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DACA 10TH ANNIVERSARY

# 'I don't know if I will be deported': Young immigrants prepare for DACA to end

<https://www.usatoday.com/in-depth/news/nation/2022/08/15/dreamers-prepare-end-of-daca-2022/10207991002/>

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ILLUSTRATION: ANDREA BRUNTY, USA TODAY; PHOTOS: JACK GRUBER, USA TODAY; GETTY IMAGES

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### Key Points

The DACA program started taking applications 10 years ago this week and remains as divisive as when it was first launched in 2012.

A panel of federal judges in New Orleans is expected to rule in the coming weeks whether to do away with the program.

"I haven't had children because I don't know if I will be deported someday," one DACA recipient said.

**L**ike a roller coaster, with ups and downs, excitement and fears, not knowing where it will end. This is how Yesenia Ramales sees the Deferred Action for Childhood Arrivals policy.

"It's been 10 years of a lot of frustration, not only for me but for the whole community. It's disappointing to see that we're in a position where something could be done and nothing is being done," said Ramales, who lives in Phoenix.

The DACA program started taking applications 10 years ago this week and remains as divisive as when it was first launched in 2012. A steady stream of legal challenges threatens its existence, leaving the more than 600,000 DACA recipients in the United States in a constant state of uncertainty, frustration and fear.

A panel of federal judges in New Orleans is expected to rule in the coming weeks whether to do away with the program, potentially erasing a decade's worth of protections for undocumented young people.



Yesenia Ramales, born in Puebla, Mexico, came to the U.S. in 1994. She has been a beneficiary of the DACA program since 2012 and says she is disappointed by the inaction of politicians regarding immigration.

COURTESY OF YESENIA RAMALES

"I haven't bought a house thinking that I could become unemployed if the program ends at any moment. I haven't had children because I don't know if I will be deported someday," Ramales said. "You can't plan a life living every two years, and every two years, and every two years."

Ramales, 29, was born in Puebla, Mexico, and was brought to the United States by her parents in 1994, when she was two years old. She is a paralegal at The Florence Project in Phoenix, a nonprofit that provides free legal and social services to adults and unaccompanied children in immigration custody.

"When people talk about DACA, people don't grasp that we are no longer children, we are no longer young people. We are already adults," she said. "I will be 30 years old in a month, and I am still in this frustrating situation where uncertainty is constant."



**'Half an American dream':** DACA was meant to be temporary. 10 years later, immigrants want relief.

**'Like a roller coaster':** DACA opens doors for two Texas brothers, leaves another in shadows



## Does DACA help undocumented immigrants?

driver's license; and in some instances, the ability to leave the country temporarily and return.

But in many ways DACA recipients are still unable to participate in a fuller American experience. They aren't eligible for federal tuition aid, and in some states, they don't qualify for in-state tuition rates. That means many of them have to pay more than double the cost for tuition compared with their peers, which can put getting a higher education beyond the reach for many families.



Immigration advocates and supporters rally outside Trump Tower in New York City on Aug. 15, 2017, the five-year anniversary of President Barack Obama's executive order, Deferred Action for Childhood Arrivals, which protects undocumented immigrants brought to the U.S. as children.

SPENCER PLATT, GETTY IMAGES

The designation prohibits international travel without special government approval and keeps recipients from working for the U.S. government. DACA recipients are ineligible for most federal public benefits, such as the Supplemental Nutrition Assistance Program, Medicaid, Supplemental Security Income and Temporary Assistance for Needy Families. And the program doesn't provide a path to permanent resident status or citizenship.

... is temporary and can be challenged in court ... and that takes a tremendous emotional toll on us. We don't feel secure. We don't have certainty in our lives," said Juliana Macedo de Nascimento, deputy director of federal advocacy for United We Dream, an immigrant youth-led network, and a DACA recipient. "We feel very much like second-class citizens, not even citizens."



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Juliana Macedo de Nascimento, deputy director of federal advocacy for United We Dream, an immigrant youth-led network, and a DACA recipient

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DACA is intended to help immigrants who are undocumented through no fault of their own because they came to the United States as minors. Opponents of the program say it's an example of presidential overreach.

DACA encourages more immigration by rewarding undocumented immigrants with deportation deferments and work permits, said Lori Reis, director of the Border Security and Immigration Center at the Heritage Foundation.

"Amnesty by whatever name is not good policy because it just begets more illegal immigration," Reis said. "We need a lawful and orderly immigration system. And as long as people are allowed to come in illegally and remain here illegally, people will choose that path."

