



# U.S. Citizenship and Immigration Services



# Deferred Action for Childhood Arrivals (DACA)

# Background

- On June 15, 2012, DHS announced that certain people who came to the U.S. as children may request consideration of deferred action for childhood arrivals (DACA).
- On August 15, 2012, USCIS began a new process to review requests for deferred action for childhood arrivals, and to grant work authorization, on a case by case basis.





# Guidelines

You may request deferred action for childhood arrivals if you:

- were under 31 on June 15, 2012;
- came to the U.S before you turned 16;
- lived continuously in the U.S. from June 15, 2007 to the present;
- were in U.S. on June 15, 2012 and when you made your request for deferred action.





# Guidelines

You may request deferred action for childhood arrivals if you had no lawful status on June 15, 2012. This means that:

- You never had a lawful immigration status on or before June 15, 2012; or
- Any lawful immigration status or parole that you obtained prior to June 15, 2012 had expired as of June 15, 2012.





# Guidelines (continued)

You may request deferred action for childhood arrivals if you:

- are in school at the time of filing;
- graduated or have a certificate of completion from high school;
- have a GED certificate; or
- were honorably discharged from the U.S. Coast Guard or U.S. Armed Forces.





# Guidelines

You may request deferred action for childhood arrivals if you:

- have not been convicted of:
  - a felony;
  - a significant misdemeanor; or
  - three or more misdemeanors.
- are not a threat to national security or public safety.





# Guidelines

You may request deferred action for childhood arrivals even if you:

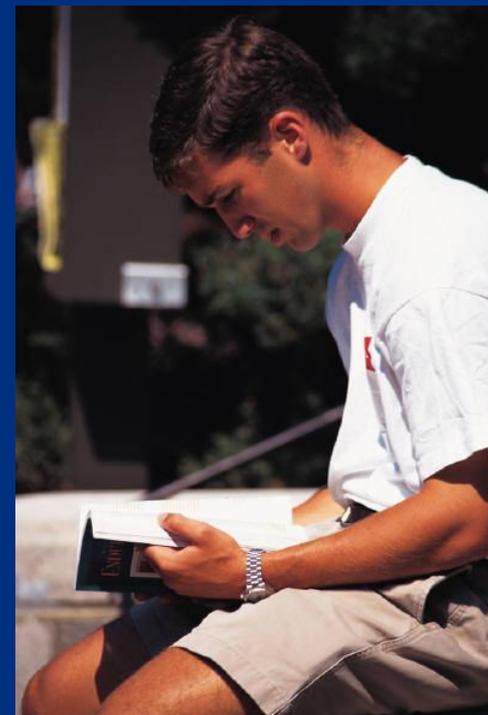
- have been in removal proceedings or your proceedings were terminated;
- are in removal proceedings now;
- have a final removal order;
- have a voluntary departure order.



