



Congress needs to provide Dreamers with permanent protection

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Last week, Department of Homeland Security (DHS) Secretary John Kelly announced to the Congressional Hispanic Caucus that the government may decline to defend the Deferred Action for Childhood Arrivals (DACA) program — which deferred removal of over 750,000 undocumented young adults — against a looming legal challenge threatened by a number of states. Now, more than ever, a legislative solution is the only chance of protection for America’s Dreamers.

Last month, attorneys general from nine states and one governor demanded the rescission of DACA, threatening to file suit if the president does not phase out the program by Sept. 5, 2017. The last time many of these members banded together resulted in the Supreme Court striking down DACA’s partner program, Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), which protected undocumented parents.

President Trump officially repealed DAPA last month, but refrained from acting on DACA. Instead, members of the Trump administration put the onus squarely on Congress to find a solution for the Dreamer population.

Secretary Kelly also publicly called on Congress to act. “I’m not going to let you [Congress] off the hook,” he stated, “You’ve got to solve this problem.” That solution is becoming increasingly urgent in the face of impending lawsuits. Based on the results of the DAPA suit, it is highly unlikely that DACA would survive in court, especially if the government does not defend it.

DAPA was created through an executive order by former President Obama, as was DACA. The lower courts enjoined DAPA, ruling that Obama’s actions constituted executive overreach, and a divided Supreme Court upheld the injunction. Since DAPA was created as an extension of the DACA program, it stands to reason that DACA faces a similar fate.

The actual scope of any injunction — an order preventing further implementation — against DACA will be up to the courts, but it is likely a court will prevent the government from renewing any DACA permits or approving any new applications. Those with current DACA status will be safe until their permits expire — no more than two years.

This is why protective legislation is urgently needed.

A response to this urgency is the Republican-led “Recognizing America’s Children” Act that was recently introduced in Congress. This bill includes bipartisan principles and priorities by providing five years of conditional legal status for Dreamers who are working, studying or serving in the military. After five years they can adjust their status to permanent residency if they meet certain requirements, and after 10 years, they can become U.S. citizens.

Policy experts, universities and colleges, and the public all express their support for this type of protection for Dreamers.

Both the Center for American Progress and the Cato Institute found that ending DACA protections would seriously damage our economy. According to a Center for American Progress report, ending DACA and taking employment authorization away would result in a \$433.4 billion loss to gross domestic product over the next decade.

Higher education has also publicly endorsed protecting the Dreamers. More than 600 universities and colleges with a front-row seat to the contributions Dreamers make to their campuses and communities signed a letter last November urging support for keeping legal protections for Dreamers.

Finally and crucially, the general public is on board with protecting this population. In April, a Morning Consult/Politico poll found that 78 percent of registered voters think Dreamers should be allowed to stay in the country — 56 percent expressed support for a path to citizenship.

Dreamers are a blameless population and constitute productive members of society, but their ability to stay in this country and contribute now has an end date. Congress is the last hope for these individuals; members must take concrete legislative action to provide Dreamers with permanent protection.