

**Deferred Action for Childhood Arrivals
(DACA):
Research Results and Implementation in Santa
Clara County**



SCC Office of Human Relations: Immigrant Relations and Integration Services

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DEFERRED ACTION *for* CHILDHOOD ARRIVALS

I. Introduction

We are in the dawn of a changing landscape in the context of immigration law. Before any change in national law happens, many states and counties have begun to address an array of issues from the county jails' role in civil detainers to driver's licenses, from tuition issues to the definition of extortion in the context of immigration status. In fact, the state of California passed 13 "immigrant focused" laws in 2013. Magnifying this with, Deferred Action for Childhood Arrivals, U Visas and T Visas, and a continuous pressure on the federal government to a stop the separation of families, a lot has happened in the past year. What has been historically defined as immigration law is in flux; redefinition and increasingly complex. There are many elements seen and unseen in this new landscape.

As Comprehensive Immigration Reform (CIR) is stalled at the national level, DACA implementation has become a key indicator for the future of CIR. With the Board of Supervisor's commitment to ensuring that a significant portion of Measure A money is spent on immigrant communities, Santa Clara County (SCC) representatives have taken and vital step in charting this new landscape with resources, knowledge and leadership. IRIS believes that Measure A funding for DACA can be used to initiate the creation of an infrastructure that begins to lay the ground work for future change, documentation of best practices and a county wide response to a diversity of immigration issues. Through a coordinated effort, this opportunity would allow county resources to engage in community education, fraud prevention, and the creation of a county wide model to address future legal or administrative changes in immigration law.

The Deferred Action for Childhood Arrivals (DACA)

On June 15, 2012, the Obama administration announced the Executive Order for Deferred Action for Childhood Arrivals. Under this program USCIS grants a 2 year, temporary protective status for youth between the ages of 15-30, as well as work authorization. Applicants who meet the eligibility for this program must have entered the US before the age of 16, must be younger than 31 years old on June 15, 2012 and must meet a length of residence and education requirement.

Nationally 1.9 million youth qualify for the administrative relief. Santa Clara County has approximately 17,000-30,000 youth who qualify for DACA. We estimate that only 25% of the youth qualified have applied for this administrative relief so far. We also estimate that 75% of qualified DACA applicants in Santa Clara County have not applied due to insufficient investment in outreach, and potential applicant's lack of personal, financial, and other resources. Nationally the application rate is 51%. We estimate that county funded service providers have only seen 13-16% of the eligible population. Measure A funding will address many of the barriers that exist in SCC to access DACA.

One of the main difficulties with DACA is that youth & their families who have survived their immigration status by being clandestine, must now not only step forward and identify as undocumented, they must also find the proof that they have lived in the US, have gone to school here, were present since 2007, entered before they were 16, and were present on June 15, 2012. This means that youth and their families must now interact with many layers of bureaucracy simultaneously, requesting documents from several institutions in order to prove their physical presence in the US. There is the need to coordinate with various institutions to make sure that they understand what students are asking for or to designate point persons who work with DACA eligible residents and their families.

Some of the types of records needed to show proof of eligibility for DACA:

- Diplomas, report cards, school transcripts
- GED Certificates
- Financial records
- Employment Records
- Military Records
- Church Records
- Criminal History Records
- Birth Certificates, passport
- Marriage Certificates
- Medical Records

Two years into DACA, we must also recognize that if someone has not applied to DACA there are serious barriers in taking the step through the DACA door. These could include but are not limited to severe poverty, lack of knowledge of the process, and/or extreme fear.

a) Importance of DACA Implementation for Comprehensive Immigration Reform

Experiences with DACA implementation have shown that any broader and more comprehensive immigration reform effort would require the government to better prepare by streamlining application procedures and by providing more information about what documents are needed to apply. Other lessons learned in the process of DACA implementation include the awareness of limited human, organizational and financial resources; importance of a coordinated effort; need for better outreach and community education campaigns.

Because this is the first major immigration change in many years, experts see it as a template for a more comprehensive solution to our broken immigration system. "DACA represents an important trial run for a larger legalization process, should one result from comprehensive immigration reform," said Tom Wong, assistant professor of political science at the University of California, San Diego, and one of several academics studying the program.

Immigrant advocates say the Deferred Action for Childhood Arrivals has worked relatively well. Still, many nonprofits and school districts reported serious difficulties as they stretched to accommodate the great number of requests related to the application process.

Analyzing data from the initial phase of the program, experts have identified several problems that could be obstacles for broader reform: questions about what paperwork can be used to apply, sometimes long processing times at local agencies, lack of resources for non-profit organizations, and limited numbers of qualified service providers, especially those serving Asian and other immigrants who don't speak English or Spanish.

