
Deferred Action for Childhood Arrivals: Policy Analysis Paper

The social condition that I chose to write my paper on is immigration, specifically Deferred Action for Childhood Arrivals or DACA. DACA was created under President Obama, however the Trump administration has worked to modify it. Under the new administration new policies for DACA have been created. The current policy under the Trump Administration is that no new DACA applicants are being received. Immigrants who have previously been a part of the DACA program, may apply for renewal. There are many government agencies that provide services to the federal government for the purpose of DACA. The United States Citizenship and Immigration Services (USCIS) provides numerous services for the DACA program. Immigrants who qualify for DACA submit their application as well as their application fee to USCIS. The agency then fingerprints applicants and provides them with cards that prove they are authorized to work and stay in the United States for two years. Every two years renewal applications are received by USCIS and the process starts over.

Policy Analysis Framework

In 2012 DACA was created by the Secretary of Homeland Security, Janet Napolitano under the Obama Administration. The goal of DACA is to provide temporary relief from deportation as well as provide work authorization to young undocumented immigrants brought to the United States as children. DACA does not provide permanent relief from deportation to immigrants, their DACA status must be renewed every two years. In 2017, the Acting Secretary for the Trump Administration Elaine Duke rescinded the 2012 directive. Duke announced a “wind down” of the DACA program, stating that no new applicants would be taken, effective immediately. Several federal judges have moved to block this order, claiming it is unconstitutional. As of August 2019, immigrants with DACA or have previously had DACA may continue to apply for renewal every two years, however no new applicants are being taken. There are still many legal debates going on in today’s society about the constitutionality of the program and how to control the rising number of immigrants coming to America.

In order to be eligible for DACA an individual must have come to the United States before 16 years of age, under 31 years of age as June 15, 2012, lived in the United States consecutively from June 15, 2007 until the present. In addition, an individual must be physically present in the United States on June 15, 2012, as well as present at the time of their application. Furthermore, the individual came to the United States without documents before June 15, 2012 or an individual’s authorized status expired as of June 15, 2012. Lastly to qualify for DACA an individual must be currently studying, graduated high school or earned their GED; or have been honorably discharged from the military or trade school. Individuals cannot be convicted of a felony, certain important misdemeanors such as a DUI, and no more than three misdemeanors if they wish to qualify for the DACA program.

There are many benefits and services individuals have under the DACA program. First, immigrants are granted prosecutorial discretion under the program which means they are given temporary reprieve for deportation. In addition, DACA participants are given temporary work

authorization, so they are able to work legally in the United States for two years and then they must apply for renewal. Furthermore, many states have enacted legislation to provide more benefits to immigrants. Currently, all 50 states issue driver's licenses to immigrants in the DACA program. California, Illinois, Massachusetts, New York, Washington, and the District of Columbia fund healthcare programs for immigrants regardless of their legal status. Lastly, many states offer DACA recipients in-state tuition.

The federal government, specifically the United States Citizenship and Immigration Services provides services to DACA recipients. The services they provide include temporary reprieve from deportation, work authorization, and education. USCIS is a federal agency that immigrants must send their documents to as well as the fee they pay to apply for DACA. The documents that must be sent in to USCIS are proof of identity such as a passport from the individual's country of origin, proof one arrived before their 16th birthday, an I-94 form which proves the individual is an immigrant, proof they were present in the United States on June 5, 2012. Additional documents include proof of continuous residence in the United States since June 15, 2007, proof of student status at time of application, or proof one has been honorably discharged from the military. The USCIS then takes applicants fingerprints, gives them an authorization card to either work or study in the United States for two years. Immigrants in the DACA program are granted temporary stay in the United States so they are able to work or go to school. The federal government created the DACA program under the Obama Administration by an Executive branch memorandum. Congress refused to accept the program numerous times, therefore a memorandum was created. The constitutionality of this program has led to years of widespread debate across the nation.

DACA is financed through the application fee that all immigrants must pay to apply for the program. The fee to apply is \$495 and cannot be waived, the money from the fees goes to the United States Citizenship and Immigration Services (USCIS). The agency then uses the fees to pay for the applicants fingerprints, process their application, and the cost of the card as well as the work authorization card. This fee is a government regulation that decided to set the fee at \$495 because that is how much the agency charges for their services.

