

DACA Updates

Allison Davenport
Lena Graber
Sally Kinoshita



September 7, 2017



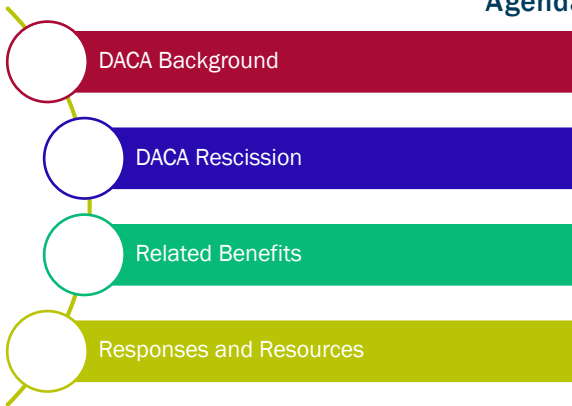
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Agenda



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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- Sept 2017 DACA rescinded

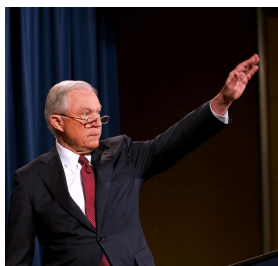


DACA 
Deferred Action for Childhood Arrivals



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!

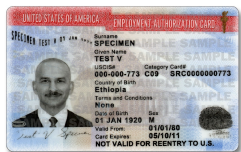
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Work Permits

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!

Usted tiene derechos constitucionales.

- 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 TRATA DE HABLAR CON USTED. Usted tiene derecho a mantenerse 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.

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.

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 slide under the door. I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

For more information: www.ilrc.org/red_cards

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Immigration Options

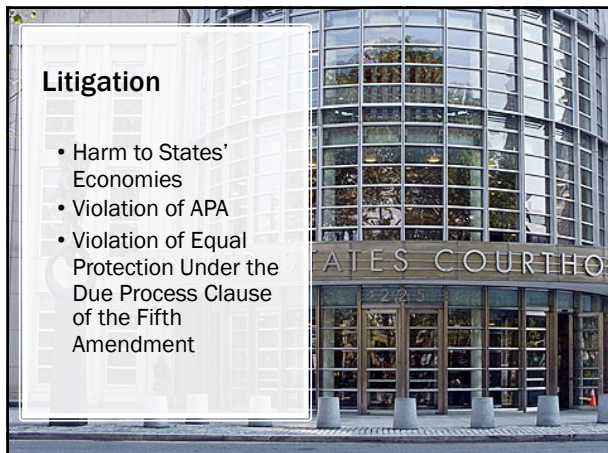
- Financial Help
 - <http://unitedwedream.org/wp-content/uploads/2014/09/Financial-Help-for-DACA-List-08-27.pdf>
- Immigration Legal Screening
 - <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
- Watch Out for Fraud!
 - <https://www.ilrc.org/choosing-immigration-representative-how-avoid-fraud>

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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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Official website of the Department of Homeland Security



U.S. Department of
Homeland Security

Rescission Of Deferred Action For Childhood Arrivals (DACA)

Release Date: September 5, 2017

For Immediate Release

Office of the Press Secretary

Contact: 202-282-8010

[En español \(https://www.dhs.gov/news/2017/09/05/anulaci-n-de-la-acci-n-diferida-para-los-llegados-en-la-infancia-daca\)](https://www.dhs.gov/news/2017/09/05/anulaci-n-de-la-acci-n-diferida-para-los-llegados-en-la-infancia-daca)

WASHINGTON – Today, the Department of Homeland Security (DHS) initiated the orderly wind down of the program known as Deferred Action for Childhood Arrivals (DACA).

“This Administration’s decision to terminate DACA was not taken lightly. The Department of Justice has carefully evaluated the program’s Constitutionality and determined it conflicts with our existing immigration laws,” said Acting Secretary Elaine Duke. “As a result of recent litigation, we were faced with two options: wind the program down in an orderly fashion that protects beneficiaries in the near-term while working with Congress to pass legislation; or allow the judiciary to potentially shut the program down completely and immediately. We chose the least disruptive option.”

On June 29, the attorneys general of Texas and several other states sent a letter to U.S. Attorney General Jeff Sessions asserting that the DACA program is unlawful for the same reasons stated in the Fifth Circuit and district court opinions regarding an expansion of the DACA program and the now-rescinded program known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). The letter noted that if DHS did not rescind the June 2012 DACA memo by September 5, 2017, the states would seek to amend the DAPA lawsuit to include a challenge to DACA.

Yesterday, [Attorney General Sessions sent a letter to Acting Secretary Duke](#)

(<https://www.dhs.gov/publication/letter-attorney-general-sessions-acting-secretary-duke-rescission-daca>)

articulating his legal determination that DACA “was effectuated by the previous administration through executive action, without proper statutory authority and with no established end-date, after Congress' repeated rejection of proposed legislation that would have accomplished a similar result. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch.” The letter further stated that because DACA “has the same legal and constitutional defects that the courts recognized as to DAPA, it is likely that potentially imminent litigation would yield similar results with respect to DACA.” Nevertheless, in light of the administrative complexities associated with ending the program, he recommended that the Department wind down the program in an efficient and orderly fashion, and his office has reviewed the terms on which the Department will do so.

Based on guidance from Attorney General Sessions, Acting Secretary Elaine Duke today issued a memo formally rescinding the June 15, 2012 memorandum that created DACA, and initiating an orderly wind down of the program. This process will limit disruption to current DACA beneficiaries while providing time for Congress to seek a legislative solution. The details are contained in Acting Secretary Duke’s September 5 [memorandum](#)

(<https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>) , and in our [Frequently Asked Questions](#) (<https://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca>) .

###

Topics: [Border Security \(/topics/border-security\)](/topics/border-security) , [Deferred Action \(/topics/deferred-action\)](/topics/deferred-action)

Keywords: [DACA \(/keywords/daca\)](/keywords/daca) , [Deferred Action for Childhood Arrivals \(/keywords/deferred-action-childhood-arrivals\)](/keywords/deferred-action-childhood-arrivals)

Last Published Date: September 5, 2017



Official website of the Department of Homeland Security



U.S. Department of
Homeland Security

Memorandum on Rescission Of Deferred Action For Childhood Arrivals (DACA)

Release Date: September 5, 2017

MEMORANDUM FOR:

James W. McCament
Acting Director
U.S. Citizenship and Immigration Services

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement

Kevin K. McAleenan
Acting Commissioner
U.S. Customs and Border Protection

Joseph B. Maher
Acting General Counsel

Ambassador James D. Nealon
Assistant Secretary, International Engagement

Julie M. Kirchner
Citizenship and Immigration Services Ombudsman

FROM:

Elaine C. Duke

Acting Secretary

SUBJECT:

Rescission of the June 15, 2012 Memorandum Entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children”

This memorandum rescinds the June 15, 2012 memorandum entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” which established the program known as Deferred Action for Childhood Arrivals (“DACA”). For the reasons and in the manner outlined below, Department of Homeland Security personnel shall take all appropriate actions to execute a wind-down of the program, consistent with the parameters established in this memorandum.

Background

The Department of Homeland Security established DACA through the issuance of a memorandum on June 15, 2012. The program purported to use deferred action—an act of prosecutorial discretion meant to be applied only on an individualized case-by-case basis—to confer certain benefits to illegal aliens that Congress had not otherwise acted to provide by law.^[1] (#_ftn1) Specifically, DACA provided certain illegal aliens who entered the United States before the age of sixteen a period of deferred action and eligibility to request employment authorization.

On November 20, 2014, the Department issued a new memorandum, expanding the parameters of DACA and creating a new policy called Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”). Among other things—such as the expansion of the coverage criteria under the 2012 DACA policy to encompass aliens with a wider range of ages and arrival dates, and lengthening the period of deferred action and work authorization from two years to three—the November 20, 2014 memorandum directed USCIS “to establish a process, similar to DACA, for exercising prosecutorial discretion through the use of deferred action, on a case-by-case basis,” to certain aliens who have “a son or daughter who is a U.S. citizen or lawful permanent resident.”

