

Understanding the USCIS Announcement About Rejected DACA Renewal Requests

SOME APPLICATIONS REJECTED AS UNTIMELY MAY BE RESUBMITTED

NOVEMBER 17, 2017

ON NOVEMBER 15, 2017, U.S. Citizenship and Immigration Services (USCIS) issued a [statement](#) saying that it would reconsider DACA renewal applications that were rejected as untimely if a DACA renewal application was:

1. originally mailed in a timely manner before the October 5, 2017, deadline but received by USCIS after October 5, and the reason for the delay was U.S. Postal Service error; or
2. received *on or before* October 5, 2017, at the USCIS lockbox but nevertheless denied as untimely.¹

If you mailed a DACA renewal application before October 5, 2017, and received a denial letter from USCIS saying that your application was rejected as untimely, you may have options available to resubmit your renewal application. USCIS *has not yet released any information on how to resubmit such DACA renewal applications*, so we encourage you to wait for further guidance from USCIS before resubmitting. In the meantime, we recommend that you gather information such as the tracking number for your application as well as any other records related to mailing your application that you may have. We also recommend that you seek the help of a trusted immigration attorney before resubmitting your application,² regardless of whether you qualify to resubmit under condition 1 or condition 2, above.

As counsel on *Batalla Vidal v. Duke*, NILC is eager to hear your stories so we can do advocacy about the various problems that you and others have had submitting your applications by the October 5, 2017, deadline and any subsequent problems you may experience during the resubmission process. We encourage you to share your story with us by completing this online [survey](#).³ Anyone who had difficulty meeting the October 5 deadline because of mail delays,

¹ The announcement is at <https://www.uscis.gov/news/alerts/uscis-guidance-daca-renewal-requests-affected-mail-service-issues>. It applies only to DACA recipients who were eligible to submit a DACA renewal application by the Oct. 5, 2017, deadline. To be eligible, the DACA recipient needed to have a current DACA employment authorization document as of Sept. 5, 2017, and have an upcoming DACA expiration date of March 5, 2018, or earlier.

² You may be able to find local low-cost or free legal help by searching these online directories:

- Nonprofit organizations that provide low-cost help: www.immigrationlawhelp.org
- Administrative Relief Resource Center: <https://www.adminrelief.org>
- American Immigration Lawyers Association: www.aialawyer.com/
- National Immigration Project of the National Lawyers Guild: <https://www.nationalimmigrationproject.org/find.html>

³ https://docs.google.com/forms/d/e/1FAIpQLSfp61sE1ju6WU-39mCniJgHuooGXAJtoYUYzHKA9_6tyi4u1w/viewform.

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inappropriate rejections for applications that arrived at the USCIS lockbox the evening of October 5, and any other circumstance that may have resulted in a rejection of your DACA renewal application may complete the survey. For example, we have heard from several individuals whose DACA renewals were received on time by USCIS but rejected for minor errors, such as forgetting a signature, forgetting to check a box, or submitting the wrong amount for the check or money order.

The table below outlines next steps that may be available to you depending on your circumstances. **NOTE:** *The information provided here is not intended to be legal advice. You should consult with a trusted immigration attorney or Board of Immigration Appeals–accredited representative before resubmitting your DACA renewal application.*

IF	NEXT STEPS
<p>1. You mailed your application on time, but it arrived at the USCIS lockbox after October 5, 2017, because it was delayed by the U.S. Postal Service:</p>	<p>You should resubmit your DACA renewal application with individual proof that your original renewal was mailed in a timely manner. Be aware that USCIS has not released any information on how to resubmit if you fall in this category, so we encourage you to wait for further guidance and, in the meantime, prepare to resubmit your application.</p> <p>The individual proof you need to have could be a certified mail receipt, tracking information, or the original envelope addressed to the USCIS lockbox showing the post-mark date. If you do not have proof of this, you may contact the U.S. Postal Service, which will review cases on an individual basis and provide a letter if appropriate.</p>
<p>2. Your application arrived at the USCIS lockbox <i>on or before</i> October 5, 2017, but was nevertheless rejected as untimely:</p>	<p>You should expect to be contacted by USCIS, which will provide information on how to properly resubmit your application. Be aware that USCIS has not released any information on when or how it will contact individuals who are in this situation, so we encourage you to wait for further guidance and prepare for the resubmission in the meantime.</p> <p>You may be able to tell if you fall into this category by looking at the delivery times listed in the track record of your certified mail receipt.</p> <p>If you fall into this category but you are not contacted by USCIS, you may be able to resubmit your DACA request with proof that the request was previously received at the designated filing location on or before the filing deadline. You should consult with an immigration attorney before submitting your application.</p>
<p>3. You do not fall into either of the above categories but your application was rejected as untimely or for another reason:</p>	<p>We recommend that you fill out this survey so we can contact you and obtain more information. (The URL for the online survey is also provided in footnote 3, above.)</p> <p>If you have problems completing the survey, you can also contact us by email at DACAOct5@nilc.org. A NILC staff member may contact you to follow up.</p>