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EXCERPTS:
July 17, 2019 Update
Deferred Action for Childhood Arrivals:
Response to January 2018 Preliminary Injunction

You may find the complete article online at U.S. Department of Homeland Security/USCIS.gov

USCIS is not accepting requests from individuals who have **never** before been granted deferred action under DACA. Due to federal court orders on Jan. 9, 2018 and Feb. 13, 2018, USCIS has resumed accepting requests to renew a grant of deferred action under DACA. The scope of the Feb. 13 preliminary injunction issued in the Eastern District of New York is the same as the Jan. 9 preliminary injunction issued in the Northern District of California. Unless otherwise provided in this guidance, the DACA policy will be operated on the terms in place before it was rescinded on Sept. 5, 2017, until further notice.

Individuals who were previously granted deferred action under DACA may request renewal by filing Form I-821D (PDF), Form I-765 (PDF), and Form I-765 Worksheet (PDF), with the appropriate fee or approved fee exemption request, at the USCIS designated filing location, and in accordance with the instructions to the Form I-821D (PDF) and Form I-765 (PDF). USCIS is not accepting requests from individuals who have never before been granted deferred action under DACA. USCIS will not accept or approve advance parole requests from DACA recipients.

As of Aug. 1, 2019, USCIS is returning to a one-year filing window across the board for requesting renewal of an expired period of DACA. This will bring current practices into alignment with USCIS' "late renewal policy" that was in effect prior to Sept. 5, 2017. (See ARCHIVED FAQ, Q50). Accordingly, if you previously received DACA and your most recent period of DACA expired one year ago or less, you may still file your DACA request as a renewal request. Please list the date your prior DACA ended in the appropriate box on Part 1 of the Form I-821D.

Deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. Further, deferred action under DACA does not confer legal status upon an individual and may be terminated at any time, with or without a Notice of Intent to Terminate, at DHS's discretion. DACA requests will be adjudicated under the guidelines set forth in the June 15, 2012 DACA memo (PDF).