



## RFK Immigrant Family Legal Clinic

### Update and FAQs on DACA, 7/30/21

**IMPORTANT:** This form is for informational purposes only and not for the purpose of providing legal advice. If you have specific individual questions, please contact the Legal Clinic for a free and confidential consultation, or go to another trusted legal resource. You can reach the clinic in one of three ways:

- Fill out our online form [HERE](#)
- E-mail us at [iflc@law.ucla.edu](mailto:iflc@law.ucla.edu)
- Call us at (310) 794-6871 (leave a message with your name and #; we will call you back)

On July 16, 2021, a federal district judge in Texas ruled that DACA is unlawful and partially ended the program. This decision does NOT change anything for those with currently approved DACA recipients. However, it does impact those with pending DACA applications or who are DACA-eligible and have not yet applied. Here are some answers to questions you might have about the decision:

#### **1. I thought the Supreme Court already decided that DACA is valid. How is this decision different than the other case?**

In June of 2020, the Supreme Court held in a case called *Department of Homeland Security vs. Regents* that the way the Trump Administration tried to end DACA was illegal. But it did not decide whether or not the program itself was constitutional. This most recent decision, *Texas v. U.S.*, looked at whether the President has the authority to create DACA and whether the agency did so using the right procedural steps. This decision was issued by a federal district court judge (Judge Andrew Hanen). Judge Hanen held that the DACA program itself is unlawful. As a result, the judge ordered that no more new applications can be granted. But the decision does not apply to DACA recipients who have already received approval.

#### **2. What does this mean for current DACA recipients and those with pending DACA renewal applications?**

If you are already a DACA recipient, nothing changes for you. If you already submitted a renewal, your application will be processed just as before.

#### **3. What does this mean for current DACA recipients who will need to renew their DACA in the future?**

If you are a current DACA recipient, you can still continue to renew your DACA. Please renew your DACA in a timely manner, and get help from the clinic or another trusted legal advisor if you have questions about when or how to renew. USCIS recommends renewing 120–150 days prior to expiration.

**4. What does this mean for first-time DACA applicants who already submitted their DACA initial applications?**

The federal district court ordered any pending initial DACA requests to be put on hold. These DACA initial applications will not be approved nor denied as of 07/17/2021.

**5. I filed a DACA initial and have been scheduled for biometrics; should I attend my appointment?**

For the time being, the government has announced that all biometrics appointments for initial DACA requestors are cancelled. If you do not receive a cancellation notice, you may want to consult with the clinic or another trusted legal advisor about whether to go.

**6. What does this mean for individuals who wish to apply for DACA for the first time but have not yet submitted their applications?**

Initial DACA requests will still be accepted by USCIS but will be placed on hold – these DACA initial applications will not be approved nor denied as of 07/17/2021. We encourage you to speak with the clinic or another trusted legal advisor about whether or not to request DACA for the first time during this waiting period, while we wait to see what happens with Judge Hanen’s decision.

**7. What does this mean for current DACA recipients who want to travel abroad on Advance Parole?**

Individuals who currently have DACA will continue to be eligible to request and receive advance parole. If you are considering applying for Advance Parole, we encourage you to speak with the clinic or a trusted legal advisor about your situation.

**8. What’s next?**

President Biden [announced](#) that the Department of Justice intends to appeal Judge Hanen’s decision, “in order to preserve and fortify DACA.” He also stated that the Department of Homeland Security plans to create DACA as a federal regulation rather than an executive order, which would change some of the legal issues on appeal. Lastly, Biden acknowledged that “only Congress can ensure a permanent solution by granting a path to citizenship for Dreamers...” Currently, the American Dream and Promise Act, which would provide a pathway to citizenship for Dreamers as well as TPS holders, farmworkers, and others, has passed the House but is stalled in the Senate.

Our Clinic will be watching closely as things evolve and will continue to provide updates to the RFK community. Please contact us if you have questions or concerns!

**Some Additional Resources:**

[United We Dream DACA FAQs](#)

[ILRC Community Alert](#)

[USCIS DACA FAQs](#)