

DACA AT THE THREE-YEAR MARK

High Pace of Renewals, But Processing Difficulties Evident

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THE ISSUE: August 2015 marks the three-year anniversary of the implementation of the Obama administration's Deferred Action for Childhood Arrivals (DACA) program, which took effect on August 15, 2012, and the one-year mark since U.S. Citizenship and Immigration Services (USCIS) began renewing applicants' grants of protection under the program, which offers a two-year reprieve from deportation and work authorization. In order to maintain deferred action and employment authorization, DACA beneficiaries must submit a renewal application to USCIS 120 to 150 days before their initial grant expires. Failure to submit a renewal request in timely fashion or delays in USCIS processing can result in serious consequences for applicants. This issue brief examines the status of DACA renewal applications and adjudications, the consequences of failing to renew on time, and issues affecting DACA renewal rates.

I. Introduction

The Deferred Action for Childhood Arrivals (DACA) program has provided hundreds of thousands of young unauthorized immigrants with a temporary reprieve from deportation and access to work authorization since it was first launched in August 2012. DACA protection is available to individuals who were present in the United States as of June 15, 2012, had arrived before the age of 16, resided continuously in the United States for at least five years, and who meet other requirements.¹

About 750,000 individuals had applied to U.S. Citizenship and Immigration Services (USCIS) for DACA protection as of March 31, 2015—nearly half of the 1.6 million unauthorized immigrants ages 15 or older that the Migration Policy Institute (MPI) estimates are potentially eligible to apply as of 2013.² DACA protection is granted for a two-year period, and can be renewed for an additional two years. Individuals in immigration custody who meet DACA's requirements may also apply.

On November 20, 2014, President Obama announced an expansion of DACA eligibility, lifting the age cutoff to apply and moving forward the U.S. entry date to January 1, 2010;³ he also extended the period of DACA and employment authorization from two years to three years. The DACA expansions and creation of a new deferred action program for unauthorized

immigrants who are parents of U.S. citizens or lawful permanent residents (LPRs) have been placed on hold, however, amid a legal challenge by 26 states. As the lawsuit wends its way through the federal judiciary, almost certainly ending up at the Supreme Court, USCIS has been enjoined from implementing any aspect of the DACA expansion or the new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program.⁴

The original 2012 DACA program, which is not a subject of the legal challenge, remains in place; USCIS continues to accept initial and renewal applications. As of March 31, 2015, 83 percent (355,805) of the DACA applicants eligible to renew their status had applied to do so. With USCIS recently passing the one-year mark in processing renewal requests, this issue brief discusses some of the successes and challenges associated with the DACA renewal phase and their implications for the unauthorized young adults who are the target of its protections.

II. The Renewal Process

A year after the DACA launch, the Senate passed a comprehensive immigration reform bill, the *Border Security, Economic Opportunity, and Immigration Modernization Act*⁵ that would have entitled DACA beneficiaries to qualify for streamlined procedures to adjust to LPR status.⁶ The measure (designated S. 744) was never brought up for consideration in the House.

In the absence of congressional action and with the two-year grants of DACA protection scheduled to begin ending in August 2014 for the first wave of applicants, USCIS moved ahead with DACA program renewal plans, releasing Form I-821D “Consideration

of Deferred Action for Childhood Arrivals” and related renewal instructions on June 5, 2014.⁷

Renewal is available to DACA recipients who:

- have not left the United States since August 15, 2012 without obtaining advance parole;⁸
- have continuously resided in the United States since submitting their most recent DACA request; and
- have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to public safety or national security.⁹

USCIS created a new Form I-821D to serve as the processing request form for both initial and renewal DACA applicants, seeking to reduce confusion for applicants and service providers. The agency also simplified the process for DACA renewal requestors, allowing them to skip Part 3 of the form¹⁰ and other evidentiary requirements (e.g., continuous presence documentation), unless applicants have additional documents related to removal proceedings or criminal history that had not been submitted during an earlier DACA application. Similar to the initial DACA application process, there is no appeals process for renewal requests that are denied by USCIS,¹¹ and the renewal fee remains \$465.

