

Updates on DACA, Immigration, and Your Constitutional Rights

Presented by

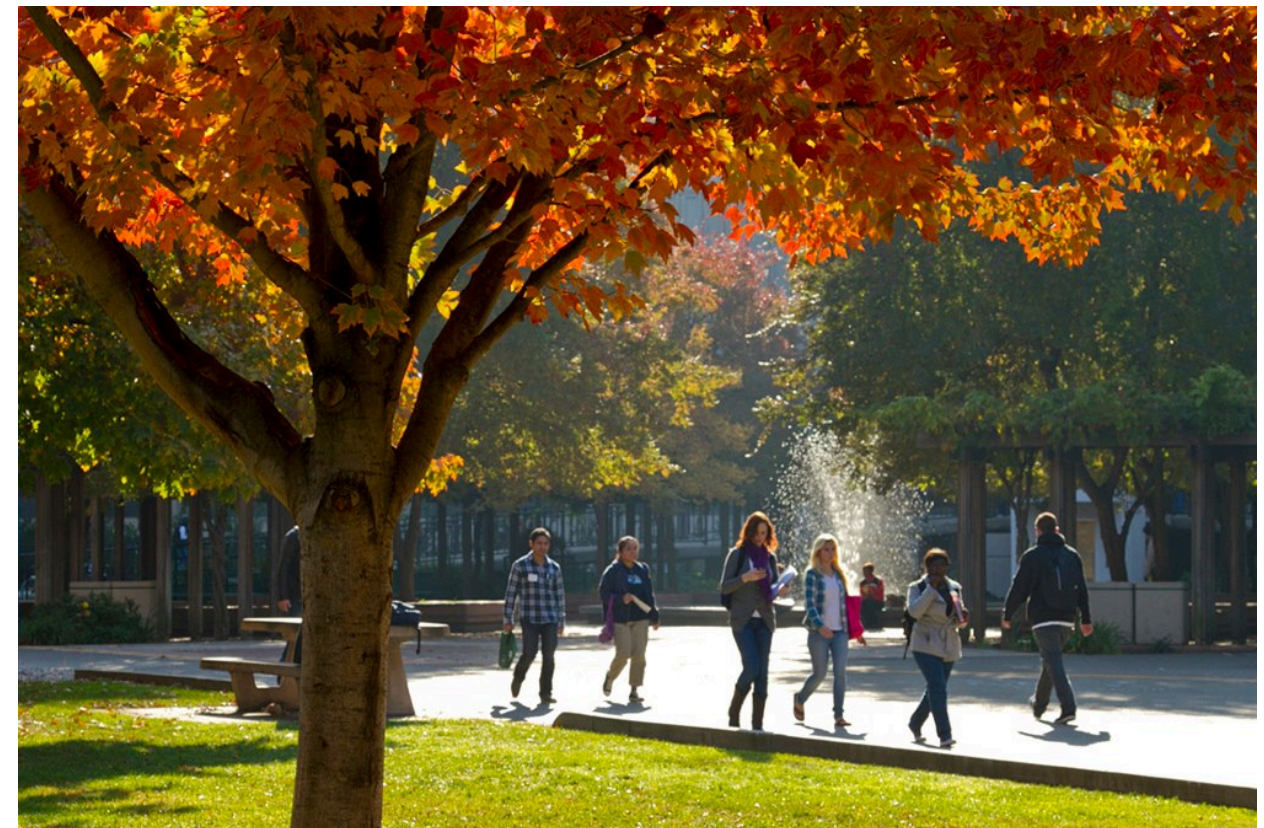
Vivek Mittal

Rachel Ray

Managing Attorneys

UC Immigrant Legal Services Center

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Education and Outreach



Immigrant
Legal Services
Center



**The California
State University**

UC Immigrant Legal Services Center

We provide free immigration legal services to UC students and their immediate family members (parents, siblings, spouse, and children.)

