



# WHAT DO I NEED TO KNOW ABOUT THE END OF DACA?

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## I. Initial and Renewal Applications

On September 5, 2017, President Trump directed the U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) to phase out and eventually end Deferred Action for Childhood Arrivals (DACA) over two and half years. This means that, as of September 5, 2017:

- USCIS will continue to process all pending **INITIAL** applications **ACCEPTED** as of September 5, 2017.
- USCIS will reject all other new **INITIAL** applications.
- USCIS will continue to process all pending **RENEWAL** applications that have already been filed.
- USCIS will continue to accept and process **RENEWAL** applications until October 5, 2017 from applicants whose DACA expires between September 5, 2017 and March 5, 2018.
- USCIS will reject all **INITIAL** and **RENEWAL** applications received after October 5, 2017.

**IMPORTANT:** Individuals with a current, unexpired grant of DACA will continue to hold DACA until it expires. This means that current DACA recipients maintain their protection from deportation and work permit until their current expiration date. USCIS will not refer DACA recipients and applicants to U.S. Immigration and Customs Enforcement (ICE) for deportation unless they meet USCIS' Notice to Appear guidance or post a risk to national security or public safety. Applicants with currently pending and processing applications should attend biometrics appointments and respond to any requests for additional evidence they receive from USCIS.

If you are eligible to renew under the above guidelines, you should do so immediately and file with enough time for your application to be delivered to and accepted by USCIS by October 5, 2017. Renewal applications must be accepted (and not just postmarked) by October 5, 2017 to ensure that your application is processed. For more information, see the government's [Frequently Asked Questions](#) and [memorandum](#) on the end of DACA.

## II. Work Permits

Employment Authorization Documents (EADs), also known as work permits, for current DACA recipients remain valid until they expire or the government terminates your DACA.

- If you currently have an unexpired work permit under DACA, you are allowed to keep your work permit and have the right to work legally until your work permit's expiration date.
- You have no obligation to inform your employer that DACA has ended. Your employer does not have the right to ask you whether you are a DACA recipient or how you got your work permit.
- Even though DACA is winding down, your employer does not have the right to fire you, put you on leave, or change your work status until after your work permit has expired. If your expiration date is nearing, your

employer may ask you for an updated work permit but cannot take any action against you until after it is expired.

- You still have the right to apply for a new job or change jobs until your work permit expires.
- For more information about your rights as an employee see this advisory by the National Immigration Law Center: <https://www.nilc.org/issues/daca/daca-and-workplace-rights/>.

### III. Social Security Numbers (SSNs)

Your SSN is a valid SSN number for life, even once your work permit and DACA grant expires.

- If you have not done so already, apply for an SSN while your DACA and work permit are still valid.
- You can and should continue to use the SSN you got under DACA as your SSN even after your work permit expires. You can use your SSN for education, banking, housing and other purposes.
- Your SSN contains a condition on it that requires a valid work permit to use it for employment purposes.

### IV. Driver's Licenses and Other Identification Cards

Eligibility and requirements for a driver's license depend on the state in which you live. If you have not already done so, you can still apply for a driver's license or state identification card if your DACA is still valid and your DACA makes you eligible for a driver's license or state-issued identification card in your state.

### V. Travel With Advance Parole

The government's September 5 announcement also made important changes to DACA recipients' ability to travel outside the country, also known as advance parole. Specifically:

- USCIS will reject all new applications for advance parole.
- USCIS will administratively close all pending applications for advance parole and refund the filing fee.
- USCIS states that previously approved grants of advance parole remain valid and that individuals retain the ability to exit and return the country within the dates provided in the travel document. Individuals with a valid grant of advance parole, however, should consult with an experienced immigration service provider before leaving the country.
- USCIS states that DACA recipients currently outside the country traveling with a valid grant of advance parole should be able to return to the country as long as they do so before their grant of advance parole expires.
- Even though USCIS states that grants of advance parole remain valid, U.S. Customs and Border Protection retains the discretion to deny you re-entry into the country and **it is not guaranteed** that DACA recipients traveling with advance parole will be allowed to re-enter the country.
- If you travel on advance parole or are currently abroad, make sure to return to the United States before the deadline.

If you have been granted advance parole under DACA but have not yet left the United States, or are interested in applying for advance parole, speak with an attorney to determine potential risks before doing anything.

### VI. Other Immigration Options

Many DACA recipients may be eligible for another immigration option to get a work permit or even a green card.

- Talk to an immigration services provider to understand your legal options and if you might be eligible for another 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.

## VII. Criminal Issues

Any criminal arrest, charge, or conviction can put you at risk with immigration authorities.

- Avoid contact with law enforcement that may result in a criminal arrest. If you end up being arrested, make sure to consult an expert immigration attorney.
- If you have a criminal conviction, see an attorney to find out if it can be changed to lessen the impact on a future immigration case you may have.

## VIII. Know Your Rights

Everyone – both documented and undocumented persons have rights in this country. At all times, carry a red card to exercise your right to remain silent in case you are stopped or questioned by ICE (<https://www.ilrc.org/red-cards>).

### You have constitutional rights:

- **DO NOT OPEN THE DOOR** if an immigration agent is knocking on the door.
- **DO NOT ANSWER ANY QUESTIONS** from an immigration agent if they try to talk to you. You have the right to remain silent.
- **DO NOT SIGN ANYTHING** without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside of your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- **GIVE THIS CARD TO THE AGENT.** If you are inside of your home, show the card through the window or slide it under the door.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4<sup>th</sup> Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

*These cards are available to citizens and noncitizens alike*

## IX. Updates and Information

Follow the news carefully and go to reliable sources for information on the status of the DACA and other immigration programs. Don't fall for scams about new fees or false information about your DACA work permit. Good sources of information include [www.unitedwedream.org](http://www.unitedwedream.org), [www.informedimmigrant.com](http://www.informedimmigrant.com), [www.defenddaca.com](http://www.defenddaca.com), [www.ilrc.org](http://www.ilrc.org), [www.nilc.org](http://www.nilc.org) and [www.weareheretostay.org](http://www.weareheretostay.org).