracy of year of entry reporting. Concerns exist among immigration analysts regarding the validity and reliability of Census survey data on the year of entry question, "When did this person come to live in the United States?" Errors also occur in converting DHS administrative dates for legally resident immigrants to year of entry dates.

Assumptions about the nonimmigrant population estimate. The estimates are based on admission dates and length of visit by class of admission and not actual population counts. Length of visit, which is calculated by matching arrival and departure records, is subject to more error than admissions data.

Sampling error in the ACS. The 2008 ACS data are based on a sample of the U.S. population. Thus the estimates of the total foreign-born population that moved to the United States in the 1980-2008 period are subject to sampling variability. The estimated margin of error for the estimate of the foreign-born population in the 2008 ACS at the 90 percent confidence level is plus or minus approximately 154,000.

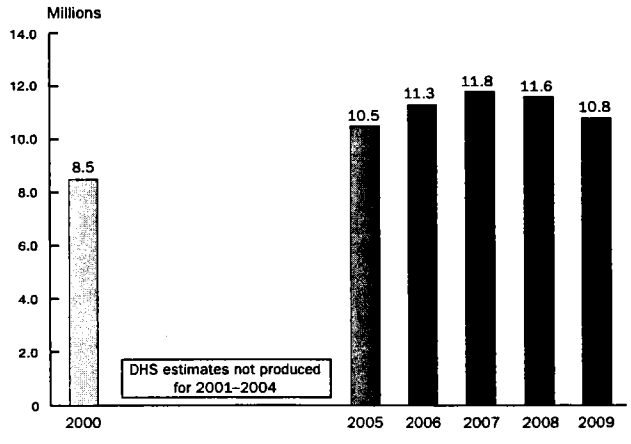
Accuracy of state of residence for the legally resident population. State of residence for legally resident 1980-2008 entrants is assumed to be the state of residence on the date the most recent status (e.g., refugee, LPR, or naturalized citizen) was obtained; however, the accuracy of the estimates may be affected by state-to-state migration that occurred between the date of the status change and January 1, 2009.

RESULTS

Overall Trend

Between January 2008 and January 2009, the number of unauthorized immigrants living in the United States decreased seven percent from 11.6 million to 10.8 million (see Figure 1). Between 2000 and 2007, the unauthorized population grew by 3.3 million from 8.5 million to 11.8 million. The number of unauthorized residents declined by 1.0 million between 2007 and 2009, coincident with the U.S. economic downturn. The overall annual average increase in the unauthorized population during the 2000-2009 period was 250,000.

Figure 1.
Unauthorized Immigrant Population: 2000–2009



Source: U.S. Department of Homeland Security.

Table 1.

Period of Entry of the Unauthorized Immigrant Population: January 2009

Period of entry	Estimated population January 2009	
	Number	Percent
All years	10,750,000	100
2005-2008	910,000	8
2000-2004	3,040,000	28
1995-1999	3,080,000	29
1990-1994	1,670,000	16
1985-1989	1,190,000	11
1980-1984	860,000	8

Detail may not sum to totals because of rounding.
Source: U.S. Department of Homeland Security.

The decrease in the size of the unauthorized population between 2008 and 2009 is not likely due to sampling error in the estimates of the foreign-born population in the 2007 or 2008 ACS. The margin of error at the 90 percent confidence level was 151,000 for the 2007 ACS and 154,000, as noted above, for the 2008 ACS.[2] Changes in the ACS, e.g., revisions in the question on Hispanic origin in 2008 and measurement of net international migration, may have had an impact on the 2009 estimate and therefore the magnitude of change between 2008 and 2009. Trends in the unauthorized population reported by DHS are consistent with the most recent estimates by the Pew Hispanic Center showing 11.9 million unauthorized immigrants living in the United States in March 2008, 12.4 million in March 2007, 11.5 million in March 2006, and 11.1 million in March 2005 (Passel and Cohn, 2008).

