

# I-821D Package for DACA Application

## Overview for Filing Form I-821D

### ORDER#

PREPARED FOR

PREPARED ON

### Contact Us

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## What is the Purpose of this Form?

An individual seeking prosecutorial discretion from the U.S. Citizenship and Immigration Services (USCIS) under the Deferred Action for Childhood Arrivals (DACA) process, including renewal of deferred action, can do so by submitting Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS evaluates each case individually and decides whether to defer action, including renewal of deferred action, based on the guidelines outlined in the What is a Childhood Arrival for Purposes of This Form section. Deferred action is an act of prosecutorial discretion that involves deferring an individual's removal. Those who are granted deferred action are not subject to deportation or removal proceedings for a specific period, unless the Department of Homeland Security (DHS) decides to end the deferral. More information can be found in 8 CFR Part 236, Subpart C, and at [www.uscis.gov/DACA](http://www.uscis.gov/DACA).

## When Should I Use Form I-821D?

To request consideration for Initial DACA or Renewal of DACA, utilize this form. Deferred action is an act of prosecutorial discretion that involves deferring an individual's removal action, which is discretionary. Individuals who submit Form I-821D, for an Initial or Renewal of deferred action, must also submit Form I-765, Application for Employment Authorization, and Form I-765WS, Form I-765 Worksheet. For additional details, refer to the Evidence for Initial Requests Only and Evidence for Renewal Requests Only sections of these instructions. **WARNING:** If you submit this request more than 150 days before your current deferred action period expires, USCIS may decline your submission and return it to you with instructions to resubmit your request closer to the expiration date. USCIS recommends that Renewal requestors file as soon as possible within the 150-day period, preferably at least 120 days before the DACA expiration date.

**NOTE:** If your last period of deferred action expired within the past year and was not terminated by USCIS, and you have received DACA previously, please follow the Renewal requestor instructions provided below.

However, if it has been over a year since your last period of deferred action expired, or if your last period of deferred action was terminated, please follow the Initial requestor instructions provided below.

**NOTE:** If you are presently detained by immigration authorities, you are eligible to request DACA as either an Initial or Renewal requestor from USCIS. Nevertheless, if USCIS determines that a favorable exercise of discretion is warranted to grant your DACA request, it will not approve your request until your release from detention. If you are requesting DACA while in custody, you should inform your deportation officer.

## What constitutes a Childhood Arrival for the purpose of this form?

An individual may qualify for Initial DACA if they meet the following criteria:

1. Were younger than 31 years of age as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday;
3. Have lived in the United States without interruption since June 15, 2007, until the present time;
4. Was physically present in the United States on June 15, 2012, and at the time of filing their request for consideration of deferred action with USCIS;
5. Did not have lawful status on June 15, 2012. Note that no lawful status on June 15, 2012 means either of the following: A) The individual did not possess lawful immigration status on or before June 15, 2012; or B) Any lawful immigration status or parole that the individual had obtained prior to June 15, 2012, had expired by that date.
6. Is currently enrolled in school, has graduated or obtained a high school completion certificate, has earned a GED certificate, or has been honorably discharged from the U.S. Armed Forces or U.S. Coast Guard
7. Has not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and does not pose a risk to national security or public safety. An individual may be eligible for Renewal of DACA if they previously met the criteria for Initial DACA (as mentioned above) AND they meet the following requirements:
  - Have continuously resided in the United States since their last approved DACA request up to the present time; and
  - Have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not pose a threat to national security or public safety.

## Who May File Form I-821D?

**1. Childhood Arrivals Who Have Never Been in Removal Proceedings:** If you have never been involved in removal proceedings, you may submit this form to request that USCIS consider deferring action in your case. You must be at least 15 years of age at the time of filing and satisfy the eligibility requirements outlined in 8 CFR Part 236, Subpart C.

**2. Childhood Arrivals Whose Removal Proceedings Were Terminated:** If your removal proceedings have been terminated by an immigration judge prior to this request, you can use this form to ask USCIS to consider deferring action in your case. To be eligible for deferred action, you must be at least 15 years of age when submitting the form and fulfill the requirements specified in 8 CFR Part 236, Subpart C.

**3. Childhood Arrivals In Removal Proceedings, With a Final Removal Order, or With Voluntary Departure:** If you are currently in removal proceedings, have a final order of removal, exclusion, or deportation issued in any other context, have a voluntary departure order, or if your proceedings have been administratively closed, you can use this form to ask USCIS to consider deferring action in your case, regardless of whether you are under 15 years of age at the time of filing. For the purpose of this form, "removal proceedings" includes exclusion or deportation proceedings initiated before April 1, 1997, a section 240 removal proceeding under the Immigration and Nationality Act (INA), expedited removal, reinstatement of a final order of exclusion, deportation, or removal, a section 217 removal after admission under the Visa Waiver Program, removal as a criminal alien under INA section 238, or any other type of removal proceeding under U.S. immigration law in any other context (e.g., at the border or within the United States by an immigration agent).

