

DEFERRED ACTION FOR CHILDHOOD ARRIVALS



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information contact:

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Beginning August 15th, eligible young people will be able to apply for deferred action for childhood arrivals as announced by the Department of Homeland Security on June 15, 2012. Deferred action for childhood arrivals is a form of administrative relief that provides protection from deportation and an opportunity to receive employment authorization for a period of two years, which is then renewable. This fact sheet outlines the basic guidelines for applying through the United States Citizenship and Immigration Service (USCIS). Individuals who meet the criteria and are currently in immigration detention should apply through Immigration and Customs Enforcement (ICE).

DEFERRED ACTION POLICY

The basic guidelines for eligibility are that an individual:

- Came to the U.S. under the age of 16.
- Was under the age of 31 as of June 15, 2012.
- Lived in the U.S. for five continuous years and was present in the U.S. on June 15, 2012.
- Is in school, has obtained a high school diploma or general equivalency degree (GED), or was honorably discharged from the armed services or Coast Guard before applying.
- Does not pose a threat to national security and has no felony, significant misdemeanor or, three or more non-significant misdemeanor charges.
- Did not have lawful immigration status on June 15, 2012.

Youth Under Age 15

Youth under age 15 can apply for deferred action only if they are in removal proceedings or have a voluntary departure order or deportation order. Children under age 15 who meet the other requirements will be protected from deportation as long as they continue to qualify and can apply for deferred action after they turn 15.

Academic Achievement

Individuals must be in school or have a high school diploma or GED when they apply. Youth who obtain these or enroll in school after June 15th, but before submitting an application are eligible. Enrolled in school includes enrollment in a public or private primary, elementary, middle, secondary or high school; enrollment in a private or public educational literacy program, job training or vocational training program designed to result in placement in secondary school, post-secondary school, job training or employment; or in a private or public program that will result in obtainment of a GED or other state-authorized completion certificate.

Travel

If an individual travelled outside the U.S. before August 15th they must show that it was brief, was not the result of an order of exclusion, deportation, removal or voluntary departure, and not contrary to law.

Individuals will be allowed to travel abroad after August 15th only after they are approved for deferred action. To qualify for travel an individual must apply for advance parole. The application fee is \$360 and only travel for education, humanitarian, or employment purposes qualifies.

Felony and Misdemeanor Definitions

While an official definition for what activity poses a threat to national security has not been made, it will likely include gang related activity and criminal activity. The definitions for the other offenses that would disqualify an individual are:

- **Felony:** federal, state or local offense with a prison sentence of 1 year or more. One felony conviction will make an individual ineligible.
- **Significant misdemeanor:** offenses of domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, driving under the influence, or any offenses with a prison sentence of more than 90 days. One significant misdemeanor conviction will disqualify an individual.
- **Misdemeanor:** an offense not listed above that resulted in a prison sentence of less than 90 days, not including minor traffic violations, such as driving without a license, or immigration-related offenses created by state immigration laws. Three or more misdemeanors disqualify an individual.

Work Authorization

Individuals who are eligible for deferred action are also eligible for work authorization and can apply for both at the same time. Like deferred action, work authorization will last for two years and is renewable. More guidelines are forthcoming for employers.

Confidentiality

USCIS policy is that information in the application for deferred action will not be given to ICE for removal procedures unless the applicant is found to be a threat to national security, has been convicted of a criminal offense, or knowingly falsifies their application. Similarly, if an individual is denied deferred action, their case will only be shared with ICE under the same guidelines. This policy applies to applicants, their families, and their guardians.

Application Process

Applicants can apply only after August 15, 2012. Forms for deferred action and work authorization are available [here](#). Applicant will receive a receipt after the application is received by USCIS. If the application is accepted, applicants will appear in person to undergo a background check to screen for past criminal behavior. The process will likely take a few months, and applicants will be able to track the progress of their application online. After a decision is made, individuals will not be able to reopen or appeal decisions. After two years, the individual will have to re-apply for deferred action and work authorization with similar fees.

Documents Needed

Documents needed to prove an individual resided in the U.S. for 5 years prior to June 15, 2012, and was in the country on that day, include but are not limited to financial, school, medical, military and employment records. Documents needed to prove education status include but are not limited to diplomas, GEDs, report cards, and transcripts. Affidavits are not enough on their own, but can be used to fill gaps in the document record or if there is a shortcoming in documentation regarding travel abroad. Circumstantial evidence can also be used to fill gaps in the document record. For more information, please refer to the FAQs on the USCIS website.

Fees

The fee for application is \$465, which includes a \$365 for the employment authorization application and \$80 for a fingerprint fee. There are no fee waivers, but there are exemptions. Guidelines for fee exemptions:

- If individual is under 18 years old, homeless or in foster care, or lacks familial support and has income under 150 percent of the federal poverty line.
- If an individual is ill or disabled and cannot care for themselves and has income under 150 percent of the federal poverty line.
- If an individual has accumulated \$25,000 in debt due to medical costs for them or a family member and has income is under 150 percent of the federal poverty line.

ADDITIONAL INFORMATION

Additional information, including FAQs, a flier and a how-to, are available at the USCIS website at www.uscis.gov/childhoodarrivals, or by calling the USCIS hotline at (800) 375-5283.