Prior to the implementation of DAPA, twenty-six states—led by Texas—challenged the policies announced in the November 20, 2014 memorandum in the U.S. District Court for the Southern District of Texas. In an order issued on February 16, 2015, the district court preliminarily enjoined the policies nationwide.^[2] (#_ftn2) The district court held that the plaintiff states were likely to succeed on their claim that the DAPA program did not comply

with relevant authorities.

The United States Court of Appeals for the Fifth Circuit affirmed, holding that Texas and the other states had demonstrated a substantial likelihood of success on the merits and satisfied the other requirements for a preliminary injunction.^{[3] (#_ftn3)} The Fifth Circuit concluded that the Department's DAPA policy conflicted with the discretion authorized by Congress. In considering the DAPA program, the court noted that the Immigration and Nationality Act "flatly does not permit the reclassification of millions of illegal aliens as lawfully present and thereby make them newly eligible for a host of federal and state benefits, including work authorization." According to the court, "DAPA is foreclosed by Congress's careful plan; the program is 'manifestly contrary to the statute' and therefore was properly enjoined."

Although the original DACA policy was not challenged in the lawsuit, both the district and appellate court decisions relied on factual findings about the implementation of the 2012 DACA memorandum. The Fifth Circuit agreed with the lower court that DACA decisions were not truly discretionary,^{[4] (#_ftn4)} and that DAPA and expanded DACA would be substantially similar in execution. Both the district court and the Fifth Circuit concluded that implementation of the program did not comply with the Administrative Procedure Act because the Department did not implement it through notice-and-comment rulemaking.

The Supreme Court affirmed the Fifth Circuit's ruling by equally divided vote (4-4).^{[5] (#_ftn5)} The evenly divided ruling resulted in the Fifth Circuit order being affirmed. The preliminary injunction therefore remains in place today. In October 2016, the Supreme Court denied a request from DHS to rehear the case upon the appointment of a new Justice. After the 2016 election, both parties agreed to a stay in litigation to allow the new administration to review these issues.

On January 25, 2017, President Trump issued Executive Order No. 13,768, "Enhancing Public Safety in the Interior of the United States." In that Order, the President directed federal agencies to "[e]nsure the faithful execution of the immigration laws . . . against all removable aliens," and established new immigration enforcement priorities. On February 20, 2017, then Secretary of Homeland Security John F. Kelly issued an implementing memorandum, stating "the Department no longer will exempt classes or categories of removable aliens from potential enforcement," except as provided in the Department's June 15, 2012 memorandum establishing DACA,^{[6] (#_ftn6)} and the November 20, 2014 memorandum establishing DAPA and expanding DACA.^{[7] (#_ftn7)}

On June 15, 2017, after consulting with the Attorney General, and considering the likelihood

of success on the merits of the ongoing litigation, then Secretary John F. Kelly issued a memorandum rescinding DAPA and the expansion of DACA—but temporarily left in place the June 15, 2012 memorandum that initially created the DACA program.

Then, on June 29, 2017, Texas, along with several other states, sent a letter to Attorney General Sessions asserting that the original 2012 DACA memorandum is unlawful for the same reasons stated in the Fifth Circuit and district court opinions regarding DAPA and expanded DACA. The letter notes that if DHS does not rescind the DACA memo by September 5, 2017, the States will seek to amend the DAPA lawsuit to include a challenge to DACA.

The Attorney General sent a letter to the Department on September 4, 2017, articulating his legal determination that DACA “was effectuated by the previous administration through executive action, without proper statutory authority and with no established end-date, after Congress' repeated rejection of proposed legislation that would have accomplished a similar result. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch.” The letter further stated that because DACA “has the same legal and constitutional defects that the courts recognized as to DAPA, it is likely that potentially imminent litigation would yield similar results with respect to DACA.” Nevertheless, in light of the administrative complexities associated with ending the program, he recommended that the Department wind it down in an efficient and orderly fashion, and his office has reviewed the terms on which our Department will do so.

Rescission of the June 15, 2012 DACA Memorandum

Taking into consideration the Supreme Court’s and the Fifth Circuit’s rulings in the ongoing litigation, and the September 4, 2017 letter from the Attorney General, it is clear that the June 15, 2012 DACA program should be terminated. In the exercise of my authority in establishing national immigration policies and priorities, except for the purposes explicitly identified below, I hereby rescind the June 15, 2012 memorandum.

Recognizing the complexities associated with winding down the program, the Department will provide a limited window in which it will adjudicate certain requests for DACA and associated applications meeting certain parameters specified below. Accordingly, effective immediately, the Department:

- Will adjudicate—on an individual, case-by-case basis—properly filed pending DACA initial requests and associated applications for Employment Authorization

Documents that have been accepted by the Department as of the date of this memorandum.

- Will reject all DACA initial requests and associated applications for Employment Authorization Documents filed after the date of this memorandum.
- Will adjudicate—on an individual, case by case basis—properly filed pending DACA renewal requests and associated applications for Employment Authorization Documents from current beneficiaries that have been accepted by the Department as of the date of this memorandum, and from current beneficiaries whose benefits will expire between the date of this memorandum and March 5, 2018 that have been accepted by the Department as of October 5, 2017.
- Will reject all DACA renewal requests and associated applications for Employment Authorization Documents filed outside of the parameters specified above.
- Will not terminate the grants of previously issued deferred action or revoke Employment Authorization Documents solely based on the directives in this memorandum for the remaining duration of their validity periods.
- Will not approve any new Form I-131 applications for advance parole under standards associated with the DACA program, although it will generally honor the stated validity period for previously approved applications for advance parole. Notwithstanding the continued validity of advance parole approvals previously granted, CBP will—of course—retain the authority it has always had and exercised in determining the admissibility of any person presenting at the border and the eligibility of such persons for parole. Further, USCIS will—of course—retain the authority to revoke or terminate an advance parole document at any time.
- Will administratively close all pending Form I-131 applications for advance parole filed under standards associated with the DACA program, and will refund all associated fees.
- Will continue to exercise its discretionary authority to terminate or deny deferred action at any time when immigration officials determine termination or denial of deferred action is appropriate.

This document is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigation prerogatives of DHS.

[1] (#_ftnref1) Significantly, while the DACA denial notice indicates the decision to deny is made in the unreviewable discretion of USCIS, USCIS has not been able to identify specific denial cases where an applicant appeared to satisfy the programmatic categorical criteria as outlined in the June 15, 2012 memorandum, but still had his or her application denied based solely upon discretion.

[2] (#_ftnref2) *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015).

[3] (#_ftnref3) *Texas v. United States*, 809 F.3d 134 (5th Cir. 2015).

[4] (#_ftnref4) *Id.*

[5] (#_ftnref5) *United States v. Texas*, 136 S. Ct. 2271 (2016) (per curiam).

[6] (#_ftnref6) Memorandum from Janet Napolitano, Secretary, DHS to David Aguilar, Acting Comm'r, CBP, et al., "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children" (June 15, 2012).

[7] (#_ftnref7) Memorandum from Jeh Johnson, Secretary, DHS, to Leon Rodriguez, Dir., USCIS, et al., "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Whose Parents are U.S. Citizens or Permanent Residents" (Nov. 20, 2014).

Topics: [Border Security \(/topics/border-security/\)](/topics/border-security/), [Deferred Action \(/topics/deferred-action/\)](/topics/deferred-action/)

Keywords: [DACA \(/keywords/daca/\)](/keywords/daca/), [Deferred Action for Childhood Arrivals \(/keywords/deferred-action-childhood-arrivals/\)](/keywords/deferred-action-childhood-arrivals/)

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U.S. Department of
Homeland Security

Frequently Asked Questions: Rescission Of Deferred Action For Childhood Arrivals (DACA)

Release Date: September 5, 2017

[En español \(https://www.dhs.gov/news/2017/09/05/preguntas-frecuentes-anulaci-n-de-la-acci-n-diferida-para-los-llegados-en-la\)](https://www.dhs.gov/news/2017/09/05/preguntas-frecuentes-anulaci-n-de-la-acci-n-diferida-para-los-llegados-en-la)

The following are frequently asked questions on the September 5, 2017 Rescission of the Deferred Action for Childhood Arrivals (DACA) Program.

