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Document Checklist Deferred Action for DREAMers

Disclaimer: This handout does not constitute legal advice and should not take the place of individualized legal advice.

On June 15, 2012, President Obama announced that the U.S. Department of Homeland Security (DHS) will Defer Action on the deportation of certain young people brought into the United States as children through no fault of their own. This program is not open to everyone.

These are the requirements to receive Deferred Action under this program:

- The person came to the United States under the age of sixteen,
- The person has continuously resided in the United States for at least five years preceding June 15, 2012 and was present in the United States on June 15, 2012,
- The person is currently in school, has graduated from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States,
- The person has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or does not otherwise pose a threat to national security or public safety, and
- The person is not above the age of thirty.

As of the publication of this checklist, the application period with the USCIS has not yet opened. There is limited information as to what documentation the government will accept. **Do NOT submit requests for Deferred Action until you have first obtained legal advice from an immigration attorney or a Board of Immigration Appeals (BIA) accredited representative.**

Before you go to an immigration attorney or a BIA accredited representative for legal advice, you might first try gathering some of the below documentation to help them determine if you are eligible to receive Deferred Action. The list below is not a complete list of all documents that you can gather. Instead, it is merely a recommendation of some documents that you can gather to bring to an immigration attorney or BIA accredited representative. They might have ideas of other documents that you could gather.

Before visiting an immigration attorney or a BIA accredited representative, gather some of the following documentation to help determine if you are eligible for Deferred Action. You are not required to gather each and every document listed below. Try to gather documents under each eligibility criteria. Some documents can prove multiple criteria. For example, a

valid expired or unexpired passport with your picture, name, and date of birth, and date of admission might prove (1) your identity and also (2) that you arrived in the United States at least five years before June 15, 2012, and (3) you arrived in the United States before your 16 birthday.

To apply for Deferred Action, you will need to meet a number of criteria, including the following:

- Proof of identity
- Proof of arrival in the United States before age 16
- Proof of physical presence in the United States on June 15, 2012
- Proof of continuous residence in the United States for *at least* 5 years before June 15, 2012
- Proof of enrollment in school, or proof of graduation from high school, or proof of receipt of a General Equivalency Degree (GED) certificate, or proof of honorable discharge from the Coast Guard or Armed Forces of the United States

Below are the list of documents that you should gather for your immigration attorney or BIA accredited representative so that s/he can determine if you meet the minimum requirements for Deferred Action. Even if you meet these basic requirements, you will still need to meet the other requirements that relate to previous felony or misdemeanor convictions.

If you have ever been arrested, cited, charged, or convicted of an offense, you should not file any application with the immigration authorities until you first obtain legal advice on the immigration consequences of your criminal history. A criminal history might prevent you from receiving Deferred Action and might also result in you being placed in removal (i.e., deportation) proceedings. You should obtain a certified disposition (or dispositions) of your criminal history to present to your immigration attorney or BIA accredited representative so that s/he can determine the immigration consequences of your criminal behavior.

At the time of publication, there is no guidance from the U.S. Department of Homeland Security (DHS) concerning what documents they will accept to prove a person meets the criteria to be granted Deferred Action. The below list is therefore merely a recommendation of documentation to gather to bring to an immigration attorney or BIA accredited representative to see whether you might qualify to apply for Deferred Action. There is no guarantee that the DHS will accept any of the documents listed below to support a request for Deferred Action.

Possible Documents to Prove Identity

- Valid expired or unexpired passport from your home country with your picture, name, and date of birth
- Valid government-issued photo identification document
- Valid birth certificate with photo ID
- A visa issued by a foreign consulate
- A national ID document with photo and/or fingerprint

Possible Documents to show that you arrived in the United States before your 16th birthday

(Note that these documents might also be used to show that you arrived in the United States at least five years before June 15, 2012)

- Obtain your valid birth certificate

- Form I-94, Arrival/Departure document that identifies you and the date you arrived in the United States.
- Visa that identifies you and your date of birth
- Travel tickets that identify you (e.g., airplane, boat, bus, train, etc.) and the date of arrival in U.S.

