

On 7/28/2020 the Department of Homeland Security (DHS) issued a new memorandum stating that it will: 1) Reject initial DACA applications; 2) Reject Advance Parole applications\*; 3) Reduce the length of future DACA renewal grants to 1 year.

On 8/24/2020, US Citizenship and Immigration Services (USCIS) issued new guidance based on this memorandum.

## What does this mean to you?

### I am a current DACA Recipient

**I applied for Renewal and my Renewal application is still pending...**

If your DACA gets approved in the coming days/weeks while the 7/28/2020 memo is being implemented, it is likely that you may receive an EAD card (work permit) that is valid for only 1 year.

If the 7/28/2020 memo is successfully challenged and blocked from implementation BEFORE your DACA Renewal application is approved, you may receive a regular 2-year EAD card (work permit). We cannot predict at this time what will happen in every individual case.

**I am considering renewing my DACA...**

On 8/24/2020, USCIS issued new guidance for DACA renewals. USCIS recommends that you submit your renewal between 150 days (5 months) and 120 days (4 months) before your current grant of DACA expires. USCIS has also stated it will generally REJECT renewal applications received MORE than 150 days before expiration.

If you have urgent circumstances, please do not hesitate to contact your campus attorney before the 5 month mark.

**I want to apply for Advance Parole...**

Although the 6/18/2020 Supreme Court decision and the federal court order on 7/17/2020 indicated that current DACA recipients would be eligible to apply for Advance Parole again, the 7/28/2020 memo has taken that opportunity away again. So you can NOT apply for Advance Parole at this time, "absent exceptional circumstances."\*

On 8/24/2020, USCIS provided examples of limited circumstances where Advance Parole may be granted. If you have an urgent need to travel and believe you would qualify, please talk to your campus attorney.

**I recently renewed my DACA...**

If you already renewed your DACA and received your 2-year DACA Approval Notice + Employment Authorization Document (EAD or work permit), then the 7/28/2020 memo does not affect you at this time.

We recommend, at this time, not to renew your DACA again until you are within 5 months of the expiration date.

HOWEVER, this advice can change as court challenges continue - please stay informed and up to date!

### I am NOT a DACA recipient yet, BUT I want to apply for DACA for the first time...

Although the 6/18/2020 Supreme Court decision and 7/17/2020 federal court order indicated that eligible first-time DACA applicants would be able to apply, the 7/28/2020 memo has taken that opportunity away again. So you can NOT apply for initial DACA at this time.

The 7/28/2020 memo explicitly states that initial DACA applications will be "rejected." USCIS restated this on 8/24/2020.

Please discuss with your campus attorney if you believe you are eligible for DACA as we will continue to support applicants in preparing initial DACA applications even if they cannot be submitted at this time.