



INTRODUCTION

NCLR staff and Affiliates have been asked a series of questions regarding the ability of DACA recipients to work, travel, and otherwise go about their business. This Q&A is designed to address these questions, based on publicly-available information. *It is not intended as legal advice*, nor can it address every individual's unique circumstances. Every DACA recipient should carefully review all available information, and consult with a qualified legal professional, before undertaking any activity that may expose them to immigration or other law enforcement.

It is also possible that DACA may be revoked or modified; in that event NCLR and other experts expect to provide revised guidance.

Q&A

Question: Is it safe for DACA recipients to work and travel?

Answer: As a general matter, as long as a DACA recipient remains in deferred action status s/he should be protected from deportation and eligible to work and travel within the United States. DACA recipients traveling *within* the United States are required to show a valid form of identification, such as a driver's license, passport, or their original government-issued Employment Authorization Document. DACA recipients are encouraged to carry with them at all times a photocopy of their Employment Authorization Document.

DACA recipients planning to travel *outside* the United States must first obtain a special permission from the federal government to travel called "advance parole." DACA recipients who travel without this permission will have their DACA status revoked if they do not obtain this permission. Travelers should be careful not to travel if there is any risk that their DACA validity period will end before their planned return from travel. For more information about traveling internationally with DACA please see [DACA FAQs \(starting at #56\)](#).

Question: Is it safe for DACA recipients to travel outside the United States.?

Answer: DACA recipients that remain in deferred action status should generally be protected from deportation and eligible to travel internationally, *provided however*, that they have advance permission from the government (see above). That said, as a practical matter, in this current political climate DACA recipients returning from international travel with valid authorization should be aware that they nonetheless may receive heightened scrutiny by immigration officials at land or air ports of entry stemming from policy changes instituted by the Trump Administration.

Question: But what about the DACA recipients I've read about that have been arrested or detained?

Answer: There are exceptions to the general rules described above, and unfortunately these tend to involve DACA recipients who failed to maintain their DACA status, or where there are factual disputes in their cases suggesting that immigration authorities had reason to believe caused them to lose their DACA status. For example, according to press reports, one past DACA recipient in Mississippi whose DACA had lapsed was exposed to apprehension and deportation several months later. In another case a current DACA recipient from Washington state was alleged to have admitted gang affiliation. DACA recipients who are convicted of certain crimes or are suspected of having affiliations are at risk of apprehension and deportation. Check the [DACA FAQs \(starting at #60\)](#) if you have questions about offenses that might affect your DACA status.

Question: Is it safe for existing DACA recipients to apply for renewal?

Every individual should consider their own unique circumstances and consult with a qualified legal professional if they have any questions. Absent any change in administration policy or material change in the individual's eligibility (such as commission of a disqualifying crime), the consensus of current legal opinion is that eligible DACA recipients should apply for renewal.

Question: Are there any precautions that DACA recipients should take when living in or traveling to U.S. border states, like Arizona?

At this time, there is no indication that the political environment is discernably worse in border states than in non-border states. However, one thing that makes border states unique is that U.S. Border Patrol has jurisdiction in areas that are 100 miles from the international border with Mexico. DACA recipients traveling to these states should minimize or avoid traveling too close to the border. For example, DACA recipients traveling to Phoenix should probably stay in the city or adjacent cities (e.g., Scottsdale) during their visit, and, unless absolutely necessary, not travel south on Interstate 10 – towards Tucson – where they might increase their chances of encountering U.S. Border Patrol.

As noted above, DACA recipients should take necessary precautions when traveling, such as bringing proper identification, making sure emergency contact information is readily available, and making photocopies of ID documents in case originals get misplaced.

Question: What about new applications for DACA?

Answer: There is not consensus within the immigration legal community on this issue. Some believe that the risk of providing new information to DHS might unnecessarily expose first-time applicants and their undocumented family members to potential enforcement. Others believe that, absent any change in policy, the benefits from deferred action outweigh the risks. Individuals considering applying for DACA should consult with a qualified legal professional before acting.

Question: What is NCLR’s policy regarding potential ICE enforcement activities on NCLR property or at NCLR events?

Answer: NCLR has no reason to believe it is or will become the target of ICE enforcement activity. NCLR will both assert its rights under law and fully comply with applicable laws.

Regarding assertion of its rights, NCLR, like any other person or corporation protected by the Constitution, has the right to require a warrant or equivalent lawful order before permitting searches or seizures by law enforcement on its properties.

Regarding compliance, ICE investigators are authorized under the law to inspect NCLR’s I-9 forms and related employment records. NCLR will fully comply with its obligations under the law to make such records available for inspection.

For More Information

Individuals with other questions should consult with a qualified legal professional; a directory of nonprofit legal services providers can be found at: www.immigrationlawhelp.org. They should also monitor the USCIS website at: www.USCIS.gov, and the news media to learn of and assess developments that could affect their status.