- Website: <https://law.ucdavis.edu/ucimm/>
- Twitter: [@UCIMM_Legal](https://twitter.com/UCIMM_Legal)
- Facebook: “UC Immigrant Legal Services Center”

UC Immigrant Legal Services Center

- ❖ *This presentation is meant to be informational only and does not constitute specific legal advice.*
- ❖ *The specific processes and limitations in an individual case are unique.*
- ❖ *For case-specific legal advice, consult an attorney. See CSU Legal Support Services link (<http://tinyurl.com/y7x64d4p>).*

Goals for today

- Understand the state of DACA
 - Understand employment authorization for DACA recipients
 - Discuss long-term options for DACA recipients
 - Understand immigrants' rights under the constitution



What does it mean to be **UNDOCUMENTED?**



Who is “Undocumented?”

An undocumented individual is a non-citizen living in the United States without a current, lawful immigration status who:

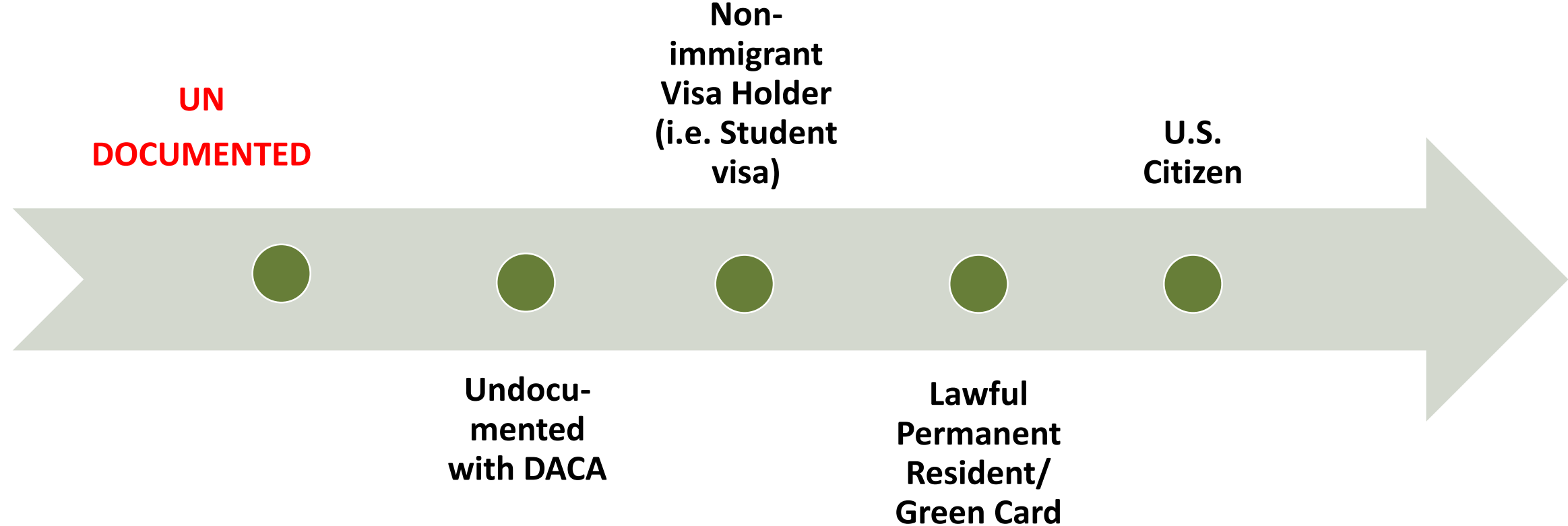
1. Entered the US without inspection/permission,

OR

2. Entered the US with a valid visa or other status, and overstayed the authorized duration of that status, therefore does not currently have lawful status in the US.



