



**IMMIGRANT
LAW CENTER**
— of MINNESOTA —

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Texas Court Decision on DACA: Frequently Asked Questions

This fact sheet is current as of July 28, 2021.

What was being challenged in this case?

The State of Texas and several other states argued that President Obama did not properly follow the Administrative Procedure Act (APA) when he created DACA in 2012.

What was the court's decision issued on July 16, 2021?

Judge Andrew Hanen, a federal district court judge in Texas, agreed with the state of Texas and the other states that brought the case. He found that President Obama did not follow the APA when he created DACA, and therefore, he found that the program is illegal. He ordered that the program be ended. He ordered that part of his decision go into effect immediately and that part of it be paused temporarily. Specifically:

- Part of the decision effective immediately: Judge Hanen stated that DHS can continue to accept initial DACA applications, BUT DHS cannot grant DACA status to these applicants.
- Part of the decision that has been paused temporarily: Judge Hanen stated that DHS can continue to process and grant DACA renewals regardless of when they are filed. Judge Hanen stated this would be allowed for a short, but undefined amount of time to give the President and USCIS time to reestablish DACA in compliance with the APA.

How can this judge declare DACA illegal when the Supreme Court saved DACA last year?

This answer is complicated and confusing. Last year, the Supreme Court was asked to answer one main question: did President Trump follow the requirements of the law when he ended DACA? The Supreme Court answered that question "no." But, in that case, the Supreme Court was not asked to answer and did not answer the question: did President Obama follow the requirements of the law when he created DACA? In the Texas case, Judge Hanen was asked this question and answered this question "no."

Is there a possibility that the court's decision could be put on hold or overturned?

Yes! This decision can and likely will be appealed to the appellate court and the Supreme Court. Those courts could take temporary or permanent action to put this order on hold or overturn it. For the latest information in this case, please check www.ilcm.org and ILCM's social media.

I already have DACA. How does this decision affect me?

According to the decision, DACA holders still have DACA status and can continue to renew their DACA status for now. Consult with a qualified immigration lawyer about your particular situation.

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I am eligible for DACA but I have not yet submitted my initial application. How does this decision affect me?

According to the decision, USCIS can still accept initial DACA applications, but USCIS cannot approve them. Consult with a qualified immigration lawyer about your particular situation.

I am eligible for DACA, and I submitted my initial application. How does this decision affect me?

Initial DACA applications are on hold. No new DACA first time applications will be approved at this time. The court decision blocked USCIS from approving any new DACA cases. This means that all people who have submitted a DACA initial application (i.e., those that never had DACA and are applying for the first time) and have not received an approval from USCIS will have their application held. This applies to all initial cases that were not approved before July 16, 2021.

I had DACA, but my DACA expired. How does this decision affect me? UPDATED

If you submit a DACA request more than one year since your last grant of DACA expired or after your most recent DACA grant was terminated (at any time), your request is considered an initial request, not a renewal, pursuant to preexisting USCIS policy.

USCIS can accept initial DACA requests, but it is prohibited from approving them while this court order remains in effect. You will be issued a receipt notice, and your payment will be accepted. However, the request will not be further processed, in compliance with the court order.

Consult with a qualified immigration lawyer about your particular situation.

I have DACA and received Advance Parole. How does this decision affect me?

This decision does not address Advance Parole. Please consult with a qualified immigration lawyer before you decide to leave the U.S.

Where can I call if I have DACA and want to file to renew?

Please contact ILCM at 651-641-1011 on Mondays, Tuesdays, and Wednesdays from 9am to 4pm and on Thursdays from 1pm to 7:30pm for assistance.

Where can I find mental health support?

United We Dream has created a tool kit to support mental health. Please see this website to review their resources: [Mental Health Toolkit | United We Dream](#)

For counseling services, you can contact the Walk-In Counseling Center for free remote (phone or on-line) services. See their website for information: <https://walkin.org/counseling-services/locations-hours/> If you want an appointment in Spanish, please call 612-870-0565 x 2.

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Where can I get more updates about DACA?

You can check our website at www.ilcm.org for further DACA updates.