

DACA Update

Deferred Action for Childhood Arrivals (DACA) allows young immigrants who grew up in the U.S. to seek temporary protection from deportation and to have the ability to work. There are approximately 579,000 active DACA holders.¹ The Fifth Circuit Court of Appeals is currently reviewing the legality of the DACA program. Oral arguments occurred in October 2024 and we are currently awaiting a decision from the court, which could come at any time and almost certainly will be appealed to the U.S. Supreme Court. At present, current DACA recipients keep their deferred action status and work permits until they expire and current DACA recipients are able to renew their DACA permits.

Employers can ask for an updated DACA permit if the expiration date is approaching or there is some reason to believe the employee has become undocumented and may terminate an individual's employment absent DACA or some other legally recognized immigration status. An employer should only ask you for your work authorization once they offer you a job, not before.

If you have never had DACA before, you may not submit an application for DACA now. Only people who now have or have previously had DACA can submit an application to renew their DACA.

DACA renewals continue to be accepted and processed and DACA recipients should continue to renew their permits. DACA recipients may qualify for another immigration benefit that could lead to permanent residence and not know it. Please consult with legal counsel to discuss potential options that may be available.

¹Migration Policy Institute, <https://www.migrationpolicy.org/news/shrinking-number-daca-participants>.