

# ADMINISTRATIVE RELIEF FAQ

On November 20, 2014, President Obama announced an **Executive Action** on immigration. The President's announcement would have created a number of changes in how United States immigration laws are enforced, but it does not change the laws themselves - only Congress can make new immigration laws. However, the President's Executive Action program would have allowed approximately **5 million undocumented immigrants** to get temporary legal status (also known as "**Administrative Relief**"), and will also impact how immigration authorities enforce immigration laws generally.

Unfortunately, on June 23, 2016, in a split decision, the United States Supreme Court upheld the Fifth Circuit decision blocking these programs. This means that Deferred Action for Parents of US Citizens and Lawful Permanent Residents (DAPA) program and an expansion of the Deferred Action for Childhood Arrivals (DACA) program will remain blocked. **There will NOT be a DAPA or Expanded DACA program to apply to.**

**The 2012 DACA program is not impacted.** Eligible people can still apply or renew for 2012 DACA program. Below include some questions that we often have been asked about the 2012 DACA program.

The following information relating to DAPA and Expanded DACA is provided only to offer a historical perspective. You may get updates and get more information at [www.ready4relief.org](http://www.ready4relief.org) or by calling the Office for New Americans Hotline at **1-800-566-7636**.

## DAPA

### DEFERRED ACTION FOR PARENTS OF US CITIZENS & LAWFUL PERMANENT RESIDENTS

DAPA is a new program that will give temporary status (3 years) to some parents of US citizens and lawful permanent residents (aka "green card" holders). During that 3 year period, those with DAPA status will not be at risk of being placed in deportation proceedings, they will be allowed to work legally, and will be able to request permission to travel internationally. After the first 3 year period, DAPA will be renewable. There is no DAPA application yet! For now, all you can do is get good information and prepare to apply.

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#### WHO WILL BE ELIGIBLE FOR DAPA?

We still do not know everything about DAPA, but we do know that these rules will be important:

- You must be the parent of a US citizen or lawful permanent resident ("green card" holder) child born on or before November 20, 2014;
- You must be able to show that you were in the U.S. on January 1, 2010 and that you continued living here until the date you apply;
- You must be able to show that you were in the U.S. on November 20, 2014;
- You must have had no immigration status on November 20, 2014; and
- You must not have been convicted of certain crimes, involved in gang or terrorist activity, and have no recent immigration violations.

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### IF I HAVE A STEPCHILD WHO IS A US CITIZEN OR A PERMANENT RESIDENT, WILL I BE ABLE TO APPLY FOR DAPA?

Right now, we do not know whether having US citizen and permanent resident stepchildren will make someone eligible for DAPA. When the government announces the complete rules for the program, we will know for sure.

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### IF I HAD A CHILD WHO WAS A US CITIZEN OR PERMANENT RESIDENT, BUT THEY PASSED AWAY, WILL I BE ABLE TO APPLY FOR DAPA?

Unfortunately, it does not seem likely that people with US citizen and permanent resident children who are deceased will qualify for DAPA. But we will not know for sure until the government announces all of the rules for the program.

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### IF MY US CITIZEN OR PERMANENT RESIDENT CHILD IS NOT CURRENTLY IN THE US, WILL I BE ABLE TO APPLY FOR DAPA?

The rules that we have so far do not require the US citizen or permanent resident child to be in the US when their parent applies. The rules that we know of apply to parents only. We will have to wait and see what the final rules are.

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### WILL I HAVE TO SHOW THAT I HAVE FILED TAXES TO BE ELIGIBLE FOR DAPA?

No, it does not look like having filed taxes or currently filing taxes will be a requirement to applying for DAPA. Of course, if you have filed taxes, you might be able to use them as proof that you were living in the US for the past 5 years. Also, it is possible that to renew your DAPA status, you may be required to pay taxes.

If you would like to file taxes, you are encouraged to do so, but make sure you are being helped by someone who is reputable and that you are not claiming any tax benefits that you are not eligible for.

## DACA

### DEFERRED ACTION FOR CHILDHOOD ARRIVALS

DACA is very similar to DAPA, except that it was first announced on June 15, 2012. There are new, expanded DACA rules (explained below), but the idea of the program is the same: it is an executive order which allows certain people who arrived in the US when they were children, who have lived here for several years, and have either gone to school here or are in school now, to get temporary status. Like DAPA, those with DACA status are not at risk of being placed in deportation proceedings, they are allowed to work legally, and are able to request permission to travel internationally. Thousands of people who got DACA in 2012 or later have already applied to renew. But the new DACA rules are not in place yet! Only people who qualify under the old rules can apply now!

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### WHO IS ELIGIBLE TO APPLY FOR THE ORIGINAL 2012 DACA?

Under the original 2012 DACA program individuals have to meet the following rules to be eligible and apply:

- You were born on or after **June 16, 1981** and are at least 15 years old now;

- If you are not 15 now but you are or have been in immigration court proceedings you may still qualify;
- You entered the U.S. before your 16<sup>th</sup> birthday;
- You entered and have lived continuously in the U.S. since at least **June 15, 2007**;
- You were present in the U.S. on June 15, 2012 and you had no immigration status on that date;
- You are in school, graduated from high school, or obtained a GED/HSE;
  - If you are not in school or dropped out, you can register for an adult education, ESOL classes or other schooling now and make yourself eligible for DACA;
- You have not been convicted of certain crimes nor pose a threat to national security.

