



# DACA UPDATE - JULY 2021

## What did the Texas Court decide?

On July 16, 2021, a Texas federal court found that the 2012 DACA program is unlawful. For now, those who currently have DACA or had it at any time in the past can file for renewals of their DACA and work permits. But, **no new first-time applications will be granted.**

## What does this mean for first-time DACA applicants?

This decision means that if you have never held DACA before, USCIS cannot approve or grant your application after July 16, 2021.

- ❖ **Q: Should I send my first application if I have my documents ready?**
- ❖ **A:** This is an individual decision you should make in conjunction with your lawyer or legal representative. The application request costs \$495 and although USCIS will accept the application, it will **not** be granted.
  
- ❖ **Q: I have already sent in my application. What will happen next?**
- ❖ **A:** Although the application will not be granted, we don't know yet what USCIS will do with these applications. We will have to wait for further guidance from USCIS. You can check [uscis.gov/daca](https://uscis.gov/daca) for updates.
  
- ❖ **Q: I have a first DACA application pending and received a biometrics appointment. Should I go?**
- ❖ **A:** We have heard reports that USCIS is cancelling these appointments. However, if you do not receive notice of a cancellation and do not attend the appointment, you could receive a denial for failure to attend.
  
- ❖ **Q: I have a first DACA application pending and received a Request for Evidence (RFE). Should I respond?**
- ❖ **A:** Although the application will not be granted, it could be important to reply to avoid a denial for failure to timely respond. If your application is denied for failure to respond, you would lose the filing fee and need to re-apply if DACA starts again. Pay attention to your mail as USCIS could send you new guidance relating to their request.
  
- ❖ **Q: My first-time DACA application was granted before July 16, 2021. Has anything changed?**
- ❖ **A:** No, your DACA and work permit remain valid. You can use your work permit and you are entitled to a Social Security number and could be eligible for other benefits.

### What does this mean for current DACA recipients?

While the decision is appealed, the Texas court order allows current DACA holders to continue benefiting from DACA and work permits remain valid. You can use your work permit and you are entitled to a Social Security number and could be eligible for other benefits.

- ❖ **Q: Has anything changed with my DACA or work permit?**
- ❖ **A:** No, you will continue to be protected against deportation, you may continue to use your work permit, Social Security number and any other benefits associated with your DACA.
  
- ❖ **Q: When should I renew my status?**
- ❖ **A:** USCIS encourages renewals to be filed between 120 and 150 days prior to the expiration of your DACA. However, USCIS will accept your application before 150 days but will not process them until 150 days before your DACA expires. If your status expires in the next few months, we encourage you to renew as soon as possible.

### What does this mean for travel on advance parole?

USCIS [announced on July 19, 2021](#) that it will continue to process and issue advance parole from current DACA holders.

- ❖ **Q: I have received advance parole. Can I still travel?**
- ❖ **A:** Your advance parole is valid and you may travel and re-enter the United States using the document. However, we always recommend you consult with an attorney or accredited representative about individual risks before traveling .
  
- ❖ **Q: I have an advance parole application pending. What will happen next?**
- ❖ **A:** If you meet the advance parole eligibility requirements, USCIS will continue to process and make a decision on your advance parole application.
  
- ❖ **Q: I was planning on applying for advance parole. Should I still apply now?**
- ❖ **A:** If you are eligible for advance parole, you may apply. Your application will be processed. However, you should pay attention to the media and [uscis.gov/daca](https://uscis.gov/daca) for any further court updates that may impact advance parole for DACA holders.

### Could any of this change?

- The Texas court's decision could be changed or modified by a higher court. The Biden Administration has already said it will appeal the decision.
  - An appeal would go to the Fifth Circuit Court of Appeals. After a decision from the Fifth Circuit Court of Appeals, any party could appeal further to the Supreme Court of the United States.
  - We don't yet know how long these appeals will take.
- Another court could weigh in and issue a different decision. If this happens, it is likely the Supreme Court would have to resolve any conflict between court opinions.
- This decision makes it clear that we need Congress to act now. MRNY members are fighting to create a pathway to citizenship for all, that is inclusive of DACA beneficiaries and their families.
- Join the fight! Call one of our community centers to get connected with our immigration committee.

Visite <https://maketheroadny.org/> o [NYDACA.org](https://nydaca.org) para más información!