



DACA Request Process and Completing the Forms

U.S. Citizenship and Immigration Services (USCIS or CIS) announced the application process to request consideration for Deferred Action for Childhood Arrivals (DACA) on August 15, 2012. On June 5, 2014, CIS updated the DACA request forms for a second time. The new I-821D form (Rev. 06/04/14 N) is a dual purpose form to be used both by initial and renewal applicants to request DACA. Initial applicants must answer all questions on the form and submit substantial supporting evidence, renewal applicants on the other hand are not required to answer all questions and in most cases will not have to submit supporting documentation with their renewal request. For updates on the DACA request process, visit the CIS website at <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>.

TIP: We use the terms DACA “requests” and “applications” interchangeably; CIS refers to the process as “requests.” We refer to the individuals requesting DACA as “applicants,” while CIS calls them “requestors.”

All DACA requests—aside from those for individuals in ICE detention—must be submitted by mail to CIS using Forms I-821D, I-765, and I-765WS. If U.S. Immigration and Customs Enforcement (ICE) already has granted deferred action in a case, then Forms I-765 and I-765WS for employment authorization (a work permit) may be filed with CIS, but Form I-821D is not needed.

The forms required to request DACA include:

- **I-821D**, Consideration of Deferred Action for Childhood Arrivals, available at: www.uscis.gov/sites/default/files/files/form/i-821d.pdf.
 - Instructions on how to fill out the I-821D available at: www.uscis.gov/sites/default/files/files/form/i-821dinstr.pdf.
- **I-765**, Application for Employment Authorization, available at: www.uscis.gov/sites/default/files/files/form/i-765.pdf.
 - Instructions on how to fill out the I-765 available at: www.uscis.gov/sites/default/files/files/form/i-765instr.pdf.
- **I-765WS**, Form I-765 Worksheet, available at: www.uscis.gov/sites/default/files/files/form/i-765ws.pdf.

Forms that *may* be submitted with a DACA request include:

- **G-1145**, E-Notification of Application/Petition Acceptance, available at: www.uscis.gov/sites/default/files/files/form/g-1145.pdf.
 - Please note that the G-1145 is optional. However, if an applicant decides to submit this form, make sure to attach it in **front** of the I-821D.
- **G-28**, Notice of Entry of Appearance as Attorney or Accredited Representative, available at: www.uscis.gov/g-28.
 - Attorneys and accredited representatives who intend to represent an individual may complete and file a G-28 with the client’s DACA request. If an attorney or accredited representative is providing limited representation, such as in a group processing workshop setting, and does not intend to represent the individual after the workshop, she should not file a G-28.

In addition to these forms, an applicant also must submit two color passport photos and the required \$465.00 filing fee—a check or money order payable to U.S. Department of Homeland Security (unless CIS has granted a fee exemption). Initial applicants as well as applicants that initially received DACA from ICE, and are now applying to renew are required to submit additional documents to establish that they meet all of the DACA eligibility requirements and deserve a favorable exercise of discretion. In most cases, renewal applicants will not have to submit additional documents, other than a copy of their previous employment authorization card. Evidentiary requirements for initial and renewal applications are discussed in the sections that follow. It is best to organize these materials with a coversheet that lists what is attached, so that CIS can distinguish the different applications and pieces of evidence that make up the DACA request. A cover letter addressed to CIS listing all the forms and additional documents the client is filing, and arguments about why the applicant deserves a favorable exercise of discretion also may be submitted. Every applicant should make a complete copy of the final application to retain for her personal records. Each of the forms and the additional required supporting documents and fees are described in sections of this chapter.

When to File for DACA Renewal

DACA renewal applicants should file their renewal application at least 120 days (approximately four months) before their current DACA approval and employment authorization expire. This expiration date should be indicated on the DACA approval notice or the work permit card itself. Renewal applicants can file as far in advance as 150 days (5 months), but USCIS will not accept renewal applications any earlier than that. Renewal requests filed too early will be rejected and returned to the applicant.

USCIS has stated that for applicants who file at least 120 days in advance of their current DACA expiration, if the agency does not finish adjudicating the renewal within those 120 days, they may grant a temporary extension of DACA and work authorization. Renewal applicants who are unable to file for renewal at least 120 days in advance may still file after that date, and up to one year after their current DACA expires. However, if they do not file 120 days in advance of their DACA expiration, they may risk losing their DACA and employment authorization status temporarily, until their renewal request is adjudicated.

Completing the Form I-821D (Consideration for DACA)

Form I-821D may appear to be fairly straightforward, but some pointers may be helpful for completing the form. Also, because CIS recently updated the form to be used both by those requesting DACA for the first time (“initial applicants”) and those who have received DACA and would like to renew their request (“renewal applicants”)¹, it is important that applicants review the instructions and form carefully to identify which questions apply to them. As a general matter, initial applicants will have to answer most questions on the form, while renewal applicants must answer only those parts that are identified as “For Initial and Renewal Requests.” For example, Part 3 of the form related to the educational requirement and information about the applicant’s first entry to the U.S., only applies to initial applicants, and therefore, renewal applicants do not need to answer the questions in Part 3. As per the form’s instructions, questions that do not apply to an applicant should be marked N/A. Before filling out the I-821D, read the instructions on the CIS website.² Also, renewal applicants should find a copy of their initial DACA request to make sure that the information they are including in their renewal request is consistent with the information they disclosed in their previous DACA request.

