



PRACTICE ADVISORY¹
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ELEVATING DELAYED DACA RENEWAL REQUESTS

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In August of 2016, USCIS announced that some requests for renewal of Deferred Action for Childhood Considerations (DACA) filed between February 14, 2016 and May 16, 2016 were delayed because of technical difficulties. These delays may lead to renewal requests to both timely (filed 120 days or more before expiration) and untimely filed requests (filed 120 days or less before expiration) to not be adjudicated before the expiration of the previous grant of deferred action and employment authorization. These delays are also contributing to the delay of Application Support Center (ASC) biometrics notices and appointments for these cases. This advisory provides steps that practitioners can take to elevate these cases directly to USCIS.

USCIS's announcement may be found here: <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

NOTE: Practitioners with clients who filed *outside* of the February 14, 2016 and May 16, 2016 window and whose DACA renewals are outside processing time (e.g. 105 or more days) or who have not timely received biometrics notices may also take the below steps to elevate their cases.

I. USCIS's Website

Practitioners may use the following link to contact USCIS's online customer service division to elevate these types of cases and request resolution (including expedited review):
<https://my.uscis.gov/account/needhelp>

Individuals may also log onto their online accounts for specific case inquiries and file a request for elevation here: <https://my.uscis.gov/account/inbox>

NOTE: Practitioners **MUST** use one of the above links to file a request for elevation. Filing through alternative USCIS online portals, scheduling InfoPass appointments, or contacting the USCIS Ombudsman is not sufficient for the purposes of these types of elevations.

NOTE: Please note that there are currently technical issues with USCIS's online e-request tool for requests outside of processing times and that portal (<https://egov.uscis.gov/casestatus/landing.do>) often does not allow DACA recipients who are outside processing time (e.g. 105 or more days) to elevate their cases.

¹ Last updated September 9, 2016. The Immigrant Legal Resource Center is a national, nonprofit resource center that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The mission of the ILRC is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. For the latest version of this practice advisory, please visit www.ilrc.org. For questions regarding the content of this advisory, please contact Jose Magaña-Salgado at jmagana@ilrc.org.

II. 1-800 Customer Service Number

Practitioners may also contact the National Customer Service Center via phone at 1-800-375-5283. The instructions for the correct prompt to reach the relevant customer service agents for this issue are as follows:

1. Push 1 for English or 2 for Spanish;
2. Then 2 for latest information on pending case;
3. Then 1 if you have your receipt number; and
4. Then after getting the status of your case you can choose 3 to talk to a Customer Service Representative.

III. Elevation Through ILRC

IMPORTANT: Before requesting that ILRC elevate a case, all of the following must occur:

1. The DACA request must be over 105 days of processing time (more than 105 days since USCIS confirmed receipt of the application);
2. You must have already submitted a request through USCIS's online portal: <https://my.uscis.gov/account/needhelp> or <https://my.uscis.gov/account/inbox>.
→ You must use one or both of these two links, using any other portion of the USCIS website or the Ombudsman is not sufficient.
3. You must have already submitted a request through USCIS's 1-800 Customer Service Number: 1-800-375-5283. See above for full instructions.
4. At least **one week** since completion of steps 2 and 3 have elapsed without resolution in the case; and
5. The DACA grant must have **already expired** or expire **within the next two weeks**; OR your biometrics notice has not been issued **and** your DACA expires in a month or less.

WARNING: If you do not complete steps 1-5, ILRC cannot elevate your case.

After all of the above has occurred, then you may request that ILRC elevate your case to USCIS by completing the following online form: http://www.ilrc.org/ced/daca_renewal

For questions, please email Jose Magana-Salgado at jmagana@ilrc.org.

Please note that elevation to the USCIS Ombudsman and in-person InfoPass appointments are of limited helpfulness in addressing these delays. Practitioners should take the steps in this email when possible to resolve these cases in a prompt manner.