



Instructions for Consideration of Deferred Action for Childhood Arrivals

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-821D
OMB No. 1615-NEW
Expires XX/XX/20XX

What Is the Purpose of This Form?

The purpose of Form I-821D, *Consideration of Deferred Action for Childhood Arrivals*, is to request that U.S. Citizenship and Immigration Services (USCIS) consider deferring action, on a case-by-case basis, based on the guidelines described in the Secretary of Homeland Security's memorandum issued on June 15, 2012, as reflected in the "**What is a Childhood Arrival for Purposes of This Form?**" section below (Secretary's memorandum). Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Individuals who receive deferred action will not be placed into removal proceedings or removed from the United States for a specified period of time, unless the Department of Homeland Security (DHS) chooses to terminate the deferral. See the Secretary's memorandum at www.uscis.gov/childhoodarrivals.

When Should I Use Form I-821D?

Use Form I-821D to request consideration of deferred action under the Secretary's memorandum. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. **Deferred action does not provide lawful status.** All individuals filing Form I-821D must also file Form I-765, *Application for Employment Authorization*, and Form I-765WS, *Form I-765 Worksheet*. See "Initial Evidence" section for more information.

What is a Childhood Arrival for Purposes of This Form?

An individual may be considered for deferred action for childhood arrivals if he or she:

1. Was under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching his or her 16th birthday;
3. Has continuously resided in the United States since June 15, 2007, up to the present time;
4. Was present in the United States on June 15, 2012, and at the time of making his or her request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or his or her lawful immigration status expired as of June 15, 2012;
6. Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety.

Who May File Form I-821D?

1. Childhood Arrivals Who Have Never Been in Removal Proceedings

If you have never been in removal proceedings, but were in unlawful status as of June 15, 2012, submit this form to request that USCIS consider deferring action in your case. For deferred action for childhood arrivals, unlawful status means your lawful immigration status expired as of June 15, 2012, or you entered the United States without inspection. You must be 15 years of age or older at the time of filing and meet the guidelines described in the Secretary's memorandum to be considered for deferred action.

2. Childhood Arrivals Whose Removal Proceedings Were Terminated

If you were in removal proceedings which have been terminated by the immigration judge prior to this request, you may use this form to request that USCIS consider deferring action in your case. You must be 15 years of age or older at the time of filing and meet the guidelines described in the Secretary's memorandum to be considered for deferred action.

3. Childhood Arrivals In Removal Proceedings, With a Final Removal Order, or With Voluntary Departure

If you are currently in removal proceedings, have a final removal order, or have a voluntary departure order, you may use this form to request that USCIS consider deferring action in your case, even if you are under the age of 15 at the time of filing. You must also meet the requirements described in the Secretary's memorandum, including the requirement that you were not age 31 or older on June 15, 2012, to be considered for deferred action.

NOTE: If U.S. Immigration and Customs Enforcement (ICE) has already deferred action in your case, you may file Form I-765 and Form I-765WS with USCIS to ask for work authorization and do not need to file this form.

General Instructions

Each request must be properly signed and accompanied by Form I-765 with fees, and Form I-765WS. If you are under 14 years of age, your parent or guardian may sign the request on your behalf. A photocopy of a signed request or typewritten name in place of a signature is not acceptable. This request is not considered properly filed until accepted by USCIS.

Evidence. You must submit all required initial evidence along with all the supporting documentation with your request at the time of filing.

Biometric Services Appointment. Individuals requesting consideration of deferred action for childhood arrivals will be sent a notice scheduling them to appear at an Application Support Center (ASC) for biometrics collection. Failure to comply with this notice may result in the denial of the deferred action request.

Copies. Unless specifically required that an original document be filed with an application or petition, a legible photocopy may be submitted. Original documents submitted when not required may remain a part of the record, and will not be automatically returned to you.

Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation which the interpreter has certified as complete and accurate, and by the interpreter's certification that he or she is competent to translate from the foreign language into English.

