

**I-821D Public Comments
Summary of Suggestions**

	<u>Category</u>		<u>Comment and Response</u>
Form I-821D	1	General Comment	<p>Comment: The commenter (Number 1) indicated that the Deferred Action for Childhood Arrivals program has been a success. The commenter also indicated that the DACA requestors are computer-savvy and that it makes sense to allow individuals to request a renewal of deferred action under the DACA process electronically.</p> <p>Response: USCIS plans to incorporate the capability for filing both DACA initial and DACA renewal requirements into USCIS ELIS in a future release.</p>
	2	General Comment	<p>Comment: The commenter (Numbers 2 and 3) indicated that the government should not allow children to come to the United States without their parents because it is costing the American tax payers. The commenters also indicated that the Form I-821D should be discontinued, and that the government should enforce legal immigration into the United States.</p> <p>Response: No change recommended based on this comment. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion.</p>

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3	General Comment	<p>Comment: The commenter (Number 4) commended the DACA process because it encourages would-be DACA requestors to reincorporate themselves into an educational program and work towards graduation. However, the commenter indicated that the proposed changes to the Form I-821D would allow requestors who withdrew from school after receiving DACA to request renewal of deferred action under the DACA process. Under the proposed changes the renewal requestors would satisfy the educational component of their DACA renewal by enrolling once again in an educational program and withdrawing from school after DACA is renewed. If these changes are allowed to stand, the DACA program will inadvertently promote a “dropout atmosphere.” The commenter recommends that the agency close the “education loophole” by asking that renewal requestors who were previously granted for being in a non-secondary school education program, such as a GED program, must show that they successfully completed the program, obtained a GED or have continued to be enrolled in the same program. The commenter acknowledged that there are situations in which exceptions may occur; e.g., a person may have to leave their educational program before completing it. The commenter recommended that in such cases, the requestor should be required to show that he or she enrolled in another program within a grace period after leaving the original program.</p> <p>Response: DHS has removed the education questions pertaining to DACA renewals. USCIS received numerous comments about the education section and modified the form in a manner that reflected the great majority of commenters’ suggestions. This comment therefore was not incorporated.</p>
4	General Comment	<p>Comment: The commenter (Numbers 5, 7, 10, 11, 12, 15, 16, 18, 19, 21, 22, 28 and 31) recommended the creation of a streamlined form with separate sections for DACA initial and renewal requests to minimize filing errors.</p> <p>Response: USCIS has modified the Form I-821D in response to this and similar comments concerning the organization of the form. The revisions make it easier to determine which sections are applicable to initial requests, renewal requests or both. When a section applies to both types of requests, language was added that clarifies if/how the section is to be filled out differently depending on whether the filer is seeking DACA for the first time or is seeking renewal of DACA.</p>

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5	General Comment	<p>Comment: The commenter (Numbers 21, 22, 28 and 31) recommended that USCIS employ the one column format utilized in the I-360 and I-131 form, with shaded and captioned bands separating each section of the form, making it easier for the requestor to determine which sections to complete.</p> <p>Response: No change recommended based on this comment. USCIS will maintain the 2-column format used in the current version of the form.</p>
6	General Comment	<p>Comment: The commenter (Numbers 6, 7, 8, 14, 15, 18, 24, 27 and 32) recommended two distinct and separate forms for initial and renewal requests</p> <p>Response: USCIS has modified the Form I-821D in response to this and similar comments concerning the organization of the form. The revisions make it easier to determine which sections are applicable to initial requests, renewal requests or both. When a section applies to both types of requests, language was added that clarifies if/how the section is to be filled out differently depending on whether the filer is seeking DACA for the first time or is seeking renewal of DACA.</p>
7	General Comment	<p>Comment: The commenter (Numbers 25, 29, and 30) asked for broad clarification on the DACA renewal process. Specifically, they requested information on renewal time frames and what proof is required for DACA renewals in regards to ongoing education and training.</p> <p>Response: USCIS has modified the Form I-821D in response to this and similar comments concerning the organization of the form. The revisions make it easier to determine which sections are applicable to initial requests, renewal requests or both. When a section applies to both types of requests, language was added that clarifies if/how the section is to be filled out differently depending on whether the filer is seeking DACA for the first time or is seeking renewal of DACA.</p>
8	General Comment	<p>Comment: The commenter (Number 9) recommended harmonizing language and guidance from the updated Form I-821D and Instructions with USCIS's DACA Frequently Asked Questions (FAQ) to ensure uniformity with collateral materials.</p> <p>Response: USCIS strives to make sure that the language and guidance from the Form I-821D and Instructions mirrors that contained in the DHS DACA FAQs in effect at the time the form is made available for public use.</p>

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	9 Page 1 Header: Attorney State License Number	<p>Comment: The commenter (Number 9) recommended changing “Attorney State License Number:” to “Attorney State License Number (if applicable):”</p> <p>Response: USCIS has agreed to make the appropriate change to indicate “Attorney Bar Number (if any).”</p>
	10 Page 1 Header: Attorney State License Number	<p>Comment: The commenter (Number 9) recommended allowing a field to accept “N/A” or “None” as an acceptable entry because not all state bars issue attorneys state license numbers; e.g., Maryland.</p> <p>Response: No change recommended based on this comment. Attorneys may enter a written response within the space provided on the form if they cannot provide this information.</p>
	11 Page 1 Header: “START HERE”	<p>Comment: The commenter (Number 9) recommended revising the sentence “Read the instructions for information on how to complete this form” to “Read Form I-821D Instructions for information on how to complete this form.” for greater clarity.</p> <p>Response: USCIS has agreed to make the appropriate change.</p>
	12 Part 1. Information about You	<p>Comment: The commenter (Numbers 29 and 30) recommended that Part 1. Right below “Information About You” (it currently states, “I am not in immigration detention <i>and</i> I have included) be changed to, “I am not in <u>adult</u> immigration detention, <i>and</i> I have included...” Minors in detention under the custody of the Office of Refugee Resettlement still file their DACA applications with USCIS and this should be clearer on the form.</p> <p>Response: No change recommended to the form based on this comment. USCIS will provide clarification on this issue through filing tips on the USCIS Web page.</p>
	13 Part 1. Q1 and 2.a.	<p>Comment: The commenter (Number 9) identified a glitch on Page 1. Part 1. Q.1 and Q.2.a: both checkboxes are automatically populated. This commenter recommended that allowing requestors to select one checkbox without both checkboxes being automatically populated.</p> <p>Response: The functionality will be corrected prior to final publication of the form.</p>

