

**UUFD Social Responsibility and Justice
Immigration Team
Community Education – volume 2**

Federal Immigration Policies at Risk

Overturning the policies which protect undocumented immigrants was a centerpiece of Trump's campaign. It is important that we educate ourselves about existing policies which we might be called upon to defend. This article provides information about key policies which Trump has threatened to overturn.

DACA

Deferred Action for Childhood Arrivals (**DACA**) was implemented by Obama as an executive order in 2012. Through DACA, more than 700,000 immigrants who were brought into the country illegally as children have been allowed to temporarily stay and work in the US.

DACA provides a renewable two-year period of deferred action from deportation and eligibility for a work permit. To be eligible, immigrants must have entered the United States before their 16th birthday and before June 2007, be currently in school, a high school graduate or be honorably discharged from the military, be under age 31 as of June 15, 2015, and have not been convicted of a felony, significant misdemeanor or otherwise pose a threat to national security. The program does not provide lawful status or a path to citizenship.

The policy was created after acknowledgment that these immigrants had been largely raised in the United States, and was seen as a way to remove immigration enforcement attention from "low priority" individuals who act as good citizens. The undocumented student population was rapidly increasing; approximately 65,000 undocumented students graduate from U.S. high schools on a yearly basis.

A 2016 study found that DACA increased labor force participation and decreased the unemployment rate for DACA-eligible immigrants. DACA also increased the income of unauthorized immigrants in the bottom of the income distribution. Using these estimates, DACA moved 50,000 to 75,000 unauthorized immigrants into employment.

Immigration Policy Background 2013-14

On June 27, 2013, the U.S. Senate's Gang of Eight successfully passed their comprehensive immigration reform bill. When pressed to take unilateral executive action to limit deportations on in March 2014, President Barack Obama replied "until Congress passes a new law, then I am constrained in terms of what I am able to do."^[5]

On June 30, 2014 Speaker John Boehner announced that he would not bring the bill to a vote. That same day, President Obama delivered remarks in the White House Rose Garden promising to “fix as much of our immigration system as I can on my own, without Congress.”

Over the next eight months the Obama Administration went through sixty iterations of different possible executive actions. Finally, on November 20, 2014, President Obama delivered a primetime televised address to the nation announcing DAPA. Homeland Security Secretary Jeh Johnson then released two memorandums directing the U.S. Immigration and Customs Enforcement to make aliens without criminal histories the lowest priority for removal (“Catch and Release” policy), and to grant deferred action to illegal immigrants who are the parents of a U.S. citizens or lawful permanent resident (DAPA).

DAPA

Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), sometimes called Deferred Action for Parental Accountability, is a planned American immigration policy to grant deferred action status to certain illegal immigrants who have lived in the United States since 2010 and have children who are either American citizens or lawful permanent residents. Deferred action is not full legal status but would come with a three-year, renewable work permit and exemption from deportation.

Several states have filed lawsuits against the Federal government, arguing that DAPA violates the Constitution and federal statutes. A temporary injunction was issued in February 2015, blocking the program from going into effect while the lawsuit proceeds.

DACA, when combined with Deferred Action for Childhood Arrivals, would have delayed deportation of slightly less than half of the 11 million undocumented aliens in the United States. More than 10 million people in the United States reside in a household with at least one adult who would have been eligible for DAPA, with two thirds of those adults having lived in the United States for 10 years or more.

“Catch and Release Policy

Executive action by the Obama administration in November 2014 directed U.S. Customs and Border Protection (CBP) to detain and deport category 1 and 2 aliens who: “pose a threat to national security, border security, or public safety and those who are “misdemeanants and new immigration violators”. The instructions to CBP noted that those in category 3 (all other immigrant violators) would not be detained and deported. This policy is referred to as “catch and release” or the practice of not detaining immigrants while they wait for their cases to be processed.