

TOC - INSTRUCTIONS
Form I-821D, Consideration of Deferred Action for Childhood Arrivals
3/29/2013

Reason for Revision

- Provide more detailed information to help Deferred Action for Childhood Arrival requestors

Location	Current Text	Proposed Revised Text
<p>Page 1, What is the Purpose of the Form</p>	<p>The purpose of Form I-821D, <i>Consideration of Deferred Action for Childhood Arrivals</i>, 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.</p>	<p>The purpose of Form I-821D, <i>Consideration of Deferred Action for Childhood Arrivals</i>, 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 section below entitled "What is a Childhood Arrival for Purposes of This Form?" (Secretary's memorandum). Deferred action is a discretionary determination to defer removal 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.</p>
<p>Page 1, When Should I Use Form I-821D?</p>	<p>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. <i>Deferred action does not provide lawful status.</i> All individuals filing Form I-821D must also file Form I-765, <i>Application for Employment Authorization</i>, and Form I-765WS, <i>Form I-765 Worksheet</i>. See "Initial Evidence" section for more information.</p>	<p>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. <i>Deferred action does not provide lawful status.</i> All individuals filing Form I-821D must also file Form I-765, <i>Application for Employment Authorization</i>, and Form I-765WS, <i>Form I-765 Worksheet</i>. See section entitled "Initial Evidence" for more information.</p> <p>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</p>

		<p>request work authorization and do not need to file this form. If you are currently in immigration detention, you may not request consideration of deferred action for childhood arrivals from USCIS. If you think you meet the guidelines of this process, you should identify yourself to your detention officer or contact the ICE Office of the Public Advocate.</p>
<p>Page 1, What is a Childhood Arrival for Purposes of This Form?</p>	<p>An individual may be considered for deferred action for childhood arrivals if he or she...</p> <p>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</p> <p>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.</p>	<p>An individual may be considered for deferred action for childhood arrivals if he or she...</p> <p>6. Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general educational development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and</p> <p>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.</p>
<p>Page 1-2, Who May File Form I-821D?</p>	<p>[Page 2]</p> <p>...3. Childhood Arrivals In Removal Proceedings, With a Final Removal Order, or With Voluntary Departure</p> <p>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.</p>	<p>[Page 2]</p> <p>...3. Childhood Arrivals In Removal Proceedings, With a Final Removal Order, or With Voluntary Departure</p> <p>If you are in removal proceedings, have a final removal order issued in any other context, have a voluntary departure order, or if your proceedings have been administratively closed, 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. (For this purpose “removal proceedings” includes exclusion or deportation proceedings initiated before April 1, 1997, an INA section 240 removal proceeding, expedited removal, reinstatement of removal, an INA section 217 removal after admission under the Visa Waiver Program, or removal as a criminal alien under INA section 238, or any other</p>

	<p>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.</p>	<p>kind of removal proceeding under U.S. immigration law in any other context (for example, at the border or within the United States by an immigration agent)).</p> <p>[Deleted]</p>
<p>Page 2, General Instructions</p>		<p>[Page 2]</p> <p>If you are completing this form on a computer, the data you enter will be captured using 2D barcode technology. This capture will ensure that the data you provide is accurately entered into USCIS systems. As you complete each field, the 2D barcode field at the bottom of each page will shift as data is captured. Upon receipt of your form, USCIS will use the 2D barcode to extract the data from the form. Please do not damage the 2D barcode (e.g., puncture, staple, spill on, write on, etc.) as this could affect the ability of USCIS to timely process your form.</p> <p>USCIS provides forms free of charge through the USCIS Web site and most are available in PDF format. In order to view, print, or fill out the USCIS forms, you should use the latest version of Adobe Reader, which can be downloaded for free at http://get.adobe.com/reader/.</p>
<p>Page 2, General Instructions</p>	<p>...How to Fill Out Form I-821D</p> <ol style="list-style-type: none"> 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. 	<p>[Page 3]</p> <p>...How to Fill Out Form I-821D</p> <ol style="list-style-type: none"> 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. 4. All dates must be entered as

