



DECEMBER 2020

PREPARING TO APPLY FOR DACA FOR THE FIRST TIME

AN OVERVIEW OF ELIGIBILITY,
PROCESS, AND HELPFUL PRACTICES

Now that the Department of Homeland Security (DHS) is accepting first-time Deferred Action for Childhood Arrivals (DACA) applications, it is vital that eligible individuals understand the application process, the required documents, and best practices in preparing the strongest application possible. This infographic is meant to orient first-time DACA applicants to the application process and highlight key points.

Before applying for any immigration benefit, it is recommended to first talk with a trusted legal services provider. This is worth doing to verify eligibility and receive guidance on preparing a strong application, but also to understand all potential legal options. In one study, over 1 in 5 DACA applicants who consulted an expert were eligible for a permanent immigration option they would have otherwise not known about.

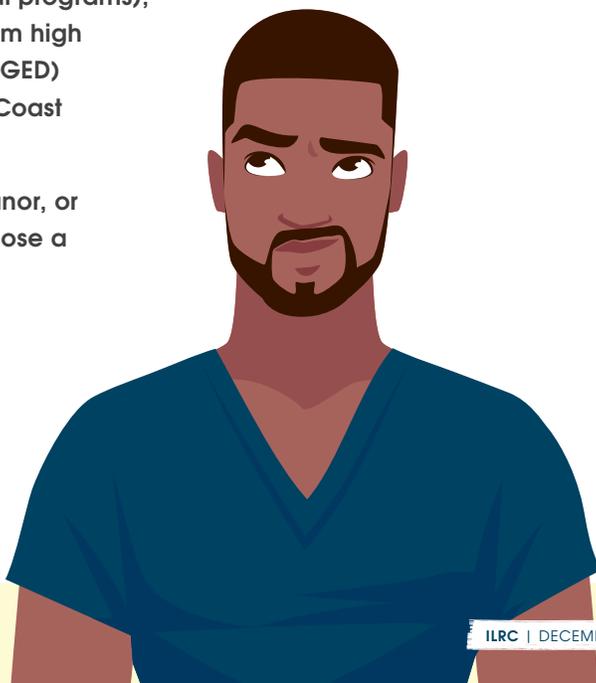
To identify a trusted provider in your area, visit the *Immigration Advocates Network* National Immigration Legal Services Directory at: <https://bit.ly/ianimmhelp>.

YOU MAY BE ELIGIBLE FOR DACA IF YOU:

1. Were under the age of 31 as of June 15, 2012 (you were born after June 15, 1981);
2. Came to the United States before your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007 until the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of applying for DACA with USCIS;
5. Had no lawful status on June 15, 2012;
6. Are currently in school (including adult school or vocational programs), have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Note that you must be at least 15 years old to apply for DACA. If you have been or are currently in immigration proceedings, you might be able to apply before the age of 15. Please speak to a trusted legal service provider for advice on how to proceed with your case.

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DOCUMENTS NEEDED TO REQUEST DACA FOR THE FIRST TIME:

1. **Proof of Age and Identity:** As a DACA applicant, you will have to prove that you are who you say you are. In order to show your identity, you can submit a copy of your passport, birth certificate along with a photo identification, national identity document that has a photo, a school ID with photo, or a past expired U.S. Government issued document with photo, among others. You do not have to submit all of these, and one can be enough to show your identity. It is important to note that expired documents are accepted by USCIS.
2. **Proof that You Came to the United States Before Your 16th Birthday:** You will need to show that you entered the United States before the age of 16 in order to be eligible for DACA. The documentation you use to show this should have the date issued and indicate that it was given to you in the U.S. If you entered with a passport, you can provide a copy of your passport and the stamp entry.
3. **Proof of Continuous Presence Since June 15, 2007:** You will need to prove that you have lived in the United States since June 15, 2007. Proof for every day is not required, but it is recommended to have at least one piece of evidence for every two or three months. The documents you submit should show your name, the date it was produced and an indicator that it was issued in the United States.

The matrix on page 6 demonstrates what type of documents you can use to show you were residing in the United States.



4. **Proof of Physical Presence in United States on June 15, 2012:** You will need to show you were physically present on the date the program was announced. This can be shown with the same documentation you submitted to prove continuous residence, like school records, rent receipts, utility bills, hospital records, records from a religious institution. If you don't have a document from that specific date, provide a document from right before and right after June 15, 2012.
5. **No Lawful Status:** You will also have to show that you had no lawful status on June 15, 2012. If you entered without permission to the United States and never received status previously, you do not need to submit any documentation. BUT if you entered with a valid visa that expired before this date or previously had another form of status, you will need to submit documentation to show the status expired before June 15, 2012. This can be shown by submitting your expired visa, any arrival/departure document (white I-94 card), or if you were in immigration court, record of that case.
6. **Criminal Record:** If you have ever had contact with law enforcement, you will need to obtain a copy of the ticket, police report, or court documents that might have resulted from the contact. It is important to have this ready when you speak with a trusted legal service provider so they can determine whether the incident will impact your case. If you have never had contact with law enforcement, you do not need to submit anything.
7. **Proof of Fulfilling the Education Requirement:** You can meet this requirement by providing a high school diploma, a certification of completion, a GED, or proof that you are currently enrolled in an education program. This can include being enrolled in high school, adult school, some vocational education, or a program to help them complete high school. Applicants will usually have to submit school transcripts, diplomas, class schedules, or a letter describing what program they have enrolled in and the purpose.

