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Pressure on nation's immigrants expected to increase, but how much?

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The consensus among legal experts and advocates is not whether pressure on the country's immigrants, particularly the undocumented, will increase throughout 2020, only the degree of that pressure.

It will be heavily affected by the run-up to the presidential election, in combination with court decisions, particularly the ruling of the Supreme Court in June on whether DACA, Deferred Action for Childhood Arrivals, is legal.

The program, enacted in 2012, has allowed young undocumented people, brought here as minors, to receive a temporary work permit and protection from deportation for two-year periods.

A total of 1.2 million DACA-eligible residents live in the U.S., although only about 703,890 are enrolled in the program.

The consequences of losing DACA would include a blow to the economy as 89 percent of the recipients are employed or in school, according to a survey by the Center for American Progress.

The CATO Institute, a libertarian think tank, has estimated that the federal government could lose \$60 billion should DACA recipients be deported and U.S. economic growth could shrink by \$280 billion.

It would diminish access to higher education, and, in some states, the ability to get a driver's license, although not in Connecticut.

As for those essential services, 43,500 work in health fields, 14,500 in manufacturing, 21,100 in transportation and 76,000 in restaurants, according to one analysis.

An initiative of former President Barack Obama, it has survived numerous legal tests, but this ruling will be its most consequential.

Megan Fountain, of Unidad Latina en Accion, said the anxiety the DACA ruling is adding to the financial and health threats experienced by others in the undocumented community, who have

either been laid-off because of shutdown orders tied to the COVID-19 pandemic, or they are working front-line “essential” jobs that put their health in jeopardy.

Without legal status, they don’t qualify for extended benefits being offered by the federal government as millions lose jobs in stay-at-home orders aimed at controlling the spread of the coronavirus that has killed 61,472 people in the United States and infected 1.06 million. In Connecticut, 26,767 people are infected and at least 2,169 have died.

“Immigrants’ labor is essential, but their lives are disposable,” Fountain said.

Fountain said when Unidat first surveyed 112 local New Haven immigrant families, 60 percent were living paycheck to paycheck.

On the most recent survey, they found that more than half have been laid-off or are sick with COVID-19, losing all sources of income. Unidat plans to start issuing cash awards directly to the families from the money it received from funders, such as the Community Foundation for of Greater New Haven and United Way.

Unidat is one of the nonprofits, along with state senators and House members, urging Gov. Ned Lamont to put together a \$20 million relief fund for undocumented immigrants to help them with rent payments and other essentials. Based on a model adopted in California, the state would look to partner with the private sector for another \$10 million.

“We can’t sit back and wait for Washington to act. The state of Connecticut can prioritize the health and safety of everyone,” she said. They plan to ask that Husky healthcare coverage be extended to undocumented immigrants.

Michael Wishnie, who runs the Worker and Immigrant Rights Advocacy Clinic at the Yale Law School, said when criticism mounts, such as over his handling of the pandemic, to change the subject, Trump “regularly announces some punitive policy aimed at immigrants.”

If the high court throws out DACA, Wishnie hopes Congress doesn’t agree to a weakened DACA and Temporary Protective Status legislation in exchange for funds for a border wall and harsh new immigration measures.

“Between now and November, we are likely to see an escalation of dangerous anti-immigrant rhetoric and even more executive orders and policies aimed at making life more difficult for immigrants,” said Kica Matos, director of the Center on Immigration and Justice at the Vera Institute, and a longtime local advocate for undocumented immigrants.

Matos said that in the last 30 days, the Trump administration has closed the U.S.-Mexico border; suspended hearings for asylum seekers in Mexico; and froze issuance of gGreen Ccards for 60 days. “Meanwhile, ICE continues to carry out deportations all over the country, despite the pandemic.”

University of Connecticut law professor Jon Bauer said ICE knows its detention policies affect public health and it is releasing more immigrants than it used to, but that could reverse once the health threat eases.

Mark Krikorian, executive director at Center for Immigration Studies, said his prediction is that the Supreme Court will throw out DACA. “It is laughable it has gotten this far,” he said.

The center, a conservative group, which advocates for tighter controls on immigration, said he expects there would be a wind down of the program over the next six months, but he doesn't see Congress taking it up again until after January.

Krikorian said it would make sense to give current DACA recipients green cards, but he would want that balanced with fewer green cards for others and DACA parents disqualified for any amnesty.

Wishnie and the law clinic just won a victory at the U.S. District Court in Massachusetts when 48 undocumented immigrants were released from the Bristol County House of Correction where ICE sends detainees, including from Connecticut, and not all of them were high-risk as defined by the CDC, which is a first.

Bauer said the detentions dropped from a high of 55,654 in July 2019 to 38,058 in March 2020.

Bauer would not predict whose side the Supreme Court will support in the DACA case, except that it will be 5 to 4.

In just over six months however, the trajectory of immigration policy could change, given the outcome of the presidential race between Trump and the presumed Democratic candidate, former Vice President Joe Biden.

If there were a new president, Wishnie said there is an enormous amount that could be changed immediately because so much was instituted by executive action or regulation.

This would include the travel ban; DACA; border policies; the public charge rules that would deny status to those who use federal benefits; rules for Immigration and Custom Enforcement.

Finally adopting comprehensive immigration reform, last attempted in 1996, would depend on the will of the Congress, Wishnie said.

Matos has her own vision for the future of immigration policies.

"... here is something that we should keep in mind: public opinion poll shows strong support for immigration reform that offers a path to citizenship for the undocumented. With a new administration, we expect they will prioritize legislation to make this a reality," she said.