

Is it the end of DACA for 800,000 Dreamers? 630,000 are Mexicans

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- **Tuesday, 5 September, saw the beginning of the end of DACA, which means an uncertain future for about 800,000 Dreamers who are benefiting from the deferred action, of which some 630,000 are Mexicans**
- **The DHS will not be accepting new DACA applications and after 5 October there will be no further renewals**
- **The underway initial and renewal requests will continue to be processed and will not be affected, and the current DACA benefits and work permits will be maintained until their expiration, which could be in up to 24 months**
- **Trump is leaving the future of the Dreamers to Congress and is asking them to work on immigration reform based on US interests. It is not clear that Congress will be able to reach an agreement within the next six months**

On Tuesday, 5 September, President Trump's administration, through Attorney General Jeff Sessions and the Department of Homeland Security (DHS), reported on the measures to be implemented in relation to the rescinding of the Deferred Action for Childhood Arrivals (DACA) programme.

Deferred Action for Childhood Arrivals (DACA)

The DACA programme began in 2012 and was based on an executive order signed by the incumbent president at that time, Obama, to benefit the "Dreamers"¹, which refers to undocumented young people who were generally taken by their parents to the United States in their childhood and who are characterised by having lived and/or studied for most of their lives in the United States, meaning they have relatively high levels of schooling and English as a native language. A significant number of them have no links with their countries of origin. The programme was designed by former President Obama and grants them a document of immigration relief that prevents their deportation and gives them permission to work.

Since its inception, DACA has benefited close to 800,000 young people aged between 15 and 36, giving them the freedom to leave their homes to work and/or continue studying without fear of being deported. Several studies have documented the benefits of this programme, such as: having a social security number, working while in possession of documentation, obtaining a better job and higher pay per hour worked, being able to have a driver's licence and ID documents processed, buying a car, having a credit card, and aspiring to study scholarships for which they were previously not eligible, among others (Véase [Mexico Migration Outlook 2016](#)).

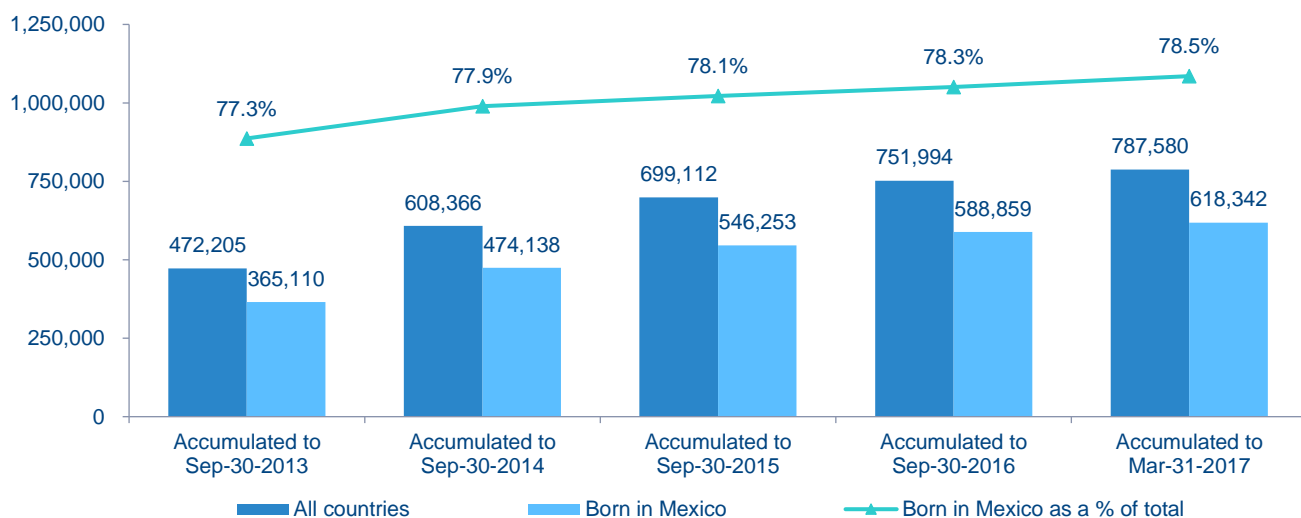
Figure 1 shows the evolution of the number of initial requests for DACA approved up to 31 March 2017. It can be seen that most of the initial applications for deferred action were granted in the first two years of the programme's operation; up to

1: To know more about the characteristics of DACA and the Dreamers, please see [Mexico Migration Outlook 2016](#).

September 2014, almost 610,000 immigration relief cases had been approved; while in the last two and a half years, 180,000 new DACA applications were granted.

Of the total number of applications approved for DACA, 78.5% were for young people born in Mexico. The DHS pointed out that up to September 2017 there were about 800,000 DACA beneficiaries, so we estimate that about 630,000 are Mexicans. Young migrants from other countries participate relatively little in this programme: El Salvador (approx. 28,400 initial applications approved), Guatemala (19,800), Honduras (18,300), Peru (9,100), Brazil (7,400), and South Korea (7,300), among others.

