

HARVARD IMMIGRATION & REFUGEE CLINIC
of HARVARD LAW SCHOOL

6 Everett Street • Wasserstein Hall 3106 • Cambridge, Massachusetts 02138

Frequently Asked Questions

Updated as of January 15, 2018 9 a.m.

These Frequently Asked Questions (FAQs) were prepared by the Harvard Immigration and Refugee Clinical Program (HIRC). **HIRC provides *free* consultations and legal representation to undocumented and DACAmented members of the Harvard community.** The responses to the FAQs listed below are informational and do not constitute legal advice. Every case is different, and advice will vary depending on the individual circumstances of each student. This guidance is valid as of January 16, 2018.

If you are currently an undocumented or DACAmented Harvard student, either at the College or in a graduate program, **please contact HIRC as soon as possible to set up an individual in-person legal consultation. To make an appointment, please call the HIRC paralegal, Nilce Maldonado, at 617-495-6648 or email her at nmaldonado@law.harvard.edu.**

On January 9, 2018, the federal district court for the Northern District of California issued a [nationwide injunction](#) ordering the Department of Homeland Security (“DHS”) to continue the Deferred Action for Childhood Arrivals program (“DACA”), to maintain DACA on the same terms that existed *before* announcement of its [rescission on September 5, 2017](#) (although the Administration’s termination of advance parole was left intact by the court), and to allow qualifying DACA recipients to apply to renew their applications. The court held that the rescission was invalid because it proceeded from the false legal premise that DACA was unlawful, which the court found it was not.

United States Citizenship and Immigration Services (“USCIS”) has resumed accepting DACA renewal applications and has [stated](#) that DACA will be operated on the terms in place before it was rescinded on September 5, 2017. We strongly encourage you to contact HIRC as soon as possible if your DACA is expiring in the next year. If you are considering applying for DACA renewal, please contact HIRC for assistance before doing so.

PLEASE NOTE: This ruling does not apply to new DACA applicants or persons seeking to travel on advance parole.

If you are DACAmented, we strongly recommend that you ***do not* leave the country** and consult an immigration expert with the Clinic or otherwise if you are considering travel. **Please note that the situation with respect to travel is fluid, and we will update these FAQs as frequently as possible.**

What is DACA?

Deferred Action for Childhood Arrivals or DACA is a program established by former President Obama in June 2012. Under DACA, DHS deferred taking action to remove qualifying undocumented immigrants, commonly known as DREAMers, and also granted renewable term-limited work authorization. At its inception, DACA was subject to renewal every two years. However, on September 5, 2017, the Department of Homeland Security issued a [memorandum](#) detailing the rescission and eventual phase-out of the DACA program.

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The federal district court for the Northern District of California issued a [nationwide injunction](#) on January 9, 2018, ordering USCIS to resume accepting applications to renew DACA and to prescribe a process for doing so. [USCIS has resumed accepting DACA renewal applications and stated that DACA will be operated on the terms in place before it was rescinded on September 5, 2017.](#) USCIS is not, however, accepting applications from individuals who have never had DACA, nor approving advance parole requests from DACA recipients. **If you are considering renewing your DACA, please contact HIRC for a free legal consultation before doing so. To make an appointment, please call the HIRC paralegal, Nilce Maldonado, at 617-495-6648 or email her at nmaldonado@law.harvard.edu.**

Who qualifies for DACA?

DHS is no longer accepting new applications for DACA. If you do not already have DACA, you cannot apply now for the first time.

Prior to its rescission, an individual qualified for DACA if he or she was able to show that he or she:

- (1) had come to the United States before he or she turned 16;
- (2) had lived continuously in the United States since June 15, 2007, up to the present time;
- (3) was under the age of 31 as of June 15, 2012;
- (4) had been physically present in the United States on June 15, 2012, having no lawful immigration status at the time he or she requested consideration of deferred action with USCIS;
- (5) was in school, had graduated or obtained a certificate of completion from high school, had obtained a general education development (GED) certificate, or was an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- (6) had not have been convicted of a felony, significant misdemeanor, or three or more other misdemeanors and must not pose a threat to national security or public safety.

