



DACA After *United States v. Texas*: Recommendations for the President

A Report by the Committee
for Immigration Reform Advocacy Working Group

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The mission of the Committee for Immigration Reform Implementation is to maximize the successful legalization of eligible immigrants through legislation and executive action. Its goal is to develop a well-planned, national, and comprehensive approach to the implementation of immigration relief that complements and supports the efforts of others in the field. Comprised of 27 organizations, the CIRI Steering Committee collectively serves 50 states, the District of Columbia, and Puerto Rico. CIRI operates primarily through six “Working Groups” organized around six substantive functions.

The purpose of CIRI’s Advocacy Working Group is to advocate for generous and effective rules and administrative procedures for implementing administrative relief to achieve a just immigration system that treats immigrants with dignity and respect. The group is comprised of 22 national-level organizations that have technical expertise in immigration law, collateral laws that affect immigration, and regulatory advocacy.

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This brief summarizes recommendations for Deferred Action for Childhood Arrivals by leading national-level organizations that support the program and have monitored implementation since 2012. CIRI Advocacy Working Group member organizations represent a broad array of voices impacted by executive action—the labor and faith communities, community organizers, the Latino community, Asian American and Pacific Islander communities, and farmworkers, as well as the private and non-profit immigration bars. Our recommendations were informed by these member organizations and the immigrants they serve.

Each member organization contributes to the Group’s advocacy efforts and the following members directly contributed to this report: AFL-CIO, American Immigration Council, American Immigration Lawyers Association, Asian Americans Advancing Justice – AAJC, Asian Americans Advancing Justice – Los Angeles, Catholic Legal Immigration Network, Inc. (CLINIC), Center for Community Change, Fair Immigration Reform Movement (FIRM), Farmworker Justice, Immigrant Legal Resource Center, MALDEF, National Council of La Raza (NCLR), National Day Laborer Organizing Network (NDLON), National Immigrant Justice Center, National Immigration Law Center, National Immigration Project of the NLG, National Partnership for New Americans, PICO National Network, United Farm Workers Foundation, and United We Dream.

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I. Introduction

Four years ago, President Barack Obama announced the creation of an initiative that would later come to be known as Deferred Action for Childhood Arrivals (DACA). A form of prosecutorial discretion, this initiative allows young, undocumented immigrants who entered the country before the age of sixteen and meet certain other criteria to apply for temporary protection from deportation, known as “deferred action.”¹ In the last four years, over 728,285 individuals successfully applied for and received DACA,² with upwards of 1.8 million individuals potentially eligible for relief.³ In addition to transforming the lives of these young people, DACA has had important positive effects across the board, for example by raising tax revenues and increasing public safety.⁴ The enormity of DACA’s impact makes it one of the most successful pillars of the Obama Administration’s legacy.

Building on this success, on November 20, 2014, the Administration announced an expansion of DACA, along with the creation of a similar initiative, known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA).⁵ Shortly thereafter, Texas and 25 other states challenged the expansion of DACA and creation of DAPA, preventing implementation. On June 23, 2016 the Supreme Court issued a tie opinion in *United States v. Texas*,⁶ affirming the 5th Circuit’s decision to maintain a nationwide injunction on these two initiatives. The original 2012 DACA, however, continues to be in effect. Consequently, the Court’s decision does not preclude the current and any future Administration from continuing to improve DACA in a manner that further maximizes the population eligible for relief. In the spirit of this mission and in light of the four-year anniversary of DACA, this report summarizes DACA’s success and outlines a variety of recommendations.

These recommendations include steps the U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) can take to ensure that financial and other barriers do not discourage individuals from seeking relief. The report also enumerates strategies that USCIS can adopt to strengthen the process and maximize application rates. Finally, the report touches on internal measures that USCIS can implement to ensure that applications for relief are adjudicated in a fair, transparent, and consistent manner.

While the recommendations in this report focus on DACA, this and future Administrations can similarly implement these recommendations in the context of DAPA (when the current injunction is lifted) and other administrative reform measures. Adopting these recommendations will help to cement DACA as one of the most successful humanitarian relief initiatives in our nation’s immigration history.

