

**Congress of the United States**  
**Washington, DC 20515**

June 15, 2017

The Honorable John F. Kelly  
Secretary of Homeland Security  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Kelly:

As we celebrate the 5<sup>th</sup> anniversary of the announcement of the Deferred Action for Childhood Arrivals (DACA) program on June 15<sup>th</sup>, we write to ask you to clarify the Administration's policies regarding the DACA program and on ensuring the confidentiality of those who have passed background checks and have been granted temporary protection from deportation.

As you know, DACA was announced in 2012 when the Department of Homeland Security (DHS) determined that the agency should not expend enforcement resources on young people who were brought to this country as children. DACA has been granted to over 780,000 young individuals who no longer have the fear of deportation and family separation hanging over their heads and are our newest college students, teachers, engineers and small business owners. In fact, studies have found that 92 percent of DACA recipients report that they are pursuing educational opportunities<sup>1</sup> that they previously could not and 84 percent report having a job.<sup>2</sup> Additionally, DACA recipients will add \$433.4 billion to the economy over 10 years.<sup>3</sup>

President Trump has been asked numerous times if the Administration will continue DACA. The President has responded that DACA recipients can "rest easy"<sup>4</sup> and that he would "deal with DACA with heart."<sup>5</sup> Your memorandum of February 20, 2017 setting forth DHS' new enforcement priorities specifically preserves the DACA program,<sup>6</sup> and DHS' related FAQ reinforces that the new priorities do not apply to DACA.<sup>7</sup> In testimony before the House Homeland Security Committee on June 7, you stated that your agents are not actively targeting DREAMers and those with DACA. This has not been our experience. In fact, we are concerned about the cases that have been brought to our attention where DACA recipients had their DACA revoked or, even worse, have been apprehended and detained.

Most recently, DHS revoked DACA from Jessica Colotl, a long-term resident of Georgia who was previously approved for DACA twice. A lawsuit was filed with the U.S. District Court for

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<sup>1</sup> MPI DACA Brief

<sup>2</sup> Institute for Research on Labor and Employment (IRLE) at UCLA

<sup>3</sup> <https://www.americanprogress.org/issues/immigration/reports/2017/04/20/430736/facts-immigration-today-2017-edition/>

<sup>4</sup> <https://apnews.com/c810d7de280a47e88848b0ac74690c83>

<sup>5</sup> <http://www.politico.com/story/2017/02/trump-press-conference-dreamers-heart-235103>

<sup>6</sup> <https://www.dhs.gov/publication/enforcement-immigration-laws-serve-national-interest>

<sup>7</sup> <https://www.dhs.gov/news/2017/02/21/qa-dhs-implementation-executive-order-enhancing-public-safety-interior-united-states> ("Q22: Do these memoranda affect recipients of Deferred Action for Childhood Arrivals (DACA)? A22: No.")

the Northern District of Georgia asking that DHS reinstate Jessica's status under DACA. In a hearing on the case on June 8, government lawyers conceded that Jessica is eligible for DACA and could not provide an actual reason for why Jessica's DACA was revoked. Jessica came to the United States when she was 11-years old. She graduated from high school with honors and then earned a BA in political science. Jessica is currently working as a paralegal and continues to serve her community by volunteering for the Annual Latino Youth Leadership Conference, donating blood at the Northside Hospital in Atlanta, and fundraising for St. Jude Children's Hospital. She is exactly the type of person you describe who should not be a target for immigration enforcement.

We are greatly concerned that DACA recipients continue to be the target of immigration enforcement actions and we request that DHS fulfill its promise to these young individuals that they are protected from deportation. DACA has been a model of success and enjoys broad support from the American public across party lines.

In light of our concerns, provide the following information by July 15, 2017:

1. Is there currently a review of the DACA program, or is any review of the DACA program planned for the future? If so, please provide any documents on the review.
2. Are discussions currently underway to terminate the DACA program or amend the DACA application requirements or eligibility criteria? If so, please provide information on any new policy under consideration.
3. Since January 20, 2017, has DHS adopted any new policies regarding DACA recipients, including policies that subject DACA recipients to increased review or scrutiny upon an encounter with DHS officers? If so, please provide all documents related to these policies.
4. The DACA instruction form (I-821D) makes clear that information provided in the application is protected from disclosure to ICE and CBP unless the requestor meets the criteria for the issuance of a Notice to Appear (NTA) or a referral to ICE under the criteria set forth in the USCIS NTA guidance. Is this still the policy of USCIS? If not, please provide information about current procedures.
5. On June 9, Reuters reported that DHS is re-opening hundreds of immigration cases that had previously been administratively closed.
  - Does this apply to DACA recipients? If so, are there any cases of DACA recipients that are currently under review?
  - Please provide any written policy or instructions on the review of cases under this policy.
6. Have DACA Standard Operating Procedures Changed? If so, please provide details on the new procedures.
7. Please provide the number of current or former DACA recipients, for each detention facility, who are in DHS custody and the detailed nature for their detention as of the date of your response to this letter.
8. Please provide the number, for each immigration court, of current or former DACA recipients who were put in removal proceedings between January 20, 2017 and the date of your response to this letter.

9. What are Border Patrol procedures for DACA recipients who present identification at a checkpoint or other encounter?
10. How many DACA recipients have applied for, and how many have been granted, advance parole in 2017 (by month)?
11. How many of those recipients who traveled were denied reentry into the United States, and for what reasons?

We look forward to your prompt response.

Sincerely,



Cedric Richmond  
Chair, Congressional Black  
Caucus



Michelle Lujan Grisham  
Chair, Congressional Hispanic  
Caucus



Judy Chu  
Chair, Congressional Asian  
Pacific American Caucus