

# BLACK IMMIGRATION NETWORK

c/o Black Alliance For Just Immigration  
660 Nostrand Avenue, Brooklyn, NY 11216



## MEMO

### **Subject: Deferred Action for Childhood Arrivals (DACA)**

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Enacted in August 2012, the Deferred Action for Childhood Arrivals (DACA) program offers a two-year reprieve from deportation and provides temporary work authorization for unauthorized immigrants who were brought to the U.S. as children. As of July 2014, USCIS had accepted more than 610,000 applications for processing and granted approval to more than 520,000 individuals.<sup>1</sup>

#### **Eligibility**

To benefit from DACA, applicants must demonstrate that they arrived in the U.S. prior to their sixteenth birthday, and have continuously resided in the U.S. since June 15, 2007. Applicants must either currently be in school, or an approved work training program, have graduated from high school or received a general education development (GED) certificate, or be an honorably discharged veteran. Applicants must not have a “significant” criminal record which cannot include felonies, or certain misdemeanors, or any crime with a sentence of more than 90 days in custody. In addition, applicants must have been under 31 years of age and present in the United States on June 15, 2012. Finally, applicants must pay \$465 for biometrics and work-authorization fees.<sup>2</sup>

#### **No Permanent Path to Citizenship**

Although DACA beneficiaries are considered to be “lawfully present” in the U.S. for the deferred action period, DACA does not grant them any legal immigration status. It does not make recipients legal permanent residents, and does not provide a path to permanent residency or citizenship. Deferred action under DACA lasts for only two years, if not renewed, and can be revoked at any time.

#### **Black Immigrants Underrepresented**

While DACA addresses some of the needs of a critical segment of the immigrant population, very few black immigrants have benefited from DACA. Less than

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<sup>1</sup> United States Citizenship and Immigration Services (USCIS), “Number of I-821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2014 First Quarter,” available at <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigrati%20Forms%20Data/All%20Form%20Types/DACA/DACA-06-02-14.pdf>.

<sup>2</sup> U.S. Citizenship and Immigration Services. “Consideration of Deferred Action for Childhood Arrivals Process available at <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions>.

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1.7% of all approved DACA applicants are from the Caribbean and less than 1.0% are from Africa.<sup>3</sup> The Administration must consider how the fee requirement, prohibition against criminal records (including certain misdemeanors) and the education requirement present insurmountable barriers for some black and poor immigrants. DACA policy should be improved to eliminate unnecessary cut-offs and hurdles that deprive many deserving immigrants of relief.

## **DACA Should Be Improved and Expanded**

Although, DACA is reducing some of the challenges undocumented youth must overcome to achieve economic and social incorporation, DACA recipients do not exist in isolation—they are part of families and communities that also require relief. They belong to families and communities that lack important forms of access and are vulnerable to the threat of deportations and victimization because of their undocumented status.

Accordingly, DHS should also create additional administrative relief programs, more responsive to black immigrants, through which individuals could apply for protection from deportation on a case-by-case basis. Such a program would allow all those who have family, employment, community, business, and other ties to the U.S. to remain here without the threat of deportation. In order to be successful, such a program would have to be implemented as quickly and broadly as possible to ensure families can remain together.

## **Outreach and Assistance**

More resources should be dedicated to conduct outreach to encourage potential applicants in black immigrant communities to apply and inform them of the benefits and risks of applying, especially if there is a criminal history.

As organizations work with DACA beneficiaries on the renewal process, continued efforts are needed to reach the populations of young black immigrants who have not applied. The biggest barriers these young people face may be cost and access to resources and information. DACA fee waivers or loan programs, mobile legal clinics to resource-limited communities, and targeted outreach efforts are just a few of the efforts needed to move more black immigrants into DACA status.

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<sup>3</sup> See Brookings Institution. "Immigration Facts: Deferred Action for Childhood Arrivals (DACA)" (Aug. 14, 2013) available at <http://www.brookings.edu/research/reports/2013/08/14-daca-immigration-singer>.