These recommendations include steps USCIS can take to ensure that financial barriers do not discourage individuals from seeking relief. Helpfully, the report enumerates strategies that USCIS can adopt to expand the population eligible for DACA. The report also touches upon internal adjudication measures that USCIS can implement to ensure that applications for relief are adjudicated in a fair, transparent, and consistent manner. Finally, the report outlines collateral issues related to DACA, including travel and access to health care.

Moreover, while the recommendations in this report focus on DACA, this and future Administrations can similarly implement these recommendations in the context of DAPA and other administrative reform measures. Consequently, by adopting these recommendations, this and future Administrations can cement DACA as one of the most successfully humanitarian relief programs in our nation’s immigration history.

II. DACA'S Success

In the four years that have passed since the President made his announcement, the implementation of DACA has moved forward and, most importantly, many of the lives of the young people who have successfully applied for its protection have markedly improved. Below, the report summarizes successful aspects of the initiative and its positive impacts on individuals, families, and communities.

A. PROPER USE OF EXECUTIVE AUTHORITY TO GRANT ADMINISTRATIVE RELIEF

Deferred action is a long-standing form of prosecutorial discretion that exists under the Immigration and Nationality Act (INA)⁷ granting the Secretary of Homeland Security the authority to enforce immigration laws, and has been used in many forms since the early 1970s.⁸ Deferred action provided under DACA prevents individuals from being placed in removal proceedings, may suspend proceedings that have already commenced, or may stay the enforcement of any existing removal order. Thus, this administrative relief broadly protects young people from deportation. As indicated above, DACA also allows individuals to apply for employment authorization. These first two protections can be transformative for individuals living in constant fear of deportation and with no legal means to support themselves. Further, in certain limited circumstances, DACA recipients may apply for authorization to travel abroad. Together, the protection from deportation, the ability to engage in employment, and the potential to travel abroad for humanitarian, scholarly, or employment reasons has positively impacted the lives of nearly a million individuals, who are now able to pursue higher education and employment opportunities while integrating and contributing in a greater way to their communities.

B. POSITIVE IMPACT ON INDIVIDUALS, FAMILIES, AND COMMUNITIES

USCIS data shows that over 45 percent of eligible applicants have applied for DACA.⁹ While the temporary shield against detention and deportation is a key factor for these application rates, DACA also provides important educational and direct economic benefits that are equally important incentives for applying. DACA allows individuals to obtain social security numbers, establish credit histories, and obtain employment and driver's licenses. Further, DACA allows many individuals to pursue long-stalled careers or otherwise foreclosed educational opportunities. These positive changes not only benefit the individual DACA recipient, but also their families and communities in meaningful ways.



Fano's parents came to the U.S. from Madagascar to pursue their education. They brought Fano to the U.S. when she was 10 years old. With the help of DACA, Fano is earning a degree in computer science from Concordia University and working as a library assistant. After she graduates, Fano hopes to do technology research. "Having DACA allows me to work at the library which helps me pay my tuition and contribute to my family financially. If I didn't have DACA, going to school would be very hard since I wouldn't be able to work."

Story provided by National Immigrant Justice Center.

Educational Attainment. DACA beneficiaries experience increased access to higher education, trade schools, and specialized vocations. Because DACA requires a high school diploma or GED, the initiative has also motivated individuals to return to school.¹⁰ To date, twenty states offer in-state tuition for public colleges and universities to DACA recipients.¹¹ Five states offer state financial assistance to undocumented students. Such educational attainment is not only beneficial to the individual DACA recipient, but also for our society as a whole. Our nation's economy requires workers with knowledge and skills that can only be obtained through postsecondary education and training. Students who are able to transition from public education to postsecondary programs leverage education investments made during K-12 grades and keep the U.S. competitive in the global marketplace.

Susana* applied for DACA at age 15—"I remember approaching graduation and all I knew was I wanted to pursue a higher education. Realizing that many doors began to close due to my legal status, I felt like I had crashed into a wall and wouldn't be able to pursue my educational and career goals. DACA has helped me continue my educational ambitions. I have finished the nursing assistant program at Madison College and I am about to take the state exam in order to obtain my CNA certificate. My future goals consist of getting an associate's degree as a medical laboratory technician and later on getting a bachelor's in pharmacology. No words can describe how joyful my heart feels to know that there is hope for people who experience the same circumstances that I have overcome."

