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September 27, 2017

Elaine Duke, Acting Secretary
U.S. Department of Homeland Security
Office of the Secretary
Washington, DC 20528

Dear Acting Secretary Duke,

I write to ask that you provide a short extension of the filing deadline and fee waivers for those individuals covered under the Deferred Action for Childhood Arrivals (DACA) policy who live in the states and territories affected by Hurricanes Harvey and Irma. As part of the Sept. 5, 2017 memorandum rescinding the 2012 DACA policy, the administration determined that current recipients whose status is set to expire between September 5, 2017 and March 5, 2018 may apply for a two-year renewal of DACA. The filing deadline was set for Oct. 5, 2017.

Texas, Florida, Puerto Rico, and the U.S. Virgin Islands have just started on the road to recovery. Some DACA recipients are still living in shelters and some government offices may not be open, or even accessible. Because of the large number of individuals impacted, we request a three-month extension of the filing deadline for renewal-eligible DACA youth living in areas impacted by the hurricanes. Given the widespread disruption, I believe a short filing extension is warranted and ensures that these individuals will not be unduly disadvantaged.

College leaders know firsthand that the high-achieving young people in DACA contribute in many ways to our nation. In the wake of these unprecedented weather events, we should support all those whose lives have been upended. I strongly believe that doing so would be both the humane and the just course of action. I appreciate your consideration of this request.

Sincerely,



Ted Mitchell
President



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

NOV 20 2017

Mr. Ted Mitchell
President
American Council on Education
One Dupont Circle, NW
Washington, DC 20036

Dear Mr. Mitchell:

Thank you for your September 27, 2017 letter. Acting Secretary Duke asked that I respond on her behalf.

On September 4, 2017, Attorney General Jeff Sessions released a letter outlining the Department of Justice's position that the June 15, 2012 memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children," which established the policy known as Deferred Action for Childhood Arrivals (DACA), is indefensible in court and is inconsistent with the faithful execution of our duly enacted immigration laws.¹

On September 5, 2017, Acting Secretary Duke issued a memorandum rescinding the June 2012 memorandum establishing DACA.² Recognizing the complexities associated with winding down the policy, the Department will provide a limited window in which it will consider certain requests for DACA and associated applications meeting specific parameters delineated below. Accordingly, U.S. Citizenship and Immigration Services (USCIS) will:

- Consider—on an individual, case-by-case basis—properly filed pending DACA initial requests and associated applications for Employment Authorization Documents (EADs) that have been received by USCIS as of September 5, 2017;
- Reject all DACA initial requests and associated applications for EADs received after September 5, 2017;
- Consider—on an individual, case-by-case basis—properly filed pending DACA renewal requests and associated applications for EADs from DACA recipients that have been received as of September 5, 2017, and from DACA recipients whose DACA will expire between September 5, 2017 and March 5, 2018, inclusive, that have been received as of October 5, 2017;
- Reject all DACA renewal requests and associated applications for EADs filed outside of the parameters specified above;

¹ <https://www.dhs.gov/publication/letter-attorney-general-sessions-acting-secretary-duke-rescission-daca>

² <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>

- Not terminate the grants of previously issued DACA or revoke associated EADs solely based on the directives in Acting Secretary Duke's memorandum for the remaining duration of their validity periods;
- Not approve any new Form I-131 applications for advance parole under standards associated with the DACA policy, although it will generally honor the stated validity period for previously approved applications for advance parole. Notwithstanding the continued validity of advance parole approvals previously granted, U.S. Customs and Border Protection will—of course—retain the authority it has always had and exercised in determining the admissibility of any person presenting at the border and the eligibility of such persons for parole. Further, USCIS will—of course—retain the authority to revoke or terminate an advance parole document at any time;
- Administratively close all pending Form I-131 applications for advance parole filed under standards associated with the DACA policy, and will refund all associated fees; and
- Continue to exercise its discretionary authority to terminate or deny deferred action under DACA at any time when immigration officials determine termination or denial of deferred action is appropriate.

As the Acting Secretary announced on October 3, 2017, USCIS will consider deadline extensions on a case-by-case basis for DACA requests received from residents of Puerto Rico and the U.S. Virgin Islands, due to the lack of communications and infrastructure for a prolonged period of time following Hurricane Maria.

Thank you for your letter and interest in this important issue. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "LFC", with a stylized flourish at the end.

L. Francis Cissna
Director