



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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What Does Obama’s Directive on “Deferred Action” Mean for Me?

President Obama’s June 15, 2012 directive grants “deferred action” status to prevent eligible young people from being deported. However, getting deferred action does not mean you can get a green card or citizenship.

<p>Eligibility Criteria You CAN qualify for deferred action if you:</p>	<p>But wait! You may not be eligible if you have serious immigration violations. Consult with an attorney if you:</p>
<ol style="list-style-type: none"> 1. Are at least 15 years old at the time of filing your request; 2. Were under the age of 31 as of June 15, 2012; 3. Came to the United States before you were 16 years old; 4. Have been living in the United States continuously since June 15, 2007; 5. Were present in the United States on June 15, 2012 and at the time you apply; 6. Were without lawful status on June 15, 2012; and 7. Are currently in school, graduated from high school, received a GED, graduated with an associates or bachelor’s degree, or are a 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. • Pose a threat to national security or public safety.
<p style="text-align: center;">Applications for deferred action are now available at http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca.</p>	

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 status, you can also travel in certain 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 or other legislation that would apply to immigrant youth who came to the U.S. as children. Deferred action is available for two years. At the end of the two years, you must apply for renewal of your deferred action under DACA with U.S. Citizenship and Immigration Services. Even if you meet the eligibility criteria, deferred action is not guaranteed and can be terminated at any time. There is no appeals process. If you

apply and do not meet basic eligibility requirements or have serious immigration violations, the government may initiate deportation (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 7 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 DACA application itself, but you must submit a total fee of \$465—paid to “U.S. Department of Homeland Security”—for the work permit and fingerprint requirement.

BEWARE of any potential scams and fraud! You do not have to pay anyone to help with this application. Many organizations are offering free legal services.

FAMILY MEMBERS of eligible young people are **NOT** eligible for deferred action unless the family members meet the eligibility criteria themselves.

HOW TO RENEW

If you already have DACA, submit your renewal application at least 120 days (4 months) to 150 days (5 months) before your deferred action period expires. Requests received earlier than 150 days in advance will be accepted; however, this could result in your renewal period being extended for less than a full two years from the date when your current DACA period expires. To renew, submit a new I-821D, I-765, and I-765WS along with another \$465 fee. You do not need to submit supporting documents again unless you have new immigration and criminal history documents previously not submitted. Instructions and forms are available at www.uscis.gov/childhoodarrivals.

FOR MORE INFORMATION Learn more about DACA from AALDEF’s FAQ at: <http://aaldef.org/obamas-dream-act-directive-on-deferred-action----faqs.html>.

FREE LEGAL ADVICE & SUPPORT Contact AALDEF at (212) 966-5932 or info@aaldef.org. AALDEF holds free DACA legal clinics to provide advice and representation. AALDEF also hosts a youth group for undocumented Asian American youth to provide a safe space and support organizing for fair immigration policies. Email or call us for more information.

Supporting Documents Checklist

- Passport from your country of origin
- Birth certificate
- 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

(Updated August 2015)