

# Rescission of Memorandum Providing for Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”)



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On June 15, Department of Homeland Security Secretary John F. Kelly, after consulting with the Attorney General, signed a memorandum rescinding the November 20, 2014 memorandum that created the program known as Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”) because there is no credible path forward to litigate the currently enjoined policy.

The rescinded memo purported to provide a path for illegal aliens with a U.S. citizen or lawful permanent resident child to be considered for deferred action. To be considered for deferred action, an alien was required to satisfy six criteria:

- (1) as of November 20, 2014, be the parent of a U.S. citizen or lawful permanent resident;
- (2) have continuously resided here since before January 1, 2010;
- (3) have been physically present here on November 20, 2014, and when applying for relief;
- (4) have no lawful immigration status on that date;
- (5) not fall within the Secretary’s enforcement priorities; and
- (6) “present no other factors that, in the exercise of discretion, make [ ] the grant of deferred action inappropriate.”

Prior to implementation of DAPA, twenty-six states challenged the policies established in the DAPA memorandum in the U.S. District Court for the Southern District of Texas. The district court enjoined implementation of the DAPA memorandum, the United States Court of Appeals for the Fifth Circuit affirmed the district court’s decision, and the Supreme Court allowed the district court’s injunction to remain in place.

The rescinded policy also provided expanded work authorization for recipients under the DACA program for three years versus two years. This policy was also enjoined nationwide and has now been rescinded.

The June 15, 2012 memorandum that created the Deferred Action for Childhood Arrivals (DACA) program will remain in effect.

For more information, see our [frequently asked questions](#).

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Q. Does this mean that DACA recipients will not be able to apply for a three-year work authorization, as established in the DAPA memorandum?

A. DACA recipients will continue to be eligible as outlined in the June 15, 2012 memorandum. DACA recipients who were issued three-year extensions before the district court’s injunction will not be affected, and will be eligible to seek a two-year extension upon their expiration. No work permits will be terminated prior to their current expiration dates.