

DACA IMMIGRATION INFORMATION

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Rights of Undocumented Children

- Attend public school
- Remain silent when asked about immigration status, country of origin
- Certain 4th, 5th and 15th Amendment protections

Higher Education

- Undocumented students can apply for college.
- State colleges and universities should not ask for any information regarding your legal status when you submit your application. You are not required to put a social security number. Leave the space blank on your application with no effect on your likelihood of acceptance.
- State schools are not required to report undocumented students to the federal government accepted to a state college or university. Make sure you are not mistakenly classified as an international student.
- Private colleges and universities have their own policies for undocumented students. Call the admissions office and ask if they have any particular policies toward undocumented students. Some schools are more accommodating than others. If you are nervous about calling, ask a friend or guidance counselor to inquire on your behalf.

Eligible for in-state tuition rates

- In New York, undocumented students are eligible for in-state tuition if you meet the following requirements:
- You have attended for at least two years and graduated from an approved New York State high school and apply for attendance at a SUNY, CUNY, state-operated, or community college within five years of receiving a high school diploma, or
- You have attended an approved New York State program for General Equivalency Diploma preparation, received a GED issued in New York State, and applied for attendance at a SUNY, CUNY, state-operated, or community college within five years of graduating high school
- Residency Requirements for tuition purposes, undocumented students must:
 - File affidavit state that s/he has filed or will file application for legal residency
 - Show proof of domicile (rent checks, pay stubs with a NY address, high school records, etc.)
 - It is important that your school be aware of your legal status in order that you may qualify for resident tuition rates. Check to make sure that you are not classified as an international student, as international students are charged higher tuition costs.
 - Make sure you are not classified as a International Student & the school knows of your legal status to obtain the in-state rate.

Financial Aid

- Undocumented student cannot apply for state or federal financial aid.
- Undocumented students can apply for private scholarships and awards for higher education
- www.maldef.org lists private scholarships available
- www.ilrc.org/scholarships.htm is another resource to find more information

- FAFSA can be filled out to determine family contribution, but undocumented students cannot receive federal or financial aid, therefore not necessary to fill out form. If you do fill out form, leave the SS# blank & mark the answer that states “No, I am not a citizen or eligible non-citizen. Application will be rejected, however if you do choose to fill out it will be used to determine your family contribution & therefore your financial aid package.

DACA

- **T**he Dream Act is a piece of bipartisan legislation aimed at providing a path to citizenship for young people who were brought to the United States as children. The DREAM Act has been introduced in Congress several times (and at one time had very broad support from both parties) but has failed to pass.
- **O**n June 15, 2013, the President announced that he would use his executive authority to grant “Deferred Action” status to the class of children and young adults who likely would have benefitted from the Dream Act.

DACA Elements

- You may request DACA 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 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.

Examples of Documents Needed

- **Proof of identity**
 - Passport or national identity document from your country of origin
 - Birth certificate with photo identification
 - School or military ID with photo
 - Any U.S. government immigration or other document bearing your name and photo
- **Proof you came to U.S. before your 16th birthday**
 - Passport with admission stamp
 - Form I-94/I-95/I-94W
 - School records from the U.S. schools you have attended
 - Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear)
 - Travel records
 - Hospital or medical records
 - Employment records (pay stubs, W-2 Forms, etc.)
 - Official records from a religious entity confirming participation in a religious ceremony
 - Copies of money order receipts for money sent in or out of the country
 - Birth certificates of children born in the U.S.
 - Dated bank transactions
 - Automobile license receipts or registration
 - Deeds, mortgages, rental agreement contracts
 - Tax receipts, insurance policies

Examples of Documents Needed cont.

- **Proof of immigration status**
 - Form I-94/I-95/I-94W with authorized stay expiration date
 - Final order of exclusion, deportation, or removal issued as of June 15, 2012
 - A charging document placing you into removal proceedings
- **Proof of presence in U.S. on June 15, 2012, Proof you continuously resided in U.S. since June 15, 2007**
 - Rent receipts or utility bills
 - Employment records (pay stubs, W-2 Forms, etc)
 - School records (letters, report cards, etc)
 - Military records (Form DD-214 or NGB Form 22)
 - Official records from a religious entity confirming participation in a religious ceremony
 - Copies of money order receipts for money sent in or out of the country
 - Passport entries
 - Birth certificates of children born in the U.S.
 - Dated bank transactions
 - Automobile license receipts or registration
 - Deeds, mortgages, rental agreement contracts
 - Tax receipts, insurance policies
- **Proof of your student status at the time of requesting DACA**
 - Official records (transcripts, report cards, etc) from the school that you are currently attending in the United States.
 - U.S. high school diploma or certificate of completion
 - U.S. GED certificate
- **Proof you are an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S.**
 - Form DD-214, Certificate of Release or Discharge from Active Duty
 - NGB Form 22, National Guard Report of Separation and Record of Service
 - Military personnel records
 - Military health records

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DACA Benefits

- Deportations should be stopped for anyone who qualifies
- Other eligible individuals should not be placed into deportation or removal proceedings if they happen to come to the attention of Immigration and Customs Enforcement (ICE) or Customs and Border Patrol (CBP)
- Qualified individuals are eligible to apply for “deferred action” status and a work permit valid for two years

Contact Us

- If you need further information or assistance, please do not hesitate to call us. We are here to assist you the best we know how.

The above information provided does not create a attorney-client relationship. The information provided is merely for information purposes and may not necessarily fit your particular situation.

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