

DACA/DAPA Fact Sheet



National Network for Immigrant and Refugee Rights
www.nnirr.org

General Overview of DACA -- the Deferred Action for Childhood Arrivals

What is DACA?

- Announced on June 15, 2012 by the Secretary of Homeland Security, under the administration of President Barack Obama.
- Permits temporary authorization for undocumented immigrants who meet certain guidelines to remain in the United States.

How long does DACA permit eligible recipients to remain in the United States?

- Eligible grantees are permitted deferred action for a period of two years, which may be considered for renewal.

What does deferred action mean?

- Deferred action means delaying the deportation of an undocumented immigrant for a certain period of time.

What are the guidelines to be considered for DACA?

- Came to the United States before reaching 16th birthday;
- Continuously resided in United States since June 15, 2007, up until the present time;
- Under the age of 31 as of June 15, 2012;
- Had no lawful status on June 15, 2012;
- Currently in school, have graduated or obtained certificate of completion from high school, have obtained General Education Development certification, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States of America;
- Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety;
- Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS.

[Check out the Deferred Action for Childhood Arrivals official announcement and general overview video here.](#) (Official video by USCIS)

The DACA 'Expansion'

On Nov. 20, 2014, President Barack Obama announced his Executive Action on immigration that included an expansion of eligibility for DACA. *However, due to a lawsuit challenging the constitutionality of the Executive Action, the program has not been implemented.*

If and when the expanded program goes into effect, the DACA program would include undocumented immigrants of any current age who had entered the U.S. before the age of 16 and have lived here continuously since January 1, 2010; it also would extend the period of DACA and work authorization from two years to three years.

Filing for DACA for the first time:

- Collect documents as evidence to meet the guidelines. For a list of documents, go to http://www.ilrc.org/files/documents/what_documents_will_i_need_daca_english_0.pdf
- Complete USCIS form I-821D, I-765, I-765WS. These forms can be found at <http://www.uscis.gov/i-821d>
- Mail USCIS forms and fees (total \$465).
- Submit biometrics.
- Check the status of your request online.
- Go to www.uscis.gov/childhoodarrivals for information on the USCIS website.

DACA Renewal (According to USCIS)

You may request a renewal if you met the initial 2012 DACA guidelines and you:

- Did not depart the United States on or after Aug. 15, 2012, without advance parole;
- Have continuously resided in the United States since you submitted your most recent DACA request that was approved; and
- Have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

When should you request a renewal?

- Between 150 days and 120 days before the expiration date located on the current Form I-797 DACA approval notice and Employment Authorization Document (EAD)

How to renew?*

Complete and sign:

- [Form I-821D](#), *Consideration of Deferred Action for Childhood Arrivals*. Use the most recent version of Form I-821D on the USCIS website or USCIS will reject it. Find forms at www.uscis.gov/childhoodarrivals
- [Form I-765](#), *Application for Employment Authorization*
- [Form I-765W Worksheet](#)

Follow the instructions on all three forms to submit them to USCIS. There is a \$380 filing fee for Form I-765 and an \$85 biometric services (fingerprints and photo) fee, so the total cost is \$465.

**We encourage anyone who is considering a renewal for deferred action to carefully review the eligibility criteria and to consult with credible advocacy and legal groups before applying.*

About DAPA - Deferred Action for Parents of Americans and Lawful Permanent Residents

As part of the President's Executive Action on Nov. 20, 2014, the DAPA program was also announced.

However, like the expanded DACA, it has not yet been implemented due to a lawsuit. If and when it is implemented, DAPA would provide temporary authorization (3 years) to the undocumented parent of a U.S. citizen child. To be eligible:

- You should have lived in the U.S. continuously since Jan. 1, 2010, up to the present time;
- You need to have been physically present in the U.S. on Nov. 20, 2014, and at the time of making your application DAPA with USCIS.

- On Nov. 20, 2014, you had no lawful status and had a son or daughter, of any age or marital status, who is a U.S. citizen (USC) or lawful permanent resident (LPR); and
- You have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors; do not otherwise pose a threat to national security; and are not an enforcement priority for removal.

Employment authorization, to work legally in the U.S., could also be granted for a three-year period.