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14	Part 1. Q.2.b.	<p>Comment: The commenter (Number 9) identified a glitch on Page 1. Part 1. Q.2.b. Selection of Q.2.a does not correctly enable 2.b. Instead, selection of Q.5. Erroneously enables 2.b. This commenter recommended fixing this item.</p> <p>Response: The functionality will be corrected prior to final publication of the form.</p>
15	Part 1. Q.2.a. 2.b.	<p>Comment: The commenter (Number 29) recommended that instead of “2.a. AND 2.b.,” it would be better to just have “2”, and to indent the section that was 2.b. to make it clearer that it relates only to renewal requests, and is not something separate.</p> <p>Response: USCIS has adopted this recommendation.</p>
16	Part 1. Q.2.a.	<p>Comment: The commenter (Number 9) indicated that the Form I-821D does not indicate on its face that renewal requests must be submitted within 120 days prior to the expiration of a requestor’s current period of deferred action. And while the 120 day requirement is located in the Form I-821D Instructions, that requirement is not prominently displayed, currently relegated to the second page in a supplementary note. This commenter recommended including the following note directly below Q.2.a. as follows:</p> <p>“2.a. Consideration of Deferred Action for Childhood Arrivals – Renewal Request (NOTE: <u>Renewal Requests can only be submitted within 120 days prior to the expiration of your current period of deferred action</u>)”</p> <p>Response: No change recommended to the form based on this comment. This information is now prominently displayed on the first page of the form instructions.</p>
17	Part 1.Q.5.e.	<p>Comment: The commenter (Number 9) indicated that Q.5 does not correctly enable 5.e, preventing requestors from selecting “Other.” This appears to be a technical glitch. This commenter recommended fixing this item.</p> <p>Response: The functionality will be corrected prior to final publication of the form.</p>

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18	Part 1. Q.5.f.	<p>Comment: The commenter (Number 9) Recommendation fixing a technical glitch. Requestors should not be able to enter data into Item Number 5.f until they first select “Yes” under 5, similar to 5.a – 5.e, and 5.g. This appears to be a technical glitch.</p> <p>Response: The functionality will be corrected prior to final publication of the form.</p>
19	Part 1. Full Name	<p>Comment: The commenter (Number 9) recommended changing “Full Name” to “Full Legal Name” because many requestors use various iterations of their names, especially those from Latin American and Arab countries where multiple surnames are the norm. This recommendation ensures that requestors know to provide their full <i>legal</i> name, instead of nicknames or aliases.</p> <p>Response: USCIS has adopted this recommendation.</p>
20	Part 9. Your Full Name	<p>Comment: The commenter (Number 9) recommended changing “Your Full Name” to “Full Legal Name” for consistency throughout Form I-821D.</p> <p>Response: USCIS has adopted this recommendation.</p>
21	Part Item Number 14	<p>Comment: The commenter (Number 9) recommended adding “Separated” to the marital status options OR clarifying what option requestors who are separated should select.</p> <p>Response: No change recommended based on this comment. USCIS will provide clarification on this issue through filing tips on the USCIS Web page.</p>

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22	Part 1 item number 14	<p>Comment: The commenter (Number 9) Make the following changes: <u>“Include other names used, including names that you have used or may have been used on your behalf by a parent, legal guardian, or employer. If you need additional space, use Part 9. Additional Information.”</u> This recommendation provides clarity for requestors who may not have used another name themselves, but who may have had a parent, legal guardian, or employer use another name on their behalf. This clarification is especially pertinent for requestors who may have had others use aliases on the requestor’s behalf at an early age without the requestor’s authorization, knowledge, or cognizance. By ensuring that requestors provide all other names used on their behalf, adjudicators will be able to more easily reconcile discrepancies when adjudicating requests.</p> <p>Response: No change recommended based on this comment. USCIS will provide clarification on this issue through filing tips on the USCIS Web page.</p>
23	Part 3. Q.1.b.	<p>Comment: The commenter (Numbers 6, 7, 14, 19, 24, 26, 29, 30 and 32) recommended USCIS should only require that individuals seeking DACA renewal demonstrate continuous residence for the five years preceding the date of submitting their Form I-821D instead of June 15, 2007.</p> <p>Response: No change recommended based on this comment. The continuous residence guideline was established in the Secretary’s June 15, 2012 memo.</p>
24	Part 3. Q.1.b.	<p>Comment: The commenter (Number 6) recommended that Question 1.b. on page 4, Part 3 be modified from “I have been continuously residing in the U.S. since at least June 15, 2007, up to the present time” to “I have been continuously residing in the U.S. since 5 years prior to the date of this request.”</p> <p>Response: No change recommended based on this comment. The continuous residence guideline was established in the Secretary’s June 15, 2012 memo</p>
25	Part 1. Q.2.a.	<p>Comment: The commenter (Number 16) recommends adding the following language to provide clarity for requestors granted DACA by ICE: “(check this box regardless of whether USCIS or ICE initially deferred action in your case).”</p> <p>Response: USCIS did not change the language within the form itself. However, the agency has provided clarity on this issue on the form instructions.</p>

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	26 Part 1. Information About You	<p>Comment: The commenter (Numbers 12, 21, 22, 28 and 31) recommended modifying Part 1 to avoid or minimize confusion for individuals seeking initial or renewal of DACA as follows: Part 1. Information About You I am not in immigration detention <i>and</i> [emphasis in original] I have included Form I-765, Application for Employment Authorization, and Form I-765WS, Form I-765 Worksheet; and I am requesting: 1.Consideration of Deferred Action for Childhood Arrivals – Initial Request OR [emphasis in original] 2.a.Consideration of of Deferred Action for Childhood Arrivals – Renewal Request <i>(check this box regardless of whether USCIS or ICE initially deferred action in your case)</i> AND [emphasis in original] 2.b.For this renewal request, my most recent period of Deferred Action for Childhood Arrivals expires on (mm/dd/yyyy) ►</p> <p>Response: USCIS corrected the error, but otherwise did not change the language within the form itself. However, the agency has provided clarity on this issue on the form instructions.</p>

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	27 Part 1. Information About You	<p>Comment: The commenter (Number27) indicated the labeling of sections as “For Initial Request Only” and “For Renewal Requests Only” on the form appears to conflict with information in the draft Instructions for Form I821D, which state that applicants who initially received deferred action from U.S. Immigration and Customs Enforcement (ICE) must “complete the entire form and respond to all questions on the form,” regardless of what the form itself states. This inconsistency is likely to create confusion and lead applicants to inadvertently submit incomplete applications or to supply unnecessary information and documents. The complex form is especially problematic because, in our experience, most DACA applicants are proceeding pro se and do not have the assistance of attorneys or accredited representatives to help them complete the application forms. We ask USCIS to create two separate forms for the initial and renewal applications to make the processes more userfriendly for pro se applicants.</p> <p>Response: USCIS has modified the Form I-821D in response to this and similar comments concerning the organization of the form. The revisions make it easier to determine which sections are applicable to initial requests, renewal requests or both. When a section applies to both types of requests, language was added that clarifies if/how the section is to be filled out differently depending on whether the filer is seeking DACA for the first time or is seeking renewal of DACA.</p>
	28 Part 1. Information About You	<p>Comment: The commenter (Number 18) recommended amending Q.1 as follows: Consideration of Deferred Action for Childhood Arrivals – Initial Request (<i>includes applicants who are re-applying after an earlier application was denied</i>)</p> <p>Response: No change recommended based on this comment. Individuals whose DACA requests were either rejected or denied will have to file an initial request of DACA.</p>

