



EDUCATORS FOR FAIR CONSIDERATION

# TEN REASONS TO CONSIDER APPLYING FOR DACA NOW

# INTRODUCTION

---

As of April 15, 2013, 488,782 people had applied for Deferred Action for Childhood Arrivals (DACA) and 268,361 had been approved, far short of the 1.4 million undocumented youth estimated to be eligible for the program. While applying for DACA should be based on each individual's personal history and situation, we offer the following reasons why qualified individuals should consider applying.

## 1. DACA HAS BOTH IMMEDIATE AND LONG-LASTING BENEFITS THAT MAY HELP IF A NEW IMMIGRATION LAW PASSES.

There is a lot of excitement around the possibility that a law *could* pass sometime in the near future that would allow millions of undocumented individuals to obtain a lawful status. However, new laws require months of legislative deliberation and processing. This means that it could take more than a year before individuals are allowed to apply.

In fact, there are many reasons why you should consider applying for DACA instead of waiting for immigration reform to occur:

- » Although only a proposal, the recent immigration bill states that legalization could be much easier for DACA recipients.
- » If a new immigration law passes, it might not allow students to obtain federal financial assistance. Although DACA won't solve that problem, it does allow some students to benefit from in-state tuition after living in their state for one year with DACA. This is true of states that have a "lawful presence" requirement for in-state tuition.
- » Applying for a new status under any immigration reform will be expensive. The recent proposal would require applicants to pay more than \$2,000 in fines. The fines do not include application fees or attorney fees. Paying \$465 to apply for DACA now may be a wise investment. DACA might allow you to get a higher salary by working lawfully. That way, you can begin to save more for you and your family's future immigration fees!

## 2. AS A DACA BENEFICIARY, YOU ARE PROTECTED FROM ARREST, DETENTION & DEPORTATION AND CAN SAVE THOUSANDS OF DOLLARS

The National Immigration Forum has estimated that 32,800 individuals are arrested and detained daily because they do not have proof of lawful status or lawful presence in the country. Although it is true that individuals who are eligible for DACA have a chance to apply if detained or placed in deportation, it is also true that you might find yourself paying thousands of dollars trying to get out of detention or deportation proceedings on top of finding an attorney to apply for DACA. It is wise to invest \$465 now instead of paying thousands of dollars later.

## 3. IF YOU DID NOT COMPLETE SCHOOL, YOU CAN STILL BECOME ELIGIBLE FOR DACA

One of the requirements to request DACA is that individuals be *currently in school* or have a high school diploma or state equivalent, or have a General Education Development (GED) certificate. This means that individuals who did not complete high school can return to school and become eligible for DACA.

To make sure that the educational institution that you enroll in is one that meets the requirement, speak to an attorney before enrolling.

Note: If you have already completed high school or obtained your GED, you do not have to return to school. You may be eligible already.

## 4. IF YOU HAVE BEEN WORKING WITH A MADE-UP SOCIAL SECURITY NUMBER (SSN), THERE ARE BENEFITS TO GETTING YOUR OWN SSN

First, if you are afraid of approaching your current employer because you have been using a made-up social security number, read our recent publication

titled “Got DACA, Now What? What To Know When Your Deferred Action Request Is Approved” at E4FC.ORG. This will help you understand ways to talk to your employer when you receive your own Social Security Number.

There are many reasons to have your own Social Security Number (SSN). Here are a few:

- » The government is being stricter on enforcing laws that require employers to inspect an individual's SSN so you may face closer scrutiny from employers when presenting ID and work authorization, or face heavy penalties.
- » If you pay taxes with a made-up Social Security Number, you may not be able to claim your hard-earned federal retirement dollars later in life. Similarly, unemployment compensation or disability benefits might be much more difficult to claim later in life.
- » By using a made-up Social Security Number, you are more vulnerable to genuine identity theft scams that would strip you of your good credit history or possible tax refunds.
- » If you have never tried to establish a line of credit, now is a great time to do so with a real Social Security Number.

## 5. THERE ARE MANY WAYS TO PAY THE \$465 DACA APPLICATION FEES AND GET FREE/LOW-COST LEGAL HELP

Some people who qualify for DACA haven't applied because it's too expensive or they don't know where to get help. In fact, there are many ways to get financial assistance and legal help for DACA.

