



## Administrative Relief

### Deferred Action for Childhood Arrivals

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#### ATTENTION: Expanded DACA Delayed

Two days ago, Texas District Court Judge Andrew Hanen temporarily stopped the implementation of the immigration programs- Deferred Action for Parental Accountability (DAPA) and the expanded Deferred Action for Childhood Arrivals (DACA)- announced by President

Obama on November 20, 2014. Here are several important takeaways about what this decision means today:



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1. The decision is just temporary. The Obama administration has already announced that it will be filing an appeal right away.
2. DAPA and expanded DACA will likely be implemented in the future, but the dates may be delayed beyond the ones originally announced. Legal scholars around the country are confident that the Department of Homeland Security has the constitutional and legal authority to carry out these programs. A higher court will likely rule that this lawsuit does not have merit.
3. Current DACA program is not affected by this ruling. If you have DACA, qualify under the June 2012 version, have an application pending, or have submitted a renewal, you will not be affected.
4. Continue preparing for the DAPA and/or DACA. Gather your

paperwork, attend information sessions, and share these messages

## 5. Wait for more information on the DACA expansion

. Yesterday, Secretary Jeh Johnson from the Department of Homeland Security announced that USCIS will NOT be accepting applications for expanded DACA (Read his statement [here](#)). Please do not submit any applications if you only qualify based on the expanded eligibility rules.

## Preparing for Expanded DACA

Although the release for expanded DACA has been delayed, you can still continue to prepare the documents for your application. Here is what has been delayed:



On November 20, 2014

President Obama announced a number of changes to our nation's immigration system. One of those changes was the expansion of the Deferred Action for Childhood Arrivals (DACA) program. See below for information on renewals. The requirements for DACA have changed since it was first announced on June 15, 2012. You may now qualify if:

1. You came to the United States before turning 16 years old;
2. You have continuously resided in the United States from January 1, 2010 until today;
3. You were actually present in the United States on June 15, 2012;
4. You had no lawful immigration status on June 15, 2012;
5. You are currently in school, have graduated from school, or obtained a certificate of completion or GED; and
6. You have not been convicted of a felony, a significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

If you meet these qualifications, you can be granted deferred action for a period of three years (instead of two years, as it was previously). With deferred action, you can obtain work authorization, a social security number, and a license.

Unlike the previous version of DACA:

- there is no age limit for applicants. You can be 15 years old, 25 years old, or 45 years old when applying if you meet the other requirements above;
- there is no requirement to have arrived in the United States by June 15, 2007. Now, you can be eligible if you were continuously residing here since January 1, 2010; and
- all approved applications will be for three years, instead of two years.

Lifting the age ceiling, moving continuous residence forward to January 1, 2010, and adding an additional year were the major changes between the 2012 and 2015 versions of DACA. Of course, all DACA applicants must have been physically present and without immigration status on June 15, 2012 to be eligible. This should not be confused with the rumors that being without status on November 20, 2014 made you eligible. It did not. For the full list of Frequently Asked Questions (with answers) on expanded DACA, please visit the official USCIS website at [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

## Current DACA- Renewals & Initial Requests

USCIS was supposed to be releasing an updated Form I-821D for initial requests and renewals today, February 18, 2015. Due to the temporary injunction described above, the release of this new form is being delayed. Therefore,



- If you are renewing, please continue to use the current version of Form I-821D available at USCIS's website, [www.uscis.gov/i-821d](http://www.uscis.gov/i-821d). To ensure processing before your current DACA expires, submit the renewal between 120 and 150 days to expiration.
- If you are applying for the first time and qualify under the [June 2012 DACA guidelines](#), you may use the current version of the Form. Please consider seeking legal advice and assistance. If you are proceeding on your own, follow the instructions available at [www.uscis.gov](http://www.uscis.gov) for all of the required documents

and attachments, including Forms I-765 and I-765WS.

- If you want to apply for the expanded DACA program announced on November 20, 2014, please hold off on applying right now. When the injunction is lifted and the new Form is released, we will let you know right away.

## Beware of Notario Fraud

Speaking of eligibility and rumors, it is important that you consult with a licensed attorney or BIA-accredited representative for legal advice before applying. Only attorneys and BIA-accredited representatives can give you legal advice. Notarios and immigration consultants cannot practice law or advise you of your rights and eligibility. If you are unsure of someone's qualifications or licensure, just ask. You have waited too long to risk your immigration future on a scam.



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