

Congress of the United States
Washington, DC 20510

February 12, 2019

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security

The Honorable L. Francis Cissna
Director
U.S. Citizenship and Immigration Services

Dear Secretary Nielsen and Director Cissna:

When the Trump administration announced on September 5, 2017 that it intended to terminate the Deferred Action for Childhood Arrivals (DACA) program, the futures of hundreds of thousands of young Americans and the wellbeing of our communities were put at risk. Federal courts have since ordered the government to maintain the program for current DACA recipients.¹ Unfortunately, the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) have prevented DACA recipients from receiving advance parole to allow them to travel internationally to visit sick and elderly family members, study, or work, as they previously were permitted to do.² DHS and USCIS officials have not accounted for their failure to exercise their lawful discretion. We write to urge you to reconsider your harmful position and request that you provide us with detailed information on DACA recipients' eligibility for advance parole.

Since the DACA program was established in 2012, it has provided over 800,000 young people who arrived in this country as children temporary protection from deportation, allowing them to pursue higher education and lawfully work.³ DACA recipients have made essential contributions to critical U.S. industries, including education and health care, founded small businesses, and invested in and enriched American communities.⁴ Prior to September 5, 2017, USCIS exercised its discretion under its statutory authority to issue eligible DACA applicants advance parole documents to allow them to travel abroad for humanitarian, educational, and employment purposes and return to the U.S., weighing particular circumstances of each request on a case-by-case basis.⁵

USCIS' failure to continue to allow DACA recipients to apply for advance parole has cruelly denied them opportunities to address personal emergencies. Critical advance parole requests that USCIS has failed to consider include DACA recipients seeking to obtain specialized medical treatment, to visit a dying family member, or to attend funeral services of loved ones outside of the U.S. For example, Mayra Garibo—a DACA recipient studying at California State University, Dominguez Hills—who applied for advance parole before

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September 5, 2017 but whose application USCIS never approved because of the policy shift, was unable to visit her father in Mexico before he died in January 2018 following 20 years of separation. Mayra's father was the primary caregiver for her grandparents, who are now both sick and whom she cannot visit and care for.⁶ In another unfortunate example of the harm of USCIS' policy, in 2018, DACA recipient Angel Martinez—who was diagnosed with terminal acute lymphoblastic leukemia—faced an impossible dilemma of choosing between saying goodbye to his family in Mexico or receiving appropriate palliative medical care to ease his pain in the U.S.⁷

Further, USCIS' failure to continue to allow DACA recipients to apply for advance parole senselessly prohibits them from participating in educational enrichment and professional development opportunities abroad, including study abroad programs, overseas seminars, conferences, and training sessions. It also limits their ability to work with international clients. Leading education experts emphasize how participation in study abroad programs fosters respect among individuals of diverse backgrounds, develops next generation leadership, and contributes to a more interconnected, secure, and prosperous country.⁸ Denying DACA recipients an opportunity to travel internationally for study and work is detrimental not only to their personal and professional wellbeing but also undermines the strength of the American economy to which they are contributing their knowledge and skills. As one extraordinary example of the harm of USCIS' policy, Harvard student Jin Park—the first DACA recipient to be awarded the prestigious Rhodes Scholarship—is being forced to contemplate leaving the U.S. to pursue an advanced degree at the University of Oxford in the U.K. with knowledge he likely cannot return upon completion of his studies.⁹

In light of the strong benefits that access to advance parole has provided and could continue to provide DACA recipients and American communities, we request that DHS and USCIS jointly respond within 30 days to the following:

1. Please provide a detailed explanation about why USCIS has failed to exercise its lawful discretion to allow DACA recipients to apply for or receive advance parole for humanitarian, educational, and employment purposes since September 5, 2017.
2. Please clarify if USCIS is now treating DACA recipients differently than other deferred action recipients with respect to advance parole applications, and if so, provide an explanation, including how other advance parole applications are adjudicated.
3. Please provide complete documentation of any research and analysis DHS and USCIS have conducted since 2012 about benefits to individuals, educational institutions, employers, and the American economy of allowing DACA recipient to apply for advance parole.
4. Please provide complete written documentation of DHS and USCIS policy relating to advance parole applications and adjudications from DACA recipients since January 2017, including all research and analysis informing the policy shift since September 5, 2017.
5. Please provide complete written documentation on guidance and training provided to USCIS employees regarding adjudications of advance parole applications from DACA recipients and

communications with DACA recipients about advance parole and international travel, including on advising DACA recipients about risks to their DACA status of travel abroad, since January 2017.

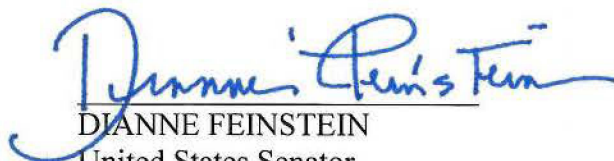
6. Please provide complete written documentation on USCIS policies, procedures, and processes to inform DACA recipients who submitted advance parole applications prior to September 5, 2017 about the status of their applications, including issuance of notices of intent to deny and final decisions to deny, and to refund their application fees following the policy shift.
7. Please provide complete written documentation on USCIS policies, procedures, and processes to inform DACA recipients who submitted advance parole applications after September 5, 2017 about the status of their applications, including issuance of notices of intent to deny and final decisions to deny, and to refund their application fees following the policy shift.
8. Please provide the total annual number of applications USCIS received from DACA recipients for advance parole, broken down by humanitarian, educational, or employment purposes, as well as the number of such applications approved, respectively, during each fiscal year from 2012-2018. Please also provide a monthly breakdown of this data.
9. Please provide the total number of applications USCIS received from DACA recipients for humanitarian parole as well as the number of such applications approved since September 5, 2017.

We thank you for your attention to this matter and look forward to your prompt response.

Sincerely,



KAMALA D. HARRIS
United States Senator



DIANNE FEINSTEIN
United States Senator



ALAN LOWENTHAL
United States Representative



GRACE MENG
United States Representative



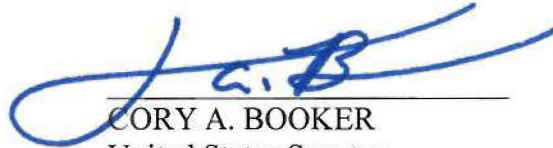
RICHARD J. DURBIN
United States Senator



MAZIE K. HIRONO
United States Senator



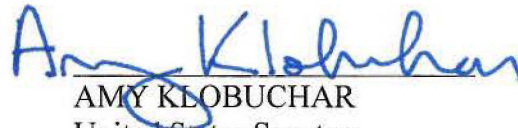
CATHERINE CORTEZ MASTO
United States Senator



CORY A. BOOKER
United States Senator



TOM UDALL
United States Senator



AMY KLOBUCHAR
United States Senator



ROBERT MENENDEZ
United States Senator



RON WYDEN
United States Senator



RICHARD BLUMENTHAL
United States Senator



TAMMY DUCKWORTH
United States Senator



MICHAEL F. BENNET
United States Senator



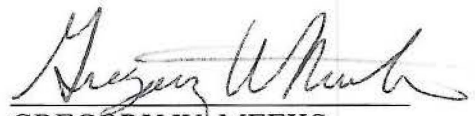
ELEANOR HOLMES NORTON
United States Representative



JIMMY GOMEZ
United States Representative



MIKE LEVIN
United States Representative


SALUD O. CARBAJAL
United States Representative


GWEN MOORE
United States Representative


GREGORY W. MEEKS
United States Representative


FILEMON VELA
United States Representative


DONALD S. BEYER JR.
United States Representative


SUZANNE BONAMICI
United States Representative


DARREN SOTO
United States Representative


GILBERT R. CISNEROS, JR.
United States Representative


JULIA BROWNLEY
United States Representative


FRANK PALLONE, JR.
United States Representative



ADRIANO ESPAILLAT
United States Representative



LINDA SANCHEZ
United States Representative



SUSAN A. DAVIS
United States Representative



JANICE D. SCHAKOWSKY
United States Representative



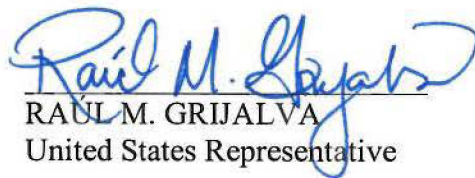
NANETTE BARRAGAN
United States Representative



J. LUIS CORREA
United States Representative



ANDY LEVIN
United States Representative



RAUL M. GRIJALVA
United States Representative

¹ See Order Denying FRCP 12(b)(1) Dismissal and Granting Provisional Relief, *Regents of the University of California California v Department of Homeland Security*, No. 3:17-cv-05211 (N.D. Cal, Jan. 9, 2018), available at: https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/234_Order_Entering_Preliminary_Injunction.pdf; Amended Memorandum and Order and Preliminary Injunction, *Batalla Vidal v. Nielsen* and *State of New York v. Trump*, No. 1:16-cv-04756-NGG-JO, United States District Court Eastern District of New York (E.D.N.Y., Feb. 13, 2018), available at:

https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/255_EDNY_AMENDED_Order_Entering_Preliminary_Injunction.pdf;

² *Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction*, U.S. Citizenship and Immigration Services, last updated Feb. 14, 2018, available at: <https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction>

³ Alan Gomez, *Who are the DACA DREAMers and How Many are Here?*, USA TODAY, Feb. 13, 2018, available at: <https://www.usatoday.com/story/news/politics/2018/02/13/who-daca-dreamers-and-how-many-here/333045002/>

⁴ Democrats of the Committee on Small Business, U.S. House of Representatives, *Economic Impact of DACA Spotlight on Small Businesses*, Feb. 2018, available at <https://democrats-smallbusiness.house.gov/sites/democrats.smallbusiness.house.gov/files/documents/Economic%20Impact%20of%20DACA%20Report.pdf>; Elira Kuka et al, *Do Human Capital Decisions Respond to the Returns to Education? Evidence from DACA*, National Bureau on Economic Research Working Paper No. 24315, Feb. 2018, available at: <https://www.nber.org/papers/w24315>

⁵ See Sections 103(a) and 212(d)(5) of the Immigration and Nationality Act (INA), Section 402(4) of the Homeland Security Act (P.L. 107-296), and implementing regulations.

⁶ Emily Rasmussen, *How a Cal State Long Beach Professor and a Handful of Students are Heading to Washington D.C., to Fight for DACA's Travel Policy*, PRESS TELEGRAM, Jan. 4, 2019, available at:

<https://www.presstelegram.com/2019/01/04/how-a-cal-state-long-beach-professor-and-a-handful-of-students-are-heading-to-washington-d-c-to-fight-for-dacas-travel-policy/>; Kate Morrissey, *Dreamer Hoping for Permission to Say Goodbye to Dying Grandfather*, THE SAN DIEGO UNION-TRIBUNE, March, 22, 2018, available at:

<https://www.sandiegouniontribune.com/news/immigration/sd-me-advance-parole-20180322-story.html>

⁷ Lauren Gambino, *A Dreamer's Impossible Dilemma: Where to Die?*, THE GUARDIAN, March, 30, 2018, available at: <https://www.theguardian.com/us-news/2018/mar/30/daca-cancellation-dreamer-uscis-immigration-dilemma-dream-act>

⁸ See National Association of Foreign Student Advisers, *Independent Research Measuring the Impact of Study Abroad*, available at:

https://www.nafsa.org/Policy_and_Advocacy/Policy_Resources/Policy_Trends_and_Data/Independent_Research_Measuring_the_Impact_of_Study_Aboard/; Agnes Constante, *Study Abroad Program for DACA Students 'Dead in the Water'*, NBC NEWS, Oct. 4, 2017, available at: <https://www.nbcnews.com/news/latino/study-abroad-program-daca-students-dead-water-n805701>

⁹ Erin Durkin, *Dreamer Who Won Rhodes scholarship Fears He Won't be Allowed Back in the US*, THE GAURDIAN, Jan. 10, 2019, available at: <https://www.theguardian.com/us-news/2019/jan/10/dreamer-who-won-rhodes-scholarship-fears-he-wont-be-allowed-back-in-the-us>



**U.S. Citizenship
and Immigration
Services**

April 12, 2019

The Honorable Kamala D. Harris
United States Senate
Washington, DC 20510

Dear Senator Harris:

Thank you for your February 12, 2019 letter to the Department of Homeland Security (DHS).

As you note in your letter, several federal courts have imposed nationwide preliminary injunctions against the DHS, including U.S. Citizenship and Immigration Services (USCIS), with regard to the rescission of the Deferred Action for Childhood Arrivals (DACA) policy while the litigation proceeds on its merits. However, no court order that is currently in effect enjoins the decision by former Acting Secretary of Homeland Security, Elaine Duke, to cease accepting and adjudicating advance parole requests under standards associated with the DACA policy as of September 5, 2017. Therefore, DHS continues to adhere to the former Acting Secretary's decision with respect to such advance parole requests.

Responses to your questions, to the extent possible while litigation is ongoing, are enclosed. The co-signers of your letter will receive separate, identical responses. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in blue ink, appearing to read "LFC", written over a light blue horizontal line.

L. Francis Cissna
Director

Enclosures

**The Department of Homeland Security's Response to
Senator Harris' February 12, 2019 Letter**

- 1. Please provide a detailed explanation about why USCIS has failed to exercise its lawful discretion to allow DACA recipients to apply for or receive advance parole for humanitarian, educational, and employment purposes since September 5, 2017.**

U.S. Citizenship and Immigration Services (USCIS) is no longer accepting or approving Form I-131 applications from DACA recipients under the standards associated with the DACA policy. Enclosed please find a copy of the following documents: 1) DHS former Acting Secretary Elaine Duke's September 5, 2017 Memorandum titled, "*Rescission of the June 15, 2012 Memorandum titled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,'*" 2) *Frequently Asked Questions: Rescission Of Deferred Action For Childhood Arrivals (DACA)* dated September 5, 2017; and 3) Memorandum from Secretary Kirstjen Nielsen dated June 22, 2018, that was submitted in connection with the pending lawsuit: *National Association for the Advancement of Colored People (NAACP) et al v. Trump*, No.17-cv-02325-JDB (D.D.C. 2017)

- 2. Please clarify if USCIS is now treating DACA recipients differently than other deferred action recipients with respect to advance parole applications, and if so, provide an explanation, including how other advance parole applications are adjudicated.**

Under section 212(d)(5)(A) of the *Immigration and Nationality Act (INA)*, the Secretary of Homeland Security may, in his or her discretion, parole into the United States any alien applying for admission to the United States on a case-by-case basis for urgent humanitarian reasons or significant public benefit. As stated in the cover letter and the response to Question 1, the Department of Homeland Security (DHS) continues to abide by the policy regarding advance parole set forth in Acting Secretary Duke's September 5, 2017 memorandum. The DACA rescission memorandum does not preclude a DACA recipient from requesting advance parole under standards not associated with the DACA policy, provided he or she falls within one of the other (non DACA-related) categories of individuals who may seek an Advance Parole Document while they are in the United States. These categories are listed in the Instructions for Form I-131, *Application for Travel Document*, which have been provided as a separate enclosure.

- 3. Please provide complete documentation of any research and analysis DHS and USCIS have conducted since 2012 about benefits to individuals, educational institutions, employers, and the American economy of allowing DACA recipient to apply for advance parole.**

DHS cannot comment regarding research and analysis informing former Acting Secretary Duke's decision to rescind the DACA policy, including the granting of advance parole based on standards associated with the DACA policy on September 5, 2017, as this matter is the subject of ongoing litigation.

4. Please provide complete written documentation of DHS and USCIS policy relating to advance parole applications and adjudications from DACA recipients since January 2017, including all research and analysis informing the policy shift since September 5, 2017.

Please reference the following documents which are enclosed or a link has been provided:

1) DHS former Acting Secretary Elaine Duke's September 5, 2017 Memorandum titled, *"Rescission of the June 15, 2012 Memorandum Entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children;'"* 2) *Frequently Asked Questions: Rescission Of Deferred Action For Childhood Arrivals (DACA)* dated September 5, 2017; 3) Instructions for Form I-131, *Application for Travel Document*; and 4) Archived USCIS DACA FAQ 57 & 59 <https://www.uscis.gov/archive/frequently-asked-questions>. The DACA-related sections of the Form I-821D Instructions and the archived USCIS DACA FAQs were drafted prior to January 2017, but remained in effect until the DACA rescission memo was issued on September 5, 2017.

DHS cannot comment regarding research and analysis informing former Acting Secretary Duke's decision to rescind the DACA policy, including the granting of advance parole based on standards associated with the DACA policy on September 5, 2017, as this matter is the subject of ongoing litigation.

5. Please provide complete written documentation on guidance and training provided to USCIS employees regarding adjudications of advance parole applications from DACA recipients and communications with DACA recipients about advance parole and international travel, including on advising DACA recipients about risks to their DACA status of travel abroad, since January 2017.

USCIS did not issue any new guidance or training materials after January 2017 with respect to adjudication policies or procedures for advance parole applications filed by DACA recipients until the DACA rescission memo was issued on September 5, 2017. From January 2017 to September 5, 2017, USCIS operated under the same guidance and training materials that were drafted and issued during the prior administration. For your reference, USCIS has included relevant materials pertaining to the adjudication policies and procedures on DACA-based advance parole applications that USCIS operated under from January 2017 to September 5, 2017. Please reference the following documents which are enclosed or for which a link has been provided: 1) USCIS DACA Standard Operating Procedures; 2) Relevant internal DACA FAQs; 3) Advance Parole DACA PowerPoint April 2016; and 4) Archived DACA FAQs 56-59 <https://www.uscis.gov/archive/frequently-asked-questions>.

After the DACA rescission memo was issued on September 5, 2017, various USCIS operational components implemented the parameters of the memo, including the guidance in the memo on administratively closing and refunding the fees on all pending Form I-131 applications that were filed under the standards associated with the DACA policy. Please see USCIS' responses to Questions 6 and 7 for additional information and attachments related to correspondence materials that were issued to DACA recipients whose Form I-131 applications were administratively closed after September 5, 2017, or whose Form I-131

applications were denied in specific circumstances described in USCIS' response to Question 7.

Regarding communication with DACA recipients about advance parole, or risks to their DACA status of travel abroad, USCIS has issued several public documents which instruct DACA requestors and recipients on the negative consequences of traveling abroad after August 15, 2012, without first obtaining advance parole, to include the automatic termination of an individual's DACA and the denial of an individual's pending DACA request, if applicable. These documents were issued prior to January 2017, but remained in effect after January 2017. They remain available on the USCIS website and warning language remains included in the form instructions for the Form I-821D and Form I-131. While USCIS stopped approving requests for advance parole under the standards associated with DACA in accordance with the DACA rescission memorandum, the consequences of traveling abroad without obtaining advance parole remain the same for DACA requestors and recipients as they were before the rescission memorandum and as they were before January 2017.

Additionally, USCIS has provided general warnings regarding advance parole including detailed instructions on the conditions, limitations, and discretionary nature of advance parole. USCIS has included these warnings and information in public FAQs, Form Instructions, the Form I-512L, issued to individuals granted advance parole, and in various other public documents USCIS has shared with the public. You may review many of these documents and information at: <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>.

Also, for your convenience, enclosed please find a copy of the following documents:

1) Instructions for Consideration of Deferred Action for Childhood Arrivals, Form I-821D; 2) Instructions for Application for Travel Document, Form I-131; 3) Examples of Form I-512L (single and multiple entry); 4) DACA-Toolkit; 5) DACA-Presentation; 6) DACA-Flier; and 7) Archived DACA FAQs 56-59 <https://www.uscis.gov/archive/frequently-asked-questions>.

- 6. Please provide complete written documentation on USCIS policies, procedures, and processes to inform DACA recipients who submitted advance parole applications prior to September 5, 2017 about the status of their applications, including issuance of notices of intent to deny and final decisions to deny, and to refund their application fees following the policy shift.**

Enclosed is a copy of the letter USCIS sent to applicants with a pending DACA-based Form I-131 as of September 5, 2017, notifying them that USCIS administratively closed their Form I-131 application in accordance with the DACA rescission memo, and informing them that the filing fee would be refunded.

- 7. Please provide complete written documentation on USCIS policies, procedures, and processes to inform DACA recipients who submitted advance parole applications after September 5, 2017 about the status of their applications, including issuance of notices of intent to deny and final decisions to deny, and to refund their application fees following the policy shift.**

Enclosed is a sample of the Form I-131 rejection notice USCIS provides to individuals who have submitted DACA-based Form I-131s after September 5, 2017. Please note that certain Form I-131 applications filed by DACA recipients after September 5, 2017 were not rejected by USCIS at intake because the applicant filed the I-131 at a USCIS filing location other than the filing location previously designated for DACA-based Form I-131 applications. USCIS denied these Form I-131 applications. Enclosed are redacted example notices of an intent to deny and denial notice that were used for these Form I-131 applications.

- 8. Please provide the total annual number of applications USCIS received from DACA recipients for advance parole, broken down by humanitarian, educational, or employment purposes, as well as the number of such applications approved, respectively, during each fiscal year from 2012-2018. Please also provide a monthly breakdown of this data.**

See enclosed spreadsheet.

- 9. Please provide the total number of applications USCIS received from DACA recipients for humanitarian parole as well as the number of such applications approved since September 5, 2017.**

See enclosed spreadsheet.



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Memorandum on Rescission Of Deferred Action For Childhood Arrivals (DACA)

Release Date: September 5, 2017

MEMORANDUM FOR:

James W. McCament
Acting Director
U.S. Citizenship and Immigration Services

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement

Kevin K. McAleenan
Acting Commissioner
U.S. Customs and Border Protection

Joseph B. Maher
Acting General Counsel

Ambassador James D. Nealon
Assistant Secretary, International Engagement

Julie M. Kirchner
Citizenship and Immigration Services Ombudsman

FROM:

Elaine C. Duke
Acting Secretary

SUBJECT:

Rescission of the June 15, 2012 Memorandum Entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children”

This memorandum rescinds the June 15, 2012 memorandum entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” which established the program known as Deferred Action for Childhood Arrivals (“DACA”). For the reasons and in the manner outlined below, Department of Homeland Security personnel shall take all appropriate actions to execute a wind-down of the program, consistent with the parameters established in this memorandum.

Background

The Department of Homeland Security established DACA through the issuance of a memorandum on June 15, 2012. The program purported to use deferred action—an act of prosecutorial discretion meant to be applied only on an individualized case-by-case basis—to confer certain benefits to illegal aliens that Congress had not otherwise acted to provide by law.^[1]^(# ftn1) Specifically, DACA provided certain illegal aliens who entered the United States before the age of sixteen a period of deferred action and eligibility to request employment authorization.

On November 20, 2014, the Department issued a new memorandum, expanding the parameters of DACA and creating a new policy called Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”). Among other things—such as the expansion of the coverage criteria under the 2012 DACA policy to encompass aliens with a wider range of ages and arrival dates, and lengthening the period of deferred action and work authorization from two years to three—the November 20, 2014 memorandum directed USCIS “to establish a process, similar to DACA, for exercising prosecutorial discretion through the use of deferred action, on a case-by-case basis,” to certain aliens who have “a son or daughter who is a U.S. citizen or lawful permanent resident.”

Prior to the implementation of DAPA, twenty-six states—led by Texas—challenged the policies announced in the November 20, 2014 memorandum in the U.S. District Court for the Southern District of Texas. In an order issued on February 16, 2015, the district court preliminarily enjoined the policies nationwide.^[2]^(#_ftn2) The district court held that the plaintiff states were likely to succeed on their claim that the DAPA program did not comply with relevant authorities.

The United States Court of Appeals for the Fifth Circuit affirmed, holding that Texas and the other states had demonstrated a substantial likelihood of success on the merits and satisfied the other requirements for a preliminary injunction.^[3]^(#_ftn3) The Fifth Circuit concluded that the Department’s DAPA policy conflicted with the discretion authorized by Congress. In considering the DAPA program, the court noted that the Immigration and Nationality Act “flatly does not permit the reclassification of millions of illegal aliens as lawfully present and thereby make them newly eligible for a host of federal and state benefits, including work authorization.” According to the court, “DAPA is foreclosed by Congress’s careful plan; the program is ‘manifestly contrary to the statute’ and therefore was properly enjoined.”

Although the original DACA policy was not challenged in the lawsuit, both the district and appellate court decisions relied on factual findings about the implementation of the 2012 DACA memorandum. The Fifth Circuit agreed with the lower court that DACA decisions were not truly discretionary,^[4]^(#_ftn4) and that DAPA and expanded DACA would be substantially similar in execution. Both the district court and the Fifth Circuit concluded that implementation of the program did not comply with the Administrative Procedure Act because the Department did not implement it through notice-and-comment rulemaking.

The Supreme Court affirmed the Fifth Circuit’s ruling by equally divided vote (4-4).^[5]^(#_ftn5) The evenly divided ruling resulted in the Fifth Circuit order being affirmed. The preliminary injunction therefore remains in place today. In October 2016, the Supreme Court denied a request from DHS to rehear the case upon the appointment of a new Justice. After the 2016 election, both parties agreed to a stay in litigation to allow the new administration to review these issues.

On January 25, 2017, President Trump issued Executive Order No. 13,768, “Enhancing Public Safety in the Interior of the United States.” In that Order, the President directed federal agencies to “[e]nsure the faithful execution of the immigration laws . . . against all removable aliens,” and established new immigration enforcement priorities. On February 20, 2017, then Secretary of Homeland Security John F. Kelly issued an implementing memorandum, stating “the Department no longer will exempt classes or categories of removable aliens from potential enforcement,” except as provided in the Department’s June 15, 2012 memorandum

establishing DACA,^[6](# [ftn6](#)) and the November 20, 2014 memorandum establishing DAPA and expanding DACA.^[7](# [ftn7](#))

On June 15, 2017, after consulting with the Attorney General, and considering the likelihood of success on the merits of the ongoing litigation, then Secretary John F. Kelly issued a memorandum rescinding DAPA and the expansion of DACA—but temporarily left in place the June 15, 2012 memorandum that initially created the DACA program.

Then, on June 29, 2017, Texas, along with several other states, sent a letter to Attorney General Sessions asserting that the original 2012 DACA memorandum is unlawful for the same reasons stated in the Fifth Circuit and district court opinions regarding DAPA and expanded DACA. The letter notes that if DHS does not rescind the DACA memo by September 5, 2017, the States will seek to amend the DAPA lawsuit to include a challenge to DACA.

The Attorney General sent a letter to the Department on September 4, 2017, articulating his legal determination that DACA “was effectuated by the previous administration through executive action, without proper statutory authority and with no established end-date, after Congress’ repeated rejection of proposed legislation that would have accomplished a similar result. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch.” The letter further stated that because DACA “has the same legal and constitutional defects that the courts recognized as to DAPA, it is likely that potentially imminent litigation would yield similar results with respect to DACA.” Nevertheless, in light of the administrative complexities associated with ending the program, he recommended that the Department wind it down in an efficient and orderly fashion, and his office has reviewed the terms on which our Department will do so.

Rescission of the June 15, 2012 DACA Memorandum

Taking into consideration the Supreme Court’s and the Fifth Circuit’s rulings in the ongoing litigation, and the September 4, 2017 letter from the Attorney General, it is clear that the June 15, 2012 DACA program should be terminated. In the exercise of my authority in establishing national immigration policies and priorities, except for the purposes explicitly identified below, I hereby rescind the June 15, 2012 memorandum.

Recognizing the complexities associated with winding down the program, the Department will provide a limited window in which it will adjudicate certain requests for DACA and associated applications meeting certain parameters specified below. Accordingly, effective immediately, the Department:

- Will adjudicate—on an individual, case-by-case basis—properly filed pending DACA initial requests and associated applications for Employment Authorization Documents that have been accepted by the Department as of the date of this memorandum.
- Will reject all DACA initial requests and associated applications for Employment Authorization Documents filed after the date of this memorandum.
- Will adjudicate—on an individual, case by case basis—properly filed pending DACA renewal requests and associated applications for Employment Authorization Documents from current beneficiaries that have been accepted by the Department as of the date of this memorandum, and from current beneficiaries whose benefits will expire between the date of this memorandum and March 5, 2018 that have been accepted by the Department as of October 5, 2017.
- Will reject all DACA renewal requests and associated applications for Employment Authorization Documents filed outside of the parameters specified above.
- Will not terminate the grants of previously issued deferred action or revoke Employment Authorization Documents solely based on the directives in this memorandum for the remaining duration of their validity periods.
- Will not approve any new Form I-131 applications for advance parole under standards associated with the DACA program, although it will generally honor the stated validity period for previously approved applications for advance parole. Notwithstanding the continued validity of advance parole approvals previously granted, CBP will—of course—retain the authority it has always had and exercised in determining the admissibility of any person presenting at the border and the eligibility of such persons for parole. Further, USCIS will—of course—retain the authority to revoke or terminate an advance parole document at any time.
- Will administratively close all pending Form I-131 applications for advance parole filed under standards associated with the DACA program, and will refund all associated fees.
- Will continue to exercise its discretionary authority to terminate or deny deferred action at any time when immigration officials determine termination or denial of deferred action is appropriate.

This document 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. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigation prerogatives of DHS.

[1] (#_ftnref1) Significantly, while the DACA denial notice indicates the decision to deny is made in the unreviewable discretion of USCIS, USCIS has not been able to identify specific denial cases where an applicant appeared to satisfy the programmatic categorical criteria as outlined in the June 15, 2012 memorandum, but still had his or her application denied based solely upon discretion.

[2] (#_ftnref2) *Texas v. United States*, 86 F. Supp. 3d 591 (S.D. Tex. 2015).

[3] (#_ftnref3) *Texas v. United States*, 809 F.3d 134 (5th Cir. 2015).

[4] (#_ftnref4) *Id.*

[5] (#_ftnref5) *United States v. Texas*, 136 S. Ct. 2271 (2016) (per curiam).

[6] (#_ftnref6) Memorandum from Janet Napolitano, Secretary, DHS to David Aguilar, Acting Comm'r, CBP, et al., "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children" (June 15, 2012).

[7] (#_ftnref7) Memorandum from Jeh Johnson, Secretary, DHS, to Leon Rodriguez, Dir., USCIS, et al., "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Whose Parents are U.S. Citizens or Permanent Residents" (Nov. 20, 2014).

Topics: [Border Security \(/topics/border-security/\)](/topics/border-security/), [Deferred Action \(/topics/deferred-action/\)](/topics/deferred-action/)

Keywords: [DACA \(/keywords/daca/\)](/keywords/daca/), [Deferred Action for Childhood Arrivals \(/keywords/deferred-action-childhood-arrivals/\)](/keywords/deferred-action-childhood-arrivals/)

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U.S. Department of
Homeland Security

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Frequently Asked Questions: Rescission Of Deferred Action For Childhood Arrivals (DACA)

Release Date: September 5, 2017

NOTE: Please visit the [US Citizenship and Immigration Services website](https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction)

(<https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction>) for the most current information on Deferred Action for Childhood Arrivals (DACA)

[En español \(https://www.dhs.gov/news/2017/09/05/preguntas-frecuentes-anulaci-n-de-la-acci-n-diferida-para-los-llegados-en-la\)](https://www.dhs.gov/news/2017/09/05/preguntas-frecuentes-anulaci-n-de-la-acci-n-diferida-para-los-llegados-en-la)

The following are frequently asked questions on the September 5, 2017 Rescission of the Deferred Action for Childhood Arrivals (DACA) Program.

Q1: Why is DHS phasing out the DACA program?

A1: Taking into consideration the federal court rulings in ongoing litigation, and the September 4, 2017 letter from the Attorney General, it is clear that program should be terminated. As such, the Acting Secretary of Homeland Security rescinded the June 15, 2012 memorandum establishing the DACA program. Please see the Attorney General's letter and the Acting Secretary of Homeland Security's memorandum for further information on how this decision was reached.

Q2: What is going to happen to current DACA holders?

A2: Current DACA recipients will be permitted to retain both the period of deferred action and their employment authorization documents (EADs) until they expire, unless terminated or revoked. DACA benefits are generally valid for two years from the date of issuance.

Q3: What happens to individuals who currently have an initial DACA request pending?

A3: Due to the anticipated costs and administrative burdens associated with rejecting all pending initial requests, USCIS will adjudicate—on an individual, case-by-case basis—all properly filed DACA initial requests and associated applications for EADs that have been accepted as of September 5, 2017.

Q4: What happens to individuals who currently have a request for renewal of DACA pending?

A4: Due to the anticipated costs and administrative burdens associated with rejecting all pending renewal requests, USCIS adjudicate—on an individual, case-by-case basis—properly filed pending DACA renewal requests and associated applications for Employment Authorization Documents from current beneficiaries that have been accepted as of September 5, 2017, and from current beneficiaries whose benefits will expire between September 5, 2017 and March 5, 2018 that have been accepted as of October 5, 2017. USCIS will reject all requests to renew DACA and associated applications for EADs filed after October 5, 2017.

Q5: Is there still time for current DACA recipients to file a request to renew their DACA?

A5: USCIS will only accept renewal requests and associated applications for EADs for the class of individuals described above in the time period described above.

Q6: What happens when an individual's DACA benefits expire over the course of the next two years? Will individuals with expired DACA be considered illegally present in the country?

A6: Current law does not grant any legal status for the class of individuals who are current recipients of DACA. Recipients of DACA are currently unlawfully present in the U.S. with their removal deferred. When their period of deferred action expires or is terminated, their removal will no longer be deferred and they will no longer be eligible for lawful employment.

Only Congress has the authority to amend the existing immigration laws.

Q7: Once an individual's DACA expires, will their case be referred to ICE for enforcement purposes?

A7: Information provided to USCIS in DACA requests will not be proactively provided 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>)). 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.

Q8: Will USCIS share the personal information of individuals whose pending requests are denied proactively with ICE for enforcement purposes?

A8: Generally, information provided in DACA requests will not be proactively provided to other law enforcement entities (including ICE and CBP) for the purpose of immigration enforcement proceedings unless the requestor poses a risk to national security or public safety, or meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria. 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.

Q9: Can deferred action received pursuant to DACA be terminated before it expires?

A9: Yes. DACA is an exercise of deferred action which is a form of prosecutorial discretion. Hence, DHS will continue to exercise its discretionary authority to terminate or deny deferred action at any time when immigration officials determine termination or denial of deferred action is appropriate.

Q10: Can DACA recipients whose valid EAD is lost, stolen or destroyed request a new EAD during the phase out?

A10: If an individual's still-valid EAD is lost, stolen, or destroyed, they may request a replacement EAD by filing a new Form I-765.

Q11: Will DACA recipients still be able to travel outside of the United States while their DACA is valid?

A11: Effective September 5, 2017, USCIS will no longer approve any new Form I-131 applications for advance parole under standards associated with the DACA program. Those with a current advance parole validity period from a previously-approved advance parole application will generally retain the benefit until it expires. However, CBP will retain the authority it has always exercised in determining the admissibility of any person presenting at the border. Further, USCIS retains the authority to revoke or terminate an advance parole document at any time.

