

# **DACA Renewal Clinic**

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## DACA and DACA Renewal Overview

On June 15, 2012 the Department of Homeland Security announced that, as an exercise of prosecutorial discretion, certain young people who were brought to the U.S. as children would be eligible to receive deferred action for a period of two years, subject to renewal, and would also be eligible to apply for work authorization. Deferred Action for Childhood Arrivals (DACA), as the benefit is called, is not an immigration status, and is not a path to citizenship. However, it provides several benefits to eligible applicants such as the ability to work legally, obtain a government-issued ID that can be used to get a social security number as well as a Driver's License, and prevents individuals from being removed from the U.S. based solely on not having an immigration status.

### **Deferred Action for Childhood Arrivals Initial Applications:**

Since August 15, 2012 USCIS has been accepting DACA applications and approving eligible applicants. In order to be eligible applicants must meet the following requirements:

1. Be at least 15 years old (*unless the applicant is in removal proceedings*);
2. Entered the U.S. before the age of 16;
3. Was under the age of 31 as of June 15, 2012;
4. Continuously resided in the U.S. from June 15, 2007 until the present time
  - a. *Brief, innocent, and casual departures that occurred prior to August 15, 2012 or departures with Advanced Parole on or after August 15, 2012 should not break residence;*
5. Were physically present in the U.S. on June 15, 2012, and at the time of making your request for consideration of DACA with USCIS;
6. Entered without inspection before June 15, 2012, or if had a lawful status, such status must have expired as of June 15, 2012;
7. Is either currently in school, graduated from high school, obtained a GED, or was honorably discharged from the U.S. Armed Forces or Coast Guard;
8. Does not have a conviction for a felony, a significant misdemeanor (as defined by USCIS), or three or more non-significant misdemeanors; *and*
9. Does not pose a threat to national security or public safety.

Applicants who meet the above requirements can file a Form I-821D, Form I-765, I-765 WS, and supporting documentation with USCIS. Supporting documentation will include evidence for each element of eligibility. The most extensive evidence that is needed is the proof of continuous residence in the U.S. since June 15, 2007. For a full list of what forms and supporting documents are required for DACA please see the ILCM DACA Checklist & Filing Tips worksheet, the directions to the I-821D, and the revised USCIS DACA FAQs. Applicants who apply for DACA, and are deemed to have met the above-listed requirements, are granted deferred action status for two years and are given an Employment Authorization Document (EAD) for two years as well. Although most DACA cases are straightforward it is extremely important to screen the client thoroughly regarding travel outside of the U.S., any criminal issues (including juvenile offenses, minor tickets, and

dismissed/expunged cases), and gang involvement. If any issues are identified during screening that were not noted on the pro bono attorneys case placement materials from ILCM we ask that you contact us to evaluate the matter further and discuss how to handle next steps.

Please note that the Obama Administration announced in November that effective February 18<sup>th</sup> DACA would be expanded to include a broader range of undocumented immigrants. However, that executive action is currently being litigated and a preliminary injunction has been issued that has delayed implementation of the expanded DACA filings. ILCM will update pro bono attorneys about any changes in the pending litigation that could affect their future cases. In general, however, the pending litigation should not substantively affect DACA applications for applicants who meet the requirements set forth in the June 15, 2012 announcement.

### **Deferred Action for Childhood Arrivals Renewal Applications:**

On June 5, 2014 USCIS released official guidance for renewal of DACA. Renewal allows individuals who were approved for DACA, and are now reaching the expiration of that term, to apply for a two year extension for both deferred action and work authorization. USCIS generally advises that applications for renewal should not be submitted to USCIS more than 150 days (5 months) before the expiration of the applicant's deferred action. However, USCIS has made it clear that in order to avoid a lapse in the applicant's deferred action and/or work authorization, renewal applications should be filed no later than 120 days (4 months) from the applicants deferred action expiration. In practical terms this leaves an ideal one month filing window for these applicants. USCIS will accept applications after the 120 mark (in fact they will accept renewal applications up to a year after the expiration of an individuals deferred action). *However, it is best practice (especially if the client comes to you before the 4 month mark) to avoid submitting applications past the 120 day mark if at all possible.* This is important because filing an application with less than 120 days left before the deferred action expiration can create a lapse in deferred action that can cause the client to accrue unlawful presence, lose employment authorization, and potentially unearth other immigration consequences.

### **In order to be eligible for renewal an applicant must meet the following requirements:**

1. Was previously approved for DACA (*and is filing no earlier than 150 days from the expiration of their two year DACA term*);
2. Did not travel outside of the U.S without advanced parole on or after August 15, 2012;
3. Has continuously resided in the U.S. since submitting the original DACA application;
4. Does not have a conviction for a felony, a significant misdemeanor (as defined by USCIS), or three or more non-significant misdemeanors; *and*
5. Does not pose a threat to national security or public safety.

As long as an individual meets the above-listed requirements, he or she can qualify for renewal of DACA. For a full list of what forms and supporting documents are required for DACA Renewal please see the ILCM DACA Renewal Checklist & Filing Tips worksheet, the directions to the I-821D, and the revised USCIS DACA FAQs. As you will see from those documents, renewal applicants, like initial DACA applicants, must submit the updated version of Form I-821D along with supporting documents. Although renewal applicants will use Form I-821D they only need to fill out certain portions of the form that are designated for Renewal Requests. Renewal applicants are also

required to file the Form I-765, I-76WS, and a \$465 fee. It is important to note that renewal applicants are not required to provide evidence of continuous residence in the United States since their DACA approval, and are not required to provide proof of continued schooling or graduation. Applicants *will* be required, however, to show proof of advanced parole if they traveled outside of the U.S. Also, if applicants have been arrested for, charged with, or convicted of a felony or misdemeanor (including incidents handled in juvenile court) then he or she must include certified criminal records, *unless* such documents were already provided in the original filing or the incident was a minor traffic violation that was not drug or alcohol-related.

Although DACA renewal is in most cases straightforward there are still serious red flags that attorneys must be aware when assessing a DACA renewal applicant's case. First, as mentioned above, filing timelines should be strictly adhered to in order to avoid lapses in deferred action. Second, potential applicants should be thoroughly screened about any criminal issues that may have arisen since the applicant was granted DACA. Also, attorneys should be sure that all criminal incidents (arrest, charges, and convictions including juvenile offenses) that occurred *before* the potential applicant was granted DACA were properly disclosed on the original DACA filing. Additionally, it is important to screen clients for possible gang membership or affiliation as well as other public safety threats. Lastly, it is imperative that attorneys make sure that the potential applicants did not travel outside of the United States on or after August 15, 2012 without advanced parole. If during a preliminary screening, or at any time during representation, any of these red flag issues occur they must be thoroughly vetted. To avoid missing red flags, and to keep the filing process efficient, it is best to screen all DACA renewal applicants thoroughly prior to filing and review their initial DACA applications.



# U.S. Citizenship and Immigration Services

## Frequently Asked Questions

*FAQs updated June 15, 2015*

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### I. General Information for All Requestors

#### A. What is Deferred Action for Childhood Arrivals?

Over the past several years, this Administration has undertaken an unprecedented effort to transform the immigration enforcement system into one that focuses on national security, public safety, border security and the integrity of the immigration system. As the Department of Homeland Security (DHS) continues to focus its enforcement resources on the removal of individuals who pose a danger to national security or a risk to public safety, DHS will exercise prosecutorial discretion as appropriate to ensure that enforcement resources are not expended on low priority cases, such as individuals who came to the United States as children and meet other key guidelines. Individuals who demonstrate that they meet the guidelines below may request consideration of deferred action for childhood arrivals (DACA) for a period of two years, subject to renewal for a period of two years, and may be eligible for employment authorization.

You may request consideration of DACA 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. Had no lawful status on June 15, 2012, meaning that:
  - You never had a lawful immigration status on or before June 15, 2012, or
  - Any lawful immigration status or parole that you obtained prior to June 15, 2012, had 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 Educational 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, a significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

**Individuals can call U.S. Citizenship and Immigration Services (USCIS) at 1-800-375-5283 with questions or to request more information on DACA.** Those with pending requests can also use a number of online self-help tools which include the ability to check case status and processing times, change your address, and send an inquiry about a case pending longer than posted processing times or non-delivery of a card or document.

#### Q1: What is deferred action?

A1: Deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. For purposes of future inadmissibility based upon **unlawful presence**, an individual whose case has been deferred is not considered to be unlawfully present during the period in which deferred action is in effect. An individual who has received deferred action is authorized by DHS to be present in the United States, and is therefore considered by DHS to be lawfully present during the period deferred action is in effect. However, deferred action does not confer **lawful status** upon an individual, nor does it excuse any previous or subsequent periods of unlawful presence.

Under existing regulations, an individual whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate "an economic necessity for employment." DHS can terminate or renew deferred action at any time, at the agency's discretion.

#### Q2: What is DACA?

A2: 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.

Individuals who can demonstrate through verifiable documentation that they meet these guidelines will be considered for deferred action. Determinations will be made on a case-by-case basis under the DACA guidelines.

#### Q3: Is there any difference between "deferred action" and DACA under this process?

A3: DACA is one form of deferred action. The relief an individual receives under DACA is identical for immigration purposes to the relief obtained by any person who receives deferred action as an act of prosecutorial discretion.

**Q4: If my removal is deferred under the consideration of DACA, am I eligible for employment authorization?**

A4: Yes. Under existing regulations, if your case is deferred, you may obtain employment authorization from USCIS provided you can demonstrate an economic necessity for employment.

**Q5: If my case is deferred, am I in lawful status for the period of deferral?**

A5: No. Although action on your case has been deferred and you do not accrue unlawful presence (for admissibility purposes) during the period of deferred action, deferred action does not confer any lawful status.

The fact that you are not accruing unlawful presence does not change whether you are in lawful status while you remain in the United States. However, although deferred action does not confer a lawful immigration status, your period of stay is authorized by the Department of Homeland Security while your deferred action is in effect and, for admissibility purposes, you are considered to be lawfully present in the United States during that time. **Individuals granted deferred action are not precluded by federal law from establishing domicile in the U.S.**

Apart from the immigration laws, "lawful presence," "lawful status" and similar terms are used in various other federal and state laws. For information on how those laws affect individuals who receive a favorable exercise of prosecutorial discretion under DACA, please contact the appropriate federal, state or local authorities.

**Q6: Can I renew my period of deferred action and employment authorization under DACA?**

A6: Yes. You may request consideration for a renewal of your DACA. Your request for a renewal will be considered on a case-by-case basis. If USCIS renews its exercise of discretion under DACA for your case, you will receive deferred action for another two years, and if you demonstrate an economic necessity for employment, you may receive employment authorization throughout that period.

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**B. DACA Process****Q7: How do I request consideration of DACA?**

A7: To request consideration of DACA (either as an initial request or to request a renewal), you must submit Form I-821D, Consideration of Deferred Action for Childhood Arrivals to USCIS. Please visit [www.uscis.gov/i-821d](http://www.uscis.gov/i-821d) before you begin the process to make sure you are using the most current version of the form available. This form must be completed, properly signed and accompanied by a Form I-765, Application for Employment Authorization, and a Form I-765WS, Worksheet, establishing your economic need for employment. If you fail to submit a completed Form I-765 (along with the accompanying filing fees for that form, totaling \$465), USCIS will not consider your request for deferred action. Please read the form instructions to ensure that you answer the appropriate questions (determined by whether you are submitting an initial or renewal request) and that you submit all the required documentation to support your initial request.

You must file your request for consideration of DACA at the USCIS Lockbox. You can find the mailing address and instructions at [www.uscis.gov/i-821d](http://www.uscis.gov/i-821d). As of June 5, 2014, requestors must use the new version of the form. After your Form I-821D, Form I-765, and Form I-765 Worksheet have been received, USCIS will review them for completeness, including submission of the required fee, initial evidence and supporting documents (for initial filings).

If it is determined that the request is complete, USCIS will send you a receipt notice. USCIS will then send you an appointment notice to visit an Application Support Center (ASC) for biometric services, if an appointment is required. Please make sure you read and follow the directions in the notice. Failure to attend your biometrics appointment may delay processing of your request for consideration of deferred action, or may result in a denial of 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.

Each request for consideration of DACA will be reviewed on an individual, case-by-case basis. USCIS may request more information or evidence from you, or request that you appear at a USCIS office. USCIS will notify you of its determination in writing.

**Note:** All individuals who believe they meet the guidelines, including those in removal proceedings, with a final removal order, or with a voluntary departure order (and not in immigration detention), may affirmatively request consideration of DACA from USCIS through this process. Individuals who are currently in immigration detention and believe they meet the guidelines may not request consideration of deferred action from USCIS but may identify themselves to their deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information visit ICE's website at [www.ice.gov/daca](http://www.ice.gov/daca).

**Q8: Can I obtain a fee waiver or fee exemption for this process?**

A8: There are no fee waivers available for employment authorization applications connected to DACA. There are very limited fee exemptions available. Requests for fee exemptions must be filed and favorably adjudicated before an individual files his/her request for consideration of DACA without a fee. In order to be considered for a fee exemption, you must submit a letter and supporting documentation to USCIS demonstrating that you meet one of the following conditions:

- You are under 18 years of age, have an income that is less than 150 percent of the U.S. poverty level, and are in foster care or otherwise lacking any parental or other familial support; or
- You are under 18 years of age and homeless; or
- You cannot care for yourself because you suffer from a serious, chronic disability and your income is less than 150 percent of the U.S. poverty level; or,
- You have, at the time of the request, accumulated **\$10,000** or more in debt in the past 12 months as a result of unreimbursed medical expenses for yourself or an immediate family member, and your income is less than 150 percent of the U.S. poverty level.

You can find additional information on our Fee Exemption Guidance Web page. Your request must be submitted and decided before you submit a request for consideration of DACA without a fee. In order to be considered for a fee exemption, you must provide documentary evidence to demonstrate that you meet any of the above conditions at the time that you make the request. For evidence, USCIS will:

- Accept affidavits from community-based or religious organizations to establish a requestor's homelessness or lack of parental or other familial financial support.
- Accept copies of tax returns, bank statement, pay stubs, or other reliable evidence of income level. Evidence can also include an affidavit from the applicant or a responsible third party attesting that the applicant does not file tax returns, has no bank accounts, and/or has no income to prove income level.
- Accept copies of medical records, insurance records, bank statements, or other reliable evidence of unreimbursed medical expenses of at least **\$10,000**.
- Address factual questions through Requests for Evidence (RFEs).

**Q9: If individuals meet the guidelines for consideration of DACA and are encountered by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE), will they be placed into removal proceedings?**

A9: DACA is intended, in part, to allow CBP and ICE to focus on priority cases. Under the direction of the Secretary of Homeland Security, if an individual meets the guidelines for DACA, CBP or ICE should exercise their discretion on a case-by-case basis to prevent qualifying individuals from being apprehended, placed into removal proceedings, or removed. If individuals believe that, in light of this policy, they should not have been apprehended or placed into removal proceedings, contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

**Q10: Does this process apply to me if I am currently in removal proceedings, have a final removal order, or have a voluntary departure order?**

A10: This process is open to any individual who can demonstrate he or she meets the guidelines for consideration, including those who have never been in removal proceedings as well as those in removal proceedings, with a final order, or with a voluntary departure order (as long as they are not in immigration detention).

**Q11: If I am not in removal proceedings but believe I meet the guidelines for consideration of DACA, should I seek to place myself into removal proceedings through encounters with CBP or ICE?**

A11: No. If you are not in removal proceedings but believe that you meet the guidelines, you should submit your DACA request to USCIS under the process outlined below.

**Q12: Can I request consideration of DACA from USCIS if I am in immigration detention under the custody of ICE?**

A12: No. If you are currently in immigration detention, you may not request consideration of DACA from USCIS. If you think you may meet the guidelines of this process, you should identify yourself to your deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information, visit ICE's website at [www.ice.gov/daca](http://www.ice.gov/daca).

**Q13: If I am about to be removed by ICE and believe that I meet the guidelines for consideration of DACA, what steps should I take to seek review of my case before removal?**

A13: If you believe you can demonstrate that you meet the guidelines and are about to be removed, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

**Q14: What should I do if I meet the guidelines of this process and have been issued an ICE detainer following an arrest by a state or local law enforcement officer?**

A14: If you meet the guidelines and have been served a detainer, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

**Q15: If I accepted an offer of administrative closure under the case-by-case review process or my case was terminated as part of the case-by-case review process, can I be considered for deferred action under this process?**

A15: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you have accepted an offer of administrative closure or termination under the case-by-case review process.

**Q16: If I declined an offer of administrative closure under the case-by-case review process, can I be considered for deferred action under this process?**

A16: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you declined an offer of administrative closure under the case-by-case review process.

**Q17: If my case was reviewed as part of the case-by-case review process but I was not offered administrative closure, can I be considered for deferred action under this process?**

A17: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you were not offered administrative closure following review of your case as part of the case-by-case review process.

**Q18: Can I request consideration of DACA under this process if I am currently in a nonimmigrant status (e.g. F-1, E-2, H-4) or have Temporary Protected Status (TPS)?**

A18: No. You can only request consideration of DACA under this process if you currently have no immigration status and were not in any lawful status on June 15, 2012.

**Q19: Will the information I share in my request for consideration of DACA be used for immigration enforcement purposes?**

A19: Information provided in this request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance ([www.uscis.gov/NTA](http://www.uscis.gov/NTA)). Individuals whose cases are deferred pursuant to DACA will not be referred to ICE. The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing policy covers family members and guardians, in addition to the requestor. This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

**Q20: If my case is referred to ICE for immigration enforcement purposes or if I receive an NTA, will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes?**

A20: If your case is referred to ICE for purposes of immigration enforcement or you receive an NTA, information related to your family members or guardians that is contained in your request will not be referred to ICE for purposes of immigration enforcement against family members or guardians. However, that information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense.

This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

**Q21: Will USCIS verify documents or statements that I provide in support of a request for DACA?**

A21: USCIS has the authority to verify documents, facts, and statements that are provided in support of requests for DACA. USCIS may contact education institutions, other government agencies, employers, or other entities in order to verify information.

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## C. Background Checks

**Q22: Will USCIS conduct a background check when reviewing my request for consideration of DACA?**

A22: Yes. You must undergo biographic and biometric background checks before USCIS will consider your DACA request.

**Q23: What do background checks involve?**

A23: Background checks involve checking biographic and biometric information provided by the individuals against a variety of databases maintained by DHS and other federal government agencies.

**Q24: What steps will USCIS and ICE take if I engage in fraud through the new process?**

A24: If you knowingly make a misrepresentation, or knowingly fail to disclose facts, in an effort to obtain DACA or work authorization through this process, you 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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**D. After USCIS Makes a Decision****Q25: Can I appeal USCIS' determination?**

A25: No. You cannot file a motion to reopen or reconsider, and cannot appeal the decision if USCIS denies your request for consideration of DACA.

