



## DACA: What You Need to Know

### What is happening on Capitol Hill as of January 2018?

Some members on Capitol Hill have indicated that their top priority for January is an amnesty for beneficiaries of President Obama's unlawful Deferred Action for Childhood Arrivals (DACA) program. Democrats and open borders advocates are once again threatening a government shutdown while insisting on attaching an unconditional DREAM Act amnesty to must-pass spending legislation. At the same time, pro amnesty Republicans have even expressed support for a standalone package that pairs a DACA amnesty with meaningless enforcement provisions.

### How did we get here?

In June 2012, President Obama unilaterally created DACA to provide amnesty to certain illegal aliens who arrived in the country before the age of 16. The program gave illegal aliens deferred action – a term to describe a temporary deferment by the government from deportation – for two year, renewable terms, which also entitled them to temporary work permits. DACA was largely unpopular with the American people and President Trump campaigned heavily on ending the unconstitutional program.

In September 2017, Attorney General Jeff Sessions announced the Trump administration's plans to phase out the DACA amnesty program, which by this point, had already been threatened by litigation in the federal court system. Rather than ending the program abruptly, President Trump smartly and compassionately outlined a plan to phase out the work permit program over the next two years.

### What does the DACA population look like?

At the time the Trump administration announced it would no longer be accepting new applications for DACA, the population of beneficiaries totaled about 690,000, with about 800,000 individuals benefitting from the program since its inception. To qualify for DACA, the Obama administration required that an illegal alien meet certain criteria:

- 1) Was under the age of 31 as of June 15, 2012;
- 2) Entered the United States prior to their 16<sup>th</sup> Birthday;
- 3) Was at least 15 years old to request DACA;
- 4) Continuously resided in the United States since June 15, 2007, up to the present time;
- 5) Must have been physically present in the U.S. and without a lawful immigration status on the day of the program's announcement: June 15, 2012;
- 6) Was currently in school, have graduated, or obtained an equivalent certificate of completion from high school, successfully obtained a general education development (GED) certificate, or must have been honorably discharged from the Armed Forces of the United States; AND

- 7) Has not have been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and must not pose a threat to national security or public safety.

While these requirements are fairly straightforward, open borders advocates and the media have long sustained myths about this class to portray these illegal aliens in the most sympathetic and flattering light, largely ignoring reality. Further, these parties willingly conflate DACA with the DREAM Act and other mass amnesty bills, which seek to amnesty many more illegal aliens than originally benefited under DACA. Most important to note:

- While most open borders advocates portray the DACA program as only befitting those who were a few years old and knowing no other country when they came to the United States illegally, the program only required that an illegal alien provide evidence that they entered the United States before their 16<sup>th</sup> birthday. In fact, many DACA recipients were raised in their native country and were nearly college age before entering the United States.
- Open borders advocates have consistently referred to DACA beneficiaries as “children” to put them in a more sympathetic light. While DACA recipients were minors when they entered the United States, **the overwhelming majority of DACA recipients are in their 20s and 30s**. Illegal aliens were eligible for DACA as long as they were under the age of 31 as of June 15, 2012. The ages of DACA recipients range from 15-36, and the average DACA recipient is 23 years old.
- The illegal alien lobby relies heavily on the myth that DACA recipients are just as proficient in English as any other U.S. native. They also contend that the average DACA beneficiary is generally unable to speak their native language and is a stranger in their home country and to their family’s customs. This myth has been sustained to bolster the argument that DACA beneficiaries would undergo exceptional hardships if the U.S. government returned them to their home countries. However, these contentions ring hollow. The DACA program did not require recipients to be fluent in English. An investigation by the Center of Immigration Studies revealed that approximately **24 percent of the DACA eligible population can be categorized as functionally illiterate in English and 46 percent have only basic English skills**.
- Pro-DACA amnesty groups also depict DACA beneficiaries as a well-educated group that contributes positively to the economy. Reality paints a different picture. Only **49 percent of DACA beneficiaries have a high school education**. The Obama administration routinely waived the education requirement of the program as long as the illegal alien was enrolled in some educational program at the time of applying. Thus, providing amnesty and eventually citizenship to low-skill and low-English proficient illegal aliens is nearly guaranteed to come at a high cost to American taxpayers through public service and benefit spending that their continued presence and newly lawful status will require.
- Documents obtained by Judicial Watch have also uncovered the Obama administration performed what can only be referred to as a **“lean and light” background investigations process** in order to rubberstamp as many DACA application approvals as possible. In the first few years of the programs existence, application approval rates were near 98-99 percent, rejecting only applicants that had a substantial history of criminal convictions in the United States.
- Many of the existing legislative proposals that claim to address the DACA population are too broad. For example, the most publicized bill floating out there, known as the DREAM Act (S. 1615), would make approximately 3.25 million illegal aliens eligible for amnesty, according to the Congressional Budget Office’s estimates.

