

What Is Deferred Action for Childhood Arrivals?

Deferred Action for Childhood Arrivals (DACA) is an American immigration policy. It was implemented via presidential memorandum by then President Barack Obama in 2012. DACA provides temporary legal status for young illegal immigrants.

These are individuals that were children when they entered the United States, and it defers legal actions against them for two years if the status is granted. They can apply for a renewal after the initial two-year period, and they can be authorized to gain employment.

DACA Requirements

There are certain requirements that must be met to qualify for DACA status. Program eligibility is potentially available to children that entered the United States illegally before they were 16 years of age.

Time spent in the country is another factor. In order to be deemed eligible, an applicant must have lived in the U.S. without interruption since June 15, 2007.

This opportunity may be available to people that were born on or after June 16, 1981, and they must have been in the United States on June 15, 2012. This is the day that President Obama signed the presidential memorandum that established Deferred Action for Childhood Arrivals.

Physical presence in the country is a required when an immigrant is making a formal request for DACA through the United States Citizenship and Immigration Services (USCIS).

There are educational standards as well. In order to qualify for DACA, an applicant must be a student or a high school graduate, and a GED can be used in lieu of a high school diploma. Honorably discharged United States military veterans also meet this requirement.

Immigrants that have a felony or a major misdemeanor on their record cannot become eligible for DACA, and three or more misdemeanors will disqualify an immigrant. The USCIS can deny an applicant if they determine that the individual is a threat to national security.

After an applicant has been approved, the status can be terminated if they participate in illegal activities, and they are not allowed to leave the country without permission.

Deferred Action for Parents of Americans

After the Deferred Action for Childhood Arrivals presidential memorandum was established, the Obama administration wanted to go a step further. The Deferred Action for Parents of Americans (DAPA) was another immigration program that was initiated toward the end of 2014.

It would create an additional deferred immigration status for the undocumented parents of children that have obtained permanent residency status or United States citizenship. The status would apply to illegal immigrants that were in the United States since 2010.

The new initiative would also tighten border security, and it would make more people eligible for the DACA program. This time, there was significant resistance from some quarters, and a number of states initiated legal actions to block the implementation of the program.

DAPA was placed on hold when a court injunction was granted, and a federal appeals court kept it in place. The United States Supreme Court ultimately heard the case, and they handed down a split 4-4 decision in June of 2016. It was enough to prevent the implementation of DAPA.

This was toward the end of Obama's second term, and it was taken off the table by the Trump administration.

The Dream Act

People that are in the United States under the DACA program are commonly referred to as the "dreamers." The term is rather self-explanatory with regard to the idea that these individuals dream of becoming permanent legal residents, and in so doing, they can pursue broader dreams.

This is the poetic explanation of the term, but there is a more practical one. The Development, Relief, and Education for Alien Minors (DREAM) Act was initially introduced in 2001, and this is the origin of the term.

Lawmakers on both sides of the aisle recognized the fact that there were thousands of young people living illegally in the United States even though they entered the country as children. Many of them have no memories of the countries that they came from, and English is their only language.

They would be ill-equipped to return to their countries of citizenship since they knew nothing of the cultures, and they didn't speak the languages.

The first version did not garner sufficient support, and since 2001, there have been more than 10 revised versions introduced at one time or another. Though they are all a bit different, the one unifying theme is a path to legal status for the people that are known as the "dreamers."

In February of this year, Republican Senator Lindsey Graham and Democratic Senator Dick Durbin introduced The Dream Act of 2021. This may seem like a watershed moment, but in fact, the same piece of legislation was introduced by these two senators on two previous occasions.

The House of Representatives is currently considering the Dream and Promise Act of 2021, which is another measure that would provide a pathway to citizenship.

DACA Rescinded

DACA was rescinded by the Trump administration on September 5, 2017, and lawsuits were filed to contest the action. The Supreme Court heard the case, and five of the nine Justices voted to block the Trump plan to do away with the DACA program.

Recent U.S. District Court Ruling

U.S. District Court for the Southern District of Texas issued a ruling on the DACA policy on July 16, 2021. The court concluded that the policy is not legal, and the original memorandum that established DACA was vacated.

Under the terms of the ruling, the Department of Homeland Security can continue to process renewal requests, and they can also accept initial applications. However, they cannot approve new requests, but they can still process renewal requests under the established guidelines.

The Philadelphia Immigration Lawyers at Surin & Griffin, P.C. Can Represent You in a DACA Case

If you need representation in a matter that is pursuant to the Deferred Action for Childhood Arrivals program, the Philadelphia immigration lawyers at Surin & Griffin, P.C. can provide advocacy.

Our office is in Philadelphia, but we represent clients from all parts of the country. If you are ready to schedule a consultation, we can be reached by phone at 215-925-4435. We also have a [contact form](#) on this site you can fill out if you would rather send us a message.

References

American Immigration Council

<https://www.americanimmigrationcouncil.org/research/dream-act-overview>

National Conference of State Legislatures

<https://www.ncsl.org/research/immigration/deferred-action.aspx>

United States Department of Homeland Security

<https://www.dhs.gov/deferred-action-childhood-arrivals-daca>

U.S. Citizenship and Immigration Services

<https://www.uscis.gov/DACA>