

## MEMORANDUM

**TO: Reporters and Producers**  
**FROM: FWD.us**  
**DATE: May 6, 2020**  
**RE: The Supreme Court Could Rule on DACA as Early as May 7th, Here Is What You Need to Know.**

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DACA recipients, their families (including 256,000 U.S. citizen children), their employers, and people in communities across the country are anxiously awaiting a fateful decision from the U.S. Supreme Court - expected before June 2020 - that could greenlight a massive new deportation effort. **The Supreme Court could announce a decision in the three DACA termination cases as soon as this Thursday, May 7 that could allow the Trump Administration to terminate DACA. Here is what you need to know about this critical decision.**

A repeal of DACA would result in a new round of family separation, that could rip from our communities nearly 700,000 DACA recipients -- including more than 200,000 DACA recipients who work in essential industries, among them nearly 30,000 health care workers. As ICE announced in January, the agency is already preparing to deport Dreamers as quickly as possible should the Supreme Court allow the Trump Administration to end the DACA program.

On April 20, the Supreme Court granted a motion to accept supplemental briefing concerning the role of DACA recipients in combating the coronavirus. "Termination of DACA during this national emergency would be catastrophic," [the brief said](#). It also brought to the Court's attention the recent statements of senior Trump Administration officials pledging to deport DACA recipients. The Department of Justice conspicuously declined to file a response to the motion and accompanying brief.

### **Senior Trump Officials Confirm: Trump Will Deport Dreamers if the Supreme Court Lets Him**

On January 23, Acting ICE Director Albence Matt Albence [confirmed that the Department of Homeland Security will pursue deportations for Dreamers](#) if "DACA is done away with by the Supreme Court."

At a media briefing, Albence said, "Those individuals may have DACA, but that doesn't prevent us from going through the removal process, such that... if they get ordered removed, and DACA is done away with by the Supreme Court, we can actually effectuate those removal orders."

We have already seen efforts to go after some DACA recipients by reopening deportation cases even if the individual's DACA status has not lapsed. **The Acting ICE Director's statements make it crystal clear that not only would nearly 700,000 DACA recipients lose their ability to work legally and be subject to immediate deportation if DACA ends, but that ICE would act purposefully to arrest and deport DACA recipients.**

In addition, more than 120 Members of the U.S. House and Senate [recently pressed the Department of Homeland Security \(DHS\) for answers](#) regarding Albence's comments as well as similar

comments made by Acting DHS Secretary Chad Wolf on March 4 during testimony under oath before the Senate Judiciary Committee.

It was also [revealed by ProPublica on April 21](#) that ICE has access to DACA recipients' personal data (including their address history and parents' information), despite assurances to the contrary:

The pledge was first made by the Obama administration, when it created the Deferred Action for Childhood Arrivals program, or DACA, eight years ago. It continued under President Donald Trump. Even after Trump announced that he was ending DACA, his administration assured immigrants that the information on their applications generally wouldn't be sent to Immigration and Customs Enforcement agents.

But internal administration emails obtained under a Freedom of Information Act lawsuit filed by Make the Road New York, and shared with ProPublica, show that those assurances — given to Congress under oath and in lawsuits over the program — were incomplete or misleading.

Notably, during oral arguments at the Supreme Court in November, some Supreme Court Justices made it clear that they believed President Trump's assurances that ending DACA would not mean deporting Dreamers. Chief Justice John Roberts said, "Both administrations have said they're not going to deport the people." This is simply untrue and runs counter to what Acting Director Albence confirmed and Acting Secretary Wolf subsequently echoed..

### **Approximately One-Third of All DACA Recipients Work in Essential Industries**

As the coronavirus pandemic continues to devastate the U.S., DACA recipients are working on the frontlines in the essential industries that are keeping everyone safe and healthy.

**More than 200,000 DACA recipients – almost 1/3 of the entire DACA recipient population – are employed in essential industries** such as health care, transportation and warehousing, food service, manufacturing, grocery and drug stores, and waste management services.

