

STATUS REPORT

DACA Is Six Years Old

SEPTEMBER 2018

August 15, 2018, was the six-year anniversary of the day U.S. Citizenship and Immigration Services (USCIS) first began accepting applications for Deferred Action for Childhood Arrivals (DACA). Over these past six years, immigrant youth and their allies have advocated and fought tirelessly to ensure the accessibility and implementation of DACA. From providing up-to-date materials and recommendations on whether to apply and how to apply and renew, to ensuring the program is accessible, to holding the Obama and Trump administrations accountable, NILC has seen the success of the DACA program and of DACA recipients.

Despite DACA's successes, the Trump administration announced on September 5, 2017, that it was terminating the DACA program. Nevertheless, during the past year, NILC and fellow advocates and community members have fought harder than ever to protect immigrant youth and to defend DACA. From informing the community of any changes to the DACA program, to advocating for legislation providing permanent relief for this population, to defending the rights of DACA recipients in court, to challenging the Trump administration and its anti-immigrant agenda, the stakes and the demands of the work have grown.

The well-being of hundreds of thousands of people remains at stake — people who have benefited tremendously from having both work authorization and some relief from fear that they may be deported. We remain committed to the fight to #DefendDACA and to upholding the rights of all immigrants.

■ What We've Learned

THE NUMBERS

Between August 2012 and July 2018, USCIS accepted **908,456** applications for initial DACA, and **822,008** were approved. Between June 2014 and July 2018, **1,280,782** renewal applications were accepted, and **1,234,394** 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. The **top five states** with the highest DACA populations are California, Texas, New York, Florida, and Illinois. USCIS has approved approximately **1,116,801** DACA applications from residents of these states.¹

¹ All hyperlinks in this paragraph go to:

[https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports and Studies/Immigration Forms Data/All Form Types/DACA/daca_performance_data_fy2018_qtr3_plus_july.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performance_data_fy2018_qtr3_plus_july.pdf).

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THE NARRATIVE

We continue to learn from our partners in the immigrant youth movement. There continues to be a push to abandon “Dreamer”/“deserving immigrant” messaging in favor of messages that include the experiences of the immigrant community as a whole. Allies, including some policymakers, with the best intentions struggle to let go of rhetoric that uplifts immigrant youth but harms how the larger immigrant community is perceived, but immigrant youth continue to challenge all of us to make changes in our narratives to be more inclusive and lay the foundations for a more welcoming country for all immigrants.

Immigration enforcement, while prominent under the Obama administration, has been operating in full force under the Trump administration. The problems being experienced by immigrant communities at the hands of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP), including the separation of families in detention centers, have grown to the point that immigrant youth groups are demanding the **defunding of ICE and CBP**.² The call for #AbolishICE has also grown organically, though mainly as a result of the outrage at family separations at our southern border.

There’s a conscious effort by immigrant youth-led groups to focus on the empowerment and well-being of all immigrant communities, not just those with DACA, as evidenced by UndocuBlack’s push to keep DACA while simultaneously insisting that the **diversity visa** program *and* **temporary protected status (TPS)** be preserved.³ The requested immigration-related policy changes that NILC and movement partners are asking of allies in Congress continue to evolve as the support for more inclusive legislative solutions grows.

THE OPPORTUNITIES AND SUCCESSES

Through our partnership with Professor Tom K. Wong of the University of California at San Diego, United We Dream, and the Center for American Progress, **we have learned** how DACA has given its recipients the opportunity to experience upward socioeconomic mobility with better-paying jobs, access to driver’s licenses, and other opportunities.⁴ Through the study spearheaded by Professor Wong, we also learned more about the emotional toll the Trump administration’s termination of DACA and the uncertainty surrounding the program has taken.

According to **the study**, “A majority of respondents reported that they think about being deported at least once a day. Among parents, 76 percent reported that they think about ‘being separated from [their] children because of deportation’ at least once a day, and 74 percent think about ‘not being able to see [their] children grow up because of deportation’ at least once a day.” Through research and our communication with immigrant youth, we’ve learned a lot about the characteristics of DACA recipients and immigrant youth more generally, their needs, concerns, and aspirations.

Importantly, DACA’s successes have become known to mainstream audiences thanks to immigrant youth sharing their stories and advocating for change on social media and on national and international media platforms. On April 19, 2018, United We Dream cofounder and executive director **Cristina Jimenez** was named by *Time* magazine as one of the 100 most

² <https://unitedwedream.org/petitions/defund/>.

³ <http://undocublack.org/diversity/>; <http://undocublack.org/tps/>.

