

**An Examination of the Deferred Action for Childhood Arrivals (DACA)
as a Policy Bedrock and Therapy for the Challenge of Unauthorized
Children Arrivals**

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The United States of America has long prided itself as a country of immigrants and opportunity, where people in search of liberty and freedom can realize their dreams without inhibition. This pride and acknowledgment of the role of immigrants in founding the country and contributing to its sustainability is displayed in several American slogans and institutional labels. However, despite this apparent pride and willingness to showcase its commitment to the accommodation of immigrants, recent discourse with regards to policies appear to challenge this narrative. Indeed, the narrative seems to be changing, and the perception now seems to suggest that the Americas are hostile to immigrants and are working at discouraging migration. While polarity of views and attitudes concerning legal immigration is indisputable, the issue of unauthorized and undocumented immigrants appears to pose the most significant challenge as it relates to policy. With an estimate of more than 12 million undocumented immigrants in the country, occasioning a variegated range of impacts on the society, policymakers were challenged to craft a sustainable policy that can secure adoption in America's ideologically and politically polarized policy arena. Previous attempts at comprehensive immigration reform to address this challenge have failed to secure legislative adoption.

In 2012, frustrated with previous failed attempts, coupled with the desire to provide reprieve on humanitarian grounds, the Obama administration intervened via executive policy, using the Deferred Action for Childhood Arrivals (DACA). While DACA provided a reprieve to persons who fell within its eligibility criteria, because it was an executive action, the footprint of unsustainability was written all over it. President Trump predictively rescinded the program in November 2017, thereby withdrawing the reprieve that Obama had provided this category of persons. Since the announcement of President Trump's DACA rescission policy, the policy arena has erupted with a polarity of arguments for and against the DACA Program and raised series of

questions such as: What are the objectives of DACA? What is the justification for President Trump's rescission? What is the justification for the arguments against its rescission or cancellation? What are the implications of President Trump's cancellation of this policy on the beneficiaries and the country? What is the way forward towards a sustainable policy to address the challenge posed by the reality of this group of unauthorized immigrants? These are all thought-provoking questions deserving answers.

This paper attempts an interrogation of America's policy regarding undocumented immigrants with specific reference to the debate on a policy framework for childhood arrivals. The paper gives a brief historical perspective on immigration to the United States and highlights the introduction of immigration rules and restrictions, which ushered in the concept or notion of unauthorized/undocumented immigrants. The paper also contextualizes the current challenge of undocumented immigration and the difficulty of crafting comprehensive immigration reform. It pivots to President Obama's intervention via executive policy concerning persons brought to the United States as children and examines the rationale and justification for such apparent amnesty. Furthermore, the paper highlights President Trump's policy terminating DACA and interrogates the rationale and justification for the same. In conclusion, there is an attempt to reconcile and balance the contending justifications and arguments on both sides, to chart a possible route for the adoption and entrenchment of a viable and sustainable policy that can address the plight of this category of persons.

Historical Perspective of Immigration to America

According to Hansen (1927), the history of immigration to the territorial lands of the United States traces as far back as the years around 1607; when Europeans arrived in groups and

companies as exiles who were running away from oppression and seeking refuge on foreign lands. This type of immigration continued even after the revolution and was responsible for the arrival of more than 30 million Europeans on American shores between 1815 and 1914. Immigration is presently viewed essentially concerning arrivals after independence and not the early settlers. While the early settlers migrated because of the need to escape oppression, subsequent settlers were either running away from oppression or seeking treasure in this 'foreign' land (Hansen, 1927).

