

FAQ's – Phasing Out the Deferred Action for Childhood Arrivals (DACA) Program

Q1: Why is the DACA program being terminated?

A1: Taking into consideration the federal court lawsuits filed by 10 states against DACA, and the September 4, 2017 letter from the Attorney General, Jeff Sessions, alleging that the DACA program was unconstitutional, Department of Homeland Security at the direction of the President terminated the Program on September 5, 2017 with a six-month “winding down” period .

Q2: What is going to happen to current DACA holders?

A2: Current DACA recipients will continue to hold the benefits of the DACA Program – deferred deportation action and work authorization - until their DACA status expires which is typically two years from the date of issuance.

Q3: What happens to individuals who currently have an initial DACA request pending?

A3: All properly filed DACA initial requests and associated applications for work authorization received up until September 5, 2017 will be reviewed and determination for approval will be on a case by case basis.

Q4: What happens to individuals who currently have a request for renewal of DACA pending?

A4: Request for renewal of DACA status expiring between September 5, 2017 and March 5, 2018 will be accepted until October 5, 2017. DACA and work authorization renewal request filed after October 5, 2017 will not be accepted. Pending request for renewal filed before September 5, 2017 will be reviewed and determination for approval will be on a case by case basis.

Q5: What happens when an individual's DACA status expires?

A5: When the period of DACA status expires or is terminated, the action for deportation removal will no longer be deferred and they will no longer be eligible for lawful employment. DACA status typically expires 2 years from issuance.

Q6: Once an individual's DACA expires, will their case be automatically referred to ICE for enforcement purposes?

A6: Information provided to USCIS in DACA requests will not be proactively provided to ICE and CBP for the purpose of immigration enforcement proceedings, unless the requestor meets the criteria for a referral to ICE which can be found on (www.uscis.gov/NTA) website.

Q7: Will USCIS share the personal information of individuals whose pending requests are denied proactively with ICE for enforcement purposes?

A7: Generally, information provided in DACA requests will not be proactively provided to other law enforcement entities (including ICE and CBP) for the purpose of immigration enforcement proceedings unless the requestor poses a risk to national security or public safety, or meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria. (This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.)

Q8: Will DACA recipients still be able to travel outside of the United States while their DACA is valid?

A8: DACA recipients currently take a risk traveling outside the United States that they may not be re-admitted.

Q9: What happens to individuals who have pending requests for advance parole to travel outside of the United States?

A9: As of September 5, 2017, USCIS closed all applications for advance parole and will probably refund all associated fees.

Q10: What were the previous guidelines for USCIS to grant DACA?

A10: Individuals meeting the following categorical criteria could apply for DACA if they:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching their 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- Had no lawful status on June 15, 2012;
- Are currently in school, have graduated, or obtained a certificate of completion from high school, have obtained a General Educational Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.