



# Deferred Action for Childhood Arrivals (DACA)

*Policy, Eligibility, and Current Trends*

*August 8, 2017*

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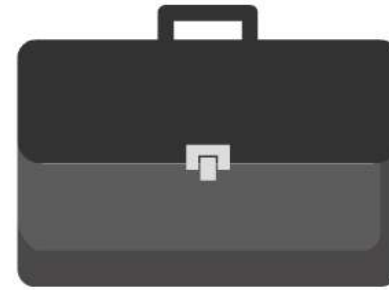
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*Immigration Today: Effects on Immigrants and the Rest  
of Us Right here in Madison and Dane County*

# Limited Pathways to U.S. Immigration



Family-Based



Employment-Based



Investment



Humanitarian



Special Immigrant Visas (e.g. Diversity Lottery)

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# DACA

# What is DACA?

DACA is a legal tool that allows USCIS to **defer the removal of young undocumented immigrants**

**DACA** 

**Deferred Action for Childhood Arrivals**



Source: AP Photo/Susan Walsh, File (AP2012)

DACA was announced by then  
**President Barack Obama** and **DHS  
Secretary Janet Napolitano** on  
June 15, 2012, as an executive action



Source: University of California, Office of the President



# Who are the *Dreamers*?

- **Dreamers** are undocumented immigrants who were brought into the United States at a **young age**
- **Dreamers** **grew up in** America
- For many **Dreamers**, the U.S. is the **only country they have ever called home**
- **Dreamers** are our neighbors, co-workers, students and **community** and church leaders



Source: AP Photo by Jacquelyn Martin



Source: NBC New York

# What is the **Purpose** of DACA?

- To defer the removal of eligible dreamers of **good moral character** lacking intent to violate immigration law when entering the U.S.



Source: [www.rawstory.com](http://www.rawstory.com) - Climate Central 07/03/2014

- To conserve immigration enforcement resources for **high-priority cases**

# DACA is Discretionary

- Granted at the discretion of USCIS on a case-by-case basis
- Available only to eligible dreamers who meet specific eligibility criteria
- Renewable in two-year increments



U.S. Citizenship  
and Immigration  
Services





# DACA Eligibility Criteria

- ✓ Must have been **present in the U.S. on June 15, 2012**
- ✓ Must have resided continuously in the U.S. for a **minimum of 5 years** (since June 15, 2007)



Source: George Mason University - Institute for Immigration Research

- ✓ Must have been **younger than 30** on June 15, 2012 (Born on June 16, 1982 or later)
- ✓ Must have arrived in the U.S. **before age 16**

# Eligibility Criteria, continued

- ✓ **Academic** requirement
- ✓ **Good moral character** requirement



Source: Getty Images



# DACA Benefits

- ✓ Prevents **young immigrants** from being placed in removal proceedings
- ✓ Provides **temporary relief** to eligible immigrants who are currently in removal proceedings or subject to final orders of removal
- ✓ Provides temporary **employment authorization** for eligible immigrants, who can demonstrate economic necessity. This allows the issuance of a valid **Social Security card**.



Source: Mamta Popat / Arizona Daily Star



Source: Verify9



Source: State of Wisconsin - Department of Transportation



## DACA **Does Not** Include

- ✘ Does not provide **Permanent Residence**
- ✘ Does not lead to **U.S. citizenship**
- ✘ Does not provide **a path** to Permanent Residence or U.S. citizenship
- ✘ Does not provide deferred action to **family members**



Source: The Nation - <http://nation.com.pk>



# Current DACA Statistics

**1,889,311**

initial and renewal  
applications accepted  
by USCIS  
since 2012



# Current DACA Statistics

# 1,889,311

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→ 1,586,675 **approved**



→ 14,823 accepted for  
filing in **Wisconsin**



→ 74,997 **denied**



→ 109,821 **pending**  
with USCIS



# 2014 Executive Actions on Immigration



Source: Pool/Getty Images



On November 20, 2014, President Obama announced the following **executive actions on immigration**:

+ **Expanding DACA** to include individuals of any current age, who entered the U.S. before the age of 16 (**Expanded DACA**)



Source: Ryan Rodrick Beiler - Shutterstock.com

+ Allowing **parents of U.S. citizens and Lawful Permanent Residents** to apply for deferred action and employment authorization (**DAPA**)

## 2014 Executive Actions on Immigration





# Legal Challenges to Expanded DACA and DAPA

- On December 2, 2014, in **Texas et al. v. United States**, 25 states filed suit challenging President Obama's executive actions.



