



Deferred Action for Childhood Arrivals

What is DACA?

On June 15, 2012, the Secretary of Homeland Security announced via a [memorandum](#)¹ that certain individuals who came to the United States as children and met several guidelines could request consideration for deferred action through the newly initiated Deferred Action for Childhood Arrivals (DACA) program. DACA is patterned after the DREAM Act,² bipartisan legislation that was initiated more than a decade ago but has not become law.

The purpose of DACA is to utilize prosecutorial discretion to provide undocumented persons who were brought to the United States when they were children with temporary relief from deportation (deferred action) and work authorization. DACA recipients also have the ability to apply for [advance parole](#) (permission to temporarily leave and re-enter the U.S.).³ The program expires after two years, subject to renewal with a renewal filing fee cost of a \$380 for Form I-765 and an \$85 biometric services (fingerprints and photo) fee. As of December 23, 2016, the filing fee will increase to \$410 for Form I-765; the biometric services fee will remain at \$85.⁴

What is Deferred Action Generally?

[Deferred action](#) is “a discretionary determination to defer a removal action of an individual as an act of

1 Janet Napolitano, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children*, DHS (June 15, 2012).

2 The Development, Relief, and Education for Alien Minors (“DREAM”) Act is a bill to legalize immigrant high school graduates of good moral character who were brought to the United States at a young age without legal status. See DREAM Act, S.1291, 107th Cong. (2001). The DREAM Act has been reintroduced several times since 2001.

3 Emily Creighton et al., *Advance Parole for DACA Recipients*, CLINIC, <https://cliniclegal.org/resources/articles-clinic/advance-parole-daca-recipients> (last visited Dec. 9, 2016).

4 *Our Fees*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) (Oct. 24, 2016), <https://www.uscis.gov/forms/our-fees>.

prosecutorial discretion.”⁵ Those with deferred action are not considered to be unlawfully present in the United States, however, deferred action does not grant them any sort of lawful immigration status.⁶ DACA is one specific form of deferred action.

Does DACA Provide a Path to Legalization or to Citizenship?

No. DACA does not grant a path to permanent residency or citizenship. That can only be done if a measure like the DREAM Act were to be enacted into law.

Who is Eligible for DACA?

One is [eligible](#)⁷ for DACA if s/he –

- was under 31 years old as of June 15, 2012;
- first came to the United States before his/her 16th birthday;
- has lived continuously in the United States from June 15, 2007 until the present;
- was physically present in the United States on June 15, 2012 and at the time of application;
- came to the United States without documents before June 15, 2012, or his/her lawful status expired as of June 15, 2012;
- is currently studying, has graduated from high school, or has earned a certificate of completion of high school or GED, or has been honorably

5 *Frequently Asked Questions*, USCIS (Oct. 27, 2016), <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions>.

6 *Id.*

7 *Consideration of Deferred Action for Childhood Arrivals (DACA)*, USCIS (Oct. 14, 2016), <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>.

discharged from the U.S. Coast Guard or U.S. military (technical and trade school completion also qualifies); and

- Has NOT been convicted of a felony, certain significant misdemeanors (including a single DUI), or three or more misdemeanors of any kind, and does not otherwise pose a threat to national security or public safety. An applicant should consult with an attorney about ANY contact s/he has had with law enforcement or immigration authorities.
- In addition, one must typically be over age 15 to request DACA. However, an individual, under age 31 as of June 15, 2012, may request DACA at any time if s/he is in removal proceedings, has a final order of removal, or has a voluntary departure order, and s/he is not in immigration detention.

How Many Persons Are Protected by DACA?

As of December of 2016, 75,000 individuals had applied for DACA and approximately [730,000](#) applicants had received it.⁸ However, there could be as many as [1.3 million persons](#) living in the United States who are immediately eligible for the program.⁹ Some potential DACA recipients have not come forward because they feared that a hostile Administration might follow President Obama's presidency and that the new Administration might withdraw DACA and then

use the information provided in the DACA applications to find and deport this population.¹⁰

Can the New Administration Rescind DACA?

As DACA was not codified or issued as a rulemaking under the Administrative Procedure Act, the incoming Administration has the authority to quickly eliminate the program.

What Would be the Consequences of a Withdrawal of DACA?

