The Current Status of DACA and Recent Court Decisions: What does the March 5, 2018 deadline mean?

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Recent Court Decisions extending DACA on a temporary basis

- Two preliminary injunctions were granted by U.S. District Judges in California and New York, which allow current DACA recipients to renew their grant of DACA. The relief granted by both injunctions are the same.

- DACA will be renewed for students who are within 120 and 150 days of their DACA expiration date. DACA students beyond this time period can still apply, but it is uncertain whether the extension will be granted.

- Those that let their DACA expire can renew their DACA as well. However, no advance parole applications or new DACA applications will be accepted.

- This is temporary relief and can change at any time pending further court action.

- The preliminary injunction granted in California was appealed to the 9th Circuit and to the U.S. Supreme Court. The U.S. Supreme Court declined to hear the case and assumes that “the Court of Appeals will proceed expeditiously to decide this case”.
What Happens if the Preliminary Injunction is ended?

- DACA will be phased out over a two-year period, which means 1,400 DACA students a day will lose their eligibility.

- If DACA is phased out then DACA students will become undocumented and will be subject to a three or ten year bar from re-entry into the U.S. depending on the period of unlawful presence in the U.S.

- DACA students who become undocumented can continue their college education and be enrolled at IU. There is no state or federal law that prohibits undocumented students from attending a college or university.

- The Senate failed to pass a bill that would have extended DACA and provide for a path to citizenship. The House of Representatives may take up the immigration debate in late March. Nothing will happen before March 5th.
What is IU doing to address the DACA issue on campus?

• IU has formed a system-wide committee involving all IU campuses to ensure that DACA students receive the individualized support they need to continue their studies.

• The Committee has examined and made available information and resources needed by DACA students, such as financial aid, counseling services, and legal assistance.

• Each campus has a DACA contact person and DACA students receive weekly updates on the status of DACA and support resources available on campus.

• IU continues to lobby Congress and its representatives to find and pass legislation that codify the provisions of DACA into law.

• Additional town hall meetings will be held when further court action occurs or legislation is passed by Congress and signed into law by the President.
Who Do I Contact if I have further questions?

- Contact your DACA contact person at your campus.
- Refer to the DACA @ IU website. The website will have the latest information available on DACA and resources.
- Contact any of the presenters today as well.
Questions and Answers

Individuals posed these questions during the February 26 and 28 DACA Town Halls. We provide the answers as given in the session.

• In terms of federal activities, what are the next steps since the Supreme Court decided to not hear the DACA case at this time?
  • In the Ninth Circuit, the U.S. District judge’s decision has been appealed. The case will be heard by a panel of three judges who will hear oral arguments and decide to overturn or allow the injunction to continue. If the Circuit rules in favor of DACA recipients, the government could request the entire panel of the Ninth Circuit hear the case or appeal it to the Supreme Court. The same procedure will occur once a decision on the merits of the case is made. The preliminary injunction was not a ruling on the merits of the case.

• What is the timing for a decision from the Ninth Circuit?
  • Probably this summer - May at the earliest.

• What is the Ninth Circuit considering when it reviews the case?
  • The judges will review the preliminary injunction and then eventually review the merits of the case. There is also a case pending in the Second Circuit, out of New York. There could be two cases going to the Supreme Court this fall.

• Might upcoming bills extend the renewal process or allow for new applicants?
  • If one of the bills were to pass, yes, it would extend and allow for new applicants -- essentially continuing the DACA program. Everyone seems to agree it should be extended but no one agrees how it should be done.

• For DACA students whose status expires, will they then change from resident to non-resident status for tuition purposes?
  • If you’re a DACA student receiving in-state tuition, you’ll continue to receive that benefit if you are continuously enrolled at IU and meet the eligibility requirements for in-state tuition.

• What about state licensure for DACA students, those needing a state license for certain roles, like nursing?
  • At this time, the state of Indiana, as far as professional licenses are concerned, will not consider an application from a DACA student. This doesn’t mean that these students will never be allowed to apply. Two states, New York and California, currently allow applications for professional licenses.

• What about DACA students in military service?
  • We have heard sources indicate that DACA students can enter the military without repercussions but we have not seen the government respond to that in writing.

• What about the March 5 deadline so often mentioned?
  • The March 5 deadline no longer exists based on the preliminary injunctions. Those with DACA status can continue to renew their DACA and deferred action remains in place.

• What if my status expires in March? In August? Should I apply for renewal now?
  • Students should apply within 120 days but not before 150 days of the date of DACA expiration. The government is only going to give you two years. So, if a student renew too quickly, they may not get the full two years, but the government will review applications beyond the 150 days. In addition, it is uncertain if they will be approved if the application is filed beyond the 150 days.