

President Obama and Department of Homeland Secretary Janet Napolitano recently announced the availability of "deferred action," or temporary protection from removal (deportation), and eligibility for work authorization, for certain people who were brought to the U.S. illegally as children. The government has up to 60 days from June 15, 2012 - the date the policy was announced - to provide guidance for the application procedure. No applications will be accepted until the process has been defined and announced by the government.

Naturally, many people who believe they may qualify are wondering, "what can I do now in order to be able to apply as soon as the government begins accepting requests?" Here are three suggestions.

Three Things You Can Do Now to Prepare

1. **Stay out of trouble.** To be eligible for the relief under this new policy, you must not have been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offense, or otherwise pose a threat to national security or public safety. If you do not have any prior criminal offenses, that's great - be sure to keep it that way.

2. **Save money.** The government has not indicated whether there will be filing fees associated with this request, but it has already indicated the following:

- A background check (including biometrics/fingerprinting) will be required,
- A person eligible for this relief will be eligible for a work permit.

Currently, the fee for biometrics is \$85, and the fee for a standalone work permit application currently is \$380. It remains to be seen whether these fees will apply for this policy, and whether or not additional filing fees will apply, but you can bet there will be some fees charged by the government to review your request. In addition, you may want or need to hire an experienced immigration attorney, such as [The Law Office of Tanya M. Lee](#), to confirm your eligibility, advise you on the documents you need to submit to prove your eligibility, prepare the forms and letter advocating why you should be granted the relief, and to correspond and negotiate with the government on your behalf. This means you should budget for legal fees as well. In sum, start saving money for this investment in your future - you will be able to pay yourself back through your legitimate earnings after you receive your work permit.

- Start gathering documents to prove you qualify. There will be many documents you will need to provide to the government to prove you are eligible for relief and the work permit under this new policy. Don't wait until the government announces it is ready to accept

applications - get started now on gathering your documents. Below are the eligibility criteria followed by a checklist of documents that you can begin to gather now to prove your eligibility.

Eligibility for Deferred Action (Temporary Protection from Removal/Deportation)

According to Department of Homeland Security's Secretary Janet Napolitano's memo issued June 15, 2012, in order to be eligible for deferred action for a period of two years (renewable), individuals must:

1. Have come to the United States under the age of sixteen;
2. Have continuously resided in the United States in the United States for at least five years preceding June 15, 2012 and have been present in the United States on June 15, 2012;
3. Currently be in school, have graduated from high school, have obtained a general education development certificate, or be honorably discharged veterans of the Coast Guard or Armed Forces of the United States;
4. Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety; and
5. Not be above the age of thirty.

Preferred Documents to Submit as Proof of Eligibility - Begin Gathering Now!

1. *To prove you came to the U.S. under age 16 ...*

... collect financial/bank records, medical records, school records, employment records, military records.

2a. *To prove you have continuously resided in the U.S. for the last 5 years prior to June 15, 2012 ...*

... collect financial/bank, medical, school, employment, and military records.

2b. *To prove you were present in the U.S. on June 15, 2012...*

... collect financial/bank, medical, school, employment, and military records.

3a. *To prove you are currently in school, have graduated, or obtained your GED certificate...*

... collect diplomas, GED certificate, report cards, and school transcripts.

3b. To prove you are an honorably discharged veteran of the Coast Guard or Armed Forces

... collect your report of separation form, military personnel records, military health records.

4. To prove you have not been convicted of certain disqualifying criminal offenses ...

... gather court records and police reports for an analysis by an attorney to determine your eligibility prior to application; be prepared for the government's background check including fingerprinting

5. To prove you are not older than thirty...

... obtain the original or certified copy of your birth certificate listing your parent(s); if not in English, get a certified English translation

CONSULT WITH AN EXPERIENCED IMMIGRATION ATTORNEY BEFORE APPLYING

Before submitting a request for deferred action under this new policy, it is important for you to understand what the new policy can and cannot offer you, what the risks are of applying, the eligibility requirements and the supporting documents needed to prove you qualify, and the process, timing, and fees involved in making the request.

To have an experienced attorney assess your eligibility, or if you have any further questions including which documents you should submit to prove eligibility in your specific case, please fill out the [contact form](#) at www.aboutusvisas.com, or contact The Law Office of Tanya M. Lee, PLLC at info@aboutusvisas.com, (480) 559-9529 (English) and (623) 349-1351 (English and Español). The attorneys in the firm are authorized under federal law to assist clients located in all 50 U.S. states and abroad with matters of immigration and nationality law.