

## MEMO

Re: **Upcoming DACA Supreme Court Case**

From: United We Dream

### **The Upcoming Supreme Court Case on Trump's Termination of the Deferred Action for Childhood Arrivals (DACA) Program *What Candidates and Elected Officials Should Know***

#### **Topline:**

- On November 12<sup>th</sup>, **the Supreme Court and the country will be at a crossroads**. The Supreme Court will hear arguments to decide whether to uphold three lower court decisions that the Trump Administration's termination of DACA was illegal or to override the lower courts and add immigrant youth with DACA to the list of those targeted by the President's cruel mass deportation program.
- **DACA has been transformational in the lives of the 700,000+ recipients**. 91% are employed, 69% were able to move to better jobs after receiving DACA, 65% were able to buy their first car.
- **The four most important steps a presidential candidate can take** in this moment are:
  - Fundraise for and encourage the tens of thousands of DACA recipients whose DACA is expiring to renew immediately to extend the length of their protections. They can do that by fundraising via [dacarenewalfund.com](http://dacarenewalfund.com) and sharing resources featured at [homeishere.us/renewDACA](http://homeishere.us/renewDACA).
  - Restate pledges to cut Trump's deportation force and institute policies that help without hurting immigrants if elected. Candidates should commit to act immediately upon taking office to take action to stop deportations, reinstate DACA and other protective programs, while working with Congress for permanent solutions.
  - Encourage the current Congress to stop funding ICE and CBP and refuse to let immigrant youth be used as bargaining chips by Trump.
  - Highlight the stories and profile of your staff and volunteers with DACA to continue to familiarize the public and humanize the young people whose future is at stake.

#### **Supreme Court Case Summary:**

**Three separate courts have ruled that the Trump Administration violated the law** in the way it terminated the DACA program. When given the chance to better explain its rationale for termination, the administration was unable to do so.

**The Trump administration is appealing** to the Supreme Court to argue that it has the right to terminate DACA and, even if it did not follow the Administrative Procedures Act, **it believes it should not have to comply with the law** because it claims ending the program is routine agency business like any other activity.

What the DACA Supreme Court Case is NOT: It is important to say clearly: It is not determining the legality of DACA, it is ruling on the illegality of Trump's termination of the program.

**DACA is legal, constitutional, and highly successful.**

## What's at stake?

There are two things at stake in this Supreme Court case.

- 1) **The fate of more than 700,000 immigrant youth** who have been able to work, attend school, better support their families, and make even greater contributions to our communities and our country because of the temporary protection from deportation granted by the DACA program.
- 2) **The direction of our Democracy.**

If the Supreme Court rejects the lower courts who instituted injunctions against Trump's termination of DACA,

- **Immigrant youth with DACA** (who, on average, came to the United States at the age of 6, and have lived here for 22 years) **will be added to the list of people Trump is targeting with his cruel mass deportation program.** It would end their access to work permits. And it would create a new wave of family separation crisis in every state in the country.
- This is bigger than just DACA, **this case is about the soul of America.** Trump is trying to make the Supreme Court do his dirty work as he treats immigrant youth as bargaining chips in his pursuit for more money and more power for his Wall and deportation force. **Trump expects the court to bend the knee and** be an accomplice in separating hundreds of thousands more families. It raises the question: Are we a diverse democracy or are we all subjects to Donald Trump's agenda of money grabs and white supremacy?

## Recommended Policy Positions

**An immediate moratorium on deportations.** The next president must put a moratorium on all deportations and end the pain by refusing to tear more families and communities apart.

**Issue executive orders to expand protections for immigrants.** The next President must lead the nation and Congress to pass permanent protections for immigrants by using her/his executive powers immediately within their first 100 days in office to protect immigrants through administrative action, without waiting on legislative progress to be made.

**Defund ICE and CBP and invest in our communities.** The enforcement increases must end, and the billions of dollars currently spent on raids to terrorize immigrant families should be used instead to enable our communities to thrive. ICE and CBP have proven they cannot operate in good faith to support immigrants. Both agencies have lost public trust and should be defunded and held accountable for its abuse and mistreatment of immigrants and asylum seekers.

**Lead the way on immigration reform that helps people without hurting people.** End the use of "comprehensive immigration reform" and instead pass permanent relief for our communities that is not tied to onerous interior or border enforcement provisions; further criminalize immigrants; expand the nation's deportation apparatus; continue to or expand the funding of immigration

enforcement; or close off our immigration system to future immigrants, especially Black and brown immigrants.

