



**AILA Policy Brief:
Why Congress Must Act Now to Protect Dreamers*
January 9, 2018**

On September 5, 2017, the Trump Administration [announced](#) the end of the Deferred Action for Childhood Arrivals (DACA) program, immediately throwing into turmoil the lives of 800,000 young people who had been granted temporary protection. Following the announcement, DHS stopped adjudicating any new DACA applications. The Administration limited who could apply to renew their DACA to people whose status would expire between September 5, 2017 and March 5, 2018, and those applications had to be received by October 5, 2017 to be considered. In the wake of the recession, thousands of DACA recipients have already lost their protection and hundreds more are at risk of deportation each week that goes by without a permanent solution for Dreamers.

Congress must act urgently to protect Dreamers, and should include the Dream Act (S. 1615 and H.R. 3440) on upcoming spending bills that must pass. Every day that goes by, more and more young people face imminent deportation. Dreamers lose their ability to work, drive, and support their families; businesses are forced to fire valuable employees; and our economy continues to lose out on the benefits of passing the Dream Act. This policy brief outlines some of the major reasons why Congress must pass a permanent legislation solution for Dreamers immediately.

122 Dreamers Are Losing Their Status Every Day That Congress Does Not Act

Twenty-two thousand DACA recipients who were eligible to renew their DACA status following the program's termination were [unable to meet](#) the arbitrary and strict October 5, 2017 filing deadline. That means that every day Congress does not enact a permanent solution for Dreamers, [122 more young people](#) lose their DACA. As of January 1, 2018, [14,242](#) DACA recipients had lost their status, ability to work, and most importantly, protection from deportation. That number will increase to 16,500 by January 19, 2017, when the short-term spending bill passed at the end of December runs out.

These numbers do not take into account those individuals whose protection had already expired before the termination of DACA was announced. Prior to September 5, 2017, DACA recipients [could renew](#) their DACA application up to one year after it expired. Most people did not renew their DACA protection on time because they were [unable to afford](#) the filing fee. However, when the Administration announced that it was ending DACA, it also [changed the rule](#) – preventing anyone whose DACA status expired before September 5, 2017 from being eligible to renew their status. Suddenly and without warning, people with expired DACA status who had been saving up to pay their filing fee were cut out of the program altogether.

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Without DACA, Dreamers Lose All Protections and Face Imminent Deportation

Upon being granted DACA, young people received “deferred action.” Deferred action is a discretionary decision by DHS not to pursue enforcement against a person for a specific period. That means that, as soon as a Dreamer’s DACA status expires, DHS is immediately able to target them for enforcement and have them deported. Deferred action does not provide legal immigration status—instead, it grants only a temporary reprieve from enforcement.

The threat of deportation is all too real under the current Administration, which has mandated that DHS officers take enforcement action against anyone who may be removable, including people who pose no threat to public safety, have compelling equities, and have been in the U.S. for a considerable amount of time. On February 21, 2017, Immigration and Customs Enforcement (ICE) issued [guidance](#) directing removal officers to “take enforcement action against all removable aliens encountered in the course of their duties,” which includes Dreamers whose DACA has expired due to the rescission of the program. Likewise, Customs and Border Protection (CBP) specifically issued [guidance](#) in September directing agents to detain and process people who do not have DACA, which includes individuals whose DACA has expired. Statistically, in the early months of the current Administration, ICE [doubled enforcement](#) against people who have no criminal background and for whom there is no indication they pose a threat to public safety.

Dreamers have already faced enforcement actions. A few recent examples include the following:

- Osman Aroche Enriquez is a Dreamer from Pennsylvania whose DACA expired after the USPS failed to deliver his application on time. Osman was [pulled over](#) for an expired [vehicle registration](#) and then transferred to ICE custody. He was not released for another three days.
- Daniela Vargas, a Mississippi Dreamer who was brought to the U.S. from Argentina when she was 7, was [detained by ICE](#) minutes after speaking at a news conference about how her family had been targeted in an enforcement raid. She spent nearly two weeks in detention before she was released.

DHS has made plain its commitment to these indiscriminate enforcement tactics. Immigration and Customs Enforcement (ICE) has stated that there will “inevitably” be “additional [collateral](#) arrests” when it conducts at-large arrests in local neighborhoods and at worksites. This means that ICE will arrest everyone they encounter, not just those individuals who were the “target” of their enforcement actions. In a House Appropriations Committee hearing, ICE Acting Director Tom Homan openly stated that undocumented people should be [afraid](#) and [should](#) “look over [their] shoulder” at all times.