¹ According to the updated I-821D form instructions, a renewal applicant is a person who previously received DACA and is applying to renew their request within one year of their last period of DACA. This means you will not be considered a renewal applicant if you apply more than one year after your previous DACA grant expires.

² Form I-821D and the instructions are available at: www.uscis.gov/i-821d.

TIP: Be sure to fill out and submit Form I-821D and not Form I-821, which is a different form used for an entirely different process. Also, make sure to use the most up to date version of the form. As of June 2014, this will be the form that has an expiration date of “06/30/2016” at the top right corner and is the “6/04/14” edition on the bottom left corner. However, CIS may publish a new form, so always check for the newest form. Also, if an initial applicant has been granted deferred action by ICE, then she does not need to submit Form I-821D; she will need to submit Forms I-765 and I-765WS and the applicable fees to CIS in order to receive a work permit.

Part 1, Question 1 - 2. Applicants should mark whether this is their first DACA application or a renewal request. Then throughout the form, the questions may differ slightly for renewal vs. initial requests. For those applicants who originally received DACA from ICE, not USCIS, they should mark that this is a renewal application on Question 1, but should otherwise treat the application and instructions as if it were their first time applying.

Part 1, Question 3. Applicants should provide their full name and a complete and reliable U.S. mailing address. The name here should match the name on the applicant’s birth certificate or passport. If different names appear on other records, write them down in Part 1, Question 14. The important thing is to make sure that the same full name is used on all of the forms—Form I-821D, I-765, I-765WS and G-1145—and that the same mailing address is used on Forms I-821D and I-765.

If an applicant does not have a secure mailing address, or she wants to authorize someone to receive her CIS correspondence, she can put another person’s name in the box marked “In Care of Name” and then that person’s address. For example, this may include the name and address of one of the applicant’s parents or the name and address of the legal representative or organization that is representing the applicant in this request.

Part 1, Question 5. Check “no” if the applicant has **never** been in removal (deportation) proceedings. Check “yes” if the applicant has **ever** been in removal proceedings. We recommend disclosing any type of removal proceeding/order that the applicant received, including expedited removal at the border and voluntary departure orders. However, a person who was just turned around or refused admission at the border was probably not in removal proceedings unless their documentation or FOIA says otherwise.

If the answer is “yes” to #5, then an applicant also must fill out the related questions below. These questions ask about the current status or outcome of the removal proceedings, the most recent date of proceedings, and the location of proceedings. If applicable, make sure to request and review documents relating to the applicant’s removal order/proceeding in order to answer these questions accurately.

If the applicant believes they were in removal proceedings, but any available documentation does not clarify the results of the proceedings, they can mark “Other” (Item 5e), and explain to their best ability what may have happened in the additional information sections on page 8.

Note for Advocates: Some individuals, especially minors, may not understand what removal or deportation proceedings are. Try asking the client if they have ever been in an immigration courtroom or in front of a judge in a black robe. If so, they may have been in deportation or removal proceedings at an immigration court, also known as the Executive Office for Immigration Review (EOIR).

For those who were stopped at the border, ask if they were stopped by an immigration official, asked a series of questions about whether they were fearful of returning to their home country, and then told they had to leave the United States. If so, they may have received an expedited removal order and were in removal proceedings. But they may have merely been returned, which can be hard to distinguish from the

applicant's story. Advocates may inquire into whether the parents have been in removal proceedings to help determine whether the applicant may have been included as a child.

Advocates also can try to obtain the client's FBI report, which will sometimes show immigration violations, such as a prior removal order. You can also file a Freedom of Information Act (FOIA) request with the relevant agency (e.g., ICE or CBP).

Part 1, Question 6. Applicants usually will have an "A" ("alien") number only if they have been in contact with immigration authorities, filed an immigration petition, or had a certain type of immigration case in the past. This number begins with an "A" and is generally seven, eight, or nine digits long. All renewal applicants should have an A-number as a result of their previous DACA application, and it should be indicated on the DACA approval notice or on their work permit as "USCIS#".

Part 1, Question 7. Include only **valid** Social Security numbers that were issued to the applicant by the Social Security Administration. The applicant should **not** write an ITIN (Individual Taxpayer Identification Number) or any other invalid or unauthorized numbers she may have used.

WARNING! Volunteering information about false social security numbers may harm an applicant. CIS has stated clearly that applicants should only list official Social Security numbers and not fake or borrowed numbers.

Part 1, Question 8. Write in the applicant's date of birth in the format provided (mm/dd/yyyy, for example 07/13/1990). Make sure this date matches with the date listed on the other forms and on the applicant's birth certificate and/or passport.

Part 1, Question 9. Check the box corresponding to the applicant's gender.

