



UPDATES ON IMMIGRANTS' RIGHTS ISSUES

10 / 14 / 16

AGENDA

- I. Health Care (10 min) – Jenny Rejeske**
- II. U.S. v Texas Updates (10 min) – Josh Stehlik**
- III. State Legislative Updates (10 min) – Tanya Broder**
- IV. DACA Renewals (10 min) – Ignacia Rodriguez**
- V. Q&A (15 min)**

EXCITING HEALTH WORK IN THE STATES

Kids Expansions

- Florida
- Utah
- California

Campaigns for All

- New York
- Illinois
- California



Contact : Matt Lopas, lopas@nilc.org

JOIN US!

- **Long-term, coordinated effort to ensure no one's immigration status is a barrier to receiving high quality, affordable and comprehensive health care.**
- **Strategies-**
 - Communications - change public opinion and the political climate
 - Leverage state and local level organizing and policy successes
 - Assemble unprecedented partners

Contact: Jenny Rejeske, rejeske@nilc.org

U.S. V. TEXAS: THE STATUS OF DAPA AND EXPANDED DACA

Executive Action: An Organizing Victory



NUMBERS OF PEOPLE PROTECTED

**4.4 million parents of
U.S. citizens and LPRs**

**290,000 more people
eligible for DACA**

U.S. v. TEXAS

- **Texas and 25 other states** sued the Obama Administration.
- On February 16, 2015, a Texas federal district court **temporarily blocked** the **DAPA and expanded DACA initiatives**.
- The Administration appealed this block on DAPA and expanded DACA, ultimately, **to the U.S. Supreme Court**.



- **NOTE:** The **original 2012 DACA** program is **NOT affected** by the decision, nor are the federal government's new "enforcement priorities," which were announced on November 20, 2014.

SUPREME COURT

- On June 23, 2016, the Supreme Court was unable to reach a decision and deadlocked 4-4
 - A non-precedential decision
 - Nationwide injunction of DAPA and expanded DACA remains in place
- Administration asked Supreme Court to rehear the case when a 9th Justice seated, but Court denied request on Oct. 3, 2016



NEXT STEPS

- **The case can continue in district court in Texas for a trial on the merits**
 - Texas court had stayed the case from moving forward while the Administration's request for Supreme Court rehearing was pending
 - Since rehearing request denied, Texas court has asked Administration and Texas and suing states to meet by Nov. 11 to see if they can agree to a schedule for case to move forward
 - They must tell Texas court if no agreement on schedule can be reached by Nov. 18 and court will then decide how to move forward



NEXT STEPS

- **DAPA and expanded DACA remain blocked until and unless there is a different decision**
- **Need to protect 2012 DACA**
- **Increased stakes for November elections: Supreme Court & other judicial nominations, President, and Congress**
- **Immigrants and allies will continue fighting to keep families and communities together**



BATALLA VIDAL V. BARAN / LOPEZ V. RICHARDSON



- **Batalla case filed in federal court in New York; Lopez case filed in federal court in Illinois**
- **In both cases, plaintiff has DACA and received a three-year work permit from USCIS under the expanded DACA initiative**
- **After Texas court issued a nation-wide injunction of the expanded DACA initiative, USCIS revoked three-year work permits from thousands of DACA recipients, including plaintiffs Batalla Vidal and Lopez**
- **Lawsuits challenge USCIS's revocation of their three-year work permits and the overly broad injunction from the Texas court**

ENFORCEMENT MEASURES DEFEATED IN 2016



After NC passed “anti-sanctuary city” law, and restricted use of consular, municipal & faith-based IDs at the end of 2015...

