

Administrative Relief | The Basics

Executive Action to Provide Administrative Relief from Deportation

On November 20, 2014, President Obama announced executive action¹ to modify immigration policy that is likely to provide temporary protection from deportation or “deferred action” for up to 1.5 million Californians. Through deferred action, a person is authorized to remain in the United States temporarily and to receive employment authorization. A grant of deferred action *does not* provide a path to lawful permanent resident status or U.S. citizenship. Applicants must pay a \$465 filing fee and submit to biometrics.

On February 16, 2015 a federal district court in the Southern District of Texas temporarily blocked the **Deferred Action for Parental Accountability (DAPA)** and expanded **Deferred Action for Childhood Arrivals (DACA)** programs included in the executive action. The original 2012 DACA program is *not* affected by the decision, nor are the federal government’s new enforcement priorities which were announced on November 20, 2014.

What is Deferred Action for Parental Accountability (DAPA)?

The Deferred Action Memo calls on United States Citizenship and Immigration Services (USCIS) to establish a process, similar to the DACA program, for granting deferred action to individuals who:

- Have, as of November 20, 2014, a son or daughter of any age, who is a U.S. citizen or lawful permanent resident;
- Have continuously resided in the United States since before January 1, 2010;
- Are physically present in the United States on November 20, 2014, *and* at the time of making a DAPA request;
- Have no lawful status on November 20, 2014;
- Are not an enforcement priority, defined as: people suspected of terrorism, gang associations, or significant visa abusers, recent unlawful border crossers, and people convicted of felonies, aggravated felonies, significant misdemeanors, or three or more misdemeanors;¹ and
- Present no other factors that would cause USCIS to deny the request in its exercise of discretion.

¹ www.adminrelief.org

What is Expansion of Deferred Action for Childhood Arrivals (DACA)?

The Deferred Action Memo makes three major modifications to the DACA program:

1. It removes the age cap. The Deferred Action Memo eliminates the requirement that an individual be under the age of 31 on June 15, 2012.
2. The start date for the continuous residence period is advanced from June 15, 2007 to January 1, 2010. At this time, to be eligible for DACA an individual must have resided in the United States continuously from January 1, 2010 up to the present.
3. DACA grants will now last three years instead of two. Effective November 24, 2014, all first-time DACA approvals as well as all DACA renewals shall be effective for three years instead of two.

Suggestions to Consider for Local Governments²

1. **Minimize the spread of potentially harmful misinformation**
 - Ideally this information should be made available in all relevant languages and in partnership with trusted immigrant leaders and community organizations
 - Inform residents that until the implementation period begins, there is no application process in place
 - Caution residents about the possibility of immigration fraud – how to prevent, recognize and report it (see below for fraud prevention resources)
 - Advise individuals planning to seek administrative relief to begin collecting personal documents (e.g., birth records, health records, receipts) that may help them demonstrate eligibility
2. **Determine, to the extent possible, how many residents in the community may be directly impacted by administrative relief and which community organizations and government departments work most directly with those residents**
3. **Communicate to the public the benefits of administrative relief³ and the benefits of immigration generally, to minimize backlash.** Relevant data on the economic benefits of administrative relief/legalization includes:
 - According to a recent Fiscal Policy Institute study *administrative relief should result in a 5-10% increase in wages for individuals who gain work authorization.* <http://fiscalspolicy.org/presidents-immigration-action-expected-to-benefit-economy>

² Adapted from: Administrative Relief: Considerations for Local Governments, developed by Welcoming America and ASCOA

³ See Welcoming America administrative relief messaging guidance

- A 2013 report from the Institute on Taxation and Economic Policy looks at *undocumented immigrants' state and local tax contributions* and the impact of comprehensive immigration reform on those contributions:
<http://www.itep.org/immigration/#map>

4. Inform the public about how to prevent, identify, and report immigration fraud. Ideally this information should be made available in all relevant languages. Specifically:

- Provide information to the public about how to prevent, identify, and report immigration fraud
- Engage police department, consumer protection agencies, and other relevant stakeholders to assist in cracking down on “notarios” and fraudulent immigration service providers and assisting victims of fraud
- Promote and increase the availability of free and low-cost qualified legal service providers to provide a safe alternative

Fraud Prevention Resources

Stop Notario Fraud: <http://www.stopnotariofraud.org/>

USCIS Avoid Scams: <http://www.uscis.gov/avoid-scams>

Federal Trade Commission free publications for consumers:

<https://bulkorder.ftc.gov/publications>

Sample Press Release: <http://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-issues-consumer-alert-scams-targeting>

- 5. Be aware of key documents (e.g. birth and health records) that may help individuals demonstrate eligibility,** and streamline how these documents can be accessed and publicize those processes. Ideally this information should be provided in all relevant languages and in partnership with community leaders and organizations trusted by immigrant residents.
- 6. Direct the public, including families with eligible individuals in detention or facing imminent deportation, to qualified free and low-cost legal service providers, and consult local community based organizations on how local governments can best serve the interests of the community**
- 7. Local governments may engage foundations, financial institutions and other partners in conversations about how to reduce financial hurdles to applying for administrative relief**
- 8. Work with agencies and community-based organizations to structure “life after deferred action” curricula to educate newly work-authorized individuals about their rights in the workplace, access to driver’s licenses, and similar issues.**
- A [national survey of DACA beneficiaries](#) identified several key economic and social benefits resulting from DACA: Approximately 61% of DACA recipients

surveyed have obtained a new job, over half have opened their first bank account, 38% have obtained their first credit card, and 61% have obtained a driver's license.

- Educating individuals about the benefits they are eligible for after receiving deferred action, as well as preparing agencies and CBOs to help individuals access those benefits, will raise prospects for meaningful long-term integration

Resources

National and state figures for administrative relief:

<http://www.migrationpolicy.org/news/mpi-many-37-million-unauthorized-immigrants-could-get-relief-deportation-under-anticipated-new>

Select county-level figures for DACA: <http://www.migrationpolicy.org/news/county-level-view-daca-population-finds-surprising-amount-ethnic-enrollment-diversity>

National studies: www.renewoureconomy.org/research

State-level data: www.maptheimpact.org

County-level data on housing values: www.renewoureconomy.org/housingmap

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