

Congress of the United States
House of Representatives
Washington, DC 20515-1504

COMMITTEES:

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SUBCOMMITTEE ON THE
CONSTITUTION AND CIVIL JUSTICE

SMALL BUSINESS

January 16, 2018

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
Department of Homeland Security
Washington, D.C. 20528
SENT VIA E-MAIL TO CongresstoDHS@hq.dhs.gov

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Dear Secretary Nielsen:

As you are well aware, the question of what will happen to President Obama's extraconstitutional Deferred Action for Childhood Arrivals (DACA) program is being discussed not only in the halls of Congress but throughout the nation. Although the status of DACA has dominated recent news cycles, I believe the public is still in the dark on who these DACA recipients are and exactly how much vetting they went through before being given temporary amnesty. Accordingly, I am seeking the assistance of the Department of Homeland Security in uncovering the true nature of DACA recipients. Specifically, I am interested in seeing statistics that answer or explain the following questions and/or topics:

1. What years the accepted DACA applicants initially entered the United States?
2. Information showing the different countries that accepted applicants were born in and the number of accepted applicants from each country.
3. How many of the accepted applicants left the United States during their "period of continuous residence"? How many returned to their country of birth during such travel?
4. Information showing the age of accepted applicants at the time of initial entry to the United States.
5. Information showing what types of documents were used to prove the identity of accepted applicants and how often each type of document was used.
6. Information showing the different types of education levels of accepted applicants (high school diploma vs. GED vs. college degree, etc.).

7. What percentage/number of accepted applicants required an interpreter to complete the Form I-821D DACA application?
8. What percentage/number of all applicants (both accepted and rejected) answered "Yes" to question 1 in Part 4 ("Criminal, National Security, and Public Safety Information") of the Form I-821D DACA application (this question asks "[h]ave you ever been arrested for, charged with, or convicted of a felony or misdemeanor[...]?"). Out of those who answered "Yes" to question 1 in Part 4, how many of those applicants were accepted? How many were rejected?
9. How many of the accepted applicants had a criminal history check conducted in their country of birth?
10. Information showing the average time needed to approve an initial application.

We look forward to working with you so that DHS can quickly complete this important task. Please contact Corey Becker, my legislative assistant for immigration issues, with any questions. Mr. Becker may be contacted at (202) 695-5840. Thank you for your attention to this important matter.

Sincerely,



Congressman Steve King



**U.S. Citizenship
and Immigration
Services**

May 25, 2018

The Honorable Steve King
U.S. House of Representatives
Washington, DC 20515

Dear Representative King:

Thank you for your January 16, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Please find enclosed responses to your questions regarding Deferred Action for Childhood Arrivals. I appreciate that you and members of your staff took the time to come to our offices on May 7, 2018, for a presentation on the enclosed data. I hope you found it informative and helpful.

Thank you again for your letter, and your continued interest in this issue. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in blue ink, appearing to read "LFC", written over a faint circular stamp.

L. Francis Cissna
Director

Enclosures


**The Department of Homeland Security's Response to
Representative King's January 16, 2018 Letter**

1. What years the accepted DACA applicants initially entered the United States?

Please refer to the Question 1 tab of the attached spreadsheet, as shown during the presentation for you and members of your staff at U.S. Citizenship and Immigration Services (USCIS) headquarters on May 7, 2018. Date of entry is only a required field on the Form I-821D for initial Deferred Action for Childhood Arrivals (DACA) requests. Individuals who met the following DACA guidelines, among others, could request consideration for DACA: under age 31 as of June 15, 2012 (i.e., born in 1981 or later), came to the United States before age 16, and have continuously resided in the United States since June 15, 2007. Thus, initial entries prior to 1981 and after 2007 would be prima facie cause for denial. However, in some cases, adjudicators may find that the year written on Form I-821D was incorrectly entered into USCIS systems or that the requestor unintentionally wrote the wrong year.

Note: All data in the spreadsheet refers to those with approved DACA grants, rather than all Form I-821D requests accepted by USCIS.

2. Information showing the different countries that accepted applicants were born in and the number of accepted applicants from each country.

Please refer to the Question 2 tab of the spreadsheet.

3. How many of the accepted applicants left the United States during their “period of continuous residence”? How many returned to their country of birth during such travel?

Please refer to the Question 3 tab of the spreadsheet. As noted during the May 7, 2018, presentation, the Form I-821D does not collect information related specifically to the country to which the requestor traveled.

