

KNOW YOUR RIGHTS

Dreamers (DACA)

Learn about your rights to be protected as a Deferred Action for Childhood Arrivals recipient.



What is the current status of the DACA program?

- There is ongoing litigation challenging the Deferred Action for Childhood Arrivals (DACA) program. Although individuals with DACA can continue to renew for now during the court appeals process, since July 2021, the government will not grant any new first-time DACA requests.
- On July 16, 2021, a federal district court judge in Texas ruled against the DACA program, putting a partial end to the policy for new applicants.

- The judge ordered that no new first-time DACA requests could be granted as of that day; however, it allowed the United States Citizenship and Immigration Services (USCIS) to continue granting renewal requests for existing recipients while the decision was appealed.
- The federal government appealed the decision to a higher court—the Fifth Circuit Court of Appeals—which issued its decision in October 2022.
- The Fifth Circuit agreed that the 2012 memo creating DACA was unlawful, but it did not order an immediate end to the program, and allowed individuals with DACA to continue renewing.
- The Fifth Circuit sent the case back to the district court to consider the impact of a new DACA regulation that went into effect on October 31, 2022.
- Shortly thereafter, the same federal district judge also ruled against the 2022 DACA regulation, but again did not order an immediate end to the program and permitted existing DACA recipients to renew while the case is appealed. The federal government appealed to the Fifth Circuit, which found the DACA regulation to be unlawful in January 2025.
- However, the court kept the stay in place that allows current DACA recipients to continue renewing their DACA protection and work authorization. The court also limited the lower court's injunction against the DACA regulations to the state of Texas and found that DACA's deportation protections could continue under the DACA regulation even though it found granting accompanying work permits to be unlawful.
- Given the court decisions discussed above, even if eligible, first-time applicants are still unable to be granted DACA at this time. However, individuals who have DACA or whose DACA has lapsed for less than one year, can be granted renewal.
- The status of the program could change further as courts issue more decisions, so we recommend checking the [USCIS](#) or [United We Dream's](#) website for up-to-date information.

I heard that the Biden administration has issued a new rule about DACA. What does that mean if I currently have DACA or want to apply for DACA

- On August 24, 2022, the Biden administration finalized a formal regulation for the DACA program that replaced the 2012 DACA memo that created the program.
- The final rule went into effect on October 31, 2022. However, the rule did not change the eligibility criteria or impact who can be granted DACA under recent court decisions.
- Currently, if you have DACA, or if your DACA has lapsed for less than one year, you may continue to be granted renewals.
- If you are eligible for DACA but never applied before, or if your DACA has lapsed for more than a year, USCIS can still receive your application but will not grant it right now.

I currently have DACA. Am I able to keep it for now?

Yes. Current DACA recipients are still protected and can keep their deferred action and work permits for now.

Can I apply to renew my DACA?

Yes. If you have been granted DACA in the past, you may apply to renew your DACA. If your situation has changed since you last applied (for example, if you have had contact with law enforcement), we recommend that you consult with an immigration attorney or accredited representative before filing your renewal.

When should I apply to renew my DACA?

If your DACA expires soon, you are encouraged to apply for renewal. Currently, USCIS suggests filing a renewal request between 120 and 150 days (i.e., between 4 and 5 months) prior to the expiration of your DACA. USCIS will accept forms before 150 days but it may not process them until your DACA is within 150 days of expiration. There is currently no deadline by when renewal requests are due. However, it is possible that a court could order USCIS to stop granting renewal applications in the future. If you are thinking about renewing earlier than 150 days in advance, we recommend that you consult with an immigration attorney or accredited representative before filing your renewal early.

Can I get DACA approved for the first time?

Not at this time. Due to the Texas federal judge's order, USCIS is currently not able to approve any new initial requests for people who have never had DACA before. USCIS is able to accept your request but will not be able to process or grant it right now. Currently, only people who have previously had DACA can have their DACA renewed.

I have DACA. Can I apply for advance parole to travel outside the U.S.?

According to USCIS's DACA Frequently Asked Questions, the agency will continue to process and grant advance parole to current DACA recipients for now. We recommend that you consult with an immigration attorney or accredited representative before applying for advance parole and before traveling outside the U.S.

I had DACA, but it was revoked even though I still qualify for DACA. What should I do?

If you believe you or someone you know has had their DACA unlawfully revoked, contact the ACLU at DACArevoked@aclu.org. You can also read more about the ACLU's legal challenge to unlawful DACA revocation practices [here](#) and [here](#).

I heard that the Biden administration has issued a new rule about DACA. What does that mean if I currently have DACA or want to apply for DACA?

On August 24, 2022, the Biden administration finalized a formal rule for the DACA program that replaces the 2012 DACA Memo that created the program. The final rule is scheduled to go into effect on October 31, 2022. However, this final rule does not impact the current status of DACA. If you currently have DACA, you are still protected and you may continue to apply for renewals. If you have applied for renewal already, your application for renewal should continue to be processed as before. If you are eligible for DACA but never applied, DHS can still accept your application but will not be able to grant it. Importantly, the new rule does not expand the eligibility criteria for DACA, so even when it goes into effect no new individuals will be eligible for DACA who weren't before.

The DACA program is still being considered by the courts and the situation can change, so we recommend that you check the [USCIS website regularly](#). [United We Dream](#) also offers resources about applying for DACA [here](#).

Additional information on DACA

For details directly from U.S. Citizenship and Immigration Services: Consideration of Deferred Action for Childhood Arrivals
