

TABLE OF CHANGES – INSTRUCTIONS
Form I-821D, Instructions for Consideration of Deferred Action for Childhood Arrivals
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Legend for Proposed Text:

- Black font = Current text
- **Red font** = Changes

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Current Page Number and Section	Current Text	Proposed Text
Page 1, What is the Purpose of this Form?	<p>[Page 1]</p> <p>What is the Purpose of this Form?</p> <p>An individual may file Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to request that U.S. Citizenship and Immigration Services (USCIS) exercise prosecutorial discretion in his or her favor under the Deferred Action for Childhood Arrivals (DACA) process, including consideration for Renewal of deferred action. USCIS considers deferring action (including Renewal of deferred action) on a case-by-case basis, based on the guidelines in the What is a Childhood Arrival for Purposes of This Form section of these instructions. 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 of Homeland Security’s memorandum issued on June 15, 2012 (Secretary’s memorandum), upon which the DACA process is based, at www.uscis.gov/childhoodarrivals.</p>	<p>[Page 1]</p> <p>What is the Purpose of this Form?</p> <p>An individual may file Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to request that U.S. Citizenship and Immigration Services (USCIS) exercise prosecutorial discretion in his or her favor under the Deferred Action for Childhood Arrivals (DACA) process, including consideration for Renewal of deferred action. USCIS considers deferring action (including Renewal of deferred action) on a case-by-case basis, based on the guidelines in the What is a Childhood Arrival for Purposes of This Form section of these instructions. 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 8 CFR Part 236, Subpart C; see also www.uscis.gov/childhoodarrivals.</p>
Page 1,	<p>[Page 1]</p>	<p>[Page 1]</p>