DHS Spokesman Peter Boogaard expressed his opinion that DACA program represented an example of the administration's ability to quickly and successfully implement effective large-scale immigration programs. U.S. Citizenship and Immigration Services, the agency overseeing the program, is mostly self-funded through processing fees, which officials say allows it to keep up with the demand. On the other hand, fees in the range of \$500 are among the most critical obstacles for low income individuals and families, especially those with more than one person eligible for DACA.

"In California, school systems were overloaded with transcript requests. People wanted copies of their leases from landlords, of their health records. Every part of society was triggered," said

Marielena Hincapie, head of the National Immigration Law Center. We can only imagine how a more comprehensive law would affect the entire society. The Los Angeles Unified School District was so overwhelmed it created a central application form and added two new staffers dedicated to such requests. We realize that other school districts and local governments have been less proactive.

California, Texas, Illinois, New York and Florida had the highest numbers of applicants, and Mexico was the most common country of origin, according to government data through August of 2013. Analysis of the data also shows Indiana, Georgia and North Carolina appear to have a higher rate of applicants than states with larger immigrant populations. This indicates additional challenges when processing greater numbers of applicants and possible issues with the quality of work in such situations. In addition, should a broader reform pass, regions with newer immigrant communities may need more resources.

Timelines for response to the application once it has been submitted to USCIS vary. Early cases have been resolved in an average of three months, while others have taken half a year or longer. Advocates say the government should plan for bottlenecks from applicants with more complicated situations. Delays can be very stressful for applicants, but they can also impact the nation's ability to hold on to talented people in the workforce.

Above all, the experiences with DACA application have shown that the many layers of government and community based organizations should be proactive and prepare ahead of time in order to avoid greater problems with any change in immigration law. Even a piece meal legislation approach can create complete paralysis of certain segments of society, while continuing to negatively affect the lives of many thousands of immigrants.

b. Overcoming Low Participation

Nationally, approximately 50% of estimated numbers of eligible applicants applied for DACA between August of 2012 and June of 2013. In California, the application rate was 49%. However, in Santa Clara County this rate is closer to 25%. The application rate is even lower when it comes to smaller immigrant groups locally, on the state and national levels. In addition, starting in early 2013 a dramatic decline in numbers of applicants were seen across the board.

According to several studies described in the next section of the report, there are many factors that have influenced this decline and low participation. Among the most important are:

- a) Expensive application fees and additional service provider fees that many, if not most, applicants cannot afford. These are coupled with high rates of poverty,

lower standards of living, and unemployment. This is especially a challenge for families with more than one child/person eligible for DACA.

- b) Limited local capacities to serve immigrants.
- c) Lack of funding for non-profit agencies.
- d) Fear and mistrust of immigration policies and authorities.
- e) The paradox of documenting undocumented life. This is especially a challenge for migrant workers and their families.
- f) Waiting for a “better, more comprehensive fix of the broken immigration system.”
- g) Lack of a family centered approach and one stop service provider centers.
- h) Lack of funding and resources for a coordinated outreach and community education campaigns.

In order to overcome low participation rates some of these obstacles have to be addressed in local environments. In some cases, almost all of these challenges are affecting entire communities and restricting them from fully benefiting from the program. IRIS provides an overview and summary of the research below.

II. Research on DACA Implementation

a) **MPI DACA Study: “*Deferred Action for Childhood Arrivals One Year Mark*”**

Published in 2013, this report included invaluable data. In addition to national estimates of eligible population, application rates per state, country of origin of applicants, and other demographic characteristics, it is especially significant that this MPI Brief revealed that 35% of the DACA eligible youth lived in families with incomes below 100% of federal poverty level and 66% below 200% of federal poverty level. This information indicates that financial reasons--application fees and cost of application assistance charged by agencies and private attorneys--might be among the most important obstacles and reasons for low participation in this program across the country. While the application rate in California between August 2012 and June 2013 was 49%, in our County it was only 25%. The report also showed that after one year, the greatest numbers of applicants were from Latin American countries, and very few from other parts of the world. The authors of this report determined that they needed more data beyond what was available from USCIS for more decisive conclusions.

b) **“*Preparing California’s Central Valley for Immigration Reform: Lessons from the Central Valley DACA Collaborative*”, 2014**