Advance Parole. Requests for advance parole will not be considered unless and until USCIS decides to defer action in your case. Do not submit Form I-131, Application for Travel Document, with Form I-821D; if you do, the entire submission will be rejected and returned to you.

How to Fill Out Form I-821D

1. Type or print legibly in black ink.
2. If you need additional space to complete any item, proceed to **Part 7., Additional Information**, of the form.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave the space blank.

Initial Evidence

1. What Documents Should You Submit With Your Form I-821D?

- a. You do not need to submit original documents unless USCIS requests them.
- b. Evidence and supporting documents that you file with your Form I-821D should show that you meet all of the following:
 - (1) Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
 - (2) Are at least 15 years of age at the time of filing, if required; (See “Who May File Form I-821D?” section of the instructions for more information.)
 - (3) Arrived in the United States before the age of 16;
 - (4) You were born after June 15, 1981 (i.e., You were not age 31 or older on June 15, 2012);
 - (5) Have continuously resided in the United States since June 15, 2007, up to the present time;
 - (6) Were present in the United States on June 15, 2012; and
 - (7) Are currently in school, graduated or received a certificate of completion from high school, obtained a general educational development certificate (GED), or that you are an honorably discharged veteran of the Coast Guard or U.S. Armed Forces.

2. What Additional Documents Should You Submit if You Are Currently or Have Been in Removal Proceedings?

Submit a copy of the removal order or any document issued by the immigration judge or the final decision of the Board of Immigration Appeals (BIA), if available. If you have not been in removal proceedings, this question does not apply to you.

3. What Documents Do You Need to Provide to Prove Identity?

Submit copies of any of the following:

- a. Passport;
- b. Birth certificate accompanied by photo identification;
- c. Any national identity document from your country of origin bearing your photo and/or fingerprint;
- d. Any U.S.-government immigration or other document bearing your name and photograph (e.g., Employment Authorization Documents (EADs), expired visas, driver's licenses, non-driver cards, etc.);
- e. Any school-issued form of identification with photo;
- f. Military identification document with photo; or
- g. Any other document that you believe is relevant.

4. What Documents May Show That You Came to the United States Before Your 16th Birthday?

Submit copies of any of the following documents:

- a. Passport with an admission stamp indicating when you entered the United States;
- b. I-94/I-95/I-94W Arrival/Departure Record;
- c. Any Immigration and Naturalization Service (INS) or DHS document stating your date of entry (e.g., Form I-862, Notice to Appear);
- d. Travel records, such as transportation tickets showing your dates of travel to the United States;
- e. School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance;
- f. Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;

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- g. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding); or
 - h. Any other document that you believe is relevant.

5. What Documents May Show You Were In Unlawful Status as of June 15, 2012? *(Not applicable if you entered without inspection and were never in removal proceedings.)*

Submit copies of any of the following documents:

- a. I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- b. If you have a final order of exclusion, deportation, or removal issued as of June 15, 2012, submit a copy of that order and related charging documents, if available;
- c. An INS or DHS charging document placing you into removal proceedings, if available; or
- d. Any other document that you believe is relevant to show that as of June 15, 2012, you were present in the United States after your lawful status had expired.

6. What Documents May Demonstrate That You Were Present in the United States on June 15, 2012?

Submit copies of any relevant documents such as:

- a. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service;
- b. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, State verification of the filing of state income tax returns, letters from employer(s), or, if you are self employed, letters from banks and other firms with whom you have done business);

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters must include: your address(es) at the time of employment, exact period(s) of employment, period(s) of layoff, and duties with the employer. Letters must also be signed by the employer and include the employer's contact information.

- c. School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance;
- d. Military records (e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records);
- e. Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;
- f. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding);
- g. Money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- h. Any other relevant document.

7. What Documents May Demonstrate That You Are Either: a) in School in the United States at the Time of Filing; or b) Have Graduated or Received a Certificate of Completion from a U.S. High School; or c) Have Obtained a General Education Development Certificate in the United States? *(If applicable)*

Submit copies of the following documents:

- a. School records (transcripts, report cards, etc.) from the school that you are currently attending in the United States, showing the name(s) of the school(s) and periods of school attendance and the current educational or grade level;

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- b. Your U.S. high school diploma or certificate of completion;
 - c. Your U.S. GED certificate; or
 - d. Any other relevant document.

