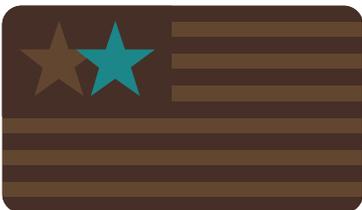


# GOT DACA, NOW WHAT?

## WHAT TO KNOW WHEN YOUR DEFERRED ACTION FOR CHILDHOOD ARRIVALS REQUEST IS APPROVED



EDUCATORS FOR FAIR CONSIDERATION

**CURRAN & BERGER LLP**  
IMMIGRATION LAW OFFICES

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# TRAVEL WITH DACA

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QUESTIONS	ANSWERS
<p><b>Now that I have DACA, can I travel internationally and what is the process?</b></p>	<p>Yes, in fact there are many DACA beneficiaries who have been able to travel abroad and safely re-enter the U.S. You may submit an <b>I-131 Application for Travel Document</b> with United States Citizenship &amp; Immigration Services (USCIS) <u>after</u> you have been approved for DACA if your reason to travel is for “humanitarian, education or work purposes.” If approved, you will receive a travel or Advance Parole (AP) document. This process can take up to 90 days. Please note that currently USCIS is drafting new instructions specific to DACA beneficiaries seeking to travel internationally. Be sure to monitor the USCIS web page for the latest updates.</p> <p><b>WARNING! DO NOT</b> travel abroad before being granted Advance Parole as this will cause you to lose Deferred Action.</p> <p>Depending on your situation, there could be serious risks associated with traveling abroad. A DACA recipient <u>must</u> apply for Advance Parole, but even if you are approved, seek advice from an attorney <u>before</u> traveling. <i>Because the timing of the Advance Parole is hard to predict, we recommend not making travel plans until your AP application is approved and you have consulted with an attorney about the situation at that point in time.</i></p> <p>As a DACA beneficiary, if you would like to travel internationally and you have previously been ordered deported, excluded, or removed from the United States, you must reopen your case with the Executive Office of Immigration Review in order to ask for administrative closure of your removal proceedings.</p> <p>If you depart the United States on Advance Parole before your deportation order/removal proceedings have been administratively closed, you may be barred from re-entering the country. If you have been in removal proceedings or have a final order of deportation, it is <u>very</u> important that you consult an attorney before attempting to travel internationally.</p>

## QUESTIONS

## ANSWERS

**Have there been any Advance Parole approvals for DACA beneficiaries who wish to travel abroad?**

There have been approvals for Advance Parole for individuals with Deferred Action. The cases we know of have been for school-related activities and family-related purposes (i.e. sports team traveling, studying abroad, visiting a sick relative, etc.)

\*Note that the dates on the Advance Parole document are VERY restrictive (i.e. if you ask for 4 days for a sports trip, you will get 4 days. If the returning flight is canceled or delayed to the next day, the individual will be at risk of not being able to return). In fact, we have become aware of individuals who overstayed their allotted time and have had trouble re-entering the U.S. For these reasons, we encourage you to ask for a few more days beyond your planned trip.

Also, all the approvals we've seen have been for a single entry. If someone has various trips that require multiple entries (e.g. 4 soccer trips this year), it might be worth trying to apply for all in one request.

While the Advance Parole notice states that leaving the U.S. on Advance Parole with DACA is not a departure for 3/10 year bar purposes, we suggest that individuals consult with an attorney before leaving the U.S.

We recommend that anyone thinking of applying for Advance Parole should do so, and then consult an attorney when it is approved and in hand. Processing times, and the changing landscape of DACA, and the various other complexities, grounds of inadmissibility, possible need to close out deportation proceedings, etc. should be evaluated.

Lastly, if some form of Immigration Reform passes while the individual is abroad, it is possible they would not be eligible for legalization. Some previous programs such as 245i, TPS, and even DACA, required physical presence in the US on the date the program was authorized.

