DACA: Preparing for 2019

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During the Webinar

For technical issues with webinar system

• Call 1-800-843-9166

• For webinar link or registration questions, contact Donna Golub at dgolub@ilrc.org or Helen Leung at hleung@ilrc.org
Questions During the Webinar

**Chat Box:** You can enter your questions in the chat box, and instructors will answer them, if time permits.

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**Immigrant Legal Resource Center**

- **Mon-Thu 10am-5pm**
- Our AOD attorneys are available to answer inquiries by e-mail regarding immigration law and practice. Our attorneys will also schedule an appointment for a phone consultation if you request one in your e-mail inquiry.
- To access our AOD service, please contact Philip Garcia at (415) 321-8542, or email pgarcia@ilrc.org to set up a one-time consultation or a contract. For more information, please visit [http://www.ilrc.org/legal-assistance](http://www.ilrc.org/legal-assistance)

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ILRC Attorney of the Day

Free Attorney of the Day
- All CDSS Contractors and Subcontractors
- IOLTA Legal Services Programs in California
- All San Francisco Bay Area Non-Profits
- All NAC Partners with Naturalization questions

Other Attorney of the Day
- Hourly rate pro-rated (6 minute minimum), or
- One-time consultation fee

Agenda

11:00-11:10  DACA Update
11:10-11:30  Litigation Overview
11:30-11:45  DACA Renewal Tips
11:45-12:00  Other Legal Options
12:00-12:15  Legislative Update
12:15-12:30  Questions and Next Steps

DACA Update
DACA Program Overview

June 15, 2012 President Obama Announces DACA

- President Obama announces the DACA Program
- USCIS begins to accept applications from individuals who met the requirements
- 150,000+ initial request were submitted

September 5, 2017 Program Terminated

- Sessions announces the termination of DACA
- States that USCIS will only accept applications from people who DACA expires between 9/5/2017 and 3/5/2018

Jan. 2018 DACA Renewals Accepted

- Court issued injunctions ordering USCIS to start accepting DACA Renewals
- Program open for anyone who has DACA or had DACA

Update on DACA-Related Litigation

Lawsuits Challenging the DACA Rescission

- Eastern District of New York/Second Circuit
  - Batalla Vidal v. Nielsen
  - New York v. Trump

- Northern District of California/Ninth Circuit
  - Regents of the University of California v. DHS
  - California v. DHS
  - County of Santa Clara v. Trump
  - Garcia v. Trump
  - San Jose v. Trump

- District of D.C./D.C. Circuit
  - NAACP v. Trump
  - Trustees of Princeton University v. USA

- District of Maryland/Fourth Circuit
  - CASA de Maryland v. Trump
Current Court Orders Maintaining DACA Renewals

- Regents (N.D. Cal.): Preliminary Injunction Issued on January 9, 2018
  - Injunction affirmed by Ninth Circuit on November 8, 2018
- Batalla Vidal v. Trump (E.D.N.Y.): Preliminary injunction issued on February 13, 2018
  - Appeal pending before Second Circuit
- NAACP v. Trump (D.D.C.): Order vacating DACA Rescission Issued April 24, 2018
  - Order Reaffirmed by District Court on August 4, 2018
  - Order Narrowed to Parallel Preliminary Injunctions on August 17, 2018
  - Appeal pending before D.C. Circuit, Argument to be held February 22, 2019

Pending Petitions for Certiorari

- Petition for Certiorari
  - Regents v. DHS (originally filed as certiorari before judgment)

- Certiorari Before Judgment
  - Batalla Vidal v. Trump
  - NAACP v. Trump

- Next SCOTUS conference: February 15, 2019

CASA de Maryland v. Trump

- District court ruled for government on challenge to DACA rescission

  BUT

  - Injunction preserving DACA information-sharing/privacy protections
    - DACA excluded from recent changes to USCIS NTA policies
  - Cross appeals pending, oral argument held on December 11, 2018
What about Texas’s lawsuit against DACA?

- Texas led a group of states, arguing that DACA is unlawful
- Defendant-Intervenors Perez, et al., and state of NJ because federal agencies would not defend DACA’s legality
- Preliminary injunction denied on August 31, 2018
- Trial date set for May 2020

DACA Renewal Tips

Who is eligible to apply?

All individuals who were previously granted DACA can apply, including:
- People whose DACA case expired at any time;
- People whose DACA case was terminated; and
- People whose current DACA will expire.
Filing DACA Renewals

- Applicants whose DACA expired on or before September 5, 2016 must file as Initials
  - Show physical presence on June 15, 2012
  - Must show continuously resided in United States since June 15, 2007

- Applicants whose DACA expires September 5, 2016 to now, can file as Renewals

DACA Application Packet

- Form I-821D
- Form I-765
- Form I-765WS
- Photocopy of your work permit (both sides)
- Two identical passport-style photographs
- Filing fee of $495 on a check or money order payable to U.S. Department of Homeland Security

Processing DACA Applications

- Applications filed as “initials” are being approved
- Renewals are being processed within 2-3 months of filing, with some exceptions
- Applicants still being approved even with law enforcement contact
- DACA recipient information not being shared with ICE for enforcement purposes
Unsure if you should file a Renewal?

- Those who remain in DACA “status” and/or file to renew before any litigation cancels the program may be grandfathered in to the program.
- Newer USCIS policy of issuing notices to appear in immigration court do not apply to DACA applicants.
- There are agencies covering filing fees for DACA recipients.

What happens to my work permit?

Work permits remain valid until expiration date—no need to update with employer unless they ask. Your employer cannot ask you about DACA or your immigration case.

