

What is the change that was announced?

On June 15, 2012 United States Secretary of Homeland Security Janet Napolitano announced that certain young people who were brought to the United States through no fault of their own as young children and meet several key criteria will be considered for relief from removal from the country or entered into removal proceedings. Those who demonstrate that they meet the criteria will be eligible to receive deferred action for a period of two years, subject to renewal.

What is deferred action?

Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not confer lawful status upon an individual. In addition, although an alien granted deferred action will not be considered to be accruing unlawful presence in the United States during the period deferred action is in effect, deferred action does not absolve individuals of any previous or subsequent periods of unlawful presence.

Under existing regulations, an individual who has been granted deferred action is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate “an economic necessity for employment.” Deferred action can be terminated at any time at Homeland Security’s discretion or renewed by the agency.

Who qualifies?

In order to be eligible for deferred action, individuals must:

1. Have come to the United States under the age of sixteen;
2. Have continuously resided in the United States for at least five years preceding June 15, 2012 and are present in the United States on June 15, 2012;
3. Currently be in school, have graduated from high school, have obtained a general education development certificate, or are honorably discharged veterans of the Coast Guard or Armed Forces of the United States;
4. Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety;
5. Not be above the age of thirty.

Individuals must also complete a background check and, for those individuals who make a request to USCIS and are not subject to a final order of removal, must be 15 years old or older.

How do I apply?

You cannot yet apply for deferred action. Do NOT send in an application, as it will be rejected. The government will take about 60 days to develop an application process. In preparation for this application process, it is suggested to begin collecting the following information:

- Valid passport from your country of origin
- Fingerprints. They can be obtained at:
 - City of Madison Police Department, (608) 266-4075
 - Jewish Social Services, (608) 278-1808
- School records like a high school diploma or transcripts

and patience . . .

Where can I find more information about where to go for Deferred Action?

I . . .	Who to submit a request to review my case:	Where can I get more information:
. . . am subject to a final order of removal.	U.S. Citizenship and Immigration Services (USCIS) when the application period opens	USCIS website at: www.uscis.gov Beginning June 18: USCIS hotline at 1-800-375-5283 (8am-8pm; English & Spanish)
. . . have a case pending before the Executive Office for Immigration Review or a federal court.	U.S. Immigration and Customs Enforcement (ICE) when the process for accepting requests is announced	ICE website at: www.ice.gov Beginning June 18: ICE hotline at 1-888-351-4024 (9am – 5pm; English & Spanish)
. . . have never been apprehended or placed into removal proceedings.	U.S. Citizenship and Immigration Services (USCIS) when the application period opens	USCIS website at: www.uscis.gov Beginning June 18: USCIS hotline at 1-800-375-5283 (8 am-8 pm; English & Spanish)

Information taken from U.S. Department of Homeland Security Website.



When the government has an application process in place another brochure will be released detailing the process and providing legal resources. Stay tuned.