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	29 Part 1. Current Status and Pending Immigration-Related Requests	<p>Comment: The comment (Numbers 10, 12, 17, 18, 21, 22, 24 and 31) indicated that part 1, Q20c is not necessary because they are not germane to the merits of the DACA request and also create delay or prevention in timely provision of legal services, particularly in group processing clinics where individuals seldom appear with their complete immigration history and recommended that these questions be modified as follows</p> <p><i>Current Status and Pending Immigration-Related Requests [emphasis in original]</i></p> <p>20.a. For Initial Requests: Provide your current immigration status.</p> <p>20.b. For Initial Renewal Requests: Indicate whether you have any other immigration-related requests pending Provide any immigration status you have received since you received <i>Deferred Action for Childhood Arrivals (e.g., Parole, U Visa, T Visa, LPR).</i></p> <p>20.c. For Renewal Requests: Since you have received Deferred Action for Childhood Arrivals, provide any immigration status you have received and indicate whether you have any other immigration-related requests pending.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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	30 Part 2 Processing Information	<p>Comment: The commenter (Numbers 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 24, 28, 29, 30 , 31 and 32) asked USCIS to clarify the reason(s) for soliciting information about race, ethnicity and physical description, and recommended removing questions these questions in Part 2. Processing Information because they may deter requestors from completing the form. The commenter stated that some questions may intimidate individuals and that they are concerned about confidentiality and fear that this information will be used to place people into removal proceedings.</p> <p>Response: Individuals requesting Deferred Action for Childhood Arrivals must provide fingerprints, photographs, and signatures (<i>biometrics</i>), and may receive a notice scheduling them for an appearance at an Application Support Center (ASC) for biometrics collection. The Form requests the same information requestors must provide at the ASC appointment thus it will reduce the time spent at the ASC. Adding these questions on the Form also clarifies the information USCIS collects as part of an I-821D filing. The questions comply with the Office of Management and Budget’s requirements for the collection of race and ethnicity as provided in its memorandum found at: http://www.whitehouse.gov/omb/fedreg_1997standards/</p>
	31 Part 1. Q.25-26	<p>Comment: The commenter (Numbers 6, 8, 10, 14, 16, 18, 19, 24, 29, 31 and 32) recommended that USCIS simplify the education and military service information section by condensing this section into two basic questions: Q.25 should remain the same, but Q. 26-29 should be condensed into a single Q.26. Simplifying the instructions on the form following Q.25 to read “if you selected item 25.d, answer Q.26. Otherwise, skip to part 4, travel information. For clarity, the commenter suggested the following language:</p> <p>Q.25 should read: “that your education or military service met the criteria for Deferred Action for Childhood Arrivals on your <i>last approved</i> application for Deferred Action for Childhood Arrivals?” The answer choices would remain the same. Q.2629 should then be consolidated into a single Q.26, with multiple answer options.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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32	Part 1.Q.25	<p>Comment: The commenter (Number 7 and 14) recommended that USCIS modify Q.25 of Part 1. Instead of asking requestors how they met the education or military service criteria in their initial request, Q.25 should ask how these individuals satisfied the guidelines in their most recent approved Form I-821D</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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	33 Part 1. Q.25-29	<p>Comment: The commenter (Number 18) recommended the following changes to Q.25-27:</p> <p>If you selected Item Number 25 – 25.c., move on to Part 2. Processing Information. If you selected Item Number 25.d., respond to Items 26 – 27.</p> <p>26. At the time I was last approved for Deferred Action for Childhood Arrivals, I was enrolled in:</p> <ol style="list-style-type: none"> a. U.S. elementary school, middle school, high school, or secondary school b. An education program assisting students in obtaining a high school diploma or passing a GED exam. c. An education, literacy, or career training program designed to lead to placement in postsecondary education, job training, or employment. <p>27. Indicate how you currently meet the educational guideline:</p> <ol style="list-style-type: none"> a. I have graduated from high school/obtained a high school diploma. b. I have passed the GED or equivalent state exam. c. I am currently enrolled in a U.S. elementary school, middle school, high school, or secondary school and have made substantial progress toward graduating. d. I am currently enrolled in a new/different education program that assists students in either obtaining a high school diploma or its equivalent under state law or in passing a GED exam or equivalent state exam. e. I am currently enrolled in a new/different education, literacy, or career training program designed to lead to placement in postsecondary education, job training, or employment. f. I have completed an education, literacy, or career-training program. <p>Q. 9 should be revised to indicate that an applicant whose circumstance is not reflected in Q.26 or 27 should explain his continuing eligibility in Part 9. Additional Information. Language suggesting that the applicant does not meet the educational guideline should be removed. USCIS should consider the completion of an education, literacy, or career-training program as equivalent to a high school diploma or a General Education Development (GED) certificate and sufficient for renewal.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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34	<p>Part 1. Q. 26-27</p> <p>Comment: The commenter (Number 7 and 16) recommended that USCIS reformulate the education questions in the following manner:</p> <p>Q.26 At the time I filed my Form I-821D that USCIS approved for my initial period of Deferred Action for Childhood Arrivals I was</p> <p>26.a. Enrolled in a public or private elementary school, junior high or middle school, high school or secondary school</p> <p>26.b. Enrolled in an educational program that assists students in obtaining a high school diploma or its recognized equivalent under state law or in passing a GED exam or other equivalent state-authorized exam</p> <p>26.c. Enrolled in an education, literacy or career training program designed to lead to placement in postsecondary education, job training or employment</p> <p>Q27. At this time, I (check all that apply)</p> <p>27.a. Have graduated or obtained a certificate of completion from the public or private elementary school, junior high or middle school, high school or secondary school I was enrolled in when I initially requested DACA</p> <p>27.b. Have obtained a high school diploma or its recognized equivalent under state law</p> <p>27.c. Have passed a GED or other equivalent State-authorized exam</p> <p>27.d. I have since completed an education, literacy or career training program and am enrolled in a postsecondary education program, job-training program or in high school</p> <p>27.e. I have since completed an education, literacy or career training program (including vocational training) and have since obtained employment</p> <p>27.f. I am still enrolled in school and I have made substantial, measureable progress toward graduating from the school or completing the program in which I was enrolled when I initially requested DACA</p> <p>27.g. I am enrolled in a new/different education, literacy or career training program (including vocational training) designed to lead to placement in postsecondary education, job training or employment or a new/different program that assists students either in obtaining a high school diploma or its recognized equivalent or in passing a GED exam or other equivalent state-authorized exam.</p> <p>27.h. I did not complete or make progress in the program in which I was initially enrolled and I have not reenrolled in a new program, but I have been continuously employed since I dropped out</p> <p>27.i. I did not complete or make progress in the program in which I was initially enrolled and I have not reenrolled in a new program due to a medical condition, pregnancy or disability</p> <p>27.j. Other (If you select this box, you must use part 9, additional information to explain your reasons for not meeting this guideline).</p> <p>Response:</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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35	Part 1. Q. 26-29	<p>Comment: The commenter (Numbers 12 and 22) recommended that Q26-28 be modified as follows</p> <p>26. <i>At the time I filed my Form I-821D that USCIS approved for my initial period of Deferred Action for Childhood Arrivals I was</i></p> <p>26.a. <i>Enrolled in a public or private elementary school, junior high, middle school, high school, or secondary school.</i></p> <p>26.b. <i>Enrolled in an education program that assists students in obtaining a high school diploma or its recognized equivalent under state law or in passing a GED exam or other equivalent state-authorized exam.</i></p> <p>26.c. <i>Enrolled in an education, literacy, or career training program (including vocational training) designed to lead to placement in postsecondary education, job training, or employment.</i></p> <p>Continues within the next box</p>

