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Don't be fooled by the scam that Trump will pull today on DACA

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THE MORNING PLUM:

The Trump administration is set to announce today that the president will scrap protections for roughly 800,000 people brought here illegally as children — but will do so on a six-month delay. The leaks currently coming out of the White House right now suggest this will be spun as a kind of third-way, middle-ground solution that lies somewhere between killing the protections for the “dreamers” right now and letting them continue.

But let's be clear on what this six-month delay actually does and does not do. Because of the logistical realities that attend winding down these protections, **announcing this on a “six-month delay” is very likely to be identical in practical terms to announcing it today for a large majority of those 800,000 people.** And for that large majority, it means they are losing their protections in the very near future, upending the lives of hundreds of thousands who currently are working or pursuing an education and had hoped to continue making positive contributions to American life.

The New York Times reports that Trump privately asked his aides for a “way out” of this dilemma, and that as a result, Chief of Staff John F. Kelly came up with the idea of ending the protections in six months to give Congress time to legislate a solution. This is in response to a coalition of states who are threatening a lawsuit to overturn the Obama-era executive action — Deferred Action for Childhood Arrivals — that grants them work permits and shields them from deportation.

Meanwhile, ABC News reports that Trump “doesn't want to own” the decision to end DACA, so it will be announced today by Attorney General Jeff Sessions. All this suggests that this six-month delay is meant to distance Trump in some way or other from ending it.

But it *shouldn't* have that effect. ABC's Jon Karl has the details of what will be announced today, and here are the key points:

- The administration won't consider new applications ... dated after Sept. 5.
- Anyone who has a DACA permit expiring between now and March 5, 2018, can apply for a two-year renewal.

- Some Dreamers, those with permits that expire between now and March 5, will be eligible for legal status for another two-plus years. For others, legal status ends as early as March 6.

What this means is that those whose DACA status is set to expire during the next six months can renew their status, which lasts two years. But that last bullet point, while cryptically worded, means that **those whose status expires after the six-month cutoff cannot renew it.** (DACA status lasts two years from the date of implementation, and recipients have been renewing their status after expiration. Because people have been signing up on varying dates over time, their two-year statuses have been expiring in rolling intervals over time, too.) The group whose status expires in the next six months can renew one more time for two more years. But those whose status expires after the six-month deadline cannot. When their status expires, their work permits and protections from deportation are gone.

And **that last group is far larger than the other one.** David Bier, an immigration policy analyst at the Cato Institute, recently did a study, using administration data, that laid out how DACA status would expire over time for its recipients if Trump ends it. His data show that nearly 600,000 people are set to see their status expire after March 5. Bier emailed me:

About 24 percent of DACA recipients, or 190,000, will be able to renew their permits before March 5. The rest —roughly 595,000, will have their permits expire.

There is another crucial point here, however: **For all those people, their status would have expired at the same time even if Trump had not announced this on a six-month delay.** If Trump were to cancel DACA today, and specify that people would lose it on a rolling basis upon expiration of their status, all those people's statuses would have expired on the same date as it will under the "six-month delay" announcement that is coming today, because all of them stand to see their status expire after the six months is up anyway.

Now, a caveat: For the minority of people who will be able to renew over the next six months, this is better than if Trump had announced an immediate end to the program. But for a large majority of the 800,000 who currently benefit from DACA, the six-month delay is utterly meaningless. Either way, starting on March 5, they will lose their status.

This has serious implications for the debate that is to come. Trump tweeted this today:

This means Trump is calling on Congress to legislate a solution for the dreamers. Of course, Trump has not specified what sort of solution he'd be prepared to sign (he might not sign something that does not include funding for his Mexican wall), a point the White House must be pressed upon. Beyond this, the fact that the vast majority of DACA recipients will now lose their protections, beginning on March 5, will put great pressure on Congress — Republicans in particular — to come up with a legislative answer. Trump's "six-month delay" is meaningless for most of those people. Many of them are currently in jobs or pursuing higher education. Obviously they can't count on Congress to come up with a solution, and they can't count on Trump to sign whatever Congress does produce, if he decides it has not given him a "win." So they will now have to plan for a future that is suddenly a great deal more uncertain.

Trump and senior administration officials will work very hard to dodge efforts to pin them down on all these specifics. We shouldn't let them get away with it.

Update: Sessions just delivered a brief statement to reporters, confirming that there will be a “wind down period,” without specifying how long it will be. Needless to say, he took no questions. So we will have to wait to learn the exact nature of the cut-off, though it appears that the six month date is still operative, and the basic dynamic outlined above will still apply.