Story provided by Jewish Social Services, Madison, WI.

*Pseudonym

Financial Benefits. DACA beneficiaries report significant financial benefits to possessing employment authorization, including obtaining internships and new employment that have increased their earnings.¹² The related benefit of obtaining a social security number allows applicants to open bank accounts, establish credit, and seek opportunities for home and car ownership. Many times these benefits extend beyond the individual recipient, positively impacting their family and household. A recent study shows that over 60 percent of DACA recipients contribute to their family's finances.¹³ Accordingly, individuals and families that earn more money pay more in taxes and contribute more to our economy.¹⁴

Chirayu was brought to the U.S. from India when he was 11 years old. He grew up in Chicago and completed his undergraduate degree in political science and economics at the University of Illinois at Chicago. Growing more passionate about social justice and democratic participation, he registered new citizens in the South Asian community to vote and coordinated a program that trained Asian American youth in leadership and community organizing skills. When DACA was announced in August 2012, community leaders encouraged Chirayu to apply. "Since receiving DACA, the biggest thing is that I can actually apply my skill set," Chirayu says. Today, he helps homeowners find alternatives to foreclosure and is pursuing his license as a Certified Public Accountant.

Story provided by National Immigrant Justice Center.

Increased Mobility. While state laws vary widely on driver's licenses for undocumented immigrants, DACA beneficiaries are now able to obtain a license in all 50 states and Washington, D.C., a benefit that individuals are taking full advantage of.¹⁵ Further, four in ten surveyed DACA recipients now own their first car.¹⁶ Driving is often essential to holding a job to provide basic life necessities for one's family, such as food, shelter, and medical care. Those who drive work more hours and earn higher wages. With the permission to drive safely and legally work, DACA recipients can participate more fully in society without the constant fear of being stopped by the police. Further, DACA recipients' access to driver's licenses improves public safety, increases auto insurance coverage rates, and generates additional revenue for states.¹⁷



Mireya, born and raised in Mexico, is a first generation college student at the University of Texas at Austin. She is double majoring in economics and international relations and hopes to enter the international supply chain management field upon graduation. She was presented with the opportunity to study abroad in Shanghai during the fall semester of 2015. Mireya applied for an advance parole travel document, which allows an immigrant to travel outside the country in certain narrow circumstances. In December 2015, Mireya completed the Business, Language and Culture program in Shanghai and says that it was one of the best decisions she's ever made.

Story and photo provided by Catholic Charities Immigration Legal Services Austin, TX.

While these substantive benefits are clear, the intangible benefits of DACA are also very important. The negative psychological impact of constantly living in fear of deportation weighs heavily on individuals who are undocumented and live in families with mixed immigration statuses.¹⁸ Planning for the future becomes nearly impossible in such circumstances. DACA has changed that for many young men and women who can now become more integrated into their communities, plan for college, contribute to their family finances and seek better employment opportunities.

Yesenia is a DACA beneficiary with DAPA eligible parents. "I know the power of executive actions because as a DACA college student, I have experienced the immense relief and opened doors that have allowed me to continue striving for the American Dream. When I received DACA, it was bittersweet because I wished that my parents could have the same relief too. Although my parents are aging, they still continue working in the grape fields of Kern County (California) alongside many other honest, hardworking, and responsible undocumented families who make it possible for this nation to eat every day. One of my sisters has already been deported and her absence hurts all of us every day. I am proud of my parents and their sacrifice. I can't wait to live without the fear of being separated from my family, a fear that can become reality at any moment."

Story and photo provided by The Faces of DACA and DAPA.



