

Jaynes, Thomas A (Allen)

Subject: NILC Meeting
Location: **ROOM CHANGE** Stratus Conf Room (6th Floor, Room 6025)

Start: Wed 9/10/2014 2:00 PM
End: Wed 9/10/2014 2:45 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Scheduler, Rodriguez

Required Attendees: Rodriguez, Leon; Choi, Juliet K; Scheduler, Choi; Guttentag, Lucas E
McCament, James W

(b)(7)(c)

USCIS Attendees

Leon
Juliet
Lucas
John

NILC Attendees

Marielena Hincapie
Kerri Sherlock Talbot
Don Lyster
Kamal Essaheb

USCIS-NILC Meeting

- Intros
- Overview of NILC's administrative relief & DACA recommendations
- Administrative Relief Implementation

POC:
Lara Claudia
lara@nilc.org



File: S:\docs\unifing\ca
uncc:51003

Jaynes, Thomas A (Allen)

From: Cecillia Wang <Cwang@aclu.org>
Sent: Tuesday, September 30, 2014 4:28 PM
To: Guttentag, Lucas
Subject: analysis on state criminal convictions
Attachments: Memo on state criminal convictions.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Lucas, here is a memorandum setting out the issues with a criminal disqualification provision. Please let me know if any other information would be useful.

Cecillia

Cecillia D. Wang
Director
ACLU Immigrants' Rights Project
39 Drumm Street
San Francisco, CA 94111
tel: (415) 343-0775
fax: (415) 395-0950

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Criminal Convictions and Eligibility for Administrative Relief from Removal September 25, 2014

Summary of the Problem

As the Obama Administration considers eligibility requirements for a new program for administrative relief from removal in late 2014, it may look to provisions of the Deferred Action for Childhood Arrivals (DACA) program and S. 744. Both the Frequently Asked Questions (FAQ) document accompanying DACA and the provisions of S. 744, which passed the U.S. Senate with bipartisan support, acknowledge that criminal convictions based upon immigration violations should not bar relief. However, neither of those documents fully accounts for the ways in which state criminal convictions may be based essentially upon immigration violations. Thus, adopting either approach for a new administrative relief program would be certain to bar many applicants who are deserving of administrative relief, and would be at odds with positions that the Administration has taken in litigation and in its immigration enforcement policies. Many state criminal convictions—even under statutes that, on their face, do not concern immigration offenses—have been deployed by local law enforcement and prosecuting agencies to target undocumented immigrants and conduct that arises essentially from lack of lawful immigration status. Thus, barring individuals with such criminal convictions from accessing any avenue for administrative relief would inherently conflict with the goal of providing relief to undocumented immigrants who do not pose a public safety risk.

Background and Analysis

The DACA program provides that certain criminal histories will bar eligibility for deferred action. However, the DACA FAQ document specifically provides that “[i]mmigration-related offenses characterized as felonies or misdemeanors by state immigration laws will not be treated as disqualifying felonies or misdemeanors” under the DACA program.

Similarly, S. 744 provided that certain criminal convictions would bar access to the legalization provisions in that bill. However, those provisions recognized that some criminal convictions have been imposed because of the applicant’s immigration status; thus, S. 744 expressly excluded from the disqualification provision criminal convictions for “a State or local offense for which an essential element was the alien’s immigration status, or a violation of this Act.” S. 744 § 2101(a). This provision was intended to avoid penalizing noncitizens who have been the targets of zealous immigration enforcement efforts by certain state or local governments acting out of disagreement with federal immigration policies. *See, e.g., Arizona v. United States*, 132 S. Ct. 2492 (2012) (addressing unconstitutional state criminal laws penalizing immigration-related conduct); *United States v. Alabama*, 691 F.3d 1269 (11th Cir. 2012) (same); *United States v. South Carolina*, 840 F. Supp. 2d 898 (D.S.C. 2011) (same); *Georgia Latino Alliance for*

Human Rights v. Governor of Georgia, 691 F.3d 1250 (11th Cir. 2012) (same); *Melendres Ortega v. Arpaio*, 695 F.3d 990 (9th Cir. 2012) (injunction against local sheriff's department's practices of racial profiling and illegal seizures arising out of immigration enforcement policy); *Ortega-Melendres v. Arpaio*, 836 F. Supp. 2d 959 (D. Ariz. 2011) (same); *United States v. Maricopa County*, No. 10-1878-LOA (D. Ariz. compl. filed Sept. 2, 2010) (U.S. Department of Justice lawsuit challenging same policies of sheriff's department).

