

Deferred Action for Childhood Arrivals (DACA)

Policy Brief ::: September 25, 2017

TL;DR

On September 5, the Trump Administration rescinded the Deferred Action for Childhood Arrivals (“DACA”) Executive Order, an Obama-era policy that allowed those who entered the country as undocumented minors (“Dreamers”) a path by which to obtain a work permit. Attorney General Jeff Sessions announced the program would expire in six months, with no new applications being accepted effective immediately and requiring renewal requests to be completed by October 5.¹

DACA has given hundreds of thousands young immigrants (many brought here through no choice of their own) the chance to live, work, and thrive in this country. Indeed, nearly 800,000 Dreamers have taken advantage of the program. As long as the Administration’s action stands in its current form, many of the young people who were provided legal protection from deportation under DACA will be continue to be in indefinite limbo.

Background: How We Got Here

The Development, Relief and Education for Alien Minors (DREAM) Act was originally introduced in Congress in 2001. Although it was reintroduced in various forms several more times in subsequent years, and would have provided a path to legal status for young immigrants who meet certain conditions, it never had enough votes to pass.

Given this backdrop of inertia, President Obama announced DACA in 2012, calling it a necessary and temporary fix in response to the lack of movement on any meaningful immigration reform by Congress.

The 2012 Department of Homeland Security archives lists the following requirements for potential DACA applicants:

- You came to the United States before reaching your 16th birthday;
- You have continuously resided in the United States since June 15 2007, up to the present time;

¹ Deferred Action for Childhood Arrivals 2017 [Announcement](#)

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- You were under the age of 31 as of June 15, 2012;
- You entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
- You are currently in school, have graduated or obtained your certificate of completion from high school, have obtained your general educational development certification, or you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- You have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat; and
- You were present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS.²

Research and data indicate that the program has created significant benefits for both the DACA recipients quality of life and for the American economy overall. For example, according to a recent survey conducted by the Center for American Progress, 97 percent of DACA respondents are currently employed or enrolled in school, 72 percent of the top Fortune 500 companies employ DACA recipients, and 8 percent of those that are 25 years or older started their own business.³

While it's clear that many of the recipients have worked hard to participate in and contribute to American society both economically and culturally, the politicization of immigration reform has led to only temporary solutions such as DACA, where both Democratic and Republican administrations have found themselves using Executive Order authority to implement what should be legislative policy.

In June 2017, Attorney General Ken Paxton from Texas along with nine other Attorneys General (and the Governor of Idaho) sent a [letter](#) to U.S. Attorney General Jeff Sessions asking for the Secretary of Homeland Security to rescind the DACA Executive Order from 2012. The letter also specified that if the order was not rescinded by September 5, 2017, they would immediately file a legal challenge. The assertion was that because the court had blocked the expansion of the DACA and the Deferred Action for Parents and Lawful Permanent Residents (DAPA) programs in 2014, the original Obama Executive Order should also be deemed unlawful.

Response from Tech on the Rescinded DACA Order

Prior to the DACA decision being announced on September 5, efforts were already underway by tech leaders and advocacy organizations to dissuade President Trump from responding to the AG's ultimatum.

² Deferred Action for Childhood Arrivals: Who Can be Considered? - Department of Homeland Security (DHS) [August 15, 2012](#)

³ Center for American Progress, [August 2017](#)

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In the week leading up to the imposed deadline, tech and business leaders from across the country signed [a letter](#) calling on President Trump to reverse course or, alternatively, for Congress to pass legislation to protect the Dreamers. When Sessions announced the termination of DACA, the response from the tech community was swift and strong with [Tech:NYC](#) and leaders across the spectrum condemning the action.

What Happens Next

As with the [Immigration Travel Ban](#) from earlier this year, and the changes to the [H-1B Visa process](#), the DACA announcement has created uncertainty and fear in many immigrant communities. There are several efforts underway both through legal and legislative mechanisms to both protect DACA recipients and find a long-term legislative solution, and Congress must act by March 5, 2018 in order to avoid a final end to the program.

Attorneys General Lawsuit

On September 7, New York Attorney General Eric Schneiderman led a coalition of 16 Attorneys General in filing a [lawsuit against](#) the Trump Administration to protect the nearly 42,000 DACA recipients in New York State and to preserve DACA for the 800,000 Dreamers nationwide. The lawsuit argues that the Trump Administration “has violated the Equal Protection clause of the Constitution by discriminating against DREAMers of Mexican origin, who make up 78 percent of DACA recipients; violated Due Process rights; and harmed States’ residents, institutions, and economies.”⁴ Schneiderman further stated that immigration is the “lifeblood of New York State,” and that DACA recipients deserve to “come out of the shadows and live a full life.”

There are also many other legal actions taking place across the country including a [lawsuit](#) recently filed in federal court in San Francisco on behalf of several DREAMers.

The DREAM Act

After 16 years of failed attempts to pass a version of the DREAM Act, there is some indication that bipartisan efforts to pass the legislation are afoot.

The DREAM Act of 2017, introduced by Senators Lindsey Graham and Dick Durbin would essentially provide young undocumented immigrants who meet certain conditions an opportunity to gain legal status and protection from deportation.⁵ There have also been other corresponding conversations happening within the House and Senate leadership relative to passing legislation to address DREAMers long-term.

⁴ A.G. Schneiderman Files Lawsuit To Protect Dreamers And Preserve DACA [September 6, 2017](#)

⁵ [S.1615](#) - Dream Act of 2017

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Recent [reports](#) also indicate that President Trump may have made a deal with Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi to find a permanent solution for DACA recipients.

Watch this space for updates on their progress.

On a final note, there are also many opportunities to work with local communities to support Dreamers and other immigrant populations. You can find some of those at [Tech Takes Action](#).