



OFFICE OF THE GOVERNOR

August 16, 2012

RICK PERRY  
GOVERNOR

The Honorable Greg Abbott  
Attorney General  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear General Abbott:

In a memo dated June 15, 2012, the Secretary of the U.S. Department of Homeland Security issued prosecutorial guidelines for certain unlawfully present aliens. The guidelines, which were to take effect no later than August 15, 2012, outline the secretary's intent to defer deportation actions involving those aliens for a period of at least two years. According to media reports, thousands of aliens in Texas are eligible to apply for relief from deportation under the guidelines.

I have previously expressed my position that the secretary was wrong to unilaterally undermine the law through a policy statement issued under the cover of so-called "prosecutorial discretion." I believe her actions were a slap in the face to the rule of law and our Constitutional framework of separated powers.

To avoid any confusion on the impact of the Obama administration's actions, I am writing to ensure that all Texas agencies understand that Secretary Napolitano's guidelines confer absolutely no legal status whatsoever to any alien who qualifies for the federal "deferred action" designation. In fact, the secretary specifically closed her directive by explaining that "[t]his memorandum confers no substantive right, immigration status or pathway to citizenship."

These guidelines do not change our obligations under federal and Texas law to determine a person's eligibility for state and local public benefits. Federal law prohibits conferring such benefits to most unlawfully present aliens, absent a state law to the contrary. In Texas, our legislature has passed laws that reflect the policy choices that they believe are right for Texas. The secretary's directive does not undermine or change our state laws, or any federal laws that apply within the State of Texas. I expect our state agencies to continue to comply with and enforce the laws for the protection of our citizens, communities and state treasury and in fulfillment of our constitutional duty as officials within the executive branch.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry".

Rick Perry  
Governor

RP:crp