

Options for Residence with DACA

Margaret O'Donnell

IMMIGRATION ATTORNEY

655 S. Orcas St. Suite 210

Seattle, WA 98108

206-774-8758



Question:

Jonathan was brought to the U.S. undocumented in 1996 when he was five years old and has not left the country since then. He finished high school and has been working as a server at a restaurant for a number of years. Jonathan got married in 2013, and his spouse is a lawful permanent resident. Is there any way for Jonathan to get legal status?

Answer:

Yes. Jonathan's first step is to apply for Deferred Action for Childhood Arrivals (DACA), which provides protection from deportation and a work permit for some of those brought to the US undocumented before age 16. Among other requirements, DACA-eligible young people must be at least age 15 at the time of application; prove continuous presence in the US since June 15, 2007; be under 31 years of age as of June 15, 2012; and be high school graduates, in school, or have a G.E.D.

Once Jonathan has DACA, and if he has a humanitarian, work-related, or educational reason to travel overseas, he may request Advance Parole for permission to leave and re-enter the US. With his lawful entry, and once his spouse is a US citizen, Jonathan may submit his application for permanent residence in the US. Jonathan's spouse should apply for citizenship as soon as possible; usually, this is five years after gaining permanent residence.

You should consult with an immigration attorney to see if you are eligible for DACA, or any other immigration benefit. You can schedule a consultation with attorney Margaret O'Donnell by calling (206) 774-8758 or emailing jvargas@globallawadvocates.com.

<p>For appointments call 206-774-8758 or email jvargas@globallawadvocates.com.</p>	<p>Para citas llame al 206-774-8758 o e-mail jvargas@globallawadvocates.com</p>
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