Q1: Why is DHS phasing out the DACA program?

A1: Taking into consideration the federal court rulings in ongoing litigation, and the September 4, 2017 letter from the Attorney General, it is clear that program should be terminated. As such, the Acting Secretary of Homeland Security rescinded the June 15, 2012 memorandum establishing the DACA program. Please see the Attorney General's letter and the Acting Secretary of Homeland Security's memorandum for further information on how this decision was reached.

Q2: What is going to happen to current DACA holders?

A2: Current DACA recipients will be permitted to retain both the period of deferred action and their employment authorization documents (EADs) until they expire, unless terminated or revoked. DACA benefits are generally valid for two years from the date of issuance.

Q3: What happens to individuals who currently have an initial DACA request pending?

A3: Due to the anticipated costs and administrative burdens associated with rejecting all

pending initial requests, USCIS will adjudicate—on an individual, case-by-case basis—all properly filed DACA initial requests and associated applications for EADs that have been accepted as of September 5, 2017.

Q4: What happens to individuals who currently have a request for renewal of DACA pending?

A4: Due to the anticipated costs and administrative burdens associated with rejecting all pending renewal requests, USCIS adjudicate—on an individual, case-by-case basis—properly filed pending DACA renewal requests and associated applications for Employment Authorization Documents from current beneficiaries that have been accepted as of September 5, 2017, and from current beneficiaries whose benefits will expire between September 5, 2017 and March 5, 2018 that have been accepted as of October 5, 2017. USCIS will reject all requests to renew DACA and associated applications for EADs filed after October 5, 2017.

Q5: Is there still time for current DACA recipients to file a request to renew their DACA?

A5: USCIS will only accept renewal requests and associated applications for EADs for the class of individuals described above in the time period described above.

Q6: What happens when an individual's DACA benefits expire over the course of the next two years? Will individuals with expired DACA be considered illegally present in the country?

A6: Current law does not grant any legal status for the class of individuals who are current recipients of DACA. Recipients of DACA are currently unlawfully present in the U.S. with their removal deferred. When their period of deferred action expires or is terminated, their removal will no longer be deferred and they will no longer be eligible for lawful employment.

Only Congress has the authority to amend the existing immigration laws.

Q7: Once an individual's DACA expires, will their case be referred to ICE for enforcement purposes?

A7: Information provided to USCIS in DACA requests will not be proactively provided to ICE and CBP for the purpose of immigration enforcement proceedings, unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance (www.uscis.gov/NTA (<http://www.uscis.gov/NTA>)). This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Q8: Will USCIS share the personal information of individuals whose pending requests are denied proactively with ICE for enforcement purposes?

A8: Generally, information provided in DACA requests will not be proactively provided to other law enforcement entities (including ICE and CBP) for the purpose of immigration enforcement proceedings unless the requestor poses a risk to national security or public safety, or meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria. This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Q9: Can deferred action received pursuant to DACA be terminated before it expires?

A9: Yes. DACA is an exercise of deferred action which is a form of prosecutorial discretion. Hence, DHS will continue to exercise its discretionary authority to terminate or deny deferred action at any time when immigration officials determine termination or denial of deferred action is appropriate.

Q10: Can DACA recipients whose valid EAD is lost, stolen or destroyed request a new EAD during the phase out?

A10: If an individual's still-valid EAD is lost, stolen, or destroyed, they may request a replacement EAD by filing a new Form I-765.

Q11: Will DACA recipients still be able to travel outside of the

United States while their DACA is valid?

A11: Effective September 5, 2017, USCIS will no longer approve any new Form I-131 applications for advance parole under standards associated with the DACA program. Those with a current advance parole validity period from a previously-approved advance parole application will generally retain the benefit until it expires. However, CBP will retain the authority it has always exercised in determining the admissibility of any person presenting at the border. Further, USCIS retains the authority to revoke or terminate an advance parole document at any time.

Q12: What happens to individuals who have pending requests for advance parole to travel outside of the United States?

A12: USCIS will administratively close all pending Form I-131 applications for advance parole under standards associated with the DACA program, and will refund all associated fees.

Q13: How many DACA requests are currently pending that will be impacted by this change? Do you have a breakdown of these numbers by state?

A13: There were 106,341 requests pending as of August 20, 2017 – 34,487 initial requests and 71,854 renewals. We do not currently have the state-specific breakouts.

Q14: Is there a grace period for DACA recipients with EADs that will soon expire to make appropriate plans to leave the country?

A14: As noted above, once an individual's DACA and EAD expire—unless in the limited class of beneficiaries above who are found eligible to renew their benefits—the individual is no longer considered lawfully present in the United States and is not authorized to work. Persons whose DACA permits will expire between September 5, 2017 and March 5, 2018 are eligible to renew their permits. No person should lose benefits under this memorandum prior to March 5, 2018 if they properly file a renewal request and associated application for employment authorization.

Q15: Can you provide a breakdown of how many DACA EADs expire in 2017, 2018, and 2019?

A15: From August through December 2017, 201,678 individuals are set to have their DACA/EADs expire. Of these individuals, 55,258 already have submitted requests for renewal of DACA to USCIS.

In calendar year 2018, 275,344 individuals are set to have their DACA/EADs expire. Of these 275,344 individuals, 7,271 have submitted requests for renewal to USCIS.

From January through August 2019, 321,920 individuals are set to have their DACA/EADs expire. Of these 321,920 individuals, eight have submitted requests for renewal of DACA to USCIS.

Q16: What were the previous guidelines for USCIS to grant DACA?

A16: Individuals meeting the following categorical criteria could apply for DACA if they:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching their 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- Had no lawful status on June 15, 2012;
- Are currently in school, have graduated, or obtained a certificate of completion from high school, have obtained a General Educational Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Topics: [Border Security \(/topics/border-security\)](/topics/border-security/) , [Deferred Action \(/topics/deferred-action\)](/topics/deferred-action/)

Keywords: [DACA \(/keywords/daca\)](/keywords/daca/) , [Deferred Action for Childhood Arrivals \(/keywords/deferred-action-childhood-arrivals\)](/keywords/deferred-action-childhood-arrivals/)

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WHAT DO I NEED TO KNOW ABOUT THE END OF DACA?

Allison Davenport, Lena Graber, Sally Kinoshita

I. Initial and Renewal Applications

On September 5, 2017, President Trump directed the U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) to phase out and eventually end Deferred Action for Childhood Arrivals (DACA) over two and half years. This means that, as of September 5, 2017:

- USCIS will continue to process all pending **INITIAL** applications **ACCEPTED** as of September 5, 2017.
- USCIS will reject all other new **INITIAL** applications.
- USCIS will continue to process all pending **RENEWAL** applications that have already been filed.
- USCIS will continue to accept and process **RENEWAL** applications until October 5, 2017 from applicants whose DACA expires between September 5, 2017 and March 5, 2018. DACA recipients whose DACA has already expired are no longer eligible to renew.
- USCIS will reject all **INITIAL** and **RENEWAL** applications received after October 5, 2017.

IMPORTANT: Individuals with a current, unexpired grant of DACA will continue to hold DACA until it expires. This means that current DACA recipients maintain their protection from deportation and work permit until their current expiration date. USCIS will not refer DACA recipients and applicants to U.S. 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. Applicants with currently pending and processing applications should attend biometrics appointments and respond to any requests for additional evidence they receive from USCIS.

If you are eligible to renew under the above guidelines, you should do so immediately and file with enough time for your application to be delivered to and accepted by USCIS by October 5, 2017. Renewal applications must be accepted (and not just postmarked) by October 5, 2017 to ensure that your application is processed. For more information, see the government's [Frequently Asked Questions](#) and [memorandum](#) on the end of DACA.

II. Work Permits

Employment Authorization Documents (EADs), also known as work permits, for current DACA recipients remain valid until they expire or the government terminates your DACA.

- If you currently have an unexpired work permit under DACA, you are allowed to keep your work permit and 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. Your employer does not have the right to ask you whether you are a DACA recipient or how you got your work permit.

