On August 15, 2012, USCIS implemented a new process to allow
action for a period of two years.
Request consideration of deferred
request consideration of deferred
may come to the U.S. as children and
announced that certain people who
Homesand Security Janet Napolitano
Secretary of
General Information
by-case determinations.
authorization. USCIS will make case-
detained action and employment
guidelines to request consideration of
young people who meet certain
action with USCIS.

* Were physically present in the U.S. on June 15, 2012, and at
  up to the present time.

* Have continuously resided in the U.S. since June 15, 2007.

* Came to the U.S. before reaching your 16th birthday.

* As of June 15, 2012.

* Were under the age of 31 arrivals if you:

You may be considered for deferred action for childhood
Programs:

Guidelines
Have not been convicted of a felony, significant

Forces of the U.S. and

honorably discharged veteran of the Coast Guard or Armed

general education development (GED) certificate, or are an

certificate of completion from high school, have obtained a

are currently in school, have graduated or obtained a


immigration status expired as

status as of that date, or your lawful

June 15, 2012 and had no lawful

entered without inspection before

Guidelines (cont'd)
If you are currently in detention, you should not request consideration of deferred action. If your removal proceedings were terminated by an Immigration Judge, you must submit a copy of the termination order along with your request for deferred action.

- Have a voluntary departure order;
- Have a final removal order;
- Are currently in removal proceedings;
- Have never been in removal proceedings;
- For childhood arrivals process if you:

Who May Be Considered?
To request deferred action,

- Complete and sign Form I-821D.
- Complete consideration of Deferred Action for Childhood Arrivals.
- Authorization, and I-765WS, Form I-765, Application for Employment
- Submit all forms (with the required fees) and supporting documentation at the time of filling.
- All forms are free and are available at www.uscis.gov/forms or by calling 1-800-870-3676.
- Requesting Deferred Action

USCIS - Forms - Windows Internet Explorer Provided by USCIS

News
Form
Forms Services and Immigration and Citizenship Services
www.uscis.gov/childhoodarrivals
Translation accompanied by a full English language Foreign language documents must be
documents, you may submit legible photocopies.
Unless specifically required to provide original
may sign on your behalf.
If less than 14 years of age, a parent or guardian
Answer all questions fully and accurately.
Type or print in black ink and
When completing Form I-821D, you must:
Completing Form I-821D
proceedings or if your case was terminated before your request.

- Are at least 15 years old at the time of filing, if you have never been in removal

- Armed Forces of the U.S., and

- You are an honorably discharged veteran of the Coast Guard or

- Obtained a general educational development certificate (GED), or that

- Are currently in school, graduated or received a certificate of completion from high school.

*Entered without inspection before June 15, 2012.\*

- For consideration of deferred action with USCIS:

*Were present in the United States on June 15, 2012, and at the time of making your request have continuously resided in the United States since June 15, 2007, up to the present time.*

- Arrived in the United States before the age of 16;

- Were born after June 15, 1981;

- The evidence and supporting documents should show that you:

---

Evidence
**Examples of Evidence**

<table>
<thead>
<tr>
<th>Proof of Immigration Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Final order of exclusion, deportation, or removal issued as of Form I-94/1-96/1-94W with authorized stay expiration date</td>
</tr>
<tr>
<td>- Travel records, Hospital or medical records</td>
</tr>
<tr>
<td>- Stating your date of entry (Form I-862, Notice to Appear)</td>
</tr>
<tr>
<td>- Any Immigration and Naturalization Service or DHS document have attended Form I-94/1-96/1-94W/School records from the U.S. schools you</td>
</tr>
<tr>
<td>- Passport with admission stamp</td>
</tr>
<tr>
<td>- Your name and photo</td>
</tr>
<tr>
<td>- Any U.S. government Immigration or other document bearing school or military ID with photo</td>
</tr>
<tr>
<td>- Birth certificate with photo identification</td>
</tr>
<tr>
<td>- Passport</td>
</tr>
</tbody>
</table>

**Presentation Proceedings**

- June 15, 2012 A charging document placing you into removal
- Final order of exclusion, deportation, or removal issued as of Form I-94/1-96/1-94W with authorized stay expiration date
### Examples of Evidence

- Tax receipts, insurance policies
- Deeds, mortgages, rental agreement contracts
- Automobile license receipts or registration
- Social Security card
- Bank transactions
- Birth certificates of children born in the U.S.
- Passport expired
- Country
- Copies of money order receipts for money sent in or out of the country
- Religious ceremony
- Official record from a religious entity confirming participation in a
- Military records (Form DD-214 or NGB Form 22)
- School records (letters, report cards, etc)
- Employment records (pay stubs, W-2 Forms, etc)
- Rent receipts or utility bills

