



Explainer: Current Status of DACA

Deferred Action for Childhood Arrivals (DACA) is a program created on June 15, 2012 that protects certain Dreamers from deportation and provides them with work authorization. DACA does not provide permanent legal status – it is a lawful presence status that must be renewed every two years.

DACA faces significant challenges. There are increasing reports of delays for DACA renewal applications and new policy changes that could make it harder for DACA recipients to renew their status. There is also pending litigation that could end work permits for DACA recipients in Texas.

Current Status of DACA

Current **DACA recipients** nationwide **can continue to renew their status** - including their **protection from deportation** and **work permit** - every two years. U.S. Citizenship and Immigration Services (USCIS) is at this time not processing new DACA applications. USCIS is only processing renewals.

Number of DACA Recipients

There are [495,000 DACA recipients](#) in the U.S. as of December 31, 2025. Since January 2025, the number of DACA recipients has decreased by about 10,000 individuals every three months.

A Downward Trend

The number of DACA recipients is decreasing. 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.

It is likely some DACA recipients obtained legal status. This process usually occurs if a DACA recipient marries a U.S. citizen or, in a small number of cases, through [work visas via their employer](#).

In most cases, the decline is likely tied to processing delays for renewal applications. Processing delays risk pushing DACA recipients to fall out of status – during this period, they are ineligible to work and susceptible to deportation.

Date of Data (as of...)	Active DACA recipients
December 31, 2025	495,320
September 30, 2025	505,940
June 30, 2025	515,570
March 31, 2025	525,210
Trump administration	

Consistent
drop every 3
months

December 31, 2024	533,280
September 30, 2024	537,730
June 30, 2024	535,030
March 31, 2024	528,300

USCIS [completed](#) 35,648 DACA renewals in the first quarter of fiscal year (FY) 2026 – a 50 percent decrease compared to the nearly 70,000 renewals completed in the first quarter of FY 2025. When completions are adjusted as a share of the number of renewals submitted that quarter, USCIS completed 56 percent of renewals in the first quarter of FY 2026 compared to 96 percent in the first quarter of FY 2025. The data clearly shows USCIS is falling behind on DACA renewals, with major consequences for DACA recipients.

Demographics

DACA recipients have lived in the U.S. since June 15, 2007, more than 19 years ago. They have been in the U.S. for almost two decades, though usually longer.

Most DACA recipients are female (54 percent) and the average age of a DACA recipient is 32, though most (36 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 680 DACA recipients are widowed.

What are new challenges facing DACA?

DACA faces a growing number of challenges related to processing delays and policy changes that appear to weaken the program's protections. The challenges noted below could make it more difficult for DACA recipients to be able to maintain their status.

- **Renewal Delays.** Reports [indicate that DACA renewal processing times](#) have increased from an average of 15 days in fiscal year (FY) 2025 to about 70 days at the beginning of 2026. More recent reports indicate at least some renewals are taking more than four to six months to process, leaving recipients with gaps in DACA status, unable to work and without deportation protection.
- **Freezes.** DACA renewals for recipients from the 39 countries subject to the Trump administration's "visa restrictions" ([Proclamation 10998](#)) appeared to be paused. DACA recipients from countries like Haiti, Nigeria, and Venezuela were impacted. On June 5, 2026, a federal judge in Rhode Island [ruled that the visa restriction policy](#) should be "set aside." U.S. Citizenship and Immigration Services (USCIS) said it would resume processing applications pending appeal.
- **BIA decision.** The Board of Immigration Appeals (BIA) on April 24, 2026 [ruled that DACA](#) alone is not enough to stop deportation proceedings from moving forward, even if the individual cannot be deported while they hold DACA. BIA decisions set precedent for immigration judges throughout the nation.

- **Detention and deportation.** Reports [indicate](#) that DACA recipients have been held in detention, with a small handful of cases resulting in deportation – even when the recipient did not [appear to have](#) a criminal record or commit an infraction.

These are some of the most recent developments. It is possible new challenges to the DACA program will arise.

What is the status of the DACA court case?

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 constitutional**, because it is a lawful exercise of prosecutorial discretion. This part of DACA may be granted nationwide. The Fifth Circuit also determined that the **work permit component** of DACA is potentially unlawful and could be severed from the rest of the program. The Fifth Circuit narrowed the injunction to apply only to the state of Texas. The narrow injunction came about because just one state - Texas – argued that “an actual injury [was] caused by the Final Rule” on DACA.

