

IMPORTANT: This document contains information that is no longer current but remains on our site for reference purposes.

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Cuban Family Reunification Parole (CFRP) Program

Cuban Family Reunification Parole Program

Created in 2007, the Cuban Family Reunification Parole (CFRP) Program allows certain eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Cuba. If granted parole, these family members may come to the United States without waiting for their immigrant visa priority dates to become current. Once in the United States, CFRP Program beneficiaries may apply for work authorization while they wait to apply for lawful permanent resident status.

To be eligible for the CFRP Program:

- You must have an approved Form I-130, Petition for Alien Relative, for a Cuban family member;
- An immigrant visa must not yet be available for your relative;
- You must receive an invitation from the Department of State's National Visa Center (NVC) to participate in the CFRP Program;
- The beneficiary must be a Cuban national residing in Cuba.

You must **not** submit any application materials to USCIS before first receiving the invitation letter from the NVC. If you believe you may be eligible for the CFRP Program, please make sure that NVC has your current mailing address. You can contact the NVC with your current address by calling (603) 334-0700 or emailing asknvc@state.gov.

As of February 17, 2015, USCIS will require the filing of an Application for Travel Document (Form I-131) and payment of its fee or approval of a fee waiver request from individuals who are applying for the CFRP Program on behalf of a beneficiary in Cuba.

No form or fee is currently required for the CFRP Program. A petitioner who received a CFRP Program eligibility notice dated prior to December 18, 2014 must submit to the NVC the complete required documentation to apply for the CFRP Program before February 17, 2015 to be eligible for processing without a form and fee. Otherwise, the petitioner cannot apply for the program until the petitioner receives a written invitation to apply to the CFRP Program using the required form and fee.

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Haitian Family Reunification Parole (HFRP) Program

Frequently Asked Questions

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What is the Haitian Family Reunification Parole (HFRP) Program?

The Haitian Family Reunification Parole (HFRP) Program allows certain eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Haiti. If granted, the parole allows these family members to come to the United States up to two years before their immigrant visa priority dates becomes current. Once in the United States, these individuals may then apply for work authorization while they are waiting to apply for lawful permanent resident status.

Who is eligible to apply for the HFRP Program?

To be eligible for the HFRP Program:

- You must have filed a Form I-130, Petition for Alien Relative, for a Haitian family member that was approved on or before December 18, 2014;
- An immigrant visa must not yet be available for your relative;
- You must receive an invitation from the Department of State's National Visa Center (NVC) to participate in the HFRP Program;
- The beneficiary must be a Haitian national residing in Haiti.

You must **not** submit any application materials to USCIS before first receiving the invitation letter from the NVC.

Note: If the you believe are eligible for the HFRP Program but has not yet received an invitation, please call the USCIS National Customer Service Center at 1-800-375-5283

How do I apply for the HFRP Program?

If you are eligible to apply for the program on behalf of your relatives in Haiti, you will receive an Invitation Letter from the NVC. The invitation letter will contain instructions on what you will have to do to apply for the program. The invitation will be mailed to the last address that the NVC has for you. **You must receive an invitation before you can apply for the HFRP Program.** If you apply for the program and are not eligible to do so, your application(s) will be denied. Filing fees will not be returned to you.

If you believe you may be eligible for the HFRP Program, please make sure that NVC has your current mailing address. You can contact the NVC with your current address by calling (603) 334-0700 or emailing asknvc@state.gov. For additional contact information, please visit: <http://travel.state.gov/content/visas/english/contact/ask-nvc.html>.

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What are the fees for the HFRP Program?

You can find the HFRP filing fees for [Form I-131, Application for Travel Document](#) on our website. Please note you must pay a separate fee for each family member for whom you submit an HFRP application, or obtain a fee waiver. You can check the [USCIS fee schedule](#) before filing any petition or application.

What happens after I apply?

After reviewing the application, USCIS may request additional evidence, deny, or conditionally approve your application. The time required to reach a decision on a case will vary depending on the issues raised and whether we require additional evidence. If the application is conditionally approved, your relative will be scheduled for an interview in Port-au-Prince. Your relative may also have to provide biometrics (fingerprints and photos).

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Information for Victims of Human Trafficking

OVERVIEW

The Trafficking Victims Protection Act of 2000 provides valuable assistance to persons who have been subjected to human trafficking. These services include interpreters, witness protection, and avenues by which these persons can lawfully remain in the United States, including the “T” nonimmigrant category. The T nonimmigrant category is for a person who is or has been the victim of a severe form of trafficking in people. This is a unique category. It is designed to strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking, and also offer protection to trafficking victims.

To be eligible, the applicant must show that –

- The person is a victim of a severe form of trafficking in persons as defined by law, and is physically present in the U.S. because of such trafficking;
- The person has complied with any reasonable requests from a law enforcement agency for assistance in the investigation or prosecution of human trafficking, (or is under the age of 18, or is unable to cooperate due to physical or psychological trauma); and
- The person would suffer extreme hardship involving unusual and severe harm upon removal.

The Trafficking Victims Protection Act of 2000 provides valuable assistance to persons who have been subjected to human trafficking. These services include interpreters, witness protection, and avenues by which these persons can lawfully remain in the United States, including the “T” nonimmigrant category. For more information about the “T” nonimmigrant category, please go back to the main page and see the Guide entitled “Nonimmigrant Services” or call the USCIS National Customer Service Center at 1-800-375-5283.

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Information for Abused Spouses, Children, and Parents; and Information for widow(er)s of deceased U.S. Citizens**OVERVIEW**

Information about VAWA: The Violence Against Women Act (VAWA) and Battered Immigrant Women Protection Act of 2000 (BIWPA) provide battered alien spouses and children of U.S. citizens or Lawful Permanent Residents (LPR) eligibility to self-petition for lawful permanent residence. The Act also allows for an abused parent of a U.S. citizen son or daughter to self-petition for lawful permanent residence.

Information about Widow(er)s: Effective October 28, 2009, the President signed the FY2010 DHS Appropriations Act into law, allowing widows or widowers of U.S. Citizens to qualify for permanent resident status regardless of how long the couple was married. The new law removes the two-year marriage requirement previously necessary to qualify for permanent resident status. Additionally, the new law applies to any unmarried minor children of the widow(er).

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Information for Abused Spouses, Children, and Parents of U.S. Citizens or Permanent Residents

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What is Violence Against Women Act (VAWA)?

The Violence Against Women Act (VAWA) and Battered Immigrant Women Protection Act of 2000 (BIWPA) provide battered alien spouses and children of U.S. citizens or Lawful Permanent Residents (LPR) eligibility to self-petition for lawful permanent residence. The Act also allows for an abused parent of a U.S. citizen son or daughter to self-petition for lawful permanent residence. If you would like more information, please visit our website at www.uscis.gov, scroll down and under “Other Services” click on the link titled “Humanitarian,” and then click on the link “Battered Spouse, Children & Parents” on the left hand side of the webpage.

Who is eligible to self-petition as an abused spouse, child, or parent?

You may be able to apply for self-petition if you are:

Spouses:

- If you are an abused spouse of a U.S. Citizen or lawful permanent resident

 Note: **You may include all of your unmarried children under the age of 21 on your petition as derivative beneficiaries as long as they have not filed their own self-petition.**

Children:

- If you are an abused child (under 21 and unmarried) of a U.S. citizen or lawful permanent resident parent.

 Note: **You may include all of your unmarried children under the age of 21 on your petition as derivative beneficiaries as long as they have not filed their own self-petition.**

Parents:

- If you are the parent, stepparent, or adoptive parent of a child who has been abused by your U.S. citizen or lawful permanent resident spouse.

 Note: **All children, abused or non-abused, may be included in your self-petition as long as they have not filed their own self-petition.**

- If you are the abused parent, stepparent, or adoptive parent of a U.S. citizen son or daughter.

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What are the basic requirements?

If you choose to file a VAWA self-petition, you must meet the following basic requirements:

Self-petitioning spouse

- Must be legally married to the abusive U.S. citizen or lawful permanent resident.
 - A self-petition may be filed if the self-petitioner believed the marriage was legally valid, but the marriage was not legitimate solely because of the bigamy of the abusive spouse.
 - A self-petition may be filed if the marriage was terminated by the abusive spouse's death within the two years prior to filing.
 - A self-petition may also be filed if the marriage to the abusive spouse was terminated, within the two years prior to filing, by divorce related to the abuse.
 - A self-petition may also be filed if the abusive spouse lost or renounced citizenship or LPR status within the two years prior to filing due to an incident of domestic violence.
 - Common Law marriage: If the place or state where the common law marriage took place recognizes the common law marriage as valid, then it is valid for immigration purposes, but proof of the marriage in the form of a marriage certificate must be presented to USCIS or a U.S. Consulate.
- Must have entered into the marriage to the U.S. citizen or lawful permanent resident in good faith.
- Must have been battered or subjected to extreme cruelty during the marriage, or must be the parent of a child who was battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident spouse during the marriage.
- Must have been battered or subjected to extreme cruelty in the United States unless the abusive spouse is an employee of the United States government or a member of the uniformed services of the United States.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen or LPR spouse.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

Answer continues on next page

Self-petitioning child or parent of an abused child:

- Must qualify either as the child of the abuser, as defined in the INA for immigration purposes, or as the parent of the abused child.
- Must have been battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident parent, or must be the parent of a child who was battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident parent.
 - Must have been battered or subjected to extreme cruelty in the United States unless the abusive parent is an employee of the United States government or a member of the uniformed services of the United States.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen or LPR parent.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

Self-petitioning parent:

- Must qualify as the parent of a U.S. citizen son or daughter.
 - A self-petition may be filed if the abusive U.S. citizen son or daughter lost or renounced citizenship status related to an incident of domestic violence or died within the two years prior to filing.
- Must have been battered or subjected to extreme cruelty by the U.S. citizen son or daughter.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen son or daughter.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

How Do I Apply for Benefits?

You can apply for benefits by filing [Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#), with all supporting documents. There is no application fee for an I-360 filed under the VAWA provisions.

What is the Process?

Notice of Receipt

After you have filed your VAWA self-petition, you will receive an acknowledgement or Notice of Receipt within a few weeks after mailing the application to USCIS.

Once the Self-Petition is approved

If Form I-360 is approved, USCIS has the option of placing you in deferred action. This occurs if you, the self-petitioner, do not have a lawful status in the United States. Deferred action is an act of administrative convenience that means that, at this time, the government is deferring or delaying any removal action against you. At any time, however, deferred action can be revoked and removal proceedings can be initiated.

How do I get Employment Authorization?

Once your Form I-360 is approved, you then become eligible to apply for an Employment Authorization Document.

- File the Form I-765 (Application for Employment Authorization) with the Vermont Service Center.
- If you received deferred action, indicate on the Form I-765 that you are seeking employment authorization according to 8 CFR 274a.12(c)(14).
- If you did not receive deferred action, indicate on the Form I-765 that you are seeking employment authorization according to 8 CFR 274a.12(c)(31).
- You must include the required photos, proper fee or fee waiver,
- You must sign the application (Form I-765),
- You must reside in the United States,
- You must include a copy of the Form I-360 approval notice with your employment application.

Note: If you have already received your permanent resident card, you do not need to file Form I-765)

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How Do I Adjust to Permanent Resident Status?

- If you are an immediate relative of a U.S. citizen, you do not have to wait for an immigrant visa number to become available. You may concurrently file the USCIS Form I-485 (Application to Register Permanent Residence or Adjust Status) with the Form I-360 VAWA self-petition at the Vermont Service Center. If you file Form I-485 after your VAWA self-petition is approved, submit your Form I-485 along with your Form I-360 approval notice to the USCIS Lockbox Facility.
- If you do need a visa number to adjust to permanent resident status, you must wait for the visa number to become available before filing the Form I-485.

Do I have to pay any penalty fees if I am self-petitioning?

No, penalty fees are only assessed for aliens applying for adjustment of status under INA section 245(i). VAWA self-petitioners are eligible to adjust status under INA section 245(a).

My Application was denied. Can I file an appeal?

If your application is denied, the denial letter will tell you how to appeal. Generally, you may file a Notice of Appeal along with the required fee or a fee waiver request within 33 days of receiving the denial. Once the fee is collected or the fee waiver is approved and the form is processed, the appeal will be referred to the Administrative Appeals Office.

Can Anyone Help Me?

Yes, please contact The Victims of Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3224 (TDD) for information about shelters, mental health care, legal advice and other types of assistance, including information about self-petitioning for immigration status.

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Can a divorced spouse seek relief through self-petitioning?

Under current law, effective since October 28, 2000, you can self-petition as long as your marriage was terminated within two years of the filing of a VAWA self-petition (see the section titled "[Information for Abused Spouses, Children, and Parents of U.S. Citizens or Permanent Residents; and Information for Widow\(er\)s of Deceased U.S. Citizens](#)" for further information regarding divorce and applying for self-petition). If you do not qualify under this section, you may be eligible for cancellation of removal under section 240A(b)(2) of the INA. You must meet the other requirements including having been physically present in the United States for 3 years immediately preceding the filing of the application for cancellation of removal and demonstrating extreme hardship upon removal.

- A self-petition will be denied if the applicant remarries before the VAWA self-petition is approved.

Can a man self-petition under the Violence Against Women Act?

Yes, you may self-petition. The provisions for the application apply to victims of either sex.

My abusive husband/wife filed an I-130 on my behalf. What happens to my application now?

You can transfer the priority date established for the I-130 to the I-360 self-petition application. It is important to understand that this results in a shorter waiting time if you are waiting for a visa number.

What do I need to do if I am a Conditional Resident and I am an abused spouse or child of a U.S. citizen or Lawful Permanent Resident?

Normally, conditional residents must file to remove the conditions within the 90 days prior to the expiration of the Conditional Permanent Resident Card. However, if you are filing a waiver of the joint filing requirement because of abuse or extreme cruelty, you may file to remove the conditions even after the expiration of the Conditional Permanent Resident Card. You should file the USCIS Form I-751 (Petition to Remove the Conditions on Residence) with all relevant evidence as specified in the form's instructions.

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Information for Abused Spouses and Children of Cuban Nationals

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- [Can a divorced spouse of a Cuban national petition for permanent residence?](#)
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What are the Violence Against Women Act (VAWA) amendments to the Cuban Adjustment Acts (CAA)?

The CAA permits Cuban nationals to adjust their status to that of a lawful permanent resident. The *amendments* to the CAA allow eligible abused spouses or child of a qualifying Cuban principal to adjust their status to that of a lawful permanent resident.

I am an abused spouse/child of a Cuban national, can I adjust status my status?

An abused spouse/child may be eligible to adjust status to a permanent resident. You must be able to demonstrate that you were abused by a qualifying Cuban principal and that you lived with the qualifying Cuban principal at some point during the relationship.

Who is considered a qualifying Cuban principal?

A qualifying Cuban principal is one who:

- Was inspected and admitted or paroled into the U.S. after January 1, 1959;
- Was physically present in the U.S. for at least a year;
- Is eligible to receive an immigrant visa;
- Is admissible to the U.S. as a permanent resident; AND either
 - Has applied for, and is eligible for adjustment of status, OR
 - Has adjusted status.

How do I apply for benefits?

You can apply for benefits by filing [Form I-485, Application to Register Permanent Residence or Adjust Status](#), with all supporting documents. Under "Application type," you should select (f) "I am the husband, wife, or minor unmarried child of a Cuban..." Abused spouses and children may select this application type even if they are no longer residing with the qualifying Cuban principal at the time of filing. A VAWA self-petition if not required.

What do I need to include in my application?

Along with the filing fee and the evidence required as noted in the instructions to Form I-485, you will need to include evidence that demonstrates the following:

- That the abuse occurred in the relationship; and
- That the applicant resided with the qualifying Cuban principal at some point during the relationship;

Depending on your circumstances, you might also have to include evidence that:

- The termination of the marriage was connected to the abuse;
- The qualifying Cuban principal lost status, or eligibility to adjust status, due to an incident of domestic violence; or
- The qualifying Cuban principal died within two years of the filing of an application for adjustment of status by an abused spouse.

You do not need to provide a copy of the qualifying Cuban principal's adjustment of status application, however, you must provide enough information to enable USCIS to verify the qualifying Cuban's principal's status or pending application for adjustment of status under the CAA. Some of this information might include the abuser's full name, date of birth, place of birth, parents' names, alien number, I-94s, social security number, etc.

My application was denied. Can I file an appeal?

If your application is denied, the denial letter will tell you how to appeal. Generally, you may file a Notice of Appeal along with the required fee or a fee waiver request within 33 days of receiving the denial. Once the fee is collected or the fee waiver is approved and the form is processed, the appeal will be referred to the Administrative Appeals Office.

My spouse/parent lost his/her status or lost his/her eligibility to adjust status. Will I still be able to adjust status?

You may still be able to adjust, if the qualifying Cuban principal lost status or lost eligibility to adjust status due to an incident of domestic violence. You will need to file your own application for adjustment of status within two years of the qualifying Cuban principal's loss of status or loss of eligibility for adjustment of status. You will also need to provide evidence showing that the qualifying Cuban principal's loss of status or loss of eligibility for adjustment of status, was due to an incident of domestic violence.

Can a divorced spouse of a Cuban national petition for permanent residence?

Yes, if at the time of filing, the marriage was terminated (divorce, annulment, etc.) within the past two years, you can still adjust if:

- You can demonstrate that there is connection between the termination of the marriage and the abuse by the qualifying Cuban principal;
- You resided, at some point during the marriage, with the qualifying Cuban principal; and
- You filed the application for adjustment under section 1 of the Cuban Adjustment Act (CAA) within 2 years of the termination of the marriage

Can a widow(er) of a Cuban national petition for permanent residence?

Yes. The widow(er) of a qualifying Cuban spouse can file under section 1 of the Cuban Adjustment Act (CAA) within 2 years of the death of the qualifying Cuban principal. The widow(er) must meet all other criteria, including having lived, at some point during the relationship, with the qualifying Cuban spouse.