- Even though DACA is winding down, your employer does not have the right to fire you, put you on leave, or change your work status until after your work permit has expired. If your expiration date is nearing, your employer may ask you for an updated work permit but cannot take any action against you until after it is expired.
- You still have the right to apply for a new job or change jobs until your work permit expires.
- For more information about your rights as an employee see this advisory by the National Immigration Law Center: <https://www.nilc.org/issues/daca/daca-and-workplace-rights/>.

III. Social Security Numbers (SSNs)

Your SSN is a valid SSN number for life, even once your work permit and DACA grant expires.

- If you have not done so already, apply for an SSN while your DACA and work permit are still valid.
- You can and should continue to use the SSN you got under DACA as your SSN even after your work permit expires. You can use your SSN for education, banking, housing and other purposes.
- Your SSN contains a condition on it that requires a valid work permit to use it for employment purposes.

IV. Driver's Licenses and Other Identification Cards

Eligibility and requirements for a driver's license depend on the state in which you live. If you have not already done so, you can still apply for a driver's license or state identification card if your DACA is still valid and your DACA makes you eligible for a driver's license or state-issued identification card in your state.

V. Travel With Advance Parole

The government's September 5 announcement also made important changes to DACA recipients' ability to travel outside the country, also known as advance parole. Specifically:

- USCIS will reject all new applications for advance parole.
- USCIS will administratively close all pending applications for advance parole and refund the filing fee.
- USCIS states that previously approved grants of advance parole remain valid and that individuals retain the ability to exit and return the country within the dates provided in the travel document. Individuals with a valid grant of advance parole, however, should consult with an experienced immigration service provider before leaving the country.
- USCIS states that DACA recipients currently outside the country traveling with a valid grant of advance parole should be able to return to the country as long as they do so before their grant of advance parole expires.
- Even though USCIS states that grants of advance parole remain valid, U.S. Customs and Border Protection retains the discretion to deny you re-entry into the country and it is not guaranteed that DACA recipients traveling with advance parole will be allowed to re-enter the country.
- If you travel on advance parole or are currently abroad, make sure to return to the United States before the deadline.

If you have been granted advance parole under DACA but have not yet left the United States, or are interested in applying for advance parole, speak with an attorney to determine potential risks before doing anything.

VI. Other Immigration Options

Many DACA recipients may be eligible for another immigration option to get a work permit or even a green card.

- Talk to an immigration services provider to understand your legal options and if you might be eligible for another immigration benefit. Find low-cost immigration legal services: <https://www.immigrationlawhelp.org>

- Avoid fraudulent service providers: confirm their credentials, ask for a written contract and a receipt for any payments, and if you have doubts, get a second opinion.

VII. Criminal Issues

Any criminal arrest, charge, or conviction can put you at risk with immigration authorities.

- Avoid contact with law enforcement that may result in a criminal arrest. If you end up being arrested, make sure to consult an expert immigration attorney.
- If you have a criminal conviction, see an attorney to find out if it can be changed to lessen the impact on a future immigration case you may have.

VIII. Know Your Rights

Everyone – both documented and undocumented persons have rights in this country. At all times, carry a red card to exercise your right to remain silent in case you are stopped or questioned by ICE (<https://www.ilrc.org/red-cards>).

You have constitutional rights:

- **DO NOT OPEN THE DOOR** if an immigration agent is knocking on the door.
- **DO NOT ANSWER ANY QUESTIONS** from an immigration agent if they try to talk to you. You have the right to remain silent.
- **DO NOT SIGN ANYTHING** without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside of your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- **GIVE THIS CARD TO THE AGENT.** If you are inside of your home, show the card through the window or slide it under the door.

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.

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 slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike

IX. Updates and Information

Follow the news carefully and go to reliable sources for information on the status of the DACA and other immigration programs. Don't fall for scams about new fees or false information about your DACA work permit. Good sources of information include www.unitedwedream.org, www.informedimmigrant.com, www.defenddaca.com, www.ilrc.org, www.nilc.org and www.weareheretostay.org.



結束 DACA， 我需要知道什麼？

Allison Davenport, Lena Graber, Sally Kinoshita

I. 開始和續期申請

在 2017 年 9 月 5 日，特朗普總統指示國土安全部（DHS）和美國公民與移民服務署（USCIS）分階段和最後在兩年半內結束童年時期抵美延遲行動 Deferred Action for Childhood Arrivals (DACA)。意指，以 2017 年 9 月 5 日為準：

- USCIS 將繼續處理所在 2017 年 9 月 5 日時已接受之所有待決之開始申請。
- USCIS 將否決所有其他新的開始申請。
- USCIS 將繼續處理所有待決並已入檔案之續期申請。
- USCIS 將繼續接受和處理 DACA 在 2017 年 9 月 5 日至 2018 年 3 月 5 日到期之續期申請直至 2017 年 10 月 5 日。DACA 已過期者不再符合續期的資格。
- USCIS 在 2017 年 10 月 5 日之後將否決所有收到的開始和續期申請。

重要：有最新未過期之 DACA 者，將繼續持有 DACA 直至到期為止。意指目前的 DACA 收受者，可保持其被遣返之保護和工作許可，直至期滿為止。USCIS 將不會向移民局（ICE）提交 DACA 的收受者和申請者以作遣返，除非他們符合 USCIS 的出現通知之準則，或對國家安全或公共安全有風險。目前待決和正在處理之申請者，應出席生物識別技術之約見和回應任何他們從 USCIS 收到之額外證據的要求。

如根據上述準則你符合續期的資格，你應立即和提交申請俾有足夠的時間在 2017 年 10 月 5 日之前提交給 USCIS 並為其接受。續期申請必須在 2017 年 10 月 5 日前收到（而不只是以郵戳為準），以確保處理你的申請。詳情可參看政府的 [常問問題](#) 和 DACA 有關結束 DACA 的 [備忘錄](#)。

II. 工作許可

目前 DACA 收受者之就業授權文件〔Employment Authorization Documents (EADs)〕，亦稱為工作許可，將繼續有效直至到期或政府終止你的 DACA 為止。

- 如你目前根據 DACA 有未過期的工作許可，你可以保持你的工作許可和有合法工作之權利，直至你的工作許可期滿為止。
- 你無責任告訴你的僱主你的 DACA 已期滿。你的僱主無權利查問你是否一名 DACA 收受者，或你如何取得你的工作許可。
- 即使 DACA 正在接近尾聲，你的僱主無權解僱你、暫停你的工作，或改變你的工作身份，直至你的工作許可已期滿為止。如你的期滿日期即近，你的僱主可能請你提供更新的工作許可但不可以採取任何對你不利之行動，直至工作許可期滿為止。

- 你仍然有權利申請新工作或轉變工作，直至你的工作許可期滿為止。
- 有關你身為僱員之權利詳情，請參看國家移民法律中心之諮詢資料：
<https://www.nilc.org/issues/daca/daca-and-workplace-rights/>。

III. 社會安全證號碼 (SSNs)

你的 SSN 是一個終身有效的社會安全證號碼，即使你的工作許可和 DACA 已期滿。

- 如果你仍未有，在你的 DACA 和工作許可仍然有效時申請一個社會安全證號碼。
- 即使在你的工作許可期滿之後，你可以和應繼續使用根據 DACA 取得的社會安全證號碼。你可以用你的社會安全證號碼用於教育、銀行事務、房屋和其他目的用。
- 你的社會安全證號碼條件之一，是當用它做就業目的時，必須有有效的工作許可。

IV. 駕駛執照和其他身份證明卡

持有駕駛執照之資格和規定，要看你住在那一個州而定。如你仍未有，如你的 DACA 仍然有效並在你住的州可使你符合駕駛執照或州政府發出的身份證資格時，你仍可申請駕駛執照或州身份證。