Q12: What happens to individuals who have pending requests for advance parole to travel outside of the United States?

A12: USCIS will administratively close all pending Form I-131 applications for advance parole under standards associated with the DACA program, and will refund all associated fees.

Q13: How many DACA requests are currently pending that will be impacted by this change? Do you have a breakdown of these numbers by state?

A13: There were 106,341 requests pending as of August 20, 2017 – 34,487 initial requests and 71,854 renewals. We do not currently have the state-specific breakouts.

Q14: Is there a grace period for DACA recipients with EADs that will soon expire to make appropriate plans to leave the country?

A14: As noted above, once an individual's DACA and EAD expire—unless in the limited class of beneficiaries above who are found eligible to renew their benefits—the individual is no longer considered lawfully present in the United States and is not authorized to work. Persons whose DACA permits will expire between September 5, 2017 and March 5, 2018 are eligible to renew their permits. No person should lose benefits under this memorandum prior to March 5, 2018 if they properly file a renewal request and associated application for employment authorization.

Q15: Can you provide a breakdown of how many DACA EADs expire in 2017, 2018, and 2019?

A15: From August through December 2017, 201,678 individuals are set to have their DACA/EADs expire. Of these individuals, 55,258 already have submitted requests for renewal of DACA to USCIS.

In calendar year 2018, 275,344 individuals are set to have their DACA/EADs expire. Of these 275,344 individuals, 7,271 have submitted requests for renewal to USCIS.

From January through August 2019, 321,920 individuals are set to have their DACA/EADs expire. Of these 321,920 individuals, eight have submitted requests for renewal of DACA to USCIS.

Q16: What were the previous guidelines for USCIS to grant DACA?

A16: Individuals meeting the following categorical criteria could apply for DACA if they:

- Were under the age of 31 as of June 15, 2012;
- Came to the United States before reaching their 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the present time;
- Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- Had no lawful status on June 15, 2012;
- 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
- 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.

Topics: [Border Security \(/topics/border-security\)](#), [Deferred Action \(/topics/deferred-action\)](#)

Keywords: [DACA \(/keywords/daca\)](#), [Deferred Action for Childhood Arrivals \(/keywords/deferred-action-childhood-arrivals\)](#)

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Instructions for Application for Travel Document

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

USCIS
Form I-131
OMB No. 1615-0013
Expires 12/31/2018

What Is the Purpose of This Form?

This form is for applying to U.S. Citizenship and Immigration Services (USCIS) for the following travel documents:

1. Reentry Permit

A Reentry Permit allows a lawful permanent resident or conditional permanent resident to apply for admission to the United States upon returning from abroad during the permit's validity without the need to obtain a returning resident visa from a U.S. Embassy or U.S. Consulate.

2. Refugee Travel Document

A Refugee Travel Document is issued to an individual in valid refugee or asylee status, or to a lawful permanent resident who obtained such status as a refugee or asylee in the United States. Individuals who hold asylee or refugee status and are not lawful permanent residents must have a Refugee Travel Document to return to the United States after travel abroad, unless they possess an Advance Parole Document. A Department of Homeland Security (DHS) officer at the U.S. port-of-entry will determine your admissibility when you present your travel document.

3. Advance Parole Document for Individuals Who Are Currently in the United States

Parole allows an alien to physically enter into the United States for a specific purpose. An individual who has been "paroled" has not been admitted to the United States and remains an "applicant for admission" even while paroled.

DHS, as a matter of discretion, may issue an Advance Parole Document to authorize an alien to appear at a port-of-entry to seek parole into the United States. The document may be accepted by a transportation company in lieu of a visa as an authorization for the holder to travel to the United States. An Advance Parole Document is not issued to serve in place of any required passport.

WARNING: The document does not entitle you to be paroled into the United States; a separate discretionary decision on a request for parole will be made when you arrive at a port-of-entry upon your return.

WARNING: DHS may revoke or terminate your Advance Parole Document at any time, including while you are outside the United States, in which event you may be unable to return to the United States unless you have a valid visa or other document that permits you to travel to the United States and seek admission.

NOTE: Generally, if you are in the United States and have applied for adjustment of status to that of a lawful permanent resident, your application will be deemed abandoned if you leave the United States without first obtaining an Advance Parole Document. Your application for adjustment of status generally will not be deemed abandoned, even if you do not apply for an Advance Parole Document before traveling abroad while an adjustment application is pending, if you currently are in one of the following nonimmigrant classifications, and remain eligible for and would be admissible in one of the following categories upon applying for admission at a port-of-entry:

- a. An H-1 temporary worker, or H-4 spouse or child of an H-1;
- b. An L-1 intracompany transferee, or L-2 spouse or child of an L-1;
- c. A K-3 spouse, or K-4 child of a U.S. citizen; or
- d. A V-1 spouse, or V-2/V-3 child of a lawful permanent resident.

NOTE: Upon returning to the United States, most individuals must present a valid H, L, K, or V nonimmigrant visa and must continue to be otherwise admissible. If you do not have a valid or unexpired H, L, K, or V nonimmigrant visa, then you generally need to obtain an H, L, K, or V nonimmigrant visa at a U.S. Department of State (DOS) visa issuing post. Individuals will need a valid nonimmigrant visa, advance parole, or other travel document to present for reentry.

4. Advance Parole Document for Individuals Outside the United States

The granting of an Advance Parole Document for individuals outside the United States is an extraordinary measure used sparingly to allow an otherwise inadmissible alien to travel to the United States and to seek parole into the United States for a temporary period of time due to urgent humanitarian reasons or for significant public benefit (significant public benefit parole is typically limited to law enforcement or homeland security-related reasons). An Advance Parole Document cannot be used to circumvent normal visa-issuance procedures and is not a means to bypass delays in visa issuance.

Who May File Form I-131?

Each applicant must file a separate application for a travel document.

NOTE: Do not file Form I-131 if you are seeking release from immigration custody and you want to remain in the United States as a parolee. You should contact ICE about your request.

1. Reentry Permit

- a. If you are in the United States as a lawful permanent resident or conditional permanent resident, you may apply for a Reentry Permit. You must be physically present in the United States when you file the Reentry Permit application and complete the biometrics services requirement. After filing your application for a Reentry Permit, USCIS will inform you in writing when to go to your local Application Support Center (ASC) for your biometrics services appointment. (See **Item Number 3. Biometrics Services Requirement** in the **General Requirements** section of these Instructions.)

NOTE: A Reentry Permit may be sent to a U.S. Embassy, U.S. Consulate, or DHS office abroad for you to pick up, if you make such a request when you file your application.

With the exception of having to obtain a returning resident visa abroad, a Reentry Permit does not exempt you from compliance with any of the requirements of U.S. immigration laws. If you are in possession of a valid, unexpired Reentry Permit, you will not be deemed to have abandoned your status as a lawful permanent resident or conditional permanent resident based solely on the duration of your absences from the United States while the permit is valid.

An absence from the United States for 1 year or more will generally break the continuity of your required continuous residence for the purpose of naturalization. If you intend to remain outside the United States for 1 year or more, you may be eligible to file Form N-470, Application to Preserve Residence for Naturalization Purposes. For further information, contact your local USCIS office.

b. Validity of Reentry Permit

- (1) Generally, a Reentry Permit issued to a lawful permanent resident is valid for 2 years from the date of issuance. See 8 CFR section 223.3(a)(1). However, if you have been outside the United States for more than 4 of the last 5 years since becoming a lawful permanent resident, the permit will be limited to 1 year, except that a permit with a validity of 2 years may be issued to the following:
- (a) A lawful permanent resident whose travel is on the order of the U.S. Government, other than an exclusion, deportation, removal, or rescission order;
 - (b) A lawful permanent resident employed by a public international organization of which the United States is a member by treaty or statute; or

(c) A lawful permanent resident who is a professional athlete and regularly competes in the United States and worldwide.

(2) A Reentry Permit issued to a conditional permanent resident is valid for 2 years from the date of issuance, or to the date the conditional permanent resident must apply for removal of the conditions on his or her status, whichever date comes first.

(3) A Reentry Permit may not be extended.

c. A Reentry Permit may not be issued to you if:

(1) You have already been issued such a document, and it is still valid, unless the prior document has been returned to USCIS or you can demonstrate that it was lost; or

(2) A notice was published in the Federal Register that precludes the issuance of such a document for travel to the area where you intend to go.

NOTICE to lawful permanent or conditional permanent residents concerning possible abandonment of status: If you do not obtain a Reentry Permit, lengthy or frequent absences from the United States could be factors supporting a conclusion that you have abandoned your lawful permanent resident status. If DHS determines, upon your return to the United States, that you have abandoned your lawful permanent resident status, you may challenge that determination if you are placed in removal proceedings.

2. Refugee Travel Document

a. If you are in the United States in valid refugee or asylee status, or if you are a lawful permanent resident as a direct result of your refugee or asylee status in the United States, you may apply for a Refugee Travel Document. You should apply for a Refugee Travel Document **BEFORE** you leave the United States. **If biometrics services are required and you fail to appear to have the biometrics collected, the application may be denied.**

After filing your application for a Refugee Travel Document, USCIS will inform you in writing when to go to your local USCIS ASC for your biometrics services appointment. Unless you have other appropriate documentation, such as a Permanent Resident Card and passport, you must have a Refugee Travel Document to return to the United States after temporary travel abroad. A Refugee Travel Document may be sent to a U.S. Embassy, U.S. Consulate, or DHS office abroad for you to pick up, if you request it when you file your application.

b. If you are outside of the United States and:

(1) Have valid refugee or asylee status; or

(2) You are a lawful permanent resident as a direct result of your refugee or asylee status in the United States, you may be permitted to file Form I-131 and apply for a Refugee Travel Document. The USCIS Overseas District Director with jurisdiction over your location makes this decision in his or her discretion.

Your application must be filed within 1 year of your last departure from the United States and should include an explanation of why you failed to apply for a Refugee Travel Document before you departed from the United States.

Travel Warning Regarding Voluntary Re-availment

WARNING to asylees who travel to the country of claimed persecution: If you applied for asylum on or after April 1, 1997, your asylum status may be terminated if the U.S. Government determines that you have voluntarily availed yourself of the protection of your country of nationality or, if stateless, country of last habitual residence. See section 208(c)(2)(D) of the Immigration and Nationality Act (INA), 8 USC 1158(c)(2)(D).

c. Validity of Refugee Travel Document

(1) A Refugee Travel Document is valid for 1 year.

(2) A Refugee Travel Document may not be extended.

d. A Refugee Travel Document may not be issued to you if:

- (1) You have already been issued such a document and it is still valid, unless the prior document has been returned to USCIS or you can demonstrate that it was lost; or
- (2) A notice was published in the Federal Register that precludes the issuance of such a document for travel to the area where you intend to go.

NOTE: You should apply for a Refugee Travel Document before you leave the United States. However, a Refugee Travel Document may be sent to a U.S. Embassy, U.S. Consulate, or DHS office abroad for you to pick up, if you make such a request when you file your application. Departure from the United States before a decision is made on the application usually does not affect the application decision. However, if biometrics collection is required and the applicant departs the United States before biometrics are collected, the application may be denied.

NOTICE to lawful permanent residents who obtain permanent residence as a result of their refugee or asylee status: If you do not obtain a Reentry Permit (see **Item 1. Reentry Permit** above) and remain outside the United States, lengthy or frequent absences from the United States could be factors supporting a conclusion that you have abandoned your lawful permanent resident status. With the exception of having to obtain a returning resident visa abroad, a Reentry Permit does not exempt you from compliance with any of the requirements of U.S. immigration laws. If you are in possession of a valid unexpired Reentry Permit, you will not be deemed to have abandoned your status as a lawful permanent resident or conditional permanent resident based solely on the duration of your absences from the United States while the permit is valid.

An absence from the United States for 1 year or more will generally break the continuity of your required continuous residence for purpose of naturalization. If you intend to remain outside the United States for 1 year or more, you may be eligible to file Form N-470, Application to Preserve Residence for Naturalization Purposes. For further information, contact your local USCIS office.

If DHS determines, upon your return to the United States, that you have abandoned your lawful permanent resident status, you may challenge that determination if you are placed in removal proceedings, and seek a determination whether you may retain asylum status even if you cannot retain lawful permanent resident status.

3. Advance Parole Document for Individuals Who Are Currently in the United States

If any of the items listed under Item a. below apply to you, select Item Number 1.d. in Part 2. of the form.

a. If you are in the United States and seek an Advance Parole Document, you may apply if:

- (1) You have a pending application to adjust status, Form I-485, and you seek to travel abroad temporarily for “urgent humanitarian reasons” or in furtherance of a “significant public benefit,” which may include a personal or family emergency or bona fide business reasons.
- (2) You have a pending application for Temporary Protected Status (TPS) (Form I-821), have been granted TPS, or have been granted T or U nonimmigrant status. Whether you are permitted to retain TPS upon your return will depend on whether you continue to meet the requirements for TPS. If you have TPS and leave and reenter the United States during the validity period of your Advance Parole Document, you will not break the continuous physical presence requirement for maintaining your TPS.

Important: If you have a TPS or other application pending and you leave the United States on advance parole, you may miss important notices from USCIS regarding your application, including requests for additional evidence. If you do not respond timely to these notices, USCIS may deem your application abandoned and, in that event, you will not receive the benefit you seek. It is very important that you make appropriate arrangements to ensure that you do not miss any such important notices.

- (3) You have been granted parole pursuant to INA section 212(d)(5), **AND** you seek to travel abroad temporarily for urgent humanitarian reasons or in furtherance of a significant public benefit. Humanitarian reasons include travel to obtain medical treatment, attend funeral services for a family member, or visit an ailing relative.

(4) USCIS or U.S. Immigration and Customs Enforcement (ICE) has deferred action in your case as a childhood arrival based on the guidelines described in the Secretary of Homeland Security’s memorandum issued on June 15, 2012 (“Deferred Action for Childhood Arrivals” (DACA)). USCIS may, in its discretion, grant advance parole if you are traveling outside the United States for educational purposes, employment purposes, or humanitarian purposes.

(a) Educational purposes include, but are not limited to, semester abroad programs or academic research;

(b) Employment purposes include, but are not limited to, overseas assignments, interviews, conferences, training, or meetings with clients; and

(c) Humanitarian purposes include, but are not limited to, travel to obtain medical treatment, attend funeral services for a family member, or visit an ailing relative.

NOTE: Travel for vacation is not a valid purpose. You must **NOT** file Form I-131 with your deferred action request or your package will be rejected and returned to you.

(5) USCIS has granted you IMMACT 90 or LIFE Act Family Unity Program benefits, **AND** you seek to travel abroad temporarily for urgent humanitarian reasons or in furtherance of a significant public benefit, which may include a personal or family emergency or bona fide business reasons.

(6) You have a pending application for temporary resident status pursuant to INA section 245A, and you seek to travel abroad temporarily for urgent humanitarian reasons or in furtherance of a significant public benefit, which may include a personal or family emergency or bona fide business reasons.

(7) You have been granted V nonimmigrant status in the United States, **AND** you seek to travel abroad temporarily for urgent humanitarian reasons or in furtherance of a significant public benefit, which may include a personal or family emergency or bona fide business reasons.

b. Travel Warning

Before you apply for an Advance Parole Document, read the following travel warning carefully.

For any kind of Advance Parole Document provided to you while you are in the United States:

(1) Leaving the United States, even with an Advance Parole Document, may impact your ability to return to the United States.

(2) If you use an Advance Parole Document to leave and return to a port-of-entry in the United States, you will, upon your return, be an “applicant for admission.”

(3) As an applicant for admission, you will be subject to inspection at a port-of-entry, and you may not be admitted if you are found to be inadmissible under any applicable provision of INA section 212(a) or 235 or any other provision of U.S. law regarding denial of admission to the United States. If DHS determines that you are inadmissible, you may be subject to expedited removal proceedings or to removal proceedings before an immigration judge, as authorized by law and regulations.

(4) As noted above, issuance of an Advance Parole Document does **NOT** entitle you to parole and does not guarantee that DHS will parole you into the United States upon your return.

(5) As noted above, DHS will make a separate discretionary decision whether to parole you each time you use an Advance Parole Document to return to the United States.

(6) If, upon your return, you are paroled into the United States, you will remain an applicant for admission.

(7) As noted above, DHS may revoke or terminate your Advance Parole Document at any time, including while you are outside the United States. Even if you have already been paroled, upon your return to the United States, DHS may also revoke or terminate your parole in accordance with 8 CFR 212.5.

If you are outside the United States, revocation or termination of your Advance Parole Document may preclude you from returning to the United States unless you have a valid visa or other document that permits you to travel to the United States and seek admission.

(8) If you are in the United States when DHS revokes or terminates your parole, you will be an unparoled applicant for admission, and may be subject to removal as an applicant for admission who is inadmissible under INA section 212, rather than as an admitted alien who is deportable under INA section 237. In addition to the above, if you received deferred action under DACA, you should also be aware of the following:

- (a) Even after USCIS or ICE has deferred action in your case under DACA, you should not travel outside the United States unless USCIS has approved your application for an Advance Parole Document. Deferred action will terminate automatically if you travel outside the United States without obtaining an Advance Parole Document from USCIS.
- (b) If you obtain an Advance Parole Document in connection with a decision to defer removal in your case under DACA and if, upon your return, you are paroled into the United States, your case will generally continue to be deferred. The deferral will continue until the date specified by USCIS or ICE in the deferral notice given to you or until the decision to defer removal action in your case has been terminated, whichever is earlier.
- (c) If you have been ordered excluded, deported, or removed, departing from the United States without having had your exclusion, deportation, or removal proceedings reopened and administratively closed or terminated will result in your being considered excluded, deported, or removed, even if USCIS or ICE has deferred action in your case under DACA and you have been granted advance parole.

c. **If you are in the United States and seek an Advance Parole Document, a document may not be issued to you if:**

- (1) You hold a nonimmigrant status, such as J-1, that is subject to the 2-year foreign residence requirement as a result of that status. Exception: If you are someone who was subject to this requirement but are now eligible to apply for adjustment of status to lawful permanent resident, USCIS may consider your application for advance parole; or
- (2) You are in exclusion, deportation, removal, or rescission proceedings, unless you have received deferred action under DACA. You may, however, request parole from ICE. See **NOTE** below.

d. **If you depart from the United States before the Advance Parole Document is issued, your application for an Advance Parole Document will be considered abandoned.**

NOTE: Do not use this form if you are seeking release from immigration custody and you want to remain in the United States as a parolee. You should contact your local ICE office about your request (www.ice.gov/contact/ero).

4. Advance Parole Document for Individuals Outside the United States

a. **If you or someone else is outside the United States and needs to visit the United States temporarily for an urgent humanitarian reason or for significant public benefit:**

- (1) You may apply for an Advance Parole Document if you cannot obtain the necessary visa and any required waiver of inadmissibility or consent to reapply for admission. Under these conditions, an Advance Parole Document is granted on a case-by-case basis for a temporary period of time, according to any conditions that may be placed on parole.
- (2) An individual in the United States may file this application on your behalf. This individual must complete **Part 1** of the form with information about himself or herself.
- (3) If you were paroled into the United States when you arrived with an Advanced Parole Document, and need to remain in the United States beyond the authorized parole period to accomplish the purpose for which parole was approved, you must file a new Form I-131 with all supporting documentation to request a new parole authorization and type or print REPAROLE in capital letters at the top of the new Form I-131.

b. **An Advance Parole Document may also be granted to qualified individuals outside the United States as part of specific USCIS Family Reunification Parole policies.**

If Items (1), (2), or (3) below apply to you, type or print the appropriate parole policy name at the top of Form I-131 and check box 1.f. under Part 2. of the form.

NOTE: A derivative beneficiary can only receive benefits under any of the specific Family Reunification Parole policies if the principal beneficiary receives benefits. A separate application and fee for each individual principal and derivative beneficiary is required. Applications for a principal beneficiary and any of his or her derivative beneficiaries must be submitted in one package when mailed to USCIS.

- (1) Cuban Family Reunification Parole (CFRP) Program.** Under the CFRP Program, USCIS offers certain beneficiaries of approved family-based immigrant petitions the opportunity to seek, on a case-by-case basis, a discretionary grant of parole into the United States to apply for lawful permanent resident status, rather than remain in Cuba waiting for their immigrant visas to become available. You may apply for advance parole under this program **ONLY** if you have received an invitation to apply. The invitation contains instructions on eligibility and how to apply. If you apply for parole under this program without having received an invitation to apply, your application for parole may be denied.
- (2) Haitian Family Reunification Parole (HFRP) Program.** Under the HFRP program, USCIS offers certain beneficiaries of family-based immigrant petitions, approved on or before December 18, 2014, an opportunity to seek, on a case-by-case basis, a discretionary grant of parole into the United States up to approximately 2 years before their immigrant visas become available (as indicated in the Application Final Action Dates chart in the Department of State’s Visa Bulletin), rather than remain in Haiti awaiting availability of their immigrant visas. You may apply for advance parole under this program **ONLY** if you have received an invitation to apply. The invitation contains instructions on eligibility and how to apply. If you apply for this program without having received an invitation to apply, your application for parole may be denied.
- (3) Filipino WWII Veterans Parole (FWVP) Program.** Under the FWVP program, USCIS offers certain beneficiaries of family-based immigrant petitions, approved on or before the date the request for advance parole is filed, an opportunity to seek, on a case-by-case basis, a discretionary grant of parole into the United States before their immigrant visas become available, rather than remain in another country awaiting availability of their immigrant visas. An invitation is not needed to apply for parole under this program.

You may apply for parole on behalf of your family members under this program if:

- (a)** You are living in the United States and are either a Filipino World War II veteran, as defined by section 405 of IMMACT 90, as amended, or the surviving spouse of such individual;
- (b)** You have filed a Form I-130, Petition for Alien Relative, for a family member whose visa is not yet available (as indicated in the Application Final Action Dates chart in the Department of State’s Visa Bulletin), and whose Form I-130 petition was approved on or before the date your request for advance parole under the FWVP program is filed; and
- (c)** Your qualifying relationship with your family member existed on or before May 9, 2016.

NOTE: If you are the surviving spouse of a Filipino World War II veteran, you may only apply for parole under the FWVP program on behalf of a child, son, or daughter who is also the child, son, or daughter of the Filipino World War II veteran. You may apply for parole under the FWVP program on behalf of such individuals, even if the approved Form I-130 on which they are beneficiaries had been filed by the deceased veteran, as long as that Form I-130 was reinstated by USCIS.

NOTE: If the Filipino World War II veteran and his or her spouse are both deceased, certain beneficiaries of an approved Form I-130 that was automatically revoked and which USCIS reinstated, may apply for parole under this program on their own behalf.

NOTE: Additional information regarding eligibility under the terms of the FWVP program is described under “**Filipino WWII Veterans Parole Program**” at www.uscis.gov/FWVP.

General Instructions

If you are completing this form on a computer, the data you enter will be captured using 2D barcode technology. This capture will ensure that the data you provide is accurately entered into USCIS systems. As you complete each field, the 2D barcode field at the bottom of each page will shift as data is captured. Upon receipt of your form, USCIS will use the 2D barcode to extract the data from the form. Please **do not damage the 2D barcode** (puncture, staple, spill on, write on, etc.) as this could affect the ability of USCIS to timely process your form.

USCIS provides most forms in PDF format free of charge through the USCIS website. 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 application must be properly signed and accompanied by the appropriate fee. (See the **What is the Filing Fee** section of these Instructions.) A photocopy of a signed application or a typewritten name in place of a signature is not acceptable. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf.

Evidence. You must submit all required initial evidence along with all the supporting documentation with your application at the time of filing.

Biometrics Services Appointment. After receiving your application and ensuring completeness, USCIS will inform you in writing when to go to your local USCIS Application Support Center (ASC) for your biometrics services appointment. Failure to attend the biometrics services appointment may result in denial of your application.

Copies. Unless specifically required that an original document be filed with an application, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record, and will not be automatically returned to you.

Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

How To Fill Out Form I-131

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a separate sheet and type or print your name and Alien Registration Number (A-Number) (if any), at the top of each sheet of paper; indicate the **Part** and **Item Numbers** to which your answer refers; and date and sign each sheet.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is none, print or type N/A.

General Requirements

1. Initial Evidence

All applications must include a **copy of an official photo identity document showing your photo, name, and date of birth.** (Examples: Your current Employment Authorization Document, if available; a valid government-issued driver's license; passport identity page; Form I-551, Permanent Resident Card; or any other official identity document.) The copy must **clearly** show the photo and identity information. **Form I-94 Arrival-Departure Record is not acceptable as a photo identity document.**

You must file your application with all required evidence. Not submitting required evidence will delay the issuance of the document you are requesting. USCIS may request additional information or evidence or may request that you appear at a USCIS office for an interview or for fingerprinting. (See **Item 3. Biometric Services Requirement** below).

If you are applying for:

a. Reentry Permit

You **must** attach:

- (1) A copy of the front and back of your Form I-551; or
- (2) If you have not yet received your Form I-551, a copy of the biographic pages of your passport and a copy of the visa page showing your initial admission as a lawful permanent resident, or other evidence that you are a lawful permanent resident; or
- (3) A copy of the Form I-797, Notice of Action, approval notice of an application for replacement of your Form I-551 or temporary evidence of lawful permanent resident status.

b. Refugee Travel Document

You **must** attach a copy of the document issued to you by USCIS showing your refugee or asylee status and the expiration date of such status.

c. Advance Parole Document for Individuals Who Are Currently in the United States

If you are in the United States, you **must** attach:

- (1) A copy of any document issued to you by USCIS showing your present status, if any, in the United States; and
- (2) An explanation or other evidence showing the circumstances that warrant issuance of an Advance Parole Document; or
- (3) If you are an applicant for adjustment of status, a copy of a USCIS receipt as evidence that you filed the adjustment application; or
- (4) If you are traveling to Canada to apply for an immigrant visa, a copy of the U.S. consular appointment letter; or
- (5) If USCIS has deferred action in your case under DACA, you must include a copy of the Form I-797, Notice of Action, showing that the decision on your Form I-821D was to defer action in your case. If ICE deferred action in your case under DACA, submit a copy of the approval order, notice or letter issued by ICE.

You must complete Part 4. of the form indicating how your intended travel fits within 1 of the 3 purposes below. You must also provide evidence of your reason for travel outside of the United States including the dates of travel and the expected duration outside the United States. If your advance parole application is approved, the validity dates of your Advance Parole Document will be for the duration of the documented need for travel. Below are examples of acceptable evidence:

Educational Purposes

- (a) A letter from a school employee acting in an official capacity describing the purpose of the travel and explaining why travel is required or beneficial; or
- (b) A document showing enrollment in an educational program requiring travel.

Employment Purposes

A letter from your employer or a conference host describing the need for the travel.

Humanitarian Purposes

- (a) A letter from your physician explaining the nature of your medical condition, the specific medical treatment to be sought outside of the United States, and a brief explanation why travel outside the U.S. is medically necessary; or
- (b) Documentation of a family member's serious illness or death.

d. Advance Parole Document for Individuals Outside the United States

- (1) If you are applying for an Advance Parole Document for an individual who is outside the United States under one of the Family Reunification Parole policies, you must attach:
- (a) For the HFRP Program, complete documentation as described in the application instructions included in the invitation letter;
 - (b) For the CFRP Program, complete documentation as described in the application instructions included in the invitation letter; or
 - (c) For the FWVP program:
 - (i) A copy of your Form I-797, Notice of Action, indicating approval of your Form I-130, or printout from Case Status Online, which shows an approved Form I-130, Petition for Alien Relative, filed by the Filipino veteran or the surviving spouse, for your family member;
 - (ii) Form I-134, Affidavit of Support, completed as directed in the Form I-134 instructions;
 - (iii) Evidence that the Filipino veteran's World War II military service was previously recognized by the U.S. Army as defined by section 405 of the Immigration Act of 1990, as amended; and
 - (iv) If you are the surviving spouse of the Filipino World War II veteran: evidence of your marriage, and a copy of the veteran's death certificate.

NOTE: If you wish to apply for a child who is the derivative beneficiary of an approved Form I-130 petition, he or she must be under 21 years of age and unmarried on the date USCIS receives the FWVP program application you file on his or her behalf and otherwise satisfy the definition of "child" as defined by INA section 203(d). You may only apply for a derivative beneficiary if you are also applying for the principal beneficiary on that same approved Form I-130.

NOTE: If you are eligible to self-apply for parole under the FWVP program as described in the **Who May File Form I-131** section of these Instructions, you must complete documentation described above and also submit evidence to establish a qualifying family relationship with the deceased Filipino World War II veteran or his or her spouse and evidence of reinstatement by USCIS of your Form I-130.

NOTE: Additional information regarding required documentation is described in "**Filipino WWII Veterans Parole Program**" at www.uscis.gov/FWVP.

- (2) If you are applying for an Advance Parole Document for an individual who is outside the United States (either for yourself or another individual), other than under one of the Family Reunification Parole policies noted in **Item (1)** above, you must attach:
- (a) A detailed description of the urgent humanitarian or significant public benefit reason for which an Advance Parole Document is requested, an explanation for the length of time for which parole is requested, and copies of evidence that support the basis for your request;
 - (b) Form I-134, Affidavit of Support, completed as directed in the Form I-134 instructions;
 - (c) A statement explaining why a U.S. visa cannot be obtained, including when and where attempts were made to obtain a visa, or an explanation of why a visa was not sought to enter the United States;
 - (d) If applicable, a statement explaining why a waiver of inadmissibility cannot be obtained to allow issuance of a visa, including when and where attempts were made to obtain a waiver, and a copy of any DHS decision on your waiver request, or an explanation of why a waiver has not been sought;
 - (e) A copy of any decision on an immigrant or non-immigrant petition or application filed for an individual seeking to enter the United States, and evidence regarding any pending immigrant or non-immigrant petition or application;
 - (f) In addition to the identity document described in **Item 1. Initial Evidence** above, unless such document is a valid passport:

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- (i) A copy of the biographical page of the beneficiary's passport or, if it is not available, an explanation why a passport is not available and another government-issued identity document that establishes the beneficiary's citizenship; and
 - (ii) Copies of the petitioner's and Form I-134 sponsor's official identity documents and evidence of their citizenship or U.S. immigration status (such as a copy of a U.S. passport, lawful permanent resident card, or birth certificate).

NOTE: If a civil document submitted in support of a request for advance parole has annotations on either the front or the back of the document, copies of both sides of the document must be submitted.

NOTE: Additional information regarding types of evidence that may be relevant to specific parole requests is described under "**Humanitarian Parole**" at www.uscis.gov/humanitarian/humanitarian-parole.

2. Photographs

- a. **If you are outside the United States and filing for a Refugee Travel Document, or if you are in the United States and filing for an Advance Parole Document:**

You **must** submit 2 identical color photographs of yourself taken within 30 days of the filing of this application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

NOTE: Because of the current USCIS scanning process, if a digital photo is submitted, it must be produced from a high-resolution camera that has at least 3.5 mega pixels of resolution.

Passport-style photos must be 2" x 2." The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top of hair to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing headwear as required by a religious denomination of which you are a member. Using pencil or felt pen, lightly print your name and A-Number on the back of the photo.

- b. **If applying for an Advance Parole Document for individuals outside the United States:**

- (1) If you are applying for an Advance Parole Document on your own behalf, and you are outside the United States, submit photographs with your application.
- (2) If you are applying for an Advance Parole Document on behalf of another individual who is outside the United States, submit the required photographs of the individual who would be issued the Advance Parole Document.

3. Biometrics Services Requirement

- a. All applicants for a Refugee Travel Document or a Reentry Permit must complete biometrics at a USCIS Application Support Center (ASC) or, if applying for a Refugee Travel Document while outside of the United States at an overseas USCIS facility. If you are between ages 14 through 79 and you are applying for a Refugee Travel Document or a Reentry Permit, you must also be fingerprinted as part of USCIS biometrics services requirement. After you have filed this application, USCIS will notify you in writing of the time and location for your biometrics services appointment. Failure to appear to be fingerprinted or for other biometrics services may result in a denial of your application.
- b. All applicants for Reentry Permits and/or Refugee Travel Documents between the ages of 14 through 79 are required to pay the additional **\$85** biometrics services fee. (See the **What Is the Filing Fee** section of these Instructions.)
- c. An individual outside the United States who is seeking an Advance Parole Document for humanitarian reasons or for significant public benefit, including under one of the Family Reunification Parole policies, and who is between ages 14 through 79, must be fingerprinted as part of the USCIS biometrics services requirement. Depending on the individual's location, USCIS or the Department of State will advise the location for the biometrics services appointment.

4. Invalidation of Travel Document

Any travel document obtained by making a material false representation or concealment in this application will be invalid. A travel document will also be invalid if you are ordered removed or deported from the United States.

In addition, a Refugee Travel Document will be invalid if the United Nations Convention of July 28, 1951, shall cease to apply or shall not apply to you as provided in Articles 1C, D, E, or F of the Convention.

5. Expedite Request Instructions

To request expedited processing of an application for a Reentry Permit, a Refugee Travel Document, or an Advance Parole Document for an individual outside the United States, other than under one of the Family Reunification Parole policies, type or print the word EXPEDITE in the top right corner of the application in black ink. USCIS recommends that you provide e-mail addresses and a fax number with any expedite request for a Reentry Permit, Refugee Travel Document, or Advance Parole Document.

Include a written explanation of the reason for the request to expedite with any supporting evidence available. The burden is on the applicant to demonstrate that one or more of the expedite criteria have been met. The criteria are as follows:

- a. Severe financial loss to company or individual;
- b. Extreme emergent situation;
- c. Humanitarian situation; or
- d. Non-profit status of requesting organization in furtherance of the cultural and social interests of the United States Department of Defense or National Interest Situation. (**Note:** The request must come from an official United States Government entity and state that a delay will be detrimental to the U.S. Government.)

What Is the Filing Fee?

Reentry Permit: The filing fee for a Reentry Permit is **\$575**. A biometrics services fee of **\$85** is required for applicants ages 14 through 79.

Refugee Travel Document: The filing fee for a Refugee Travel Document for an applicant **age 16 or older** is **\$135**. The fee for a child younger than 16 is **\$105**. A biometrics services fee of **\$85** is required for applicants ages 14 through 79.

Advance Parole Document for Individuals Who Are Currently in the United States (including individuals whose cases were deferred pursuant to DACA): The filing fee for an Advance Parole Document for an individual who is currently in the United States is **\$575**. The biometrics services fee is not required.

Advance Parole Document for Individuals Outside the United States, Including Under Family Reunification Parole Policies: The filing fee for an Advance Parole Document for an individual who is outside the United States is **\$575**. The biometrics services fee is not required. The filing fee may be waived based upon a demonstrated inability to pay. Applicants should file Form I-912, Request for Fee Waiver, when filing Form I-131 to ensure such requests are supported in accordance with 8 CFR 103.7(c).

