

Best Practices and Resources for Conducting Community Education Workshops for Deferred Action for Childhood Arrivals (DACA)

April 2013

PENN STATE LAW



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A. PENN STATE LAW'S IMMIGRANTS' RIGHTS CLINIC RESOURCES

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3. DACA Community Education PowerPoint

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About the Authors

Penn State Law's Center for Immigrants' Rights provides students the opportunity to combine an understanding of law and policy in order to become effective advocates primarily by representing organizations that advocate on behalf of immigrants. The Center's mission is to represent immigrants' interests through legal excellence, advocacy, education, and collaboration with key stakeholders and the community. The following law students developed this best practices resource: Wanika Fisher and Matthew Tamul. Professor Shoba Sivaprasad Wadhia, Clinical Professor of Law and Director of the Center for Immigrants' Rights, supervised this project.

The Pennsylvania Immigration Resource Center (PIRC) is a non-profit legal services organization located in York, PA. PIRC provides immigrants with legal and educational services which include a Legal Orientation Program, representation for immigrant victims of domestic violence, and a program that trains and counsels other attorneys representing immigrants on a pro bono basis.

Introduction

This best practices guide provides an overview of our experiences in planning and conducting a community legal education workshop around DACA. While our experience hails from organizing a Deferred Action for Childhood Arrivals (DACA) workshop, the best practices we have discerned from our experiences translate to community education workshops generally. This guide contains feedback from immigration clinics and advocates from around the country and includes our own reflections on planning and conducting community education workshops. This guide is limited to community education workshops and does not purport to offer guidance on conducting pro se legal clinics.

This guide breaks down planning and executing a community legal education workshop into several key topics: curriculum and handouts, cosponsors, venue, advertising and marketing, challenges, and resources. Following the best practices is an appendix of documents we believe may be useful for community legal education organizers. Lastly, this guide credits our contributors anonymously unless contributors requested direct attribution.



Best Practices

Curriculum and Handouts

Demystifying assumptions and myths surrounding DACA and providing key information about the program is the primary purpose of a community education workshop. Presenters will need to have an in-depth and comprehensive knowledge base of the material in order to effectively communicate the information. The curriculum and handouts at a community workshop are the vehicles in which the information is delivered to the audience.

Source	Best Practices
Resource A ¹ Texas Service Center	AILA is an excellent attorney referral resource as well as local non-profit immigration organizations that provide DACA services.
Resource D Nebraska Service Center	The National Immigrant Justice Center (NIJC) was a tremendous resource that we used in planning the workshop curriculum and presentation. The presentation focused on the history and purpose of DACA, the benefits and risks of DACA, and DACA's eligibility requirements. It is helpful to provide attendees with a printed copy of the PowerPoint presentation and a FAQ sheet on which they can take notes. Translations of these documents can also be helpful to attendees who are not fluent in English.
Resource E Nebraska Service Center	Documents explaining basic eligibility requirements, relevant USCIS forms, and attorney referrals are great take-away documents.
University of Houston Law Center Immigration Clinic	When conducting a multistage DACA initiative with both community education and pro se components, a one hour DACA FAQ presentation strikes an appropriate balance between community education and pro se assistance.
<i>Penn State Law Center for Immigrants' Rights</i>	<i>We conducted an hour and a half long presentation followed by a question and answer period. The presentation focused on the history of DACA, benefits, risks, requirements, and application process. We provided the audience with several eligibility hypothetical scenarios of potential DACA applicants so that they could test their understanding. We provided our attendees with a handout providing a brief overview of the workshop's major points.</i>

¹ Sources are identified anonymously and categorized by the USCIS service center jurisdiction they serve. Refer to the instructions for Form I-765 Employment Authorization for USCIS Service Center jurisdiction information <http://www.uscis.gov/files/form/i-765instr.pdf>. Each source has been identified by a unique letter.

Co-Sponsors

A community education workshop needs to reach a broad coalition of interested community members and stakeholders in order to have an educational impact on the community. Co-sponsors are an integral resource when attempting to reach out to key community gatekeepers and the communities they can provide organizers access to.

Source	Best Practices
Resource A Texas Service Center	Securing key gatekeepers that can open doors for organizers into the local community such as United We Dream advocates, local lawyers, and undergraduate student leaders are an integral component of community outreach.
Resource B Texas Service Center	Cosponsoring with community organizations is a key step in directly reaching the workshop's target demographics because ideally, the cosponsors are part of that demographic.
Resource C Nebraska Service Center	Partnering with a religious or ethnically affiliated community organization is integral because such an organization can provide volunteers, interpreters, and trust and good will within the community.
Resource D Nebraska Service Center	Securing cosponsors with strong immigrant ties is crucial. A local pastor that runs a community outreach program ensured that organizers had credibility within the immigrant community. Encouraging such cosponsors to speak at the workshop can be inspirational and help both attendees and volunteers to understand the human face behind DACA.
Resource E Nebraska Service Center	Partnering with local agencies and community organizations is critical because it can provide the workshop and its applicants with much needed logistical support while allowing the workshop organizers access to community networks.
Resource F Vermont Service Center	Find out who else in your area is hosting workshops and work together.
<i>Penn State Law Center for Immigrants' Rights</i>	<i>It's important to engage with key stakeholders and organizations on and off campus. Co-sponsorship helped us to organize and reach out to the community. Additionally, it is key to communicate all needs clearly and succinctly in one correspondence such as logo use permission and assistance with marketing.</i>

Venue

Location, Location, Location! Just like in real estate, location is a critical aspect to conducting an effective community legal education workshop. A venue must be carefully chosen to meet the needs and goals of your workshop and your audience. Various characteristics to a venue can equate to different impacts on a workshop.

Source	Best Practices
Resource A Texas Service Center	The best venue for a DACA clinic is a school cafeteria because it has ample space, tables and seating, convenient parking, and often a well-known and easily located venue for community members.
Resource B Texas Service Center	Hosting a workshop at a community center is more beneficial than hosting it at a school because community centers attract attendees across a wider spectrum of the immigrant community.
Resource D Nebraska Service Center	Hosting a DACA workshop at a law school was effective because it is a neutral setting and has the necessary meeting space and technology to host a DACA workshop. Community members may feel that it is less welcoming than a church; however, hosting a workshop at a church can be less inclusive because nonmembers could be less inclined to attend the workshop.
<i>Penn State Law Center for Immigrants' Rights</i>	<i>The workshop took place in State College, Pennsylvania, which is a college town located in a rural area. Venue can be a complicated topic in a setting such as this because it needs to balance the desires of community members and students. We chose to host the workshop at the on-campus spiritual center because it was accessible to students, provided an open-environment similar to that of religious institutions where community members may have felt more at home. Parking access and accessibility are other key factors to keep in mind when choosing a venue. We created a venue memo for our client highlighting several different venue options and the pros and cons of each location because there are so many factors to consider.</i>

Advertising and Marketing

The promotion and awareness of a community education workshop is important because community members need to be aware that a workshop is being conducted before they can attend. Choosing the right advertising and marketing methods can help organizers reach the most inclusive cross section of the community.

Source	Best Practices
Resource A Texas Service Center	DACA flyers and “word of mouth” communication and outreach are invaluable when trying to inform the community about DACA.
Resource B Texas Service Center	Advertising through newspapers, social media, and an aggressive flyer campaign proved to be effective.
Resource C Nebraska Service Center	Advertising early and frequently was effective. Requesting that the event be announced in church bulletins and from the pulpit was particularly effective.
Resource D Nebraska Service Center	Grassroots organizing and a flyer campaign are crucial. Flyers should be printed in both English and Spanish. Advertising on public TV and on Facebook can also be helpful.

