

Steps to take if your DACA renewal is delayed

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*The suggestions in this document are specifically about applying to **renew DACA**. For answers to questions mainly about applying for DACA **for the first time**, see www.nilc.org/faqdeferredactionyouth/.*

Have your Deferred Action for Childhood Arrivals (DACA) and employment authorization expired, or will they expire soon?

If you have submitted your renewal application but are concerned because your DACA and work authorization have expired or will expire before your DACA is renewed, consider following the steps described below to get information about the status of your renewal application and, if appropriate, to ask U.S. Citizenship and Immigration Services (USCIS) to process your renewal more quickly.

USCIS suggests that you submit your completed renewal application at least 150 days (5 months), but no later than 120 days (4 months), before your current DACA and employment authorization document (EAD) expire. USCIS will accept your renewal application *even if you submit it earlier than 150 days before your current DACA and EAD expire*. However, if you file early, the date on which your DACA and EAD renewal become effective may be earlier than the expiration date on your current EAD. If this happens, your two-year renewal period will expire sooner than it would if you submitted your application 150 to 120 days before your EAD's expiration date.

Even if you don't submit your completed renewal application at least 120 days before your current DACA and EAD expire, USCIS will still accept and process the application. But your DACA may lapse for several weeks or months, depending on how late you applied for renewal.

Are you concerned about processing delays?

We heard recently that it was taking USCIS's Nebraska Service Center about 180 days (6 months) per application to process DACA renewal applications and issue renewed EADs. The Nebraska Service Center is one of four USCIS service centers. On August 10, 2016, USCIS posted a notice on its DACA webpage acknowledging that it was taking "longer than expected" for renewal requests to be processed and saying that "USCIS is dedicated to restoring normal processing times as quickly as possible" (see www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca).

Because USCIS's processing of renewal applications may be delayed, **we recommend that you apply at least 150 days before your DACA's expiration date**. And you might even consider applying 180 days (6 months) before your DACA and EAD expire. This



will increase the likelihood that you will receive your renewal before your current EAD expires. But remember this: If you apply 6 months before your DACA expires, and if your application is processed with little or no delay, your renewed DACA and EAD will be issued maybe one or two months earlier than the date your current EAD expires and will be valid for only two years from that earlier renewal date.

An online calculator on the National Immigration Law Center’s website—www.nilc.org/dacarenewalcalculator/—can help you figure out when to submit your DACA renewal application to USCIS in time so that your employment authorization doesn’t expire before it is renewed. For more information on the DACA renewal process, see NILC’s FAQ at www.nilc.org/dacarenewalprocess/.

What factors are likely to cause a longer application processing time?

There are certain factors that will likely lead to a longer processing time for your renewal application, including *travel under advance parole* and *new arrests or criminal convictions*. If you traveled using advance parole or have been arrested or convicted since you first got DACA, you should apply for renewal at least 150 days before your DACA expires. For more information about what “criminal background” issues might trigger a delay, see this table that lists and describes the crime-related bars to DACA: www.ilrc.org/daca-criminal-bars-chart.

What should I do if I have a pending or approved advance parole application and my DACA renewal is delayed or pending?

If you have a pending or approved application for advance parole and your DACA renewal request is pending, you should plan ahead *not* to be traveling outside the U.S. on or after the date your *current* DACA expires. If you are outside the U.S. on or after the date your current DACA expires, and if, because of processing delays, your renewal has not yet been issued, *there will be serious immigration consequences*.

Even if you have been granted advance parole, *you should never be traveling outside the U.S. when your DACA has expired*, because that would interrupt your “continuous presence” in the U.S., which is a requirement for DACA.

What can you do if your DACA renewal is delayed?

Many people who have applied to renew their DACA have not received their renewal before their DACA and work authorization expired. The suggestions or tips described below were developed based on our experience helping people who are in this situation.

Even if you did not submit your DACA renewal application within the time period that USCIS recommends, you may still be able to take some of the steps described below to speed up the processing of your renewal application. Some of the options described may be more effective than others, depending on your particular case. Therefore, we recommend following up on as many of them as you can.

When you take any of these steps, be prepared to provide:

- your full name
- your alien registration/USCIS number (A#)

- your application receipt numbers and receipt dates
- the expiration date of your DACA and employment authorization document (EAD)
- information you provided in the renewal application forms (I-821D and I-765)
(If you made copies of the forms before you submitted them, have them on hand so you can refer to them.)

Below are the steps we suggest you take to follow up on your DACA renewal application.

