

# **AAPI Unity Night 2023: Impact of Deferred Action for Childhood Arrivals Program on AAPI Communities**

Written Materials

Asian Pacific American Bar Association of Los Angeles and  
the Asian Pacific American Women Lawyers Alliance

MCLE-Qualified Program  
Wednesday, May 17, 2023 6:00 – 7:00 p.m. PT

*This event is certified for 1.0 general participatory MCLE credit.  
APABA is a California State Bar approved MCLE provider.*

## Materials

1. [State of Texas v. United States, 50 F.4th 498 \(5th Cir. 2022\)](#)

Summary/Excerpt: Federal appeals court decision ruling that DACA is illegal because it violated the substantive and procedural requirements of the Administrative Procedure Act but allowing those already enrolled to renew their status.

2. [Students, Legal Scholars Push California Universities to Hire Undocumented Students - The New York Times](#) (Miriam Jordan, The New York Times, Oct. 19, 2022)

Summary/Excerpt: LOS ANGELES — They have attended school in the United States, spent their childhoods in U.S. neighborhoods and grown up as Americans in every way but one — brought to the country by their undocumented parents as children, they have no legal authority to live in the United States.

The political and legal turmoil over the federal program that since 2012 has shielded many of them from deportation, the Deferred Action for Childhood Arrivals program, has left thousands of the so-called Dreamers — immigrants whose plight has won sympathy at times from Democrats and Republicans alike — in legal limbo. Federal law makes it illegal to hire undocumented immigrants, and, under the law, many of these young immigrants will graduate from college to a life of under-the-table jobs as nannies and construction workers.

Now, a coalition of undocumented student leaders and some of the nation's top legal scholars is proposing that California, a state that has served as an incubator for progressive policies on immigration, begin employing undocumented students at the 10 University of California campuses.

The proposal, which almost certainly would face significant political and legal challenges, calls for the state to defy current interpretations of a 1986 federal immigration law that prohibits U.S. employers from hiring undocumented immigrants. But a new legal analysis drafted at the University of California, Los Angeles, and reviewed in some of the nation's top law schools argues that the law does not apply to states.

3. [INCREASING INCLUSIVITY FOR UNDOCUMENTED ASIAN PACIFIC ISLANDER \(API\) STUDENTS ON YOUR CAMPUS | Immigrants](#) (Immigrants Rising)

Summary/Excerpt: Undocumented Asians and Pacific Islanders (undocuAPI) refer to immigrants from Asia and the Pacific Islands. Many Asian immigrants become undocumented as a result of overstaying their visas for temporary work, study, tourism, asylum, or some other form. Among undocuAPI, India and China accounted for the largest share, followed by Philippines and South Korea. Since 2000, undocuAPI make up the fastest-growing population of undocumented immigrants in the United States. While institutional support for undocumented students in postsecondary institutions are increasing, undocuAPI students still feel unheard and underserved. These students point to a lack of culturally-relevant support, along with a lack of institutional knowledge of their community as the main contributing factors to their experience. UndocuAPI students make up 25% of the undocumented population in postsecondary institutions. If left unaddressed, this gap in service will only grow as the population grows. This

resource will serve as a template for educators to recognize undocuAPI presence, increase advocacy, and create safe spaces to provide support to this underseen community. These promising practices are relevant to Dream Resource Centers (DRCs)/Undocumented Student Programs (USPs), API student-serving programs, and other key student support programs. Building community takes time, so you may not see the impact of these practices instantly. However, your continued efforts are building trust with undocuAPI students, normalizing diversity within the undocumented community, and overall improving the services you have to offer. Let's work together to foster inclusive spaces for ALL undocumented students in higher education!

4. [ImmigrAsians Podcast](#)

Summary/Excerpt: The ImmigrAsians Podcast uplifts the stories of currently and formerly undocumented Asian immigrants living in the United States. Led by and for the undocumented immigrant community, our mission is to empower Asian undocumented immigrants through storytelling. We envision a society where people have a platform to share their stories to inspire and connect with others to make a positive change in the world.

The show is hosted by Ju Hong - a Korean immigrant rights activist living in the San Francisco Bay Area.

5. [Resisting Employer Sanctions: A Strategy for Civil Disobedience](#) by Bill Ong Hing

Summary/Excerpt: The Deferred Action for Childhood Arrivals (DACA) program is on a death march in the federal courts. Ending DACA would mean that 600,000 individuals would lose their work permits. That means that about 22,000 DACA recipients would lose employment authorization every month for two years, roughly 1,000 per business day.

The Development, Relief, and Education for Alien Minors Act (DREAM Act) would resolve the situation for DACA recipients and other Dreamers by granting them lawful permanent residence status.

Businesses have been loud supporters of the DREAM Act. Statements of support from Google, Facebook, Apple, Cisco, Uber, Ikea, Adobe, Hilton, Best Buy, Levi Strauss, and many others are easy to find. In 2018, when DACA was under threat by the Trump administration, I urged supportive employers to stand behind their DACA employees if DACA was terminated and to engage in civil disobedience. I argued that giving in to the threat of employer sanctions would turn employers into a "weapon of oppression and dehumanization" and that defying employer sanctions would be the "right moral answer."

This article is a follow up to my 2018 call for employer civil disobedience to support DACA recipients and the DREAM Act. I will describe efforts that businesses have engaged in to support the DREAM Act, as well as efforts that some have taken on to help their undocumented employees obtain lawful immigration status. I will also describe efforts by my students and me to convince corporate businesses to play a bigger role in support of the DREAM Act and DACA employees. Our efforts have included three different asks: 1) to do more to publicly support the passage of the DREAM Act; 2) to pay the legal fees necessary to have DACA employees screened by immigration lawyers to determine if a path to immigration status exists for an individual

under existing law, and 3) to seriously reflect on what the employer will do if DACA is terminated and what civil disobedience or an alternative employment plan would look like.

I call on all employers to engage in civil disobedience if DACA is terminated. However, my focus here is on big business. I believe that the voice of big business can have great impact in the halls of Congress. I also know that big business has the resources to battle any attempt by the government to punish, plus these companies can afford the fines if any are imposed.