



Immigration Update: The United States Citizenship and Immigration Services Issues Memorandum Partially Rescinding Deferred Action for Childhood Arrivals

On July 28, 2020, the United States Citizenship and Immigration Services (USCIS) issued a memorandum partially rescinding the Deferred Action for Childhood Arrivals (DACA) initiative. This memorandum was in response to the June 18, 2020, Supreme Court decision, which found that the Trump administration's initial attempt to rescind the DACA program was done improperly. USCIS was then ordered to restore all aspects of the DACA program, including accepting first-time applications and advance parole requests.

USCIS' July 28 memorandum rescinds portions of the DACA program and lays the groundwork for rescission of the entire initiative. The memorandum announced the following changes to the DACA program:

- USCIS will reject all first-time applications for DACA. This includes any first-time applications currently pending as of July 28, 2020 or filed in the future. Any USCIS fees submitted with first-time applications will be refunded to the applicant.
- Previously, those eligible to renew their DACA received two-year renewals. USCIS will now issue only one-year DACA renewals to eligible applicants. The application fee to renew DACA will remain \$495 despite the shortened renewal period. The memorandum does not appear to change the eligibility requirements for renewal applicants. It also states that USCIS will continue to comply with its policy of refusing to share information with Immigration and Customs Enforcement (ICE) for enforcement activities.
- USCIS will deny virtually all applications for advance parole based on DACA. Any such advance parole applications currently pending will be denied and any USCIS fees paid will be refunded. USCIS has left open the possibility that it will approve advance parole applications in "exceptional circumstances". The memorandum does not describe what qualifies as exceptional circumstances. Any advance parole approvals issued before the July 28 memorandum will remain valid.

The July 28, 2020 memorandum is almost certainly the Trump administration's first step in attempting to rescind the entire DACA program. This partial rescission will likely be challenged in court. However, unless and until a judge decides that this memorandum is unlawful, it will remain in effect. For now, those who previously had DACA and remain eligible to renew may still do so.

All DACA eligible individuals should consult with a legal service provider for information about, renewing their existing DACA and/or getting screened for eligibility for other, more permanent immigration benefits.

We will continue to update our website with more information as it becomes known.

To make an appointment with Catholic Migration Services for free legal assistance renewing DACA, please call our office Monday through Friday between 9:00 a.m. and 5:00 p.m. at (718) 236-3000 (Brooklyn office) or (347) 472-3500 (Queens office).



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