

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) | FREQUENTLY ASKED QUESTIONS

1. What is Deferred Action for Childhood Arrivals (DACA)?

DACA is a program introduced by President Obama on June 5, 2012. The program allows certain qualified undocumented youth who came to the United States as children to apply for deferred action status. Eligible youth are able to submit applications under the program starting August 15, 2012.

2. What does “deferred action” mean?

Deferred action is a temporary, discretionary grant of relief by the Department of Homeland Security. Individuals granted deferred action can apply for employment authorization. However, there is no direct path from deferred action to lawful permanent residence nor does it provide nonimmigrant status that will allow the individual to move into another nonimmigrant classification. Furthermore, the deferred action can be revoked at any time.

3. Does DACA grant legal status to applicants?

Deferred action does not grant legal status to an applicant. DACA also does not cure an applicant’s previous periods of unlawful presence. However, an applicant who is granted deferred action will not be deemed to be accruing unlawful presence in the U.S. during the time period when deferred action is in effect.

4. Who is eligible to submit an application under DACA?

Individuals must meet the following criteria in order to apply for deferred action:

- are under 31 years of age as of June 15, 2012;
- came to the U.S. while under the age of 16;
- have continuously resided in the U.S. from June 15, 2007 to the present;
- entered the U.S. without inspection before June 15, 2012, or whose lawful immigration status expired as of June 15, 2012;
- were physically present in the United States on June 15, 2012, and at the time of making the request for consideration of deferred action with USCIS;
- are currently in school, have graduated from high school, have obtained a GED, or have been honorably discharged from the Coast Guard or armed forces;
- have not been convicted of a felony offense, a significant misdemeanor, or more than three misdemeanors and do not pose a threat to national security or public safety.

5. Can individuals who are granted deferred action legally work in the United States?

Yes, individuals granted deferred action will be lawfully permitted to work in the United States. In order to be granted work authorization, applicants must submit an application for an Employment Authorization Document (EAD) with their application for deferred action.

6. How long is the EAD valid for?

The EAD is valid for two years and is renewable indefinitely, so long as the DACA program remains in effect.

7. Can individuals who are granted deferred action travel outside the United States?

Individuals who are granted deferred action can only travel outside the U.S. if they apply for and are granted advance parole before traveling. Generally advance parole is only granted for humanitarian reasons, educational, or employment reasons. If an applicant leaves the U.S. before their application for advance parole is granted or before a decision has been made on their deferred action application, they will not be permitted back into the United States. Even if travel abroad is permitted via advance parole, it may not be in an individual’s best interest to not depart the US. Please consult an immigration attorney before traveling abroad.

8. How do I apply for relief under DACA?

Eligible youth must submit an application (including Form I-821D- Consideration of Deferred Action for Childhood Arrivals and Form I-765- Application for Employment Authorization) along with the requisite filing fee (\$465) to USCIS. Applicants should seek legal advice from a qualified immigration attorney before submitting an application to ensure they are eligible for relief under the program.

9. What if I cannot afford the USCIS filing fee?

Unfortunately, there is no fee waiver available for the application. However, certain applicants (including homeless youth, youth in foster care, and youth suffering from serious, chronic disability) may qualify for a fee exemption.

10. What if I cannot afford to consult with an attorney before submitting my application?

Many local nonprofit organizations, churches, schools, and universities are conducting informational sessions which include free consultations with qualified immigration attorneys. Please contact a community organization to attend an informational session.

Where can I obtain more information?

Refer to the USCIS website at <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca#travel>

for more information. While this website contains the best source of information it is not legal advice. We urge all individuals to consult with a qualified immigration attorney to discuss individual qualifications and issues.