

July 20, 2021

Statement & FAQ Regarding *Texas v. USA*, issued July 16, 2021

A federal court in [*Texas v. USA*](#) has ruled that DACA is unlawful and has invalidated the DACA memorandum, originally issued in 2012 by former Department of Homeland Security (DHS) Secretary and UC President Janet Napolitano. This case is different from the Supreme Court's decision in 2020. Last year, the Supreme Court ruled that the *manner* in which the Trump administration terminated DACA was unlawful, but it left open the question whether *DACA itself* was lawful.

While this comes as a blow to DACAmented and DACA-eligible individuals nationwide, we are hopeful that the courts, Congress, and/or President Biden will restore and strengthen protections for undocumented youth and their families in the near future.

- **What does this mean for current DACA recipients with pending DACA renewal applications?**

If you are already a DACA recipient, your DACA renewal application will be processed.

- **What does this mean for current DACA recipients who will need to renew their DACA in the future?**

If you are a current DACA recipient, please renew your DACA in a timely manner with the assistance of a qualified attorney or BIA representative. USCIS recommends renewing 120 – 150 days prior to expiration. This is true for those who recently received DACA for the first time.

- **What does this mean for first-time DACA applicants who already submitted their DACA initial applications?**

The court has ordered any pending initial DACA requests be put on hold. These DACA initial applications will not be approved nor denied as of 07/17/2021.

- **I filed a DACA initial and have been scheduled for biometrics; should I attend my appointment?**

No. All biometrics appointments for initial DACA requestors are cancelled.

- **What does this mean for individuals who wish to apply for DACA for the first time but have not yet submitted their applications?**

Initial DACA requests will still be accepted by USCIS but will be placed on hold – these DACA initial applications will not be approved nor denied as of 07/17/2021. Please speak with a qualified attorney about whether you should or should not request DACA.

- **Is there risk of deportation associated with filing a DACA initial?**

The majority of DACA eligible individuals are generally not an [“enforcement priority.”](#) Currently, ICE is directed to prioritize individuals who are considered a threat to national security, border security, or public safety.

- **What does this mean for current DACA recipients who want to travel abroad on Advance Parole?**

USCIS Acting Director Tracy Renaud [stated on Monday](#) that individuals who currently have DACA will continue to be eligible to “request and receive advance parole,” and that USCIS will provide specific guidance in the coming days. If you are considering applying for Advance Parole, you should speak with a qualified attorney to discuss your situation.

- **What’s next?**

In his [July 17 Statement, President Biden](#) announced that the Department of Justice intends to appeal *Texas v. USA* to the Fifth Circuit Court of Appeals, “in order to preserve and fortify DACA.” He also stated that DHS plans to issue a proposed rule to the [Federal Register](#), wherein DACA would become a federal regulation rather than an executive order; the Texas court stated that this process would be necessary for DACA to exist as a legally binding policy. Lastly, Biden acknowledged that “only Congress can ensure a permanent solution by granting a path to citizenship for Dreamers . . . ”

Our center will be watching closely as things evolve and will continue to provide updates. Please contact your [campus attorney](#) if you have questions or concerns.

Sincerely,
UC Immigrant Legal Services Center

Other Resources:

[MALDEF Statement and litigation information](#)

[United We Dream DACA FAQ](#)

[ILRC Community Alert](#)

[USCIS DACA](#)