

Trump Administration: What Immigrants Should Know

Donald Trump has ended DACA and has promised to “mass deport” millions of undocumented immigrants. CRLAF and the FUEL Network will remain committed to fighting for and defending the rights of immigrants. Included below is some useful information for immigrant families to have during the Trump administration. This is information and NOT legal advice.

Difference between a law and an executive action (like DACA):

The president cannot make a new law or change a current law without Congress’ approval. But, the president can end a prior president’s executive action at any time without Congress’ approval.

What does this mean? The Trump administration can and has ended DACA. But, in order to make or change immigration laws (like family visas, U visas, VAWA, etc.), it needs Congress’ approval.

Effects on DACA – Can I Apply or Renew?

On September 5, 2017, Attorney General Jeff Sessions announced the end of the DACA program. Some states filed lawsuits against the federal government because the DACA program was ended. On January 9, 2018, a federal court ruled that while one of the lawsuits is pending, USCIS must continue to accept renewal applications.

Only Individuals Who Have Previously Had DACA Can Renew. Unfortunately, if you have never had DACA you can no longer apply.

If Your DACA Expired On Or After September 5, 2016, OR If It Is Still Current – You are eligible to submit a DACA Renewal Application. You will need to submit Form I-821D, Form I-765, Form I-765WS, a copy of the front and back of your prior work permit, two passport-style photographs, and the \$495 filing fee.

If Your DACA Was Previously Terminated OR Expired Before September 5, 2016 – You are still eligible to renew your DACA, but you must mark that you are filing an “*Initial Request*” and again submit all the required documents to prove you are eligible for DACA. You will also need to submit Form I-821D, Form I-765, Form I-765WS, a copy of the front and back of your prior work permit, two passport-style photographs and the \$495 filing fee.

If you currently have DACA, your DACA and work permit (EAD) will stay valid until your DACA expires. You have no obligation to tell your employer that your DACA is ending. Your employer does not have the right to ask you if you have DACA or how you received your work permit, nor do they have the right to fire you because DACA is ending. If you received a Social Security Number through DACA, that Social Security Number is yours throughout your entire life.

Screening for other forms of relief:

Many individuals are eligible for a permanent form of immigration relief and should be screened by an immigration attorney. If you are a lawful permanent resident, talk to an immigration attorney about whether you are eligible to become a U.S. citizen. U.S. citizenship is the strongest form of protection.

If you have a prior or pending criminal conviction, consult an immigration attorney immediately. Also, if you are currently in criminal proceedings, tell your public defender about your immigration status.

It is important to find a licensed immigration attorney or Office of Legal Access Programs (OLAP) accredited representative to assist with any immigration matters. Be cautious of fraudulent service providers and *notarios*, especially now.

CA laws and local protections for immigrants:

CA has enacted legislation that creates benefits for immigrants in the state. These and other local protections cannot be directly changed by the new president

AB 540: Allows certain students to qualify for in-state tuition at any UC, CSU, or CA community college.

CA DREAM Act: Makes students eligible for state-based financial aid if they are eligible for AB 540.

SB 1159: Allows undocumented immigrants to apply for professional licenses in CA.

AB 60: Allows undocumented immigrants who are CA residents to obtain a CA driver license. Currently, some people have licenses they received because they have DACA. If the DACA program ends, licenses for these people will expire, but they will still be eligible for AB 60 licenses.

Healthcare: All CA residents 18 and younger can apply for Medi-Cal. Sacramento County residents 64 and younger can also apply for medical insurance. If you are eligible for healthcare, ENROLL NOW. If you already have healthcare, USE IT.

TRUST Act, TRUTH Act & SB 54: Helps to protect immigrants from local law enforcement cooperation with federal immigration enforcement.

AB 450: Helps to protect immigrants at the workplace by requiring employers to demand judicial warrants from ICE before entering private property or accessing employee records.

Know YOUR rights:

As always, try to avoid any negative interactions with law enforcement. Have a plan of action with your family on what to do if ICE comes to your home or arrests a family member.

You have the right to remain silent. You may refuse to speak to ICE officers, police officers, or other law enforcement officers. You should say that you want to remain silent.

Do not open your door! Educate your family to ask who is at the door before opening it. Do not open your door to any officer unless there is an emergency. To enter your home, an officer must have your permission or a valid warrant (and they rarely have one).

You have the right to speak to a lawyer. **Do not sign anything before talking to a lawyer!**

Before being deported, every individual has certain rights:

Most people have a right to a hearing before an immigration judge. This process can take years, and you can remain in the U.S. until an immigration judge makes a final decision in your case.

If you are detained, **ask for a hearing!** You should ask the immigration officers and/or the immigration judge to be **released with bond**. At any hearing before a judge, if you do not already have an attorney, you should ask the judge for **more time** to find one.



**CALIFORNIA RURAL LEGAL
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Questions or concerns? Please call (916) 446-7901

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