

Immigration Facts 3: DACA

DEFINITIONS OF TERMS

DACA (DEFERRED ACTION ON CHILDHOOD ARRIVALS) is a program that shields undocumented youth who arrived in the US as very young children from deportation. They are often referred to as “dreamers”, which was the name of unsuccessful legislation that would have provided a pathway to citizenship for these nearly 800,000 young people.

WHY DO WE HAVE DACA? *(American Immigration Council)*

Beginning in 2001, Congress attempted to provide a pathway to legal status for undocumented youth who were brought to the US as children. To date, there have been 10 versions of the Development, Relief and Education for Alien Minors (DREAM) Act introduced in Congress. Even with bipartisan support, none of the versions have become law.

In June, 2012, then-Secretary of Homeland Security, Janet Napolitano, created DACA, Deferred Action for Childhood Arrivals. DACA provided temporary relief from deportation (deferred action) and work authorization to certain young undocumented immigrants. This program has allowed nearly 800,000 young adults to work, attend school and live their lives without threat of imminent deportation.

Because DACA does not provide permanent legal status, it must be renewed every year at the rate of \$495 for each renewal.

In September, 2017, Acting Secretary of Homeland Security Elaine Duke rescinded the 2012 DACA memorandum and announced a “wind down” of DACA. From that date, no new DACA applications would be accepted. For those DACA youth whose status would expire as of March 6, 2018, they would no longer have deferred action nor authorization to work.

In early 2018, two different federal judges issued injunctions to prevent the ending of the DACA program, but no first-time applications would be accepted.

WHO ARE DACA RECIPIENTS *(Center for American Progress report, April 2020)*

On average, DACA recipients arrived in the US in 1999 at age 7. More than one-third arrived before age 5. The average DACA recipient now is 28 years old. Many have started families: 254,000 US-born

children have at least one parent who holds DACA. In total, 1.5 million people live with a DACA recipient.

They are students, activists, teachers, healthcare workers, daughters, sons and now, parents. DACA recipients do not have second chances: for example, if they have any minor infractions as youth that lead to an arrest, their status is put into question and they could be deported. DACA is not permanent, so recipients live in constant fear that their status will be revoked by an executive order.

DACA recipients own 56,000 homes, making an annual \$566.9 million in mortgage payments. DACA recipients who are renters pay \$2.3 billion each year. States and local governments would lose about \$700 million in taxes paid by current recipients *(Institute on Taxation and Economic Policy, ITEP)*

Some 27,000 DACA recipients are employed in the health-care sector, working as doctors, nurses, and home health aides. *(New Yorker, June 18, 2020)*

WHAT WOULD A DREAM ACT PROVIDE? *(American Immigration Council, September 2019)*

The American Dream and Promise Act of 2019 would provide current, former and future undocumented high-school graduates and GED recipients a three-step pathway to US citizenship through college, work or the armed services.

STEP ONE: CONDITIONAL PERMANENT RESIDENCE (CPR)

- CPR is available for up to 10 years if they've lived in the US for at least 4 years prior to application;
- Is either in high school or working on a GED or has been admitted to college or a tech school;
- Hasn't been convicted of a serious crime;

Immigration Facts 3: DACA *(continued)*

- If someone already is a DACA recipient, they have a “swift path” to CPR status.

STEP TWO: LAWFUL PERMANENT RESIDENCE (LPR) REFERRED TO AS “GREEN CARD” STATUS

- Has completed at least two years of higher education, technical training or military service;
- Has been employed over a total of three years with exceptions for those in higher education or technical school;
- A “hardship waiver” is available if a person has disabilities, is a full-time caregiver or for whom removal would be a hardship to a family member who is a citizen or an LPR.

STEP THREE: NATURALIZATION

- After maintaining LPR status for five years, one can apply to become a US citizen through the normal process.
- According to the Migration Policy Institute, as many as 2.31 million individuals would qualify for CPR under the 2019 version of the Dream Act, which would put them on the path for citizenship.

WHAT IS THE RECENT SUPREME COURT RULING AND ITS IMPACT ON DACA? *(One America, June 2020)*

On June 18, 2020, the US Supreme Court ruled that the Trump Administration could not end the DACA program in what it considered “an arbitrary and capricious” manner. This means that DACA recipients continue to have temporary protection from deportation.

On July 28, 2020, the Department of Homeland Security announced that it will defy both the Supreme Court’s decision and that of a federal judge and continue refusing new DACA applications, cut DACA renewals from two years to one, and decline to reinstate advance parole. Advance parole allows qualified DACA recipients to re-enter the US after temporarily living abroad. *(EMM July 2020)*

DACA was never intended to be a long-term solution. It exists because Congress has been unsuccessful in passing a law to create a path to legal permanent residence and naturalization for DACA recipients.

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