The carve-outs in both DACA and S. 744 for immigration-related convictions, however, are incomplete and, if adopted in any form of administrative relief, would lead to the disqualification of intended beneficiaries, assuming the Administration's intent not to disqualify persons who have criminal convictions only or essentially because of immigration violations. Even setting aside the problem of persons who have been selectively targeted for arrest or prosecution because of their actual or suspected immigration status, the adoption of a criminal disqualification like that in DACA or S. 744 would encompass many state criminal convictions that, on their face, do not appear to rest upon immigration status violations, but in fact do so.¹

Examples of commonly prosecuted state crimes with a hidden immigration status basis include the following:

- Criminal traffic offenses: In many states, undocumented immigrants who are stopped for traffic violations are prosecuted for the criminal offense of **driving without a license**. This happens with great frequency where local law enforcement agencies have a pattern and practice of targeting suspected undocumented immigrants for traffic stops. See *United States v. Maricopa County*, *supra*. Immigration status is not an element of the offense. However, immigration is central to such prosecutions, as undocumented immigrants are not permitted to obtain driving privileges in the vast majority of states. In general, excluding traffic offenses from a criminal disqualification provision would avoid

¹ This memorandum addresses solely the issue of state criminal convictions that are incident to immigration status, but are not obtained under a statute that explicitly includes immigration status as an element. This memorandum does not address the separate issue of state or federal criminal convictions that are obtained under a statute that explicitly includes immigration status as an element, such as illegal entry under 8 U.S.C. § 1325 or illegal re-entry under 8 U.S.C. § 1326, or state criminal statutes such as those held preempted under federal law in *Arizona v. United States*, 132 S.Ct. 2492 (2012). We assume that the Administration will adopt the approach in both S. 744 and DACA that such explicitly immigration status-related offenses should not bar eligibility for relief.

This memorandum also does not address state or federal criminal convictions that result from racial or ethnic profiling related to immigration enforcement practices. This is a well-documented problem, which the Department of Justice has addressed in litigation (e.g., *United States v. Maricopa County*, No. 12-981-LOA (D. Ariz. compl. filed Sept. 2, 2010)). While this memorandum does not address this problem in detail, the ACLU urges the Administration to adopt a process that permits consideration of individual equities in order to prevent the disqualification of individuals who have been convicted of non-violent or non-serious crimes, or who have suffered criminal convictions because of unconstitutional seizures or racial profiling.

entangling the administrative relief program with illegal police practices like racial profiling and selective targeting of immigrants.²

- Working without authorization: Undocumented immigrants are often prosecuted for the felony offenses of **forgery, identity theft, criminal impersonation or similar fraud offenses**, for using fictitious identity information or using another person's identity information for purposes of obtaining and maintaining employment (including for payment of taxes). For example, the Maricopa County Sheriff's Office has a regular practice of conducting worksite raids on local businesses and arresting undocumented immigrants on such charges. Advocates in Texas have also reported similar prosecutions for identity theft.
- Other offenses relating to lack of a state-issued identity document: Undocumented immigrants have been prosecuted under **state criminal statutes that include an element of failure to have a state-issued license or permit**. In Alabama and North Carolina, for example, undocumented immigrants have been prosecuted for **fishing without a license** or **driving a vehicle with expired or improper license plates**.
- Trespassing: On occasion, undocumented immigrants have been convicted of **trespassing** when working without authorization (on the theory that he or she is on the employer's premises without legal authorization), or simply for being present in a state or a locality as a person without lawful presence in the United States.
- Related offenses: Offenses that relate to any of the foregoing—such as conspiracy to commit one of the foregoing offenses, or failure to appear to answer for one of the foregoing offenses— should also be omitted from any disqualification provision.

These examples demonstrate that when a local law enforcement agency's mission is to detect and to penalize undocumented immigrants, they often deploy state criminal laws of general applicability that do not have immigration status as an element, and prosecute individuals for offenses incident to their status.

