



# EXECUTIVE ACTION TAKEN!

## Understanding President Obama's Executive Action on Immigration



# Speaker



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This presentation is intended to provide general information on various regulatory and legal issues. It is NOT intended to serve as legal advice or counsel on any particular situation or circumstance.

# POLL QUESTION

- Will a comprehensive immigration bill pass the U.S. Congress in 2015?
  - Yes
  - No

# What and Who is Included in the President's Executive Action?

## Areas of executive action:

- › Strengthen border security;
- › Revise removal priorities;
- › End Secure Communities and replace it with new Priority Enforcement Program;
- › Personnel reform for ICE officers;
- › Expand **Deferred Action for Childhood Arrivals (DACA)** Program;
- › Create **Deferred Action for Parental Accountability (DAPA)** Program: Parents of U.S. Citizens and Lawful Permanent Residents;
- › Expand provisional waivers to spouses and children of lawful permanent residents;
- › Revise parole rules;
- › Promote the naturalization process; and
- › Support high-skilled business and workers.



The executive action does not confer any form of permanent legal status – citizenship or lawful permanent residency – to eligible applicants, and is strictly an exercise of prosecutorial discretion aimed at deprioritizing certain types of undocumented immigrants.

# Expanding DACA

## › What is current DACA eligibility?

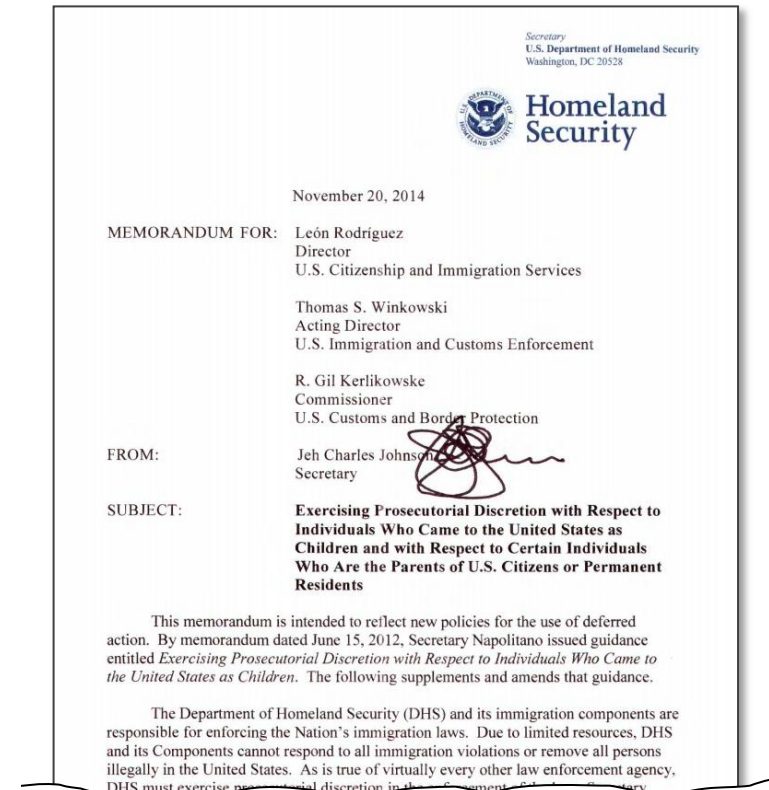
- Persons who entered the U.S. before June 15, 2007 as children under age 16, who were under age 31 on June 15, 2012, and who meet certain educational/military requirements can apply for deferred action on their deportation cases and request work authorization for up to two years with the possibility of a subsequent two year renewal.

## › How does the executive action change DACA eligibility?

- Changes the date by which applicants must have **entered the U.S. from June 15, 2007 to January 1, 2010**;
- **Removes age restriction** of being under the age of 31 although applicants must still satisfy all other eligibility requirements; and
- Extends the period for which DACA and work authorization can be granted/renewed from **two years to three years**.

# Creating DAPA

- Deferred action program for the undocumented parents of U.S. Citizens and Lawful Permanent Residents (LPRs).
- Applicants will be able to request work authorization for up to three years, with the possibility of a three year renewal.



# Who Will be Eligible for DAPA?

- Have a son or daughter who is a U.S. Citizen or LPR on or before November 20, 2014.
- Continuous presence in the U.S. since January 1, 2010 – more than five years.
- Physically present in the U.S. on November 20, 2014 and at the time of filing a DAPA application.
- Applicants will be able to request work authorization for up to three years, with a possibility of a three year renewal.

# When Can Individuals Begin Submitting Applications?

- › For Expanded DACA – approximately 90 days after November 20, 2014 (February 18, 2015).
- › For newly created DAPA– approximately 180 days after November 20, 2014 (~May 2015).



