

On December 4, 2020, a federal judge in New York ordered the U.S. Department of Homeland Security (DHS) to fully restore the original 2012 DACA program.

## **What does the recent court ruling on DACA mean? Should I apply for the first time?**

### **1) This decision means that:**

- If you are eligible for DACA, you can apply for the first time. (See eligibility below.)
- Advance Parole is back in its original form.
- Anyone who received a 1-year renewal of their DACA will automatically have their protections extended to two years.
- DACA renewals will continue for those who have DACA or had it in the past.

### **2) DHS's processing unit, the U.S. Citizenship and Immigration Services (USCIS,) is complying with the court's ruling and accepting applications. However, it is expected that the federal administration will respond soon and "seek relief from the order." Legal experts also believe that a second case involving DACA (State of Texas v. Nielsen), which will be heard on December 22, could alter the program once again. **Therefore, the future of DACA is still uncertain and those looking to apply for the first time may consider doing so ASAP.****

### **3) DACA eligibility criteria:**

- Came to the U.S. before your 16<sup>th</sup> birthday
- Have lived in the U.S. (without leaving) since June 15, 2007
- Were under the age of 31 as of June 15, 2012
- Were physically present in the U.S. as of June 15, 2012
- Are currently in high school, graduated from high school, received a GED, or were honorably discharged from the US military
- Have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not pose a threat to national security or public safety (must pass a background check)

### **4) First-time applicants should consider seeking advice from an immigration attorney or a trusted legal advisor, but an attorney is not required. Individuals who feel comfortable completing the DACA application on their own may do so.**

### **5) Resources:**

- **DACA information from USCIS:** <https://www.uscis.gov/i-821d>
- **Annotated DACA Application Guide (IRLC):** <https://www.ilrc.org/annotated-daca-application-guide>
- **Webinar on Initial DACA materials (UCD School of Law):** <https://law.ucdavis.edu/ucimm/resources.html>
- **Initial DACA application checklist (UCD School of Law):**  
<https://law.ucdavis.edu/ucimm/files/Initial-DACA-Application-Checklist.pdf>
- **Steps to apply for DACA for the first time (Immigrants Rising):**  
<https://immigrantsrising.org/resource/steps-to-apply-for-daca-for-the-first-time/>
- **Find a free or low-cost legal service provider in your area:**
  - National Immigration Legal Services Directory: <https://bit.ly/ianimmhelp>
  - CA Dept. of Social Services DACA Legal Service Provider List: <https://bit.ly/39XRbIQ>
  - Local to the Chico area, **Northern Valley Catholic Social Services (NVCSS)** can help with information and DACA applications: (530) 824-4039.
  - Chico State's immigration legal services provider, the **Coalition for Humane Immigrant Rights (CHIRLA)**, offers free consultations and services to Chico State students, faculty, staff, and their immediate family members. Virtual appointments may be scheduled directly through CHIRLA Student Legal Services website, under "CSU Campuses": <https://legal.chirla.org/>. The next available appointment is in January 2021.
  - Residents of California can also contact the **CHIRLA Assistance Line** by calling 213-201-3797, although demand may be high at this time.
  - **California Rural Legal Assistance (CRLA):** 1-800-337-0690; Marysville (530) 742-5191; or Sacramento (916) 446-7904.

We will continue to provide updates as we learn more. Questions? Please reach out. [dreamcenter@csuchico.edu](mailto:dreamcenter@csuchico.edu) or 530-898-5818.