- On February 16, 2015, Judge Andrew Hanen of the U.S. District Court for the Southern District of Texas **issued a preliminary injunction** on Expanded DACA and DAPA.

- On November 9, 2015, a three-member panel of the U.S. Court of Appeals for the Fifth Circuit **affirmed the district court's preliminary injunction.**



# U.S. Supreme Court Decision



Source: [www.dailykos.com/stories](http://www.dailykos.com/stories)

On June 23, 2016, the U.S. Supreme Court announced a **4-4 split decision** in *U.S. v. Texas*.

4 — 4



# January 20, 2017

## Inauguration of President **Donald Trump**



Source: The New York Times, 2017

# Donald Trump on DACA

- 1 During his campaign, Candidate Trump promised to **end DACA on his first day in office.**



Source: Drew Angerer/Getty



During a press conference at the White House in February 2017, President Trump **vowed to “show great heart”** in his DACA policy.



President Trump said **DACA recipients can “rest easy”** because federal agencies are **“not [going] after the Dreamers.”**



# Removal Enforcement **Priorities**



Source: CNN

January 25, 2017

## **Trump's Priorities are undocumented aliens:**

- (a) Convicted of **any** criminal offense
- (b) Charged with **any** criminal offense
- (c) Who have committed **acts that constitute a chargeable criminal offense**
- (d) Who have **abused any public benefit** program
- (e) Who pose a risk to public safety or national security



[Public Domain]

November 20, 2014

## **Obama Priority 1 - Threats to National Security, Border Security, and Public Safety, including aliens:**

- (a) Engaged in or suspected of **terrorism or espionage**
- (b) Apprehended at **the border**
- (c) With participation in a **criminal street gang**
- (d) Convicted of a **felony** offense
- (e) Convicted of an "**aggravated felony**"

## **Obama Priority 2 - Misdemeanors and Immigration Violations, including aliens:**

- (a) Convicted of **three or more misdemeanor** offenses
- (b) Convicted of a "**significant misdemeanor**"
- (c) Who cannot establish that they have been **physically present in the country since January 1, 2014**
- (d) Who have **abused visa or visa waiver** programs

## **Obama Priority 3 - Other Immigration Violations**

- (a) Aliens issued **final orders of removal**, after January 1, 2014

# Recent Challenges to DACA

- On June 29, 2017, 10 Republican attorney generals, led by **Texas Attorney General Ken Paxton**, sent a letter to U.S. Attorney General Jeff Sessions **urging him to end DACA**, and threatening a lawsuit.



Source: Office of the Attorney General of Texas

*"[W]e request that the Secretary of Homeland Security **rescind the June 15, 2012 DACA memorandum** and order that the Executive Branch will not renew or issue any new DACA or Expanded DACA permits in the future."*



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS





KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

### **The Threat:**

***"If, by September 5, 2017, the Executive Branch agrees to rescind the June 15, 2012 DACA memorandum and not to renew or issue any new DACA or Expanded DACA permits in the future, then the plaintiffs that successfully challenged DAPA and Expanded DACA will voluntarily dismiss their lawsuit currently pending in the Southern District of Texas."***

***"Otherwise, the complaint in that case will be amended to challenge both the DACA program and the remaining Expanded DACA permits."***



## In Support of DACA:

On July 21, 2017, **20 attorney generals**, led by California Attorney General Xavier Becerra, wrote a letter to President Donald Trump, **in support of DACA.**



State of California

Office of the Attorney General

XAVIER BECERRA  
ATTORNEY GENERAL

"Mr. President, now is the time to affirm the commitment you made, both to the 'incredible kids' who benefit from DACA and to their families and our communities, to handle this issue 'with heart.' You said Dreamers should 'rest easy.' **We urge you to affirm America's values and tradition as a nation of immigrants and make clear that you will not only continue DACA, but that you will defend it.** The cost of not doing so would be too high for America, the economy, and for these young people. For these reasons, we urge to maintain and defend DACA, and we stand in support of the effort to defend DACA by all appropriate means."



