

Submitting a Public Comment in Support of DACA



What is a Public Comment

In order to implement new policies, the government is required by law to receive, review, and respond to comments from the public about the potential impact of the rule. Comment periods offer the opportunity for the general public to participate in the drafting and refining of rules, which will help federal agencies interpret and administer the laws that Congress passes, and carry the force and effect of law. Public comments are an important opportunity to engage in the rulemaking process, as well as to demonstrate to Congress and the administration in power your support or opposition to certain actions the federal government is taking. Comments may also provide a position that policy and law makers didn't consider while drafting prior legislation, and give more insight into the general public's support for improved laws, regulations, and policies at large.

What is in the Proposed DACA Rule

DHS states that the proposed rule's purpose is to "preserve and fortify DACA" by, among other things:

- Clarifying who can request DACA and how but does not expand eligibility from the 2012 memo;
- Ensuring DHS does not share information from DACA requestors for immigration enforcement purposes except for cases involving fraud, national security and public safety;
- Clarifying that advance parole-- also known as travel authorization-- will continue to be an option for DACA recipients; and
- Changing the DACA filing process by making it optional to apply for employment authorization when requesting protection from deportation, so that one may request DACA without work authorization (\$85); OR request DACA and work authorization simultaneously (\$495); or request DACA without work authorization (\$85) and applying for work authorization down the road upon DACA approval (\$410).

We believe the proposed rule fails to meet the urgency of the moment. In fact our biggest concern is that it leaves open the possibility of removing work permits for hundreds of thousands of immigrant youth who rely on steady employment to provide for themselves and their families. This is a cruel and significant weakening of the DACA program.

Why You Should Submit a Comment

1. **Make sure your voice is heard:** The Department of Homeland Security (DHS) is required to read and respond to all comments submitted on the proposed rule. This is your chance to make sure your voice - including your story, opinions, expertise, and experience with the policy or with DACA grantees - is heard.
2. **Influence policy:** This is an important opportunity to make clear that the DACA policy is working but that Congress must pass a pathway to citizenship for immigrant youth. Your comments will help highlight how DACA has changed the lives of hundreds of thousands of people and strengthened our communities. All these comments will also help demonstrate to Congress that there is broad support for the DACA policy and for a pathway to citizenship for immigrant youth.
3. **Help win in court:** Comments submitted to the Federal Register provide an administrative record that can be referenced in court cases. If people sue the government and challenge its argument that this policy helps America, YOUR comments can be part of the evidence to support the positive impacts of the policy and therefore of the proposed rule supporting the DACA policy.

How to Submit a Comment

- Go to comment.homeishere.us and use our automated form

Who Should Comment

- Employers of DACA recipients
- DACA recipients or those that would have qualified for DACA or DREAM Act
- Issue experts such as economists, lawyers, or community organizations
- Schools or educators that teach and/or employ DACA recipients
- State and local elected officials
- Law enforcement and public health officials, highlighting the importance of bringing immigrant youth out of the shadows
- Any person or organization supportive of the DACA policy and/or its recipients
- Any person or organization supportive of immigration reforms that would provide a pathway to citizenship for other undocumented individuals, such as to immigrant youth, in addition to farmworkers, essential workers, and temporary protected status grantees

The process is open to the public, regardless of immigration status.

Suggested Outline for a Strong Comment

1. Who you are
 - a. Employers: Give some background on your business and industry, and how you engage with DACA recipients.
 - b. DACA Recipient: Share a bit about where your family is from and why you made the journey to the U.S., how long you've been here, how you engage in your community, and what life was like before and after the work authorization.
 - c. Ally: Provide a brief background of you as an individual or of your organization and how you engage with the DACA policy and or/its recipients.
2. Explain why you are writing (to support the DACA policy and to encourage its continued existence)
3. Why you care and how this impacts you
 - a. Given the concern with the rule we outlined above, talk about how the DACA policy has benefited you and/or others. If you or your spouse are DACA recipients and got work authorization through DACA, discuss how the rule has allowed you to do more in terms of paying taxes, integrating into your community, going to school, filling crucial roles for your employers, and even helping to employ Americans. Similarly for an employer, talk about how the policy has helped your company.
 - b. Discuss how narrowing or elimination of the DACA policy would negatively impact you or your company, particularly if you relied on the policy's existence. (for example, for employers, to make significant business decisions such as expanding a program or hiring someone because they had work authorization, and for DACA recipients, if you, say, bought a car or home, are paying school tuition, etc.).
 - c. If you are not eligible for DACA because of the 2012 or age cut-off, talk about how you otherwise meet all eligibility criteria, and how by keeping the eligibility criteria so narrow, you are unable to fulfill your personal and professional goals, and the fears you face being an undocumented youth in America.
4. Connect to the broader issue of the broken immigration system and use data or research to back up your claims about the benefits of DACA