The Central Valley DACA Collaborative published this report just recently, in May of 2014. Since the inception in 2013, the Collaborative focused on delivering free application assistance to immigrants eligible for DACA and coordination. Knowing that there were only 3 BIA accredited agencies in the entire county when the Collaborative was formed they focused on training and service delivery. The Collaborative already knew that the levels of educational attainment and poverty status constituted greatest

obstacles in all counties across the Central Valley. The immigrant population also had important reasons for mistrusting immigration policies and authorities. For those who used free DACA application assistance, one of the greatest obstacles and challenges was also the paradox of documented undocumented life required by DACA provisions. This report emphasized that having a one-stop-assistance center was an adequate strategy in Central Valley along with the family-centered approach. Qualitative data including profiles of two DREAMERS whose DACA applications were approved and descriptions of Fresno Adult School as a recipient of the Networks for Integrating Mew Americans Initiative funding, SER-Jobs for Progress Program, and the DACA Help Center add a special value to this report.

c) ***“How DACA is Impacting the Lives of Those Who are Now DACAmended”***,
Immigration Policy Center Report, 2013

The National UnDACAmended Research Project (NURP), a longitudinal mixed-methods study of the impact of DACA on the educational, labor market, health, and civic engagement outcomes of young adult immigrants. The analysis presented here draws from a national survey of 1,402 young adults ages 18-31 who were approved for DACA through June 2013. While DACA eligibility is open to minors, our study focuses on young adult DACA recipients. NURP Survey respondents are slightly more diverse in terms of national origin when compared to all DACA recipients to date. Although nearly two-thirds come from Mexico, DACA recipients from other parts of Latin America and the Caribbean, as well as Asia and the Pacific Islands, are well-represented in the sample. Survey respondents average 23 years of age, and women comprise 59% of the sample. The findings include the following important elements:

DACA contributes to the economic and social incorporation of young adult immigrants. Since receiving DACA, young adult immigrants have become more integrated into the nation’s economic institutions. Approximately 61% of DACA recipients surveyed have obtained a new job since receiving DACA. Meanwhile, over half have opened their first bank account, and 38% have obtained their first credit card. Additionally, 61% have obtained a driver’s license, which has likely widened educational, employment, and other options for these young adult immigrants.

DACA recipients would likely become U.S. citizens if given the opportunity. Ninety-four percent of survey respondents indicated that they would apply for citizenship if ever eligible. This finding suggests that DACA recipients seek to be further integrated into U.S. society.

Although DACA recipients are experiencing its benefits, they continue to encounter hardships related to the blocked pathway to legalization of their families and communities. Over the last several years, enforcement efforts have heightened levels of anxiety in immigrant communities and torn apart families. Survey results indicate that 49% of respondents worry “all of the time” or “most of the time” that friends and family members will be deported.

Nearly 2/3 of DACA recipients personally know someone who has been deported.

Approximately 14% of DACA recipients in this study have experienced the deportation of a parent or sibling. These young adults are likely to have suffered significant stress and family hardships as a result of the forced departure of a close family member. Notably, nearly another third (31%) of respondents report that other family members have been deported. Almost half report that they know a neighbor, coworker, friend, or other acquaintance who has been deported.

Comprehensive immigration reform that provides a pathway to legalization could benefit close family members of most DACA recipients.

Approximately 86% of DACA recipients reported that their mother could potentially benefit from comprehensive immigration reform. Meanwhile, 74% said their fathers could benefit, and 62% said their siblings could benefit from such a change in federal immigration policy.

d) UC BERKELEY/UCSF/UCLA DACA STUDY: “*REALIZING THE DREAM FOR CALIFORNIANS ELIGIBLE FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA): DEMOGRAPHICS AND HEALTH COVERAGE*”, 2014

Approximately one million undocumented immigrants are not eligible for federal coverage options under the Affordable Care Act. Included in this group are teens and young adults who are eligible for or have been granted Deferred Action for Childhood Arrivals (DACA). This report describes the demographics and current health coverage of the DACA eligible youth. 300,000 or more Californians estimated to be currently eligible.

In California, unlike most other states, low-income individuals granted deferred action under DACA are eligible for Medi-Cal under state policy. This legislation was passed in the 2013 legislative session. Most individuals eligible for DACA were also low-income. Of those teens age 18 and under who are eligible for DACA, the vast majority (93 percent) had household income below the Medi-Cal eligibility standard for children (now approximately \$62,900 for a family of four). Nearly two-thirds (62 percent) of DACA-eligible young adults had household income below the Medi-Cal eligibility standard (now approximately \$16,000 for a single individual). In addition, DACA-eligible Californians may be eligible for certain other state, county, and private health programs.

Of the 154,000 Californians granted deferred action under DACA as of December 2013, it is estimated that up to 125,000 (81 percent) are eligible for Medi-Cal. This is an upper-limit estimate because individuals granted work authorization under DACA may have been able to secure better employment with increased income and/or access to employment-based health coverage. Many DACA-eligible Californians are likely to remain uninsured because they do not qualify for or enroll in Medi-Cal and lack access to affordable private coverage.

