

Congress of the United States
Washington, DC 20515

July 1, 2020

Kenneth T. Cuccinelli
Senior Official Performer Duties of the Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue NW M.S. 2090
Washington, D.C. 20529

Dear Mr. Cuccinelli,

We are writing to urge U.S. Citizenship and Immigration Services (USCIS) to immediately begin accepting new applications for the Deferred Action for Childhood Arrivals (DACA) program.

On June 18, 2020, in an opinion authored by Chief Justice Roberts, the Supreme Court ruled that the Trump administration's attempted rescission of DACA was arbitrary and capricious, in violation of the Administrative Procedure Act. This conclusion rests on the well-settled principle of administrative law that "[a]n agency must defend its actions based on the reasons it gave when it acted," a principle that the Department of Homeland Security violated in its haste to deport hundreds of thousands of Dreamers.¹

We were disturbed to see that the USCIS website includes a statement that the recent U.S. Supreme Court decision "has no basis in law."² As noted above, the Court correctly held that the Trump administration violated fundamental tenets of administrative law in its eagerness to end DACA. We should not need to tell you that under our Constitution, the U.S. Supreme Court, not the Administration, determines whether the rescission of DACA was lawful.³ USCIS and the Administration must faithfully administer our nation's immigration laws by providing clear guidance implementing the Court's order.

The Supreme Court's decision was also a moral victory for the hundreds of thousands of Dreamers across our country, for their families and communities, and for our core values as a nation of immigrants. We were extremely disappointed to see Administration officials ignore their mandate and use USCIS's public platform to make a political attack undermining the rule of law and Dreamers.

¹ Department of Homeland Security v. Regents of the University of California, 2020 WL 321746 at * 14, 17 (June 18, 2020) (noting that the Department had "entirely failed" to consider obvious alternatives to complete rescission of DACA and had refused to consider the important reliance interests that DACA had engendered)(quoting *Motor Vehicle Mfrs. Ass'n of US., Inc. v. State Farm Mut. Auto. Ins. Co.* 463 U.S. 29, 43 (1983)).

² USCIS STATEMENT ON SUPREME COURT'S DACA DECISION, USCIS, June 19, 2020, available at <https://www.uscis.gov/news/news-releases/uscis-statement-supreme-courts-daca-decision>

³ See U.S. CONST., art. VI, § 2 and *Marbury v. Madison*, 5 U.S. 137, 175–78 (1803).

We ask that you not only remove the statement, but also provide clear guidance to the public and USCIS employees that you will immediately begin accepting new DACA applications, and will resume accepting and adjudicating applications for advance parole for DACA recipients.

Sincerely,

Joaquin Castro
Member of Congress

Lucille Roybal-Allard
Member of Congress

Jerrold Nadler
Member of Congress

Zoe Lofgren
Member of Congress

Adam B. Schiff
Member of Congress

Adam Smith
Member of Congress

Adriano Espaillat
Member of Congress

Al Green
Member of Congress

Alan Lowenthal
Member of Congress

Albio Sires
Member of Congress

Alexandria Ocasio-Cortez
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Member of Congress

Ami Bera, M.D.
Member of Congress

André Carson
Member of Congress

Ann Kirkpatrick
Member of Congress

Anna G. Eshoo
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Anthony G. Brown
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Ayanna Pressley
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Brenda L. Lawrence
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Cedric L. Richmond
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Danny K. Davis
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Darren Soto
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David N. Cicilline
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David Scott
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David Trone
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Deb Haaland
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Debbie Mucarsel-Powell
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Diana DeGette
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Dina Titus
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Doris Matsui
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Eliot L. Engel
Member of Congress

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Filemon Vela
Member of Congress

Frank Pallone, Jr.
Member of Congress

Gerald E. Connolly
Member of Congress

Gilbert R. Cisneros, Jr.
Member of Congress

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Gregory W. Meeks Member of Congress	Gwen Moore Member of Congress	Hakeem Jeffries Member of Congress
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Jared Huffman Member of Congress	Jason Crow Member of Congress	Jennifer Wexton Member of Congress
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Joe Neguse Member of Congress	José E. Serrano Member of Congress	Joseph P. Kennedy, III Member of Congress
Juan Vargas Member of Congress	Judy Chu Member of Congress	Julia Brownley Member of Congress
Karen Bass Member of Congress	Katherine M. Clark Member of Congress	Kathleen M. Rice Member of Congress
Linda T. Sánchez Member of Congress	Lisa Blunt Rochester Member of Congress	Lloyd Doggett Member of Congress
Lori Trahan Member of Congress	Madeleine Dean Member of Congress	Marc Veasey Member of Congress
Mark Pocan Member of Congress	Mark Takano Member of Congress	Nanette Diaz Barragán Member of Congress
Nita Lowey Member of Congress	Norma J. Torres Member of Congress	Nydia M. Velázquez Member of Congress
Pete Aguilar Member of Congress	Peter A. DeFazio Member of Congress	Pramila Jayapal Member of Congress
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Yvette D. Clarke
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Sylvia R. Garcia
Member of Congress

TJ Cox
Member of Congress

Vicente Gonzalez
Member of Congress



U.S. Citizenship
and Immigration
Services

July 10, 2020

The Honorable Joaquin Castro
U.S. House of Representatives
Washington, DC 20515

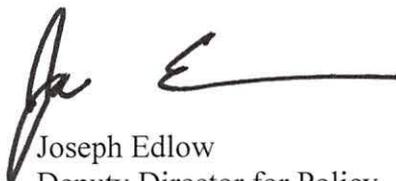
Dear Representative Castro:

Thank you for your suggestions and comments in your July 1, 2020 letter related to the Department of Homeland Security's (DHS) implementation of the Supreme Court's ruling in *Department of Homeland Security v. Regents of the University of California* regarding the Deferred Action for Childhood Arrivals (DACA) program. Mr. Cuccinelli asked that I respond on his behalf.

Reaffirming Acting Secretary Wolf's statement on the Supreme Court's decision, DACA recipients deserve closure and finality surrounding their status here in the United States. U.S. Citizenship and Immigration Services (USCIS) will work with DHS on next steps regarding the Court's decision and will consider your views during this process.

Thank you again for your letter and interest in this matter. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Sincerely,



Joseph Edlow
Deputy Director for Policy

cc:

The Honorable Lucille Roybal-Allard
Member of Congress

The Honorable Jerrold Nadler
Member of Congress

The Honorable Zoe Lofgren
Member of Congress

The Honorable Joaquin Castro
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The Honorable Adam B. Schiff
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