

ADMINISTRATIVE RELIEF: CONSIDERATIONS FOR LOCAL GOVERNMENTS

INTRODUCTION:

The Obama Administration's recent announcement to grant administrative relief to as many as 3.7 million immigrants—on top of the estimated 1.3 million eligible for DACA—has tremendous implications for communities across the U.S., and local stakeholders – including policymakers, employers, and service providers – have important roles to play in its implementation.

Over the past few decades, cities have begun to develop infrastructure within local government to facilitate the economic, civic and cultural integration of immigrants – through the establishment of Offices of Immigrant Affairs/New Americans, the implementation of language access and confidentiality policies, by strengthening ties with community organizations that directly serve immigrants, and by creating welcoming initiatives that bring these components together. This infrastructure is, in turn, a strong foundation for administrative relief implementation.

This guide outlines immediate and short-term considerations for local officials in the process of administrative relief implementation, as well as improving prospects for long-term integration.

What is this guide?

This document is designed to be a resource for local governments as they prepare for and implement administrative relief. It provides a general framework for municipalities to consider, though responses should be tailored to fit the local context. It includes links to research and resources developed by a number of different stakeholders that may be helpful.

What is deferred action?

On Thursday, November 20, 2014, President Obama announced that his administration will take action to provide administrative relief from deportation to up to 3.7 million immigrants, on top of the estimated 1.3 million currently eligible for DACA. More details from the White House and the Department of Homeland Security (DHS) are available here:

- <http://www.whitehouse.gov/the-press-office/2014/11/20/fact-sheet-immigration-accountability-executive-action>: This fact sheet provides an overview of the executive action, including enhanced enforcement efforts, prioritizing removal of people who pose national security and public safety threats, expansion of the DACA program and deferred action for certain parents of U.S. citizens and lawful permanent residents.
- <http://www.dhs.gov/immigration-action>: DHS's overview of executive action, with links to directives issued by DHS Secretary Jeh Johnson to implement the action.
- <http://www.uscis.gov/immigrationaction>: USCIS's overview of executive action, which will be updated over time as implementation begins

Who should be involved in the response?



- **Local elected officials**, policymakers and other government representatives whose leadership is key to successful implementation
- **City agencies** that may hold key records (e.g., school records, health records, other identifying information) necessary in the administrative relief application process
- **Community organizations** that serve immigrant communities (e.g., health clinics, after school programs, legal service providers, faith institutions).
- **Respected leaders** in the immigrant community who can serve as trusted sources of information.
- **Immigrant residents** who may or may not be covered by administrative relief, and who may be at risk of being defrauded by unscrupulous notarios or other fraudsters
- **Employers** who may be impacted by administrative relief as well as changes to legal immigration for entrepreneurs and high-skilled workers
- **The broader community** – everyone is affected by administrative relief, and it is important to educate and engage all residents on this issue

Why is a response important?

- **Build long-term capacity**: administrative relief implementation can help build capacity for long-term immigrant integration efforts through the development of new resources and partnerships
- **Reduce backlash** to administrative relief by providing key messages about immigrants' important contributions to the economy and the community
- **Protect residents** from immigration, tax, consumer and other 'notario' fraud
- **Maximize the economic contributions** of residents who may be eligible for administrative relief
- **Increase civic participation and engagement** among all residents, leading to growth of energy and vibrancy in the community

OVERVIEW OF RECOMMENDATIONS:

1. Minimize the spread of potentially harmful misinformation by quickly and regularly updating the immigrant community with the latest information about what administrative relief is and what it is not (e.g., not legislation, not a path to citizenship, not permanent lawful status, etc.), and what the timeline for implementation will be (e.g., the application period is not open yet). Ideally this information should be made available in all relevant languages. Trusted immigrant leaders and community organizations should be key partners for getting out this information.
2. Determine, to the extent possible, how many residents in the community may be directly impacted by administrative relief and which community organizations and government departments work most directly with those residents.



3. Communicate to the public the benefits of administrative relief (see Welcoming America administrative relief messaging guidance), and the benefits of immigration generally, to minimize backlash.
4. Inform the public about how to prevent, identify, and report immigration and other fraud. Ideally, this information should be made available in all relevant languages.
5. Identify the processes for retrieving key documents from public schools, public hospitals and other agencies that may help individuals document continued residence in the U.S. and that they have a U.S. citizen child (e.g., birth certificates, hospital records, school records), streamline those processes to the extent possible, and publicize those processes. Ideally this information should be provided in all relevant languages and in partnership with community leaders and organizations trusted by immigrant residents.
6. Direct the public, including families with eligible individuals in detention or facing imminent deportation, to qualified free and low-cost legal service providers, help coordinate and expand the availability of free and low-cost legal services to help individuals apply, and consult local community based organizations about how local government can best serve the interests of the community.
7. Work to address financial hurdles to applying (e.g., by helping individuals access bank accounts, creating a new microloan product, etc.).
8. Engage local financial and philanthropic institutions in support of implementation.
9. Work with agencies and community-based organizations to structure “life after deferred action” curricula to educate newly work-authorized individuals about their rights in the workplace, access to driver’s licenses, and similar issues.

