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By Wilson Purves, Attorney At Law

As of May 2014 (exact date to be announced by USCIS), beneficiaries of Deferred Action for Childhood Arrivals (“DACA”), may seek to renew their status.

Qualifying immigrants have been applying for DACA since September of 2012. Those who received the benefit know that status and related work permit will expire two years from the date DACA was granted. USCIS has published the *proposed* rules for renewing DACA. (Please keep in mind that the procedures are subject to change until the rules are made final in late May of 2014, but they will likely be as described below).

Renewal applicants may submit a DACA renewal request package approximately 120 days (or 4 months) before the current period of DACA expires. This is also the date that your Employment Authorization Document (EAD) expires. The expiration date is printed on the front of the work permit .

USCIS has stated that if applicants file approximately 120 days before the expiration date of the applicant’s current period of DACA, USCIS anticipates making a decision well before your current period of DACA and employment authorization expires. If USCIS is unexpectedly delayed in processing your renewal request, USCIS may provide deferred action and employment authorization for a short period of time until your renewal is adjudicated.

It is important to file at approximately 4 months before your status expires so you are not without a valid work permit and status.

A new, dual-use form for both renewals and initial DACA filings will be available as of May 2014. Once the new version of the form is available, applicants (both renewals and initial filings) may not use the older form and risk having the form rejected.

The complete renewal requests include signed Forms I-821D, I-765, and I-765WS with fee and evidence, if applicable.

If you received DACA from ICE instead of USCIS, please note that the renewal process is different and is beyond the scope of this article.

General DACA Guidelines 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. *(If you have been convicted, please see an immigration attorney to determine whether you can qualify for DACA)*

Age Requirements

Anyone requesting consideration for deferred action under this process must have been under 31 years old as of June 15, 2012. You must also be at least 15 years or older to request deferred action, unless you are currently in removal proceedings or have a final removal or voluntary departure order.

Wilson Purves is a California licensed immigration attorney and legal advisor for the Mexican Consulate of San Francisco.