If DACA is entirely rescinded, over 730,000 vetted, tax-paying, contributing members of our communities, including some veterans, would be subject to potential deportation. These DACA Youth may be separated from their families and deported to their countries of origin, which in some cases they may barely remember.

Why Should We Protect DACA Youth?

DACA Youth exemplify the extraordinary contributions that immigrants can provide to our nation. These youth have grown up in our country, some even choosing to put their lives on the line to serve in our armed forces. These young, educated, tax-paying individuals are a valuable part of our work force and our communities. One only has to turn to the media to see the [stories](#) of successful DACA Youth who are trying to make a

8 Jens Manuel Krogstad, Unauthorized immigrants covered by DACA face uncertain future, 1/5/2017 <http://www.pewresearch.org/fact-tank/2017/01/05/unauthorized-immigrants-covered-by-daca-face-uncertain-future/>

9 *Deferred Action for Childhood Arrivals (DACA) Data Tools*, MIGRATION POLICY INSTITUTE, <http://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles> (last visited Dec. 9, 2016).

10 AUDREY SINGER ET AL., BROOKINGS, LOCAL INSIGHTS FROM DACA FOR IMPLEMENTING FUTURE PROGRAMS FOR UNAUTHORIZED IMMIGRANTS 23 (2015), available at https://www.brookings.edu/wp-content/uploads/2016/06/BMPP_Srvy_DACAImmigration_June3b.pdf ("This fear extends to trepidation that joining the [DACA] program will put them squarely in line for deportation after the next president takes office. Service providers reported that this was a common fear among DACA applicants prior to the 2012 election, and with the 2016 election looming it is a fear among those who would be eligible for both programs.")

difference, such as one recipient who has graduated nursing school and is now working with disabled children.¹¹

What Are Some Policy Reasons to Support DACA?

- **Financial:** The DACA program is not a resource drain on the Department of Homeland Security (DHS). The application fees that DACA recipients pay cover the cost for DHS to administer the program. Additionally, DACA Youth are bolstering our economy; with DACA they receive the ability to work legally and pay income taxes. Eighty-seven percent of DACA recipients are employed, and six percent of recipients have started their own businesses.¹² Several mayors, including those from Chicago, New York, Los Angeles, and Houston, recently delivered a [letter](#) to President-elect Trump explaining that eliminating the DACA program could lead to a loss of \$9.9 billion in tax revenue over the next four years and a loss of at least \$433.4 billion from the U.S. gross domestic product over the next decade.¹³
- **Security & Safety:** DACA recipients have undergone thorough vetting by DHS. Recipients have had their applications scrutinized and their records carefully evaluated, and they have been found not to pose a national security or public safety risk. Furthermore, as noted in the [mayoral letter](#) to President-elect Trump, the U.S. Armed Forces “rely on DACA applicants to serve

through Military Accessions Vital to the National Interest (MAVNI), which enlists individuals who are fluent in critical languages or possess medical professional skills essential to the defense of our nation.”¹⁴

What Are Some Moral Reasons to Support DACA?

- **Most DACA Recipients Did Not Actively Choose to Come to the U.S. Illegally.** Most DACA Youth were brought to the U.S. as babies or children by their parents. Consequently, they did not choose to come and live in the United States themselves. Furthermore, as most DACA Youth came to live in the United States as young children, our country is all that they know.
- **Separation of Immigrant Families Could Drastically Increase.** DACA Youth submitted their and their families’ sensitive biographical information to the government during the DACA application process. The new Administration could use that information to begin to target DACA applicants and their families for deportation. Currently, such biographical information is not at the disposal of Immigration and Customs Enforcement (ICE), the DHS office tasked with removals. However, it is possible that this information could be shared with ICE by the new Administration. While such action could be subject to legal challenges, if it occurs, many families will be torn apart as a large percentage of DACA Youth come from mixed-status families (families where members have varying immigration status – ranging from no lawful status to U.S. citizenship). One [study](#) found that seventy percent of DACA recipients surveyed have at least one immediate family member who is a U.S. citizen and forty-four percent had at least one family member with lawful permanent

11 Brian Latimer, *What Successful Young Immigrants #WithDACA Want Trump to Know*, NBC NEWS (Nov. 11, 2016), <http://www.nbcnews.com/news/latino/with-daca-dreamers-share-stories-financial-success-after-daca-n682601>.

