



Deferred Action Requirements

And

Why Hire an Attorney

The date of implementation of the Deferred Action policy is August 15, 2012. As we learn more details about requirements we will release them on our blog, ImmigrationSarasota.com.

Preliminary information indicates that eligible applicants will need to demonstrate the following:

1. Between the ages of 15 and 31 as of 6/15/2012.
2. Entered the US before age 16.
3. Continuous residence in the United States for at least 5 years prior to 6/15/2012. Physical presence at time of filing.
4. Entered without inspection or status expired prior to 6/15/ 2012.
5. Currently enrolled in school, obtained high school diploma or GED, or was honorably discharged from military.
6. Enrollment in school or GED can be after 6/15/2012 so long as it is before date of filing.
7. Not convicted of a felony, significant misdemeanor (which includes DUI), or 3 or more misdemeanors.
8. Biometrics.

Our immigration attorneys can help collect the necessary documents such as school records and criminal records.



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Why Hire an Attorney?

We understand that many people would like to apply for deferred action on their own rather than take on the cost of hiring a lawyer. Deferred Action is a very new policy and it has the potential to help many people and we welcome all who wish to apply to do so as soon as possible.

We would also like to inform all potential applicants that *if your Deferred Action application is denied, there is no possibility of appeal*. This means that you only get one opportunity to qualify so please make sure that your application is as complete as possible.

While denial will not cause immediate placement into deportation proceedings - USCIS will not share information on Deferred Action applicants with Immigration and Customs Enforcement (ICE) - there will still be a general risk of deportation. The fact remains, if you entered without inspection or overstayed your visa the government can place you in deportation proceedings at any time.

If you choose to apply on your own please be careful. If you choose to seek help please make sure that the person you ask for help is a *genuine immigration attorney*. Many "notarios" will offer to complete and submit an application on your behalf for a fee. They are not fully trained legal professionals and may be trying to defraud you.

Some may remember the provision of law Section 245(i). This policy allowed people who entered the country illegally or were otherwise unqualified for Adjustment of Status to 'get legal' in the U.S. (through family or employment categories) by paying a penalty fee of \$1,000. It expired in 2000, but Congress passed a short extension between December 2000 and April 30, 2001.

Many semi-legitimate institutions appeared overnight. These places filed many fraudulent or frivolous applications for a fee. Sometimes they charged a fee and filed nothing.

Do not endanger your chance to qualify for Deferred Action. Make sure that the person you hire to help you is an immigration attorney.