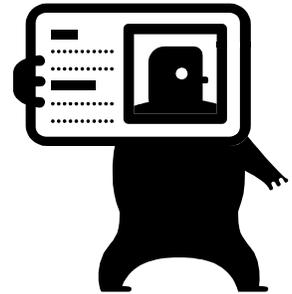

Information for Immigrant Youth

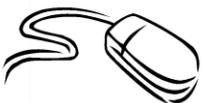
Deferred Action for Childhood Arrivals (DACA)

DACA is an immigration policy that helps young people who don't have lawful immigration status. DACA is a 2 year, renewable protection from deportation. You can also get permission to work. DACA does not give you lawful status. You may qualify for DACA if **ALL** of the following are true:

- 1) You came to the U.S. before you turned 16 years old
- 2) You have lived in the U.S. nonstop since June 15, 2007.
- 3) You are in school, graduated from high school, are in an ESL/LEP or GED class or have a GED certificate, or you have been honorably discharged from the U.S. Coast Guard or Armed Forces.
- 4) On June 15, 2012 you were in the U.S., under 31 years old, and did not have lawful immigration status.
- 5) You have not been convicted of a felony, a "significant" misdemeanor, 3 or more "non-significant" misdemeanors, or otherwise pose a threat to public safety or national security.



If you meet all of the qualifications and would like to find out more about applying for DACA, contact a qualified immigration lawyer. For more information you can also look at the DACA guidelines on www.uscis.gov.



- On the USCIS homepage, scroll to the bottom
- On the right under "Other Services" click on "Humanitarian" from the list
- On the left, click on "Consideration of Deferred Action for Childhood Arrivals Process"
- You can also click on "Frequently Asked Questions" for more information

Note for those who successfully apply: Your deferred action and work authorization are good for 2 years. You may be able to renew them. Check the USCIS website or call an immigration lawyer about 6 months before your card expires. The Department of Homeland Security can terminate your benefits at any time. Talk to an immigration lawyer about risks and benefits of applying for DACA.

Your Right To Education

Minnesota has to give free public education to ALL children in the state. You can still go to school even if you don't have immigration status.

- Kids 7-16 must go to school
- Teens 16-17 must go to school unless they formally withdraw
- English language learners have rights. See our Fact Sheet [Y-15 English Language Learners: Right to Equal Education](#)

How can I find out my immigration status?

- **Do you know your alien number?** Also called an "A" number, it is an 8 or 9-digit number that starts with "A." It is on most of your immigration papers. If you know it, call immigration customer service at 1-800-375-5283 and ask what your status is.

If you have been involved in immigration court, you can call the immigration court line at 1-800-898-7180. This is an automated line and you enter your "A" number and it will give you information about the status of your immigration case.

WARNING: Do not go to immigration if you are undocumented, have a final removal order, were in immigration court, or think you could be placed in removal proceedings.

- **If you don't have your alien number**, or if immigration can't tell you anything by phone, you can make an InfoPass appointment. Your appointment will be at the immigration office in Bloomington. You can only make an appointment online at www.uscis.gov. On the home page, click on Schedule a FREE Appointment towards the top of the left menu.

WARNING: Do not go to immigration if you are undocumented, have a final removal order, were in immigration court, or think you could be placed in removal proceedings.

- You can also **file a Freedom of Information Act Request** (Form G-639). It's free. [You can find the form online.](#) Go to www.uscis.gov and type *Form G-639* into the search bar. You can also call the immigration customer service number above. You will get a CD in several months that has scanned copies of your immigration history.
- You may already be a U.S. citizen.
 - If one or both of your parents was a U.S. citizen when you were born, or
 - if you were under 18, had a permanent resident card (green card), and were living with a parent who is a U.S. citizen, you may have automatically gotten citizenship.



Talk to an immigration lawyer if you think you might already be a citizen. The lawyer can help you figure out if you are a citizen and help you get proof of your citizenship. See our fact sheet [I-12 Naturalized US Citizens: Proving Your Child's Citizenship](#) for more information.

How do I keep my documents safe?

If you think a parent or someone else is going to keep your documents from you, make copies of them and ask a trusted adult in your school or community to keep these copies. You can also scan the documents into a file and keep them in your e-mail or cloud storage account like OneDrive, Dropbox, Google Drive and Box.

I am undocumented and graduating from high school soon. Can I apply for citizenship?

- Only people with permanent resident cards (green cards) can apply for citizenship.
- A person can get a permanent resident card if an immediate relative like a parent or brother or sister, files a visa petition for them. The relative who applies must be a United States citizen or have a permanent resident card. It can take years, depending on the relationship, but there is no wait or the wait is shorter if the relative who applies is a U.S. citizen.
- If you have a close relative who is willing to file a petition for you, talk to an immigration lawyer about the process.
- If you are the child, (or spouse or parent) of someone who is a U.S. citizen or legal resident who is mentally or physically abusing you, you may ask for a permanent resident card by yourself through a law called VAWA. You may be able to apply for your card without having to leave the U.S. You need a lawyer.

