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## DACA Has Been Rescinded. What Now?

September 2017 | Duy Pham & Wendy Cervantes

On September 5, the Trump Administration announced it would be ending the Deferred Action for Childhood Arrivals (DACA) program. DACA has provided temporary relief from deportation, as well as work authorization, to more than 800,000 young immigrants who came to the United States as children.

The president's decision followed months of mixed messages. While he vacillated in public statements about his intention to end DACA, he ramped up enforcement actions that have terrorized the immigrant community. On June 29, Texas Attorney General Ken Paxton and nine other state attorneys general submitted a letter threatening a lawsuit unless the Administration rescinded DACA by September 5. Rather than uphold the program until a legislative solution could be secured by Congress, President Trump instead chose to jeopardize the lives of nearly one million Dreamers, their families, and their communities by terminating a successful program that has transformed lives and repeatedly held up to previous legal challenges.

## Key Facts about the Trump Administration's Decision to Rescind DACA

The Administration announced that it would be **rescinding DACA** over a 6-month time period.

- **As of September 5, no new DACA applications will be accepted.**
- **Pending applications submitted prior to September 5 will still be considered.**
- **All current DACA authorizations and work permits remain valid until their 2-year expiration date.**
- **DACA recipients whose authorizations and work permits expire between September 5 and March 5, 2018 will be eligible to apply for a two-year renewal. These applications must be received at U.S. Citizenship and Immigration Services (USCIS) by October 5.** Applications postmarked after October 5 will not be accepted.
- **For DACA authorizations and work permits set to expire on March 6 or later, there will be no opportunity for renewal.**
- **USCIS will no longer issue applications for advance parole for DACA recipients to travel abroad. Additionally, pending applications will not be processed.** DACA recipients who are currently abroad, or have already been granted advance parole, will retain its protections. However, Customs and Border Protection (CBP) retains the discretion to admit—or not admit—DACA recipients with advance parole back into the country.

### What are the implications of DACA rescission?

The Trump Administration's decision to end DACA has serious consequences for all DACA recipients. Moreover, its devastating effects will reach beyond current beneficiaries.

### More than 800,000 DACA recipients now face eventual loss of their protected DACA status, work permits, and other critical supports

DACA recipients live in **all 50 states** and immigrated to the U.S. before turning 16 (on average, when they were **just six years old**). Today, they are 25 years old on average. These young people have been students and contributing members of our society for at least a

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decade. About 154,000 beneficiaries are eligible for a one-time renewal; however, they face a tight deadline to submit their paperwork as well as a \$495 fee. The remaining 75 percent of DACA recipients will not be able to renew their DACA status, meaning approximately **1,400 Dreamers will lose their DACA benefits each day starting on March 6**. When their DACA status expires, recipients will be unable to work legally and will once again be at risk of deportation. In addition to job loss, DACA recipients will **lose their employer-based health insurance** and in some states their eligibility for public, state-funded health coverage. Depending on the state where DACA recipients live, they may also face challenges in renewing their driver's license and may no longer be eligible for in-state college tuition. Finally, the constant uncertainty and fear of being forced into the shadows has and will continue to undermine their mental health and wellbeing. In fact, Dreamers **reported** that receiving DACA gave them hope for the future, instilled a greater sense of belonging and value, and reduced their fear of authorities. The decision to end the program has once again unraveled these feelings of security.

## Family members of DACA recipients, including U.S. citizen children, will face weakened economic security and possible family separation.

Many DACA recipients live in **mixed-status families** and are financially supporting their family members, while an estimated 34 percent of immediately eligible DACA recipients live in families with annual incomes below the federal poverty line. In fact, DACA recipients are often their families' primary breadwinners. Research shows that DACA has significantly improved economic outcomes for recipients. Through DACA, recipients **have increased their incomes by 69 percent**, enabling them to purchase cars and homes as well as climb out of poverty.

Furthermore, it's estimated that **more than quarter of DACA recipients have a child who is a U.S. citizen**. Research shows that children benefit when their parents are mentally and physically healthy and have access to higher education and better-quality jobs. Indeed, **one study** found that mothers' DACA status promoted improved mental health for their children. Ending DACA will have the opposite effect, severely undermining children's development and wellbeing. Families will be forced to live in fear of being separated due to deportation as well as experience stress over financial hardships—all of which put children's healthy development at risk.

## More than 200,000 little Dreamers will no longer be able to apply for DACA.

Terminating DACA dashes the hopes of more than **200,000 little Dreamers** who have been waiting to turn 15 to meet the program's age requirements. These are children who have grown up in the U.S., been educated in our schools, and have the same aspirations as their classmates. With this decision, the Administration has ripped away their dreams of becoming doctors, teachers, lawyers, soldiers, scientists, and policymakers in the country they call home.

