

TABLE OF CHANGES – INSTRUCTIONS
FORM I-821D, Consideration of Deferred Action for Childhood
Arrivals
OMB Number: 1615-0124
03/31/2014

Current Section and Page Number	Current Text	Proposed Text
Page 1, What Is the Purpose of This Form?	<p>The purpose of Form I-821D, <i>Consideration of Deferred Action for Childhood Arrivals</i>, is to request that U.S. Citizenship and Immigration Services (USCIS) consider deferring action, on a case-by-case basis, based on the guidelines described in the Secretary of Homeland Security's memorandum issued on June 15, 2012, as reflected in the "What is a Childhood Arrival for Purposes of This Form?" section below (Secretary's memorandum). Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Individuals who receive deferred action will not be placed into removal proceedings or removed from the United States for a specified period of time, unless the Department of Homeland Security (DHS) chooses to terminate the deferral. See the Secretary's memorandum at www.uscis.gov/childhoodarrivals.</p>	<p>[Page 1]</p> <p>An individual may file Form I-821D, <i>Consideration of Deferred Action for Childhood Arrivals</i>, to request that U.S. Citizenship and Immigration Services (USCIS) exercise prosecutorial discretion in his or her favor under the Deferred Action for Childhood Arrivals (DACA) process, including consideration for Renewal of deferred action. USCIS considers deferring action (<i>including Renewal of deferred action</i>) on a case-by-case basis, based on the guidelines in the "What is a Childhood Arrival for Purposes of This Form" section of these instructions. Deferred action is a discretionary determination to defer removal of an individual as an act of prosecutorial discretion. Individuals who receive deferred action will not be placed into removal proceedings or removed from the United States for a specified period of time, unless the Department of Homeland Security (DHS) chooses to terminate the deferral. See the Secretary of Homeland Security's memorandum issued on June 15, 2012 (Secretary's memorandum), upon which the DACA process is based, at www.uscis.gov/childhoodarrivals.</p>

Page 1, When Should I Use Form I-821D?

Use Form I-821D to request consideration of deferred action under the Secretary's memorandum. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. ***Deferred action does not provide lawful status.*** All individuals filing Form I-821D must also file Form I-765, *Application for Employment Authorization*, and Form I-765WS, *Form I-765 Worksheet*. See "Initial Evidence" section for more information.

NOTE: If U.S. Immigration and Customs Enforcement (ICE) has already deferred action in your case, you may file Form I-765 and Form I-765WS with USCIS to request work authorization.

If you are currently in immigration detention, you may not request consideration of deferred action for childhood arrivals or renewal of deferred action for childhood arrivals from USCIS. If you think you meet the guidelines of this process, you should identify yourself to your detention officer or contact ICE's Office of the Public Advocate.

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Use **this form** to request consideration of **Initial DACA or Renewal of DACA**. Deferred action is a discretionary determination to defer **removal action** of an individual as an act of prosecutorial discretion. All individuals filing Form I-821D, **whether for an Initial or a Renewal of deferred action**, must also file Form I-765, **Application for Employment Authorization**, and Form I-765 Worksheet, **Form I-765WS**. See the **Evidence for Initial Evidence Only** and **Evidence for Renewal Requests Only** sections of the instructions for more information.

CAUTION: If you file this request **more than 150 days prior** to the expiration of your current period of deferred action, USCIS may reject your submission and return it to you with instructions to resubmit your request closer to the expiration date.

NOTE: If U.S. Immigration and Customs Enforcement (ICE) initially deferred action in your case and you are seeking a Renewal, you must file Form I-821D and select and complete **Item Number 2**, in **Part 1**, of Form I-821D. You must also respond to **ALL** subsequent questions on the form. You must also submit documentation to establish how you satisfy the guidelines as if you were filing an Initial request for consideration of deferred action.

If you are currently in immigration detention, you may not request consideration of **DACA or Renewal of DACA** from USCIS. If you think you meet the guidelines of this process, you should identify yourself to your **deportation officer**.

**Page 1, What is a
Childhood Arrival for
Purposes of This Form?**

An individual may be considered for deferred action for childhood arrivals if he or she:

1. Was under the age of 31, as of June 15, 2012;
2. Came to the United States before reaching his or her 16th birthday...