Recommendations

The Administration should take steps to avoid inadvertently disqualifying deserving applicants who meet the eligibility requirement, but who have suffered a criminal conviction incident to their immigration status:

- The simplest and most efficiently administrable measure would be to exclude the foregoing types of criminal convictions from any criminal bar to administrative relief.
- Alternatively, for offenses that might encompass conduct incident to immigration status but also other criminal conduct (e.g., identity theft or forgery as described

² The DACA FAQs state that a “minor traffic offense,” including driving without a license, is not considered a misdemeanor that could lead to disqualification, but that nonetheless such a conviction may be considered as part of an applicant's “entire criminal history.”

above), if the Administration is not inclined to implement a categorical carve-out, it should at a minimum permit an applicant to present evidence that the conviction was in fact incident to immigration status. For example, such evidence might consist of proof that a false identity document was not used in furtherance of another crime, but only in an employment application or for purposes of paying income or payroll taxes. If an applicant does present such evidence, the conviction should not disqualify the applicant.

* * *

Jaynes, Thomas A (Allen)

From: Cecillia Wang <Cwang@aclu.org>
Sent: Thursday, October 02, 2014 7:18 PM
To: Guttentag, Lucas
Subject: proposed language on felony disqualification provision
Attachments: Criminal DQ language.docx

Dear Lucas,

I've drafted some language that would serve the purpose of carving out felony offenses that have a hidden basis in immigration status. I hope this might be helpful as USCIS formulates its eligibility criteria. In our view, it is critically important to prevent the disqualification of individuals who have felony convictions based solely on immigration status.

Please let me know if it would be helpful for you or any of your colleagues at USCIS or elsewhere in DHS to discuss this proposed language or the memorandum I sent earlier.

Best regards,
Cecillia

Cecillia D. Wang
Director
ACLU Immigrants' Rights Project
39 Drumm Street
San Francisco, CA 94111
tel: (415) 343-0775
fax: (415) 395-0950

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Assuming the Administration adopts a provision disqualifying an applicant for relief based upon a single felony conviction, we would urge a carve-out that would prevent disqualification of applicants whose conviction arises essentially because of their immigration status. The following language would accomplish this goal:

An offense classified as a felony in the convicting jurisdiction, other than (1) an offense for which an essential element was the alien's immigration status; or (2) an offense based upon conduct relating to the alien's immigration status (including but not limited to offenses with an element that the defendant lacked a government-issued license or permit requiring lawful immigration status) or the alien's unauthorized employment (including but not limited to convictions for identity theft, criminal impersonation or forgery for use of a false or fictitious identity document to obtain employment).

Jaynes, Thomas A (Allen)

From: Guttentag, Lucas
Sent: Wednesday, October 22, 2014 3:06 PM
To: Marc Rosenblum
Subject: RE: Executive action presentation and numbers

Many thanks. Great to see you

From: Marc Rosenblum [mailto:MRosenblum@migrationpolicy.org]
Sent: Wednesday, October 22, 2014 10:26 AM
To: Guttentag, Lucas
Subject: Executive action presentation and numbers

Hi Lucas-

Good to see you yesterday.

FYI/in case helpful, passing along these links:

Report on enforcement data and how removal numbers would be affected by changes to priorities:

<http://www.migrationpolicy.org/research/deportation-and-discretion-reviewing-record-and-options-change>.

Policy brief estimating eligible population under different deferred action scenarios:

<http://www.migrationpolicy.org/research/executive-action-unauthorized-immigrants-estimates-populations-could-receive-relief>.

Powerpoint from yesterday: <http://www.migrationpolicy.org/sites/default/files/powerpoints/Rosenblum%20-%20law%20and%20policy%20conference.pdf>.

Happy to be in touch any time.

Best,

Marc

Marc Rosenblum, PhD
Deputy Director, U.S. Immigration Program
Migration Policy Institute
Phone: 202-266-1919

(b)(6)

Jaynes, Thomas A (Allen)

From: Victoria Benner <vbenner@nclr.org>
Sent: Wednesday, October 22, 2014 10:42 AM
To: Choi, Juliet K; Guttentag, Lucas
Cc: Charles Kamasaki
Subject: Thank You
Attachments: REPORT - NCLR Naturalization YaEsHora Ciudadania 10 09-16.pdf

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Juliet and Lucas,

Thank you both for meeting earlier this week ... As we discussed, as we look at ways to restructure a naturalization fee waiver internally, having a better understanding of the current fee structure is helpful. This includes an idea of how other agencies within DHS reimburse USCIS for the use of records and other costs.

