



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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What Does Obama’s Directive on “Deferred Action” Mean for Me?

President Obama’s June 15, 2012 directive grants “deferred action” status to prevent eligible young people from being deported. However, getting deferred action does not mean you can get a green card or citizenship.

<p>Eligibility Criteria You CAN qualify for deferred action if you:</p>	<p>But wait! You may not be eligible if you have serious immigration violations. Consult with an attorney if you:</p>
<ul style="list-style-type: none"> • Are between 15 and 30 years old; • Came to the United States before you were 16 years old; • Have been living in the United States continuously since at least June 15, 2007; • Were present in the United States on June 15, 2012; • Are currently in school, graduated from high school, received a GED, graduated with an associates or bachelor’s degree, or are a honorably discharged veteran of the Coast Guard or Armed forces; and • Have passed a background check. 	<ul style="list-style-type: none"> • Have been convicted of a felony, a crime that can be punished by more than 1 year in jail. • Have been convicted of a significant misdemeanor, a crime that includes violence, threats, or assault including domestic violence and sexual abuse; burglary, larceny or fraud; DUI; escaping arrest; unlawful gun possession or use; or drug distribution or possession. • Have been convicted of 3 or more misdemeanors, minor offenses. • Pose a threat to national security or public safety.
<p>NOTE: Do not apply yet. As of 7/2012, there is no application process in place yet.</p>	

BENEFITS

Deferred action prevents you from being deported and allows you to apply for a work permit. Depending on where you live, eligible students can also apply for a driver’s license and a social security number.

LIMITS & RISKS

Deferred action is not a path to a green card nor is it a path to citizenship. In order to create a path to citizenship, Congress has to pass the DREAM Act, pending legislation that would apply to immigrant youth who came to the U.S. as children, or some form of immigration reform. Deferred action is available for two years. At the end of the two years, you must apply for renewal of your application with U.S. Citizenship and Immigration Services. Even if you meet the eligibility criteria, deferred action is not guaranteed and can be terminated at any time. There is no appeals process. If you apply and do not meet basic eligibility requirements or have serious immigration violations, the government may initiate removal proceedings.

START GATHERING DOCUMENTS

If you think you are eligible, start gathering documents that prove (1) your identity and age, (2) you entered the U.S. before age 16, (3) you have continuously lived in the U.S. for at least five years before June 15, 2012, and (4) you were physically present in the U.S. on June 15, 2012.

You may also want to gather documents that highlight factors in your favor, e.g. community ties, activities, awards.

BEWARE of any potential scams and fraud!

FAMILY MEMBERS of eligible young people are **NOT** eligible for deferred action unless the family members meet the eligibility criteria themselves.

APPLICATION COSTS

No fee is currently required to apply for deferred action. Applying for a work permit includes a \$380 fee. A work permit can be obtained through filing an I-765. A copy of the I-765 form can be found on the USCIS website at www.uscis.gov/i-765.

FOR MORE INFORMATION

There are many fact sheets by non-profit organizations about this deferred action directive. Learn about how the directive affects you or your family! AALDEF's FAQ is available at: <http://aaldef.org/obamas-dream-act-directive-on-deferred-action----faq.html>.

FREE LEGAL ADVICE & SUPPORT

AALDEF is holding free legal clinics to provide information to young people and their parents. AALDEF also hosts a youth group for undocumented Asian American youth to provide a safe space and to support organizing in our communities for a just path towards legalization.

If you are interested in making an appointment at the legal clinic or want to learn more about the youth group, contact AALDEF at: info@aaldef.org or 212-966-5932.

Documents to start gathering for your application and/or consultation with an attorney may include:

- Passport from your country of origin
- Birth certificate
- Travel documents
- Financial records
- Bank statements
- Utility bills
- School records
- Diplomas, GED certificates
- Report cards & transcripts
- Medical records
- Military records (personnel, health)
- Copies of criminal records or court dispositions on any criminal arrests
- Community support letters