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Immigration

USCIS Issues DACA Guidance Under Court Order

Legal Update

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This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

Following litigation related to Deferred Action for Childhood Arrivals (DACA) that resulted in a U.S. district court order issued December 4, 2020, U.S. Citizenship and Immigration Services (USCIS) released guidance effective December 7, 2020. USCIS is:

- Accepting first-time requests for consideration of deferred action under DACA, DACA renewal requests, and applications for advance parole documents based on the terms of the DACA policy in effect before September 5, 2017, and in accordance with the court's order; and
- Extending one-year grants of deferred action and one-year work authorization documents under DACA to two years.

USCIS said it will take "appropriate steps to provide evidence of the one-year extensions of deferred action and employment authorization documents under DACA to individuals who were issued documentation on or after July 28, 2020, with a one-year validity period under the defunct policy."

USCIS' statement says that the Department of Homeland Security (DHS) "will comply with the order while it remains in effect, but DHS may seek relief from the order."

Judge Orders Trump Administration To Restore DACA As It Existed Under Obama,"
NPR