



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

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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](#). The case challenges the Trump administration’s practice of unlawfully revoking the DACA grants and work permits of individuals who are still eligible for the program, without notice and an opportunity to respond. Plaintiffs are represented by the ACLU Immigrants’ Rights Project and ACLU of Southern California.

On February 26, 2018, the federal district court in Los Angeles certified a nationwide class and granted a classwide, nationwide preliminary injunction against the government’s unlawful termination practices. The [ruling](#) restores DACA for DACA recipients who had that status unlawfully revoked since the Trump administration came into office in January 2017, and prohibits the government from revoking class members’ DACA without process in the future.

This FAQ discusses the court’s ruling 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.**

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 when they had done nothing to disqualify them from the program. Because the government failed to provide basic process when it made its 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How would I know if my DACA had been revoked?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.



In what situations had the Trump administration been revoking individuals' DACA?

In many cases, DACA recipients received Termination Notices after they had contact with law enforcement, even though they were not convicted of any crime that would disqualify them from the DACA program. The DACA recipients were arrested by a U.S. Immigration and Customs Enforcement ("ICE") or a Customs and Border Protection ("CBP") Agent and were put in removal proceedings. After they were put in removal proceedings, 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 issued a Notice to Appear against them—the charging document that initiates a deportation proceeding.

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 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 consists of DACA recipients who:



- (1) *after January 19, 2017*, have had or will have their DACA and work permit revoked without notice or an opportunity to respond to the revocation decision; and
- (2) do not have a criminal conviction that disqualifies them from receiving DACA.¹

What does the injunction do?

The court held 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 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:

- The court blocked USCIS from terminating class members’ DACA grants and work permits without notice, a reasoned explanation of the termination decision, and an opportunity for the person to respond. 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.
- The court 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. If that expiration date has already passed, the class member’s DACA and work permit will be restored temporarily for 60 days to give the class member a chance to submit a renewal application.
- Finally, the court held that if the class member was prevented from applying for renewal of DACA because DHS unlawfully terminated his/her DACA status, that class member may now submit a DACA renewal application.

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



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. In addition, the government will be required to go through its records and identify all the members of the class and, if their original DACA expiration dates have not passed yet, the government must reinstate those individuals' DACA and issue them new work permits.

For class members whose DACA already would have expired (if it had not been terminated), the government is required to reinstate DACA grants for 60 days to provide a chance to apply for renewal. The government will have to contact class members in this situation and issue them a new work permit that would be valid for 60 days.

If your DACA was revoked without any advance notice, an explanation, or a chance to respond, and you believe you are a class member, you (or your immigration lawyer, if you are represented) can contact the ACLU directly at 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 status 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.