



Republican House Bill Would Criminalize Poverty For Dreamers

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House Republicans have introduced a bill that would criminalize Deferred Action for Childhood Arrivals (“DACA”) program recipients (“Dreamers”) who fall below certain income metrics.

In effect, and explicitly, this equates to a criminalization of poverty—for Dreamers alone—because the income metrics used in the bill are based off of federal poverty levels.

Section 1102(b)(4)(L) of the Securing America’s Future (“SAF”) Act reads, in relevant part:

GROUND FOR INELIGIBILITY.—An alien is ineligible for contingent nonimmigrant status if the Secretary determines that the alien...if over the age of 18, has failed to demonstrate that he or she is able to maintain himself or herself at an annual income that is not less than 125 percent of the Federal poverty level throughout the period of admission as contingent nonimmigrant, unless the alien has demonstrated that the alien is enrolled in, and is in regular full-time attendance at, an educational institution within the United States;

At [414 pages long](#), the SAF Act is a comprehensive immigration reform bill being cast as a begrudging DACA fix by House Republicans.

In a *Wall Street Journal* [op-ed](#) announcing its introduction, the bill’s sponsors—**Bob Goodlatte** of Virginia, **Michael McCaul** of Texas, **Raúl Labrador** of Idaho, and **Martha McSally** of Arizona—teased the SAF Act as a DACA fix intended to stave off a theoretical future amnesty. The authors wrote:

Finally, as requested by President Trump, our bill provides a legislative solution for the beneficiaries of the Deferred Action for Childhood Arrivals program, who were brought to the U.S. illegally as minors. DACA was first imposed through an unconstitutional abuse of executive power by President Obama in 2012. The Constitution specifically delegates the power to make immigration law to Congress.

Our bill would allow DACA beneficiaries to receive a three-year renewable legal status, codifying the program the right way—by a duly enacted statute. But to be clear, there is no new or special path to citizenship for these individuals in our bill.

Response to the SAF Act has been mostly muted, however the libertarian CATO Institute was none-too-pleased with its poverty-criminalizing provisions. In a lengthy analysis of the bill, **David Biernot** noted:

The worst enforcement provision is criminalizing simply being in the United States without status or violating any aspect of civil immigration law (p. 170). This would turn millions of unauthorized immigrants into criminals overnight. It would also criminalize legal immigrants who fail to update their addresses, carry their green card with them at all times, or otherwise abide by the million inane regulations that Congress imposes on them. Take, for example, the status provided to Dreamers in this bill. It requires them to maintain an annual income of at least 125 percent of the poverty line (p. 396). If they fall below that level for 90 days—not only are they subject to deportation again—they would be criminals. This bill literally criminalizes poverty among Dreamers. This legislation would immediately undo much of the progress that the Feds have made on criminal justice reform and reducing its prison population.