

DACA & Immigration Enforcement

OCTOBER 6, 2017

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What is DACA?

DACA (Deferred Action for Childhood Arrivals) allows a foreign national who is unlawfully present in the United States to apply for deferred action from removal, work authorization, and, in certain cases, a travel permit if she meets the following criteria:

- Entered the U.S. before the age of 16 (this includes entering without inspection)
- Under the age of 31 on June 15, 2012
- Continuously resided in the U.S. since June 15, 2007
- Meets educational requirements
 - G.E.D. or high school diploma;
 - Currently in school (including vocational); or
 - Honorably discharged from armed forces
- No conviction of a felony, significant misdemeanor, or 3 or more other misdemeanors and do not otherwise pose a threat to national security.
- Can pay the \$495 filing fee.

Why did we need DACA?

U.S. Immigration Law is notoriously unforgiving of past immigration violations.

- **3-year Bar:** Foreign nationals who enter the U.S. without a lawful status, or overstay their authorized stay (I-94), and remain in the U.S. over 6 months but under a year, and depart the U.S. (either voluntarily or through a removal order) trigger a 3-year bar.
- **10-year Bar:** Foreign nationals who enter the U.S. without a lawful status, or overstay their authorized stay (I-94), and remain in the U.S. for a year or more, and depart the U.S. (either voluntarily or through a removal order) trigger a 10 year bar from re-entry.
- **Permanent Bar:** Foreign nationals who have an aggregate of a year or more of unlawful presence, and subsequently attempt to reenter the U.S. without inspection trigger a Permanent Bar.
- **A person who improperly entered the U.S. (without the authorization of a CBP Officer) cannot change their status in the U.S.**

What DACA does and does not do

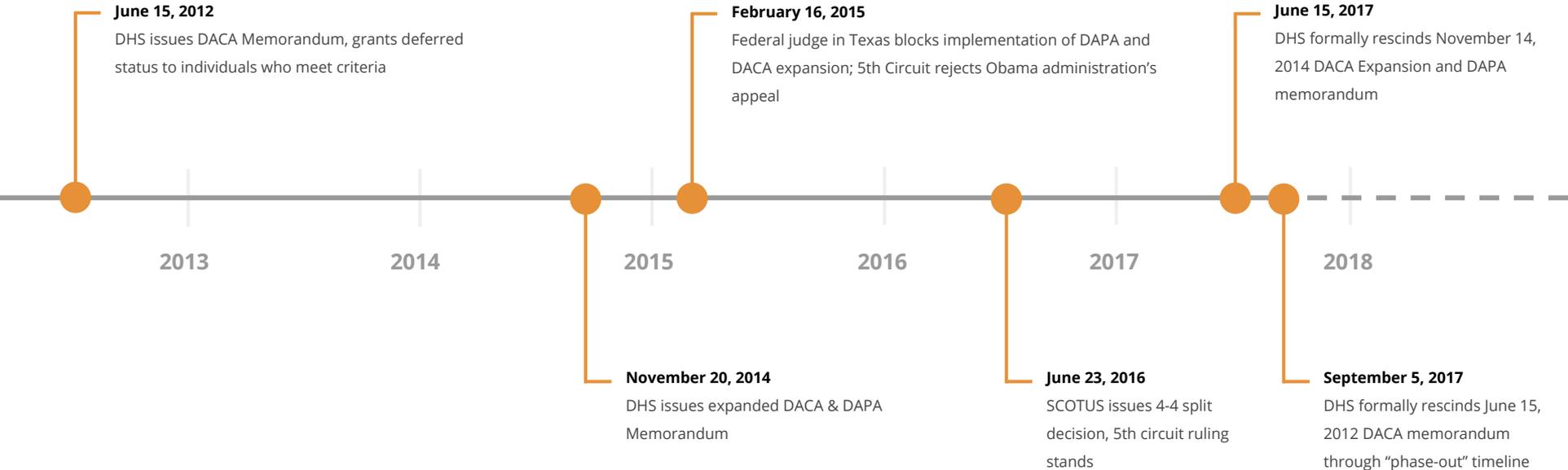
DACA **does**:

- Grant deferred action of removal from the U.S.
- Stop the accrual of unlawful presence
- Allow recipients to apply for a social security number
- Allow recipients to apply for advance permission to travel

DACA **does not**:

- Provide a direct path to citizenship
- Assign a legal “status”
- Forgive prior unlawful presence that accumulated after the applicant turned 18

A brief history of DACA & DAPA



How was DACA “phased-out”?

