

Deferred Action for Childhood Arrivals (DACA): An Overview



Deferred Action for Childhood Arrivals (DACA) is an exercise of prosecutorial discretion, providing temporary relief from deportation (deferred action) and work authorization to certain young undocumented immigrants. DACA was created on June 15, 2012, by then-Secretary of Homeland Security Janet Napolitano through an agency memorandum.¹ On October 31, 2022, President Joseph Biden’s administration implemented regulations that rescinded and replaced that memo.² The new rule maintained the existing eligibility guidelines and largely preserved the policies in place from DACA’s inception. Unlike federal legislation, DACA does not provide permanent legal status to individuals, and must be renewed every two years. This fact sheet provides an overview of DACA, prior attempts to dismantle the initiative, and its status.



Eligibility for DACA

To be eligible for DACA, applicants meet the following requirements:³

- ▶ Arrived in the United States before turning 16, and were under the age of 31 on June 15, 2012;
- ▶ Have continuously resided in the United States from June 15, 2007 to the present;
- ▶ Were physically present in the United States on June 15, 2012, and at the time of the deferred action request;
- ▶ Lacked lawful immigration status on June 15, 2012, and at the time of the deferred action request; or any previous lawful immigration status expired on or before those dates;
- ▶ Are either in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are honorably discharged veterans of the U.S. Coast Guard or the U.S. Armed Forces; and
- ▶ Have not been convicted of a felony; significant misdemeanor,⁴ or three or more other misdemeanors occurring on different dates and arising out of different acts, omissions, or schemes of misconduct; and do not otherwise pose a threat to national security or public safety.

The Socioeconomic Impact of DACA

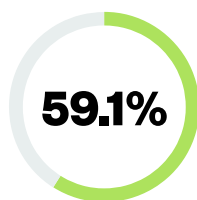
DACA has enabled roughly 834,877 eligible young adults to work lawfully, attend school, and plan their lives without the constant threat of deportation—usually to an unfamiliar country.⁵ According to the Migration Policy Institute (MPI), more than 1.1 million U.S. residents were eligible for DACA as originally implemented.⁶ The Center for American Progress (CAP) estimates that the average DACA recipient arrived in the United States in 1999 at the age of 7, and that more than one-third of DACA recipients arrived before the age of 5.⁷

With work authorization granted, and the imminent threat of deportation removed, DACA recipients have experienced pronounced upward mobility in their socioeconomic status. A national survey of DACA recipients conducted from October 1, 2023 to January 3, 2024 found that 59.1 percent of respondents moved on to a job with better pay, 47.3 percent moved to a job with better working conditions, and 57.3 percent moved to a job with health insurance or other benefits.⁸ Moreover, 47.5 percent of respondents moved to a job that “better fits [their] education and training” and 49.6 percent moved to a job that “better fits [their] long-term career goals.” In addition, 19.6 percent obtained professional licenses.⁹

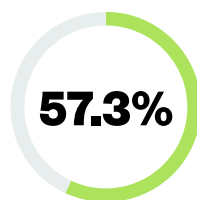
834,877

Total Estimated Number of
DACA Recipients Since 2012

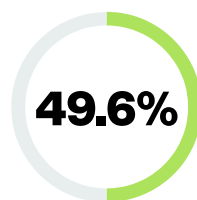
SHARE OF 2023 SURVEY RESPONDENTS THAT, AFTER RECEIVING DACA, OBTAINED A JOB....



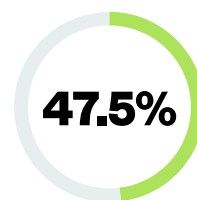
With better pay



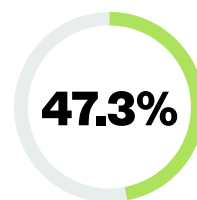
With health insurance
and other benefits



That better fits long-
term career goals



That better fits
education and training



With better working
conditions

According to the results of the 2023 survey and eight previous annual surveys, the average hourly wage of respondents increased by 164.4 percent after receiving DACA, rising from \$11.92 per hour to \$31.52 per hour. This not only helped 81.9 percent of respondents to “become financially independent,” but also benefited the U.S. economy by increasing their purchasing power and tax payments at the federal, state, and local levels. For instance, 67.1 percent of respondents said that they bought their first car after receiving DACA, which boosted auto sales and generated sales tax revenue together with registration and title fees. Similarly, 30.7 percent of respondents said they bought their first home after receiving DACA, which had comparable ripple effects throughout the economy.¹⁰

+164.4%

Increase in the average hourly wage of survey respondents after receiving DACA.