4. Information showing the age of accepted applicants at the time of initial entry to the United States.

Please refer to the Question 4 tab of the spreadsheet. As noted during the presentation on May 7, 2018, to request consideration under DACA, an individual must have entered the United States before reaching the age of 16. Therefore, in the Question 4 tab, data for ages 16 and older may be attributable to incorrect dates entered in the Date of Birth and/or Date of Initial Entry fields on the Form I-821D, or incorrect data capture into USCIS systems.

[REDACTED]

5. Information showing what types of documents were used to prove the identity of accepted applicants and how often each type of document was used.

As noted during the May 7, 2018, presentation, our electronic records do not delineate the types and frequency of documents submitted by DACA requestors to prove their identity, which is reviewed on a case-by-case basis by an adjudicator. Obtaining this information would require a manual file review.

Per archived DACA FAQ 40, examples of documentation a requestor may submit as proof of identity include:

- Passport or national identity document from your country of origin;
- Birth certificate with photo identification;
- School or military ID with photo; or
- Any U.S. Government immigration or other document bearing your name and photo.

6. Information showing the different types of education levels of accepted applicants (high school diploma vs. GED vs. college degree, etc.).

Please refer to the Question 6 tab of the spreadsheet. While education is a required field on the Form I-821D for initial DACA requests, it is not a required field on the Form I-821D for renewal requests.

7. What percentage/number of accepted applicants required an interpreter to complete the Form I-821D DACA application?

Please refer to the Question 7 tab of the spreadsheet.

8. What percentage/number of all applicants (both accepted and rejected) answered “Yes” to question 1 in Part 4 (“Criminal, National Security, and Public Safety Information”) of the Form I-821D DACA application (this question asks “[h]ave you ever been arrested for, charged with, or convicted of a felony or misdemeanor[...]?”). Out of those who answered “Yes” to question 1 in Part 4, how many of those applicants were accepted? How many were rejected?

Please refer to the Question 8 tab of the spreadsheet.

Requestors will not be considered for DACA if they have been convicted of a felony offense, a significant misdemeanor offense, or three or more non-significant misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, except where the Department of Homeland Security determines there are exceptional circumstances. For purposes of this process, a non-significant misdemeanor is any misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and that meets the following criteria:




1. Is not an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; and
2. Is one for which the individual was sentenced to time in custody of 90 days or less. The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by U.S. Immigration and Customs Enforcement.

Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion.

For more information, please refer to the DACA Frequently Asked Questions, section V. Criminal Convictions.¹

9. How many of the accepted applicants had a criminal history check conducted in their country of birth?

USCIS does not require criminal history checks to be conducted in the requestor’s country of birth. However, as previously discussed with your staff on February 15, 2018, DACA requestors are checked against TECS when their requests are received and again before requests are granted. TECS contains criminal information, including National Crime Information Center data, as well as some international criminal information such as INTERPOL notices. USCIS also conducts Federal Bureau of Investigation (FBI) fingerprint checks to identify criminal information within the United States.

 All individuals requesting DACA (both initial and renewal) must undergo required background and security checks. Any security hits or concerns must be resolved in accordance with current National Background Identity and Security Checks Operating Procedures. All individuals requesting DACA must appear at an Application Support Center and have their biometrics collected, including fingerprints. The following specific background and security checks apply to DACA:

- TECS Queries; and
- FBI Fingerprint Checks (requestors aged 14 and older).

(b) (7)(E) 

¹ See <https://www.uscis.gov/archive/frequently-asked-questions>.



[Redacted]

(b) (7)(E)

[Redacted]

10. Information showing the average time needed to approve an initial application.

Please refer to the Question 10 tab of the spreadsheet.

[Redacted]

**U.S. Citizenship and Immigration Services
I-821D, Consideration of Deferred Action for Childhood Arrivals
Approvals by Year DACA Requestor Initially Entered the United States
Aug 15, 2012 - May 2, 2018**

Initial Entry Year	DACA - Initial
1911	1
1921	1
1922	1
1929	1
1933	2
1939	1
1940	2
1941	2
1942	2
1944	8
1945	2
1946	5
1947	5
1948	2
1949	8
1952	1
1955	5
1956	1
1957	1
1958	2
1959	1
1963	1
1965	1
1966	9
1968	2
1969	2
1976	1
1977	11
1978	2
1979	2
1980	4
1981	29
1982	110
1983	274
1984	517
1985	884
1986	1,241
1987	1,793
1988	4,675

