

WILL THE SUPREME COURT UPHOLD PRESIDENT OBAMA'S ORDERS TO DEFER DEPORTATIONS AND HELP MANY IMMIGRANT FAMILIES?

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One of the most important cases the Supreme Court will decide this year is *United States v. Texas*, set for argument on April 18, 2016. The Justices will review challenges to two Obama administration initiatives – Deferred Action for Parents of Americans and Lawful Permanent Residents and expanded Deferred Action for Childhood Arrivals – that potentially affect up to five million people, especially those living in mixed-status families where some members are legal and others are undocumented immigrants. In November 2014, President Obama announced these Immigration Accountability Executive Actions, which included additional temporary protections for immigrants who arrived as children (also referred to as “DREAMERS”) and a new program for parents of US citizens or lawful permanent residents. The programs allows them to remain in the country and apply for work permits if they have been here for at least five years and have not committed felonies or repeated misdemeanors. However, these actions have been on hold since February 2015, when a district court in Texas issued a preliminary injunction in response to a challenge brought by Republican authorities in Texas and other states. A decision in favor of the United States would clear the way for Obama’s initiatives to go forward.

Why Deferred Action is Important

Deferred action provides temporary relief from deportation to the recipient – and helps many citizens in their families as well. Across the United States, people living in immigrant families and communities do not sort neatly into legal versus undocumented. An estimated 2.3 million households include combinations of citizens, permanent legal residents, undocumented immigrants and individuals in legal limbo or temporary statuses. The majority of children in mixed-status families are U.S. citizens by birth. Indeed, an estimated 4.5 million citizen children make up three-quarters of all children being raised by undocumented adults in this country.

Research shows that U.S. citizen children are directly negatively impacted by their parents’ undocumented status and are unable to experience the full rights of citizenship. Such children live in constant fear that a parent, sibling or other close family member could be deported. In addition, the uncertain legal status of any family member restricts all members’ opportunities to earn good incomes, get ahead at work, and gain access to education and health care.

In all of these areas, President Obama’s initiatives would make a difference:

- Deferred action would give qualified individuals work authorization for three years. Currently, many mixed-status families fall into poverty because undocumented parents are unable to work legally. Not only do work permits allow protected immigrants to earn money in fields most suitable to their skills; they also reduce wage theft and labor trafficking, both of which are prevalent for undocumented workers. The economic benefits of work permits are already clear.

Following the earlier Obama deferred action program announced in 2012, the majority of recipients were able to obtain new jobs and increase their earnings. Higher earnings, in turn, will boost economic growth and increase the already large amounts undocumented immigrant workers contribute to state and local taxes. Many beneficiaries of deferred action work permits will be newly able to open bank accounts, establish credit, and take out car or home loans. Furthermore, at the federal level, the Congressional Budget Office and Joint Committee on Taxation estimate that Obama's new deferred action initiatives would generate \$18.9 billion in additional tax revenues over the first decade, helping to decrease the federal deficit.

- People will gain freedom of movement important to economic and family life. Immigrants protected by deferred action will be able to obtain drivers' licenses (for the first time in some states). Authorities will be able to ensure that every driver is trained and tested, licensed and insured – making the roads safer for everyone. Immigrants enjoying deferred action will be better able to travel to work and school or transport children. Currently, children of undocumented parents do not participate in extracurricular activities and sports as much as other children, in part because adults in the household fear driving without a license. Finally, with permission, those covered by the new deferred action rules would be able to travel to their home countries for family emergencies or funerals.
- Health care coverage under the Affordable Care Act would NOT be available to undocumented immigrants covered by the new Obama administration orders, but some states – such as California, Washington, Massachusetts, and New York – do offer coverage to low-income undocumented individuals granted deferred action. More generally, access to health care will also be improved because many under deferred action would qualify for employment-based plans or benefits for college students. In addition, parents who can drive legally and who have identification cards will have an easier time getting medical care for their citizen children, who are eligible for Medicaid and State Children's Health Insurance Program. Currently, such children get care at a lower rate than children with citizen parents, in part because their undocumented parents fear deportation and may not be able to drive. These barriers would be reduced under Obama's new deferred action measures.
- More young adults are likely to seek out some type of postsecondary education if they have deferred action status. They will still not be eligible for federal financial aid to college students, but some states offer assistance to undocumented students and/or recipients of deferred action status. In addition, new chances to work and drive legally will make it easier for undocumented young people under deferred status to pay for and attend college.

Time for a Change

Along with earlier steps taken in 2012, the 2014 Obama administration initiatives the Supreme Court is now considering are only temporary forms of relief in an immigration system long overdue for major reforms. With clear eligibility criteria and cut-off dates, they do not represent “amnesty” or lead to permanent residency or citizenship. As immigration authorities heed presidential directions to focus scarce resources on deporting criminals, law-abiding and hardworking immigrants deserve relief from the fear of removal. Families will become more stable, and everyone will benefit when deferred action rules allow such immigrants to go to school, get ahead and work, and boost their contributions to American society.