

DACA Update + Know & Exercise Your Rights!

Updated: September 5, 2017



The powerpoint was revised based on material created by the Illinois Coalition for Immigrant and Refugee Rights

What Will We Cover Today?

- Updates on Deferred Action for Childhood Arrivals (DACA)
- Know Your Rights with Police
- Know Your Rights with Immigration
- Preparing an Emergency Plan
- Overview of Immigration Relief

September 5th DACA Announcement

On September 5, 2017 Attorney General Jeff Sessions & the Department of Homeland Security Announced:

- The DACA memo from 2012 has been rescinded by DHS. DACA will end.
- After Sept 5th, 2017:
 - USCIS will no longer accept initial DACA applications, but they will adjudicate applications accepted by Sept 5th
 - USCIS will no longer approve advance parole requests associated with DACA
 - USCIS will only adjudicate DACA renewal requests received by Oct 5, 2017 by current beneficiaries whose benefits will expire between Sept 5 and March 5

What does the DACA Announcement mean?

For people who currently have DACA:

- Your DACA & EAD will remain active through their noted expiration dates.
- IF your DACA expires between Sept 5, 2017 and March 5, 2018, you can apply for renewal before October 5, 2017. If your DACA is renewed, you may have DACA for 2 more years.
- IF your DACA expires after March 5, 2018, you will not be able to apply for a 2 year renewal.

For DACA Recipients who have application or renewal in process:

- USCIS will adjudicate DACA applications that were accepted by Sept 5th
- DACA renewals received before Oct 5th will be processed through March 5, 2018

For people who had DACA that lapsed before September 5th and did not apply for renewal:

- USCIS will NOT ACCEPT renewals from this group. You cannot apply to reinstate your DACA.

For people who have never applied for DACA:

- USCIS will NOT ACCEPT any new DACA applications

What can DACA recipients, families & communities do NOW?

1) ORGANIZE

- Push Congress for a clean DREAM Act: A permanent solution that protects undocumented youth and does not put parents and other immigrants at increased risk

2) APPLY FOR RENEWAL BEFORE OCTOBER 5th IF:

- Your DACA expires between September 5, 2017 and March , 2018
- You have spoken with a trusted legal professional and have determined this is the best & safest choice for you and your family

3) GET A LEGAL SCREENING

- Find out if you may be eligible for some form of immigration relief

4) KNOW YOUR RIGHTS

5) PREPARE AN EMERGENCY PLAN

Key DACA Questions

From Immigrant Legal Resource Center's

“What Will Happen if the DACA Program
Ends?”

What Will Happen to my Work Permit (EAD)?

From the Immigrant Legal Resource Center:

Employment Authorization Documents (EADs), also known as work permits, are valid until they expire or the government demands they be returned. Unless the government demands that you return your work permit, the following points should apply.

- If the DACA program ends but you are allowed to keep your work permit, you have the right to work legally until your work permit's expiration date.
- Even if the DACA program ends, 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. 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.
- 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/>.

What Happens to my Social Security Number (SSN)?

From the Immigrant Legal Resource Center:

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

- If you have not done so already, apply for a 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.

Can I Travel Outside the Country?

- New & pending applications for advance parole will NOT be granted. Fees will be refunded.
- Travel with advance parole is NOT advised during this time.
- If you have been granted advance parole under DACA but have not yet left the United States, speak with an attorney or accredited representative to determine potential risks before doing anything.

What Will Happen to my Driver's License?

- Depends on the state -- add your state's eligibility information
- If you have not already done so, apply for a driver's license or state identification card if your DACA is still valid
 - Makes you eligible for a driver's license or state-issued identification card in your state

KNOW YOUR RIGHTS

- It is VERY important that all DACA recipients, their parents & community members without DACA know your rights and how to exercise them
- All decisions on DACA applications and renewals are at the discretion of USCIS on a “case by case” basis
- All must stay vigilant in protecting yourselves through knowing your rights

You Have the Right to:

REMAIN SILENT

- DO NOT LIE

SPEAK WITH AND BE REPRESENTED BY AN ATTORNEY

- In Immigration, an attorney is at our own expense

NOT SIGN ANYTHING

NOT PERMIT AN ENTRY

- It is NOT necessary to open the door unless ICE or the Police have a signed Judicial Warrant

I wish to remain silent

Know Your Rights With the Police

If you are stopped on the street:

- Tell the officer you do not want to speak
- Ask if you are free to go and walk away calmly
- You are not obligated to respond to any questions

If you are stopped in your vehicle:

- If you are the driver, you will be asked to provide driver's license, vehicle registration, and proof of insurance
- In order to legally search your car, police need a warrant or probable cause to believe that criminal activity is occurring

“Am I free to go?”

