

Deferred Action for Undocumented Youth

On June 15, 2012, Secretary of Homeland Security (DHS) Janet Napolitano announced a deferred action program applicable to certain undocumented youth. Young people who meet the criteria listed below, including those who are currently in removal proceedings, may be eligible for this program. At this time, there is no procedure in place to apply for the program. The United States Citizenship and Immigration Services (USCIS) has been given 60 days to implement an application process. **Thus, any person claiming that they can help you apply for this process right now is giving false information. Do not give money or personal information to anyone to apply for deferred action at this time.**

What is deferred action?

A grant of deferred action **does not mean that your immigration status has been changed to a legal status**. Deferred action simply means that immigration authorities have determined that you do not present a serious threat to the United States and they will delay making a decision on whether or not to pursue deportation proceedings. Deferred action **is not permanent**; it is a method to temporarily allow an undocumented person to stay in the United States.

Who is eligible for deferred action?

The Department of Homeland Secretary (DHS) states that individuals must meet certain criteria to be eligible for deferred action. Even if a person meets all of the criteria, they may not automatically receive a grant of deferred action. DHS will review each case **individually** to decide whether deferred action will be granted. To be eligible for deferred action, an individual must:

- Have entered the United States under the age of 16
- Have been present in the United States on June 15, 2012
- Have lived continuously in the United States since June 15, 2007
- Have been under thirty-one years old on June 15, 2012
- Have not been convicted of a felony offense, a serious misdemeanor, or multiple misdemeanor offenses
- Not pose a threat to national security or public safety
- Currently be in school, have graduated from high school, have obtained a GED, or have been honorably discharged from the U.S. Coast Guard or other U.S. Armed Forces

Anyone who wishes to apply for deferred action must be able to show proof and documentation that they meet the above criteria.

What happens if I am granted deferred action?

Individuals whose requests for deferred action are granted will be given relief from removal. It is anticipated that this relief will last for two years. After the two year period ends, unless changes occur, you may apply for an extension. During the deferred action period, you may apply for employment authorization so that you may lawfully work in the United States. Individuals whose

requests for deferred action are granted do not receive a change in immigration status. Deferred action does not confer permanent resident status or United States citizenship and therefore individuals who are granted deferred action **should not make any claim to be a United States Citizen**. It is uncertain whether individuals in deferred action will be given authorization to leave the United States and re-enter.

Helpful links

Please consult these links to find the most up-to-date information on the deferred action process. **Be cautious of relying on any information that does not come from an official U.S. government website or the American Immigration Lawyers Association (AILA), which itself has links to the key government information.**

<http://www.ice.gov/about/offices/enforcement-removal-operations/publicadvocate/deferred-action-process.htm>

<http://www.dhs.gov/ynews/releases/20120612-napolitano-announces-deferred-action-process-for-young-people.shtm>

<http://www.uscis.gov/portal/site/uscis>

<http://aila.org/dream>