

## **GOVERNOR ROMNEY CREATES TURMOIL FOR POTENTIAL DACA BENEFICIARIES:**

Governor Mitt Romney, the GOP Presidential hopeful, has taken a position in his Election Campaign that has created turmoil for many young immigrants living in the country illegally, says Michael Phulwani, Esq. and David Nachman, Esq. Managing Attorneys at the Nachman Phulwani Zimovcak Law Group, P.C. Echoing the concerns of the other immigration advocates, Attorneys Nachman and Phulwani, point out that "the laws of the United States are predicated upon predictability and without predictability we can certainly understand why potential Deferred Action and Childhood Arrival Beneficiaries have been slow to act."

While there seems to be some waffling on the issue, Governor Romney said that if elected as the President, he would put an end to the DACA program that offers hundreds of thousands of those immigrants two-year reprieves from deportation. The DACA program was an administrative policy announced by the U.S. Department of Homeland Security in June and which was carried into implementation in August.

To qualify for the DACA program, individuals must be in the U.S. without status, must be under 31 years of age, must have come to America before they were 16 years of age, and have lived here for at least five years. DACA applicants must also be current students or high school graduates or enrolled in a program leading to a GED. Since there is no filing deadline and no appeal if an application is denied, USCIS officials have urged DACA applicants to carefully fill and review and recheck their applications. Attorneys Nachman and Phulwani remind applicants to seek a qualified immigration lawyer for assistance with the process.

The statements that have been made by Governor Romney has led to many potential DACA beneficiaries to resist applying for the program. The concern of man says David Nachman, Esq., who continues to conduct FREE DACA outreach programs for religious and secular organizations throughout the U.S., is that "if Governor Romney wins the presidency, the individuals who applied but whose cases have not yet been approved, may be pursued by immigration authorities".

Equally, however, Attorneys Nachman and Phulwani point out that (1) if the government is looking for a database of illegals in the U.S., they may already have one from the 245(i) program that was implemented when President Clinton was leaving office in 2001; and (2) that if so many applications are submitted by DACA hopefuls, then a termination of the program might result in a class action lawsuit (like the ones over CSS and LULAC that were instituted in late 1990s over the legalization programs implemented by the government in 1986.

Nevertheless, Attorney Nachman points out, Governor Romney's position "continues to created a lot of confusion and a lot of anxiety." The Governor stated that, if elected President, he would consider a potential "safe harbor" for already approved by the U.S. Department of Homeland Security. He also said that he would not order the removal of those who were not granted the deferrals. The problem is that there is still a haze that hangs over what is political rhetoric and what could actually become reality. It is this inability to predict that has led many to be "just waiting in the wings" says Attorney Michael Phulwani.

Given some of the recent statistics, reported by several media sources, it appears that many records are in the process of being gathered by DACA hopefuls from their schools and from other government and non-government (hospitals, schools, etc.) agencies. It is anticipated that these requests will, with the right politically stable environment, translate into DACA applications to the U.S. Citizenship and Immigration Services.

Based upon some estimates, as many as 1.2 million illegal immigrants are eligible for the DACA program. Since August 15th, 2012, when the forms for the program became available to the public, only 179,794 immigrants have applied, according to official figures published on October 12th. It was also reported that only 4,591 cases were been approved. It has also been reported that, at least 800,000 potential DACA beneficiaries, according to estimates by immigrant groups, will be unable to apply, in time, to be approved before the inauguration in January. The reason for this is because of document requirements and the need to make arrangements for the filing fees.

The DACA hopefuls however are now facing the possibility that, if Governor Romney is elected as the President they may lose the opportunity to apply for DACA and to obtain a work permit and obtain a deferred action on their removals. While it generally seems to be the case from the Presidential Debates that Governor Romney has moderated his immigration views, it still remains to be seen what part of these statements are political rhetoric and what statements reflect the true feeling of the candidate.

Governor Romney did state: "The kids of those that came here illegally, those kids I think should have a pathway to become a permanent resident of the United States." He also stated that he would work with Congress on "real, permanent immigration reform" to give legal status to potential DACA immigrants. However, Governor Romney's inability to deal with the greater issue of Comprehensive Immigration Reform should be a much larger concern for all of us.

In the final weeks of the presidential campaign, Governor Romney is trying to hold on to Republican votes from those who supported his calls for tough immigration enforcement. Governor Romney, however, is torn because he clearly understands the importance of obtaining the votes in the four battleground states of Colorado, Ohio, Florida and Nevada. It is anticipated that the issue of "immigration" will be less important issue as the election date rapidly approaches as issues about the state of the U.S. economy take center-stage. Nevertheless, these issues are clearly linked. Good and predictable immigration policy goes hand-in-hand with good economics for the Nation as a whole.