## **Make Your Voice Heard (*Text FAIR to 52886*)**

**Before any action is taken to protect DACA recipients, Congress must prioritize reforms that protect American citizens and legal residents.** FAIR encourages its members to contact their lawmakers and remind them why they are in office: to protect the interests of their constituents – the American people, not foreign nationals or other special interests. Members of Congress must focus their efforts on our unique opportunity to shatter the unacceptable status quo and reform immigration laws to support American workers, strengthen the economy, all while protecting national security and public safety.

### **These essential reforms include:**

- **Ending chain migration categories that exist in current law.** This means preserving family immigration rights to the nuclear family – spouses and minor children – but not for distant, adult relatives. Ending chain migration would also drastically shorten the backlog and make admissions into the U.S. more fair, secure, and sustainable.
- **Mandating use of E-Verify** to ensure that new hires are authorized to work in the U.S. and eliminate the job magnet that draws in hundreds of thousands of illegal aliens every year. Currently, E-Verify is a popular, but voluntary program, maintained by the federal government that is both free and easy to use. Over 60% of all workers hired in the first three quarters of FY 2017 were verified using this system.
- **Securing the border** – which includes fully funding a border wall and providing appropriate Customs and Border Patrol (CBP) staffing and equipment.
- **Eliminating the Visa Lottery.** When determining which individuals should be invited into our country as immigrants, we should focus on people’s skills, education, and what they can contribute to society. The visa lottery, however, provides approximately 50,000 green cards a year to applicants at random. Over time, the combination of the lottery and the laws allowing extended chain migration have resulted in the admission of hundreds of thousands of immigrants with little or no ties to the United States. This program contains no assessment of whether a lottery winner’s job skills meet any sort of U.S. economic need and does not consider the education, English language ability, or connections to the country.
- **Prioritize merit-based immigration.** Our immigration system should choose immigrants based on an objective assessment of who is most likely to benefit the economic and social interests of our nation. Under current law, the U.S. admits over 1 million legal immigrants per year with only a small fraction admitted based on their skills. Congress should prioritize the admission of those who are most likely to succeed and support the economy over those who have distant familial ties to the country.
- **Ending sanctuary policies** in states, cities, and localities across the U.S. that disrupt immigration enforcement efforts, put immigration officials in danger, and allow criminal aliens to be released back onto the streets after they are already in custody for committing additional crimes in the United States. Congress must make common sense reforms to end policies that allow localities that prioritize criminal aliens and jeopardize public safety, particularly in immigrant communities.

**Remind your elected officials that:**

- President Trump was elected on the promise that American interests would be prioritized in immigration reform. American voters are tired of waiting for their elected officials to finally put the needs of Americans first.
- Congress must only support reforms that secure the border, increase interior enforcement, and address our highly dysfunctional legal immigration system by ending chain migration and the visa lottery. Failure to enact these reforms will come at a high political cost.
- **A DACA amnesty in exchange for token and ineffective immigration enforcement provisions is unacceptable.** Our elected representatives must stand firm and prevent Congress from making the same mistakes it made in 1986.
- **Amnesty never comes without great cost to the American public and the credibility of immigration system.** The nonpartisan Congressional Budget Office recently released its cost estimate of the DREAM Act, revealing that the bill would cost American taxpayers approximately **\$26 billion** over the next decade. Additionally, if history provides a precedent, any amnesty legislation would encourage additional illegal immigration into the United States. A recent FAIR report estimates the current illegal population already costs Americans **\$116 billion annually**.

**What should Congress do about DACA?**

**The American people are under no moral, legal, or economic obligation to provide amnesty to DACA beneficiaries, or any other group of illegal aliens.** Congress must fulfill the promises it has repeatedly made over the last three decades to its constituents. These promises need to be fulfilled before considering any proposal providing amnesty to DACA recipients.