<p>When Should I Use Form I-821D?</p>	<p>When Should I Use Form I-821D?</p> <p>Use this form to request consideration of Initial DACA or Renewal of DACA. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. All individuals filing Form I-821D, whether for an Initial or a Renewal of deferred action, must also file Form I-765, Application for Employment Authorization, and Form I-765 Worksheet, Form I-765WS. See the Evidence for Initial Requests Only and Evidence for Renewal Requests Only sections of these instructions for more information.</p> <p>CAUTION: If you file this request more than 150 days prior to the expiration of your current period of deferred action, USCIS may reject your submission and return it to you with instructions to resubmit your request closer to the expiration date. USCIS encourages renewal requestors to file as early in the 150-day period as possible - ideally, at least 120 days prior to the DACA expiration date.</p> <p>NOTE: If you have received DACA and you are filing within one year after your last period of deferred action expired, please follow the instructions provided below for renewal requestors.</p> <p>NOTE: If U.S. Immigration and Customs Enforcement (ICE) initially deferred action in your case and you are seeking a Renewal, you must file Form I-821D and select and complete Item Number 2, in Part 1, of Form I-821D. You must also respond to ALL subsequent questions on the form. You must also submit documentation to establish how you satisfy the guidelines as if you were filing an</p>	<p>When Should I Use Form I-821D?</p> <p>Use this form to request consideration of Initial DACA or Renewal of DACA. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Individuals filing Form I-821D, whether for an Initial or a Renewal of deferred action, may also file Form I-765, Application for Employment Authorization, and Form I-765 Worksheet, Form I-765WS, if they choose to apply for an Employment Authorization Document. See the Evidence for Initial Requests Only and Evidence for Renewal Requests Only sections of these instructions for more information.</p> <p>CAUTION: If you file this request more than 150 days prior to the expiration of your current period of deferred action, USCIS may reject your submission and return it to you with instructions to resubmit your request closer to the expiration date. USCIS encourages renewal requestors to file as early in the 150-day period as possible - ideally, at least 120 days prior to the DACA expiration date.</p> <p>NOTE: If you have received DACA and you are filing within one year after your last period of deferred action expired, and your last period of deferred action was not terminated by USCIS, please follow the instructions provided below for renewal requestors. If you are filing more than one year after your last period of deferred action expired or after your last period of deferred action was terminated, please follow the instructions provided below for initial requestors.</p> <p>NOTE: If U.S. Immigration and Customs Enforcement (ICE) initially deferred action in your case and you are seeking a Renewal, you must file Form I-821D and select and complete Item Number 2, in Part 1, of Form I-821D. You must also respond to ALL subsequent questions on the form. You must also submit documentation to establish how you satisfy the guidelines as if you were filing an</p>
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	<p>Initial request for consideration of deferred action.</p> <p>If you are currently in immigration detention, you may not request consideration of DACA or Renewal of DACA from USCIS. If you think you meet the guidelines of this process, you should identify yourself to your deportation officer.</p>	<p>Initial request for consideration of deferred action.</p> <p>If you are currently in immigration detention, you may request consideration of DACA or Renewal of DACA from USCIS. However, if you are eligible, you will not be granted DACA until you are released from detention. If you are requesting DACA, you should tell your deportation officer.</p>
<p>Page 2, Who May File Form I-821D?</p>	<p>[Page 2]</p> <p>Who May File Form I-821D?</p> <p>1. Childhood Arrivals Who Have Never Been in Removal Proceedings. If you have never been in removal proceedings, submit this form to request that USCIS consider deferring action in your case. You must be 15 years of age or older at the time of filing and meet the guidelines described in the Secretary’s memorandum to be considered for deferred action.</p> <p>2. Childhood Arrivals Whose Removal Proceedings Were Terminated. If you were in removal proceedings which have been terminated by the immigration judge prior to this request, you may use this form to request that USCIS consider deferring action in your case. You must be 15 years of age or older at the time of filing and meet the guidelines described in the Secretary’s memorandum to be considered for deferred action.</p> <p>...</p>	<p>[Page 2]</p> <p>Who May File Form I-821D?</p> <p>1. Childhood Arrivals Who Have Never Been in Removal Proceedings. If you have never been in removal proceedings, submit this form to request that USCIS consider deferring action in your case. You must be 15 years of age or older at the time of filing and meet the criteria described in 8 CFR Part 236, Subpart C.</p> <p>2. Childhood Arrivals Whose Removal Proceedings Were Terminated. If you were in removal proceedings which have been terminated by the immigration judge prior to this request, you may use this form to request that USCIS consider deferring action in your case. You must be 15 years of age or older at the time of filing and meet the criteria described in 8 CFR Part 236, Subpart C to be considered for deferred action.</p> <p>...</p>
<p>Pages 3-5, General Instructions</p>	<p>[Page 3]</p> <p>General Instructions</p> <p>USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which can be downloaded for free at http://get.adobe.com/reader/.</p> <p>Each request must be properly signed and accompanied by Form I-765 with fees and Form I-765WS. If you are under 14 years of age, your parent or legal guardian may</p>	<p>[Page 3]</p> <p>General Instructions</p> <p>USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which can be downloaded for free at http://get.adobe.com/reader/.</p> <p>Each request must be properly signed and accompanied by the proper I-821D fee. If you are under 14 years of age, your parent or legal guardian may sign the request on</p>

