



CITY OF MILWAUKEE

LEGISLATIVE AFFAIRS DIVISION

200 E. Wells St. Room 205
Milwaukee, WI 53202
www.milwaukee.gov

Justin Moralez
(o) 414-286-2371
(c) 414-708-3785
justin.moralez@milwaukee.gov

DACA (Deferred Action for Childhood Arrivals) residents, often referred to as Dreamers, have made significant contributions to American society.

- **Economic Contributions:** DACA recipients have had a positive impact on the U.S. economy. According to a study by the Center for American Progress, DACA recipients contribute billions of dollars in federal, state, and local taxes each year. They also contribute to Social Security and Medicare funds, which benefit all Americans.
- **Education and Workforce:** Many DACA recipients are pursuing higher education and contributing to the skilled workforce in various sectors. According to the Migration Policy Institute, around 45% of DACA-eligible individuals are currently enrolled in school, and another 45% are employed. These individuals are actively contributing to the country's workforce and driving economic growth.
- **Entrepreneurship and Innovation:** DACA recipients have shown entrepreneurial spirit and have started businesses that create jobs and stimulate the economy. According to a survey conducted by the New American Economy, around 8% of DACA recipients have started their own businesses. These entrepreneurs bring innovation and diversity to the business landscape.
- **Military Service:** Many DACA recipients have chosen to serve in the U.S. military, demonstrating their patriotism and dedication to the country. They contribute their skills and strengths to protect the nation's security and uphold the values of service and sacrifice.
- **Cultural Enrichment:** DACA recipients have become an integral part of American society, adding to its cultural diversity and enriching communities across the country. They contribute to the arts, music, literature, and various other cultural aspects, making America a more vibrant and inclusive nation.

It is important to recognize the positive impact that DACA recipients have on the United States. Their contributions strengthen the economy, foster innovation, and promote cultural diversity.

DACA (Deferred Action for Childhood Arrivals) is a program in the United States that provides temporary protection from deportation and work authorization for certain individuals who were



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brought to the country as children. While DACA provides important benefits, there are specific regulations and requirements that DACA recipients must comply with.

- **Age requirement:** To be eligible for DACA, individuals must have been under the age of 31 as of June 15, 2012. They must also have entered the United States before the age of 16.
- **Continuous residence:** DACA recipients must demonstrate that they have continuously resided in the United States since June 15, 2007. This means they must have lived in the country without any significant breaks or periods of absence.
- **Education or military service:** DACA recipients must be enrolled in school, have graduated from high school, obtained a GED (General Educational Development) certificate, or be an honorably discharged veteran of the U.S. Armed Forces or Coast Guard.
- **Criminal record check:** DACA applicants are subject to a thorough background check, which includes fingerprinting and screening against various databases. Individuals with certain criminal convictions or significant misdemeanors may be disqualified from receiving DACA benefits.
- **Application process:** DACA recipients must undergo a formal application process, including completing and submitting the appropriate forms, providing supporting documents, and paying the required fees. They must also renew their DACA status every two years.
- **Employment authorization:** DACA recipients are granted work authorization, allowing them to legally work in the United States. However, they are required to maintain their eligibility and comply with all applicable employment laws and regulations.

With workforce development becoming a predominant concern around the country, states have been reflecting on ways to enhance recruitment. Police officers and public safety has been a critical challenge, and currently, the eligibility for DACA recipients to become police officers varies from state to state in the United States. Some states have already implemented policies allowing DACA recipients to serve as police officers, others such as Wisconsin (SB-078/AB-051), have pending legislation that would potentially address the matter.



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1. California: In 2017, California passed a law (Senate Bill 674) that allows DACA recipients to apply for law enforcement positions, including becoming police officers. This decision was based on the belief that DACA recipients, who have grown up in the United States and gone through background checks, should have the opportunity to serve and protect their communities.

2. Colorado: In 2019, Colorado passed a law (House Bill 1024) allowing DACA recipients to obtain professional licenses, including those required for law enforcement careers. The aim was to expand the pool of qualified applicants for law enforcement positions and promote inclusivity in the state's police forces.

3. Illinois: In 2017, Illinois passed a law (Senate Bill 34) that allows DACA recipients to apply for and receive professional licenses, including those required for police officer positions. This decision was made to ensure that qualified individuals, regardless of their immigration status, have the opportunity to serve in law enforcement and contribute to public safety.

Additionally, Hawaii law (Haw. Rev. Stat. § [78-1\(c\)](#)) also allows individuals to work for the state or a county or municipal government, including as police officers, if they are otherwise eligible for unrestricted employment in the United States.

The decision to pass these laws were driven by several factors:

1. Recognition of DACA recipients' contributions: DACA recipients are individuals who were brought to the United States as children and have grown up in the country. They have received temporary protection from deportation and work authorization through the DACA program.

