

July 22, 2015

The Honorable Jeh Johnson, Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Re: Retractions of Three-Year Employment Authorization Documents for Some DACA Recipients

Dear Secretary Johnson:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 39 leading national Latino nonpartisan civil rights and advocacy organizations, to strongly urge you to reconsider the proposed steps taken by U.S. Citizenship and Immigration Services (USCIS) in connection with the retrieval of 2,600 Employment Authorization Documents (EADs) for those Deferred Action for Childhood Arrivals (DACA) recipients whose three-year EADs were mailed after the court-ordered injunction issued in *Texas v. U.S.*, on February 16, 2015. While we understand the Administration finds itself in a sensitive position due to the need to comply with the court-ordered injunction, we have serious concerns about the drastic repercussions DACA recipients will face for failure to return their EADs by the aggressive timeline set out by USCIS.

Earlier this year, UCSIS sought to retract approximately 2,100 three-year EADs issued to individuals in error, as they were mailed after the February 16 injunction. In addition, we understand that the Administration later identified approximately 500 additional DACA recipients who were mailed a three-year EAD prior to the February 16 injunction, but it was returned as undeliverable, and subsequently re-mailed after the injunction. In the past week, USCIS began implementing an aggressive operation to retrieve those EADs that have yet to be returned. These measures have included follow-up letters, phone calls, home visits to affected DACA recipients, and the issuance of Notifications of Intent to Terminate (NOIT). Those who received NOITs were notified in mid-July, and have been instructed to return their EAD to a field office—or during a home visit if one is conducted—before July 30, 2015 to avoid termination of their DACA status, EAD, and to ensure that they do not face or receive negative penalties in a subsequent petition for relief.

Given when the NOITs were issued, an expectation for individuals to comply with less than two weeks' notice is frankly unacceptable and is likely to result in individuals failing to return their EAD by the July 30 deadline. Furthermore, the threat to terminate DACA status for affected individuals who do not return their three-year EAD unfairly penalizes DACA holders for the Administration's error. While we agree that comprehensive messaging and community outreach is necessary to reach all those individuals who must return their three-year EAD, any contemplated action against DACA holders must be balanced against the severe repercussions they might have on employment, status, and eligibility for future immigration benefits or

MEMBER ORGANIZATIONS

American G.I. Forum
ASPIRA Association
Avance Inc.
Casa de Esperanza
Cuban American National Council
Farmworker Justice
Hispanic Association of Colleges & Universities
Hispanic Federation
Hispanic National Bar Association
Inter-University Program for Latino Research
Labor Council for Latin American Advancement
LatinoJustice PRLDEF
League of United Latin American Citizens
MANA, A National Latina Organization
Mexican American Legal Defense and Educational Fund
National Alliance of Latin American and Caribbean Communities
National Association of Hispanic Federal Executives
National Association of Hispanic Publications
NALEO Educational Fund
National Association of Latino Independent Producers
National Conference of Puerto Rican Women, Inc.
National Council of La Raza
National Hispanic Caucus of State Legislators
National Hispana Leadership Institute
National Hispanic Council on Aging
National Hispanic Environmental Council
National Hispanic Foundation for the Arts
National Hispanic Medical Association
National Hispanic Media Coalition
National Institute for Latino Policy
National Latina Institute for Reproductive Health
National Puerto Rican Coalition
Presente.org
SER Jobs for Progress – National
Southwest Voter Registration Education Project
United States Hispanic Chamber of Commerce
United States Hispanic Leadership Institute
United States-Mexico Chamber of Commerce
U.S.- Mexico Foundation

relief. This is particularly true in this instance, where the error lies with the Administration alone.

Unfortunately, USCIS is planning to take drastic measures against this discreet group of DACA holders while a number of DACA renewal requestors are still being processed in an untimely manner, resulting in delayed issuances of EADs. As a result, DACA recipients who filed their renewal request in a timely manner face unemployment and lapses in status. NHLA urges your agency to rectify this problem with the same voracity shown to address the retraction of those EADs issued in error.

We appreciate your attention to our concerns. Please contact NHLA through Andrea Senteno, of MALDEF, at asenteno@maldef.org or 202-572-0467, with any questions regarding this letter. Thank you for your time and consideration.

Sincerely,



Thomas A. Saenz
MALDEF, President and General Counsel
NHLA Immigration Committee Co-Chair



Jose Calderón
Hispanic Federation, President
NHLA Immigration Committee Co-Chair

Cc:

Alejandro Mayorkas, Deputy Secretary of Homeland Security
Leon Rodriguez, Director of U.S. Citizenship and Immigration Services
Julie Rodriguez, Deputy Director of White House Office of Public Engagement
Felicia Escobar, Special Assistant to the President for Immigration Policy