Hello All,

Below you will find updates and information on the following topics: I. Resources: Student Engagement and Advocacy Toolkit (SEAT!); DACA and Juvenile Delinquency Adjudications and Records FAQ; Mission Asset Fund’s DACA Fee Assistance Program; Overview and Cost of Common Immigration Remedies for Youth; II. News: Employment Authorization Documents (EADs) For Adjustment of Status applicants & U visa applicants; III. News: Temporary Protected Status (TPS) - Haiti; Supreme Court ruling against immigrants with TPS.

I. Resources

a. **Student Engagement and Advocacy Toolkit (SEAT!)**
A group of students from the Independent California Colleges Advocacy Program (ICCAP) has developed a toolkit to help "offer students a seat at the table when it comes to matters of policy advocacy and engagement." The SEAT! website provides resources and information on policies related to higher education--including but not limited to policies that impact undocumented students. In addition, individual SEAT! student leaders are available to offer advocacy guidance to their peers.

b. **DACA and Juvenile Delinquency Adjudications and Records - FAQ**
This document, created by the Immigrant Legal Resource Center (ILRC) and Public Counsel, addresses common questions regarding disclosure of juvenile adjudications and dissemination of court records for individuals interested in applying for DACA. It also includes a sample DACA request packet, which shows various ways to disclose juvenile adjudications and comply with state confidentiality laws. We strongly encourage any DACA applicant with criminal law issues to consult a qualified attorney.

c. **Mission Asset Fund's DACA Fee Assistance Program**
MAF’s DACA Fee Assistance is a $247.50 zero-percent-interest loan with a matching $247.50 grant that covers the $495 filing fee to apply for DACA.

d. **Overview and Cost of Common Immigration Remedies for Youth**
This ILRC advisory reviews some of the main forms of immigration relief available to children and youth and the current fees for each.

II. News: Employment Authorization Documents (EADs)

a. For Adjustment of Status applicants
USCIS has increased the validity period of initial and renewal EADs for eligible adjustment of status applicants from one year to two years. This is good news for folks whose applications are subject to long case processing wait times, and who would have previously needed to renew annually.

b. For U visa applicants
In recent years, wait times for U visa adjudications have substantially increased -- 5+ years to receive work authorization and 10+ years to receive a green card after applying. In response to these delays, USCIS has decided to begin conducting “bona fide determinations” (BFD) and provide EADs and deferred action to noncitizens with pending, bona fide petitions (bona fide = initial evidence requirements met and background checks successfully completed). This applies to all Form I-918 petitions that are currently pending, or filed on or after June 14, 2021. We do not yet know how quickly BFDs will be issued.

III. News: Temporary Protected Status (TPS)

a. Haiti
On May 22, Secretary of Homeland Security Alejandro Mayorkas announced a new TPS designation for Haiti for 18 months. This new designation enables Haitian nationals who currently live in the U.S. as of May 21, 2021, to file initial applications for TPS if they meet eligibility requirements. Those filing for TPS will be able to request an EAD and travel authorization.

b. Supreme Court ruling against immigrants with TPS
On June 7, SCOTUS ruled against immigrants in the case of Sanchez v. Mayorkas. The legal issue in this case was whether TPS qualifies as an "admission" to the U.S. for purposes of adjusting status without leaving the country.

Many individuals who apply for lawful permanent residency (LPR) who have not been "inspected and admitted or paroled" to the U.S. are required to depart the U.S. and apply through the U.S. consulate in their country of origin. This prevents many individuals from pursuing available pathways to LPR, through a family member or employer, because departing the U.S. can trigger a so-called unlawful presence 3 or 10-year bar to re-entry.
TPS recipients who entered the U.S. without inspection who are under the jurisdiction of the Ninth Circuit Court of Appeals (here in California) have been able to adjust their status in the U.S. without having to consular process--i.e., without triggering the unlawful presence bar to re-entry, because the Ninth Circuit has essentially considered TPS recipients to have been inspected and admitted. However, circuit courts have been split on this legal issue, and therefore the case was heard by the Supreme Court. SCOTUS ruled that "the conferral of TPS does not make an unlawful entrant . . . eligible . . . for adjustment to LPR status."

As a result, individuals with pending TPS-adjustment of status applications are strongly encouraged to consult with an attorney because: 1. USCIS will likely deny their applications, and 2. future litigation or guidance could potentially provide some relief for these cases.

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

Thank you,
The UC Immigrant Legal Services Center team