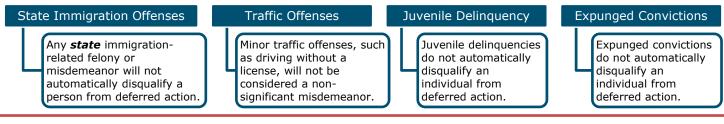


Understanding the Criminal Bars to the Deferred Action for Childhood Arrivals

Criminal Bars to Deferred Action		
Felony	Significant Misdemeanor	Three Non-Significant Misdemeanors
Any federal, state, or local offense that is punishable by imprisonment of more than one year.	Any federal, state, or local offense that is punishable by imprisonment of one year or less but more than five days and is an offense of • Domestic violence • Sexual abuse or exploitation • Unlawful possession or use of a firearm • Drug sales (distribution or trafficking) • Burglary • Driving under the influence of alcohol or drugs Or any other misdemeanor not listed above for which the person received a jail sentence of more than 90 days. Suspended sentences do not count towards the 90 days.	Three or more non-significant misdemeanors that do not occur on the same day nor arise from the same act or scheme of misconduct. Includes only federal, state, or local offenses punishable by imprisonment of one year or less but more than five days.
If a person falls in one of the criminal bars above (and not one of the listed exceptions below) he or she may still be able to qualify for deferred action if he or she can show exceptional circumstances . Such approvals are likely to be very rare.		

Offenses That Do Not Lead to Automatic Disqualification



NOTE: Even though these offenses do not trigger the "automatic" criminal bars, DHS can consider them under the discretionary **public safety threat and totality of circumstances** analysis, described below.

Any Criminal History Can Result in a Discretionary Denial

Threat to Public Safety

DHS may deny any application if it finds a threat to public safety. This includes gang membership or participation in criminal activities.

An individual may receive deferred action only after showing "exceptional circumstances." Threat to National Security
DHS may deny any

application if it finds the applicant has participated in activites that are a threat to national security.

An individual may receive deferred action only after showing "exceptional circumstances."

Any Criminal History

Even where no criminal bar is present, an individual is not guaranteed a grant of deferred action. DHS may consider an individual's total criminal history, including non-significant misdemeanor convictions, juvenile delinquency, and expunged convictions. DHS will determine under the "totality of circumstances" of the individual's application whether to grant deferred action.