		MM/DD/YYYY. You may provide approximate dates if you do not know the exact date. Do not leave a date response blank.
<p>Page 3-6, Initial Evidence</p>	<p>1. What Documents Should You Submit With Your Form I-821D?</p> <p>a. You do not need to submit original documents unless USCIS requests them.</p> <p>b. Evidence and supporting documents that you file with your Form I-821D should show that you meet all of the following:</p> <p>[See item (4) below]</p> <p>(1) Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;</p> <p>(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.)</p> <p>(3) Arrived in the United States before the age of 16;</p> <p>(4) You were born after June 15, 1981 (i.e., You were not age 31 or older on June 15, 2012);</p> <p>(5) Have continuously resided in the United States since June 15, 2007, up to the present time;</p> <p>(6) Were present in the United States on June 15, 2012; and</p> <p>[See item (1) above]</p> <p>(7) Are currently in school, graduated or received a certificate of completion from</p>	<p>1. What Documents Should You Submit With Your Form I-821D?</p> <p>a. You do not need to submit original documents unless USCIS requests them.</p> <p>b. Evidence and supporting documents that you file with your Form I-821D should show that you are at least 15 years of age at the time of filing, if required (See section of these instructions entitled “Who May File Form I-821D?” for more information) and that you meet all of the following:</p> <p>(1) Were born after June 15, 1981 (i.e., You were not age 31 or older on June 15, 2012);</p> <p>[See item (5) below]</p> <p>(2) Arrived in the United States before the age of 16;</p> <p>[See item (1) above]</p> <p>(3) Have continuously resided in the United States since June 15, 2007, up to the present time;</p> <p>(4) Were present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;</p> <p>(5) Entered without inspection before June 15, 2012, or your lawful status expired as of June 15, 2012;</p> <p>(6) Are currently in school, graduated or received a certificate of completion from</p>

