



Homeland Security

March 24, 2020

The Honorable Edward J. Markey
United States Senate
Washington, DC 20510

Dear Senator Markey:

Thank you for your August 30, 2019 letter. Acting Secretary Wolf asked that I respond on his behalf.

Deferred action is a form of prosecutorial discretion exercised by the U.S. Department of Homeland Security (DHS) to defer removal of an alien for a designated period. It is not a programmatic benefit, does not confer lawful immigration status, and does not excuse any past or future periods of unlawful presence. DHS retains discretion to terminate deferred action, and an alien granted deferred action remains removable at any time. Non-military deferred action has been incorrectly reported and mischaracterized as a “medical deferred action program.” DHS, including U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE), does not administer a “medical deferred action program.”

On August 7, 2019, USCIS stopped considering non-military deferred action requests to better align USCIS with its mission of administering our nation's lawful immigration system and more appropriately focus agency resources. On September 18, 2019, USCIS resumed its consideration of requests for non-military deferred action on a discretionary, case-by-case basis, except as otherwise required by an applicable statute, regulation, or court order.

USCIS alerted the public and Congress as to its decisions. USCIS participated in two congressional hearings before the House Committee on Oversight and Reform’s Subcommittee on Civil Rights and Civil Liberties on September 11, 2019 and October 30, 2019. USCIS produced documents to the House Committee on Oversight and Reform concerning the changes. Furthermore, non-military deferred action requests do not require submission of fees or a specific USCIS form, so tracking and data collection are not in place for non-military deferred action requests. USCIS is thus unable to provide formal data as requested.

Thank you again for your letter and interest in this issue. The co-signers of your letter will receive a separate, identical response. Please do not hesitate to contact us at (202) 447-5890 if we may be of further assistance.

Respectfully,

A handwritten signature in blue ink, appearing to read "Aaron Calkins".

Aaron Calkins
Acting Assistant Secretary for Legislative Affairs