**Decriminalize Immigration and Repeal Laws that Punish Migrants.** The next president must lead efforts to repeal criminalizing laws like the 1996 policies that have created the deportation machine and 8 U.S.C. § 1325 and 8 U.S.C. § 1326, which provide a framework that punishes migrants for movement across borders

**Close the Camps.** Whether run by for-profit corporations, local governments or federal agencies, the detention camps have become a giant and immoral drain on the federal budget and with the sole intention of inflicting pain on immigrant communities, particularly on children and women. Immigrant detention camps are an arm of the mass-incarceration system which the next president must end.

**Expand access to opportunities and support, regardless of immigration status.** Oftentimes, immigration status determines the level of barriers for immigrants and their families in accessing health care, higher education, housing, and other social programs. Immigrants live, work, and go to school in our communities and deserve a fair shot to succeed and thrive in our country. The next president must work to unlock the American Dream for all immigrant families by eliminating anti-immigrant barriers across federal programs.

### **Ways Candidates and Elected Officials can demonstrate support**

- 1) **Fundraise for DACA Renewals:** Amplify the Home is Here campaign starting October 2 and participate in the October National “DACA Renewal Week” in mid-October -- a concentrated push to raise funds for and assist current DACA recipients who have yet to renew their status. You can direct traffic to [DACARenewalFund.com](http://DACARenewalFund.com)
- 2) **Tell the Stories of The Difference DACA Recipients Make:** Release a storytelling video highlighting the immigrant youth on your staff and amongst your volunteers as well as their family to continue to familiarize the American public and humanize immigrant youth and their families.
- 3) **Protect Immigrants By Defunding Hate Now:** Urge the current Congress to #DefundHate by cutting funding allocations to CBP and ICE and refusing to let immigrant youth be used as bargaining chips by Trump.
- 4) **Promise a Better Future If Elected:** Presidential candidates must re-affirm their pledges to use their executive powers to maintain and expand DACA if elected as well as pass urgently needed additional policies that help without hurting immigrant communities. Elected officials at every level must pledge to reverse the harm and go beyond the status quo by passing policy that welcomes immigrants so that we all can thrive.

### **Successful Messaging Guidance**

<b>DO</b>	<b>DON'T</b>
Say “immigrant youth”  Humanize immigrant youth with DACA and lift	Say “Dreamer”

up their many contributions as part of the broader immigrant community.	Treat DACA recipients as exceptional compared to the families they come from or the communities they're a part of.
Say "three separate courts have found what Donald Trump did was illegal.  DACA, on the other hand, is entirely legal, constitutional, and highly successful."	Go into the weeds of the actual legal arguments. This is bigger than that.
Commit to policies that put an end to the criminalization of immigrants and instead guarantee immigrants, like all people, the opportunity to thrive	Offer "Comprehensive immigration reform" Which has historical association with accepting cruel deportation policies in exchange for limited legalization programs
Frame the issue as a larger crisis of morals and of our democracy. Make connections to other issues.	Suggest that DACA alone deserves defense and can be traded for acceptance of some of Trump's anti-immigrant policies

### Frequently Asked Questions

#### What is this case about?

- Three separate courts have found that what Donald Trump did to end DACA is illegal. It's the President's attempt to make immigrant youth into bargaining chips to be able to grab more money and more power for his white supremacist agenda. Our court shouldn't bend to it, our Congress shouldn't give it another penny, and any candidate is expected to pledge only policies that help instead of hurting immigrants – starting on day one.

#### Who's at risk?

- Immigrant youth with DACA, like the rest of the immigrant community and most Americans, are exceptional human beings. They work, go to school, are raising families, and know no home other than this one. They deserve our protection not persecution.

#### How is this connected to other issues?

- The way Donald Trump is trying to take away DACA and subject immigrant youth to the criminalization and cruel treatment of immigrants he has expanded is the same way Trump is trying to take away Americans' health insurance and open them further to insurance company profiteering and the same way he is seeking to take away protections for the environment to open it further to the drilling of fossil fuel companies,

#### What's at stake?

- After witnessing the cruelty we've seen under this administration, our country is now at a crossroads. The Supreme Court is being asked by the President to bend to his will and greenlight what will amount to a massive new round of family separation that would set

agents to hunt young people in the malls, schools, and neighborhoods in every state in the country. It's unacceptable, inhumane, and the opposite of what we stand for.

### **Legal Background**

Further summaries of the consolidated cases being considered are available from the National Immigration Law Center at: [https://www.nilc.org/issues/daca/status-current-daca-litigation/#\\_ftn19](https://www.nilc.org/issues/daca/status-current-daca-litigation/#_ftn19)