According to Desmond (1998) during the 1820s the number of persons who immigrated into the United States was about 146,000. In the 1830s this figure rose to nearly 600,000, and by the 1840s this figure nearly tripled owing in part to famine in Ireland. The increasing number of immigrants comprised mostly of Germans and the Irish. Between 1850 and 1882 about 320,000 Chinese laborers were reported to have migrated to the U.S. Natives' resistance against this wave of immigration prompted the enactment of the Chinese Exclusion Act of 1882, which marked the first federal intervention with regards to immigration regulation and restriction. Steir and Vasi (2014) corroborated this position by their averment that from the inception of the United States and throughout the 18th century, immigration regulation if any was largely within the jurisdiction of states and municipalities. They added that the first real federal intervention on the issue of immigration regulation and control was the Chinese Exclusion Act of 1882 and the Supreme Court's decision in *Chae Chan Ping VS. The United States* in 1889. The court established in the *Ping* case the doctrine of Federal plenary power over immigration and placed responsibility for immigration regulation in the hands of the Federal Government.

Despite federal intervention in 1882, immigration into the country was not in any way about to abate. Reportedly, between 1880 and 1920, more than 23 million new immigrants

migrated to the United States, mainly from Southern and Eastern Europe (Desmond, 1998).

Natives continued to agitate against the wave of immigrants who were mainly from Southern and Eastern Europe. These agitations prompted the adoption of another policy, the National Origins Act of 1924, which provided measures to restrict the immigration of persons from Southern and Eastern Europe as well as Asians. The Act made provision for a ceilings and quotas system based on the already existing populations from these countries as of 1890. This policy restricted entry from Asian countries as well as Southern and Eastern Europe while increasing the opportunity for Western Europeans (Desmond, 1998).

The fact that the Act did not place restrictions on immigration from the western hemisphere left the immigration of Mexicans unchecked. The Hart-Cellar Act of 1965 abolished the quota system introduced by the National Origins Act setting narrow limits for all other immigrants except those from Western Europe. The Act made family reunification the cornerstone of immigration and enhanced the number of persons allowed to immigrate.

According to Desmond (1998), the advent of the 1965 Act and its provision for chain migration, coupled with international developments and low cost of transportation increased the wave of immigration to the United States, albeit with different demographics. Economic developments in Europe made the migration to the United States less attractive to Europeans. Consequently, immigrants from Asia and other developing countries dominated this new wave. Immigration in the decade following this Act increased by more than 60 percent and by the late 80s more than 85% of immigrants were emigrating from Asia and Latin America.

The rise in the number of immigrants, particularly those who were unauthorized and undocumented had policymakers scrambling for a solution. Efforts this time led to the passage of

the Immigration Restriction and Control Act (IRCA) of 1986. This Act among other things granted amnesty to illegal immigrants who had been living in the country since 1982. It also provided funds for enhanced border control and mandated employer sanctions against employers who employed unauthorized immigrants (Desmond, 1998). Notably, the IRCA provided eligibility for the legalization of status to two main categories of persons, namely persons who had continuously resided in the United States since 1st January 1982 and Special Agricultural Workers who had 60 days of seasonal farm work experience between May 1985 and May 1986 (Warren & Kerwin (2015). Further attempts at addressing the challenge of unauthorized entry and undocumented immigration reforms were passed in 1990 and 1996.

Despite this historical retinue of policy attempts at addressing the challenge of unauthorized and undocumented immigration to the United States, the numbers of undocumented immigrants in the United States has continued to increase, generating resistance from natives and posing challenges to policymakers. Since the 1996 reforms, no major policy option has succeeded in transiting from agenda status to legislative adoption despite several attempts. While legislative lethargy and gridlock have stalemated policy, the challenge has only continued to blossom. Recent estimates by the Pew Research Center indicate that the United States may be home to more than 12 million unauthorized and undocumented immigrants with an overwhelming majority of Mexican origin (Borjas, 2017).

Faced with the reality of an immigration crisis and realization that his legislative agenda for comprehensive immigration reform may never see the light of day under a Republican-dominated Congress (given a few failed attempts), President Obama felt compelled to act. He used executive powers to address the immigration challenges by providing a temporary fix in the form of DACA for undocumented immigrants, especially to the people who were brought

illegally to the United States as children; they were considered innocent victims of their parents' decision to violate America's immigration laws.

