

THE NEWS WE'VE BEEN WAITING FOR!

President Obama's Executive Action on Immigration: DAPA & DACA

What's the News?

On November 20, 2014, President Obama announced a major policy change that will provide an estimated 5 million people with temporary status in the United States, including work authorization and temporary protection from deportation.

Do I Qualify?

Depending on your circumstances, there are two programs you may qualify for:

(1) *Deferred Action for Parental Accountability (DAPA)*

Deferred Action for Parental Accountability (DAPA) is a temporary protection from deportation which grants eligible persons the authority to remain in the United States temporarily and receive employment authorization. Deferred action does not provide a path to lawful permanent resident status or U.S. citizenship. To be eligible you must meet all of the following criteria:

- As of November 20, 2014, you had a child who is either a U.S. citizen or lawful permanent resident;
- You have continuously resided in the U.S. since before January 1, 2010;
- You are physically present in the U.S. on November 20, 2014 and at the time of making a DAPA request;
- You had no lawful immigration status on November 20, 2014;
- You are not an "enforcement priority," defined as: people suspected of terrorism, gang associations, or visa abusers, unlawful border crossers, and people convicted of felonies, aggravated felonies, significant misdemeanors, or three or more misdemeanors; and
- You deserve a positive exercise of discretion (more details on this factor will be made available at a later date).

The DAPA process shall be available to undocumented individuals, including those in removal proceedings and/or with final orders of removal who meet the above criteria. Applicants must pay a \$465 filing fee and submit to background checks. As with DACA, there will be a very limited fee exemption and no fee waivers. Those who receive deferred action under DAPA will be shielded from deportation and receive employment authorization for a three-year period.

We expect that USCIS will begin accepting applications for DAPA by May 2015.

(2) *Expansion of Deferred Action for Childhood Arrivals (DACA)*

Deferred Action for Childhood Arrivals (DACA) is a temporary protection from deportation for individuals who came to the U.S. before their 16th birthday and are enrolled in high school or have obtained their high school degree or GED, or served in the military. It allows recipients to remain in the U.S. temporarily and obtain work authorization. The President's announcement made three major modifications to the already existing DACA program:

- It removes the age cap. The new program eliminates the requirement that an individual have been under the age of 31 on June 15, 2012. The only age requirement is that the applicant was under 16 years old when he/she came to the United States.
- It changes the physical presence date. To qualify, an individual must have resided in the United States continuously from January 1, 2010 to the present. (Before the President's announcement the physical presence date was June 15, 2007).
- DACA recipients will now receive deferred action for three years instead of two. Starting November 24, 2014, all first-time DACA approvals and all DACA renewals will be effective for three-year terms.

We expect that USCIS will begin accepting applications under the new criteria by Feb. 2015.

I Think I Meet the Requirements, Can I Apply Now?

- **NO!** USCIS is not yet accepting applications for DAPA, nor is it accepting applications for those who qualify under the new DACA criteria. **DO NOT be misled by unlicensed and unscrupulous individuals!**

I Can't Apply Now, So What Can I Do to Prepare Myself?

Begin gathering the following necessary documentation:

- *Proof of your identity:* passport, driver's license, non-driver's ID, Consular ID, military ID, school ID, birth certificate, etc.
- *Proof of continuous presence in the U.S. since January 1, 2010:* rent receipts, utility bills, bank/credit card statements, employment records, pay stubs, school records, medical/dental records, wire transfers, etc.
- *Proof of presence in the U.S. on November 20, 2014:* (see above);
- *Proof that you have no lawful immigration status:* expired arrival/departure record, expired visa, passport with no visa, order of removal/voluntary departure, notice to appear, etc.;
- (DAPA) *Proof of your relationship to a U.S. citizen or Lawful Permanent Resident child:* birth certificate or adoption certificate (with your name listed as a parent); and
- (DACA) *Proof that you are enrolled in high school or a G.E.D. program, or you have graduated or earned your G.E.D.:* school enrollment records or diploma/certificate.

How Can Grossman Law, LLC Help Me?

Grossman Law, LLC will continue to provide interested individuals with updated information. Should you wish to receive these updates, please call (240) 403-0913 or email DACA_DAPA@grossmanlawllc.com to provide us with your name and preferred method of contact.

Of course, if you meet all of the criteria and need legal help, our team of lawyers is at your disposal to prepare and submit your application, so that you may successfully take advantage of this opportunity.

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Should you have questions about your specific case, please contact Grossman Law, LLC to set up an individual consultation.