NOTE: If you filed Form I-485 on or after July 30, 2007, and you paid the Form I-485 application fee required, then no fee is required to file a request for an Advance Parole Document or Refugee Travel Document on Form I-131 if your Form I-485 is still pending, if:

1. You now hold U.S. refugee or asylee status, and are applying for a Refugee Travel Document (see **Part 2. Application Type, Item Number 1.b.** of Form I-131); or
2. You are applying for an Advance Parole Document to allow you to return to the United States after temporary foreign travel (see **Part 2. Application Type, Item Number 1.d.** of Form I-131).

Under these circumstances, you may file Form I-131 together with your Form I-485, or you may submit Form I-131 at a later date. If you file Form I-131 separately, you must also submit a copy of your Form I-797, Notice of Action, receipt as evidence that you filed and paid the fee for Form I-485 required on or after July 30, 2007.

Replacement Travel Document: If you are filing to replace a travel document that was lost, stolen, mutilated, or contains erroneous information, such as a misspelled name, a filing fee is required.

NOTE: If you are requesting a replacement Advance Parole Document as an adjustment applicant filed under the fee structure implemented July 30, 2007, then the full filing fee will be required; however, no biometrics services fee is required.

Incorrect Card: No fee is required if you are filing to correct a USCIS error on your travel document. If USCIS did not cause the error, you must pay the application fees.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your checks or money orders for the Form I-131 filing fee and biometric services fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the checks or money orders payable to **U.S. Department of Homeland Security**

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

3. If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment .

Notice to Those Making Payment by Check. If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

How To Check If the Fees Are Correct

Form I-131’s filing fee and biometric services fees are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS website at www.uscis.gov, select “FORMS,” and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Fee Waiver

You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver.

Where to File?

Please see our website at www.uscis.gov/I-131 or call our USCIS National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request. For TTY (hearing impaired) call: **1-800-767-1833**.

Address Changes

If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (hearing impaired) call: **1-800-767-1833**.

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

Processing Information

Any Form I-131 that is not signed or accompanied by the correct fees will be rejected with a notice that Form I-131 is deficient. You may correct the deficiency and resubmit Form I-131. An application or petition is not considered properly filed until accepted by USCIS.

Initial Processing

Once a Form I-131 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-131.

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, U.S. Embassy, or U.S. Consulate for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

At the time of any interview or other appearance at a USCIS office, U.S. Embassy, or U.S. Consulate, USCIS may require you to provide biometrics information (for example, photographs, fingerprints) to verify your identity and update your background information.

Decision

The decision on Form I-131 involves a determination of whether you have established eligibility for the requested document. You will be notified of the decision in writing.

What If You Claim Nonresident Alien Status on Your Federal Income Tax Return?

If you are an alien who has been admitted as an immigrant or adjusted status to that of an immigrant, and are considering the filing of a nonresident alien tax return or the non-filing of a tax return on the ground that you are a nonresident alien, you should carefully review the consequences of such actions under the INA.

If you file a nonresident alien tax return or do not file a tax return, you may be regarded as having abandoned residence in the United States and as having lost your lawful permanent resident status under the INA. As a consequence, you may be ineligible for a visa or other document for which lawful permanent resident aliens are eligible.

You may also be inadmissible to the United States if you seek admission as a returning resident, and you may become ineligible for adjustment of status as a lawful permanent resident or naturalization on the basis of your original entry.

USCIS Forms and Information

To ensure you are using the latest version of this form, visit the USCIS website at 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 telephoning our USCIS National Customer Service Center at **1-800-375-5283**. For TTY (hearing impaired) 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 online system, **InfoPass**, at 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 falsify or conceal a material fact or submit a false document with this request, we will deny your Form I-131 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this application, and the associated evidence, is collected under 8 USC sections 1103, 1181, 1182(d)(5), 1185, 1158, 1225, and 1229b(b)(4); 6 USC section 202(4); and 8 CFR sections 211.1(a), 212.5, 223.1-223.3, and 235.1-235.5.

PURPOSE: The primary purpose for providing the requested information on this application is to apply for a Reentry Permit, Refugee Travel Document, or Advance Parole Document. DHS will use the information you provide to grant or deny the immigration benefit sought.

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

ROUTINE USES: DHS may share the information you provide on this application with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows 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 and DHS/USCIS-015 Electronic Immigration System - 2 Account and Case Management System of Records] which you can find at www.dhs.gov/privacy. DHS may also share the information, 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 hours and 39 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 Ave NW, Washington, DC 20529-2140; OMB No. 1615-0013. **Do not mail your completed Form I-131 to this address.**



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.

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;

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 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.

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.

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

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- (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.

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.

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.

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.*

Where to File?

Please see our USCIS Web site at 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 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 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. 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].

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). 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?

Appendix A

Secretary
U.S. Department of Homeland Security
Washington, DC 20528



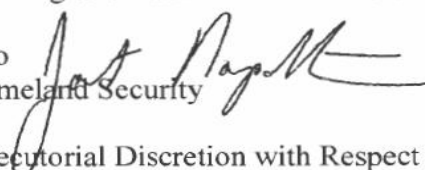
Homeland Security

June 15, 2012

MEMORANDUM FOR: David V. Aguilar
Acting Commissioner, U.S. Customs and Border Protection

Alejandro Mayorkas
Director, U.S. Citizenship and Immigration Services

John Morton
Director, U.S. Immigration and Customs Enforcement

FROM: Janet Napolitano
Secretary of Homeland Security 

SUBJECT: Exercising Prosecutorial Discretion with Respect to Individuals
Who Came to the United States as Children

By this memorandum, I am setting forth how, in the exercise of our prosecutorial discretion, the Department of Homeland Security (DHS) should enforce the Nation's immigration laws against certain young people who were brought to this country as children and know only this country as home. As a general matter, these individuals lacked the intent to violate the law and our ongoing review of pending removal cases is already offering administrative closure to many of them. However, additional measures are necessary to ensure that our enforcement resources are not expended on these low priority cases but are instead appropriately focused on people who meet our enforcement priorities.

The following criteria should be satisfied before an individual is considered for an exercise of prosecutorial discretion pursuant to this memorandum:

- came to the United States under the age of sixteen;
- has continuously resided in the United States for a least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum;
- is currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety; and
- is not above the age of thirty.

Our Nation's immigration laws must be enforced in a strong and sensible manner. They are not designed to be blindly enforced without consideration given to the individual circumstances of each case. Nor are they designed to remove productive young people to countries where they may not have lived or even speak the language. Indeed, many of these young people have already contributed to our country in significant ways. Prosecutorial discretion, which is used in so many other areas, is especially justified here.

As part of this exercise of prosecutorial discretion, the above criteria are to be considered whether or not an individual is already in removal proceedings or subject to a final order of removal. No individual should receive deferred action under this memorandum unless they first pass a background check and requests for relief pursuant to this memorandum are to be decided on a case by case basis. DHS cannot provide any assurance that relief will be granted in all cases.

1. With respect to individuals who are encountered by U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or U.S. Citizenship and Immigration Services (USCIS):

- With respect to individuals who meet the above criteria, ICE and CBP should immediately exercise their discretion, on an individual basis, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.
- USCIS is instructed to implement this memorandum consistent with its existing guidance regarding the issuance of notices to appear.

2. With respect to individuals who are **in** removal proceedings but not yet subject to a final order of removal, and who meet the above criteria:

- ICE should exercise prosecutorial discretion, on an individual basis, for individuals who meet the above criteria by deferring action for a period of two years, subject to renewal, in order to prevent low priority individuals from being removed from the United States.
- ICE is instructed to use its Office of the Public Advocate to permit individuals who believe they meet the above criteria to identify themselves through a clear and efficient process.
- ICE is directed to begin implementing this process within 60 days of the date of this memorandum.
- ICE is also instructed to immediately begin the process of deferring action against individuals who meet the above criteria whose cases have already been identified through the ongoing review of pending cases before the Executive Office for Immigration Review.

3. With respect to the individuals who are **not** currently in removal proceedings and meet the above criteria, and pass a background check:

- USCIS should establish a clear and efficient process for exercising prosecutorial discretion, on an individual basis, by deferring action against individuals who meet the

Appendix B

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

November 7, 2011

PM-602-0050

Policy Memorandum

SUBJECT: Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens

Purpose

This Policy Memorandum (PM) establishes new USCIS guidelines for referring cases and issuing Notices to Appear (NTAs) in a manner that promotes the sound use of the resources of the Department of Homeland Security and the Department of Justice to enhance national security, public safety, and the integrity of the immigration system. This PM supersedes Policy Memorandum No. 110, *Disposition of Cases Involving Removable Aliens*, dated July 11, 2006.

Scope

This PM applies to and is binding on all USCIS employees unless otherwise specifically provided in this PM.

Authority

Immigration and Nationality Act (INA) sections 101(a)(43), 103(a), 239, 240 and 318; Title 8, Code of Federal Regulations (8 CFR) parts/sections 2.1, 103, 204, 207.9, 208, 216.3(a), 216.6(a)(5), 236.14(c), and 239; Adjudicator's Field Manual Chapter 10.11(a).

Background

U.S. Citizenship and Immigration Services (USCIS) has authority, under the immigration laws, *see, e.g.*, INA §§ 103(a), 239; 8 CFR §§ 2.1, 239.1, to issue Form I-862, Notice to Appear, to initiate removal proceedings.¹ U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) also have authority to issue NTAs. Accordingly, USCIS must ensure that its issuance of NTAs fits within and supports the Government's overall removal priorities, while also ensuring that its NTA policies promote national security and the integrity of the nation's immigration system.

To those ends, this PM identifies the circumstances under which USCIS will issue an NTA, or will refer the case to ICE for NTA issuance, in order to effectively handle cases that involve public safety threats, criminals, and aliens engaged in fraud.

¹ *Delegation by the Secretary of the Department of Homeland Security to the Bureau of Citizenship and Immigration Services*, Delegation Number 0150.1; Paragraph 2(N). However, international District Directors and officers are not authorized to issue NTAs.

Policy

I. National Security Cases

This PM does not affect the handling of cases involving national security concerns.² Guidance from the Fraud Detection and National Security Directorate (FDNS)³ will continue to govern the definition of these cases and the procedures for resolution and NTA issuance.

II. NTA Issuance Required by Statute or Regulation

USCIS will issue an NTA in the following circumstances:⁴

- A. Termination of Conditional Permanent Resident Status and Denials of Form I-751, Petition to Remove the Conditions of Residence (8 CFR 216.3, 216.4, 216.5)⁵
- B. Denials of Form I-829, Petition by Entrepreneur to Remove Conditions (8 CFR 216.6)
- C. Termination of refugee status by the District Director (8 CFR 207.9)
- D. Denials of NACARA 202 and HRIFA adjustments
 - 1. NACARA 202 adjustment denials (8 CFR 245.13(m));
 - 2. HRIFA adjustment denials (8 CFR 245.15(r)(2)(i)).
- E. Asylum⁶, NACARA 203, and Credible Fear cases:⁷
 - 1. Asylum referrals (8 CFR 208.14(c)(1));
 - 2. Termination of asylum or termination of withholding of removal or deportation (8 CFR 208.24(e));⁸
 - 3. Positive credible fear findings (8 CFR 208.30(f));
 - 4. NACARA 203 cases where suspension of deportation or cancellation of removal is not granted, and the applicant does not have asylum status, or lawful immigrant or non-immigrant status (8 CFR 240.70(d)).

This PM does not apply to, or change, NTA or notification procedures for Temporary Protected Status cases.⁹ Further, Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, processed under the Violence Against Women Act (VAWA), should continue to

² National Security Cases include cases involving Terrorist Related Grounds of Inadmissibility (TRIG) pursuant to sections 212(a)(3)(B) and 212(a)(3)(F) of the INA.

³ See, e.g., *Policy for Vetting and Adjudicating Cases with National Security Concerns* (April 11, 2008).

⁴ If any Form I-751 or I-829 cases are also Egregious Public Safety cases, they will be referred to ICE in accordance with Section IV.A.1 of this PM.

⁵ See the October 9, 2009 internal memo, *Adjudication of Form I-751, Petition to Remove Conditions on Residence Where the CPR Has a Final Order of Removal, Is in Removal Proceedings, or Has Filed an Unexcused Untimely Petition or Multiple Petitions*. See also the April 3, 2009 memo, *I-751 Filed Prior to Termination of Marriage*.

⁶ USCIS may issue an NTA when an asylum applicant withdraws his or her asylum application.

⁷ This memo does not apply to the Asylum Division's issuance of Form I-863, Notice of Referral to Immigration Judge, to certain stowaways, crewmembers, and VWP individuals who are requesting asylum or withholding of removal; reasonable fear screenings and negative credible fear screenings.

⁸ See also section 208(c)(3) of the INA describing removal when asylum is terminated.

⁹ See the September 12, 2003 internal memo, *Service Center Issuance of Notice to Appear (Form I-862)*.

be processed under existing protocols. If the VAWA applicant's Form I-485 is denied, this memorandum is applicable in terms of NTA issuance.¹⁰

III. Fraud Cases with a Statement of Findings Substantiating Fraud

To protect the integrity of the immigration system and address fraud, USCIS will issue NTAs when a Statement of Findings (SOF) substantiating fraud is part of the record.¹¹ An NTA will be issued upon final adjudicative action on the petition and/or application or other appropriate eligibility determination.¹² NTAs will be issued even if the petition and/or application is denied for a ground other than fraud, such as lack of prosecution or abandonment, is terminated based on a withdrawal by the petitioner/applicant, or where an approval is revoked, so long as an SOF substantiating fraud is in the record.

The NTA should include the charge of fraud or misrepresentation, if possible. The appropriate charge(s) will be determined on a case-by-case basis. Consultation with local USCIS counsel to determine the appropriate charge(s) is recommended.

IV. Cases to be Referred to ICE for a Decision on NTA Issuance

A. **Criminal Cases:** Criminal aliens are a top immigration enforcement priority for the government. The following guidance recognizes the prioritization and requires USCIS to refer criminals to ICE for action or issue an NTA in accordance with this PM.

1. Egregious Public Safety (EPS) Cases

USCIS will refer all EPS cases, including cases with pending N-400s, to ICE prior to adjudicating the case even if USCIS can deny the petition and/or application on its merits. An EPS case is defined by USCIS and ICE as a case where information indicates the alien is under investigation for, has been arrested for (without disposition), or has been convicted of, any of the following:

- a. Murder, rape, or sexual abuse of a minor as defined in section 101(a)(43)(A) of the INA.
- b. Illicit trafficking in firearms or destructive devices as defined in section 101(a)(43)(C) of the INA.
- c. Offenses relating to explosive materials or firearms as defined in section 101(a)(43)(E) of the INA.

¹⁰ When making determinations, employees must keep in mind USCIS's obligations under 8 USC § 1367, which prohibits the release of any information, outside of DHS, relating to aliens who are seeking or have been approved for immigration benefit(s) under the provisions for battered spouses, children, and parents in the Violence Against Women Act.

¹¹ Alternatively, ICE will determine whether to issue the NTA if a criminal investigation is conducted, fraud is found, and the investigation results in criminal prosecution.

¹² This includes, but is not limited to, aliens that were granted asylum status by USCIS, adjusted to Lawful Permanent Resident status, presented fraud indicators, were subject to the Post Adjustment Eligibility Review (PAER) process in an Asylum Office, and met the PAER criteria for NTA issuance.

- d. Crimes of violence for which the term of imprisonment imposed, or where the penalty for a pending case, is at least one year as defined in section 101(a)(43)(F) of the INA.
- e. An offense relating to the demand for, or receipt of, ransom as defined in section 101(a)(43)(H) of the INA.
- f. An offense relating to child pornography as defined in section 101(a)(43)(I) of the INA.
- g. An offense relating to peonage, slavery, involuntary servitude, and trafficking in persons as defined in section 101(a)(43)(K)(iii) of the INA.
- h. An offense relating to alien smuggling as described in section 101(a)(43)(N) of the INA
- i. Human Rights Violators, known or suspected street gang members, or Interpol hits.
- j. Re-entry after an order of exclusion, deportation or removal subsequent to conviction for a felony where a Form I-212, Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal, has not been approved.

All EPS cases must be referred to ICE using the procedures outlined below. The case will be referred as soon as it is identified. ICE will have an opportunity to decide if, when, and how to issue an NTA and/or detain the alien. USCIS will not issue an NTA in these cases if ICE declines to issue an NTA. If some other basis unrelated to the EPS concern becomes apparent during the course of adjudication, an NTA may be issued in accordance with this memo.

Referral Process

This referral process is utilized in order to give ICE the opportunity to determine the appropriate course of action before USCIS adjudicates the case. A decision to issue an NTA may directly affect the processing of the pending petition and/or application. Upon issuing the Referral to Immigration and Customs Enforcement (RTI), USCIS will suspend adjudication for 60 days, or until ICE provides notification of its action on the case, whichever is earlier.

In response to the RTI –

1. ICE may issue an NTA. ICE's issuance of an NTA allows USCIS to proceed with adjudication (unless jurisdiction transfers to EOIR or the pending application is an N-400), taking into account the basis for the NTA.
2. If ICE does not issue an NTA or otherwise provide notification of its action on the case within 60 days of the RTI, USCIS may resume its adjudication of the case, taking into account the referral grounds.

- a. If the case is approvable, USCIS will consult with ICE prior to adjudication.
- b. Once adjudicated, regardless of the decision, USCIS will notify ICE of the result by sending a copy of the original RTI to ICE with a cover memorandum advising of the outcome of the case.

EPS cases referred to ICE prior to adjudication should be called up and reviewed no later than 60 days after referral. Normally, the case should be adjudicated by USCIS. However, USCIS retains discretion to place the case on hold for more than 60 days if ICE requests additional time to conduct an investigation.¹³

Office-Specific Processes

1. Cases to be adjudicated by Service Centers and the National Benefits Center. Adjudication will be suspended and the case will immediately be sent to the appropriate Service Center Background Check Unit (BCU). The BCU will refer the case to the ICE Benefit Fraud Unit (BFU) via an RTI. A hard copy of the RTI will be placed in the A-file and/or receipt file. The BCU will retain the file unless ICE requests it or the 60 days expire.
2. Cases to be adjudicated by Field Offices. The Immigration Services Officer (ISO) will suspend adjudication and the case will immediately be referred to the local ICE Special Agent in Charge (SAC) via an RTI. A hard copy of the RTI will be placed in the A-file and/or receipt file. A copy of the RTI must also be sent to the ICE BFU. USCIS will retain the file unless ICE requests the file for their review.

An RTI should include any relevant attachments that USCIS has at the time, such as a copy of the RAP sheet and a copy of the petition and/or application.

2. Non-Egregious Public Safety Criminal Cases

If it appears that the alien is inadmissible or removable for a criminal offense not included on the EPS list, USCIS will complete the adjudication and then refer the case to ICE. This section applies to N-400 cases if the N-400 has been denied on good moral character (GMC) grounds based on the criminal offense.¹⁴ ICE will decide if, and how, it will institute removal proceedings and whether or not it will detain the alien. USCIS will not issue an NTA if ICE declines to issue an NTA.

¹³ Pursuant to 8 CFR 274a.13(d), USCIS must complete processing of an Employment Authorization Document (EAD) within 90 days or issue an interim EAD card valid up to 240 days. Officers should be mindful of this regulatory timeframe when cases with a pending Form I-765, Application for Employment Authorization, are referred to ICE.

¹⁴ See Section V of this memo addressing N-400 cases.

If some other basis unrelated to the criminal offense becomes apparent upon return of the case to USCIS, an NTA may be issued in accordance with this memo.

Referral Process

The referral process is used to allow ICE to make a determination whether to issue an NTA, based on the totality of circumstances and its priorities. ICE will determine the appropriate grounds for removal if an NTA is issued.

Once adjudication is complete, USCIS will send an RTI to ICE. USCIS will concurrently transmit a copy of the RTI to ICE Headquarters (HQ) Enforcement and Removal Operations (ERO) Criminal Alien Division for statistical monitoring purposes. If there is any confusion or uncertainty about classifying a case as egregious versus non-egregious, the USCIS ISO should refer the matter as an EPS case using the process described above.

The accompanying A-file will be referred to ICE with the RTI, if the file is in the possession of the referring USCIS office or center. If the file is not at the referring USCIS office or center, the RTI should include any relevant attachments that USCIS has, such as a copy of the RAP sheet and a copy of the petition and/or application. Where USCIS obtained certified conviction records through normal processing of the case, USCIS will include the records with the RTI, but it will not hold the RTI on a completed case solely to obtain disposition records. Instead ICE will decide whether, and how, it will obtain such records as part of its decision to issue an NTA.

Office-Specific Processes

1. Cases adjudicated by Service Centers and the National Benefits Center. Once adjudication is completed, if the alien is removable on a criminal charge, regardless of the reason for the denial, the file will be referred to the BCU. The BCU will refer the case, along with the A-file and/or receipt file, to the appropriate ERO Field Office Director (FOD) via an RTI.
2. Cases adjudicated by Field Offices. Once adjudication is completed, if the alien is removable on a criminal charge, regardless of the reason for the denial, USCIS will prepare an RTI and refer the case, along with the A-file and/or receipt file, to the local ERO FOD.

B. National Security Entry Exit Registration System (NSEERS) Violator Cases

USCIS will refer all cases in which an application is denied based on an NSEERS violation to ICE for possible NTA issuance.

V. Cases Involving Form N-400, Application for Naturalization

The following guidance applies to the issuance of NTAs in cases in which applicants for naturalization are removable. There are two primary situations in which NTAs may be issued in connection with a filed Form N-400. If the N-400 case involves fraud (documented in the SOF) the procedures found in this section must be followed, rather than the procedures found in Section III (Fraud Cases with a Statement of Findings Substantiating Fraud).

However, the below guidance does not apply to EPS cases. EPS cases must be referred in accordance with Section IV.A.1 (Egregious Public Safety Cases) of this memo.

Additionally, the below guidance does not apply to non-EPS criminal cases when the N-400 can be denied on GMC grounds based on the criminal act. These cases must be denied and referred in accordance with Section IV.A.2 (Non-Egregious Public Safety Criminal Cases).

- A. The first situation occurs when the applicant may be eligible to naturalize but is also deportable under section 237 of the INA. Examples include applicants convicted of aggravated felonies prior to November 29, 1990, or applicants convicted of deportable offenses after obtaining Lawful Permanent Resident (LPR) status that do not fall within the GMC period. The ISO should:
1. Make a written recommendation on the issuance of an NTA through a review of the totality of the circumstances to include factors such as: severity of crime, time since crime committed, other criminal conduct, reformation, immigration history including method of entry, length of presence in the U.S., and prior immigration violations, and contributions to society to include the pursuit of education and military service.¹⁵
 2. Once the ISO has made a recommendation on whether or not to issue an NTA, the case should be forwarded to the N-400 NTA Review Panel (Review Panel), along with the written recommendation. A Review Panel must be formed in each Field Office and include a local Supervisory Immigration Services Officer (SISO), a local USCIS Office of Chief Counsel attorney, and a district representative. An attorney from ICE's local Office of Chief Counsel will be invited to participate and will have an advisory role on the panel. The Review Panel will make the final determination on NTA issuance. If consensus cannot be reached by the Review Panel, the case will be elevated to the District Director, through the district representative, for a final decision.
 3. If the Review Panel decides to issue an NTA, place the N-400 on hold until removal proceedings have concluded. Once proceedings have concluded, or if the Review Panel declines to issue an NTA, adjudicate the case appropriately.

¹⁵ Additional factors to be taken under consideration can be found in the June 17, 2011 ICE memo, *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*.

- B. The second situation occurs when it is determined that the applicant was inadmissible at the time of adjustment or admission to the United States, thus deportable under section 237 of the INA and not eligible for naturalization under section 318 of the INA.¹⁶ The ISO should:
1. Make a written recommendation on the issuance of an NTA through a review of the totality of the circumstances to include factors such as: willfulness of actions, fraud factors, length of LPR status, criminal history, and officer error at time of adjustment.
 2. Once the ISO has made a recommendation on the issuance of the NTA, the case should be forwarded to the Review Panel (see Section V.A.2), along with the written recommendation. The Review Panel will make the final determination on NTA issuance. If consensus cannot be reached by the Review Panel, the case will be elevated to the District Director, through the district representative, for a final decision.
 3. If the Review Panel decides to issue an NTA, place the N-400 on hold until removal proceedings have concluded. Once removal proceedings have concluded, adjudicate the case appropriately. If the Review Panel declines to issue an NTA, deny the case under section 318 of the INA.

VI. Other Cases

- A. An alien may request NTA issuance to renew an application for adjustment or in certain cases with a denied N-400. The request must be made in writing.¹⁷
- B. An asylum applicant issued an NTA may request NTA issuance for family members not included on the asylum application as dependents for family unification purposes. The request must be made in writing.¹⁸

VII. Exceptions

Exceptions to the guidance in this PM require concurrence from Regional or Center Directors, who will consult with ICE before issuing an NTA.

¹⁶ In the Third Circuit *only* (Pennsylvania, New Jersey, Delaware, and the U.S. Virgin Islands), based on the holding in *Garcia v. Att’y Gen.*, 553 F.3d 724 (3d Cir. 2009), if the alien has been an LPR for at least five years, the alien cannot be placed in removal proceedings for fraud or willful misrepresentation of a material fact at time of adjustment, if USCIS could have learned of the fraud or misrepresentation through reasonable diligence before the five year rescission period expired. Please consult with USCIS counsel if there are questions regarding the applicability of this precedent.

¹⁷ USCIS retains discretion to deny a request. USCIS should consider ICE actions and determinations when making an NTA issuance decision under this section.

¹⁸ USCIS retains discretion to deny a request.

VIII. Coordination with ICE

According to the June 2011 ICE memo regarding the exercise of prosecutorial discretion consistent with priorities,¹⁹ USCIS will receive notice before an ICE attorney exercises prosecutorial discretion and dismisses, suspends, or closes a case. The local N-400 NTA Review Panel will work with ICE to come to a resolution if USCIS does not agree with ICE's use of prosecutorial discretion in a particular case. If concurrence cannot be reached, the case should be elevated to the USCIS Office of Chief Counsel in headquarters.

Implementation

Each field office must form an N-400 NTA Review Panel and create a process to complete RTIs and refer EPS and non-EPS criminal cases to ICE. A written list enumerating the members of the Review Panel and a document outlining the process of referral must be sent to the appropriate district office within 30 days of the issuance of this memorandum.

Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law, or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate channels to the Field Operations Directorate, Service Center Operations Directorate, or the Refugee, Asylum, and International Operations Directorate.

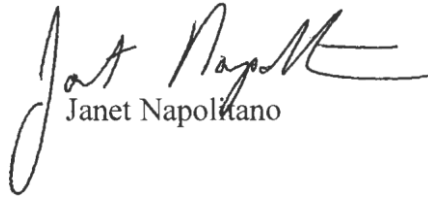
¹⁹ *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*, signed June 17, 2011.

above criteria and are at least 15 years old, for a period of two years, subject to renewal, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.

- The USCIS process shall also be available to individuals subject to a final order of removal regardless of their age.
- USCIS is directed to begin implementing this process within 60 days of the date of this memorandum.

For individuals who are granted deferred action by either ICE or USCIS, USCIS shall accept applications to determine whether these individuals qualify for work authorization during this period of deferred action.

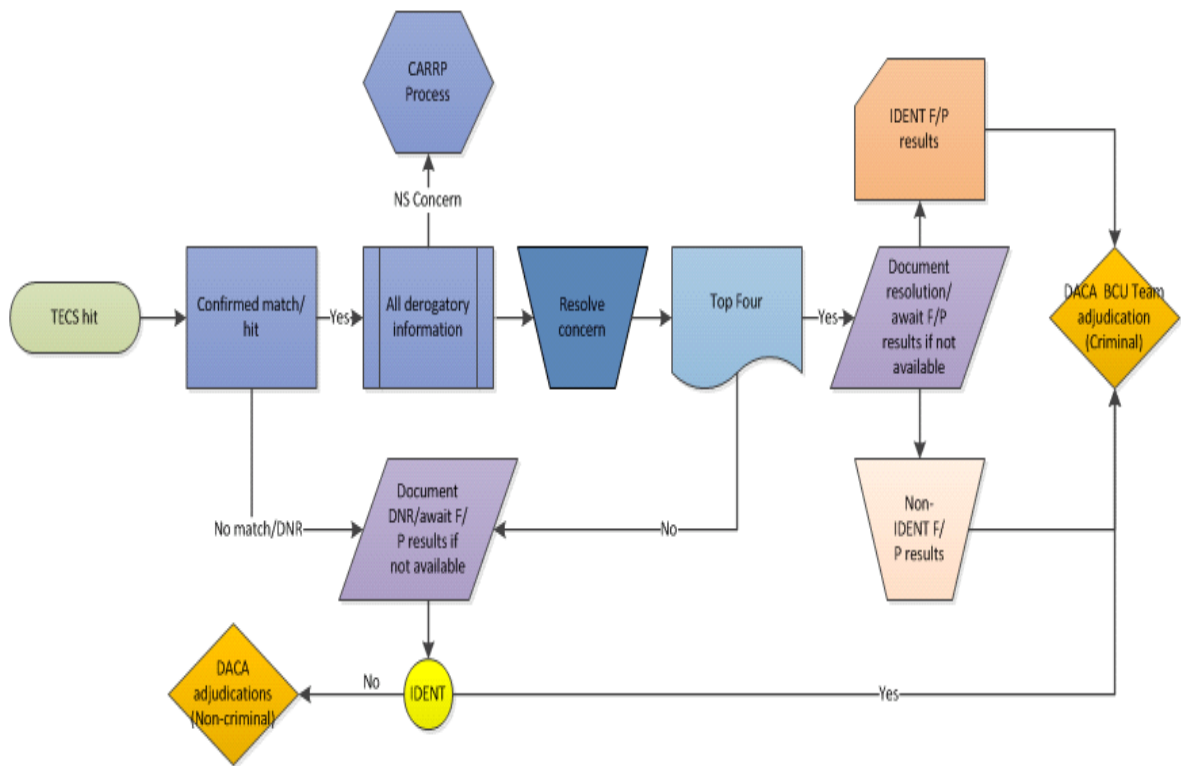
This memorandum confers no substantive right, immigration status or pathway to citizenship. Only the Congress, acting through its legislative authority, can confer these rights. It remains for the executive branch, however, to set forth policy for the exercise of discretion within the framework of the existing law. I have done so here.



Janet Napolitano

Appendix C

Overview of the Background Check Process



Appendix D

DEFERRED ACTION FOR CHILDHOOD ARRIVALS RFE CALL-UPS

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed **[Text]** and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply. Text only highlighted in **YELLOW** and not bracketed is directive in nature and should not be printed in the letter being sent but should be deleted. Please mix call-ups into a single RFE as needed.

NOTE 1: Please add call-ups **DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION** and **DACA 301 – YOU MAY SUBMIT PHOTOCOPIES** to any other call-ups below as needed.

NOTE 2: Each RFE call-up is labeled as follows:

- INITIAL DACA ONLY or;
- BOTH INITIAL AND RENEWAL DACA

ISOs should use the RFE call-ups below as appropriate based on whether they are reviewing an initial or renewal DACA request.

I. GUIDELINES

DACA 100 – IDENTITY (BOTH INITIAL AND RENEWAL DACA)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to prove your identity is insufficient (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the following that were already provided by the requestor*)

- Passport;
- Birth certificate accompanied by photo identification;
- Any national identity documents from your country of origin bearing your photo and/or fingerprint;
- Any U.S.-government immigration or other document bearing your name and photograph (e.g., Employment Authorization Documents (EADs), expired visas, driver's licenses, non-driver cards, etc.);
- Any school-issued form of identification with photo;
- Military identification document with photo;
- State-issued photo ID showing date of birth; or
- Any other document with photo that you believe is relevant.

Expired documents are acceptable.

DACA 101 – CONTINUOUS RESIDENCE (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to establish that you have continuously resided in the United States during the 5-year period immediately before June 15, 2012 and up to the time of filing is insufficient. (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the*

following that were already provided by the requestor)

- a. Employment records (e.g., pay stubs, W-2 Forms, Federal and State income tax returns, letters from employer(s), 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 from employers must be signed by the employer and must include the employer's contact information.

Such letters must include: **(1)** your address(es) at the time of employment; **(2)** the exact period(s) of employment; **(3)** period(s) of layoff; and **(4)** duties with the company.

- b. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service;
- c. School records (transcripts, letters, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) 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 name of the medical facility or physician and the date(s) 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, etc.);
- g. Money order receipts for money sent into or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; Selective Service card; 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.

*(ISO: Add the appropriate language below to the RFE if any of the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D are blank **OR** if page 3 of the Form I-821D is missing.)*

In addition, you did not answer question(s) *(ISO should list the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D that were not answered)* in Part 2, Arrival/Residence Information, of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to answer these question(s) on the enclosed copy of your original Form I-821D.

Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D with the RFE)

OR

In addition, you did not submit page three (3) with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to complete the enclosed page three (3) of the form.

Also enclosed is a copy of your original Form I-821D. Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D and a blank page 3 of the form with the RFE)

DACA 102 - BRIEF, CASUAL, AND INNOCENT ABSENCE (INITIAL DACA ONLY)

To be considered for deferred action as a childhood arrival, you must have continuously resided in the United States during the 5-year period immediately before June 15, 2012 and up to the date you filed your request for deferred action. A brief, casual, and innocent absence from the United States will not interrupt your continuous residence.

An absence will be considered brief, casual, and innocent, if:

- (1) The absence was short and reasonably calculated to accomplish the purpose of the absence;
- (2) The absence was not the result 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 the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) The purpose of the absence from the United States or actions while outside of the United States were not contrary to law.

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, for each departure you made from the United States since June 15, 2007 to show that each departure you made from the United States since June 15, 2007 was brief, casual, and innocent is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- Plane or other transportation tickets or itinerary showing the travel dates;
- Passport entries;
- Hotel receipts showing the dates you were abroad;
- Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- Advance parole document; or
- Any other evidence that could support a brief, casual, and innocent absence.

DACA 103A – ARRIVED IN THE UNITED STATES BEFORE AGE 16 (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to establish that you came to the United States prior to your 16th birthday is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- Passport with an admission stamp indicating when you entered the United States;
- I-94/I-95/I-94W Arrival/Departure Record;
- Any INS or DHS document stating your date of entry (e.g., Form I-862, Notice to Appear);
- Travel records, such as transportation tickets showing your dates of travel to the United States;

- School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and the periods of school attendance;
- Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;
- 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, etc.); or
- Any other document that you believe is relevant.