The Deferred Action for Children Arrivals (DACA)

One of the most controversial themes within the immigration policy debate must be the question of whether to grant a path to citizenship for illegal immigrants already in the United States. A particularly sentimental sub-theme of this debate has been the less contentious push for a path to citizenship for persons illegally brought into the United States as children (Dorantes & Antman, 2017). While revving up immigration enforcement via measures including deportations, detention of families, enhanced border enforcement and collaboration with the home states of unauthorized immigrants (Warren & Kerwin, 2015), the Obama administration singled out the case of children brought to the United States illegally by their parents for more lenient treatment. On June 15, 2012, President Obama signed an executive order, the Deferred Action for Childhood Arrivals (DACA) exempting children and persons brought into the United States illegally by their parents from deportation and granting them privileges not available to their parents and other undocumented immigrants. This executive policy did not provide any permanent residence or route for beneficiaries but permitted this category of individuals to receive social security numbers, procure drivers licenses, benefit from higher education and secure authorization to work (Uwemedimo, Monterrey & Linton, 2017). This singular action greatly enhanced the quality of life for this group of undocumented immigrants.

To qualify for DACA, an applicant was required to meet specific defined criteria including: the applicant must have been less than 16 years old at the time of arrival; must have remained in the US since 2007; must have been less than 31 years old as at 2012 and; must have

completed high school or be enrolled in school (Lancelet Editorial, 2017). Beneficiaries were to be granted these temporary benefits and status for a renewable term of two years. Estimates indicate that there are roughly 1.5 million persons eligible for the benefits and privileges conferred under DACA (Warren & Kerwin, 2015). It is noteworthy that President Obama's attempt at expanding the benefits conferred by DACA to undocumented parents of US citizens and permanent residents, via the Deferred Action for Parents of American Children (DAPA) in 2014 suffered judicial restraint and remained unimplemented until the end of his tenure (Dorantes & Putitanum, 2016).

The Obama administration introduced DACA as a stop-gap measure within the limits of executive power, and not as a long-term solution to the challenge of this category of undocumented immigrants, a challenge that only Congress is empowered to legislatively address by way of legislative policy. Even before DACA, a variegated range of policy options regarding this issue had been considered. Reportedly, the most significant of these efforts was the Dream Act introduced in the Senate in 2001. Other variants such as the American Hope Act and the Recognizing America's Children's Act have similarly enjoyed placement on the policy table without being passed into law. The objective of all these policy options was to provide a path to citizenship and legalize the status of these individuals based on certain identifiable criteria (Zaidi & Kuczewski, 2017).

Justification and Support for DACA

The justification for the introduction of DACA is best summed up in the words of then-Homeland Security Secretary, Janet Napolitano as she announced the policy:

Our Nation's immigration laws must be enforced in a strong and sensible manner. They are not designed to be blindly enforced without consideration given to the individual

circumstances of each case. Nor are they designed to remove productive young people to countries where they may not have lived or even speak the language. Indeed, many of these young people have already contributed to our country in significant ways. Prosecutorial discretion, which is used in so many other areas, is especially justified here (cited in Thronson, 2016, p128).

Some arguments in support of the DACA policy have been advanced. Arguments in support of the DACA policy includes the need to prioritize limited immigration enforcement resources. According to Thronson (2016) with more than 11 million undocumented immigrants in the United States, the system is ill-equipped and unprepared for immigration enforcement. The resources to enforce deportation are inadequate, as the resources appropriated by Congress on an annual basis can barely take care of 400, 000 potential deportees. Consequently, it makes good sense to prioritize immigration resources and channel them to priority areas, especially areas with evident and immediate potential impact on public safety and national security.

Other arguments include an awareness of the fact that America is a country formed, nurtured and developed by immigrants, many of whose parents or ancestors migrated to America without authorization. Lamenting the cancellation of DACA, Knopf (2017) averred that it is important that we all remember our family histories and how our forefathers came to America. In his words' "whether it was the Mayflower or a more recent voyage unless you are Native American" (Knopf, 2017, p. 11), you are also an immigrant. He further contended that there is a compelling need to strengthen America's current and future workforce by legalizing the status of this category of immigrants, who are already indoctrinated in the American way of life and are Americans for all intents and purposes, except legal status.

