



FORMS

NEWS

RESOURCES

LAWS

OUTREACH

ABOUT US

- [Refugees & Asylum](#)
- [Victims of Human Trafficking & Other Crimes](#)
- [Temporary Protected Status & Deferred Enforced Departure](#)
- [Consideration of Deferred Action for Childhood Arrivals Process](#)**
- [Battered Spouse, Children & Parents](#)
- [Humanitarian Parole](#)
- [Special Situations](#)

[Home](#) > [Humanitarian](#) > [Consideration of Deferred Action for Childhood Arrivals Process](#)

[Printer Friendly](#)

Consideration of Deferred Action for Childhood Arrivals Process

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. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not provide an individual with lawful status.

If you need further information and cannot find it on this Web page or in our [Frequent Asked Questions](#), you may contact our National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired). Customer service officers are available Monday – Friday from 8 a.m. – 8 p.m. and Saturdays from 9 a.m. to 5 p.m. in each U.S. time zone.

| Find on this Page | |
|--|--|
| Guidelines | National Security and Public Safety Guidelines |
| Filing Process | Renewing Deferred Action Under This Process |
| Travel Requirements and Restrictions | Don't Be a Victim of Immigration Scams |

View the Consideration of Deferred Action for Childhood Arrivals Process Video

Guidelines

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.

Age Requirements

Anyone requesting consideration for deferred action under this process must have been under 31 years old as of June 15, 2012. You must also be at least 15 years or older to request deferred action, unless you are currently in removal proceedings or have a final removal or voluntary departure order, as summarized in the table below:

| Your situation | Required age |
|--|--|
| I have never been in removal proceedings, or my proceedings have been terminated before making my request. | At least 15 years old at the time of submitting your request and not over 31 years of age as of June 15, 2012. |
| I am in removal proceedings, have a final removal order, or have a voluntary departure order, and I am not in immigration detention. | Not above the age of 31 as of June 15, 2012, but you may be younger than 15 years old at the time you submit your request. |

Timeframe for Meeting the Guidelines

| You must prove | |
|---|--|
| That on June 15, 2012 you | As of the date you file your request you |
| <ul style="list-style-type: none"> ● Were under 31 years old ● Had come to the United States before | <ul style="list-style-type: none"> ● Have resided continuously in the U.S. since June 15, 2007; |

Related Links

- [Frequently Asked Questions](#)
- [Consideration of Deferred Action for Childhood Arrivals \(fier\) \(3878KB PDF\)](#)
- [How Do I Request Consideration of Deferred Action for Childhood Arrivals \(also available in Spanish, Chinese and Vietnamese\)](#)
- [The Beacon Blog Post: Filing Tips: Deferred Action for Childhood Arrivals](#)

Forms

- [I-821D, Consideration of Deferred Action for Childhood Arrivals](#)
- [I-765, Application for Employment Authorization](#)
- [G-1145, E-Notification of Application/Petition Acceptance](#)
- [Consideration of Deferred Action for Childhood Arrivals Fee Exemption Guidance](#)

Other USCIS Links

- [Avoid Scams](#)
- [Find Legal Services](#)
- [Press Releases](#)

DHS Links

- [DHS Memo: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the US](#)

- [Get Email Updates for This Page](#)
- [Add Our RSS Feed](#)
- [Share This Page](#)

| | |
|---|--|
| You must prove | |
| That on June 15, 2012 you | As of the date you file your request you |
| your 16th birthday <ul style="list-style-type: none"> Were physically present in the United States Entered without inspection by this date, or your lawful immigration status expired as of this date | <ul style="list-style-type: none"> Were physically present in the United States; and Are in school, have graduated from high school in the United States, or have a GED; or Are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States |

