

# CONTROVERSIAL ISSUES IN THE NEWS

Close Up's Controversial Issues discussions highlight policy issues recently featured in the news. Each discussion includes a framing question, historical context, an overview of both sides of the issue, and discussion questions. For more information on Close Up and our online resources, please visit [www.CloseUp.org](http://www.CloseUp.org).

## DEFERRED ACTION FOR CHILDHOOD ARRIVALS

### CENTRAL QUESTION

Should Congress pass a law to protect Dreamers from deportation?

### INTRODUCTION

On September 5, 2017, President Donald Trump announced that his administration would phase out Deferred Action for Childhood Arrivals (DACA)—a program implemented by President Barack Obama to protect certain young, undocumented immigrants from deportation. In his announcement, President Trump said he would delay ending DACA for six months in order to give Congress time to act on a potential policy replacement.<sup>1</sup>

In this *Close Up in Class Controversial Issue in the News*, we will examine DACA, explore the controversy it brings, and challenge you to weigh the pros and cons of the paths forward.



### BACKGROUND

Immigration—the act of moving permanently from one country to another—is done both legally and illegally in the United States. As of November 2016, nearly 4.4 million people were on waiting lists to immigrate to the United States legally.<sup>2</sup> But as of 2015, an estimated 11 million immigrants were living in the country illegally, having reached the United States by sneaking over a border, using false documents, or overstaying the limits of a visa.<sup>3</sup>

Article I of the Constitution empowers Congress “to establish a uniform rule of naturalization.”<sup>4</sup> In other words, it is the responsibility of Congress to pass laws that determine how and when immigrants become citizens. But for decades, Congress has struggled to find consensus about how to best reform immigration laws and deal with the undocumented immigrants already living in the United States.

Throughout the 2000s and 2010s, policymakers put forward a range of proposals, only to encounter fierce disagreement and eventual gridlock. Members of Congress have failed to agree about (1) whether or not to create a pathway to citizenship for undocumented immigrants, (2) whether or not to enhance border security, and (3) whether or not to encourage the hiring of foreign workers, among other issues.



#### How many undocumented immigrants live in your state?

Lawmakers in Congress have also debated how to address one particular category of undocumented immigrants—minors who were brought to the United States by their undocumented parents. In many cases, these young people have lived in the United States for an extended period of time and have little knowledge of life in their home coun-

# DEFERRED ACTION FOR CHILDHOOD ARRIVALS: BACKGROUND

tries. Over the last two decades, Congress and the president have enacted—or attempted to enact—several policies to deal with this population.

**The DREAM Act.** The Development, Relief, and Education for Alien Minors (DREAM) Act was introduced in Congress in 2001 by Senators Richard Durbin, D-Ill., and Orrin Hatch, R-Utah, but it has never been passed. If enacted, the 2017 version of the DREAM Act would provide conditional legal status for up to eight years to undocumented immigrants who were brought to the United States before the age of 18. These “Dreamers” would be eligible for conditional legal status only if they had (1) lived in the United States continuously for four years, (2) graduated from a U.S. high school or obtained a General Educational Development (GED) certificate, and (3) not committed any crimes.<sup>5</sup>

If, during their period of conditional legal status, Dreamers completed at least two years in college or the military or at least three years of employment, they would be eligible to apply for lawful permanent residence and eventually citizenship. If they failed to fulfill the requirements, they would be subject to deportation. According to the Migration Policy Institute, as many as 3.4 million people would qualify for the 2017 version of the DREAM Act.<sup>6</sup>

**Deferred Action for Childhood Arrivals.** In 2012, after Congress had repeatedly failed to pass the DREAM Act, President Obama issued an executive order to create the Deferred Action for Childhood Arrivals (DACA) program, which suspended deportation for many childhood arrivals. Undocumented immigrants are eligible for DACA if they (1) have lived in the United States continuously since June 15, 2007; (2) entered the United States under the age of 16; (3) have never been convicted of a crime; (4) were under the age of 31 on June 15, 2012; and (5) have served in the military, have completed a high school-level education, or are enrolled in school.<sup>7</sup>

Under DACA, undocumented immigrants are eligible to apply for work authorization and avoid deportation for two years, subject to renewal.<sup>8</sup> Between 2012 and 2017, the Department of Homeland Security approved 793,026 DACA applications and denied 67,867.<sup>9</sup>



## What is DACA?

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## THE CURRENT CONTROVERSY

### Should Congress pass a law to protect Dreamers from deportation?

President Obama’s creation of DACA by executive order ignited a heated debate over immigration policy, as well as the proper use and extent of executive power. In June 2017, officials from 10 states—Arkansas, Alabama, Idaho, Kansas, Louisiana, Nebraska, South Carolina, Tennessee, Texas, and West Virginia—urged the new Trump administration to end DACA by September 5, 2017, or else face a lawsuit against what they viewed as an unconstitutional overreach by President Obama.<sup>10</sup>

When that deadline arrived, President Trump announced that he would phase out DACA, and he issued a statement that criticized President Obama for “making an end-run around Congress and violating the core tenets that sustain our Republic.” President Trump said the end of DACA would be “a gradual process,” with the first permits expiring in March 2018.<sup>11</sup>

Thus, the fate of the Dreamers moved to Congress, which was considering several proposals in September 2017.