	<p>sign the request on your behalf. A designated representative may sign if the requestor is unable to sign due to a physical or developmental disability or mental impairment. A photocopy of a signed request or typewritten name in place of a signature is not acceptable. This request is not considered properly filed until accepted by USCIS.</p> <p>Evidence. You must submit all required evidence and supporting documentation with your request at the time of filing. See the Evidence for Initial Requests Only and Evidence for Renewal Requests Only sections of these instructions for more details.</p> <p>You should keep all documents that support how you meet the DACA guidelines so you can provide them if they are requested by USCIS.</p> <p>NOTE: If you are submitting a Renewal Request for consideration of DACA to USCIS, you do not need to re-submit documents you already submitted with your previous DACA requests.</p> <p>Biometric Services Appointment. Individuals requesting DACA must provide fingerprints, photographs, and signatures (biometrics). You may receive a notice scheduling you to appear at an Application Support Center (ASC) for biometrics collection. Failure to comply with the notice may result in the denial of your deferred action request. USCIS may, in its discretion, waive the collection of certain biometrics.</p>	<p>your behalf. A designated representative may sign if the requestor is unable to sign due to a physical or developmental disability or mental impairment. A photocopy of a signed request or typewritten name in place of a signature is not acceptable. This request is not considered properly filed until accepted by USCIS.</p> <p>Evidence. You must submit all required evidence and supporting documentation with your request at the time of filing. See the Evidence for Initial Requests Only and Evidence for Renewal Requests Only sections of these instructions for more details.</p> <p>You should keep all documents that support how you meet the DACA guidelines so you can provide them if they are requested by USCIS.</p> <p>NOTE: If you are submitting a Renewal Request for consideration of DACA to USCIS, you do not need to re-submit documents you already submitted with your previous DACA requests.</p> <p>Biometric Services Appointment. USCIS may require that you appear for an interview or provide biometrics (fingerprints, photograph, and/or signature) at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your request. After USCIS receives your request and ensures it is complete, we will inform you in writing if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment.</p> <p>If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:</p> <p>1. You provided or authorized all information in the request;</p>
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	<p>Copies. You may submit a legible photocopy of any document, unless you are specifically required to file an original document with this request. Original documents submitted when not required may remain a part of the record, and USCIS will not automatically return them to you.</p> <p>...</p> <p>[Page 4]</p> <p>How To Fill Out Form I-821D</p> <p>1. This form consists of eight parts. Requestors for Initial DACA and those requestors seeking Renewal of DACA should fill out most parts. However, only requestors for Initial DACA should complete Part 3. See below for greater detail.</p> <p>Part 1. Information About You. All requestors must complete this part.</p> <p>[new]</p> <p>Part 2. Residence and Travel Information. All requestors must complete this part. Please be aware that Initial requestors must provide more extensive information than Renewal requestors.</p> <p>...</p>	<p>2. You reviewed and understood all of the information contained in, and submitted with, your request; and</p> <p>3. All of this information was complete, true, and correct at the time of filing.</p> <p>If you fail to attend your biometric services appointment, USCIS may deny your application. Failure to comply with the notice may result in the denial of your deferred action request. USCIS may, in its discretion, waive the collection of certain biometrics.</p> <p>Copies. You may submit a legible photocopy of any document, unless you are specifically required to file an original document with this request. Original documents submitted when not required may remain a part of the record, and USCIS will not automatically return them to you.</p> <p>...</p> <p>[Page 4]</p> <p>How To Fill Out Form I-821D</p> <p>1. This form consists of eight parts. Requestors for Initial DACA and those requestors seeking Renewal of DACA should fill out most parts. However, only requestors for Initial DACA should complete Part 3. See below for greater detail.</p> <p>Part 1. Information About You. All requestors must complete this part.</p> <p>Requestors must indicate whether they are submitting Form I-765, Application for Employment Authorization and Form I-765WS, Worksheet, with Form I-821D.</p> <p>Part 2. Residence and Travel Information. All requestors must complete this part. Please be aware that Initial requestors must provide more extensive information than Renewal requestors.</p>
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<p>Page 11, Additional Information Relevant to ALL Requests for DACA</p>	<p>[Page 11]</p> <p>Additional Information Relevant to ALL Requests for DACA</p> <p>1. What other factors will USCIS consider when making a determination on deferred action?</p> <p>USCIS will also conduct a background check. USCIS may consider deferring action in your case even if you have been arrested or detained by any law enforcement officer and charges were filed, or if charges were filed against you without an arrest. USCIS will evaluate the totality of the circumstances in reaching a decision on deferred action.</p> <p>In accordance with the Secretary’s memorandum, if USCIS determines that you have been convicted of a felony, a significant misdemeanor, or three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or that you otherwise pose a threat to national security or public safety, USCIS is unlikely to defer action in your case. See the Frequently Asked Questions at www.uscis.gov/childhoodarrivals.</p> <p>Even if you satisfy the threshold criteria for consideration of DACA, USCIS may deny your request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted in your case.</p> <p>2. What else should you submit with Form I-821D?</p> <p>USCIS will not consider deferring action in your case unless your Form I-821D is accompanied by Form I-765, with fees, and Form I-765WS. If you do not include Form I-765 with all applicable fees with your Form I-821D, your entire submission will be rejected.</p> <p>Optional E-Notification of Request Acceptance. You may submit Form G-1145, Notification of Application/ Petition Acceptance, an optional form, which will</p>	<p>...</p> <p>[Page 11]</p> <p>Additional Information Relevant to ALL Requests for DACA</p> <p>1. What other factors will USCIS consider when making a determination on deferred action?</p> <p>USCIS will also conduct a background check. USCIS may consider deferring action in your case even if you have been arrested or detained by any law enforcement officer and charges were filed, or if charges were filed against you without an arrest. USCIS will evaluate the totality of the circumstances in reaching a decision on deferred action.</p> <p>In accordance with 8 CFR Part 236, Subpart C, if USCIS determines that you have been convicted of a felony, a significant misdemeanor, or three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or that you otherwise pose a threat to national security or public safety, USCIS is unlikely to defer action in your case. See the Frequently Asked Questions at www.uscis.gov/childhoodarrivals.</p> <p>Even if you satisfy the threshold criteria for consideration of DACA, USCIS may deny your request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted in your case.</p> <p>2. What else may you submit with Form I-821D?</p> <p>You may submit Form I-765, with fees, and Form I-765WS, if you choose to apply for an Employment Authorization Document.</p> <p>Optional E-Notification of Request Acceptance. You may submit Form G-1145, Notification of Application/ Petition Acceptance, an optional form, which will</p>
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	notify you electronically when USCIS accepts your request for DACA.	notify you electronically when USCIS accepts your request for DACA.
Page 11, What is the Filing Fee?	<p>[Page 11]</p> <p>What is the Filing Fee?</p> <p>There is no filing fee for Form I-821D. However, you must submit both filing and biometric services fees with Form I-765. Read Form I-765 filing instructions for complete information at www.uscis.gov/I-765.</p> <p>[new]</p>	<p>[Page 11]</p> <p>What is the Filing Fee?</p> <p>The filing fee for Form I-821D is \$85. This fee may not be waived under 8 CFR 106.3.</p> <p>NOTE: The filing fee is not refundable, regardless of any action USCIS or the Immigration Court takes on this application. DO NOT MAIL CASH. You must submit all fees in the exact amounts.</p> <p>Payments by Check or Money Order</p> <p>Use the following guidelines when you prepare your check or money order for the Form I-821D filing fee:</p> <ol style="list-style-type: none"> 1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and 2. Make the check or money order payable to U.S. Department of Homeland Security. <p>NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”</p> <p>Notice to Those Paying by Check. If you send USCIS a check, we will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.</p> <p>You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, we will re-submit</p>