I don't have a close relative who is a resident or U.S. citizen. Are there other ways I can get a resident card?

- If you or a close family member was the victim of a serious crime, you may be able to apply for a U visa. A U visa allows you to stay in the U.S., work legally, and eventually apply for permanent residence. You or the victim must help with the investigation or prosecution of the crime. Talk to a lawyer and see our fact sheet [*I-10 Victims of Crimes and "U" Visas.*](#)
- If you have been abused, neglected, or abandoned by one or both parents, you may have the option of special immigrant juvenile status. This is for children who are in foster care or who have been involved in state court cases relating to their custody or care. Getting this means that you get a permanent resident card and can apply to be a citizen after 5 years. But you can't ever apply for your parents to get status. Talk to a lawyer.
- You can also get a permanent resident card if a U.S. citizen adopts you before you turn 16. If the same family adopts your brother or sister earlier, you can be up to age 18. You must live with your adopted parents for 2 years and they must have custody of you for 2 years either before or after the adoption. If these requirements are met, the adoptive parents can petition for you to become a permanent resident.



- If you don't want to return to your home country because you are afraid of persecution because of your race, religion, national origin, social group or political opinion, you may be eligible for asylum.

Getting asylum status can lead to a permanent resident card. If you are over 18 or come with a guardian there is a one-year filing deadline from the time you enter the U.S. Call the Advocates for Human Rights at (612) 341-9845 or e-mail them at hrights@advrights.org.

What juvenile delinquent or other acts can hurt my chances of getting permanent residency?

If you hope to get a permanent resident card in the future, these things can hurt your chances of becoming a resident or citizen.

- Drug trafficking (selling drugs, or possession for sale)
- Drug Abuse or Addiction
- A physical or mental condition that makes you a threat to yourself or others
- Violations of protective or "no-contact" orders
- Prostitution
- Smuggling people into the U.S.
- False claims to U.S. citizenship
- Voting
- Marrying for immigration purposes
- Hanging out with or joining groups that support violence
- Being a gang member or being labeled a gang member by the police.



Often, juvenile "delinquencies" do not create a problem for immigration cases. But, this is not always true. For example, if you are convicted as an adult but are under 18 years old, this conviction has the same immigration consequences as if you were over 18. Once you turn 18, criminal convictions can make it hard to become a permanent resident or citizen. The U.S. government could ALSO put you in deportation proceedings. If you have a juvenile or adult criminal record, talk to a lawyer.

I'm undocumented and still in high school but I don't live with my parents anymore. Can I get any government benefits?

- If you have a medical emergency or are pregnant, you can get Emergency Medical Assistance. Go to your county human services office. See our fact sheet [G-17 Emergency Medical Assistance](#).
- You can go to private food shelves.

Ten Things You Should Know As an Undocumented Youth

1. If immigration tries to talk to you
 - Don't sign any papers and don't talk to them until you talk to a lawyer first.
 - If you give your name, don't use a fake name or provide fake documents.
 - If immigration does not have a search warrant, you do not have to answer the door.
 - If you don't show up to an immigration court hearing, you will be ordered deported anyway.
2. Stay out of trouble with the law
 - In some places, police will contact immigration.
 - In other places, the police will not – but if you commit a crime, that will make it harder to get legal status in the future.
 - If you are arrested or put in jail, immigration may put a hold on you to look into if you are here illegally and might try to deport you.
 - Don't drive without a valid license or car insurance.
3. Tell your lawyer your status
 - If you are charged with a crime, make sure your defense lawyer knows your immigration status.
 - Make sure you know the immigration consequences of any options you choose in criminal court. Some things may not be considered convictions in criminal court, but are counted as convictions for immigration purposes.
4. Leaving the U.S. can have serious immigration consequences
 - Talk to an immigration lawyer before you leave.
5. File and pay your taxes using an ITIN (Individual Tax Identification Number)
 - This will improve your chances of getting legal status in the future.
 - Do not use a fake social security number to file taxes.
 - Do not commit fraud on your taxes by claiming dependents or credits for which you don't qualify.
6. Call the police if you are the victim of a crime.
 - You may qualify for a U visa for victims of crime. See our fact sheet [I-10 Victims of Crimes and "U" Visas.](#)
7. Having a child won't help you get legal status
 - A child can only file a petition for his or her parents if the child is over 21 years old.



8. Never say you are a U.S. citizen if you are not a U.S. citizen!
 - This could hurt your chances of ever getting a resident card.
 - This could get you deported.
 - Never use the documents of a U.S. citizen.
 - Don't register to vote or vote in elections that require U.S. citizenship.

9. Don't vote or register to vote.
 - This could cause you to be deported.

10. Keep documents like bills or receipts that have your name and the date on them.
 - You may need these in the future to prove you were in the U.S. on a certain date, or for a specific period of time.



To find other fact sheets, including any mentioned above, go to www.lawhelpmn.org/LASMfactsheets

To find your local legal aid office by county go to www.lawhelpmn.org/resource/legal-aid-offices

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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