

Initial DACA Applicants

What You Need to Know

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Agenda

- How we got here
- DACA Breakdown
- How to apply
- Resources



HOW DACA CAME TO BE

- Deferred Action for Childhood Arrivals (**DACA**)
- Result of
 - Young immigrants fighting for immigration reform
 - Congressional failure to pass DREAM Act first introduced in 2001
- DREAM Act ≠ DACA
- DREAM Act (Development, Relief, and Education for Alien Minors Act) is a legislative proposal that would provide immigrant youth in the U.S a path to citizenship
 - Various versions

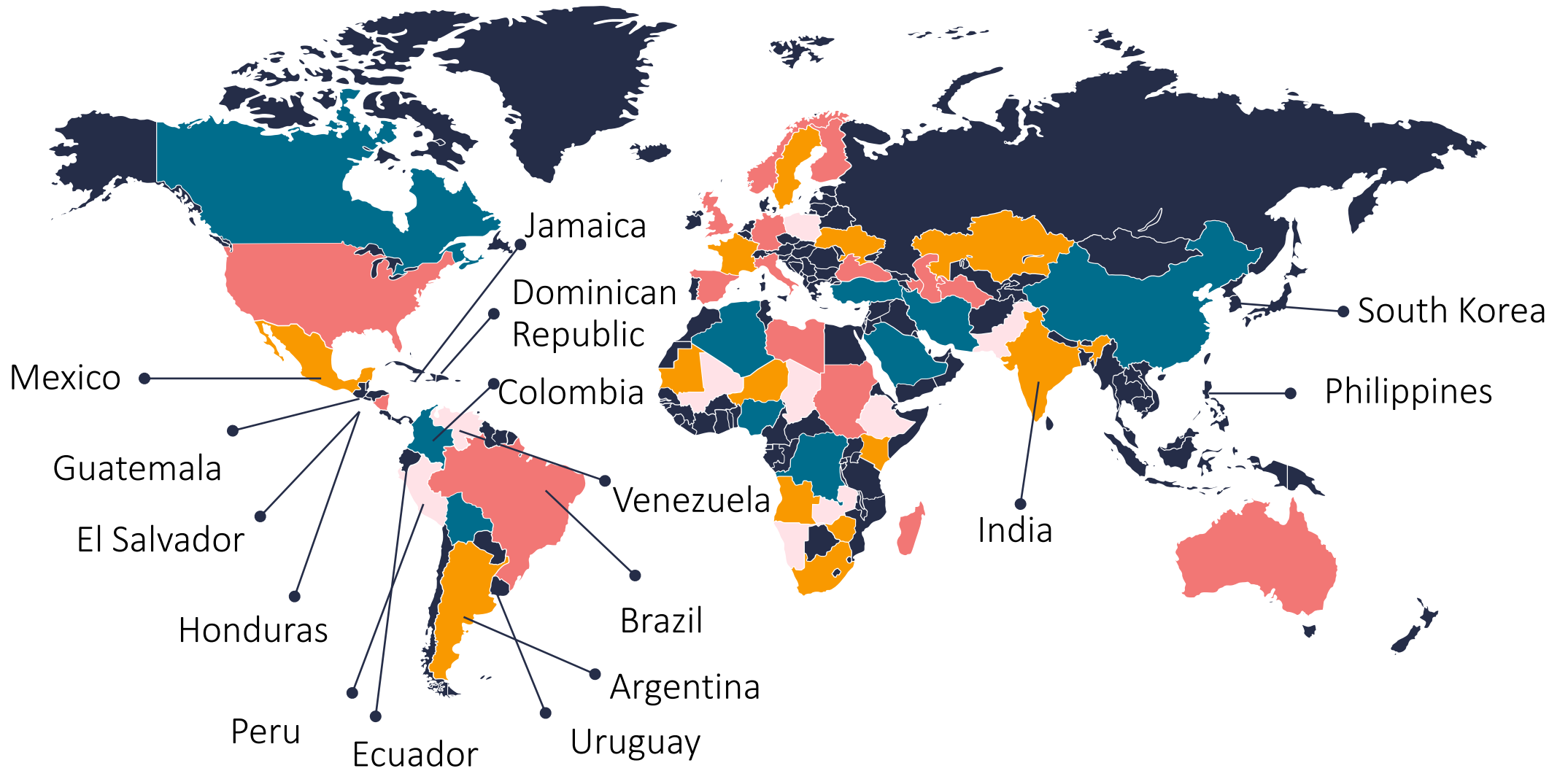


WHAT IS DACA?