Historical Analysis

In 2001, the DREAM Act was proposed in Congress under the Obama Administration. DREAM stands for Development, Relief, and Education for Alien Minors. The act was intended to grant legal status to immigrants brought to the United States as children, and who had grown up in the United States. The term DREAMer was created from the bill in congress, however there is another meaning behind it because the undocumented youth came to the United States with hopes and dreams for a better future in America. After several attempts by the Obama Administration the bill could not pass in Congress. In 2010, the DREAM Act came close to passage when it was passed by the House of Representatives, however it fell five votes short in the Senate.

DACA was created in an effort to help undocumented immigrants without providing permanent residence in the United States. In 2012, the program was introduced by Janet Napolitano, the Secretary of Homeland Security under the Obama Administration. The Obama administration created the DACA program in an Executive memorandum because the DREAM Act could not pass in Congress. However, in June 2019 The American Dream and Promise Act of 2019 was

passed in congress. This act provides a three-step pathway to citizenship through work, education, or the military. This act was finally passed because of pressure put on congress to protect young undocumented immigrants from deportation due to the attempted repeal of DACA applicants.

The Obama Administration initiated the DREAM Act in 2001 to create a pathway for undocumented immigrants to obtain legal status in the United States. Due to the growing number of undocumented immigrants coming into the United States the Obama Administration wanted to create a law that would allow them to lawfully live in America. However, the constitutionality of this law became a widespread debate. The Obama administration worked for years to pass the DREAM Act in Congress, however there were never enough votes for it to pass.

Many Republicans opposed this policy because “it invites anarchy” and “encourages caravans” (Representative Paul Gosar R-AZ). In addition, many Republicans believe the bill rewards criminals by granting them citizenship, however a section of the bill states gang members or those with a criminal conviction are not eligible for citizenship.

In addition, history portrays that immigration, in general is very political. History shows that democrats are very eager to solve the problem of immigration, either by executive orders or a formal bill introduced in the House of Representatives. On the other hand, republicans believe that immigrants take away jobs from Americans and bring more violence into the United States. Currently, DACA has been the only program that aids the United States’ growing immigration problem. The DACA program has effectively helped over 700,000 immigrants, according the USCIS. However, federal judges and Supreme Court Justices have heard many cases that argue the constitutionality of this program. DACA was the first proposed program to address the problem of undocumented immigrants and deportation.

Furthermore, the current DACA policy under the Trump Administration incorporates the lessons of history by stating that no more new DACA applications are being accepted. The new administration does not want anymore undocumented immigrants applying for the DACA program because they do not want anymore immigrants in America. The Trump Administration is still working very hard to end DACA, however several federal judges have ruled that they cannot end the program without a reasonable cause. Instead, the administration has made it very difficult for immigrants to even enter the United States. To solve the immigration problem the Trump administration wants to end immigration in its entirety.

Advocacy and Practice

There are many shortcomings of DACA that can be identified. First, many recipients of the DACA program were brought to the United States illegally by their parents. They had no choice in the matter because they were children and their parents were responsible for them. By granting DACA recipients prosecutorial discretion it lessens the value of citizenship for those who followed the rules and immigrated to the United States legally. Second, the DACA program encourages illegal immigration. Representative Bob Goodlatte (R-VA) stated that “DACA encouraged more illegal immigration and contributed more to the surge of unaccompanied minors and families seeking to enter the U.S. illegally.” Over 50,000 unaccompanied minors were caught crossing the border between 2013 and 2016. DACA increases the undocumented

population because more and more immigrants come to the United States hoping they will be covered by DACA, furthermore those that get denied coverage stay in hopes they will qualify sooner or later.

Social workers can take part in political action to bring about changes to this policy. America is melting pot and everyone deserves a chance for a better life, that is what America is all about. Social workers should work closely with local and state officials to help those who are undocumented, so that they can have a better life. In addition, social workers can be advocates for those who cannot advocate for themselves in fear of deportation. In recent years, immigration has sparked debates across the nation, social workers should be apart of those debates. Lastly, social workers can educate undocumented minors on the importance of DACA and how they can reapply.

To conclude, I have learned a lot from this assignment and I really enjoyed it. I knew what DACA was before I wrote this paper, however I did not know about the USCIS and the major role they play in DACA. This assignment helped me to take a step back and identify the DACA program itself, the benefits of it, and how it is funded.

Resources

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