

FAQ - Supreme Court DACA

On what basis is the University of California challenging the Trump administration's actions? (from UCOP FAQ)

In its lawsuit filed with the Northern District of California in September 2017, UC argued that the Trump administration's decision to rescind DACA was unconstitutional, unjust and unlawful, as well as arbitrary and capricious.

Specifically, the university argued that DHS's decision was not supported by reasoned decision-making as required by law and that the administration failed to comply with mandatory procedures required by federal law under the Administrative Procedures Act.

Five federal courts that have considered the issue have sided with UC, ruling that the administration acted arbitrarily and capriciously and, therefore, unlawfully.

What other protections is the University of California pursuing?

Leaders at the University of California are seeking bipartisan support in Congress for legislation that would provide long-term legal protections for DACA recipients, along with a path to citizenship. UC President Janet Napolitano in 2016 issued a [Statement of Principles in Support of Undocumented Members of the UC Community](#), affirming UC's commitment to vigorously protect the privacy and civil rights of undocumented students, as it does all members of its community.

When does the case begin?

Oral arguments begin before the U.S. Supreme Court on November 12, 2019.

When will a decision be made?

The court does not disclose when its decisions will be announced, but it must make a ruling before the term concludes at the end of June 2020. [You can sign up to receive UC news about the DACA case.](#)

What are the potential decisions the Supreme Court could reach?

- We win, the program fully springs back into life
- We lose, the program honors the 2-year permits with no future renewal
- We lose, the program immediately ends not honoring the remaining time on work permits

Where can I get mental health support?

The Undocumented Students Program (USP) has a licensed psychologist, Diana Peña, who regularly provides free counseling services to undocumented students at Berkeley.

To make an appointment with Dr. Diana Peña, call and leave a message at (510) 642-9494. She will try to return the call within 24-48 hours.

If you're in crisis or you have urgent needs, help is available at the Tang Center on a drop-in basis: Monday – Friday, 10 am-5 pm (3rd floor, no appointment needed).

For urgent mental health or medical problems that cannot wait until the Tang Center is open: Call the After-Hours Counseling Line at 855-817-5667

Find a local emergency room. The closest to campus is Alta Bates Hospital, 2450 Ashby Ave., just east of Telegraph Ave.

Crisis Text Line: Crisis Text Line is free, 24/7 emotional support for those in crisis via text messaging. TEXT "START" TO 741-741

For more information about mental health support beyond Berkeley, see the Mental Health Toolkit and a printable guide here.

Where can I get immigration legal support?

Through the [East Bay Community Law Center \(EBCLC\)](#), the USP Legal Support provides general consultations, and full legal representation on a wide range of immigration matters that are available to current UC Berkeley students and, in some cases, their family members.

The USP Legal Support team has expertise in a wide range of immigration legal matters, including, but not limited to, family-based immigration, FOIA/criminal background checks, immigration consequences of criminal convictions, asylum, U/T visas, Special Immigrant Juvenile visas, DACA, advance parole, naturalization, and regularly represents clients in matters before USCIS, BIA, and the Immigration Courts.

Clients will be provided with legal information, a general consultation to create a pathway to legal status, when possible, and in many cases, full legal representation with regards to their immigration matters. In some cases, matters will be referred to other units at EBCLC, and if EBCLC cannot take the case, the students and their family members may be referred to partner organizations in the Bay Area or other parts of California.

You can make an appointment for an initial [consult online](#)

If there are no available appointments, please feel free to email usplegal@ebclc.org. The program also provides fee assistance to current students, and for immediate family members on a case-by-case basis.

Should I renew my DACA status before the decision is handed down in the spring?

- If you currently have DACA and your DACA status is set to expire before March 2021, you should apply to renew ASAP. If you had DACA previously but it expired or was terminated, you should consider applying for DACA.
- If you never had DACA in the past, you are not eligible to apply at this time.

I used to have DACA but it expired or was terminated. Can I file for renewal?

Yes.

UC Berkeley students who need urgent assistance with their renewals can use our online appointment system to book an email with the USP Legal Team.

I never applied for DACA but I am eligible. Should I apply now?

No, initial DACA applications are not being accepted at this time. They will be rejected by USCIS.

I have DACA and I need to travel abroad for emergency reasons now. What should I do?

USCIS is not processing advance parole applications at this time. If you choose to exit the country, you will most likely not be able to come back into the U.S.

My DACA is not expired and does not expire in the next six months. Can I still apply?

Yes. While USCIS recommends filing for renewal between 150 and 120 days from when your DACA expires, requests received earlier than 150 days and up to 365 days in advance will be accepted. However, this could result in an overlap between your current DACA and your renewal. This means your renewal period may extend for less than a full two years from the date that your current DACA period expires.

Can I continue to attend the university if I lose DACA?

Yes. Undocumented students, with or without DACA, are welcome on our campus and should continue to pursue higher education.

Will I lose my financial aid package if my DACA expires?

In-state-tuition benefits in California, such as AB-540, the California DREAM Act, and the California DREAM loan program, remain in place as these are state benefits. If you have specific questions about your eligibility with regards to these state-level higher education benefits or your ability to repay the DREAM Loan, please contact Liliana Iglesias or Valeria Ayala at USP.

If DACA goes away, will I still be able to apply to Berkeley as an undergraduate or graduate student?

Yes. Applicants can get into Berkeley as an undergraduate or graduate student regardless of immigration/citizen status.

Can I continue to work if DACA expires?

When your current DACA work permit expires, you will be out of status, and start accruing unlawful presence. It is critical that you speak with your immigration attorney about other legal options that may exist for you to continue working and legally residing in the United States.

See more guidance with regards to DACA and [your rights in the workplace here](#).

For more information go to:

[DACA: Frequently asked questions](#) on the Undocumented Students Program website.

[Frequently asked questions on the UC's court case to protect DACA.](#)