8. What Documents May Demonstrate That You Are an Honorably Discharged Veteran of the Coast Guard or Armed Forces of the United States? (If applicable)

Submit copies of the following documents:

- a. Form DD-214, Certificate of Release or Discharge from Active Duty;
- b. NGB Form 22, National Guard Report of Separation and Record of Service;
- c. Military personnel records;
- d. Military health records; or
- e. Any other relevant document.

9. What Documents May Show That You Continuously Resided in the United States during the 5-Year Period Immediately Before June 15, 2012, and Up to the Present Date?

Submit copies of any relevant documents such as:

- a. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service;
- b. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, State verification of the filing of state income tax returns, letters from employer(s), or, if you are self employed, letters from banks and other firms with whom you have done business);

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters must include: your address(es) at the time of employment, exact period(s) of employment, period(s) of layoff, and duties with the employer. Letters must also be signed by the employer and include the employer's contact information.

- c. School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance;
- d. Military records (e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records);
- e. Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;
- f. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding);
- g. Money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- h. Any other relevant document.

10. Do Brief Departures Interrupt Continuous Residence?

A brief, casual, and innocent absence from the United States will not interrupt your continuous residence. If you were absent from the United States for any period of time, your absence will be considered brief, casual, and innocent, if it was before August 15, 2012, and:

- a. The absence was short and reasonably calculated to accomplish the purpose for the absence;

- b. The absence was not because of an order of exclusion, deportation, or removal;
- c. The absence was not because of an order of voluntary departure, or an administrative grant of voluntary departure before you were placed in exclusion, deportation, or removal proceedings; and
- d. The purpose of the absence and/or your actions while outside of the United States were not contrary to law.

In **Part 2., Arrival/Residence Information**, list all your absences from the United States since June 15, 2007. Include information about all your departure and return dates, and the reason for your departure(s).

Documents you can submit that may show your absence was brief, casual, and innocent include, but are not limited to:

- a. Plane or other transportation tickets or itinerary showing the travel dates;
- b. Passport entries;
- c. Hotel receipts showing the dates you were abroad;
- d. Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- e. Copy of advance parole document; and
- f. Any other evidence that could support a brief, casual, and innocent absence.

11. What Other Factors Will USCIS Consider When Making a Determination on Deferred Action?

USCIS will also conduct a background check. USCIS may consider deferring action in your case even if you have been arrested or detained by any law enforcement officer and charges were filed, or if charges were filed against you without an arrest. USCIS will evaluate the totality of the circumstances in reaching a decision on deferred action.

In accordance with the Secretary's memorandum, if USCIS determines that you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or that you otherwise pose a threat to national security or public safety, USCIS is unlikely to consider you for an exercise of deferred action. See Frequently Asked Questions (www.uscis.gov/childhoodarrivals).

Even if you satisfy the threshold criteria for consideration of deferred action for childhood arrivals, USCIS may deny your request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted in your case.

12. What Else Should You Submit with Form I-821D?

USCIS will not consider deferring action in your case unless your Form I-821D is accompanied by Form I-765 with fees, and Form I-765WS. The filing fee for the Form I-765 is \$380. In addition, you must submit a biometrics fee of \$85 as set forth in the instructions to the Form I-765. Neither the filing fee for the I-765, nor the biometrics fee can be waived. *If you do not include Form I-765 with all applicable fees with Form I-821D, your entire submission will be rejected.*

Note: Individuals requesting consideration of deferred action for childhood arrivals will be sent a notice scheduling them to appear at an Application Support Center to provide fingerprints, photographs, and signatures (biometrics collection). Failure to comply with this notice may result in the denial of your deferred action as a childhood arrival request.

What Is the Filing Fee?

