

The following information was gathered from the National Immigration Law Center (NILC) and the U.S. Department of Homeland Security (DHS). You may click on the following links for additional information: [NILC DACA Updates](#), [NILC FAQ](#), and [DHS FAQ](#).

## **Top Things to Know About the Announcement Rescinding DACA**

On September 5, 2017, U.S. Attorney General Jeff Sessions, on behalf of the Trump administration, announced the end of the Deferred Action for Childhood Arrivals (DACA) program.

Here are the important points to know about his announcement:

**Your DACA is valid until its expiration date.** DACA and work permits (employment authorization documents) will remain valid until their expiration date. To determine when your DACA and work permit expire, check your I-795 Approval Notice and the bottom of your employment authorization document (EAD).

*If you already have DACA and want to renew it: **DACA issuances and work permits that expire between now and March 5, 2018, must be submitted for renewal by October 5, 2017.*** If your DACA expires March 6, 2018, or later, you will not be able to apply for renewal.

**No new DACA applications will be accepted.** U.S. Citizenship and Immigration Services (USCIS) will not accept or process first-time applications for DACA after September 5, 2017.

**Advance parole to travel abroad is no longer available.** The U.S. Department of Homeland Security (DHS) will no longer grant DACA recipients permission to travel abroad through advance parole. Any pending applications for advance parole will not be processed, and DHS will refund any associated fees.

## **FAQ on Rescinding of DACA**

### **I submitted my DACA renewal application already. What will happen to my application?**

If your application is currently pending, it will be adjudicated according to USCIS. It is unclear if applications received by USCIS without having sent a receipt notice to you will be processed.

### **What happens when an individual's DACA benefits expire over the course of the next two years? Will individuals with expired DACA be considered illegally present in the country?**

Current law does not grant any legal status for the class of individuals who are current recipients of DACA. Recipients of DACA are currently unlawfully present in the U.S. with their removal deferred. When their period of deferred action expires or is terminated, their removal will no longer be deferred and they will no longer be eligible for lawful employment.

Only Congress has the authority to amend the existing immigration laws.

**Once an individual's DACA expires, will their case be referred to ICE for enforcement purposes?**

Information provided to USCIS in DACA requests will not be proactively provided to ICE and CBP for the purpose of immigration enforcement proceedings, unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance ([www.uscis.gov/NTA](http://www.uscis.gov/NTA)). This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

**Will USCIS share the personal information of individuals whose pending requests are denied proactively with ICE for enforcement purposes?**

Generally, information provided in DACA requests will not be proactively provided to other law enforcement entities (including ICE and CBP) for the purpose of immigration enforcement proceedings unless the requestor poses a risk to national security or public safety, or meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria. This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

**Can deferred action received pursuant to DACA be terminated before it expires?**

Yes. DACA is an exercise of deferred action which is a form of prosecutorial discretion. Hence, DHS will continue to exercise its discretionary authority to terminate or deny deferred action at any time when immigration officials determine termination or denial of deferred action is appropriate.

**Can DACA recipients whose valid EAD is lost, stolen or destroyed request a new EAD during the phase out?**

If an individual's still-valid EAD is lost, stolen, or destroyed, they may request a replacement EAD by filing a new Form I-765.

**Will DACA recipients still be able to travel outside of the United States while their DACA is valid?**

Effective September 5, 2017, USCIS will no longer approve any new Form I-131 applications for advance parole under standards associated with the DACA program. Those with a current advance parole validity period from a previously-approved advance parole application will generally retain the benefit until it expires. However, CBP will retain the authority it has always

exercised in determining the admissibility of any person presenting at the border. Further, USCIS retains the authority to revoke or terminate an advance parole document at any time.

## **EMPLOYMENT**

### **What does this decision mean for my ability to work?**

Since the Trump administration is not *immediately* ending any current grants of DACA or work permits, your employer should not ask to verify your work permit again until your current expiration date. At that time, if you qualified for and timely renewed your DACA and work permit or obtained a work permit on another basis, you will need to present your new work permit to your employer to show that you continue to have authorization to work.

If you no longer have a valid work permit, your employer will most likely lay you off when your current work authorization expires, since you will no longer have legal authorization to work. In some situations, you may be able to negotiate with your employer to be placed on a leave of absence until you can show you are authorized to work again; however, your employer is not obligated to agree to this.

More information about DACA and your workplace rights is forthcoming.

