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## Young Immigrants Can Now Request Deferred Deportation

By [Paige Huntoon](#)

Posted August 15, 2012 at 11:01 a.m.

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Alejandro Guizar was just 10 years old when he and his family came to the United States from Mexico.

Guizar, now 19, grew up in Knoxville and graduated from the public school system. He is just like any other American teenager, except he is an undocumented immigrant.

In high school, he couldn't get a driver's license or get an after-school job. Save for a few close friends, Guizar couldn't tell anyone why he never learned to drive or got a job to pay for fun stuff on the weekends.

"It was weird, constantly avoiding things," Guizar says. "People would ask why I wasn't filling out scholarship and job applications."

He and his family also rarely go to the doctor since they don't have health insurance.

"When we go to the doctor, it's because we need to go," he says.

Despite this uncomfortable arrangement, Guizar managed to stay out of trouble and under the radar until last summer. He had been at a friend's graduation party and had a few drinks. The police stopped him and arrested him for public intoxication. Guizar expected he'd spend the night in jail and be released on bond.

But three days went by before he finally asked an officer if he was going to be released. No, the officer told him. An Immigration and Customs Enforcement (ICE) agent was going to pick him up and deport him.



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The next day, a Department of Homeland Security bus picked him up and took him to a federal detention center in Oakdale, La.

At that point, Guizar says, "I had not seen a judge. There was no bond."

He thinks he was there for three or four weeks before he finally spoke to a judge. But that didn't change the fact that he'd spent the last month in difficult surroundings.

"It was like a prison. There were kidnapers and killers," Guizar says. "[That time] made me appreciate things a lot more."

Guizar is now in the process of being deported. But there may be hope for him to remain in the United States.

Since he returned to Knoxville, Guizar started working with the Tennessee Immigrant and Refugee Rights Coalition, a group that works on initiatives like attaining in-state tuition for young undocumented immigrants to attend college. In his work with TIRRC, he learned about the new deferred action policy the Obama Administration announced in June. The policy allows undocumented young adults (ages 15-30) who came to the United States as children to apply to remain in the country for two years without further deportation action being taken against them. The policy doesn't award legal status of any kind; it just gives young people two years before their cases are reviewed again. It's also not a path to citizenship, a point the Department of Homeland Security has reiterated in its pages of information on the policy.

According to the Department of Homeland Security, the policy went into effect on Aug. 15. That's when the forms became available to start the process of deferred action, which will give young immigrants the two-year break before being reviewed again, and the opportunity to apply for a two-year work permit.

Thursday night, in a small room of Concord United Methodist Church, Guizar addressed concerns and questions from around 60 teenagers and parents about the new policy. The meeting was conducted in Spanish, and most of the attendees left after chatting with Guizar himself and thanking him for his help.

But while Guizar could answer questions on who is eligible and what documents are needed to go along with the actual deferred action request form, no one is sure what the actual process of applying for deferred action will be like. No one has seen the forms, though immigrant advocates assume they will be challenging to fill out without help. The paperwork will cost \$465, which will help pay the salaries of new employees hired to process each form filed, a senior administration official said last week during a phone conference. No fee waivers will be granted, but fee exemptions will be granted in extreme circumstances.

That official, who asked reporters on a phone conference not to name him, said that no one knows exactly how long it will take for the paperwork to be fully processed, and that it really depends on the volume of applications submitted.

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“It could take several months. We want to be thorough,” the official said.

The official added the information provided in the forms will not be used for immigration enforcement purposes—in fact, the policy mainly applies to low-priority cases in which the people involved have no serious criminal background. The official said that unless the applicants lie on the forms, are security threats, criminals convicted of serious crimes, or are associated with serious criminal acts, they should face little trouble in the process. “Serious crimes” include gun offenses, sex offenses, DUI, and similar charges. Immigrants who have been using a fake social security number will not necessarily be targeted as frauds, the official said.

“We are not designing this process to [find criminals],” he said. However, “any provision of false information is subject to enforcement.”

Joy West, who works with the East Tennessee chapter of TIRRC, says the group refers people to lawyers who work with Catholic Charities for immigration advice or consultations. In advance of the deferred action policy, “they’re expecting a flood [of applicants],” West says. Catholic Charities is known for its aim to end poverty by advocating for justice in social structures. The East Tennessee branch has an Office of Immigrant Services, which helps with petitioning for family members, status adjustments, work permits, attaining citizenship and naturalization, affidavits of support, and replacement of immigration documents (the office is Bureau of Immigration Appeals accredited). West says there are about 10,000 undocumented immigrants in Tennessee.

West, who’s been working at TIRRC since last year, says the process involved in getting deferred action won’t be easy for young immigrants.

“It’s a legal form,” she says, speculating on how difficult it will be to file a deferred action request form. “It’s complicated. If you fill it out incorrectly, it could make the difference between [staying and deportment.]”

Guizar is now facing a serious reality.

“I always knew, but [deportation] was never real to me,” he says.

The deferred action policy may be his best bet at staying in the United States, but Guizar knows it’s not a permanent fix or a path to citizenship.

“It’s certainly a good thing,” he says. But, “It’s like a Band-Aid to the problem.”

#### **Eligibility Requirements for the Deferred Action Policy:**

- Came to the United States while under the age of 16
- Have continuously lived in the United States for at least five years
- Are currently in school, have graduated from high school, have gotten a GED certificate, or are honorably discharged veterans of the Coast Guard or Armed Forces

- Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety
- Are not above the age of 30

**Other Important Facts Concerning the Deferred Action Policy:**

- It is not a path to citizenship.
- It does not confer legal status to applicants.
- Immediate relatives or dependents are not automatically considered for deferred action. Families may be separated.
- Information shared in the deferred action request forms will not be shared for enforcement purposes. However, providing false information can be subject to enforcement.

**For More Information:**

U.S. Citizenship and Immigration Services

[uscis.gov](http://uscis.gov)

1-800-375-5283

Department of Homeland Security

[dhs.gov](http://dhs.gov)

Tennessee Immigrant and Refugee Rights Coalition

[tnimmigrant.org](http://tnimmigrant.org)

Catholic Charities of East Tennessee Immigrant Services

Nathaly Perez (865)-971-3550

[nathaly@ccetn.org](mailto:nathaly@ccetn.org)

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