- An Executive Order issued under the Obama Administration on June 15, 2012
- DACA ≠ Law → **Immigration Enforcement Policy**
- **Not a path to citizenship**
- **Not a permanent form of relief**
- Applications reviewed on a “case-by-case” basis
- Renewable 2-year period
 - Deferred Action = Protection from Deportation
 - Employment Authorization (EAD)
 - Advance Parole (AP)
 - Subject to termination **at any time**



Recipients come from.....



Not legal advice. Informational purposes only.

DACA During Trump Admin.

During Presidential campaign Trump said he would end DACA his first day in office



During the first few months Trump didn't cancel DACA and instead said he supported DREAMers

September 5, 2017 –
DACA is rescinded



No new applications
accepted

Actual photo of the emotional roller coaster all this has been



But wait there is more....



LAWSUITS

U.S SUPREME COURT DECISION

June 18, 2020, SCOTUS held that the Trump Administration's attempt to end DACA was improper. DACA continues to live for now.



PROGRAM REINSTATED

The decision requires U.S citizenship and Immigration Services (USCIS) to reinstate the program as it was when introduced in 2012. Meaning Advance Parole and Initial applications should be accepted

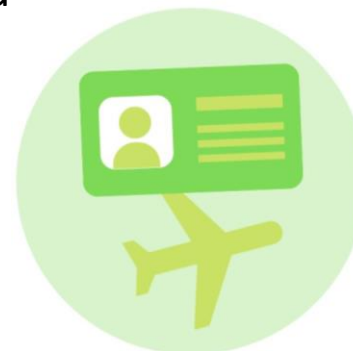


USCIS RESPONSE

- (1) Reject all initial DACA applications
- (2) Reject all Advance Parole applications from DACA recipients unless there are *exceptional circumstances*;
- (3) Shorten the DACA renewal period from 2 years to 1 year.



Issued by Chad Wolf –
Acting Secretary for DHS





MORE LAWSUITS.....

NEW YORK FEDERAL COURT

November 14, 2020, a federal court judge, **concluded** that the **Wolf memorandum**, was issued without legal authority because Chad Wolf was not lawfully serving as the acting secretary of DHS



PROGRAM REINSTATED AGAIN...

December 4, 2020, **the court issued an order** vacating the Wolf memo and returning DACA to the terms that were in place before September 5, 2017



USCIS RESPONSE

December 7, 2020, USCIS published new guidelines

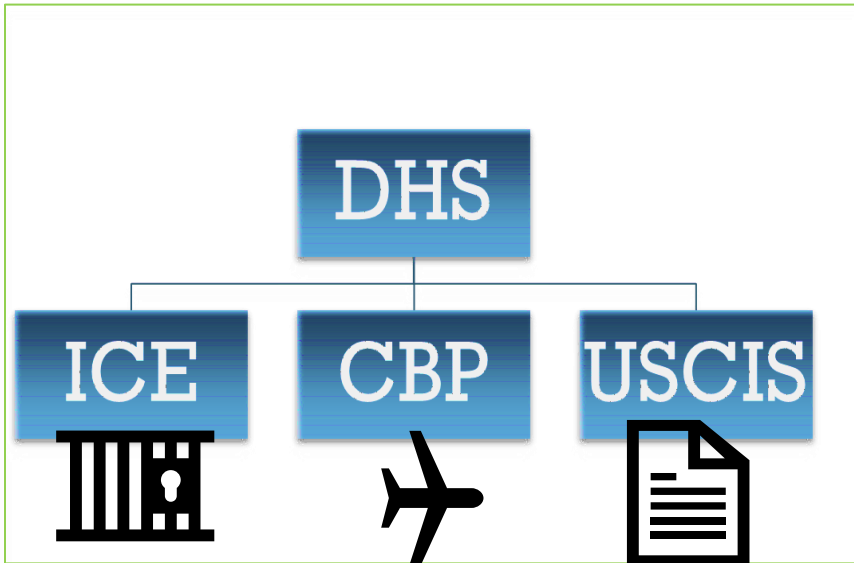
- (1) Accepting all initial DACA applications
- (2) Advance Parole is back
- (3) Renewals issued for 1 years will be extended to 2 years



This should have happened in June



Deferred Action?



