



# CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

**The End of DACA**  
**Presented to affiliates on September 8, 2017**

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## CLINIC Presenters

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Advocacy Director



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## CLINIC Presenters

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## Agenda

- The DACA Termination Memo & FAQs
- Enforcement Risks
- Outreach & Education
- Program Considerations
- Advocacy Issues
- CLINIC Resources
- Q&A




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## What Happened on September 5?

- Department of Justice says DACA is unconstitutional
- DHS memo rescinds June 12, 2012 memorandum that created DACA
- DHS issues FAQs on DACA rescission
- Congress tasked with finding legislative solution by March 5, 2018

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## Key Provisions of Rescission

- Phase out over 6 months
- Current DACA recipients maintain deferred action & EAD until the validity date expires
- Requests accepted as of 9/5/17 will be adjudicated
- No new requests accepted after 9/5/17
- Limited renewals until 10/5/17
- Halt processing of advance parole applications
- Confidentiality policy

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## Pending Requests

- Properly filed requests accepted as of 9/5/17 will be adjudicated
- Accepted = received at USCIS lockbox
- Tips for following up on pending case
  - Monitor cases closely
  - Be vigilant in cases beyond processing time
  - Report any suspect or unusual RFEs

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## Current DACA Recipients

- May maintain deferred action & EAD until their current expiration date
- If EAD is lost/stolen/destroyed may apply to replace
- However, DHS retains authority to terminate DACA on a case-by-case basis

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## Who Can Renew DACA?

- Current beneficiaries with expiration dates between September 5, 2017 – March 5, 2018
- Renewal request must be accepted by October 5, 2017

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### How would you advise Narmin?

Narmin initially received DACA in 2015. Her DACA and EAD expired August 1, 2017. She was unable to file a renewal request before July 1 because she was saving up for the \$495 filing fee. Can Narmin apply to renew now?



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### What should you tell Mario?

Mario's DACA and EAD expired on September 7, 2017. He had applied to renew on April 10, 2017 but the application is still pending with USCIS. What should Mario do?



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### What will you tell Damir?

You represented Damir in his initial DACA application. In reviewing your caseload, you see his DACA and EAD will expire on March 5, 2018. What do you need to do?

What if Damir's deferred action will expire on March 6, 2018 instead?



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## Employment

- DACA recipients can continue working until their EAD expires
- No obligation to inform employer of DACA expiration
- Employer may re-verify work authorization when EAD is expiring soon or expired

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## Social Security Numbers

- DACA recipients may continue to use validly issued SSNs even after EAD expires
- Those with current DACA may still apply for a SSN

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## Drivers Licenses

- Eligibility for driver's license and state IDs vary by state
- CLINIC map of states that issue DLs to undocumented immigrants



– <https://cliniclegal.org/sites/default/files/advocacy/stateandlocal/Drivers-License-Map.pdf>

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### Other Public Benefits

- Undocumented immigrants may still qualify for some benefits after their DACA expires
- Varies by state
  - In-state tuition
  - State health coverage

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### Enforcement Issues

- Current DACA holders should not be targeted
- DHS retains authority to terminate individual DACA grants
- USCIS will not proactively provide information to ICE & CBP for enforcement purposes (DHS FAQ #7 & 8)
- 2011 NTA Guidance ([www.uscis.gov/NTA](http://www.uscis.gov/NTA))

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### Advance Parole

- USCIS will stop approving Form I-131 applications for advance parole
- Pending applications will be administratively closed and fees refunded
- DHS will honor valid AP grants but CBP terminate an AP grant at any time
- Consider risks before traveling

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## Outreach & Education

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## Prepare your Program!

- Analyze your client database for DACA clients
  - Don't forget those with Advance Parole
- Determine how your program will:
  - inform the community about the end of DACA
  - assist those seeking renewals by 10/5/2017
  - screen for other immigration remedies, provide KYRs, warn against notario fraud, and provide referrals to attorneys and social services




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## Prepare your Program!

- Update your website, phone system, and social media messages
- Analyze potential loss of revenue from service fees
- Ensure internal program documents are updated to reflect the end of DACA (intake form, client agreements, fee schedule)
- Educate agency leadership

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## Program and Case Management Resources

- Program Action Plan for the End of DACA  
[cliniclegal.org/resources/program-action-plan-end-daca](http://cliniclegal.org/resources/program-action-plan-end-daca)
- Volunteer Toolkit  
[cliniclegal.org/resources/volunteer-management-toolkit](http://cliniclegal.org/resources/volunteer-management-toolkit)
- Case Management Toolkit  
[cliniclegal.org/clinic\\_toolkit/694](http://cliniclegal.org/clinic_toolkit/694)
- Sample press release  
[cliniclegal.org/sites/default/files/resources/Draft-Press-Release-on-DACA-Termination.docx](http://cliniclegal.org/sites/default/files/resources/Draft-Press-Release-on-DACA-Termination.docx)




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## CLINIC's Position

*Today's unconscionable act by the administration undermines the rule of law in this country...Sessions speculated as to how the courts would rule on DACA, concluding that there was no need for the judiciary to have a role in this issue. We reject and adamantly disagree with Sessions' untested personal opinion that DACA is unconstitutional.*

Jeanne Atkinson, Executive Director CLINIC




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## Advocacy Actions

- Statement in Support of DACA
- Engagement with DHS and components
- Outreach to affiliates
- Collaboration with partners
- Defend Dreamers Action Alert:  
[cliniclegal.org/resources/defend-dreamers](http://cliniclegal.org/resources/defend-dreamers)




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### Advocacy Issues

- CLINIC’s commitment to supporting DACA processing (access & integrity)
- Monitoring implementation of the phase-out
- Watching enforcement actions that involve DACA recipients
- State & Local advocacy
- Combatting immigration fraud

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### CLINIC Resources



[cliniclegal.org/DACA](http://cliniclegal.org/DACA)

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### CLINIC Resources

- Advisories and Summaries
  - Practice Advisory [cliniclegal.org/resources/practice-advisory-what-end-daca-means-your-clients](http://cliniclegal.org/resources/practice-advisory-what-end-daca-means-your-clients)
  - Summary [cliniclegal.org/resources/summary-important-issues-arising-trump-administrations-announcement-daca](http://cliniclegal.org/resources/summary-important-issues-arising-trump-administrations-announcement-daca)

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## Other Resources

- DHS DACA Rescission Memo  
[www.dhs.gov/news/2017/09/05/memorandum-rescission-daca](http://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca)
- DHS DACA Rescission FAQs  
[www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca](http://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca)
- ILRC's *What Do I Need to Know About the End of DACA*  
<https://www.ilrc.org/advisory-daca>

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## Other Resources

- NILC's *About DACA and Employment*  
<https://www.nilc.org/issues/daca/about-daca-and-employment/>
- AIC's *Screening Potential DACA Requestors for Other Forms of Relief*
- [https://www.americanimmigrationcouncil.org/sites/default/files/practice\\_advisory/screening\\_potential\\_daca\\_requestors\\_for\\_other\\_forms\\_of\\_relief.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/practice_advisory/screening_potential_daca_requestors_for_other_forms_of_relief.pdf)

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## Tell Us What You Need!

End of DACA Survey:  
[www.surveygizmo.com/s3/3821695/CLINIC-Webinar-The-End-of-DACA](http://www.surveygizmo.com/s3/3821695/CLINIC-Webinar-The-End-of-DACA)

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