

**DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) ENDS!**  
**OUR FIGHT DOESN'T END HERE!**

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The Trump Administration announced on September 5, 2017 an end to the 2012 [Deferred Action for Childhood Arrivals](#) program (DACA) established through an Executive Order by the Obama Administration. The Executive Order allows certain undocumented immigrants who entered the country before their 16<sup>th</sup> birthday and before June 2007 to receive deferred action and a renewable two-year work permit. Deferred action is a use of prosecutorial discretion to defer removal action (deportation) against an individual for a certain period of time. Deferred action does not provide lawful status!



DACA allows these persons to safely work, attend school, earn high school and college degrees in the United States, thereby contributing to its economy. For many, the United States is where they were raised and the only country they know! The rescinding of DACA will impact nearly 800,000 children of immigrants, of which approximately 240,000 have been granted DACA to reside in California.

CABA views the rescission of DACA as cruel, vindictive and counterproductive! As educators, education advocates, and parents we have a responsibility to protect our “Dreamers,” our students, and to protect their right to learn. We must not fail our Dreamers and must continue to work for justice and educational equity in order for every student to feel safe and empowered to learn, succeed and realize their dreams! Trump has given Congress six months to pass legislation. Congress must act quickly to put into law the protections of DACA!



The U.S. Justice Department’s announcement does permit renewals of DACA that will expire within the next six months, but closes the program to new applications and potentially leaves hundreds of thousands of people at risk of deportation. This means that if a person already has DACA, the DACA and related work permit will continue to be valid until the day it expires. **No new** DACA application will be received or processed by the U.S. Citizenship and Immigration Services (USCIS) after September 5, 2017. If you have a permit that will expire between now and March 5, 2018, you may apply for a two-year renewal of your DACA, which must be received by USCIS by October 5, 2017. USCIS will continue to process all renewal requests that were pending as of September 5, 2017.



Upon review of available resources as to the impact of the rescission of DACA, I’ve identified Frequently Asked Questions (FAQs) of significant importance developed by the [Asian Americans Advancing Justice Asian Law Caucus](#) in partnership with the [National Immigration Law Center](#), [United We Dream](#) and the [Immigration Legal Resource Center](#).

*These FAQs are not exhaustive by any means and for a complete listing of their FAQs please refer to their websites. Please note that these FAQs are informational only and not legal advice.*

## **FREQUENTLY ASKED QUESTIONS**

### **Should I tell my employer if my DACA and work authorization expires?**

You do not have an affirmative duty to tell your employer that you have DACA, that DACA has been terminated or rescinded or that your work authorization has expired or will expire. You are not responsible for raising the subject at all. Once your work permit expires, your employer has an obligation to ask to see your new work permit. As a general matter, we advise workers not to give an employer any more information about their immigration status than is required.



### **Can my employer fire me?**

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 the rights as an employee, see this advisory by the [National Immigration Law Center](https://www.nilc.org/issues/daca/daca-and-workplace-rights): <https://www.nilc.org/issues/daca/daca-and-workplace-rights>

### **What happens to my Social Security Number (SSN)?**

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 received under DACA as your SSN, even after your permit expires. You can use your SSN for education, banking, housing and other purposes. Your SSN contains a condition that requires a valid work permit to use it for employment purposes.



### **What happens to my driver's license?**

Driver's license rules, including eligibility and document requirements, and procedures for renewing a license, vary from state to state. All 50 states allow DACA grantees to get a driver's license, if they are otherwise eligible. California is one of twelve states that issue driver's licenses to eligible residents, regardless of their immigration status.



## Do I still have health insurance if provided by a public insurance through my state?

In California, low-income DACA recipients may be eligible for comprehensive health coverage through a state program (e.g. Medi-Cal). After your DACA expires, you may still be eligible for state health programs. Check with a trusted advocacy organization for updates on this issue.



## Can former DACA grantees enroll in public colleges and universities?

Almost every state allows students, regardless of immigration status, to enroll in public colleges and universities. Alabama, Georgia and South Carolina are exceptions and do not allow undocumented immigrants to attend public institutions. Advocacy would be needed to try to ensure that students currently enrolled can complete their education. A few selected colleges in Georgia deny enrollment to students with DACA, as well as to undocumented immigrants (thus there would be no change for students losing DACA in that state). In all other states, former DACA grantees should be able to enroll in public colleges and universities.



## Can I still travel abroad?

The DACA rescission 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 to the United States 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 United States with a valid grant of advance parole should be able to return 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 retain the discretion to deny re-entry into the United States 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 if you are interested in applying for advance parole, speak with an attorney to determine potential risks before doing anything.
- 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.

