



**NATIONAL  
IMMIGRATION  
LAW CENTER**

## COMMUNITY EXPLAINER

# WHAT DALEROS SHOULD KNOW UNDER THE TRUMP ADMINISTRATION

Since 2023, Deferred Action for Labor Enforcement (DALE) has provided temporary protection from deportation and a work permit for workers involved in a labor agency investigation at their workplace. The Trump administration is making big changes to immigration policy. Many workers with DALE are asking questions about what these changes mean for them and how they can protect their rights under the new administration. This resource provides some answers and has links to other helpful information.

## GENERAL QUESTIONS

### What does having DALE mean?

Deferred action “defers” immigration enforcement (including deportation) for the time it is granted. In the case of DALE, that time is four years (note that DALE grant times [were for 2 years](#) up until July 2024, so some people’s grant periods may be shorter). DALERos also receive a work permit for the same time period as their deferred action. People with deferred action should not be subject to immigration enforcement and can work lawfully until their deferred action and work permit expires. However, they can still be arrested as part of a raid or if they are suspected of criminal activity. This could also change if the DALE policy is cancelled.

### Is the DALE policy still in place?

Yes. The Trump administration has not officially ended it, though there are other [policy changes](#) that could affect DALERos (see below). With immigration policy changing quickly, it is important to stay aware of changes that could affect you or your family. [Connect](#) with your local immigrant rights organization today.

### Is my DALE grant still valid? What about my work permit?

Yes. As of the date of this publication none of the Trump administration’s new policies on immigration have changed your deferred action status or the validity of your work permit.

### Can I apply for DALE now?

The Trump administration has not yet terminated the DALE program, but we think it’s likely they will. Applying for DALE now would be extremely risky for most people, because the Trump administration could target people who apply for arrest and deportation. There may be some cases where it would be advisable to apply, including people who are already in detention or facing a deportation case. The risks of applying include:

- Losing your filing fee of \$520 and any fees you pay an attorney.
- Sharing your address with the Department of Homeland Security (DHS), which could be used for immigration enforcement.

- Receiving a Notice to Appear in immigration court, if you have never been ordered removed.
- Being arrested, detained, and/or removed by Immigration and Customs Enforcement (ICE).

### **Who should I talk to about whether to apply for DALE?**

At this time, many advocates are recommending that workers not apply for DALE because of the risks noted above. If you are still considering applying for DALE, you should speak to a trusted immigration lawyer or accredited representative who can review your immigration history and give competent legal advice. Beware of immigration service providers who encourage you to apply regardless of the risks. Also beware of individuals that offer their assistance but who are not licensed attorneys or Department of Justice (DOJ) accredited representatives. They sometimes use the title “notario” or “immigration consultant” but they are not authorized to practice law in the United States.

### **Will I lose my DALE because Trump is president?**

Deferred action grants, such as through DALE, can be cancelled, but the government is supposed to provide a notice in writing saying it plans to cancel deferred action status. We don't yet know if the administration will cancel the deferred action for people who already have DALE, but it is possible that some DALEros might lose their status because of being detained by ICE or the police for other reasons. If you get a notice from the government saying it plans to revoke your DALE, be sure to consult with an immigration lawyer or accredited representative as soon as possible.

### **Could I lose my work permit, and if I did, how would I find out?**

If your DALE grant is cancelled or revoked, you could also lose your work permit since the DALE grant is the basis for the work permit. The government is legally required to provide written notice if your work permit is cancelled. This notice could be sent to you by mail or be given to you during your removal proceedings. Again, if you receive this kind of notice, talk to an immigration lawyer or accredited representative as soon as you can.

### **Will I be targeted by ICE because I have DALE?**

We don't know yet if the Trump administration will specifically target DALEros, but it is possible. DALEros may also be subject to other ICE enforcement actions, including community or worksite raids.