- Immigration & Customs Enforcement (**ICE**)
- CBP- Customs & Border Patrol (**CBP**)
- USCIS- United States Citizenship & Immigration Service (**USCIS**)

- **Immigration enforcement policy**
 - Department of Homeland Security (DHS) can “exercise **prosecutorial discretion**” towards certain young people who came to the United States as children
- **Prosecutorial discretion:** decision to not pursue a case against a person with DACA
- Protection from Deportation
- If you filed for DACA before you were 18 and you were approved, you will not begin to accrue unlawful presence while you remain in a period of “authorized stay” under Deferred Action.

Employment Authorization?

Work permit (EAD)



What DACA CAN do for you.....

- carry out independent contract work, own a business (including LLCs), and collect worker's compensation
- Access to Scholarships and Grants
- Valid Social Security Number
- NYS Identification Card and REAL ID
- Travel within the United States with more peace of mind.
- Limited access to health care for New York State Medicaid.

What DACA CANNOT do not.....

- Does not provide status.
- DACA recipients are not able to naturalize or petition for family members.
- Cannot vote
- Ineligible for federal financial aid
- Does not provide access to public benefits (Food Stamps/ SNAP, Temporary Aid to Needy Families Cash Benefits and Social Security Income)



Advance Parole?

Advance Parole may be granted to travel outside of the U.S. when **demonstrating the need to travel due to education, employment, or humanitarian reasons**

Humanitarian:

Ex: travel to obtain medical treatment, attend funeral services, or visit a sick relative.

Educational:

Ex: study abroad programs or research

Employment:

Ex: overseas assignments, interviews, conferences, training, or meetings for work

- The ability to travel abroad and then return without having your status compromised
- Costs \$575
- You have limited time for traveling.
- Can help people who....
 - Do not have proof of how they initially entered the US and,
 - Have immediate family members who are US citizens



DACA CRITERIA

Celebrate, it is great a new wave of folks will be able to apply.

Acknowledge, many are still left out.....

- Entered after their 16th B-day
- Entered between June 16, 2007 and now
- Unable to attend/complete school
- Past run-in w/ police

Program is imperfect

Age and Presence Requirement

- At least 15 years of age when applying
- Were under the age of 31 as of June 15, 2012;
- Came to the U.S before reaching your 16th birthday;
- Have continuously resided in the U.S since June 15, 2007, up to the present time;
- Physically present in the U.S on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
- Had no lawful status on June 15, 2012;



Education Requirement

- Currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States



Background Requirement

- Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.



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Council Member Daniel Dromm

- BROOKLYN -

Thursday, 10:00am - 4:00pm
4417 4th Avenue, Ground FL
Brooklyn, NY 11220

Council Member Carlos Menchaca

- UPPER MANHATTAN -

Wednesday, 10:00am - 4:00pm
618 W. 177th Street, Ground FL
New York, NY 10033

Council Member Ydanis Rodriguez

- SOUTH BRONX -

Tuesday, 10:00am - 1:00pm, and
Thursday, 5:00pm - 8:00pm
330 E. 138th Street
Bronx, NY 10455

St. Jerome H.A.N.D.S. Community Center

- MIDTOWN MANHATTAN -

Monday to Friday, 10:00am - 4:00pm
27 East 39th Street, 3rd FL
New York, NY 10016

Consulate General of Mexico in New York

How Do I Apply?



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INITIAL DACA APPLICATIONS
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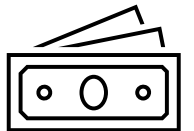
When: Now
Why:

On December 7, 2020, USCIS announced they are complying with a federal court order restoring the DACA program as it was in 2012. Contact us to determine if you are eligible as a first-time applicant, and we can talk to you about other immigration options. Our legal services are free and confidential.