⁴ <https://www.americanprogress.org/issues/immigration/news/2018/08/15/454731/amid-legal-political-uncertainty-daca-remains-important-ever/>.

influential people in the world⁵ — a testament not to her work only but also to the work of all those immigrant youth whose courage shone a spotlight on the difficult issues and challenges many immigrants face in the Trump-era U.S.

THE CHALLENGES

The Termination of DACA

On September 5, 2017, the Trump administration announced the end of DACA. The administration's termination of DACA created a lot of confusion. The administration announced that any application, either first-time applications or to renew DACA, received by September 5 would be processed, but no new applications would be accepted after that. The administration gave DACA recipients whose work authorization would expire between September 5, 2017, and March 5, 2018, only one month to submit applications to renew. According to the U.S. Department of Homeland Security (DHS), approximately **154,200** DACA recipients were eligible to renew by the October 5 deadline. By October 3, however, DHS had received just over **106,000** applications.⁶ Approximately 133,000 people were able to apply for renewal, and some received protection for an additional two-year period, but this announcement left many more people in limbo, believing they would never be able to apply for DACA, not even to renew.

The Battle in Congress

In response to the announcement ending DACA, advocates pushed again for the passage of a #cleanDreamAct that would provide permanent immigration relief for immigrant youth. The process for approving short-term spending bills to keep the federal government running provided Congress an avenue to address this issue. Immigrant youth came from all parts of the country to Washington, DC, to visit their congresspersons' offices, demanding a #cleanDreamAct and for their lives not to be used as "bargaining chips" for an anti-immigrant agenda. On November 15, 2017, over 120 Asian American and Pacific Islander (AAPI) immigrant youth and leaders from across the country, including from the National Korean American Service & Education Consortium (NAKASEC), **convened** in DC to demand that passing a clean DREAM Act become Congress's top priority.⁷

Any progress in Congress toward immigration relief was thwarted by the Trump administration's anti-immigrant wish list. On October 9, 2017, the White House released a list of extreme policies it was proposing in exchange for legislation that would provide permanent relief for immigrant youth. The list included proposals championed by anti-immigrant extremists, including a radical ramp-up in border and interior enforcement, the elimination of protections for children fleeing extreme circumstances, a lower cap on the number of refugees that could be admitted into the U.S., a severe cut to the annual number of available visas, a departure from sensible policies intended to allow people from underrepresented countries to immigrate to the U.S. and thus keep their families together, and withholding of federal funds from jurisdictions that limit cooperation between local law enforcement and federal immigration agents.

⁵ <http://time.com/collection/most-influential-people-2018/5238162/cristina-jimenez/>.

⁶ <https://www.dhs.gov/news/2017/10/03/departement-homeland-security-acting-secretary-elaine-duke-reminds-eligible-daca>.

⁷ <http://aapidream.org/24>.

On January 25, 2018, the White House released a framework for a legislative deal incorporating its demands into four “pillars”: border wall, drastic changes to the family immigration system, the elimination of the diversity visa program, and a pathway to citizenship for DACA recipients. The administration’s and its congressional allies’ insistence that any legislation meet these demands deterred any broadly supported legislation protecting immigrant youth from moving forward.

Despite multiple attempts, including a government shutdown and open debates and processes in the House and Senate, Congress has failed to pass any legislation to protect immigrant youth. Each time, the lives of immigrant youth were used to advance the administration’s extremist anti-immigrant agenda and morph any solutions into unacceptable, far-right policy proposals that also do not have enough support to pass Congress.

Court Challenges

Several cases were filed in federal courts this past year challenging the administration’s termination of DACA.⁸ Most notably, **cases in California and New York resulted in injunctions requiring USCIS to once again accept DACA renewal applications.**

On March 5, 2018, a U.S. district court in Maryland issued an order limiting DHS’s ability to share and use the information DACA recipients provide to the government when they apply for DACA. (This decision led to DACA recipients being “carved out” of USCIS’s new **policy guidance on notices to appear**.⁹) On April 24, 2018, a U.S. district court in the District of Columbia issued a ruling requiring USCIS to resume accepting first-time DACA applications — but this order did not go into effect immediately and is currently on hold. Texas and seven other states also sued the Trump administration regarding DACA but are challenging the lawfulness of the DACA program rather than its termination.