Immigrant Status: A Spectrum

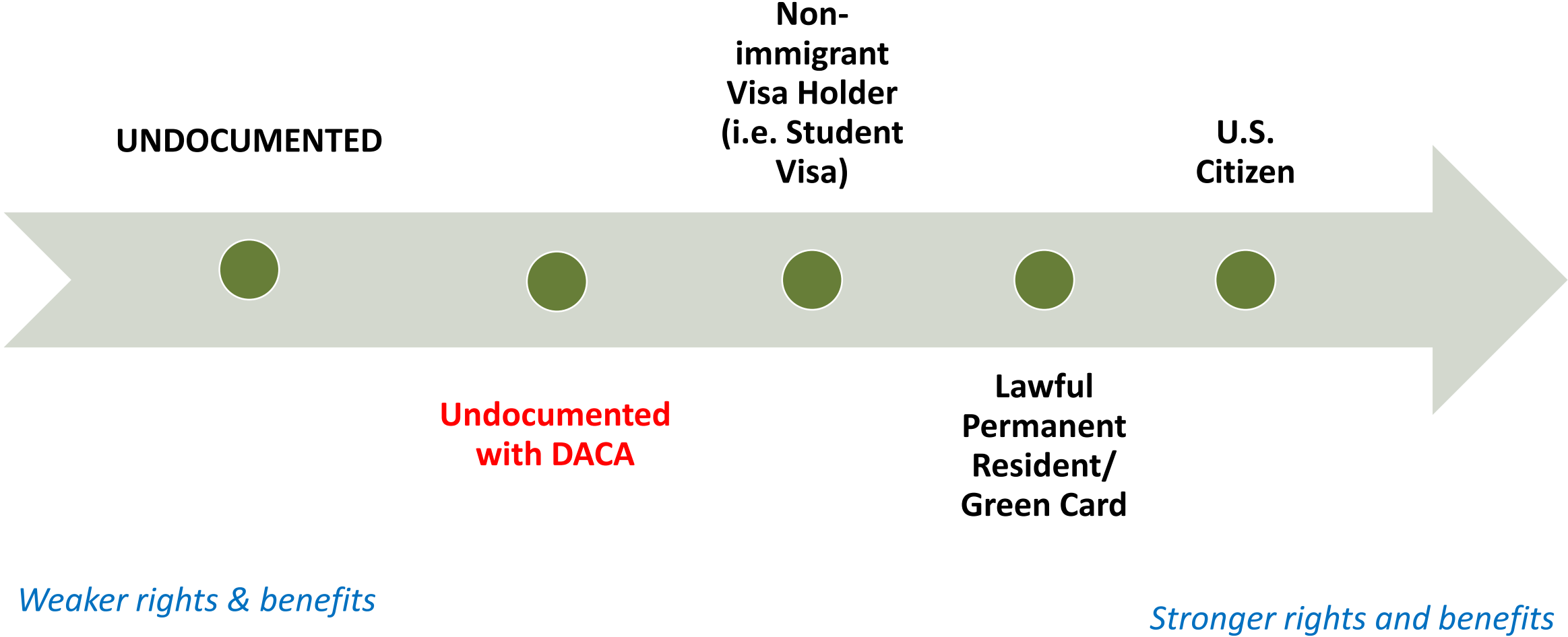


Weaker rights & benefits

Stronger rights and benefits

What is DACA?

Immigration Status: A Spectrum



Benefits for DACA Recipients

- “DACAmended” individuals may apply for work authorization
 - Valid for 2 years. Can be renewed.
- DACAmended individuals can get SSNs (not valid without EAD)
- DACA recipients can get standard CA ID or Driver’s License
 - DL is only valid for the period the individual has DACA
- DACA recipients can receive Medi-Cal if otherwise eligible
 - The proposed rule about “Public Charge” is pending. For more information see:
 - <https://www.nilc.org/issues/economic-support/how-to-talk-about-public-charge-pif/>
 - <https://protectinggimmigrantfamilies.org/>



DACA: What's Happening in Court?



