

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

October 11, 2019

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

Fr: Committee Staff

Re: Hearing on the Administration's Decision to Deport Critically Ill Children and Their Families

On **Thursday, October 17, 2019, at 10:00 a.m., in room 2154 of the Rayburn House Office Building**, the Subcommittee will hold a hearing to examine the Trump Administration's recently-reversed decision to end consideration of non-military deferred action requests, including for children with critical illnesses.

I. SCOPE AND PURPOSE OF THE HEARING

The Committee has been investigating the Trump Administration's decision to deport critically ill children and their families since August 2019, shortly after this new policy was adopted. On September 11, 2019, the Subcommittee held a hearing on this issue, but witnesses from U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE) refused to answer questions regarding why the Administration sought to deport these children, who was responsible for this decision, and how requests for deferred action will be handled going forward. The Administration has also refused to produce requested documents on these topics, claiming that it is withholding this information because the Administration is in "active litigation" with a private party—an argument the Supreme Court has rejected as a basis to withhold documents from Congress.

On September 19, 2019, the Administration announced that it was reversing its decision to end consideration of non-military requests for deferred action and would follow the policy that was in place on August 6, 2019. However, the Administration has continued to refuse to produce the requested documents or make agency officials available to answer the Committee's questions about the policy and its reversal. Furthermore, questions remain as to how the Administration will process deferred action requests going forward and whether USCIS will be applying new standards or restrictions that could create additional obstacles for vulnerable families seeking relief.

On October 10, 2019, Chairman Cummings notified Committee Members of his intent to issue subpoenas for testimony and documents to the Acting Directors of USCIS and ICE.

II. WITNESSES

Mr. Ken Cuccinelli

Acting Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

Mr. Matthew T. Albence

Acting Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

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