

DACA - DEFERRED ACTION FOR CHILDHOOD ARRIVALS

This much discussed US immigration policy has been in place since August of 2012 and received much attention. But, it is very important to understand what it is, and is not. DACA now has additional **possible** significant new benefits depending on the outcome of the **proposed** new Immigration Reform Act released in April, 2013

What is it? It is not a law or regulation, but only a policy of the current administration. It can be changed at any time. Hopefully, it will soon be joined by true immigration law reform which might make it unnecessary for some young people. But, for now, it can be very important for younger people who were brought to the US by their parents as children,

What will it do?

It does **not**: create any legal immigration status ó do anything for a family member - or give you ðamnesty.ö

It **does**: Cost \$465 in advance, whether you are approved or not,
Give qualifying persons temporary permission to work in the U.S.
Require that you provide USCIS with a complete set of updated personal information.

It **may**: Offer a preferred path to a ðgreen cardö and US citizenship, if, the new proposed immigration reform bill of 2013 finally becomes law sometime later this year.

Since DACA went into effect nearly 470,000 DACA applications have been filed as of April, 2013. Of those, approximately half (245,000) have been approved. Only about 16,000 have been rejected, with the remainder still under review.

DACA can provide eligible young people with a very valuable benefit - the chance to work legally in the U.S. Applicants with reasonably complete proof of eligibility, no departures from the US and no arrest issues may have a high likelihood of approval. But, a reasonable degree of caution may be advisable. Providing false information on a DACA application can possibly land you in removal proceedings that you otherwise may have avoided.

Possible benefits under the proposed new immigration reform bill (Border Security, Economic Opportunity and Immigration Modernization Act of 2013)

This bill may or may not be approved by Congress and become law. If it become law, it may or may not be similar to the current bill, and would probably not become law for several months. It might very well take several more months after that before any applications for benefits would be accepted. It may provide for a new category of lawful presence in the US called: ðRegistered Provisional Immigrant Status.ö As applied to a young person who can obtain DACA registration, it would require or provide that:

1. You have been continuously present in the U.S. since on or before December 31, 2011.
2. Payment of any and all taxes.
3. Spouses and children could be included on the same application.
4. Not eligible if:
 - A. Prior conviction for any felony, 3 or more misdemeanors or any crime of moral turpitude or drug offense that would disqualify applicant for admission to US
 - B. Inadmissible for any other criminal, national security, public health or "morality" grounds.
5. After 5 years in RPI status, the DACA applicant could apply for Permanent Resident Status, if: he or she had maintained continuous physical presence, obeyed the law, paid all taxes, worked regularly, learned English and US civics, paid the application fees and could qualify under normal regulations governing "Adjustment of Status." DACA/"Dream Act kids" would be able to apply for US citizenship immediately upon getting permanent immigrant status. (**Note:** It would remain to be seen if any final law would loosen the consequences of possible prior false claims to US citizenship or inadmissibility due to the "permanent bar" for unlawful re-entry following removal or one year or more of unlawful presence.)
6. While in Registered Provisional Immigrant status, applicants could legally work, and could supposedly travel outside the U.S. They would not continue to be "unlawfully present" in the US. But, **would not** be able to receive means based public benefits, including health care.
7. Persons who were otherwise eligible, but who were deported for non criminal reasons, could reapply for admission to the US and RPI status if they were the parent or spouse of a US citizen or lawful permanent resident, or were eligible for DACA/Deferred Action/"Dreamer" relief.

How to Prepare Yourself for a Possible Future Application for Registered Provisional Immigrant Status.

See this under the companion section on this Site covering the Proposed new immigration bill.

