



DEPARTMENT OF HOMELAND SECURITY RELEASES ADDITIONAL PRELIMINARY INFORMATION ABOUT DEFERRED ACTION PROGRAM

August 6, 2012

On Friday, the Department of Homeland Security (“DHS”) released additional preliminary details about how it would implement its plan to grant “deferred action” to certain immigrant youths who were brought to the country as children. Deferred action is not an actual status, but it allows people to legally remain in the U.S. and provides a basis for work authorization. **DHS will not accept applications before August 15, 2012, and will not release forms and instructions until that date.**

According to DHS, individuals who meet all the following criteria may qualify for the deferred-action program, including employment authorization:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 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 their request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or their 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.

Complete details from DHS are available at www.uscis.gov/childhoodarrivals.

If you have questions about this process or your eligibility for deferred action, please contact one of the McCandlish Holton immigration attorneys below.

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