

Rutgers Advisory Re: Deferred Action for Childhood Arrivals (DACA) Renewal Applications

On January 9th a federal district court in California issued an order directing the Trump Administration to resume accepting renewal applications for Deferred Action for Childhood Arrivals (DACA). On January 13th the administration issued a response to the court order, which included the steps for filing renewal applications for those who are eligible. <https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction>. It is likely that the judge's order will be appealed, and a higher court may reverse or put a halt to the decision of the district court in California, so the window for taking action may be brief.

1. **No first-time DACA applications will be accepted.** The court's order only applied to individuals who have previously had DACA. *If you have a pending first-time application that was accepted by USCIS on or before September 5, 2017, it will be processed normally.*
2. **If your DACA expired on or after Sept. 5, 2016, or will expire within 150 days,** you may file to renew. You should follow the instructions for renewal and list the date your prior DACA ended or your current DACA will expire in the appropriate box on Part 1 of the Form I-821D. *If your DACA expires more than 150 days from now, you may still file to renew, but you should consult with an attorney about the advantages and disadvantages of doing so.*
3. **If you previously received DACA and your DACA expired before Sept. 5, 2016, or was terminated at any time,** you cannot file a renewal application but may file a new initial DACA request following the instructions on the Form I-821D and Form I-765. You should list the date your prior DACA expired or was terminated on Part 1 of the Form I-821D, if available. It is advisable to seek legal advice before applying - *if your DACA was terminated you should not submit a new initial application without consulting an attorney.*
4. **Advance parole to travel abroad remains unavailable.** Since September 5, 2017, The U.S. Department of Homeland Security (DHS) stopped granting DACA recipients permission to travel abroad through advance parole. The federal court order does not change this.

Rutgers is here to support you. Any Rutgers student who has questions about the impact of these recent developments or needs assistance preparing the application should reach out immediately to Jason Hernandez, Immigrant Rights Attorney with the Rutgers Immigrant Community Assistance Project (RICAP) at jason.c.hernandez@rutgers.edu or 856-225-2302 for a free consultation. There is some chance that these applications may not be acted upon and application fees may be lost. However, if cost is an issue, funds may be available to help with renewal fees for those students represented by RICAP.

*This advisory is dated January 15, 2018 and is subject to change. It is not a substitute for individualized legal advice. The above information is derived from <https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction>.