C. PRODUCTIVE ENGAGEMENT, PROGRESSIVE IMPLEMENTATION, AND EFFECTIVE OUTREACH

From the start, DACA's success has hinged on non-profit and state and local governmental organizations that have largely borne the cost of educating their communities about DACA and its benefits, in addition to providing direct services to applicants. Such organizations took on the additional burden of translating key materials and investing in communications, including public service announcements that provided information about the initiative as well as critical information about avoiding immigration fraud. They committed resources to obtaining data on vulnerable and underserved populations and worked to address the needs of those populations. These experiences informed advocates who, in turn, through productive engagement with USCIS, were able to effectuate changes that have significantly enhanced and improved DACA.



"My name is Annie Kao, and I am undocumented. I grew up in Taiwan and came to the U.S. with my grandmother and brother when I was 12 years old. During high school, I became aware of my undocumented status and I felt ashamed and embarrassed. It was difficult being one of the few undocumented Asian students at my school—I felt alone... When DACA... came out in 2012, I will admit that I was skeptical and I had my doubts. I now have a legal working permit and a social security number that allows me to legally drive. It was a huge turning point in my life. Now, I do not have to worry about what to do with my college degree."

Story and photo provided by Asian Americans Advancing Justice - LA.

Productive Engagement. Throughout the past four years, USCIS has regularly engaged with the public and key stakeholders to solicit feedback and suggestions regarding the administration of DACA. Amongst suggestions from key stakeholders, including groups now represented in CIRI's AWG, were the need for plain-language materials, translated materials in key languages as well as FAQs that are organized, user-friendly and clarify eligibility and documentation requirements.

Progressive Implementation. In addition to receiving public and stakeholder feedback, USCIS implemented suggestions which enhanced program efficiency and effectiveness. Over time, modifications to policy were made in order to expand eligibility, dispelling concerns of potential applicants and employers and making the process more accessible and inviting. Further, efforts were made to make DACA more efficient and affordable by lengthening the validity period from two to three years, though this proposed change currently remains enjoined.

Effective Outreach. DACA's success has required coordination by USCIS, foreign governments, state and local governments, and civic, labor, faith-based, and community organizations. At the outset of the initiative in 2012, USCIS and many such organizations engaged in extensive outreach efforts to publicize the initiative. These efforts should continue during renewal periods and target the nearly 90,000 individuals who age into DACA each year.¹⁹

While the initiative has been a great success, DACA is not a long term or permanent solution, which can only be provided by Congress. DACA recipients generally report favorable changes in their lives since receiving deferred action, but many indicate that they are living in temporary, two-year increments which makes planning for the future difficult.

III. RECOMMENDATIONS FOR CONTINUED SUCCESS

A. MAKE DACA MORE AFFORDABLE

While there are approximately 1.2 million individuals currently eligible for DACA,²⁰ only about 728,285 have successfully received DACA.²¹ Cost represents the single largest obstacle for individuals seeking to apply for DACA, with surveys indicating that the \$465 filing fee represents a significant barrier.²² Troublingly, the cost to apply for DACA is likely to increase to \$495 under USCIS proposed fee schedule.²³ The recurring nature of the filing fee also exacerbates this burden. By undertaking the below steps to improve affordability, USCIS could drastically increase the rate of initial and renewal applications.

Expand Access to Fee Exemptions and Waivers. A fee exemption automatically exempts an individual from paying filing fees if that individual belongs to a certain category.²⁴ USCIS only offers a very narrow set of fee exemptions for individuals applying for DACA.²⁵ By carefully expanding these exemptions, USCIS would maintain the financial integrity of the program and encourage more people to apply. Accordingly, USCIS should explore expanding the fee exemption categories to include individuals whose family income is at or below 50 percent of the federal poverty level, which would reach approximately 14 percent of DACA-eligible individuals. USCIS should also explore the feasibility of providing fee exemptions for guardians and caretakers of family members with chronic disabilities, survivors of domestic violence, full-time students, and parents of U.S. citizens. Finally, USCIS should investigate the feasibility of expanding the existing fee waiver process, Form I-912, to DACA applicants.