[2] The additional sampling error introduced by shifting the reference date of the foreign born population to January 1 is not large enough for sampling error to account for the 2008-2009 change in the unauthorized population.

The sensitivity of the estimates to assumptions about undercount of the foreign-born population and emigration is illustrated with several examples. Doubling the unauthorized immigrant undercount rate from 10 percent to 20 percent increases the estimated unauthorized population from 10.8 million to 12.1 million. By lowering or raising emigration rates 20 percent and holding all other assumptions constant, the estimated unauthorized immigrant population would range from 10.0 million to 11.5 million. Doubling the unauthorized immigrant undercount rate and lowering or raising emigration rates by 20 percent would expand the range of the estimated unauthorized immigrant population to 11.3-13.0 million.

Period of Entry

Of the 10.8 million unauthorized immigrants in 2009, 4.0 million (37 percent) had entered the United States on January 1, 2000 or later (see Table 1). An estimated 0.9 million (8 percent) came to the United States between 2005 and 2008 while 3.0 million (28 percent) came during 2000 to 2004. Forty-four percent came to live in the United States during the 1990s, and 19 percent entered during the 1980s.

Components of the Unauthorized Immigrant Population in 2009

The size of each component of the unauthorized immigrant population estimates for 2009 is displayed in Table 2. See Appendix 1 for a detailed explanation of each entry in Table 2. For the foreign-born population, the starting point was the estimated 29.0 million foreign-born residents in the 2008 ACS that entered the United States during 1980-2008. This population was increased by 2.2 million, or 8 percent, by adjustments for the shift in the reference date from mid-year 2008 to January 1, 2009 and the addition of undercounts for the populations of nonimmigrants, other legally resident immigrants, and unauthorized immigrants. The estimated undercount of

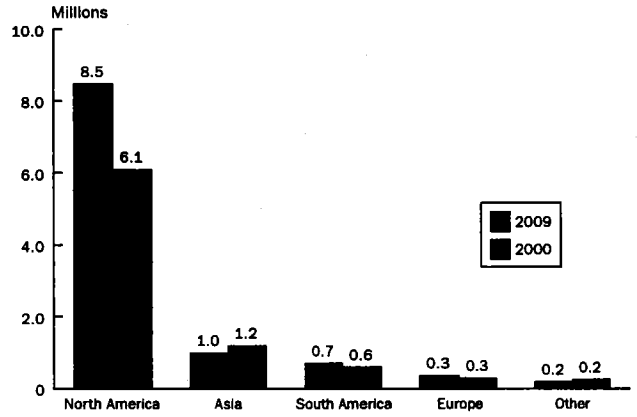
Table 2.

Components of the Unauthorized Immigrant Population: January 2009

	2009
1) Foreign-born population	
a. Foreign-born population, entered 1980-2008, 2008 ACS	29,010,000
b. Adjustment for shift in reference date from July 1, 2008 to January 1, 2009	490,000
c. Undercount of nonimmigrants in ACS	190,000
d. Undercount of other legally resident immigrants (LPRs, recent refugee/asylee arrivals) in ACS	470,000
e. Undercount of unauthorized immigrant population in ACS	1,080,000
f. Estimated foreign-born population, January 1, 2009 (a.+b.+c.+d.+e.)	31,220,000
2) Legally resident population	
g. LPR, refugee, and asylee flow January 1, 1980-December 31, 2008	23,540,000
h. Mortality 1980-2008	1,520,000
i. Emigration 1980-2008	3,420,000
j. LPR, refugee, and asylee resident population, January 1, 2009 (g.-h.-i.)	18,610,000
k. Nonimmigrant population on January 1, 2009	1,860,000
l. Estimated legally resident population, January 1, 2009 (j.+k.)	20,470,000
3) Unauthorized immigrant population	
m. Estimated resident unauthorized immigrant population, January 1, 2009 (f.-l.)	10,750,000

Detail may not sum to totals because of rounding.
Source: U.S. Department of Homeland Security.