5. Entered without inspection before June 15, 2012, or his or her lawful immigration status expired as of June 15, 2012;

6. Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general educational development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and

7. Has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety.

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An individual may be considered for **DACA** if he or she:

1. Was under **31 years of age**, as of June 15, 2012;
2. Came to the United States before reaching his or her 16th **birthday**;

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5. **Had no lawful status on June 15, 2012**

NOTE: No lawful status on June 15, 2012 means that:

A. You never had a lawful immigration status on or before June 15, 2012; or

B. Any lawful immigration status or passport that you obtained prior to June 15, 2012 had expired as of June 15, 2012.

6. Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general educational development (**GED**) certificate, or is an honorably discharged veteran of the **U.S. Armed Forces or U.S. Coast Guard**; and

7. Has not been convicted of a felony, significant misdemeanor, **or three or more misdemeanors**, and does not otherwise pose a threat to national security or public safety.

An individual may be considered for **Renewal of DACA** if he or she continues to meet the guidelines for consideration for Initial Deferred Action for Childhood Arrivals (*see above*) AND he or she:

1. Did not depart the United States on or after August 15, 2012 without advance parole;

2. Has continuously resided in the United States since he or she submitted his or her **most recent** request for DACA **that was approved up to** the present time; and

3. Has not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and does not otherwise pose a threat to national security or public safety.

<p>Page 2, Who May File Form I-821D?</p>	<p>1. Childhood Arrivals Who have Never Been in Removal Proceedings</p> <p>If you...</p> <p>2. Childhood Arrivals Whose Removal Proceedings Were Terminated</p> <p>If you...</p> <p>3. Childhood Arrivals In Removal Proceedings, With a Final Removal order, or With Voluntary Departure</p> <p>If you are in removal proceedings, have a final removal order issued in any other context, have a voluntary departure order, or if your proceedings have been administratively closed, you may use this form to request that USCIS consider deferring action in your case, even if you are under the age of 15 at the time of filing. (For this purpose “removal proceedings” includes exclusion or deportation proceedings initiated before April 1, 1997, an INA section 240 removal proceeding, expedited removal, reinstatement of removal, an INA section 217 removal after admission under the Visa Waiver Program, or removal as a criminal alien under INA section 238, or any other kind of removal proceeding under U.S. immigration law in any other context (for example, at the border or within the United States by an immigration agent)).</p>	<p>[Page 2]</p> <p>1. Childhood Arrivals Who have Never Been in Removal Proceedings. If you</p> <p>2. Childhood Arrivals Whose Removal Proceedings Were Terminated. If you</p> <p>3. Childhood Arrivals In Removal Proceedings, With a Final Removal order, or With Voluntary Departure you are in removal proceedings, have a final order of removal, exclusion, or deportation issued in any other context, have a voluntary departure order, or if your proceedings have been administratively closed, you may use this form to request that USCIS consider deferring action in your case, even if you are under 15 years of age at the time of filing. For the purpose of this form, “removal proceedings” includes exclusion or deportation proceedings initiated before April 1, 1997, an Immigration and Nationality Act (INA) section 240 removal proceeding, expedited removal, reinstatement of a final order of exclusion, deportation, or removal, an INA section 217 removal after admission under the Visa Waiver Program, removal as a criminal alien under INA section 238, or any other kind of removal proceeding under U.S. immigration law in any other context (e.g. at the border or within the United States by an immigration agent).</p> <p>4. Childhood Arrivals Whose Case Was Deferred and Who Are Seeking Renewal of DACA. If USCIS or ICE deferred action in your case under DACA, you may use this form to request consideration of Renewal of DACA from USCIS.</p>
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<p>Pages 2-3, General Instructions</p>	<p>[Page 2]</p> <p>Each request must be properly signed and accompanied by Form I-765 with fees, and Form I-765WS...</p> <p>Evidence. You must submit all required initial evidence along with all the supporting documentation with your request at the time of filing.</p> <p>Biometrics Services Appointment. Individuals requesting consideration of deferred action for childhood arrivals will be sent a notice scheduling them to appear at an Application Support Center (ASC) for biometrics collection. Failure to comply with this notice may result in the denial of the deferred action request.</p> <p>Copies. Unless specifically required that an original document be filed with an application or petition, a legible photocopy may be submitted. Original document submitted when not required may remain a part of the record, and will not be automatically returned to you.</p> <p>Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language</p>	<p>[Page 3]</p> <p>Each request must be properly signed and accompanied by Form I-765 with fees, and Form I-765WS. If you are under 14 years of age, your parent or legal guardian must sign the request on your behalf. A designated representative may sign if the requestor is unable to sign due to a physical or developmental disability or mental impairment. A photocopy ...</p> <p>Evidence. You must submit all required evidence and supporting documentation with your request at the time of filing. See the Evidence for Initial Requests Only and Evidence for Renewal Requests Only sections of these instructions for more details.</p> <p>You should keep all documents that support how you meet the DACA guidelines so you can provide them if they are requested by USCIS.</p> <p>NOTE: If you are submitting a <i>Renewal Request</i> for consideration of DACA to USCIS, you do not need to re-submit documents you already submitted with previous DACA requests.</p> <p>Biometric Services Appointment. Individuals requesting DACA must provide fingerprints, photographs, and signature (biometrics). You may receive a notice scheduling you to appear at an Application Support Center (ASC) for biometrics collection. Failure to comply with the notice may result in the denial of your deferred action request. USCIS may, in its discretion, waive the collection of certain biometrics.</p> <p>Copies. You may submit a legible photocopy of any document, unless you are specifically required to file an original document with this request. Original documents submitted when not required may remain a part of the record, and USCIS will not automatically return them to you.</p> <p>Translations. Any document you submit to USCIS that contains a foreign language must have a full English translation. The translator must certify that the English</p>
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Page 3, Initial Evidence