Let Applicants Use Credit Cards to Pay. USCIS requires that DACA applicants pay the filing fee using a check or money order, but does not allow other forms of payment, such as credit cards. DACA recipients are able to obtain a social security number, making many eligible for lines of credit for the first time, with 38 percent of individuals obtaining their first credit card after receiving DACA.²⁶ Particularly in the context of renewals, credit cards would allow DACA recipients to pay the filing fee without having the full amount and within the recommended timeframe, instead of waiting dangerously close to their expiration date because of a lack of funds. Accordingly, USCIS should allow individuals to use credit cards to pay for initial and renewal of DACA.

Avoid Overlap in DACA Grant Period. In the context of DACA renewals, USCIS makes an effort to issue the start date of a new grant of deferred action close in time to the end of the preceding grant. In some cases, however, the new grant overlaps by several weeks or one to two months, practically meaning that an individual receives less than the full two-year grant of deferred action, and therefore loses a portion of the deferred action period.²⁷ USCIS should identify strategies to avoid these overlapping grants of deferred action and instead always issue consecutive grants.

B. ALLOW REASONABLE FLEXIBILITY AND DISCRETION IN DETERMINING WHICH APPLICANTS MEET THE GUIDELINES

Make Individualized, Not One-Size Fits All Assessments. Rather than a rigid approach that narrowly focuses on individual eligibility requirements, USCIS should take a balanced approach that looks at the entirety of the applicant's circumstances. For example, USCIS should carefully assess applicants who work full-time, are primary caregivers, or face numerous and significant obstacles to enrolling in a qualifying educational program because of scheduling restrictions or unavailability of qualifying literacy or educational programs in proximity to where they live. These factors should be taken into consideration—not as exceptional circumstances but rather as significant practical barriers that are part of the economic reality of the DACA-eligible population and that may be waived—so that applicants who otherwise meet the majority of other eligibility requirements may still be granted favorable discretion. Similarly, rather than impose a wholesale bar for certain applicants, DHS should evaluate the facts and circumstances of each individual case on its own, such as the age of the applicant, the nature of any past offense, community ties, and rehabilitation, to provide an individualized, case-by-case assessment.

Bo is 20 years old and lives in Irvine, California. "I came from Thailand in 2009; I was 13 years old. My cousin, aunt and uncle opened up a family owned restaurant. We were just working. I was told my paperwork got messed up and that's how I became undocumented. Because I did not have a social security number, I couldn't work; I couldn't drive. It was a hard time in high school because being Asian and undocumented, there weren't too many people I could talk to. DACA came out in 2012. I started to apply but I didn't fit the requirements because I came in 2009 and the cut-off date was 2007. When I went to college, in 2014, President Obama announced an expansion to DACA. I thought it was the perfect year. I thought I was going to live a normal life: no more fear of deportation. And then the expansion was halted. That bright light went dim."

Story and photo provided by Faces of DAPA and DACA.



State Convictions that Target Immigrants Should Fall Under "State Immigration Laws". When assessing eligibility for DACA, USCIS excludes misdemeanor minor traffic offenses and state immigration-related offenses, whether misdemeanors or felonies. Many jurisdictions, however, purposely enacted and employ immigration-neutral laws—such as felony identity theft in Arizona²⁸ and felony driving without a license in Georgia²⁹—to target immigrants and minority communities. Accordingly, USCIS should categorically exclude these and other convictions from jurisdictions that have enacted laws to specifically target immigrants and minorities.

C. PROCESSING REQUESTS FOR DACA MORE EFFICIENTLY

USCIS employs a variety of processes when granting, renewing, denying, and terminating DACA. By improving and clarifying these processes, USCIS can better provide the tools for individuals to understand USCIS's ultimate decision in their cases and—if applicable—the steps to take to remedy an erroneous decision. Moreover, by improving these processes, USCIS can encourage more individuals to apply for renewal of DACA in a timely manner.

Provide Automatic, Temporary Grants of DACA for Renewals. When USCIS receives a request for renewal of DACA, it does not provide a temporary, interim grant of deferred action. Consequently, when USCIS does not adjudicate a renewal request before expiration, an individual loses the deferred action status and work permit, potentially accruing unlawful presence and being dismissed from a job. USCIS has the authority to provide a temporary grant of DACA upon receipt of a request for renewal to ensure that individuals don't have a lapse in DACA because of processing or other delays. Accordingly, USCIS should provide an automatic, temporary grant of deferred action and work authorization upon the receipt of a renewal request for both timely and untimely requestors.

