

DACA - WHAT TO DO NOW?

The DACA program is still available on a limited basis, and its future is uncertain. Despite that, attempting to obtain or maintain DACA treatment as it currently exists can still be well worth it. But whether or not to apply for DACA relief, or renew it, or wait, are important questions for which individual legal advice may be desirable.

On June 18, 2020, the US Supreme Court rejected, on limited procedural grounds, the Trump administration's attempt to end the DACA program. The court did not say that the Government could not end the program, or state the terms on which it could or could not end it. The court only said the Government did not follow the right procedures in its attempt to end it.

On Friday, July 10, 2020, the President announced that he would not cancel DACA, but issue a series of comprehensive new immigration regulations, all as a huge executive order, that will include continuing DACA, with a pathway to citizenship for DACA recipients.

That was followed by a new USCIS policy memo which did not follow the US Supreme Court's directive, but claimed USCIS was reviewing the DACA program, and that pending its final review, USCIS would:

1. Reject all new DACA applications and related employment authorization applications from individuals who have not previously applied for DACA.
2. Reject all pending and future applications for advance parole absent exceptional circumstances,
3. Limit DACA grants renewed after July 28, 2020 to one year

So, for now:

1. The original DACA program is still in limited effect,
2. Anyone who has been granted DACA in the past can apply for renewal, but will receive only a one year grant.
3. A person who has never applied for DACA could submit an application for tactical purposes, but should assume it will be rejected.
4. USCIS policy and funding issues and the difficulty of predicting what President Trump will actually do in the future make it difficult to predict how DACA renewal applications will be handled, what further changes there might be in the program and how long processing may take.
5. The long term future of DACA, or a similar type of program is uncertain, but it may still be continued in some form. What changes happen may depend on the President's moods over the next few months and the outcome of the November presidential and

congressional elections.

DACA, basic eligibility standards remain as follows:

On June 15, 2012 you:

- Were under the age of 31, (You do not have to be less than 31 now), and;
- Were physically present in the United States, and;
- Had no lawful US immigration status;

and, as of the date you file your application, you:

- Have resided continuously in the U.S. since June 15, 2007, and;
- Came to the United States before your 16th birthday, and;
- Are physically present in the United States, and;
- Are in school, or have graduated from high school or obtained a GED in the United States; or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States, and;
- Have no disqualifying criminal case/s.