



## **Trump Administration: What Immigrants Should Know**

*President Donald Trump has promised to end DACA and to “mass deport” millions of undocumented immigrants. CRLAF is, and will remain, committed to fighting for and defending the rights of immigrants. Included below is some useful information for immigrant families to have during the Trump administration. This is information and NOT legal advice.*

### **Difference between a law and an executive action (like DACA):**

The president cannot make a new law or change a current law without Congress' approval. But, the president can end a prior president's executive action without Congress' approval.

What does this mean? The new presidential administration can end DACA. But, in order to make or change immigration laws (like family visas, U visas, VAWA, etc.), it needs Congress' approval.

### **Effects on DACA – Should I apply or renew?**

The Trump administration has not yet announced *whether* or *how* it will terminate the DACA program. As of this writing, USCIS continues to accept and process both initial and renewal DACA applications. If the DACA program is ended, it is uncertain whether the administration will immediately terminate all DACA work permits or, alternatively, allow DACA recipients to continue using their work permits until they expire.

***We Strongly Advise Against Submitting Initial Applications.*** These applications take several months to be processed, and would most likely not be approved before the Trump administration announces its plans for the DACA program. If DACA is ultimately terminated, there is a possibility that applicants with pending applications will not have the \$495 application fee refunded to them. Those who submit initial applications will be sharing their personal information with the Department of Homeland Security, and it is still uncertain how the Trump administration will use this information.

***Renewal Applicants Should Only Submit if Aware of Risks.*** Some DACA renewal applications are processed within 8 weeks. Because the Trump administration may announce a termination of the DACA program at any time, renewal applicants face the risk of losing the \$495 application fee if DACA is terminated before their application is approved. It is uncertain whether those who have their applications approved before such a termination will be allowed to continue using their work permits until they expire.

There are no additional security risks for DACA renewal applicants who have not moved since their most recent DACA application, because DHS already has their personal information. However, those with any prior *or pending* immigration or criminal cases are strongly encouraged to first consult with an experienced immigration attorney or accredited representative before deciding whether to submit a renewal application.

### **Advance Parole:**

***We Advise Against Applying for or Traveling under Advance Parole through DACA.*** The Trump administration has not announced its advance parole policies for DACA recipients. DACA recipients who leave the United States face the risk of not being allowed to reenter, even if they have already been granted advance parole.

If you have already been approved for advance parole, we strongly encourage you to consult with an experienced immigration attorney or accredited representative before deciding whether to travel outside the United States.

***Questions or concerns? Please call (916) 446-7901.***

### **What does NOT change – CA laws and local protections for immigrants:**

CA has enacted legislation that creates benefits for immigrants in the state. These and other local protections cannot be directly changed by the new president

*AB 540:* Allows certain students to qualify for in-state tuition at any UC, CSU, or CA community college.

CA DREAM Act: Makes students eligible for state-based financial aid if they are eligible for AB 540.

*SB 1159:* Allows undocumented immigrants to apply for professional licenses in CA.

*AB 60:* Allows undocumented immigrants who are CA residents to obtain a CA driver license. Currently, some people have licenses they received because they have DACA. If the DACA program ends, licenses for these people will expire, but they will still be eligible for AB 60 licenses.

*Healthcare:* All CA residents 18 and younger can apply for Medi-Cal. Sacramento County residents 64 and younger can also apply for medical insurance. If you are eligible for healthcare, ENROLL NOW. If you already have healthcare, USE IT.

*TRUST Act, TRUTH Act & Sanctuary Cities:* Help to protect immigrants from local law enforcement cooperation with federal immigration enforcement.

### **Screening for other forms of relief:**

Many individuals are eligible for a permanent form of immigration relief and should be screened by an immigration attorney. If you are a lawful permanent resident, talk to an immigration attorney about whether you are eligible to become a U.S. citizen. U.S. citizenship is the strongest form of protection.

If you have a prior or pending criminal conviction, consult an immigration attorney immediately. Also, if you are currently in criminal proceedings, tell your public defender about your immigration status.

It is important to find a licensed immigration attorney or Board of Immigration Appeals (BIA) accredited representative to assist with any immigration matters. Be cautious of fraudulent service providers and *notarios*, especially now.

### **Know YOUR rights:**

As always, try to avoid any negative interactions with law enforcement. Have a plan of action with your family on what to do if ICE comes to your home or arrests a family member.

**You have the right to remain silent.** You may refuse to speak to ICE officers, police officers, or other law enforcement officers. You should say that you want to remain silent.

**Do not open your door!** Educate your family to ask who is at the door before opening it. Do not open your door to any officer unless there is an emergency. To enter your home, an officer must have your permission or a valid warrant (and they rarely have one).

You have the right to speak to a lawyer. **Do not sign anything before talking to a lawyer!**

### **Before being deported, every individual has certain rights:**

Most people have a right to a hearing before an immigration judge. This process can take years, and you can remain in the U.S. until an immigration judge makes a final decision in your case.

If you are detained, **ask for a hearing!** You should ask the immigration officers and/or the immigration judge to be **released with bond**. At any hearing before a judge, if you do not already have an attorney, you should ask the judge for **more time** to find one.