**What type of information do I have to include when applying for Advance Parole (AP)?**

You should submit a letter that explains your reason to travel along with supporting documents. For example, if your reason to travel is for work purposes, you should submit a letter from your employer explaining the need to travel along with the \$360 filing fee (no biometrics fee required), copy of your I-821D approval notice, copy of your work card, and 2 passport style photos.

Again, be sure to monitor the USCIS web page for the latest updates. USCIS is finalizing the instructions for Advance Parole for individuals with Deferred Action.

QUESTIONS	ANSWERS
<p><b>For what length of time can I be out of the country with an Advance Parole (AP) document?</b></p>	<p>You can be out of the country for as long as your individual Advance Parole document is valid, but it must still be valid when you re-enter. Since the grant of Advance Parole for individuals with DACA is a new process, you may only be granted a limited period and a single entry depending on your reason for travel. For example, if you need to travel for a school program that lasts 2 weeks, your Advance Parole document may only be valid for two weeks and allow only one entry. We suggest that you ask for the maximum amount of time and multiple entries but you may only be granted a limited amount of time and only a single entry. You should make sure you double check the validity period of your AP document before you decide to travel abroad.</p>
<p><b>Do I need a new Advance Parole (AP) document each time that I travel?</b></p>	<p>You may need to apply for a new Advance Parole (AP) document if the validity period of your AP allows only for a single entry. You do not need to apply for a new AP if you are granted multiple entries and your AP is still valid.</p>
<p><b>Will a reentry under Advance Parole count as a lawful admission into the U.S.? Why is this important?</b></p>	<p>Although this has not yet been verified by United States Citizenship &amp; Immigration Services, entry to the United States on Advance Parole could be considered a lawful admission to the United States because you will have been inspected and admitted to the country by an immigration officer. This is important if you later become eligible to apply for a green card based on a qualifying relationship to a United States citizen. In addition to asking about risks, talk with an attorney about how traveling abroad could actually improve your ability to qualify for permanent immigration status.</p>
<p><b>Does a valid Advance Parole document guarantee reentry into the U.S.?</b></p>	<p>There is no absolute guarantee that you will be able to re-enter the U.S. when traveling on Advance Parole. You will be inspected by a U.S. Customs &amp; Border Protection (USCBP) officer when you re-enter the U.S. Although rare, USCBP could find you inadmissible even with a valid Advance Parole document. To avoid issues with travel, speak to an attorney <u>before</u> you travel outside the U.S.</p>

## QUESTIONS

## ANSWERS

**Do I need an Advance Parole document if I travel domestically but outside the continental U.S.?**

You do not need Advance Parole in order to travel within the U.S. states, this includes Alaska and Hawaii.

You also do not need an Advance Parole document in order to travel to any U.S. territories including Puerto Rico, Guam, U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands so long as you do not make any layover in another country before reaching your final destination.

However, we recommend against travel to U.S. territories unless absolutely necessary because the DACA program is quite new, and those returning from U.S. territories may be subject to so-called “grounds of inadmissibility” per federal regulations. As a result, detailed questions about previous immigration history may come up, which is complicated for any DACA applicant.

Always keep in mind that whenever you travel, especially if you are near a border or at an international airport, there will be Customs & Border Patrol officers present and you could be questioned. However, as a Deferred Action beneficiary, you can show the officer your DACA approval notice indicating that United States Citizenship & Immigration Services (USICS) and Immigration & Customs Enforcement (ICE) is not pursuing your deportation.

As long as Deferred Action is in effect, you are considered to be lawfully present in the U.S.

\*Note that accidentally crossing the border outside of U.S. territory without Advance Parole could jeopardize your DACA grant.

**Do I need an Advance Parole (AP) document to go on a cruise?**

Maybe. This depends on whether the cruise enters international waters and/or makes stops in other countries – if so then you will need an Advance Parole (AP) document to be able to re-enter the U.S.

