



DACA 2012 IS BACK!

December 10, 2020

A federal court in Brooklyn has ordered the government to restore the Deferred Action for Childhood Arrival (DACA) program to its original form after ruling in our favor in *Batalla Vidal v. Wolf*.

What led to this decision?

In June 2020, the [U.S. Supreme Court](#) found that the Trump Administration's attempt to end the DACA program in 2017 was unlawful. As a result, the United States Citizenship and Immigration Services (USCIS) *should* have fully restored the DACA program and begun accepting new DACA applications and advance parole

applications from DACA recipients. Instead, in a memo issued on July 28, 2020, Chad Wolf, a Department of Homeland Security (DHS) official, named limited DACA renewals to periods of 1 year and tried to once again close the program to new applicants.

Make the Road New York and the plaintiffs in the *Batalla Vidal* lawsuit challenged this memo. On November 14, 2020, a federal court in Brooklyn agreed with us and invalidated the memo. On December 4, 2020, that same court ordered the government to immediately restore the DACA program to its original form.

What happens now?

The court order requires that the government accept:

- ✓ First-time DACA requests
- ✓ All renewal requests regardless of expiration date
- ✓ Advance parole applications based on the original 2012 guidance

The court order also immediately extends DACA work permits issued for 1 year to 2 years.

By January 8, 2021, the government must:

1. Mail notices to those whose DACA renewal applications and work permits were granted for 1 year instead of 2 years because of the Wolf memo;
2. Mail notices to those whose first-time DACA requests were rejected because of the Wolf memo;



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3. Mail notices to those whose DACA-based advance parole applications were rejected because of the Wolf memo; and
4. Publish and distribute guidance about the extension of work permits to 2 years.

Finally, the government must issue new 2-year work permits to all DACA recipients who received 1-year permits at least 30 days before the expiration of their 1-year work permit. The new work permit will be issued at no additional cost.

How does this impact me?

Can I apply for DACA for the first time?

- Yes! The original DACA program has been restored.
- However, we expect further challenges to the program. We recommend that you speak with a trusted lawyer or accredited representative as soon as possible.

Can I apply for advance parole if I have DACA?

- Yes! Individuals with DACA can request advance parole under the original 2012 guidance.
- However, we expect further challenges to the program. We recommend that you speak with a trusted lawyer or accredited representative as soon as possible.

I have DACA and want to renew my status. What should I expect?

- You can renew regardless of when your current DACA expires and you will receive a 2-year work permit.

I received a 1-year work permit. What happens now?

- Your work authorization is now valid for 2 years. The USCIS website has posted notice of this automatic extension. You will also receive a document from USCIS regarding the extension soon. Then, 30 days before the expiration of the 1 year work authorization, you will receive a new work permit for the second year.

Make the Road New York has been fighting back against the Trump administration's attempts to terminate the DACA program for years and will continue our fight in the streets and in the courts. We will be calling upon the new Congress and federal administration to pass a permanent pathway to citizenship for immigrant youth and their families!

**For the latest information about DACA, please visit our website at: nydaca.org
 For information specific to our class action lawsuit *Batalla Vidal v. Wolf*, please visit
www.dacaaction.com**

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