- 43,500 DACA recipients work in the health care and social assistance industries, either on the frontlines or in supporting roles.
- More than 10,000 DACA recipients work in hospitals.
- Source: [Center for Migration Studies, 3/30/20](#)

**Nearly 30,000 DACA recipients are health care workers.**

- More than 6,000 diagnosing and treating practitioners such as respiratory therapists, physicians assistants, and nurses;
- Some 8,000 health aides, including nursing assistants and orderlies;
- 7,000 other health care support workers; and
- Approximately 5,500 health technologists and technicians.
- Source: [Center for American Progress, 4/6/2020](#)

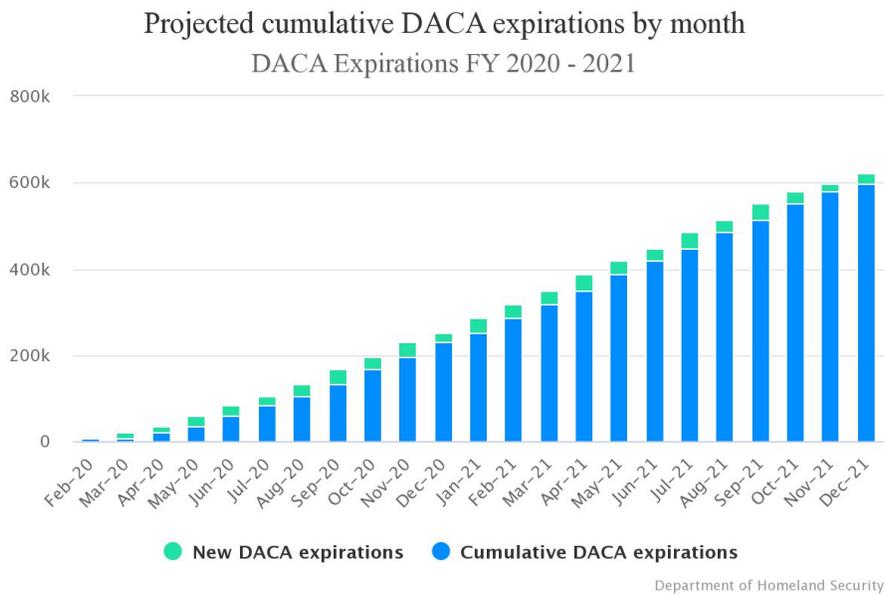
**200 doctors and medical students depend on DACA to practice and serve their communities.**

- On average, each doctor would see 4,600 people per year, meaning DACA doctors have the potential to care for hundreds of thousands of people each year.

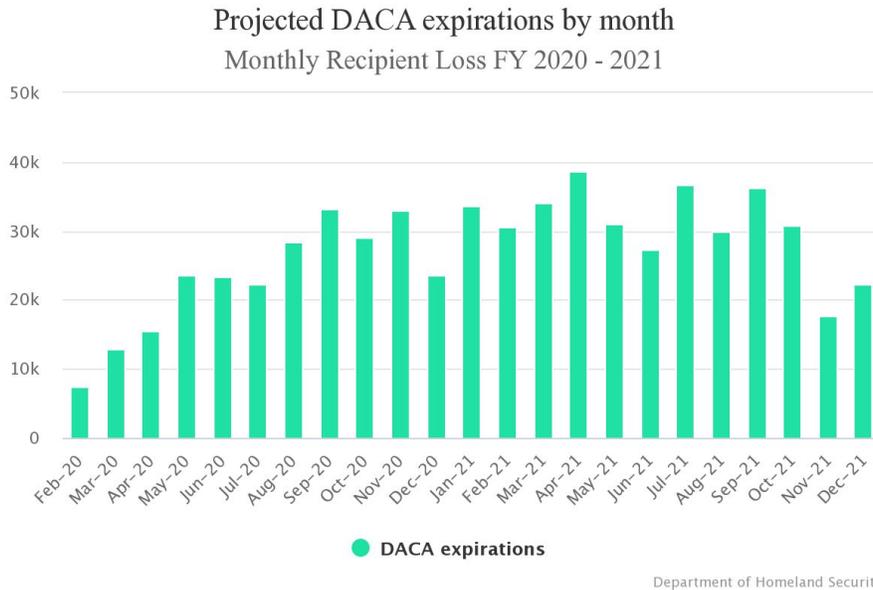
- The volume of care during this pandemic is likely to be even higher.
- Source: [Association of American Medical Colleges, 10/4/19](#)