DETAILED RECOMMENDATIONS:

1. **Minimize the spread of potentially harmful misinformation by quickly and regularly updating the immigrant community with the latest information about what administrative relief is and what it is not (e.g., not a path to citizenship, not permanent legal status, etc.), and what the timeline for implementation will be (e.g., the application period is not open yet). Ideally this information should be made available in all relevant languages. Trusted immigrant leaders and community organizations should be key partners for getting out this information.**

Following the June 15, 2012 announcement of Deferred Action for Childhood Arrivals (DACA), there was a two-month implementation period before applications were accepted. During this period, it was important to inform the public that an application process was not yet in place to prevent immigration fraud. To the extent possible, individuals were also advised to begin collecting documents demonstrating their continuous presence in the U.S. As more details about the process were revealed, more details about acceptable documentation were provided to the public. Cities should consider the following steps with respect to administrative relief:

- **Inform** residents that until the implementation period begins, there is no application process in place



- **Caution** residents about the possibility of immigration fraud – how to prevent, recognize and report it
- **Advise** individuals planning to seek administrative relief to begin collecting personal documents (e.g., birth records, health records, receipts) that may help them demonstrate eligibility

2. Determine, to the extent possible, how many residents in the community may be directly impacted by administrative relief and which community organizations and government departments work most directly with those residents.

Understanding the scope of the impact of administrative relief is key to crafting an appropriate response. The Migration Policy Institute has developed several helpful resources with national, state, and, in some cases, county-level figures on populations eligible for DACA and administrative relief.

- National and state figures for administrative relief: <http://www.migrationpolicy.org/news/mpi-many-37-million-unauthorized-immigrants-could-get-relief-deportation-under-anticipated-new>
- Select county-level figures for DACA: <http://www.migrationpolicy.org/news/county-level-view-daca-population-finds-surprising-amount-ethnic-enrollment-diversity>

3. Communicate to the public the benefits of administrative relief (see Welcoming America administrative relief messaging guidance), and the benefits of immigration generally, to minimize backlash

National data on the economic benefits of administrative relief/legalization

- A newly-released national study from the Fiscal Policy Institute finds that administrative relief should result in a 5-10% increase in wages for individuals who gain work authorization: <http://fiscalspolicy.org/presidents-immigration-action-expected-to-benefit-economy>
- 2013 report from the Institute on Taxation and Economic Policy looks at undocumented immigrants' state and local tax contributions and the impact of comprehensive immigration reform on those contributions: <http://www.itep.org/immigration/#map>

National, state and local data on the economic benefits of immigration

- National studies: www.renewoureconomy.org/research
- State-level data: www.maptheimpact.org
- County-level data on housing values: www.renewoureconomy.org/housingmap

4. Inform the public about how to prevent, identify, and report immigration fraud. Ideally this information should be made available in all relevant languages.



“Notarios” and other non-lawyer immigration service providers are likely to take advantage of immigrants following the announcement of administrative relief by claiming to be able to help individuals get green cards or citizenship, go through an expedited process, etc. Other potential areas of fraud include paid tax preparers who may improperly complete tax returns for new immigrant taxpayers and predatory lenders for applicants unable to pay the filing fees. USCIS, the IRS, the FTC and other organizations provide resources to help educate individuals about how to avoid fraud.

Cities can:

- Provide information to the public about how to prevent, identify, and report immigration fraud
- Engage the police department, consumer protection agencies, and other relevant stakeholders to assist in cracking down on “notarios” and fraudulent immigration service providers and assisting victims of fraud
- Promote and increase the availability of free and low-cost qualified legal service providers to provide a safe alternative

More resources on fraud:

- Stop Notario Fraud: <http://www.stopnotariofraud.org/>
- USCIS Avoid Scams: <http://www.uscis.gov/avoid-scams>

Federal Trade Commission free publications for consumers:
<https://bulkorder.ftc.gov/publications>

- Sample Press Release: <http://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-issues-consumer-alert-scams-targeting>

5. Identify the processes for retrieving key documents from public schools, public hospitals and other agencies that may help individuals demonstrate eligibility (e.g., birth certificates, hospital records), streamline those processes to the extent possible, and publicize those processes. Ideally this information should be provided in all relevant languages and in partnership with community leaders and organizations trusted by immigrant residents.

In order to request administrative relief, individuals will need to provide certain documentation proving their eligibility.

- City agencies may own some of these documents (e.g., birth records, health records)
- City agencies should identify the existing process for retrieving these documents
- Cities can convene interagency task forces to streamline and publicize the process for retrieving city-owned documents (e.g., call this phone number to retrieve health records, etc.)