It is recognized that DACA recipients have become an integral part of their communities, and many have excelled academically and professionally. Allowing them to apply for professional licenses, including those for police officer positions, acknowledges their contributions and provides them with opportunities to serve their communities.

2. Diversity and representation: Increasing diversity and representation within law enforcement agencies is a goal for many states and communities. By allowing DACA recipients to become police officers, states aimed to broaden the pool of qualified applicants and create a police force that reflects the diversity of the population it serves. This can help build trust and improve relationships between law enforcement and the



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communities they serve.

3. Public safety considerations: States recognized that qualified individuals should not be excluded from law enforcement careers solely based on their immigration status. By allowing DACA recipients to apply for professional licenses required for police officer positions, they ensured that capable individuals are not precluded from contributing to public safety and upholding the law. It emphasizes that the focus should be on an individual's qualifications, skills, and commitment to serving and protecting communities, rather than their immigration status.

In addition to these states, there are several states that do not specify citizenship or residency requirements for police officers under state law or regulations and as a result may permit DACA recipients to serve as police officers. States that do not specify citizenship requirements under state law include [Maine](#), Louisiana, and [Vermont](#). However, this does not necessarily mean that DACA recipients are eligible to serve in those states as specific eligibility requirements for positions are often set by local jurisdictions and police departments, which may require citizenship or residency requirements.

Given the immigration status of these individuals, some adversaries to allowing DACA recipients to serve as law enforcement officers have pointed to the potential for an arrest to be challenged in court. Wisconsin's nonpartisan Legislative Reference Bureau has specifically stated in a memo:

“There is not any Wisconsin statute or case law suggesting that such arrests are problematic.

Statutory language is pretty straight-forward. Wis. Stat. s. 968.07 specifies when a law enforcement officer may arrest a person. In general, the requirement is that the officer reasonably believe that the person to be arrested is subject to a judicial order that the person be arrested (s. 968.07 (1) (a) to (c)) or that the person has committed or is committing a crime (s. 968.07 (1) (d)). Nothing in the statute or in the case law interpreting the statute suggests that the personal characteristics of the law enforcement officer play any role in determining whether an arrest is lawful.



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The term “law enforcement officer” in this provision is defined as “any person who by virtue of the person’s office or public employment is vested by law with the duty to maintain public order or to make arrests for crimes while acting within the scope of the person’s authority.” (Wis. Stats. s. 967.02 (5)). Notably, this statute identifies “any person” as those who may be law enforcement officers. Many statutory sections refer to subgroups of persons, e.g. citizens, residents, or electors. The legislature, however, has chosen in this definition to include “any person.” I, therefore, do not see any statutory basis for concluding that noncitizens who are law enforcement officers may not make arrests.

Some public offices are currently limited to persons who are citizens. Notably, many positions that would qualify as local law enforcement officers cannot currently be held by non-citizens. See s. 66.0501 (1). The specificity of this provision, however, supports the conclusion that there is no limitation on the authority of a noncitizen law enforcement officer to arrest a citizen. Section 66.0501 (1) specifically covers certain local law enforcement positions, not all law enforcement positions.

This suggests that the legislature intended to cover only the specifically identified positions, as it could have easily expanded the prohibition to cover all law enforcement positions. Perhaps more importantly, the prohibition on holding these positions does not include any indication that a noncitizen is prohibited from making arrests, only from holding these positions. Nor does the provision suggest that any such arrests would be illegal or somehow compromise a prosecution commenced after the arrest.

The confusion about a noncitizen’s arrest power may arise from colloquial use of the phrase “citizen’s arrest.” There is no statutory or case law indicating that use of “citizen” in this phrase is intended to refer to the arresting party’s immigration status. It, instead, refers to the fact that the arresting party is not acting as an official law enforcement officer within the officer’s jurisdiction. The reference is to a regular person as compared to a person vested with special law enforcement authority.”

Wisconsin legislation SB-078/AB-051 has passed the Assembly and the Senate Judiciary & Public Safety committee and is waiting scheduling for a final vote in the Senate.



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Numerous organizations have registered in support.

American Civil Liberties Union of Wisconsin Inc	For	2023-12-18
City of Madison	For	2024-01-22
City of Milwaukee	For	2023-02-23
Milwaukee County	Undisclosed	2023-02-27
Milwaukee Police Association	For	2023-05-09
National Association of Social Workers - Wisconsin Chapter	For	2023-03-24
Wisconsin Chiefs of Police Association Inc	For	2023-07-20
Wisconsin Professional Police Association	For	2023-05-10
Wisconsin State Lodge Fraternal Order of Police	Other	2023-03-01