



TEXAS AFL-CIO

DACA TOOLKIT

Updated: July 29, 2020

Since our nation's founding, immigrants and refugees have enriched the fabric of our communities, our workforce and our labor movement. Like it was for generations of immigrants before, the labor movement is the natural home for new immigrants struggling to achieve economic security and win social justice, and our commitment to building an immigration system that represents the needs and interests of all working people is fierce and unwavering.

Our entire workforce has benefited from DACA, and those benefits will now continue. This program helps to raise wages, support a stable workforce and reduce exploitation in our country. The lessons of DACA make clear that the right way to protect workers is by expanding rights and protections, rather than ramping up enforcement tactics that spread fear in our workplaces and communities.

If you are a DACA recipient and are interested in learning more about our affiliated unions visit us at:
www.texasaflcio.org

What does the DACA decision mean?

On June 18, 2020, the U.S. Supreme Court issued a decision stating that the 2017 memo by the U.S. Department of Homeland Security (DHS) did not offer a legally adequate reason for ending DACA. Specifically, the Court ruled that DHS failed to fully explain why it no longer wished to “defer action” against the almost 700,000 DACA recipients

However, despite the Supreme Court, the Fourth Circuit Court of Appeals, and a District Court in Maryland ordering the Administration to fully reopen the program, DHS released a new memo on July 28, 2020, which stated they will reject all new first-time DACA applications, and applications for Advance Parole unless there are “exceptional circumstances”, and will continue to process renewal requests, but instead of issuing them for two years, the new DACA authorization and work permits will be issued for one year.

Sources: <https://www.immigrationcases.org/daca-news/>

<https://www.informedimmigrant.com/guides/daca-decision-2020/>

Additional information:
<https://www.scotusblog.com/case-files/cases/department-of-homeland-security-v-regents-of-the-university-of-california/>



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What will happen immediately?

Under the new memo, USCIS is instructed to reject new, first-time DACA requests, but renewals continue to stay open for current DACA recipients. The memo, however, also announced a change to the amount of time DACA protections and accompanying work permit would be valid, for renewals approved after the issuance of the new memo. Instead of 2 years, DACA recipients will be given 1 year of protections. Under the new memo, USCIS is instructed to also reject Advance Parole applications from DACA holders, absent “exceptional circumstances.”

Source:
<https://www.informedimmigrant.com/guides/daca-decision-2020/>

Additional information:
<https://www.ilrc.org/daca>

When will new applicants be able to apply?

In the July 28th DHS memo, the agency announced that they will not accept first-time DACA applications. If you’ve already filed as a new applicant, you should expect USCIS to return your application and associated fee. It is anticipated that there will be legal challenges to the new DACA memo, and as a result, there may be further changes and developments regarding the DACA program.

When will new applicants be able to apply? (continued)

Individuals who may be DACA-eligible should speak with a trusted immigration lawyer or DOJ accredited representative for an individualized consultation regarding their immigration options. You may also consider gathering documentation to provide you meet the eligibility requirements so you will be ready to apply if the program becomes available again to first-time applicants

Source: <https://www.informedimmigrant.com/guides/daca-decision-2020/>

What about Advance Parole?

DHS will not accept Advance Parole requests, unless under exceptional circumstances. Though it’s not yet clear what those circumstances are it should be assumed that this would be incredibly rare. If you’ve already requested Advance Parole, you should expect USCIS to return your application and associated fee. You should speak with a trusted immigration lawyer or DOJ accredited representative if you are considering applying for Advance Parole, and before leaving the U.S. if your case is approved.

Source: <https://www.informedimmigrant.com/guides/daca-decision-2020/>



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Who qualifies for DACA?

While USCIS is not currently accepting new, first-time DACA requests, we are providing the initial ineligibility criteria below in case this immigration option becomes available again. You may be eligible if you:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching your 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
- Had no lawful immigration status on June 15, 2012;
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Source:
<https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca#guidelines> <https://immigrationequality.org/legal/legal-help/other-paths-to-status/deferred-action-for-childhood-arrivals-daca/>

Where can I find trusted attorneys in my area?

Through our citizenship campaign, we have been able to connect with multiple trusted immigration attorneys. A complete list can be found on our website under each city.