1. Check your case status online

You can monitor your case's status by using USCIS's online "**My Case Status**" tool, at <https://egov.uscis.gov/cris/Dashboard/CaseStatus.do>. You will need to enter the receipt number for either your DACA application or your employment authorization application. (You should have received a receipt for each application after you submitted your renewal application.) USCIS's online case status tool may show that your renewal application has been approved before you receive your new EAD in the mail, so we recommend you check your case status online regularly.

You can also create a USCIS Electronic Immigration System (USCIS ELIS) online account to track the progress of your case—at <https://myaccount.uscis.dhs.gov/>.

NOTE: Some people have reported problems using USCIS's "My Case Status," such as the system displaying an incorrect date for the date their application was received. If you experience such problems, you can contact USCIS online at <https://my.uscis.gov/account/needhelp>.

2. Contact the National Customer Service Center (NCSC)

Their number is **1-800-375-5283**. Be prepared to wait on hold for a long time. You will be able to speak to someone who may be able to answer your questions. You will be given a case confirmation number. Write it down and keep it where you can find it, since it's the number that USCIS uses to track your case inquiry.

3. Submit an "outside normal processing time" inquiry

You can also use the electronic form at the following link to make an online inquiry about a delayed case: <https://egov.uscis.gov/e-request/Intro.do>.

We were told by USCIS that DACA renewal applicants may use this online inquiry form **after their application has been pending for 105 days** (3.5 months).

WHEN TO SUBMIT AN INQUIRY: Complete and submit this online form if your case is "outside [the] normal processing time." To see what is considered the normal processing time, go to <https://egov.uscis.gov/cris/processTimesDisplayInit.do>. Under "Service Center," use the drop-down menu to find the *service center listed on your receipt notice* as the one that is handling your case, then look for "Form I-821D renewal" and "Form I-765" processing times.

For example, the table below shows that the Nebraska Service Center is currently (as of late August 2016) processing DACA Form I-821D renewal applications from March 16, 2016, which means its processing time is about 5 months. USCIS's goal continues to be processing cases within 120 days. Thus, if your receipt notice says that your case is being processed by the Nebraska Service Center, and it has been pending for more than 3.5 months (105 days),

then you may submit an online inquiry, since your application’s processing time is close to the 120-day mark.

Form	Title	Classification or Basis for Filing	Processing Cases As of Date
I-821D	Consideration of Deferred Action for Childhood Arrivals	Renewal	March 16, 2016

4. Contact the USCIS Ombudsman’s office

NOTE: *Contact the Ombudsman’s office only after your DACA renewal application has been pending for **105 days**.* The Ombudsman’s office recommends that you do not contact them until after you’ve completed steps 1-3, above.

The Ombudsman’s office reviews cases and may be able to provide you with information about yours. You can file a **Case Assistance Form DHS-7001** online with the USCIS Ombudsman at <https://cisomb.dhs.gov/oca/form7001.aspx>.

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 online, 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. Then you can contact, by email, one of these Ombudsman staff people:

- Rena.cutlip-mason@hq.dhs.gov
- Margaret.gleason@hq.dhs.gov
- Messay.berhanu@hq.dhs.gov

5. Contact the appropriate USCIS Service Center by email

The receipt notices you received after you filed your Form I-821D and Form I-765 will state which service center is handling your case. You can email an inquiry about your case to the appropriate service center. The service center email addresses are:

- California Service Center: csc-ncsc-followup@dhs.gov
- Vermont Service Center: vsc.ncscfollowup@dhs.gov
- Nebraska Service Center: NSCFollowup.NCSC@uscis.dhs.gov
- Texas Service Center: tsc.ncscfollowup@dhs.gov

If you do not receive a response within 21 days of emailing the service center, you may email the USCIS Headquarters Office of Service Center Operations at SCOPSSCATA@dhs.gov.

WHEN TO CONTACT YOUR SERVICE CENTER: Email the appropriate USCIS service center 30 days after you contact the National Customer Service Center (step 2, above), if you have not received a response from the NCSC.

6. Contact your congressional representative

Call your congressperson's office and ask to speak with the *immigration caseworker*. You can find out who your congressperson is and get his or her contact information by entering your zip code at www.house.gov/representatives/find/. Explain your problem to the caseworker, who may be able to ask USCIS for information about your case.

7. Contact the National Immigration Law Center (NILC) or the Immigrant Legal Resource Center (ILRC)

If you submitted your renewal application at least 120 days before your expiration date, you can contact NILC for help at reply@nilc.org. Please write "**DACA renewal delay**" and **your name** in the *subject line* of your email message. Practitioners and representatives can contact the Immigrant Legal Resource Center for questions related to DACA renewal and advance parole at jmagana@ilrc.org.