



U.S. Citizenship and Immigration Services

Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction

[Versión en español](#)

Feb. 14, 2018, Update: USCIS is not accepting requests from individuals who have never before been granted deferred action under DACA. Due to federal court orders on Jan. 9, 2018 and Feb. 13, 2018, USCIS has resumed accepting requests to renew a grant of deferred action under DACA. The scope of the Feb. 13 preliminary injunction issued in the Eastern District of New York is the same as the Jan. 9 preliminary injunction issued in the Northern District of California. Unless otherwise provided in this guidance, the DACA policy will be operated on the terms in place before it was rescinded on Sept. 5, 2017, until further notice.

Individuals who were previously granted deferred action under DACA may request renewal by filing [Form I-821D \(PDF\)](#), [Form I-765 \(PDF\)](#), and [Form I-765 Worksheet \(PDF\)](#), with the appropriate fee or approved fee exemption request, at the [USCIS designated filing location](#), and in accordance with the instructions to the [Form I-821D \(PDF\)](#) and [Form I-765 \(PDF\)](#). USCIS is not accepting requests from individuals who have never before been granted deferred action under DACA. USCIS will not accept or approve advance parole requests from DACA recipients.

If you previously received DACA and your DACA expired on or after Sept. 5, 2016, you may still file your DACA request as a renewal request. Please list the date your prior DACA ended in the appropriate box on Part 1 of the Form I-821D.

If you previously received DACA and your DACA expired before Sept. 5, 2016, or your most recent DACA grant was previously terminated, you cannot request DACA as a renewal (because renewal requests typically must be submitted within one year of the expiration date of your last period of deferred action approved under DACA), but you may nonetheless file a new initial DACA request in accordance with the Form I-821D and Form I-765 instructions. To assist USCIS with reviewing your DACA request for acceptance, if you are filing a new initial DACA request because your DACA expired before Sept. 5, 2016, or because it was terminated at any time, please list the date your prior DACA expired or was terminated on Part 1 of the Form I-821D, if available.

Deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. Further, deferred action under DACA does not confer legal status upon an individual and may be terminated at any time, with or without a Notice of Intent to Terminate, at DHS's discretion. DACA requests will be adjudicated under the guidelines set forth in the [June 15, 2012 DACA memo \(PDF\)](#).

Who Can File for Renewal of DACA

You may request renewal of DACA if you met the [initial 2012 DACA guidelines](#) and you:

- Did not depart the United States on or after Aug. 15, 2012, without advance parole;
- Have continuously resided in the United States since you submitted your most recent DACA request that was approved;

- Have not been convicted of a felony, a significant misdemeanor, or three or more other misdemeanors; and
- Do not otherwise pose a threat to national security or public safety.

As noted above, you may only request renewal of DACA if you previously received DACA and your DACA expired (or will expire) on or after Sept. 5, 2016. If you previously received DACA and your DACA expired before Sept. 5, 2016, or your most recent DACA grant was previously terminated, you cannot request DACA as a renewal, but may instead submit a new initial DACA request with evidence that you meet the initial DACA guidelines.

How to Renew

- Complete and sign:
 - [Form I-821D](#), Consideration of Deferred Action for Childhood Arrivals
 - **Use the most recent version of Form I-821D on our website or the previous edition dated 6/04/14, or USCIS will reject your request.**
 - If you previously received DACA and your DACA expired on or after Sept. 5, 2016, you may still file your DACA request as a renewal request. Please list the date your prior DACA ended in the appropriate box on Part 1 of the Form I-821D.
 - If you previously received DACA and your DACA expired before Sept. 5, 2016, or your most recent DACA grant was previously terminated, you cannot request DACA as a renewal (because renewal requests typically must be submitted within one year of the expiration date of your last period of deferred action approved under DACA), but you may nonetheless file a new initial DACA request in accordance with the Form I-821D and Form I-765 instructions. If you are filing a new initial DACA request because your DACA expired before Sept. 5, 2016, or because it was terminated at any time, please list the date your prior DACA expired or was terminated on Part 1 of the Form I-821D, if available.
 - [Form I-765](#), Application for Employment Authorization
 - **Use the most recent version of Form I-765 on our website or USCIS will reject your request.**
 - [Form I-765WS Worksheet \(PDF, 235 KB\)](#).
- Follow the instructions on all three forms to submit them to USCIS. Make sure you submit the correct fees or an approved fee exemption request.

