



## Give ‘dreamers’ the protection they were promised

Jesse Gabriel

May 17, 2017

In recent weeks, President Donald Trump has adopted an increasingly sympathetic tone toward the young undocumented immigrants — known as Dreamers — who have been granted renewable two-year protection from deportation under former President Barack Obama’s administration program called Deferred Action for Childhood Arrivals, or DACA. Trump has promised to “show great heart” in dealing with these “incredible kids” and has encouraged them to “rest easy.” Homeland Security Secretary John Kelly has likewise characterized DACA as “a commitment” by the government that must be honored.

While such statements are encouraging, recent incidents have called into question whether Immigration and Customs Enforcement agents are hearing the same message. In February, our client — a young father and two-time DACA recipient named Daniel Ramirez Medina — was swept up during a raid targeting another individual and detained without justification for more than six weeks. Federal agents also recently detained a 22-year-old Dreamer in Mississippi after she publicly criticized the government, and summarily deported a 23-year-old California man with a cognitive disability despite the fact that twice he had been granted protection under DACA.

The government established DACA in 2012 in recognition of the special circumstances surrounding “young people who were brought to this country as children and know only this country as home.” To qualify for DACA, eligible individuals are required to pay a substantial fee, provide the government with highly sensitive personal information and pass a rigorous background check. Understanding that many Dreamers might be reluctant to voluntarily come forward, the government coaxed these young people out of the shadows by promising that they would be free from arrest, detention and deportation as long as they played by the rules, and by assuring them that any information they disclosed would not be used for immigration enforcement purposes.

The government’s arrest and detention of Ramirez represents a clear breach of these promises. Although federal agents initially suggested that Ramirez was a gang member, the government quickly abandoned that allegation, and now asserts only that he supposedly “hangs out” with gang members — a charge he vigorously denies, and which is not grounds for revoking DACA. And rather than acknowledge that it made a mistake in arresting him, the government summarily stripped Ramirez of his DACA status, locked him up, and is seeking to have him deported,

despite the fact that he has passed multiple DHS background checks and is not accused of any crime.

Given these extraordinary circumstances, our legal team filed a *habeas corpus* petition and several emergency motions seeking to have Ramirez released from custody. Rather than defend its conduct, the government sought to evade judicial review by arguing that the court lacked jurisdiction to consider the matter, adopting a position at odds with the Constitution and hundreds of years of well-settled law. Thankfully, our team was able to secure Ramirez's release on bond after the government was forced to admit that there is no evidence he poses any risk to public safety.

Last month, our team filed a new complaint against the government. In addition to reinstatement of Ramirez's DACA status and work authorization, we are seeking a judicial declaration that DACA cannot be revoked — and Dreamers cannot be arrested, detained or deported — without basic procedural safeguards such as notice and an opportunity to be heard. Fundamental fairness and the due process rights enshrined in the Constitution require no less.

Treating Dreamers and other undocumented immigrants with fairness and compassion also is consistent with Jewish values. More than any other commandment, and no fewer than 36 times, the Torah teaches us that we must act compassionately toward the “strangers” who live among us because we “were strangers in the Land of Egypt.” Citing this commandment and the great rabbis of the Talmud, the Jewish Theological Seminary explained earlier this year that “there is no religious obligation more central to Judaism than the protection of refugees and immigrants.”

Beyond its moral dimensions and constitutional significance, honoring the DACA promise has important implications for our society. In addition to its essential humanitarian benefits, DACA has helped unleash the potential of nearly 800,000 young people who have long called our country home. It has enabled them to attend universities, open bank accounts, start businesses, buy homes and cars, and — for Luis Cortes Romero, one of my co-counsels in the Ramirez case — graduate from law school and pass the bar exam. The right-leaning Cato Institute has estimated that DACA will add \$280 billion to the U.S. economy over the next decade.

As the Obama administration acknowledged in establishing DACA, the program does not create any substantive rights or entitle Dreamers to permanent lawful status, as only Congress can grant those privileges. But the government did promise these young people that they would be entitled to basic protections if they came out of the shadows and played by the rules. As Americans and as Jews, we should do everything in our power to ensure that our government continues to honor that promise.