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USCIS Expects to Accept Deferred Action Applications From Certain Young People on August 15, 2012!

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U.S. Department of Homeland Security (DHS) announced today (08/03/2012) that on August 15, 2012, U.S. Citizenship and Immigration Services (USCIS) is expecting to begin accepting deferred action applications from certain young people who were already brought to the United States as young children, and will make all forms, instructions, and additional information on the process available on August 15, 2012. Deferred action applications **should <u>not</u> be filed to USCIS <u>before</u>** August 15, 2012.

USCIS highlighted the following preliminary procedures:

- Requestors – those in removal proceedings, those with final orders, and those who have never been in removal proceedings – will be able to affirmatively request consideration of deferred action for childhood arrivals with USCIS.
- Requestors will use a form developed for this specific purpose.
- Requestors will mail their deferred action request together with an application for an employment authorization document and all applicable fees to the USCIS lockbox.
- All requestors must provide biometrics and undergo background checks.
- Fee waivers cannot be requested for the application for employment authorization and biometric collection. However, fee exemptions will be available in limited circumstances.
- The four USCIS Service Centers will review requests.

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.

Young people who may meet the criteria, but **who are not in removal (deportation) proceedings**, **should not submit** their applications for **deferred action to the U. S. Citizenship and Immigration Services (USCIS) yet**. USCIS is still developing procedures for deferred action applications, and will implement application procedures within 60 days from June 15, 2012.

At this time, a young applicant, currently in removal proceeding (without a final removal order) and meeting DHS deferred action criteria, may contact ICE (U.S. Immigration and Customs Enforcement) at 1-888-351-4042. **Eligible young people with unexpired voluntary departure and meeting deferred action criteria may consider the option of motion to reopen their cases with ICE.**

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

The criteria for being considered for deferred actions are:

1. Came to the United States under the age of sixteen;
2. Have continuously resided in the United States for a least 5 years preceding the date of DHS deferred action memorandum (June 15, 2012) and are present in the United States on the date of DHS deferred action memorandum (June 15, 2012);
3. Are currently in school, have graduated from high school, have obtained a general education development certificate, or are honorably discharged veterans of the Coast Guard or Armed Forces of the United States;
4. Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety; AND
5. Are not above the age of thirty.

Deferred actions are adjudicated on a case-by-case basis. Deferred actions do not confer immigration status or right to citizenship, but such individuals may 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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