

Obama's new program for young illegal immigrants: How is it going?

By [Stacy Teicher Khadaroo](#)
[Amanda Paulson](#)

Lynn, Mass.; and Boulder, Colo.

When Jessica Lopez's mother brought her to the [United States](#) illegally from [Colombia](#), she was 6. She grew up in [East Boston](#), constantly reminded that she had to hide her background.

Now 19, her future is anything but certain. But she's confident enough to take a course toward becoming a medical interpreter – a career aspiration that was totally impractical just a few months ago.

Ms. Lopez is among more than 82,000 young people who have already applied for protection from possible deportation – and a work permit – under the new program announced by [President Obama](#) in June. Officially called Deferred Action for Childhood Arrivals (DACA), it's been colloquially known as [DREAM Act](#)-lite.

Awaiting a criminal background check and final approval, Lopez is expecting to receive permission soon to stay and work in the country for two years, and then possibly renew and stay longer.

"At the end of the day ... we shouldn't be known as illegal immigrants, because we didn't choose to come here," says the part-time student at Quincy College in [Massachusetts](#). "I've lived in this country for 13 years, and it's as much a part of me – you can double the amount of time I was in Colombia, and it's still more [time spent] here."

Caroline Carlson, a 19-year-old student at the [University of Maryland](#) (UMD) in College Park, says she has some sympathy for children brought here by their parents, but the new policy of giving them work permits doesn't sit well with her.

"It makes me a bit nervous because the economy is in such a bad situation right now that I don't even know if I'd be able to get a job when I graduate," says Ms. Carlson, who is studying business and politics and is a vice president of the UMD College Republicans. "I think preference should be given to US citizens first before we give [illegal immigrants] an advantage when it comes to entering the workforce."

For proponents, DACA is a common-sense way to remove the fear of deportation for young people who came here through no choice of their own and essentially feel American. It's also a watershed victory that encourages them to push a broader agenda.

For opponents, it's a type of "amnesty" – akin to hanging a big welcome sign at the border and undermining the basic rule of law.

The debate shows once again how divided Congress has been on immigration issues. An operational memo from [Secretary of Homeland Security Janet Napolitano](#) set up DACA after Congress, in 2010, defeated the DREAM Act – legislation that would create a pathway to citizenship for young people who were brought here at a young age and pursued an education or joined the military.

Now the November elections could be key to what happens next. If [Democrats](#) gain seats in the House and retain control of the Senate and the presidency, the prospects for comprehensive immigration reform – which lawmakers attempted but failed to accomplish in the mid-2000s – are much greater. But if [Republicans](#) retain the House or if [Mitt Romney](#) becomes president, "it's hard to say where this will come out," says Robert Pastor, a professor of international relations at [American University](#) in [Washington](#).

"This is one of those issues, like the 'fiscal cliff,' where everything turns on the election," he says.

About 1.26 million people are immediately eligible for DACA, and another half million could qualify in the future, according to the [Migration Policy Institute](#). That's just a fraction of the estimated 11.5 million people living in the US illegally, but the program's ripple effects could be much wider.

To be eligible for DACA, a person must have been under age 31 on June 15, show that they came to the US before turning 16, have continually resided here for the past five years, meet educational or military-service requirements, and not pose a threat to public safety or national security.

The acceptance of applications through the [US Citizenship and Immigration Services \(USCIS\)](#) started Aug. 15, two months after the policy announcement. It's been a steep learning curve for potential applicants and the nonprofits, employers, and educational institutions that can help them document their eligibility.

The [Los Angeles Unified School District](#), for one, has posted a section on its website to help students get their records together to show their educational and residential history for the DACA application.

Thousands of people have shown up for free legal clinics in [Los Angeles](#) and [Miami](#), and more than 70 such clinics have been organized all around the country by groups such as the [Boston](#)-area Student Immigrant Movement (SIM). This is partly in response to reports of lawyers offering to help people for exploitative fees of \$1,000 or more.

At a clinic organized by SIM at [North Shore Community College](#) in [Lynn, Mass.](#), about 30 came for one-on-one legal advice on a recent Friday afternoon. "People are excited about the opportunities that this opens up, but a lot of people are really cautious," says Conrado Santos, a SIM coordinator wearing a T-shirt that declares "Education not Deportation."

One of the most common questions has been whether applicants or their family members might be targeted for deportation once the government has collected all their information. Both USCIS and advocacy groups have assured them that a DACA application would not in and of itself trigger such moves. Also, those over 18 don't have to identify parents on the application.

Despite the uncertainties, about 7 percent of those eligible applied for DACA in the first month, according to Lorella Praeli, the Washington-based policy coordinator for United We Dream, a network run by undocumented youths – compared with 3 percent who applied in the first month after Congress passed the [Immigration Reform and Control Act](#) in 1986, which granted amnesty to certain illegal immigrants.

As of Sept. 26, more than 1,600 DACA applications were ready for final review, and about 63,000 people had biometrics appointments scheduled, a [Department of Homeland Security \(DHS\)](#) official says.

Lopez has already completed her biometrics appointment, which she describes as a brief, easy process that includes answering some basic questions and having her photo and fingerprints taken.

"Such a quick turnaround for these amnesty applications raises serious concerns about fraud and a lack of thorough vetting," said [Rep. Lamar Smith \(R\)](#) of [Texas](#) in a statement. "While it took the administration less than three weeks to process several amnesty applications, it can take several months for some legal immigration benefit applications to be approved."