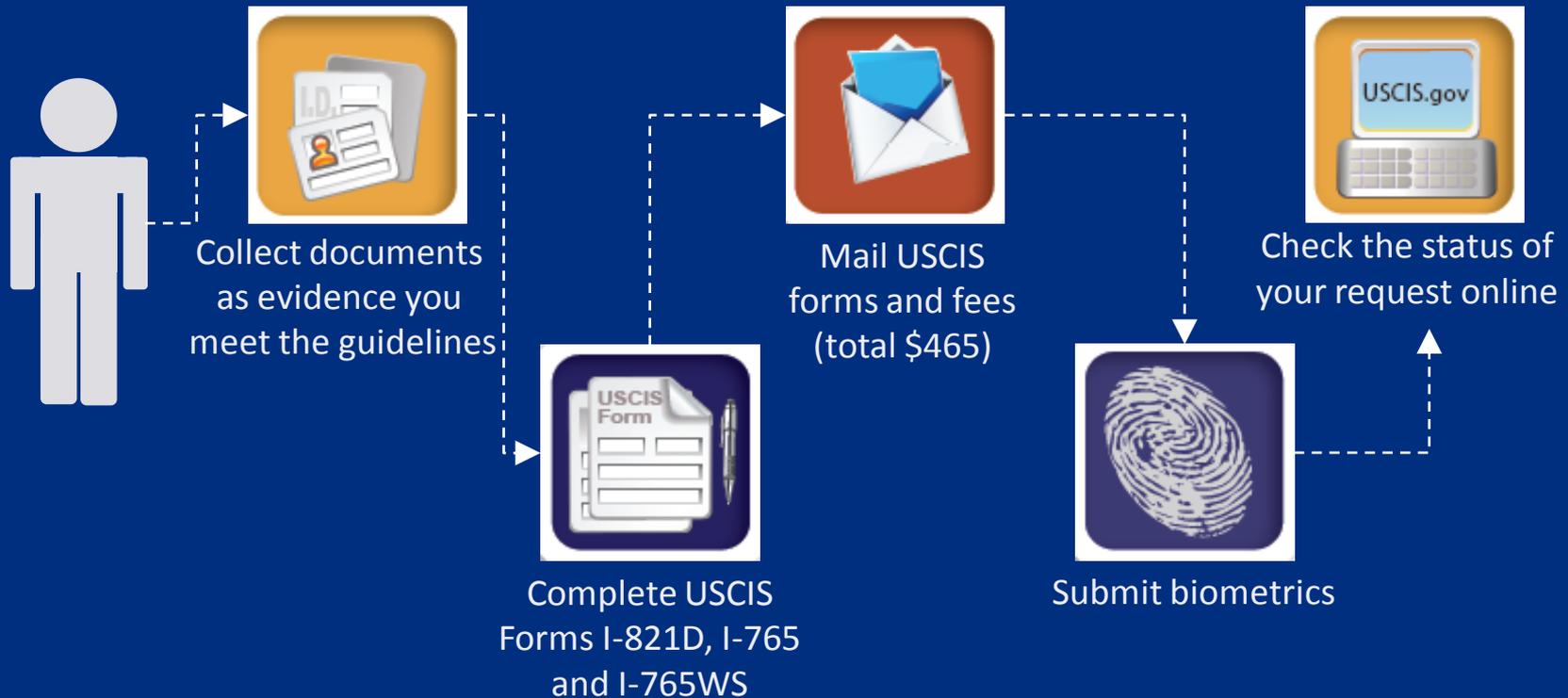


# Guidelines

- If your removal proceedings were terminated by an Immigration Judge, you must submit a copy of the termination order.
- If you are in detention now, do not request deferred action from USCIS. You, or your attorney, should speak to your deportation officer.



# How to Request Initial DACA





# Documents & Evidence

- Anyone requesting initial deferred action for childhood arrivals needs to submit documents as evidence they meet the guidelines.
- Those requesting a renewal of DACA do not need to submit documents unless they have *new* documents about removal proceedings or criminal history that they have not already submitted to USCIS in a previously approved DACA request
- Unless we ask for the original, the requestor should submit photocopies of these documents.





# Complete the Forms

Fill out and sign:

- Form I-821D, Consideration of Deferred Action for Childhood Arrivals;
- Form I-765, Application for Employment Authorization;
- Form I-765WS, Form I-765 Worksheet;

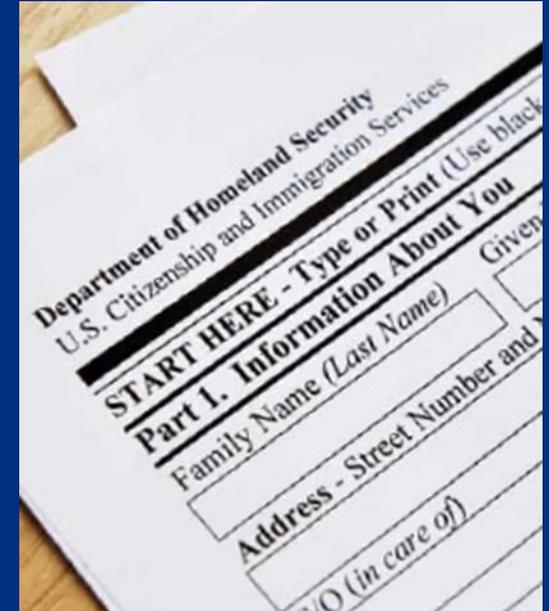
The image shows a thumbnail of the USCIS Form I-821D. At the top left is the Department of Homeland Security seal. The title is "Consideration of Deferred Action for Childhood Arrivals". Below the title is "Department of Homeland Security" and "U.S. Citizenship and Immigration Services". On the right side, it says "USCIS Form I-821D", "OMB No. 1615-0124", and "Expires 06/30/2016". The form is divided into sections: "For USCIS" with a grid, "Receipt", and "Action Block". At the bottom left, it says "Form I-821D 06/04/14 N" with a red arrow pointing to it. At the bottom right, it says "Page 2 of 7".





