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In the U.S. Illegally? Need to fix U.S. Immigration Status? Consider Applying for DAPA Around May 19, 2015 or Expanded DACA February 18, 2015.

Tiyalaw · Friday, January 16th, 2015





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The President announced several executive actions on November 20, 2014.

Parents without immigration status or who are illegally present in the U.S. (undocumented parents) of U.S. citizens or green card holders may request deferred action from removal or deportation under DAPA. They can also apply for a 3-year **work permit (employment authorization document/EAD). DAPA stands for** Deferred Action for Parental Accountability Program. **They must have no immigration status on November 20, 2014**. They must be parents of U.S. citizens

or lawful permanent residents/green card **sons or daughters born on or before November 20, 2014.** Among other things, **such parents must also have been continuously living in the U.S. since January 1, 2010**; and must have passed the required background checks. Eligible applicants should be able to apply for DAPA around May 19, 2015.

Additionally, the executive actions are expanding the categories of **people who are illegally present in the U.S. (undocumented individuals)** who may apply for **provisional waivers.** Provisional waiver is a process for an eligible applicant to **apply** for approval of **waiver** of certain time bar **prior to leaving the U.S. for immigrant-visa or green card consular processing.** The waiver is for time bar that would have been triggered by departing the U.S. **after having been illegally present for a certain period in the U.S.** (**unlawful presence**). The expanded provisional waiver is including those who have lived in the U.S. for at least 180 days; and **who are spouses, or sons and daughters of green card holders, or sons and daughters of U.S. citizens.**

The executive actions are also expanding DACA eligibility. DACA means Deferred Action for Childhood Arrivals. DACA applies to certain individuals **who has no immigration status or are illegally in the U.S.**, **and who arrived in the U.S. as a child (before 16 years old). Eligible DACA applicants may apply for deferred action from deportation or removal, and apply for work permit.** The executive actions are expanding work authorization to 3 years from 2 years; the age requirement to include those born prior to June 15, 1981; the continuing residence **to include those living in the U.S. since January 1, 2010** instead of June 15, 2007. All other DACA prior requirements must be met. Eligible applicants should be able to apply for this expanded DACA around February 18, 2015. The U.S. Citizenship and Immigration Services (USCIS) is already approving work permit/work authorization for 3 years for certain applications for DACA extensions.

These recent executive actions are not yet effective. Individuals cannot yet apply for DAPA deferred actions or expanded DACA deferred actions until the anticipated dates above.

The government will provide guidelines in the coming months. The guidelines may provide additional criteria and further outlining eligibility. Please stay tune and sign up for our eNews for future updates.

This article is intended for informational purposes only, and should not be relied on as legal advice or attorney-client relationship.

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