<p>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.</p> <p>2. What additional Documents Should you submit if You are Currently or Have been in Removal Proceedings...</p> <p>3. What Documents Do You Need to Provide to Prove Identity?</p> <p>Submit copies of any of the following:</p> <ul style="list-style-type: none"> 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. <p>4. What Documents May Show That You</p>	<p>high school, obtained a general educational development (GED) certificate or other equivalent State-authorized exam in the United States, or that you are an honorably discharged veteran of the Coast Guard or U.S. Armed Forces.</p> <p>[See item 10. below]</p> <p>2. What Documents Do You Need to Provide to Prove Identity?</p> <p>Submit copies of any of the following:</p> <ul style="list-style-type: none"> 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; g. State-issued photo ID showing date of birth; or h. Any other document that you believe is relevant. <p>NOTE: Expired documents are acceptable.</p> <p>[Page 4]</p> <p>3. What Documents May Show That You</p>
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	<p>Came to the United States Before Your 16th Birthday...</p> <p>[Page 4]</p> <p>[See item 9. below]</p> <p>[See item 10. below]</p>	<p>Came to the United States Before Your 16th Birthday...</p> <p>[See item 7. below]</p> <p>4. If before your 16th birthday you left the United States for some period of time before returning on or after your 16th birthday and beginning your current period of continuous residence, what documents may show that you established residence before your 16th birthday?</p> <p>a. 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 attended;</p> <p>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);</p> <p>c. Documents evidencing that you were physically present in the United States for multiple years prior to your 16th birthday; or</p> <p>d. Any other relevant document.</p> <p>5. What Documents May Show That You Continuously Resided in the United States Since June 15, 2007 Up to the Present Date?...</p> <p>[Page 5]</p> <p>6. Do Brief Departures Interrupt Continuous Residence?</p> <p>A brief, casual, and innocent absence from</p>
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	<p>[See item 6. below]</p> <p>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.)</p> <p>6. What Documents May Demonstrate That You Were Present in the United States on June 15, 2012...</p> <p>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)</p> <p>Submit copies of the following documents:</p> <p>a. School records (transcripts, report cards, etc.) from the school that you are currently attending in the United States, showing the</p>	<p>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 between June 15, 2007 and August 15, 2012, and:</p> <p>7. What Documents May Demonstrate That You Were Present in the United States on June 15, 2012...</p> <p>[Page 6]</p> <p>8. What Documents May You Show You Were in Unlawful Status as June 15, 2012? (Please submit documents if you were admitted or paroled, or otherwise obtained a lawful immigration status, on or before June 15, 2012, or you were or are in removal proceedings.)</p> <p>Note: For deferred action for childhood arrivals, in unlawful status as of June 15, 2012, means that you never had a lawful immigration status on or before June 15, 2012, or any unlawful status or parole that you obtained prior to June 15, 2012 had expired before June 15, 2012;</p> <p>9. What Documents May Demonstrate that You Are Either: a) In School in the United States at the Time of Filing; b) Have Graduated or Received a Certificate of Completion from a U.S. High School public or private college, or university or community college; or c) Have obtained a General Educational Development (GED) Certificate or other equivalent State-authorized exam in the United States? (If applicable)</p> <p>USCIS recognizes that schools, educational programs, school districts, and state education agencies around the country issue</p>
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	<p>name(s) of the school(s) and periods of school attendance and the current educational or grade level;</p> <p>[Page 8]</p> <p>b. Your U.S. high school diploma or certificate of completion;</p> <p>c. Your U.S. GED certificate; or</p> <p>d. Any other relevant document...</p>	<p>educational records in a variety of formats. USCIS does not require educational records to be presented in any particular format.</p> <p>a. To be considered “currently in school,” you are to be enrolled in one of the following:</p> <p>(1) A public or private elementary school, junior high or middle school, high school, or secondary school;</p> <p>(2) An education, literacy, or career training program (including vocational training or an English as a Second Language (ESL) course) that is designed to lead to placement in post-secondary education, job training, or employment, and that the program:</p> <p>(a) Is funded in whole or in part by federal, state, local, or municipal funds;</p> <p>(b) Is of demonstrated effectiveness;</p> <p>(3) An education program assisting students either in obtaining a regular high school diploma or its recognized equivalent under State law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a GED exam or other equivalent State-authorized exam, and that the program:</p> <p>(a) Is funded in whole or in part by federal, state, local, or municipal funds; or</p> <p>(b) Is of demonstrated effectiveness;</p> <p>(4) A public or private college or university or a community college.</p> <p>Evidence of enrollment may include, but is not limited to: school registration cards, acceptance or other letters demonstrating enrollment or attendance, current transcripts, report cards, progress reports, or other documents issued by a school district, state education agency, school or program. These documents should show your name; the name of the school district, educational agency, school, or program issuing the</p>
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		<p>record; the date(s) or time period(s) of enrollment you are seeking to establish; and your current educational or grade level.</p> <p>If you have been accepted for enrollment and your classes have not yet begun, you may submit an acceptance letter with evidence that you have registered for classes or any other relevant evidence showing you have committed to starting classes on a certain date, including, for example, a copy of your tuition bill, your class schedule, or your Individualized Educational Program (IEP).</p> <p>[Page 7]</p> <p>If you are enrolled in an educational, literacy or career training program (including vocational training or an ESL course), evidence that the program is funded in whole or in part by federal, state, local or municipal funds includes a letter or other documentation from an authorized representative of the program that includes information such as: your name and date of enrollment; the duration of the program and expected completion date; the program’s source of public funding, and the program’s authorized representative’s contact information.</p> <p>If you are enrolled in an education, literacy or career training program that is not publicly funded, evidence that the program is of demonstrated effectiveness may include information from an authorized school representative relating to: the duration of the program’s existence; the program’s track record in placing students in employment, job training, or post-secondary education; receipt of awards or special achievement or recognition that indicate the program’s overall quality; and/or any other information indicating the program’s overall quality.</p> <p>b. Evidence to show that you meet the educational guideline because you have “graduated from school” or “obtained a GED certificate” includes, but is not limited to:</p>
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	<p>8. What Documents May Demonstrate That You Are an Honorably Discharged Veteran of the Coast Guard or Armed Forces of the United States...</p> <p>[See item 2. above]</p> <p>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...</p> <p>10. Do Brief Departures Interrupt Continuous Residence?</p> <p>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</p>	<p>(1) A high school diploma from a public or private high school or secondary school;</p> <p>(2) A recognized equivalent of a high school diploma under state law, including a General Educational Development (GED) certificate, a certificate of completion, or a certificate of attendance;</p> <p>(3) A transcript that identifies the date of graduation or program completion;</p> <p>(4) An enrollment history that shows the date of graduation or program completion; or</p> <p>(5) An alternate award from a public or private high school or secondary school.</p> <p>These documents should show your name; the name of the school district, educational agency, school, or program issuing the record; the date(s) or time period(s) of enrollment you are seeking to establish; and your date of graduation or completion...</p> <p>10. What Documents May Demonstrate That You Are an Honorably Discharged Veteran of the Coast Guard or Armed Forces of the United States...</p> <p>11. What additional Documents Should you submit if You are Currently or Have been in Removal Proceedings...</p> <p>[See item 5 above]</p> <p>[See item 6 above]</p>
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	<p>time, your absence will be considered brief, casual, and innocent, if it was before August 15, 2012, and</p> <p>11. What Other Factors Will USCIS Consider When Making a Determination on Deferred Action...</p> <p>12. What Else Should You Submit with Form I-821D...</p>	<p>12. What Other Factors Will USCIS Consider When Making a Determination on Deferred Action...</p> <p>13. What Else Should You Submit with Form I-821D...</p>
<p>Page 7, Where to File?</p>	<p>...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, <i>E-Notification of Application/Petition Acceptance</i>, 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.</p>	<p>[Deleted]</p>
<p>Page 7, Processing Information</p>	<p>...Requests for More Information</p> <p>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.</p> <p>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...</p>	<p>[Page 9]</p> <p>Requests for More Information, Including Biometrics or Interview</p> <p>USCIS may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.</p> <p>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.</p> <p><i>At the time of any interview or other appearance at a USCIS office, USCIS may require that you provide biometric information (e.g., photograph, fingerprints) to verify your identity and update your background information.</i></p>

<p>Page 8, USCIS Forms and Information</p>	<p>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 our USCIS National Customer Service Center at 1-800-375-5283.</p> <p>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.</p>	<p>[Page 9]</p> <p>To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling the USCIS toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283. For TDD (hearing impaired) call: 1-800-767-1833.</p> <p>[Deleted]</p>
<p>Page 9, Is Your Request Complete?</p>	<p>...Did you submit evidence to show that you came to the U.S. while under the age of 16...</p>	<p>[Page 10]</p> <p>...Did you submit evidence to show that you came to the U.S. and established residence while under the age of 16...</p>