Expanding coverage to teens and young adults granted DACA would reduce the state's uninsured population, increase access to needed care, and reduce the burden on the safety net. Removing barriers to timely preventive and primary care would improve population

health and potentially reduce avoidable hospitalizations. These two central aims of the ACA are policy priorities that would be bolstered by healthy DACA-eligible Californians, who are and will continue to be important contributors to the state and its economy.

e) **CIPC REPORT: “YOUR HEALTH, YOUR FUTURE: MAKING DACA WORK FOR YOU IN THE GOLDEN STATE”, 2014**
Public Benefits Available to Recipients of Deferred Action for Childhood Arrivals in California, California Immigrant Policy Center Report

This report contains information about many valuable resources available to DACA eligible youth and goes beyond public benefits. For example, the first few pages contain information about

- 1) How to get DACA?
- 2) DACA Fees
- 3) What documents are needed?
- 4) Who to consult with?

The final section of the document contains information about:

- i. DRIVER’S LICENSES AND CALIFORNIA ID’S
- ii. Traveling Domestically
- iii. Traveling Internationally
- iv. Unemployment Benefits

When it comes to health benefits each program’s eligibility requirements are explained separately: MediCal, CHILD HEALTH AND DISABILITY PREVENTION PROGRAM (CHDP), ACCESS FOR INFANTS AND MOTHERS (AIM), FAMILY PLANNING ACCESS CARE TREATMENT (FAMILY PACT), AIDS DRUG ASSISTANCE PROGRAM (ADAP).

f) **“Brookings Institution DACA” report, 2013**

Authored by Audrey Singer and Nicole Prachal Svaljenka, this report contains much of the same data included in the MPI Brief. It is basically an analysis of DACA applications submitted by the end of June 2013. The report also provides an analysis of DACA applications by month (August 2012-June 2013), by state, by applicants’ country of origin, age, gender and year of entry. The authors of this report concluded that the East Coast applicants were of much more diverse ethnic backgrounds. New York had the most diverse body of applicants in this respect. Based on this conclusion, analysts and advocates in California, the San Francisco Bay Area, and SCC in particular, might be interested to learn from the East Coast and explore their outreach strategies.

g) **USC study on undocumented Californians: “What’s at Stake for the State”, 2013**

This report offers a profile of California's undocumented population and discusses its stakes in immigration reform. It is described in detail how authorization of undocumented population would benefit California, and how to tailor policy to best maximize their contributions. Pastor, Marcelli, Carter and Sanchez conclude the report with suggestions how to plan immigrant integration and funds immediately directed towards educational attainment, ESL, and health insurance. All of the conclusions of this report are applicable to immigrants eligible for DACA.

h) “Deferred Action (DACA): A First Step Toward Lifelong Learning and Career Advancement”. 2013 National ID & R Forum. Tampa, 2013

The author of this report, Ed Kissam, discusses benefits of DACA for in-school migrant youth, strategies for maximizing everyone's involvement in the society for best results, roles of migrant education programs, and broadened community networks for deeper appreciation of lifelong learning. With his emphasis on migrant communities, this report provides a very special lens.

i) Curran & Berger, LLP: “Got DACA, Now What?” 2013

This publication is more a guide than a report that provides valuable information not only to beneficiaries of DACA, but also to research analysts and other interested individuals. It outlines multiple issues important for the program's application. Written in the simple question and answer format, it is very useful, especially when it comes to areas such as DACA renewal, employment, benefits, and other topics.

j) Santa Clara County Research & Findings

In the fall of 2013, Four Santa Clara University students conducted in-depth interviews with DACA applicants, DACA recipients, volunteers, and local legal services providers. They worked on this project in collaboration with IRIS. IRIS had a coordinating and advisory role. Students jointly designed questions for agencies and another set of questions for DACA participants. Each student interviewed a minimum of two staff members and three participants in the program.

Based on the qualitative data that they collected, we know the following:

Some applicants were quite suspicious of the program at the very beginning. They faced fear and uncertainty. “I was nervous thinking that it might be a lie and I could get kicked out of the country... So, I let my cousin go first. Then I applied,” said one participant. “Parents believe that if something goes wrong, the entire family will be deported,” added one local service provider. Some feared that DACA could be revoked if another President came into the office. In spite of fear, many are using the program. “Many immigrants want to work and have a hope of becoming U.S. citizens so their dignity and welfare are not in a constant state of limbo,” said a LUNA volunteer who has helped many to fill out their DACA applications. This program helps young people to deal with general hopelessness that they all face, especially in high school, realizing the narrowness of their possibilities as undocumented individuals.