Contact:

 JGuzman@volsprobono.org	 SLing@volsprobono.org
 347-521- 5706 <i>speaks Spanish</i>	 347-521-5707 <i>speaks Mandarin and Cantonese (Chinese)</i>

- Consult a with an attorney
 - Screen for DACA **and** other forms of relief
 - Especially if you have...
 - Orders of removal
 - Arrests
- There are many non-profits in NYC save your coins!
 - Immigration fee is \$495
- Forms are only a part of the application
- Establish Identity and age
 - Passport
 - Birth Certificate



Initial Applicant : How to apply

Evidence of your presence in the U.S for *every* month of *every* year you have been in the U.S.....

- School Records
- Medical Records
- Remittances
- Taxes
- Bills
- Lease
- Bank statements
- Online Purchases
- Subscriptions
- Insurance cards
- Awards/ Certificates
- Big life events
- Anything with name + date

Challenges

- 13 years + of records
- COVID- 19
 - Difficult to reach out to institutions/ slow process
 - If working with attorney tech access

Especially difficult if...

- If you entered the U.S around June 15, 2007 = Lack of records
- Meet all requirements except High School/ HSC (GED)
- List of documents to collect
 - [Spanish](#)
 - [English](#)

WHAT CAN WE DO NOW?

Collect Your
Documents

Keep a check list of
dates and years

Save for the
immigration fee

Keep calling/ emailing
schools/ doctor

Fight for an inclusive
humane immigration.
DACA is not the be all
end all

Get Know-Your-Rights
info for yourself, your
family, your friends,
and your neighbors.

Frequently Asked Questions

Can I apply if I am over 31 years of age

- Yes, if you were under 31 on June 15, 2012 and meet the other criteria

Can I use letters from friends and family as evidence?

- Yes, but it should not be your only evidence.

Can I apply for DACA for the first time and apply for AP at the same time?

- No, you must be approved for DACA and then apply for AP

Resources

Obtaining School Records

- **If in school contact your school directly and ask for a student Historical Profile**
- **Info:** <https://www.schools.nyc.gov/learning/student-journey/student-records-and-transcripts/requesting-student-records-and-transcripts>
- **Request form:** <https://www.schools.nyc.gov/docs/default-source/default-document-library/policy-student-records-request-form>

What if your school closed?

- **Information:** <http://www.acces.nysed.gov/bpss/obtaining-closed-school-student-records>
- **Request form:** <http://www.acces.nysed.gov/common/acces/files/bpss/studentrecordsrequest.pdf>

Resources

Medical Records

- You can contact your clinic or hospital
- Information on requesting medical record
 - <https://www.hhs.gov/hipaa/for-individuals/personal-representatives/index.html>
 - <https://www.verywellhealth.com/how-to-get-copies-of-your-medical-records-2615505>
 - <https://www.health.ny.gov/publications/1443/>
 - <https://portal.311.nyc.gov/article/?kanumber=KA-02863>
- **NYU Langone:**
 - <https://nyuwinthrop.org/patients-and-visitors/for-patients/request-medical-records/>
 - <https://nyulangone.org/contact-us>
 - **Request form:** <https://nyulangone.org/files/nys-external-appeal.pdf>
- **Template Letter:** <https://drive.google.com/file/d/1eMovmB81agnJYikrsVGYcsAyP7Z-idxe/view?usp=sharing> (can be used to request records from clinic or hospital)

Resources

Bank Account and Utilities

- You can contact the companies to get a record of your account, but they may charge you a fee
- Make an online account with the company before reaching out, you may be able to download your records without a fee

Adobe Scanning Application

- When you have your documents ready, you can send them to us for review. You can scan all documents using the [adobe app](#).

Resources

How to send us your documents

- Use a flat surface
- Use the crop tool to define the edges of the document
- Make sure the scan is clear
- Make sure documents aren't cut off
- Organize your documents in chronological order.
- This helps us review and put together your application much easier
- Please send your documents in one email.
- If we get 100 documents from you and you send them individually. It can be very overwhelming for us when we open our emails!
- Once we review your documents, we will make an appointment to talk about what is missing or how to move to the next step.

Contact Us



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Jguzman@volsprobono.org or 347-521-5706

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