

# Updates regarding DACA & MN Dream Act

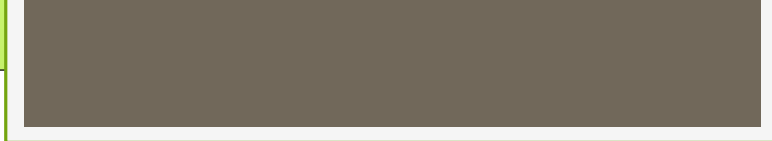
Meghan Flores  
Manager, State Financial Aid  
MN Office of Higher Education

Juventino Meza  
Justice Research Project  
Director  
Navigate MN

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# Updates for Today

- Brief review of what is DACA
- What has changed and what we know and don't know
- Brief review of MN Dream Act
- How do the changes to DACA impact the MN Dream Act?



Is DACA the same as the MN Dream Act?



# Deferred Action for Childhood Arrivals (DACA)

- U.S. immigration policy memorandum
- Defer action against undocumented individuals meeting certain criteria
- Applicants pay \$495 to apply
  - Opportunities to offset filing fee
- Originally created on June 15, 2012
- Advised to consult with immigration attorney before applying for DACA
- If approved, granted for two years

# DACA: Qualifications to Apply

- Under age 31 as of June 15, 2012
- Arrived in U.S. before 16<sup>th</sup> birthday
- Have continuously resided in the U.S. since 06/15/2007
- Physically present on 6/15/2012, entered w/o inspection before 6/15/2012 OR fell out of lawful status as of 06/15/2012
- Attending school at time of application (or have graduated, earned GED, honorable military discharge)
- Not convicted of felony, significant misdemeanor or 3 or more misdemeanors

# Benefits & Limitations

## Benefits

Protection from deportation for 2 year period

Work authorization

Social security number

Driver's license in some states

May request permission to travel abroad

## Limitations

Executive order not law and not a "green card" or visa

Not a path to citizenship

Discretionary case-by-case decision based on DHS enforcement priorities

# DACA Statistics: USCIS Case Status

*USCIS = U.S. Citizenship & Immigration Services*

Since program's inception, 1.5M DACA approved

Cumulative initial DACA = 886,814

Cumulative renewal DACA = 884,661

## DACA Statistics: USCIS Case Status MN

Applications accepted: 13,828 total  
Initial: 6,930 Renewal: 6,898

Applications approved: 12,491 total  
Initial: 6,255 Renewal: 6,236

DACA valid for 2 yrs, program began 2012...  
Original DACA holders on second renewal



## DACA Statistics: Migration Policy Institute

Roughly 16,000 DACA eligible youth in MN

Based on Data from 2009-2013

At that time, about 5,000 (30%) were under age 16

Minimum age to apply is 16

# What changed with DACA?

<https://www.uscis.gov/daca2017>

- 9/5/2017 Trump administration announced it was rescinding the DACA program
- Department of Homeland Security (DHS) initiated an “orderly phase out” of the program
- Full announcement in English and Spanish on USCIS website
- Current DACA holders retain DACA and work authorization until they expire

# What changed with DACA?

- Limited, 6-month window certain DACA requests and work authorization will be “adjudicated” (make a formal judgement or decision on):
  - Properly filed pending initial requests accepted as of 9/5/2017
  - Properly filed pending renewal requests accepted as of 9/5/2017 and from current DACA holders whose benefits will expire between 9/5/2017-3/5/2018 that have been accepted as of 10/5/2017

# What does this mean?

- Individuals who have not submitted an application by 9/5/2017 for an initial request under DACA may no longer apply.
- USCIS will reject all applications for initial requests received after 9/5/2017.
- Advanced Parole requests no longer approved; pending applications cancelled
- Action by Congress is required in order to change the phase out of DACA

# Where can I get more information?

- <https://www.uscis.gov/daca2017>
  - Official USCIS DACA 2017 announcement (in English and Spanish)
  - Memo from Acting DHS Secretary Elaine Duke
  - 2017 DACA FAQ
  - 2017 DACA Fact Sheet (DHS)
  - Department of Justice Letter
  - Original Information about DACA

# Prosperity Act (MN Dream Act)

The Minnesota Dream Act remains intact!

