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AND EMERGENCY MANAGEMENT

Secretary Alejandro Mayorkas
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

RECEIVED

By ESEC External at 1:09 pm, Jul 20, 2021

July 20, 2021

Dear Secretary Mayorkas,

As a member of the Committee on Homeland Security, I write to you today to request clarification and transparency for applications of immigrant benefits at the U.S. Citizenship and Immigration Services (USCIS), particularly in regard to the application for Deferred Action for Childhood Arrivals (DACA). Following the decision by U.S. District Judge Hanen delivered on Friday, July 16, the lives of millions of DACA recipients, their families, their children, and their employers were once again thrown into chaos and uncertainty as the order of vacatur and remand of the program went into effect. This decision is particularly disappointing as DACA recipients have consistently shown they are Americans in every sense of the word. Furthermore, hundreds of thousands of recipients worked frontline and essential jobs¹ during the pandemic and the economic impact of a pathway to citizenship for Dreamers is estimated at \$74 billion per year.²

In Judge Hanen's ruling, he stated, "with respect to new DACA applications received by DHS, the order of vacatur and remand is effective immediately. DHS may continue to accept applications as it has been ordered to do by the court in *Batalla Vidal v. Wolf*, but it may not grant these applications until a further order of this Court..."³ Unfortunately, accounts show that less than 72 hours after the ruling, initial applicants were contacted by USCIS to cancel biometrics appointments with little information on the potential to maintain their position in the queue or be provided other administrative reprieve.⁴ These appointments not only take months to secure but, if this decision is eventually reversed, will put applicants further behind by having to reschedule these certification requirements. In order to minimize the negative impact of Judge Hanen's decision on initial DACA applicants, USCIS should continue to process materials and issue appointments, which is in line with the organization's administrative capabilities.

As such, I ask for the following points of clarification to ensure that DACA recipients have the most up to date information regarding their applications and renewals:

¹ <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>

² <https://www.fwd.us/news/economic-impact/>

³ <https://www.cnn.com/2021/07/16/politics/daca-ruling-071621/index.html>

⁴ https://twitter.com/Astrid_NV/status/1416925866928398336

1. Why did USCIS leadership decide to cancel interviews and appointments to obtain biometric data for applicants who have already had their initial DACA applications accepted?
 - a. Will USCIS commit to reversing this policy by rescheduling appointments, and restarting the acceptance of supporting documentation?
2. Each DACA applicant must submit a \$495 application fee. How will these dollars be used for applicants that are no longer eligible to continue their process and will people be eligible to receive a refund of this substantial amount of money?
3. Before this ruling, DACA renewals were in a backlog. Given Judge Hanen's decision, the need to swiftly review and approve renewal applications will be even more critical to provide stability to as many recipients as possible. What resources will USCIS commit to quickly processing the renewal backlog and will renewal applicants have the opportunity to apply for expedited processing?
4. How will USCIS clearly, humanely, and effectively communicate with initial and renewing DACA applicants to ensure that every person eligible to continue their application process can do so?

Thank you for your quick consideration of this pressing matter. If you have further questions, please contact my staff, Madison West, at Madison.West@Mail.House.Gov.

Sincerely,



Dina Titus
Member of Congress



U.S. Citizenship
and Immigration
Services

October 12, 2021

The Honorable Dina Titus
U.S. House of Representatives
Washington, DC 20515

Dear Representative Titus:

Thank you for your July 20, 2021 letter to the Department of Homeland Security. Secretary Mayorkas asked that I respond on his behalf. I apologize for the delay in this response.

U.S. Citizenship and Immigration Services (USCIS) is proud to play an important role in implementing Deferred Action for Childhood Arrivals (DACA). DACA recipients are students, military service members, essential workers, and part of our communities in every way, shape, and form. This Administration remains committed to preserving and fortifying DACA. See [Statement by Joe Biden on DACA and Legislation for Dreamers \(July 17, 2021\)](#).

