

Rutgers Immigrant Community Assistance Project (RICAP) Advisory: Deferred Action for Childhood Arrivals (DACA) Renewal Applications

On June 18, 2019, in the *Dept. of Homeland Security v. Regents of the Univ. of CA*, the **Supreme Court of the United States rendered a decision preserving DACA**. The Court first determined it had authority to review the Administration’s decision to rescind the Deferred Action for Childhood Arrival (DACA) program because the program conferred immigration relief. In making this holding the court cited past cases where the courts had been called upon to protect individuals’ interests when abridged unreasonably by the government.

In its review, the Supreme Court then held that the rescission of DACA was “arbitrary and capricious” under the Administrative Procedures Act for two reasons. First, the Department of Homeland Security (DHS) did not provide a sufficient reasoned analysis at the time the DACA rescission was implemented. Second, DHS did not appreciate the full scope of its discretion and how so many people had come to rely on DACA. The court stated that DHS should have explored other alternatives before eliminating the entire policy, crippling the interests of over 700,000 young people. Importantly, the **decision DOES NOT foreclose the possibility of rescinding DACA, it simply outlines where the Administration failed to meet the requirements for such a rescission.**

What does this decision mean for the immigrant community?

- Current DACA recipients continue to be protected from deportation and eligible for benefits under the DACA program like work authorization.
- Eligible DACA recipients can continue to apply to renew their DACA for two more years.
- Eligible individuals who never had DACA should be able to apply at this time.
- All eligible individuals should consult with a legal service provider for information about applying for DACA for the first time, renewing their existing DACA, and/or getting screened for eligibility for other, more permanent immigration options.
- It is possible Advance Parole may again allow DACA recipients to travel outside the United States and return. However, details of this possibility are still unclear, and the potential impact of the COVID-19 pandemic may limit the ability to travel.

It unclear whether the Administration will continue to pursue the DACA rescission, so it is important for students to asses their situations quickly. **Rutgers is here to support you.** RICAP and the Office of Undocumented Services will be hosting Q & A sessions in the weeks to come as more information becomes available. All Rutgers students with questions regarding DACA should contact RICAP Immigrant Rights Attorney, Jason Hernandez, at RICAP-Info@law.rutgers.edu or 856-225-2302.

- All consultations are at no cost to the student.
- Students seeking financial support for the USCIS filing fee should reach out to RICAP for assistance locating emergency funds.

*This advisory is dated July 19, 2020 and is subject to change. It is not a substitute for individualized legal advice. This document derives information from *Understanding the 2020 Supreme Court Decision on DACA*; https://www.ilrc.org/sites/default/files/resources/june_18_scotus_daca_decision_community_doc-final.pdf