



Current Status of DACA: Explainer

Deferred Action for Childhood Arrivals (DACA) is a deferred action policy created on June 15, 2012 that is aimed at protecting Dreamers. DACA does not provide permanent legal status – it is a lawful presence status that temporarily shields certain Dreamers from deportation and provides them work authorization with possible renewal every two years.

Current Status of DACA

Current **DACA recipients nationwide can continue to renew** their lawful presence status - including their **protection from deportation** and **work permit** - every two years. U.S. Citizenship and Immigration Services (USCIS) is currently not processing new, initial DACA applications. There are [525,210 active DACA recipients](#) in the U.S. as of March 31, 2025.

Date (as of...)	Active DACA recipients
March 31, 2025	525,210
December 31, 2024	533,280
September 30, 2024	537,730
June 30, 2024	535,030
March 31, 2024	528,300

Processing Delays

The number of DACA recipients decreased by an estimated 8,000 individuals between December 31, 2024 and March 31, 2025. The reason for the decrease is unclear. While the number of active DACA recipients fluctuates each reporting period, as delayed applications are eventually processed and approved, the most recent drop was steeper than in previous quarters. The decline is potentially tied to processing delays at USCIS. The agency [completed 2.7 million cases](#) in the second quarter of fiscal year (FY) 2025 – an 18 percent drop compared to the same period last year. Processing delays risk pushing DACA recipients to fall out of status.

Legal Status of DACA

The Fifth Circuit Court of Appeals [issued a mixed decision](#) on January 17, 2025 regarding the legality of DACA in *Texas v. United States*. The Fifth Circuit found that DACA’s protection from deportation is a lawful exercise of prosecutorial discretion and may be granted nationwide. The Fifth Circuit also determined that the work permit component of DACA is potentially unlawful but narrowed the injunction to apply only to the state of Texas. The narrow injunction came about because just one state - Texas - proved “an actual injury caused by the Final Rule” on DACA. The decision was stayed (paused) for multiple months to provide the parties in the case time to appeal to the U.S. Supreme Court.

The Fifth Circuit's decision moved toward implementation after none of the parties in the case sought an appeal to the Supreme Court by the May 20, 2025 extended deadline. The Fifth Circuit's decision, if fully implemented, would likely establish the following system:

Fifth Circuit's Decision

- **Deferred Action.** DACA's protection from deportation would be allowed nationwide for current and (new) initial DACA recipients.
- **Employment Authorization Documents (EADs).** Access to work permits for DACA recipients would be allowed nationwide for current and (new) initial DACA recipients, with the possible exception of Texas.
- **Initial DACA Applications.** Dreamers who are eligible for DACA but do not currently have DACA could apply and be approved for the program. USCIS has not processed (new) initial DACA applications since October 2017 when litigation blocked new people from entering the program, permitting only renewals.
- **DACA in Texas.** DACA recipients in Texas (current and new) could access the program's protection from deportation, but potentially not work permits.

The case is now back before U.S. District Court Judge Andrew Hanen of the Southern District of Texas, who must modify his [original order](#) to comply with the Fifth Circuit's decision. Judge Hanen will determine how to implement the Fifth Circuit's decision in Texas, in particular as it relates to work permits. DACA recipients in Texas could see a winding down of work authorization in the state.

Takeaway

The Fifth Circuit's decision is in the process of going into effect. USCIS continues to accept, but is not processing, (new) initial DACA applications. Meanwhile, DACA recipients in Texas can continue to renew their status, including work permits, every two years. The next step is for Judge Hanen to issue a decision modifying his original order to comply with the Fifth Circuit's decision.

Will USCIS process new DACA applications? What are the requirements?

Possibly. The Fifth Circuit decision allows USCIS to process new, initial DACA applications, but the agency may argue it is not *required* to process those new applications. The decision itself does not include explicit language requiring such an action.

To be eligible for DACA, young undocumented individuals would need to meet the program's original requirements, which were first established in 2012 and are quite stringent:

- Came to the U.S. before age 16;
- Have resided continuously in the U.S. since June 15, 2007;
- Were present in the U.S. on June 15, 2012;
- Were under the age of 31 on June 15, 2012;
- Are currently in school, have graduated or obtained a GED certificate, or that they have been honorably discharged from the military; and,

- Have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

When USCIS was accepting new applicants for DACA, applicants were required to be at least 15 years of age. New applicants have been largely unable to obtain DACA since 2017, when the first Trump administration and subsequent litigation blocked the processing of new applications. Many Dreamers were too young to apply for DACA (due to the requirement to be at least 15 years of age) before USCIS stopped processing new DACA applications in 2017.

What will happen to DACA in Texas?

One possible scenario is that DACA recipients in Texas will be able to apply for **protection from deportation**, but **potentially not work permits**. Current DACA recipients in Texas who have work authorization will likely continue to maintain that authorization until it expires, but not be able to renew it.

Presumably, DACA recipients in Texas could renew their work permits if they move out of Texas to another state. There are 87,890 DACA recipients in Texas – the second highest number in the country. Texas could see a mass exodus of DACA recipients from the state.

