



DACA UPDATE

April 2020

Make the Road New York obtained documents from a lawsuit against the Federal Government that appear to reveal the possibility that information in DACA applications can be shared between immigration agencies.

What do these documents tell us that we did not know before?

We have obtained documents that show ICE (Immigration and Customs Enforcement) can access DACA applications that were filed with USCIS (United States Citizenship and Immigration Services), without making a formal request and without having a specific reason to do so. Although USCIS has said many times in the past – on the DACA form instructions, on its website, and in lawsuits – that information provided with a DACA application will **not** be given to ICE in order to try to deport the applicant except in certain situations, there do not appear to be any such limits on ICE's **access** to this information.

What do we still *not* know?

- While this document shows that ICE **can** access information submitted with a DACA application, it is unclear whether ICE **has in fact** accessed information in this way or that ICE has used this information to try to deport DACA applicants (beyond its limited policy of doing so in certain circumstances). It is also unclear whether they will do so in the future.
- The document is from September, 2017. It is not clear whether the backdoor access that it describes has always been available to ICE or was a change sometime after DACA began.

What does this mean for people who already have DACA and submitted their information to USCIS in the past?

ICE officers can find out, and may already know, any information that you told USCIS in your DACA application, or obtain any document you submitted with your DACA application.

If I applied for DACA, should I be worried about being targeted by ICE?

- At this moment, **DACA is still in effect** due to court orders, so people with a valid DACA grant are still protected from deportation, and may still submit applications for renewal of their DACA status.
- The termination of DACA is currently being reviewed by the Supreme Court. A decision from the Supreme Court is expected between now and June 2020.
- If the Supreme Court ends the DACA program or allows current DACA grants to expire, DACA holders who have disclosed their current address and other sensitive information to DHS should speak with a reliable attorney or DOJ Accredited Representative about their options and what steps to take.
- We do not think that ICE will target all DACA applicants for deportation, nor do they have the resources to target so many people at once.
- However, without DACA protection, some people may be at higher risk of being targeted by ICE – for instance, if they have certain criminal convictions or a past deportation order. If you would like a personal assessment of the risks in your case, you should consult a reliable immigration attorney or DOJ Accredited Representative. New York City residents can call 311 to get an appointment through ActionNYC.

What should I do if I am considering whether to *renew* my DACA status?

- If you are eligible to renew your DACA status, you should consider doing so **as soon as possible**.
- Before renewing your DACA, you may wish to speak to a trusted attorney or DOJ Accredited Representative especially if you have moved or have new arrests or criminal convictions since your last DACA renewal.
- If you are unable to pay the renewal fee, let your attorney or representative know and they may be able to assist you in securing funds.