DACA does not provide lawful immigrant status or a path to citizenship, but it does provide authorization to work and the government's assurance that the person could remain in the United States, without being placed in removal proceedings. More information about the previous administration's DACA program can be found at:

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

Who can apply for DACA renewal?

Only those who have previously received DACA *and* meet the following requirements can apply for renewal:

- Have not departed the U.S. on or after August 15, 2012, without first having been granted *advance parole*.

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- Have resided continuously in the U.S. from the time the initial request for DACA was submitted up until the present time.
- Have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and must not otherwise pose a threat to national security or public safety.

USCIS has issued the [following guidance](#) for those considering applying for DACA renewal:

Due to a federal court order, USCIS has resumed accepting requests to renew a grant of deferred action under DACA. Until further notice, and unless otherwise provided in this guidance, the DACA policy will be operated on the terms in place before it was rescinded on Sept. 5, 2017.

Individuals who were previously granted deferred action under DACA may request renewal by filing [Form I-821D \(PDF\)](#), [Form I-765 \(PDF\)](#), and [Form I-765 Worksheet \(PDF\)](#), with the appropriate fee or approved fee exemption request, at the [USCIS designated filing location](#), and in accordance with the instructions to the [Form I-821D \(PDF\)](#) and [Form I-765 \(PDF\)](#). USCIS is not accepting requests from individuals who have never before been granted deferred action under DACA. USCIS will not accept or approve advance parole requests from DACA recipients.

If you previously received DACA and your DACA expired on or after Sept. 5, 2016, you may still file your DACA request as a renewal request. Please list the date your prior DACA ended in the appropriate box on Part 1 of the Form I-821D.

If you previously received DACA and your DACA expired before Sept. 5, 2016, or your DACA was previously terminated at any time, you cannot request DACA as a renewal (because renewal requests typically must be submitted within one year of the expiration date of your last period of deferred action approved under DACA), but may nonetheless file a new initial DACA request in accordance with the Form I-821D and Form I-765 instructions.

To assist USCIS with reviewing your DACA request for acceptance, if you are filing a new initial DACA request because your DACA expired before Sept. 5, 2016, or because it was terminated at any time, please list the date your prior DACA expired or was terminated on Part 1 of the Form I-821D, if available.

The National Immigration Law Center [adds](#):

When the announcement that DACA was being terminated was made, USCIS imposed the limitation that only people whose DACA expiration dates fell between September 5, 2017, and March 5, 2018, would be allowed to reapply, but that rule does not apply to the process announced on Jan. 13.

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However, we do not know yet if USCIS will process DACA applications submitted by people whose DACA expires more than 150 days after they submit their application.

Early in the DACA program, USCIS stated that it would reject DACA renewal applications from such people. Later, USCIS encouraged DACA recipients to complete their renewal application during the 120 to 150-day window before expiration, to provide enough time for processing and to avoid a lapse in their DACA, but did not reject renewal applications from people who submitted them more than 150 days before their DACA expired. We do not know if USCIS will prioritize cases for people whose DACA has less than 150 days left before expiration.

People who have more than 150 days of DACA left before it expires may apply, but they should take into account the possibility that their application may be either rejected or accepted but deprioritized, and that while they are waiting for their case to be processed, the option to renew may end and they may not be able to get their \$495 fee payment back.

If you are considering renewing your DACA, please contact HIRC for a free legal consultation before doing so. To make an appointment, please call the HIRC paralegal, Nilce Maldonado, at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

PLEASE NOTE: When DACA was rescinded, USCIS imposed the limitation that only people whose DACA expiration dates fell between September 5, 2017, and March 5, 2018, would be allowed to submit renewal applications. **That rule does *not* apply to the process announced on January 13.**

What will happen after my DACA expires?

