Welcome Home: The Case for DACA Fix

By "Coach Vance" Trefethen

***Resolved:* *The United States federal government should substantially reduce its restrictions on legal immigration to the United States.***

Deferred Action for Childhood Arrivals was a program started by Pres. Obama without Congressional approval that was intended to manage the problem of illegal immigrants who were brought to the U.S. as children, through no fault of their own. It enabled them temporarily to legally work in the U.S. and be protected from deportation. These immigrants for the most part have no other experience than life in the U.S. and have been raised here most of their lives. Unfortunately, by bypassing Congress, the temporary protections afforded to them by Obama are not on a sure legal foundation and are being challenged by Pres. Trump and Congress today. Pres. Trump allowed DACA to expire in March, 2018, but a federal court extended them. No one knows how long the extension will last or whether another federal court will overrule the extension. (In fact, you should research this carefully before running this case, since it can change at any time). Everyone believes some kind of resolution is needed because the DACA recipients (also known as "Dreamers") need to order their lives based on some kind of legal certainty. They need to either be told that they will be deported or be given a pathway to legalization and citizenship. This plan argues that the best solution for our country and for the Dreamers is to give law-abiding Dreamers legal protections and a pathway to citizenship, grounded in clear legislation passed by Congress.

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Please join us as we affirm that: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

OBSERVATION 1. DEFINITIONS

Dreamers and DACA, Deferred Action for Childhood Arrivals

Human Rights Watch 2017. (international human rights advocacy NGO) 5 Dec 2017 "The Deported" <https://www.hrw.org/report/2017/12/05/deported/immigrants-uprooted-country-they-call-home>

Announced in 2012, DACA gave unauthorized immigrants who came to the US before age 16—a group sometimes called “Dreamers”—a chance to stay in the U. to study or work provided they met certain conditions such as being enrolled in high school or having a high school degree or GED equivalent, and not having a serious criminal conviction. Those approved for the program were given a work permit and protection from deportation for two years, and could apply for renewal.

OBSERVATION 2. INHERENCY

FACT 1. DACA uncertainty: It expired in March 2018, but a federal court has kept it going. Uncertainty abounds

Rafael Bernal 2018 (journalist) 29 Mar 2018 "DACA recipients face uncertainty after court decision" THE HILL <http://thehill.com/latino/380720-daca-recipients-face-uncertainty-after-court-decision>

[President Trump](http://thehill.com/people/donald-trump) rescinded DACA, which was created during the Obama administration, in September. Trump gave Congress until March 5 to replace it with permanent legislation to protect “Dreamers” — undocumented immigrants who arrived in the country as children. On that deadline, the roughly 690,000 active DACA recipients would begin losing their benefits en masse without the ability to renew the two-year permits that allowed them to legally live and work in the United States. But a California court blocked Trump's order, allowing DACA recipients to keep applying to the Department of Homeland Security for renewals. That protection was welcome for DACA beneficiaries, but the uncertainty of the court order highlighted the original program's shortcomings.

FACT 2. Deportations. Tens of thousands of DACA enrollees are subject to deportation even with the court order

USA TODAY 2018 (journalists Alan Gomez and Sophie Kaplan) 5 March 2018 "DACA was supposed to end Monday. It didn't, but DREAMERs remain anxious." <https://www.usatoday.com/story/news/nation/2018/03/05/dreamers-daca-program-march-5-end/393280002/>

While most DACA enrollees can breathe easy for the time being, there are still thousands [at risk of being deported](https://www.usatoday.com/story/news/politics/immigration/2018/02/27/dreamer-daca-permits-start-expiring-soon-despite-court-rulings-trump/365517002/) because of the back-and-forth over the status of the program. U.S. Citizenship and Immigration Services did not begin accepting DACA renewals until Jan. 13 following the California judge's ruling. That created a massive backlog of renewal applications, which can take three to five months for the agency to process. A total of 13,090 DACA permits are set to expire in March, according to Citizenship and Immigration Services. Another 5,320 DACA permits expire in April and nearly 14,000 more in May. That means tens of thousands of DACA enrollees may lose their DACA protections while they wait for their renewals to go through. And immigration advocates warn that they would be exposed to deportation if they are arrested by Immigration and Customs Enforcement (ICE) agents during that time.

FACT 3. No path to citizenship. DACA recipients are in legal limbo

CNN 2017. (journalists Catherine Shoichet, Susannah Cullinanae and Tal Kopan) 26 Oct 2017 " US immigration: DACA and Dreamers explained" <https://www.cnn.com/2017/09/04/politics/daca-dreamers-immigration-program/index.html>

DACA recipients have been able to come out of the shadows and obtain valid driver's licenses, enroll in college and legally secure jobs. They also [pay income taxes](http://www.cnn.com/2017/03/28/us/dreamer-viral-post-taxes-trnd/index.html). The program didn't give them a path to become US citizens or even legal permanent residents -- something immigrant rights advocates have criticized, saying it left people in limbo.

