

Frequently Asked Questions

All questions and answers courtesy of U.S. Citizenship and Immigration Services.

Please visit www.uscis.gov/childhoodarrivals for more information.

Who is eligible?

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.
8. Are at least 15 years old at the time you apply.

What is deferred action for childhood arrivals?

Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not confer lawful status or a path to citizenship upon an individual. 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. Individuals who can demonstrate through verifiable documentation that they meet these guidelines will be considered for deferred action. Determinations will be made on a case-by-case basis under the guidelines set forth in the Secretary of Homeland Security's memorandum.

If my case is deferred, am I in lawful status for the period of deferral?

No. Although action on your case has been deferred and you do not accrue unlawful presence during the period of deferred action, deferred action does not confer any lawful status.

Does deferred action provide me with a path to permanent residence status or citizenship?

No. Deferred action is a form of prosecutorial discretion that does not confer lawful permanent resident status or a path to citizenship. Only the Congress, acting through its legislative authority, can confer these rights.

Will the information I share in my request for consideration of deferred action for childhood arrivals be used for immigration enforcement purposes?

If 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 if the government determines there are exceptional circumstances.

If my case is referred to ICE for immigration enforcement purposes or if I receive an NTA, will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes?

If your case is referred to ICE for purposes of immigration enforcement or you receive an NTA, information related to your family members or guardians that is contained in your request will not be referred to ICE for purposes of immigration enforcement against family members or guardians.

How much does it cost to apply for Deferred Action for Childhood Arrivals?

Each application must include.

- A check or money order for \$465 payable to **U.S. Department of Homeland Security** for the biometrics and employment authorization document application fees

Where do I file my application for Deferred Action for Childhood Arrivals?

If you live in Wisconsin, you should mail your application to the Chicago Lockbox.

If mailing your application via the US Postal Service, you should use the following address:

USCIS
P.O. Box 5757
Chicago, IL 60680-5757

If mailing your application via USPS Express Mail, FedEx or any other courier, you should use the following address;

USCIS
Attn: DACA
131 S. Dearborn – 3rd Floor
Chicago, IL 60603-5517

Do all documents I submit with my application have to be translated to English?

Yes. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation, which the interpreter has certified as complete and accurate, and by the interpreter's certification that he or she is competent to translate from the foreign language into English.

Should I include original documents in my application?

No. Do not include any original documents in your application unless specifically required. Instead, include copies of all necessary documents.

Common Issues and Warnings

If you have any criminal record or have pending criminal charges or have ever left the United States, we strongly suggest you speak with an immigration attorney (we will provide referrals) before proceeding with your application.

If you have been convicted of a felony offense, a significant misdemeanor offense (including driving under the influence), or multiple misdemeanors, you will not be considered for deferred action under the new process. In addition, USCIS has indicated that individuals who apply for deferred action and are denied due to their criminal record may be put into removal/deportation proceedings. Also, any absences from the U.S. may affect this application as well as eligibility for any future immigration benefit.

We strongly suggest that all applicants submit their fingerprints for an FBI background check before proceeding with your application.

This is the only way to be certain you do not have any criminal conviction or previous immigration matter that would make you ineligible for deferred action.

If you have any questions or concerns about your application, we suggest you contact a respected immigration attorney, not a notario.

A list of respected immigration attorneys in Wisconsin is available.

If you change your address after filing this request, you must inform USCIS within 10 days of moving to your new address.

For information on filing a change of address go to www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at 1-800-375-5283.

Immigration policy is subject to change at any time.

It may be modified, superseded, or rescinded at any time without notice, and is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Do not lie, exaggerate or make any misrepresentations on the deferred action or any immigration applications.

If you knowingly make a misrepresentation or knowingly fail to disclose facts, in an effort to have your case deferred or obtain work authorization through this new process, you 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.

Getting Assistance from ESTHER and Referrals

Notice/Disclaimer:

This packet of information provides basic information to help you become generally familiar with USCIS rules and procedures and its process for Deferred Action for Childhood Arrivals. Following the suggestions contained in the packet in no way guarantees a successful outcome in your case.

At our Information Sessions, we seek to provide confidential legal information and referrals matters related to Deferred Action for Childhood Arrivals. Please bring all paperwork related to your application. We cannot provide legal representation or any ongoing legal services.

ESTHER and its volunteers cannot accept your case or represent you in any legal action in which you may be involved.

Our assistance is limited to our meeting with you today and does not create an ongoing attorney-client relationship.

It is usually a good idea to have an attorney represent you, and it may be difficult to proceed without one. We will provide as much assistance as we can today, but you may be more successful if you have an attorney. If we are aware of any reasonable available alternatives to our service, we will refer you to them. We recommend that you contact any legal resources to which we refer you.

Information that you share with us will be treated as confidential and will not be disclosed unless we are required to do so under applicable state law.

While we may meet with individuals on more than one occasion, each meeting must stand on its own and does not establish an on-going attorney-client relationship. In addition, we reserve the right to refuse to see individuals if it appears that expectation for services are beyond the scope of our services of basic legal information and referrals.

