



COUNTY OF SANTA CLARA OFFICE OF IMMIGRANT RELATIONS

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Fact Sheet

Deferred Action is a form of prosecutorial discretion that provides a work permit and relief from removal for two years to certain eligible undocumented youth.

What are the benefits of Deferred Action for Childhood Arrivals (DACA)?

- ⊖ Protects the youth from being placed into removal proceedings and from being removed.
- ⊖ Provides an employment authorization document that allows the youth to work.
- ⊖ Can obtain a Social Security Number.
- ⊖ DACA can be renewed after two years.
- ⊖ In certain states, a DACA-recipient can apply for a state identification card and a driver's license.

Who is eligible for DACA?

An undocumented youth that is currently living in the United States may be eligible for DACA. The youth can request DACA, even if they are currently in removal proceedings or have a final order of removal. If the youth is detained, he or she can also request DACA or ask to be released based on prima facie DACA eligibility.

What are the requirements for DACA?

A youth can request DACA if he or she:

- ⊖ Is at least 15 years old at the time of filing his or her request.
 - *Exception:* a youth that is currently in removal proceedings or has a final order of removal, or a voluntary departure order can request DACA under the age of 15.
- ⊖ Was under the age of 31 as of June 15, 2012;
- ⊖ Came to the United States before his or her 16th birthday;
 - *However,* if the youth has entered and left the United States before age 16, he or she will have to show established residency in the U.S. before age 16.
- ⊖ Has continuously resided in the United States since June 15, 2007, up to the present time;
- ⊖ Was physically present in the United States on June 15, 2012, and at the time of making his or her request for DACA;
- ⊖ Entered without inspection before June 15, 2012, or his or her lawful immigration status expired as of June 15, 2012 (i.e. person was undocumented as of June 15, 2012);
- ⊖ Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- ⊖ Has not been convicted (as an adult) of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety.

Source: Immigrant Legal Resource Center (ILRC)