

## DACA Final Rule to Be Published Aug. 30, with Limited Effectiveness

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After receipt and consideration of more than 16,000 public comments, on Aug. 30, 2022, the Department of Homeland Security (DHS) will be publishing a final rule in the *Federal Register* implementing, with some amendments, the proposed Sept. 28, 2021 rule to establish regulations preserving and fortifying the Deferred Action for Childhood Arrivals (DACA) policy. (See [DHS Press Release](#).) The final rule, effective Oct. 31, 2022, maintains the current threshold criteria for DACA applicants, retains the current process for work authorization for DACA applicants, and affirms the DHS policy that DACA does not provide a lawful status but allows DACA applicants to be considered “lawfully present” for certain purposes. Due to the partial stay of the July 16, 2021 injunction from the U.S. District Court for the Southern District of Texas, DHS is prevented from applying the final rule to new initial DACA requests but can continue to grant renewal requests under this final rule.

The American Immigration Lawyers Association (AILA) [commended](#) the issuance of the final rule on Aug. 24, 2022, praising the Biden administration’s efforts to shore up DACA protections but calling on Congress to do more. AILA President Jeremy McKinney said, “These regulations are essential, but laws are for lasting change. We need Congress to pass legislation permanently protecting all Dreamers—not just those who qualify for DACA under these regulations, but also the many others who have lived for years in legal limbo. That is the true solution here.”

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National Law Review, Volume XII, Number 241

Source URL: <https://natlawreview.com/article/daca-final-rule-to-be-published-aug-30-limited-effectiveness>