

United States Senate

WASHINGTON, DC 20510

March 8, 2018

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

We write today to urge the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) to expedite the adjudication of renewal applications for the Deferred Action for Childhood Arrivals (DACA) program that DHS is currently required to accept and process pursuant to preliminary injunctions issued by two United States District Courts. DACA recipients have experienced months of traumatic uncertainty as to their future status in the country they call home. Expediting the review of their applications will help to reduce the chaos and anxiety associated with President Trump's termination of the DACA program, and demonstrate DHS's good-faith compliance with the spirit of the district courts' orders.

On January 9, 2018, the U.S. District Court for the Northern District of California issued a preliminary injunction, which partially blocks the administration's termination of the DACA program, and directs DHS to resume accepting DACA renewal applications on the same terms and conditions as before the program was terminated on September 5, 2017.¹ On February 13, 2018, the U.S. District Court for the Eastern District of New York issued a similar preliminary injunction.² Since the Supreme Court denied the administration's request for certiorari before judgment in the California case on February 26, 2018, the preliminary injunctions remain in effect.³ Under the terms of these preliminary injunctions, hundreds of thousands of individuals who had previously received deferred action through the DACA program are now eligible to apply to renew their status and, in the case of those whose DACA protections already have expired, to regain that status.

We encourage DHS and USCIS to expedite the review and processing of these renewal applications. An estimated 20,000 young people have already seen their DACA status expire, and until those benefits are restored, they are vulnerable to the threat of detention and deportation, and may have already lost jobs, drivers' licenses, and educational opportunities.⁴ Reducing the processing time for DACA renewal applications, particularly for those individuals

¹ Order Denying FRCP 12(b)(1) Dismissal And Granting Provisional Relief, *Regents of the Univ. of Cal. v. U.S. Department of Homeland Security* (No. 3:17-cv-5211) (N.D. Cal. Jan. 9, 2018).

² Amended Memorandum & Order & Preliminary Injunction, *Vidal v. Nielsen* (No. 1:16-cv-04756) (E.D.N.Y. Feb. 13, 2018).

³ *Dept. of Homeland Sec. v. Regents of Univ. of Cal.*, No. 17-1003 (S.Ct. Feb. 22, 2018).

⁴ *Dreams Deferred: A Look at DACA Renewals and Losses Post-March 5*, CENTER FOR AMERICAN PROGRESS (March 2, 2018), <https://www.americanprogress.org/issues/immigration/news/2018/03/02/447486/dreams-deferred-look-daca-renewals-losses-post-march-5/>.

whose status has already expired, is a vital step to minimize fear and confusion for recipients, their families, employers, schools, and communities.

In addition to processing DACA renewal applications quickly, we urge DHS to also consider taking other steps to reduce the anxiety and uncertainty felt by Dreamers whose status is at risk, or has already expired. In January, when USCIS announced it was terminating Temporary Protected Status (TPS) for approximately 200,000 Salvadorans effective September 9, 2019, it also announced it would automatically extend the validity of work authorization for 180 days, through September 5, 2018, recognizing that not all re-registrants would receive new work permits before their current work permits expired.⁵ A similar action to extend the validity of work authorization permits for current DACA recipients would not only be a compassionate response, but would also reduce administrative burdens at USCIS, allowing the agency to work through existing application backlogs.

As hundreds of thousands of DACA recipients were only recently given permission to file for renewal, as a result of the injunctions, we are concerned that many of these applications will not be adjudicated before these recipients' current protections expire. DACA recipients are at risk of losing their jobs and deportation if their status expires. Thus, we strongly urge you to take administrative action to automatically extend work authorizations and issue written guidance that clearly states DACA recipients will not be enforcement priorities for removal. These actions will allow DACA recipients to continue living and working in their home communities while their DACA renewal applications are processed.

Additionally, please provide written answers to the following questions about DHS and USCIS's policies and procedures for processing DACA renewal applications pursuant to the January 9th and February 13th preliminary injunctions by March 30, 2018.

