



**U.S.-MEXICO
FOUNDATION**



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DACA PROGRAM

January 2020

INTRODUCTION

Eight years have passed since the launch of the Deferred Action for Childhood Arrivals program under President Obama in 2012. It is currently estimated that there are 1,326,000 people eligible for DACA, and there are 643,560 enrolled¹ which are distributed in the country as follows:

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Geographic Distribution of DACA Beneficiaries		
States with 100k+ beneficiaries	2	California (183,460) Texas (106,090)
40k – 100k beneficiaries	0	
30k – 40k beneficiaries	1	Illinois
20k – 30k beneficiaries	5	Arizona, Florida, Georgia, New York, North Carolina
10k – 20k beneficiaries	4	Colorado, Nevada, New Jersey, Washington
1k – 10k beneficiaries	27	Alabama, Arkansas, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, Wisconsin
0 – 1k beneficiaries	12	Alaska, Hawaii, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, DC, West Virginia, Wyoming

For the beneficiaries, DACA has given them the possibility to study, undertake and obtain better jobs, which in turn has had a positive impact on their community and the country.

¹ *Deferred Action for Childhood Arrivals (DACA) Data Tools*. Migration Policy Institute. Numbers updated to March 2020. Available online at <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivalsdaca-profiles>

² Svajlenka, Nicole Prchal Wolgin, Philip E. *What We Know About the Demographic and Economic Impacts of DACA Recipients: Spring 2020 Edition*. Center for American Progress. April 6, 2020. Available online at <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482676/know-demographic-economic-impactsdaca-recipients-spring-2020-edition/>

In terms of federal taxes, people with DACA and their households contribute \$5.6 billion annually to the federal state, while at the state and local level they contribute \$3.1 billion annually. Beneficiaries spend \$566.9 million on home mortgages and \$2.3 billion on rent payments.³ 6% of them started their own company after obtaining DACA. Almost half of these companies have a fixed workforce and employ on average 4.5 people without counting the entrepreneur itself.⁴

In addition, the beneficiaries have been a fundamental piece in the social and governmental response to the crises derived from COVID-19. 29,000 of those with DACA work in the health sector as doctors, nurses, and technical assistants. 14,900 are teachers and 142,100 work in industries related to the food supply, from agricultural and livestock production to processing in factories, transport, and sale in supermarkets and restaurants.⁵

Of the total number of eligible people, 63% are of Mexican origin, as are 65% of those registered. Therefore the U.S.-Mexico Foundation (USMF) considers DACA a fundamental issue in the bilateral relationship. Two periods after its inception, the USMF presents a report based on official documents, studies, and the experience of beneficiaries of the program who have been able to live its advantages and limitations.⁶

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⁴ Wong, Tom K. *Results from 2019 National DACA Study*. Immigration Policy Center at the University of California, San Diego. United We Dream; the National Immigration Law Center; and the Center for American Progress. Survey conducted from August 14 to September 6, 2019. Available online at https://cdn.americanprogress.org/content/uploads/2019/09/18122133/New-DACA-Survey-2019-Final-1.pdf?_ga=2.175150881.2079329278.1608446006-1911931214.1608446006

⁵ Svajlenka, Nicole Prchal. *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*. Center for American Progress. April 6, 2020. Available online at <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>

⁶ This report collects the experiences of beneficiaries of DACA in Florida, Texas, Utah, California, Wisconsin, Chicago and Washington DC who shared their story and ideas with the U.S.-Mexico Foundation. Juan Escalante, Itzetzl Álvarez, Elisa J., Maritza Quechol, Ciriac Álvarez, Adrián Escárte, Gastón Juárez, Said Consuegra, Rafael Martínez, Xóchitl Lara, Natalia Maronich and Samuel Cervantes.

It is important to mention that the USMF maintains the position that the best way to regularize the stay of these young people is through a comprehensive immigration reform. However, it recognizes DACA as a valuable program that has served so that hundreds of thousands of young people of Mexican origin could come out of the shadows and make a life in the United States. It also endorses the importance of sustaining this program as long as there is no permanent solution.

Based on these considerations, four lines of action are recommended to make DACA a better platform for those who continue to depend on it. They range from modifications to the program to parallel actions to improve the beneficiaries' living conditions and binational ties.

OVERVIEW

DACA is a program enrolled within the discretion of the Executive Branch to defer the deportation of young people who came to the United States as children.⁷ That is, in simple terms, a temporary waiver by the State of its right to deport a person who is not allowed to reside in the country.

With this partial guarantee, DACA recipients obtain a commitment from the government to be respected in their stay for a certain period with the possibility of renewal. Additionally, this opens the possibilities to study, work, access public health services, and driver's licenses, among others.

