DACA TOOLKIT

A Guide for DACA Recipients

IMMIGRANT
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DACA PLANNING TOOLKIT

A Guide for DACA Recipients

DACA STANDS FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA). ON JUNE 15, 2012, THE SECRETARY OF HOMELAND SECURITY UNDER THE OBAMA ADMINISTRATION ANNOUNCED THAT IT WOULD DEFER DEPORTATION FOR CERTAIN INDIVIDUALS WHO CAME TO THE UNITED STATES AS CHILDREN.

To be eligible, the requestor had to prove they:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching age 16;
- Have continuously resided in the U.S. since June 15, 2007;
- Were physically present in the U.S. on June 15, 2012, and at the time of making the request for consideration of deferred action with USCIS;
- Had no lawful status on June 15, 2012;
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

WHY IS THIS TOOLKIT IMPORTANT?

On September 5, 2017, the Trump administration announced the termination of the program, which resulted in several lawsuits challenging the program's termination across the country. Multiple courts hearing these lawsuits ordered USCIS to continue accepting and processing renewal applications only (no initial applications) while the cases are pending. June of 2019, the U.S. Supreme Court granted certiorari for three DACA-termination cases, and November of 2019 the Court heard oral arguments for the consolidated case." While DACA recipients, at this time, remain eligible to renew, there is uncertainty around the future of the DACA program.

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FAMILY-BASED OPTIONS

A Guide for DACA Recipients

THIS DOCUMENT IS INTENDED TO ASSIST DACA RECIPIENTS WHO MAY HAVE FAMILY-BASED RELIEF OPTIONS IF THE DACA RECIPIENT IS MARRIED TO A UNITED STATES CITIZEN.

DACA Recipients who are married to U.S. citizens can pursue lawful permanent residence through their U.S. citizen spouse in two different ways:
(1) consular processing at a U.S. consulate abroad; or
(2) through adjustment of status at a U.S. Citizenship and Immigration Services ("USCIS") office or Immigration Court in the U.S.

For DACA Recipients in the U.S., adjustment of status in the U.S. is preferable, but it is only available to those who:
(a) have been "inspected and admitted or paroled,"
(b) are admissible,
(c) have an immigrant visa immediately available to them; and
(d) warrant a favorable exercise of discretion.

DACA Recipients should consult with an immigration attorney regarding these requirements and other adjustment of status bars to see if they qualify for in-country adjustment of status.

THIS DOCUMENT IS ONLY FOR GENERAL INFORMATIONAL PURPOSES AND DOES NOT CONSTITUTE LEGAL ADVICE. PLEASE CONSULT WITH AN IMMIGRATION ATTORNEY REGARDING YOUR CASE.

For up-to-date information on DACA and screening for referral eligibility for an immigration legal consultation, please contact the Nebraska Immigration Legal Assistance Hotline ("NILAH") at (855) 307-6730.

CONSULAR PROCESSING AND UNLAWFUL PRESENCE

Many DACA recipients were not "inspected and admitted or paroled" and cannot adjust their status (apply for a green card) within the U.S. These DACA recipients must consular process, meaning they cannot obtain a family-based green card through their U.S. citizen spouse without leaving the U.S. to interview at a U.S. consulate abroad. If the DACA recipient accrued unlawful presence while in the U.S., as they exit and seek permission to re-enter, they will trigger an unlawful presence bar.[1] Thus, it is important to talk to an immigration attorney regarding eligibility for a waiver of the unlawful presence bar.

The unlawful presence waiver requires a showing that the applicant warrants a favorable exercise of a discretion and hardship to a qualifying relative. If the applicant lacks a qualifying family member, is unable to establish hardship that rises to the required level, or is denied based on discretion, then they will be unable to overcome this ground of inadmissibility and a waiver will be denied.

A qualifying family member is a U.S. citizen or lawful permanent resident spouse or parent. No other relatives, including U.S. citizen or LPR children, can be qualifying family members for this type of waiver.

