

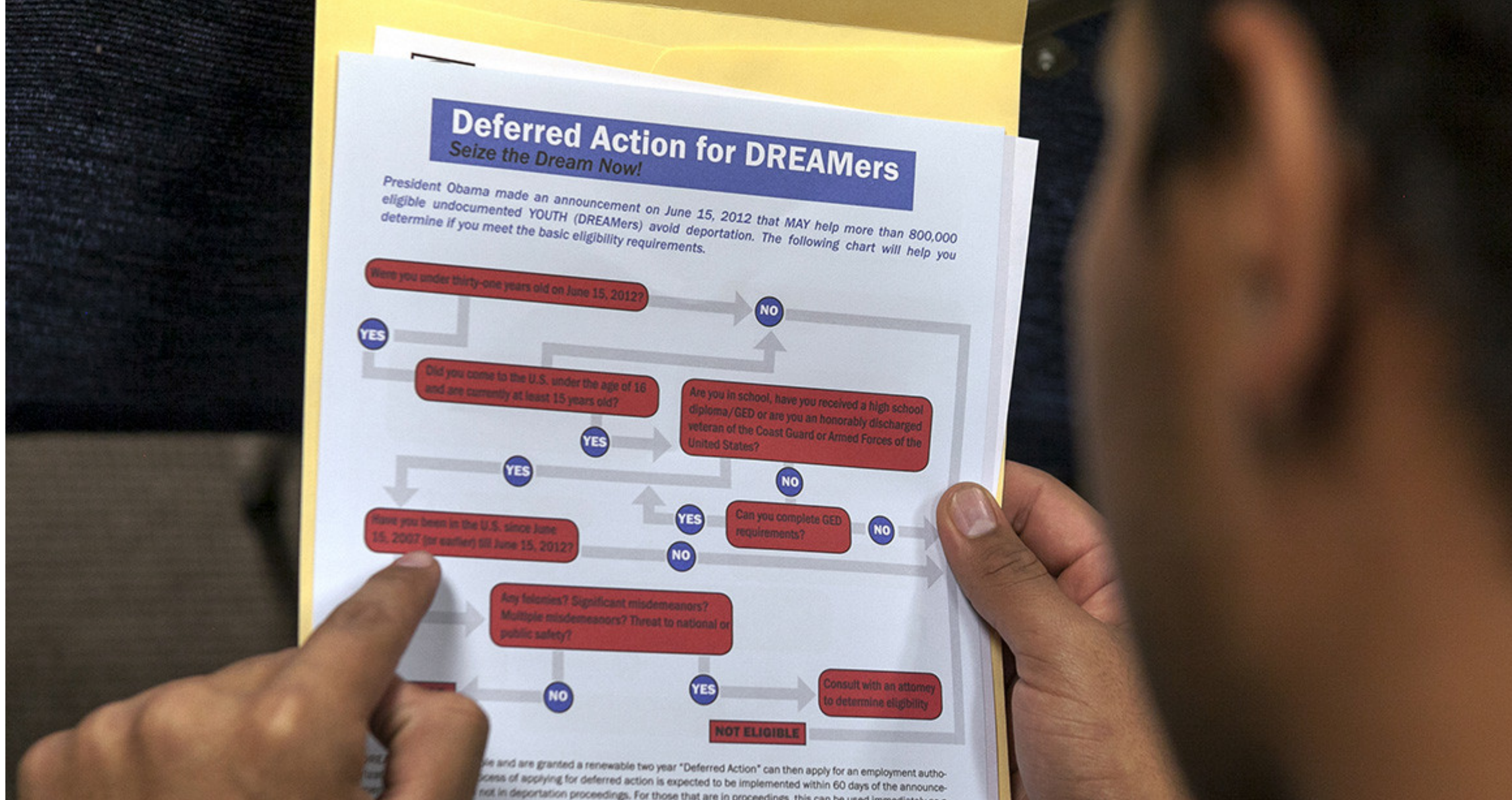
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Dreamers fear deportations from DACA data

They worry the data they handed to the federal government could be used to deport them and their family members.

By TED HESSON | 09/05/2017 06:43 PM EDT



An immigrant reads a guide to the conditions needed to apply for the Deferred Action for Childhood Arrivals program at the Coalition for Humane Immigrant Rights offices in Los Angeles in 2012. | Damian Dovarganes/AP

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The Department of Homeland Security said Tuesday it won't give immigration enforcement agencies the personal data it holds on participants in the Deferred Action for Childhood Arrivals program — for now.

But DHS made it clear that deportation agencies could someday gain access to the detailed files it holds on 800,000 people who gave it personal information — past residential addresses, travel history, bank statements, fingerprints — so they could live and work legally in the U.S.

For five years, undocumented immigrants who came to the U.S. as children have trusted the government with their personal data so they could get a job and stay in the country. Now there's a growing fear as the Trump administration prepares to end DACA that this information may be used to track them down and deport them.

"People will be absolutely in terror from now on," said Leon Rodriguez, director of U.S. Citizenship and Immigration Services under former President Barack Obama, "because nobody knows what's next."

In an online document posted Tuesday explaining the Trump administration's decision to end DACA, DHS said its data files "will not be proactively provided" to U.S. Immigration and Customs Enforcement or to U.S. Customs and Border Protection. The two immigration enforcement agencies will remain able, as they are now, to access this data in criminal cases.

