

DALE FREQUENTLY ASKED QUESTIONS

Updates on the Department of Homeland Security's Recent Announcement on Extending Initial Grants of Deferred Action to Four Years

The Department of Homeland Security (DHS) recently updated some policies related to the Deferred Action for Labor Enforcement (DALE) guidance. This includes the extension of the initial deferred action grant period from two to four years. This community explainer seeks to answer some commonly asked questions about this extended grant period and about how it relates to the renewal process.

Q1. What changes were made to the DALE process on July 22, 2024?

A. On July 22, 2024, DHS extended the period of time for initial grants of deferred action from **two to four years** and created a process for workers who already received a two-year DALE initial grant to request an extension for an additional two years. This is welcome news, and you can find DHS's latest information relating to this guidance on its website, available in [English](#) and [Spanish](#). DHS Frequently Asked Questions (FAQs) #7, #22-24 address these recent changes.

Requesting Extensions of Initial Grants of DALE from Two to Four Years

Q2. I applied for DALE before July 22, 2024 but I have not received a decision yet. Will I be approved for four years of deferred action and a work permit?

A. Yes. The change in length of DALE grants is effective immediately. This means that as of July 22, 2024, if USCIS approves your DALE application, you should receive a four-year grant of deferred action.

Q3. I applied for DALE. I was granted deferred action and a work permit for a period of two years. Can I ask for an additional two years of deferred action?

A. Yes. You can ask for an extension of two years of deferred action and a work permit. Remember that you have to affirmatively request the two additional years of deferred action. USCIS will not automatically add two years to your existing deferred action and work permit. In the request for USCIS to grant an additional two years, you have to include certain documents and forms, many of which you included in your first application for DALE. See details below and DHS FAQ #22.

Q4. Can I use the same Statement of Interest that I included with my first DALE application when I ask for an additional two years of deferred action?

A. Yes. The original Statement of Interest (SOI) you used to apply for your initial grant of deferred action can be used to request an extension to four years even if the SOI states that it supports deferred action for only two years.

Q5. Can I submit copies of the same forms I filed with my first DALE applications?

A. No. Even though the types of forms are the same, they will need to be completed again with any new information and signed and dated, for either an extension or a renewal request. New information might include your A number, social security number, new addresses, or employer information.

Q6. Is there a filing fee for requesting an extension? How much is the filing fee?

A. Yes. You must include a filing fee (currently \$520) OR a fee waiver request with your extension request even if you already paid a filing fee for your initial two-year work permit.

Q7. How can I request a fee waiver?

A. To get a fee waiver, you must file Form I-912 and submit documents that show you are not able to pay the fee due to your financial circumstances. The easiest way to prove this is by submitting a letter or document showing you or your children receive public benefits. Otherwise, you can submit a statement and/or other documents showing you are unable to pay. If you recently requested a fee waiver for your DALE application, you may be able to use the same documentation (with an updated form).

Q8. When should I apply for an extension of DALE?

A. As soon as possible. DHS has stated that its goal is to decide all DALE cases within 120 days, and some cases have been approved more quickly. Ideally, you should try to file early enough that your extension is granted before January 2025 to avoid any changes to the process if there is a new presidential administration. Remember that if a two-year extension is granted, it will be added to the date of expiration.

Q9. Will I need to go to another biometrics appointment for my extension request?

A. Probably not. USCIS will generally reuse the fingerprints on file unless the new deferred action application has different biographic information, such as a change in name. If USCIS needs new biometrics, they will mail out a notice for a biometrics appointment. In all cases, USCIS will use biometrics to run a background check before approving the extension request.

Q10. Can I request an extension of my deferred action status without requesting an extension of my work permit to avoid paying the filing fee?

A. Probably not. At present, workers can only apply for deferred action without requesting a work permit through their local USCIS field office, which typically have much longer processing times. Under the new guidance, DHS FAQ #23 states that failure to include a request for work authorization with the extension request may result in delay or denial of the request.

Q11. From what date will the additional two years run? From the date the extension is approved by DHS or from the date my initial grant of deferred action expires?

A. Your extension of deferred action should add two additional years starting from the date your initial two years of deferred action expires, making this a grant of four years total. Since the date of the extension approval will not change the total amount of time of the deferred action grant, it is another reason not to wait to file the extension request.

Q12. I already have a two-year initial grant of DALE but I am now covered by another SOI that is unrelated to the first SOI under which I received my initial grant of deferred action. Can I request an initial four-year grant under the second SOI instead of requesting an extension based on the first SOI?

A. Not unless your initial period of deferred action under the first SOI that covered you has expired. Even then, it is not known if DHS would grant deferred action under a second SOI.

