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**Subject:** Deferred Action for Childhood Arrivals Final Rule



U.S. Citizenship  
and Immigration  
Services

Public Engagement  
Division



## Deferred Action for Childhood Arrivals Final Rule

The Department of Homeland Security (DHS) today [announced](#) the Deferred Action for Childhood Arrivals (DACA) [final rule](#), which has been posted for public inspection on the Federal Register's website. The final rule generally codifies existing policies with limited amendments to preserve and fortify DACA.

### Background

On Sept. 28, 2021, DHS published a notice of proposed rulemaking (NPRM) for DACA. After a careful review of the public comments received, DHS is publishing their final rule, which:

- Maintains the existing threshold criteria for DACA;
- Retains the existing requirement that DACA requestors file Form I-765, Application for Employment Authorization, and Form I-765WS concurrently with the Form I-821D, Consideration of Deferred Action for Childhood Arrivals;

- Clarifies procedures for termination of DACA and related employment authorization; and
- Affirms the longstanding policy that DACA recipients have no lawful immigration status, but that, like other deferred action recipients, DACA recipients are considered “lawfully present” when determining eligibility for Social Security retirement benefits as described in 8 C.F.R. 1.3.

#### More Information

The final rule is effective Oct. 31, 2022. However, a July 16, 2021, [injunction](#) from the U.S. District Court for the Southern District of Texas presently prohibits DHS from granting initial DACA requests and related employment authorization under the final rule. That injunction, which has been appealed, has been partially stayed, and DHS is permitted to grant renewal DACA requests.

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