		<p>the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.</p> <p>[Page 12]</p> <p>How To Check If the Fees Are Correct</p> <p>Form I-821D's filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fee is correct by following one of the steps below.</p> <ol style="list-style-type: none"> 1. Visit the USCIS website at www.uscis.gov, select "FORMS," and check the appropriate fee; or 2. Visit the USCIS Contact Center at www.uscis.gov/contactcenter to get answers to your questions and connect with a live USCIS representative. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: 1-800-767-1833.
<p>Page 13, DHS Privacy Notice</p>	<p>[Page 13]</p> <p>DHS Privacy Notice</p> <p>...</p> <p>OTHER DISCLOSURE INFORMATION: Information provided in this request is protected from disclosure to ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' 2011 Notice to Appear guidance (www.uscis.gov/NTA). The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of deferred action for childhood arrivals request itself, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or</p>	<p>DHS Privacy Notice</p> <p>...</p> <p>OTHER DISCLOSURE INFORMATION: Information provided in this request will not be used by ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings against the requestor, unless DHS is initiating immigration enforcement proceedings against the requestor due to a criminal offense, fraud, a threat to national security, or public safety concerns. Information contained in this request related to the requestor's family members or guardians will not be used for immigration enforcement purposes against such family members or guardians. Any information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in</p>

	<p>prosecution of a criminal offense. The above information sharing clause covers family members and guardians, in addition to the requestor.</p> <p>This policy is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.</p>	<p>the consideration of deferred action for childhood arrivals request itself, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense.</p> <p>This policy is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.</p>
<p>Page 14, Reminder</p>	<p>[Page 14]</p> <p>Reminder</p> <p><i>For Initial and Renewal Request</i></p> <p>Did you submit Form I-765 along with the filing and biometric services fees (\$495) required for the application or employment authorization, and did you also submit a completed Form I-765WS?</p> <p>[new]</p> <p>Did you answer every relevant Item Number?</p> <p>...</p>	<p>[Page 14]</p> <p>Reminder</p> <p><i>For Initial and Renewal Request</i></p> <p>Did you submit the filing fee for Form I-821D (\$85)?</p> <p>If you are requesting an Employment Authorization Document, did you submit Form I-765, Form I-765WS, supporting documentation, and any required filing fees?</p> <p>Did you answer every relevant Item Number?</p> <p>...</p>