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Consideration of Deferred Action for Childhood Arrivals Process

Update for DACA Renewals April 9, 2014

In September 2012, USCIS started deferring action for certain childhood arrivals and issuing employment authorization for a period of two years. Beginning in September 2014, the initial two-year grants of deferred action for early recipients of DACA from USCIS are due to expire under their own terms, and USCIS is actively preparing for the DACA renewal process so that eligible individuals can request and receive an extension of their deferred action without experiencing any lapse in their lawful presence or work authorization.

In late May 2014, USCIS anticipates publishing a new dual-use Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to allow for both initial and renewal requests, and updating Frequently Asked Questions with additional information. If you received DACA from USCIS and will seek to renew, you must wait until USCIS publishes the new form before filing your renewal request. If you are filing for initial DACA, you may continue to file using the current form until the new version is available ([See below](#) for additional information).

To help prepare the public for the anticipated process to request a renewal of DACA from USCIS, we have created an outline found below. This outline is subject to change until USCIS announces the details of the final process in late May 2014.

Outline to request renewal of DACA from USCIS:

- File the **revised** version of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, together with Form I-765, Application for Employment Authorization and I-765WS, Worksheet, as in the initial filing. The forthcoming version of Form I-821D will be dual-use for both initial and renewal filers and will contain modified questions pertaining to each situation. The draft form is currently going through the [Federal Register public comment process](#) and is not yet available for use.
- Do not file the current version of Form I-821D to renew. USCIS will not accept renewal filings until the new version of the form is published. However, if you received DACA from ICE instead of USCIS, please read the [ICE-Granted DACA Renewal Guidance](#).
- Submit your DACA renewal request package approximately 120 days (or 4 months) before your current period of DACA expires. This is also the date that your Employment Authorization Document (EAD) expires. While USCIS will continue to accept filings after this date, it will not accept requests made earlier than 150 days (or 5 months) before that expiration date. The expiration date is printed on the front of the [EAD, Form I-766](#). Complete renewal requests include signed Forms I-821D, I-765, and I-765WS with fee and evidence, if applicable.
 - If you file your renewal request package approximately 120 days before the expiration date of your current period of DACA, USCIS anticipates making a decision on your deferred action request and adjudicating your employment authorization application well before your current period of DACA and employment authorization expires. If you have filed at least 120 days before your deferred action and EAD expire and USCIS is unexpectedly delayed in processing your renewal request, USCIS may provide deferred action and employment authorization for a short period of time until your renewal is adjudicated.
- You only need to submit new documents pertaining to removal proceedings or criminal history that you have not already submitted to USCIS. You do not need to re-submit documents you already submitted with your previous DACA request that was approved. However, you should keep copies of all documents that support how you meet the DACA guidelines so you can provide them if they are requested by USCIS.

NOTE: If you received DACA from USCIS, do not file the current version (edition date 6/25/13) of

AILA InfoNet Doc. No. 12080365. (Posted 4/10/14)

Related Links

- [Deferred Action for Childhood Arrivals Data](#)
- [How Do I Request Consideration of Deferred Action for Childhood Arrivals \(also available in Spanish, Chinese and Vietnamese\)](#)
- [Deferred Action for Childhood Arrivals - Flyer \(3.79 MB PDF\)](#)
- [Deferred Action for Childhood Arrivals: Guidance for Employers \(573 KB PDF\)](#)
- [ICE-Granted DACA Renewal Guidance](#)

Frequently Asked Questions

- [Frequently Asked Questions Spanish](#)
- [Frequently Asked Questions Korean \(269 KB PDF\)](#)
- [Frequently Asked Questions Portuguese \(173 KB PDF\)](#)
- [Frequently Asked Questions Tagalog \(129 KB PDF\)](#)

Filing Tips

- [What You Need to Know: Filing Tips for Deferred Action for Childhood Arrivals](#)

Forms

- [Consideration of Deferred Action for Childhood Arrivals Fee Exemption Guidance](#)
- [I-821D, Consideration of Deferred Action for Childhood Arrivals](#)
- [I-765, Application for Employment Authorization](#)
- [G-1145, E-Notification of Application/Petition Acceptance](#)

Other USCIS Links

- [Avoid Scams](#)
- [Find Legal Services](#)
- [ICE-Granted DACA Renewal Guidance](#)

Non-USCIS Links

- [Social Security Number -](#)

Form I-821D to renew. USCIS will not accept renewal filings until the new version of the form is published in late May 2014. However, if you are among those few individuals who received deferred action for childhood arrivals from Immigration and Customs Enforcement (ICE) between June 15, 2012 and August 15, 2012, please read the [ICE-Granted DACA Renewal Guidance](#).

Deferred Action For Childhood Arrivals

DHS Links

- [DHS Memo: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the US](#)

FAQs updated January 18, 2013

On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not provide an individual with lawful status.

