

Using Deferred Action for Childhood Arrivals (DACA) to Prevent Deportation

Deferred Action for Childhood Arrivals (DACA) is an immigration policy announced by President Barack Obama's administration in 2012. Deferred action can allow young people to stay in the U.S.A. without having removal (i.e. deportation) proceedings begun against them. Being granted deferred action also makes a young person eligible for employment authorization, permission to work in the U.S.A.

What are the benefits of DACA?

Deferral of Removal for Two Years

- You will not be deported during the period of deferred action.
- Deportation proceedings will not be initiated against you during this period.

Eligibility for Employment Authorization

- Possibility of obtaining:
 - Valid employment
 - Social Security number
 - Driver's license
 - Auto insurance

Source: <http://www.immigrantjustice.org>

Should I apply for DACA?

Before applying for DACA, make sure you meet the requirements. These include:

<ul style="list-style-type: none"> ● You came to the United States before reaching your 16th birthday 	<ul style="list-style-type: none"> ● You have continuously resided in the United States since June 15, 2007, up to the present time 	<ul style="list-style-type: none"> ● You were under the age of 31 as of June 15, 2012 	<ul style="list-style-type: none"> ● You entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012
<ul style="list-style-type: none"> ● You are currently in school, have graduated or obtained your certificate of completion from high school, have obtained your general educational development certification, or you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States 		<ul style="list-style-type: none"> ● You have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat 	<ul style="list-style-type: none"> ● You 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

Source: <http://gradnyc.com/wp-content/uploads/2012/12/GradNYC-Forum-12-5-12-Overview-presentations.pdf>

- * Please note that the requirement of being “currently in school” is met by being enrolled in a GED or career & technical education program, such as GED Plus or Co Op Tech.

Be sure to talk to a lawyer or a Board of Immigration Appeals (BIA) accredited representative before you apply for any immigration benefit, including DACA. A list of lawyers and BIA accredited representatives who offer free legal services in each state can be found here:

<http://www.justice.gov/eoir/probono/states.htm>.

No one has the authority to expedite (speed up) your application, so DO NOT give money or personal information to someone who says they can do so for a fee. Only speak to a BIA accredited representative or lawyer.

Where can I find more information about DACA in my native language?

- * Law Help Interactive offers a tool to help you determine whether you are eligible to apply for DACA: https://lawhelpinteractive.org/groups/NY-NewYork/template.2012-08-05.7623930959/template_info?Go=Proceed
- * NYC.gov has more information about DACA, including resources in Spanish: <http://www.nyc.gov/html/imm/html/deferred/about-deffered.shtml>
- * The U.S. Citizenship and Immigration Services (USCIS) website includes a video overview of DACA and additional information in English, Spanish, Korean, Tagalog, and Portuguese: <http://www.USCIS.gov/childhoodarrivals>
- * The National Immigration Law Center has compiled a detailed list of frequently asked questions and answers (FAQs), in English and in Spanish, about the process of applying for DACA: <http://www.nilc.org/FAQdeferredactionyouth.html>
- * United We Dream offers FAQs in English, Chinese, Tagalog, Korean, and Thai (the page will automatically open to the FAQs document in English; scroll up to select another language): <http://unitedwedream.org/resources/deferred-action/faq/>