

March 25, 2022

**MEMORANDUM FOR LEIDY PEREZ-DAVIS**

FROM: DANA A. REMUS  
COUNSEL TO THE PRESIDENT



SUBJECT: LIMITED WAIVER OF EXECUTIVE ORDER 13989  
FOR LEIDY PEREZ-DAVIS

Executive Summary

Pursuant to Section 3 of [Executive Order 13989](#) (January 20, 2021) (the “Executive Order”), and for the reasons stated below, I hereby grant a limited waiver of the requirements of Section 1, Paragraph 3 of the Executive Order for Leidy Perez-Davis. I have determined that this limited waiver is necessary and in the public interest so that Ms. Perez-Davis can effectively represent the interests of the President and the United States in carrying out her duties as Special Assistant to the President for Immigration at the White House Domestic Policy Council (DPC).

The Executive Order requires all covered political appointees in the Biden-Harris Administration to abide by several commitments. In particular, Section 1, Paragraph 3 imposes a two-year ban on registered lobbyists, barring them from (1) working at any executive branch agency they lobbied in the past two years, and (2) participating in a particular matter or the specific issue area in which a particular matter falls if they lobbied on that particular matter in the past two years. A waiver of the Executive Order’s restrictions may be granted when the literal application of the restriction is inconsistent with the restriction’s purpose or when it is in the public interest to grant a waiver.

In her role, Ms. Perez-Davis will support the Administration in helping to drive immigration policy, working closely with other staff at the DPC and other White House offices including the National Security Council, the White House Counsel’s Office, and federal agencies. Absent this waiver, Ms. Perez-Davis would be restricted for two years following her appointment from participating in any particular matter on which she lobbied for her former employer, the non-profit American Immigration Lawyers Association (AILA), in the two years before her appointment, or from participating in the specific issue area in which that particular matter falls. For instance, because she lobbied on immigration-related legislation while at the AILA, she would not be able to work on those critically important issues in her role at the White House.

In addition, managing an ongoing recusal for Ms. Perez-Davis would negatively impact the Administration’s important mission of addressing significant immigration policy issues. The successful accomplishment of this mission relies on extensive, open, and collaborative communications about immigration policy within the White House, with other federal government agencies, and with immigration advocates, organizations, leaders, and the general

public. Without this waiver, the recusal would result in serious limitations and inefficiencies as Ms. Perez-Davis serves in her White House position.

### Background

Ms. Perez-Davis' professional background is extensive, reflecting more than eight years of specialized expertise in immigration matters, particularly those issues involving separated families and issues related to border enforcement; long-standing leadership within immigrant communities and advocacy on behalf of immigrant communities; and significant experience developing congressional strategy and engaging members of Congress as an advocate and spokesperson on immigration policy issues. This experience makes her uniquely qualified to serve as Special Assistant to the President for Immigration at the DPC at the White House.

#### *The American Immigration Lawyers Association (AILA)*

From November 2018 to June 2020, Ms. Perez-Davis served as Policy Counsel for AILA, a non-profit organization. In that position, she advocated for AILA's legislative and policy priorities before Congress and the executive branch, with a focus on issues related to border enforcement, due process, and removal defense. She also worked to advance AILA's administrative and congressional advocacy goals by working with coalition partners, members, and volunteer committees on issues related to border enforcement.

As part of these efforts, Ms. Perez-Davis registered as a federal lobbyist for the non-profit AILA and lobbied Congress and several executive branch agencies on their behalf. During her time as a registered lobbyist, she conducted lobbying activity for approximately 10 percent of her work time, representing only a small fraction of her total time and work at the non-profit organization. While Ms. Perez-Davis lobbied Congress and several executive branch agencies, she never lobbied the White House or the Executive Office of the President. Ms. Perez-Davis also did not engage in lobbying activities on behalf of any paying clients, nor did she receive any contributions on behalf of any political action committees. In fact, Ms. Perez-Davis received only her salary and no additional fees for her lobbying activities.

#### *Extensive, Specialized Experience*

Ms. Perez-Davis has held a number of additional positions further demonstrating her specialized experience in immigration issues.

- Most recently, Ms. Perez-Davis served as Policy Director of the Asylum Seeker Advocacy Project (ASAP). In that role, she represented ASAP members' policy priorities before Congress and the executive branch (but not as a registered lobbyist) with a focus on access to asylum, work permit renewal delays, and accessibility of the immigration system. She also led ASAP's strategic communication work by advancing ASAP members' policy priorities in national media outlets and by training ASAP members to advocate for policy issues of importance to them.
- She previously served as Senior Attorney at Kids in Need of Defense, representing separated children before USCIS and the immigration courts. She also developed and

provided advanced trainings for pro bono partners and monitored issues and trends affecting detained, released, and deported children and parents.