There is no filing fee for Form I-821D. *However, you must submit both filing and biometric services fees with Form I-765. Please read Form I-765 filing instructions for complete information (www.uscis.gov/I-765).*

Where to File?

Please visit the USCIS Web site at www.uscis.gov/I-821D or contact the USCIS National Customer Service Center at **1-800-375-5283** for the most current information about where to file this request. For TDD (hearing impaired) call: **1-800-767-1833**.

E-Notification

You may elect to receive an e-mail and/or text message notifying you that your form has been accepted. To do so, you must complete Form G-1145, *E-Notification of Application/Petition Acceptance*, and clip it to the first page of your application. To download a copy of Form G-1145, including the instructions, refer to www.uscis.gov/G-1145. The Form G-1145 is activated after the form has been processed at the Lockbox facility and the receipt notice has been issued.

Address Change

If you have changed your address after filing this request, you must inform USCIS within 10 days of moving to your new address. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (hearing impaired) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the USCIS Lockbox facilities do not process change of address requests.

Processing Information

Initial Processing

After your Form I-821D has been accepted, USCIS will check it for completeness, including submission of the required initial evidence, and send you a receipt notice. If you do not completely fill out the form and required information, or file it without the required initial evidence, USCIS may refuse to consider deferring action in your case.

Requests for More Information

USCIS may request more information or evidence, or we may request that you appear at a USCIS office. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

If the same documents are required for both Form I-821D and Form I-765 that are filed together, the documents only have to be submitted once.

Decision

USCIS will review your request to determine whether the exercise of prosecutorial discretion is appropriate in your case. Each case will be considered on an individual, case-by-case basis. Even if you satisfy the threshold criteria for consideration of deferred action for childhood arrivals, USCIS may determine, in its unreviewable discretion, that deferred action is not warranted in your case. You will be notified of the decision in writing. There is no appeal or motion to reopen/reconsider the decision.

Information provided in this request is protected from disclosure to ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS's Notice to Appear guidance (www.uscis.gov/NTA). The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of deferred action for childhood arrivals request itself, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing clause covers family members and guardians, in addition to the requestor.

This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

USCIS Forms and Information

You can get USCIS forms and immigration-related information on the USCIS Web site at www.uscis.gov. You may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by telephoning the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (hearing impaired) call: **1-800-767-1833**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through the USCIS Internet-based system, **InfoPass**. To access the system, visit the USCIS Web site. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with Form I-821D, we will deny your Form I-821D and may deny any pending or future immigration benefit request or other request for services. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this form, and the associated evidence, is collected under Section 103(a) of the Immigration and Nationality Act 1952, as amended.

PURPOSE: The primary purpose for providing the requested information on this form is to determine if you warrant consideration of deferred action.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision and result in the denial of your form.

ROUTINE USES: The information you provide on I-821D may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-001 - Alien File, Index, and National File Tracking System and DHS-USCIS-007 Benefit Information System, which can be found at www.dhs.gov/privacy].

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 2 hours and 45 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2020, OMB No. 1615-XXXX. **Do not mail your completed Form I-821D request to this address.**

Is Your Request Complete?

- Did you submit Form I-765 along with the filing and biometric services fees (\$465) total required for the application for employment authorization and did you also submit a completed Form I-765WS?
- Did you answer each question?
- Did you provide an original, handwritten signature and date your request?
- Did you submit the necessary documents?
- Did you submit evidence to show that you came to the U.S. while under the age of 16?
- Did you submit evidence to prove identity, date of initial entry, and continuous residence from June 15, 2007, (or earlier) up to the present time?
- Did you submit evidence that you are currently in school, have a GED certificate, have graduated or received a certificate of completion from high school, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?
- If you were issued a final order, did you include a copy of that final order (if available)?
- If your removal proceedings were terminated by an immigration judge, did you include a copy of the immigration judge's termination order?
- Did you provide evidence showing that, as of June 15, 2012, you were present in the United States after your lawful status had expired?

Not for
Production
08/08/12

Final