

## **Congress should pass DACA**

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President Donald Trump has taken abuse for his decision to phase out a program allowing 800,000 undocumented immigrant children to stay in the U.S. unless Congress grants a reprieve in six months.

The Deferred Action for Childhood Arrivals program shielded immigrants from deportation who had arrived illegally before age 16, lived in the country for at least five years, were in school, had graduated from high school or were military veterans, didn't turn 31 before 2012 and no criminal record. They were eligible for renewable two-year permits to work legally and could participate in Social Security and Medicare.

We agree with the premise of DACA — not deporting children who have grown up as Americans and know no other country. But the constitutionality of President Barack Obama's 2012 executive order creating it is highly suspect and unlikely to survive a U.S. Supreme Court challenge.

The president let U.S. Attorney General Jeff Sessions, an immigration hardliner, make the announcement, echoing Trump's campaign promise to revoke DACA as "unconstitutional executive amnesty."

Yet Trump was of mixed mind, stating, "We love the dreamers. We think the dreamers are terrific." Under John Kelly, the former head of Homeland Security and now his chief of staff, an estimated 200,000 new DACA work permits or renewals were issued.

Kelly also decreed if DACA ended, no recipient would be pursued for removal without approval from a high-ranking official nor would the Immigration and Customs Enforcement track them down using their application information.

Trump acted only after a group of Republican state attorneys general threatened legal action. That coalition previously won a federal court injunction in 2014 to stop Obama's deferred action program for work permits to undocumented immigrant parents of U.S. citizens.

The U.S. Supreme Court deadlocked, 4-4, on reviewing it. Neil Gorsuch's ascension to the court probably doomed DACA.

Obama thought it was Congress' responsibility, stating at March 2011 town hall meeting, "There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as president."

He reluctantly issued his executive order when Congress failed to pass immigration reform legislation while taking heat from Latinos and liberals for deporting record 1.2 million undocumented immigrants.

“The problem is that you know I’m the president of the United States. I’m not the emperor of the United States. My job is to execute laws that are passed, and Congress right now has not changed what I consider to be a broken immigration system,” Obama said.

“What we have tried to do is administratively reduce the burdens and hardships on families being separated,” he added, making sure ... “young people who were brought here and think of themselves as Americans, are American except for their papers, that they’re not deported.”

Congress may be inspired to pass DACA, since many have had a change of heart during the past decade.

In 2007, comprehensive immigration reform pushed by the George W. Bush administration and the late Sen. Edward Kennedy, D-Mass., failed when 15 Democrats and Sen. Bernie Sanders, I-Vt., opposed it.

With now AFL-CIO President Richard Trumka by his side, Sanders then said, “The middle class is shrinking, the last thing we need is to bring over, a period of years, millions of people into this country who are prepared to lower wages for American workers.”

Sanders and organized labor now support DACA, rebutting hardliners that Dreamers are taking jobs from millennials.

In 2010, the House passed the Dream Act, but was five votes short of the necessary 60 in the Senate with five Democrats in opposition.

DACA protections are set to expire before March 5, Dreamers would have a month — until October 5 — to apply for one last renewal. Those losing protection March 6 or after would be unauthorized.

David Bier, an immigration policy analyst at the libertarian Cato Institute, estimated ending DACA would cost businesses \$6.3 billion because of worker turnover — firing nearly 7,000 employees every week for the next two years, then paying \$61 million weekly for recruiting, hiring and training 720,000 new hires.

The vast majority of these children and young adults have been integrated into U.S. society without receiving the benefits of citizenship. Forced deportation of 800,000 would be both inhumane and a logistical nightmare.

Congress needs to take up Trump’s challenge with a clean bill — without its proclivity for side deals that could sidetrack it.