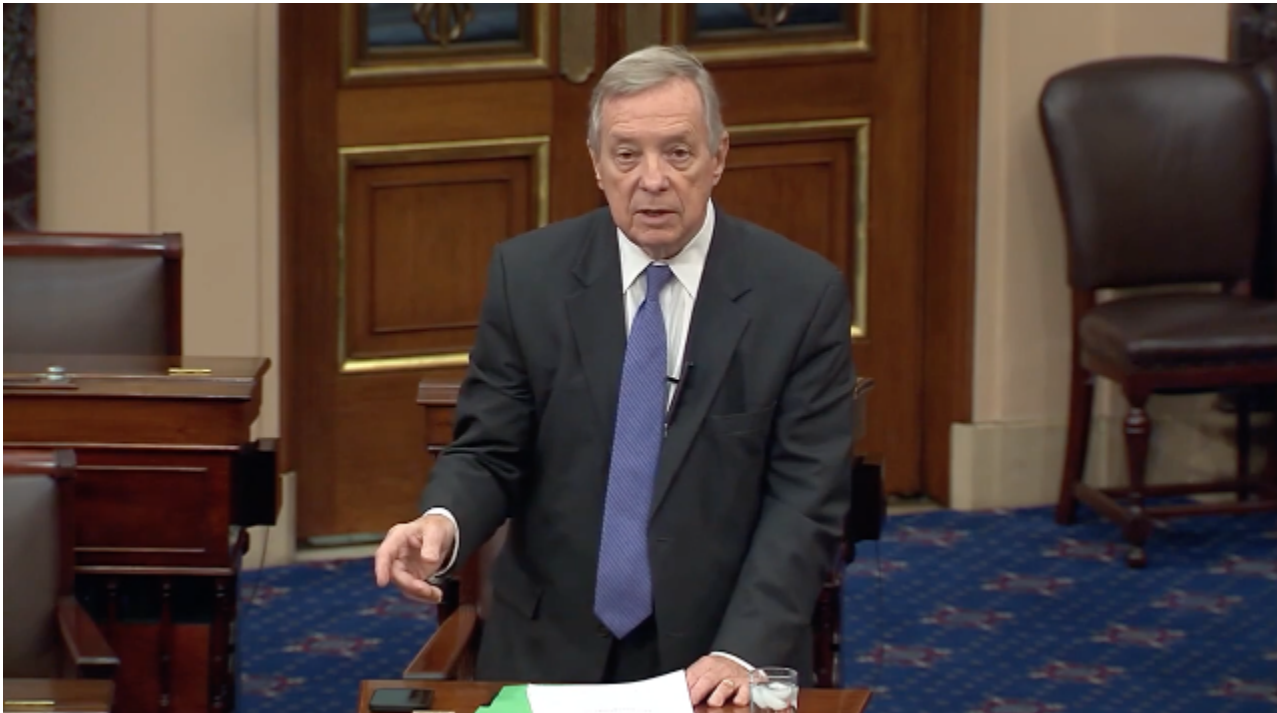


Durbin, Padilla, Senators Urge USCIS To Protect DACA Recipients And Process Their Renewal Applications In A Timely Manner Following Reports Of Delays

by Maddie Carlos
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WASHINGTON – U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and U.S. Senator Alex Padilla (D-CA), Chair of the Senate Judiciary Immigration Subcommittee, today sent a letter to the U.S. Citizenship and Immigration Services Director (USCIS), Ur M. Jaddou, calling for USCIS to protect

Deferred Action for Childhood Arrivals (DACA) recipients and process renewal applications in a timely manner. Many applicants for DACA renewal report waiting well over five months for their applications to be processed this fiscal year. USCIS median processing times doubled from fiscal year (FY) 2022 to FY 2023, and so far in FY 2024 (through February 28, 2024) are 90 percent longer than in FY 2023.