Assuming the applicant has a qualifying family member, the next hurdle in obtaining an unlawful presence waiver is demonstrating that the qualifying family member would suffer extreme hardship if the waiver applicant is denied admission. Common consequences, such as family separation and financial hardship, are not enough. Rather, the applicant must show the qualifying relative would experience hardship beyond the common consequences of family separation or relocating to another country.

If an applicant is eligible for an unlawful presence waiver, there are two different unlawful presence waiver processes: (1) Form I-601; and (2) Form I-601A (the provisional waiver process). The I-601 can be used to waive multiple grounds of inadmissibility, including unlawful presence. In contrast, the I-601A has a much narrower use: it allows immigrant visa applicants presently within the U.S. who will be leaving to consular process—thereby triggering the unlawful presence bar—to apply for a waiver before leaving the U.S., significantly reducing the time they must be away from family to complete the process.

The chart on the next page explains the differences.

[1] This educational piece only addresses the unlawful presence three- and ten-year bars. A three-year bar is triggered when an individual has accrued 180 days-1year unlawful presence. The ten-year bar is triggered when an individual accrues unlawful presence of one year or more. This does not address the permanent bar and other inadmissibility issues. For this reason, it is critically important to obtain an immigration legal consult. For screening, please contact the Nebraska Immigration Legal Assistance Hotline at (855) 307-6730.

I-601 – Application for Waiver of Grounds of Inadmissibility

- Can be used with consular processing, adjustment of status, and immigration court
- With consular processing, it will be filed AFTER consular interview, and finding of inadmissibility
- With consular processing wait for decision on waiver OUTSIDE of the US
- Can also waive other grounds of inadmissibility, including unlawful presence
- Requires proof of extreme hardship on qualifying relative. Qualifying relatives include: LPR/USC spouse or parent.
- Appeal or motion to reopen available; can also re-file
- $930 filing fee
- May take over a year to process

I-601A – Application for Provisional Unlawful Presence Waiver

- Use ONLY for consular processing
- File BEFORE leaving U.S. to attend consular interview
- Wait for decision on waiver INSIDE the US
- ONLY waives unlawful presence
- Requires proof of extreme hardship on qualifying relative. Qualifying relatives include: LPR/USC spouse or parent.
- No appeal or motion to reopen available, but can re-file
- $630 filing fee, plus $85 biometrics fee
- 6.5-8.5 months to process

For up-to-date information on DACA and the appeal pending before the Supreme Court of the United States and for screening for eligibility for a referral for an immigration legal consultation, please contact the Nebraska Immigration Legal Assistance Hotline ("NILAH") at (855) 307-6730.

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PUBLIC CHARGE CONSIDERATIONS

A Guide for DACA Recipients Who May Have Family-Based Immigration Options

THIS DOCUMENT PROVIDES A BRIEF SUMMARY OF THE FACTORS IMMIGRATION OFFICIALS CONSIDER IN APPLYING THE PUBLIC CHARGE TEST AND SUGGESTS WAYS TO STRENGTHEN ONE'S APPLICATION WITH RESPECT TO PUBLIC CHARGE FACTORS.

Applicants for Lawful Permanent Resident (LPR) status through a family-based petition must demonstrate that they are not "likely to become a public charge." This means that they have sufficient income, skills, and/or assets that they are unlikely to depend on certain means-tested public benefits.

For applicants who must leave the U.S. and attend an interview at the U.S. consulate in their country of origin, the consular officer will make a public charge determination at the time of the interview. If the officer concludes that the applicant is likely to become a public charge, they will be barred from returning to the U.S.; there is no waiver available for this bar.

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AGE, EDUCATION,& EMPLOYMENT

Being of an employable age (18-61) and proficient in English are considered positive factors. A high school diploma or GED, higher education, license or certificates in trades or skills, and a valid tentative job offer are also viewed as positive factors.