Reis said the solution was to overhaul and simplify the nation's immigration system, which has "become more complex and more confusing." She called for stronger border security measures, as well as targeting unmeritorious asylum claims as a way to reduce the massive 8½-million-case backlog.

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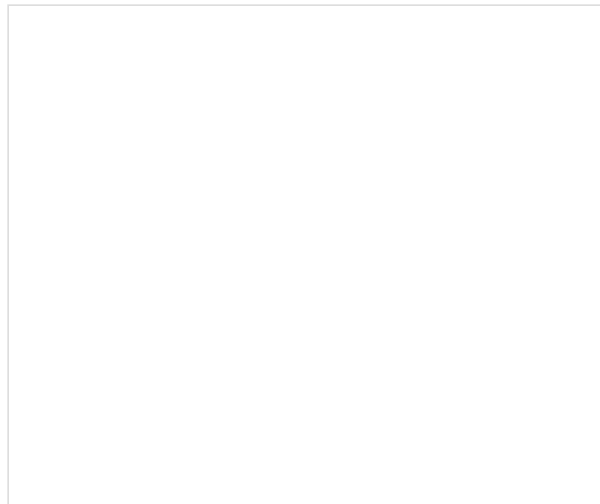
Lori Reis, director of the Border Security and Immigration Center at the Heritage Foundation

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DACA is unlawful because it was not authorized by Congress, said RJ Hauman of the Federation for American Immigration Reform, a non-profit that seeks to reduce immigration levels. Hauman, FAIR's director of governmental relations and communications, said DACA recipients should be “livid” at Congressional Democrats for not making a deal with Republicans that would have provided a permanent solution.

“Democrats have used the DACA recipients as a political football for decades. Republicans would have stomached protecting them in exchange for modest reforms to our system and enhanced border security,” he said.

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## Harris supports 'Dreamers' on DACA anniversary (1:43)

On the 9th anniversary of the Obama-era DACA program, Vice President Kamala Harris pledged the Biden administration would "protect our Dreamers" and called for a pathway to citizenship for millions of immigrants. (June 15)

AP



## DACA could be overturned by Supreme Court

DACA was designed to be temporary when it was established by President Barack Obama in 2012 after Congress failed to pass the more ambitious DREAM Act, which would have given undocumented immigrants brought to the United States as minors a pathway to permanent legal status. DACA provided nearly 1 million undocumented young immigrants the chance to work and drive legally in the United States.

Over the past decade, more than 800,000 people have been approved as DACA recipients, and 611,000 hold that status now, according to U.S. Citizenship and Immigration Services. Applicants had to meet various criteria, including having arrived in the United States before turning 16 and continuously residing here since June 15, 2007. Thousands of recipients have left the program for various reasons, including marriage to a U.S. citizen, which can open the door to permanent residency and citizenship.

The program has constantly been the target of heavy scrutiny.



DACA students celebrate after the U.S. Supreme Court rejects President Donald Trump's bid to end legal protections for young immigrants in June 2020.

MANUEL BALCE CENETA, AP

When President Donald Trump took office, he expressed sympathy for "Dreamers" and gave Congress six months to find a permanent solution, which failed. In September 2017, the Trump administration announced it would stop taking new applications and processing renewals.

That led to legal challenges by DACA advocates, who claimed hundreds of thousands of potentially eligible recipients were left in limbo. Their lawsuit succeeded: The Supreme Court narrowly upheld the program in June 2020.

Months later, U.S. District Judge Nicholas Garaufis in New York ordered U.S. Citizenship and Immigration Services to begin accepting first-time applications from people who were eligible for DACA before Trump stopped processing them in 2017.

Those victories for undocumented immigrants were short-lived.

A group of Republican-led states filed a lawsuit in Texas challenging the legality of DACA and in July 2021, U.S. District Judge Andrew Hanen sided with the Republican states and



COURTESY OF KARLA DANIELA SALAZAR CHAVIRA

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**At that age, I barely understood that I was undocumented, but I knew I needed DACA, that piece of paper to be able to accomplish my dreams.**

Karla Daniela Salazar Chavira, 20, who was born in Hermosillo, Sonora, and was brought to the U.S. when she was 10 months old. When she turned 15, she sought to apply for DACA, but her application was stuck at UCSIS due to the legal status of DACA in the courts.

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went nowhere.

"I cried a lot," said Salazar, 20. "At that age, I barely understood that I was undocumented, but I knew I needed DACA, that piece of paper to be able to accomplish my dreams."

