

**Testimony before
Subcommittee on Civil Rights and Civil Liberties
Committee on Oversight and Reform
United States House of Representatives
“The Administration’s Apparent Revocation of Medical Deferred Action
for Critically Ill Children.”
September 11, 2019
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Chairman Cummings and Ranking Member Jordan, distinguished members of the Committee, thank you for inviting me today.

I’m here today in my capacity as the director of legal services at the Irish International Immigrant Center where we have represented dozens of families facing the horrific circumstances that always accompany an application for deferred action.

In the majority of deferred action cases I’ve seen, an individual entered as a visitor for a brief period and then fell ill, was gravely injured, or received a terrifying diagnosis. Sometimes the illness or injury makes it impossible for the person to travel without putting their life in danger, sometimes a life-saving treatment is not available in the home country. In the vast majority of cases we handle, it is a child whose life is at stake.

We represent children with cerebral palsy, duchenne’s muscular dystrophy, a child blinded by the cancer in her eyes, a child who was suffering multiple seizures every day. We represent children confined to wheelchairs, connected to feeding tubes and tracheostomy tubes. In each of these cases, there is a family who has no desire to break any law, but simply could not leave without putting a life in danger. In those kinds of dire circumstances, the government has always provided a relief valve. A process by which a family can come forward, rather than cowering over their suffering child in the shadows. They could present themselves, lay out their circumstances, explain why travel had become impossible, even deadly, and the government would agree not to take action to deport them so they could continue the child’s treatment. I know that lives have been saved by the program. I sadly, have also known children we represented to die; but even in those cases, the brief reprieve by the government bought the families precious time. This long-standing legal program is what protects people from government actions that would shock the conscience and betray our fundamental values as a nation.

I was shocked, then, 3 weeks ago when I received the first denial notice. Over the course of the next 2 weeks, we received about a dozen more. They all contained the same boilerplate language. USCIS field offices no longer consider these applications. Leave in 33 days or we may initiate your removal. There was no opportunity for appeal or review, no reconsideration,

because the program had just been ended. The decision was made in secret. There had been no prior notice, no opportunity to advocate for the program or prepare clients for the denials.

We immediately had to reach out to all of our clients who were applying or in the program already. I've had some of the most difficult conversations of my life over the past few weeks. Clients have asked me what the government expects them to do? Disconnect their children from life saving support? Put them on a flight that they might not survive? What would I do?

We file many applications for parents whose U.S. citizen children suffer these life threatening diseases. Granting the parents deferred action allows them to remain here and to work to support their child. In these cases, the termination of this program threatens to separate families. There are parents right now having conversations about whether to orphan a child in the hopes of extending his or her life.

USCIS's statements to the press since ending the program have only caused greater confusion and chaos for the Center and our clients. When the terrible reality of what they had done became public, USCIS's initial response to the media was to deny that they had eliminated the program. They claimed they had simply transferred it to ICE. Of course our clients wanted to know what it meant, how much danger their families still faced, and if the program was really gone. Media outlets contacted the Center with the same questions, and I had to tell them that the information I had was what I was getting from them. But the transfer to ICE appears to have just been false. The notices came from USCIS field offices and stated that the applications were denied. There was no new procedure. ICE officials later stated, again through the media, that they have no program in place no plans to implement one.

Last week, USCIS issued a press release stating that they had decided to reopen some of the cases they denied. And last week we began receiving notices for cases that had been pending August 7 and been denied, that they would be "reconsidered." We still don't know what that might mean for those families. The notices cite Department of State regulations, and it is unclear if this means they will be applying the same standard as in the past or if they have devised some new standard.

Furthermore, both the press release and the reconsideration notices still indicate that the program has been terminated moving forward. It leaves no option for families facing these dire circumstances now or in the future. It also doesn't address the families who filed after August 7. Because the termination of the program was done in secret, we had no idea the program had ended until we received the denials nearly 2 weeks later. We filed an application as recently as August 16, and have no idea what will happen to that.

Deferred action is a critical, literally live-saving program that impacts a small number of families, but in an immeasurable way. Ultimately, USCIS hasn't backtracked they have doubled down. They've delayed the consequences of their decision for a handful of families, but that is it.

Unless Congress or the Courts either convince or compel USCIS to reinstate the program, everyone in and everyone that would otherwise benefit from it is still in a horribly worse position.