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The new policy that has been announced by the US Department of Homeland Security (DHS), regarding the Deferred Action for childhood arrivals is the hot topic of debate, these days! The DHS has brought this into effect so as to give a fair chance to those who had entered the US illegally when they were just kids. After all, they did not enter the US on their own and it is definitely not correct to punish them for no fault of their own!

Deferred Action Policy in a nutshell

As defined by the USCIS, 'Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion.' This does not confer legal status on the individual who entered the US when he/she was a child. It merely defers the legal proceedings that may be carried out against them by the DHS.

When a person is under Deferred action, he/she will be not be regarded as being under unlawful status even though they However, this does not prevent them from applying for an employment authorization in the US. They can do so only if they can demonstrate their dire need to get a job and this employment will be during the granted deferred action period only.

As per the DHS, those that came to the US when they were children may file in a request for deferred action for two years. This can be renewed at the end of the two year period. Only if the applicants comply with all the criteria can they apply for this privilege.

Steps in the process

Check your eligibility criteria

Age

Atleast 15 yrs of age if you have never been in removal proceedings or the proceedings have been terminated well before you applied for this. Incase you are under removal proceedings and not detained in any immigration detention center, then you can file for this, even if you are less than 15 yrs of old. Those who are 31 yrs or older, as of June 15,2012 are not eligible to apply for this.

General criteria

1. You must have entered the United States before your 16th birthday

2. You must have continuously resided in the United States since June 15, 2007 till date

3. Physical presence in the country is a must on June 15, 2012 and also while applying for deferred action.

4. You had entered the United states without inspection before June 15, 2012

5. Your lawful permanent resident status has expired already

6. You are currently in school or graduated from high school, have a General Education Development certificate.

7. You must have been honorably discharged from service either in the Armed forces or a Coast Guard.

8. You must not have any convictions on you and you should never look like a potential threat to national security of public safety in the United States.

If you satisfy all the stipulated criteria, then you need to furnish all the necessary supporting documents while applying for it.

Applying for deferred action

August 15, 2012 has been marked as the day to start the launch of this policy. Individuals who meet all the criteria, can use the necessary form (It has not yet been announced by the USCIS) to apply for it. The total fee is $465 and applicants are advised by the USCIS to look for updated instructions on their site. They are also instructed not to send in their applications before August 15,2012.

Important information

Just because the USCIS has decided to defer the deportation process of those who entered the United States as children, it does not confer lawful permanent resident status nor does it pave way for them to file in their citizenship application. All that is permitted on this status is employment and an assurance to remain in the US.

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