

DACA, DREAMERS, AND OTHER MIGRANTS AFTER TRUMP

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Introduction

Since the 2016 presidential election campaign, Republican Party candidate Donald Trump clearly expressed his anti-immigrant positions, particularly against the region of Mexico and Central America, turning the issue and his proposals into the pillar of his campaign and later of his government, negatively defining the role that Mexico should play in the regional management of the migration process.

Likewise, he lashed out against immigrants, focusing his attacks on annulling the Deferred Action for Childhood Arrivals (DACA) program (DHS, 2012), an executive order signed by President Obama in 2012 that granted temporary permission to stay and work in the United States, as well as providing social security numbers to unauthorized immigrants who were brought by their parents to the United States as children (under 16 years of age) and met certain requirements. Toward the end of his administration, Obama proposed expanding the program's coverage, including extending it to undocumented immigrants with U.S. citizen or lawful permanent resident (LPR) children, but the action was blocked by state courts and the U.S. Supreme Court. Legal challenges to Trump's actions stopped the full repeal that Biden sought. However, in practice the granting of permission stopped and new applications have not been accepted since September 2017.

In the scenario of a new government headed by Joe Biden, who has expressed his support not only for the reinstatement and expansion of the program but also for the full regularization of the so-called DACA youth, this group would be the closest to an eventual immigration regularization.

Beyond whether Donald Trump's expressions on the immigration issue reflect his ideology or not, it is an indisputable fact that the issue divides U.S.

society; it is politically and electorally profitable given that a broad sector of society is anti-immigrant, particularly against Mexicans.

The DACA youth are perhaps the group of unauthorized immigrants who in principle should be better accepted by U.S. society. The overwhelming majority of them were taken to the United States as children. They grew up and were educated in the United States. They have their social circles and a wide network of support among U.S. citizens. They are perfectly integrated, and in fact many of them have a better command of English than the Spanish that they only speak at home with their families; and—as President Obama mentioned when launching the DACA program—they are as American as any other American except for the documents. Many of them know the United States better than their countries of origin, of which they often only have references from their parents and relatives.

The eventual regularization that turns them into authorized immigrants would not detonate what in the United States is known as the “call effect,” or what Donald Trump called “chain migration,” where an immigrant, upon being authorized to reside in the United States, would bring his or her direct family once established in the country because that family is already in the United States. Within this logic, Dreamers should be the easiest group to regularize and perhaps this is why the resistance of relevant actors in the U.S. political, legislative, and judicial class, who have systematically opposed this regularization and the program, is so striking.

The issue is alive in the sense that its history is not over. Following the conference in which a preliminary version of this document was presented, in July 2021 a court of the Southern District of Texas, considering that the fundamentals of the program were illegal, suspended the approval of new applications, a situation that at the time of writing remains in force. Nevertheless, the ruling preserved the rights of those who were already enrolled in the program.

This decision, which essentially captures arguments put forward by Donald Trump to oppose the program, has devastating effects for those who support the program. It radicalizes pro-immigrant groups and organizations because it makes evident the vulnerability and fragility of DACA-type strategies, through executive orders, and somehow activates them to search for a more solid legal scheme reflected in deeper immigration reform, as President Biden promised during his campaign.

It also discourages new applicants to the program, not only because it may ultimately be terminated by a judge's ruling or the will of another president, but because it exposes their families, since DACA applicants naturally share households with unauthorized immigrants. Upon enrollment in the program, the authorities have the applicant's complete record, specifically his or her address and contact information.

Under these considerations, this essay begins with an analysis of the prevailing immigration context in the United States, which is not new and, therefore, did not arise in the era of Donald Trump, although he took advantage of it in a particularly important way.

It continues with the analysis of the emergence of the DACA program, derived from a legislative proposal known as the DREAM Act (Development, Relief, and Education for Immigrant Minors Act; U.S. 107th Congress, 2001-2002), the limits and scope of its functional definition, as well as a numerical estimate and characterization of the potential participants, the current beneficiaries of the DACA program, and the path it took during the Trump administration.

