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THE
IMMIGRATION
ALLIANCE



President Obama's Executive Action Announcement

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Only Congress can pass laws – Congress has not passed an immigration bill

On November 20, 2014, President Obama announced executive action on immigration

The President is directing federal immigration agencies to prioritize use of resources and

Defer deportation and permit noncitizens to remain in U.S for period of time

- **Authorize work permits**
- **Allow travel**

Key parts of the announcement



Expand Deferred Action to include parents of U.S. citizens and green card holders (DAPA)

Expand DACA to eliminate age cap, change date-of-entry, and extend EAD period to 3 years

Set Enforcement Priorities and end Secure Communities



**4.4 million parents of
U.S. citizens and LPRs**

**290,000 more people
eligible for DACA**



Benefits

Protection from deportation
for 3 year period

Work authorization

Social security number

Driver's license in some states

May request permission to
travel abroad

Limitations

Not a green card or visa

Not a path to citizenship

Discretionary case-by-case
decision based on DHS
enforcement priorities

Deferred Action for parents of US Citizens and Permanent Residents (DAPA)



Parent of a U.S. citizen or permanent resident (green card holder), as of November 20, 2014;

Continuously resided in the U.S. since January 1, 2010;

Physically present in the U.S. on November 20, 2014 and at the time of request;

No lawful status as of November 20, 2014



What if someone has a criminal record or recent removal order?

Certain criminal offenses; terrorist or gang activity; and/or recent deportation orders may disqualify and/or expose someone to removal proceedings.

Get legal counseling to find out if a particular criminal or immigration record affects eligibility.

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- Complete application form (not yet available)
 - \$465 fee (no waivers; very limited fee exemptions)
 - Supporting evidence
 - Fingerprinting and background check
 - There is a lot that we do not know yet, so do not believe anyone who says they can file an application now

- Same policy as DACA cases:
 - Case information protected from disclosure
 - Denied cases will not trigger referral to ICE unless the case falls within the November 2011 enforcement policy guidelines



What does the President's announcement mean for DACA?

No age cap.

- The President removed the DACA guideline about being born on or after June 16, 1981. This means someone cannot be too old to qualify for DACA as long as the other guidelines are met.

How long you must have lived in the U.S. to qualify has changed.

- Now people who have lived here since January 1, 2010 and meet the other guidelines will qualify for DACA.



What does the President's announcement mean for DACA?

Three-year DACA grants

- Starting November 24, 2014, new first-time and renewal applicants will receive deferred action and work permits for 3 years instead of 2.

Criminal, national security, and public safety bars

- If someone has ever been arrested or convicted of an offense or are not sure about his/her juvenile or criminal history, get criminal records and consult a legal service provider.



- Someone has DACA now, what does this mean for him or her ?
 - The DACA grant period and work permit is still valid for two years.
 - The government is exploring ways to extend two-year renewal work permits to the new three year period.
 - Stay tuned.
- A renewal application is pending, what does this mean for the applicant?
 - He or she should receive a three year work permit.

When can someone apply?



The application process is NOT open yet

Parents of U.S. citizens and green cardholder

- Application process to open within 180 days (by May 2015)

Expanded DACA

- Application process to open within 90 days (by February 2015)

Priorities of Enforcement

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- Priority 1: Apprehension at the border, national security threat, conviction for a participation in gages, and conviction for a felony or 'aggravated felony'
 - Priority 2: Conviction for a 'significant misdemeanor' or three or more misdemeanors not arising out of the same incident, as well as 'recent' illegal entry or reentry (after 1/1/14) and 'significant abuse of the visa or visa waiver program.'
 - Priority 3: Issuance of a final order or removal on or after 1/1/14

***People who are not part of a priority category may still be removable**



- Priorities Enforcement Program replaces Secured Communities
- DHS says the hold requests will be replaced with notification requests
 - Except in ‘special circumstances,’ which have yet to be defined.



- *Current Policy:* Provisional Waivers for unlawful presence only available to immediate relatives who can establish extreme hardship to US Citizen spouse or parent
- *New Policy:* Provisional waiver to be available to all family-based immigrants

Beware of fraud!



**There is no way to
apply yet!**

**Don't believe anyone
who says they can sign
someone up for a
program now.**

**Information will
continue to develop.
Consult trusted
resources to learn
more.**

What can be prepared now?



