

Immigration Newsletter



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Deferred Action for Childhood Arrivals

On June 15, 2012 President Obama first issued an executive policy creating the Deferred Action for Childhood Arrivals, or DACA, program. Many young immigrants to the United States applied for DACA and received deferred action and employment authorization cards when their applications were approved. On November 20, 2014, President Obama issued another executive policy that, in addition to creating a deferred action program for some parents of U.S. citizen children, expanded the current DACA program so that more young immigrants are eligible to apply. Below we discuss these recent changes.

What is Deferred Action?

- Deferred action is essentially an agreement not to deport a person for the period of time for which deferred action has been granted.
- People who receive deferred action are eligible to receive employment authorization so long as they can show employment authorization is economically necessary for them.
- Once a person with deferred action has an employment authorization card, he should be able to obtain a social security card and a Texas driver's license or Texas ID card.
- Deferred action does not give a person lawful immigration status and may be terminated at any time.

Other Frequently Asked Questions:

When can a person apply for DACA under the new requirements?

Immigration will start accepting applications for people who qualify under the amended requirements on February 18, 2015. If you are eligible for DACA under the old requirements, however, you may apply at any time.

Is there a fee to apply? The U.S. government filing fee is \$465.

How long does the process take?

Immigration should issue a decision within six months.

What were the Original Requirements for DACA?

Originally DACA required that you:

- Came to the U.S. before age 16,
- Continuously resided in the U.S. since June 15, 2007 (short absences may be allowed),
- Be physically present in the US on June 15, 2012,
- Be under age 31 on June 15, 2012,
- Entered the US illegally before June 15, 2007 or had your immigration status expire before that date,
- Have not been convicted of a felony, significant misdemeanor or three or more non-significant misdemeanors,
- Not be a threat to national security or public safety,
- Be at least 15 years old (exceptions apply)

AND

- You must have:
 - Currently been attending school; or
 - Graduated high school; or
 - Received a certificate of completion; or
 - Obtained a GED; or
 - Been an honorably discharged veteran of the Coast Guard or U.S. Armed forces.

How Have the Requirements for DACA Changed Now?

The purpose of changing the DACA requirements was so that more people would be eligible.

Change #1

Originally, a person had to be under the age of 31 on June 15, 2012 in order to qualify. **Now, people of any age can apply if they meet the other requirements.**

Change #2

Originally, a person needed to have resided continuously in the US since June 15, 2007. **Now, a person need only to have resided continuously in the US since January 1, 2010.**

Change #3

Originally, approval of a DACA application granted the recipient a work authorization card for a two year period. **Now, if an application for DACA is approved, work authorization is granted for a three year period.**

** Every individual's case is different. Please consult with an immigration attorney to determine whether you are eligible before applying.**