DACA After *Texas v. United States*

July 2021

House Keeping Items

- Webinar is being recorded
- Contact information will be shared at the end
- Utilize Q & A for questions throughout the webinar
- Panelists will utilize the chat feature to share links & resources

Click the tab to read live captions.

Click this tab to enter questions for the presenters, and read their responses.
What is DACA?

DACA=Deferred Action for Childhood Arrivals

• Created by the Obama Administration in 2012

• More than 525,000 people enrolled in the program (total of 800,000 since its inception in 2012)

DACA Benefits

• 2-year protection from deportation

• Eligibility for employment authorization document (work permit)

• Able to apply for state ID and driver’s license

• Eligible for a Social Security Number

• Able to renew DACA grant every 2-years

• Able to submit Advance Parole requests for Humanitarian, Employment, or Educational reasons
**DACA Limitations**

- Executive action not law—can be changed, rescinded, etc.

- Not a status, permission to remain in the United States legally

- Does not lead to status— not a visa, permanent residence (a 'green card')

- Not a pathway to Citizenship

---

**DACA Timeline**

- Trump Administration terminates DACA
  - Sep. 2017

- Supreme Court rejects how DACA was terminated
  - Jan. 2018

- Federal Court rules DACA renewals must continue while case pending

- DHS issues new memorandum limiting program
  - June 2020

- Federal Court says July memo invalid and orders program restored
  - July 2020

- Dec. 2020
Texas v. United States Litigation

• Lawsuit challenged the legality of the DACA policy—is DACA unlawful?

• Supreme Court 2020 case—was DACA terminated lawfully?

Texas v. United States

• July 16, 2021, U.S. District Court of the Southern District of Texas held that DACA policy was unlawful—

  • Vacated the original DACA policy memo from June 15, 2012.

  • Issued a permanent injunction prohibiting the government’s continued administration of DACA.

  • Temporarily stayed its order and injunction in regard to individuals who obtained DACA on or before July 16, 2016.
What does this mean?

1) Current DACA grants continue to be valid.
2) DACA Renewals continue.
3) Initial DACA request grants have been halted.

Current DACA Grants

• Nothing has changed for those who have a valid DACA grant.

• DACA protection and work permits continue to be valid.

• Social security card, driver’s license, etc. all continue to be valid.

• Those who currently have DACA can continue to renew.
**DACA Renewals**
If you have DACA or had DACA:

- You can renew DACA:
  - Recommended to renew 150 days before your current DACA grant expires.
  - If your DACA has expired more than 1 year, consult with an immigration attorney or DOJ accredited representative.

- Pending DACA renewals are being processed normally.

**DACA Backlogs**
- 13,000 DACA renewal request pending for more than 120 days
- DACA grants expiring → loss of work permit and deferred action
- Expediting cases?
  - More USCIS officers to adjudicate cases
  - USCIS Customer Service, Ombudsman, Congressional Offices?
Initial DACA

• USCIS **CANNOT** grant initial DACA requests.

***Individuals who have never had DACA or have a pending initial DACA request cannot get DACA at the moment.***

• USCIS can still accept initial DACA request—they can receive them but will not grant any new DACA requests at this moment.

How do you know if you were granted DACA?

• Submitted request but have not heard from USCIS = request halted

• Submitted request and received a receipt notice = request halted

• Submitted a request and received biometrics appointment (either have completed or were scheduled to complete) = request halted

• **Submitted request and received an approval notice = DACA GRANTED** ➔ can apply for SSN, license, etc.
**Initial DACA Request Questions**

- Biometrics Appointments—what is happening to the biometrics appointments?
- Request for Evidence (RFE)—should you answer your RFE?
- Pending filing fees—what will happen to $495?
- Submitting Initial DACA requests—should I still apply?

**Advance Parole**

- Agency will continue to process and grant advance parole to current DACA recipients.
- Hanen ruling should permit Customs and Border Protection (CBP) to honor advance parole granted to DACA recipients by USCIS—allow for reentry
- Case is still being litigated and this could change.
What is next?

- Speak with a legal service provider to understand your options and your case!

- Stay informed:
  - DACA litigation will continue—unsure of what the outcome will be:
    - Texas Appeal
    - Batalla Vidal NY Case
  - DACA rule making process
  - DHS will continue to offer statements about DACA
  - Biden Administration discussing pathway to citizenship

Recap

- Renew your DACA
- Speak with a legal service provider
- Stay informed and get involved!
Q & A

Resources

➢ ILRC— ilrc.org/daca

➢ NILC— nilc.org/issues/daca/

➢ UWD— unitedwedream.org/

➢ Home Is Here: homeishere.us/

➢ Immigrants Rising- immigrantsrising.org/