



MAY 2021

DACA: CONTINUOUS RESIDENCE

HOW DACA APPLICANTS CAN PROVE THEY HAVE BEEN RESIDING IN THE UNITED STATES SINCE JUNE 15, 2007

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Applicants must meet certain requirements to be eligible for DACA, including showing that they have been continuously residing in the United States since June 15, 2007¹. Acquiring documents to use as evidence to prove the continuous residence requirement can be tedious. As such, this resource focuses on the types of evidence initial DACA applicants can gather to prove continuous residence and where applicants can get this evidence.

WHAT IS THE CONTINUOUS RESIDENCE REQUIREMENT?

To prove the continuous residence requirement, initial DACA applicants must show they have been continuously residing in the United States from June 15, 2007 up until the time they apply for DACA. This can be proven through many types of documents. We provide some examples of the types of documents initial applicants can use in the table below but note that these are not the only types of documents that applicants can use.

TIPS FOR COLLECTING AND PUTTING TOGETHER YOUR DOCUMENTS

It is best practice to organize your documents in chronological order, beginning with those dated in June 2007 and ending with the month at the time of filing. Try to have a document for each month from June 2007 up until the time of filing. If you do not have a document for each month, attempt to get one document for every three months. Documents should list the name of the applicant, information about the entity providing the document (e.g., business name, address, etc.), and the date.

If documents are not in English, the documents must be submitted along with a full English translation and certification from the translator. Submit a copy of the original language document, the English translation, and the certification.

Type of Evidence	Examples of Evidence	Where Applicants Can Get the Evidence
Medical Records²	Immunization records, printout of appointment dates, dental or vision records, doctor/nurse's notes of a visit, prescription printout	Applicants can get an immunization record by calling their doctor's office or clinic where shots were given and asking if they have a copy of the applicant's immunization record on file. Applicants can also contact their school (or prior school) to attain their immunization record. For other medical records, such as printouts of appointment dates, dental or vision records, doctor/nurse's notes of a visit, prescription printout - applicants can call their hospital or doctor's office to obtain copies.

1. For a list of the requirements, see <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca>

2. Have your attorney or advocate review medical records before they are sent out to ensure no negative facts are included (e.g., record of drug and alcohol problems) that might suggest the applicant is ineligible for DACA.

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Type of Evidence	Examples of Evidence	Where Applicants Can Get the Evidence
School Documents³	Transcripts, report cards, attendance records or certificates, progress reports, awards, and diplomas	The process for getting school records will vary depending on where the applicant lives and whether the applicant is currently in school or needs the record from a former school. An applicant should work with school administrators to get what they need and be sure to begin this process well in advance of submitting a DACA request.
Employment Records	Pay stubs, W-2s, union records, and letters	If applicants don't have a copy of their W-2 forms, they can ask their employer for a copy. If an applicant belongs to a union, they can ask their union for union records. An applicant's past or present employers can also write letters (see below for more information on Affidavits).
Rent Receipts or Utility Bills	Rent payment documents, utility receipts or invoices	Applicants can ask their landlord or relevant utility provider to give them a copy of such receipts or invoices. Applicants can also use rent or utility receipts under the name of others in the household (e.g., their parents or housemates) if they show additional evidence that the applicants live in the same residence.
Deeds, Mortgages, or Rental Agreement Contracts	Copy of rental agreement(s), mortgage(s), and deeds; Confirmation of rental receipt emails, letters	Applicants can request a copy of their rental agreement contract from their property manager. Applicants can write a letter to their mortgage company to request their original mortgage agreement. Applicants should send a copy of the request to their mortgage lender. Applicants should call the title company or attorney who settled the escrow closing to request a copy of the original mortgage agreement. Applicants can also go to the County Recorder's office to view their original mortgage agreement and pay fees for a copy of the mortgage agreement. Applicants can also submit mortgage payment receipts. Like with rent and utility documents, applicants can also use the rental agreements, mortgages, and deeds from others if the applicant can prove that they resided on the property.

3. If an applicant decides to submit their school records, advocates should review them carefully to make sure there are no negative disciplinary notes that may raise red flags for USCIS, such as gang involvement or criminal conduct.