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Information for Widow(er)s of Deceased U.S. Citizens

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- [What if I had a pending Form I-485 when my U.S. Citizen spouse passed away?](#)
- [If my U.S. Citizen spouse has passed away and I do not have a petition pending with USCIS, how do I obtain status as a widow\(er\)?](#)
- [Where do I file Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant?](#)
- [What about the minor children of the widow\(er\)?](#)
- [I previously filed Form I-360 to obtain deferred action as a widow\(er\). What happens to that Form I-360?](#)
- [The deferred action guidance said I could obtain employment authorization if my deferred action Form I-360 was approved. If my deferred action Form I-360 is now considered a widow\(er\)'s visa petition, does that mean I can apply for employment authorization before my Form I-360 is approved?](#)
- [Does it make a difference whether my children had a Form I-130 filed on their behalf?](#)

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What is the effect of the new law upon widow(er)s of deceased U.S. Citizens and their children?

On October 28, 2009, the President signed the FY2010 DHS Appropriations Act into law, allowing eligible widows or widowers of U.S. citizens to qualify for permanent resident status regardless of how long the couple was married. The new law removes the two-year marriage requirement previously necessary for a widow(er) to qualify for permanent resident status as an immediate relative of his or her late U.S. citizen spouse. Additionally, when a widow(er) qualifies as an immediate relative under the law, his or her unmarried minor children will also qualify for the same status. The law applies equally to widow(er)s living abroad, who are seeking immigrant visas, and to widow(er)s in the United States, who want to become permanent residents based on their marriage.

The new law only affects the ability of a widow(er) to file for permanent resident status as an immediate relative of their deceased U.S. Citizen spouse. All other requirements to obtain a visa remain in force. Specifically, the widow(er) must still establish that:

- He or she was the citizen's legal spouse.
- The marriage was bona fide and not an arrangement solely to confer immigration benefits to the beneficiary.
- He or she has not remarried.
- He or she is admissible as an immigrant.
- In an adjustment of status case, that he or she meets all other adjustment eligibility requirements and merits a favorable exercise of discretion.

I had a pending Form I-130 when my spouse passed away and would like to find out if I can continue on some type of special program

As of October 28, 2009, any pending or approved Form I-130 that was filed on a widow(er)'s behalf prior to the citizen spouse's death will automatically convert to a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, even if the spouses were married less than two years when the citizen spouse died, so long as, on the date of the citizen spouse's death, the surviving widow(er) qualifies as an immediate relative. Eligibility for classification as an immediate relative ceases if the widow(er) has remarried.

Additionally, any Form I-130 that has been the subject of litigation in any Federal court on the issue of the effect of the petitioner's death is reopened for a new decision. USCIS will identify those cases that are the subject of litigation that were pending on October 28, 2009. Once a case is identified, USCIS will notify the widow(er) in writing that their Form I-130 has been reopened and adjudicated as a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant.

If I had a pending Form I-130, how do I find out if my petition has been converted to a Form I-360?

Your Form I-130 will automatically convert to a widow(er)'s Form I-360. If it was pending when your spouse died, USCIS will adjudicate your converted I-360 and notify you with a decision. If it was already approved, it will remain approved. If your case has been the subject of litigation in any Federal court on the issue of the effect of the petitioner's death on your Form I-130, you will receive notification from USCIS that the Form I-130 has been reopened.

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How will USCIS know whether this new law applies to my specific case?

If you are a named plaintiff in a court case challenging the denial of your spouse's Form I-130, USCIS already knows about your case because of the lawsuit. If your spouse's Form I-130 remains pending before USCIS, USCIS may not be aware of your spouse's death. In this situation, you should write to the USCIS office where your case is pending, with a copy of your filing receipt showing the USCIS receipt number, any other notice issued in your case, and a copy of your spouse's death certificate.

What happens if I remained in the U.S. after my U.S. Citizen spouse passed away, while awaiting a decision on my Form I-130?

Generally, if a widow(er) remained in the United States after the U.S. citizen petitioner passed away, while awaiting the outcome of Form I-130 that can now be approved as a Form I-360, they will be deemed not to have accrued any unlawful presence as a matter of policy. This protection applies only to widow(er)s who had a Form I-130 pending before USCIS, the Board of Immigration Appeals, or the courts on October 28, 2009, but applies even if the widow(er) was not in a lawful status while the now-converted Form I-360 was pending. If your spouse never filed a Form I-130 for you, you may file a Form I-360 within the applicable filing period, but the new filing will not affect any unlawful presence you already have accrued.

What if my Form I-130 was already approved before my U.S. Citizen spouse passed away?

If the Form I-130 was approved before the U.S. citizen petitioner's death, it will automatically convert to an approved I-360. Unmarried minor children of the widow(er) will also be eligible to seek an immigrant visa or adjustment of status based on the approved Form I-360.

What if I had a pending Form I-485 when my U.S. Citizen spouse passed away?

If USCIS has jurisdiction to act on a Form I-485, Application to Register Permanent Residence or Adjust Status, that is the subject of litigation on this issue in any Federal court, USCIS will notify applicants in writing that their Form I-485 has been reopened. If the widow(er) entered the United States as a K-1 nonimmigrant and filed an I-485 after marrying the deceased U.S. citizen, he or she will be deemed the beneficiary of a Form I-360 Widow(er) petition. If a widow(er) with an approved Form I-130 and a pending Form I-485 left the United States voluntarily after his or her petitioning U.S. citizen spouse died, and thus "abandoned" his or her adjustment application, the approved Form I-130 is converted to an approved Form I-360, so that the widow(er) may apply for an immigrant visa abroad.

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If my U.S. Citizen spouse has passed away and I do not have a petition pending with USCIS, how do I obtain status as a widow(er)?

If your U.S. citizen spouse died on or after October 28, 2009, you will have two years from the date of the citizen spouse's death to file a Form I-360 petition.

If your U.S. citizen spouse died before October 28, 2009, and a Form I-130 pending on October 28, 2009, the new law allowed you to file a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, for yourself and your unmarried minor children. But the filing deadline, if your spouse died before October 28, 2009, was October 28, 2011. For this reason, it is no longer possible to file a widow(er) petition if your spouse died before October 28, 2009.

Where do I file Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant?

The Form I-360 and filing instructions can be found at the USCIS website www.uscis.gov, under the "Forms" link.

What about the minor children of the widow(er)?

The child of a widow(er) whose Form I-360 is approved may be included in the widow(er)'s petition as long as they meet the definition for "child" under the Immigration and Nationality Act. Where the deceased citizen filed a Form I-130 for his or her spouse that was pending at the time of his or her death, and the Form I-130 can now be adjudicated as a Form I-360 petition, the child(ren) of the widow(er) will be included in the Form I-360. An individual qualifies as the "child" of a widow(er) depending on their age when the visa petition was filed. For those cases that were pending on October 28, 2009, the Form I-360 filing date is the date on which the deceased citizen filed the prior Form I-130. If a widow(er) has an unmarried son or daughter who was under 21 when the deceased citizen filed the Form I-130, that individual will still be considered under 21 for purposes of the widow(er)'s Form I-360.

I previously filed Form I-360 to obtain deferred action as a widow(er). What happens to that Form I-360?

If you were already granted deferred action, and received an employment authorization document on that basis, USCIS will not terminate your deferred action or your EAD. Now that Congress has enacted the new legislation, any Form I-360 that was filed to obtain deferred action and has not yet been adjudicated as a deferred action request will now be considered to be an I-360 widow(er)s petition. If your prior I-360 was already approved as a deferred action request, USCIS will, on its own motion, reopen your Form I-360 and adjudicate it as an I-360 widow(er) petition. It will not be necessary for you to file a formal motion or to pay a new Form I-360 filing fee.

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[Special Programs and Services](#)

The deferred action guidance said I could obtain employment authorization if my deferred action Form I-360 was approved. If my deferred action Form I-360 is now considered a widow(er)'s visa petition, does that mean I can apply for employment authorization before my Form I-360 is approved?

If you filed a Form I-360 as a deferred action request, you are still in the U.S. and your Form I-360 now qualifies as a widow(er)'s visa petition, the filing of an adjustment application (Form I-485), with the required filing fee will make it possible for you to file a Form I-765 to apply for employment authorization based on the pending Form I-485

Does it make a difference whether my children had a Form I-130 filed on their behalf?

Anyone who qualifies as your "child" can be included as a derivative beneficiary on your converted I-360, regardless of whether your child was also the beneficiary of his or her own Form I-130.

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Information about the Diversity Visa Program

OVERVIEW

The Diversity Visa Program is a visa lottery program through the Immigration Act of 1990 that provides another opportunity for aliens to gain lawful permanent admission into the United States. Applicants are selected at random by the U.S. Department of State (DOS) during a predetermined selection period. Selection by DOS does not, however, guarantee that a person may apply for, or be granted, adjustment of status. Among other things, there must be a diversity visa number available (as determined by DOS) to the alien, and even if so, the alien must still establish that he or she is admissible and otherwise eligible for adjustment of status.

- [How do I File an Application for the Diversity Visa Program?](#)
- [Can I Apply for Adjustment of Status based on Selection in the Diversity Visa Lottery?](#)
- [Can I get Information About Scams or Fraud in the Diversity Visa Program?](#)

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Can I Apply for Adjustment of Status based on Selection in the Diversity Visa Lottery?

If you are selected for a visa through the Diversity Immigrant Visa Program (DV Program, also known as the Visa Lottery) and you are legally residing in the US, you may be eligible to adjust status under the DV Program if you:

- Have an immigrant visa immediately available at the time of filing an adjustment application ([Form I-485, Application to Register Permanent Residence or Adjust Status](#)); and
- Are admissible to the United States.

To see if a visa is available, you can check the Department of State Visa Bulletin available at travel.state.gov. Please refer to the chart in Section B of the [Department of State Visa Bulletin](#). If you have a lower number than the cut-off number shown in the chart, you may be eligible to file for adjustment of status.

The adjustment of status process for DV Program recipients must be completed by September 30th of the fiscal year to which the DV Program pertains. Visas cannot be carried over to the next fiscal year.

You must present your receipt or other satisfactory proof of payment (canceled check) for the DV Program processing fee to USCIS at the time of your adjustment interview.

Back to: [Diversity Visa Program](#) [Special Programs and Services](#)

Information about Class Action Lawsuits against USCIS

OVERVIEW

The following information is presented for those individuals who may be part of a class action lawsuit or settlement.

Update to the Class Action Settlement Agreement in Perez-Olano et al. v. Holder et al.

USCIS and plaintiffs have agreed to a stipulation to the settlement agreement involving cases in which Special Immigrant Juvenile (SIJ) petitions or SIJ-based applications for adjustment of status were denied, terminated or revoked on or after December 15, 2010 because the applicant's state court dependency order had expired at the time of the filing. USCIS will not deny, revoke, or terminate an SIJ petition (Form I-360) or SIJ-based adjustment of status (Form I-485) if, at the time of filing the SIJ petition (1) the applicant is or was under 21 years of age, unmarried, and otherwise eligible, and (2) the applicant either is the subject of a valid dependency order or was the subject of a valid dependency order that was terminated based on age prior to filing. This settlement applies to all juveniles who are not U.S. citizens and who applied on May 13, 2005, or after that date, or who wish to apply for immigration status based on having been abused, abandoned, or neglected.

The instructions on how to file a Motion to Reopen, the full notice of proposed settlement agreement and final proposed settlement agreement can be found on the USCIS Website at www.uscis.gov. From the homepage select the "Laws" link and then select the "Legal Settlement Notices" link. Please scroll down to the link for the November 9, 2010 Settlement Agreement in Perez-Olano et al. v. Holder et al.

Aurelio Duran-Gonzalez v. Department of Homeland Security Settlement Agreement

On July 21, 2014, the U.S. District Court for the Western District of Washington granted final approval to the Settlement Agreement in the case of Aurelio Duran-Gonzalez v. Department of Homeland Security (Duran-Gonzalez).

Under the terms of the Duran-Gonzalez Settlement Agreement, certain qualifying class members may submit a request asking that USCIS reopen their Forms I-212 and I-485 cases. If a case is reopened, USCIS will make a new decision as provided in the Settlement Agreement.

USCIS must receive the request on or before Jan. 21, 2016. A request received after Jan. 21, 2016, will be rejected, even if a postmark, shipping label, or other evidence suggests the request was sent on or before Jan. 21, 2016.

Additional information regarding the Settlement Agreement and information about other class action lawsuits or settlements can be found on the USCIS Website at www.uscis.gov. You can read updated Legal Settlement Notices by selecting the "Laws" link.

ABT Revised Settlement Agreement

On November 4, 2013, the United States District Court for the Western District of Washington granted final approval of the revised ABT Settlement Agreement, bringing to a close class action litigation that began in December 2011. The settlement agreement provides that certain individuals that intend to file an asylum application, or who have already filed an asylum application, are entitled to have their eligibility for employment authorization determined using new procedures.

Additional information regarding the ABT Settlement Agreement and information about other class action lawsuits or settlements can be found on the USCIS Website at www.uscis.gov. You can read updated Legal Settlement Notices by selecting the "Laws" link.

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Filing for Permanent Resident Status Under Special Conditions

OVERVIEW

USCIS provides resources by which aliens from a variety of countries may gain permanent resident status through special conditions. This includes "Special Immigrant" status, among others. Using the information below, you can find the special conditions to be eligible to apply.

FAQs Regarding Immigrating under Special Conditions

- [Immigration through Investment](#)
- [Immigration through the Legal Immigration Family Equity Act \(LIFE\)](#)
- [Immigration through "The Registry" Provision of the Immigration and Nationality Act](#)
- [Immigration as a "Special Immigrant"](#)
- [Immigration Benefits Granted by the Immigration Court](#)
- Immigration through Country-Specific Adjustment
 - [Immigration through the Cuban Adjustment Act](#)
 - [Immigration through the Haitian Refugee Immigration Fairness Act of 1998 \(HRIFA\)](#)
 - [Immigration through the Nicaraguan Adjustment and Central American Relief ACT \(NACARA\)](#)
 - [Immigration for Eligible Individuals from Vietnam, Cambodia, Laos](#)

Continue on next page for FAQs about the Special Immigrant Juvenile Perez-Olano Settlement and Stipulation

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FAQs Regarding Special Immigrant Juvenile Perez-Olanao Settlement and Stipulation

General FAQs

- [What is the Special Immigrant Juvenile Perez-Olano Settlement and Stipulation?](#)
- [Who are considered class members?](#)
- [How long is this Perez-Olano Settlement Agreement in effect?](#)
- [Can I request a fee waiver?](#)
- [Where can I find filing instruction for the Settlement Agreement and/or the Stipulation?](#)
- [What are the eligibility criteria for filing a Motion to Reopen under the Perez-Olano Settlement Agreement and Stipulation?](#)
- [I am a Special Immigrant Juvenile, what form do I need to file to adjust status?](#)

FAQs regarding the Settlement Agreement

- [My case was denied when I was under 21, but currently I am over 21. Am I eligible to file a Motion to Reopen?](#)
- [How do I request to reopen my case under the Settlement Agreement?](#)
- [What should I include in my Motion to Reopen based on the Settlement Agreement?](#)
- [What would happen if my Motion to Reopen based on the Settlement Agreement is granted?](#)
- [What if USCIS denied my Motion to Reopen based on the Settlement Agreement?](#)

FAQs regarding the Stipulation to the Settlement Agreement

- [My petition for Special Immigrant Juvenile \(SIJ\) classification or adjustment of status application based on my SIJ classification was denied because my dependency order had expired at the time of filing. Is there anything I can do?](#)
- [How do I request to reopen my case under the stipulation to the Settlement Agreement?](#)

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What is the Special Immigrant Juvenile Perez-Olano Settlement and Stipulation?

Perez-Olano v. Holder is a class-action lawsuit filed on behalf of juvenile aliens who may have been eligible for Special Immigrant Juvenile (SIJ) status or SIJ-based adjustment of status because they were abused, abandoned, or neglected. The Perez-Olano Settlement Agreement permits children whose I-360 or I-485 applications were denied or revoked after May 13, 2005 to file a motion to reopen. USCIS and plaintiffs have also agreed to a stipulation to the settlement agreement. The stipulation allows for effected class members to file a motion to reopen their case. Effected class members are those whose applications for SIJ classification or SIJ-based adjustment of status were denied, revoked, or terminated on or after December 15, 2010, because the applicant's state court dependency order had been terminated based on age at the time of the filing.

Who are considered class members?

All aliens including, but not limited to, Special Immigrant Juvenile (SIJ) applicants, who, on or after May 13, 2005, apply or applied for SIJ status or SIJ-based adjustment of status.

How long is this Perez-Olano Settlement Agreement in effect?

The settlement agreement is effective from December 14, 2010 until December 13, 2016.

Can I request a fee waiver?

If you are filing under the Settlement Agreement, you may file Form I-912 request for a Fee Waiver with supporting documents in conjunction with the Form I-290B Notice of Appeal or Motion. If you are filing to reopen your case based on the Stipulation Agreement, there is no fee.

Where can I find these Specific Settlement Agreement filing instructions?

These Specific Settlement Agreement filing instructions are posted on the landing page of the Form I-290B, Notice of Appeal or Motion -at www.uscis.gov/i-290b.

What are the eligibility criteria for filing a motion to reopen under the Perez-Olano Settlement Agreement and Stipulation?

You may file a motion to reopen under the Perez-Olano Settlement Agreement and Stipulation if you filed for Special Immigrant Juvenile (SIJ) status or SIJ based adjustment of status on or after May 13, 2005 and your Form I-360 was denied or revoked for one of the following reasons:

- You turned 21 after the I-360 was filed but before your Form I-360 or Form I-485 was adjudicated; or
- You were the subject of a valid dependency order or were the subject of a valid dependency order that was terminated based on age prior to filing; or
- You were in the custody of the U.S. Department of Health and Human Services (HHS) and did not receive a grant of specific consent from HHS or any other federal agency or officer before seeking the jurisdiction of the state juvenile court and the juvenile court order did not determine or alter your custody status or placement.