OBSERVATION 2. HARMS

HARM 1. Employment blocked. DACA's uncertainties block employment opportunities

Rafael Bernal 2018 (journalist) 29 Mar 2018 "DACA recipients face uncertainty after court decision" THE HILL <http://thehill.com/latino/380720-daca-recipients-face-uncertainty-after-court-decision> (brackets added)

The tech industry has been vocal about its support of DACA, but that hasn't always translated into jobs. "Support hasn’t always translated into those companies being willing to put their weight behind Dreamers and hire them," said [acting CEO of Code2040, Karla] Monterroso. For some companies, the issue comes down to a time commitment. "Sometimes employers want long-term people," said [Calif. Rep. Nannette] Barragán. "When we look to hire we often ask people for commitment." And politicians on both sides of the aisle say short-term permits are unrealistic for employees and employers. "I don’t think it’s fair to have them keep having to circle back every three years. It’s pretty hard to plan your life even if you’re 99 percent certain it’s an automatic renewal, that there’s the potential that three years from now you might not be renewed," Rep. [Joe Barton](http://thehill.com/people/joe-barton) (R-Texas), a conservative Freedom Caucus member who supports DACA reform, [told The Hill in February](http://thehill.com/latino/373941-both-sides-of-immigration-fight-unhappy-with-senate-debate).

HARM 2. Disrupted lives. Lives will be disrupted until Congress fixes DACA permanently

Rafael Bernal 2018 (journalist) 29 Mar 2018 "DACA recipients face uncertainty after court decision" THE HILL <http://thehill.com/latino/380720-daca-recipients-face-uncertainty-after-court-decision> (brackets added)

While activists support educating potential employees and employers on the best hiring practices for DACA recipients, most supporters of a DACA fix say beneficiaries will remain in precarious conditions until Congress passes legislation on the matter. "College students who have been preparing for a career after graduation are now worried they may not be able to find a job. High schoolers who have studied hard and were preparing for college may have to abandon their dreams of being the first in their family to go to college," said [Calif. Rep. Linda] Sanchez. "Their lives are being upended because of partisan politics. It is long past time for Congress to give Dreamers the certainty they deserve."

HARM 3. Economic damage. DACA recipients are key to billions of dollars in the US economy

Nicole Svajlenka, Tom Jawetz and Angi Bautista-Chavez 2017 (*Nicole Prchal Svajlenka is a senior policy analyst for the Immigration Policy team at the Center for American Progress. Tom Jawetz is vice president for Immigration Policy at the Center. Angie Bautista-Chavez is an intern for the Immigration Policy team at the Center*) " A New Threat to DACA Could Cost States Billions of Dollars" 21 July 2017 <https://www.americanprogress.org/issues/immigration/news/2017/07/21/436419/new-threat-daca-cost-states-billions-dollars/>

Using data from two Center for American Progress publications—a [report that estimates the gross domestic product (GDP) declines](https://www.americanprogress.org/issues/immigration/reports/2016/09/21/144363/the-economic-impacts-of-removing-unauthorized-immigrant-workers/) that would accompany removing all unauthorized workers from the country and a survey that estimates the [share of DACA recipients who are employed](https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/)—CAP estimates that ending DACA would result in a loss of $460.3 billion from the national GDP over the next decade. Ending DACA would remove an estimated 685,000 workers from the nation’s economy.

HARM 4. Unjust deportations. Deporting people whose only country they know is the U.S. is unjust

Human Rights Watch 2017. (international human rights advocacy NGO) 5 Dec 2017 "The Deported" <https://www.hrw.org/report/2017/12/05/deported/immigrants-uprooted-country-they-call-home> (brackets added)

Even without strong family ties, an undocumented individual develops stronger ties to the country of immigration over time. Children brought as unauthorized immigrants to the United States, popularly known as Dreamers, often have no ties at all to their country of origin, other than birth, yet are subject to deportation without consideration of their ties to the US. Article 12(4) of the ICCPR [International Covenant on Civil and Political Rights] requires that “no one shall be arbitrarily deprived of the right to enter his own country,” and the Human Rights Committee has found that the definition of “one’s own country” is broader than the concept of a person’s country of nationality.  In two cases involving people who were brought to Australia and Canada from other countries as young children, the Committee found a violation of Article 12(4) where the state sought to deport those individuals later on in life. The facts in both of these cases are closely analogous to the situation of US “Dreamers.”

OBSERVATION 2. The Plan.

Congress passes HR 1648, the Recognizing America's Children Act, to provide DACA recipients a pathway to legalization.

OBSERVATION 3. ADVANTAGES

ADVANTAGE 1. Unjust deportations, uncertainty, and employment problems ended

A. RAC is a permanent solution to DACA

David Miner 2017 (former member of the NC House of Representatives) 20 Sept 2017 "9/21 Letter: Pass Recognizing America’s Children Act to protect dreamers" <http://www.newsobserver.com/opinion/letters-to-the-editor/article174490271.html>

North Carolina’s own Sen. Thom Tillis announced the Recognizing America’s Children (RAC) Act, which would allow dreamers to remain in the United States and earn legal status if they work, attend school or serve in the military. Unlike DACA, which was an executive order that could be ended at any time, the RAC Act is a permanent legislative solution that fulfills Congress’ responsibility of creating immigration policy.