<https://www.texaslaborcitizenship.org/>

Additionally, the non-profit organizations listed below also provide low cost or pro bono services.

Austin

- Texas Here to Stay*:
<https://texasheretostay.com/>
*(THTS is not a non-profit organization, but is a coalition of immigrant legal services providers and advocacy groups.)
- Equal Justice Center:
<https://www.equaljusticecenter.org/what/daca.html>
- American Gateways:
<https://www.americangateways.org/get-help/apply-for-services/>
- Catholic Charities of Central Texas:
<https://www.ccctx.org/immigration-legal-services.html>

San Antonio

- American Gateways:
<https://www.americangateways.org/get-help/apply-for-services/>

Houston

- Baker Ripley:
<https://www.bakerripley.org/citizenship-and-immigration-services>
- Boat People SOS:
https://www.houstonimmigration.org/venue/boat-people-sos/?tribe_venue=boat-people-sos&tribe_event_display=past



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Dallas

- Catholic Charities Dallas:
<https://ccdallas.org/need-help/immigration-legal-services/deferred-action-for-childhood-arrivals/>
- Raices:
<https://www.raicetexas.org/contact-us/locations/?ms=fb>

Beaumont

- Catholic Charities Beaumont:
<http://www.catholiccharitiesbmt.org/pages/programs/immigration.html>

Ft. Worth

- Raices:
<https://www.raicetexas.org/contact-us/locations/?ms=fb>
- Proyecto Inmigrante:
https://proyectoimmigrante.org/contactf_w

Corpus Christi

- Raices:
<https://www.raicetexas.org/contact-us/locations/?ms=fb>
- Justice for our Neighbors:
<https://www.sarjfon.org/>

GED Resources

One of the requirements for DACA is for an applicant to be currently in school, have graduated or obtained a certificate of completion from high school, or have obtained a general education development (GED) certificate. Below is a list of GED classes across the state.

Austin

- Austin Community College:
<https://www.austincc.edu/academic-and-career-programs/adult-education/high-school-equivalenc>
- GED Classes in Austin:
<https://bestgedclasses.org/austin-tx/>

Houston

- Houston Community College:
<https://www.hccs.edu/programs/adult-education/txchse/>
- GED Classes in Houston
<https://bestgedclasses.org/houston-tx/>

Dallas

- GED Classes in Dallas:
<https://bestgedclasses.org/dallas-tx/>
- Dallas Public Library:
<http://dallaslibrary2.org/adultlearning/ged/>

Ft. Worth

- Ft. Worth Library:
<http://fortworthtexas.gov/library/programs/ged-and-esl/>
- GED Classes in Fort Worth:
<https://bestgedclasses.org/fort-worth-tx/>
- Fort Worth ISD:
<https://www.fwisd.org/domain/164>

Beaumont

- GED Classes Beaumont:
<https://bestgedclasses.org/beaumont-tx/>
- Lamar Institute of Technology:
<https://www.ed2go.com/lit/online-courses/ged-preparation/>



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GED Resources (continued)

El Paso

- GED Classes El Paso:
<https://bestgedclasses.org/el-paso-tx/>
- Public Libraries:
<https://kisselpaso.com/free-ged-classes-offered-at-el-paso-public-libraries/>
- El Paso Community College:
<https://www.ed2go.com/epcc/online-courses/ged-preparation/>

Corpus Christi

- GED Classes Corpus Christi:
<https://bestgedclasses.org/corpus-christi-tx/>
- City of Corpus Learning Institute:
<https://www.learningcc.org/ged/>

Waco

- GED Classes in Waco:
<https://bestgedclasses.org/waco-tx/>

RGV

- GED Classes in RGV:
<https://bestgedclasses.org/mcallen-tx/>
- RGV Literacy Center:
<https://www.rgvliteracycenter.org/>

Resources for college students

Austin

- Austin Community Colleges:
<http://sites.austincc.edu/campaigns/daca-a-resources/>
- St. Edward's University:
<https://www.stedwards.edu/articles/featured-stories/2017/04/standing-united>

San Marcos

- Texas State University:
<https://www.sdi.txstate.edu/ProgramsResources/Immigrants.htmlx>

