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LGBT 'Dreamers' and Deferred Action for Childhood Arrivals (DACA)

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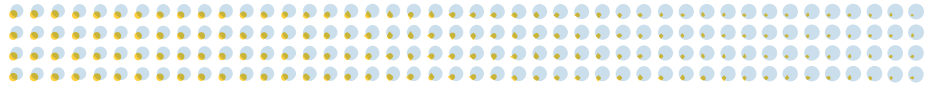
Conron, Kerith J  
Luhur, Winston  
Brown, Taylor NT

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# LGBT Dreamers and Deferred Action for Childhood Arrivals (DACA)

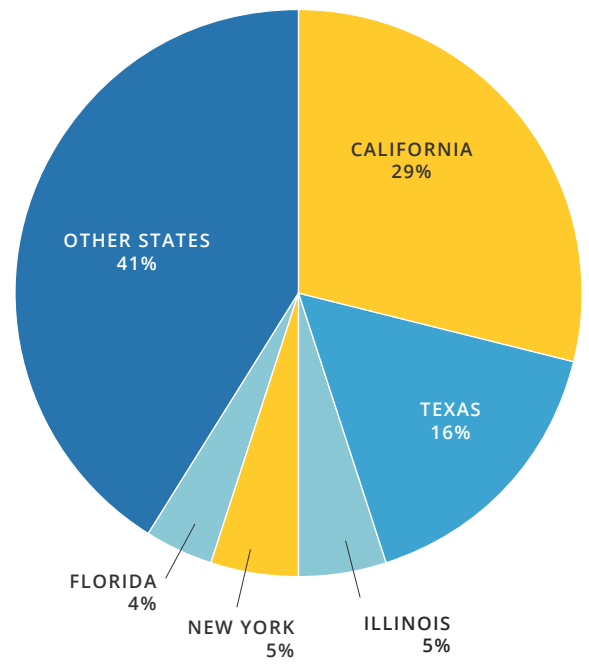
**AUTHORS:**  
Kerith Conron  
Winston Luhur  
Taylor N.T. Brown

**BRIEF / JUN 2020**

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There are an estimated 81,000 LGBT Dreamers in the U.S., including about 39,000 who have participated in Deferred Action for Childhood Arrivals (DACA). Most LGBT DACA participants live in California, Texas, Illinois, New York, and Florida.

Figure 1. First-time DACA applications from LGBT individuals approved by the Department of Homeland Security by top 5 and all other states as of December 31, 2019



Note: Unrounded estimates were used to generate Figure 1 and will differ slightly from any calculations made from the rounded estimates in Table 1.

In June 2012, then-President Obama's administration announced the creation of the Deferred Action for Childhood Arrivals (DACA) program, which provided undocumented immigrants who entered the United States before the age of 16, and met other requirements<sup>1</sup>, temporary work authorization and protection from deportation for a renewable two-year period. This cohort of youth and young adults is often referred to as Dreamers, in reference to the proposed Development, Relief, and Education for Alien Minors Act. The DREAM Act would provide permanent legal status for Dreamers.<sup>2</sup>

In September 2017, five years after the program's creation, the Trump administration rescinded the June 2012 memorandum and announced a winding down of the DACA program.<sup>3</sup> Immediately following the announcement, the U.S.

Citizenship and Immigration Services (USCIS) ceased to accept new DACA applications. Later, on October 5, 2017, USCIS stopped accepting DACA renewal applications as well.<sup>4</sup> Challenges to the rescinding of DACA resulted in several federal courts ordering USCIS to continue accepting renewals, thus sustaining the program for those already enrolled.<sup>5</sup> In 2019, the Supreme Court agreed to review the lower court decisions. A decision is expected by the end of June 2020.<sup>6</sup>

The Migration Policy Institute estimates that there are approximately 1,724,000 Dreamers who were eligible to participate in DACA, or would have been eligible if they satisfied the program's educational requirements (e.g., enrollment in a GED program) and the program had not been terminated.<sup>7</sup>