USCIS is not currently accepting applications.

For more information visit:

<http://www.uscis.gov/immigrationaction>



# How Many Could be Affected by the Executive Action?

- › Estimated 11 million undocumented immigrants living in the United States.
- › Of those 11 million, an estimated 1.2 million are *currently* eligible for relief under the 2012 DACA program.
- › The executive action could provide relief to approximately 5 million potentially eligible undocumented immigrants.

# POLL QUESTION

» Do you have a corporate honesty policy regarding misrepresentations on company documents?

- Yes
- No
- Unsure

# What it Means for the Business Community

- Employee mobility
- Implications to corporate honesty policy
- Interagency worksite enforcement group
- Work authorization for H-4 spouses if spouse has approved immigrant petition pending, more exemptions from H-1B cap possible, expansion of STEM OPT for students
- Presidential Memorandum (120-180 days)
- DACA employees – potential auto-extension of EAD from 2 to 3 years (similar to Temporary Protected Status)

# POLL QUESTION

- It is lawful to re-run an employee through the E-Verify system after re-verifying their work authorization in section 3 of the Form I-9?
  - True
  - False

# What it Means for the Form I-9 and E-Verify

- New identity versus new documents
- Guidance from DHS on I-9 and E-Verify
- Current DACA rule:
  - New Form I-9 versus section 3 completion
  - E-Verify or not?

# Impact on Comprehensive Immigration Reform

- Executive Amnesty Prevention Act of 2014 (H.R. 5759) – prevent exemption of categories of persons unlawfully present in the U.S. for removal.
- 26 states sue President Obama.
- U.S. District Judge Andrew Hanen of the Southern District of Texas' Brownsville Division issued a temporary injunction (stating Obama overreached his executive privilege) on the two deferred action programs (DACA and DAPA) on Feb. 16, 2015, two days before the new DACA guideless were to be in effect by the USCIS.
- The U.S. Department of Justice has filed an appeal to the Fifth Circuit Court of Appeals and a hearing is scheduled on April 17.
- Legal Workforce Act (H.R. 1147)
  - Passed House Judiciary Committee, 20-13
  - Cleared for full House consideration. Vote not expected near-term.

# Family Defender Toolkit

## » House Democrats

- March 26, 2015: Support of Executive Action and guidance to prepare.
- <http://gutierrez.house.gov/sites/gutierrez.house.gov/files/documents/Pamphlet%20FINAL.pdf>

### Important documents

Below are the documents that help prove your eligibility for DACA or DAPA. You should keep copies (not originals) of these documents with this pamphlet in a safe place. There is also space below to write down the family member, friend, or community organization to call in case of an immigration emergency.

- ☐ A copy of your passport, consular I.D. (matrícula consular) or other valid picture identification that proves your identity;
- ☐ A copy of your birth certificate;
- ☐ A copy of documentation showing you are in school or completed school, or that you are an honorably discharged veteran;
- ☐ A copy of your U.S. citizen child's birth certificate or a copy of your Lawful Permanent Resident child's green card;
- ☐ Copies of documents that show you were in the United States before January 1, 2010 (examples are school records or utility bills).



### More Information

You can find out more information about DACA and DAPA at the USCIS website: <http://www.uscis.gov/immigrationaction> or call the National Customer Service Center at 1-800-375-5283.

If someone you know may be eligible for DACA or DAPA but is detained or about to be deported, you can call Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Detention and Reporting Information Line (DRIL) line at 1-888-351-4024, using the Detention Pro Bono Access Code: 9116#.



For the latest updates on DACA and DAPA, please visit my website at

[www.gutierrez.house.gov](http://www.gutierrez.house.gov)

or you can follow me on Facebook

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# E-Verify News and Updates

## » MyE-Verify

- Free employee-focused site allows workers and job seekers to create a unique, secure myE-Verify account. ([www.uscis.gov/mye-verify](http://www.uscis.gov/mye-verify))
- Individuals can “Self Lock” their SSN for up to one year to prevent unauthorized/fraudulent use in E-Verify.
- E-Verify generates a Tentative Non-confirmation (TNC) / Further Action Notice (FAN) on a locked SSN.
- Remind new hires to unlock their SSN in myE-Verify before you create a new case in E-Verify.





# E-Verify News and Updates

## ➤ E-Verify Record Disposal:

- E-Verify is taking action to comply with the National Archives and Records Administration's retention and disposal schedule by deleting records that are more than 10 years old.
- Effective January 1, 2015, new E-Verify transaction records will be scheduled for automatic deletion in 10 years.
- Employers on E-Verify more than 10 years, who process records outside I-9 Management, should consider downloading the new "Historic Records Report" before the end of each year.

# Questions and Answers