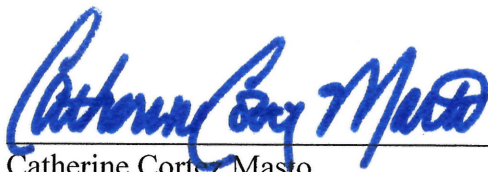
1. On February 28, 2018, USCIS published new data about current DACA recipients and pending applications as of January 31, 2018. Please provide updated information on the number of DACA renewal applications that USCIS has received since announcing that the agency would resume accepting these applications on January 13, 2018.
2. How many DACA renewal applications that were received after the January 13, 2018 announcement have been adjudicated?
3. How many DACA renewal applications that were received after the January 13, 2018 announcement have been approved?
4. How many DACA renewal applications that were received after the January 13, 2018 announcement have been rejected?
5. How many DACA renewal applications that were received after the January 13, 2018 announcement have been denied?
6. How many DACA renewal applications that were received after the January 13, 2018 announcement have been administratively closed?
7. How many DACA renewal applications that were received after the January 13, 2018 announcement remain pending?

⁵ Federal Register, "Termination of the Designation of El Salvador Temporary Protected Status," Notice by the USCIS on 1/18/2018, available at <https://www.federalregister.gov/documents/2018/01/18/2018-00885/termination-of-the-designation-of-el-salvador-for-temporary-protected-status>

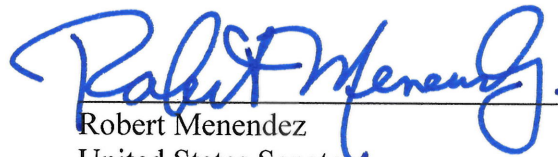
8. How many DACA renewal applications are pending in total?
9. What is the average processing time for DACA renewal applications filed after January 13, 2018?
10. Will USCIS commit to publish data related to the processing times and outcomes of DACA renewal applications that are received and processed pursuant to the preliminary injunctions?
11. Will USCIS commit to updating that published data on a weekly basis?
12. How many initial DACA applications were pending on September 5, 2017, when the program's termination was announced?
13. How many of those initial DACA applications pending on September 5, 2017 have been approved? How many have been rejected? How many have been denied?
14. How many initial DACA applications received prior to September 5, 2017 are still pending review?
15. What is the current average processing time for initial DACA applications?

We appreciate your attention to this request and look forward to your full and prompt response.

Sincerely,



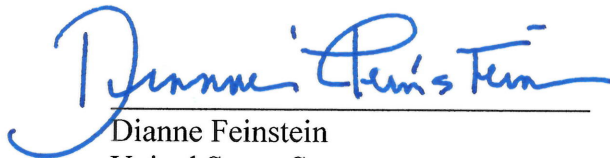
Catherine Cortez Masto
United States Senator



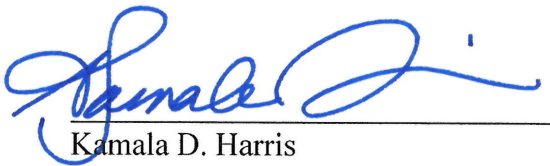
Robert Menendez
United States Senator



Richard J. Durbin
United States Senator



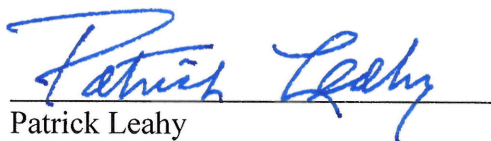
Dianne Feinstein
United States Senator




Kamala D. Harris
United States Senator



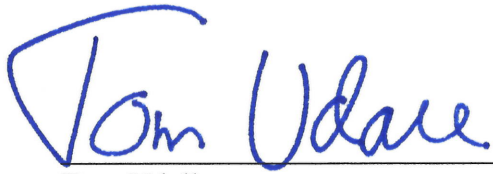
Mazie K. Hirono
United States Senator



Patrick Leahy
United States Senator



Tammy Baldwin
United States Senator



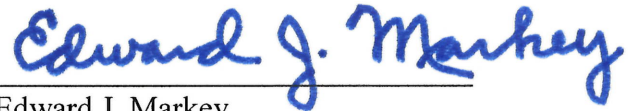
Tom Udall
United States Senator



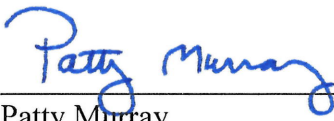
Bernard Sanders
United States Senator



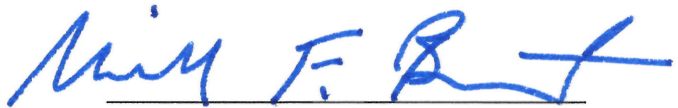
Kirsten Gillibrand
United States Senator