Court and Bond: Police

Court

If you have court or probation and you do not go, you will have a warrant for your ARREST

Bond

- Pay 10% of bond. Local rule & practices on this may vary.
- Bond will be reimbursed or credited

Know your Rights: If ICE Comes to Your Home or Workplace

DO NOT OPEN THE DOOR

- You are NOT required to open the door unless ICE has a warrant **signed by a judge**
- Ask them to show you the warrant – Slide it under your door or hold it up to the window

IF THEY TRY TO FORCE THE DOOR OPEN

Write down the agents' badge numbers and vehicles' license plate numbers

IF ICE COMES TO YOUR WORKPLACE

ICE needs to have a judicial warrant or permission from your employer to enter your workplace

Sample Administrative Warrant

ICE CANNOT COME
INTO YOUR HOME

U.S. Department of Justice
Immigration and Customs Enforcement

Warrant of Removal/Deportation

File No: _____

Date: _____

To any officer of the United States Immigration and Customs Enforcement:

(Full name of alien)

Who entered the United States at _____ on _____
(Place of entry) (Date of entry)

Is subject to removal/deportation from the United States, based upon a final order by:

- An immigration judge in exclusion, deportation, or removal proceedings
- A district director or district director's designated official
- The Board of Immigration Appeals
- A United States District or Magistrate Court Judge

And pursuant to the following provisions of the Immigration and Nationality Act:
Section 241 (a) (5) of the Immigration and Nationality Act (Ace), as amended.

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction command you to take into custody and remove from the United States the above-named alien, pursuant to law at the expense of the appropriation. "Salaries and Expenses Immigration and Customs Enforcement" including the expense of an attendant if necessary.

(Signature of ICE Official)

(Title of ICE Official)

(Date and Office Location)

Sample Judicial Warrant

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

The Premises Known As,

Name &
Address →

Swift & Company, located at 1700
Highway 60 NE, Worthington,
Minnesota, and all its
appurtenances, parking areas,
and outdoor working areas

Defendant.

CIVIL NO. 06mj457 JSM

ORDER
FOR WARRANT FOR
ENTRY ON PREMISES TO
SEARCH FOR ALIENS
WHO ARE IN THE UNITED
STATES WITHOUT LEGAL
AUTHORITY

The United States of America, having filed an application to authorize officers of United States Immigration and Customs without legal authority and, if any such persons are found on the premises, to exercise their authority pursuant to section 287 of the Immigration and Nationality Act, 8 U.S.C. § 1357, to question them to determine whether they are such aliens and, if there is probable cause to believe they are such aliens, to arrest them.

IT IS FURTHER ORDERED that U.S. Immigration and Customs Enforcement shall conduct the entry and search during daylight hours with ten (10) days of the issuance of this warrant, and make its return to this Court with ten (10) days of the date the entry and search have been completed.

Dated: December 8, 2006

DATE


JANIE S. MAYERON
United States Magistrate Judge

JUDGE

If you are Detained by ICE

1. Remain silent
2. Do not sign anything
3. Call your Attorney or emergency contact
4. You have the right to call your Consulate
5. Find out your A Number (9 digits)

If a Family Member is Detained by ICE

1. Locate them: [LOCATOR.ICE.GOV](https://locator.ice.dhs.gov)
2. Call your consulate's emergency #
3. The person who pays bond must have legal status
4. Call your attorney
5. Call ICIRR emergency hotline

Court and Bond: Immigration

Court:

If you have court or supervision and you do not go, you will have an order of DEPORTATION.

Bond:

- You must pay 100%
- The person who pays must be a U.S. Citizen or Legal Permanent Resident.
- Bond is reimbursed at the end of your case if you comply with all immigration court directives

Basic Vocabulary to Exercise your Rights:

I wish to remain silent.

I wish to speak with a lawyer.

I do not consent to your entry.

I do not consent to your search of these premises.

I will not sign any document I do not understand.

Begin Preparing your Emergency Plan

1. Identify who will take care of your children and assets and have a meeting about it.
2. Update your emergency contact information at your children's school and doctor.
3. Apply for your children's double nationality and their passport and verify your options with your consulate.
4. Gather important documents in a safe place and make sure your emergency contact is aware of it.
5. Save money. Make sure your bank account is connected to a debit card so you can access it in another country and make sure you have access to online banking.

Immigration Relief

- Cancellation of Removal
- U visas for crime victims
- T visas for trafficking victims
- Family-based visas
- VAWA
- See an immigration attorney or DOJ recognized non-profit

Assistance

List Local Resources

Questions?