*There are around 81,000 LGBT Dreamers;  
39,000 have participated in DACA*

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<sup>1</sup>Additional requirements include that an applicant must: have entered the US prior to June 15, 2007 and resided in the US consecutively since that time; be at least 15 years of age at application and thus eligible for a criminal background check; be under the age of 31 on June 15, 2012; and be in school or have completed high school or a GED or have been honorably discharged from the US Armed Services or Coast Guard. For full list, see: U.S. Citizenship and Immigration Services. (2018, February 14). *Consideration of Deferred Action for Childhood Arrivals (DACA)* [Archived]. Retrieved from: <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

<sup>2</sup>Dream Act of 2019, H.R. 2820, 116th Cong. (2019).

<sup>3</sup>Memorandum from Elaine C. Duke, Acting Secretary of Homeland Security, to James W. McCament, Acting Director of USCIS, et al. (2017, September 5). *Rescission of the June 15, 2012 Memorandum Entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children."* Retrieved from: <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>

<sup>4</sup>Pierce, S. (2019, May). *Immigration-Related Policy Changes in the First Two Years of the Trump Administration*. Washington, DC: Migration Policy Institute. Retrieved from: <https://www.migrationpolicy.org/research/immigration-policy-changes-two-years-trump-administration>

<sup>5</sup>U.S. Citizenship and Immigration Services. (2019, July 17). *Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction*. Retrieved from: <https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction>

<sup>6</sup>Liptak, A. (2019, November 12). Supreme Court Appears Ready to Let Trump End DACA Program. *The New York Times*. Retrieved from: <https://www.nytimes.com/2019/11/12/us/supreme-court-Dreamers.html>; Regents of Univ. of Cal. V. U.S. Dep't of Homeland Sec., 279 F. Supp. 3d 1011 (N.D. Cal. 2018), cert granted.

<sup>7</sup>Migration Policy Institute (2019, June) National and State Estimates of Immigrant Populations Eligible for the Deferred Action for Childhood Arrivals (DACA) Program. Retrieved from: [https://www.migrationpolicy.org/sites/default/files/datahub/State%20Estimates%20of%20DACA-Eligible%20Population\\_2019.xlsx](https://www.migrationpolicy.org/sites/default/files/datahub/State%20Estimates%20of%20DACA-Eligible%20Population_2019.xlsx)

We estimate that approximately 81,000 of these Dreamers are LGBT.<sup>8</sup>

The USCIS reports that, between the inception of the DACA program and December 2019, it accepted first-time applications from approximately 911,000 Dreamers (Table 1). Among first-time DACA applicants, we estimate that there are over 43,000 LGBT applicants including 39,000 who had their applications approved. The majority of DACA participants live in California, Texas, Illinois, New York, and Florida (Figure 1 above and Table 1 below).<sup>9</sup>

DACA provides work authorization for a two-year period, thus reducing employment barriers for those who participate in the program. A 2019 study found that DACA participants report, on average, an 86% increase in hourly wages, from under \$11 per hour pre-DACA enrollment to over \$19 per hour afterwards, and many also report getting a job with improved working conditions after enrolling in DACA.<sup>10</sup> Enrollment in DACA can also expand educational opportunities. Some states allow DACA participants, but not other undocumented individuals, to enroll in colleges and universities in the state. Some states also allow DACA participants to qualify for in-state tuition and make available state-based financial aid. In 2019, the majority (71.2%) of DACA participants report pursuing educational opportunities that they would not have been able to access without DACA.<sup>11</sup> Research suggests comparable benefits for LGBT and non-LGBT DACA participants.<sup>12</sup>

