

**RESOLUTION NO. 20231214-100**

**WHEREAS**, many of those living in the United States, including in the City of Austin, lack immigration status because they were brought to this country as children through no choice of their own; and

**WHEREAS**, these individuals have spent virtually their entire lives in the US, live and identify as Americans, and may have little to no memory of and/or lack any ties to their familial countries of origin; and

**WHEREAS**, despite graduating school, attending college, starting businesses, and serving in the military at above average levels, these individuals have been barred from certain schools, employment, loans and financial aid, public service, and other essential aspects of life even though they have made enormous contributions to our communities and desire to do more; and

**WHEREAS**, attempts to confer legal status on such childhood arrivals culminated in the proposed DREAM Act, earning them the nickname “DREAMers,” but Congress has repeatedly failed to act on the issue since the bill was introduced over twenty years ago in 2001; and

**WHEREAS**, in response to the lack of Congressional action, the Deferred Action for Childhood Arrivals (DACA) policy was announced by the Obama Administration in 2012; and

**WHEREAS**, DACA is not a change in law, but an administrative policy allowing the deferral of removal and temporary employment authorization for DREAMers; and

**WHEREAS**, recent federal court decisions have placed the continued existence of the DACA policy in jeopardy and have already halted the acceptance of new applications; and

**WHEREAS**, the City is currently facing a staffing crisis, including in critical public safety agencies such as Austin-Travis County Emergency Medical Services (EMS); and

**WHEREAS**, EMS serves an essential, frontline role in saving lives and combating the COVID-19 pandemic, but like other cities around the country, has struggled to recruit and retain employees for increasingly demanding positions; and

**WHEREAS**, despite these challenges, several DREAMers have made great personal sacrifices and overcome tremendous obstacles to serve the people of Austin as EMS employees, risking their lives for others while under constant threat of losing their homes and the only lives they have ever known; and

**WHEREAS**, Council has made fully staffing EMS an urgent priority, as well as addressing the personnel shortage citywide, as demonstrated by the wage increases approved in the FY2023-24 City budget and the EMS meet and confer contract; and

**WHEREAS**, on October 13, 2022, Council proclaimed Austin Hispanic Latinx Employees Day, recognizing the DREAMer employees that keep us safe and critical services running; and

**WHEREAS**, given the current personnel shortages faced by nearly all City departments and by employers throughout the country, critical unmet needs in emergency and essential services, the benefits of retention over recruitment, and our commitment to those who serve; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The Council recognizes the immense contribution to the City by our employees who are also DACA recipients, especially within high-vacancy first responder roles such as EMS.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to develop, to the greatest degree reasonably and lawfully possible, a process and identify resources for the City to petition for DACA recipient employees to obtain immigrant and/or non-immigrant statuses that include employment authorization for which they are legally eligible, up to and including for lawful permanent residency.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to design a policy which would, subject to any applicable legal restrictions or requirements, including municipal civil service rules and meet and confer or collective bargaining agreements, protect City employees whose employment is terminated or suspended as a result of a lapsed DACA work permit, so that the former employee may, to the greatest degree reasonably and legally possible, retain their seniority, benefits, and wage level with appropriate adjustments for cost of living changes in the interim once they secure the legally required work authorization and resume employment with the City in their former or new position.

**BE IT FURTHER RESOLVED:**

Taking into consideration any applicable legal restrictions or requirements, including municipal civil service rules and meet and confer or collective bargaining agreements, the City Manager is directed to work with all City

departments to develop a policy that would, to the greatest degree reasonably and legally possible, provide for alternative work for non-US workers employed by the City that are prohibited from performing any of their job duties because of the pending approval of any required license, certification, or permit that is dependent on the pending approval, renewal, or extension of such employee's immigration status. To the greatest degree reasonably and lawfully possible, the policy will not require such employees to use any leave, benefit time, or compensatory time, and it would prohibit any penalty, negative evaluation or notation, or other adverse action to be taken against any such employee who must be placed on limited, restricted, or alternative duties in such a manner, provided that such employee has acted timely and diligently to obtain the required approval, renewal, or extension. As part of the policy, the City Manager shall consider designating a city employee as a liaison officer for DACA recipients to provide guidance on employment and immigration matters as well as address any concerns employees may have.

**BE IT FURTHER RESOLVED:**

The City Manager will report to Council by April 30, 2024, with their recommendations for the above policies, including any changes that require Council action, and a proposed timeline and budget for implementation.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to develop a citywide policy to provide legal or other forms of support to help retain immigrant employees in the city workforce. In developing the policy, the City Manager shall, among other things, examine providing the following forms of support:

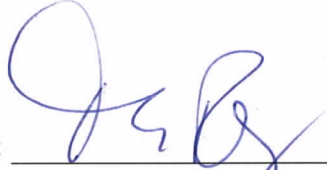
1. Petitioning for renewal, extension, change, or adjustment of status;

2. Providing resources, education, or technical assistance for employees to naturalize;
3. Providing legal support or other resources to employees facing potential negative immigration action; and
4. Connecting employees with community resources that can assist in navigating the US immigration system.

The City Manager will report to Council by May 31, 2024, with recommendations, including any actions that require Council action, a proposed timeline and budget for implementation, and a plan to monitor and report regularly to Council on the effectiveness of any adopted policy and identify areas of needed improvement.

**BE IT FURTHER RESOLVED:**

The City hereby urges the United States Congress and President Joe Biden to take immediate action establishing a pathway to citizenship for DREAMers and other immigrants to the United States.

ADOPTED: December 14, 2023 ATTEST:   
Myrna Rios  
City Clerk