Education and Military Service Guidelines

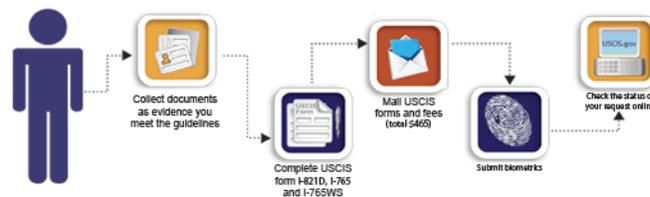
| Your school or military status at the time of requesting deferred action under this process | Meet education or military service guidelines for deferred action under this process (Y/N) |
|--|--|
| I graduated from: <ul style="list-style-type: none"> Public or private high school; or Secondary school. Or I have obtained a GED. | Yes |
| I am currently enrolled in school. See the Education section of the FAQs for a full explanation of who is considered currently in school. | Yes |
| I was in school but dropped out and did not graduate. I am not currently in school and am not an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S. | No |
| I am an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S. | Yes |

Please see our [Frequently Asked Questions](#) for more detail on school-related guidelines.

[Return to top](#)

Filing Process for Consideration of Deferred Action for Childhood Arrivals

If you meet the guidelines for deferred action under this process, you will need to complete the following steps to make your request to USCIS.



Collect documents as evidence you meet the guidelines.
 You will need to submit supporting documents with your request for consideration of deferred action for childhood arrivals. You can submit legible copies of these documents unless the instructions specify you must submit an original document.

Examples of Documents to Submit to Demonstrate you Meet the Guidelines
 Please see the [instructions to Form I-821D, Consideration of Deferred Action for Childhood Arrivals](#), for further details on acceptable documentation.

| | |
|--|--|
| Proof of identity | <ul style="list-style-type: none"> Passport or national identity document from your country of origin Birth certificate with photo identification School or military ID with photo Any U.S. government immigration or other document bearing your name and photo |
| Proof you came to U.S. before your 16th birthday | <ul style="list-style-type: none"> Passport with admission stamp Form I-94/I-95/I-94W School records from the U.S. schools you have attended Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear) Travel records Hospital or medical records |
| Proof of immigration status | <ul style="list-style-type: none"> Form I-94/I-95/I-94W with authorized stay expiration date Final order of exclusion, deportation, or removal issued as of June 15, 2012 A charging document placing you into removal proceedings |

| | |
|--|---|
| Proof of presence in U.S. on June 15, 2012 | <ul style="list-style-type: none"> ● Rent receipts or utility bills ● Employment records (pay stubs, W-2 Forms, etc) ● School records (letters, report cards, etc) ● Military records (Form DD-214 or NGB Form 22) ● Official records from a religious entity confirming participation in a religious ceremony |
| Proof you continuously resided in U.S. since June 15, 2007 | <ul style="list-style-type: none"> ● Copies of money order receipts for money sent in or out of the country ● Passport entries ● Birth certificates of children born in the U.S. ● Dated bank transactions ● Social Security card ● Automobile license receipts or registration ● Deeds, mortgages, rental agreement contracts ● Tax receipts, insurance policies |
| Proof of your student status at the time of requesting consideration of deferred action for childhood arrivals | <ul style="list-style-type: none"> ● School records (transcripts, report cards, etc) from the school that you are currently attending in the United States showing the name(s) of the school(s) and periods of school attendance and the current educational or grade level ● U.S. high school diploma or certificate of completion ● U.S. GED certificate |
| Proof you are an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S. | <ul style="list-style-type: none"> ● Form DD-214, Certificate of Release or Discharge from Active Duty ● NGB Form 22, National Guard Report of Separation and Record of Service ● Military personnel records ● Military health records |

See our [Frequently Asked Questions](#) for information on submitting affidavits or circumstantial evidence to support your request.

[Return to top](#)



Complete the required two forms and worksheet

| Form name | Fee |
|---|--|
| I-821D, Consideration of Deferred Action for Childhood Arrivals | Total fee of \$465. \$380 fee plus \$85 fee for biometric services. These fees cannot be waived. |
| I-765, Application for Employment Authorization | |
| I-765WS, Worksheet | |