Wasn't DACA Rescinded in 2017?



- Yes, but lawsuits have stalled the rescission for now.
- DACA is being litigated in several courts, and a number of different timeframes and outcomes are possible.
- For now DACA continues.
- At this moment, U.S. Citizenship & Immigration Services (USCIS) is accepting DACA renewal applications only.

Can I renew DACA?

- *We recommend that DACA recipients whose DACA expires within a year renew their DACA as soon as possible with the help of a licensed attorney.*
- It is important to provide information regarding ANY contact with Immigration officials and law enforcement, any travel you have done, and any changes of address you have made following your last DACA application.
- For free DACA legal services including filing fee assistance see the Legal Support Services [link](#).



DACA Frequently Asked Questions

1. I thought DACA was rescinded.

What happened?

- DACA renewals are currently being accepted due to several federal court decisions throughout the country.
- We'll discuss the DACA Litigation Timeline momentarily.

2. Can I apply for DACA if I've never applied before?

- No. USCIS is **not** accepting initial DACA applications at this time.

3. Can I apply for advanced parole?

- No. USCIS is not accepting AP applications at this time.

4. Can I renew my DACA if I'm eligible?

- Yes!
- You will need:
 - Form I-821D
 - Form I-765*
 - Form I-765WS*
 - A front and back copy your current Employment Authorization Document (EAD)
 - Check or money order for \$495 made to "U.S. Department of Homeland Security"
 - 2 passport-style photos
 - Any other documents as required by the instructions associated with each form.
- *Make sure you're using the correct edition of each form.

DACA Frequently Asked Questions

5. When should I renew my DACA?

- Renew your DACA as soon as possible if it expires in the next 12 months, so long as you remain eligible.
- You don't have to wait until 150 days before your DACA expiration date to submit your request to renew DACA.

6. Can I renew if my DACA expired more than a year ago?

- Yes.
- If you received DACA before September 5, 2016 and you didn't renew, you may renew your expired DACA by submitting an initial DACA application form and supporting documents.
- If your DACA expired on or after September 5, 2016, but you did not renew, then you may renew your expired DACA by filing a DACA renewal application.

DACA Frequently Asked Questions

7. Have the DACA eligibility requirements changed?

- No.
- The eligibility requirements for DACA have not changed.
- Please speak with a qualified attorney before renewing your DACA if you have had any contact with police or immigration authorities, or if you have changed your address.

8. Can I get help with my DACA renewal?

- Yes.
- Please refer to the CSU Legal Support Services [link](#) to locate an attorney who can assist you.

9. Can I get help with my \$495 DACA fee?

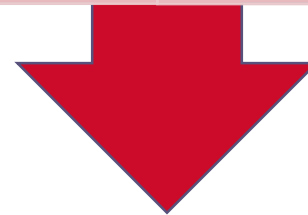
- Yes.
- Interest free loans can be obtained through the [Mission Asset Fund](#).
- The following [organizations](#) assist with renewal fees: <http://tinyurl.com/yalyzrth>

DACA: Litigation Timeline

January 9, 2018

A Federal Judge in San Francisco ordered USCIS to resume accepting DACA renewals.

This blocks the U.S. government from terminating the DACA program.



February 13, 2018

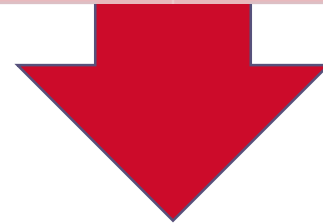
A Federal Judge in New York also ordered the U.S. government to temporarily continue accepting DACA renewal applications.

DACA: Litigation Timeline

February 26, 2018

The US Supreme Court denied the U.S. government's request to make an early decision on the legality of the CA and NY rulings.

USCIS will continue accepting DACA renewals until a court decides to lift these injunctions.



March 5, 2018

A Federal Judge in Maryland ruled that the Trump Administration has the authority to terminate DACA.