DACA 103B – ESTABLISHED RESIDENCE IN THE UNITED STATES PRIOR TO AGE 16 (INITIAL DACA ONLY)

The record indicates that you left the United States for some period of time before returning on or after your 16th birthday and beginning period of continuous residence. Please submit evidence that you established residence in the United States before your 16th birthday. You can demonstrate that you established residence in the United States before your 16th birthday by, for example, submitting records showing that 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.

Evidence of establishing residence in the United States before your 16th birthday may include, but is not limited to, copies of:

- a. School records (transcripts, report cards, etc.) from the schools that you attended in the United States before turning 16 years old, showing the name(s) of the schools and periods of school attended;
- b. Employment records showing that you worked in the United States before turning 16 years old (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 employer(s), 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.

DACA 104A –HAD NO LAWFUL STATUS ON JUNE 15, 2012 (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you were in unlawful status on June 15, 2012 is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- If you have a final order of exclusion, deportation, or removal issued on or before June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings;
- Any other document that you believe is relevant to show that you lacked lawful immigration status on June 15, 2012; or
- Any document relating to parole.

DACA 104B –STUDENT IN UNLAWFUL STATUS ON JUNE 15, 2012 (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you were in unlawful status on June 15, 2012 is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the*

requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- If you have a final order of exclusion, deportation, or removal issued on or before June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings;
- Copies of your transcripts showing your student status from (ISO should insert dates);
- Copies of all properly completed old I-120AB/I-20ID forms or new SEVIS I-20 forms (required since August 1, 2003) for all schools attended;
- Proof of reinstatement;
- Any other document that you believe is relevant to show that you lacked lawful immigration status on June 15, 2012;
- Any document relating to parole.

DACA 105 – PROOF OF PRESENCE IN THE UNITED STATES ON JUNE 15, 2012 (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you were present in the United States on June 15, 2012 is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- a. Employment records (e.g., pay stubs, W-2 Forms, Federal and State income tax returns, letters from employer(s), 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 from employers must be signed by the employer and must include the employer's contact information.

Such letters must include: **(1)** your address(es) at the time of employment; **(2)** the exact period(s) of employment; **(3)** period(s) of layoff; and **(4)** duties with the company.

- b. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service.
- c. School records (transcripts, letters, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) 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 name of the medical facility or physician and the date(s) 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, etc.).
- g. Money order receipts for money sent into or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; Selective Service card; automobile

license receipts, title, vehicle registration, etc.; deeds, mortgages, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or

- h. Any other relevant document.

DACA 106 – CURRENTLY ENROLLED IN SCHOOL (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, showing that you have been accepted for enrollment or are already attending classes in one of the following is insufficient:

- A public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or homeschool program meeting state requirements;
- A public or private college or university, or community college;
- 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.

(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)

You may still submit evidence, which may include the following: *(ISO should delete any of the following that were already provided by the requestor)*

- **A public, private, or charter elementary school, junior high or middle school, high school, secondary school alternative program or homeschool program meeting state requirements;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school's authorized representative. Such acceptance letter is to include the name and address of the school, your grade level, and the date that classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;
 - A current class schedule containing the student's name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
 - If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade; or a current IEP showing your process to date.
- **A public or private college or university, or community college;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance package or related material on school letterhead from the school's authorized representative. Such acceptance package or related material is to include the name and address of the school, your grade level or class year, and

the date or term when classes are scheduled to commence. In addition, the acceptance package or related material is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;

- A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;
 - A copy of your current tuition bill;
 - A current class schedule containing your name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
- If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade or class year; or a current IEP showing your process to date.
- **A course of study to pass a General Education Development (GED) Certificate exam or other equivalent State-authorized exam** (e.g., HiSet or TASC) in the United States;
Such evidence is to include a letter from the 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;
 - Whether the course of study is for a regular high school diploma or recognized equivalent under State law or a GED exam or other equivalent State-authorized exam (e.g., HiSet or TASC) in the United States;
 - The program's source and amount of funding;
 - The program's authorized representative's contact information; and
 - The program's demonstrated effectiveness *if it is not publicly funded* (Federal, State, county, or municipal) in whole or in part.
 - **An educational or career training program (including vocational training);**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school registrar/authorized school representative. Such acceptance letter is to include the name and address of the program, a brief description of the program, the duration of the program, and state when the classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for the program;
 - A copy of your current year registration (intake form/enrollment form); or
 - Any other relevant documentation.
 - If already attending classes– Current transcripts, report cards, or progress reports showing the name of the school, the time period or semester covered by the document, and if relevant, the current educational or grade level.
 - The program's demonstrated effectiveness *if it is not publicly funded* (Federal, State, county, or municipal) in whole or in part.
 - **Literacy training; or**
Such evidence is to include a letter from the literacy program administrator or authorized representative providing information such as:
 - Your name;
 - The date of your enrollment;
 - The duration of the literacy program and the expected completion date;
 - The program administrator or authorized representative's contact information; and
 - The program's demonstrated effectiveness *if it is not publicly funded* (Federal, State, county, or municipal) in whole or in part.
 - **An English as a Second Language (ESL) program.**
Such evidence is to include a letter from the ESL program administrator or authorized representative. This letter is to include the following:

- Your name;
- The date of your enrollment;
- The duration of the ESL program and the expected completion date;
- The program administrator or authorized representative's contact information; and
- The program's demonstrated effectiveness *if it is not publicly funded* (Federal, State, county, or municipal) in whole or in part.

DACA 106A – EVIDENCE OF ACCEPTANCE BUT NO EVIDENCE OF REGISTERING FOR CLASSES: (INITIAL DACA ONLY)

You have provided an acceptance letter or other related material indicating that you have been accepted at *(ISO should list the name of the private elementary/junior high/middle school/high school/secondary school or public or private college/university/community college)*. However, you did not include evidence that you have enrolled in that school. Therefore, you are requested to submit such evidence which is to include, but is not limited to paid tuition bills or evidence that you have registered for classes at that school.

DACA 106B – NON- PROFIT STATUS (GED: Literacy, Educational or Career Training Program (Including Vocational Training); ESL) (INITIAL DACA ONLY)

If the *(ISO should insert GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; or English as a Second Language)* in which you are enrolled has non-profit status, please provide evidence of such status. Evidence of the *(ISO should insert GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; or English as a Second Language)* program's non-profit status is to include a copy of a valid letter from the Internal Revenue Service confirming exemption from taxation under section 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, or equivalent section of prior code.

DACA 106C –PUBLIC FUNDING (GED: Literacy, Educational or Career Training Program (Including Vocational Training); ESL) (INITIAL DACA ONLY)

If the *(ISO should insert GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; or English as a Second Language)* in which you are enrolled is funded in whole or in part by public funds (Federal, State, county or municipal), you are requested to submit a letter from the *(ISO should insert GED program administrator/authorized representative; school registrar/authorized school representative if requestor is enrolled in Career Training Program (Including Vocational Training); literacy program administrator/authorized representative; or ESL program administrator/authorized representative)* providing basic details about the funding, such as the source(s) of the funding.

DACA 106D – NOT PUBLICLY FUNDED – (GED: Literacy, Educational or Career Training Program (Including Vocational Training); ESL) (INITIAL DACA ONLY)

If the *(ISO should insert GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; or English as a Second Language)* in which you are enrolled is not funded in whole or in part by public funds (Federal, State, county, or municipal) or not administered by a non-profit entity you are requested to submit a letter from the program administrator or authorized representative providing basic details about the funding, such as the amount and the source(s) of the funding.

DACA 106E – DEMONSTRATED EFFECTIVENESS (GED: Educational or Career Training Program (Including Vocational Training); Literacy Program; ESL) (INITIAL DACA ONLY)

(ISO should select the correct RFE paragraph below depending upon the program in which the requestor is enrolled)

If the **GED/Equivalency program**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part, or is not administered by a non-profit organization, you are

requested to submit information from the GED program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in assisting students in obtaining a regular high school diploma, GED, or a recognized equivalent certificate, or passing a GED or recognized equivalent exam;
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

If the **educational or career training program (including vocational training)**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part, or is not administered by a non-profit organization, you are requested to submit information, with supporting documentation, if available, from the school registrar/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in employment, job training, or post-secondary education; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

If the **literacy program** in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part, or is not administered by a non-profit organization, you are requested to submit information from the literacy program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in post-secondary education, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

If the **English as a Second Language (ESL)** program in which you are enrolled is not publicly funded (Federal, State, county, or municipal) in whole or in part, or is not administered by a non-profit organization, you are requested to submit information from the ESL program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The length of the program's existence;
- The program's track record in assisting students in obtaining placement in postsecondary schools, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

DACA 106F – GRADUATED FROM SCHOOL (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, is insufficient to show that, at the time of filing, you graduated from a U.S. high school or earned a State recognized high school equivalency diploma or certificate by completing state requirements or passing a general educational development (GED) exam or equivalent State-authorized exam in the United States. You did not submit any evidence for this guideline. However, if you would like to provide documentation to substantiate your request, you may submit evidence, which may include, but is not limited to, copies of:

- A diploma, certificate of completion, certificate of attendance, or alternate award from a U.S. public high school or secondary school; or
- A diploma, certificate of completion, certificate of attendance, or alternate award issued by a U.S. private or independent high school or secondary school that is recognized or accredited by a state educational agency or by a local educational agency; or
- A diploma, certificate of completion, certificate of attendance, or alternate award from a U.S. private or independent high school or secondary school or program that is accredited by a body that is affiliated with a larger organization whose post-secondary education accrediting program is recognized by the U.S. Department of Education (USDE); or
- Evidence that you passed the GED exam, HiSet exam, TASC exam, or other comparable state-authorized exam, or met other state requirements, and, as a result, you received the recognized equivalent of a high school diploma under State law; or
- Evidence that you passed a state high school exit exam or a college/university placement exam from a college/university that is accredited by an organization that is recognized by USDE that allows you to enter a degree program.

Generally, these documents show your name, the name of the school or the local school district, state or educational agency issuing the diploma or record, your date of graduation or completion, and the name, signature and title of the person issuing or certifying the document on behalf of the school or local school district, state, or educational agency.

DACA 106G - U.S. HIGH SCHOOL DIPLOMA OR RECOGNIZED EQUIVALENT (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, is insufficient to show that, at the time of filing, you graduated from a U.S. high school or earned a State recognized high school equivalency diploma or certificate by completing state requirements or passing a general educational development (GED) exam or equivalent State-authorized exam in the United States. The [*Insert Name of Document; e.g., High School Proficiency Diploma*] awarded by [*Insert name of school or institution*] on [*Insert date the document was issued*], does not appear to be a U.S. high school diploma or the recognized equivalent of a high school diploma according to [*Insert State*] standards, nor does it appear to demonstrate that you passed a GED exam or other comparable State-authorized exam. Therefore, the documents you submitted are insufficient. However, if you would like to provide alternate documentation to substantiate your request, you may submit additional evidence, which may include, but is not limited to, copies of:

- A diploma, certificate of completion, certificate of attendance, or alternate award from a U.S. public high school or secondary school; or
- A diploma, certificate of completion, certificate of attendance, or alternate award issued by a U.S. private or independent high school or secondary school that is recognized or accredited by a state educational agency or by a local educational agency; or
- A diploma, certificate of completion, certificate of attendance, or alternate award from a U.S. private or independent high school or secondary school or program that is accredited by a body that is affiliated with a larger organization whose post-secondary education accrediting program is recognized by the U.S. Department of Education (USDE); or
- Evidence that you passed the GED exam, HiSet exam, TASC exam, or other comparable state-authorized exam, or met other state requirements, and, as a result, you received the recognized equivalent of a high school diploma under State law; or
- Evidence that you passed a state high school exit exam or a college/university placement exam from a college/university that is accredited by an organization that is recognized by USDE that allows you to enter a degree program.

Generally, these documents show your name, the name of the school or the local school district, state or

educational agency issuing the diploma or record, your date of graduation or completion, and the name, signature and title of the person issuing or certifying the document on behalf of the school or local school district, state, or educational agency.

DACA 106H – ENROLLED IN SCHOOL (QUESTIONABLE INSTITUTION) - INITIAL DACA ONLY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, showing that, at the time of filing, you were enrolled in school is insufficient:

If **(ISO should insert name of educational program)**, the educational program in which you were enrolled, at the time of filing, is a public, private, or charter elementary school, junior high/middle school or high school/secondary school or is an alternative program or homeschool program, you are requested to provide evidence that the school is a(n):

- U.S. traditional or nontraditional (e.g., charter) public school;
- U.S. private or independent school that is recognized or accredited by a state educational agency or by a local educational agency or by a body that is affiliated with a larger organization whose post-secondary education accrediting program is recognized by the U.S. Department of Education; or
- Alternative educational program that meets state requirements; or
- Homeschool program that meets state requirements.

OR

If **(ISO should insert name of educational program)** is funded in whole or in part by public funds (Federal, State, county or municipal), or administered by a nonprofit organization, you are requested to submit a letter from the program administrator/authorized representative providing basic details about the funding, such as the source(s) of the funding. If the program is administered by a nonprofit organization, please provide evidence of such status. Evidence of nonprofit status is to include a copy of a valid letter from the Internal Revenue Service confirming exemption from Federal taxation under section 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, or equivalent section of prior code.

OR

If **(ISO should insert name of educational program)** is not publicly funded in whole or in part, or is not administered by a nonprofit organization, you are requested to submit information, with supporting documentation, if available, from the school registrar/authorized representative/program administrator relating to the program's demonstrated effectiveness. Such information can include, but is not limited 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; or
- Any other relevant information indicating the program's overall quality.

DACA 107 – MEDICAL LEAVE (INITIAL DACA ONLY)

You indicate in your filing that you are currently on medical leave from school. Therefore, please submit evidence of your medical leave and indicate the date you expect to return to school. Evidence of your medical leave may include, but is not limited to, an explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long your treatment is expected to last.

DACA 108 – MILITARY (INITIAL DACA ONLY)

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States is insufficient. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- 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.

DACA 109- REMOVAL PROCEEDINGS (INITIAL DACA ONLY)

Submit documents that you have been issued an order of exclusion, deportation or removal. Such documentation could include copies of:

- Any removal, deportation, or exclusion order issued by an Immigration Judge;
- Final decision from the Board of Immigration Appeals (BIA); or
- Final decision from a U.S. Court of Appeals in your case.

II. APPLICATION SUPPORT CENTER (ASC) RELATED

DACA 130 – SCHEDULE ASC APPOINTMENT (BOTH INITIAL AND RENEWAL DACA)

Your request cannot be processed until you have appeared at an Application Support Center (ASC) for the collection of a digital photograph, signature, and fingerprint(s). Our records indicate that you have not yet appeared at an ASC for this purpose. Follow the instructions on the appointment notice for biometrics capture [enclosed with this notice/that will be mailed to you separately]. Additional information regarding the location of the ASC can be found on the USCIS web site at www.USCIS.gov. Please bring this notice with you to your appointment.

If you have appeared at an ASC for biometrics capture, please return this notice to the address below with the appointment information.

Date of Appointment: _____

Location of Appointment: _____

DACA 131– RESCHEDULE ASC APPOINTMENT (TECHNICAL DIFFICULTIES) (BOTH INITIAL AND RENEWAL DACA)

Our records indicate that you have already appeared at an Application Support Center (ASC) as previously scheduled. However, due to technical problems, your previously-acquired biometrics from the ASC cannot be used.

[USCIS will mail a separate notice to you containing information for a new appointment for biometrics capture at the ASC nearest you/Follow the instructions of the enclosed appointment for biometrics capture at the ASC nearest you.] Additional information regarding the location of the ASC can be found on the USCIS web site at www.USCIS.gov. Please bring this notice with you to your appointment in addition to any other required documents as stated in the new appointment notice.

We sincerely regret any inconvenience this has caused you.

III. NAME, DATE OF BIRTH DISCREPANCY

DACA 140 – DATE OF BIRTH DISCREPANCY (BOTH INITIAL AND RENEWAL DACA)

USCIS records indicate that you were born on [DATE]. You indicated on your request for consideration of deferred action for childhood arrivals that you were born on [DATE]. Submit documentary evidence to establish your true date of birth. Such evidence may include your birth certificate and/or passport. If you submit a copy of your birth certificate, you must submit copies of the front and back (if there is information on the back).

DACA 142 – NAME CHANGE/DISCREPANCY (BOTH INITIAL AND RENEWAL DACA)

USCIS records and/or evidence you submitted indicate that your name is [NAME]. You indicated on your request for consideration of deferred action for childhood arrivals that your name is [NAME]. Submit documentary evidence to establish your true name. Such evidence may include a birth certificate, adoption records, marriage certificate, passport, or government documentation showing that you have officially changed your name.

DACA143 – SUBMIT EVIDENCE OF NAME CHANGE (BOTH INITIAL AND RENEWAL DACA)

Submit proof of your name change. Such proof would normally be a marriage certificate, termination of marriage (divorce or annulment decree), adoption decree, or court order.

IV. FINGERPRINTING / CRIMINALITY

DACA 150A – 2 UNCLASSIFIABLE PRINTS – SUBMIT LOCAL POLICE CLEARANCES (BOTH INITIAL AND RENEWAL DACA)

USCIS has been unable to get a required clearance for you because both sets of fingerprints were rejected as unclassifiable by the Federal Bureau of Investigation. To date, you have been fingerprinted twice, once on [ISO should insert date] and again on [ISO should insert date]. At this time you must submit a local police clearance certificate, based on a name search, for each jurisdiction (city, town, county, or municipality) in which you have lived for six months or more within the past five years.

USCIS RECOMMENDS THAT YOU SHOW THE BELOW INSTRUCTIONS TO THE POLICE WHEN REQUESTING CLEARANCE(S)

INSTRUCTIONS: The police clearance certificate(s) must be a **name search**, using your name and date of birth, and all aliases, if applicable, for all names researched. You must supply the law enforcement agency with all aliases you listed on your Form I-821D [ISO should list ONLY those names provided in Part 1. Other Names Used (including maiden name) of the Form I-821D. Aliases obtained from any other source should not be listed in the RFE], including maiden name, [If applicable, insert maiden name unless it was included in the list of names in Part 1. Other Names Used (including maiden name) of the Form I-821D] if applicable.

Additional fingerprinting attempts **are not necessary**.

DO NOT SUBMIT FINGERPRINT CARDS, as they are not sufficient evidence of a police clearance certificate.

If the police clearance shows you have been arrested for, charged with, or convicted of a felony or misdemeanor, you must provide a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state or federal law. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified

(not just numeric citations or codes). Additionally, if you were convicted, you may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 150B – FINGERPRINT WAIVER (BOTH INITIAL AND RENEWAL DACA)

The Application Support Center (ASC) granted a fingerprint waiver on your case. At this time you must submit a local police clearance certificate, based on a name search, for each jurisdiction (city, town, county, or municipality) in which you have lived for six months or more within the past five years.

USCIS RECOMMENDS THAT YOU SHOW THE BELOW INSTRUCTIONS TO THE POLICE WHEN REQUESTING CLEARANCE(S)

INSTRUCTIONS: The police clearance certificate(s) must be a **name search**, using your name and date of birth, and all aliases, if applicable, for all names researched. You must supply the law enforcement agency with all aliases you listed on your Form I-821D [ISO should list ONLY those names provided in Part 1. Other Names Used (including maiden name) of the Form I-821D. Aliases obtained from any other source should not be listed in the RFE], including maiden name, [If applicable, insert maiden name unless it was included in the list of names in Part 1. Other Names Used (including maiden name) of the Form I-821D] if applicable.

Additional fingerprinting attempts **are not necessary**.

DO NOT SUBMIT FINGERPRINT CARDS, as they are not sufficient evidence of a police clearance certificate.

If the police clearance shows you have ever been arrested for, charged with, or convicted of a felony or misdemeanor, you must provide a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state or federal law. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified (not just numeric citations or codes). Additionally, if you were convicted, you may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 150C – SPECIAL ACCOMMODATIONS (BOTH INITIAL AND RENEWAL DACA)

You, or someone acting on your behalf, recently made an inquiry to this office seeking information about how to request special accommodations for an appointment at an Application Support Center (ASC).

USCIS is committed to providing accommodations that permit qualified persons with disabilities to have an equal opportunity to participate in its programs. All requests for special accommodations must be made through the National Customer Service Center (NCSC) at 1-800—375-5283 [toll free] (TDD: 1-800-767-1833). USCIS has forwarded your information to schedule a biometrics appointment for you at a local ASC. Once you receive the ASC appointment, please call the NCSC to request special accommodations. When you, or someone acting on your behalf, call the NCSC, please provide the information found on your ASC appointment notice to the USCIS representative. The representative will

ask you questions about your special accommodations request and will give you information about how to submit evidence in support of your request, if such evidence is required.

To obtain additional information about this process, visit to the Requesting Special Accommodations page at <https://egov.uscis.gov/crisgwi/go?action=offices.accommodations> or call the NCSC toll free at 1-800-375-5283.

DACA 151– SUBMIT JUDGMENT AND CONVICTION DOCUMENTS (BOTH INITIAL AND RENEWAL DACA)

A background check has been conducted based upon the fingerprints you provided at the Application Support Center. Your criminal history check has revealed that you were arrested on [DATE], in [JURISDICTION] and charged with [CHARGES].

(Where appropriate, Service Center may also need to include the name under which the arrest took place if different from name being used by requestor on Form I-821D. If there are multiple charges, you may bullet each charge.)

At this time you must provide a certified court disposition which lists the final judgment and sentence for each arrest disposed, unless disclosure is prohibited under state or Federal law. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified (not just numeric citations or codes). Additionally, if you were convicted, you must submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received. If court proceedings are currently pending, please provide a copy of the charging document filed with the court and information on your next scheduled hearing. If you were entered into a deferred prosecution, pretrial diversion, or rehabilitative program, evidence of participation in or completion of such program is required.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

V. I-821D PART 4 INCOMPLETE

DACA 155 – FORM I-821D INCOMPLETE (BOTH INITIAL AND RENEWAL DACA)

You did not answer question(s) *(ISO should list the question numbers in Part 4 of the Form I-821D that the requestor did not answer)* in Part 4 of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to answer these question(s) on the enclosed copy of your original Form I-821D.

After you answer these questions, you must re-sign and date page five (5) of the enclosed copy of your original Form I-821D. The completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

As stated in the instructions on Part 4 of the Form I-821D, if any of the questions apply to you, please describe the circumstances and include a full explanation in Part 8 of the Form I-821D. To view the instructions of the Form I-821D, please visit the USCIS website at <http://www.uscis.gov/sites/default/files/files/form/i-821dinstr.pdf> or call toll-free (800) 870-3676 to request this form by mail.

(Include a copy of the requestor's Form I-821D with the RFE)

VI. I-821D PART 4, CRIMINAL, NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION AFFIRMATIVE RESPONSES POSSIBLE INELIGIBILITY ISSUES

DACA 160 – ANSWERED “YES” TO QUESTION 1 AND 2 IN PART 4 – DOCUMENTS NEEDED AND EXPLANATION (BOTH INITIAL AND RENEWAL DACA)

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question(s) in Part 4, Criminal, National Security and Public Safety Information: **DELETE THOSE THAT DON’T APPLY**

- 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.**
- 2. Have you EVER been arrested for, charged with, or convicted of a crime in any country other than the United States?**

You did not provide a full explanation in Part 8 of your Form I-821D describing the circumstances, as requested in the instructions on Part 4 of the Form I-821D. Therefore, please provide a full explanation describing the circumstances. **DELETE IF AN EXPLANATION WAS PROVIDED**

At this time you must provide a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state law or federal law. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified (not just numeric citations or codes). Additionally, if you were convicted, you may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 161 – ANSWERED “YES” TO QUESTION 3 IN PART 4 – SUBMIT EXPLANATION (BOTH INITIAL AND RENEWAL DACA)

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 4, Criminal, National Security and Public Safety Information:

- 3. Have you EVER engaged in, do you continue to engage in, or plan to engage in terrorist activities?**

You did not provide a full explanation in Part 8 of your Form I-821D describing the circumstances, as requested in the instructions on Part 4 of the Form I-821D.

Please provide a full and complete explanation of the terrorist activities you have ever engaged in, continue to engage in, or plan to engage in. Your explanation should include:

- Whether other people were engaged in terrorist activities with you;
- The names of the other people with whom you engaged in terrorists activities;
- The role you played in terrorist activities;
- The role that others played in terrorist activities;
- Whether you planned or actually carried out the terrorist activities;
- Whether you engaged in, continued to engage, or planned to engage in terrorist activities in the United States or abroad; and
- Describe the type of terrorist activities you engaged in, continue to engage in, or plan to engage in.

DACA 162 – ANSWERED “YES” TO QUESTION 4 IN PART 4 – SUBMIT EXPLANATION (BOTH INITIAL AND RENEWAL DACA)

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 4, Criminal, National Security and Public Safety Information:

4. Are you NOW or have you EVER been a member of a gang?

You did not provide a full explanation in Part 8 of the Form I-821D describing the circumstances, as requested in the instructions on Part 4 of the Form I-821D.

Please provide a full and complete explanation of your gang membership, including:

- When you joined the gang(s);
- How long you were a member of the gang(s);
- The name of the gang(s); and
- The criminal activities you participated in with the gang(s).

DACA 163 – ANSWERED “YES” TO QUESTIONS 5a, 5b, 5c, AND 5d IN PART 4 – SUBMIT EXPLANATION (BOTH INITIAL AND RENEWAL DACA)

On your Request for Deferred Action for Childhood Arrivals (Form I-821D) you checked “Yes” to the following question(s) in Part 4, Criminal, National Security and Public Safety Information: **DELETE THOSE THAT DON’T APPLY**

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

- a. acts involving torture, genocide, or human trafficking?
- b. killing any person?
- c. severely injuring a person?
- d. any kind of sexual contact or relations with any person who was being forced or threatened?

You did not provide a full explanation in Part 8 of the Form I-821D describing the circumstances, as requested in the instructions on Part 4 of the Form I-821D.

Please provide a full and complete explanation describing your participation in activities involving torture, genocide, human trafficking, killing any person, severely injuring any person, or any sexual contact or relations with any person who was being forced or threatened.

DACA 164 – ANSWERED “YES” TO QUESTION 6 IN PART 4 – SUBMIT EXPLANATION (BOTH INITIAL AND RENEWAL DACA)

On your Request for Deferred Action for Childhood Arrivals (Form I-821D) you checked “Yes” to the following question(s) in Part 4, Criminal, National Security and Public Safety Information:

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?

You did not provide a full explanation in Part 8 of the Form I-821D describing the circumstances, as requested in the instructions on Part 4 of the Form I-821D.

Please provide a full and complete explanation describing your involvement in the recruitment,

enlisting, conscripting, or using of any person to serve in or help an armed force or group while such person was under age 15.

DACA165 – ANSWERED “YES” TO QUESTION 7 IN PART 4– SUBMIT EXPLANATION (BOTH INITIAL AND RENEWAL DACA)

On your Request for Deferred Action for Childhood Arrivals (Form I-821D) you checked “Yes” to the following question(s) in Part 4, Criminal, National Security and Public Safety Information:

Have you EVER used any person under age 15 to take part in hostilities, or to help or provide services to people in combat?

You did not provide a full explanation in Part 8 of the Form I-821D describing the circumstances, as requested in the instructions on Part 4 of the Form I-821D.

Please provide a full and complete explanation describing your involvement in using any person under age 15 to take part in hostilities, or to help or provide services to people in combat?

VII. I-821D PART 4, CRIMINAL, NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION (BOTH INITIAL AND RENEWAL DACA)

DACA 170– ANSWERED “NO ” TO QUESTIONS 1 AND 2 IN PART 4– USCIS FOUND CLEAR CHARGES OR OTHER DEROGATORY INFORMATION. SUBMIT JUDGMENT AND CONVICTION DOCUMENTS (BOTH INITIAL AND RENEWAL DACA)

A background check has been conducted based upon the fingerprints you provided at the Application Support Center. Your background check revealed that you were arrested on [DATE], in [JURISDICTION] and charged with [CHARGES].

Where appropriate, Service Center may also need to include the name under which the arrest took place if different from name being used by requestor on Form I-821D. If there are multiple charges, you may bullet each charge.)

At this time you must provide a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state or federal law. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified (not just numeric citations or codes). Additionally, if you were convicted, you may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 171– ANSWERED “NO ” TO QUESTIONS 1 AND 2 IN PART 4 - CRIMINAL ACTIVITY UNCLEAR TO USCIS. SUBMIT JUDGMENT AND CONVICTION DOCUMENTS (BOTH INITIAL AND RENEWAL DACA)

Based on a review of your case, it appears that you have some type of criminal record/interaction with law enforcement authorities. It appears that on [DATE] the following occurred:

[Provide explanation of findings, to include name of police dept. If applicable, charges if applicable, etc. NOTE: Do not inform the applicant where the information came from systems that are not our records (ex. IBIS)]

(Where appropriate, you may also need to include the name under which the arrest took place if different from name being used by the requestor on Form I-821D. If there are multiple interactions, you may bullet each interaction.)

At this time you must provide a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state or federal law. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified (not just numeric citations or codes). Additionally, if you were convicted, you may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 172 – ANSWERED “NO” TO QUESTIONS 3, 4, 5a, 5b, 5c, AND 5d IN PART 4 – USCIS DISCOVERED UNCLEAR INFORMATION. SUBMIT EXPLANATION (BOTH INITIAL AND RENEWAL DACA)

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “No” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information: **(Delete those that do not apply)**

3. Have you EVER engaged in or you continue to engage or plan to engage in terrorist activities

4. Are you are now or have you EVER been a member of gang

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

- a. Acts involving torture, genocide, or human trafficking**
- b. Killing any person**
- c. Severely injuring a person**
- d. Any kind of sexual contact or relations with any person who was being forced or threatened**

Based on a review of your case, USCIS discovered information **[Provide explanation of findings. This can include where the information was found if it is knowledge that can be shared with the requestor. NOTE: Do not inform the requestor where the information came from systems that are not our records (ex. IBIS).]**

Therefore, you must submit a statement explaining and/or refuting the information/circumstances found in USCIS records. Please note that if you refute the above information, and USCIS later receives information that the above does relate to you, USCIS may terminate deferred action and you may be barred from other immigration benefits.

VIII. FORM I-765

DACA 180 – FAILURE TO SUBMIT OR COMPLETE FORM I-765WS (INITIAL DACA ONLY)

USCIS is unable to complete the adjudication of your Form I-765, Application for Employment Authorization, because you did not submit or complete the Form I-765WS. Please provide a response to

Part 1 (Full Name), and Part 2 (Financial Information), and if applicable, Part 3 (Additional Information) of Form I-765WS to indicate whether or not you have an economic need to work and return it to the address provided within the specified time.

To obtain Form I-765WS, please visit the USCIS website at <http://www.uscis.gov/files/form/i-765ws.pdf> or call toll-free (800) 870-3676 to request this form by mail.

DACA 190 – SUBMIT PASSPORT PHOTOS (BOTH INITIAL AND RENEWAL DACA)

Please submit **two (2)** passport-style **color** photo(s) of [NAME] taken within 30 days of the date of this notice, which conform(s) to the specifications below. Using a pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.

Please do not staple through any part of the photo(s). Enclose the photo(s) in a plastic or paper envelope and staple the envelope to this notice when returning it to this office.

Passport-style photos must be 2 inches by 2 inches:

- Frame subject with full face, front view, eyes open.
- Make sure photo presents full head from top of hair to bottom of chin; height of head should measure 1 inch to 1 3/8 inch (25 mm to 35 mm).
- Center head within frame.
- Make sure eye level is between 1 1/8 inch and 1 3/8 inch (28 mm and 35 mm) from bottom of photo.
- Photograph subject against a plain white or off-white background.
- Position subject and lighting so that there are no distracting shadows on the face or background.
- Encourage subject to have a natural expression.
- Include headpieces if worn daily for religious purposes; they should not obscure or cast shadows on the eyes or any other part of the face.

For more information on photo requirements, please see the Department of State website at: <http://www.travel.state.gov/passport/pptphotos/index.html>, or contact the USCIS National Customer Service Center at 1-800-375-5283.

IX. FORM 131

DACA 200 – PROOF OF DACA (BOTH INITIAL AND RENEWAL DACA)

To be considered for advance parole you must submit evidence to establish that you have been granted deferred action for childhood arrivals. Submit a copy of the approval notice issued by USCIS for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals.

DACA 201 – GENERAL (BOTH INITIAL AND RENEWAL DACA)

On [insert filing date], you filed an Application for Travel Document (Form I-131) based on an approved Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Under section 212(d)(5)(A) of the Immigration and Nationality Act (INA), the Secretary of Homeland Security may, in her discretion, parole into the United States any alien applying for admission to the United States on a case-by-case basis for urgent humanitarian reasons or significant public benefit. To assist USCIS in adjudicating your application, please provide additional information about your proposed travel, including the reasons for requesting advance parole in order to travel outside the United States. In response to this notice, you should also submit evidence in support of your request (e.g., documentation showing that your proposed travel is related to your current employment or education or a humanitarian purpose).

DACA 202 – PROOF OF EDUCATIONAL NEED (BOTH INITIAL AND RENEWAL DACA)

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance

parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for education purposes. Examples of travel abroad for education purposes include study abroad programs, school-sponsored trips abroad, or travel necessary to conduct academic research.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for education purposes is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for educational purposes, modify RFE call up accordingly).* You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

A letter from the educational institution, or from an employee of the institution acting in his or her official capacity, describing the purpose of the travel, or documentation showing enrollment in a specific program or class coupled with documentary evidence showing that you will benefit from, or are required to travel for the specific program or class;

NOTE: Travel during an academic year unrelated to academics (i.e., a vacation) is insufficient to qualify as an educational purpose.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 203 – PROOF OF HUMANITARIAN NEED (BOTH INITIAL AND RENEWAL DACA) In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for humanitarian reasons. Examples of travel abroad for humanitarian reasons include medical reasons, to visit a family member, or to attend funeral services for a family member.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for humanitarian purposes is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for humanitarian, modify RFE call up accordingly).* You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long the treatment is expected to last;

Information on the reasons why you cannot obtain treatment in the United States;

An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis of the family member's condition; or

A death certificate or newspaper obituary of the family member or other document evidencing the death of the family member.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 204 – PROOF OF EMPLOYMENT NEED (BOTH INITIAL AND RENEWAL DACA) In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individual granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to

travel abroad for employment purposes. Examples of travel abroad for employment purposes include: pursuit of a position in the United States with a foreign employer; an overseas assignment, interview, conference, or training; a meeting with overseas clients or others with whom you interact professionally; or a trip to cultivate business or sales overseas or any other overseas trip taken in furtherance of the applicant's professional responsibilities.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for employment purposes is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for employment purposes, modify RFE call up accordingly).* You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

A letter on official letterhead from your employer describing the need for your travel; or
A document showing a specific employment need, such as a conference program, that also shows your participation.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

X. ASSORTED OTHERS

DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION (BOTH INITIAL AND RENEWAL DACA)

All foreign language documents must be accompanied by a full English language translation which the interpreter has certified as complete and accurate, and by the interpreter's certification that he or she is competent to translate from the foreign language into English. Please submit a full English translation of *(ISO should list the document(s))*. You must submit the requested foreign language document along with the translation.

