

## The Fate Of The Deferred Action for Childhood Arrivals (DACA) Program Still Unknown

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On September 5, 2017, the Trump administration announced that it was ending the Deferred Action for Childhood Arrivals (DACA) program, effective March 5, 2018. DACA, which provided legal status to certain individuals who entered the U.S. illegally before the age of 16 years old, was effectuated by the Obama administration in 2012 through executive action. On September 8, 2017, the University of California filed a lawsuit in federal court, challenging the rescission of the DACA program and asking the court to enjoin the implementation of the rescission. On January 9, 2018, the court issued an order directing the U.S. Department of Homeland Security (DHS) to maintain the DACA program on a nationwide basis on the same terms and conditions as were in effect before the rescission of DACA, including allowing DACA enrollees to renew their enrollments. Based on the court order, DHS issued the following **guidance** which is currently in effect:

- United States Citizenship and Immigration Services (USCIS) will not accept DACA status requests from individuals who have not previously been granted DACA status.
- Individuals who currently have DACA status and are eligible to renew may request renewal by filing the appropriate applications with the U.S. government.
- Recipients whose previous DACA status expired on or after September 5, 2016, may still file a renewal request.

### Attorneys

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### Practice Areas

Business Immigration  
Form I-9 and E-Verify  
Compliance / U.S.  
Immigration and Customs  
Enforcement Investigations

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- Recipients whose previous DACA status expired before September 5, 2016, cannot request DACA status as a renewal, but may file a new initial DACA status request.
- DACA recipients whose previous DACA status was terminated at any point cannot request DACA status as a renewal, but may file a new initial DACA status request.
- USCIS will not accept or approve Advance Parole requests from DACA status recipients.

While Congress is still actively discussing this issue, there are no specific bills on the agenda, which means that President Trump's goal of passing new legislation on DACA by March 2018 is unlikely to be achieved.