San Antonio

- Alamo Colleges District:
<https://www.alamo.edu/district/daca/>
- UTSA
<https://www.utsa.edu/dreamers/>
- HACU:
https://www.hacu.net/hacu/Resources_for_DACA_Students_Family.asp
- Texas A&M San Antonio:
<https://www.tamusa.edu/internationalaffairs/daca1/scholarship-for-dreamers.html>

Houston

- University of Houston:
<https://uh.edu/cdi/resources/daca-information.html>
- District Resource HISD:
<https://www.houstonisd.org/tasfa>

Dallas

- University of North Texas:
<https://www.unt.edu/daca>
- Dallas College
<https://www.dcccd.edu/about/chancellor/media/pages/daca.aspx>
- Dallas ISD
<https://www.dcccd.edu/about/chancellor/media/pages/daca.aspx>



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What are my options if my employer asks me about my status?

Employers should not ask workers whether they have DACA status and workers need not explain why they have to renew an EAD. Employers should not and need not reverify work authorization documents of individuals simply based on the administration's DACA announcement. Employers are, however, required to reverify work authorization documents upon their expiration. At such time, workers with DACA should simply present copies of their renewed EAD (or other acceptable documentation as listed on the form I-9).

Does the Supreme Court decision on DACA impose any new obligations on employers?

No, as before, an employer's only obligation is to complete the I-9 process. If an employee presents a valid EAD to prove work authorization, an employer must accept that EAD so long as it has not expired.

If an employee has an Employment Authorization Document, does that mean that an employee has DACA?

No, there are many different categories of individuals who may be eligible for EADs. DACA is just one of the eligibility categories.

Can my employer ask me for additional details about my immigration status?

Federal immigration law prohibits employers from discriminating against work-authorized immigrants based on immigration status and from asking employees for more or different documents than are required to complete the I-9 process. If an employer requires an employee to explain how he/she is work-authorized, or whether he/she has DACA status, they may risk violating this law.



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What can I do if my employer is threatening to fire me or asking me to re-verify my work permit before it expires, or I think my employer is discriminating against me?

If your employer is asking to re-verify documents before they expire, you can call the free worker hotline at the Immigrant and Employee Rights Section of the Department of Justice at 1-800-255-7688. Additionally, if you believe that your employer is discriminating against you, you should consult with an attorney.

Can I continue to work if my DACA has expired?

You do not have an affirmative duty to tell your employer that you have DACA or that your work authorization has expired or will expire. You are not responsible for raising the subject at all. Once your work permit expires, your employer has an obligation to ask to see your new work permit. Your employer may terminate your employment if you are no longer work-authorized. If you continue to work after your work authorization has expired and before it is renewed, you will be working without authorization. You should consult with a trusted immigration attorney or DOJ accredited representative regarding any immigration-related consequences of working without authorization.

As a DACA recipient can I apply for unemployment in Texas?

DACA recipients are eligible for state unemployment benefits in Texas as long as their work authorization is valid. These benefits will not be counted against you based on the new Public Charge regulation. Additional information can be found on the Texas Workforce Commission Website:

<https://www.twc.texas.gov/jobseekers/eligibility-benefit-amounts>

What do I do if I lose my work permit?

If your EAD is lost, stolen or destroyed, you may request a replacement EAD by filing a new Form I-765 and filing fee (if required).

How do I start my own business/LLC?

Rising Immigrants:

This organization provides a 3 part series of webinars to learn about making your own income

- <https://immigrantsrising.org/resource/income-generation-webinar-series-english/>
- They also support entrepreneurs through an entrepreneurship Fund
- <https://immigrantsrising.org/financial-support/entrepreneurship-fund/>



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Additional tips and resources:

- Save a picture of your DACA card in your phone for emergencies
- Where can I get something notarized?
 - Most US banks provide the notary service for free or for a small fee
 - Most UPS stores also have a notary during business days for a small fee
 - Many public libraries also offer a notary service
- Additional Resources:
 - <https://www.jkcf.org/wp-content/uploads/2020/06/Undocumented-DACA-Scholar-Resources-2.pdf>
 - <https://unitedwedream.org/>
 - <https://www.ilrc.org/>
 - <https://www.informedimmigrant.com/>