DACA applicants whose applications have been approved see immediate benefits. “I got my ID already. For some people that may be so minor, but for me, I really found my sense of identity, sense of belonging” said one of the DACA recipients. Many of these recipients want to give back to the community. Some of them share their stories and newly acquired skills in order to “encourage less privileged children to reach higher. Yes, it is hard, but it is doable,” emphasized another DACA recipient.

Documenting the undocumented life has been one of the major challenges, according to legal service providers in SCC. “We have been trying to use creative ways and help people come up with evidence... transcripts of social media have also been a means of proving continuous residence when no other official documents are available,” said one staff member of a local agency.

Perhaps the most important obstacle of all is the cost of application. This is especially true for families with more than one potential applicant. U.S. CIS’ application fee of \$465, plus the fees charged by immigration attorneys, or even non-profit agencies, are a critical barrier or hardship for the greatest number of applicants.

k) IRIS Research: FOCUS GROUP ON COMPREHENSIVE IMMIGRATION REFORM (CIR)

On October 3, 2013 IRIS conducted a focus group to discuss issues related to a possible change to immigration law. Six service providers participated in the discussion.

At the same time, participants were observing optimism, fear, frustration, and confusion in the community. They noticed that many community members did not use available legal remedies to adjust their status, thinking that once the comprehensive immigration reform (CIR) comes, the process would be faster and the effects greatfruitier barriers included fear, mistrust of the government and belief in inadequacy of temporary solutions. Several participants emphasized that there were lots of organizing efforts in the community to prepare for CIR, yet, at the same time they were hearing about the notario fraud and attorneys who used DACA as an opportunity to make money.

There is also limited amount of legal infrastructure for low income immigrants to deal with any change in immigration law or implementation. There have always been lawyers offering pro bono services, but many do not have enough experience with immigration law which is needed to provide the quality of service. Lots of volunteers are willing to help, but they also need to be trained and learn a lot beforehand—if they don’t, or if non-qualified professionals offer services that could be dangerous; it could be a disservice to the community.

There is still a lot of fear and confusion regarding adjustment of status for family members, they added. Immigration law is not easy to explain. This is especially true when it comes to legal issues and one family member may qualify while others may not. People were also getting misinformed that the opportunity to apply for DACA had expired.

Local service providers also emphasized that there was fear of being perceived as undocumented in all communities, but in some more than in others. Some clients prefer private settings to ensure that they would not be seen by others while seeking assistance. Private settings are possible in CBOs also, but they sometimes have to turn away clients because of lack of resources and time.

Some other ideas that participants brought the possibility of developing an online tool for eligibility and a prescreening tool as well as using financial coaching and different financial education models would be also helpful.

The greatest needs that these agencies have include: education, outreach in multiple languages, screening tools, and volunteers. Greater numbers of more experienced staff is also needed and time to train them along with training volunteers.

Research needs of all agencies include more information on DACA application (e.g. why only 25% of eligible individuals applied in SCC), testing new models, ways to increase outreach, media, volunteer coordination, ESL gaps, and ESL coaches. Other research questions are: What financial models/alternative loans work? What is affordable for different communities?

Drawing from lessons learned in implementation of DACA, the most important questions are: **affordability, outreach to financial institutions, how to address fear, and how to give better publicity to success stories.**

In closing participants included the following remarks: “This is an opportunity for true immigrant integration and an opportunity to work together; we need to prepare **now**. We need to use our strengths; we are starting to work together. This is exciting. Driver’s License bill passed in CA after a 15 year wait. We feel engaged with the community...”

IRIS also conducted a survey and the results compliment the focus group findings. Seven service providers participated in the survey monkey designed by IRIS staff.

Most of the surveyed agencies have 6-10 staff members working on immigrant integration programs and almost 30% of them have only 1-3 staff members whose job is to implement these programs. *This indicates a staffing problem in the wake of comprehensive immigration reform.* In one agency 100% of DACA cases are handled by 1 staff member who also handles 50% of all other cases as well. The other staff member handles all non DACA cases. While 42-50% of staff time of 2 agencies works on citizenship applications, and 20% of staff time is devoted this type of work in the third agency, this is still challenging, given the PII funding and contract obligations. Only about 10% of staff time is devoted to U visa, and 20% to VAWA petitions and 5-30% of entire staff time in all agencies to DACA applications. There is almost no time for community education.