- **Anti-sanctuary city and other immigration enforcement measures were introduced in at least 27 states.**
- **30 Governors expressed opposition to refugee resettlement; anti-refugee bills were introduced in at least 19 states.**
- **Groundwork was successful in defeating all significant proposals.**
- **Exceptions: AZ** (2 minor bills); **GA** (certification made mandatory); **TN** (anti-refugee resolution; e-verify); **WI** (limits on Muni IDs)

INCLUSIVE POLICIES GAINED GROUND

- **Health Care:** FL, UT, OR, CA + county programs
- **Health Care & Benefits:** IL
- **Access to Professions:** NE, NY, CA
- **Workers' Rights:** CA, CO, IL, MD
- **Criminal Justice Reforms:** CA, IL, NJ
- **Consumers' Rights:** CO (anti-*notario* fraud, access to IDs, penalties for selling DL appoints)
- **Muni IDs:** Phoenix! Detroit, Paterson, and more



CALIFORNIA HIGHLIGHTS



- **\$30 million** for legal assistance in naturalization, deferred action or other immigration relief
- **Overtime and other Rights for Domestic Workers and Farmworkers**
- **Gang Database:** right to be notified, to challenge information, and release of demographic data on persons added or removed
- **TRUTH Act** – individuals detained advised of rights; written consent prior to ICE interview; copy of ICE request to person or designee; community forums on ICE access; records on ICE access made public.
- **364 day rule** made retroactive
- **Health care for all kids** implemented; **Seeking federal waiver** for undocumented and DACAmented adults to purchase ACA coverage
- **Access to Health Professions** – scholarships, loan repayment, grants for individuals who practice in underserved areas, and access to medical degree programs regardless of immigration status

2017 CAMPAIGNS EXPECTED

- **Driver's Licenses**
- **Financial Aid/Tuition**
- **Professional Licenses and Careers**
- **Health Care**
- **Tax Credits/Benefits**
- **Anti-Enforcement**
- **Right to Counsel**
- **Municipal IDs**
- **Workers' Rights and More**



ONGOING THREATS



- **Local policies revisited in light of Priorities Enforcement Program (PEP)**
- **Continued targeting of “sanctuary” policies - at federal, state and local levels**
- **Anti-refugee pushback continues**
- **As some states & localities improve ability of residents to establish identity, others limit acceptance of documents, restricting access to marriage licenses, birth certificates, courts and other essential services.**
- **Election results could open new opportunities or threats**

DACA RENEWAL DELAYS

- A technical problem has affected renewal applications received by USCIS between February 14 and June 22
- Leading to processing times of +120 days for renewal applications at the Nebraska Service Center.
- USCIS has solved the problem
- The actual number of cases affected by this is unknown
- We do know that NILC alone has received over 260 inquiries from people primarily experiencing:
 - Delays in getting their biometrics notice
 - Delays in getting their DACA approval after their biometrics appointment
 - Delays in getting their actual EAD in the mail after approval
- What can you do?
 - Steps to take if your DACA renewal is delayed

<https://www.nilc.org/wp-content/uploads/2015/10/steps-to-take-if-your-daca-renewal-is-delayed.pdf>

1. Check your case status online

You can monitor your case's status by using USCIS's online "**My Case Status**" tool, at <https://egov.uscis.gov/cris/Dashboard/CaseStatus.do>. You will need to enter the receipt number for either your DACA application or your employment authorization application. (You should have received a receipt for each application after you submitted your renewal application.) USCIS's online case status tool may show that your renewal application has been approved before you receive your new EAD in the mail, so we recommend you check your case status online regularly.

You can also create a USCIS Electronic Immigration System (USCIS ELIS) online account to track the progress of your case—at <https://myaccount.uscis.dhs.gov/>.

NOTE: Some people have reported problems using USCIS's "My Case Status," such as the system displaying an incorrect date for the date their application was received. If you experience such problems, you can contact USCIS online at <https://my.uscis.gov/account/needhelp>.

2. Contact the National Customer Service Center (NCSC)

Their number is **1-800-375-5283**. Be prepared to wait on hold for a long time. You will be able to speak to someone who may be able to answer your questions. You will be given a case confirmation number. Write it down and keep it where you can find it, since it's the number that USCIS uses to track your case inquiry.

3. Submit an “outside normal processing time” inquiry

You can also use the electronic form at the following link to make an online inquiry about a delayed case: <https://egov.uscis.gov/e-request/Intro.do>.

We were told by USCIS that DACA renewal applicants may use this online inquiry form **after their application has been pending for 105 days** (3.5 months).