1. What Documents Should You Submit With Your Form I-821D?

- a. You do...
- b. Evidence and supporting documents that you file with your Form I-821D should show that you are at least 15 years of age at the time of filing, if required (see section of these instructions entitled “**Who May File Form I-821D?**” for more information) and that you meet all of the following.

(1) Were born after June 15, 1981 (i.e., You were not age 31 or older on June 15, 2012);

(2) Arrived in the United States before the age of 16...

(5) Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;

(6) Are currently in school, graduated or received a certificate of completion from high school, obtained a general educational development (GED) certificate or other equivalent State-authorized exam in the United States, or that you are an honorably discharged veteran of the Coast Guard or U.S. Armed Forces.

2. What Documents Do You Need to Provide to Prove Identity?

Submit copies of any of the following:

- a. Passport;
- b. Birth... 6
- c. Any...
- d. Any U.S.-government immigration or other document bearing your name and photograph (e.g., Employment Authorization Documents (EADs), expired visas, driver’s licenses, non-driver cards,

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Evidence for Initial Requests Only

NOTE: If you are submitting an *Initial Request* for consideration of DACA to USCIS, you will need to submit documents showing how you believe you have satisfied each guideline of DACA.

1. What documents should you submit with your Form I-821D?

- A. You do...
- B. Evidence and supporting documents that you file with your Form I-821D should show that you are at least 15 years of age at the time of filing, if required (*see the **Who May File Form I-821D** section of these instructions* for more information), and that you meet all of the following.

(1) Were born after June 15, 1981 (i.e., You were not age 31 or older on June 15, 2012);

(2) Arrived in the United States before 16 years of age;

(5) Had no lawful status on June 15, 2012, and

(6) Are currently in school, graduated or received a certificate of completion from high school, obtained a GED certificate or other equivalent state-authorized exam in the United States, or that you are an honorably discharged veteran of the U.S. Armed Forces or U.S. Coast Guard.

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2. What documents do you Need to provide to prove identity?

Submit copies of any of the following:

- A. Passport;
- B. Birth...
- C. Any...
- D. Any U.S. government immigration or other document bearing your name and photograph (e.g., EADs, visas, driver’s licenses, non-driver cards);

Page 4, Initial Evidence

3. What Documents May Show That You Came to the United States Before Your 16th Birthday?

Submit copies of any of the following documents:

- a. Passport;
- b. I-94/I-95/I-94W Arrival-Departure Record;
- c. Any...
- d. Travel...
- e. School records...
- f. Hospital...
- g. Official...
- h. Any...