The 2023 survey also revealed that 22.9 percent of respondents were in school, and that most of these (73.5 percent) were working toward a bachelor’s degree or higher. Among those in school, 65 percent said that because of DACA, “[they] pursued educational opportunities that [they] previously could not.” Nonetheless, 49.5 percent of respondents reported already having a bachelor’s degree or higher.¹¹

Another nationwide study found that DACA recipients also benefit from much greater psychological well-being. Specifically, DACA “led to an overall decrease in stress, helping them to perform better in their jobs and in their studies.” DACA recipients reported renewed hope for the future, a greater sense of belonging to U.S. society, and less fear of the police and other government authorities.¹²

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DACA recipients have deep social and economic roots in the United States. According to CAP’s latest estimates using data from the American Community Survey:¹³

- Roughly 300,000 U.S.-born children have at least one parent who is a DACA recipient.
- A total of 1.3 million people share a home with a DACA recipient.
- Households containing DACA recipients pay \$6.2 billion in federal taxes and \$3.3 billion in state and local taxes each year.
- Roughly 68,000 DACA recipients are homeowners who make \$760 million in mortgage payments each year.
- DACA recipients who are not homeowners pay \$2.5 billion in rent each year.
- Households containing DACA recipients have \$25.3 billion in after-tax spending power.

Demographics

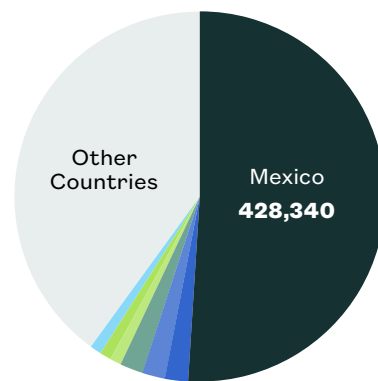
A ccording to U.S. Citizenship and Immigration Services (USCIS), there were 528,300 active DACA recipients as of March 31, 2024¹⁴—a decline of more than 108,000 since December 31, 2020.¹⁵ Another 52,489 DACA recipients had renewals pending and were therefore not classified as “active.”¹⁶

The USCIS data provides the following demographic information about active DACA recipients as of March 31, 2024:

- ▶ **GENDER:** 288,840 identified as **female** and 238,830 identified as male (gender was unspecified for 620).¹⁷
- ▶ **AGE:** The average age was **30.1 years**. The largest number (193,900) were in the 26-30 age group, followed by the 31-35 age group (140,730).¹⁸
- ▶ **MARITAL STATUS:** The majority (358,640) were **single**, while 154,550 were married and 13,970 had divorced.¹⁹
- ▶ **COUNTRY OF ORIGIN:** The largest number—428,340—were from **Mexico**, followed by El Salvador (20,770), Guatemala (13,970), Honduras (12,680), Peru (4,850), South Korea (4,730), and Brazil (3,900).²⁰
- ▶ **STATE OF RESIDENCE:** The largest numbers lived in **California** (149,460) and **Texas** (88,250), but significant numbers were also found in Illinois (27,380), New York (21,210), Florida (20,800), North Carolina (20,400), Arizona (20,030), and Georgia (16,970).²¹

The Center for American Progress estimated in 2021 that roughly 343,000 DACA recipients are what the Department of Homeland Security terms “essential critical infrastructure workers” who work in healthcare, education, and food-related industries. More precisely, “an estimated 34,000 health care workers are DACA recipients,” including nursing, psychiatric, and home health aides; personal care aides; registered nurses; medical assistants; and dental assistants. Another 20,000 DACA recipients are educators. And 100,000 DACA recipients work in the food supply chain, from production to distribution.²²

TOP COUNTRIES OF ORIGIN FOR DACA RECIPIENTS



1	Mexico	428,340
2	El Salvador	20,770
3	Guatemala	13,970
4	Honduras	12,680
5	Peru	4,850
4	South Korea	4,730
5	Brazil	3,900

Recent DACA-Related Developments

On **September 5, 2017**, then Acting Secretary of Homeland Security Elaine Duke rescinded the 2012 DACA memorandum and announced a “wind down” of DACA.²³ DACA beneficiaries whose status was due to expire before March 5, 2018 were permitted to renew their status for an additional two years if they applied by October 5, 2017.²⁴ Any person for whom DACA would have expired as of March 6, 2018, would no longer have deferred action or employment authorization.²⁵ The attempted rescission was challenged by U.S. district courts in California, New York, Maryland, and the District of Columbia.

