

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

March 8, 2018

The Honorable Kristjen Nielsen  
Secretary  
Department of Homeland Security  
Washington, D.C.  
20528

The Honorable L. Francis Cissna  
Director  
U.S. Citizenship and Immigration Services  
Washington, D.C.  
20529

Dear Secretary Nielsen and Director Cissna,

We are writing to urge U.S. Citizenship and Immigration Services (USCIS) to promptly review all pending Deferred Action for Childhood Arrivals (DACA) renewal requests and adjudicate them in a timely manner. Additionally, USCIS must promptly consider and process the nearly 20,000 DACA requests that were pending prior to the September 5, 2017 announcement regarding the termination of the program. These requests have been pending for at least six months, and we are deeply concerned that USCIS is intentionally delaying processing these applications and putting these potential beneficiaries at risk of deportation by not processing them in a timely manner.

USCIS data indicates that, as of January 31, 2018, there were 29,606 pending applications for renewal.<sup>1</sup> While the Administration temporarily suspended DACA renewals after the Attorney General announced the termination of the program on September 5, 2017, two federal courts subsequently ruled that USCIS must continue to receive and process renewal applications while federal litigation proceeds.<sup>2</sup> USCIS has historically requested that DACA recipients submit their renewal paperwork between 120-150 days before their status expires. Any delays in processing these requests are unacceptable as they will result in the loss of employment authorization and protections from deportation for thousands of current DACA beneficiaries.

Further, USCIS must process the initial DACA requests that were made prior to the Administration's September 5, 2017 announcement to end the program. These applications were made in good faith in an effort to access the protections and benefits of the DACA program as it existed at the time of their application. The Administration's decision to abruptly end DACA

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<sup>1</sup>

[https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA\\_FY18\\_Q1\\_Data\\_plus\\_Jan\\_18.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_FY18_Q1_Data_plus_Jan_18.pdf)

<sup>2</sup> *Regents of the Univ. of CA. v. U.S. Dep't. of Homeland Sec.*, No. C17-05211WHA (N.D.Cal. Jan. 9, 2018); *Vidal, et al. v. Nielsen*, 16-CV-4756 (NGG)(JO) (E.D.N.Y. Feb.13, 2018)

was arbitrary and capricious, leaving existing recipients and those who had recently submitted their applications in legal limbo. The current backlog of pending initial applications that were made prior to September 5, 2017 - and the stated processing time of one full year - is unacceptable.

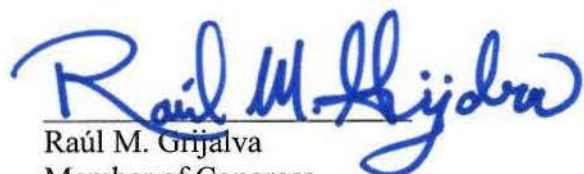
Please provide us with the following information within 30 days of receipt of this letter:

1. How many initial requests for DACA did the agency adjudicate in each month from September 2017 through February 2018?
2. How many staff does USCIS have dedicated to processing initial DACA applications that were received prior to September 5, 2018? Does USCIS need additional staff to review renewals and processing the pending applications?
3. Did USCIS suspend reviewing initial applications that were made prior to September 5, 2017 after the announcement by the President to end the program? Has USCIS resumed review of these applications?
4. What is the process that USCIS uses to determine the order of preference of applications to review?

