

Immigrant Legal Center

DECEMBER 2020 UPDATE

A Guide for DACA Applicants

USCIS announced on Monday, Dec. 7, 2020, that it is now accepting the following applications and that they will be adjudicated based on the terms of the DACA policy in effect prior to its attempted termination on Sept. 5, 2017:

- Initial or first-time DACA applications (Form I-821D)
- Renewal DACA applications and
- Advance Parole (Form I-131) applications for DACA recipients

USCIS is also taking the following actions based on the court's order:

- Extending one-year grants of deferred action under DACA to two years; and
- Extending one-year employment authorization documents under DACA to two years

DHS indicated that it might seek relief from the order, so it is possible that this window of eligibility to apply may close. [Nebraska, among nine other states, is part of a lawsuit in federal court seeking to terminate DACA](#) with the next hearing scheduled for December 22, 2020 which could further limit the window of eligibility to apply. Immigrant Legal Center urges individuals who may be impacted by this ruling to consult with an immigration attorney. If this news impacts you, consider calling the [Nebraska Immigration Legal Assistance Hotline \(NILAH\)](#). NILAH offers free, confidential screenings; for consultations and referrals call **1-855-307-6730**.

If you are considering filing an initial DACA application, it is important to consult with an immigration attorney. Anyone who is eligible for initial DACA can begin gathering the supporting evidence listed below so you will be ready to file.

Initial DACA Eligibility Requirements

Background Documents

- Under age 31 as of June 15, 2012 (born on or after June 16, 1981)
- Came to the U.S. before your 16th birthday
- Have resided in the U.S. continuously since June 15, 2007
- Were physically present in the U.S. on June 15, 2012
- No lawful status in the U.S. on June 15, 2012 nor today
- Currently in school, have graduated from high school or obtained a GED, or are a veteran
- No conviction of a felony, significant misdemeanor, or three or more misdemeanors, and do not pose a threat to national security or public safety
- At least 15 years old (or, if you are in removal proceedings or have a final removal order, you may be under age 15)



SUPPORTING EVIDENCE CHECKLIST

Evidence of identity and date of birth, such as:

- Passport or national identity document
- Birth certificate with photo ID
- School or military photo ID
- Any government-issued document with your name and photo

Evidence of continuous residence in the U.S. since June 15, 2007 and presence in the U.S. on June 15, 2012. Aim to have one document for every 3-month period:

- Rental agreements
- Utility bills (phone, internet, gas, etc.)
- Credit card statements
- Bank account records
- School records (report cards, enrollment, etc.)
- Vaccination and medical records
- Income tax returns
- Insurance records (home, health, etc.)
- Car registration or insurance records
- Membership records (gym, clubs, etc.)
- Church records
- Birth certificates of U.S. born children
- Marriage or divorce certificates
- Letter from community member attesting to presence in the U.S. on June 15, 2012

Evidence of date of entry into the U.S. and no lawful immigration status, if available:

- Passport with admission stamp
- Form I-94 or I-94W Arrival Departure Record
- Travel records
- Any immigration document stating your date of entry
- Charging document initiating removal proceedings
- Final order of removal or deportation

Evidence of student or graduate status at the time of application:

- Officials records (report cards, transcripts) from the school you currently attend
- High school diploma, certificate of completion, or GED
- Military records reflecting you were honorably discharged from the U.S. Coast Guard or Armed Forces

Additional required documents:

- **Two passport-style photos**
- **Money order for \$495 addressed to U.S. Department of Homeland Security (filing fee)**
- Offense records (including traffic violations), if applicable
- Any prior immigration applications or records, if applicable

