

STATUS REPORT

DACA Is Five Years Old

AUGUST 2017

August 15, 2017, was the five-year anniversary of the day U.S. Citizenship and Immigration Services (USCIS) first began accepting applications for Deferred Action for Childhood Arrivals (DACA). These past five years, NILC has advocated and fought alongside fellow advocates and community members to ensure that as many people as possible benefitted from DACA. From providing up-to-date materials and recommendations on whether to apply and renew, to holding the Obama administration—and now the Trump administration—accountable, we have seen the DACA program thrive and give many who applied for it more opportunities and peace of mind.

But DACA and the people who've benefited from it are now facing extremely unsettling challenges: threats by the Trump administration that it may end the program, legal threats to DACA arising out of developments in court cases, and increasing anti-immigrant rhetoric by government officials, accompanied by stepped-up enforcement actions targeting all immigrants.¹ While bipartisan efforts have been made in Congress this year to address the threats to DACA, in the form of legislative proposals to provide permanent forms of immigration relief to DACA-eligible people,² we firmly believe that DACA should remain available and protected, at least until permanent solutions are adopted and implemented.

The well-being of hundreds of thousands of people is at stake—people who have benefited tremendously from having both work authorization and relief from fear that they are vulnerable to being deported. We remain committed to the fight for DACA and to upholding immigrants' rights. We'll continue working tirelessly to #DefendDACA.

■ What We've Learned

THE NUMBERS

Between August 2012 and March 2017, USCIS accepted [886,814](#) applications for initial DACA, and 787,580 were approved.³ Between June 2014 and March 2017, [884,661](#) DACA renewal applications were accepted, and 799,077 were approved. The [top ten countries of origin](#) of DACA recipients are Mexico, El Salvador, Guatemala, Honduras, Peru, South Korea, Brazil, Ecuador, Colombia, and the Philippines. [California and Texas](#) are still the states with the largest number of DACA recipients, holding 42 percent of all approved DACA applicants.

THE NARRATIVE

We continue to learn from our partners in the immigrant youth movement, who've encouraged the broader immigrants' rights movement to abandon "Dreamer"/"deserving immigrant" messaging in favor of a stance and messages that include the experiences of the immigrant community as a whole. Immigration enforcement under the Obama

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administration deported a record number of people, a fact that caused many groups to turn their attention toward curtailing unjust immigration enforcement practices that tear communities apart.

Under the Trump administration, immigration enforcement officials have sunk to new lows by further militarizing the border with Mexico and deporting any of our neighbors, friends, and family they encounter who lack authorization to be in the U.S., without regard to any previously stated “enforcement priorities.” While we must continue to demand broader immigration relief and an end to deportations, now our narrative also must include an urgent call to keep DACA in place.

THE OPPORTUNITIES AND SUCCESSSES

Through a partnership with fellow advocates and researchers, [we have learned](#) how DACA has given its recipients the opportunity to improve their social and economic situations with better-paying jobs, access to driver’s licenses, and other benefits.⁴ We’ve learned a lot about the characteristics of the DACA beneficiary and DACA-eligible population, their needs, aspirations, and recommendations moving forward.

Importantly, DACA’s successes have informed best practices for the implementation of similar programs, expanded the immigrant community’s access to education and employment, and demonstrated the need for broader, permanent immigration relief. This information is taken into account in this year’s bipartisan legislative proposals (see endnote 2); many positive aspects of DACA’s implementation are reflected in the bills’ provisions.

THE CHALLENGES

While DACA has been largely successful since it was first implemented in 2012, granting its recipients the opportunity to work and live in the U.S. without fear of deportation for a temporary, renewable period, DACA’s future is uncertain.

President Trump’s election and policies. Perhaps the toughest challenge began to take shape during the run-up to the 2016 presidential election. Candidate Donald Trump vowed to immediately terminate DACA, deport millions of undocumented immigrants, and build a wall along the entire southern border. As soon as Trump won the election, therefore, DACA’s future became a hot topic. However, fears were momentarily calmed when President Trump called DACA recipients “incredible kids”⁵ and when, later, a U.S. Department of Homeland Security (DHS) memo indicated the DACA would remain in effect.⁶ Nevertheless, Trump’s immigration enforcement priorities have led to the deportation and detention of DACA recipients and DACA-eligible individuals.⁷

Court challenge. Whether or not the president actually does have empathy for “Dreamers,” the U.S. Department of Justice and DHS will have to decide whether to defend DACA if the issue of its legality is litigated in federal court, as it may be soon. In a [letter](#) they sent to U.S. Attorney General Jeff Sessions, Texas and nine other states threaten to challenge DACA’s legality in federal court if the federal government does not agree by September 5, 2017, to rescind the DHS memorandum upon which the DACA program is based. They argue that DACA is unconstitutional and needs to be eliminated.⁸ DACA’s continued existence is more vulnerable than ever.

Despite this uncertainty, we’ve seen immigrant youth continue to be resilient, plan for all possible scenarios, and stand ready to fight against any attack on DACA and their families.

