

# What is DACA?

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With the rescission of DACA, currently no new DACA applications will be approved by USCIS, although DACA permits expiring before March 5, 2018 may be renewed for an additional 2 years if renewal applications were submitted by October 5, 2017. This document is designed to provide information to MCC faculty and staff regarding the Deferred Action for Childhood Arrivals and resources for DACA students.

## **Deferred Action for Childhood Arrivals (DACA).**

The purpose of DACA is to protect eligible immigrant youth who came to the United States when they were children from deportation. DACA gives young undocumented immigrants: 1) protection from deportation, and 2) a work permit. The program expires after two years, subject to renewal. DACA decisions are made by the U.S. Citizenship and Immigration Services (USCIS), a division of the U.S. Department of Homeland Security (DHS).

# What is “deferred action”?

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Deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. For purposes of future inadmissibility based upon unlawful presence, an individual whose case has been deferred is not considered to be unlawfully present during the period in which deferred action is in effect. Deferred action does not confer lawful immigration or citizenship status, nor does it excuse any previous or subsequent periods of unlawful presence.

Under existing regulations, an individual whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate “an economic necessity for employment.” DHS can terminate or renew deferred action at any time, at the agency’s discretion.

# What are the requirements for DACA?

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- Under 31 years old as of June 15, 2012; **Born after June 15, 1981**
- First came to the United States **before your 16th birthday**;
- Lived continuously in the United States from June 15, 2007 until the present;
- Physically present in the United States on June 15, 2012 and at the time you apply;
- Came to the United States without documents before June 15, 2012, or your lawful status expired as of June 15, 2012;
- Currently studying, or you graduated from high school or earned a certificate of completion of high school or GED, or have been honorably discharged from the Coast Guard or military (technical and trade school completion also qualifies); and

- You have NOT been convicted of a felony, certain significant misdemeanors (including a single DUI), or three or more misdemeanors of any kind.

## Who can apply for DACA renewal?

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### USCIS is no longer accepting renewal requests.

To have been eligible for DACA renewal:

- You had to have been over 31. You cannot age out of the program.
- You had to have graduated or were studying at a different school or program.
- Your DACA status expired on or before March 5, 2018.
- Application must be received at least 150 days before expiration of DACA and work permit. Failure to timely apply for renewal may result in loss of protection from deportation, termination of work authorization, and accruing unlawful presence once Deferred Action relief expires.
  - Renewal applications must have been submitted by **October 5, 2017**, if the DACA status expires between now and March 5, 2018 (WeAreHereToStay.org and <https://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca>)

## Can DACA recipients apply for legalization?

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**No**, DACA recipients cannot receive amnesty, citizenship or a path to legalization (<https://diversity.iupui.edu/170825-DACA-Facts.pdf>)

## Can DACA recipients vote?

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No, they cannot vote. (<https://diversity.iupui.edu/170825-DACA-Facts.pdf>)

## Can DACA recipients receive federal assistance?

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No, DACA recipients cannot receive any type of federal aid, such as social security or food stamps. (<https://diversity.iupui.edu/170825-DACA-Facts.pdf>)

# Do DACA recipients pay taxes?

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Yes, DACA recipients **must** pay federal income taxes (<https://diversity.iupui.edu/170825-DACA-Facts.pdf>)

## Notes & Resources:

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- Students with DACA status are ineligible for in-state tuition and are required to pay tuition equal to international tuition rates. (Missouri HB 3, 2015)
  - KS state offers in-state tuition to undocumented students, as long as they meet the requirements (Kansas HB 2145)
    - Attended an accredited Kansas high school for at least three years
    - Graduated from either an accredited Kansas high school or earned a general educational development (GED) certificate issued within Kansas
    - Has filed an affidavit stating he/she will apply for legal residency when eligible (<http://uleadnet.org/map/kansas-policy>)
- Undocumented students are ineligible to receive A+ Scholarships. (Missouri SB 224)
- DACA students are not eligible to receive federal student aid (<https://studentaid.ed.gov/sa/sites/default/files/financial-aid-and-undocumented-students.pdf>)
- Resources
  - Immigrant Legal Resource Center <https://www.ilrc.org/>
  - Immigration Advocates-National Immigration Legal Services Directory <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>
  - <https://www.afsc.org/document/information-daca-and-dapa-spanish>
  - <https://undocu.berkeley.edu/postelectionfaq/>
  - <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>

NOTE: This document was developed by the Office of Inclusion and Engagement, Metropolitan Community College and serves as a general information document only for students, faculty and staff.