

FAQs ABOUT DACA



This information in this FAQ is for general informational purposes only. This information should not be construed as legal advice from United We Dream or the Immigrant Legal Resource Center and is not intended to be a substitute for legal representation on your case. Please consult with a licensed attorney or BIA-accredited representative when making decisions about your case.

1. WHAT IS THE CURRENT STATUS OF DEFERRED ACTION OF CHILDHOOD ARRIVALS (DACA)?

As of Thursday, February 2nd, 2017, the current Administration has not ended DACA. U.S. Citizenship and Immigration Services (USCIS) has confirmed that it continues to accept and process initial and renewal requests for DACA. We're fighting to defend DACA, join us.

2) IS MY DACA STILL VALID?

Yes. If you currently have DACA, you continue to be protected from deportation and are able to legally work until the expiration of your EAD. If you currently have DACA, you may renew your DACA 150-180 days before the expiration date. You can still use your DACA to get your driver's license, qualify for in-state tuition (in certain states), and apply for a social security number. You don't have to mail back or return your EAD to USCIS.

3) WHAT'S GOING TO HAPPEN TO DACA?

The future of the DACA program depends on the current White House and the Department of Homeland Security. During his presidential campaign, Trump promised to end immigration executive actions, which include DACA. As of now, it is unclear what Trump will do about DACA. Real talk, DACA is not safe and could end soon. You should be aware of this possibility when making choices about submitting renewal or initial applications. Keep yourself informed and check out UWD's 5 Important Things You Need to Know about DACA During a Trump Presidency. We're fighting to defend DACA, join us.

4) SHOULD I APPLY FOR INITIAL OR RENEWAL OF DACA?

If you currently have or are eligible for DACA, you should think carefully about the risks and benefits of filing an initial or renewal DACA application. You should consult with a lawyer, BIA-accredited representative to assess your best options. To find help, visit <https://www.immigrationlawhelp.org>. Watch out and avoid notarios and bad legal advice.

People who have this type of history should consult with legal representation before applying for initial or renewal of DACA:

- People who have ever been arrested (even if you weren't convicted);
- People who have any criminal convictions;
- People who overstayed their visa;
- People who have final orders of removals (issued at any time);
- People who were previously deported; and
- People who have any criminal or civil history involving drugs or immigration fraud.

Finally, you risk losing your filing fee if you apply for initial or renewal of DACA and the program ends while your application is pending. Play it smart.

5) IF I CURRENTLY HAVE DACA, SHOULD I APPLY FOR ADVANCE PAROLE TO TRAVEL OUTSIDE THE COUNTRY?

We do not recommend that DACA recipients file for or travel with advance parole. Although, USCIS is still accepting and processing advance parole applications, the current administration could end DACA while you are traveling abroad, which means you would be unable to return and suffer serious consequences. Even with a valid advance parole document, Customs and Border Patrol (CBP) may refuse to let you re-enter the United States and you could be stranded outside the country.

Lastly, the current administration may end DACA while your application is pending, which means you could lose your \$575 filing fee. Save your money.

6) CAN AN EMPLOYER FIRE ME OR REFUSE TO HIRE ME BECAUSE I HAVE DACA?

In general, no. Employers are prohibited from firing you or refusing to hire you while you have a valid EAD. Employers also cannot ask about your immigration status or whether you have DACA. If you are the victim of discrimination, you can file a complaint with the Department of Justice's Immigrant and Employee Rights Section (for employers with 4 to 14 employees) or the Equal Employment Opportunity Commission (for employers with 15 or more employees). You can also seek other legal assistance.

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