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Immigration Alert: Department of Homeland Security Announces Deferred Action Process for Certain Young People

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On June 15, 2012, the secretary of homeland security announced that effective immediately, certain young people who were brought to the United States as young children will be considered for relief from removal or from entering into removal proceedings. Those who demonstrate that they meet the criteria will be eligible to receive deferred action for a period of two years, subject to renewal, and will be eligible to apply for work authorization.

Individuals must meet the following criteria to be eligible for deferred action, which will be decided on a case-by-case basis:

- 1) Came to the United States under the age of 16
- 2) Have continuously resided in the United States for at least five years as of June 15, 2012 and was present in the United States on June 15, 2012
- 3) Currently in school, have graduated from high school, have obtained a GED or are honorably discharged veterans of the Coast Guard or Armed Forces of the United States
- 4) Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses or otherwise pose a threat to national security or public safety
- 5) Are not above the age of 30

Individuals who meet the eligibility criteria and are not in removal proceedings or are subject to a final order of removal will need to submit a request for a review of their case and supporting evidence to USCIS. Application procedures will become available within the next 60 days.

For individuals who are in removal proceedings before the Executive Office for Immigration Review, ICE will announce the process by which qualified individuals may request a review of their case in the coming weeks. For individuals who are in removal proceedings and have already been identified as meeting the eligibility criteria as part of ICE's

case-by-case review, ICE will immediately begin to offer deferred action for a period of two years, subject to renewal.

For additional questions regarding deferred action, please contact your Vorys attorney.