



DISCOURAGING AND DENYING RENEWALS

An Assessment on the Impact of the July
2020 DHS Memorandum on DACA

September 29, 2020

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1. Executive Summary

Shortly after the release of the July 28, 2020 memorandum on Deferred Action for Childhood Arrivals (DACA) from the U.S. Department of Homeland Security (DHS), TheDream.US¹ and the Presidents' Alliance on Higher Education and Immigration conducted a survey of current DACA recipients to assess the impact of the memorandum. A total of 1,760 current DACA recipients responded to the survey, approximately 86 percent of whom are TheDream.US Scholars and are currently enrolled in higher education institutions. Thus, this report details the impact of the new memorandum on students, particularly the impact on their future educational and career pathways. This report follows a recent publication by TheDream.US, [*TheDream.US 2019-2020 Scholar Survey Report: In Their Own Words*](#), which collected data from Scholars to assess key metrics in regards to COVID-19's impact on financial and personal well-being, college education, engagement, employment, and more.

The survey data supports that the new memorandum **materially, substantially, and negatively impacts DACA recipients and may lead to lapses in status, inability to renew, increased costs, decreased access to education and employment, and an overall reduction in the number of DACA recipients who will be able to renew.** The results also demonstrate that respondents fear the new rules will lead to negative outcomes, and the memorandum itself is driving high levels of anxiety and fear among DACA recipients. The report's key topline include:

- Impact on Renewal
 - The majority of survey respondents (**62 percent**) said that the one-year grant period would constitute a “substantial barrier” to renewal. If this percentage holds steady for the general population, nearly **400,000** DACA recipients would face significant barriers to renewal.
 - Nearly half of respondents (**49 percent**) indicated that they would incur increased legal fees to accommodate filing twice as often. If half of all DACA recipients also face this difficulty, **315,344** DACA recipients could be affected.
 - Though the memorandum requires applicants to file within 150 days of their grant expiration, **eleven percent** of respondents received approval for their renewal after 150 days on their last application. If this percentage holds steady for the general population moving forward, nearly **80,000** people may regularly experience lapses in status even if they apply in a timely manner.
 - **Thirty-six percent** of respondents usually apply more than 150 days before their grant expires, which under the new memorandum will constitute an automatic rejection.
- Demographics
 - **1,760** active DACA recipients completed the survey.
 - Approximately **86 percent** percent of respondents are currently enrolled in higher education institutions.
 - The top three states for respondents were **California, Texas, and New York.**
- Impact on Higher Education
 - **Eighty-two percent** of respondents said that the one year grant period would constitute a barrier to higher education (**43 percent** said “somewhat of a barrier,” **39 percent** said a “substantial barrier”).
 - Eligibility for advance parole decreased from **55 percent** under the old policy to **six percent** under the new policy. Numerous respondents noted the importance of advance parole for their ability to study or work abroad.

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- Impact on Employment and Career Choices
 - **Eighty-seven percent** of respondents said that the one year grant period would constitute a barrier to employment and career (**33 percent** said “somewhat of a barrier,” **54 percent** said a “substantial barrier”).
 - **Sixty-three percent** worried they would have difficulty obtaining or maintaining professional, business, commercial, or occupational licensing due to the new DACA restrictions.
 - **Fifty-six percent** worried that their DACA status would lapse due to the new restrictions and they would be fired.
 - **Fifty-five percent** worried they would not be able to obtain or maintain a driver’s license required for employment due to the new restrictions.

2. Background

Deferred Action for Childhood Arrivals, or DACA, is a case-by-case, temporary relief from deportation that allows recipients to live and work legally in the United States as long as the deferment is in effect. DACA is renewable, and it does not provide a path to legal status or citizenship. As of March 31, 2020, there are approximately 643,560 active DACA recipients.² In September 2017, the Trump administration announced the termination of DACA.³ However, the Supreme Court ruled on June 18, 2020 that the termination was unlawful as it violated the Administrative Procedure Act.⁴ The Supreme Court’s judgement was later implemented by a federal court in Maryland with the court directing the federal government to restore the program to its original parameters. This meant DHS should have begun accepting renewals, initial DACA applications, and applications for advance parole.⁵

Yet, after continuing to refuse to process initial applications and advance parole, DHS issued a memorandum on July 28, 2020 stating that it would reject all initial requests for DACA, employment authorization, and advance parole; and limit renewal grants to one-year periods instead of two.⁶ Acting Secretary Chad Wolf stated that this memorandum will remain in effect while the department “considers policy and future action” regarding DACA. The new memorandum is a continuing subject of litigation across multiple federal districts. The Presidents’ Alliance and TheDream.US conducted this survey to assess the impact of this new memorandum on the lives, educational trajectories, and career pathways of DACA recipients moving forward. The following represent some key background demographics on the 1,760 respondents who completed the survey.