USCIS emphasized the need for renewal requestors to submit their application 120 to 150 days prior to the expiration of their DACA grant. The consequences of not renewing within the requested timeframe can be significant—including expiration of recipients’ Employment Authorization Document (EAD) and Social Security number, as well as accrual of unlawful presence under immigration law. Accrual of unlawful presence can trigger penalties that may prevent an individual from acquiring legal status in the future.

Controversy Surrounding Length of Employment Authorization

Eligible requestors who applied for renewal before November 20, 2014 received two years of temporary discretionary relief and employment authorization. As part of the executive actions announced on November 20, 2014, including an expansion of DACA and the new DAPA program, deferred action grantees would receive *three* years of temporary discretionary relief and employment authorization.¹²

Approximately 108,000 initial and renewal DACA requestors were issued three years of temporary discretionary relief and three-year employment authorization grants by USCIS after the November executive action announcement.¹³ However, a preliminary injunction was granted by a federal judge in Texas on February 16, 2015 in the lawsuit brought by a Texas-led coalition of 26 states seeking to prevent the DAPA and DACA expansion implementation.¹⁴ As a result, USCIS was ordered to temporarily halt implementation of the challenged provisions, including the longer grants of DACA protection and work authorization.

The provision of three-year DACA grants and EADs became an extremely contentious issue in the *Texas v. United States* lawsuit, with U.S. District Judge Andrew Hanen questioning whether Department of Justice (DOJ) lawyers misled the court in stating that none of the November 20 actions were being implemented prior to the date of the injunction.¹⁵ Government attorneys contended that since they believed renewals under the original DACA program were not covered by the lawsuit, any confusion caused by their statements to the court was inadvertent.¹⁶

The government conceded, however, that it violated the court's ruling by granting several thousand three-year renewals of DACA protection and EADs after the injunction was handed down.¹⁷ According to USCIS, approximately

500 cases in which documents were mailed out post-injunction had been approved before the injunction was issued, and roughly 2,100 were mistakenly approved after the injunction date.¹⁸ USCIS has taken steps to retrieve all of the mistakenly issued work permits and reissue two-year documents in their place.¹⁹ Regardless, the grant of three-year EADs and DACA protection to 108,000 individuals prior to the injunction could remain a contentious issue in the *Texas v. United States* lawsuit.²⁰

III. Status of Applications and Adjudications

In designing the DACA renewal process USCIS was faced with the challenge of accepting applications enough time in advance to allow adjudication before an applicant's status or employment authorization expired and at the same time avoiding processing cases too far in advance, thereby risking failure to take into account post-application changes that could make an individual ineligible for relief. In order to balance these concerns and manage the significant number of renewal requests expected, USCIS advised applicants to apply 120 to 150 days before their DACA grant was set to expire.

The agency has published DACA application data on a regular basis since the program's inception, and began including renewal application data in its quarterly processing reports in the latter half of 2014. Data from these quarterly reports²¹ allow examination of the renewal program's success—including the overall rate at which beneficiaries are applying for renewal and the number of cases pending. These administrative data were used to construct the tables that follow. In displaying applicants' renewal windows, MPI uses a 120-day mark since this is the minimum amount of time advised to avoid a gap in DACA protection and employment authorization.

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A. Renewal Rates

Table 1 shows the number of individuals who were approved for DACA during the program's first year, as well as the number of DACA renewal applications accepted by USCIS since it began allowing applications on June 5, 2014. The table reflects the most recent data available from USCIS reports on DACA renewal applications and processing through March 31, 2015. Note that with USCIS beginning to approve initial DACA applications on September 1, 2012 (estimated), a 120-day renewal window for the first wave of applicants would

begin in May 2014 (i.e., 20 months later);²² however, USCIS did not begin accepting applications until June 5, 2014.

Of the 430,396 DACA grantees eligible to file for renewal, 83 percent (355,805) had submitted a request by March 31, 2015—the suggested “renewal window” end date set by USCIS.²³ Seventeen percent of eligible grantees (74,591) had yet to file for renewal as of March 31, 2015 (see Table 1).