DACA 301– YOU MAY SUBMIT PHOTOCOPIES (BOTH INITIAL AND RENEWAL DACA)

You may submit either the original documents or legible photocopies of the originals, including copies of the front and back of each document. If you choose to submit original documents, they will not be returned to you. *(Not for use when USCIS is requesting original documents.)*

DACA 302– AFFIDAVITS (INITIAL DACA ONLY)

Affidavits can support two of the DACA guidelines:

- Brief, casual, and innocent departures during the five years of required continuous presence in the United States; and
- Any minor gap in the five year continuous residence requirement.

In support of your DACA request, you submitted affidavits, but you did not indicate that:

- primary and secondary evidence cannot be obtained; and
- what effort you undertook to obtain that evidence.

Therefore, you are requested to provide the following:

- A written statement from the appropriate issuing authority attesting to the fact that no record exists or can be located, or that the record sought was part of some segment of records which were lost or destroyed; or
- Evidence (such as an affidavit) "that repeated good faith attempts were made to obtain the required document or record."

DACA 303A – SIGNATURE ON FORM I-821D (BOTH INITIAL AND RENEWAL DACA)

As stated in the Form I-821D instructions, each request must be properly signed. Part 5 of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals is not properly signed because *(ISO should indicate why the form was incorrectly signed. For example, the preparer signed Part 5 instead of Part 6 of the form or the requestor is over the age of 14, but the requestor's parent or legal guardian signed Part 5).* Therefore, a copy of your original Form I-821D is enclosed so that you can sign and date Part 5, 2.a. and 2.b. of your Form I-821D. The completed form must contain a new original signature. Attach your properly signed Form I-821D to this Request for Evidence and return to the address listed on this notice.

(Include a copy of the request or' s Form I-821D with the RFE)

DACA 303B - SIGNATURE ON FORM I-765 (BOTH INITIAL AND RENEWAL DACA) As stated in the Form I-765 instructions, each application must be properly signed. Form I-765, Application for Employment Authorization is not properly signed because *(ISO should indicate why the form was incorrectly signed. For example, the preparer signed the form or the requestor is over the age of 14, but the requestor's parent or legal guardian signed the signature area).* Therefore, a copy of your original Form I-765 is enclosed so that you can sign and date. The completed form must contain a new original signature. Attach your properly signed Form I-765 to this Request for Evidence and return to the address listed on this notice.

(Include a copy of the request or' s Form I-765 with the RFE)

DACA 303C – SIGNATURE OF THE INTERPRETER OR THE PERSON PREPARING THE REQUEST (BOTH INITIAL AND RENEWAL DACA)

As stated in the Form I-821D instructions, each request must be properly signed. Part *(ISO should insert the appropriate part(s) 6 and/or 7]* of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, is not properly signed because *(ISO should indicate why the form was incorrectly signed. For example, the interpreter did not sign Part 6 or the person who assisted the requestor in preparing the request did not sign Part 7).* Therefore, a copy of your original Form I-821D is enclosed so that *(ISO should insert the appropriate phrase: your interpreter can sign Part 6, 6.a. and 6.b. / the person who assisted you in preparing your request can sign and date Part 7, 7.a. and 7.b.)* of your Form I-821D. Additionally, you must sign and date Part 5, 2.a. and 2.b. of your Form I-821D. The completed form must contain original signatures. Attach your properly signed Form I-821D to this Request for Evidence and return to the address listed on this notice.

(Include a copy of the request or' s Form I-821D with the RFE)

DACA 304 – FORM I-821D MISSING PAGE(S) (BOTH INITIAL AND RENEWAL DACA) You did not submit page(s) *(ISO should list the missing page number(s))* with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. In addition to submitting these missing pages, you must sign and date page five(5) of the Form I-821D. The completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice

To obtain Form I-821D, please visit the USCIS website at <http://www.uscis.gov/USCIS/files/form/i-821d.pdf> or call toll-free (800) 870-3676 to request this form by mail.

DACA 306 - FORM I-821D GENDER CHANGE (BOTH INITIAL AND RENEWAL DACA)

You have requested a change to your gender from (*Insert Former Gender*) to (*Insert Current Gender*). In order for USCIS to make the requested change in its records, please submit one of the following:

- A court order granting change of sex or gender;
- A government-issued document reflecting the requested gender designation. Acceptable government-issued documents include an amended birth certificate, a passport, a driver's license, or other official document showing identity issued by the U.S. Government, a state or local government in the United States, or a foreign government; or
- A letter from a licensed health care professional certifying that the requested gender designation is consistent with the individual's gender identity. A licensed health care professional includes licensed counselors, nurse practitioners, physicians (Medical Doctors or Doctors of Osteopathy), physician assistants, psychologists, social workers, and therapists. The health care certification letter must include the following information:
 - The health care professional's full name, address, and telephone number;
 - The health care professional's license number and the issuing state, country, or other jurisdiction of the professional license;
 - Language stating that the health care professional has treated or evaluated the individual in relation to the individual's gender identity; and
 - The health care professional's assessment of the individual's gender identity.

USCIS issued documents are limited to indicating only “male” or “female”. Consequently, requests for USCIS-issued documents reflecting a change of gender designation must indicate either female or male as the new gender.

(If the requestor submitted evidence of gender change, the officer may briefly describe what evidence was submitted and explain why it is insufficient)

If you are also requesting a change to your name that is currently listed on your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, you must submit evidence which supports your legal name change. Such evidence may include a birth certificate, adoption records, marriage certificate, passport, or government documentation showing you have officially changed your name.

XI. ACKNOWLEDGEMENT OF WITHDRAWAL

DACA 350 FORM I-821D ACKNOWLEDGEMENT OF WITHDRAWAL (BOTH INITIAL AND RENEWAL DACA)

On **[DATE]** you filed a request for deferred action under the Secretary of Homeland Security’s June 15, 2012, directive concerning Deferred Action for Childhood Arrivals. Your filing included a Form I-821D, Consideration of Deferred Action for Childhood Arrivals, a Form I-765, Application for Employment Authorization, and a Form I-765WS, Form I-765 Worksheet, together with the required filing fee.

On **[DATE]**, you withdrew your Form I-821D. This withdrawal applies equally to the forms I-765 and I-765WS that you concurrently filed with the Form I-821D.

USCIS hereby acknowledges your withdrawal. USCIS will not take any further action on your Form I-821D or the related forms I-765 and I-765WS. If you later wish to request Consideration of Deferred Action for Childhood Arrivals, you may file a new Form I-821D concurrently with a new Form I-765 and Form I-765WS, with a new fee.

DACA 351 FORMS I-765/I-765WS ACKNOWLEDGEMENT OF WITHDRAWAL (BOTH INITIAL AND RENEWAL DACA)

On **[DATE]** you filed a request for deferred action under the Secretary of Homeland Security's June 15, 2012, directive concerning Deferred Action for Childhood Arrivals. Your filing included a Form I-821D, Consideration of Deferred Action for Childhood Arrivals, a Form I-765, Application for Employment Authorization, and a Form I-765WS, Form I-765 Worksheet, together with the required filing fee.

On **[DATE]**, you withdrew your Form I-821D. This withdrawal applies equally to the forms I-765 and I-765WS that you concurrently filed with the Form I-821D.

USCIS hereby acknowledges your withdrawal. USCIS will not take any further action on your forms I-765 and I-765WS or the related Form I-821D. The filing fee is not refundable. If you later wish to request Consideration of Deferred Action for Childhood Arrivals, you may file a new Form I-821D concurrently with a new Form I-765 and Form I-765WS, with a new fee.

Appendix E

DEFERRED ACTION FOR CHILDHOOD ARRIVALS NOIDs

NOTE 1: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed [*Text*] and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply.

NOTE 2: Each NOID call-up is labeled as follows:

- INITIAL DACA ONLY or;
- RENEWAL DACA ONLY or;
- BOTH INITIAL AND RENEWAL DACA

ISOs should use the NOID call-ups below as appropriate based on whether they are reviewing an initial or renewal DACA request.

DACA 400A -NOTICE OF INTENT TO DENY – DEPARTURE NOT BCI – UNDER VOLUNTARY DEPARTURE OR FINAL EXCLUSION, DEPORTATION, OR REMOVAL ORDER (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have been residing continuously in the United States since June 15, 2007. A brief, casual, and innocent departure from the United States does not meaningfully disrupt the period of continuous residence. A departure is deemed to be brief, casual, and innocent if it occurred before August 15, 2012 and:

- (1) It was short and reasonably calculated to accomplish the purpose of the absence;
- (2) It was not the result of an order of exclusion, deportation, or removal;
- (3) It was not because of an order of voluntary departure, or an administrative grant of voluntary departure before the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) Its purpose or the actions taken while outside of the United States were not contrary to law.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you departed the United States on or about **[insert date; this date should be before 8/15/2012]**. It also appears that, at the time of your departure,

[INSERT WHICHEVER IS APPROPRIATE: you departed under an order of voluntary departure; you departed under an administrative grant of voluntary departure prior to the commencement of removal proceedings; your departure was the result of an order of exclusion, deportation, or removal (including an order of voluntary departure that converted automatically to a final order of exclusion, deportation or removal); your departure was not short and reasonably calculated to accomplish the purpose of the absence; your departure was for a purpose or the actions

taken while outside of the United States were contrary to law).] Because such a departure is not brief, casual, or innocent, you have not established that you have resided continuously in the United States since at least June 15, 2007.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 400B -NOTICE OF INTENT TO DENY – DISQUALIFYING INTERNATIONAL TRAVEL ON OR AFTER 8/15/2012 AND BEFORE USCIS HAS MADE A DACA DETERMINATION (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have been residing continuously in the United States since June 15, 2007. Continuous residence is disrupted if you traveled outside the United States on or after August 15, 2012 and before USCIS has determined whether to defer action in your case.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you departed the United States on or about ***[insert date – this date should be on or after 8/15/12]***. Because your departure occurred on or after August 15, 2012, but before USCIS had determined whether to defer action in your case, you have not established that you may be considered for deferred action under this process.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 400C -NOTICE OF INTENT TO DENY – DISQUALIFYING INTERNATIONAL TRAVEL ON OR AFTER 8/15/2012 WITHOUT ADVANCE PAROLE AND BEFORE USCIS HAS MADE A DACA RENEWAL DETERMINATION (RENEWAL DACA ONLY)

USCIS has reviewed your renewal request for consideration of deferred action for childhood arrivals.

In order to be considered for a renewal of deferred action as a childhood arrival, you are to demonstrate that you have been residing continuously in the United States since the date you submitted your most recent, *approved* request for DACA until the date of filing your Renewal request. Continuous residence is disrupted if you traveled outside the United States on or after August 15, 2012 without advance parole.

According to the information provided with your renewal request, and/or based on information obtained during routine systems checks, it appears that you departed the United States on or about ***[insert date – this date should be on or after 8/15/12]***. ***Your departure occurred on or after August 15, 2012. USCIS records do not show that you were issued advance parole for the period of time you were outside the United States. [ISO should list what evidence was submitted or provide the dates in which travel was***

not covered under the approved advance parole, and briefly state why the evidence is insufficient.]

Therefore, you have not established that you may be considered for a renewal of deferred action under this process.

Accordingly, USCIS intends to deny your request for consideration of a renewal of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your renewal request for consideration of deferred action for childhood arrivals.

DACA 401 NOTICE OF INTENT TO DENY – DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS (BOTH INITIAL AND RENEWAL DACA)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you do not otherwise pose a threat to national security or public safety.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

Driving under the influence of alcohol or drugs constitutes a significant misdemeanor. For the purposes of the DACA 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:

- 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,
- 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). See www.uscis.gov/childhoodarrivals.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 402 NOTICE OF INTENT TO DENY – DOMESTIC VIOLENCE (BOTH INITIAL AND RENEWAL DACA)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you do not otherwise pose a threat to national security or public safety.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

An offense of domestic violence constitutes a significant misdemeanor. For the purposes of the DACA 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:

- 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,
- 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). See www.uscis.gov/childhoodarrivals.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 403 NOTICE OF INTENT TO DENY – BURGLARY (BOTH INITIAL AND RENEWAL DACA)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you do not otherwise pose a threat to national security or public safety.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

Burglary constitutes a significant misdemeanor. For the purposes of the DACA 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:

- 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,
- 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). See www.uscis.gov/childhoodarrivals.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 404 NOTICE OF INTENT TO DENY –NO ENTRY BEFORE 16 (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you came to the United States before reaching your 16th birthday.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you initially entered the United States when you were *[insert age]* years old. On *[insert date Form I-821D received]*, you submitted Form I-821D, Consideration of Deferred Action for Childhood Arrivals. You indicated on your Form I-821D that you were born on *[insert date of birth]*, and that your initial entry into the United States was on *[insert date of entry]*. Your date of birth is supported by your *[identify the document (e.g. birth certificate, passport, etc.) that establishes the requestor's DOB]*, and you did not submit evidence that you entered the United States before reaching the age of 16.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to

submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 405 NOTICE OF INTENT TO DENY –STUDENT IN LAWFUL STATUS ON JUNE 15, 2012 (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you were in unlawful immigration status as of June 15, 2012. For deferred action for childhood arrivals, the phrase “in unlawful immigration status as of June 15, 2012” means 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 before June 15, 2012.

According to the information provided with your request, and based on information obtained during routine systems checks, your current F-1 nonimmigrant status is active in Student & Exchange Visitor Information System (SEVIS). [*Identify other facts e.g., Employment Authorization Card validity date*]. Based on these facts, USCIS has determined that you were not in an unlawful status on June 15, 2012.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 406 NOTICE OF INTENT TO DENY –ARRIVED AFTER JUNE 15, 2007 (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have continuously resided in the United States since June 15, 2007.

According to the information you provided with your request, and/or based on information obtained during routine systems checks, it appears that you initially arrived in the United States on or about [*insert date of initial entry*].

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 407 NOTICE OF INTENT TO DENY – NOT IN SCHOOL (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

On your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, you indicated that you are currently in school. However, according to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you are not currently enrolled in school. *[Insert specific information; e.g., official transcripts showing enrollment status as “Removed for Lack of Attendance” or school enrollment history listing requestor as a “No Show”.]*

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 408 NOTICE OF INTENT TO DENY – NONIMMIGRANT STATUS ON JUNE 15, 2012 (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you were in unlawful immigration status as of June 15, 2012. For deferred action for childhood arrivals, the phrase “in unlawful immigration status as of June 15, 2012” means 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 before June 15, 2012.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you entered the United States on *[Date]* as *[insert nonimmigrant classification. For example, “an E-2 Nonimmigrant Treaty Investor or as the spouse or child of a Nonimmigrant Treaty Investor”]*. It appears that your lawful immigration status *[insert “is” or “was” depending if still in status]* valid until *[Date]*, and therefore had not expired before June 15, 2012.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 409 NOTICE OF INTENT TO DENY – TEMPORARY PROTECTED STATUS ON JUNE 15, 2012 (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you were in unlawful immigration status as of June 15, 2012. For deferred action for childhood arrivals, the phrase “in unlawful immigration status as of June 15, 2012” means 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 before June 15, 2012.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you had Temporary Protected Status (TPS) on June 15, 2012. USCIS has no record that your status as a TPS beneficiary was withdrawn or terminated before June 15, 2012, therefore it appears you were not in unlawful status on June 15, 2012.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 410 NOTICE OF INTENT TO DENY – MULTIPLE MISDEMEANORS (BOTH INITIAL AND RENEWAL DACA)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you do not otherwise pose a threat to national security or public safety.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you have multiple criminal convictions.

The court dispositions that you submitted indicate that you were convicted on:

- [Insert date of conviction, court name, city/state, crime, and statute]
- [Insert date of conviction, court name, city/state, crime, and statute]
- [Insert date of conviction, court name, city/state, crime, and statute]

You have been convicted of three or more non-significant misdemeanors. For the purposes of the DACA 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:

- 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
- 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 U.S. Immigration and Customs Enforcement (ICE). See www.uscis.gov/childhoodarrivals.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 411 NOTICE OF INTENT TO DENY – FELONY CONVICTION (BOTH INITIAL AND RENEWAL DACA)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you do not otherwise pose a threat to national security or public safety.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you have a criminal conviction.

The court disposition indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

[Explain why the offense is a felony under federal law. For example, “Possession of drug paraphernalia is classified as a Class 6 felony under Arizona law, with a maximum term of imprisonment of 1.5 years. See A.R.S. §§ 13-702(D), 13-3415.”]

For the purposes of the DACA process, a felony is a federal, state, or local criminal offense for which the maximum term of imprisonment authorized is for a period of more than one year. See www.uscis.gov/childhoodarrivals. Therefore, the offense is a felony for purposes of deferred action for childhood arrivals.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 412 NOTICE OF INTENT TO DENY – JUVENILE DELINQUENCY (BOTH INITIAL AND RENEWAL DACA)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you warrant the favorable exercise of prosecutorial discretion.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you have a record of juvenile delinquency.

The record indicates that you committed the following offense(s) as a minor.

- On [*date offense committed*], at the age of [*age at time of offense*] you committed [*charge*], in violation of [*statute*]. Your case was adjudicated as a juvenile delinquency at [*juvenile court, city/state*].

While a finding of juvenile delinquency is not considered a criminal conviction for purposes of deferred action, given the seriousness of your offense, USCIS has determined that you do not merit a favorable exercise of discretion. Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 413 NOTICE OF INTENT TO DENY – SIGNIFICANT MISDEMEANOR (BOTH INITIAL AND RENEWAL DACA)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you do not otherwise pose a threat to national security or public safety.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you have [*a criminal conviction/multiple criminal convictions*].

The court disposition that you submitted indicates that you were convicted on:

[*Insert date of conviction, court name, city/state, crime, and statute*]

Your conviction(s) for [*Insert crime*] constitute(s) a significant misdemeanor. For the purposes of the DACA 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:

- 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,
- 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). See www.uscis.gov/childhoodarrivals.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial. Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

DACA 414 NOTICE OF INTENT TO DENY – SUSPECTED FRAUD IN MEETING THE DACA GUIDELINES (INITIAL DACA ONLY)

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, among other guidelines, you must also demonstrate that you **[INSERT WHICHEVER IS APPROPRIATE FROM THE LIST BELOW; MORE THAN ONE GUIDELINE MAY BE INSERTED]**

- (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 been residing continuously 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) *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;*

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to establish that you **[INSERT ALL APPROPRIATE GUIDELINES FROM THE LIST BELOW]** is insufficient.

- (1) *were under the age of 31 as of June 15, 2012;*
- (2) *came to the United States and established residence before reaching your 16th birthday;*
- (3) *have been residing continuously in the United States during the 5-year period immediately before June 15, 2012, and up to the time of filing;*
- (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) *Select one of the following:*
 - *are currently in school;*

- have graduated or obtained a certificate of completion from high school;
- have obtained a General Educational Development (GED) certificate;
- are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States

USCIS finds that the evidence you provided to demonstrate **[INSERT ALL APPROPRIATE CRITERIA FROM THE LIST BELOW]** is not credible.

- (1) that you were under the age of 31 as of June 15, 2012;
- (2) that you came to the United States and established residence before reaching your 16th birthday;
- (3) continuous residency for the year(s) XXXX
- (4) that you 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) Select one of the following:
 - that you are currently in school;
 - that you have graduated or obtained a certificate of completion from high school;
 - that you have obtained a General Educational Development (GED) certificate;
 - that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States

[ISO should insert the appropriate facts of the case to include the documentation in question, any irregularities discovered, and finally how this information was vetted and determined to be factually inaccurate or lacking in credibility (e.g. USCIS contacted the company/owner of the document to verify the correct information, etc.)]

Therefore, USCIS finds that the record lacks sufficient evidence to demonstrate **[INSERT WHICHEVER GUIDELINE(S) IS/ARE APPROPRIATE FROM THE LIST BELOW]**

- (1) that you were under the age of 31 as of June 15, 2012.;
- (2) that you came to the United States before reaching your 16th birthday.;
- (3) your presence in the United States during the year(s) XXXX.;
- (4) that you 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) Select one of the following:
 - that you are currently in school;
 - that you have graduated or obtained a certificate of completion from high school;
 - that you have obtained a General Educational Development (GED) certificate;
 - that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States

You may still submit evidence to address these irregularities and to establish that the **[INSERT DOCUMENTATION IN QUESTION (e.g. utility bill, rent receipt, diploma, etc. is/are)]** legitimate.

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You have thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial.

**DACA 415 NOTICE OF INTENT TO DENY – SUSPECTED FRAUD IN MEETING THE
DACA IDENTITY GUIDELINE (INITIAL DACA ONLY)**

USCIS has reviewed your request for consideration of deferred action for childhood arrivals. In order to be considered for deferred action as a childhood arrival, [among other guidelines](#), you must also [establish your identity](#).

USCIS finds that the evidence you provided to establish your identity is not credible.

[ISO should insert the appropriate facts of the case to include the documentation in question, any irregularities discovered, and finally how this information was vetted and determined to be factually inaccurate or lacking in credibility (e.g. USCIS contacted the company/owner of the document to verify the correct information, etc.)]

Accordingly, USCIS intends to deny your request for consideration of deferred action for childhood arrivals. You have thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial.

Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

In addition, USCIS reminds you that it is a violation of federal law (18 U.S.C. sec. 1001) if you knowingly and willingly submit materially false information in support of your request for DACA, and you may be fined, imprisoned up to five years, or both. In addition, you may be placed in removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

APPENDIX F

DEFERRED ACTION FOR CHILDHOOD ARRIVALS DENIAL CALL-UPS

NOTE: Each denial call-up is labeled as follows:

- INITIAL DACA ONLY or;
- BOTH INITIAL AND RENEWAL DACA

ISOs should use the denial call-ups below as appropriate based on whether they are reviewing an initial or renewal DACA request.

DACA 500 -NOTICE OF DENIAL –AGE (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

At the time of filing your request, you were under the age of fifteen (15) and were not in removal proceedings, did not have a final removal order, or did not have a voluntary departure order.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 502 -NOTICE OF DENIAL – ENTRY AT 16 (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not established that you came to the United States before you turned sixteen (16) years old and established residence at that time.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 503 -NOTICE OF DENIAL – UNDER 31 ON JUNE 15, 2012 (INITIAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not established that you were under age 31 on June 15, 2012.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 504 -NOTICE OF DENIAL – CONTINUOUS RESIDENCE (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not established that you have continuously resided in the United States since June 15, 2007, until the date of filing your request.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 505 -NOTICE OF DENIAL – BCI (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

During your period of residence in the United States, you had one or more absences that did not qualify as “brief, casual, and innocent.”

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 506 -NOTICE OF DENIAL – PHYSICAL PRESENCE ON JUNE 15, 2012 (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not established that you were present in the United States on June 15, 2012.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 507 -NOTICE OF DENIAL – NO LAWFUL IMMIGRATION STATUS ON JUNE 15, 2012 (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not established that you were in an unlawful immigration status in the United States on June 15, 2012.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 508 -NOTICE OF DENIAL –EDUCATIONAL GUIDELINE (INITIAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not established that, at the time of filing your request, you were currently in school, had graduated or obtained a certificate of completion from a U.S. high school, or had obtained a general educational development (GED) certificate or other equivalent State-authorized exam in the United States, or that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an

act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 509 -NOTICE OF DENIAL – FELONY OR SIGNIFICANT MISDEMEANOR (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have been convicted of a felony or a significant misdemeanor.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 510 -NOTICE OF DENIAL – THREE OR MORE MISDEMEANORS (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have been convicted of three or more misdemeanors.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 511 -NOTICE OF DENIAL – DISCRETIONARY (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not established that you warrant a favorable exercise of prosecutorial discretion.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an

act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 512 -NOTICE OF DENIAL – NON-PAYMENT OF FEES (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not paid the fee for your concurrently filed Application for Employment Authorization, Form I-765, and/or your biometrics fee, because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 513A -NOTICE OF DENIAL – NO SHOW (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

USCIS was unable to conduct a background check on you because you did not appear for your scheduled appointment at an Application Support Center for the collection of biometrics, or your fingerprints were rejected as unclassifiable and you did not submit a local police clearance certificate for each jurisdiction in which you have lived for six months or more within the past five years.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 513B -NOTICE OF DENIAL – FAILED TO APPEAR AT THE SCHEDULED INTERVIEW (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

USCIS was unable to determine that you meet all of the guidelines for Deferred Action for Childhood Arrivals because you failed to appear at your scheduled interview.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 514 -NOTICE OF DENIAL – NO RESPONSE TO RFE OR NOID (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You did not respond to a Request for Evidence or Notice of Intent to Deny within the time prescribed.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 515 -NOTICE OF DENIAL – ABANDONMENT (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have abandoned your Form I-821D, Consideration of Deferred Action for Childhood Arrivals because you departed the United States while the form was pending.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 516 -NOTICE OF DENIAL – DISQUALIFYING INTERNATIONAL TRAVEL – TRAVEL WITHOUT ADVANCE PAROLE (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You departed the United States on or after August 15, 2012 without advance parole.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 517 -NOTICE OF DENIAL – DISQUALIFYING INTERNATIONAL TRAVEL – REMAINED OUTSIDE OF THE US BEYOND THE VALIDITY PERIOD OF ADVANCE PAROLE DOCUMENT (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

USCIS records show you remained outside of the United States beyond the validity period of your advance parole document.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 518 -NOTICE OF DENIAL – CONTINUOUS RESIDENCE SINCE THE MOST RECENT DACA REQUEST (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

You have not established that you have continuously resided in the United States since you submitted your most recent request for DACA that was approved.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 519 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – AGE (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. At the time of filing your initial/most recent request, you were under the age of fifteen (15) and were not in removal proceedings, did not have a final removal order, or did not have a voluntary departure order.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 520 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – ENTRY AT 16 (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. You did not establish that you came to the United States before you turned sixteen (16) years old and established residence at that time.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 521 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – UNDER 31 ON JUNE 15, 2012 (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. You did not establish that you were under age 31 on June 15, 2012.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 522 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – CONTINUOUS RESIDENCE SINCE JUNE 15, 2012 (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. You did not establish that you continuously resided in the United States since June 15, 2007, until the date of filing your initial/most recent request.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 523 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR –BCI (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. During your period of residence in the United States, you had one or more absences before August 15, 2012 that did not qualify as “brief, casual, and innocent.”

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 524 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – PHYSICAL PRESENCE ON JUNE 15, 2012 (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. You did not establish that you were present in the United States on June 15, 2012.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 525 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – NO LAWFUL IMMIGRATION STATUS ON JUNE 15, 2012 (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. You did not establish that you were in an unlawful immigration status in the United States on June 15, 2012.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 526 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – EDUCATIONAL GUIDELINE (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. You did not establish that, at the time of filing your initial request, you were currently in school, had graduated or obtained a certificate of completion from a U.S. high

school, or had obtained a general educational development (GED) certificate or other equivalent State-authorized exam in the United States, or that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 527 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – FELONY OR SIGNIFICANT MISDEMEANOR (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. You had been convicted of a felony or a significant misdemeanor.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 528 -NOTICE OF DENIAL – USCIS INITIAL DACA ERROR – THREE OR MORE MISDEMEANORS (RENEWAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

In order to be considered for renewal of DACA, you must have met the guidelines for consideration of initial DACA. However, your initial/most recent request for DACA was approved in error. You had been convicted of three or more misdemeanors.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 529 -NOTICE OF DENIAL – REQUESTOR IS DECEASED (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated the Form I-821D, Consideration of Deferred Action for Childhood Arrivals, filed by [insert name] (“the requestor”) on [insert date].

On [insert date] , USCIS received notification that the requestor is now deceased. Please accept our deepest sympathies for your loss.

USCIS is hereby denying the requestor’s Form I-821D. Accordingly, the requestor’s Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. An appeal or motion to reopen/reconsider this decision may not be filed on behalf of the requestor.

DACA 530 -NOTICE OF DENIAL – ACQUIRED LAWFUL STATUS AFTER JUNE 15, 2012 (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

On [insert date] you filed Form I-821D. According to information obtained during routine systems checks, it appears that [insert the appropriate phrase: you acquired lawful immigration status / you were paroled] on [insert date]. Your [insert the appropriate phrase: status / parole] is valid until [insert period of validity].

In view of the fact that [insert the appropriate phrase: you are currently in a lawful immigration status / your parole authorization is currently valid], USCIS has, in its unreviewable discretion, determined that deferred action is not appropriate under these circumstances and is hereby denying your Form I-821D. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 531 - NOTICE OF DENIAL – ACQUIRED PAROLE AFTER JUNE 15, 2012 (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

On [insert date] you filed Form I-821D. According to information obtained during routine systems checks, it appears that the [insert name of Office/DHS Component] approved your request for parole on [insert date]. Your parole authorization is valid through [insert period of validity].

In view of the fact that your parole request was approved, USCIS has, in its unreviewable discretion, determined that deferred action is not appropriate under these circumstances and is hereby denying your Form I-821D. Accordingly, your Form I-765, Application for Employment Authorization, has

also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 532 -NOTICE OF DENIAL – ICE ALREADY DEFERRED ACTION (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

The record reveals that on [*insert date ICE deferred action*], U.S. Immigration and Customs Enforcement (ICE) deferred action in your case as a childhood arrival until [*insert date deferred action expires*]. ICE notified you that action was deferred on your case and instructed you to request employment authorization from USCIS. On [*insert date I-821D filed*], you submitted Form I-821D to USCIS, together with Form I-765, Application for Employment Authorization.

It was not necessary for you to file Form I-821D with USCIS because ICE has already deferred action on your case. Therefore, USCIS has denied your Form I-821D. The denial of your Form I-821D does not affect the determination that ICE made on your case.

If granted, you will receive your Employment Authorization Document separately by mail.

DACA 533 –NOTICE OF DENIAL - USCIS ALREADY DEFERRED ACTION UNDER DACA (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

The record reveals that on [*insert filing date for approved case*], you submitted a Form I-821D (Receipt number XXXXX) to USCIS, together with a Form I-765, Application for Employment Authorization (Receipt number XXXXX). On [*insert date*], USCIS determined that you meet the guidelines for deferred action for childhood arrivals and deferred action on your case until [*insert date*]. USCIS notified you that action was deferred on your case and mailed to you an Employment Authorization Document valid until [*insert date*].

On [*insert filing date for pending case*], you submitted the instant Form I-821D (Receipt number XXXXX) to USCIS, together with a Form I-765 (Receipt number XXXXX). In view of the fact that USCIS has already deferred action on your case, USCIS is hereby denying your Forms I-821D (Receipt number XXXXX) and I-765 (Receipt number XXXXX). The denial of the instant Forms I-821D and I-765 does not affect the previous determination that USCIS made to defer action on your case until [*insert date*].

DACA 534 -NOTICE OF DENIAL – INSUFFICIENT REF RESPONSE FOR CRIMINAL RECORDS (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

The record reveals that you have been arrested or detained by law enforcement officials. On *[insert date RFE issued]*, USCIS sent you a notice requesting you to submit certified court dispositions for all of your arrests, including an arrest(s) specifically identified on the request. In response to the request for evidence, you submitted *[indicate what was submitted]*. However, the response was insufficient because *[indicate why it was insufficient. For example: “the document was not certified by the court”]*.

USCIS was unable to conduct a sufficient background check on you because you did not provide the requested certified court dispositions. Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 535 -NOTICE OF DENIAL – USCIS ALREADY DEFERRED ACTION UNDER ANOTHER (NON-DACA) PROGRAM. FORM I-821D (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

The record reveals that on *[insert date]*, you submitted a request to USCIS for deferred action under another non-DACA program. On *[insert notice date]*, USCIS notified you that action was deferred on your case until *[insert date deferred action expires]*.

On *[insert date]*, you submitted the instant Form I-821D (Receipt number *XXXXXX*) to USCIS, together with a Form I-765 (Receipt number *XXXXXX*). In view of the fact that USCIS has already deferred action on your case, USCIS is hereby denying your Forms I-821D (Receipt number *XXXXXX*) and I-765 (Receipt number *XXXXXX*). The denial of the instant Forms I-821D and I-765 does not affect the previous determination that USCIS made to defer action on your case.

DACA 536 -NOTICE OF DENIAL – USCIS ALREADY DEFERRED ACTION (SEEKING REPLACEMENT EAD) (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

The record reveals that on *[insert filing date for approved case]*, you submitted a Form I-821D (Receipt number *XXXXXX*) to USCIS, together with a Form I-765, Application for Employment Authorization (Receipt number *XXXXXX*). On *[insert date]*, USCIS determined that you met the guidelines for deferred action for childhood arrivals and deferred action on your case until *[insert date]*.

USCIS also notified you that action was deferred on your case and mailed to you an Employment Authorization Document (EAD) valid until [*insert date*].

On [*insert filing date for pending case*], you submitted another Form I-821D (Receipt number XXXXXX) to USCIS, together with a Form I-765 (Receipt number XXXXXX). You indicated on the instant Form I-765 that you are seeking to replace a lost Employment Authorization Document. It was not necessary to file a new Form I-821D. You only needed to file the Form I-765.

In view of the fact that USCIS has already deferred action on your case, USCIS is hereby denying your newly submitted Form I-821D (Receipt number XXXXXX). The denial of the instant Form I-821D does not affect the previous determination that USCIS made to defer action on your case until [*insert date*].

If your Form I-765 (Receipt number XXXXXX) is granted, you will receive your replacement Employment Authorization Document separately by mail.

DACA 537 -NOTICE OF DENIAL OF APPLICATION FOR EMPLOYMENT AUTHORIZATION, FORM I-765 (INITIAL DACA ONLY)

On [*insert date*] you filed a request for consideration of deferred action as a childhood arrival. Your filing included a Form I-821D, Consideration of Deferred Action for Childhood Arrivals, and a Form I-765, Application for Employment Authorization, together with the required filing fee. On [*insert date*], your Form I-821D was approved and your removal from the United States was deferred.

On [*insert date*], U.S. Citizenship and Immigration Services (USCIS) requested that you submit Form I-765WS [*insert other requested evidence if applicable*] in support of your Form I-765.

Title 8, Code of Federal Regulations (8 C.F.R.), Section 103.2(b)(13), states in part:

If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, . . .

As of the date of this notice, there is no record that you submitted the requested Form I-765WS. Accordingly, your application for employment authorization is denied as abandoned pursuant to 8 C.F.R. § 103.2(b)(13). Please note that this decision will not affect the approval of your Form I-821D.

