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

September 22, 2017

Dear Secretary Duke,

The current situation regarding DACA renewals is dire. Hundreds of thousands of young, responsible members of our community are at risk of losing their families and in most cases, the only home they have known.

Many of these Dreamers do not have the financial resources needed to renew by the October fifth deadline. Your expressed hope to work with congress to find a legislative solution for a more efficient immigration policy is laudable. However, we need to protect this vulnerable population right now, and the most humane action would be to delay the renewal date for at least several months.

We were heartened to recently learn of the possibility of your extending the October 5<sup>th</sup> renewal deadline due to hurricane disasters.

We implore you to advocate within the Administration to immediately push back the renewal date for DACA. So many lives are depending on you.

Thank you,

Ginny Fox  
co-chair Immigration Rights Committee

NYCD16Indivisible  
*A local grassroots organization of 1,000 members and growing*



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

November 16, 2017

Ms. Ginny Fox  
Co-Chair  
Immigration Rights Committee  
NYCD16Indivisible  
525 W. 238<sup>th</sup> Street  
Bronx, New York 10463

Dear Ms. Fox:

Thank you for your September 22, 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.<sup>1</sup>

On September 5, 2017, Acting Secretary Duke issued a memorandum rescinding the June 2012 memorandum establishing DACA.<sup>2</sup> 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.

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

<sup>2</sup> <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.

Respectfully,



L. Francis Cissna  
Director