

TRUMP ADMINISTRATION:

What Immigrants Should Know



CALIFORNIA RURAL LEGAL
ASSISTANCE FOUNDATION
Advocates for Justice



Donald Trump has promised to “mass deport” millions of undocumented immigrants.

CRLAF and the FUEL Network will remain committed to fighting for and defending the rights of immigrants. Below is some useful information for immigrant families to have during the Trump administration.

**THIS IS INFORMATION
AND NOT LEGAL ADVICE.**

DIFFERENCE BETWEEN A LAW AND AN EXECUTIVE ACTION:

(LIKE DACA)

The president cannot make a new law or change a current law without Congress' approval. But, the president can end a prior president's executive action at any time without Congress' approval. This means the Trump administration will be able to attempt to end DACA, as it attempted to in 2017. But, in order to make or change immigration laws (like family visas, U visas, VAWA, etc.), it needs Congress' approval.

CURRENT STATUS OF DACA:

(as of Dec. 3, 2024)

Only Individuals Who Have Previously Had DACA Can Renew – Unfortunately, USCIS is not approving applications for first-time DACA applicants.

If Your DACA Has Not Yet Expired or Expired Less Than A Year Ago – You are eligible to submit a DACA Renewal Application. You will need to submit Form I-821D, Form I-765, Form I-765WS, a copy of the front and back of your prior work permit, two passport-style photographs, and the filing fee (\$605 via mail or \$555 online). USCIS recommends that an individual submit their renewal application 4 to 5 months prior to their DACA expiration date, but will sometimes process applications that are submitted even earlier than that.

Your Rights as a DACA Recipient – If you currently have DACA, your DACA and work permit (EAD) will stay valid until your DACA expires. You have no obligation to tell your employer that your DACA is ending. Your employer does not have the right to ask you if you have DACA or how you received your work permit, nor do they have the right to fire you because DACA is ending. If you received a Social Security Number through DACA, that Social Security Number is yours throughout your entire life, regardless of what happens to the DACA program.

CURRENT STATUS OF ADVANCE PAROLE FOR DACA RECIPIENTS:

(as of Dec. 3, 2024)

DACA recipients are eligible to request advance parole, or advance permission to re-enter the country, for a humanitarian, educational, or employment purpose. The Trump administration will be able to eliminate this benefit via executive action at any time, and without prior notice, for DACA recipients who have already been approved for advance parole and/or are traveling internationally.

CRLAF does not recommend advance parole for DACA recipients if their travel will not be completed before January 20, 2025. DACA recipients who are considering traveling with advance parole during the remaining days of the Biden administration should seek a consultation with an immigration attorney.

SCREENING FOR OTHER FORMS OF RELIEF:

Many non-citizens are eligible for a permanent form of immigration relief and should be screened by an immigration attorney. If you are a lawful permanent resident, talk to an immigration attorney about whether you are eligible to become a U.S. citizen. U.S. citizenship is the strongest form of protection. It is important to find an immigration attorney or OLAP accredited representative to assist with any immigration matters. Be cautious of fraudulent service providers and *notarios*, especially now.

If you have a prior or pending criminal conviction, consult with an immigration attorney immediately. If you are currently in criminal proceedings, tell your defense attorney about your immigration status.





CA LAWS AND LOCAL PROTECTIONS FOR IMMIGRANTS:

CA has enacted legislation that creates benefits for immigrants in the state. These and other local protections cannot be directly changed by a new presidential administration.

AB 540: Allows certain students to qualify for in-state tuition at any UC, CSU, or CA community college. CA

DREAM Act: Makes students eligible for state-based financial aid if they are eligible for AB 540.

SB 1159 and AB 2184: Allows undocumented immigrants to apply for professional and business licenses.

AB 60: Allows undocumented immigrants who are CA residents to obtain a CA driver license. Currently, some people have licenses they received because they have DACA. If the DACA program ends, licenses for these people will expire, but they will still be eligible for AB 60 licenses.

Healthcare: All CA residents can apply for Medi-Cal regardless of immigration status if they are otherwise income-eligible. If you are eligible for healthcare, enroll now. If you already have healthcare, use it.

TRUST Act, TRUTH Act & SB 54: Helps to protect immigrants from state and local law enforcement cooperation with federal immigration enforcement.

AB 450: Requires that employers inform employees about upcoming immigration investigations of employee records.

Marijuana: Although CA allows for the limited use of marijuana for recreational purposes, the federal government continues to impose severe criminal and immigration penalties on marijuana use. Non-citizens should not use marijuana and should consult with an immigration attorney if they have questions about how marijuana may affect their immigration status, especially if they work in the marijuana industry.

CONSTITUTIONAL RIGHTS CANNOT BE CHANGED BY A NEW PRESIDENT

As always, try to avoid any negative interactions with law enforcement. Have a plan of action with your family on what to do if ICE comes to your home or arrests a family member.

You have the right to remain silent. You may refuse to speak to ICE officers, police officers, or other law enforcement officers. You should say that you want to remain silent.

Do not open your door! Educate your family to ask who is at the door before opening it. Do not open your door to any law enforcement officer unless there is an emergency. To enter your home, an officer must have your permission or a valid warrant (and they rarely have one).

You have the right to speak to a lawyer. **Do not sign anything before talking to a lawyer!**

BEFORE BEING DEPORTED, EVERY INDIVIDUAL HAS CERTAIN RIGHTS:

Most people have a right to a hearing before an immigration judge. This process can take years, and you can remain in the U.S. until an immigration judge makes a final decision in your case.

If you are detained, **ask for a hearing!** You should ask the immigration officers and/or the immigration judge to be **released with bond**.

If you have a **fear of returning to your country of origin**, it is important to say this to the immigration authorities.

You have the right to ask the immigration judge for **more time to find an attorney**.