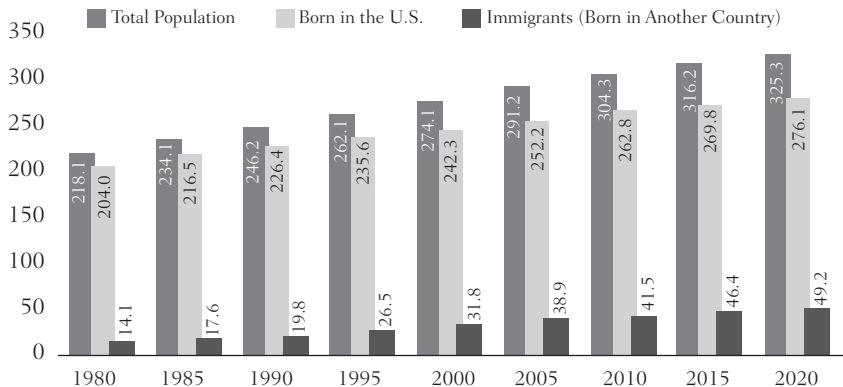
It concludes with the development of strengthening and expansion scenarios, instructed by President Biden immediately after taking office, and how they could become the first step to broader immigration reform.

Context: the situation before Trump's arrival as U.S. president

Migration has been a constant theme in the shaping of the American Union. Historically, the United States is a country of immigrants; it is neither a new issue nor a discovery of the Trump administration, but it did manage to be placed on the agenda as the main issue of his campaign and subsequently within the objectives and actions of his administration.

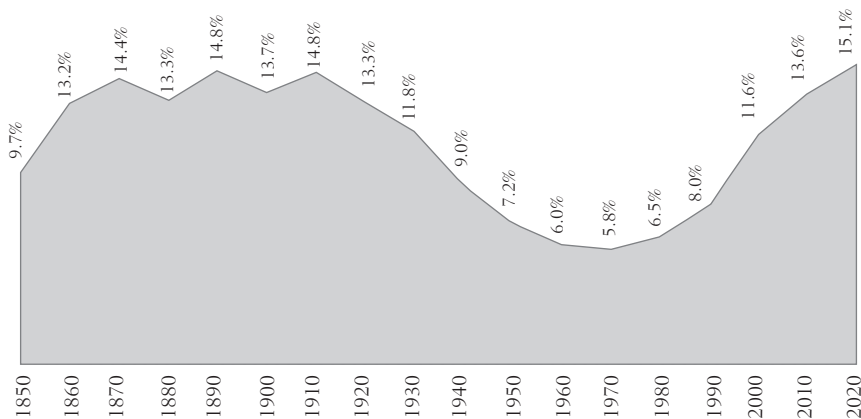
The first population records of the U.S. Census Bureau (2020a) indicate that in 1850 there were 2.2 million foreigners, who at that time represented 9.7 percent of the total population. Today, the number of immigrants is 49.2 million, 15.1 percent of the total population. In the last twenty years, between 1980 and 2020, the number of immigrants grew by 250 percent, from 14.1 to 49.2 million (see fig. 1).

FIGURE 1
EVOLUTION OF THE NUMBER OF IMMIGRANTS IN THE UNITED STATES:
TOTAL POPULATION AND BY PLACE OF BIRTH, 1980-2020 (millions)



SOURCE: Created by the authors based on data from the Current Population Survey (CPS), 1980-2020, and U.S. Census Bureau, 2020a.

FIGURE 2
PERCENTAGE OF IMMIGRANTS AS PERCENTAGE OF TOTAL U.S. POPULATION
(1850-2020)



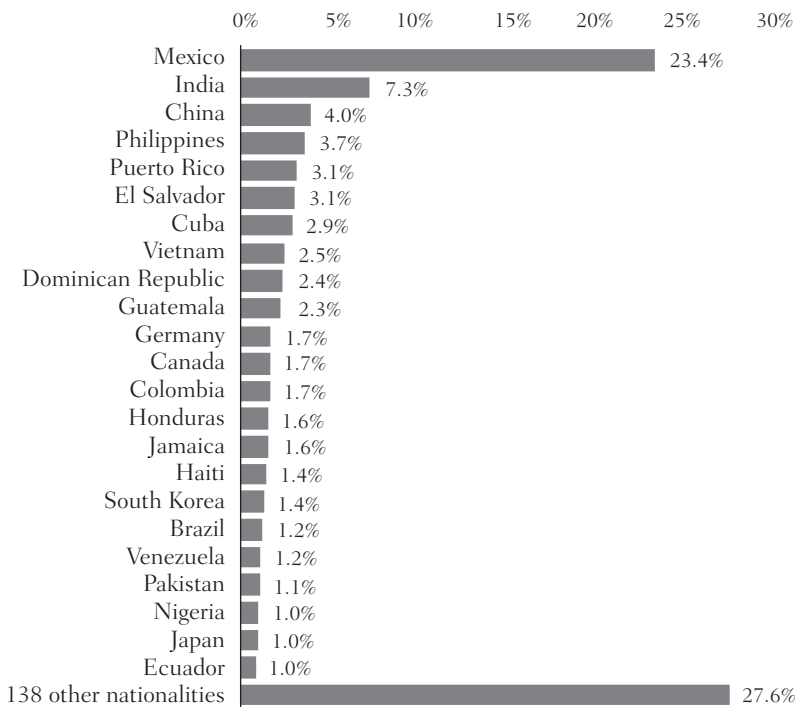
SOURCE: Created by the authors based on data from the Current Population Survey (CPS), 1980-2020, and U.S. Census Bureau, 2020a.