All survey respondents thought that funding was their greatest need, followed by trained staff and ESL classes. Some respondents emphasized that a greater number of qualified agencies is needed in SCC in order to address the needs for immigrant integration. Inadequate funding & staffing was chosen by 67% of survey respondents as the greatest obstacle for successful implementation of CIR. They were also concerned with the lack of coordinated efforts to prepare for CIR in SCC. Even though these agencies provide immigrant integration services, 33% of participants said that they had no time or adequate staffing themselves to prepare for CIR based on their current workloads. Those that are managing to find time for preparation are updating equipment, strategizing about how to expand capabilities building partnerships with collaborating partners, trying to secure funding; and collaborating with other agencies to come up with a service model to prepare for CIR. They also stressed out that a county-wide coordinated effort was needed with a paid CIR coordinator.

IX. SCC Deferred Action Network—DAN

In June 2012, OHR/IRIS convened local legal service providers, community stakeholders, services providers and advocates to discuss, plan for and develop a coordinated response to the DACA implementation. OHR/IRIS conceived of and facilitated the development of the Santa Clara County Deferred Action Network (SCC-DAN) to develop and implement local strategies, develop a network of providers and identify barriers.

SCC-DAN engaged in detailed analysis of the Executive Order and resulting administrative procedures, developed collective public information materials, trainings for SCC-DAN members, DACA applicants, collateral materials on DACA, and conducted countywide volunteer trainings to respond to the expected high demand for information and services. This informal network convened over 25 agencies, churches, and government offices over a six months period to prepare for the initiation of DACA. SCC-DAN network provided educational and informational sessions to over 4,000 individuals in the first 3 days of the implementation of DACA. The Development of collective work through the DAN network produced a legal screening tool, a preparation packet, county-wide presentations, community education materials & infrastructure for tracking responses, feedback, barriers and best practices. This county wide coordination brought \$100,000 in philanthropic funding to SCC legal service providers for a 1 year period.

X. ESUHSD Pilot Project

At the one year anniversary of DACA, it was apparent through the county wide network that the numbers of applicants in Santa Clara County had dramatically fallen. There were many theories as to why this was taking place, but there was not enough research that documented the reasons. Due to the fact that most qualified applicants are minors (1.2 million of the 1.4 million nationwide), the issue of putting minors through an immigration process that their parents could not access has caused tremendous fear for parents and students. Many appointments with legal

service providers echoed displays of extreme emotion and frustration for family members regarding the application process. Many minors discovered, for the first time, that they were undocumented residents of the U. S. Many families had more than one child that qualified and had to choose which child they would want to complete the application process, with the hope that other members would go through the process at a later time. Many families could not afford the combination of USCIS fees and the fees that the agencies were charging.

With this in mind, IRIS developed a pilot project to test some of the theories and learn why the numbers for DACA applications had so drastically fallen. In order to identify obstacles, promote community education, and to create support for applicants to successfully apply for DACA, the Office of Human Relations (IRIS) has worked together with the Mexican Consulate, ESUHSD, and Asian Law Alliance to create a pilot project for DACA youth in east San Jose. The goal of this project is to bring our collective ability to minimize the fear and lack of knowledge of immigration processes. An additional goal was to design a pilot that can be replicated in other schools and with other youth.

When participants have been asked to identify the biggest barrier to applying to DACA, their response indicated cost as the number one obstacle. This pilot project originally took place at Mount Pleasant and James Lick high schools. Through this project, Asian Law Alliance provided legal services for free; the Mexican Consulate & ESUHSD promoted the events through the media and broad based community outreach. An anonymous donor gave limited scholarships for youth to apply using scholarships towards the USCIS fees. OHR/IRIS coordinated the planning, logistics, and resources. Additionally, OHR/IRIS conducted training with staff and co-presented to the community with ESUHSD staff. The original pilot project included four workshops. Participation has ranged from 15-50. A third of the attendees were Asian or African immigrants.

Through this pilot the objective was to create an environment that supported the applicants in successfully applying for DACA. The original idea was to conduct outreach at two local high schools, to train staff on the issues, application process, and documents need for DACA, and finally, to conduct presentations for students in the high schools. No fees were charged for the application process. ESUHSD was supportive of the pilot in regards to process of obtaining records, the creation of a district wide web page, fees, use of the high schools sites, and outreach. Over a two month period, this pilot project convened approximately 70 participants which included potential applicants and their families. About a fifth of those convened were Asian, about 10% were African, and the rest were Latino families.

One of the successes of the pilot project was that an anonymous donor was willing to provide scholarships for the USCIS fees for Mexican Nationals. What IRIS found in the initial pilot project was that the largest barrier was the combination of USCIS fees with the local legal services provider fees which could add up to \$765-\$865. When asked what the main barrier for application was most respondents replied that it was cost.

