



DACA UPDATE

August 2020

Earlier this summer, the [U.S. Supreme Court](#) found that the Trump Administration's attempt to end the Deferred Action for Childhood Arrival (DACA) program in 2017 was unlawful. As a result, USCIS should have fully restored the DACA program and begun accepting new DACA applications and advance parole applications from DACA recipients.

But on Tuesday, July 28th the Department of Homeland Security (DHS) issued a new [memorandum](#) that directs USCIS (the agency responsible for handling DACA applications) to reject DACA initial applications and shorten the DACA renewal period from two years to one. On Monday, August 24th USCIS provided guidance on how they are implementing this memo.

What Does the Memo Say?

As a result of the new memo and guidance, USCIS will:

- Reject all initial, first-time DACA applications, even those filed before July 28th, 2020;
- Return advance parole requests from DACA holders filed before Aug. 24, 2020 and deny new advance parole requests from DACA holders except in “exceptional circumstances”;
- Shorten all **pending and future** DACA renewals to 1 year grants, effective immediately
 - This will **NOT** impact people with **currently valid** DACA work authorizations. Those work authorizations 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. Those will remain valid until the expiration date on the permit.
- If this memo is still in effect the next time you have to renew your status, then your next DACA and work permit will be for **1 year** (instead of 2 years).
- If you have DACA and you have already 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'm DACA eligible but I have never had DACA before, can I apply now?

- No. Your application will be rejected based on the new memorandum, because it directs the agency that handles DACA 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 showing what date you filed your application and the rejection notice 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 deny advance parole requests except in “exceptional circumstances.”
- Exceptional circumstances will be decided on a case-by-case basis but USCIS has provided the following examples of travel that could be considered exceptional:
 - To support national security interests;
 - In furtherance of U.S. federal law enforcement interests;
 - To obtain life-sustaining medical treatment;
 - To support the immediate safety, well-being or care of an immediate relative of the applicant.
- If you request advance parole, your case will be reviewed for an exceptional circumstance. If USCIS decides there are no exceptional circumstances in your case, your request will be rejected **and your fees will not be returned.**
- You should seek a consultation with an attorney before filing an advance parole request.

I have DACA and after the Supreme Court decision in June 2020, I submitted an application for advance parole. What will happen to my request?

- USCIS will reject all advance parole applications filed by DACA recipients before August 24, 2020. The application fee will be returned.
- DACA holders wishing to request advance parole will need to submit a new request after August 24, 2020. If USCIS does not find exceptional circumstances, your application will be denied ***but your fees will not 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 form 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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