V. 提前假釋之國外旅遊

政府在九月五日的宣佈，同時對 DACA 收受者在國外旅遊亦稱為提前假釋之能力，有重要的改變。具體言之：

- USCIS 將否決所有提前假釋之新申請。
- USCIS 將結束所有提前假釋之待決申請和退回申請費。
- USCIS 訂明之前准予之提前假釋保持有效，而該等人等保持在旅遊文件訂明日期內出境和入境之能力。但是，持有有效提早假釋之個人，在離開美國之前，應向一名有經驗之移民服務者諮詢。
- USCIS 訂明目前住在國外和持有有效提前假釋之 DACA 收受者，應在他們提前假釋期滿之前，可以回美國。
- 即使 USCIS 訂明提前假釋仍然有效，美國海關和邊境保護署仍可自行酌定拒絕你重新進入美國，因而並無保證會准予持有提前假釋旅遊之 DACA 收受者重新進入美國。
- 如你以提前假釋身份旅遊或目前在國外，確保在截止日期之前回美。

如根據 DACA 准予你提前假釋但你沒有離開美國，或有意申請提早假釋，在做任何事之前，請教一名律師以決定可能的風險。

VI. 其他移民選擇

很多 DACA 的收受者可能符合另一種移民選擇的資格，以取得工作許可或甚至綠卡。

- 和一名移民服務者諮詢以明白你的合法選擇，和你是否可能符合另一種移民福利的資格。查找低費用之移民服務，請上網：<https://www.immigrationlawhelp.org>
- 避免欺詐性的服務者：確實他們的資格、請他們提供一份書面合約和任何付款之收據，如你有懷疑，查詢第二者的意見。

VII. 犯罪問題

任何因犯罪而被捕、被控或定罪，均可使在移民局有風險。

- 避免聯絡可使你因犯罪而被捕的執法部門。如你被捕，確保你向一名移民專家律師諮詢。
- 如你有因犯罪而被定罪，請往見一名律師找出你是否可改變定罪對你未來移民案件之影響。

VIII. 知道你的權利

每個人——有身份或無身份者在此國家均擁有權利。在所有時候帶備下面的紅卡以執行你被移民局截停或查問時保持沉默的權利 (<https://www.ilrc.org/red-cards>).

你有以下憲法賦與的權利：

- 如移民局人員敲門，**不要開門。**
- 如移民局人員想和你交談，**不要回答任何問題。**你有權保持緘默。
- 未和律師諮詢之前，**不要簽署任何文件。**你有權和一名律師交談。
- 如你在家外面，問移民局人員你是否可以離開，如他們答可以，請鎮靜地離開。
- **出示此卡給移民局人員看。**如你在家裡。可在窗口或門下面遞出去給他們看。

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.

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 slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike

IX. 更新和資料

小心跟進和使用有關 DACA 及其他移民計劃的新聞並使用可靠的來源。不要被有關你的 DACA 工作許可付新費用或不實資料欺騙。良好的資料來源包括 www.unitedwedream.org, www.informedimmigrant.com, www.defenddaca.com, www.ilrc.org, www.nilc.org 和 www.weareheretostay.org.



结束 DACA, 我需要知道什么？

Allison Davenport, Lena Graber, Sally Kinoshita

I. 开始和续期申请

在 2017 年 9 月 5 日，特朗普总统指示国土安全部（DHS）和美国公民与移民服务署（USCIS）分阶段和最后在两年半内结束童年抵美延迟行动 Deferred Action for Childhood Arrivals (DACA)。意指，以 2017 年 9 月 5 日为准：

- USCIS 将继续处理所在 2017 年 9 月 5 日时已接受之所有待决之开始申请。
- USCIS 将否决所有其他新的开始申请。
- USCIS 将继续处理所有待决并已入档案之续期申请。
- USCIS 将继续接受和处理 DACA 在 2017 年 9 月 5 日至 2018 年 3 月 5 日到期之续期申请直至 2017 年 10 月 5 日。DACA 已过期者不再符合续期的资格。
- USCIS 在 2017 年 10 月 5 日之后将否决所有收到的开始和续期申请。

重要：有最新未过期之 DACA 者，将继续持有 DACA 直至到期为止。意指目前的 DACA 收受者，可保持其被遣返之保护和工作许可，直至期满为止。USCIS 将不会向移民局（ICE）提交 DACA 的收受者和申请者以作遣返，除非他们符合 USCIS 的出现通知之准则，或对国家安全或公共安全有风险。目前待决和正在处理之申请者，应出席生物识别技术之约见和回应任何他们从 USCIS 收到之额外证据的要求。

如根据上述准则你符合续期的资格，你应立即和提交申请俾有足够的时间在 2017 年 10 月 5 日之前提交给 USCIS 并为其接受。续期申请必须在 2017 年 10 月 5 日前收到（而不只是以邮戳为准，以确保处理你的申请。详情可参看政府的常问问题和 DACA 有关结束 DACA 的备忘录。

II. 工作许可

目前 DACA 收受者之就业授权文件〔Employment Authorization Documents (EADs)〕，亦称为工作许可，将继续有效直至到期或政府终止你的 DACA 为止。

- 如你目前根据 DACA 有未过期的工作许可，你可以保持你的工作许可和有合法工作之权利，

直至你的工作许可期满为止。

- 你无责任告诉你的雇主你的 DACA 已期满。你的雇主无权利询问你是否一名 DACA 收受者，或你如何取得你的工作许可。
- 即使 DACA 正在接近尾声，你的雇主无权解雇你、暂停你的工作，或改变你的工作身份，直至你的工作许可已期满为止。如你的期满日期即近，你的雇主可能请你提供更新的工作许可但不可以采取任何对你不利之行动，直至工作许可期满为止。
- 你仍然有权利申请新工作或转变工作，直至你的工作许可期满为止。
- 有关你身为雇员之权利详情，请参看国家移民法律中心之咨询资料：
<https://www.nilc.org/issues/daca/daca-and-workplace-rights/>.

III. 社会安全证号码 (SSNs)

你的 SSN 是一个终身有效的社会安全证号码，即使你的工作许可和 DACA 已期满。

- 如果你仍未有，在你的 DACA 和工作许可仍然有效时申请一个社会安全证号码。
- 即使在你的工作许可期满之后，你可以和应继续使用根据 DACA 取得的社会安全证号码。你可以用你的社会安全证号码用于教育、银行事务、房屋和其他目的用。
- 你的社会安全证号码条件之一，是当用它做就业目的时，必须有有效的工作许可。

IV. 驾驶执照和其他身份证明卡

持有驾驶执照之资格和规定，要看你住在那一个州而定。如你仍未有，如你的 DACA 仍然有效并在你住的州可使你符合驾驶执照或州政府发出的身份证资格时，你仍可申请驾驶执照或州身份证。

V. 提前假释之国外旅游

政府在九月五日的宣布，同时对 DACA 收受者在国外旅游亦称为提前假释之能力，有重要的改变。具体言之：

- USCIS 将否决所有提前假释之新申请。
- USCIS 将结束所有提前假释之待决申请和退回申请费。
- USCIS 订明之前准予之提前假释保持有效，而该等人等保持在旅游文件订明日期内出境和入境之能力。但是，持有有效提早假释之个人，在离开美国之前，应向一名有经验之移民服务者咨询。
- USCIS 订明目前住在海外和持有有效提前假释之 DACA 收受者，应在他们提前假释期满之前，可以回美国。
- 即使 USCIS 订明提前假释仍然有效，美国海关和边境保护署仍可自行酌定拒绝你重新进入美国，因而并无保证会准予持有提前假释旅游之 DACA 收受者重新进入美国。
- 如你以提前假释身份旅游或目前在海外，确保在截止日期之前回美。

如根据 DACA 准予你提前假释但你没有离开美国，或有意申请提早假释，在做任何事之前，请教一名律师以决定可能的风险。

VI. 其他移民选择

很多 DACA 的收受者可能符合另一种移民选择的资格，以取得工作许可或甚至绿卡。

- 和一名移民服务者咨询以明白你的合法选择，和你是否可能符合另一种移民福利的资格。查找低费用之移民服务，请上网：<https://www.immigrationlawhelp.org>
- 避免欺诈性的服务者：确实他们的资格、请他们提供一份书面合约和任何付款之收据，如果你有怀疑，查询第二者的意见。

VII. 犯罪问题

任何因犯罪而被捕、被控或定罪，均可使在移民局有风险。

- 避免联络可使你因犯罪而被捕的执法部门。如你被捕，确保你向一名移民专家律师咨询。
- 如你有因犯罪而被定罪，请往见一名律师找出你是否可改变定罪对你未来移民案件之影响。

VIII. 道你的权利

每个人——有身份或无身份者在此国家均拥有权利。在所有时候带备下面的红卡以执行你被移民局截停或查问时保持沉默的权利 (<https://www.ilrc.org/red-cards>).