- The documents below were published by USCIS as acceptable proof for each piece of DACA. Because the requirements are likely to be different, the next round of administrative relief may require documents not included here:

DOCUMENTS NEEDED FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)	
Proof of identity	<ul style="list-style-type: none"> Passport or national identity document from your country of origin Birth certificate with photo identification School or military ID with photo Any U.S. government immigration or other document bearing your name and photo
Proof you came to U.S. before your 16th birthday	<ul style="list-style-type: none"> Passport with admission stamp Form I-94/I-95/I-94W School records from the U.S. schools you have attended Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear) Travel records Hospital or medical records Employment records (pay stubs, W-2 Forms, etc.) Official records from a religious entity confirming participation in a religious ceremony Copies of money order receipts for money sent in or out of the country Birth certificates of children born in the U.S. Dated bank transactions Automobile license receipts or registration Deeds, mortgages, rental agreement contracts Tax receipts, insurance policies
Proof of immigration status	<ul style="list-style-type: none"> Form I-94/I-95/I-94W with authorized stay expiration date Final order of exclusion, deportation, or removal issued as of June 15, 2012 A charging document placing you into removal proceedings
Proof of presence in U.S. on June 15, 2012	<ul style="list-style-type: none"> Rent receipts or utility bills Employment records (pay stubs, W-2 Forms, etc) School records (letters, report cards, etc) Military records (Form DD-214 or NGB Form 22) Official records from a religious entity confirming participation in a religious ceremony Copies of money order receipts for money sent in or out of the country Passport entries Birth certificates of children born in the U.S. Dated bank transactions Automobile license receipts or registration
Proof you continuously resided in U.S. since June 15, 2007	

	<ul style="list-style-type: none"> • Deeds, mortgages, rental agreement contracts • Tax receipts, insurance policies
Proof of your student status at the time of requesting DACA	<ul style="list-style-type: none"> • Official records (transcripts, report cards, etc) from the school that you are currently attending in the United States. • U.S. high school diploma or certificate of completion • U.S. GED certificate

6. Direct the public, including families with eligible individuals in detention or facing imminent deportation, to qualified free and low-cost legal service providers, help coordinate and expand the availability of free and low-cost legal services to help individuals apply, and consult local community based organizations how local government can best serve the interests of the community

Free and low-cost legal service providers are key to implementation. Although some individuals' cases will be straightforward, others will be complicated and may require legal expertise in order to determine whether it is safe/advisable to submit for consideration to USCIS.

- Existing qualified legal service providers should be promoted (e.g., by listing on a website, flyers, etc.).
- The Mayor's Office can assist be helping to recruit additional pro bono attorneys from law firms that may be interested in providing support and finding opportunities for them to plug into organizations serving immigrant communities
- BIA-accredited organizations can help expand the capacity and infrastructure to provide immigration legal services. More information here: <http://www.ilrc.org/info-on-immigration-law/bia-accreditation>

7. Work to address financial hurdles to applying (e.g., by helping individuals access bank accounts, creating a new microloan product, etc.)

USCIS is a fee-based agency where the costs of a program are covered through the application fees. The fees for submitting an application for administrative relief will be \$465, which covers the costs of a work permit and a background check. It is not yet known if fee waivers will be available. Additionally, there may be associated costs (e.g., document collection, legal fees, etc.).

Citizenship microloans, DACA microloans and other financial products and opportunities have been created to help individuals cover the cost of applying. The City can:

- Engage foundations, financial institutions and other partners in conversations about how to reduce financial hurdles to applying for administrative relief

More information from Grantmakers Concerned with Immigrants and Refugees: https://www.gcir.org/sites/default/files/resources/DACA%20Loan%20One-Pager%203.18.13_0.pdf

8. Engage local financial and philanthropic institutions in support of implementation



Funding for information campaigns, legal services, financial assistance and other aspects of implementation has been supported by philanthropic partners in the past.

Grantmakers Concerned with Immigrants and Refugees has created a map of grantmaking in the U.S. for Deferred Action for Childhood Arrivals (DACA) Implementation:

http://gis.foundationcenter.org/gcir_map/

9. Work with agencies and community-based organizations to structure “life after deferred action” curricula to educate newly work-authorized individuals about their rights in the workplace, access to driver’s licenses, and similar issues.

A [national survey of DACA beneficiaries](#) identified several key economic and social benefits resulting from DACA: Approximately 61% of DACA recipients surveyed have obtained a new job, over half have opened their first bank account, 38% have obtained their first credit card, and 61% have obtained a driver’s license.

Educating individuals about the benefits they are eligible for after receiving deferred action, as well as preparing agencies and CBOs to help individuals access those benefits, will raise prospects for meaningful long-term integration.