



NATIONAL IMMIGRATION FORUM

Summary of Trump Administration's Memorandum Ending DACA

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The Department of Homeland Security (DHS) "[Memorandum on Rescission of Deferred Action for Childhood Arrivals \(DACA\)](#)" rescinds DACA as of September 5, 2017, but allows some recipients to renew their protection from deportation and work permits before March 5, 2018. It also permits current recipients to retain their protection from deportation and work permits until their deferred action and Employment Authorization Documents (EADs) expire.

The new memo:

- **Rescinds the June 15, 2012, memorandum establishing Deferred Action for Childhood Arrivals (DACA).** The new DHS memo ends DACA, which was implemented in August 2012 to provide a renewable two-year temporary protection from deportation and employment authorization to certain young undocumented immigrants, known as Dreamers, who were brought to the U.S. as children. Currently, almost 800,000 DACA recipients live throughout the U.S. To qualify for DACA, applicants demonstrated that they (1) came to the U.S. before age 16, (2) had lived continuously in the U.S. since June 15, 2007, (3) completed high school or were currently enrolled in school, (4) passed a criminal background check, (5) were not a threat to public safety, and (6) paid a fee of \$495. The CATO Institute estimates that repealing DACA [would cost](#) more than \$60 billion, along with a \$280 billion reduction in economic growth over the next decade. Another [study](#) found that it could result in a \$460.3 billion GDP loss over a decade.
- **Ends DACA recipients' protection from deportation once their deferred action expires.** DACA provides Dreamers with two-year grants of deferred action and employment authorization, which means that they are protected from deportation if they met certain requirements. The DHS memo indicates that DACA recipients will be subject to deportation on the date their current deferred action and work permit expire, even though they have lived and grown up in the United States for 10 years or longer and consider themselves American. In addition, the DHS memo states that immigration officials can continue to exercise their authority to terminate or deny deferred action at any time. As a result, DACA recipients may be deported to countries that they do not remember or where they have no close family members. To obtain DACA, young undocumented immigrants submitted their personal information to U.S. Citizenship and Immigration Services (USCIS), including their home addresses, which makes them particularly vulnerable to deportation. Without deferred action, DACA recipients may no longer be eligible for driver's licenses, in-state college tuition, college scholarships, and professional licenses or certifications, such as a teacher's certification, depending on the state in which they live.
- **Bars initial DACA applications received after September 5, 2017.** USCIS will no longer consider new applications for DACA received after September 5, 2017. Because many children did not meet the 15-year-old age requirement to apply for DACA the first

time, thousands of young undocumented immigrants who were born between 2002 and 2007 and were brought to the U.S. before June 15, 2007, will no longer be able to apply and receive protection from deportation. In addition, individuals who were eligible for DACA but could not afford the processing fee of \$495 also will be barred from applying to receive protection from deportation. New initial applications received on or before September 5, 2017 will continue to be processed.

- **Allows recipients with deferred action and Employment Authorization Documents (EADs) expiring between now and March 5, 2018, to apply for a two-year renewal.** DACA recipients have EADs to work legally in the U.S., which are subject to renewal and a \$495 fee every two years. The DHS memo would permit current recipients with deferred action and EADs expiring between now and March 5, 2018, to apply for a final two-year renewal to receive protection from deportation and EADs, provided that USCIS receives their applications by October 5, 2017. These EADs would remain valid until they expire.
- **Prohibits recipients with deferred action and EADs that expire after March 5, 2018, from renewing.** DACA recipients with EADs that expire after March 5, 2018, will not be eligible to renew their work permits. Without work authorization, these recipients will not be able to work legally in the U.S. In the [six months](#) following March 5, 2018, about 150,000 EADs will expire, and by January 2019, more than 318,000 EADs will have expired. This means about [1,400](#) DACA recipients will lose their ability to work every business day. The loss of these DACA recipients from the job market is expected to lead employers to [incur](#) at least \$3.4 billion in turnover costs, which are passed on to American consumers. Ending work authorization for DACA recipients also would reduce Social Security and Medicare tax contributions by almost [\\$25 billion over the next decade](#). DACA recipients unable to work will lose health insurance, be evicted or lose their homes, and become delinquent on car and college loans. They will have to choose between working illegally and losing the ability to sustain themselves. DACA recipients have used their EADs to work hard and strive to reach their full potential — some for more than five years. Without the opportunity to renew their EADs, DACA recipients will be forced to live and work in the shadows, some for the first time in their lives.
- **Prohibits DACA recipients from receiving advance parole to travel outside the United States.** DACA recipients were allowed to apply for advanced parole to travel outside the United States and return legally without losing their DACA status. Advance parole was granted only when a DACA recipient needed to travel for educational, employment or urgent humanitarian purposes. Urgent humanitarian purposes included reasons related to medical assistance, attending a family member's funeral, and visiting a sick relative. DHS will "generally honor" grants of previously issued advance parole. U.S. Customs and Border Protection (CBP) will retain its authority to determine the admissibility of any DACA recipients with advance parole presenting themselves at the border. DHS will not consider pending and new applications for advance parole.