Employment history and current employment are important positive factors for applicants who are work authorized, unless the applicant is the primary caregiver for a child or another household member. Obtaining additional education and/or employment will help strengthen the application.

HEALTH AND HEALTH INSURANCE

Having a medical condition that is likely to require extensive treatment or interfere with the applicant's ability to work or provide for him or herself is a negative factor, unless the applicant can demonstrate sufficient household income and assets to pay for reasonably foreseeable medical costs. Regardless of whether such a medical condition exists, lacking health insurance is a negative factor. Obtaining health insurance—particularly employer-provided, private, or unsubsidized marketplace insurance—will help strengthen the application.

PUBLIC BENEFITS

Although DACA Recipients were likely ineligible for many benefits due to immigration status, past receipt of certain means-tested public benefits is considered a negative factor in the public charge analysis. Receipt of SSI, TANF, state cash assistance, institutionalization for long-term care, SNAP, certain housing assistance, and, in some circumstances, Medicaid, are negative factors. However, receiving Medicaid while under age 21, during pregnancy, emergency Medicaid, and certain other Medicaid services, does not count against the applicant. Nor does receipt of disaster relief, national school lunch programs, WIC, CHIP, subsidies for foster care and adoption, government-subsidized student and mortgage loans, energy assistance, food pantries and shelter services, and Head Start.

Note that only public benefits received in the applicant's own name are considered; in other words, receipt of SNAP or housing assistance for an applicant's qualifying U.S citizen children is not itself a negative factor. Disenrolling qualifying family members from public benefits on which they depend will not, alone, strengthen the application for LPR status. However, boosting household income to the point that the family no longer qualifies for means tested benefits can help strengthen the application.

DEBT

Applicants who have a credit report must submit it; a credit score of 670 or higher is a positive factor and a score below 580 is a negative factor. Debt is generally a negative factor, including mortgages, unpaid child or spousal support, unpaid taxes, liens, credit card debt, student loans, and care loans. Boosting one's credit score and paying down debt will help strengthen the application.

HOUSEHOLD INCOME AND ASSETS

Where the applicant's household income is at least 125% of the Federal Poverty Guidelines (FPG) for the household size, this is a positive factor. The "household" generally includes all immediate family members residing with the applicant, and persons who provide at least 50% of the applicant's support or receive 50% of their support from the applicant. Income must be documented with IRS tax transcripts for the past 3 years. Regular, non-taxable income like child support can be included, as can income earned by household members who lack employment authorization.

125% FPG for a household of 2 is $21,550 a year; $32,750 for a household of 4; and $43,950 for a household of 6. Boosting the applicant's household income as much as possible will help strengthen the application. Where household income is below 125% FPG, the applicant may be able to make up the shortfall with cash and non-cash assets.

AFFIDAVIT OF SUPPORT

Applicants for LPR status through a family-based petition must submit a form called the I-864, Affidavit of Support. The Affidavit of Support is a contract in which a "sponsor" agrees to be financially responsible for the applicant's support in the event that he or she cannot support him or herself. Sponsor(s) must be U.S. citizens or LPRs and must demonstrate that they have a household income of at least 125% FPG.

It is preferable for the petitioner who filed the family-based petition to act as sponsor, but if the petitioner's household income does not meet the 125% FPG threshold, another family member or friend may act as "joint sponsor." Sponsor(s) should be related to or closely acquainted with the applicant—ideally, a household member or close family member—and must be financially self-sufficient themselves.

The officer will examine the relationship between the sponsor(s) and the applicant and whether the sponsor(s) are likely to comply with their contractual obligation to support the applicant if necessary.

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HUMANITARIAN IMMIGRATION OPTIONS

A Guide for DACA Recipients

THIS DOCUMENT ADDRESSES THE BASIC REQUIREMENTS FOR HUMANITARIAN FORMS OF RELIEF, DACA RECIPIENTS SHOULD SPEAK TO A QUALIFIED IMMIGRATION ATTORNEY ABOUT THEIR PARTICULAR CASE.

