Policy Update on DACA

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Agenda

- Welcome
- Program State of Play
- Legislative State of Play
- USCCB Position
- What Can You Do?
- Q&A

Photo Credit: Yahoo News
DACA Program – State of Play
DACA Rescission Challenged

• Sept. 5, 2017 – DHS rescinds 2012 memo that created DACA
• DHS begins DACA phase out. Stopped accepting initial applications. Limited renewals accepted until Oct. 5, 2017
• Multiple lawsuits filed to challenge the legality of the rescission
Preliminary Injunction

- *Regents of the University of California v. U.S. Department of Homeland Security*
- 1/9/2018 – federal judge issues preliminary injunction
- USCIS must accept DACA requests from those who previously received DACA
- Directs DHS to maintain DACA on the same terms and conditions in effect before the rescission
USCIS Guidance

• Not accepting applications from those who have never been granted DACA
• If DACA expires on /after Sept. 5, 2016, may file as a renewal applicant
• If DACA expired before Sept. 5, 2016 (or DACA was previously terminated), must file as an initial applicant
• No advance parole
• Policies prior to rescission will remain in place
What to Expect Next?

• DOJ filed notice of appeal to 9th Cir. and seeks direct review from the Supreme Court
• No request for a stay was filed
• In February, Supreme Court will decide whether to hear appeal
• Injunction could remain in place until the 9th Cir. or the Supreme Court reaches a decision
Who should file for DACA?

• Screen potential applicants for eligibility
  – Criminal or juvenile records
  – DACA was previously denied or terminated

• Acknowledge uncertainty regarding injunction and Congressional action

• USCIS recommends renewing 120-150 days before current DACA expires, possible to file earlier
How to File for Renewal

• Form I-821D, Form I-765, Form I-765WS
• $495 fee or fee waiver
• Complete forms as instructed
• * If DACA grant expired before Sept. 5, 2017, must file as an initial applicant and include all required supporting evidence
State of Play – Legislative Solution

Timeline of Key Events

• January 9th – Bipartisan WH meeting on DACA fix

• January 19th – Government shutdown at end of day

• January 22nd – CR passed through Feb. 8th
  ○ Commitment by McConnell

• January 25th – WH publishes Framework for Legislation

Photo Credit: Brookings
White House Framework

• Border Security:
  • $25 billion for the border wall system, ports of entry/exit, and northern border improvements.
  • Additional funds to hire new DHS personnel, ICE attorneys, immigration judges, prosecutors and other law enforcement professionals
  • Likely Unaccompanied Children and Asylum Seeker Provision* -- End catch-and-release and close legal loopholes that have eroded our ability to secure the immigration system and protect public safety.

• DACA Legalization:
  • 10-12 year path to citizenship, with requirements for work, education and good moral character.

• Revise and Limit Family-Based Immigration:
  • Limit family sponsorships to spouses and minor children only (for both Citizens and LPRs).

• Eliminate Diversity Visa:
  • Reallocate the visas to reduce the family-based “backlog” and high-skilled employment “backlog.

Fact Sheet: https://www.whitehouse.gov/briefings-statements/white-house-framework-immigration-reform-border-security/
Key Legislation

**House**

- “Securing America’s Future Act of 2018”
  - Rep. Goodlatte
  - H.R. 4760
  - Introduced January 10, 2018

- “Uniting and Securing America (USA) Act of 2017”
  - H.R. 4796
  - Introduced January 16, 2018

**Senate**

- “Security, Enforcement, and Compassion United in Reform Efforts (Secure) Act of 2017”
  - Sen. Grassley
  - S. 2192
  - Introduced December 6, 2017

- “Immigration Reform Act of 2018”
  - Sen. Graham and Sen. Durbin
  - Text not yet released
  - Rejected by President
  - Introduced January 17, 2018
Key Legislation Comparison

### Comparison of the Key DACA Deal Proposals

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<tr>
<td><strong>Introduced</strong></td>
<td>January 10, 2018</td>
<td>January 17, 2018</td>
<td>January 16, 2018</td>
<td>December 6, 2017</td>
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<td><strong>Original Cosponsors</strong></td>
<td>Reps. McCaul (R-TX-10), Labrador (R-RI-1), McSally (R-AZ-2), Sandersenbrenner (R-WI-5), and Carter (R-TX-31)</td>
<td>Senators Bennet (D-CO), Flake (R-AZ), Gardner (R-CO), and Menendez (D-NJ)</td>
<td>49 original (24 Republicans and 25 Democrats)</td>
<td>Senators Cornyn (R-TX), Tillis (R-NC), Lentfoord (R-OK), Cotton (R-AR), and Perdue (R-GA)</td>
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<td><strong>Proposed DACA Fix?</strong></td>
<td>Yes. Provides qualifying individuals with Conditional Nonimmigrant Status (CNS) (5-year provision with ability to extend for additional 3-year terms) and ability to lawfully work (i.e., an employment authorization document (EAD)).</td>
<td>Yes. Provides qualifying individuals with conditional permanent resident status.</td>
<td>Yes. Provides qualifying individuals with Conditional Permanent Resident Status (for up to 8 years) and path to citizenship.</td>
<td>Yes. Provides qualifying individuals with Provisional Protected Status for 3 years from date of enactment.</td>
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<td><strong>Dreamers Covered?</strong></td>
<td>No. Only covers qualifying DACA recipients with valid EAD as of date of enactment.</td>
<td>Yes.</td>
<td>Yes, as well as TPS recipients.</td>
<td>No.</td>
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USCCB’s Statements on DACA