You may request a review of your I-821D denial by contacting USCIS' Call Centers at 1-800-375-5283 to have a service request created if you believe that you actually did meet all of the DACA guidelines and you believe that your request was denied due to one of the following errors:

- Denied the request based on abandonment, when you actually responded to an RFE or NOID within the prescribed time;
- Mailed the RFE or NOID to the wrong address although you had submitted a Form AR-11, Change of Address, or changed your address online at [www.uscis.gov](http://www.uscis.gov) before USCIS issued the RFE or NOID;
- Denied the request on the grounds that you did not come to the United States prior to your 16th birthday, but the evidence submitted **at the time of filing** shows that you did arrive before reaching that age;
- Denied the request on the grounds that you were under age 15 **at the time of filing** but not in removal proceedings, while the evidence submitted **at the time of filing** show that you indeed were in removal proceedings when the request was filed;
- Denied the request on the grounds that you were 31 or older as of June 15, 2012, but the evidence submitted **at the time of filing** shows that you were **under the age of 31** as of June 15, 2012;
- Denied the request on the grounds that you had lawful status on June 15, 2012, but the evidence submitted **at the time of filing** shows that you indeed were in an **unlawful** immigration status on that date;
- Denied the request on the grounds that you were not physically present in the United States on June 15, 2012, and up through the date of filing, but the evidence submitted **at the time of filing** shows that you were, in fact, present;
- Denied the request due to your failure to appear at a USCIS ASC to have your biometrics collected, when you in fact either did appear at a USCIS ASC to have this done or requested prior to the scheduled date of your biometrics appointment to have the appointment rescheduled; or
- Denied the request because you did not pay the filing fees for Form I-765, Application for Employment Authorization, when you actually did pay these fees.

If you believe your request was denied due to any of these administrative errors, 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. – 6 p.m. in each U.S. time zone.

**Q26: If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?**

A26: If you have submitted a request for consideration of DACA and USCIS decides not to defer action in your case, USCIS will apply its policy guidance governing the referral of cases to ICE and the issuance of Notices to Appear (NTA). If 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](http://www.uscis.gov/NTA). If after a review of the totality of circumstances USCIS determines to defer action in your case, USCIS will likewise exercise its discretion and will not issue you an NTA.

**Q27: Can my deferred action under the DACA process be terminated before it expires?**

A27: Yes.

DACA is an exercise of prosecutorial discretion and deferred action may be terminated at any time, with or without a Notice of Intent to Terminate, at DHS's discretion.

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**II. Initial Requests for DACA****Q28: What guidelines must I meet to be considered for deferred action for childhood arrivals (DACA)?**

A28: Under the Secretary of Homeland Security's June 15, 2012 memorandum, in order to be considered for DACA, you must submit evidence, including supporting documents, showing that 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. Had no lawful status on June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a General Educational 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.

These guidelines must be met for consideration of DACA. U.S. Citizenship and Immigration Services (USCIS) retains the ultimate discretion to determine whether deferred action is appropriate in any given case even if the guidelines are met.

**Q29: How old must I be in order to be considered for deferred action under this process?**

A29:

- If you have never been in removal proceedings, or your proceedings have been terminated before your request for consideration of DACA, you must be at least 15 years of age or older at the time of filing and meet the other guidelines.
- If you are in removal proceedings, have a final removal order, or have a voluntary departure order, and are not in immigration detention, you can request consideration of DACA even if you are under the age of 15 at the time of filing and meet the other guidelines.
- In all instances, you must have been under the age of 31 as of June 15, 2012, to be considered for DACA.

**Q30: I first came to the United States before I turned 16 years old and have been continuously residing in the United States since at least June 15, 2007. Before I turned 16 years old, however, I left the United States for some period of time before returning and beginning my current period of continuous residence. May I be considered for deferred action under this process?**

A30: Yes, but only if you established residence in the United States during the period before you turned 16 years old, as evidenced, for example, by records showing you attended school or worked in the United States during that time, or that you lived in the United States for multiple years during that time. In addition to establishing that you initially resided in the United States before you turned 16 years old, you must also have maintained continuous residence in the United States from June 15, 2007, until the present time to be considered for deferred action under this process.

**Q31: To prove my continuous residence in the United States since June 15, 2007, must I provide evidence documenting my presence for every day, or every month, of that period?**

A31: To meet the continuous residence guideline, you must submit documentation that shows you have been living in the United States from June 15, 2007, up until the time of your request. You should provide documentation to account for as much of the period as reasonably possible, but there is no requirement that every day or month of that period be specifically accounted for through direct evidence.

It is helpful to USCIS if you can submit evidence of your residence during at least each year of the period. USCIS will review the documentation in its totality to determine whether it is more likely than not that you were continuously residing in the United States for the period since June 15, 2007. Gaps in the documentation as to certain periods may raise doubts as to your continued residence if, for example, the gaps are lengthy or the record otherwise indicates that you may have been outside the United States for a period of time that was not brief, casual or innocent.

If gaps in your documentation raise questions, USCIS may issue a Request for Evidence to allow you to submit additional documentation that supports your claimed continuous residence.

Affidavits may be submitted to explain a gap in the documentation demonstrating that you meet the five-year continuous residence requirement. If you submit affidavits related to the continuous residence requirement, you must submit two or more affidavits, sworn to or affirmed by people other than yourself who have direct personal knowledge of the events and circumstances during the period as to which there is a gap in the documentation. Affidavits may only be used to explain gaps in your continuous residence; they cannot be used as evidence that you meet the entire five-year continuous residence requirement.

**Q32: Does "currently in school" refer to the date on which the request for consideration of deferred action is filed?**

A32: To be considered "currently in school" under the guidelines, you must be enrolled in school on the date you submit a request for consideration of deferred action under this process.

**Q33: Who is considered to be "currently in school" under the guidelines?**

A33: To be considered "currently in school" under the guidelines, you must be enrolled in:

- a public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or homeschool program that meets state requirements;
- an education, literacy, or career training program (including vocational training) that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; or
- an education program assisting students either in obtaining a regular high school diploma or its recognized equivalent under state law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a GED exam or other state-authorized exam (e.g., HiSet or TASC) in the United States.

Such education, literacy, career training programs (including vocational training), or education programs assisting students in obtaining a regular high school diploma or its recognized equivalent under state law, or in passing a GED exam or other state-authorized exam in the United States, include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations. Programs funded by other sources may qualify if they are programs of demonstrated effectiveness.

In assessing whether such programs not funded in whole or in part by federal, state, county or municipal grants or administered by non-profit organizations are of demonstrated effectiveness, USCIS will consider the duration of the program's existence; the program's track record in assisting students in obtaining a regular high school diploma or its recognized equivalent, in passing a GED or other state-authorized exam (e.g., HiSet or TASC), or in placing students in postsecondary education, job training, or employment; and other indicators of the program's overall quality. For individuals seeking to demonstrate that they are "currently in school" through enrollment in such a program, the burden is on the requestor to show the program's demonstrated effectiveness.

**Q34: How do I establish that I am currently in school?**

A34: Documentation sufficient for you to demonstrate that you are currently in school may include, but is not limited to:

- evidence that you are enrolled in a public, private, or charter elementary school, junior high or middle school, high school or secondary school; alternative program, or homeschool program that meets state requirements; or
- evidence that you are enrolled in an education, literacy, or career training program (including vocational training) that:
  - has a purpose of improving literacy, mathematics, or English, or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; and
  - is funded, in whole or in part, by federal, state, county or municipal grants or is administered by non-profit organizations, or if funded by other sources, is a program of demonstrated effectiveness; or
- evidence that you are enrolled in an education program assisting students in obtaining a high school equivalency diploma or certificate recognized under state law (such as by passing a GED exam or other such state-authorized exam [for example, HiSet or TASC]), and that the program is funded in whole or in part by federal, state, county or municipal grants or is administered by

non-profit organizations or if funded by other sources, is of demonstrated effectiveness.

Such evidence of enrollment may include: acceptance letters, school registration cards, letters from a school or program, transcripts, report cards, or progress reports which may show the name of the school or program, date of enrollment, and current educational or grade level, if relevant.

**Q35: What documentation may be sufficient to demonstrate that I have graduated from high school?**

A35: Documentation sufficient for you to demonstrate that you have graduated from high school may include, but is not limited to, a high school diploma from a public or private high school or secondary school, a certificate of completion, a certificate of attendance, or an alternate award from a public or private high school or secondary school, or a recognized equivalent of a high school diploma under state law, or a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC) in the United States.

**Q36: What documentation may be sufficient to demonstrate that I have obtained a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC)?**

A36: Documentation may include, but is not limited to, evidence that you have passed a GED exam, or other state-authorized exam (e.g., HiSet or TASC), and, as a result, have received the recognized equivalent of a regular high school diploma under state law.

**Q37: If I am enrolled in a literacy or career training program, can I meet the guidelines?**

A37: Yes, in certain circumstances. You may meet the guidelines if you are enrolled in an education, literacy, or career training program that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement. Such programs include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations, or if funded by other sources, are programs of demonstrated effectiveness.

**Q38: If I am enrolled in an English as a Second Language (ESL) program, can I meet the guidelines?**

A38: Yes, in certain circumstances. Enrollment in an ESL program may be used to meet the guidelines if the ESL program is funded in whole or in part by federal, state, county or municipal grants, or administered by non-profit organizations, or if funded by other sources is a program of demonstrated effectiveness. You must submit direct documentary evidence that the program is funded in whole or part by federal, state, county or municipal grants, administered by a non-profit organization, or of demonstrated effectiveness.

**Q39: Will USCIS consider evidence other than that listed in Chart #1 to show that I have met the education guidelines?**

A39: No. Evidence not listed in Chart #1 will not be accepted to establish that you are currently in school, have graduated or obtained a certificate of completion from high school, or have obtained a GED or passed another state-authorized exam (e.g., HiSet or TASC). You must submit any of the documentary evidence listed in Chart #1 to show that you meet the education guidelines.

**Q40: Will USCIS consider evidence other than that listed in Chart #1 to show that I have met certain initial guidelines?**

A40: Evidence other than those documents listed in Chart #1 may be used to establish the following guidelines and factual showings if available documentary evidence is insufficient or lacking and shows that:

- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You satisfy the continuous residence requirement, as long as you present direct evidence of your continued residence in the United States for a portion of the required period and the circumstantial evidence is used only to fill in gaps in the length of continuous residence demonstrated by the direct evidence; and
- Any travel outside the United States during the period of required continuous presence was brief, casual, and innocent.

However, USCIS will not accept evidence other than the documents listed in Chart #1 as proof of any of the following guidelines to demonstrate that you:

- Were under the age of 31 on June 15, 2012; and
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

For example, even if you do not have documentary proof of your presence in the United States on June 15, 2012, you may still be able to satisfy the guideline. You may do so by submitting credible documentary evidence that you were present in the United States shortly before and shortly after June 15, 2012, which, under the facts presented, may give rise to an inference of your presence on June 15, 2012 as well. However, evidence other than that listed in Chart #1 will not be accepted to establish that you have graduated high school. You must submit the designated documentary evidence to satisfy that you meet this guideline.

Chart #1 provides examples of documentation you may submit to demonstrate you meet the initial guidelines for consideration of deferred action under this process. Please see the instructions of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, for additional details of acceptable documentation.

**Chart #1 Examples of Documents to Submit to Demonstrate You Meet the Guidelines**

**Proof of identity**

- 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**

- 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
- Rent receipts or utility bills

**Chart #1 Examples of Documents to Submit to Demonstrate You Meet the Guidelines**

	<ul style="list-style-type: none"> <li>• Employment records (pay stubs, W-2 Forms, etc.)</li> <li>• Official records from a religious entity confirming participation in a religious ceremony</li> <li>• Copies of money order receipts for money sent in or out of the country</li> <li>• Birth certificates of children born in the U.S.</li> <li>• Dated bank transactions</li> <li>• Automobile license receipts or registration</li> <li>• Deeds, mortgages, rental agreement contracts</li> <li>• Tax receipts, insurance policies</li> </ul>
Proof of immigration status	<ul style="list-style-type: none"> <li>• Form I-94/I-95/I-94W with authorized stay expiration date</li> <li>• Final order of exclusion, deportation, or removal issued as of June 15, 2012</li> <li>• A charging document placing you into removal proceedings</li> </ul>
Proof of presence in U.S. on June 15, 2012	<ul style="list-style-type: none"> <li>• Rent receipts or utility bills</li> <li>• Employment records (pay stubs, W-2 Forms, etc.)</li> <li>• School records (letters, report cards, etc.)</li> <li>• Military records (Form DD-214 or NGB Form 22)</li> <li>• Official records from a religious entity confirming participation in a religious ceremony</li> <li>• Copies of money order receipts for money sent in or out of the country</li> <li>• Passport entries</li> <li>• Birth certificates of children born in the U.S.</li> <li>• Dated bank transactions</li> <li>• Automobile license receipts or registration</li> <li>• Deeds, mortgages, rental agreement contracts</li> <li>• Tax receipts, insurance policies</li> </ul>
Proof you continuously resided in U.S. since June 15, 2007	<ul style="list-style-type: none"> <li>• 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</li> <li>• U.S. high school diploma, certificate of completion, or other alternate award</li> <li>• High school equivalency diploma or certificate recognized under state law</li> <li>• Evidence that you passed a state-authorized exam, including the GED or other state-authorized exam (for example, HiSet or TASC) in the United States</li> </ul>
Proof of your education status at the time of requesting consideration of DACA	<ul style="list-style-type: none"> <li>• Form DD-214, Certificate of Release or Discharge from Active Duty</li> <li>• NGB Form 22, National Guard Report of Separation and Record of Service</li> <li>• Military personnel records</li> <li>• Military health records</li> </ul>
Proof you are an honorably discharged veteran of the U.S. Armed Forces or the U.S. Coast Guard	

**Q41: May I file affidavits as proof that I meet the initial guidelines for consideration of DACA?**

A41: Affidavits generally will not be sufficient on their own to demonstrate that you meet the guidelines for USCIS to consider you for DACA. However, affidavits may be used to support meeting the following guidelines only if the documentary evidence available to you is insufficient or lacking:

- Demonstrating that you meet the five year continuous residence requirement; and
- Establishing that departures during the required period of continuous residence were brief, casual and innocent.

If you submit affidavits related to the above criteria, you must submit two or more affidavits, sworn to or affirmed by people other than yourself, who have direct personal knowledge of the events and circumstances. Should USCIS determine that the affidavits are insufficient to overcome the unavailability or the lack of documentary evidence with respect to either of these guidelines, it will issue a Request for Evidence, indicating that further evidence must be submitted to demonstrate that you meet these guidelines.

USCIS will not accept affidavits as proof of satisfying the following guidelines:

- You are currently in school, have graduated or obtained a certificate of completion or other alternate award from high school, have obtained a high school equivalency diploma or certificate (such as by passing the GED exam or other state-authorized exam [for example, HiSet or TASC]), or are an honorably discharged veteran from the Coast Guard or Armed Forces of the United States;
- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You were under the age of 31 on June 15, 2012; and
- Your criminal history, if applicable.

If the only evidence you submit to demonstrate you meet any of the above guidelines is an affidavit, USCIS will issue a Request for Evidence, indicating that you have not demonstrated that you meet these guidelines and that you must do so in order to demonstrate that you meet that guideline.

**Q42: Will I be considered to be in unlawful status if I had an application for asylum or cancellation of removal pending before either USCIS or the Executive Office for Immigration Review (EOIR) on June 15, 2012?**

A42: Yes. If you had an application for asylum or cancellation of removal, or similar relief, pending before either USCIS or EOIR as of

June 15, 2012, but had no lawful status, you may request consideration of DACA.

**Q43: I was admitted for "duration of status" or for a period of time that extended past June 14, 2012, but violated my immigration status (e.g., by engaging in unauthorized employment, failing to report to my employer, or failing to pursue a full course of study) before June 15, 2012. May I be considered for deferred action under this process?**

A43: No, unless the Executive Office for Immigration Review terminated your status by issuing a final order of removal against you before June 15, 2012.

**Q44: I was admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of my dependent nonimmigrant status as of June 15, 2012. May I be considered for deferred action under this process?**

A44: Yes. For purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if you were admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of your dependent nonimmigrant status, on or before June 15, 2012, (meaning you turned 21 years old on or before June 15, 2012), you may be considered for deferred action under this process.

**Q45: I was admitted for "duration of status" but my status in SEVIS is listed as terminated on or before June 15, 2012. May I be considered for deferred action under this process?**

A45: Yes. For the purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if your status as of June 15, 2012, is listed as "terminated" in SEVIS, you may be considered for deferred action under this process.

**Q46: I am a Canadian citizen who was inspected by CBP but was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?**

A46: In general, a Canadian citizen who was admitted as a visitor for business or pleasure and not issued an I-94, Arrival/Departure Record, (also known as a "non-controlled" Canadian nonimmigrant) is lawfully admitted for a period of six months. For that reason, unless there is evidence, including verifiable evidence provided by the individual, that he or she was specifically advised that his or her admission would be for a different length of time, the Department of Homeland Security (DHS) will consider for DACA purposes only, that the alien was lawfully admitted for a period of six months. Therefore, if DHS is able to verify from its records that your last non-controlled entry occurred on or before Dec. 14, 2011, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012 and you may be considered for deferred action under this process.

**Q47: I used my Border Crossing Card (BCC) to obtain admission to the United States and was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?**

A47: Because the limitations on entry for a BCC holder vary based on location of admission and travel, DHS will assume that the BCC holder who was not provided an I-94 was admitted for the longest period legally possible—30 days—unless the individual can demonstrate, through verifiable evidence, that he or she was specifically advised that his or her admission would be for a different length of time. Accordingly, if DHS is able to verify from its records that your last admission was using a BCC, you were not issued an I-94 at the time of admission, and it occurred on or before May 14, 2012, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012, and you may be considered for deferred action under this process.

**Q48: Do I accrue unlawful presence if I have a pending initial request for consideration of DACA?**

A48: You will continue to accrue unlawful presence while the request for consideration of DACA is pending unless you are under 18 years of age at the time of the request. If you are under 18 years of age at the time you submit your request, you will not accrue unlawful presence while the request is pending, even if you turn 18 while your request is pending with USCIS. If action on your case is deferred, you will not accrue unlawful presence during the period of deferred action. However, having action deferred on your case will not excuse previously accrued unlawful presence.

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### III. Renewal of DACA

**Q49: When should I file my renewal request with U.S. Citizenship and Immigration Services (USCIS)?**

A49: USCIS strongly encourages you to submit your Deferred Action for Childhood Arrivals (DACA) renewal request between 150 days and 120 days before the expiration date located on your current Form I-797 DACA approval notice and Employment Authorization Document (EAD). Filing during this window will minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request.

USCIS' current goal is to process DACA renewal requests within 120 days. You may submit an inquiry about the status of your renewal request after it has been pending more than 105 days. To submit an inquiry online, please visit [egov.uscis.gov/e-request](http://egov.uscis.gov/e-request).

• **Please Note:** Factors that may affect the timely processing of your DACA renewal request include, but are not limited to:

- Failure to appear at an Application Support Center (ASC) for a scheduled biometrics appointment to obtain fingerprints and photographs. No-shows or rescheduling appointments will require additional processing time.
- Issues of national security, criminality or public safety discovered during the background check process that require further vetting.
- Issues of travel abroad that need additional evidence/clarification.
- Name/date of birth discrepancies that may require additional evidence/clarification.
- The renewal submission was incomplete or contained evidence that suggests a requestor may not satisfy the DACA renewal guidelines and USCIS must send a request for additional evidence or explanation

**Q50: Can I file a renewal request outside the recommended filing period of 150 days to 120 days before my current DACA expires?**

A50: USCIS strongly encourages you to file your renewal request within the recommended 150-120 day filing period to minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request. Requests received earlier than 150 days in advance will be accepted; however, this could result in an overlap between your current DACA and your renewal. This means your renewal period may extend for less than a full two years from the date that your current DACA period expires..