We acknowledge and share your concerns regarding the impact of the Southern District of Texas's July 16, 2021 order in *State of Texas, et al., v. United States of America, et al.*, 1:18-CV-00068, (S.D. Texas July 16, 2021) on individuals making initial requests for DACA and DACA recipients with renewal requests. USCIS will comply with this court order while it remains in effect and continue to implement the components of DACA that remain in place while the Department of Justice appeals the district court's decision. DHS remains focused on safeguarding DACA, and we are currently engaging the public in a rulemaking process to preserve and fortify DACA.¹

Enclosed please find additional responses to the questions presented in your letter.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, reading "Ur M. Jaddou".

Ur M. Jaddou
Director

Enclosure

¹ See <https://www.federalregister.gov/documents/2021/09/28/2021-20898/deferred-action-for-childhood-arrivals>

**The Department of Homeland Security's Response to
Representative Titus' July 20, 2021 Letter**

1. Why did USCIS leadership decide to cancel interviews and appointments to obtain biometric data for applicants who have already had their initial DACA applications accepted? Will USCIS commit to reversing this policy by rescheduling appointments and restarting the acceptance of supporting documentation?

- U.S. Citizenship and Immigration Services (USCIS) is continuing to accept initial Deferred Action for Childhood Arrivals (DACA) requests, related applications for ancillary benefits, and related supporting documentation, but is limited in what it can do with pending and new initial DACA requests by the court order in *State of Texas, et al., v. United States of America, et al.*, 1:18-CV-00068, (S.D. Texas July 16, 2021) (“*Texas II*”). USCIS intends to resume processing of initial DACA requests in the future if it can do so and remain in compliance with the *Texas II* court order.

2. Each DACA applicant must submit a \$495 application fee. How will these dollars be used for applicants that are no longer eligible to continue their process, and will people be eligible to receive a refund of this substantial amount of money?

- We acknowledge this is a difficult situation for initial DACA requestors. However, at this time, USCIS is not issuing refunds for pending initial DACA requests that remain on hold while the *Texas II* court order remains in effect. USCIS may issue further guidance on this subject as the *Texas II* litigation continues.

3. Before this ruling, DACA renewals were in a backlog. Given Judge Hanen's decision, the need to swiftly review and approve renewal applications will be even more critical to provide stability to as many recipients as possible. What resources will USCIS commit to quickly processing the renewal backlog and will renewal applicants have the opportunity to apply for expedited processing?

- We acknowledge and are actively considering your suggestion to allow DACA recipients the opportunity to request expedited processing of their renewal requests.
- USCIS aims to process DACA renewal requests within 120 days and DACA recipients are strongly encouraged to file their renewal requests between 150 and 120 days before their current DACA grant expires. DACA renewals are currently within normal processing time goals. Despite the challenges of operating during the COVID-19 pandemic, the median processing time for DACA renewals through August 31, 2021, is 1.8 months (approximately 54 days). DACA-related EADs are generally adjudicated concurrently with DACA renewal requests.
- USCIS has taken several steps to ensure the timely adjudication of DACA renewal requests, including allowing for the reuse of biometrics where possible, working to safely maximize biometrics appointment capacity at Application Support Centers (ASC) for those who must visit an ASC for biometrics collection, and shifting a significant number of resources from the DACA initial request workload to assist with processing of DACA renewal requests to reduce case processing times. As noted in the

form instructions and the DACA FAQs, USCIS strongly encourages requestors to file their renewal requests within the 120-150 day filing period to minimize the possibility that their current period of DACA will expire before they receive a decision on their renewal request.

4. How will USCIS clearly, humanely, and effectively communicate with initial and renewing DACA applicants to ensure that every person eligible to continue their application process can do so?

- USCIS recognizes that DACA requestors are concerned about what the recent *Texas II* decision means for their DACA initial or renewal requests as well as related employment authorization and advance parole applications. USCIS has published additional guidance for DACA requestors, recipients, and employers. See <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions> for current information. USCIS will continue to update this guidance as we have more information.
- DHS remains focused on safeguarding DACA, and we are currently engaging the public through the rulemaking process to preserve and fortify DACA.¹ Moreover, we will continue processing DACA renewal requests, consistent with the *Texas II* ruling.

¹ See <https://www.federalregister.gov/documents/2021/09/28/2021-20898/deferred-action-for-childhood-arrivals>