According to the PEW Hispanic Center in 2009, "Low levels of education and low-skilled occupations lead to undocumented immigrants having lower household incomes than other immigrants or U.S.-born Americans. In 2007, the median annual household income of

unauthorized immigrants was \$36,000, compared with \$50,000 for people born in the United States. These differences in household income are particularly notable because the unauthorized immigrant households have more workers per household on average (1.75) than U.S.-born households (1.23). Unauthorized immigrants also have lower median household incomes than do other immigrants.”

Furthermore they find that, “Poverty rates are much higher among unauthorized immigrants than for either U.S.-born or legal immigrant residents. Among adults who are unauthorized immigrants, one-in-five (21%) is poor. In contrast, the poverty rate is 13% for legal immigrant adults and 10% for U.S.-born adults. Among children whose parents are unauthorized immigrants, one-in-three is poor. The rate for children of unauthorized immigrants is similar whether the children are unauthorized immigrants (32%) or U.S. born (34%). Unauthorized immigrants are notably overrepresented in the poverty population. Undocumented immigrants and their U.S.-born children account for 11% of people with incomes below the poverty level. This is twice their representation in the total population (5.5%).”

According to the Migration Policy institute, one-third of the currently eligible DACA youth live on incomes below the federal poverty level and two-thirds live in families with incomes below the 200% of the FPL. According to Census Data released the week of November 18, San Jose has the second highest median rent nationally after San Francisco. To this economic reality, we add that many families have more than one child that qualifies.

In January 2014 the pilot project was expanded to 5 additional schools. This included Oak Grove, William C. Overfelt, Yerba Buena, Andrew P. Hill High School, and Escuela Popular. This was done with the additional collaboration of San Jose State University. There was also a presentation that was given at Moreland Middle School in the Campbell Unified School District. Over 250 students and their parents participated in these outreach workshops.

XI. DACA Renewal

Steps, fees, obstacles, timelines

As we approach the two year mark, renewals of the two year permit will become part of the process and experience of DACA. United States Citizenship and Immigration Services (USCIS) recently released a new draft of the application form (Form I-821D) and instructions for renewing Deferred Action for Childhood Arrivals (DACA).

A person who was granted DACA and who continues to meet the guidelines for DACA may submit a DACA renewal request. The person must also meet the following requirements in order to qualify for DACA renewal:

1. The person must not have departed the U.S. on or after August 15, 2012, without first having been granted advance parole.
2. The person must have resided continuously in the U.S. from the time he or she submitted the initial request for DACA up until the present time.

3. If the person qualified for DACA based on demonstrating that he or she was “in school” when he or she submitted the initial request, then the person must have satisfied the education guideline for the renewal request.

A person who has DACA may apply for DACA renewal approximately 120 days (or 4 months) before the date his or her current DACA and employment authorization document (EAD) expire. USCIS will not accept any application for DACA renewal made more than 150 days (5 months) before the expiration date of the person’s DACA and EAD.

The renewal request costs the same as the initial request: \$465. The cost includes a \$380 application fee for the Form I-765 and an \$85 fee for biometrics (fingerprints). DACA renewal applicants are required to submit new biometrics. In very limited circumstances, applicants may be exempted from having to pay the fees.

- a) If a person with DACA does not apply for renewal, one of the following will happen: People with DACA who don’t apply for and get DACA renewal will no longer be able to work legally in the U.S. after their EAD expires. After their DACA expires, they will be in the same position they were in before applying initially for DACA — facing potential deportation if they are picked up by immigration authorities. We suggest that people with DACA who do not want to apply for renewal consult with an attorney or an accredited representative from a nonprofit organization that specializes in immigration law to see if any other temporary or permanent ways of remaining legally in the U.S. are available to them.
- b) If a person’s DACA renewal request is denied, USCIS officials say that generally USCIS will refer the applicant’s case to ICE (the immigration enforcement authorities) only if it involves a criminal offense, fraud, or a threat to national security or public safety.
- c) If a person has DACA and is in the process of adjusting immigration status through another process (e.g., family sponsorship), she/he may apply for DACA renewal while simultaneously applying for another type of immigration relief. Whether it is worth applying for both is a determination the person should make, preferably with the assistance of an experienced attorney or accredited representative. U.S. CIS has not published details about the renewal process and when it will start accepting applications. This information is expected in the next 2 weeks.

XII. Measure A Funding

Through the leadership of the Board of Supervisors, South Bay Legal Immigration Services Network (SBLISN) received Measure A funding to provide DACA services to the community and 1,000 new applicants (this number includes first time applicants and those seeking renewal).

