



Written by [Warren Mass](#) on October 10, 2017

Trump Letter to Congress Outlines Immigration Plan, but Is Open to “Reform” of DACA Recipients’ Status

President Trump sent a letter to House and Senate leaders on October 8 that summarized the administration’s immigration principles and policies. The letter outlines a long list of reforms and increased border security measures that the White House is demanding in exchange for any deal with Congress that might provide legal status for the 800,000 young aliens brought here illegally as children.



Though the mainstream media such as the *New York Times*, *Washington Post*, and *Los Angeles Times* have all described the president’s list of demands as “hard-line,” they actually represent a retreat from Trump’s campaign promises. “We will immediately terminate President Obama’s two illegal executive amnesties, in which he defied federal law and the constitution to give amnesty to approximately 5 million illegal immigrants,” Trump said at a campaign event in August 2016, promising to end DACA as well as Deferred Action for Parents of Americans and Lawful Permanent Residents.

While Trump’s letter correctly condemned the Obama administration for bypassing the Congress and granting legal status and work permits to illegal immigrants by executive action, instead of following through on his campaign promise to “immediately terminate” DACA, the president said he has tasked his executive departments and agencies to conduct a review of all immigration policies to determine what legislation is needed to address the status of Deferred Action for Childhood Arrivals (DACA) recipients. Since the current status of these recipients is “illegal alien,” any change to that status is, of necessity, a step in the direction of granting them amnesty from deportation.

On the surface, Trump’s stated preference for a legislative solution sounds like a restoration of the separation of powers that was damaged by the Obama administration when it initiated DACA by means of executive actions after Congress failed to pass the Development, Relief, and Education for Alien Minors Act (DREAM Act). This was done by means of a policy memorandum sent from then-Secretary of Homeland Security Janet Napolitano on June 15, 2012, and expanded by Homeland Security Secretary Jeh Johnson when on November 20, 2014 he sent an executive action memorandum to the heads of CBP, USCIS, and ICE that removed DACA’s age cap and extended work authorization to three years.

The correct constitutional remedy for the Obama administration’s use of executive action in lieu of legislation might very well include using one executive order to remove a previous one. The administration signaled that it was doing exactly this when Attorney General Jeff Sessions announced on September 5 that the DACA program will end in six months, giving Congress time to find a legislative solution for people enrolled in the program.

If the DACA program had been beneficial to our nation’s interests, then that “legislative solution” might well include finding ways for the dreamers to gain full legal status. However, the original Development, Relief, and Education for Alien Minors (DREAM) Act introduced by Senators Dick Durbin (D-Ill.) and Lindsey Graham (R-S.C.) in 2001 and reintroduced in the 107th through 111th Congresses never passed



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both houses. The reason for that failure was that during all those legislative sessions, its supporters were never able to convince a sufficient number of members of Congress that it was in the best interests of the United States to do so.

With such a long legislative history of rejection by several Congresses, it is difficult to understand why Trump should feel the need to breathe new life into DREAM/DACA in order to secure support for the rest of his immigration plan. Trump's letter went into great detail concerning what that plan is, and it makes enough sense to warrant support on its own merits, without giving away the store on DACA.

The White House posted a summary of the plan online the same day as Trump's letter to congressional leaders, noting: "The Trump Administration is ready to work with Congress to achieve three immigration policy objectives to ensure safe and lawful admissions; defend the safety and security of our country; and protect American workers and taxpayers." The plan, as summarized on the White House website, is:

BORDER SECURITY: Build a southern border wall and close legal loopholes that enable illegal immigration and swell the court backlog.

- Fund and complete construction of the southern border wall.
- Authorize the Department of Homeland Security to raise and collect fees from visa services and border-crossings to fund border security and enforcement activities.
- Ensure the safe and expeditious return of Unaccompanied Alien Children (UAC) and family units.
- End abuse of our asylum system by tightening standards, imposing penalties for fraud, and ensuring detention while claims are verified.
- Remove illegal border crossers quickly by hiring an additional 370 Immigration Judges and 1,000 ICE attorneys.
- Discourage illegal re-entry by enhancing penalties and expanding categories of inadmissibility.
- Improve expedited removal.
- Increase northern border security.

INTERIOR ENFORCEMENT: Enforce our immigration laws and return visa overstays.

- Protect innocent people in sanctuary cities.
- Authorize and incentivize States and localities to help enforce Federal immigration laws.
- Strengthen law enforcement by hiring 10,000 more ICE officers and 300 Federal prosecutors.
- End visa overstays by establishing reforms to ensure their swift removal.
- Stop catch-and-release by correcting judicial actions that prevent ICE from keeping dangerous aliens in custody pending removal and expanding the criteria for expedited removal.
- Prevent gang members from receiving immigration benefits.
- Protect U.S. workers by requiring E-Verify and strengthening laws to stop employment discrimination against U.S. workers.
- Improve visa security by expanding State Department's authority to combat visa fraud, ensuring funding of the Visa Security Program, and expanding it to high-risk posts.



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MERIT-BASED IMMIGRATION SYSTEM: Establish reforms that protect American workers and promote financial success.

- End extended-family chain migration by limiting family-based green cards to include spouses and minor children.
- Establish a points-based system for green cards to protect U.S. workers and taxpayers.

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