



DACA: CURRENT STATUS AND OPTIONS

February 2, 2017

President Trump said during his campaign that he would terminate the DACA program. He has not terminated it yet, so DACA is still available and the government is still accepting and approving DACA initial and renewal applications. Nonetheless, the DACA program could be terminated at any time. Here are our latest recommendations on what to do now.

Initial DACA Applications – Not Recommended

*If you have not yet applied for DACA for the first time, now is **not** the time to do it.*

- Although the DACA is still currently available, applying now is risky. Initial applications take several months to be processed, so a new application will most likely not be approved before the DACA program is changed or terminated. Therefore, you may lose your application \$495 fee. Furthermore, you risk exposure to immigration authorities by sending them your personal data.
- If pending federal legislation (the BRIDGE Act) passes to replace DACA, you may be eligible for another, less risky opportunity to get protection from deportation and/or a work permit.
- If you've had prior contact with immigration authorities or have a criminal record, you should consult an experienced immigration attorney or accredited representative before applying. A DACA application may be particularly risky if you have:
 - previous **criminal arrests** or **charges** (even without a conviction);
 - **any type of criminal conviction** (including either misdemeanors or felonies);
 - any history of **fraud related to any official matter** (such as **use of a false social security number**); or
- been **deported** or been ordered deported from the United States before.

DACA Renewals – Recommended for Certain Applicants

If you currently have DACA and want to renew it, you should renew immediately after consulting with an experienced immigration attorney or accredited representative.

As of this writing, DACA renewal applications are still being accepted and approved which means you *may* receive a new work permit valid for another two years. The main risk is that the DACA program could be changed or terminated suddenly. If your renewal application is not approved before the program is terminated, you may lose the \$495 application fee.

If you have **any prior immigration or criminal issues**, we do not recommend you apply to renew your DACA application unless you **first consult with a trusted legal service provider** to assess your case. Some past criminal or immigration issues could impact your renewal application now even if you were approved for DACA in the past.

You may qualify for a loan or other help with the application costs. Check out Mission Asset Fund if you're in the Bay Area (<http://missionassetfund.org/lending-circles-for-dreamers/>), Self-Help Federal Credit Union (<http://www.self-helpfcu.org/personal/loans/immigration-loans>), your nearest Mexican Consulates, or local DACA service providers for information.

Advance Parole – Not Recommended

Do not apply for or travel under advance parole through DACA at this time.

If you have already been approved for travel outside the United States with advance parole or you need to request emergency advance parole (in person at a USCIS office), do so only after consultation with an experienced immigration attorney or accredited representative.

You should not travel with parole of *any* type if you have:

- previous **criminal arrests** or **charges** (even without a conviction);
- **any type of criminal conviction** (including either misdemeanors or felonies);
- any history of **fraud related to *any* official matter** (such as **use of a false social security number**); or
- been **deported** or been ordered deported from the United States before.

WARNING: Individuals with citizenship or travel documents from the following countries should not, under any circumstances, travel on advance parole because you will NOT be let back into the country in accordance with President Trump's January 27, 2017 Executive Order: **Iraq, Iran, Syria, Yemen, Sudan, Libya and Somalia.**

STEPS TO FOLLOW

- **Consult with an experienced immigration attorney or accredited representative** to understand your legal options and if you might be eligible for an immigration benefit.
 - Find low-cost immigration legal services: <https://www.immigrationlawhelp.org>.
- **Avoid fraudulent service providers:** confirm their credentials, ask for a written contract and a receipt for any payments, and if you have doubts, get a second opinion.
 - For more information, go to: <https://www.ilrc.org/anti-fraud-flyers>.
- **Avoid negative contact with law enforcement.** Any arrest, charge, or conviction, especially related to drugs or a DUI can be really bad for your immigration situation and could bring you to the attention of immigration authorities.
- **If you have a criminal record, consult an expert.** Certain convictions can be changed to lessen the impact on a future immigration case you may have.

KNOW YOUR RIGHTS

Everyone, regardless of their status, has constitutional rights before the immigration authorities.

- **Remain Silent**

Don't respond to the questions of an immigration agent or provide any personal information

- **Do Not Open Your Door**

If agents come to your home, ask that a search warrant be passed under your door or shown through a window. Do not open the door for them if they cannot show you a warrant signed by a judge. You lose certain rights by allowing agents in to your home.

- **Do Not Sign Anything**

Do not sign any document. Ask to speak with an attorney and for a hearing in immigration court before signing away any of your rights.