12 *Letter to President-Elect Trump on DACA*, CITY OF CHICAGO (Dec. 7, 2016) <https://www.cityofchicago.org/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2016/December/DACAletter.pdf>.

13 *Id.*

14 *Id.*

residency.¹⁵ Accordingly, withdrawing DACA and targeting this population for deportation could tear families apart and could harm citizens and other individuals here legally.

- **Punishing DACA Youth Does Not Advance the Common Good.** These youth came forward out of the shadows to cooperate with our government and get right with the law, to the extent that they could. They paid a fee to apply for DACA, they submitted to a rigorous application process and investigation, they gave their personal and family information to the government, and they agreed to pay taxes on any wages they received through use of the work authorization. For the government to rescind DACA and then to use applicants' information to begin deporting these youth and their family would be inhumane, inequitable, and would undermine the ideas of fairness and compassion that our nation holds dear.

be automatically deemed to have provisional protected presence through the expiration of their DACA status. While this legislation would not confer lawful status on the recipients, it would prevent their deportation for the period in which they maintain provisional protected presence. As written, the bill allows provisional protected presence to extend three years from the date of enactment. Presence could be rescinded only in certain delineated circumstances.

Temporary protection under the BRIDGE Act would ensure that these young people can continue to work and study and be protected from deportation while Congress debates broader legislation to fix our broken immigration system

Finally, it bears noting that the bill includes a provision to ensure that, with a few limited exceptions, information provided in applications will not be shared with ICE and the U.S. Customs and Border Protection for the purposes of enforcement actions.

What Contingencies Are Being Contemplated in Congress?

On December 9, 2016, Senators Graham and Durbin introduced S.3542, the [Bar Removal of Individuals who Dream and Grow our Economy \("BRIDGE"\) Act](#). The BRIDGE Act has been reintroduced in the 115th Congress, in both the Senate and the House. The Senate version, [S.128](#), was again introduced by Senators Graham and Durbin. The House version, [H.R.496](#), was introduced by Reps. Luis Gutierrez and Representative Coffman. The BRIDGE Act would provide "provisional protected presence" and work authorization to eligible individuals who came to the United States as children without status. The eligibility requirements for provisional protected presence closely mirror the DACA eligibility requirements, and current DACA recipients would

¹⁵ Caitlin Patler, et al., *From Undocumented to DACAmented*, UCLA (June 2015), http://www.chicano.ucla.edu/files/Patler_DACA_Report_061515.pdf.





Committee on Migration

c/o Migration and Refugee Services, USCCB

3211 Fourth Street NE • Washington DC 20017-1194

202-541-3227 • fax 202-722-8805 • email mrs@uscgb.org • www.usccb.org/mrs

July 21, 2017

Dear Senator:

I write on behalf of the U.S. Conference of Catholic Bishops' Committee on Migration (USCCB/COM) to urge you to support S.1615 the "Dream Act of 2017." This bipartisan legislation, introduced on July 20, 2017, by Senators Lindsey Graham (R-SC) and Richard Durbin (D-IL), would protect numerous immigrant youth from deportation, including the approximately 780,000 Deferred Action for Childhood Arrivals (DACA) recipients.

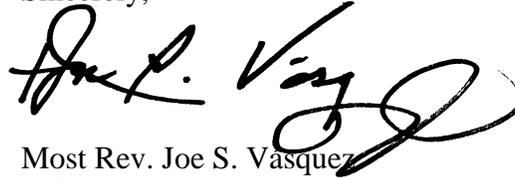
The Dream Act is intended to protect immigrant youth who entered the United States as children and know America as their only home. The bill offers qualifying immigrant youth "conditional permanent resident status" and a path to full lawful permanent residency and eventual citizenship. In order to receive the conditional status, the youth must, among other requirements, have entered the U.S. as a child, been continuously present in the United States for at least four years prior to enactment of the bill, meet certain admissibility and security requirements, and have obtained or be pursuing secondary education. Current DACA recipients are also deemed eligible for the conditional status. S.1615 allows recipients of this conditional status to obtain non-conditional lawful permanent residency if they satisfy requirements that include: background checks; demonstrated English proficiency; and either education in a higher learning institution, honorable military service, three years of employment in the United States, or a hardship exception.

