

On June 18, 2020, the Supreme Court issued a decision regarding the Deferred Action for Childhood Arrivals (DACA) program. This advisory is not intended as legal advice but rather to provide information based on the Supreme Court's recent decision. Individuals should seek a legal consultation from a qualified immigration attorney or Department of Justice-accredited representative for a full assessment of their individual case.

1. What did the Supreme Court decide?

The Supreme Court decided that the Trump administration did not follow the procedures required by law when it terminated the DACA program. As well, the Supreme Court indicated that the Trump administration did not properly consider how ending the DACA program would affect individuals who came to rely on the protections and work authorization provided by the DACA program.

The Supreme Court's decision means that, as of now, the DACA program will continue to exist. If the Trump administration wishes to try and terminate the program in the future, they will have to follow the procedures required by law.

2. I have a pending application to renew my DACA benefits with U.S. Citizenship and Immigration Service (USCIS). How does the Supreme Court decision affect my pending application?

USCIS will continue to adjudicate all properly filed DACA renewal requests that were pending prior to the Supreme Court decision.

If your request has been pending for more than 105 days, you or your legal representative can submit a status inquiry via phone by calling 1-800-375-5283 or online via USCIS's inquiry submission platform: <https://egov.uscis.gov/e-request>.

If that does not yield a result, you or your legal representative may wish to consider seeking congressional assistance. In Illinois, Senators [Duckworth](#) and [Durbin](#) each have the request process located on their congressional website.

3. My DACA has expired or is close to expiring. Can I still apply to renew my DACA?

If you currently have DACA, or your DACA has expired or was previously terminated, you can submit a DACA renewal application. ***We recommend that you file your renewal application as soon as possible.***

While the Supreme Court decided that the current administration's termination of the DACA program was not lawful, the administration/USCIS can issue a new decision seeking to terminate the DACA program at any time. It is possible a new effort to terminate DACA could successfully end the DACA program. It is unclear if this is an option that the current administration will take. As such, if you are interested and eligible to renew, you may wish to do so as soon as possible. If you are interested in attending one of NIJC's upcoming, free DACA renewal clinics, you can register [here](#). We are updating the calendar frequently with new clinic offerings.

If your DACA expired more than one year ago or it was previously terminated, you can submit a new initial DACA application. If you are in this position, please schedule a DACA consultation by calling 312-660-1370 on Tuesdays or Thursdays or emailing nijcild@heartlandalliance.org.

4. I have never had DACA, can I apply for DACA now?

Under the Supreme Court's decision, it appears individuals who have never had DACA but qualify for the program can apply for the benefit. If you are interested in applying for DACA for the first time, it may be in your best interest to apply as soon as possible. This option may become unavailable if the administration attempts to terminate the DACA program again.

5. How much will it cost to apply for DACA benefits?

The current filing fee for DACA (initial or renewal) is \$495. However, last fall, USCIS proposed fee increases for many immigration benefits, including DACA. The fee increase is in the process of finalization and can be issued at any time. Once the fee increase goes into effect, the filing fee for DACA may increase to \$765.00. This is a significant increase. As such, we recommend that, if eligible, you apply as soon as possible.

6. My DACA is expired. Will USCIS refer my case to ICE for enforcement purposes?

If your DACA is expired, we recommend that, if eligible, you apply to renew as soon as possible. If you are interested in attending one of our upcoming free DACA renewal clinics, you can register [here](#). We are updating the calendar frequently with new clinic offerings.

The government has stated that information provided to USCIS in DACA requests will not be proactively provided to ICE or Customs and Border Protection ("CBP") for the purpose of immigration enforcement, unless the requestor meets the criteria for the issuance of a Notice to Appear. USCIS will review its guidance to decide whether the agency deems the referral warranted.

7. My work permit was lost, stolen, or destroyed. Can I request a replacement?

If you are currently in a valid period of DACA, you may apply to replace a lost, stolen, or destroyed EAD/work permit by filing a new Form I-765 and paying the \$495 filing fee. If your DACA benefits have expired, you may seek to renew your DACA protection and, within that process, seek a new work permit.

8. Can a current DACA recipient apply for special permission to travel ("advance parole")?

The Supreme Court's decision restores the DACA program to its 2012 mandate, for the time being. As such, if you have valid DACA, you may be eligible to apply for advance parole. Seeking advance parole may be advantageous, but your particular case would need to be reviewed to assess risks and benefits of seeking and traveling on advance parole. We recommend that you schedule a consultation with a licensed attorney or DOJ-recognized organization to see if advance parole is a safe option for you to pursue. To schedule a legal consultation with NIJC, individuals can call (312) 660-1370 on Tuesdays or Thursdays or email nijcild@heartlandalliance.org.

9. I have or had DACA but I also have another application for an immigration benefit pending with USCIS. How does the Supreme Court decision affect my pending application for other immigration benefits?

USCIS will continue to process your pending application for other immigration benefits. If you have a legal representative, speak to them about whether you are eligible for a work permit based on your pending application or whether you should renew your DACA benefits and seek a work permit via those means.

There may be other reasons to maintain DACA benefits, even as you seek another immigration status. For example, it is possible future laws will recognize people with DACA as eligible for permanent status, or the other immigration status you seek may not be certain, in which case retaining DACA may be

advantageous. If you do not have a legal representative, we recommend that you schedule a consultation with a licensed attorney or DOJ recognized organization. To schedule a legal consultation with NIJC, individuals can call (312) 660-1370 on Tuesdays or Thursdays or email nijcild@heartlandalliance.org.

10. Even though DACA is still in effect, I am afraid I might one day be forced to return to my home country, where I fear harm. What can I do?

U.S. immigration laws offer certain protection-based immigration benefits. For example, if you are afraid to return to your home country because you believe you will be harmed (“persecuted”) based on your race, religion, nationality, membership in a particular social group or political opinion, then you may be eligible for asylum or another protection-based immigration benefit. This is a complex area of the law and requires an in-depth analysis of your specific fear to return. If you are fearful to return to your home country, we recommend that you schedule a consultation with a licensed attorney or DOJ-recognized organization.

11. Does the Social Security Number (SSN) I received belong to me forever?

The SSN that you received after to your initial DACA grant will belong to you for life. In fact, you can continue using your SSN for various matters (banking, housing, education, etc.). In terms of lawful employment, you may need to present a valid EAD/work permit in order to utilize your SSN for employment purposes.

12. My work permit expires soon; do I have to tell my employer?

You are not legally obligated to notify your employer that your work permit is expiring. The employer is obligated to make sure it is employing individuals who are authorized to work. If the employer asks you for a new work permit, you have until your current work permit expires to produce a new one. If you do not produce a new work permit when your current work permit expires, your employer can terminate you. However, the employer has to give you the opportunity to present a new work permit and cannot take negative action against you (i.e. terminate your employment) until your current work permit expires.

13. What can I do now?

We highly encourage you to consult with a legal service provider about the possibility of renewing their DACA. We also encourage you and your family members to seek a legal consultation to explore other potential forms of immigration relief. **NIJC has found that 14.3% of individuals screened for DACA eligibility were potentially eligible for more permanent forms of immigration relief.** To schedule a legal consultation with NIJC, individuals can call (312) 660-1370 or email nijcild@heartlandalliance.org.