



Frequently Asked Questions about Deferred Action for Childhood Arrivals

What is deferred action?

Deferred action is a power vested in the executive branch to halt the deportation of individuals. It gives people that otherwise would be deportable a temporary relief to stay in this country. Usually, deferred action also gives individuals the opportunity to apply for a worker's authorization. On June 15, 2012 the Department of Homeland Security announced a new policy of deferred action for childhood arrivals.

Who is eligible to apply for deferred action?

DHS provided a list of criteria for young people. These are:

1. Person must have arrived to the U.S. before the age of 16.
2. Person must be 15 years old to apply. People that are younger than 15 but are in deportation proceedings are eligible to apply even if they have not reached the age of 15.
3. Must have been less than 31 years old on June 15, 2012
4. Must have lived continuously in the U.S. since June 15, 2007 and is currently living and was present in the U.S. on June 15, 2012.
5. Currently be enrolled in school, or have obtained a high school diploma or GED, or have had honorable discharge from the Armed Forces or the Coast Guard.
6. Must not have had legal status on June 15, 2012. This means that the person either entered without authorization before June 15, 2012 or if they entered legally, their immigration status must have expired before June 15, 2012.
7. Must not have been convicted of a felony, serious misdemeanors or three or more less serious misdemeanors.

When can I apply for deferred action?

Since August 15 2012, U.S. Citizenship and Immigration Services has been accepting the following applications for consideration for Deferred Action:

- Form I-821D, Consideration of Deferred Action for Childhood Arrivals
- Form I-765, Application for Employment Authorization
- Form I-765W Worksheet

What kind of educational programs are considered to be currently enrolled in a school?

- a public or private elementary school, junior high or middle school, high school, or secondary school;



- an education, literacy, or career training program (including vocational training) that has a purpose of improving literacy, mathematics or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; or
- an education program to obtain a regular high school diploma or its recognized equivalent under state law or enrolled in a program that prepares you to passing a General Educational Development (GED) exam or other equivalent state-authorized exam.

How long does deferred action last?

If you are offered deferred action it will be granted for a period of 2 years. However after the two years pass you can renovate the relief.

Are there any benefits attached to being offered deferred action?

For eligible individuals, deferred action offers protection against deportation and a worker's authorization.

What are the costs associated with the deferred action application?

The total fees will be \$465. These costs would cover both the deferred action application and the employment authorization application. All applications are to be sent together. Additionally, the cost includes biometrics. Fee waivers are not available for deferred action, but fee exemptions might be available on very limited circumstances.

Will I be able to apply for permanent residence after obtaining deferred action?

No. Like we mentioned before, this is an administrative power that the Executive Branch has to halt deportation. Only Congress has the power to give individuals permanent residence or a pathway to citizenship.

If I qualify for this relief but I am currently in danger of being deported, what should I do?

You should contact the Law Enforcement Center immediately at 1-855-448-6903 or the ICE Public Advocate at 188-351-4024 immediately.