



THE IMPACT OF ENDING DACA

9/7/17

AGENDA

- **Welcome – Shiu Ming Cheer**
- **Ending DACA & Prospects for Legislation – Ignacia Rodriguez**
- **Access to Health Care – Gabrielle Lessard**
- **DACA & Employment – Josh Stehlik**
- **Q&A (10 min)**
- **Litigation & Actions to Defend DACA – Mayra Joachin**
- **Q&A (10 min)**

ENDING DACA & PROSPECTS FOR LEGISLATION

DACA RESCISSION

On September 5, 2017 the Trump administration announced the rescission of the DACA 2012 memo.

What does that mean for individuals who are eligible for DACA?

- Individuals who do not have DACA today will not be able to obtain it in the future, unless their applications are currently pending with USCIS.

DACA RESCISSION

What does that mean for individuals who have or had DACA?

- Individuals who have DACA today will be able to retain their DACA and work permits until their expiration
- Individuals who have DACA today will not be able to renew their DACA or work permits. There are two exceptions to this:
 - Individuals with currently pending renewal applications
 - individuals whose work permits expire between September 5 and March 5 – these individuals can apply for a renewal so long as they apply by October 5

DACA RESCISSION

What does that mean for Advance Parole?

- USCIS will no longer approve advance parole applications associated with DACA. Pending applications will not be approved and fees will be returned.
- USCIS will not rescind previously granted grants of advance parole associated with DACA.

THE DREAM ACT

DREAM ACT OF 2017

(S.1615 & H.R.3440)

- **Senate bill introduced on July 20th by Sen. Lindsay Graham (R-SC) and Sen. Richard Durbin (D-IL).**
- **House of Reps. bill introduced on July 26th by Rep. Lucille Roybal-Allard (D-CA-40) and Rep. Ileana Ros-Lehtinen (R-FL-27).**
- **Offers a path to citizenship**
 - Conditional permanent residency (CPR) (8 years) → LPR (5 years) → eligible for naturalization (after a total of 13 years)

DREAM ACT OF 2017

(S.1615 & H.R.3440)

To be eligible for conditional permanent residence (CPR) a person must:

1. Have no lawful status, or have a final order of removal, or have TPS, or have DACA;
2. Have entered the U.S. before turning 18;
3. Earned a high school diploma, a state equivalent, or a G.E.D. certificate; or enrolled in a secondary school program to obtain a high school diploma or G.E.D; or was admitted to an institution of higher education;
4. Be continuously present in the U.S. for at least 4 years before the date of enactment;
5. Not have committed certain criminal offenses and pass a background check.

DACA recipients become CPR automatically by having DACA, unless they've engaged in conduct that makes them ineligible.

DREAM ACT OF 2017 (S.1615 & H.R.3440)

Eligibility for lawful permanent residence (LPR) and citizenship

- can apply for LPR status after 8 year in CPR status;
- must have no criminal issues, as outlined in the Act;
- must not have abandoned their residence;
- must have completed **one** of the following:
 - Education: (1) acquired a higher education degree, (2) completed at least 2 years in a bachelor's degree program
 - Military: served in the armed forces for at least 2 years
 - Work: been employed for a total of at least 3 years (75% of it with valid employment authorization)
 - Be eligible for a hardship exception.

Can be eligible for naturalization, likely, after 5 years in LPR status.

EDUCATION

ACCESS TO HEALTHCARE

GABRIELLE LESSARD

LESSARD@NILC.ORG

EMPLOYER-SPONSORED INSURANCE

Over 50% of DACA recipients got a job that provided health insurance or other benefits

- Health insurance should remain in effect as long as employed

When employment ends, you will receive a notice saying that you can continue your insurance through COBRA

Compare COBRA to other health insurance options with an insurance broker or a health plan you like

- Need to purchase plan within **60 days** after losing employer coverage or during Open Enrollment
- In most states, Open Enrollment is Nov. 1 – Dec. 15

No change to insurance through a family members' job

STATE AND LOCAL PROGRAMS

- Washington DC provides healthcare for all low-income residents of the District.
 - Losing DACA will not affect eligibility
- California, Massachusetts, Minnesota, and New York provide coverage for low-income DACA recipients. In Washington, DACA grantees with disabilities may be eligible for medical coverage.
 - Former DACA recipients may remain eligible for these programs. **Advocacy may be required.**
- Some cities and counties cover residents regardless of immigration status.
 - Losing DACA will not affect eligibility

PREGNANT WOMEN

Many states and Washington, D.C. provide coverage for pregnancy-related services, regardless of the woman's immigration status

In other states, low-income pregnant women are eligible for labor and delivery services through the state Medicaid program



PEOPLE UNDER AGE 19

California, Illinois, Massachusetts, New York, Oregon, and Washington provide full-scope health coverage to all residents under age 19

- must meet the income eligibility requirements for the state Medicaid and/or CHIP program.

Washington, DC, provides health services to all income-qualified residents of the district.

