



Office of the President

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15 September 2017

Elaine Duke
Acting Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Acting Secretary Duke,

On behalf of Santa Clara University, and in solidarity with the Catholic Legal Immigration Network, Inc. (CLINIC), Catholic Charities USA and the U.S. Conference of Catholic Bishops' Office of Migration and Refugee Services (USCCB/MRS), I urge you to extend the DACA renewal filing deadline and provide an opportunity for fee waivers in the wake of the natural disasters that have recently wreaked havoc on the people of our Southern states.

In light of the disaster and hardship caused by Hurricane Harvey and Hurricane Irma, coupled with imminent danger from the approaching Hurricane Jose, I request that you offer a three-month filing extension and a fee waiver for the DACA youth who have been troubled by these storms. Thousands of students across Texas, Florida, Louisiana, Georgia, and South Carolina (to name a few) have experienced heartbreaking loss and tragedy from these awful occurrences.

This request is a plea, in the aftermath of these hurricanes, to provide a reasonable amount of time for the DACA youth to complete their renewal forms. Despite political positions on this issue, I hope we can agree that, at the least, it is an act of basic human decency to ease the burden on those devastated by this natural disaster.

Please know that we deeply appreciate your time and attention to this issue.

Sincerely,

Michael E. Engh

Michael E. Engh, S.J.
President



U.S. Citizenship
and Immigration
Services

November 16, 2017

Fr. Michael E. Engh, S.J.
President
Santa Clara University
500 El Camino Real
Santa Clara, California 95053

Dear Father Engh:

Thank you for your September 15, 2017 letter to Acting Secretary Duke. 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.
- 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 again 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,



L. Francis Cissna
Director