

**Deferred Action for DREAM-eligible youth**  
**U.S. Conference of Catholic Bishops (USCCB)**

*August 14, 2012*

On June 15, 2012, the Department of Homeland Security (DHS) announced that it will offer deferred action on a case-by-case basis to youth who entered the U.S. before the age of 16 and meet certain criteria. Under the memorandum, individuals who demonstrate that they meet the criteria will be eligible, on a case-by-case basis, to receive deferred action for a period of two years, subject to renewal, and will be eligible to apply for work authorization. Individuals must also pass a background check. U.S. Citizenship and Immigration Services (USCIS) will begin accepting requests for consideration of deferred action for childhood arrivals on August 15, 2012. The new program is known as *Deferred Action for Childhood Arrivals (DACA)* and eligibility requirements similar to requirements for legal status under the Development, Relief, and Education for Alien Minors Act, better known as the DREAM Act.

**What is “deferred action?”**

Deferred action is an administrative discretionary decision against enforcement action, conferred under an Administration’s inherent authority to implement immigration law and to employ prosecutorial discretion. Deferred action permits an individual to remain in the United States temporarily with legal status and to apply for work authorization, provided the person can demonstrate economic necessity. Deferred action does not provide a path to permanent residence or citizenship.

**What is the USCCB position on deferred action for DREAM-eligible youth or the DACA program? How is it consistent with Catholic teaching and positions the USCCB has taken in the past?**

The USCCB has consistently advocated for a legalization of the undocumented, pursuant to past statements issued by the USCCB, particularly the most recent pastoral statement, *Strangers No Longer: Together on the Journey of Hope*. Young people eligible for this program represent a vulnerable subset of the undocumented population in the United States. Because Congress has failed to enact the DREAM Act, which would provide a path to citizenship for this population, USCCB has encouraged the Administration to offer them protection from deportation until such time as Congress passes the legislation. The USCCB supports the central tenet of the DREAM Act – that unauthorized youth of good character be provided a clear path to citizenship through education or military service. Such a program represents fair and compassionate reform to undocumented young immigrants who live in our communities and attend U.S. high schools, granting them the same opportunities to contribute their service and talents to the U.S. as their classmates.

You can find the USCCB statement on the announcement at <http://www.justiceforimmigrants.org>. In the statement responding to the decision, Most Reverend José H. Gomez, Archbishop of Los Angeles and Chairman of the U.S. Conference of Catholic Bishops Committee on Migration, welcomed the announcement on behalf of the Conference. “This important action will provide protection from removal and work authorization for a vulnerable

group of immigrants who deserve to remain in our country and contribute their talents to our communities,” he said.

However, he added that the action by the Administration was no substitute for enactment of the DREAM Act in Congress, which would give these youth a path to citizenship and a chance to become Americans. Deferred action is temporary and does not provide lawful permanent resident status or a pathway to citizenship. He also stated that the Administration should more effectively implement a policy of prosecutorial discretion for immigrants who do not qualify for the deferred action status. You can find Archbishop Gomez’s statement on the announcement at <http://www.justiceforimmigrants.org>

**What are the risks for young people in applying for this program? If they are denied relief, can they be immediately deported? What if a new Administration repeals this policy?**

There are some risks in the policy, including that applicants with certain criminal convictions could be placed in deportation proceedings based upon information they provide during the application process. **A young person applying for this program should consult an attorney or a BIA-accredited representative regarding the risks of applying, including determining whether a past criminal conviction would put him or her at risk of deportation proceedings.**

Subject to the criteria for the commencement of deportation proceedings, the Administration has stated that information provided to them in applications will not be used for immigration enforcement purposes. Information provided in all applications may be shared with federal law enforcement agencies for certain purposes other than deportation, including identifying or preventing fraudulent claims and the prosecution of criminal offenses, among other purposes.

*Since this is a policy change and not a law, there is also the risk that this policy could be changed or rescinded at any time by the current Administration or a new Administration without notice and that information used during the application process could be used to begin deportations.* Such a reversal, however, would likely generate considerable opposition, including from USCCB.

**What should clergy or parish staff instruct a potential applicant who approaches them for assistance?**

Clergy or parish staff who is asked for assistance should refer the applicant to the diocesan legal immigration program, if available. There are also workshops available in many dioceses which provide assistance with the applications. More information can be found on the CLINIC website at [www.cliniclegal.org](http://www.cliniclegal.org).

It is not advised that clergy or parish staff attempt to assist a potential applicant with their application, unless they are an attorney or are a BIA-accredited representative.

**What are the qualifications for deferred action for childhood arrivals?**

You may request consideration of deferred action for childhood arrivals if 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.

**Where can you find information about document requirements, what qualifies as a “significant misdemeanor,” and fees and other frequently asked questions?**

USCIS has developed an updated list of frequently asked questions (FAQ) available at [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals), which further clarifies the document requirements and the process. Additional resources available on the website include a “How Do I” guide and a Deferred Action for Childhood Arrivals Flyer. **Please note that official records from a religious entity in the U.S. confirming participation in a religious ceremony (e.g. baptism, first communion, wedding) may be submitted as documents to show the residence requirement.**

**Where can you find community education materials?**

CLINIC and nonprofit partners have developed and are contributing a website for community member at <http://www.weownthedream.org>. CLINIC's resources on DREAM Deferred Action including community education materials; screening forms; materials on preparing your program to work with these youth; and links to relevant DHS material are available at <http://cliniclegal.org/resources/deferred-action-for-dreamers>.

**How can you find workshops in your area on deferred action for DREAM-eligible youth?**

Please visit <http://www.weownthedream.org> to find the nearest workshops in your area. You can also find the contact information for your nearest CLINIC affiliate at <http://cliniclegal.org/about-us/affiliate-directory> to ask about workshops in your area or if you are interested in hosting a workshop.

**How can you help warn community members about potential scams?**

You can find a “DREAMers: Protect Yourself” Notario Fraud Flyer on the CLINIC website at [http://cliniclegal.org/sites/default/files/CLINIC%20notario%20fraud%20flyer\\_0.pdf](http://cliniclegal.org/sites/default/files/CLINIC%20notario%20fraud%20flyer_0.pdf) to share with community members at events and post in your church or school.

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