As we anticipate a SCOTUS Decision regarding Deferred Action for Childhood Arrivals ("DACA"), ILC is disseminating information about other immigration options that provide a path to permanent status.

These options include immigration benefits that may be available to certain immigrant victims and their family members.

Relief under:

- Violence Against Women Act (VAWA)
- U-Visa
- T-Visa,
- Asylum protection

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VAWA RELIEF

Relief under VAWA is accessible regardless of gender! A VAWA Self-Petition allows an individual who was or is being abused by his or her U.S. citizen or lawful permanent resident (LPR) spouse (or parent or adult child) to file a family-based petition for him- or herself without the abuser's knowledge or consent. VAWA provides access to a work permit and protection from deportation, as well as a path to LPR status if the individual is otherwise eligible. An individual placed in removal proceedings may be able to seek a related form of relief called "VAWA Cancellation of Removal."

An applicant for a spousal VAWA Self-Petition must show:

- Married to a U.S. citizen or LPR spouse, or marriage ended within the past 2 years
- Suffered "battery or extreme cruelty" by abusive spouse (including physical, verbal, emotional,sexual, and/or economic abuse)
- Entered into the marriage in good faith, not solely for an immigration benefit
- Has resided with abusive spouse at some point in time
- Is a person of good moral character (absence of crimes, fraud, negative factors)

U NONIMMIGRANT VISA

The U-Visa is a temporary form of status available to a victims of certain qualifying crimes and their immediate family members (spouse, minor children, parents, and siblings). It is necessary that the crime was reported to authorities, and a law enforcement agency or court must certify that the victim cooperated in the crime's investigation or prosecution. (However, the perpetrator need not have been charged with a crime or even arrested.) A U-Visa provides access to a work permit, protection from deportation, and a path to LPR status if the individual is otherwise eligible.

An applicant for a U-Visa must establish:

- S/he was the victim of qualifying criminal activity (most common are domestic violence, stalking, sexual assault, felonious assault, and sex or labor trafficking)
- The crime occurred in the United States
- The crime caused her/him "substantial physical or mental abuse" or harm
- S/he possessed information about the crime, and was or is likely to be helpful to law enforcement in the crime's investigation or prosecution
- S/he is admissible under U.S. immigration law or qualifies for a waiver

T NONIMMIGRANT VISA

The T-Visa is a temporary form of status available to victims of human trafficking, including sex and/or labor trafficking, and their immediate family members (spouse, minor children, parents, and siblings). A T-Visa provides access to a work permit, protection from deportation, and a path to LPR status if the individual is otherwise eligible.

An applicant for a T-Visa must establish:

- S/he was the victim of a "severe form of trafficking in persons," (meaning sex or labor trafficking)
- S/he is physically present in the U.S. today due to having been trafficked
- S/he reported the trafficking to law enforcement and cooperated with any requests for assistance (unless under 18 or unable to cooperate due to trauma)
- S/he would suffer extreme hardship if removed from the U.S.
- He is admissible under U.S. immigration law or qualifies for a waiver.

ASYLUM PROTECTION

Asylum is a form of status available to individuals who have a "well-founded fear" of persecution in their country of origin. "Persecution" means severe harm or threats to one's safety, inflicted because of a special trait the applicant possesses, and perpetrated by the government or private actors the government is unable or unwilling to control.

An individual must generally apply for asylum within 1 year of his or her last arrival in the U.S. unless the filing delay is excused. If an undocumented person applies for asylum affirmatively—before U.S. Citizenship and Immigration Services—more than 1 year after entering the U.S., the individual will be placed in removal proceedings where an immigration judge will adjudicate the application, and there exists a significant risk the applicant will be ordered deported.

However, if already in removal proceedings, asylum—or related forms of relief called "Withholding of Removal" and "protection under the Convention Against Torture"—may be appropriate defenses to deportation.