Salazar was born in Sonora, Mexico, and was brought to the United States when she was 10 months old. In high school, she saw classmates obtain federal school grants, driver's licenses and go on vacations abroad – all things out of her reach. She hopes to one day earn a master's degree in Spanish interpretation and translation and a doctorate in psychology.

"For me, DACA is a time bomb in the courts. I think the program is going to end," she said.



Farmworkers pick bok choy in a field in Calexico, Calif. In 2021, President Joe Biden proposed an eight-year path to citizenship for about 11 million immigrants in the U.S. illegally as well as green cards to more than 1 million DACA recipients and temporary protected status to farmworkers already in the United States. Congress has not passed the measure.

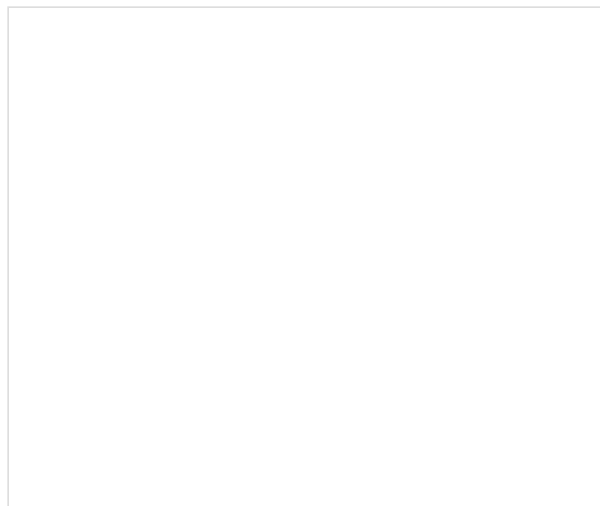
SANDY HUFFAKER, GETTY IMAGES

An appeal of Hanen's ruling is now being considered by the 5th Circuit Court of Appeals in New Orleans. The court heard oral arguments in July and could rule in the coming weeks.

DACA “has been hugely successful and transformational. I’m always hopeful, but at the same time, we’re ringing the alarm bell,” said Marielena Hincapié, executive director of the National Immigration Law Center, which supports immigrant rights. “We see that this is a Supreme Court that will not think twice of rolling back fundamental rights.”

Advocates hope Garaufis, who also held a hearing in New York in July, will order USCIS to start processing the DACA applications that were left pending, meaning applicants would receive DACA status immediately if the courts uphold the program.

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## States debate future of DACA recipients

Beyond the federal battles, DACA has been fighting for its life at the state level since its inception.

Twenty-eight states do not give undocumented immigrants in-state tuition regardless of whether they graduated from a local high school. Pro-immigrant activist groups have sought for years to change these policies, arguing that affordable college tuition could help more people obtain employment and contribute to the economy.

In Arizona, a bipartisan coalition of lawmakers and business and community leaders have launched Yes on 308, the campaign calling on voters to approve Proposition 308 in the Nov.

Nearly 3,600 undocumented Arizona students would benefit each year if Proposition 308 were approved, according to an analysis published in June by the American Immigration Council, a non profit that supports progressive immigration reform. The move would also increase the spending power for "Dreamers" who graduate, and generate about \$5 million in local, state and federal taxes, according to the analysis.



Nursing student Carlos Esteban, a DACA recipient, rallies outside the White House on Sept. 5, 2017.

JACQUELYN MARTIN, AP

Reyna Montoya, CEO and founder of Aliento, a resource group of mixed-status families in Arizona, said these students are asking for a fair shot to pay the same tuition rate as their peers.

"I feel really hopeful that Arizona could turn the page and be a brighter place for Dreamers, like myself and thousands of young people that I get to work day in in schools," Montoya said.

"We've seen states like California, like New York, but at the same time, states like Oklahoma, Texas, Utah, really look at the issue and determine and recognize that it is beneficial to the state, and to the states' communities and to colleges and universities, to be able to provide equal access to education to undocumented students within that state," said Christian Penichet-Paul, director of immigration policy for the Presidents' Alliance on Higher Education and Immigration, an alliance of higher-education leaders who support progressive immigration policies.

## **DACA was supposed to be temporary. 10 years later, these immigrants still want relief.**

**Read their stories**

If DACA is overturned by the courts, undocumented immigrants who were protected from deportation will once again become vulnerable to being removed from the country. That is particularly concerning considering more than 800,000 young undocumented immigrants “came out of the shadows” to provide personal information to the government to participate

The Biden administration has said deporting former DACA holders would not be a high priority if the courts end the policy. But a new administration could take a tougher stance, Martinez Orozoco said.

