



National Asian Pacific American Bar Association

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Statement of Support for Continuation of Deferred Action for Childhood Arrivals (DACA) and Stay of Deportation

Endorsed January 2018
Amended January 2019

WHEREAS, the National Asian Pacific American Bar Association (NAPABA) is the national association of Asian Pacific American attorneys, judges, law professors and law students, representing the interests of over 50,000 attorneys and over 80 national, state, and local Asian Pacific American bar associations; NAPABA members include solo practitioners, large firm lawyers, corporate counsel, legal service and non-profit attorneys, and lawyers serving at all levels of government; and NAPABA is committed to addressing civil rights issues confronting Asian Pacific American communities and people of color;

WHEREAS, on June 15, 2012, President Barack Obama announced an administrative policy which would allow some individuals who entered the country as minors, and had either entered or remained in the country without status, to receive a two-year period renewable of deferred action from removal and to be eligible for employment authorization. The program was known as “deferred action for childhood arrivals,” or “DACA.”

WHEREAS, to be eligible for DACA, as implemented in 2012, applicants must meet the following major requirements, although meeting them does not guarantee approval:

- Came to the United States before their 16th birthday
- Have lived continuously in the United States since June 15, 2007
- Were under age 31 on June 15, 2012 (i.e., born on June 16, 1981; or after)
- Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS
- Had no lawful status on June 15, 2012
- Have completed high school or a GED, have been honorably discharged from the armed forces, or are enrolled in school
- Have not been convicted of a felony or serious misdemeanors, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety

WHEREAS, eligible beneficiaries of this program have proven to be the most sympathetic and deserving of a favorable exercise of discretion by the Department of Homeland Security responsible for enforcing and administering our nation’s immigration laws;

36 **WHEREAS**, DACA does not offer its beneficiaries any lawful immigrant status or any permanent
37 relief; it was intended to be a temporary measure to protect the most vulnerable and deserving
38 members of the undocumented immigrant community from removal while lawmakers determine
39 a legislative solution;

40 **WHEREAS**, over 800,000 persons currently are living and working in the United States under
41 DACA protection;

42 **WHEREAS**, on September 5, 2017, the administration of President Donald Trump announced
43 its plan to terminate the DACA. Rather than ending the program immediately, the Trump
44 Administration designated March 5, 2018, as the date by which DACA will sunset. The Trump
45 Administration further announced that the six-month phase-out was intended to give Congress
46 time to enact a legislative, and more permanent, solution to protect those currently eligible for
47 temporary relief under DACA;

48 **WHEREAS**, the University of California filed a lawsuit against the Department of Homeland
49 Security which was filed in the Northern District of California. On December 20, 2017, the
50 Supreme Court remanded five DACA cases originally filed in the Northern District of
51 California back to the Ninth Circuit Court of Appeals. On January 9, 2018, the United States
52 District Court for the Northern District of California temporarily blocked the rescission of the
53 DACA program, ordering the government to renew DACA until further order of the court. On
54 January 13, 2018, the government stated that it would immediately resume approving DACA
55 renewal applications. On November 8, 2018, The Ninth Circuit issued an opinion affirming the
56 district court's January 2018 entry of a preliminary injunction requiring DHS to adjudicate
57 renewal applications for existing DACA recipients;

58 **WHEREAS**, an enforcement priority of DHS should not be the removal of productive young
59 people who, in effect, have become very much part of the American society, and have
60 contributed to the betterment of the American society;

61 **WHEREAS**, during the 115th Congress (2017-18), there has been strong bipartisan support for
62 legislation that will protect the DACA beneficiaries, including the reintroduced DREAM Act (S.
63 1615) (Graham-Durbin-Flake-Schumer), and the "Solution for Undocumented Children through
64 Careers, Employment, Education, and Defending our Nation" (SUCCEED) Act (S. 1852) (Tillis-
65 Lankford-Hatch);

66 **WHEREAS**, it is in the interest of the United States to permit the DACA beneficiaries who are
67 contributing members of society to remain in our country. A study from the National Bureau of
68 Economic Research found that DACA likely led to greater productivity by increasing the college
69 attendance and employment of DACA-eligible individuals;

70 **WHEREAS**, NAPABA has previously expressed its support for deferred action programs,
71 including DACA and stays of deportations in policy resolutions passed in March 2014, January
72 2015, January 2018 and continues to;

73 **THEREFORE BE IT RESOLVED, that NAPABA:**

- 74 1. Calls on Congress to take swift, bipartisan action to pass legislation to provide
75 permanent relief from removal and lawful immigration status to those currently eligible
76 for DACA's temporary benefits;
- 77 2. Calls on the Department of Homeland Security to fairly and humanely treat those
78 currently eligible for DACA's temporarily benefits;
- 79 3. Authorizes its president, board, and staff to communicate the content of this resolution to
80 its members, affiliates, other bar associations, members of Congress, the Administration,
81 the press, and others to take steps to implement this resolution, as they deem
82 necessary; and,
- 83 4. Supports this resolution as a policy priority until it is withdrawn or modified by
84 subsequent resolution.

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