From: Emory Smith <ESmith@scag.gov>
To: Pisarik, HollyHollyPisarik@gov.sc.gov
Date: 11/6/2015 4:37:17 PM
Subject: State of TX v. USA
Attachments: 5_Ps' Mtn for PI & Memo in Support.pdf
Order granting TI 2.16.15 (00789825xD2C78).pdf
Protective Order 8.19.15 (00789875xD2C78).pdf

I have conferred about this matter briefly with Swati a while back. I have obtained more information about this program and the Court orders and want to relay them to you. I have a brief summary below and then more information following it.

> Essentially, as I understand the matter, the United States extended Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and / or Deferred Action for Childhood Arrivals (DACA) status to approximately 2600 illegal immigrants in violation of a preliminary injunction order of a TX DCSD Court. As a remedy, for that error, the US is providing personally identifiable information about the individuals so that states can try to claw back any benefits issued to them. Because of the attached protective order signed as to this information, that data would be routed through me. I would have to follow certain procedures before releasing it to anyone else in State government and recipients would have to sign forms regarding the use of the data. See paragraphs 4d, 5 and 6 of the attached order. I do NOT have the data yet, b/c I want to ensure that it would be needed by the State before I request it.

My question for you is does the Governor's Office need this information for any cabinet agencies such as DMV or DHHS? Please call me to discuss this matter after you have had an opportunity to consider it. I have additional information below and have attached the motion referenced below (citing pp. 26 & 27) and the 123 page injunction order.

- This temporary injunction enjoins the implementation of the DAPA program that awards legal presence and additional benefits to the four million or more individuals potentially covered by the DAPA Memorandum and to the three expansions/additions to the DACA program also contained in the same DAPA Memorandum

- United States Citizen and Immigration Services ("USCIS"), while preparing notifications to a small number of individuals who had erroneously been given three-year terms of work authorization after the issuance of the injunction, discovered that another group of approximately 2600 individuals had been erroneously sent three-year work authorizations after the Court had issued its injunction.

- The Southern TX USDC Judge ordered the Defendants to provide the Plaintiff States with some kind of the personally identifiable information (PII) so that the States could determine what, if any, corrective action, they may take with respect to benefits or licenses that the States conferred on the post-injunction grantees since February 16.

- According to the TX atty working on the case: "The scope of corrective action that a State may be able to take (and thus the scope of state agencies that may be entitled to receive the personally identifiable information that is being disclosed pursuant to the protective order) will depend on the specific licenses or benefits that each particular State offers to undocumented immigrants who present evidence that they have received deferred action and/or work authorization from the federal government. The quintessential example is driver's licenses, which may be provided by the States to undocumented immigrants based on evidence of federal work authorization (i.e., an Employment Authorization Document, or "EAD"); but there may be other licenses or benefits that South Carolina makes available to individuals who present evidence of lawful presence in the United States and/or a federal work permit. I am not aware of any exhaustive list of licenses and benefits that the various states offer to such individuals. In our preliminary injunction motion, however, we noted a few types of licenses and benefits that may be provided in particular states; I've attached a copy

of that motion, with the relevant portions appearing at pages 26-27 of our motion."

Please give me a call after you have had an opportunity to review this matter.

Thanks.

Emory

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