

Proskauer Hosts Virtual DACA Legal Clinic

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To grow up American in all ways but one – having proper documentation – is what it means to be a dreamer. Being undocumented renders one nearly incapable of functioning as a regular member of society. It means calling in sick during the day of a school field trip that asks you to bring a form of government ID. It means being unable to get a job to fund and pursue higher education. It means being ineligible for most healthcare benefits during a pandemic.

Last week, in partnership with [The Door](#), we hosted a virtual Deferred Action for Childhood Arrivals (DACA) clinic to assist 10 pro bono clients with preparing their initial DACA applications. The DACA program provides eligible, undocumented immigrants who came to the United States before the age of 16 with a renewable two-year period of deferred action from deportation, along with work authorization and the ability to apply for a social security number.

The clients shared stories about their fearful journeys to the United States as young children (those who were old enough to remember) and their concerns about whether they would be allowed to remain in the only country they have known for most of their lives. One of the clients expressed her desire to become a nurse, but that she was unable to pay for her education due to a lack of a work permit. She had to drop out of community college after a semester and desperately wanted to return to school. Having been in the United States since she was four, she conveyed the pain and sense of isolation she felt being considered “illegal” in the country she calls home.

On September 5, 2017, the U.S. government announced that it would terminate DACA, and in response, several lawsuits were filed to preserve the program. On June 18, 2020, the Supreme Court ruled 5-4 that the rescission of DACA was “[arbitrary and capricious](#)” and remanded the case for further proceedings. In response, the Department of Homeland Security did not fully restore DACA but [released a memorandum](#) on July 28, 2020 that made serious alterations to the program. Among other things, it announced that all first-time DACA applications would be denied and renewal applications, if approved, would only provide one-year extensions. It was not until December 7, 2020, following additional litigation, that the U.S. Citizenship and Immigration Services (USCIS) announced that it again would be [accepting first-time applicants](#) for DACA. Legislation recently proposed in Congress would provide DACA beneficiaries a [path to citizenship](#).

Robert G. Gonzales, a Professor of Education at Harvard, conducted interviews with 408 DACA recipients and recently [published research](#) that presented how DACA had an immediate and positive impact on their families and their own adult trajectories. He explained, “DACA in the short term is, I think, inarguably the most successful policy of immigration integration we’ve had in the past three decades. It’s provided a boost to immigrants and their families.” Gonzales described how, for undocumented adolescents, the first time they realize the limitations imposed on them by their immigration status is “a waking nightmare.”

For the [643,430 DACA recipients](#) whose DACA is still active as of March, 2020, having DACA status came with more benefits than just the ability to obtain driving licenses, open bank accounts, and get jobs that gave them financial independence. DACA brought recipients a greater sense of belonging and security. As we completed the paperwork for the client whose dream it was to become a nurse, her face lit up as she told us we were “super heroes without capes,” a moment we are unlikely to forget any time soon.

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- **William C. Silverman**
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