4. If before your 16th birthday you left the United States for some period of time before returning on or after your 16th birthday and beginning your current period of continuous residence, what documents may show that you established residence before your 16th birthday?

Submit copies of any of the following documents:

- a. School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attended;
- b. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, State verification of the filing of state income tax returns, letters from employer(s), or, if you are self employed, letters from banks and other firms with whom you have done business);
- c. Documents...
- d. Any...

5. What Documents May Show That You Continuously Resided in the United States Since June 15, 2007, Up to the Present Date?

Submit copies of any relevant documents such as:

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3. What documents may show that you came to the United States before your 16th birthday?

Submit copies of any of the following documents:

- A. Passport;
- B. Form I-94, I-94W, or I-95 Arrival-Departure Record;
- C. Any...
- D. Travel...
- E. School records...
- F. Hospital...
- G. Official...
- H. Any...

4. If you left the United States for some period of time before your 16th birthday and returned on or after your 16th birthday to begin your current period of continuous residence, what documents may show that you established residence before your 16th birthday?

Submit copies of any of the following documents:

- A. School records (*e.g., transcripts, report cards*) from the schools that you have attended in the United States, showing names of the schools and periods of school attendance;
- B. Employment records (*e.g., pay stubs, W-2 Forms, certification of filing of Federal income tax returns, state verification of the filing of state income tax returns, letters from employers, or, if you are self employed, letters from banks and other firms with whom you have done business*);
- C. Documents...
- D. Any...

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5. What documents may show that you continuously resided in the United States since June 15, 2007, up to the present date?

Submit copies of any relevant documents such as:

Page 5, Initial Evidence

- e. Hospital...
- f. Official...
- g. Money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- h. Any...

6. Do Brief Departures Interrupt Continuous Residence?

A brief... if it was between June 15, 2007, and August 15, 2012, and:

- a. Passport;
- b. Birth...
- c. Any...
- d. Any

In Part 2., Arrival/Residence Information...

- a. Plane;
- b. Passport...

- c. Hotel...
- d. Evidence...
- e. Copy of advanced parole document; and
- f. Any...

7. What Documents May Demonstrate That You Were Present in the United States on June 15, 2012?

Submit copies of any relevant documents such as:

- a. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service.

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- E. Hospital...
- F. Official...
- G. Money order receipts for money sent in or out of the country; passport entries; certificates of children born in the United States; dated **records of** bank transactions; correspondence between you and another person or **organization**; **automobile** license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or

- H. Any...

6. Do **brief **departures** **interrupt** **continuous** **residence**?**

A brief... if it was **on or after** June 15, 2007, and **before** August 15, 2012, and:

- A. Passport;
- B. Birth...
- C. Any...
- D. Any

In Part 3. **Arrival/Residence Information...**

- A. Plane;
- B. Passport...

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- C. Hotel...
- D. Evidence...
- E. Copy of **A**dvanced **P**arole **D**ocument issued by **USCIS**; and
- F. Any...

7. What **documents **may** **demonstrate** **that you were** **present** in the United States on June 15, 2012?**

Submit copies of any relevant documents such as:

- A. Rent receipts, utility bills (*e.g.*, gas, electric, *phone*), or receipts or letters from companies showing the dates during which you received service. **You may submit** **documentation** even if it only has the name of your parents or legal guardians, as long as you also submit other evidence (*e.g.*, *school records*).

Pages 6, Initial Evidence

- d. Military...
- e. Hospital...
- f. Official...
- g. Money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- h. Any...

8. What Documents May Show You Were in unlawful Status as of June 15, 2012? *(Please submit...)*

Note: For deferred action for childhood arrivals, in unlawful status as of June 15, 2012, means that you never had a lawful immigration status on or before June 15, 2012, or any lawful immigration status or parole that you obtained prior to June 15, 2012, had expired before June 15, 2012.

- a. I-94/I-95/I-94W Arrival/Departure...
- b. If you...
- c. An INS...
- d. Any other document that you believe is relevant to show that as of June 15, 2012, you were present in the United States after your lawful status had expired.

