

## **Opportunity for Temporary Relief for Undocumented Immigrant Youth**

### **What is DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)? How to support our undocumented youth**

President Obama's June 15, 2012 directive **Deferred Action for Childhood Arrivals (DACA)** grants "temporary relief" to **eligible** young people and prevents them from being deported.

#### **What is the potential benefit of DACA?**

Deferred action will be valid for two years and may be renewed at the end of the two years. Individuals who receive deferred action may apply for and may obtain employment authorization.

#### **Who *may* be eligible for DACA?**

People between the ages of 15 and 30 years old who came to the US before they were 16 years old. Students under the age of 15 may be eligible once they turn 15.

People who are currently enrolled in school or certain GED or adult education programs, as well as those who have graduated from high school or university, received a GED, or are an honorably discharged veteran of the Coast Guard or Armed forces.

### **Please help our youth who may be eligible for DACA:**

#### **DO:**

- **Advise youth who may be eligible to seek reliable assistance to determine eligibility and prepare their application.**
- **Help students to get transcripts and other documents.**
- **Direct students who *may* be eligible to reliable resources including:**
  - [www.weownthedream.org](http://www.weownthedream.org) for the self-screening DACA tool, referrals to local pro-bono or low-cost attorneys, connections to local DREAMer organizations and DACA clinics and events throughout the country. Another resource is (855) DREAM-31.
  - The New York Immigration Coalition <http://www.thenyic.org>
  - New York State Youth Leadership Council <http://www.nysylc.org>

#### **DO NOT:**

- **Advise students directly how to apply to DACA, unless you've been trained.**

**DACA eligibility *may* be complex. Youth need the support of trained, honest legal counselors.**

*Adapted by Internationals Network for Public Schools [www.internationalsnps.org](http://www.internationalsnps.org)*

## Five Reasons Why Youth Should Consider Applying for DACA

### 1. Temporary Immigration Benefits Can Lead to More Permanent Remedies

Temporary benefit programs like DACA have been a gateway for more long-term immigration remedies. For example, in the 1990s, some Temporary Protected Status (TPS) beneficiaries from El Salvador first were granted only short-term permits to remain in the U.S. but later they received lawful permanent residency.

### 2. DACA Beneficiaries Under Age 18 Won't Accrue Unlawful Presence

Undocumented children who are approved for DACA prior to turning 18 won't accrue unlawful presence as long as they participate in the program.

### 3. DACA Beneficiaries Aren't a Priority for ICE

Since Immigration and Customs Enforcement (ICE) doesn't have the resources to process everyone whom it has the lawful authority to deport (i.e. there are simply not enough immigration judges, immigration officers, ICE attorneys, or detention centers to process all potential deportation cases nationally), the agency needs to set guidelines and prioritize deportation cases.

### 4. There is Power in Large Numbers of DACA Beneficiaries

Like other important policy changes, the DACA program was not the result of an overnight decision; it was the culmination of many years of struggle. DACA is the first and only immigration program of its kind whereby the people who now benefit were instrumental in demanding that a change in immigration policy take place. DACA has the potential to bring over one million young people "out of the shadows" and into the light. Every new DACA beneficiary will show how undocumented young people can contribute meaningfully to society and will add momentum to the push for future immigration reform.

### 5. It Might be Easier Than Youth Think to Apply for DACA

Some people who are qualified for DACA are still hesitant to apply because they don't know how to get help, or they're afraid of expensive legal fees. In fact, applying for DACA is not difficult, especially since USCIS has recently clarified the evidence requirements and made it clearer how to apply. Complex cases (i.e. with criminal records, substantial or long-term travel abroad, potential national security threats or fraud, etc.) must be reviewed by an attorney.