

# Post DACA SCOTUS Decision

## FAQ

UC Immigrant Legal Services Center

### SYNOPSIS OF THE DECISION

#### ➤ **I am a current DACA recipient. What does the Supreme Court decision in the DACA case mean for me?**

Your DACA and accompanying work authorization are preserved for now. The Supreme Court held that the Trump Administration did not provide an adequate justification for rescinding DACA. This means that the DACA program remains intact. DACA recipients are protected from immigration enforcement and can access all of the benefits of DACA. However, at any time the President could choose to rescind DACA again using a different explanation. This will trigger new lawsuits. DACA recipients should continue to renew their DACA at the earliest opportunity and schedule an individual immigration consultation with an attorney.

#### ➤ **Now that the Court ruled against the administration's rescission of DACA, can people file for DACA for the first time?**

Very possibly, because the Supreme Court decided the termination was "arbitrary and capricious," meaning it was not done correctly. However, in the next few days, the Trump Administration could take action limiting the option to file initial DACA applications. Individuals who are eligible for DACA should schedule an immigration consultation with an attorney to discuss their potential eligibility and any risks associated with immediately applying for DACA for the first time. Look for updates from our Center as we monitor DHS policy and practice in the coming days.

#### ➤ **Is it possible that a change in administration after the November election could protect DACA until there is a DREAM Act?**

Yes. Because DACA was created by DHS under president Obama, a new president could make changes to DACA's requirements, benefits, and protections.

#### ➤ **I submitted a renewal for my DACA. What happens now?**

USCIS will continue processing renewals. Your renewal will remain pending until it is granted or denied.

### EMPLOYMENT

#### ➤ **What will happen to my work permit (Employment Authorization Document or "EAD")?**

You may continue to work under a valid EAD and renew your EAD as you have in the past.

## ➤ Am I eligible for unemployment?

The Supreme Court's decision does not affect eligibility for unemployment. You may be eligible to apply for unemployment insurance if you meet all eligibility requirements and had work authorization during the "base period" (the time you were required to work before applying for unemployment insurance) and if you continue to have work authorization during the "benefits period" (the period you are receiving unemployment insurance). If you did not have work authorization during either period, or if your work authorization ended before the benefits period, you are not eligible to apply for unemployment insurance.

- [Click here](#) for more information on unemployment insurance eligibility as it relates to work authorization.
- [Click here](#) for general information about unemployment insurance and eligibility requirements in California.

## EDUCATION

### ➤ Can I still attend UC?

Yes. The DACA decision does not change undocumented students' ability to access higher education. [Click here](#) for more information.

## ID/TRAVEL

### ➤ I am a DACA recipient. Can I apply for Advance Parole to travel outside the United States?

Possibly. Some experts say that the Supreme Court's decision requires DHS to accept Advance Parole applications. However, the Trump Administration could still take action limiting these options. At this stage, filing an Advance Parole application comes with some significant risks, including possible immigration enforcement consequences. Travel is also currently inadvisable due to COVID-19. DACA recipients who are interested in Advance Parole should schedule an immigration consultation with an attorney to discuss the risks and benefits of applying in their specific case. Look for updates from our Center as we monitor DHS policy and practice in the coming days.

### ➤ Am I still eligible for REAL ID driver's license?

The Supreme Court's decision does not change any person's eligibility for a driver's license. All persons with approved DACA are eligible for a temporary REAL ID driver's license, which is valid until the date of their DACA expiration. DACA recipients are required to show an EAD and a social security number in order to receive a REAL ID driver's license.

Applicants who no longer have DACA or have no legal status are not eligible for a REAL ID license. However, undocumented persons in California are still eligible for a driver's license. These licenses are not Real ID compliant and use a unique design that states "Federal Limits Apply" to differentiate them from REAL ID compliant cards. [Click here](#) to read our REAL ID FAQs for more details.

## > Can I still travel within the U.S.?

Starting October 1, 2021, a REAL ID-compliant form of identification will be needed for all forms of air travel, even travel within the U.S. While flying, an undocumented person could be asked by airport security to provide proof of your immigration status. Airports are “ports of entry” into the U.S. – there are Customs and Border Protection (CBP) officers at airports, and constitutional protections are limited at ports of entry. They may be asked questions about their immigration status if they use a document that shows their country of citizenship (such as a non-U.S. passport or EAD card). TSA will not accept an AB 60 license as identification for federal purposes, including as identification for air travel. [Click here](#) for more information on AB 60 licenses. If someone is traveling by air or land within 100 miles of any U.S. border, CBP officers have certain additional powers and can operate immigration checkpoints.

## NON-DACA COMMUNITY

### > I am undocumented and don't have DACA. What does the Supreme Court decision in the DACA case mean for me?

The Supreme Court was only asked to decide whether the Trump Administration terminated DACA lawfully. Therefore, the Court's decision is limited in scope and only applies to those with DACA status or those eligible for DACA. We encourage all undocumented individuals to schedule an individual immigration consultation to assess available options.

## SCHEDULE AN IMMIGRATION CONSULTATION

We recommend that all eligible individuals schedule an immigration consultation with our office. If you or your spouse, parent, sibling, or child is a University of California student, you can schedule an appointment with us. [Click here](#) to find contact information for your campus attorney. For general information, please contact us at [ucimm@law.ucdavis.edu](mailto:ucimm@law.ucdavis.edu) or 530-752-7996. We also encourage you to contact the Coordinator of the Undocumented Student Center on your campus to discuss resources in addition to legal services that may be available to you.