

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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### MEMORANDUM

September 6, 2019

**To: Members of the Subcommittee on Civil Rights and Civil Liberties**

**Fr: Committee Staff**

**Re: Hearing on “The Administration’s Apparent Revocation of Medical Deferred Action for Critically Ill Children”**

On **Wednesday, September 11, 2019, at 12:00 p.m., in room 2154 of the Rayburn House Office Building**, the Subcommittee will hold a hearing to examine the impact of the Trump Administration’s decision to end consideration of non-military deferred action requests, including for children with critical illnesses. On September 2, 2019, the Administration partially reversed its decision and announced that it will continue processing only requests that were pending on or before August 7, 2019. This is an urgent issue because families that applied after August 7 may need to decide within days whether to stay and risk deportation proceedings or leave the country and stop life-saving treatment for their children.

#### **I. SCOPE AND PURPOSE OF THE HEARING**

Deferred action allows individuals who suffer from serious illnesses and their family members to remain in the United States without fear of deportation while they receive medical care. Many of these individuals are children who suffer from life-threatening conditions such as cancer, muscular dystrophy, and cystic fibrosis. Some of these children are in the United States to participate in clinical trials that support the development of medical treatments for their conditions.<sup>1</sup>

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<sup>1</sup> See, e.g., *Sick Migrants Undergoing Lifesaving Care Can Now Be Deported*, New York Times (Aug. 29, 2019) (online at [www.nytimes.com/2019/08/29/us/immigrant-medical-treatment-deferred-action.html](http://www.nytimes.com/2019/08/29/us/immigrant-medical-treatment-deferred-action.html)); *Deportation . . . With This Type of Medical Condition is a Death Sentence’: Outrage Grows Over Federal Policy Change*, Boston Globe (Aug. 29, 2019) (online [www.bostonglobe.com/metro/2019/08/29/deportation-from-united-states-with-this-type-medical-condition-death-sentence-representative-ayanna-pressley-said/I2Fm6F5b85EKKdLMaLMi3M/story.html](http://www.bostonglobe.com/metro/2019/08/29/deportation-from-united-states-with-this-type-medical-condition-death-sentence-representative-ayanna-pressley-said/I2Fm6F5b85EKKdLMaLMi3M/story.html)); *Undocumented Immigrants with Serious Illnesses Had a Lifeline. Now It May Be Gone*, Miami Herald (Aug. 28, 2019) (online at [www.miamiherald.com/news/local/immigration/article234426937.html](http://www.miamiherald.com/news/local/immigration/article234426937.html)).

Last month, U.S. Citizenship and Immigration Services (USCIS) began notifying individuals that USCIS field offices would no longer consider non-military deferred action requests. Applicants were informed that they were “not authorized to remain in the United States” and that they had 33 days to leave the country or could be removed.<sup>2</sup>

USCIS reportedly claimed that deferred action requests will be processed by U.S. Immigration and Customs Enforcement (ICE) going forward. This could require an individual seeking deferred action to go through full removal proceedings and receive an order of removal before being considered for deferred action.<sup>3</sup> ICE, however, has said publicly that it has no plans to process deferred action requests.<sup>4</sup>

## **II. WITNESSES**

### **Panel One**

**Maria Isabel Bueso**  
Concord, CA

**Jonathan Sanchez**  
Boston, MA

**Shoba Sivaprasad Wadhia**  
Clinical Professor of Law  
Director, Center for Immigrants’ Rights Clinic  
Penn State Law School

**Fiona S. Danaher, MD, MPH**  
Pediatrician, MGH Chelsea Pediatrics and MGH Child Protection Program  
Co-Chair, MGH Immigrant Health Coalition  
Massachusetts General Hospital for Children  
Instructor in Pediatrics, Harvard Medical School

**Anthony Marino**  
Director, Immigration Legal Services  
Irish International Immigrant Center

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<sup>2</sup> Letter from Michael L. McCleary, Field Office Director, U.S. Citizenship and Immigration Services, Department of Homeland Security, to [REDACTED] (Aug. 15, 2019) (online at [https://d279m997dpfwgl.cloudfront.net/wp/2019/08/Redacted\\_MedDA\\_denials.pdf](https://d279m997dpfwgl.cloudfront.net/wp/2019/08/Redacted_MedDA_denials.pdf)).

<sup>3</sup> Letter from Representative Ayanna Pressley et al. to Acting Secretary Kevin McAleenan, Department of Homeland Security, Acting Director Ken Cuccinelli, U.S. Citizenship and Immigration Services, and Acting Director Matthew T. Albence, U.S. Immigration and Customs Enforcement (Aug. 30, 2019) (online at <https://pressley.house.gov/sites/pressley.house.gov/files/083019%20Deferred%20Action%20Letter.pdf>).

<sup>4</sup> *Feds Can't Agree on Which Agency—If Any—Handles Medical Deportation Deferrals*, WBUR (Aug. 28, 2019) (online at [www.wbur.org/news/2019/08/28/ice-uscis-immigrants-medical-deferred-action](http://www.wbur.org/news/2019/08/28/ice-uscis-immigrants-medical-deferred-action)).

**Panel Two**

**Timothy S. Robbins**

Acting Executive Associate Director, Enforcement and Removal Operations  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security

**Daniel Renaud**

Associate Director, Field Operations Directorate  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

Staff contacts: Candyce Phoenix, Alexandra Golden, and Russ Anello at (202) 225-5051.