



DACA - The Way Forward

Wednesday, July 15, 2020 6:00 pm - 7:30 pm
Zoom Webinar

Summary Notes

Presenter: Maribel Torres

Interpreter: Naida Pacheco (English to Spanish). Attendees were given the option to select via zoom a translation service.

Goal: To update the public about DACA. To explain the process of the DACA application. To humanize DACA recipients.

It was made clear that no legal advice will be given at this webinar. There was a reminder to not have attendees share personal information and that the opinions shared by the representative do not represent the opinions of the organization.

Background: On June 18, 2020 the Supreme Court blocked Trump's attempt to end the DACA program. This block was due to the TRUMP administration not being in accordance with the procedures of the Administrative Act. There is still a possibility that the TRUMP administration can end the DACA program and push voters to vote against in November.

Immigration Reform Acts History:

- 1986: The last immigration law referred to as the, "[The Immigration Reform and Control Act of 1986](#)", was passed by Regan. Immigration in the past was not such a "hot button" issue and there was not much opposition seen with passing the Amnesty law. In the past Talk Radio and social media did not exist at the level it does today to polarize the issue. Both Republicans and Democrats had the same anti-immigrant feel. However, immigration still remained unfavorable in some "red" states.
- 2007: Later Bush attempted to pass the [Comprehensive Immigration Reform Act of 2007](#); however, this was not approved by the US Senate. Obama then passed the "[Southwest Border Security Bill](#)."
- 2012: The Obama Administration then acting alone and using his Executive authority enacted the Deferred Action for Childhood Arrivals, [DACA Act in 2012](#). This was despite the fact that Congress affirmatively rejected such a program in the normal legislative process on multiple occasions.
- 2017: The [DACA program was then terminated](#) by the TRUMP administration in 2017. Jeff Sessions then [writes a letter to the Director of Homeland Security \(DHS\) to rescind the DACA program](#) into the following January.
- 2020: Three cases by DC, CA and NY were consolidated through a Supreme Court ruling. [The Supreme Court was in agreement with DACA recipients on June 8, 2020 that the decision to end the DACA program was unconstitutional](#). The court ruled that the decision was arbitrary, capricious and absent of any rational connection to the action.

Justice Sotomayor stated that the decision to end the DACA program, was “contaminated by the impermissible discriminatory animus”

Many organizations sued the TRUMP administration for revoking the decision. Trump stated that “all existing work permits will be honored until their date of expiration up to two full years from today.”

Who is eligible to apply for DACA?

- Receipts must be under the age of 12 yrs.
- Were born on June 15, 1981 or after (or have been no older than 30 on June 15, 2012);
- Came to the United States before their 16th birthday
- Have continuously resided in the United States since June 15, 2007
- Were physically present in the United States on June 15, 2012 (the date when DACA was announced)
- Had no lawful status on June 15, 2012
- Are currently a student (including high school, community college, university, or adult school), have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, or served in the Coast Guard or Armed Forces; and
- Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.
- Any action to apply must be done under the guidance of an immigration attorney.

Benefits and Negatives of applying for DACA:

- Benefit: DACA has helped current and past applicants. Many DACA recipients are now gainfully employed. This program has not only helped DACA recipients but their families as well. If approved, applicant may receive work authorization and protection from deportation
- Negatives: Many may feel they are taking a risk with sharing information with a Federal agency. The past three years have been traumatic for some Dreamer students as it was uncertain what the Supreme Court's decision would be.

USCIS Federal Agency Statistics:

- In terms of total number of Beneficiaries it is not clear how many total there are in the US as the USCIS does not disclose this information. There are some applicants who have dropped out due to failing out of the system, inability to pay the fees, or have obtained permanent status through other means.
- As of March 31, 2020 it is estimated that there are around **643,000 beneficiaries** with **183,000 living in California**. The majority of beneficiaries are minors based on current application restrictions.
- Applicants also come from all over the world representing over **200 countries**. There is an assumption that all Dreamers or DACA recipients are coming from Mexico or Central or South American countries only.
- The below table demonstrates the number of applicants, taken from the [“Number of Form I-821D, Consideration for Deferred Action for Childhood Arrivals report”](#) dated Aug. 15, 2012-Mar. 31, 2020

Residence	Accepted to Date ¹			Approved to Date ²		
	Initials	Renewals	Total	Initials	Renewals	Total
Residence						
California	256,779	541,329	798,108	238,432	522,162	760,594

