

September 4, 2019

Kenneth Cuccinelli  
Acting Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue, NW  
Washington, D.C. 20529

Re: Request that USCIS reverse in full its August 7, 2019 deferred action policy shift

Dear Acting Director Cuccinelli,

The undersigned organizations write to urge USCIS to reverse in full its [August 7, 2019 policy shift](#) under which the agency ended its acceptance and adjudication of non-military deferred action requests at field offices. This shift needlessly places severely ill children, as well as other vulnerable individuals throughout the nation, at risk of deportation and even death. The agency's commitment to [re-opening denied deferred action requests](#) that were pending as of August 7, 2019 marks an initial corrective step, but that action does not go nearly far enough to protect lives that remain at risk due to the underlying change in policy.

While USCIS has emphasized that persons impacted by this change may submit requests with ICE, ICE's deferred action adjudications do not represent a viable alternative. Until August 7, USCIS had accepted *affirmative* deferred action requests, allowing vulnerable children and families to proactively apply for this relief as a means of remaining in the United States lawfully and preventing their placement into deportation proceedings. ICE officials have indicated that ICE [will not accept affirmative requests](#). Instead, those officials have indicated that ICE will adjudicate deferred action requests only from individuals who have already undergone deportation proceedings. As such, it appears that USCIS is not transferring any adjudicatory responsibility to ICE. It is simply eliminating these affirmative deferred action adjudications outright without advance public notice.

This change forces sick children and other vulnerable individuals to make an impossible choice—either: (1) remain in the shadows and opt *not* to seek life-saving relief; or (2) risk deportation—the *very outcome they need relief from*—by voluntarily placing themselves in deportation proceedings and seeking the deferred action determination of an enforcement agency. Either option could amount to a death sentence. What is more, the end of affirmative deferred action ensures that many children and families may accrue periods of “unlawful presence” that could trigger long-term bans preventing their return to the United States.

Reopening the denied deferred action requests pending as of August 7, 2019 fails to resolve these fundamental problems. Individuals whose reopened requests ultimately get approved by USCIS will not be able to renew their deferred action in the future without undergoing deportation proceedings. Meanwhile, individuals who already submitted requests after August 7—many of whom were unaware of the change in policy due to USCIS's failure to provide any public notice—as well as individuals who will submit requests for initial or renewed deferred action after that

date—face the same predicament. Only by reversing the policy in its entirety—by wholly restoring USCIS’s acceptance and adjudication of deferred action requests—can the agency continue to ensure that vulnerable children and families are able to receive life-saving protection.

It bears emphasis that the varying rationales offered for this change in policy are unfounded. USCIS [initially stated](#) that it will “instead focus agency resources on faithfully administering our nation's lawful immigration system”—yet deferred action requests are fully lawful. USCIS [subsequently stated](#) that “it is not appropriate for the agency to adjudicate requests for suspended enforcement not clearly assigned to USCIS in law or policy”—yet a [2003 DHS delegation of authority](#) expressly assigns USCIS authority to grant deferred action, and indeed, for many years USCIS has adjudicated these requests. More recently, [USCIS asserted](#) that “[a]s USCIS’ deferred action caseload is reduced, the career employees who decide such cases will be more available to address other types of legal immigration applications on a more efficient basis.” The undersigned organizations reject any suggestion that children with severe medical conditions such as cancer, epilepsy, and cystic fibrosis, or other individuals whose survival could hinge on deferred action grants, are undeserving of USCIS’s resources.

There is no valid rationale for the agency’s August 7 shift in deferred action policy. And while the reopening of denied requests pending as of that date is necessary corrective action, it is wholly insufficient to prevent needless deportations and deaths. We therefore respectfully request that you immediately and fully restore USCIS’s deferred action adjudications.

Sincerely,

ADAPT

ADL (Anti-Defamation League)

African Services Committee, Inc.

Alliance to Mobilize Our Resistance - AMOR

Allies for Every Child

American Association of People with Disabilities

American Immigration Lawyers Association

Arcus Center for Social Justice Leadership

Asian & Pacific Islander American Health Forum

Asian American Legal Defense and Education Fund (AALDEF)

Asian Americans Advancing Justice - Los Angeles

Asian Americans United

Asian Pacific Institute on Gender-Based Violence

Asian Services In Action, Inc. (ASIA, Inc.)