**4. Childhood Arrivals Whose Case Was Deferred and Who Are Seeking Renewal of DACA:** If USCIS previously deferred action in your case under DACA, you can use this form to request that USCIS consider Renewal of DACA.

## **General Instructions:**

USCIS offers free forms on its website. To view, print, or complete our forms, please utilize the most recent version of Adobe Reader, which can be downloaded for free at <http://get.adobe.com/reader/>. Each submission must be correctly signed and accompanied by the appropriate Form I-821D fee. If you are younger than 14 years old, your parent or legal guardian may sign on your behalf. A designated representative may sign if the requestor is unable to sign due to a physical or developmental disability or mental impairment. A photocopy of a signed request or a typewritten name in lieu of a signature is not acceptable. This request is not regarded as properly filed until USCIS has accepted it.

## **Evidence**

You must include all necessary evidence and supporting documents with your request when submitting it. Refer to the Evidence for Initial Requests Only and Evidence for Renewal Requests Only sections of these instructions for additional information.

You should keep all documents that verify how you fulfill the DACA eligibility requirements in case USCIS requests them.

**Note.** If you are submitting a Renewal Request to USCIS for consideration of DACA, you do not need to resubmit documents that you have previously provided with your earlier DACA applications.

**Biometric Services Appointment:**

At any point, USCIS may require you to participate in an interview or provide biometrics (such as fingerprints, photograph, and/or signature) to verify your identity, gather additional information, and conduct background and security checks, including a review of criminal history records maintained by the Federal Bureau of Investigation (FBI), before deciding on your request. After USCIS receives your request and verifies that it is complete, we will inform you in writing if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide the location of your local or designated USCIS Application Support Center (ASC), along with the date and time of your appointment.

**By filing your request, you confirm that:**

1. You provided or authorized all information in the request;
2. You reviewed and comprehended all information contained in, and submitted with, your request; and
3. At the time of submission, all of the information was complete, truthful, and accurate. If you do not attend your biometric services appointment, USCIS may decline your application. Failure to comply with the notice may lead to the rejection of your deferred action request. USCIS may, at its discretion, waive the collection of specific biometrics.

**Copies:** Unless you are specifically instructed to submit an original document with your request, you may provide a clear photocopy of any document. Original documents submitted unnecessarily may be retained as part of the record, and USCIS will not necessarily return them to you

**Translations** If any document you submit to USCIS is written in a foreign language, you must include a complete English translation. The translator must certify that the English translation is thorough and accurate and that he or she has the ability to translate from the foreign language to English.

To certify an English translation of a foreign-language document, the translator should include a statement such as: "I [insert typed name] certify that I am fluent (conversant) in the English and [insert other language] languages, and that the attached/above document is an accurate translation of the document entitled [insert name of document]." The certification should include the date, the translators signature and typed name, and the translators address.

**Advance Parole.** If you want to request Advance Parole, follow the instructions for submitting Form I-131, Application for Travel Document. You can find the most up-to-date information on how to apply for advance parole by visiting the USCIS website at [www.uscis.gov/i-131](http://www.uscis.gov/i-131) or by calling the National Customer Service Line at 1-800-375-5283 or

or 1-800-767-1833 (TTY for the hearing impaired). Customer service representatives are available Monday - Friday from 8 a.m. - 6 p.m. in each U.S. time zone.

Travel Warning. If you travel outside of the United States before USCIS has determined whether to grant deferred action in your case, you will not be eligible for deferred action. Even if USCIS has already deferred action in your case under DACA, you should not travel outside of the United States unless you have received an Advance Parole Document from USCIS. Your deferred action status may be terminated by USCIS, and your ability to renew DACA may be negatively impacted, if you travel outside of the United States without obtaining an Advance Parole Document. Additionally, leaving the United States, even with an Advance Parole Document, may impact your ability to return to the United States.

## How To Fill Out Form I-821D

1). Form I-821D is divided into eight parts, most of which should be completed by both requestors for Initial DACA and those seeking Renewal of DACA. However, only those requesting Initial DACA need to fill out Part 3. Further details are provided below.

**Part 1. Information About You.** All requestors must complete this part.

**Part 2. Residence and Travel Information.** All requestors must complete this part. Please be aware that Initial requestors must provide more extensive information than Renewal requestors.

**Part 3. For Initial Requests Only.** Renewal requestors should skip this part.

**Part 4. Criminal, National Security, and Public Safety Information.** All requestors must complete this part.

**Part 5. Statement, Certification, Signature, and Contact Information of the Requestor.** All requestors must complete this part.