Part 1, Questions 10a and 10b. Write down the city/town/village and country where the applicant was born (in separate boxes). Make sure this information matches the place of birth on the applicant's birth certificate or passport. The applicant does not need to write in the state of the country where she was born. For example, if an applicant was born in Guadalajara, Jalisco, Mexico; for 10.a., write in Guadalajara and for 10.b. write in Mexico.

Part 1, Question 11. "Country of Residence" is where the applicant now lives (United States). Do not list the applicant's country of birth here. If the applicant is not currently residing in the United States, she is not eligible for DACA.

Part 1, Question 12. The applicant's country of citizenship/nationality is usually where she was born and the country where she is a citizen.

Part 1, Question 13. Check the box that best corresponds to the applicant's marital status.

Part 1, Question 14. Applicants should list any other names they have used in the past, including their married or maiden name, two last names (from their mother and father), one last name (from their father or mother only), etc. Sometimes applicants have used variations of their name; make sure to include all of them. You may want to look at the applicant's school or medical records to see if those documents

show variations of the applicant’s name. If additional space is needed, use part 8, “Additional Information,” located on page 7 of Form I-821D.

Example: Adriana’s birth certificate lists her name as Adriana Dolores Martinez- Dominguez. However, the documents from her elementary school in Illinois list her name as Adriana Dolores Dominguez. The documents from her middle school and high school list her name as Adriana Martinez Dominguez. And her work documents list her name as Adriana Dolores Martinez. Make sure to include every variation of her name—except Adriana Dolores Martinez-Dominguez, which is her legal name and should be listed as her official name in Part 1, Question 3.

Part 1, Questions 15-20. USCIS added this processing information for their background checks. Applicants should select whatever ethnicity and race(s) they feel apply to them.³ They must also provide their height, weight, eye color, and hair color.

Part 2, Question 1. Applicants should mark that they have been continuously residing in the U.S. since at least June 15, 2007 up to the present time. If this is not true, then they are not eligible for DACA and should not apply. Remember that departures during this time do not necessarily mean that the applicant has not been continuously residing in the U.S. for this period. But the applicant will need to provide evidence that their departures were brief, casual, and innocent.

In addition, if the applicant departed at some point and then re-entered *after age 16*, then they will also need to provide evidence to demonstrate that they established residence before age 16.

Part 2, Questions 2-5: Initial Applicants and those who originally received DACA from ICE need to list (to the best of their knowledge) *all* the addresses where they have lived since their initial entry into the United States, starting with their current address and going backwards in time. Renewal applicants on the other hand need only write their current address and any address(es) since they submitted their last DACA request. If the applicant did not move since submitting her last DACA request, then she only needs to write her current address. If additional space is needed, use Part 8. If an applicant does not remember an address or a specific date, then she can write “unknown” or write just the month or year in the date section.

Example: Alice remembers only that from May 2005 to sometime in 2007 she lived in Eugene, Oregon, but she does not remember the address of the house she lived in. For this address entry, Alice would write the following:

Dates at this residence:
From (mm/dd/yyyy): 05/2005 To (mm/dd/yyyy): 2007
Street Number and Name, Apt. No.: *Unknown (or cannot recall)*
City or Town: *Eugene*
State: *Oregon*

TIP: Most practitioners agree that applicants should not list any addresses outside of the United States. Listing addresses abroad can affect the client in the future. Make sure to discuss the risks with your client. If the applicant has an absence during the continuous residence requirement period, the applicant will only qualify for DACA if the absence was brief, casual, and innocent. If the applicant lists an address abroad for the period of her absence, it may indicate to CIS that her departure was more of a permanent move and was not casual and innocent. It may be that the applicant was abroad for 5 months,

³ You can find definitions for these ethnicity and race groups in the Application for Naturalization (Form N-400) instructions, available at <http://www.uscis.gov/sites/default/files/files/form/n-400instr.pdf> (page 6).

but kept her residence in the United States and thus, will continue to list the U.S. address and not the one where she lived temporarily abroad. For other absences apart from the continuous residence requirement, advocates should discuss with the applicant where she resided.

NOTE: Applicants who changed their address after submitting their last DACA request, and did not notify USCIS of this change, should file a change of address using Form AR-11, online or by mail. More information is available on the USCIS website at <http://www.uscis.gov/addresschange>.

Part 2, Questions 6-7. In this section, the applicant should list all of their departures from the United States since June 15, 2007. If additional space is needed, applicants can use Part 8.

Note: Applicants should *NOT* list any absences *BEFORE* June 15, 2007 in Part 2, Questions 6 and 7. Applicants should only list absences *AFTER* June 15, 2007.

CIS states in its FAQs that absences that are “brief, casual, and innocent ... will not interrupt [an applicant’s] continuous residence.” Applicants that have absences after June 15, 2007 that are not brief, casual, and innocent, will not qualify for DACA and thus, should not apply.

CIS will consider an absence from the United States for any period of time *after June 15, 2007 and before* August 15, 2012, as brief, casual, and innocent, if the absence was:

- Short and reasonably calculated to accomplish the purpose of the absence;
- Not because of an order of exclusion, deportation, or removal;
- Not because of an order of voluntary departure, or an administrative grant of voluntary departure before the applicant was placed in exclusion, deportation, or removal proceedings; and
- For a purpose and/or action while outside of the United States that was not contrary to law.

