

# DREAMers amid immigration reform

**C**omprehensive Immigration Reform (CIR) takes many forms, depending upon who proposes it. It usually includes relief for long-term, undocumented alien residents and for aliens waiting a very long time for green cards. In recent years, CIR proposals have included DREAM Act relief.



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DREAM Act previously referred to a piece of legislation that offered specific relief to particular foreign nationals. The beneficiaries were nicknamed "DREAMers." The term now refers to undocumented aliens who arrived as children, who have not been in trouble and who have educational, military or working pasts. Various stand-alone DREAM Act legislation has been proposed but never passed.

The Prosecutorial Discretion for Immigration and Customs Enforcement attorneys policy was announced in August 2011. It permits undocumented aliens who can show minimal risk to U.S. society to remain. Removal proceedings in immigration court have been terminated or never begun because of this policy. But the beneficiaries often still lack status and work permission, and they live in the shadows of society. This solves little for the aliens and for society.

On June 15, 2012, the secretary of Homeland

Security announced a benefit to DREAMers, known as Deferred Action for Childhood Arrivals (DACA). This order permits DREAMers to not only escape immigration prosecution and removal but to obtain an open Employment Authorization Document (EAD), valid for two years.

## What a gift to DREAMers! But is it?

Many of those who met the prosecutorial discretion standards also meet the new DACA standards. A fee of almost \$500 applies to each application. This is a steep price to afford for someone who came here as a child, has lived here for at least five years and has never had the legal ability to work. The fee exemption helps few – only those who (1) are under 18 and homeless or otherwise lacking support; (2) are chronically disabled; and (3) accumulated \$25,000 in medical-expenses debt in the past 12 months.

The application forms require submission of evidence of residence in the United States, well-documented by school transcripts. Some school districts with large, undocumented populations have been overwhelmed by transcript requests pouring in by the hundreds or thousands. These unsuspecting school districts have had to pay employees overtime, and applicants face long wait times. The Los Angeles Unified School District alone expects to spend close to \$200,000 on these requests.

Sen. Marco Rubio (R-Fla.) was rumored to be ready to propose a bipartisan DREAM Act

when DACA was announced, thereby compelling his bill to be at least postponed. It would be a huge disappointment if DACA is all that is offered to the DREAMers.

The biggest problem with DACA, however, is the unknown. What happens after two years? What happens if a new administration takes office? Despite assurances to the contrary, could the Department of Homeland Security use application information against the applicant or his family?

Despite the estimated 1 million to 2 million possible applicants, many immigration attorneys are very hesitant to recommend the filing of DACA applications. It seems impossible to justify drawing the attention of one part of Department of Homeland Security (USCIS), when information could be shared with another part (USICE) that removes undocumented aliens.

For those who qualify for DACA and who are already on the radar of Homeland Security, I suggest filing. USICE already knows about them and knows where they live. The thought of these young people obtaining EADs, jobs, Social Security numbers (albeit with limits) and moving from the fringes of society into a life of integration is a victory for them, however temporary. I hope this executive action gets replaced soon with a legislative fix that offers more to millions of bright young DREAMers.

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