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	<p>N/A Continuation of Prior Box</p>	<p>Continuation of Prior box</p> <p>27. <i>At this time, I (check all that apply)</i></p> <p>27.a. <i>Have graduated from the public or private elementary school, junior high or middle school, high school, or secondary school I was enrolled in when I initially requested DACA.</i></p> <p>27.b. <i>Have obtained a high school diploma or its recognized equivalent.</i></p> <p>27.c. <i>Have passed a GED or other equivalent state-authorized exam.</i></p> <p>27.d. <i>Am enrolled in postsecondary education.</i></p> <p>27.e. <i>Have obtained employment for which I received training through the program in which I was enrolled when I initially requested DACA.</i></p> <p>27.f. <i>Am still in school and I have made substantial, measurable progress toward graduating from the school or completing the program in which I was enrolled when I initially requested DACA.</i></p> <p>27.g. <i>Am enrolled in a new/different education, literacy, or career training program (including vocational training) designed to lead to placement in postsecondary education, job training, or employment.</i></p> <p>Item Numbers 26., and/or 27., and 28. do not apply to me. Note that if you select this box, you must use Part 9. Additional Information to explain your reasons for not meeting the educational guideline: why USCIS should renew your period of Deferred Action for Childhood Arrivals despite the inapplicability of questions 26 and 27.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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36	<p>Part 1. Q. 26-29</p> <p>Comment: The commenter (Numbers 10, 21, 28 and 31) recommended that Q.26-28 be revised as follows:</p> <p style="padding-left: 40px;"><i>26. At the time I was last approved for Deferred Action for Childhood Arrivals I was</i></p> <p style="padding-left: 80px;">26.a. <input type="checkbox"/> <i>Enrolled in a public or private elementary school, junior high, middle school, high school, or secondary school.</i></p> <p style="padding-left: 80px;">26.b. <input type="checkbox"/> <i>Enrolled in an education program that assists students in obtaining a high school diploma or its recognized equivalent under state law or in passing a GED exam or other equivalent state-authorized exam.</i></p> <p style="padding-left: 80px;">26.c. <input type="checkbox"/> <i>Enrolled in an education, literacy, or career training program (including vocational training) designed to lead to placement in postsecondary education, job training, or employment.</i></p> <p style="padding-left: 40px;"><i>27. At this time, I (check all that apply)</i></p> <p style="padding-left: 80px;">27.a. <input type="checkbox"/> <i>Have graduated from the public or private elementary school, junior high, middle school, high school, or secondary school I was enrolled in when I initially requested DACA.</i></p> <p style="padding-left: 80px;">27.b. <input type="checkbox"/> <i>Have obtained a high school diploma or its recognized equivalent.</i></p> <p style="padding-left: 80px;">27.c. <input type="checkbox"/> <i>Have passed a GED or other equivalent State-authorized exam.</i></p> <p style="padding-left: 80px;">27.d. <input type="checkbox"/> <i>Am enrolled in postsecondary education.</i></p> <p style="padding-left: 80px;">27.e. <input type="checkbox"/> <i>Have obtained employment for which I received training through the program in which I was enrolled when I initially requested DACA.</i></p> <p style="padding-left: 80px;">27.f. <input type="checkbox"/> <i>Am still in school and I have made substantial, measurable progress toward graduating from the school or completing the program in which I was enrolled when I initially requested DACA.</i></p> <p style="padding-left: 80px;">27.g. <input type="checkbox"/> <i>Am enrolled in a new/different education, literacy, or career training program (including vocational training) designed to lead to placement in postsecondary education, job training, or employment.</i></p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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	37 Part 1. Q.26-29	<p>Comment: The commenter (Numbers 29 and 30) recommended the following revisions to Q.26-29: 26. If at the time you filed your <i>most recent</i> Form I-821D that USCIS approved, you demonstrated that you met the education requirement because you were currently in school, you must indicate how you continue to meet the education requirement. Select only ONE option below:</p> <p>I was enrolled in school AND</p> <p><input type="checkbox"/> I have since graduated from school.</p> <p><input type="checkbox"/> I was in elementary school, middle school, or junior high and I have made substantial, measurable progress toward graduating from high school or the school in which I was or am enrolled.</p> <p><input type="checkbox"/> I am still enrolled in school or an education program that assists students in either obtaining a high school diploma or its recognized equivalent under state law, and I have made substantial, measurable progress toward graduating.</p> <p><input type="checkbox"/> I have since passed a GED exam or other equivalent State-authorized exam.</p> <p><input type="checkbox"/> I am currently enrolled in a new/different education, literacy, or career training program (<i>including vocational training</i>) designed to lead to placement in postsecondary education, job training, or employment.</p> <p>I was enrolled in an education program that assists students either in obtaining a high school diploma or its recognized equivalent under state law or in passing a GED exam or other equivalent under state law or in passing a GED exam or other equivalent state-authorized exam AND</p> <p><input type="checkbox"/> I have since obtained high school diploma or its recognized equivalent</p> <p><input type="checkbox"/> I have since passed a GED or other equivalent State-authorized exam</p> <p><input type="checkbox"/> I am currently enrolled in high school.</p> <p><input type="checkbox"/> I am currently enrolled in a new/different education program that assists students either in obtaining a high school diploma or its recognized equivalent under state law or in passing a GED exam or other equivalent state-authorized exam.</p> <p>Continues within the next box</p>