Form Filing Tips

- Forms must be mailed to the [USCIS Lockbox](#).
- You cannot e-file your deferred action request for this process.
- If you have questions call the Customer Service Center at 1-800-375-5283; do NOT visit a USCIS field office in person.
- Write your name and date of birth exactly the same way on each form.
- Failure to submit Forms I-821D, I-765, I-765WS and the \$465 fee will result in your package being rejected.
- We prefer that you download the forms from [our website](#), fill them out electronically, and then print your forms.
- Use black ink only. Do NOT use highlighters or red ink on your forms as they may make your materials undetectable when scanned.
- Ensure that you are using the correct edition of the form. The correct, most current edition of every USCIS form is always available for FREE download on this website.
- Ensure that you provide all required supporting documentation and evidence.
- Organize and label evidence by the guideline it meets.
- Be sure to sign all of your forms.
- Be sure that you mail all pages of the forms.
- If you must change your form, we recommend that you begin with a new form, rather than trying to white out information, which can lead to scanning errors.



Mail your forms to the appropriate USCIS Lockbox.

See the [mailing instructions](#) for Form I-821D. Include the required forms, fees and supporting documentation with your filing. Remember to carefully follow instructions and fully complete your forms. USCIS will not accept incomplete forms or forms without proper fee. USCIS will mail you a receipt after accepting your request. You may also choose to receive an email and/or text message notifying you that your form has been accepted by completing a [Form G-1145, E-Notification of Application/Petition Acceptance](#).



Visit an Application Support Center (ASC) for biometric services.
 After USCIS receives your complete request with fees, we will send you a notice scheduling you to visit an ASC to for biometric services. If you fail to attend your ASC appointment, USCIS may deny your request for deferred action. Children under 14 in removal proceedings, with a final removal order, or with a voluntary departure order, and who are not in immigration detention, will appear at the ASC for photographs only.



Check the status of your request on [Case Status Online](#).
 The 90-day period for reviewing Form I-765 filed together with Form I-821D begins if and when USCIS decides to defer action in your case.

Fee Exemptions

There are no fee waivers available for the deferred action for childhood arrivals process. [Fee exemptions](#) are available in very limited circumstances. Visit the Fee Exemption page for more details.

If USCIS Defers Action in Your Case

If USCIS defers action in your case and grants employment authorization, you will receive a notice of decision in writing and an Employment Authorization Document separately in the mail.

If USCIS Does Not Exercise Deferred Action in Your Case

If USCIS decides not to defer action in your case, you cannot appeal the decision or file a motion to reopen or reconsider. USCIS will not review its discretionary determinations.

USCIS will apply our policy guidance governing the referral of cases to U.S. Immigration and Customs Enforcement (ICE) and the issuance of Notices to Appear (NTA). 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 where DHS determines there are exceptional circumstances. For more detailed information on the applicable NTA policy visit www.uscis.gov/NTA.

Administrative Errors

You may request a review using the Service Request Management Tool process if you met all of the process guidelines and you believe that your request was denied because of an administrative error. Examples of administrative errors include USCIS denying your request for deferred action because:

- USCIS believes you abandoned your case by not responding to a Request for Evidence (RFE) and you claim that you did respond to the RFE within the prescribed time; or
- USCIS mailed the RFE to the wrong address, even though you had submitted a Form AR-11, Change of Address, or changed your address online at www.uscis.gov before the issuance of the Request for Evidence.

To make a service request, you must call the National Customer Service Center at 1-800-375-5283. A USCIS customer service representative will then forward your request to the proper USCIS office. Your service request will be reviewed for accuracy and USCIS will send you a letter informing you of its decision.

The USCIS National Customer Service Center is now open Monday – Friday from 8 a.m. – 8 p.m. and Saturdays from 9 a.m. to 5 p.m. in each U.S. time zone.

[Return to top](#)

Travel Requirements and Restrictions

Certain travel outside the United States may affect the continuous residence guideline. After August 15, 2012, if you travel outside the United States, you will not be considered for deferred action under this process. If USCIS approves your request for deferred action, then you can travel outside the United States only if you apply for and receive advance parole from USCIS. [Advance parole](#) is available for travel for educational, employment or humanitarian reasons. You must file an application with USCIS and explain why you need to travel outside of the country. All advance parole requests will be considered on a case-by-case basis.

