

Changes to USCIS's 'Frequently Asked Questions' about DACA

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On June 15, 2015, U.S. Citizenship and Immigration Services (USCIS) made changes to its "Frequently Asked Questions" (FAQ) about Deferred Action for Childhood Arrivals (DACA), which is published at www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions. The changes pertain to the DACA renewal process and are summarized below.

Question 49

- **Clarification that USCIS will not issue interim work permits (employment authorization documents, or EADs).** USCIS had previously stated that in certain circumstances it would issue short-term EADs for people who applied for renewal 120 to 150 days before their initial DACA and EAD expired. Although we have heard of many cases of people who contacted USCIS requesting an interim EAD, we never heard of anyone receiving one. Now USCIS has clarified that it will not be issuing them.
- **Information about how to submit an electronic inquiry about a DACA renewal case.** USCIS allows DACA renewal applicants to submit an inquiry about their application after it has been pending more than 105 days, by visiting egov.uscis.gov/e-request.
- **Factors that may affect the timely processing of a DACA renewal application:**
 - *Failure to appear at a biometric appointment*—the appointment during which the applicant's fingerprints are taken. Rescheduling these appointments or not showing up to them adds to the processing time.
 - *Issues of national security, criminality, or public safety discovered during the background check* that USCIS has to look into further.
 - *Issues of travel abroad that need additional evidence or clarification.* USCIS has not stated whether people who have used *advance parole* can expect delays in processing their renewal application.
 - *Name and/or date-of-birth discrepancies* that may require additional evidence or clarification.
 - *An incomplete renewal application or a renewal application that contains evidence suggesting a request may not satisfy the DACA renewal guidelines.* USCIS must then request additional evidence or explanation.

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Question 50

- **USCIS will accept DACA renewal applications more than 150 days before the applicant's initial DACA and EAD expire.** USCIS previously said it would not accept applications submitted more than 150 days before the applicant's initial DACA and EAD expire. Now applications for renewal filed earlier than 150 days before the applicant's initial DACA and EAD expire will be accepted. Prior to this USCIS FAQ update, an application submitted more than 150 days before the expiration date would have been returned.

Keep in mind that filing early could result in your DACA and EAD renewal date being earlier than your initial DACA's expiration date. This, in turn, would mean that your two-year renewal period would expire sooner than it would if you did not submit an early application.

EXAMPLE: Your DACA's expiration date is in December 2015. You decide to apply this month—June 2015—for renewal. USCIS will accept your early application for processing, but if your application is approved and your DACA is renewed for a period of two years, that period will begin on the date USCIS approves the application. So if USCIS approves your renewal application in September 2015, your DACA renewal period will be from September 2015 through September 2017, *not* from December 2015 through December 2017.

(Former) Question 51

Question 51, which was about how USCIS evaluates requests for renewal and which listed requirements for renewal, has been deleted.