The proportion of immigrants in the total population has varied by decades, but is currently at its highest point on record (see fig. 2). This undoubtedly further fueled Trump’s anti-immigrant discourse, arguing that the foreign

population was coming into the country in large, uncontrolled numbers and that this put national security at risk. The COVID epidemic further exacerbated this discourse.

It is beyond the scope of this essay to analyze the deplorable role of the Mexican government in constructing this idea that the United States was being “invaded” at its southern border.

FIGURE 3
DISTRIBUTION OF THE IMMIGRANT POPULATION BY COUNTRY OF ORIGIN, 2020



SOURCE: Created by the authors based on data from the Current Population Survey (CPS), 1980-2020, and U.S. Census Bureau, 2020a.

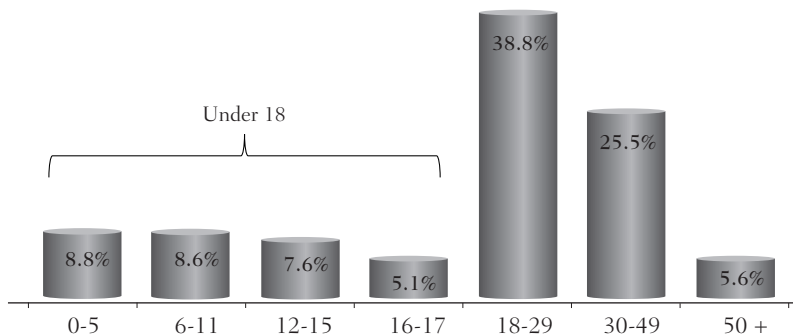
The United States is a country that does not have an explicit policy of attracting immigrants as some other countries do, like some Arab countries, Canada at some point, or Australia, which receives more immigrants. Just to mention one example, in Mexico the percentage of immigrants has always been below one percent of the country’s total population, according to data from the National Institute of Statistics and Geography (INEGI, 2007).

Mexico has been characterized as a country that expels migrants and, given its geography, the United States is the main destination. This explains why a quarter of all immigrants currently living in the U.S. are Mexican, placing them well above the second and third-largest groups in both absolute number and percentage terms (see fig. 3). This is even more true in the case of Dreamers and DACA.

However, not all immigrants in the United States are “undocumented,” as Trump implicitly claimed. In fact, most of them are in the country legally.

Of the 49.2 million immigrants, 55 percent are U.S. citizens, that is, they have already completed their naturalization process and paperwork, while 24 percent have LPR status, which means that they have residency permits and can live and work without any problem. After five years in this category they can start their citizenship process. Only 21 percent of immigrants lack residency documents; and within this group, three out of ten arrived in the United States under the age of eighteen. In fact, when this group is disaggregated, most of the minors are between zero and eleven years old. In other words, they were brought by their parents or relatives (see fig. 4).

FIGURE 4
DISTRIBUTION OF UNDOCUMENTED IMMIGRANT POPULATION
BY AGE OF ARRIVAL IN THE U.S., 2020

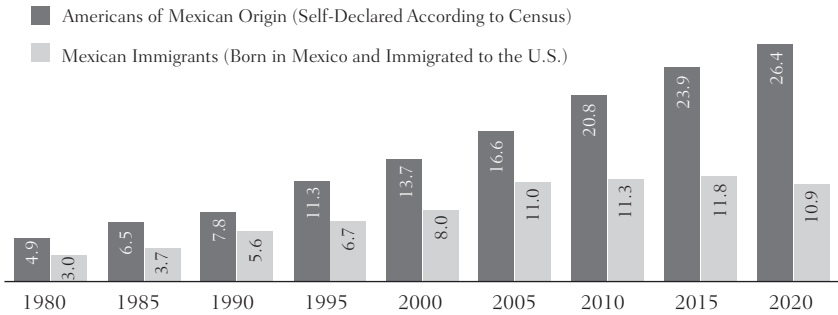


SOURCE: Created by the authors based on data from the Current Population Survey (CPS), 1980-2020, and U.S. Census Bureau, 2020a.