Initial Entry Year	DACA - Initial
1989	10,631
1990	13,852
1991	14,569
1992	15,848
1993	18,893
1994	23,259
1995	30,008
1996	31,846
1997	31,573
1998	46,283
1999	70,141
2000	90,315
2001	84,358
2002	72,347
2003	67,059
2004	62,393
2005	60,404
2006	40,340
2007	14,383
2008	194
2009	125
2010	64
2011	186
2012	240
2013	93
2014	65
2015	58
2016	44
Not Available	8,615
Grand Total	817,798

Please Note:

- 1) *The report reflects the most up-to-date data available at the time the report is generated.*
- 2) *Year requestor initially entered based on values provided by requestor on Form I-821D*
- 3) *Not available means the data is not available in the electronic systems*

**U.S. Citizenship and Immigration Services
I-821D, Consideration of Deferred Action for Childhood Arrivals
Approvals by Requestor Country of Birth
Aug 15, 2012 - May 2, 2018**

Country of Birth	DACA - Initial
Mexico	643,372
El Salvador	29,459
Guatemala	20,721
Honduras	18,962
Peru	9,249
Korea, South	8,965
Brazil	7,555
Ecuador	6,842
Colombia	6,710
Argentina	4,917
Philippines	4,766
Jamaica	3,505
India	3,242
Dominican Republic	3,240
Venezuela	3,172
Trinidad And Tobago	2,620
Uruguay	2,464
Bolivia	2,107
Not Available	2,100
Costa Rica	2,093
Poland	1,852
Chile	1,784
Pakistan	1,720
Nicaragua	1,645
Nigeria	1,320
Guyana	1,293
Belize	1,021
Canada	990
China	982
Kenya	874
Indonesia	833
United Kingdom	641
Portugal	627
Bangladesh	611
Ghana	600
Mongolia	592
Panama	570
Israel	500
Italy	440
Bahamas, The	415

Country of Birth	DACA - Initial
Saint Lucia	383
Jordan	332
Turkey	314
Taiwan	308
Albania	306
Paraguay	269
Germany	268
Thailand	257
Egypt	256
Zambia	254
Saudi Arabia	253
South Africa	246
Hong Kong	243
Armenia	233
United Arab Emirates	233
Lithuania	227
Ukraine	220
Haiti	217
France	207
Grenada	207
Russia	204
Senegal	200
Morocco	194
Malaysia	193
Guinea	190
Liberia	182
Saint Vincent And The Grenadines	174
Zimbabwe	173
Gambia, The	169
Cameroon	166
Côte D'Ivoire	162
Japan	160
Sri Lanka	159
Lebanon	155
Suriname	153
Romania	148
Sierra Leone	144
Spain	139
Barbados	134
Greece	129
Czech Republic	128
Fiji	127
Dominica	121
Hungary	111
Malawi	111

Country of Birth	DACA - Initial
Antigua And Barbuda	105
New Zealand	105
Tanzania	100
Macedonia	97
Bulgaria	89
Iran	87
Tonga	84
Cabo Verde	82
Nepal	80
Kuwait	78
Uganda	78
Vietnam	77
Australia	73
Angola	69
Netherlands	67
Mali	63
Slovakia	63
Uzbekistan	62
Montenegro	58
Congo (Kinshasa)	54
Cambodia	53
Ethiopia	53
Netherlands Antilles	52
Singapore	52
Yemen	51
Yugoslavia	50
Syria	44
Estonia	43
Qatar	42
Togo	42
Serbia	40
Sweden	40
Austria	37
British Virgin Islands	37
Saint Kitts And Nevis	37
Turks And Caicos Islands	36
Gabon	34
Belgium	33
Georgia	31
Samoa	31
Western Samoa	31
Bahrain	30
Botswana	30
Ireland	29
Congo (Brazzaville)	27
Ussr	26

Country of Birth	DACA - Initial
Cayman Islands	23
Laos	23
Belarus	21
Latvia	21
Algeria	20
Benin	19
Kosovo	19
North Vietnam	19
Switzerland	19
Niger	18
Bermuda	17
Burkina Faso	17
Afghanistan	16
Burundi	16
Croatia	15
French Guiana	15
Macau	15
Denmark	14
Kazakhstan	14
Libya	14
Moldova	14
Namibia	14
Oman	14
Azerbaijan	13
Montserrat	13
Iraq	12
Kyrgyzstan	12
Slovenia	12
Norway	11
Madagascar	10
Somalia	10
Central African Republic	9
Guadeloupe	9
Lesotho	9
Cyprus	8
Bosnia And Herzegovina	7
Cuba	7
Tunisia	7
Aruba	6
Brunei	6
Chad	6
Mauritania	6
Mauritius	6
Mozambique	6
Rwanda	6
Bhutan	5