Resource F Vermont Service Center	Community outreach is an integral part of the workshop. Organizers should take particular care to reach out to rural areas, farm laborers, high school students, and other potential applicants that may not fit the typical "DREAMer" archetype.
<i>Penn State Law Center for Immigrants' Rights</i>	<i>Disseminating information through email, Facebook and flyer was beneficial in getting information out about the program. In order to take marketing and outreach to the next level, organizers must have stakeholders take the message to their members and disburse that information. One of the key objectives in communicating with stakeholders is to spark excitement about immigration advocacy, and they in turn can spark excitement in their members. This is important because one of the goals of a community education workshop to start a dialogue that outlives the workshop.</i>

Challenges

The following features various challenging aspects to conducting a community legal education workshop.

Source	Best Practices
Resource A Texas Service Center	Some of the most challenging aspects of a workshop include securing a venue far enough in advance and generating community awareness for our clinics.
Resource B Texas Service Center	Some of the most challenging aspects of hosting a DACA workshop were working with misinformed attendees and ensuring that cosponsors communicate DACA benefits and eligibility accurately to the community.
Resource D Nebraska Service Center	Ensuring that marketing and advertising strategies reached the immigrant community and convinced members of the community to attend the workshop was the greatest organizational challenge.
<i>Penn State Law Center for Immigrants' Rights</i>	<p><u>Knowledge:</u> <i>Agency guidance on DACA is always changing, and workshop organizers need to be mindful of new agency guidance as it is released. Workshop presenters need to understand the complexities, but must be able to make the information easily digestible while remaining legally accurate. For example, the "brief, casual, and innocent" standard for continuous residence and the unlawful presence bars for travel are relevant to the audience but are easily distorted by simplification. Workshop presenters should be comfortable telling audience members that certain subjects like a deep understanding of unlawful presence are beyond the scope of the workshop.</i></p> <p><u>Collaboration:</u> <i>While it is a huge benefit to reach out to co-sponsors such as large student organizations, this can create several challenges. A student organization may want to incorporate a workshop presentation into their regular meeting time rather than</i></p>

	<p><i>have a separate workshop. The communication can also be a challenge because they may prefer to meet informally rather than via email. We found that communicating with student leaders can be challenging because some prefer text messaging or meeting in person. Therefore, it can be challenging to obtain written confirmation for something like the use of a logo. Keeping community stakeholders and organizations actively engaged throughout the long process of organizing and hosting the workshop can also prove to be difficult.</i></p>
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Resources

- GOVERNMENT RESOURCES:
 - U.S. Citizenship and Immigration Services (USCIS) Consideration of Deferred Action for Childhood Arrivals Process: www.uscis.gov/childhoodarrivals

- PENN STATE LAW'S CENTER FOR IMMIGRANTS' RIGHTS CLINIC RESOURCES:
 - Penn State Law's Center for Immigrants' Rights: www.law.psu.edu/immigrants
 - Penn State Law DACA Community Workshop Materials (PowerPoint, Flyer and Handout) http://law.psu.edu/_file/Immigrants/DACA%20Resources%20PDF.pdf
 - USCIS FOIA Request http://law.psu.edu/_file/2013-HQFO-00305_Document.pdf

- ADVOCACY RESOURCES:
 - Pennsylvania Immigration Resource Center (PIRC): <http://www.pirclaw.org>
 - American Immigration Lawyers Association: www.aila.org
 - Legal Action Center: Deferred Action for Childhood Arrivals Practice Advisory: <http://www.legalactioncenter.org/practice-advisories/deferred-action-childhood-arrivals>
 - United We Dream: <http://unitedwedream.org/>
 - National Immigrant Justice Center
 - <http://www.immigrantjustice.org/calendar/deferred-action-clinics>
 - Catholic Legal Immigration Network, Inc. <http://cliniclegal.org/resources/toolkit-deferred-action-childhood-arrivals-daca-workshops>

Appendix

APPENDIX A.

PENN STATE LAW'S
IMMIGRANTS' RIGHTS
CLINIC RESOURCES



TO: Interested Community Based and Student Organizations

FROM: Matt Tamul and Wanika Fisher , Legal Interns

RE: Collaborating with (insert interested group name)

Thank you for your time and interest in collaborating with the Penn State Center for Immigrants' Rights (CIR). Specifically, we are conducting a community education workshop on a recent government program that can help some young immigrants avoid deportation, Deferred Action for Childhood Arrivals (DACA), for our client the **Pennsylvania Immigration Resource Center** (PIRC). PIRC is a non-profit legal services organization founded in 1996. Located less than a mile from York County Prison, PIRC has become the leading source of legal services to immigrants detained by DHS in Pennsylvania. Below is short explanation of DACA; an outline of the workshop's format, and possible ways for collaboration.

What is DACA (Deferred Action for Childhood Arrivals)?

On June 15, 2012, the Department of Homeland Security announced the Deferred Action for Childhood Arrival (DACA) program, which allows people who came to the U.S. as children to request Deferred Action (DA) and attendant work authorization for a period of two years, if they meet specific eligibility requirements described below and in the many resources listed at the end of this advisory. People who apply for DACA must prove that they:

- Were **under the age of 31** as of June 15, 2012;
- Came to the United States **before reaching their 16th Birthday**;
- **Continuously resided** in the US since June 15, 2007;
- Entered without inspection before June 15, 2012 or lawful immigration status has expired as of June 15, 2012;
- Are in school, graduated from high school, have earned a GED, or have been honorably discharged from the Coast Guard or the US armed forces;
- Have not been convicted of a felony, "significant" or multiple misdemeanors, and do not otherwise pose a "public safety" or "national security" threat.

Applicants must submit documentation that they meet the above requirements. There are various forms such as the Consideration of DACA 1-821D, Application for Employment Authorization 1-765 and Worksheet 1-765WS. The total fee for DACA is \$465.

What is the proposed outline/framework of the Center for Immigrants' Rights DACA workshop?

The workshop will solely focus on the educating members of the community about DACA. It will not serve as a legal clinic or assist people with filling out applications or individual legal consultations. The workshop will consist of the following components:

- I. **Introduction** from our client, the Pennsylvania Immigration Resource Center (PIRC)
- II. PowerPoint **presentation** by CIR students on the eligibility requirements and other key aspects of DACA;
- III. Questions and Answers

Why are we reaching out to your organization/group?

If your organization is interested in getting involved with the DACA community education workshop, then there are several ways to be included in the workshop:

- Co-sponsorship of the workshop (use of organization logo and endorsement)
- Advertisement to your organization members
- Ideas on how to appeal to your constituency
- Insight on “best practices” on events you have organized in the past
 - Operational aspects: registration, sign in, etc.
 - Materials
 - Timing of presentation
 - Advertisement
 - Method for evaluating workshop

Other resources to learn more about DACA:

- U.S. Citizenship and Immigration Services (USCIS) Consideration of Deferred Action for Childhood Arrivals Process www.uscis.gov/childhoodarrivals
- How Do I...Request Consideration of Deferred Action for Childhood Arrivals? PDF www.uscis.gov/USCIS/Resources/daca.pdf

Deferred Action for Childhood Arrivals (DACA)

Community Education Workshop

Presented by: Penn State Law's Center for Immigrants' Rights (CIR) and Pennsylvania Immigration Resource Center (PIRC)

What is DACA?

- On June 15, 2012, the Department of Homeland Security announced the Deferred Action for Childhood Arrival (DACA) program, which allows people who came to the U.S. as children to request Deferred Action (DA) and work authorization for a period of two years, if they meet specific eligibility requirements.