Immigrant youth have taken a more active role in litigation in the past six years by agreeing to be not only named plaintiffs in court cases but also by being spokespeople for the cases, participating in press conferences and communicating about the cases via other media platforms. They’ve used the platform that litigation provides to shed light on broader issues. Below are a few examples:

Martin Batalla. The same day that the Trump administration announced the termination of DACA, plaintiff Martin Batalla Vidal, a New Yorker and member of Make the Road New York, **filed a legal action** in the Eastern District of New York (EDNY) to challenge the administration’s action.¹⁰ He was joined the next day by fifteen states and the District of Columbia, which filed their own lawsuit in the same court. In the **press release** announcing the filing, Batalla Vidal said, “Losing DACA would have a dramatic impact on my life. It would prevent me from being able to take on major professional or academic goals, make me unable to work legally, and put me at risk of being deported and separated from my family. This decision by Donald Trump is a direct attack on immigrant youth like me and on our families, and it’s based on one thing: the racist beliefs of a president who has been attacking Latinos and Mexicans since the first day of his campaign.”¹¹

⁸ <https://www.nilc.org/issues/daca/status-current-daca-litigation/>.

⁹ <https://www.uscis.gov/news/news-releases/uscis-updates-notice-appear-policy-guidance-support-dhs-enforcement-priorities>.

¹⁰ <https://www.nilc.org/issues/litigation/batalla-vidal-v-baran-et-al/>.

¹¹ <https://www.nilc.org/2017/09/05/dreamer-challenges-termination-of-daca/>.

Marco Villada. On April 10, 2018, Marco Villada, a DACA recipient, and Israel Serrato, a U.S. citizen, **sued the U.S. State Department and USCIS** after consular officials unlawfully denied Villada’s application for a spouse visa and prohibited him from returning to the U.S., potentially indefinitely.¹² Ultimately, Villada was able to obtain his visa, reenter the U.S., and be reunited with his family. Villada and Serrato have shared this life-altering and unfair situation to shed light on the harms of separating families and on the countless stories like theirs, but without a happy ending.

There are many more examples we could highlight. The most recent example are the 22 DACA recipients who **intervened** in the lawsuit filed by Texas and seven other states challenging the DACA program.¹³ All **22 intervenors** are active members in their communities, and many have been directly involved in advocacy, demanding more resources, opportunities, support, and permanent immigration relief for immigrant youth.¹⁴ These immigrant youth are simply using litigation as another platform to engage in advocacy.

Despite the uncertainty immigrant youth must live with, we’ve seen many not only survive, but thrive, staying informed of all developments, taking action in the streets, in the courts, and in the media to push back against injustices with which they and their fellow immigrants are confronted.

■ What We’ve Done

Over the past six years, NILC has created **materials** to inform and support DACA applicants.¹⁵ Whether as webinars, fact sheets, FAQs, or community workshops and trainings, NILC’s work has been informed by the needs and requests of our communities. Examples of the things we have done include:

- Created an integrated communications, legal, and policy plan to respond to various scenarios for what could happen with DACA under the Trump administration, and implemented the plan when DACA was in fact terminated
- Hosted or served as panelists for many **webinars and conference calls** providing updates on the DACA program¹⁶
- Developed the DACA renewal **calculator**¹⁷
- Provided technical support to DACA renewal applicants
- Created and updated **materials** on DACA, including alerts explaining (a) case developments, (b) recommendations for DACA renewal applicants, (c) accessing driver’s licenses and health care, and (d) workplace rights of people with and without DACA¹⁸

¹² <https://www.nilc.org/issues/litigation/villada-garibay-v-state-department/>.

¹³ <https://bit.ly/2rv1yXn>.

¹⁴ https://www.maldef.org/assets/pdf/DACA_Bios_050818.pdf.

¹⁵ <http://www.nilc.org/daca/>.

¹⁶ <https://www.nilc.org/get-involved/trainings/nilcwebinars/>.

¹⁷ <https://www.nilc.org/issues/daca/dacarenewalcalculator/>.

¹⁸ <https://www.nilc.org/issues/daca/>.

- 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 impact¹⁹
- Engaged in media outreach in both Spanish and English to inform the public about DACA
- Authored friend-of-the-court (amicus) briefs and served as counsel in cases that protect the rights of people with DACA

■ What Comes Next: #DefendDACA

DACA has benefitted hundreds of thousands of people, their families, and their communities. 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 immigrant youth, including those with 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, to help them become leaders in the movement, and to 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.²⁰

¹⁹ <https://www.americanprogress.org/issues/immigration/news/2018/08/15/454731/amid-legal-political-uncertainty-daca-remains-important-ever/>.

²⁰ <https://www.nilc.org/issues/daca/>.