Travel undertaken before August 15, 2012, will not be deemed to interrupt your continuous residence if the travel was brief, casual and innocent.

| Travel Dates | Type of Travel | Does it Affect Continuous Residence |
|--|--|--|
| Before August 15, 2012 | <ul style="list-style-type: none"> ● brief ● casual ● innocent | No |
| | <ul style="list-style-type: none"> ● For an extended time ● Because of an order of exclusion, deportation, or removal ● To participate in criminal activity | Yes |
| After August 15, 2012, and before you have requested deferred action | <ul style="list-style-type: none"> ● Any | Yes. |
| After August 15, 2012, and after you have requested deferred action | <ul style="list-style-type: none"> ● Any | Yes. You cannot travel while your request is under review. You cannot apply for advance parole unless and until DHS has determined whether to defer action in your case. |

Note: If you are currently in removal proceedings, and you leave the United States, you will be deemed to have removed yourself and will be subject to any applicable grounds of inadmissibility if you seek to return.

For detailed information see the [Travel section](#) of the Frequently Asked Questions.

[Return to top](#)

National Security and Public Safety Guidelines

If you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or are otherwise deemed to pose a threat to national security or public safety, you will not be considered for deferred action under this process.

What is the difference between “significant misdemeanor”, “non-significant misdemeanor”, and “felony”?

| Felony | Significant Misdemeanor | Non-significant Misdemeanor |
|--|---|--|
| A felony is a federal, state or local criminal offense punishable by imprisonment for a term exceeding one year. | A significant misdemeanor is a misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and: <ol style="list-style-type: none"> Regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; or, If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence. | A crime is considered a non-significant misdemeanor (maximum term of imprisonment is one year or less but greater than five days) if it: <ol style="list-style-type: none"> Is not an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; and Is one for which the individual was sentenced to time in custody of 90 days or less. |

A minor traffic offense will not be considered a misdemeanor for purposes of this process, but it is important to emphasize that driving under the influence is a significant misdemeanor regardless of the sentence imposed. You can find detailed information in the [National Security and Public Safety section](#) of the Frequent Asked Questions.

Renewing Deferred Action Under This Process

Individuals whose case is deferred under this process will not be placed into removal proceedings or removed from the United States for a period of two years, unless terminated. You may request consideration for a two-year extension of deferred action through a process to be detailed in the future. As long as you were under the age of 31 on June 15, 2012, you may request a renewal even after turning 31. Your request for an extension will be considered on a case-by-case basis.

Don't Be a Victim of Immigration Scams

Dishonest practitioners may promise to provide you with faster services if you pay them a fee. These people are trying to scam you and take your money. Visit our [Avoid Scams](#) page to learn how you can protect yourself from immigration scams.

Make sure you seek information about consideration of deferred action for childhood arrivals from official government sources such as USCIS or the Department of Homeland Security. If you are seeking legal advice, visit our [Find Legal Services](#) page to learn how to choose a licensed attorney or accredited representative.

Remember you can download all USCIS forms for free at www.uscis.gov/forms.

Combatting Fraud

USCIS is committed to safeguarding the integrity of the immigration process. If individuals knowingly make a misrepresentation, or knowingly fail to disclose facts, in an effort to have their case deferred or obtain work authorization through this process, they will be treated as an immigration enforcement priority to the fullest extent permitted by law, and be subject to criminal prosecution and/or removal from the United States.

[Return to top](#)

Find this page at www.uscis.gov/childhoodarrivals

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InfoPass
My Case Status
Change of Address
Visa Bulletin
Passports
E-Verify
Careers at USCIS
Site Map (Index)

Citizenship
Green Card
Family
Working in the U.S.
Humanitarian
Adoption
Military
Avoid Scams

U.S. Department of Homeland Security
U.S. Customs & Border Protection
U.S. Immigration & Customs Enforcement
White House
U.S. Department of State
USA.gov

USCIS Freedom of Information Act and Privacy Act
No FEAR Act
Website Policies
Social Media Policy
Privacy and Legal Disclaimers
Accessibility
Plug-ins

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[Archive](#)