Documentation of nature of the trip to show that it was brief, casual, and innocent should be provided with the DACA application.

TIP: Apart from the I-765 question about the applicant’s last entry into the United States, the forms do not ask about manner or status of re-entry for the departures an applicant lists on Part 2 of the I-821D. Therefore, do not discuss the manners or statuses of re-entry in Part 8 or in a separate addendum; doing so could raise immigration issues for applicants in the future.

Part 2, Question 8. Don’t skip this question just because it is hidden below the foreign travel section! The answer to item 8 should be “No” or the applicant will not be eligible for DACA.

Part 2, Question 9. If the applicant has a passport, or has ever had a passport, they should enter the country, number, and expiration date here. If the passport was lost long ago and is expired, you can write “Not Available” and explain that it was lost. It does not matter whether the applicant entered the United States with this passport.

Part 2, Question 10. If the applicant has or used to have a border crossing card, they should enter that information in number 10. If the applicant was issued a border crossing card, but lost it, then she should write “Not Available” and explain it was lost.

WARNING! To qualify for DACA, the applicant cannot have *any* absences outside the United States *after* August 15, 2012. Travel before the applicant files the DACA request or before CIS adjudicates the request will cause CIS to deny the DACA request. All applicants should be able to mark “No” for item 8 in part 2. Applicants who received DACA and travelled since August 15, 2012 *with* advance parole should still answer “No” to this question.

Part 3. For initial requests only. Renewal applicants do not need to answer any questions in Part 3. However, a person who originally received DACA from ICE, and is now renewing with USCIS, should still fill out Part 3, just like initial applicants.

Part 3, Question 1: The answer to this question should be “Yes” or else the applicant is not eligible for DACA. If the applicant came and then departed the United States returning on or after her 16th birthday, she will need to demonstrate that she established residence in the United States prior to that trip - before age 16. Essentially, proving residence before age 16 allows a DACA applicant who reentered after age 16 to still qualify for the program.

Examples: Jose enters the United States at age 13, leaves at age 15, and does not return to the United States until age 17. Because of the timing of his departure and subsequent arrival to the United States, Jose will have to prove, both that he entered the United States before age 16, and that he established residence in the United States before age 16.

Contrast Jose’s example with that of Maria. Maria came to the United States at age 15 ½ and has never left. Maria qualifies for DACA because she entered before age 16. She does not need to prove she established residency before age 16.

Part 3, Question 2. Write the date of the applicant’s initial entry into the United States. If the applicant does not remember the exact date of entry, the date listed can be an approximation. The date can also be just the month or the year, if that is all the applicant remembers. Just keep in mind that the applicant will have to prove entry before age 16 and before June 15, 2007.

Example: Laura first entered the United States in 2002 on a tourist visa. She stayed for five months and then returned to Colombia. In 2004 she again entered the United States on a tourist visa and stayed for four months before returning to Colombia. In 2005 she returned to the United States on a tourist visa that expired later that year, and she has never left the United States since then.

On Part 3, Question 2, some practitioners may decide that Laura should list her entry in 2002 because it was the first time ever she had entered the United States. Other practitioners may interpret initial entry as the entry that initiated the applicant living in the United States and may decide that Laura should list her 2005 entry. Whether practitioners decide to list the 2002 entry or the 2005 entry, they also may want to include a brief explanation in Part 8 indicating that the applicant had visited the United States for a short period of time in 2002 and then returned to the United States in 2005.

This becomes a bigger issue when the initial brief stay was the only entry while the applicant was under age 16. CIS has clarified the entry before age 16 requirement in FAQ #30 that applicants who entered, but also left the United States before turning 16 and then returned will be eligible for DACA if they can prove that they established residency in the United States before age 16.

Part 3, Question 3. List the place on the United States side of the border where the applicant entered. If the applicant entered by airplane, she should list the city where she landed. If the applicant does not remember exactly where she entered, she can simply list the state.

Example: Jose knows he crossed the border somewhere near Tijuana, Mexico. On the Form I-821D he can list “San Ysidro, California” or simply “California” as his place of entry.

Example: Mohammed’s final destination was San Francisco International Airport (SFO), but he made a connection in New York City (JFK). When he landed in NY, he went through immigration and customs inspection. His answer will be New York, New York, and not San Francisco.

