

Deferred Action for Childhood Arrivals (DACA): An Overview

Deferred Action for Childhood Arrivals (DACA) is an exercise of prosecutorial discretion, providing temporary relief from deportation (deferred action) and work authorization to certain undocumented immigrants who entered the United States at a young age. Though initially created on June 15, 2012, by then-Secretary of Homeland Security Janet Napolitano through an agency memorandum,¹ the Biden administration implemented DACA by regulation on October 31, 2022, which rescinded and replaced the original memo.² The 2022 rule maintained the existing eligibility guidelines and largely preserved the policies in place from DACA's inception. DACA does not provide permanent legal status to individuals and must be renewed every two years.

Over the past several years, DACA has faced uncertainty. The first Trump administration attempted to rescind the program, but the U.S. Supreme Court ultimately ruled to keep the program in place given certain procedural defects in the Trump administration's efforts.³ Today, DACA continues to be the subject of ongoing litigation.

Under the second Trump administration, the Department of Homeland Security (DHS) has targeted some DACA recipients for detention and deportation. During the first ten months of the second Trump administration, Immigration and Customs Enforcement (ICE) detained over 260 DACA recipients.⁴ In February 2026, DHS admitted to deporting more than 80 DACA recipients.⁵ This has sparked fear among DACA holders and concerns from advocates about DHS's violation of its own regulations meant to protect DACA recipients.⁶

This fact sheet provides an overview of DACA, recent developments and litigation impacting the program, and the socioeconomic impact and demographics of DACA recipients.

Eligibility for DACA

To be eligible for DACA, applicants must meet the following requirements:⁷

- ▶ Arrived in the United States before turning 16, and were under the age of 31 on June 15, 2012;
- ▶ Have continuously resided in the United States from June 15, 2007, to the present;
- ▶ Were physically present in the United States on June 15, 2012, and at the time of the deferred action request;
- ▶ Lacked lawful immigration status on June 15, 2012, and at the time of the deferred action request; or any previous lawful immigration status expired on or before those dates;
- ▶ Are either in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are honorably discharged veterans of the U.S. Coast Guard or the U.S. Armed Forces; and
- ▶ Have not been convicted of a felony; significant misdemeanor,⁸ or three or more other misdemeanors occurring on different dates and arising out of different acts, omissions, or schemes of misconduct; and do not otherwise pose a threat to national security or public safety.

Recent DACA-Related Developments

DACA continues to be the subject of extensive litigation. Most recently, in January 2025, the Fifth Circuit held parts of the 2022 final rule on DACA unlawful because of stated conflict with the Immigration and Nationality Act.⁹ Specifically, the ruling took issue with the part of DACA granting lawful presence and employment authorization. However, the decision does uphold the portion of DACA that protects Dreamers from deportation.¹⁰

Importantly, the Fifth Circuit limited its ruling to Texas rather than issuing a nationwide injunction. In other words, the decision limits any changes to DACA to the state of Texas and keeps DACA intact while litigation continues. However, the Fifth Circuit paused the effect of its decision and returned the case to Judge Andrew S. Hanen in the Southern District Court of Texas to issue a ruling consistent with its decision.¹¹ At this point, Judge Hanen has not issued an opinion, and DACA recipients and advocates continue to wait on a ruling based on the Fifth Circuit's decision.

This means that at this moment, current DACA recipients in all states remain able to renew their DACA protections. However, the Fifth Circuit's decision leaves the almost 90,000 DACA recipients in Texas in a legal limbo. DACA recipients in Texas can continue to receive protection from deportation, but will be unable to renew their employment authorization documents after their current work authorizations expire. Further, DACA recipients in Texas will be unable to renew or obtain REAL ID-compliant driver's licenses without a valid employment authorization document.¹² This decision imposes a drastic limitation on the ability of DACA recipients in Texas to earn an income, contribute to the economy and their communities, and have basic freedom of movement.¹³

Further, first time applications from individuals eligible for DACA remain paused without clear guidance or timelines on when or if initial applications will be accepted and processed in the future.¹⁴

Detention of DACA Recipients and Renewal Delays

In a February 2026 letter to U.S. Senator Dick Durbin (IL), DHS confirmed that it detained 261 DACA recipients between January 1, 2025, and November 19, 2025.¹⁵ The letter also confirmed that DHS deported 86 DACA recipients from the United States. Without providing evidence for its claim, the letter from DHS further alleged that 241 of these targeted DACA recipients had "criminal histories." Importantly, in March 2026, a federal judge ordered a wrongfully deported DACA recipient returned to the United States.¹⁶

These detentions and deportations are happening while DACA recipients are facing delays from U.S. Citizenship and Immigration Services (USCIS) in getting their renewals processed.¹⁷ An April 2026 letter to the DHS secretary and USCIS director from 86 members of Congress called on DHS to reduce these delays by expediting processing for DACA renewals.¹⁸ This letter highlights the impact of renewal delays on DACA recipients' ability to work and financially support themselves and their families. Further, the letter emphasizes the fact that renewal delays leave DACA recipients at risk of detention and deportation.

