

Rutgers Immigrant Community Assistance Project (RICAP) Advisory: Deferred Action for Childhood Arrivals (DACA)

On July 16, 2021, in *Texas v. United States*, a federal judge rendered a decision limiting the DACA program and declaring it unlawful. This disappointing decision again exposes the fragility of DACA and the incontrovertible need for a path to citizenship for American undocumented youth.

Individuals who had their DACA status approved prior to July 16, 2021, even if now expired, will be permitted to continue participation in the program. As of July 16, 2021, no first-time DACA request will be approved by USCIS until further notice.

If you filed a first-time initial application that was not approved before July 16, 2021:

- USCIS will hold the application until further notice
- If you received a biometrics notice, you should attend unless you receive a cancellation notice
- If you have received a Request for Additional Evidence, failure to reply within the designated timeframe may result in a denial of your application – consult with an attorney prior to responding
- **Dreamers are not a priority for removal**; ICE is currently required to follow the [Enforcement and Removal Priorities](#) Published on February 18, 2021

* If you planned to submit a first-time DACA application, USCIS can still accept this request, but you are encouraged to speak to an attorney prior to filing.

If you are a previously approved DACA recipient:

- USCIS will accept and adjudicate DACA renewals until a court orders otherwise; if your DACA expired more than one year ago, please speak to an attorney before renewing
- File early! Application processing times are delayed. We recommend filing as close to 150 days prior to expiration as possible
- Judge Hanen’s decision does not impact Advance Parole (AP); According to [USCIS’ statement](#) dated July 19, 2021, USCIS will continue to process and grant advance parole to current DACA recipients

Rutgers is here to support you! All Rutgers students with immigration or DACA-specific questions should contact RICAP Immigrant Rights Attorney, Jason Hernandez, at RICAP-Info@law.rutgers.edu or 856-225-2302.

- All consultations are confidential and at no cost to the student
- Students seeking financial support for the USCIS filing fee should reach out to RICAP for assistance locating emergency funds

*This advisory is dated July 22, 2021, and is subject to change. It is not a substitute for individualized legal advice. This document derives information from <https://unitedwedream.org/2021/07/guidance-for-daca-recipients-and-legal-practitioners-frequently-asked-questions/>;
https://www.ilrc.org/sites/default/files/resources/daca_community_alert.pdf