Edward J. Markey
United States Senator



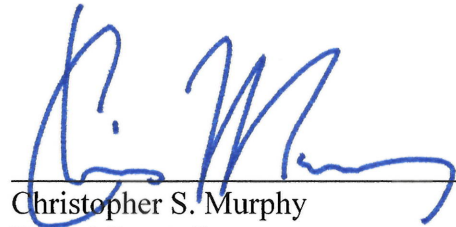
Patty Murray
United States Senator



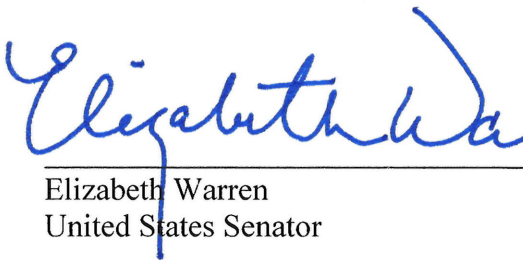
Michael F. Bennet
United States Senator



Cory A. Booker
United States Senator



Christopher S. Murphy
United States Senator



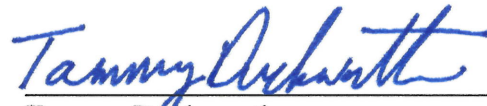
Elizabeth Warren
United States Senator



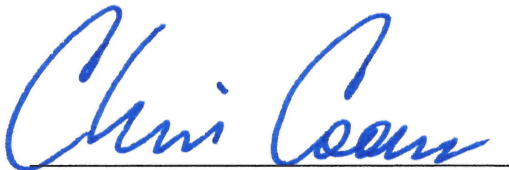
Margaret Wood Hassan
United States Senator



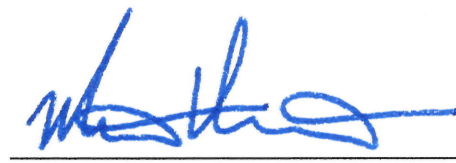
Jack Reed
United States Senator



Tammy Duckworth
United States Senator



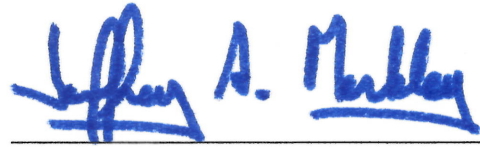
Christopher A. Coons
United States Senator



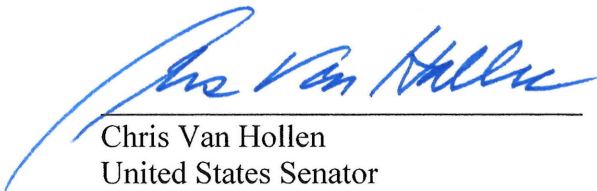
Martin Heinrich
United States Senator



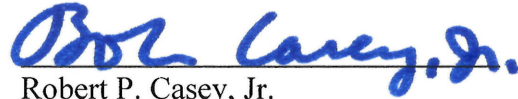
Tina Smith
United States Senator



Jeffrey A. Merkley
United States Senator



Chris Van Hollen
United States Senator



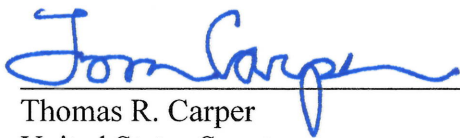
Robert P. Casey, Jr.
United States Senator



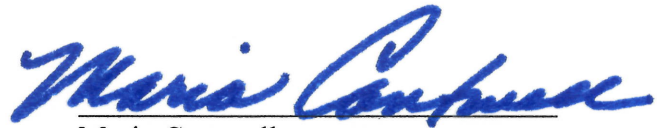
Mark R. Warner
United States Senator



Bill Nelson
United States Senator



Thomas R. Carper
United States Senator



Maria Cantwell
United States Senator



Amy Klobuchar
United States Senator