

Please note today's information is contained in the updated FAQ at www.uscis.gov/childhoodarrivals .

Beginning August 15, 2012 (tomorrow) individual may submit a request for Deferred Action for Childhood Arrivals (DACA)

DACA Request Forms

- The request must include a Form I-821D, Consideration of Deferred Action for Childhood Arrival
- The form and instructions are now available on the USCIS website at:
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextto id=05faf6c546129310VgnVCM100000082ca60aRCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>
- The request must also include a Form I-765 and a Form I-765-WS to demonstrate economic necessity for an employment authorization document (EAD)
- The total fee will be \$465 and will include the biometrics fee and issuance of a secure EAD
- See the website and form instructions for details and mailing instructions to the correct USCIS lockbox facility

DACA Process

- After forms received USCIS will review for completeness including whether the required fee is included (fee exemptions will only be available in limited cases, see USCIS FAQ at www.uscis.gov/childhoodarrivals)
- Once the request is accepted as complete, USCIS will send a receipt notice
- USCIS will send an appointment notice for an Application Support Center (ASC) appointment for biometric services
- People will be given sufficient notice of their ASC appointment date so that it can be rescheduled if needed
- Failure to attend the ASC appointment may delay processing of request or result in a denial of the request

- Each request for DACA will be reviewed on individual, case by case basis following background and fraud checks
- If insufficient evidence submitted, USCIS will request more info or schedule an interview at a CIS office
- Decisions will be in writing
- If the request is granted will receive EAD separately
- While individual processing times will vary, typically will take several months
- People can check status online at www.uscis.gov

Summary of Education Guidelines

- See more details on the updated FAQ at www.uscis.gov/childhoodarrivals
- “in school” = must be enrolled in public or private elementary, junior, middle, secondary or high school or education, literary or career training program including vocational training designed to lead to post-secondary education, job training or employment and working toward such placement or in obtaining HS diploma or equivalent under state law or GED or other equivalent exam
- Such training includes but not limited to program funded by federal or state grants; others may qualify if administered by those with demonstrated effectiveness including community colleges and certain CBOs
- In assessing whether qualifies if not funded by state or fed grants, USCIS will consider duration of program existence, track record in helping students in passing GED or state exam or in placing students in secondary education, job placing or employment
- People seeking to show currently in school - burden on requestor to show program’s demonstrated effectiveness
- If currently in school and later apply for renewal of DACA, must show substantial, measurable progress in school or have passed exam
- Circumstantial evidence not accepted to show educational attainment, must show direct documentary evidence
- Additional details on the updated FAQ at www.uscis.gov/childhoodarrivals

Disclosures

- If a case is referred to ICE for enforcement or a requestor receives a NTA from USCIS; USCIS will not share with ICE information related to family members or guardians contained in the request for enforcement against those people but can be shared with national security and law

enforcement for purposes other than removal, including for consideration of DACA to prevent fraudulent claims, for national security or for prosecution of a criminal offense

Q&A with Caller Audience

We made a request for 4 clients between 6/15 and now for deferred action through public advocate for ICE or through OCC; if not granted as of tomorrow, does one forget previous process and apply again through this process or what do they do?

- Separate process; if they indicated they will already grant DA then can continue with that; or can request review of case through USCIS even if already applied; best options is probably to refer inquiry to office of public advocate

Program initially discussed as families bringing in children; what if someone came in by themselves before age 15, are they also covered?

- If they meet the guidelines then will be considered for DACA whether they were accompanied by family or not

What about previous immigration violations – prior removal, EWI multiples times; false claim to USC – will that disqualify someone or be part of the discretionary decision?

- Underscores important point; exercise of prosecutorial discretion is individual and case by case and depends on the facts; we would review the facts under totality of circumstances lens; assuming person meets the guidelines we would consider the initial facts of the case through that lens

CBP encounters issue - they have said they would detain, do a complete investigation and then release; in past they've said they would only release with an NTA; they have said memo does not apply to them because only an ICE memo; for encounters by CBP and others will they follow ICE process; especially where CBP handles local detainees?

- The Secretary's memo directs CBP and ICE that individuals who meet guidelines should not be arrested and removed for immigration enforce violations

- If CBP finds an individual who appears to meet guidelines, then will run background check and only detain as long as necessary to see if have a criminal history that would make them ineligible; then we are telling them to go to CIS to request a review; not being served an NTA; ICE memo does not apply to CBP but the Secretary's memo does apply

- Problems with CBP? Point out Secretary's memo, it's very clear at this point

What about if some came to the US at 11 years old – will they have the opportunity to apply in the future?

- Yes they may if they meet the guidelines once they turn 15, no deadline on this process

For those with final orders, will there be a motion to reopen (MTR) process or can they directly file?

- People should first request DACA from CIS; if action deferred then reach out to OCC to MTR

If a felony or serious misdemeanor, can they expunge and still possibly qualify?

- Yes, we have additional information on this subject in the updated FAQ; expungements will be treated on a case by case basis

Programs with pre-requisites for GED like an ESL program at a community college, will that qualify?

- If the program designed to lead to placement in post-secondary education, job training or employment then can qualify; if stand alone may not qualify; will be handled on case by case basis; burden on applicant to show the program qualifies

Page 3 of the Secretary's memo says this USCIS process is also available to those subject to final orders regardless of age. What does this mean?

- 15-year old age limit does not apply to those in removal or subject to final order

Can we use school records online and print them to show education?

- In updated FAQ we provide further guidance as to documentation we will review when considering DACA

CIS historically has not treated juvenile delinquency findings as convictions, will that be the case here?

- We will be reviewing juvenile findings on a case by case basis; juvenile delinquency does not necessarily mean that DACA will not be considered, will be reviewed on a cases by case basis; looking at public safety when reviewing delinquency; will look at severity of offense and recency of conduct; minor conduct years ago with no recidivism will likely not be a problem; goal is public safety

You have said will use various databases, are there any specific gang databases?

- Use federal databases

If someone was working with a valid SSN but not valid for employment but used it to work, will hinder case in any way?

- Look at FAQs to address this issue