



What You Need to Know After DACA

(This document is based on an advisory produced by the Immigrant Legal Resource Center.)

September 5, 2017

This summary seeks to address many of the questions that will arise for immigrants who benefited from Deferred Action for Childhood Arrivals (DACA) now that the Trump Administration has announced it is ending the program.

I. Work Permits

Employment Authorization Documents (EADs), also known as work permits, are generally valid until they expire or the government demands they be returned. Unless the government demands that you return your work permit, the following points should apply.

- You have the right to work legally until your work permit's expiration date.
- You have no obligation to inform your employer that you benefit from DACA. Your employer does not have the right to ask you whether you are a DACA recipient or how you got your work permit.
- Your employer does not have the right to fire you, put you on leave, or change your work status until after your work permit has expired. If your expiration date is nearing, your employer may ask you for an updated work permit but cannot take any action against you until after it is expired.
- For more information about your rights as an employee see this advisory by the National Immigration Law Center: <https://www.nilc.org/issues/daca/daca-and-workplace-rights/>.

II. Social Security Numbers (SSNs)

Your SSN is a valid SSN number for life, even after your work permit and DACA approval expires.

- If you have not done so already, apply for an SSN while your work permit is still valid.
- You can and should continue to use the SSN you got under DACA as your SSN even after your work permit expires. You can use your SSN for education, banking, housing and other purposes.
- Your SSN contains a condition on it that requires a valid work permit to use it for employment purposes.

III. Driver's Licenses and Other Identification Cards

In Illinois, immigrants can get regular driver's licenses if they have can provide SSNs and are currently eligible for an SSN. So long as your work permit is valid, you will be eligible for an SSN and therefore eligible for a regular license. Under new Illinois laws that took effect in 2016 and 2017, anyone applying for an initial regular driver's license now must provide proof of immigration status. Any such licenses will expire on the same date that the applicant's status or work permit expires. In other words, if you have DACA and an SSN and you are applying for a license for the first time, you can get a regular license, but that license will expire on the same date as your work permit.

If you are renewing a regular license first issued before July 1, 2016, and your license has not lapsed for more than one year, you should not be asked to produce any immigration documentation, and you should not volunteer any documents or information about your status.

If your work permit expires or is terminated, you can apply for a Temporary Visitor Driver's License (TVDL), which will be valid for three years. TVDLs are visually distinct from regular licenses and are not valid for identification purposes. For more information on TVDLs, please visit the Illinois Secretary of State's website, <http://www.cyberdriveillinois.com/departments/drivers/TVDL/home.html>.

IV. Travel on Advance Parole

DACA recipients should be cautious about travel abroad on advance parole.

- If you are outside the country with advance parole, make sure to return right away and while your advance parole and EAD are valid. DHS has stated that it will generally honor previously granted advance paroles, but that it retains the authority to revoke or terminate an approved advance parole. The safest route is to return as soon as possible.

- If you have been granted advance parole under DACA but have not yet left the United States, speak with an attorney to determine potential risks before doing anything.
- DHS is NOT granting any new applications for advance parole even if your DACA is still valid.

V. Other Immigration Options

Many DACA recipients may be eligible for another immigration option to get a work permit or even a green card.

- Talk to an immigration services provider to understand your legal options and if you might be eligible for another immigration benefit. ICIRR maintains a list of non-profits organizations authorized to provide free or low-cost immigration services and a list of trusted private attorneys and law firms:
 - http://www.icirr.org/content/documents/agency_referral_2017.pdf
 - http://www.icirr.org/content/documents/attorney_referral_2017.pdf
- Avoid fraudulent service providers: confirm their credentials, ask for a written contract and a receipt for any payments, and if you have doubts, get a second opinion.

VI. Criminal Issues

Any criminal arrest, charge, or conviction can put you at risk with immigration authorities.

- Avoid contact with law enforcement that may result in a criminal arrest. If you end up being arrested, make sure to consult an expert immigration attorney.
- If you have a criminal conviction, find out if it can be changed to lessen the impact on a future immigration case you may have.
- Under the **Illinois TRUST Act**, police cannot stop, search, or arrest you based on your immigration status, and cannot arrest or hold you based on an immigration warrant or detainer where there is not also a warrant issued by a judge. (This law might not apply in some communities.) For more information about the Illinois TRUST Act, please visit www.trustinil.org.

VII. Know Your Rights

Everyone – whether documented and undocumented -- has rights in this country.

- Do not open the door unless the agents have a warrant signed by a judge
- Do not sign any documents you do not understand
- Remain silent
- Record and report the incident—call the Family Support Hotline at 855-HELP-MY-FAMILY (855-435-7693)

ICIRR has produced know-your-rights cards in six languages (English, Spanish, Korean, Polish, Arabic, and Urdu). These cards are available at the ICIRR office and online at www.icirr.org/content/documents/kyr_card_2017.pdf.

VIII. Other Resources, Updates and Information

ICIRR's Protection Page (www.icirr.org/protection; www.icirr.org/proteccion in Spanish) contains resources for legal service providers and a map of organizations in Illinois providing Know Your Rights information and legal services.

ICIRR's Family Support Hotline (855-HELP-MY-FAMILY, or 855-435-7693) provides information regarding the latest updates on DACA and other immigration matters, as well as immediate response for immigration enforcement actions.

ICIRR is working with **mental health providers** to offer counseling to DACA grantees and others who feel imperiled in the current moment. For more information about these resources, please contact Dagmara Avelar, davelar@icirr.org, or Phoebe Flaherty, pflaherty@icirr.org.

Finally, ICIRR is planning a series of **actions** to defend DACA and call for Congressional action to pass legislation to protect DACA grantees and other immigrants. To receive updates on how you can get involved, please sign up on ICIRR's website, www.icirr.org/riseup.

For more information please call ICIRR at 312-332-7360 x213 or visit www.icirr.org.