

# Immigration Newsletter



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## Deferred Action for Parents of U.S. Citizens:

### Recent Developments with the Judge's Decision in the Federal District Court

On November 20, 2014 President Obama issued an executive policy creating the Deferred Action for Parents of U.S. Citizens program, or DAPA, and amending the current Deferred Action for Childhood Arrivals program, or DACA. On December 3, 2014, 17 states, including Texas, filed a lawsuit in the Federal District Court in Brownsville, TX against President Obama's administration to try to stop the DAPA program. On February 18, 2015, the Judge issued an injunction ordering the government to at least temporarily halt the release of the new DACA and DAPA application forms. Below we discuss the current situation.

#### How Does the Judge's Injunction Affect DAPA?

Because the Judge issued an injunction, the DAPA program is temporarily frozen. As a result, the immigration authorities may not release any application forms and nobody can apply at this time.

#### How Does the Judge's Injunction Affect DACA?

On November 20, 2014, President Obama stated that the initial DACA program would expand to include persons over 31 years of age who otherwise qualify. Also, a person would now only need to have resided in the U.S. since January 1, 2010, instead of June 12, 2007. The Judge's injunction halted the release of the forms for the amended DACA and nobody can apply under these **new requirements** right now.

Persons who are eligible under the requirements of the **original** DACA program of June 12, 2012 may continue to apply!

**Most members of the legal community believe the Judge's decision will likely not stand and the DAPA program and DACA program expansion will go forward. However, if they do go forward, they will at least be delayed.**

#### Why Did the States Start This Lawsuit?

In the lawsuit, the States are arguing that President Obama's actions in creating the DAPA program were unconstitutional and outside of his authority as President. They also argue that DAPA would place a large burden on States' budgets because it would cause the States to spend additional money on things like law enforcement, health care, education, and issuing driver's licenses.

#### How Has the Obama Administration Responded to the Injunction?

The Obama administration has asked the higher court of the U.S. Circuit Court of Appeals for the Fifth Circuit to "stay" the injunction, which means it is asking the court not to enforce the injunction and to let the DAPA and DACA programs go forward.

#### What Happens Now?

Now we must wait for the Court of Appeals to make a decision. Again, many immigration attorneys and legal scholars believe the Judge's decision will be overturned and the DAPA and expanded DACA programs will go forward after a delay.

Originally the instructions and forms for DAPA were supposed to be issued

in May of 2015. This date is now at least delayed.

Because we believe in our office that the program will likely go forward eventually, we continue to do DAPA consultations and prepare clients for what to do if the forms become available.

#### What Can I Do to Prepare?

It is never too early to start collecting some of the documents you will need if DAPA goes forward. Make sure you have at least one form of official photo identification for yourself and copies of your children's birth certificates. You can also start gathering documents showing you have lived in the US since December of 2009.

#### What If Someone Offers to Fill Out Your DAPA Forms Right Now?

**DON'T DO IT! AT THIS TIME, IMMIGRATION HAS NOT ISSUED ANY FORMS. NO FORMS EXIST!** Please be aware of scams. Do not go to a Notario or Notary Public for legal help. They are not licensed attorneys and do not work for accredited organizations. They are practicing law without a license and this is illegal.