Table 2 provides a federal quarterly comparison of DACA grants made in the program's

Table 1. Total Number of Initial DACA Approvals and Renewal Requestors, FY 2012-14

Date of Initial DACA Grant	120-Day Window for Submitting Renewal Requests	Approved Initial Applicants	Renewal Requests Accepted Through March 31, 2015	Eligible Individuals Yet to File for Renewal
September 2012 – July 2013	May 4, 2014* – April 2, 2015	430,396	355,805	74,591

*U.S. Citizenship and Immigration Services (USCIS) began approving DACA applications on September 1, 2012, so a 120-day renewal window for the first wave of applicants would have begun in May 2014 (i.e., 20 months later); however, USCIS did not begin accepting applications until June 5, 2014.

Sources: USCIS, “Deferred Action for Childhood Arrivals,” data for August 2012 – July 31, 2013, www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca-13-8-15.pdf; USCIS, “Deferred Action for Childhood Arrivals,” data for Quarter 2, March 31, 2015, www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Naturalization%20Data/I821d_performancedata_fy2015_qtr2.pdf.

Table 2. Comparison of Initial DACA Grants and Renewal Requestors by Quarter, May 2014 – March 2015

Date of Initial DACA Grant	120-Day Window for Submitting Renewal Requests	Approved Initial Applicants	Renewal Requests Accepted by Corresponding Quarter
September 2012 – October 2012	May 4, 2014 – June 30, 2014	29,787	10,095
November 2012 – January 2013	July 1, 2014 – September 30, 2014	146,198	105,470
February 2013 – April 2013	October 1, 2014 – December 31, 2014	137,649	118,685
May 2013 – July 2013	January 1, 2015 – April 2, 2015*	116,762	120,649

* Data reported are through March 31, 2015. An exact count of the 120-day window would extend to April 2, 2015 for those whose initial DACA grant occurred May – July 2013.

Sources: USCIS, “Data Set: Form I-821D Deferred Action for Childhood Arrivals,” data for August 2012 – July 31, 2013; data for Quarter 3, 2014; data for Quarter 4, 2014; data for Quarter 1, 2015; data for Quarter 2, 2015, www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-821d-deferred-action-childhood-arrivals.

first year of operation and renewal requests received since USCIS began accepting renewal applications on June 5, 2014. The numbers indicate that the renewal program got off to a slow start. Looking at those in the first 120-day window, 29,787 individuals were eligible to request renewal, but just 34 percent (10,095) did so.

It is not possible to ascertain from the published USCIS figures whether a renewal requestor filed within his or her renewal window, thus it is not possible to accurately state the percentage of renewal requestors applying by quarter. Nonetheless, with a very large rise in requestors from July 2014 – March 31, 2014, both the share of eligible individuals requesting renewals—and requesting within the suggested renewal window—appears to have improved markedly across the year.

B. Pending Renewal Cases

Application rates are just one measure of the renewal program’s success, providing a sense of the accessibility of the process for potential applicants (and with high rates suggesting the recipients’ perception of value

and benefits from DACA). Timely adjudication of renewal requests is also an important measure, especially given the immigration- and nonimmigration-related consequences that delayed adjudication may invite. Table 3 provides USCIS data on renewal cases pending by quarter; DACA protections and employment authorization for applicants applying within the renewal window shown were scheduled to expire sometime in the three months beyond the renewal window.

Of the 10,095 DACA renewal requestors who applied during the first renewal window, just 87 cases were approved, leaving 99 percent still pending at the end of the quarter. Case approvals in the following renewal window remained quite low while renewal requests increased dramatically. The pace of processing picked up significantly from October 1–December 31, 2014, with 125,669 cases approved, but then suffered a steep decline of roughly 30,000 cases in the most recent quarter for which data are available.

