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## Current Status of DACA

Deferred Action for Childhood Arrivals (DACA) is a U.S. immigration policy that protects individuals from deportation and provides employment authorization. DACA is available for certain individuals who came to the United States as children and who are unlawfully present in the United States.

United States Citizenship and Immigration Services (USCIS) is not currently processing first-time DACA applications.

However, individuals who already have DACA may:

### 1. Renew their DACA and employment authorization every two years

- To qualify, individuals must:
  - Submit their renewal application before or within one year of their DACA expiration date;
  - Have continuously resided in the United States since June 15, 2007;
  - Not have departed the United States on or after August 15, 2012, without permission; and
  - Not have been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and must not be a threat to national security or public safety.

### NOTE

Certain types of employment authorization qualify for an automatic extension after filing a renewal application. This automatic extension does not apply to EADs based on DACA.

### 2. Apply for permission to travel internationally for specific purposes

- DACA recipients may receive permission to travel outside of the United States for educational, professional, or humanitarian purposes. Traveling outside of the United States, even with permission, can be legally risky for some individuals. You should consult an immigration attorney before traveling.

### Current Status of the DACA Program

- On August 30, 2022, the Department of Homeland Security (DHS) published regulations to formalize and protect the DACA program. The regulations did not expand DACA or make notable changes to the program. However, the regulations include some important safeguards and clarifications. Make sure to consult an immigration attorney to see how these changes may impact your case.
- Although DACA is now a federal regulation, several states continue challenging the program in federal court. There is active litigation ongoing, but USCIS may continue to accept and approve DACA renewal applications. Various proposals to provide a path to permanent residence for DACA recipients have been raised in Congress, but none have been approved.

This flyer is intended for general information purposes only and does not constitute legal advice. You should not act or rely on any information in this flyer without seeking the advice of a competent, licensed immigration attorney.

For more information, please contact your immigration attorney or find an immigration attorney at

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