Keep DACA Applications Confidential. One of the largest concerns expressed by individuals considering whether to apply for DACA is whether their information will be shared for the purposes of immigration enforcement.³⁰ Consequently, a robust confidentiality policy that prohibits the sharing of sensitive information with law enforcement is critical to ensure that individuals feel secure enough to apply for relief. Accordingly, USCIS should enhance its existing confidentiality policy to guarantee that, absent extraordinary circumstances, information disclosed in applications will not be used for enforcement purposes at any time.

Protect Sensitive Juvenile Records. USCIS currently requests that individuals submit juvenile adjudication records or, in states where such disclosure is prohibited, information regarding the underlying conduct.³¹ Consequently, USCIS has a patchwork policy where an individual may have to submit juvenile adjudication records depending on state of residence. Our criminal justice system explicitly treats offenses committed as juveniles differently than those committed as an adult and does not consider them convictions. Accordingly, USCIS should refrain from requesting all juvenile adjudication records, from all jurisdictions, regardless of the existence of a state confidentiality law. Additionally, USCIS should not request information regarding the underlying conduct that created the record, as doing so defeats the purpose of state confidentiality laws.

Remind Individuals to Renew Using Text and Email. There are a substantial number of cases where DACA recipients do not file for renewal on a timely basis, e.g., 120 days or more before expiration. USCIS currently mails a letter 180 days before expiration of DACA to remind individuals to renew, but does not send any other reminders. USCIS has the phone number and email address of most DACA recipients on file³² and has the technological capabilities to send reminders through those mediums. Accordingly, USCIS should provide electronic reminders, such as text messages and emails, to remind individuals to renew in a timely manner.

Let Applicants Use More Sworn Affidavits. Currently, USCIS does not accept affidavits as proof for satisfying several eligibility criteria, including entry before the age of 16 and larger gaps in continuous residence.²⁸ The inability to use affidavits for these requirements disproportionately affects vulnerable individuals, such as homeless individuals or children of agricultural workers, who may be eligible for DACA but do not have sufficient evidence. Sworn affidavits are an invaluable tool for this population and their ability to successfully apply for and receive relief. Accordingly, USCIS should expand its policy to allow sworn affidavits in some situations to satisfy additional eligibility criteria for DACA.

Araceli* submitted her DACA application on her own. The government requested additional evidence and, shortly thereafter, sent her a Notice of Intent to Deny because she was missing documentation to demonstrate continuous presence in the United States. With the help of an NIJC pro bono attorney, she was able to provide affidavits accounting for this additional information and her application ultimately was approved.

Story provided by National Immigrant Justice Center.

*Pseudonym

Tell Applicants Why They Don't Qualify for DACA. When USCIS plans on denying an individual's request for DACA, it will issue a notice of intent to deny followed by a notice of denial. In many instances, however, USCIS will fail to provide specific grounds for these notices, often couching its denial on the vague grounds. USCIS has a similar policy in the context of terminations. Consequently, in these types of cases individuals are unable to understand USCIS's decision or provide responsive evidence. Accordingly, USCIS should provide greater clarity when issuing notices of intent to deny, denials, and terminations by always specifically outlining the grounds for the decision. USCIS should also establish an inquiry system that allows individuals to obtain more information regarding negative DACA decisions.



Now in his late 20s, Rayyan came to the U.S. from Malaysia when he was four years old. Although Rayyan was hesitant, his parents encouraged him to apply for DACA. "My parents were so excited when the DACA program was announced. [They told me] I'm a good kid with good grades and I've never been in trouble with the law. They were sure applying for the DACA program would pay off for me." With the little money his family had, they hired a lawyer to file his request for DACA only to be denied months later. Despite the denial, his parents encouraged him to try again. He eventually submitted his DACA application again. Four months later, he was approved. Rayyan is now a financial advisor at a successful company. With the salary he is making now, he is finally able to take care of his parents, who were working at a local gas station, and can now retire.

Story and photo provided by Asian Americans Advancing Justice - LA.

