



U.S. Citizenship  
and Immigration  
Services

# U.S. Citizenship and Immigration Services



## Deferred Action for Childhood Arrivals (DACA)

7/18/17

# Background



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- 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 DACA and grant work authorization on a case by case basis.



# Guidelines



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You may request DACA 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; and
- Were in U.S. on June 15, 2012 and when you made your request for deferred action.



# Guidelines



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You may request DACA 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 before June 15, 2012 had expired as of June 15, 2012.



# Guidelines (continued)



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You may request DACA if you:

- Are in school at the time you file the request;
- 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



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You may request DACA 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



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You may request DACA even if you:

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

# Guidelines



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- If an immigration judge terminated your removal proceedings, you must submit a copy of the termination order.
- If you are in detention now, do not request DACA from USCIS. You or your attorney should speak to your deportation officer.



# How to Request Initial DACA



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- Collect documents as evidence you meet the guidelines.
- Complete USCIS Forms I-821D, I-765 and I-765WS.
- Mail USCIS forms and fees (total \$495).
- Submit biometrics.
- Check the status of your request online.

# Documents and Evidence



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- If you are requesting initial DACA, you must submit documents showing that you meet the guidelines.
- If you are requesting to renew DACA, you do not need to submit documents unless you have new documents about removal proceedings or criminal history that you have not already submitted to USCIS with a previous DACA request that was approved.
- Unless we ask for the original, submit photocopies of these documents.

# Complete the Forms



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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.

Consideration of Deferred Action  
for Childhood Arrivals

U.S. Citizenship and Immigration Services

USCIS  
Form I-821D  
OMB No. 1615-0124  
Expires 06/30/2016

Receipt		Action Block
For USCIS	A- <input type="text"/>	

Form I-821D 06/04/14 N  Page 2 of 7

# Tips



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- 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



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## Consideration of Deferred Action for Childhood Arrivals

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-821D  
OMB No. 1615-0124  
Expires 01/31/2019

For USCIS Use Only	A- <input type="text"/>	Receipt	Action Block
	Case ID: <input type="text"/>		
	<input type="checkbox"/> Requestor interviewed on <input type="text"/>	Remarks	
Returned: / /	Received: / /		
Resubmitted: / /	Sent: / /		
To Be Completed by an Attorney or Accredited Representative, if any.		<input type="checkbox"/> Select this box if Form G-28 is attached to represent the requestor	Attorney State Bar Number (if any):

# Mail the Forms



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- **Put everything in one envelope:**
  - All three forms (I-821D, I-765 and I-765WS);
  - Supporting evidence; and
  - \$495 fee
- **Use mailing address listed on the I-821D instructions**
- **Keep a photocopy of your paperwork for your records**

# What documents may show you meet the guidelines?



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Proof of  
identity

- Passport
- Birth certificate with photo identification
- School or military ID with photo
- Any U.S. government immigration or other document that has your name and photo

Proof you  
came to the  
U.S. before  
your 16<sup>th</sup>  
birthday

- Passport with admission stamp
- Form I-94/I-95/I-94W
- School records from the U.S. schools you have attended
- Any Immigration and Naturalization Service (INS) or DHS document stating your date of entry (Form I-862, Notice to Appear)
- Travel records, hospital or medical records

Proof of  
immigration  
status

- Form I-94/I-95/I-94W with authorized stay expiration date
- Final order of exclusion, deportation, or removal issued as of June 15, 2012
- A charging document placing you in removal proceedings

# What documents may show you meet the guidelines?



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Proof of  
Presence in  
U.S. on June  
15, 2012

- 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

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

- 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 may show you meet the guidelines?



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Proof you were a student when you made your request

- School records (transcripts, report cards, etc.) from the U.S. school you are attending now showing:
  - The name(s) of the school(s);
  - Periods of school attendance, and;
  - The current educational or grade level
- U.S. high school diploma or certificate of completion
- U.S. GED certificate

Proof you were honorably discharged from the Coast Guard or U.S. Armed Forces

- Form DD-214, Certificate of Release or Discharge from Active Duty
- NGB Form 22, National Guard Report of Separation and Record of Service
- Military personnel records
- Military health records

# Brief Absences



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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;
  - Short;
  - 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 DACA.

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



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- 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).

# What Happens After I File?



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- We will check your request for completeness and send you a receipt notice.
- We will send you a notice for a biometrics 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?



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- 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?



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## 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 attach it to the first page of our I-821D application.
- Check the status of your request in Case Status Online at <https://egov.uscis.gov/>

# Trips Outside the U.S.



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- If you receive DACA and you want to travel outside the United States, you must apply for an advance parole document.
- File Form I-131, Application for Travel Document and pay the fee of \$575.
- We consider all advance parole applications on a case-by-case basis. We will generally only provide an advance parole document for a DACA recipient when the travel is for humanitarian, educational, or employment purposes.
- Advance parole requests will not be considered unless we have already approved your DACA request.
- 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



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- In September 2014, the first individuals who received deferred action from USCIS began 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 renewal, DACA recipients should submit Form I-821D, Form I-765 and Form I-765WS (Worksheet), along with the I-765 filing fees, 150-120 days before their current DACA is set to expire.
- USCIS is currently accepting requests for both initial and renewal DACA.



# DACA Renewal Guidelines



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To request renewal, you must have:

- Previously received DACA;
- Not departed the U.S. on or after August 15, 2012 without advance parole;
- Continuously resided in the U.S. since you submitted the initial DACA request; and
- Not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

# Initial vs. Renewal DACA



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- 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.
- If you are filing beyond one year after your most recent period of DACA expired, you may still request DACA by submitting a new initial request.
- Do not provide any additional documents at the time you request to renew DACA unless you have *new* documents about removal proceedings or criminal history. Do not submit documents that you have already submitted to USCIS with a previous DACA request that was approved.
- 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



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In cases where we do not defer action, we will follow existing policy guidance to refer cases to U.S. Immigration and Customs Enforcement (ICE) and issue 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



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According to current policy, 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



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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 DOJ-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



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- Authors: U.S. Citizenship and Immigration Services;
- Date of last revision: July 18, 2017;
- 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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- Images in this presentation:
  - Slide 2: Image from <https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/DACA-toolkit.pdf>
  - Slide 3 ,4, and 20: provided by USCIS/OCOMM from Images folder on Branding page
  - Slide 11: Image from <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/filing-tips-deferred-action-childhood-arrivals>
  - Slides 13: Screen capture of Form I-821 D at <https://www.uscis.gov/>

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