

# DACA Information

## Deferred Action for Childhood Arrivals Program

### University of Houston System Information Page

#### General Information

In September 2017, the US Department of Homeland Security (DHS) formally rescinded the Deferred Action for Childhood Arrivals (DACA) Program. In rescinding the program, DHS stopped accepting new applications and renewals for DACA after a short phase out period for persons whose DACA status was expiring between September 5, 2017 and March 5, 2018. Those individuals could apply to renew their status if they applied by October 5, 2017.

Current deferrals and employment authorizations under DACA are valid until the date of expiration on those documents. Pending applications and renewals will be considered on a case by case basis under the current rules. Because federal courts and/or Congress may act at any time, the ability to apply for DACA renewal may change quickly.

#### February 2018 Update:

In January 2018, two separate federal courts ruled that U.S. Citizenship and Immigration Services (USCIS) must continue to accept DACA renewal applications while those lawsuits are pending about the DACA program. In turn, the U.S. Justice Department is appealing the decision of at least one of the federal courts. In the meantime and until further notice, USCIS has resumed accepting requests for DACA renewal on the same terms as were in place before September 2017.

Those persons whose DACA status expired before September 5, 2016, or those whose DACA was previously terminated at any time, cannot request DACA as a renewal (because renewal requests typically must be submitted within one year of the expiration date of their last period of deferred action approved under DACA), but may nonetheless file a new initial DACA request in accordance with the Form I-182D and Form I-765 instructions.

Here is [information from USCIS on filing a request for renewal under DACA](#). Based on information as of February 26, 2018; here is a [summary of who may file a request for a DACA extension and what forms should be submitted](#), prepared by the Immigrant Legal Resource Center.

Congress continues to debate how to update DACA or whether to terminate it. Because the federal courts and/or Congress may act at any time, the ability to apply for DACA renewal may change quickly.

Other Resources:

1. [USCIS Guidance on Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction \(including February 14, 2018 update\)](#).
2. [Immigrant Legal Resource Center, Community Advisory, “Successful DACA Renewal Applications Under New USCIS Guidelines” \(Response to January 2018 Court Decision\)](#).
3. [Immigrant Legal Resource Center, Community Advisory “Understanding DACA Renewals Under USCIS’ January 2018 Guidelines”](#)

## Who May File a Request for Continued Deferral

### **Initial Applications**

USCIS is not accepting DACA requests from individuals who have never previously been granted deferral under DACA.

Initial DACA requests for deferral and for Employment Authorization Documents (EADs) that have already been filed are considered on a case-by-case basis within the same parameters as before if the requests were received by Tuesday, September 5, 2017. All pending initial applications and renewals as of September 5, 2017 are considered on a case by case basis.

### **Renewals**

#### **For DACA benefits that will expire in the future:**

- Current DACA recipients whose benefits will expire in the future may file a DACA renewal request.

#### **For DACA benefits that expired on or after September 5, 2016:**

- Current DACA recipients whose benefits expired on or after September 5, 2016 may still file a DACA renewal request.

#### **For DACA benefits that expired on or before September 5, 2016, or if your DACA was previously terminated at any time:**

- DACA recipients whose benefits expired on or before September 5, 2016, or whose DACA status was previously terminated at any time, are not eligible to request DACA as a renewal, but may be eligible to file a new initial DACA request.

***It is recommended that you consult with a competent immigration lawyer or pro bono legal aid clinic with immigration expertise before filing a DACA renewal request.***

**Advance Parole** – USCIS had a program through which DACA recipients could request permission to travel outside the country and re-enter with their DACA status, if they could demonstrate that their need for travel was for “humanitarian, education, or employment” purposes.

***USCIS will no longer accept or approve advance parole requests from DACA recipients.***

### **Lost Employment Authorization Documents (EAD) Cards**

- If an individual's still-valid EAD is lost, stolen, or destroyed, they may request a replacement EAD by filing a new Form I-765.

### **Enforcement**

- USCIS has previously indicated that the information provided in DACA requests will not proactively be provided to ICE and CBP for immigration proceedings, unless they meet the requirements for a Notice to Appear; however, CIS notes that this policy may be modified, superseded, or revoked without notice at any time. See: [2011 USCIS Policy Memorandum re Notices to Appear](#). Generally, these would be items that are a violation of DACA status.
- The Immigration and Customs Enforcement Action 2011 memorandum titled "[Enforcement Actions at or Focused on Sensitive Locations](#)" remains in effect. Sensitive locations include colleges and universities. This policy is designed to ensure that enforcement does not occur unless exigent circumstances exist.

### **Deadlines:**

There is no specific deadline for how long this opportunity to apply for renewal of deferred status; however, Congress continues to debate how to update DACA or whether to terminate it. Additionally, federal courts may issue rulings that affect DACA because of pending cases which have temporarily halted the rescission of DACA. At least one of those decisions is on appeal. Because federal courts and/or Congress may act at any time, the ability to apply for DACA renewal may change quickly.

### **Information from September 2017**

The following information was issued in September 2017 as an overview and response regarding the DACA rescission program:

#### **University of Houston System**

1. [Statement from UH System Chancellor Renu Khator on DACA](#) (September 5, 2017).
2. [Statement from UHCL President Dr. Ira Blake on DACA Termination](#) (Sept. 6, 2017)
3. UHS Resources:
  - [UHLC Immigration Clinic](#)

The University of Houston Law Center's immigration clinic is available to University of Houston System students from all of our campuses who need a free intake consultation. Appointments can be scheduled by calling the clinic main number at (713) 743-2094. Be sure to indicate you are a student with the UH System and ask for an intake consultation.

#### **US Department of Homeland Security (DHS):**

1. [Frequently Asked Questions: Rescission of Deferred Action for Childhood Arrivals \(DACA\)](#) (September 5, 2017)  
Provides answers to many of the questions about how DHS will handle DACA rescission.
2. [Deferred Action for Childhood Arrivals \(DACA\)](#) (September 5, 2017).
3. "[Memorandum on Rescission of Deferred Action for Childhood Arrivals \(DACA\)](#)," (September 5, 2017).
4. Press Release, "[Rescission of Deferred Action for Childhood Arrivals \(DACA\)](#)," (September 5, 2017).

#### **Other Resources:**

5. Immigrant Legal Resource Center, Community Advisory, "[What Do I Need to Know if the DACA Program Ends?](#)" (August 28, 2017).