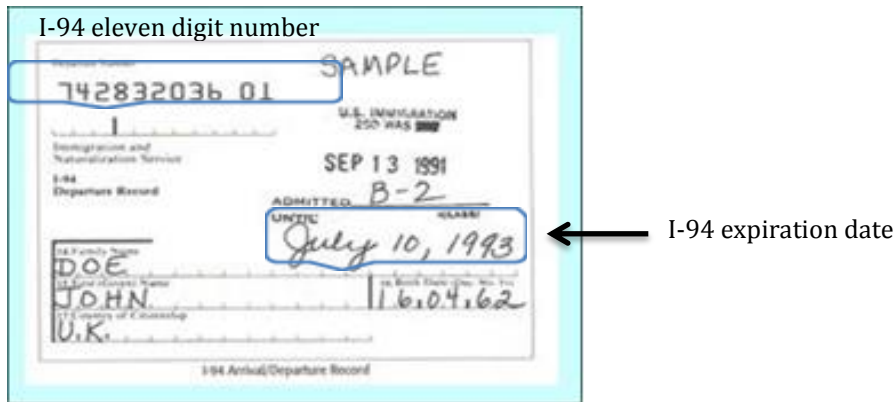
Part 3, Question 4. This question asks about the applicant’s immigration “status on June 15, 2012,” which directly responds to one of the DACA eligibility requirements. If the applicant is filling out the form online, she will see a drop down list of only three options to answer this question. The three options are: no lawful status, status expired, and parole expired. If the applicant is filling out a printed copy of the form, the written answer provided can be one of the three options as well.

If the applicant entered with a valid visa (e.g., B2, F1, or J1) issued by the U.S. government, and it expired before June 15, 2012, choose or write in “status expired.” If the applicant has never had any lawful status, choose or write in “no lawful status.” There is no need to elaborate on the manner of the applicant’s entry into the U.S. or status at the time of entry. If the applicant had lawful status on June 15, 2012, then she is not eligible for DACA.

TIP: For some applicants, it may not be as clear whether or not their status expired before June 15, 2012 if they were admitted for “duration of status” and not given an expiration date for their authorized stay. The DACA FAQs state that those individuals do not fall out of status simply by violating the terms of their status (e.g., engaging in unauthorized work, dropping out of school, etc.) Individuals admitted for duration of status will only be out of status if their status is formally terminated (e.g., by court order). In their updated FAQs, CIS identifies four circumstances under which individuals admitted for duration of status may be considered for DACA. A person may be considered for DACA if on or before June 15, 2012 one of the following was true: (1) applicant “aged out” of dependent nonimmigrant status; (2) status in SEVIS is listed as terminated; (3) is a Canadian citizens who was not issued an I-94; (4) entered with Border Crossing Card, but not issued I-94.⁴

Part 3, Questions 5.a., 5.b., and 5.c. These questions are only for individuals who entered the United States with some type of visa or arrival/departure record. If the applicant entered with a visa, the I-94 is the little white card received upon entering the country that looks similar to the picture below. If the applicant has one, mark “yes” for Question 5.a. For Question 5.b, write down the applicant’s I-94 number (if available), which is an 11-digit number that is found on the Arrival-Departure Record. There is usually an expiration date on the card. Sometimes there is no expiration date because the applicant is admitted for “d/s” (duration of status). However, if there is a date, an applicant should write that date in the box provided for Question 5.c. If the applicant has lost her I-94 record, then write “not available”.

⁴ See DACA FAQs 44-47 for a more complete explanation of these exceptions.



Part 3, Questions 6, 7, and 8. For Question 6, write down the education status that qualifies the applicant for DACA: whether she is a high school graduate, received her GED, or is currently in school. Even if someone is in college now, the applicant should write down that she qualifies as a high school graduate (or GED recipient, if that is the case), rather than noting that she qualifies because she is still in school. The applicant can note that she is also in college, but that she qualifies because she is a high school graduate.

Question 7 asks for the name, city and state of the school the applicant is currently attending or the (high school) school (or GED program) from where she graduated or where she received her education. If the applicant is currently in school, write in the actual last date the applicant attended class or “present” for Question 8. If she is not currently enrolled, then write in the date the applicant graduated from high school or received her GED.

Example: Martin is currently taking GED classes at his local adult school in Fresno. For question 6, he would write in “currently in school.” For question 7, he would write in “Fresno Adult School, Fresno, CA.” For question 8, he could write in “present” or the last day he attended class.

Example: On June 5, 2011, Daniel graduated from City Arts & Technology High School, in San Francisco, California. For question 6 he would write “High School Graduate.” For question 7 he would write “City Arts & Technology High School, San Francisco, CA.” For question 8, he would write in “06/05/2011,” which is the date of his graduation.

Even though Daniel is currently in college, he should still write in “High School Graduate” and not “in school.” This answer is preferable because it directly responds to the question, which asks the applicant to “indicate how [she or he] meet[s] the education guidelines.”

Part 3, Question 9.a.-9.d. This series of questions applies only to applicants that were members of the U.S. Armed Forces or the U.S. Coast Guard. If this applies, fill in the military branch, service start date, discharge date, and type of discharge.

Note: Only honorably discharged veterans are eligible for DACA. Please consult with an expert if an applicant received any other type of discharge. Advocates also should screen for naturalization eligibility if the applicant served in the U.S. military.

Part 4. Part 4 asks about criminal arrests, charges and convictions, along with other questions related to national security and public safety information. Both initial and renewal applicants must complete this

section. If the answer to any of these questions is “yes,” you should obtain the applicant’s criminal record, including an FBI background check, to be able to properly review and assess the risks of applying.

