



DACA UPDATE

July 2020

The [U.S. Supreme Court](#), followed by the [District of Maryland](#), required the United States Citizenship and Immigration Services (USCIS) restore the Deferred Action for Childhood Arrival (DACA) program the Trump Administration attempted to terminate. These court rulings had directed USCIS to begin accepting initial and advance parole applications for DACA holders.

On Tuesday, July 28th the Department of Homeland Security (DHS) issued a new [memorandum](#) that directs USCIS to reject DACA initial applications and announces they will be evaluating the future of the program.

What Does the Memo Say?

The memorandum requires USCIS to:

- Reject initial, first time DACA applications, both that are pending or filed after July 28th, 2020
- Reject new advance parole requests from DACA holders except in “exceptional circumstances”
- Limit all **pending and future** DACA renewals to 1 year grants, effective immediately
 - This will **NOT** impact people with **currently valid** DACA work authorizations. Those will remain valid through their current expiration.

Who Does This Impact & How?

❖ I have DACA, how does the new memorandum affect me?

- If you have DACA and do not have a renewal request pending with USCIS, the memo **DOES NOT** affect your current DACA and work permit.
- If this memo is still in effect when you have to renew your status, then your DACA and work permit will be for **1 year** (instead of 2 years).
- If you have DACA and you have submitted a request to renew your DACA, you will only receive a renewed DACA status and work permit for a 1 year period (instead of 2 years).
- This is true even if your application was submitted before the date of the memo (July 28, 2020)

❖ I want to renew my DACA status, can I still apply for renewal?

- Yes, USCIS is still accepting DACA renewal requests from people who currently have DACA or have had DACA in the past but your new DACA and work permit will be only for a 1 year period.

❖ **I'm DACA eligible but I have never had DACA before, can I apply now?**

- Your application will be rejected based on the new memorandum instructions to **reject all initial** DACA requests.
- You should seek a consultation with an attorney to have a comprehensive screening and discuss your options.

❖ **I've never had DACA but I filed an application for DACA after the Supreme Court decision, what will happen to my request?**

- Your initial DACA request will be rejected and your fees will be refunded.
- You should keep a record of this document in case there is an opportunity to obtain status with this proof in the future

❖ **Can I apply for advance parole if I have DACA?**

- The new memo instructs USCIS to reject advance parole requests except in “exceptional circumstances” but does not define this exception.
- You should seek a consultation with an attorney to get advice before applying.

❖ **Following the Supreme Court decision, I submitted an application for advance parole, what will happen to my request?**

- The new memo instructs USCIS to reject advance parole requests except in “exceptional circumstances”
- If USCIS does not find exceptional circumstances, your application will be rejected and your fees will be returned.

❖ **I am not a DACA recipient, but I'm an ally. What can I do?**

- Make your voice heard by filling out the Census and registering to vote. If you would like to receive a voter registration call **1-800-FOR-VOTE**.

This is yet another attack from the Trump administration against our community. For years, Make the Road New York has been fighting back since the Trump administration first tried to terminate the program. We will continue to fight back in the streets and in the courts!

To receive the latest information about DACA, please visit our website at: nydaca.org

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