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English 1302-30

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“The repercussions faced by individuals striving to uphold their DACA status: A proposal for pathway to conditional residency for DACA recipients.”

## I. Introduction

DACA is the acronym for Deferred Action of Childhood arrivals. It was officially launched on June 15, 2012. Deferred Action is a form of temporary protection against deportation for a certain amount of time, in this case two years. During this time, DACA recipients may also apply for an employment authorization card and a social security. In some states they can obtain their limited term driver-license which are only valid for the validity time that the employment authorization card is granted. With such favorable grant, there are too many obstacles that DACA recipients must go through to get a sense of stability when living in the United States, which has been their home for majority of their lives. Only a few of the issues that arise during a recipient's journey will be evaluated in this essay and a proposal for pathway to conditional residency for DACA recipients will be made to provide a resolution for DACA recipient's history of blocks, waiting times which lead to times of uncertainty and easing some of the mental anguish that DACA recipient's and applicant's endure.

## II. Current state of research or problem-solving on the use

History of blocks

When DACA was initially put into effect, it was not a final rule. Applicants were allowed to apply for initial requests if they fulfilled the meticulous requirements asked for by USCIS and the ones who were accepted could renew every two years if they met the requirements.

#### Block 1: Harsh requirements that must be satisfied.

Per the United States Citizenship and Immigration Services website, commonly known as USCIS, for initial requests, you must meet the hefty requirements stated on their site. Some of the harsher requirements are: less than 31 years of age on June 15th, 2012, the applicant had to be less than 16 years of age when arrived to the U.S, have continuous physical presence in the United States since June 15, 2007 up until the time the application is submitted, had only unlawful status during the applicant's time in the U.S., currently enrolled in school or obtained a U.S Highschool diploma or GED certificate.

Aside from the requirements, a lot of evidence is to be gathered to proof that the applicant is eligible. The most difficult evidence to gather that was required was proof of identity, proof the applicant came to the United States before their 16th birthday.

If an individual fulfills all the substantial requirements and can gather all the evidence mentioned, then the applicant will mail in the following forms to the corresponding USCIS Lockbox according to the state in which they reside. Gathering evidence and completing the forms are just two of the hurdles DACA applicants must navigate. They must also pay an expensive fee to get their application processed. Unfortunately, even when all documentation is submitted it would have been at discretion of the USCIS officer to grant or deny the initial DACA application.

#### Block # 2: DACA recipients are constantly living in uncertainty.

USCIS was accepting initial DACA applications from June 15, 2012, to until September 5, 2017, when they stopped for the first time due to Trump's administration announcing the end of Deferred Action for Childhood arrivals per ASU.

On December 4, 2020, the U.S. District Court in Brooklyn mandated full reinstatement of DACA by the Department of Homeland Security. Subsequently, USCIS resumed accepting new applications for a brief period. However, on July 16, 2021, a federal judge in Texas deemed DACA illegal, prompting USCIS to stop processing new applications entirely. Fortunately, USCIS continued processing renewal applications for existing DACA recipients, providing them with some type of stability amid ongoing uncertainty for another two years while they patiently waited to see if DACA would continue or not.

#### DACA excessive waiting times

There has always been a history of exceedingly long processing times for DACA renewal applications. The average waiting time per USCIS for a DACA renewal at the Nebraska Service Center is 3 months but can always take longer, as this is only a general average of the processing times per USCIS, every case is different. There are options to reaching out to USCIS if the case is taking longer than the processing times it states on their case processing times website. For example, submitting a case inquiry. However, this inquiry takes weeks to be responded by USCIS, and even so this does not provide an extension or approval, everything is up in the air for a DACA recipient until they receive their Employment Authorization Card in the mail or the approval notice from USCIS in the mail. This only leads to the feeling of uncertainty and unstable. On June 19, 2021, an article was published by The Report written by Claire Hansen, stating that DACA recipient's status, jobs and futures was in jeopardy because of the backlogs and long waits. It also discusses how at the end of June in 2021, the amount of DACA renewal

requests that had been pending for more than 120 days (their average processing times) was 13,000. The article also stated that the delays in approval of renewals was causing short- and long-term consequences for the recipients. Some had their EAD expired which led to getting fired from their job and unable to obtain a new one. These are only a few examples of when DACA long waiting times affected these individuals. This is a continued battle if the program is available.

DACA recipients are bombarded with stress.

The Article by James H. Amirkhan, PhD and Sarah E. Velasco, BA Stress overload and the new nightmare for Dreamers states that since DACA was initially implemented, there has been 689, 800 DACA applications approved. This article specifically discusses the mental toll that such changes in the policy that allow for DACA to continue or stop or being able to renew brings mental anguish to these applicants specifically to college students where it is causing severe stress amongst DACA recipients. College students are perceptible to stress in general and being of minority and immigrant can only enhance harmful feelings such as mental anguish and stress. The article also specifically states that DACA recipients are likely to feel discriminated, stereotype threatened and as an imposter. The application itself only adds fuel to the fire. They especially feel frightened because they have shared their identities on DACA initial applications, and they continue to share their updated information every time they renew their DACA. With their research they conducted a study to prove that due to the elevated expectations of DACA recipients, their stress levels will affect the DACA recipient's health and academic grades.

III. The gap

No one should live through uncertainty and stress regarding their possibility of basic rights like working a job and driving a car. There are repercussions being lived by DACA recipients everyday all over the United States, it is still a very current issue. A permanent action must be taken.

IV. Proposal: A proposal for pathway to conditional residency for DACA recipients specifically for 10 years

According to USCIS, it already grants conditional residency which consists of a Green Card with validity of two years to qualifying applicants with other immigration cases excluding DACA. However, in my proposal I must be specific and propose it specifically for 10 years because the current conditional residency that USCIS offers is only valid for two years, and again this would put DACA recipients (the proposed conditional residency holders) through the same history of blocks to certainty, waiting times for renewals every two years and essentially be bombarded with the same stress that had them living with uncertainty two years at a time. A ten-year term would alleviate these burdens, providing greater stability and security for DACA recipients.

V. Implementation of strategy and conclusion

DACA recipients would have to meet certain requirements such as a record of being a DACA recipient, no criminal record, proof of employment and proof of school completion (like the one school requirement that USCIS has now for DACA first-time applicants and a reasonable filing fee for the 10-year conditional residency. Most of these requirements are to ensure that the recipient will put into effective use and contribute to the United States of America all while obtaining the benefit they have been seeking for years.

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