Table 1. State of Residency		
What is your current state of residency?		
State	Respondents	Percentage
California	269	15%
Texas	244	14%
New York	241	14%
Florida	213	12%
Arizona	135	8%
Other	657	37%
No Response	1	0%
Total	1,760	100%

Source: TheDream.US/Presidents’ Alliance Survey September 2020

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The majority of respondents (63 percent) are concentrated in California, Texas, New York, Florida, and Arizona, which is generally consistent with the geographic distribution of DACA recipients nationally.⁷ Notably, California, Texas, and New York are also hosts to lawsuits regarding DACA, including challenges to the new DHS memo.⁸ As detailed above, approximately 86 percent of respondents are TheDream.US Scholars, meaning they are currently enrolled in higher education institutions.

3. Findings

A. Impact on Renewals

Table 2. Impact of One-Year Grant

Overall, what impact do you think the new policy of only granting one-year periods of deferred action have on your ability to apply for renewal?

<i>Response</i>	<i>Respondents</i>	<i>Percentage</i>
Substantial barrier for renewal	1,092	62%
Somewhat of a barrier for renewal	608	35%
Does not present a barrier for renewal	55	3%
No Response	5	0%
Total	1,760	100%

Source: TheDream.US/Presidents' Alliance Survey September 2020

Sixty-two percent of respondents indicated that the new one-year policy would be a “substantial barrier” for renewal, with another 35 percent indicating that it was “somewhat of a barrier.” While their actual eligibility for the program would remain unchanged, 62 percent (or nearly 400,000) active DACA recipients may nevertheless risk losing their DACA due to increased cost and a higher likelihood of rejection and lapses between grants. The remaining 35 percent may still struggle to renew under the restrictions.

B. Increased Cost

Table 3. Increased Costs of Filing

Will you incur additional costs in the form of additional attorney, representation, or legal fees as a result of having to apply twice as often?

<i>Response</i>	<i>Respondents</i>	<i>Percentage</i>
Yes	864	49%
No	357	20%
I don't know	532	30%
No Response	7	0%
Total	1,760	100%

Source: TheDream.US/Presidents' Alliance Survey September 2020

DACA recipients may require legal representation to help them file for renewal. Nearly half of respondents (49 percent) indicated that they would also incur increased legal fees to accommodate filing twice as often. The

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average representation cost for a DACA application is about \$450, nearly doubling the cost of renewal.⁹ If half of all DACA recipients also face this difficulty, the one-year grant period could result in increased legal costs for roughly 315,344 DACA recipients.

C. Rejections and Backlogs

The overall processing times for U.S. Citizenship and Immigration Services (USCIS) have been steadily increasing for years, culminating in a backlog of over 2.3 million cases.¹⁰ USCIS froze all DACA renewal applications for nearly a month after the DHS memorandum, delaying over 20,000 renewals.¹¹ USCIS currently estimates processing times for DACA applications and renewals to be anywhere from 8-11 months at certain service centers.¹² By cutting the DACA grant period in half, the new memorandum essentially doubles the USCIS workload for DACA renewals by requiring recipients to apply twice as often, which could push even the lowest estimated wait period to over a year.

Table 4. Application Wait Times

For your most recent renewal, about how long did it take for the federal government to approve your renewal application after USCIS confirmed that it received your application?

Response	Respondents	Percentage
150 days or less	1,322	75%
Over 150 days	191	11%
I don't know	240	14%
No Response	7	0%
Total	1,760	100%

Source: TheDream.US/Presidents' Alliance Survey September 2020

Applicants cannot adjust their submissions to accommodate the wait times and prevent a lapse in status, as USCIS recently announced that it will reject applications for DACA renewal submitted over 150 days (or five months) before the current grant expires.¹³ As shown in Table 4, roughly one in ten respondents waited over 150 days for their renewal application to be approved even prior to the increased workload of a one-year grant period.