**Part 6. Contact Information, Certification, and Signature of the Interpreter.** Any requestor using an interpreter must complete this part.

**Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Request, If Other than the Requestor.** If you had someone else prepare your request, he or she must complete this part.

**Part 8. Additional Information.** Any requestor may complete this part if additional space is needed.

### 2. Further Information on filling out Form I-821D:

**A.** Type or print legibly in black ink.

**B.** If additional space is needed to complete any item within this request, Part 8, Additional Information should be utilized and additional copies of this sheet should be made as necessary.

At the top of each sheet, the requestor should type or print their name and Alien Registration Number (A-Number) (if any), indicate the Page Number, Part Number, and Item Number to which their answer refers, and sign and date each sheet.

**C.** Ensure that you provide complete and accurate answers to all questions. If a question is not applicable or the answer is "none," write "N/A," unless otherwise instructed.

**D.** All dates should be written in the format mm/dd/yyyy. If you are unsure of the exact date, you may provide an approximate date. Do not leave any date field blank.

**E.** Processing Instructions. You must provide the biometric information requested in Part 1, Items 15-20. Including this information with your request may shorten the time you need to spend at the USCIS ASC appointment.

**F. Part 5. Statement, Certification, Signature, and Contact Information of the Requestor.** You must indicate if someone interpreted this form for you. If an attorney, accredited representative, or other individual helped you prepare the form, they must complete Part 7, sign, and date the form. The requestor must provide their original signature and date the form, as well as provide their daytime and mobile telephone numbers and email address. If you are under 14 years old, your parent or legal guardian can sign the request for you. If the requestor is unable to sign due to physical or developmental disability or mental impairment, a designated representative may sign the form. Do not provide a photocopy of a signed request or type your name in place of a signature.

**G. Part 6. Contact Information, Certification, and Signature of the Interpreter.** If you required the assistance of an interpreter to read and understand the instructions and questions on this form, the interpreter must complete Part 6. This section requires the interpreter to provide their full name, the name of their business or organization, an address, a daytime telephone number, and an email address. The interpreter must also sign and date the form to certify their assistance.

**H. Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Request, If Other Than the Requestor.** If someone other than the requestor completed this request, they must fill out Part 7, including their name, business or organization address (if applicable), and contact information. If the person who completed this request is an attorney or accredited representative, they must also submit a completed Form G-28 along with this request. Additionally, the attorney or representative and anyone who helped prepare the request must sign and date it. The section must contain original signatures, as typewritten names are not accepted.

## **Evidence for Initial Requests Only**

**NOTE:** If you are submitting an Initial Request for consideration of DACA to USCIS, you will need to submit documents showing how you believe you have satisfied each DACA guideline.

1. What documents should you submit with your Form I-821D?

**A.** Unless specifically requested by USCIS, submitting original documents is not required.

**B.** Evidence and supporting documents that you file with your Form I-821D should show that you are at least 15 years of age at the time of filing if required (see the Who May File Form I-821D section of these instructions for more information), and that you meet all of the following guidelines:

- (1). Were born after June 15, 1981 (i.e., You were not age 31 or older on June 15, 2012);
- (2). Arrived in the United States before 16 years of age;
- (3). Have continuously resided in the United States since June 15, 2007, up to the present time;
- (4). Were 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). Had no lawful status on June 15, 2012; and
- (6). Are currently in school, graduated or received a certificate of completion from high school, obtained a GED certificate or other equivalent state-authorized exam in the United States, or that you are an honorably discharged veteran of the U.S. Armed Forces or U.S. Coast Guard.

## **What is the documentation required to prove identity?**

**Submit copies of any of the following:**

- A. Passport; >
- B. Birth certificate accompanied by photo identification
- C. Any national identity document from your country of origin bearing your photo and/or fingerprint;
- D. Any U.S. government immigration or other document bearing your name and photograph (e.g., EADs, visas, driver's licenses, non-driver cards);
- E. Any school-issued form of identification with photo;
- F. Military identification document with photo;
- G. State-issued photo ID showing date of birth; or
- H. Any other document with photo that you believe is relevant.

**NOTE:** Documents that have expired may still be accepted.

## **What documents may show that you came to the United States before your 16th birthday?**

**Submit copies of any of the following documents:**

- A. Passport with an admission stamp indicating when you entered the United States;
- B. Form I-94, I-94W, or I-95 Arrival-Departure Record;

- C.** Any Immigration and Naturalization Service (INS) or DHS document stating your date of entry (e.g., Form I-862, Notice to Appear)
- D.** Travel records, such as transportation tickets showing your dates of travel to the United States;
- E.** School records (e.g., transcripts, report cards) from the schools that you have attended in the United States, showing the names of the schools and periods of school attendance;
- F.** Hospital or medical records concerning treatment or hospitalization, showing the names of the medical facilities or physicians and the dates of the treatment or hospitalization;
- G.** Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding);
- H.** Any other document that you believe is relevant.