What about my SSN?

Social security number is valid for life—even if your status changes. Some cards have a condition requiring work authorization.
Filing Fee Support

Organizational

- **United We Dream’s DACA Renewal Fund:**
  https://unitedwedream.org/category/daca-renewal-fund/

- **Ready California:**
  https://ready-california.org/print-resources/daca-renewal-resources/

Loans

- **Self-Help Federal Credit Union:**
  https://www.self-helpfcu.org/personal/loans/immigration-loans/

- **Mission Asset Fund:**
  https://missionassetfund.org/immigration-programs/

Filing Fee Support

- Fundraising Opportunities:
  - **Gofundme:** Some DACA recipients have started “Gofundme” campaigns to help fund their filing fees:

Not Eligible for DACA?

- Collect documents that can demonstrate eligibility
  - Physical Presence
  - Education
  - Work History
  - Community Involvement
  - Family Relationships

- Save money for future filing fees & legal fees
Other Immigration Options for DACA Recipients

Why get a legal consultation?

DACA recipients may be eligible for another immigration benefit and not know it.

15+% of those DACA-eligible found to be potentially eligible for other relief.

Legal Consultation

Get a Legal Consultation:

Explore alternative forms of status now!

Your situation or the law might have changed since your last consultation.

If eligible, request documents and prepare applications- begin process while still have DACA due to processing times.
Legal Consultation

**Identifying legal options:**
- Permanent Residence through a family member
- Parole-In-Place for Military Families
- VAWA for domestic violence victims
- U visa for crime victims
- T visa for trafficking victims
- Asylum
- Temporary Protected Status
- Special Immigrant Juvenile Status
- Acquisition or Derivation of Citizenship
- Employment-Based Options

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Legal Consultation

**Explore all possible options available:**
- Do they have USC or LPR family members?
- Has anyone ever filed a petition for them or on behalf of a close family member?
- Did they travel on Advance Parole?
- Has the client or a family member ever been the victim of a crime?
- Do they have a close relative serving in the U.S. military?
- Are they afraid to return to their country of origin?
- Do they have an employer willing to sponsor them?

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Watch Out for Fraud!

Get legal advice from a trustworthy source:

- Check the credentials of the attorney or accredited representative
- A legal service provider should:
  - provide a contract and receipts for payments
  - explain the process and answer questions
  - follow the rules
Watch Out for Fraud!

To find a non-profit legal service provider in your area, visit the Immigration Advocates Network Directory:

https://www.immigrationadvocates.org/nonprofit/legaldirectory/

Next Steps: Advocates

- Identify DACA recipients in your database and contact them for a consult- do not wait until a change to DACA!
- Conduct individual consultations screening for all forms of possible relief
- Determine if client was in removal proceedings or if they have a final order of removal or deportation
- Request relevant documents

Next Steps: Advocates

Gather relevant documents:

- Do FOIA request for copy of file from one of the relevant DHS agencies.
- Do FOIA with immigration court system (EOIR) and call telephonic system (1-800-898-7180) for immigration court case information.
- Conduct FBI or state criminal background check for any criminal or other history
- Request file from prior legal representative
Next Steps: Advocates

- Think broadly
- Update your screening or intake form to capture relevant information
- Discuss or train staff on what to look for
- Refer to employment-based or other experts as needed

What to Do Now

- Renew DACA Now!
- Get a Legal Consultation
- Stay Informed and Get Involved

Legislative Update
### History & Brief Recap of the 115th Congress
- **Dream Act legislation dates back to 2001, and reintroduced as standalone and part of comprehensive legislative packages**
- **Numerous bills introduced in House and Senate in 2017 and 2018**
  - Dream Act of 2017 (S. 1615, H.R. 3440)
- **Series of votes in Senate in February 2018 and in House in June 2018**
- **Status quo remains with DACA renewals and no legislation signed into law**

### Legislation in the 116th Congress
- **New Congress in 2019 with a split in majority between the House & Senate**
- **Legislation must pass both houses and be signed by the President**
- **Expect Dream legislation to be introduced early this year**
- **New legislation is also expected to cover Temporary Protected Status (TPS)**
- **Check back with the ILRC for updates through our website and social media**
  - Visit our partners’ resources as well

### Dream Act of 2017
- **Conditional Permanent Residence (CPR)**
  - **Entered the U.S. before the age of 18**
  - **Entered the U.S. 4 years prior to date of law’s enactment and continuously, physically present in U.S. since that date**
  - **Not subject to enumerated inadmissibility grounds and other criminal bars**
  - Some waivers are available
  - Admitted to higher education institution: earned high school diploma or GED, or enrolled in secondary school or an education program in order to obtain a high school diploma or to pass GED exam
- **CPR status valid for 8 years**
- **Includes DACA recipients**
- **Lawful Permanent Residence (LPR)**
  - **Obtained higher education degree or completed at least 2 years towards degree in the U.S.; served in the military for at least 2 years, or employed for at least 3 years**
  - Hardship exceptions apply
  - Same bars apply
  - Has not abandoned U.S. residence
- **After 5 years, can apply to become a U.S. citizen**
How to get involved

• Contact your Representatives and Senators
  • www.house.gov and www.senate.gov

• Get involved with local or national networks and partners
  • National Immigration Law Center (NILC)
  • United We Dream (UWD)

• DACA Renewal Fund/Scholarship
  • www.DACARenewalFund.com

Questions and Next Steps

Thank you for attending!

• Please remember to complete survey
• Make sure you received all materials

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