



The Advising Dean: For Dreamers: Education or deportation?

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There are few better (or worse) examples of Washington gridlock than continuing Congressional inaction on immigration reform. When Congress failed again to enact immigration legislation following the 2012 election, President Barack Obama issued a directive called Deferred Action for Childhood Arrivals (DACA). This policy directed the Department of Homeland Security (DHS) to grant deferred action to allow an estimated 800,000 young people brought illegally to this country as children by their parents to remain temporarily in the United States.

This past September, President Donald Trump announced the end of DACA and set an expiration date on the legal protections granted to those known as “Dreamers.”

The conservative Heritage Foundation argues that Congress, “should not provide amnesty to the beneficiaries of DACA [and] should instead focus on enhancing immigration enforcement and border security to reduce the flow of illegal immigrants.”

Ironically, a 2016 DHS report, found the number of undocumented immigrants living in the U.S. hit its lowest level in a decade under President Obama.

As a result, immigration advocates labeled Obama the “Deporter-in-Chief” for the 2.5 million people deported on his watch. ABC News reported that this number was more than the total deportees under all American presidents during the 20th century, and it did not include those who left the U.S. voluntarily or who were turned away by U.S. Border and Customs officials.

Like Obama, who implemented DACA in frustration with Congressional failure to act, President Trump expresses a desire that the program become a permanent part of comprehensive immigration legislation passed by Congress.

There are many perspectives on DACA and the people it affects. Here are expert views on several key technical, legal, and economic issues.

- DACA does not grant amnesty to Dreamers as did the bipartisan Immigration Reform & Control Act signed by Ronald Reagan in 1986. Rather, it allows those who entered or were brought to the U.S. as minors to apply for two-year periods of deferred action from deportation and become eligible for work permits.
- DACA is not a path to citizenship. As Obama said in announcing the directive, “It is a temporary stop gap measure” until Congress enacts immigration legislation.
- Opponents argue that Obama acted unconstitutionally, however, there has been no court decision to date finding this DACA 2012 policy unconstitutional.

There are also economic considerations. The Cato Institute, a libertarian think tank funded by the Koch brothers, estimates that repealing DACA would cost employers \$6 billion to train new employees to achieve the Dreamers’ levels of productivity. Furthermore, it would result in a \$280 billion economic decline due to the loss of personal income, property, and sales taxes paid by Dreamers, who pay into but are ineligible for federal welfare benefits, Medicaid and other government programs.

As for DACA taking away jobs from citizens, a July report from the Federal Reserve highlights the shortage of workers as a significant national challenge —from trucking, to construction, to software companies. The current unemployment rate is nearing record lows, yet 6 million jobs remain unfilled despite Dreamers being employed.

In ending DACA, President Trump issued a statement, saying, “I do not favor punishing children, most of whom are now adults, for the actions of their parents.”

To be eligible for DACA protections, Dreamers must have come to this country before they were 16 and the average Dreamer arrived before six years of age. The centrist Brookings Institution points to the human costs of deporting hundreds of thousands of people to countries they know little or nothing about, with languages they may not even speak.

An estimated 900 Dreamers currently serve in the U.S. military and have developed skills the military considers vital. As President Obama said in announcing the policy, “They are Americans in their hearts, in their minds, in every single way but one: on paper.”

Jose Varela, my former advisee now the Marin County Public Defender, observes that rather than punishing children for their parents’ crimes, Dreamers are actually being punished for their parents’ hopes — to provide their children with better lives.

Immigrants have always come to America propelled by the “push” of oppression, threats of violence, the lack of political freedom, and economic deprivation. Respect for legal and constitutional concerns are essential to a democracy; however, compassion and welcoming the stranger — particularly the young and the weak — are at the heart of the American Story.

In this Christmas season, Christians especially would do well to consider Mary and Joseph — immigrants who took their child to safety in a foreign land.