

IN FOCUS: USCIS accepts new DACA applications

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SALT LAKE CITY (ABC4) – Utah’s immigrant community celebrated a big win on Monday when the Department of Homeland Security (DHS) announced it would now be accepting new applications for the Deferred Action on Childhood Arrivals (DACA) program. This comes after U.S. District Judge Nicholas Garaufis in New York ordered the Trump administration Friday to restore the program.



“I was very excited to hear that, just knowing that I could apply now. Fingers crossed that I will get accepted and be able to get a part time job to pay for my college,” says Marisol Cuevas, a future DACA applicant and resident of Heber. “Unfortunately, I was not able to go to college this semester because I wasn’t financially stable. I just want to give back to my community like my fellow DACA recipients have.”

A DACA recipient or “Dreamer” is a young, undocumented immigrant brought to the United States by their parents in circumstances beyond their control.

In the past three years, there have been many legal battles surrounding DACA. Valentina De Fex, Immigrants’ Rights Legal Fellow for the ACLU of Utah, explains that many of the cases that went up to the Supreme Court originated to fight the way the Trump administration ended the program.

“The Supreme Court made a decision earlier this year, finding that the administration did not follow Administrative Procedures Act (APA), which governs administrative agencies such as DHS and Immigration Customs and Enforcement,” says De Fex.

In 2012, former President Barack Obama issued an executive order to create the DACA program to shield these young undocumented immigrants from deportation.

“There had been a lot of lobbying and grassroots organizations that had been advocating for Congress to pass a permanent Dream Act. After a lot of partisan fights and inability for Congress to pass immigration reform, [the program] allowed [DACA recipients] to obtain a social security number to work during the periods they were authorized and protected [them from deportation],” says De Fex.

In 2017, President Trump ordered an end to the program, which left the future of hundreds of thousands of Dreamers uncertain. In August of this year, the Trump administration announced that new DACA applications would be rejected.

“It was a terrifying time for [Dreamers] and their family members, many of which were undocumented and relied on these individuals who are primary breadwinners. The individuals they relied on for survival were now in danger of deportation,” said De Fex.

Xris Macias is the Director of the Dream Center at the University of Utah. The center works with undocumented students and mixed-status families from college access to graduation. Their mission is to help these students achieve their goals of becoming contributing members of society.

“When DACA was rescinded originally, we had students who were unsure if they should continue school or if they should pursue a new career because their future was uncertain,” says Macias.

At the time, the news devastated aspiring Dreamers such as Cuevas.

“It was really hard to hear that because everything that I was working for just came crashing down. I was working really hard and I just felt really down once I heard of that,” she explains.

Cuevas came to the United States from Mexico with her parents and three siblings when she was just three years old. Since then, they’ve lived in Heber City, the only place she calls home. Seeing the opportunities available to her two older siblings after they became DACA recipients, she worked hard to maintain good grades and map out a plan for her career.

“My parents wanted a better life for us. I was really motivated to do well in school so that I could be approved for DACA,” she says. “My siblings were able to pay for their own car and insurance. Sometimes they’d help my parents pay bills because the income wasn’t always good. My mother works housekeeping and my dad works in construction.”

According to the American Immigration Lawyers Association, approximately 83% of the general public supports Dreamers and believes they should be allowed to work and live in the U.S. The Center for American Progress stated Dreamers will contribute as much as \$1 trillion in GDP over the next decade.

“I think a lot of people think the DACA program is a handout to a lot of people in the country, who made a choice to be here. The fact is the people who are eligible for DACA were brought here as children under the age of 16, according to the regulations when the Obama administration first implemented it,” says Macias.

He went on to say, “This means this is the only home they know, they have not committed any sort of crimes, and that these people are legally and constitutionally eligible to receive benefits as well.”

De Fex says the DACA community has experienced a lot of whiplash with the on-going legal battles and policy challenges over the past three years. The most recent decision came from Judge Garaufis’ ruling that Chad Wolf, the acting secretary of DHS was not lawfully appointed and did not have the authority to impose the latest attempts to end the program. The State of Texas and other states in 2018 sued to end the DACA program arguing that it was not lawfully instated. This case is still pending.

“While we’re still waiting on a judge to rule on this, we are hoping that the administration ends its efforts to end this program,” says De Fex.

Chase Jennings, a spokesperson for the Department of Homeland Security, said in a statement to CNN on Sunday that the department, “wholly disagrees with this decision” and claimed that it was made “by yet another activist judge acting from his own policy preferences.”

“Judge Garaufis’s latest decision, similar to his earlier inaccurate ruling, is clearly not sound law or logic,” Jennings said. “We will abide by this decision while we work with DOJ on next steps to appeal.”

De Fex says there is anticipation that there will be many individuals who will apply for DACA with this new announcement. But explains that the actual process can take a long time with background checks, biometrics, and more. Additionally, she says there is a backlog with USCIS on a number of applications.

But what keeps them hopeful is Judge Garaufis also ordered the U.S. government to provide a status report by January 4th on how many applications have been received, decided on, approved, and rejected.

“I’m getting a lot of messages of celebration. People are hopeful. People are looking forward to getting their education or those who couldn’t, could now do so,” says Macias. “What this means for them is that they can remain in this country for some time with some certainty. Therefore they can take on this new role for a couple more years of education.”

He adds, “It’s going to keep us very busy. But that’s why we’re here. We’re definitely here to help students navigate the college experience.”

All three In Focus guests expressed that they’d like to see Congress to take permanent steps to create a legal pathway to citizenship, not just for DACA recipients but also for the approximate 11 million undocumented immigrants. President-elect Joe Biden committed to introducing an immigration bill on day one of his new term in January to pursue permanent relief for immigrant communities.

“We hope that this bill doesn’t sacrifice one group of immigrants for another and it doesn’t vilify a certain group of immigrants,” says De Fex.

To watch the full IN FOCUS discussion with Cuevas, Macias, and De Fex, click on the video at the top of the article.