Trump’s xenophobic comments about immigrants in general and Mexicans in particular showed his ignorance of statistical information, although it worked for him as a political strategy.

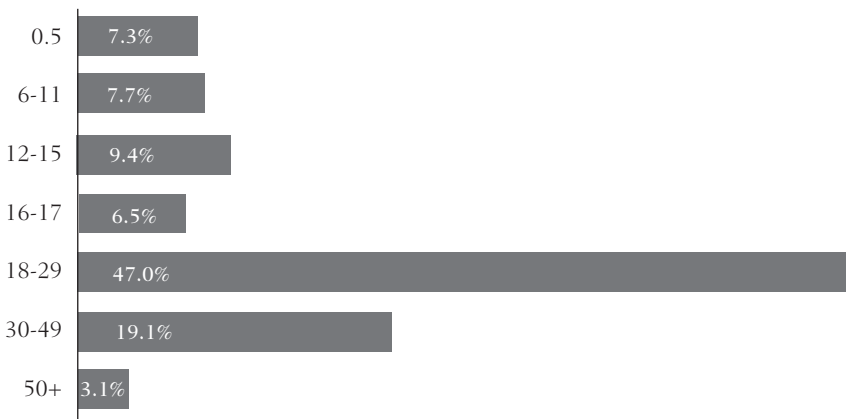
Another confusion in U.S. society, taken advantage of by Donald Trump and his followers to strengthen their anti-immigrant positions, is mistakenly considering the entire Mexican community in the United States as immigrants. The majority of the members of the Mexican community are actually U.S. citizens of Mexican origin (see fig. 5).

FIGURE 5
POPULATION OF MEXICAN ORIGIN LIVING IN U.S.,
BY BIRTHPLACE 1980-2020 (millions)



SOURCE: Created by the authors based on data from the Current Population Survey (CPS), 1980-2020, and U.S. Census Bureau, 2020a.

FIGURE 6
DISTRIBUTION OF UNDOCUMENTED MEXICAN IMMIGRANT POPULATION
BY AGE OF ARRIVAL IN THE UNITED STATES, 2020



SOURCE: Created by the authors based on data from the Current Population Survey (CPS), 1980-2020.

Currently, 37.3 million people of Mexican origin live in the United States, 71 percent (26.4 million) of whom were born in the U.S.; 10 percent (3.9 million) are immigrants but naturalized U.S. citizens; 9 percent (3.4 million) are immigrants with LPR status; 500,000 (1.3 percent) currently have DACA protection; and 8 percent (3.1 million) are undocumented.

Among undocumented Mexican immigrants, 31 percent arrived as minors (see fig. 6).

The emergence of the DREAM Act and the DACA program

The rigid control of the border and the modification of the labor market toward more stable urban occupations, among other factors, modified the so-called “circularity” of the migration process. Immigrants stopped coming and going from one country to another for certain seasons and occupying temporary jobs, and decided to settle permanently in the United States. As a result, immigrants in general, but especially Mexicans, began to take their families with them, including a significant number of children; so much so that, to date, one out of every three undocumented Mexican immigrants reports having set foot on U.S. soil for the first time as a minor.

In this scenario, several proposals arose to try to regularize the immigration status of these minors, with the understanding that due to their condition as children they did not have full knowledge or awareness that they were entering a country other than their own and, moreover, that they could be breaking the law, an argument that has often been used to stop an immigration regularization since it would pardon the committing of a crime. In addition, these minors could do nothing else, since they were limited to following their parents or relatives on the journey.

These children, who would later become youth and adults, lived most of their lives in the United States. Therefore, they accept, recognize, and love the United States as their country, since they do not really know their country of birth. Many no longer speak their native language (mainly Spanish) and grew up and socialized as Americans. Many find out that they are undocumented when they want to enter college or want to leave the U.S. for the first time. It is only then that they realize that they do not have valid documents to process an ID or a passport. Various local and national media began to

publish their stories, generating diverse local support networks, which moved part of American society.

