

Deferred Action for Childhood Arrivals (DACA) FACTSHEET -July 2021



DACA Background and Recent Updates:

On June 15, 2012, President Obama announced through executive order that certain undocumented youth who came to the United States as children may be granted temporary permission to stay in the U.S. and receive a temporary work permit. The program is known as Deferred Action for Childhood Arrivals, or DACA.

On July 16, 2021, U.S. District Judge Andrew Hanen ruled that the DACA Program is unlawful due to its violation of the Administrative Procedure Act, and directed the Department of Homeland Security (DHS) not to grant any new applications. The lawsuit challenging the legality of the Obama-era DACA program was brought by Texas and several other Republican-controlled states. President Biden and the Department of Justice intend to appeal the Texas court decision, and the DHS will issue proposed rules to address the perceived violation of the Administrative Procedure Act.

As there is ongoing litigation, eligible applicants should speak to community-based organizations or trusted immigration legal service providers about their immigration situation.

Immigration Status	Impact of Ruling	Course of Action
Current DACA Recipients	Your current DACA status will not be impacted, meaning that you will still be protected from deportation and be eligible to work and study. You can also continue to apply to renew your DACA status.	Please consult with an immigration attorney or a community legal service provider if you have travel plans or your DACA is about to expire.
Pending DACA Applicants	Because DHS cannot grant any new DACA applications, your application will be put on hold as the ruling is being appealed. The ruling does not require the government to take immigration enforcement action.	Please consult with an immigration attorney or a community legal service provider to learn how the ruling will impact your individual case and if you may qualify for other forms of immigration relief.
Immigrants who might be eligible to apply for DACA	DHS will continue to accept the filing of new DACA requests, but will be unable to adjudicate or grant your application.	Please consult with an immigration attorney or a community legal service provider to determine whether you would be eligible to apply if the program is reopened.

Qualifications of 2012 Deferred Action for Childhood Arrivals (Currently DHS cannot grant any new DACA applications):

To qualify, applicants must meet ALL the following criteria:

- Arrived in the U.S. before 16 years of age and under the age of 31 as of June 15, 2012 (born on or after June 16, 1981)
- Have continuously resided in the U.S. from June 15, 2007 to the present
- Physically present in the U.S. on June 15, 2012, and at the time of filing the application
- Did not have lawful status on June 15, 2012
- Currently enrolled in school, graduated from high school, obtained a GED, or honorably discharged veteran of the Armed Forces
- Have not been convicted of a felony, significant misdemeanor, 3 or more misdemeanors, or otherwise pose a threat to national security or public safety (Waivers may be available, please contact a trusted immigration attorney))
- Are at least 15 years old (may be younger if in removal proceedings)

What Protections Does DACA Provide?

- Temporary relief from deportation
- Employment authorization for 2 years (will qualify for social security number)
- May be eligible to travel abroad with advance permission (known as advance parole)

Community members who have questions about their specific situations are encouraged to contact CAA's Immigrant Rights program by leaving a voicemail at (415)761-3222 for general inquiries, screenings, and free legal referrals to trusted immigration legal service providers.

