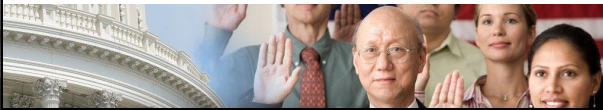


DACA Updates

Allison Davenport
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September 7, 2017



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Agenda

- DACA Background
- DACA Rescission
- Related Benefits
- Responses and Resources

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Timeline

- June 2012 DACA announced
- August 2012 DACA implemented
- June 2017 Ten state AG's threaten to sue
- Sept 2017 DACA rescinded



DACA 
Deferred Action for Childhood Arrivals



Rescission Announcement

- September 5, 2017 by US AG Jeff Sessions
- Press Release
- Press Conference
- DHS Memorandum
- DHS FAQs



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DACA Rescission Overview

- DACA program is terminated
- Program will be phased out over next 2+ years
- Cases will naturally expire
- Only those whose DACA will expire in next 6 months can renew.



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DACA Rescission Overview

- 1 USCIS will process all pending **INITIAL and RENEWAL** applications **ACCEPTED** as of September 5, 2017.
- 2 USCIS will reject all other new **INITIAL** applications.
- 3 USCIS will only accept new **RENEWAL** applications from applicants whose DACA expires between September 5, 2017 and March 5, 2018.
- 4 USCIS will only accept **RENEWAL** applications for those DACA recipients indicated above until **October 5, 2017**.
- 5 USCIS will reject all **RENEWAL** applications received after October 5, 2017.

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Current DACA Holders

Individuals with a current, unexpired grant of DACA will continue to hold DACA until it expires. This means that current DACA recipients:

- Continue to be protected from deportation
- Continue to have a valid work permit until their DACA and work permit expire.

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Pending DACA Applicants

- USCIS will continue to process initial and renewal applications that were filed by 9/5/17.
- Applicants with pending applications should:
 - ✓ attend biometrics appointments
 - ✓ respond to any requests for additional evidence they receive from USCIS.
- Approvals will be for the regular 2-year period.

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Renewals

Can I File for Renewal?

- If you currently have valid DACA; and
- Your current DACA expires between now and March 5, 2018

Should I File for Renewal?

- This is an individual choice
- Renewal will give you two more years of work authorization and possible protection from deportation

When Should I File?

- Renewal applications must be accepted by USCIS (not just postmarked) by **October 5, 2017**

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Renewals

- If you have a criminal conviction but are still eligible to renew DACA under the new rules:
 1. DHS will still accept your renewal application and it may be approved
 2. It is riskier to provide your recent criminal record to DHS, but it may be safer to have DACA than not have it
 3. Consult with an attorney or accredited representative ASAP to get help with your renewal

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Confidentiality

Will ICE use my DACA info to deport me?

- USCIS will not refer DACA recipients and applicants to Immigration and Customs Enforcement (ICE) for deportation unless they meet USCIS' Notice to Appear guidance or pose a risk to national security or public safety.

Will ICE deport me once my DACA expires?

- USCIS says that information provided to USCIS in DACA requests will not be proactively provided to ICE and CBP for the purpose of immigration enforcement

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Confidentiality

Is this a change from the Obama administration confidentiality policy?

- Technically not. DACA applicants and recipients could be referred for enforcement on the same bases under Obama.
- However, many people are less trusting of the Trump administration
- This is a policy not law, and can be changed at any time.

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Advance Parole for DACA Recipients

- No new applications.
- Pending applications will be closed and applicants issued a refund of the filing fee.
- Previously approved advance parole documents remain valid.
- DACA recipients currently outside the country on advance parole should be able to return to the U.S. as long as they do so before advance parole expires.
- Remember: Customs and Border Protection (CBP) has discretion to deny re-entry into the U.S.!

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Advance Parole for DACA Recipients

Tips for the DACA recipients:

- If you travel on advance parole or are currently abroad, make sure to return to the U.S. before it expires and while your DACA is valid.
- If you have been granted advance parole under DACA but have not yet left the country, speak with an expert before traveling!

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Work Permits

DACA Recipients:

- Work permits remain valid until they expire.
- You have the right to work legally until your work permit's expiration date.
- You have no obligation to inform your employer that DACA has ended.



