



## Deferred Action for Childhood Arrivals (DACA): An Overview

Deferred Action for Childhood Arrivals (DACA) is an exercise of prosecutorial discretion, providing temporary relief from deportation (deferred action) and work authorization to certain young undocumented immigrants.<sup>1</sup> DACA was created on June 15, 2012, by then-Secretary of Homeland Security Janet Napolitano. Unlike federal legislation, DACA does not provide permanent legal status to individuals and must be renewed every two years. This fact sheet provides an overview of DACA and prior attempts to dismantle the initiative, as well as its current status.

### The Socioeconomic Impact of DACA

DACA has enabled roughly 825,000 eligible young adults to work lawfully, attend school, and plan their lives without the constant threat of deportation—usually to an unfamiliar country.<sup>2</sup> According to the Migration Policy Institute, more than 1.3 million U.S. residents were eligible for DACA as originally implemented.<sup>3</sup> The Center for American Progress estimates that the average DACA recipient arrived in the United States in 1999 at the age of 7.<sup>4</sup>

With work authorization and the imminent threat of deportation removed, DACA recipients have experienced pronounced upward mobility in their socioeconomic status. A national survey of DACA recipients conducted in August and September 2019 found that 58 percent of respondents moved on to a job with better pay, while 48 percent moved to a job with better working conditions and 53 percent moved to a job with health insurance or other benefits. Moreover, 53 percent of respondents moved to a job that “better fits [their] education and training” and 52 percent moved to a job that “better fits [their] long-term career goals.” In addition, 6 percent of respondents started their own businesses after receiving DACA and 17 percent obtained professional licenses.<sup>5</sup>

According to the results of the 2019 survey and four previous annual surveys, the average hourly wage of respondents increased by 86 percent after receiving DACA, rising from \$10.46 per hour to \$19.45 per hour. This not only helped 79 percent of respondents to “become financially independent,” but benefited the U.S. economy by increasing their purchasing power and tax payments at the federal, state, and local levels. For instance, 60 percent of respondents said that they bought their first car after receiving DACA, which boosted auto sales and generated sales tax revenue together with registration and title fees. Similarly, 14 percent of respondents said they bought their first home after receiving DACA, which had comparable ripple effects throughout the economy.<sup>6</sup>

The 2019 survey also revealed that 40 percent of respondents were in school and that most of them (83 percent) were working toward a bachelor’s degree or higher. Among those in school, 93 percent said that because of DACA, “[They] pursued educational opportunities that [they] previously could not.” Nonetheless, 46 percent of respondents reported already having a bachelor’s degree or more education.<sup>7</sup>

Another nationwide study found that DACA recipients have also benefited from much greater psychological well-being. Specifically, DACA “led to an overall decrease in stress, helping them to perform better in their jobs and in their studies.” DACA recipients reported renewed hope for the future, a greater sense of belonging to U.S. society, and less fear of the police and other government authorities.<sup>8</sup>

## **Characteristics of DACA Recipients**

According to U.S. Citizenship and Immigration Services (USCIS), there were approximately 640,760 active DACA recipients as of September 30, 2020. Another 46,560 DACA recipients had renewals pending and were therefore not classified as “active.”<sup>9</sup> The USCIS data provides the following demographic information about active DACA recipients on that date:

- Roughly 341,760 were female and 298,940 were male (gender was unspecified for about 60).<sup>10</sup>
- The average age was 26.7 years. The largest number (235,150) were in the 21-25 age group, followed by the 26-30 age group (199,490).<sup>11</sup>
- The majority (470,910) were single, while 154,200 were married and 11,190 were divorced.<sup>12</sup>
- The largest number—516,010—were from Mexico, followed by El Salvador (24,660); Guatemala (16,770); Honduras (15,420); Peru (6,150); South Korea (6,090); and Brazil (5,030).<sup>13</sup>
- The largest numbers lived in California (182,810) and Texas (105,490), but significant numbers were also found in Illinois (33,970); New York (27,850); Florida (24,710); North Carolina (23,970); Arizona (23,960); and Georgia (20,480).<sup>14</sup>

