

## Immigration Executive Action: FAQs for Health Centers

This document includes Frequently Asked Questions (FAQs) and answers to the upcoming Deferred Action for Parental Accountability (DAPA) and newly revised Deferred Action for Childhood Arrivals (DACA) programs. These changes, which occurred in 2014, were a result of President Barack Obama's Executive Action on Immigration. AAPCHO compiled the following information to help community health center staff better understand upcoming DAPA and DACA program requirements.

Please Note: DAPA and DACA are not ready for applications yet. Patients should not take advice from a notary public or immigration consultant- only a qualified immigration lawyer or an accredited representative. A directory of legal service providers is available at [www.iamerica.org/find-legal-help](http://www.iamerica.org/find-legal-help). If you encounter notary-related fraud, report it at [www.stopnotariofraud.org](http://www.stopnotariofraud.org).

### **WHICH NEW OR EXPANDED PROGRAMS MAY APPLY TO OUR PATIENTS?**

A new Deferred Action for Parental Accountability (DAPA) program will allow undocumented people who have a U.S. citizen or lawful permanent resident son or daughter to apply for work authorization and protection from deportation.

The existing Deferred Action for Childhood Arrivals (DACA) program will be expanded to cover people who entered the U.S. before their sixteenth birthday and have lived continuously in the U.S. since January 1, 2010. The age restriction has also been lifted.

### **WHO WILL QUALIFY?**

For DAPA, applicants must:

- Have, as of November 20, 2014, a son or daughter of any age, who is a U.S. citizen or lawful permanent resident;
- Have continuously resided in the United States since before January 1, 2010;
- Have been physically present in the United States on November 20, 2014, and at the time of making a DAPA request;
- Have no lawful status on November 20, 2014;
- Not be an enforcement priority and present no other factors that would cause USCIS to deny the request in its exercise of discretion.

For DACA, applicants must now:

- Have come to the United States before your sixteenth birthday.
- Have continuously lived in the U.S. since January 1, 2010.
- Have been present in the U.S. on November 20, 2014, and every day since then.
- Have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or "be in school" on the date that you submit your deferred action application.

- Have not been convicted of certain criminal offenses.
- Pass a background check.

For further information on criminal offenses, see the National Immigration Law Center's (NILC) extended DACA and DAPA FAQ.

### **WHEN WILL THESE PROGRAMS TAKE APPLICATIONS? HOW MUCH WILL IT COST?**

Estimates are that the United States Citizenship and Immigration Services will begin accepting applications for DAPA by May 19, 2015 and expanded DACA by February 18, 2015. Both DAPA and DACA filing fees will likely be around \$465, with limited fee exceptions and no fee waivers.

### **HOW CAN PATIENTS WHO MAY QUALIFY PREPARE?**

For DAPA, to begin preparations, patients can gather documents that prove:

- They were in the U.S. on November 20, 2014,
- They have been in the U.S. since January 1, 2010, and
- They have a U.S. citizen or lawful permanent resident son or daughter.

For Expanded DACA, patients can gather documents that prove:

- They have lived in the U.S. continuously since January 1, 2010,
- Any documents to establish the individual's identity

For a list of eligible documents, see NILC's extended DACA and DAPA FAQ.

### **WILL DACA AND DAPA GRANTEEES BE ELIGIBLE FOR ACA SUBSIDIES AND MEDICAID?**

Broadly, at this moment, DACA eligibility for ACA subsidies or Medicaid is not part of the administrative action. We will continue to push for this to be included in future administrative regulations, but it is not currently a federal benefit of these programs.

In New York, Medicaid and some other state benefits are available to DACA grantees. More information is available at: [www.nysylc.org/health-care-benefits-for-daca-applicants-and-grantees](http://www.nysylc.org/health-care-benefits-for-daca-applicants-and-grantees).

In California, DACA grantees, (and potentially DAPA, though it is unclear as of yet) are eligible for a special, state-funded expansion of Medi-Cal.

### **WILL DACA AND DAPA GRANTEEES BE ELIGIBLE FOR MEDICARE OR SOCIAL SECURITY?**

The White House has tentatively confirmed that if a DACA or DAPA grantee gets their designation and work permit and then works at least 10 years (previous years working on a false Taxpayer Id Number would not count), they get their share of social security and Medicare coverage. We are working to ensure this remains an option and will have more information as it arrives.