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Next Steps for DACA

By Chris Braunlich

First the one-two punch of Harvey and Irma, now DACA: The economy took some hits in the last couple of weeks.

The damage from the dual hurricanes, of course, is already visible and the cost to the economy is estimated to be as high as \$290 billion.

But ending DACA – Barack Obama’s Deferred Action for Childhood Arrivals Executive Order – will be at least as damaging. By several estimates, deporting DACA recipients and removing them from the workforce will reduce America’s Gross Domestic Product by \$460.3 billion over a decade, cost employers \$4.4 billion in unnecessary turnover costs, and cut contributions to Medicare and Social Security by \$24.6 billion.

DACA is a lesson in the limits of “Government by Executive Order.” Signed in 2012, it shielded unauthorized immigrants who came to the U.S. as children, giving them a work permit and renewable relief from removal for two years. To be eligible, a youth could request DACA if he or she arrived in the U.S. under the age of 16; lived continuously in the country since 2007; was currently in school, has graduated or served honorably in the U.S. military; and had never been convicted as an adult of a serious crime.

But orders created with the swipe of a pen can be removed with the swipe of someone else’s pen and President Trump has reversed the Obama order. Six months from now DACA will have phased out, and in the meantime those who currently have such permission will not be able to renew it.

However, the President has indicated his support for DACA legislation arguing that the defect with the original DACA was that it exceeded the authority of the Executive branch.

So the ball is in Congress’ court. And it’s time for them to act.

There are two primary arguments for a legislative solution to the issue.

First is a moral one. In America, the children of those who violate the law do not pay the penalty of their parents. If a mother robs a bank, they don’t send the 12-year-old son to jail. The so-called “Dreamers” didn’t have a choice about coming to this country. Many have known no other country, and are fundamentally American in all respects.

Which is the essence of the second point: These young people are contributors to our society and should be allowed to continue contributing.

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In Virginia alone, there are about 12,000 “Dreamers.” Ninety-five percent of them are either working or in school, and six percent have started their own businesses that employ Virginians. They pay \$34.7 million a year in state and local taxes and if they are deported, the Commonwealth’s GDP cost will be more than \$676 million per year.

Virginia taxpayers have underwritten their K-12 education for the last nine years at an average cost of \$10,000 per child per year. Deporting them now – without their having willfully committed any crime – would deport Virginia’s investment in their education and the economic returns we can expect. To most, that makes no sense.

To be sure, anyone committed of a violent crime should be deported immediately. Nor should the establishment of their legal presence put them at the front of the line in seeking citizenship.

The arguments against DACA have largely centered on the constitutionality of the original Executive Order. But President Trump has handed Congress an opportunity to step up to the plate and re-learn the art of “compromise,” although it will take work. Neither immigration hawks nor doves are going to get everything they want and may have to vote for something they find distasteful. Hawks may have to swallow DACA. Doves may have to accept Trump’s wall. Both sides are going to have to stop emoting in bumper sticker slogans and work on actual substance.

But failing to do so will mean the American economy takes another hit. Unlike Hurricanes Harvey and Irma, this one is avoidable.

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This commentary was originally published in the September 12, 2017 edition of The Richmond Times-Dispatch. Chris Braunlich is vice president of the Thomas Jefferson Institute. The opinions expressed are his and do not necessarily represent the views of the Institute or its Board of Directors. He can be reached at chris@thomasjeffersoninst.org.