Additional Documents

Do not submit any additional documents at the time you request renewal unless:

- You have **new** documents involving removal proceedings or criminal history that you did not already submit to USCIS in a previously approved DACA request.

USCIS may request additional documents or statements to verify information provided in support of requests for renewal of DACA. We may contact other government agencies, educational institutions, employers, or other entities in order to verify information.

If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a felony punishable by a fine or up to 10 years in prison, or both (see 18 U.S.C. § 1001; 18 U.S.C. § 1546). In addition, you may be placed into removal proceedings.

Q1: Do the archived USCIS DACA FAQs still apply?

A1: Yes, except as explained below. Unless otherwise provided in this guidance, the DACA policy will be operated on the terms in place before it was rescinded on Sept. 5, 2017, until further notice.

Q2: If individuals meet the guidelines for consideration of DACA and are encountered by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE), will they be placed into removal proceedings?

A2: DACA was intended, in part, to allow CBP and ICE to focus on priority cases. Under the direction of the Secretary of Homeland Security, if an individual meets the guidelines for DACA, CBP or ICE should exercise their discretion on a case-by-case basis to prevent qualifying individuals from being apprehended, placed into removal proceedings, or removed. If you are currently in immigration detention, identify yourself to your case officer explaining you believe you meet the DACA guidelines. If your case officer is unavailable, you can contact the ICE Detention Reporting and Information Line at 1-888-351-4024 (staffed 8 a.m. – 8 p.m., Monday – Friday); or email ERO.INFO@ice.dhs.gov and the appropriate action will be taken in a timely manner. If you are not in immigration detention and want to affirmatively request consideration of deferred action for childhood arrivals, you must submit your request to USCIS – not ICE – under the procedures established by USCIS.)

Q3: If I am about to be removed by ICE and believe that I meet the guidelines for consideration of DACA, what steps should I take to seek review of my case before removal?

A3: If you believe you can demonstrate that you meet the guidelines and are about to be removed, you should immediately contact your case officer, the field office director, or the ICE Detention Reporting and Information Line at 1-888-351-4024 (staffed 8 a.m. – 8 p.m., Monday – Friday); or email ERO.INFO@ice.dhs.gov.

Initial DACA Requests**Q4: Who can file an initial DACA request?**

A4: If you have never before been granted deferred action under DACA, USCIS will not accept your initial DACA request.

USCIS is **only** accepting initial DACA requests from individuals who previously received DACA and whose DACA expired before Sept. 5, 2016, or whose most recent DACA grant was previously terminated. Such individuals cannot file a renewal request, but can file a new initial DACA request. If you are filing a new initial DACA request because your DACA expired before Sept. 5, 2016, or because your most recent DACA grant was previously terminated, please list the date your prior DACA expired or was terminated on Part 1 of the Form I-821D, if available.

You must file your DACA request in accordance with the instructions for the [Form I-821D](#) and [Form I-765](#). Please see [part II. Initial Requests for DACA](#) in the archived DACA FAQs for additional information about filing an initial request.

Q5: My previously submitted initial DACA request was rejected, but I received a letter from USCIS inviting me to resubmit my initial request within 33 calendar days. My resubmitted request was received by the 33-day deadline. Will my initial DACA request still be adjudicated even though I have not previously received DACA?

A5: Yes. If USCIS invited you to resubmit your initial DACA request and it was received within 33 calendar days of the invitation letter, your initial DACA request will be adjudicated.

Q6: My previously submitted initial DACA request was rejected, but I received a letter from USCIS inviting me to resubmit my initial request within 33 calendar days. I did not meet the 33-day deadline. Can I still submit an initial DACA request?

A6: No. Please refer to Q4.

Q7: I believe that my initial DACA request was delivered by Sept. 5, 2017, but since it wasn't officially "received" by USCIS until the following day, my request was rejected and returned to

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me. However, I haven't been contacted by USCIS to resubmit my initial DACA request. What should I do?

A7: If you believe your initial DACA request was delivered by Sept. 5, 2017, but you have not been contacted by USCIS to resubmit your request, you may contact Lockbox Support and explain your situation prior to resubmitting your package for reconsideration. To contact Lockbox Support, please email lockboxsupport@uscis.dhs.gov. Provide any information you feel is relevant to your belief that your initial DACA request was received by USCIS in a timely manner.

