

Frequently Asked Questions on DACA Termination

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On September 5, 2017, the Trump administration announced that it is ending the DACA (Deferred Action for Childhood Arrivals) program that was created under President Obama.

According to the administration's new policy, if you already have DACA, your DACA and work permit will continue to be valid until its expiration date. If you have a first-time or renewal DACA application that was accepted for processing by U.S. Citizenship and Immigration Services (USCIS) as of September 5, 2017, the agency will continue with the process of adjudicating your application. If you have a work permit (employment authorization document) that will expire between September 5, 2017, and March 5, 2018, you may apply for a two-year renewal of your DACA, but your request must be accepted by USCIS by October 5, 2017.

We will be updating this FAQ as we learn more. We encourage you to refer back to it periodically to get up-to-date information. Look for information about the following topics on these pages of the FAQ:

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DACA VALIDITY AND APPLICATIONS

■ Is my DACA still valid?

Your DACA is valid until it expires. DACA and work permits (employment authorization documents, or EADs) will remain valid until their expiration date. To determine when your DACA and work permit expire, look at your I-795 Approval Notice and the bottom of your EAD.

■ I don't have DACA. If I am eligible, can I still apply?

No new DACA applications will be accepted. USCIS no longer will accept first-time applications after September 5, 2017.



■ **I submitted a first-time DACA application already. What will happen to my application?**

If your application has been received and accepted by USCIS before September 5, it will be processed. It is unclear if applications received in the lockbox as of September 5 but for which a receipt notice has not been issued will be adjudicated by USCIS.

■ **My DACA is expiring soon. Can I renew it?**

If you have DACA and your DACA expires between now and March 5, 2018, you can submit your application for a two-year renewal by October 5, 2017. After October 5, 2017, USCIS will no longer accept any renewal applications.

If your DACA expires March 6, 2018, or later, you will not be able to apply to renew it.

■ **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 will be processed that have been received by USCIS but for which USCIS has not yet sent a receipt notice to the applicant.

■ **If my DACA doesn't expire until after March 5, 2018, can I still apply for renewal?**

USCIS has said that a renewal application it receives after September 5, 2017, will not be accepted or processed if the person's DACA expiration date is March 6, 2018, or later. For example, if your DACA expires on December 7, 2018, and you do not have a renewal request pending, you cannot apply to renew your DACA.

■ **Can I still apply for advance parole to travel outside the U.S.?**

Advance parole to travel abroad is no longer available. The 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.

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 authorization again until your work permit's 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

be employed in the U.S. 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 available at www.nilc.org/about-daca-and-employment/.

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 people with DACA 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.

Twelve states (CA, 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-compliant 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-compliant 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.

The District of Columbia 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.¹ Access to this coverage will not be affected by the ending 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 a person'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.² 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 ending 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. The ending of DACA 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. The District of Columbia 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.

¹ See www.nilc.org/medical-assistance-various-states/.

² See www.nilc.org/healthcoveragemaps/.

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

Below is some information about access to higher education for students whose DACA has expired. Some answers will vary depending on the state, college, or university system. And some answers could change depending on what your state, institution, or scholarship program decides to do. Advocacy in coordination with your college or university could be very important in ensuring that you and other students can continue your education.

■ Can former DACA grantees enroll in public colleges and universities?

Almost every state allows students, regardless of their immigration status, to enroll in public colleges and universities. Alabama and South Carolina are exceptions and do not allow undocumented immigrants to attend public institutions. Advocacy would be needed to try to ensure that students currently enrolled can complete their education.

A few selected colleges in Georgia deny enrollment to students with DACA as well as to undocumented immigrants (thus there would be no change for students losing DACA in that state). *In all other states, former DACA grantees should be able to enroll in public colleges and universities.*

■ Can former DACA grantees qualify for in-state tuition rates?

At least 20 states 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.³ 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

³ See www.nilc.org/eduaccessstoolkit2/#maps.

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 and the District of Columbia offer state financial aid to students who meet certain criteria, regardless of their immigration status.⁴ 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.⁵ 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:

- Authorize someone to pick up your paycheck if you are unable to. (Arrange this with your employer.)
- Create a list of the banks where you have accounts, as well as a list of the accounts you have at each bank.
- Create a list of all the utilities/bills you regularly pay.
- Be sure that there is someone else, in addition to yourself, who has authorization to make transactions in your bank accounts—including deposits, withdrawals, or potentially closing your account(s).
- Have someone else, in addition to yourself, listed on your utility bills who can close accounts and collect deposit refunds.
- Add someone (in addition to yourself) to your lease or rental agreement who can terminate it if need be and collect any security or other deposit refunds.

⁴ See www.nilc.org/eduaccesstoolkit2/#maps.

⁵ See www.nilc.org/aid-scholarships-groups/.

- Add someone (in addition to yourself) to your mortgage who can continue making payments on your mortgage, terminate 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 saving money immediately according to a plan that you stick to, even if it's only a little each month. The money you save 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—since 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 at <https://www.irs.gov/individuals/free-tax-return-preparation-for-you-by-volunteers>.