In April 2001, Democratic Congressman Luis Gutiérrez presented a bill called the Immigrant Children's Educational Advancement and Dropout Prevention Act, which would be the basis for what later became the DREAM Act. That first bill, which originated more in the educational sphere than in the immigration sphere, sought to allow undocumented immigrant students to apply for protection to avoid deportation and later apply for and receive legal permanent residency if they met certain criteria. However, the bill was rejected. In May 2001, Congressman Gutiérrez presented a reduced version called the Student Adjustment Act of 2001, but it also failed.

In August 2001, a bipartisan bill called the DREAM Act, as we know it today, was introduced, based on Gutiérrez's proposal, but this time it was introduced in the Senate by Orrin Hatch (R-Utah) and Dick Durbin (D-Illinois). The objective of the DREAM Act was to seek a path toward the legalization of those young people who were brought to the United States as children. To this end, and with the objective of having a working definition that reflected the principles of the proposal, a series of requirements was established that these young people had to meet, such as:

- Having proof that they arrived in the United States before their sixteenth birthday;
- Having proof of residency in the United States for at least five consecutive years since their arrival in the United States;
- Having graduated from high school in the United States or having a GED (General Educational Development test) certificate;
- Demonstrating good moral character, i.e., no serious criminal record, no arrests, or drug charges.

Unfortunately this proposal has faced multiple rejections. This has led to modifications, and has been presented at least nine more times before Congress; the last time was on March 3, 2021.

Due to the constant refusal of the Senate to approve the DREAM Act, President Barack Obama proposed a special program that would help young people, who by then had already adopted the name of Dreamers, based on the acronym of the bill.

In June 2012, then President Obama signed the executive order called *DACA*, which aimed to prevent the deportation of young people brought by their parents to the United States when they were under sixteen years old, in addition to providing work permits (and even permits for travel abroad), as well as social security numbers. It was a temporary program with the possibility of renewal every two years. Like the *DREAM Act*, the *DACA* program also established a series of requirements that young people had to meet in order to enroll, such as:

- Having arrived before the age of sixteen and residing continuously in the country since June 15, 2007;
- Being under thirty-one years of age as of June 15, 2012;
- Being a high school student or graduate, or holding a GED certificate;
- Demonstrating good moral character, i.e., no serious criminal record, no arrests or drug charges.

These requirements are similar to those established in the *DREAM Act*, with the major difference being that it does not offer a path to legal residency, much less citizenship, and it is not a law, but rather an executive order that can be easily revoked, as in fact partially happened.

Once the program was approved, it was expected that a large number of Dreamers would respond to the government's call. Different organizations dedicated to the study of migration such as the Pew Research Center (2012) and the Migration Policy Institute (Batalova and Mittelstadt, 2012) made various estimates indicating that in the United States there were between one and a half and two million candidates for the *DACA* program. However, after the first years of operation the maximum number that managed to enroll was eight hundred thousand.

It should be noted that estimating the number of potential Dreamers is not an easy matter, since these are people without documents and therefore there are no records or data sources that capture their information directly. In order to calculate the target population, various statistical methods must be used using the scarce information available.

For this study, two estimates were made: the first of the possible number of Dreamers currently living in the United States, and the second of the possible number of *DACA* beneficiaries. For this purpose, we used two public

data sources whose information is collected by the U.S. Census Bureau: the Current Population Survey (CPS) for 2020 and the American Community Survey (ACS) for 2019. Additionally, LPR information from the U.S. Department of Homeland Security (DHS) is considered.

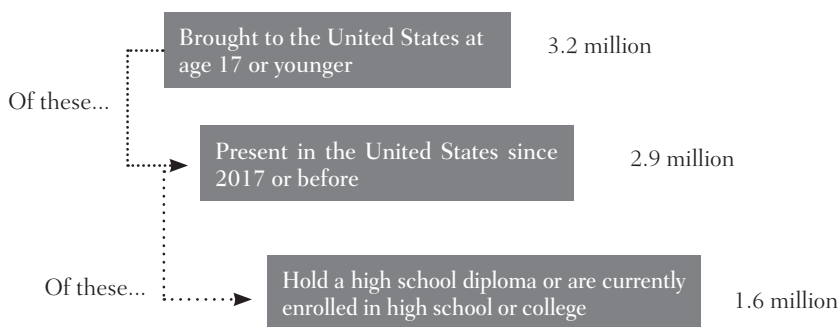
Four basic steps were followed to achieve the estimation of both numbers:

