

Via Hand Delivery

October 22, 2012

Jane Olivia Hamilton-Doe
9037 Tortuga Trail
Los Angeles CA 90065

Re: DACA/Termination of Representation and Closing Letter

Dear Jane:

Congratulations on the approval of your I-821D Deferred Action for Childhood Arrivals (DACA) request and your I-765 Application for Employment Authorization! I write to provide you with important information about your DACA grant and your case with our office.

You have already received your I-821D and I-765 approval notices and your I-766 Employment Authorization Document (also called a work permit or EAD) directly from U.S. Citizenship & Immigration Services (CIS). I am attaching an extra copy of your approval notices for your records. You should keep your original approval notices in a safe place. Feel free to carry your EAD with you, but treat it carefully. If your EAD is lost or stolen, CIS will charge you \$380.00 for a new one.

You are now eligible to apply for a Social Security Number (SSN) from the Social Security Administration (SSA). Attached is an official SSA notice for DACA grantees. You can also find more information at <http://www.ssa.gov> or by calling 1-800-772-1213. Once you get your SSN, it is essential that you use this SSN – and only this SSN – going forward for all purposes, including employment, taxes, education and any applications for benefits. Also, once you have your SSN, you also can apply for a California ID or driver license. More information on doing this is available at <http://www.dmv.ca.gov> or by calling 1-800-777-0133.

As you know, your DACA grant does not mean that you have a lawful “status” in the United States. Instead, CIS defines deferred action as “an exercise of prosecutorial discretion . . . not to pursue the removal of an individual from the United States for a specific period.” In your case, that period – as listed on your I-821D – is October 15, 2012 to October 14, 2014. Please contact me between April 15, 2014 and June 15, 2014 if, at that time, you are interested in renewing your DACA grant. If I am unable to represent you in your DACA renewal, I will

provide you with referrals for other organizations that might. Regardless, I will be able to tell you if the DACA program is still in place and what the renewal requirements are. Note that a promptly-renewed DACA grant should prevent your accruing additional unlawful presence, and it should still be available to you even if you will have already turned 31 by that time. To improve your chances of renewal, I advise that: (1) if you work, use your valid SSN and pay all taxes owed; (2) if you travel outside the United States, you do so only with CIS permission (discussed below); (3) if you were granted DACA because you were “currently in school,” you obtain your GED or high school diploma or make substantial, measurable progress in your educational program;¹ and (4) you do not get any citations, arrests, charges or convictions – whether juvenile or adult. I also recommend that you keep collecting evidence of your physical presence in the United States (such as bank statements, phone records, etc.) for the next two years in order to show your continued residence in this country.

Your DACA grant is not permanent. CIS is very clear that it has the authority to terminate DACA grants if, for example, “the requestor committed fraud or misrepresentation in his or her request for consideration of deferred action for childhood arrivals, or engaged in subsequent criminal activity following the submission of his or her request.” It is therefore very important that you avoid any criminal activities. They could bar your renewing your DACA request. Worse, they may cause CIS to terminate your DACA grant and place you into removal proceedings. If you are cited or arrested for any crime, I strongly advise that you have a criminal defense attorney who knows about your immigration case and tries to protect your DACA eligibility. I also strongly advise that if you are detained, you not speak with agents from U.S. Immigration & Customs (ICE) without an attorney present.

As noted above, you must apply for CIS permission before you travel outside of the United States. This permission is called “advance parole.” It is available to DACA grantees who want to travel for humanitarian, educational or employment purposes. Advance parole has its own application process and a fee of \$360.00. If you decide you would like to apply for advance parole, please contact me to discuss this option as early as possible before traveling. I can advise you about the legal effects of traveling under advance parole, including its effect on obtaining other immigration relief in the future. Remember, you must apply for and be granted advance parole before you leave the United States. If you leave without it, your DACA grant terminates automatically and you likely will be barred from re-entering. Even if you are able to re-enter without it, you may be barred from renewing your DACA grant or from other types of immigration relief in the future. If you have a final removal order, it is especially important that you speak with me before travelling outside the United States. Even if CIS grants you advance parole, you should not travel until your removal case is reopened and then terminated or

¹ Note to practitioners: Current CIS FAQs require that a client actually obtain a high school diploma or pass a GED examination (not simply make “substantial, measurable progress”) for renewal if her DACA grant was based on her participation in “education program that assists students either in obtaining a high school diploma or its recognized equivalent under state law, or in passing a GED exam or other equivalent state-authorized exam.”

administratively closed.² Departing the United States with an outstanding removal order can create serious immigration problems for you – since you may be considered legally deported.

Although DACA should prove a great benefit to you, it does not open all doors. Please note that you remain ineligible to join the U.S. military (although all males ages 18 to 26, regardless of their immigration status, must register for Selective Service as outlined at <http://www.sss.gov>). You cannot lawfully register to vote or actually vote in any federal, state or local elections. You are not eligible to apply for federal financial aid, and you do not have increased access to health care through our state programs or the federal Affordable Care Act. You might, however, find yourself eligible to apply for lawful permanent residency – which does open these doors – on some other basis in the future. For example, you might pursue a family-based immigration petition. If you decide to apply for other immigration relief, you must refer to your DACA request (I already have given you a copy) when completing your CIS forms. You must provide consistent information to CIS – and if any information has changed, there must be an explanation. Please pay particular attention to accurately describing your manner of last entry into the United States.

CIS requires you to notify them if you change your address. You must do so within ten days of your move. To report your new address, use the Form AR-11, which you can find at <http://www.uscis.gov> or by visiting your local CIS office or by calling 1-800-375-5283. I advise that you keep a copy of any Form AR-11 you submit, and that you track and print proof that CIS received your mail or online submission.

As of the date on this letter, I have completed all services that I agreed to assist you with and I am closing your case with Public Counsel. We reviewed our files and determined that we have none of your original documents. We will keep your file in storage for seven years. After this time, your file and all its contents will be destroyed. If you would like a complete copy of your file, please contact me to make arrangements.

If you have any questions about this letter, please call me at (213) 385-2977, extension 157 or send me a note at kjackson@publiccounsel.org. Again, congratulations and take care.

Sincerely,

Kristen Jackson
Senior Staff Attorney

Enclosures

² Note to practitioners: You should consider reopening and then terminating or administratively closing your client's removal case even if she does not plan to travel on advance parole. If your client wants to go this route and you are going to assist her, be certain to sign a new retainer memorializing your agreement to appear before EOIR.