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NOTES ON SUBMITTING DOCUMENTATION:

- ! **Do not send original documents with your application.** Make photocopies and keep the originals in a safe space in case USCIS requests them. When producing photocopies of your evidence, make sure to make two copies of everything – one to include in the packet and one for your records. This will help you (and your legal service provider) keep track of what USCIS has in your case file.
- ! Any document you submit to USCIS in a foreign language **must have a full English translation.** The translator must certify that the English translation is complete and accurate. The certification should also include the date, the translator’s name and address, and the translator’s signature.

Here is sample language USCIS provides on their site:

*"I (**typed full name**), certify that I am fluent (or conversant) in the English and (**insert other language**) languages, and that the above/attached document is an accurate translation of the document attached entitled (**name of document**)."*

INFORMATION NEEDED TO COMPLETE DACA APPLICATION FORMS:

In addition to the documents you collect, you will also need to provide personal information on the DACA and Employment Authorization (work permit) application forms. To make the process run smoothly, it is recommended that you gather the following information before your appointment with a legal service provider:

1. Information related to your immigration history, including the date, place, and manner of your entry into the United States, and, if you have been in immigration court, details of that case.
2. All other names you might have used while living here in the U.S. This includes any variation of your name.
3. Address(es) where you have resided since you entered the United States. This list should include the time period (month and year) you resided at each location.
4. Information of any status you held before June 15, 2012 and, if you entered on a visa, when it expired.
5. Information on your education, such as where you were enrolled in school and when you completed or will complete your studies.



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DACA APPLICATION PACKET CHECKLIST:

- Form I-821-D Consideration of Deferred Action for Childhood Arrivals
 - Form I-765 Application for Employment Authorization
 - Form I-765WS (Worksheet supplement)
 - Form G-1145 E-Notification of Application/Petition Acceptance (optional but recommended)
 - Check or money order for \$495.00 payable to U.S. Department of Homeland Security (this includes filing and biometrics services fees)
 - Supporting documents outlined above (i.e. proof of identity, proof of continuous residence, educational information, records of convictions or other court documents pertaining to contact with law enforcement, etc.)
 - A cover letter. It is not required but can be helpful to include a cover letter placed on top of the packet that connects your supporting documents with eligibility requirements. View a sample cover letter [here](#).
- Note:** All forms need to be completed in black ink *or* digitally and printed.
- Two (2) identical passport-style photos.

Once ready to send, you will need to identify the correct mailing address for your application packet, which depends on where you live. To view the USCIS direct filing addresses for DACA requests, view the table [here](#).

ONCE THE APPLICATION HAS BEEN RECEIVED BY USCIS, YOU WILL RECEIVE:

- 1. First,** a Receipt Notice indicating the application has been received (this document has two important pieces of information: (1) the receipt number of this application so you can track its progress and (2) your immigration case number (or A number) which starts with the letter 'A' followed by a 9-digit number and will be your permanent case number with USCIS;
- 2. Next,** an appointment letter for your biometrics processing, completed at a USCIS processing center closest to you (it is important to keep this appointment and to take the appointment notice and a form of photo ID with you);
- 3. Finally,** a decision letter, indicating whether or not USCIS will defer action in your case and the dates of the two-year period of protection;
- 4. If approved,** an Employment Authorization Document (EAD), also known as a work permit.



Note: If pieces of evidence are missing from your packet, you may receive a Request for Evidence letter asking you to supply additional supporting documents. If this is the case, it is important that you promptly gather the remaining documents requested. Failing to respond to such a request by the deadline will result in the denial of your application. A great way to avoid submitting an incomplete application packet is by creating a checklist to track and organize your various documents and forms. Consider producing a checklist **unique to you** so that you know which specific documents you are gathering pertain to each eligibility requirement.

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AFTER YOUR DACA IS APPROVED:

- 1.** If your application is approved and you receive your EAD, you will be eligible to apply for a Social Security Number (SSN). The SSN card will have a condition on it that requires you to present your work permit when using the SSN for employment purposes. The number itself is valid for life.
- 2.** DACA recipients can apply to renew their case every two years.¹ It is recommended to file for renewal five months before your EAD expires to ensure your renewal application is processed before your current EAD expires. For information on completing a DACA renewal, find guidance [here](#).
- 3.** In certain states, a DACA recipient can apply for a state identification card and a driver's license, state financial aid, healthcare, and other benefits and services.
- 4.** Those granted DACA are eligible to apply for Advance Parole if they wish to travel abroad. Please consult with a trusted legal services provider for more information on applying to travel with Advance Parole.