DHS has [stated](#) that the information submitted in DACA applications “will not be proactively provided to Immigration and Customs Enforcement (“ICE”) and Customs and Border Protection (“CBP”) for the purpose of immigration enforcement proceedings,” except under certain circumstances. It is recommended that you make an appointment with HIRC well in advance of your DACA expiration in order to assess whether you might be eligible for any other forms of immigration relief.

If DACA expires or is revoked, a DACA recipient cannot be deported without an opportunity to present his or her case in court, unless the DACA recipient has a prior removal order. ICE could decide to enforce prior removal orders for DACA recipients without initiating new removal proceedings. If you were in removal proceedings prior to having DACA, ICE could also seek to recommence your prior removal proceedings. DACA recipients who were previously in removal proceedings or who have prior removal orders should contact HIRC as soon as possible for a free legal consultation. **To make an appointment, please call the HIRC paralegal, Nilce Maldonado, at 617-495-6648 or email her at nmaldonado@law.harvard.edu.**

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How do the recent executive actions impact me?

The following three immigration-related executive orders (EOs) have altered enforcement priorities in the United States:

1. [*Executive Order: Enhancing Public Safety in the Interior of the United States*](#)

The EO substantially broadens the categories of undocumented persons prioritized for detention and removal, potentially making every undocumented individual a priority for removal. It authorizes the hiring of 10,000 additional Immigration and Customs Enforcement (ICE) officers to enforce the law and allows law enforcement to pursue the removal of all undocumented immigrants under the 287(g) program, which empowers (but does not require) state and local law enforcement to enforce immigration laws. It ends the [Priority Enforcement Program](#) (PEP), which prioritized removal of undocumented immigrants who had committed an offense listed in the DHS civil immigration enforcement priorities. Additionally, the order seeks to punish “sanctuary jurisdictions” that do not comply with federal law. The provision related to sanctuary jurisdictions is the subject of ongoing litigation in California and Illinois, Massachusetts, among other places. On November 20, 2017, the federal district court for the Northern District of California issued a [nationwide permanent injunction](#) on the EO’s provision (section 9(a)) regarding withholding federal funding from sanctuary jurisdictions.

2. [*Executive Order: Border Security and Immigration Enforcement Improvements*](#)

This EO calls for building a border wall between the United States and Mexico; calls for the detention of all persons unlawfully attempting to enter the United States and all persons in removal proceedings; directs DHS to immediately construct detention facilities at or near the southern border; limits the use of parole; calls for the expanded use of “expedited removal” to include potentially anyone in the United States who cannot prove she or he has lived here for at least two years based on forthcoming regulations; prioritizes criminal prosecution of unlawful entry into the United States; and calls for removal of individuals to “the territory from which they came” pending their removal proceeding.

3. [*Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats*](#)

On September 24, 2017, President Trump signed a Presidential Proclamation replacing the [March 6, 2017 Executive Order](#) (set to expire on September 24) that had revoked the first travel ban. This third version of the ban has no stated end date, and includes the following provisions:

- 1) Indefinite bans on travel/visa applications for certain individuals from eight listed countries—[Chad, Iran, Libya, North Korea, Somalia, Syria, Yemen, and Venezuela](#), if they are outside of the U.S. on the effective dates of the order without a valid visa;
- 2) Does not suspend entry from:
 - a) [Chad, Libya, Somalia & Yemen](#): as nonimmigrants, but Somali nationals seeking to enter as nonimmigrants will be subject to additional scrutiny.
 - b) [Iran](#): under F, M, and J visas, although this group may be subject to enhanced screening.
 - c) [Venezuela](#): of any individuals who are not officials of government agencies involved in screening and vetting procedures, or their immediate family members.

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For individuals within this affected groups, only entry as visitors on business or as tourists is suspended.

- 3) Does not revoke valid visas or impact lawful permanent residents (LPRs) or dual nationals so long as they have a travel document that is not from one of the eight listed countries; and
- 4) Provides for heightened scrutiny of Iraqi nationals, although Iraq was removed from the list of banned countries identified in the first version of the Ban.