I am a Special Immigrant Juvenile, what form do I need to file to adjust status?

You may file Form I-360 in conjunction with Form I-485, or file Form I-485 after your petition for Special Immigrant Juvenile status (Form I-360) has been approved. You will need to submit other required documents when you submit your SIJ-based Form I-485. For further information regarding Forms please visit www.uscis.gov.

My case was denied when I was under 21, but currently I am over 21. Am I eligible to file Form I-290B?

Yes, you may file Form I-290B, Notice of Appeal or Motion if your SIJ petition or SIJ-based application for adjustment of status was denied or revoked if:

- The I-360 or SIJ-based I-485 was denied or revoked on or after May 13, 2005 for reasons related to age-out, dependency age-out, or specific consent; and
- Re-adjudication will only be with respect to age eligibility and specific consent.

How do I request to reopen my case under the Settlement Agreement?

Class members can file the Form I-290B, Notice of Appeal or Motion, with the appropriate fee or fee waiver (I-912) and mail it to:

Applicants filing under the Perez-Olano Settlement Agreement (POSA):

For U.S. Postal Service (USPS) deliveries, use the following address:

USCIS
P.O. Box 5510
Chicago, IL 60680-5510

For private courier (non-USPS) deliveries, use the following address:

USCIS
Attn: POSA
131 South Dearborn – 3rd Floor
Chicago, IL 60603-5517

When filing a Form I-290B:

- Check “Box F” in part 3 “Information about the Appeal or Motion”; and
- Write “Perez-Olano Settlement Agreement” or “POSA” for Part 4, “Basis for the Appeal or Motion.”

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What should I include in my motion to reopen based on the Settlement Agreement?

If you are eligible to file a motion to reopen, please send USCIS:

- Form I-290B, Notice of Appeal or Motion
- The appropriate fee or fee waiver request if desired, using Form I-912, Request for a Fee Waiver
- Evidence that your Special Immigrant Juvenile (SIJ) petition or SIJ-based application for adjustment of status was denied or revoked on or after May 13, 2005
- Evidence that your previously filed SIJ petition or SIJ-based application for adjustment of status was denied on account of age or age-related dependency status or specific consent

What would happen if my Motion to Reopen based on the Settlement Agreement is granted?

The immigration service officer will then re-adjudicate the Form I-360 in accordance with the settlement agreement.

What if USCIS denied my Motion to Reopen based on the Settlement Agreement?

If the Motion to Reopen is denied you may appeal to the Administrative Appeals Office.

My petition for Special Immigrant Juvenile (SIJ) classification or SIJ-based adjustment of status application was denied because my dependency order was expired at the time of filing. Is there anything I can do?

If your SIJ classification or SIJ-based adjustment of status was denied, revoked, or terminated on or after December 15, 2010 because your state court dependency order had expired at the time of the filing, you can request that USCIS reopen your petition and/or application without an additional fee. You must contact USCIS by June 15, 2018 to request that your case be reopened pursuant to the Stipulation to the Settlement Agreement in Perez-Olano.

How do I request to reopen my case under the stipulation to the Settlement Agreement?

You may send the request to reopen to:

SIL.ClassAction@uscis.dhs.gov

or

USCIS Field Operations Directorate
Attn: Perez-Olano Settlement
111 Massachusetts Avenue, NW
Suite 2000, MS: 2030
Washington DC 20529

Parole: Humanitarian and Significant Public Benefit Parole

OVERVIEW

Parole is used sparingly on a case-by-case basis to bring someone who is otherwise inadmissible into the U.S. for a temporary period of time due to an urgent humanitarian reason or for significant public benefit. USCIS may grant parole to an individual who is outside the U.S. and is seeking to enter the U.S. for urgent humanitarian reasons or for significant public benefit for a temporary period of time that corresponds with the length of time needed to satisfy the purpose of the parole. Generally, parole is not granted for longer than one year.

Frequently Asked Questions

- [How do I file for humanitarian parole?](#)
- [How long will it take USCIS to make a decision on my application for humanitarian parole?](#)
- [Can I request to have my application for humanitarian parole expedited?](#)
- [What are the criteria that may support a request for expedited humanitarian parole?](#)
- [Where can I get more information about humanitarian parole?](#)

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How do I file for humanitarian parole?

To file for humanitarian or significant public benefit parole you must:

- Complete [Form I-131, Application for Travel Document](#), and include the correct filing fee for each parole applicant or submit [Form I-912, Request for Fee Waiver](#);
- Complete [Form I-134, Affidavit of Support](#), along with supporting documentation for each applicant, in order to demonstrate that the beneficiary will not become a public charge; and
- Include a detailed explanation and evidence of your circumstances.

If you are represented by an attorney, he or she must file a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

Requests for parole must be submitted to the USCIS Dallas Lockbox:

For US Postal Service (USPS) deliveries:

USCIS
P.O. Box 660865
Dallas, TX 75266

For Express mail and courier deliveries:

USCIS
Attn: HP
2501 S. State Hwy 121, Business
Suite 400
Lewisville, TX 75067

How long will it take USCIS to make a decision on my application for humanitarian parole?

You will receive a written notice once we have received your application and again when your case has been decided. It can take between 90-120 days to process a parole application. The Humanitarian Affairs Branch (HAB) reviews all parole requests after Lockbox processing to identify those that require expedited processing because of urgent, time-sensitive circumstances. If you do not receive a notice that HAB has received your case within 30 days of filing the application packet with the Dallas Lockbox, you may contact HAB in writing at the following address:

DHS/USCIS/Humanitarian Affairs Branch (HAB)
20 Massachusetts Avenue NW 3rd Floor
HAB Mail Stop 2100
Washington, DC 20529

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Can I request to have my application for humanitarian parole expedited?

Yes. In addition to filing the parole application package with the correct fee at the Dallas Lockbox, you may contact the Human Affairs Branch (HAB) in writing to request expedited processing of your parole request at the following address:

DHS/USCIS/IO/Humanitarian Affairs Branch (HAB)
20 Massachusetts Ave., NW, 3rd Floor
HAB Mail Stop 2100
Washington, DC 20529

Please include the following information with your expedite request:

1. Beneficiary: Person outside the U.S. requiring humanitarian parole to enter the U.S.

- Name
- Date of Birth
- Country of Birth

2. Applicant: Person who completes Form I-131 on behalf of the beneficiary identified above (the applicant may also be the beneficiary)

- Name
- Contact information (include address, telephone number, and e-mail address)

3. Reason for Expedited Parole Request: Please provide a concise statement of the specific time sensitive reason for parole with a date by which the beneficiary must enter the United States, if known.

4. Alien Number: If you have already received a letter from the Humanitarian Affairs Branch (HAB) stating that it takes 90-120 days from date of receipt for USCIS to process this type of case, please include the nine-digit alien number provided in the body of the letter.

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What are the criteria that may support a request for expedited processing of humanitarian parole?

Circumstances that may justify a request for expedited processing of a humanitarian or significant public benefit parole application include, but are not limited to, the following:

- Medical emergency, generally involving life and death, where the person seeking parole needs to enter the U.S. immediately;
- Person seeking parole needs to attend a **civil** court hearing that requires his/her presence in the U.S. within the next 15 days; or
- Other urgent situation that requires immediate action.

Note: If you are requesting expedited parole because you need to attend a **criminal** court hearing or if the potential beneficiary has been previously deported or removed from the U.S. or is currently in removal or deportation proceedings, then your request should be sent to the following address:

Branch Chief, Law Enforcement Parole Branch
ICE Office of International Affairs
800 North Capitol Street, NW
Washington, DC 20536-5096

Where can I get more information about humanitarian parole?

Please visit our website at www.uscis.gov and select the “Humanitarian Parole” link under the heading “Humanitarian” in the center of the screen.

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Special Parole Consideration for Family Members of Military Personnel

USCIS is committed to assisting military families. As part of this commitment, USCIS will allow special parole consideration for spouses, children, and parents of active duty members of the U.S. Armed Forces, individuals in the Selected Reserve of the Ready Reserve or individuals who previously served in the U.S. Armed Forces or the Selected Reserve of the Ready Reserve.

This special parole consideration may help minimize periods of family separation and facilitate adjustment of status within in the U.S. by immigrants who are the spouses, children and parents of military service members.

To request parole consideration, you should submit the following documents to the USCIS local field office that has jurisdiction over your place of residence:

- A completed Form I-131, Application for Travel Document, (may be filed without a fee);
- Evidence of the family relationship;
- Evidence that the service member is an active duty member of the U.S. Armed Forces, individual in the Selected Reserve of the Ready Reserve or an individual who previously served in the U.S. Armed Forces or the Selected Reserve of the Ready Reserve. (evidence such as a photocopy of both the front and back of the service member's military identification card (DD Form 1173);
- Two identical, color, passport style photographs; and
- Evidence of any additional favorable discretionary factors that you wish considered.

To find the USCIS office that has jurisdiction over your place of residence, please visit our website at www.uscis.gov.

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Commonwealth of the Northern Mariana Islands (CNMI)

OVERVIEW

On May 8, 2008, the Consolidated Natural Resources Act (CNRA) was signed into law. The CNRA extends most provisions of U.S. immigration law to the Commonwealth of the Northern Mariana Islands (the CNMI) for the first time. The transition period for implementation of U.S. immigration law in the CNMI began on November 28, 2009, and was scheduled to end on December 31, 2014 but was extended for five years until December 31, 2019.

The CNRA created a CNMI-only transitional worker nonimmigrant visa category, and, on September 7, 2011, USCIS promulgated regulations governing the CNMI-only Transitional Worker nonimmigrant visa category for foreign workers in the CNMI. This new nonimmigrant category is known as a CW visa. The CW visa category was created by Congress to help the CNMI transition from its previous foreign worker permit system to U.S. immigration law, and will only be available while the transition period is in effect.

What CNMI information are you seeking? (Please choose an option below)

[CNMI E-2 Investor Status](#)

[Parole for Certain Aliens in the CNMI](#)

[The new CNMI Transitional Worker Visa Category \(CW\)](#)

Note: Please visit our [CNMI webpage](#) for general information and related links. To navigate to this webpage from our homepage at www.uscis.gov, please select the "Laws" link at the top of the page and then select the "Immigration from the CNMI" link on the left-hand side.

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CNMI E-2 Investor Status

For information about CNMI E-2 Status, please visit our [CNMI E-2 Investor](#) webpage. To navigate to this webpage from our homepage at www.uscis.gov, please select the “Working in the U.S.” link on the left-hand side and then select the “H-1B” link. Once the new page loads, select the “E-2 CNMI Investor” link on the left-hand side. Also, please visit our [CNMI E-2 Questions and Answers](#) webpage for additional information.

Parole

Please visit our webpage about [Requesting Parole for the first time in the CNMI](#). Or visit our webpage about [Extending Parole in the CNMI](#).

To navigate to these webpages from our homepage at www.uscis.gov, please select the “Laws” link at the top of the page and then select the “Immigration from the CNMI” link on the left-hand side and then scroll down to the Parole information and links.

Or for Questions and Answers, please visit our webpage: [Information about Parole for Certain Aliens in the CNMI](#).

CNMI Transitional Worker Visa Category (CW)

[General Questions](#)

[Questions about Filing](#)

[Questions for Workers](#)

[Questions about Travel](#)

For more information please visit our webpage about the [CNMI Transitional Worker Visa Category \(CW\)](#). To navigate to this webpage from our homepage at www.uscis.gov, please select the “Working in the U.S.” link on the left-hand side and then select the “H-1B” link. Once the new page loads, select the “CW-1 CNMI-Only Transitional Worker” link on the left-hand side.

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General Questions

- [What does the CNMI-Only Transitional Worker \(CW\) visa do?](#)
- [How will the rule affect foreign workers living and working in the CNMI?](#)
- [What are the requirements to qualify for a CNMI-Only Transitional Worker Visa?](#)

Questions about Filing

- [When may employers begin filing petitions for workers?](#)
- [What must an employer do to petition for a foreign worker?](#)
- [Does an employer need to file a separate Form I-129CW for each transitional worker?](#)
- [What are the filing fees associated with a Form I-129CW?](#)
- [What evidence should an employer provide with the Form I-129CW petition?](#)

Questions for Workers

- [How can an eligible individual obtain a CW-1 or CW-2 visa from outside the CNMI?](#)
- [Can an individual with CW-1 status change employers?](#)
- [How long is CW status valid?](#)
- [I am a foreign worker who has been living and working lawfully in the CNMI, and my employer is willing to sponsor me for the CW visa. What steps do I need to take to obtain CW status in the CNMI?](#)
- [How do my dependents apply to receive CW status?](#)
- [I am a foreign worker living abroad and an employer in the CNMI is willing to sponsor me. What are the steps I need to take to obtain a CW visa?](#)
- [What happens to CW-1 transitional workers and their dependents at the end of the transition period?](#)

Questions about Travel

- [As a CW-1 or CW-2 status holder, what do I need to do in order to travel outside the CNMI?](#)
- [Can individuals with CW status return from travel outside the CNMI?](#)
- [Is CW status valid in any part of the United States other than the CNMI?](#)
- [Can individuals with CW nonimmigrant status, or with CW visas, transit through the Guam airport?](#)

What does the CNMI-Only Transitional Worker (CW) visa do?

The CW visa provides lawful U.S. temporary, nonimmigrant status to eligible foreign workers who:

- Are or will be employed by an eligible employer in the CNMI during the transition period; and
- Are ineligible for another nonimmigrant worker classification under the INA.

The purpose of the transition period is to allow employers and employees the necessary time to move in an orderly fashion from the prior CNMI permit system to the INA classifications. Therefore, the transition period allows time for employers to adjust their hiring practices and for eligible foreign workers to obtain the necessary qualifications and seek nonimmigrant or immigrant visa classifications available under the INA.

What are the requirements to qualify for a CNMI-Only Transitional Worker Visa?**Requirements for Employers**

To be eligible to petition for workers for CW visa status, employers must:

- Be engaged in a legitimate business, as defined in the final rule;
- Consider all available U.S. workers for the position;
- Offer terms and conditions of employment consistent with the nature of the employer's business and the nature of the occupation, activity and industry in the CNMI;
- Comply with all federal and CNMI requirements relating to employment, including but not limited to nondiscrimination, occupational safety and minimum-wage requirements; and
- Pay the worker's cost of return transportation to their last place of foreign residence if they are involuntarily dismissed from employment for any reason before the end of the period of authorized admission.

Requirements for Workers

An individual may be eligible for CW-1 nonimmigrant classification if he or she:

- Is ineligible for any other employment-based nonimmigrant status under U.S. immigration law;
- Will enter or stay in the CNMI to work in an occupational category designated as needing foreign workers to supplement the resident workforce;
- Is the beneficiary of a petition filed by a legitimate employer who is doing business in the CNMI;
- Is not present in the United States, other than the CNMI;
- Is lawfully present in the CNMI if present in the CNMI;
- Is otherwise admissible to the United States or is granted any necessary waiver of a ground of inadmissibility.

How will the rule affect foreign workers living and working in the CNMI?

The CW classification allows employers in the CNMI to sponsor foreign workers who otherwise would be ineligible for status under the INA through the end of the transition period, currently extended until December 31, 2019. At the end of the transition period, CW classification will no longer be available when the transition period ends, and foreign workers will need to seek an appropriate nonimmigrant or immigrant classification under the INA. The CW regulation provides for more than 22,000 foreign workers in CW status during the first year of the transition period, but, as required by statute, this number will be reduced annually by at least one and ultimately to zero by the end of the transition period. The numerical limit for Fiscal Year 2016 has been set at 12,999 foreign workers in CW status.

When may employers begin filing petitions for workers?

Employers may begin filing petitions on Oct. 7, 2011. An employer, however, cannot apply for a worker more than six months before the date the employer needs the worker's services. For example, if an employer needs a worker's services on July 1, the employer may submit a petition for the worker no earlier than Jan. 1 of the same year.

What must an employer do to petition for a foreign worker?

Before an employer may petition for a foreign worker, the employer must consider available U.S. workers for the position being filled by the CW worker.

To petition for a foreign worker, an employer must:

- File a Form I-129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker;
- Offer terms and conditions of employment that are consistent with the nature of the petitioner's business and the nature of the occupation, activity, and industry in the CNMI;
- File appropriate documentary evidence, including evidence demonstrating that the petitioner is an eligible employer and an attestation certifying that the information provided about the employer, job position and prospective worker is accurate and meets the eligibility criteria; and
- Submit the appropriate filing fees.

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Does an employer need to file a separate Form I-129CW for each transitional worker?

No. An employer can file a single petition for multiple workers, so long as all workers:

- Will work in the same occupational category;
- Will be employed for the same period of time;
- Will be employed in the same location; and
- Are requesting the same action in Part 2 of the petition (Change of Status, Extension of Status, etc.).

What evidence should an employer provide with the Form I-129CW petition?

The employer must complete the form fully, including the attestations needed to establish eligibility. The employer should submit evidence, to the extent available, to support the elements in the attestation. For example, in order to support the attestation that there are no qualified U.S. workers available to fill the position, the employer may submit evidence that the job vacancy has been posted in daily newspaper want ads or on job vacancy websites, such as those operated by the CNMI Department of Labor and private recruitment firms.

How can an eligible individual obtain a CW-1 or CW-2 visa from outside the CNMI?

Once an I-129CW filed with USCIS by the employer is approved, the eligible individual applying from outside the CNMI must contact the U.S. Department of State to apply for a CW-1 or CW-2 visa based on the employer's approved petition. The CW-2 classification is limited to dependents of CW-1 status holders (spouses and unmarried children under the age of 18).

Can an individual with CW-1 status change employers?

Yes, but the new employer must file a Form I-129CW petition with USCIS. A CW-1 worker may work for the prospective new employer after the new employer files a nonfrivolous Form I-129CW petition for a change of employer. If the petition is denied, work authorization ceases.

How long is CW status valid?

