

DHS Announces Deferred Action for “DREAMers”

Article By:

Kimberly A. Clarke

Nina Thekdi

Luis E. Avila

On June 15, 2012, the Department of Homeland Security (DHS) announced it will exercise prosecutorial discretion on an individualized basis and grant deferred action to certain individuals who came to the United States as children. Deferred action is a discretionary determination to defer removal or deportation. Deferred action does not grant any substantive right, immigration status, or pathway to citizenship.

To be considered for deferred action, an individual must:

- Have entered the US under the age of sixteen and currently not be above the age of thirty;
- Have continuously resided in the US for at least five years preceding June 15, 2012 and be present in the US on June 15, 2012;
- Be currently enrolled in school, have graduated from high school, have obtained a GED certificate, or be an honorably discharged veteran of the US Coast Guard or Armed Forces; and
- Not be convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety.

Deferred action will be granted for two years and may be renewed, however there is no guarantee of renewal. Individuals who are granted deferred action may also apply for employment authorization during the period of deferred action. Both deferred action and employment authorization may be withdrawn or changed by a future administration. Individuals will not accrue unlawful presence during the two year deferred action period, but deferred action does not forgive any previous or subsequent periods of unlawful presence. While employment authorization allows an individual to obtain a social security number, it is currently unclear what impact this will have on an individual's ability to obtain a driver's license or enroll in college.

DHS has directed Immigration and Customs Enforcement (ICE) and US Citizenship and Immigration Services (USCIS) to develop and implement filing procedures within the next 60 days. Individuals not currently in removal proceedings will be required to apply for prosecutorial discretion and must

consider the risks involved in applying for benefits.

© 2025 Varum LLP

National Law Review, Volume II, Number 172

Source URL: <https://natlawreview.com/article/dhs-announces-deferred-action-dreamers>