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Deferred Action for Childhood Arrivals (DACA) Renewal Period

On January 9, 2018, a federal judge in California issued a decision temporarily allowing some people with Deferred Action for Childhood Arrivals (DACA) to renew. The decision affects the entire country. In its decision, the court ruled the following: Current and previous DACA recipients may seek renewal based on the conditions that were in effect prior to the September 5, 2017 memorandum ending DACA. See below for who qualifies:

- Initial DACA requests will not be accepted or approved at this time.
- Advance parole requests for DACA beneficiaries will not be accepted or approved at this time.
- DHS has the discretion to deny renewal requests on a case-by-case basis at this time.

Keep in mind that this decision was issued January 9, 2018. The order is supposed to last until the case is concluded. It does not permanently save the DACA program and a long-term solution from Congress is still needed. The decision will probably be appealed and could be reversed. That could happen quickly. But, it's possible that there is a window open right now for renewal for the following people:

- People who previously had DACA, but it was expired on or before September 5, 2017
- People who have DACA that will expire after March 5, 2018 (but within 150 days of filing), and
- People who had DACA that expired or will expire between September 5, 2017 and March 5, 2018. (This is the group of people who were given the chance to renew between September 5, 2017 and October 5, 2017, but for whatever reason didn't do so or had their application rejected.)

There are risks to applying for a renewal, including losing the filing fee if the court's order is reversed and, in general, the same risks of sharing information with the government in an application for a temporary program that have always existed with DACA. This means that if a DACA recipient has committed conduct that would make him/her ineligible for an initial approval of DACA, s/he will continue to be ineligible to renew and filing could lead to a negative consequences.

OTHER RENEWAL INFORMATION:

- Previous guidance on renewals stated that USCIS encouraged DACA recipients to submit their renewal packages 120 to 150 days before expiration. This is the time frame we expect to be followed
- There are no fee waivers. The renewals cost \$495 and can be paid with a check or money order payable to the Department of Homeland Security. USCIS has removed Form I-821D, Consideration for Deferred Action for Childhood Arrivals from its website. The National



Immigration Law Center (NILC) has archived and posted a copy available here:
<https://www.nilc.org/wp-content/uploads/2017/12/i-821d.pdf>

- Filing instructions, addresses, and more information is available here:
<https://www.uscis.gov/i-821d>

CONTACT US:

If you live in Michigan and you need advice about this situation, help preparing a renewal application, or help with the filing fee, please call MIRC at (734) 239-6863