Eligibility Requirements

- Must be **at least 15** year old to apply (in most cases);
- Were **under** the age of **31** as of June 15, 2012;
- Came to the United States **before your 16th birthday**;
- Have **continuously resided** in the United States since June 15, 2007 until the present time;
- Were **physically present** in the United States on June 15, 2012 and at the time of filing your request for Deferred Action;
- Entered **without inspection before June 15, 2012** or your lawful immigration **status expired as of June 15, 2012**;
- Are **currently in school**, have **graduated** from high school, have obtained a **general education development (GED) certificate**, or are an honorably discharged veteran;
- Have **not been convicted** of a felony offense, a significant misdemeanor offense, three or more other misdemeanor offenses, or otherwise pose a threat to national security or public safety.

Source: uscis.gov/childhoodarrivals

Benefits

- DHS will defer removal against a successful DACA applicant;
- After two years, successful applicants can renew;
- Individuals granted DACA may qualify for employment authorization.

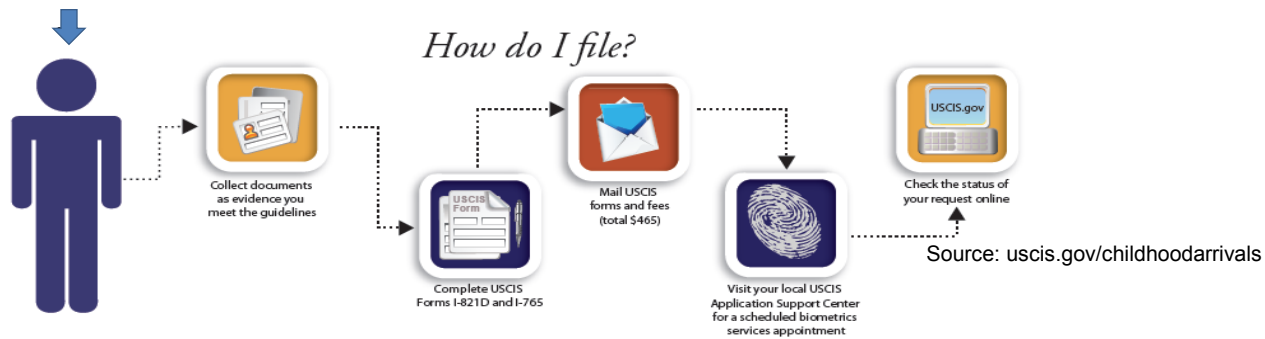
Limitations

- DACA does not confer legal status and it is not a visa;
- It does not extend to family members of any kind;
- It will not help you receive a green card and it is not a path to citizenship.

Documents to Complete to Apply

- Complete the I-821D Consideration of Deferred Action for Childhood Arrivals **and** I-765/I-765WS Application for Work Authorization (translated documents are also available);
- These applications can be downloaded for free from the USCIS website: www.uscis.gov.

DACA Application Process



Confidentiality Clause/ Risks of Applying

- USCIS will **not** share any information provided by an applicant with ICE that will be used for enforcement purposes, unless an applicant is an immigrant enforcement priority due to criminal conduct, fraud, or a threat to national security or public safety.

Fees to Apply for DACA

- There is no fee for the Consideration of Deferred Action for Childhood Arrival application.
- The application fee for a work card is **\$380** plus a biometrics fee of **\$85**.
- The total fee is **\$465**.
- These applications must be filed together or both applications will be rejected!*
- There is **no** fee waiver, but there is a fee exemption in very limited cases.

Additional Resources

- U.S. Citizenship and Immigration Services (USCIS) Consideration of Deferred Action for Childhood Arrivals Process: www.uscis.gov/childhoodarrivals
- American Immigration Lawyers Association: www.aila.org
- Pennsylvania Immigration Resource Center (PIRC): <http://www.pirclaw.org>
- Penn State Law's Center for Immigrants' Rights: www.law.psu.edu/immigrants

What is PIRC?

- PIRC is a non-profit legal services organization founded in the aftermath of the Golden Venture catastrophe.
- PIRC provides immigrants with legal and educational services.



What is the Center for Immigrants' Rights?

- The Center is an immigration clinic where students produce legal policy work of national impact on behalf of its institutional clients like PIRC, the American Bar Association and the Centre County Women's Resource Center.
- The Center trains students to understand immigration law, policy, politics, and the relationships between them.

PENN STATE LAW

Deferred Action for Childhood Arrivals (DACA) Community Education Workshop

Presented on behalf of PIRC

March 21, 2013



The Pennsylvania Immigration Resource Center (PIRC)

- PIRC is a non-profit legal services organization in York, PA founded in the aftermath of the Golden Venture catastrophe.
- PIRC provides immigrants with legal and educational services which include a Legal Orientation Program, representation for immigrant victims of domestic violence, and more.



The Center for Immigrants' Rights

- The Center is an immigration clinic where students, supervised by Professor Shoba Sivaprasad Wadhia, produce legal policy work of national impact on behalf of its institutional clients like PIRC, the American Bar Association, and the Centre County Women's Resource Center.
- The Center trains students to understand immigration law, policy, politics, and the relationships between them.

Disclaimer:

- This is **not** a legal clinic.
- Even though Deferred Action for Childhood Arrivals (DACA) was established 9 months ago, USCIS guidance about DACA is evolving.
- Since then, 472,004 DACA applications have been accepted by USCIS.

Primary Sources

- American Immigration Council, *Deferred Action for Childhood Arrivals Practice Advisory*, LEGAL ACTION CENTER (Feb. 12, 2013).
- U.S. Citizenship and Immigration Services, *Frequently Asked Questions, CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROCESS* (Jan. 18, 2013).
- John Morton, *Memo Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Jun. 17, 2011).

Purpose and Goals of the Workshop

- Demystify assumptions and myths surrounding Deferred Action for Childhood Arrivals (DACA).
- Educate students and community members about DACA, its benefits, and its limits.



President Obama Announced the DACA program on June 15, 2012
in the White House Rose Garden!



Video Footage of President Obama's DACA Program Announcement



Workshop Outline

- I. The History and Development of DACA
- II. DACA Requirements
- III. The Application Process

I. The History and Development of DACA

Government Administration of DACA

June 15, 2012, DHS Secretary Janet Napolitano issued a memo to USCIS, CBP, and ICE creating DACA



What is Deferred Action (DA)?

*A decision to **defer removal** of an individual is an act of prosecutorial discretion.*

- Prosecutorial discretion (PD) is a decision by an executive agency to enforce or not enforce the law against an individual.
- PD and DA do not confer permanent lawful status.
 - It is a period of authorized stay.
- DA can be terminated at any time at the discretion of DHS.
- Like deferred action, DACA is a form of PD.

A Brief History of Deferred Action and DACA

- Executive agencies have always exercised some discretion in choosing who to enforce the law against.
 - Reasons:
 - Economic
 - Humanitarian
- After the DREAM Act failed, key stakeholders channeled their advocacy towards an administrative solution for protecting Dreamers.



II. DACA Requirements

DACA Requirements

1. Must be **at least 15** years old to apply (in most cases);
2. Were **under** the age of **31** as of June 15, 2012;
3. Came to the U.S. **before your 16th birthday**;
4. Have **continuously resided** in the U.S. since June 15, 2007, until the present time;
5. Were **physically present** in the U.S. on June 15, 2012, and at the time of filing your request for DACA;

Source: uscis.gov/childhoodarrivals

DACA Requirements (cont.)

6. Entered **without inspection** before June 15, 2012, or your lawful immigration **status expired** as of June 15, 2012;
7. Are **currently** in **school**, have graduated from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran;
8. Have **not** been **convicted** of a felony offense, a significant misdemeanor offense, three or more other misdemeanor offenses, or do not otherwise pose a threat to national security or public safety.