If you need further information and cannot find it on this Web page or in our [Frequently Asked Questions](#), you may contact our National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired). Customer service officers are available Monday – Friday from 8 a.m. – 8 p.m. in each U.S. time zone.

Find on this Page	
Guidelines	National Security and Public Safety Guidelines
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View the Consideration of Deferred Action for Childhood Arrivals Process Video

Guidelines

You may request consideration of deferred action for childhood arrivals if you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. 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;
5. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Age Requirements

Anyone requesting consideration for deferred action under this process must have been under 31 years old as of June 15, 2012. You must also be at least 15 years or older to request deferred action, unless you are currently in removal proceedings or have a final removal or voluntary departure order, as summarized in the table below:

Your situation	Required age
I have never been in removal proceedings, or my proceedings have been terminated before	At least 15 years old at the time of submitting your request and not over 31

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making my request.	years of age as of June 15, 2012.
I am in removal proceedings, have a final removal order, or have a voluntary departure order, and I am not in immigration detention.	Not above the age of 31 as of June 15, 2012, but you may be younger than 15 years old at the time you submit your request.

Timeframe for Meeting the Guidelines

You must prove	
That on June 15, 2012 you	As of the date you file your request you
<ul style="list-style-type: none"> • Were under 31 years old • Had come to the United States before your 16th birthday • Were physically present in the United States • Entered without inspection by this date, or your lawful immigration status expired as of this date 	<ul style="list-style-type: none"> • Have resided continuously in the U.S. since June 15, 2007; • Were physically present in the United States; and • Are in school, have graduated from high school in the United States, or have a GED; or • Are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States

Education and Military Service Guidelines

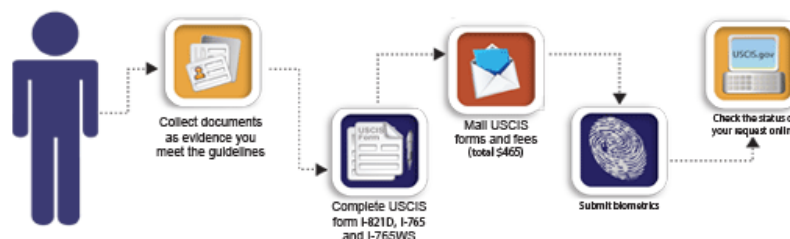
Your school or military status at the time of requesting deferred action under this process	Meet education or military service guidelines for deferred action under this process (Y/N)
I graduated from: <ul style="list-style-type: none"> • Public or private high school; or • Secondary school. Or • I have obtained a GED. 	Yes
I am currently enrolled in school. See the Education section of the FAQs for a full explanation of who is considered currently in school.	Yes
I was in school but dropped out and did not graduate. I am not currently in school and am not an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S.	No
I am an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S.	Yes

Please see our [Frequently Asked Questions](#) for more detail on school-related guidelines.

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Filing Process for Consideration of Deferred Action for Childhood Arrivals

If you meet the guidelines for deferred action under this process, you will need to complete the following steps to make your request to USCIS.





Collect documents as evidence you meet the guidelines.

You will need to submit supporting documents with your request for consideration of deferred action for childhood arrivals. You can submit legible copies of these documents unless the instructions specify you must submit an original document.

Examples of Documents to Submit to Demonstrate you Meet the Guidelines Please see the instructions to Form I-821D, Consideration of Deferred Action for Childhood Arrivals , for further details on acceptable documentation.	
Proof of identity	<ul style="list-style-type: none"> • Passport or national identity document from your country of origin • Birth certificate with photo identification • School or military ID with photo • Any U.S. government immigration or other document bearing your name and photo
Proof you came to U.S. before your 16th birthday	<ul style="list-style-type: none"> • Passport with admission stamp • Form I-94/I-95/I-94W • School records from the U.S. schools you have attended • Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear) • Travel records • Hospital or medical records
Proof of immigration status	<ul style="list-style-type: none"> • Form I-94/I-95/I-94W with authorized stay expiration date • Final order of exclusion, deportation, or removal issued as of June 15, 2012 • A charging document placing you into removal proceedings
Proof of presence in U.S. on June 15, 2012	<ul style="list-style-type: none"> • Rent receipts or utility bills • Employment records (pay stubs, W-2 Forms, etc) • School records (letters, report cards, etc) • Military records (Form DD-214 or NGB Form 22) • Official records from a religious entity confirming participation in a religious ceremony • Copies of money order receipts for money sent in or out of the country • Passport entries • Birth certificates of children born in the U.S. • Dated bank transactions • Social Security card • Automobile license receipts or registration • Deeds, mortgages, rental agreement contracts • Tax receipts, insurance policies
Proof you continuously resided in U.S. since June 15, 2007	
Proof of your student status at the time of requesting consideration of deferred action for childhood arrivals	<ul style="list-style-type: none"> • School records (transcripts, report cards, etc) from the school that you are currently attending in the United States showing the name(s) of the school(s) and periods of school attendance and the current educational or grade level • U.S. high school diploma or certificate of completion • U.S. GED certificate
Proof you are an honorably discharged veteran of the	<ul style="list-style-type: none"> • Form DD-214, Certificate of Release or Discharge from Active Duty

Coast Guard or Armed Forces of the U.S.	<ul style="list-style-type: none"> • NGB Form 22, National Guard Report of Separation and Record of Service • Military personnel records • Military health records
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See our [Frequently Asked Questions](#) for information on submitting affidavits or circumstantial evidence to support your request.