If just eleven percent of future applications for renewal are delayed beyond 150 days, nearly 80,000 DACA recipients could experience one or multiple lapses in status over the next two years.¹⁴ Even a temporary lack of status can lead to the loss of work authorization and the accrual of unlawful presence, including for those who have held DACA since before they turned eighteen and do not currently have any accrual of unlawful presence.

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Table 5. Renewal Application Timeline

For your most recent renewal how soon before expiration did you submit your renewal request?

<i>Response</i>	<i>Respondents</i>	<i>Percentage</i>
150 days or less before expiration	986	56%
Over 150 days before expiration	640	36%
I don't know	127	7%
No Response	7	0%
Total	1,760	100%

Source: TheDream.US/Presidents' Alliance Survey September 2020

As seen above, 36 percent of respondents submitted their most recent renewal application over 150 days before their grant expired, and many may continue to do so if they are unaware of the new USCIS policy. Any DACA recipient who attempts to accommodate increased wait times at USCIS by submitting their application over 150 days prior to their grant expiration would have their application automatically rejected. If the trend holds to the general population, upwards of 230,000 applicants could potentially be at risk of having their renewal application rejected due to new USCIS policy, especially if USCIS does not effectively communicate the change to potential applicants. The customer service and customer engagement division at USCIS has suffered under this administration, increasing the risk that more applicants will be unaware of new requirements or expectations for the DACA application timeline.

D. Impact on International Travel

Table 6. Advance Parole Under Previous Policy

Under the OLD policy, would you have qualified for advance parole?

<i>Response</i>	<i>Respondents</i>	<i>Percentage</i>
Yes	970	55%
No	165	9%
I don't know	584	33%
No Response	41	2%
Total	1,760	100%

Source: TheDream.US/Presidents' Alliance Survey September 2020

Table 7. Advance Parole Under Current Policy

Under the NEW policy, do you think you would qualify for advance parole?

<i>Response</i>	<i>Respondents</i>	<i>Percentage</i>
Yes	102	6%
No	914	52%
I don't know	694	39%
No Response	50	3%
Total	1,760	100%

Source: TheDream.US/Presidents' Alliance Survey September 2020

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Advance parole is permission granted to qualified non-citizens to re-enter the United States after temporarily traveling abroad. As non-citizens, DACA recipients must be approved for advance parole before any international travel. Under the new DHS policy, DACA recipients may only be approved for advance parole if it is in the interest of national security, supports federal law enforcement, or enables life-sustaining medical treatment or the care of an immediate relative. Under the old policy, the federal government also allowed advance parole travel for humanitarian, educational, or employment reasons.¹⁵ While 55 percent of respondents said they would have qualified for advance parole under the old policy, only six percent of respondents thought they would qualify for advance parole after travel for humanitarian, educational, and employment reasons was removed.

E. Impact on Education

Table 8. Impact on Higher Education

Overall, what impact do you think the new one-year policy will have on your ability to begin, continue, or complete your higher education?

<i>Response</i>	<i>Respondents</i>	<i>Percentage</i>
Presents a substantial barrier	690	39%
Presents somewhat of a barrier	754	43%
No impact	239	14%
Not applicable	35	2%
No Response	42	2%
Total	1,760	100%

Source: TheDream.US/Presidents' Alliance Survey September 2020

A loss of DACA status, even a temporary loss, is its own barrier to enrolling, continuing, or completing a college degree. Without DACA status, nearly 40,000 DACA recipients across ten states would be automatically blocked from enrolling in public institutions or being eligible for in-state tuition.¹⁶ A loss of status would also close the door to other forms of financial aid and eliminate the accompanying work permit that helps students afford the ancillary costs of higher education, such as food, housing, books, tuition, and childcare. Unsurprisingly, most survey respondents (82 percent) indicated that the one-year policy would present a barrier to higher education, with 39 percent indicating a “substantial barrier.”

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F. Impact on Employment

Table 9. Impact on Career

Overall, what impact do you think the new one-year policy will have on your employment and career?

<i>Response</i>	<i>Respondents</i>	<i>Percentage</i>
Presents a substantial barrier	958	54%
Presents somewhat of a barrier	587	33%
No impact	135	8%
Not applicable	38	2%
No Response	42	2%
Total	1,760	100%

Source: TheDream.US/Presidents' Alliance Survey September 2020

As mentioned above, losing DACA status means losing the accompanying work permit. As seen in Table 9, the majority of respondents (87 percent) said that the one-year policy will present a barrier to their employment and overall career, with 54 percent indicating a “substantial barrier.”