Figure 2.
Region of Birth of the Unauthorized Immigrant Population: January 2009 and 2000



Source: U.S. Department of Homeland Security.

the unauthorized immigrant population in the ACS was nearly 1.1 million and represents 49 percent of all adjustments to the foreign-born population.

For the legally resident population, the starting point was the flow of 23.5 million LPRs, refugees, and asylees during 1980-2008. By January 2009, the 23.5 million had been reduced by 4.9 million to 18.6 million due to mortality and emigration. Emigration accounted for 3.4 million, or 69 percent, of the 4.9 million. The addition of the nonimmigrant population, estimated at 1.9 million, resulted in a total estimated legally resident immigrant population of 20.5 million on January 1, 2009. Subtracting the 20.5 million legally resident immigrants from the total 31.2 million foreign-born population on January 1, 2009 that entered the United States during 1980-2008 yields the final estimated unauthorized population of 10.8 million.

Estimates by Region and Country of Birth

An estimated 8.5 million of the total 10.8 million unauthorized immigrants living in the United States in 2009 were from the North America region, including Canada, Mexico, the Caribbean, and Central America (see Figure 2). The next leading regions of origin were Asia (980,000) and South America (740,000).

Mexico continued to be the leading source of unauthorized immigration to the United States (see Table 3 and Appendix 2). There were 6.7 million unauthorized immigrants from Mexico in 2009, representing 62 percent of the unauthorized population. The next leading source countries for unauthorized immigrants in 2009 were El Salvador (530,000), Guatemala (480,000), Honduras (320,000), and the Philippines (270,000). The ten leading countries of origin represented 85 percent of the unauthorized immigrant population in 2009.

Between 2000 and 2009, the Mexican-born unauthorized immigrant population increased 2.0 million or 42 percent. The greatest percentage increases occurred among unauthorized immigrants from Honduras (95 percent), Guatemala (65 percent), and India (64 percent).

Estimates by State of Residence

California remained the leading state of residence of the unauthorized immigrant population in 2009, with 2.6 million (see Table 4 and Appendix 2). The next leading state, Texas, had 1.7 million unauthorized residents, followed by Florida with 720,000,

Table 3.
Country of Birth of the Unauthorized Immigrant Population: January 2009 and 2000

Country of birth	Estimated population in January		Percent of total		Percent change	Average annual change
	2009	2000	2009	2000	2000 to 2009	2000 to 2009
All countries	10,750,000	8,460,000	100	100	27	250,000
Mexico	6,650,000	4,680,000	62	55	42	220,000
El Salvador	530,000	430,000	5	5	25	10,000
Guatemala	480,000	290,000	4	3	65	20,000
Honduras	320,000	160,000	3	2	95	20,000
Philippines	270,000	200,000	2	2	33	10,000
India	200,000	120,000	2	1	64	10,000
Korea	200,000	180,000	2	2	14	—
Ecuador	170,000	110,000	2	1	55	10,000
Brazil	150,000	100,000	1	1	49	10,000
China	120,000	190,000	1	2	-37	(10,000)
Other countries	1,650,000	2,000,000	15	24	-17	(40,000)

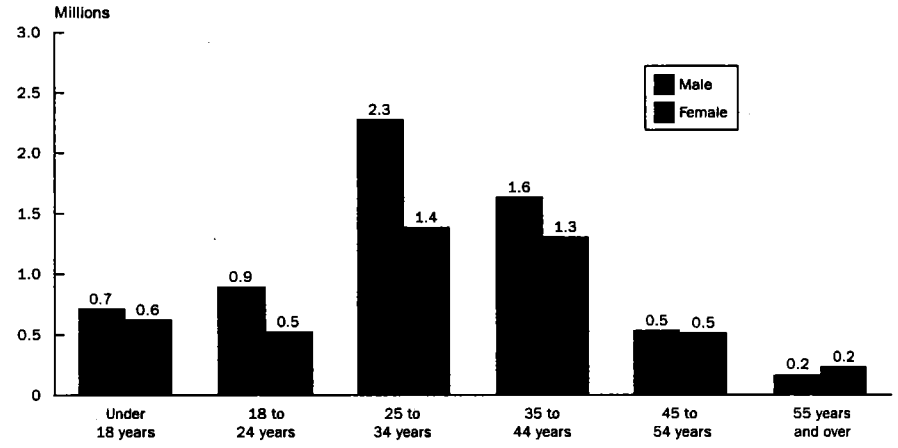
— Represents less than 5,000.
Detail may not sum to totals because of rounding.
Source: U.S. Department of Homeland Security.

