



Immigration Update

USCIS to resume accepting certain DACA requests

January 24, 2018

Brief summary

- A federal district court judge has ordered Department of Homeland Security (DHS) to resume accepting renewal applications from Deferred Action for Child Approval (DACA) beneficiaries while legal challenges move forward.
- US Citizenship and Immigration Services (USCIS) has resumed accepting renewal requests from individuals who have previously been granted deferred action under DACA.
- USCIS will not accept requests from individuals who have never been granted deferred action under DACA before or advance parole requests.

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Overview:

On Tuesday, January 9, 2018, a California federal district court judge issued a temporary injunction ordering the DHS to restore the DACA program for certain recipients while the legal challenge works its way through court. The order permits foreign nationals who were previously granted deferred action under DACA to request a renewal but does not order DHS to accept new applications from foreign nationals who have never received deferred action before or accept advance parole applications.

On January 13, 2018, USCIS responded to the federal court order and posted instructions clarifying what applications it will accept under DACA.

Who is eligible to file?

As of January 13, 2018, and until further notice, USCIS has resumed accepting requests to renew deferred action under DACA.

Foreign nationals who were previously granted deferred action under DACA are generally eligible to file a renewal request. USCIS will not accept applications from foreign nationals who were not previously granted DACA benefits. Moreover, USCIS will not accept advance parole applications from DACA beneficiaries.

Future uncertainty

The Trump administration is expected to appeal the federal district court order and could request a stay while the order is appealed. If the stay is granted, USCIS could reject and/or suspend the adjudication of applications.

In addition, there are ongoing discussions between the Trump administration and congress related to legislative relief for DACA beneficiaries although the future and extent of these discussions is uncertain.

Given the fluidity and uncertainty of the situation, DACA beneficiaries and stakeholders should continue to monitor the situation closely.

Have questions?

As always, if you have any questions or concerns, please contact your immigration contact at Guberman Garson LLP ((416) 363-1234).

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