If you returned to the United States on or after your 16th birthday to begin your current period of continuous residence, following a period of absence before your 16th birthday, which documents could demonstrate that you established residency prior to turning 16? You can provide copies of the following documents:

- A.** Your school records, such as transcripts or report cards, showing the schools you attended in the US and the duration of your attendance;
- B.** Your employment records, such as pay stubs, W-2 forms, or tax returns, or letters from employers or banks if you are self-employed;
- C.** Documents proving that you were physically present in the US for multiple years before your 16th birthday; or
- D.** Any other relevant documentation.

**5.** Which documents can indicate that you have continuously resided in the United States from June 15, 2007, to the present day? Submit copies of any relevant documents such as:

- A.** For proving your continuous residency in the United States from June 15, 2007, to the present date, you can provide rent receipts, utility bills (such as gas, electric, phone bills), or receipts/letters from companies indicating the dates when you received their services. If these documents only bear the name of your parents or legal guardians, you may still submit them, provided that you also present other evidence, such as third-party documentation, linking you to the residence at that address.
- B.** Additionally, you may submit employment records, such as pay stubs, W-2 forms, certification of filing of Federal income tax returns, state verification of filing of state income tax returns, letters from employers, or letters from banks or other firms with whom you conducted business, to show your continuous residence.



These documents must contain your name, as well as the name of the employer or organization concerned, along with relevant dates. Letters must also include your address at the time of employment, the specific periods of employment, periods of layoff, and your job responsibilities. The letters should be signed by the employer and include their contact information.

**C.** School records (e.g., transcripts, report cards) from the schools that you have attended in the United States, showing the names of the schools and periods of school attendance;

**D.** Military records (e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records);

**E.** Hospital or medical records concerning treatment or hospitalization, showing the names of the medical facilities or physicians and the dates of the treatment or hospitalization;

**F.** Official records from a religious entity in the United States, confirming your participation in a religious ceremony, rite, or passage (such as baptism, first communion, or wedding);

**G.** Money order receipts for money sent in or out of the country, passport entries, birth certificates of children born in the United States, dated records of bank transactions, correspondence between you and another person or organization, automobile license receipts, titles, vehicle registrations, deeds, mortgages, rental agreements, contracts to which you have been a party, tax receipts, insurance policies, receipts, postmarked letters, or

**H.** Any other relevant document.

### **Can brief departures disrupt continuous residence?**

Your continuous residence in the United States will not be considered interrupted by brief, casual, and innocent departures. If you were absent from the US for any period of time, your absence will be deemed brief, casual, and innocent, provided it was on or after June 15, 2007, and before August 15, 2012, and:

**A.** The duration of the absence was brief and appropriate to achieve the intended purpose of the absence;

**B.** The absence was not the result of an exclusion, deportation, or removal order;

**C.** The absence was not because of an order of voluntary departure or an administrative grant of voluntary departure before you were placed in exclusion, deportation, or removal proceedings; and

**D.** The intention of the absence and/or your conduct while outside the United States did not violate any laws.

**In Part 3**, which pertains to Arrival/Residence Information, you need to list all your departures from the United States since June 15, 2007, along with the dates of departure and return, and the purpose of your departures. You may provide documents that demonstrate your absence was brief, casual, and innocent. The documents may include, but are not limited to:

- A. Plane or other transportation tickets or itinerary showing the travel dates;
- B. Passport entries;
- C. Hotel receipts showing the dates you were abroad;
- D. Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- E. Copy of Advance Parole Document issued by USCIS; and
- F. Any other evidence that could support a brief, casual, and innocent absence

**Which documents can indicate your presence in the United States on June 15, 2012?**

To demonstrate your presence in the US on June 15, 2012, you can provide copies of relevant documents such as:

- A. Rent receipts, utility bills (such as gas, electric, phone bills), or receipts/letters from companies indicating the dates when you received their services. You may submit these documents even if they only bear the name of your parents or legal guardians, as long as you also provide other evidence (such as third-party documentation) linking you to the residence at that address.
- B. Employment records, such as pay stubs, W-2 forms, certification of the filing of Federal income tax returns, state verification of the filing of state income tax returns, letters from employers, or letters from banks or other firms with whom you conducted business, can also demonstrate your presence in the US on June 15, 2012.

**NOTE:** All these documents should contain your name, the name of the employer or organization concerned, and relevant dates. In the case of letters from employers, they should include your address at the time of employment, the exact periods of employment, periods of layoff, and your job responsibilities. The letters should be signed by the employer and include their contact information.

