

**Report on DACA, Dreamers, Undocumented Immigrants and Their Relevance to America**  
**Prepared by Peter Wedlund, Oct. 8, 2017**

**Historical Background:**

**What is DACA and who are Dreamers?** DACA is an acronym for **D**eferred **A**ction for **C**hildhood **A**rrivals. It refers to the estimated 1.9 million undocumented immigrants who arrived with their parents in the US as children, under 16 years of age at the time of their arrival. The median age at arrival was 8 years old, and about 1/3<sup>rd</sup> were 5 years old or less. Dreamers are a subset of DACA undocumented immigrants who were under thirty on June 12, 2012 when the Obama Executive Action went into effect for DACA individuals. DREAMer's comes from the Acronym for **D**evelopment, **R**elief and **E**ducation for **A**lien **M**inors, a piece of legislation that was first introduced in Congress in 2001. Dreamers typically refers to a subset of DACA individuals who were under 30 in June 2012 and are most affected by changes in their status because they are at an age where they are either looking to get a College education or work. The Dreamer's legislation dealing with these individuals has been reintroduced 9 times since 2001 in Congress and has NEVER been acted upon or approved by them.

**What is the problem with these undocumented immigrants?** First, unlike normal citizens, they are not allowed to work in the US legally. They cannot receive federal aid to help pay for College, get a driver's license in most states or apply for any type of federal help (food stamps, unemployment, healthcare) in time of need. They cannot legally get credit cards or a bank account. They must exist in the shadows, work at lower paying jobs and are as outcasts in the only country many of them have ever known, through no fault of their own. They live in fear of being deported at any time and seeing other members of their immediate family arrested and deported. Consequently, they avoid and fear police or any authority figure who may discover them and report them to immigration.

**What did Obama do that changed this?** The inability of Congress to act and resolve the issue with those undocumented immigrants who came to the US as children and now faced barriers to being accepted into our society led to his Executive Action to 2012. It provided those who arrived illegally as children, a process by which they could receive a 2 year deferred action regarding deportation and a 2 year legal employment authorization for work. In short, DACA individuals were freed from worry about both being arrested and kicked out of the US and being allowed to look for normal work. It also now allowed them to apply for federal funds for College, obtain a driver's license, credit cards, open bank accounts, buy homes and to stop living in fear. There were restrictions for DACA individuals. They had to reapply every two years for DACA status and undergo an extensive background check. They could not be convicted of any felony or three or more misdemeanors. They had to arrive in the US before they turned 17 years old and have lived in the US continually since 2007 (and prove it, which has proven hard for many after leaving high school).

Something the Obama Executive Action did not do was to give DACA individuals a pathway to US citizenship. It was always considered a temporary solution to the issue until Congress acted to resolve the problem. It still left DACA individuals in a precarious situation of not having the full rights of US citizens. They could not register to vote or vote in elections (a federal crime). They were still not eligible for unemployment, social security or other types of federal support. They were required to undergo extensive background checks every two years, including collection of their biometric data to verify they

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have no criminal background or other discretions. DACA was a reprieve, but never a solution to defining DACA individuals as full members of US society.

***What did Trump do that upended this?*** On September 5, 2017 the Trump administration ended DACA. No more undocumented immigrants are allowed to apply for DACA status after September 5, 2017. Those who have applied will be processed and those who are already DACA registered and will have their 2 year renewal up in the next 6 months (until March 5, 2018) will be allowed to reapply for a 2 year extension of DACA. After March 5, 2018, if Congress does not act, DACA individuals who have registered with the Federal Government but whose status is no longer deferred, will be considered undocumented, not eligible to work and subject to deportation to countries many do not even know. The one exception is China (the 5<sup>th</sup> largest source of DACA individuals) who refuses to accept any of its citizens who have immigrated to the US. Based on this action by the Trump administration, the last of all DACA individual's with deferred status will lose it by the second quarter of 2020 if Congress does not act.

