

U.S. Supreme Court's Decision on DACA

June 19, 2020

On June 18, 2020 the U.S. Supreme Court announced that the Trump administration's decision to terminate DACA (Deferred Action for Childhood Arrivals) in 2017 was *unlawful*. This means that DACA survives (for now).

WHAT DOES THIS MEAN?

- DACA recipients continue to be protected from deportation and will continue to benefit from work authorization;
- The government will continue accepting DACA renewal applications; and
- The government **MAY** now begin accepting DACA applications, from **first-time applicants** and accepting applications for **Advance Parole** (requests for travel for education, employment, or humanitarian grounds).*
- It is unclear whether the government will accept new initial applications and/or take action in compliance with the decision to terminate DACA again.

*COVID-19 pandemic may prohibit travel and there may be additional risks. Please consult an immigration attorney before proceeding with an initial application or an application for Advanced Parole.

BE ENGAGED & USE YOUR VOICE TO ADVOCATE FOR CHANGE

Although DACA provides many benefits, it is not a permanent solution. Legalization is needed now more than ever. Please focus your energy towards advocating for the DREAM Act of 2019 (S. 874/H.R. 2820), the American Dream, and Promise Act (H.R. 6), or some other legislation that will offer a pathway to citizenship!

- Please call your Congressional Representatives (202) 225-3121 to urge them to move and support the **Dream Act of 2019** and the **American Dream and Promise Act** (currently pending in the Senate) or get involved in a political campaign for a candidate you are certain will support these efforts.
- You need not be a U.S. Citizen to volunteer or advocate for permanent solutions.

CAN FIRST-TIME APPLICANTS APPLY FOR DACA?

According to the Supreme Court's decision, which affirmed the lower court's decision in the NAACP v. Trump case, initial DACA applications **should** be accepted.*

*The government has made no indication that it will accept initial applications at this time. Therefore, be prepared to have these applications possibly rejected or denied. Please have your case assessed by a competent trustworthy attorney to ensure eligibility, explore other legalization options and to be informed of risks involved. Individuals with criminal convictions should seek legal counsel.

WHAT IS THE CRITERIA TO APPLY FOR DACA?

1. Thirty (30) years old or younger as of June 15, 2012
2. Entered the United States before the age of sixteen (16)
3. Physically present in the U.S. on June 15, 2012
4. Continuously resided in the U.S. since June 15, 2007
5. Either:
 - a. Currently in school;
 - b. Have Graduated from High School or obtained GED; or
 - c. Honorably discharged from the military.
6. Have not been convicted of a felony or serious/multiple misdemeanor or pose a threat to the national security of the U.S.

Note: Prior orders of removal do not impact eligibility

WHAT DOCUMENTS ARE NEEDED TO BEGIN THIS APPLICATION PROCESS?

- Birth Certificate
- Copy of government issued identification (i.e. passport, consular ID)
- Two passport photos
- High School Diploma, GED, or proof of current enrollment in school
- Documentation establishing presence in the U.S. on June 15, 2012
- Documentation establishing physical presence in the U.S. from June 15, 2007 through the present (need multiple documents for each year).
- Certified Criminal Records (if applicable)
- Payment to Department of Homeland Security in the amount of \$495.00
- Legal fees paid to immigration attorney or DOJ accredited representative