Source: uscis.gov/childhoodarrivals



Continuously resided in the U.S. since June 15, 2007, until now

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



Came to the U.S. before your 16th Birthday

Physically present in the U.S. on June 15, 2012, and at the time of DACA filing



Currently enrolled in or graduated from school



Under the age of 31 as of June 15, 2012



Not been convicted of a felony offense or significant misdemeanor



What are the Benefits of DACA?

What DACA does NOT Provide

- DHS will defer removal of a successful DACA applicant.
- After two years, successful applicants can reapply.
- Individuals granted DACA may qualify for employment authorization.

- Does not confer legal status.
- It is not a visa.
- Does not extend to family members of any kind.
- It does not provide a path to permanent residency.
- It is not a path to citizenship.

Miscellaneous Benefits of DACA

■ Driver's License

- Pennsylvania and 43 other states have issued driver's licenses to successful DACA applicants who have received work authorization.

■ In-State Tuition

- Pennsylvania does not offer in-state tuition to successful DACA applicants, but some states offer in-state tuition.

■ Health Care

- Successful DACA applicants do **NOT** qualify for any additional medical care such as Medicare or medical care provided by the Affordable Care Act.

Risks of Applying for DACA

- USCIS policy indicates that a Notice to Appear (NTA) will be issued in response to criminal conduct, fraud, or a threat to national security or public safety.
 - This is also a form of prosecutorial discretion.
- USCIS does **not** typically share any information provided by an applicant with ICE that will be used for enforcement purposes.
- However despite the memoranda, USCIS retains the ability to technically issue an NTA if the applicant is in violation of U.S. immigration law.
- When an NTA is filed with an immigration court, removal proceedings are commenced.



Continuously resided in the U.S. since June 15, 2007, until now

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



Came to the U.S. before your 16th Birthday

Physically present in the U.S. on June 15, 2012, and at the time of DACA filing



Currently enrolled in or graduated from school



Under the age of 31 as of June 15, 2012



Not been convicted of a felony offense or significant misdemeanor



Examples of Types of Evidence

■ Primary Evidence:

- A high school transcript is primary evidence that an individual is “currently in school” because it directly shows that enrollment.

■ Circumstantial Evidence:

- A high school transcript is circumstantial evidence that an individual resided in the U.S. during the summer months because USCIS would have to infer that the individual remained in the country over the summer.

■ Affidavits:

- A voluntary, sworn, and written statement attesting that a high school student resided in the U.S. during the summer months is an example of an affidavit.

Applicants must be under the age of 31 as of June 15, 2012

- If a DACA applicant was not under the age of 31 as of June 15, 2012, he/she is not eligible for DACA.
- There are no exceptions.
- A DACA applicant must be at least **15 years** old to apply, **unless** in removal proceedings, subject to voluntary departure, or subject to a final order of removal.



Applicants must have come to the U.S. before turning 16



- DACA is only for individuals who entered the U.S. **before** the age of 16 years old.
- If a person entered the U.S. at age 16 or older, he/she is not eligible to apply for DACA.
- Individuals who entered at age 16 or older will need to find a different solution in existing law or wait until U.S. immigration laws change.

Applicants must have continuously resided in the U.S.

- An applicant must show that he/she "**more likely than not**" has continuously resided in the U.S. since June 15, 2007.
- Continuous residence requirement does **not** require uninterrupted physical presence for five years.
- Pay stubs, home electric and gas bills are helpful to show continuous residence.



What if an applicant left the country between June 15, 2007 and the present time?

- Applicants can have brief, casual, and innocent absences while still meeting the continuous residency requirement.
- **Brief** means that the trip must be short and reasonably calculated to accomplish its purpose.
- **Casual** means that the absence must not be the result of a removal, deportation, voluntary departure or exclusion order.
- The **innocent** requirement means that the purpose of the absence and actions undertaken while absent must not be contrary to U.S. law.

The “physical presence” requirement

- An applicant must show that he/she was **physically present** in the U.S. on June 15, 2012.
- Rent, utility bills, credit card statements, and pay stubs are helpful to show “physical presence.”



Unlawful Status Requirement

- Applicants must show that they entered the U.S. without being inspected by border officials **or** that their lawful immigration status expired as of June 15, 2012.



The Education Requirement



- An applicant who has **graduated** from high school or obtained a GED meets this requirement.
- An applicant may be considered to be “in school” if **enrolled** in elementary, middle, or high school, GED classes, certain English as a second language classes, literacy classes, or job training.
- To be considered “currently in school”, an applicant must be enrolled in school on the date he/she submits a request for DACA.

Disqualifying Crimes



- An individual will **not** be eligible for DACA if he/she has been convicted of a felony, a significant misdemeanor, or three or more non-significant misdemeanors unless DHS determines there are “exceptional circumstances.”
- If a person has had any arrests, charges, or convictions, he/she will need to obtain a copy of any court dispositions.

Disqualifying Crimes (cont.)

- An individual has committed a **felony** if he/she was convicted of a crime that is punishable by a maximum term of imprisonment (TI) of **one year or more**.

Significant Misdemeanors

Non-significant Misdemeanors

- Any of the following are a categorical bar to DACA regardless of sentence imposed:
 - Burglary
 - Domestic violence
 - Sexual abuse or exploitation
 - Unlawful possession of a firearm
 - Drug trafficking or distribution
 - Driving under the influence (DUI)
- Furthermore, other crimes can be significant misdemeanors if they have a maximum term of imprisonment of one year or less but more than five days, and
- The sentence must include time served in custody of **more than 90 days**.

- An individual with **three or more** non-significant misdemeanors is ineligible for DACA.
- Non-significant misdemeanors also have a maximum term of imprisonment of one year or less but more than five days, and
- The must sentence include time served in custody of **90 days or less**.

Threats to Public Safety or National Security

- An individual will **not** be eligible for DACA if determined to be a threat to public safety or national security unless DHS determines that there are “exceptional circumstances.”
- Individuals could be deemed a public safety or national security threat if they participate in gang activities, criminal activities, or activities that threaten the U.S.

Will an applicant be permitted to travel?



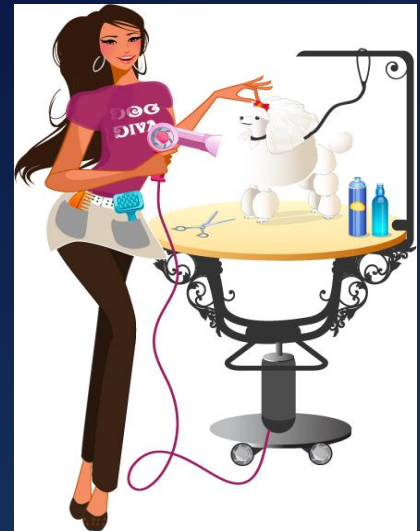
- While an application is **pending**, an applicant **may not** travel.
- **After** an applicant has been approved for DACA, he/she may apply for a travel document.
- An applicant may travel outside the U.S. **only after** he/she has received his/her travel document.
- A successful applicant **may** be able to travel outside of the country. Keep in mind that if an applicant has accrued unlawful presence, traveling outside the country becomes more complex. Applicants should **consult an attorney** before doing so.

Documents to Prove Eligibility:

- Birth certificate
- Passport – passport entries, I-94/I-95/I-94W
- School records (i.e. report cards, transcripts)
- GED certificate or High school diploma
- Employment records
- Rent receipts, utility bills
- Financial records, taxes, bank transactions, mortgage
- Medical records
- Court disposition, if needed
- Official records from a religious entity
- *See I-821D Instructions for more suggestions*

Is Rebecca eligible for DACA?

- Rebecca is 19 years old and came to the U.S. in 1997 with her mother without documentation or inspection.
- She first lived in Texas until 2005, but has lived in Harrisburg ever since.
- She visited Mexico on two occasions in 2008 to visit her ailing father, and each trip lasted one week.
- Since 2011 she has been working at a local dog grooming spa, but dreams of going to veterinary school.
- After graduating high school, Rebecca started taking classes at a local community college.
- She has two speeding tickets.



