



MASSACHUSETTS IMMIGRANT AND REFUGEE ADVOCACY COALITION:

July 16, 2021 DACA Decision Factsheet

WHAT IS DACA?

Established by President Obama in 2012, DACA (Deferred Action for Childhood Arrivals) allowed hundreds of thousands of young undocumented immigrants to live and work legally in the U.S., subject to renewal every two years. To qualify, you had to be undocumented; have arrived in the U.S. prior to your 16th birthday; have lived continuously in the U.S. since June 15, 2007; be in school or have graduated, obtained a GED, or been honorably discharged from the military; and have no serious criminal record.

There are currently 616,030 active DACA holders throughout the country, including 5,180 in Massachusetts.¹

WHAT DOES THE LATEST COURT DECISION MEAN FOR THE DACA PROGRAM?

On July 16, a Texas federal court ruled that the DACA program was not lawful. However, the court stopped short of immediately eliminating the program. As a result of this decision:

- Individuals who **currently have DACA or whose DACA expired in the past year** can still request and receive renewal of their DACA status. USCIS is continuing to process renewal applications for now.
 - USCIS is also continuing to process advance parole applications.
- Individuals who have **never had DACA** but meet the eligibility criteria cannot be granted DACA through an initial application. USCIS cannot process initial DACA applications (though it can still accept them if submitted).
 - Initial DACA applications that are currently pending **will not be processed**.

WHAT HAS BEEN THE BIDEN ADMINISTRATION'S RESPONSE?

In response to the decision, President Biden issued a statement calling the decision “disappointing” and urging Congress to pass the American Dream and Promise Act (which would provide a pathway to citizenship for Dreamers and TPS holders). Specifically, President Biden called for Congress to act “through reconciliation or other means” to protect Dreamers. DHS Secretary Alejandro Mayorkas echoed this statement, saying the administration “remain[s] as committed as ever to ensuring that Dreamers are protected from the threat of deportation.” The administration has also indicated it plans to appeal the decision and to engage in rulemaking to issue regulations aimed at strengthening and fortifying DACA.

WHAT CAN BE DONE NOW TO PROTECT DACA HOLDERS AND DREAMERS?

In order for Dreamers to receive permanent protection, Congress must pass legislation providing a pathway to citizenship for Dreamers and other undocumented individuals. The U.S. House of Representatives passed the Dream and Promise Act in March 2021 with bipartisan support. The Dream and Promise Act would provide a path to citizenship for Dreamers and Temporary Protected Status (TPS) holders. The U.S. Citizenship Act of 2021 would provide a path to citizenship for undocumented individuals, including an expedited path for Dreamers. **It is more urgent than ever for Congress to act on permanent protection and a path to citizenship, not only for Dreamers, but for all 11 million living without status.**

¹ <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>