



## DECEMBER 2020 **COMMUNITY ALERT: CHANGES TO THE DACA PROGRAM**

On December 4, 2020 a federal judge ordered the Department of Homeland Security to fully restore the original DACA program. Below is a summary of what this means for the community.

### **WHAT DID THE COURT DECIDE?**

On July 28, 2020, the Department of Homeland Security (DHS) issued a memo that severely limited the DACA program. For example, the memo only allowed DACA renewal applications and changed DACA protections and work permits from two years to one year.

On November 14, 2020, a federal court in New York ruled that the Director of Homeland Security had not been correctly appointed and therefore the July 28, 2020 memo was invalid. This decision brings DACA back to its original 2012 form.

### **The order invalidates the July 28, 2020 Memo and instructs DHS to:**

1. Accept first-time DACA applications.
2. Process Advance Parole requests based on DACA's original 2012 terms.
3. Extend DACA protections for all recipients who received a one-year grant of deferred action to two years.

### **WHAT DOES THIS MEAN FOR ME?**

- ✓ **USCIS must start accepting initial DACA requests from first-time applicants.**

Effective December 4, 2020, USCIS must begin to process DACA first-time requests. This includes all people who were eligible for the program but were not able to apply before the September 2017 termination, and those who applied after the June 2020 Supreme Court decision but had their request rejected.

A person can be eligible for DACA if they:

1. Were born after June 15, 1981;
2. Came to the United States before their 16th birthday;
3. Were living in the U.S. on June 15, 2012 AND have continuously lived here since June 15, 2007;
4. Meet certain educational requirement or were honorably discharged from the U.S. Armed Forces; **and**
5. Have not been convicted of certain crimes.

Individuals who are interested in applying for the program should consult a legal service provider to see how they can prepare and file a request.

To find a legal service provider in your area, visit: <https://bit.ly/ianimmhelp>



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✓ **USCIS must process applications according to the 2012 DACA Program requirements.**

All applicants who are eligible to renew their DACA can continue to submit their DACA renewal applications. This includes people who currently have DACA, whose DACA has expired, and those whose DACA was terminated, but are still eligible.

All DACA applicants who are granted DACA will receive the following:

- A work authorization valid for two years **and**
- A grant of Deferred Action for two years.

✓ **USICS will automatically extend all DACA grants issued for one year to two years.**

People who applied and had their applications processed after the publication of the July 28, 2020 memo were issued DACA protections valid for one year. Now that the Court invalidated this memo, these DACA protections will be automatically extended to two years. Recipients should receive notice from USCIS indicating this extension of their case.

✓ **USCIS will process Advance Parole request for DACA recipients who can demonstrate they need to travel due to education, employment, or humanitarian reasons.**

DACA recipients can apply for an international travel permit called “Advance Parole” if they can show they need to travel for “humanitarian, education, or employment” purposes. This can include traveling for medical reasons, to visit a sick relative, to study abroad, or to complete a work assignment.

It is important that people consult a legal service provider before they apply for and travel on advance parole to discuss any risks, including COVID-19 restrictions.

## WHAT NEXT STEPS CAN I TAKE?

While this court decision has opened the door to DACA for many people, it is important to remember that the DACA program could be changed in the future. It is important to remain informed about any developments about the program as well as understand what legal options you have beyond DACA.

All individuals should:

- Consult with a legal service provider to discuss your options—you can find a trusted service provider in your area here: <https://bit.ly/ianimmhelp>
- Stay informed about DACA litigation updates by visiting the National Immigration Law Center (NILC) litigation website at <https://www.nilc.org/issues/daca/daca-class-action-lawsuit/>
- Demand that Congress and future administrations create a path to permanent status for all immigrant communities at risk of deportation. Find out how to get involved at <https://www.unitedwedream.org>