## **DRIVER'S LICENSE**

### **What happens to my driver's license when my DACA is terminated or my work permit expires?**

Driver's license rules, including eligibility and document requirements and procedures for renewing a license, vary from state to state. All 50 states allow DACA grantees to get a driver's license if they are otherwise eligible. In most states, a driver's license expires when the deferred action grant or work authorization document expires. Depending on the state's rules, you may need to show new proof that you are lawfully present in the U.S. or have a specific immigration status (other than DACA) when you renew your license.

California along with eleven states (CO, CT, DE, HI, IL, MD, NV, NM, UT, VT, WA), the District of Columbia, and Puerto Rico issue driver's licenses to eligible residents, regardless of their immigration status.

About 44 percent of DACA recipients live in a state that issues driver's licenses to eligible state residents regardless of their immigration status. These states issue at least two types of licenses: a REAL ID license that is acceptable for certain federal purposes, and a non-REAL ID license that cannot be used for these purposes. If you have a REAL ID license from one of these states, you will likely need to apply for a non-REAL ID license when your current license expires. If you already have a non-REAL ID license, you may be able to keep/renew your current license.

You will need to check with your state's department of motor vehicles for the specific requirements in your state.

## **HEALTH CARE**

### **Do I still have health insurance?**

If you have health coverage through your employer, you should remain covered as long as you are employed.

If you have health coverage through your spouse's or partner's employer, you should remain covered. There are no immigration status requirements for such coverage.

DACA recipients are not eligible for health insurance through the health insurance marketplaces established under the Affordable Care Act (ACA) (e.g., Covered California), so the rescission of DACA does not affect their access to ACA plans. Anyone who doesn't have another source of coverage can buy private health coverage directly from insurance companies and brokers, regardless of their immigration status. However, no financial assistance is available, and coverage can be purchased only during an *open enrollment* or a *special enrollment* period.

### **What if I have health insurance through a public insurance program in my state?**

In California, Massachusetts, Minnesota, and New York, low-income DACA recipients may be eligible for comprehensive health coverage through a state program (e.g., Medi-Cal). In Washington, DACA grantees with disabilities may be eligible for medical coverage. After your DACA expires, you may still be eligible for state health programs. Check back here for updates, or check with a trusted advocacy organization in your state.

Washington, DC, provides health services to all income-qualified residents of the district. You will not lose your health care when your DACA expires.

Many states provide coverage for the treatment of certain diseases, or to certain populations, regardless of an individual's immigration status. Access to this coverage will not be affected by the rescission of DACA. In most states, low-income DACA recipients' eligibility for Medicaid coverage is limited to treatment for emergencies, including labor and delivery services. This Medicaid for emergencies is available regardless of an individual's immigration status and will not change.

### **What if I'm pregnant?**

In many states, income-qualifying pregnant women are eligible for pregnancy-related services through the state's Children's Health Insurance Program (CHIP) or through a state program, regardless of their immigration status. Services available include prenatal care, labor and delivery services and, in some cases, postpartum care. Access to this program will not be affected by the rescission of DACA.

In the other states, pregnant women whose immigration status makes them ineligible for full-scope Medicaid are eligible for restricted-scope or emergency Medicaid for labor and delivery services. Children born to mothers covered by Medicaid (including restricted scope) are automatically eligible for Medicaid. DACA rescission will not affect eligibility for these programs.

### **I'm 18. Are there any special public health insurance options for kids and adolescents?**

California, Illinois, Massachusetts, New York, Oregon, and Washington provide full-scope health coverage to all residents under age 19, regardless of immigration status, if they 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.

### **I don't have health insurance. Do I have any other options for affordable health care?**

Many cities and counties provide health services for their residents who are ineligible for comprehensive coverage, regardless of their immigration status. Access to those programs will not be affected by the rescission of DACA.

In addition, the following health programs are available regardless of immigration status in all states, and remain an option for uninsured immigrants, including people who have DACA or whose DACA expired:

- 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 and community health center financial assistance programs (also known as “charity care”)

### **ACCESS TO HIGHER EDUCATION**

At least 20 states (including California) and the District of Columbia have “tuition equity” laws or policies, allowing students who attended high school for a certain number of years in the state and who meet other criteria to qualify for in-state tuition rates, regardless of their immigration status. About 76 percent of DACA grantees live in a state with a tuition equity law or policy. *Former DACA grantees who meet these criteria can continue to pay in-state tuition rates.*

DACA grantees in some other states, including Alabama, Arizona, Idaho, Massachusetts, Maine, New Hampshire, Ohio, and Virginia, have been able to pay in-state tuition rates if they meet the state’s residence criteria. (Litigation on this issue is ongoing in Arizona and Georgia). Individual colleges in some other states also allow DACA grantees to pay in-state tuition. But undocumented immigrants generally are not eligible to pay in-state tuition in these states. Advocacy would be needed to ensure that students already paying in-state rates can continue to do so—or to secure other resources for students who may be charged higher tuition rates. Students could also press these states to adopt tuition equity laws.