Is Rebecca still eligible for DACA?

- All the same facts as the previous slide.
- Instead of traveling to Mexico on two occasions for one week each, Rebecca visited her grandfather in Mexico on one occasion for 6 months in 2009 and then returned to the U.S.



Is Hong eligible for DACA?

- Hong is 22 years old, came to the U.S. in 2005 on a visitor's visa, fell in love with American hip-hop culture, decided to overstay his visa and become the next big hip-hop artist.
- He has lived in Los Angeles since coming to the U.S.
- Hong is a DJ and works at several night clubs.
- He is not a high school graduate, but after hearing about DACA, he enrolled in a qualifying GED program.
- After having a few drinks after work with MC Hammer, he was driving home and was pulled over by the police resulting in a DUI conviction.
- Hong has had no other contacts with the law.



III. The Application Process

DACA Application Process

- *First* - determine applicant eligibility for DACA.
- *Second – To apply –*
 - Complete the I-821D Consideration of Deferred Action for Childhood Arrivals **and** I-765/I-765WS application for Work Authorization (translated documents are also available);
 - Attach all necessary documents including the fee;
 - Attach a check or money order to the applications;
 - Mail the applications to the correct USCIS Service Center.
- These applications can be downloaded for free from the USCIS web site: www.uscis.gov. (Do not pay anyone for the application forms!)

Can someone apply if they are in detention, are in removal proceedings, have a voluntary departure order, or have a final order of removal?

- If applicants are in **detention** and believe they are eligible for DACA, they should identify themselves to their detention officer or contact the ICE Office of the Public Advocate so that ICE may review their cases.
- If applicants are in **removal proceedings, have a voluntary departure order, or have a final order of removal** and think they are eligible for DACA, they should submit their applications to USCIS.

The Fees:



- There is no fee for the DACA application.
- The application fee for a work card is **\$380** plus a biometrics fee of **\$85**.
- The total fee is **\$465**.
- *These applications must be filed together or both applications will be rejected!*
- There is no fee waiver, but there is a fee exemption in very limited cases.

After the DACA application is filed

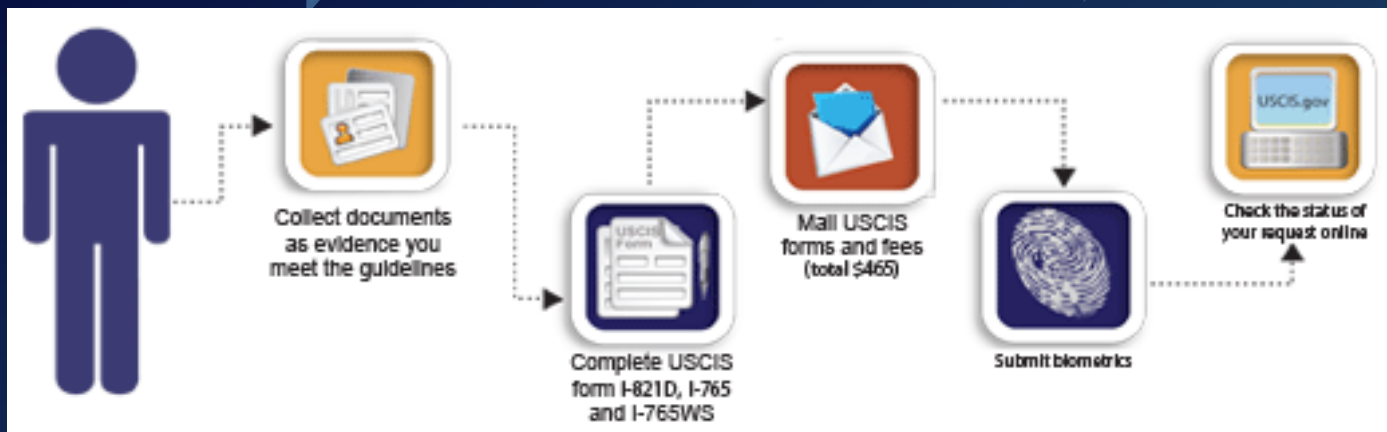
File the application

Receive receipt notice from USCIS

Schedule biometrics appointment

Review Application

Decision made on Request



After the DACA application is filed:

■ USCIS will take the following actions:

- 1) Send a receipt notice for each application.
- 2) Schedule a biometrics appointment at the York Application Support Center.
- 3) Review the application to determine if additional documents are needed. If more documents are needed, the applicant will be sent a letter.
- 4) Make a decision on the request.

DACA Current Statistics

268,361 DACA Applications Approved

INTAKE Numbers	
Accepted	472, 004
Rejected	16, 778
Denied	1,377

Average Intakes Per Day

Monthly average	3,045 per day
April	1,415 per day

DACA Current Statistics Cont.

Top 10 Countries of Origin	Received to Date
Mexico	354,002
El Salvador	18,949
Honduras	12,603
Guatemala	11,817
South Korea	7,030
Peru	6,631
Brazil	5,589
Colombia	4,998
Ecuador	4,814
Philippines	3,315

Top 10 States of Residence	Received to Date
California	134,167
Texas	76,438
New York	26,365
Illinois	24,928
Florida	20,764
North Carolina	17,006
Arizona	16,653
Georgia	15,417
New Jersey	14,390
Colorado	10,105

If an Application is Approved:

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER [REDACTED]	CASE TYPE I821 /I-821D	
RECEIPT DATE August 29, 2012	PRIORITY DATE [REDACTED]	APPLICANT [REDACTED]
NOTICE DATE October 12, 2012	PAGE 1 of 1	
[REDACTED]		Notice Type: Approval Notice Valid from 10/12/2012 to 10/11/2014

Notice of Deferred Action:

This notice is to inform you regarding U.S. Citizenship and Immigration Services's (USCIS) decision on your Form I-821D, Consideration of Deferred Action for Childhood Arrivals.

USCIS, in the exercise of its prosecutorial discretion, has decided to defer action in your case. Deferred action is an exercise of prosecutorial discretion by USCIS not to pursue the removal of an individual from the United States for a specific period. Deferred action does not confer or alter any immigration status.

Unless terminated, this decision to defer removal action will remain in effect for 2 years from the date of this notice.

This form does not constitute employment authorization, nor may it be used in place of an Employment Authorization Document. If granted, you will receive your Employment Authorization Document separately by mail. Subsequent criminal activity after your case has been deferred is likely to result in termination of your deferred action. This notice does not provide permission to travel outside of the United States.

You are required to notify USCIS if you change your address. You may use the Alien's Change of Address Card, Form AR-11, to report a new address. That form may be found at www.uscis.gov. There is no fee for this change of address form.

NOTICE: USCIS and the U.S. Department of Homeland Security (DHS) reserve the right to verify the information submitted in this request and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of the verification will be used to determine whether termination of deferred action and/or removal proceedings are appropriate. If, for example, the requestor committed fraud or misrepresentation in his or her request for consideration of deferred action for childhood arrivals, or engaged in subsequent criminal activity following the submission of his or her request, individuals for whom removal action is deferred under Deferred Action for Childhood Arrivals may, in the sole discretion of USCIS and DHS, be provided an opportunity to address derogatory information before deferred action is terminated and/or removal proceedings are initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
TEXAS SERVICE CENTER
P O BOX 851488 - DEPT A
MESQUITE TX 75185-1488
Customer Service Telephone: (800) 375-5283

Form I-797 (Rev. 01/31/05) N

U.S. DEPARTMENT OF HOMELAND SECURITY, U. S. Citizenship and Immigration Services

EMPLOYMENT AUTHORIZATION CARD

The person identified is authorized to work in the U.S. for the validity of this card.