### **Can I apply for a renewal or extension of my DALE?**

The Trump administration has not officially changed the policy on renewals or extensions. However, it is unclear if the Trump administration will continue to process these applications, and the same risks apply as with initial applications, noted above.

### **What if my DALE application is still pending?**

Because there has been no official change to the policy, pending DALE applications should still be processed. However, we do not know if the short processing times and high approval rate will continue under the Trump administration.

### **Can I ask to withdraw my still pending DALE application?**

Yes, there are specific instructions for withdrawing DALE on the DHS website, Frequently Asked Question 20. We do not know whether or not USCIS will agree to withdraw applications at this time. Even in cases where the withdrawal request is granted, USCIS will not return the applicant's filing fee.

### **What if my DALE application is denied?**

The Trump administration has issued new guidance stating they will now issue Notices to Appear in immigration court to anyone whose application for benefits is denied. In other words, you could be placed in removal proceedings if your DALE application is denied if you do not already have an order of removal. If you have been in the United States less than two years after crossing the border without a valid visa, ICE

may also try to put you in fast-track deportation proceedings known as “expedited removal,” meaning you would not have a chance to fight your case in immigration court. ICE may also try to put you in fast-track deportation even if you have been here longer than two years if you entered at a port of entry (such as through a border bridge) without a valid visa but were allowed to enter on parole.

## **BENEFITS OF HAVING DALE**

### **Can I get a social security card with DALE?**

Yes. There was an option on the form you submitted to receive your work permit. Even if you did not receive a social security card, you can still ask for one at a Social Security Administration office. As of January 2025, you will need to make an appointment beforehand.

### **Can I get a driver’s license with DALE?**

Yes. All 50 states have to provide driver’s licenses to people with deferred action-based work permits, including REAL ID licenses which do not show a person’s status and can be used as ID at airports. However, starting May 7, 2025, you will need either a REAL ID compliant license or passport to fly in the United States.

### **Can I get health insurance?**

Yes. People with deferred action are eligible to buy insurance on the marketplace under the Affordable Care Act (ACA).

### **Can I apply for other immigration benefits?**

Yes. While you have the temporary status of DALE, it is a great time to consult with a trusted immigration attorney or accredited representative about other types of benefits that you may qualify for and that could lead to permanent status and a green card. For example, some workers may be eligible to apply for permanent status based on family members who are United States citizens or permanent residents, while others may be eligible to apply for a U or T visa, which provide a pathway to permanent status for victims of specific crimes.

### **What are T and U visas?**

These are visas for victims of certain crimes that provide a pathway to permanent status, including human trafficking (T visas) and other crimes that can occur in the workplace, as well as crimes like domestic violence, sexual assault, robbery, and others (U visas). If you were harmed while at work or outside of work, be sure to say this when you speak to an immigration attorney or accredited representative.

### **Can I change jobs while I have work authorization under DALE?**

Yes. Many workers choose to apply for a new job with their DALE and work authorization. You can use your work permit and social security number to apply for the job opportunity. Be aware that whether you change jobs or provide your new DALE work permit to your current employer, employers are required to check or “re-verify” your work authorization before it expires. If your employer does this when your DALE is expiring and you do not have new work authorization, you could lose your job.

## **WHAT DALEROS SHOULD KNOW ABOUT THE TRUMP ADMINISTRATION’S NEW IMMIGRATION POLICIES**

### **What recent changes in immigration policy could put DALEros at higher risk of arrest by ICE?**

- **Ending the Biden Administration’s immigration enforcement priorities:** The Biden administration instructed ICE to prioritize certain immigrants for arrest, detention, and deportation, which were mainly people with serious criminal histories or who entered the United States very

recently. Under the Trump administration, all immigrants are a priority. When all immigrants are a priority, ICE can target a wider range of immigrants, though this does not mean they will specifically target DALEros.