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Complete the required two forms and worksheet

Form name	Fee
I-821D, Consideration of Deferred Action for Childhood Arrivals	Total fee of \$465. \$380 fee plus \$85 fee for biometric services. These fees cannot be waived.
I-765, Application for Employment Authorization	
I-765WS, Worksheet	

Form Filing Tips

- Forms must be mailed to the [USCIS Lockbox](#).
- You cannot e-file your deferred action request for this process.
- If you have questions call the Customer Service Center at 1-800-375-5283; do NOT visit a USCIS field office in person.
- Write your name, date of birth, and mailing address exactly the same way on each form.
- Failure to submit Forms I-821D, I-765, I-765WS and the \$465 fee will result in your package being rejected.
- We prefer that you download the forms from [our website](#), fill them out electronically, and then print your forms.
- Use black ink only. Do NOT use highlighters or red ink on your forms as they may make your materials undetectable when scanned.
- Ensure that you are using the correct edition of the form. The correct, most current edition of every USCIS form is always available for FREE download on this website.
- Ensure that you provide all required supporting documentation and evidence.
- Organize and label evidence by the guideline it meets.
- Be sure to sign all of your forms.
- Be sure that you mail all pages of the forms.
- If you must change your form, we recommend that you begin with a new form, rather than trying to white out information, which can lead to scanning errors.



Mail your forms to the appropriate USCIS Lockbox.

See the [mailing instructions](#) for Form I-821D. Include the required forms, fees and supporting documentation with your filing. Remember to carefully follow instructions and fully complete your forms. USCIS will not accept incomplete forms or forms without proper fee. USCIS will mail you a receipt after accepting your request. You may also choose to receive an email and/or text message notifying you that your form has been accepted by completing a [Form G-1145, E-Notification of Application/Petition Acceptance](#).

Visit an Application Support Center (ASC) for biometric services.

After USCIS receives your complete request with fees, we will send you a notice scheduling you to visit an ASC to for biometric services. If you fail to attend your

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ASC appointment, USCIS may deny your request for deferred action. Children under 14 in removal proceedings, with a final removal order, or with a voluntary departure order, and who are not in immigration detention, will appear at the ASC for photographs only.



Check the status of your request on [Case Status Online](#).

The 90-day period for reviewing Form I-765 filed together with Form I-821D begins if and when USCIS decides to defer action in your case.

Fee Exemptions

There are no fee waivers available for the deferred action for childhood arrivals process. [Fee exemptions](#) are available in very limited circumstances. Visit the Fee Exemption page for more details.

If USCIS Defers Action in Your Case

If USCIS defers action in your case and grants employment authorization, you will receive a notice of decision in writing and an Employment Authorization Document separately in the mail.

If USCIS Does Not Exercise Deferred Action in Your Case

If USCIS decides not to defer action in your case, you cannot appeal the decision or file a motion to reopen or reconsider. USCIS will not review its discretionary determinations.

USCIS will apply our policy guidance governing the referral of cases to U.S. Immigration and Customs Enforcement (ICE) and the issuance of Notices to Appear (NTA). Your case does not involve a criminal offense, fraud, or a threat to national security or public safety, your case will not be referred to ICE for purposes of removal proceedings except where DHS determines there are exceptional circumstances. For more detailed information on the applicable NTA policy visit www.uscis.gov/NTA.

Administrative Errors

You may request a review using the Service Request Management Tool process if you met all of the process guidelines and you believe that your request was denied because of an administrative error. Examples of administrative errors include USCIS denying your request for deferred action because:

- USCIS believes you abandoned your case by not responding to a Request for Evidence (RFE) and you claim that you did respond to the RFE within the prescribed time; or
- USCIS mailed the RFE to the wrong address, even though you had submitted a Form AR-11, Change of Address, or changed your address online at www.uscis.gov before the issuance of the Request for Evidence.

To make a service request, you must call the National Customer Service Center at 1-800-375-5283. A USCIS customer service representative will then forward your request to the proper USCIS office. Your service request will be reviewed for accuracy and USCIS will send you a letter informing you of its decision.

