

DACA/DAPA

LOYOLA IMMIGRANT JUSTICE CLINIC

DACA

Deferred Action for Childhood Arrivals

The image shows two overlapping USCIS forms titled "Consideration of Deferred Action for Childhood Arrivals" from the Department of Homeland Security, U.S. Citizenship and Immigration Services. The forms are yellow with black text and features the USCIS seal. The top form is partially obscured by the bottom form. Visible fields include "Case ID:", "Requester interview on", and a "STAR" button. A yellow box on the left side of the top form contains the text "For USCIS Use Only". The bottom form also shows a "STAR" button and a "Remarks" field. The word "Receipt" is visible in the top right corner of both forms.

DEFERRED ACTION

On June 15, 2012 President Barack Obama announced that the U.S. department of Homeland Security (DHS) Would not deport certain undocumented youth who had come to the United States as Children. These youth may be granted a type of temporary permission to stay in the U.S. called "deferred action."




EXPANDED DACA

On November 20, 2014 the DACA program was expanded:

- The age cap was eliminated
- Changed from having to live continuously in the U.S. since June 15, 2007 to Present
 - ❖ Proof of Presence changed to January 1, 2010 to Present
- Work permits were increased from two years to three years

DEFERRED ACTION BENEFITS

- It is an administrative relief from deportation
 - Authorizes a non-U.S. citizen to remain in the U.S. temporarily
 - Those eligible may also apply for a work permit while she or he has deferred action
 - Considered to be lawfully present in the U.S. for as long as the grant of deferred action
 - Social Security Number and Identification
- 


DEFERRED ACTION IS NOT:

- Permanent
- A path to lawful permanent residence status
- A path to citizenship




CURRENT DACA PROGRAM ELIGIBILITY

You are eligible to apply under the current DACA program if:

1. You came to the US before 16th birthday
 2. Are 15 years old or older when file DACA application
 3. You were under the age of 31 as of June 15, 2012
 4. You resided continuously in the US from since June 15, 2007 up until the present time
 5. You were physically present in the US on June 15, 2012
 6. You were undocumented as of June 15, 2012
 7. You are in school, have graduated high school, obtained a GED or have been involved in the US armed forces
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EXPANDED DACA PROGRAM ELIGIBILITY

You are eligible to apply under the expanded DACA Program if:

1. You came to the US before 16th birthday
 2. You resided continuously in the US from January 1, 2010 to Present
 3. You were physically present in the US on June 15, 2012
 4. You were undocumented as of June 15, 2012
 5. You are in school, have graduated high school, obtained a GED or have been involved in the US armed forces.
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WHO IS NOT ELIGIBLE TO APPLY FOR DACA?

You will not be considered for DACA if you have been convicted of:

- A felony; or
- A significant misdemeanor; or
- Three or more misdemeanor offenses; or
- You are believed to pose a threat to national security or public safety.



WHAT DO THOSE BARS MEAN?

Felony:

- a criminal offense that carries a punishment of more than one year.

Significant Misdemeanor:

- Term of legal art
- Includes offenses like: domestic violence, sexual abuse or exploitation, burglary, unlawful possession of a firearm, drug distribution or trafficking, or, driving under the influence.

WHAT DO THOSE BARS MEAN?

Threat to national security or public safety

Factors to determine:

- 1. Gang membership
- 2. Participation in criminal activities
- 3. Participation in activities that threaten the United States (ex: terrorist)

WHAT DO I DO IF I HAVE ONE OF THESE BARS?

If you have any of these convictions, then you should:

1. Go get a Fingerprint Live Scan and obtain a copy of you criminal records, including any juvenile adjudications, and
2. See an immigration attorney to advise you about whether you can still apply for DACA
3. Remember, driving infractions do not count against you.