If you file after the recommended filing period (meaning less than 120 days before your current period of DACA expires), there is an increased possibility that your current period of DACA and employment authorization will expire before you receive a decision on your

renewal request. If you file after your most recent DACA period expired, but within one year of its expiration, you may submit a request to renew your DACA. If you are filing beyond one year after your most recent period of DACA expired, you may still request DACA by submitting a new initial request.

**Q51: How will USCIS evaluate my request for renewal of DACA?**

A51: You may be considered for renewal of DACA if you met the guidelines for consideration of Initial DACA (see above) AND you:

- Did not depart the United States on or after Aug. 15, 2012, without advance parole;
- Have continuously resided in the United States since you submitted your most recent request for DACA that was approved up to the present time; and
- Have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of DACA renewal. USCIS retains the ultimate discretion to determine whether deferred action is appropriate in any given case even if the guidelines are met.

**Q52 Do I accrue unlawful presence if I am seeking renewal and my previous period of DACA expires before I receive a renewal of deferred action under DACA? Similarly, what would happen to my work authorization?**

A52: Yes, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will accrue unlawful presence for any time between the periods of deferred action unless you are under 18 years of age at the time you submit your renewal request.

Similarly, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will not be authorized to work in the United States regardless of your age at time of filing until and unless you receive a new employment authorization document from USCIS.

**Q53. Do I need to provide additional documents when I request renewal of deferred action under DACA?**

A53. No, unless you have *new* documents pertaining to removal proceedings or criminal history that you have not already submitted to USCIS in a previously approved DACA request. USCIS, however, reserves the authority to request at its discretion additional documents, information or statements relating to a DACA renewal request determination.

CAUTION: If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a federal felony punishable by a fine, or imprisonment up to five years, or both, under 18 U.S.C. Section 1001. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

**Q54. If I am no longer in school, can I still request to renew my DACA?**

A54. Yes. Neither Form I-821D nor the instructions ask renewal requestors for information about continued school enrollment or graduation. The instructions for renewal requests specify that you may be considered for DACA renewal if you met the guidelines for consideration of initial DACA, including the educational guidelines and:

1. Did not depart the United States on or after August 15, 2012, without advance parole;
2. Have continuously resided in the United States, up to the present time, since you submitted your most recent request for DACA that was approved; and
3. Have not been convicted of a felony, a significant misdemeanor or three or more misdemeanors, and are not a threat to national security or public safety.

**Q55. If I initially received DACA and was under the age of 31 on June 15, 2012, but have since become 31 or older, can I still request a DACA renewal?**

A55. Yes. You may request consideration for a renewal of DACA as long as you were under the age of 31 as of June 15, 2012.

## IV. Travel

**Q56: May I travel outside of the United States before I submit an initial Deferred Action for Childhood Arrivals (DACA) request or while my initial DACA request remains pending with the Department of Homeland Security (DHS)?**

A56: Any unauthorized travel outside of the United States on or after Aug. 15, 2012, will interrupt your continuous residence and you will not be considered for deferred action under this process. Any travel outside of the United States that occurred on or after June 15, 2007, but before Aug. 15, 2012, will be assessed by U.S. Citizenship and Immigration Services (USCIS) to determine whether the travel qualifies as brief, casual and innocent. (See Chart #2.)

CAUTION: You should be aware that if you have been ordered deported or removed, and you then leave the United States, your departure will likely result in your being considered deported or removed, with potentially serious future immigration consequences.

**Q57: If my case is deferred under DACA, will I be able to travel outside of the United States?**

A57: Not automatically. If USCIS has decided to defer action in your case and you want to travel outside the United States, you must apply for advance parole by filing a Form I-131, Application for Travel Document and paying the applicable fee (\$360). USCIS will determine whether your purpose for international travel is justifiable based on the circumstances you describe in your request. Generally, USCIS will only grant advance parole if your travel abroad will be in furtherance of:

- humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;
- educational purposes, such as semester-abroad programs and academic research, or;
- employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.

Travel for vacation is not a valid basis for advance parole.

You may not apply for advance parole unless and until USCIS defers action in your case under the consideration of DACA. You cannot apply for advance parole at the same time as you submit your request for consideration of DACA. All advance parole requests will be considered on a case-by-case basis.

If USCIS has deferred action in your case under the DACA process after you have been ordered deported or removed, you may still request advance parole if you meet the guidelines for advance parole described above.

**CAUTION:** However, for those individuals who have been ordered deported or removed, before you actually leave the United States,

you should seek to reopen your case before the Executive Office for Immigration Review (EOIR) and obtain administrative closure or termination of your removal proceeding. Even after you have asked EOIR to reopen your case, you should not leave the United States until after EOIR has granted your request. If you depart after being ordered deported or removed, and your removal proceeding has not been reopened and administratively closed or terminated, your departure may result in your being considered deported or removed, with potentially serious future immigration consequences. If you have any questions about this process, you may contact U.S. Immigration and Customs Enforcement (ICE) through the local ICE Office of the Chief Counsel with jurisdiction over your case.

**CAUTION:** If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

**Q58: Do brief departures from the United States interrupt the continuous residence requirement?**

A58: A brief, casual and innocent absence from the United States will not interrupt your continuous residence. If you were absent from the United States, your absence will be considered brief, casual and innocent if it was on or after June 15, 2007, and before Aug. 15, 2012, and:

1. The absence was short and reasonably calculated to accomplish the purpose for the absence;
2. The absence was not because of an order of exclusion, deportation or removal;
3. The absence was not because of an order of voluntary departure, or an administrative grant of voluntary departure before you were placed in exclusion, deportation or removal proceedings; and
4. The purpose of the absence and/or your actions while outside the United States were not contrary to law.

Once USCIS has approved your request for DACA, you may file Form I-131, Application for Travel Document, to request advance parole to travel outside of the United States.

**CAUTION:** If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

**Travel Guidelines (Chart #2)**

Travel Dates	Type of Travel	Does It Affect Continuous Residence
On or after June 15, 2007, but before Aug. 15, 2012	Brief, casual and innocent	No
	For an extended time	Yes
	Because of an order of exclusion, deportation, voluntary departure, or removal	
	To participate in criminal activity	
On or after Aug. 15, 2012, and before you have requested deferred action	Any	Yes. You cannot apply for advance parole unless and until DHS has determined whether to defer action in your case and you cannot travel until you receive advance parole.  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.
On or after Aug. 15, 2012, and after you have requested deferred action	Any	
On or after Aug. 15, 2012 and after receiving DACA	Any	It depends. If you travel after receiving advance parole, the travel will not interrupt your continuous residence. However, if you travel <i>without</i> receiving advance parole, the travel <i>will</i> interrupt your continuous residence.

**Q59: May I file a request for advance parole concurrently with my DACA package?**

A59: Concurrent filing of advance parole is not an option at this time. DHS is, however, reviewing its policy on concurrent filing of advance parole with a DACA request. In addition, DHS is also reviewing eligibility criteria for advance parole. If any changes to this policy are made, USCIS will update this FAQ and inform the public accordingly.

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## V. Criminal Convictions

**Q60: If I have a conviction for a felony offense, a significant misdemeanor offense, or multiple misdemeanors, can I receive an exercise of prosecutorial discretion under this new process?**

A60: No. 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, you will not be considered for Deferred Action for Childhood Arrivals (DACA) except where the Department of Homeland Security (DHS) determines there are exceptional circumstances.

**Q61: What offenses qualify as a felony?**

A61: A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year.

**Q62: What offenses constitute a significant misdemeanor?**

A62: For the purposes of this process, 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 that meets the following criteria:

1. 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,
2. 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.

The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by U.S. Immigration and Customs Enforcement (ICE). Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion. DHS retains the discretion to determine that an individual does not warrant deferred action on the basis of a single criminal offense for which the individual was sentenced to time in custody of 90 days or less.

**Q63: What offenses constitute a non-significant misdemeanor?**

A63: For purposes of this process, a non-significant misdemeanor is any 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 that meets the following criteria:

1. 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
2. Is one for which the individual was sentenced to time in custody of 90 days or less. The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by ICE.

Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion.

**Q64: If I have a minor traffic offense, such as driving without a license, will it be considered a non-significant misdemeanor that counts towards the "three or more non-significant misdemeanors" making me unable to receive consideration for an exercise of prosecutorial discretion under this new process?**

A64: A minor traffic offense will not be considered a misdemeanor for purposes of this process. However, your entire offense history can be considered along with other facts to determine whether, under the totality of the circumstances, you warrant an exercise of prosecutorial discretion.

It is important to emphasize that driving under the influence is a significant misdemeanor regardless of the sentence imposed.

**Q65: What qualifies as a national security or public safety threat?**

A65: If the background check or other information uncovered during the review of your request for deferred action indicates that your presence in the United States threatens public safety or national security, you will not be able to receive consideration for an exercise of prosecutorial discretion except where DHS determines there are exceptional circumstances. Indicators that you pose such a threat include, but are not limited to, gang membership, participation in criminal activities, or participation in activities that threaten the United States.

**Q66: Will offenses criminalized as felonies or misdemeanors by state immigration laws be considered felonies or misdemeanors for purpose of this process?**

A66: No. Immigration-related offenses characterized as felonies or misdemeanors by state immigration laws will not be treated as disqualifying felonies or misdemeanors for the purpose of considering a request for consideration of deferred action under this process.

**Q67: Will DHS consider my expunged or juvenile conviction as an offense making me unable to receive an exercise of prosecutorial discretion?**

A67: Expunged convictions and juvenile convictions will not automatically disqualify you. Your request will be assessed on a case-by-case basis to determine whether, under the particular circumstances, a favorable exercise of prosecutorial discretion is warranted. If you were a juvenile, but tried and convicted as an adult, you will be treated as an adult for purposes of the DACA process.

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## VI. Miscellaneous

**Q68: Does this Administration remain committed to comprehensive immigration reform?**

A68: Yes. The Administration has consistently pressed for passage of comprehensive immigration reform, including the DREAM Act, because the President believes these steps are critical to building a 21st century immigration system that meets our nation's economic and security needs.

**Q69: Is passage of the DREAM Act still necessary in light of the new process?**

A69: Yes. The Secretary of Homeland Security's June 15, 2012, memorandum allowing certain people to request consideration for deferred action is one in a series of steps that DHS has taken to focus its enforcement resources on the removal of individuals who pose a danger to national security or a risk to public safety. Deferred Action for Childhood Arrivals (DACA) is an exercise of prosecutorial discretion and does not provide lawful status or a pathway to citizenship. As the President has stated, individuals who would qualify for the DREAM Act deserve certainty about their status. Only the Congress, acting through its legislative authority, can confer the certainty that comes with a pathway to permanent lawful status.

**Q70: Does deferred action provide me with a path to permanent resident status or citizenship?**

A70: No. Deferred action is a form of prosecutorial discretion that does not confer lawful permanent resident status or a path to citizenship. Only the Congress, acting through its legislative authority, can confer these rights.

**Q71: Can I be considered for deferred action even if I do not meet the guidelines to be considered for DACA?**

A71: This process is only for individuals who meet the specific guidelines for DACA. Other individuals may, on a case-by-case basis, request deferred action from U.S. Citizenship and Immigration Services (USCIS) or U.S. Immigration and Customs Enforcement (ICE) in certain circumstances, consistent with longstanding practice.

**Q72: How will ICE and USCIS handle cases involving individuals who do not satisfy the guidelines of this process but believe they may warrant an exercise of prosecutorial discretion under the June 2011 Prosecutorial Discretion Memoranda?**

A72: If USCIS determines that you do not satisfy the guidelines or otherwise determines you do not warrant an exercise of prosecutorial discretion, then it will decline to defer action in your case. If you are currently in removal proceedings, have a final order, or have a voluntary departure order, you may then request ICE consider whether to exercise prosecutorial discretion.

**Q73: How should I fill out question 9 on Form I-765, Application for Employment Authorization?**

A73: When you are filing a Form I-765 as part of a DACA request, question 9 is asking you to list those Social Security numbers that were officially issued to you by the Social Security Administration.

**Q74: Will there be supervisory review of decisions by USCIS under this process?**

A74: Yes, USCIS has implemented a successful supervisory review process to ensure a consistent process for considering requests for DACA.

**Q72: Will USCIS personnel responsible for reviewing requests for DACA receive special training?**

A72: Yes, USCIS personnel responsible for considering requests for consideration of DACA have received special training.

**Q75: Must attorneys and accredited representatives who provide pro bono services to deferred action requestors at group assistance events file a Form G-28 with USCIS?**

A75: Under 8 C.F.R. §§ 292.3 and 1003.102, practitioners are required to file a Notice of Entry of Appearance as Attorney or Accredited Representative when they engage in practice in immigration matters before DHS, either in person or through the preparation or filing of any brief, application, petition, or other document. Under these rules, a practitioner who consistently violates the requirement to file a Form G-28 may be subject to disciplinary sanctions; however on Feb. 28, 2011, USCIS issued a statement indicating that it does not intend to initiate disciplinary proceedings against practitioners (attorneys and accredited representatives) based solely on the failure to submit a Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) in relation to pro bono services provided at group assistance events. DHS is in the process of issuing a final rule at which time this matter will be reevaluated.

**Q76: When must an individual sign a Form I-821D as a preparer?**

A77: Anytime someone other than the requestor prepares or helps fill out the Form I-821D, that individual must complete Part 5 of the form.

**Q78: If I provide my employee with information regarding his or her employment to support a request for consideration of DACA, will that information be used for immigration enforcement purposes against me and/or my company?**

A78: You may, as you determine appropriate, provide individuals requesting DACA with documentation which verifies their employment. This information will not be shared with ICE for civil immigration enforcement purposes under section 274A of the Immigration and Nationality Act (relating to unlawful employment) unless there is evidence of egregious violations of criminal statutes or widespread abuses.

**Q79: Can I request consideration for deferred action under this process if I live in the Commonwealth of the Northern Mariana Islands (CNMI)?**

A79: Yes, in certain circumstances. The CNMI is part of the United States for immigration purposes and is not excluded from this process. However, because of the specific guidelines for consideration of DACA, individuals who have been residents of the CNMI are in most cases unlikely to qualify for the program. You must, among other things, have come to the United States before your 16th birthday and have resided continuously in the United States since June 15, 2007.

Under the Consolidated Natural Resources Act of 2008, the CNMI became part of the United States for purposes of immigration law only on Nov. 28, 2009. Therefore entry into, or residence in, the CNMI before that date is not entry into, or residence in, the United States for purposes of the DACA process.

USCIS has used parole authority in a variety of situations in the CNMI to address particular humanitarian needs on a case-by-case basis since Nov. 28, 2009. If you live in the CNMI and believe that you meet the guidelines for consideration of deferred action under this process, except that your entry and/or residence to the CNMI took place entirely or in part before Nov. 28, 2009, USCIS is willing to consider your situation on a case-by-case basis for a grant of parole. If this situation applies to you, you should make an appointment through INFOPASS with the USCIS ASC in Saipan to discuss your case with an immigration officer.

**Q80: Someone told me if I pay them a fee, they can expedite my DACA request. Is this true?**

A80: No. There is no expedited processing for deferred action. 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 requests for consideration of DACA from official government sources such as USCIS or the DHS. If you are seeking legal advice, visit our Find Legal Services page to learn how to choose a licensed attorney or accredited representative.

**Q81: Am I required to register with the Selective Service?**

A81: Most male persons residing in the U.S., who are ages 18 through 25, are required to register with Selective Service. Please see link for more information. [Selective Service].

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Last Reviewed/Updated: 06/18/2015



# Instructions for Consideration of Deferred Action for Childhood Arrivals

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS

Form I-821D

OMB No. 1615-0124

Expires 06/30/2016

## What is the Purpose of This Form?

An individual may file Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to request that U.S. Citizenship and Immigration Services (USCIS) exercise prosecutorial discretion in his or her favor under the Deferred Action for Childhood Arrivals (DACA) process, including consideration for Renewal of deferred action. USCIS considers deferring action (*including Renewal of deferred action*) on a case-by-case basis, based on the guidelines in the **What is a Childhood Arrival for Purposes of This Form** section of these instructions. Deferred action is a discretionary determination to defer removal of an individual as an act of prosecutorial discretion. Individuals who receive deferred action will not be placed into removal proceedings or removed from the United States for a specified period of time, unless the Department of Homeland Security (DHS) chooses to terminate the deferral. See the Secretary of Homeland Security's memorandum issued on June 15, 2012 (Secretary's memorandum), upon which the DACA process is based, at [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

## When Should I Use Form I-821D?

Use this form to request consideration of Initial DACA or Renewal of DACA. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. All individuals filing Form I-821D, whether for an Initial or a Renewal of deferred action, must also file Form I-765, Application for Employment Authorization, and Form I-765 Worksheet, Form I-765WS. See the **Evidence for Initial Requests Only** and **Evidence for Renewal Requests Only** sections of these instructions for more information.

**CAUTION:** If you file this request **more than 150 days prior** to the expiration of your current period of deferred action, USCIS may reject your submission and return it to you with instructions to resubmit your request closer to the expiration date. *USCIS encourages renewal requestors to file as early in the 150-day period as possible - ideally, at least 120 days prior to the DACA expiration date.*

**NOTE:** If you have received DACA and you are filing within one year after your last period of deferred action expired, please follow the instructions provided below for renewal requestors.

**NOTE:** If U.S. Immigration and Customs Enforcement (ICE) initially deferred action in your case and you are seeking a Renewal, you must file Form I-821D and select and complete **Item Number 2, in Part 1.** of Form I-821D. You must also respond to ALL subsequent questions on the form. You must also submit documentation to establish how you satisfy the guidelines as if you were filing an Initial request for consideration of deferred action.

If you are currently in immigration detention, you may not request consideration of DACA or Renewal of DACA from USCIS. If you think you meet the guidelines of this process, you should identify yourself to your deportation officer.

## What is a Childhood Arrival for Purposes of This Form?

An individual may be considered for **Initial** DACA if he or she:

1. Was under 31 years of age as of June 15, 2012;
2. Came to the United States before reaching his or her 16th birthday;
3. Has continuously resided in the United States since June 15, 2007, up to the present time;
4. Was present in the United States on June 15, 2012 and at the time of making his or her request for consideration of deferred action with USCIS;

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- 5. Had no lawful status on June 15, 2012;

**NOTE:** No lawful status on June 15, 2012 means that:

- A. You never had a lawful immigration status on or before June 15, 2012; or
  - B. Any lawful immigration status or parole that you obtained prior to June 15, 2012 had expired as of June 15, 2012.
- 6. Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general educational development (GED) certificate, or is an honorably discharged veteran of the U.S. Armed Forces or U.S. Coast Guard; and
  - 7. Has not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and does not otherwise pose a threat to national security or public safety.

An individual may be considered for **Renewal** of DACA if he or she met the guidelines for consideration of Initial DACA (*see above*) AND he or she:

- 1. Did not depart the United States on or after August 15, 2012 without advance parole;
- 2. Has continuously resided in the United States since he or she submitted his or her most recent request for DACA that was approved up to the present time; and
- 3. Has not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and does not otherwise pose a threat to national security or public safety.

