



Now is the Time for a Full and Transparent Debate About DACA

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Last weekend, U.S. Citizenship and Immigration Services (USCIS), released updated statistics which showed nearly 80,000 – or 10 percent – of Deferred Action for Childhood Arrivals (DACA) participants had been arrested on charges ranging from DUI and immigration violations to rape and battery.

The data further showed that of nearly 110,000 DACA requestors (out of 889,000) who had an arrest, 85 percent had been arrested before their most recent DACA approval, and more than 31 percent of that same cohort had more than one arrest.

As the USCIS acknowledged in its statement, the report includes arrests, including some which “did not result in convictions or where the charges were dropped or otherwise dismissed.” Defenders of DACA tried to dismiss the findings because the report included arrests, not convictions.

The report, asserted the Cato Institute’s Alex Nowrasteh, “also does not provide the comparable arrest rates for other populations, giving the false impression that that is a high number of arrests for such a small population.” He then tried to use the data to make a “back of the envelope” case that the arrest rate for “U.S. residents” is actually higher.

Contrary to critics’ claims of ulterior motives, Acting USCIS Secretary Ken Cuccinelli said the release was an effort to demonstrate “transparency” about the program and its participants because it remains a “subject of both public discourse and ongoing litigation.”

Transparency is an imperative as the nation moves forward to tackle the fallout from President Obama’s constitutionally-questionable decision to create a program that many observers now believe the Supreme Court will allow to be dismantled. With a court ruling not expected until next spring, Democrats in Congress already are calling for the Senate to move on legislation to grant amnesty to the 700,000 DACA beneficiaries and other illegal immigrants who came to the U.S. as children.

Transparency is required if lawmakers are seriously considering giving 1.8 million illegal aliens amnesty – and possibly their parents too. And that means being transparent about some of the myths that surround DACA, including that they are all future brain surgeons, teachers of the year, and scientists. Some most certainly are on the path to success. But others have been

removed from the program due to gang membership and, as the report shows, some for far more serious crimes.

The USCIS report is also relevant because, as many choose to ignore, DACA was never an actual program. It was, in the words of Obama Homeland Security Department Secretary Janet Napolitano “an exercise of our prosecutorial discretion” for an entire class of people who “lacked the intent” to violate the Nation’s immigration laws.

If members of Congress want to decline to prosecute our immigration laws, they owe the public equal transparency about the consequences of shielding an entire class of people from enforcement. And why other classes of individuals, such as low-level criminal offenses or DUI arrests (since advocates deem this a minor crime) should not also be subject to similar “discretion.”

Seven years after Obama acted without due consideration for the rule of law, it is time for an honest and open discussion about what giving a pass to millions of illegal immigrants would mean.