- 1) Individuals were selected who meet the requirements defined by the DREAM Act or the DACA program, as mentioned in previous paragraphs.
- 2) The fundamental condition sought in the database is that the individuals are labeled as “noncitizens,” i.e., the population is considered to be foreign-born and that at the time of the interview declares that they are “non-U.S. citizens.”
- 3) Given that no source of information in the United States asks about immigration status as such, much less whether the status of the interviewee is undocumented, we must resort to a process of case elimination based on the assumption that individuals without documents could not receive benefits that are only for citizens or LPRs; therefore, we omitted from the count those who:
 - Receive public assistance
 - Are employees of the federal government
 - Are in the military
 - Receive a pension
 - Receive retirement benefits
 - Receive social security payments
 - Receive veterans benefits
 - Are lawyers, judges, magistrates, judges, or court workers
 - Receive assistance from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
 - Are beneficiaries of the Food Stamp Program
- 4) Foreigners who entered the United States before 1982 are presumed to be legal residents, since most would have become eligible to attain LPR or citizen status under the amnesty law Immigration Reform and Control Act (IRCA) of 1986 (U.S. 99th Congress, 1985-1986).

It should be noted that no national public statistics data source has information on convictions for felonies, significant misdemeanors, misdemeanors, or the designation as a “threat to national security or public safety,” all requirements that appear in the functional definition of Dreamers or DACA recipients, so these variables could not be included in the estimates.

Under these considerations, two estimates were made of the number of potential Dreamers currently living in the United States. The estimates respond to the functional definitions embodied in the most recent proposed legislation: S.264 DREAM Act 2021, introduced before the U.S. Senate on February 4, 2021 (see fig. 7), and HR6 DREAM and Promise Act 2021, introduced in the Senate on March 22, 2021 (see fig. 8).

FIGURE 7
ESTIMATE OF THE DREAMER POPULATION BASED ON THE DEFINITION
IN THE PROPOSED BILL S.264 2021

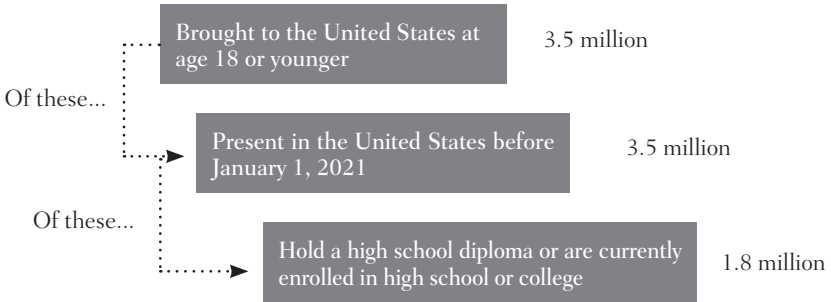


SOURCE: Created by the authors based on data from Current Population Survey (CPS), 2020, and American Community Survey (ACS), 2019.

Our estimates indicate that there are between 1.6 and 1.8 million Dreamers living in the United States to date.

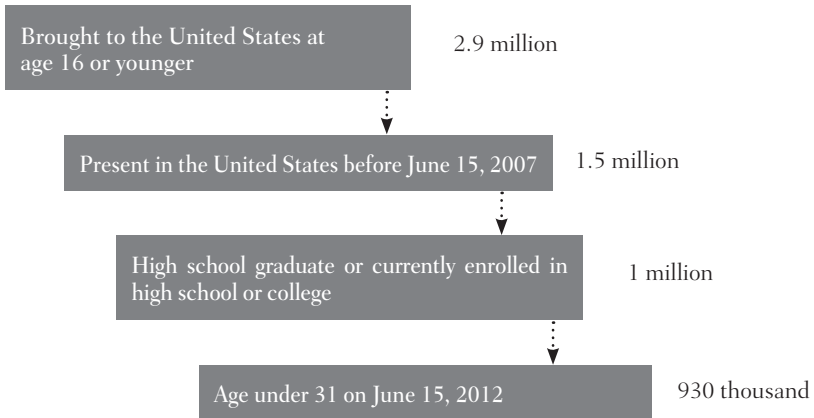
Similarly, estimates of potential DACA candidates were made based on the executive order signed by President Obama in 2012. Some organizations such as the Pew Research Center and the Migration Policy Institute estimated between 1.2 and 1.5 million. Our estimate is approximately 930,000 candidates for the program (see fig. 9). According to the most recent data from U.S. Citizenship and Migration Services (DHS, 2021), as of March 31, 2021, there were 616,030 people enrolled in the DACA program, well below other estimates of beneficiaries.

