

Deferred Action Application Process Implemented by DHS

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August 15, 2012 marks the beginning of the "deferred action" program implemented by the Department of Homeland Security. This program provides temporary relief from deportation, known as deferred action, to undocumented immigrants who were brought to the United States as children, and who meet certain eligibility criteria.

The program, which operates as a form of prosecutorial discretion, offers young people who are in the United States with no legal immigration status the opportunity to avoid deportation for an initial period of two years and to gain employment authorization.

The program is now available to individuals who:

- (1) were under the age of 31 as of June 15, 2012;
- (2) came to the United States before reaching their 16th birthday;
- (3) have continuously resided in the United States since June 15, 2007;
- (4) were physically present in the United States on June 15, 2012;
- (5) entered without inspection before June 15, 2012, or had no lawful immigration status as of June 15, 2012;
- (6) are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- (7) have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, or do not otherwise pose a threat to national security or public safety.

Individuals who are 15 or older and not in immigration detention may apply for deferred action through United States Citizenship and Immigration Services (USCIS). USCIS published the Form I-821D, to be used to request deferred action. Applications for employment authorization (Form I-765) may also be submitted concurrently with the request for deferred action.

For additional information or questions regarding how the above information may affect your case, please contact Silas Ruiz-Steele, Chair of the Immigration Section, at 610-898-7153 or sruizsteele@barley.com.

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