At the same time, ending DACA could rejuvenate social movements that could build political pressure for Congress to pass the DREAM Act, he said.

At the very least, many former participants will lose driver's license privileges depending on which states they live in, Martinez Orozoco said. And many college students could be forced out of school if they no longer qualify for reduced tuition, Penichet-Paul said.

Some states, such as Arizona, also unsuccessfully fought to block driver's license eligibility after DACA was established. While DACA recipients are able to obtain a driver's license throughout the United States, license renewal is tied to DACA renewal. That means DACA recipients must reapply in person every two years for a driver's license, rather than the longer period between renewals of four to 12 years enjoyed by other drivers.

Andrea Rathbone Ramos, 26, a graduate student in public policy at New York University, said getting her driver's license when she was younger because of DACA made her feel like all the other teenagers.

"I didn't want to have to lie to people, saying, 'Oh yeah, my mom can't afford the driver's classes.' Now, I had a legitimate reason to go get my license," she said.



### **'I could lose my home, my job and everything'**

Some conservatives have said it is unlikely DACA recipients will be deported if the program is declared illegal.

Judicial rejection of DACA could result in a sweeping reform for young undocumented immigrants, said Andrew Arthur, resident fellow in law and policy at the Center for Immigration Studies, a non-profit research organization that describes its vision as seeking "fewer immigrants but a warmer welcome for those admitted."



citizenship, for DACA recipients, whom he referred to as “an extremely sympathetic population of aliens.”

"There's not really any interest on the part of Congressional Republicans, by and large, to remove those 600,000 people from the United States," he said.

But many DACA youth said they are living in fear.





COURTESY OF JOSE MAGAÑA SALGADO

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**Hopefully someday (DACA) will finally grant a path to citizenship to all those people who consider this country their home, but because of the lack of a piece of paper, it is not their home.**

Jose Magaña Salgado, 35, a native of Cuernavaca, Morelos, came to the U.S. as a 2-year-old. He currently works as an immigration attorney.

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José Magaña Salgado, an attorney and DACA recipient based in Washington, D.C., said he was able to get his driver's license, practice law, find a job at a non profit and buy a home because of DACA.

"It also gives me the security of being able to be here in this country without the fear of what's going to happen tomorrow, if I'm going to be detained, if I'm going to be deported. Psychologically, DACA has helped us," said Magaña, director of policy and communications for the Presidents' Alliance on Higher Education and Immigration.

Magaña runs a small law firm on the side and employs seven U.S. citizens. Those jobs would not exist without DACA, he said.

Still, he wants more out of his life in the United States.

"DACA doesn't give us documents (legal status)," said Magaña. "Hopefully someday it will finally grant a path to citizenship to all those people who consider this country their home,



The legal situation is dire, he said, and a “bad decision” is probable. But that won’t stop him or other DACA recipients from fighting.

“Many of us have been here since before DACA, and we're going to stay here after DACA. We are going to fight for this country, for our families and our communities," he said.

José Patiño, a DACA recipient from Arizona, said his anxiety over DACA’s future prompted him to get a therapist.

"What the Republicans have said is that there is not going to be an urgency for immigration reform as long as DACA is alive," he said. "But if the program ends there is no guarantee that this will happen, and I could lose my home, my job and everything I've been building for the last 10 years.

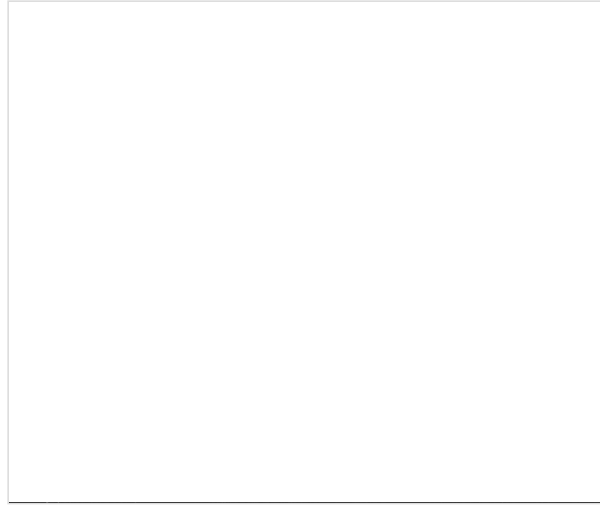
"There's nothing left but to educate myself more about what's going on, and talk to my employer about what might happen if the program comes to an end."



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