



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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What Does “Deferred Action for Childhood Arrivals” (DACA) Mean for Me?

President Obama’s June 15, 2012 directive grants “deferred action” status to prevent eligible young people from being deported. You can now be considered for “Deferred Action for Childhood Arrivals” if you meet the below eligibility criteria. However, getting deferred action does not mean you can get a green card or citizenship.

Eligibility Criteria You CAN qualify for deferred action if you:	But wait! You may not be eligible if you have immigration violations, including if you:
<ol style="list-style-type: none"> 1. Are between 15 and 30 years old; 2. Came to the United States before you were 16 years old; 3. Have been living in the United States continuously since June 15, 2007; 4. Were present in the United States on June 15, 2012 and at the time you apply; 5. Entered without inspection before June 15, 2012 or your legal status expired as of June 15, 2012; and 6. Are currently in school, graduated from high school, received a GED, graduated with an associates or bachelor’s degree, or are an honorably discharged veteran of the Coast Guard or Armed forces. 	<ul style="list-style-type: none"> ➤ Have been convicted of a felony, a crime punishable by more than 1 year in jail; ➤ Have been convicted of a significant misdemeanor, a crime punishable by between 6 days and 1 year in jail and involves: domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, DUI, or any offense for which you were sentenced to jail for more than 90 days; ➤ Have been convicted of 3 or more misdemeanors, minor offenses; or ➤ Pose a threat to national security or public safety.
Applications for deferred action are now available at www.uscis.gov/childhoodarrivals	

BENEFITS

Deferred action prevents you from being deported and allows you to apply for a work permit. Depending on where you live, eligible students can also apply for a driver’s license and a social security number. If you get deferred action, you can also travel abroad in some circumstances.

LIMITS & RISKS

Deferred action is not a path to a green card nor is it a path to citizenship. In order to create a path to citizenship, Congress has to pass the DREAM Act, pending legislation that would apply to immigrant youth who came to the U.S. as children, or some form of immigration reform. Deferred action is available for two years. At the end of the two years, you must apply to renew your application with U.S. Citizenship and Immigration Services (USCIS). Even if you meet the eligibility criteria, deferred action is not guaranteed and can be terminated at any time. If you apply and do not meet basic eligibility requirements or have serious immigration violations, the government may initiate removal proceedings.

HOW TO APPLY

Go to www.uscis.gov/childhoodarrivals for instructions and forms. To apply, you must submit the deferred action form (I-821D), supporting documents, employment authorization form and worksheet (I-765 and I-765WS), and 2 passport-sized photos.

The supporting documents should prove the 6 eligibility criteria in the chart. Use the “Supporting Documents Checklist” to gather the documents that you will need.

WHERE TO APPLY

The address for sending your application depends on the state you live in. Check www.uscis.gov/childhoodarrivals.

APPLICATION COSTS

No fee is required for the application form itself, but you must submit a total fee of \$465—payable to “U.S. Department of Homeland Security”—for the work permit and fingerprint requirement.

WHAT HAPPENS AFTER YOU APPLY

After you submit the I-821D, you will receive a receipt followed by an appointment for biometrics (fingerprints). Background checks will be conducted, and if there are no issues, USCIS will send you a written decision by mail. However, an in-person interview may be required in some instances (1) for “cause,” meaning that USCIS may need to verify the information before making a decision, or (2) for quality assurance procedures by taking a random sample of applications for interviewing purposes.

WHAT IF USCIS DENIES DEFERRED ACTION

There is no appeals process. However, you may be able to make a service request by calling 1-800-375-5283 and ask for a “review.”

FREE LEGAL ADVICE & SUPPORT

AALDEF is holding free legal clinics to provide legal advice and representation to young people. AALDEF also hosts a youth group for undocumented Asian American youth to provide a safe space and to support organizing in our communities for a just path towards legalization. For more information: <http://aaldef.org/obamas-dream-act-directive-on-deferred-action---faqs.html>. If you are interested in making an appointment at the legal clinic or want to learn more about the youth group, contact AALDEF at: info@aaldef.org or 212-966-5932.

Supporting Documents Checklist

- Passport from your country of origin
- Birth certificate
- I-94 Form or immigration document stating the date that you entered the U.S.
- Travel documents
- Financial records, e.g. bank statements, tax returns
- Utility bills
- School records
- Diplomas, GED certificates
- Report cards & transcripts
- Medical records
- Military records (personnel, health)
- Copies of any final orders or removal or immigration documents
- Copies of criminal records or court dispositions on any criminal arrests
- Community support letters
- Documents that highlight factors in your favor, e.g. community ties, activities, awards