Hello All,

The US Supreme Court’s (SCOTUS) decision in The Department of Homeland Security v. Regents of the University of California has been widely interpreted to have restored DACA to what it was in 2012 when the program first went into effect. Please see below for a round-up on what it means for initial DACA applications and advance parole right now.

I. The DACA program does not automatically revert to its original form following the SCOTUS decision.

USCIS
In order to comply with the the Supreme Court’s order, USCIS will have to publish guidance on how they will process initial DACA applications and advance parole requests. At this time, USCIS has not issued any new guidance.

Lower Courts
Certain steps need to be taken by the lower courts that weighed in on DACA before the Supreme Court order can be executed (i.e., a Supreme Court order is not "self executing").

Department of Homeland Security (DHS) / Trump administration
It is still unclear what steps the Trump administration will take in response to the SCOTUS decision. They could try to limit the program by arguing in the lower court, or they could issue a new rescission all together.

II. Guidance from the American Immigration Lawyers' Association (AILA)

AILA has pointed out important considerations for anyone who is considering filing an initial DACA application before guidance is issued:

- the possibility that the administration may issue a new memorandum rescinding DACA before the applicant receives a decision;
- that – in the absence of guidance – USCIS officers will reject new, initial applications or accept them and deny them; and
that USCIS is experiencing significant delays in processing as well as a budget shortfall that may further delay adjudications.

Given uncertainty surrounding DHS plans, and also given the state of travel during the COVID-19 pandemic, AILA does not recommend practitioners encourage their clients with DACA to apply for advance parole until DHS weighs in on the issue.

III. UC Immigrant Legal Services

Inquiries
Our Center is receiving many inquiries regarding initial DACA applications and advance parole from students and family members. For those individuals, we are:

- conducting full immigration screenings;
- explaining that, for the same reasons offered by AILA, we are waiting for USCIS guidance before filing initials or advance parole requests; and
- explaining which documents and evidence they should consider gathering if they are DACA eligible.

Note: some organizations have began submitting initial DACA applications; generally, they are doing so strategically and on a trial basis.

Webinar presentation
Please find attached to this email the powerpoint presentation from UC Immigrant Legal Services Center's webinar on the SCOTUS DACA decision. Audio/video is available on request.

IV. Other resources:
NILC: Top 5 Things to Know about DACA Now That the Supreme Court Has Ruled
ILRC Immigration Preparedness Toolkit

As always, please do not hesitate to reach out with any questions.

Thank you,
The UC Immigrant Legal Services Center team