



DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

DACA (Deferred Action for Childhood Arrivals) is a U.S. immigration policy that provides a quasi-legal status and employment authorization to certain individuals unlawfully present in the United States after being brought to the country as children. Individuals may qualify for DACA if they:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States under the age of 16;
- Have continuously resided in the United States from June 15, 2007, to the present;
- Entered the United States without inspection before June 15, 2012, or had lawful immigration status expire as of June 15, 2012;
- Were physically present in the United States on June 15, 2012, and at the time of making the request for consideration of deferred action with USCIS;
- Are currently enrolled in school, or have graduated from high school, obtained a GED, or been honorably discharged from the Coast Guard or armed forces; and
- Have not been convicted of a felony offense, a significant misdemeanor, or more than three misdemeanors, and do not pose a threat to national security or public safety.

WHAT'S NEXT FOR DACA?

Congress has introduced the U.S. Citizenship Act of 2021. This act, if passed by Congress and signed into law by the president, would immediately allow DACA recipients to obtain permanent residency. Passage of the act may be difficult as Congress remains very divided over immigration issues.

Individuals who meet these requirements are considered eligible for DACA. Applicants are eligible for an initial period of two years which may then be renewed in two-year increments. To qualify for renewal of DACA, individuals must:

- Not have departed the United States on or after August 15, 2012, without advance parole;
- Have continuously resided in the United States since submitting most recent approved request for renewal of DACA up to the present time; and
- Have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

On December 4, 2020, a federal judge ordered DHS to restore DACA to its original state as implemented via President Obama's Executive Order. Individuals who meet the eligibility requirements may submit an initial or renewal application for DACA. The Biden administration also instructed the Homeland Security Secretary to take action to protect and fortify the DACA program.

IF YOU HAVE QUESTIONS, PLEASE CONTACT YOUR IMMIGRATION ATTORNEY, OR YOU CAN FIND AN IMMIGRATION ATTORNEY AT <https://www.ailalawyer.org/>.

