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'Dreamer' Law Students in Turmoil over DACA Uncertainty



(<http://images.law.com/contrib/content/uploads/sites/292/2017/09/Blurry-DACA.jpg>)

Heartbroken. Disappointed. Stunned. Law students who took a shot at becoming lawyers with the help of an Obama-era immigration program say that's how they feel after the news that President Donald Trump could rescind the program.

Among the estimated 800,000 undocumented immigrants who are recipients of Deferred Action for Children Arrivals, or DACA, are law students across the country. The program, created by President Barack Obama in 2012, protects children of undocumented immigrants brought to the U.S. before their 16th birthday. Under DACA, they can get work permits, deferrals from deportation and other benefits in this country.

Exactly how many law students are protected by DACA is unclear, but a recent survey of 1,608 DACA program participants conducted by Harvard University's National UnDACAmented Research Project found that 42 percent expect to obtain a master's degree, a professional degree or a law degree. Michael A. Olivas, an immigration law professor at the University of Houston, has predicted that likely dozens of undocumented immigrants will want to enter state bar associations in coming years.

Trump announced on Sept. 5 that he would phase out the program, but later that day he tweeted that he would "revisit" the program if Congress failed to act.

If the program ends, DACA-protected law students could lose their jobs that pay for school, face uncertainty about finding work as lawyers—or worst of all—face deportation to countries that many don't even remember.

Law student Thomas Kim, a third year student at Arizona State University Sandra Day O'Connor College of Law, said his heart sank when he heard that Trump vowed to end DACA.

In 2005, when Kim was just 13, he and his family legally immigrated from South Korea to the United States. They met an immigration attorney through their church and hired him to apply for green cards. Kim said the lawyer—later disbarred—cheated the family and took their money. Their green card application fell apart, and then they overstayed their visa.

"That's how I became undocumented," said Kim, who is the chairman of the American Bar Association's Law Student Division. "That pushed me to become the attorney that my family needed desperately at the time. That's why I pursued a legal education. That's why I'm in law school. No matter what job I take and who pays my paycheck, I will continue to be an advocate for immigrants."

For law students, the situation is particularly troublesome, said Olivas, who co-authored a letter to Trump in mid-August proclaiming that DACA was constitutional. He called the move by the Trump administration a "rash and uncalled-for act."

"Perhaps one area that will be affected is the ability of law school grads to navigate the moral character and fitness requirements," Olivas wrote in an email. "This may affect their ability to gain professional licenses."

California allows undocumented law graduates to be admitted to the bar, but many other states have vague immigration requirements, Olivas said. It will detrimentally affect law students if they have no employment authorization or DACA safe harbor.

Kim applied for DACA immediately when it was issued in 2012. It allowed him to "come out" as an undocumented immigrant, he said, while applying for college, and to work and earn money to pay his own living expenses. A scholarship paid his tuition.

"When it was time to apply for law schools, in the admissions essays, I was able to disclose fully who I am without worrying about consequences—about what if the law school admissions calls ICE on me," he said. "Without DACA, I would not have been in law school or be where I'm at, making a difference in my communities."

Kim's current DACA permit—which grants two years of work authorization and deferment from deportation—will expire in October 2018. He will have graduated law school by then, but without DACA, he will have to pursue some other avenue to get work authorization. He

plans to work at Davis Wright Tremaine, which has agreed to pay his filing fees to apply for permanent residency.

Another student, who requested anonymity because he has not disclosed his undocumented status to people at his law school, said that if DACA is undone, he likely won't be able to work to pay for law school.

The student, who attends law school in the Washington, D.C., area, applied for DACA when the program came out in 2012. He said DACA allowed him to work and earn money to help his family and pay for his education.

"Without DACA, I would be a burden to society or to my family," he said.

His current DACA permit expires in January 2018. Under the current DACA program, he will be allowed to apply for renewal for two years, which would last through his slated law school graduation in May 2019. Even if he can graduate from law school, it's not clear whether he can work as an attorney if DACA is rescinded. Since he can't count on his work authorization under DACA, it will depend upon whether he's successful in his efforts to obtain permanent residency.

Leaving law students up in the air like that is counterproductive and cruel, said Michael Kaufman, dean of Loyola University Chicago School of Law.

"It fails to honor the dignity of a human being who has done nothing but strive to become a real contributor to our country, our society," Kaufman said.

His school last year welcomed DACA students to apply and set aside money for five scholarships. The school made the move after the Illinois legislature in 2016 passed a law that allowed DACA students to take the bar exam and become practicing lawyers.

One DACA student did apply and gain admission, and later earned U.S. citizenship. Kaufman said he was hoping more DACA students would apply during this fall's admissions season, but with the president's decision to end DACA, he doesn't think that will happen.

"The practical fact of the president's decision to rescind DACA—time will tell—but it cannot be good for encouraging DACA students to pursue higher education or a law degree in particular," Kaufman said. "Their situation is at best uncertain and at worst deplorable."

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