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#### WHAT WILL CHANGE WHEN THE NEW EXPANDED DACA RULES GO INTO EFFECT?

When the new, expanded DACA program begins, the following rule changes will go into effect:

- **No age limit:** The expanded DACA rule change takes away the birthdate requirement of June 16, 1981 or later. As long as you meet the other requirements (see below), it does not matter how old you are when you apply. There is no age limit.
- **New date of entry is January 1, 2010:** Under the new expanded DACA rules, you will have to prove that you entered the US before January 1, 2010 and have lived here continuously since that time.
- **Extended to 3 years:** After the new expanded rules go into effect, those who apply or renew will get status and work authorization for 3 years.

## ELIGIBILITY & APPLICATION

### GENERAL QUESTIONS THAT APPLY TO BOTH DACA & DAPA

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#### HOW MUCH WILL IT COST TO APPLY FOR DAPA AND THE EXPANDED DACA?

We believe that it will cost **\$465** to apply for DAPA and the expanded DACA, with no option of a fee waiver. There may be options available to help you pay for your application. Make sure to ask whoever helps you about payment assistance when you do apply.

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#### IF I HAVE A CRIMINAL CONVICTION, SHOULD I EVEN CONSIDER APPLYING FOR DAPA OR DACA?

Yes, you should still consider applying. Not all criminal convictions will disqualify you. Speak to a knowledgeable immigration attorney before you apply to determine if your conviction puts you in danger of deportation by applying.

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#### IF I HAVE HAD TO GO TO IMMIGRATION COURT, OR I WAS ARRESTED BY IMMIGRATION AUTHORITIES AT THE BORDER CAN I APPLY FOR DACA OR DAPA?

For DACA, yes, you should be able to apply even if you were ordered deported from the US. This may be the same for DAPA, but we do not know for sure yet.

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#### IF I HAVE A PENDING RELATIVE PETITION, CAN I STILL APPLY FOR DAPA OR DACA?

Yes, your DAPA or DACA application will have no effect on your relative petition, or the other way around. In fact, if you are approved for DAPA or DACA, this may benefit you in your application for a green card.

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#### WHAT IF I HAVE ANOTHER TYPE OF IMMIGRATION APPLICATION THAT IS PENDING?

Generally, applying for DAPA or DACA will not affect any other applications that you have pending. You should still talk to the person that helped you file your application before applying, just to make sure that you are not wasting any money by submitting a DAPA or DACA application.

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#### HOW DO I PROVE THAT I MEET ALL OF THE REQUIREMENTS FOR DAPA AND DACA?

Please see our DAPA and DACA document gathering information sheets and guides.

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#### IF SOME OF THE DOCUMENTS THAT I WANT TO USE FOR MY APPLICATION ARE IN ANOTHER LANGUAGE, CAN I STILL USE THEM?

Yes, but you will have to have them translated into English for USCIS to accept them. You can do the translation yourself if you speak both English and the language the document is written in. At the end of each document you translate from another language in English, you must submit a dated and signed statement certifying that you are competent to translate from that language into English.

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#### IF I DON'T HAVE SOME OF THE EVIDENCE THAT I NEED TO APPLY, WHAT SHOULD I DO?

First off, don't worry. Look through any records or old documents that you have at home and put them in piles based on the year or month that they cover or separate them out based on what they will be useful to prove: for example, your relationship to a US citizen, or your presence in the US. You can also call a legal services organization and ask about getting a consultation with an immigration attorney to help you determine whether you're eligible and what you can do to prepare.

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#### IF I THINK I MAY QUALIFY, BUT I'M NOT SURE, WHO CAN I TALK TO?

Even if you think you don't qualify for DACA or DAPA, it is always useful to speak to an immigration attorney or a BIA accredited representative. To find help, call the Office for New Americans Hotline at 1-800-566-7636, Monday through Friday, from 9AM to 8PM. They can not only give you information, but can also refer you to a free or low-cost legal services organization. You can also visit [www.Ready4Relief.org](http://www.Ready4Relief.org) for updated information and resources.

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#### WHEN CAN I APPLY FOR DACA OR DAPA?

If you meet the requirements for the original 2012 DACA program, the application is already available and you can apply now. Call the ONA hotline 1-800-566-7636 or visit [www.Ready4Relief.org](http://www.Ready4Relief.org) for referrals to trusted help.

As of June 1, 2016, the applications for the 2014 expanded DACA and DAPA program are not available yet. The program implementation and application process were temporarily delayed by a legal challenge. It is not known when the government will begin accepting applications. You can visit [www.USCIS.gov](http://www.USCIS.gov) OR you can call the ONA hotline 1-800-566-7636 OR visit [www.Ready4Relief.org](http://www.Ready4Relief.org) to find out when and if the application is available.

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## WHAT SHOULD I DO WHILE I WAIT FOR THE EXPANDED DACA & DAPA APPLICATIONS TO BECOME AVAILABLE?