President Trump's DACA Termination Policy

Early September 2017, President Donald Trump terminated DACA, and the US Department of Customs, Immigration, and Border Control followed up with an announcement of a phased program for the total and complete rescission of the policy (Berk, 2017). The reasons advanced by the government for the termination of the policy were on legality and constitutionality grounds. Trump's administration contended that President Obama's policy was illegal and unconstitutional from the start as it violated clear provisions of the constitution, which vest powers over immigration in the legislature. Two Federal Judges have since thought and pronounced otherwise, and the challenge over the legality or otherwise of the policy is currently pending before the Ninth Circuit Court of Appeals (Hong, 2018). Until the Court makes a pronouncement and probably a final pronouncement by the Supreme Court, President Trump's termination policy remains at a standstill. However, if the judiciary upholds President Trump's executive policy, it will effectively lift the protective veil that the Obama policy had placed on the beneficiaries of DACA. The beneficiaries will not only lose the protective veil that the Obama policy had granted them they will lose their anonymity too. The loss of a protective veil will make it difficult for beneficiaries to maintain their anonymity, as the registration for DACA would have exposed them as "documented undocumented immigrant."

Justification and Support for President Trump's Termination of DACA

The first argument against DACA and justification for its termination is the concept of The rule of law. Proponents for the abolition of the DACA Program argue that regardless of the wisdom behind the policy as well as its desirability America is a country of laws and must be seen to operate under such laws. The powers and discretion of the President regarding the executive policy on immigration must be exercised within the confines of the framework as intended by the framers of the constitution. To do otherwise will be laying a perilous precedent,

with dire consequences. Congress alone has constitutional powers to legislate on immigration matters, as such if Congress sets certain standards via the instrumentality of law the standards must be seen to enjoy primacy over any executive discretion. An example of legislation regarding immigration made by Congress is the Immigration and Control Act of 1965. Another successor legislative intervention such as the Immigration Reform and Control Act (IRCA) of 1986 and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 all together provide the extant legal framework for America's immigration system. The above legislative laws indicate that the American immigration system is governed by legislation that makes provisions for lawful entry and contains provisions that discourage unlawful entry.

The second argument against DACA is the deterrence effect of the law. The laws stated above were put in place to deter immigration lawbreakers (Margulies, 2015). For the deterrent effect to be achieved the law's "provisions discourage unlawful entry, presence, and work, while its enumerated categories of the legal status block unlawful entrants' acquisition of status through post-entry U.S.-citizen children" (Margulies, 2015, p. 1255). To willfully allow law violators to remain in the country and even grant them privileges ordinarily accruable only to citizens and legal immigrants, does not only violate the law but rewards lawbreakers and provides an incentive to other potential lawbreakers to also break the law with expectation for a similar reprieve. Indeed, the surge in the number of unaccompanied children entering the US borders mostly from Central American countries such as Guatemala and Honduras in recent times prompted many to conclude that DACA, its incentives and the possibilities it affords are responsible for this surge. Jeff Sessions (then Senator) was a leading exponent of this narrative and made a pungent case for the termination of DACA for this reason, much as research does not

support this narrative (Dorantes & Putitanum, 2016). Margulies (2015) captured the argument in these terms:

Any exercise of discretion that is favorable to those who have violated the law triggers the problem of moral hazard: individuals who know in advance they will be immunized from the consequences of wrongdoing have a heightened incentive to break the law (2015, p. 1189).