- Ms. Perez-Davis also served as an Immigration Legal Services Staff Attorney for Catholic Charities of the Archdiocese of Washington where she represented over 175 clients in a variety of immigration matters including: removal defense, U-visa petitions, T-visa petitions, family-based petitions, asylum, waivers, Special Immigrant Juvenile status, and naturalizations.
- She also held several internships at various immigration-focused entities, including Americans for Immigrant Justice, the Immigrant Children’s Clinic, and the Immigration and Human Rights Clinic at Florida International University.
- In the legislative branch, Ms. Perez-Davis previously served as Director of Outreach for Representative Don Beyer, supporting the office’s legislative agenda through meetings with key community leaders and organizations focusing on women, Latinos, and small businesses.

### Analysis

In accordance with Section 3 of the Executive Order, it is in the public interest to grant Ms. Perez-Davis a limited waiver of the requirements of Section 1, Paragraph 3 to enable her to effectively carry out her duties as Special Assistant to the President for Immigration at the DPC.

In making this assessment, I have considered the factors set forth in Section 3 of the Executive Order, which include: (i) the government’s need for the individual’s services, including the existence of special circumstances related to national security, the economy, public health, or the environment; (ii) the uniqueness of the individual’s qualifications to meet the government’s needs; (iii) the scope and nature of the individual’s prior lobbying activities, including whether such activities were *de minimis* or rendered on behalf of a non-profit organization; and (iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual’s services. Here, these factors demonstrate that it is in the public interest to grant a limited waiver to Ms. Perez-Davis.

### *Government Need*

The government has a critical need for Ms. Perez-Davis’ services as Special Assistant to the President for Immigration. This position will impact several of the White House’s key initiatives related to immigration, including domestic immigration issues such as border security, legal immigration, detention, labor and worksite issues, public benefits and taxes, interior enforcement, and family reunification. The position also requires analyzing legislation, drafting executive orders and developing potential presidential commitments while working closely with the Department of Homeland Security and many other agencies to develop policy. Finally, the position is crucial because it advances the president’s priorities through all available federal levers, engages regularly with external stakeholders, and speaks publicly on immigration.

### *Unique Qualifications*

Ms. Perez-Davis is uniquely qualified to meet the government's needs in this area. Her vital expertise in policy and advocacy, especially with respect to immigration and border enforcement issues, make her particularly adept at navigating the legislative and relational elements of the Special Assistant to the President for Immigration position. Ms. Perez-Davis pairs her expertise in policy and advocacy with hands-on legal experience, having formerly served in leadership and support roles in organizations focused on the interests of immigrant communities. Together, the breadth of her experience makes her an excellent candidate for the role of Special Assistant to the President for Immigration, which touches on a wide range of immigration issues, and requires engagement with both government and external stakeholders.

### *Prior Lobbying*

Ms. Perez-Davis engaged in prior lobbying activities only on behalf of a non-profit organization and never lobbied the White House or the Executive Office of the President. As noted above, she did not lobby on behalf of any paying clients. Moreover, she only conducted lobbying activity for 10 percent of her time, a *de minimis* amount of her total time working at the non-profit AILA.

### *Other Limitations*

Finally, the recusal obligation and related adjustments that would be necessary to maintain the restrictions imposed by the Executive Order would result in serious limitations on Ms. Perez-Davis' ability to execute her job responsibilities as Special Assistant to the President for Immigration and result in inefficiencies in the White House, as she would be unable to capably perform the duties of the position.

### Conclusion

The significant public interest in the White House's ability to accomplish its mission requires that Ms. Perez-Davis fully advise on immigration matters and engage without limitation with immigrant communities and leaders on matters affecting their communities. Due to the scope of Section 1, Paragraph 3 of the Executive Order, a broad application of this prohibition would be detrimental to the White House and its policy objectives in this area. Without a waiver, Ms. Perez-Davis would be precluded from engaging with immigrant communities and leaders, as well as United States officials, on a broad range of matters involving immigration. Further, Ms. Perez-Davis' very limited lobbying activity on behalf of a non-profit organization is not the type of business-oriented, prior client relationship that the Executive Order intended to reach in protecting the public trust.

For the foregoing reasons, I grant Ms. Perez-Davis a limited waiver of the restrictions in Section 1, Paragraph 3 of the Executive Order to enable her to effectively carry out her duties as Special Assistant to the President for Immigration.

Pursuant to this waiver, Ms. Perez-Davis may participate in any particular matter on which she lobbied for the AILA within the two years before her appointment, and in the specific issue area in which that particular matter falls. This waiver does not otherwise affect Ms. Perez-Davis' obligation to comply with all other applicable government ethics rules and provisions of the Executive Order. Specifically, this waiver does not permit Ms. Perez-Davis to participate in any party-specific matters directly affecting the financial interests of the AILA, including but not limited to contracts or grants.