■ What We've Done

Over the past five years, NILC has created materials to inform and support DACA applicants and beneficiaries.⁹ Whether as webinars, factsheets, FAQs, or community workshops, NILC's work has been informed by the needs and requests of our communities and are intended to ensure that DACA is implemented as expansively as possible. Examples of the things we have done include:

- Created an integrated communications, legal, and policy plan to respond for various scenarios for what could happen with DACA under the Trump administration.
- Hosted or served as panelists on many [webinars and conference calls](#).¹⁰ Topics covered have included general updates on the DACA program, information on DACA renewals, and how to file taxes if you have DACA.
- Developed the DACA renewal [calculator](#).¹¹
- Provided technical support to DACA renewal applicants when the processing of their applications was delayed.
- Created and updated [FAQs and factsheets](#) on DACA requirements, including how to show that one has met the educational requirement; tips about applying for DACA renewal; accessing driver's licenses and health care; and workplace rights.¹² In response to the current legal threats to DACA, we published a [potential scenarios](#) factsheet.¹³
- Worked with other national and local partners to encourage DHS, under the Obama administration, to favorably exercise discretion when adjudicating DACA applications, and to do so in a timely manner.
- Coauthored [studies and reports](#) about DACA's impact.¹⁴
- Engaged in media outreach in both Spanish and English to inform the public about DACA, including what might happen with DACA under the Trump administration.
- Authored friend-of-the-court (amicus) briefs and served as counsel in cases that protect the rights of DACAmented youth.

■ What Comes Next: #DefendDACA

DACA has benefitted hundreds of thousands of people, and every day more people are eligible for it. As DACA faces the threats already described, we pledge to continue reaching out to inform people about the program's benefits and why it should be preserved.

- We will continue promoting awareness of and support for DACA
- We will continue encouraging DACA beneficiaries and supporters to share their stories and support for DACA.
- We will continue litigating cases on behalf of DACA recipients and going to court to fight injustices.
- We will continue taking to the streets with our community partners to fight unjust immigration enforcement policies and advance pro-immigrant policies.
- We will continue—and step up—our efforts at the state and local levels to improve the lives of immigrant youth.

- We will identify ways to reach out to younger DACAmented generations who may not know what life is like without DACA, to encourage them to get involved and connect with older generations who survived, and even thrived, before DACA.
- We will continue to highlight how immigration enforcement impacts all immigrants and everyone connected to them, not just people with DACA.
- We will challenge ourselves and our partners to build a more intersectional movement and to use framing and messaging that is inclusive.

MORE INFORMATION about DACA is available on our [Deferred Action for Childhood Arrivals](#) webpage and from U.S. Citizenship and Immigration Services' [Consideration of Deferred Action for Childhood Arrivals](#) webpage.¹⁵

¹ Even DACA recipients with active deferred action and DACA-eligible individuals have been targeted by immigration enforcement agents. Examples include Daniela Vargas, who was detained, and Juan Manuel Montes, who was removed from the U.S. by U.S. Customs and Border Protection (CBP) agents. See www.nilc.org/groups-work-to-release-daniela-vargas/ and www.nilc.org/new-evidence-proves-deported-daca-recipient-juan-manuel-montes-was-kicked-out-of-the-u-s-by-immigration-officials-against-his-will/.

² See summaries and comparison tables for the R.A.C. Act, the BRIDGE Act, the Dream Acts of 2017, and the American Hope Act, available at www.nilc.org/daca/.

³ All hyperlinks in this paragraph are to the following URL: [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports and Studies/Immigration Forms Data/All Form Types/DACA/daca_performancedata_fy2017_qtr2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr2.pdf).

⁴ See Tom K. Wong, Kelly K. Richter, Ignacia Rodriguez, & Philip E. Wolgin, *Results from a Nationwide Survey of DACA Recipients Illustrate Program's Impact* (Center for American Progress, Jul. 2015), <https://www.americanprogress.org/issues/immigration/news/2015/07/09/117054/results-from-a-nationwide-survey-of-daca-recipients-illustrate-the-programs-impact/>; and Angelo Mathay & Margie McHugh, *DACA at the Three-Year Mark: High Pace of Renewals, But Processing Difficulties Evident* (Migration Policy Institute, Aug. 2015), www.migrationpolicy.org/research/daca-three-year-mark-high-pace-renewals-processing-difficulties-evident.

⁵ See Julie Hirschfield & Jennifer Steinhauer, "Trump's Soft Spot for Dreamers Alienates Immigration Hard-Liners," *New York Times*, Feb. 26, 2017, <https://www.nytimes.com/2017/02/26/us/politics/daca-dreamers-immigration-trump.html>.

⁶ See *Rescission of Memorandum Providing for Deferred Action for Parents of Americans and Lawful Permanent Residents ("DAPA")* (U.S. Dept. of Homeland Security, June 15, 2017), <https://www.dhs.gov/news/2017/06/15/rescission-memorandum-providing-deferred-action-parents-americans-and-lawful>.

⁷ See note 1, *supra*.

⁸ Copy of the letter available at https://www.texasattorneygeneral.gov/files/epress/DACA_letter_6_29_2017.pdf.

⁹ Most of the resources listed immediately below are available from www.nilc.org/daca/.

¹⁰ URL: www.nilc.org/nilcwebinars/.

¹¹ URL: www.nilc.org/dacarenewalcalculator/.

¹² URL: www.nilc.org/daca/.

¹³ URL: www.nilc.org/scenarios-legal-threats-to-daca/.

¹⁴ URL: <https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/>.

¹⁵ URLs: www.nilc.org/daca/ and <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>.