



Preparing for the Upcoming Supreme Court  
Hearing on DACA , 10/29/19

# Webinar Agenda

- ▶ Welcome – Shiu-Ming Cheer, NILC
- ▶ DACA & the Supreme Court – Josh Stehlik, NILC
- ▶ Mobilizing for 11/12 - Rosa Barrientos, CHIRLA
- ▶ DACA Renewals - Alisa Daubenspeck, CARECEN
- ▶ Q&A, 25 min



# DACA & the Supreme Court

# What Happened?

## Background

- ▶ DACA terminated on September 5, 2017: several cases are filed challenging the DACA termination
- ▶ Several district courts conclude that the DACA termination was unlawful
- ▶ Injunctions permit individuals to continue renewing their DACA
- ▶ Government asks the Supreme Court to review these cases: In November 2018, the Government takes the *rare* step of seeking certiorari before judgment in *Regents*, *Batalla Vidal*, and *NAACP*.
- ▶ On June 28, 2019: Supreme Court grants the government's requests on all three sets of cases, consolidates the cases, and schedules them for one-hour oral argument.

# What Does This Mean?

The Supreme Court will hear oral argument on November 12.

A decision from the Supreme Court is expected sometime by June 2020.

Injunctions remain in place: Anyone who has or has previously had DACA can continue to apply for renewal.



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# Possible outcomes at Supreme Court

- ▶ Court decides that Trump administration's termination of DACA is not reviewable by the courts
  - ▶ Administration could then proceed with its decision to end DACA, including what to do with current grants of DACA and pending renewal applications

# Possible outcomes at Supreme Court

- ▶ Court decides it can review the decision to end DACA and rules that the termination of DACA was unlawful.
  - ▶ The DACA program could then be resumed to include renewals, first-time applications, and advance parole
  - ▶ BUT: it will depend on how the decision is written and the legal bases for the Court's decision
  - ▶ BUT: unknown how Trump administration will respond to Court's decision
    - ▶ Administration could try to end DACA based on different legal reasoning and process

# Possible outcomes at Supreme Court

- ▶ Court finds it can review decision to end DACA and decides that Trump administration's termination of DACA was lawful.
  - ▶ Court's reasoning will affect how abruptly the DACA program is terminated.
  - ▶ Trump administration will then determine how DACA is ended and how to handle pending renewals and existing grants of DACA.



# Mobilizations

# CHIRLA Statewide Relay For DACA



November 4th - Sacramento  
November 5th - San Jose  
November 6th - Bakersfield  
November 7th - Inland Empire  
November 8th - Orange County  
November 9th - Los Angeles



# National Walkout for DACA



WALKOUTS For DACA  
10 AM

Rally For DACA  
12 PM

FEST For DACA  
3PM - 7PM

Levitt Pavilion - Macarthur Park

<https://unitedwedream.org/protect-daca-join-a-homeishere-action-on-nov-12/>

**11.12**  
**Join a Home**  
**Is Here Rally**  
**Near You!**

**JOIN US**



**Keep DACA recipients &  
immigrant families here.**



# DACA Renewals

# Now is a Good Time to Renew your DACA

- ▶ Due to pending litigation, DACA Renewals are currently being accepted but Advance Parole is not possible at this time.
- ▶ Processing times vary from ~6 weeks to a year or more, often depending on the complexity of the case and the expiration of current DACA status with renewals submitted before the suggested 150 day window before expiration taking longer.
- ▶ Due to insecurity of program, we are recommending that DACA holders renew now, regardless of when DACA expires, despite a small risk that the renewal could be denied if filed too early.

# What makes a DACA Renewal Complex?

- ▶ Criminal arrests or convictions since the last renewal period, particularly for crimes that might make someone ineligible for DACA, including any felony, 3 or more misdemeanors, and any single misdemeanor relating to domestic violence, sexual abuse, firearms, drug sales, burglary or DUI.
- ▶ Renewing after DACA has been expired for more than 1 year
- ▶ Applicants who fall into either of these categories should consult with a reputable attorney or nonprofit before filing to have the best chance of having their case approved.
- ▶ Despite rhetoric of the Trump Administration, we have yet to see increased referrals to Immigration Court for denied DACA applications but there are no guarantees

# What do I Need to Renew my DACA?

- ▶ Current Work Permit
- ▶ 2 passport style photos
- ▶ Copy of previous DACA application (if possible)
- ▶ Money Order for \$495
- ▶ Passport (if you have one, even if expired)
- ▶ Any documents that reflect name changes (i.e. marriage certificate or divorce papers)
- ▶ Final Court Disposition if you have a criminal history or record

# Common Problems with DACA Renewals

- ▶ Not attending biometrics appointment
  - ▶ USCIS can't process your case until you attend this appointment. If you miss your appointment, you can either wait for it to be rescheduled or you can just bring your appointment letter to the Application Support Center and they will most likely attend you
- ▶ Work permit not delivered
  - ▶ Make sure to use a safe mailing address where you can receive important mail. If USCIS mails your work permit and you do not receive it, you will most likely need to apply again and pay the filing fees twice.
- ▶ Arrest not revealed on renewal application
  - ▶ USCIS does background checks so don't assume they won't know about contact with law enforcement
- ▶ Not filling out forms properly or incorrect filing fees
  - ▶ There are lots of places to sign and boxes to check. If anything is missing, USCIS will reject the application. They will also reject if the incorrect fee is attached or if a check bounces or a credit or debit card charge is denied.

# Where to Renew DACA

- ▶ National list of places to find legal assistance:  
<https://www.immi.org/en/info/FindLegalHelp>
- ▶ Check to see if your city or state has any funding assistance available. California's state legislature is likely to approve funding for free legal services and filing fees after 11/6/2019.

# Resources

- ▶ DACA HEADS TO THE U.S. SUPREME COURT: Where We Are Now & What Could Happen Next, <https://www.nilc.org/issues/daca/daca-heads-to-scotus-scenarios/>
- ▶ DACA litigation timeline, <https://www.nilc.org/issues/daca/daca-litigation-timeline/>
- ▶ Top 5 things to know about DACA renewals now that Supreme Court has decided to review the DACA-related federal court cases: <https://www.nilc.org/issues/daca/5-things-to-know-post-cert-granted-in-daca-cases/>.
  - ▶ Also available in Spanish here: <https://www.nilc.org/issues/daca/5-things-to-know-post-cert-granted-in-daca-cases-sp/>

# Questions?

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