The Socioeconomic Impact of DACA

DACA enabled over 800,000 eligible young adults to work lawfully, attend school, and plan their lives without the constant threat of deportation—usually to an unfamiliar country.¹⁹ According to the Migration Policy Institute (MPI), more than 1.1 million U.S. residents were eligible for DACA as originally implemented.²⁰ The Center for American Progress (CAP) estimates that the average DACA recipient arrived in the United States before turning six years old, and that more than one-third of DACA recipients arrived before the age of four.²¹

Today, over 500,000 individuals continue to benefit from DACA.²² However, almost 600,000 individuals are unable to apply for DACA protections because DHS is not accepting first-time applications due to the ongoing litigation in the Fifth Circuit.²³

With work authorization granted, and the imminent threat of deportation removed, DACA recipients have experienced pronounced upward mobility in their socioeconomic status. A national survey of DACA recipients conducted from September 2024 through January 2025 found that 60 percent of respondents moved on to a job with better pay, 48.7 percent moved to a job with better working conditions, and 58.4 percent moved to a job with health insurance or other benefits.²⁴ Moreover, 51.5 percent of respondents moved to a job that “better fits [their] education and training” and 54.7 percent moved to a job that “better fits [their] long-term career goals.” In addition, 21.5 percent of respondents obtained professional licenses.²⁵

According to the results of the 2024-2025 survey and nine previous annual surveys, the average hourly wage of respondents increased by 182.4 percent after receiving DACA, rising from \$11.88 per hour to \$33.55 per hour. This not only helped 83.1 percent of respondents to “become financially independent,” but also benefited the U.S. economy by increasing their purchasing power and tax payments at the federal, state, and local levels. For instance, 72.5 percent of respondents said that they bought their first car after receiving DACA, which boosted auto sales and generated sales tax revenue alongside their registration and title fees. Similarly, 26.3 percent of respondents said they bought their first home after receiving DACA, which had comparable ripple effects throughout the economy.²⁶

The 2024-2025 survey also revealed that 18.5 percent of respondents were in secondary school, and that most of these (82.7 percent) were working toward a bachelor’s degree or higher. Among those in school, 77.8 percent said that because of DACA, “[they] pursued educational opportunities that [they] previously could not.” Nonetheless, 62.8 percent of respondents reported already having a bachelor’s degree or higher.²⁷

Another nationwide study found that DACA recipients also benefit from much greater psychological well-being. Specifically, DACA “led to an overall decrease in stress, helping [recipients] perform better in their jobs and in their studies.” DACA recipients reported renewed hope for the future, a greater sense of belonging to U.S. society, and less fear of the police and other government authorities.²⁸

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DACA recipients have deep social and economic roots in the United States. According to the most recent estimates:

- Roughly 300,000 U.S.-born children have at least one parent who is a DACA recipient.²⁹
- More than 900,000 U.S. citizens share a home with a DACA recipient.
- More than 80 percent of DACA recipients are in the labor force.³⁰
- Ending DACA could lead to up to \$648 billion in future losses to the U.S. economy.³¹
- After taxes, DACA recipients contribute almost \$17 billion to the U.S. economy every year.³²
- As of 2021, households containing DACA recipients paid \$6.2 billion in federal taxes and \$3.3 billion in state and local taxes each year.
- As of 2021, roughly 68,000 DACA recipients were homeowners who made \$760 million in mortgage payments each year.
- As of 2021, DACA recipients who were not homeowners paid \$2.5 billion in rent each year.
- As of 2021, households containing DACA recipients had \$25.3 billion in after-tax spending power.³³

Demographics of DACA Recipients

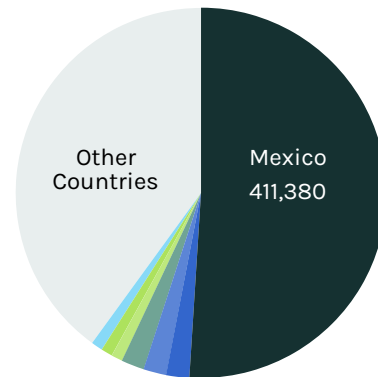
According to USCIS, there were 505,940 active DACA recipients as of September 30, 2025³⁴—a decline of more than 130,000 since December 31, 2020.³⁵ There were 27,326 DACA renewals pending as of September 30, 2025.³⁶

The USCIS data provides the following demographic information about active DACA recipients on that date:

- ▶ **GENDER:** 272,890 identified as female and 232,360 identified as male (gender was unspecified for 680).³⁷
- ▶ **AGE:** The average age was 31.6 years. The largest number (182,410) were in the 26-30 age group, followed by the 31-35 age group (154,440).³⁸
- ▶ **MARITAL STATUS:** The majority (333,650) were single, while 154,770 were married and 15,820 had divorced.³⁹
- ▶ **COUNTRY OF ORIGIN:** The largest number (411,380) were from Mexico, followed by El Salvador (20,110), Guatemala (13,620), Honduras (12,550), Peru (4,450), South Korea (4,260), and Brazil (3,680).⁴⁰
- ▶ **STATE OF RESIDENCE:** The largest numbers lived in California (141,470) and Texas (84,430), but significant numbers were also found in Illinois (26,850), Florida (19,990), New York (19,580), North Carolina (19,570), Arizona (18,950), and Georgia (16,800).⁴¹