PROGRAMS OPEN TO ALL

- Emergency-room care
- Community health centers and free clinics
- Public and safety-net hospitals
- Public health services (immunizations, treatment of communicable diseases such as tuberculosis, HIV, sexually transmitted diseases)
- Emergency treatment under emergency Medicaid, including labor and delivery for pregnancy
- Hospital Financial Assistance and Charitable programs
 - Ex: Kaiser Permanente offers reduced price and free enrollment in its service areas

DACA AND EMPLOYMENT

CAN MY EMPLOYER NOW ASK TO SEE MY WORK PERMIT AGAIN?

- No. Once you are hired and complete the I-9 or E-Verify process, your employer should not ask to see your work permit again until the expiration date.
- It is unlawful discrimination for employer to selectively reverify employees on the basis of country of origin, ethnicity, or citizenship.
- Also unlawful for employer to request more or different documents than required by I-9 form.
- Can call Immigrant and Employee Rights section of Dept of Justice for assistance: 1-800-255-7688

SHOULD I TELL MY EMPLOYER IF MY DACA AND WORK PERMIT EXPIRE?

- You do not have an affirmative obligation to tell your employer that you have DACA or that your DACA and work permit has expired.
- The legal obligation is on the employer to ask to see your new work permit when your current permit expires.
- If you continue working after your work permit expires, you will be working without authorization.
- Your employer may, if and when it realizes your work authorization has expired, terminate your employment at any time.

WHAT HAPPENS TO MY SOCIAL SECURITY NUMBER?

- Your SSN is yours for life, even if you no longer have DACA or legal authorization to work.
- You should continue to use your SSN to file any required income tax returns.
- BUT: your SSN may not be used for work purposes without a valid work permit.
- If you lose DACA, but receive work authorization in the future, you will be able to go back to using your SSN for employment.

IF I LOSE WORK AUTHORIZATION, CAN I WORK AS AN INDEPENDENT CONTRACTOR?

- Business are not required to check if an independent contractor has work authorization.
- BUT: a business is prohibited from contracting for labor with someone who the business knows is unauthorized to work.

RESOURCES

- **NILC, UWD, Advancing Justice-ALC DACA and Employment:**

<https://www.nilc.org/issues/daca/about-daca-and-employment/>

- **Alternatives to employment/resources on immigrant entrepreneurship:**

<https://immigrantsrising.org/>

- **ILRC: What do I need to know about the end of DACA?**

https://www.ilrc.org/sites/default/files/resources/community_advisory_-_end_of_dacav2.pdf

LITIGATION & ACTIONS TO DEFEND DACA

LEGAL CHALLENGES

- *Batalla-Vidal v. Baran*: Lawsuit originally filed to challenge the court order in *Texas v. U.S.*
- Amended on Tuesday to ask the court for permission to bring new claims and add plaintiffs
- Brought on behalf of Martin Batalla-Vidal and Make the Road NY

A dark blue rectangular graphic with a faint, semi-transparent image of the White House in the background. The text is overlaid in white.

Donald Trump says he's ending DACA.

**We just filed a lawsuit in NY
to protect Dreamers across
the country.**

National Immigration
Law Center

Worker & Immigrant Rights
Advocacy Clinic at the Yale Law School

Make The Road
New York

LEGAL CHALLENGES

- Arguments:
 - Administration's decision to terminate this long-standing program without a reasoned explanation violates a federal statute
 - Administration's decision is based on racial discrimination in violation of the Constitution's equal protection clause
- Court hearing on 9/14
- States have also joined in the litigation



We could not have filed our lawsuit to protect Dreamers without the bravery of our plaintiff Martín Batalla Vidal.

LET HIM KNOW YOU'RE STANDING WITH HIM.

NILC.org/ThankMartin
[#ThankMartin](https://twitter.com/ThankMartin)



TEXAS V. U.S.

- Lawsuit originally filed to challenge DAPA and expanded DACA
- Texas Attorney General + 9 other states threatened to challenge the legality of DACA program unless Trump agrees to end DACA by September 5
- After Tuesday's DACA announcement, Texas has sought to dismiss the lawsuit in the Southern District of Texas

GET INVOLVED

- Urge Congressmembers to support immigrant youth and the Dream Act
 - Call the target Congresspeople found at <http://weareheretostay.org/call/>
 - Tweet at Congress through this link - <http://weareheretostay.org/send-tweets-to-attorneys-general/>
 - Set up meetings with your Congressmembers

**Trump has begun to end DACA.
We are more than papers.
We will fight back.
We are #HereToStay**



#DEFENDDACAC

- Visit www.defenddaca.com for info and resources
- Attend an event near you (find them at <http://weareheretostay.org/attend-an-event/>)
- Share your [story here!](#)
- Create petitions using Define American's [template](#) and sign ones such as this - <https://dreamers.fwd.us/petition>



RESOURCES

- **Top 5 Things to Know About the Announcement That DACA Is Being Ended:**
<https://www.nilc.org/issues/daca/top-5-things-to-know-about-daca-ending/>
- **FAQs on DACA Termination:**
<https://www.nilc.org/issues/daca/daca-termination-faq/>
- **About DACA and Employment:**
<https://www.nilc.org/issues/daca/about-daca-and-employment/>
- **Side by Side – DACA & Related 2017 Legislation:**
<https://www.nilc.org/issues/immigration-reform-and-executive-actions/dreamact/daca-related-2017-legislation/>

QUESTIONS?

**National
Immigration Law
Center**

www.nilc.org

reply@nilc.org

