What is the Current Status of DACA?

1. USCIS is accepting first-time requests for DACA.
2. USCIS is accepting DACA renewal requests.
3. Grants of deferred action and employment authorization under DACA are to be issued in two-year increments.
4. Anyone who received a one-year DACA will receive a written extension for two years.
5. USCIS is accepting applications for advance parole.
6. Advance parole is an important option that can help DACA recipients who did not enter “lawfully” and have an urgent reason to travel abroad.
7. In some cases, you can call and make an emergency appointment. If you choose to apply for advance parole, do not do so if you have been removed or have criminal history.

Biden wants to preserve DACA and instructed immigration officials to be nice

On January 20, 2021, President Biden issued a Presidential Memorandum entitled, “Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA).” The Memo directs the Secretary of Homeland Security, in consultation with the Attorney General, to “take all actions he deems appropriate consistent with applicable law, to preserve and fortify DACA.” The Memo does not make any immediate changes to the DACA program.

If there is immigration reform in the near future, it will most likely focus on DACA and TPS.

DACA remains under threat

As of 9:44 am (ET) on January 22, 2021, no decision has been rendered on the parties’ pending motions for summary judgment before the U.S. District Court for the Southern District of Texas in Texas v. United States, 1:18-cv-00068. The State of Texas and other plaintiffs are seeking an order declaring the DACA program unlawful and setting aside the June 2012 Napolitano Memorandum creating the DACA program.

False claims to citizenship

It is urgent that non-citizens never claim to be US citizens. False claims to US citizenship can render you permanently ineligible for immigration relief like permanent residency.

DACA Summary

1. You must be at least 15-years old as of the date that you apply.

2. You arrived in the United States before June 15, 2007.

3. You arrived in the United States before reaching your 16th birthday.
4. You have continuously resided in the United States since June 15, 2007 up to the present time.
5. You were under the age of 31 as of June 15, 2012.
6. You were physically present in the United States on June 15, 2012.

7. You had no lawful immigration status on June 15, 2012.
8. You are physically present in the USA at the time of making your request for consideration of deferred action with USCIS.
9. You are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

10. 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.

11. Any absences must be brief.