- a. This is an opportunity to highlight how continued inaction by Congress to pass a pathway to citizenship for immigrant youth perpetuates hundreds of thousands of people to live in immigration limbo, preventing them from maximizing their potential and contributions to their communities and society at large.
 - b. If you are an employer, highlighting facts and data about your company and your employees will be incredibly valuable.
5. Call on Congress in the comment to pass a pathway to citizenship
- a. While reiterating in your comment that it is crucial for the U.S. to protect current DACA recipients, the comment process also provides a powerful opportunity to emphasize that Congress must provide permanent relief to millions of undocumented people. You can explain that DACA has clearly demonstrated that providing a pathway for undocumented immigrants to be lawfully present in the U.S., to work with authorization, and to be protected from deportation, helps these individuals achieve great success and maximize their contributions to their communities, the economy, and the country as a whole. Great things happen not only for those individuals but for the country as a whole.

Comment Examples

Undocumented person or DACA recipient

The Department of Homeland Security's (DHS) proposed rule, "Deferred Action for Childhood Arrivals," DHS Docket No. 2021-0006," does not go far enough to "preserve and fortify" the Deferred Action and Childhood Arrival (DACA) policy-- the stated goal of the proposed rule. As an undocumented individual living in the U.S., I strongly encourage DHS to ensure that both deferred action and work authorization for DACA recipients are protected, regardless of which Administration is in office, so that we can at least feel temporary security in being able to feed ourselves and our family.

If finalized, this rule would directly impact me and my community, because depending on what Congress does, it could determine my near and long-term future in this country, impacting if I will have access to work authorization in the only country I've known as home – or whether I can live with the dignity undocumented people deserve by protecting me from deportation.

*The legal uncertainty I've experienced has been cruel – no one should have to live with the legal threat of being torn away from their family and community. The temporary reprieve through DACA has been vital but like all undocumented immigrants, we want permanent protections and the ability to thrive to our fullest potential. **DACA** has made it possible to (describe things you have been able to do only as a result of having DACA) and if I were assured that I could rely on DACA and work authorization, I would hope to (describe what you plan on doing personally and professionally in the future if your DACA were to remain intact/if you had DACA).*

*But as this proposed rule makes clearer than ever before, the DACA policy is not stable enough to ensure that I can fulfill such personal life goals, and that DACA recipients will be able to continue to make all of the contributions that the proposed rule acknowledges we have made since the policy's inception. The time is **now** for Congress to create a pathway to citizenship for undocumented immigrants so that we can continue to contribute in the place we call home. Reconciliation is the perfect opportunity and Congress must deliver.*

General public or ally

*While I support that the Department of Homeland Security's (DHS) proposed rule, "Deferred Action for Childhood Arrivals," DHS Docket No. 2021-0006," aims to "preserve and fortify" the the Deferred Action for Childhood Arrival (DACA) policy, I do not believe it goes far enough to actually strengthen it. I strongly encourage DHS to reinforce the proposed rule by ensuring that both deferred action **and** work authorization remain connected in the policy, which DHS acknowledges to be an effective*

program to help undocumented immigrants live and work in the only country they've ever called home, as a dedicated supporter of the policy and its recipients,

In addition to the raw statistics supporting protecting DACA recipients, I personally believe it would be a significant loss for family members, loved ones, communities, classrooms, nurses, farmworkers and so many more if DACA recipients no longer have at least a temporary relief from deportation as well as access to work authorization. No one should have to live with the legal uncertainty of losing protections from deportation or the practical uncertainty of whether one can feed him or herself and family.

DHS must take steps to improve the proposed rule to better protect DACA recipients from uncertainty and legal limbo, but as this proposal-- which was published by an administration that maintains it supports undocumented immigrants-- shows, the DACA policy does not resolve the day-to-day limbo experienced by DACA recipients. Congress must immediately provide permanent relief to the millions of undocumented people who call the U.S. home. It's time for President Biden and Congress to deliver a pathway to citizenship for undocumented youth, farmworkers, and essential workers, as well as those granted Temporary Protected Status. Because their home is here.