- C. School records (e.g., transcripts, report cards) from the schools that you have attended in the United States, showing the names of the schools and periods of school attendance;
- D. Military records (e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records);
- E. Hospital or medical records concerning treatment or hospitalization, showing the names of the medical facilities or physicians and the dates of the treatment or hospitalization;
- F. Furthermore, official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (such as baptism, first communion, or wedding) can also demonstrate your presence in the US on June 15, 2012.

- G. You may also provide money order receipts for money sent in or out of the country, passport entries, birth certificates of children born in the United States, dated records of bank transactions, correspondence between you and another person or organization, automobile license receipts, titles, vehicle registrations, deeds, mortgages, rental agreements, contracts to which you have been a party, tax receipts, insurance policies, receipts, postmarked letters, or
- H. Any other relevant document.

8. What documents may show you had no lawful status on June 15, 2012? (Submit documents if you were admitted or paroled, or otherwise obtained a lawful immigration status, on or before June 15, 2012, or you were or are in removal proceedings.)

**Submit copies of any of the following documents:**

A. Form I-94, I-94W, or I-95 Arrival/Departure Record showing the date your authorized stay expired;

B. If you have a final order of exclusion, deportation, or removal issued as of June 15, 2012, submit a copy of that order and related charging documents, if available;

C. An INS or DHS charging document placing you into removal proceedings, if available; or

D. Any other document that you believe is relevant to show that on June 15, 2012, you had no lawful status

**9. What documents can indicate that you are currently enrolled in school, have graduated or received a certificate of completion or attendance, or have obtained a GED certificate or other equivalent state-authorized exam in the United States?**

If you are currently in school in the United States at the time of filing, you can provide documents that demonstrate your current enrollment, such as school transcripts or report cards, letters from school officials, or a school ID card.

If you have graduated or received a certificate of completion or attendance from a US high school, a US public or private college or university (including community college), or have obtained a GED certificate or other equivalent state-authorized exam in the United States, you can provide documents that show your completion, such as diplomas, certificates, or transcripts.

Its important to note that USCIS recognizes that educational records can be issued in various formats by schools, educational programs, school districts, and state education agencies throughout the country. Thus, USCIS does not mandate any particular format for presenting educational records.

**To qualify as "currently in school," you must provide evidence that you are currently enrolled in any of the following:**

- A U.S. public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or home school program meeting state requirements;
- An education, literacy, or career training program (including vocational training) that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in post-secondary education, job training, or employment, and where you are working toward such placement, and that the program:
  - Is administered by a non-profit entity; or
  - Is funded in whole or in part by Federal, state, local, or municipal funds; or
  - Is of demonstrated effectiveness;

- An educational program in the United States that helps students obtain a high school diploma or its equivalent, as recognized under state law (which may include certificates of completion, certificates of attendance, or alternative awards), or assists in passing a GED exam or another state-authorized equivalent exam. The program must also:
  - Is administered by a non-profit entity; or
  - Is funded in whole or in part by Federal, state, local, or municipal funds; or
  - Is of demonstrated effectiveness;
- A U.S. public or private college or university including community college.

Some examples of evidence of enrollment may include but are not limited to: school registration cards, acceptance letters or other letters demonstrating enrollment or attendance, current transcripts, report cards, progress reports, or other documents issued by a school district, state education agency, school, or program. These documents should contain your name, the name of the school district, state education agency, school, or program issuing the record, the dates or time periods of enrollment you are attempting to establish, and your current educational or grade level.

If you have been accepted for enrollment, but your classes have not yet commenced, you may submit an acceptance letter with evidence that you have enrolled in classes, or any other relevant evidence that indicates your commitment to beginning classes on a specific date, such as a copy of your tuition bill, your class schedule, or your Individualized Educational Program.

If you are currently enrolled in an educational, literacy, or career training program, including vocational training or an ESL course, evidence that the program is either wholly or partially funded by Federal, state, local, or municipal funds may include a letter or other documentation from an authorized representative of the program. This documentation should include information such as your name and date of enrollment, the expected duration of the program and its completion date, the source of public funding for the program, and the authorized representative's contact information.

If the education, literacy, or career training program you are enrolled in is not publicly funded, evidence that the program is of proven effectiveness may include information from an authorized representative of the school. This information may include the duration of the program's existence, the program's success in placing students in employment, job training, or post-secondary education, any awards or special achievements that demonstrate the program's overall quality, and any other relevant information that demonstrates the program's overall quality.

