

Update on SCOTUS Decision on DACA: *What We Know and What's to Come*



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**This webinar is intended as an off-the-record discussion with the JFI network.
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Bishop Mario E. Dorsonville,
Auxiliary bishop of Washington, DC and
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Introduction

- Presenters
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Photo Credit; NBC News

DACA Timeline

What is DACA?

On June 15, 2012, the Secretary of DHS announced via a [memorandum](#) that certain individuals who came to the U.S. as children and met several guidelines could request consideration for deferred action through the newly initiated Deferred Action for Childhood Arrivals (DACA) program.

Does DACA Provide a Path to Legalization or to Citizenship?

No. DACA does not grant a path to permanent residency or citizenship. That can only be done if legislation like the DREAM Act were to be enacted into law.

How Many Persons Are Currently Protected by DACA?

There are approximately 700,000 individuals who currently have DACA. It is estimated, however, that there are as many as 1.3 million persons living in the U.S. who could be immediately eligible for the program. Some potential DACA recipients did not come forward because they faced obstacles such as the application fee or proof of continuous presence, while others feared giving information to DHS.

What happened to DACA in September 2017?

The Trump Administration attempted to end DACA on September 5, 2017, allowing one-time renewal for those whose status was set to expire between September 5, 2017 and March 5, 2018. For nearly three years, the attempt to terminate DACA was the subject of litigation and multiple nationwide preliminary injunctions.

On November 12, 2019, Supreme Court heard oral argument on DACA.

The Supreme Court Weighs In

On June 18, 2020, the Supreme Court issued a ruling that has at least temporarily prevented the Administration from ending DACA.

Although the DACA program is safe from elimination for the time being, it is essential that Congress act to provide more permanent protection to DACA recipients.

Supreme Court Decision on DACA



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- **5-4 decision vacated the DHS rescission of DACA**
- In rescinding DACA, DHS failed to comply with procedural requirements.
- DHS “was required to assess whether there were reliance interests, determine whether they were significant, and weigh any such interests against competing policy concerns.”
- Failure to consider retaining forbearance or accommodating particular reliance interests was arbitrary and capricious in violation of the APA.

What Does This Mean For Dreamers?

- Seek legal advice on risks and benefits of filing a first-time DACA request or for advance parole
- Gather documents and prepare to file, but wait for further guidance from DHS
- Get screened for other relief



What Does This Mean For Dreamers?

- Current DACA recipients remain protected from deportation and eligible for related benefits
- The renewal process is unchanged
- SCOTUS decision allows the original DACA policy to be reinstated
- Next step: how and when will initial DACA and advance parole requests will be accepted?



Key Takeaways from the Supreme Court Decision

- This victory is temporary and Congress must act for a real solution
- Court did not address whether the DACA policy itself is legal
- In a decision to rescind DACA, DHS must consider DACA recipient's reliance interest in the policy and cannot provide *post hoc* rationalization for rescission
- DHS could issue a new rescission memo that would satisfy the APA requirements
- The next step is to see how DHS responds.
- Seek legal consultation regarding risks and benefits of filing any DACA request
- Get screened for other forms of immigration relief

Personal Impact of DACA Decision: Focusing on Human Reality



José Arnulfo Cabrera, Director of Education and Advocacy for Migration, Ignatian Solidarity Network

Timeline for DACA Solution

- On June 18, 2020, the Supreme Court issued a ruling that, at least temporarily, prevents the Administration from ending DACA. Although the DACA program is safe from elimination for the time being, it is essential that Congress –specifically the Senate– act to provide more permanent protection to DACA recipients.
- President Trump announced he will alter or end the DACA program.
- August 2020 recess
- September 30, 2020: Fiscal Year (FY) 2020 ends and Congress must have passed legislation to fund the U.S. government for FY 2021.
- November 3, 2020: Election Day
- December 1, 2020: Possible lame-duck session of Congress

Messaging and Key Points

- **SCOTUS' Decision Is A Win for DACA and Dreamers, But Not the End of What Can Be Done to Protect Dreamers. Congress Must Act.**
- **The Senate can act to ensure that Dreamers can have lasting legislative protection and a path to citizenship by moving forward legislation now.**
 - The Senate must act immediately to provide a path to citizenship for Dreamers by passing the bipartisan Dream Act, S. 874, and consider introducing a companion bill to HR 6.
- **COVID-19 Presents Additional Threats to DACA Recipients**
 - In a time of heightened uncertainty amidst the COVID-19 pandemic, 700,000 DACA recipients across the country are facing extreme, unprecedented challenges - far beyond their current day-to-day hardships.
 - DACA recipients across the country - nearly 90% of whom are currently employed - face the loss of their jobs, wages, and healthcare as the crisis continues.
- **Dreamers Are Working on the Frontlines of the COVID-19 Response**
 - DACA recipients are deeply embedded in our society and are now in the front lines of the labor force responding to pressing needs.
 - According to the New American Economy, 62,600 DACA-eligible individuals are currently employed in the healthcare industry nationally.
 - According to the Center for Migration Studies, 21,100 DACA holders work in transportation and warehousing, including 6,400 in warehousing and storage and 5,100 in truck transportation.
- **We Should Protect Dreamers and Advocate for Legislative Protection**
 - DACA holders essentially grew up in the U.S. and many of them remember little, if anything, about where they were born.
 - They are American in everything but immigration status. These young people attend colleges and universities with our own children or siblings, are required to pay taxes, serve honorably in our nation's armed services and reserves, and worship with us in our parishes.
- **DACA recipients are among the most "extremely vetted" immigrants in the United States**
 - The government knows they have not previously committed any felonies, knows where they live and work, how much they pay in taxes, and know if they leave the country and return.
- **DACA recipients contribute over \$42 billion annually in GDP (according to American Action Forum) and pay for the DACA program.**

What does the Church and Catholic teaching say about Dreamers?

- The United States Conference of Catholic Bishops has long supported Dreamers, and we continue to urge Congress to work with all deliberate speed towards a bipartisan legislative solution that includes a path to citizenship for these youth.
- As Catholics, we are taught to care for the stranger and the vulnerable: “For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me.” (Mt 25:35). These are our obligations as a Christian people – to care for our neighbor. Let’s remember and live by the teaching in Leviticus 19:34: *The foreigner living with you must be treated as one of your native born. Love them as yourself, for you were foreigners in Egypt.*
- Punishing DACA Youth Does Not Advance the Common Good.
These youth came forward out of the shadows to cooperate with our government and get right with the law, to the extent that they could. They paid a fee to apply for DACA, they submitted to a rigorous application process and investigation, they gave their personal and family information to the government, and they agreed to pay taxes on any wages they received through use of the work authorization. To turn our backs on these young people and their families would be inhumane, inequitable, and would undermine the ideas of fairness and compassion that our nation holds dear.

What Can You Do?

- **Learn More about Dreamers**
 - Sign up for Justice for Immigrants:
<https://justiceforimmigrants.org/take-action/join-us/>
 - JFI DACA Resources Page: <https://justiceforimmigrants.org/daca-resource-page/>
- **Contact Your Senators and Urge Them To Act**
 - Send our Action Alert
 - Make an Appointment with Your Senate Office In District
- **Learn How You Can Support Dreamers**
 - See CLINIC's DACA Legal Resource Page
 - Learn More about DACA Support Services from Ignatian Solidarity Network

Questions

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