



Summary of DACA Implementation Survey 2.0 Results as of April 2, 2013

The preliminary results from the DACA Survey 2.0 are in! The survey, which was designed and administered by the American Immigration Lawyers Association (AILA), the American Immigration Council (AIC), and the Immigration Advocates Network (IAN), sought input from practitioners all across the country on questions related to the implementation of DACA. This was the second such survey. The summary of our first survey is available on AILA InfoNet. ([AILA Doc. No. 12121349](#), posted 12/13/12).

The following is a brief summary of survey responses received on or before April 2, 2013. If you have not had a chance to complete the survey or have screened new DACA cases, please continue to [fill out the survey](#) with your experiences. (AILA Doc. No. 12061945.) We will continue to release new data from the survey as we receive responses.

As of April 2, 2013, a total of 371 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.

RFEs

More than half of the attorneys and representatives who responded to the survey received a Request for Evidence (RFE). Respondents indicated that USCIS requested additional evidence on all eligibility criteria, though the majority of RFEs requested proof of continuous residence from June 15, 2007 until the present. Indeed, of the 189 people who reported receiving RFEs, 150 received an RFE related to continuous residence. The second highest category of RFEs related to evidence of physical presence on June 15, 2012 (82 respondents). A sizeable number of respondents received RFEs concerning the education requirement and the applicant's criminal history (63 and 32 respondents, respectively).

Denials and NOIDs

Out of 365 respondents, only 6 received a denial and only 5 received a Notice of Intent to Deny. Almost all respondents reported *not* receiving a denial or a NOID.

Processing Times

Processing times have slowed since our initial survey. In December, the vast majority of respondents indicated that they were receiving receipt notices within the first 10 days of filing and biometrics

appointment notices within the first month of filing. Most respondents who had already received I-821D and I-765 decisions received them within 60 days of filings.

By April, though nearly all respondents reported receiving receipt notices within 30 days of filing, that figure is roughly split between those who received the receipt notice within the first 10 and the first 30 days of filing. Most respondents continue to receive the biometrics notice within a month of filing.

There is a marked change in overall adjudication times. Whereas most initial survey respondents received I-821D and I-765 decisions within 2 months of filing, now the vast majority of respondents are not receiving decisions until the third or the fourth month after filing. A sizeable number indicated that they received decisions more than 120 days after filing.

DACA in Detention

Around 35 respondents wrote that they had encountered an individual who was in immigration detention and prima facie eligible for DACA. Most of these individuals were ultimately released from detention. In some cases, these individuals were released from custody only after a bond hearing before an immigration judge. However, ICE also released some DACA-eligible detainees; in some cases detainees were released with instructions on how to apply for DACA through USCIS, while in other cases, ICE granted deferred action. In a couple of cases, ICE released individuals who were eligible for DACA but for the fact that they were not enrolled in school. ICE instructed these individuals to enroll in an educational program and report that enrollment to ICE.

Reasons for Not Filing

A majority of respondents (56%) had screened cases where the client appeared prima facie eligible for DACA but elected not to file. Respondents indicated that eligible applicants are hesitating to file for a variety of reasons, with the most common reason (almost half) being the high cost of the filing fee. Many respondents said their prima facie eligible clients are not filing because of concerns as to how USCIS will treat their criminal history. Respondents also commonly cited confidentiality-related concerns, a lack of sufficient evidence, and plausible alternative relief as reasons that prima facie eligible individuals were not applying for DACA. A few respondents said their clients want to wait for comprehensive immigration reform.

Suspected Reasons for Drop in Applicants

Respondents were invited to opine on the reasons behind the drop in new applications since October, when applications were at an all-time high. Many respondents thought that clients were not filing because filing fee is too high, applicants are waiting for comprehensive immigration reform, and the best qualified and most eager candidates have already applied. A sizeable number of respondents think applicants are fearful that the information they provide in DACA applications will be used against them. Some suspect applicants are waiting to age-in or need to take steps to meet the education requirement. A few respondents indicated they are continuing to assist applicants at the same rate as before.

Advance Parole

Only 6 out of 354 respondents indicated that their clients had applied for advance parole. A handful received approvals and one individual said the client's application was denied.