



## POST-ELECTION TALKING POINTS AND RESOURCES

November 2016

### || DACA

□ **President-elect Donald Trump pledged to end DACA when he becomes President. Trump will not be President until he is inaugurated on January 20, 2017. Until that time, DACA will remain in place and USCIS will continue to process both initial and renewal DACA requests.**

- **The risk.** Those who receive or apply for DACA will not necessarily be targeted for deportation. Administrative programs like this have never been used for wholesale deportation in the past. It would be extremely costly for the government to try to deport all 700K+ DACA recipients. However, Trump is more unpredictable than past presidents, so we do not really know what to expect.
- **Initial DACA applications.** For those who have not yet applied for DACA, the processing of those applications is taking long enough now that they would likely not be adjudicated until after January 2017, and it is possible the DACA program will not exist by then. Therefore, at this point potential applicants' efforts to assemble an initial DACA application and pay the filing fees (which go up in December 2016) may result in no benefit and expose them to DHS.
- **DACA renewals.** It is unknown whether the next Administration will terminate existing DACA grants or instead not allow DACA recipients to renew. Those who have already received DACA are known by the government. Therefore, renewing DACA does not carry a new risk. In fact, renewing DACA may mean a DACA recipient can have a work permit until it expires one to two years into the next Administration. One risk, however, is again that the renewal might not be adjudicated before Trump becomes President, and the effort and money to renew will be for nothing. People who file to renew soon may be successful, as DACA renewals are currently being processed in 8 weeks with USCIS' upgraded system. The cost may be offset by loans and other funding available through Mission Asset Fund, the Mexican Consulate, some DACA collaboratives and/or other programs.

- **Advance parole.** At this point, advance parole may be a little bit harder to get,<sup>2</sup> because processing time is three months or more, which would put approvals (even if filed today) and subsequent travel in February 2017. Emergency advance parole requests, however, may still be useful in helping people travel and subsequently adjust status under 245(a).

## || What the Future Holds

□ **Based on Trump's campaign rhetoric and the new composition of Congress, we do not expect a comprehensive immigration reform that includes legalization to be introduced in the coming years.**

- We do not expect expanded DACA or DAPA to make it through the courts.
- It is possible that some states will try to introduce additional state legislation creating benefits and some protections for immigrants like California has done. Some other states may introduce legislation that increases immigration enforcement at the local level.

## || What Immigrants Can Do Now

□ **People should go to a legal services provider to be screened for any possible immigration options other than DACA they for which they may already eligible.**

- The ILRC has a comprehensive client intake form to assist practitioners in screening. It can be found online at <https://www.ilrc.org/screening-immigration-relief-client-intake-form-and-notes>.
- The Immigration Advocates Network maintains a national directory of more than 950 free or low-cost nonprofit immigration legal services providers in all 50 states. It can be found online at <https://www.immigrationlawhelp.org>.
- Community members should be warned of fraudulent service provider schemes and educated about how to seek competent immigration help. The ILRC has created community education flyers about this available in English and Spanish available online at <https://www.ilrc.org/anti-fraud-flyers>.

□ **People should know their rights when in contact with an immigration agency.**

- The ILRC has created Red Cards to help both citizens and noncitizens defend themselves against constitutional violations during ICE raids. These cards provide citizens and noncitizens with information about how to assert their constitution rights and an explanation for ICE agents that the individuals are indeed asserting their constitutional rights. Go <https://www.ilrc.org/red-cards> for more information and contact us at [redcards@ilrc.org](mailto:redcards@ilrc.org) to order. The ILRC also has

information about raids and immigrants' rights available online at <https://www.ilrc.org/community-resources>.

- **People should continue to avoid negative interaction with law enforcement. Something like a DUI or conviction related to drugs can have irreversible negative immigration consequences.**
- **If filing to renew DACA, applicants need to be aware that the filing fee increases to \$495 on December 23, 2016.**
  - The Mission Asset Fund (<http://missionassetfund.org/lending-circles-for-dreamers/>), Self-Help Federal Credit Union (<http://www.self-helpfcu.org/personal/loans/immigration-loans>), the Mexican Consulate or local DACA service providers may have information about loans or grants to help with the filing fees.