***Why is this a concern?*** In 2001, when the first Dreamer's Act was submitted to Congress as a bipartisan bill, supported by a GOP President, undocumented immigrant numbers were already 8-9 million, and had been increasing steadily from the 1990's when there were just 3.5 million. Efforts to deal with this issue have resulted in some form of the Dreamer's bill being reintroduced 9 more times since then and Congress failing to act over the last 16 years. Now, Congress has just 6 months to fix a problem they have been unwilling to fix for over 1.5 decades. There are presently over 800,000 individuals in the DACA population who have registered for temporary official status.

***Why are only half of the DACA individuals registered in the DACA program?*** First, some of the DACA individuals have been here decades, and proving residency during that time is difficult when living in the shadows out of fear of deportation and not having any official evidence for your presence. Second, to apply for DACA one had to have lived in the US since June 2007 (last 5 years, so some of the younger recent arrivals could not qualify). Third, having a false social security card so they can get a job, or obtaining a driver's license by use of a false identity so they can drive is a crime and thus many fear their efforts to just live and survive in the US make them ineligible for DACA. Finally, other conditions for application included: (a) You have no lawful immigrant status on or before June 15, 2012; (b) you are in school, graduated or have a certificate of completion from High School; (c) you were honorably discharged from the US Coast Guard or US Armed Forces; (d) you have not been convicted of a felony, a significant misdemeanor or three or more misdemeanors; (e) You are not a threat to national security or public safety; (e) You are not older than 30 when the Department of Homeland Security enacted the policy in 2012. Individuals who did not meet these additional conditions were ineligible for application to DACA.

### ***What Do We Know About Dreamer's and Individuals in the DACA Program***

Nearly 75% of DACA applicants have lived in the US for at least 10 years and nearly 33% arrived in the US when they were 5 years old or younger. And two thirds were younger than 10 upon arrival. The median age of a DACA arrival was 8 years old. Sixty-one percent entered the US without inspection (across the border) and 11 percent entered with a valid visa. Twenty-eight percent reported their status as unknown.

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We know these Dreamer's are grateful for being given a chance to live a more "normal life" in the US and being relieved of the fear of deportation. They are found by the thousands in every state in the US. Kentucky has several thousand in the DACA program, which would place about 560 in the 6<sup>th</sup> District if distribution was uniform across Kentucky (which it likely is not as those areas with more businesses, like Lexington and Louisville, are likely to have more DACA individuals).

In spite of DACA's temporary relief from deportation and work authorization, DACA has improved the lives of its recipients and their families. Over seventy percent report being able to help their families financially. They contribute to the economy, pay taxes and feel more a part of this country, instead of outcasts in it. Wages of DACA recipients over 25 years of age have increased 84% as a result of the DACA program. For those over age 25, 93% are employed, and 69% were able to move to a better paying job because of DACA. Eight percent of those over 25 started their own businesses, compared to just 3.1% of US citizens who do so. The average income of DACA individuals over 25 is \$41,621 and their median income is \$37,595. Twenty-four percent of those over age 25 purchased their first home. They are employed across all sectors of the economy. Seventy-two of the top Fortune 500 companies employ DACA recipients. ***The DACA individuals in Kentucky pay more the \$9 million in state and local taxes, which averages 9.1% of their income, compared to just 6% for state and local taxes paid by the wealthiest Kentuckians. Were all the DACA individuals removed from Kentucky it would cost the state and estimated \$155 million from its GDP.***

DACA recipients are pursuing educational opportunities denied to them previously. Seventy-two percent were pursuing a bachelor's degree or higher. Twenty percent are pursuing an associate degree. Ninety-four percent of those in school are pursuing education opportunities because of DACA. They are majoring in childhood education, biochemistry computer science, creative writing, graphic design, neuroscience, nursing, social work and urban planning among others. Ninety-seven percent were either enrolled in school or employed. ***Thirty-six percent of DACA individuals over 25 have a Bachelor's degree or higher. Compare this with the national average of 33.4% over 25 with a Bachelor's Degree or higher, or Kentucky where only 22.3% of those 25 and older have a Bachelor's Degree or higher.***

More than 90% of DACA individuals reported obtaining a driver's license or state identification card for the first time after receiving DACA. This allowed them to buy cars, and apply for credit and a bank account for the first time. Forty-one percent have immediate family members who are US citizens over age 18 and 80 percent of these US citizens are registered to vote.

