

# WHAT IS THE STATUS OF DACA

## as of **SEPTEMBER 2017?**

**What is DACA?** Deferred Action for Childhood Arrivals (DACA) was an executive action taken by President Obama on June 15, 2012 that (1) protected certain people who came to the United States as children from deportation and (2) gave them permission to work. This victory was won because of the incredible and persistent organizing of immigrant youth, and has been a critical form of relief over the past five years. However, because DACA was an executive order and not a law passed by Congress, the President has the authority to end it.

**What has the status of DACA been under Trump?** Since Trump became president, U.S. Citizenship and Immigration Services (USCIS) has continued to process both initial and renewal DACA applications. However, the Texas Attorney General along with nine other attorneys general gave Trump an ultimatum to end DACA by September 5th or they would file a lawsuit in federal court.

**What happened?** On September 5, 2017, Attorney General Jeff Sessions announced that the Trump administration is officially ending DACA, and that it will be phased out over the next six months. The original document from President Obama that created DACA has been taken back. This decision has devastating consequences for our community.

**I am eligible for DACA, but I have never applied – can I apply now?** If you have never applied for DACA, USCIS will not consider your application.

**What if I already filed an initial application for DACA, but I have not received a decision yet?** If your initial application was filed on or before September 5, 2017 and is pending, USCIS will continue to process your application.

**I currently have DACA – can I still renew it?**

You can renew your DACA if

- (1) your renewal application is already pending OR
- (2) the expiration date on your Employment Authorization Document (EAD) or “work permit” is between September 5, 2017 and March 5, 2018 AND your renewal application is received by USCIS by October 5, 2017.

If your renewal application is already pending, you do not need to take any additional steps, USCIS will continue to process your application. If your DACA expired before September 5, 2017 and you have not already applied to renew, it is unclear if you will be able to renew, but you should consult with an immigration attorney ASAP.

***\*This factsheet was last updated on September 6, 2017***

**What happens to my work permit after the expiration date?** Your work permit will continue to be valid until it expires OR the government requires that you return it. As of September 5, 2017, the Trump administration has said that as a general rule, it will allow work permits to expire. You may continue to work lawfully unless either of those things happens and you have rights as a worker. If you have questions or concerns about your specific employment, please consult an attorney.

**What can I do now to protect myself?** In addition to renewing your DACA (if eligible), you should also apply for any identification that your state gives to DACA recipients, such as a state identification card or driver's license. DACA recipients qualify for both in New York.

**What if I am currently traveling on Advance Parole or I have an approval to travel on Advance Parole?** If you are currently outside of the country because you were granted Advance Parole or if you already have approval to travel, the dates should be honored. However, we strongly urge anyone outside of the country to return immediately. Anyone considering travel using an approved Advance Parole documentation to consult with an attorney before leaving.

**What if my pending DACA application is denied, will I be deported?** As of September 5, 2017, the Trump administration says that it will not use personal information obtained from a denied application for enforcement purposes unless USCIS deems the requestor "a risk to national security or public safety" or otherwise meets their criteria to start a deportation case.

**What will happen in six months?** Trump has attempted to shed himself of responsibility for having ended DACA by pointing to Congress to pass legislation that will protect DREAMers. There are currently several bills pending. We will be asking Congress to pass legislation that protects our community - a clean DREAM Act without trade-offs in enforcement that tear apart our families.

**How can I stay informed as news about DACA develops?** Staying informed is important in order to avoid misinformation that you may hear on TV, online, or other sources. Please go to United We Dream ([www.unitedwedream.org](http://www.unitedwedream.org)) for the latest news and resources.



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