

COMMUNITY ALERT DACA UPDATE



NOTICE: On July 16, 2021, a Federal District Court in Texas issued a ruling in *Texas v. United States* limiting the DACA policy and declaring it unlawful. While some of these topics are still developing, for now it is important to understand how this ruling impacts the DACA community.

What does this decision mean for DACA recipients?

Current DACA cases remain valid. People who currently have DACA keep their DACA protection and work permit. Nothing has changed with already approved DACA cases.

DACA renewals continue. People who have DACA now or had DACA in the past are still eligible to renew their case. **Pending renewal applications will be processed normally.** A DACA request will be considered a renewal if it is filed by someone who currently has DACA (your work permit/DACA is still valid) or whose last DACA grant expired less than a year ago. Note that USCIS considers any application from an individual whose DACA expired more than one year ago as an initial filing, and therefore, is prohibited from approving these cases at the moment and will be put on hold.

What does this mean for DACA eligible individuals who have requested DACA as an initial?

First time DACA applications are on hold. No **new** DACA applications will be approved at this time. The Court decision has blocked USCIS from approving any new DACA cases. This means that all people who have submitted a DACA initial application (i.e., those that never had DACA and are applying for the first time) and have not received an approval from USCIS will have their application and processing fee held at this time. Additionally, USCIS has canceled all upcoming biometrics appointments. If you completed your biometrics, it will not impact you. . This applies to all initial cases that were not approved prior to July 16, 2021.

What about people who were preparing to file their first DACA request?

The judge's decision prohibits USCIS from approving any first-time DACA requests at this time. USCIS can accept initial DACA requests and send a receipt notice but will not issue any decision on these. It is unclear whether there is any benefit to submitting a first-time DACA request now and having it pending. Stay tuned for guidance.

What if someone was just granted DACA for the first time?

If you were recently granted DACA for the first time, your DACA will remain valid. You should plan to renew your DACA in the future and in the meantime stay informed about changes and updates to the DACA policy.

WHAT DOES IT MEAN OVERALL?

We will likely hear more about the DACA policy in the future. People will continue to fight to protect DACA and the legal case will continue in the courts. The Biden administration may make additional announcements about the program in the future. It is important to stay informed and to speak with a trusted legal service provider about your specific case!

WHAT CAN I DO NOW?

- Talk with a legal service provider to better understand how this decision may impact your case. Find a legal expert in your area here: <https://www.immigrationadvocates.org/legaldirectory/>
- If you are eligible to renew your DACA, renew your case now! It is advised that DACA recipients file renewal requests four to five months before the expiration of your current DACA validity period. Speak with a legal service provider to get screened and informed about your options.
- Stay involved and raise your voice- DACA recipients and their allies must demand that the Biden administration protect DACA, and Congress finally provides a permanent and inclusive solution for all undocumented immigrants.
- For more in-depth information visit ILRC's DACA Toolkit: www.ilrc.org/daca-toolbox