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Work Permits

Employers:

- Do not have the right to ask employees if they have DACA or how they got their work permit.
- Do not have the right to fire, put on leave, or change the work status of an employee whose work permit will expire in the future.
- May notify an employee they will need to provide an updated work permit, but cannot take any action against them until it is expired.

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Social Security Numbers



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Driver's Licenses and Other Identification

- DACA recipients in all 50 states are eligible for a state drivers' license.
- Specific rules on license' eligibility vary from state to state
- In many states, DACA recipients may not be eligible to renew their license, or obtain a new license, after DACA expires
- It is a good idea to renew your driver's license before your DACA expires, if you can.

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Legal Self-Defense: Know Your Options

All DACA recipients should go for a legal consultation with a trusted service provider.

- You may be eligible for another immigration benefit and not know it!
- If you are eligible for another program, start the application process even if your DACA is still valid.
- Watch out for fraud!

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Legal Self-Defense: Know Your Rights!

<p>Usted tiene derechos constitucionales.</p> <ul style="list-style-type: none"> • NO ABRA LA PUERTA SI UN AGENTE DEL SERVICIO DE INMIGRACION ESTA TOCANDO A LA PUERTA. • NO CONTESTE NINGUNA PREGUNTA DEL AGENTE DEL SERVICIO DE INMIGRACION SI EL TRAJA DE HABLAR CON USTED. Usted tiene derecho a permanecer callado. No tiene que dar su nombre al agente. Si está en el trabajo, pregunte al agente si está libre para salir y si el agente dice que sí, váyase. Usted tiene derecho de hablar con un abogado. • ENTREGUE ESTA TARJETA AL AGENTE. NO ABRA LA PUERTA. 	<p>I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.</p> <p>I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you hide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.</p> <p>I choose to exercise my constitutional rights.</p> <p><small>SECURITY 1124-01</small></p> <p><i>These cards are available to citizens and noncitizens alike.</i></p>
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For more information: www.ilrc.org/red_cards

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Immigration Options

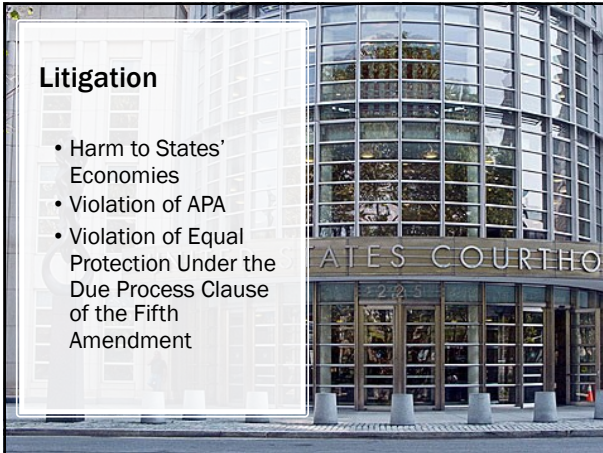
- Financial Help
 - <http://unitedwedream.org/wp-content/uploads/2014/09/Financial-Help-for-DACA-List-08-27.pdf>
- Immigration Legal Screening
 - <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- Watch Out for Fraud!
 - <https://www.ilrc.org/choosing-immigration-representative-how-avoid-fraud>

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Litigation

- Harm to States' Economies
- Violation of APA
- Violation of Equal Protection Under the Due Process Clause of the Fifth Amendment



Legislation

- Bridge Act
 - Bipartisan but temporary
- Dream Act
 - Bipartisan and permanent
- RAC Act
 - Republican and permanent
- American Hope Act
 - Democratic and permanent
- RAISE Act
 - Bad



Next Steps and Additional Resources

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Next Steps

Find out if you are Eligible to Renew:
10/5 deadline!

Consult with a Trusted Service
Provider about your Legal Options

Know Your Rights and Get
Involved!

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Additional Resources

- ILRC: ilrc.org
- NILC: nilc.org
- UWD: unitedwedream.org
- Weareheretostay.org
- DefendDACA.com

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Questions?

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Thank you for attending!

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