**B.** Documentation that demonstrates your compliance with the educational requirement by graduating from school, obtaining a GED certificate, or passing an equivalent state-authorized exam in the United States may include, but is not limited to:

- A high school diploma from a U.S. public or private high school or secondary school;

- A recognized equivalent of a U.S. high school diploma under state law, including a GED certificate or other equivalent state-authorized exam, a certificate of completion, or a certificate of attendance;
- A transcript that identifies the date of graduation or program completion;
- An enrollment history that shows the date of graduation or program completion;
- A degree from a public or private college or university or a community college; or
- An alternate award from a U.S. public or private high school or secondary school.

**The documentation that demonstrates your compliance with the educational requirement should contain the following details:**

- Your name
- The name of the U.S. school district, educational agency, school, or program that issued the record
- An enrollment history that shows the date of graduation or program completion;
- The dates or time periods of enrollment you are attempting to establish
- Your date of graduation or completion.

**If applicable, you may demonstrate that you are an honorably discharged veteran of the U.S. Armed Forces or U.S. Coast Guard by submitting copies of the following documents:**

- Form DD-214, Certificate of Release or Discharge from Active Duty;
- NGB Form 22, National Guard Report of Separation and Record of Service;
- Military personnel records;
- Military health records; or
- Any other relevant document.

**What additional documents should you submit if you are currently or have been in removal proceedings?**

Submit a copy of the removal order, any document issued by the immigration judge, or the final decision of the Board of Immigration Appeals (BIA), if available. However, if you have not been in removal proceedings, this question does not apply to you.

**What evidence should I submit to demonstrate my criminal history?**

If you have been arrested for or charged with any felony or misdemeanor in the United States, or a crime in any other country, you must submit evidence demonstrating the outcome of the arrest or charges brought against you.

Examples of evidence you may submit include, but are not limited to:

- Court dispositions or sentencing records
- Arrest records
- Probation or parole records
- Police certificates or clearances
- Certificates of rehabilitation
- Other official court or law enforcement records related to your arrest or charges

If the charges against you were handled in juvenile court and the records are from a state with laws prohibiting their disclosure, you are not required to provide this evidence.

If you have ever been arrested for any felony or misdemeanor in the United States, or a crime in any other country, and no charges were filed, you must submit an original official statement by the arresting agency or applicable court order confirming that no charges were filed for each arrest. If you are unable to provide such documentation or if it is not available, you must provide an explanation in Part 8. Additional Information, which includes a description of your efforts to obtain such evidence.

If you have ever been charged with or convicted of a felony or misdemeanor in the United States or a crime in any other country, you must submit an original or court-certified copy of the complete arrest record and disposition for each incident. This may include a dismissal order, conviction and sentencing record, or acquittal order. If you are unable to provide such documentation or if it is not available, you must provide an explanation in Part 8. Additional Information, which includes a description of your efforts to obtain such evidence.

If you have ever had any arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your record, you must submit evidence of the court order or statement from the court.

You can submit either an original or court-certified copy of the court order vacating, setting aside, sealing, expunging, or otherwise removing the arrest or conviction, or

an original statement from the court that no record exists of your arrest or conviction.

If you are unable to provide such documentation or if it is not available, you must provide an explanation in Part 8. Additional Information, including a description of your efforts to obtain such evidence.

**Note:** It is not necessary to provide documentation regarding minor traffic offenses, such as driving without a license, unless they were related to drugs or alcohol.

### **Evidence for Renewal Requests Only**

If you are filing a Renewal Request for DACA with USCIS and have previously submitted certain documents with your previous requests, you do not need to submit them again. However, you must respond to all questions except those marked "For Initial Requests Only."

If you are currently involved in exclusion, deportation, or removal proceedings, refer to Item Number 11 above for further instructions.

If you have a criminal history, refer to Item Number 12 above for further instructions.

When submitting a Renewal request for DACA, you do not need to resubmit documents that were previously submitted with your prior requests, unless you have new documents related to removal proceedings or criminal history that you have not previously submitted. If USCIS requires additional documentation, they will issue a Request for Evidence.

1. You are currently in exclusion, deportation, or removal proceedings (please note, you do not need to submit these documents if your case was administratively closed); or
2. You have been charged with, or convicted of, a felony or misdemeanor (please note, you do not need to submit these documents if you already submitted them with a previous DACA request).

**NOTE:** It is recommended that you retain all documents that demonstrate how you meet the DACA guidelines in case USCIS requests them.

**NOTE:** Documentation related to minor traffic violations, such as driving without a license, does not need to be submitted unless they were related to alcohol or drugs.

## **Additional Information Relevant to ALL Requests for DACA**

### **What additional factors will USCIS take into account when deciding on deferred action?**

A background check will also be conducted by USCIS. Even if you have been arrested or detained by law enforcement and charges were filed, or charges were filed against you without an arrest, USCIS may consider deferring action in your case. USCIS will assess the totality of the circumstances when making a decision on deferred action.