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	N/ A Continuation	<p>I was enrolled in an education, literacy, or career training program (<i>including vocational training</i>) designed to lead to placement in postsecondary education, job training, or employment AND</p> <p><input type="checkbox"/> I have since enrolled in postsecondary education.</p> <p><input type="checkbox"/> I have since completed an education, literacy, or career training program (<i>including vocational training</i>) designed to lead to placement in postsecondary education, job training, or employment. (and have obtained employment – but we recommend deleting obtained employment requirement)</p> <p><input type="checkbox"/> I have made substantial, measurable progress toward completing an education, literacy, or career training program.</p> <p><input type="checkbox"/> I am currently enrolled in high school.</p> <p><input type="checkbox"/> I am currently enrolled in a new/different education, literacy, or career training program (<i>including vocational training</i>) designed to lead to placement in postsecondary education, job training, or employment.</p> <p>None of the above applies to me. Note that if you select this box, you MUST use part 9. Additional Information to explain your reasons for not meeting the education guideline.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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<u>Category</u>	<u>Comment and Response</u>
38 Part 1.Q27	<p>Comment: The commenter (number 9) recommended revising Q.27 on Page 3. Part 1 to reflect the following:</p> <p>27.d. I am currently enrolled . . . state-authorized exam.</p> <p>27.e. <u>I am still enrolled in an education program that assists students in either obtaining a high school diploma or its recognized equivalent under state law, or in passing a GED exam or other equivalent state-authorized exam, and have made substantial, measureable progress toward graduating or passing a GED exam or other equivalent state-authorized exam.</u>"</p> <p>Requestors may qualify for renewal by demonstrating substantial and measurable progress in a school or education program that assists students in obtaining a high school diploma or recognized equivalent, an education, literacy, or career training (including vocational training) program, but not for an education program that assists students in passing a GED exam or equivalent state-authorized exam (GED and state- authorized exam option). Requestors should be able to qualify for renewal by demonstrating substantial and measurable progress in classes for a GED exam or equivalent state-authorized exam because:</p> <ol style="list-style-type: none"> a. Many of the same considerations that lead to a substantial and measurable progress option for other forms of education apply to the GED and state- authorized exam option, including the prevalence of part-time programs, the difficulty of paying for classes, and delayed completion due to various socio-economic factors; b. There should be consistent renewal criteria that allows <i>all</i> requestors to satisfy the education requirements by demonstrating substantial and measurable progress, instead of having conflicting and inconsistent standards for requestors; c. Prohibiting individuals from demonstrating substantial and measurable progress in the GED and state-authorized exam option, but allowing them to satisfy the educational requirement by enrolling in a new program (Item Number 27.d) creates a negative incentive that encourages requestors to drop out and find a new program instead of continuing to make progress in their current program; and d. As of January 2014, GED examinations will become substantially more difficult and costly, leading to correspondingly longer and more complex GED education programs. Accordingly, USCIS should afford requestors enrolled in the GED and state-authorized exam option more flexibility by allowing them to demonstrate substantial and measurable progress. <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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<u>Category</u>		<u>Comment and Response</u>
39	Part 1. Q.5	<p>Comment: The commenter (Numbers 7, 10, 17, 21, 22, 28 and 31) recommended that USCIS eliminate Q.5 of part 1 of the Form I-821D for all requestors who are at least 15 years old because this is not relevant for DACA and because individuals may not know their full immigration history. In the alternative, the form should make clear that individuals should answer this question to the best of their knowledge. The commenter Number 22 suggested that in the alternative, USCIS should specify that the “other” (i.e., Q.5.e.) option means “I do not remember” or “I do not know.” This recommendation would prevent requestors with no recollection of their immigration history from undergoing delays in filing their DACA requests.</p> <p>Response: No change recommended based on this comment. Individuals who are at least 15 years old and do not know their full immigration history may select checkbox 5.e. and explain to the best of their knowledge their particular situation in Part 8. Additional Information within the form I-821D.</p>
40	Part 1. Q.5	<p>Comment: The commenter (Number 26) suggested that USCIS should delete or revise the Removal Proceedings Information question. Applicants, particularly young ones, may not be aware that they had previous interactions with U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or EOIR, or be clear as to what occurred in those interactions. Some may have been administratively removed while attempting to enter the U.S. at a young age. Many will not know the meaning of “removal proceedings” or the difference between the options.</p> <p>Response: No change recommended based on this comment. Individuals who do not know their full immigration history may select checkbox 5.e. and explain to the best of their knowledge their particular situation in Part 8. Additional Information within the form I-821D.</p>
41	Education, Literacy, or Career Training Program (Including Vo-Tech)	<p>Comment: The commenter (Number 8, 10, 14, 16, 19, 21, 24, 26, 28, 31 and 32) recommended that USCIS delete the employment requirement for renewal applicants who have completed an education, literacy, or career training program or, in the alternative, expand the requirement to include applicants who are actively seeking employment.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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	<u>Category</u>	<u>Comment and Response</u>
	42 Substantial Progress	<p>Comment: The commenter (Number 8, 10, 14, 16, 19, 20, 22, 24, 26, 29, 30 and 32) recommended that enrollment in school be sufficient to satisfy the “substantial progress” because requiring that DACA recipients pass a GED exam or other equivalent State-authorized exam is unrealistic. Recently, the GED exam was revamped, with the goal of building a program from the ground up to serve adult learners. However, the recent changes, according to some adult education experts, will be more rigorous and expensive. Notably, nine states – Iowa, Montana, Indiana, Louisiana, Maine, Virginia, New York, Missouri, and New Hampshire – have eliminated the GED exam and will now offer other tests. The Los Angeles Unified School District will not be providing the GED exam this year and will be awaiting California’s decision on whether it will offer the updated GED exam, another test, or a series of exams. Further, the entire GED exam will now be taken online, thereby requiring a new set of skills, which will pose problems for some people. Consequently, the limited experience with the new GED exam puts DACA recipients at a disadvantage at passing the GED exam.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>
	43 Substantial Progress	<p>Comment: The commenter (Numbers 28, 29, 30 and 31) recommended that USCIS require that DACA recipients still in school, regardless of the type of program, meet the "substantial progress" requirement in consideration of their social and economic circumstances. This would allow those in GED or equivalent programs to demonstrate that they are making progress or that continued enrollment in any of the programs described above fulfills the education requirements for renewal.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>