More information on cruises can be found here:

**USCIS: Documents needed to take a cruise**

# RENEWING DACA

QUESTIONS	ANSWERS
<b>Will I be allowed to renew my DACA status?</b>	<p>According to the United States Citizenship &amp; Immigration Services (USCIS), you may be able to extend your Deferred Action for Childhood Arrivals status. However, USCIS states that extensions will be made on a case-by-case basis. This means that USCIS will have discretion to deny your extension if you seem ineligible at the time of renewal.</p> <p>For example, your extension could be denied if you have been convicted of certain crimes or broke continuous presence in the U.S. after your first DACA approval.</p>
<b>How far in advance should I request a renewal of DACA and a work card? When I apply for DACA renewal, will I have to pay the \$465 again?</b>	<p>Because your DACA grant and work authorization card are only valid for two years, you will have to renew both before they expire. The two are linked in that DACA offers you the protection from deportation/ removal and the work card acts as the federal ID to prove quickly to all branches of government that your stay in the U.S. is authorized and includes the right for you to work. Your DACA and work card will have the same validity dates. United States Citizenship &amp; Immigration Services (USCIS) stated that you can request your renewal starting 150 days before the expiration of your DACA (you cannot submit it earlier than that). USCIS suggests that you submit your renewal no later than 120 days prior to your expiration date so that you can receive your renewal in time. It is important to prepare in advance because it can take several months for the new card to arrive and your employer might ask for your valid card during that time. Submitting it at least 120 days will give you the option of receiving a temporary extension from USCIS if your request is not processed in time.</p> <p>To renew DACA and your work card, you will have to pay \$465, unless you meet the very strict fee exemption guidance.</p>
<b>Will I be able to request a renewal of DACA if I am over 31 years old?</b>	<p>Yes. You will be able to apply for a <i>renewal</i> of DACA even if you are over 31 years old at the time of the renewal. However, if you were 31 or older on June 15, 2012, you are ineligible for the DACA program.</p>

## QUESTIONS

## ANSWERS

**If I commit a crime, am I ineligible to renew DACA? Will I face deportation?**

Possibly. Deferred Action is discretionary and criminal activities could result in the termination of Deferred Action. You risk deportation if you commit a criminal offense including fraud or if you are found to be a threat to national security or public safety. Sometimes the government can pursue deportation even without a final conviction. Therefore, if you face any new allegations of criminal activity, even if they did not result in jail time or a conviction, talk with an immigration attorney before renewing DACA.

For more detailed information on the deportation policy, visit these links:

**USCIS: Guidance for Issuance of Notices to Appear**

**USCIS: DACA Brochure (read second page)**

**What can I do to begin preparing for my DACA renewal?**

You can begin preparing by keeping track of your DACA expiration date, which can be found on your I-797, Notice of Action form that you received when your DACA was approved. Since USCIS has only given a 150-day window of time for renewal, submit your request no earlier than 150 days and no later than 120 days before your expiration date to avoid unlawful presence. Renewing at least 120 days in advance will give you the option of receiving a temporary extension from USCIS if your request is not processed in time.

Begin now by reviewing the new I-821D form that you will use to request your renewal, which can be accessed at [www.USCIS.gov/ChildhoodArrivals](http://www.USCIS.gov/ChildhoodArrivals). Note that the version of the application you must use is the newest one as any older version will be rejected. If you have **new** documents involving removal proceedings or criminal history that you did not already submit to USCIS in a previously approved DACA request, be prepared to submit those with your request (and consult with an immigration attorney or accredited nonprofit legal services agency before you renew).

Lastly, because there is a \$465 fee that you will have to submit for your renewal, start saving your money now.

## QUESTIONS

## ANSWERS

**Are there any legal resources to help me renew my DACA status?**

Yes. You can use our Educators for Fair Consideration (E4FC) DREAMer Intake Service (found at E4FC.ORG). We will help by locating a legal service provider near you who can assist with your renewal. We will also provide free legal information to help you better understand if you are eligible for a permanent immigration remedy. This is important because DACA is only temporary and does not lead to any type of lawful status like permanent immigration remedies can. 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 (this includes DACA beneficiaries).