Pursuant to 8 CFR Part 236, Subpart C, if USCIS determines that you have a felony conviction, a significant misdemeanor, or three or more misdemeanors not arising from the same act, omission, or scheme of misconduct, or that you pose a threat to national security or public safety, it is unlikely to defer action in your case, except where DHS determines that exceptional circumstances exist. Refer to the Frequently Asked Questions on [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

If you satisfy the eligibility criteria for DACA consideration, USCIS may still deny your request if it decides, in its unreviewable discretion, that prosecutorial discretion exercise is not warranted in your case.

### **What other documents are required to be submitted along with Form I-821D?**

USCIS will not consider deferring action in your case unless you also submit Form I-765 along with applicable fees, as well as Form I-765WS. If you fail to include Form I-765 along with all required fees when submitting Form I-821D, your entire application will be rejected.

Optional E-Notification of Request Acceptance. You may submit Form G-1145, Notification of Application/ Petition Acceptance, an optional form, which will notify you electronically when USCIS accepts your request for DACA.

## What is the amount of the filing fee for Form I-821D?

**The filing fee for this form is \$85, and it cannot be waived under 8 CFR 106.3.**

Please note that the filing fee is non-refundable, regardless of any action taken by USCIS or the Immigration Court on your application. It is important to not send cash when paying fees and ensure that all fees are submitted in the exact amounts required.

### Payments by Check or Money Order

When making a payment by check or money order for the Form I-821D filing fee, please follow these guidelines:

**A**The check or money order should be drawn from a bank or other financial institution in the United States and must be payable in U.S. currency.

**A** The check or money order should be made payable to the U.S. Department of Homeland Security.

**NOTE:** When writing out the payee, you should spell out "U.S. Department of Homeland Security" and not use the initials "USDHS" or "DHS." and

For those making payment by check, please note that USCIS will convert the check into an electronic funds transfer (EFT). This involves copying the check and using the account information on it to electronically debit the account for the check amount. The debit from the account will typically take around 24 hours and will be reflected in the accounts regular statement.

Please be aware that you will not receive your original check back as USCIS will destroy it but keep a copy. In case USCIS cannot process the EFT for technical reasons, you authorize us to process the copy instead of the original check.

If the check is returned as unpayable, USCIS will attempt to re-submit the payment to the financial institution once. However, if the check is returned as unpayable a second time, the application will be rejected, and a returned check fee will be charged.

## How To Check If the Fees Are Correct

To confirm if the filing fee for Form I-821D is correct, please follow one of the below steps, as USCIS fees are subject to change periodically:

1. Visit the USCIS website at [www.uscis.gov](http://www.uscis.gov), click on "FORMS," and verify the appropriate fee for Form I-821D; or



2. Contact the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) to get answers to your questions and speak with a USCIS representative. The USCIS Contact Center is available in English and Spanish, and for TTY (deaf or hard of hearing), you can call 1-800-767-1833.

## Where to File?

To determine where to file Form I-821D, please visit the USCIS website at [www.uscis.gov/I-821D](http://www.uscis.gov/I-821D) or contact the USCIS Contact Center at 1-800-375-5283 for the latest information. For TTY (deaf or hard of hearing), please call 1-800-767-1833.

## Address Changes

In case you change your address, it is essential to notify USCIS. To obtain information about filing a change of address, please visit the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS Contact Center at 1-800-375-5283. For TTY (deaf or hard of hearing), please call 1-800-767-1833.

**NOTE:** Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.

## Processing Information

Upon receipt of your request by USCIS, the agency will conduct an initial processing check to ensure the completeness of your submission. Failure to fill out the form completely may result in USCIS denying or rejecting your request.

If USCIS requires more information or evidence, or if it requires you to appear at a USCIS office for an interview, it will request such additional information. Additionally, USCIS may ask you to provide the original copies of any documents submitted. USCIS will return these original copies when they are no longer required. If the same documents are required for both Form I-821D and Form I-765 that are filed simultaneously, you only need to submit the documents once.

If the same documents are required for both Form I-821D and Form I-765 that are filed simultaneously, you only need to submit the documents once.

During any interview or appearance at a USCIS office, you may be asked to provide biometric information such as fingerprints, photograph, or signature to verify your identity and update your background information.

Decision. USCIS will review your request to determine whether the exercise of prosecutorial discretion is appropriate in your case. Each case will be evaluated on an individual, case-by-case basis. Even if you meet the threshold criteria for DACA consideration, USCIS may still determine, at its unreviewable discretion, that deferred action is not appropriate in your case. USCIS will notify you of the decision in writing. There is no opportunity to request a motion to reopen/reconsider the decision, nor is there any right to appeal.

