Dear Coordinators & Directors,

Below you will find updates and information on the following topics: I. DACA - Notice of Proposed Rulemaking (NPRM); II. Update on the Federal Reconciliation Bill; III. New Immigration Enforcement Priorities Memo; IV. UCImm UC-Wide webinars for Academic Year 2021-2022; and V.ICYMI: United We Dream's 2021 DACA Survey; Immigrants Rising's Advance Parole Travel Guide; UTSA DACA study; and USCIS DACA renewal tips.

I. DACA - Notice of Proposed Rulemaking (NPRM)

As you likely know, last week DHS published the NPRM "to preserve and fortify DACA", and the proposed rule is now open for public comment through November 29, 2021. After that date, DHS will analyze the comments and develop a final rule. Click here to learn more about the rulemaking process.

Two key elements of the proposed rule include: 1. maintaining the same DACA eligibility guidelines that have existed since 2012, and 2. disconnecting deferred action and employment authorization. We invite individuals to: 1. consider how the original eligibility requirements exclude or adversely impact immigrants, and 2. note that many organizations are concerned that disconnecting the DACA program could leave DACA work authorization in a precarious position.

We invite you all to encourage students and others to participate in the rulemaking process. Please contact your campus attorney if you are interested in receiving support or partnership on a NPRM public comment workshop.

Additional resources:

- The Presidents' Alliance, TheDream.US, Center for Immigrants' Rights Clinic at Penn State Law, Center for Immigration Law and Policy at UCLA, and Curran, Berger & Kludt, are hosting a one-hour Rapid Response Briefing: Proposed Rule to Fortify DACA and Higher Ed Engagement on Thursday, October 7th at 11 a.m. Factsheet available here.
- ILRC and NILC also created a factsheet available here.

II. Update on the Federal Reconciliation Bill

Last month, the Senate Parliamentarian twice ruled that the proposed pathways to legal immigration status included in the Reconciliation Bill were incompatible with the rules of budget reconciliation--
specifically, the Byrd rule. Many immigration advocates continue to call on Democratic leadership to overrule the Parliamentarian, while a group of scholars are calling on the Senate to issue a ruling contrary to her advice because her rulings are non-binding. Democrats have generally indicated that they wish to receive a favorable ruling from the Parliamentarian before advancing the Bill.

Note: for more information on budget reconciliation, you may refer to our previous newsletters.

III. New Immigration Enforcement Priorities Memo

On September 30, DHS Secretary Mayorkas issued “Guidelines for the Enforcement of Civil Immigration Law.” This Memo replaces two earlier prosecutorial discretion memos, and will go into effect on November 29, 2021. The Mayorkas Memo retains three categories of people who are considered enforcement priorities: people whom DHS believes pose a threat to national security, public safety, or border security. The Memo does not identify groups of people to prioritize for protection, as many advocates have called for. The National Lawyers Guild has created a helpful FAQ here.

IV. UCImm UC-Wide webinars for Academic Year 2021-2022

Thank you to all who responded to Rosa Salamanca’s poll requesting this year’s UC-wide webinar topics. UCImm will do our best to present on the topics requested. Because several of the topics selected do not narrowly fit within the scope of immigration law practice, we may need to work to identify guest speakers who can support these efforts. We appreciate your patience.

Please note, your top selection was: "H1-B/Green Card sponsored through employment"; we invite folks who selected this topic to review our Resources page to access the recording of our March, 2021 webinar, "Employment-Based Immigration: Solutions for Undocumented Students and their Allies."

V. ICYMI

- United We Dream’s 2021 DACA Survey is now open: "We have once again joined with NILC and CAP in surveying DACA recipients and DACA eligible folks on the impact the DACA program has had on their lives. The survey is not only important because it allows us to create a record of ourselves and the victories of our communities, but the data collected in previous years has been used to fight to defend the program. The anonymous survey will ask questions around strides in financial and social well being and attitudes towards civil engagement, social justice and health care. Because of the partial ending of the DACA program and the backlog in applications, we encourage folks who have not been granted DACA, but would have been eligible to participate."
- Immigrants Rising’s Advance Parole Travel Guide is now live.
- A new University of Texas at San Antonio (“UTSA”) study shows that DACA protection leads to sizeable economic gains.
- USCIS Ombudsman’s Office released a short list of tips for renewing DACA.

As always, please do not hesitate to reach out with any questions.
Thank you,
The UC Immigrant Legal Services Center team