An asylum applicant must demonstrate:

- She applied for asylum within one year of her arrival in the U.S. or qualifies for an exception (i.e., new circumstances recently arose that cause her to fear return)
- She suffered or will suffer harm in her home country that is sufficiently severe to constitute "persecution"
- The harm was or would be inflicted because of her race, religion, nationality, political opinion, or membership in a particular social group
- The harm was or would be inflicted by home country government actors or by private actors the government is unable or unwilling to control
- She deserves asylum protection as a matter of discretion, weighing all positive and negative factors

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EMPLOYMENT-BASED RELIEF

A Guide for DACA Recipients

THIS DOCUMENT PROVIDES A BRIEF SUMMARY OF EMPLOYMENT-BASED IMMIGRATION FORMS OF RELIEF, SPECIFICALLY THE H-1B VISA.

As many DACA-recipients are educated and professionally trained, work-based employment could be relevant for them to know. That said, many DACA-recipients are unlikely to be eligible for or even necessarily should consider applying for employment-based relief, because of certain considerations, such as having unlawful entry or accumulated unlawful presence.

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H-1B VISA

DACA-recipients who have:

- earned at least a bachelor's degree;
- a job offer from an employer seeking to sponsor;
- initial lawful entry; ***and***
- less than 6 months of unlawful presence since their last entry;

may be eligible for employment based relief. DACA-recipients who first received DACA when they were 18.5 years old or older, do not qualify because they have accumulated more than 6 months of unlawful presence.

H-1B status is an employment-based immigration form of relief, that can be either temporary or permanent as an immigration solution, depending on the sponsored immigrant's experience, intent, and the employer's willingness to sponsor. Generally speaking, the H-1B visa provides up to 3-years of status with work authorization for foreign national workers in specialty occupations, which require use of special knowledge and a bachelor's degree or higher (or equivalent) in the relevant field. The visa can be extended for an additional three years, providing up to 6-years of status. Additionally, while on an H-1B visa, an employer may choose to sponsor the immigrant for an employment-based green card, ultimately leading to permanent resident status.

The government has an annual cap on the number of H-1B visas it makes available, and the current cap is 65,000 for this category, plus an additional 20,000 visas for individuals who have earned a master's degree from an accredited U.S. college or university. While not all H-1B visa applications are subject to the cap, this form of relief can be particularly challenging to secure. For one, whether the government even processes an application depends on the fortune of being selected in a lottery-style for consideration. Application also depends not only on job availability, but also on an employer having resources to sponsor and fund the application as an employer must.

The H-1B petition process is cyclical. The government begins accepting H-1B petitions that are subject to the following year's H-1B cap in the spring (generally March/April). Individuals whose H-1B petitions that are selected in the lottery and are ultimately approved can begin working for the sponsoring employer on the H-1B visa on October 1 of the same year. In planning, it is also worth noting that preparation of the petition can be time consuming and involves evaluation by the Department of Labor. Ergo, individuals and employers interested in H-1B visas should be keen to plan any intended applications sooner than later

While DACA is considered lawful presence, it is technically not a "status," and so a sponsored immigrant will not be eligible to change status to that of an H-1B visa holder. The employer may file an H-1B petition while the sponsored immigrant is in the U.S., but the immigrant will have to leave the U.S. and consular process before re-entering the U.S. on their H-1B visa. Thus, it is important to be sure that the sponsored immigrant has not accrued unlawful presence before leaving to consular process.

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NON-LPR CANCELLATION OF REMOVAL

A Guide for DACA Recipients

AS WE ANTICIPATE A SCOTUS DECISION REGARDING DEFERRED ACTION FOR CHILDHOOD ARRIVALS ("DACA"), ILC HAS RECEIVED QUESTIONS REGARDING DACA RECIPIENTS' IMMIGRATION RELIEF OPTIONS IF PLACED IN REMOVAL PROCEEDINGS.