# Tips

- Type or print in black ink;
- Mail all forms together;
- Write your name and date of birth the same way on each form;
- Answer all questions completely and accurately – do not leave data fields blank;
- Sign your forms - if you are under 14, a parent or guardian can sign for you;





# Tips

- Use the correct version of the forms: I-821D (not I-821), I-765, and I-765WS;
- Submit photocopies unless we ask for original documents;
- Foreign language documents must have a complete English translation;

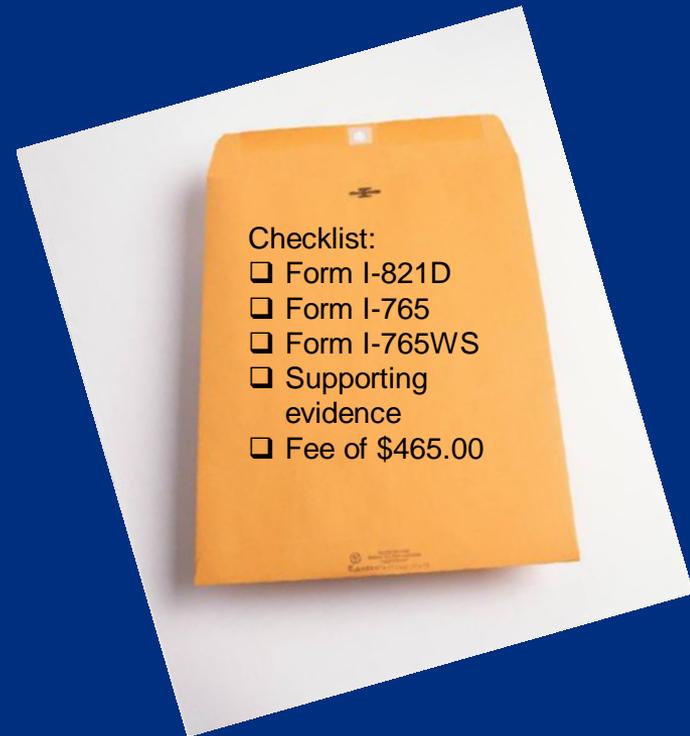




# Mail the Forms

Put everything in one envelope...

- all three forms (I-821D, I-765 and I-765WS);
- supporting evidence;
- and the fee of \$465;
- Use mailing address listed on the I-821D instructions;
- Keep a photocopy of your paperwork for your records;





# What documents show you meet the guidelines?

<b>Proof of identity</b>	<ul style="list-style-type: none"><li>▪ Passport;</li><li>▪ Birth certificate with photo identification;</li><li>▪ School or military ID with photo;</li><li>▪ Any U.S. government immigration or other document that has your name and photo;</li></ul>
<b>Proof you came to U.S. before your 16th birthday</b>	<ul style="list-style-type: none"><li>▪ Passport with admission stamp;</li><li>▪ Form I-94/I-95/I-94W;</li><li>▪ School records from the U.S. schools you have attended;</li><li>▪ Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear);</li><li>▪ Travel records, hospital or medical records;</li></ul>
<b>Proof of immigration status</b>	<ul style="list-style-type: none"><li>▪ Form I-94/I-95/I-94W with authorized stay expiration date;</li><li>▪ Final order of exclusion, deportation, or removal issued as of June 15, 2012;</li><li>▪ A charging document placing you in removal proceedings;</li></ul>





# What documents show you meet the guidelines?

**Proof of presence  
in U.S. on June 15,  
2012**

**Proof you have  
lived continuously  
in the U.S. since  
June 15, 2007**

- Rent receipts or utility bills;
- Employment records (pay stubs, W-2 Forms, etc);
- School records (letters, report cards, etc);
- Military records (Form DD-214 or NGB Form 22);
- Official records from a religious entity confirming participation in a religious ceremony;
- Money order receipts for money sent in or out of the country;
- Passport entries;
- Birth certificates of children born in the U.S.;
- Dated bank transactions;
- Automobile license receipts or registration;
- Deeds, mortgages, rental agreement contracts;
- Tax receipts, insurance policies;





# What documents show you meet the guidelines?

<b>Proof you were a student when you made your request</b>	<ul style="list-style-type: none"><li>▪ School records (transcripts, report cards, etc) from the U.S. school you are attending now showing:<ul style="list-style-type: none"><li>▪ the name(s) of the school(s);</li><li>▪ periods of school attendance, and;</li><li>▪ the current educational or grade level;</li></ul></li><li>▪ U.S. high school diploma or certificate of completion;</li><li>▪ U.S. GED certificate;</li></ul>
<b>Proof you were honorably discharged from the Coast Guard or U.S. Armed Forces</b>	<ul style="list-style-type: none"><li>▪ Form DD-214, Certificate of Release or Discharge from Active Duty;</li><li>▪ NGB Form 22, National Guard Report of Separation and Record of Service;</li><li>▪ Military personnel records;</li><li>▪ Military health records;</li></ul>



# Brief Absences

A brief, casual, and innocent trip outside the U.S. will not interrupt your continuous residence as long as the absence:

- was before August 15, 2012;
- was short;
- was not because of a formal court ordered removal of any kind, and
- your actions while outside of the U.S. did not violate U.S. law;

Any unauthorized travel outside of the United States on or after August 15, 2012 will interrupt your continuous residence and you will not be considered for deferred action under this process.