The Center for American Progress estimated in 2020 that roughly 202,500 DACA recipients are what DHS terms “essential critical infrastructure workers” who work in healthcare, education, and food-related industries. More precisely, “an estimated 29,000 health care workers are DACA recipients,” including nursing, psychiatric, and home health aides; personal care aides; registered nurses; medical assistants; and dental assistants. Another 14,900 DACA recipients are teachers. And 142,100 DACA recipients work in food production and distribution, ranging from agriculture and food processing to food warehousing and grocery store operations.<sup>15</sup>

## **Recent DACA-Related Developments**

On September 5, 2017, then-Acting Secretary of Homeland Security Elaine Duke rescinded the 2012 DACA memorandum and announced a “wind down” of DACA.<sup>16</sup> As of that date, no new applications for DACA were accepted. DACA beneficiaries whose status was due to expire before March 5, 2018, were permitted to renew their status for an additional two years if they applied by October 5, 2017.<sup>17</sup> Any person for whom DACA would have expired as of March 6, 2018, would no longer have deferred action or employment authorization.<sup>18</sup> The attempted rescission was challenged by U.S. district courts in California, New York, Maryland, and the District of Columbia.

The U.S. Supreme Court agreed to review the legal challenges of the lower courts during its 2019-2020 term. On June 18, 2020, the Court ultimately ruled in a 5-4 decision that the Trump administration's attempt to terminate the program was unlawful, reasoning that the administration failed to properly explain its decision or consider alternatives to a full rescission of the initiative in violation of the Administrative Procedure Act (APA).<sup>19</sup> However, the Court also recognized that the federal government ultimately retains the authority to end the DACA initiative if it were to do so legally. Significantly, the Court found that the Trump administration failed to consider how DACA recipients had come to rely on the initiative for things such as education, employment, and establishing families in the United States.

Following the Supreme Court's decision, as well as a federal court order issued on July 17, 2020,<sup>20</sup> the DACA program was technically restored to its state prior to the September 2017 rescission. This brought hope to the many people who aged into the initiative—particularly those who reached the minimum age requirement of 15 in the past couple of years while the litigation was ongoing. U.S. Citizenship and Immigration Services (USCIS) subsequently began accepting some initial DACA requests and applications for advance parole but failed to approve or adjudicate any of these forms. Approximately six weeks after the Supreme Court's decision, then-Acting Secretary of Homeland Security Chad Wolf issued a memorandum making major changes to the DACA initiative.<sup>21</sup>

Acting Secretary Wolf's July memorandum rescinded former Acting Secretary Duke's memorandum from 2017 and made several significant changes to the operation of DACA. As of June 28, 2020, current and prior DACA recipients were allowed to continue to apply to renew their protections with USCIS. The validity period for those protections was reduced to one year, however, and DACA recipients were required to apply to renew their protections annually, rather than every two years.<sup>22</sup> USCIS indicated plans to reject all pending and future initial DACA requests from people who are eligible for DACA but had not previously participated in the initiative.<sup>23</sup>

A November 2020 ruling by a federal judge in New York set aside limitations placed on the program by Acting Secretary Wolf's July memorandum.<sup>24</sup> The New York judge invalidated the memorandum on the basis that Wolf was improperly appointed to his position.<sup>25</sup> On December 4, the same judge ordered that limitations placed on DACA by the July 28 memorandum must be set aside and that the administration should fully reinstate DACA protections.<sup>26</sup> The agency began accepting new DACA applications on December 7.

On December 22, 2020, in a separate lawsuit in the Southern District of Texas, U.S. District Judge Andrew Hanen heard arguments on cross motions for summary judgment in a case where the State of Texas (joined by several additional states) sought complete termination of the DACA program.<sup>27</sup> Judge Hanen's decision remains pending.

On January 20, 2021, President Biden issued a memorandum reaffirming the federal government's commitment to DACA. The memorandum states that "the Secretary of Homeland Security, in consultation with the Attorney General, shall take all actions he deems appropriate, consistent with applicable law, to preserve and fortify DACA."<sup>28</sup> As of the date of publication of this fact sheet, the DACA initiative continues to operate as initially implemented in August 2012.