1. Save money for filing fees (at least \$465)
2. Gather evidence to demonstrate qualifications
3. Gather any criminal records
4. Do NOT travel abroad
5. Consult with a licensed immigration lawyer or a BIA accredited representative
6. BE ON GUARD AGAINST FRAUD



Proof of identity

- **Passport from home country**
- **ID card from home country**
- **Birth certificate from home country and photo ID**
- **School or military ID with photo**
- **U.S. immigration document with photo and name**



Documents showing relationship with U.S. citizen or LPR child

- **Birth certificate of child**
- **Copy of green card of child**
- **Naturalization certificate of child**
- **Adoption decree of child, if adopted child**
- **Marriage certificate, if stepchild**



Proof of continuous residence in U.S. for past 5 years and on November 20, 2014

- **Rent receipts, rental agreements, or utility bills**
- **School records (letters, report cards, etc.)**
- **Military records**
- **Records from a religious organization confirming participation in a religious ceremony**
- **Money order receipts for money sent in or out of the country**



Presence for past 5 years

- **Passport entries**
- **Birth certificates of children born in the U.S.**
- **Dated bank activity**
- **Car license, registration, insurance, DMV records**
- **Rental agreement, contracts, receipts, mortgage**
- **Tax receipts**
- **Medical records and insurance**



**Get documents related to any contact
with police or law enforcement**

State criminal records

FBI report

Court records



- Find Legal Help and Resources on How to Prepare to Apply
 - How to Get Criminal Records
 - How to Get a Copy of any Immigration File
 - How to Get a Passport or Identity Document for Mexican Nationals
 - <http://www.adminrelief.org/legalhelp/>
- <http://theimmigrationalliance.org/resources/>

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- One-stop website including resources for:
 - Legal practitioners
 - Community and religious organizations
 - Volunteers
 - Government agencies
 - Consular officials
 - educators



ADMINISTRATIVE RELIEF

RESOURCE CENTER

www.adminrelief.org



- For more information from the government go to www.uscis.gov
 - DACA Page:
<http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>
 - To receive updates from USCIS, subscribe here:
https://public.govdelivery.com/accounts/USDHSCIS/subscriber/new?topic_id=USDHSCIS_74

Process for Launching an Immigration Legal Site

Step 1: Assessment

4 - 8 weeks

Relational Considerations

- Congregational and leadership buy-in
- Access to immigrant community
- Denominational/local church requirements for implementing a new program

Program Considerations

- Funding
- Office space
- Staffing
- Potential for full or part time program
- Equipment (copiers, computers, etc.)
- Liability insurance

Step 2: Training, Experience & Ongoing Mentoring

80 hours minimum

Training

- 40 hours of training in immigration law required
- Basic overview of immigration law is a required course

Experience

- 40 hours of experience with immigration law required
- 40 hours observing and hands on supervised case work at a law firm or non-profit is encouraged

Ongoing Mentoring

- Establish a relationship for programmatic and case support

Step 3: Application for Accreditation

3 months to 1 year

Application Requirements

Individual Accreditation

- Resume listing training and experience
- Recommendation letters

Church Recognition

- Library
- Budget/funding sources
- Non-profit status
- Evidence of legal support/mentoring
- Letters of support

Attorneys

- An attorney does not need BIA accreditation

Step 4: Open for Service

Before BIA Approval

- Before approval the site cannot accept cases, but can provide workshops and referrals, and assist with document collection
- Site should carefully consider intake procedures, case selection criteria, and other program protocols during waiting period

After BIA Approval

- Once approval is received, site can begin accepting cases



1. Watch 30 Minute Video
2. Read Church Leader's Guide to Immigration
3. Read Immigration Legal Site Implementation Kit
4. Basic Immigration Law Training
 - <http://theimmigrationalliance.org/events/>
5. Job Shadowing
 - Contact Kathleen Leslie at kleslie@wr.org



All webinar links, power point, and (eventually) the recording will be made available on the www.TheImmigrationAlliance.org **blog**

Evangelical churches or non-profits who have *questions* or are *ready to take action*, complete the online questionnaire on www.TheImmigrationAlliance.org **home page**

QUESTIONS? OR READY TO TAKE ACTION?



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MOBILIZING CHURCHES | CULTIVATING RELATIONSHIPS | PROVIDING LEGAL SERVICES