In addition to Durbin and Padilla, the letter was signed by Chris Van Hollen (D-MD), Jacky Rosen (D-NV), Laphonza Butler (D-CA), Peter Welch (D-VT), Patty Murray (D-WA), Raphael Warnock (D-GA), Brian Schatz (D-HI), Jack Reed (D-RI), Bernie Sanders (I-VT), Catherine Cortez Masto (D-NV), Martin Heinrich (D-NM), Ron Wyden (D-OR), Mazie Hirono (D-HI), Elizabeth Warren (D-MA), Tammy Duckworth (D-IL), Gary Peters (D-MI), Mark Kelly (D-AZ), Cory Booker (D-NJ), Chris Coons (D-DE), John Fetterman (D-PA), Amy Klobuchar (D-MN), Ed Markey (D-MA), Kyrsten Sinema (I-AZ), Jeff Merkley (D-OR), Michael Bennet (D-CO), and Ben Cardin (D-MD).

The Senators wrote, “the DACA program has allowed more than 834,000 Dreamers an opportunity to pursue higher education and meaningful careers while remaining in the only home they have ever known. We thank you for your efforts to fortify the DACA program through rulemaking and for the Department of Homeland Security’s defense of that rule in litigation. Despite these important efforts, DACA recipients face significant uncertainty given litigation challenging the DACA program, and threats by presidential candidate Donald Trump to end the program. Delays in processing DACA renewals are adding to the instability and uncertainty that DACA recipients already face each day.

The reported median processing time of 1.9 months for renewals for FY 2024 thus far is the highest since FY 2017. USCIS data also shows significant increases in pending application volumes (to their highest total in three years) in addition to past decreases in the quarterly rate of adjudication. At the same time, deferred action for over 150,000 active DACA recipients will expire between March and September of this year, likely resulting in a significant number of new renewal filings.

In the letter, the Senators cited various ways DACA recipients, their employers, and their families are facing significant disruptions due to these processing delays. In addition, DACA recipients accrue unlawful presence during the period between the expiration of their status and USCIS’ adjudication of their renewal applications, even when they apply well in advance of that expiration. This can have significant negative consequences for them, such as making them ineligible for other benefits under our immigration laws.

The letter continued, “To reduce these disruptions and uncertainty for DACA recipients, we urge you to make a focused effort to reduce processing times for DACA renewal applications and reduce the volume of pending cases. We also request that you amend

your practices to prevent undue harm to DACA recipients, by starting an approved renewal applicant's DACA period on the date of expiration of the previous period, rather than the current practice of starting the renewal period from the date of approval. This would prevent DACA recipients from accruing unlawful presence through no fault of their own due to processing delays. It would be consistent with USCIS' approach to the renewal or extension of other immigration benefits."

Durbin previously suggested this approach to USCIS in July 2021, as did many commenters on the DACA Notice of Proposed Rulemaking. In the DACA final rule, the Department of Homeland Security (DHS) stated that it would consider implementing this approach through subregulatory guidance "to improve efficiency and reliability for the DACA population." Given the negative impact that recent processing delays have had on the DACA population, the Senators urged USCIS to implement this practice now.

More than 20 years ago, Durbin first introduced the *Dream Act*. In 2010, Durbin sent a letter, joined by then-Senator Richard Lugar (R-IN), asking then-President Obama to stop the deportation of Dreamers. Nearly 12 years ago, President Obama responded by announcing the DACA program. More than 800,000 Dreamers have since come forward and received DACA, which has allowed them to contribute more fully to their country as teachers, nurses, doctors, engineers, and small business owners. Last year, the Biden Administration issued a regulation fortifying and strengthening the DACA program. Dreamers are protected from deportation for now, but due to lawsuits by extreme MAGA Republicans, their fates are in the hands of a Republican-appointed judge who has repeatedly found DACA and other programs like it unlawful.

Last September, a federal judge in Texas declared the new DACA regulation illegal. Though the decision left in place protections for current DACA recipients while an appeal is pending, they live in fear that the next court decision will upend their lives.

The *Dream Act* was also included in the 2013 comprehensive immigration reform bill that Durbin coauthored as part of the "Gang of Eight" – four Democrats and four Republicans. The 2013 bill passed the Senate on a strong bipartisan vote of 68-32, but the Republican leadership of the House of Representatives refused to consider it. Over the years, Senate Republicans have filibustered the *Dream Act* at least five times.

Full text of the letter is available [here](#).