Table 10. Overall Impact of One-Year Policy

Which of the following statements on the impact of the new one-year policy apply to you? (Select all that apply)

<i>Options</i>	<i>Responses</i>	<i>Percentage</i>
I am worried that my deferred action will lapse and that my employer will fire me.	988	56%
I am worried that employers will not want to hire me.	1,134	64%
I am worried that I will have difficulty obtaining or maintaining professional, business, commercial, or occupational licensing.	1,104	63%
I am worried that I will not be able to obtain or maintain a driver's license, which I require for my employment or career.	972	55%
I am worried that I will have to take time off from my employment or career to prepare and file my renewal application more often.	945	54%
I will not be able to travel internationally for business reasons and that this will hurt my employment or career (as a result of the advance parole policy).	493	28%
Total Respondents	1,760	

Source: TheDream.US/Presidents' Alliance Survey September 2020

As seen above, the majority of respondents worried that a lapse in status would cause them to be fired (56 percent), lose professional licensing (63 percent), or lose their driver's license (55 percent). States have only recently begun to open their professional, occupational, and driver's licensing to DACA recipients, but without DACA these opportunities would once again be restricted.¹⁷

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Even if an applicant manages to maintain their status, many worry that the specter of losing DACA will still have an effect on their employment and hireability. Sixty-four percent of respondents worry that employers will not want to hire a DACA recipient due to the new restrictions, and 54 percent worry that they will have to interrupt their employment or even career in order to file for renewal twice as often.

4. Methodology

This survey was conducted by TheDream.US and the Presidents' Alliance on Higher Education and Immigration in September 2020. The survey was disseminated through TheDream.US Scholars and partner organizations and received 1,797 responses. The survey was aimed at active DACA recipients only and included integrity checks to ensure this, including separate questions on whether a person held DACA along with questions confirming underlying eligibility criteria. If a respondent indicated that they did not hold DACA or that they did not meet the underlying requirements, we removed them from the survey. We similarly removed respondents who indicated they did not know whether they currently held DACA or whether they met the underlying eligibility criteria. After eliminating responses from those who were determined not to currently hold DACA, we were left with a sample size of 1,760 respondents. Multiple completions were disabled on the survey itself to prevent duplicate responses or ballot stuffing.

Importantly, as 86 percent of respondents were TheDream.US Scholars, most respondents were individuals enrolled in higher education. While scholars are a self-selected group when it comes to higher education, the majority of them work (prior to COVID-19) and contribute financially to their families, which is reflective of the broader DACA population. Finally, while some Scholars selected "I don't know" for various questions, previous work with DACA recipients indicate that the uncertainty and anxiety around the continued existence of DACA may lead to the selection of this option, often because it may be easier and/or less anxiety inducing than other options. Finally, due to rounding, percentages may not always appear to add up to 100%.