Renewal applicants should answer these questions if they **ever** had any arrests or convictions, etc. However, if the incident happened before submitting their initial DACA request, and they already submitted documentation for it, they do *not* need to submit those documents again. It is a good idea to indicate in “Part 8. Additional Information” section that they have already provided documentation on their criminal history with their initial DACA request and that is why they are not including it with their renewal request. If the applicant has been arrested or convicted since she last applied for DACA, then those incidents should be properly evaluated, along with the prior criminal history (if any) to determine if the applicant remains eligible for DACA. Documentation about new incident(s) must be included with the renewal application.

New to the I-821D form instructions is the requirement that applicants that have been arrested for a felony or misdemeanor in the United States or any crime in a country other the United States, *and no charges* were filed, submit an original official statement by the arresting agency or applicable court confirming that no charges were filed for each arrest. If unable to provide such documentation, applicants must include a description (in Part 8, Additional Information or in an addendum) of their efforts to get such evidence.⁵ A similar requirement exists for applicants who have been charged with or convicted of a felony or misdemeanor in the United States or a crime in a country other than the United States. The requirement continues to be that applicants submit an original or court-certified copy of the complete arrest record and disposition for each incident. However, now, applicants who are unable to provide such documentation must provide an explanation, including a description of their efforts to get such evidence.⁶

Part 5, Item 1. Mark the box next to Item 1.a. if the applicant read the application in English and understood everything on the form and instructions, and her answers. Mark the box next to Item 1.b. if all the questions, instructions, and answers were read to the applicant in another language in which the applicant is fluent, and the applicant understood all the questions and instructions as translated to her, and provided true and correct responses. Also, write in the interpreter’s name and other information requested in part 6.

Part 5, Items 2 through 5. Applicants must sign and date their DACA requests, or the request will be rejected. By signing the request, the applicant certifies under penalty of perjury that the information provided is true and correct, and the documents included are unaltered. USCIS has updated the certification language to remind the applicant that knowingly and willfully providing materially false information is a federal felony punishable by a fine, imprisonment up to 5 years, or both. Also, by providing her signature, the applicant authorizes the release of information from her records to CIS that may be needed to decide her DACA request.

For questions 3 through 5, write the applicant’s contact information. In item 3 write the best phone number to reach the applicant during the day. This can be an applicant’s cell phone number, if they have one, or their home phone number. Some applicants may not want to include their home phone number or their parents’ phone numbers; in that situation, write down the applicant’s cell number only in item 4. If the applicant has an email address, provide that in item 5.

Part 6, Items 1 through 6. If an interpreter translates the questions and answers to the applicant, that same interpreter must fill out this part of the form with her full name, mailing address, and contact

⁵ See I-821D form instructions at page 10.

⁶ Id.

information. On the next page in #6a-6b, the interpreter must identify the language of interpretation and certify the translation with her signature and the date.

Part 7, Items 1-7. If someone other than the applicant helped fill out the I-821D, that person needs to fill out this part of the form. The preparer needs to write her full name, address, contact information, and sign and date the form.

Note to Attorneys and Accredited Representatives: If an attorney or accredited representative is representing the applicant in her request, the attorney or accredited representative should submit a completed Form G-28.

In its FAQs, which provide guidelines for filing G-28s during group processing events,⁷ CIS makes it clear that “if someone other than the requestor prepares or helps fill out the Form I-821D, that individual must complete Part 7 of the Form.” This means that a volunteer must sign as the preparer. Organizations can decide how and who will sign the forms by instructing volunteers to fill in the name of the organization that is sponsoring the event or the name of their own firm or organization. G-28s are not mandatory. Attorneys or accredited representatives who provide assistance to individuals at a group processing event may file a G-28 if they intend to represent certain applicants after the workshop. If an attorney or BIA accredited representative does not intend to represent an applicant outside of the workshop setting and is only providing assistance at the event, then the attorney or accredited representative does not file a G-28 with CIS, but should explain the limited representation to the applicant.

Part 8, Items 1 through 6. This part is optional. Use Part 8 only if additional space is needed to provide information in response to any of the I-821D’s questions on the previous pages. Listing additional prior addresses and/or travel outside the United States are common uses of Part 8. The revised I-821D form instructions now require that any additional pages include the applicant’s full name, A# (if any), and the page number, part number and item number to which the answer refers, and the applicants signature and date at the bottom.⁸

Completing the Form I-765 (Application for Employment Authorization)

Although in some circumstances Form I-765 can be e-filed, **do not** e-file an I-765 based on a DACA request. CIS advises applicants to mail all of their DACA forms, documents, and fees together to the appropriate CIS lockbox. Here are tips to assist advocates and applicants in completing this form.

“I am applying for.” Check the box that states “Permission to accept employment” if this is the first time the applicant is requesting an employment authorization document (EAD or work permit). This box will apply for most, if not all, DACA applicants. Renewal applicants should check the box that states “Renewal of my permission to accept employment,” and attach a copy of their employment authorization document (work permit card) (front and back) or denial notice (if EAD was not granted).

Question 1. Applicants should write only their last (not first or middle) names in capital letters and their first and middle names in regular print. **Note:** Make sure the applicant’s name listed in response to this

⁷ See DACA FAQs, questions 73 and 74.

