



ADVISING CLIENTS AFTER THE ANNOUNCEMENT OF THE END OF DACA

On September 5, 2017, the Trump Administration announced it is ending the Deferred Action for Childhood Arrivals (DACA) program. DACA was an executive action taken by President Obama. It allowed some people who came to the U.S. as children to apply for protection from deportation and permission to work. The program will be phased out over the next six months.

HOW DO I KNOW IF MY CLIENT HAS DACA STATUS?

The best way to find out which clients have DACA or another immigration status is to ask every client where they were born. If your client was born outside of the US, you should ask follow up questions to try and ascertain your client's immigration status. The main proof of DACA status is a work permit. IDP has published immigration guides to [intakes for criminal defense attorneys](http://bit.ly/CrimImmIntake) (<http://bit.ly/CrimImmIntake>) and [intakes for family defense attorneys](http://bit.ly/FamImmIntake) (<http://bit.ly/FamImmIntake>) and a [guide to immigration statuses](http://bit.ly/ImmStatus101) (<http://bit.ly/ImmStatus101>).

WHAT DOES THIS ANNOUNCEMENT MEAN FOR MY CLIENT WHO HAS DACA STATUS?

Clients in valid DACA status will lose that status when it expires and will not be able to renew it. This means they will again be at risk of deportation and will lose their authorization to work unless they apply for and are granted another form of immigration status.

DOES THIS ANNOUNCEMENT CHANGE HOW I SHOULD NEGOTIATE FOR MY CLIENTS WITH DACA?

Maybe. In some cases, your client may want to resolve a case more quickly in order to submit an application or travel internationally. In addition, the announcement may change the likelihood that clients in custody will be transferred into immigration detention and/or placed in removal (deportation) proceedings. **You should consult with an expert about how this announcement may affect your client based on his or her individual circumstances.**

IF MY CLIENT LOSES DACA AND BECOME DEPORTABLE, DOES THE DISPOSITION OF HIS OR HER CASE EVEN MATTER?

Yes. While the DACA program is ending, many people who have DACA may be eligible for another form of immigration status. For example, clients with DACA could be eligible for Special Immigrant Juvenile Status (SIJS), asylum, or permanent residency through a family member. However, certain convictions block clients from future eligibility for immigration status. **You should consult with an expert about the immigration consequences of the criminal disposition in any case where your client is not a U.S. citizen.**



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HOW CAN I HELP MY CLIENT WITH DACA STATUS?

Advise. First, make sure your client has complete advice about the immigration consequences of the case on which you represent him or her and take those consequences into consideration during any negotiations.

Warn. Second, warn your client about the risks of applying for immigration benefits without the assistance of an experienced attorney. Since the inauguration, legal service providers have seen an increase in fraudulent or unethical services which take advantage of fear in immigrant communities.

Refer. Third, refer your client to a reputable immigration legal service provider or immigration practitioner for screening and advice as soon as possible.

Additional Resources:

- If you are assigned to a criminal or family case in New York City as part of the 18b panel, reach out to IDP's *Padilla Support Center* by [webform](#) at <http://bit.ly/IDPwebform> or by phone at 212-725-6422.
- If you are assigned to a criminal or family case elsewhere in New York State, contact your local Regional Immigration Assistance Center. A list of centers with contact information is available [here](https://www.ils.ny.gov/content/regional-immigration-assistance-centers) (<https://www.ils.ny.gov/content/regional-immigration-assistance-centers>).