

by **Faigy Grunfeld**

DISIMMIGRATION

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I am a doctor completing my residency training at the Harvard Radiation Oncology Program, where I care for cancer patients in Boston, Massachusetts, at Massachusetts General Hospital and Brigham and Women’s Hospital. I am also a DACA recipient.”

These were the opening words of Dalia Larios as she addressed the Senate Judiciary Subcommittee on Immigration, Citizenship and Border Safety this June, as the United States hit the 10-year anniversary of the Deferred Action for Childhood Arrivals (DACA) policy.

DACA, unlike other prescriptions looking to resolve the U.S.’s messy immigration problem, is small in scope and is not a legislative accomplishment but rather an executive one. In 2012 then-President Barack Obama put it in place, allowing those who were brought to the U.S. as children without proper documentation to receive a two-year period of deferred action from deportation. It extends an employment authorization document barring any felonies or misdemeanors; however, unlike the proposed DREAM Act, it does not provide a pathway to citizenship and needs to be renewed every two years, costing the applicant about \$500 annually.

Now, as the country reflects on 10 years of DACA, lawmakers consider how to approach this subset of undocumented immigrants, a fraught issue that was further exacerbated during former President Donald Trump’s tenure. Where do Americans stand on the subject of Deferred Action for Childhood Arrivals, and will legislators take the leap and encode this executive policy into law?



AP Photo/Christian Chavez
Child migrants housed at the Casa Oscar Romero shelter look out of a bus that each morning takes them to an alternative school program designed just for them, in Ciudad Juarez, Mexico, on March 28.

The Rationale

DACA and even the Development, Relief and Education for Alien Minors (the DREAM Act), with its more substantial, permanent path to citizenship, generally garner more support from the public because they try to resolve the deeply unsettling reality for hundreds of thousands of young people who, through no misdeeds of their own, find themselves without a legal status in the only country they really know or see as home. A 2018 Pew Research Poll revealed that 73% of Americans support providing legal status for “immigrants brought to the U.S. illegally as children,” making this demographic the most likely to ever achieve actual permanent status or possibly citizenship at some point.

“As the eldest and only undocumented child in my family, I worried my parents would be detained by ICE and never come home,” Dr. Larios’ statement continues, reflecting on her childhood experiences. “I worried I would also be taken away and separated from my three younger siblings.” Brought to the country at age 10, she is the only one of her brothers and sisters born abroad.

Concerns about a future with limited educational opportunities, fears about deportation, and worries about her parents and community were constants in her earlier years. “Growing up, I had often felt as if I had committed a crime — the laws of this country made me feel guilty and insecure even though I was only a child.”

Many DACA recipients describe similar memories. Some said they were unaware of their lack of status until they were teens and wanted to get a driver’s license or fill out a financial aid form for college.

Eager to show herself as worthy and save up for a degree since financial aid was inaccessible, Dalia Larios picked up a number of jobs as a teen, cleaning houses with her mother, tutoring younger students, and the like. Her mother wondered why she was investing effort in saving up for a college degree that she’d never be able to use.

“Thankfully, through a community that believed in me and the generosity of private donors, I was able to attend Arizona State University,” she says. “I graduated summa cum laude with a degree in biological sciences and a passion for medicine. Soon after graduation in June 2012, Deferred Action for Childhood Arrivals, or DACA, was created.”

Saving and applying for medical school were complex processes as well. Yet now, as she completes her residency and considers her future, she is grateful for DACA, but fearful about

its uncertainty and susceptibility to political winds.

In 2017, President Trump shut down the DACA program, which meant that its 800,000 recipients would lose access to work visas and become eligible for deportation. At the time, Attorney General Sessions defended the decision by saying, “The executive branch, through DACA, deliberately sought to achieve what the legislative branch specifically refused to authorize on multiple occasions. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch.”

After a number of lawsuits, the case reached the Supreme Court where a 5-4 ruling in favor of DACA protected the policy, albeit with some wiggle room to shut it down in the future, given proper justification.

When President Biden assumed office, he issued an executive order that directed federal agencies to “preserve and fortify DACA.” Yet his efforts were halted by a federal judge in Texas who ruled that DACA is illegal, and that the administration could not approve new applications. This essentially barred new applicants from applying but allowed previous DACA holders to maintain their status. This is the kind of limbo that Dr. Larios refers to.

