



STEPS TO TAKE IF YOUR DACA RENEWAL IS DELAYED

The suggestions in this document are based on feedback we have received primarily from DACA renewal applicants. If you have any additional suggestions or feedback, please email the National Immigration Law Center (NILC) at reply@nilc.org.

Have your Deferred Action for Childhood Arrivals (DACA) and employment authorization document (EAD) 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.

To help you figure out which specific dates are 150 and 120 days before your DACA expires, use NILC's DACA Renewal Calculator, www.nilc.org/dacarenewalcalculator/.

Are you concerned about processing delays?

Currently, three USCIS service centers are handling DACA renewal cases, and application processing times — "wait times" — vary among the service centers. For example, as of September 2019, the Nebraska Service Center was taking about 5 to 7 months to process DACA renewal applications and issue renewed EADs, according to USCIS's Check Case Processing Times website, <https://egov.uscis.gov/processing-times/>.

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 may possibly be issued 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.

NILC's DACA Renewal Calculator — www.nilc.org/dacarenewalcalculator/— can help you figure out when to submit your renewal application in time so that your DACA and EAD don't expire before your renewal application is processed. For more information on the DACA renewal process, see NILC's FAQ at www.nilc.org/dacarenewalprocess/.

NOTE: Because the U.S. Supreme Court may issue a ruling before June 2020 that may affect the availability of DACA renewals, we encourage people whose DACA expires before the end of 2020 to consider applying for renewal sooner than they might otherwise. We also urge them to consult with an *accredited representative* (at a nonprofit organization that helps people with immigration matters) or an *attorney* before they apply for renewal, to discuss the benefits and risks of applying.

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

Certain factors, such as new *arrests* or *criminal convictions*, will likely lead to a longer renewal request processing time. If you have been arrested or convicted since the last time you renewed your DACA, you should speak with an immigration legal expert before filing a renewal request. 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 can you do if your DACA renewal is delayed?

Some people who've previously applied to renew their DACA have not had their application approved before their DACA and work authorization expired. Others have received their renewal close to the date their DACA and work authorization expired. The suggestions or tips described below were developed based on our experience helping people who are in these situations.

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 be informed about your application's progress and possibly speed up its processing. Some of the options described may be more effective than others, depending on your particular case. Therefore, we recommend taking as many of these steps as you can.

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

- your full name
- your alien registration/USCIS number (A-number)
- 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/casestatus/landing.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.gov/>.

NOTE: Some people have reported problems using USCIS's "My Case Status," such as the online tool being inoperable or not showing the case information. If you experience such problems, you can contact USCIS online at <https://my.uscis.gov/account/needhelp>.

2. SUBMIT AN "OUTSIDE NORMAL PROCESSING TIME" INQUIRY BY CONTACTING THE NATIONAL CUSTOMER SERVICE CENTER (NCSC)

You can also submit an "outside normal processing time" inquiry with USCIS if your DACA renewal has been pending for 105 days (3.5 months) by **contacting USCIS at 1-800-375-5283**. Unfortunately, USCIS no longer accepts electronic inquiries about pending DACA applications at <https://egov.uscis.gov/e-request/Intro.do>.

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" processing times.

For example, the table below shows that, as of early September 2019, the Nebraska Service Center is processing DACA Form I-821D renewal applications received between January 13, 2019, and February 15, 2019. If your receipt date is before the "Receipt date for a case inquiry," then you can submit an "outside normal processing time" service request online. However, our current understanding is that USCIS continues to maintain a goal of processing cases within 120 days. Thus, if your receipt notice says that your case is being processed by the Nebraska Service Center, your receipt date is after February 15, and it has been pending for more than 3.5 months (105 days), we recommend you still try to submit an inquiry, since your application's processing time is close to the 120-day mark.

ESTIMATED TIME RANGE	FORM TYPE	RECEIPT DATE FOR CASE INQUIRY
5 months to 7 months	Renewal	February 15, 2019
5 months to 7 months	Request for Deferred Action	January 13, 2019

3. CONTACT THE USCIS OMBUDSMAN'S OFFICE

NOTE: Contact the Ombudsman's office only after you have contacted USCIS to inquire about a delay. The Ombudsman's office recommends that you do not contact it until after you've completed steps 1 and 2, 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>.

When you fill out the form, you should describe the effects that the delay in the processing of your DACA application will have on you. When you file the DHS-7001 form online, state in the form (a) the reason(s) you are making the request (for example, if you are at risk of losing a current or prospective job), (b) the steps you have already taken to learn about 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. For further assistance, you can contact the office by email at cisombudsman@hq.dhs.gov.

4. CONTACT YOUR CONGRESSIONAL REPRESENTATIVE

Applicants who have not had success in getting a response from USCIS or the USCIS Ombudsman should contact the people who represent them in Congress for assistance, since their representative and senators have direct contacts with USCIS.

Call your representative's and senators' offices and ask to speak with their *immigration caseworker*. You can find out who your congresspeople are and get their contact information by entering your zip code at www.house.gov/representatives/find/ (to find your representative) and www.senate.gov/senators/index.htm (to find your senators).

We recommend that you start by getting the contact information for the congressperson's *district or field* office (their office that's closest to where you live) and call that office first to ask for help. Then if you can't get the help you need from the local office, you should contact the congressperson's office in Washington, DC, and follow that office's process for submitting an inquiry about your case.

Be prepared to provide information about your case, the reason you are calling, as well as your name, A-number, receipt numbers and dates, type of case, etc. If you believe your case needs to be handled on an emergency basis, explain the urgency of your case up front and request that its handling be expedited. *State the problem you are facing as clearly as you can.*

NOTE: Each congressional office has its own structure, and some issues might be handled only by a congressman's Washington, DC, office. If, after calling the local office, you feel you want more help, try calling the congressman's DC office for additional support. In either case, *explain your problem to the caseworker, who may be able to ask USCIS for information about your case.*

5. CONTACT THE NATIONAL IMMIGRATION LAW CENTER (NILC) OR THE IMMIGRANT LEGAL RESOURCE CENTER (ILRC)

If you've followed all the suggestions we make above but still haven't gotten the information or help you need, you may contact NILC at reply@nilc.org or ILRC at vgarcia@ilrc.org to ask for help. Please write "**DACA renewal delay**" and **your name** in the subject line of your email message.