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<u>Category</u>		<u>Comment and Response</u>
44	Part 1. Q.5	<p>Comment: The commenter (Numbers 8, 14, 19, 24, 29 and 32) recommended that USCIS eliminate Q.5 of part 1 of the Form I-821D for all requestors or add an “Unknown” checkbox.</p> <p>Response: No change recommended based on this comment. The DACA process is open to any individual who can demonstrate he or she meets the guidelines for consideration, including those who have never been in removal proceedings as well as those in removal proceedings, with a final order, or with a voluntary departure order (as long as they are in immigration detention). Individuals who are at least 15 years old and do not know their full immigration history may select checkbox 5.e. and explain to the best of their knowledge their particular situation in Part 8. Additional Information within the form I-821D.</p>
45	Part 1. Q.5	<p>Comment: The commenter (Numbers 29 and 30) recommended that the question right below “Removal Proceedings Information” to be: “Are you NOW or have you EVER been in removal proceedings <u>before an immigration judge</u>, or do you...” If USCIS is going to keep this question, it would help clarify what a removal proceeding is to specify that it involves an immigration judge.</p> <p>Response: No change recommended based on this comment. As explained within the separate form instructions, for purposes of the DACA process, the term “removal proceedings” is not limited to proceedings that take place before an immigration judge.</p>
46	Part 3.Q.1.a and 1b.	<p>Comment: The commenter (Number 7) recommended that USCIS use more accessible and familiar language. For example: Instead of “I initially arrived and established residence prior to 16 years of age,” use “I initially arrived and began living in the U.S. before I turned 16.”</p> <p>Response: USCIS will provide clarification on this issue through filing tips on the USCIS Web page.</p>
47	Part 4. Travel Information	<p>Comment: The commenter (Number 7) recommended that USCIS should use more accessible and familiar language. For example: Instead of “departure,” use “leave;” instead of “Departure date” use “Date you left the U.S.”</p> <p>Response: No change recommended based on this comment. USCIS will provide clarification on this issue through filing tips on the USCIS Web page.</p>

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<u>Category</u>	<u>Comment and Response</u>
48	<p>Part 4. Travel Information</p> <p>Comment: The commenter (Number 12) recommended revising <i>Page 5, Part 4. Travel Information</i></p> <p>Part 4. Initial requestors are required to provide information about absences from the United States since June 15, 2007. Renewal requestors are required to provide information about absences from the United States since August 15, 2012, as well as certain information about advance parole and travel documentation. The form provides that questions 3 through 5 are to be completed only by renewal requestors. However, the instruction immediately preceding those questions is phrased as follows:</p> <p>For Initial Requests Only: If you are filing Form I-821D for consideration of <i>initial</i> deferred action, you may skip to Part 5. Criminal, National Security, and Public Safety Information. [Emphasis in original.]</p> <p>The commenter is concerned that requestors will mistakenly conclude that initial requestors only are required to complete questions 3 through 5. A quick glance at the bold language suggests that the questions that follow are for initial requests only. In fact, the opposite is true.</p> <p>Q. 4.a. through 5. are irrelevant to DACA eligibility. Moreover, requiring this information may cause unnecessary delays, especially for requestors who seek assistance at group processing workshops where individuals rarely appear with all documents bearing on their immigration history.</p> <p>Recommendation: We encourage USCIS to modify the text of Part 4. as follows (new language in <i>bold italics</i>; stricken language in strikethrough):</p> <p>For Initial Requests: List all of your absences from the United States since June 15, 2007. <i>You are not required to respond to question 3.</i></p> <p>For Renewal Requests: List only your absences from the United States on or after August 15, 2012. <i>Respond to all of the questions in Part 4.</i></p> <p>If yo require... Departure 1...</p> <p>1.a....</p> <p>1.b....</p> <p>1.c....</p> <p>Departure 2...</p> <p>2.a....</p> <p>2.b....</p> <p>2.c....</p> <p>For Initial Requests Only: If you are filing Form I-821D for consideration of <i>initial</i> deferred action, you may skip to Part 5. Criminal, National Security, and Public Safety Information.</p> <p>3. Have you left the United States without advance parole on or after August 15, 2012? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.a. What country issued your last passport?</p> <p>4.b. Passport Number</p> <p>4.c. Passport Expiration Date (mm/dd/yyyy)</p> <p>5. Border Crossing Card (if any)</p> <p>Response: USCIS has modified the section entitled Residence and Travel Information. The proposed Form I-821D clearly indicates how residence and travel related questions should be filled out depending on whether the requestor is seeking initial DACA or renewal of DACA.</p>

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<u>Category</u>		<u>Comment and Response</u>
52	Part 1. US Entry	<p>Comment: The commenter (Number 9) Recommendation on Page 2. Part 1. Item Number 17: Make the following change:</p> <p>“Place of <i>Initial</i> Entry into the United States <u>(actual or approximate)</u>”</p> <p>Requestors who entered at a young age and/or those that entered without lawful status away from a city center, a specific entry location may be difficult to identify. This recommendation informs requestors that they may put an approximate entry location.</p> <p>Response: No change is required based on this comment. USCIS will provide clarification on this issue through filing tips on the USCIS Web page.</p>

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<u>Category</u>		<u>Comment and Response</u>
53	Part 1. Item 19a.	<p>Comment: The commenter (Number 9) Recommendation on Page 2. Part 1. Item Number 19.a: Strike “Do you have” and insert “Were you ever issued”. This recommendation clarifies an ambiguity with the phrasing of Item Number 19.a because requestors may interpret the current question in one of two different ways. A requestor may interpret the question to ask: (a) whether the requestor was previously issued such a record; or (b) whether the requestor was previously issued such record and also currently has it in his or her possession. This recommendation prevents requestors who were issued an I-9X record and subsequently lost that record from selecting “No” on Item Number 19.a under the impression that the question asks whether the requestor <i>currently</i> has such a record in their possession.</p> <p>This commenter also recommended that on Page 2. Part 1. Item Number 19.a USCIS make the following changes:</p> <p>“Yes No <u>Yes, but I no longer have access to that record</u>”.</p> <p>This recommendation recognizes that requestors may have had an I-9X record issued to them but no longer have access to that record and the information contained in it. Under the current Item Number checkboxes, requestors who were issued an I-9X record but later lost that record have no way of explaining such a loss. Under the call of the question, these requestors would select “Yes” but then be forced to leave Item Numbers 19.b and 19.c blank.</p> <p>Response: USCIS has adopted these recommendations, in part. Q.5.a. in Part 3. For Initial Requests Only has been modified. This question reads Were you ever issued an Arrival-Departure Record (Form I-94, I-94W, or I-95)? Q.5b. and Q.5.c. in the aforementioned part 3, states: If you answered “Yes” to Item Number 5.a. provide your Form I-94, I-94W, or I-95 number (if available) and If you answered “Yes” to Item Number 5.a. provide the date your authorized stay expired, as shown on Form I-94, I-94W, or I-95 (if available).</p>
54	Part 1. Q.10 Gender	<p>Comment: The commenter (Number 7) recommended that USCIS add a new “other” checkbox in Q. 10 Gender for LGBT individuals who do not identify themselves as male or female</p> <p>Response: No change is required based on this comment. USCIS will provide clarification on this issue through filing tips on the USCIS Web page.</p>