### **E4FC: DREAMer Intake Service**

**Are there any resources to help me pay if there is a fee to renew my DACA status?**

**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.

**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):** United States Citizenship & Immigration Services (USCIS) offers very limited fee exemptions for DACA. A fee exemption may be granted for someone under age 18 who meets one of the following criteria: 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.

## QUESTIONS

## ANSWERS

**When will my current DACA status expire?**

Your DACA status will expire two years after your original DACA approval. If your DACA approval notice date and the date of your employment authorization document (card) are different, you should treat the date on the DACA approval notice as the determinant date for your expiration.

**What happens if my DACA status and work card expire? Can I renew them at a later time?**

If you let your DACA status and work card expire, you will be at risk of deportation and will not be able to lawfully work. Your federal identification will not be valid and if you had a state driver's license, it may expire at the same time that your DACA expires. Assuming that you are still eligible, you will be able to file a renewal up to 12 months after your expiration date. However, if you wait a year or more before renewing, you will have to submit a brand new DACA request and not a renewal, including all of the more detailed proof and additional questions from when you first filed.

**Will other forms of identification become expired when my DACA status and work card expire?**

Not necessarily. If you live in a state where you are able to obtain identification cards or driver licenses, the dates of validity may be different and longer than your DACA status and work card.

# DACA & EMPLOYMENT

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QUESTIONS	ANSWERS
<p><b>How should I approach my current employer if I was using a made-up Social Security Number to work prior to DACA?</b></p>	<p>Before approaching your employer, you should consult an employment attorney who can provide guidance with regard to your particular situation.</p> <p>If your name is the same but you now have a different Social Security Number, you might tell your employer that you want to update your Form W-4, "Employee's Withholding Allowance Certificate." The Form W-4 itself says that you should consider filling out a new Form W-4 each year, so your employer should let you do so. But if your employer denies or questions your request, don't volunteer that you worked with a Social Security Number that wasn't issued to you, and contact an employment attorney for advice at that point.</p> <p>Another form you might have filled out when you started working is the Form I-9, "Employment Eligibility Verification." The United States Citizenship and Immigration Services (USCIS) has released a Guide for employers of DACA beneficiaries with information regarding updating your Form I-9 with the correct information. The Guide states that your employer must complete a new Form I-9 when there is a change in your Social Security Number, however, this does not follow the USCIS's Handbook for Employers on Completing the Form I-9, which gives other options for this situation. The American Immigration Lawyers Association is working to correct some inconsistencies in the guide with USCIS. Consult an employment attorney before asking to update your Form I-9.</p>

## QUESTIONS

## ANSWERS

**What do I tell my current employer if prior to DACA I was using a made-up Social Security Number (SSN) AND a false name to be able to work?**

First, if you have ever used a false name in order to work using someone else's Social Security Number (SSN), make sure that you disclosed that other name in your DACA application. If not, you risk USCIS finding out about the identity in the future and penalizing you for perpetrating fraud.

Second, note that your current employer, who may know you by another name, may try to terminate your employment for having originally provided false information on your employment application if you come forward with your true name and accurate SSN. Please see the next question on immigration and unfair discrimination, which may provide you with some protection. However, your employer may have an independent basis to fire you for providing false information when you were first hired, as long as the reason for firing you is not because you are an immigrant and the employer is applying the same policy to everyone in a similar situation.

If you are still unsure about what to do, you may consult a private employment attorney or a nonprofit organization.

**I am afraid that an employer will discriminate against me because my Employment Authorization Document (EAD) is only valid for two years. Should I disclose that my status is temporary when I apply to jobs?**

You only need to show that you are currently authorized to work. You do not need to disclose your immigration status. See the links below for more information on this topic:

**NILC: DACA And Workplace Rights**

**DOJ: Immigration And Unfair Discrimination**

## QUESTIONS

## ANSWERS

**Is having DACA sufficient to practice in my field of specialized study (i.e. as an attorney, general contractor, medical doctor or nurse)?**

It is not clear whether DACA beneficiaries will be able to get a license to be a professional, such as a teacher or social worker. The answer will likely vary state by state and could also vary for different professional licensing boards.

