

Policy Change To Aid Immigrant Youth Spurs Collaboration: The Formation of the Philadelphia Deferred Action Network (P-DAN)

Judith Bernstein-Baker, Esq., MSW and Natasha Kelemen, MSS

23 January 2013

The Movement toward a DREAM

On June 15, 2012, President Obama announced a significant shift in immigration policy: under a new program referred to as Deferred Action for Childhood Arrivals or DACA, his administration would protect certain young undocumented immigrants from deportation and issue them work permits and social security cards.

Nationally, an estimated 1.4 million youth are eligible to apply for DACA. The youth targeted under this program are American in every sense of the word except for their immigration status. Many came to the US as infants and have completed high school or are attending college.

They are valedictorians and babysitters, musicians and meatpackers, law students and restaurant workers.

Without stable immigration status, these youth are relegated to work in the underground economy. They face uncertainty about their future, knowing that at any time they may be forcibly returned to their countries of birth—countries with which they may have few ties and where they may not speak the language. Without legal work authorization, these young immigrants work in marginal jobs and are often subject to exploitation.

DACA is not a permanent solution for these young immigrants, but rather a stopgap measure implemented by the President after the Development, Relief, and Education for Alien Minors Act, better known as the DREAM Act, languished in Congress. President Obama's DACA policy does not go as far as the DREAM Act would have and eligibility is limited. Unlike the DREAM Act, DACA does not provide a pathway to citizenship for childhood arrivals, and it does not enable beneficiaries to obtain any public benefits or student grants or loans. To be eligible, applicants must have lived in the US for five years, have entered before the age of 16 and be at least 15 years old and under 31 years old as of June 15, 2012. But under DACA, those who meet these conditions are allowed to work legally and are protected from deportation for a renewable period of two years.

DACA Creates a Need

Immediately after the June announcement of DACA, nonprofit immigration service providers, advocates and

community-based groups began receiving calls requesting information or assistance. Eligible DACA applicants had to weigh considerable risks and overcome significant challenges to apply. With thousands of youth in the Philadelphia region eligible to apply for DACA, no single immigrant legal service provider or advocacy organization had the capacity to meet the need for outreach and legal assistance.

Judith Bernstein-Baker, executive director, and Philippe Weisz, managing attorney, of HIAS Pennsylvania felt that their organization was well positioned to convene a network of local immigration advocates and services providers to address DACA. The Immigrant Youth Advocacy Project of HIAS Pennsylvania specializes in legal assistance to unaccompanied, abused and neglected immigrant youth and has strong relationships with stakeholders. Weisz convened a meeting of advocates and service providers to prepare a coordinated response. The Welcoming Center for New Pennsylvanians (Welcoming Center) provided space for the first meeting and led the group in developing a preliminary fact sheet to dispel myths and explain what was known about the program at the time. A week later, the group met with representatives of the Philadelphia Foundation, the Samuel S. Fels Fund and Delaware Valley Grantmakers to alert them to the opportunities and needs created by DACA. Foundation staff encouraged the organizations to continue their collaboration and to hire one coordinator

who would do extensive outreach to set up community information sessions, recruit pro bono attorneys and other volunteers and leverage the resources of each group.

Putting Young People First: The Collaborative Model

Putting Young People First: The Collaborative Model

The groups joined together to form the Philadelphia Deferred Action Network (P-DAN) to conduct outreach to eligible immigrant youth, provide screenings and legal assistance, recruit and mobilize pro bono attorneys and ensure swift processing of applications. Each group brought resources and skills to the table. HIAS Pennsylvania agreed to act as fiscal sponsor and to write grant proposals. The Pennsylvania Immigration and Citizenship Coalition (PICC) was selected as the coordinator host site, given its advocacy mission and structure as a coalition organization. PICC hired a "DREAMer" whose own application for DACA was approved, to coordinate the effort. The leadership team of the network felt strongly that a young immigrant who had been involved in advocacy was the best person to identify outreach strategies. The Welcoming Center drafted the first informational flyer, leveraged media coverage and offered its extensive mailing list for outreach purposes. DreamActivist PA reached out to its network to

inform its members about DACA. The Interpretation and Translation Department of the Nationalities Service Center (NSC) translated the information sheets into ten languages. JUNTOS and the New Sanctuary Movement agreed to conduct outreach and organize community meetings. CEIBA spread the word among its contacts in the Latino community. Immigration legal service providers NSC, Esperanza Immigration Legal Services, Catholic Social Services and HIAS Pennsylvania began staffing community "clinics" and providing free or low-cost legal assistance to individuals along with a private attorney, David Bennion, a trusted counselor to immigrant youth activists.

The P-DAN is a successful model that utilizes members' strengths and encourages coordination and cooperation instead of duplication and competition. Member organizations were quick to come together to develop a coordinated response to the new policy and to secure funding from several sources to support needed outreach and legal services. Each member organization recognizes the value of the other partners. According to Peter Piedmonte, executive director of the New Sanctuary Movement, "The DACA trainings have been essential for the immigrant community to get out real information that protects people from fraud. The sessions give people the tools and confidence to apply for deferred action." The legal nonprofits have the expertise to provide quality legal services and need the partnership of strong and trusted

community-based organizations to spread the word among their constituents. Members are working collaboratively to respond to service gaps; there is no wrangling over funding or "credit." It quickly became clear that P-DAN had the capacity to meet the need for legal services in Philadelphia but that other surrounding counties were struggling. P-DAN therefore shifted its focus to organizing legal clinics in nearby areas lacking in low-cost immigration legal services. Attorneys from P-DAN member agencies and pro-bono attorneys volunteer to staff the clinics outside of Philadelphia.

