



U.S. Citizenship and Immigration Services

USCIS Re-Opens Previously Pending Deferral Requests

Today, U.S. Citizenship & Immigration Services announced it will reopen non-military deferred action cases that were pending on August 7. Letters will be sent this week re-opening all cases that were pending on August 7.

On August 7, USCIS stopped its consideration of deferred action for non-military requestors. At that time, USCIS sent out letters informing those who had requested deferred action that USCIS was no longer entertaining such requests. Deferred action is a discretionary determination to defer the deportation of an individual who is illegally present in the United States as an act of prosecutorial discretion on a case-by-case basis. Those denied requests that were pending on August 7 did not have removal orders pending, and have not been targeted for deportation.

While limiting USCIS' role in deferred action is appropriate, USCIS will complete the caseload that was pending on August 7.

As USCIS' deferred action caseload is reduced, the career employees who decide such cases will be more available to address other types of legal immigration applications on a more efficient basis.

Deferred action related to military members and DACA was not affected by the August 7 action, and consideration of such cases is ongoing.

By way of background, "deferred action" is a discretionary decision to temporarily postpone the removal from the United States of a person who is illegally present. In the deferred action determinations at issue here, the Department of Homeland Security will make case-by-case, discretionary decisions based on the totality of the evidence and circumstances. Such cases will be decided based on the discretion of career USCIS employees, including but not limited to considerations similar to the Department of State's consideration of B-2 visas when such visas are requested for medical purposes. Deferred action does not grant an alien lawful immigration status, nor does it excuse any past or future periods of unlawful presence.

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