



## SUMMARY OF ADMINISTRATIVE RELIEF

### I. Deferred Action for Parental Accountability (DAPA)

#### DAPA: What Are the Benefits?

- Deferred action status for three years
- Employment authorization document (EAD) valid for three years
- Eligibility for advance parole

#### DAPA: Who Qualifies?

- Have been continuously residing in U.S. since before January 1, 2010
- As of November 20, 2014, be the parent of a USC or LPR son or daughter
- Was physically present in U.S. on November 20, 2014
- Was not in lawful immigration status on November 20, 2014
- Is not within an enforcement priority category (listed below)
- Have no factors that warrant denial based on discretion

#### DAPA: How to Apply

- \$465.00 application fee
- Biometrics
- Limited filing fee exemptions, no waivers
- Application period to commence within 180 days (by May 19, 2015)

#### DAPA: What We Don't Know Yet

- How will DHS interpret the new law enforcement priorities memo?
- What is the definition of continuous residence and how much evidence will be required to show continuous residence and physical presence?
- Will USCIS use the INA § 101(b) definition of child or the 101(c), i.e., will it include stepchildren?

- How will “lawful immigration status” be defined?

#### DAPA: Disclosure of Information; Exposure to Enforcement

- Case information protected from disclosure and denied case will not trigger referral to ICE unless circumstances fall within Nov. 2011 USCIS policy guidelines for enforcement
- DHS memo instructs ICE and CBP to exercise discretion for individuals who meet DAPA criteria, including those in immigration custody, in removal proceedings, subject to a final order, or whom ICE or CBP encounters
- Pending court proceedings – seek continuance until further guidance

#### DAPA: What Can Potential Applicants Do Now?

- Gather documents related to identity, relationship to USC or LPR child, continuous residence, physical presence, and criminal record (if any)
- Save money for fee
- Be on guard against fraud

### II. Expanded Deferred Action for Childhood Arrivals (DACA)

#### DACA: What Are the Benefits?

- Deferred action status for three years
- Employment authorization document (EAD) valid for three years
- Eligibility for advance parole

#### DACA: Who Qualifies?

- Entered the U.S. before January 1, 2010
- Be under 16 when entered the U.S.



- Graduated from high school, be currently enrolled in school, or obtained GED
- Expanded program eliminates age cap – eligible regardless of current age

#### DACA: How to Apply

- \$465.00 application fee
- Revised Form I-821D
- Biometrics
- Limited filing fee exemptions, no waivers
- Application period to commence within 90 days (by February 19, 2015)
- Those who qualify under original guidelines can continue to apply now and applications approved on or after November 24, 2014 will get three-year EADs

#### DACA: What Can Potential Applicants Do Now?

- Gather documents related to identity, entry date, education, continuous residence, and criminal record (if any)
- Save money for fee
- Be on guard against fraud

### III. New Enforcement Priorities

- End of Secure Communities Program
- ICE to end use of detainers; now directed to make requests for notification by state or local law enforcement to ICE of “pending release” of individual in custody
- New DHS memo: Policies for the Apprehension, Detention and Removal of Undocumented Immigrants
- Rescinds most prior prosecutorial discretion memos (not including 2011 memo re victims of domestic violence and other crimes)
- Three-tier enforcement priorities:
  - **Priority 1:** Includes those with felony and aggravated felony convictions, convictions for offenses involving gang activity

- **Priority 2:** Includes those with three or more misdemeanor offenses other than minor traffic offenses, significant misdemeanor (DACA definition), recent arrivals (post January 1, 2014)
- **Priority 3:** Includes those with final orders of removal on or after January 1, 2014
- *Note: Those not in a priority category are still subject to removal*

### IV. Advance Parole Travel Guidance

- Application of Arabally decision to all travel on advance parole
- National guidance to be prepared stating that all travel on advance parole does not constitute a departure for purposes of unlawful presence bars

### V. Waivers of Inadmissibility

- New regulations to be issued expanding eligibility for provisional waivers for unlawful presence to include those who have either LPR or U.S. citizen parent or spouse
- USCIS to produce additional guidance defining extreme hardship and creating criteria by which presumption of extreme hardship may be determined to exist



#### About CLINIC

Embracing the Gospel value of welcoming the stranger, Catholic Legal Immigration Network, Inc. (CLINIC) promotes the dignity and protects the rights of immigrants. Serving a quarter of a million immigrants each year, CLINIC has the largest network of charitable legal immigration programs in the United States, including over 250 affiliate organizations in over 400 sites and spans 46 states, the District of Columbia, and Puerto Rico. CLINIC and its affiliate agencies represent low-income immigrants without reference to their age, ethnic group, gender, race, religion, or other distinguishing characteristics.

Visit [www.cliniclegal.org](http://www.cliniclegal.org) to learn more about CLINIC's programs and services.