Possible Documents identifying you as residing in the U.S. starting 5 years BEFORE

06/15/12 (note that these documents might also be used to show that you arrived before age 16)

- Marriage certificates if married in the United States
- Divorce degrees if divorced in the United States
- Religious records such as baptism, confirmation and registration certificates
- Lease/Rental agreements
- Census records
- Proof of ownership of real estate (e.g., deed to a home)
- Proof of security deposit payment
- Dental, hospital, medical vaccination records and bills, and proof of payment
- INS/DHS Form I-94, arrival/departure record identifying you and your date of admission
- Other correspondence/notices from INS/DHS identifying you and addressed to you
- Birth certificates of children born in the United States
- School records, awards, certifications, diplomas, pictures, report cards, yearbooks, etc.
- Valid (expired or un-expired) passport with stamped date of admission into the U.S.
- Proof of application for home loan and proof of paying-off home loan
- Proof of purchase of an automobile and payments for automobile and car insurance
- Automobile registration, car title, license receipts and Department of Motor Vehicle records
- Credit card history in the United States (e.g., Visa card, etc.)
- Department of Public Safety records
- Insurance invoices, claims, policies, and payment of insurance
- Utility bills such as electricity, gas, heat, sewer, water, etc. and telephone bills
- Bank records such as bankbooks, statements, cancelled checks, and money order receipts
- Other dated receipts
- U.S. Selective Service registration card
- Postmarked envelopes addressed to you here in the United States
- Photographs of celebrations in the United States, preferably with dates marked on them
- Proof of remittances of money from you here in the U.S. to your family in your home country
- Paycheck stubs and payroll records
- Licenses/permits
- Union records
- Record of payment of federal, state, and/or local taxes with W-2 forms
- Social Security records
- Worker's Comp claim records
- Proof of any awards, certificates, or commendations received from work
- Medical records from injuries at work
- Proof of any classes or vocational training received for work
- Letters or written notices from employers

Possible Documents to prove physical presence in the U.S. on June 15, 2012

- I-94, Arrival/Departure Document with date of admission into the United States
- Valid (expired or unexpired) passport with stamped date of admission into the United States
- INS/DHS Notices to Appear in immigration court
- If you have no documents to show physical presence exactly on June 15, 2012, then gather documents to show that you were in the United States shortly before June 15, 2012 and shortly after June 15, 2012
- County or municipal hospital record dated no later than June 15, 2012
- Public college or public school transcript or other school records
- Income tax records
- Rental receipts
- Utility bill receipts
- Any other dated documents
- Personal checks written by the applicant bearing a bank cancellation stamp
- Employment records, including pay stubs
- Credit card statements showing the dates of purchase, payment, or other transaction
- Correspondence between the applicant and the DHS
- Certified copies of records maintained by organizations chartered by the federal or state government, such as public utilities, accredited private and religious schools, and banks.
- If the applicant established that a family unit was in existence and cohabiting (i.e., living together) in the United States, documents evidencing the presence of another member of the same family unit.

Possible Documents to Prove that you are currently in School

- School transcript
- Letter from school registrar confirming current attendance at school
- School records, awards, certifications, pictures, report cards, yearbooks, etc.

Possible Documents to Prove that you graduated from High School

- School Transcript
- High School Diploma

Possible Documents to Prove that you received your GED

- New York State High School Equivalency Diploma (commonly referred to as the General Education Development (GED) certificate)

Possible Documents to Prove an Honorable Discharge from Coast Guard or Armed Forces of the United States

- DD Form-214, Report of Separation (from the U.S. Armed Forces)
- National Guard Bureau NGB Form 22
- Efficiency reports (officer evaluation reports, noncommissioned officer evaluation reports)
- Military pay records