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The Trump administration's claim that DACA 'helped spur' the 2014 surge of minors crossing the border

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“The effect of this unilateral executive amnesty, among other things, contributed to a surge of minors at the southern border that yielded terrible humanitarian consequences.”

— **Attorney General Jeff Sessions, in remarks announcing the rescission of DACA, Sept. 5, 2017**

“The temporary implementation of DACA by the Obama Administration, after Congress repeatedly rejected this amnesty-first approach, also helped spur a humanitarian crisis — the massive surge of unaccompanied minors from Central America including, in some cases, young people who would become members of violent gangs throughout our country, such as MS-13.”

— **President Trump, in a statement on DACA, Sept. 5**

In announcing the end of President Barack Obama's Deferred Action for Childhood Arrivals (DACA) program, Attorney General Jeff Sessions asserted that the 2012 action “contributed” to the massive influx of unaccompanied minors from Central America that peaked in 2014.

The president's written statement on ending DACA echoed this claim — that it “helped spur a humanitarian crisis” involving the Central American children. The statement then tried to tie that crisis to violence by MS-13, or Mara Salvatrucha, a Central American gang that has been operating in the United States since the 1980s. A White House fact sheet was slightly more nuanced: “Partly because of DACA, the United States saw a surge in illegal immigration by minors in 2013-2014, because they hoped to take advantage of the program.”

The careful statements use political weasel words — “among other things, contributed” and “helped spur” and “partly” — that always jump out at The Fact Checker. What is the evidence for the claim that DACA led to the surge of unaccompanied minors?

The Facts

DACA was intended to let “dreamers” — children of illegal immigrants who in many cases knew no other home — to avoid deportation and get work permits that are renewed every two years. A recent survey of about 3,000 DACA applicants found the median age on arriving in the United States was 6.

Under the programs, the Obama administration set forth requirements for qualifying for DACA, including having resided in the United States continuously from June 15, 2007, to June 15, 2012. Applicants also needed to have arrived with a parent and before turning 16, be in school or be a

graduate of high school, or be a military veteran and not convicted of a felony, significant misdemeanor or three or more misdemeanors.

Essentially, Obama was ordering a program of “prosecutorial discretion” that would not target for deportation undocumented aliens who meet these qualifications. When Obama announced the program, he said it was intended as a temporary action — and not a pathway to citizenship — because Congress had failed to pass legislation accomplishing the same goals.

In 2014, nearly 70,000 unaccompanied children were apprehended at the southern border as they made the trek from Central America to the U.S. border, a jump of 77 percent from the previous year. Most fled violence and abuse in El Salvador, Guatemala and Honduras.

A theory emerged, especially among immigration foes such as then-Sen. Sessions, that Obama’s DACA policy was also responsible for the influx of unaccompanied arrivals. But there are substantial problems with this theory, both in logic and statistics.

Note the DACA rules above, which included arriving before Obama’s June 15, 2012, announcement, arriving with a parent and living continuously in the United States for five years. “These young people would not have qualified,” said Doris M. Meissner, who was commissioner of the U.S. Immigration and Naturalization Service during the Bill Clinton administration and now directs the immigration policy program at the Migration Policy Institute.

Meissner acknowledged that there is evidence that smugglers increasingly suggested the children could get a “permisos” to stay for a while in the United States. The Washington Post in 2014 reported that a leaked Border Patrol memo summarizing interviews with children detained at the border in 2014 indicated that “the main reason the migrants had crossed into the United States was ‘to take advantage of the ‘new’ U.S. law that grants a free pass or permit’ from the government.”

A Justice Department official cited the Post article as evidence for Sessions’s statement, but the article does not mention DACA. Instead, it refers to “the perception they will be allowed to stay under the Obama administration’s immigration policies.”

The Justice Department official noted that after DACA, the number of unaccompanied children surged in 2013, for a 59 percent increase over the previous year — and then another 77 percent in 2014.

Meissner said that the promise of “permisos” was not related to DACA but instead the fact that children from countries that did not border the United States were allowed to stay in the United States, with relatives, until they faced deportation hearings — and at the time that could take a year or more.

A key reason for this situation was an anti-trafficking law signed in 2008 by President George W. Bush. The law, Trafficking Victims Protection Reauthorization Act (TVPRA), ordered that within 72 hours of determining that a child is an unaccompanied minor and is from a country other than Mexico or Canada, that child should be transferred by the Border Patrol into the custody of the Office of Refugee Resettlement, part of the Department of Health and Human Services. Virtually all of these children — 90 percent — were then housed with relatives or family friends while they awaited hearings; the rest were placed in foster care.

In peer-reviewed academic study published in International Migration in 2016, researchers Catalina Amuedo-Dorantes and Thitima Puttitanun crunched the data and concluded that the anti-trafficking law, along with violence in the originating countries and economic conditions, was largely responsible for the surge in unaccompanied minors, whereas DACA had no significant impact. They noted that the rise in unaccompanied minors began in 2009, the year after the passage of the law, when the number increased by 145 percent year over year.

The number of unaccompanied children “practically doubled since the passage of the aforementioned law by the US Congress, probably due to the fact that children from non-neighboring countries were allowed to stay in the United States, often for years, while awaiting a hearing,” Amuedo-Dorantes and Puttitanun wrote. “In contrast, in relative terms, the TVPRA lowered by approximately 26 per cent apprehensions of unaccompanied minors originating from Mexico, who continued to be returned immediately to their home country following their apprehension via expedited removals.”

David Bier, an immigration policy analyst at the libertarian Cato Institute, has noted that Bush administration also faced a child-migrant crisis, but there is no data for unaccompanied minors before 2008. “Before the recession, its [Customs and Border Patrol] statistics show that huge numbers of children were coming to the border,” he wrote. “Juvenile arrivals are simply returning to their pre-recession trend.”

The Justice Department official noted that in 2010, Obama himself had warned that giving legal status to people in the country illegally could have negative repercussions. “I recognize the sense of compassion that drives this argument, but I believe such an indiscriminate approach would be both unwise and unfair,” Obama said. “It would suggest to those thinking about coming here illegally that there will be no repercussions for such a decision. And this could lead to a surge in more illegal immigration.”

The White House did not respond to a request for comment.

The Pinocchio Test

Sessions and Trump used carefully-parsed words in an effort to have their cake and eat it too.

There was a surge in unaccompanied children in 2014, two years after DACA was announced. But that does not mean DACA led to that crisis or even contributed significantly to it. A bigger factor appears to be the 2008 law signed by Bush — as well as violence and economic conditions in the countries the children fled. DACA may have helped foster a perception that Obama was lenient on illegal immigrants, but it is hard to draw a direct line, as Sessions and Trump strive to do.

Sessions was more careful in his phrasing, since he acknowledged there were other factors behind the surge. We wavered between Two and Three Pinocchios, with Sessions’s statement more of a Two and Trump leaning toward Three. Since Trump is the president, his language is more important and thus earns a Three. (*Watch the video above on how the president has twisted and turned on DACA over the years.*)