



Legislation Text

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Res. No. 1484-A

Resolution denouncing the termination of the DACA program and calling on the state and federal government to extend protections for undocumented youth by passing the New York State DREAM Act of 2017, as well as the federal DREAM Act of 2017.

By Council Members Menchaca, The Speaker (Council Member Mark-Viverito), Dromm, Constantinides, Koo, Salamanca, Chin, Eugene, Espinal and Kallos

Whereas, The U.S. Department of Homeland Security (DHS) estimates that there are 11.4 million undocumented immigrants residing in the United States (U.S.); and

Whereas, Undocumented youth came to the U.S. at a young age, often brought by their parents, are called “DREAMers;” and

Whereas, The average age that DREAMers entered the U.S. is six years old; and

Whereas, Many DREAMers did not know they were unauthorized immigrants until they were teenagers and discovered they were not eligible for a driver’s license or financial aid for college; and

Whereas, DREAMers are forced to live in the shadows of society because, generally, they do not have a direct path to lawful immigration status and are, therefore, at risk of deportation; and

Whereas, The original DACA program, established in 2012, allows individuals who were under the age of 31 as of June 15, 2012; came to the U.S. as children under the age of 16; have lived in the U.S. continuously since June 15, 2007; and meet certain other criteria, to request consideration for deferred action for a period of two years, subject to renewal; and

Whereas, On June 29, 2017, the attorney general of Texas, along with attorneys general from Louisiana, Alabama, Nebraska, Arkansas, South Carolina, Idaho, Tennessee, West Virginia and Kansas, sent a letter to

U.S. Attorney General Jeff Sessions threatening to sue the federal government if DHS did not rescind the 2012 DACA memo by September 5, 2017; and

Whereas, On September 5, 2017, DHS announced the rescission of the 2012 DACA memo, effectively terminating the program; and

Whereas, As a result, DHS stopped accepting initial and renewal DACA applications, except for a very limited group of DACA grantees whose DACA grants expire on or before March 5, 2018 and submitted renewal applications by October 5, 2017; and

Whereas, Those DACA grantees whose DACA grants expire on or after March 6, 2018 were not eligible to apply for renewal and, upon expiration, will return to the immigration status they held prior to receiving deferred action, if any; and

Whereas, The decision by DHS to terminate the DACA program, while offering no alternative program or policy, drastically disrupts the lives of the roughly 800,000 DACA grantees in the U.S.; and

Whereas, Congressional inaction regarding undocumented youth must end in order to protect all DREAMers, regardless of whether they participated in the DACA program; and

Whereas, In order to support DREAMers and immigrant families, two key pieces of legislation, the New York State DREAM Act of 2017 and the federal DREAM Act of 2017, should be passed and signed into law without delay; and

Whereas, The 1982 Supreme Court's landmark decision in Plyler v. Doe held that states cannot constitutionally deny students a free public education on account of their immigration status or the immigration status of their parents or guardians; and

Whereas, Undocumented students represent one of the most vulnerable groups served by U.S. schools; and

Whereas, Each year, more than 65,000 undocumented students graduate from high school in the U.S.; and

Whereas, Roughly 54 percent of undocumented youth have earned a high school diploma, compared to 82 percent of their U.S. born-peers; and

Whereas, Undocumented students who wish to pursue higher education are typically ineligible for most forms of financial aid because of their immigration status, including student loans, work-study programs, and other grants; and

Whereas, Tom K. Wong of the University of California, San Diego, United We Dream, the National Immigration Law Center, and the Center for American Progress surveyed roughly 3,000 DACA recipients across 46 states, including the District of Columbia and found that 91 percent of respondents reported they were currently employed and about 45 percent were currently in school, of which 72 percent were pursuing higher education; and

Whereas, The Center for American Progress estimates that the U.S. is likely to lose about \$460 billion in GDP over the next 10 years without DACA; and

Whereas, According to the 2010 U.S. Census, New York State is home to 4.3 million immigrants, three million of whom live in New York City; and