你有以下宪法赋予的权利：

- 如移民局人员敲门，不要开门。
- 如移民局人员想和你交谈，不要回答任何问题。你有权保持缄默。
- 未和律师咨询之前，不要签署任何文件。你有权和一名律师交谈。
- 如你在家外面，问移民局人员你是否可以离开，如他们答可以，请镇静地离开。
- 出示此卡给移民局人员看。如你在家。可在窗口或门下面递出去给他们看

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.

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 slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike

IX. 更新和资料

小心跟进和使用有关 DACA 及其他移民计划的新闻并使用可靠的来源。不要被有关你的 DACA 工作许可付新费用或不实资料欺骗。良好的资料来源包括 www.unitedwedream.org, www.informedimmigrant.com, www.defenddaca.com, www.ilrc.org, www.nilc.org 和 www.weareheretostay.org.



¿Qué debo de saber sobre el fin del programa DACA?

I. Solicitudes iniciales y de renovación

El 5 de septiembre del 2017, el presidente Trump ordenó al Departamento de Seguridad Nacional (DHS) y al Servicio de Ciudadanía e Inmigración de Los Estados Unidos (USCIS), que elimine gradualmente y eventualmente termine con la Acción Deferida para los Llegados en la Infancia (DACA) en un periodo de dos años y medio. Esto significa que, a partir del 5 de septiembre, 2017:

- USCIS continuará procesando todas las solicitudes iniciales que fueron recibidas el 5 de septiembre del 2017.
- USCIS rechazará cualquier solicitud inicial recibida después de esa fecha.
- USCIS continuará procesando todas las solicitudes de renovación que fueron presentadas el 5 de septiembre del 2017.
- USCIS solo aceptará y procesará solicitudes de renovación hasta el 5 de octubre del 2017 de aquellos solicitantes que su DACA se les vence entre el 5 de septiembre del 2017 y el 5 de marzo del 2018. Aquellos recipientes de DACA cuyo permiso de trabajo ya se les venció, ya no son elegibles para renovar.
- USCIS rechazará todas las solicitudes iniciales y de renovación recibidas después del 5 de octubre del 2017.

Importante: Individuos con permisos vigentes y sin vencer de DACA continuarán manteniendo DACA hasta que se les venza. Esto significa que los recipientes que tienen DACA vigente mantendrán la protección de deportación y su permiso de trabajo válido hasta la fecha de vencimiento de su caso. USCIS no referirá a los recipientes de DACA y solicitantes a la oficina de detención y deportación (ICE) para ser deportados al menos que ellos estén bajo los requisitos de la política actual para ser referido a la corte de inmigración o presentan un riesgo para la seguridad nacional o seguridad pública. Los solicitantes que tienen solicitudes pendientes y están en proceso, deben ir a sus citas de las huellas y contestar cualquier tipo de requisitos de evidencia adicional que reciban por USCIS.

Si usted es elegible para renovar bajo las normas de arriba, debería de hacerlo inmediatamente y mandarlo con suficiente tiempo para que su solicitud sea entregada y aceptada por USCIS para el 5 de octubre del 2017. Las solicitudes de renovación deben ser aceptadas (y no solo tengan el sello de dicha fecha) para el 5 de octubre del 2017 para cerciorarse que su solicitud sea procesada. Para más información, vea la página del gobierno [Frequently Asked Questions](#) y memorándum sobre el final de DACA.

II. Permisos de trabajo

Los documentos de autorización de empleo, también conocidos como permisos de trabajo, son generalmente válidos hasta que se vencen o hasta que el gobierno termine con su DACA.

- Si en la actualidad usted tiene un permiso de trabajo bajo DACA sin vencer, puede usarlo y tiene el derecho de trabajar legalmente hasta la fecha de vencimiento del permiso de trabajo.
- Usted no tiene obligación de informar a su empleador que DACA ha terminado. Su empleador no tiene el derecho de preguntarle si usted es un recipiente de DACA o sobre como obtuvo su permiso de trabajo.
- Aunque DACA está por terminarse, su empleador no tiene el derecho de despedirlo, o darlo de baja o cambiar su estatus de trabajo hasta que su permiso se venza. Si la fecha de vencimiento se está aproximando, su empleador le podría pedir un permiso de trabajo actualizado, pero no puede tomar acción contra usted hasta después de que se venza.

- Usted todavía tiene el derecho de solicitar por un trabajo nuevo, o cambiar de trabajo hasta que su permiso se venza.
- Para más información sobre sus derechos como empleado, vea este aviso por el National Immigration Law Center: <https://www.nilc.org/issues/daca/daca-and-workplace-rights/>.

III. Números de Seguro Social (SSNs)

Su número de seguro social es un número de seguro social válido de por vida, aun cuando su permiso de trabajo y de DACA se venza.

- Si no lo ha hecho todavía, solicite por un número de Seguro Social mientras que su DACA y permiso de trabajo estén vigentes.
- Usted puede y debería seguir usando su número de Seguro Social que obtuvo por medio de DACA como su número de seguro social aun después que su permiso de trabajo se venza. Usted puede usar su número de Seguro Social para motivos de educación, actividades bancarias, de vivienda, y otros motivos.
- Su número de Seguro Social contiene una condición que requiere un permiso de trabajo vigente para poder usarlo para propósitos de empleo.

IV. Licencias de Manejar y otras Tarjetas de Identificación

La elegibilidad para estas depende en el estado en cual usted vive. Si no lo ha hecho, solicite por una licencia de manejo, o una tarjeta de identificación si su DACA es aun valida, y eso lo hace elegible para una licencia de manejo o una tarjeta de identificación en su estado.

V. Permiso de Viaje (Advance Parole)

El anuncio del Gobierno el 5 de septiembre también hizo cambios muy importantes para los recipientes de DACA sobre la habilidad de viajar fuera del país, mejor conocido como permiso de viaje o Advance Parole. Específicamente;

- USCIS va a rechazar todas las nuevas solicitudes para permisos de viaje.
- USCIS va a cerrar todas las solicitudes pendientes para permisos de viaje y se les devolverá su pago de la solicitud.
- USCIS dice que las solicitudes previas que fueron aprobadas para el permiso de viaje permanecen válidas y que el individuo tiene la habilidad para salir y regresar al país dentro de la fecha proveída en el documento de viaje. Aquellos individuos con un permiso de viaje válido, sin embargo, deben consultar con un proveedor experto en inmigración antes de salir del país.
- USCIS dice que los recipientes de DACA que actualmente están fuera del país viajando con permiso de viaje válido podrán regresar al país siempre y cuando lo hagan antes que se les venza su permiso de viaje.
- Aunque USCIS dice que el programa de permiso de viaje sigue válido, la Oficina de Aduanas y Protección Fronteriza tiene la discreción de negar su entrada al país, y no está garantizado que los recipientes de DACA viajando con un permiso de viaje los dejen entrar al país.
- Si usted viaja con permiso de viaje, o si usted está fuera del país por medio de un permiso de viaje, asegúrese de regresar antes de que se le venza la fecha.

Si le han otorgado un permiso de viaje por medio de DACA, pero aun no sale de los Estados Unidos, hable con un abogado para poder determinar los riesgos antes de viajar.

VI. Otras Opciones Migratorias

Muchos recipientes de DACA podrían ser elegibles para otra opción migratoria para poder obtener un permiso de trabajo, o aún mejor la residencia permanente.

- Hable con un proveedor de servicios de Inmigración para poder entender sus opciones legales y si podría ser elegible para otro beneficio migratorio. Encuentre servicios legales de inmigración de bajo costo: <https://www.immigrationlawhelp.org>

- Evite proveedores de servicios fraudulentos: confirme sus credenciales, pida por un contrato en escrito y un recibo por cualquier pago que haga, y si tiene dudas, obtenga una segunda opinión.

VII. Asuntos Penales

Cualquier arresto criminal, cargo, o convicción puede ponerlo en riesgo con las autoridades de inmigración.

