



Deferred Action for Childhood Arrivals

(ENGLISH VERSION)

What is Deferred Action for Childhood arrivals?

- It is where the Department of Homeland Security (DHS) has decided to exercise their **prosecutorial discretion** to defer/postpone action against individuals who entered the United States of America **illegally as children** and also meet certain other **criteria**.

What does Deferred Action for Childhood Arrivals offer and what does it not offer?

■ OFFER:

- Defers removal from the United States for two years with the possibility of an extension
- Eligible to receive Employment Authorization

■ NOT OFFER:

- Permanent Residence (Green Card) or Citizenship for the applicant or his/her family
- Does not excuse any prior period of unlawful presence in the United States

Deferred Action for Childhood Arrivals:

- Is open to those who have never been in removal proceedings as well as those in removal proceedings, with a final order, or voluntary departure order, as long as they are not in detention
- If in detention you should contact your detention officer or contact the Immigration Customs and Enforcement (ICE) Office of the Public Advocate at 1-888-351-4024 or EROPublicAdvocate@ice.dhs.gov

Age Requirement for Deferred Action for Childhood Arrivals:

- If you have never been in Removal Proceedings or your Proceedings have been Terminated then you must be fifteen (15) years or older when you file
- If you are in Removal Proceedings, have a final removal order or voluntary departure order, and are not in detention, then you may be younger than fifteen (15)

Why is DHS doing this?

- DHS has a lot of cases and wants to focus on the high priority cases that deal with public safety, border security and integrity of the immigration system
- Individuals who meet the criteria for “Deferred Action for Childhood Arrivals” are considered to be **low priority cases**

So do I qualify for Deferred action for Childhood Arrivals?

■ CRITERIA:

- 1) Were thirty (30) years of age or younger as of June 15, 2012;
- 2) Came to the United States under the age of sixteen (16);
- 3) Have continuously resided in the United States since June 15, 2007 up to the present time (approx. last five (5) years);

■ CRITERIA Cont'd:

- 4) Were present in the United States on June 15, 2012;
- 5) Are currently in school, have graduated from high school, have obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- 6) 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; and



■ CRITERIA Cont'd:

- 7) Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012.

MUST MEET ALL OF THESE CRITERIA

Filing Process

- Fill out the forms for deferred action along with the appropriate form requesting employment authorization
- Provide **Evidence** along with the forms
- Send a check for the **Fee**
- USCIS will contact you for a background check (Biographic and Biometric info against a variety of databases)

Best Evidence

- To prove **Age and Period of Residence** in the United States you will need to provide **financial, medical, school, employment or military Records**
- To prove **enrollment or graduation from School** provide **diplomas, GED certificates, report cards and school transcripts**
- To prove **Veteran** status provide report of **separation forms, military personnel records and military health records**

Additional Evidence

- Affidavits- generally these will not be sufficient but may supplement documentary evidence to:
 - a) fill gaps in the five (5) year continuous residence requirement; and
 - b) to show that any departures during the five (5) years were brief, casual and innocent
- Circumstantial Evidence- may be used to satisfy the same requirements as above, along with:
 - a) applicant was physically present in the United States on June 15, 2012; and
 - b) applicant came to the United States before reaching their sixteenth (16th) birthday

Things to consider...

- All applications will be evaluated on a case-by-case basis
- There is no precedent for Deferred Action of Childhood Arrivals, so some areas are unclear
- **There is no set amount of time Deferred action for Childhood Arrivals will be in effect, so if you qualify act soon!**

Important Points Going Forward...

- Any travel outside the United States after August 15, 2012 will disqualify you, regardless of when you file your application
- You must be enrolled in school when you file your application
- Stay out of trouble...criminal activity will prevent you from getting deferred action

What to watch out for?

- Avoid Scams- Nobody can expedite your deferred action regardless of how much you pay them. Focus on submitting a complete and thorough application.

Questions/Concerns /Assistance?

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