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# Eligibility for I-140, Undocumented Dreamer

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Submitted by Chief Editor on May 14th 2014

I am part of the (Deferred Action), I started going to school in the US since I was 8 years of age and now I am 22, so I have been in this country almost all my life. I was working with Tax ID and of course my own name, I have built credit, invest, save, and spend wisely. I would always file my taxes even though sometimes it would be a significant amount but I still wanted to keep my record as a good moral character who follows the law and keeps everything in order. I felt very blessed and was very thankful to God because he made a miracle that would help me stay in the US and work legally. The miracle was the (Deferred Action), I would of loved that the (Dream Act) was passed because It would provide me with a green card and be eligible for more federal and state benefits. I am currently enrolled in community college, Montgomery college pursuing my Associate's degree and then transferring to a 4 year university to obtain my Bachelor's degree and last but not least get my Master's degree. I am very goal oriented and I believed if you're a good person, good things will come to you. I apologize if initiated with my personal story rather than my question for eligibility for I-140.

Questions:

Based on my current status and my story, what are my options and how likely will I be approved for a I-140?

What are the factors that can impact the Homeland Security on their decision?

**ANSWER:**

Unfortunately, there is nothing in the current law that will help you get your green card on your own. While an *I-140* can be approved pursuant to employ-based green card process, ultimately, you will not be eligible for a green card because it looks like you have accrued *unlawful presence* of over one year after the age of 18. That requires either that you stay outside the USA for 10 years OR get a waiver through an eligible immediate family member (tough to get). Our best hope is for a change in the laws. Good luck!

**Green Card:**

Form I-140 <sup>[2]</sup>

**Immigration Law :**

Dream Act <sup>[3]</sup>

## **Removal, Deportation and Exclusion:**

Deferred Action [4]

**Unless the context shows otherwise, all answers here were provided by Rajiv [5] and were compiled and reported by our editorial team from comments and blog on immigration.com [6]**

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### **Links:**

[1] <https://immigration.com/faq/form-i-140/eligibility-i-140-undocumented-dreamer>

[2] <https://immigration.com/greencard/green-card/form-i-140>

[3] <https://immigration.com/law/immigration-law/dream-act>

[4] <https://immigration.com/category/removal-deportation-and-exclusion/deferred-action>

[5] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[6] <http://www.immigration.com>

[7] <https://immigration.com/JavaScript%3Avoid%280%29%3B>