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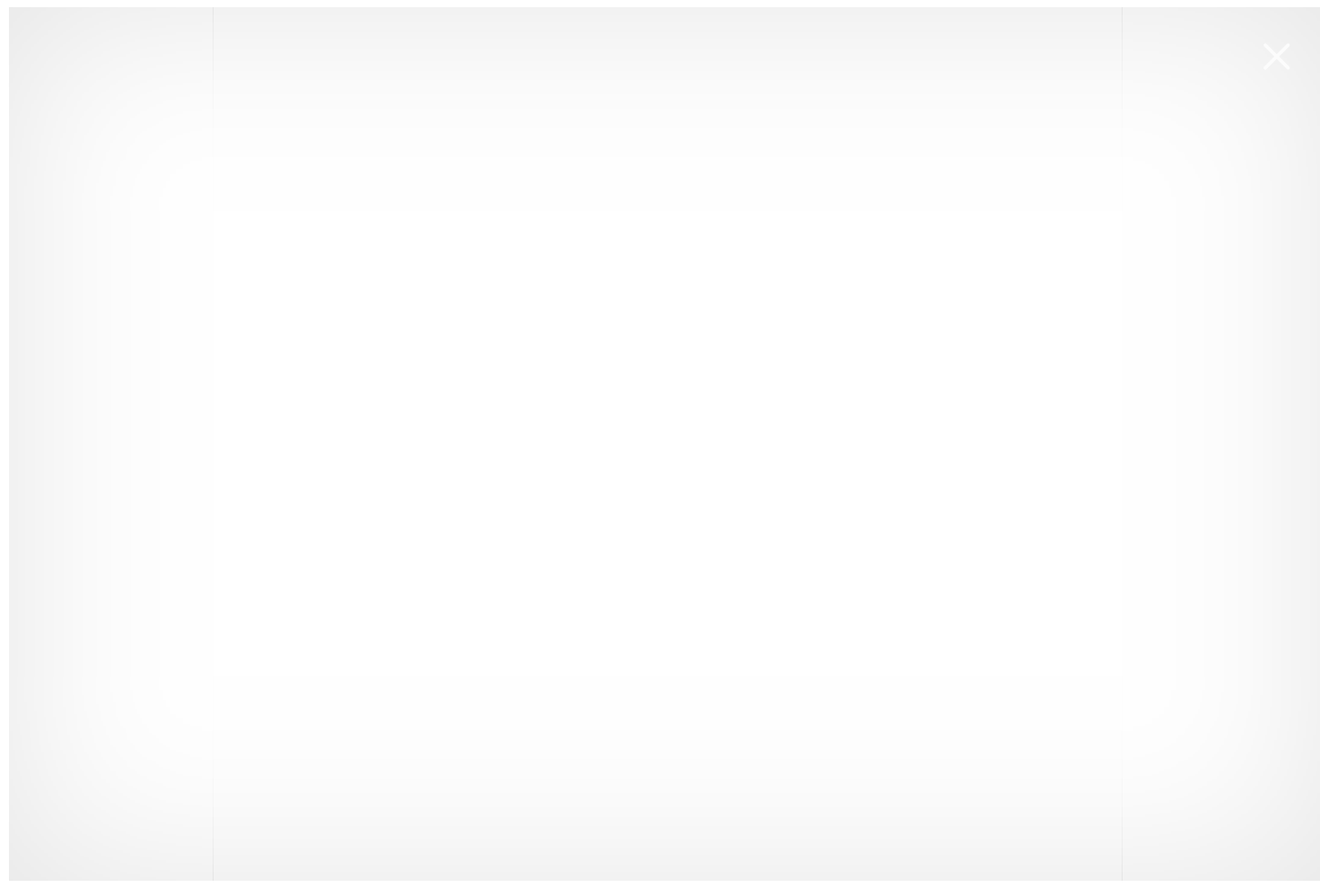
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But DHS said that its policy of confidentiality "may be modified, superseded, or rescinded at any time without notice," and that even the temporary promise of confidentiality "may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law."

Similar language hedging DHS' promise to keep so-called Dreamers' information confidential appeared in instructions that DHS provided to DACA applicants. But with President Donald Trump now taking steps to end DACA, the vagueness of the government's pledge looms quite a bit larger.



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In one instance, DHS' new language dilutes previous assurances made to Dreamers. The application instructions stated that the personal information Dreamers handed over to the government would be "protected from disclosure." The DHS document posted online Tuesday substituted the more passive formulation of "will not be proactively provided."

"It's a subtle way of saying the information is not protected," said David Leopold, a Cleveland-based immigration lawyer and former president of the American Immigration Lawyers Association. "Whatever protection was there is now gone."

John Sandweg, who was a senior counselor at DHS when the deferred action policy was launched in 2012, agreed that the less-vigilant phrasing may compromise the security of the data. Should ICE or CBP request the information, Sandweg said, the new wording "provides little to no protection to applicants."

PHOTO GALLERY: Photos: Dreamers react to Trump's DACA decision

By AKELA LACY

DACA enrollees are already expressing alarm. "It's scary," Maria Praeli, a DACA recipient and policy associate with the pro-immigration group FWD.us, told reporters in a teleconference Tuesday. "They know where I live, know where my family lives. I feel [that] it puts us in danger."

Marielena Hincapié, executive director of the National Immigration Law Center, said the possible misuse of DACA application data is "probably one of the greatest fears" among Dreamers now that Trump has announced a phase out. Her organization has handled the cases of several former DACA enrollees who claim they were wrongly targeted after Trump's election. Hincapié worries the move will embolden ICE and CBP agents "even more."

On a call with reporters Tuesday, a senior DHS official said that for the time being ICE will seek application data only when there "is a significant law enforcement or national security interest." But he conceded that enforcement priorities may shift.

"There's no way to know what we're going to be doing in six months," the official said.

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