#### **Who May File Form I-821D?**

- 1. **Childhood Arrivals Who Have Never Been in Removal Proceedings.** If you have never been in removal proceedings, submit this form to request that USCIS consider deferring action in your case. You must be 15 years of age or older at the time of filing and meet the guidelines described in the Secretary's memorandum to be considered for deferred action.
- 2. **Childhood Arrivals Whose Removal Proceedings Were Terminated.** If you were in removal proceedings which have been terminated by the immigration judge prior to this request, you may use this form to request that USCIS consider deferring action in your case. You must be 15 years of age or older at the time of filing and meet the guidelines described in the Secretary's memorandum to be considered for deferred action.
- 3. **Childhood Arrivals In Removal Proceedings, With a Final Removal Order, or With Voluntary Departure.** If you are in removal proceedings, have a final order of removal, exclusion, or deportation issued in any other context, have a voluntary departure order, or if your proceedings have been administratively closed, you may use this form to request that USCIS consider deferring action in your case, even if you are under 15 years of age at the time of filing. For the purpose of this form, "removal proceedings" includes exclusion or deportation proceedings initiated before April 1, 1997, an Immigration and Nationality Act (INA) section 240 removal proceeding, expedited removal, reinstatement of a final order of exclusion, deportation, or removal, an INA section 217 removal after admission under the Visa Waiver Program, removal as a criminal alien under INA section 238, or any other kind of removal proceeding under U.S. immigration law in any other context (*e.g., at the border or within the United States by an immigration agent*).
- 4. **Childhood Arrivals Whose Case Was Deferred and Who Are Seeking Renewal of DACA.** If USCIS or ICE deferred action in your case under DACA, you may use this form to request consideration of Renewal of DACA from USCIS.

## **General Instructions**

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which can be downloaded for free at <http://get.adobe.com/reader/>.

Each request must be properly signed and accompanied by Form I-765 with fees and Form I-765WS. If you are under 14 years of age, your parent or legal guardian may sign the request on your behalf. A designated representative may sign if the requestor is unable to sign due to a physical or developmental disability or mental impairment. A photocopy of a signed request or typewritten name in place of a signature is not acceptable. This request is not considered properly filed until accepted by USCIS.

**Evidence.** You must submit all required evidence and supporting documentation with your request at the time of filing. See the **Evidence for Initial Requests Only** and **Evidence for Renewal Requests Only** sections of these instructions for more details.

You should keep all documents that support how you meet the DACA guidelines so you can provide them if they are requested by USCIS.

**NOTE:** If you are submitting a ***Renewal Request*** for consideration of DACA to USCIS, you do not need to re-submit documents you already submitted with your previous DACA requests.

**Biometric Services Appointment.** Individuals requesting DACA must provide fingerprints, photographs, and signatures (biometrics). You may receive a notice scheduling you to appear at an Application Support Center (ASC) for biometrics collection. Failure to comply with the notice may result in the denial of your deferred action request. USCIS may, in its discretion, waive the collection of certain biometrics.

**Copies.** You may submit a legible photocopy of any document, unless you are specifically required to file an original document with this request. Original documents submitted when not required may remain a part of the record, and USCIS will not automatically return them to you.

**Translations.** Any document you submit to USCIS that contains a foreign language must have a full English translation. The translator must certify that the English translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

An example of a certification would read, “I [typed name], certify that I am fluent (conversant) in the English and [insert other language] languages, and that the above/attached document is an accurate translation of the document attached entitled [name of document].” The certification should also include the date, the translator's signature and typed name, and the translator's address.

**Advance Parole.** If you wish to file a request for Advance Parole, please follow the instructions for filing Form I-131, Application for Travel Document. You can get the most current information on how to apply for advance parole by visiting the USCIS Web site at [www.uscis.gov/i-131](http://www.uscis.gov/i-131) or calling the National Customer Service Line 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. - 6 p.m. in each U.S. time zone.

**Travel Warning.** On or after August 15, 2012, if you travel outside of the United States before USCIS has determined whether to defer action in your case, you will not be considered for deferred action. Even after USCIS has deferred action in your case under DACA, you should not travel outside the United States unless you have been issued an Advance Parole Document by USCIS. Deferred action will terminate automatically if you travel outside the United States without obtaining an Advance Parole Document from USCIS. In addition, leaving the United States, even with an Advance Parole Document, may impact your ability to return to the United States.

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## How To Fill Out Form I-821D

1. This form consists of eight parts. Requestors for Initial DACA and those requestors seeking Renewal of DACA should fill out most parts. However, only requestors for Initial DACA should complete **Part 3**. See below for greater detail.

**Part 1. Information About You.** All requestors must complete this part.

**Part 2. Residence and Travel Information.** All requestors must complete this part. Please be aware that Initial requestors must provide more extensive information than Renewal requestors.

**Part 3. For Initial Requests Only.** Renewal requestors should skip this part.

**Part 4. Criminal, National Security, and Public Safety Information.** All requestors must complete this part.

**Part 5. Statement, Certification, Signature, and Contact Information of the Requestor.** All requestors must complete this part.

**Part 6. Contact Information, Certification, and Signature of the Interpreter.** Any requestor using an interpreter must complete this part.

**Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Request, If Other than the Requestor.** If you had someone else prepare your request, he or she must complete this part.

**Part 8. Additional Information.** Any requestor may complete this part if additional space is needed.

2. Further Information on filling out Form I-821D:

- A. Type or print legibly in black ink.
- B. If you need extra space to complete any item within this request, use **Part 8. Additional Information** and make additional copies of this sheet as needed. Type or print your name and Alien Registration Number (A-Number) (*if any*) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
- C. Answer all questions fully and accurately. If an item is not applicable or the answer is “none,” type or print “N/A,” unless otherwise directed.
- D. All dates must be entered as mm/dd/yyyy. You may provide approximate dates if you do not know the exact date. Do not leave a date response blank.
- E. **Processing Information.** You must provide the biometrics information requested in **Part 1., Item Numbers 15. - 20.** Providing this information as part of your request may reduce the time you spend at your USCIS ASC appointment.
- F. **Part 5. Statement, Certification, Signature, and Contact Information of the Requestor.** Select the box that indicates whether someone interpreted this form for you. If applicable, the attorney, accredited representative, or other individual who helped prepare this form for you must complete **Part 7.** and sign and date the form. Every request must contain the requestor's original signature. A photocopy of a signed request or a typewritten name in place of a signature is **not** acceptable. Sign and date the form and provide your daytime telephone number, mobile telephone number, and email address. If you are under 14 years of age, your parent or legal guardian may sign the request on your behalf. A designated representative may sign if the requestor is unable to sign due to a physical or developmental disability or mental impairment.
- G. **Part 6. Contact Information, Certification, and Signature of the Interpreter.** If you used an interpreter to read the instructions and complete the questions on this form, the interpreter must fill out **Part 6.** The interpreter must provide his or her full name, the name of his or her business or organization, an address, a daytime telephone number, and an email address. He or she must also sign and date the form.

**H. Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Request, If Other Than the Requestor.** If the person who completed this request, is someone other than the person named in **Part 1.**, he or she must complete this section of the request, provide his or her name, the address of his or her business or organization (if any), and his or her contact information. If the person completing this request is an attorney or accredited representative, he or she must submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this request. Further, the attorney or accredited representative, and anyone who assisted in preparing your request, must sign and date the request. This section of the request **MUST** contain the original signature of the attorney or accredited representative, and anyone who assisted in preparing your request. A typewritten name in place of a signature is not acceptable.

### Evidence for Initial Requests Only

**NOTE:** If you are submitting an *Initial Request* for consideration of DACA to USCIS, you will need to submit documents showing how you believe you have satisfied each DACA guideline.

#### 1. What documents should you submit with your Form I-821D?

- A. You do not need to submit original documents unless USCIS requests them.
- B. Evidence and supporting documents that you file with your Form I-821D should show that you are at least 15 years of age at the time of filing, if required (*see the Who May File Form I-821D section of these instructions for more information*), and that you meet all of the following:
  - (1) Were born after June 15, 1981 (*i.e., You were not age 31 or older on June 15, 2012*);
  - (2) Arrived in the United States before 16 years of age;
  - (3) Have continuously resided in the United States since June 15, 2007, up to the present time;
  - (4) Were 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) Had no lawful status on June 15, 2012; and
  - (6) Are currently in school, graduated or received a certificate of completion from high school, obtained a GED certificate or other equivalent state-authorized exam in the United States, or that you are an honorably discharged veteran of the U.S. Armed Forces or U.S. Coast Guard.

#### 2. What documents do you need to provide to prove identity?

Submit copies of any of the following:

- A. Passport;
- B. Birth certificate accompanied by photo identification;
- C. Any national identity document from your country of origin bearing your photo and/or fingerprint;
- D. Any U.S. government immigration or other document bearing your name and photograph (*e.g., EADs, visas, driver's licenses, non-driver cards*);
- E. Any school-issued form of identification with photo;
- F. Military identification document with photo;
- G. State-issued photo ID showing date of birth; or
- H. Any other document with photo that you believe is relevant.

**NOTE:** Expired documents are acceptable.

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**3. What documents may show that you came to the United States before your 16th birthday?**

Submit copies of any of the following documents:

- A. Passport with an admission stamp indicating when you entered the United States;
- B. Form I-94, I-94W, or I-95 Arrival-Departure Record;
- C. Any Immigration and Naturalization Service (INS) or DHS document stating your date of entry (*e.g., Form I-862, Notice to Appear*);
- D. Travel records, such as transportation tickets showing your dates of travel to the United States;
- E. School records (*e.g., transcripts, report cards*) from the schools that you have attended in the United States, showing the names of the schools and periods of school attendance;
- F. Hospital or medical records concerning treatment or hospitalization, showing the names of the medical facilities or physicians and the dates of the treatment or hospitalization;
- G. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (*e.g., baptism, first communion, wedding*); or
- H. Any other document that you believe is relevant.

**4. If you left the United States for some period of time before your 16th birthday and returned on or after your 16th birthday to begin your current period of continuous residence, what documents may show that you established residence before your 16th birthday?**

Submit copies of any of the following documents:

- A. School records (*e.g., transcripts, report cards*) from the schools that you have attended in the United States, showing the names of the schools and periods of school attendance;
- B. Employment records (*e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, state verification of the filing of state income tax returns, letters from employers, or, if you are self employed, letters from banks and other firms with whom you have done business*);
- C. Documents evidencing that you were physically present in the United States for multiple years prior to your 16th birthday; or
- D. Any other relevant document.

**5. What documents may show that you continuously resided in the United States since June 15, 2007, up to the present date?**

Submit copies of any relevant documents such as:

- A. Rent receipts, utility bills (*e.g., gas, electric, phone*), or receipts or letters from companies showing the dates during which you received service. You may submit this documentation even if it only has the name of your parents or legal guardians, as long as you also submit other evidence (*e.g., third party documentation*) that connects you to your residence at that address;
- B. Employment records (*e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, state verification of the filing of state income tax returns, letters from employers, or, if you are self employed, letters from banks and other firms with whom you have done business*);

**NOTE:** In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters must include: your address at the time of employment, exact periods of employment, periods of layoff, and duties with the employer. Letters must also be signed by the employer and include the employer's contact information.

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- C. School records (*e.g., transcripts, report cards*) from the schools that you have attended in the United States, showing the names of the schools and periods of school attendance;
  - D. Military records (*e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records*);
  - E. Hospital or medical records concerning treatment or hospitalization, showing the names of the medical facilities or physicians and the dates of the treatment or hospitalization;
  - F. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (*e.g., baptism, first communion, wedding*);
  - G. Money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated records of bank transactions; correspondence between you and another person or organization; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
  - H. Any other relevant document.

**6. Do brief departures interrupt continuous residence?**

A brief, casual, and innocent absence from the United States will not interrupt your continuous residence. If you were absent from the United States for any period of time, your absence will be considered brief, casual, and innocent, if it was on or after June 15, 2007, and before August 15, 2012, and:

- A. The absence was short and reasonably calculated to accomplish the purpose for the absence;
- B. The absence was not because of an order of exclusion, deportation, or removal;
- C. The absence was not because of an order of voluntary departure or an administrative grant of voluntary departure before you were placed in exclusion, deportation, or removal proceedings; and
- D. The purpose of the absence and/or your actions while outside of the United States were not contrary to law.

**In Part 3. Arrival/Residence Information**, list all your absences from the United States since June 15, 2007. Include information about all your departure and return dates, and the reason for your departures. Documents you can submit that may show your absence was brief, casual, and innocent include, but are not limited to:

- A. Plane or other transportation tickets or itinerary showing the travel dates;
- B. Passport entries;
- C. Hotel receipts showing the dates you were abroad;
- D. Evidence of the purpose of the travel (*e.g., you attended a wedding or funeral*);
- E. Copy of Advance Parole Document issued by USCIS; and
- F. Any other evidence that could support a brief, casual, and innocent absence.

**7. What documents may demonstrate that you were present in the United States on June 15, 2012?**

Submit copies of any relevant documents such as:

- A. Rent receipts, utility bills (*e.g., gas, electric, phone*), or receipts or letters from companies showing the dates during which you received service You may submit this documentation even if it only has the name of your parents or legal guardians, as long as you also submit other evidence (*e.g., third party documentation*) that connects you to your residence at that address;
- B. Employment records (*e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, state verification of the filing of state income tax returns, letters from employers, or, if you are self employed, letters from banks and other firms with whom you have done business*);

**NOTE:** In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters must include: your address at the time of employment, exact periods of employment, periods of layoff, and duties with the employer. Letters must also be signed by the employer and include the employer's contact information.

- C. School records (*e.g., transcripts, report cards*) from the schools that you have attended in the United States, showing the names of the schools and periods of school attendance;
  - D. Military records (*e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records*);
  - E. Hospital or medical records concerning treatment or hospitalization, showing the names of the medical facilities or physicians and the dates of the treatment or hospitalization;
  - F. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (*e.g., baptism, first communion, wedding*);
  - G. Money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated records of bank transactions; correspondence between you and another person or organization; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
  - H. Any other relevant document.
8. **What documents may show you had no lawful status on June 15, 2012?** (*Submit documents if you were admitted or paroled, or otherwise obtained a lawful immigration status, on or before June 15, 2012, or you were or are in removal proceedings.*)
- Submit copies of any of the following documents:
- A. Form I-94, I-94W, or I-95 Arrival/Departure Record showing the date your authorized stay expired;
  - B. If you have a final order of exclusion, deportation, or removal issued as of June 15, 2012, submit a copy of that order and related charging documents, if available;
  - C. An INS or DHS charging document placing you into removal proceedings, if available; or
  - D. Any other document that you believe is relevant to show that on June 15, 2012, you had no lawful status.
9. **What documents may demonstrate that you: a) are currently in school in the United States at the time of filing; b) have graduated or received a certificate of completion or a certificate of attendance from a U.S. high school, a U.S. public or private college or university, including community college; or c) have obtained a GED certificate or other equivalent state-authorized exam in the United States? (If applicable)**

USCIS recognizes that schools, educational programs, school districts, and state education agencies around the country issue educational records in a variety of formats. USCIS does not require educational records to be presented in any particular format.

- A. To be considered “currently in school,” you are to demonstrate that you are currently enrolled in one of the following:
  - (1) A U.S. public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or home school program meeting state requirements;
  - (2) An education, literacy, or career training program (*including vocational training*) that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in post-secondary education, job training, or employment, and where you are working toward such placement, and that the program:
    - (a) Is administered by a non-profit entity; or

- 
- (b) Is funded in whole or in part by Federal, state, local, or municipal funds; or
  - (c) Is of demonstrated effectiveness;
- (3) An education program in the U.S. assisting students in obtaining a regular high school diploma or its recognized equivalent under state law (*including a certificate of completion, certificate of attendance, or alternate award*), or in passing a GED exam or other equivalent state-authorized exam, and that the program:
- (a) Is administered by a non-profit entity; or
  - (b) Is funded in whole or in part by Federal, state, local, or municipal funds; or
  - (c) Is of demonstrated effectiveness;
- (4) A U.S. public or private college or university including community college.

Evidence of enrollment may include, but is not limited to: school registration cards, acceptance or other letters demonstrating enrollment or attendance, current transcripts, report cards, progress reports, or other documents issued by a school district, state education agency, school, or program. These documents should show your name; the name of the school district, or state educational agency, school, or program issuing the record; the dates or time periods of enrollment you are seeking to establish; and your current educational or grade level.

If you have been accepted for enrollment and your classes have not yet begun, you may submit an acceptance letter with evidence that you have registered for classes or any other relevant evidence showing you have committed to starting classes on a certain date, including, for example, a copy of your tuition bill, your class schedule, or your Individualized Educational Program.

If you are enrolled in an educational, literacy, or career training program (*including vocational training or an ESL course*), evidence that the program is funded in whole or in part by Federal, state, local, or municipal funds includes a letter or other documentation from an authorized representative of the program that includes information such as: your name and date of enrollment, the duration of the program and expected completion date, the program's source of public funding, and the program's authorized representative's contact information.

If you are enrolled in an education, literacy, or career training program that is not publicly funded, evidence that the program is of demonstrated effectiveness may include information from an authorized school representative relating to: the duration of the program's existence; the program's track record in placing students in employment, job training, or post-secondary education; receipt of awards or special achievement or recognition that indicate the program's overall quality; and/or any other information indicating the program's overall quality.

- B. Evidence to show that you meet the educational guideline because you have “graduated from school” or “obtained a GED certificate” or other equivalent state-authorized exam in the United States includes, but is not limited to:
- (1) A high school diploma from a U.S. public or private high school or secondary school;
  - (2) A recognized equivalent of a U.S. high school diploma under state law, including a GED certificate or other equivalent state-authorized exam, a certificate of completion, or a certificate of attendance;
  - (3) A transcript that identifies the date of graduation or program completion;
  - (4) An enrollment history that shows the date of graduation or program completion;
  - (5) A degree from a public or private college or university or a community college; or
  - (6) An alternate award from a U.S. public or private high school or secondary school.

These documents should show your name; the name of the U.S. school district, educational agency, school, or program issuing the record; the dates or time periods of enrollment you are seeking to establish; and your date of graduation or completion.

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**10. What documents may demonstrate that you are an honorably discharged veteran of the U.S. Armed Forces or U.S. Coast Guard? (If applicable)**

Submit copies of the following documents:

- A. Form DD-214, Certificate of Release or Discharge from Active Duty;
- B. NGB Form 22, National Guard Report of Separation and Record of Service;
- C. Military personnel records;
- D. Military health records; or
- E. Any other relevant document.

**11. What additional documents should you submit if you are currently or have been in removal proceedings?**

Submit a copy of the removal order, any document issued by the immigration judge, or the final decision of the Board of Immigration Appeals (BIA), if available. If you have not been in removal proceedings, this question does not apply to you.

**12. What evidence should I submit to demonstrate my criminal history?**

If you have been arrested for or charged with any felony (*i.e., a Federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year*) or misdemeanor (*i.e., a Federal, state, or local criminal offense for which the maximum term of imprisonment authorized is one year or less but greater than five days*) in the United States, or a crime in any country other than the United States, you must submit evidence demonstrating the results of the arrest or charges brought against you. If the charges against you were handled in juvenile court, and the records are from a state with laws prohibiting their disclosure, this evidence is not required.

- A. If you have ever been arrested for any felony or misdemeanor in the United States, or a crime in any country other than the United States, and no charges were filed, submit an original official statement by the arresting agency or applicable court order confirming that no charges were filed for each arrest. If you are unable to provide such documentation or if it is not available, you must provide an explanation, including a description of your efforts to obtain such evidence, in **Part 8. Additional Information**.
- B. If you have ever been charged with or convicted of a felony or misdemeanor in the United States, or a crime in any country other than the United States, submit an original or court-certified copy of the complete arrest record and disposition for each incident (*e.g., dismissal order, conviction and sentencing record, acquittal order*). If you are unable to provide such documentation or if it is not available, you must provide an explanation, including a description of your efforts to obtain such evidence, in **Part 8. Additional Information**.
- C. If you have ever had any arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your record, submit:
  - (1) An original or court-certified copy of the court order vacating, setting aside, sealing, expunging, or otherwise removing the arrest or conviction; or
  - (2) An original statement from the court that no record exists of your arrest or conviction.