Judge Hanen has so far not taken any steps to wind down DACA in Texas. MALDEF, an intervenor in the case on behalf of 22 DACA recipients, [stated](#) that with respect to employment authorization in Texas they will be, “advocating for an extended period of implementation that is respectful, to the maximum extent possible, of the important reliance interests identified by the Supreme Court in its 2020 decision rejecting the first Trump administration’s rescission of DACA.”

What is the federal government’s proposal for implementing the Fifth Circuit’s decision on DACA?

The Department of Justice (DOJ) submitted a [court-ordered brief](#) on September 29 outlining the federal government’s proposal for implementing the Fifth Circuit decision. While the proposal represents the government’s position, it is one of several briefs submitted by the parties involved in the case. A final decision will be made by U.S. District Court Judge Andrew Hanen in the coming months.

DOJ proposes the following:

1. **Initial Applications.** U.S. Citizenship and Immigration Services (USCIS) would begin processing initial (new) applications for DACA nationwide, except in Texas (where USCIS would only process protections from deportation); and,
2. **DACA in Texas.** Current DACA recipients in Texas would lose their employment authorization by a certain designated date. Moving to and out of Texas would impact whether a DACA recipient is eligible for employment authorization.

The federal government’s proposal, if implemented, would have immense consequences for the 88,000 DACA recipients living in Texas. The government proposes to designate a certain deadline - perhaps as little as 10 days – by which point DACA recipients in Texas would lose their employment authorization. Some parties in the case, like MALDEF, submitted briefs requesting a decision that considers the reliance interests of current Texas DACA recipients, providing a longer timeframe before their employment authorization is ended.

DOJ states in its brief that the Department of Homeland Security (DHS) would publish public communications “requesting that DACA recipients...ensure their address on record with USCIS is current, by a certain deadline, and informing them of the effect of moving to or out of Texas due to the court order.” The government would also require DACA recipients to “submit evidence of their state of residency when requesting an employment authorization document (EAD).” DOJ also indicates that lawful presence status would be tied to employment authorization, hence DACA recipients in Texas would start accruing unlawful presence status once/if they lose their work permit. DOJ also states that the proposal does not “limit DHS from undertaking any future lawful changes to DACA,” potentially opening the door to further changers or limitations on DACA.

Timing for a decision from Judge Hanen is unclear. It could come as soon as December 2025, though previous decisions from that court have taken several months.

Where do DACA recipients live?

As of March 31, 2025, there are DACA recipients in [every U.S. state](#), Washington, D.C., and Puerto Rico.

DACA Recipients by State of Residence					
#	State	DACA Recipients	#	State	DACA Recipients
1	California	147,440	27	Pennsylvania	3,870
2	Texas	87,890	28	Arkansas	3,680
3	Illinois	27,800	29	Alabama	3,550
4	Florida	20,590	30	Ohio	3,410
5	New York	20,520	31	Connecticut	2,870
6	North Carolina	20,160	32	Missouri	2,590
7	Arizona	19,810	33	Nebraska	2,400
8	Georgia	17,290	34	Kentucky	2,270
9	Washington	13,330	35	Idaho	2,260
10	New Jersey	12,670	36	Iowa	2,050
11	Colorado	11,830	37	Louisiana	1,400
12	Nevada	10,290	38	Mississippi	1,130
13	Oregon	7,820	39	Delaware	1,110
14	Virginia	7,620	40	Rhode Island	720
15	Indiana	7,470	41	Washington, D.C.	470
16	Utah	6,960	42	Wyoming	410
17	Maryland	6,560	43	Hawaii	340
18	Tennessee	6,460	44	New Hampshire	220
19	Wisconsin	5,370	45	South Dakota	190
20	Oklahoma	5,160	46	North Dakota	130
21	South Carolina	4,990	47	West Virginia	120
22	Michigan	4,410	48	Montana	90
23	New Mexico	4,380	49	Maine	70
24	Kansas	4,350	50	Alaska	60
25	Massachusetts	4,300	51	Puerto Rico	50

26	Minnesota	4,220	52	Vermont	20
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Demographics

Most DACA recipients are female (54 percent) and both the average and median age of a DACA recipient is 31, though most (37 percent) are between ages 26 to 30. Most are single (66 percent), but 31 percent are married. A smaller percentage is divorced (3 percent), and 690 DACA recipients are widowed. They have all lived in the U.S. since at least June 15, 2007, more than 18 years ago.

What is the solution?

Congress must pass a bipartisan, legislative solution to protect Dreamers, including DACA recipients, and provide them with permanent legal status.

DACA lacks long-term permanence. DACA recipients in Texas, and perhaps in the future in other states, run the risk of no longer being able to access work permits. This loss would have a deep, significant impact on the personal and economic well-being of DACA recipients, as well as their families, communities, and employers. Without access to work permits, DACA recipients will not be able to work legally in the U.S. and the country will not benefit from their skills and contributions.

The Trump administration may also decide to make another attempt to end DACA. The Trump administration attempted to end DACA in 2017. At the time, the administration did not use proper procedures or provide a well-reasoned explanation for its actions, which led to litigation that ultimately blocked the attempted end of DACA on procedural grounds. The administration may once again try to end DACA, this time through a more proper process.

Congress is the only body that can provide DACA recipients and other Dreamers, including DACA-eligible individuals, with an opportunity to stay in the U.S. Such legislation would cement the contributions of Dreamers in America.

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