Country of Birth	DACA - Initial
Guinea-Bissau	5
Palestine	5
Sudan	5
Tajikistan	5
Zaire	5
Burma	4
Luxembourg	4
Palau	4
Tuvalu	4
Anguilla	3
Eritrea	3
Marshall Islands	3
Martinique	3
Swaziland	3
Timor-Leste	3
Turkmenistan	3
Virgin Islands, British	3
Equatorial Guinea	2
French Polynesia	2
Germany, West	2
Iceland	2
Korea, North	2
Malta	2
Micronesia, Federated States Of	2
Monaco	2
Papua New Guinea	2
Stateless	2
Andorra	1
Cape Verde	1
Comoros	1
Finland	1
Kiribati	1
Mayotte	1
New Caledonia	1
Northern Ireland	1
Grand Total	817,798

Please Note:

- 1) *The report reflects the most up-to-date data available at the time the report is generated.*
- 2) *Not available means the data is not available in the electronic systems*

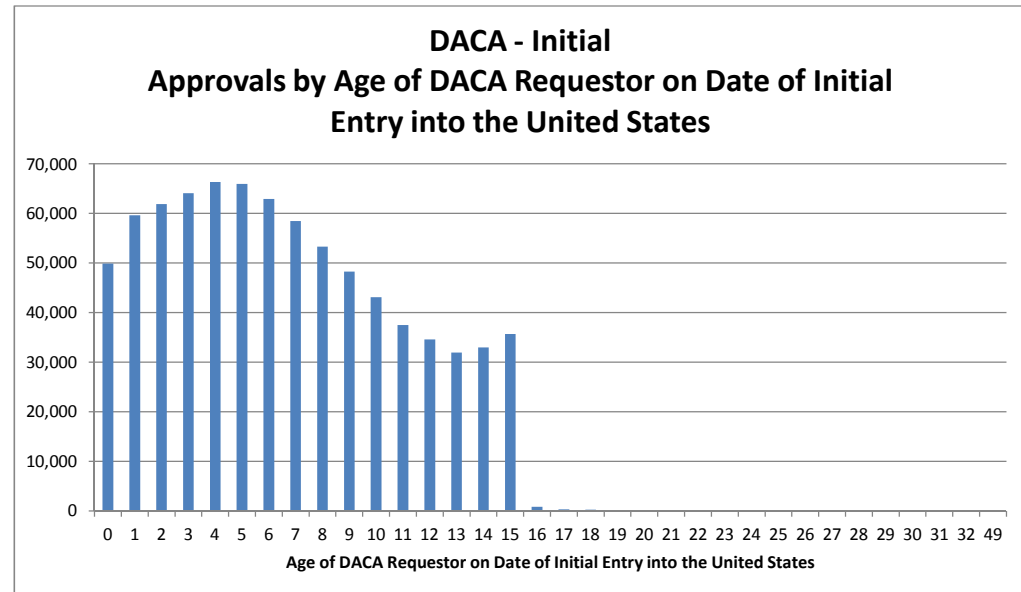
U.S. Citizenship and Immigration Services
I-821D, Consideration of Deferred Action for Childhood Arrivals
Approvals by Travel during Period of Continuous Residence
Nov 1, 2015 - May 2, 2018

Travel Information	DACA - Initial
Travel	775
No Travel	74,507
Grand Total	75,282

Please Note:

- 1) The report reflects the most up-to-date data available at the time the report is generated.*
- 2) Travel information is not recorded electronically in CLAIMS3 system. Only cases processed in ELIS contain this information*
- 3) USCIS began processing cases in ELIS on Nov 1, 2015*
- 4) A case is noted as "Travel" if there was at least 1 departure on or after June 15, 2007 listed in Part 2 - Travel Information*
- 5) Country of travel is not available in the electronic systems*

U.S. Citizenship and Immigration Services I-821D, Consideration of Deferred Action for Childhood Arrivals Approvals by Age of DACA Requestor on Date of Initial Entry into the United States Aug 15, 2012 - May 2, 2018	
Age at Arrival Date	DACA - Initial
0	49,898
1	59,625
2	61,878
3	64,083
4	66,343
5	65,946
6	62,959
7	58,503
8	53,328
9	48,301
10	43,100
11	37,505
12	34,589
13	31,960
14	32,998
15	35,703
16	825
17	295
18	219
19	117
20	92
21	70
22	52
23	47
24	37
25	25
26	5
27	7
28	4
29	6
30	1
31	1
32	1
49	1
Arrival Date before Birth Date	659
Not Available	8,615
Grand Total	817,798



