

JUNE 9, 2014 BULLETIN TO ALL IMMIGRATION CLIENTS

CIS Announces Process for Renewing Enrollment in the Deferred Action for Childhood Arrivals Program

Secretary of Homeland Security Jeh Johnson recently announced the process for individuals to renew enrollment in the Deferred Action for Childhood Arrivals (DACA) program. DACA is a discretionary determination to defer removal action against an individual. Individuals in DACA will be able to remain in the United States and apply for employment authorization for a period of two years. **Deferred action does not provide/confer on the beneficiary a lawful immigration status or a path to permanent residence.**

Individuals previously enrolled in DACA may now renew their deferral for a period of two years. USCIS will begin accepting renewal requests immediately and will also continue to accept requests for DACA from individuals who have not previously sought to access the program.

The first DACA approvals will begin to expire in September 2014. To avoid a lapse in the period of deferral and employment authorization, individuals must file renewal requests before the expiration of their current period of DACA. USCIS encourages applicants to submit their renewal request approximately 120 days (four months) before their current period of deferred action expires.

Individuals may request DACA renewal if they continue to meet the initial criteria (below) and these additional guidelines:

- Did not depart the United States on or after Aug. 15, 2012, without advance parole;
- Have continuously resided in the United States since they submitted their most recent (approved) DACA request; and
- Have not been convicted of a felony, a significant misdemeanor or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

To renew DACA, individuals must complete the new version of Form I-821D “Consideration of Deferred Action for Childhood Arrivals” as well as Form I-765 “Application for Employment Authorization” and the I-765 Worksheet. There is a filing and biometrics fee totaling \$465. As with an initial request, USCIS will conduct a background check when processing DACA renewals.

Individuals who satisfy the following initial requirements may be eligible for DACA:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday;
3. Have continuously resided in the United States since June 15, 2007;
4. Were physically present in the United States on June 15, 2012, as well as at the time of making the request for consideration of deferred action;

5. Entered without inspection before June 15, 2012, or lawful immigration status had 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.

Please contact any member of the Cohen & Grigsby Immigration Department at 412.297.4900 if you have any questions regarding this information. To receive future bulletins by e-mail, please send an e-mail to info@cohenlaw.com.

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