Without DACA, Dreamers Lose Their Ability to Work and Provide for Their Families

As part of their DACA application approval, young people are also given authorization to work for a specific amount of time. As soon as a Dreamer’s DACA status expires, they are no longer able to work legally. Young people – including nurses, engineers, first responders, and teachers – lose the jobs they worked so hard to qualify for and excel at.

Losing their jobs also means that Dreamers lose their paychecks and the ability to support themselves. They may not be able to make the necessary payments on their cars or homes. They may be unable to put food on the table for U.S. citizen family members and other loved ones that rely on them. And, since the validity dates of DACA recipients’ Employment Authorization Documents (EADs) – i.e. the documents showing that they are authorized to work in the U.S. – are often tied to the validity of state driver’s licenses, many Dreamers will also lose their ability to drive. In suburban and rural areas, that means they

cannot take their children to school, family members to doctor's appointments, or food home from the grocery stores.

Business Are Forced to Fire Valued Employees, and Our Economy Suffers

Dreamers and their families are not the only ones affected when their DACA status expires. Businesses are forced to fire the valuable employees that they have spent time and money to train and develop. Over 90% of DACA recipients are [currently employed](#), and DACA recipients work in almost [every sector](#) of the U.S. economy. Because every week of delay means thousands of new DACA recipients losing work authorization, the business community – including small businesses and Fortune 500 companies alike – are facing turmoil and confusion. Business leaders from across the country and from every major economic sector have called on Congress to pass legislation protecting Dreamers, including letters from the [Coalition for the American Dream](#), [over 800 entrepreneurs and business leaders](#), and the [U.S. Chamber of Commerce](#).

Additionally, passing the Dream Act would [significantly improve](#) the American economy, adding billions of dollars to the U.S. gross domestic product (GDP) annually. If all eligible Dreamers receive permanent legal status, the GDP would increase by approximately \$22.7 billion a year. Over the course of a decade, providing Dreamers with legal status will increase the GDP [by an estimated \\$281 billion](#). When accounting for the population that would receive work authorization and schooling over a decade, the GDP gains from the Dream Act could be as high as [\\$1 trillion](#).

Legislation Takes Time to Implement, And Dreamers Will Be at Risk in the Interim

Dreamers will not be immediately protected once Congress passes and the President signs legislation. A new law takes significant time to be implemented, and a new immigration program would need to be built from the ground up if permanent protections were passed. At a minimum, decisions will need to be made on how to treat current DACA recipients and new applicants; an application process will need to be created; and United States Citizenship and Immigration Services (USCIS) officials will need to be trained on how to ensure the new system properly screens applicants.

On January 3, 2018, three former DHS Secretaries from the Obama and Bush Administrations [wrote to Congress](#) explaining how and why such a program would take time to implement. When DACA was created in 2012, it took nearly [90 days](#) before the first applications were approved. Ninety days from January 19, 2018 is well past March 5, 2018, when the number of Dreamers who lose status will skyrocket because they were not allowed to renew their DACA protection in the fall. The number of DACA recipients that will fall out of status, lose their jobs, and be at risk for deportation increases drastically to about [1,200 Dreamers](#) per day after March 5, 2018.

Additionally, it takes time for applicants and their representatives to complete applications, including gathering supporting documentation that can demonstrate the person meets the eligibility requirements. For example, applicants may need documents that show they have been in the U.S. for a certain amount of time, that they graduated from high school, or that they were enrolled in a college.

Dreamers are Experiencing Mental Health Consequences from Elevated Fear and Uncertainty

The uncertainty and elevated fear of being removed from the country they call home is causing DACA recipients harmful physical and mental health [consequences](#), according to [mental health](#) experts. [Studies](#) have shown that uncertainty can be more [stressful](#) and anxiety-inducing than knowing for certain that something bad might happen. Even low levels of anxiety are tied to an increased risk of poor health and even death. [One study](#) that adjusted the results to account for unhealthy behaviors like smoking, excessive

drinking, over eating, and lack of exercise found that people who were “[frayed by even slight distress](#), meaning they sometimes stayed awake at night worrying,” were about 20% more likely to die over a 10-year period compared to people who reported no anxiety-like symptoms.

DACA recipients [face](#) extreme stress and uncertainty, and have [reported](#) sleepless nights, uncontrollable bouts of crying, and nightmares. It is not uncommon for debilitating anxiety, depression, and post-traumatic stress disorder plague undocumented immigrants, but groups have become more and more aware of how the decision to end DACA is deteriorating Dreamers’ mental health. Community organizations and immigrant groups have had to create [mental health toolkits](#) and [promote](#) suicide prevention hotlines in the wake of the decision to rescind DACA.

Conclusion

By delaying action on a permanent solution for Dreamers, Congress and the President are causing devastating harm to Dreamers as well as severe consequences to the American economy and society. There is no time for delay: Congress must pass the Dream Act.