

DACA

Deferred Action for Childhood Arrivals

The President through the Department of Homeland Security (DHS) issued a memo requesting that the **removal (deportation)** of certain child arrivals brought to the U.S. as minors and meeting other requirements will be eligible for **Deferred Action** prosecutorial discretion for low enforcement priorities.

On **January 20, 2021**, President Biden directed the DHS to accept first-time requests for DACA, accept DACA renewal requests, accept applications for travel authorization (advance parole) and extending grants to two years.

DACA applies to certain youths in the U.S. *without* lawful immigration status. Such individuals currently without lawful status or in removal proceedings *and* as eligible for Deferred Action will be offered relief for a period of two years, subject to renewal and revocation.

Deferred Action does not grant any lawful immigration status, however during this period, no “unlawful presence” will be counted towards that individual.

Immigrants who are not currently in removal proceedings and meet the eligibility requirements for DACA must submit applications demonstrating their eligibility. Eligible applicants will be able to obtain a U.S. work authorization permit (EAD) and after approval, be able to apply for an advance parole travel document.

Basic DACA Eligibility Requirements

- Under the age of 31 as of June 15, 2012
- Came to the United States before 16th birthday
- Continuously resided in the United States from June 15, 2007 up to the present
- Physically present in the United States on June 15, 2012
- Lawful immigration status expired or entered without inspection as of June 15, 2012
- Currently in school, graduated or certified completion of high school, have a general education development (GED), or honorably discharged from the U.S. military
- Not been convicted of a felony, certain misdemeanors, three or more misdemeanors, and not otherwise pose a threat to national security or public safety

Applicants in Removal Proceedings

Immigrants in removal (deportation) proceedings and **not** detained will be eligible, even if an offer of “administrative closure” was previously declined and if a final order of deportation or voluntary departure has been issued. Determinations of eligibility will be made on a case-by-case basis.

Applicants *will not be granted permanent resident status*,
may not sponsor immigrant relatives and may be unable to travel abroad.
After granted, the Deferred Action may be revoked at any time.

DACA Application Document List

Applicant

- Passport (current and expired)
- I-94 card or I-94 printout
- USCIS Approval Notices and Employment Authorization Card (I-797, I-20, EAD)

- State issued identity document (drivers license, ID card), if applicable
- Birth Certificate

- Evidence of physical presence in US prior to age 16
- Evidence of physical presence from June 15, 2007 to date of filing
(School ID, transcripts, yearbook, medical/dental records, vaccinations, sports registrations,
photo's, bank accounts, paystubs, rent or utility records, other official records)
- H.S. diploma, GED or evidence of current enrollment

- Photos—passport style (2)
- Filing fee of \$495

Basic DACA Eligibility

Yes *No*

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Under the age of 31 as of June 15, 2012? |
| <input type="checkbox"/> | <input type="checkbox"/> | Enter the U.S. before reaching your 16 th birthday? |
| <input type="checkbox"/> | <input type="checkbox"/> | Continuously resided in U.S. from June 15, 2007 to the present time? |
| <input type="checkbox"/> | <input type="checkbox"/> | Physically present in the U.S. on June 15, 2012? |
| <input type="checkbox"/> | <input type="checkbox"/> | Immigration status expired or EWI before June 15, 2012? |
| <input type="checkbox"/> | <input type="checkbox"/> | Have GED, enrolled in or graduated from high school or college? |
| <input type="checkbox"/> | <input type="checkbox"/> | Convicted of felony, serious misdemeanor, or 3+ misdemeanors? |

Fong•Ilagan, LLP works with clients to simplify U.S. immigration. To discuss your case with an experienced board-certified attorney, please contact our office at 713.772.2300.