Whereas, The Fiscal Policy Institute estimates that there are about 3,627 undocumented students who graduate from high school each year in New York State; and

Whereas, Out of the number of undocumented students who graduate from U.S. high schools annually, only 5-10 percent pursue a college degree, in large part, due to tremendous financial obstacles; and

Whereas, An estimated 146,000 undocumented students who have been educated in New York State public schools are currently ineligible to receive financial aid under federal and state law; and

Whereas, Despite these significant challenges, undocumented students who manage to attend and graduate from two and four-year educational institutions achieve high levels of academic and professional success; and

Whereas, As a testament to this success, in 2015, the New York State judiciary established a

groundbreaking policy regarding professional licensing for undocumented immigrants by admitting New York's first undocumented lawyer to the bar; and

Whereas, Since 2002, undocumented students in New York State who graduate from a New York high school or receive the equivalent of a high school diploma qualify for in-state tuition at the State University of New York (SUNY) and the City University of New York (CUNY) schools; and

Whereas, According to the Fiscal Policy Institute, there are strong fiscal and economic benefits to the state when the labor force is better educated; and

Whereas, The median income of a New York State worker with a bachelor's degree is \$25,000 higher per year than for a worker possessing only a high school diploma; and

Whereas, New York State Assembly Member Francisco Moya introduced the New York State DREAM Act during the New York Legislature's 2017-2018 Regular Session; and

Whereas, The New York State DREAM Act would increase access for eligible immigrant youth and the children of undocumented immigrants to various forms of financial assistance, including the Tuition Assistance Program, Higher Education Opportunity Program, Collegiate Science and Technology Entry Program, Educational Opportunity Program and other such programs available at community colleges, as well as establishes a fund that would provide financial assistance to eligible immigrants who wish to pursue higher education; and

Whereas, The New York State DREAM Act would eliminate barriers for immigrant families to save for higher education expenses by allowing them to open a New York State 529 family tuition account under the New York State College Tuition Savings Program and/or designate a beneficiary on an account, provided they have a taxpayer identification number; and

Whereas, At the federal level, the DREAM Act of 2017 was introduced by Senators Dick Durbin (D-III) and Lindsey Graham (R-S.C.) during the 115th Congress (2017-2018 Legislative session); and

Whereas, The federal DREAM Act of 2017 would authorize the cancellation of removal and adjustment

of status of DREAMers, who are long-term U.S. residents and who entered the U.S. as children; and

Whereas, The DREAM Act of 2017 would also allow young immigrants who have called the U.S. home for most of their lives to realize their full potential by allowing them to study and work without the fear of deportation; and

Whereas, The DREAM Act of 2017 lays out a path to citizenship, by providing Conditional Permanent Resident (CPR) status to undocumented youth who entered the U.S. under the age of 18; have continuously physically resided in the U.S. for the four years preceding the legislation's enactment; who have not been convicted of a crime where the term of imprisonment was more than a year; and who have been admitted to an institution of higher education, have graduated high school or obtained a GED, or are currently enrolled in secondary school or a program assisting students obtain a diploma or GED; and

Whereas, DACA beneficiaries show positive economic and educational outcomes and have made significant contributions to the U.S. economy, highlighting the benefits of supporting undocumented youth; and

Whereas, DREAMers who pose no threat to public safety should be free from the fear of deportation and have a meaningful opportunity to thrive in the country they call home; and

Whereas, Giving DREAMers access to higher education and the opportunity to attend college, pursue careers, and further contribute to their communities is also highly beneficial to the economy of New York State, and the country as a whole; and

Whereas, An investment in young immigrants' futures is in an investment in New York's future; now, therefore, be it

Resolved, That the Council of the City of New York denounces the termination of the DACA program and calls on upon the state and federal government to extend protections for undocumented youth by passing the New York State DREAM Act of 2017, as well as the federal DREAM Act of 2017.

IP/JA/NC