DACA VICTORY!

What did the Supreme Court decide?
On June 18, 2020, the Supreme Court held that the termination of DACA in 2017 was unlawful, because the administration did not consider less harmful alternatives to ending DACA or the overwhelming interests of DACA holders. This decision is a big victory and restores DACA as it existed from 2012-2017!

What does this mean for travel on advance parole?
This decision restores DACA as it existed prior to Sep. 2017, which means that DACA holders are once again eligible for advance parole. Applicants may want to await further guidance from USCIS. However, it is possible that USCIS will again try to end advance parole and so, if you apply now, the money you spend on the application could be lost. Also, you should always speak with a lawyer before traveling on advance parole about the risks.

What about new DACA applications?
This decision means that USCIS must continue to process renewal applications and once again process new DACA applications. Applicants may want to await further guidance or confirmation from DHS before applying initially. It is also important to speak with a lawyer or trusted legal services organization. Some of the risks to applying are:

- MRNY has uncovered evidence that information in DACA applications is accessible to ICE and CBP. That could include information in a new DACA application.
- The Trump administration may try again to terminate the program, which could result in applicants losing the money they paid in fees.

In addition to contacting MRNY, people seeking more information or legal help in New York City can call 311 and people elsewhere in New York State can call 1-800-566-7636.

So is DACA now available to everyone?
DACA was restored on the same terms as existed in 2012. Eligibility for DACA requires that:

- You are 15 or older at the time of your application;
- You came to the U.S. before reaching your 16th birthday;
- You have continuously resided in the U.S. from June 15, 2007 until now;
- On June 15, 2012:
  - You were under the age of 31;
  - You had no lawful status;
  - You were physically present in the U.S. (and are present now);
- You are currently in school, have graduated from high school or gotten a GED, or are an honorably discharged veteran of the Coast Guard or Armed Forces; and
- You have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Could this change?
Yes. The Supreme Court left open the possibility that the Trump administration could try again to terminate DACA or some parts of DACA, like eligibility for work authorization. We will keep pushing for DACA to remain in place and for comprehensive immigration reform that gives all immigrants a path to lawful status and citizenship!

Visit https://maketheroadny.org/ or NYDACA.org for more information!