



U.S. Citizenship  
and Immigration  
Services

September 19, 2019

The Honorable Jamie Raskin  
Chairman, Subcommittee on Civil Rights and Civil Liberties  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Raskin:

Thank you for your invitation to testify before your committee regarding deferred action. U.S. Citizenship and Immigration Services (USCIS) accommodated the committee by sending our Associate Director of Field Operations last week to testify on the same issue. Moreover, since your hearing last week, at the direction of Acting Secretary Kevin McAleenan, USCIS is returning to the deferred action process that was in place on August 6, 2019. Given the insufficient time DHS would have to prepare and clear testimony, and the fact that the hearing is on a resolved issue, we will not be able to accommodate your last minute and duplicative request.

As stated previously, USCIS does not operate a medical deferred action program. As you are aware, on September 2, 2019, USCIS announced that all requests for non-military deferred action pending on August 7, 2019, would be reopened and considered. USCIS has already notified all individuals whose deferred action requests were denied and is in the process of considering those requests.

Acting Secretary McAleenan directed USCIS to reopen consideration of non-military deferred action requests on a discretionary, case-by-case basis, except as otherwise required by an applicable statute, regulation, or court order. The Acting Secretary further directed USCIS to ensure that the procedure for considering and responding to deferred action requests is consistent throughout USCIS and that discretionary, case-by-case deferred action is granted only based on compelling facts and circumstances. USCIS has reopened consideration of non-military deferred action requests.

As a reminder, DHS policy requires committees to provide invitations for Departmental witnesses to DHS at least fourteen days before a hearing. This policy is based on longstanding Executive Branch practices. Again, I appreciate the invitation, but I respectfully decline.

Respectfully,

  
Ken Cuccinelli II  
Acting Director