



## Immigration Action Summary:

### *Memo to rescind Deferred Action for Childhood Arrivals (DACA) program*

On September 5, 2017, President Trump issued a statement regarding plans to rescind the Obama Administration program known as Deferred Action for Childhood Arrivals, or DACA. This action is formalized in a memorandum, published the same date, from the Department of Homeland Security (DHS) entitled [Rescission of the June 15, 2012 Memorandum Entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children”](#). The purpose of the memo is to instruct various government agencies about the rationale, mechanisms, and timeline associated with discontinuing the DACA program. The main provisions of the memo and related guidance are summarized below.

#### **Background Information**

Under direction of President Obama, the Department of Homeland Security had issued the [previous memorandum](#) on June 15, 2012. This memo instructed US Citizenship and Immigration Services (USCIS) to develop a process to identify individuals under established criteria who would be deemed eligible for deferred removal action based on their undocumented status. In August 2012, USCIS began accepting applications for DACA. To date, approval has included deferred action for a period of two years, eligibility for work authorization, and the option to apply for specific travel permissions. Recipients have been able to renew this designation, subject to approval. DACA eligibility criteria include:

- Arrival to the US prior to applicant’s 16th birthday and under age 31 as of June 15, 2012 (born after 6/15/1981)
- Present in the US without lawful status as of June 15, 2012 and continuous presence since June 15, 2007
- Enrollment in school, completion of high school or GED, or honorable discharge from US armed forces
- No threat to national security or public safety; No conviction of a felony, serious misdemeanor, or 3 other offenses

#### **Action to rescind & phase out DACA**

Recently, legal challenges have been threatened against the Deferred Action for Childhood Arrivals program, based on a lack of Congressional approval and implementation under administrative action only. In addition to rescinding the June 2012 memo, the Trump Administration intends to phase out the program over 6 months. Specifically, DACA will remain operational until March 5, 2018, to allow Congress to pursue legislation that could replace the DACA program during that timeframe. The following provisions will apply to new initial or renewal applications filed prior to March 2018:

- Individuals already approved for DACA will retain their current permissions throughout their authorization period. Previously filed and pending renewal applications will continue to be processed. For recipients whose benefits expire between September 5<sup>th</sup> 2017 and March 5<sup>th</sup> 2018, USCIS will accept and process renewal applications filed prior to October 5, 2017. Current eligibility criteria remain in place.
- USCIS will no longer accept initial requests for DACA from individuals who had not previously secured or applied for DACA approval. Applications received on or prior to September 5<sup>th</sup> will continue to be processed. Applications received after this date will be rejected and relevant filing fees will be returned.
- Following the expiration of their approved benefits, DACA recipients will no longer be subject to deferred removal action; there is no grace period following the expiration of an individual’s DACA benefits. However, DHS indicates that information will not be proactively shared between its agencies (USCIS, Immigration and Customs Enforcement, or Customs and Border Protection) for removal purposes.
- USCIS will no longer approve any new applications for advance parole travel permissions under DACA standards. DHS indicates that travel permissions already approved may continue to be valid, but cautions that agencies retain the ability to deny admissibility at a US border and/or to revoke advance parole, as deemed appropriate. Petitions currently pending will be administratively closed and relevant filing fees will be returned.

#### **Resources for DACA recipients**

Consideration for DACA: [www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca](http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca)

FAQs: [www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca](http://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca)

ISO resources on recent Immigration Actions & Policies: [www.iso.rochester.edu/immigration/actions.html](http://www.iso.rochester.edu/immigration/actions.html)