DACA has provided the opportunity for individuals to come forward, pass rigorous background checks, and obtain permission to live and work in the US lawfully. This has helped DACA recipients pursue higher education, earn better wages and support their families and buy homes. Eight in 10 voters support allowing DREAMers to remain permanently in the country, including 75% of Trump voters. Only 14% believe they should leave. It is estimated ending DACA and deporting Dreamer's would cost the US economy \$460 billion from the national GDP over the next decade and remove 685,000 current workers from the nation's economy.

The Congressional Budget Office in 2010 estimated the DREAM Act would reduce the federal direct deficits by \$1.4 billion/yr between 2011-2020 and increase federal revenues by \$2.3 billion over the next 10 years. The Center for American Progress estimated the DREAM Act would create an additional 1.4 million jobs by 2030.

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Ending DACA has been estimated will cost businesses \$3.4 billion in termination and replacement costs. Over the next 10 years is will cost Social Security \$19.9 billion and Medicare tax contributions \$4.6 billion. These are underestimates based on the present DACA population, present wages and not the estimated total population of 1.9 million potential DACA individuals or potential wage growth in this population over the next 10 years, which could significantly increase these values.

Dreamers have a common story. The majority arrived in the US before or by their 8<sup>th</sup> Birthday. They have lived in the US most of their lives and don't consider themselves as lawbreakers. They arrive, they embrace their new lives in language, habit, culture and become American. Their immigrant families are mixed status families. Some have no idea they are even undocumented until an unforeseen obstacle is placed in their path – can't get a driver's license, got to college or get a job. They have lived in fear of deportation to a country many do not even know or in many cases don't even speak the language or know the culture. They can't take for granted their right to be here. They must earn that right every day.

With DACA, we already have proof of the interest and willingness of these individuals to be responsible, contributing members of our society. DACA individuals are already in the US, already contributing to the US economy, already desiring to be a part of this country and longing to share in the American Dream. They are not a threat to our country or its population. Their families have often been here for years, working, struggling with few or no benefits just to allow their children the hope and opportunity to have a better life. The Dreamers have already embraced the American Dream of hope and work and effort as the pathway to their success, and DACA has shown their potential is merely waiting to be released. These individuals are not criminals, murderers and/or drug dealers. They are hard-working, determined people who have struggled just to have a chance to prove themselves. Our State and our country gains nothing by their deportation, in fact it will lose much if we force them to leave.

### ***What do we know about undocumented immigrants in the US generally?***

There are an estimated 11.3 million undocumented immigrants in the US currently, and this has remained fairly constant over the last 7 years. About 8 million of these undocumented immigrants are in the US work force, representing about 5% of the total US work force and about 3.4% of the total US population. Currently, about 67% of these individuals have lived in the US more than 10 years and less than a third have lived here less than 5 years. the majority are 16-44 years of age (73%). More than 50% live near or below the poverty level. The majority (61%) have no health insurance and most do not own a home.

Today, undocumented Mexicans make up slightly more than ½ the undocumented population, a quarter of undocumented people are not even Hispanic. China has the 5<sup>th</sup> largest undocumented immigrant group and refuses to accept their deportation back to China. Most undocumented immigrants are not coming over the wall on the US Mexican border. By 2014, 2/3rds of undocumented immigrants arrived by overstaying. Today, an estimated 4.5 million of the total undocumented immigrant population has gotten into the US by overstaying their visas, not crossing into the US without inspection (EWI; Entry without inspection). ***Even in Kentucky, overstays account for about 40% of the total undocumented immigrants and this portion of the undocumented immigrant population continues to grow each year.***