In preparation for potential removal proceedings, DACA recipients should consult an immigration attorney to assess their eligibility for cancellation of removal for non-lawful permanent residents (non-LPR cancellation).

This document is intended to provide a brief summary of non-LPR cancellation of removal. Please consult with an immigration attorney regarding your case.

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NON-LPR CANCELLATION OF REMOVAL

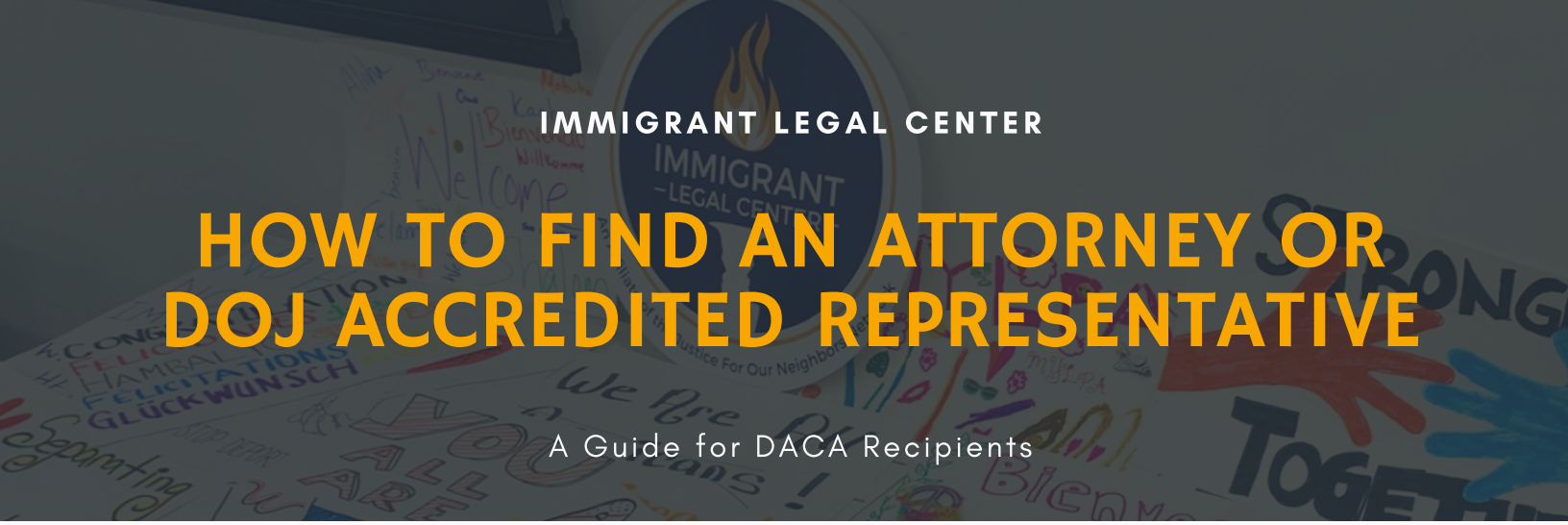
Non-LPR cancellation allows non-citizens to obtain lawful permanent residence (a green card) if they establish the following:

1. Physical presence in the U.S. for a continuous period of ten years;*[1]*
2. Good moral character during the ten-year period prior to final decision on the application;
3. No convictions of certain offenses that would make the applicant inadmissible or deportable; *[2]*
4. Deportation would cause exceptional and extremely unusual hardship to the applicant's U.S. citizen or LPR spouse, parent, or child;*[3]* and
5. Merit of a favorable exercise of discretion.

[1] Continuous physical presence begins when the individual physically enters the U.S. and ends upon the occurrence of specified events (e.g., proper service of an effective NTA, commission of certain offenses; some absences or departures). This educational piece does not address the Stop-Time Rule, Pereira v. Sessions, or Matter of Bermudez-Cota. These will be particularly relevant if a DACA recipient has ever been in removal proceedings. For this reason, it is critically important to obtain an immigration legal consult.

