

What if I am currently in removal proceedings?

This process is open to any individual who can demonstrate he or she meets the guideline for consideration, including:

- Those who have never been in removal proceedings
- Those in removal proceedings, with a final order, or with a voluntary departure order.

Individuals are not eligible if they are currently in immigration detention.

You do not need to be 15 years of age or older at the time of filing if you are in removal proceedings, have a final removal order, or have a voluntary departure order.

Once again, all cases are considered on an individual basis.

This pamphlet is for information only.

It is NOT legal advice.

For legal advice, contact a private attorney or a lawyer at a Legal Services Office.

Laws and policies change, please check the latest revision date to make sure information is current.

Last revision: 1/2015

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Indiana Legal Services, Inc. is a nonprofit law firm that provides free civil legal assistance to eligible low-income people throughout the state of Indiana.

TO SUBMIT AN APPLICATION FOR LEGAL ASSISTANCE:

Call 1 (866) 964-2138
Tuesdays and Thursdays
8:30am to 4:30pm

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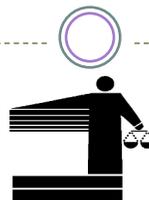
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Deferred Action For Childhood Arrivals



Prepared By:

The Immigrants' and Language Rights Center
of Indiana Legal Services, Inc.

I am:

a young person who arrived in the United States as a child.

How do I request consideration of deferred action for childhood arrivals?

Providing Legal Services to Limited English Proficient Populations Throughout Indiana

What is a Deferred Action for Childhood Arrivals?

A deferred action for childhood arrivals is a discretionary determination to defer removal action as an act of prosecutorial discretion. Certain people who came to the U.S. as children and meet the guidelines may request consideration of deferred action for a period of three years, subject to renewal.

Deferred Action for Childhood Arrivals does not provide any lawful status in the United States and will only allow you to remain in the United States for a limited amount of time.

What are the benefits of Deferred Action for Childhood Arrivals?

Deferred Action for Childhood Arrivals provides a short period of time (up to 2 years) for you to prepare before departing the United States. The major benefits of deferred action are:

- You will be able to stay legally in the US for a period of 3 years, with the possibility of renewal.
- You may become eligible for work authorization.

Who qualifies for Deferred Action for Childhood Arrivals?

You may request consideration of deferred action for childhood arrivals if you meet all of the following:

1. Came to the U.S. before reaching your 16th birthday;
2. Have continuously resided in the U.S. since June 15, 2007, up to the present time;
3. Were physically present in the U.S. on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
4. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
5. Are currently in school, have graduated, or obtained a certificate of completion from high school, have obtained a general education diploma (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the U.S.; and
6. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose at threat to national security or public safety

What happens if you meet the qualifications mentioned above?

Proof of meeting the guidelines must be made through verifiable documentation. Determinations will be made on a case-by-case basis under the guidelines.

When should you request Deferred Action for Childhood Arrival?

While you are in removal proceedings, the immigration judge will let you know that voluntary departure may be available to you. You can ask for voluntary departure before the removal proceedings end or after they end. It is more difficult to get voluntary departure if you request it after the removal proceedings end.

Does this process result in lawful status?

No. Deferring action for childhood arrivals can delay removal proceedings, but will not provide you with a legal status.

If USCIS does not grant deferred action, will I be placed in removal proceedings?

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 in exceptional circumstances. For more detailed information on the most current Notice to Appear policy visit www.uscis.gov/NTA.