Q8: I believe that my initial DACA request was delivered after Sept. 5, 2017, due to U.S. Postal Service (USPS) mail processing issues. However, I haven't been contacted by USCIS to resubmit my DACA request. What should I do?

A8: If you believe a USPS mail processing issue contributed to your initial DACA request being received by USCIS after the filing deadline but have not been contacted by USCIS to resubmit your request, you may contact Lockbox Support and explain your situation. To contact Lockbox Support, please email lockboxsupport@uscis.dhs.gov. Provide any information you feel is relevant to your belief that your initial DACA request was properly filed and received by USCIS after the filing deadline due to USPS mail processing issues.

DACA Renewal Requests**Q9: Who can file a DACA renewal request?**

A9: Anyone who previously received DACA provided their last period of deferred action approved under DACA expires on or after Sept. 5, 2016. Please list the date on or after Sept. 5, 2016, your prior DACA ended (or will end) in the appropriate box on Part 1 of the Form I-821D.

You must file your DACA request in accordance with the form instructions for the [Form I-821D](#) and [Form I-765](#). Please see [part III. Renewal of DACA](#) in the archived DACA FAQs for additional information about filing a renewal request.

Q10: My previously submitted DACA renewal request was rejected, but I received a letter from USCIS inviting me to resubmit my renewal request within 33 calendar days. I did not meet the 33-day deadline. Can I still submit a DACA renewal request?

A10: Yes. Please refer to Q9.

Q11: My previously submitted DACA renewal request was rejected, but I did not receive a letter from USCIS inviting me to resubmit. Can I still submit a DACA renewal request?

A11: Yes. Please refer to Q9.

Advance Parole**Q12: Can I still request advance parole based on having DACA?**

A12: No. USCIS no longer approves applications for an advance parole document relating to DACA. If you want to travel outside the United States, you must have previously received advance parole and have a valid advance parole document.

While USCIS will not approve any new applications for an advance parole document relating to DACA, it will generally honor the stated validity period on your previously approved advance parole document. However, CBP will retain the authority it has always exercised in determining the admissibility of any person presenting at the border. Further, USCIS retains the authority to revoke or terminate an advance parole document at any time.

CAUTION: If you have been ordered deported or removed, and you have obtained an advance parole document, you may want to consult with an immigration attorney or an accredited representative of a Department of Justice-recognized organization before traveling outside of the United States.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without a valid advance parole document, your departure automatically terminates your deferred action under DACA.

Processing of DACA Requests

Q13: My deferred action under DACA has already expired or is expiring soon. Can my DACA request be expedited?

A13: No. There is no expedited processing for deferred action. Dishonest practitioners may promise to provide you with faster services if you pay them a fee. These people are trying to scam you and take your money. Visit our [Avoid Scams](#) page to learn how you can protect yourself from immigration scams.

Make sure you seek information about requests for consideration of DACA from official government sources such as USCIS or DHS. If you are seeking legal advice, visit our [Find Legal Services](#) page to learn how to choose a licensed attorney or accredited representative.

Q14: What will happen if my current DACA expires before my renewal is processed? Will I be at risk of removal while this issue is being resolved?

A14: Consistent with longstanding USCIS policy, you will not have deferred action during gaps of time between the end of your current DACA and the agency's adjudication of your renewal request.

Information provided to USCIS for the DACA process will not make you an immigration priority for that reason alone. That information will only be proactively provided to ICE or CBP if 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' Notice to Appear guidance (www.uscis.gov/NTA). This information-sharing policy has not changed in any way since it was first announced, including as a result of the Sept. 5, 2017, memo starting a wind-down of the DACA policy. This policy, which may be modified, superseded, or rescinded at any time with or without notice (as has always been the case, and is noted in the archived [USCIS DACA FAQs](#)), is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Q15: If my DACA renewal request is approved after expiration of my current DACA, will the renewed deferred action apply retroactively?

A15: No. In accordance with longstanding policy, an approved DACA request will not apply retroactively. An individual's deferred action under the DACA policy begins the day USCIS approves the renewal request and is generally valid for 2 years from the date of issuance.

Q16: If my DACA renewal request is rejected with instructions on how to remedy the problem identified and submit a properly filed DACA renewal request, but the court order requiring USCIS to accept renewal requests is vacated before I am able to submit another DACA renewal request, what will happen?

A16: USCIS will continue to accept DACA renewal requests only for as long as the court order remains in effect.

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The above FAQs, which may be modified, superseded, or rescinded at any time with or without notice, are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

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