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Farm Workers & Dreamers

Who are the Dreamers?

Of the approximately 10.5 million undocumented immigrants in the United States between 690,000 and 800,000 of them are “Dreamers”, undocumented young people who were brought to the U.S. as minors and have spent the majority of their lives in the U.S. Deferred Action for Childhood Arrivals (DACA) was a national policy initiated in 2012 that helps Dreamers by providing temporary protection status with the ability to reapply every 2 years. DACA helps Dreamers who have no criminal record and are in school (or graduated) or serve in the military to apply for a stay of immigration status and a halt of deportation. It is a temporary status and unlike the DREAM Act does not provide a pathway to citizenship.

In September 2017, the current Administration announced a plan to phase out DACA, triggering multiple lawsuits challenging this action. The government deferred implementation of this plan for six months to allow Congress time to pass the DREAM Act or some other legislative protection for undocumented immigrants. Congress failed to act and the time extension expired on March 5, 2018, but three separate District Courts ordered an injunction preventing the phase-out of DACA by this date, on the likelihood that the rescinding was arbitrary and capricious under the Administrative Procedure Act (APA). In June 2020, the Supreme Court, ruling on the three injunctions blocking the repeal of DACA, affirmed that the current reasoning given for the repeal was arbitrary and capricious under the APA, but did not rule on the merits of the DACA itself nor prevented the government from issuing a new repeal with better rationale.

Dream Act

The Dream Act would provide Dreamers the opportunity to apply for permanent legal status and eventually become eligible for U.S. citizenship. It would also stop the deportation of undocumented immigrants who have been continuously physically present in the United States for four years preceding the bill's enactment, were younger than 18 when they were first brought to the United States, and have no criminal record. In addition, eligible undocumented immigrants must be in school (or have graduated), or be serving in the military (or have received an honorable discharge). After maintaining lawful permanent resident status for five years, these Dreamers would then be able to apply to become U.S. citizens. June 2019 the House of Representatives passed the Dream and Promise Act of 2019 and is awaiting a vote in the Senate.

Farm Workers

18% of immigrant farm workers are between the ages of 14 and 24 years old with many of them who are Dreamers themselves. Adult farm workers have families including children that are Dreamers. 49% of immigrant farm workers live in a household with children under 18. A change to the legislation will get us closer to ending discrimination, and will ensure that the youth in the farm worker community are able to afford and attend school, opening the door to knowledge and opportunities. Dreamers can remain for now but continue to live in uncertainty should the Administration choose to take executive action.