We know that with the recent passage of AB1024 in California, anyone regardless of immigration status may now be considered to practice as attorneys. However, it is still unclear if this is the case in other states.

For individuals pursuing health professions, taking a designated exam is commonly required to obtain a license. Some examinations will require test-takers to possess a valid social security number while others will not. To our knowledge, DACA beneficiaries are able to take licensing examinations for those that require a social security number.

However, health professional licensing boards vary in terms of their eligibility criteria for applying for a license. Some boards require individuals to have a social security number, work authorization and lawful status (DACA beneficiaries do not have lawful status). Others only require individuals to have a social security number and work authorization. Therefore, eligibility may vary by state.

To our knowledge, DACA beneficiaries have become licensed professionals in the following health professions in various states: Registered Nursing, Licensed Vocational Nursing, Certified Nursing Assistant, Medical Assistant, and Physician.

For more resources on health professions for DACA beneficiaries, check out:

### **Pre-Health DREAMers**

**Now that I am benefiting from DACA, am I required to file taxes?**

Yes. Foreign nationals, whatever their immigration status, are subject to the same tax laws as U.S. Citizens. If you have not been paying your taxes, or you have worked without authorization, you should now get a valid Social Security Number and seek the advice of an accountant who can discuss your tax obligations with you.

The following article is a helpful resource for any formerly undocumented person looking to get back “above the table” and start organizing their personal affairs.

### **LCLAA: Life After DACA Guide**

## QUESTIONS

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**Is it possible to transfer credit history to my new Social Security Number (SSN) if I have built credit using an Individual Taxpayer Identification Number (ITIN)?**

## ANSWERS

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It is possible to transfer credit from your Individual Taxpayer Identification Number (ITIN) to your Social Security Number (SSN) by contacting different credit bureaus and letting them know that you want to update your information with them. The following document provides more information on the bureaus you should contact and includes sample letters that you can use for your requests:

**LCLAA: Life After DACA Guide**

# BENEFITS UNDER DACA

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QUESTIONS	ANSWERS
<b>What public benefits am I eligible for as a DACA beneficiary?</b>	<p>Public benefits for DACA beneficiaries vary by state. Some states have gradually begun to specify the benefits that are available for DACA beneficiaries.</p> <p>To find out what benefits a DACA beneficiary is generally eligible for, check out the following chart:</p> <p><b>E4FC: Comparison of Benefits and Rights Based on Immigration Status</b></p>
<b>Am I eligible for unemployment benefits and workers compensation?</b>	<p>Eligibility for unemployment benefits and workers compensation varies by state.</p> <p>Unemployment benefits are available to individuals who are unemployed through no fault of their own. Some states such as Arizona, have prohibited DACA beneficiaries from obtaining unemployment benefits. Other states, including California, allow DACA beneficiaries to apply for unemployment benefits if they meet all other eligibility requirements. The benefits are computed differently by state and are based on individuals' earned income.</p> <p>Workers compensation is an insurance program that provides payment to employees who suffer work-related injuries or illness. Several states cover all workers including DACA beneficiaries and undocumented workers in their workers' compensation statutes. Please contact your states department of labor for more information.</p>
<b>Am I eligible for federal financial aid for educational programs?</b>	<p>No. DACA recipients are not eligible for federal student aid.</p>

## QUESTIONS

## ANSWERS

**Am I eligible for any non-federal financial assistance for educational programs?**

Yes, with Deferred Action for Childhood Arrivals (DACA), many new opportunities may now be available to you.

If you live in California, New Mexico, or Texas, you may be eligible for state financial aid. You should check whether your state offers assistance.

You may also be eligible for private loans, depending on the lender.