The social security administration estimated in 2010 that 1.8 million undocumented immigrants worked under a number that did not match their name. Undocumented immigrants living in the US paid an

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estimated \$11.64 Billion in state and local taxes in 2013, or about 8% of their incomes. The top 1% of taxpayers paid an average nationwide of just 5.4% in State and local taxes. It is estimated this amount would increase by \$2.1 billion if comprehensive immigration reform allowed all of them to work legally in the US. An estimated 50% of undocumented immigrant household file income tax returns and many who do not, still pay federal taxes. ***In Kentucky, the estimated state and local taxes paid by undocumented immigrants is \$37.4 Million and if all undocumented workers in Kentucky were provided legal status, these taxes would increase to about \$53.4 million. The exact size of the undocumented immigrant population in Kentucky has been estimated at between 32,000-50,000 and represents around 1% of the Kentucky population.***

There are over 22 million displaced people in the world today, looking for stability, hope and a chance for a new life. There are tens of millions more who seek greater opportunities elsewhere in the world. Tens of millions of people have come from every corner of the world to the US during our 243 year existence as a country, seeking the promise of something better. We have demonized many who arrived on our doorstep over the last 2.5 centuries. We have restricted their rights, exploited their abilities and treated them as less than human and equals. We can continue in that vein now, or we can change and become a more civilized, open and welcoming society. That is our choice and our decision, and it has everything to do with who we are and not who the undocumented immigrants are.

## **FEARS**

Undocumented immigrants live in fear, that use of ANY resources, be it shelters after a hurricane or attempting to get help at a hospital or seeking aid or even a normal job may expose them to deportation. Their children, even those children born in the US, live in fear that their parents may be deported, and many illegal immigrants with DACA and US born children have signed “power of attorney” papers in case they are deported, and their children are left behind. Undocumented immigrants cannot trust police and report crimes for fear of being arrested and deported for not being legal immigrants. Their children cannot follow their friends to College, because they lack a social security card, or get federal funding or loans to pay for college. Even DACA individuals must fear a DUI can lead to their DACA status being revoked upon their efforts to reapply for DACA. Even under DACA, students remain ineligible for federal financial aid, grants or loans through FAFSA. They cannot receive benefits like food stamps, welfare, social security or retirement.

The spreading of even more fear by extremist individuals only makes things worse. Suggestions by a President that undocumented immigrants are criminals, rapists and murderers does little to dispel the hatred toward them. In truth, only 2.7% of undocumented immigrants have been convicted of a felony (compared to 6.0 % of US citizens). Similarly, the spreading of fear that undocumented immigrants are menacing neighborhoods (gang members), taking American jobs, sapping American resources and exploiting American generosity are blatantly false. Most undocumented immigrants are attempting to live “under the radar” not directly “in it” to avoid deportation. Often, they have taken jobs no one else wants, they are paid under the table, less than they could make were they legal, and they receive no benefits because they cannot prove citizenship. Additional nonsense about being given iphones and laptops, food stamps, using free healthcare and other social assistance they never contributed towards, is also blatantly false. These types of charges are encouraged by those who wish to demonize undocumented immigrants. Even the term “illegal” used to describe them instead of “undocumented”,

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serves to imply they are somehow less than human, they are “illegal aliens”, someone who doesn’t fit the common definition of a **human being**. Their very existence is a crime.

In reality, many undocumented immigrants came to the US seeking a better life, to escape starvation, fear of death and the lack of hope. If wanting to survive and seeking a better life is a crime, that is what they are guilty of, just as many immigrants who have come to this country over the last several centuries. For many, leaving war torn, gang ridden countries, corrupt and with little resources, there was never really an option of waiting to get immigrant status in the US. It was leave or see your family members die. Many received temporary visas to enter the US and simply overstayed those visas, unwilling to return home where they had nothing and were unlikely to have much opportunity for themselves or their children to have anything. In this respect, many are not different than the Iraqi, Syrian or other refugees throughout the world.