This important Board decision creates opportunities for Santa Clara County to:

- a) Boost numbers of applicants
- b) Improve the quality of service
- c) Slightly expand the number of service providers
- d) Conduct better outreach and community education campaigns about benefits of the program and application process for first time applicants and those eligible for renewal; teach potential applicants how to gather documentation and apply
- e) Use a “promotora” (a community promoter) model in order to ensure more effective outreach, address the needs for information, confront fear, and support future applicants and their families
- f) Support empowerment and engagement of entire communities
- g) Develop a model for group processing of legal services that could lead to a new County standard
- h) Develop a model for standardization of staff and volunteer training; a new model for the use of volunteers
- i) Build a DACA hotline
- j) Ensure continuous funding and have more than one service provider offering free services.

XIII. Findings & Conclusions

In conclusion: DACA implementation has been in many ways a trial and an indication of the multiplicity of issues that we would have to face any time immigration law changes due to legislative change or administrative change. Even if additional pieces of legislation were signed into law individually, as piecemeal solutions to various problems, no subjects in our society would be completely prepared to address the social or physiological needs of stepping through the door of immigration change. DACA implementation can serve as a barometer of communities’ strength and weaknesses, and a warning about the necessity to prepare in advance.

Based on multiple research projects conducted in different social environments, including Santa Clara County, we know that financial obstacles, along with fear and confusion in the community; difficulties of documenting undocumented life; and lack of adequate non-profit infrastructure are the most important factors influencing DACA implementation.

We know from both qualitative and quantitative data that DACA implementation changes people’s lives profoundly and positively. Some research projects, including those conducted in Santa Clara County by IRIS and SCU students included voices of DACA applicants, DACA beneficiaries, volunteers and service providers. Including their voices is extra important so that they can say in their own words how, even a change in immigration law that gives an opportunity to only one segment of the community, affects individuals, families, institutions and society at large. In California, it is especially important that DACA recipients become eligible for health

care and additional research is needed to determine the extent of positive impacts on local governments.

Research has shown that more funding to support applicants, as well as accredited community based organizations is one of the greatest needs. Measure A funding awarded to the DACA Collaborative in Santa Clara County is one of the first positive steps in this direction. A more centralized coordination of county-wide efforts is also one of the greatest needs. One-stop application center in Central Valley and the Deferred Action Network in Santa Clara County are some of the best practices when it comes to DACA implementation. They can be replicated if a greater effort is needed to address more comprehensive legislative solutions. But such centralized networks and one-stop centers need to be funded and supported, if we are hoping for greater effects, less confusion and pressure on certain social institutions that provide education, community outreach, and documentation.

A few research projects documented that a coordinated oversight is needed to prevent immigration attorneys, other attorneys, notarios (notaries) and even other service providers from seeing the passage of DACA as an opportunity to make profit, while damaging the lives of applicants or failing to provide a service of good quality.

Some service providers noted that estimated numbers of eligible individuals in Santa Clara County were “estimated numbers of *potentially* eligible young people.” While this is true that only qualified professionals can determine whether potential applicants are really eligible, the application rate in Santa Clara County is still too low compared with other communities. This is especially true when it comes to non-Latino applicants. Santa Clara County should learn from the East Coast municipalities in order to provide a more targeted outreach to a diversity of communities.

As the Health Care Act is implemented state wide, the issues of DACA recipients, families with mixed status and immigrant youth are of significant interest regarding health care access at the state and county level.



XIV. Next Steps

Based on research, the ESUSD pilot project, and known facts about DACA renewal, the following are recommended next steps:

- ⇒ Coordinate Santa Clara County's efforts to provide community education, broad and targeted outreach and application services. As the original convener of the Deferred

Action Network and an important source of policy and research analysis IRIS is in a unique position to oversee the County-wide efforts.

- ⇒ Explore a possibility of forming a One-Stop DACA Center in SCC based on best practices in Central Valley and some other parts of the country.
- ⇒ Continue to study and document DACA implementation experience.
- ⇒ Explore possibilities for more assistance with application fees.
- ⇒ Invest more efforts to diversify applicants, based on low application rates in various immigrant groups.
- ⇒ Connect other stakeholders who have not been well informed or much involved so far.
- ⇒ Continue research regarding the impact of DACA and medical access
- ⇒ Continue convening of community members regarding changes in immigration law (administrative and legal).

In the changing landscape of immigration law, the Board of Supervisors has taken significant steps in mapping the effects of current legislative remedies. Santa Clara County is preparing for the future despite the many challenge and complications. These challenges can be addressed through coordination, planning and documenting. Measure A funding allows Santa Clara County to continue its leadership in looking to the present and future of its many immigrant communities. Santa Clara County is once again a model in immigrant integration, and inclusion.