

Uncertain fate of DACA delays family, career choices for young Dreamer who came to U.S. at age 10

By Donna Malone

Paco (not his real name) came to the United States when he was only 10. He travelled with his parents, walking across the desert with the aid of a “coyote” (a person who smuggles migrants into the United States) and crossed the southern U.S. border.

As a young man, Paco worked in the fields harvesting fruits and vegetables alongside his parents while also attending school. He graduated from high school in Idaho, and has been working since graduation.

Paco is now 27, and, in 2015, married his high school sweetheart, an American citizen, who has applied for him to receive status as a Lawful Permanent Resident (LPR).

The Deferred Action for Childhood Arrivals program — or DACA — was established on June 15, 2012, by then-President Barack Obama.

DACA defers deportation proceedings for two years for qualified individuals who were brought to the United States illegally when they were children, and also provides a renewable work visa. DACA does not, however, provide permanent lawful residency.

With help from Catholic Charities of Idaho (CCI), Paco applied for and has received DACA status. Paco has worked for his current employer since 2014, has advanced in his position and is now certified through Idaho State as a Professional Seed Treat Applicator and certified to drive heavy construction equipment. He is often placed as a team lead of a small crew.

Paco continues to work with Catholic Charities of Idaho, to complete

and submit the proper paperwork to become an LPR. Because there was a four-year gap between becoming an adult (age 18) and initiation of the DACA program, Paco’s status during that time is one of “unlawful presence.” Consequently, he must first get a provisional waiver before being considered for permanent residency.

CCI has helped Paco and his wife comply with the law and build a case for the provisional waiver, based on the hardship he and his wife would suffer if he were to be deported. To be eligible for a provisional waiver, Paco must demonstrate that if he is refused admission to the United States, it will cause extreme hardship to his wife, a U.S. citizen.

Almost all of Paco’s family ties are here, not in Mexico. He has two younger brothers, ages 15 and 7, who are both U.S. citizens. He has just one uncle who remains in Mexico, and because Paco was very young when he came to the U.S. with his parents, he has little memory of, or association with his Mexican birth town or his remaining family.

Violence is a problem in his hometown, and drug cartels are nearby. Paco hasn’t been back to Mexico since he was 10, and although he speaks fluent Spanish and English, he doesn’t



Donna Malone

have a support network in Mexico. In this country, he has a good job that pays well and provides medical benefits and 401K options.

His wife has a good job as well, and they live on the combination of their two salaries. Paco is the breadwinner of the family, earning two-thirds of the total household income. Paco’s wife had a back injury which resulted in her having surgery. Now she lives with restrictions so her job work is limited and she requires frequent medical care.

If Paco is deported, his wife must decide whether to go with him or stay in the U.S. without him. For Paco to make an equivalent income in Mexico, even after adjustments for cost of living, he would need a college degree. If his wife moved with him to Mexico, she would not be able to get the same level of medical care, or enjoy the same quality of life as they have here. His wife’s entire family is here in the United States, so she would have no support structure if she moved to Mexico.

Because of the uncertainty surrounding continuation of the DACA program, Paco’s wife is experiencing high anxiety and depression.

Once Catholic Charities of Idaho and Paco have submitted his paperwork for a provisional waiver, he will have to travel to Juarez, Mexico, for an interview. If he does not get the waiver, he must stay in Mexico for at least 10 years before he can request permanent residency, and it may break up his marriage. If he is granted a waiver, he can legally return to the

United States as a Legal Permanent Resident.

Paco and his wife want to have children, but are afraid to do so now because of his pending legal status. He is fluent in English and has done what he can to be a strong member of the Boise community. He and his wife also would like to purchase a home, but will not do so now due to his uncertain legal status and the expense of becoming a citizen.

Paco and his wife appreciate the help Catholic Charities has provided and remain hopeful about their future. “I’m really thankful I discovered CCI and the huge help they offer,” Paco said. “It wasn’t as scary knowing someone could actually really help and not take advantage of someone trying to better themselves for a brighter future.”

Paco hopes that once he is a permanent resident he will be able to study mechanics, return to school and earn a degree. He dreams of buying a house by a river where he can fish and his wife and children can farm.

He would love to start his own business in a country he already considers to be home.

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Commonly asked questions about immigration, work visas, asylum status

The following is excerpted from a document provided by the United States Conference of Catholic Bishops’ Migration and Refugee Services. The full document can be found on www.usccb.org along with other immigration-related documents.

Why don’t they come here legally?

In the fractious debate surrounding both legal and illegal immigration to the United States, politicians, the public, and pundits alike eventually cycle back to fundamental questions:

Why don’t they come here legally? Why don’t the estimated 11.1 million unauthorized immigrants in the United States stand in line with the rest of the immigrants seeking to enter lawfully? If our ancestors did it, why can’t they?

In the United States today, there are an estimated 11.1 million unauthorized immigrants. Sixty percent of these immigrants are from Mexico.

Another 20 percent are from other Latin American countries. Eleven percent come from South and East Asia. Combined, unauthorized workers comprise more than 5 percent of the U.S. workforce.

Many of our ancestors didn’t actually come here through federal “legal” channels because there weren’t restrictive federal immigration laws in place at the time.

Until the 1870s, the federal government did virtually nothing to restrict immigration. In most cases, immigrants who arrived to the United States in search of work or a new life simply settled in the country and became citizens after a period of time.

In 1875, Congress passed the Page Law, restricting immigration of women engaged in polygamy and prostitution, with enforcement provisions particularly focused on Chinese women. Seven years later, in 1882, Congress promulgated the Chinese Exclusion Act of 1882, restricting immigration of Chinese laborers. Congress eventually expanded these restrictions on Chinese immigration to exclude Asian immigrants generally.

However, immigration by those arriving from non-Asian countries was not significantly restricted until the 1920s, by which time many of our immigrant ancestors had already arrived. Indeed, during that period immigration from various parts of the world to the United States was widespread. By 1870, 40 percent of the residents of New York, Chicago, and other major metropolitan areas, were foreign-born.

In 1921, beginning with the Emergency Quota Act, the United States began to restrict immigration through the use of national origins quotas.

The quota system was restructured multiple times in subsequent years, leaving some regions of the world at a disadvantage at certain points.

In 1965, amendments to immigration legislation abolished the quota system, prioritizing instead family-based immigration.

Subsequent immigration laws have been increasingly restrictive.

For instance, in 1986, the Immigration Reform and Control Act (IRCA) was passed to control and deter unlawful immigration to the United States, making it unlawful to knowingly hire unauthorized immigrants and increasing border enforcement.



Ten years later, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) created penalties for those who had been “unlawfully present” in the country, establishing 3- and 10-year bars to lawful reentry.

Today’s unauthorized immigrants would prefer to live and work lawfully in the United States if they could.

Moreover, according to two well-regarded opinion surveys of unauthorized immigrants in the United States, the large majority of those unauthorized in the country today would have preferred to enter lawfully if they could have.

In fact, some 98 percent of those surveyed indicated that they would prefer to live and work lawfully, rather than in the uncertainty and fear of unauthorized status.

Why don’t they get in line just like everybody else to become citizens?

Under current laws, no “line” for lawful immigration to the United States actually exists for the majority of immigrants.

Under the current legal framework, lawful immigration to the United States is restricted to only a few narrow categories of persons.

Most unauthorized immigrants residing here are ineligible to enter legally with a “green card” as a lawful permanent resident for the purpose of living and working in the country.

This is because most do not have the family relationships required or they do not qualify for asylum.

Economic hardship is not regarded as asylum because those coming for economic reasons alone are not fleeing persecution. Most undocumented