FIGURE 8
ESTIMATE OF THE DREAMER POPULATION BASED ON THE DEFINITION
OF THE PROPOSED HR6 DREAM AND PROMISE ACT 2021



SOURCE: Created by the authors based on data from Current Population Survey (CPS), 2020, and American Community Survey (ACS), 2019.

FIGURE 9
ESTIMATED NUMBER OF POTENTIAL 2021 DACA RECIPIENTS



SOURCE: Created by the authors based on data from Current Population Survey (CPS), 2020, and American Community Survey (ACS), 2019.

The reason for the lack of enrollment in the program may be its instability and uncertainty. From 2012 to date it has faced several suspensions by federal judges and attacks by anti-immigrant groups as shown in Table 1.

TABLE I
HISTORICAL ACCOUNT OF DACA PROGRAM, 2012-2021

<i>Date</i>	<i>Event</i>
June 2012	Obama signs DACA executive order. Enrollment and implementation begin.
November 2014 (New proposal)	Obama proposes: a) Expansion of the DACA program: the intention is to eliminate the age limit (those over 30 years of age may apply), modify the date of residence in the United States (those who have resided there since January 1, 2007 may apply), and the permits will be extended to three years. b) Creation of the DAPA program (Deferred Action for Parental Accountability): seeks to avoid the deportation of undocumented persons who have U.S. citizen children or LPRS.
February 2015	Federal court blocks proposed DACA expansion and DAPA creation.
September 2017	The incoming Trump administration announces the suspension of the DACA program. Various civil society organizations win injunctions in federal and state courts. The legal battle begins in defense of the program.
January 2018 - February 2020	For over two years, hearings are held in different courts to speak in favor of the program; period of legal battles between pro-immigrant and anti-immigrant organizations.
March 2020	DACA receives four favorable and one negative ruling by different federal courts for its continuity. Due to its national relevance, it is determined that it should be sent to the Supreme Court for a final ruling.
June 2020	U.S. Supreme Court rules in favor of DACA, avoiding suspension issued by Trump.
December 2020	The DACA program is re-implemented.
January 2021	President Biden issues a memorandum directing the Homeland Security Secretary to take appropriate steps to preserve and strengthen DACA, in accordance with applicable law.
July 2021	A federal judge in Texas suspends the DACA program on the grounds that it has no legal basis.

Of the total number of active DACA beneficiaries (616,030), eight out of ten are Mexican, making them the largest group. In terms of absolute and percentage numbers, Mexicans are well above nationalities of other DACA beneficiaries (see table 2).

TABLE 2
DISTRIBUTION OF ACTIVE DACA ENROLLEES BY COUNTRY OF ORIGIN, 2021

<i>Country of Origin</i>	<i>Active Enrollees</i>	<i>Distribution %</i>
Mexico	496,700	80.6
El Salvador	23,810	3.9
Guatemala	16,140	2.6
Honduras	14,760	2.4
South Korea	5,900	1.0
Peru	5,840	0.9
Brazil	4,730	0.8
Ecuador	4,460	0.7
188 other countries	43,690	7.1
Total	616,030	100.0

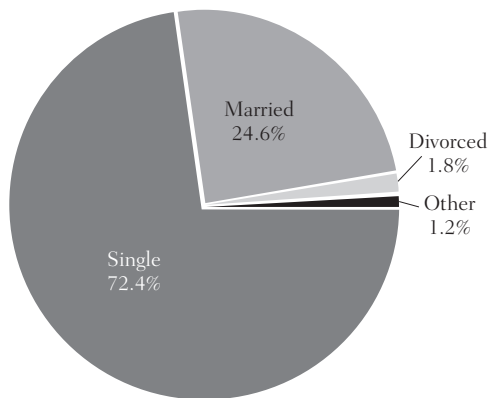
SOURCE: Created by the authors based on data from U.S. Citizenship and Immigration Services (CIS), 2021.

Fifty-five percent of current DACA beneficiaries live in four states: California, Texas, Illinois, and New York, which are precisely the states where the Mexican community has the largest presence in the United States. These states include the metropolitan areas of Los Angeles-Long Beach-Anaheim and Riverside-San Bernardino-Ontario in California; New York-Newark-Jersey City in the tri-state area of New York, New Jersey, and Pennsylvania; Dallas-Fort Worth-Arlington and Houston-The Woodlands-Sugar Land in Texas; and Chicago-Naperville-Elgin in Illinois.

Fifty-three percent of DACA recipients are female. Most of them are single (see fig. 10).