If you are unable to provide such documentation or if it is not available, you must provide an explanation, including a description of your efforts to obtain such evidence, in **Part 8. Additional Information**.

**NOTE: You do not need to submit documentation concerning minor traffic violations such as driving without a license unless they were alcohol- or drug-related.**

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**Evidence for Renewal Requests Only**

**NOTE:** If you are submitting a *Renewal Request* for consideration of DACA to USCIS, you do not need to re-submit documents you already submitted with your previous DACA requests.

If you are seeking a **Renewal** of DACA, respond to all questions, except where the section or question indicates "For Initial Requests Only."

If you are currently in exclusion, deportation, or removal proceedings, see **Item Number 11.** (*above*) for additional guidance.

If you have any criminal history, see **Item Number 12.** (*above*) for additional guidance.

With your Renewal request, you only need to submit any *new* documents pertaining to removal proceedings or criminal history that you have not already submitted to USCIS. If USCIS needs more documentation from you, USCIS will send a Request for Evidence to you explaining the needed information. However, you should submit new documents if any of the following situations apply to you:

1. You are currently in exclusion, deportation, or removal proceedings (*please note, you do not need to submit these documents if your case was administratively closed*); or
2. You have been charged with, or convicted of, a felony or misdemeanor (*please note, you do not need to submit these documents if you already submitted them with a previous DACA request*).

**NOTE:** You should keep all documents that support how you meet the DACA guidelines so you can provide them if they are requested by USCIS.

If ICE initially deferred action in your case and you are seeking a Renewal, you must select and complete **Item Number 2.** in **Part 1.** of Form I-821D. You must also respond to **ALL** subsequent questions on the form. You must also submit documentation to establish how you satisfy the guidelines as if you were filing an Initial request for consideration of deferred action.

**NOTE:** You do not need to submit documentation concerning minor traffic violations such as driving without a license unless they were alcohol- or drug- related.

### **Additional Information Relevant to ALL Requests for DACA**

#### **1. What other factors will USCIS consider when making a determination on deferred action?**

USCIS will also conduct a background check. USCIS may consider deferring action in your case even if you have been arrested or detained by any law enforcement officer and charges were filed, or if charges were filed against you without an arrest. USCIS will evaluate the totality of the circumstances in reaching a decision on deferred action.

In accordance with the Secretary's memorandum, if USCIS determines that you have been convicted of a felony, a significant misdemeanor, or three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or that you otherwise pose a threat to national security or public safety, USCIS is unlikely to defer action in your case. See the Frequently Asked Questions at [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

Even if you satisfy the threshold criteria for consideration of DACA, USCIS may deny your request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted in your case.

#### **2. What else should you submit with Form I-821D?**

USCIS will not consider deferring action in your case unless your Form I-821D is accompanied by Form I-765, with fees, and Form I-765WS. If you do not include Form I-765 with all applicable fees with your Form I-821D, your entire submission will be rejected.

**Optional E-Notification of Request Acceptance.** You may submit Form G-1145, Notification of Application/Petition Acceptance, an optional form, which will notify you electronically when USCIS accepts your request for DACA.

## **What is the Filing Fee?**

There is no filing fee for Form I-821D. However, you must submit both filing and biometric services fees with Form I-765. Read Form I-765 filing instructions for complete information at [www.uscis.gov/I-765](http://www.uscis.gov/I-765).

## **Where to File?**

Please see our USCIS Web site at [www.uscis.gov/I-821D](http://www.uscis.gov/I-821D) or call the USCIS National Customer Service Center at **1-800-375-5283** for the most current information about where to file this form. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

## **Address Changes**

You must inform USCIS if you change your address. For information on filing a change of address, go to the USCIS Web site at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

**NOTE:** Do not submit a change of address request to USCIS Lockbox facilities because these facilities **do not** process change of address requests.

## **Processing Information**

**Initial Processing.** Once your request has been received by USCIS, USCIS will check the request for completeness. If you do not completely fill out the form, USCIS may deny or reject your request.

**Requests for More Information, Including Biometrics or Interview.** We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you provide the originals of any copies you submit. We will return these originals when they are no longer needed.

If the same documents are required for both Form I-821D and Form I-765 that are filed together, the documents only have to be submitted once.

At the time of any interview or other appearance at a USCIS office, USCIS may require that you provide biometric information (*e.g., photograph, fingerprints, signature*) to verify your identity and update your background information.

**Decision.** USCIS will review your request to determine whether the exercise of prosecutorial discretion is appropriate in your case. Each case will be considered on an individual, case-by-case basis. Even if you satisfy the threshold criteria for consideration of DACA, USCIS may determine, in its unreviewable discretion, that deferred action is not warranted in your case. You will be notified of the decision in writing. There is no motion to reopen/reconsider the decision and there is no right to appeal.

## **USCIS Forms and Information**

To ensure you are using the latest version of this form, visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our Web site at [infopass.uscis.gov](http://infopass.uscis.gov). Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

## **Penalties**

If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a Federal felony punishable by a fine, or imprisonment up to five years, or both, under 18 U.S.C. Section 1001. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

## **USCIS Privacy Act Statement**

**AUTHORITIES:** The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.

**PURPOSE:** The primary purpose for providing the requested information on this form is to determine if you should be considered for deferred action as a childhood arrival. The information you provide will be used in making a decision whether to defer removal action in your case as an exercise of prosecutorial discretion.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your request.

**ROUTINE USES:** The information you provide on this form may be shared with other Federal, state, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records which can be found at [www.dhs.gov/privacy](http://www.dhs.gov/privacy)].

## **Other Disclosure Information**

Information provided in this request is protected from disclosure to ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance ([www.uscis.gov/NTA](http://www.uscis.gov/NTA)). The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of deferred action for childhood arrivals request itself, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. **The above information sharing clause covers family members and guardians, in addition to the requestor.**

This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

## **Paperwork Reduction Act**

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 3 hours per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0124. **Do not mail your completed Form I-821D to this address.**

## Reminder

### ***For Initial and Renewal Requests***

- Did you submit Form I-765 along with the filing and biometric services fees (\$465) required for the application for employment authorization, and did you also submit a completed Form I-765WS?
- Did you answer every relevant **Item Number**?
- Did you provide an original, handwritten signature and date your request?
- Did you submit the necessary documents? For Initial requests, did you submit documents to meet each guideline? For Renewal requests, see the section titled **Evidence for Renewal Requests Only**.
- If you were issued a final order of exclusion, deportation, or removal, did you include a copy of that final order (*if available and if you had not already submitted it to USCIS*)?
- If your exclusion, deportation, or removal proceedings were terminated by an immigration judge, did you include a copy of the immigration judge's termination order (*if available and if you had not already submitted it to USCIS*)?
- If you have ever been arrested for, charged with, or convicted of any felony or misdemeanor in the United States or any crime in any country other than the United States, did you submit an original, official, or court-certified document that shows your complete arrest record and final disposition for each incident (*if available and if you had not already submitted it to USCIS*)?

### ***For Initial Requests Only***

- Did you submit evidence to show that you came to the United States while under 16 years of age?
- Did you submit evidence to prove your identity, date of initial entry, and continuous residence from June 15, 2007 (*or earlier*) up to the present time?
- Did you submit evidence that you are currently in school, have a GED certificate, have graduated or received a certificate of completion from high school, or are an honorably discharged veteran of the U.S. Armed Forces or U.S. Coast Guard?
- Did you provide evidence showing that you had no lawful status as of June 15, 2012?

## GANGS

Gang = ongoing organization, association or group of three or more persons, whether formal or informal, that

1. Has, as one of its primary activities, the commission of one or more offenses listed in section 609.11, subd. 9<sup>1</sup>;
2. Has a common name or common identifying sign or symbol; and
3. Includes members who individually or collectively engage in or have engaged in a pattern of criminal activity

Minn. Stat. 609.229

### 10 Point Criteria

- 1) Subject admits to being a gang member,
- 2) Is observed to associate on regular basis with known gang members,
- 3) Has tattoos indicating gang membership,
- 4) Wears gang symbols to identify with a specific gang,
- 5) Is in a photograph with known gang members and/or using gang-related signs,
- 6) Name is on gang document, hit list or gang-related graffiti,
- 7) Is identified by a reliable source,
- 8) Arrested in the company of identified gang members or associates,
- 9) Corresponds with known gang members or writes and/or receives correspondence about gang activity,
- 10) Writes about gang (graffiti) on walls, books and paper.

Adopted by Gang and Drug Oversight Council.

## GANG DATABASES

(expert is Professor Nekima Levy-Pounds, UST)

<u>GANG POINTER FILE</u>	<u>GangNet (now defunct)</u>
<ul style="list-style-type: none"><li>• Maintained by BCA and at times now defunct Gang Strike Force</li><li>• 1555 subjects remain in system (as of 1/21/12)</li><li>• <b>Entered into Gang Pointer if:</b><ol style="list-style-type: none"><li>1. At least 14 years old;</li><li>2. Meets 3 of the 10-point criteria; and</li><li>3. <b>Convicted</b> of gross misdemeanor or felony or a stayed adjudication as a juvenile for an offense that would be a gross misdemeanor or felony if committed by an adult</li></ol></li><li>• <b>Removed after</b><ul style="list-style-type: none"><li>○ 3 years if no new criteria met and no criminal convictions</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Feeder system for Gang Pointer maintained by Ramsey County Sheriff's Office</li><li>• 16,764 alleged gang members (January 2010)</li><li>• Entered into GangNet if<ul style="list-style-type: none"><li>○ Meet one criteria</li><li>○ No conviction or adjudication of delinquency required</li><li>○ No age requirement</li></ul></li><li>• Removed after<ul style="list-style-type: none"><li>○ 10 years if no new criteria, criminal convictions, or incarcerations</li></ul></li><li>• Data not destroyed but returned to county or point of info origin</li><li>• <b>Problem: many local law enforcement agencies have unregulated databases</b></li></ul>

<sup>1</sup> murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; first-degree or aggravated first-degree witness tampering; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; drive-by shooting under section 609.66, subdivision 1e; stalking under section 609.749, subdivision 3, clause (3); possession or other unlawful use of a firearm in violation of section 1.165, subdivision 1b, or 624.713, subdivision 1, clause (2), a felony violation of chapter 152; or any attempt to commit any of these offenses.

## **Minnesota Bureau of Criminal Apprehension**

1430 Maryland Avenue East, Saint Paul, Minnesota 55106

### **DATA REQUEST BY AN INDIVIDUAL**

Please PRINT all information except where a signature is required.

Name: \_\_\_\_\_  
Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Other names (including aliases, birth name, nicknames, maiden name, etc.): \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
Street \_\_\_\_\_ Apt. /Suite # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Date of birth: \_\_\_\_\_  
Month \_\_\_\_\_ Day \_\_\_\_\_ Year (MM/DD/YYYY) \_\_\_\_\_

Description of data requested: I would like to know if the BCA is keeping  
(Example: "My computerized criminal history")  
confidential data about me

I would like to (check one):  inspect (look at) the requested data at the BCA (no charge)  
 receive copies of the requested data (a fee may apply)

If you mail this form, you must sign below in the presence of a Notary Public. Mail to: Judith M. Strobel,  
Data Practices, Bureau of Criminal Apprehension, 1430 Maryland Avenue East, Saint Paul, MN 55106. If  
you bring this form to the BCA, please be prepared to show a current, government-issued photo id card.

Signature: \_\_\_\_\_

STATE OF MINNESOTA                          )  
  )  
COUNTY OF \_\_\_\_\_                              )

Signed or attested before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by

Name of requestor: \_\_\_\_\_ (Affix seal here)

Signature of Notary Public: \_\_\_\_\_

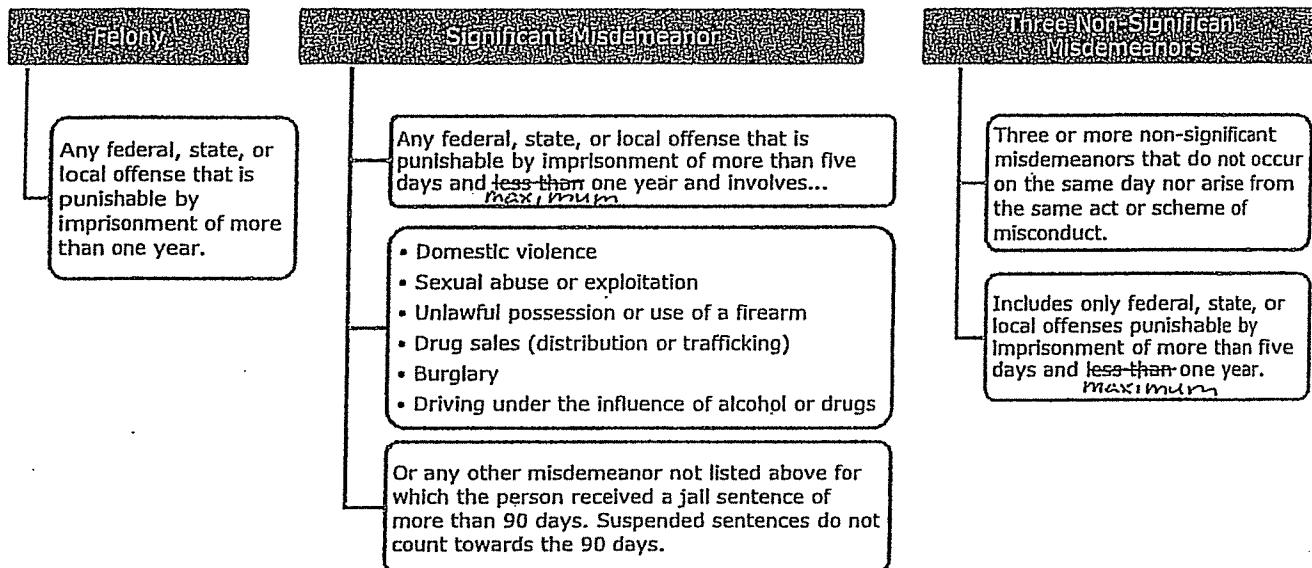
My commission expires: \_\_\_\_\_

For BCA use only — Identity verified by government-issued photo ID: \_\_\_\_\_  
(Initials of staff member)



## Understanding the Criminal Bars to the Deferred Action for Childhood Arrivals

### Criminal Bars to Deferred Action



If a person falls in one of the criminal bars above (and not one of the listed exceptions below) he or she may still be able to qualify for deferred action if he or she can show *exceptional circumstances*. Such approvals are likely to be very rare.

### Offenses That Do Not Lead to Automatic Disqualification

State Immigration Offenses	Traffic Offenses	Juvenile Delinquency	Expunged Convictions
Any <i>state</i> immigration-related felony or misdemeanor will not automatically disqualify a person from deferred action.	Minor traffic offenses, such as driving without a license, will not be considered a non-significant misdemeanor.	Juvenile delinquencies do not automatically disqualify an individual from deferred action.	Expunged convictions do not automatically disqualify an individual from deferred action.

**NOTE:** Even though these offenses do not trigger the "automatic" criminal bars, DHS can consider them under the discretionary *public safety threat* and *totality of circumstances* analysis, described below.

### Any Criminal History Can Result in a Discretionary Denial

Threat to Public Safety	Threat to National Security	Any Criminal History
DHS may deny any application if it finds a threat to public safety. This includes gang membership or participation in criminal activities.  An individual may receive deferred action only after showing "exceptional circumstances."	DHS may deny any application if it finds the applicant has participated in activities that are a threat to national security.  An individual may receive deferred action only after showing "exceptional circumstances."	Even where no criminal bar is present, an individual is not guaranteed a grant of deferred action. DHS may consider an individual's total criminal history, including non-significant misdemeanor convictions, juvenile delinquency, and expunged convictions. DHS will determine under the "totality of circumstances" of the individual's application whether to grant deferred action.

# Guidance for Representing Minors in Deferred Action Cases

On June 15, 2012, the Department of Homeland Security announced the availability of deferred action for childhood arrivals (DACA). Eligible DACA applicants will be able to submit applications to USCIS starting when they turn 15 years of age. Therefore, ILCM has compiled this document to provide suggestions for addressing some of the questions and circumstances that may arise during representation of DACA clients who are minors at the time of filing.

## **Standards for Representing Minors**

In Minnesota, lawyers representing minors generally follow the traditional attorney-client relationship.<sup>1</sup> However, the Minnesota Rules of Professional Conduct require that attorneys take special considerations into account when working with minor clients. Under the Minnesota Rules of Professional Conduct, age minority is addressed as a disability; meaning that a minor client may have diminished capacity to adequately consider decisions in connection with his or her representation.<sup>2</sup> However, the Minnesota Rules recognize that although age minority may result in diminished capacity, the level of affected capacity will vary among clients. The Rules state, “[A] client lacking legal competence often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the client’s own well-being.”<sup>3</sup> The Rules also state that a lawyer representing a minor “shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.”<sup>4</sup> This pertains to the lawyer’s duty to properly communicate with the client, the maintenance of client confidentiality, and the preservation of attorney client privilege. As a practical matter, the rules appear to require that an attorney make a reasonable assessment of their minor client’s capacity and adjust their communications accordingly, while striving to maintain the traditional attorney-client relationship wherever possible.<sup>5</sup>

ILCM suggests that attorneys in our pro bono program proceed in the following way when working with minor clients on deferred action for childhood arrival cases:

1. We advise that the minor applicant be treated fully as the client on the case. The attorney should make every effort to communicate primarily with the client and preserve confidentiality and privilege.
2. The client should be responsible for signing all retainers and other case placement materials, including the client informed consent sheet.
3. The attorney should take steps to ensure that the communication of case-related information to a minor client corresponds to the client’s capacity level. Attorneys should use accessible language and touch base with the client to check their level of understanding. We suggest asking the client if he or she understands key concepts and then asking the client to explain the information that was relayed his or her own words.

## **Interaction with Family Members in Representation Involving Minors**

Another unique aspect of legal representation for minors is the involvement of family members. In many cases involving minors family members, or the clients themselves, will want parents or other close family members involved in the representation. This may be especially true when dealing with representation related to DACA applications for the following reasons: 1) clients and their family members may be concerned that a DACA application could negatively affect

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<sup>1</sup> MINN. RULES OF PROF’L CONDUCT R. 1.14 (2005). *See also*, Gail Chang Bohr, ETHICS AND THE STANDARDS OF PRACTICE FOR THE REPRESENTATION OF CHILDREN IN ABUSE AND NEGLECT PROCEEDINGS, William Mitchell Law Review, Volume 32:3 at 90, 2006.

<sup>2</sup> MINN. RULES OF PROF’L CONDUCT R. 1.14.

<sup>3</sup> *Id.* R. 1.14 cmt.

<sup>4</sup> *Id.* R. 1.14(a), R. 1.14 cmt.

<sup>5</sup> For further guidance on working with minor clients please consult the Association ABA STANDARDS OF PRACTICE FOR LAWYERS WHO REPRESENT CHILDREN IN ABUSE AND NEGLECT CASES (1996).

members of the applicant's household, and 2) many applicants may not have information that is required to process a DACA application and may need to turn to family members to obtain that information. These are serious concerns that must be respected by the attorney. Attorneys should take every effort to maintain the trust of the client and respect their family structure throughout representation and while dealing with these special circumstances. However, the attorney must also take steps to ensure that the client is protected and receiving proper representation.