NAME LAST, FIRST

Signature

Photo here

A# 123-456-789
CARD # ABC1234567890
Birthdate [REDACTED] Category AG3 Sex M
Country of Birth Burma
Terms and Conditions None

NOT VALID FOR REENTRY TO U.S.
CARD VALID FROM 07/09/08 EXPIRES 07/09/10

Source: dreamact.info and cwsrdu.files.wordpress.com

A successful applicant will receive the above documents.

Denied Applications:

- There is **no** appeals process.
- Existing policy on whether or not to issue a Notice to Appear (before an Immigration Judge) will determine whether any action is taken against a denied applicant.
- Applicants who make any misrepresentations in their applications will be treated as an immigration enforcement priority.



Additional Resources

- U.S. Citizenship and Immigration Services (USCIS) Consideration of Deferred Action for Childhood Arrivals Process:
www.uscis.gov/childhoodarrivals
- American Immigration Lawyers Association: www.aila.org
- United We Dream: www.unitedwedream.org/
- Pennsylvania Immigration Resource Center (PIRC):
<http://www.pirclaw.org>
- Penn State Law's Center for Immigrants' Rights:
www.law.psu.edu/immigrants

DACA Hot Topics

- Why do some potential applicants choose not to apply?
- Some DACA applicants qualify for other forms of immigration relief.
- AILA's deferred action and notarios Public Service Announcements

Questions?

Thank you to all of our co-sponsors!



Thank you for attending the DACA community workshop!



APPENDIX B.
UNIVERSITY OF
HOUSTON
IMMIGRATION CLINIC
RESOURCES

CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS



UNIVERSITY OF HOUSTON INFO SESSIONS

FALL 2012

UNIVERSITY OF HOUSTON LAW CENTER IMMIGRATION CLINIC

WHAT IS DEFERRED ACTION FOR CHILDHOOD ARRIVALS?

On June 15th, 2012 Janet Napolitano announced that certain people who came to the U.S. as children and meet several guidelines may request considered of deferred action for a period of two years. USCIS will make case-by-case determinations as to who is eligible.



WHAT IS DEFERRED ACTION FOR CHILDHOOD ARRIVALS?

What deferred action **IS NOT**:



- Amnesty
- Legal Permanent Residence (“green card”)
- Citizenship
- Legal Status
- Ability to travel freely in and out of U.S.

(**you may apply for advance parole permission to travel**)

WHAT IS DEFERRED ACTION FOR CHILDHOOD ARRIVALS?



What deferred action **IS**:

- Ability to remain in U.S. without being deported for 2 years
- Ability to **APPLY** for work authorization

GUIDELINES



You may be considered for deferred action for childhood arrivals if you:

- 1) Were under the age of 31 on June 15, 2012**
- 2) Came to the U.S. before reaching your 16th birthday**
- 3) Have continuously resided in the U.S. since June 15, 2007, up to present time; and**
- 4) Were physically present in the U.S on June 15, 2012 and at the time of requesting deferred action**

GUIDELINES (CON'T)



- 5) Entered without inspection before June 15, 2012 and have no lawful status as of that dates, or your lawful status expired as of June 15, 2012**
- 6) Currently in school, have graduated or obtained a certificate of completion from high school, have obtained a GED, or are honorably discharged from military; 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.**

WHO MAY BE CONSIDERED?



You may be considered for deferred action for childhood arrivals process even if you:

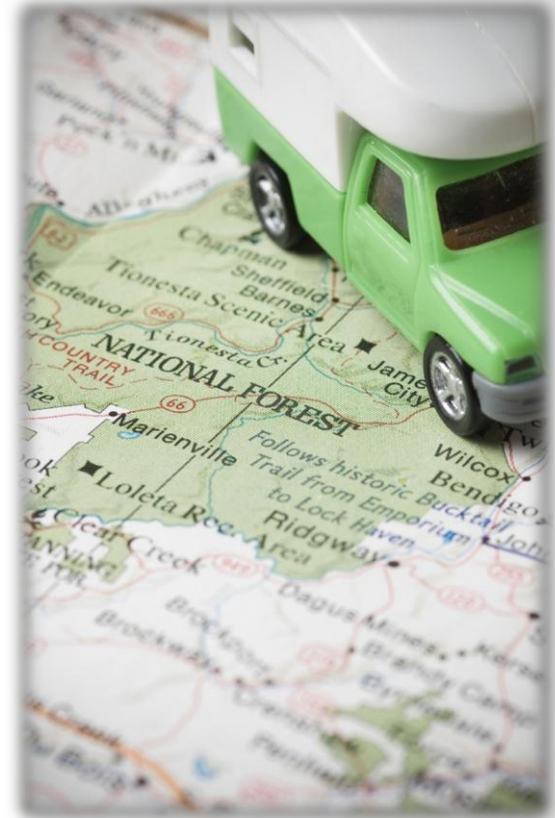
- **Have never been in removal (deportation proceedings) or your proceedings have been terminated;**
- **Are currently in removal proceedings;**
- **Have a final removal order;**
- **Or have a voluntary departure order**

****Unless you are in removal proceedings, you must be at least 15 years old to apply****

If you have been in removal proceedings in the past, or are currently in removal proceedings, we recommend that you contact an attorney

WHAT IF I LEFT THE U.S. SINCE JUNE 15, 2007?

“A brief, casual, and innocent absence” from the U.S. will not interrupt your continuous residence. You must show through evidence that the absence was short and reasonably calculated to accomplish the purpose of the absence



CRIMINAL HISTORY



You **will not** be considered for deferred action if you have been convicted of:

- A felony offense
- A significant misdemeanor, including but not limited to:
 - Family violence
 - Driving while intoxicated
 - Drug distribution
 - Burglary
 - Firearm offenses
- Three or more misdemeanor offenses

REQUESTING DEFERRED ACTION

- ❑ Complete and sign **Form I-821D** (Consideration of Deferred Action for Childhood Arrivals)
- ❑ Complete and sign **Form I-765** (Application for Employment Authorization), and **I-765 Worksheet**
- ❑ Submit all forms (with the required fees) and supporting documentation at time of filing
- ❑ All forms are FREE and available at **www.uscis.gov/forms** or by calling 1-800-870-3676

REQUIRED DOCUMENTATION



- Submit legible photocopies of each document, not originals (unless specifically required)
- Foreign language documents must have full English translation and certificate of translation
- Do I need a passport?
- Do I need a sealed transcript of my school records?
- Can I use “circumstantial evidence”?
- www.uscis.gov/childhoodarrivals has Examples of Evidence listed

HOW MUCH DOES IT COST TO APPLY?

The filing fees are as follows:

- 1) Deferred Action for Childhood Arrivals Form I-821D = **NO FEE**
- 2) Application for Employment Authorization Form I-765 = **\$380**
- 3) Biometrics (Fingerprinting) Fee = **\$85**

TOTAL = \$465

**** There are no fee “waivers”, only fee exemptions in very specific cases****

WHAT HAPPENS AFTER I FILE?



- USCIS will check your applications for completeness and send you a receipt notice**
- USCIS will send you a notice scheduling an appointment at an Application Support Center (ASC) for biometrics services (fingerprinting and background checks)**
- Failure to attend fingerprinting appointment may result in a delay of your deferred action request**
- USCIS may request more information or may request an interview with you**
- You will receive a written decision**
- Your period of deferred action will be in effect for two years, unless terminated. After two years, it can be renewed on a case-by-case basis.**

RISKS



****Deferred action for childhood arrivals is a PERSONAL DECISION - each individual must weigh the benefits with the risks to decide whether they should apply****

- **Relief is DISCRETIONARY**
- **If USCIS does not grant your case, you could be put into removal (deportation) proceedings**
- **Deferred Action for Childhood Arrivals could be revoked AT ANY TIME**
- **In the event fraud is found, your information may be shared with national security and law enforcement agencies, including ICE and CBP**

DACA Checklist of Documents

Proof of Identity (Bring at least two of the following)

- Birth Certificate (with translation and Certificate of Translation signed, dated and with address of Translator)
- 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

Proof of No Criminal Record

- Certified disposition record from every county you have lived in (and/or been arrested in), in the U.S. **This includes juvenile offenses.**

Proof you entered without inspection or you are currently out of status*

- 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

*These documents will not be applicable for individuals who entered without inspection and have not been placed in removal proceedings.