My brother bishops and I believe in protecting the dignity of every human being, particularly that of our children. The Catholic Bishops have long supported these immigrant youths and their families who are contributors to our economy, academic standouts in our universities, and leaders in our parishes. These youths have grown up in our country, some even choosing to put their lives on the line to serve in our armed forces. They truly exemplify the extraordinary contributions that immigrants can provide to our nation. These youths should not be forced to live their lives in constant fear that they will be deported at any moment and separated from their families. It is both our moral duty and in our nation's best interest to protect them and allow them to reach their God-given potential.

For these reasons, we ask you to support and co-sponsor the Dream Act of 2017. We also

urge you to continue to work towards the larger legislative reform of our immigration laws that our country so desperately needs. As always, USCCB/COM stands ready to work with Congress to reform our immigration system in a humane, just, and common-sense manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe S. Vasquez". The signature is fluid and cursive, with a large, stylized flourish at the end.

Most Rev. Joe S. Vasquez
Chairman, USCCB Committee on Migration



DREAM Act of 2017

What is the Dream Act of 2017?

The **Dream Act of 2017** ([S.1615](#) / [H.R. 3440](#)) is bipartisan bill that was introduced in the Senate on July 20, 2017 and in the House on July 26, 2017. It would protect an estimated 1.8 million immigrant youth from deportation, including the approximately 790,000 [Deferred Action for Childhood Arrivals \(DACA\)](#) recipients.

How does the Dream Act protect these youth?

The bill offers qualifying immigrant youth, including current DACA recipients, “conditional permanent resident status” and a path to full lawful permanent residency and eventual citizenship. To receive the conditional status, the youth must, among other requirements:

- have entered the U.S. as a child;
- been continuously present in the United States for at least 4 years prior to enactment of the bill;
- meet certain admissibility and security requirements, including a background check; and
- been admitted to an institution of higher education or have obtained or be pursuing secondary education.

The bill allows recipients of this conditional status to obtain non-conditional lawful permanent residency if recipients satisfy requirements that include: background checks; demonstrated English proficiency, as well as knowledge of U.S. history and civics; and either education in a higher learning institution, honorable military service, three years of employment in the United States, or a hardship exception.

Why is a legislative solution needed?

On June 29, 2017, ten states urged the Administration to rescind the DACA program, [stating](#) that they would bring a lawsuit against the program if the Administration failed to do so. On September 5, the Administration rescinded the DACA program. Congress, however, could permanently protect DACA recipients and other immigrant youth who are contributing to our nation – and provide them with a path to citizenship – through legislation.

How is the Dream Act different than the BRIDGE Act?

While both bills seek to protect a similar population of immigrant youth, the “Bar Removal of Individuals who Dream and Grow our Economy (BRIDGE) Act,” [S. 3542](#), would only provide DACA eligible youth with temporary relief from deportation through “provisional protected presence.” This status would last from the date granted until three years after the BRIDGE Act is enacted. The bill is a stop-gap measure to protect DACA youth, but it does not provide long-term protection or the ability to eventually seek citizenship.

Does USCCB/MRS support the Dream Act?

Yes. USCCB’s Committee on Migration issued a letter in support of the bill, which you can read in full [here](#). Bishop Vasquez, Chairman of the Committee, stated: “The Catholic Bishops have long supported these immigrant youths and their families who are contributors to our economy, academic standouts in our universities, and leaders in our parishes. These youths have grown up in our country, some even choosing to put their lives on the line to serve in our armed forces. They truly exemplify the extraordinary contributions that immigrants can provide to our nation.”

What can I do to help support the Dream Act?

As Catholics, we have long supported Dreamers as we believe in protecting the dignity of every human being, especially that of our children. We ask you to:

- Voice Your Support for DREAMERS. We encourage you to issue a statement of support for DACA Youth and the existing DACA program. These statements are needed by Bishops and community leaders in all states.
- Urge Republican Lawmakers to Support the Dream Act. As efforts continue to keep the Dream Act a bipartisan bill, further Republican support for the bill is essential. We encourage you to renew your support for Dreamers by sending a message to your U.S. Senators and Representatives urging them to co-sponsor S. 1615/ H.R. 3440. You can do so [here](#).

