



SEPTEMBER 2022

WHAT IS THE DACA RULE AND HOW DOES IT IMPACT ME?

On August 30, the Biden Administration issued a [new rule](#) on Deferred Action for Childhood Arrivals (DACA) that will incorporate DACA into the Federal Regulations. Since its announcement, there have been several questions around who can access DACA now and what it means for all those first-time applicants who are waiting to obtain DACA.

Below are a few key points for you to keep in mind as you navigate access to DACA now and when the rule goes into effect on October 31, 2022.

WHAT IS THE IMPACT OF THE RULE FOR CURRENT DACA RECIPIENTS?

Nothing has changed for DACA recipients and those seeking to obtain DACA. Currently, only those who are eligible to renew can continue to renew. This includes:

- ✓ Individuals who currently have DACA; **AND**
- ✓ Individuals whose DACA expired less than a year ago.

Those who already have DACA when this rule goes into effect will not have to reapply. All current and future requests will be decided based on the new rule once it's in effect.

While the rule does not change things for who can access DACA now, community members should be aware that while the rule goes into effect October 31, 2022, litigation can change who can access DACA.

Currently, the Texas court injunction blocking initial DACA applications remains in effect, so U.S. Citizenship and Immigration Services (USCIS) will continue to process DACA renewals, but not initial DACA applications from initial DACA requestors and people whose DACA expired more than a year ago while this injunction remains in place.

WHO CAN REQUEST DACA NOW?

Current DACA recipients can continue to renew and should continue to renew. If you are wondering when you should submit your renewal in light of the pending case, consider the following:

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- ✓ If your DACA expires **in less than 6 months from now, you should renew now.**
- ✓ If your DACA expires **within 6 months to 1 year, you may want to renew early.**
- ✓ If your DACA expires **more than 1 year from today, you should speak to a trusted legal service provider** to see if there are benefits in applying early.

Note: If your DACA already expired, you can renew if 1 year has not passed since your DACA expired. If your DACA expired over 1 year ago, it will not be processed or granted. The filing fee continues to be **\$495**.

In addition, DACA recipients **can continue to request Advanced Parole**. To qualify for advance parole, DACA recipients must show that their reason for travel is related to humanitarian, employment, or education reasons.

DOES THIS RULE CHANGE ANYTHING FOR DACA?

No, the rule does not change anything for DACA at this time. The requirements remain the same as they were since June 2012. When the rule goes into effect, the new rule will replace the DACA 2012 Napolitano memorandum.

The rule is formalizing the DACA policy by incorporating it into the federal regulation. Among other things, the new rule will:

- ✓ Require the Department of Homeland Security (DHS) to provide notice before terminating DACA in most cases.
- ✓ Clarify that expunged convictions, juvenile delinquency adjudications, and certain immigration-related offenses will not automatically bar someone from getting DACA.
- ✓ Clarify that DHS will not use information from DACA requests for enforcement purposes unless there is fraud, a threat to national security, or public safety.

WHAT SHOULD I BE AWARE OF IN THE COMING WEEKS?

First, community members should be aware that there is still a stop on initial DACA requests due to a case from a Federal District Court in Texas challenging the legality of DACA. This case is currently at the 5th Circuit Court of Appeals, and it is not clear what will happen with the case. Only if the stop on initial DACA applications is lifted can new DACA requests be processed and granted under the new DACA rule.

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Potential DACA applicants and current recipients should continue monitoring the news and trusted websites for new developments on DACA.

Second, DACA recipients and undocumented youth should seek a full immigration consultation. It is possible that you may qualify for other forms of immigration relief that could lead to permanent lawful residence. Visit <https://www.bit.ly/ianimmhelp> to find a free or low-cost trusted legal services provider in your area.

Lastly, we must continue advocating for permanent legislative protections for all undocumented immigrants regardless of race, gender, socioeconomic status and criminal history. Find your elected representative [here](#) and make your voice heard!



Are you a student enrolled in a California Community College or California State University? If so, you are eligible to receive **FREE immigration legal services!**

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