WHEN TO SUBMIT AN INQUIRY: Complete and submit this online form if your case is “outside [the] normal processing time.” To see what is considered the normal processing time, go to <https://egov.uscis.gov/cris/processTimesDisplayInit.do>. Under “Service Center,” use the drop-down menu to find the *service center listed on your receipt notice* as the one that is handling your case, then look for “Form I-821D renewal” and “Form I-765” processing times.

For example, the table below shows that the Nebraska Service Center is currently (as of late August 2016) processing DACA Form I-821D renewal applications from March 16, 2016, which means its processing time is about 5 months. USCIS’s goal continues to be processing cases within 120 days. Thus, if your receipt notice says that your case is being processed by the Nebraska Service Center, and it has been pending for more than 3.5 months (105 days),

then you may submit an online inquiry, since your application’s processing time is close to the 120-day mark.

Form	Title	Classification or Basis for Filing	Processing Cases As of Date
I-821D	Consideration of Deferred Action for Childhood Arrivals	Renewal	March 16, 2016

4. Contact the USCIS Ombudsman's office

NOTE: *Contact the Ombudsman's office only after your DACA renewal application has been pending for **105 days**.* The Ombudsman's office recommends that you do not contact them until after you've completed steps 1-3, above.

The Ombudsman's office reviews cases and may be able to provide you with information about yours. You can file a **Case Assistance Form DHS-7001** online with the USCIS Ombudsman at <https://cisomb.dhs.gov/oca/form7001.aspx>.

To ask for **expedited handling** of your renewal application (to ask that USCIS process your renewal faster), follow these instructions that the Ombudsman's office has provided: When you file the DHS-7001 form online, state in the form (a) the reason(s) you are asking for expedited handling (such as that you may lose your current job), (b) the steps you have already taken to find out the status of your case, and (c) what the local USCIS field office has told you about your case.

Once you have completed and submitted the online form, you should be issued an Ombudsman-specific case number. Then you can contact, by email, one of these Ombudsman staff people:

- Rena.cutlip-mason@hq.dhs.gov
- Margaret.gleason@hq.dhs.gov
- Messay.berhanu@hq.dhs.gov

5. Contact the appropriate USCIS Service Center by email

The receipt notices you received after you filed your Form I-821D and Form I-765 will state which service center is handling your case. You can email an inquiry about your case to the appropriate service center. The service center email addresses are:

- California Service Center: csc-ncsc-followup@dhs.gov
- Vermont Service Center: vsc.ncscfollowup@dhs.gov
- Nebraska Service Center: NSCFollowup.NCSC@uscis.dhs.gov
- Texas Service Center: tsc.ncscfollowup@dhs.gov

If you do not receive a response within 21 days of emailing the service center, you may email the USCIS Headquarters Office of Service Center Operations at SCOPSSCATA@dhs.gov.

WHEN TO CONTACT YOUR SERVICE CENTER: Email the appropriate USCIS service center 30 days after you contact the National Customer Service Center (step 2, above), if you have not received a response from the NCSC.

6. Contact your congressional representative

Call your congressperson's office and ask to speak with the *immigration caseworker*. You can find out who your congressperson is and get his or her contact information by entering your zip code at www.house.gov/representatives/find/. Explain your problem to the caseworker, who may be able to ask USCIS for information about your case.

7. Contact the National Immigration Law Center (NILC) or the Immigrant Legal Resource Center (ILRC)

If you submitted your renewal application at least 120 days before your expiration date, you can contact NILC for help at reply@nilc.org. Please write “**DACA renewal delay**” and **your name** in the *subject line* of your email message. Practitioners and representatives can contact the Immigrant Legal Resource Center for questions related to DACA renewal and advance parole at jmagana@ilrc.org.

RESOURCES

- **DACA** - <http://www.nilc.org/issues/daca/>
- **Health Care issues** - <http://www.nilc.org/issues/health-care/>
- **U.S. v Texas case** - <http://www.nilc.org/issues/immigration-reform-and-executive-actions/united-states-v-state-of-texas/>
- **Driver's License Toolkit** - <https://www.nilc.org/issues/drivers-licenses/>
- **Higher Education Toolkit** - <https://www.nilc.org/issues/education/eduaccess toolkit/>
- **Special Reports** <https://www.nilc.org/news/special-reports/>