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Rescission of DACA

September 21, 2017

On September 5, 2017, Attorney General Jeff Sessions announced that they are rescinding the DACA program with a six-month delay.

If you are a DACA recipient, you may be impacted differently:

- If you currently have DACA and employment authorization, then you will continue to have DACA status and employment authorization until it expires (end of the 2-year period). The expiration date should be listed on your employment authorization card.
- If your DACA and employment authorization expire between September 5, 2017 and March 5, 2018, then you may still request a renewal of your DACA and employment authorization, but it must be filed before the October 5, 2017 deadline.
- If your DACA expires after March 5, 2018, you are not eligible to file a DACA renewal.
- If you filed your initial DACA or DACA renewal application before September 5, 2017, then USCIS will continue to process your application and is approving them on a case by case basis.
- USCIS will not approve any DACA-based applications for Advance Parole (Forms I-131). Applications for advance parole will be closed, and USCIS will refund the filing fees.
- If you were already issued an Advance Parole travel document, you may still use it to travel, but consult with an attorney before doing so because CBP retains the right to refuse admission to a person who presents themselves at a port of entry as a matter of discretion.
- If your valid employment authorization card has been lost, stolen, or destroyed you may still apply to replace it.
- If you never applied for DACA, you can no longer apply.

After your DACA and employment authorization have expired and you live in the state of California, you can continue to renew your driver's license by applying for a driver's license under AB 60. The social security number will no longer be valid for employment purposes without valid employment authorization, but you may still use it for taxes or home buying purposes.

The Department of Homeland Security also announced that once an individual's DACA expires, their information will not be proactively provided to ICE or CBP for purposes of immigration enforcement proceedings unless that person poses a risk to national security or public safety. This means that ICE should not be conducting any enforcement operations specifically targeting individuals who received DACA and are now out of status.

When your DACA expires, you will be out of lawful status in the United States and will be accumulating unlawful presence. You should not travel outside of the country or travel near any United States border patrol check points. If you have a U.S. citizen or lawful permanent resident spouse, then you should look into what options may be available to obtain legal status in the United States.

The next action we can take is to ask Congress to act now and pass legislation, like the bipartisan Dream Act (S. 1615 & HR 3440), to protect Dreamers. The Dream Act would grant a conditional legal permanent residency for eight years. After those eight years, the individual can apply for lawful permanent resident status if do not have certain criminal issues, have not abandoned their residence in the United States and have continued to be employed or pursue an education. After five years as a lawful permanent resident, they may apply for U.S. citizenship.

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