Another obvious but often unstated reason or justification for President Trump's decision to terminate DACA is the need to keep his campaign promise to be tough on immigration and tighten and secure U.S borders. A promise that certainly resonated with his base and may have played no small part in his victory. President Trump, therefore needs to satisfy the expectations of his base, as he looks towards the next elections. According to this narrative, the arguments against DACA must be situated in the context of nativist sentiments against immigration. Steir and Vasi (2014) have identified two threads of arguments that have remained constant and continue to gain grounds among anti-immigrant movements and groups. First, that immigrant especially the Hispanic populations pose a threat to the American quality of life. They are presumed to specifically threaten the middle class as they overstretch the capacity of governments to continue providing public goods like healthcare and education. There also exists the threat of competition for existing employment opportunities and the threat of the continuous use of the English language. The second concern stems from the status of this group of individuals as unauthorized and undocumented. Their immigration status already signposts them as lawbreakers who are likely to commit crimes, thereby increasing the incidence of crimes in communities. This is consistent with general nativist perspectives such as the belief that immigrants take away their jobs, and partake in the public goods thereby negatively affect Americans share of the public goods as well as the impact of cultures that are foreign to theirs

(Bisin & Zanella, 2017). These perspectives and resentments are not limited to the United States. Using data extrapolated from the European Social Survey, Bisin and Zanella (2017) found a predominance of citizens' support for more restrictive immigration policies, objections to increased immigration and open borders. Indeed, out of the 22 countries surveyed, only Germany and Sweden appeared to have an embracing attitude towards immigration.

Why Is Policy Adoption on this Issue Challenging?

The challenge and politics of immigration control and the concomitant issue of managing the presence and influx of unauthorized and undocumented immigrants in the United States originated with neither Presidents' Obama nor Trump and may well transcend their limited terms of office. It is indeed, a subject that has occupied political discourse for quite some time. The George W. Bush-era made various attempts at immigration reform to resolve the challenge of undocumented immigrants in the United States. President Bush in 2006 proposed an immigration reform that would enhance border security, allow a guest worker program and provide a path for illegal residents to obtain legal status. This plan received overwhelming support from the then Republican-controlled Senate with support from Democrats as well (Economist, 2006). This was a departure from the uncompromising stance taken by the then Republican-controlled House which passed a bill, that among other things sought to build a 700-mile fence along the Mexican border, contained no provision for guest workers, stipulated stiffer penalties for employers of illegal immigrants, criminalized illegal immigration and provided no path to citizenship (Economist, 2006). These fundamental differences and points of departure, however, frustrated the adoption of any of these variants into law.

Wright and Citrin (2016) have suggested, the failure of comprehensive immigration

reform that includes a path for citizenship for undocumented immigrants must be located within the context of public opinion dissonance as reflected in the opposed perspectives of the Republican base and the liberal Democratic base. They contend that Republicans are teleguided by their supporters' antipathy to any policy action that will legalize large groups of unauthorized immigrants, rejecting such moves as 'amnesty' or stipulating impracticable attachments to such policies. On the other hand, Democrats agitate for constricted legalization policies without the willingness to accommodate more expansive wishes of the conservatives. In a similar vein, Gratton (2018) has argued that despite personal prejudices of politicians, their motivations are vote driven. Consequently, he contends that politics provides the best barometer to explore the success of immigration movements in democratic societies.

Peters (2014) introduced another interesting perspective in explaining the failure of effective progressive policy on immigration. She contends that globalization and the current international economic order which was developed and entrenched after the Second World War provides the most significant inhibition to immigration policy reform. According to her, immigration policy is inclined to a country's need for labor, which is influenced by a country's trade policy and the ability of corporations to move production abroad. With the elimination of trade barriers now making it possible for firms in search of labor to locate production plants abroad, the need for semi-skilled labor by these vast corporations has eased. There is no real incentive for these corporations to bring their substantial and consequential weight to bear in getting Congress to take progressive immigration decisions.

A summation of these contending views indicates that the first contends that perspectival differences by the base of the two major political parties, which ultimately influence the positions of Congressmen have made it somewhat challenging to find common ground. While

the second contends that lack of interest and lethargy on the part of large corporations who play an influential role in shaping legislative decisions is responsible for the paucity of legislative action. These two contradictory positions seem to fit appropriately within the group and elite theories of decision making.

