The Current State of the Deferred Action for Childhood Arrivals (DACA) Program
(This document was created on August 15, 2017 in accordance with legal guidance available on that date)

It is unclear what will happen to the DACA program and to DACA recipients under the new presidential administration. At this time, immigration attorneys are not sure if this administration will continue the program. Despite these uncertainties, U.S. Citizenship and Immigration Services (USCIS) is still accepting and processing DACA applications. If an individual is approved for DACA, they can apply for employment authorization and are protected from deportation/removal.

Before submitting a DACA application, it is recommend that you consult with an immigration attorney or Accredited Representative.

What will happen to the information provided on DACA applications?

- Currently, USCIS’s policy is that it will not share information about a DACA applicant or his/her family members with U.S. Immigration and Customs Enforcement (ICE) unless there are serious criminal, fraud, or national security issues. Changing this policy would require USCIS to change its memos and guidance.

Currently I do not have DACA, but I think I am eligible. Should I apply?

- It is suggested that you consult with an immigration attorney or Accredited Representative to get specific advice about your situation before applying. Many individuals may decide that DACA is still a good option and will want to submit a new application. However, there are some risks due to the uncertain future of the program.

- If you apply for DACA today it could take six months or more to process the application. Be aware that the DACA program could be terminated while your application is pending. It is possible that you could lose the $495.00 filing fee and your application will not be approved.

- It is also possible that USCIS could change its policy and begin sharing information on DACA applications with U.S. Immigration and Customs Enforcement (ICE).

- Submitting a DACA application could identify you as an “enforcement priority” and you could be subject to removal/deportation. It is important that you consult with an immigration attorney or Accredited Representative, especially if you have ever been arrested or been convicted of a criminal charge, before submitting a new application for DACA.
I already have DACA and am deciding whether to apply for renewal. What should I do?

- It is suggested that you consult with an immigration attorney or Accredited Representative to get specific advice about your situation before applying for renewal. Many individuals may decide that DACA is still a good option and will want to submit a renewal application. However, there are some risks due to the uncertain future of the program.

- With a renewal application, USCIS already has your information, so there is less risk in submitting a renewal application than in submitting a first-time application. It is possible that the DACA program could be terminated and it is unclear what the administration will do about pending renewal applications. Be aware that you could lose the $495.00 filing fee, your information could be reported to ICE, and the government could revoke the employment authorization.

- If you decide to submit a DACA renewal application, it is advised that you apply no less than 120 days before your status expires. However, you may apply to renew DACA at any time before its expiration. You no longer must wait 150 days before your DACA expires to apply for renewal. If you wait too long to renew your application and your status expires before the renewal is approved you could start to accrue “unlawful presence” in the United States. A person with unlawful presence in the United States may have problems obtaining permanent residence (green card) in the future.