IV. Conclusion

There is no dispute that DACA has been an incredibly successful initiative that has positively impacted almost a million individuals. From promoting self-sufficiency, to opening up educational opportunities and allowing individuals to pursue long-stalled careers, DACA represents a turning point and measure of hope in an otherwise dysfunctional immigration system. To continue to build upon these successes, this and future Administrations must continue to be vigilant regarding opportunities for improvement and demonstrate that our nation's immigrant policy can be just, fair, and equitable. This report provides a roadmap for some of those opportunities. On this four-year anniversary, the CIRI-AWG acknowledges the immense and immeasurable impact that DACA has had on our nation and commits to engaging with DHS to build upon that impact in the years to come.

V. ENDNOTES

- ¹ See Memorandum from Janet Napolitano, Secretary, U.S. Department of Homeland Security, Memorandum on Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children (June 15, 2012), available at www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf.
- ² U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, NUMBER OF I-821D, CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS BY FISCAL YEAR, QUARTER, INTAKE, BIOMETRICS AND CASE STATUS: 2012-2016, 1 (March 31, 2016), available at www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals.
- ³ *Who and Where the DREAMers Are, Revised Estimates: A Demographic Profile of Immigrants Who Might Benefit from the Obama Administration's Deferred Action Initiative*, AMERICAN IMMIGRATION COUNCIL, Oct. 2012, www.immigrationpolicy.org/just-facts/who-and-where-dreamers-are-revised-estimates.
- ⁴ See, e.g. Silva Mathema, *Assessing the Economic Impacts of Granting Deferred Action Through DACA and DAPA*, CENTER FOR AMERICAN PROGRESS, April 2, 2015, www.americanprogress.org/issues/immigration/news/2015/04/02/110045/assessing-the-economic-impacts-of-granting-deferred-action-through-daca-and-dapa; Roberto G. Gonzales and Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growth Power of DACA*, AMERICAN IMMIGRATION COUNCIL, June 2014, www.immigrationpolicy.org/special-reports/two-years-and-counting-assessing-growing-power-daca.
- ⁵ Memorandum from Jeh C. Johnson, Secretary, U.S. Department of Homeland Security, on Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents to Leon Rodriguez et. al (Nov. 20, 2014), available at www.dhs.gov/sites/default/files/publications/14_1120_memo_deferred_action.pdf.
- ⁶ *United States v. Texas*, 579 U.S. ____ (2016).
- ⁷ INA § 212(d)(5), 8 U.S.C. § 1103(a) (West 2016).
- ⁸ *Executive Grants of Temporary Immigration Relief, 1956-Present*, AMERICAN IMMIGRATION COUNCIL, Oct. 2014, <http://www.immigrationpolicy.org/just-facts/executive-grants-temporary-immigration-relief-1956-present>.
- ⁹ U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, NUMBER OF I-821D, CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS BY FISCAL YEAR, QUARTER, INTAKE, BIOMETRICS AND CASE STATUS: 2012-2016, (March 31, 2016), available at www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals.
- ¹⁰ Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three-Years Later 11*, UNITED WE DREAM, Oct. 2015, <http://unitedwedream.org/wp-content/uploads/2015/10/DACA-report-final-1.pdf> ("The survey indicated that since they received DACA, 30 percent of survey respondents returned to school.").
- ¹¹ Gilberto Mendoza, *Tuition Benefits for Immigrants*, NATIONAL CONFERENCE OF STATE LEGISLATURES, July 7, 2015, www.ncsl.org/research/immigration/tuition-benefits-for-immigrants.aspx.
- ¹² Roberto G. Gonzales and Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growth Power of DACA*, AMERICAN IMMIGRATION COUNCIL, June 2014, www.immigrationpolicy.org/special-reports/two-years-and-counting-assessing-growing-power-daca.
- ¹³ Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three-Years Later*, UNITED WE DREAM, Oct. 2015, <http://unitedwedream.org/wp-content/uploads/2015/10/DACA-report-final-1.pdf>.
- ¹⁴ Silva Mathema, *Assessing the Economic Impacts of Granting Deferred Action Through DACA and DAPA*, CENTER FOR AMERICAN PROGRESS, April 2015, www.americanprogress.org/issues/immigration/news/2015/04/02/110045/assessing-the-economic-impacts-of-granting-deferred-action-through-daca-and-dapa/.
- ¹⁵ *Id.* at 20 ("The study suggests that DACA recipients are taking full advantage of this with more than 90 percent getting their driver's license or state identification card.").
- ¹⁶ *Id.*
- ¹⁷ Michelle Waslin, *Why States Should Grant DACA beneficiaries Driver's Licenses*, IMMIGRATION IMPACT, Aug. 27, 2012, <http://immigrationimpact.com/2012/08/27/why-states-should-grant-daca-beneficiaries-drivers-licenses/>.
- ¹⁸ *Coming of Age on the Margins: Mental Health and Wellbeing Among Latino Immigrant Young Adults Eligible for Deferred Action for Childhood Arrivals (DACA)*, J. IMMIGR. MINOR HEALTH, Feb. 6, 2016, <http://www.ncbi.nlm.nih.gov/pubmed/26852235>.
- ¹⁹ Audrey Singer, Nicole Prchal Svajlenka, and Jill H. Wilson, *Local Insights From DACA for Implementing Future Programs for Unauthorized Immigrants*, Brookings Metropolitan Policy Program, June 4, 2015, <http://www.brookings.edu/research/reports/2015/06/04-local-insights-daca-singer-svajlenka-wilson>.