[2] It is important to talk to an attorney about every conviction, every interaction with law enforcement, and every interaction with any immigration agency. Not all convictions make an individual statutorily ineligible for Non-LPR cancellation of removal. However, it is important that an applicant openly and honestly disclose this information, so the attorney has an opportunity to evaluate each conviction and its effect on eligibility.

[3] While evidence of an applicant's deep ties to the U.S. are relevant, so are the conditions in their country of origin.



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HOW TO FIND AN ATTORNEY OR DOJ ACCREDITED REPRESENTATIVE

A Guide for DACA Recipients

THIS DOCUMENT IS INTENDED TO ASSIST DACA RECIPIENTS WITH FINDING AN ATTORNEY OR DOJ REPRESENTATIVE.

Unauthorized practice of law is the practice of law by someone who is not authorized to do so. Only licensed attorneys can practice law. Remember that the attorney must be licensed in your state in order to represent you in a state court matter, such as divorce, child support, criminal defense, personal injury, etc. There are some exceptions, particularly as it relates to immigration law:

Exception #1: Immigration law is federal law. An attorney can be licensed in any state in the U.S. and represent you in your immigration proceedings in Nebraska. If you are going to hire an attorney licensed to practice in a state other than Nebraska, discuss transportation costs. If there is an emergency, you will likely have to pay that additional cost of the attorney's transportation.

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Exception #2:A DOJ representative may represent you in your immigration case. DOJ representatives must work under attorney supervision.

a. Fully accredited representatives can represent you on forms submitted to DHS and before the immigration court and the Board of Immigration Appeals.
b.Partially accredited representatives can represent you on forms submitted to DHS only.

Exception #3: Law students can assist you under attorney supervision.

If you seek to hire a Nebraska-licensed attorney, you can go to the following link: http://www.nebar.com/search and search by:

- name
- state
- bar number,
- city or town, county, or location.

The list of DOJ accredited representatives is available here: https://www.justice.gov/eoir/page/file/942306/download#NEBRASKA.

In addition to searching the above-mentioned websites, ask friends, local agencies, welcome centers, or chamber of commerce for recommendations.

Make sure the person you are speaking to during your consultation is an attorney or DOJ accredited representative. Feel free to ask to see their attorney license or proof of accreditation. Do not assume the person in front of you is your attorney, and be diligent about securing and maintaining a copy of a contract you enter to create your attorney-client relationship and legal service objectives. While it is common for paralegals to help attorneys, paralegals who are not accredited should not provide legal consultations.

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KNOW YOUR RIGHTS

A Guide for DACA Recipients

AS WE ANTICIPATE A SUPREME COURT DECISION REGARDING DEFERRED ACTION FOR CHILDHOOD ARRIVALS ("DACA"), THIS SERVES AS AN IMPORTANT REMINDER THAT EVERY PERSON IN THE UNITED STATES IS ENTITLED TO CERTAIN RIGHTS AND PROTECTIONS AFFORDED BY THE U.S. CONSTITUTION.

It matters not whether you are documented or undocumented. It is important to know what those rights are, to use them, and to contact an attorney or DOJ accredited representative to discover whether there are any immigration forms of relief available for you.

For more know your rights information, please visit ILC's Rights and Planning Guide, available at:

immigrantlc.org/rightsandplanning

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THE RIGHT TO REMAIN SILENT

You have the RIGHT to REMAIN SILENT! This right exists in your home, on the street, in a car, and if you are under arrest or in jail. If you talk, anything you say can be used against you.

In the State of Nebraska, you are required to give your name to a Nebraska law enforcement officer if the officer has reason to believe you have committed or will commit a crime. You can inform the ICE or other official that you want to speak to your attorney, and then remain silent. Do not give any false information.

