

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 the requestor meets the criteria for the issuance of a Notice To Appear or a referral to U.S. Immigration and Customs Enforcement under the criteria set forth in USCIS's Notice to Appear guidance at [www.uscis.gov/NTA](http://www.uscis.gov/NTA). Individuals whose cases are deferred pursuant to 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, including 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. 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This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at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.

## 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	<a href="http://www.uscis.gov/childhoodarrivals">www.uscis.gov/childhoodarrivals</a>
Consideration of Deferred Action for Childhood Arrivals Form	<a href="http://www.uscis.gov/I-821D">www.uscis.gov/I-821D</a>
E-Notification of Application/Petition Acceptance Form	<a href="http://www.uscis.gov/G-1145">www.uscis.gov/G-1145</a>
USCIS Notice to Appear Policy	<a href="http://www.uscis.gov/NTA">www.uscis.gov/NTA</a>

Other U.S. Government Services-Click or Call	
General Information	<a href="http://www.usa.gov">www.usa.gov</a>
New Immigrants	<a href="http://www.welcometoUSA.gov">www.welcometoUSA.gov</a>
U.S. Immigration & Customs Enforcement	<a href="http://www.ice.gov">www.ice.gov</a>

For more copies of this guide, or information about other customer guides, please visit [www.uscis.gov/howdoi](http://www.uscis.gov/howdoi).

You can also visit [www.uscis.gov](http://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: 1-800-375-5283**  
*Hearing Impaired TDD Customer Service: 1-800-767-1833*

**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 website. 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 accredited by the Board of Immigration Appeals.



U.S. Citizenship and Immigration Services

M1079B (August 15th 2012)



# I Am a Young Person Who Arrived in the United States as a Child (Childhood Arrival)

## How Do I...Request Consideration of Deferred Action for Childhood Arrivals?



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 two years, subject to renewal, and would then be 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 set forth in the Secretary of Homeland Security's memorandum.

### How do I know if I may request consideration of deferred action for childhood arrivals?

You may request consideration of deferred action for childhood arrivals 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. Entered without inspection before June 15, 2012, or your lawful immigration status 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 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.

### 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 (along with the

accompanying filing fees for that form), will preclude consideration for deferred action. While there is no filing fee for Form I-821D, you must submit the \$380 filing fee for Form I-765, which includes the Form I-765WS, and a biometric services fee of \$85 required for the Application for Employment Authorization for a total of \$465. Please read the form instructions to ensure that you submit all the required documentation to support your request. Please see our website at [www.uscis.gov/I-821D](http://www.uscis.gov/I-821D) and [www.uscis.gov/I-765](http://www.uscis.gov/I-765) for complete filing instructions and [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals) for additional information on the deferred action for childhood arrivals process and frequently asked questions.

**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 (ASC) for biometric services. 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.

### Where do I file my request for consideration of deferred action for childhood Arrivals?

Requests of consideration of deferred action for childhood arrivals will be filed by mail to the USCIS Lockbox. Please visit the USCIS website at [www.uscis.gov/I-821D](http://www.uscis.gov/I-821D) or contact the USCIS National Customer Service Center at **1-800-375-5283** for the most current information and instructions on where to file your request.

### What evidence should I submit with my request for consideration of deferred action for childhood arrivals?

Evidence, including supporting documents, that you file with your request for deferred action should show that you meet the guidelines outlined in the section above entitled "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. Entered without inspection before June 15, 2012

- or your lawful immigration status expired as of June 15, 2012;
6. Are currently in school, graduated or received a certificate of completion from high school, obtained a general educational development certificate (GED), or that you 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 your request.

For information about specific documents that may satisfy these guidelines, please read the instructions to Form I-821D at [www.uscis.gov/I-821D](http://www.uscis.gov/I-821D) and the frequently asked questions at [www.uscis.gov/childhoodarrivals](http://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?

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 you are not in immigration detention and want to affirmatively request consideration of deferred action for childhood arrivals 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 (BIA), if available. If you have not been in removal proceedings, this does not apply to you.

### Do brief departures interrupt the requirement of having continuous residence in the United States since June 15, 2007?

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 before August 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.

For information about specific documents that may show your absence was brief, casual, and innocent, please read the instructions to Form I-821D at [www.uscis.gov/I-821D](http://www.uscis.gov/I-821D) and the frequently asked questions at [www.uscis.gov/childhoodarrivals](http://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 biographic and biometric background checks before USCIS will exercise prosecutorial discretion under the consideration of deferred action for childhood arrivals process. 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 otherwise pose a threat to national security or public safety, you will not be considered for deferred action for childhood arrivals except in exceptional circumstances.

### What happens after I submit my request for consideration of deferred action for childhood arrivals?

After your Form I-821D, Form I-765, and Form I-765WS have been received, USCIS will review them for completeness, including submission of the required fees, initial evidence and supporting documents. If it is determined that 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 biometric services. You may choose to receive an e-mail and/or text message notifying you that your form has been accepted by completing a **Form G-1145, E-Notification of Application/Petition Acceptance**. Please see [www.uscis.gov/G-1145](http://www.uscis.gov/G-1145) for E-notification 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's

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 of childhood arrivals.

### Can I extend the period for which removal action will be deferred in my case?

Yes. Unless terminated, individuals whose case is deferred pursuant to the consideration of deferred action for childhood arrivals process will not be placed into removal proceedings or removed from the United States for a period of two years. You may request consideration for an extension of that period of deferred action. You must also request an extension of your employment authorization at that time. Your request for an extension will be considered on a case-by-case basis.

### 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 purposes of removal proceedings except in exceptional circumstances. For more detailed information on the applicable NTA policy visit [www.uscis.gov/NTA](http://www.uscis.gov/NTA).

### Does this process result in lawful status for persons who receive deferred action for childhood arrivals?

No. Deferring action is only a discretionary determination to defer removal action as an act of prosecutorial discretion and does not provide you with a lawful status.

### What protections from disclosure are in place to protect information I share in my request for consideration of deferred action for childhood arrivals from being used for immigration enforcement purposes?

Information provided in this request is protected