Several states, including but not limited to Georgia, Missouri, North Carolina, South Carolina, and Tennessee, already deny in-state tuition rates to DACA grantees. Eligibility for students losing DACA would not change in these states.

### **Can former DACA grantees qualify for financial aid or scholarships?**

DACA grantees (and former DACA grantees) are not eligible for federal financial aid. However, at least 8 states (including California) and the District of Columbia offer state financial aid to students who meet certain criteria, regardless of their immigration status. And universities in some states offer institutional aid or scholarships to students regardless of their status. Former

DACA grantees should continue to be eligible for state financial aid in these states or institutions.

Some private scholarships are available to students regardless of status, while others may be available only to DACA grantees and other students who are lawfully present in the U.S. Advocacy would be needed to persuade groups administering these private scholarships to make them available to students regardless of their status—including former DACA grantees.

## **FINANCES**

### **How should I prepare?**

As you continue to plan your financial future, we recommend that you remember to do the following:

- Enlist someone at your job who can pick up your paycheck.
- Have a list of banks and accounts opened.
- Have a list of all utilities/bills.
- Enroll someone in your bank account who can deposit, withdraw, or potentially close your bank account.
- Start a savings account.
- Have someone listed on your utility bills who can close accounts and collect deposits.
- Add someone to your lease who can terminate it if need be and collect deposits.
- Add someone to your mortgage who can continue making payments on your mortgage, close it, or sell your property for you.
- Add someone to your car lease who can continue payments, terminate purchase, or sell your vehicle for you.
- Begin a savings plan immediately even if it's not much, at least for each month. It might come in handy later.

## **TAXES**

### **What will happen to my Social Security number?**

Once you receive a Social Security number (SSN) from the Social Security Administration, you must use your SSN for tax filing purposes and discontinue use of an Individual Taxpayer Identification Number (ITIN) if you had previously been issued one. If your work authorization is rescinded, your SSN remains valid for tax purposes, so you should continue to use your SSN for that purpose.

Note that this applies only to a valid SSN that has been assigned to you. You are required to file all your taxes under that single SSN going forward. It is important not to present false information on tax forms—such as filing the return with an SSN that was not assigned to you—as this could affect your immigration case in the future.

If you have questions about tax filing, you can visit a local tax clinic. In general, if you earn less than \$54,000 a year, you are eligible for free services at Volunteer Income Tax Assistance (VITA) sites. You can find a local VITA site here:

<https://www.irs.gov/individuals/free-tax-return-preparation-for-you-by-volunteers>.

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## RESOURCES

### For students and workers:

- [University of California Undocumented Student Services](#): Individual UC campuses also have resource teams and programs for students who came into the country without legal permission, listed on this page.
- The California State University system lists [campus-based support resources](#) for students and employees as well as [legal support services](#) throughout California, by county.
- UCLA law lecturer Victor Narro suggests the website [Informed Immigrant](#), where organizers are compiling information.

### For parents of Dreamers:

- [We are one L.A. Unified: Standing with immigrant families](#): Los Angeles Unified School District has published immigration guides in both [Spanish](#) and [English](#), directing families to many low-cost legal resources and attorneys around L.A.

### For help in multiple languages:

- A number of organizations, including [CHIRLA](#) and [CARECEN](#), offer services in Spanish
- NALEO has a real-time, toll-free bilingual hotline (English and Spanish) on DACA and legal resources in your community: [844-411-DACA](#)
- [Asian Americans Advancing Justice-Los Angeles](#) offers legal aid in six Asian languages.
  - **Chinese:** [800-520-2356](#)
  - **Khmer:** [800-867-3126](#)
  - **Korean:** [800-867-3640](#)

- **Tagalog:** [855-300-2552](tel:855-300-2552)
- **Thai:** [800-914-9583](tel:800-914-9583)
- **Vietnamese:** [800-267-7395](tel:800-267-7395)
- **English/Other:** [888-349-9695](tel:888-349-9695)