Respected Attorney Referrals

Beware of notaries and others in our community who don't have the legal knowledge to provide immigration law counseling and services. Here is a list of respected immigration attorneys in Wisconsin that we suggest contacting to receive more detailed legal assistance on your Deferred Action for Childhood Arrivals Application:

Attorney Elizabeth Murrar
(414) 897-7167
elizabeth@murrarlaw.com

Attorney Matthew T. Luening
(414) 221-6485
mtluening@gmail.com

Attorney Benjamin M. Crouse
(414) 342-3000
bmc@grzecalaw.com

Attorney Amanda K. Gennerman
(608) 662-5999
akgennerman@yahoo.com

Attorney Kime Adb
(414) 699-1567
info@abdulimmigration.com

Attorney John Sesini
(414) 342-3000
jls@grzecalaw.com

Attorney Michael Reyes
(262) 544-1202
yagrumo@gmail.com

Attorney Stuart D.P. Gilganon
(414) 758-5245
stuart@gilgannonlaw.com

Respected Translator Referrals

Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation, which the interpreter has certified as complete and accurate, and by the interpreter's certification that he or she is competent to translate from the foreign language into English. Here is a list of translators in the Fox Valley that we suggest contacting to receive certified translations. Please note, the translators may charge a fee for their services.

Mayra Pasayes
920-419-7318
pasayesmayra@asds.k12.wi.us

Norys Pina
(920) 954-9533
noryspina@hotmail.com

Casa Esther-Francisca Hiscocks
920-850-0090
casaesther.foxvalley@gmail.com

Carlos Herrera
920-739-0794
carlos.herrera@st-therese.com

Evidence Checklist

Please bring copies of all information you have gathered to the ESTHER Information Session. This documentation will help us answer any questions and assist you with the paperwork. **In addition, COPIES (not originals) of all evidence must be submitted with your application to USCIS.** At least one document must be submitted to prove eligibility in each category but we suggest including copies of ALL possible evidence that helps prove your eligibility. In addition, if a document serves as supporting evidence in more than one category, we suggest you include a copy of the document in each appropriate section.

1. Examples of Documents to Submit to Demonstrate you Meet the Guidelines (one or more pieces of evidence)

- Passport
- Birth certificate with photo identification
- School or military ID with photo
- Any U.S. government immigration or other document bearing your name and photo

2. Proof you came to U.S. before your 16th birthday (one or more pieces of evidence)

- 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

3. Proof of immigration status (one or more pieces of evidence)

- 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

4. Proof of Presence in U.S. on June 15, 2012 (one or more pieces of evidence) AND Proof you continuously resided in U.S. since June 15, 2007 (must have proof for each year)

- 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
- 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

Evidence Checklist Continued

5. Proof of your student status at the time of requesting consideration (one or more)

- 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

6. Proof you are an honorably discharged if you were ever a veteran of the U.S. Armed Forces or the U.S. Coast Guard (one or more pieces of evidence)

- 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

7. Proof of economic need for employment

- Your current annual income
- Your current annual expenses
- The current value of your assets

8. Other required documents and information

- 2 recent passport style photographs
- A check or money order for \$465 payable to **U.S. Department of Homeland Security** for the biometrics and employment authorization document application fees
- A list of all previous addresses in the U.S. (if any)
- A list of all trips outside the U.S. (if any)

How to File your DACA Application

Important Tips

- Forms may be completed either by legibly printing your responses (in black ink) or by typing your response. A PDF of the form (which allows you to type your response and save a draft) is available at <http://www.uscis.gov/USCIS/files/form/i-821d.pdf>
- To receive an e-Notification when your forms have been accepted, complete [Form G-1145, E-Notification of Application/Petition Acceptance](#) and clip it to the front of the Form I-821D.
- Place all necessary and completed forms at the front of your application packet followed by supporting evidence. The order of included forms should be
 1. Form G-1145 (if included)
 2. Form I-821D
 3. Form I-765
 4. Form I-765 Worksheet
- Passport photos should be placed in an envelope and have the applicant's name and birthdate written on the back of each photo in pencil to help prevent them from being lost. Do not staple the photos.
- Clip the check and envelope containing the passport photos to the front of your application packet.
- Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation, which the interpreter has certified as complete and accurate, and by the interpreter's certification that he or she is competent to translate from the foreign language into English.
- Do not include any original documents in your application unless specifically required.
- If a document serves as supporting evidence in more than one category, we suggest you include a copy of the document in each appropriate section.
- To ease review by USCIS officers, either include a cover sheet listing all evidence included with the application or separate all evidence by category (Ex: "Proof you came to U.S. before your 16th birthday" or "Proof of your student status at the time of requesting consideration of deferred action for childhood arrivals") and separate each section of evidence with a colored sheet of paper listing the category.
- Keep a copy of your entire application and supporting documents, including a copy of the check for your records.

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Chicago, IL 60680-5757

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Attn: DACA
131 S. Dearborn – 3rd Floor
Chicago, IL 60603-5517

What do I need to include with my application?

- Completed, signed and dated Forms I-822D, Form I-765, Form I-765QA, and Form G-1145 (if you would like e-notification of application acceptance).
- Evidence proving you meet all the requirements to apply for Deferred Action for Childhood Arrivals.
- 2 color passport style photographs.
- A check or money order for \$465 payable to **U.S. Department of Homeland Security** for the biometrics and employment authorization document application fees

Is Your Request Complete?

- Did you submit Form I-765 along with the filing and biometric services fees (\$465) total required for the application for employment authorization and did you also submit a completed Form I-765WS?
- Did you answer each question?
- Did you provide an original, handwritten signature and date your request?
- Did you submit the necessary documents?
- Did you submit evidence to show that you came to the U.S. while under the age of 16?
- Did you submit evidence to prove identity, date of initial entry, and continuous residence from June 15, 2007, (or earlier) up to the present time?
- Did you submit evidence that you are currently in school, have a GED certificate, have graduated or received a certificate of completion from high school, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?
- If you were issued a final order, did you include a copy of that final order (if available)?
- If your removal proceedings were terminated by an immigration judge, did you include a copy of the immigration judge's termination order?
- Did you provide evidence showing that, as of June 15, 2012, you were present in the United States after your lawful status had expired?