

The End of DACA—What This Means for Educators and Students

Today, the Trump administration announced that it was rescinding the Deferred Action for Childhood Arrivals program, known as DACA. DACA confers legal residency and work authorization for a renewable two-year period. To qualify for DACA, individuals must have arrived in the U.S. as children, currently be in school or have pursued their education through high school or a GED or have served in the military, must not have engaged in serious criminal conduct, and must pass a background check. Nearly 800,000 students and young adults now hold DACA status and related work permits.

The Department of Homeland Security has issued [guidelines](#) for the “wind-down of the program” by March 5, 2018, which contain the following important provisions:

Current DACA recipients will retain the entire two-year period of their deferred action, including work authorization, until it expires. The expiration date, reflected in each individual’s DACA documentation, may be later than March 5, 2018.

First-time applications for DACA and related work permits on file as of September 5, 2017 will be processed. The U.S. Citizenship and Immigration Services will evaluate DACA applications on a case-by-case basis, as before. Initial DACA applications submitted after September 5, 2017, however, will be rejected.

Renewal requests by current DACA recipients accepted for filing by September 5, 2017 will also be processed by USCIS on a case-by-case basis, as before. If an individual’s DACA status will expire between September 5, 2017 and the program’s termination on March 5, 2018, they should apply for renewal by no later than October 5, 2017, in consultation with an immigration attorney. Such renewal applications will be rejected if received after October 5, 2017.

NEA has championed DACA from its inception and stands with our DACA members and students. NEA members who hold DACA status, or have DACA students in their classes, may have many questions. Here are our answers to some FAQs you may receive.

Employment. Even though the DACA program is being terminated, DACA holders are authorized to remain and work until the expiration date on their DACA documentation. The school district is not allowed to ask individuals if they are a DACA holder or the basis for their work permit. It cannot terminate or discipline individuals based on their work permit.

The district can ask for an updated permit if the expiration date is approaching and may terminate an individual's employment once it expires.

Tenure or similar continuing contract status is not a defense to deportation. Immigration enforcement is left almost entirely to the federal government and courts generally will not grant a stay or relief from deportation based on your otherwise tenured or permanent status with your district. The loss of legal immigration status should not interfere with your right or access to vested pension funds, although penalties may apply for removing those funds early.

Alternatives for legal status. Many DACA holders may be eligible for another immigration status that would qualify them for a work permit or even a green card. DACA holders should consult a reputable immigration services provider to understand these legal options. Reliable and knowledgeable immigration attorneys can be identified using this site: www.immigrationlawhelp.org. Those listed are available at low cost. DACA holders with the means to retain a private attorney may consult their state bar for referral assistance. Know that overstaying one's DACA status – that is to say, residing in the U.S. without legal status – can jeopardize an individual's future eligibility for visas or other grounds for legal residency. Consult an immigration attorney when evaluating that risk.

Reliable sources of information. The Department of Homeland Security has published its own [FAQ](#). In addition, a number of immigration advocacy organizations have DACA materials and expertise trusted by NEA. Their resources can be found here:

American Civil Liberties Union Immigrants' Rights Project

www.aclu.org/issues/immigrants-rights

Immigrant Legal Resource Center

www.ilrc.org/daca

National Immigration Law Center

www.nilc.org/issues/daca

United We Dream

www.unitedwedream.org

Questions from students. Doubtless, many students will be fearful and confused about the September 5, 2017 DACA decision, regardless of whether they or their families are directly affected. Bear in mind that your district may have limitations on how you can spend instructional time or use on-site bulletin boards. It is prudent to comply with those rules and to provide students with support as you would in any other circumstance. If your students or their families are seeking low-cost legal representation, we would again recommend looking here: www.immigrationlawhelp.org.

The 2017 Dream Act. NEA is actively involved in supporting federal legislation to provide a fair and long-lasting immigration policy for our country. We urge you to contact your representatives to support the 2017 Dream Act. Go to www.neaEdJustice/daca.