9. What Documents May Demonstrate that You Are Either: a) In School in the United States at the Time of Filing; b) Have Graduated or Received a Certificate of Completion from a U.S. High School, public or private college, or university or community college; or c) Have obtained a General Educational Development (GED) Certificate or other equivalent State-authorized exam in the United States? *(If applicable)*

USCIS...

- a. To be considered “currently in school,”

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- D.** Military...
- E.** Hospital...
- F.** Official...
- G.** Money order receipts for money sent in or out of the country; passport entries; certificates of children born in the United States; dated **records of** bank transactions; correspondence between you and another person or **organization; automobile** license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- H.** Any...

8. What **documents may show you had no lawful status on June 15, 2012?** *(Submit...)*

- A.** **Form I-94, I-94W, or I-95** Arrival/Departure...
- B.** If you...
- C.** An INS...
- D.** Any other document that you believe is relevant to show that **on** June 15, 2012, you **had no-lawful status.**

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9. What **documents may demonstrate that you: a) are currently in school in the United States at the time of filing; b) have graduated or received a certificate of completion or a certificate of attendance from a U.S. high school, a U.S. public or private college or university, including community college; or c) have obtained a GED certificate or other equivalent state-authorized exam in the United States? *(If applicable)***

USCIS...

- A.** To be considered “currently in school,”

<p>Pages 7, Initial Evidence</p>	<p>(4) A public or private college or university or a community college.</p> <p>Evidence of enrollment may include, but is not limited to: school registration cards, acceptance or other letters demonstrating enrollment or attendance, current transcripts, report cards, progress reports or other documents issued by a school district, state education agency, school or program. These...</p> <p>If you have been accepted for enrollment and your classes have not yet begun, you may submit an acceptance letter with evidence that you have registered for classes or any other relevant evidence showing you have committed to starting classes on a certain date, including, for example, a copy of your tuition bill, your class schedule, or your Individualized Educational Program (IEP).</p> <p>If you are enrolled in an education, literacy or career training program (including vocational training or an ESL course), evidence that the program is funded in whole or in part by federal, state, local or municipal funds includes a letter or other documentation from an authorized representative of the program that includes information such as: your name and date of enrollment; the duration of the program and expected completion date; the program's source of public funding, and the program's authorized representative's contact information.</p> <p>If you are enrolled in an education, literacy or career...</p> <p>b. Evidence to show that you meet the educational guideline because you have "graduated from school" or "obtained a GED certificate" includes, but is not limited to:</p> <p style="text-align: center;">10</p> <p>(1) A high school diploma from a public or private high school or secondary school;</p> <p>(2) A recognized equivalent of a high school diploma under state law, including a</p>	<p>[Page 8]</p> <p>(4) A U.S. public or private college or university including community college</p> <p>Evidence of enrollment may include, but is not limited to: school registration card acceptance or other letters demonstrating enrollment or attendance, current transcripts, report cards, progress reports or other documents issued by a school district, or state education agency, school, or program. These...</p> <p>If you have been accepted for enrollment and your classes have not yet begun, you may submit an acceptance letter with evidence that you have registered for classes or any other relevant evidence showing you have committed to starting classes on a certain date, including, for example, a copy of your tuition bill, your class schedule, or your Individualized Educational Program.</p> <p>If you are enrolled in an education, literacy or career training program (<i>including vocational training or an ESL course</i>), evidence that the program is funded in whole or in part by Federal, state, local or municipal funds includes a letter or other documentation from an authorized representative of the program that includes information such as: your name and date of enrollment, the duration of the program and expected completion date, the program's source of public funding, and the program's authorized representative's contact information.</p> <p>If you are enrolled in an education, literacy or career...</p> <p>[Page 9]</p> <p>B. Evidence to show that you meet the educational guideline because you have "graduated from school" or "obtained a GED certificate" or other equivalent state-authorized exam in the United States includes, but is not limited to:</p> <p>(1) A high school diploma from a U.S. public or private high school or secondary school;</p> <p>(2) A recognized equivalent of a U.S. high school diploma under state law, including a</p>
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<p>Pages 8, Initial Evidence</p>	<p>11. What Additional Documents Should You Submit if You Are Currently or Have Been in Removal Proceedings?</p> <p>Submit a copy of the removal order or any document issued by the immigration judge or the final decision of the Board of Immigration Appeals (BIA), if available. If you have not been in removal proceedings, this question does not apply to you.</p>	<p>[Page 9]</p> <p>11. What additional documents should you submit if you are currently or have been in removal proceedings?</p> <p>Submit a copy of the removal order, and any document issued by the immigration judge, or the final decision of the Board of Immigration Appeals (BIA), if available. If you have not been in removal proceedings, this question does not apply to you.</p> <p>12. What evidence should I submit to demonstrate my criminal history?</p> <p>If you have been arrested for, or charged with, any felony (<i>i.e. a Federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year</i>) or misdemeanor (<i>i.e. a Federal, state, or local criminal offense for which the maximum term of imprisonment authorized is one year or less but greater than five days</i>) in the United States, or a crime in any country other than the United States, you must submit evidence demonstrating the results of the arrest or charges brought against you. If the charges against you were handled in juvenile court, and the records are from a state with laws prohibiting their disclosure, this evidence is not required.</p> <p>A. If you have ever been arrested for a felony or misdemeanor in the United States, or a crime in any country other than the United States, and no charges were filed, submit an original official statement by the arresting agency or applicable court order confirming that no charges were filed for each arrest. If you are unable to provide such documentation or it is not available, you must provide an explanation, including a description of your efforts to obtain such evidence in Part 8. Additional Information.</p> <p>[Page 10]</p> <p>B. If you have ever been charged with or convicted of a felony or misdemeanor in the United States, or a crime in any country other than the United States, submit an original or court-certified copy of the complete arrest record and disposition for each incident (<i>e.g.</i></p>
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New