On December 4, 2017, the Supreme Court issued [orders](#) staying two injunctions that federal district courts in Hawaii and Maryland had placed on certain portions of the third version of the Travel Ban. On December 22, the Ninth Circuit Court of Appeals [ruled](#) that the President had with the third Travel Ban once again exceeded the scope of his delegated authority, but the appeals court ruled that the Ban should remain in effect pending [review by the Supreme Court](#). The legal validity of this Ban is still pending before the Fourth Circuit Court of Appeals.

How does the new Administration's decision to phase out DACA and recent federal district court injunction affect my DACA?

The federal district court for the Northern District of California issued a [nationwide injunction](#) on January 9, 2018, ordering USCIS to resume accepting applications to renew DACA and to prescribe a process for doing so. [USCIS has since resumed accepting DACA renewal applications and stated](#) that DACA will be operated on the terms in place before it was rescinded on September 5, 2017. USCIS is not, however, accepting applications from individuals who have never had DACA, nor approving advance parole requests from DACA recipients. (Please refer to “**Who can apply for DACA renewal?**” above for further information.)

If you are considering applying for DACA renewal, please contact HIRC for a free legal consultation before doing so. To make an appointment, please call the HIRC paralegal, Nilce Maldonado, at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

I never applied for DACA, but I am eligible. Should I apply now?

If you never applied for DACA, you are no longer eligible to apply, but there may be other forms of immigration relief available to you. Please contact the Harvard Immigration and Refugee Clinical Program for a free legal consultation as soon as possible to see if you are eligible for any other potential remedy. To make an appointment, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

I currently have DACA. Will I still be able to work with my DACA employment authorization card?

You are eligible to continue to work with your DACA work permit until the permit expires.

For information relating to the effect of DACA expiring on your employment authorization, drivers' licenses, health insurance, taxes, financial aid, among other topics, you may wish to consult the following guidance: <https://www.nilc.org/issues/daca/daca-termination-faq/> and <https://www.nilc.org/issues/daca/about-daca-and-employment/>.

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If you are a member of the Harvard University community, please contact the Harvard Immigration and Refugee Clinical Program for a free legal consultation as soon as possible. To make an appointment, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

Does Harvard admit and enroll undocumented students? Are they eligible for financial aid?

Harvard admits, enrolls, and provides financial aid to students without regard to their citizenship or immigration status. There is no state or federal law that prohibits enrolling undocumented students. While undocumented students typically are not eligible for federal financial aid, students can still receive grants and loans from Harvard or other sources.

In addition, the University may provide undocumented students with financial assistance to cover costs of certain immigration applications, including the \$495 DACA renewal fee. If you have any questions about your particular case, you should arrange to speak with the Harvard Immigration and Refugee Clinical Program's (HIRC) Staff Attorney, Jason Corral, as soon as possible. To make an appointment, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

Will I lose my financial aid from Harvard if my DACA expires or is revoked?

No. Undocumented students and students with deferred action protection rely on the same grants and loans from Harvard as international students. Because your financial aid does not come from the federal government, your financial aid is not dependent on DACA.

For more information, contact the [Harvard College Financial Aid Office](#), if you are an undergraduate student. If you are a graduate student, contact the financial aid office at your graduate school.

What does being a sanctuary campus mean? How am I protected if Harvard is not one?

The "sanctuary campus" label is based on the "sanctuary city" concept. The general idea is that the institution, be it a university or city, has a policy of not voluntarily turning over undocumented immigrants to federal immigration officials and will not voluntarily assist with immigration enforcement efforts. Cambridge has designated itself a sanctuary city. While Harvard has declined to declare itself a sanctuary campus, it has longstanding policies that provide similar protections. The University does not voluntarily share information on the immigration status of undocumented community members, and federal officials attempting to enforce immigration laws on campus are required to obtain a judicial warrant or other valid legal process requiring the University to provide access or assistance to federal agents.