Update II: Trump just issued a statement confirming the six-month cut-off. So, yes, this is a big scam, for all the reasons explained above.

*** BANNON AND MILLER URGE TRUMP TO KILL DACA:** Politico reports that senior adviser Stephen Miller and the now-departed Stephen K. Bannon are the ones pushing Trump hardest to end DACA. But note *how* they’re doing this:

Both Sessions and Miller ... have worked in tandem to persuade the president to upend DACA, framing the issue in terms he can relate to: victory versus defeat. They told Trump the administration was likely to lose if it defended DACA in court — and they suggested he’d look foolish if he did so, according to people familiar with the internal debate.

So the choice is between upending the lives of 800,000 people who were brought here through no fault of their own and just want to work and study hard, and looking like a Big Loser? Easy call!

*** 400 BUSINESS LEADERS URGE TRUMP TO BACK OFF:** CNN tallies up the total number of business leaders who have now signed a letter urging Trump not to rescind DACA: more than 400 and climbing. The larger context:

It’s just the latest clash between Trump and the business community. Business leaders have condemned Trump’s travel bans, the decision to pull out of the Paris climate agreement and his recent remarks about white supremacists in Charlottesville. Trump’s two business councils fell apart after executives began resigning over his Charlottesville comments.

Boy, Trump *really is* sticking to the elites, isn’t he?

*** UNIVERSITIES BRACE FOR TRUMP DECISION:** The Post reports that colleges and universities are dreading an end to DACA and are gearing up for a major campaign to press Congress to protect the dreamers:

A large number of [dreamers] are college students. ... [Higher education leaders] argue that the students have done nothing wrong by staying in school and pursuing jobs and careers, and that they should not be punished for stepping forward to obtain legal protection. Many college presidents take the issue personally, saying they have met DACA-protected students and they will do everything in their power to protect them.

It’s worth noting that DACA is precisely why many of these young people were able to pursue higher education, because it provided a measure of stability that could now be yanked out from under them.

*** WHY GOP MIGHT STRUGGLE TO PROTECT DREAMERS:** The Associated Press reports that House Republicans might have a hard time passing legislation to protect the dreamers, and here’s why:

Many House Republicans represent highly conservative districts, and if the president goes through with the six-month delay — creating a March deadline — the pressure is likely to be

amplified as primary races intensify ahead of the 2018 midterm elections. One cautionary tale: the primary upset of House Majority Leader Eric Cantor to a conservative challenger in 2014 in a campaign that cast him as soft on illegal immigration.

Would GOP primary voters really inflict their wrath on any incumbent who dares to shield these young people who have done nothing wrong from deportation? I guess we'll find out.

*** HOW THE DREAMERS MIGHT GET DEPORTED:** University of California at Davis law professor Rose Cuison Villazor raises the question of whether the government could use the information the dreamers provided when applying for DACA to deport them:

Dreamers divulged information to the government, expecting that their information would not be shared. The information includes not only potentially incriminating information like date of initial entry and length of stay in the United States, but also details like their names, addresses, school information and Social Security numbers — precisely what the government needs to locate and detain them quickly. ... using such information would constitute entrapment.

The question is whether this, among other things, might create the basis for legal action if deportations do begin.

*** GOP FACES MASSIVE CHALLENGES:** Bloomberg Politics tallies up the looming challenges that Congressional Republicans face right now:

Lawmakers need to pass a measure by Sept. 30 to fund the government, as well as one raising the debt limit before the end of the month. They also need to reauthorize programs like flood insurance and air traffic control and provide money for flood victims in Texas before they can turn to their top objective for the year — a major tax overhaul.

Trump also wants funding for his Mexican wall — *and* some sort of legislative solution for the dreamers. How those things enter into the talks will be the key thing to watch.

*** TRUMP'S CRAZY TRADE THREAT:** Over the weekend, Trump tweeted that the United States is “considering stopping all trade with any country doing business with North Korea.” NBC News notes that this means stopping trade with China, which could be devastating:

“We’re talking about a global recession and devastation for the global economy,” according to Marianne Schneider-Petsinger, the U.S. geoeconomics fellow at Chatham House, a think tank based in London. ... China is America’s largest trading partner and goods and services between the two nations totaled an estimated \$648.2 billion last year. According to the Department of Commerce, exports to China alone supported an estimated 911,000 U.S. jobs.

But Trump’s base would think this makes him “tough,” which is all that matters.