While Table 3 indicates that large numbers of renewal cases remained pending at the end of most quarters, these caseloads do not necessarily indicate processing delays that could result in gaps in legal status and work authorization. Since USCIS advises applicants to apply

Table 3. DACA Renewal Cases Pending by Quarter, May 2014 – March 2015

Date of Initial DACA Grant	120-Day Window for Submitting Renewal Requests	Renewal Requests Accepted	Renewal Cases Approved	Renewal Cases Pending
September 2012 – October 2012	May 4, 2014 – June 30, 2014	10,095	87	10,007
November 2012 – January 2013	July 1, 2014 – Sept. 30, 2014	105,470	22,393	93,080
February 2013 – April 2013	Oct. 1, 2014 – Dec. 31, 2014	118,685	125,669	86,943
May 2013 – July 2013	January 1, 2015 – April 2, 2015*	120,649*	95,729*	111,519*

* This number is based on the federal reporting quarter that ended on March 31, 2015.

Sources: USCIS, “Data Set: Form I-821D Deferred Action for Childhood Arrivals,” data for August 2012 – July 31, 2013; data for Quarter 3, 2014; data for Quarter 4, 2014; data for Quarter 1, 2015; data for Quarter 2, 2015.

well in advance of the expiration of their DACA protection, most cases pending at the end of each quarter could be expected to be from applicants whose grant expires in the next quarter.

However, while in theory USCIS could be providing “just-in-time” processing to beneficiaries who apply in the period before their benefit expires, this has not proven to be the case for many. A total of 11,023 DACA renewal requestors had had their DACA grant and work permits expire as of April 2015 despite having applied within their renewal window, according to information obtained by a news organization through a *Freedom of Information Act* (FOIA) request.²⁴ The FOIA request also revealed that in more than 65,000 cases renewals were granted after the applicant’s DACA protection and EAD had expired,²⁵ though the data did not allow a determination whether they had applied at least 120 days before their benefit lapsed.²⁶

The only mechanism that currently exists for renewal applicants to seek action before expiration is through the Citizenship and Immigration Services (CIS) Ombudsman’s Office.

Renewal applicants whose case has been pending for at least 105 days may inquire about the status of their application and request expedited handling through the CIS Ombudsman.²⁷ The Ombudsman reported receiving 1,151 requests for assistance from renewal applicants whose EADs had expired or were about to expire.²⁸ Of the requests, 77 percent involved work-permit expirations; of those more than 30 percent were sent to USCIS 120 days before expiration.²⁹ Forty-two percent were not timely filed.³⁰

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IV. The Consequences of Failure to Timely Renew DACA Grant

DACA renewal requestors affected by application processing delays and those who do not apply to renew their original DACA grant in a timely fashion face a number of possible consequences, some immigration-related, others affecting their work status, access to health care, and other issues.

A. Immigration-Related Consequences

Renewal requestors affected by application processing delays and those who do not apply to renew their initial DACA grant in a timely fashion accrue time when they are unlawfully present in the United States.³¹

An individual begins to accrue unlawful presence when he/she is present in the United States after the expiration of the period of stay authorized by the Homeland Security Secretary or is present in the United States without being admitted or paroled.³²

DACA youth in this situation face unfavorable consequences if the amount of time they accrue is sufficient to trigger one of the unlawful presence bars contained in immigration law.

Under current law,³³ an individual who accrues at least 180 days but less than one year of unlawful presence triggers a three-year bar on re-entry into the United States.³⁴ Someone who has been unlawfully present for more than one year triggers a ten-year bar to admission.³⁵ And an individual with more than one year of lawful presence who enters, or attempts to enter, without being admitted is permanently inadmissible.³⁶

These bars could prove a serious barrier for those barred from re-entry should opportunities to apply for permanent legal status become available to DACA grantees in the future.³⁷

B. Nonimmigration-Related Consequences

Aside from potentially serious immigration-related consequences, renewal requestors whose adjudication is delayed or who fail to renew their DACA protection will also face problems in maintaining legal authorization to work. Some employers, for instance, have required DACA recipients to stop working until they can provide evidence that their employment authorization document has been renewed.³⁸ Renewal requestors for whom application processing has been delayed also report asking for unpaid leave or using vacation time while they await adjudication.³⁹