Fees & Processing:

- There are as many as tens of thousands of people who are eligible to apply but have been unable to apply for the program for a number of reasons.
 - There are many who are afraid of sharing personal information with an Immigration system due to the potential of the current immigration becoming hostile towards undocumented students and their families.
 - Filing can be a financial burden. The current fee is \$495 and can be difficult for some people to collect and pay in one lump sum.
 - There are other tangible fees associated with filing such as mailing, attorney and processing fees.
 - Anyone who is thinking of applying for the DACA program needs to fill out the following forms, G-11-45, ICE65, IE21D, G28 (Work Authorization), SS, Passport Picture. All forms need to be submitted to the USCIS for processing and may take 3 weeks to process.
 - There are organizations such as [IMPORTA Santa Barbara](#) which is a state-funded organization that offers FREE services and can help individuals apply for the DACA program. The organization has in the past had funds which help to cover application fees. However, at this time they no longer have these types of funds.

Reason for DACA application rejection:

- The application was not completed correctly and was rejected for missing supportive documentation.
- There is a past or new criminal history and therefore the applicant decides not to apply or is rejected.

Travel for DACA Applicants (Advance Parole)

- DACA recipients can apply for permission to travel called "Advance Parole"
- Advance Parole is an application to USCIS to allow an immigrant to travel outside the United States and return lawfully.
- Benefits:
 - Ability to travel abroad and return
 - Opportunities to study or work abroad and visit elderly or sick relatives
- Disadvantages:
 - Risky! Some DACA recipients could get stuck outside the U.S.
 - Approved reasons for travel are limited
 - Time for travel is limited

How to avoid predators?

- Do not go to a tax preparer, notary, or legal consultants. Some of these groups have been known for taking advantage of the community. There is also an assumption with some people that if the services are FREE they are not legitimate services and that only those which charge are legitimate services.

Advocacy

- It is hard to determine what will happen with this decision in the future. For anyone looking to advocate for DREAMERS it is recommended that people call on senators and members of congress. The recent decision to bring back the DACA program is a prime example that advocacy works.
- Proxy Voters: While Dreamer students and their families cannot legal vote themselves they can register others to vote and inform them of what is on the ballot. Many DACA recipient feel that their status has not made them complacent with the way things are.

PANELISTS



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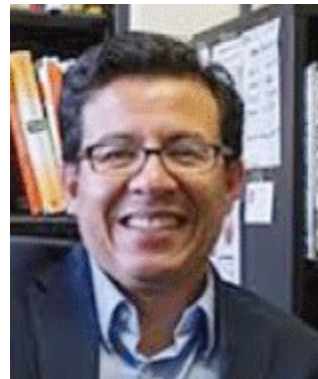
Marline Flores

Accredited Representative, Importa
Santa Barbara



Maria Rodriguez

DACA recipient and recent graduate of
California Lutheran University, legal and
policy advocate with Buen Vecino, and a
Fellow of the Social Justice Fund of
Ventura County



MODERATOR

Dr. Jose Alamillo

Professor and Chair, Chicana/o Studies
at California State University Channel
Islands, LULAC of Conejo Valley

Listed below are the web sites of the sponsoring organizations, plus a list of resources.

Council on American-Islamic Relations- Immigrants' Rights Center:
<https://ca.cair.com/losangeles/what-we-do/legal-services/report-an-incident>
Importa Santa Barbara: <https://www.importasb.org>
LULAC of Conejo Valley: <https://www.facebook.com/LULAC.of.Conejo.Valley>
Adelante Comunidad Conejo: <https://www.adelantecomunidadconejo.org>
Buen Vecino: <https://www.buen-vecino.org>

Immigration Legal Services Directory: bit.ly/ianimmhelp
Immigrant Legal Resource Center: <https://www.ilrc.org/daca>
LULAC: https://lulac.org/programs/immigration/deferred_action
California Immigrant Policy Center: <https://caimmigrant.org>
Immigrants Rising: <https://immigrantsrising.org>
Support for Immigrant Communities During COVID-19: <https://bit.ly/2CBZ4yY>
United We Dream: <https://unitedwedream.org>
ACLU: <https://www.aclu.org/know-your-rights/immigrants-rights>
Immigrant Hope Santa Barbara: <https://www.immigranthopesb.org>
805Immigrant: <http://www.805immigrant.org/>