



# SUCCESSFUL DACA RENEWAL APPLICATIONS UNDER NEW USCIS GUIDELINES

*RESPONSE TO JANUARY 2018 COURT DECISION*

On January 9, 2018, a federal court ruled that while a lawsuit decides whether the termination of DACA was unlawful, U.S. Citizenship and Immigration Services (USCIS) must continue to accept renewal applications. Below is [guidance](#) on who is eligible to apply at this time. Please note, as the lawsuit moves forward, this advice may change.

## Who Is Eligible to Submit a DACA Application?

All individuals who were previously granted DACA can apply, including:

- people whose DACA case expired at any time;
- people whose DACA case was terminated; and
- people whose current DACA case will expire\*

\*If your DACA will expire in more than six months from now, speak with a legal services provider about the timing of your application.

**NOTE:** In order to renew DACA, you must continue to be eligible for the program. Common reasons thinkgs that could make you ineligible to renew DACA include committing certain crimes or travelling outside of the United States without permission. Seek legal advice about your case to make sure you are still eligible to renew.

## Who Is Not Eligible to Submit a DACA Application?

- First time applicants: individuals who have never received deferred action under DACA

## What Do You Have to Submit for a DACA Application?

- [Form I-821D](#), Consideration of Deferred Action for Childhood Arrivals
  - If your DACA will expire soon, mark that you are applying for DACA renewal
  - If your DACA already expired...
    - ...*on or after Sept. 5, 2016*, mark that you are applying for DACA renewal and indicate the date your previous DACA expired
    - ...*before Sept. 5, 2016* or was terminated, mark you are filing an initial DACA application and submit the required documents to prove your DACA eligibility
  - If you have never had DACA before, you cannot apply now
- [Form I-765](#), Application for Employment Authorization
- [Form I-765WS](#), Worksheet
- Copy of your prior work permit and/or DACA approval notice
- A check or money order for a **\$495 Filing Fee**

### Do You Need to Submit Additional Documents?

- You are required to submit additional documents if you had DACA but it expired or was terminated before September 5, 2016, or if you were placed in deportation proceedings or had a criminal incident that was not disclosed in a previous application.

### Important Steps to Avoid Getting a Rejection or a Request for Evidence

- Ensure that you have the correct USCIS mailing address. The mailing addresses can be located at <https://www.uscis.gov/i-821d-addresses>
- Make the check or money order payable for \$495 to 'U.S. Department of Homeland Security'
- Make sure that you have included all of the required documents, including a copy of your prior work permit or DACA approval notice
- Use the most recent I-821D, I-765, and I-765WS forms. You can find them at <https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction>
- Review your application several times before submitting
- Be sure to sign the forms

### Obtain Free or Low-Cost Legal Services and Filing Fee Support

- To obtain free or low-cost legal advice, you can find a local non-profit organization at [www.immigrationlawhelp.org](http://www.immigrationlawhelp.org)
- To get a \$495 filing fee assistance grant, visit [www.lc4daca.org](http://www.lc4daca.org)