### ***Legal rights and responsibilities to DACA individuals***

It is generally believed by most Americans’, a punishment should fit the crime. So, what is the crime of a 3 year old, or a 5 year old or an 8 year old, brought to the US by their parents seeking a better or safer life for their family? Is it their very existence or presence here? Is that what we feel justifies our desire to deport them to a land they may not know or even speak the language? Is it considered justice that drives us to punish them and their family for just coming to this country in hope of a better, safer life for those they love? What message does this send to others about who we are and what we believe? You are not welcome in the US? The US people do not care about your problems or your suffering and don’t want you? The US people don’t care what good you did, how hard you tried or what you contributed to their society, they just want you gone.

If one wishes to strictly interpret to the law, then one must also accept that even we citizens admit laws are not enforced by strict interpretation. We don’t have robots or computers to determine justice or criminal punishment. We have human juries and judges because we understand there is a human element that must be part of how we interpret legal doctrine. You cannot separate law from the human element, and to do so is both unnatural and contrary our sense of justice. Yet, by stating undocumented immigrants broke the law and need to be deported, we do just that. We have ignored who they are, why they came here, when they came, how they have proven themselves, what they have achieved with their lives and merely summed up their existence as “you are illegal, a crime and an unwelcomed presence”. We are attempting to do just that with our failure to support DACA and Dreamer’s. Is that punishment, banishment, ostracism and rejection really justified and equal to the seriousness of the crime they are guilty of committing?

DACA individuals in particular, were children who have gone to school here, learned English, grown up in the US, graduated from High School, maybe even served in the US armed forces, risking his/her life defending the US. Should they be told to leave or forced to leave? Before that happens, we need an explanation of how that punishment fits his/her crime of being here as an undocumented immigrant. Did they harm anyone? Did they purposely commit a crime arriving here with their parents? Are they a risk to others in society when they have no criminal record during their entire time here? When they are seeking work and want to have an opportunity for a better life? This is likely the reason 75% of even Trump supporters believe Dreamers need to be provided a pathway to citizenship, not denied it.

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### **Barr comments on DACA:**

Sixth District Congressman Andy Barr issued a statement calling DACA an unconstitutional overreach that failed to meaningfully or permanently address the status of undocumented child immigrants. He added “I believe we should show our compassion for these children in a way that does not dishonor the millions of new citizens who immigrated to this country through lawful means.”

Rep. Barr said he is co-sponsoring the ENLIST Act, which provides for a path to legal status for DREAMers, who came into the country undocumented through no fault of their own, before 15 years of age when they initially entered and who serve in the armed forces. ENLIST (Encourage New Legalized Immigrants to Start Training, ENLIST) ACT. The Department of Homeland Security shall adjust the status of an alien enlisted under such authority to the status of an alien lawfully admitted for permanent residence under provisions of the immigration and Nationality Act applicable to aliens who entered the United States prior to January 1, 1972. This rescinds lawful permanent resident status if the alien is separated from the Armed Forces under other than honorable conditions before serving the term of enlistment. The bill was submitted 1.03/2017 and has remained in committee since. Barr signed onto this legislation in March, 2017. ***Of course, unlike the Dreamer’s legislation, the ENLIST Act is stating, well, you are only “worthy of being allowed here if you jump through one more hoop and agree to risk life and limb for the US”. We do not demand this of other immigrants to the US, and doing so for those individuals who have already proven themselves to be responsible and contributing members of our society is nothing short of ridiculous.***

### **Other Legislation in Congress**

BRIDGE ACT (H.R. 496) is a bipartisan bill in the House (no Kentucky co-sponsors) that stands for Bar Removal of Individuals who Dream and Grow our Economy. Introduced Jan 1, 2017. Senator Mark Warner has introduced a similar bipartisan bill in the Senate BRIDGE Act (May 17, 2017; no Kentucky Senators co-sponsored).

Dreamer Protection Act (HR 1487) is an almost entirely a Democratic partisan bill that prohibits the use of federal funds to apprehend or deport any person under the DACA program announced on June 15, 2012.

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