

## **DACA's rescission will cost employers \$6.3 billion in employee turnover costs, study shows**

Paula Burkes

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#### **Q: What is DACA?**

**A:** DACA is an acronym for Deferred Action for Childhood Arrivals. It's a program created by President Barack Obama and applies to individuals without a legal immigration status who were brought to the U.S. as young people, usually by their parents. While it remains in effect, DACA permits these individuals to avoid deportation, receive permission to work, study and qualify for driver's licenses. To be eligible for DACA, applicants must be younger than 31 years old when the program began in 2012. They also must have lived in the U. S. continuously since June 15, 2007 and arrived in the U.S. before age 16. They must not have a serious criminal record and have either graduated from or be currently enrolled in high school. DACA status was initially valid for two years and could be renewed for additional two-year periods. DACA's enrollment for new applicants closed Sept. 5.

#### **Q: Who are "dreamers?"**

**A:** The term dreamers is attributed to proposed legislation that failed to pass Congress several years ago entitled the Development, Relief and Education for Alien Minors Act (DREAM ACT). Thus DACA recipients are commonly and herein referred to as dreamers. However it's estimated there are many additional individuals eligible for DACA who didn't apply for various reasons, including the expense involved and fear of revealing their lack of a legal immigration status to the government.

#### **Q: Why is President Donald Trump terminating DACA?**

**A:** During his campaign, the president vowed to rescind many of President Barack Obama's executive actions including DACA. Since his election he has somewhat modified his rhetoric regarding DACA by indicating he "loves dreamers." However, 11 attorney generals from Republican states, led by Texas, threatened to file a lawsuit to terminate DACA unless Trump acted to end it no later than Sept. 5. The Trump administration did announce on Sept. 5 it would end DACA in six months if Congress hadn't acted to find a more permanent solution.

#### **Q: What effect would the final termination of DACA have on dreamers and their employers should congress fail to act?**

**A:** Other than becoming susceptible to deportation and losing their driver's licenses, dreamers, which include physicians, teachers, firefighters, etc., will begin losing their right to work. By law they must be fired immediately upon the expiration of their DACA employment authorization document (EAD). According to an August 2017 survey, 91 percent of DACA recipients have jobs based on data from the U.S. Citizenship and Immigration Service that indicates 790,148 people would have DACA as of Sept. 1. Should DACA dreamers not be terminated immediately when their work authorizations expire, current federal law subjects employers to criminal penalties and fines. According to a CATO Institute's report, the loss of dreamer employees right to work lawfully "will impose a massive cost on employers who currently employ these workers." This is based largely on the "cost of recruiting and hiring new employees." Further, according to the CATO Institute: DACA's rescission will cost employers \$6.3 billion in employee turnover costs, including recruiting, hiring and training 720,000 new employees. Every week for the next two years, U.S. employers will have to terminate 6,914 employees who currently participate in DACA at a weekly cost of \$61 million. Ending DACA would be the equivalent of 31 "major" regulations. Employers are the ones who will have to actually implement the new policy by policing their workforce and firing DACA recipients.

**Q: How likely will dreamers lose protections like those provided by DACA?**

**A:** Both the president and officials of his administration have sent mixed signals regarding the ultimate fate of DACA dreamers. The DHS initially distributed a set of talking points to members of congress, one of which "urges DACA recipients to use the time remaining on their work authorizations to prepare for and arrange their departure from the United States." It further indicated it will, "continue to exercise its discretionary authority to terminate or deny deferred action for any reason, at any time, with or without notice." However it just recently stated, "personal information provided to the government through DACA requests will not be shared with Immigration and Customs Enforcement and the Border Patrol, but it will make exceptions when someone is deemed a national security or public safety threat.

Postelection, President Trump has stated, "I have advised the Department of Homeland Security that DACA recipients are not enforcement priorities unless they are criminals, are involved in criminal activity, or are members of a gang." He recently tweeted: "For all of those (DACA) that are concerned about your status during the six-month period, you have nothing to worry about — No action!" His most recent statement on the subject was "Chuck and Nancy (Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi) would like to see something happen, and so do I, and I said if we can get something to happen, we're gonna sign it, and we're gonna make a lot of happy people."

Virtually every Democratic member of congress and a substantial number of Republican members have indicated they favor protecting the dreamers to varying degrees. There are four different pieces of legislation currently pending in congress. Each would at a minimum extend protections similar to those provided by the current DACA program while differing in substantial ways (e.g. if, how, and whether to provide dreamers a path to U.S. citizenship. On Sept 6., New York and 14 other states plus the District of Columbia filed a lawsuit in federal court challenging the Trump administration's rescission of the DACA program. Most encouraging for dreamers

may be a recent poll by NBC News/Survey Monkey that found nearly two-thirds of Americans favor allowing the dreamers to stay in the U.S.