



DACA

DEFERRED ACTION FOR CHILDHOOD ARRIVALS

On June 15, 2012, President Obama announced that the U.S. government would not deport certain undocumented immigrants who came to the United States when they were children. These people may apply for and be given a type of temporary permission to stay in the U.S. called “deferred action.” The Obama administration calls this program Deferred Action for Childhood Arrivals, or DACA.

WHAT IS DEFERRED ACTION?

Deferred action is a kind of temporary protection from deportation. A person who has been given deferred action has permission from the government to stay in the U.S. for a certain period of time. The person may also be given a work permit that is valid for as long as he or she has deferred action.

Protection from deportation and work permits for people who came to the United States as children

Not everyone who may qualify for deferred action is given this protection from deportation. Even if you meet the requirements for deferred action, the government still has to decide whether or not to give it to you.

Being given deferred action does not put you on the path to permanent legal immigration status or U.S. citizenship.

THESE ARE THE ELIGIBILITY REQUIREMENTS FOR DACA

- You must have come to the U.S. before your 16th birthday.
- You must have lived continuously in the U.S. since June 15, 2007.
- You must not have permission to be in the U.S. You must have entered the U.S. without documents before June 15, 2012, or any legal immigration status you had must have expired before that date.
- You must have been born on or after June 16, 1981.
- You must be at least 15 years old. But if you are in deportation proceedings or have a deportation order and are not in immigration detention, you may apply even if you are not yet 15.
- You must have earned either a high school diploma or GED, be an honorably discharged veteran of the U.S. Coast Guard or armed forces, or “be in school” on the date you submit your application.
- You must not have been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, or be considered a threat to national security or public safety. **IMPORTANT:** *If you think you may have a crime on your record, you should speak with a lawyer before applying.*

HOW DO I APPLY FOR DACA?



To apply for DACA, you must fill out and submit three forms and provide copies of documents that prove you are eligible. It costs \$465 total to apply—\$380 for the work permit application and \$85 for fingerprints and photo.

The main form is Form **I-821D** (Consideration of Deferred Action for Childhood Arrivals), which is available at www.uscis.gov/i-821d. (Instructions for applying are also available there.) You must also fill out and

submit Forms **I-765** and **I-765WS** (Worksheet) to apply for a work permit and show that you need to be able to earn money. These forms are available at www.uscis.gov/i-765.

The government will send you a receipt notice if your application is complete. And you will be told where to go to have your fingerprints and photograph taken. When the government makes a final decision on your application, it will send you a written notice.

HOW DO I RENEW MY DACA BEFORE IT EXPIRES?

If you already have DACA, you can apply to renew it. You must meet the following requirements:

- You must not have traveled outside the U.S. on or after August 15, 2012, without first getting permission (“advance parole”) from the government.
- You must have lived continuously in the U.S. from the time you submitted your original DACA application until the time you submit your renewal application.
- You must not have been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and must not otherwise be considered a threat to national security or public safety.

You should submit your renewal application about 150 days (5 months), but no later than 120 days (4 months), before your current DACA and work permit expire. To help you decide when to submit the application, an online calculator is available at www.nilc.org/dacarenewalcalculator.html.

To apply to renew DACA, you must fill out and submit the same forms you submitted the first time you applied for DACA: Forms **I-821D**, **I-765**, and **I-765WS** (Worksheet). On Form **I-821D**, you must answer all the questions except those marked “For Initial Requests Only.”

After you submit the application, you may be asked to provide more evidence to verify the information in your application. So it’s a good idea to gather any documents that show that you meet all the requirements for DACA.



President Obama announced in November 2014 that more people would be eligible for DACA. He also announced a new program called “DAPA.” What’s the status of “expanded DACA” and DAPA?

DACA&DAPA

The president announced that DACA’s rules had been changed to make more people eligible. He also announced “DAPA,” which will provide protection from deportation to parents of U.S. citizens and permanent residents.

But on Feb. 16, 2015, a federal court ordered that “expanded DACA” and DAPA be put on hold. So no one can apply for expanded DACA or DAPA until a court says the government can start accepting applications for them.

APPLYING FOR DACA CAN BE CONFUSING!

We know! Fortunately, there are organizations out there that can help.

Here is a list of websites where you can get more information about DACA and other issues that affect immigrants:

National Immigration Law Center
www.nilc.org/dreamdeferred.html

Own the Dream
www.WeOwntheDream.org

United We Dream
www.UnitedWeDream.org

Administrative Relief Resource Center
www.AdminRelief.org

National Immigrant Justice Center
www.immigrantjustice.org

U.S. Citizenship and Immigration Services
www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca

WARNING: Do NOT take advice about your immigration case from a notary public or an immigration consultant. Contact ONLY a qualified immigration lawyer or an accredited representative for legal advice about your case. A directory of legal service providers in your area is available at www.weownthedream.org/legalhelp.



**NATIONAL
IMMIGRATION
LAW CENTER**

Established in 1979, the National Immigration Law Center defends and advances the rights and opportunities of low-income immigrants and their families. We believe that the U.S.'s core principles of justice, equal opportunity, and equal protection under the law apply to everyone who works, lives, or raises a family here, or who otherwise contributes to our communities. We therefore work to defend and preserve low-income immigrants' rights in the areas of immigration law, labor and employment, education, health care, and other basic services.

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