

DACA After *Texas v. United States*

July 2021



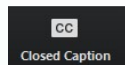
IMMIGRANT LEGAL RESOURCE CENTER
1458 HOWARD ST. | SAN FRANCISCO, CA 94103



1

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.

2

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)

3

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

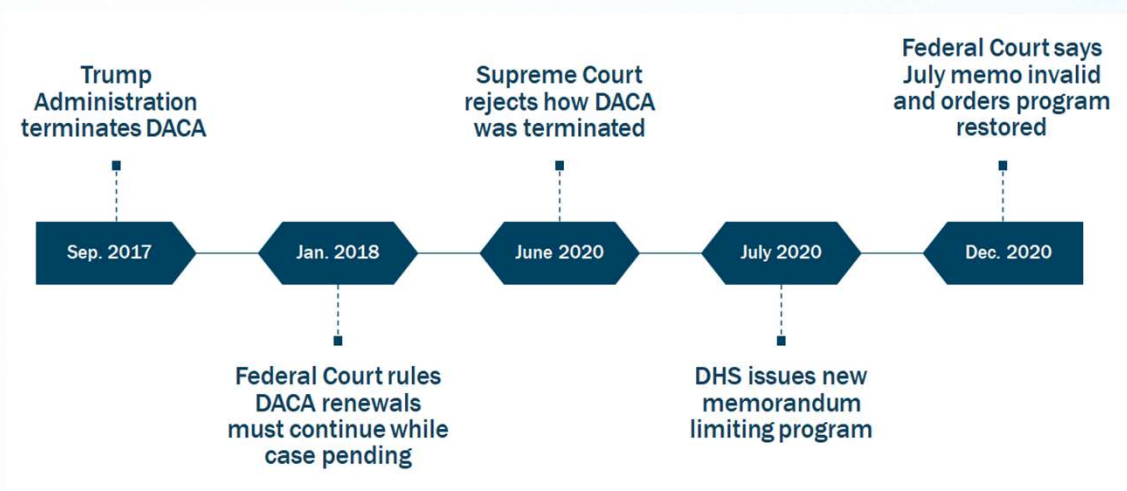
4

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- Executive action not law- can be changed, rescinded, etc.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

5

DACA Timeline



6

***Texas v. United States* Litigation**

- Lawsuit challenged the legality of the DACA policy—is DACA unlawful?
- Supreme Court 2020 case—was DACA terminated lawfully?

7

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.

8

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?

15

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.

16

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

17

Recap

Renew your DACA

Speak with a legal service provider

Stay informed and get involved!

18

Q & A



19

Resources

- ILRC— ilrc.org/daca
- NILC— nilc.org/issues/daca/
- UWD— unitedwedream.org/
- Home Is Here: homeishere.us/
- Immigrants Rising- immigrantsrising.org/

20