

Latest Advisory on DACA Renewals



On January 13, 2018, U.S. Citizenship and Immigration Services (USCIS) announced that it has started accepting DACA renewal applications again. This is in response to a ruling by a federal judge in California ordering them to do so while the lawsuit challenging the termination of the DACA program continues in court.

Who can submit a DACA application?

If you've had DACA before, you can submit a DACA application.

- If your DACA hasn't expired yet, or if it expired on or after September 5, 2016, you can submit a DACA renewal application.
- If your DACA expired before September 5, 2016, you can submit a new initial DACA application.
- If your DACA was terminated at any time, you can submit a new initial DACA application.

If you've never had DACA before, you CANNOT submit an initial DACA application.

Are there any risks to submitting my DACA renewal application?

Yes. A higher court could take away the California judge's order demanding USCIS to accept DACA renewal applications. You could lose your filing fees and you could have your application denied.

How early can I apply to renew my DACA?

USCIS used to instruct DACA recipients to submit their renewal applications within 150 days of expiration. USCIS had previously said that it may reject DACA renewal applications filed earlier, but also has previously said they would accept early renewal applications. At this point, we don't know if USCIS will reject these applications, process them, or hold them until they are timely. It is up to you if you want to try filing early, but there is a chance you could lose the fee.

If I have DACA, can I apply for advance parole?

No, USCIS will not accept advance parole applications from DACA recipients.

Do I need a lawyer to submit my application?

Although you don't need a lawyer to submit your DACA application, MRNY recommends you consult with a trusted lawyer before you submit your application, especially if you have ever been arrested or received a ticket

Make the Road New York continues to fight for immigrant rights through the courts and through legislation, including advocating for a clean DREAM Act. Please join the fight and follow us via Instagram or Twitter @MaketheRoadNY

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