Figure 1. Approved requests for Deferred Action for Childhood Arrivals (DACA), 2012-2017*



Source: BBVA Research based on DHS USCIS, USCIS, Biometrics Capture Systems and CISCOR, June 2017. *Up to 31 March 2017.

The end of DACA

The DACA programme and the Dreamers are highly sensitive issues in US politics. Among the Republicans there are groups that value the importance of these young people for the US economy, so the DACA programme was in force for more than five years, despite the fact that in President Obama's last years the Republicans had control of both chambers.

The official statement announcing the ending of DACA was made on Tuesday, 5 September by Attorney General Jeff Sessions at a press conference, not by President Trump himself. The main argument presented by Sessions and the DHS to justify the termination of the deferred action was that the order signed by former President Obama to initiate the programme overstepped the executive powers regarding the issue of migration and compliance with existing laws. They indicated that it should be up to the legislature to decide and enact laws on migratory issues, as well as on the situation of undocumented migrants, to ensure that the separation of powers is properly respected. (Sessions, 2017; DHS, 2017c) President Trump said in a subsequent statement that if he had not taken these measures he would be sued by 10 states and he initiated an orderly transition to end the DACA programme and give Congress the opportunity to legislate on these

issues with enough time (The White House, 2017). Likewise, in a later tweet he suggested that if Congress did not find a solution, his administration would look for one.

We believe that, because the issue was so delicate that there was no consensus among Republican lawmakers and the populace sympathetic to that particular party, the Trump administration justified the ending of DACA by using legal matters, while making little comment on its pros and cons, and passing the legal and political buck for the fate of the Dreamers onto the negotiations in the Congress.

When and how will DACA end?

In a statement on 5 September the DHS reported that it was initiating the transition to the orderly termination of the DACA programme, meaning that the following actions will be implemented immediately (DHS, 2017b):

- All DACA benefits and employment authorisations will remain in force and unchanged until their expiration date.
- Initial DACA applications and pending employment authorisations that have already been accepted for review will not be affected, and their case-by-case process for approval or rejection will continue. It is estimated that there are about 34,000 pending applications that have already been accepted for review (DHS, 2017a).
- All initial DACA applications and employment authorisations received after that date will be rejected.
- Applications for renewal of DACA and the respective employment authorisation that have already been accepted will not be affected and will continue to be processed as normal. It is estimated that there are 72,000 pending renewal applications in this situation that have already been accepted for review (DHS, 2017a).
- Those DACA renewal and employment applications that expire between 5 September 2017 and 5 March 2018, and which are accepted for review up to 5 October will not be affected by the new measures and will continue to be processed for approval.
- All applications for renewal and employment outside the established dates will be rejected.
- I-131 Advance Parole applications, which were granted in exceptional cases so that undocumented migrants could leave the United States and return safely, will no longer be approved and all pending applications will be cancelled.
- Those people with previously approved Advance Parole will remain legal.

The DHS also states that it will continue to maintain discretionary powers over deferred action regarding immigration when it considers that there are cases or situations that merit it.

Final considerations

The future of approximately 800,000 Dreamers, of which 630,000 are Mexican, is uncertain. Although the Trump administration's position on DACA was already known, many young beneficiaries did not expect real action would be taken to rescind it, or at least that it would not be taken so soon. For many Dreamers, the United States is the only country they consider to be home, since they have spent most of their lives living, working and/or studying there. They do not contemplate any other country where they can go and live; one most likely away from the family and friends with whom they grew up. In many cases they only speak English.

Negotiations between Republicans and Democrats in the US Congress over the next six months (when the expiration of DACA immigration relief will start to bite significantly) on immigration reform will be decisive for the future of the Dreamers and possibly for the rest of the undocumented migrants in the country. If no migration agreement is reached in favour of the Dreamers, we believe that they will most likely "return to the shadows" in their situation as undocumented migrants. Meanwhile, they will be in a situation of extreme uncertainty.

How the information on the biometrics and personal data of DACA beneficiaries will be used going ahead is also unknown. The DHS reported that there is no intention to share information with immigration agencies (Border Patrol or ICE), as efforts are focussing on detaining undocumented migrants who are repeat offenders or with a history of criminal misconduct. However, it is not possible to determine whether this will change later.

Mexico's position on the Dreamers is central to this issue, but particularly relevant are the actions it will have to take to cope with the future arrival of young nationals who, because they cannot remain in the United States, either choose to return or are sent back to Mexican territory. Many of these young people know little of their country of birth and have only limited ability to speak Spanish, so how public policy is designed will be critical (if required) to achieving less time-consuming and complicated integration into personal and working life in Mexico.

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