

USCIS Response to Coronavirus 2019 (COVID-19)



**U.S. Citizenship
and Immigration
Services**

Deferred Action for Childhood Arrivals: Response to December 4, 2020, Order in *Batalla Vidal, et al. v. Wolf, et al.*, 16-CV-4756 (NGG) (VMS) (E.D.N.Y.) and *State of New York, et al. v. Trump, et al.*, 17-CV-5228 (NGG) (VMS) (E.D.N.Y.).

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On November 14, 2020, Judge Nicholas George Garaufis of the U.S. District Court for the Eastern District of New York issued an opinion regarding the July 28, 2020 memorandum^[1] signed by Acting Secretary Chad F. Wolf.^[2] On December 4, 2020, Judge Garaufis required the Department of Homeland Security (DHS) to take certain actions to implement his November 14 opinion. As a result, effective December 7, 2020, U.S. Citizenship and Immigration Services (USCIS) is:

- Accepting first-time requests for consideration of deferred action under Deferred Action for Childhood Arrivals (DACA) based on the terms of the DACA policy in effect prior to September 5, 2017, and in accordance with the Court’s December 4, 2020, order;
- Accepting DACA renewal requests based on the terms of the DACA policy in effect prior to September 5, 2017, and in accordance with the Court’s December 4, 2020, order;
- Accepting applications for advance parole documents based on the terms of the DACA policy prior to September 5, 2017, and in accordance with the Court’s December 4, 2020, order;
- Extending one-year grants of deferred action under DACA to two years; and
- Extending one-year employment authorization documents under DACA to two years.

USCIS will take appropriate steps to provide evidence of the one-year extensions of deferred action and employment authorization documents under DACA to individuals who were issued documentation on or after July 28, 2020, with a one-year validity period under the Wolf Memorandum.

DHS will comply with Judge Garaufis’ order while it remains in effect, but DHS may seek relief from the order.

^[1] *Reconsideration of the June 15, 2012 Memorandum Entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children”* (Wolf Memorandum).

^[2] *Batalla Vidal, et al. v. Wolf, et al.*, 16-CV-4756 (NGG) (VMS), 2020 WL 6695076 (E.D.N.Y. Nov. 14, 2020); *State of New York, et al. v. Trump, et al.*, 17-CV-5228 (NGG) (VMS), 2020 WL 6695076 (E.D.N.Y. Nov. 14, 2020).