



## ***Inland Empire Immigrant Youth Collective (“IEIYC”) et al. v. Nielsen*** **Frequently Asked Questions**

**Last Updated: March 27, 2018**

This FAQ discusses [\*IEIYC et al. v. Nielsen\*](#), a class action lawsuit brought by three individual recipients of [Deferred Action for Childhood Arrivals](#) (“DACA”) and the [Inland Empire-Immigrant Youth Collective \(“IEIYC”\)](#), an immigrants’ rights group. The case challenges the Trump administration’s practice of unlawfully revoking the DACA grants and work permits of individuals who are still eligible for DACA, without providing advance notice, an explanation, or any opportunity to challenge the decision. The ACLU Immigrants’ Rights Project and ACLU of Southern California represent the DACA recipients and IEIYC (the “Plaintiffs”).

Plaintiffs recently won a class action decision benefiting certain individuals who had their DACA terminated without notice or an opportunity to challenge the decision.

### ***What did the court decide?***

On February 26, 2018, the federal district court in Los Angeles overseeing the case certified a nationwide class and granted a nationwide preliminary injunction against the government’s unlawful termination practices. The [ruling](#) restores DACA for certain individuals who (1) had their DACA unlawfully revoked since the Trump administration came into office in January 2017 and (2) still meet the DACA eligibility requirements. The court’s order also prohibits the government from revoking class members’ DACA without going through the appropriate notice process in the future. On March 20, 2018, the court issued an additional order clarifying the class definition and injunction implementation process.

This FAQ discusses the court’s orders, including who is included in the class and what benefits the injunction provides, in more detail below. **If you believe that you or someone you know is entitled to relief under the court’s ruling, please contact us immediately at [DACArevoked@aclu.org](mailto:DACArevoked@aclu.org).**

### ***What is *IEIYC et al. v. Nielsen*?***

*IEIYC et al. v. Nielsen* is a class action lawsuit challenging the Trump administration’s unlawful revocation of individual immigrants’ DACA grants and work permits *without* basic process— i.e., notice of the decision to terminate, an explanation of the government’s reasons, and an opportunity to respond. In the last year, the government arbitrarily revoked the DACA and work permits of numerous DACA recipients across the country, even though they were not disqualified from DACA. Because the government failed to provide basic process when it made



these revocation decisions, DACA recipients were left without any way to get their DACA and work permits back even if they believed the government had made a mistake.

### *How would I know if my DACA had been revoked?*

The DACA recipient would have received a Termination Notice (sometimes called a “Notice of Action”) in the form of a letter from the United States Citizenship and Immigration Services (“USCIS”), which stated that the individual’s DACA grant had been terminated and his or her work permit must be returned.

### *Whose DACA is Trump administration revoking?*

Many DACA recipients received Termination Notices after some kind of contact with law enforcement officers, even though they were not convicted of any crime that would disqualify them from DACA. For example, they may have been accused of a crime but never charged, or they may have had charges dismissed without a conviction. In some of those cases, immigration agents from U.S. Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) arrested them and put them in removal proceedings anyway. Then, USCIS sent those individuals Termination Notices saying that their DACA grants and work permits were automatically terminated based merely on the fact that CBP or ICE had initiated deportation proceedings.

These are two examples of individuals who had their DACA revoked unlawfully, and who have benefitted or will benefit from the court’s rulings:

- [Jesús Alonso Arreola Robles](#) (“Arreola”), a DACA recipient who has lived in the United States since he was a baby, had his DACA grant and work permit terminated without any process even though he had never been convicted of any crime that would disqualify him from DACA. At the time that DHS terminated his DACA, Arreola was working two jobs to help support his family—as a cook at the famed Chateau Marmont in West Hollywood and as a driver for Uber and Lyft. Through his earnings, Arreola helped support his parents, both of whom are lawful permanent residents, and his three U.S. citizen sisters—one of whom has significant disabilities. Immigration authorities arrested Mr. Arreola while he was driving a customer, falsely alleged that he was trying to help his customer smuggle people into the United States, and placed him in removal proceedings. USCIS then revoked his DACA grant and work permit without any notice or chance to respond.
- José Eduardo Gil Robles is a DACA recipient and long-time resident of the United States who has five U.S. citizen siblings. His DACA grant and work permit were revoked even though, like Mr. Arreola, he remains eligible for the program. At the time the government terminated his DACA, he was working full time and using his income to help support his

family. After being pulled over while driving, he was charged with a misdemeanor traffic violation that would not disqualify him from DACA even if he were ultimately convicted. Nonetheless, he was subsequently arrested by immigration authorities and put into removal proceedings. USCIS then issued him a Termination Notice stating that his DACA grant and work permit was terminated effective immediately, without giving him any advance notice or a chance to respond.