Proof you came to the United States before the age of 16

- 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

The document should state your name and date and contain an address or other proof that you were present in the U.S.

Proof you were physically present in the United States as of June 15, 2012 and you resided in the United States since June 15, 2007.

- Rent receipts or utility bills
- Employment records (pay stubs, etc)
- Income tax returns (with W-2 or 1099)
- 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
- Medical, dental or life insurance policies

The document should state your name, contain an address or other proof that you were present in the U.S. and contain a date. In the best case scenario you would have a document that shows presence of every month you were present. At the very least, you need one document from every year that you were present. There should be no gaps in physical presence unless you traveled outside the U.S.

Proof you are currently in school, have graduated from high school, or have obtained a general education development certificate (GED) or proof you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?

- 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. If you are in college, obtain a sealed and an unsealed transcript showing your complete record of attendance.
- U.S. high school diploma or certificate of completion
- U.S. GED certificate
- 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

NOTE: Some documents can be used to show multiple elements.

Do not submit documents that contain fraudulent information.

Affidavits as proof to meet guidelines?

Affidavits generally will not be sufficient on their own to demonstrate that you meet the guidelines for USCIS to consider you for deferred action for childhood arrivals. However, affidavits may be used to support meeting the following guidelines only if the documentary evidence available to you is insufficient or lacking:

- A gap in the documentation demonstrating that you meet the five year continuous residence requirement; and
- A shortcoming in documentation with respect to the brief, casual and innocent departures during the five years of required continuous presence.

If you submit affidavits (notarized) related to the above criteria, you must submit two or more affidavits, sworn to or affirmed by people other than yourself, who have direct personal knowledge of the events and circumstances.

Should USCIS determine that the affidavits are insufficient to overcome the unavailability or the lack of documentary evidence with respect to either of these guidelines, it will issue a Request for Evidence, indicating that further evidence must be submitted to demonstrate that you meet these guidelines.

USCIS will **NOT** accept affidavits as proof of satisfying the following guidelines:

- You are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, or are an honorably discharged veteran from the Coast Guard or Armed Forces of the United States;
- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You were under the age of 31 on June 15, 2012; and
- Your criminal history, if applicable.

If the only evidence you submit to demonstrate you meet any of the above guidelines is an affidavit, USCIS will issue a Request for Evidence, indicating that you have not demonstrated that you meet these guidelines and that you must do so in order to demonstrate that you meet that guideline.

Will USCIS consider circumstantial evidence that I have met certain guidelines?

Circumstantial evidence may be used to establish the following guidelines and factual showings if available documentary evidence is insufficient or lacking and shows that:

You were physically present in the United States on June 15, 2012;

You came to the United States before reaching your 16th birthday;

You satisfy the five year continuous residence requirement, as long as you present direct evidence of your continued residence in the United States for a portion of the required five-year period and the circumstantial evidence is used only to fill in gaps in the length of continuous residence demonstrated by the direct evidence; and

Any travel outside the United States during the five years of required continuous presence was brief, casual, and innocent.

However, USCIS will not accept circumstantial evidence as proof of any of the following guidelines to demonstrate that you:

Were under the age of 31 on June 15, 2012; and

Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

For example, if you do not have documentary proof of your presence in the United States on June 15, 2012, you may nevertheless be able to satisfy the guideline circumstantially by submitting credible documentary evidence that you were present in the United States shortly before and shortly after June 15, 2012, which under the facts presented may give rise to an inference of your presence on June 15, 2012 as well. However, circumstantial evidence will not be accepted to establish that you have graduated high school. You must submit direct documentary evidence to satisfy that you meet this guideline.

APPENDIX C.
USCIS DACA FEE
EXEMPTION
GUIDANCE



U.S. Citizenship and Immigration Services

Consideration of Deferred Action for Childhood Arrivals Fee Exemption Guidance

To request consideration of deferred Action for childhood arrivals, you must file Form I-821D, Consideration of Deferred Action for Childhood Arrivals; Form I-765, Application for Employment Authorization; and Form I-765WS, Form I-765 Worksheet. The fee to request consideration of deferred action for childhood arrivals is \$465 and cannot be waived.

Fee exemptions are available in very limited circumstances. In order to be considered for a fee exemption you must submit a letter and supporting documentation demonstrating that you meet one of the following conditions:

- You are under 18 years of age, homeless, in foster care, or under 18 years of age and otherwise lacking any parental or other familial support and your income is less than 150% of the U.S. poverty level,
- You cannot care for yourself because you suffer from a serious chronic disability and your income is less than 150% of the U.S. poverty level, or
- You, at the time of the request, accumulated \$25,000 or more in debt in the past 12 months as the result of unreimbursed medical expenses for yourself or an immediate family member and your income is less than 150% of the U.S. poverty level.

A request for a fee exemption must be filed and favorably adjudicated before you file a request for consideration of deferred action for childhood arrivals without a fee. If you submit Forms I-821D, I-765 and I-765WS to a USCIS Lockbox facility without a fee and there is no record a fee exemption request has been approved, both forms will be rejected and returned to you.

Steps to Request an Exemption from the Deferred Action for Childhood Arrivals Filing Fee

- Step 1:
You
must:
- Send a letter in English requesting the exemption. USCIS must be able to identify the individual who needs the exemption and the exemption category requested.
 - Attach documentation (copies are acceptable) supporting your request. The supporting documents must be in English or accompanied by a certified translation.

Steps to Request an Exemption from the Deferred Action for Childhood Arrivals Filing Fee

- The letter must be signed by the individual requesting consideration for the fee exemption. If the individual needing the exception cannot sign, provide an explanation and evidence that the person who does sign is a parent or legal guardian.
 - Each person requesting to be exempt from paying the filing fee should submit their own letter. Multiple individuals should not be grouped into one letter.
 - Mail your request to:
 U.S. Citizenship and Immigration Services
 Attn: Deferred Action for Childhood Arrivals Fee Exemption Request
 P.O. Box 75036
 Washington, DC 20013
- Step 2:
USCIS
will:
- Review your letter and supporting documents to determine if you are in a circumstance to warrant an exemption.
 - Request additional evidence if needed.
 - Approve or deny your request.
 - Send you an approval or denial letter.
- Step 3:
You
must:
- If approved, attach a copy of the fee exemption approval letter to the front of your request package, which must include Forms I-821D, I-765 and I-765WS.
 - If denied, submit the \$465 filing fee with your forms or resubmit your fee exemption request with corrections or additional documents.
 - File the Forms I-821D, I-765 and I-765WS according to the form instructions.

What documents must I submit with my request? This depends on the category for which you are requesting an exemption from the fee. USCIS must be able to determine your eligibility by examining your supporting documents. The supporting documents must be legible and in English or accompanied by a certified translation.

What are some examples of acceptable documentation? This list contains examples of acceptable documentation and is not exhaustive:

- **Exemption: You are under 18, homeless, in foster care, or otherwise lacking any parental or other familial support and your income is less than 150% of the U.S. poverty level.**
 - Evidence you are under 18, such as a birth certificate or school records.
 - Affidavit from a community-based or religious organization that attests to your homelessness or lack of parental or familial support.
 - Letter or statement from an agency that you are currently in foster care.

