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DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

WHAT IS DEFERRED ACTION?

Deferred action is a discretionary Department of Homeland Security (DHS) decision not to pursue enforcement against a person for a specific period.

This means that certain young people who do not present a risk to national security or public safety and meet specified criteria will be eligible to receive deferred action for two years, subject to renewal.

Those who request deferred action would also be able to apply for a work permit.

NOTE: deferred action cannot be used to establish eligibility for any immigration benefit that requires maintenance of lawful status such as legal permanent residence or citizenship.

YOU CAN APPLY FOR DEFERRED ACTION IF YOU CAN SHOW THAT:

- 1. Were under the age of 31 as of June 15, 2012;**
- 2. Came to the United States before reaching your 16th Birthday;**
- 3. Have continuously resided in the United States since June 15, 2007;**
- 4. Were physically present in the United States on June 15, 2012, and at the time of making your request for deferred action with USCIS;**
- 5. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;**
- 6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education**

development (GED) certificate, or are an honorably discharged veteran of the Coast Guard of Armed Forces of the United States; and

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

Determinations will be made on a case-by-case basis and are within the discretion of USCIS

An applicant for DACA who does not meet the eligibility requirements due to their criminal record, their submission of a fraudulent application, or who are considered a risk to national security or public safety, risks being placed in removal proceedings or being detained.

People are not eligible for deferred action if they have been convicted of a felony, a significant misdemeanor, or 3 or more non-significant misdemeanors (not including minor traffic offenses) unless DHS determines that there are exceptional circumstances.

DHS considers many infractions as significant misdemeanors, including those for driving under the influence of drugs or alcohol without regard to the sentence imposed.

*** If you were arrested or detained by law enforcement at some point, you should talk to a lawyer before applying for deferred action.

What is the Process to Request Consideration for Deferred Action?

To request deferred action, you must submit **form I-821D Consideration of Deferred Action for Childhood Arrivals** to USCIS.

This form must be accompanied by **form I-765, Application for Employment Authorization**, and a form **I-765WS Worksheet** along with the filing fee of \$380 for the I-765 form.

You will also have to include a biometric services fee of \$85.

You must send your DACA application packet which includes forms I-821D, I-765, I-765WS, the payment of fees totaling \$465, and the necessary evidence to the appropriate USCIS Lockbox.

If USCIS determines that your request is complete, USCIS will send you a receipt notice, and USCIS will send you an appointment notice to visit an Application Support Center (ASC) for biometric services.

What documents should I present as evidence?

1. Proof of Identity: Documents such as birth certificate or Passport that show your age as of June 15, 2012;
2. Financial, school, medical, employment and military documents that show that you came to the United States before the age of 16, that you have continuously resided in the United States since June 15, 2007, and that you were physically present in the United States on June 15, 2012.
3. School documents including high school diplomas, GED certificates, grade records, school files and proof of registration and/or veteran documents that show your honorable discharge from the Coast Guard or the Armed Forces of the United States.

PUNTOS IMPORTANTES REFERENTES A LA ACCIÓN DIFERIDA:

- **A grant of deferred action can be renewed or terminated at any time.**
- **This process is open to any individual who can demonstrate he or she meets the guidelines for consideration, including those in removal proceedings, with a final order, or with a voluntary departure order.**
- **People in immigration detention who believe they meet the guidelines should identify themselves with the detention officer or contact the ICE Office of the Public Advocate at 1-888-351-4024 (Monday – Friday 9:00 am to 5:00 pm) or by email at EROPublicAdvocate@ice.dhs.gov.**
- **If you travel outside of the United States after August 15 2012, you will NOT be considered for deferred action under this process.**
- **If USCIS defers action in your case, you will be permitted to travel outside of the United States only if you apply for and receive advance parole from USCIS.**

AVOID SCAMS AND PREVENT FRAUD

Don't go to a notario or "immigration consultant"! You should only trust information from a reliable source, such as an official government website (www.uscis.gov/childhoodarrivals) or reputable legal or charitable organizations.

Do not trust those who ask for a fee or additional payment to expedite resolution of your request for deferred action. There is NO expedited process for deferred action requests.