However, USCIS will continue accepting DACA renewals because the CA and NY cases remain in effect nationwide.

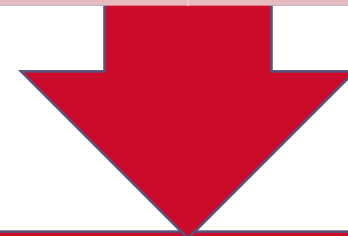
The Federal Judge also ruled that the government should continue protecting information on DACA applications.

DACA: Litigation Timeline

April 25, 2018

A Federal Judge in D.C. ordered the US government to also resume accepting initial DACA applications.

*However, this decision is on hold at this time. USCIS is **not** accepting DACA initial applications or Advanced Parole applications.*



May 15, 2018

The 9th Circuit Court of Appeals heard the argument over the CA DACA case. No decision has been made yet.

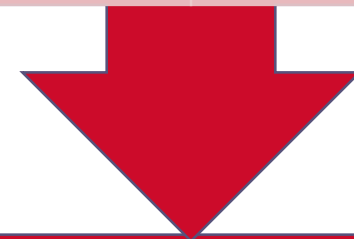
Even if the 9th Circuit decides to stop DACA renewals, the NY decision that applies nationwide should stay in effect and allow USCIS to continue accepting renewals.

DACA: Litigation Timeline

August 31, 2018

A Federal Judge in Texas issued a decision in a lawsuit filed by Texas and 6 other states to stop DACA.

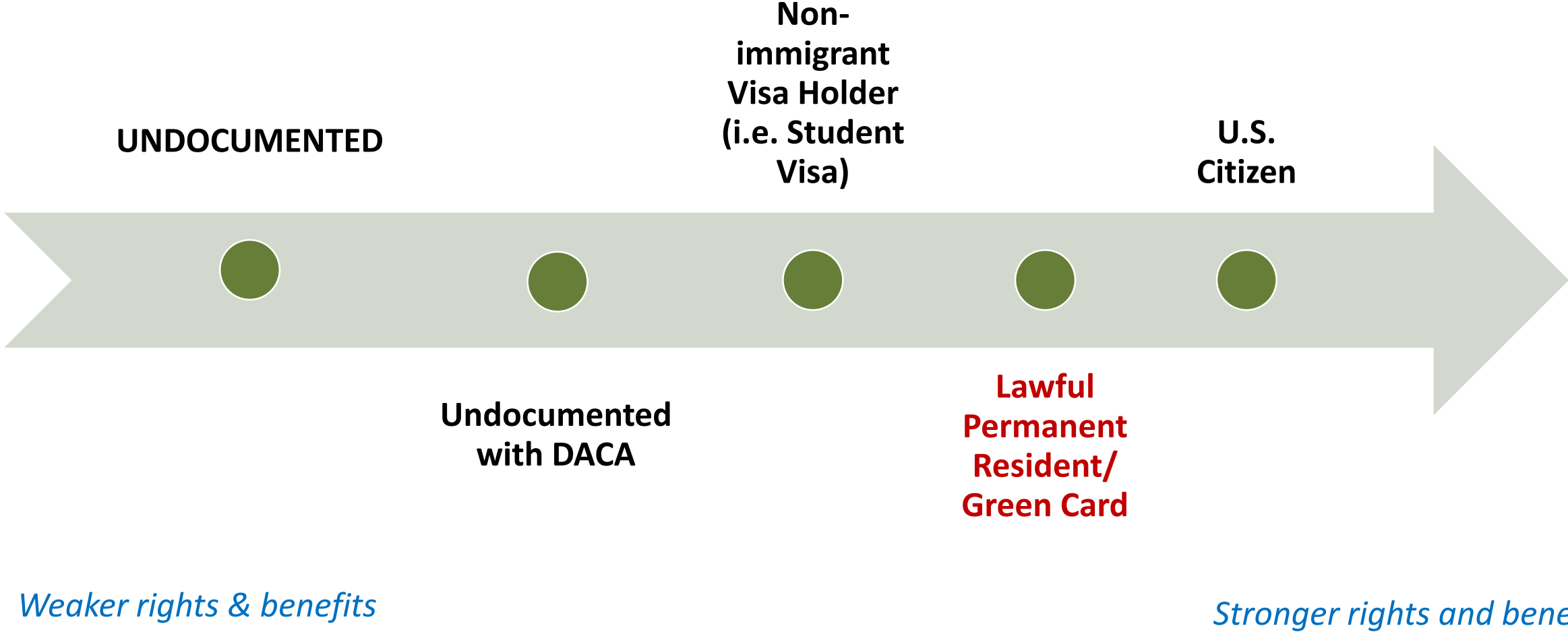
The Texas judge decided not to issue an injunction, meaning that the renewals can continue at this time until the case moves forward.