*Who else can benefit from the IEIYC injunction?*

Individual DACA recipients across the country can benefit from the preliminary injunction if they are members of the class. The nationwide class, as clarified by the court’s March 20, 2018, order, includes **most DACA recipients who have had or will have their DACA and EAD revoked without notice after January 19, 2017, who lack any disqualifying criminal conviction and are still eligible for DACA.** The class definition excludes those individuals who are no longer eligible for DACA or who have pending charges for certain serious crimes.

Specifically, the class definition *excludes* individuals:

- (1) **Who have a disqualifying criminal conviction**<sup>1</sup> as of the date their DACA was terminated, or if termination occurred prior to February 26, 2018, who have a disqualifying criminal conviction as of the date DHS makes the determination of class membership as required by the court’s order;
- (2) **Who departed the United States without a grant of advance parole;**
- (3) **Who were physically removed from the United States** pursuant to an order of removal, a voluntary departure order, or a voluntary return agreement;
- (4) **Who, on or after March 20, 2018, have an immigrant or nonimmigrant status;**
- (5) **Who, on or after March 20, 2018, have a pending criminal charge for certain terrorism or national security-related crimes;** or
- (6) **Who, on or after March 20, 2018, have a pending criminal charge for a crime that satisfies the Egregious Public Safety (“EPS”) definition in USCIS’s [2011 NTA Memorandum](#).**<sup>2</sup>

*What does the injunction do?*

The court ruled that USCIS’s practice of terminating the DACA grants and work permits of individuals who are still eligible for DACA without notice and an opportunity to respond

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<sup>1</sup> Disqualifying [convictions](#) include “a felony, significant misdemeanor, or three or more other misdemeanors.”

<sup>2</sup> EPS crimes include certain aggravated felonies such as murder, rape, sexual abuse of a minor, trafficking or other serious offenses relating to firearms or bombs, human trafficking, smuggling, child pornography, ransom, or a “crime of violence” for which the minimum sentence is one year of imprisonment or longer.



violated its own rules and the Administrative Procedure Act, a 1946 law that regulates federal agencies. The court issued a preliminary injunction that does the following:

**Blocks DHS from terminating certain DACA recipients' DACA without notice in the future**

- The court blocked USCIS from terminating certain DACA recipients' DACA grants and work permits without notice, an explanation of the reasons for the proposed termination, and an opportunity for the person to challenge the decision. In general, this means that USCIS can no longer revoke class members' DACA grants without first giving them advance notice, an explanation for its decision, and a chance to respond. If USCIS wants to terminate a class member's DACA, it must first send the person a Notice of Intent to Terminate and allow 33 days to respond. DACA recipients who receive a Notice of Intent to Terminate can send a written letter to USCIS explaining why they do not believe their DACA should be terminated and attaching any evidence or letters of support. During that 33-day period, and unless and until USCIS issues a Termination Notice, the person's DACA and work permit will continue to be valid until the original expiration date.
- The court also blocked USCIS from automatically terminating class members' DACA and work permits based solely on the fact that an individual has been put in removal proceedings for being unlawfully present in the United States.

**Orders reinstatement of unlawfully terminated DACA and work permits**

- The court also required DHS to immediately reinstate the DACA grants and work permits of class members who had their DACA and work permits terminated without process after January 19, 2017. Once restored, those DACA grants and work permits will be valid until the original date of their expiration.
- Certain class members whose original DACA expiration dates have already passed or are coming up shortly may receive a DACA grant and EAD reflecting a brief extension of the original expiration date (as specified in the court's orders), to give the class member additional time to submit a renewal request, if they have not done so already.
- Under the court's orders, DHS must complete reinstatement of all eligible class members' DACA and EADs by April 17, 2018. **If you believe that you are a class member but your DACA is not reinstated by April 17, 2018, you (or your immigration lawyer, if you are represented) should contact the ACLU directly at [dacarevoked@aclu.org](mailto:dacarevoked@aclu.org).**

**Provides an opportunity to apply for renewal**

- Under the court's order, all class members will have the opportunity to request DACA renewal by filing an application on or before June 18, 2018, even if they were previously prevented from doing so because DHS unlawfully terminated their DACA. Regardless of



what happens with respect to court orders obtained through other litigation that currently require DHS to accept DACA renewal requests, class members will be permitted to file a renewal request on or before June 18, 2018. Class members may file a renewal request after that date only if USCIS otherwise continues to accept DACA renewal requests from the general public.

