

Initial Evidence

1. What Documents Should You Submit With Your Form I-821D?

- a. You do not need to submit original documents unless USCIS requests them.
- b. Evidence and supporting documents that you file with your Form I-821D should show that you meet all of the following:
 - (1) Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
 - (2) Are at least 15 years of age at the time of filing, if required; (See "Who May File Form I-821D?" section of the instructions for more information.)
 - (3) Arrived in the United States before the age of 16;
 - (4) You were born after June 15, 1981 (i.e., You were not age 31 or older on June 15, 2012);
 - (5) Have continuously resided in the United States since June 15, 2007, up to the present time;
 - (6) Were present in the United States on June 15, 2012; and
 - (7) Are currently in school, graduated or received a certificate of completion from high school, obtained a general educational development certificate (GED), or that you are an honorably discharged veteran of the Coast Guard or U.S. Armed Forces.

2. What Additional Documents Should You Submit if You Are Currently or Have Been in Removal Proceedings?

Submit a copy of the removal order or any document issued by the immigration judge or the final decision of the Board of Immigration Appeals (BIA), if available. If you have not been in removal proceedings, this question does not apply to you.

3. What Documents Do You Need to Provide to Prove Identity?

Submit copies of any of the following:

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

4. What Documents May Show That You Came to the United States Before Your 16th Birthday?

Submit copies of any of the following documents:

- a. Passport with an admission stamp indicating when you entered the United States;
- b. I-94/I-95/I-94W Arrival/Departure Record;
- c. Any Immigration and Naturalization Service (INS) or DHS document stating your date of entry (e.g., Form I-862, Notice to Appear);
- d. Travel records, such as transportation tickets showing your dates of travel to the United States;
- e. School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance;
- f. Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;

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- g. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding); or
 - h. Any other document that you believe is relevant.

5. What Documents May Show You Were In Unlawful Status as of June 15, 2012? *(Not applicable if you entered without inspection and were never in removal proceedings.)*

Submit copies of any of the following documents:

- a. I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- b. If you have a 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;
- c. An INS or DHS charging document placing you into removal proceedings, if available; or
- d. Any other document that you believe is relevant to show that as of June 15, 2012, you were present in the United States after your lawful status had expired.

6. What Documents May Demonstrate That You Were Present in the United States on June 15, 2012?

Submit copies of any relevant documents such as:

- a. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service;
- b. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, State verification of the filing of state income tax returns, letters from employer(s), or, if you are self employed, letters from banks and other firms with whom you have done business);

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters must include: your address(es) at the time of employment, exact period(s) of employment, period(s) of layoff, and duties with the employer. Letters must also be signed by the employer and include the employer's contact information.

- c. School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance;
- d. Military records (e.g., 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; or military health records);
- e. Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;
- f. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding);
- g. Money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- h. Any other relevant document.

7. What Documents May Demonstrate That You Are Either: a) in School in the United States at the Time of Filing; or b) Have Graduated or Received a Certificate of Completion from a U.S. High School; or c) Have Obtained a General Education Development Certificate in the United States? *(If applicable)*

Submit copies of the following documents:

- a. 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;

- b. Your U.S. high school diploma or certificate of completion;
- c. Your U.S. GED certificate; or
- d. Any other relevant document.

8. What Documents May Demonstrate That You Are an Honorably Discharged Veteran of the Coast Guard or Armed Forces of the United States? (If applicable)

Submit copies of the following documents:

- a. Form DD-214, Certificate of Release or Discharge from Active Duty;
- b. NGB Form 22, National Guard Report of Separation and Record of Service;
- c. Military personnel records;
- d. Military health records; or
- e. Any other relevant document.

9. What Documents May Show That You Continuously Resided in the United States during the 5-Year Period Immediately Before June 15, 2012, and Up to the Present Date?

Submit copies of any relevant documents such as:

- a. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service;
- b. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, State verification of the filing of state income tax returns, letters from employer(s), or, if you are self employed, letters from banks and other firms with whom you have done business);

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters must include: your address(es) at the time of employment, exact period(s) of employment, period(s) of layoff, and duties with the employer. Letters must also be signed by the employer and include the employer's contact information.

- c. School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance;
- d. Military records (e.g., 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; or military health records);
- e. Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;
- f. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding);
- g. Money order receipts for money sent in or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- h. Any other relevant document.

10. Do Brief Departures Interrupt Continuous Residence?

A brief, casual, and innocent absence from the United States will not interrupt your continuous residence. If you were absent from the United States for any period of time, your absence will be considered brief, casual, and innocent, if it was before August 15, 2012, and:

- a. The absence was short and reasonably calculated to accomplish the purpose for the absence;

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- b. The absence was not because of an order of exclusion, deportation, or removal;
 - c. 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
 - d. The purpose of the absence and/or your actions while outside of the United States were not contrary to law.

In **Part 2., Arrival/Residence Information**, list all your absences from the United States since June 15, 2007. Include information about all your departure and return dates, and the reason for your departure(s).

Documents you can submit that may show your absence was brief, casual, and innocent include, but are not limited to:

- a. Plane or other transportation tickets or itinerary showing the travel dates;
- b. Passport entries;
- c. Hotel receipts showing the dates you were abroad;
- d. Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- e. Copy of advance parole document; and
- f. Any other evidence that could support a brief, casual, and innocent absence.

11. What Other Factors Will USCIS Consider When Making a Determination on Deferred Action?

USCIS will also conduct a background check. USCIS may consider deferring action in your case even if you have been arrested or detained by any law enforcement officer and charges were filed, or if charges were filed against you without an arrest. USCIS will evaluate the totality of the circumstances in reaching a decision on deferred action.

In accordance with the Secretary's memorandum, if USCIS determines that you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or that you otherwise pose a threat to national security or public safety, USCIS is unlikely to consider you for an exercise of deferred action. See Frequently Asked Questions (www.uscis.gov/childhoodarrivals).

Even if you satisfy the threshold criteria for consideration of deferred action for childhood arrivals, USCIS may deny your request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted in your case.

12. What Else Should You Submit with Form I-821D?

USCIS will not consider deferring action in your case unless your Form I-821D is accompanied by Form I-765 with fees, and Form I-765WS. The filing fee for the Form I-765 is \$380. In addition, you must submit a biometrics fee of \$85 as set forth in the instructions to the Form I-765. Neither the filing fee for the I-765, nor the biometrics fee can be waived. *If you do not include Form I-765 with all applicable fees with Form I-821D, your entire submission will be rejected.*

Note: Individuals requesting consideration of deferred action for childhood arrivals will be sent a notice scheduling them to appear at an Application Support Center to provide fingerprints, photographs, and signatures (biometrics collection). Failure to comply with this notice may result in the denial of your deferred action as a childhood arrival request.