ASISTA

Association of American Medical Colleges

Association of Asian Pacific Community Health Organizations

Association of Programs for Rural Independent Living

Autistic Self Advocacy Network

Bet Tzedek Legal Services

California Pan-Ethnic Health Network

California Partnership to End Domestic Violence

Campaign for New York Health

Casa San Jose  
Catholic Legal Immigration Network, Inc.  
Center for Health Policy and Law at Northeastern University School of Law  
Center for Law and Social Policy (CLASP)  
Center for Public Representation  
Center for the Human Rights of Children, Loyola University School of Law  
CenterLink: The Community of LGBT Centers  
Children Now  
Children's Defense Fund  
Children's Defense Fund - CA  
Children's Defense Fund - New York  
Children's Defense Fund - Texas  
Children's Defense Fund - Minnesota  
Chinese-American Planning Council  
Church World Service  
City of Seattle  
Clayton Early Learning  
Coalition for Humane Immigrant Rights (CHIRLA)  
Coalition on Human Needs  
Colorado Center on Law and Policy  
Community Action Marin  
Community Health Councils  
Compass Family Services  
Daughters of Charity  
Disability Rights Education & Defense Fund (DREDF)  
East Harlem Health Outreach Partnership  
Emerald Isle Immigration Center  
Entre Hermanos  
Equality California  
Fair Immigration Reform Movement (FIRM)  
Families Belong Together  
Family Voices  
Farmworker's Self-Help  
First Focus on Children  
Florida Health Justice Project  
Freedom Network USA  
Gouverneur Health  
Health & Medicine Policy Research Group  
Health Law Advocates, Inc.  
HIAS Pennsylvania  
Hispanic Federation  
Idaho Voices for Children  
Illinois Coalition for Immigrant and Refugee Rights (ICIRR)  
Immigrant and Refugee Rights Network  
Immigrant Legal Advocacy Project  
Immigrant Service Providers Group/Health

Inland Coalition for Immigrant Justice  
Iowa Coalition Against Domestic Violence  
JPAC- Justice and Peace Advocacy Center  
Justice for Our Neighbors-Michigan  
Justice in Aging  
Kentucky Equal Justice Center  
La Casa de Amistad  
Latinos for a Secure Retirement  
Lawyers For Children  
Legal Aid Justice Center  
Little Lobbyists  
Los Angeles LGBT Center  
Los Angeles Regional Food Bank  
LostBoys Strength & Conditioning  
Lutheran Immigration and Refugee Service  
MALDEF  
Mano a Mano Family Center  
Mary's Center  
Massachusetts Immigrant and Refugee Advocacy Coalition  
Massachusetts Law Reform Institute  
Maternity Care Coalition  
Mobilization for Justice, Inc.  
Mujeres Latinas en Accion  
NASTAD  
National Asian Pacific American Women's Forum (NAPAWF)  
National Association of the Deaf  
National Coalition for Mental Health Recovery  
National Council of Jewish Women  
National Council on Independent Living  
National Health Law Program  
National Immigrant Justice Center  
National Immigration Forum  
National Immigration Law Center  
National Latina Institute for Reproductive Health  
National WIC Association  
NETWORK Lobby for Catholic Social Justice  
New Mexico Voices for Children  
New York Immigration Coalition  
NextGen California  
Northwest Harvest  
Oasis Legal Services  
Ohio Immigrant Alliance  
Operation Access  
Parenting Journey  
Positive Women's Network USA  
Progressive Doctors

Project IRENE  
RCHN Community Health Foundation  
Redwood Empire Food Bank  
Refugee and Immigrant Child Health Initiative  
RESULTS DC  
SEPA Mujer Inc.  
Service Employees International Union (SEIU)  
Services, Immigrant Rights & Education Network (SIREN)  
Share Our Strength  
Silver State Equality-Nevada  
Sisters of Mercy of the Americas - Justice Team  
South Carolina Appleseed Legal Justice Center  
Southern Illinois Immigrant Rights Project  
St . Paul Community Literacy Consortium  
St. Paul's United Church of Christ, Laramie, WY  
Student National Medical Association  
Tahirih Justice Center  
The Arc of the United States  
The Black Alliance for Just Immigration (BAJI)  
The Children's Partnership  
The Coelho Center for Disability Law, Policy and Innovation  
The Economic Progress Institute  
The Learning Community  
The LGBT Center OC  
The Right to Immigration Institute  
Transformations CDC  
Treatment Action Group (TAG)  
UNAVSA  
Union for Reform Judaism  
United Church of Christ, Justice and Witness Ministries  
United We Dream  
Unity Health Care  
United Spinal Association  
United Way of King County  
University YMCA New American Welcome Center  
Virginia Coalition for Immigrant Rights  
Virginia Coalition of Latino Organizations  
Welcome Project Inc  
West Valley Neighborhoods Coalition  
Western Center on Law & Poverty  
World Relief  
Wyoming Association of Family & Consumer Sciences

cc: Mark Koumans, Deputy Director, USCIS  
Lora Ries, Chief of Staff, USCIS  
Kathy Nuebel Kovarik, Chief, Office of Policy and Strategy, USCIS

Joseph Edlow, Chief Counsel, Office of the Chief Counsel, USCIS  
Daniel Renaud, Associate Director, Field Operations Directorate, USCIS  
Julie Kirchner, Ombudsman, Office of the Citizenship and Immigration Services  
Ombudsman  
Stacy Shore, Acting Deputy Ombudsman, Office of the Citizenship and Immigration  
Services Ombudsman  
Elissa McGovern, Chief of Policy, Office of the Citizenship and Immigration Services  
Ombudsman