



AUGUST 2020

## COMMUNITY ALERT: CHANGES TO THE DACA PROGRAM

On July 28, 2020 the Department of Homeland Security issued a memorandum severely restricting the DACA program. Despite a recent U.S. Supreme Court decision fully reinstating the program, the Trump administration has issued another attack on the program. This memorandum was followed by guidance from the U.S. Citizenship and Immigration Services (USCIS) on August 21, 2020, which explained how the memorandum would be implemented. Below is a brief summary of the current status of DACA and what it means for community members. For a more in-depth explanation of the impact of the memorandum, visit our [DACA FAQ Resource](https://www.ilrc.org/daca-frequently-asked-questions) at <https://www.ilrc.org/daca-frequently-asked-questions>. For updates about how cases are being processed under the new memo and other developments, continue to visit <https://www.ilrc.org/daca>.

### WHAT DID THE JULY 2020 MEMORANDUM CHANGE?

- **Prohibits first-time DACA applications**—All initial DACA applications will be rejected and returned to applicants with their filing fee.
- **Eliminates Advance Parole unless there are exceptional circumstances**—However, those individuals already approved for Advance Parole will still be able to use it.
- **DACA Renewals continue *BUT* for a one-year period**—This changes the period that DACA protections and a work permit are granted for from two years to one year, requiring recipients to renew *each year*.

### WHAT DOES THIS MEAN FOR ME?

#### Renewing DACA:

- If you currently have DACA or had DACA in the past, you **can renew**.
  - Fee for renewals remains \$495 but it only covers the one-year period, essentially forcing people to pay a total of \$990 for a grant period of two years.
  - Applicants should renew their DACA between 120-150 days from expiration. Starting August 21, 2020, USCIS will generally reject applications filed earlier than the 150 days from expiration.
- If your DACA was approved before July 28, you will be granted DACA for a two-year period BUT if your application was pending on July 28 you will only be granted DACA for a one-year period.
- If your current two-year work authorization is lost, damaged, or stolen, and you need to submit a replacement application, your work authorization will be issued for two-years, same as your previous work authorization.
- If there are delays with the processing of your DACA application, visit <https://www.ilrc.org/steps-take-if-your-daca-renewal-delayed> to learn what steps you can take.



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### Applying for DACA for the First Time:

- If you applied for the first-time for DACA after the U.S. Supreme Court decision, USCIS will return your application packet to you with the filing fee. Keep the application packet and rejection notice you received in case it can be helpful to you in a future case.
- Speak to an immigration attorney or a DOJ-accredited representative to understand your legal options.

### Advance Parole Applications:

- If you had your advance parole approved, speak to an immigration attorney or accredited representative before you travel outside the United States to understand the risks of traveling.
- If you believe you may qualify for advance parole due to exceptional circumstances, even if your application was previously rejected or denied, speak to an immigration attorney or accredited representative.
- Some examples of what might be considered an exceptional circumstance includes, but is not limited to, travel to support national security interest of the United States; to support U.S. federal law enforcement interests; to obtain life-sustaining medical treatment that is not otherwise available in the United States; or to support the immediate safety, wellbeing, or care of an immediate relative, particularly minor children.

## WHAT NEXT STEPS CAN I TAKE?

As we track developments on the DACA program, it is important for community members to learn about their options and stay informed. All individuals, regardless of having DACA, should:

- Meet with a legal service provider to discuss your options—find a trusted service provider in your area here: <https://bit.ly/ianimmhelp>
- Continue to fight this administration’s anti-immigrant agenda by advocating for a permanent legislative solution for DACA recipients and all other immigrant communities at risk of deportation.
- Stay informed about updates and resources by visiting:
  - Immigrant Legal Resource Center: <https://www.ilrc.org/daca>
  - Immigrants Rising: <https://www.immigrantsrising.org/>
  - Home is Here: <https://www.homeishere.us/>
  - United We Dream: <https://www.unitedwedream.org/>

