

Frequently Asked Questions:

Supreme Court Decision In *U.S. v. Texas*

What did the Supreme Court decide in the *U.S. v. Texas* case?

On June 23, 2016, the Supreme Court, in a 4-4 tie vote, decided to affirm the lower court's decision blocking the Obama Administration from launching the expansion of Deferred Action for Childhood Arrivals (expanded DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). Because the justices were equally divided, the Court did not explain the reason(s) for the decision.

What does this decision mean for expanded DACA and DAPA?

The result of the decision is that both programs remain blocked for now. That means the U.S. government will not accept any applications for either program at this point.

Did the decision impact the original DACA program?

No, the original DACA program announced June 2012 is still available for eligible applicants. Speak to a qualified legal representative to find out whether you may qualify for DACA.

Many people who were not initially eligible for the original DACA program due to age or lack of education may become eligible by either "aging in" or enrolling in a qualifying educational program.

- Someone may "age-in" to DACA eligibility by turning 15 years of age.
- Qualifying educational programs include: legitimate education, literacy or career training programs, or education programs that assist people to get a high school diploma or equivalent (a GED, for example). The government prefers programs funded by national, state, county or local grants or

programs administered by non-profit organizations. However, other programs might qualify, too, if you show they are effective. The government will take note of how long the program has been around and its track record of helping people complete their education, get jobs or meet other educational goals.

For more information on original DACA eligibility, visit the USCIS website at: www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca

Will expanded DACA and DAPA ever be implemented?

We hope so but it could be a few years before the case makes its way back to the Supreme Court. The presidential election in November 2016 will also effect whether the programs are implemented.

I believe I might be eligible for expanded DACA or DAPA. What should I do now?

Make sure you are not eligible for another immigration benefit

Speak to a licensed immigration attorney or legal representative accredited by the Board of Immigration Appeals about your situation. In addition to being eligible for expanded DACA or DAPA, it is possible you may qualify for another, more permanent immigration benefit. For a brief overview of some other benefits, see CLINIC's Self-Screening Tool for Other Forms of Relief at: cliniclegal.org/sites/default/files/toolkits/communityed/Beyond-DAPA-And-DACA.pdf

Start gathering documents and saving money

Individuals who may be eligible for expanded DACA or DAPA should gather documents that show they meet the program's criteria. For DAPA, this may include

documentation related to identity; proof of parentage; the child's status as either a US citizen or lawful permanent resident; continuous residence from January 1, 2010 to the present; and physical presence in the U.S. on November 20, 2014. For expanded DACA, relevant documents may include proof of identity; arrival to the U.S. before age 16; lack of lawful status on June 15, 2012; proof of satisfying the educational requirement; continuous residence from January 1, 2010 to the present; and physical presence in the U.S. on June 15, 2012. In addition, potential applicants should collect records from any past immigration violations as well as any arrests, citations, jail time, detentions, or court proceedings. Last but not least, eligible individuals should start saving money for the application fee which may be \$465 or more.

Beware of immigration fraud

Immigration law is a complicated and specialized area of law. Many people may offer to help you—some would like to cheat you while others will offer out of kindness. However, either could jeopardize your future immigration status. Make sure you seek only qualified legal help from a licensed attorney or an accredited representative of a non-profit organization recognized by the Board of Immigration Appeals. *Notarios*, *notarios publicos*, immigration consultants and immigration assistance service providers are not authorized to give legal advice or provide legal representation. Visit cliniclegal.org/affiliates/directory to find a qualified legal representative in your area.

Protect yourself against immigration enforcement

Know your rights in case you get stopped by immigration authorities. If you end up in immigration detention or removal proceedings, make sure you tell a U.S. Immigration and Customs Enforcement (ICE) official that you are eligible for expanded DACA or DAPA and request prosecutorial discretion. Prosecutorial discretion could include not placing you into removal proceedings to begin with; administratively closing your case if you are in proceedings; releasing you from immigration detention; or halting your deportation. Instructions are on the ICE website at: ice.gov/immigrationAction.

As part of your request, be prepared to show the ICE officer or trial counsel that you do not fall into any of ICE's enforcement priority categories. More information about protecting yourself from deportation is available at: cliniclegal.org/sites/default/files/resources/enforcement/Stay-Calm-Information-About-Recent-Deportations.pdf

Continue to advocate for immigration reform

As the country continues to wait for the courts to decide whether expanded DACA and DAPA can proceed, we must continue to pressure elected representatives to stop separating families and support humane and dignified treatment for all immigrants. These programs would provide relief to millions of people, but they are only temporary "fixes." We need Congress to reform our broken immigration laws and system. Make your voice heard. Encourage relatives who are permanent residents and eligible to naturalize to become U.S. citizens. If you are a U.S. citizen, make sure you are registered to vote.