



KNOW YOUR RIGHTS

Deferred Action for Childhood Arrivals (DACA)

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DACA

IMPORTANT UPDATE:



State of Texas, et al., v. United States of America, et al. (S.D. Texas July 16, 2021) (“Texas II”)

- On July 16, 2021, the U.S. District Court for the Southern District of Texas held that the DACA policy “is illegal.”
- DHS is prohibited from granting initial DACA requests and accompanying requests for employment authorization.

Also consistent with that order, DHS will continue to grant or deny **renewal DACA requests**, according to existing policy.

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DEFINING DEFERRED ACTION

What is deferred action?

Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time.

For purposes of future inadmissibility based upon **unlawful presence**, an individual whose case has been deferred is not considered to be unlawfully present during the period in which deferred action is in effect.

USCIS, *DACA*, 2011

ADMIT
 DEFER
 DENY

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WHAT DOES DEFERRED ACTION DO?

An individual who has received deferred action is authorized by DHS to be present in the United States and is therefore considered by DHS to be lawfully present during the period deferred action is in effect.

However, deferred action does not confer **lawful status** upon an individual, nor does it excuse any previous or subsequent periods of unlawful presence.

Under existing regulations, an individual whose case has been deferred is eligible to receive employment authorization for the period of deferred action



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WHAT DOES DEFERRED ACTION DO?

DACA offers permission for a person to be in the United States temporarily.

On June 15, 2012, the secretary of Homeland Security announced that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action.

USCIS, *DACA*, 2021



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WHAT ARE THE BENEFITS OF DACA?

- DACA recipients receive permission to live and work in the U.S. for two years (may be renewed).
- Able to receive employment authorization.
- DACA recipients may apply for a social security number and in most states, a driver's license.
- DACA recipients may apply for permission to travel abroad.



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ELIGIBILITY FOR DACA

Guidelines

1. Were under the age of 31 as of June 15, 2012; and are at least 15 years of age or older at the time of filing
 1. If you are in removal proceedings, have a final removal order, or have a voluntary departure order, and are not in immigration detention, you can request consideration of DACA even if you are under the age of 15 at the time of filing and meet the other guidelines.
2. Came to the United States before reaching your 16th birthday;



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ELIGIBILITY FOR DACA

Guidelines (Continued)

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;

USCIS, DACA, 2021



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ELIGIBILITY FOR DACA

Guidelines (Continued)

5. Had no lawful status on June 15, 2012, meaning that:
 - I. You never had a lawful immigration status on or before June 15, 2012, or
 - II. Any lawful immigration status or parole that you obtained prior to June 15, 2012, had expired as of June 15, 2012;



USCIS, *DACA*, 2021

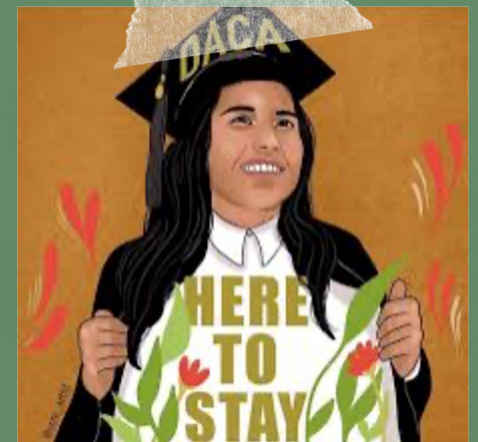
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ELIGIBILITY FOR DACA

Guidelines (Continued)

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, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.



USCIS, DACA, 2021

QUESTIONS?

Contact Chicago Appleseed:

ChicagoAppleseed.org

Where can you find more information?

Some resources:

- Enlace
 - Legal Clinic
 - Clinic Hours every Tuesday 3-5 pm
 - Ph: 773-893-0798





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THANK YOU!