



CONSUMER ADVISORY

Deferred Action for Childhood Arrivals (DACA) Renewals:

Don't Get Scammed!



On June 15, 2012, the Department of Homeland Security (DHS) announced that certain young people who entered the U.S. before age 16 will no longer be removed from the U.S. Qualified individuals will be granted “deferred action” and be eligible for a work permit. U.S. Citizenship and Immigration Services (USCIS) began accepting DACA applications on August 15, 2012. On June 5, 2014 DHS Secretary Jeh Johnson announced the process for individuals to renew enrollment in the DACA program. USCIS has an updated form for individuals to renew their deferral for a period of two years. USCIS will also continue to accept requests for DACA from individuals who have not previously sought to access the program.

FIVE THINGS YOU NEED TO KNOW BEFORE RENEWING YOUR DACA

1. *How do I know if I can renew my DACA?*

- Are you sure you qualified for DACA in the first place? Have you reviewed your initial application to make sure all the information and documentation was true and correct? Not everyone’s application says what they thought it did—and if there’s any discrepancy, you may have some explaining to do. Even if it’s just a simple mistake, USCIS may think of that as fraud.
- Did you leave the U.S. without first getting permission from the government to travel abroad? Bad news—your DACA was automatically terminated and you cannot renew.
- Have you had any trouble with the police or immigration since you got DACA? Any arrest, ticket, citation or other contact with law enforcement can be taken into account in renewing your DACA. And if you have a conviction for a felony, a “significant misdemeanor” or three or more non-significant misdemeanors, you may be putting yourself at risk for deportation.
- You may not need to show continuing educational efforts. If you were in school, already graduated high school, had your GED, or were taking qualifying classes (GED, ESL, vocational or job training) when you first applied for DACA, you don’t have to show you are still in school or completed the program to renew. The educational requirement still applies to initial applications for DACA.

2. *When should I file my renewal?*

- When your DACA expires, so does your work permit and probably your driver’s license. You will also be accruing “unlawful presence,” which can really complicate any future immigration applications. Sending your application on time is important.
- If you file at least 120 days (four months) before your DACA expires, USCIS may extend your work permit and you should not accrue unlawful presence. But don’t file too early: if you file more than 150 days (five months) in advance, USCIS will reject your application.
- If you don’t file on time and your DACA expired more than a year ago, you will have to start all over again. That means sending a new application with all the evidence necessary to prove that you were eligible for DACA in the first place.

3. *What do I need to file to renew DACA?*

- Make sure you have the right form. USCIS issued a new version of the I-821D on June 4, 2014. If you use any earlier version of the form, your application will be rejected.
- In addition to the new I-821D, file the I-765 Application for Employment Authorization and I-765WS. Include two passport style photos and a copy of your work permit.
- Unless you qualify for an exemption, you will also need to send \$465 in filing fees.
- If you had trouble with the police or your case was sent to the immigration court after you got DACA, you will need to send additional information with your renewal.
- If you were granted DACA before August 15, 2012 (from ICE), special rules apply to your case. You will have to re-submit evidence that you qualify for DACA, just like a first time applicant.

4. *Do I need a lawyer to file my renewal?*

- See an experienced immigration attorney before sending any forms—even if your case is “clean.” You may not need to hire a lawyer to prepare the application, but get a complete review of your and your family’s immigration history to make sure DACA is the right choice.
- If you had any trouble with the police in the past two years, you may not qualify for renewal and you may be at risk for deportation. See a lawyer before filing to make sure it’s safe.
- If your case is in front of the immigration judge, DACA may not be your best option. Check with an experienced immigration lawyer to find the smartest way to resolve your case.

5. *Where can I get reliable information?*

- Get the latest from USCIS online at www.uscis.gov where you can find the forms, instructions and FAQs.
- Screen yourself for free, online. Use this online interview and helpful tools created by Dreamers, immigration lawyers and advocates at www.weownthedream.org.
- There’s a (free!) app for that! Find the Pocket DACA app online at iTunes or GooglePlay.
- Stay informed, and get the latest updates about DACA and immigration reform. Find us on Facebook at www.facebook.com/AILANational or www.facebook.com/stopnotariofraud and follow @AILANational on Twitter.
- Protect yourself and your family by finding an experienced immigration lawyer at www.aialawyer.com. Listed attorneys have been AILA members for at least two years, are licensed and in good standing with their bar association, have completed at least nine hours of continuing legal education in the last year and carry malpractice insurance. *If you have questions about who is authorized to assist you in immigration legal matters, please visit <http://www.stopnotariofraud.org/faq.php>.*

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The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.