We encourage anyone who may be eligible to continue to prepare for when the application is available by saving money for application fees, gathering evidentiary documents, working with a Community Navigator to prepare your case, and consulting with an immigration attorney or BIA accredited representative.

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## WHAT IS GOING ON WITH THE DACA/DAPA LAWSUIT?

In February 2015 there was a lawsuit filed against the government in a Texas court and the judge ordered the government to **temporarily** stop the DAPA and expanded DACA programs. The government appealed the judge's order to the Supreme Court of the United States. The appeal process had many steps and delayed the new programs many months. We expect a decision from the Supreme Court before the end of June 2016. If you have questions about the Court's decision you should call Office for New Americans Hotline at **1-800-566-7636**. The best thing to do if you think you qualify for either program is to use this time to get as prepared as possible so you are ready to apply as soon as USCIS announces the application is available.

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## WHERE CAN I GET ACCURATE UPDATES AND INFORMATION ABOUT THE APPLICATION AVAILABILITY AND PROCESS, MY ELIGIBILITY, RESOURCES AND LEGAL ASSISTANCE?

It is important to ensure that you are getting your information and assistance from trusted and reputable sources. Call the Office for New Americans Hotline at **1-800-566-7636**, Monday through Friday, from 9AM to 8PM. They can give you information, answer basic questions, confirm when the DAPA and new DACA application become available, and also refer you to a free or low-cost legal services organization. You can also visit [www.Ready4Relief.org](http://www.Ready4Relief.org). Here you will find regularly updated information about application availability, eligibility and process, a calendar of free local assistance events, resources to help you begin to prepare on your own, and referrals to community navigators (who can support you through the preparation process) and free or low-cost legal services and BIA accredited organizations.

# BENEFITS & LIMITATIONS

## BENEFITS AND LIMITATIONS OF DACA & DAPA

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### WHAT ARE THE BENEFITS OF RECEIVING DACA OR DAPA?

DAPA and DACA provide you with a temporary legal status that protects you from deportation for three years and is renewable as long as the programs remain in effect. In addition you will receive a social security number and work authorization. In New York State you can apply for a driver's license and some public benefits.

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### WILL MY DAPA OR DACA STATUS ALLOW ME TO GET A GREEN CARD, CITIZENSHIP, OR HELP OTHERS IN MY FAMILY GET STATUS?

No, neither DAPA or DACA status are paths to a green card or citizenship, nor do they allow you to extend your status to others. They are both temporary statuses that allow you to stay in the country for 3 years without fear of deportation and to work during that period of time.

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### WHEN I HAVE DAPA OR DACA STATUS WILL I BE ABLE TO TRAVEL WHEN AND FOR WHATEVER REASON I CHOOSE?

No, those with DAPA and DACA status can only travel after submitting an application to USCIS for a travel document and receiving permission to travel. Usually, the government only grants that permission to travel for medical emergencies (a relative abroad who is ill or dying, for example) or for educational needs (a short study abroad opportunity, for example). Also, it is very important to speak to an immigration attorney before applying for permission to travel. This is because the government may approve your application to travel, but that does not mean that they are granting you permission to reenter the country - there have been cases of people travelling and not being allowed to reenter.

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### WILL APPLYING FOR DACA OR DAPA HELP ME ACCESS OTHER BENEFITS, LIKE HEALTH COVERAGE?

Maybe. Depending on what your income is, once the government has sent you documentation that they received your application you might be eligible for Medicaid. We recommend working with a community health navigator to determine if you are eligible. You can find a health navigator at [www.nystateofhealth.gov](http://www.nystateofhealth.gov).

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### IS IT TRUE THAT THE GOVERNMENT CAN TAKE AWAY MY DAPA OR DACA STATUS AFTER I HAVE RECEIVED IT?

Yes, that is true. There is no guarantee that under a different president, DAPA and DACA will remain in effect. But it is unlikely that they would take away your status until it has expired.

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### IF DAPA OR DACA ARE TAKEN AWAY, WILL I BE AT RISK OF DEPORTATION?

Yes, you may be at risk of deportation if these programs are put to an end. However, the government has limited resources and has established priorities for who it will be targeting for deportation. Most people who are eligible for DAPA or DACA are not part of those prioritized groups.

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### I DO NOT THINK THAT I WANT TO APPLY FOR DACA OR DAPA. WHAT SHOULD I DO?

Whether or not you plan on applying, it is always a good idea to speak to a qualified immigration attorney to get a sense of where you stand. When you receive a consultation from an immigration attorney, they will assess your eligibility for all of your immigration options (not just DACA or DAPA) and can help you make the decision that is right for you and your family.

### **\*\*\*!BEWARE OF IMMIGRATION FRAUD!\*\*\***

If you do want to get legal help, don't go to a notario!

Only get help from attorneys and qualified representatives!

If you need information on where to get trusted help:

**CALL THE OFFICE FOR NEW AMERICANS HOTLINE AT 1(800)566-7636**

**OR VISIT [WWW.READY4RELIEF.ORG](http://WWW.READY4RELIEF.ORG)**