- **Expanding of Expedited Removal:** The Trump Administration has [expanded a program](#) that allows ICE to quickly deport people without ever seeing an immigration judge. This could apply to DALEros who did not arrive on a visa and have been in the United States for less than two years. It could also apply to DALEros who arrived in the United States by presenting themselves at a port of entry (like a border bridge) without a valid visa at any time in the past and were allowed to enter on parole.
- **Passing the Laken Riley Act:** This new law allows ICE to [detain people](#) who are arrested, charged, or convicted of, or admit to committing the crimes of burglary, theft or larceny, shoplifting, assault on a law enforcement officer, or any crime that results in death or serious bodily injury to a person. This means DALEros with new criminal charges could be at higher risk of being detained by ICE without bond. We do not believe this law should apply to any criminal activity that occurred before January 29, 2025, when the Laken Riley Act became a new law, but ICE may try to argue that it does.
- **Changing Guidance for Crime Victims:** ICE previously limited immigration enforcement against some survivors of crimes, including labor crimes. The Trump administration stopped this policy, making survivors of crime are now more vulnerable to ICE enforcement. This means DALEros and those who have applied for T or U visas or Violence Against Women Act (VAWA) relief may be at higher risk of enforcement.

### **Does the Trump administration's new registration requirement apply to people with DALE?**

No, we do not think so. DHS announced on February 25, 2025 that it would create a registration process for all immigrants over 14 years of age to register with the federal government after arriving in the United States (and have their fingerprints taken). The announcement also says that immigrants must carry proof of their registration with them at all times. DHS is threatening criminal and civil penalties for those who do not comply. A work permit document counts as a form of registration, so DALEros with work permits should not need to register with DHS again. However, if you have family members who have no status, they may be required to register but should consult a qualified immigration attorney or accredited representative beforehand.

### **Could ICE arrest me even though I have DALE?**

Unfortunately, yes. This could happen for several reasons, including: the ICE officer is not aware of your status, ICE has other reasons to believe you are not lawfully in the United States, you are transferred to ICE custody from criminal custody, or the ICE officer you encounter is trying to meet a daily arrest quota. It is important to familiarize yourself with your rights under the United States Constitution, which applies to all persons, not only to citizens of the United States. These rights apply in situations where ICE or other law enforcement come to your home or your work, or you encounter them on the street or anywhere else.

### **If I have DALE, are there documents that could help protect me during an ICE encounter?**

If you are stopped by ICE, remember you have the right to remain silent and ask if you are free to leave. If you show ID, it is better to provide a driver's license or REAL ID that does not, on its face, show your immigration status. If you are specifically asked to show proof of your [status in the United States](#) or your "registration" in the United States, or if ICE proceeds to arrest you, then you should show them your work permit (or your DALE approval notice if you do not have a work permit for some reason).

You should keep a copy of your work permit and DALE approval notices at home in case ICE takes the originals. You should also consider keeping a copy of these documents in your email or in cloud-based storage, so you can access them remotely. If you have an attorney or accredited representative, you may also want to ask for a letter that explains your immigration status.

### **Are there any downsides to sharing documents that show my status with ICE?**

Be aware that anything that shows your immigration status or pending applications could also help ICE prove that you are a citizen of another country, so it is best not to provide any documents unless you are specifically asked to show proof of your [status in the United States](#), your “registration” in the United States, or you are being (or have been) arrested or detained. It is best to speak with an immigration attorney or accredited representative first. Foreign documents like passports or consular IDs may help ICE show that you are a noncitizen who is in the country in violation of United States immigration law.

### **What if I get pulled over by law enforcement?**

If you are pulled over by state or local law enforcement, only the driver is legally required to provide a license and proof of car insurance. As noted above, DALEros are eligible for a driver’s license and/or REAL ID, so if you are the driver of a vehicle and have a driver’s license and/or REAL ID, you should show it to the officer. Passengers do not need to provide any identification unless they are specifically asked to show proof of their “registration” in the United States or are traveling within [100 miles](#) of a United States land or sea border.

Regardless of the type of officers (and whether you have a license or not) you have the right to remain silent and do not need to provide immigration documents unless you are specifically asked to show proof of your “registration” in the United States.