P-DAN utilizes several models of service delivery, some of which include volunteers, to enroll as many young people as possible. In one model, community members attend an information session to learn about the requirements of DACA and to determine if they are eligible. If deemed eligible, they receive a follow-up individual appointment to meet with an immigration attorney. In another model, community members come to an information-and-screening session and, if deemed eligible for DACA, are asked to return a couple of weeks later with documents for a pro se clinic where their application is reviewed by a nonprofit or a trained pro bono attorney. Volunteers help at these group clinics by copying documents, caring for children and providing interpretation.

P-DAN has also leveraged the skills of Harvey Finkle and Mark Lyons, a local photographer and storyteller, respectively, to develop a short video featuring stories and

photos describing the lives of five local DACA applicants. This video will be used by the entire collaborative to put a human face on the young immigrants who seek to end their marginalization. "Even though DACA is a partial fix, it provides a way young people can come out of the shadows and began to see a future; it enables us to see what contributions they can make to our region," notes Philippe Weisz.

Accomplishments

Accomplishments

To date, P-DAN has secured \$75,000 of its one-year budget of \$111,700 and has allocated these funds among partners. Most of the funds have been used to support a part-time coordinator based at PICC. Since its formation, P-DAN members have conducted 35 outreach events reaching 1,139 community members and providers and filing 211 applications.

One of the first applicants in the region to benefit from DACA was J.S., a 30-year-old Bolivian national. J.S. came to the US when he was seven years old. He completed a magnet high school but despite his academic potential was unable to attend a four-year college. He now attends community college and is a computer specialist. He is also a leader in the immigrant rights movement. His application for DACA was filed by the Immigrant Youth Advocate at HIAS Pennsylvania. It was recently approved

and he now has an employment authorization card. "To me, learning quenches my thirst; my dream is to attend college and become an engineer."

S.S., an Indonesian youth, has lived in Philadelphia almost half of his life; he attends Temple, majoring in economics, and is being represented for a nominal fee by a private attorney: "DACA means opening doors of opportunity for me; I can now work legally in the US and obtain a driver's license. But the most important thing of being granted DACA is not having to live in fear of being deported any longer. It surely takes a lot of weight off of your shoulders."

As with any coalition, especially one that is seeking to implement a new policy, P-DAN has also encountered challenges. One major challenge is reaching isolated immigrant communities in the surrounding counties of Montgomery and Chester as well as other regions with concentrated immigrant populations. Reaching all ethnic communities, especially those in which the issue of immigration status is not as openly discussed as it is in the Latino community, is another challenge. Identifying and forging partnerships with respected community organizations is key to outreach. The application requirements pose another challenge; many young immigrants have been used to living a life of "invisibility" so as not to draw attention to their status. In order to be eligible, strict documentation requirements have been established, and it has taken some applicants a long time

to gather this evidence. Finally, the application fee, \$465, is onerous for the applicants, many of whom are unemployed.

DACA is certain to be around for four more years and may become the foundation for a revitalized DREAM Act. The young immigrant activists, known as "DREAMers," who courageously fought for the DREAM Act are continuing their efforts to draw attention to their situation. PICC's work coordinating the P-DAN initiative has helped the organization develop new and closer links with immigrant-serving and immigrant rights organizations in the region while exploring with these groups a longer-term national policy solution for both young people and their families. P-DAN's immediate challenge remains maintaining the outreach, education and direct service effort so our region's young immigrants can benefit from the program. Any organization interested in learning more about DACA or the P-DAN coalition should contact Natasha Kelemen at natashakelemen@paimmigrant.org or visit the PICC website at www.paimmigrant.org.

Author Bios

Judith Bernstein-Baker, Esq., MSW has been the executive director of HIAS Pennsylvania for the past 16 years. HIAS Pennsylvania provides legal and resettlement services to immigrants and refugees from over 100 countries. HIAS Pennsylvania and its predecessor organizations have helped over 320,000 newcomers

immigrate and integrate into the Philadelphia region since its founding in 1882.

Ms. Bernstein-Baker has published several articles on immigration issues and public interest law including “The Volatility of Immigration Law for Children,” in the *Legal Intelligencer* (March 10, 2011) and “The World of Refugee Resettlement,” in *Philadelphia Lawyer* (Spring 2010). She teaches immigration law at Philadelphia Community College and is an active member of the Philadelphia Chapter of the American Immigration Lawyers’ Association, serving as pro bono liaison.

Natasha Kelemen is the executive director of the Pennsylvania Immigration & Citizenship Coalition (PICC). Ms. Kelemen has more than ten years of experience working with immigrant and refugee communities in Philadelphia, the UK and Angola. In a variety of roles, she has worked to support immigrant rights and access to resources. She came to PICC from the Nationalities Service Center (NSC), where she led the formation of the Philadelphia Refugee Health Collaborative—a nationally recognized model in refugee health care. Prior to joining NSC, Ms. Kelemen was the health services director at the Southeast Asian Mutual Assistance Associations Coalition, where she was responsible for multiple community health education and outreach programs. She also has extensive experience in fundraising, coalition building, advocacy, program development and community outreach. Ms.

Kelemen immigrated to the U.S. as an adult, speaks French and Portuguese and holds a master of social service degree from Bryn Mawr College.