

The DACA Renewal Process is Released

"Secretary of Homeland Security Jeh Johnson today announced the process for individuals to renew enrollment in the Deferred Action for Childhood Arrivals (DACA) program. U.S. Citizenship and Immigration Services (USCIS) has submitted to the Federal Register an updated form to allow individuals previously enrolled in DACA, to renew their deferral for a period of two years. At the direction of the Secretary, effective immediately, USCIS will begin accepting renewal requests. USCIS will also continue to accept requests for DACA from individuals who have not previously sought to access the program. As of April 2014, more than 560,000 individuals have received DACA.

"Despite the acrimony and partisanship that now exists in Washington, almost all of us agree that a child who crossed our border illegally with a parent, or in search of a parent or a better life, was not making an adult choice to break our laws, and should be treated differently than adult law-breakers," said Secretary Johnson. "By the renewal of DACA, we act in accord with our values and the code of this great Nation. But, the larger task of comprehensive immigration reform still lies ahead."

The first DACA approvals will begin to expire in September 2014. To avoid a lapse in the period of deferral and employment authorization, individuals must file renewal requests before the expiration of their current period of DACA. USCIS encourages requestors to submit their renewal request approximately 120 days (four months) before their current period of deferred action expires.

DACA is a discretionary determination to defer removal action against an individual. Individuals in DACA will be able to remain in the United States and apply for employment authorization for a period of two years.

Individuals who have not requested DACA previously, but meet the criteria established, may also request deferral for the first time. It is important to note that individuals who have not continuously resided in the United States since June 15, 2007, are ineligible for DACA.

Individuals may request DACA renewal if they continue to meet the initial criteria and these additional guidelines:

Did not depart the United States on or after Aug. 15, 2012, without advance parole; Have continuously resided in the United States since they submitted their most recent DACA request that was approved; 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.

The renewal process begins by filing the new version of Form I-821D "Consideration of Deferred Action for Childhood Arrivals," Form I-765 "Application for Employment Authorization," and the I-765 Worksheet. There is a filing and biometrics (fingerprints and photo) fee associated with Form I-765 totaling \$465. As with an initial request, USCIS will conduct a background check when processing DACA renewals.

USCIS will also host both national and local DACA informational sessions. USCIS will provide further information on these sessions during which USCIS officials will provide additional information on the DACA process and be available to answer your questions. For information on local DACA engagements, please visit www.uscis.gov/outreach.

To learn more about the renewal process or requesting initial consideration of DACA, visit www.uscis.gov/childhoodarrivals or call David H. Nachman, Esq., Managing Attorney, U.S. Immigration & Nationality Law Division, Nachman, Phulwani, Zimovcak (NPZ) Law Group.

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