WHAT TO DO IF YOUR DACA APPLICATION IS DENIED:

It is important to speak with a trusted legal service provider if your DACA application is denied. They can help explain why your DACA was not approved and guide you on whether you should submit your DACA request again. An application can be denied because the person is not actually eligible, because they did not submit enough evidence, or because USCIS found negative factors in a case and denied as a matter of discretion.

Make sure to keep a copy of everything you send to USCIS (application packet that includes all supporting documents) **and any correspondence received from USCIS**. This will include things like receipt notices, biometrics appointments, any request for more evidence, and a decision letter that states the reason why they did not approve your application.

A Note on Rejections vs. Denials: There is a difference between when USCIS sends back an application packet as incomplete and when they process an application, and they deny it.

If USCIS **denies** your application, this usually means they think you are not eligible for the benefit. Usually, USCIS reaches this conclusion after they have reviewed your application and supporting documentation. This decision is reached after they have processed your request and have cashed your filing fee. Denials usually happen because a person did not submit enough evidence to show they qualify, they have something in their file that makes them ineligible, or possibly they failed to respond to a request from USCIS.

If USCIS **rejects** your application, this usually happens because your filing was incomplete. In this case, they did not review your application. They simply reject it and return it along with the filing fee and letter explaining the reason they are rejecting your application. Some things that cause rejections are that the wrong form (or edition of the form) was used, you forgot to complete a section of the application, or did not include proper payment.

Under both cases, denials or rejections, you should speak with a trusted legal service provider so you can learn what next steps you can take and decide whether it is in your interest to apply once again.

¹ Applicants should be aware that there are still pending court cases for DACA that can impact who is able to apply for the program and what benefits are available through it. All DACA recipients and new applicants should remain informed of any changes to the program by visiting ILRC's DACA page at <https://ilrc.org/daca>.

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| Eligibility Requirement | Supporting Documents to Prove Eligibility | Samples of Where to Request Document(s) |
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| <p>Born after June 15, 1981.</p> | <ul style="list-style-type: none"> <input type="checkbox"/> Passport <input type="checkbox"/> Birth Certificate <input type="checkbox"/> School ID with photo <input type="checkbox"/> Matrícula Consular ID card | <ul style="list-style-type: none"> <input type="checkbox"/> Your country's consulate |
| <p>Came to the U.S. before you were 16.</p> | <ul style="list-style-type: none"> <input type="checkbox"/> Passport with admission stamp to the U.S. <input type="checkbox"/> School records from U.S., school ID cards <input type="checkbox"/> Travel records <input type="checkbox"/> Hospital or medical records, including immunization | <ul style="list-style-type: none"> <input type="checkbox"/> Your school/school district administration/ registrar for obtaining school records <input type="checkbox"/> Your primary care doctor, dentist, clinic, hospital, urgent care, etc. |
| <p>Were living in the U.S. on June 15, 2012. and Continually lived in the U.S. since June 15, 2007.*</p> | <ul style="list-style-type: none"> <input type="checkbox"/> Rent or mortgage receipts <input type="checkbox"/> Utility bills <input type="checkbox"/> School records <input type="checkbox"/> Religious records (baptism, communion, tithing, etc.) <input type="checkbox"/> Money order receipts <input type="checkbox"/> Dated bank transactions <input type="checkbox"/> Insurance policies <input type="checkbox"/> Postmarked letters <input type="checkbox"/> Auto license receipts, vehicle title, or vehicle registration <input type="checkbox"/> Employment records | <ul style="list-style-type: none"> <input type="checkbox"/> Family members who may have old personal records, such as school documents <input type="checkbox"/> Your school or pre-K program <input type="checkbox"/> Your priest or religious leader for religious records <input type="checkbox"/> Your phone or internet service provider company <input type="checkbox"/> Your utility company |
| <p>Graduated from high school or have your GED. or Are currently enrolled in school (adult school, EDL, vocational school, elementary school, middle school, high school, etc.). or Were honorably discharged from the U.S. Armed Forces.</p> | <ul style="list-style-type: none"> <input type="checkbox"/> U.S. high school diploma <input type="checkbox"/> U.S. GED certificate <input type="checkbox"/> Proof of current student status <input type="checkbox"/> Transcripts <input type="checkbox"/> Report cards <input type="checkbox"/> Official class schedule(s) <input type="checkbox"/> Certificate of release or discharge from active duty <input type="checkbox"/> Military personnel records | <ul style="list-style-type: none"> <input type="checkbox"/> The registrar at the high school/GED program that you graduated from <input type="checkbox"/> Your school administrator, counselor, or registrar <input type="checkbox"/> Your particular branch of the military |

For more helpful tools as you plan and organize your application, see *United We Dream's* ["Your DACA Application Checklist for 2020"](#), *Immigrants Rising's* ["Steps to Apply for DACA for the First Time,"](#) and the ILRC [DACA page](#) for up-to-date information on the program.