• Cardinal Daniel N. DiNardo, Archbishop José H. Gomez, Bishop Joe S. Vásquez, and Bishop Joseph J. Tyson:
  – "The cancellation of the DACA program is reprehensible."
  – "The Church has recognized and proclaimed the need to welcome young people."
  – "DACA youth are woven into the fabric of our country and of our Church, and are, by every social and human measure, American youth."
  – "We strongly urge Congress to act and immediately resume work toward a legislative solution."

• Over 35 statements by individual Bishops, as well as several Catholic Conferences (including NJ, TX, NE, AZ, NM, and CA): [https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/08/DACA-Support-1.pdf](https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/08/DACA-Support-1.pdf)

• Executive Committee:
  – "[T]he Committee urges the Catholic faithful and all people of good will to contact their representatives in Congress to urge the passage of the DREAM Act or similar legislation as a prompt, humane, and durable solution to this problem of greatest urgency."
  – "[R]equests that the Department of Homeland Security extend the October 5, 2018 deadline for the DACA renewals."
USCCB’s Statement on Legislation

• Bishop Joe S. Vásquez -- Expresses Support for Finding a Legislative Solution for Dreamers:
  – "Congress and the President should move expeditiously to craft and enact legislation that would provide urgently needed relief for Dreamers."
  – “Our teaching acknowledges and respects the right of sovereign nations to control their borders. Such measures should be financially sound, effective, and should not harm the vulnerable.”
  – “However, we caution against introducing unrelated, unnecessary, or controversial elements of immigration policy—especially those that jeopardize the sanctity of families or unaccompanied children—into the bipartisan search for a just and humane solution for the Dreamers.”

• Bishop Joe S. Vásquez – Statement on WH Framework
  – “We welcome the Administration’s proposal to include a path to citizenship for Dreamers. However, the proposed cuts to family immigration and elimination of protections to unaccompanied children are deeply troubling.”
  – “We urge a bipartisan solution forward that is narrowly-tailored. Time is of the essence.”

• Bishop Joe S. Vásquez – Letter to Speaker Ryan on Goodlatte Bill:
  – “We believe that any legislation must be: (1) bipartisan, (2) provide Dreamers with a path to citizenship, (3) provide a solution for the largest possible number of deserving young Dreamers, (4) uphold the sanctity of families, and (5) protect the vulnerable.”
  – “H.R. 4760 significantly undermines the family immigration system, does not provide an acceptable solution for Dreamers, and upends existing protections for asylum seekers and unaccompanied children.”
What Can You Do?

• **Learn More.**
  – Sign up for Justice for Immigrants: [https://justiceforimmigrants.org/take-action/join-us/](https://justiceforimmigrants.org/take-action/join-us/)
  – DACA Resources Page: [https://justiceforimmigrants.org/daca-resource-page/](https://justiceforimmigrants.org/daca-resource-page/)

• **Voice Your Support for Dreamers.** Urge your members of Congress to pass bipartisan legislation to protect Dreamers.
  – Take action at: [https://justiceforimmigrants.org/category/action-alerts/](https://justiceforimmigrants.org/category/action-alerts/)

• **Contact Your Lawmakers.** Set up meetings with your Senators and Representative.
  – In-District Meetings from Feb. 17-25th.
JFI Meeting Talking Points

- **Find a Solution to Protect Dreamers.** The approximately 1.8 million Dreamers living in our country were brought to the United States as young children and teens. They worship with us in our churches and synagogues, serve in our military, contribute to our economy, and add their many talents to American society.

- **Provide a Path to Citizenship.** Dreamers know America as their only home and should not be denied the opportunity to obtain U.S. citizenship and participate fully in civic life.

- **Recognize the Sanctity of Families.** Family immigration is the foundation of our country and of our Church. Pope Francis states, “the family unit, the family is the foundation of co-existence and a remedy against social fragmentation.” We steadfastly know that families are what holds America together. We ask you to reject legislation that threatens family-based immigration.

- **Recognize the Right of Nations to Control Their Borders.** While Catholic social teaching on migration recognizes and respects the sovereignty of each nation to regulate its borders, this right must be balanced with the right of vulnerable migrants, such as asylum seekers and victims of human trafficking, to access protection. Furthermore, border security should be proportional and humanely implemented.

- **Maintain Protections for Unaccompanied Children.** A solution for Dreamers cannot be at the expense of other immigrant children. We ask that you maintain existing protections for unaccompanied children which help prevent trafficking and abuse of these children and ensure their access to adequate care.
Questions?

Please type your questions in the Chat area of your webinar screen

Send any follow-up questions to acube@usccb.org

To view this and other webinars, visit the JFI Website: http://justiceforimmigrants.org/