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February 13, 2015

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, D.C.

Dear Secretary Johnson,

I write regarding the Deferred Action for Childhood Arrivals (DACA) program and the grant of advance parole to DACA recipients.

When announcing the creation of the DACA program on June 15, 2012, President Obama stated from the White House Rose Garden that, "Now, let's be clear -- this is not amnesty, this is not immunity. This is not a path to citizenship." Unfortunately your Department seems to be acting contrary to the President's intent in its implementation of DACA and the expanded DACA program set to begin next Wednesday, February 18, 2015. Your Department's recent changes to this deferred action program seem to be a sneaky attempt to place potentially hundreds of thousands of unlawful immigrants on a path to citizenship.

According to U.S. Citizenship and Immigration Services (USCIS), in the first two years of DACA implementation, over 6,400 DACA recipients requested advance parole. And out of the 4,566 cases decided by that time, only 566 had been denied. That is an advance parole grant rate of 88%. As you know, when an individual receives advance parole, upon return to the United States the individual can then be eligible to adjust to lawful permanent resident (LPR) status. And as you know, lawful permanent resident status is the precursor to U.S. citizenship. A simple search of the Internet reveals that immigration reform advocacy groups and immigration benefits law practices are fully aware of the path to citizenship that is afforded to DACA recipients through advance parole.

As outlined on yesterday's USCIS "Congressional Update and Teleconference" regarding the expanded DACA program, under the expanded program, DACA requestors will now be able to file applications for advance parole at the same time they file their

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DACA application. Such a process encourages advance parole applications and thus encourages DACA to be used as a path to U.S. citizenship.

I am also troubled by the fact that, as USCIS staff noted during the teleconference in response to my Judiciary Committee staff asking how many DACA recipients given advance parole have come back into the U.S. and applied for adjustment of status, USCIS does "not have a way to track electronically" the number of DACA recipients who have received advance parole and who have subsequently applied for adjustment of immigration status. I can only hope that not having a way to track such requests is not intentional to avoid answering the very question my staff asked.

I request that you immediately direct USCIS to stop accepting applications for advance parole from DACA recipients and to prohibit individuals applying for the expanded DACA program from applying for, or receiving, advance parole.

In addition, I request that you immediately direct USCIS to track the following:

- 1) The number of DACA recipients granted advance parole who after leaving the United States and returning pursuant to that parole authority, apply for adjustment of status.
- 2) The number of those described above who are subsequently allowed to adjust their immigration status.
- 3) The basis for each approved adjustment of status of the category of aliens described above.

When the President of the United States tells the American people that DACA is "not a path to citizenship," no agency should take action in direct conflict with that statement. To do so is misleading the American people.

Thank you for your attention to this matter and I appreciate in advance your prompt and substantive response to this letter.

Sincerely,



Bob Goodlatte
Chairman

Cc. The Honorable John Conyers, Jr.