CW-1 status will be granted for up to one year. The employer may request an extension of status by filing a new I-129CW petition. A dependent's CW-2 status generally expires on the same day as the principal's CW-1 status and can be extended when the principal's CW-1 status is extended.

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I am a foreign worker who has been living and working lawfully in the CNMI, and my employer is willing to sponsor me for the CW visa. What steps do I need to take to obtain CW status in the CNMI?

The following steps need to be taken in this situation.

Step 1: Your employer must submit the following forms to sponsor you:

- A Form I-129CW;
- The \$325 application fee;
- The mandatory \$150 education fee; and
- Supporting evidence, including certification that the information provided about you, your employer and the job position is accurate and meets eligibility requirements.
- Either you or your employer must also include the \$85 biometrics fee with the petition (unless you are requesting consular processing). After your employer files the Form I-129CW, USCIS will contact you regarding when you will need to appear to provide your fingerprints and photograph.

Step 2: If your Form I-129CW is approved, USCIS will mail an approval notice to your employer. Make sure your employer gives you a copy of the approval notice. The approval notice will indicate either that your status in the CNMI has been changed to CW-1 (and include an attached Form I-94) or that you will need to go to a U.S. Embassy or Consulate abroad to receive your CW-1 visa.

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How do my dependents apply to receive CW status?

As a derivative of your employer’s application for you to obtain CW-1 status, your dependents lawfully present in the CNMI may apply for CW-2 status. Applicants for CW-2 status must submit:

- The \$290 application fee;
- The \$85 biometrics services fee if applicable;
- A copy of your approval notice and Form I-94 documenting admission to the CNMI in the CW-1 classification (if available); and
- Form I-539, Application to Change/Extend Nonimmigrant Status.

Dependents may not need to file Form I-539, depending on how the primary CW-1 status is being processed.

If	Then
You are requesting consular processing of your CW-1 status at a U.S. Consulate or Embassy abroad...	your dependents may also seek consular processing of their CW-2 status at the same time. Dependents do not need to file a Form I-539 if they file for CW status from outside the CNMI.
You are in the CNMI and your employer has filed the Form I-129CW requesting CW-1 status for you...	your dependents may file a Form I-539 at the same time or at any time while the I-129CW is pending. The I-539 must be accompanied by an additional biometrics fee unless the dependent is under 14 years of age or is 79 or older. However, your dependents’ Form I-539 will not be approved if your employer’s petition or the application for your grant of status is denied. If the Form I-539 is approved, USCIS will send your dependents an approval notice as evidence of the approved Form I-539 with a Form I-94 as evidence of CW-2 status.

I am a foreign worker living abroad and an employer in the CNMI is willing to sponsor me. What are the steps I need to take to obtain a CW visa?

In this situation, the following steps should be taken:

Step 1: For you to obtain a CW visa, the sponsoring employer must first submit the following documents:

A Form I-129CW;
The \$325 application fee;
The mandatory \$150 education fee; and
Supporting evidence certifying that the information provided about you, your employer and the job position are accurate and meets eligibility requirements.

Step 2: If the petition is approved, USCIS will mail an approval notice to your employer. Your employer will need to send you the original approval notice to your address abroad.

After you receive the approval notice, you will need to schedule a nonimmigrant visa interview at the U.S. Consulate or Embassy nearest to you. Your dependents may simultaneously apply for CW-2 visas with the U.S. Department of State and do not need to file a Form I-129CW or Form I-539. The Department of State has separate application and fee requirements for visa applications.

You and your dependents will not have CW-1 or CW-2 status until you obtain a CW visa from the U.S. Department of State and are admitted to the CNMI. The approval of a Form I-129CW for consular processing approves the classification only and does not grant you any additional status in the CNMI.

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What happens to CW-1 transitional workers and their dependents at the end of the transition period?

At the end of the extended transition period, Dec. 31, 2019, the CW classification will cease to exist (unless the transitional worker program is extended by the U.S. Secretary of Labor). Transitional workers holding CW status must obtain nonimmigrant or immigrant status under the INA before this date if they wish to stay in the CNMI lawfully.

As a CW-1 or CW-2 status holder, what do I need to do in order to travel outside the CNMI?

CW status holders must obtain a CW-1 or CW-2 visa from the U.S. Department of State overseas if they wish to travel abroad and reenter the CNMI. The Department of State has separate application and fee requirements for visa applications. For more information on traveling outside of the CNMI, please visit the Department of State website.

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Can individuals with CW status return from travel outside the CNMI?

A CW-1 or CW-2 nonimmigrant may leave the CNMI, but he or she must have the appropriate visa to reenter the CNMI. The CW worker must apply for a CW visa at a U.S. Embassy or Consulate abroad before seeking readmission to the CNMI. If the CW-1 or CW-2 status is obtained while in the CNMI, the nonimmigrant will be given a Form I-94, Arrival-Departure Record, as documentation of CW status.

Is CW status valid in any part of the United States other than the CNMI?

No, CW status is limited to the CNMI. Individuals with CW status who travel or attempt to travel, without otherwise receiving authorization, to any other part of the United States including Guam have violated their CW status and are subject to removal from the United States to their country of nationality. However, there is one exception as noted in the following FAQ.

Can individuals with CW nonimmigrant status, or with CW visas, transit through the Guam airport?

Individuals who are nationals of the Philippines may travel between the CNMI and the Philippines through the Guam airport under the following conditions:

- Outbound from the CNMI to the Philippines via Guam: The individual is in valid CW status and is traveling on a direct itinerary involving a flight stopover or connection in Guam of no more than eight hours, and the individual remains at the Guam airport during the transit.
- Inbound from the Philippines to the CNMI via Guam: The individual has a valid CW visa and is traveling on a direct itinerary involving a flight stopover or connection in Guam of no more than eight hours, and the individual remains at the Guam airport during the transit.
- Individuals in CW status or with CW visas who are not Philippine nationals are not eligible for the Guam transit exceptions.

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Haitian Relief Measures

OVERVIEW

USCIS is committed to providing appropriate benefits to Haitian nationals following the earthquake that struck on January 12, 2010. USCIS has announced temporary relief measures that may be available to those individuals who are currently unable to return to Haiti.

Frequently Asked Questions

- [Are Haitian nationals eligible for Temporary Protected Status?](#)
- [What temporary relief measures has USCIS made available to Haitian nationals in response to the earthquake devastating that country?](#)
- [Who may be eligible for temporary relief?](#)
- [I am a Haitian national, currently I cannot return to Haiti due to the ongoing effects of the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?](#)
- [I am a Haitian national, I was granted parole to enter the United States temporarily. I cannot return to Haiti due to the ongoing effects of the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?](#)
- [I am a Haitian national student currently enrolled in school in the US; due to the ongoing effects of the earthquake in Haiti I can no longer cover the cost of my education. What are my options? Can I work during my stay in the US?](#)
- [I am a Haitian national currently in the US under an Order of Supervision pursuant to a stay of removal issued by U.S. Immigration and Customs Enforcement. Can I work during my stay in the US?](#)
- [I am a Haitian national; I have a pending case with USCIS and need my case expedited due to the ongoing effects of the earthquake in Haiti. What are my options?](#)
- [I am a Haitian national; I am in removal proceedings and cannot leave due to the ongoing effects of the earthquake in Haiti. What are my options?](#)
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- [Can a person from Haiti, who is out-of-status, travel to his or her country to assist stricken family members and then return to the U.S.?](#)
- [Can an applicant for adjustment-of-status \(with a pending Form I-485\) travel to Haiti to assist family members without forfeiting his or her application? Can such applicants travel to Haiti to attend funerals?](#)
- [What is the Help HAITI Act of 2010?](#)
- [Can a naturalized citizen, originally from Haiti, sponsor nieces and/or nephews or other extended minor family members who were orphaned as a result of the devastation?](#)
- [I am a U.S. Citizen in the process of adopting a Haitian child. What is the U.S. Government doing to help me?](#)

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Are Haitian nationals eligible for Temporary Protected Status?

Yes, certain Haitian nationals may be eligible for Temporary Protected Status. To be eligible, an applicant must establish that he or she has been continuously residing in the United States since January 12, 2011 and continuously physically present in the United States since July 23, 2011, as well as meet other admissibility requirements and not be barred from TPS by certain criminal history, security or other mandatory ineligibilities. For the most up to date information on TPS for Haitians, please check our website at www.uscis.gov and click "Humanitarian" and then click "Temporary Protected Status" and then on the left click "TPS Designated Country" Haiti .

What temporary relief measures has USCIS made available to Haitian nationals in response to the earthquake devastating that country?

Temporary relief measures available to nationals of Haiti include favorable adjudication, where possible, of requests for change or extension of nonimmigrant status, acceptance of applications for change or extension of nonimmigrant status submitted after the alien's authorized period of admission has expired, re-parole of aliens granted parole by USCIS, extension of certain grants of advance parole, expedited processing of advance parole requests, favorable and expedited adjudication, where possible, of requests for off-campus employment authorization due to severe economic hardship for F-1 students, expedited processing of immigrant petitions for children of U.S. citizens and lawful permanent residents (LPRs), issuance of employment authorization where appropriate and assistance to LPRs stranded overseas without documents. In addition, since the earthquake, Haiti has been designated twice for Temporary Protected Status. The current TPS designation and the extension expire on July 22, 2017. For more information on TPS for Haitians, see [TPS Haiti](#).

Who may be eligible for temporary relief?

All nationals of Haiti with current immigration benefits or benefit applications pending with USCIS may be eligible for temporary relief. Temporary Protected Status has specific eligibility criteria. See [TPS Haiti](#).

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I am a Haitian national, currently I cannot return to Haiti due to the ongoing effects of the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?

You may be eligible for Temporary Protected Status under the designation of [Haiti for TPS](#). In addition, there are certain other avenues for extending or maintaining other immigration benefits that may apply in your case, even if you cannot obtain TPS or in addition to your TPS grant.

Haitian nationals wishing to change or extend their nonimmigrant status must submit an application, per existing standards, and submit evidence establishing that their inability to return to Haiti prior to the expiration of their authorized period of admission was due to the events of January 12, 2010.

Change or Extension of Nonimmigrant Status:

- USCIS has implemented procedures to adjudicate favorably where possible applications for change or extension of nonimmigrant status following the expiration of an applicant's period of admission.
 - Forms I-539, Application to Extend/Change Nonimmigrant Status, currently in process and newly filed applications for Haitian nationals are being identified for immediate processing.
 - B visa non-immigrant visitors can apply for six month extensions of their visas, as long as they remain affected by the earthquake. All other nonimmigrant aliens must continue to meet existing criteria for change or extension of status.
 - In cases where an alien is no longer able to extend his or her current nonimmigrant status, whenever possible favorable consideration will be given to requests for change of status to B-1 or B-2.

Employment Authorization:

- Certain nonimmigrant classifications are not permitted to apply for or receive employment authorization. Nonimmigrant visitors, for instance, would not be granted work authorization. Applicants may only work while in the U.S. if the law allows them to receive employment authorization.

I am a Haitian national, I was granted parole to enter the United States temporarily. I cannot return to Haiti due to the ongoing effects of the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?

You may be eligible for Haiti TPS. If you did not file during one of the initial registration periods for Haiti, you may be able to apply for TPS as a Late Initial Filer, however, you only have 60 days after the expiration of your parole to apply for TPS. You may also apply for TPS while you still have parole. There are specific requirements, however, to obtain TPS under the Haiti designation. For example, you must have continuously resided in the United States since January 12, 2011 and been continuously physically present in the United States since July 23, 2011, among other requirements. For more information, please visit our webpage about [TPS for Haiti](#).

In addition, a Haitian national who has already been paroled into the U.S., may apply to extend the period of parole. If an alien presents a genuine, expired or unexpired Form I-94, which contains an expiration date of January 12, 2010 or later, and the alien demonstrates that he or she was or is prevented from returning to Haiti prior to the expiration of his or her parole as a direct result of the earthquake, he or she may file for re-parole. The length of the extension is at the Director's discretion but normally should not exceed 6 months.

Re-parole Affected Parolees:

Aliens may file for re-parole at the USCIS District office with jurisdiction over their current place of residence in the U.S.: [USCIS Office Locations](#). He or she would need to file an I-131, Application for Travel Document, with the fee of \$360, and would include a copy of his or her Form I-94, and a description of why he or she is prevented from returning to Haiti. For more information on this, see "humanitarian parole" under the "humanitarian" section of [www.uscis.gov](#).

Employment Authorization:

- Parolees in the U.S. may apply for employment authorization. For how to apply, please refer to the Form I-765 instructions.

Current requests to extend Advance Parole status will be adjudicated on a case by case basis.

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I am a Haitian national student currently enrolled in school in the US; due to the ongoing effects of the earthquake in Haiti I can no longer cover the cost of my education. What are my options? Can I work during my stay in the US?

Nonimmigrant F-1 students from Haiti who may be unable to continue to cover the cost to engage in a full course of study may need off-campus employment authorization. An F-1 student who can demonstrate that he or she is from Haiti can apply for employment authorization to work off-campus.

The student needs to be recommended for employment by the Designated School Official (DSO) and should submit Form I-765, Application for Employment Authorization along with the Form I-20 with approval from the DSO to the USCIS Service Center with jurisdiction. Please refer to the [Form I-765](#) instructions for specific guidance. For additional details about this temporary form of relief to Haitian nationals, please visit our Web site at www.uscis.gov.

In addition, a Haitian with an F-1 student visa may also be eligible for TPS and be able to receive an EAD as a result of having TPS. However, if you also wish to maintain your student status, you must further ensure that your employment does not violate the terms of your student status. There are special employment-related procedures available to Haitians who wish to maintain their student status and also to work while in TPS. You need to coordinate with your school if you wish to work while in TPS, but also maintain your student status.

I am a Haitian national currently in the US under an Order of Supervision pursuant to a stay of removal issued by U.S. Immigration and Customs Enforcement. Can I work during my stay in the US?

You may be authorized to work and should submit Form I-765, Application for Employment Authorization, and USCIS will adjudicate as promptly as possible.

I am a Haitian national; I have a pending case with USCIS and need my case expedited due to the ongoing effects of the earthquake in Haiti. What are my options?

When there is a demonstrated need for immediate relief, USCIS will expedite certain applications. Standard requirements for security checks remain in place under expedited procedures.

Expedited Processing:

- **Relative Petitions for Minor Children of legal permanent residents and U.S. citizens Residing in Haiti:**
 - In cases where the petitioner requests expedited processing of a Form I-130, Petition for Alien Relative, for a child from Haiti, the case will be expedited in situations where a visa number is readily available.
- **Requests for Advance Parole:**
 - Haitian nationals with benefit applications pending in the United States may need to travel quickly for emergent reasons and will need to apply for advance authorization for parole to return to the United States. USCIS will expedite the Form I-131, Application for Travel Document, when an applicant demonstrates an emergent need to travel.

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I am a Haitian national; I am in removal proceedings and cannot leave due to the continuing effects of the earthquake in Haiti. What are my options?

Individuals from Haiti who are under a final order of removal may be granted a stay of removal. This temporary suspension is specific to Haiti due to the massive infrastructure damage.

- Decisions will be made on a case-by-case basis and based on specific circumstances.
- Where appropriate and authorized by law, nonimmigrant visitors and aliens that receive a stay of removal may be eligible to apply for or receive employment authorization so that they may financially support themselves, or potentially help the rebuilding effort by sending remittances to Haiti.

If a person from Haiti is out-of-status, will this person be eligible for any relief?

A person whose nonimmigrant status has expired may be able to file for a change or extension of status, if he or she was in a valid, nonimmigrant status. In addition, the individual may be eligible for TPS under the Haiti designation. For information about TPS for Haiti, please go back to the Main Page and see the Guide titled Temporary Protected Status.

Can a person from Haiti, who is out-of-status, travel to his or her country to assist stricken family members and return to the U.S.?

A person from Haiti who is out of status may travel to Haiti, but will generally not be eligible for Advance Parole. Advance parole is permission to re-enter the United States. In some circumstances, USCIS may, as a matter of discretion, grant advance parole to a person who has certain pending applications, such as an adjustment of status application or a TPS application. There is no guarantee that that person would be allowed to reenter the United States after departing, and persons with pending applications may run the risk of missing important notices from USCIS, such as a request for additional evidence to support their applications. In addition, persons with pending applications may be denied the benefits that they seek while they are outside of the United States and then may not be permitted to re-enter the United States.

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Can an applicant for adjustment-of-status (with a pending Form I-485) travel to Haiti to assist family members without forfeiting his or her application? Can such applicants travel to Haiti to attend funerals?

Aliens with a pending Form I-485, Application to Register Permanent Residence or Adjust Status, may be eligible to leave the U.S. and return if they have received Advance Parole via an approved Form I-131, Application for Travel Document. Aliens wishing to return to Haiti to assist family members or attend funerals can request expedited processing of their I-131's as described above. So long as the alien has been approved for Advance Parole, he or she may travel for short periods of time outside of the United States without abandoning the application for permanent residence. However receiving Advance Parole does not guarantee reentry into the United States.

What is the Help HAITI Act of 2010?

The Help HAITI Act of 2010 allows certain Haitian orphans paroled into the United States to become lawful permanent residents. Applications for permanent residence under this law may be filed any time on or before December 9, 2013. To be eligible for permanent residence under the Help HAITI Act of 2010, the orphan must have been inspected and granted paroled into the United States under the humanitarian parole policy announced by the Secretary of Homeland Security on January 18, 2010. To apply, Form I-485, Application to Register Permanent Residence or Adjust Status, must be filed with fee, along with Form I-693, Report of Medical Examination and Vaccination Record,; a copy of the I-94 that was received upon parole and evidence of identity and nationality. For more information and filing instructions, please visit the USCIS website: www.uscis.gov and read the [Help HAITI Act of 2010](#). You may also call 877-424-8374 or email NBC.adoptions@dhs.gov.

Can a naturalized citizen, originally from Haiti, sponsor nieces and/or nephews or other extended minor family members who were orphaned as a result of the devastation?

