

USCIS Calls On Dreamers; Renew Your Work Permits Now

Written by U.S Immigration News
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On February 20, 2014, the Department of Homeland Security released a Public Announcement Memo advising all deferred action recipients who were granted the deferred action and employment authorization card through the U.S. Immigration & Customs Enforcement Agency (ICE) between June 15, 2012 and August 15, 2012 to apply for the renewal of their status and work permit at least 120 days before the expiration of their deferred action status otherwise they will forfeit their deferred action status.

The Memo was issued with a warning to those affected. According to the Memo **“If your previous period of deferred action expires before you receive a renewal of deferred action under DACA, you will accrue unlawful presence and will not be authorized to work for any time between the periods of deferred action.” For this reason, USCIS encourages you to submit your request for renewal 120 days before your current period of deferred action under DACA expires**
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U.S. Immigration hereby advises everyone in this category to consult quickly with a qualified immigration attorney for assistance in processing the renewal application. The U.S. Department of Homeland Security has instructed that those in this class of deferred action must apply as if applying for deferred action status for the first time using the modified forms. They are expected to submit qualifying supporting documentations meeting the requirements of the deferred action program.

It will be recalled that on or about June 15, 2012, the President issued an Executive Order granting deferred action status to qualifying immigrants called the “the dreamers”. These were immigrants’ children brought into the United States by their parents at tender ages.

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Some of these dreamers were under the impression that they were citizens of the United States, until they got to High School. Some were told by their parents of their status while preparing for College. The sudden revelations of illegal status have shattered the hopes and aspirations of many of these dreamers.

Under the Executive Order issued by the President and the DHS Memo of June 15, 2012, the requirements for applying for deferred action and employment authorization by the dreamers were as follows:

1. The applicant must have arrived in the United States before the age of 16
2. The applicant must have resided continuously in the U.S. for at least 5 years before June 15, 2012
3. The applicant must be present in the U.S. on June 15, 2012
4. The applicant is current in school or has graduated from High School or has GED or was honorably discharged from the U.S. military.
5. The applicant has not been convicted of felony or significant misdemeanor or multiple misdemeanors.
6. The applicant is below the age of 30 as of June 15, 2012
7. The applicant poses no threat to national security or public safety.

It must be noted that deferred action is not green card and cannot be used to travel abroad, but recipients are eligible to apply for advance parole on certain grounds to be able to travel abroad.

Let me state categorically that deferred action doesn't grant a status. It's simply a discretionary order not to arrest and deport an immigrant for a specified period. In this case, the Department of Homeland Security and the President are saying, do not arrest, and do not deport any dreamer for a period of the deferred action status. Those granted deferred action under the current regulation were issued employment authorization for the period involved.

Let me make this very clear, the current renewal of work permit deadline is applicable to those issued deferred action status by the U.S. Immigration and Customs Enforcement between June 15, 2012 and August 15, 2012. Anyone issued deferred action after August 2012 should wait for further instruction as to how to renew their work permit. U.S. Immigration News will publish the much needed information in the next issue or when it becomes available.

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Please note that many of those affected by the 120days Memo were those who were issued deferred action either while in immigration detention or while they were in removal proceedings before the immigration court.

To date, it appears that over 500,000 dreamers have been granted deferred action status in the United States with Mexico leading the pack with over 400,000 approvals and El Salvador in distant second with over 19,000 approvals. No African country has up to 1000 approvals on the list of the DACA winners.

At the Law Office of Joseph Famuyide, prospective applicants for renewal are welcomed. They must call for appointment to help determine their eligibility.

This article is for your information only. It is no legal advice and should not be treated as such. If you need legal representation or counsel, please feel free to contact Attorney Famuyide immediately at 718-647-6767 or send your e-mail to jfamuyide@aol.com .

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