In an effort to ensure that all of the considerations discussed above are met, ILCM suggests that attorneys take the following steps:

1. Begin representation by contacting the client directly and not his or her family members;
2. If the client comes to a meeting with family members or expresses interest in having family members present and involved in the representation, we advise that the attorney explain how attorney client privilege could be broken by the presence of family members during client meetings. ***This explanation should be done in accessible language and the attorney should make every effort to explain this concept (and all issues that involve family members) in a non-offensive way that shows an understanding for the family's concerns and relationships.*** If, after being presented with this information, the client decides to proceed with family present the attorney should allow it.
3. If family members are present during client meetings the attorney should take the following actions: 1) explain to all family members present that the attorney does not represent them and advise that if they have questions they must seek separate legal counsel, 2) try at all times to maintain communication directly with the client, and 3) after the meeting is complete the attorney should ask to meet separately with the client to check and make sure that her or she did not omit any information or want to discuss any questions without his or her family present.
4. If documents or information are need from a parent or other relation of the client, the attorney can (with the client's permission) contact that family member and request the information and/or documents. During this correspondence the family member is to be treated as a witness, meaning the attorney should not provide any confidential information (unless necessary for the communication) or legal advice to the family member.



## IMMIGRANT LAW CENTER OF MINNESOTA DACA RENEWAL SCREENING

Client Name: \_\_\_\_\_

1. Previously granted Deferred Action for Childhood Arrival? Yes \_\_\_\_\_ No \_\_\_\_\_
2. DACA Expiration Date: \_\_\_\_\_
3. What is the 5 month (150 day) mark? \_\_\_\_\_ What is the 4 month (120 day) mark? \_\_\_\_\_
4. Ever been arrested, charged, or convicted of any offense? Yes \_\_\_\_\_ No \_\_\_\_\_  
*(Screen for any police contact at all, inquire about tickets, juvenile/expunged/dismissed incidents.  
Has client ever been in a police car, been fingerprinted, been in court, etc. If any incidents gather all records and consult with ILCM mentor)*
5. If the answer to question 3 is “yes,” and it occurred prior to the client’s grant of DACA, was the incident disclosed on the DACA application?  
Yes \_\_\_\_\_ No \_\_\_\_\_
6. Ever been a member of, or affiliated in any way, with a gang? Yes \_\_\_\_\_ No \_\_\_\_\_
7. Any travel outside of the United States since August 15, 2012? Yes \_\_\_\_\_ No \_\_\_\_\_  
*(If so, was advanced parole obtained before travel? What were travel dates?)*
8. When you first got DACA had you graduated HS or gotten your GED? Yes \_\_\_\_\_ No \_\_\_\_\_
9. If the answer to question 7 is “no”, are you still in school? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_
10. Currently in removal proceedings or ever been in removal proceedings? Yes \_\_\_\_\_ No \_\_\_\_\_  
*(To be clear ask about any past interaction, detentions, or court involvement with immigration)*
11. Do you have any other immigration applications pending or recently granted besides DACA?  
Yes \_\_\_\_\_ No \_\_\_\_\_



## DACA RENEWAL CHECKLIST & FILING TIPS

\*\*DACA Renewal Requests should NOT be submitted earlier than 150 days (5 months) before the expiration of the applicant's DACA term. However, if at all possible, applications should be submitted NO LATER than 120 days (4 months) before the applicants DACA expiration.

### I. BASIC FORMS

- Form G-28, Notice of Appearance.
  - We advise filing two G-28s (One for the I-765; one for the I-821D), attorney and client MUST both sign the forms.
- Form I-821D, Deferred Action for Childhood Arrivals.
  - You must use the newest version of the I-821D (see [www.uscis.gov](http://www.uscis.gov) for most recent version).
  - In Part 1 of the form, check Box 2 and only answer questions that apply to Renewal.
  - In part 2 only list addresses/travel that occurred since the DACA application was submitted.
  - Submit the Addendum Page, with client name, A#, and signature/date, even if otherwise blank.
  - Applicant, preparer, and Interpreter (if used) must *all* sign the form.
- Form I-765, Request for Employment Authorization.
  - Mark "Renewal of Request to Accept Employment."
  - For question 16, use category (c)(33).
  - For question 11, mark "yes." When asked which USCIS office handled the filing it will typically be Lincoln, NE (LIN). You can verify this by checking that the letters LIN appear in the first line of code on the back of the applicants EAD card. For the date of the last EAD filing you can use the "Valid From" date listed on the front of the EAD.
- Form I-765WS, Economic Need Worksheet.
- Form G-1145, E-Notification Form (Optional).

### II. APPLICATION FEES

- Check or Money Orders totaling \$465.00 made out to the Department of Homeland Security.
  - Please Note: If the applicant is filing with a fee exemption for this application, the fee exemption approval must be included with the application submission. Form I-912 cannot be used.
  - Since money is included in the filing mail the application using certified mail or other tracking.

### III. SUPPORTING DOCUMENTS

- Two Passport Style Photos.
- Copies of the Front and Back of applicants DACA EAD card.
- If Applicant Has Answered "Yes" to Questions 1 or 2 of Part 4 on the I-821D Form provide:
  - Certified copies of all relevant criminal records if such documents were not already filed as part of the original DACA application.
  - WARNING: If your client has marked "yes" to Questions 1 or 2 of Part 4 on the I-821D Form please consult with your ILCM mentor prior to filing the application.
- If Applicant Traveled Outside of the U.S. On or After August 15, 2012 provide Evidence of Advanced Parole.

# Categories and Definitions for Ethnicity and Race (USCIS)

## I.     **Ethnicity:**

- a. Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

## II.    **Race:**

- a. White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- b. Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- c. Black or African American: A person having origins in any of the black racial groups of Africa.
- d. American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- e. Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

USCIS Dallas Lockbox Facility  
**P.O. Box 660045**  
Dallas, TX 75266-0045

August 20, 2015

**ATTN: REQUEST FOR CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVAL & APPLICATION FOR EMPLOYMENT**

[REDACTED]  
[REDACTED]

Dear Sir/Madam:

Our office represents the applicant in this I-821D Consideration of Deferred Action for Childhood Arrivals application and accompanying application for employment authorization. This is a renewal application. Enclosed please find the following documents in support of the application:

- Check for filing fees of \$465 made out of US Department of Homeland Security;
- 2 passport style photos;
- Form G-1145, E-Notification of Application/Petition Acceptance;
- Forms G-28 for I-821D and I-765, Notice of Appearance as Attorney;
- Form I-821D, Consideration of Deferred Action for Childhood Arrivals;

- Form I-765, Application for Employment Authorization;
- Form I-765WS, Worksheet for Form I-765;
- Documentation of previous Employment Authorization Documents (EAD).

Thank you for your careful attention to this matter.

Sincerely,



Gail Martinson  
Accredited Representative  
Immigrant Law Center of Minnesota

Valid Money Order includes: 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark, hold up to light to view.

INTERNATIONAL MONEY ORDER

**MoneyGram.**



08/20/2015

To Validate: Touch the stop sign,

then watch it fade and reappear



MONEY ORDER

AMOUNT \$450.00

FOUR HUNDRED FIFTY DOLLARS 00 CENTS

PAY EXACTLY

TO [REDACTED] OF [REDACTED]

SECURITY

IMPORTANT - SEE BACK BEFORE CASHING

PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL DIBRADOR

PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

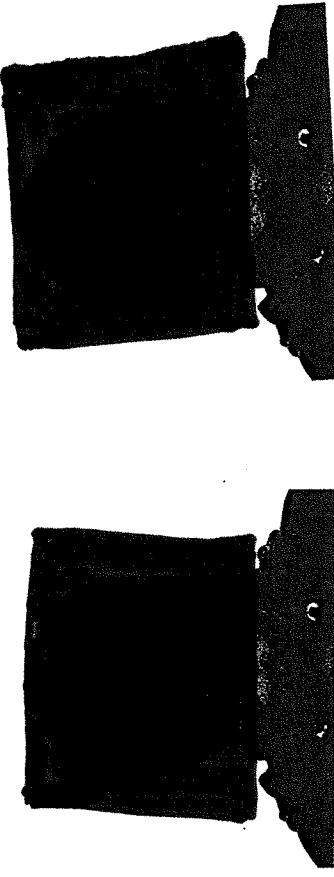
ADDRESS: [REDACTED]

DIRECCIÓN: [REDACTED]

ISSUER/DRAWER: [REDACTED]

MONEY ORDER NUMBER: [REDACTED]

CALL 1-800-542-3590 TO VERIFY





**Notice of Entry of Appearance  
as Attorney or Accredited Representative**  
**Department of Homeland Security**

DHS  
**Form G-28**  
OMB No. 1615-0105  
Expires 03/31/2018

**Part 1. Information About Attorney or  
Accredited Representative**

1. USCIS ELIS Account Number (*if any*)

►

**Name and Address of Attorney or Accredited  
Representative**

2.a. Family Name  
(*Last Name*)

Applebaum

2.b. Given Name  
(*First Name*)

Anne

2.c. Middle Name

3.a. Street Number  
and Name

450 North Syndicate Street

3.b. Apt.  Ste.

Flr.  200

3.c. City or Town

Saint Paul

3.d. State  MN

3.e. ZIP Code  55104

3.f. Province

3.g. Postal Code

3.h. Country

USA

4. Daytime Telephone Number

6516411011

5. Fax Number

6516411131

6. E-Mail Address (*if any*)

probono@ilcm.org

7. Mobile Telephone Number (*if any*)

**Part 2. Notice of Appearance as Attorney or  
Accredited Representative**

This appearance relates to immigration matters before  
(Select only one box):

1.a.  USCIS

1.b. List the form numbers

I-765 I-765WS

2.a.  ICE

2.b. List the specific matter in which appearance is entered

3.a.  CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at  
the request of:

4. Select only one box:

Applicant  Petitioner  Requestor  
 Respondent (ICE, CBP)

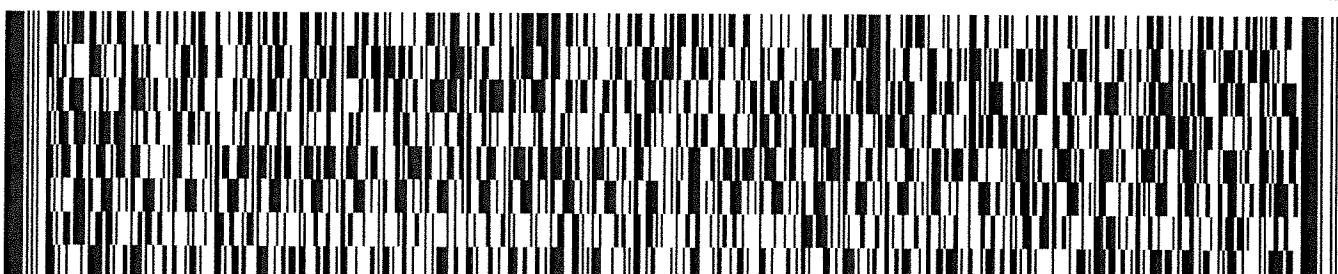
**Information About Applicant, Petitioner,  
Requestor, or Respondent**

5.a. Family Name  
(*Last Name*)

5.b. Given Name  
(*First Name*)

5.c. Middle Name

6. Name of Company or Organization (*if applicable*)



**Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)**

**Information About Applicant, Petitioner, Requestor, or Respondent (continued)**

7. USCIS ELIS Account Number (if any) ► [REDACTED]

8. Alien Registration Number (A-Number) or Receipt Number  
[REDACTED]

9. Daytime Telephone Number  
[REDACTED]

10. Mobile Telephone Number (if any)  
[REDACTED]

11. E-Mail Address (if any)  
[REDACTED]

**Mailing Address of Applicant, Petitioner, Requestor, or Respondent**

**NOTE:** Provide the mailing address of the applicant, petitioner, requestor, or respondent. If the applicant, petitioner, requestor, or respondent has used a safe mailing address on the application, petition, or request being filed with this Form G-28, provide it in these spaces.

12.a. Street Number and Name [REDACTED]

12.b. Apt.  Ste.  Flr.  [REDACTED]

12.c. City or Town [REDACTED]

12.d. State [REDACTED] 12.e. ZIP Code [REDACTED]

12.f. Province [REDACTED]

12.g. Postal Code [REDACTED]

12.h. Country USA

**Part 3. Eligibility Information for Attorney or Accredited Representative**

Select all applicable items.

1.a.  I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use Part 6.)

Licensing Authority

Minnesota Supreme Court

1.b. Bar Number (if applicable)

000000000

1.c. Name of Law Firm

[REDACTED]

1.d. I (choose one)  am not  am

subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a.  I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

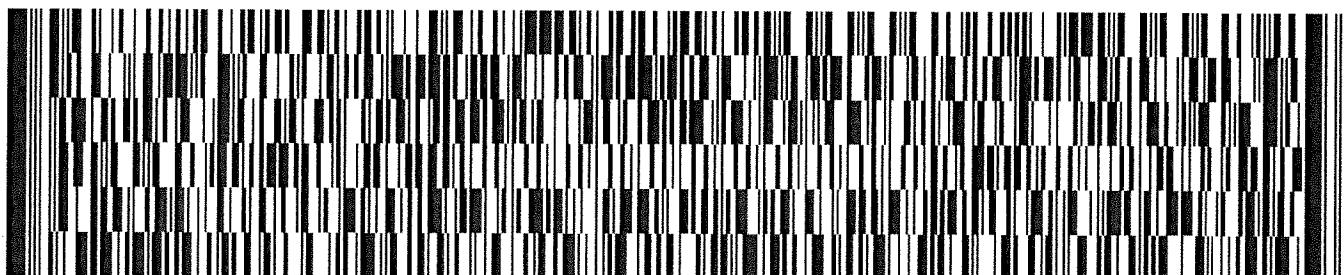
2.b. Name of Recognized Organization

[REDACTED]

2.c. Date accreditation expires

(mm/dd/yyyy)

► [REDACTED]



### Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3.  I am associated with  
[Redacted]

the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

**NOTE:** If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c.** in **Part 3.** (whichever is appropriate).

- 4.a.  I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

- 4.b. Name of Law Student or Law Graduate  
[Redacted]

### Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

#### Consent to Representation and Release of Information

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you unless you select **Item Number 2.a.** in **Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) unless you ask us to send those documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a.  I request DHS send any notice (including Form I-94) on an application, petition, or request to the business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

- 2.b.  I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the business address of my attorney of record or accredited representative as listed in this form. I consent to having my secure identity document sent to my attorney of record or accredited representative and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent  
[Redacted]

- 3.b. Date of Signature (mm/dd/yyyy) ► 08/20/2015

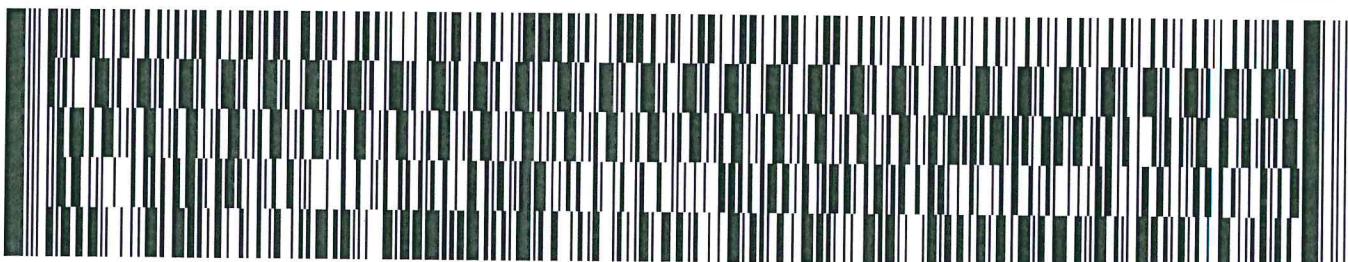
### Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative  
[Signature]

2. Signature of Law Student or Law Graduate  
[Redacted]

3. Date of Signature (mm/dd/yyyy) ► 08/20/2015



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**Part 6. Additional Information**

Use the space below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.**

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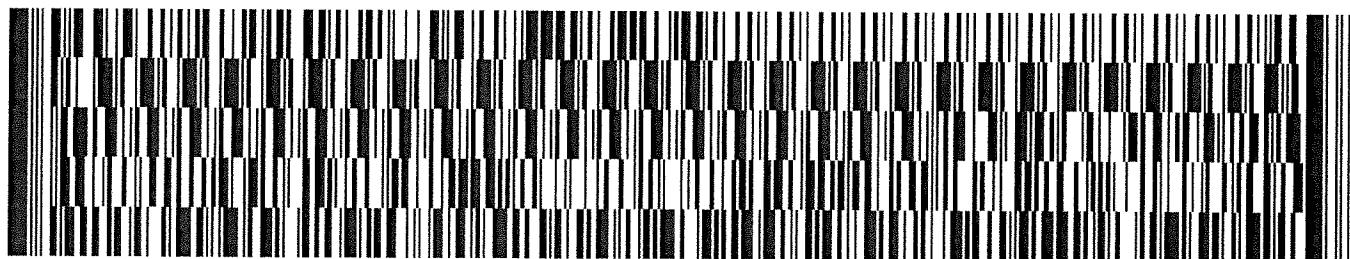
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**Notice of Entry of Appearance  
as Attorney or Accredited Representative**  
**Department of Homeland Security**

DHS  
Form G-28  
OMB No. 1615-0105  
Expires 03/31/2018

**Part 1. Information About Attorney or Accredited Representative**

1. USCIS ELIS Account Number (*if any*)

►

**Name and Address of Attorney or Accredited Representative**

2.a. Family Name (*Last Name*)

Applebaum

2.b. Given Name (*First Name*)

Anne

2.c. Middle Name

3.a. Street Number and Name

450 North Syndicate Street

3.b. Apt.  Ste.  Flr.  200

3.c. City or Town

Saint Paul

3.d. State

MN

3.e. ZIP Code

55104

3.f. Province

3.g. Postal Code

3.h. Country

USA

4. Daytime Telephone Number

6516411011

5. Fax Number

6516411131

6. E-Mail Address (*if any*)

probono@ilcm.org

7. Mobile Telephone Number (*if any*)

**Part 2. Notice of Appearance as Attorney or Accredited Representative**

This appearance relates to immigration matters before  
(Select **only one** box):

1.a.  USCIS

1.b. List the form numbers

I-821D

2.a.  ICE

2.b. List the specific matter in which appearance is entered

3.a.  CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at the request of:

4. Select **only one** box:

Applicant  Petitioner  Requestor  
 Respondent (ICE, CBP)

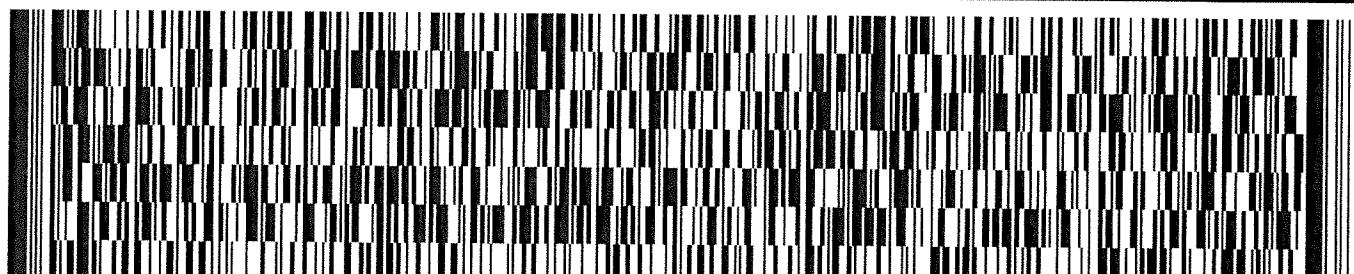
**Information About Applicant, Petitioner, Requestor, or Respondent**

5.a. Family Name (*Last Name*)

5.b. Given Name (*First Name*)

5.c. Middle Name

6. Name of Company or Organization (*if applicable*)



**Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)**

**Information About Applicant, Petitioner, Requestor, or Respondent (continued)**

7. USCIS ELIS Account Number (*if any*)

► [REDACTED]

8. Alien Registration Number (A-Number) or Receipt Number

[REDACTED]

9. Daytime Telephone Number

[REDACTED]

10. Mobile Telephone Number (*if any*)

[REDACTED]

11. E-Mail Address (*if any*)

[REDACTED]

**Mailing Address of Applicant, Petitioner, Requestor, or Respondent**

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. If the applicant, petitioner, requestor, or respondent has used a safe mailing address on the application, petition, or request being filed with this Form G-28, provide it in these spaces.