### **What if ICE comes to my workplace?**

You have rights [if ICE comes to your workplace](#). If ICE agents ask you to let them into your workplace, you can refuse and tell your supervisor. You have the right to remain silent and do not have to share information about your immigration status unless you are specifically asked for your “registration” in the United States. If ICE conducts a raid at the workplace that was being investigated by a labor agency and was the basis of your DALE application, you should notify your immigration attorney, accredited representative and/or worker center. The labor agency may be able to notify ICE that you and your co-workers participated in the labor case, which may make ICE more inclined to release you and/or your co-workers from custody.

### **What else can I do to protect myself and my family?**

Given the government’s threats of mass deportation, all immigrants without permanent status (including DALEros) should have a [safety plan](#) for themselves and their families, especially children, and including pets.

### **If I get a notice telling me that I have to appear at an immigration hearing, could I be eligible for any immigration relief?**

You may be. It is extremely important to talk to an immigration attorney or accredited representative as soon as possible if you receive a Notice to Appear in immigration court. Whether you are eligible for some kind of immigration relief will depend on your situation and your immigration history. Here are some examples of potential relief:

- **Asylum:** A form of protection that allows people to stay in the United States instead of being deported to a country where they fear persecution. A person can win asylum if at least one of the reasons they were harmed is because of their race, religion, nationality, political opinion, or the fact that they are part of a “particular social group.” Usually, you must apply for asylum within one year of being in the United States, but there are exceptions.
- **Cancellation of removal:** A protection from deportation that allows people in removal proceedings to ask an immigration judge to change their status to that of a lawful permanent resident if they have continuously lived in the United States over 10 years and meet other strict requirements, like proving that your United States citizen or lawful permanent resident parent,

child, or spouse would suffer exceptional hardship if you were deported.

- **Termination of removal proceedings:** Immigration judges are [authorized](#) to terminate (or end) deportation proceedings based on deferred action status, including DALE. The judge is much more likely to agree to termination if the government attorney agrees to it. However, seeking termination can be risky under the Trump administration because if a case is terminated ICE can try to quickly deport the person through the fast-track deportation process known as “[expedited removal](#).” We recommend speaking with an attorney or accredited representative about this option.

### **If I already have a removal (deportation) order and I am detained by ICE, how could I defend myself from deportation?**

There are limited options for immigration relief for persons who have already received a removal order, whether from an immigration judge or an immigration official in [expedited removal](#) proceedings. If you are in this position, you should consult with an immigration lawyer or accredited representative. Some options that may be available to you could be:

- **Request that ICE issue you a Notice to Appear in court:** ICE has the power to choose to issue you a Notice to Appear in immigration court instead of deporting you based on your existing removal order. ICE may be convinced to do this if you have been living in the United States for a long time, have family ties here, and you do not have serious criminal convictions or otherwise present a public safety concern. Given the negative political climate against immigrants and the fact that all immigrants are now a priority for removal, however, ICE may not be inclined to do this.
- **Reopen your immigration case with an immigration court:** In certain situations, immigrants with removal orders issued by an immigration judge may be able to file a written motion to reopen asking the immigration court to reopen and cancel the order of removal so that they can be placed in active removal proceedings. This can happen even after an immigrant is taken into detention but requires quick work by a competent immigration lawyer or accredited representative who is familiar with the strict rules that apply to motions to reopen.
- **Request a Reasonable Fear Interview:** If you were ordered removed, departed the United States, and returned, and you have a fear of returning to your home country, you have the right to ask for the chance to seek protection from deportation called “withholding of removal.” The first step in this process is to state your fear loudly and ask for a “reasonable fear interview.” To pass the reasonable fear interview, you will need to show there is a more than 50 percent chance you will be “persecuted” (harmed physically, psychologically, or emotionally) because of your race, religion, nationality, membership in a particular social group, or political opinion if returned to your country.

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