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5. Endnotes

1. TheDream.US is the nation's largest college access and success program serving undocumented immigrants. TheDream.US has awarded over 6,000 scholarships for DREAMers to pursue a college degree at one of 70+ Partner Colleges in 16 states and Washington D.C. TheDream.US Scholars are scholarship recipients.
2. U.S. Cit. & Immigr. Servs., U.S. Dep't of Homeland Sec., Approximate Active DACA Recipients: As of March 31, 2020 (Jul. 22, 2020), <https://www.uscis.gov/sites/default/files/document/data/Approximate%20Active%20DACA%20Receipts%20-%20March%2031%2C%202020.pdf>.
3. Michael D. Shear & Julie Hirschfeld Davis, *Trump Moves to End DACA and Calls on Congress to Act*, N.Y. TIMES (Sept. 5, 2017), <https://www.nytimes.com/2017/09/05/us/politics/trump-daca-dreamers-immigration.html>.
4. Department of Homeland Security v. Regents of University of California, U.S., No. 18-587, slip op. (June 18, 2020).
5. Joel Rose, Federal Court Orders Trump Administration To Accept New DACA Applications, NPR (July 17, 2020), <https://www.npr.org/2020/07/17/892413311/federal-court-orders-trump-administration-to-accept-new-daca-applications>.
6. Memorandum from Chad F. Wolf, Acting Secretary, U.S. Citizenship and Immigration Services to Mark Morgan, Senior Official Performing the Duties of Commissioner, Matthew Albence, Senior Official Performing the Duties of Director, Joseph Edlow, Deputy Director of Policy, U.S. Citizenship and Immigration Services on 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), available at https://www.dhs.gov/sites/default/files/publications/20_0728_s1_daca-reconsideration-memo.pdf.
7. See U.S. Cit. & Immigr. Servs., U.S. Dep't of Homeland Sec., Approximate Active DACA Recipients: As of March 31, 2020, Approximate Active DACA Recipients: State or Territory of Residence As of March 31, 2020 (Jul. 22, 2020), <https://www.uscis.gov/sites/default/files/document/data/Approximate%20Active%20DACA%20Receipts%20-%20March%2031%2C%202020.pdf>.
8. See Genevieve Douglas, *DACA Case Revised to Challenge Chad Wolf Power, Program Changes*, BLOOMBERG LAW (Aug. 28, 2020), <https://news.bloomberglaw.com/daily-labor-report/daca-case-revised-to-challenge-chad-wolf-power-program-changes?context=search&index=6>; Daniel Wiessner, *Judge in states' challenge to DACA wants more briefing on impact of SCOTUS ruling*, Reuters, Aug. 24, 2020, <https://www.reuters.com/article/immigration-daca-idUSL1N2FR00W>; Vanessa Romo, *California Picks Up Fight Over DACA Restrictions Again*, NPR (Aug. 18, 2020), <https://www.npr.org/2020/08/18/903725947/california-picks-up-fight-over-daca-restrictions-again>.
9. Michael B. et al., *DACA Lawyers Charges*, WONDER (Oct. 4, 2017), <https://askwonder.com/research/daca-lawyers-charges-z7m6txzg4>.
10. AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration, American Immigration Lawyers Association, AILA Doc. No. 19012834 (Jan. 30, 2019), available at <https://www.aila.org/advo-media/aila-policy-briefs/aila-policy-brief-uscis-processing-delays>.
11. Michelle Hackman, *DHS Resumes DACA Renewals After a Nearly Monthlong Pause*, Wall Street Journal (Aug. 24, 2020), <https://www.wsj.com/articles/dhs-resumes-daca-renewals-after-a-nearly-monthlong-pause-11598292042>.
12. U.S. Cit. & Immigr. Servs., U.S. Dep't of Homeland Sec., Check Case Processing Times, accessed Aug. 27, 2020, <https://egov.uscis.gov/processing-times/> (Select "I-821D - Consideration of Deferred Action for Childhood Arrivals" in the form selection box).
13. U.S. Cit. & Immigr. Servs., U.S. Dep't of Homeland Sec., USCIS Implements DHS Guidance on DACA (Aug. 24, 2020) <https://www.uscis.gov/news/alerts/uscis-implements-dhs-guidance-on-daca>.
14. DACA recipients who received a two-year grant immediately before the DHS memorandum would first encounter a possible lapse in status at the end of that two years. Those who received a one year grant immediately after the DHS memorandum could potentially see two lapses of status at the end of each one-year period within those two years.
15. This information was included in the survey to ensure respondents were familiar with the policy and its changes.
16. Policy Brief: Ending DACA Would Limit Access to Higher Education in Ten States, Presidents' Alliance on Higher Education and Immigration, Sept. 1, 2020, available at <https://www.presidentsalliance.org/policy-brief-ending-daca-would-limit-access-to-higher-education-in-ten-states/>.
17. *Expanding Eligibility for Professional and Occupational Licensing for Immigrants*, Presidents' Alliance on Higher Education and Immigration; FWD.us, Niskanen Center, TheDream.US, and United We Dream, Aug. 21, 2020, available at <https://www.presidentsalliance.org/expanding-eligibility-for-professional-and-occupational-licensing-for-immigrants/>; Heidi Jauregui, Ann Morse, and Joanna Leung, *Professional and Occupational Licenses for Immigrants*, National Conference of State Legislatures, Jan. 17, 2017, <https://www.ncsl.org/research/immigration/professional-and-occupational-licenses-for-immigrants.aspx>.

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Authors

Lora Adams

Jose Magaña-Salgado

Hyein Lee



THE DREAM.US

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CONTACT US

INFORMATION OR QUESTIONS info@presidentsalliance.org

MEDIA INQUIRIES info@presidentsalliance.org

TWITTER [@PresImmAlliance](https://twitter.com/PresImmAlliance)

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