

DACA Renewal Delayed?

Your step-by-step action plan for a renewal stuck at USCIS.

If your DACA renewal has been sitting in processing limbo, you are not powerless. This guide walks you through the administrative steps that often shake a case loose on their own — and what it takes to go to federal court if they don't.

DON'T WAIT ON YOUR WORK PERMIT

DACA work permits do not extend automatically. If your EAD is expiring soon or has already lapsed, that urgency itself strengthens an expedite request — and any later court filing.

THE ESCALATION SEQUENCE

Work these in order and document every attempt. Each step creates a dated record.

1 Processing delay inquiry

2 Congressional casework request

3 Expedited processing request

4 DHS Ombudsman request (DHS-7001)

5 Pre-litigation demand letter

6 Federal mandamus petition

Why start here?

Federal courts expect you to give the agency a fair chance to fix the delay before ordering it to act. Working the administrative channels does two things: **it often works** — many cases move once the right person at USCIS gets a nudge — and **it builds your legal case**, because a court will want proof you tried.

STEP 1 File a processing delay inquiry

When: only once your receipt date is older than the “receipt date for a case inquiry” posted on the USCIS processing times page. DACA inquiries are currently allowed after 105 days.

How: file through USCIS e-Request or call the Contact Center. Have your receipt number, filing date, form type (I-821D) and current status ready.

Where: uscis.gov/e-request · 1-800-375-5283

Expect: 30–60 days, often a generic reply

STEP 2 Request congressional assistance

Why it works: every Representative and Senator has caseworkers who make formal inquiries to USCIS for constituents. They can't force a favorable decision, but they can push a stuck case. It's free.

How: find your Representative and both Senators, look for “Casework” or “Constituent Services,” complete the intake form, sign the privacy release, and attach your receipt number plus the result of Step 1.

Where: house.gov/representatives · senate.gov

Expect: several weeks, varies by office

STEP 3 Request expedited processing

Who qualifies: severe financial loss (imminent job loss from a lapsed work permit), urgent humanitarian need, nonprofit or government interest, or clear USCIS error.

How: send a secure message from your USCIS online account or call. State the qualifying reason and attach proof — an employer letter with a termination date, medical records, hardship documentation.

Where: [myUSCIS](https://myuscis.dhs.gov) account · 1-800-375-5283

Expect: 2–4 weeks; entirely discretionary

STEP 4 File a DHS Ombudsman case assistance request

How: complete Form DHS-7001 and submit it through the CIS Ombudsman portal. Describe the problem, everything you've tried, and your earlier service request numbers. They expect you to have contacted USCIS first — Step 1 covers that.

Reality check: the office is under-resourced and slow, and some practitioners now skip it entirely. File it for the record, but don't wait on it.

Where: www.dhs.gov/cis-ombudsman

Expect: 30–60+ days; proceed after 1–2 weeks

STEP 5 Send a formal pre-litigation demand

Your last administrative step, and the one that most often produces a decision: a formal letter telling USCIS the delay is unreasonable, demanding adjudication within **14 days**, and stating you will file suit if they don't act.

Send it two ways: email uscis.serviceofprocess@uscis.dhs.gov, and upload the same letter to your pending case in myUSCIS. Subject line: **[Your Name] – I-821D/I-765 Receipt [Number] – PRE-LITIGATION DEMAND FOR ADJUDICATION.**

The letter must contain: your receipt number, filing date and total days pending; a dated list of every administrative step and its result; the specific harm the delay is causing; the APA basis (5 U.S.C. §§ 555(b) and 706(1)) and the Mandamus Act (28 U.S.C. § 1361); a 14-day deadline; and copies of your receipt notices.

QUICK REFERENCE: WHERE TO FILE EVERYTHING

Step	Where to submit	Link or contact
Processing delay inquiry	USCIS e-Request or Contact Center	uscis.gov/e-request · 1-800-375-5283
Congressional assistance	Your Representative and Senators	house.gov/representatives · senate.gov
Expedite request	USCIS online account or Contact Center	myUSCIS · 1-800-375-5283
Ombudsman request (DHS-7001)	CIS Ombudsman portal	www.dhs.gov/cis-ombudsman
Pre-litigation demand	Email plus USCIS online account	uscis.serviceofprocess@uscis.dhs.gov

Mandamus, in plain terms

A writ of mandamus is a federal court order telling a government agency to do a job it is required to do. In a DACA case, it compels USCIS to *decide* your pending application. The authority is the Mandamus Act (28 U.S.C. § 1361) and the Administrative Procedure Act (5 U.S.C. §§ 555(b) and 706(1)): courts may “compel agency action unlawfully withheld or unreasonably delayed.”