- Even if USCIS generally stops adjudicating DACA requests while class members' renewal applications are pending, USCIS must still adjudicate DACA requests from certain class members. Those class members are individuals whose original expiration dates were between September 5, 2017, and March 5, 2018, inclusive, if: (1) their DACA was terminated on or before October 5, 2017, or (2) they filed a renewal request on or before October 5, 2017, and that request remains pending as of March 20, 2018, but whose DACA was terminated prior to February 26, 2018.

***How will I know if my DACA is being reinstated as a result of this court decision?***

Under the court's decision, the government is required to issue a notice to all DACA recipients whose DACA was revoked without process after January 19, 2017. The notice is scheduled to be mailed on March 27, 2018. Receipt of the notice is not a determination that the recipient is a member of the class. Rather, the government is required to review its records and identify which of those individuals are members of the class (that is, which of the individuals who were terminated without process after January 19, 2017, fall within the class definition described above).

For those class members whose original DACA expiration dates have not passed yet, the government must reinstate those individuals' DACA and issue them new work permits by April 17, 2018, which will be subject to their original expiration dates.

For those class members whose DACA already would have expired (if it had not been terminated) and for certain class members whose DACA will expire soon, by April 17, 2018, the government is required to reinstate their DACA grants for a period of time (as specified in the court's orders) to provide a chance to request DACA renewal. The government will contact class members in this situation and issue them a new work permit that will be valid for the amount of time specified in the court's orders, which depends on the class members' original date of expiration.

**If you believe you are a class member but you do not have your DACA reinstated by April 17, 2018, you (or your immigration lawyer, if you are represented) should contact the ACLU directly at [dacarevoked@aclu.org](mailto:dacarevoked@aclu.org).**

***What should I do if I receive a Notice of Intent to Terminate my DACA?***



DACA recipients who receive a Notice of Intent to Terminate may wish to consult a lawyer.

Those who receive a Notice of Intent to Terminate will have 33 days in which to respond. They can send a written letter to USCIS explaining why they do not believe their DACA should be terminated, responding to the government's reasons for terminating, and attaching any evidence or letters of support. During the 33-day period and unless and until USCIS issues a Termination Notice, the person's DACA and work permit will continue to be valid until the original expiration date.

***Can this court decision help me if I have been placed in removal proceedings?***

The court's order does not prevent the government from initiating or litigating removal proceedings against DACA recipients in immigration court. However, as explained above, if the government puts a DACA recipient in removal proceedings, the injunction prevents USCIS from terminating an individual's DACA grant and work permit on that basis. The injunction also prevents the government from terminating DACA without notice, a reasoned explanation, and a chance to respond.

If you are a DACA recipient who is currently in removal proceedings, and your DACA is reinstated as a result of the injunction, you or your immigration attorney may wish to inform the immigration court of the reinstatement.

***How does this case relate to the other lawsuits challenging the Trump administration's decision to end the DACA program?***

Federal courts in two other lawsuits recently issued [injunctions requiring](#) the Trump administration to keep the DACA program in place and continue accepting DACA renewal applications. As a result, individuals who were granted DACA in the past will continue to be able to renew their DACA and employment authorization while the court orders are in effect. The Trump administration has appealed both rulings, but for now, they remain in place.

The ruling in *IEIYC* provides additional protection to DACA recipients. It stops the government from arbitrarily stripping individuals of their DACA without giving them notice and an opportunity to respond. It also prevents the government from revoking an individual's DACA grant just because the individual is put into removal proceedings for being unlawfully present in the country.

***What happens next in the case?***



The ACLU will continue to fight in court to get a final decision in the case issuing a permanent injunction. It is possible that the government could try to appeal the court's decision. We will update this FAQ as new developments occur.

**If you believe that you or someone you know is entitled to relief under the court's ruling, please contact us immediately at [DACArevoked@aclu.org](mailto:DACArevoked@aclu.org).**