



Protection for DREAM Youths

On June 15, 2012, the Obama Administration announced that it would offer many DREAM Act-eligible youths protection from deportation. These youths, whether or not they are currently in deportation proceedings, will be able to apply for “deferred action,” which would **temporarily shield them from deportation** and enable to **live and work legally in the US**.

Requirements

The announcement sets forth **five criteria** that youths must meet to get deferred action:

- They must have come to the US before they turned 16;
- They must not be above the age of 30;
- They must have continuously resided in the US since June 15, 2007, and must have been present in the US on June 15, 2012;
- They must currently be in school, have received a high school diploma or GED, or been honorably discharged from the US Armed Forces or the Coast Guard;
- They must not have been convicted of a felony, a “significant misdemeanor,”¹ multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety. Anyone applying for deferred action would need to go through a criminal background check.

What deferred action involves

Deferred action is a form of protection that lasts **two years**. Anyone who gets deferred action would be able to get it renewed, but she would need to reapply near the end of the two years and have her case reviewed again. Someone who gets deferred action can apply for a **work permit**. DHS is also considering whether to allow travel outside the US. Deferred action does NOT put someone on track to get a green card or US citizenship.

How the process will work

Youths who **are in deportation proceedings** will be able to ask ICE to review their cases and grant them deferred action. The policy applies to youths whose cases ICE already considered for prosecutorial discretion but did not approve.

Youths who are **arrested by ICE or Customs and Border Protection** (including those being detained) will be able to ask the agency to not put them into deportation proceedings.

Youths who **are not in deportation proceedings** will be able to apply to US Citizenship and Immigration Services (USCIS) for deferred action. This process will also be available to those who **already have final removal orders**. USCIS should open this application process within 60 days (by mid-August).

¹ DHS is defining “significant misdemeanor” to include crimes involving “violence, threats, or assault, including domestic violence; sexual abuse or exploitation; burglary, larceny, or fraud; driving under the influence of alcohol or drugs; obstruction of justice or bribery; unlawful flight from arrest, prosecution, or the scene of an accident; unlawful possession or use of a firearm; drug distribution or trafficking; or unlawful possession of drugs.”

Don't get hurt by notario fraud

Except for those youths already in deportation court, the ***application process for deferred action is NOT open***. Anyone who wants to apply should seek help only from immigration attorneys or non-profit organizations that work on immigration matters. ***Do NOT believe any notarios or anyone else who says they can help with an application.***

What happens if an application is denied?

DHS is not allowing anyone whose application is denied to file an appeal. Under its current guidance, however, USCIS will refer a denied applicant for deportation only if the case involves a criminal conviction or fraud.

The work that remains

While this policy announcement is promising, we need to ***make sure it gets implemented fully and fairly***. This deferred action process is still “discretionary”—that is, no one will be granted deferred action automatically. In addition, the “prosecutorial discretion” case review process that ICE began last year has resulted in only 2% of cases being closed. We need to make sure that the problems that occurred with prosecutorial discretion do not happen again in this case.

We also still need ***to push for the DREAM Act and comprehensive immigration reform***. Again, deferred action is only temporary, and does not put anyone on track for a green card or citizenship. In addition, the policy can change if there is a change in White House or DHS leadership. We need to change our laws so that DREAM youths can become fully contributing members of our community.

***For more information on deferred action or the DREAM Act,
please call our Family Support Hotline – 1-855-HELP-MY-FAMILY
or email us at: info@icirr.org***

HOW YOU CAN HELP:

If you would like to help sign up DREAMers once applications become available, and/or work with one of our Family Support Teams to stop deportations, please contact Carrie Fox at cfox@icirr.org, or 312-332-7360, ext. 247.

If you would like to work with your high school or college to organize immigrant students and DREAMers who can benefit from the announcement, please contact Cindy Agustin at cagustin@icirr.org, or 312-332-7360, ext. 251.

If you would like to register and turn out voters in your neighborhood, please send your name and address to Abdelnasser Rashid at arashid@icirr.org.