The Fifth Circuit stayed (paused) its decision to provide the parties in the case time to appeal to the U.S. Supreme Court. Neither of the parties in the case appealed to the Supreme Court. As a result, this means the Fifth Circuit decision is set to go into effect.

The Fifth Circuit remanded (sent back) the case to U.S. District Court Judge Andrew Hanen of the Southern District of Texas with instructions that Judge Hanen must modify his [original order](#) to comply with the Fifth Circuit’s decision.

Judge Hanen must now determine how to implement the Fifth Circuit’s decision, including as it relates to work permits for DACA recipients in Texas. As of July 1 2026, Judge Hanen has not issued a modified order.

Fifth Circuit’s Decision (not yet implemented)

- **Deferred Action.** DACA’s protection from deportation is allowed nationwide for current and (new) initial DACA recipients.
- **Employment Authorization Documents (EADs).** Access to work permits for DACA recipients is allowed nationwide for current and (new) initial DACA recipients, with the likely exception of Texas.
- **Initial DACA Applications.** Dreamers who are eligible for DACA but do not currently have DACA can apply and be approved for the program.
 - USCIS has largely not processed (new) initial DACA applications since October 2017 when litigation blocked new candidates from entering the program, permitting only renewals for the last 10 years.
- **DACA in Texas.** DACA recipients in Texas (current and new) could access the program’s protection from deportation, but likely not work permits.

Summary

The Fifth Circuit's decision is not yet in effect. USCIS is only processing DACA renewals. 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. This order will implement the Fifth Circuit's decision, which could open DACA to (new) initial applications and, at the same time, potentially end work permits for DACA recipients in Texas.

What will happen to DACA in Texas?

Uncertain. One possible scenario is that DACA recipients in Texas will be able to apply for **protection from deportation** (deferred action) but **not work permits**.

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" that DACA recipients have in the program.

One possible scenario is that current DACA recipients in Texas who have work authorization will continue to maintain that authorization until it expires, but not be able to renew it. Another scenario is that all DACA recipients in Texas would lose their employment authorization by a certain designated date.

Presumably, DACA recipients in Texas could renew their work permits if they move out of Texas to another state. There are 82,410 DACA recipients in Texas – the second highest number in the country. Texas could see a mass exodus of DACA recipients from the state.

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, 2025 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 82,410 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 providing a longer timeframe before their employment authorization is ended.

The Justice Department 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)."

Furthermore, 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 changes or limitations on DACA.

Will USCIS process new DACA applications?

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.

What are the requirements to apply for DACA?

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.

Where do DACA recipients live?

As of December 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	138,650	27	Pennsylvania	3,620
2	Texas	82,410	28	Arkansas	3,490
3	Illinois	26,380	29	Alabama	3,400
4	Florida	19,510	30	Ohio	3,250
5	North Carolina	19,210	31	Connecticut	2,700
6	New York	19,090	32	Missouri	2,420
7	Arizona	18,450	33	Nebraska	2,280
8	Georgia	16,470	34	Kentucky	2,160
9	Washington	12,690	35	Idaho	2,130
10	New Jersey	11,880	36	Iowa	1,950
11	Colorado	11,100	37	Louisiana	1,380
12	Nevada	9,740	38	Mississippi	1,100
13	Oregon	7,420	39	Delaware	1,070
14	Virginia	7,170	40	Rhode Island	660
15	Indiana	7,140	41	Washington, D.C.	440
16	Utah	6,530	42	Wyoming	380
17	Tennessee	6,260	43	Hawaii	330
18	Maryland	6,200	44	New Hampshire	190
19	Wisconsin	5,030	45	South Dakota	180
20	Oklahoma	4,950	46	West Virginia	140
21	South Carolina	4,850	47	North Dakota	120
22	Kansas	4,180	48	Montana	80
-	Michigan	4,150	49	Maine	60
24	New Mexico	4,130	50	Puerto Rico	60
25	Massachusetts	4,020	51	Alaska	50
26	Minnesota	3,990	52	Vermont	20

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.

President Trump has expressed openness to providing legal status for DACA recipients and other Dreamers. In January 2026, President Trump [said DACA recipients](#) “should feel safe” and that he would “like to be able to do something,” working with Congress to provide legal status.

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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