Table 4.
State of Residence of the Unauthorized Immigrant Population: January 2009 and 2000

State of residence	Estimated population in January		Percent of total		Percent change	Average annual change
	2009	2000	2009	2000	2000 to 2009	2000 to 2009
All states	10,750,000	8,460,000	100	100	27	250,000
California	2,600,000	2,510,000	24	30	3	10,000
Texas	1,680,000	1,090,000	16	13	54	70,000
Florida	720,000	800,000	7	9	-10	(10,000)
New York	550,000	540,000	5	6	1	—
Illinois	540,000	440,000	5	5	24	10,000
Georgia	480,000	220,000	4	3	115	30,000
Arizona	460,000	330,000	4	4	42	20,000
North Carolina	370,000	260,000	3	3	43	10,000
New Jersey	360,000	350,000	3	4	3	—
Nevada	260,000	170,000	2	2	55	10,000
Other states	2,730,000	1,760,000	25	21	55	110,000

— Represents less than 5,000.
Detail may not sum to totals because of rounding.
Source: U.S. Department of Homeland Security.

Figure 3.
Age and Gender of the Unauthorized Immigrant Population: January 2009



Source: U.S. Department of Homeland Security.

Table 5.
Age and Gender of the Unauthorized Immigrant Population: January 2009

Age	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
All ages	10,750,000	100	6,190,000	100	4,570,000	100
Under 18 years	1,320,000	12	710,000	11	620,000	13
18 to 24 years	1,410,000	13	890,000	14	520,000	11
25 to 34 years	3,650,000	34	2,270,000	37	1,380,000	30
35 to 44 years	2,930,000	27	1,630,000	26	1,300,000	29
45 to 54 years	1,040,000	10	530,000	8	510,000	11
55 years and over	390,000	4	160,000	3	230,000	5

Detail may not sum to totals because of rounding.
Source: U.S. Department of Homeland Security.

New York with 550,000, and Illinois with 540,000. California's share of the national total was 24 percent in 2009 compared to 30 percent in 2000. The greatest percentage increases in the unauthorized population between 2000 and 2009 occurred in Georgia (115 percent), Nevada (55 percent), and Texas (54 percent).

Estimates by Age and Gender

In 2009, 61 percent of unauthorized immigrants were ages 25 to 44 years, and 58 percent were male (see Figure 3 and Table 5). Males accounted for 62 percent of the unauthorized population in the 18 to 34 age group in 2009 while females accounted for 52 percent of the 45 and older age groups.

NEXT STEPS

The estimates presented here will be updated periodically based on annual data of the foreign-born population collected in the American Community Survey and on the estimated lawfully resident foreign-born population derived from various administrative data sources.

APPENDIX 1

Components for Estimating the Unauthorized Resident Population

The material below describes how each component was estimated. Note that the labels for each component correspond with the entries in Table 2.