- Evidence of your current income, such as tax returns, banks statements or paystubs, or an affidavit from you or a third party stating you do not file tax returns, have no bank accounts and/or have no income or evidence to prove your income level.
- **Exemption: You cannot care for yourself because you suffer from a serious, chronic disability and your income is less than 150% of the U.S. poverty level.**
 - Medical records or insurance records that describe your serious, chronic disability.
 - Evidence of your current income, such as tax returns, banks statements or paystubs, or an affidavit from you or a third party stating you do not file tax returns, have no bank accounts and/or have no income or evidence to prove your income level.
- **Exemption: You have accumulated \$25,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses for yourself or an immediate family member and your income is less than 150% of the U.S. poverty level.**
 - Medical bills, insurance records, or other reliable evidence of unreimbursed medical expenses of at least \$25,000.
 - Evidence of your current income, such as tax returns, banks statements or paystubs, or an affidavit from you or a third party stating you do not file tax returns, have no bank account, and/or have no income or other evidence to prove your income level.

How will USCIS make a decision on my request? Our decision is made by reviewing your letter and supporting documentation. Here are some reasons why we may deny your request:

- Your letter or supporting documents are not in English or accompanied by a certified translation.
- Your letter is not signed.
- Your supporting documentation does not demonstrate you fall into any of the categories exempt from the fee.
- You did not submit supporting documentation.
- We were unable to determine your current income.
- The documentation is not legible.
- You did not respond timely or completely to our request for additional evidence.
- You submitted your request with forms and fees. (We will deny your request and forward the forms and fees to the Lockbox facility for processing.)

How long will it take to make a decision on my request? This depends on the number of requests we receive. Our goal is to respond to you within 90 days.

How can I determine if my income is 150% of the U.S. poverty level? Please reference the charts in the 2012 Health and Human Services Poverty Guidelines.+

2012 Health and Human Services Poverty Guidelines:

48 Contiguous States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands

Household Size 150% of HHS Poverty Guidelines

1	\$16,755
2	\$22,695
3	\$28,635
4	\$34,575
5	\$40,515
6	\$46,455
7	\$52,395
8	\$58,335

For families with more than 8 persons, add \$5940 for each additional person.

Alaska

Household Size 150% of HHS Poverty Guidelines

1	\$20,955
2	\$28,380
3	\$35,805
4	\$43,230
5	\$50,655
6	\$58,080
7	\$65,505
8	\$72,930

For families with more than 8 persons, add \$7425 for each additional person.

Hawaii

Household Size 150% of HHS Poverty Guidelines

1	\$19,290
2	\$26,115
3	\$32,940
4	\$39,765
5	\$46,590
6	\$53,415
7	\$60,240
8	\$67,065

For families with more than 8 persons, add \$6825 for each additional person.

Last updated:08/14/2012

[Plug-ins](#)

APPENDIX D.
DOCUMENTS FROM
EXTERNAL SOURCES

**1. NATIONAL LEGAL IMPLEMENTATION
STRATEGY TEAM (NLIST): TIPS FOR
ORGANIZING A DACA WORKSHOP**

-VERMONT SERVICE CENTER RESOURCE F

2. AFFIDAVIT TEMPLATE AND SAMPLE

- TEXAS SERVICE CENTER RESOURCE A

NLIST Group Processing Subgroup: Tips for organizing a DACA clinic

Planning

- Find out who else in your area is hosting workshops and work together. Partnering to plan workshops helps:
 - Serve a greater number of applicants
 - Increase outreach for the event
 - Decrease volunteer burnout
 - Prevent duplication of efforts and promote sharing of expertise
- Varying the location of workshops ensures access to applicants living in different areas of your community

Outreach

- Continue to outreach further out in your community
 - There are still DACA-eligible young people who do not know they are eligible
 - Make a special effort to reach out to:
 - rural areas
 - Farmworkers, day laborers, high school drop outs, and other individuals who may not fit the common perception of “DREAMer”

Registration

- Encourage pre-registration or mandatory attendance at an information session prior to the workshop
 - Initial consultations could reveal that applicants are eligible for more permanent immigration relief
 - Ensure the applicants are 100% ready to apply when they arrive at the workshop
 - Given list of documents to bring before being allowed into the workshop
 - Given intake sheet to fill out at home

Materials

- Clipboards so that applicants can fill in worksheets without needing a table
- Laptops with WiFi – helpful to look up addresses, local criminal records, schools, basic legal research, etc.
- Photocopiers (but still ask applicants to bring copies with them)
- Pre-Addressed envelopes and certified mailing labels
- Documents:
 - Coversheets with just section titles, and worksheets where you can list the title of each document (like an index)
 - Sheet describing either next steps or what documents are still missing
 - Translation template for birth certificates
 - Referral list for individuals with complicated cases
 - A one-page guide for answering thorny application questions (entry questions, “legal name”, education)

Volunteers

- All wear the same color
- Give volunteers brightly colored cards to raise when they have questions/ when their applicant is ready for the next station
- Schedule volunteers in shifts
- Make sure to have enough immigration experts roaming the different areas to answer questions
- Provide volunteers with breakfast and lunch

Set-Up

- Consider dividing the workshop into three:
 - Room for “info sessions” to walk-in applicants that need to hear what documents to bring to next workshop
 - Section for pre-registered individuals ready to fill out their applications
 - Quality control section for individuals who have filled out their applications *pro se* and only need a final review
- Assign a “day-of” coordinator who can answer questions and make quick decisions and who is NOT assigned to any station

Miscellaneous tips

- Applicants who have passports or consular ID cards do not need a birth certificate – passports and consular ID cards generally don’t need to be translated (check to see if they’re printed in English)
- Consider separating the parents from applicants – some applicants are more forthcoming about crimes and other issues when their parents are not around

Below is a **TEMPLATE** for an affidavit submitted to show proof of physical presence between the time periods of June 15, 2007 to June 15, 2012 for a Deferred Action application. It is best if you write a detailed affidavit. If possible, print your completed affidavit on letterhead paper. **If you are applying for Deferred Action and plan to use affidavits to prove your physical presence during a certain time period, you must submit at least two affidavits.**

Declaration of [Your Name]

1. List: Name, Address, Telephone Number, Immigration Status, if any (citizen, lawful permanent resident, etc.)
2. General statement about how you know the applicant
3. Date when you first met the applicant, where you first met the applicant, how you met the applicant (school, church, etc.)
4. Statement of your relationship with the applicant and how frequently you see them
5. I now submit this affidavit in support of [applicant's name] application for Deferred Action and am available to testify by telephone regarding its contents.

I, [your name], declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Date: _____

Below is a **SAMPLE AFFIDAVIT** to prove a Deferred Action applicant's physical presence in the United States. **If you are applying for Deferred Action and plan to use affidavits to prove your physical presence during a certain time period, you must submit at least two affidavits.**

Please prepare on letterhead stationary if that is available.

Declaration of Maria Gomez

6. My name is Maria Gomez. I currently live at 123 Red River Street, Austin, TX 78705. My phone number is (512) 232-1292. I am a United States citizen (or lawful permanent resident)
7. I am a 12th grade teacher at Austin High School.
8. Brittany Natale was a student in my 12th grade class during the academic year of 2011-2012. I first met Brittany Natale in August, 2011 when the school year began at Austin High School.
9. Brittany Natale remained in my class for the entire school year, so I saw her every week from August, 2011 until she graduated in June 2012. Aside from missing a few days of school, she had no substantial periods of absences.
10. I now submit this letter in support of Brittany Natale's application for Deferred Action and am available to testify by telephone regarding its contents.

I, Maria Gomez, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Date: _____