The USCIS National Customer Service Center is now open Monday – Friday from 8 a.m. – 8 p.m. in each U.S. time zone.

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Travel Requirements and Restrictions

Certain travel outside the United States may affect the continuous residence guideline. Traveling outside the U.S. before August 15, 2012, will not interrupt your continuous residence if the travel was brief, casual, and innocent. If you travel outside the United States after August 15, 2012, and before your request for deferred action is adjudicated, you will not be considered for deferred action under this process.

The following chart explains whether your travel will affect your continuous residence.

Travel Dates	Type of Travel	Does it Affect Continuous Residence
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On or after June 15, 2007, but before Aug. 15, 2012	<ul style="list-style-type: none"> • brief • casual • innocent 	No
	<ul style="list-style-type: none"> • For an extended time • Because of an order of exclusion, deportation, or removal • To participate in criminal activity 	Yes
After Aug. 15, 2012, and before you have requested deferred action	<ul style="list-style-type: none"> • Any 	Yes.
After Aug. 15, 2012, and after you have requested deferred action	<ul style="list-style-type: none"> • Any 	<p>Yes. You cannot travel while your request is under review. You cannot apply for advance parole unless and until DHS has determined whether to defer action in your case.</p> <p>In addition, if you have previously been ordered deported and removed and you depart the United States without taking additional steps to address your removal proceedings, your departure will likely result in your being considered deported or removed, with potentially serious future immigration consequences.</p>

Once USCIS has approved your request for consideration of deferred action, you may file [Form I-131](#), Application for Travel Document, to request advance parole to travel outside of the United States. If you travel outside the United States without first receiving advance parole, USCIS will automatically terminate your deferred action.

USCIS will only grant advance parole if your travel abroad will be for:

- Educational purposes, such as semester abroad programs or academic research;
- Employment purposes, such as overseas assignments, interviews, conferences, training, or meetings with clients; or
- Humanitarian purposes, such as travel to obtain medical treatment, attend funeral services for a family member, or visit an ailing relative.

Travel for vacation is not a valid purpose.

If mailing using U.S. Postal Service:

USCIS
P.O. Box 5757
Chicago, IL 60680-5757

If mailing using USPS express mail/courier:

USCIS
Attn: Deferred Action for Childhood Arrivals
131 S. Dearborn – 3rd Floor
Chicago, IL 60603-5517

Note: If you have been ordered deported or removed, and you then leave the United States, your departure may result in your being considered deported or removed, with potentially serious future immigration consequences.

For detailed information see the [Travel section](#) of the Frequently Asked Questions.

National Security and Public Safety Guidelines

If you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or are otherwise deemed to pose a threat to national security or public safety, you will not be considered for deferred action under this process.

What is the difference between “significant misdemeanor”, “non-significant misdemeanor”, and “felony”?

Felony	Significant Misdemeanor	Non-significant Misdemeanor
A felony is a federal, state or local criminal offense punishable by imprisonment for a term exceeding one year.	A significant misdemeanor is a misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and: <ol style="list-style-type: none"> Regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; or, If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence. 	A crime is considered a non-significant misdemeanor (maximum term of imprisonment is one year or less but greater than five days) if it: <ol style="list-style-type: none"> Is not an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; and Is one for which the individual was sentenced to time in custody of 90 days or less.

A minor traffic offense will not be considered a misdemeanor for purposes of this process, but it is important to emphasize that driving under the influence is a significant misdemeanor regardless of the sentence imposed. You can find detailed information in the [National Security and Public Safety section](#) of the Frequent Asked Questions.

Renewing Deferred Action Under This Process

Individuals whose case is deferred under this process will not be placed into removal proceedings or removed from the United States for a period of two years, unless terminated. You may request consideration for a two-year extension of deferred action through a process to be detailed in the future. As long as you were under the age of 31 on June 15, 2012, you may request a renewal even after turning 31. Your request for an extension will be considered on a case-by-case basis.

Don't Be a Victim of Immigration Scams

Dishonest practitioners may promise to provide you with faster services if you pay them a fee. These people are trying to scam you and take your money. Visit our [Avoid Scams](#) page to learn how you can protect yourself from immigration scams.

Make sure you seek information about consideration of deferred action for childhood arrivals from official government sources such as USCIS or the Department of Homeland Security. If you are seeking legal advice, visit our [Find Legal Services](#) page to learn how to choose a licensed attorney or accredited representative.

Remember you can download all USCIS forms for free at www.uscis.gov/forms.

Combatting Fraud

USCIS is committed to safeguarding the integrity of the immigration process. If individuals knowingly make a misrepresentation, or knowingly fail to disclose facts, in an effort to have their case deferred or obtain work authorization through this process, they will be treated as an immigration enforcement priority to the fullest extent permitted by law, and be subject to criminal prosecution and/or removal from the United States.

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Last Reviewed/Updated: 04/09/2014

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