## DEFERRED ACTION FOR CHILDHOOD ARRIVALS: BACKGROUND

- Senators Durbin and Lindsey Graham, R-S.C., have called on Congress to pass the DREAM Act.<sup>12</sup>
- Senators Thom Tillis, R-N.C., and James Lankford, R-Okla., have proposed the SUCCEED Act, which would create a 15-year pathway to citizenship for childhood arrivals and bar them from sponsoring family members for lawful residency. To be eligible, an individual would have to pass a criminal background check, have a high school diploma or GED certificate, have been in the United States since June 15, 2012, have entered before the age of 16, submit biometric data to the Department of Homeland Security, and pay off any tax liabilities.<sup>13</sup>
- Representative Mike Coffman, R-Colo., has proposed the BRIDGE Act, which would extend DACA protections for three years to give Congress time to enact a permanent solution.<sup>14</sup>

For his part, President Trump has suggested that “massive border security would have to be agreed to in exchange for consent” on any bill that protects Dreamers.<sup>15</sup>

Supporters of a law to protect Dreamers argue that these young people are in the United States through no fault of their own; to deport them would be heartless and counter to the national interest. But opponents of such a policy insist that the United States must remain true to the rule of law, and that allowing Dreamers to remain in the country would unleash a flood of illegal immigration in the future.



**Senator Richard Durbin, D-Ill., explains why he sponsored the DREAM Act**



**Attorney General Jeff Sessions explains why the Trump administration opposes DACA**

## Should Congress pass a law to protect Dreamers from deportation?

**YES: Deporting Dreamers from the only home they know is senseless and unfair.**

“This is about young people who grew up in America—kids who study in our schools, young adults who are starting careers, patriots who pledge allegiance to our flag,” President Obama wrote in September 2017, after President Trump announced he would phase out DACA. “These Dreamers are Americans in their hearts, in their minds, in every single way but one: on paper. They were brought to this country by their parents, sometimes even as infants. They may not know a country besides ours. They may not even know a language besides English. They often have no idea they’re undocumented until they apply for a job, or college, or a driver’s license.”<sup>16</sup>

With these words, President Obama hit the nail on the head. Dreamers came to the United States illegally through no fault of their own. Many were small children when their parents decided to immigrate. It is painfully unfair to deport them for the sins of their parents, from the country they call home.

“To target these young people is wrong—because they have done nothing wrong,” wrote President Obama. “It is self-defeating—because they want to start new businesses, staff our labs, serve in our military, and otherwise contribute to the country we love. And it is cruel. What if our kid’s science teacher, or our friendly neighbor turns out to be a Dreamer? Where are we supposed to send her? To a country she doesn’t know or remember, with a language she may not even speak?”<sup>17</sup>

Congress must pass a law to protect Dreamers, as these are the types of immigrants that the United States needs: young people who are completing their education, who are gainfully employed, who are serving and sacrificing in the military—and who have not knowingly committed any crimes.

“Starting this countdown clock will require Congress to act fast to stop rolling mass deportations of hundreds of thousands of young people—students, teachers, doctors, engineers, first responders, service members, and more,” Senator Durbin said of President Trump’s announcement. “Families will be torn apart and America will lose many of our best and brightest unless Republicans join with Democrats to right this wrong immediately.”<sup>18</sup>

“This is a defining moment,” said Senator Graham. “We are the party of a constitutional process. We believe in doing it right. But ‘right’ means taking care of these kids.”<sup>19</sup> Added President Obama: “This is about whether we are a people who kick hopeful young strivers out of America, or whether we treat them the way we’d want our own kids to be treated.”<sup>20</sup>

**NO: If the United States is a nation of laws, it cannot allow amnesty for Dreamers.**

One of the most vital underlying principles of U.S. government is the commitment to the rule of law. Americans are not subject to the whims of individual government officials, and citizens cannot simply choose to ignore a justly formulated law. Instead, each citizen—no matter his or her background or status—must live by, and be held to account under, an open and democratic system of laws.

But if Congress passes a law to extend DACA protections, it will be damaging this commitment. DACA was created when President Obama bypassed Congress and issued a sweeping executive order to ignore U.S. immigration regulations. Congress should not validate this policy.

“The executive branch, through DACA, deliberately sought to achieve what the legislative branch specifically refused to authorize on multiple occasions,” Attorney General Jeff Sessions said in 2017. “Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the executive branch. The effect of this unilateral executive amnesty, among other things, contributed to a surge of unaccompanied minors on the southern border that yielded terrible humanitarian consequences. It also denied jobs to hundreds of thousands of Americans by allowing those same jobs to go to illegal aliens.”<sup>21</sup>

If Congress chooses to protect childhood arrivals from deportation, it will send a signal that the rule of law does not matter. A great many Dreamers are good, decent people, but the fact remains that they are breaking the law by living in the United States. “The nation must set and enforce a limit on how many immigrants we admit each year and that means all cannot be accepted,” Attorney General Sessions said. “This does not mean they are bad people or that our nation disrespects or demeans them in any way. It means we are properly enforcing our laws as Congress has passed them.”<sup>22</sup>

To allow Dreamers to remain in the United States would open a door to amnesty that will be impossible to close. “As soon as amnestied illegal immigrants become U.S. citizens, current law allows them to petition for their parents to also obtain lifetime work permits and permanent residency,” said Roy Beck of NumbersUSA, an organization that advocates a reduction in immigration. “In such a case, the sins of the parents not only won’t be visited upon the children, they won’t fall upon the parents, either.”<sup>23</sup>

If Congress allows Dreamers to avoid deportation, it will only encourage more illegal immigration in the future. The United States must prove itself to be a nation of laws—not a nation that sheds its principles when they become inconvenient.

## DEFERRED ACTION FOR CHILDHOOD ARRIVALS: QUESTIONS TO CONSIDER

**Do you believe Congress should pass a law to protect Dreamers from deportation? Why or why not?**

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**Which specific policies, if any, do you believe Congress should enact to replace DACA? Explain your reasoning.**

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**Do you believe DACA was an appropriate use of executive power? Explain your reasoning.**

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## DEFERRED ACTION FOR CHILDHOOD ARRIVALS: ENDNOTES

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