

Suspending DACA In the Trump Era

Paola Suárez Ávila*

Donald Trump's first 100 days began with a series of actions and changes in immigration and national security policies that shook the entire world. The Deferred Action for Childhood Arrivals (DACA), which went into effect June 15, 2012, during Barack Obama's second term, had been very popular and well-received. But with the arrival to the White House of the neo-conservative, who suspended it on September 5, the scenario became critical, particularly for a generation of young undocumented immigrants to the United States.

This article promotes the discussion of what will happen to entire communities of undocumented immigrants of Mexican and Central American origin in the United States after this suspension, and how the U.S. immigration system should deal with the situation of thousands of possible young deportees.

DACA was modeled after the Development, Relief and Education for Alien Minors Act (DREAM Act) after it was not passed in 2010. The DREAM Act continues to exist as a bill and could be the solution to the conflict if it were approved in the coming months.

DACA and the DREAM Act are intended for young undocumented immigrants with no criminal record who were brought as children to the United States mostly from Mexico and Central America. In contrast with the DREAM Act, DACA did not offer a path to status legalization for these young people, but focused on giving them two years so they could go to universities and public colleges and then legally get a job.

The new version of the DREAM Act is a more appropriate solution for the so-called Dreamers, since it allows them to enter onto a path to citizenship without limiting it to two years, as DACA currently does. Under the proposed bill, anyone who arrived to the U.S. under the age of 18 and who had resided there for more than four years would be eligible.



Stephanie Keith/Reuters

To qualify, they would also have to prove that they had finished high school, were enrolled in some kind of higher education, or had graduated. An alternative for qualifying would be that they had kept their jobs for more than 75 percent of the time their work permit allowed under other programs like DACA.

Most Democratic congresspersons support DACA and are coordinating with the Republican senators who have also favored this road for legalizing the status of undocumented immigrants, such as Lindsey Graham, John McCain, and Jeff Flake.

DACA's main goals included giving more than one million young undocumented immigrants the opportunity to access higher education, to get identity papers and driver's licenses, to make it possible for them to travel inside and outside the country, to get a legal job, to improve their families and communities' living conditions, and to be recognized in the U.S. American community.

Its main critics and opponents, including Trump, have argued that the program was an unconstitutional measure on the part of the chief executive, which broke federal immigration laws and fostered unauthorized immigration. When they suspended the program September 5, they argued that

*Researcher at CISAN; caraxola@comunidad.unam.mx.

This first 800 000-strong generation of undocumented immigrants has accessed higher education and certified educational programs in order to find a better job.

former President Barack Obama had abused his power as president when he gave those young people permission to stay in the United States legally.

The program's suspension has been met with demonstrations and criticisms by a large number of universities, non-governmental organizations, students, and political representatives who do not think DACA registrants are remaining in the United States unjustifiably. In any case, they think these young people should be protected and given access to higher education, and that the government should respect their human rights because they have generated wealth and knowledge, and thus contributed to the nation's development.

Attorney General Jeff Sessions, a conservative who is openly opposed to undocumented migration into the United States, as a spokesperson for the Trump administration, has said that suspending the program was "an act of compassion," because what was really important was to enforce the laws of the United States.

Donald Trump made his decision under pressure from the state's attorneys of nine conservative states headed up by Texas, who demanded DACA be suspended and rescinded if he did not want to be taken to court.

But when the program was suspended, 16 other state's attorneys from the most liberal states, headed by New York, announced they would take Trump to court for doing so. This brings new pressure to bear on the president for him to renegotiate DACA, the DREAM Act, and the long-awaited immigration reform, which would guarantee the regularization of the legal status of more than 10 million undocumented immigrants.

The changes the suspension will make in the lives of more than 800 000 young people registered with the program over the next six months have sparked criticisms domestically and internationally. Immigrant collectives and alliances have come out in opposition, and this has created a new conflict between some conservative members of the Republican Party and Democratic Party leaders with pro-immigrant stances.

The discussion about minors who accompany their migrant parents or who travel alone seeking family reunification

continues and seeks to resolve the needs of a community made up of young undocumented migrants between the ages of 15 and 32, mostly from Mexico, El Salvador, Guatemala, Honduras, and Peru. They have lent their strength to movements for immigration, other laws like the DREAM Act, originally proposed in 2001, and DACA.

Many of the young "DACAdmented" have for the first time had access to higher education and a formal job, had the opportunity to freely move through their space, and had the ability to express themselves in social and political movements without fear of deportation. This is the case of the "Undocumented, unafraid" campaign, which has made it possible for these young people to discuss in workshops and forums their needs as an undocumented migrant community taking refuge in sanctuary cities. There, there are universities and NGOs that have supported their struggle for the recognition of their U.S. residency and citizenship.