Sincerely,



Jared Polis  
Member of Congress



Raúl M. Grijalva  
Member of Congress



Madeleine Z. Bordallo  
Member of Congress



Henry C. "Hank" Johnson, Jr.  
Member of Congress



Tom O'Halleran  
Member of Congress



Jimmy Gomez  
Member of Congress



John Garamendi  
Member of Congress

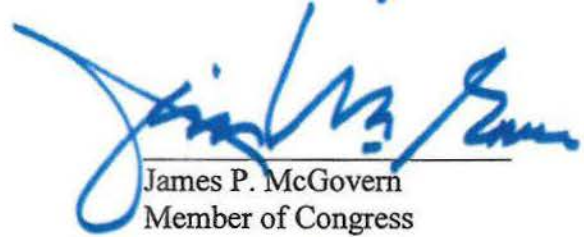


  
Steve Cohen  
Member of Congress

  
Mike Doyle  
Member of Congress




Nanette Diaz Barragán  
Member of Congress

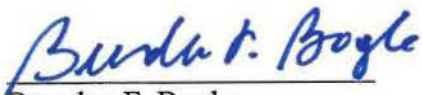
  
James P. McGovern  
Member of Congress

  
Adriano Espaillat  
Member of Congress

  
Colleen Hanabusa  
Member of Congress


  
Cheri Bustos  
Member of Congress

  
Alcee L. Hastings  
Member of Congress

  
Brendan F. Boyle  
Member of Congress


  
Tony Cárdenas  
Member of Congress

  
Susan A. Davis  
Member of Congress

  
Bill Foster  
Member of Congress



Salud O. Carbajal  
Member of Congress

  
Norma J. Torres  
Member of Congress



Bobby L. Rush  
Member of Congress



Adam Smith  
Member of Congress




Mark Pocan  
Member of Congress



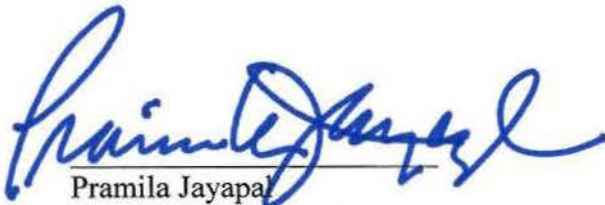
Peter Welch  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



Julia Brownley  
Member of Congress



Pramila Jayapal  
Member of Congress



Nydia M. Velázquez  
Member of Congress



Daniel W. Lipinski  
Member of Congress



Dina Titus  
Member of Congress



Frederica S. Wilson  
Member of Congress



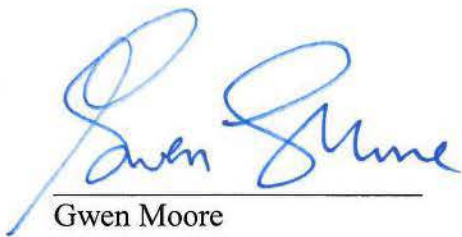
Eleanor Holmes Norton  
Member of Congress



Jimmy Panetta  
Member of Congress



Robert C. "Bobby" Scott  
Member of Congress



Gwen Moore  
Member of Congress



Albio Sires  
Member of Congress



Anothony Brown  
Member of Congress



Elijah E. Cummings  
Member of Congress



Jose E. Serrano  
Member of Congress



John K. Delaney  
Member of Congress



Keith Ellison  
Member of Congress



William R. Keating  
Member of Congress



Jamie Raskin  
Member of Congress



Earl Blumenauer  
Member of Congress



Bradley S. Schneider  
Member of Congress



Donald M. Payne, Jr.  
Member of Congress



A. Donald McEachin  
Member of Congress



Jacky Rosen  
Member of Congress





Diana DeGette  
Member of Congress



Rick Larsen  
Member of Congress



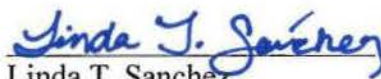
Donald S. Beyer Jr.  
Member of Congress



Tom Suozzi  
Member of Congress



Filemon Vela  
Member of Congress



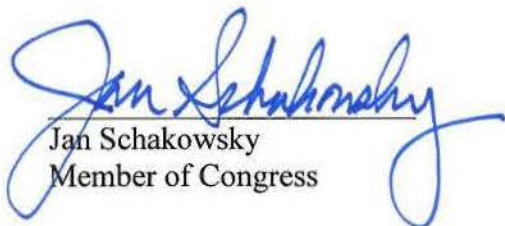
Linda T. Sanchez  
Member of Congress



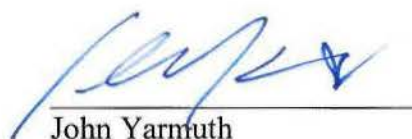
Emanuel Cleaver  
Member of Congress



Michael Capuano  
Member of Congress



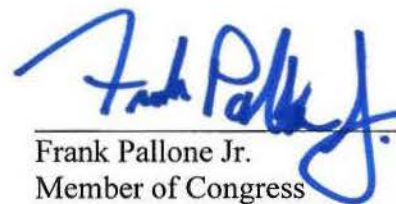
Jan Schakowsky  
Member of Congress



John Yarmuth  
Member of Congress



Mark DeSaulnier  
Member of Congress



Frank Pallone Jr.  
Member of Congress



Daniel T. Kildee  
Member of Congress



Kurt Schrader  
Member of Congress

A handwritten signature in blue ink, reading "Ed Perlmutter". The signature is stylized with a large "E" and a long, sweeping underline that extends to the right.

Ed Perlmutter  
Member of Congress



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

May 9, 2018

The Honorable Jared Polis  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Polis:

Thank you for your March 8, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

U.S. Citizenship and Immigration Services (USCIS) systems indicate that on September 5, 2017, there were 35,966 pending requests for initial Deferred Action for Childhood Arrivals (DACA). Since that time, USCIS has completed adjudication of more than half of those filings, having approved 15,747 DACA initial requests, denied 3,759 DACA initial requests, and administratively closed one DACA initial request. USCIS has allocated resources to continue reducing the number of pending cases for this workload. Due to the evidentiary requirements for initial DACA, the processing of a DACA initial request generally takes longer to adjudicate than a DACA renewal request.

