

# 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.

# “童年入境者暫緩行動” 政策-2021年7月

## Deferred Action for Childhood Arrivals

### 簡稱(DACA)



#### 政策背景及最新情況

2012年6月15日 時任總統奧巴馬宣布將以行政命令形式暫緩遣返部分跟從父母在年幼時期入境美國的無證青年，為這群青年人提供一種臨時移民身份及臨時工作許可，以防被驅逐出境。該計劃稱為“童年入境者暫緩行動” 政策 或簡稱“DACA”計劃。

2021年7月16日，德州休斯頓一名聯邦法官裁定，“童年抵美者暫緩遣返計劃”(DACA計劃)因違反《行政程序法(Administrative Procedure Act)》而不合法，並指示國土安全部(DHS)不得批准任何新的申請。該挑戰奧巴馬時代DACA計劃的合法性訴訟由德克薩斯州和其他幾個共和黨控制的州份提出。拜登總統和司法部打算對該法官的裁決提出上訴，國土安全部將發布擬議規則，以解決被認為違反《行政程序法》的問題。

因應目前仍有DACA 相關的法律訴訟進行。我們呼籲所有符合資格申請人士在提交任何申請前，請先諮詢移民權益社區機構或有信譽的法律人士。

目前移民身份	該德州法院裁決對你的影響	你該考慮
目前已有DACA 身份人士	你目前DACA 身份並不受到該裁決影響，你能夠繼續學習及工作，並繼續保障你不被遣返。你可繼續更新你的DACA 身份。	如你有任何出境的計劃或你的DACA 即將過期，請諮詢移民律師及提供移民法律服務的社區機構。
已提交首次DACA申請但還等候移民局審批	按照該裁決，移民局目前不能夠批准新的首次DACA 申請，所有首次DACA 申請暫時會被擱置，直到當局有進一步的指示。該法院裁決並未有要求移民局採取任何移民執法行動。	關於你的個別移民情況，請諮詢移民律師及提供移民法律服務的社區機構，你或者符合其他移民申請計劃。
符合申請DACA 資格人士但並未提出任何申請	移民局會繼續收取首次DACA申請表格，不過當局不能夠審批所以新的首次DACA 申請，直到移民局收到進一步的指示。	關於你的個別移民情況，請諮詢移民律師及提供移民法律服務的社區機構，你或者符合其他移民申請計劃。

#### 申請資格 2012年推出的“童年入境者暫緩行動” 政策

若要獲得資格，需滿足以下所有條件：

- 未滿16歲前到達美國和在2012年6月15日年齡少於31歲 (在1981年6月16日或之後出生)

- 自2007年6月15日起至今一直居住在美國
- 於2012年6月15日和在提交申請時身在美國領土
- 在2012年6月15日時沒有合法身份
- 目前在校學生, 高中畢業, 持有GED, 或者從軍隊光榮退伍人士
- 沒有被定重罪, 顯著式輕罪, 3次或以上的輕罪, 或對國家安全或公共安全構成威脅 (需要諮詢律師看能否申請豁免)
- 至少15歲 (如在遣返程序當中, 年齡可以更小)

### **DACA**身份將提供的保護

- 避免被驅逐出境
- 長達2年的工作許可 (將有資格獲得社會安全號碼)
- 具有資格申請事先批准出國旅行證件 (稱為Advance Parole)

社區人士如想了解更多該計劃詳情或有任何移民法律相關疑問, 歡迎您致電華促會移民權益項目留言信箱留言:(415)761-3222。