



***Announcement on Deferred Action for Childhood Arrivals:  
What We Know***

*Updated September 5, 2017*

- 1. What is DACA?** DACA or [Deferred Action for Childhood Arrivals](#) was announced by former President Barack Obama on June 15, 2012, and implemented by then Secretary of Homeland Security Janet Napolitano. The policy has enabled people who came to the United States before the age of 16 to apply for “deferred action” (a form of prosecutorial discretion) and apply for a work permit. The program has protected nearly 800,000 people in the United States.
- 2. What did Attorney General (AG) Jeff Sessions Announce?** On September 5, 2017, AG Sessions [announced](#) that DACA would be rescinded. The announcement was made under thirty minutes and did not include a Q & A. Following the announcement, a [letter](#) and [memo](#) from AG Sessions, as well as a press release, memorandum, and Frequently Asked Questions document were released by the Department of Homeland Security.
- 3. Why did the administration rescind DACA?** The administration suggested that it was doing so for legal reasons. In the Department of Homeland Security (DHS) [press release](#) announcing the demise, it referenced the Sessions letter indicating that DACA “was effectuated by the previous administration through executive action, without proper statutory authority” and further referenced a threat letter by state AG Paxton stating that DACA is unlawful. (Of note, [105 law professors](#) have documented the legal authorities and foundation to operate a program like DACA).
- 4. What if I have DACA Now?** According to the DHS FAQ, current DACA recipients will be permitted to retain deferred action and work authorization until they expire, unless DACA is revoked or terminated. Most deferred action grants run for a two-year period.
- 5. What happens after my DACA expires?** According to the DHS FAQ, information provided to USCIS in DACA requests will not be proactively shared with Immigration and Customs Enforcement (ICE), Customs Border Protection (CBP), or other law enforcement entities. There is an exception for those who meet the criteria for referral by USCIS under pre-existing policy.
- 6. Can I file a new request for DACA now?** No. According to the DHS FAQ no new DACA requests will be accepted after September 5, 2017.

7. **If I have DACA, can I travel?** According to the DHS FAQ, effective September 5, 2017, USCIS will no longer accept applications for travel (advance parole). Those who already have permission to travel will retain their ability to do so, but Customs Border Protection and USCIS have the discretionary authority to make a different decision.
8. **If I have DACA, can I work?** According to the DHS FAQ, current DACA recipients retain the ability to work until their work authorization documents expire, unless they are revoked or terminated.
9. **What if I have DACA but my work permit is set to expire?** According to the DHS FAQ, those whose DACA permits will expire between September 5, 2017 and March 5, 2018 are eligible to renew their permits. No person should lose benefits before March 5, 2018, as long as renewal requests and applications for work permit are filed by October 5, 2017.
10. **What if I have a pending DACA request or renewal pending at the United States Citizenship and Immigration Services (USCIS):** According to the DHS FAQ, requests and renewals will be considered on a case by case basis. With regard to renewal applications, it will depend on when the applications were accepted by USCIS. Renewal applications will be rejected if filed after October 5, 2017.
11. **What should someone with DACA do now?** Individuals with DACA should [seek counsel](#) from an immigration attorney to discuss their current situation and any potential eligibility for [other immigration relief](#). It is also important to avoid scams from individuals who present themselves as attorneys or who seek to take advantage of individuals with DACA.
12. **What rights do DACA mented individuals have?** Everyone has rights, regardless of immigration status. Here is a know your rights [refresher](#).
13. **What is the relationship between DACA and the DREAM Act?** DACA results in a grant of deferred action which in turn is a form of prosecutorial discretion. DACA does not provide legal status. By contrast, the DREAM Act is a form of legislation that has been introduced in Congresses over several years. If the DREAM Act passed, many people with DACA would qualify for more durable relief and a formal legal status. By the same token, not every person with DACA would automatically qualify for the DREAM Act.
14. **Where can I find more resources?** Penn State Law's Center for Immigrants' Clinic will regularly update its DACA page [here](#).

*The goal of this document is to provide general information regarding the consequences of the rescission of DACA and is not meant to act as a substitute to legal advice from an attorney.*