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DACA PROGRAM OVERVIEW

Deferred Action for Childhood Arrivals (DACA) was announced by the Obama administration on June 15, 2012 to provide protection from deportation and a work permit to certain young immigrants for a two-year period, subject to renewal. Nearly 800,000 people have been granted deferred action through the DACA program since its inception.

On September 5, 2017, the Trump administration announced the termination of the program which resulted in several lawsuits challenging the program's termination. Several courts hearing these lawsuits ordered U.S. Citizenship and Immigration Services (USCIS) to continue accepting and processing renewal applications while the cases are pending. While DACA recipients remain protected and continue to be eligible to renew, there is still much uncertainty around the future of the program.

What does all this litigation mean?

- **Anyone who was granted DACA before can continue to apply for renewal.** USCIS is processing renewal applications up to a year in advance of the expiration date.
- **It is hard to predict the future, so the best thing to do is to stay informed.** While renewals are being processed, the future of the program is still uncertain given the pending court cases.
- **It is possible that the U.S. Supreme Court will grant the Trump administration's request to hear the DACA case in the coming months.** This means the future of DACA is uncertain, depending on a ruling from the Supreme Court.
- **We have to work for a more permanent solution for all.** Despite the uncertainty of DACA, it still does not offer a permanent solution for DACA recipients and other undocumented people, and there is a need to take action and push forward just and inclusive solutions.

DACA CHRONOLOGY

Deferred Action for Childhood Arrivals (DACA) is an immigration option for undocumented immigrants who came to the United States before the age of 16.



JUNE 15, 2012

President Obama announces the DACA program.



AUGUST 15, 2012

USCIS starts accepting DACA applications.



SEPTEMBER 5, 2017

The Trump administration terminated the DACA program. The program would be phased out as cases expired without the possibility of renewal. There are about 690,000 individuals enrolled in the program at this time.



JANUARY 9, 2018

A federal judge in San Francisco ordered USCIS to accept DACA renewal applications while the lawsuit is pending. However, this order did not require USCIS to accept first-time applications for DACA or travel permits through advance parole. The government appealed the decision to the U.S. Court of Appeals for the Ninth Circuit.



JANUARY 13, 2018

USCIS began accepting DACA renewal applications.



FEBRUARY 13, 2018

A federal judge in New York ordered USCIS to resume processing of DACA renewals but did not require processing of initial DACA or advance parole applications. The government appealed the decision to the U.S. Court of Appeals for the Second Circuit.



MARCH 5, 2018

A federal judge in Maryland upheld the termination of the program but ordered a prohibition on the U.S. Department of Homeland Security (DHS) from sharing or using DACA recipients' information for immigration enforcement purposes against them or their family members unless they pose a threat to national security or have committed certain serious crimes. The case was appealed to the U.S. Court of Appeals for the Fourth Circuit and is currently pending.



APRIL 24, 2018

A federal judge in the District of Columbia ruled that USCIS must restart the DACA program in its entirety, but later ruled the order would not be fully implemented while the case is on appeal at the U.S. Court of Appeals for the District of Columbia Circuit. The updated decision mirrors those of the other federal judges requiring USCIS to accept DACA renewal applications but not initial applications or advance parole requests.



AUGUST 31, 2018

In a case challenging the legitimacy of the DACA program, a federal judge in Texas ruled to allow processing of DACA renewal applications while the case was pending. However, the order indicated that states challenging the DACA program could ultimately prevail in showing that the DACA program should end.



NOVEMBER 6, 2018

The U.S. Department of Justice petitioned the U.S. Supreme Court to hear the DACA cases before the Ninth Circuit, Second Circuit, and D.C. Circuit before all Courts of Appeals had an opportunity to respond. No decision has been given by the Supreme Court.



NOVEMBER 8, 2018

The Ninth Circuit upheld the federal judge in San Francisco's January 9, 2018 ruling that DACA renewals should continue as it could be shown that the administration wrongfully terminated the program.



JANUARY 15, 2019

The Supreme Court has not yet ruled on whether it will hear the DACA case. If the Supreme Court takes up the DACA case at this meeting, the earliest it will hear arguments in the case will be Fall 2019.

TIPS FOR FILING DACA RENEWALS:

Whether you are a DACA recipient or know someone with DACA, the most important thing to remember is that DACA renewals are being accepted and individuals should renew as soon as possible. Below are some tips on completing renewals:

If the person has ever had DACA, whether it is still current, has expired, or will expire in the future, they should renew as soon as possible.

The court rulings have allowed the DACA program to continue for those who have been granted DACA at any point (whether it is still valid, expired, or was terminated). Because these court cases remain pending, it is unclear how long the program will continue. This means that all DACA recipients should renew their DACA case in order to be protected as long as possible. USCIS is renewing DACA cases and work permits up to a year in advance of the expiration of a current case.

Note: Make sure to use your previous DACA applications when completing your renewal to ensure all information is consistent.

Visit www.uscis.gov to ensure you have the correct edition of the DACA applications.

If you are unsure of when, or if, you should file for renewal, consider the following:

- Those who have a valid DACA case or have a renewal application pending when any changes to the DACA program occur, will likely continue to be protected by DACA
- Those who have a valid DACA case or have a renewal application pending may become eligible for access to a future immigration benefits program
- The new “notice to appear” USCIS policy placing people in removal proceedings if their cases are denied or they fall out of status does not apply to DACA applicants
- Those who apply for DACA renewal and are denied will not be placed in removal proceedings unless they (1) are considered a threat to national security, (2) have committed fraud in a DACA application, (3) have engaged in a serious criminal offense
- There are agencies covering filing fees for DACA recipients. You can find a complete list at: <http://ready-california.org/print-resources/daca-renewal-resources/>

Every DACA Renewal Application packets should include:

- Form I-821D
- Form I-765
- Form I-765WS
- Make sure every form is completed in black ink, signed and dated
- Photocopy of your work permit (both sides)
- Two identical passport-style photographs
- Check or money order of \$495 payable to U.S. Department of Homeland Security
- Make and save a copy of your DACA renewal packet

Individuals who have had contact with the police since their last DACA approval should:

Consult a legal representative before applying. Not all contact with the police will make someone ineligible for DACA but it is important to get good legal advice about any potential impact.

Remember that certain convictions will make a person ineligible for DACA and can result in USCIS revoking a DACA case:

- DUI
- Drug trafficking
- Firearms
- Domestic violence
- Burglary
- Sexual abuse or exploitation
- Any felony conviction

A criminal conviction, even if it does not automatically make someone ineligible for DACA, will be a negative factor and it is important that an applicant also submit evidence about positive aspects of their life with their application. USCIS has continued to approve cases for those who have had contact with law enforcement and convictions, but it is important to present the strongest application possible.

Documents to Show Positive Factors in a Case:

- School Records
- Employment Records
- Diplomas
- Community Letters of Support
- Church Membership
- Awards or Certificates

NOTE: There are exceptions to these rules and there might be options to clean up a criminal record that allows someone to qualify for DACA. Consult an immigration attorney to identify potential options.