Consistent with the policies of both Cambridge and Boston, Harvard's Police Department also does not inquire about the immigration status of any Harvard-affiliated persons it encounters. Furthermore, the Harvard Immigration and Refugee Clinic provides confidential legal advice to members of the Harvard community. Information communicated to HIRC attorneys is protected from disclosure to the government by the attorney-client privilege.

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If you are a member of the Harvard University community, please contact the Harvard Immigration and Refugee Clinical Program for a free legal consultation as soon as possible. To make an appointment, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

The University is continuing to develop new resources and policies in response to unfolding circumstances and the concerns of the community.

For additional resources:

- See President Faust's statement: <http://www.harvard.edu/president/news/2016/supporting-our-community>
- Undocumented at Harvard: <https://oie.fas.harvard.edu/dacaundocumented-students-0>

See below for University and campus police policies regarding immigration enforcement on campus and information sharing.

University and Campus Policies

“Chief Francis D. Riley of the Harvard University Police Department (HUPD) issued a message restating the HUPD’s practice of not inquiring about the immigration status of faculty, students, or staff and noting that the department is not involved in enforcing federal immigration laws. This is consistent with the policies of the cities of Boston and Cambridge. Furthermore, the University does not and will not voluntarily share information on the immigration status of undocumented members of our community. And, as a matter of longstanding policy, law enforcement officials seeking to enter campus are expected to check in first with the HUPD and, in cases involving the enforcement of the immigration laws, will be required to obtain a warrant.”

President Faust, University-wide email, 11/28/16:

<http://www.harvard.edu/president/news/2016/supporting-our-community>

You can read Chief Riley’s message in its entirety [here](#).

How does Harvard protect the privacy of students’ personal information?

Harvard University, while not technically a “sanctuary campus,” has a policy of protecting students’ personal information, including immigration status.

Regarding immigration status, the Harvard Administration has previously stated: “While we will not declare Harvard a ‘sanctuary campus’, we have made clear that the Harvard University Police Department does not inquire about the immigration status of faculty, students, or staff, and the department is not involved in enforcing federal immigration laws. The University does not and will not voluntarily share information on the immigration status of undocumented

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members of the community, and law enforcement officials seeking to enter campus must first check with campus police and obtain a warrant for cases involving immigration laws.”¹

Are there exceptions to the general rule that Harvard won’t disclose a student’s personal information?

Harvard may be legally required to disclose a student’s personal information if it receives a valid, enforceable request from law enforcement or a court, such as a warrant or subpoena.

What kind of safety plan should I come up with?

- Have your immigration information in a place that is quickly accessible and let a family member or friend with immigration status know where this information is, so that he or she can easily access it in case of an emergency.
- Memorize the phone numbers of a qualified lawyer and of a family member or friend with lawful immigration status whom you can call if picked up by ICE.
- Know what rights you have and what course of action you will take when speaking to immigration enforcement officials. Under the U.S. Constitution, whether you are undocumented or not, you have, for example:
 - The right to remain silent;
 - The right to refuse to open your door to immigration or law enforcement officials who do not have a signed judicial warrant;
 - The right to a lawyer (in immigration proceedings, at your own expense); and
 - The right not to sign any document without first speaking with a lawyer.

Here is a tool that can help to organize your information:

<http://michiganimmigrant.org/resources/library/family-emergency-checklist-english>. You may also wish to speak with your family about planning for an emergency. This [tool](#) provides relevant guidance, and attorneys at HIRC are also available to consult about this subject. For further information, see:

- <https://www.aclu.org/know-your-rights/what-do-if-youre-stopped-police-immigration-agents-or-fbi>
- <http://michiganimmigrant.org/resources/library/preparing-your-family-immigration-enforcement-english>
- <http://unitedwedream.org/thank-deportation-defense-card-handy-phone/>
- <http://www.masslegalhelp.org/immigration/family-emergency>

What rights do I have even if I don’t have documentation?