**HOW DO I DEMONSTRATE I QUALIFY FOR
DACA?**



EVIDENCE OF YOUR IDENTITY

- ✓ Passport or national identity document from your country of origin
- ✓ Birth certification with photo
- ✓ School or military ID with photo




EVIDENCE YOU CAME TO THE U.S. BEFORE YOUR 16TH BIRTHDAY

- ✓ Passport with admission stamp
- ✓ School records from any U.S. schools you have attended
- ✓ Any immigration document that shows your date of entry
- ✓ Hospital or medical records (vaccinations)



EVIDENCE TO MEET CONTINUOUS RESIDENCE AND PHYSICAL PRESENCE

- ✓ Rent receipts or utility bills
 - ✓ Employment records (pay stubs, W-2 Forms, etc.)
 - ✓ School records (letters, report cards, etc.)
 - ✓ Copies of money order receipts for money sent in or out of the country
 - ✓ Bank transactions with dates
 - ✓ Car license receipts or registration
 - ✓ Deeds, mortgages, rental agreement contracts
 - ✓ Tax receipts, insurance policies
 - ✓ Anything with your name and date!
- 

EVIDENCE OF YOUR EDUCATION STATUS

- ✓ School records (transcripts, report cards, etc.) U.S. high school diploma, certificate of completion, or other award
- ✓ High school equivalency diploma or certificate recognized under state law
- ✓ Evidence that you passed a state-authorized exam
- ✓ Proof of enrollment



HOW TO APPLY

If you qualify, you must complete the DACA application:

- A blank copy of the forms are attached to our packet
- Download application from USCIS. Gove
- Form 1-821D (must be most recent version of the form)
- Form I-765: Application for Employment Authorization
- Form I-765Worksheet
 - ❖ Must show an economic need for employment to get the work permit
- Collect Necessary Evidence

HOW TO APPLY CONT'D:

Note: The available application is only for the Current DACA program. The updated form designed for Expanded DACA is still not available.

When will the new form be available?

- Not sure in light of the injunction and stay
- We have much hope it will be available very soon!



FEES


Application fee is \$465

- \$380 fee for employment authorization
- \$85 fee for fingerprints
- Total: \$465




DACA RENEWAL

You meet the following requirements for a DACA Renewal:

- Must not have departed the US on or after August 15,2012 without first having been granted advanced parole
 - Must have resided continuously in US from time you submitted you initial request for DACA
 - Must not have been convicted of a felony, significant misdemeanor, three or more misdemeanors, and must not pose a threat to national security or public safety
 - You can use the same forms for renewal.
- 

WHAT CAN I DO NOW?

- Start gathering all of your documents for each requirement.
 - Use the chart provided in the handout to help you determine whether you meet the continuous residence requirement help you determine where you have gaps in documentation
 - If you have a criminal conviction(s): Obtain a fingerprint Live Scan and a copy of your docket for any criminal convictions and see an immigration attorney before applying for DACA.
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The image features a background with diagonal stripes in red, dark grey, and light grey. The text 'DAPA' is prominently displayed in large, bold, black capital letters, tilted at an angle. Below it, in smaller, black capital letters, is the text 'DEFERRED ACTION FOR PARENTS OF AMERICAN CITIZENS AND LAWFUL PERMANENT RESIDENTS', also tilted at the same angle.

DAPA

DEFERRED ACTION FOR PARENTS OF AMERICAN CITIZENS
AND LAWFUL PERMANENT RESIDENTS

OVERVIEW OF EXECUTIVE ACTION: DAPA

November 20, 2014 President Obama announced new executive actions


- Prioritize deporting felons not families
- Extended Deferred Action for undocumented parents of US citizens and green card holder
 - ❖ This means those who qualify will be allowed to temporarily stay without fear of deportation
- An injunction order has delayed the implementation of DAPA. The president has filed a stay to allow the program to go forward.

WHAT ARE THE BENEFITS?

- Deferred Action for Three Years
- Employment authorization for Three Years
- Ability to pay taxes once work authorization is given.
 - ❖ It is strongly recommended that DAPA applicants continue paying their taxes or begin to if they aren't already paying .
 - ❖ If you don't have a SSN, you can file your tax returns with an Individual Taxpayer Identification Number (ITIN).
- Social Security Number and Unmarked Driver's license

DAPA ELIGIBILITY

You are eligible to apply under DAPA if:

1. You must be a parent to a US citizen or resident child.
 2. Your child was born on or before November 20, 2014.
 3. You have resided in the US continuously since January 1, 2010
 4. You were physically present in the US on November 20, 2014
 5. You must have entered the US without permission or if you entered with permission your visa or status must have expired before November 20, 2014
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WHO IS NOT ELIGIBLE TO APPLY FOR DAPA?

You will not be eligible for DAPA if:

1. You have a felony of any kind
2. You have three or more misdemeanors
3. You have a significant misdemeanor
 - ❖ Term of legal art, consult with an attorney
 - ❖ Minor traffic offenses are not misdemeanors, unless they are drug or alcohol-related. (ex. DUI)
4. You are considered to be an enforcement priority or a risk to national or public safety.