Lastly, as a DACA beneficiary, you may be eligible for many scholarships that have recently become open to this population. For a comprehensive list of scholarships, you can consult this list:

**E4FC's 2013–2014 List of Scholarships That Don't Require Proof of U.S. Citizenship or Legal Permanent Residency**

**Am I eligible for out-of-state tuition exemptions as a DACA beneficiary?**

Maybe. We have found that it not only depends on the state that you reside in but also the institution that you are attending. While some states and institutions have allowed DACA beneficiaries to be classified as residents if they live in the state for 366 days or more with their DACA status, others have yet to implement this view. You should contact your school's residency office or officers to find out.

## QUESTIONS

**As a DACA beneficiary, am I eligible for health care benefits?**

## ANSWERS

Regardless of immigration status, there are some health care options available to you. This includes access to local health centers and clinics, emergency-room care, services for women who are pregnant, private health insurance plans, employer or school-sponsored health insurance, and more.

Moreover, DACA beneficiaries may be eligible for state or county-level health coverage programs. For example, starting January 1, 2014, DACA beneficiaries living in California will be eligible for state-funded Medi-Cal insurance (which serves low-income individuals, families, seniors, persons with disabilities, children in foster care, and pregnant women).

Unfortunately, DACA beneficiaries are currently ineligible for the new health insurance marketplaces under the Affordable Care Act (known as Obamacare). The marketplaces offer affordable health coverage options for individuals who do not qualify for government-funded health coverage. However, because you are ineligible it also means that you are excluded from having to obtain health insurance under the federal "individual mandate."

Importantly, some of these applications will ask you information about household members to verify eligibility. To alleviate the fear of including information about undocumented family members, United States Immigration and Customs Enforcement (ICE) released an internal policy, which states that information shared with these programs for eligibility purposes will not be used to pursue a civil immigration enforcement action.

The National Immigration Law Center has provided fact sheets with information on health care coverage for DACA beneficiaries, found in the following links:

**NILC: Health Care for DACA Grantees**

Hispanas Organized for Political Equality (HOPE) has also created a useful health insurance fact sheet with a list of local community clinics for immigrants residing in California:

**HOPE: California Health Care Resource Guide for Undocumented Immigrants**

## QUESTIONS

**Am I eligible for a state driver's license and/or identification card?**

## ANSWERS

You may be eligible to apply for a driver's license or ID using your DACA work card depending on the state where you reside.

DACA beneficiaries are eligible for a Driver's License/ID in the following states: CA, CO, CT, DE, FL, GA, HI, IL, IN, ID, IA, KS, KY, MD, MA, MI, MN, MS, MO, NV, NH, NJ, NY, OK, OR, PA, RI, SC, TN, TX, VA, WI.

You are not eligible if you reside in AZ or NE.

Please refer to the links below for information on various states' requirements for a driver's license and ID:

**NILC: Chart of Requirements for Driver's License/ID by State**

**NILC: Current State Policies on Driver's License/ID**

Please note that you will likely need to obtain a Social Security Number from the Social Security Administration before applying for your driver's license and / or state ID.

# OTHER DACA TOPICS

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QUESTIONS	ANSWERS
<p><b>If I have DACA, can I apply for a permanent immigration remedy?</b></p>	<p>Yes. In fact, we have found that many Deferred Action for Childhood Arrivals (DACA) beneficiaries also have permanent immigration remedies that lead to citizenship. This is important because DACA is only temporary and does not lead to any type of lawful status the way permanent immigration remedies can.</p> <p>To find out whether you are eligible for any other remedies, you can use our Educators for Fair Consideration (E4FC) DREAMer Intake Service (found at <a href="http://E4FC.ORG">E4FC.ORG</a>). We provide legal information to help you better understand your eligibility for DACA and for permanent 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 (this includes DACA beneficiaries).</p> <p><b>E4FC: DREAMer Intake Service</b></p>
<p><b>Should I pursue a DACA renewal if I have another pending immigration remedy?</b></p>	<p>It depends. Some immigration remedies take a long time before you can actually benefit from them (sometimes waiting times are as long as 15-20 years). If you will not be able to benefit from your pending immigration remedy by the time that your DACA expires, you should consider renewing your DACA. This is because you will be considered unlawfully present in the US without a renewed DACA request and will not be able to lawfully work in the country.</p> <p>If you do not know whether you will be able to benefit from your immigration remedy by the time your DACA is set to expire, you should speak with a reputable immigration attorney.</p>

## QUESTIONS

## ANSWERS

**Do I need to register for Selective Service?**

If you are a male, between ages 18 and 26, you must register for the Selective Service, regardless of immigration status.

