

# United States Senate

WASHINGTON, DC 20510

July 14, 2020

The Honorable Chad F. Wolf  
Acting Secretary of Homeland Security  
U.S. Department of Homeland Security  
20 Massachusetts Avenue NW M.S. 2090  
Washington, D.C. 20529

Dear Acting Secretary Wolf:

We call on you to immediately comply with the Supreme Court's decision rejecting the Trump Administration's rescission of Deferred Action for Childhood Arrivals (DACA) and requiring the Administration to reopen DACA for new applicants.

On June 18, in an opinion by Chief Justice John Roberts, the Court held that the Administration's effort to repeal deportation protections for Dreamers, young immigrants who came to the United States as children, was "arbitrary and capricious." Yesterday, 25 days after the Court's decision, was the deadline for the Administration to file a petition for rehearing. And last Friday, President Trump said, "I'm going to do a big executive order. I have the power to do it as president and I'm going to make DACA a part of it."

However, there is no indication that your agency has taken any steps to fully reinstate DACA protections, as the Court's decision unequivocally requires. We have not located a single statement by you or any other Department of Homeland Security (DHS) official notifying the public that your agency is complying with the Supreme Court's decision. To the contrary, on June 19, U.S. Citizenship and Immigration Services (USCIS) updated its website to falsely claim that the Supreme Court's decision has "no basis in law" and attack DACA recipients. As of today, the USCIS webpage titled "Consideration for Deferred Action for Childhood Arrivals (DACA)" appears to have last been updated on February 14, 2018, and the USCIS "Frequently Asked Questions" page regarding DACA appears to have last been updated on March 8, 2018.

Your agency has had ample opportunity to prepare for the recent Supreme Court decision. On March 4, 2020, at a Senate Homeland Security and Government Affairs Committee (HSGAC) hearing, you committed to provide Congress with your agency's plans in preparation for the Supreme Court decision. On March 20, 2020, 36 Senators and 87 Representatives sent you a letter requesting those plans.

However, to date, Congress and the American people have not received any information regarding your agency's compliance with the Court's holding. It is unclear what steps, if any, USCIS has taken to implement the Supreme Court decision, including receiving and processing initial DACA applications, DACA renewal applications, and requests for advance parole as well as publication of information regarding DACA for new applicants and current recipients.

The stakes are high. More than 800,000 Dreamers have come forward and received DACA. DACA has allowed Dreamers to contribute to our country as soldiers, nurses, teachers, and small business owners. Even as their own fates remained uncertain due to the Trump Administration's rescission of DACA, over 200,000 DACA recipients have served as essential workers during the ongoing COVID-19 pandemic by teaching children; growing, packaging, cooking, and shipping food; stocking the shelves at grocery stores; and providing healthcare services to those who fall sick.

Since the Trump Administration rescinded DACA on September 5, 2017, USCIS has not accepted initial DACA applications from Dreamers who are eligible for DACA but have never received this protection. For example, children who have turned 15, the youngest age at which someone can receive DACA, have been blocked from applying since the DACA rescission. The Center for American Progress estimates that approximately 300,000 Dreamers who have never received DACA are now eligible to apply for the program, including 55,500 young people who have turned 15 since September 5, 2017.

Now that 25 days have passed, the Roberts decision requires your immediate compliance. We await your prompt assurance that you will respect the Court's decision and reopen DACA for all eligible applicants.

Sincerely,



RICHARD J. DURBIN  
United States Senator



KAMALA D. HARRIS  
United States Senator

CHARLES E. SCHUMER  
United States Senator

PATRICK LEAHY  
United States Senator

DIANNE FEINSTEIN  
United States Senator

RON WYDEN  
United States Senator

JACK REED  
United States Senator

THOMAS R. CARPER  
United States Senator

ROBERT MENENDEZ  
United States Senator

BERNARD SANDERS  
United States Senator

SHERROD BROWN  
United States Senator

ROBERT P. CASEY, JR.  
United States Senator

AMY KLOBUCHAR  
United States Senator

SHELDON WHITEHOUSE  
United States Senator

TOM UDALL  
United States Senator

JEFFREY A. MERKLEY  
United States Senator

MICHAEL F. BENNET  
United States Senator

KIRSTEN GILLIBRAND  
United States Senator

CHRISTOPHER A. COONS  
United States Senator

RICHARD BLUMENTHAL  
United States Senator

TAMMY BALDWIN  
United States Senator

CHRISTOPHER S. MURPHY  
United States Senator

MAZIE K. HIRONO  
United States Senator

MARTIN HEINRICH  
United States Senator

ANGUS S. KING, JR.  
United States Senator

ELIZABETH WARREN  
United States Senator

EDWARD J. MARKEY  
United States Senator

CORY A. BOOKER  
United States Senator

CHRIS VAN HOLLEN  
United States Senator

TAMMY DUCKWORTH  
United States Senator

CATHERINE CORTEZ MASTO  
United States Senator

TINA SMITH  
United States Senator

JACKY ROSEN  
United States Senator