A denial due to abandonment may not be appealed. However, there are limited motion rights. In accordance with 8 C.F.R. § 103.5, you may, if you wish, file a motion to reopen an application or petition denied due to abandonment with evidence that the decision was in error because:

- The requested evidence was not material to the issue of eligibility;
- The required initial evidence was submitted with the application or petition, or the request for initial evidence or additional information or appearance was complied with during the allotted period; or
- The request for additional information or appearance was sent to an address other than that on the application, petition, or notice of representation, or that the applicant or petitioner advised

the Service, in writing, of a change of address or change of representation subsequent to filing and before the Service's request was sent, and the request did not go to the new address.

A motion to reopen must be filed on Form I-290B, Notice of Appeal or Motion, with the appropriate fee within 33 days from the date of this decision. For more information about filing motions, fees, forms, and filing locations, please visit the USCIS website at www.uscis.gov.

DACA 538 -NOTICE OF DENIAL OF APPLICATION FOR EMPLOYMENT AUTHORIZATION, FORM I-765 (BOTH INITIAL AND RENEWAL DACA)

On [insert I-821D filing date], you filed a request for consideration of deferred action as a childhood arrival. Your filing included a Form I-821D, Consideration of Deferred Action for Childhood Arrivals, and a Form I-765, Application for Employment Authorization, together with the required filing fee. On [insert date I-821D was approved], your Form I-821D was approved and your removal from the United States was deferred.

On [insert date the I-765 RFE was sent], U.S. Citizenship and Immigration Services (USCIS) requested that you submit [insert Form I-765WS and/or list other requested evidence] in support of your Form I-765.

USCIS received your response to the request on [insert date the RFE response was received]. Your response did not include [insert the missing evidence, e.g. Form I-765WS, signature on the I-765, completed I-765WS] as we requested.

Title 8, Code of Federal Regulations, Section 274a.12(c)(14) provides the basis for granting employment authorization to individuals whose removal from the United States has been deferred:

An alien who has been granted deferred action, an act of administrative convenience to the government which gives some cases lower priority, if the alien establishes an economic necessity for employment

SELECT A PARAGRAPH (A) OR (B) BELOW, AS APPLICABLE:

A. USE THIS PARAGRAPH IF THE DEFICIENCY IS WITH THE I-765WS:

Because you failed to provide [insert the missing evidence; e.g., Form I-765WS; completed I-765WS], you have not established an economic necessity for employment. Accordingly, your application for employment authorization is denied. Please note that this decision will not affect the approval of your Form I-821D.

[Proceed to the closing paragraph.]

OR

B. USE THIS PARAGRAPH IF THE DEFICIENCY IS WITH THE I-765:

Because your I-765 was not properly signed, you have failed to comply with 8 C.F.R. 103.2(a)(2) and your application is hereby denied. Please note that this decision will not affect the approval of your Form I-821D.

[CLOSING PARAGRAPH]

This denial may not be appealed. However, you may file a motion to reopen or reconsider the decision. Your motion to reopen or reconsider must be filed on Form I-290B, Notice of Appeal or Motion within 30 days of the date of this notice (33 days if this notice is received by mail). You must mail your Form I-290B, along with the appropriate filing fee and other documentation in support of the motion, to the correct address. Do not mail your completed Form I-290B directly to this Service Center.

To obtain the filing locations, the required filing fee amount, and more information about the Form I-290B filing requirements, please refer to the USCIS website at <http://www.uscis.gov/forms>. You may also contact the National Customer Service Center (NCSC) at 800-375-5283.

This decision does not prevent you from filing a new application in the future.

DACA 539 -NOTICE OF DENIAL – THE REQUESTOR WAS IN IMMIGRATION DETENTION AT THE TIME OF FILING FORM I-821D AND REMAINS IN IMMIGRATION DETENTION (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

USCIS lacks the authority to consider your request because you were in immigration detention at the time you filed your Form I-821D and you remain in immigration detention as of the date of this notice.

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 540 -NOTICE OF DENIAL – SIGNATURE ON FORM I-821D (BOTH INITIAL AND RENEWAL DACA)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

On [insert date], you submitted a Form I-821D (Receipt number XXXXX) to USCIS, together with a Form I-765, Application for Employment Authorization, (Receipt number XXXXX). As stated in the Form I-821D instructions, each request must be properly signed. Part [insert the corresponding part: Part 4 (old Form I-821D) or Part 5 (current Form I-821D)] is not properly signed (*indicate why the*

form was incorrectly signed. For example, the preparer signed Part 4 /5 instead of Part 5/6 or the requestor is over the age of 14, but the requestor's parent or legal guardian signed Part 4/5).

On *[insert date]*, U.S. Citizenship and Immigration Services (USCIS) sent you a Request for Evidence (RFE) because your original Form I-821D was not properly signed. USCIS enclosed a copy of your original Form I-821D so that you could sign and date *[insert the corresponding part: Part 4.2.a. and 2.b./ Part 5.2.a. and 2.b.]* of your Form I-821D.

As of the date of this notice, there is no record that you submitted the requested signed and dated Form I-821D. In view of this fact, USCIS has, in its unreviewable discretion, determined that it will not defer action in your matter. Accordingly, your Form I-765 has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 541 - NOTICE OF DENIAL – LPR STATUS ON JUNE 15, 2012 (INITIAL DACA ONLY)

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

[Summarize the requestor's immigration history, including how and when the requestor obtained LPR status and that such status had not changed as of 6/15/2012. Do not name any forms or give any form numbers, or any other information that may identify the alien as having received benefits under the VAWA, T, U, or asylum programs].

Because you have not established that you were in an unlawful immigration status in the United States on June 15, 2012, USCIS has, in its unreviewable discretion, determined that it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

[If the requestor is still in LPR status, please add: If you are not in possession of your Form I-551, Permanent Resident Card, you may consider filing Form I-90, Application to Replace Permanent Resident Card, to obtain a new card. For information about obtaining a Form I-90, visit the USCIS website at www.uscis.gov or call toll-free (800) 870-3676 to request the form by mail.]

**DACA 542 -NOTICE OF DENIAL – DACA PREVIOUSLY TERMINATED–
(BOTH INITIAL AND RENEWAL DACA)**

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

USCIS records show that your previous request for DACA was terminated on [*insert date*].

Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

Appendix G

SRMT Call Ups Pertaining to Denied Form I-821D, Consideration of Deferred Action for Childhood Arrivals

Administrative Errors

- 1. Denial of Form I-821D on the grounds that the requestor did not come to the United States prior to reaching his/her 16th birthday.**

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment Authorization is approved, you will receive an Employment Authorization Document.

- 2. Denial of Form I-821D on the grounds that the requestor was under the age of 15 at the time of filing, but not in removal proceedings.**

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment Authorization is approved, you will receive an Employment Authorization Document.

3. Denial of Form I-821D on the grounds that the requestor was not under the age of 31 on June 15, 2012.

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment Authorization is approved, you will receive an Employment Authorization Document.

4. Denial of Form I-821D on the grounds that the requestor was not in an unlawful immigration status as of June 15, 2012.

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment Authorization is approved, you will receive an Employment Authorization Document.

5. Denial of Form I-821D on the grounds that the requestor was not physically present in the United States on June 15, 2012.

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment is approved, you will receive an Employment Authorization Document.

6. Denial of Form I-821D on the grounds that the requestor did not appear to have biometrics collected at a USCIS ASC

SRMT DACA 1 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to appear for the collection of biometrics at an Application Support Center. We have reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records and have routed your file for adjudication. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment after adjudication is complete.

7. Denial of Form I-821D on the grounds that the requestor did not request to have his/her biometrics appointment at a USCIS ASC rescheduled prior to the scheduled date

SRMT DACA 2 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to appear for the collection of biometrics at an Application Support Center nor did you request to have your biometrics appointment rescheduled prior to the date you were scheduled to appear. We have reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final Response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. Your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment have resumed processing. Once adjudication is complete, you will receive a decision.

8. Denial of Form I-821D on the grounds that the requestor failed to pay the filing and biometric fees for the Form I-765

SRMT DACA 3 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to pay the fee for your concurrently filed Form I-765, Application for Employment Authorization, and/or your biometrics fee because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time. We have reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final Response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records and have routed your file for adjudication. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment after adjudication is complete.

9. Denial of Form I-821D due to abandonment and the requestor claims he/she did respond to RFE within the prescribed time

SRMT DACA 4 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to respond to a Request for Evidence within the time prescribed. We reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final Response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records and have routed your file for adjudication. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment after adjudication is complete.

10. Denial of Form I-821D due to abandonment – USCIS mailed the RFE to the wrong address and the requestor submitted a change of address prior to the issuance of RFE.

SRMT DACA 5 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to respond to a Request for Evidence (RFE) within the time prescribed. In your request to review the denial of your Form I-821D, you indicated that the RFE was mailed to the wrong address and you had submitted a Change of Address prior to the RFE issuance. We have reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final Response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records and have routed your file for adjudication. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment after adjudication is complete.

Appendix H

SRMT Denial Template

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and the accompanying Form I-765, Application for Employment Authorization. Your request was based on your belief that the denial involved one or more of the administrative errors, as indicated below:

- You claimed that your DACA request was denied on the grounds that you did not come to the United States prior to reaching your 16th birthday and that the evidence you submitted at the time of filing shows that you did, in fact, arrive before the required age.
- You claimed that your DACA request was denied on the grounds that you were under the age of 15 at the time of filing, but not in removal proceedings, or did not have a final removal order or a voluntary departure order, and that the evidence submitted at the time of filing shows that you were, in fact, in removal proceedings or had a final removal order or a voluntary departure order.
- You claimed that your DACA request was denied on the grounds that you were over the age of 31 on June 15, 2012 and that the evidence you submitted at the time of filing shows that you were, in fact, under age 31 on June 15, 2012.
- You claimed that your DACA request was denied on the grounds that you were in a lawful immigration status as of June 15, 2012, and that the evidence you submitted at the time of filing shows that you were, in fact, in an unlawful status on June 15, 2012.
- You claimed that your DACA request was denied on the grounds that you were not physically present in the United States on June 15, 2012, up through the date of filing, and that the evidence you submitted at the time of filing establishes that you were, in fact, present.
- You claimed that your DACA request was denied because you did not appear for biometrics collection at an Application Support Center, but you did appear.
- You claimed that your DACA request was denied because you did not appear for biometrics collection at an Application Support Center, but you asked for the appointment to be rescheduled before the originally scheduled date.
- You claimed that your DACA request was denied because you did not pay the required fees, but you have evidence that you paid (including evidence that you remitted payment to rectify any Nonsufficient Funds notice on the initial payment).
- You claimed that your DACA request was denied because you did not respond to a request for evidence (RFE) within the prescribed time (includes a request to submit additional evidence or appear at an ASC for biometrics collection following a prior failure to appear) and that you did, in fact respond timely.
- You claimed that your DACA request was denied because USCIS mailed the RFE to the wrong address even though you filed a change of address request before the RFE was issued.

Upon review of your request, the evidence in the file at the time of filing, and upon performing all relevant records and systems checks, it has been determined that your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, and the accompanying Form I-765, Application for Employment Authorization, were properly denied and that the denial did not involve an administrative error.

Appendix I

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed [Text] and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply.

DACA 600 – NOTICE OF INTENT TO TERMINATE

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States. A review of your records reveals that [ISO should thoroughly explain why the removal was deferred under DACA in error or explain why the DACA requestor no longer meets the DACA guidelines regarding criminal history. If the decision to issue a Notice of Intent to Terminate is also based on fraud, it should be supported by a fully documented SOF and any other relevant documents/information.]

Based on the information outlined above, USCIS is notifying you of its intent to terminate your deferred action for childhood arrivals. A final decision to terminate your deferred action for childhood arrivals will not be made for 33 days. During that time, you may submit any evidence that you feel will overcome the grounds for termination. If your response is not received within the allotted time or if your response to this notice does not overcome the grounds for termination, USCIS will terminate your deferred action for childhood arrivals. If your deferred action for childhood arrivals is terminated, any associated employment authorization granted during the period of your deferred action will be terminated for cause.

DACA 601 – TERMINATION NOTICE [AFTER NOIT]

On [Date], you were notified that it was the intent of USCIS to terminate your deferred action for childhood arrivals. In response to the Intent to Terminate, you [ISO should summarize the individual's response to the Intent to Terminate or indicate that the individual did not respond within the allotted time].

Your response does not overcome the grounds for termination. [If the individual's response does not overcome the reason for the termination as outlined in the Notice of Intent to Terminate, the ISO should explain why]. Therefore, your deferred action for childhood arrivals is terminated as of the date of this notice. In addition, your employment authorization is terminated for cause as of the date of this notice.

You must return your Employment Authorization Document (EAD) to USCIS immediately. Continued use of your EAD after authorization for employment has been terminated is considered fraudulent use of your EAD. Such fraudulent use of your EAD could result in a referral to law enforcement. Send a copy of this notice and your EAD to:

[Insert Service Center
Address]

Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. An appeal or motion to reopen/reconsider this decision may not be filed on behalf of the requestor.

DACA 602 – NOTICE OF ACTION [NTA ISSUANCE]

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States.

On [Date NTA served on alien], [U.S. Citizenship & Immigration Services (USCIS)/Immigration & Customs Enforcement (ICE)] issued you a Notice to Appear (NTA).

USCIS is notifying you that your deferred action as a childhood arrival and your employment authorization terminated automatically as of the date your NTA was issued. You must return your Employment Authorization Document (EAD) to USCIS immediately. Continued use of your EAD after authorization for employment has been terminated is considered fraudulent use of your EAD. Such fraudulent use of your EAD could result in a referral to law enforcement. Send a copy of this notice and your EAD to:

[Insert Service Center
Address]

Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. An appeal or motion to reopen/reconsider this notice of action may not be filed on behalf of the requestor.

DACA 603 – TERMINATION NOTICE [ENFORCEMENT PRIORITY; NOT AUTOMATICALLY TERMINATED]

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States.

USCIS has determined that exercising prosecutorial discretion in your case is not consistent with the Department of Homeland Security's enforcement priorities. Therefore, your deferred action for childhood arrivals is terminated as of the date of this notice. In addition, your employment authorization is terminated for cause as of the date of this notice.

You must return your Employment Authorization Document (EAD) to USCIS immediately. Continued use of your EAD after authorization for employment has been terminated is considered fraudulent use of your EAD. Such fraudulent use of your EAD could result in a referral to law enforcement. Send a copy of this notice and your EAD to:

[Insert Service Center
Address]

Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. An appeal or motion to reopen/reconsider this decision may not be filed on behalf of the requestor.

DACA 604 – NOTICE OF ACTION [TRAVEL OUTSIDE U.S. WITHOUT ADVANCE PAROLE]

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States.

DHS records show on [Date the DACA recipient departed the U.S.] you departed the United States without advance parole. Travel outside the United States without first receiving advance parole results in automatic termination of deferred action.

USCIS is notifying you that your deferred action as a childhood arrival and your employment authorization terminated automatically as of the date of your departure from the United States. You must return your Employment Authorization Document (EAD) to USCIS immediately. Continued use of your EAD after authorization for employment has been terminated is considered fraudulent use of your EAD. Such fraudulent use of your EAD could result in a referral to law enforcement. Send a copy of this notice and your EAD to:

[Insert Service Center
Address]

Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. An appeal or motion to reopen/reconsider this notice of action may not be filed on behalf of the requestor.

DACA 605 - NOTICE OF TERMINATION [USCIS ERROR DACA PREVIOUSLY TERMINATED] – BOTH INITIAL AND RENEWAL DACA

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States.

USCIS records show that your previous request for DACA was terminated on [Date]. Therefore, you do not warrant a favorable exercise of prosecutorial discretion and your deferred action for childhood arrivals is terminated as of the date of this notice. In addition, your employment authorization is terminated for cause as of the date of this notice.

You must return your Employment Authorization Document (EAD) to USCIS immediately. Continued use of your EAD after authorization for employment has been

terminated is considered fraudulent use of your EAD. Such fraudulent use of your EAD could result in a referral to law enforcement. Send a copy of this notice and your EAD to:

[Insert Service Center
Address]

Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. An appeal or motion to reopen/reconsider this decision may not be filed on behalf of the requestor.

DACA 606 - NOTICE OF REAFFIRMATION AFTER NOIT – BOTH INITIAL AND RENEWAL DACA

On [Insert date I-821D was approved], USCIS approved your Form I-821D deferring action until [insert DACA expiration date]. On [Insert date that NOIT was sent], USCIS sent you a Notice of Intent to Terminate your approved deferred action for childhood arrivals.

In response to the Notice of Intent to Terminate, you provided [Insert summary of evidence submitted in response to NOIT and why it overcomes the grounds for termination]. Based on the information provided, USCIS has determined not to terminate your deferred action.

USCIS' previous decision to defer removal action will remain in effect until [Insert DACA expiration date], as indicated on your Notice of Action, Form I-797 issued [insert date]. Your employment authorization will also remain valid until [Insert DACA expiration date, but if the I-765 was denied, then delete this sentence].

Operational Guidance as of July 18, 2014

NOID for DACA	Local OCC Review Required	SCOPS Review Required	HQOCC Review Required
Appendix E (NOID Templates)	No.	No. Will implement QA Review.	No.
*Appendix E combined with Appendix D (RFE Templates)	No.	No. Will implement QA Review.	No.
<p>*Note: When an Appendix E NOID is combined with language in Appendix D and it creates a complicated NOID decision, Centers should issue the NOID decision without the Appendix D language. Once the response to the NOID is received and if the reason for the intended denial is overcome, Centers may issue an RFE with the Appendix D call-ups to establish whether the requestor satisfies the guidelines.</p>			
Not Under 31 on 6/15/12	No.	Whenever the Center encounters a novel, complex, or sensitive case.	No.
Insufficient CR Since 6/15/07	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Not Physically Present on 6/15/12	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
IN Status on 6/15/12	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Education	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Criminal	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Juvenile Delinquency	Yes.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Public Safety & National Security	Yes.	Yes.	Yes.
Fraud Concerns	Yes.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Favorable Exercise of Prosecutorial Discretion Not Warranted	Yes.	Yes.	Yes.
All Other NOIDs Not Categorized Above	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.



View

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Title	Visiting Relatives
Question	Can a request for Advance Parole be approved based solely on wanting to visit a family member?
Answer	<p>Requests for Advance Parole based solely on wanting to visit a family member <i>without some other extenuating circumstance</i> such as illness or for a funeral is not a valid reason to approve the application. In such cases, please take the following action:</p> <ol style="list-style-type: none"> 1.) If no RFE has been issued, please do so; 2.) If you have already issued an RFE and the response does not include evidence that the applicant meets one of the criteria for the DACA Advance Parole (i.e. business/employment, education or humanitarian), then deny the application.
Associated Form	I-131
DACA Category	Advance Parole
Sub-Category	Humanitarian

Created at 3/21/2013 3:39 PM by Mumper, Matthew P

Last modified at 6/25/2018 3:40 PM by Smith, Alice J

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**U.S. Citizenship
and Immigration
Services**

Consideration of Advance Parole for Recipients of Deferred Action for Childhood Arrivals (DACA)

April 2016



**U.S. Citizenship
and Immigration
Services**

Objectives

To obtain an understanding of:

- The background and authority for deferred action under the DACA process
- The background and authority for advance parole
- The three purposes of travel under which DACA recipients may be considered for advance parole
- Form I-131 processing and related validity periods of travel
- Form I-512L - Authorization for Parole of an Alien into the United States



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Authority for Deferred Action

- Under INA 103, the Secretary has the authority to administer the immigration laws.
 - This includes the authority to exercise discretion in deciding when and how to remove certain individuals from the United States.
- There are no specific deferred action provisions in the statute or the regulations.
 - Deferred action is **not** a benefit and does **not** *confer* any immigration status.
 - Deferred action does **not** *lead* to any immigration status.
 - Deferred action is simply a discretionary determination to provide temporary relief from removal from the country or from being placed in removal proceedings for a specified period of time. The decision to pursue removal *may be* revisited at any point in the future.



Authority and Intent for DACA

- On June 15, 2012, former Secretary Napolitano issued a memorandum to USCIS, ICE and CBP describing the guidelines for exercising prosecutorial discretion in cases involving certain young people who arrived in the United States as children.
- The intent behind the Secretary's memorandum was to ensure that enforcement resources are not expended on low priority cases.
- There is a basic understanding that individuals brought to the United States as young children lacked the intent to violate the law.



Advance Parole Defined

- Parole is the authorization to allow an otherwise inadmissible individual to enter the United States under certain safeguards and controls. Parole is not an admission.
- Parole is granted on a case-by-case basis for urgent, humanitarian reasons or significant public benefit.
- Advance parole is generally granted prior to an individual's departure from the United States to authorize temporary parole upon return to the United States following a brief absence.
- The legal authority for parole may be found under Section 212(d)(5)(A) of the INA.



Advance Parole Under DACA

- In accordance with the discretionary authority provided under Section 212(d)(5)(A) of the INA, DACA recipients may be granted advance parole if their travel is in the furtherance of humanitarian, educational or employment purposes.
- The advance parole request **must** contain evidence to support the purpose of the travel.
- USCIS will determine whether the purpose for international travel is justifiable based on the circumstances described in the request.
- All advance parole requests will be considered on a case-by-case basis.



Advance Parole Under DACA (cont.)

- DACA recipients must apply for advance parole by filing a Form I-131, Application for Travel Document, and paying the appropriate filing fee (\$360).
- A DACA recipient may file an advance parole request with a copy of the I-797 approval notice deferring removal under DACA.
- If U.S. Immigration and Customs Enforcement (ICE) deferred the removal under DACA, a copy of the ICE deferral is required.
 - **NOTE:** ICE grants of DACA took place between 06/15/12 – 08/15/12. All ICE grants from this time have now expired; however, ICE still retains the authority to grant regular deferred action.



Advance Parole Under DACA (cont.)

- DACA requestors may not apply for advance parole unless and until USCIS defers action in their case.
- A DACA recipient may not concurrently file Form I-131 for advance parole with their initial DACA request.



Consideration of Advance Parole under DACA

- Generally, USCIS will only grant advance parole if the travel abroad will be in furtherance of:
 - **(a)** Humanitarian purposes
 - **(b)** Educational purposes,
 - **(c)** Employment purposes
- **NOTE:** Travel for vacation is **not** a valid purpose.



Humanitarian Purposes

- DACA recipients requesting advance parole for humanitarian purposes must demonstrate that the travel is for emergent, compelling or sympathetic circumstances.
- Examples include, but are not limited to, travel to obtain medical treatment, attend funeral services for a family member, or visiting an ailing relative.
- The travel should be for personal medical reasons or tied to the **recent** death or **serious and/or terminal** illness of a relative.



Humanitarian Purposes, (cont.)

- The following are **not** considered valid reasons for humanitarian advance parole under the DACA process:
 - Travel to attend a social gathering for a family member or friend (e.g. wedding, baptism, family reunion, etc.).
 - Travel to visit the burial site of a relative who deceased years ago (e.g. not tied to a **recent** funeral or death).
 - Religious missions, volunteer work, social work, etc. to help others abroad
 - Please note that while travel for this purpose is not acceptable on humanitarian grounds, **it may be acceptable if it is tied directly to the DACA recipient's current education or employment .**



Educational Purposes

- The travel must be associated with an educational institution the DACA recipient is currently attending
- Examples include, but are not limited to, semester abroad programs and academic research abroad
- The travel **must** be tied to a **U.S. educational institution.**



Employment Purposes

- The travel must be associated with a DACA recipient's current employer
- Examples include, but are not limited to, overseas assignments, interviews, conferences, training, and meetings with clients overseas;
- The travel **must** be tied to employment **in the U.S.**



Initial Evidence

- In order to be considered for Advance Parole, the DACA recipient should provide evidence to indicate that they have been granted deferred action under DACA (e.g. I-797 approval notice).
- The DACA recipient must provide evidence supporting the purpose of their travel outside of the United States.
- A DACA recipient can provide the following examples of acceptable evidence, including but not limited to:



Initial Evidence (cont.)

Travel for Humanitarian Purposes:

- **(a)** A letter from a medical professional explaining why the travel is medically necessary, or
- **(b)** Official medical documentation of a family member's **recent** serious/terminal illness or death.



Initial Evidence (cont.)

Travel for Education:

- **(a)** A letter from the educational institution describing why travel is required or beneficial; or
- **(b)** A letter from an employee of the educational institution acting in an official capacity describing the purpose of the travel; or
- **(c)** A document showing enrollment in an educational program requiring travel.



Initial Evidence (cont.)

Travel for Employment:

- **(a)** A letter from the employer describing the need for the travel; or
- **(b)** A document showing the specific need and the DACA recipient's participation, such as a business conference, program or job interview.



Biometrics

- **ALL** DACA requestors are required to complete biometrics processing at an ASC.
- DACA recipients do not need to appear at an ASC for Form I-131 processing.
- Biometrics may be cloned from the DACA package (related Form I-765).



Cloning

- Photos are required to produce a Form I-512L travel document.
- Photos can be cloned using CPMS.
- The contractor will clone biometrics from the Form I-765 to the Form I-512L travel document.



Effect of Travel

- Travel outside the United States while the DACA request is pending:
 - The requestor abandons the DACA request, deny the I-131 for abandonment.
- Travel outside the United States after removal has been deferred under DACA, but without advance parole:
 - Deferred action under DACA is terminated automatically, deny the I-131 as there is no longer an underlying basis to request travel.



Effect of Travel (cont.)

- Issuance of an Advance Parole Document does not guarantee that DHS will parole the recipient into the United States upon return.
- DHS will make a separate decision about whether to parole a recipient each time the Advance Parole Document is used to return to the U.S.
- If, upon return, a recipient is paroled into the U.S., the recipient remains an applicant for admission.
- If a recipient obtains an Advance Parole Document in connection with a DACA request, the recipient's deferral of removal will continue to remain in effect during the validity period of the DACA grant.



Effect of Travel (cont.)

- DHS may revoke or terminate an advance parole document or actual parole, under 8 CFR 212.5.
- If a recipient is in the U.S. when DHS revokes or terminates parole, the recipient will return to the status of an unparoled applicant for admission, and may be subject to removal under INA section 212, rather than INA section 237.
- If a recipient is outside the U.S., revocation or termination of the advance parole document may cause the recipient to be unable to return to the United States unless the recipient has a valid visa or other document that permits the recipient to travel to the U.S. and seek admission.



Initial Review

- Determine which box is checked on the Form I-131 indicating the request type. For travel under DACA, only box 1.d. in Part 2 should be checked.
- Signature
 - The request must be signed by:
 - The recipient,
 - If the recipient is under the age of 14 his/her parent or guardian may sign in their behalf and,
 - Any individual preparing the form for the recipient.
- Photos are required to produce the Form I-512L travel document. Photos can be cloned using local systems. (e.g. CPMS)



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Initial Review (cont.)

- Verify that the individual has an approved Form I-821D. The status of this form can be checked in either National or Local CLAIMS systems.

IMPORTANT: If the individual is located outside the U.S., Advance Parole cannot be approved.

All Form I-131 applicants are to include:

1. A copy of the I-797 receipt indicating deferred action under DACA.
2. A copy of an official photo identity document showing name and date of birth. The copy is to clearly show the identity. Form I-94, Arrival/Departure Document, is not acceptable as a photo identity document.



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Initial Review (cont.)

3. An explanation or other evidence to support the issuance of an advance parole travel document. (e.g. humanitarian, educational or employment purposes).
 - For humanitarian purposes, a complete description of the emergent reason(s) for travel should be included which explains why travel should be authorized.



Initial Review (cont.)

4. **IMPORTANT**: Forward Advance Parole requests indicating criminal issues to BCU.

If the record reveals new derogatory information since the approval of the previous DACA request, the concern should be fully vetted by the BCU prior to a decision on the Form I-131.

If national security or public safety concerns are identified that warrant a discretionary denial, a Request for Guidance (RAG) should be sent to HQ SCOPS following standard procedures via the RAG process.



Request for Additional Evidence

- If during initial review the DACA recipient did not submit items 1 through 3, issue an RFE using the DACA specific templates.



Approvals and Denials

- For approvals, follow normal adjudication procedures; indicate on Form I-131 whether approval is for single or multiple entries and enter the appropriate validity dates of travel.
- Officers may prepare a denial using the specific DACA denial templates if:
 - There is no evidence of an approved Form I-821D
 - No response was received to an RFE or NOID
 - A request for withdrawal was submitted
 - Evidence provided does not warrant issuance of a travel document



Validity Dates

- Indicate on the form whether travel is authorized for single or multiple entries and enter the appropriate validity dates.
- The validity period will be tied solely to the stated purpose of the advance parole request, not to exceed the validity period of deferred action under DACA.
- For single entry, the authorization will accommodate the expected duration of the trip.
- For multiple entries, the validity period will be linked to the end date of the latest trip per USCIS discretion.



Validity Dates, (cont.)

- Choose the correct template (single or multiple entry) when updating system.
- For further questions, please consult www.uscis.gov for the most current information on DACA-related advance parole.



Revised Travel Document for DACA Recipients

- The standard travel document is known as Form I-512L – Authorization for Parole of an Alien into the United States.
- USCIS has created a separate travel document to distinguish DACA recipients traveling under a grant of advance parole
- This version of Form I-512L contains specific DACA language not found within the standard Form I-512L.



Revised Travel Document for DACA Recipients

- USCIS recently made several revisions to the Form I-512L template to include:
 - Reformatting to assist CBP Officers in identifying DACA recipients traveling under a grant of AP and emphasizing the appropriate period of parole (**one day**) upon reentry to the U.S.
 - New language to clarify that travel must occur within authorized validity period of travel or DACA will terminate automatically.
- The new Form I-512L template has been cleared by DHS and is expected to be implemented within USCIS systems by June of 2016.
- An example is provided on the next slide.



Revised Travel Document for DACA Recipients

- *New Language:*
 - **TO RECIPIENT:** This document authorizes a single departure from the United States on or after [XXX], and a related return on or before [XXX]. Warning: Your travel must be within this authorized period. Departing before or returning after this period may result in termination of DACA. Note: The date you receive this notice (or the date it is issued) does not begin the authorized travel period.
-

- Parole Period is valid until: **ONE DAY**
- Parole Period is: **DACA**
- Parole authorization is valid for: **ONE ENTRY/MULTIPLE ENTRIES**



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Form I-512L

- **TRAVEL AUTHORIZATION:** Presentation of the original of this document authorizes a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act (INA) for bringing an alien who does not have a visa.



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Form I-512L (cont.)

PAROLE: The named bearer of this authorization is an individual whose removal has been deferred under the Secretary of Homeland Security's June 15, 2012, memorandum authorizing Deferred Action for Childhood Arrivals (DACA). The named bearer departed the United States temporarily and intends to return to the United States. Presentation of the original of this document allows a Customs and Border Protection (CBP) Inspector at a point-of-entry to parole the named bearer, whose photograph appears on this authorization, into the United States based on the parole authority contained in INA 212(d)(5)(A).



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Form I-512L (cont.)

NOTICE-READ BEFORE YOU TRAVEL ABROAD

- **Parole is not admission into the United States.** Parole is not admission into the United States. Presentation of this authorization will allow a CBP Inspector at a port-of-entry to parole you into the United States. If CBP paroles you into the United States, your case will generally continue to be deferred. The deferral will continue until the date specified by USCIS or Immigration and Customs Enforcement (ICE) in your deferral notice or until the decision to defer removal action in your case has been terminated, whichever is earlier. Parole is not an "admission," so even while you are paroled you will remain an "applicant for admission." If you are found inadmissible, you will need to apply and qualify for a waiver of inadmissibility. If your waiver application is denied, you may be subject to removal proceedings as an inadmissible alien under 235(b)(1) or 240 of the Act.



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Form I-512L (cont.)

- **Parole into the United States is not guaranteed.** In all cases, you are still subject to immigration inspection at a port-of-entry to determine whether you are eligible to come into the United States via the terms of this document. Even if you have previously been granted parole, the Department of Homeland Security retains discretion to deny you parole if the Department determines approving your parole application would not serve the public interest of the United States.



U.S. Citizenship
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Form I-512L (cont.)

- **DHS can revoke or terminate your advance parole document.** If you are outside the United States when you are notified that DHS has revoked or terminated your advance parole document, the revocation or termination of your advance parole document may leave you unable to return to the United States unless you have a valid visa or other document that permits you to travel to the United States and seek admission.
- **DHS can also revoke or terminate your parole under 8 CFR 212.5.** If you are in the United States when DHS revokes or terminates your parole, you will return to the status of an unparoled applicant for admission, and you may be subject to removal under INA section 212, rather than INS section 237.



Form I-512L (cont.)

- **Travel Warning**
- Leaving the United States, even with your advance parole document, does not guarantee that you will be paroled into the United States. CBP has discretion to deny a request for parole. Traveling outside the authorization period indicated above may result in termination of DACA.
- If you have been ordered deported or removed, departing from the United States without having had your exclusion, deportation, or removal proceedings reopened and administratively closed or terminated will result in your being considered excluded, deported or removed, with potentially serious future immigration consequences, even if USCIS or ICE has deferred action in your case.



Form I-512L (cont.)

- **Travel Warning (cont.)**
- If you have been unlawfully present in the United States, you may want to ask an immigration attorney or a representative at an immigrant assistance organization accredited by the Board of Immigration Appeals (BIA), whether leaving the United States would make you inadmissible and therefore ineligible for adjustment of status. Under section 212(a)(9)(B)(i) of the Act, aliens who depart the United States after being unlawfully present in the United States for certain periods may become subject to new or additional grounds of inadmissibility because of their travel abroad.



Form I-512L (cont.)

Additional Travel Warnings in DACA FAQs

- **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.



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Form I-512L (cont.)

Additional Travel Warnings in DACA FAQs, cont.

- **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.



U.S. Citizenship
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Form I-512L (cont.)

- **Inadmissibility in general:** If you have concerns about admissibility and waivers you should contact an immigration attorney or an immigrant assistance organization accredited by the BIA before making foreign travel plans.
- **NOTE:** USCIS does not grant advance parole to individuals with final removal orders or individuals in removal proceedings; however, as DACA is a discretionary process these grounds are not prohibitive and consideration of advance parole for DACA recipients is reviewed on a case-by-case basis.



Advance Parole Issuance

- The travel document may be mailed to the DACA recipient or their attorney/representative at an address in the United States.
- The travel document will not be mailed to an APO/FPO address or any other overseas address.



Expedites

- There is no expedited processing of DACA-related advance parole requests at USCIS Service Centers.
- As a general matter of course, expedite requests will not be granted, because USCIS will make every effort to process the advance parole request quickly.
- In a dire emergency, and if properly documented, individuals may appear at a local USCIS field office to request expedited advance parole for humanitarian purposes



Expedites (cont.)

- Field offices have the option of processing the advance parole request locally if they deem the need for an expedite to be compelling.
 - If an I-131 is already pending with a Service Center, after their adjudication, the application and supporting documents are sent from the Field Office to the Service Center for back-end updating.
 - If there is not a pending I-131 with a Service Center, the documents are sent to NBC for back-end updating.



