



The preliminary results from the DACA Survey are in! Since early October, the American Immigration Lawyers Association (AILA), the American Immigration Council (AIC) and the Immigration Advocates Network (IAN) have engaged in a nationwide outreach effort to gather information about DACA implementation. To this end, attorneys, accredited representatives, and others who have assisted an individual in preparing and filing a DACA application, were asked to complete a survey and provide information about their experiences and concerns.

The following is a brief summary of survey responses received on or before November 6th, 2012. If you have not had a chance to [complete the survey](#) or have screened new DACA cases, please continue to chime in with your experiences. We will continue to release new data from the survey as we receive responses.

Summary of DACA Implementation Survey Results

A total of 334 individuals responded to at least one question in the survey. Please note that while the survey responses provide anecdotal information that sheds light on the experiences of some attorneys and accredited representatives, they do not provide a representative sample of all DACA cases that have been filed.

Caseload

Survey responses showed a wide range in the number of cases that attorneys, accredited representatives, and their respective organizations have filed or considered filing. The average number of cases filed per respondent was 48, with 36 respondents indicating – some on behalf of an entire organization – that they have filed or are planning on filing more than 100 DACA requests. Eight respondents indicated they had filed or were planning to file 300 or more requests while 133 respondents indicated that they had filed 10 or fewer DACA requests.

Processing Times

The vast majority of respondents indicated that they are receiving the receipt notice within the first 10 days of filing and the biometrics appointment notice within the first month of filing. Most respondents who had already received I-821D & I-765 decisions received them within 60 days of filing the requests. Only one respondent said that they had a client scheduled for a field office interview.

Concerns with Eligibility

A requester's criminal history was the number one eligibility concern for survey respondents when deciding whether to file a DACA case (e.g. whether a minor misdemeanor, juvenile delinquency, or public safety concern would render an individual ineligible). Education requirements, physical presence on June 15, 2012 and concerns with the applicant's manner of entry all ranked a close second as the eligibility criteria that survey respondents were most concerned about meeting or proving.

RFEs

Of the 334 survey respondents, only 37 indicated that they had received a Request for Evidence (RFE). These RFEs most often related to providing proof of continuous residence and physical presence on June 15th, 2012. The exact information the RFE required was heavily dependent on the particular case facts. For example, a few

respondents indicated that USCIS asked for evidence of continuous residence for gaps in documentation ranging from 9-month to 2-year periods. Only three respondents said that they received RFEs on criminal issues, including two respondents whose RFEs requested final dispositions on traffic charges.

Reasons for Not Filing

The top two reasons that respondents cited for deciding not to file a DACA request were the applicant's age at entry and convictions for felonies or significant misdemeanors. Rounding out the top five, were concerns about a requester's minor misdemeanors, the inability of the applicant to provide enough evidence to support his or her request, and the outcome of the presidential election.

Comments, Recommendations, and Observations

Many respondents indicated that they were hesitant to apply without further guidance from USCIS on the effect of a criminal record on an applicant's likelihood of obtaining a DACA grant. Others indicated they wanted clarification on how the manner of entry affected a DACA request. Respondents were concerned that their clients' use of false documents for entry and possible claims to U.S. citizenship would negatively affect their DACA request. In addition, some respondents wondered about the impact of removals and reentries prior to June 15, 2007.

Success Stories

"We have had 7 cases approved. One is a senior in high school who is looking forward to continuing her education. She graduated from a small private high school in Burlington, NJ in June 2012, earning a 4.0 GPA her senior year. She was unable to continue her education at the college level. Now that she has been granted deferred action, along with employment authorization, she will be able to continue her education by attending her local community college, as well as work part-time to pay her tuition and help with her family's expenses."

"I have a client who is a nursing student and had been putting off graduating from college because she knew that she could not work as a nurse. She was one of my first approvals, she will now be graduating in May and will be able to work as nurse and stop working as a restaurant hostess."