

HOUSE BILL REPORT

HJM 4016

As Reported by House Committee On:
Judiciary

Brief Description: Concerning the deferred action for childhood arrivals (DACA) program.

Sponsors: Representatives Ortiz-Self, Harris, Ryu, Peterson, Stanford, Valdez, Kagi, Stonier, Sells, Appleton, Bergquist, Senn, Gregerson, Tarleton, Santos, Haler, Doglio, Tharinger, Pollet, Macri, Frame and Slatter.

Brief History:

Committee Activity:

Judiciary: 1/30/18, 2/1/18 [DP].

Brief Summary of Bill

- Requests Congress to codify the Deferred Action for Childhood Arrivals program and freeze deportations of that program's beneficiaries, termed "dreamers."

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Muri, Orwall and Valdez.

Minority Report: Do not pass. Signed by 2 members: Representatives Klippert and Shea.

Staff: Nate Hickner (786-7290) and Cece Clynch (786-7195).

Background:

Deferred Action for Childhood Arrivals.

The United States Citizenship and Immigration Services (USCIS) is a component office within the United States Department of Homeland Security (Department). The duties of the USCIS include processing immigration petitions and performing adjudicative functions related to immigration and naturalization.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

"Deferred action" is a discretionary decision by the USCIS to not initiate deportation proceedings against an individual who might otherwise be subject to deportation. Persons in deferred action are considered lawfully present during the temporary deferral period.

On June 15, 2012, the Department issued a memorandum directing the USCIS to extend deferred action to certain individuals who came to the United States as children. This program is known as Deferred Action for Childhood Arrivals, or DACA.

Under DACA, an individual may be considered for deferred action if the person:

- came to the United States under the age of 16;
- has continuously resided in the United States since June 15, 2007;
- is currently in school, has graduated from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- has not been convicted of a felony offense, a significant misdemeanor offense, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety; and
- was under the age of 31 as of June 15, 2012.

On September 5, 2017, the Department issued a memorandum rescinding DACA. Pursuant to this memorandum, the USCIS policy in winding down DACA is to adjudicate:

- properly filed DACA renewal requests and associated applications for existing DACA beneficiaries that were already pending as of September 5, 2017; and
- renewal requests from beneficiaries whose benefits expire between September 5, 2017, and March 5, 2018, that were properly filed with the Department by October 5, 2017.

On January 13, 2018, the USCIS announced that, pursuant to a federal court order, it had resumed accepting requests to renew deferred action grants under DACA. The USCIS also announced that it is accepting new initial DACA requests from individuals who had previously received DACA benefits but who were ineligible for renewal because their DACA benefits had been expired for over a year. The USCIS is not accepting requests from individuals who have never before been granted deferred action under DACA.

Federal and State DREAM Acts.

Federal legislative proposals aimed at codifying immigration policies similar to those in DACA have been introduced in the United States Congress several times since 2001. The name for this proposed legislation is the Development, Relief, and Education for Alien Minors Act, or DREAM Act. Beneficiaries of DACA have come to be commonly referred to as "dreamers."

In 2014, Washington enacted the Real Hope Act, which extended state-funded tuition assistance for low-income students to certain categories of students, including DACA beneficiaries. This act is also sometimes referred to as the Washington DREAM Act.

Summary of Bill:

The Joint Memorial makes several findings, including:

- there are nearly 18,000 DACA beneficiaries in Washington;
- the Washington Legislature passed the Washington DREAM Act in 2014;
- the President's threat to rescind the DACA program is already causing harm and uncertainty to all of the Washington residents covered by that program;
- to qualify for DACA, dreamers must have a high school diploma, be in school, or have honorably discharged veteran status, and must not pose a threat to national security or public safety, meaning each one is contributing to the only community they know; and
- it would be damaging to families, children, marriages, communities, and Washington as a whole to end DACA.

The Joint Memorial requests that the United States Congress codify DACA and freeze deportations of dreamers during this process.

Appropriation: None.

Fiscal Note: Not requested.

Staff Summary of Public Testimony:

(In support) There are 18,000 young people in Washington affected by recent decisions made at the national level. The United States is the only country many dreamers have ever known. Dreamers share the same hopes, desires, and family values as everyone else. It is important for Washington to stand together to tell these young people that they have a future, Washington will stand behind them, and they are welcome.

Today heartless national leaders are allowing families to be ripped from each other's arms. It is difficult for dreamers—some of whom have graduated from Washington universities, have established careers in the state, or have plans to pursue post-graduate degrees—to live their lives on a deadline, never knowing when Immigration and Customs Enforcement will show up to deport them and destroy everything they have built in this country. One hundred and twenty-two people lose their Deferred Action for Childhood Arrivals (DACA) status every day. One person lost their DACA in the last five minutes. Dreamers need a permanent solution, and Washington should urge Congress to codify DACA and freeze deportations while this legislation is discussed.

(Opposed) None.

Persons Testifying: Representative Ortiz-Self, prime sponsor; Graciela Nunez, Washington State Labor Council, American Federation of Labor and Congress of Industrial Organizations; Salvador Salazar, Washington Student Association; and Leo Carmona.

Persons Signed In To Testify But Not Testifying: None.