

Deferred Action For Immigrant Youth in Virginia

Certain young undocumented individuals who entered the U.S. before age 16 may apply for “deferred action” and a two-year temporary work permit. Deferred action is a relief from deportation that allows a non-U.S. citizen to temporarily remain in the U.S. It is not a path to citizenship or a green card (legal permanent residency), nor is it the DREAM Act.

The application period for deferred action began on August 15, 2012. There is no official “end date” for applications, as of yet.

Requests for deferred action will be considered on a case-by-case basis and not every young immigrant will qualify. If you believe you are eligible for deferred action, you may wish to contact one of the local non-profit immigration providers at the end of this fact sheet or find a private immigration lawyer to request deferred action.

Who may qualify for deferred action?

Any undocumented person who can prove that he or she:

1. Came to the U.S. before their 16th birthday and (in most cases) is now at least 15 years old;
2. Was under 31 years old on June 15, 2012;
3. Has continuously lived in the U.S. for at least five years (since June 15, 2007) and was present in the U.S. without legal status on June 15, 2012;
4. Has not been convicted of a felony offense, significant misdemeanor, multiple misdemeanor offenses, and does not otherwise pose a threat to national security or public safety; **and**
5. Is currently attending school, has graduated from high school, has obtained a G.E.D. certificate or is an honorably discharged veteran of the U.S. Armed Forces or Coast Guard.

What should I do if I am not sure if qualify due to my criminal history?

DHS considers many misdemeanors to be “significant misdemeanors,” including those for which the individual received no jail time. If you have ever been arrested or charged by the police, talk to an immigration attorney before applying for deferred action. If your petition is denied due to your criminal history, you may be deported. If you have ever been charged or arrested, please obtain certified copies of all of the court charges where there were criminal proceedings, including juvenile records.

What should I do if I am not sure if I qualify due to the education requirements?

If you have not studied in the U.S. and you do not already have a GED, you may begin to study for a GED now (this program is available in languages other than English). Other types of educational and training programs may also count; consult a community organization or attorney.

Where can I find free copies of the application form?

Download forms I-821D, I-765 and I-765WS from www.uscis.gov/childhoodarrivals.

What documents will I need to attach to my deferred action application?

The applicant must prove to immigration that they qualify for deferred action. Gather and attach photocopies of the following types of documents to your application:

1. **Documents that show that you entered the country before your 16th birthday, that you've lived in the U.S. continuously for the past five years and that you were present on June 15, 2012 without legal status.** Some examples are: school transcripts and report cards, medical records, tax returns, military records, receipts, religious records, leases, pay stubs, cell phone or utility bills and bank statements. Ideally, provide a document that gives proof for every quarter of the last five years.
2. **A birth certificate, passport, *cedula* or *matricula consular* that proves your age.** If it is in a language other than English you will need a certified English translation. You will need a photo ID, so if you do not already have one, contact your consulate to begin the process, which can sometimes take several months.
3. **Educational documents** like school enrollment records, certified transcripts, high school diplomas, GED certificates, certified report cards or records of your honorable discharge from the U.S. Armed Forces or Coast Guard.
4. Two passport-style photographs and a money order for \$465 made out to U.S. Department of Homeland Security.

Where to Look for Help:

Take care to choose a qualified attorney or non-profit organization to work with you on your case. **Especially if you have any criminal or immigration history, or have ever left the country and returned, make sure to consult with an experienced attorney.**

Please note that an insufficient or erroneous application may harm your chances of success or even result in deportation.

Non-profit Immigration Service Providers

Just Neighbors - (703) 979-1240, www.justneighbors.org

Hogar Immigrant Services – (703) 534-9805, www.hogarimmigrantservices.org

Ayuda – (202) 387-4848, www.ayuda.com

Northern Virginia Family Service - (571) 748-2806, www.nvfs.org

DREAM Act Advocacy Groups

Dreamactivist Virginia – www.dreamactivist.org

National Immigrant Youth Alliance – www.theniya.org

United We Dream – www.unitedwedream.org

We Own the Dream – 1-855-DREAM-31, www.weownthedream.org

Legal Aid Justice Center – (703) 778-3450, www.justice4all.org

Government Resources

USCIS – www.uscis.gov/childhoodarrivals, 1-800-375-5283