Talking Points on DACA and the Current Moment for Dreamers
October 2022

The 5th Circuit ruling that DACA is unlawful heightens the urgency for Congress to act on a permanent legislative solution for Dreamers

- Though Deferred Action for Childhood Arrivals (DACA) remains in place for now for current recipients, the overall chances of DACA surviving for much longer are significantly worse than they were before the 5th Circuit’s ruling.*
- Regardless of any court decision, there are already hundreds of thousands of undocumented students graduating high school and on our college and university campuses without DACA.
- As a result, the urgency for Congress to act this year on behalf of Dreamers is higher than it has ever been.
- There will be a short window for bipartisan action and compromise after the midterm elections and before the end of the year. Legislation providing Dreamers permanent status, protections, and opportunities should be one of the top priorities.

DACA has been one of the most successful immigration initiatives in modern history and demonstrates why expanded opportunities for Dreamers strengthens America

- More than 600,000 individuals who came to the U.S. as children currently rely on DACA to work legally, avoid deportation, and for other opportunities to pursue higher education and join the workforce.
- Given the demonstrated successes of extending opportunities for Dreamers and the threat to the future of DACA, Congress enacting a permanent legislative fix to resolve Dreamers' uncertain futures is the only way forward.
- Remember, while DACA has been transformative, it has never been the ultimate goal and the majority of undocumented students in higher education and pursuing their studies and contributing to their campuses and communities lack DACA protections and opportunities.
- In fact, nearly 100,000 undocumented students graduate high school each year, only one-quarter are estimated to be eligible for DACA.
- It’s time for Congress to act and build on the successes of DACA by providing a permanent fix so that all these young people can join with the students and neighbors they grew up with in achieving their education and meeting the talent needs of our nation.

Dreamers are essential to a talented, educated American workforce

- At a time of labor shortages, with consequences ranging from inflation to diminished economic growth, we need the talents of the DACA workforce and other Dreamers.
- Many DACA recipients have become not only highly valued employees but also employers, homeowners, military members, and founders of thriving businesses.
- Hundreds of thousands of DACA recipients are employed in jobs deemed essential by the Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency.
- Over 400,000 undocumented students are pursuing higher education, launching careers and contributing to their communities and states. Without providing these young people a pathway to work authorization and permanent residence, America will not be able to truly benefit from their talent.
- Expanding opportunities for Dreamers is good not only for Dreamers and their families, but the country as a whole.
- The population relevant to the DACA and Dreamer legislation are longstanding U.S. residents, many living with U.S. citizen children or family members, and most have grown up in the U.S., and educated in our public K-12 schools.
- Congress should work in a bipartisan fashion to deliver a legislative fix to ensure that Dreamers can continue to stay and succeed in America.

We recognize that a bipartisan compromise may include provisions addressing multiple issues, but we must prioritize Dream legislation this year

- Now is the time to reach a bipartisan compromise, as there is broad support across both parties for passing a permanent fix for Dreamers.
- Some lawmakers argue that the situation at the southern border is such that we cannot address legislation for Dreamers. Managing border security is important but the critical discussion and debate about solutions for those hoping to come to this country now and in the future cannot block or derail the separate conversation about policies and solutions for DACA recipients and other Dreamers.
- We have invested in Dreamers for decades, paid for their education in the public schools, their parents pay taxes, and now they are giving back. Many DACA recipients are working in critical fields.
- As our country faces a critical shortage of skilled workers, we would harm our nation’s economy and future prosperity if we refuse to act on legislation securing Dreamers’ futures here in the country they have long called home.
- We need a long-overdue bipartisan legislative solution for DACA recipients, other Dreamers and employers, campuses, and families.

*On October 5th, the 5th Circuit upheld Judge Hanen’s 2021 ruling that DACA is unlawful, but it sent the case back to him to review the Biden administration’s final rule on DACA, which is set to take effect on October 31st. On October 14th, Judge Hanen issued an order saying his 2021 ruling against DACA would also apply to the new DACA regulations, temporarily allowing renewals to continue but preventing new applications from being processed. It is unclear when Judge Hanen will rule on the legality of the new regulations, which are expected to end up at the U.S. Supreme Court.

Note: While these talking points use the term “Dreamers” because it is the term most used in national advocacy, we recognize that undocumented students on your campus may prefer terms such as “DACA/undocumented” students, DACA recipients and other undocumented individuals, or “immigrant youth” or “immigrants.” What we intend to convey in using the term “Dreamers” is that broadest and most comprehensive population needing immigration relief, including the 60% of undocumented students without DACA now enrolled in our higher education institutions.