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**PRACTICAL GUIDE TO THE NEW OBAMA EXECUTIVE ORDER ("DAPA")**

**By Christopher Kerosky, Esq.**

The following is a practical guide to the new Executive Order issued by President Obama in November. The law is known as Deferred Action for Parental Accountability or "DAPA". It contains several important provisions which will be described over the next few articles. Here is Part One of that series.

**Parents of children born here or who legalized here are eligible for a Work Permit.**

A person living undocumented in the United States, on November 20, 2014, and who is the parent of a US citizen or legal permanent resident and who meet certain requirements are eligible the call status "Deferred Action". The New Law will allow parents to request the delayed action and work permit if:

1. The immigrant has continuous residence in the United States since January 1, 2010;
2. The immigrant is the parent of a US citizen or legal permanent resident born on or before November 20, 2014; and
3. The immigrant has no serious criminal offenses;

Immigration will examine each request for deferred action for Parental Responsibility (DAPA) on a case by case basis.

**Eligible immigrants can also obtain a permit to travel.**

Once persons have obtained a work permit under DAPA status, they may apply for permission to travel outside the country. Immigration officials will likely give such permission only if:

1. The immigrant has a "humanitarian" reason for travel; for example, has to travel for medical care, go to the funeral of a relative, or visit a sick or aged relative;
2. For important educational reasons such as a work or school trip, or;
3. Work or employment abroad.

Vacation travel is not grounds for a travel permit.

**Next steps for Preparing an Application for DAPA.**

The application cannot be submitted until May 20, 2015. Until then, persons should gather and prepare the documents establishing their eligibility, including identity documents (passport, birth certificate, etc.); documents establishing their relationship to a US citizen or legal permanent resident; and documents establishing their continuous residence in the United States during the past five years or more.

**List of documents to verify the physical presence.**

The following is a list of documents that can be used to prove a person's physical presence since January 2010 for purposes of DAPA:

- medical records to you and / or your children
- employment records
- pay stubs
- tax records
- school records for their children
- school records adult for you
- rent receipts
- leases
- utility bills
- other bills
- canceled checks or deposited
- deposit slips
- bank statements
- other bank records
- records of community groups
- ID cards of the organization
- driver's licenses
- driving records

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CHRISTOPHER A. KEROSKY of the law firm of KEROSKY PURVES & BOGUE has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last seven years by San Francisco Magazine "Super Lawyers" edition (2006-2012). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C.

***WARNING: The foregoing is an article discussing legal issues. It is not intended to be a substitute for legal advice. We recommend that you get competent legal advice specific to your case.***