As a state, we decide who is a resident. We decide who will receive our state financial aid benefits.

*The Office of Higher Education's mission is to support the pursuit and completion of a higher education credential by every Minnesotan, regardless of race, gender, or socio-economic status, in order to enhance our democracy, the state's economic vitality and individual quality of life.*

# Review of MN Dream Act

- Currently, the Federal Dream Act has not been approved
- Amended to Omnibus Higher Education bill
- Signed into law on May 23, 2013
- Applies to any academic term starting on or after July 1, 2013 at a Minnesota college or university
- We are in our 5<sup>th</sup> cycle

# MN Dream Act

## Requirements:

- Attend a MN high school for at least 3 years; and
- Graduate from a MN high school or earn a GED in MN; and
- If male, complied with Selective Service registration requirements; and
- Apply for lawful immigration status once federal process exists (does not refer to DACA)



## Other Ways to be MN Resident

- Student who graduated from MN high school while lawfully\* residing in MN and, if currently residing in another state, is physically attending college in MN; **OR**
- Student who earned GED in MN after lawfully residing in MN for one year; **OR**
- Dependent student whose parents lawfully resided in MN when application completed; **OR**
- Student who lawfully resided in MN for 12 consecutive months without being enrolled for 6 or more credits in any term

\*Lawfully = Citizen, permanent resident, refugee, VISA, DACA, TPS

# The Numbers....

Award Year	As of...	Total Applicants	Total Awarded SG
2013-2014	5.1.2014	350	241
2014-2015	3.20.2015	620	366
2015-2016	7.22.2015	625	251
2016-2017	6.6.2017	852	485
2017-2018	9.7.2017 a few days after DACA rescinded	646	400

## Communication Plan OHE

- Email to MAFAA listserv
- Email to all 2017-2018 MN Dream Act Applicants
- Update web content
- Respond to media requests
- Respond to student concerns & questions
- **Enhance community partnerships**

# Communication Plan Navigate MN

- Update web content
- Respond to media requests
- Advocacy & Updates
- Facebook & Twitter
- Enhance community partnerships

## Other Resources

- NAVIGATE MN – resources for immigrant students, regardless of immigration status, to pursue higher education in MN

<http://www.navigatemn.org/about-us/>

- Consulate of México- Maria Ruiz and Oswaldo Cabrera Community Affairs and Education

24hr emergency number (651) 334-8562

<https://consulmex.sre.gob.mx/saintpaul/>

*Legal counsel and connections with other consular offices*

## Other Resources

- Immigrant Law Center of Minnesota (ICLM)  
–free legal defense (income qualifiers) & advocacy for changes to immigration law

Helpline for legal questions related to DACA  
(651) 287-3715

<https://www.ilcm.org/latest-news/daca-helpline/>

- Jorge Saavadera

Private lawyer (763) 545-9790

\$100 DACA renewals regardless of income, free consultations for anyone

# Other Resources

USCIS announcements/webpages:

- 9/5/2017 Rescission of DACA Announcement

<https://www.dhs.gov/news/2017/09/05/rescission-deferred-action-childhood-arrivals-daca>

- Updated Application Page:

<https://www.uscis.gov/daca2017>

- Updated Renewal Page:

<https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/renew-your-daca>

# Contact Information

- [www.ohe.state.mn/MNDreamAct](http://www.ohe.state.mn/MNDreamAct)
- Meghan Flores  
Manager, State Financial Aid  
MN Office of Higher Education  
(651) 355-0567, Option 2 for general questions  
(651) 355-0610 for translations and tricky eligibility questions

[Meghan.Flores@state.mn.us](mailto:Meghan.Flores@state.mn.us)



# Contact Information

- <http://www.navigatemn.org/>
- Juventino Meza  
Justice Research Project Director  
Navigate MN  
(612) 584-2022

[Juve@navigate.mn.org](mailto:Juve@navigate.mn.org)