On November 20, 2014, President Obama through the use of Executive Order helped many young immigrants who were not qualified when the Deferred Action For Childhood Arrival (DACA) was announced on June 15, 2012. Many of these immigrants called “the Dreamers” were disqualified with the age ceiling and the June 15, 2007 arrival date. By a stroke of his pen, the President has modified the program to include many more immigrants by changing the arrival date from June 15, 2007 to January 1, 2010 and also by removing the age ceiling which was originally 31. Now any immigrant who entered the U.S. before the age of 16 and has lived in the United States since January 1, 2010 who is currently of any age can apply for DACA.

Please note that these youngsters, popularly called “the dreamers” were immigrants’ children brought to the United States by their parents at a tender age without their knowledge of the illegality of their mode of entry. 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 to enter College. The sudden revelations of illegal status have shattered the hopes and aspirations of many of these dreamers.

Over the years, several presidents tried to pass the bill popularly known as “The Dream Act” to help these youngsters by creating a pathway for them to become permanent resident aliens in the United States, but all previous attempts were drowned in the sea of politics. Usually, following various opinion polls, the Dream Act was supposed to pass the Congress without any difficulty, but each time, politicians would frontload the bill with other unpopular matters that would help drag down such efforts.

On June 15, 2012, President Obama took a giant step to assuage the sufferings of these Dreamers by granting them “Deferred Action” which allowed them to obtain employment authorization cards valid for two years, but renewable.

Under the old 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 are as follows:

1. The applicant must have entered the United States before the age of 16
2. The applicant must have resided continuously in the U.S. for at least 5years 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 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 31 as of June 15, 2012
7. The applicant poses no threat to national security or public safety.

Under the new Executive Order announced by the President on November 20, 2014, some of the requirements mentioned above have been modified to help many more immigrants qualify for the DACA program.

For example, there is no longer any age ceiling. Any immigrant of any age who entered the U.S. before the age of 16 can now apply for DACA. The age 31 ceiling has been removed.

Likewise, any the continuous residence requirement now starts from January 1, 2010 not June 15, 2007 and the physical presence requirement now from November 20, 2014 not June 15, 2012.

All other requirements regarding criminal convictions, education, military service and national security issues are still applicable.

These changes are significant because many immigrants will now be qualified for the DACA program. They will now be able to obtain employment authorization cards, social security cards and driver's licenses. Many of them will be able to travel abroad now with advance parole after obtaining DACA.

According to the Department of Homeland Security Memo released on November 20, 2014, "DACA will apply to all otherwise eligible immigrants who entered the United States by the requisite adjusted entry date before the age of sixteen (16), regardless of how old they were in June 2012 or are today. The current age restriction excludes those who were older than 31 on the date of announcement (i.e., those who were born before June 15, 1981). That restriction will no longer apply.

The period for which DACA and the accompanying employment authorization is granted will be extended to three-year increments, rather than the current two-year increments. This change shall apply to all first-time applications as well as all applications for renewal effective November 24, 2014. Beginning on that date, USCIS should issue all work authorization documents valid for three years, including to those individuals who have applied and are awaiting two-year work authorization documents based on the renewal of their DACA grants. USCIS should also consider means to extend those two-year renewals already issued to three years…. USCIS should begin accepting applications under the new criteria from applicants no later than ninety (90) days from the date of this announcement."

At the Law Office of Joseph Famuyide, prospective applicants are already submitting their documentation to ascertain eligibility. It is important to act fast because of the likely volume of filing once the program kicks off. Our goal is to complete the process and obtain the deferred action and employment authorization cards for our clients within the shortest time.

This article is for your information only; it is not a legal advice. If want to apply for this benefit or If you have any question, please feel free to contact Attorney Famuyide at 718-647-6767 or send email to jfamuyide@aol.com .

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