

JUNE 24, 2016: UPDATE ON DEFERRED ACTION FOR PARENTS OF AMERICANS AND LAWFUL PERMANENT RESIDENT CHILDREN

IS THIS PROGRAM GOING FORWARD?

We are very disappointed to report that on June 23, 2016, the U.S. Supreme Court affirmed the decision of the lower court that blocked President Obama from moving forward with the Deferred Action program for parents of U.S. citizen or lawful permanent resident children (also called "DAPA"). The Supreme Court case is called U.S. v. Texas. This means that the DAPA program will not be going forward at this time.

WILL THE DAPA PROGRAM EVER GO FORWARD?

It is unclear right now whether or not the DAPA program could go forward in the future. The U.S. Supreme Court only has 8 Supreme Court justices at this time. Usually there are 9 justices (we are waiting on the confirmation of a 9th justice right now). The U.S. v. Texas decision was a divided decision: four justices voted in favor of DAPA and four voted against DAPA. Because it was a tie, it is possible that the DAPA program comes back to the U.S. Supreme Court for a new decision at some point in the future.

WHAT IF SOMEONE TELLS ME I CAN APPLY FOR DAPA NOW?

Please do not believe anyone who tells you that you can apply for DAPA right now. Some dishonest notarios and attorneys may try to take your money by telling you they can help you get DAPA. No one can get DAPA right now. Our office will continue to update you via newsletters like this if anything changes.

WHAT ABOUT DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)?

The U.S. Supreme Court's decision in U.S. v. Texas does not affect people who already have DACA, or who are eligible for DACA under the original rules. The original rules required that DACA applicants continuously reside in the U.S. since before June 15, 2007, and be under the age of 31 on June 15, 2012 (among other requirements).

The U.S. Supreme Court's decision in U.S. v. Texas does, however, block President Obama's expansion of the DACA program. President Obama had announced that DACA would expand to include childhood arrivals continuously residing in the U.S. since before January 1, 2010 regardless of their current age. Unfortunately, people who only qualified under the expansion will not be able to apply for DACA right now. You will only qualify for DACA if you meet all the requirements of the original rules. Please contact to find out if you are eligible.

WHAT IF I HAVE QUESTIONS ABOUT MY PARTICULAR CASE?

Please contact our office. We are happy to schedule you for a free consultation about your case.

**** OUR OFFICE WILL RELEASE ADDITIONAL INFORMATION TO THE COMMUNITY AS IT BECOMES AVAILABLE.****