WHO IS NOT ELIGIBLE TO APPLY FOR DAPA?

The following are considered to be an enforcement priority or a risk to national or public safety includes:

- Terrorist, gang members, persons with felonies, persons that arrived recently, person with significant misdemeanors, Person with 3 or more misdemeanors, people with final orders of deportation filed after January 1, 2014.

Note: A background check WILL be conducted. If you believe any of the criminal or enforcement priority may apply to you, consult with an attorney.

HOW DO I APPLY FOR DAPA?

- There is currently no form or official instructions for submitting a request for DAPA.
- In light of the injunction and stay, we are unsure as to when USCIS will release and start accepting DAPA applications, but it should be sometime this year.
- What can I do? Take this time to collect your evidence!!



**WHAT DO I NEED TO SUBMIT TO PROVE
ELIGIBILITY?**

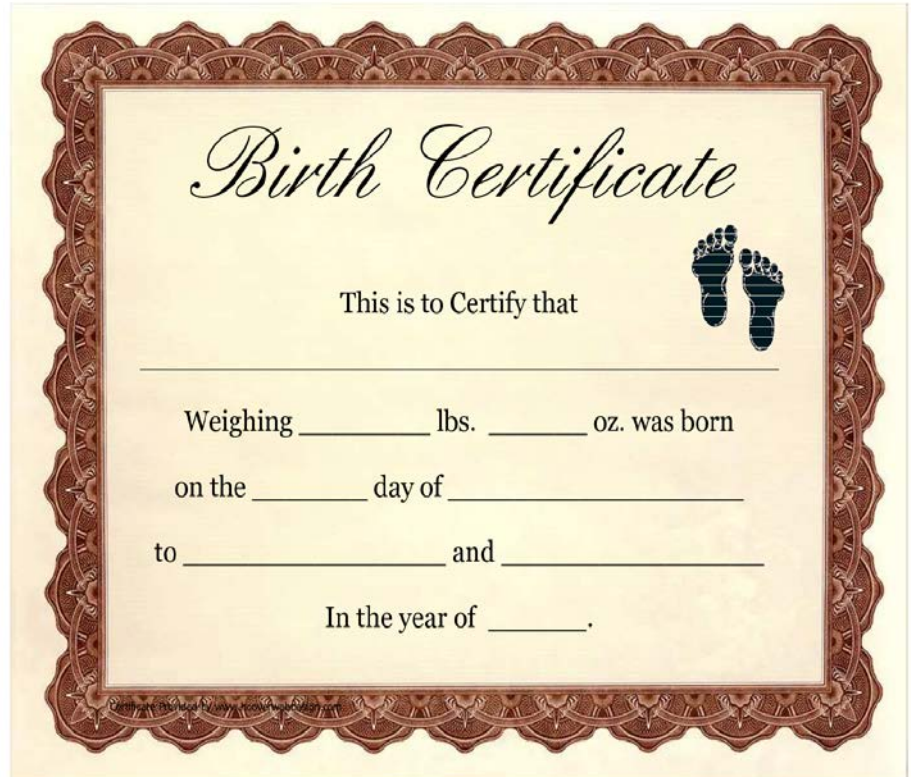
EVIDENCE OF YOUR IDENTITY

- ✓ Birth certificate
- ✓ photo id
- ✓ passport
- ✓ matricula




PROOF OF PARENT- CHILD RELATIONSHIP

✓ Birth certificate



Birth Certificate

This is to Certify that 

Weighing _____ lbs. _____ oz. was born

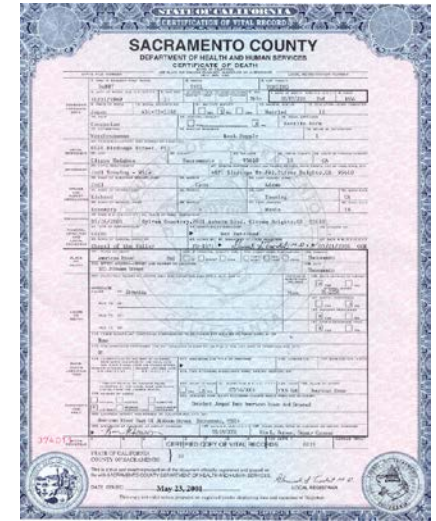
on the _____ day of _____

to _____ and _____

In the year of _____.

