

FREQUENTLY ASKED QUESTIONS FOR IMMIGRANTS IN THE U.S.

These FAQs provide information and recommendations that may help you prepare once President-elect Donald Trump takes office on January 20, 2017. The information in this based on what we know today. We will continue to update it with more information once we have it.

1. I do not have DACA. Should I apply for it now?

If you do not currently have DACA, **we recommend that you not file at this time**. No one is certain at this time about what will happen with DACA. Given the legitimate fears about what will happen to immigrants under a new administration, we recommend not submitting a first-time application for DACA until we see what happens next year.

Even for those who may still be considering applying for DACA for the first time, it is **unlikely that your application will be processed before January 20, 2017** (when the new administration takes over), since it can take over three months to process a DACA application. By then, the DACA program may have been terminated. There is no guarantee that you will have your application or the filing fee (which is currently \$465 and will go up to \$495 starting on December 23, 2016) returned to you.

We don't know what will happen next year, but you can, in the meantime, still **gather supporting documents and prepare your application**, in case the DACA program is not terminated.

2. I already have DACA. Should I apply to renew my DACA?

If you already have DACA, there is **less risk in submitting a renewal application**, since immigration authorities already have the information on your original application. If you have a criminal arrest, charge or conviction, or have traveled outside the U.S. without permission, there may be additional risks if you apply for renewal.

However, it is possible that if you apply for renewal now, **your application may not be approved before the Trump administration begins** on January 20, 2017. There is also no guarantee that the \$465 (\$495 starting December 23, 2016) application fee will be returned to you.

Given the uncertainty over the future of DACA, **if you plan to renew, it is best to apply right away, even if your employment authorization is not set to expire until late next year**. Currently, U.S. Citizenship and Immigration Services (USCIS) is taking anywhere from 8 weeks to 120 days to process and approve DACA renewal applications.

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3. What will happen to DACA under the next administration?

We will need to wait until next year to see what the next administration will do, but it has **strongly indicated that it very much intends to terminate DACA** soon after the new administration takes over on January 20, 2017. If the DACA program is terminated, it is **not clear how it will treat DACA and work permits that have been issued but have not yet expired**. One possibility is that it may decide to revoke all DACA recipients' DACA and work permits immediately. Another possibility is that it may allow people to keep their DACA and work permits until they expire, but just not allow DACA recipients to renew them.

If the new administration allows the DACA program to end simply by not renewing DACA applications, and if you are able to renew your DACA before the new administration stops processing renewal applications, you may have DACA for an additional two years. During that time, you would have authorization to be employed and also protection from deportation.

4. What will happen to the information on DACA applications?

Currently, **USCIS's policy is that it does not share information about a DACA applicant or the applicant's**

family members with U.S. Immigration and Customs Enforcement (ICE) for immigration enforcement purposes unless there are serious criminal, fraud, or national security issues with the case. This policy is based on a 2011 USCIS memo which states that USCIS will refer to ICE only cases that raise fraud or "egregious public safety" concerns (such as that the applicant has a serious criminal conviction). **Changing these policies would require that USCIS change its memo and guidance.**

5. If my DACA is terminated, will I be able to work?

Under federal law, **your employer is required to reverify your employment authorization document (EAD) no later than the date that your EAD expires**. It is likely that your employer will ask you for proof that your employment authorization has been renewed and will ask you to complete section 3 of the I-9 form to show that you presented an EAD with a new expiration date.

If, on the date your EAD expires, you cannot present proof that you have employment authorization, your employer may decide they can no longer employ you. **If your EAD has expired, you are not obligated to tell your employer that this has happened**, but you will be at risk of being fired when your employer realizes that your EAD has expired.



6. I have DACA and want to travel outside the United States. Is it safe to travel?

If you have DACA and want to continue living in the U.S., you should **never travel abroad unless you have applied for and received advance parole from USCIS**. Advance parole is permission from USCIS to return to the U.S. after traveling abroad.

If you are planning a trip abroad—and if you receive advance parole—you should **return to the U.S. as quickly as possible, by early January 2017**, and no later than January 20, 2017. Even if you've received advance parole, you may not be permitted back in the country after January 20, 2017.

If you have not yet applied for advance parole, you can apply, but it may be too late to get a decision before January 20, 2017. There is no guarantee that you will have your application or the filing fee (which is currently \$360 and will go up to \$575 starting on December 23, 2016) returned to you. If you have an emergency, it may be possible to get a decision faster. Check with a qualified legal representative right away before you decide to apply.

7. If I am undocumented and think I may be eligible for an immigration benefit, should I apply now?

Yes, you should go to a legal services provider who can screen you for any possible immigration options for which you may be eligible. Some resources that will help you find legal help are:

- The **immigration courts' list of lawyers and organizations** that provide free legal services: justice.gov/eoir/list-pro-bono-legal-service-providers-map.
- At <https://www.adminrelief.org>, there's a search engine that allows you to type in a zip code and get a list of all the legal services near you.
- **American Immigration Lawyers Association's** online directory, ailalawyer.com.
- **iAmerica** for an online list of legal services by state: <http://iamerica.org/find-legal-help>.
- **Immigration Advocates Network's** national directory of more than 950 free or low cost nonprofit immigration legal services providers in all 50 states: <https://www.immigrationlawhelp.org>.
- **Immigrant Legal Resource Center** has a comprehensive online client intake form: <https://www.ilrc.org/screening-immigration-relief-client-intake-form-and-notes>.
- **National Immigrant Justice Center** allows you to schedule a legal consultation by phone (312-660-1370) or email (immigrantlegaldefense@heartlandalliance.org).
- **National Immigration Project** of the National Lawyers Guild's online find-a-lawyer tool: <https://www.nationalimmigrationproject.org/find.html>.
- **United We Dream's** hotline: 1-844-363-1423.