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<u>Category</u>		<u>Comment and Response</u>
55	Part 1. Q.14 Marital Status	<p>Comment: The commenter (Number 7) recommended that USCIS allow LGBT individuals to identify their marital status according to the laws of the state in which they were married instead of the state in which they live.</p> <p>Response: No change is required based on this comment. USCIS will provide clarification on this issue through filing tips on the USCIS Web page.</p>
56	Part 1. Q.4	<p>Comment: The commenter (Number 7) recommended that USCIS allow LGBT individuals to opt to be contacted only by an online system rather than a physical address because he or she may be in transitional housing. This commenter acknowledged that USCIS requires a mailing address; but recommended that the new ELIS system permit individuals who do not have a permanent address to be contacted through the online system on ELIS and make question 4 of part 1 of the form optional and allow the individual to be contacted solely through electronic means.</p> <p>Response: USCIS plans to incorporate the capability for filing both DACA initial and DACA renewal into USCIS ELIS in a future release.</p>
57	Part 1. Q20	<p>Comment: The commenter (Numbers 8, 10, 14, 16, 19, 21, 29, and 30) recommended that Q20a., b., and c. be removed because USCIS is already asking for the A number, which should allow USCIS to determine if there are other forms associated with that number. In the alternative, this commenter recommends that USCIS break Q.20.c into two sections to make it clearer to applicants what is being asked of them. The commenter suggests that USCIS revise Q.20.c to read: "Provide any immigration status you have received since you received Deferred Action for Childhood Arrivals," and add Q.20.d that reads: "Indicate whether you have any other immigration-related requests pending." This mirrors the less confusing format used for Initial Requests.</p> <p>Response: USCIS has removed these questions from the form.</p>

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	<u>Category</u>	<u>Comment and Response</u>
	58 Part 1. Q. 20b.	<p>Comment: The commenter (Number 9) recommended that Page 2. Part 1. Item Number 20.b: Make the following change: “20.b. For Initial Requests: Indicate whether you have any other immigration-related requests pending (<i>e.g. I-130, I-129, I-918, etc.</i>).” Due to various descriptors used to describe immigration petitions, requestors may not consistently or correctly describe pending immigration requests. This recommendation provides examples of how requestors should provide this information.</p> <p>Response: USCIS has removed this question from the form.</p>
	59 Part 1. Q20.b	<p>Comment: The commenter (Number 11) recommended that USCIS revise the questions regarding currently-pending applications so as to elicit responses that facilitate timely adjudication. This commenter also recommended that this question read: “If you have any other immigration-related requests pending, please write the relevant form number(s) and receipt number(s).”</p> <p>Response: USCIS has removed these questions from the form.</p>
	60 Part 1. Q.20a., 20.b	<p>Comment: The commenter (Number 28, 31 and 32) USCIS should remove this question from the form. In the alternative, USCIS should include in a parenthetical a list of examples of immigration benefits commonly applied for and obtained by individuals granted DACA, such as a U or T Visa. The examples could appear in a drop down menu similar to the one accompanying item 20.a.</p> <p>We encourage USCIS to modify the text of item 20.b. and remove 20.c. as follows (<i>new language in bold italics</i>):</p> <p><i>Current Status and Pending Immigration-Related Requests</i></p> <p>20.a. For Initial Requests: Provide your current immigration status.</p> <p>20.b. For Renewal Requests: Provide any immigration status you have received since you were granted Deferred Action for Childhood Arrivals (e.g., U Visa, T Visa)</p> <p>Response: USCIS has removed these questions from the form.</p>

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<u>Category</u>		<u>Comment and Response</u>
61	Part 1 Q. 20C.	<p>Comment: The commenter (Numbers 9 and 18) recommended that Q.20.C. be modified as follows: “20.c. For Renewal Requests: Since you have received . . . immigration-related requests pending (<i>e.g. Lawful Permanent Resident Status, Temporary Protected Status, U Nonimmigrant Status, I-130 Pending, I-129 Pending, I-918 Pending, etc.</i>).” Due to the various descriptors used to describe immigration statuses and petitions, requestors may not correctly describe their immigration status or pending immigration requests. This recommendation provides examples of how requestors should provide this information. The commenter Number 18 also recommended a drop down menu with the aforementioned examples on the electronic version of the form.</p> <p>Response: USCIS has removed this question from the form.</p>
62	Part 1. Q20.c.	<p>Comment: The commenter (Numbers 11 and 20) expressed confusion as to what answer they should provide if there has been no change in the requestor’s immigration status. The commenter recommended having a drop down of options rather than the existing free text field. The commenter (Number 11) recommended that USCIS should revise the questions regarding currently-pending applications so as to elicit responses that facilitate timely adjudication. The commenter recommends that this question should read: “Since you have received Deferred Action for Childhood Arrivals, provide any immigration status that you have received. If you have any other immigration-related requests pending, please write the relevant form number(s) and receipt number(s).”</p> <p>Response: USCIS has removed this question from the form.</p>
63	Part 1. Q.20	<p>Comment: The commenter (Number 9) recommended revising Q.20 Page 2. Part 1 to reflect the following:</p> <p>“For Initial Requests: If you are filing . . . you must complete Item Numbers 21. – 24. and may skip Item Numbers 25. – 29.”</p> <p>The use of “may” frames this instruction as optional instead of directive. This recommendation clarifies that requestors should skip the specified Item Numbers.</p> <p>Response: This instruction has been removed from the form.</p>

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<u>Category</u>		<u>Comment and Response</u>
64	Part 1. Q.21	<p>Comment: The commenter (Number 9) recommended revising Q.21 on Page 2. Part 1 to reflect the following:</p> <p>“21. <u>Education Status: Indicate how you meet the Education Requirement</u> (e.g. <i>High School Graduate, General Educational Development (GED) Certificate, Currently in School</i>)”.</p> <p>“Education Status” without more information is confusing for requestors attending college or a graduate institution or holding a postsecondary or graduate degree. These requestors may erroneously provide an irrelevant education status, such as “College Student” or “College Graduate,” unaware that the question seeks the requestor’s <i>qualifying DACA</i> education status.</p> <p>Response: USCIS has modified the section entitled Education Information and Military Service Information. This specific question now reads Indicate how you meet the education guideline (e.g., Graduated from high school, Received a general educational development (GED) certificate or equivalent state-authorized exam, Currently in school).</p>
65	Part 1. Q25.c. and 26.d.	<p>Comment: The commenter (Number 9) recommended using changing the uppercase “S” in “State-authorized” in Q.25.c. and 26.d. on Page 3. Part 1. to lowercase. This recommendation ensures that “State-authorized” is in lowercase as it is elsewhere throughout Form I-821D and Instructions.</p> <p>Response: No further change is recommended based on this comment. DHS has removed the education questions pertaining to DACA renewals.</p>
66	Part 4. Q.2	<p>Comment: The commenter (Number 9) recommended the changes below on Page 5. Part 4. Q.2: “For Initial Requests Only: If you are filing Form I-821D for consideration of <i>initial</i> deferred action, may skip to Part 5. Criminal . . .”</p> <p>The use of “may” frames this instruction as optional instead of directive. This recommendation clarifies that requestors should skip to the specified Item Numbers.</p> <p>Response: USCIS has adopted this recommendation. The proposed Form I-821D follows each DACA guideline and clearly indicates whether a particular question or part is required for either initial or renewal requests.</p>