If you are 26 years or over and did not realize that you were supposed to register, you may need to sign an affidavit in the future stating that you were unaware of the requirement. If you are under 26 and have not registered, go to [www.SSS.gov](http://www.SSS.gov) and do so as soon as possible.

Registering for Selective Service does not mean that you will serve in the military. Currently, DACA beneficiaries (and many other people who are required to register for the Selective Service) are not actually allowed to serve in the U.S. armed forces under current law.

For more information on who has to register check out the following chart:

**Selective Service System: Who Must Register**

**What happens if I lose my Employment Authorization Document (EAD)? Can I get a replacement?**

If your EAD (i.e. work card) is lost, stolen or damaged, you will likely need to pay the fee again to get a replacement. It is possible that you will need to pay both the \$380 fee for the employment authorization application Form I-765 and an additional \$85 biometric fee. However, you can check with an immigration attorney or contact the United States Citizenship & Immigration Services (USCIS) customer service to inquire further about this.

However, if your EAD was never delivered to you and it was USCIS's fault, you might not have to repay the fees.

**Do I have to inform United States Citizenship & Immigration Services (USCIS) if I changed address? If so, how do I do that?**

If you permanently move, immigration law requires that all non-citizens file form AR-11 within 10 days of that move. In addition, you may need to take other steps to ensure that any pending application or petition you have will reach you at your new address. However, if you have not permanently moved (e.g. if you have a seasonal address for college but still also consider your parents' address to be your permanent address) then you may not want to change your address. Once you graduate and are independent and move to a new permanent address, you probably should change the address with USCIS.

QUESTIONS	ANSWERS
<p><b>Now that I have my own Social Security Number (SSN), should I use it on my college application?</b></p>	<p>This is an important question. The Social Security Number that you have is yours. That means that if a question asks you to insert your Social Security Number, you can. However, be careful with questions that ask about your immigration status. As a DACA beneficiary, you do not have lawful status, even if you do have a Social Security Number. This means that you are not a US Citizen, Lawful Permanent Resident, or a non-immigrant. Never claim to be any of these, since misrepresenting information can have negative consequences in the future.</p> <p>Note: In California, we have gotten reports from DACA beneficiaries who have used their Social Security Numbers on school applications and have not received state financial aid because they have been classified as residents. This is a problem because instead of being classified as eligible for AB-540, which would allow students to obtain financial aid through the California DREAM Act, they are categorized as California residents (and California residents are not eligible for the California DREAM Act). Therefore, you should check with the Admissions and Financial Aid departments to be sure that you will still be considered eligible for AB-540 when using your Social Security Number.</p>
<p><b>What should I do if I had a fake driver's license or identification card from another state? Should I act as though they never existed?</b></p>	<p>You should not continue using a fake document once you get a real ID card, starting with your DACA Employment Authorization Document (EAD). You should apply for a Social Security Number and, if your state allows it, a valid driver's license and/or Identification Card. You may also use your EAD work card as a valid identification card.</p>
<p><b>How do I apply for a Social Security Number?</b></p>	<p>The Social Security website has instructions for DACA beneficiaries at the following link:</p> <p><b>SSA: Social Security Number</b></p> <p>To find your local Social Security office, please click here:</p> <p><b>SSA: Local Office Locator</b></p>

## QUESTIONS

**With Deferred Action, can I purchase a car or a house?**

**What can I do to ensure that the DACA program continues and that there is broader immigration reform for the rest of our community?**

## ANSWERS

Deferred Action does not prevent you from purchasing a home or a car. However, as an immigrant with only temporary permission to lawfully be in the U.S., you may not be eligible to receive certain loans. It could be difficult to get a mortgage, but this varies depending on your situation and the requirements. You may be able to qualify for certain loans by including a U.S. Citizen or Lawful Permanent Resident co-signer who agrees to share financial responsibility to repay the loan if you default.

