

WHAT YOU NEED TO KNOW ABOUT DACA AND SUPPORTING DREAMERS

Since 2012, the Deferred Action for Childhood Arrivals (DACA) program has protected nearly 800,000 young adult undocumented immigrants from deportation. On September 5, 2017, the Acting Secretary of the Department of Homeland Security issued a [memorandum](#) rescinding the program. DACA benefits will phased out over the next six months.

ABOUT DACA RECIPIENTS:

- The DACA Program allows certain individuals who entered the United States without authorization before age 16 and who meet various other physical presence, education or military service requirements, and have not been convicted of certain criminal offenses, to apply for a renewable two-year period of deferred action from deportability if they were under the age of 31 as of June 15, 2012.
- Deferred action does not give an individual any immigration status and it is not an amnesty. It is a discretionary determination to defer immigration enforcement action (such as deportation proceedings) against an individual for a period of time. It is a form of prosecutorial discretion that existed previously, and can be granted on a case-by-case basis. The difference is that DACA sets out specific guidelines for who will be considered for a grant of deferred action.
- DACA applicants who can show economic need may be granted work authorization.

RESCISSION DETAILS:

- Those who have never applied for DACA or do not have a DACA Application Pending: The program has been terminated and new applications are no longer being accepted by USCIS.
- DACA Benefits (including work authorization) that Expire on or Before March 5, 2018: Applicants are eligible to apply for a 2-year renewal, but the application must be received by USCIS on or before October 5, 2017.
- DACA Benefits that Expire After March 5, 2018: DACA holders whose benefits and work authorization expire after March 5, 2018 are not eligible for an extension. Work authorization and protection from deportation will expire on the date the current DACA approval and work authorization end.
- DACA Holders with a Pending DACA Application: If a DACA application was received at USCIS on or before September 5, 2017, the application will continue to be processed.

However, USCIS will not process or approve applications for Advance Parole travel authorization. Pending Advance Parole applications will be closed and the filing fees returned.

WHAT DACA HOLDERS SHOULD KNOW:

- If eligible to apply for a DACA extension, retain a reputable immigration attorney or seek the services of a non-profit agency that advocates for immigrants as soon as possible to file before October 5.
- Consult with a reputable immigration attorney to determine if there are other forms of legal relief available under the immigration laws.
- Do not travel with a currently-valid Advance Parole. The government could terminate DACA at any time.
- Know your rights should you be approached by an ICE or other government officer. Following are links to several Know Your Rights handouts that can be downloaded and shared:
 - [Know Your Rights: If ICE Visits Your Home](#)
 - [Know Your Rights: If ICE Comes to Your Work Place \(Employee\)](#)
 - [Know Your Rights: If ICE Stops You in Public](#)

WHAT YOUR EMPLOYER, FAMILY & FRIENDS CAN DO:

- Support federal litigation by having corporate legal counsel file amicus briefs challenging the DACA rescission, such as the following pending legislation:
 - [15 States and Washington, DC File Lawsuit Challenging DACA Rescission](#) (*New York v. Trump*, 9/6/17)
 - [California and Three Other States File Lawsuit Challenging DACA Rescission](#) (*California v. DHS*, 9/11/17)
 - [University of California Files Lawsuit Challenging DACA Rescission](#) (*Regents of the University of California v. DHS*, 9/8/17)
- Advocate in support of DACA and “Dreamers” through public statements of support, letters to editors, letters to the [White House](#) and letters or calls to your [U.S. Representative](#) or [Senators](#) about this issue. Below are links to pending legislation with summaries that can help inform communications.
 - [S. 1615: Dream Act of 2017](#)
 - [H.R. 3440: Dream Act of 2017](#)
 - [H.R. 3591: American Hope Act of 2017](#)

- [H.R. 1468: Recognizing America's Children \(RAC\) Act](#)
- [S. 128: Bar Removal of Immigrants Who Dream and Grow the Economy \(BRIDGE\) Act](#)
- [H.R. 3695: Protect DREAMer Confidentiality Act of 2017](#)

For up-to-date information about DACA and pending “Dreamer” legislation, view the [American Immigration Lawyer’s Association’s page](#). RSST Law Group supports the Dreamers and calls on Congress and the Administration to come to agreement on a long-term solution for these individuals as soon as possible, but certainly before March 5, 2018.