

# WHAT YOU SHOULD KNOW

## ABOUT DACA AND THE JANUARY 2025 FEDERAL COURT'S DECISION

**The Appeals Court decision would open up DACA for first-time applicants in all 50 states, but end access to work permits for DACA holders in Texas. While we await further official guidance, below is what we know so far. Please stay tuned for updates and consult with a trusted immigration attorney for more information.**

*Texas v. United States, case timeline: In 2018, Texas and eight other states challenged the legality of DACA in a Texas federal court (Fifth Circuit).*

- **July 2021:** Judge Hanen ruled against the 2012 DACA policy which purported to end DACA, but kept DACA in place for current DACA holders.
- **August 2022:** The Biden administration finalized a DACA rule that, with limited changes, continued the DACA policy (and kept the same eligibility criteria) announced in 2012.
- **October 2022:** The Court of Appeals unsurprisingly found against DACA, but sent the case back for Judge Hanen to consider the legality of the DACA rule for the first time.
- **September 2023:** Judge Hanen again decided against the legality of DACA, expanding his prior finding to cover the 2022 Biden-era DACA rule.
- **January 17, 2025:** The Court of Appeals upheld portions of Judge Hanen's decisions, but limited its ruling to Texas.

*Please find an explanation of what the court's most recent decision means below. We will keep you informed of further developments.*

### What was the Court's most recent decision?

On January 17, 2025, the Fifth Circuit Court of Appeals ruled against parts of the DACA rule in a legally complex, but more limited decision than anticipated. The case will return to Judge Hanen to modify his earlier order against DACA. This ruling has the below implications.

**1) Current DACA holders in all states, including Texas:** The Appeals Court agreed with the lower court's ruling, finding parts of the Biden-era rule unlawful, but practically keeping the provision of Judge Hanen's ruling (the "stay") that **allows current DACA recipients in all states, including Texas, to renew DACA and related work authorization** for as long as the case makes its way through the courts.

**2) DACA holders in Texas:** While the Court found that the work authorization provision of DACA is unlawful, it also found that the protection from deportation/ "forbearance from removal" provision is lawful and can be a part of DACA- in essence, that these two provisions can be separated ("severed"). Additionally, the Court limited this new finding only to Texas (getting rid of the lower court's nationwide applicability). As such, **any change to DACA-related work permits should be limited to Texas.**

**3) First-time applicants:** With the removal of the lower court's nationwide block on new DACA applications, according to the Court's decision, **DACA should be available for first-time applicants in all states.**



*Please note: This Fact Sheet reflects information current as of the last updated date noted above. Please stay tuned for further developments and updates.*

*updated 3/24/2025*



## What does the Court's decision practically mean?

### ➤ **Current DACA holders are able to keep and renew DACA for now**

DACA and the related work authorization remains valid for all current DACA holders, including those in Texas, for now. Current DACA holders can and are encouraged to renew their DACA and their related work permit. USCIS will continue to accept and process DACA renewal requests until there is a court order deciding otherwise.

### ➤ **DACA holders in Texas**

Judge Hanen will need to create a process to make DACA a more limited program in Texas that provides protection from deportation, but does not provide work authorization. As of the date of this fact sheet, Judge Hanen has not issued an order that determines when/how this will take effect. We also expect updated guidance from USCIS.

### ➤ **Potential first-time DACA applicants**

Legally, and according to the Court's decision, DACA should go into effect nationwide once Judge Hanen modifies his order in response to the Court's decision—allowing DHS to begin accepting and processing initial DACA applications from residents of all 50 states. DHS should grant DACA with work authorization in 49 states and without work authorization in Texas. As of the date of this fact sheet, Judge Hanen has not modified his previous order, and USCIS has not issued official guidance. Please consult with a trusted immigration attorney for more information.

## What happens next?

Any party to the case can appeal the Fifth Circuit Court of Appeals' decision, and the appeal would go before the Supreme Court of the United States. A court decision or changes in federal government policy could affect the latest decision which allows current DACA holders to keep and renew their DACA and for first-time DACA applicants. In the meantime, we await Judge Hanen's modified order and official guidance from USCIS.

## Seek Legal Advice From a Reputable Legal Service Provider

It is important for DACA holders, former DACA holders, or individuals who were thinking of applying for DACA for the first time, who have questions about how the Court's recent decision impacts them or their loved ones, to seek legal advice. Beware of "notarios" or scammers. Find a reputable legal service provider near you at [iAmerica.org/legalhelp](http://iAmerica.org/legalhelp).

## Take Action, and Make your Voice Heard!

Join us in the fight for a more just, humane, and orderly immigration system—one that creates additional legal paths for immigrants to remain in the U.S. with a pathway to citizenship. Text FAMILY to 802495.



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