
What can you do if your DACA renewal application was rejected as not having been filed on time?

DECEMBER 11, 2017

OCTOBER 5, 2017, WAS THE LAST DAY that U.S. Citizenship and Immigration Services (USCIS) would accept applications to renew Deferred Action for Childhood Arrivals (DACA). Only people whose DACA would expire between September 5, 2017, and March 5, 2018, were eligible to apply for a renewal. Shortly after Oct. 5, 2017, people who had submitted applications began reporting that they had been rejected for the following reasons:

Category 1: USCIS Lockbox–related error

- Applications that arrived at the USCIS Lockbox and were picked up by USCIS *by* Oct. 5, but were improperly rejected, the stated reason being that they were not received on time.
- Applications that arrived to the USCIS Lockbox *on* Oct. 5, were not picked up by USCIS until Oct. 6, and were rejected, the stated reason being that they were not received on time.

Category 2: U.S. Postal Service error

- Applications that were postmarked a reasonable amount of time before the Oct. 5 deadline, arrived to the USCIS Lockbox after Oct. 5, and were rejected.

Category 3: USCIS/applicant error

- Applications that were postmarked prior to Oct. 5 and were rejected because of a perceived or actual deficiency (such as a missing signature, wrong/missing fees, or failure to mark a checkbox).

Category 4: Response to a request for additional information or evidence received *after* Oct. 5

- Applications that USCIS received before Oct. 5 and were rejected with a letter saying that the applicant could resubmit their application with the proper evidence or information. However, the resubmitted application was rejected because it was received after Oct. 5.

On November 15, 2017, USCIS announced that it would allow DACA renewal applicants with certain types of cases described under categories 1 and 2, above, to resubmit their application and that USCIS would issue further guidance at a later date about how to do this. USCIS has since issued the following via its website: [USCIS Guidance on DACA Renewal](#)

[Requests Affected by Mail Service Issues](#) and [Frequently Asked Questions: Rejected DACA Requests](#).¹ The guidance in these USCIS publications applies only to applications rejected because of the reasons in categories 1 and 2, above.

The information below seeks to explain the guidance USCIS has issued so far. This publication will be updated as we learn more details about how rejected applications that fall into one of the above categories are being reprocessed.

NOTE: If you never had DACA or if you were ineligible to submit a renewal application after Sept. 5, 2017, you are not eligible to resubmit a DACA application for USCIS to consider.

FREQUENTLY ASKED QUESTIONS

- **My DACA renewal application arrived at the USCIS Lockbox by Oct. 5, but it was rejected as not having been filed on time (category 1). What should I do?**

If you are in category 1, USCIS may already have sent you a letter asking you to resubmit your application. If you receive such a letter, you have 33 days from the letter's date to resubmit your application—so make sure to resubmit as quickly as you can.

If you have not received such a letter from USCIS, you may contact Lockbox Support at lockboxsupport@uscis.dhs.gov. We recommend that you include the following information in your email message:

- the date you sent your DACA renewal application, the date it was received at the Lockbox, the date it was received by a USCIS service center, and any other important, relevant dates that you know
- your USCIS application receipt number
- any tracking codes, if you sent the application by certified mail
- a copy of any text or email message you received notifying you that the application was received by the Lockbox, if you filed a Form G-1145

Make sure to *save copies of all your correspondence* about this issue.

- **Since my application was initially rejected because of an error that I did not make, if USCIS approves the resubmitted application, will my DACA renewal and work authorization be granted as of the day after my DACA expired so there won't be a gap in my lawful presence?**

No. If USCIS approves your resubmitted DACA renewal application, the effective date of both your DACA renewal and renewed work permit will be the date the application is approved.

¹ <https://www.uscis.gov/news/alerts/uscis-guidance-daca-renewal-requests-affected-mail-service-issues> and <https://www.uscis.gov/daca2017/mail-faqs>.

- **My application was postmarked a reasonable amount of time before Oct. 5 but arrived to the USCIS Lockbox after Oct. 5 (category 2). What should I do now?**

U.S. Postal Service (USPS) mail service delays affected some DACA renewal applications, causing them *not* to be delivered by Oct. 5. USPS is creating a list of the affected applications to share with USCIS by mid-December. According to the USCIS [FAQ](#), USCIS will send letters to the DACA applicants identified by USPS inviting them to resubmit their applications. If you receive such a letter, you will have 33 days from the letter’s date to resubmit your application—so make sure to resubmit as quickly as you can.