⁸ See I-821D instructions, page 4.

question matches the name on her Form I-821D, Part 1, Question 3 and her passport and/or birth certificate.

Question 2. If an applicant has used any other names besides the name she writes in Question 1, list the names in the space provided. These names should match those listed on Form I-821D, Part 1, Question 14; see the discussion above for more details.

Questions 3-8. The information provided here should carefully match that provided in Part 1 of the Form I-821D. For more details, see discussion above for Part 1, Questions 4, 6, 8-10, and 12-13.

Question 9. List only a social security number that was officially issued to the applicant by the Social Security Administration. Do not list any other unofficial or invalid numbers used by the applicant. Do not list the applicant's ITIN.

Question 10. Write the applicant's "A" (alien) number, if any. Remember that applicants usually will have an "A" ("alien") number only if they have been in contact with immigration authorities, filed an immigration petition, or had a certain type of immigration case in the past. All renewal applicants should have an A-number as a result of their previous DACA application, and it should be indicated on the DACA approval notice or on their work permit as "USCIS#".

Question 11. If this is the first time the applicant is applying for a work permit, then check "No" for question 11 and move on to question 12. If this is not the first time the applicant is applying for a work permit, then mark "yes" and provide the information requested. All renewal applicants should answer "yes" to this question, and provide the information from their previous work permit.

There are a few ways to find out which "USCIS Office" (or Service Center) processed the applicant's previous I-765. First, you can look at the applicant's I-765 approval notice (I-797, Notice of Action) which will show on the bottom left corner which USCIS office reviewed the request. One of the following five service center offices should be identified on the notice: (1) California Service Center; (2) Nebraska Service Center; (3) Texas Service Center; (4) Vermont Service Center; or (5) National Benefits Center.

If the applicant has lost her I-765 approval notice, you can identify the service center by looking at the work permit document. Where it reads "Category Card #," you will see a number that begins with three letters (e.g., EAC1312345678). The three letters indicate the service center (or USCIS office) that processed the application. Use the chart below to help you identify the correct office. If the applicant has lost her work permit card, but still has some letters USCIS sent her in response to her DACA request, such as the letter notifying her that her DACA and work permit applications were received, she can use that to identify the service center. Those letters should have a "Receipt Number" on the top left side of the page. The number will begin with three letters. Use the table below to determine which service center those letters correspond to.

WAC	California Service Center
LIN	Nebraska Service Center
SRC	Texas Service Center
EAC	Vermont Service Center
MSC	National Benefits Center

For **“Date(s),”** write the date on which the applicant previously applied for employment authorization. You can find this date on the I-765 receipt or approval notice. It is the date written under “Receipt Date”. If the applicant does not have these documents, she should do her best to remember the date on which she applied and write that date on the form. For example, the applicant may recall that she applied in October 2012, but may not recall the exact day. If that is the case, she can write “10/2012” as the date.

For **“Results,”** write “granted” if the applicant was approved for a work permit, or “denied” if she was not approved. If the applicant was granted a work permit, include a copy (front and back) of the work permit card. If the applicant was denied, include a copy of the denial notice.

Questions 12, 13, and 14. These questions ask the applicant for the date, place, and status of her last entry—that is, most recent entry—into the United States.

Examples: Rosa first entered the United States at the San Francisco airport with a tourist visa on October 7, 1989. She has not left the United States since that entry. Therefore, this is her last entry to the U.S. On the Form I-765, Rosa would write “10/07/1989” for Question 12 and “San Francisco, CA” for Question 13. Rosa can also write in “California” for Question 13 if she does not remember the city she entered through. For Question 14, she would write in “Visitor” or “B visa.”

Adam entered the United States through San Ysidro in July 1991. Adam did not have a valid visa or document allowing him to lawfully enter the United States, but he was waved through and allowed to enter at the border checkpoint. He has not left the United States since July of 1991. For Question 12, Adam would write “07/1991” (since he does not remember the exact day he arrived) and for Question 13, he would write “San Ysidro, California.” For Question 14, Adam may decide to write “no lawful status” and not include any further explanation. In the alternative, Adam may choose to write in “waved through border” and/or “inspected and admitted” directly underneath the “no lawful status” choice to indicate both “no lawful status” and “waved through border.”

Contrast Adam’s situation with that of Carolina. Carolina came on a tourist visa in 2003. She left the United States in 2005, and then reentered in 2006. During Carolina’s last entry into the United States in 2006, she did not pass through a port of entry, such as a border checkpoint or airport, and entered without inspection. For Question 14, she would write “no lawful status.”⁹

Question 15. One choice for initial applicants is to write “no lawful status,” while another option is simply to write in “DACA Applicant,” which is the basis for EAD eligibility. However, if ICE has already granted the applicant deferred action and the applicant is filing a stand-alone Form I-765 with a copy of the DACA grant, the applicant must write for Question 15 “Unlawful Status: Deferred Action for Childhood Arrivals by ICE.” Remember that applicants who currently have lawful status do not qualify for DACA. Renewal applicants can indicate their status as “DACA recipient.”