- **No new initial DACA applications were accepted after September 5, 2017.** USCIS rejected any and all initial DACA applications filed after September 5, 2017.
- **No new Advance Parole Documents (Travel Permits) approved after September 5, 2017.** As of September 5, 2017, USCIS stopped processing all applications for Advance Parole for DACA recipients and will no longer accept new applications.
- USCIS adjudicated all pending initial or renewal applications filed **before September 5, 2017**
- Individuals whose DACA status expired **between September 5, 2017 and March 5, 2018**, could apply to renew their DACA status if, and only if, USCIS received their renewal application **by October 5, 2017**.
- As of **September 5, 2017** individuals whose DACA status expired **before September 5, 2017** could not renew.

What does this mean for DACA recipients?

- A current DACA recipient retains her deferred status and work authorization until her EAD expires. DACA recipients are legally eligible to work as long as EAD is valid.
- If a DACA recipient has a valid (unexpired) advance parole document, she may still continue to use the document to travel and return to the U.S. as long as she returns to the U.S. **before** the document expires.*
- **Current DACA recipients that have a renewal application pending, should be sure to attend biometrics appointments and respond to any correspondence from USCIS.**
- **Current DACA recipients should also consult with an experienced immigration attorney to determine their other legal options.**

* CBP always has the right to refuse to let a person reenter even if that person has advance parole. Speak with an immigration attorney before traveling.

What about recipients whose DACA has already expired?

- USCIS has stated that it will **not** refer DACA recipients and applicants to Immigration and Customs Enforcement (ICE) for deportation unless these individuals meet USCIS's Notice to Appear guidance (fraud, committed certain crimes, or pose a risk to national security or public safety).
- **However**, current immigration enforcement actions target any individual if that individual had a prior order of removal, regardless of whether that individual has received DACA or committed additional crimes.
- If EAD (work permit) has expired, DACA recipients can NOT continue to work.
- Should speak to an immigration attorney to review your eligibility for other immigration options.

What about the DREAM Act?

Since the DREAM Act was introduced in 2001, several iterations of the bill have been introduced. **The current iteration of the DREAM Act** provides “conditional permanent residency” to individuals who meet the following criteria:

- Currently have DACA; **OR**
- Entered the U.S. under the age of 18 (regardless if entry was improper)
- Entered the U.S. before 4 years prior to the enactment of the Act and has resided continuously in the U.S.;
- Meets educational requirements
 - Received a high school diploma or GED; or
 - Currently in school (including GED program);
- No conviction of a crime where the term of imprisonment was more than a year, or convicted of three or more offenses for which the aggregate sentence was 90 days or more (with an exception for offenses which are essential to a person’s immigration status)
- No other serious immigration violations (other than improper entry and unlawful status)
- After 8 years, the conditional permanent resident could apply to remove the conditions on her residency.

Is Maryland's Dream Act affected by DACA?

- Maryland's dream act allows students who have attended a Maryland high school for 3 years and who can show that the student and/or their parent filed Maryland state income taxes during that time.
- While these types of state laws help undocumented immigrants overcome barriers to higher education, **a state cannot legalize or change the status of an undocumented immigrant.**
- Maryland's Dream Act **does not require a student to have DACA.** However, Virginia, Missouri, Ohio, Alabama, and Mississippi have in-state tuition policies that **do require students to have DACA.** Could also vary by private institutions.

Who are DACA Recipients?



Top countries of origin for DACA recipients

Current DACA enrollees

	Total	%
Mexico	548,000	79.4
El Salvador	25,900	3.7
Guatemala	17,700	2.6
Honduras	16,100	2.3
Peru	7,420	1.1
South Korea	7,310	1.1
Brazil	5,780	0.8
Ecuador	5,460	0.8
Colombia	5,020	0.7
Argentina	3,970	0.6
Philippines	3,880	0.6
India	2,640	0.4
Jamaica	2,640	0.4
Venezuela	2,480	0.4
Dominican Republic	2,430	0.4

Note: Only refers to individuals who are active DACA recipients, as of Sept. 4, 2017. Figures rounded by USCIS. Only top 15 countries shown.
Source: U.S. Citizenship and Immigration Services.

PEW RESEARCH CENTER

What about DACA recipients in Maryland?

- While majority of DACA recipients are Mexican nationals, we should be careful to make any assumptions on the demographics of DACA recipients.
- A 2014 Migration Policy Institute (MPI) study, which looked at **Maryland residents** who were either: 1) immediately eligible for DACA; 2) would be eligible if school enrollment requirements were satisfied; and 3) would be eligible in the future (under the age of 15).
- This study looked at the regions of birth of all individuals and found that:
 - **55% born in Mexico and Central America**
 - **8% Born in South America**
 - **18% Born in Asia**
 - **13% born in Africa**

ICE Enforcement Actions & Sensitive Locations

What are “sensitive locations”?