The Center for American Progress estimated in 2021 that roughly 343,000 DACA recipients are what DHS terms “essential critical infrastructure workers” who work in healthcare, education, and food-related industries. More precisely, “an estimated 34,000 health care workers are DACA recipients,” including nursing, psychiatric, and home health aides; personal care aides; registered nurses; medical assistants; and dental assistants. Another 20,000 DACA recipients are educators, and 100,000 DACA recipients work in the food supply chain, from production to distribution.⁴²

TOP COUNTRIES OF ORIGIN FOR DACA RECIPIENTS



1	Mexico	411,380
2	El Salvador	20,110
3	Guatemala	13,620
4	Honduras	12,550
5	Peru	4,450
4	South Korea	4,260
5	Brazil	3,680

Litigation Timeline

In 2021, U.S. District Court Judge Andrew S. Hanen ruled that DACA was unlawful. He granted a permanent injunction vacating the original 2012 memorandum which created DACA on the basis that its implementation violated the Administrative Procedure Act (APA), which requires the government follow certain steps when implementing policy changes.⁴³ Judge Hanen enjoined, or “blocked,” DHS from approving any new, first-time DACA applications;⁴⁴ but allowed the agency to continue to consider renewals for those already granted DACA.⁴⁵ On September 10, 2021, the Biden administration appealed Judge Hanen’s decision to the Fifth Circuit Court of Appeals.⁴⁶

On September 28, 2021, USCIS published a proposed rule that would recreate DACA in federal regulation to “preserve and fortify” it.⁴⁷ After receiving more than 16,000 comments, the final rule was announced on August 30, 2022, which became effective October 31, 2022.⁴⁸ The rule maintained the same eligibility guidelines and rescinded and replaced the original 2012 memorandum.

On October 5, 2022, before the effective date of the final rule, the Fifth Circuit Court of Appeals upheld Judge Hanen’s ruling that DACA was unlawful as established under the 2012 memorandum.⁴⁹ However, the Fifth Circuit remanded the case back to Judge Hanen to consider the legality of DACA given the recently published final rule.⁵⁰

The parties to the lawsuit agreed that the new rule was subject to Judge Hanen’s 2021 injunction and limited its implementation while the case remained pending before Judge Hanen.⁵¹ This meant that, despite the new rule, USCIS could not approve initial DACA applications, but it could continue to consider DACA renewal and advance parole applications.

On September 13, 2023, Judge Hanen, decided against DACA again. In his decision, he stated that the rule was, “in all pertinent parts, exactly the same as the 2012 DACA Memorandum” and that it was “unlawful for the same reasons.”⁵² Nevertheless, Judge Hanen kept in place the terms of his original injunction, which means that individuals currently protected by DACA or those

DACA Litigation Timeline

JULY 16, 2021

District Court Judge Andrew S. Hanen rules DACA unlawful

SEPTEMBER 10, 2021

Biden administration appeals Judge Hanen’s decision to Fifth Circuit Court of Appeals

SEPTEMBER 28, 2021

USCIS publishes proposed DACA rule

AUGUST 30, 2022

USCIS announces final rule

OCTOBER 31, 2022

USCIS DACA rule becomes effective

SEPTEMBER 13, 2023

Judge Hanen again finds DACA unlawful

NOVEMBER 9, 2023

Biden administration appeals Judge Hanen’s decision to Fifth Circuit Court of Appeals

JANUARY 17, 2025

Fifth Circuit Court of Appeals holds portions of DACA granting work authorization unlawful, limited decision to Texas

seeking to renew their protections are not immediately impacted by the decision and continue to retain their protected status.

In November 2023, the Biden administration appealed Judge Hanen's decision. This appeal took the case back up to the Fifth Circuit Court of Appeals, which heard oral arguments in 2024.

In January 2025, the Fifth Circuit held that the portions of DACA granting work authorization are unlawful but limited the effect of this finding to the state of Texas. The case was sent back to Judge Hanen to issue a ruling consistent with the Fifth Circuit's decision. The original injunction is still in place until Judge Hanen makes a ruling, which allows current DACA recipients to request renewal but prevents USCIS from approving any new requests.

Conclusion

DACA was never designed as a permanent solution and continues to serve as a temporary stop-gap measure for the hundreds of thousands of immigrants who arrived to the United States at a young age and grew up knowing the United States as their only home. Now, as adults with families of their own, with careers and many with advanced degrees, they nonetheless remain in legal limbo. Without DACA, this community of people cannot work legally in the United States and face the possibility of deportation to countries where they have not lived since they were very young. With DACA, they can finally get jobs legally, move up the socioeconomic ladder, and experience enough stability in their lives to pursue further education and plan for the future. Under the second Trump administration's mass deportation policy, however, DACA recipients have been targeted for detention and deportation in violation of the protections that the program provides. This targeting, paired with the ongoing litigation in the Fifth Circuit, has left many DACA recipients fearing for their safety, their futures, and their families.

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