# What documents show your trip was brief, casual & innocent?

- Plane or other transportation tickets or itinerary showing the travel dates;
  - Passport entries;
  - Hotel receipts showing the dates you were abroad;
  - Evidence of the purpose of the travel (e.g. you attended a wedding or funeral);
  - Copy of advance parole document; and
  - Any other evidence that could support a brief, casual, and innocent absence.
- 
- In Part 2 of Form I-821D, list all the trips you took outside of the U.S. since June 15, 2007.
  - Include the departure and return dates and the reason for your trip(s).



# Direct Evidence

Submit as much direct evidence as you can.

Other evidence (other than that listed in the charts above) may also be used to show:

- You were in the U.S. on June 15, 2012;
- You came to the U.S. before your 16th birthday;
- You have lived continuously in the U.S. since June 15, 2007;
- Any travel outside the U.S. during the 5 years of continuous presence was brief, casual, and innocent.





# What Happens After I File?

- We will check your request for completeness and send you a receipt notice.
- Then we will send you a notice for a fingerprint appointment.
- Do not miss this appointment or your request could be delayed or denied.
- We may ask you for more information or ask you to come to our office.
- You will receive a written decision.





# What Happens After I File?

- There is no appeal or motion to reopen/reconsider for these cases.
- You can submit a case inquiry by contacting USCIS call centers at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired) or by submitting a case status inquiry at [www.uscis.gov/tools](http://www.uscis.gov/tools) if certain conditions are met .





# What Happens After I File?

## E-Notification

- You may choose to receive an email or text message that your request has been accepted.
- To receive this notice, complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page of our I-821D application.
- Check the status of your request in Case Status Online at [www.uscis.gov](http://www.uscis.gov).
- The 90-day period for reviewing Form I-765 filed together with Form I-821D begins if and when USCIS decides to defer action in your case.



# Trips Outside the U.S.

- If we defer action in your case and you want to travel outside the United States, you must apply for advance parole.
- File Form I-131, Application for Travel Document and pay the fee of \$360.
- We generally approve advance parole when the travel is for humanitarian, educational, or employment purposes.
- Advance parole requests will not be considered unless we have already deferred action in your case.
- Do not submit Form I-131, Application for Travel Document, with Form I-821D; if you do, your entire packet will be rejected.



# DACA Renewal

- In September 2014, the first individuals who received deferred action from USCIS will begin to have their DACA and employment authorization expire.
- If your DACA and employment authorization expire, you will revert to having no employment authorization or deferred action and, for admissibility purposes, you will begin to accrue unlawful presence time once again.
- To request a renewal, DACA recipients should submit Form I-821D, Form I-765 and Form I-765WS (Worksheet), along with the I-765 filing fees, 120-150 days before their current DACA is set to expire.
- USCIS is currently accepting requests for both initial and renewal DACA.



# DACA Renewal Guidelines

- To request renewal, an individual must have previously received DACA and
  - ✓ Did not depart the U.S. on or after August 15, 2012 without advance parole;
  - ✓ Has continuously resided in the U.S. since he or she submitted the initial DACA request; and
  - ✓ Has not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and does not otherwise pose a threat to national security or public safety.



# Initial vs. Renewal DACA

- You must submit supporting documents only for an initial request, not a renewal, unless requested by USCIS or if you have new information as explained below.
- Do not provide any additional documents at the time you request renewal of DACA unless you have *new* documents about removal proceedings or criminal history. Do not submit documents that you have already submitted to USCIS as part of a previously approved DACA request.
- You should keep all documents that demonstrate how you meet the DACA guidelines, so you can provide them if requested by USCIS.



# If We Do Not Defer Action

- In cases where we do not defer action, we will follow existing policy guidance governing the referral of cases to U.S. Immigration and Customs Enforcement (ICE) and the issuance of a Notice to Appear (NTA).
- If your case does not involve a criminal offense, fraud, or a threat to public safety, we will not refer your case to ICE.
- Visit [www.uscis.gov/NTA](http://www.uscis.gov/NTA) for details.



# Protecting Your Information

We will not share any information about you with ICE or U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless you meet the criteria for:

- the issuance of an NTA; or
- a referral to ICE under the criteria set forth in our NTA guidance.



# Reminders

- Remember - the Wrong Help Can Hurt.
- All USCIS forms are available for free at [www.uscis.gov/forms](http://www.uscis.gov/forms) or by calling 1-800-870-3676.
- Get help only from an official government resource, an attorney, or Board of Immigration Appeals (BIA) accredited representative.
- To find an attorney or accredited representative, visit [www.uscis.gov/avoidscams](http://www.uscis.gov/avoidscams).
- For official information about deferred action for childhood arrivals, go to [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).



# About this Presentation

- Authors: U.S. Citizenship and Immigration Services;
- Date of last revision: June 23, 2014;
- This presentation is valid as of the date of the last revision.
- This presentation contains no sensitive Personally Identifiable Information (PII).
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