Other concerns reported by renewal requestors include the potential loss of health insurance, driver's licenses, and the ability to apply for internships. To address these concerns, some have recommended that USCIS implement procedures it has used in administering other programs, such as extending the timeframe of the work permit, issuing an interim EAD, allowing requestors to file for expedited review, and/or providing an application filing receipt.⁴⁰

In fact, work-permit processing delays for renewal requestors are a primary focus of a lawsuit filed in May against USCIS and the Department of Homeland Security (DHS) by the American Immigration Council, the Northwest Immigrant Rights Project (NWRP), and a pair of law firms.⁴¹ The lawsuit calls for USCIS to consistently implement its Interim Employment Authorization rules and provide interim EADs for DACA applicants and other injured parties if the agency has not processed them within the given regulatory timeframe.⁴²

Renewal requestors whose adjudication is delayed or who fail to renew their DACA protection will also face problems in maintaining legal authorization to work.

V. Issues Affecting DACA Renewal Rates

Given the significant potential consequences of a lapse in protection, many seek to understand why DACA grantees may not be applying within their renewal window or have not applied at all. This section explores key aspects of the renewal program's implementation and discusses barriers that could be affecting compliance with renewal requirements.

A. Lack of Outreach and Information

Understanding that information needs would be great, USCIS, national and local leaders, and media outlets undertook extensive publicity and outreach efforts during the first two years of the DACA program.⁴³ A range of national and local organizations also provided outreach, legal advice, and application assistance to potential applicants.^{44 45}

Compared to the first phase of DACA, however, there have been fewer high-profile "mega workshops" and information sessions available for DACA grantees to learn about the importance of renewing their grant. This may be due to a crowding-out effect created by the intense attention given to other executive actions announced in November 2014 and the preparations local groups undertook to implement them. It may also be due to DACA grantees failing to appreciate the value of their benefit. Regardless of the reason, immigrant-serving organizations report that some DACA grantees do not recognize the need to renew their DACA protection and more generally lack information about the renewal process.

To help reduce confusion about renewal timelines and inform DACA recipients about the renewal process, USCIS in late March 2015 began mailing renewal reminder notices 180

days (up from 100 days) prior to the expiration date of recipients' current period of protection.⁴⁶ DACA youth are still generally on their own when calculating their DACA expiration date and, therefore, the application window; for those with Internet access, online tools such as the National Immigration Law Center's DACA Calculator can help individuals determine when they should apply for renewal.⁴⁷

B. Confusion about the Renewal Process

In December 2013, USCIS released a notice of revisions to Form I-821D and the accompanying instructions.⁴⁸ In revising the form USCIS faced the challenge of how to simplify and structure it in a way to accommodate both initial and renewal requestors. Numerous stakeholders responded to the USCIS notice published in the *Federal Register*, submitting suggestions for implementation of the renewal process and recommendations for changes on the new form.⁴⁹ Stakeholders raised concerns about the confusing nature of the form, the narrow renewal process timeframe, and filing fee costs.⁵⁰

The new form applies to both initial and renewal applicants and is much simpler than the earlier version. Most notably, renewal requestors are neither required to complete the education section—Part 3 of the new form—nor include supporting documents related to their continuous presence in the United States. They also do not need to provide any additional documents, unless they are in removal proceedings or have been charged with, or convicted of, a felony or misdemeanor,⁵¹ or if requestors were granted DACA through U.S. Immigration and Customs Enforcement (ICE).⁵²

Many assumed that simplification of the form would reduce confusion regarding renewal eligibility; that view is not shared by some immigration legal advocates, who report ongoing confusion, particularly among applicants without legal assistance.⁵³

Since renewal requestors are not required to complete Part 3, for example, they do not have to indicate whether they have met the program's education requirement. However, since the form has a list of questions related to school completion or enrollment, many who lack a high school diploma reportedly believe that they must still be enrolled in an educational program in order to apply for renewal.

