



**ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND**

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**AALDEF Post-Election Update:  
Deferred Action for Childhood Arrivals (DACA)**

November 2016

Following the results of the 2016 presidential election, the future of the Deferred Action for Childhood Arrivals (DACA) initiative has become uncertain. Announced by President Obama in June 2012, this program was created by executive action and can be ended by the next president, who has stated his intention to do so. Under the DACA program, certain undocumented individuals who came to this country before the age of 16 are provided temporary relief from deportation and employment authorization. [See AALDEF DACA Fact Sheet 8.27.15.]

Until we have a better sense of what the next administration plans to do with the original DACA program, the Asian American Legal Defense and Education Fund (AALDEF) is currently providing the following guidance:

- Individuals who are eligible for DACA should not file an initial request at this time. This is because undocumented immigrants requesting DACA for the first time, who had previously not provided information about themselves to the government, increase their exposure to potential enforcement actions that the new administration may decide to take in the future. [Note that generally, it takes the U.S. Citizenship and Immigration Services (USCIS) significantly longer to process initial DACA requests than renewals.]
- Current DACA recipients seeking to renew their deferred action and employment authorization are subjecting themselves to less risk and can go forward with submitting renewal requests \*. However, they may not have their applications processed in time before the new administration ends DACA and should be aware that they could lose their filing fee in that event.
- For those requesting DACA renewals, note that the total USCIS fee will increase from \$465.00 to \$495.00, effective on December 23, 2016.
- If you received a request for additional evidence from USCIS on your DACA renewal request, you should submit a response as soon as possible.
- DACA recipients who have been granted or are seeking advance permission to travel outside the U.S. (known as advance parole) should ensure that they return to the country before January 20, 2017 (the date the new administration takes office), preferably as early as possible before that date.

- In the event DACA is terminated by the next president, individuals with DACA would not necessarily be at greater risk of being deported than other undocumented immigrants because they are not considered an “enforcement priority” under current Department of Homeland Security guidance. However, this could change under the new administration.

In any of these scenarios, we strongly recommend that individuals consult with an immigration attorney or legal services provider to discuss the specific facts of their individual case.

**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.

\*Generally, information provided in a DACA application will not be shared with Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) for immigration enforcement purposes, unless there are serious criminal, fraud, or national security concerns. The information can be shared for these other purposes and with national security and law enforcement agencies, including ICE and CBP.

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

For additional information or to schedule a legal consultation, contact AALDEF at 212.966.5932 or [info@aaldef.org](mailto:info@aaldef.org). You can also contact RAISE (Revolutionizing Asian American Stories on the East Coast), the pan-Asian undocumented youth group hosted by AALDEF, at 212.966.5932 x 204 or [raise@aaldef.org](mailto:raise@aaldef.org). RAISE aims to create safe spaces in communities while advocating for humane immigration policies