

# DACA: FREQUENTLY ASKED QUESTIONS

## 1. **What is the status of the DACA program today?**

As of December 4, 2020, DACA was fully restored to its pre-September 2017 status, meaning that the 2012 Napolitano Memo establishing DACA is the governing policy. DACA has since been open for initial requests and for renewal requests from individuals who have previously had DACA. Any individual granted DACA will be approved for a period of two years. Additionally, DACA recipients can again request Advance Parole for education, employment, and humanitarian reasons.

## 2. **Can I apply for DACA for the first time?**

Yes. USCIS is accepting first-time requests for consideration of deferred action under Deferred Action for Childhood Arrivals (DACA) based on the terms of the DACA policy in effect prior to September 5, 2017, and in accordance with the Court's Dec. 4, 2020, order.

## 3. **If I currently have DACA, can I still renew? When should I file for renewal?**

Yes, all individuals who have DACA now or had DACA in the past can still renew. USCIS recommends that individuals submit DACA renewal requests between 150 to 120 days (5 to 4 months) before their current DACA expires. Despite this, USCIS should accept filings submitted earlier than 150 days from expiration.

## 4. **What if I recently submitted a DACA renewal request, how does the December order affect me?**

According to the order, all requests for DACA that were pending at USCIS as of December 4, 2020, will be adjudicated under the pre-September 2017 guidance. If you have a renewal application pending or if you recently mailed a renewal application and the application is granted, you should receive a two-year grant of deferred action and work authorization.

## 5. **Can I apply for Advance Parole?**

Per the December 4, 2020 order, Advance Parole is available again to DACA recipients according to the terms that were in place for Advance Parole before September 5, 2017. Individuals interested in applying for Advance Parole need to demonstrate that their need to travel is for “humanitarian, education, or employment” purposes. Some examples of this can include travel to visit a sick family member, to study abroad, or to complete an overseas assignment for a job.

If you are interested in applying for advance parole to travel abroad, speak with an immigration attorney or a DOJ accredited representative before applying and again before you travel outside the United States even if you have been granted advance parole.

## 6. **I was issued a one-year work authorization and DACA grant, how does this order affect me?**

All work authorizations and DACA grants that were issued for one year have been automatically extended to two years. On December 10, 2020, the court ordered that the government mail a notice to the individuals who received a one-year employment authorization card (EAD) because of the Wolf Memo. If you received a one-year grant of DACA instead of two years, USCIS will mail you a notice by January 8, 2021, that can be used in conjunction with your one-year EAD as proof that you have been granted work authorization for two years. USCIS will also mail you a new EAD for the second year of your work authorization at least 30 days before your current one-year EAD expires.