

## **Alert for People with Criminal Convictions and Arrests Who Are Interested in Applying for the Recently Announced Deferred Action Programs**

Millions of people may benefit from the new deferred action programs, but the government is not accepting applications yet. Use this time to collect documents that will help prepare your case. Not knowing your criminal history is dangerous. If you have a conviction, you could run the risk of detention and deportation.

**ALERT:** If you have been stopped, arrested, convicted or are not sure about whether you have a juvenile or criminal history, do not apply without first getting your criminal and juvenile records reviewed by an attorney or Board of Immigration Appeals (BIA) Accredited Representative.

The application process involves the Department of Homeland Security (DHS) taking your fingerprints and running background checks, collecting information from law enforcement, and examining your criminal history, including arrest records.

There are new priority categories for deportation. These categories use **different** factors to disqualify someone from Deferred Action for Parental Accountability (DAPA) than the factors that may disqualify you from Deferred Action for Childhood Arrivals (DACA). In some cases, the eligibility factors are harsher. The new priorities include people suspected of terrorism and gang membership and those convicted of felonies, aggravated felonies, significant misdemeanors, or three or more misdemeanors.

### **What can I do now?**

- 1. Get your records.** Get certified court dispositions from the court where your case was heard and any other records you have regarding your criminal and juvenile history. Also, try to get copies of police reports, a criminal history background check, and your “rap sheet.” Make sure you get your records from all states where you believe you may have been arrested or convicted.



#### ***How to Get Your Criminal Record Guide***

<http://www.adminrelief.org/resources/attachment.259796>

- 2. Consult an attorney or BIA Accredited Representative.** Meet with an immigration attorney or BIA accredited representative experienced in deportation defense or the immigration consequences of criminal convictions. Make sure they ask for and review all your arrest information and criminal conviction documents. Do NOT consult *notarios*.



#### ***How Do I Find a Good Lawyer or BIA Accredited Representative?***

<http://www.adminrelief.org/resources/attachment.259786>

- 3. Explore post-conviction relief options with a legal service provider.** If you have a conviction that disqualifies you from either DAPA or DACA, it may be helpful to consider post-conviction relief. Post-conviction relief involves changing the outcome of a criminal case. This can happen by vacating, reducing, or modifying in some way your plea, sentence, or record of conviction. Getting post-conviction relief is not guaranteed and not always easy to do. For example, a person who pled guilty to distribution of marijuana without knowing the immigration consequences of the plea could try to reopen their case. This person may then go to trial and could be found not guilty.



- 4. Who can help you get post-conviction relief?** An attorney experienced in criminal defense can help. Some immigration attorneys can do that, but not many.