

DREAMERS: ARE YOU ELIGIBLE FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)?

Although the Executive Order Deferred Action for Prosecution issued by President Obama has been blocked by the Courts, the 2012 Deferred Action for Childhood Arrivals (DACA) program has not been blocked and is celebrating its 3rd anniversary in June 2015.

DACA began on June 15, 2012, when President Obama announced that a change in priorities would occur. Certain undocumented immigrants who entered the United States while they were children would be eligible for temporary status. The temporary status provided a great opportunity for children to receive temporary permission to stay in the U.S. and to enjoy the vast benefits including access to driver's licenses, in-state tuition rates, financial aid for college, employment authorization and affordable health care.

Deferred action is not a visa or a green card. It is a temporary protection from deportation.

Although deferred action does not place undocumented immigrants on a path to permanent legal immigration status or U.S. citizenship, it does provide an opportunity to obtain documentation to improve everyday life.

What are the Eligibility Requirements for DACA?

1. You must have entered the United States before your 16th birthday.
2. You must have been born on or after June 16, 1981.
3. You must have lived continuously in the U.S. from June 15, 2007, with no departures.
4. You must have entered the U.S. without documents (entry without inspection) before June 15, 2012.
5. You must be at least 15 years old at the time of application. However, if you are currently in deportation proceedings, but not in immigration detention, you may apply even if you are not yet 15.
6. You must have either earned a high school diploma or a GED, or be an honorably discharged veteran of United States Armed Forces or be in school actively pursuing your degree at the time you submit your application.
7. You cannot have ever been convicted of a felony crime, a significant misdemeanor or three or more misdemeanors.

How Do I Apply?

There are documents, fees and supporting documents that must be submitted to the USCIS in order to apply. These documents are available at www.uscis.gov. If the materials are found to be appropriate, the government will send you a receipt notice and you will be told where to go for an appointment to be fingerprinted and have your photograph taken. If your application is approved, you will eventually receive a final decision in writing from the USCIS.

Must DACA be Renewed?

DACA must be renewed. It is recommended that renewal applications are submitted approximately 4 to 6 months before current DACA approval and work permits expire.

DACA was created for those who wish to pursue the American dream. People who were brought here as children and meet the requirements described above may be eligible for the first step toward legal status and pursuit of that American dream. If you have questions about how to apply consult with a qualified immigration attorney.

Gregory J. Palakow, Esq.
gpalakow@archerlaw.com

101 Carnegie Center • Suite 300
Princeton, NJ 08540
Direct Dial: 609-580-3700
Fax: 609-580-0051
361 Route 31, Building E • Suite 1301
Flemington, NJ 08822
Direct Dial: 908-788-9700
Fax: 908-788-7854
www.archerlaw.com
12708287v1