1) Foreign-born population

a. Foreign-born population, entered 1980-2008

The estimated total foreign-born population that entered between 1980-2008 was obtained from the ACS's FactFinder. FactFinder is the Census-maintained online data portal for obtaining ACS estimates from the full sample for a particular year. Data on the distribution of the foreign born by country of origin, state of residence, year of entry, age, and gender were obtained from the 2008 Public Use Microdata Sample (PUMS). The overall FactFinder estimate for the total foreign-born population entering in the post-1979 period was reduced to remove PUMS estimates of the post-1979 Cuban-born population. Further, a three-year moving average was applied to PUMS data for year of entry to reduce heaping effects.

b. Shift in reference date to January 1, 2009

The reference date for the 2008 ACS, the most recently available ACS data, was shifted from mid-year 2008 to January 1, 2009 by multiplying the population of 2008 entrants by 1.72, which is the average of three ratios: the ratio of the estimated population in the 2008 ACS that entered the United States during 2007 compared to the population in the 2007 ACS that entered in 2007 and the comparable ratios for the 2006 entrants in the 2006 and 2007 ACS surveys and the 2005 entrants in the 2005 and 2006 ACS surveys. Previous DHS estimates used an average of five ratios; however, the average of three ratios better reflects recent population growth in the second half of the year.

c. Undercount of nonimmigrants in the ACS

Undercount refers to the number of persons who should have been counted in a survey or census, but were not. A rate of 10 percent was used to estimate the nonimmigrant undercount. This rate was used in previous DHS unauthorized population estimates for 2000 and 2005-2008 (Department of Homeland Security, 2003; Hoefer et al., 2006, 2007, 2008, 2009).

d. Undercount of LPRs, refugees, and asylees in the ACS

The undercount rate for LPRs, refugees, and asylees in the ACS was assumed to be 2.5 percent. This was the same rate used in DHS estimates for 2000 and 2005-2008 (Department of Homeland Security, 2003; Hoefer et al., 2006, 2007, 2008, 2009).

e. Undercount of unauthorized immigrants in the ACS

The undercount rate for unauthorized immigrants in the ACS was assumed to be 10 percent. This was the same rate used in previous DHS estimates for 2000 and 2005-2008 (Department of Homeland Security, 2003; Hoefer et al., 2006, 2007, 2008, 2009).

f. Estimated foreign-born population, January 1, 2009

The sum of 1a. through 1e. (above) is the estimated foreign-born population on January 1, 2009 that entered the United States during the 1980-2008 period.

2) Legally resident population

g. Legal permanent resident (LPR), refugee, and asylee flow, entered 1980-2008

The 1980-2008 flow was calculated separately for LPRs, refugees, and asylees. LPRs consist of two groups: new arrivals and those who have adjusted status. New arrivals include all persons with immigrant visas issued by the State Department who were admitted at a U.S. port of entry. For new arrival LPRs, the date of entry into the United States is the same as the date of approval for LPR status. For LPRs adjusting status, year of entry was assumed to be the year of last entry between 1980 and 2008 prior to adjustment. Year of entry was imputed when last entry date was missing (affecting approximately 40 percent of adjustment of status records during 1998-2005) using category of admission, year of LPR adjustment, and known last entry date.

Refugees and asylees included in the legally resident flow had not adjusted to LPR status as of January 1, 2009. The refugee and asylee flow was estimated based on the average time spent in the status before adjustment to LPR status—3.0 years for refugees and 5.3 years for asylees adjusting in 2008. The refugee and asylee portion of the legally resident flow therefore included refugees who arrived in the United States during the 3.0 years prior to 2009 and persons granted asylum during the 5.3 years preceding 2009.

h. Mortality of legally resident flow 1980-2008

Data are not collected on the mortality of legally resident immigrants. LPRs were survived to 2009 by gender and age (taking into account subsequent naturalization) using mortality rates by age and sex from 1989-1991 life tables (National Center for Health Statistics, 1997).

i. Emigration of legally resident flow 1980-2008

Emigration is a major component of immigrant population change. In the absence of data that directly measure emigration from the United States, researchers have developed indirect estimates based largely on Census data. For this report, annual emigration rates by year of entry (year of naturalization if the immigrant subsequently became a U.S. citizen) were calculated from estimates of emigration of the foreign-born population based on 1980 and 1990 Census data (Ahmed and Robinson, 1994). In addition, refugees and asylees, with little likelihood of returning to their country of origin, were assumed not to emigrate. The overall effective rate of emigration for legally resident immigrants in 2009 was about 22 percent after twenty years.