To be considered for renewal of DACA, requestors are required to submit new documentary evidence pertaining to removal proceedings, travel, or criminal history that has not already been submitted to USCIS. As stated in the archived DACA frequently asked questions, USCIS' processing goal for DACA renewal requests is 120 days. Factors that may affect the timely processing of a DACA renewal request include, but are not limited to:

- Failure to appear at an Application Support Center for a scheduled biometrics appointment to obtain fingerprints and photographs (no-shows or rescheduling appointments will require additional processing time);
- Issues of national security, criminality, or public safety discovered during the background check process that require further vetting;
- Issues of travel abroad that need additional evidence/clarification;
- Name/date of birth discrepancies that may require additional evidence/clarification; and,
- Incomplete renewal submission or those containing evidence that suggests a requestor may not satisfy the DACA renewal guidelines (in which case USCIS must send a request for additional evidence or explanation).



A recent query of our records revealed that between October 1, 2017, and February 28, 2018, 62 percent of DACA renewals were processed within 60 days; 74 percent within 90 days; and 89 percent within USCIS' DACA renewal processing time goal of 120 days. Over that same time period, 85 percent of DACA renewals without a Request for Evidence, Notice of Intent to Deny, or other background check issues were processed within 60 days; 94 percent within 90 days; and 98 percent within USCIS' DACA renewal processing time goal of 120 days.

USCIS is committed to the timely processing of all DACA initial and renewal requests. Please find enclosed the detailed responses to each of your questions. Additionally, USCIS is reviewing the recent ruling on April 24, 2018, by the U.S. District Court for the District of Columbia in *Trustees of Princeton University, et al. v. Trump*, with regard to its impact on DACA rescission.

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive separate, identical responses. Should you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,



L. Francis Cissna  
Director

Enclosure

**Department of Homeland Security's Response to  
Representative Polis' March 8, 2018 Letter**

**1. How many initial requests for Deferred Action of Childhood Arrivals (DACA) did the agency adjudicate in each month from September 2017 through February 2018?**

From September 2017 through February 2018, U.S. Citizenship and Immigration Services (USCIS) adjudicated 17,910 DACA initial requests. The table below provides the monthly adjudication counts.

<b>United States Citizenship and Immigration Services I-821D, Consideration of (DACA) DACA Initial Adjudications September 1, 2017 - February 28, 2018</b>	
<b>Adjudication Month</b>	<b>Count</b>
September	2,757
October	2,782
November	2,313
December	2,256
January	3,799
February	4,003
<b>Grand Total</b>	<b>17,910</b>

**2. How many staff does USCIS have dedicated to processing initial DACA applications that were received prior to September 5, 2018? Does USCIS need additional staff to review renewals and processing the pending applications?**

Currently, USCIS has assigned approximately 48 Immigration Services Officers to the adjudication of pending initial DACA requests. USCIS estimates there are an additional 16 full-time employees serving adjudicating officers in a supporting role (e.g., supervisors, clerks, records staff/contractors, senior officers, staff responding to inquiries, etc.).

USCIS does not believe additional staff is required to review or process pending DACA renewal requests. As part of USCIS' continued modernization effort, in February 2016, USCIS began processing newly filed DACA renewal cases through the USCIS Electronic Immigration System (ELIS). The ELIS process for DACA renewals uses a semi-automated adjudication process designed to expeditiously approve a DACA renewal request when the requestor satisfactorily completes biometric capture, required system security checks as well as systematic DACA guideline checks. Therefore, DACA renewal requestors who do not have security check hits or any issues regarding their ability to meet the DACA guidelines generally have their DACA renewed in an expeditious manner.

USCIS records show that between October 1, 2017, and February 28, 2018, 62 percent of DACA renewals were processed within 60 days; 74 percent within 90 days; and 89 percent within USCIS' DACA renewal processing time goal of 120 days. Over that same time period, 85 percent of DACA renewals without a Request for Evidence, Notice of Intent to Deny, or other background check issues were processed within 60 days; 94 percent within 90 days; and 98 percent within USCIS' DACA renewal processing time goal of 120 days.

**3. Did USCIS suspend reviewing initial applications that were made prior to September 5, 2017 after the announcement by the President to end the program? Has USCIS resumed review of these applications?**

USCIS did not suspend the processing of DACA initial requests that were received prior to September 5, 2017. USCIS continues to process all properly filed initial DACA requests and the associated applications for employment authorization received on or before September 5, 2017, in accordance with standard procedures.

**4. What is the process that USCIS uses to determine the order of preference of applications to review?**

DACA requests are generally processed on a first-in, first-out basis.