*Ways to pay the \$465 application fees*

**Lending Circles:** Many organizations have established lending circles for DREAMers, which are zero-fee, zero-interest credit-building loans. Mission Asset Fund in San Francisco provides a \$155 charitable donation towards your application fee and will loan you the remaining \$310 for your DACA application. Check out Lending Circles for DREAMers, through Mission Asset Fund in San Francisco, for more ways to help you pay for DACA.

**Self-Help Loan for DREAMers:** You can check out the Self Help Loan for DREAMers through the Community Trust organization, which provides individual loans for up to \$465. People who get the loan can build or repair their credit with an interest rate of 15% APR, which is only about \$35 in interest after 6 months.

**LGBT DREAMers Fund:** More than \$75,000 has been raised to help lesbian, gay, bisexual, and transgender DACA applicants. Find out more information about the LGBT Dreamers Fund through the Liberty Hill organization.

**Self-Advocacy:** Many people have asked their families and community members for financial assistance to apply for DACA. Some people have created online petitions to ask for donations. You'll be surprised how fast you can raise your \$465!

**Fee Exemption (must be completed and approved before you file for DACA):** USCIS (the department in charge of approving DACA requests) offers very limited fee exemptions for DACA. A fee exemption may be granted for someone under age 18 who: is homeless; is in foster care; is without parent support; has income less than 150% of federal poverty guidelines; cannot care for him/herself because of disability; or has high medical-related debt. There is a fee exemption form, which must be approved before the actual DACA request can be filed. Check the USCIS website for more information about these exemptions, and how to apply.

*Ways to get legal help to file for DACA*

### **E4FC's DREAMer Intake Service**

Understand your eligibility for DACA before applying. Also find out whether you are eligible for any other remedies before applying for DACA. Educators for Fair Consideration (E4FC) offers a free online DREAMer Intake Service (found at E4FC.ORG) that provides legal information to help you better understand your potential eligibility for DACA and other common immigration remedies. Our free and anonymous service is for undocumented people under age 35 who do not yet have legal residency or citizenship in the United States. Submit your intake today!

### **Pro Se (“Do It Yourself”) Support**

Are you confident that you can do most of the DACA application yourself, but want a little help? The We Own The Dream website offers two free, automated tools where you are pre-screened for DACA with the help of an online avatar, answering key DACA application questions. If you appear to be eligible, the system creates a pre-filled packet with all of the necessary DACA forms. All you have to do is print the packet, include your supporting evidence, and mail your DACA request. Of course, it’s always a good idea to try to have an immigration expert look over your final package and answer any specific questions you may have before you send that final packet.

### **Group Processing & Informational Events**

If you want to get face-to-face help at a legal clinic, go to We Own the Dream’s Event Listings where you’ll find times, dates and locations for free or low-cost DACA clinics near you.

### **Individual Attention**

If you want private one-on-one help, you can also search We Own the Dream’ Find Legal Help listings. In their national directory of nonprofit agencies, you may be able to find an organization offering legal help on DACA cases. Nearly all nonprofits charge a fee (probably under \$400) for full representation, although usually at a rate less than the rate of most private attorneys. However, many nonprofits often have waitlists or other restrictions on whom they can help.

You may also find a private immigration attorney to represent you by visiting AILA’s Immigration Lawyer Search or the National Immigration Project’s Referral Directory, or by contacting your local, state, or county bar association and asking them to provide you with the name of a private immigration attorney who will charge their regular rate. Private immigration attorneys appear to be charging under \$1,000 for a basic DACA application, but may charge more if your case is complicated.

## **6. DACA WILL ALLOW YOU TO TRAVEL ABROAD**

We already know of some DACA recipients who have been able to go abroad through their educational programs. With DACA, some people will be allowed to safely travel and return to the U.S. with something called ‘Advanced Parole.’ Travel authorization will only be allowed under certain circumstances, including study abroad connected to an educational degree. You should always consult with an immigration legal expert before leaving the U.S., even with Advanced Parole, to understand fully the risks and benefits involved.

## **7. WITH DACA, NEW JOB OPPORTUNITIES MAY BE AVAILABLE THAT MAY NOT HAVE BEEN BEFORE**

While many individuals have been working without an employment authorization document, DACA now opens up many job opportunities that might not have been possible before. For example, some states are now letting DACA recipients obtain the required Physician and Surgeon’s License to become a medical doctor. With DACA, you can explore new career opportunities.

