

Immigration Newsletter



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Last month, we began our three part series on Asylum Law. This month, we planned to continue by discussing the asylum application process. However, the U.S. government recently released information regarding how to renew Deferred Action for Childhood Arrivals. Because DACA is very important to so many of our clients, we are devoting this June newsletter to a discussion of the renewal procedures. In our July newsletter we will return to our discussion of asylum law.

What is Deferred Action?

- The U.S. agrees not to deport a person during the time period of the deferred action.
- Deferred action allows people who qualify to apply for work cards.
- Deferred action is not a legal immigration status
- Deferred action does not allow a person to apply to be a U.S. citizen or permanent resident.
- **Deferred action is not a new law. The DREAM ACT was a proposed law to allow some immigrants to become permanent residents, but it did not pass.**

DACA: RENEWAL PROCEDURES

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) is a program announced by President Obama in June of 2012 that allowed certain persons who came to the U.S. as children to live and work in the U.S. for at least an initial two year deferred action period. People who previously received deferred action are now eligible to apply to renew their deferred action and work cards for another two year period.

When Do I Apply to Renew My Deferred Action?

If you already have deferred action, you should apply to renew between 120 and 150 days prior to the expiration date on your work card.

If you file during this time period, and the U.S. government is not able to fully process your renewal application before the expiration of your work card, it may issue you a temporary work card so you do not have a gap in work authorization.

How Do I Apply to Renew My Deferred Action?

Three forms are required to renew your deferred action and work authorization card:

- Form I-821D
- Form I-765
- Form I-765 WS

Please note that immigration has issued a new version of Form I-821D that must be used. The U.S. government has also issued instructions for how to complete and file each of these forms. The forms and the instructions are available online at: www.uscis.gov.

Am I Eligible to Renew My Deferred Action?*

People with deferred action are eligible to renew if they:

- Came to the U.S. before age 16
- Continuously resided in the U.S. from June 15, 2007 to the present
- Physically present in the U.S. since June 15, 2012
- Under age 31 on June 15, 2012
- Entered illegally or had legal status expire before June 15, 2012
- Not convicted of a felony, significant misdemeanor, or three or more non-significant misdemeanors
- Not a threat to national security or public safety
- At least 15 years or older when applying
- Meet one of the following requirements:
 - Attending school
 - Graduated or received a certificate of completion from high school
 - Have a GED
 - Honorably discharged veteran of the U.S. armed forces

Is there an application fee for renewing deferred action?

Yes, the filing fee is \$465.

What if I have left the United States since receiving DACA?

If you left the U.S. after August 15, 2012, you must have done so with an advance parole document. If you did not, you are not eligible to renew deferred action.

What if I have been arrested since receiving DACA?

If you have been arrested since receiving deferred action, you need to consult an attorney. Whether a criminal offense could prevent you from renewing deferred action will depend on the facts of your particular case.

When should I contact your office about renewing?

It is best to come speak to one of our attorneys 5-6 months prior to the expiration date on your work card. The first appointment with the attorney is free of charge.

***Every person's case is different. Please consult with an attorney regarding your eligibility for DACA.**