WHAT A COURT NEEDS TO SEE

- A clear right to the relief you're asking for
- A clear agency duty to act
- No other adequate remedy available
- Reasonable administrative remedies exhausted — this is why Section 1 matters

WHEN IT'S TIME TO FILE

- Your case far exceeds the posted processing time — about 5.5 months for Form I-821D as of August 2026
- The delay is causing real harm: lost work authorization, lost job, license or financial trouble
- 14 days have passed since your demand letter with no decision

Most petitions become viable after 8–12 months of delay, though an expired permit or lost job can justify filing sooner.

HOW THE CASE MOVES

- 1 · Evaluation.** An attorney reviews your history, remedies attempted, timeline and documents.
- 2 · Filing.** The petition is filed in the U.S. District Court where you live or where your case is processed.
- 3 · Service.** USCIS, DHS and other defendants are served under the federal rules.
- 4 · Response.** The U.S. Attorney's Office has 60 days to answer; extensions are common.
- 5 · Decision or settlement.** Many cases resolve without a ruling — USCIS adjudicates once suit is filed.

COSTS & CAUTIONS

Fees. Attorney fees typically \$2,000–\$6,000+; court filing fee \$405, with a waiver on financial need. Payment plans are common.

Timeline. Often days to weeks after filing, sometimes longer if fully litigated.

No guaranteed answer. Mandamus forces a decision, not an approval — you may get an RFE or a denial. Filings are public record and your case gets closer scrutiny, so every element must be right.

Waiting months past the posted processing time?

DYADlaw represents DACA recipients facing unreasonable delays. If you've exhausted the administrative options, we'll tell you honestly whether mandamus fits your situation.

TALK TO US

858-480-1077

info@dyadlaw.com

dyadlaw.com

Note from DYADlaw: this template provides a framework only. Every case has unique facts. Have an immigration attorney review and customize this letter for your specific situation before sending.

PRE-LITIGATION DEMAND LETTER — TEMPLATE

1 OF 2

[Your Full Name]
[Your Mailing Address]
[City, State ZIP]
[Phone Number]
[Email Address]
Alien Registration Number: [Axxx-xxx-xxx]

[Current Date]

VIA EMAIL: uscis.serviceofprocess@uscis.dhs.gov
AND VIA USCIS ONLINE ACCOUNT UPLOAD

Director
[USCIS Service Center or Field Office Name]
[Office Mailing Address from your I-797 notice]
[City, State ZIP]

RE: FORMAL DEMAND FOR IMMEDIATE ADJUDICATION
Form I-821D (DACA Renewal) and Form I-765
(Employment Authorization)
Applicant: [Your Full Name]
A-Number: [Axxx-xxx-xxx]
Receipt Number: [EACxxxxxxxxxxx or IOExxxxxxxxxxxx]
Filing Date: [Month Day, Year]

Dear Director:

This letter constitutes formal notice regarding my pending Form I-821D (Consideration of Deferred Action for Childhood Arrivals) and associated Form I-765 (Application for Employment Authorization), filed on [date] and pending for[number] days – substantially beyond USCIS's published processing timeframes.

I have exhausted all reasonable administrative channels to secure adjudication, including:

- [Date] – Filed case inquiry through USCIS e-Request for processing delay (Service Request [number]). Result:[describe response or note "no meaningful response received"].

PRE-LITIGATION DEMAND LETTER — TEMPLATE

2 OF 2

- [Date] - Requested assistance from the office of [Senator/Representative Name].
Result: [describe outcome or note "no resolution achieved"].
- [Date] - Submitted request for expedited processing based on [state reason].
Result: [denied/no response received].
- [Date] - Filed Form DHS-7001 Request for Case Assistance with the CIS Ombudsman.
Result: [describe outcome or note "no resolution achieved"].

The continued processing delay has resulted in substantial harm, including [describe specific harm: e.g., "expiration of my employment authorization on [date], termination of my employment, inability to renew my driver's license, and significant financial hardship"].

USCIS has a nondiscretionary duty to adjudicate applications within a reasonable time. After [number] days and exhaustion of administrative remedies, this delay has become unreasonable and constitutes an unlawful withholding of agency action under the Administrative Procedure Act, 5 U.S.C. § 706(1).

This letter serves as formal demand that USCIS adjudicate my application within fourteen (14) days of the date of this letter.

If USCIS has not adjudicated my application within this timeframe, I will have no alternative but to file a petition for writ of mandamus in federal district court to compel the required action.

I can be reached at the contact information above and request that USCIS communicate any response by email to [your email] and through my USCIS online account.

Respectfully,

[Your Signature]

[Your Typed Name]

Enclosures: Receipt Notices for Form I-821D and Form I-765