A U.S. citizen, whether naturalized or born in the United States, may not file a Form I-130, Petition for Alien Relative, on behalf of a niece, nephew or other minor extended family member who was orphaned as a result of the earthquake. A U.S. citizen may only petition for his or her spouse, parents, children, adult sons and daughters, and brothers and sisters.

Information about how and if a U.S. citizen may adopt a child from Haiti, can be found at: www.adoptions.state.gov. "Haiti" can be selected from the list of countries.

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I am a U.S. Citizen in the process of adopting a Haitian child. What is the U.S. Government doing to help me?

USCIS and the U.S. Department of State have worked together to expedite certain pending Haitian adoption cases. To help USCIS improve our processing of Haitian adoption cases, please send us detailed information about your adoption case to HaitianAdoptions@dhs.gov. In the e-mail please provide as much information as possible, such as:

- Name of prospective adoptive parents;
- Prospective adoptive parent contact information;
- Name of matched child;
- Child's date of birth;
- Current location of child;
- Date Form I-600A was filed and with which USCIS office;
- Date Form I-600 was filed and with which USCIS office;
- Whether the adoption in Haiti was finalized; and
- The Haitian or U.S. documents you are able to provide (Only list the documents, do not send copies).

Finally, we encourage you to visit our website at www.uscis.gov and the U.S. Department of State website at www.adoption.state.gov for more information and updates.

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Information about Other Special Programs, including Cuban Migration, Immigrant Status for Iraqi and Afghan Translators, and Visas for Certain Iraqi or Afghan Nationals Who Worked for the U.S. Government, the Wounded Warrior Program, and the MAVNI Pilot Program

OVERVIEW

USCIS provides resources by which foreign nationals from a variety of countries may gain permanent resident status through special programs. This includes Special Program for Cuban Migration, among others. Using the information below, you can find special programs that allow them to apply for permanent resident status. Also included below is information about other programs such as the Wounded Warrior Program.

For information about these and other Special Programs, please visit our webpage at www.uscis.gov/green-card/other-ways-get-green-card.

- **Information Regarding the Parole for Cuban Medical Professionals from Third Countries**

On August 11, 2006, the Department of Homeland Security announced that it would now allow certain Cuban medical personnel in third countries (that is, not in Cuba or the United States) to apply for parole at a U.S. Embassy or Consulate.

To qualify for consideration of parole, individuals must meet the following criteria:

- Must be a Cuban national or citizen.
- Must be a medical professional currently conscripted to study or work in a third country under the direction of the Government of Cuba.
- Must be admissible into the United States.

- **[Information Regarding Special Immigrant Status for Afghan and Iraqi Civilian Translators.](#)**

Special immigrant status is available to Afghan and Iraqi nationals who have worked directly for the United States Military as translators. Created by the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), this new immigration category allows translators and their families to gain admission to the United States, apply for permanent residency and eventually acquire U.S. Citizenship. To request special immigrant status, translators must file a "Petition for Amerasian, Widow(er), or Special Immigrant" ([Form I-360](#)) with the required evidence. For more information, please visit our webpage about [Green Cards for Afghan and Iraqi Translators](#).

Priority dates for this special class of visa petitions can be found on the Department of State website at www.travel.state.gov.

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- [Information Regarding the Special Immigrant Visa for Certain Iraqi Nationals Who Worked for the U.S. Government](#)

On July 9, 2008, USCIS announced guidelines for a new special immigrant visa for certain Iraqi nationals who worked for, or were contractors of the United States government in Iraq for at least one year on or after March 20, 2003. Section 1244 of the Defense Authorization Act for Fiscal Year 2008 authorizes 5,000 special immigrant visas for Iraqi employees and contractors each year, as well as their spouses and children. To apply, you must file [Form I-360, Petition for Amerasion, Widow\(er\), or Special Immigrant](#). There are no filing or biometric fees associated with this application. If the numerical limitation for FY 2012 is not reached, any unused numbers from that year may be used in FY 2013. Numbers will not carry forward into FY 2014.

This program was extended by Congress. The extension permits USCIS to approve petitions or applications for visas or adjustment of status to lawful permanent residents in any Iraqi Special Immigrant Visa cases that were pending with USCIS or with the Department of State (DOS) when the program expired on September 30, 2013. USCIS may also approve an additional 2,000 cases as long as the initial applications to the DOS Chief of Mission in Iraq are made by December 31, 2013.

For additional information, please visit our webpage about [Green Cards for Iraqi Nationals who assisted the U.S. government](#).

- [Information Regarding the Special Immigrant Visa for Certain Afghan Nationals Who Worked for the U.S. Government](#)

The Afghan Allies Protection Act of 2009, Section 602(b), authorizes special immigrant status for Afghan nationals who have been employed by or on behalf of the U.S. government in Afghanistan on or after October 7, 2001, for a period of not less than one year. The total number of individuals who may be provided special immigrant status under this program may not exceed 1,500 per year. To apply, you must file [Form I-360, Petition for Amerasion, Widow\(er\), or Special Immigrant](#).

For additional information, please visit our webpage about [Green Cards for Afghan Nationals who assisted the U.S. government](#).

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- **Information Regarding the Military Accessions Vital to National Interest (MAVNI) Recruitment Pilot**

MAVNI is a military recruitment pilot program. This program recruits certain legal aliens (nonimmigrants) whose skills and considered vital to the national interest. Those holding critical skills (physicians, nurses, and experts in certain languages) would be eligible. This pilot program will recruit up to 1,000 nonimmigrants and will continue for a period of up to one year.

More information on the MAVNI program is available online at www.goarmy.com/info/mavni or in the Defense Department Fact Sheet: www.defenselink.mil/news/mavni-fact-sheet.pdf. USCIS' website, www.uscis.gov/military, has immigration-related information and links to resources geared specifically for members of the military and their families

- **Information about the USCIS Wounded Warrior Program**

USCIS established the Wounded Warrior Program to recruit and hire severely wounded veterans. While not guaranteeing a job, USCIS provides veterans the opportunity to interview for available positions. USCIS has established a liaison with many organizations, including:

- U.S. Army Wounded Warrior Program;
- Soldier and Family Assistance Centers;
- Department of Veterans Affairs, Vocational Rehabilitation and Employment;
- Department of Defense's Operation Warfighter;
- U.S. Marine Corps Wounded Warrior Regiment;
- Department of Labor's Americas Heroes at Work;
- Salute America's Heroes; and
- National Reconnaissance Office.

While USCIS is committed to recruiting all severely wounded veterans, to maintain consistency with other federal wounded warrior programs, our recruiting is focused on those who:

- Suffer from injuries or illness incurred in the line of duty after September 10, 2001, and
- Receive or expect to receive a Department of Defense or Veterans Affairs disability rating of 30 percent or greater in categories such as: loss of limb, loss of vision/blindness, spinal cord/paralysis, permanent disfigurement, loss of hearing/deafness, severe burns, traumatic brain injury, post-traumatic stress disorder, and any other condition requiring extensive hospitalization or multiple surgeries; or
- Receive a Department of Defense or Veterans Affairs combined rating equal to or greater than 50 percent for any other combat or combat related condition.

Interested candidates are encouraged to send their resume and their DD Form 214 and DoD/VA letter of disability rating (if issued) to vicky.crawford@uscis.dhs.gov. Interested candidates are also encouraged to call USCIS Recruiting at 202-233-2500 and ask for the Wounded Warrior Program Manager.

Freedom of Information Act (FOIA)

OVERVIEW

Enacted in 1966, The Freedom of Information Act (FOIA) is a federal law that gives the public greater access to Federal Government records and information with certain exemptions, such as National Security Information, Confidential Business Information, Personal Privacy, Certain Law Enforcement Records, etc. The Act can be found at 5 U.S.C. Section 552.

Frequently Asked Questions

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- [Who is eligible to file a request under FOIA?](#)
- [Who is eligible to file a request under the Privacy Act?](#)
- [How Do I submit a FOIA request or obtain a copy of my file?](#)
- [Where do I submit a FOIA request?](#)
- [What is the National Records Center \(NRC\)?](#)
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- [How do I change the track of my case \(Simple versus Complex - How do I narrow the scope of my request\)?](#)
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- [I need to have my FOIA request expedited. How do I do that?](#)
- [I can't afford to pay the fees for my FOIA request. Can I have the fees waived?](#)
- [How do I change the mailing address on my existing FOIA request?](#)
- [How do I change the attorney or representative on my FOIA request?](#)
- [How can I request that my records be sent to me via overnight or express mail?](#)
- [How do I make a "Request for a Certification of Non-Existence of a Record"?](#)

FAQs continue on next page

- [How do I obtain Certified Copies of my naturalization certificate or other documents?](#)
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- [I received the documents I requested. Can I get better quality copies?](#)
- [I received my requested records. However, I didn't receive everything. How can I get the missing documents?](#)
- [The CD I received was broken. How can I get a replacement?](#)
- [I received a "no record" letter and would like to have a second search done. How do I request another search?](#)
- [I received a letter stating that my request was being closed out as a duplicate request. I still need my information. Am I going to receive it?](#)
- [I received my response and there were pages marked "Referred to another government agency." What does this mean?](#)
- [How do I file a FOIA request for a border incident, or for information regarding voluntary removal?](#)
- [Can I file a FOIA request to obtain a copy of my immigration record so I can determine my immigration status?](#)
- [I am blind or have a visual impairment and cannot read my records. How can I request assistance?](#)

Note If the above FAQs do not address your questions regarding FOIA, please contact:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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What is FOIA?

The Freedom of Information Act (FOIA or the Act) is a law enacted in 1966 that provides any person with the right to request access to government records, except those records exempted by the Act (e.g., classified national security, business proprietary, personal privacy, and investigative). The Act provides the public with the right to know or be informed about activities, decisions and policies of U.S. federal agencies. The Act can be found at 5 U.S.C. § 552.

Who is eligible to file a request under FOIA?

Any person can file a request under FOIA, including U.S. citizens, Legal Permanent Residents, foreign nationals, organizations and associations.

Who is eligible to file a request under the Privacy Act?

To file a request under the Privacy Act, the requester must either be a U.S. citizen or a Legal Permanent Resident.

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How Do I submit a FOIA request or obtain a copy of my file?

- You must submit all requests in writing. USCIS does not require you to use a specific form. You have the option to submit a completed Form G-639, Freedom of Information/Privacy Act Request. You may download Form G-639 from our website at www.uscis.gov/foia. Please read the instructions to the form. The form outlines the required information needed to submit your FOIA request.
- Individuals who are the subject of the record being requested must consent to the release of information by signing the request. If using Form G-639, see Number 3.
- Individuals who are the subject of the record being requested must verify their identity by signing the request. Signatures must either be notarized or executed under penalty of perjury. If using Form G-639, see Number 4.
- Individuals requesting access to their own records must consent to pay all costs incurred up to \$25 by signing the request. If using Form G-639, see Number 5.

Please submit your FOIA request to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

Where do I submit a FOIA request?

Please submit all new FOIA requests, FOIA inquiries, FOIA status requests, and address changes for a FOIA case to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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What is the National Records Center (NRC)?

The National Records Center is a facility that houses approximately 25 million immigration A-files at one location. In addition, all FOIA/PA operations for USCIS are centralized at this location.

How long will it take to receive a response to my FOIA request?

By statute there is a mandatory timeframe for responding to a FOIA request. The Act requires that government agencies respond to a FOIA request within 20 business days.

How can I check on the status of my FOIA request?

You may check the status of your request by going to our website at www.uscis.gov/foia. You must have the NRC control number associated with the FOIA request. This number is located in the upper right hand portion on all correspondence received from the NRC. It is an alpha-numeric number and will begin with three letters. Alternatively, status requests may be submitted to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

I received a letter from USCIS stating my request was put on the complex track. What does that mean?

USCIS uses a 3 track FOIA processing system.

- Track 1 is a request for very specific information or documents. A request for a copy of a green card or your naturalization certificate is an example of a Track 1 request. These are considered simple requests because they require minimal documents to be researched and reviewed.
- Track 2 requests ask for a copy of the entire record. These are considered complex requests because they require research and review of more documents.
- Track 3 requests involve individuals served with a charging document that are scheduled for an immigration hearing.

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How do I change the track of my case (Simple versus Complex - How do I narrow the scope of my request)?

If you have requested an entire copy of your file, your request has been placed in Track 2, or the complex track. You may narrow the scope of your request from a copy of the entire record to a copy of specific documents. This will move your request to Track 1. Track 1 cases are typically processed in a shorter amount of time than Track 2 cases because fewer documents are being reviewed for release. If you have been served with a charging document and are currently scheduled for a hearing before an immigration judge, you may ask for Track 3 status. Track 3 cases receive accelerated processing.

To narrow the scope of your request or change the track of your case, you may mail, e-mail or fax a request to modify your FOIA request to include only specific documents. Please include your NRC control number, the specific document(s) you are requesting, your current address, and your signature. If you wish to obtain Track 3 status, you will need to submit the request in writing and include one of the following documents:

- Notice to Appear (Form I-862);
- Order to Show Cause (Form I-122);
- Notice of Referral to Immigration Judge (Form I-863); or
- A written Notice of Continuation of a scheduled hearing before the immigration judge.

All submissions may be submitted to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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I have a hearing before a Judge. Why was my Track 3 request denied?

Most Track 3 cases are denied because the requestor failed to provide the proper documentation. You must submit either a

- Notice to Appear (Form I-862);
- Order to Show Cause (Form I-122);
- Notice of Referral to Immigration Judge (Form I-863); or
- A written Notice of Continuation of a scheduled hearing before the immigration judge.

The document submitted must be properly signed and must contain a future, certain date. Court orders that contain a past court date, or a court date to be determined are not sufficient for Track 3 status.

I need to have my FOIA request expedited. How do I do that?

Requests for expedited treatment must be submitted in writing. A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. Certification can be accomplished either by having your statement notarized by a notary public or by self-certifying. In order to self-certify the requester must add a sentence at the end of the request for expedited treatment that the information contained in the request is true and correct to the best of their knowledge and belief. The request must be signed under penalty of perjury. You may refer to the bottom of Form G-639 for an example.

Submit your request, along with your NRC control number, to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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I can't afford to pay the fees for my FOIA request. Can I have the fees waived?

Request for fee waivers must be submitted in writing. Submit your request, along with your NRC control number, to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

How do I change the mailing address on my existing FOIA request?

To change the address where your records will be mailed, you must submit notification including the old address, the new address, NRC control number, and the signature of the requestor in writing to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

How do I change the attorney or representative on my FOIA request?

Requests to change attorneys will only be accepted with the consent of the original attorney. The original attorney must mail or fax a written, signed request asking for the substitution of the parties. If you cannot obtain the written notification from the original attorney, your newly appointed attorney must submit a new Form G-28 along with your new request. This will be treated as a new request and the process will begin anew. Please include your NRC control number and submit it to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

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How can I request that my records be sent to me via overnight or express mail?

To receive records via overnight or express mail, an account with Federal Express is required. You will need to provide us with your account information in writing. We will send the response ONLY via Federal Express. Please include your NRC control number and submit it to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

How do I make a "Request for a Certification of Non-Existence of a Record"?

To obtain a certification of the non-existence of a record, you need to send your name, date of birth, country of birth and any other pertinent information to:

U.S. Citizenship and Immigration Services
ATTN: Records Operations Branch
1200 First Street NE
Washington, D.C. 20529-2204

Additional information concerning Dual Citizenship may be obtained on the following webpage: [Dual Citizenship](#).

How do I obtain Certified Copies of my naturalization certificate or other documents?

We do not certify copies of records. If you have lost your original naturalization certificate, you must submit an application to have it replaced. To apply for a replacement Naturalization or Citizenship Certificate file [Form N-565, Application for Replacement Naturalization/Citizenship Document](#).

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I filed a FOIA request and received a request for more information. Why do I need to provide additional information?

Many individuals have the same or similar names. It is important that we properly identify the correct record related to your request. The additional information is needed to assist us in quickly and accurately locating your records.

I received a request for more information and I need more time to get the documents. Can I get an extension of time to supply the requested information?

Yes. If you need more time than was given in your acknowledgement letter to supply additional information you may request additional time. Please include your NRC control number and submit it to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

I received the documents I requested. Can I get better quality copies?

The copies you were provided in response to your FOIA request were the best copies available. Many of our documents are old and we provide the best available copy.

I received my requested records. However, I didn't receive everything. How can I get the missing documents?

If the cover letter you received attached to your records included instructions on how to file an appeal, you may file an appeal within 60 days from the date of the letter. After 60 days, you must submit a new FOIA request. If there was no appeal paragraph contained in the letter, you must submit a new FOIA request.

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The CD I received was broken. How can I get a replacement?

Please send a written request including your contact information and the NRC control number and we will mail a duplicate copy. Please send your request to one of the following:

Address: Department of Homeland Security
National Records Center
PO BOX 648010
Lee's Summit, MO 64064-8010
Fax: 816-350-5785
E-mail: USCIS.FOIA@USCIS.DHS.GOV

I received a "no record" letter and would like to have a second search done. How do I request another search?

We conducted a comprehensive search of all records based upon the information you provided. If you have additional information which may assist us in locating a record, you may submit the new FOIA request along with the additional information to the NRC along with a request that a second search be conducted. Please be sure to reference your original control number in your request to assist us. Your request will be considered to be a new request. If your request is related to genealogy or historical records, those must now be submitted to the [USCIS Genealogy program](#).

I received a letter stating that my request was being closed out as a duplicate request. I still need my information. Am I going to receive it?

Your letter should contain a reference to a second NRC control number. That should be the request that your records will be processed under.

I received my response and there were pages marked "Referred to another government agency." What does this mean?

Occasionally there will be documents in an immigration record that were created by another government agency. We are generally unable to process those documents under FOIA and must send them to the other agency for their review and disclosure. If the cover letter you received with your records indicated that pages were referred to another government agency, you will receive separate correspondence from that agency.