## **Conclusion**

DACA is a temporary fix to the quandary confronting hundreds of thousands of young undocumented immigrants. Without DACA, these young people cannot work legally in the United States and face the possibility of deportation to countries where they haven't lived since they were very young. With DACA, they can finally get jobs legally, move up the socioeconomic ladder, and experience enough stability in their lives to pursue their education further and plan for the future.

## Endnotes

1. To be eligible, DACA applicants have had to meet the following requirements:
  - 1) Arrived in the United States before turning 16, and were under the age of 31 on June 15, 2012;
  - 2) Continuously resided in the United States from June 15, 2007, to the present;
  - 3) Were physically present in the United States on June 15, 2012, as well as at the time of requesting deferred action;
  - 4) Entered without inspection before June 15, 2012, or any previous lawful immigration status expired on or before June 15, 2012;
  - 5) Are either in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are honorably discharged veterans of the U.S. Coast Guard or the U.S. Armed Forces; and
  - 6) Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors occurring on different dates and arising out of different acts, omissions, or schemes of misconduct, and do not otherwise pose a threat to national security or public safety.
2. U.S. Citizenship and Immigration Services, "Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Intake and Case Status, Fiscal Year 2012-2019," April 30, 2019, [https://www.uscis.gov/sites/default/files/document/data/DACA\\_FY19\\_Q3\\_APR\\_FINAL.pdf](https://www.uscis.gov/sites/default/files/document/data/DACA_FY19_Q3_APR_FINAL.pdf).
3. Julia Gelatt and Sarah Pierce, "The Trump Immigration Plan: A Lopsided Proposal" (Washington, DC: Migration Policy Institute, January 2018), <https://www.migrationpolicy.org/news/trump-immigration-plan-lopsided-proposal>.
4. Nicole Prchal Svajlenka and Philip E. Wolgin, "What We Know About the Demographic and Economic Impacts of DACA Recipients: Spring 2020 Edition" (Washington, DC: Center for American Progress, April 6, 2020), <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482676/know-demographic-economic-impacts-daca-recipients-spring-2020-edition/>.
5. Tom K. Wong, et al., "DACA Recipients' Livelihoods, Families, and Sense of Security Are at Stake This November" (Washington, DC: Center for American Progress), September 19, 2019, <https://www.americanprogress.org/issues/immigration/news/2019/09/19/474636/daca-recipients-livelihoods-families-sense-security-stake-november/>.
6. Ibid.
7. Ibid.
8. Roberto G. Gonzales and Kristina Brant, "Analysis: DACA Boosts Young Immigrants' Well-Being, Mental Health," *NBC News*, June 15, 2017, <https://www.nbcnews.com/news/latino/analysis-daca-boosts-young-immigrants-well-being-mental-health-n772431>.
9. U.S. Citizenship and Immigration Services, "Approximate Active DACA Recipients: As of September 30, 2020," [https://www.uscis.gov/sites/default/files/document/reports/DACA\\_Population\\_Receipts\\_since\\_Injunction\\_Sep\\_30\\_2020.pdf](https://www.uscis.gov/sites/default/files/document/reports/DACA_Population_Receipts_since_Injunction_Sep_30_2020.pdf).
10. U.S. Citizenship and Immigration Services, "Approximate Active DACA Recipients: Gender As of September 30, 2020," [https://www.uscis.gov/sites/default/files/document/reports/DACA\\_Population\\_Receipts\\_since\\_Injunction\\_Sep\\_30\\_2020.pdf](https://www.uscis.gov/sites/default/files/document/reports/DACA_Population_Receipts_since_Injunction_Sep_30_2020.pdf).
11. U.S. Citizenship and Immigration Services, "Approximate Active DACA Recipients: Age Group As of September 30, 2020," [https://www.uscis.gov/sites/default/files/document/reports/DACA\\_Population\\_Receipts\\_since\\_Injunction\\_Sep\\_30\\_2020.pdf](https://www.uscis.gov/sites/default/files/document/reports/DACA_Population_Receipts_since_Injunction_Sep_30_2020.pdf).
12. U.S. Citizenship and Immigration Services, "Approximate Active DACA Recipients: Marital Status As of September 30, 2020," [https://www.uscis.gov/sites/default/files/document/reports/DACA\\_Population\\_Receipts\\_since\\_Injunction\\_Sep\\_30\\_2020.pdf](https://www.uscis.gov/sites/default/files/document/reports/DACA_Population_Receipts_since_Injunction_Sep_30_2020.pdf).
13. U.S. Citizenship and Immigration Services, "Approximate Active DACA Recipients: Country of Birth As of September 30, 2020," [https://www.uscis.gov/sites/default/files/document/reports/DACA\\_Population\\_Receipts\\_since\\_Injunction\\_Sep\\_30\\_2020.pdf](https://www.uscis.gov/sites/default/files/document/reports/DACA_Population_Receipts_since_Injunction_Sep_30_2020.pdf).
14. U.S. Citizenship and Immigration Services, "Approximate Active DACA Recipients: State or Territory of Residence As of September 30, 2020," [https://www.uscis.gov/sites/default/files/document/reports/DACA\\_Population\\_Receipts\\_since\\_Injunction\\_Sep\\_30\\_2020.pdf](https://www.uscis.gov/sites/default/files/document/reports/DACA_Population_Receipts_since_Injunction_Sep_30_2020.pdf).
15. Nicole Prchal Svajlenka, "A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response" (Washington, DC: Center for American Progress, April 6, 2020), <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.
16. Memorandum from Elaine Duke, Acting Sec., Department of Homeland Security, to James McCament, Acting Director, U.S. Citizenship and Immigration Services et al., Subj: Memorandum on Recession of Deferred Action for Childhood Arrivals (DACA) (September 5, 2017) <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>.
17. Ibid.
18. Ibid.
19. Nina Totenburg, "Supreme Court Rules for DREAMers, Against Trump," *NPR*, June 18, 2020, <https://www.npr.org/2020/06/18/829858289/supreme-court-upholds-daca-in-blow-to-trump-administration>; Dept. of Homeland Sec. v. Regents of the U. of California, 140 S. Ct. 1891 (2020).