## The U.S. economy—and whole communities—will lose the valuable contributions of DACA recipients.

DACA recipients are integral members of our nation's community and economy. A large share of DACA recipients are students in our nation's secondary and postsecondary institutions, while all beneficiaries are contributing members of our economy. In fact, **97 percent of DACA beneficiaries are either in school or working**, catalyzing a strong response from **business leaders and institutions of higher education** calling for the Trump Administration and Congress to protect Dreamers. Removing students, teachers, doctors, business owners, and other young immigrants will ravage their communities as well as the national economy. It is estimated that ending DACA will **reduce the U.S. Gross Domestic Product by \$460 billion over the next decade**.

## *What's next and how you can help*

The Obama Administration implemented DACA through executive order, exercising the same legal discretion as several past presidents. Since then, numerous courts have ruled that DACA is constitutional. Congress now faces a six-month deadline to pass legislation that provides a permanent solution to DACA recipients and other Dreamers. In addition, several lawsuits have already been filed against the Trump Administration for rescinding DACA. For example, attorneys general representing 15 states and the District of Columbia filed a lawsuit in New York, while three other states have filed a similar lawsuit in California. Other lawsuits challenging the DACA rescission include one by the University of California system, which educates approximately 4,000 DACA recipients.

Below are some recommendations for how you can help support DACA recipients and Dreamers during this critical time.

### **Provide resources and support to DACA recipients and their families**

Educators and program administrators who are working directly with children, youth, and families play a critical role in connecting DACA beneficiaries and other Dreamers to information and resources. For example, educators and program administrators can provide information regarding legal clinics and financial assistance to help DACA recipients prepare their renewal paperwork and pay the \$495 fee. The renewal deadline, **October 5**, makes this extremely urgent. DACA beneficiaries also need information regarding their rights (both now and after their DACA authorization and work permit expires). Additionally, recipients need mental health resources to help them and their families cope with the uncertainty of the DACA decision. Finally, educators and program administrators can assure students and families that their schools and programs remain safe spaces—free from immigration enforcement—and that immigrant students' educational rights will be protected.

### **Help document the success of DACA and share stories of young people impacted**

DACA is a successful program that has changed the lives of the hundreds of thousands of young people—many of them students, teachers, business owners, and neighbors. Advocates and those working with children and youth can help document the devastating impact that DACA rescission will have for recipients, their families, and communities by collecting and lifting up the stories of recipients who now face losing their protected status. It's also important to share the stories of other undocumented youth, including those who were denied the opportunity to apply for DACA as a result of its termination or because of the requirements. These stories put a human face on this critical issue, shed light on the harmful impact of the Trump Administration's decision, and support efforts to advance legislation.

### **Advocate for a legislative solution like the Dream Act of 2017**

As president-elect, Trump announced his intention to end DACA. Since then, the House and Senate have introduced numerous bills, supported across party lines, to protect immigrant youth. These bills include the Dream Act, Hope Act, Bar Removal of Individuals Who Dream and Grow our Economy (BRIDGE) Act, and Recognizing America's Children (RAC) Act. Advocates, educators, and program administrators can drive calls into Congress, educate their partners about the urgency of passing legislation, and express their support in town halls, rallies, and other public forums.

Given DACA's looming termination, it's imperative that Congress act quickly to pass legislation providing a permanent solution for DACA beneficiaries as well as other undocumented youth. Among all the bills in Congress, the Dream Act of 2017 is the only bipartisan proposal that would provide a pathway to citizenship to a wide range of DACA recipients and other Dreamers who satisfy the bill's higher education, military, or employment requirements. This would enable young people who are *working* to also qualify for a path to citizenship. In addition, the Dream Act includes a hardship exception for Dreamers who may not be able to work, attend school, or join the military due to certain circumstances, such as raising children. Consequently, the Dream Act of 2017 reflects the full diversity and talents of the undocumented youth population, including those who have not pursued a traditional college education or military service. A **recent analysis** shows that 1.5 million young people could potentially complete the Dream Act's path to citizenship, compared to 938,000 under proposals like the RAC Act.

CLASP urges all advocates who care about the health, wellbeing, and success of children and youth to continue to support Dreamers and their families during this challenging time. CLASP is committed to standing by immigrant youth. We'll continue the push for inclusive legislation that is *not* contingent on enforcement measures that jeopardize the safety of immigrant communities.

*For more, please see CLASP's resource page on the future of DACA.*