Without any real legislative solution, the challenge has continued to blossom. Estimates by the Department of Homeland Security and the Pew Research Center indicate that about 12 million unauthorized and undocumented immigrants presently reside in the United States (Borjas, 2017). The failure of Congress to act decisively on immigration reform has created a vacuum which is being filled by the States, thereby creating further challenges of managing a multiplicity of different laws in the country. Some States have adopted policies that are supportive of immigrants (like California since 2014), while others have embraced policies that not only denigrate immigrants but threaten security and peace. The disparity in the application of immigration policies among states has created much confusion as it relates to immigration policy.

Reconciling and Balancing the Arguments

According to Warren and Kerwin (2015), an enduring and sustainable policy solution to address the challenge of unauthorized and undocumented immigrants in the United States is not only desirable but unavoidable. They contend that reform that includes a path to citizenship for currently existing undocumented immigrants may perhaps be the only real and feasible solution. As reflected in the discussion above, the justification for and against DACA can be situated within the context of constitutionalism and the rule of law, morality, and equity, as well as economics. To move forward, it is perhaps pertinent to attempt reconciling and balancing these

broad arguments.

Constitutionalism and Legality

The legality and constitutionality of the DACA policy is the basis for the Trump administration's justification for terminating the policy. Similarly, the main argument of opponents of DACA, and any form of reprieve for unauthorized immigrants has often been predicated on the need to uphold the rule of law. The rationale is that laws are in place for a reason. To disregard the Laws on the book and act otherwise will not be healthy for the state of the country in the long run. The United States has immigration laws stipulating legitimate and authorized ways and routes through which immigrants can immigrate into the country. These legally stipulated ways and routes must be strictly adhered to by all persons who wish to join and become part of the American Society. To willfully allow law violators to remain in the country and even grant them privileges ordinarily accruable only to citizens and legal immigrants do not only violate the law but rewards lawbreakers and provide an incentive to other potential lawbreakers to also break the law with expectation for a similar reprieve. This argument sounds logical and persuasive.

Thronson (2016) has rebutted the above argument with his postulation that implementation of immigration laws cannot be done in abstract and must be balanced against the principles of international humanitarian law and the international human rights obligations of the United States. He contends that the underlying principles of DACA bordering on the need to exercise prosecutorial discretion and deferred action, intent on focusing resources in areas of more urgent need is not only sensible and logical but is consistent with international human rights obligations of the United States. He further argues that international humanitarian law and

equity compels individual consideration of the peculiarities of each case, to determine the equitability or otherwise of deportation enforcement decisions. In making consideration, several factors are relevant, including the imminent threat posed to social order in the country, impact on family, ability to speak the language and integrate into the new community as well as connection to family in the country of origin (Thronson, 2016). According to Thronson, a consideration of equitable factors in the determination of an enforcement decision is not only consistent with international humanitarian law obligations of the U.S but compelling. He further posits:

In reconciling the ability of States to control matters of immigration with protections of family integrity, the touchstone in international law is balance. A State's right to expel a non-citizen resident for a legitimate state interest must be balanced against due consideration in deportation proceedings for a deportee's family connections and the hardship the deportation may have on the family, especially children. The non-citizen's right to remain is not absolute, but neither is the State's right to expel. U.S. immigration law's routine failure to provide any opportunity for decision-makers to balance family equities against the need for enforcement violates international human rights law's demand for contextualization and nuance in the application of immigration controls. (Thronson, 2016, p. 127).

Morality, Equity, and Good Conscience

The most fundamental creed of all major religions is the love for God and love for neighbor. This principle further extends to the desire and willingness to “do unto others as you would wish that it be done unto you.” This premise makes, the case for the treatment and consideration of DACA beneficiaries in a humane and compassionate manner more compelling. These were children brought into the United States by their parents at an age when they were not capable of making a decision and susceptible to the dictates of their parents, good or bad. To, therefore, seek to punish them for the sins of their parents is not only unfair but immoral. One of

the earliest and most vocal opponents of President Trump's decision to cancel DACA was the American Academy of Pediatrics (AAP) and the words of its President, Fernando Stein were emotion-laden and compelling:

To punish individuals who were brought to the United States by their parents as children, some even as babies, and characterize them as lawbreakers, is immoral and unjust. As they grew into young adults, these children have served our country in uniform, they have graduated from our colleges and universities, they have invested in our communities and they work in our cities and towns. They are valedictorians and entrepreneurs. One even sacrificed his life trying to save others during Hurricane Harvey (cited in Knopf, 2017, p. 10).

