

Deferred Action for Childhood Arrivals

DACA Clinic Volunteer Training
Spring 2016

EQUAL

JUSTICE

CENTER

What is DACA?

- Prosecutorial discretion: “defer” removal (deportation) proceedings
- 2012 policy decision – not executive order or law
- Temporary permission to remain in the US

What DACA is not:

- The Dream Act
- Permanent or Temporary residence
- Path to permanent residence or citizenship
- No eligibility for federal loans, grants, medical programs

DACA Benefits

- Protection from deportation – 2 years
- Employment authorization (work permit) – 2 years
- Social Security Number
- Texas Driver's License or ID – 2 years
- Possibility of travel outside US
 - Education
 - Employment
 - Humanitarian reasons
- Lawful presence



Notes about travel:

- Applicants may not travel outside the U.S. before DACA is approved
- After approval, must obtain “Advanced Parole”
 - Permission from USCIS for humanitarian, educational or employment purposes



DACA Risks

- USCIS confidentiality
- BUT information can be shared for:
 - Help with considering DACA request
 - National security
 - Criminal investigation/prosecution
 - Fraud
- Notice to Appear guidance



Eligibility Requirements

- **15 years old** to apply (some exceptions)
- Came to the U.S. before turning **16 years old**
- **Under 31** years old on **6/15/2012** (born after 6/15/1981)
- Have lived continuously in U.S. since **6/15/2007**
- Physically present in U.S. on **6/15/2012** and when applying
- No lawful immigration status on **6/15/2012**
- **Education:** in school, HS diploma, GED, veteran
- No disqualifying **crimes**; not security/safety threat

Application Materials

- Application forms
- Identity documents
- Fee (\$465 money order)
- 2 Passport photos
- Evidence of meeting eligibility requirements



Application Materials

- **Identity documents** (name, DOB, photo)
 - Passport
 - Consular ID card (*cedula / matricula consular*)
 - Birth Certificate + photo identification (school ID)
 - Any U.S. government document with name, DOB, and photo

Application Materials

- **Documentary evidence – 1st time applicants**
 - Prove [education](#):
 - In high school, college, or GED program
 - In job training/educational program
 - Graduated from HS or earned GED, or
 - Honorably discharged from U.S. Coast Guard or Armed Forces
 - Documents:
 - School report card or transcript
 - Letter from GED program confirming enrollment (on letterhead)
 - High school diploma
 - GED certificate
 - Form DD-214 Certificate of Release or Discharge from Active Duty

Application Materials

- **Documentary evidence - 1st time applicants**

- Prove [entry and presence](#):

- entry in U.S. before 16 years old
- continuous residence in U.S. since 6/15/2007
- physical presence on 6/15/2012

- Documents:

- School transcripts (BEST)
- Vaccination records
- Medical records
- Receipts
- Vehicle registration
- Rental contracts, deeds
- Utility bills
- Employment records
- Tax documents
- Church records
- Bank statements

Application Materials

- **Documentary evidence - 1st time applicants**
 - **How much?** About every 3 months (use calendar chart)
 - Many documents cover large periods of time:
 - School transcript
 - Bank transaction records
 - Arrange in reverse chronological order
 - **Affidavits:** for gaps in evidence of continuous residence
 - Not favored by USCIS
 - Need at least 2
 - Penalty of perjury language

Application Materials

- **Documentary evidence: RENEWALS**
 - Copy of work permit (front and back)
 - Criminal documents for any criminal matters that occurred since the last DACA application (and positive discretion documents, if necessary)
 - That's all!

What happens at the DACA clinic?

- Check-in
- **Intake** – complete intake form and review/organize evidentiary documents
- Passport Photos
- Translations
- **Application** – fill out application forms
- Attorney Review
- Check-out

Ethics

- Tell applicant you are a trained volunteer – not a lawyer
- Do not give legal advice – ask a lawyer if there are questions
- Accuracy on the forms – very important
- Confidentiality – all information you learn about applicants is confidential



Intake Station

- Step 1: Complete Intake form
- Step 2: Check documents - use chart

Application Station

- Fill out applications: Initials and Renewals
 - **I-821D** - DACA application
 - **I-765**- Employment authorization application
 - **I-765WS** - proof of economic need
 - **G-1145** - if applicant wants e-notifications

Additional Information

Application Procedure

- Mail application packet to USCIS (certified mail)
- Receipt notices
- Biometrics appointment notice
- [Request for Evidence]
- Approval notice (initial: 6 mo; renewal: 4 mo)
- Work Permit arrives
- Then: apply for SSN and Texas DL or ID card

Renewals

- Apply between 120 and 150 days before current DACA expires
- Pay same \$465 fee
- Renewed DACA will be valid for 2 years
- Do NOT need to submit proof of presence, etc
- Submit copy of EAD (front and back) with application

Fee Exemption for \$465 filing fee

- Only 4 circumstances:
 - Under 18 years old, in foster care or lacking any parental or other familial support, and income is less than 150% of the U.S. poverty level.
 - Under 18 years old and homeless.
 - Suffer from a serious, chronic disability, and income is less than 150% of the U.S. poverty level.
 - \$10,000 or more in unreimbursed medical debt in the past 12 months for applicant or an immediate family member, and incomes less than 150% of U.S. poverty level.

Practice Tips

- All documents in Spanish must be translated with a **translation** certification (does not need to be notarized)
- **Copies** of documents, not originals, should be filed
- Do not submit false **social security** numbers
- Compare **addresses** on applicant's documents with the addresses she has provided
- If document appears suspect, **flag** it for DACA clinic attorneys
- Ask a lawyer if you have any **questions!**

Thanks so much for volunteering at the DACA clinic!

Questions?