



CONGRESSWOMAN
ZOE LOFGREN

Representing California's 19th District

Silicon Valley's Cities of San José, Morgan Hill, and Gilroy

DEFERRED ACTION FOR PARENTAL ACCOUNTABILITY (DAPA)

On November 20, 2014, the President announced a new deferred action program called Deferred Action for Parental Accountability, also known as DAPA. This program will be administered on a case-by-case basis for individuals that meet the guidelines, including a thorough background check. Please continue reading to learn about the DAPA guidelines.

Like DACA, the DAPA status itself and the accompanying work authorization will be granted for a period of three years with the opportunity to renew before three years have elapsed.

The Guidelines

You are eligible for DAPA if you:

1. Have, as of November 20, 2014, a son or daughter who is a U.S. citizen or lawful permanent resident;
2. Have continuously resided in the U.S. since before January 1, 2010;
3. Were physically present in the U.S. on November 20, 2014 **and** at the time of making a request for consideration of deferred action with USCIS;
4. Had no lawful status on November 20, 2014;
5. Are not an enforcement priority under the [Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants Memorandum dated November 20, 2014](#).

FREQUENTLY ASKED QUESTIONS AND ANSWERS ABOUT DEFERRED ACTION FOR PARENTS OF U.S. CITIZENS & LAWFUL PERMANENT RESIDENTS (DAPA)

What is “deferred action?”

Deferred Action is a discretionary decision made by immigration authorities to not deport someone from the United States for a set period of time. Deferred action is determined on a case-by-case basis and provides a work permit and protection from deportation (unless revoked or terminated for some reason), but it does **not** provide immigration status or benefits of any kind. For example, DACA is one type of deferred action, specifically for “Dreamers.”



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Who qualifies for the new deferred action program for parents that President Obama announced in November 2014?

When the program Deferred Action for Parent Accountability (DAPA) for parents of U.S. citizens and lawful permanent residents comes into effect (estimated in May 2015), you can apply if you--

- Are an undocumented individual living in the United States who, on the date of the announcement (November 20, 2014), is the parent of a U.S. citizen or lawful permanent resident (green card holder);
- Have been in the United States since January 1, 2010 and have remained in the U.S. continuously since then; and
- Are not an “enforcement priority” (meaning that you are not a priority for deportation under [guidelines issued](#) on November 20, 2014 by the Department of Homeland Security (DHS)).

Who is considered an enforcement priority?

Generally speaking, someone is a priority for deportation if he or she:

- poses a threats to national security, border security, or public safety;
- is a gang member;
- has committed a felony;
- has committed three misdemeanors (with the exception of minor traffic violations or state or local offenses for which an essential element was being undocumented);
- has committed a “significant misdemeanor,” such as domestic violence, sexual abuse, burglary, illegally having or using a gun, selling drugs or driving under the influence; or
- has unlawfully entered the United States after January 1, 2014.

This is an overview of enforcement priorities. For further detailed information, please view the guidelines issued on November 20, 2014 by DHS (http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf).

Before you request DAPA, it is very important to understand how past behavior may have serious consequences that not only could impact your eligibility for the program but also could put you at risk for deportation. If you believe you have a criminal record, it is imperative that you first consult with a reputable attorney or legal services program for assistance **before** you apply for DAPA.

When can I apply for DAPA?

USCIS, the government agency to which you submit your application for approval, has estimated that they will begin accepting applications under the DAPA program approximately 6 months after the President’s November 20, 2014 announcement (around May 2015).



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I want to get a head start in filling out the paperwork. Where can I get an application for DAPA?

The application has **not** been made available yet. Please continue to check back to my website for the latest information as it becomes available. You can also check the agency's website, <http://www.uscis.gov>, for up-to-date information.

So, I can't apply for DAPA or prepare an application just yet. Can I do something else to get ready?

Yes. Please begin to collect documents that will prove your:

- Identity;
- Parental relationship to a U.S. citizen or lawful permanent resident; and
- Continuous residence and life in the United States over the last five years or more.

For a more detailed list of documents that might be helpful to begin to collect please visit this page on my website: www.gutierrez.house.gov/docs.

If my application for DAPA is approved, what immigration benefits will I get?

You will receive a card with your photo on it demonstrating your DAPA status, protection from deportation while in the program, and a work permit to work legally in the U.S

Once I am approved for DAPA, can I get a Social Security number?

Yes. Once your work permit arrives in the mail, you can apply for a Social Security number at a local office of the Social Security Administration (SSA). To look up your local office and to learn what documents you need to apply for a social security number, please visit <http://www.ssa.gov/>.

How long will my status as a DAPA recipient last? How long will my work permit be valid?

Your status as a DAPA recipient and your work permit will be valid for three years. You will also have the opportunity to renew your DAPA status and work permit before the three years is up.

How much will it cost to submit my DAPA application?

We believe the fees will be the same or close to the same as the current fees for DACA, but cannot be certain until the application is made available. (It currently costs \$465 to apply for DACA [\$380 fee plus \$85 fee for biometric services fee for fingerprinting and photo]).

Should I get a background check done ahead of time?



For purposes of your application, once you have applied for DAPA and paid the fee, USCIS will send you a notice to get your fingerprints taken that will be used to conduct the background check. However, if you have been arrested or have a criminal record, please see the next question and answer.

What if I do not pass the background check?

Before you request DAPA, it is very important to understand how past behavior may impact your eligibility for the program. If you believe you have a criminal record, it is imperative that you first consult with a reputable attorney or legal services program for assistance **before** you apply for DAPA, otherwise you may risk being denied DAPA and/or deported.

My son or daughter has DACA, or will soon be applying for DACA. Once my child is approved for DACA, will I be able to apply for DAPA?

No. Having a child that is DACA-approved in and of itself does not provide a way for you to apply for deferred action. Unfortunately, the President does not have the authority to allow all 11 million undocumented individuals living in the U.S. to apply for deferred action. This is why we must continue to advocate for legislation in Congress that benefits all the undocumented with strong ties to the U.S., to ensure that we help all 11 million without criminal records.

It looks like I do not qualify for DACA or DAPA. Is there anything that benefits me in the President's announcement?

If you are undocumented and have lived a crime-free life in the U.S., you may benefit from the President's revision of enforcement priorities. Beginning January 5, 2015, if you entered illegally **prior** to January 1, 2014 and were never convicted of an offense that makes you a priority for deportation, you will no longer be at risk for deportation. This means that more people in our community will be spared deportation.

For more information, please read the new, department-wide enforcement and removal policy (http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf) issued by DHS on November 20, 2014, and seek the guidance of a reputable attorney or community based organization that provides immigration services.