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How do I file a FOIA request for a border incident, or for information regarding voluntary removal?

For information related to incidents at the border, or other border related information, or voluntary removal, please submit a FOIA request to U.S. Customs and Border Protection at the following address:

U.S. Customs and Border Protection
Attn: FOIA Division
799 9th Street NW, Mint Annex
Washington, DC 20229-1177

Can I file a FOIA request to obtain a copy of my immigration record so I can determine my immigration status?

Yes, please provide as much biographic information as possible and any information you may have about previous entries and exits from the United States to increase the likelihood of locating your record.

I am blind or have a visual impairment and cannot read my records. How can I request assistance?

You may submit a request for assistance to USCIS.FOIA@uscis.dhs.gov. Please provide your name, a phone number where you can be reached, your FOIA request control number, the type of assistance required, and a description of the assistance needed (including the document type and number of pages with which you need assistance). Your request will be reviewed and a representative will contact you within 5 business days to address your needs. If the assistance provided by the representative is not sufficient, an electronic document that is partially or fully compatible with electronic readers will be provided to you within 10 business days.

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Miscellaneous Reference Material**OVERVIEW**

This section covers information on topics that are better answered by USCIS or other government agencies. This section is a reference source to other government agencies.

Miscellaneous Reference Material**If you are from the Media or for persons wishing general information about immigration**

Please contact USCIS, Office of Communications, Public Affairs: 202-272-1200.

If you wish to register a complaint about employee misconduct or about the service you received from a USCIS employee

- If you wish to file a complaint about the service you received from a USCIS employee:
 1. Please file your complaint in writing to the Office Director at the office where you were served. You can obtain the office addresses online at www.uscis.gov.
 2. If you have tried working with the local office director and you do not believe you received an appropriate response, you can contact the Office of Security and Integrity by fax at 202-233-2453 or by mail at:

Chief, Investigations Division
OSI MS 2275
USCIS
633 Third Street NW, 3rd Floor
Washington, DC 20529-2275

- If you wish to file a complaint about employee misconduct, please contact the Office of Security and Integrity by fax at 202-233-2453 or by mail at:

Chief, Investigations Division
OSI MS 2275
USCIS
633 Third Street NW, 3rd Floor
Washington, DC 20529-2275

- If you wish to report criminal misconduct by a USCIS employee, you can contact the Office of the Inspector General at their toll-free line 1-800-323-8603, by fax at 202-254-4292, or by e-mail at dhsoighotline@dhs.gov.

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Information about immigration benefit fraud

Please email the USCIS Fraud Detection and National Security at: ReportFraudTips@uscis.dhs.gov.

Information about immigration enforcement or illegal immigration activity/illegal alien

1. Please contact U.S. Immigration and Customs Enforcement (ICE) by completing their online tip form at www.ice.gov/webform/hsi-tip-form.
2. You can also visit the U.S. Customs and Border Protection website at www.cbp.gov.

Information about entering the U.S. and inspections at a Port of Entry

Please visit the U.S. Customs and Border Protection Website at www.cbp.gov.

Information about Social Security Cards and Social Security Account Numbers

Please contact the Social Security Administration at 1-800-772-1213 or visit their website at www.ssa.gov for more information.

General information about labor laws or labor issues

Please visit the Department of Labor website at www.dol.gov.

Specific information:

- **Foreign labor certifications or labor condition applications**
Please visit the DOL Employment and Training Administration website at www.doleta.gov or www.foreignlaborcert.doleta.gov
- **Foreign national employees wishing to report abuse from a U.S. employer, such as wage and hour violations**
Please contact the DOL Employment Standards Administration at 1-866-487-9243 or visit their website at www.dol.gov/whd.

Information for Civil Surgeons seeking guidance on technical instructions

Please visit the website of the Civil Surgeons to the Center for Disease Control at www.cdc.gov/ncidod/dq/civil.htm.

Information about taxes, taxpayer identification numbers, and income tax reporting issues

Please visit the website of the U.S. Internal Revenue Service at www.irs.gov.

Information about the USCIS Genealogy Program (Fee-for Service Program Replaces Lengthy Freedom of Information Act / Privacy Act (FOIA) Request).

Please visit the website of the USCIS Genealogy Program at: www.uscis.gov/genealogy for more information.

If you have questions about the USCIS Genealogy Program please email Genealogy.USCIS@dhs.gov

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Questions from the Media or from persons wishing general information about the USCIS Customer Identity Verification Pilot (CIV)

Please contact your local USCIS Field Office to obtain information about the USCIS Customer Identity Verification Pilot.

Information about a matter in Immigration Court (administered by the U.S. Department of Justice, Executive Office for Immigration Review)

For information about a matter in Immigration Court, please visit the EOIR website at www.usdoj.gov/eoir or call their electronic information system: 1-800-898-7180. The electronic information system will require your A-Number for case information.

Information about visa processing, priority dates, U.S. Consulates or Embassies abroad, or passports

Please visit the Department of State website at www.state.gov or travel.state.gov.

Information about Foreign Consulates in the U.S.

Please visit the Department of State website: www.state.gov/s/cpr/rls/fco.

Information about obtaining biometric services for visa applicants to the United Kingdom (UK) and Canada

The USCIS Application Support Center (ASC) provides biometric-capture services to UK or Canadian visa applicants who reside in the United States. As such, the ASCs have NO AUTHORITY to review or answer questions about the UK or Canadian visa processes.

For information about biometrics-capture services for UK visa applicants please visit www.gov.uk/visas-immigration. From this website, you can navigate to the website with information about where biometrics-capture services are located in the U.S. at www.vfsglobal.co.uk/USA/applicationcentre.html.

For information about biometrics-capture services for Canadian visa applicants, please visit www.cic.gc.ca/english/visit/index.asp. From this website, you can navigate to the website with information about where biometrics-capture services are located in the U.S. at <http://cic.mapcms.veriday.com/client/cic>.

Information on behalf of individuals in Canada who want information about U.S. immigration benefits and services

For individuals residing in **Canada**, the individual may use the general inquiry mailbox USCIS.Canada@dhs.gov. The mailbox provides customer service to those in Canada who cannot access the USCIS National Customer Service Center's toll-free number.

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Information about immigration related free/pro bono legal services

Please visit the EOIR website at www.usdoj.gov/eoir/probono/states.htm. The EOIR does not provide attorneys, but maintains a list of attorneys who can provide low cost or free legal services.

Information about State Vital Statistics Bureaus

Please visit the National Center for Health Statistics website at www.cdc.gov/nchs/nvss.

Information about the Citizenship Grant Program

For information about the Citizenship Grant Program, please visit our webpage at www.uscis.gov/grants.

Information about contacting the Selective Service

If you are between 18 and 26, you can register for the Selective Service:

- At any United States Post Office; or
- On the Selective Service System website at: www.sss.gov.

To confirm that you are registered or if you cannot remember your number or if you would like more information about selective service requirements and procedures:

- Check the Selective Service System's website at: www.sss.gov, or
- Call them at 1-847-688-6888 or call the toll free number at 1-888-655-1825

Information about the SAVE or E-Verify Programs**To Contact SAVE**

USCIS Verification Programs Contact Center 1-877-469-2563

SAVE Technical Helpline 1-800-741-5023

E-mail Address SAVE.HELP@dhs.gov

Note: If the your immigration status is being verified by a government agency and the you would like to know the status of your verification case with SAVE, please visit www.uscis.gov/save/save-case-check.

To Contact E-Verify

For Employers: 888-464-4218 / 877-875-6028 (TTY) - E-Verify@dhs.gov

For E-Verify Employer Agents: 888-464-4218 / 877-875-6028 (TTY) - E-VerifyEmployerAgent@dhs.gov

For Employees: 888-897-7781 / 877-875-6028 (TTY) - E-Verify@dhs.gov

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Additional Links

Resources	Related Sites
<ul style="list-style-type: none">• Forms & Fees• Processing Times• Case Status Online• SRMT - Referrals• Office Locator• "How Do I...?"• Appointments (INFOPASS)• FOIA• Genealogy• E-Filing• Citizenship Grant Program• USCIS Questions and Answers• Glossary of Immigration Terms• News@ USCIS News Room	<ul style="list-style-type: none">• Department of Homeland Security• Customs and Border Protection• Immigration and Customs Enforcement• Department of State• Social Security Administration• Internal Revenue Service• Department of Labor• Department of Health and Human Services

Consideration of Deferred Action for Childhood Arrivals

OVERVIEW

On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization.

Individuals who can demonstrate through verifiable documentation that they meet these guidelines will be considered for deferred action. Determinations will be made on a case-by-case basis under the guidelines set forth in the Secretary of Homeland Security's memorandum.

On June 5, 2014, USCIS published a new version of Form I-821D and began accepting renewal requests for Consideration of Deferred Action for Childhood Arrivals on the new form.

On November 20, 2014, the President of the United States announced new guidelines to request Consideration of Deferred Action for Childhood arrivals which

- Remove the age limit for requesting DACA;
- Change the date of continuous residence to January 1, 2010; and
- Extend the period of DACA from two to three years.

On February 16, 2015, the United States District Court for the Southern District of Texas issued a temporary injunction on certain aspects of executive action on immigration. This ruling is an injunction; meaning that until a final decision is made, USCIS will not begin accepting requests for the expansion of Deferred Action for Childhood Arrivals (DACA) on February 18th as originally planned. Secretary Johnson issued a statement on February 17, 2015, emphasizing that the District Court's order does not affect existing DACA.

[FAQs about Requesting Consideration of Deferred Action for Childhood Arrivals](#)

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Note: If the answer to your question is not found in the following FAQs, please refer to our Web page at www.uscis.gov/childhoodarrivals.

FAQ Topics about Requesting Consideration of Deferred Action for Childhood Arrivals

- [FAQs about Eligibility and Filing a Request for Deferred Action](#)
- [FAQs about Requesting a Renewal of Deferred Action](#)
- [FAQs about Evidence and Supporting Documentation](#)
- [FAQs about Brief Departures, Advance Parole, and Background Checks](#)
- [FAQs about Form I-765, Application for Employment Authorization](#)
- [Other FAQs](#)
- [FAQs about the Unauthorized Practice of Immigration Law \(UPIL\)](#)
- [Cases in Other Immigration Processes \(ICE or CBP\)](#)

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FAQs about Eligibility and Filing a Request for Deferred Action

- [What guidelines must I meet to be considered for deferred action for childhood arrivals?](#)
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What guidelines must I meet to be considered for deferred action for childhood arrivals?

Pursuant to the Secretary's June 15, 2012 memorandum, in order to be considered for deferred action for childhood arrivals, you must submit evidence, including support documents, showing that you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of deferred action for childhood arrivals. USCIS retains the ultimate discretion on whether deferred action is appropriate in any given case even if the guidelines are met.

Note: If you would like further clarification on convictions, felonies, misdemeanors and/or threat to national security /public safety, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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How old must I be in order to be considered for deferred action under this process?

- If you have never been in removal proceedings, or your proceedings have been terminated before your request for consideration of deferred action for childhood arrivals, you must be at least 15 years of age or older at the time of filing your request and meet the other guidelines.
- If you are in removal proceedings, have a final removal order, or have a voluntary departure order, and are not in immigration detention, you can request consideration of deferred action for childhood arrivals even if you are under the age of 15 at the time of filing your request and meet the other guidelines.

Note: If you would like further information about what the other guidelines are, the information can be found in the prior FAQ: [“What guidelines must I meet to be considered for deferred action for childhood arrivals?”](#)

Does this process apply to me if I am currently in removal proceedings, have a final removal order, or have a voluntary departure order?

This process is open to any individual who can demonstrate he or she meets the guidelines for consideration, including those who have never been in removal proceedings as well as those in removal proceedings, with a final order, or with a voluntary departure order (as long as they are not in immigration detention).

Does “currently in school” refer to the date on which the request for consideration of deferred action is filed?

To be considered “currently in school” under the guidelines, you must be enrolled in school on the date you submit a request for consideration of deferred action under this process.

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Who is considered to be “currently in school” under the guidelines?

To be considered “currently in school” under the guidelines, you must be enrolled in:

- a public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or homeschool program that meets state requirements;
- an education, literacy, or career training program (including vocational training) that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; or
- an education program assisting students either in obtaining a regular high school diploma or its recognized equivalent under state law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a GED exam or other state-authorized exam (e.g., HiSet or TASC) in the United States.

Such education, literacy, career training programs (including vocational training), or education programs assisting students in obtaining a regular high school diploma or its recognized equivalent under state law, or in passing a GED exam or other state-authorized exam in the United States, include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations. Programs funded by other sources may qualify if they are programs of demonstrated effectiveness.

In assessing whether such programs not funded in whole or in part by federal, state, county or municipal grants or administered by non-profit organizations are of demonstrated effectiveness, USCIS will consider the duration of the program’s existence; the program’s track record in assisting students in obtaining a regular high school diploma or its recognized equivalent, in passing a GED or other state-authorized exam (e.g., HiSet or TASC), or in placing students in postsecondary education, job training, or employment; and other indicators of the program’s overall quality. For individuals seeking to demonstrate that they are “currently in school” through enrollment in such a program, the burden is on the requestor to show the program’s demonstrated effectiveness.

If I am enrolled in a literacy or career training program, can I meet the guidelines?

Yes, in certain circumstances. You may meet the guidelines if you are enrolled in an education, literacy, or career training program that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement. Such programs include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations, or if funded by other sources, are programs of demonstrated effectiveness.

If I am enrolled in an English as a Second Language (ESL) program, can I meet the guidelines?

Yes, in certain circumstances. Enrollment in an ESL program may be used to meet the guidelines if the ESL program is funded in whole or in part by federal, state, county or municipal grants, or administered by non-profit organizations, or if funded by other sources is a program of demonstrated effectiveness.

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Can I be considered for deferred action even if I do not meet the guidelines to be considered for deferred action for childhood arrivals?

This process is only for individuals who meet the specific guidelines for DACA. Other individuals may, on a case-by-case basis, request deferred action from U.S. Citizenship and Immigration Services (USCIS) or U.S. Immigration and Customs Enforcement (ICE) in certain circumstances, consistent with longstanding practice.

How do I request consideration of deferred action for childhood arrivals?

To request consideration of DACA (either as an initial request or to request a renewal), you must submit [Form I-821D, Consideration of Deferred Action for Childhood Arrivals](#) to USCIS. Please visit www.uscis.gov/i-821d before you begin the process to make sure you are using the most current version of the form available. This form must be completed, properly signed and accompanied by a [Form I-765, Application for Employment Authorization](#), and a [Form I-765WS, Worksheet](#), establishing your economic need for employment. If you fail to submit a completed Form I-765 (along with the accompanying filing fees for that form, totaling \$465), USCIS will not consider your request for deferred action. Please read the form instructions to ensure that you answer the appropriate questions (determined by whether you are submitting an initial or renewal request) and that you submit all the required documentation to support your initial request.

You must file your request for consideration of DACA at the USCIS Lockbox. You can find the mailing address and instructions at www.uscis.gov/i-821d. As of June 5, 2014, requestors must use the new version of the form. After your Form I-821D, Form I-765, and Form I-765 Worksheet have been received, USCIS will review them for completeness, including submission of the required fee, initial evidence and supporting documents (for initial filings).

If it is determined that the request is complete, USCIS will send you a receipt notice. USCIS will then send you an appointment notice to visit an Application Support Center (ASC) for biometric services, if an appointment is required. Please make sure you read and follow the directions in the notice. Failure to attend your biometrics appointment may delay processing of your request for consideration of deferred action, or may result in a denial of your request. You may also choose to receive an email and/or text message notifying you that your form has been accepted by completing a [Form G-1145, E-Notification of Application/Petition Acceptance](#).

Each request for consideration of DACA will be reviewed on an individual, case-by-case basis. USCIS may request more information or evidence from you, or request that you appear at a USCIS office. USCIS will notify you of its determination in writing.

Note: All individuals who believe they meet the guidelines, including those in removal proceedings, with a final removal order, or with a voluntary departure order (and not in immigration detention), may affirmatively request consideration of DACA from USCIS through this process. Individuals who are currently in immigration detention and believe they meet the guidelines may not request consideration of deferred action from USCIS but may identify themselves to their deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information visit ICE's website at www.ice.gov/daca.

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Will the information I share in my request for consideration of deferred action for childhood arrivals be used for immigration enforcement purposes?

Information provided in this request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance (www.uscis.gov/NTA). Individuals whose cases are deferred pursuant to DACA will not be referred to ICE. The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing policy covers family members and guardians, in addition to the requestor. This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Can I request consideration of deferred action for childhood arrivals under this process if I am currently in a nonimmigrant status (e.g. F-1, E-2, H-4) or have Temporary Protected Status (TPS)?

No. You can only request consideration of deferred action for childhood arrivals under this process if you currently have no immigration status and were not in any lawful status on June 15, 2012.

If I have a conviction for a felony offense, a significant misdemeanor offense, or multiple misdemeanors, can I receive an exercise of prosecutorial discretion under this new process?

No. If you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, you will not be considered for Deferred Action for Childhood Arrivals (DACA) except where the Department of Homeland Security (DHS) determines there are exceptional circumstances.

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Can I request consideration for deferred action under this process if I live in the Commonwealth of the Northern Mariana Islands (CNMI)?

Yes, in certain circumstances. The CNMI is part of the United States for immigration purposes and is not excluded from this process. However, because of the specific guidelines for consideration of DACA, individuals who have been residents of the CNMI are in most cases unlikely to qualify for the program. You must, among other things, have come to the United States before your 16th birthday and have resided continuously in the United States since June 15, 2007.

Under the Consolidated Natural Resources Act of 2008, the CNMI became part of the United States for purposes of immigration law only on Nov. 28, 2009. Therefore entry into, or residence in, the CNMI before that date is not entry into, or residence in, the United States for purposes of the DACA process.