The possibility of being legally classified as a vulnerable group in the eyes of the U.S. immigration and legal system through DACA was one of the big steps forward during the second Obama term (2012-2016). The program helped legally and administratively promote a discussion about immigrants' rights and those of unaccompanied minors in search of better living conditions in the United States. It acknowledged that they had come to U.S. cities and regions accompanying their parents, recognizing that it was their parents who elected to migrate in search of a better life for their families and children and who left their countries because of the violence and poverty that prevented them from offering the new generations the opportunity to develop.

In June 2017, the pressure from Texas and the other eight states to suspend DACA alerted political studies organizations and centers like the Migration Policy Institute to the need to draw up a balance sheet of the programs and proposed bills to create new methodologies for creating options in the face of that pressure.¹

That analysis led to the generation of new statistics showing the different ways in which the program has been positive and its main advances in its five-year history. From here, several points can be underlined.

The first is the importance of the DACA participants in making thousands of undocumented immigrant communities more stable by seeking access to citizenship based on their labor, responsible civic behavior, and through the human capital they contribute to the nation and their communities.

The second point is the importance of the fact that this first 800 000-strong generation of undocumented immigrants has accessed higher education and certified educational programs in order to find a better job and allowing them to legally move into the labor market, thus reducing poverty levels in their communities.

Eight out of every ten DACA participants are of Mexican or Central American origin. More than 20 percent were able to enroll in a program of higher education, though 11 percent finished only part of their studies. Sixty-five percent of them are men, but the 35 percent who are women have taken the majority of the degrees (59 percent).²

The women who have accessed the benefits of DACA have developed a unique leadership role in their communities, in the universities that have accepted them, and in their workplaces.

The educational offerings for program participants have combined the benefits of the executive action with support from specific state laws. For example, California's DREAM Act has supported their development by reducing tuition, allowing them to go to public universities, and protecting them against deportation in sanctuary universities. In addition, DACA participants who are attending university combine their study time with work and receive better job offers when they finish their studies than those who have not participated in the program and are living in immigration uncertainty.

In the hours after the termination of DACA was announced, governors, state legislators, elected officials, legal services and educational professionals, and members of NGOs carried out a #withDREAMERS campaign,³ arguing that the Dreamers are honest young people with a civic culture that they have contributed to the country's development for a decade, both in their schools and in their workplaces, and that they empathize with the desire for a prosperous United States. Therefore, they all demanded that the president design and foster a bill that would ensure that the young people registered with DACA no longer be subjected to living in uncertainty and anxiety.

I should point out that over the last 10 years, the Dreamers have been fighting to have the discussion on a political platform of the immigration reform and to gain congressional support so that their circumstances can be resolved based on the DREAM Act.

Most of these young people have gone through a difficult transition from childhood to adulthood, marked by a traumatic immigration experience. They have been and continue to be

Donald Trump made his decision under pressure from the state's attorneys of nine conservative states headed up by Texas, who demanded DACA be suspended and rescinded.

vulnerable in the immigration system in the country where they have grown up, due to the scope of the restrictive immigration legislation and programs that have determined the different stages of their lives, including access to higher education, which has been mostly informal and unpredictable.

The 9/11 effect on U.S. immigration policy in turn had repercussions on the community of migrants who took their children to the United States in an unregulated manner. These changes in immigration policy have created serious problems and the crisis in the system, which can be seen in the immense number of people living in irregular circumstances.

If no agreement is reached between both houses of Congress and the chief executive to resolve the conflict over DACA and immigration reform in the coming months, we can foresee a very critical scenario for the Dreamers and young DACA beneficiaries and their families. In the long run they will lose access to political recognition, face deportation, and see their opportunities for social and economic inclusion in their communities diminished. They will be the target of racial and economic violence as well as human rights violations.

In addition, in the current context of minimum protection for communities of undocumented immigrants, families will be separated, which has created vulnerability and poverty similar to what they had experienced in the United States before DACA existed. ■■■

NOTES

¹ Julia Gellat, "All Eyes Turn to Congress, Following Trump Decision to Terminate DACA Program," *MPI Commentary*, September 2017, Migration Policy Institute, <http://www.migrationpolicy.org/news/all-eyes-turn-congress-following-trump-decision-terminate-daca-program>.

² Randy Capps, Michael Fix, and Jie Zong, "The Education and Work Profiles of the DACA Population," *MPI Issue Brief*, August, 2017, <http://www.migrationpolicy.org/research/education-and-work-profiles-daca-population>.

³ Pierre R. Berastain, "If You're Outraged by Trump's DACA Decision, Here's How You Can Help Recipients Like Me. If You Can Spare One Hour of Your Day Your Actions Might Make a Difference," *HuffPost*, September 6, 2017, http://www.huffingtonpost.com/entry/daca-has-ended-you-are-outraged-heres-what-you-can_us_59ae4bd7e4b0c50640cd619e.