Updates on the DACA Program

Immigrant Legal Defense
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ILD is a nonprofit agency dedicated to providing immigration legal services. ILD’s mission is to promote justice through the provision of legal representation to underserved immigrant communities.

- Through our higher education partnerships, we serve students, staff, faculty, immediate family members & recent alumni, at 9 CSU and 34 CCC campuses.
- We provide immigration consultations and case representation
- All of our immigration services are free & confidential.
- Our services include: DACA, family petitions, U & T visas, VAWA, detained and non-detained deportation (court) defense, asylum, applications for lawful permanent resident status, and citizenship.
Brief Summary of the DACA Program

- On July 16, 2021, a Federal District Court in Texas ruled that the DACA program was unlawful and limited the program once again.

- On July 5, 2022, the Final DACA rule was sent to Office of Information & Regulatory Affairs for review.

- On July 6, 2022, the Fifth Circuit Court of Appeals listened to oral arguments.

- On August 30, 2022, the Final DACA rule was published and is set to go into effect on October 31, 2022, making DACA part of the immigration regulations.

- On October 5, 2022, the Fifth Circuit Court of Appeals issued its decision affirming in part (DACA memo illegal), remanding in part (legality of rule) which sends the case back to the Federal District Court in Texas.
Current Status of the DACA Program

- We now await a decision from the Federal District Court in Texas.
- DACA Legal Battle will continue and the program may change again.
- Individuals cannot receive DACA for the first time right now, but can apply.
- DACA renewal applications will move forward if done in a timely manner.
- Process for Advance Parole (travel permit to travel internationally) continues.
Update on DACA Renewals

● For now, if you currently have DACA, your DACA protections and work authorization should remain valid.

● If you have DACA now or your DACA has not been expired for more than a year, USCIS can process your renewal.
  ○ If your DACA has been expired for a year or more, then your renewal will be treated as a DACA initial request.

● We recommend renewing your DACA 5-6 months before it expires.
Update on Filed DACA Initials

The Fifth Circuit’s decision continues to uphold the judge’s decision which prevents USCIS from approving any requests for first-time DACA applicants. All DACA initial cases will remain on hold with USCIS until further notice.

For those that applied for DACA already with USCIS:

- For those that already attended their biometrics appointment, your case will continue to be on hold with USCIS.

- For those that have not yet attended their biometrics appointment, USCIS has cancelled all future DACA biometrics appointments for first-time DACA applicants.
Update on DACA Initials Not Yet Filed

The Fifth Circuit’s decision continues to uphold the judge’s decision which prevents USCIS from approving any requests for first-time DACA applicants. BUT allows USCIS to continue to receive these cases.

For those that have not yet applied for DACA:

- Speak with ILD or another trusted immigration attorney about your individual situation and case.
- USCIS can receive your application, meaning you can prepare your application and file it with USCIS, BUT your DACA case will remain on hold and you will NOT receive a decision in your case.
- Gather your documents in case things change!
Update on Advance Parole (AP)

- For now, if you have been granted AP, your travel document should remain valid. Additionally, AP applications should continue to be adjudicated.

- AP allows DACA recipients to obtain a travel document (before leaving) to be able to request re-entry into the US.
  - *Advance Parole is discretionary; obtaining an AP document does not guarantee entry.*

- Ongoing DACA legal battle & COVID-19 may impact future travel.

- Lawful parole in the US may help your adjustment of status case.

- Leaving the US without first obtaining advance parole will result in your DACA being terminated.
How can ILD Support?

- Make an appointment to talk to one of our immigration attorneys about the following:
  - Eligibility for you or your family members for permanent immigration lawful status.
  - Understanding your options, benefits or risk when applying for DACA and/or Advance Parole.
  - Answer any type of immigration-related questions.
  - Receive representation in your case.
ILD Legal Services

FOR ILD’s CSU Campuses (San Jose, San Francisco, East Bay, Stanislaus, Fresno, Bakersfield, Monterey, Cal Poly and Maritime):

- https://ild.org/csu-project/
- https://www.calstate.edu/attend/student-services/resources-for-undocumented-students/pages/default.aspx

FOR ILD’s 34 CCC Campuses (services starting November 1, 2022):

- https://findyourally.com/
- (just enter name of your school and site will direct you to ILD or if not an ILD campus then to other non profits for services)
CSU and CCC Legal Services for all Campuses

FOR CSU Campuses:

- https://www.calstate.edu/attend/student-services/resources-for-undocumented-students/pages/default.aspx

FOR CCC Campuses:

- https://findyourally.com/
CSU and CCC Legal Services for all Campuses

Services are:

- Available in client’s best language.
- Free and confidential.
- Available to individuals regardless of their status.
- Available to CSU and CCC students, employees, family members and recent alumni.
- Full DACA fee assistance ($495) is available now for all DACA renewal applicants and DACA initial applicants through all of the non profit agencies providing CSU and CCC legal services.
Thank you!

Immigrant Legal Defense
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