**6,000 DACA Recipients Lose Protections Each Week if SCOTUS Allows the Program to be Terminated**

Assuming a scenario where the Administration halts renewals immediately following a February Supreme Court decision allowing it to do so, but allows those DACA recipients who have already renewed their benefits to retain them until they expire, as was the policy [when DACA was originally ended](#) in September 2017. If the Court takes longer, more DACA recipients will have time to apply to renew, which may allow them to keep protections for longer after a decision.



On average, about 27,008 new DACA recipients will lose work authorization and protection from deportation each month for two years following an end to renewals; that’s about 6,000 each week, or 900 each day. By the time a new presidential term starts in January 2021, more than 252,000 young people will no longer be protected by DACA, with the total climbing to nearly 620,000, the large majority of DACA recipients, by the end of 2021.



About [89% of DACA recipients](#) are currently employed using DACA-based work authorization, and revoking their ability to work would impose severe costs on the U.S. economy. Without DACA, employers will have to terminate their positions, forcing individuals out of the workforce and leaving critical jobs open.

Ending DACA will cost an average of 24,037 American jobs each month for two years, the equivalent of 1,095 people pushed out of the workforce each business day. In fact, the number of individuals who cannot work will most likely be much higher, as renewal applications are generally taking as long as seven months to process, and DACA and the ancillary work permit might lapse in the meantime.

The American Action Forum estimates that removing DACA recipients from the country could [cost as much as \\$21 billion and would reduce GDP by 0.4%](#), not to mention the incalculable costs to DACA recipients, who have lived the majority of their young lives here, the communities that rely on their work, and the families they support financially, including 250,000 U.S. citizen children who have a parent with DACA.

### **DACA Has Been a Tremendous Success:**

**By every measure, the DACA program has improved the lives of hundreds of thousands of young people, their families, and communities. [A volume of research](#) makes clear that:**

- **96%** of DACA recipients are either employed or enrolled in school.
- **89%** of DACA recipients are employed (91% among those 25 and older), and **69%** moved to a better-paying job after receiving DACA
- **5%** started their own businesses after receiving DACA, higher than the rate among the public as a whole (3.1%)

- **Majorities** moved to jobs that better fit their education and training (54%), better fit their long-term career goals (54%), and that had better working conditions (56%) after receiving DACA

DACA also adds to young immigrants' purchasing power, with 65% purchasing their first car and 16% purchasing a home after receiving DACA. In addition to benefiting local economies, these large purchases also make significant contributions to state and local tax revenues. Overall, **DACA beneficiaries are projected to contribute \$460.3 BILLION to the national GDP** from 2017-2027.

### **Unprecedented Coalition Urged SCOTUS to Stop Trump's Unlawful Termination of DACA**

An unprecedented array of hundreds of higher education institutions, educators, parents, health care professionals, law enforcement officials, business leaders, elected leaders, states, cities and counties, national security leaders, civil rights organizations, former government officials, academics and scholars, labor unions, legal experts, DACA recipients, and many others filed over three dozen amicus briefs urging the Supreme Court to uphold the lower court rulings that have required the Department of Homeland Security to continue processing renewal applications under the Deferred Action for Childhood Arrivals (DACA) program. In total, [more than 1,400 individuals, organizations, and other entities signed briefs in support of DACA.](#)

***As you prepare reporting on the future of DACA, the human and economic consequences of a Supreme Court decision allowing Trump to terminate the program, and what comes next, please contact Pete Boogaard or Leezia Dhalla at [press@fwd.us](mailto:press@fwd.us) with any questions or for more information.***