## USCIS Forms and Information

For the most up-to-date version of Form I-821D and other USCIS forms, as well as immigration-related information, please visit the USCIS website at [www.uscis.gov](http://www.uscis.gov). If you do not have access to the internet, you may order USCIS forms by contacting the USCIS Contact Center at 1-800-375-5283. The USCIS Contact Center provides information in both English and Spanish, and for TTY (deaf or hard of hearing), please call 1-800-767-1833.

To avoid waiting in line for assistance at your local USCIS office, you can schedule an appointment online at [www.uscis.gov](http://www.uscis.gov). Click on "Tools," then under "Self Service Tools," select "Appointments," and follow the instructions to set up your appointment. Once the appointment is scheduled, the system will generate an appointment notice for you.

## Penalties

If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a Federal felony punishable by a fine, or imprisonment up to five years, or both, under 18 U.S.C. Section 1001. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

## DHS Privacy Notice

**AUTHORITIES:** The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq. and 8 CFR Part 236, Subpart C.

**Purpose**The main purpose of providing the requested information on Form I-821D is to determine your eligibility for consideration of deferred action as a childhood arrival. The information provided by you will be used to make a decision on whether to defer any action against you as an exercise of prosecutorial discretion

**Disclosure**It is important to note that providing the information requested on this form is voluntary. However, if you fail to provide the requested information and any supporting evidence, it may delay the final decision on your case or result in the denial of your form.

**ROUTINE USES:** Routine Uses: The information provided on Form I-821D may be shared with other federal, state, local, and foreign government agencies and authorized organizations, in accordance with approved routine uses that are described in published system of records notices [DHS/USCIS-001 - Alien File, Index, and National File Tracking System and DHS/USCIS-007 - Benefits Information System] and published privacy impact assessments [DHS/USCIS/PIA-003(a)]

Integrated Digitization Document Management Program (IDDMP), DHS/USCIS/PIA-016a Computer Linked Application Information Management System and Associated Systems, and DHS/USCIS/PIA-056 USCIS Electronic Immigration System]. These records and assessments can be found at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

## Other Disclosure Information:

The information provided on Form I-821D will not be used by ICE and U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings against the requestor, unless DHS is initiating immigration enforcement proceedings against the requestor for reasons such as a criminal offense, fraud, a threat to national security, or public safety concerns. Moreover, information related to the requestors family members or guardians will not be used for immigration enforcement purposes against them.

This policy is not intended to, and cannot be relied upon, to create any right or benefit, substantive or procedural, that is enforceable at law by any party in any administrative, civil, or criminal matter.

## Paperwork Reduction Act

Under the Paperwork Reduction Act, an agency cannot conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a valid OMB control number.

The estimated public reporting burden for completing and submitting Form I-821D is approximately 3 hours per response, which includes time for reviewing instructions and completing the form. If you have any comments regarding this burden estimate or suggestions for reducing this burden, you can send them to U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009. The OMB control number for this form is 1615-0124. Please note that you should not mail your completed Form I-821D to this address.

## Checklist for Initial and Renewal Requests:

**When submitting an initial or renewal request for deferred action, make sure to consider the following checklist:**

- Did you include the \$85 filing fee for Form I-821D?
- Did you submit Form I-765, along with the required \$410 filing fee for employment authorization, and a completed Form I-765WS?
- Did you answer all relevant Item Numbers in the form?
- Did you provide an original, handwritten signature, and date your request?
- Did you include all necessary documents? For initial requests, did you submit documents to meet each guideline? For renewal requests, refer to the Evidence for Renewal Requests Only section.
- If you were issued a final order of exclusion, deportation, or removal, did you include a copy of the final order (if available and if not already submitted to USCIS)?
- If your exclusion, deportation, or removal proceedings were terminated by an immigration judge, did you include a copy of the termination order (if available and if not already submitted to USCIS)?

- If you have ever been arrested for, charged with, or convicted of any felony or misdemeanor in the United States or any crime in any country other than the United States, did you submit an original, official, or court-certified document showing your complete arrest record and final disposition for each incident (if available and if not already submitted to USCIS)?

## Checklist for Initial Requests Only:

If you are submitting an initial request for deferred action, make sure to consider the following checklist:

- Did you submit evidence to demonstrate that you entered the United States before turning 16 years of age?
- Did you provide evidence to prove your identity, the date of your initial entry into the United States, and continuous residence from June 15, 2007 (or earlier) up to the present time?
- Did you submit evidence that you are currently in school, have obtained a GED certificate, have graduated or received a certificate of completion from high school, or are an honorably discharged veteran of the U.S. Armed Forces or U.S. Coast Guard?
- Did you provide evidence demonstrating that you had no lawful immigration status as of June 15, 2012?