Certificate provided by www.proofparentchild.com

- ✓ US birth certificate
- ✓ US passport
- ✓ Green Card



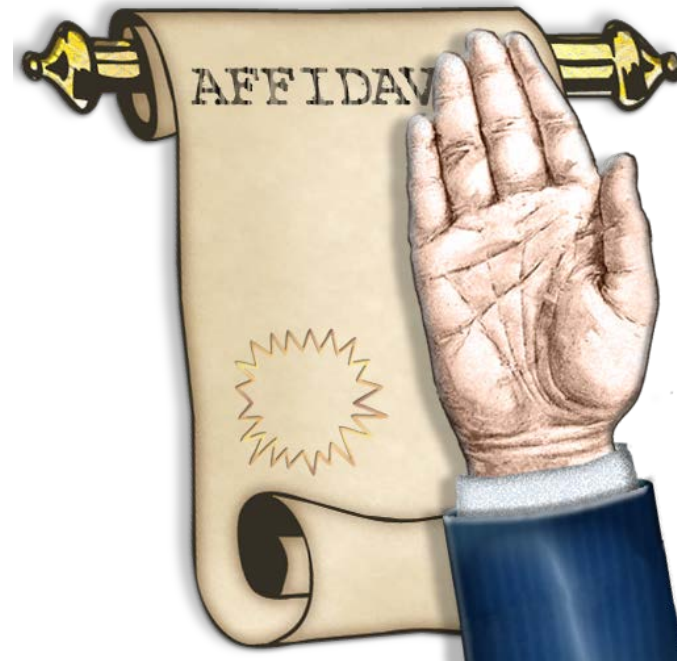
CONTINUOUS RESIDENCE FROM JANUARY 1, 2010 TO PRESENT & PHYSICAL PRESENCE ON NOVEMBER 20, 2014

- ✓ Lease agreements
- ✓ phone bills
- ✓ credit card bills
- ✓ family medical records
- ✓ receipts of money orders

- ✓ tax documents-
- ✓ anything with your name and date!
- ✓ Church documents
- ✓ documents from community organizations
- ✓ rent receipts with dates

WHAT IF I CAN'T FIND DOCUMENTS FOR A SIGNIFICANT TIME PERIOD?

- ✓ Gather sworn statements from at least two people who have personal knowledge that you were in the U.S. during that gap.



EXPECTED FEES

\$465 total application fee

- \$380 fee for the employment authorization application
- \$85 fee for fingerprints

Not known if a fee waiver will be available



BEWARE OF NOTARIOS!!!!

- Many people offer help with immigration services.
- Notarios are not authorized to help with immigration services
- Notarios are out to rip you off and will charge you significant amounts of money.
- Notarios are breaking the law.
- Going to a Notario can:
 - ❖ Delay your application or petition, cost you unnecessary fees, possibly lead to removal proceedings.

BEWARE OF NOTARIOS!!!


- The only place to get the facts of DAPA is to get them directly from the USCIS website. uscis.gov
- No special access or expedited services exists, do not believe Notarios if they tell you this.
- Remember no form or official instructions are available right now, do not believe Notarios if they tell you this.
- For help finding accredited legal services (not Notarios!!!) visit www.uscis.gov/avoidscams

FREQUENTLY ASKED QUESTIONS ABOUT DACA AND DAPA

- Will the information I share in my request for consideration of deferred action be used for immigration enforcement purposes?
- What should I do if I have *ever* been arrested or have a warrant?
- What if some of my documents are in Spanish or another language?

FAQ (CONTINUED)

ANSWERS PROVIDED IN HANDOUT

- If my DAPA or DACA request is denied will I be placed in deportation proceedings?
 - What will happen if deferred action programs are not renewed in 3 years? Will I be deported?
 - Can I travel abroad under deferred action?
 - What about the Injunction?
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RESOURCES

- Loyola Immigrant Justice Clinic
- CARECEN <http://www.carecen-la.org/>
- National Immigration Law Center:
<http://www.nilc.org/dreamdeferred.html>
- Esperanza Immigrant Rights
Project <http://www.esperanza-la.org/>
- Public Counsel <http://www.publiccounsel.org/>



THE END
Questions will be taken outside