*Proof of continuous residence in the U.S.*

- June 15, 2012
- Since June 15, 2007
<table>
<thead>
<tr>
<th>Examples of Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coast Guard</td>
</tr>
<tr>
<td>Armed Forces of the U.S.</td>
</tr>
<tr>
<td>Discharged Veteran of the U.S.</td>
</tr>
<tr>
<td>Duty</td>
</tr>
<tr>
<td>Form DD-214 Certificate of Release or Discharge from Active Duty</td>
</tr>
<tr>
<td>Form NGB Form 22, National Guard Report of Separation and Record</td>
</tr>
<tr>
<td>Military Heath Records</td>
</tr>
<tr>
<td>Military Personal Records</td>
</tr>
<tr>
<td>U.S. GED Certificate</td>
</tr>
<tr>
<td>U.S. High School Diploma or Certificate of Completion</td>
</tr>
<tr>
<td>School Records (transcripts, report cards, etc.) from the school that you are currently attending in the United States showing the current educational or grade level name(s) of the school(s) and periods of school attendance and the time of receiving the consideration of deferred status at the time of enrollment</td>
</tr>
<tr>
<td>Proof of Your Student Status at School</td>
</tr>
<tr>
<td>Examples of Documents to Submit to Demonstrate you Meet the Guidelines</td>
</tr>
<tr>
<td>Examples of Evidence</td>
</tr>
</tbody>
</table>
Brief Absences and Continuous Residence

1. The absence was short and reasonably calculated to be considered brief, casual, and innocent, if it was before August 15, 2012, and:

   - If you were absent from the U.S. for any period of time,
   - A brief, casual, and innocent absence from the U.S. will not interrupt your continuous residence.

2. The absence was not because of an order of
   - Exclusion, deportation, or removal, or
   - Voluntary departure before you were placed in
   - Voluntary departure, or an administrative grant of

3. The absence was not because of an order of
   - Exclusion, deportation, or removal, or
   - Accomplish the purpose for the absence;

4. The purpose of your absence and/or your actions
   - While outside of the U.S. were not contrary to law.

www.uscis.gov/childhoodarrivals
Brief Absences and Continuous Residence

Any other evidence that could support a brief, casual, and innocent absence.

- Copy of advance parole document;
- Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- Hotel receipts showing the dates you were abroad;
- Passport entries;
- Plane or other transportation tickets or itinerary showing the travel dates;
- Innocent may include:

Documents you can submit that may show your absence was brief, casual, and

- Be sure to include information about all your departures and return dates;
- Information, list all your absences from the U.S. since June 15, 2007.
- When completing the Form I-821D, in Part 2, Arrival/Residence
preference was brief, casual, and innocent.

Any travel outside the U.S. during the 5 years of required continuous presence is allowed. The direct evidence of the length of continuous residence demonstrated by the direct evidence of the last 5 years period and the circumstantial evidence is used only to fill in the gaps in the required 5 year period. Present direct evidence of your continuous residence in the U.S. for a period of 5 years:

- You satisfy the 5 year continuous residence requirement.
- You came to the U.S. before reaching your 16th birthday.
- You were physically present in the U.S. on June 15, 2012.
- You were physically present in the U.S.

Insubstantial or lacking evidence that establishes the following:

Circumstantial Evidence may be used to establish the following:

Circumstantial Evidence
the Coast Guard or Armed Forces of the U.S. or are an honorably discharged veteran of development certificate, or are an honorably discharged veteran of completion from high school, have obtained a general education
Are currently in school, have graduated or obtained a certificate of
Were under the age of 31 on June 15, 2012, and
any of the following guidelines to demonstrate that you:
However, USCIS will not accept circumstantial evidence as proof of
Circumstantial Evidence
Filing Form I-821D with USCIS

Where to File

You should visit the USCIS website at www.uscis.gov/I-821D or contact the USCIS National Customer Service Center (NCSC) at 1-800-375-5283 for the most up to date information about where to file.

E-Notification

You may elect to receive an e-mail and/or text message notification that your request has been accepted. You must complete Form G-1145, E-Notification of Application Petition Acceptance, and clip it to the first page of your Form I-821D application.
Completing Form I-765

- The filing fee for Form I-765 is $380.

- You must file Form I-765 and Form I-821D.

- The filing fee for Form I-765 is $380.

- In addition to the Form I-765 filing fee, you MUST submit a biometrics fee of $85. The total cost is $465.

- If you do not include Form I-765 and I-765WS, the fee cannot be waived.

- The entire submission will be rejected.

- Requests for fee exemptions must be filed and favorably adjudicated before you file a request for deferred action.

- There are fee exemptions available, on a limited basis.
been made to defer removal action in your case. Together with Form I-821(D), will not begin until a decision has been made. The 90-day adjudication period for Form I-765 (when filed for Question 15.)

For Question 15, enter "ICE Deferred Action as Childhood Arrivals" as the answer.

