

Sen. Baldwin, colleagues: Call on Trump Administration to immediately comply with Supreme Court decision on DACA

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DHS Must Open DACA For New Applicants

WASHINGTON, D.C. – U.S. Senator Tammy Baldwin joined 33 of her Senate colleagues in calling on Acting Secretary of Homeland Security Chad Wolf and the Trump Administration to immediately comply with the Supreme Court’s decision rejecting the Administration’s rescission of Deferred Action for Childhood Arrivals (DACA) and requiring the Administration to reopen DACA for new applicants.

The Supreme Court announced its decision on June 18, with Chief Justice John Roberts calling the Administration’s effort to repeal deportation protections for Dreamers—young immigrants who came to the United States as children—“arbitrary and capricious.” Monday, 25 days after the Court’s decision, was the deadline for the Administration to file a petition for rehearing.

“There is no indication that your agency has taken any steps to fully reinstate DACA protections, as the Court’s decision unequivocally requires,” the Senators wrote. **“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.**

“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 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.”

More than 800,000 Dreamers have come forward and received DACA. Dreamers have contributed 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, more than 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 health care services to those who fall sick.

The letter was led by Senators Dick Durbin (D-IL) and Kamala Harris (D-CA) and also signed by Senators Charles Schumer (D-NY), Patrick Leahy (D-VT), Dianne Feinstein (D-CA), Ron Wyden (D-OR), Jack Reed (D-RI), Thomas Carper (D-DE), Robert Menendez (D-NJ), Bernard Sanders (D-VT), Sherrod Brown (D-OH), Robert Casey (D-PA), Amy Klobuchar (D-MN), Sheldon Whitehouse (D-RI), Tom Udall (D-MN), Jeff Merkley (D-OR), Michael Bennet (D-CO), Kirsten Gillibrand (D-NY), Christopher Coons (D-DE), Richard Blumenthal (D-CT), Christopher Murphy (D-CT), Mazie Hirono (D-HI), Martin Heinrich (D-NM), Angus King (I-ME), Elizabeth Warren (D-MA), Edward Markey (D-MA), Cory A. Booker (D-NJ), Chris Van Hollen (D-MD), Tammy Duckworth (D-IL), Catherine Cortez Masto (D-NV), Tina Smith (D-MN) and Jacky Rosen (D-NV).

Full text of the letter is available [here](#) and below:

July 14, 2020

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,

An online version of this release is available [here](#).