Questions & Answers – Deferred Action for DREAMers

Why do people support the DREAM Act?

Today there are more than 11 million individuals living in the United States without permission. This figure includes people who came here without permission as well as people who came in with visas and then overstayed them (40 to 50 percent). The vast majority of these individuals came here to seek better economic opportunities in low-wage jobs that American workers do not want (or they were brought here with their parents who were seeking such employment.)

Although these individuals have violated the immigration rules they have also provided needed labor in jobs throughout the U.S. economy. Enforcement of the laws continues to focus more on unauthorized workers rather on the companies and employers who give them work and encourage continued unauthorized migration.

Since 1996 our immigration laws have been very harsh and provide few opportunities for those who are here without permission to gain lawful status. Those paths to permanent residence that do exist usually involve long waits for a visa (often ten to 20 years) in addition to harsh penalties that prevent many people from immigrating until they have served terms of punishment outside of the country for as much as ten years.

Most observers agree that we need a major overhaul of our immigration laws to meet the economic needs of the 21st century, to reunite families, and to allow our undocumented population to come out of the shadows and participate in our society. The DREAM Act is popular legislation that would target young undocumented people and permit them to earn lawful status while leaving the rest of the system unchanged.

Is Deferred Action for Childhood Arrivals the same as the DREAM Act?

No. Deferred Action for Childhood Arrivals (DACA) does not provide a path to lawful permanent resident status or to citizenship. Without changes to the immigration laws many individuals who qualify for DACA would still face long waits, family separation, and other barriers before they would be able to gain permanent resident status.

1 Pew Research Center, February 1, 2011
2 Pew Hispanic Center, May 22, 2006
3 Migration Policy Institute, September 2005
4 Illegal Immigration Reform and Immigrant Responsibility Act effective September 30, 1996
5 See the Department of State’s monthly Visa Bulletin
6 Immigration and Nationality Act § 212(a)(9)(A), (a)(9)(B), and (a)(9)(C)
7 Gallup Politics poll, December 2010
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What is Deferred Action for Childhood Arrivals (DACA)?

Deferred Action is already permitted within the immigration laws. It is an agreement between the federal immigration police (ICE) and an individual to protect that individual from deportation for a certain period of time. Deferred Action is already used in special circumstances and for survivors of domestic violence.

DACA is a new policy from the Obama Administration to grant Deferred Action to certain young undocumented immigrants (mostly ages 15 to 30) who were brought to the United States as children (before age 16) and who have worked toward high school graduation and avoided serious criminal problems.⁸

It is estimated that DACA can help as many as 1.7 million among the 4.4 million undocumented individuals under age 30.⁹ This includes as estimated 30,000 DACA candidates in Nevada alone.¹⁰ Nevada has the highest percentage of DACA candidates among its total Hispanic population (11.6 percent of Nevada Hispanics could qualify.)¹¹

What is the deadline to apply for DACA?

There is no firm deadline. The outcome of the 2012 presidential election may impact this policy. Because it is not a new law or regulation this policy can be extended, changed, or cancelled at any time by the current president or his successor.

Where can I get help to apply for DACA?

Good, honest advice is key in this process. All over the country applicants can turn to affiliates of the Catholic Legal Immigration Network (aka CLINIC). A directory of non-profit programs can be found at www.cliniclegal.org/about-us/affiliate-directory.

You can also reach out to an immigration attorney who is a member of the American Immigration Lawyers Association. All attorneys are authorized to practice immigration law but that does not mean they have the needed experience to do a good job.

Our program is a not-for-profit immigration services program accredited by the Board of Immigration Appeals. We provide low-cost immigration legal services for clients with incomes below 200 percent of the Federal Poverty Limit. You can learn more about our services by connecting with us through our blog, Facebook, or Twitter.

How can I help others to apply for DACA?

If you want to get involved helping us put on these group-processing workshops please visit www.ccnnimmigration.wordpress.com/volunteer.

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⁸ See www.USCIS.gov/childhoodarrivals  
⁹ Pew Research Center, August 14, 2012  
¹⁰ Migration Policy Institute, August 2012  
¹¹ Migration Policy Institute, July 2010