

October 29, 2019
Via electronic mail

The Honorable Jamie Raskin
Civil Rights and Civil Liberties Subcommittee
Committee on Oversight and Reform
U.S. House of Representatives
412 Cannon House Office Bldg
Washington, DC 20515

The Honorable Chip Roy
Civil Rights and Civil Liberties Subcommittee
Committee on Oversight and Reform
U.S. House of Representatives
1319 Longworth House Office Bldg
Washington, DC 20515

RE: Hearing on “The Administration’s Decision to Deport Critically Ill Children and Their Families”

Dear Chairman Raskin and Ranking Member Roy,

Thank you for holding the October 30, 2019 hearing on the Administration’s Decision to Deport Critically Ill Children and Their Families. The undersigned disability rights and allied organizations call on the U.S. Citizenship and Immigration Services (USCIS) to immediately accept and adjudicate pending visa requests based on medical deferred action, and follow through on its September 19th commitment to reinstate the program.

In August, without prior warning to waiting applicants or any public notice, families around the country began receiving letters from USCIS denying visa renewal applications to stay in the U.S. up to two years at a time while their critically ill child receives medically-necessary, life-saving treatment. Worse yet, the letters provided no information about how to appeal the decision, giving each family a scant 33 days to leave the country or risk removal proceedings and a bar on any future return to the U.S. American healthcare innovation, acute care providers, and medical research is renowned worldwide. Medical deferred action allows the families of children with disabilities and chronic conditions to support their kids through life-sustaining, but difficult surgeries and treatments that are simply not available in their home countries.

A week after the compelling testimony of Isabel Bueso and Jonathan Sanchez, the Department of Homeland Security notified the Oversight Committee that USCIS would resume its consideration of visa requests. It is our understanding that, to date, no applicants have received formal approval of their pending claims. Individuals relying on live-saving treatment, and their families, have lived in needless fear and uncertainty.

For decades, medical deferment has been a humanitarian and generous act of the U.S. government to a small number of annual applicants, and historically has not provided a route to permanent residence or citizenship. The entire reason for medical deferment is to preserve life. In addition, many of the individuals that have benefited, such as Isabel Bueso, have participated in clinical trials and contributed to invaluable medical discoveries. The foreseeable and inevitable consequence of eliminating medical deferment is ending life, whether in a hurried disastrous attempt to leave the U.S., through the deterioration of health in another country, or harm to medical research in the U.S.

USCIS effectively issued death penalties to disabled children whose only “crime” is needing unique medical care. The decision was cruel under any circumstance, but by issuing it at the same time as the final “public charge” rule that forces immigrant families to choose between their chances at a green card and life-sustaining healthcare, food, and housing, the message was sent that disabled people do not have lives worth living. As Americans with disabilities and organizations that advocate for disability rights, we have repeatedly shown the fallacy of this discriminatory view.

We will continue to advocate for immediate and full restoration of USCIS’ deferred action adjudications and appreciate the opportunity to share our views with the Subcommittee. Please contact Carol Tyson, ctyson@dredf.org, with any questions.

Sincerely,

American Association of People with Disabilities

Autistic Self Advocacy Network

Autism Society of America

Autistic Women & Nonbinary Network

Bazelon Center for Mental Health Law

Caring Across Generations

Center for Public Representation

Council of Administrators of Special Education

Disability Rights Education and Defense Fund

Epilepsy Foundation

Learning Disabilities Association of America

Little Lobbyists

National Association of Councils on Developmental Disabilities

National Council on Independent Living

National Multiple Sclerosis Society

Not Dead Yet

The Arc of the United States

United Spinal Association

United States International Council on Disabilities