12.a. Street Number and Name

[REDACTED]

12.b. Apt.  Ste.  Flr.  [REDACTED]

12.c. City or Town

[REDACTED]

12.d. State

[REDACTED]

12.e. ZIP Code

[REDACTED]

12.f. Province

[REDACTED]

12.g. Postal Code

[REDACTED]

12.h. Country

USA

**Part 3. Eligibility Information for Attorney or Accredited Representative**

Select all applicable items.

- 1.a.  I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (*If you need additional space, use Part 6.*)

Licensing Authority

Minnesota Supreme Court

1.b. Bar Number (*if applicable*)

000000000

1.c. Name of Law Firm

[REDACTED]

1.d. I (*choose one*)  am not  am

subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (*If you need additional space, use Part 6.*)

- 2.a.  I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

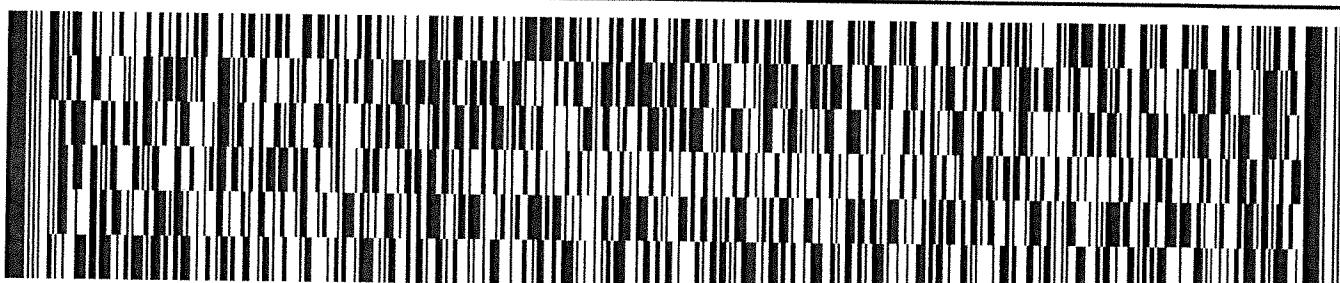
2.b. Name of Recognized Organization

[REDACTED]

2.c. Date accreditation expires

(mm/dd/yyyy) ►

[REDACTED]



### Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3.  I am associated with

the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

**NOTE:** If you select this item, also complete Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3. (whichever is appropriate).

- 4.a.  I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

- 4.b. Name of Law Student or Law Graduate

### Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

#### Consent to Representation and Release of Information

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in Part 1. of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you unless you select Item Number 2.a. in Part 4. All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) unless you ask us to send those documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select all applicable boxes below:

- 2.a.  I request DHS send any notice (including Form I-94) on an application, petition, or request to the business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

- 2.b.  I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the business address of my attorney of record or accredited representative as listed in this form. I consent to having my secure identity document sent to my attorney of record or accredited representative and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

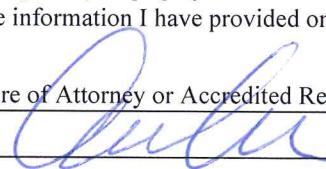
- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

- 3.b. Date of Signature (mm/dd/yyyy) ►

### Part 5. Signature of Attorney or Accredited Representative

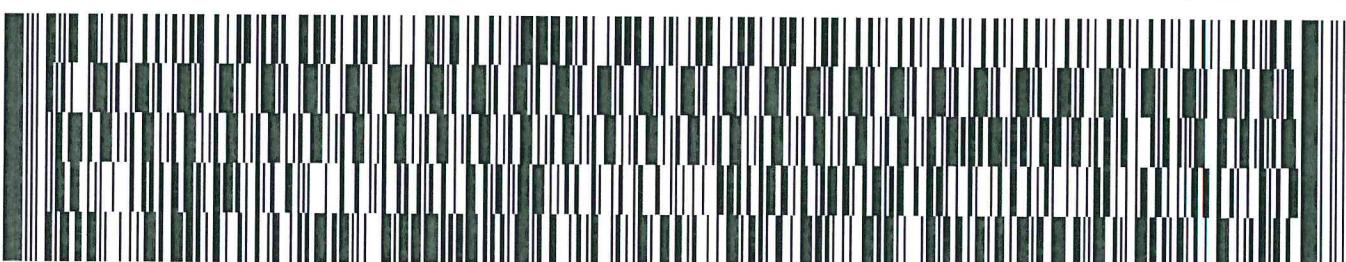
I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative



2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) ►



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**Part 6. Additional Information**

Use the space below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.**

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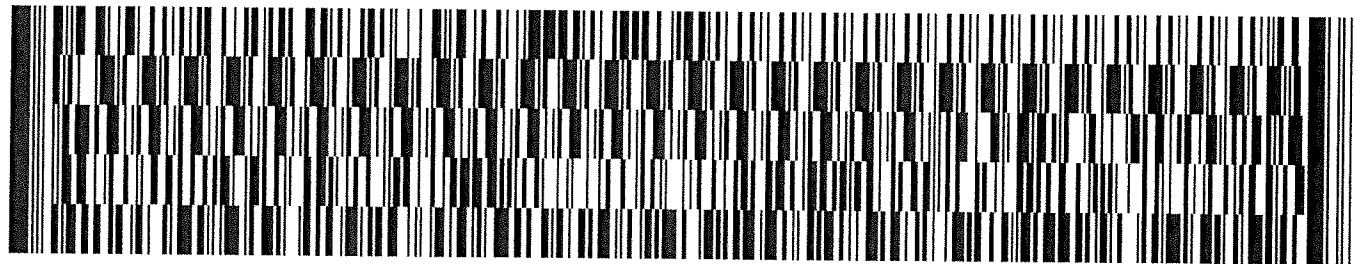
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## e-Notification of Application/Petition Acceptance

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS

Form G-1145

OMB No. 1615-0109

Expires 09/30/2016

### What Is the Purpose of This Form?

Use this form to request an electronic notification (e-Notification) when U.S. Citizenship and Immigration Services accepts your immigration application. This service is available for applications filed at a USCIS Lockbox facility.

### General Information

Complete the information below and clip this form to the first page of your application package. You will receive one e-mail and/or text message for each form you are filing.

We will send the e-Notification within 24 hours after we accept your application. Domestic customers will receive an e-mail and/or text message; overseas customers will only receive an e-mail. Undeliverable e-Notifications cannot be resent.

The e-mail or text message will display your receipt number and tell you how to get updated case status information. It will not include any personal information. The e-Notification does not grant any type of status or benefit; rather it is provided as a convenience to customers.

USCIS will also mail you a receipt notice (I-797C), which you will receive within 10 days after your application has been accepted; use this notice as proof of your pending application or petition.

### USCIS Privacy Act Statement

**AUTHORITIES:** The information requested on this form is collected pursuant to section 103(a) of the Immigration and Nationality Act, as amended INA section 101, et seq.

**PURPOSE:** The primary purpose for providing the information on this form is to request an electronic notification when USCIS accepts immigration form. The information you provide will be used to send you a text and/or email message.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information may prevent USCIS from providing you a text and/or email message receipting your immigration form.

**ROUTINE USES:** The information provided on this form will be used by and disclosed to DHS personnel and contractors in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File (A-File) and Central Index System (CIS)], which can be found at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.

### Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 3 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue, NW, Washington, DC 20529-2140. OMB No. 1615-0109. Do not mail your completed Form G-1145 to this address.

Complete this form and clip it on top of the first page of your immigration form(s).

Applicant/Petitioner Full Last Name  [REDACTED]	Applicant/Petitioner Full First Name  [REDACTED]	Applicant/Petitioner Full Middle Name  [REDACTED]
E-mail Address  [REDACTED]	Mobile Phone Number (Text Message)  [REDACTED]	



# Consideration of Deferred Action for Childhood Arrivals

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-821D  
OMB No. 1615-0124  
Expires 06/30/2016

For USCIS Use Only	A-  Case ID:  <input type="checkbox"/> Requestor interviewed on _____	Receipt	Action Block
	Returned: / /	Received: / /	Remarks
	Resubmitted: / /	Sent: / /	
To Be Completed by an Attorney or Accredited Representative, if any.		<input checked="" type="checkbox"/> Select this box if Form G-28 is attached to represent the requestor.	Attorney State Bar Number ( <i>if any</i> ): _____

► START HERE - Type or print in black ink. Read Form I-821D Instructions for information on how to complete this form.

## Part 1. Information About You (For Initial and Renewal Requests)

I am not in immigration detention *and* I have included Form I-765, Application for Employment Authorization, and Form I-765WS, Form I-765 Worksheet; and

I am requesting:

1.  Initial Request - Consideration of Deferred Action for Childhood Arrivals  
*OR*
2.  Renewal Request - Consideration of Deferred Action for Childhood Arrivals  
*AND*

For this Renewal request, my most recent period of Deferred Action for Childhood Arrivals expires on

(mm/dd/yyyy) ► 01/19/2016

## Full Legal Name

- 3.a. Family Name  
(*Last Name*) [REDACTED]
- 3.b. Given Name  
(*First Name*) [REDACTED]
- 3.c. Middle Name [REDACTED]

## U.S. Mailing Address (Enter the same address on Form I-765)

- 4.a. In Care Of Name (*if applicable*) [REDACTED]
- 4.b. Street Number  
and Name [REDACTED]
- 4.c. Apt.  Ste.  Flr.  [REDACTED]
- 4.d. City or Town [REDACTED]
- 4.e. State [REDACTED] 4.f. ZIP Code [REDACTED]

## Removal Proceedings Information

5. Are you NOW or have you EVER been in removal proceedings, or do you have a removal order issued in any other context (*for example, at the border or within the United States by an immigration agent*)?

Yes  No

NOTE: The term "removal proceedings" includes exclusion or deportation proceedings initiated before April 1, 1997; an Immigration and Nationality Act (INA) section 240 removal proceeding; expedited removal; reinstatement of a final order of exclusion, deportation, or removal; an INA section 217 removal after admission under the Visa Waiver Program; or removal as a criminal alien under INA section 238.

If you answered "Yes" to Item Number 5., you must select a box below indicating your current status or outcome of your removal proceedings.

Status or outcome:

- 5.a.  Currently in Proceedings (*Active*)
- 5.b.  Currently in Proceedings (*Administratively Closed*)
- 5.c.  Terminated
- 5.d.  Subject to a Final Order
- 5.e.  Other. Explain in Part 8. Additional Information.
- 5.f. Most Recent Date of Proceedings  
(mm/dd/yyyy) ► [REDACTED]

- 5.g. Location of Proceedings [REDACTED]

**Part 1. Information About You (For Initial and Renewal Requests) (continued)**

**Other Information**

6. Alien Registration Number (A-Number) (if any) ► A- [REDACTED]
7. U.S. Social Security Number (if any) ► [REDACTED]
8. Date of Birth (mm/dd/yyyy) ► [REDACTED]
9. Gender  Male  Female
- 10.a. City/Town/Village of Birth  
[REDACTED]
- 10.b. Country of Birth  
Mexico
11. Current Country of Residence  
USA
12. Country of Citizenship or Nationality  
Mexico
13. Marital Status  
 Married  Widowed  Single  Divorced

**Other Names Used (If Applicable)**

If you need additional space, use Part 8. Additional Information.

- 14.a. Family Name (Last Name) [REDACTED]
- 14.b. Given Name (First Name) [REDACTED]
- 14.c. Middle Name [REDACTED]

**Processing Information**

15. Ethnicity (Select only one box)  
 Hispanic or Latino  
 Not Hispanic or Latino
16. Race (Select all applicable boxes)  
 White  
 Asian  
 Black or African American  
 American Indian or Alaska Native  
 Native Hawaiian or Other Pacific Islander
17. Height Feet  Inches
18. Weight Pounds
19. Eye Color (Select only one box)  
 Black  Blue  Brown  
 Gray  Green  Hazel  
 Maroon  Pink  Unknown/Other
20. Hair Color (Select only one box)  
 Bald (No hair)  Black  Blond  
 Brown  Gray  Red  
 Sandy  White  Unknown/Other

**Part 2. Residence and Travel Information (For Initial and Renewal Requests)**

1. I have been continuously residing in the U.S. since at least June 15, 2007, up to the present time.  Yes  No

NOTE: If you departed the United States for some period of time before your 16th birthday and returned to the United States on or after your 16th birthday to begin your current period of continuous residence, and if this is an initial request, submit evidence that you established residence in the United States prior to 16 years of age as set forth in the instructions to this form.

For Initial Requests: List your current address and, to the best of your knowledge, the addresses where you resided since the date of your initial entry into the United States to present.

For Renewal Requests: List only the addresses where you resided since you submitted your last Form I-821D that was approved.

If you require additional space, use Part 8. Additional Information.

**Part 2. Residence and Travel Information (For Initial and Renewal Requests) (continued)**

**Present Address**

2.a. Dates at this residence (mm/dd/yyyy)

From ► **12/01/2009** To ► Present

2.b. Street Number and Name **[REDACTED]**

2.c. Apt.  Ste.  Flr.  **[REDACTED]**

2.d. City or Town **[REDACTED]**

2.e. State **[REDACTED]**

2.f. ZIP Code **[REDACTED]**

**Address 1**

3.a. Dates at this residence (mm/dd/yyyy)

From ► **[REDACTED]** To ► **[REDACTED]**

3.b. Street Number and Name **[REDACTED]**

3.c. Apt.  Ste.  Flr.  **[REDACTED]**

3.d. City or Town **[REDACTED]**

3.e. State **[REDACTED]**

3.f. ZIP Code **[REDACTED]**

**Address 2**

4.a. Dates at this residence (mm/dd/yyyy)

From ► **[REDACTED]** To ► **[REDACTED]**

4.b. Street Number and Name **[REDACTED]**

4.c. Apt.  Ste.  Flr.  **[REDACTED]**

4.d. City or Town **[REDACTED]**

4.e. State **[REDACTED]**

4.f. ZIP Code **[REDACTED]**

**Address 3**

5.a. Dates at this residence (mm/dd/yyyy)

From ► **[REDACTED]** To ► **[REDACTED]**

5.b. Street Number and Name **[REDACTED]**

5.c. Apt.  Ste.  Flr.  **[REDACTED]**

5.d. City or Town **[REDACTED]**

5.e. State **[REDACTED]**

5.f. ZIP Code **[REDACTED]**

**Travel Information**

**For Initial Requests:** List all of your absences from the United States since June 15, 2007.

**For Renewal Requests:** List only your absences from the United States since you submitted your last Form I-821D that was approved.

If you require additional space, use **Part 8. Additional Information.**

**Departure 1**

6.a. Departure Date (mm/dd/yyyy) ► **[REDACTED]**

6.b. Return Date (mm/dd/yyyy) ► **[REDACTED]**

6.c. Reason for Departure  
**[REDACTED]**

**Departure 2**

7.a. Departure Date (mm/dd/yyyy) ► **[REDACTED]**

7.b. Return Date (mm/dd/yyyy) ► **[REDACTED]**

7.c. Reason for Departure  
**[REDACTED]**

8. Have you left the United States without advance parole on or after August 15, 2012?  Yes  No

9.a. What country issued your last passport?

**[REDACTED]**

9.b. Passport Number  
**[REDACTED]**

9.c. Passport Expiration Date  
(mm/dd/yyyy) ► **[REDACTED]**

10. Border Crossing Card Number (if any)

**[REDACTED]**

**Part 3. For Initial Requests Only**

1. I initially arrived and established residence in the U.S. prior to 16 years of age.  Yes  No

2. Date of *Initial* Entry into the United States (on or about)  
(mm/dd/yyyy) ► **[REDACTED]**

3. Place of *Initial* Entry into the United States  
**[REDACTED]**

### Part 3. For Initial Requests Only (continued)

4. Immigration Status on June 15, 2012 (e.g., *No Lawful Status, Status Expired, Parole Expired*)  
[Redacted]
- 5.a. Were you EVER issued an Arrival-Departure Record (Form I-94, I-94W, or I-95)?  Yes  No
- 5.b. If you answered "Yes" to Item Number 5.a., provide your Form I-94, I-94W, or I-95 number (*if available*).  
► [Redacted]
- 5.c. If you answered "Yes" to Item Number 5.a., provide the date your authorized stay expired, as shown on Form I-94, I-94W, or I-95 (*if available*).  
(mm/dd/yyyy) ► [Redacted]

### Education Information

6. Indicate how you meet the education guideline (e.g., *Graduated from high school, Received a general educational development (GED) certificate or equivalent state-authorized exam, Currently in school*)  
[Redacted]
7. Name, City, and State of School Currently Attending or Where Education Received  
[Redacted]
8. Date of Graduation (e.g., *Receipt of a Certificate of Completion, GED certificate, other equivalent state-authorized exam*) or, if currently in school, date of last attendance. (mm/dd/yyyy) ► [Redacted]

### Military Service Information

9. Were you a member of the U.S. Armed Forces or U.S. Coast Guard?  Yes  No

If you answered "Yes" to Item Number 9., you must provide responses to Item Numbers 9.a. - 9.d.

- 9.a. Military Branch  
[Redacted]

- 9.b. Service Start Date (mm/dd/yyyy) ► [Redacted]

- 9.c. Discharge Date (mm/dd/yyyy) ► [Redacted]

- 9.d. Type of Discharge  
[Redacted]

### Part 4. Criminal, National Security, and Public Safety Information (For Initial and Renewal Requests)

If any of the following questions apply to you, use Part 8. Additional Information to describe the circumstances and include a full explanation.

1. Have you EVER been arrested for, charged with, or convicted of a felony or misdemeanor, *including incidents handled in juvenile court*, in the United States? *Do not include minor traffic violations unless they were alcohol- or drug-related.*  Yes  No

If you answered "Yes," you must include a certified court disposition, arrest record, charging document, sentencing record, etc., for each arrest, unless disclosure is prohibited under state law.

2. Have you EVER been arrested for, charged with, or convicted of a crime in any country other than the United States?  Yes  No

If you answered "Yes," you must include a certified court disposition, arrest record, charging document, sentencing record, etc., for each arrest.