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Evidence for Renewal Requests Only

NOTE: If you are submitting a *Renewal Request* for consideration of DACA to USCIS, you do not need to re-submit documents you already submitted with previous DACA requests.

If you are seeking a **Renewal** of DACA, respond to all questions, except where a section or question indicates “For Initial Requests Only.”

If you are currently in exclusion, deportation, or removal proceedings, see **Item Number 11.** (*above*) for additional guidance.

If you have any criminal history, see **Item Number 12.** (*above*) for additional guidance.

With your Renewal request, you only need to submit any *new* documents pertaining to removal proceedings or criminal history that you have not already submitted to USCIS. If USCIS needs more documentation from you, USCIS will send a Request for Evidence to you explaining the needed information. However, you should submit new documents if any of the following situations apply to you:

1. You are currently in exclusion, deportation, or removal proceedings (*please note, you do not need to submit these documents if your case was administratively closed*); or

2. You have been charged with, or convicted of, a felony or misdemeanor (*please note, you do not need to submit these documents if you already submitted them with a previous DACA request*).

NOTE: You should keep all documents that support how you meet the DACA guidelines so you can provide them if they are requested by USCIS.

If ICE initially deferred action in your case and you are seeking a Renewal, you must select and complete **Item Number 2.** in **Part 1.** of Form I-821D. You must also respond to **ALL** subsequent questions on the form. You must also submit documentation to establish how you satisfy

12. What Other Factors Will USCIS Consider When Making a Determination on Deferred Action?

USCIS will also conduct a background check. USCIS may consider deferring action in your case even if you have been arrested or detained by any law enforcement officer and charges were filed, or if charges were filed against you without an arrest. USCIS will evaluate the totality of the circumstances in reaching a decision on deferred action.

In accordance with the Secretary's memorandum, if USCIS determines that you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or that you otherwise pose a threat to national security or public safety, USCIS is unlikely to consider you for an exercise of deferred action. See Frequently Asked Questions at www.uscis.gov/childhoodarrivals.

Even if you satisfy the threshold criteria for consideration of deferred action for childhood arrivals, USCIS may deny your request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted in your case.

3. What Else Should You Submit with Form I-821D?

USCIS will not consider deferring action in your case unless your Form I-821D is accompanied by Form I-765 with fees, and Form I-765WS. The filing fee for the Form I-765 is \$380. In addition, you must submit a biometrics fee of \$85 as set forth in the instructions to the Form I-765. Neither the filing fee for the I-765, nor the biometrics fee can be waived. ¹³ If you do not include Form I-765 with all applicable fees with Form I-821D, your entire submission will be rejected.

