National Immigration Law Center DACA Webinar

9/7/2017

The Impact of Ending DACA

What does this mean for DACA recipients?

* If you do not currently have DACA today, you cannot apply.
* If you already submitted your renewal and are waiting on processing, it should be processed, as long as it is accepted by Sept. 5. According to NILC, “accepted” means you have been notified it’s been received by the lock box. However, they encourage people to submit their application ASAP just to be safe (interpretations of “accepted” are different).
* If you have DACA today, you will retain your status until it expires unless, 1) you have a currently pending application which will extend your status, or 2) you re-apply now because your work permit expires between Sept. 5 and March 5. In this case you must apply by October 5. If your DACA expires after Oct. 5, you cannot apply for renewal.

What if I have DACA and I want to travel outside of the country (Advance Parole)?

* USCIS will not approve Advance Parole applications, even if they are currently pending.
* If you have already been granted Advance Parole, have your paperwork and continue with travel.

The Dream Act Legislation

* Senate bill introduced July 20
* House bill introduced July 26
* No Oregon legislators (senators or representatives) have signed on
* NILC recommends a “clean” Dream Act, meaning it is clean of any enforcement provisions
  + It offers a path to citizenship
  + Makes you eligible under Conditional Permanent Residence (CPR)
  + Once you have CPR status, you can apply for Lawful Permanent Residence (LPR) in 8 years

DACA ending Impact on Educational Opportunities

* Depends on local laws and policies
* If colleges have DACA specific policies, those policies may end when you lose DACA.
* Scholarships/financial aid - get a clear understanding about how this may impact your ability to pay for school

Access to Healthcare

* Health insurance through employers will remain effective as long as you remain employed
* COBRA will be offered when employment ends
* Recommend comparing COBRA to other health plans under the Affordable Care Act - You have 60 days after losing employer coverage to apply for the ACA, or you can apply during Open Enrollment (usually Nov. 1 - Dec. 15)
* If you receive coverage through a family member, your coverage won’t end.
* Local cities and counties may cover residents regardless of immigration status. Losing DACA won’t affect this.
* Under age 19 - Oregon covers all, as long as income qualify

DACA and Employment

* Current expiration date remains valid. If you let your work permit expire before 9/5/17, you cannot renew it.
* Employers cannot ask to see your work permit again (reverification). Once they complete the I-9 or E-Verify process, reverifying could be unlawful discrimination if selectively reverifying based on country of origin, ethnicity, or citizenship. Call the Immigrant and Employee Rights section of the Department of Justice if you are asked to show your work permit again (1-800-255- 7688). They will follow up, with the worker’s consent, to educate the employer about federal law. The DOJ does not share info with DHS/ICE.
* I-9 audits are a priority for ICE (last year, ICE engaged in 1,200 I-9 audits, which overall is low).
* Should I tell my employer if my DACA/Work Permit expire?
  + This should not be an issue before March 5, 2018
  + You don’t have an affirmative obligation to tell the employer
  + The legal obligation is on the employer to ask to see your new work permit when your current one expires
  + If you continue working after your permit expires, you will be working without authorization.
  + Your employer may terminate your employment at any time once it expires.

Social Security

* If you have a SSN, it remains yours for life. Continue using it to file income tax returns, for banking purposes, and for educational purposes, but NOT for work permit.

Employment Options

* Businesses are not required to check if an independent contractor has work authorization, but if they know someone is unauthorized to work, they are prohibited from contracting with that individual.
* You can employ yourself (Self-employment - sole proprietor)
* You can start a worker cooperative (LLC) / contractor
* There is an Entrepreneur Guide for Fair Employment that details how to do this

Litigation and Actions to Defend DACA

* A lawsuit has been filed in New York arguing
  + Violation of federal law (the administration’s decision to terminate the program without a reasoned explanation violates a federal statute)
  + Violation of the Constitution’s equal protection clause (racial discrimination)
  + Court hearing on 9/14 in NY
  + 15 states have joined the New York lawsuit

What can we do?

* Get Involved
  + Call your congresspeople
  + Tweet at them through [weareheretostay.org/send-tweets-to-attorneys-general/](http://weareheretostay.org/send-tweets-to-attorneys-general/)
  + [www.defenddaca.com](http://www.defenddaca.com)
  + #DEFENDDACA
  + Create petitions or sign one
* Consult with an attorney or accredited representative
  + There may be other ways to gain status
  + Start planning now (work, health care, etc.)

Will DACA recipients be targeted for deportation?

* We aren’t seeing this unless there is a criminal reason for the deportation

Resources (on slide 30 of the PPT)

* Top 5 things to know about DACA ending
* FAQ on DACA Termination
* DACA and Employment
* Side by Side - DACA and 2017 Legislation