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Type of Evidence	Examples of Evidence	Where Applicants Can Get the Evidence
Social Media Records	Facebook check-ins, Instagram locations tagged, tweets	Applicants can go on their social media accounts to review their own postings. Applicants can also review postings they have been 'tagged' in.
Gym Membership or Other Subscriptions Records	Gym membership contract and/or receipt, Netflix subscription bills	Applicants can also use evidence of subscriptions or memberships like gyms. Applicants can contact their gym or the subscription-based company to ask for their records.
Dated Bank Transactions	Transfers, deposits, withdrawals	If an applicant does not have these, then it is possible to contact the relevant bank or financial institution to inquire about receiving copies.
Participation in a Religious Ceremony	Official records, affidavits	Applicants should contact their religious institution to inquire about official documentation or obtain an affidavit signifying participation in a religious ceremony (see below for information on affidavits).
Birth certificates of children born in the United States	N/A	Applicants can request their school records to see if it includes a copy of their children's birth certificates (if their child is in school). Applicants can also select their state from https://www.cdc.gov/nchs/w2w/index.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fnchs%2Fw2w.htm and follow the directions to request their birth certificate. There will likely be a fee to obtain the birth certificate. Make sure it lists the applicant as the parent.
Passport Entries/ Passport	Photocopy of passport showing entry/exit dates	If an applicant does have a passport, they should search for their Embassy in the United States. From the Embassy website, they can look for "consulate services." From there, applicants can reach out to the consulate of their country of origin to ask to receive copies of previous passports.
Automobile License Receipts or Registration	Vehicle registration application records, vehicle registration	If an applicant does not have a copy of their vehicle registration card, they may request a replacement registration card for a fee. The application process differs by state. An applicant can search "(State Name) where to get automobile license receipts or registration documents." Applicants should follow their state's Department of Motor Vehicle website's directions to obtain a copy of the documentation.

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Type of Evidence	Examples of Evidence	Where Applicants Can Get the Evidence
Insurance Policies	Car insurance policy, homeowners insurance, life insurance	<p>Most states require car insurance. If an applicant has car insurance, they should have evidence of the insurance in their car.</p> <p>If an applicant has submitted a claim for homeowner’s insurance, the materials acquired for documentation can also be used to prove continuous residence. The materials may include dates, time, and details of discussions.</p>
Tax Receipts	Federal or state tax, property tax receipt, charitable tax receipt	<p>Applicants can use tax receipts that were submitted to the IRS or state as well as property tax receipts but note that these can only be used to show residence for the month when they were filed rather than the whole year. Applicants should also ensure that tax documents do not include any information that might suggest there is tax fraud. Applicants can go to irs.gov or their state government’s website to learn how to obtain previous copies. Applicants can also get a duplicate property tax payment receipt by accessing their county tax office website and looking for an option to request a duplicate tax receipt. Applicants should follow directions on the website for picking up the copy. If an applicant has their property tax receipt, they can make a copy of it to submit.</p>
WIC Records⁴	Verification of participation in the WIC Program	<p>Applicants can request a letter providing verification by contacting the California Department of Public Health - WIC Division.</p>
Immigration Records	Immigration file or “A-file”, I-94, Notice to Appear (NTA) and removal orders	<p>Applicants have the right, under the Freedom of Information Act (FOIA), to request copies of their immigration files from any of the DHS agencies - USCIS, CBP, or ICE.</p> <p>Applicants can obtain a copy of their electronic I-94 (these are documents given when entering the United States that show a person’s entry date) by visiting https://www.cbp.gov/I94.</p> <p>An applicant can submit a FOIA request for a copy of their Notice to Appear (NTA, which is the document that immigration officials give to begin deportation/removal proceedings) and/or removal order from the immigration judge or Board of Immigration Appeals (BIA).</p>

4. WIC materials are currently not enough to prove continuous residence, but that may change in time. Provide them as a supplement but include other materials for that time period as well.

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Type of Evidence	Examples of Evidence	Where Applicants Can Get the Evidence
Affidavits	Letters from family members, community, employers, and others	Applicants can use letters (known as affidavits) to explain gaps in their continuous residence, but they can't be used as evidence that they meet the entire continuous residence period requirement. If applicants want to use affidavits, they must submit two or more affidavits for each gap that are sworn to or affirmed by people other than themselves who have direct personal knowledge of the events and circumstances during the gap periods.

