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July 1, 2020

The Honorable Kenneth Cuccinelli
Acting Director, Department of Homeland Security
111 Massachusetts Ave, NW
Washington, DC 20001

Dear Director Cuccinelli,

Last month, the Supreme Court ruled in favor of maintaining the Deferred Action for Childhood Arrivals program. Since the ruling, your agency has stated it does not intend to uphold the ruling. Put simply, this is not a choice. It is your job to uphold the law. That is why I write today to receive descriptive information about how your agency will proceed to process DACA renewals and existing applications.

On June 18, the Supreme Court ruled that the order to revoke the program was unlawful, declaring the action “arbitrary and capricious”¹. The next day, your agency chose to sidestep the Court’s decision and issued a statement holding that the program was illegal and accused DACA recipients of taking jobs from Americans². Let me be clear: political posturing is unacceptable and is *not* a substitute for real, swift action to obey the law. You must abide by the law and immediately create a plan for both existing and new DACA applications.

Dreamers have lived in a state of uncertainty for their entire lives, but never more than during the court battles over the Administration’s attempts to end DACA. With every injunction, decision, and stay, these 700,000 young adults across the country fear being told to leave the only country they’ve ever known.

This Supreme Court decision means that the attempts to end the program were flawed, and in accordance with the ruling, you are required to continue to operate the DACA program. Swift action is needed to provide Dreamers with guidance, clarity, and protection from deportation. To that end, please answer the following questions:

1. Does USCIS believe that they are not required to abide by the Supreme Court decision on DACA? If not, why not?
2. What actions will USCIS take to bring itself into compliance with the Supreme Court decision on the DACA program?
3. How soon can we expect USCIS to take these actions?
4. Will USCIS admit new DACA applicants in accordance with the program as enacted in 2012?

¹ <https://www.npr.org/2020/06/18/829858289/supreme-court-upholds-daca-in-blow-to-trump-administration>

² <https://www.uscis.gov/news/news-releases/uscis-statement-supreme-courts-daca-decision>

Dreamers are an indelible part of our communities, and now the Supreme Court has determined that the attempts to force them out were unlawful. They are Americans in every way but one – on paper – and they deserve better than to be kept in the dark. Thank you, and I look forward to your timely response.

Sincerely,

A handwritten signature in blue ink that reads "Josh Harder". The signature is written in a cursive, slightly slanted style.

Josh Harder
U.S. Representative (CA-10)