Additional Information Relevant to Requests for DACA [header]

1. What other factors will USCIS consider when making a determination on deferred action?

USCIS will also conduct a background check. USCIS may consider deferring action in your case even if you have been arrested or detained by any law enforcement officer and charges were filed, or if charges were filed against you without an arrest. USCIS will evaluate the totality of the circumstances in reaching a decision on deferred action.

In accordance with the Secretary's memorandum, if USCIS determines that you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or that you otherwise pose a threat to national security or public safety, USCIS is unlikely to defer action in your case. See the Frequently Asked Questions at www.uscis.gov/childhoodarrivals.

Even if you satisfy the threshold criteria for consideration of DACA, USCIS may deny your request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted in your case.

2. What else should you submit with Form I-821D?

Request for Employment Authorization
USCIS will not consider deferring action in your case unless your Form I-821D is accompanied by Form I-765, with fees, and Form I-765WS. If you do not include Form I-765 with all applicable fees with your Form I-821D, your entire submission will be rejected.

Filing and Biometric Services Fees. You must submit a biometric services fee as set forth in the instructions to Form I-765.

Optional E-Notification of Request Acceptance. You may submit Form

<p>Page 8, What Is the Filing Fee?</p>	<p>There is no filing fee for Form I-821D. <i>However, you must submit both filing and biometric services fees with Form I-765. Please read Form I-765 filing instructions for complete information (www.uscis.gov/I-765).</i></p>	<p>[Page 11]</p> <p>There is no filing fee for Form I-821D. <i>However, you must submit both filing and biometric services fees with Form I-765. Read Form I-765 filing instructions for complete information at www.uscis.gov/I-765.</i></p>
<p>Page 8, Where to File?</p>	<p>Please visit the USCIS Web site at www.uscis.gov/I-821D or contact the USCIS National Customer Service Center at 1-800-375-5283 for the most current information about where to file this request. For TDD (deaf or hard of hearing) call: 1-800-767-1833.</p>	<p>[Page 11]</p> <p>Please see our Web site at www.uscis.gov/I-821D or call the USCIS National Customer Service Center at 1-800-375-5283 for the most current information about where to file this form. For TDD (deaf or hard of hearing) call: 1-800-767-1833.</p>
<p>Page 8, Address Change</p>	<p>If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at 1-800-375-5283. For TDD (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the USCIS Lockbox facilities do not process change of address requests.</p>	<p>[Page 11]</p> <p>Address Changes</p> <p>You must inform USCIS if you change your address. For information on filing a change of address, go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at 1-800-375-5283. For TDD (deaf or hard of hearing) call: 1-800-767-1833.</p> <p>NOTE: Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.</p>

<p>Page 9, Processing Information</p>	<p>Initial Processing</p> <p>After your Form I-821D has been accepted, USCIS will check it for completeness, including submission of the required initial evidence, and send you a receipt notice. If you do not completely fill out the form and required information, or file it without the required initial evidence, USCIS may refuse to consider deferring action in your case.</p> <p>Requests for More Information, Including Biometrics or Interview</p> <p>USCIS may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required...</p> <p>Decision</p> <p>USCIS will review your request to determine whether the exercise of prosecutorial discretion is appropriate in your case. Each case will be considered on an individual, case-by-case basis. Even if you satisfy the threshold criteria for consideration of deferred action for childhood arrivals, USCIS may determine, in its unreviewable discretion, that deferred action is not warranted in your case. You will be notified of the decision in writing. There is no appeal or motion to reopen/reconsider the decision.</p>	<p>[Page 12]</p> <p>Initial Processing. Once your request has been reviewed by USCIS, USCIS will check the request for completeness. If you do not completely fill out the form, USCIS may deny or reject your request.</p> <p>Requests for More Information, Including Biometrics or Interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you provide the originals of any copies you submit. We will return these originals when they are no longer needed...</p> <p>Decision. USCIS will review your request to determine whether the exercise of prosecutorial discretion is appropriate in your case. Each case will be considered on an individual, case-by-case basis. Even if you satisfy the threshold criteria for consideration of DACA, USCIS may determine, in its unreviewable discretion, that deferred action is not warranted in your case. You will be notified of the decision in writing. There is no motion to reopen/reconsider the decision and there is no right to appeal.</p>
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<p>Page 9, USCIS Forms and Information</p>	<p>To ensure...</p>	<p>[Page 12]</p> <p>To ensure...</p> <p>As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through the USCIS Internet-based system.</p> <p>InfoPass. To access the system, visit the USCIS Web site at infopass.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen.</p>
<p>Page 9, Penalties</p>	<p>If you knowingly and willfully falsify or conceal a material fact or submit a false document with Form I-821D, we will deny your Form I-821D and may deny any pending or future immigration benefit request or other request for services. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.</p>	<p>[Page 12]</p> <p>If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a Federal felony punishable by fine, or imprisonment up to five years, or both, under 18 U.S.C. section 1001. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.</p>

