

Top 11 Filing Tips for a “Dreamer”- Request for Deferred Action for Childhood Arrivals Law Office of Tanya M. Lee, PLLC; <http://aboutusvisas.com>; tlee@aboutusvisas.com

President Obama and Department of Homeland Security Secretary Janet Napolitano announced that certain foreign nationals who were brought to the U.S. before the age of 16, and who were under age 31 as of June 15, 2012, can apply for protection for two years from deportation and work authorization. This new policy and process is called Deferred Action for Childhood Arrivals (DACA). The U.S. Citizenship and Immigration Services (USCIS) has published the following tips to assist applicants:

Filing your request for consideration of deferred action for childhood arrivals involves several steps. You need to submit multiple forms, evidence and fees. Small mistakes in preparing your request could lead to it being rejected. Please read these tips to avoid having your request rejected or delayed because of common filing errors.

1. Mail all forms together – You must mail the following forms in one package:

a. Form I-821D, Consideration of Deferred Action for Childhood Arrivals

b. Form I-765, Application for Employment Authorization.

c. Form I-765WS, Worksheet.

***Be sure to read these [mailing instructions](#) to see where to mail the forms based on the state you live in. Remember to send it to the P.O. Box address if mailing through the U.S. Postal Service. All forms are available at www.uscis.gov/forms for free. Do not pay for blank USCIS forms either in person or over the Internet.

2. Sign your forms – You must sign both your Form I-821D and Form I-765. If someone helps you fill out the forms, that person must also sign both Form I-821D and Form I-765 in the designated box below your signature.

3. Write your name and date of birth the same way on each form – Variations in the way information is written can cause delays. For example, you should not write Jane Doe on one form and Jane E. Doe on another form. It is important to read all instructions on the forms carefully.

4. Use the correct version of Form I-765 – Always make sure you have the most recent form when submitting your request with USCIS. to download the most recent version. You can download all USCIS forms and instructions for free on www.uscis.gov/forms.

5. Use Form I-821D NOT Form I-821 – Form I-821D is used to request consideration of deferred action for childhood arrivals. Form I-821 is a different form used to apply for Temporary Protected Status, an entirely different process.

6. Do NOT e-file Form I-765 – Requests for consideration of deferred action cannot be e-filed. You must mail your package (Forms I-821D, I-765, I-765WS, evidence and fees) to the appropriate USCIS Lockbox listed [here](#).

7. Submit correct fees –The fee to request consideration of deferred action for childhood arrivals is \$465 and cannot be waived. There are fee exemptions (click for [instructions](#)) available only in limited circumstances. You may submit separate checks of \$380 and \$85, or one single check of \$465.

8. Answer all questions completely and accurately – If an item is not applicable or the answer is “none,” leave the space blank. To ensure your request is accepted for processing, be sure to complete these required form fields:

Form I-821D: Name, Address, Date of Birth

Form I-765: Name, Address, Date of Birth, Eligibility Category

9. Provide all required supporting documentation and evidence – You must submit all required evidence and supporting documentation. These documents are required for USCIS to make a decision on your request. Please organize and label your evidence by the guideline it meets.

10. If you make an error on a form, start over with a clean form – USCIS prefers that you type your answers into the form and then print it. If you are filling out your form by hand, use black ink. If you make a mistake, please start over with a new form. Scanners will see through white out or correction tape and this could lead to the form being processed as incorrect, and lead to processing delays or denial.

11. Carefully review age guidelines before filing – If you have never been in removal (deportation) proceedings, or your proceedings have been terminated, you must be at least 15 years of age or older at the time of filing.

You cannot be the age of 31 or older as of June 15, 2012, to be considered for deferred action for childhood arrivals.

To ensure that your request is accepted for processing, it is important that you review your entire request package before you file with USCIS. A consultation with an experienced immigration attorney is highly recommended to confirm your eligibility, inform you of risks and watchouts, and advise you regarding future potential options to legalize your status and of the best evidence to submit (and not to submit) to increase your chances of approval of your Deferred Action request. Contact The Law Office of Tanya M. Lee today at 480-559-9529 for a confidential consultation.