Regardless of your immigration or citizenship status, you have certain constitutional rights. Your rights include:

¹ [Abby Jackson, A Harvard Student Explains What it’s Like to Live in America Illegally now that Trump is President, BUS. INSIDER, Jan. 26, 2017,
<http://www.businessinsider.com/undocumented-harvard-student-daca-deportation-2017-1>](#)

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- The right to remain silent.
- The right to refuse to consent to a search of yourself, your car, or your home without a judicial warrant.
- If you are not under arrest, you have the right to leave. You should do so without incident to avoid potentially violating other laws that can be cause for arrest.
- The right to a lawyer if you are arrested. Ask for one immediately.

For more information:

- <https://www.aclu.org/know-your-rights/what-do-if-youre-stopped-police-immigration-agents-or-fbi>
- <http://michiganimmigrant.org/resources/library/preparing-your-family-immigration-enforcement-english>
- <http://unitedwedream.org/thank-deportation-defense-card-handy-phone/>

Where can I be targeted? Are places like churches and/or schools safe from enforcement?

Historically, ICE has had a policy of not targeting individuals within the confines of the following types of institutions. However, ICE may still target individuals traveling to and from these institutions or it may change its policies entirely towards these “[sensitive locations](#).”²

- Current ICE policies provide that the agency will attempt to avoid raids or arrests near sensitive locations such as:
 - Schools, including known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop;
 - Medical treatment and health care facilities, including hospitals, doctors’ offices, accredited health clinics, and emergency or urgent care facilities;
 - Places of worship, including churches, synagogues, mosques, and temples;
 - Religious or civil ceremonies or observances, such as funerals and weddings; and;
 - During public demonstrations, such as a marches, rallies, or parades.

Can immigration officials conduct deportation activities on Harvard’s campus?

Currently the Department of Homeland Security (DHS) has a policy of not taking “enforcement actions” at “sensitive locations,” including colleges and universities. For more information, see: <https://www.cbp.gov/border-security/sensitive-locations-faqs>. Enforcement actions covered by this policy include arrests, interviews, searches, and surveillance.

Is it safe to go to the police or to court?

Individuals should go to the police if they feel as though they are in danger. There may be additional immigration benefits available to victims of a crime if they can show they were helpful in the investigation of the crime.

² See also <https://www.ice.gov/ero/enforcement/sensitive-loc>

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Among others, the following cities in the Boston area have declared themselves “sanctuary cities,” meaning that they will not cooperate with ICE except as required by law:

- **Boston:** “Will not honor ICE detainer without a criminal warrant.”
 - The Boston Police Commissioner [stated on January 31, 2017](#) that the Department does not target people based on their immigration status, does not take that status into consideration, and does not consider itself responsible for enforcing immigration laws.
- **Cambridge:** “Will not honor ICE detainer unless in cases where immigration agents have a criminal warrant or Cambridge officials have a legitimate law enforcement purpose not related to immigration.”
 - Cambridge City Council has released the following [statement on November 17, 2016](#): “the Cambridge Police Department does not undertake immigration-related investigations and does not routinely inquire into the specific immigration status of any person encountered during normal police operations.”
- **Somerville:** “Will not honor ICE detainer unless in cases where immigration agents have a criminal warrant or Cambridge officials have a legitimate law enforcement purpose not related to immigration.”
 - The Mayor of Somerville [stated on November 21, 2016](#) “our local police and agencies don’t profile our residents to run immigration checks on them.”

If you are already in immigration proceedings, it is important that you attend all hearings in immigration court. If you do not attend, immigration judges will issue an order of deportation against you.

If you have a matter in civil or criminal court, please contact an immigration attorney. If you are a member of the Harvard University community, please contact the Harvard Immigration and Refugee Clinic’s Staff Attorney, Jason Corral. To make an appointment, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

As a DACA recipient, is it safe for me to protest and march in rallies?