j. LPR, refugee, and asylee population on January 1, 2009

Subtracting mortality (2h.) and emigration (2i.) from the LPR, refugee, and asylee flow during 1980-2008 (2g.) results in the estimated LPR, refugee, and asylee resident population on January 1, 2009.

k. Nonimmigrant population on January 1, 2009

The number of nonimmigrants living in the United States on January 1, 2009 was estimated by counting days of presence between July 1, 2008 and June 30, 2009 and dividing the result by 366. The estimate was restricted to classes of admission such as students, temporary workers, and exchange visitors where the length of stay typically exceeds two months. The estimate does not include border crossers or visitors for business or pleasure. Year of entry for the 2009 nonimmigrant population was based on the distribution of year of entry for nonimmigrants used in previous DHS unauthorized immigrant population estimates (Department of Homeland Security, 2003; Hoefer et al., 2006, 2007, 2008, 2009).

l. Estimated legally resident immigrant population on January 1, 2009

Adding the population of LPRs, refugees, and asylees on January 1, 2009 (2j.) to the nonimmigrant population on the same date (2k.) results in the total estimated legally resident immigrant population in the United States on January 1, 2009.

3) Unauthorized Immigrant Population

m. Estimated unauthorized immigrant population on January 1, 2009

Subtracting the estimated legally resident immigrant population (2l.) from the total foreign-born population on January 1, 2009 (1f.) yields the estimate of the unauthorized immigrant population.

APPENDIX 2

Country of Birth and State of Residence of the Unauthorized Immigrant Population: January 2000 and 2005–2009

	Estimated population in January					
Country of birth	**2000**	**2005**	**2006***	**2007**	**2008**	**2009**
All countries	8,460,000	10,490,000	11,310,000	11,780,000	11,600,000	10,750,000
Mexico	4,680,000	5,970,000	6,570,000	6,980,000	7,030,000	6,650,000
El Salvador	430,000	470,000	510,000	540,000	570,000	530,000
Guatemala	290,000	370,000	430,000	500,000	430,000	480,000
Honduras	160,000	180,000	280,000	280,000	300,000	320,000
Philippines	200,000	210,000	280,000	290,000	300,000	270,000
India	120,000	280,000	210,000	220,000	160,000	200,000
Korea	180,000	210,000	230,000	230,000	240,000	200,000
Ecuador	110,000	120,000	150,000	160,000	170,000	170,000
Brazil	100,000	170,000	210,000	190,000	180,000	150,000
China	190,000	230,000	170,000	290,000	220,000	120,000
Other countries	2,000,000	2,280,000	2,290,000	2,100,000	2,000,000	1,650,000
	Estimated population in January					
State of residence	**2000**	**2005**	**2006***	**2007**	**2008**	**2009**
All states	8,460,000	10,490,000	11,310,000	11,780,000	11,600,000	10,750,000
California	2,510,000	2,890,000	2,790,000	2,840,000	2,850,000	2,600,000
Texas	1,090,000	1,670,000	1,620,000	1,710,000	1,680,000	1,680,000
Florida	800,000	970,000	960,000	960,000	840,000	720,000
New York	540,000	560,000	510,000	640,000	640,000	550,000
Illinois	440,000	550,000	530,000	560,000	550,000	540,000
Georgia	220,000	490,000	490,000	490,000	460,000	480,000
Arizona	330,000	510,000	490,000	530,000	560,000	460,000
North Carolina	260,000	370,000	360,000	380,000	380,000	370,000
New Jersey	350,000	440,000	420,000	470,000	400,000	360,000
Nevada	170,000	230,000	230,000	260,000	280,000	260,000
Other states	1,760,000	1,800,000	2,900,000	2,950,000	2,950,000	2,730,000

Detail may not sum to totals because of rounding.

*Revised as noted in the 1/1/2007 unauthorized estimates report published in September 2008.