ROP Order

Left Side of File

- G-28 (if applicable)
- Denial (if applicable)
- I-131 (3 pages)
- Initial Evidence
 - Evidence of DACA (I-797)
 - Copy of EAD and/or other identification
 - Evidence detailing reasons for travel
- RFE (if applicable)
- Evidence received in response to RFE

Right Side of File

- ROIT and TECS resolution memo (if applicable)
- 9101 Screen from CIS
- Evidence from National Claims that I-821 is approved (if applicant does not provide copy of I-797C)
 - CLAIMS
 - Search by A-number
 - Find I-821D and print the data page that shows approval notice sent.
 - 9213 Screen from CIS



Additional Notes

- If the individual does not send a photo, check GUI adjudications and/or BBSS to find a photo. Annotate near the action block where the photo was found so the contractor can clone the image to the Form I-512L.
- In the upper left corner of Form I-131, you must annotate:
 - Single or Multiple entry advance parole
 - Valid to: Specific dates travel is authorized.
 - Typically will be the date(s) requested plus two 2 weeks.
 - If departure date is imminent (or past) use discretion when determining dates of travel. Please consult a SISO or ISO3 for questions.



Additional Notes (cont.)

- If the individual requests travel for a single trip, travel should only be authorized for the purpose of the trip. If the individual requests multiple trips on page 3 of the same Form I-131, change to “One Trip”.
- Most approvals will be for one trip regardless of what is requested.
- Individuals must provide independent evidence of the reason for travel (e.g. medical documentation, letter from employer, letter from school official, etc.).



About this Presentation

- Author: USCIS, Service Center Operations Directorate
- Date of last revision: April 2016
- This presentation is valid only as of the date of the last revision.
- This presentation contains no sensitive Personally Identifiable Information (PII).



Disclaimer

- This presentation is intended solely to provide training and guidance to USCIS personnel in performing their duties relative to the adjudication of immigration benefits. It is not intended to, does not, and may not be relied upon to create or confer any right(s) or benefit(s), substantive or procedural, enforceable at law by any individual or other party in benefit applications before USCIS, in removal proceedings, in litigation with the United States, or in any other form or manner. This presentation does not have the force of law, or of a DHS directive.



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- This presentation may not be reproduced or further disseminated without the express written consent of Service Center Operations.
- Please contact Service Center Operations for additional information.



U.S. Citizenship
and Immigration
Services

Family Name/Given Name/Middle Initial THOMAS, MICHAEL	A-Number A999999999	Date of Birth (Month/Day/Year) 09/09/2009	Receipt Number LIN1410050031
--	------------------------	--	---------------------------------

TRAVEL AUTHORIZATION: Presentation of the original of this document authorizes a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act (INA) for bringing an alien who does not have a visa.

TO RECIPIENT: This document authorizes multiple departures from the United States on or after 12/10/2014, and related returns on or before 12/24/2014. **Warning: Your travel must be within this authorized period. Departing before or returning after this period may result in termination of DACA. Note: The date you receive this notice (or the date it is issued) does not begin the authorized travel period.**

MICHAEL THOMAS
ANYWHERE
WASHINGTON DC 20001

Country of Birth
MEXICO

FOR CBP USE ONLY

The named bearer of this authorization is an individual whose removal has been deferred under the Secretary of Homeland Security's June 15, 2012, memorandum authorizing Deferred Action for Childhood Arrivals (DACA).

Parole period is valid until: **ONE DAY** Parole purpose is: **DACA** Parole authorization is valid for: **MULTIPLE ENTRIES**

The named bearer departed the United States temporarily and intends to return to the United States. Presentation of the original of this document allows a Customs and Border Protection (CBP) Inspector at a port-of-entry to parole the named bearer, whose photograph appears on this authorization, into the United States based on the parole authority contained in INA 212(d)(5)(A).

WARNINGS

NOTICE - READ BEFORE YOU TRAVEL ABROAD

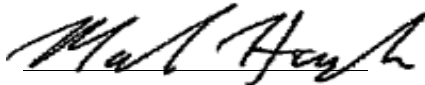
Parole is not admission into the United States. Presentation of this authorization will allow a CBP Inspector at a port-of-entry to parole you into the United States. If CBP paroles you into the United States, your case will generally continue to be deferred. The deferral will continue until the date specified by USCIS or Immigration and Customs Enforcement (ICE) in your deferral notice or until the decision to defer removal action in your case has been terminated, whichever is earlier. Parole is not an "admission," so even while you are paroled you will remain an "applicant for admission." If you are found inadmissible, you will need to apply and qualify for a waiver of inadmissibility. If your waiver application is denied, you may be subject to removal proceedings as an inadmissible alien under 235(b)(1) or 240 of the Act. **Parole into the United States is not guaranteed.** In all cases, you are still subject to immigration inspection at a port-of-entry to determine whether you are eligible to come into the United States via the terms of this document. Even if you have previously been granted parole, the Department of Homeland Security retains discretion to deny you parole if the Department determines approving your parole application would not serve the public interest of the United States.

DHS can revoke or terminate your advance parole document at any time. If you are outside the United States when you are notified that DHS has revoked or terminated your advanced parole document, the revocation or termination of your advance parole document may leave you unable to return to the United States unless you have a valid visa or other document that permits you to travel to the United States and seek admission. If you are in the United States when DHS revokes or terminates your parole, you will return to the status of an unparoled applicant for admission, and you may be subject to removal under INA section 212, rather than INA section 237.

Travel Warnings: Leaving the United States, even with your advance parole document, does not guarantee that you will be paroled into the United States. CBP has discretion to deny a request for parole. Traveling outside the authorization period indicated above may result in termination of DACA.

If you have been ordered deported or removed, departing from the United States without having had your exclusion, deportation, or removal proceedings reopened and administratively closed or terminated will result in your being considered excluded, deported or removed, with potentially serious future immigration consequences, even if USCIS or ICE has deferred action in your case. If you have been unlawfully present in the United States, you may want to ask an immigration attorney or a representative at an immigrant assistance organization accredited by the Board of Immigration Appeals (BIA), whether leaving the United States would make you inadmissible and therefore ineligible for adjustment of status. Under section 212(a)(9)(B)(i) of the Act, aliens who depart the United States after being unlawfully present in the United States for certain periods may become subject to new or additional grounds of inadmissibility because of their travel abroad.

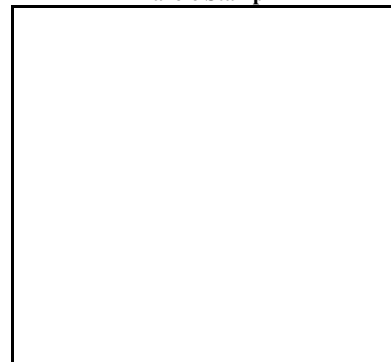
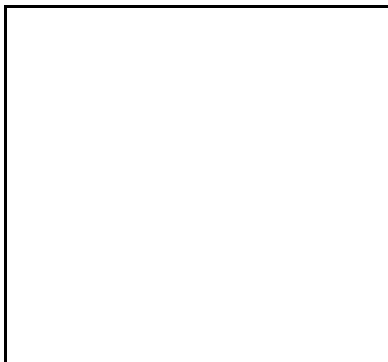
Inadmissibility in general. If you have concerns about admissibility and waivers you should contact an immigration attorney or an immigrant assistance organization accredited by the BIA before making foreign travel plans.



Mark Hazuda

Nebraska Service Center
850 S. Street
Lincoln, NE 68508

(Authorizing Office)
Parole Stamp



Family Name/Given Name/Middle Initial THOMAS, MICHAEL	A-Number A999999999	Date of Birth (Month/Day/Year) 09/09/2009	Receipt Number LIN1410050031
--	------------------------	--	---------------------------------

TRAVEL AUTHORIZATION: Presentation of the original of this document authorizes a transportation line to accept the named bearer on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act (INA) for bringing an alien who does not have a visa.

TO RECIPIENT: This document authorizes a single departure from the United States on or after 12/10/2014, and a related return on or before 12/24/2014. **Warning:** Your travel must be within this authorized period. Departing before or returning after this period may result in termination of DACA. **Note:** The date you receive this notice (or the date it is issued) does not begin the authorized travel period.

MICHAEL THOMAS
ANYWHERE
WASHINGTON DC 20001

Country of Birth
MEXICO

FOR CBP USE ONLY

The named bearer of this authorization is an individual whose removal has been deferred under the Secretary of Homeland Security's June 15, 2012, memorandum authorizing Deferred Action for Childhood Arrivals (DACA).

Parole period is valid until: **ONE DAY** Parole purpose is: **DACA** Parole authorization is valid for: **ONE ENTRY**

The named bearer departed the United States temporarily and intends to return to the United States. Presentation of the original of this document allows a Customs and Border Protection (CBP) Inspector at a port-of-entry to parole the named bearer, whose photograph appears on this authorization, into the United States based on the parole authority contained in INA 212(d)(5)(A).

WARNINGS

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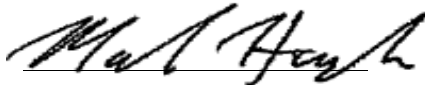
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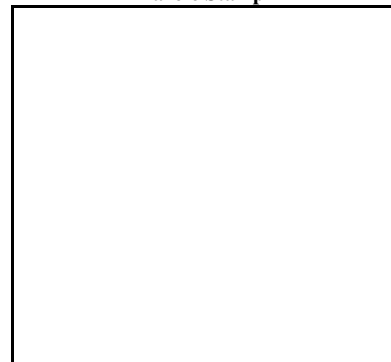
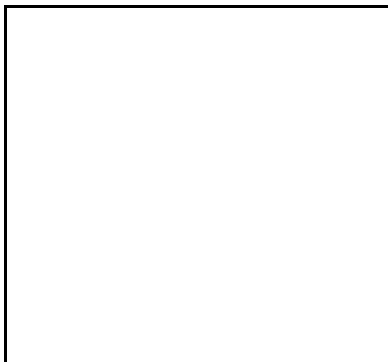
Inadmissibility in general. If you have concerns about admissibility and waivers you should contact an immigration attorney or an immigrant assistance organization accredited by the BIA before making foreign travel plans.



Mark Hazuda

Nebraska Service Center
850 S. Street
Lincoln, NE 68508

(Authorizing Office)
Parole Stamp



IMPORTANT: This document contains information that is no longer current but remains on our site for reference purposes.

- 2** Program Overview
- 4** DACA “How Do I” Guide
- 7** Initial vs Renewal DACA Tip Sheet
- 8** Frequently Asked Questions by Topic
 - 8 *What is DACA?*
 - 9 *DACA Process*
 - 12 *Background Checks*
 - 13 *After USCIS Makes a Decision*
 - 14 *Initial Requests for DACA*
 - 20 *Renewal of DACA*
 - 21 *Travel*
 - 23 *Criminal Convictions*
 - 25 *Miscellaneous*
- 27** DACA Process Infographic Flyer
- 28** Avoid Immigration Scams Flyer
- 29** List of Federal Government resources pertaining to DACA

PROGRAM OVERVIEW

Background

- USCIS began accepting requests under the Deferred Action for Childhood Arrivals (DACA) program on August 15, 2012. The DACA process was created by the Secretary of Homeland Security to offer relief from removal (in 2-year increments) for undocumented immigrants who came to the United States as children and who met several key criteria. DACA is an exercise of prosecutorial discretion and does not provide lawful status.
- The first USCIS-approved DACA grants were issued in September 2012. The initial 2-year duration will begin to expire for certain individuals in September 2014. Those individuals will be able to request consideration for renewal of DACA for a 2-year period.
- Some individuals were granted DACA by U.S. Immigration and Customs Enforcement (ICE) between June 15, 2012, and August 15, 2012. In February 2014, USCIS provided guidance to these individuals on the process they should follow to request DACA renewals.
- USCIS has updated Form I-821D [dated 6/4/14] to allow individuals to request a 2-year renewal of DACA. The initial 2-year duration expired for certain individuals in September 2014. Those individuals were able to request consideration for renewal of DACA.
- Individuals who have not yet requested consideration for DACA must also use the new Form I-821D.
- In addition to the new Form I-821D, all individuals must also submit a Form I-765, Application for Employment Authorization (along with the accompanying fees for that form), and a Form I-765WS, Worksheet, when requesting either initial DACA or renewal of DACA.
- Individuals who allow their initial 2-year period of DACA to expire and do not seek renewal will no longer be considered to be lawfully present for inadmissibility purposes and will no longer be authorized to work legally in the United States. To ensure that their deferred action does not lapse, USCIS recommends that current DACA recipients submit Forms I-821D, I-765, and I-765 Worksheet approximately 120 days (4 months) before their 2-year period of deferred action expires. However, USCIS may reject DACA requests received earlier than 150 days (5 months) before an individual's 2-year period of deferred action expires.
- For more information on requesting DACA, please visit our Web site at www.uscis.gov/childhoodarrivals or call our National Customer Service Center at (800) 375-5283.

Renewal DACA Requests

- An individual may be considered for renewal of DACA if he or she met the guidelines for initial DACA and he or she:
 - Did not depart the United States on or after June 15, 2007, without advance parole;
 - Has continuously resided in the United States since he or she submitted his or her most recent DACA request that was approved up until the present time; and
 - 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.
- Requests for renewal should be submitted to USCIS no less than 120 days, and no more than 150 days prior to the expiration of the current period of deferred action.

Initial DACA Requests

- USCIS will also continue to accept initial requests for DACA. An individual may be considered for initial DACA if he or she:
 - Was under the age of 31 as of June 15, 2012;
 - Came to the United States before reaching his or her 16th birthday;
 - Has continuously resided in the United States since June 15, 2007, up to the present time;
 - Was physically 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;
 - Had no lawful status on June 15, 2012.

NOTE:

No lawful status on June 15, 2012, means 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.
- Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a General Education Development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or U.S. Armed Forces; and
 - Has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety;
- Individuals who were younger than 15 when DACA was first announced and are not in removal proceedings or have a final order may request DACA from USCIS any time after they have reached their 15th birthday. Individuals who are in removal proceedings or who have a final order may request DACA from USCIS even if they are younger than 15 at the time of filing.

Consideration of DACA

- USCIS has updated Form I-821D [dated 6/4/14] to allow individuals to request renewal of DACA for an additional 2-year period. Previous versions of the form will not be accepted after June 5, 2014.
- There will be no grace period for individuals to submit a previous version of Form I-821D to request a renewal of their deferred action.
- There is no fee for Form I-821D. The fee for Form I-765 and the required biometrics is \$465.

Avoiding Immigration Scams

- Please be aware of immigration scams. Unauthorized practitioners of immigration law may try to take advantage of individuals by charging them money to obtain or submit forms related to DACA or communicate with USCIS on their behalf. Visit www.uscis.gov/avoidscams or www.uscis.gov/eviteestafas for tips on how to find authorized legal assistance and how to recognize and avoid immigration services scams.
- Protect yourself from immigration scams. Official U.S. Government Web sites should be your main source of information on DACA and immigration services. Go to www.uscis.gov to learn more.
- If you need legal immigration advice, be sure to use an authorized professional. This means an attorney in good standing or a Board of Immigration Appeals (BIA) accredited representative. Check the BIA Web site for a list of attorneys who provide immigration services for low to no cost and for a list of disciplined attorneys. You can also check the American Bar Association or your State bar association for legal services in your State.
- If you are a victim of an immigration scam, report it to the Federal Trade Commission at www.ftc.gov/complaint or www.ftc.gov/queja or by calling (877) FTC-HELP ((877) 372-4357).



General information

F5

How do I request consideration of deferred action for childhood arrivals (DACA)?



U.S. Citizenship
and Immigration
Services

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 2 years, subject to renewal. Those granted deferred action are also eligible for work authorization.

Only individuals who can prove 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 guidelines in the Secretary's memorandum.

How do I know if I may request consideration of deferred action for childhood arrivals?

You may request consideration 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 with USCIS;
5. Had no lawful status on June 15, 2012, which means that:
 - You never had a lawful immigration status on or before June 15, 2012; or
 - Any lawful 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 Education Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or U.S. Armed Forces; and
7. Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

How do I request consideration of deferred action for childhood arrivals?

You must submit **Form I-821D, Consideration of Deferred Action for Childhood Arrivals**. This form must be completed, properly signed, and accompanied by a **Form I-765, Application for Employment Authorization**, and a **Form I-765WS, Form I-765 Worksheet**. Failure to submit a completed Form I-765, accompanied by the correct fees, will disqualify you from consideration for deferred action. While there is no filing fee for Form I-821D, you must submit the \$380 filing fee and \$85 biometric services fee for Form I-765, for a total fee of \$465. Please read the form instructions to ensure that you submit all the required documentation to support your request. See www.uscis.gov/I-821D and www.uscis.gov/I-765 for complete filing instructions. See www.uscis.gov/childhood-arrivals for additional information on the deferred action for childhood arrivals process.

Please Note: Once you receive a receipt confirming that your request is properly filed, you will be sent an appointment notice to visit an Application Support Center for biometric services (photograph and fingerprints). Please make sure you read and follow the directions in the notice. Failure to attend your biometrics appointment may delay processing or result in a denial of your request.

Where do I file my request for consideration of deferred action for childhood arrivals?

Requests for consideration of deferred action for childhood arrivals will be filed by mail to the USCIS Lockbox. Please visit www.uscis.gov/I-821D or contact the USCIS National Customer Service Center at **(800) 375-5283** for the most current information and instructions on where to mail your request.

What evidence should I submit with my initial request for consideration of deferred action for childhood arrivals?

For initial requests, the evidence should show that you meet the guidelines outlined above in "How do I know if I may request consideration of deferred action for childhood arrivals?" This includes evidence that you:

1. Were born after June 15, 1981;
2. Arrived in the United States before the age of 16;
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;
5. Had no lawful status on June 15, 2012;
6. Are currently in school, have graduated or received a certificate of completion from high school, obtained a General Educational Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or U.S. Armed Forces; and
7. Are at least 15 years of age at the time of filing if you have never been in removal proceedings or if your case was terminated before you submit your request for consideration of deferred action for childhood arrivals.

For information about specific documents that may satisfy these guidelines, please read the instructions to Form I-821D at www.uscis.gov/I-821D and the frequently asked questions at www.uscis.gov/childhoodarrivals.

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

Yes. This process is open to any individuals who can demonstrate that they meet the guidelines, 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). If you are not in immigration detention and want to affirmatively request consideration of deferred action, you must submit your request to USCIS. You do not need to be 15 years of age or older at the time of filing if you are in removal proceedings, have a final removal order, or have a voluntary departure order. All cases will be considered on an individual basis.

Submit a copy of the removal order or any document issued by the immigration judge or the final decision from the Board of Immigration Appeals, if available. This requirement applies only to people who have been in removal proceedings.

Do brief departures affect my ability to satisfy the continuous residence in the United States since June 15, 2007, guideline?

A brief, casual, and innocent absence from the United States will not interrupt your continuous residence. Any absence will be considered brief, casual, and innocent if it occurred before August 15, 2012, and was:

1. Short and reasonably calculated to accomplish the purpose for the absence;
2. Not because of an order of exclusion, deportation, or removal;
3. 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.

Any unauthorized travel outside of the United States on or after August 15, 2012, will interrupt your period of continuous residence and you will not be considered for deferred action under this process.

For information about specific documents that may show your absence was brief, casual, and innocent, please read the instructions at www.uscis.gov/I-821D and the frequently asked questions at www.uscis.gov/childhoodarrivals.

Will USCIS conduct a background check when reviewing my request for consideration of deferred action for childhood arrivals?

Yes. You must undergo background checks before USCIS will exercise prosecutorial discretion. You will not be considered for deferred action for childhood arrivals, unless there are exceptional circumstances, if you have been convicted of:

- Any felony;
- A significant misdemeanor offense;
- Three or more misdemeanor offenses (not occurring on the same date and not arising out of the same act, omission or scheme of misconduct); or
- You otherwise pose a threat to national security or public safety.

What happens after I submit my request for consideration of deferred action for childhood arrivals?

After receiving your Form I-821D, Form I-765, and Form I-765WS, USCIS will review them for completeness, including the required fees, initial evidence, and signatures. If the request is complete, USCIS will send you a receipt notice. USCIS will then send you a notice scheduling you to visit an Application Support Center for fingerprinting and photographing. You may 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](http://www.uscis.gov/Form-G-1145). Please see www.uscis.gov/Form-G-1145 for instructions.

Each request for consideration of deferred action for childhood arrivals will be reviewed on an individual, case-by-case basis. You will be notified of USCIS' determination in writing. USCIS may request more information or evidence, or may request that you appear at a USCIS office. There is no appeal or motion to reopen/reconsider the denial of a request for consideration of deferred action for childhood arrivals.

Can I renew the period for which removal action will be deferred in my case?

Yes. You may request consideration of renewal of your deferred action for childhood arrivals. Your request for a renewal will be considered on a case-by-case basis. If USCIS renews its exercise of discretion under deferred action for childhood arrivals for your case, you will receive deferred action for another 2 years, and if you demonstrate an economic necessity for employment you may receive employment authorization throughout that period.

How do I know if I may request a renewal of my deferred action for childhood arrivals?

You may request consideration of renewal of deferred action for childhood arrivals if you met the guidelines for initial deferred action for childhood arrivals (see above) and you:

- 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.

Requests for renewal should be submitted to USCIS around 120 days (but no more than 150 days) before the expiration of the current period of deferred action. To request renewal of your deferred action for childhood arrivals, submit Form I-821D, Form I-765, and Form I-765WS along with the \$380 filing fee for the Form I-765 and a \$85 biometric services fee, for a total of \$465.

You do not need to provide any additional documents at the time you request renewal of deferred action for childhood arrivals unless you have **new** documents related to removal proceedings or criminal history that you did not submit to USCIS in a previously approved deferred action for childhood arrivals request.

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

If your request for consideration of deferred action for childhood arrivals is denied, USCIS will apply its policy guidance governing the referral of cases to U.S. Immigration and Customs Enforcement (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 removal proceedings except in exceptional circumstances. For more detailed information, visit www.uscis.gov/nta.

Does this process result in lawful status for people who receive deferred action for childhood arrivals?

No. Deferred action under this process is only a discretionary determination to defer removal action. It is an act of prosecutorial discretion and does not provide you with a lawful status.

What protections are in place to protect the information I share in my request from being used for immigration enforcement purposes?

The information you provide in your request is protected from disclosure to U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless you meet the criteria for the issuance of a Notice to Appear or a referral to ICE under the criteria explained in USCIS' Notice to Appear guidance at www.uscis.gov/nta. Individuals whose cases are deferred under the consideration of deferred action for childhood arrivals process 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. These other purposes could include: for assistance in the consideration of deferred action for childhood arrivals, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. This information-sharing clause covers family members and guardians, in addition to the person requesting deferred action.

This policy may be modified, superseded, or rescinded at any time without notice. It 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.

Key Information

Key USCIS forms referenced in this guide	Form #
Consideration of Deferred Action for Childhood Arrivals	I-821D
Application for Employment Authorization	I-765
I-765 Worksheet	I-765WS
E-Notification of Application/Petition Acceptance	G-1145

Key USCIS Web sites referenced in this guide	Web site link
Information about Deferred Action for Childhood Arrivals process and frequently asked questions	www.uscis.gov/childhoodarrivals
Consideration of Deferred Action for Childhood Arrivals Form	www.uscis.gov/I-821D
Application for Employment Authorization	www.uscis.gov/I-765
E-Notification of Application/Petition Acceptance Form	www.uscis.gov/G-1145
USCIS Notice to Appear Policy	www.uscis.gov/NTA

Other U.S. Government Services-Click or Call	
General Information	www.usa.gov
New Immigrants	www.welcometoUSA.gov
U.S. Immigration & Customs Enforcement	www.ice.gov

For more copies of this guide, or information about other customer guides, please visit www.uscis.gov/howdoi.

You can also visit www.uscis.gov to download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library.




If you cannot find what you need, please call

Customer Service at: (800) 375-5283
TDD for hearing-impaired: (800) 767-1833.

Disclaimer: *This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our Web site. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency recognized by the Board of Immigration Appeals.*

Deferred Action for Childhood Arrivals (DACA) Tip Sheet

At a Glance: Initial vs. Renewal DACA Process

	Initial DACA	Renewal DACA
 <p>Guidelines</p>	<p>You may request consideration of initial DACA if you:</p> <ul style="list-style-type: none"> • Were under the age of 31 as of June 15, 2012; • Came to the United States before reaching your 16th birthday; • Have continuously resided in the United States since June 15, 2007, up to the present time; • 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; • Had no lawful immigration status on June 15, 2012; • Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate (or other State-authorized exam in the United States), or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and • 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. 	<p>You may request consideration of renewal DACA if you met the guidelines for initial DACA and you:</p> <ul style="list-style-type: none"> • Did not depart the United States on or after August 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.
 <p>How to Request</p>	<ul style="list-style-type: none"> • Complete and sign: <ul style="list-style-type: none"> <input type="checkbox"/> Form I-821D, Consideration of Deferred Action for Childhood Arrivals; <input type="checkbox"/> Form I-765, Application for Employment Authorization; and <input type="checkbox"/> Form I-765W, Worksheet. • Submit all three forms, the \$465 filing and biometrics fee and any required documentation to USCIS following the instructions on the forms. 	<ul style="list-style-type: none"> • Complete and sign: <ul style="list-style-type: none"> <input type="checkbox"/> Form I-821D, Consideration of Deferred Action for Childhood Arrivals; <input type="checkbox"/> Form I-765, Application for Employment Authorization; and <input type="checkbox"/> Form I-765W, Worksheet. <input type="checkbox"/> Submit all three forms and the \$465 filing and biometrics fee and any required documentation to USCIS following the instructions on the forms. <input type="checkbox"/> Do not provide any additional documents at the time you request renewal of DACA 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.
 <p>When to File</p>	<p>You can file a request for initial DACA at any time.</p>	<p>USCIS encourages you to submit your request for renewal approximately 120 days (or four months) prior to the expiration of your current period of deferred action. However, if you file your renewal request more than 150 days (or 5 months) 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.</p>



FREQUENTLY ASKED QUESTIONS

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 2 years, subject to renewal for a period of 2 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.

What is Deferred Action?

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.

What is DACA?

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 2 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.

Is there any difference between “deferred action” and DACA under this process?

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.

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

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.

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

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 United States.**

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.

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

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 2 years, and if you demonstrate an economic necessity for employment, you may receive employment authorization throughout that period.

DACA PROCESS

How do I request consideration of DACA?

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 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. 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 Web site at www.ice.gov/daca.

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

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 or 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 Statements, 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).

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?

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 (855) 448-6903 (staffed 24 hours a day, 7 days a week).

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

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).

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?

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.

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

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 Web site at www.ice.gov/daca.

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?

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 (855) 448-6903 (staffed 24 hours a day, 7 days a week).

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?

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

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?

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.

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?

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.

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?

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.

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)?

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.

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

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). 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.

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?

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.

Will USCIS verify documents or Statements that I provide in support of a request for DACA?

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.

BACKGROUND CHECKS

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

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

What do background checks involve?

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.

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

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.

AFTER USCIS MAKES A DECISION

Can I appeal USCIS' determination?

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 (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 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 **not yet** 31 years old as of that date;
- 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 (800) 375-5283 or (800) 767-1833 (TDD for the hearing impaired). Customer service officers are available Monday – Friday, 8 a.m. – 6 p.m., in each U.S. time zone.

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

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 a Notice 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. 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.

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

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.

INITIAL REQUESTS FOR DACA

What guidelines must I meet to be considered for deferred action for childhood arrivals (DACA)?

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.

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

- 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 cannot be the age of 31 or older as of June 15, 2012, to be considered for DACA.

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?

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.

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?

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 5-year continuous residence requirement.

Does “currently in school” refer to the date on which the request for consideration of deferred action is filed?

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.

Who is considered to be “currently in school” under the guidelines?

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 home-school program meeting 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.

These 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 nonprofit organizations. Programs funded by other sources may qualify if they are administered by providers of demonstrated effectiveness, such as institutions of higher education, including community colleges and certain community-based organizations.

In assessing whether such programs not funded in whole or in part by Federal, State, county, or municipal grants or administered by nonprofit 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.

How do I establish that I am currently in school?

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 meeting 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
 - The program is funded in whole or in part by Federal or State grants or is 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 are administered by nonprofit 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.

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

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, certificate of completion, certificate of attendance, or 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.

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)?

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.

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

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 are administered by nonprofit organizations, or, if funded by other sources, programs of demonstrated effectiveness.

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

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 nonprofit 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 nonprofit organization, or of demonstrated effectiveness.

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

NO. Evidence not listed in Chart #1 on the following page 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.

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

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 guidelines. 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: on the next page, 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

<p>Proof of identity</p>	<ul style="list-style-type: none"> • 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
<p>Proof you came to U.S. before your 16th birthday</p>	<ul style="list-style-type: none"> • 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 • Employment records (pay stubs, W-2 Forms, etc.) • Official records from a religious entity confirming participation in a religious ceremony • Copies of money order receipts for money sent in or out of the country • Birth certificates of children born in the U.S. • Dated bank transactions • Automobile license receipts or registration • Deeds, mortgages, rental agreement contracts • Tax receipts, insurance policies
<p>Proof of immigration status</p>	<ul style="list-style-type: none"> • Form I-94/I-95/I-94W with authorized stay expiration date • Final order of exclusion, deportation, or removal issued as of June 15, 2012 • A charging document placing you into removal proceedings
<p>Proof of presence in U.S. on June 15, 2012</p>	<ul style="list-style-type: none"> • Rent receipts or utility bills • Employment records (pay stubs, W-2 Forms, etc.) • School records (letters, report cards, etc.) • Military records (Form DD-214 or NGB Form 22)
<p>Proof you continuously resided in U.S. since June 15, 2007</p>	<ul style="list-style-type: none"> • Official records from a religious entity confirming participation in a religious ceremony • Copies of money order receipts for money sent in or out of the country • Passport entries • Birth certificates of children born in the United States • Dated bank transactions • Automobile license receipts or registration • Deeds, mortgages, rental agreement contracts • Tax receipts, insurance policies
<p>Proof of your education status at the time of requesting consideration of DACA</p>	<ul style="list-style-type: none"> • 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 of requesting consideration of DACA educational or grade level • U.S. high school diploma, certificate of completion, or other alternate award • High school equivalency diploma or certificate recognized under State law • 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
<p>Proof you are an honorably discharged veteran of the U.S. Armed Forces or the U.S. Coast Guard</p>	<ul style="list-style-type: none"> • 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 • Military health records

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

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 5-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.

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?

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.

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?

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

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?

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.

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?

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.

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?

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 6 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 6 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.

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?

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.

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

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.

RENEWAL OF DACA

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

USCIS encourages you to submit your request for renewal approximately 120 days (or 4 months) before your current period of deferred action under the Deferred Action for Childhood Arrivals (DACA) process expires. If you have filed approximately 120 days before your deferred action and Employment Authorization Document (EAD) expire and USCIS is unexpectedly delayed in processing your renewal request, USCIS may provide deferred action and employment authorization for a short period of time until your renewal is adjudicated. However, if you file your renewal 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.

How will USCIS evaluate my request for renewal of DACA?

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

1. Did not depart the United States on or after Aug. 15, 2012, without advance parole;
2. 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
3. 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.

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?

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.

However, if you have filed your renewal request with USCIS approximately 120 days before your deferred action and EAD expire and USCIS is unexpectedly delayed in processing your renewal request, USCIS may provide deferred action and employment authorization for a short period of time.

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

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 5 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.

TRAVEL

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)?

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 on the following page.**)

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.

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

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

CHART #2: TRAVEL GUIDELINES

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	No
	Because of an order of exclusion, deportation, voluntary departure, or removal	Yes
	To participate in criminal activity	Yes
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.
On or after Aug. 15, 2012, and after you have requested deferred action	Any	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 receiving DACA	Any	It depends. If you travel after receiving advance parole, the travel will not interrupt your continuous residence. However, if you travel without receiving advance parole, the travel will interrupt your continuous residence.

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, 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.

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

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.

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

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.

CRIMINAL CONVICTIONS

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?

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.

What offenses qualify as a felony?

A felony is a Federal, State, or local criminal offense punishable by imprisonment for a term exceeding 1 year.

What offenses constitute a significant misdemeanor?

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 1 year or less but greater than 5 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.

What offenses constitute a non-significant misdemeanor?

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 1 year or less but greater than 5 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.

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?

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.

What qualifies as a national security or public safety threat?

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.

Will offenses criminalized as felonies or misdemeanors by State immigration laws be considered felonies or misdemeanors for purpose of this process?

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.

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

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.

MISCELLANEOUS

Does this Administration remain committed to comprehensive immigration reform?

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.

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

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.

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

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.

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

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.

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?

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.

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

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.

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

YES. USCIS has implemented a successful supervisory review process to ensure a consistent process for considering requests for DACA.

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

YES. USCIS personnel responsible for considering requests for consideration of DACA have received special training.

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?

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.

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

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

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?

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.

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

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.

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

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.


Am I required to register with the Selective Service?

Most male persons residing in the United States, who are ages 18 through 25, are required to register with Selective Service. Please see link for more information. [[Selective Service, www.sss.gov](#)].


CONSIDERATION of DEFERRED ACTION for CHILDHOOD ARRIVALS

Deferred action for childhood arrivals (DACA) allows certain individuals, who meet specific guidelines, to request consideration of deferred action from USCIS. 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 terminated. If you receive deferred action, you may be eligible for employment authorization. You may request deferred action for childhood arrivals if you meet the following guidelines:


Can I be considered? Review Guidelines




You came to the United States before reaching your 16th birthday




You have continuously resided in the United States since June 15, 2007, up to the present time




You were under the age of 31 as of June 15, 2012




You never had a lawful immigration status on or before June 15, 2012, or any lawful immigration status or parole that you obtained had expired as of June 15, 2012



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




You have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety




You 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


How do I file?




Collect documents as evidence you meet the guidelines




Complete USCIS Form I-821D, I-765 and I-765 Worksheet



Mail USCIS forms and fees (total \$465)




Visit your local USCIS Application Support Center for a scheduled biometric services appointment



Check the status of your request online


Renew your DACA




Find your DACA expiration date

SUBMIT renewal request

On your Form I-797, Notice of Action




OR




Form I-766 - The date your Employment Authorization Document (EAD) expires

4 months or 120 days before your current period of DACA expires.