Another perceived shortcoming concerns the form's placement of instructions regarding the renewal timeframe. Although the instructions provide guidance regarding timing to file a renewal request, this information is not provided directly on the application. Immigrant service providers report that this has contributed to some renewal requestors filing after the designated renewal timeframe.

C. Difficulty Affording the Application Fee

The \$465 application fee remains a barrier to DACA renewal.

Though many DACA recipients have obtained employment and improved their earnings as a result of eligibility for work authorization, the \$465 application fee remains a barrier to DACA renewal.⁵⁴ Some renewal requestors report waiting several months to save enough to afford the fee before submitting their applications; in families where there are multiple DACA grantees, renewal fees can be particularly burdensome.⁵⁵

Immigrant-rights advocates and others have urged USCIS to reduce the fee burden by accepting payment via credit card and implementing more generous provisions for fee waivers. Though the agency recently updated its procedures to allow naturalization applicants to pay their application fee using a credit card, to date it has not made similar provisions for DACA applicants. And though USCIS has stated that it will assess the potential for partial fee waivers in its next biennial fee study,⁵⁶ exemptions for DACA applicants (initial and renewal) remain quite limited.⁵⁷

Immigrant-serving organizations have taken steps to help make the renewal process more affordable for low-income applicants, creating microloan and application scholarship programs.⁵⁸ The scale of these programs is quite limited, however.⁵⁹

VI. Conclusion

The DACA program provides unauthorized immigrants who were brought to the United States as children temporary protection from deportation and work authorization as they navigate the transition to adulthood. Designed to allow young adults to continue their education and training without fear of deportation in the absence of broader action on immigration by Congress, the DACA program reached a new phase last year with creation of procedures to

allow applicants to renew their grant.

Especially in light of the confusion over renewal timeframes, processing delays, and scarce outreach and application resources in local communities, renewal rates have been quite high. As of March 31, 2015, 83 percent (355,805) of DACA applicants eligible to renew their protection had applied to do so. This high renewal application rate demonstrates the value that recipients place on their DACA grant and the life-altering benefits the program has provided to many.

However, DACA recipients who have not come forward to renew as well as those whose applications have not been adjudicated in a timely fashion by USCIS face potentially serious consequences if their protection and work authorization lapse.

Especially in light of the confusion over renewal timeframes, processing delays, and scarce outreach and application resources in local communities, renewal rates have been quite high.

Appendix

Descriptions of National and Local DACA Programs and Resources

Name of Organization	Name of Program/ Resource	Program Description
National		
American Immigration Lawyers' Association (AILA)	Public Service Announcements (PSAs)	Created three PSAs for AILA members and the public to highlight the importance for DACA grantees to renew within the recommended timeframe and the importance of receiving legal advice.
Asian American Legal Defense and Education Fund (AALDEF)	Frequently Asked Questions (FAQs) About DACA Renewals	FAQs regarding DACA renewal eligibility, when to renew, what forms to submit, fees, etc. in multiple languages (Chinese, Korean, Bangla, Hindi, Punjabi, and Urdu).
CLINIC	Toolkit for DACA Workshops	Based on a revised DACA workshop model, this program serves both initial and renewal DACA requestors, eliminating the need to host separate information sessions and workshops.
Immigrant Legal Resource Center (ILRC)	DACA Request Process and Completing Forms	Guidance documents related to: when to file for DACA renewal, completing Form I-821D, and application and mailing tips.
Latin American Citizens (LULAC), the Hispanic Federation, Labor Council for Latin American Advancement (LCLAA), and Mexican American Legal Defense and Education Fund (MALDEF)	N/A	These organizations are launching a Latino coalition to provide direct assistance to DACA-eligible individuals. Coalition leaders will engage members, councils, chapters, affiliates, regional offices, and independent groups to maximize the number of successful DACA applicants.
National Immigrant Justice Center (NIJC)	DACA Renewal Hub	Those who sign up receive email updates about free DACA clinics and DACA. Other services include direction to qualified local legal providers and general information related to DACA and General Educational Development (GED) requirements.
National Immigration Law Center (NILC)	DACA Renewal Calculator	DACA renewal requestors can use the calculator to enter the expiration of their Employment Authorization Document (EAD) and learn their renewal window.