Despite its imperfections, she is grateful for it. “I could not have become a doctor without the protections of DACA. And hundreds of thousands of immigrants share my story. In the past two years, we have seen immigrants play vital roles during a global pandemic — from doctors and researchers to teachers and military officials. I am proud to serve alongside my colleagues in these spaces. I hope that as a country we work to support policies that acknowledge our full potential and our full humanity,” she concludes.

Letter of the Law

Will DACA eventually be codified by the legislative branch, or will it continue to make its way back and forth across the executive shuffleboard?

“I am hopeful that DACA will get passed, but I am not confident that the Congress

will act on it soon enough,” says Gilberto Cárdenas, professor emeritus of Sociology, University of Notre Dame, whose research interests are immigration, race and ethnic relations, Latino art, and culture.

Cheryl Shanks, professor of political science at Williams, whose research focuses on international relations theory, immigration, and international institutions, is less hopeful. “I see zero chance of DACA entering permanent federal law,” she says frankly.

That conviction comes from her understanding of what the U.S. expects of incoming noncitizens. She sees two separate processes at work.

“Comprehensive federal legislation sets numerical targets and preference criteria for people allowed to enter legally, on a path to citizenship, and this gets overhauled only maybe once a generation,” she says, alluding to the difficult and tenuous legislative process of changing immigration laws. That is the first. The second is short-term directives “like executive orders or national security findings” which allow the executive branch to create exceptions in the short term.

“DACA falls in this latter category, telling federal agencies how to handle, for example, a request for a social security number from someone not born in the USA.”

Solidifying DACA into law would mean that, instead of the traditional agencies holding the reins on who can enter the country, work, go to school and live here (such as ICE, CBP, Homeland Security, etc.), it would effectively be at the discretion of the parents who brought in undocumented children.

“I just don’t see the federal government, at any level, ceding that privilege. The power to control citizenship is too core to cede,” she says.

While her analysis lasers in on the immigration issue itself and its underlying philosophies, for Professor Cardenas, the sentiment on DACA is part of a larger narrative of polarization and political ideology.

“Several years ago, there was good support in the general public [for immigration reform], but today it is hard to predict, given the wide array of very politicized issues. Too many elected officials are using these issues to interfere with needed action,” he says,



ISAAC GUZMAN/AFP via Getty Images
Latin American migrants, part of a caravan making its way towards the border with the United States, in Huehuetan, Chiapas state, Mexico, on June 7.

pointing to a sense of “me first, party second, nation last” which he sees as prevalent in the electorate, across party lines, although he believes it to be especially dominant in the GOP.

“I joined the Republican Party in support of George W. Bush’s run for presidency, supported him during his presidency, but left after Trump was elected as our party’s candidate,” he offers as context, stressing how he sees President Trump as having added significantly to the polarization with regard to immigration, particularly during his 2015-2016 campaigning. As President, he then went on to appoint judges who place obstacles in the way of undocumented migrants, says Professor Cardenas.

Julie Weise, professor of History at the University of Oregon, with a focus on migrations in the Americas, points out how the political sphere has become less sympathetic to immigrants in the past decade or so, a phenomenon she also links to the Trump years during which anti-immigrant rhetoric became “a political litmus test,” despite the fact that a large percentage of Americans support “humane immigration policies for DACA recipients and others with firm ties in the country.”

Digging back a couple of decades, Professor Weise points out how the DREAM Act in the early 2000s, a proposed permanent solution for undocumented youth, initially had strong bipartisan support. “It could easily have passed on its own, but Democrats were determined to pass a much more comprehensive bill and did not want to give Republicans what was seen at the time as an ‘easy’ win on immigration.”

Now, nearly 20 years later, she says, there is nothing “easy” about the DREAM Act. “It seems unlikely to me that it will pass in the

near future as many of its onetime co-sponsors have abandoned the legislation under pressure from the far right.”

Opponents of DACA come in various shades, some of a more legal hue, who believe the executive branch oversteps its authority by passing such policy, and others of a more political one, who see it as a harbinger for increased illegal immigration and border dysfunction. Regardless, both sides seem less poised for collaboration on immigration than they were a couple of decades ago.

Path Forward

With something of a stalemate on immigration in general and DACA in particular, there is an air of resignation among the body politic.

For Professor Cardenas, he hopes for an approach to immigration that pivots away from criminalization strategies and, rather, focuses on greater opportunities for legal admission. “This includes enabling DACA students and the vast array of refugee and asylum seekers to enter and remain in our country through legal and permanent admission policies based on humanitarian reasons.”