3. Have you EVER engaged in, do you continue to engage in, or plan to engage in terrorist activities?  Yes  No

4. Are you NOW or have you EVER been a member of a gang?  Yes  No

5. Have you EVER engaged in, ordered, incited, assisted, or otherwise participated in any of the following:

- 5.a. Acts involving torture, genocide, or human trafficking?  Yes  No

- 5.b. Killing any person?  Yes  No

- 5.c. Severely injuring any person?  Yes  No

- 5.d. Any kind of sexual contact or relations with any person who was being forced or threatened?  Yes  No

6. Have you EVER recruited, enlisted, conscripted, or used any person to serve in or help an armed force or group while such person was under age 15?  Yes  No

7. Have you EVER used any person under age 15 to take part in hostilities, or to help or provide services to people in combat?  Yes  No

**Part 5. Statement, Certification, Signature, and Contact Information of the Requestor (For Initial and Renewal Requests)**

NOTE: Select the box for either Item Number 1.a. or 1.b.

- 1.a.  I can read and understand English, and have read and understand each and every question and instruction on this form, as well as my answer to each question.
- 1.b.  The interpreter named in Part 6. has read to me each and every question and instruction on this form, as well as my answer to each question, in

[redacted], a language in which I am fluent. I understand each and every question and instruction on this form as translated to me by my interpreter, and have provided true and correct responses in the language indicated above.

**Requestor's Certification**

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct and that copies of documents submitted are exact photocopies of unaltered original documents. I understand that I may be required to submit original documents to U.S. Citizenship and Immigration Services (USCIS) at a later date. I also understand that knowingly and willfully providing materially false information on this form is a federal felony punishable by a fine, imprisonment up to 5 years, or both, under 18 U.S.C. section 1001. Furthermore, I authorize the release of any information from my records that USCIS may need to reach a determination on my deferred action request.

- 2.a. Requestor's Signature

[redacted]

- 2.b. Date of Signature (mm/dd/yyyy) ► 08-20-15

**Requestor's Contact Information**

3. Requestor's Daytime Telephone Number

[redacted]

4. Requestor's Mobile Telephone Number

[redacted]

5. Requestor's Email Address

[redacted]

**Part 6. Contact Information, Certification, and Signature of the Interpreter (For Initial and Renewal Requests)**

**Interpreter's Full Name**

Provide the following information concerning the interpreter:

- 1.a. Interpreter's Family Name (Last Name)

[redacted]

- 1.b. Interpreter's Given Name (First Name)

[redacted]

2. Interpreter's Business or Organization Name (if any)

[redacted]

**Interpreter's Mailing Address**

- 3.a. Street Number and Name

[redacted]

- 3.b. Apt.  Ste.  Flr.

[redacted]

- 3.c. City or Town

[redacted]

- 3.d. State [redacted] 3.e. ZIP Code [redacted]

- 3.f. Province

[redacted]

- 3.g. Postal Code

[redacted]

- 3.h. Country

[redacted]

**Interpreter's Contact Information**

4. Interpreter's Daytime Telephone Number

[redacted]

5. Interpreter's Email Address

[redacted]

**Part 6. Contact Information, Certification, and Signature of the Interpreter (For Initial and Renewal Requests) (continued)**

**Interpreter's Certification**

I certify that:

I am fluent in English and [REDACTED] which is the same language provided in Part 5., Item Number 1.b.;

I have read to this requestor each and every question and instruction on this form, as well as the answer to each question, in the language provided in Part 5., Item Number 1.b.; and

The requestor has informed me that he or she understands each and every instruction and question on the form, as well as the answer to each question.

6.a. Interpreter's Signature  
[REDACTED]

6.b. Date of Signature (mm/dd/yyyy) ► [REDACTED]

**Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Request, If Other than the Requestor (For Initial and Renewal Requests)**

**Preparer's Full Name**

Provide the following information concerning the preparer:

1.a. Preparer's Family Name (Last Name)  
Martinson

1.b. Preparer's Given Name (First Name)  
Gail

2. Preparer's Business or Organization Name  
[REDACTED]

**Preparer's Mailing Address**

3.a. Street Number and Name	450 North Syndicate Street		
3.b. Apt. <input type="checkbox"/> Ste. <input checked="" type="checkbox"/> Flr. <input type="checkbox"/>	200		
3.c. City or Town	Saint Paul		
3.d. State <input type="checkbox"/> MN	3.e. ZIP Code	55104	
3.f. Province	[REDACTED]		
3.g. Postal Code	[REDACTED]		
3.h. Country	USA		

**Preparer's Contact Information**

4. Preparer's Daytime Telephone Number  
651-641-1011

5. Preparer's Fax Number  
651-641-1131

6. Preparer's Email Address  
[REDACTED]

**Preparer's Declaration**

I declare that I prepared this Form I-821D at the requestor's behest, and it is based on all the information of which I have knowledge.

7.a. Preparer's Signature  
Gail M. Martinson

7.b. Date of Signature (mm/dd/yyyy) ► 08/20/2015

NOTE: If you need extra space to complete any item within this request, see the next page for Part 8. Additional Information.

## **Part 8. Additional Information (For Initial and Renewal Requests)**

If you need extra space to complete any item within this request, use the space below. You may also make copies of this page to complete and file with this request. Include your name and A-Number (*if any*) at the top of each sheet of paper; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

### **Full Legal Name**

- 1.a. Family Name (Last Name) [REDACTED]  
1.b. Given Name (First Name) [REDACTED]  
1.c. Middle Name [REDACTED]
2. A-Number (*if any*)  
► A- [REDACTED]

3.a. Page Number    3.b. Part Number    3.c. Item Number  
[REDACTED]    [REDACTED]    [REDACTED]

3.d.

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4.a. Page Number    4.b. Part Number    4.c. Item Number  
[REDACTED]    [REDACTED]    [REDACTED]

4.d.

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5.a. Page Number    5.b. Part Number    5.c. Item Number  
[REDACTED]    [REDACTED]    [REDACTED]

5.d.

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6.a. Signature [REDACTED]  
[REDACTED]

6.b. Date of Signature (mm/dd/yyyy) ► [REDACTED] 08-20-15

**I-765, Application For  
Employment Authorization**

<b>For USCIS Use Only</b>	Fee Stamp		Action Block		Initial Receipt	Resubmitted
					Relocated	
					Received	Sent
					Completed	
<input type="checkbox"/> Application Approved <input type="checkbox"/> Employment Authorized Until _____ <input type="checkbox"/> Employment Extended Until _____ Subject to the following conditions: _____		<input type="checkbox"/> Application Denied - Failed to establish: <input type="checkbox"/> Eligibility under 8 CFR 274a.12 (a) or (c) <input type="checkbox"/> Economic necessity under 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)		Approved	Denied	
				Denied		
				Applicant is filing under section 274a.12 _____		

I am applying for:  Permission to accept employment.  Replacement (of lost employment authorization document).  
 Renewal of my permission to accept employment (attach a copy of your previous employment authorization document).

1. Full Name  
(Family Name) \_\_\_\_\_ (First Name) \_\_\_\_\_ (Middle Name) \_\_\_\_\_

2. Other Names Used (include Maiden Name)  
\_\_\_\_\_

3. U.S. Mailing Address  
(Street Number and Name) \_\_\_\_\_ (Apt. Number) \_\_\_\_\_  
\_\_\_\_\_

(Town or City) \_\_\_\_\_ (State) \_\_\_\_\_ (ZIP Code) \_\_\_\_\_

4. Country of Citizenship or Nationality  
Mexico

5. Place of Birth  
(Town or City) \_\_\_\_\_ (State/Province) \_\_\_\_\_ (Country) \_\_\_\_\_  
\_\_\_\_\_ Mexico Mexico

6. Date of Birth (mm/dd/yyyy) \_\_\_\_\_

7. Gender  Male  Female

8. Marital Status  
 Married  Single  Divorced  Widowed

9. Social Security Number (Include all numbers you have ever used, if any) \_\_\_\_\_

10. Alien Registration Number (A-Number) or Form I-94 Number (if any) \_\_\_\_\_

11. Have you ever before applied for employment authorization from USCIS?

Yes (Complete the following questions.)

Which USCIS Office? \_\_\_\_\_ Dates \_\_\_\_\_  
LIN 01/20/2014

Results (Granted or Denied - attach all documentation)  
Granted

No (Proceed to Question 12.)

12. Date of Last Entry into the U.S., on or about (mm/dd/yyyy)  
07/01/2003

13. Place of Last Entry into the U.S.  
AZ

14. Status at Last Entry (B-2 Visitor, F-1 Student, No Lawful Status, etc.)

No Lawful Status

15. Current Immigration Status (Visitor, Student, etc.)  
DACA

16. Eligibility Category. Go to the "Who May File Form I-765?" section of the Instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. For example, (a)(8), (c)(17)(iii), etc.

(C ) (33 ) ( )

17. (c)(3)(C) Eligibility Category. If you entered the eligibility category (c)(3)(C) in Question 16 above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree \_\_\_\_\_ Employer's Name as listed in E-Verify  
n/a n/a

Employer's E-Verify Company Identification Number or a Valid  
E-Verify Client Company Identification Number  
n/a

18. (c)(26) Eligibility Category. If you entered the eligibility category (c)(26) in Question 16 above, please provide the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129.

n/a

**Applicant's Signature**

I certify, under penalty of perjury, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the " Who May File Form I-765?" section of the instructions and have identified the appropriate eligibility category in Question 16.

Signature \_\_\_\_\_

Date of Signature (mm/dd/yyyy) 08-20-15

Telephone Number \_\_\_\_\_

**Signature of Person Preparing Form, If Other Than Applicant**

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Signature Gail M. Martinson

Date of Signature (mm/dd/yyyy) 08/20/2015

Printed Name Gail Martinson

Address 450 N. Syndicate St. #200, St. Paul, MN 55104



**Form I-765 Worksheet**  
**Department of Homeland Security**  
**U.S. Citizenship and Immigration Services**

USCIS  
Form I-765WS  
OMB No. 1615-0040  
Expires 04/30/2016

If you are applying for employment authorization under the (c)(14), Deferred Action, or (c)(33), Consideration of Deferred Action for Childhood Arrivals, categories, you must complete this worksheet so that the USCIS can determine whether you have an economic need to work. In the spaces provided, please indicate your current annual income, your current annual expenses, and the total current value of your assets. It is not necessary to submit supporting documentation, though it will be accepted and reviewed if you choose to submit it. You do not need to include other household members' financial information to establish your own economic necessity.

**Part 1. Full Name**

- 1.a. Family Name  
(Last Name)
- 1.b. Given Name  
(First Name)
- 1.c. Middle Name

**Part 2. Financial Information**

2. My current annual income is: \$
3. My current annual expenses are: \$
4. The total current value of my assets is: \$

**Part 3. Explanation**

If you like to provide an explanation regarding your current financial information or your economic need for employment authorization, please use the space below.

I need to be able to continue to work in order to support and give a good life for my 6 year old daughter.

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U.S. Citizenship  
and Immigration  
Services

This card is not evidence of U.S. citizenship or permanent residence.

This document is void if altered, and may be revoked by the U.S. Government.  
The person identified is authorized to work in the U.S. for the validity of this card.

FORM I-766 Rev. (12-2010)

If found, drop in any US Mailbox. USPS: Mail to USCIS PO Box 82521, Lincoln, NE 68501-2521

UNITED STATES OF AMERICA EMPLOYMENT AUTHORIZATION CARD

Surname	[REDACTED]	
Given Name	[REDACTED]	
USCIS#	Category	Card#
[REDACTED]	C33	LIN [REDACTED]
Country of Birth	[REDACTED]	
Mexico	[REDACTED]	
Terms and Conditions	[REDACTED]	
None	[REDACTED]	
Date of Birth	Sex	[REDACTED]
[REDACTED]	F	[REDACTED]
Valid From:	01/20/14	
Card Expires:	01/19/16	
NOT VALID FOR REENTRY TO U.S.		

## **Procedures for Requesting Expedited Processing of DACA Renewal Cases**

If your client has applied for DACA Renewal and his or her case has been pending for 105 days or more (no matter whether or not the client filed before or after the 4 month mark from expiration) please take the following steps on his or her behalf to expedite processing:

**Step 1:** Check the online status for the case and make sure that the final decision has not already been sent. If it has not, then move on to Step 2.

**Step 2:** Contact the USCIS customer service line. Notify them that the client's case has been pending for more than 105 days, and you are contacting them in accordance with directions from the USCIS stakeholder call. Ask for an update on when the adjudication of the client's case will be completed. If that date is after the expiration of the client's deferred action/EAD then ask how USCIS can arrange to provide a temporary work card/status while the case is pending. If you get a helpful response then follow their directions for requesting the temporary DACA/EAD while the case is pending. If the response is not helpful then move on to Step 2.

**Step 3:** Contact the ombudsman's office for *expedited handling*. To do that you must, submit an [electronic Form DHS-7001](#) and a copy of your G-28 form through [Ombudsman Case Assistance Online](#). On the DHS 7001, applicants should indicate the reason for expedited request, for example, potential loss of employment. Also indicate date on which DACA/EAD will expire.

The Ombudsman automatically assigns a case number once submission has been completed with an acknowledgement email sent to the e-mail address filled in on the form. You must use Internet Explorer to successfully access the Case Assistance Online portal - other internet browsers, including Google Chrome, and Mozilla Firefox are not compatible at this time. If you did not receive a confirmation page and case number when submitting an online request, please contact our office at [cisombudsman@hq.dhs.gov](mailto:cisombudsman@hq.dhs.gov) or send us a paper Form DHS-7001.

**Step 4:** After following these requirements, the attorney can also contact ombudsman's office directly (3 emails listed below). These emails are ONLY to be used for expedited processing requests for DACA Renewal cases.

- a. [Rena.cutlip-mason@hq.dhs.gov](mailto:Rena.cutlip-mason@hq.dhs.gov)
- b. [Margaret.gleason@hq.dhs.gov](mailto:Margaret.gleason@hq.dhs.gov)
- c. [Mesay.berhanu@hq.dhs.gov](mailto:Mesay.berhanu@hq.dhs.gov)

[DATE]

NAME  
ADDRESS

Dear \_\_\_\_\_:  
*Estimada \_\_\_\_\_:*

I hope this letter finds you well. I am writing to let you know that I sent your deferred action application to USCIS today. Enclosed are copies for your reference.

*Espero que se encuentre bien con la llegada del presente. La escribo para avisarle que envié su aplicación de la acción diferida a USCIS hoy. Encuentre aquí las copias para su referencia.*

Immigration should send us the case receipts in a few weeks. Then they will send an appointment to have your fingerprints taken. I will let you know in a letter each time there is correspondence from immigration.

*La inmigración nos ha de mandar los recibos del caso en unas semanas. Despues mandan la cita para ir a poner las huellas. Deben mandar copias de toda su correspondencia a mi oficina. Yo la aviso mediante una carta cada vez que haya comunicación de parte de la inmigración.*

It is unknown how long immigration will take to make a decision in your case. The time it takes to decide your case does not mean that there is a problem. While we are waiting for a decision, you should avoid problems with the law, never say that you are a U.S. citizen, never vote in the elections or travel out of the U.S.

*No se sabe cuento puede demorar la inmigración con la decisión sobre su caso. El tiempo que demora el caso no indica que hay problemas. Mientras estamos esperando debe tener cuidado con problemas con la ley, nunca debe declararse como ciudadana de los EE.UU., no debe votar en las elecciones ni debe viajar fuera del país.*

Please tell me about any changes of address or phone number.  
*Por favor digame de avisarme de cambios de teléfono o dirección.*

Thank you for your attention. Don't hesitate to contact me with any questions.  
*Gracias por su atención. No dude en comunicarse con sus dudas o preguntas.*

Sincerely,  
*Atentamente,*  
NAME  
TITLE

Enclosures  
*Inclusos*

[DATE]

NAME  
ADDRESS

Dear \_\_\_\_\_:  
*Estimada \_\_\_\_\_:*

I hope this letter finds you well.  
*Espero que se encuentre bien con la llegada del presente.*

I am enclosing the copies of the immigration receipts indicating that they have received your application and evidence. You should keep them for your reference.  
*Adjunto aquí las copias de los recibos de inmigración donde indican que recibieron su aplicación y las evidencias. Los debe guardar para su referencia.*

I will be in contact with you again soon.  
*Estaré en comunicación otra vez con Ud. pronto.*

Sincerely,  
*Atentamente,*  
NAME  
TITLE

Enclosures  
*Inclusos*

[DATE]

NAME  
ADDRESS  
CITY, STATE ZIP CODE

Dear :  
*Estimado:*

We received an ASC Appointment Notice from U.S. Citizenship and Immigration Services regarding your deferred action application. You have been scheduled for an appointment with USCIS to capture your biometrics (fingerprints and photograph) on **[Insert Date and Time]**. Your fingerprints will be used by USCIS to run a background check that is part of your application process.

*Hemos recibido una carta del Servicio de Ciudadanía e Inmigración acerca de su aplicación para la acción diferida. El USCIS hizo una cita para Ud. para sacar los “biométricos” (las huellas digitales y la foto) para el [Insert Date and Time]. El USCIS usa las huellas digitales para hacer un chequeo criminal que es parte del proceso.*

Your appointment is at:                   USCIS APPLICATION SUPPORT CENTER  
*El lugar de la cita:*                   **[Insert Address from Notice]**

You must take the following items to your appointment:  
*Es necesario traer lo siguiente a la cita:*

1. The original Appointment Notice (enclosed) / *La carta del USCIS con la información de la cita* (anexo)
2. Photo Identification (such as your passport, consular matricula, or school I.D. card) / *Identificación con foto* (como el pasaporte, matricula, o tarjeta de identificación de la escuela)

If you cannot attend the appointment, please contact me office right away so we can change the appointment for you. It is very important that you attend this appointment. If you do not attend, your application could be denied.

*Si no puede asistir a su cita por cualquier razón, llámeme lo más pronto como sea posible para que yo pueda cambiar la cita. Es muy importante asistir a esta cita. Si no asiste, su aplicación puede ser negada.*

Sincerely,  
*Sinceramente,*

[Insert Attorney Name]  
*Attorney/Abogada*

Enclosures  
*Anexos*

[DATE]

[ADDRESS]

Dear \_\_\_\_\_:

I am writing to let you know the very good news that your renewal application for Deferred Action for Childhood Arrivals (DACA) and work card have been approved. I am enclosing with this letter a copy of the approval notices that recently arrived from USCIS. Congratulations!

You will want to keep these notices in a safe place along with the copy of your application that I sent you a while ago. These records will be very important in two years when you have to apply again. Please note that your deferred action and work authorization expire on **[INSERT EXPIRATION DATE]** and you will want to submit a renewal application before that time. About six months before your card expires, start checking the Immigrant law Center's website ([www.ilcm.org](http://www.ilcm.org)) or USCIS's website ([www.uscis.gov](http://www.uscis.gov)) for information regarding DACA renewals.

When you get your DACA card in the mail, please make a photocopy of both sides and send it to me if you are able. If you do not receive your work card within the next 1-2 weeks please contact me. There are several things you will want to remember about your status under Deferred Action:

- It is very important to avoid any criminal activity.
- You should never falsely claim to be a United States citizen, even if it is to work.
- You cannot leave the United States without receiving advanced parole (permission from the government to travel abroad for a short period of time).
- You should always carry your DACA card with you.
- You have the responsibility to notify USCIS of any change of address. You can do so on the USCIS website at <http://www.uscis.gov/addresschange>.
- If you have not done so already, you will need to register for selective service. You can consult the selective service website at <https://www.sss.gov/> for more information.

Please let me know if you have any questions about your current status or you do not receive your new card in the mail. With this letter I am closing your case at our office. Once again, congratulations and I wish you the best.

Sincerely,

[ATTORNEY NAME]