If ICE previously deferred action, file a statement alone I-765 and requesting a category for which you are eligible. Enter (c)(33) in Question 16. How to fill out the Form:

Completing Form I-765
www.uscis.gov/childhood.arrivals

Period, it can be renewed on a case-by-case basis. In effect for two years, unless terminated. After the two year period of deferred action for childhood arrivals will be

- You will receive a written decision.
- Request that you appear at a USCIS office.
- USCIS may request more information or may result in a delay of your deferred action request.
- Failure to attend your biometric appointment Support Center (ASC) for biometric services.
- USCIS will send you a notice scheduling an appointment at an USCIS will check your request

What happens after I file?
What Happens After I File?

- You may request a review using the Service Request Management Tool (SRMT) process. Additional information about this process will be made available in the next few weeks.

- There is no appeal or motion to reopen/reconsider a request for deferred action in these cases.
offenses punishable by imprisonment for a term exceeding one year.

Offenses that qualify as a felony are federal, state, or local criminal misconduct.

- date and not arising out of the same act, omission, or scheme of
  three or more other misdemeanor offenses not occurring on the same
  or
  a significant misdemeanor offense;
  or
  a felony offense;

Criminal History

If you have been convicted of:

You will not be considered for deferred action, except in exceptional
Criminal History

- One for which the individual was sentenced to time in custody of 90 days or less under the influence or driving
- Unlawful possession or use of a firearm, drug, distribution or trafficking
- Is not an offense of domestic violence, sexual abuse or exploitation
- Is not an offense of domestic violence, sexual abuse or exploitation
- Burglary

Criteria:
- For purposes of this process, a non-significant misdemeanor is any misdemeanor as custody and does not include a suspended sentence, if not an offense listed above, is one for which you were sentenced to time in custody of more than 90 days. The sentence must involve time to be served in: driving under the influence, distribution or trafficking, or unlawful possession or use of a firearm, drug, distribution or trafficking, burglary, unlawful possession or use of a firearm, drug, distribution or trafficking, or driving under the influence.
If you do, the entire submission will be rejected and returned to you.

**Do not submit Form I-131, Application for Travel Document, with Form I-821D.**

Decide to defer action in your case.

Requests for advanced parole will not be considered unless and until USCIS decides to defer action in your case.

Generally, USCIS will only grant advance parole if you are traveling for humanitarian purposes, educational purposes, or employment purposes.

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 filling out Form I-131, Application for Travel Document and pay the applicable fee ($360).
If USCIS Does Not Deter Action

USCIS will not issue you a Notice to Appear; and defer action in your case, USCIS will likewise exercise its discretion and determinations to:

- If after a review of the totality of circumstances, USCIS determines that are exceptional circumstances. Please visit www.uscis.gov/NTA.
- Pursuant to removal proceedings except where DHS determines there national security or public safety, your case will not be referred to ICE for removal proceedings.
- If your case does not involve a criminal offense, fraud, or a threat to
  
  Notices to Appear (NTA) in cases where action is not deferred.

U.S. Immigration and Customs Enforcement (ICE) and the issuance of USCIS will apply its policy guidance governing the referral of cases to
For the investigation or prosecution of a criminal offense.

For national security purposes.

To identify or prevent fraudulent claims.

Assistance in the consideration of deferred action for childhood arrivals.

Your information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal. This may include:

Information may be referred to ICE, if your case is deferred pursuant to the consideration of deferred action for childhood arrivals process. It will not be referred to ICE.

In U.S.C.I.S.'s Notice to Appear Guidance (www.uscis.gov/NTA), there is a referral to U.S. Immigration and Customs Enforcement under the criteria set forth in U.S.C.I.S.'s Notice to Appear Guidance (NTA). The issuance of a Notice to Appear (NTA) is protective proceedings unless you meet the criteria for: Protection (CFP) for the purpose of Immigration Enforcement proceedings unless you

Protecting Your Information
www.uscis.gov/services/childhoodarrivals

Services and Immigration
U.S. Citizenship

Visit your local USCIS

Check the status of your request online

Complete USCIS forms

Mail USCIS forms and fees

Meet the guidelines as evidence you collect documents

How do I file?

Reminders and Resources

www.uscis.gov/childhoodarrivals
August 2012
WWW.USCIS.GOV/CHILDMARRIAGES

Reminders and Resources

Send original documents.

Unless requested, do not send additional evidence.

Attend your biometric services appointment and respond in a timely manner to requests for additional evidence.

Defered action for the guidelines of the documentation that you meet

Include all supporting documentation.

Reminders and Resources
arrivals.

Requesting deferred action for childhood
remissions at 1-800-375-5283 for official information about
the UScis National Customer Service Center.

Go to www.uscis.gov/identitytheft or contact
assistance, go to www.uscis.gov/avoidscams.

To find an attorney or BIA accredited representative.

Remember that the Wrong Help Can Hurt.

Reminders and Resources