In September 2017, the administration of President Donald Trump ordered the cancellation of DACA.⁸ For more than two years, this decision was blocked by federal judges who considered

⁷ DACA Toolkit. USCIS. Available online at <https://www.uscis.gov/sites/default/files/document/guides/DACA-toolkit.pdf>
Memorandum from Secretary Janet Napolitano on the Exercise of Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children. Department of Homeland Security. June 15, 2012. Available online at <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-aschildren.pdf>

⁸ Migration Policy Institute. *Dream Act/ Deferred Action*. Available online at <https://www.migrationpolicy.org/topics/dream-actdeferred-action>

that the president's action was not properly substantiated. The Supreme Court upheld this criterion in June 2020.⁹

From this, a document known as the "Wolf Memorandum" was published on Federal Government platforms that reinstated the DACA program but included important limitations such as the inadmissibility of new applications and the reduction of valid reasons to travel abroad. On December 4, 2020, the U.S. District Court for the Eastern District of New York ordered that the Wolf Memorandum be set aside and that the DACA program be reinstated under the same conditions that existed prior to the cancellation ordered by President Trump in 2017.¹⁰ On December 7, 2020, the Department of Homeland Security (DHS) published a new update to its guidelines in compliance with the latest judicial resolution.

LINES OF ACTION

1. Redefine requirements to apply to the program

While applications are open again for enrollment or renewal, the program continues to exclude those who arrived in the country after 2007 and those who were not present in the United States without legal status on June 15, 2012.¹¹

The definition of these dates has not been adjusted over time. If the criteria are not modified, an important number of people who meet the primordial characteristic of having been children when they entered the country are not eligible.

⁹ National Immigration Law Center. *Supreme Court Overturns Trump Administration's Termination of DACA*. June 22, 2020. Available in I|nea in <https://www.nilc.org/issues/daca/alert-supreme-court-overturns-trumpadministrations-termination-of-daca/>

¹⁰ *Vidal v. Wolf*, No. 16-CV-4756 (NGG)(VMS) (E.D.N.Y. Dec. 4, 2020). Available online at <https://www.nilc.org/wpcontent/uploads/2020/12/Batalla-Order-re-MSJ-2020-12-04.pdf>

¹¹ USCIS. Instructions for Consideration of Deferred Action for Childhood Arrivals. Available online at <https://www.uscis.gov/sites/default/files/document/forms/i-821dinstr.pdf>

Therefore, it will be convenient to change the date of entry, at least eight years (corresponding to the time that has passed since the program began) and adjust the date on which presence is required in the country without legal status in accordance with it.

2. Extend the term of DACA coverage

Some of the main issues DACA recipients report are the cost and uncertainty associated with renewals.¹² The cost for each application and renewal is \$495 and gives the guarantee of not being deported for two years. The short period of time makes it difficult for those who apply to start educational projects or undergo medium-term medical treatments because it is at the expense of their permit terminating before these end.

Uncertainty also affects their range of employment options as employers know that time spent on training and development could be lost if beneficiaries fail to renew their authorization.

On the other hand, the payment of \$495 every two years, coupled with the cost of legal advice that the paperwork entails, is an impactful effort on the finances of young people who are studying or starting their careers.

It is understood that processing requests have a cost in personnel and equipment that the State cannot easily reduce. That is why the extension of the period of validity of the authorizations is proposed as an alternative with the double objective of generating greater certainty for the beneficiaries and, on the other hand, reducing the cost by extending the time between one renewal and another.

¹² USCIS. *USCIS Implements DHS Guidance on DACA*. August 24, 2020. Available online at <https://www.uscis.gov/news/alerts/uscis-implements-dhs-guidance-on-daca>

3. Expand DACA access to financial aid and lower costs in education

While DACA allows young people to enroll in college, this is not always a real alternative as they are excluded from the financial conditions that will allow them to do so.¹³

Only 16 states, the country's capital, and seven university systems allow migrants who have entered the country illegally to access education or higher education at resident rates. In the rest of the country¹⁴, DACA students are forced to pay a foreign or international student fee, which can triple the costs of education. In addition, DACA students have restrictions on accessing government scholarships, scholarships from philanthropic institutions, and bank loans.

It is recommended to promote dialogue with key actors at both the local and federal legislative levels in conjunction with public and private universities and financial institutions to create better conditions of access to education for young beneficiaries.

4. Eliminate the need to request authorization to leave the country

To leave the country, DACA recipients require authorization from the government. To do this, it is necessary to verify that the exit has humanitarian, educational, or employment objectives. The limited list of reasons¹⁵ for travel takes away from the beneficiaries' possibility of seeing the world and opening their minds through recreational tourism. In addition, it becomes very difficult for those who came to the United States as children to reconnect with their community of origin in Mexico and develop ties with their family on the other side of the border without the help of any organization that functions as an intermediary.

¹³ Hooker, S., M. McHugh, and A. Mathay. "Lessons from the local level: DACA's implementation and impact on education and training success. Migration Policy Institute." (2014).

¹⁴ National Conference of State Legislatures. *Tuition Benefits for Immigrants*. Available online at <https://tinyurl.com/276m4ke2>

¹⁵ Immigrants Rising. *DACA Updates*. Available online at <https://immigrantsrising.org/daca/>

Finally, this requirement imposes an important restriction for those who, by marriage or family ties, can seek naturalization but require leaving in order to have a record of a legal entry into the country that allows them to start the process since it forces them to seek a justification that fits into the items accepted for authorization. The elimination of the requirement of authorization to leave the country and the reasons that accompany it are considered pertinent. Instead, it is suggested to establish a requirement of timely notice to the authorities about the dates, destination, and purpose of the trip.

For the sake of millions of young people who are children of the close relationship between our countries, the U.S.-Mexico Foundation believes that there must be a constructive dialogue at the bilateral level that addresses the issues raised in this document.



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