

Community Update

Current status of Immigration Policy: August 2016

In June, 2016, the Supreme Court split 4-4 on the decision to uphold the Deferred Action for Parental Accountability (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA) immigration programs that could have helped over five million immigrants remain in the country, including nearly 225,000 Indians and Pakistanis alone. The programs remain blocked and will be tangled further in court battles.

What does this mean for you?

1. DAPA and expanded DACA programs will not go into effect as announced by the President in November, 2014
2. The original DACA program established in 2012 still remains
3. Many positive changes to several visa programs are in place
4. New enforcement priorities disproportionately target our communities

While this ruling is devastating, it does NOT affect the original DACA program established in 2012.

Thousands of South Asian community members stand to benefit for protection from deportation, remain with their families, and obtain work authorization through President Obama's original DACA program. Nearly 20,000 Indian and Pakistani youth alone are currently eligible for DACA. The DACA program is important for South Asian immigrants nationwide, and ensuring that our community members can apply for the protections and rights provided through these is critical. Visit www.saalt.org or <http://www.uscis.gov/immigrationaction> for eligibility requirements and links to apply.

Deferred Action for Childhood Arrivals (DACA)

To be eligible for DACA right now, you must:

- Have arrived in the U.S. before age 16.
- Have continuously resided in the U.S. since before June 15, 2007 and were present in the U.S. on June 15, 2012.
- Currently be in school, have graduated from high school, have obtained a general education development (GED) certificate, or be an honorably discharged veteran of the U.S. Coast Guard or Armed Forces.
- Not have been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise "pose a threat to national security or public safety."
- Not be above the age of 31 as of June 15, 2012.

Applying for DACA:

- To apply for DACA, visit www.uscis.gov/childhoodarrivals.
- Fees to apply for DACA are currently \$465, with limited fee waivers.
- Keep checking www.uscis.gov for confirmed program start dates.

Know Your Rights and Protect Yourself from Exploitation

Be wary of assistance from people claiming to be notaries public, immigration consultants, and those who promise green cards or citizenship. Seek out a reputable attorney or BIA-accredited representative for help with your specific case. You can find a lawyer through databases at iAmerica and the [American Immigration Lawyers Association](http://AmericanImmigrationLawyersAssociation).

Other important changes to immigration policy

Although DAPA and expanded DACA programs are not being implemented, the President's Executive Action on Immigration in 2014 did establish many other changes to our immigration system.

Visa Changes

Some positive changes that have been implemented include work authorization for certain [H-4 visa holders](#), job flexibility provisions for the [H-1B visa program](#), expanded and expedited work authorization and economic opportunity for some immigrant victims of domestic violence, and improvements to the [U visa](#) (victims of crime) and [T visa](#) (human trafficking) programs.

Detention & Deportation Priority System

The [Priority Enforcement Program \(PEP\)](#) will replace Secure Communities. Immigration and Customs Enforcement (ICE) implemented this program November 20th, 2014. Please note, PEP will replace Secure Communities by re-prioritizing causes for deportation, not eliminating them. And, PEP will not replace other programs, such as 287(g) or the Criminal Alien Program.

The President has established three new priority categories for deportation under PEP:

- Priority 1 includes threats to national security, border security, and public safety;
- Priority 2 includes those who are convicted of misdemeanors and immigrant “violators” who have recently attempted to enter the US without authorization;
- Priority 3 includes “other immigration violations.”

This three-tiered system gives Department of Homeland Security (DHS) greater discretion on whether to prosecute an undocumented individual. PEP overall aims to target those who:

- "pose a danger to national security"
- "are suspected of terrorism"
- "have been involved in a criminal street gang"

These new priorities disproportionately impact South Asian and Southeast Asian communities.

Federal Health & Economic Support Programs

Under DACA, individuals will **not** have access to health coverage under the Affordable Care Act or any other federal support program, including SNAP (food stamps), TANF (welfare), and public housing subsidies (such as Section 8). DACA recipients will be eligible for Social Security retirement benefits and Medicare after 10 years of work history, paid taxes, and reaching the age of 66. For more information, please visit www.nilc.org.

Additional Resources

For further help and resources, please visit or contact the following organizations:

American Immigration Lawyers Association | aila.org
Asian American Legal Defense and Education Fund | aaldef.org
iAmerica.org
National Immigration Law Center | nilc.org
Own the Dream | weownthedream.org
South Asian Americans Leading Together | saalt.org
United States Citizenship and Immigration Services (USCIS) | uscis.gov
United We Dream | unitedwedream.org