- Schools (including colleges and universities);
- Hospitals;
- Places of worship;
- Sites of funerals, weddings, or other religious ceremonies; and
- Public demonstrations sites, such as marches, rallies, or parades.

What are “enforcement actions”?

- Arrests;
- Interviews;
- Searches; and
- Surveillance (only as it relates to immigration purposes).

ICE Enforcement Actions & Sensitive Locations

ICE's has directed its officers that enforcement actions SHOULD NOT occur at sensitive locations, unless:

- ICE Officer has received prior approval from: **(1)** the Assistant Director of Operations of Homeland Security Investigations; **or (2)** the Assistant Director of Field Operations of Enforcement and Removal Operations; **or (3)** the Executive Associate Director of Homeland Security Investigations; **or (4)** the Executive Associate Director of Enforcement and Removal Operations;
- Exigent circumstances exist;
 - Enforcement actions involves a national security or terrorism matter;
 - There is an imminent risk of death, violence, or physical harm to any person or property
 - The enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual that presents an imminent danger to public
 - Safety;
 - There is an imminent risk of destruction of evidence material to an ongoing case;
- Other law enforcement actions have led officers to the sensitive location

How can I help DACA and undocumented students?

- Know legal resources in the area that offer pro-bono or low-cost legal representation, this includes:
 - Catholic Charities (www.catholiccharities-md.org/immigrants)
 - Foreign-born Information and Referral Network, Inc. "FIRN" (firnonline.org)
 - CASA (wearecasea.org)
 - Kids in Need of Defense (If under 21)- (www.supportkind.org)
 - Several others. Go to www.immigrationlawhelp.org
- Utilize mental health resources at the university.
- Listen, listen, and listen.
- Stay active in the fight for immigration reform.

Other Legislative Acts

Recognizing America's Children Act - Rep. Carlos Curbelo, R-Fla

- Codifies DACA. Also provides pathway to citizenship with a 5 year conditional permanent residency.

The American Hope Act - Rep. Luis Gutierrez, D-III.

- Raises eligibility age to include individuals who entered *before* 18th birthday.
- Does not include work or education requirements.
- Allows individuals to apply for 8 year conditional permanent residency status, but can remove conditions after 3 years.

Bar Removal of Individuals Who Dream and Grow Economy (BRIDGE) Act - Rep. Mike Coffman, R-Colo

- Codifies DACA, and extends the program for 3 years.
- No pathway for permanent status.

Thank you.

Navigating Difficult Content & Conversations

To foster productive dialogues and facilitate classroom conversations that address conflict or sensitive subject areas, it can be useful to break the in-class interaction into three phases: preparation conducted before a conversation has occurred, strategies for facilitating the conversation as it occurs, and ways to follow up after a challenging dialogue. Below are some suggestions for navigating each phase.

Before:

- For discussion based classrooms, consider working with students to develop some classroom conversation guidelines. [Here](#) are some examples of classroom guidelines.
- Distinguish between the types of conversations possible: [dialogues, debates, and discussions](#). You might model these modes for your students, and encourage them toward the kind of conversation most useful in your classroom.
- If possible, frame the conversation with prior reading or preparation, particularly of the historical variety. For example, a discussion on recent immigration restrictions might be usefully foregrounded by content on other immigration protocols in US history, such as the Johnson-Reed Act.

During:

- Give students time to gather their thoughts on the topic before speaking. You might have them write [one-minute papers](#). You can then ask students who are comfortable to share, or you can have them exchange papers anonymously and respond to their classmate. After a second exchange, you can ask students to share the conversation they've just read.
- Give each student time to share without overtaking the entire conversation: round robin and/or time their participation.
- Give students the opportunity to ask hard questions with low stakes: ask each student to write down a discussion question on an index card (anonymously). Shuffle and redistribute them, and have students respond to a classmate's question.
- Change course: if the conversation is evolving in a way that you perceive is detrimental or unproductive, stop and recalibrate. Introduce a new activity that can reroute the dialogue: one-minute papers, pair and share, discussion question notecards, concept map, etc.
- Intervene and remind students of classroom guidelines when the conversation is steering off course.
- Ask students to reflect on their stake in the conversation and remind them that each individual is entering with different stakes.

After:

- When a conversation has been successful, thank students for their input, and point to how and why the conversation worked so students have an idea of what is expected of their participation.
- When a conversation has not been successful, follow up: recap the dialogue, point to useful moments, contextualize why and how other moments were not useful, and give strategies for future interactions. Depending on the ways the conversation developed, you may choose to do this immediately after class via email or BB, or in person at the next session.
- Give students resources and a forum to continue the conversation: your online course software is useful in this regard, allowing you to open a thread in discussions for students to contribute content and responses. You could also assign a reading or short writing exercise to round out the dialogue.