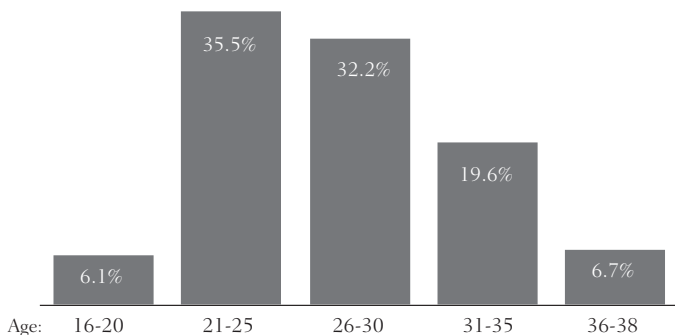
Seven out of ten DACA recipients are under the age of thirty (see fig. 11), the average age is twenty-seven. Youth is one of primary appeals of this group given that they have been fully raised in U.S. culture, with cultural ties in the United States. They are therefore ready to take the final step: becoming citizens on paper, because in practice they are already fully citizens.

FIGURE 10
DISTRIBUTION OF ACTIVE DACA RECIPIENTS BY MARITAL STATUS, 2021



SOURCE: Created by the authors based on data from U.S. Citizenship and Immigration Services (CIS), 2021.

FIGURE 11
DISTRIBUTION OF ACTIVE DACA RECIPIENTS BY AGE GROUP, 2021



SOURCE: Created by the authors based on data from U.S. Citizenship and Immigration Services (CIS), 2021.

What’s Next for Dreamers and DACA Recipients? Strengthening and Expansion Scenarios

In order to consider what can be done in the future, we must first understand why all potential DACA beneficiaries have not enrolled in the program, and there are several hypotheses in this regard:

- Mainly, because there is a fear of providing information to the government and being deported. Many of them have preferred to remain in hiding and not share their existence with the government, with the understanding that their information could be used against them if immigration policies change and become stricter.
- Given that Dreamers may be cohabiting with other undocumented immigrants, family or not, who do not meet the requirements of either the DREAM Act or the DACA program, they may prefer not to register for the program so as not to expose them.
- Another strong hypothesis is that Dreamers see the program as unsound, as it has been suspended several times and could be cancelled permanently or modified, causing them harm, as has already happened during Donald Trump's administration.
- There is also the idea that the DACA program does not make much difference, since there are states where, regardless of whether immigrants are enrolled or not, they will not deport them; there are no raids and these states do not collaborate with federal authorities to detect undocumented immigrants, since they are pro-immigrant, such as California or New York.
- Another possible reason for not trying to enroll in the program is the belief that if they have small administrative offenses on their police records, they will be rejected, and for that reason they no longer make any effort to research or seek advice about the program.
- A final reason may be the lack of legal and administrative advice. This lack of knowledge or ignorance about how the program works, coupled with the lack of adequate guidance, is the perfect combination for losing interest in enrolling.

What's next? What can be done?

Over twenty years have passed since the initial proposal for the DREAM Act was presented in 2001. There have been ups and downs, cancellations, political struggles, court battles, and even battles in the Supreme Court. However, the initiative has come a long way, and there is already experience on the subject that has led to important learning.

The issue has been positioned in different spheres, and has come to be discussed in the most important tribune of the United States: its Congress. Therefore, it should not be put aside now that the whole country knows about the existence of Dreamers and many have joined their cause to defend against deportation, first and foremost because they really are Americans. The United States is what Dreamers know and recognize as their country since they have lived there since childhood.

For example, in the case of the Dreamers who were brought to the United States from Mexico, the reality is that they do not know Mexico. Many no longer have relatives in the country, or even speak Spanish. And while they have feelings of love for Mexico because it is the land of their parents and they have been told many stories about it, they consider the United States their homeland.

If you want to support or help Mexican Dreamers, there is a lot that can be done in both countries:

- From the United States, support should be sought from: senators, congress members, public officials, businessmen, and civil society organizations, who know their stories, who evaluate their trajectories, and who are key players when it comes to proposing and voting laws.
- The path of executive orders is fragile and vulnerable. A legal reform is needed to provide certainty to undocumented DACA immigrants.
- From Mexico, the government should place the issue on the bilateral agenda, promote it in consulates, and involve binational non-governmental organizations. It is time to show that cooperation between the two countries is real and that it addresses issues that matter to both governments.

The citizenship of Dreamers in the United States benefits both countries. This is the most important thing to understand on both sides of the border to finally solve a long-standing problem that continues to affect thousands of young people and their families.

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