The Trump Administration has expanded the definition of “criminal alien” for the purpose of prioritizing deportations. If you are arrested at a protest or rally (e.g., for blocking the road), you may fit under the definition of “criminal alien” and be subject to removal.

There are a few precautionary measures you can take if you do plan to attend a protest.

- Check with the organizers to see if they have applied for a permit for the protest. Often, a permitted protest is coordinated ahead of time with authorities to ensure participants’ safety.
- Make sure you have the contact information for a lawyer available. The National Lawyer’s Guild has legal support hotlines available for people participating in political actions: <https://www.nlg.org/massdefensecommittee/>.

What should I do if I am detained at an airport?

If you have a lawyer, you should let CBP/ICE/TSA know that you would like to speak with him or her.

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If you do not have an attorney, call the local ACLU hotline. To find your local ACLU number, go to <https://www.aclu.org/about/affiliates?redirect=affiliates>.

There is also an app available to connect with a lawyer in certain airports, including Boston, through AirportLawyer.org.

If you are a member of the Harvard University community, please contact the Harvard Immigration and Refugee Clinical Program's (HIRC) Staff Attorney, Jason Corral. To make an appointment, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

Additionally, the ACLU has prepared a "[Know Your Rights](#)" document regarding what to do when encountering law enforcement at airports and other ports of entry into the U.S.

Can my family members and I fly to Puerto Rico with a driver's license but no passport?

Traveling within 100 miles of the U.S. border may expose individuals to detection, arrest, and detention by Customs and Border Protection (CBP) operating various checkpoints along these routes. It is possible to travel to Puerto Rico, a U.S. territory, with a government-issued ID such as a driver's license, but there are risks to doing so. People may at times be asked to prove their immigration status. If you have any questions about travel plans, please contact the Harvard Immigration and Refugee Clinical Program. To make an appointment, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu. **We strongly urge you *not* to leave the country without first consulting an immigration expert with the Clinic.**

CAUTION: If you leave the United States after being ordered deported or removed, USCIS will likely consider you deported or removed. This may make you ineligible to return to the United States in the future.

I have DACA/TPS and am or was planning to go abroad with advance parole. What should I do?

If you are a DACA/TPS recipient, **we strongly urge you not to leave the country.** DACA, TPS for certain countries, and advance parole are discretionary programs that may be withdrawn by the administration, and you may not be able to gain re-entry. As part of the administration's decision to phase out DACA, it determined that it would no longer grant advance parole (*i.e.*, a written assurance that the recipient may leave the country and reenter) to DACA participants. If you have any questions about your particular case, please contact the Harvard Immigration and Refugee Clinical Program before making your travel arrangements and before leaving the country. To make an appointment with Mr. Corral, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

What are the 3- and 10-year bars, and how do they apply to me?

U.S. immigration law provides that certain persons who have been unlawfully present in the United States for a period of time may, if they leave or are removed from the U.S., be barred

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from reentry for either three or ten years, depending upon the duration of their unlawful presence. The law provides for exceptions, and so application of these bars will depend upon each individual case. You should consult with the [Harvard Immigration and Refugee Clinical Program](#) to determine the potential impact of the 3- and 10-year bars on your eligibility for immigration protection. To make an appointment, please call the HIRC paralegal, Nilce Maldonado at 617-495-6648 or email her at nmaldonado@law.harvard.edu.

I am an ally. How can I help?

Bi-partisan legislation, called the DREAM Act of 2017, has been introduced in Congress and would provide protection to DACA recipients. You can call your Congressperson and advocate for passage of the DREAM Act. For more information, see:

- <https://www.nilc.org/issues/immigration-reform-and-executive-actions/dreamact/dream-act-2017-summary-and-faq/>
- <https://www.congress.gov/bill/115th-congress/house-bill/3440?q=%7B%22search%22%3A%5B%22dream%22%5D%7D&r=1>
- <https://www.congress.gov/bill/115th-congress/senate-bill/1615?q=%7B%22search%22%3A%5B%22dream%22%5D%7D&r=2>