DACA Overview & Updates

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This presentation is not intended to provide legal advice; it is solely informational. The accuracy of the information presented may change at any time.

This presentation does not create or constitute an attorney-client relationship.

You should consult an attorney or DOJ-accredited counselor if you have questions about a specific situation.
Today’s Presentation

- Overview of FIRN’s services
- DACA updates as of September 23, 2020
FIRN  www.firnonline.org  
410-992-1923

Non-profit organization based in Columbia, Maryland but serving the entire region

FIRN is accredited by the Department of Justice to provide immigration services before USCIS and the immigration courts

1 full time attorney and 2 full time accredited representatives

Domestic Violence based Asylum Project- part time attorney that is dedicated to developing resources for domestic violence based asylum cases

Family & Community Services- nonimmigration service wing of FIRN

Language Connections- translations, interpreting, transcription/captioning services

Health Equity- ongoing project that began recently in response to the pandemic and pre-existing inequities in healthcare
What is DACA?

Initially established by executive order in 2012 by President Obama

DACA stands for “Deferred Action for Childhood Arrivals”

• “Deferred Action” means the federal government will defer any removal action, i.e. refrain from deporting a person
• Deferred Action also allows someone to receive work authorization
• DACA is not an official immigration status under INA. It was created by the President’s Executive Action
• For now, no pathway to citizenship or green card
• But some DACA recipients may have other alternatives to getting a green card and eventual citizenship
Eligibility for initial DACA:
• Entry to US before turning 16
• Under 31 as of June 15, 2012
• entry to US before June 15, 2007, continuous residence since then;
• in the US on June 15, 2012 with no lawful status
• in school or have a high school diploma or GED
• No significant misdemeanors
DACA Litigation Outlook

- September 5, 2017 Trump Administration attempted to terminate DACA

- In June 2020, Supreme court overturned Trump Administration’s termination of DACA “arbitrary and capricious” violated APA
  
  USCIS should continue to accept DACA renewal applications

- Tricky part: what about first-time DACA applications?

- In July 2020, the Administration announced it will rescind and replace parts of DACA

- US District Ct -Maryland ordered DACA to be returned to it’s pre-Sept 5, 2017 state

- July 28, 2020 Wolf Memo become official USCIS guidance in August 2020

- A case in the Eastern District of NY: lawsuit alleges that Acting Director Wolf of DHS lacked the authority make changes to DACA
Current DACA Procedures

- Pursuant to DHS & USCIS announcements from July 27, 2020: No initial filings being accepted at this time, will be rejected and USCIS fees returned to the applicant.

- Renewals currently being accepted and processed but shortened to only one year of validity.
  - Suggested time to renew is between 120-150 days before expiration of your DACA status.

- Advance parole for existing DACA holders for extremely urgent matters only. Subject to interpretation and no practical experience yet as to how USCIS is treating these.
Questions about DACA or your eligibility for other types of immigration relief? Get good legal advice!

While you may not qualify to do an initial DACA now, things could change, or you may qualify for another form of immigration status and not know it.

Consult with a reputable attorney with immigration law experience and/or a DOJ accredited immigration counselor

Beware of notarios, immigration “consultants” or attorneys that are not well versed or experienced in immigration law
Ways to support FIRN:

Donate (www.firnonline.org)
Volunteer (contact info@firnonline.org)
Participate: stay connected to our website, facebook page, twitter for news, events and opportunities to serve!
Q & A