### **Is there a federal law that prevents schools from sharing student information?**

Yes. Under the [Family Educational Rights and Privacy Act \(FERPA\)](#), schools are prohibited, without parental consent, from providing information from a student's file to federal immigration agents, if the information would potentially expose a student's immigration status. If ICE agents present a school with a removal warrant (deportation order), the school is still permitted to refrain from providing student information, as the warrant is administrative, not judicial. Under FERPA, schools may disclose directory information without consent, but they are required to allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Some schools [and the Southern Poverty Law Center] have also interpreted the *Plyler* decision as prohibiting them from requiring students to provide Social Security cards or birth certificates as a condition of enrollment, test taking or participation in school activities. For more on FERPA, see [familypolicy.ed.gov](http://familypolicy.ed.gov).



### **How should I prepare financially in light of possible deportation?**

- Enlist someone at your job that can pick up your paycheck.
- Have a list of banks and accounts opened.
- Have a list of all utilities/bills.
- Enroll someone on your bank account who can deposit, withdraw or potentially close your bank account.
- Have someone listed on your utility bills who can close accounts and collect deposits.
- Add someone to your lease who can terminate it if need be and collect deposits.
- Add someone to your mortgage who can continue making payments on your mortgage, close it or sell your property for you.
- Add someone to your car lease who can continue payments, terminate purchase or sell vehicle for you.
- Start a savings account.
- Begin a savings plan immediately even if it's not much, at least for each month. It might come in handy later.



### **KNOW YOUR RIGHTS**

Everyone has rights in this country, whether you are documented or not. Know your rights under the constitution and what you can or cannot do. A “red” card has been created showing displaying one's right to remain silent in case stopped or questioned by ICE. Go to: <https://www.ilrc.org/red-cards> for further information on the red cards.





In order to keep up to date on the status of the DACA and other immigration programs follow the news carefully and keep in touch with organizations like CIBE, who will be monitoring this issue. Identify and keep in contact with non-profit legal organizations in your area for assistance or services on this issue. For example, the California Rural Legal Assistance Foundation will be providing free legal assistance for DACA renewals of persons living in Sacramento County every Wednesday and Friday of September. Applicants will be seen by **appointment only**. Please call 916-446-7901 for an appointment. For those living in rural communities outside of Sacramento County, please call 916-446-7901 to discuss options for electronic review of DACA renewal applications.

**Lastly, please contact Congress and tell them to pass immigration law that includes the protections included in DACA now!!**

**Stay tuned for further information.**



### **OTHER RESOURCES**

Good sources of information include:

**United We Dream:** <https://weareheretostay.org/resources/frequently-asked-questions-on-daca-termination/>

**The Immigrant Legal Resource Center:** <https://www.ilrc.org/advisory-daca>

**Asian Americans Advancing Justice Asian Law Caucus:** <http://www.advancingjustice-alc.org/about-daca-and-employment-090517xxxx-jts/>

**California Rural Legal Assistance Foundation:** <http://www.crla.org/services-and-programs>

**National Immigration Law Center:** [www.nilc.org](http://www.nilc.org)

**California School Boards Association:**

[https://www.csba.org/Advocacy/EducationLegalAlliance/~media/CSBA/Files/Advocacy/ELA/2017\\_02\\_legal\\_guidance-ProvidingAllChildrenEqualAccess.ashx](https://www.csba.org/Advocacy/EducationLegalAlliance/~media/CSBA/Files/Advocacy/ELA/2017_02_legal_guidance-ProvidingAllChildrenEqualAccess.ashx)

**Ed Trust West:** <https://west.edtrust.org/resources-links-students-families/>

**Southern Poverty Law Center's Teach for Tolerance Program:**

<https://www.tolerance.org/magazine/spring-2017/immigrant-and-refugee-children-a-guide-for-educators-and-school-support-staff>

**CA Department of Social Services DACA Contractor Referral List**

<http://www.gocabe.org/wp-content/uploads/2017/09/DACAContractorReferralList8.28.17.pdf>

**Know Your Rights Video, in Spanish (Conozca Sus Derechos)**

<https://www.facebook.com/jorgeramosnews/videos/2125976357428331/>

**Know your Rights from the National Network of Immigrant and Refugee Rights Website**

<http://www.nnirr.org/drupal/node/1203>

**Family Preparedness Plan**

<https://www.ilrc.org/family-preparedness-plan>

**The Migration Policy Institute:** <http://www.migrationpolicy.org/topics/education>