Source: U.S. Department of Homeland Security.

REFERENCES

Ahmed, Bashir and J. Gregory Robinson, 1994. "Estimates of Emigration of the Foreign-Born Population: 1980-1990," Technical Working Paper No. 9, U.S. Bureau of the Census, http://www.census.gov/population/www/documentation/twps0009/twps0009.html

Hoefer, Michael, Nancy Rytina and Christopher Campbell, 2006. "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2005," Office of Immigration Statistics, Policy Directorate, U.S. Department of Homeland Security, http://www.dhs.gov/xlibrary/assets/statistics/publications/ILL_PE_2005.pdf

Hoefer, Michael, Nancy Rytina and Christopher Campbell, 2007. "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006," Office of Immigration Statistics, Policy Directorate, U.S. Department of Homeland Security, http://www.dhs.gov/xlibrary/assets/statistics/publications/ill_pe_2006.pdf

Hoefer, Michael, Nancy Rytina and Bryan C. Baker, 2008. "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2007," Office of Immigration Statistics, Policy Directorate, U.S. Department of Homeland Security, http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2007.pdf

Hoefer, Michael, Nancy Rytina and Bryan C. Baker, 2009. "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2008," Office of Immigration Statistics, Policy Directorate, U.S. Department of Homeland Security, http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2008.pdf

National Center for Health Statistics, 1997. U.S. Decennial Life Tables for 1989-91,Vol. 1, No. 1. Hyattsville, Maryland, U.S. Government Printing Office.

Passel, Jeffrey S. and D'Vera Cohn, 2008. "Trends in Unauthorized Immigration: Undocumented Inflow Now Trails Legal Inflow," Pew Hispanic Center, http://pewhispanic.org/files/reports/94.pdf

U.S. Census Bureau, 2009. "Changes to the American Community Survey Between 2007 and 2008 and Their Potential Effect on the Estimates of Hispanic Origin Type, Nativity, Race and Language." http://www.census.gov/population/www/socdemo/hispanic/acs08researchnote.pdf

U.S. Department of Homeland Security, 2003. "Estimates of the Unauthorized Immigrant Population Residing in the United States: 1990 to 2000," http://www.dhs.gov/xlibrary/assets/statistics/publications/Ill_Report_1211.pdf

PROOF OF SERVICE BY MAIL

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, 405 Howard Street, San Francisco, CA 94104. On July 18, 2011, I served the following documents:

APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
PROPOSED AMICUS CURIAE BRIEF (AND EXHIBITS)
REQUEST FOR JUDICIAL NOTICE
APPLICATION TO APPEAR PRO HAC VICE FOR JOSE PEREZ

on the interested parties in this action by placing true and correct copies thereof in sealed envelope(s) addressed as follows:

Sergio C. Garcia P.O. Box 662 Durham, CA 95938	Joseph Starr Babcock State Bar of California 180 Howard Street San Francisco, CA 94105
Jerome Fishkin Fishkin and Slatter LLP 1575 Treat Boulevard, Suite 215 Walnut Creek, CA 94598	Rachel Simone Grunberg Office of the General Counsel, State Bar of California 180 Howard Street San Francisco, CA 94105
Committee of Bar Examiners of the State Bar of California : Non-Title Respondent 1149 S. Hill Street Los Angeles, CA 90015	Robert E. Palmer Gibson Dunn and Crutcher LLP 3161 Michelson Drive Irvine, CA 92612-4412
Mark A. Perry Gibson Dunn and Crutcher LLP 1050 Connecticut Avenue, N.W. Washington, DC 20036-5306	Donald K. Tamaki Minami Tamaki LLP 360 Post Street, 8 Floor San Francisco, CA 94108

On the date indicated above, I placed the sealed envelope(s) for collection and mailing at this firm's office business address indicated above. I am readily familiar

with this firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the firm's correspondence would be deposited with the United States Postal Service on this same date with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2012, at San Francisco, California.

Alexis Yee-Garcia