<p>Page 10, USCIS Privacy Act Statement</p>	<p>AUTHORITIES: The information requested on this form, and the associated evidence, is collected under Section 103(a) of the Immigration and Nationality Act 1952, as amended.</p> <p>PURPOSE: The primary purpose for providing the requested information on this form is to determine if you warrant consideration of deferred action.</p> <p>DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision and result in the denial of your form.</p> <p>ROUTINE USES: The information you provide on I-821D may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-001 - Alien File, Index, and National File Tracking System and DHS-USCIS-007 - Benefit Information System, which can be found at www.dhs.gov/privacy].</p>	<p>[Page 12]</p> <p>AUTHORITIES: The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.</p> <p>PURPOSE: The primary purpose for providing the requested information on this form is to determine if you should be considered for deferred action as a childhood arrival. The information you provide will be used in making a decision whether to defer removal action in your case as an exercise of prosecutorial discretion.</p> <p>DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your request.</p> <p>[Page 13]</p> <p>ROUTINE USES: The information you provide on this form may be shared with other Federal, state, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS-USCIS-007 – Benefits Information System and DHS-USCIS-001 – Alien File, Index, and National File Tracking System of Records, which can be found at www.dhs.gov/privacy].</p>
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<p>Page 9, Processing Information (continued)</p>	<p>Information provided in this request is protected from disclosure to ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance (www.uscis.gov/NTA). The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of deferred action for childhood arrivals request itself, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing clause covers family members and guardians, in addition to the requestor.</p> <p>This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.</p>	<p>[Page 13]</p> <p>Other Disclosure Information [head</p> <p>Information provided in this request is protected from disclosure to ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance (www.uscis.gov/NTA). The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including assistance in the consideration of deferred action for childhood arrivals request itself, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing clause covers family members and guardians, in addition to the requestor.</p> <p>This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.</p>
<p>Page 10, Paperwork Reduction Act</p>	<p>An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 2 hours and 45 minutes...</p>	<p>[Page 13]</p> <p>An agency may not conduct or sponsor information collection, and a person is required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 3 hours...</p>

Page 10, 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?

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 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

[Page 14]

Reminder

For Initial and Renewal Requests

Did you submit Form I-765 along with the filing and biometric services fees (\$465) **required** for the application for employment authorization, and did you also submit a completed Form I-765WS?

Did you answer **every relevant Item Number**?

Did you provide an original, handwritten signature and date your request?

Did you submit the necessary documents?
For Initial requests, did you submit documents to meet each guideline? For Renewal requests, see the section titled Evidence for Renewal Requests Only

If you were issued a final order of exclusion, deportation, or removal, did you include a copy of that final order (if available and if you had not already submitted it to USCIS)?

If your exclusion, deportation, or removal proceedings were terminated by an immigration judge, did you include a copy of the immigration judge's termination order (if available and if you had not already submitted it to USCIS)?

If you have ever been arrested for, charged with, or convicted of any felony or misdemeanor in the United States or any crime in any country other than the United States, did you submit original, official, or court-certified document that shows your complete arrest record and final disposition for each incident (if available and if you had not already submitted it to USCIS)?

For Initial Requests Only

Did you submit evidence to show that you came to the United States while under **19** years of age?

Did you submit evidence to prove your identity, date of initial entry, and continuous