Ensure you meet the following




You met the Initial DACA requirements



You did not depart the United States on or after August 15, 2012, without advance parole



You have continuously resided in the United States since you submitted your most recent DACA request that was approved



You 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

Complete and mail forms to USCIS

- 1 Form I-821D, Consideration of Deferred Action for Childhood Arrivals
- 2 Form I-765, Application for Employment Authorization
- 3 Form I-765W, Worksheet

REMEMBER: Read instructions carefully • Sign the forms • Pay \$465 fee



U.S. Citizenship and Immigration Services

If you have questions about your request, please call USCIS Customer Service at 1-800-375-5283 or 1-800-767-1833 (TDD). www.uscis.gov/childhoodarrivals



U.S. Citizenship
and Immigration
Services

Learn how to protect yourself from immigration scams at
www.uscis.gov/avoidscams

THE WRONG HELP CAN HURT

BEWARE OF IMMIGRATION SCAMS



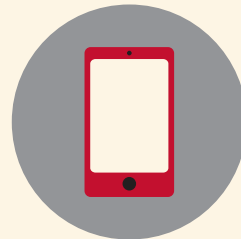
DOWNLOAD
free forms and instructions



LEARN
about filing fees



VERIFY
only BIA-accredited
representatives or eligible
attorneys provide you legal
services



REPORT
scams to the Federal Trade
Commission (FTC) or your
state attorney general
www.ftc.gov/complaint
1-877-FTC-HELP

About Us

USCIS is your **official** source of information about immigration benefits and services. Contact us for more information on USCIS and its programs.

Contact Us

www.uscis.gov
1-800-375-5283

DACA RESOURCES

DEPARTMENT OF HOMELAND SECURITY

U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

DACA resource page

www.uscis.gov/childhoodarrivals

www.uscis.gov/acciondiferida

These English and Spanish Web pages contain important DACA information.

Avoid Immigration Scams resource center

www.uscis.gov/avoidscams

www.uscis.gov/eviteestafas

These English and Spanish Web pages contain information related to immigration scams, including resources for applicants, community groups, and legal service providers.

“How Do I” guides

www.uscis.gov/howdoi

This online repository for all USCIS “How Do I” guides includes “How Do I Request Consideration of Deferred Action for Childhood Arrivals (DACA)?”

Public Engagement Division Outreach page

www.uscis.gov/outreach

This page lists upcoming national engagements, including multilingual engagements, and local outreach events.

Multilingual resource center

www.uscis.gov/multilingual

This online resource has links to documents in 22 languages, including multilingual DACA resources.

Online customer service tools

www.uscis.gov/tools

USCIS offers customers a variety of online customer service tools, including the ability to change address, check processing times and case status information, and submit inquiries.

Systematic Alien Verification for Entitlements (SAVE)

www.uscis.gov/save

The SAVE program is an intergovernmental information service initiative which verifies the immigration status of benefit applicants.

E-Verify

www.uscis.gov/e-verify

E-Verify is an electronic system that enables employers to verify employment eligibility. The E-Verify program has a variety of resources for employees on worker rights.

OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES (CRCL)

Overview of CRCL resources

www.dhs.gov/topic/civil-rights-and-civil-liberties

The mission of CRCL is to advance and safeguard the civil rights and civil liberties of individuals and communities with respect to the Department’s immigration-related policies and activities.

OFFICE OF THE CIS OMBUDSMAN

Overview of Office of the CIS Ombudsman resources

www.dhs.gov/topic/cis-ombudsman

The Office of the CIS Ombudsman provides individual immigration case assistance and makes recommendations to improve the administration of immigration benefits.

DEPARTMENT OF EDUCATION

DEPARTMENT OF EDUCATION

DACA Resource Guide

<http://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>

Free Application for Federal Student Aid (FAFSA)

www.studentaid.ed.gov/fafsa

This Web page provides an overview of the FAFSA requirements and process.

Resources for DACA and immigrant students

www2.ed.gov/about/overview/focus/immigration-resources.html

This resource page includes Q&As on Federal student aid and education records for DACA students and a financial aid guide.

Migrant Education Program

www2.ed.gov/programs/mep/index.html

The Migrant Education Program supports the development and funding of education and support services for migratory children.

DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR)

List of Board of Immigration Appeals (BIA) recognized organizations and accredited representatives

www.justice.gov/eoir/ra/raroster.htm

BIA accredited representatives working for BIA-recognized organizations are non-attorneys who are authorized to provide immigration legal services.

List of low cost and free immigration legal service providers

www.justice.gov/eoir/probono/states.htm

EOIR provides a list of free and low-cost immigration attorneys by State as a resource for applicants and petitioners.

ACCESS TO JUSTICE

Overview of Access to Justice resources

www.justice.gov/atj

Access to Justice works with Federal agencies, State, and local governments and State Access to Justice commissions to increase access to counsel and legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.

DACA resource guide

www.justice.gov/atj/daca-resourceguide-atj-feb-27-2013.pdf

This resource guide provides information on the DACA process and links to DACA-related resources.

OFFICE OF SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES

DACA flyer

www.justice.gov/crt/about/osc/pdf/publications/DACA_English2.pdf

The Office of Special Counsel enforces the anti-discrimination provisions of the Immigration and Nationality Act. This flyer provides DACA recipients with information about their right to work in the United States

DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

We Can Help website

www.dol.gov/wecanhelp

This Web site provides useful information for workers to understand their rights in the workplace and how to file a complaint, regardless of their immigration status.

YouthRules! Web site

www.youthrules.dol.gov

This Web site provides critical information on the jobs and hours a minor is allowed to work.

IMPORTANT: This document contains information that is no longer current but remains on our site for reference purposes.



U.S. Citizenship and Immigration Services



Deferred Action for Childhood Arrivals (DACA)

Background

- On June 15, 2012, DHS announced that certain people who came to the U.S. as children may request consideration of deferred action for childhood arrivals (DACA).
- On August 15, 2012, USCIS began a new process to review requests for deferred action for childhood arrivals, and to grant work authorization, on a case by case basis.





Guidelines

You may request deferred action for childhood arrivals if you:

- were under 31 on June 15, 2012;
- came to the U.S before you turned 16;
- lived continuously in the U.S. from June 15, 2007 to the present;
- were in U.S. on June 15, 2012 and when you made your request for deferred action.





Guidelines

You may request deferred action for childhood arrivals if you had no lawful status on June 15, 2012. This means 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.





Guidelines (continued)

You may request deferred action for childhood arrivals if you:

- are in school at the time of filing;
- graduated or have a certificate of completion from high school;
- have a GED certificate; or
- were honorably discharged from the U.S. Coast Guard or U.S. Armed Forces.





Guidelines

You may request deferred action for childhood arrivals if you:

- have not been convicted of:
 - a felony;
 - a significant misdemeanor; or
 - three or more misdemeanors.
- are not a threat to national security or public safety.





Guidelines

You may request deferred action for childhood arrivals even if you:

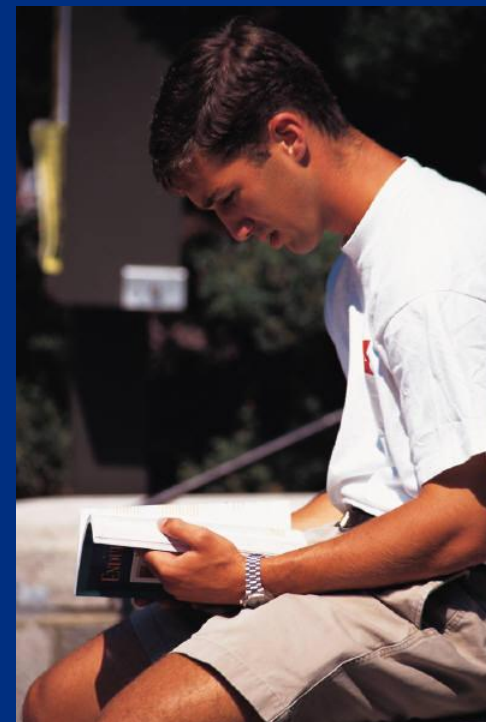
- have been in removal proceedings or your proceedings were terminated;
- are in removal proceedings now;
- have a final removal order;
- have a voluntary departure order.



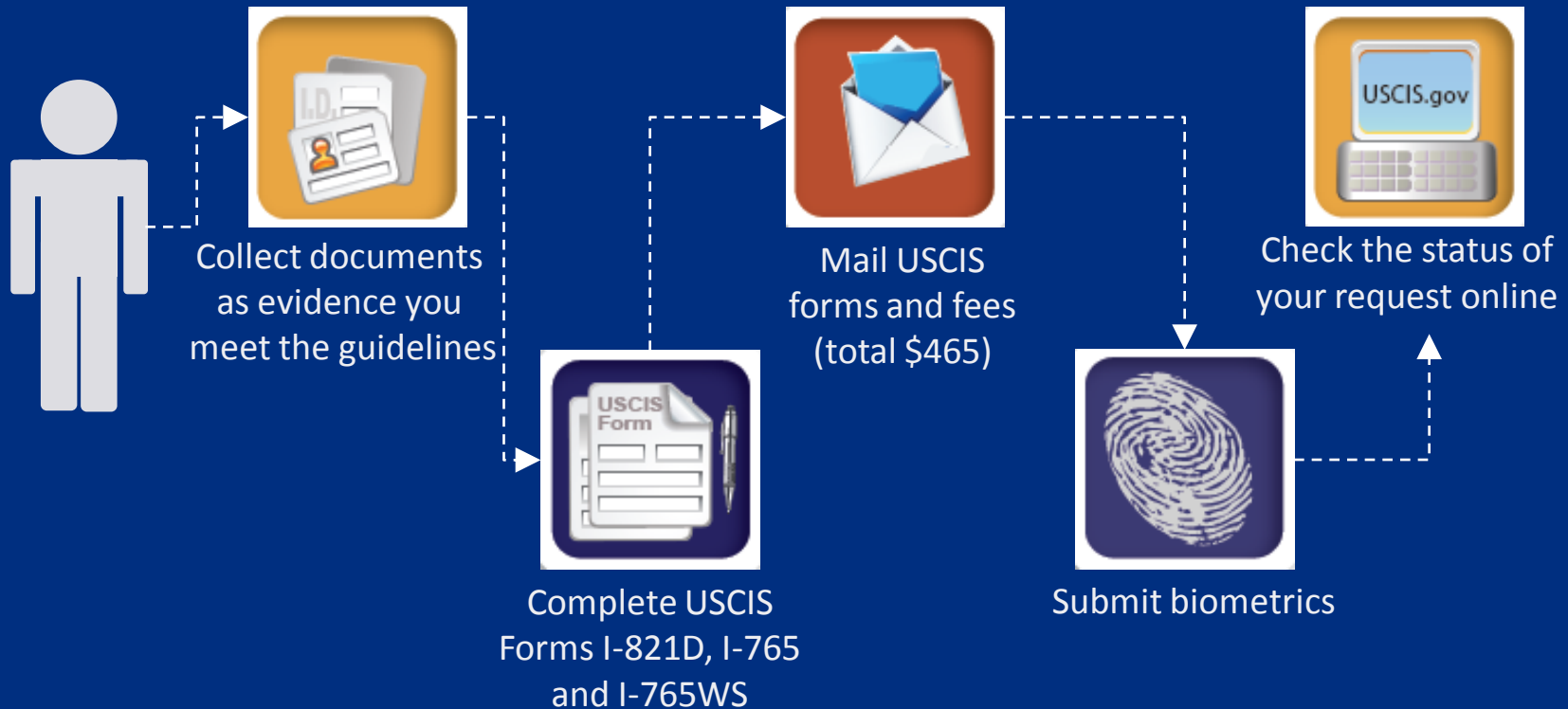


Guidelines

- If your removal proceedings were terminated by an Immigration Judge, you must submit a copy of the termination order.
- If you are in detention now, do not request deferred action from USCIS. You, or your attorney, should speak to your deportation officer.



How to Request Initial DACA





Documents & Evidence

- Anyone requesting initial deferred action for childhood arrivals needs to submit documents as evidence they meet the guidelines.
- Those requesting a renewal of DACA do not need to submit documents unless they have *new* documents about removal proceedings or criminal history that they have not already submitted to USCIS in a previously approved DACA request
- Unless we ask for the original, the requestor should submit photocopies of these documents.





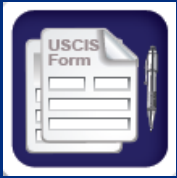
Complete the Forms

Fill out and sign:

- Form I-821D, Consideration of Deferred Action for Childhood Arrivals;
- Form I-765, Application for Employment Authorization;
- Form I-765WS, Form I-765 Worksheet;

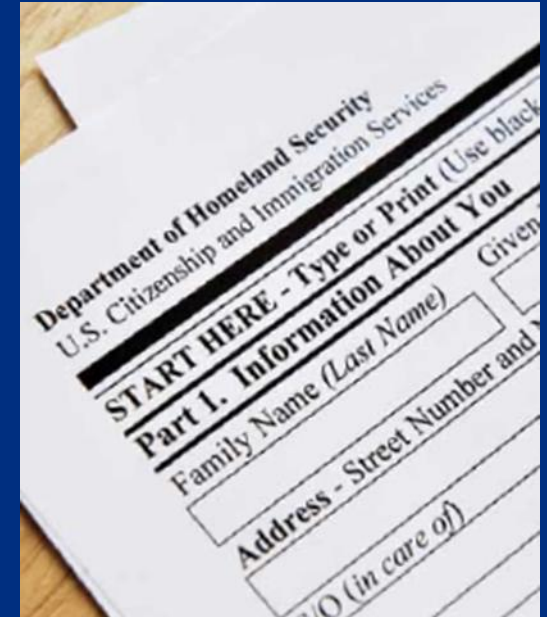
The image shows a thumbnail of the USCIS Form I-821D. At the top left is the Department of Homeland Security seal. The title is "Consideration of Deferred Action for Childhood Arrivals". Below the title is "Department of Homeland Security" and "U.S. Citizenship and Immigration Services". On the right side, it says "USCIS Form I-821D", "OMB No. 1615-0124", and "Expires 06/30/2016". The form is divided into sections: "For USCIS", "A-" followed by a grid, "Receipt", and "Action Block". At the bottom left, it says "Form I-821D 06/04/14 N" with a red arrow pointing to it. At the bottom right, it says "Page 2 of 7".

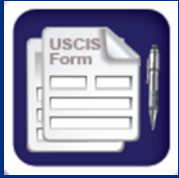




Tips

- Type or print in black ink;
- Mail all forms together;
- Write your name and date of birth the same way on each form;
- Answer all questions completely and accurately – do not leave data fields blank;
- Sign your forms - if you are under 14, a parent or guardian can sign for you;





Tips

- Use the correct version of the forms: I-821D (not I-821), I-765, and I-765WS;
- Submit photocopies unless we ask for original documents;
- Foreign language documents must have a complete English translation;

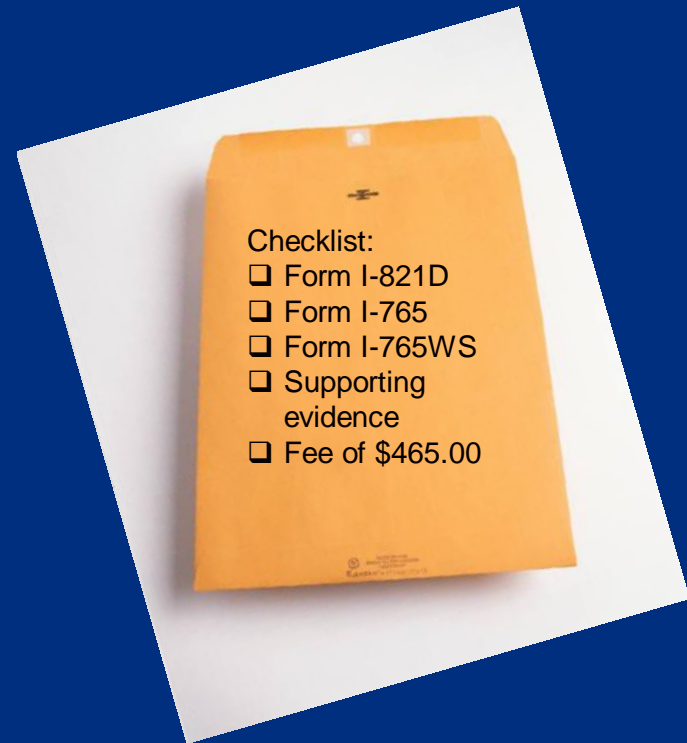




Mail the Forms

Put everything in one envelope...

- all three forms (I-821D, I-765 and I-765WS);
- supporting evidence;
- and the fee of \$465;
- Use mailing address listed on the I-821D instructions;
- Keep a photocopy of your paperwork for your records;





What documents show you meet the guidelines?

Proof of identity	<ul style="list-style-type: none">▪ Passport;▪ Birth certificate with photo identification;▪ School or military ID with photo;▪ Any U.S. government immigration or other document that has your name and photo;
Proof you came to U.S. before your 16th birthday	<ul style="list-style-type: none">▪ 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;
Proof of immigration status	<ul style="list-style-type: none">▪ Form I-94/I-95/I-94W with authorized stay expiration date;▪ Final order of exclusion, deportation, or removal issued as of June 15, 2012;▪ A charging document placing you in removal proceedings;





What documents show you meet the guidelines?

**Proof of presence
in U.S. on June 15,
2012**

**Proof you have
lived continuously
in the U.S. since
June 15, 2007**

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





What documents show you meet the guidelines?

Proof you were a student when you made your request	<ul style="list-style-type: none">▪ School records (transcripts, report cards, etc) from the U.S. school you are attending now showing:<ul style="list-style-type: none">▪ the name(s) of the school(s);▪ periods of school attendance, and;▪ the current educational or grade level;▪ U.S. high school diploma or certificate of completion;▪ U.S. GED certificate;
Proof you were honorably discharged from the Coast Guard or U.S. Armed Forces	<ul style="list-style-type: none">▪ 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;▪ Military health records;



Brief Absences

A brief, casual, and innocent trip outside the U.S. will not interrupt your continuous residence as long as the absence:

- was before August 15, 2012;
- was short;
- was not because of a formal court ordered removal of any kind, and
- your actions while outside of the U.S. did not violate U.S. law;

Any unauthorized travel outside of the United States on or after August 15, 2012 will interrupt your continuous residence and you will not be considered for deferred action under this process.





What documents show your trip was brief, casual & innocent?

- Plane or other transportation tickets or itinerary showing the travel dates;
 - Passport entries;
 - Hotel receipts showing the dates you were abroad;
 - Evidence of the purpose of the travel (e.g. you attended a wedding or funeral);
 - Copy of advance parole document; and
 - Any other evidence that could support a brief, casual, and innocent absence.
-
- In Part 2 of Form I-821D, list all the trips you took outside of the U.S. since June 15, 2007.
 - Include the departure and return dates and the reason for your trip(s).



Direct Evidence

Submit as much direct evidence as you can.

Other evidence (other than that listed in the charts above) may also be used to show:

- You were in the U.S. on June 15, 2012;
- You came to the U.S. before your 16th birthday;
- You have lived continuously in the U.S. since June 15, 2007;
- Any travel outside the U.S. during the 5 years of continuous presence was brief, casual, and innocent.





What Happens After I File?

- We will check your request for completeness and send you a receipt notice.
- Then we will send you a notice for a fingerprint appointment.
- Do not miss this appointment or your request could be delayed or denied.
- We may ask you for more information or ask you to come to our office.
- You will receive a written decision.





What Happens After I File?

- There is no appeal or motion to reopen/reconsider for these cases.
- You can submit a case inquiry by contacting USCIS call centers at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired) or by submitting a case status inquiry at www.uscis.gov/tools if certain conditions are met .





What Happens After I File?

E-Notification

- You may choose to receive an email or text message that your request has been accepted.
- To receive this notice, complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page of our I-821D application.
- Check the status of your request in Case Status Online at www.uscis.gov.
- The 90-day period for reviewing Form I-765 filed together with Form I-821D begins if and when USCIS decides to defer action in your case.



Trips Outside the U.S.

- If we defer action in your case and you want to travel outside the United States, you must apply for advance parole.
- File Form I-131, Application for Travel Document and pay the fee of \$360.
- We generally approve advance parole when the travel is for humanitarian, educational, or employment purposes.
- Advance parole requests will not be considered unless we have already deferred action in your case.
- Do not submit Form I-131, Application for Travel Document, with Form I-821D; if you do, your entire packet will be rejected.



DACA Renewal

- In September 2014, the first individuals who received deferred action from USCIS will begin to have their DACA and employment authorization expire.
- If your DACA and employment authorization expire, you will revert to having no employment authorization or deferred action and, for admissibility purposes, you will begin to accrue unlawful presence time once again.
- To request a renewal, DACA recipients should submit Form I-821D, Form I-765 and Form I-765WS (Worksheet), along with the I-765 filing fees, 120-150 days before their current DACA is set to expire.
- USCIS is currently accepting requests for both initial and renewal DACA.



DACA Renewal Guidelines

- To request renewal, an individual must have previously received DACA and
 - ✓ Did not depart the U.S. on or after August 15, 2012 without advance parole;
 - ✓ Has continuously resided in the U.S. since he or she submitted the initial DACA request; and
 - ✓ 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.



Initial vs. Renewal DACA

- You must submit supporting documents only for an initial request, not a renewal, unless requested by USCIS or if you have new information as explained below.
- Do not provide any additional documents at the time you request renewal of DACA unless you have *new* documents about removal proceedings or criminal history. Do not submit documents that you have already submitted to USCIS as part of a previously approved DACA request.
- You should keep all documents that demonstrate how you meet the DACA guidelines, so you can provide them if requested by USCIS.



If We Do Not Defer Action

- In cases where we do not defer action, we will follow existing policy guidance governing the referral of cases to U.S. Immigration and Customs Enforcement (ICE) and the issuance of a Notice to Appear (NTA).
- If your case does not involve a criminal offense, fraud, or a threat to public safety, we will not refer your case to ICE.
- Visit www.uscis.gov/NTA for details.



Protecting Your Information

We will not share any information about you with ICE or U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless you meet the criteria for:

- the issuance of an NTA; or
- a referral to ICE under the criteria set forth in our NTA guidance.



Reminders

- Remember - the Wrong Help Can Hurt.
- All USCIS forms are available for free at www.uscis.gov/forms or by calling 1-800-870-3676.
- Get help only from an official government resource, an attorney, or Board of Immigration Appeals (BIA) accredited representative.
- To find an attorney or accredited representative, visit www.uscis.gov/avoidscams.
- For official information about deferred action for childhood arrivals, go to www.uscis.gov/childhoodarrivals.



About this Presentation

- Authors: U.S. Citizenship and Immigration Services;
- Date of last revision: June 23, 2014;
- This presentation is valid as of the date of the last revision.
- This presentation contains no sensitive Personally Identifiable Information (PII).
- All photographic images in this presentation are used with permission of the source noted below the photo.



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- This presentation is not intended to, does not, and may not be relied upon to create or confer any right(s) or benefit(s), substantive or procedural, enforceable at law by any individual or other party in benefit applications before USCIS, in removal proceedings, in litigation with the United States, or in any other form or manner. This presentation does not have the force of law, or of a DHS directive.



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CONSIDERATION OF DEFERRED ACTION for CHILDHOOD ARRIVALS

Deferred action for childhood arrivals (DACA) allows certain individuals, who meet specific guidelines, to request consideration of deferred action from USCIS. 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 terminated. If you receive deferred action, you may be eligible for employment authorization. You may request deferred action for childhood arrivals if you meet the following guidelines:

Can I be considered? Review Guidelines



You came to the United States before reaching your 16th birthday




You have continuously resided in the United States since June 15, 2007, up to the present time



You were under the age of 31 as of June 15, 2012




You never had a lawful immigration status on or before June 15, 2012, or any lawful immigration status or parole that you obtained had expired as of June 15, 2012



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



You have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety



You 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


» How do I file? «



Collect documents as evidence you meet the guidelines



Complete USCIS Form I-821D, I-765 and I-765 Worksheet



Mail USCIS forms and fees (total \$465)



Visit your local USCIS Application Support Center for a scheduled biometric services appointment



Check the status of your request online

Renew your DACA



Find your DACA expiration date

SUBMIT
renewal request

On your Form I-797,
Notice of Action

Form I-797

OR

Form I-766

Form I-766 - The date your Employment Authorization Document (EAD) expires

4 months or 120 days before your current period of DACA expires.

Ensure you meet the following




You met the initial DACA requirements



You did not depart the United States on or after August 15, 2012, without advance parole



You have continuously resided in the United States since you submitted your most recent DACA request that was approved



You 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

Complete and mail forms to USCIS

- 1 Form I-821D, Consideration of Deferred Action for Childhood Arrivals
- 2 Form I-765, Application for Employment Authorization
- 3 Form I-765WS, Worksheet

REMEMBER: Read instructions carefully • Sign the forms • Pay \$465 fee



U.S. Citizenship and Immigration Services

If you have questions about your request, please call USCIS Customer Service at 1-800-375-5283 or 1-800-767-1833 (TDD). www.uscis.gov/childhoodarrivals

December 5, 2017

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services



RE: [REDACTED]
I-131, Application for Travel Document

NOTICE OF INTENT TO DENY

This notice refers to your Form I-131, *Application for Travel Document* filed on 11/06/2017.

On September 5, 2017, the Acting Secretary of Homeland Security issued a memorandum titled, "Rescission of the June 15, 2012 Memorandum Entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children.'" This memorandum directed that, effective September 5, 2017, USCIS will no longer approve any new Form I-131 applications under standards associated with the Deferred Action for Childhood Arrivals (DACA) policy.

The Form I-131 instructions describe who may apply for an advance parole document while inside the United States. As noted above, the September 5, 2017, memorandum directed that USCIS will no longer approve I-131 applications under the standards associated with DACA. You have not provided evidence that you have another basis for applying for advance parole as described in the Form instructions.

Accordingly, USCIS intends to deny your Form I-131.

Title 8, Code of Federal Regulations, Part 103.2(b)(8)(ii) states:

If all required initial evidence is not submitted with the benefit request or does not demonstrate eligibility, USCIS in its discretion may deny the benefit request for lack of initial evidence or for ineligibility or request that the missing initial evidence be submitted within a specified period of time as determined by USCIS.

Whether to grant advance parole is a matter entrusted to DHS discretion. Section 212(d)(5) of the Immigration and Nationality Act states in pertinent part that the Attorney General (now Secretary of Homeland Security) "may...in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit...."



Based on the reasons described above, USCIS intends to deny your request for advance parole in the exercise of its discretion.

You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence or arguments overcoming the grounds for the intended denial or to demonstrate that you have a basis for your application other than your approved DACA. Failure to respond to this notice of intent to deny will result in the denial of your application.

Sincerely,

A large black rectangular redaction box covering the signature area of the letter.

PLACE THIS ENTIRE LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE. PLEASE USE THE ENCLOSED ENVELOPE TO MAIL THE ADDITIONAL EVIDENCE REQUESTED BACK TO THIS OFFICE.

A black rectangular redaction box covering the footer area on the left side of the page.

December 5, 2017

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services



I-131, Application for Travel Document



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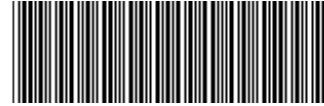


January 31, 2018

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services



RE: [REDACTED]
I-131, Application for Travel Document

DECISION

This notice refers to your Form I-131, Application for Travel Document, filed on November 6, 2017, in which you have requested an Advance Parole Document to allow you to return to the United States after temporary foreign travel. After careful review and consideration of the entire record, your Form I-131 is denied for the reason(s) discussed below.

Your application for a travel document is based on an approved Form I-821D, Consideration of Deferred Action for Childhood Arrivals (DACA). Under section 212(d)(5)(A) of the Immigration and Nationality Act (INA), the Secretary of Homeland Security may, in his or her discretion, parole into the United States any alien applying for admission to the United States on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

In accordance with Acting Secretary of Homeland Security Elaine Duke's September 5, 2017 Memorandum titled, "Rescission of the June 15, 2012 Memorandum Entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,'" USCIS is no longer approving Form I-131 applications under the standards associated with the DACA policy.

On December 5, 2017, USCIS sent you a Notice of Intent to Deny (NOID) requesting that you submit additional information, evidence or arguments overcoming the grounds for the intended denial or to demonstrate that you have a basis for your application other than your approved DACA, and the standards associated with the DACA policy.



USCIS has received your response to the NOID. After review, USCIS has determined that you have not demonstrated that you fall within one of the non-DACA based categories of individuals listed in the Instructions to the Form I-131 as being eligible to apply for an advance parole document while currently in the United States. Moreover, whether to grant advance parole is a matter entrusted to DHS discretion. USCIS does not find that you merit a favorable exercise of discretion to receive advance parole for urgent humanitarian reasons or significant public benefit in accordance with INA section 212(d)(5)(A).

NOTICE: USCIS regulations do not provide for an appeal to this decision. However, you may file a motion to reopen or reconsider an adverse decision. A motion must be filed using Form I-290B, Notice of Appeal or Motion. Form I-290B must be filed within 30 days from the date of this notice (33 days if this notice was received by mail) with the appropriate filing fee and other documentation in support of the motion. Do not send the completed Form I-290B directly to the Nebraska Service Center. For more information about filing motions, as well as fee required and filing locations, and to download Form I-290B, please visit the USCIS website at www.uscis.gov. You may also contact the National Customer Service Center (NCSC) at 800-375-5283.

Sincerely,

[Redacted signature block]

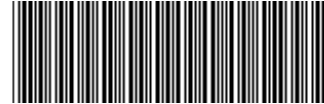


January 31, 2018

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U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
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Sincerely,

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NOTICE TYPE Rejection Notice			NOTICE DATE February 01, 2018
CASE TYPE I-131, Application for Travel Document			USCIS ALIEN NUMBER [REDACTED]
RECEIPT NUMBER [REDACTED]	RECEIVED DATE January 16, 2018	DATE OF BIRTH [REDACTED]	PAGE 1 of 1
APPLICANT/PETITIONER NAME AND MAILING ADDRESS [REDACTED]			
<p>This is in reference to the I-131, Application for Travel Document, you submitted. Your I-131, fees, and any supporting documentation is being returned to you for the following reason(s):</p> <p>USCIS is no longer accepting Application for Travel Document (Form I-131) from individuals seeking advance parole based on having been granted Deferred Action for Childhood Arrivals (DACA).</p> <p>Please be sure to complete the application fully, submit the appropriate fees, and include all required supporting documentation.</p> <p>If you submitted a G-1450 Authorization for Credit Card Transaction, your submitted G-1450 has been destroyed.</p> <p>If you have questions about possible immigration benefits and services, filing information, or USCIS forms, please call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833. Please also refer to the USCIS website: www.uscis.gov.</p> <p>If you have any questions or comments regarding this notice or the status of your case, please contact our customer service number.</p> <p>You will be notified separately about any other case you may have filed.</p>			
USCIS OFFICE ADDRESS USCIS P. O. Box 5757 Chicago, IL 60680-5757		USCIS CUSTOMER SERVICE NUMBER (800)375-5283 APPLICANT COPY	
			

This data represents I-131 receipts and approvals filed based on a DACA recipient listed by fiscal year and month.

U.S. Citizenship & Immigration Services Form I-131, Application for Travel Document Filed Based on Deferred Action for Childhood Arrivals (DACA) Receipts Fiscal Year 2012 - 2018													
Receipt FY	October	November	December	January	February	March	April	May	June	July	August	September	Grand Total
2012													1
2013	14	42	92	133	131	199	212	166	189	234	247	319	1,978
2014	319	321	324	294	407	622	611	576	566	471	445	683	5,639
2015	596	506	516	501	685	1,072	1,168	1,187	1,245	1,052	1,122	1,243	10,893
2016	1,549	1,391	1,199	1,061	1,776	2,296	2,118	2,551	2,117	1,768	1,957	1,838	21,621
2017	2,029	2,111	2,616	745	449	568	731	1,001	987	1,080	1,184	29	13,530
Grand Total	4,507	4,371	4,747	2,734	3,448	4,757	4,840	5,481	5,104	4,605	4,955	4,113	53,662

U.S. Citizenship & Immigration Services Form I-131, Application for Travel Document Filed Based on Deferred Action for Childhood Arrivals (DACA) Approvals Fiscal Year 2012 - 2018													
Approval FY	October	November	December	January	February	March	April	May	June	July	August	September	Grand Total
2013		2		20	57	56	75	216	144	243	206	179	1,198
2014	233	218	301	215	286	398	503	241	456	329	364	968	4,512
2015	566	354	799	552	377	598	680	847	1,394	1,353	1,198	963	9,681
2016	1,366	1,273	1,193	1,056	1,349	1,792	1,603	1,070	1,432	1,352	1,873	1,544	16,903
2017	1,160	1,394	1,231	1,341	1,380	2,086	1,730	1,352	470	490	777	35	13,446
2018													0
Grand Total	3,325	3,241	3,524	3,184	3,449	4,930	4,591	3,726	3,896	3,767	4,418	3,689	45,740

Please note:

- 1) The report reflects the most up-to-date data available at the time the system was queried.
- 2) Cases may have been adjudicated in a later year than the one in which they were received.
- 3) Approvals may have been received in a year prior to their approval date.
- 4) Report shows only I-131 filed based on a DACA recipient. If a DACA recipient filed an I-131 through another means such as a pending I-485, then those totals are not included.
- 5) Data is not available on the type of filing such as humanitarian, educational, etc.

Database Queried: February 26th, 2019

Report Created: February 26th, 2019

System: C3 Consolidated via SAS

By: Office of Performance and Quality (OPQ), Performance Analysis and Data Reporting (PAER), DL

Parameters

Date: All Time through September 30, 2018

Form Number: I-131

Application Type: DACA Recipient

Data Type: Receipts, Approvals

U.S. Citizenship & Immigration Services Form I-131, Application for Travel Document Filed for DACA Recipients Outside the United States Receipts Fiscal Year 2012 - 2019 (through February 26, 2019)	
Receipt FY	Receipts
2012	0
2013	4
2014	20
2015	26
2016	48
2017	39
2018	8
2019	1
Grand Total	146

U.S. Citizenship & Immigration Services Form I-131, Application for Travel Document Filed for DACA Recipients Outside the United States Approvals on or after Sep 5, 2017 as of Feb 26, 2019	
Approvals	
	3

Please note:

- 1) The report reflects the most up-to-date data available at the time the system was queried.
- 2) DACA recipients are defined as individuals who had at least one DACA request approved as of Feb 26, 2019.
- 3) I-131 applications are matched to approved I-821D requests based on Alien Number.
- 4) Requests for advance parole for individuals outside the United States are identified by 1.e. or 1.f. selection in Part 2 of the form I-131.
- 5) Approvals on or after Sep 5, 2017 are I-131 applications with an approval date on or after Sep 5, 2017.

Database Queried: February 26th, 2019

Report Created: February 26th, 2019

System: C3 Consolidated via SAS

By: Office of Performance and Quality (OPQ), Performance Analysis and Data Reporting (PAER), SN

Parameters

Date: Aug 1, 2012 - Feb 26, 2019

Form Number: I-131 for DACA recipients outside the United States

Application Type: DACA Recipient

Data Type: Receipts, Approvals