

## Deferred Action for Childhood Arrivals

The DACA, or Deferred Action for Childhood Arrivals program, has seen a great deal of conflicting information and fanfare. It is our hope that this page will help to explain more thoroughly the big picture and help give a comprehensive understanding, with an emphasis on the potential risks involved in order to properly advise any applicant of what they are engaging in if they decide to apply.

USCIS provides seven elements which must be met in order to be eligible for approval, but even meeting these there is no guarantee whatsoever that you will be approved, and you have no right to appeal a denial:

You may request consideration of deferred action for childhood arrivals if you:

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

As of December, 2012 355,889 applications have been filed yet only 102,965 have been approved. Note that only about 15% of the estimated nearly two million eligible potential DACA applicants have filed applications. This low number is perhaps explained by a legitimate fear that exists surrounding the program, one that the moratorium activists additionally make clear in their video which highlights the risks of the program, viewable at

[www.moratoriumondeportations.org](http://www.moratoriumondeportations.org)

, which we recommend you view. Moreover, the fact that

336,464

of the applicants have been scheduled for biometrics appointments for the taking of fingerprints and photograph, yet so few have been approved yet shows that, to date, the priority is on obtaining information from the public, not on providing the benefit of employment authorization.

The moratorium activists refer to the “media propaganda we are hearing” as being “simplistic and misleading.” This is so because the politicians have an interest in building support for their campaigns and in garnering more votes, not in the welfare of the individuals who are applying for the program. A Fox News Latino article further quotes the activists as stating that “While some youth may have a chance at relief, Deferred Action is at best insufficient, and at worst misleading, dangerous, and deliberately deceptive.” [You can read the full Fox News Latino article HERE](#)

This is so because DACA does not offer a legal status in the country, it only pauses any action against you and provides employment authorization to some but not all of those who apply. The fine print in the policy makes it absolutely clear that there is absolutely no right to an approval, that it is something completely at the discretion of the officers who are reviewing your application, and that if denied there is no right to appeal and in fact a risk of deportation. This risk is highest for those with criminal convictions or former gang members, but there is no guarantee that others will not be removed if denied. Remember that “Deferred Action” simply means deferring action, or pausing action against you--and what action is being deferred? What is being deferred is your being deported. This is all that is being offered, nothing more. [You can read the complete New York Times article HERE](#) .

Every day, we are learning and studying more and more about the program in the information we receive in media updates and what is provided to us in dozens of daily attorney practice advisories posted by the American Immigration Lawyer’s Association. These articles, advisories, case examples and statistics, instruct us regarding what our attorneys have been explaining in initial consultations and in my radio, TV, and newspaper appearances: **that there is a real risk in applying for Deferred Action, one that our legal team is working to minimize as thoroughly as possible on your behalf**

. Every day we are reviewing with great scrutiny and carefully considering the possible impact of the most recent information in order to achieve the best possible result here, with the most minimal risk possible for you.

Moreover, as experienced immigration attorneys, we know that “filling out the forms” is simply one aspect of many, in a well prepared application for immigration relief. An exemplary application will look like a book; it will be a thorough packet, one which will garner the greatest respect from your reviewing officer and will include a legal argument from your attorneys, an

affidavit which tells the positive story of your time in the country and your future hopes to contribute positively to this nation, and the proper evidence in support of the application. This is the sort of application that our experience has taught us is the most likely to be approved and the least likely to cause a future problem for you. The careful investment of our team's time on your behalf is the best insurance possible that your application will minimally risk the following real dangers:

- A referral of your application to ICE for the initiation of removal proceedings;
- A denial of your request for Deferred Action due to the prejudiced or capricious feelings of an unfriendly reviewing officer, who is substantially more likely to take your application very seriously if strongly prepared;
- Denial of an **application for permanent residency** in the years to come (for example if you marry a U.S. citizen or immigration reform is passed by Congress) if the opportunity presents itself, for having submitted arguments or evidence which would be likely to contradict arguments or evidence to be submitted in such an application;
- Criminal charges for perjury for information the government could conceive as fraudulently submitted or against a former employer or other person named in your application;

The most strongly prepared and handsomely prepared packet so that, in the event that your case ever became the subject of litigation in federal court, a judge's review of it will present you in the best light possible.

Please remember that it is essential to have patience in understanding that with time and effort invested on your behalf by experienced immigration attorneys, you are maximally protecting yourself which is essential because **your entire future is in the balance with the manner in which this process is handled**

. Also do remember that every day we are learning more and more about the risks of the process, and we don't want any of our clients to be any of the horror stories we are likely to hear about in the months and years to come.