- Evite cualquier tipo de contacto con las autoridades policiales que podría resultar en un arresto criminal. Si usted termina siendo arrestado, asegúrese de consultar con un abogado experto en Inmigración.
- Si usted tiene una convicción criminal, averigüe si se puede cambiar para disminuir el impacto en un caso de Inmigración en el futuro.

VIII. Conozca Sus Derechos

Todos- personas documentadas e indocumentadas- tienen derechos en este país. En todo momento, cargue una tarjeta roja para ejercer su derecho de permanecer en silencio encaso que sea parado o cuestionado por agentes de inmigración (<https://www.ilrc.org/red-cards>).

Usted tiene derechos constitucionales:

- **NO ABRA LA PUERTA** si un agente de inmigración está tocando la puerta.
- **NO CONTESTE NINGUNA PREGUNTA** de un agente de inmigración si el trata de hablar con usted. Usted tiene el derecho de mantenerse callado.
- **NO FIRME NADA** sin antes hablar con un abogado. Usted tiene el derecho de hablar con un abogado.
- Si usted está afuera de su casa, pregunte al agente si es libre para irse y si dice que sí, váyase con tranquilidad.
- **ENTREGUE ESTA TARJETA AL AGENTE.** Si usted está dentro de su casa, muéstrele la tarjeta por la ventana o pásela debajo de la puerta.

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.

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 slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

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IX. Noticias e Información

Sigua las noticas cuidadosamente y acuda a fuentes de confianza para obtener información sobre el estatus del programa DACA y otros programas migratorios. No caiga en estafas sobre nuevas tarifas o información falsa sobre su permiso de trabajo bajo DACA. Buenas fuentes de información incluyen: www.unitedwedream.org, www.informedimmigrant.com, www.defenddaca.com, www.ilrc.org, www.nilc.org, y www.weareheretostay.org.



CRIMINAL AND INADMISSABILITY BARS FOR 2017 DREAM ACT AND RELATED LEGISLATION

By Jose Magaña-Salgado

Criminal Bar, Ground of Inadmissibility, Ground of Deportability or Other	DREAM Act of 2017 ¹ S.1615 & H.R.3440	Recognizing America's Children Act (2017) ² H.R.1468	American Hope Act of 2017 ³ H.R.3591	BRIDGE Act (2017) ⁴ S.128 & H.R.496	Deferred Action for Childhood Arrivals ⁵
Minor Traffic Misdemeanor Convictions	Not a bar (functionally). Commentary. While there is no statutory exclusion for “minor traffic offenses” (or similar) the requirement that an applicant must not be convicted of three misdemeanors <i>and</i> imprisoned for an aggregate of 90 days or more (see “Misdemeanors”) functionally means that minor traffic misdemeanors are excluded.	Not a bar.	Not a bar (functionally). Commentary. While there is no statutory exclusion for “minor traffic offenses” (or similar), the requirement that an applicant need only not be inadmissible under certain grounds (see “Grounds of Inadmissibility”) functionally means that minor traffic misdemeanors are excluded.	Not a bar.	Not a bar.
State Immigration Misdemeanor and Felony Convictions	Not a bar.	Not a bar.	Waiver Available. Commentary. Waiver is available if a state immigration misdemeanor or felony triggers a ground of inadmissibility.	Not a bar. Commentary. Significant misdemeanors where the offense was a state or local immigration offense are also excluded.	Not a bar. Commentary. Significant misdemeanors where the offense was a state or local immigration offense are also excluded.
Juvenile Adjudications Also known as “Delinquency Adjudications.”	Do not trigger the misdemeanor bar, felony bar, or grounds of inadmissibility	Do not trigger the misdemeanor bar, felony bar, and grounds of inadmissibility	Do not trigger grounds of inadmissibility triggered by convictions (but not conduct).	Not a bar. Commentary. While this bill does not discuss juvenile adjudications, under BIA case	Not a bar. Commentary. While a delinquency adjudication will not automatically disqualify

¹ For questions regarding this document, please contact Lena Graber at lgraber@ilrc.org.

	<p>triggered by convictions (but not conduct).</p> <p>Commentary. While this bill does not discuss juvenile adjudications, under BIA case law, a juvenile adjudication is not a conviction for immigration purposes.⁶</p> <p>However, certain grounds of inadmissibility may be triggered by conduct and not a conviction, e.g. INA § 212(a)(2)(C) (reason to believe drug trafficker).</p>	<p>triggered by convictions (but not conduct).</p> <p>Commentary. While this bill does not discuss juvenile adjudications, under BIA case law, a juvenile adjudication is not a conviction for immigration purposes.</p> <p>However, certain grounds of inadmissibility may be triggered by conduct and not a conviction, e.g. INA § 212(a)(2)(C) (reason to believe drug trafficker).</p>	<p>Commentary. While this bill does not discuss juvenile adjudications, under BIA case law, a juvenile adjudication is not a conviction for immigration purposes.</p> <p>However, certain grounds of inadmissibility may be triggered by conduct and not a conviction, e.g. INA § 212(a)(2)(C) (reason to believe drug trafficker).</p>	<p>law, a juvenile adjudication is not a conviction for immigration purposes.</p> <p>Moreover, because there is no provision to deny an applicant based on an exercise of discretion, unlike DACA, a broader population of applicants may receive relief (e.g. individuals with juvenile adjudications that would be or were denied on discretion in the DACA context).</p>	<p>an applicant, she may still be denied on discretion upon review of the underlying conduct that gave rise to the adjudication.</p>
<p>Conviction of One or More Misdemeanors</p> <p>A misdemeanor is a federal, state, or local offense where the maximum term of imprisonment is one year or less but greater than five days.</p>	<p>Ineligible if convicted of three or more misdemeanors, convicted on different dates, and imprisoned for an aggregate of 90 days or more.</p> <p>Text. “3 or more offenses . . . for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more.”</p>	<p>Ineligible if convicted one or more misdemeanors where an applicant was sentenced to a total of more than one year (waiver available).</p> <p>Text. “[A]ny combination of offenses . . . for which the alien was sentenced to imprisonment for a total of more than 1 year.”</p>	<p>Not a bar.</p> <p>Commentary. While this bill does not have a per se (or “automatic”) misdemeanor bar, certain conduct or convictions could disqualify an applicant if they touch upon one of the grounds of inadmissibility contained in this bill.</p>	<p>Ineligible if convicted of three or more misdemeanors, where conduct did not occur on the same date and did not arise out of the same scheme.</p> <p>Text. “[T]hree or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct.”</p>	<p>Ineligible if convicted of three or more misdemeanors, where conduct did not occur on the same date and did not arise out of the same scheme.</p> <p>Text. “If you have been convicted of . . . three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, you will not be considered for” DACA.</p>
<p>Significant Misdemeanor Bar</p> <p>Significant misdemeanors are a non-statutory class of offenses originally created by the Obama Administration that are misdemeanors but deemed serious enough to warrant exclusion in certain types of relief.</p>	<p>Not a bar.</p>	<p>Not a bar.</p>	<p>Not a bar.</p>	<p>Ineligible if convicted of one or more significant misdemeanors.</p> <p>Commentary. Significant misdemeanor is defined as one or more misdemeanors involving: (a) domestic violence (defined as INA 237(a)(2)(E)(i)); (b) sexual abuse or exploitation; (c)</p>	<p>Ineligible if convicted of one or more significant misdemeanors.</p> <p>Commentary. Significant misdemeanor defined as one or more misdemeanors involving: (a) domestic violence; (b) sexual abuse or exploitation; (c) burglary; (d) unlawful possession or use of</p>