The U.S. Supreme Court agreed to review the legal challenges of the lower courts during its 2019-2020 term. On **June 18, 2020**, the Court ultimately ruled in a 5-4 decision that the Trump administration’s attempt to terminate the program was unlawful, reasoning that the administration failed to properly explain its decision or consider alternatives to a full rescission of the initiative in violation of the Administrative Procedure Act (APA). However, the Court also recognized that the federal government ultimately retains the legal authority to end the DACA initiative if it were to do so in compliance with the APA.²⁶

Following the Supreme Court’s decision, as well as a federal court order issued on **July 17, 2020**,²⁷ DACA was technically restored to its state prior to the September 2017 rescission. This brought hope to the many people who aged into the initiative—particularly those who had reached the minimum age requirement of 15 in the previous couple of years while the litigation was ongoing. USCIS subsequently began accepting some initial DACA requests and applications for advance parole but failed to approve or adjudicate any of these forms. Approximately

six weeks after the Supreme Court’s decision, then-Acting Secretary of Homeland Security Chad Wolf issued a memorandum making major changes to the DACA initiative.²⁸

Acting Secretary Wolf’s July memorandum rescinded former Acting Secretary Duke’s memorandum from 2017 and made several significant changes to the operation of DACA. As of **July 28, 2020**, current and prior DACA recipients were allowed to continue to apply to renew their protections with USCIS. The validity period for those protections was reduced to one year, however, requiring DACA recipients to apply annually to renew their protections rather than every two years.²⁹ USCIS indicated plans to reject all pending and future initial DACA requests from people who were eligible for DACA but had not previously participated in the initiative.³⁰

A **November 2020** ruling by a federal judge in New York set aside limitations placed on the initiative by Acting Secretary Wolf’s July memorandum.³¹ The New York judge invalidated the memorandum on the basis that Wolf was improperly appointed to his position.³² On December 4, 2020, the same judge ordered that limitations placed on DACA by the July 28th memorandum be set aside, and that the administration fully reinstate DACA protections.³³ The agency began accepting new DACA applications on December 7, 2020.

On **December 22, 2020**, in a separate lawsuit in the Southern District of Texas, U.S. District Judge Andrew Hanen heard arguments on cross motions for summary judgment in a case where the State of Texas (joined by several additional states) sought complete termination of DACA.³⁴ While this case was pending, newly elected President Joseph Biden issued a memorandum in January

2021 reaffirming the federal government’s commitment to DACA.³⁵ The memorandum stated that “the Secretary of Homeland Security, in consultation with the Attorney General, shall take all actions he deems appropriate, consistent with applicable law, to preserve and fortify DACA.”³⁶

On **July 16, 2021**, Judge Hanen ruled that DACA was unlawful. He granted a permanent injunction vacating the original 2012 memorandum which created the DACA initiative on the basis that its implementation violated the APA.³⁷ Judge Hanen enjoined, or “blocked”, DHS from approving any new, first-time DACA applications;³⁸ but allowed the agency to continue to consider renewals for those already granted DACA.³⁹ On September 10, 2021, the Biden administration appealed Judge Hanen’s decision to the Fifth Circuit Court of Appeals.⁴⁰

On **September 28, 2021**, USCIS published a proposed rule that would recreate DACA in federal regulation to “preserve and fortify” it.⁴¹ After receiving more than 16,000 comments, the final rule was announced on August 30, 2022, which became effective October 31, 2022.⁴² The rule maintained the same eligibility guidelines and rescinded and replaced the original 2012 memorandum.

On **October 5, 2022**, before the effective date of the final rule, the Fifth Circuit Court of Appeals upheld Judge Hanen’s ruling that DACA was unlawful as established under the 2012 memorandum.⁴³ However, the Fifth Circuit remanded the case back to Judge Hanen to consider the legality of DACA given the recently published final rule.⁴⁴

The parties to the lawsuit agreed that the new rule was subject to Judge Hanen’s 2021 injunction and limited its implementation while the case remained pending before Judge Hanen.⁴⁵ This meant that, despite the new rule, USCIS could not approve initial DACA applications, but it could continue to consider DACA renewal and advance parole applications.

On **September 13, 2023**, Judge Hanen, now reviewing the legality of the final rule, decided against DACA again. In his decision, he stated that the rule was, “in all pertinent parts, exactly the same as the 2012 DACA Memorandum” and that it was “unlawful for the same reasons.”⁴⁶ Nevertheless, Judge Hanen kept in place the terms of his original injunction, which means that individuals currently protected by DACA or those seeking to renew their protections are not immediately impacted by the decision and continue to retain their protected status.

On November 9, 2023, the Biden administration appealed this decision to the Fifth Circuit Court of Appeals.⁴⁷

Conclusion

DACA is a temporary fix to the quandary confronting hundreds of thousands of undocumented youth. Without DACA, these young people cannot work legally in the United States and face the possibility of deportation to countries where they have not lived since they were very young. With DACA, they can finally get jobs legally, move up the socioeconomic ladder, and experience enough stability in their lives to pursue further education and plan for the future.