USCIS	N/A		Stakeholder engagement events, webinars, and guidance documents related to DACA renewal.
United We Dream	United We Dream Network		Those who sign up receive a personalized DACA renewal plan, notification of when to renew (via text and email), an online application tool, and resources to identify free or low-cost legal assistance.
Name of Organization	State	Name of Program	Program Description
Local			
CASA	Maryland	N/A	Hosts DACA renewal information sessions and clinics.
DC DREAM/FL DREAM	District of Columbia and Florida	N/A	Free workshops include information about the DACA application process, and assistance from attorneys or qualified legal representatives on applications.
New York City and the Department of Youth and Community Development	New York	NYC DACA Initiative	Hosts DACA renewal outreach and clinics, and has broadened its legal consultations to include screenings for Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA).
Northwest Immigrant Rights Project (NIRP)	Washington	DACA Renewal Workshops	Free workshops include information about the DACA application process, and assistance from attorneys or qualified legal representatives on applications.

Source: MPI research.

Endnotes

- 1 U.S. Citizenship and Immigration Services (USCIS), "Consideration of Deferred Action for Childhood Arrivals," updated October 7, 2014, www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca.
- 2 Migration Policy Institute (MPI) Data Hub, "Deferred Action for Childhood Arrivals (DACA) Profiles: United States," accessed August 6, 2015, www.migrationpolicy.org/content/deferred-action-childhood-arrivals-daca-profile-united-states.
- 3 The Deferred Action for Childhood Arrivals (DACA) expansions would apply to unauthorized immigrants who (1) entered the United States before the age of 16; (2) have lived in the United States continuously since at least January 1, 2010, rather than the prior requirement of June 15, 2007; (3) are of any age (removes the requirement to have been born since June 15, 1981); and (4) meet all other DACA guidelines; see USCIS, "Executive Actions on Immigration," last updated April 15, 2015, www.uscis.gov/immigrationaction. MPI estimates the DACA changes announced in November 2014 could potentially benefit as many as 290,000 additional unauthorized immigrants; see MPI, "MPI: As Many as 3.7 Million Unauthorized Immigrants Could Get Relief from Deportation under Anticipated New Deferred Action Program," (press release, November 19, 2014), www.migrationpolicy.org/news/mpi-many-37-million-unauthorized-immigrants-could-get-relief-deportation-under-anticipated-new.
- 4 Michael D. Shear, "Immigration Overhaul May Be in Limbo Until Late in Obama's Term," *New York Times*, May 27, 2015, www.nytimes.com/2015/05/28/us/obama-immigration-executive-action-supreme-court.html.
- 5 U.S. Senate, *Border Security, Economic Opportunity, and Immigration Modernization Act* (S. 744), 113th Cong., 1st sess., www.gpo.gov/fdsys/pkg/BILLS-113s744pap/pdf/BILLS-113s744pap.pdf.
- 6 MPI, *Side-by-Side Comparison of 2013 Senate Immigration Bill with 2006 and 2007 Senate Legislation* (Washington, DC: MPI, 2013), www.migrationpolicy.org/research/side-side-comparison-2013-senate-immigration-bill-2006-and-2007-senate-legislation; National Immigration Law Center (NILC), "DREAM Provisions in S. 744: Border Security, Economic Opportunity, and Immigration Modernization Act of 2013," (fact sheet, August 2013), www.nilc.org/DREAMinS744.html.
- 7 USCIS, "I-821D, Consideration of Deferred Action for Childhood Arrivals," last updated August 26, 2013, www.uscis.gov/i-821d.
- 8 Advance parole, if granted, entitles a DACA recipient to re-enter the United States after temporary travel abroad; see Emily Creighton, Mary Kenney, Patrick Taurel, Susan Schreiber, and Tatyana Delgado, "Advance Parole for DACA Recipients," accessed July 22, 2015, <https://cliniclegal.org/resources/articles-clinic/advance-parole-daca-recipients>.
