



What Does the Supreme Court's Deadlocked Decision on Deferring Deportations Mean for Immigrant Families?

Heide Castañeda, University of South Florida

One of the most important cases the Supreme Court reviewed this year was *United States v. Texas*, which ruled on challenges to two Obama administration initiatives – Deferred Action for Parents of Americans and Lawful Permanent Residents and an expanded Deferred Action for Childhood Arrivals program – that would have affected up to five million people. In November 2014, President Obama announced Executive Actions that included additional temporary protections for immigrants who arrived as children (also referred to as “DREAMERS”) and a new program for parents of U.S. citizens or lawful permanent residents. The programs would allow 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. These actions have been on hold since early 2015, when a district court issued a preliminary injunction in response to a challenge brought by Republican authorities in Texas and ultimately joined by 25 other states. The actual focus of the case was quite mundane: Texas argued that it would suffer significant financial damages if required to subsidize the cost of driver's licenses to those qualifying for the new programs. However, the larger context was an unwillingness to allow the President to enact policy change following years of blocked and failed efforts at immigration reform at other governmental levels.

The Supreme Court was unable to reach a decision in June. The case resulted in a 4-4 tie, an unusual but not unexpected result given the current makeup of the court following the death of Justice Antonin Scalia and reflecting the politically divisive nature of the case. This means that the decisions of the lower courts remain in place and the two initiatives are blocked, for now.

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 several areas, deferred action would make an important difference:

- Deferred action gives 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 people 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, recipients were able to obtain new jobs and increase their earnings. Higher earnings, in turn, boost economic growth and increase the already large amounts undocumented immigrant workers contribute to state and local taxes. Beneficiaries of deferred action work permits would be newly able to open bank accounts, establish credit, and take out car or home loans. At the federal level, the Congressional Budget Office and Joint Committee on Taxation estimate that Obama's

new deferred action initiatives would have generated \$18.9 billion in additional tax revenues over the first decade, helping to decrease the federal deficit.

- People would gain freedom of movement important to economic and family life. Immigrants protected by deferred action are able to obtain drivers' licenses (for the first time in some states). Authorities would thus be able to ensure that every driver is trained and tested, licensed and insured – making the roads safer for everyone. Immigrants enjoying deferred action would be better able to travel to work and school or transport children. Currently, children of undocumented parents have low levels of participation in all kinds of extracurricular activities, in part because adults in the household fear driving without a license. Finally, with permission, those covered by 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 remains unavailable to undocumented immigrants, 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 would also be improved because many under deferred action could qualify for employment-based plans or benefits for college students. Parents who can drive legally and who have identification cards have an easier time getting medical care for their citizen children, who are eligible for Medicaid and the 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.
- 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 would make it easier for undocumented young people under deferred status to pay for and attend college.

Time for a Change

The blocked Obama administration initiatives would have offered only temporary forms of relief in an immigration system long overdue for major reforms. However, they do signal an urgent need to provide a solution for law-abiding and hardworking immigrant families, which would allow people to go to school, work, and boost their contributions to American society.

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