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<u>Category</u>		<u>Comment and Response</u>
67	Part 4. Q. 4 and 5	<p>Comment: The commenter (Number 18) recommended that USCIS remove Q. 4 and 5 from part 4 because these questions are not relevant to determining whether or not a requestor is eligible for DACA renewal.</p> <p>Response: No change is recommended based on this comment. Information about documents such as passports and border crossing cards, if available, may help determine whether any international travel interrupts the continuous residence DACA guideline.</p>
68	Part 5, Q.1	<p>Comment: The commenter (Number 8, 14, 19, 24, 26, 29, 30 and 32) recommended that USCIS clarify that a driving without a license offense that is a misdemeanor under state law is a minor traffic violation and not require documentation of this offense.</p> <p>Response: USCIS has adopted this recommendation. The Form Instructions will be amended to clarify that minor traffic violations include the offense of driving without a license.</p>
69	Part 5. Q.1	<p>Comment: The commenter (Number 9) recommended Recommendation on Page 5. Part 5. Q.1: Make the following changes:</p> <p><i>“1. Have you EVER been arrested for, charged with, or convicted of a felony or misdemeanor, <u>including incidents handled in juvenile court</u>, in the United States? Do not include minor traffic violations unless they were alcohol- or drug-related. Do include incidents handled in juvenile court.”.</i></p> <p>The placing, font, and style of the original juvenile incident language suggests, upon first glance, that juvenile incidents should not be included, much like minor traffic violations. This recommendation more clearly informs requestors that they <i>must</i> include incidents handled in juvenile court.</p> <p>Response: USCIS has adopted this recommendation.</p>

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<u>Category</u>		<u>Comment and Response</u>
70	Part 5, Q.1	<p>Comment: The commenter (Numbers 11 and 18) recommended that this question read: “Do NOT include incidents handled in juvenile court...,” rather than “Do include.”</p> <p>Response: No change is recommended based on this comment. While an offense prosecuted in juvenile court resulting in a finding of juvenile delinquency is not considered a conviction for DACA purposes, and thus will not automatically disqualify a requestor, such information is relevant to USCIS’s case-by-case assessment to determine whether a favorable exercise of prosecutorial discretion is warranted.</p>
71	Part 5, Q.1	<p>Comment: The commenter also states that renewal applicants should not be required to submit records of their arrests or convictions that they previously submitted with their initial applications. The commenter 11 suggested adding the following after this question: “Renewal applicants are not required to resubmit documents submitted in their initial request.” The commenter 18 suggested the following language:</p> <p><i>For Renewal Applicants: With regard to criminal/national security and public safety questions, you need only report on incidents and provide records related to incidents that occurred since your initial DACA application was approved. You do not need to report on or re-submit records that you already reported on or provided to USCIS.</i></p> <p>Response: USCIS agrees with the commenter that only information that was not previously submitted with a prior DACA request will need to be submitted with the renewal request. USCIS will issue a request for evidence if more information is needed. The instructions will be amended accordingly.”</p>

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<u>Category</u>		<u>Comment and Response</u>
72	Part 5, Q.1 and 2	<p>Comment: The commenter (Number 18) indicated that it is unclear whether documents such as police reports are covered by “arrest records.” This uncertainty may deter some individuals from requesting DACA. The form and instructions should limit evidence of criminal convictions required for DACA cases to the record of conviction. This would afford more predictability and accuracy in determining DACA eligibility and assure that the adjudicator is only considering relevant evidence. This commenter recommended that USCIS adopt the following language:</p> <p>If you answered “Yes,” you must include a certified court disposition, charging document, <i>verdict or judgment of conviction, or sentencing record for each incident, unless the records involved incidents handled in juvenile court or</i> disclosure is prohibited under state law.</p> <p>Response: No changes made based on this comment. As described in the instructions, requestors should provide an original or court-certified copy of the complete arrest record, or an explanation if such documentation is not available. If a police report is available, that should be included as part of the arrest record.</p>
73	Part 5.	<p>Comment: The commenter (Number 8) recommended specifying that any information leading to a determination that someone poses a threat to national security or public safety be based on information available through a request for an FBI background check because they have no concrete way to ascertain whether they may be deemed ineligible because they “pose a threat to national security or public safety.” Attorneys cannot clearly advise any client who may have come to the attention of any law enforcement agency.</p> <p>Response: No changes recommended to the form or instructions based on this comment. The comment addresses the process and criteria for issuing RFEs and NOIDs, which is intended to provide a requestor with an opportunity to address any deficiencies in the request or information that might lead to a denial. RFEs and NOITs outline why the requestor’s request is deficient or if there is adverse information and provides the requestor with an opportunity to address the deficiencies and/or adverse information.</p>

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Summary of Suggestions**

	<u>Category</u>	<u>Comment and Response</u>
74	Part 5, Q.5.e.	<p>Comment: The commenter (Numbers 8, 10, 14, 16, 17, 19, 21, 22, 24, 26, 28, 29, 30, 31 and 32) suggested that Q.5.e. will confuse many pro se applicants, leading them to respond in the affirmative because of innocent activities completely unrelated to the kind of conduct that the Child Soldiers Accountability Act of 2008, which added the above referenced inadmissibility ground, sought to punish. These commenters recommend that USCIS delete this question from the form because it is irrelevant to DACA eligibility, in addition to being confusing and overly broad.</p> <p>Response: USCIS believes that human rights abuses, such as the recruitment or use of child soldiers, is relevant to its exercise of discretion in determining whether a requestor merits deferred action. The commenters, however, noted some ambiguity in the question, so it will be revised and divided into two additional questions that state: “6. Have you EVER recruited, enlisted, conscripted, or used any person to serve in or help an armed force or group while such person was under the age of 15?” and”7. Have you EVER used any person under age 15 to take part in hostilities, or to help or provide services to people in combat?” In addition, the preamble to Part 5 instructs the requestor to describe the circumstances and include a full explanation if the question is applicable to that requestor. Such description and explanation should enable USCIS to determine whether the requestor has violated the Child Soldier Accountability Act and to otherwise exercise its discretion. Any ambiguities in the requestor’s explanation can be addressed through a Request For Evidence.</p>
75	Part 9. Q.a.1.b., and 1.c.	<p>Comment: The commenter (Number 9) recommended that items 1.a., 1.b., and 1.c. (Page 8. Part 9.) be enabled. This issue appears to be a technical glitch.</p> <p>Response: The functionality will be corrected prior to final publication of the form.</p>