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Applications to USCIS for Deferred Action for Childhood Arrivals (DACA) Commence Tomorrow, on August 15, 2012

Tiyalaw · Tuesday, August 14th, 2012

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The U.S. Citizenship and Immigration Services (USCIS) will start accepting applications for Deferred Action for Childhood Arrivals (DACA) tomorrow, on August 15, 2012. Applications are submitted on Form I-821D, Consideration of Deferred Action for Childhood Arrivals, Form I-765, Application for Employment Authorization (with accompanying fees); and an I-765WS, Worksheet to show economic need for employment authorization. For more information on how the deferred action process will work, an applicant may visit USCIS websites at:

1. http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f2ef2f19470f7310VgnVCM100000082ca60aRCRD&vgnextchannel=f2ef2f19470f7310VgnVCM100000082ca60aRCRD
2. http://www.uscis.gov/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/daca-consider.pdf
3. http://www.uscis.gov/USCIS/Resources/daca.pdf

On June 15, 2012, the U.S. Department of Homeland Security (DHS) announced, effective immediately, certain young people who were already brought to the United States as young children may be considered for prosecutorial discretion of deferred action (temporary discretionary relief from facing removal/deportation) for two years, upon meeting stipulated criteria through verifiable documentation.

Once granted deferred actions, applicants may apply for employment authorization documents and renewal of deferred actions.

Some of the criteria for being considered for deferred actions are:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Deferred actions are discretionary and adjudicated on a case-by-case basis. The deferred action, own its own, does not confer immigration status or right to citizenship, but allows an individual to apply for employment authorization document (EAD). These deferred actions are where immigration exercises prosecutorial discretion of deferring prosecution of removal/deportation of these individuals.

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We represent employers, and individuals and their families in green card, citizenship and work visa matters in U.S. immigration law. We also have a focus on green card cases such as extraordinary ability, national interest waiver, PERM, family; work and related visa matters such as H, L, P, O, E, K.

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