<sup>8</sup> We obtained an estimate of 4.7% LGB (95% confidence interval, 2.2-7.3%) among non-citizen Californian adults ages 18-34 who responded to the population-based California Health Interview Survey (CHIS) in the years 2016-2018 as per an on-line retrieval from AskCHIS (<http://ask.chis.ucla.edu>). Given that the percentage transgender among non-citizen Californian adults ages 18-34 in the same years was very small 0.4% (95% confidence interval, 0.0-1.0%, and that some transgender adults are also LGB, we used 4.7% as our total estimate of the LGBT undocumented population percentage. This estimate assumes similarity in the composition of the non-citizen adult population ages 18-34 in California, specifically the percentage of LGB or LGBT among this group, and among non-citizen young adults in the rest of the United States. More than half of Millennial immigrants are either from Mexico (28%) or Asia (28%) (authors calculations based on Pew Research Center's tabulations of the 2017 American Community Survey data, see Generations tab at [https://www.pewresearch.org/hispanic/wp-content/uploads/sites/5/2019/06/Pew-Research-Center\\_Age-Gender-Current-Data\\_Statistical-Portrait-of-the-Foreign-Born-2017\\_2019-05.xlsx](https://www.pewresearch.org/hispanic/wp-content/uploads/sites/5/2019/06/Pew-Research-Center_Age-Gender-Current-Data_Statistical-Portrait-of-the-Foreign-Born-2017_2019-05.xlsx)). In California, among foreign-born adults ages 18-34 surveyed by the California Health Interview Survey in 2016-2017, 40% were born in Mexico and 37% were born in Asia (AskCHIS, <http://ask.chis.ucla.edu/>). As of December 2019, 77.8% (709,301 of 911,294) of first-time DACA applicants were born in Mexico (see [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports and Studies/Immigration Forms Data/All Form Types/DACA/DACA\\_performancedata\\_fy2020\\_qtr1.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_performancedata_fy2020_qtr1.pdf)). Almost a third, 30% (519,000 of 1,724,000) of Dreamers reside in California (see source in fn 7). Thus, we believe that this assumption of comparability of the non-citizen young adult population in California and the rest of the US is reasonable, particularly given that alternative sources of population-based information about the percentage of LGB or LGBT non-citizen young adult population do not, to our knowledge, exist.

<sup>9</sup>We determined estimates of LGBT DACA applicants by multiplying the proportion of young adults, 18 to 34, who identified as LGB and were non-citizens (4.7%, fn 7) in 2016-2018, by the actual number of DACA applicants accepted and approved by DHS as reported by USCIS rounded to the nearest thousand. See: U.S. Citizenship and Immigration Services. (2020, April 20). *Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, Status, by Fiscal Year, Quarter, and Case Status: Aug. 15, 2012-Dec. 31, 2019*. Retrieved from: [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports and Studies/Immigration Forms Data/All Form Types/DACA/DACA\\_performancedata\\_fy2020\\_qtr1.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_performancedata_fy2020_qtr1.pdf)

<sup>10</sup>Wong, T.K., Abrar, S. Flores, C., Jawetz, T., Kmec, I.R., Rosas, G.M., Straut-Eppsteiner, H., & Wolgin, P.E. (2019, September 2019). *DACA Recipients' Livelihoods, Families, and Sense of Security Are at Stake This November*. Washington, DC: Center for American Progress. Retrieved from: <https://www.americanprogress.org/issues/immigration/news/2019/09/19/474636/daca-recipients-livelihoods-families-sense-security-stake-november/>

<sup>11</sup>Wong et al. (2019)

<sup>12</sup>Wong et al. (2019)

Table 1. Estimated number of LGBT Dreamers and DACA participants in states with at least 1,000 estimated LGBT Dreamers participating in DACA