Q13. How can I get help with requesting an extension of my deferred action and work permit (and/or with requesting a fee waiver)?

A. If you worked with a worker center, labor union, or other organization in filing your initial application, you should contact them about extensions. They may be able to assist you with updating your forms and filing an extension request. If you paid a private immigration attorney to assist you the first time, you should try to negotiate a lower fee for the extension since an extension request is more simple to prepare than the initial request.

Subsequent Requests (Renewals) vs. Extensions

Q14. What is the difference between an “extension” of deferred action from two to four years and a “subsequent request” of deferred action for two additional years?

A. As discussed above, DHS updated its guidance in July 2024 to allow workers who already received DALE for two years to request extensions for an additional two years of deferred action and work authorization, for a total of four years of an initial grant of DALE. Guidance for requesting extensions is found at DHS FAQs #22-24.

Previously, in January 2024, DHS announced that workers could seek “subsequent requests” of deferred action only if the labor agency had an ongoing need for the workers to receive prosecutorial discretion and issued an updated SOI to support the renewal request. These are essentially renewals of the initial grant of deferred action. Going forward, initial grants of DALE will be issued in four-year increments, and renewals of DALE will be issued in two-year increments. Guidance for requesting a subsequent period of deferred action is found at DHS FAQs #14-18 and in Section B of the [DHS website](#), under the section titled “For Labor Agencies Submitting a Statement of Interest.”

Q15. After my four years of DALE expires, can I request a renewal?

A. It depends. As noted above, you would need to obtain a new (or “updated” as it is called in the guidance) Statement of Interest (SOI) from a labor agency confirming there is an ongoing need to protect workers. Based on the updated SOI, you can request another two-year period of deferred action and related work permit.

Q16. What are the different filing requirements for extensions vs. renewals?

A. The chart below outlines the key differences in the filing requirements. Note the most important difference is that for renewals you must request an “updated” SOI from the labor agency to support the renewal request, which they will only issue if they still have an ongoing labor enforcement interest in the employer (which DHS notes may include investigation, prosecution, or the enforcement of any court order or settlement agreement). For this reason, and because they can file extension requests immediately regardless of the date that their initial grant expires, workers who have received two-year initial grants of DALE should apply for an extension **before** seeking renewal.

DALE Extensions vs. Subsequent Request (Renewal) Requirements

Document Type	Extensions (from 2 to 4 years)	Renewals (aka “Subsequent Grants”)
SOI	Yes (same as initial request)	Yes (must provide update by the labor agency)
I-765/I-765 WS	Yes	Yes
G-325A	Yes	Yes
Signed Statement	Yes (requesting 4 years extension)	Yes (requesting subsequent grant)
Proof of identity	Yes	Yes
Prior Approval notice	Yes	Yes (as part of immigration history)
Other Immigration Documents	No	Yes
Proof of Employment	No	Yes
Filing fee (or fee waiver)	Yes	Yes
Evidence for favorable exercise of discretion	No	Optional

Q17. Can my renewal request be granted for four years?

A. Unfortunately, no. The new DHS guidance states that only initial grants will be for four years, with the option to extend two-year initial grants to four. Subsequent requests will only be eligible for two-year grants.

Q18. When should I file a renewal request?

A. The new guidance recommends filing renewal requests 120 days (four months) prior to the expiration of the original period to avoid lapses in deferred action and employment authorization. However, because the guidance requires an “updated” Statement of Interest, you will need to request one from the labor agency **before** filing the renewal request. Workers should try to contact the organization or advocate that helped request the first SOI at least six months before the expiration of their work permits.

Q19. What is the maximum number of years I can receive deferred action under the DALE process?

A. Unclear. Under the current guidance, workers can apply or extend to four-year initial grants, then request an additional two years if the labor agency case or enforcement interests are ongoing (six years total). Although no cases have gotten this far, it is possible a worker could request additional two-year renewals for as long as the labor agency’s enforcement interest is ongoing. With that said, a change in presidential administration could impact the guidance, and in a worst-case scenario, eliminate the possibility of future grants of deferred action.

Q20. Once I receive DALE, what can I do to maintain these protections and/or improve my working conditions?

A. Keep organizing! Talk to your co-workers about any issues you are experiencing and reach out to your local worker center or unions. They can help you contact the labor agency about new or ongoing labor violations and/or any retaliation by your employer for speaking out.

If you have any questions on how these DALE updates will affect your own immigration case, make sure to consult a reliable immigration attorney.

If you have any questions about labor investigations and workers’ rights, make sure to consult a reliable worker center or labor attorney.



Questions? If you have any questions about this explainer, please reach out to Ann Garcia at agarcia@nipnlg.org and Lynn Damiano Pearson DAforWorkers@nilc.org.