It is for reasons like this that laws prescribe a minimum age for criminal liability, as persons must not only be capable of voluntary action but must be mentally competent to decipher the consequences of forbidden actions, before subjecting them to punishment. Granted that there should be consequences even for their parents' actions, the argument that these children have suffered enough, socially, emotionally and economically can be made. Their circumstances both materially, emotionally and socially, cannot be compared with those of their peers who are fortunate to be children of legal Residents, and we should treat them with empathy. Famous Black American Activist Frederick Douglas's words uttered back in 1867 remain relevant and poignant in this case:

If we would reach a degree of civilization higher and grander than any yet attained we should welcome to our ample continent all nations, kindreds and tongues and peoples; and as fast as they learn our language and comprehend the duties of citizenship, we would incorporate them into the American body politic. The outspread wings of the American eagle are broad enough to shelter all who are likely to come (Cited in Desmond, 1998, p. 452).

Economics

Warren and Kerwin (2015) posit that it is in the economic, family and humanitarian interest of the United States to address the challenge of unauthorized and undocumented immigrants in the Country. They suggest reforms that will include a path to citizenship for currently existing undocumented immigrants as it is the only real and feasible solution. This category of immigrants need the United States, to regularize their stay, as it is the only country they have grown to know as home, and the United States also needs them for reasons that bother on economic sustainability. As the baby boomers are nearing the exit door from the workforce, the need for more able-bodied persons in the pipeline to fill the widespread vacancies is becoming apparent. These children provide a true source for filling this gap. Beyond that, Zaidi and Kuczewski (2017) have argued that this category of immigrants are in a vantage position to ameliorate the challenge of shortage of physicians in the United States because they are often minorities with the likelihood of serving in low-income areas where there is a shortage of health care providers. They consequently contend that doing away with DACA invariably weakens the healthcare workforce by blocking this group of future professionals from enriching and strengthening the health care system.

Furthermore, research indicates there are limited jobs categories that undocumented and unauthorized immigrants qualify and typically work. Agriculture the biggest industry in several states in the country seems to top the chart as an area that is primarily serviced by undocumented and unauthorized immigrants. Estimates indicate that about 70% of workers in the Agriculture industry, are unauthorized and undocumented (Economist, 2011) and these are jobs that documented Americans are not willing to do. Getting these categories of people off the working radar will not only threaten the economy of some states, but it may also threaten the food

security of the nation. According to Kumar and Krueger (2013), a variety of studies have underscored the contributions of undocumented immigrants to the economic development of the United States. Creating reforms that will regularize undocumented immigrants to full members of the documented economy can only enhance their contributions especially when viewed from the perspective of expansion of the revenue base.

Conclusion

This paper has examined America's policy on undocumented immigrants with specific reference to the Deferred Action for Childhood Arrivals (DACA). It attempted an examination of the policy from the perspective of its objective, rationale, and justification (pros) as well as the rationale and justification (cons) for its termination. The paper also made attempts at unearthing the factors responsible for Congress's inability to adopt a legislative policy to address the challenge of this category of immigrants, despite a variegated range of attempts since the Bush era. There was also an attempt to reconcile and balance the contending arguments within the broad themes of constitutionalism and legality, morality, equity and good conscience as well as economics. It is evident at this point that the immigration challenge is not going anywhere anytime soon, and Congress and decision makers must dig deep in their decision-making, and find ways of finding common ground, as this is a challenge that urgently yearns for a legislative solution. The challenge has become protracted and may soon become intractable.

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