October 2018

The US Department of Justice stated that it would ask the Supreme Court to intervene if the 9th circuit had not made a ruling by October 31.

Immigration Status: A Spectrum



Lawful Permanent Residency a.k.a. The “Green Card” Process

What are some of the ways to become a Lawful Permanent Resident?

- Family Based Petitions
- U Visa or T Visa
- Asylum/Refugee
- Special Immigrant Juvenile Status (“SIJS”)
 - **NOTE: We are not filing this kind of application right now in most cases where the applicant is over age 18.**
- Employment Based Petitions



Lawful Permanent Residency a.k.a. The “Green Card” Process

What are the benefits?

- Authorization to be in the U.S. – Permanently
- Permission to work
- Eligibility for federal financial aid
- Can leave the U.S. and return
- Can submit petitions for certain family members to immigrate
- Pathway to citizenship



BOTTOM LINE

ALWAYS SPEAK WITH A LICENSED ATTORNEY

In today's immigration legal climate we recommend that students and other individuals speak with trustworthy, licensed attorneys to discuss immigration options.

See the CSU Legal Support Services link for a list of free legal service providers



Know Your Rights: Everyone Has Constitutional Rights!

- You have the right to **remain silent**. If you wish to exercise that right, say so out loud. Print and carry a “Know Your Rights” card with you and give it to the officer.
- You have the right to **refuse to consent to a search** of yourself, your car or your home.
- If you are at home, **you do not have to open the door. Ask to see a valid search or arrest warrant**, and have the officer slip it under the door or place it against a window, so you can see what it says.



Know Your Rights: Everyone Has Constitutional Rights!

- If you are not under arrest, you have the **right to calmly leave**.
- You have the **right to a lawyer** if you are arrested. Ask for one immediately.
- Do not sign anything unless you completely understand what you are signing. You may be signing away your rights. Ask to speak to an attorney.



CSU Resources

All CSU resources are posted on the Resources for Undocumented Students page on the CSU website: (www.calstate.edu).



- DACA Update
- Admissions Process
- Financial Aid
- Campus Support
- Legal Support Services
- About AB 540/2000/SB 68 and the California Dream Act
- Communications and Guidance
- Other Resources

Other CSU Resources

Resources for Undocumented Students:

- <https://www2.calstate.edu/attend/student-services/resources-for-undocumented-students/pages/default.aspx>
- [Free Legal Support Services](#)
- [Free DACA Legal Services and Filing Fee Assistance](#)
- [FAQs for CSU Employees about Federal Immigration Enforcement Actions on University Property](#)
- [CSU Campus Support](#)

Contact Information

- Vivek Mittal: vivek.ucimm@law.ucdavis.edu
- Rachel Ray: Rachel.ucimm@law.ucdavis.edu
- Ana Aguayo-Bryant: aaguayo@calstate.edu
- Ray Murillo: rmurillo@calstate.edu
- Carrie Rieth: crieth@calstate.edu

QUESTIONS?