# Upcoming Legal Battle



- If the lawsuit moves forward, the case would be heard by **U.S. District Judge Andrew Hanen** for the Southern District of Texas.
- On July 12, 2017, then **DHS Secretary John Kelly** told members of the Congressional Hispanic Caucus that while he supports DACA, he **does not believe that it would survive a legal challenge.**



Source: medium.com/@kahan



Source: Joshua Roberts/Reuters

# What is next for DACA?

## Dream Act of 2017

- Initially introduced in the Senate on **August 1, 2001**, by Senators Dick Durbin (D-Illinois) and Orrin Hatch (R-Utah)



Source: Washington Post



Source: Washington Post

- Sought to provide a **path to Permanent Residence** for qualifying immigrants between the ages of 12 and 35 at the time of enactment
- Variations of the DREAM Act have since been reintroduced at least **10 times** without success



# The Dream Act of 2017

- Introduced on **July 20, 2017**, by Senators Lindsey Graham (R-South Carolina) and Dick Durbin (D-Illinois)



Source: Washington Post



Source: Washington Post

- Would **provide a path to lawful permanent residence** for immigrants who:
  - + Have been continuously **present in the U.S.** for **four years** preceding the date of enactment
  - + Were **17 years old or younger** on the initial date of entry into the U.S.
  - + Are **not inadmissible to the U.S.** on grounds of terrorism, smuggling, student visa abuse, polygamy, unlawful voting, or child abduction
  - + Meet the **academic and good moral character requirements** of DACA



Source: thegreyconcept.tumblr.com



- Under the Dream Act of 2017, the Secretary of Homeland Security would be directed to **cancel removal and grant conditional permanent resident status to any person who has been granted DACA**, unless that person has engaged in conduct that would make him or her ineligible for DACA.
- Conditional permanent resident status is **valid for 8 years**, and can be made **permanent after that period**.



Source: [www.usimmigration.us](http://www.usimmigration.us)

# DACA Resources in **Dane County**

Schools provide **support and resources** for DACA holders and for undocumented students:



## **Madison Metropolitan School District:**

<https://www.madison.k12.wi.us/resources-for-immigrant-students-and-families>



## **DREAMERS of UW-Madison:**

<https://win.wisc.edu/organization/DREAMERSofUW-Madison>



## **Edgewood College:**

<http://diversity.edgewood.edu/Undocumented-DACA>

# Resources in **Dane County**, continued



Source: American Civil Liberties Union

- **Centro Hispano of Dane County**

<http://www.micentro.org/>



- **Immigrant Justice Clinic**

<http://law.wisc.edu/eji/ijc/>

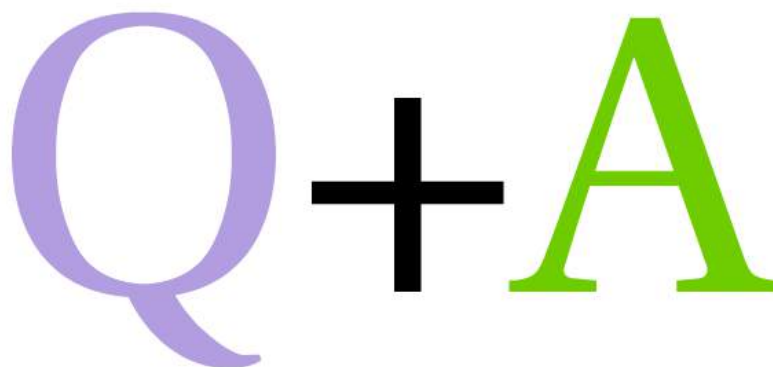
- **United We Dream**

<https://unitedwedream.org/>



# #DefendDaca





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**Inmigración al Día  
Radio Talk Show**



with **Glorily López  
Murphy Desmond**  
Immigration Lawyer



on  
**La Moviada 1480 AM**

Call 608.321.1480  
or TEXT 60193  
Friday mornings twice monthly to  
to ask Glorily your immigration questions.

## 2017 Upcoming Dates:

- August 18
- September 8
- September 22
- October 6
- October 20
- November 3
- November 17
- December 1
- December 15

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