

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<http://oversight.house.gov>

August 30, 2019

Mr. Ken Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
111 Massachusetts Avenue, N.W.
Washington, D.C. 20529

Dear Acting Director Cuccinelli:

The Subcommittee on Civil Rights and Civil Liberties invites you or your designee to testify at an emergency hearing on September 6, 2019, at 1:00 p.m., in room 2154 of the Rayburn House Office Building on the Trump Administration's apparent decision to end consideration of deferred action requests—including for children with critical illnesses. Many of these children suffer from life-threatening conditions such as cancer, muscular dystrophy, cystic fibrosis, and other serious conditions, and they may not be able to receive treatment anywhere else.

There are conflicting reports about which agency within the Department of Homeland Security, if any, will be responsible for processing deferred action requests going forward. U.S. Citizenship and Immigration Services (USCIS) has reportedly claimed that deferred action requests will be processed by U.S. Immigration and Customs Enforcement (ICE), but ICE has publicly denied this claim.

This month, applicants seeking medical deferred action were informed that USCIS field offices “no longer consider deferred action requests” and that applicants “are not authorized to remain in the United States.” Applicants were informed that they had 33 days to leave the country, or they may be removed.¹

The gravity and potential harm of this policy shift cannot be overstated. The decision to end medical deferred action has been described as a “death sentence” for seriously ill children who are currently receiving medical care in the United States.²

¹ Letter from Michael L. McCleary, Field Office Director, U.S. Citizenship and Immigration Services, Department of Homeland Security (Aug. 15, 2019) (online at https://d279m997dpfwgl.cloudfront.net/wp/2019/08/Redacted_MedDA_denials.pdf).

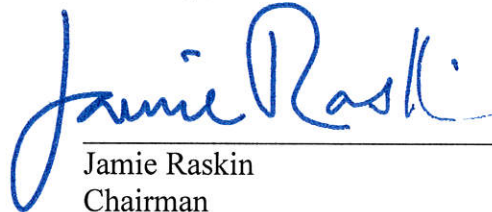
² *Sick Migrants Undergoing Lifesaving Care Can Now Be Deported*, New York Times (Aug. 29, 2019) (online at www.nytimes.com/2019/08/29/us/immigrant-medical-treatment-deferred-action.html); *Deportation . . . With This Type of Medical Condition is a Death Sentence’: Outrage Grows Over Federal Policy Change*, Boston Globe (Aug. 29, 2019) (online www.bostonglobe.com/metro/2019/08/29/deportation-from-united-states-with-this-type-medical-condition-death-sentence-representative-ayanna-presley-said/I2Fm6F5b85EKKdLMaLMi3M/story.html); *Undocumented Immigrants with Serious Illnesses Had a Lifeline*.

Acting Director Cuccinelli

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The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. Please note the procedures for submitting written testimony at least two business days prior to the hearing. I am willing to discuss any questions that you may have. Please contact Committee staff at (202) 225-5051.

Sincerely,



Jamie Raskin
Chairman

Subcommittee on Civil Rights and Civil Liberties

Enclosure

cc: The Honorable Chip Roy, Ranking Member

Committee on Oversight & Reform
Witness Instruction Sheet

1. Witnesses should provide their testimony, biography, and "Truth in Testimony" disclosure and certification form via email to Oversight_Clerks@mail.house.gov no later than 10:00 a.m. two business days prior to the hearing.
2. Witnesses should also provide a short biographical summary and include it with the electronic copy of testimony provided to the Clerk.
3. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Written testimony will be entered into the hearing record and may extend to any reasonable length.
4. Written testimony will be made publicly available and will be posted on the Committee's website and the U.S. House of Representatives Document Repository. It is therefore recommended that personally identifiable information, such as addresses and phone numbers, not be included in the biographical information.
5. The Committee does not provide financial reimbursement for witness travel or accommodations. Witnesses with extenuating circumstances, however, may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.
6. Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.
7. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit a notice of appearance to the Committee. If this applies to you, please email the address above to acquire this form.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Reform at (202) 225-5051.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: _____

Subcommittee: _____

Hearing Date: _____

Hearing :

Witness Name: _____

Position/Title: _____

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

If you are a **non-governmental witness**, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

If you are a **non-governmental witness**, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

Date

If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.

- Written statement of proposed testimony
- Curriculum vitae

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.