				<p>burglary; (d) unlawful possession or use of a firearm; (e) drug distribution or trafficking; (f) driving under the influence where there was operation of a motor vehicle and finding of impairment or a minimum .08 BAC; or (g) an offense for which the individual was sentenced 90 days or more in custody, excluding suspended sentences.</p> <p>Commentary. As USCIS defined these terms through guidance for DACA, some of these offenses were defined by their analogues in federal law or had that guidance codified.</p>	<p>a firearm; (e) drug distribution or trafficking; (f) driving under the influence where there was operation of a motor vehicle and finding of impairment or a minimum .08 BAC); or (g) an offense for which the individual was sentenced 90 days or more in custody, excluding suspended sentences.</p> <p>Commentary. USCIS defines these terms through guidance and FAQs. For more information, see https://www.ilrc.org/crimes-related-bars-daca-daca.</p>
<p>Conviction of a Felony</p> <p>A felony is a federal, state, or local offense where the maximum term of imprisonment is greater than one year.</p>	One or more felonies disqualifies an applicant.	One or more felonies disqualifies an applicant (waiver available).	Not a bar.	One or more felonies disqualifies an applicant.	One or more felonies disqualifies an applicant.
<p>Expunged Convictions</p> <p>Under immigration law, post-conviction relief based on rehabilitative factors such as successfully completing probation (colloquially known as “expungement” or similar) does not erase a conviction for the purposes of immigration law.</p>	<p>Reviewed on case-by-case basis.</p> <p>Commentary. Expunged misdemeanor convictions, felony convictions, and convictions triggering grounds of inadmissibility do not automatically disqualify an applicant, but instead are reviewed on a case-by-case basis.</p>	<p>Not considered convictions for misdemeanor and felony bars.</p> <p>Commentary/Text. Bill defines these types of convictions as “any adjudication or judgment of guilt that has been dismissed, expunged, deferred, annulled, invalidated, withheld, or vacated, an order of probation</p>	<p>Considered convictions but waivable.</p> <p>Commentary. Expunged convictions can still function as a ground of inadmissibility, but a waiver is available.</p>	<p>Reviewed on case-by-case basis.</p> <p>Commentary. Expunged misdemeanor, significant misdemeanor, and felony convictions do not automatically disqualify an applicant, but instead are reviewed one case-by-case basis.</p>	<p>Reviewed on case-by-case basis.</p> <p>Commentary. Expunged misdemeanor, significant misdemeanor, and felony convictions do not automatically disqualify an applicant, but instead are reviewed one case-by-case basis.</p>

		without entry of judgement, or any similar disposition.”			
Suspended Sentences Under existing law, a sentence where part of all of the sentence is suspended is still considered a term of imprisonment or sentence for the purposes of immigration law.	N/A	8 U.S.C. 1101(48)(B) does not apply to misdemeanor and felony convictions, which means that suspended sentences are not considered a term of imprisonment or sentence for the purposes of immigration law.	N/A.	The significant misdemeanor bar based on a sentence of more 90 days does not include suspended sentences.	The significant misdemeanor bar based on a sentence of more 90 days does not include suspended sentences.
Public Safety	Excluded.	Excluded.	Excluded.	Applicants cannot have been convicted of an offense that had as an element participating in a criminal street gang (18 U.S.C. 521(a) or engaging in a continuing criminal enterprise (21 U.S.C. 848(c)). As USCIS defined “threat to public safety” through guidance for DACA, this reference to existing federal law represents the codification of that guidance.	Ineligible if deemed a threat to public safety. Commentary/Text. Indicators that you pose such a threat include, but are not limited to, gang membership, participation in criminal activities, or participation in activities that threaten the United States.
National Security	Ineligible if inadmissible under INA 212(a)(2) (security-related grounds).	Ineligible if inadmissible under INA 212(a)(2) (security-related grounds).	Ineligible if inadmissible under INA 212(a)(2) (security-related grounds).	Ineligible if inadmissible under INA 212(a)(2) or 237(a)(4) (security-related grounds). Commentary: Applicants are ineligible for relief if they are a national security threat. Threat to national security is defined by inadmissibility	Ineligible if a national security or public safety threat. Commentary/Text. Indicators that the person poses such a threat include, but are not limited to, gang membership, participation in criminal activities, or participation in activities that threaten the United States.

				under INA 212(a)(3) or deportability under 237(a)(4). As USCIS defined “threat to national security” through guidance for DACA, this inadmissibility and deportability ground represent the codification of that guidance.	
Denial on Discretionary Grounds	No denial based on discretion.	No denial based on discretion.	No denial based on discretion.	No denial based on discretion. Commentary. Unlike DACA, BRIDGE does not contain a discretionary component, which means that some applicants who did not qualify for DACA (because they were denied on discretionary grounds but still met the DACA criteria) may be able to obtain relief under BRIDGE.	Yes. Commentary. An applicant’s entire criminal history may be reviewed and, even if there are no disqualifying convictions, USCIS may still deny relief on discretionary grounds.
Waivers for Criminal History or Grounds of Inadmissibility	Waiver available for certain grounds of inadmissibility for humanitarian purposes, family unity, or otherwise in the public interest.	Waiver available for certain grounds of inadmissibility and deportability for humanitarian purposes, family unity, or otherwise in the public interest. Waiver available for felony convictions or convictions where applicant was sentenced to imprisonment of more than one year.	Waiver available for certain grounds of inadmissibility for humanitarian purposes, family unity, or otherwise in the public interest.	No.	Waiver for criminal history available for convictions where there are “exceptional circumstances.”
Grounds of Inadmissibility					
INA 212(a)(1) (Health-related reasons)	No.	Yes (waiver available).	No.	No.	No.

INA 212(a)(2) (Criminal and Related Grounds) Including crimes involving moral turpitude, controlled substance violations, two or more offenses with aggregate sentences of more than five years.	Yes (waiver available).	Yes.	Yes (waiver available). Commentary. Any misdemeanor offense, any other offense that is not a crime of violence, and state/federal immigration-based offenses may be waived.		No.
INA 212(a)(3) (Security and Related Grounds)	Yes.	Yes.	Yes.	Yes.	No.
INA 212(a)(4) (Public Charge)	No.	Yes.	No.	No.	No.
INA 212(a)(6)(E) (Smuggling)	Yes (waiver available).	Yes (waiver available).	No.	No.	No.
INA 212(a)(6)(G) (Student Visa Abusers)	Yes (waiver available).	No.	No.	No.	No.
INA 212(a)(8) (Ineligible for Citizenship)	Yes.	Yes.	Yes.	No.	No.
INA 212(a)(10)(A) (Practicing Polygamists)	Yes.	Yes.	Yes.	No.	No.
INA 212(a)(10)(C) (International Child Abduction)	Yes.	Yes.	Yes.	No.	No.
INA 212(a)(10)(D) (Unlawful Voting)	Yes (waiver available).	Yes.	No.	No.	No.
INA 212(a)(10)(E) (Renunciation of Citizenship to Avoid Taxes)	No.	No.	Yes.	No.	No.
Grounds of Deportability	Not a bar.	Ineligible for relief of an applicant is deportable under INA 237(a): (1)(E) – Smuggling (waiver available)	Not a bar.	Ineligible for relief of an applicant is deportable under INA 237(a): (4) – Security and Related Grounds.	Not a bar.

		<p>(1)(G) – Marriage Fraud (waiver available)</p> <p>(2) – General Crimes.</p> <p>(4) – Security and Related Grounds.</p> <p>(5) – Public Charge.</p> <p>(6) – Unlawful Voting.</p>			
Persecution Bars	Applicants are ineligible for relief if they have ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.	Applicants are ineligible for relief if they have ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.	Not a bar.	Not a bar.	Not a bar.

¹ See Dream Act of 2017, S.1615, 115th Cong. (2017), <https://www.congress.gov/bill/115th-congress/senate-bill/1615>.

² See Recognizing America's Children Act of 2017, HR.1468, 115th Cong. (2017), <https://www.congress.gov/bill/115th-congress/house-bill/1468>.

³ See American Hope Act of 2017, HR.3591, 115th Cong. (2017), <https://www.congress.gov/bill/115th-congress/house-bill/3591>.

⁴ See BRIDGE Act, S.128, 115th Cong. (2017), <https://www.congress.gov/bill/115th-congress/senate-bill/128>.

⁵ See Memorandum from Janet Napolitano, Secretary, U.S. Department of Homeland Security, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children, to David V. Aguilar, Acting Commissioner, U.S. Customs and Border Protection, et. al, (June 15, 2012), *available at* <http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>.

⁶ *Matter of Devison*, 22 I&N Dec. 1362 (BIA 2000) (en banc).