- 9 USCIS, "Renew Your DACA," last updated June 15, 2015, www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/renew-your-daca; USCIS, "Frequently Asked Questions," last updated June 15, 2015, www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions.
- 10 Part 3 of Form I-821D is the "Initial Entry in to the U.S., Immigration Status, Education Information, and Military Service Information" section.
- 11 A review of a denial by USCIS occurs only if the agency made an administrative error. For a list of those administrative errors, see USCIS, "Frequently Asked Questions: After USCIS Makes a Decision," last updated June 15, 2015, [www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions#after USCIS makes a decision](http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions#after-USCIS-makes-a-decision).
- 12 USCIS, "Executive Actions on Immigration."
- 13 USCIS, "Important Information for Some DACA Recipients Who Received Three-Year* Work Authorization: Fact Sheet," last updated July 20, 2015, www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/important-information-some-daca-recipients-who-received-three-year-work-authorization-fact-sheet.
- 14 Elise Foley, "Over Half the States Are Suing Obama for Immigration Actions," *Huffington Post*, January 26, 2015, www.huffingtonpost.com/2015/01/26/states-lawsuit-immigration_n_6550840.html.
- 15 Nigel Duara and Molly Hennessey-Fiske, "Federal judge refuses to lift injunction on Obama's immigration order," *Los Angeles Times*, April 7, 2015, www.latimes.com/nation/la-na-ff-immigration-hanen-20150407-story.html.
- 16 David Zucchino, "Texas judge threatens Justice Department over Obama's immigration plan," *Los Angeles Times*, March 19, 2015, www.latimes.com/nation/la-na-obama-immigration-20150319-story.html.
- 17 Ibid.
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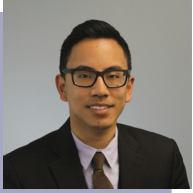
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- 22 An individual approved for DACA protection on September 1, 2012 would have had an EAD expiration date of September 1, 2014 and a renewal window of April 4, 2014 (150 days) – May 4, 2014 (120 days).
- 23 As discussed in the section introduction, MPI chose the 120-day mark in the DACA renewal window in order to capture as many renewal applicants as possible and align the initial approval data with the quarterly DACA renewal data issued by USCIS.
- 24 David Noriega, “Thousands of Dreamers Are Losing Their Work Permits,” BuzzFeed, April 22, 2015, www.buzzfeed.com/davidnoriega/thousands-shielded-from-deportation-losing-work-permits#.tu0ekZ5AB4.
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- 29 Ibid.
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- 31 Renewal requestors who are age 18 or older will continue to accrue unlawful presence while their DACA requests are pending; those under age 18 do not accrue unlawful presence. See *Immigration and Nationality Act* (INA) § 212(a)(9)(B)(iii)(I).
- 32 INA § 212(a)(9)(ii), 212(a)(9)(B)(i), and 212(a)(9)(C)(i)(I).
- 33 INA 212(a)(9)(B)(i)(I); INA 212(a)(9)(B)(i)(II); INA 212(a)(9)(C)(i)(I).
- 34 Ibid.
- 35 Ibid.
- 36 Ibid.
- 37 A waiver of the unlawful presence bars is available under current law; it is limited in scope and difficult to obtain, however. Nevertheless, new waivers could be provided under future immigration measures.
- 38 CIS Ombudsman, “DACA Renewal Teleconference,” January 27, 2015; see also Immigrant and Refugee Center, “CIS Ombudsman Teleconference on DACA Renewals,” January 27, 2015, <http://immigrantrefugeecenter.com/2015/01/27/cis-ombudsman-teleconference-on-daca-renewals-january-27-2015/>.
- 39 Ibid.
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- 47 Ibid.
- 48 USCIS, “Renew Your DACA.”
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- 50 See, for example, American Immigration Council, “Letter to Laura Dawkins;” CLINIC, “Letter to Laura Dawkins.”
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