

President Obama Grants Deferred Action To Parents Of U.S. Citizens or Green Card Holders

Written by U.S Immigration News
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At last, after about 6 years of promises, President Obama finally gave some form of relief to the undocumented and the over-stayers in the United States. Even though the benefits announced by the President are not far reaching, the entire crew of U.S. Immigration News will like to thank the President for bringing succor to some of the affected families.

As is widely known, on November 20, 2014, the President of the United States, through the use of Executive Order granted some benefits to the immigrants in the U.S. One of the reliefs announced is called "DAPA" which is Deferred Action for Parental Accountability.

The Deferred Action for Parental Accountability is not a program that could lead to any form of status. It will not lead to green card. The President cannot unilaterally grant any benefit that will lead to green card without the Congress passing any law. This is a form of half bread is better than none. At least those who are able to get their DAPA application approved will be at peace for the next 3 years with the hope that laws will be passed that will grant them green cards.

Those who are granted DAPA will derive some benefits. They will be issued employment authorization cards which will allow them to obtain social security cards and driver's licenses. Any immigrant granted DAPA work permit will be able to work and go to school in the United States with any fear. Such an immigrant is guaranteed not to be deported for the next 3years unless his or her DAPA is revoked due to the commission of grievous crimes.

To apply for and be approved for DAPA and employment authorization with the added benefit of the issuance of social security and driver's license, an applicant must meet all the requirements enumerated by the Department of Homeland Security following the President's announcement.

The number one requirement of DAPA is that the applicant must be a parent of a U.S. citizen or permanent resident alien child, son or daughter. This was the President's attempt to limit the number of the people that will qualify. This is like punishing those who do not have children born in this country. The President failed many immigrants with this requirement. He rewarded those who burdened the system by getting Medicaid and welfare for their children.

It must be noted that the U.S. citizen or permanent resident alien child could be a child of any

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age as long as the child was born before November 20, 2014. Any child born after November 20, 2014 cannot be used to qualify.

It must also be noted that the interpretation of the President's Executive Order is still very fluid. Some of these requirements can still be amended to include more people. It appears from the DHS estimates that about 5million people will qualify for DAPA.

The number two requirement is that the applicant must have continuously resided in the U.S. since on or before January 1, 2010 which is a period of about 5years. Many undocumented alien who had never applied for any immigration benefits before will surely play with the date but they must be able to prove physical presence with documentations. It is not known until we start to apply whether or not the Department of Homeland Security will be flexible as to the type of documents needed to prove physical presence.

In addition to having lived in the United States since before January 1, 2010, such an applicant must be physically present in the United States on November 20, 2014. Any immigrant who sneaked into the U.S. after November 20, 2014 will not be eligible even if the immigrant lived in the U.S. for over 5years prior to that date.

The number four requirement is that any immigrant that is in any form of legal status will not be eligible. For example any immigrant with valid visa/unexpired I-94 of any kind will not be eligible.

The number five requirement is that any applicant for DACA must not be an enforcement priority. The U.S. Immigration Customs Enforcement agency determines the priorities of deportation using the available resources. Any immigrant with felony conviction who apply for DACA might end up in deportation. Such an alien must consult with an immigration attorney before apply for DACA. Any immigrant without any prior immigration or criminal issues is at the bottom of deportation priority, such an immigrant will obtain DAPA without any problem provided he meets all the other requirements.

According to the Memo released by the Department of Homeland Security on November 20, 2014 signed by the Secretary of DHS, Jeh Johnson, "Applicants must file the requisite applications for deferred action pursuant to the new criteria described above. Applicants must also submit biometrics for USCIS to conduct background checks similar to the background

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check that is required for DACA applicants. Each person who applies for deferred action pursuant to the criteria above shall also be eligible to apply for work authorization for the period of deferred action, pursuant to my authority to grant such authorization reflected in section 274A(h)(3) of the Immigration and Nationality Act.

Deferred action granted pursuant to the program shall be for a period of three years. Applicants will pay the work authorization and biometrics fees, which currently amount to \$465. There will be no fee waivers and, like DACA, very limited fee exemptions.

USCIS should begin accepting applications from eligible applicants no later than one hundred and eighty (180) days after the date of this announcement. As with DACA, the above criteria are to be considered for all individuals encountered by U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or USCIS, whether or not the individual is already in removal proceedings or subject to a final order of removal.”

If you want to apply for the benefits of DAPA program, or you are in removal proceedings or you are in the U.S. without legal status, please contact Attorney Famuyide immediately. Please note that DAPA is not the only benefit under this current program, there are other benefits you might be eligible to get call for appointment now.

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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