	NUMBER OF INDIVIDUALS ELIGIBLE FOR DACA	NUMBER OF LGBT INDIVIDUALS ELIGIBLE FOR DACA	FIRST-TIME DACA APPLICANTS	FIRST-TIME DACA APPLICATIONS FROM LGBT INDIVIDUALS	FIRST-TIME DACA APPLICANTS	FIRST-TIME DACA APPLICATIONS FROM LGBT INDIVIDUALS
	Currently or after satisfying education criteria	Currently or after satisfying education criteria	Accepted by USCIS	Accepted by USCIS	Approved by USCIS	Approved by USCIS
U.S. Total	1,724,000	81,000	911,000	43,000	826,000	39,000
California	519,000	24,000	257,000	12,000	238,000	11,000
Texas	253,000	12,000	150,000	7,000	134,000	6,000
New York	102,000	5,000	47,000	2,000	41,000	2,000
Florida	96,000	5,000	38,000	2,000	33,000	2,000
Illinois	85,000	4,000	48,000	2,000	45,000	2,000
New Jersey	65,000	3,000	25,000	1,000	22,000	1,000
Georgia	61,000	3,000	30,000	1,000	26,000	1,000
North Carolina	53,000	2,000	32,000	2,000	30,000	1,000
Arizona	46,000	2,000	33,000	2,000	30,000	1,000
Washington	33,000	2,000	21,000	1,000	19,000	1,000
Virginia	33,000	2,000	14,000	1,000	12,000	1,000
Colorado	30,000	1,000	20,000	1,000	19,000	1,000
Nevada	22,000	1,000	15,000	1,000	14,000	1,000
Oregon	19,000	1,000	13,000	1,000	12,000	1,000
Utah	14,000	1,000	12,000	1,000	11,000	1,000

Supplemental Table. Estimated number of LGBT Dreamers and DACA participants with lower and upper bound estimates in states with at least 1,000 estimated LGBT Dreamers participating in DACA

	NUMBER OF LGBT INDIVIDUALS ELIGIBLE FOR DACA CURRENTLY OR AFTER SATISFYING EDUCATION CRITERIA	95% LOWER AND UPPER BOUND ESTIMATES	FIRST-TIME DACA APPLICATIONS FROM LGBT INDIVIDUALS	95% LOWER AND UPPER BOUND ESTIMATES	FIRST-TIME DACA APPLICATIONS FROM LGBT INDIVIDUALS	95% LOWER AND UPPER BOUND ESTIMATES
	Currently or after satisfying education criteria		Accepted by USCIS		Approved by USCIS	
U.S. Total	81,000	38,000, 126,000	43,000	20,000, 67,000	39,000	18,000, 60,000
California	24,000	11,000, 38,000	12,000	6,000, 19,000	11,000	5,000, 17,000
Texas	12,000	6,000, 18,000	7,000	3,000, 11,000	6,000	3,000, 10,000
New York	5,000	2,000, 7,000	2,000	1,000, 3,000	2,000	1,000, 3,000
Florida	5,000	2,000, 7,000	2,000	1,000, 3,000	2,000	1,000, 2,000
Illinois	4,000	2,000, 6,000	2,000	1,000, 4,000	2,000	1,000, 3,000
New Jersey	3,000	1,000, 5,000	1,000	1,000, 2,000	1,000	--, 2,000
Georgia	3,000	1,000, 4,000	1,000	1,000, 2,000	1,000	1,000, 2,000
North Carolina	2,000	1,000, 4,000	2,000	1,000, 2,000	1,000	1,000, 2,000
Arizona	2,000	1,000, 3,000	2,000	1,000, 2,000	1,000	1,000, 2,000
Washington	2,000	1,000, 2,000	1,000	--, 2,000	1,000	--, 1,000
Virginia	2,000	1,000, 2,000	1,000	--, 1,000	1,000	--, 1,000
Colorado	1,000	1,000, 2,000	1,000	--, 1,000	1,000	--, 1,000
Nevada	1,000	--, 2,000	1,000	--, 1,000	1,000	--, 1,000
Oregon	1,000	--, 1,000	1,000	--, 1,000	1,000	--, 1,000
Utah	1,000	--, 1,000	1,000	--, 1,000	1,000	--, 1,000

## AUTHORS

**Kerith J. Conron, Sc.D.**, is the Research Director is the Blachford-Cooper Distinguished Scholar and Research Director at the Williams Institute.

**Winston Luhur** is a Research Assistant at the Williams Institute

**Taylor N.T. Brown, M.P.P.**, is a former Public Policy Analyst at the Williams Institute

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### For more information

The Williams Institute, UCLA School of Law

Box 951476

Los Angeles, CA 90095-1476

Phone: (310) 267-4382

Email: [williamsinstitute@law.ucla.edu](mailto:williamsinstitute@law.ucla.edu)

Website: <https://williamsinstitute.law.ucla.edu>