20. Camilo Montoya-Galvez, “Judge orders Trump administration to fully reinstate DACA program and allow new applications,” CBS News, July 17, 2020, <https://www.cbsnews.com/news/judge-orders-trump-administration-to-fully-reinstate-daca-program-for-dreamers/>.
21. Memorandum from Chad Wolf, Acting Sec. Department of Homeland Security, to Mark Morgan, Senior Official Performing the Duties of Commissioner, at al., Subj: Reconsideration of the June 15, 2012 Memorandum Entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children” (July 28, 2020), [https://www.dhs.gov/sites/default/files/publications/20\\_0728\\_s1\\_daca-reconsideration-memo.pdf](https://www.dhs.gov/sites/default/files/publications/20_0728_s1_daca-reconsideration-memo.pdf).
22. *Ibid.*, 5.
23. *Ibid.*, 1.
24. Michelle Hackman, “DACA Is Restored After Court Rules DHS Head Served Illegally,” *The Wall Street Journal*, November 15, 2020, <https://www.wsj.com/articles/federal-judge-invalidates-trump-administration-s-daca-rollback-11605400169?page=1>.
25. *Ibid.*
26. Maria Sacchetti, “Federal judge restores DACA, orders DHS to accept first-time applications from immigrants,” *The Washington Post*, December 4, 2020, [https://www.washingtonpost.com/immigration/daca-restored-dreamers/2020/12/04/37254908-367a-11eb-8d38-6aea1adb3839\\_story.html](https://www.washingtonpost.com/immigration/daca-restored-dreamers/2020/12/04/37254908-367a-11eb-8d38-6aea1adb3839_story.html).
27. Mimi Dwyer and Ted Hesson, “U.S. judge weighs future of deportation relief program for ‘Dreamer’ immigrants,” *Reuters*, December 22, 2020, <https://www.reuters.com/article/us-usa-immigration-daca/u-s-judge-hears-lawsuit-targeting-deportation-protections-for-dreamer-immigrants-idUSKBN28W242?edition-redirect=in>.
28. Memorandum from President Joseph R. Biden, Jr., to the Attorney General and Secretary of Homeland Security, Subj: Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA), January 21, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/>.