
PIPS - Partners Office for International Professionals and Students

Memorandum

To: Hospital Staff
From: Claire Ayer, Director
Date: 09/15/2017

U.S. DHS Announces End of DACA Program in 2018

U.S. Attorney General Jeff Sessions [announced](#) on September 5, 2017, that the Deferred Action for Childhood Arrivals (DACA) program will be phased out as of March 5, 2018. The United States Department of Homeland Security (DHS) issued a [memo](#) and [FAQs](#) in connection with the announcement.

DACA recipients are not subject to removal from the United States as such action is *deferred*; they are also eligible for employment authorization.

Please understand, DACA was a unique program created by an Executive Order. For the current administration to change F-1, J-1, or H-1B regulations, action by Congress is required.

Below is a summary of the issues that will impact DACA recipients and employers.

What does this mean for current DACA recipients?

Current recipients will be able to work until the expiration of their current employment authorization document (EAD). If the EAD expires after March 5, 2018, employers should be aware that DHS might terminate that EAD at any time. If eligible for an extension of DACA and EAD, current DACA recipients must file by October 5, 2017 to receive an extension through March 5, 2018.

What does this mean for individuals seeking to apply for DACA for the first time?

USCIS will not process DACA applications for new applicants received after September 5, 2017. Pending applications received on September 5, 2017 or earlier will still be considered on a case-by-case basis.

What about DACA holders with advance parole?

Advance parole allows DACA individuals to re-enter the U.S. after travel abroad. USCIS will not approve *pending* I-131s requesting Advance Parole related to DACA and will refund fees. USCIS will not accept *new* I-131s filed related to DACA. Currently valid advance parole will "generally" be honored for the stated validity period. It is advised any DACA holder using advance parole travel back to the U.S. at once. Note that admission to the U.S. pursuant to advance parole is discretionary and therefore travel abroad is risky.

Is there a grace period for DACA recipients after March 5, 2018?

No, United States Citizenship and Immigration Services (USCIS) states that a DACA recipient whose EAD expires "is no longer considered lawfully present in the United States and is not authorized to work."

Next steps:

Congress has six months to act to save the DACA program.

Individuals with DACA status are advised to confer with a reputable and experienced immigration attorney to review available options based on individual circumstances. PIPS can provide a list of recommended, local immigration attorneys. In addition, Partners HealthCare Employee Assistance Program has a list of Immigration Service Agencies.