ENDNOTES

- 1** Memorandum from Janet Napolitano, Secretary of Homeland Security, to David V. Aguilar, Acting Commissioner, U.S. Customs and Border Protection, et al.: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children, June 15, 2012, <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>.
- 2** 87 Fed. Reg. 53152 (August 30, 2022), <https://www.federalregister.gov/documents/2022/08/30/2022-18401/deferred-action-for-childhood-arrivals>.
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- 4** Though the regulations do not use the term “significant misdemeanor” as referenced in the June 15, 2012 memorandum from Department of Homeland Secretary Janet Napolitano, it adopts the memorandum’s definition for that term. A misdemeanor conviction can be a bar to DACA if it involves domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence; or is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody and, therefore, does not include a suspended sentence.
- 5** U.S. Citizenship and Immigration Services, “Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals - Requests by Intake and Case Status, by Fiscal Year, August 15, 2012 - March 31, 2024,” https://www.uscis.gov/sites/default/files/document/reports/quarterly_all_forms_fy2024_q2.xlsx.
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- 7** Nicole Svajlenka and Trinh Q. Truong, “The Demographic and Economic Impacts of DACA Recipients: Fall 2021 Edition,” Center for American Progress, November 24, 2021, <https://www.americanprogress.org/article/the-demographic-and-economic-impacts-of-daca-recipients-fall-2021-edition/>.
- 8** Tom K. Wong, et al., “2023 Survey of DACA Recipients Highlights Economic Advancement, Continued Uncertainty Amid Legal Limbo,” Center for American Progress, March 25, 2024, <https://www.americanprogress.org/article/2023-survey-of-daca-recipients-highlights-economic-advancement-continued-uncertainty-amid-legal-limbo/>.
- 9** Ibid.
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- 12** Roberto G. Gonzales and Kristina Brant, “Analysis: DACA Boosts Young Immigrants’ Well-Being, Mental Health,” *NBC News*, updated June 15, 2017, <https://www.nbcnews.com/news/latino/analysis-daca-boosts-young-immigrants-well-being-mental-health-n772431>.
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- 14** U.S. Citizenship and Immigration Services, “Count of Active DACA Recipients By Month of Current DACA Expiration As of March 31, 2024,” https://www.uscis.gov/sites/default/files/document/reports/active_daca_recipients_fy2024_q2.xlsx.
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- 16** U.S. Citizenship and Immigration Services, “Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals - Requests by Intake and Case Status, by Fiscal Year, August 15, 2012 - March 31, 2024,” https://www.uscis.gov/sites/default/files/document/reports/daca_performancedata_fy2024_q2.xlsx.

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- 17** U.S. Citizenship and Immigration Services, “Count of Active DACA Recipients By Gender As of March 31, 2024,” https://www.uscis.gov/sites/default/files/document/reports/active_daca_recipients_fy2024_q2.xlsx.
- 18** U.S. Citizenship and Immigration Services, “Count of Active DACA Recipients By Age on September 30, 2023 As of March 31, 2024,” https://www.uscis.gov/sites/default/files/document/reports/active_daca_recipients_fy2024_q2.xlsx.
- 19** U.S. Citizenship and Immigration Services, “Count of Active DACA Recipients By Martial Status As of March 31, 2024,” https://www.uscis.gov/sites/default/files/document/reports/active_daca_recipients_fy2024_q2.xlsx.
- 20** U.S. Citizenship and Immigration Services, “Count of Active DACA Recipients By Country of Birth As of March 31, 2024,” https://www.uscis.gov/sites/default/files/document/reports/active_daca_recipients_fy2024_q2.xlsx.
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- 28** Memorandum from Chad Wolf, Acting Sec. Department of Homeland Security, to Mark Morgan, Senior Official Performing the Duties of Commissioner, et al.: Reconsideration of the June 15, 2012 Memorandum Entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” July 28, 2020, https://www.dhs.gov/sites/default/files/publications/20_0728_s1_daca-reconsideration-memo.pdf.
- 29** Ibid., 5.
- 30** Ibid., 1.
- 31** Michelle Hackman, “DACA Is Restored After Court Rules DHS Head Served Illegally,” *The Wall Street Journal*, updated November 15, 2020, <https://www.wsj.com/articles/federal-judge-invalidates-trump-administration-s-daca-rollback-11605400169?page=1>.
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- 34** Mimi Dwyer and Ted Hesson, “U.S. judge weighs future of deportation relief program for ‘Dreamer’ immigrants,” *Reuters*, December 22, 2020, <https://www.reuters.com/article/us-usa-immigration-daca/u-s-judge-hears-lawsuit-targeting-deportation-protections-for-dreamer-immigrants-idUSKBN28W242?edition-redirect=in>.
- 35** Memorandum from President R. Joseph Biden, Jr., to the Attorney General and Secretary of Homeland Security: Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA), January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/>.
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