Question 16. Write (c)(33) in the spaces provided. Note that (c)(33) only applies to DACA and not regular deferred action.

⁹ Some advocates may choose to write “entry without inspection.” However, be careful when writing in “entry without inspection” since that may harm the applicant in future petitions. Sometimes applicants do not remember or are relying on family members’ memory when describing their entry into the United States. A “no lawful status” is the best answer because it is more general and could include entry without inspection and entry through a border checkpoint without any valid documents or with fraudulent documents.

Question 17. Leave this question blank because it does NOT apply to deferred action requests.

The applicant must sign, date, and write in the telephone number matching the one listed on the Form I-821D at the bottom of the Form I-765. If anyone helped the applicant fill out the Form I-765, the preparer needs to write her name and address, sign, and date the form (right beneath the applicant's signature).

Completing the Form I-765WS (Employment Authorization Worksheet)

Each DACA applicant must submit a completed Form I-765 Worksheet. To qualify for work authorization, the applicant must establish economic necessity. CIS will review the applicant's current income, annual expenses, and the total value of her assets to determine whether she has an economic need to work. However, USCIS presumes that DACA recipients will need to work to support themselves and will generally grant work authorization, even if the applicant already has some income.

Part 1, Question 1. Write the applicant's full name. Make sure the name listed here matches the name written on Form I-821D, Part 1, Question 3 and Form I-765, Question 1.

Part 2, Questions 2, 3, and 4. Applicants must indicate their current annual income, annual expenses, and value of assets. For annual income, the applicant should estimate how much she has made this year and write that down. If there are no big changes in an applicant's employment, such as employer or salary, then an applicant may use last year's taxes as an estimate of her current annual income. This number can be \$0 if the applicant does not work—for example, if the applicant is currently in school and is supported by her family.

For expenses, the applicant should include items such as rent, utilities (gas, electricity, water), cell phone bills, food, tuition, school supplies (books, notebooks, laptop), and transportation costs (gas, bus, car payments, car insurance). If the applicant pays costs associated with a child or another dependent, make sure those expenses also are included. The applicant should take all of her expenses into account and not just a few primary costs. Even if the applicant does not personally pay for some or all of her expenses, she should still list *all* her annual expenses. In the space provided, she can explain that her parents help support her, but that she would like to start working in order to support herself.

For assets, the applicants should include the value of things that apply, such as a house, car, and the amount in their bank accounts. Since many applicants will be submitting their bank statements to establish their continuous residence, they should not understate their assets here.

Part 3. This part is optional. If an applicant chooses to do so, she can use the additional space provided to explain any of the information provided in Part 2. In addition, many practitioners encourage applicants to use this space to make a short personal statement about why they need work authorization, or what they hope to do if they are approved for DACA.

Completing Form G-1145 (E-Notification of Application/Petition Acceptance)

Form G-1145 is optional and if an applicant chooses to complete and submit this form, CIS will notify the applicant via email and/or text message that the application has been received. CIS will notify the applicant within 24 hours of accepting the application if the Form G-1145 is attached (in this case, the Form I-821D and/or the Form I-765). On the bottom of the Form G-1145, an applicant must fill in her complete name as listed on the Forms I-821D, I-765, and I-765WS. She must include her e-mail address and/or cell phone number on the G-1145. If an applicant provides an email address and a mobile phone number, she will receive both types of electronic notification messages (i.e., text message and e-mail).

The message(s) will provide a receipt number and the e-mail will provide additional information about the status of the case.

The text message or e-mail does not constitute official notice of acceptance. The official receipt notice, Form I-797C, will still be mailed to the applicant (and the applicant's representative, if a G-28 has been filed).

Quick Application and Mailing Tips

- Type or print answers in black ink. If possible, do not use whiteout; CIS scanners might see through the whiteout and this may cause errors in the forms.
- Write the applicant's name and date of birth the same way on each form. Also include the applicant's name and date of birth on the back of her passport-style photographs.
- Answer all the questions completely and accurately. If an item is not applicable or the answer is none, write "N/A" if the question is not applicable or "None" if the answer is none.
- Sign and date all forms.
- Provide all required supporting documentation and evidence. **Applicants should submit copies, and not originals, of their supporting documents.** Separate the evidence with colored cover sheets.
- Any document that is NOT written in English must be translated to English before being submitted to CIS. Include a copy of the document in its original language, along with a translated copy and a certification of translation.
- Submit the correct amount of fees, which is \$465. An applicant may submit separate checks of \$380 and \$85, or one single check of \$465. Make the check payable to "U.S. Department of Homeland Security." Write the applicant's name and date of birth in the memo line of the check or money order.
- Fasten all of the materials together so that documents do not fall out at the CIS processing facility.
- **Make and keep a copy of the entire application for the applicant, including a copy of the forms, supporting documents, and the fee check.**

Make sure to mail all the forms, fees, and supporting documents together in one package to the appropriate CIS lockbox. **Do not** e-file Form I-765. If possible, mail the entire application package via "certified mail" or in any other manner by which the package can be tracked.