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8. I am undocumented and I have a U.S. citizen child. Is there anything I can do to protect myself?

It is important to create a safety plan if you are worried about any interaction with ICE or possible detention or deportation. These are some steps you can take:

- **Memorize the phone number of a friend, family member, or attorney** that you can call if you are arrested.
- **Make a plan to have your children or other loved ones looked after** if you are detained.
- **Women's Refugee Commission** has resources specifically for parents at risk of family separation: [Make A Plan: Migrant Parents Guide to Preventing Family Separation](#) and [Detained or Deported: What About My Children? Parental Toolkit](#)
- Keep **important documents such as birth certificates and immigration documents in a safe place where a friend or family member can access** them if necessary, or provide them with copies of these documents for safe-keeping.
- Make sure your loved ones know how to find you if you are detained by ICE. They can **use ICE's online detainee locator to find an adult who is in immigration custody**. Or they can call the local ICE office (<https://www.ice.gov/contact/ero>).

Make sure they have your alien registration number written down, if you have one.

These are all resources you can trust, but you should always be aware of fraudulent service providers. For community education flyers to protect yourself against immigration service provider fraud, go to: <https://www.ilrc.org/anti-fraud-flyers>.

9. What are my rights if ICE stops me in the street or my house?

You have rights guaranteed under the U.S. Constitution.

There are many organizations that have created Know Your Rights resources available in English and other languages, including:

- [American Civil Liberties Union](#) (English and Spanish)
- [Immigrant Defense Project](#) (English and Spanish)
- [National Immigration Law Center](#)
- [iAmerica](#) (English and Spanish)
- [National Immigration Project of the National Lawyers Guild](#)

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10. Where am I safe from ICE enforcement actions?

DHS policy instructs immigration and border agents to avoid conducting enforcement actions at sensitive locations (however, there are some exceptions). While these policies may change under a new administration, locations covered by these policies include:

- **Schools**, such as known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop;
- **Medical treatment and health care facilities**, such as hospitals, doctors' offices, accredited health clinics, and emergent or urgent care facilities;
- **Places of worship**, such as churches, synagogues, mosques, and temples;
- **Religious or civil ceremonies or observances**, such as funerals and weddings; and
- **During public demonstration**, such as a march, rally, or parade.

11. How can the community report any ICE activities in violation of these policies?

To report an enforcement action that you believe is in violation of ICE policy, contact:

- **ICE Enforcement and Removal Operations (ERO)** by phone (through the Detention Reporting and Information Line at 888-351-4024), by email (ERO.INFO@ice.dhs.gov) or online (<https://www.ice.gov/webform/ero-contact-form>).
- **The Civil Liberties Division of the ICE Office of Diversity and Civil Rights** may be contacted at (202) 732-0092 or ICE.Civil.Liberties@ice.dhs.gov.

12. Is it safe for me to protest and march in rallies?

The First Amendment to the U.S. Constitution prohibits the government from restricting your right to free speech. This means that **anyone in the U.S., regardless of their immigration status, has the right to participate in political protests, marches, and demonstrations.**

However, it is important that you assess the risks of any potential interaction with law enforcement and to avoid arrest by local, state or federal law enforcement under any circumstances. **Before you decide whether to participate in any such actions, it is important that you consult with an attorney.**

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13. What are sanctuary cities?

While there is no uniform definition, the term “sanctuary city” is often used to describe **localities that limit the role of local police in enforcing federal immigration law**, by prohibiting or limiting compliance with ICE detainers and requests for notification of a person’s release date from police custody. These policies have been adopted in over **400 communities across the U.S.**, because they make communities safer, protect individuals from violations of their constitutional rights, and ensure that ICE does not exceed its authority with improper arrests.

At a time of deeply fractured trust between law enforcement and local communities, particularly communities of color, these **policies are widely embraced as one step towards**

restoring trust between immigrant and other community members who fear that interactions with local and state police could expose their loved ones to deportation.

14. What will happen to sanctuary policies under the next administration?

Nothing in federal law that requires state or local police to comply with ICE detainers or otherwise do the job of federal immigration officials. As a result, cities across the country with some variation of a “sanctuary” policy, including Chicago, Los Angeles, New York, Philadelphia, San Francisco, Santa Fe, Seattle, and Washington, D.C. have publicly reaffirmed their commitment to their existing policies and have said they have no plans to change them under a new administration.

Please note that the information in this FAQ is not legal advice. Every person’s situation is different, and you should talk to a qualified immigration lawyer or a Board of Immigration Appeals (BIA)–accredited representative so that you can make the most informed decision for yourself.

Have FAQ suggestions? Email us via info@informedimmigrant.com