Student Bill of Rights

- You have a right to a learning environment that supports mental and physical wellness.
- You have a right to respect.
- You have a right to be assessed and graded fairly.
- You have a right to freedom of opinion and expression.
- You have a right to privacy and confidentiality.
- You have a right to meaningful and equal participation and to self-organize groups to improve your learning environment.
- You have a right to learn in an environment that is welcoming to all people. No student shall be isolated, excluded, or diminished in any way.

With these rights come responsibilities:

- You are responsible for taking care of yourself, managing your time, and communicating with the professor and with others if things start to feel out of control or overwhelming.
- You are responsible for acting in a way that is worthy of respect and is respectful of others.
- Your experience in this course is directly related to the energy you bring to it, and your energy shapes the quality of your peers' experiences.
- You are responsible for creating an inclusive environment and for speaking up when someone is excluded.
- You are responsible for holding yourself accountable to these standards, holding others to these standards, and holding the professor to these standards.

DACA RESOURCES

The Deferred Action for Childhood Arrivals (DACA) program is a policy that allowed some individuals who entered the country undocumented as children to receive a renewable two-year period of deferred action from deportation and to be eligible for a work permit.

The most important action that you can take is to let our elected leaders know your position on DACA. Please follow this link for contact information for your representatives: <https://whoismyrepresentative.com/>

Please view the following links for further information:

UMBC resources:

- The Mosaic Center for Culture and Diversity: <http://osl.umbc.edu/diversity/mosaic>
- UMBC leaders respond to DACA: <https://my.umbc.edu/groups/themosaic/posts/69929>
- Professor Ana Maria Schwartz (MLLI) speaks to WJZ about DACA: <http://mlli.umbc.edu/anamariawjz/>

Other community based and national resources:

- CASA of MD provides clinics and other services to support DACA recipients: <http://wearecasa.org/>
- DC-MD Justice for Our Neighbors: <http://www.dcmdjfon.org/>
- Congressman Elijah Cummings' information on DACA: <https://cummings.house.gov/are-you-covered-under-daca-here-how-president-trump-s-decision-affects-you>
- The National Education Association's DACA resources: <http://www.nea.org/home/69322.htm>
- The Department of Homeland Security's DACA information: <https://www.uscis.gov/daca2017>
- The Immigrant Legal Resource Center's DACA information: <https://www.ilrc.org/daca>
- The Informed Immigrant's DACA FAQ: <https://www.informedimmigrant.com/daca-faq-september-2017/#>
- Teaching Tolerance's DACA information: https://www.tolerance.org/magazine/daca-decision-puts-dreamers-back-in-limbo?utm_source=Teaching+Tolerance&utm_campaign=4dd528e50b-EMAIL_CAMPAIGN_2017_08_30&utm_medium=email&utm_term=0_a8cea027c3-4dd528e50b-83493159
- Letter from Institutions of Higher Learning supporting DACA, signed by President Hrabowski: <https://www.pomona.edu/support-daca>

- United We Dream: <https://unitedwedream.org/>
- Fair Immigration Reform Movement (FIRM): <https://fairimmigration.org/>

Useful articles:

- Psychological impact of DACA:
<https://spark.adobe.com/page/sI6mklpvdmaRX/>
- NY Times: *Trump Moves to End DACA and Calls on Congress to Act* (Sept. 5):
<https://www.nytimes.com/2017/09/05/us/politics/trump-daca-dreamers-immigration.html?mcubz=0>
- Washington Post: *The 4 bills Congress is seriously considering to protect 'dreamers'* (Sept. 6): https://www.washingtonpost.com/news/the-fix/wp/2017/09/06/the-4-bills-congress-is-seriously-considering-to-protect-dreamers/?utm_term=.fddad15820b7
- *Welcome to America? International Student Perceptions of Discrimination*
Author(s): Jenny J. Lee and Charles Rice Source: Higher Education, Vol. 53, No. 3 (Mar., 2007), pp. 381-409 Published by: Springer Stable URL:
<http://www.jstor.org/stable/29735060>

Resources from David Di Maria

- Immigrant Legal Resource Center, "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
- ACLU, "State and Local Immigration Laws"
<https://www.aclu.org/issues/immigrants-rights/state-and-local-immigration-laws>
- Immigration and Customs Enforcement, "Enforcement Actions at Sensitive Locations Memo" <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>