USCIS has used parole authority in a variety of situations in the CNMI to address particular humanitarian needs on a case-by-case basis since Nov. 28, 2009. If you live in the CNMI and believe that you meet the guidelines for consideration of deferred action under this process, except that your entry and/or residence to the CNMI took place entirely or in part before Nov. 28, 2009, USCIS is willing to consider your situation on a case-by-case basis for a grant of parole. If this situation applies to you, you should make an appointment through [INFOPASS](#) with the USCIS ASC in Saipan to discuss your case with an immigration officer.

Can I renew my period of deferred action and employment authorization under DACA?

Yes. You may request consideration for a renewal of your DACA. Your request for a renewal will be considered on a case-by-case basis. If USCIS renews its exercise of discretion under DACA for your case, you will receive deferred action for another two years, and if you demonstrate an economic necessity for employment you may receive employment authorization throughout that period.

Who can renew?

You may be considered for renewal of DACA if you met the guidelines for consideration of Initial DACA AND you:

1. Did not depart the United States on or after Aug. 15, 2012, without advance parole;
2. Have continuously resided in the United States since you submitted your most recent request for DACA that was approved up to the present time; and
3. Have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of DACA renewal. USCIS retains the ultimate discretion to determine whether deferred action is appropriate in any given case even if the guidelines are met.

When should I file my renewal request with USCIS?

USCIS strongly encourages you to submit your Deferred Action for Childhood Arrivals (DACA) renewal request between 150 days and 120 days before the expiration date located on your current Form I-797 DACA approval notice and Employment Authorization Document (EAD). Filing during this window will minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request.

USCIS' current goal is to process DACA renewal requests within 120 days. You may submit an inquiry about the status of your renewal request after it has been pending more than 105 days. To submit an inquiry online, please visit egov.uscis.gov/e-request.

- **Please Note:** Factors that may affect the timely processing of your DACA renewal request include, but are not limited to:
 - Failure to appear at an Application Support Center (ASC) for a scheduled biometrics appointment to obtain fingerprints and photographs. No-shows or rescheduling appointments will require additional processing time.
 - Issues of national security, criminality or public safety discovered during the background check process that require further vetting.
 - Issues of travel abroad that need additional evidence/clarification.
 - Name/date of birth discrepancies that may require additional evidence/clarification.
 - The renewal submission was incomplete or contained evidence that suggests a requestor may not satisfy the DACA renewal guidelines and USCIS must send a request for additional evidence or explanation

Can I file a renewal request outside the recommended filing period of 150 days to 120 days before my current DACA expires?

USCIS strongly encourages you to file your renewal request within the recommended 150-120 day filing period to minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request. Requests received earlier than 150 days in advance will be accepted; however, this could result in an overlap between your current DACA and your renewal. This means your renewal period may extend for less than a full two years from the date that your current DACA period expires.

If you file after the recommended filing period (meaning less than 120 days before your current period of DACA expires), there is an increased possibility that your current period of DACA and employment authorization will expire before you receive a decision on your renewal request. If you file after your most recent DACA period expired, but within one year of its expiration, you may submit a request to renew your DACA. If you are filing beyond one year after your most recent period of DACA expired, you may still request DACA by submitting a new initial request.

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Do I need to provide additional documents when I request renewal of deferred action under DACA?

No, unless you have *new* documents pertaining to removal proceedings or criminal history that you have not already submitted to USCIS in a previously approved DACA request. USCIS, however, reserves the authority to request at its discretion additional documents, information or statements relating to a DACA renewal request determination.

CAUTION: If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a federal felony punishable by a fine, or imprisonment up to five years, or both, under 18 U.S.C. Section 1001. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

Do I accrue unlawful presence if I am seeking renewal and my previous period of DACA expires before I receive a renewal of deferred action under DACA? Similarly, what would happen to my work authorization?

Yes, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will accrue unlawful presence for any time between the periods of deferred action unless you are under 18 years of age at the time you submit your renewal request.

Similarly, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will not be authorized to work in the United States regardless of your age at time of filing until and unless you receive a new employment authorization document from USCIS.

However, if you have filed your renewal request with USCIS approximately 120 days before your deferred action and EAD expire and USCIS is unexpectedly delayed in processing your renewal request, USCIS may provide deferred action and employment authorization for a short period of time.

If I am no longer in school, can I still request to renew my DACA?

Yes. Neither Form I-821D nor the instructions ask renewal requestors for information about continued school enrollment or graduation. The instructions for renewal requests specify that you may be considered for DACA renewal if you met the guidelines for consideration of initial DACA and

1. did not depart the United States on or after August 15, 2012, without advance parole;
2. have continuously resided in the United States, up to the present time, since you submitted your most recent request for DACA that was approved; and
3. have not been convicted of a felony, a significant misdemeanor or three or more misdemeanors, and are not a threat to national security or public safety.

If I initially received DACA and was under the age of 31 on June 15, 2012, but have since become 31 or older, can I still request a DACA renewal?

Yes. You may request consideration for a renewal of DACA as long as you were under the age of 31 as of June 15, 2012.

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What documentation may be sufficient to prove identity?

Documentation sufficient to prove identity may include:

- Passport;
- Birth certificate accompanied by photo identification;
- Any national identity document from your country of origin bearing your photo and/or fingerprint;
- Any U.S.-government immigration or other document bearing your name and photograph (e.g. Employment Authorization Documents (EADs), expired visas, driver's license, non-driver card, etc.);
- Any school-issued form of identification with photo;
- Military identification document with photo; or
- Any other document that you believe is relevant.

What documentation may be sufficient to demonstrate that I came to the United States before the age of 16?

Documentation sufficient to demonstrate that you came to the United States before the age of 16 may include:

- Passport with admission stamp
- Form I-94/I-95/I-94W
- School records from the U.S. schools you have attended
- Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear)
- Travel records
- Hospital or medical records
- Rent receipts or utility bills
- Employment records (pay stubs, W-2 Forms, etc.)
- Official records from a religious entity confirming participation in a religious ceremony
- Copies of money order receipts for money sent in or out of the country
- Birth certificates of children born in the U.S.
- Dated bank transactions
- Automobile license receipts or registration
- Deeds, mortgages, rental agreement contracts
- Tax receipts, insurance policies

What documentation may be sufficient to demonstrate that my immigration status had expired as of June 15, 2012?

Documentation sufficient to demonstrate that your immigration status had expired as of June 15, 2012 may include:

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- Final order of exclusion, deportation, or removal issued as of June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings, if applicable; or
- Any other document that you believe is relevant to show that as of June 15, 2012, you were present in the U.S. after your lawful status expired.

What documentation may be sufficient to demonstrate that I was physically present in the United States as of June 15, 2012?

Documentation sufficient to demonstrate that you were present in the United States on June 15, 2012 may include:

- Rent receipts or utility bills
- Employment records (pay stubs, W-2 Forms, etc.)
- School records (letters, report cards, etc.)
- Military records (Form DD-214 or NGB Form 22)
- Official records from a religious entity confirming participation in a religious ceremony
- Copies of money order receipts for money sent in or out of the country
- Passport entries
- Birth certificates of children born in the U.S.
- Dated bank transactions
- Automobile license receipts or registration
- Deeds, mortgages, rental agreement contracts
- Tax receipts, insurance policies

How do I establish that I am currently in school?

Documentation sufficient for you to demonstrate that you are currently in school may include, but is not limited to:

- evidence that you are enrolled in a public, private, or charter elementary school, junior high or middle school, high school or secondary school; alternative program, or homeschool program that meets state requirements; or
- evidence that you are enrolled in an education, literacy, or career training program (including vocational training) that:
 - has a purpose of improving literacy, mathematics, or English, or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; and
 - is funded, in whole or in part, by federal, state, county or municipal grants or is administered by non-profit organizations, or if funded by other sources, is a program of demonstrated effectiveness; or
- evidence that you are enrolled in an education program assisting students in obtaining a high school equivalency diploma or certificate recognized under state law (such as by passing a GED exam or other such state-authorized exam [for example, HiSet or TASC]), and that the program is funded in whole or in part by federal, state, county or municipal grants or is administered by non-profit organizations or if funded by other sources, is of demonstrated effectiveness.

Such evidence of enrollment may include: acceptance letters, school registration cards, letters from a school or program, transcripts, report cards, or progress reports which may show the name of the school or program, date of enrollment, and current educational or grade level, if relevant.

Note: If you would like clarification of evidence documents, school information and/or academic requirements, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

What documentation may be sufficient to demonstrate that I have graduated from high school?

Documentation sufficient for you to demonstrate that you have graduated from high school may include, but is not limited to, a high school diploma from a public or private high school or secondary school, a certificate of completion, a certificate of attendance, or an alternate award from a public or private high school or secondary school, or a recognized equivalent of a high school diploma under state law, or a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC) in the United States.

Note: If you would like clarification of evidence documents, school information and/or academic requirements, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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What documentation may be sufficient to demonstrate that I have obtained a General Education Development (GED) certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC)?

Documentation may include, but is not limited to, evidence that you have passed a GED exam, or other state-authorized exam (e.g., HiSet or TASC), and, as a result, have received the recognized equivalent of a regular high school diploma under state law.

Note: If you would like clarification of evidence documents, school information and/or academic requirements, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

What documentation may be sufficient to demonstrate that I am currently in school, have graduated from high school, or have obtained a general education development certificate (GED)?

Documentation sufficient to demonstrate that you are currently in school, have graduated from high school, or have obtained a GED certificate may include:

- School records (transcripts, report cards, etc.) from the school that you are currently attending in the United States showing the name(s) of the school(s) and periods of school attendance and the current educational or grade level
- U.S. high school diploma, certificate of completion, or other alternate award
- High school equivalency diploma or certificate recognized under state law
- Evidence that you passed a state-authorized exam, including the GED or other state-authorized exam (e.g., HiSet or TASC). in the United States

Note: If you would like clarification of evidence documents, school information and/or academic requirements, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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What documentation may be sufficient to demonstrate that I am an honorably discharged veteran of the Coast Guard or Armed Forces of the United States?

Documentation sufficient to demonstrate that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States may include:

- Form DD-214, Certificate of Release or Discharge from Active Duty;
- NGB Form 22, National Guard Report of Separation and Record of Service;
- Military personnel records;
- Military health records; or

What documentation may be sufficient to demonstrate that I have resided in the United States for at least 5 years preceding June 15, 2012?

Documentation sufficient to demonstrate that you have resided in the United States for at least 5 years preceding June 15, 2012 may include:

- Rent receipts or utility bills
- Employment records (pay stubs, W-2 Forms, etc.)
- School records (letters, report cards, etc.)
- Military records (Form DD-214 or NGB Form 22)
- Official records from a religious entity confirming participation in a religious ceremony
- Copies of money order receipts for money sent in or out of the country
- Passport entries
- Birth certificates of children born in the U.S.
- Dated bank transactions
- Automobile license receipts or registration
- Deeds, mortgages, rental agreement contracts
- Tax receipts, insurance policies

To prove continuous residence in the United States since June 15, 2007, must I provide evidence documenting my presence for every day, or every month, of that period?

To meet the continuous residence guideline, you must submit documentation that shows you have been living in the United States from June 15, 2007, up until the time of your request. You should provide documentation to account for as much of the period as reasonably possible, but there is no requirement that every day or month of that period be specifically accounted for through direct evidence.

It is helpful to USCIS if you can submit evidence of your residence during at least each year of the period. USCIS will review the documentation in its totality to determine whether it is more likely than not that you were continuously residing in the United States for the period since June 15, 2007. Gaps in the documentation as to certain periods may raise doubts as to your continued residence if, for example, the gaps are lengthy or the record otherwise indicates that you may have been outside the United States for a period of time that was not brief, casual or innocent.

If gaps in your documentation raise questions, USCIS may issue a Request for Evidence to allow you to submit additional documentation that supports your claimed continuous residence.

Affidavits may be submitted to explain a gap in the documentation demonstrating that you meet the continuous residence requirement. If you submit affidavits related to the continuous residence requirement, you must submit two or more affidavits, sworn to or affirmed by people other than yourself who have direct personal knowledge of the events and circumstances during the period as to which there is a gap in the documentation. Affidavits may only be used to explain gaps in your continuous residence; they cannot be used as evidence that you meet the entire continuous residence requirement.

Note: If you would like additional information or clarification on the guidelines for an affidavit and/or circumstantial evidence, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our webpage at www.uscis.gov/childhoodarrivals.

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May I file affidavits as proof that I meet the guidelines for consideration of deferred action for childhood arrivals?

Affidavits generally will not be sufficient on their own to demonstrate that you meet the guidelines for USCIS to consider you for DACA. However, affidavits may be used to support meeting the following guidelines only if the documentary evidence available to you is insufficient or lacking:

- Demonstrating that you meet the continuous residence requirement; and
- Establishing that departures during the required period of continuous residence were brief, casual and innocent.

If you submit affidavits related to the above criteria, you must submit two or more affidavits, sworn to or affirmed by people other than yourself, who have direct personal knowledge of the events and circumstances. Should USCIS determine that the affidavits are insufficient to overcome the unavailability or the lack of documentary evidence with respect to either of these guidelines, it will issue a Request for Evidence, indicating that further evidence must be submitted to demonstrate that you meet these guidelines.

USCIS will not accept affidavits as proof of satisfying the following guidelines:

- You are currently in school, have graduated or obtained a certificate of completion or other alternate award from high school, have obtained a high school equivalency diploma or certificate (such as by passing the GED exam or other state-authorized exam [for example, HiSet or TASC]), or are an honorably discharged veteran from the Coast Guard or Armed Forces of the United States;
- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You were under the age of 31 on June 15, 2012; and
- Your criminal history, if applicable.

If the only evidence you submit to demonstrate you meet any of the above guidelines is an affidavit, USCIS will issue a Request for Evidence, indicating that you have not demonstrated that you meet these guidelines and that you must do so in order to demonstrate that you meet that guideline.

Note: If you would like additional information or clarification on the guidelines for an affidavit and/or circumstantial evidence, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our webpage at www.uscis.gov/childhoodarrivals.

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Will USCIS consider circumstantial evidence that I have met certain initial guidelines?

Circumstantial evidence may be used to establish the following guidelines and factual showings if available documentary evidence is insufficient or lacking and shows that:

- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You satisfy the continuous residence requirement, as long as you present direct evidence of your continued residence in the United States for a portion of the required continuous residence period and the circumstantial evidence is used only to fill in gaps in the length of continuous residence demonstrated by the direct evidence; and
- Any travel outside the United States during the years of required continuous presence was brief, casual, and innocent.

However, USCIS will not accept circumstantial evidence as proof of any of the following guidelines to demonstrate that you:

- Were under the age of 31 on June 15, 2012; and
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

For example, if you do not have documentary proof of your presence in the United States on June 15, 2012, you may nevertheless be able to satisfy the guideline circumstantially by submitting credible documentary evidence that you were present in the United States shortly before and shortly after June 15, 2012, which under the facts presented may give rise to an inference of your presence on June 15, 2012 as well. However, circumstantial evidence will not be accepted to establish that you have graduated high school. You must submit direct documentary evidence to satisfy that you meet this guideline.

Note: If you would like additional information or clarification on the guidelines for an affidavit and/or circumstantial evidence, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our webpage at www.uscis.gov/childhoodarrivals.

Will USCIS consider circumstantial evidence that I have met the education guidelines?

No. Circumstantial evidence will not be accepted to establish that you are currently in school, have graduated or obtained a certificate of completion from high school, or have obtained a GED or passed another state-authorized exam (e.g., HiSet or TASC). You must submit direct documentary evidence to satisfy that you meet the education guidelines.

Note: If you would like additional information or clarification on the guidelines for an affidavit and/or circumstantial evidence, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our webpage at www.uscis.gov/childhoodarrivals.

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Do brief departures from the United States interrupt the continuous residence requirement?

A brief, casual and innocent absence from the United States will not interrupt your continuous residence. If you were absent from the United States, your absence will be considered brief, casual and innocent if it was on or after June 15, 2007, and before Aug. 15, 2012, and:

1. The absence was short and reasonably calculated to accomplish the purpose for the absence;
2. The absence was not because of an order of exclusion, deportation or removal;
3. The absence was not because of an order of voluntary departure, or an administrative grant of voluntary departure before you were placed in exclusion, deportation or removal proceedings; and
4. The purpose of the absence and/or your actions while outside the United States were not contrary to law.

Once USCIS has approved your request for DACA, you may file [Form I-131, Application for Travel Document](#), Application for Travel Document, to request advance parole to travel outside of the United States.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

For additional information, please visit our Web page at www.uscis.gov/childhoodarrivals.

May I travel outside of the United States before I submit an initial request for deferred action for childhood arrivals (DACA) or while my initial DACA request is pending with USCIS?

Any unauthorized travel outside of the United States on or after Aug. 15, 2012, will interrupt your continuous residence and you will not be considered for deferred action under this process. Any travel outside of the United States that occurred on or after June 15, 2007, but before Aug. 15, 2012, will be assessed by U.S. Citizenship and Immigration Services (USCIS) to determine whether the travel qualifies as brief, casual and innocent.

CAUTION: You should be aware that if you have been ordered deported or removed, and you then leave the United States, your departure will likely result in your being considered deported or removed, with potentially serious future immigration consequences.

Note: If you would like additional information on travel, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

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Will I be able to travel outside of the United States if my case is deferred pursuant to the consideration of deferred action for childhood arrivals process?

Not automatically. If USCIS has decided to defer action in your case and you want to travel outside the United States, you must apply for advance parole by filing a [Form I-131, Application for Travel Document](#) and paying the applicable fee (\$360). USCIS will determine whether your purpose for international travel is justifiable based on the circumstances you describe in your request. Generally, USCIS will only grant advance parole if your travel abroad will be in furtherance of:

- humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;
- educational purposes, such as semester-abroad programs and academic research, or;
- employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.

Travel for vacation is not a valid basis for advance parole.

You may not apply for advance parole unless and until USCIS defers action in your case under the consideration of DACA. You cannot apply for advance parole at the same time as you submit your request for consideration of DACA. All advance parole requests will be considered on a case-by-case basis.