- ²⁰ Press Release, Migration Policy Institute, MPI: As Many as 3.7 Million Unauthorized Immigrants Could Get Relief from Deportation under Anticipated New Deferred Action Program (Nov. 19, 2014), <http://www.migrationpolicy.org/news/mpi-many-37-million-unauthorized-immigrants-could-get-relief-deportation-under-anticipated-new>.
- ²¹ U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, NUMBER OF I-821D, CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS BY FISCAL YEAR, QUARTER, INTAKE, BIOMETRICS AND CASE STATUS: 2012-2016, 1 (March 31, 2016), available at <https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals>.
- ²² Roberto G. Gonzales and Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growth Power of DACA* 6, AMERICAN IMMIGRATION COUNCIL, June 2014, www.immigrationpolicy.org/special-reports/two-years-and-counting-assessing-growing-power-daca.
- ²³ See U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, Frequently Asked Questions Q8 (June 15, 2015), available at <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions> [hereinafter “DACA FAQ”].
- ²⁴ DACA FAQ, *supra* note 23, at Q8.
- ²⁵ *Id.*
- ²⁶ Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three-Years Later*, UNITED WE DREAM, Oct. 2015, <http://unitedwedream.org/wp-content/uploads/2015/10/DACA-report-final-1.pdf>.
- ²⁷ DACA FAQ, *supra* note 23, at Q50.
- ²⁸ Nigel Duara, *Judge blocks Arizona ID theft law targeting job-seeking immigrants*, L.A. TIMES, Jan. 5, 2016, <http://www.latimes.com/nation/la-na-ff-arizona-immigrants-20150106-story.html>.
- ²⁹ Meredith Hoffman, *How Georgia’s Driver’s License Law turns Latinos into Felons*, VICE, March 23, 2016, <http://www.vice.com/read/how-georgias-drivers-license-law-turns-latinos-into-felons>.
- ³⁰ Tom Wong and Carolina Valdivia, *In Their Own Words: A Nationwide Survey of Undocumented Millennials*, CENTER FOR COMPARATIVE IMMIGRATION STUDIES, May 2014, www.undocumentedmillennials.com/.
- ³¹ See U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, Form I-821D, Consideration of Deferred Action for Childhood Arrivals (June 4, 2014), available at www.uscis.gov/sites/default/files/files/form/i-821d.pdf.
- ³² See U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, Form G-1145, e-Notification of Application/Petition Acceptance (Sep. 15, 2014), available at www.uscis.gov/sites/default/files/files/form/g-1145.pdf. This optional form collects the email and phone number for individuals who apply for DACA.
- ³³ DACA FAQ, *supra* note 23, at Q31.