Please Note:

- 1) The report reflects the most up-to-date data available at the time the report is generated.
- 2) Year requestor initially entered based on values provided by requestor on Form I-821D
- 3) Cases with arrival date before birth date grouped in "Arrival Date before Birth Date"
- 4) Not available means the data is not available in the electronic systems

U.S. Citizenship and Immigration Services
I-821D, Consideration of Deferred Action for Childhood Arrivals
Approvals by Requestor Education Level
Aug 15, 2012 - May 2, 2018

Education Level	DACA - Initial	% excluding "Not Available"
No Diploma/In School	179,719	70.8%
GED	1,789	0.7%
High School Graduate	37,300	14.7%
Some College Credit, Less Than 1 Year	33,769	13.3%
1 or More Years of College, No Degree	620	0.2%
Associates Degree	235	0.1%
Bachelors Degree	246	0.1%
Masters Degree	14	0.0%
Professional Degree	2	0.0%
Doctorate Degree	1	0.0%
Not Available	564,103	N/A
Grand Total	817,798	100%

Please Note:

- 1) *The report reflects the most up-to-date data available at the time the report is generated.*
- 2) *Education is not a required field for DACA renewals.*
- 3) *Part 3 Question 6 is used to determine requestor education level.*
- 4) *Not available means the data is not available in the electronic systems*

**U.S. Citizenship and Immigration Services
I-821D, Consideration of Deferred Action for Childhood Arrivals
Approvals by Use of Interpreter and Language
Nov 1, 2015 - May 2, 2018**

Interpreter Used/Language	DACA - Initial
Percentage Interpreter Used	2.5%
Interpreter	1,893
American Sign Language	6
Chinese	1
Creole	1
Danish	1
Filipino	1
Korean	3
Lao	1
Polish	1
Portuguese	4
Spanish	1,641
Tagalog	1
Unknown	232
No Interpreter	73,389
Grand Total	75,282

Please Note:

- 1) *The report reflects the most up-to-date data available at the time the report is generated.*
- 2) *Interpreter information is not recorded electronically in CLAIMS3 system. Only cases processed in ELIS contain this information*
- 3) *USCIS began processing cases in ELIS on Nov 1, 2015*
- 4) *"Interpreted used" if name or business name provided in Part 6 question 1a, 1b, or 2*
- 5) *Language used provided in Part 5 question 1.b on Form I-821D*

U.S. Citizenship and Immigration Services
I-821D, Consideration of Deferred Action for Childhood Arrivals
Approvals and Denials by Response to Part 4 Question 1
Nov 1, 2015 - May 2, 2018

Part 4 Question 1 Response	Yes	No	Not Available	Grand Total
DACA - Initial	3,507	77,734	5,835	87,076
Approved	2,316	68,020	4,946	75,282
Denied	1,191	9,714	889	11,794
% of Approvals, Excluding "Not Available"	3.3%	96.7%	N/A	100.0%
% of Denials, Excluding "Not Available"	10.9%	89.1%	N/A	100.0%
DACA - Renewal	33,709	614,564	9,218	657,491
Approved	31,854	610,062	8,969	650,885
Denied	1,855	4,502	249	6,606
% of Approvals, Excluding "Not Available"	5.0%	95.0%	N/A	100.0%
% of Renewal Denials, Excluding "Not Available"	29.2%	70.8%	N/A	100.0%

Please Note:

- 1) *The report reflects the most up-to-date data available at the time the report is generated.*
- 2) *Part 4 question 1 is not recorded electronically in CLAIMS3 system. Only cases processed in ELIS contain this information*
- 3) *USCIS began processing cases in ELIS on Nov 1, 2015*
- 4) *Not available means the data is not available in the electronic systems*

**U.S. Citizenship and Immigration Services
I-821D, Consideration of Deferred Action for Childhood Arrivals
Average Processing Time for Approval, DACA - Initial
Aug 15, 2012 - May 2, 2018**

Average Processing Time

143 Days

Please Note:

- 1) The report reflects the most up-to-date data available at the time the report is generated.*
- 2) Processing time is calculated as the elapsed number of days between the date USCIS received the case until the date of the approval action*