



AALDEF Update: Deferred Action for Childhood Arrivals (DACA)

February 2018

On January 9 and February 13, 2018, federal judges in California and New York, respectively, temporarily blocked the Trump administration's cancellation of the Deferred Action for Childhood Arrivals (DACA) program.¹

Following these court orders, on January 13 and February 14, 2018, U.S. Citizenship and Immigration Services (USCIS) announced that it will comply with the federal court order and allow DACA recipients to renew their deferred action and employment authorization under DACA.²

Now that USCIS has resumed accepting DACA renewal applications, the Asian American Legal Defense and Education Fund (AALDEF) is providing the following guidance:

- Individuals whose DACA and employment authorization expired before September 5, 2016 (one year before the administration's announcement to end DACA) can file an initial application, not a renewal.
- Individuals whose DACA and employment authorization expired on or after September 5, 2016, or will expire within 180 days from now, can file a renewal application.
- Individuals who have never applied for DACA cannot apply.
- DACA recipients still cannot file applications to travel outside the U.S. on advance parole (advance permission to travel overseas).
- On February 26, the U.S. Supreme Court denied the Department of Justice's petition to overturn the federal district judge's ruling in the California case. Because we are uncertain about the window of time available for submitting DACA renewal applications while the lower courts' decisions go through the appeals process, however, we

¹https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/234_Order_Entering_Preliminary_Injunction.pdf;
https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/255_EDNY_AMENDED_Order_Entering_Preliminary_Injunction.pdf

²<https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction>

recommend that you contact an attorney or a Board of Immigration Appeals (BIA)-accredited representative immediately to assess whether you are eligible for renewal.

Documents to prepare for a renewal request*:

- A copy of your prior application
- Current passport
- Two (2) color passport photos
- New address(es) since your previous DACA application
- Employment Authorization Document
- Most recent I-821D approval notice (as well as the I-765 approval notice if you received one)
- Certificates of disposition for any new arrests or criminal/juvenile court proceedings since your previous DACA application
- Order of removal (deportation) since your previous DACA application
- Advance parole document and approval notice if you have traveled outside the country since your previous DACA application
- Check or money order for \$495 payable to “U.S. Department of Homeland Security”

***If you need to submit an initial application, you are required to submit additional evidence, including documents to prove continuous residence beginning from the time period of your last application’s approval.**

NOTE: This guidance does not constitute legal advice. For specific questions about individual circumstances, please consult with an immigration attorney or a BIA-accredited representative.

BEWARE of any potential scams and fraud! You do not have to pay anyone to help with your applications. Many organizations are offering free legal services.

For additional information or to schedule a legal consultation, contact AALDEF’s community organizer at 212.966.5932 x 223 or spark@aaldef.org. You can also contact RAISE (Revolutionizing Asian American Immigrant Stories on the East Coast), the pan-Asian undocumented youth group affiliated with AALDEF, at raise@aaldef.org. RAISE aims to create safe spaces in communities while advocating for humane immigration policies.