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

Frank Martinez, Associate General Counsel, Office of the Vice President and General Counsel
Karina Garduno, Assistant Director of Multicultural Programming
John Nieto-Phillips, Vice Provost for Diversity and Inclusion
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.