It took years of tireless advocacy from thousands of undocumented young people throughout the country, to obtain the DACA program. As a DACA beneficiary, you have a special opportunity to pay it forward by using your new identity to advocate for the continuation of the DACA program and for broader immigration reform for all undocumented people.

Currently, only about half of the population eligible for DACA has submitted requests for the program. You can use your story to allow others to understand how you were able to obtain DACA and how this new identity has changed your life. Educating your peers to request their submission will increase the numbers of DACA approvals, which in turn can help so that the program can continue. Coming out of the shadows, especially as a DACA beneficiary, is a powerful way to make a change.

Likewise, because DACA is not a lawful status, you should use your story to advocate for a permanent solution for all of our community members. There are currently about 11.5 undocumented immigrants in the U.S. who are in need of your help. Because you now have DACA, you are not in immediate danger of deportation. Use this privilege to make sure that this security is permanent and available to all of us.

# ABOUT THE AUTHORS

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## DAN BERGER

Dan is a frequent speaker at colleges, universities, and nonprofits on immigration issues. As a law student, he won the 1995 American Immigration Lawyers Association (AILA) annual writing competition for an article on INS policies toward international adoptions. Mr. Berger continued researching and writing, including being a Senior Editor of the AILA [Immigration and Nationality Law Handbook](#) for over ten years, Editor-in-Chief of [Immigration Options for Academics and Researchers](#) (2005 and now the new edition 2011), and Editor of the [International Adoption Sourcebook](#) and the [Diplomatic Visas Handbook](#). He currently is Vice Chair of the AILA Healthcare Committee and a member of the AILA Texas Service Center Liaison Committee and the Rome District Chapter Consular Liaison Group, having previously served in many liaison positions working with different branches of the U.S. Citizenship and Immigration Service. Mr. Berger developed his interest in immigration in college, where he studied immigration history and taught English as a Second Language for adult refugees. He is a graduate of Cornell Law School, and a partner with Curran & Berger LLP in Northampton, Massachusetts.

## 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!

## MASSIELL TERCERO-PARKER, SENIOR PARALEGAL

Massiell Tercero-Parker is the team leader of Curran & Berger's response to DACA, and well as manager of the firm's family and asylum cases, and services for undocumented students. She graduated from Smith College with a B.A. in History with a concentration in Latin American, Portuguese and Brazilian Studies. Massiell was born in Managua, Nicaragua and moved to the East Coast in 1998. She has also been involved in advocacy efforts on immigration reform, and has co-authored an article on the National Visa Center for AILA's Consular Processing Handbook.

## CORINNA LOPEZ, PARALEGAL

Corinna Lopez has coordinated most of Curran & Berger's DACA cases, and has had a major role at the firm in planning and serving undocumented students. She also handles a variety of family, employment-based and asylum cases. Corinna graduated from Bowdoin College with a degree in Spanish and Latin American Studies. A native of Western Massachusetts, she has experience working with minority communities in nearby Springfield, as well as outreach to the Navajo reservation.

## 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.

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## 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).

## ABOUT CURRAN & BERGER LLP

Curran & Berger is a law firm in Northampton, MA specializing in immigration, with a wide range of clients from large corporations to top research universities to individuals. For many years our firm has represented colleges and universities. In the past, there would be individual undocumented students approaching us for advice, but the numbers were relatively small. Trying to help these students involved surveying the gamut of visa categories, from family to business, to look for a possible remedy. As we saw the numbers grow, we became increasingly involved in this issue, teaming with E4FC in 2010 to provide targeted legal services. We currently advise many universities about their policies regarding undocumented students. For more information, visit [www.curranberger.com](http://www.curranberger.com). You can also contact us by email at [info@curranberger.com](mailto:info@curranberger.com) or (413) 584-3232.