- **My application was rejected because USCIS incorrectly said that it didn’t contain certain required information (category 3). What should I do now?**

The U.S. Department of Homeland Security (DHS), the agency of which USCIS is a part, has said that resubmitted applications will be accepted only from people who filed a complete application with the proper \$495 filing fee but whose application USCIS rejected, *mistakenly* claiming that the application was missing required information or the proper fee payment of \$495.

Therefore, if your application was actually missing required information or the proper filing fee, USCIS will not accept a resubmitted application from you. For example, if the application you submitted by the Oct. 5 deadline was in fact missing a required signature, or a question in it was not answered, or the payment submitted with it was not the proper amount, etc., USCIS will not accept a resubmitted application from you.

However, if you submitted a fully completed application with the proper fee but USCIS incorrectly rejected your application as not being complete, then you may contact Lockbox Support at lockboxsupport@uscis.dhs.gov to provide the necessary details about your application and show that USCIS erred when it rejected the application.

- **I am eligible to resubmit my application. What should I submit?**

If you decide to resubmit your application, you should submit the following:

1. A copy of the letter USCIS sent you inviting you to resubmit your application.
2. Your DACA application. Make sure to include:
 - a. the correct, completed forms: the 01/09/17 edition of [Form I-821D](#), Consideration of Deferred Action for Childhood Arrivals, which says “Expires 01/31/2019” in the top right-hand corner;² [Form I-765](#), Application for Employment Authorization; and [Form I-765 Worksheet](#);³
 - b. two passport-size photos;
 - c. a copy of the front and back of your last employment authorization document; and
 - d. any required additional evidence.

² Form I-821D and its corresponding instructions have been removed from the USCIS website, but you can download them from NILC’s website—at: www.nilc.org/wp-content/uploads/2017/12/i-821d.pdf (form) and www.nilc.org/wp-content/uploads/2017/12/i-821dinstr.pdf (instructions).

³ Forms I-765 and I-765Worksheet can be downloaded from <https://www.uscis.gov/i-765>.

- **I do not qualify to resubmit my application, but my case was incorrectly rejected. Is there anything else I can do?**

DHS has insisted that resubmitted applications will be accepted only from people whose DACA renewal applications were rejected due to mailing-related errors (categories 1 and 2). However, if you are in category 3 or 4, you can take steps to raise awareness about how your and others' applications were unfairly rejected. The more people in positions of power know about these unfair rejections, the greater the likelihood that a solution will be created.

1. Contact the USCIS Ombudsman's office

The Ombudsman's office reviews cases and may be able to provide you with information about yours. You can file an online [Case Assistance Form DHS-7001](#) USCIS Ombudsman.⁴ Before submitting the form, be sure to read and follow the instructions in the introduction regarding steps to take prior to escalating a matter with the Ombudsman's office.

To ask for *expedited handling* of your renewal application (to ask that USCIS process your renewal faster), follow these instructions that the Ombudsman's office has provided. When you file the DHS-7001 form, state in the form:

- a. the reason(s) you are asking for expedited handling (such as that you may lose your current job),
- b. the steps you have already taken to find out the status of your case, and
- c. what the local USCIS field office has told you about your case.

Once you have completed and submitted the online form, you should be issued an Ombudsman-specific case number to use to follow up.

2. Contact your congressional representative

Call your congressperson's office and ask to speak with the *immigration caseworker*. You can find out who your representative in Congress is and get their contact information by entering your zip code at www.house.gov/representatives/find/. You can find out who your state's two senators are by choosing your state from the drop-down menu at www.senate.gov/general/contact_information/senators_cfm.cfm.

Explain your problem to the caseworker, who may be able to ask USCIS for information about your case. It's important that our representatives in Congress understand details about the severity and scope of the problems you and thousands of others are facing as a result of the administration's decision to end the DACA program.

⁴ <https://cisomb.dhs.gov/oca/form7001.aspx>.