



DAPA

frequently asked questions

Texas District Court Judge Andrew Hanen temporarily stopped the implementation of the immigration program called Deferred Action for Parents of Americans (DAPA) that was announced by President Obama on November 20, 2014. However, the decision is just temporary. We believe that it will be possible to apply for DAPA at some point in the future. In the meantime, many people are asking the following questions:

I already have a work permit. Do I really need DAPA? Maybe. There are lots of different reasons why someone might have a work permit. Some are permanent but some are only temporary. Lots of people who have work permits for temporary reasons might still want to apply for DAPA. You should get high quality legal advice as soon as possible in order to plan your options.

I believe I will be eligible for DAPA, but my U.S. citizen child is going to apply for me when he/she turns 21 next year. Do I really need DAPA? Yes. If you do not currently have immigration status and you want the temporary protection from deportation and work authorization that DAPA will offer, you should consider applying for DAPA. If you are anticipating that you will be eligible for something in the future, that is great, but there are no guarantees. It can be very complicated and sometimes impossible to get permanent legal immigration status through family if you have been unlawfully present in the U.S. It is not automatic that you will get any status through your child in the future.

I believe I will be eligible for DAPA or expanded DACA, but I have a petition pending already through my parent who is a Lawful Permanent Resident (green card holder). Should I apply for DAPA or DACA? Will it hurt my pending case? Generally, a pending family-based petition does not provide work authorization or protection from deportation. If you want the temporary protection from deportation and work authorization that DAPA offers, applying will not hurt your pending case.

I have been deported before. Can I qualify for DAPA? Maybe. You will need individual legal advice, but some people who have been deported before will be eligible for DAPA. It will depend on the timing and circumstances of your deportation.