B. RAC provides a pathway to legalization

Michael Rellahan 2018 ( journalist) 30 Jan 2018 "‘Problem Solvers’ push DACA fix" <http://www.dailylocal.com/general-news/20180130/problem-solvers-push-daca-fix> (brackets added)

The RAC [Recognizing America's Children] Act is legislation that provides several pathways to legalization, including higher education, the Armed Forces, or work authorization. There is a five-year conditional status that is followed by an application for a five-year permanent status. The bill also includes vetting by the Department of Homeland Security (DHS), according to [Rep. Ryan] Costello’s office.

ADVANTAGE 2. Massive economic benefit

Pathway to citizenship for Dreamers would add massive benefit to the US economy

Dave Levin 2018 (co-founder of Knowledge is Power Program, the nation’s largest network of public charter schools with schools in New York City and 20 states ) "Congress must act on a permanent DACA solution" 5 Jan 2018 THE HILL <http://thehill.com/blogs/congress-blog/politics/367578-congress-must-act-on-a-permanent-daca-solution>

The Dreamers are a driver of the U.S. economy, through both their consumer spending and the billions of dollars in federal, state, and local taxes they pay each year. Many Dreamers have purchased homes, supported families, joined churches, and put down roots in neighborhoods. In fact, new estimates show that by creating an earned pathway to citizenship through a new Dream Act, we could add as much as $1 trillion to the national GDP over a decade.

ADVANTAGE 3. Mental Health

DACA protections produce large mental health benefits in reducing psychological distress

[Dr Atheendar S. Venkataramani MD,](https://www.sciencedirect.com/science/article/pii/S2468266717300476" \l "!) Dr. [Sachin J Shah MD,](https://www.sciencedirect.com/science/article/pii/S2468266717300476#!)  Dr [Rourke O'Brien PhD,](https://www.sciencedirect.com/science/article/pii/S2468266717300476#!) [Prof. Ichiro Kawachi PhD,](https://www.sciencedirect.com/science/article/pii/S2468266717300476" \l "!)  Dr. [Alexander C. Tsai MD](https://www.sciencedirect.com/science/article/pii/S2468266717300476#!) 2017. THE LANCET Apr 2017 "Health consequences of the US Deferred Action for Childhood Arrivals (DACA) immigration programme: a quasi-experimental study" <https://www.sciencedirect.com/science/article/pii/S2468266717300476>

Our final sample contained 14 973 respondents for the self-reported health outcome and 5035 respondents for the K6 outcome. Of these individuals, 3972 in the self-reported health analysis and 1138 in the K6 analysis met the DACA eligibility criteria. Compared with people ineligible for DACA, the introduction of DACA was associated with no significant change among DACA-eligible individuals in terms of self-reported overall health (b=0·056, 95% CI −0·024 to 0·14, p=0·17) or the likelihood of reporting poor or [fair health](https://www.sciencedirect.com/topics/medicine-and-dentistry/health-fair) (adjusted [odds ratio](https://www.sciencedirect.com/topics/medicine-and-dentistry/odds-ratio) [aOR] 0·98, 95% CI 0·66–1·44, p=0·91). However, DACA-eligible individuals experienced a reduction in K6 score compared with DACA-ineligible individuals (adjusted incident risk ratio 0·78, 95% CI 0·56–0·95, p=0·020) and were less likely to meet screening criteria for moderate or worse psychological distress (aOR 0·62, 95% CI 0·41–0·93, p=0·022).   
Interpretation  
Economic opportunities and protection from deportation for undocumented immigrants, as offered by DACA, could confer large mental health benefits to such individuals. Health consequences should be considered by researchers and policy makers in evaluations of the broader welfare effects of immigration policy.

ADVANTAGE 4. Reduction in poverty

DACA reduces poverty 38%

[Catalina Amuedo-Dorantes](https://www.sciencedirect.com/science/article/pii/S0165176516302968" \l "!) and [Francisca Antman](Francisca%20Antman) 2016. (Amuedo-Dorantes - Department of Economics, San Diego State University. Antman - Department of Economics, University of Colorado Boulder) ECONOMICS LETTERS Oct 2016 "Can authorization reduce poverty among undocumented immigrants? Evidence from the Deferred Action for Childhood Arrivals program" <https://www.sciencedirect.com/science/article/pii/S0165176516302968>

We explore the impact of authorization on the poverty exposure of households headed by undocumented immigrants. The identification strategy makes use of the 2012 Deferred Action for Childhood Arrivals (DACA) program, which provided a temporary work authorization and reprieve from deportation to eligible immigrants. Using a difference-in-differences approach, we compare DACA-eligible to DACA-ineligible likely unauthorized immigrants, before and after the program implementation. We find that DACA reduced the likelihood of life in poverty of households headed by eligible individuals by 38 percent, hinting at the gains from even temporary authorization programs.