Professor Weise notes how increased immigration bolsters the economy.

“As the U.S. suffers inflation driven in large part by a labor shortage, our current immigration politics is quite self-defeating,” she says. “Historically, high levels of immigration have laid crucial groundwork for societies to experience strong economic growth without inflation; this was particularly true in the United States and Europe in the post-World War II years. Passing

the DREAM Act and other immigrant-welcoming legislation would be both humane and economically rational.”

Professor Shanks says we can probably expect DACA to lumber along “in an ad hoc way,” as its supporters and opponents maintain a sort of equilibrium. “American public opinion favors those we see as innocent, as hard-working, as committed to this country; in this inflationary, low-unemployment economy, businesses have an interest in being able to hire American-educated young people; colleges appreciate what such youth add to academic communities; the military needs the same people. As long as major social institutions’ demand for talented youth exceeds its supply, there will be broad pressure to keep DACA youth in that pool.”

But there’s a caveat.

“The thing is, when the demand falls, this will vanish. It’s all contingent.

“Keeping child arrivals in limbo suits us because we can utilize these individuals when that suits our needs, but we are not obligated to them. I don’t support this, but this is what I see – a tenuous, minimalist, revocable compromise.”

While those who oppose DACA are concerned about maintaining rule of law, sending invitation signals to potential migrants, and maintaining immigration integrity while a long line of legal applicants waits patiently, those who support DACA are preoccupied with the callousness of denying legal status to young people who know no other life except their American one.

And perhaps nobody’s concerns are mitigated with the current “tenuous, minimalist, revocable compromise.”

As is likely the case, most Americans are sympathetic to Dr. Larios’ plea that we recognize the “full potential and full humanity” of migrants and their children in the abstract. Now, what to do in the practical?

Jewish DACA

“I am curious if you are doing any research about Jewish DACA recipients,” asks Professor Weise, which is an interesting question, being that most would assume DACA is extended to the children of Central and South American undocumented migrants.

That is not necessarily the case.

“Certainly, they are out there, likely Israeli, South American, and/or Russian,” she says, referencing an Argentinian Jewish student she knew at her previous university who was the child of undocumented migrants. “This was before DACA and I don’t remember her name or what happened to her.”

Figuring out how many Jewish immigrants benefit from DACA is tricky. There is no clear data on it, but a number of Jewish organizations like JFS (Jewish Family Services) have advice lines and webpages devoted to helping Jews apply for DACA.

United States Citizenship and Immigration Services (USCIS) told *The Times of Israel* that it does not have data on undocumented individuals, but the U.S. Census Bureau estimates that there are more than 11,700 non-U.S. citizen Israelis in California alone. We can assume some of them are undocumented, having entered the country on visas that have expired.

While Jewish DACA recipients may be few and far between, for some, this policy has been deliverance.

“My life has been defined by migration and the laws associated with it since I arrived here from Caracas, Venezuela,” writes Elias Rosenfeld for the Jewish Telegraphic Agency, describing his journey as an undocumented migrant.

He describes the vibrant Jewish community in his city of origin, and how they shared “all aspects of life with one another, from bar mitzvahs and weddings to the Jewish day school and Hebraica social club.”

That was before a series of antisemitic attacks began to terrorize his community. “Assaults included the vandalization of synagogues with swastikas and the kidnapping of dozens of our fellow Jews in Caracas. My grandfather, mother, and I were even held up at gunpoint multiple times.”

He writes how his grandfather had escaped the Nazis and settled in Venezuela, only to find that decades later, it was no longer a refuge.

After his mother brought Elias and his sister to the U.S., their lives settled, until she passed away from kidney cancer when he was 12. “My sister and I were left fending for ourselves with cooking and working, even paying rent in our one-bedroom apartment, while balancing a challenging high school curriculum.”

He discovered his undocumented status when applying for a driving permit.

“It seemed incomprehensible how someone like myself, who had won the U.S. history award every year in middle school, lacked the basic privileges I assumed I had as an American.”

In 2012, with Barack Obama’s executive order, Elias applied for DACA.

“I was able to graduate at the top of my class, speak at my high school graduation, and receive a full merit scholarship at Brandeis University, where I am studying today. Most important, it gave me peace of mind: I could move through my days without worrying constantly that I might be uprooted.” ■