If USCIS has deferred action in your case under the DACA process after you have been ordered deported or removed, you may still request advance parole if you meet the guidelines for advance parole described above.

CAUTION: However, for those individuals who have been ordered deported or removed, before you actually leave the United States, you should seek to reopen your case before the Executive Office for Immigration Review (EOIR) and obtain administrative closure or termination of your removal proceeding. Even after you have asked EOIR to reopen your case, you should not leave the United States until after EOIR has granted your request. If you depart after being ordered deported or removed, and your removal proceeding has not been reopened and administratively closed or terminated, your departure may result in your being considered deported or removed, with potentially serious future immigration consequences. If you have any questions about this process, you may contact U.S. Immigration and Customs Enforcement (ICE) through the local ICE Office of the Chief Counsel with jurisdiction over your case.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

Note: If you would like additional information on travel, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our webpage at www.uscis.gov/childhoodarrivals.

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May I file a request for advance parole concurrently with my DACA package?

Concurrent filing of advance parole is not an option at this time. DHS is, however, reviewing its policy on concurrent filing of advance parole with a DACA request. In addition, DHS is also reviewing eligibility criteria for advance parole. If any changes to this policy are made, USCIS will update this FAQ and inform the public accordingly.

Will USCIS conduct a background check when reviewing my request for consideration of deferred action for childhood arrivals?

Yes. You must undergo biographic and biometric background checks before USCIS will consider your DACA request.

What do background checks involve?

Background checks involve checking biographic and biometric information provided by the individuals against a variety of databases maintained by DHS and other federal government agencies.

Am I eligible for employment authorization if my removal is deferred pursuant to the consideration of deferred action for childhood arrivals process?

Yes. Pursuant to existing regulations, if your case is deferred, you may obtain employment authorization from USCIS provided you can demonstrate an economic necessity for employment. For the consideration of deferred action for childhood arrivals process, the application for employment authorization must be filed together with the request for consideration of deferred action for childhood arrivals and will be reviewed after a determination is made on deferred action. Information about employment authorization requests is available on USCIS's website at www.uscis.gov/I-765.

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Can I obtain a fee waiver or fee exemption for this process?

There are no fee waivers available for employment authorization applications connected to the deferred action for childhood arrivals process. There are very limited fee exemptions available. Requests for fee exemptions must be filed and favorably adjudicated before an individual files his/her request for consideration of deferred action for childhood arrivals without a fee. For more information, including frequently asked questions, please visit our Web site at www.uscis.gov/childhoodarrivals.

Note: If you would like information on the guidelines or qualifications for a fee waiver or fee exemption, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our Web page at www.uscis.gov/childhoodarrivals.

How should I answer question 9 on Form I-765?

When you are filing a Form I-765 as part of a DACA request, question 9 is asking you to list those Social Security numbers that were officially issued to you by the Social Security Administration.

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Can I appeal USCIS' determination?

No. You cannot file a motion to reopen or reconsider, and cannot appeal the decision if USCIS denies your request for consideration of deferred action for childhood arrivals.

You may request a review if you meet all of the process guidelines and you believe that you actually did meet all of the DACA guidelines and you believe that your request was denied due to one of the following errors:

- Denied the request based on abandonment, when you actually responded to an RFE or NOID within the prescribed time;
- Mailed the RFE or NOID to the wrong address although you had submitted a Form AR-11, Change of Address, or changed your address online at www.uscis.gov before USCIS issued the RFE or NOID;
- Denied the request on the grounds that you did not come to the United States prior to your 16th birthday, but the evidence submitted at the time of filing shows that you did arrive before reaching that age;
- Denied the request on the grounds that you were under age 15 at the time of filing but not in removal proceedings, while the evidence submitted at the time of filing show that you indeed were in removal proceedings when the request was filed;
- Denied the request on the grounds that you were 31 or older as of June 15, 2012, but the evidence submitted at the time of filing shows that you were not yet 31 years old as of that date;
- Denied the request on the grounds that you had lawful status on June 15, 2012, but the evidence submitted at the time of filing shows that you indeed were in an unlawful immigration status on that date;
- Denied the request on the grounds that you were not physically present in the United States on June 15, 2012, and up through the date of filing, but the evidence submitted at the time of filing shows that you were, in fact, present;
- Denied the request due to your failure to appear at a USCIS ASC to have your biometrics collected, when you in fact either did appear at a USCIS ASC to have this done or requested prior to the scheduled date of your biometrics appointment to have the appointment rescheduled; or
- Denied the request because you did not pay the filing fees for Form I-765, Application for Employment Authorization, when you actually did pay these fees.

Note: If you believe your request was denied in error, you may contact our National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired). Customer service officers are available Monday – Friday from 8 a.m. – 6 p.m. in each U.S. time zone.

If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?

If you have submitted a request for consideration of DACA and USCIS decides not to defer action in your case, USCIS will apply its policy guidance governing the referral of cases to ICE and the issuance of Notices to Appear (NTA). If your case does not involve a criminal offense, fraud, or a threat to national security or public safety, your case will not be referred to ICE for purposes of removal proceedings except where DHS determines there are exceptional circumstances. For more detailed information on the applicable NTA policy visit www.uscis.gov/NTA. If after a review of the totality of circumstances USCIS determines to defer action in your case, USCIS will likewise exercise its discretion and will not issue you an NTA.

Note: If you would like additional information, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our webpage at www.uscis.gov/childhoodarrivals.

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Does deferred action provide me with a path to permanent residence status or citizenship?

No. Deferred action is a form of prosecutorial discretion that does not confer lawful permanent resident status or a path to citizenship. Only the Congress, acting through its legislative authority, can confer these rights.

Do I accrue unlawful presence if I have a pending request for consideration of deferred action for childhood arrivals?

You will continue to accrue unlawful presence while the request for consideration of DACA is pending unless you are under 18 years of age at the time of the request. If you are under 18 years of age at the time you submit your request, you will not accrue unlawful presence while the request is pending, even if you turn 18 while your request is pending with USCIS. If action on your case is deferred, you will not accrue unlawful presence during the period of deferred action. However, having action deferred on your case will not excuse previously accrued unlawful presence.

Note: If you would like additional information or clarification on unlawful presence, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our webpage at www.uscis.gov/childhoodarrivals.

If my case is deferred, am I in lawful status for the period of deferral?

No. Although action on your case has been deferred and you do not accrue unlawful presence during the period of deferred action, deferred action does not confer any lawful status.

The fact that you are not accruing unlawful presence does not change whether you are in lawful status while you remain in the United States. However, although deferred action does not confer a lawful immigration status, your period of stay is authorized by the Department of Homeland Security while your deferred action is in effect and, for admissibility purposes, you are considered to be lawfully present in the United States during that time. Individuals granted deferred action are not precluded by federal law from establishing domicile in the U.S.

Note: If you would like additional information or clarification on lawful status, it may be in your best interest to seek legal advice from a licensed immigration attorney or from a nonprofit agency accredited by the Board of Immigration Appeals. Additionally, please visit our webpage at www.uscis.gov/childhoodarrivals.

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Must attorneys and accredited representatives who provide pro bono services to deferred action requestors at group assistance events file a Form G-28 with USCIS?

Under 8 C.F.R. §§ 292.3 and 1003.102, practitioners are required to file a Notice of Entry of Appearance as Attorney or Accredited Representative when they engage in practice in immigration matters before DHS, either in person or through the preparation or filing of any brief, application, petition, or other document. Under these rules, a practitioner who consistently violates the requirement to file a Form G-28 may be subject to disciplinary sanctions; however on Feb. 28, 2011, USCIS issued a statement indicating that it does not intend to initiate disciplinary proceedings against practitioners (attorneys and accredited representatives) based solely on the failure to submit a Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) in relation to pro bono services provided at group assistance events. DHS is in the process of issuing a final rule at which time this matter will be reevaluated.

When must an individual sign a Form I-821D as a preparer?

Anytime someone other than the requestor prepares or helps fill out the Form I-821D, that individual must complete Part 5 of the form.

Will USCIS verify documents or statements that I provide in support of a request for DACA?

USCIS has the authority to verify documents, facts, and statements that are provided in support of requests for DACA. USCIS may contact education institutions, other government agencies, employers, or other entities in order to verify information.

Am I required to register with the Selective Service?

Most male persons residing in the U.S., who are ages 18 through 25, are required to register with Selective Service. Please visit www.sss.gov for more information.

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What is the Unauthorized Practice of Immigration Law (UPIL)?

The unauthorized practice of immigration law occurs when those who are not attorneys or accredited representatives:

- Provide legal assistance to applicants or petitioners in immigration matters;
- Charge more than a nominal fee; or
- Hold themselves out to be qualified in legal matters.

The unauthorized practice of immigration law endangers the integrity of our immigration system and victimizes members of the immigrant community. In June 2011 in collaboration with our Federal Partners, U.S. Citizenship and Immigration Services (USCIS) launched an initiative to combat this exploitative practice by:

- Promoting public understanding of the best ways to find bona fide legal advice and avoid scams;
- Building capacity for legitimate assistance and services; and
- Supporting enforcement action against those who engage in the unauthorized practice of immigration law.

How is UPIL relevant to deferred action for childhood arrivals?

USCIS recognizes that the young immigrant population affected is at a heightened degree of vulnerability to misinformation and misrepresentations while seeking guidance with the deferred action request process. USCIS is currently engaging, and will continue to engage, with stakeholders to emphasize our ongoing commitment to combating fraud, scams, abuse, and unauthorized practice of immigration law as it pertains to deferred action.

How can I avoid becoming a victim of fraud, scams, and UPIL?

Make sure you seek information about deferred action from official sources and that you seek legal assistance and advice only from attorneys or authorized legal service providers.

Official sources of information about Deferred Action:

- www.dhs.gov
- www.uscis.gov
- www.ice.gov
- www.cbp.gov
- USCIS National Customer Service Center hotline at 1-800-375-5283. (Available in English and Spanish.)

Resources to help you find authorized legal advice:

- www.uscis.gov/avoidscams
- www.justice.gov/eoir/legalrepresentation.htm

Where to go get information on reporting immigration services fraud, scam or UPIL

- www.uscis.gov/avoidscams
- www.ftc.gov

Someone told me if I pay them a fee, they can expedite my deferred action for childhood arrivals request, is this true?

No. There is no expedited processing for deferred action. Dishonest practitioners may promise to provide you with faster services if you pay them a fee. These people are trying to scam you and take your money. Visit our [Avoid Scams](#) page to learn how you can protect yourself from immigration scams.

Make sure you seek information about requests for consideration of DACA from official government sources such as USCIS or the DHS. If you are seeking legal advice, visit our [Find Legal Services](#) page to learn how to choose a licensed attorney or accredited representative.

What steps will USCIS and ICE take if I engage in fraud through the new process?

If you knowingly make a misrepresentation, or knowingly fail to disclose facts, in an effort to obtain DACA or work authorization through this process, you will be treated as an immigration enforcement priority to the fullest extent permitted by law, and be subject to criminal prosecution and/or removal from the United States.

Will I be considered to be in unlawful status if I had an application for asylum or cancellation of removal pending before either USCIS or the Executive Office for Immigration Review (EOIR) on June 15, 2012?

Yes. If you had an application for asylum or cancellation of removal, or similar relief, pending before either USCIS or EOIR as of June 15, 2012, but had no lawful status, you may request consideration of deferred action for childhood arrivals.

Can I request consideration of deferred action for childhood arrivals from USCIS if I am in immigration detention under the custody of ICE?

No. If you are currently in immigration detention, you may not request consideration of DACA from USCIS. If you think you may meet the guidelines of this process, you should identify yourself to your deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information visit ICE's website at www.ice.gov/daca.

If I am about to be removed by ICE and believe that I meet the guidelines for consideration of deferred action for childhood arrivals, what steps should I take to seek review of your case before removal?

If you believe you can demonstrate that you meet the guidelines and are about to be removed, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

If individuals meet the guidelines for consideration of deferred action for childhood arrivals and are encountered by Customs and Border Protection (CBP) or ICE, will they be placed into removal proceedings?

DACA is intended, in part, to allow CBP and ICE to focus on priority cases. Under the direction of the Secretary of Homeland Security, if an individual meets the guidelines for DACA, CBP or ICE should exercise their discretion on a case-by-case basis to prevent qualifying individuals from being apprehended, placed into removal proceedings, or removed. If individuals believe that, in light of this policy, they should not have been apprehended or placed into removal proceedings, contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

If I accepted an offer of administrative closure under the case-by-case review process or my case was terminated as part of the case-by-case review process, can I be considered for deferred action under this process?

Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you have accepted an offer of administrative closure or termination under the case-by-case review process.

If I declined an offer of administrative closure under the case-by-case review process, can I be considered for deferred action under this process?

Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you declined an offer of administrative closure under the case-by-case review process.

If my case was reviewed as part of the case-by-case review process but I was not offered administrative closure, can I be considered for deferred action under this process?

Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you were not offered administrative closure following review of your case as part of the case-by-case review process.

How will ICE and USCIS handle cases involving individuals who do not satisfy the guidelines of this process but believe they may warrant an exercise of prosecutorial discretion under the June 2011 Prosecutorial Discretion Memoranda?

If USCIS determines that you do not satisfy the guidelines or otherwise determines you do not warrant an exercise of prosecutorial discretion, then it will decline to defer action in your case. If you are currently in removal proceedings, have a final order, or have a voluntary departure order, you may then request ICE consider whether to exercise prosecutorial discretion.

What should I do if I meet the guidelines of this process and have been issued an ICE detainer following an arrest by a state or local law enforcement officer?

If you meet the guidelines and have been served a detainer, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

If my case is referred to ICE for immigration enforcement purposes or if I receive an NTA, will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes?

If your case is referred to ICE for purposes of immigration enforcement or you receive an NTA, information related to your family members or guardians that is contained in your request will not be referred to ICE for purposes of immigration enforcement against family members or guardians. However, that information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense.

This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

I was admitted for "duration of status" or for a period of time that extended past June 14, 2012, but violated my immigration status (e.g., by engaging in unauthorized employment, failing to report to my employer, or failing to pursue a full course of study) before June 15, 2012. May I be considered for deferred action under this process?

No, unless the Executive Office for Immigration Review terminated your status by issuing a final order of removal against you before June 15, 2012.

I was admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of my dependent nonimmigrant status as of June 15, 2012. May I be considered for deferred action under this process?

Yes. For purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if you were admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of your dependent nonimmigrant status, on or before June 15, 2012, (meaning you turned 21 years old on or before June 15, 2012), you may be considered for deferred action under this process.

I was admitted for "duration of status" but my status in SEVIS is listed as terminated on or before June 15, 2012. May I be considered for deferred action under this process?

Yes. For the purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if your status as of June 15, 2012, is listed as "terminated" in SEVIS, you may be considered for deferred action under this process.

I am a Canadian citizen who was inspected by CBP but was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

In general, a Canadian citizen who was admitted as a visitor for business or pleasure and not issued an I-94, Arrival/Departure Record, (also known as a "non-controlled" Canadian nonimmigrant) is lawfully admitted for a period of six months. For that reason, unless there is evidence, including verifiable evidence provided by the individual, that he or she was specifically advised that his or her admission would be for a different length of time, the Department of Homeland Security (DHS) will consider for DACA purposes only, that the alien was lawfully admitted for a period of six months. Therefore, if DHS is able to verify from its records that your last non-controlled entry occurred on or before Dec. 14, 2011, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012 and you may be considered for deferred action under this process.

I used my Border Crossing Card (BCC) to obtain admission to the United States and was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

Because the limitations on entry for a BCC holder vary based on location of admission and travel, DHS will assume that the BCC holder who was not provided an I-94 was admitted for the longest period legally possible—30 days—unless the individual can demonstrate, through verifiable evidence, that he or she was specifically advised that his or her admission would be for a different length of time. Accordingly, if DHS is able to verify from its records that your last admission was using a BCC, you were not issued an I-94 at the time of admission, and it occurred on or before May 14, 2012, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012, and you may be considered for deferred action under this process.

In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras

OVERVIEW

The U.S. Department of State has launched the in-country refugee/parole program for certain minors in El Salvador, Guatemala, and Honduras. This program allows parents who are legally in the U.S. to request refugee resettlement for children still in one of these three countries. A parent lawfully present in the U.S. may be able to file Department of State Form DS-7699 requesting a refugee resettlement interview for unmarried children under 21 in El Salvador, Guatemala, or Honduras. Form DS-7699 is not available to the general public and cannot be filed without the assistance of a designated resettlement agency.

The in-country refugee/parole program for minors in El Salvador, Guatemala, and Honduras allows parents who are legally in the U.S. to request refugee resettlement for children still in one of these three countries. These parents may be able to file Department of State Form DS-7699 requesting a refugee resettlement interview for unmarried children under 21. Form DS-7699 is not available to the general public and cannot be filed without the assistance of a designated resettlement agency.

To submit Form DS-7699 you must contact a Department of State-funded resettlement agency to make an appointment. Resettlement agencies are located in more than 180 communities across the U.S. To find the nearest resettlement agency, please go to the website www.wrapsnet.org and search under the "CAM Program" tab under the heading "R&P Resettlement Affiliate Directory" for the document listing locations by state and city.

For more information about the program, please go to the website www.wrapsnet.org and select the "CAM Program" link.

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Disclaimer

The information contained here is a basic guide to help you become generally familiar with many of our rules and procedures. Immigration law can be complex, and it is impossible to describe every aspect of every process. After using this guide, the conclusion reached, based on your information, may not take certain factors such as arrests, convictions, deportations, removals or inadmissibility into consideration. If you have any such issue, this guide may not fully address your situation, as the full and correct answer may be significantly different.

This guide is not intended to provide legal advice. If you believe you may have an issue such as any described above, it may be beneficial to consider seeking legal advice from a reputable immigration practitioner such as a licensed attorney or nonprofit agency accredited by the Board of Immigration Appeals before seeking this or any immigration benefit.

For more information about immigration law and regulations, please see our website at www.uscis.gov.

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