



AFTER FILING YOUR CLIENT'S DACA RENEWAL REQUEST –

WHAT TO EXPECT

Timeline

1. The first thing the client should receive is an email and/or text notifying them that USCIS has received their renewal request for Deferred Action for Childhood Arrivals (DACA). Approximately 2-3 weeks later, both the client and attorney should receive a notice from USCIS verifying receipt of their application and payment of fees. **If they do not receive any USCIS notices within 3 weeks from the date that the application was filed, call or email your VOLS mentor attorney to assist with a follow-up with USCIS.**
2. If USCIS requires biometrics to be taken, a separate biometrics notice will be issued by USCIS at the same time or a few weeks after the initial receipt notice. The client must be informed that they **MUST** go to this appointment with some form of photo ID (ex: passport, NYS ID, an expired student ID is OK if that is all they have) along with their original appointment notice. **If the client fails to go to this appointment, their Deferred Action application will likely be denied.** If the client is unable to attend their scheduled fingerprints appointment, they may request that USCIS reschedule their appointment by calling the USCIS Contact Center phone number on the appointment notice. The request to reschedule must 1. Be made before the date and time of the original appointment and 2. Establish good cause for rescheduling. If USCIS decides to reuse a client's past biometrics, the receipt notice will indicate this.
2. At this time, USCIS is generally processing DACA renewal applications **within two months**, but this is an **estimate** and **processing times can vary**.

For a renewal, if the client files **less than 120 days before** their DACA and Employment Authorization Document (otherwise known as "EAD" or work permit) expire, their EAD might expire before they receive a renewal. This means that they will have a **gap** in their employment authorization and they **will not** have authorization to work legally for a period of time.

If the client has had any **contact with the police or authorities**, their application may take **longer** to process. A certificate of disposition should be included in the submission. The client and attorney should also assess the risks and benefits of filing for DACA. Contact your VOLS mentor attorney for help.

3. Once a DACA renewal is approved, the client's new EAD will be mailed to them either at the same time, or shortly afterwards. If they do not receive their EAD **within 90 days** of receiving your Deferred Action renewal approval letter, contact



a VOLS mentor attorney or USCIS Contact Center.

4. Keep a copy of all of the notices received and the applications filed, including supporting evidence. The client may need to have proof that they have been living in the United States for other reasons in the future, and it will help them to have these records in a safe place.
5. **If their renewal application is approved, their DACA and new EAD will be valid for two years.** This means the Department of Homeland Security will likely not try to remove them from the United States unless they later determine they are an enforcement priority because of an arrest other security considerations such as gang affiliations. If the program ends, which can happen at any time, the client will no longer have Deferred Action and their work permit will become invalid.

Things to know...

- If you have to contact USCIS Customer Service, have a copy of the filing receipt or notice on hand so you can give the case number to the agent on the phone (the case number is on the top left hand side and starts with three letters and is followed by ten numbers).
- **If the client moves**, they need to submit form AR-11, found on-line at www.uscis.gov (under FORMS), and link it to their case receipt number. Follow the step-by-step instructions on the “How to Change Your Address Online with USCIS” guide to ensure that they are completing and submitting the form correctly. **KEEP A COPY AS PROOF!**

Mailing in the AR-11 will not necessarily update the records connected to their request for DACA so it is important to also **call the customer service number** and let USCIS know. Otherwise, the client may be sent notices that they do not receive, and this could result in a denial.

- If USCIS wants more proof of something, they may send a **Request for Evidence (RFE)**. There are time limits to respond, and if a timely response is not made, USCIS could deem the application abandoned and deny their Deferred Action. **Contact your VOLS mentor attorney if an RFE is issued (or any other kind of notice that asks the client to take action).**

Warnings

NO APPEALS: If the client does not respond to requests from USCIS, or go to an appointment, and their DACA renewal request is denied, **there is no appeals process.**

TRAVEL: DON'T! IF THE CLIENT LEAVES THEY WILL ABANDON DACA & WON'T BE PERMITTED TO RETURN TO THE U.S.



Arrests: Contact with law enforcement could make your client ineligible for DACA and could lead to removal from the U.S. **If the client is arrested, make sure their criminal defense attorney understands what their immigration status is and the consequences on their immigration status with different types of pleas.**