

United States Senate

WASHINGTON, DC 20510

July 14, 2020

The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
20 Massachusetts Avenue NW M.S. 2090
Washington, D.C. 20529

RECEIVED
By ESEC at 8:15 am, Jul 15, 2020

Dear Acting Secretary Wolf:

We call on you to immediately comply with the Supreme Court's decision rejecting the Trump Administration's rescission of Deferred Action for Childhood Arrivals (DACA) and requiring the Administration to reopen DACA for new applicants.

On June 18, in an opinion by Chief Justice John Roberts, the Court held that the Administration's effort to repeal deportation protections for Dreamers, young immigrants who came to the United States as children, was "arbitrary and capricious." Yesterday, 25 days after the Court's decision, was the deadline for the Administration to file a petition for rehearing. And last Friday, President Trump said, "I'm going to do a big executive order. I have the power to do it as president and I'm going to make DACA a part of it."

However, there is no indication that your agency has taken any steps to fully reinstate DACA protections, as the Court's decision unequivocally requires. We have not located a single statement by you or any other Department of Homeland Security (DHS) official notifying the public that your agency is complying with the Supreme Court's decision. To the contrary, on June 19, U.S. Citizenship and Immigration Services (USCIS) updated its website to falsely claim that the Supreme Court's decision has "no basis in law" and attack DACA recipients. As of today, the USCIS webpage titled "Consideration for Deferred Action for Childhood Arrivals (DACA)" appears to have last been updated on February 14, 2018, and the USCIS "Frequently Asked Questions" page regarding DACA appears to have last been updated on March 8, 2018.

Your agency has had ample opportunity to prepare for the recent Supreme Court decision. On March 4, 2020, at a Senate Homeland Security and Government Affairs Committee (HSGAC) hearing, you committed to provide Congress with your agency's plans in preparation for the Supreme Court decision. On March 20, 2020, 36 Senators and 87 Representatives sent you a letter requesting those plans.

However, to date, Congress and the American people have not received any information regarding your agency's compliance with the Court's holding. It is unclear what steps, if any, USCIS has taken to implement the Supreme Court decision, including receiving and processing initial DACA applications, DACA renewal applications, and requests for advance parole as well as publication of information regarding DACA for new applicants and current recipients.

The stakes are high. More than 800,000 Dreamers have come forward and received DACA. DACA has allowed Dreamers to contribute to our country as soldiers, nurses, teachers, and small business owners. Even as their own fates remained uncertain due to the Trump Administration's rescission of DACA, over 200,000 DACA recipients have served as essential workers during the ongoing COVID-19 pandemic by teaching children; growing, packaging, cooking, and shipping food; stocking the shelves at grocery stores; and providing healthcare services to those who fall sick.

Since the Trump Administration rescinded DACA on September 5, 2017, USCIS has not accepted initial DACA applications from Dreamers who are eligible for DACA but have never received this protection. For example, children who have turned 15, the youngest age at which someone can receive DACA, have been blocked from applying since the DACA rescission. The Center for American Progress estimates that approximately 300,000 Dreamers who have never received DACA are now eligible to apply for the program, including 55,500 young people who have turned 15 since September 5, 2017.

Now that 25 days have passed, the Roberts decision requires your immediate compliance. We await your prompt assurance that you will respect the Court's decision and reopen DACA for all eligible applicants.

Sincerely,



RICHARD J. DURBIN
United States Senator



KAMALA D. HARRIS
United States Senator

CHARLES E. SCHUMER
United States Senator

PATRICK LEAHY
United States Senator

DIANNE FEINSTEIN
United States Senator

RON WYDEN
United States Senator

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United States Senator

CORY A. BOOKER
United States Senator

TAMMY DUCKWORTH
United States Senator

TINA SMITH
United States Senator



U.S. Citizenship
and Immigration
Services

September 17, 2020

The Honorable Richard J. Durbin
United States Senate
Washington, DC 20510

Dear Senator Durbin:

Thank you for your July 14, 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) policy. Acting Secretary Wolf asked that I respond on his behalf.

As you know, the DACA executive amnesty policy was created unilaterally by memorandum on June 15, 2012, without public notice and an opportunity to comment. The Supreme Court's decision on June 18, 2020, did not question the authority of DHS to rescind the DACA policy, but determined that DHS did not comply with certain requirements in attempting to end the policy. Acting Secretary Wolf issued a memorandum on July 28, 2020, rescinding previous DACA policy memoranda issued in 2017 and 2018, and set forth departmental action to effect immediate changes limiting the scope of the DACA policy in the interim, pending a full and careful reconsideration of DACA in light of the Supreme Court's decision.

U.S. Citizenship and Immigration Services (USCIS) has provided guidance implementing Acting Secretary Wolf's July 28 memorandum pending a full and careful reconsideration of the DACA policy. For information on initial DACA requests, DACA renewal requests, and advance parole, we kindly direct you to our announcement for more information.

Thank you again for your letter. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in blue ink, appearing to be "Joseph Edlow", written over a horizontal line.

Joseph Edlow
Deputy Director for Policy