YOUR RIGHTS AT HOME

YOU have the RIGHT to ask to see a WARRANT SIGNED BY A JUDGE. If you or someone in your home lets an officer in your home, you are giving up certain rights. Remember, a Warrant of Arrest, is not a Warrant to search your home. If an officer enters, do not physically interfere, or you could be detained. Do not forget your RIGHT to REMAIN SILENT and your RIGHT to an ATTORNEY. Again, do not give false information or provide false documents.

YOUR RIGHTS ON THE STREET

If approached on the street, ask if you are free to go. If you are, walk away slowly. If you are not, remember your RIGHT to REMAIN SILENT and your RIGHT to an ATTORNEY. You may be required to give your name and address if you are believed to have committed or it is believed you will commit a crime. Do not answer any other questions. Officers may pat you down to make sure you have no weapons/drugs in your possession. Do not resist inspection. The agents cannot arrest you without a warrant or proof that you have committed a crime or have no legal status.

YOUR RIGHTS IN A VEHICLE

If you are a passenger, your rights are the same as they are on the street. If you are the driver, the police can ask you to provide your driver's license, registration, and insurance. If you do not have these things, you could be arrested.

YOUR RIGHTS AT WORK

At your place of work, remember your RIGHT to REMAIN SILENT and your RIGHT to an ATTORNEY. Do not carry or provide false information or documents.

YOUR RIGHTS AT THE AIRPORT

It is illegal for officials to stop, search, apprehend, or remove you based solely on race, national origin, religion, sex or ethnicity, but you can be stopped based on citizenship or past travel and searched. Questions regarding your immigration status may also be asked.

YOUR RIGHTS IF YOU ARE ARRESTED

Remember your RIGHT to REMAIN SILENT and your RIGHT to an ATTORNEY. Ask to talk to your attorney and ask for a court hearing. Also, you have the right to make one (1) telephone call after your arrest. You will likely be fingerprinted. Do NOT say where you were born, carry or provide false information or documents, or sign anything.

For more know your rights information, please visit ILC's Rights and Planning Guide, available at immigrantlc.org/rightsandplanning

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SAFETY PLANNING

A Guide for DACA Recipients

AS WE ANTICIPATE A SUPREME COURT DECISION REGARDING DEFERRED ACTION FOR CHILDHOOD ARRIVALS ("DACA"), BEING PREPARED AND ORGANIZED IS ONE THING YOU CAN DO NOW TO PREPARE FOR ANY UNCERTAINTIES THAT MAY ARISE.

It is important to keep a file of copies of all applicable checklist documents in a safe place.

Tell your family members or a designated individual where to find this file in an emergency.

Additionally, it may be a good idea to set aside money for expenses.

For more information on safety planning, including a checklist if you are married, have children, and/or own property, please visit ILC's Rights and Planning Guide, available at

immigrantlc.org/rightsandplanning

THIS DOCUMENT IS INTENDED TO HELP DACA RECIPIENTS PREPARE FOR AN UNCERTAIN FUTURE; IT SHOULD ONLY BE USED FOR INFORMATIONAL PURPOSES AND DOES NOT CONSTITUTE LEGAL ADVICE. PLEASE CONSULT WITH AN IMMIGRATION ATTORNEY REGARDING YOUR CASE.

For up-to-date information on DACA and screening for referral eligibility for an immigration legal consultation, please contact the Nebraska Immigration Legal Assistance Hotline ("NILAH") at (855) 307-6730.

SAFETY PLANNING CHECKLIST

Your Passport

Your Birth Certificate

Identification Documents

- o Driver's License
- o Social Security Card and/or ITIN Number
- o Government-Issued Identification

Proof of Residency in the United States

Immigration Documents

- o A number
- o I-94 or other Entry/Exit Documents
- o Visa
- o Work Permit
- o LPR Card (Green Card)

Medical Information

- o Medical Release/ HIPAA Authorization
- o Immunizations
- o Allergies
- o Medications/Prescriptions
- o Medical Needs

Immigration Legal Consultation