In response, a DHS official told the Monitor that the average length of time to process a DACA request is expected to be four to six months.

'No, we're not going to give up'

Lopez's transformation from a shy only child to an activist came when the Senate Republicans blocked the DREAM Act in 2010.

"When I saw the faces of the people that were there [to push for the DREAM Act],... people in tears saying, 'No, we're not going to give up,'... that's when I was like, I need to do something. Because if these people are brave enough to stand out and say something, why am I not?" says Lopez, who was taking a break from working at the free legal clinic for DACA applicants in Lynn.

But Mr. Obama's decision to take action that didn't involve Congress irked critics such as [Ira Mehlman](#), spokesman for the [Federation for American Immigration Reform](#), which advocates tightening borders and limiting immigration. "You have a president saying, 'Since you didn't pass [the DREAM Act], I'm just going to go ahead and do it,' " he says.

He and other opponents worry that it will encourage others to cross into the US – even though DACA applies only to people who arrived at least five years ago.

"If you reward illegal behavior, even if you do so indirectly, through the children of the people who broke the law, you encourage people to do it," Mr. Mehlman says.

Professor Pastor and others point to what happened with the Immigration Reform and Control Act of 1986: The employment verification requirements that were supposed to discourage future illegal immigration didn't turn out to be very effective. "Congress said they'd never do that again, because if they did, it would just be an encouragement to larger and larger waves," Pastor says.

Despite Obama's insistence that DACA is not an amnesty, critics see it as exactly that. "Let's not kid ourselves: They're not going to leave," says [Mark Krikorian](#), executive director of the [Center for Immigration Studies](#), who also objects to the nonlegislative nature of DACA.

If the rationale is that it's for children who grew up here and are essentially "American," it should have tighter guidelines, Mr. Krikorian says – applying to kids brought here at age 7 or younger, for instance. And to avoid attracting new undocumented immigrants, it should have some offsetting policies accompanying it, such as making mandatory the [E-Verify](#) system for employers to check employee immigration status, which is currently voluntary unless required by a state.

Giving hope to young immigrants

For immigrant advocates, DACA is indeed seen as a first step – one that's worth pausing to celebrate because it gives hope to many young people who worried about whether their education would lead to anything worthwhile.

"It has been a life-changing moment ... to see the culmination of the organizing work we've done for years now and the risks DREAMers took when they shared their stories," Ms. Praeli says. "We are committed to making sure that ... this victory infuses energy into the undocumented adult population [as well], so that our community can really realize the power they have and continue to fight for broader relief."

Several of the 29 applicants that were approved by mid-September have spoken to media outlets, including a Mexican man in [Tucson, Ariz.](#) He can now get a job in software systems engineering, for which he has a master's degree, instead of working in construction and landscaping.

Such stories, supporters say, will motivate more students to complete high school and pursue higher education.

Programs leading to high school equivalency degrees will probably grow to accommodate people who want to qualify for DACA, says Muzaffar Chishti, director of the Migration Policy Institute's office at [New York University School of Law](#). The challenge will be "to make sure they are monitored so that they don't become diploma-generating mills," he says.

For Lopez, it's reassuring that her struggles to pay the out-of-state tuition of \$750 per class at her college are now more likely to be worth it. "I'm taking a medical interpreter course now, and

that's a step I wouldn't have taken if I didn't get this hope of getting a work permit," she says. Currently she's paid a stipend for working with SIM.

Obama's new policy doesn't allow for federal financial aid, nor does it affect tuition policies, which are set by states and individual colleges.

In [Maryland](#), a state DREAM Act is a referendum question on the ballot in November. It would allow undocumented students to pay in-state tuition if they have attended high school there and their families have paid taxes. Carlson says she doesn't think it's fair for noncitizens to have a tuition advantage over out-of-state citizens. There's a lot of activism on her campus supporting the state DREAM Act, and while the opposition is less visible, she says, "I've met a lot of people who are upset with the bill."

Other states are looking for ways to limit DACA's impact. [Nebraska](#) and Arizona have announced they will continue their policy of not providing driver's licenses or other state benefits to illegal immigrants, even those approved under DACA. The states justified their stance by saying that the new program doesn't make approved applicants "legal citizens." But it seems at least in part a challenge to federal law, since the 2005 REAL ID Act lists deferred action recipients as eligible for driver's licenses.

Election worries DACA supporters

One big question on people's minds probably can't be fully answered until November or later. "A lot of people are worried about the pending results of the elections – what that could mean for DACA, since it is a discretionary program," says Mr. Santos, the SIM coordinator.

It wasn't until early October that Mr. Romney articulated his position on DACA. In an interview with [The Denver Post](#) he said that young people who have already received DACA approvals would not be deported if he is elected. His campaign then elaborated to [The Boston Globe](#) that he would issue no further approvals.

Romney has criticized Obama for setting up something temporary, saying he would work with Congress on a bipartisan, permanent solution before any work permits expire. He's in a tricky spot, politically, as he tries to appeal to the conservative base of his party and at the same time avoid alienating the 23.4 million Hispanics eligible to vote.

If a President Romney indeed takes steps to undo the DACA program, "we're going to do what it takes to get it back," Lopez says. She hopes that "instead of just judging me because I'm undocumented, [people opposed to the DREAM Act are] going to be able to see [I'm] a hard worker ... and maybe they can change their concept."

<http://www.csmonitor.com/USA/Society/2012/1009/Obama-s-new-program-for-young-illegal-immigrants-How-is-it-going>