## **8. IT IS A PERFECT TIME TO GET SCREENED, NOT ONLY FOR DACA, BUT ALSO FOR OTHER IMMIGRATION REMEDIES**

Through our online DREAMer Intake Service, we’ve found that about 25% of individuals who are potentially eligible for DACA are also eligible for other permanent immigration remedies. Thus, by consulting with an immigration attorney, you will not only find out whether you’re eligible for DACA but also possibly learn about remedies that can lead to a permanent lawful status.

## 9. DACA BENEFICIARIES AREN'T A PRIORITY FOR ICE AND FUTURE DEPORTATION SEEMS UNLIKELY

President Obama has vowed to continue DACA while he is in office through 2016, allowing beneficiaries to renew every two years. If DACA ended with a new President, Immigration and Customs Enforcement (ICE) does not have the resources to deport everyone (there are not enough immigration judges, immigration officers, ICE attorneys, or detention centers to process all the deportation cases).

People with DACA are among ICE's lowest priority cases for deportation. DACA beneficiaries should feel reasonably safe from deportation, even if there is a change in administration, as long as they continue to meet DACA eligibility requirements.

## 10. DACA BENEFICIARIES UNDER AGE 18 WON'T ACCRUE UNLAWFUL PRESENCE

Undocumented children approved for DACA before turning 18 will not accrue unlawful presence as long as they participate in the program.

What is unlawful presence? Unlawful presence is the time during which someone is present in the United States without permission. Unlawful presence begins accruing after someone turns 18 and may have severe immigration consequences. It can prevent otherwise qualified individuals from gaining lawful permanent residency or being able to return to the United States after traveling abroad.

For example, an immigrant who marries a U.S. citizen would be eligible for lawful permanent residency but may face a minimum of a 3 year bar from obtaining their lawful status for only being unlawfully present a few months after his/her 18th birthday. An immigrant who gets DACA prior to the age of age 18 would avoid these bars connected to unlawful presence.

# ABOUT THE AUTHORS

---

## KRSNA AVILA

Krsna is a graduate of the University of California, Davis where he received his Bachelor of Arts Degree in Sociology and Psychology in 2010. Having immigrated to the United States when he was only four months old, Krsna grew up feeling truly American, despite his legal status. Living in Oakland, he was a victim of four gun violence incidents. Education became Krsna's tool for freedom and self-advancement, a way to "level the playing field." Since joining E4FC's Legal Services Team, Krsna has developed an in-depth knowledge of U.S. immigration law and has been able to use his knowledge to pursue and gain lawful permanent residency for himself and to help others in similar situations. Krsna is looking forward to receiving acceptance letters from law schools around the nation in the near future and wants to remind undocumented students that anything is possible!

## MARILIA ZELLNER

Marilia Zellner has dedicated her career to humanitarian and public service work. A graduate of Harvard Law School, she was selected as the inaugural Face of American Immigration Lawyers Association (AILA) in 2010. Mari is an immigration attorney who practiced at Community Legal Services in East Palo Alto for four years, during which time she supervised staff and volunteer attorneys, paralegals and law students with a complex caseload of affirmative and defensive immigration cases, primarily for survivors of violent crime and for clients seeking humanitarian-based relief. She was also a public interest career counselor at Stanford Law School for two years, helping law students and recent graduates explore opportunities to make positive impactful change in public service throughout the world. Mari has been licensed to practice law in Minnesota since 2000, and her counsel in California is limited to federal immigration and naturalization law.

# ACKNOWLEDGEMENTS

---

This publication would have not have been possible without the valuable feedback and work of the following individuals: Dan Berger (Curran & Berger LLP), Irving Pineda (Bay Area DACA Collaborative), the DREAMer Advisory Committee (International Institute of the Bay Area) and Jennifer Pence.

# ABOUT EDUCATORS FOR FAIR CONSIDERATION (E4FC)

---

Founded in 2006, Educators for Fair Consideration supports undocumented young people in realizing their academic and career goals and actively contributing to society. We offer holistic programming that addresses their financial, legal, career, and emotional health needs. Specifically, we provide scholarships, legal services, professional and personal development workshops, and a strong peer network. We also lead presentations and create educational materials to raise awareness and support nationwide. Our programming is designed by and for undocumented young people with support from committed allies. For more information, please visit us online at [www.e4fc.org](http://www.e4fc.org).