



## JUST THE FACTS: DEFERRED ACTION FOR CHILDHOOD ARRIVALS

*The Deferred Action for Childhood Arrivals (DACA) program allows certain individuals who have grown up and been educated in the United States since childhood to remain in the United States, attend school and work legally. The DACA program now faces termination if Congress and the administration do not act. Below are the facts on the DACA program, how DACA recipients contribute to the American economy and the tough dilemmas employers face as the program is set to expire.*

### **What is DACA and who is eligible?**

The DACA program was created on June 15, 2012 by the Department of Homeland Security (DHS). It allows certain individuals who came to the United States the opportunity to request deferred action (protection from removal) for a period of 2 years, which can be renewed. DACA recipients are also eligible to receive work authorization and contribute to American employers. On September 5, 2017, DHS announced it would cease acceptance of initial DACA applications immediately and would stop accepting applications for two-year renewals after October 5, 2017. Processing of those renewal applications was set to continue through March 5, 2018. However, on January 9, 2018, a court-ordered temporary injunction required USCIS to resume acceptance of renewal applications while DACA litigation is pending.

To be eligible for DACA, applicants had to demonstrate that they were under the age of 31 as of June 15, 2012, must have come to the United States before their 16th birthday, and must be enrolled in or have completed high school or its equivalent, among other requirements. To qualify, individuals must also not have been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, or otherwise pose a threat to national security or public safety.<sup>1</sup>

### **How many individuals received DACA? How many currently hold DACA status?**

Since 2012, approximately 798,980 individuals have received DACA.<sup>2</sup> Of those, approximately 689,800 still had DACA status as of September 4, 2017.<sup>3</sup>

### **How many DACA recipients are currently working in the United States? How has DACA status impacted their pay?**

Approximately 76 percent of DACA recipients, or 525,000 based on the estimated number of DACA recipients, are working in the United States.<sup>4</sup> Forty-five percent of DACA recipients saw their earnings increase after receiving DACA.<sup>5</sup>

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<sup>1</sup> U.S. Citizenship and Immigration Services, <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>

<sup>2</sup> USCIS, <http://bit.ly/2CZzdQJ>. These numbers are current as of the end of Fiscal Year 2017.

<sup>3</sup> USCIS, <http://bit.ly/2kAjNdy>. Of the approximately 110,000 individuals whose DACA status had lapsed, approximately 40,000 adjusted to legal permanent resident status and approximately 70,000 either failed to renew status or were denied upon renewal.

<sup>4</sup> Migration Policy Institute, <https://www.migrationpolicy.org/sites/default/files/publications/DACA-Occupational-2017-FINAL.pdf>

<sup>5</sup> American Immigration Council, <https://www.americanimmigrationcouncil.org/research/two-years-and-counting-assessing-growing-power-daca>

## **How many employers have at least one DACA recipient working for them?**

There is no way to know the exact number of employers that have DACA recipients on their payroll, because not all employers that have DACA recipients are aware of that fact. This is because not all DACA recipients self-identify when accepting employment and they are not required to do so. However, it is safe to say that there are tens of thousands of employers with DACA recipients on their payroll.<sup>6</sup>

## **In what industries do DACA recipients work?**

DACA recipients can and do work in every sector of the American economy, including education and health services, the nonprofit sector, construction, retail trade, professional services, manufacturing and the STEM fields.<sup>7</sup>

## **How would employers be effected should DACA end?**

Studies have shown that removing DACA recipients from the American workforce would cost \$215 billion in gross domestic product over the next decade.<sup>8</sup> Employers would face \$6.3 billion in employee turnover costs, including expenses for recruiting, hiring, and training.<sup>9</sup>

## **If there is no Congressional solution, what can employers do to prepare for the end of DACA and what are they prohibited from doing?**

- CFGI is **advising** members to assess their current workforce to determine who are known DACA recipients and do workforce planning around how those positions will be filled if the employee loses work authorization.
- However, employers should **not** terminate employees merely in anticipation that they may lose their work authorization at a future date, and should not ask individuals if they are DACA recipients, if they have not volunteered that information.
- Further, employers should not examine their I-9 or employment verification records in an attempt to determine who is a DACA recipient – to do so could violate antidiscrimination provisions of employment verification law that are enforced by the Department of Justice.

The totality of these circumstances means a lack of predictability for employers, who could be scrambling after March 5, 2018 to meet their workforce needs as more and more DACA recipients lose work authorization.

**CFGI calls upon Congress to find a timely bipartisan solution for DACA recipients that provides predictability for employers and employees and gives opportunities for these individuals who grew up in the United States to stay and contribute to America's workforces.**

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<sup>6</sup> This assumes the average employer with at least one DACA recipient on their payroll has fewer than 25 on their payroll.

<sup>7</sup> According to New American Economy, approximately 21,800 DACA-eligible employees work in the STEM fields, 72,000 work in manufacturing, 68,000 work in healthcare and social assistance services and 68,000 in educational services. This information comes from an analysis of 2013-2015 American Community Survey Data.

<sup>8</sup> CATO Institute, <https://www.cato.org/blog/economic-fiscal-impact-repealing-daca>

<sup>9</sup> Newsweek, <http://www.newsweek.com/rescinding-dreamers-act-would-impose-massive-costs-employers-659813>