Related, we mentioned that there have been a number of surveys pointing to the fee as a barrier to naturalization. A 2013 Pew Hispanic study found 18% of Mexican-American respondents cited the high cost as their reason for not naturalizing: <http://www.pewhispanic.org/2013/02/04/the-path-not-taken/>. NCLR has conducted similar research that I have attached. It is somewhat dated but still shows that a majority of respondents said the high fee was a reason for not filing their citizenship application.

Please stay in touch and let us know if you have any questions.

Best,

Victoria Benner
Senior Legislative Analyst
Office of Research, Advocacy, and Legislation
National Council of La Raza (NCLR)
Headquarters
MAIN 202.785.1670
TEL 202.776.1760
FAX 202.776.1794

Visit NCLR's [Website](#) | [Blog](#) | [Facebook](#) | [Twitter](#)

Catalysts and Barriers to Attaining Citizenship:
AN ANALYSIS OF *ya es hora ¡CIUDADANIA!*



The National Council of La Raza (NCLR)—the largest national Hispanic civil rights and advocacy organization in the United States—works to improve opportunities for Hispanic Americans. Through its network of nearly 300 affiliated community-based organizations, NCLR reaches millions of Hispanics each year in 41 states, Puerto Rico, and the District of Columbia. To achieve its mission, NCLR conducts applied research, policy analysis, and advocacy, providing a Latino perspective in five key areas—assets/investments, civil rights/immigration, education, employment and economic status, and health. In addition, it provides capacity-building assistance to its Affiliates who work at the state and local level to advance opportunities for individuals and families.

Founded in 1968, NCLR is a private, nonprofit, nonpartisan, tax-exempt organization headquartered in Washington, DC. NCLR serves all Hispanic subgroups in all regions of the country and has regional offices in Chicago, Los Angeles, New York, Phoenix, and San Antonio.

The National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund is the leading national organization that empowers Latinos to participate fully in the American political process, from citizenship to public service. The NALEO Educational Fund carries out its mission through programs that promote the civic engagement of Latinos, provide technical assistance and professional development to the nation's Latino elected officials, and disseminate research on issues important to the Latino population. The NALEO Educational Fund is a nonpartisan 501(c)(3) organization whose constituency includes the more than 6,000 Latino elected and appointed officials nationwide. Headquartered in Los Angeles, the NALEO Educational Fund carries out its mission with offices in Houston, New York City, and Washington, DC.

The *ya es hora* campaign is an historic nonpartisan Latino civic participation campaign launched as the Latino community's action-oriented follow-up to the immigrant mobilizations of 2006. The campaign represents the largest and most comprehensive effort to incorporate Latinos as full participants in the American political process, linking naturalization to voter participation and Census enumeration under a single message: "It's time." It is coordinated nationally by the Mi Familia Vota Education Fund, the NALEO Educational Fund, and NCLR with the support of Spanish-language media companies Entravision Communications Corporation, impreMedia LLC, and Univision Communications Inc. More than 400 community-based organizations complete the coalition throughout the country.

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Catalysts and Barriers to Attaining Citizenship:
An Analysis of *ya es hora ¡CIUDADANIA!*

Ricardo Ramírez
Associate Professor
University of Notre Dame

Olga Medina
Immigration Policy Associate
National Council of La Raza

Commissioned by NCLR and NALEO Educational Fund

ACKNOWLEDGMENTS

This project was made possible by the contributions and guidance of a number of individuals. Clarissa Martínez De Castro, Director of Immigration and National Campaigns, NCLR; Ellie Klerlein, Associate Director of National Campaigns, NCLR; and Evan Bacalao, Senior Director of Civic Engagement, NALEO Educational Fund, deserve special thanks for initiating this analysis and overseeing its completion. Rosalind Gold, Senior Director of Policy, Research, and Advocacy, NALEO Educational Fund, reviewed and provided insight on many components of this project. Gladys Negrete, Data Analyst, NALEO Educational Fund, helped compile and analyze data for this project. Justin Berry provided research assistance. Charles Kamasaki, Executive Vice President, NCLR, provided substantive input and oversight. Gregory Wersching, Assistant Editor, directed the final editing process and Kelly Isaac, Production Assistant and Graphic Designer, oversaw the design and formatting of this publication.

The *ya es hora* campaign would also like to thank Hogar Immigrant Services in Falls Church, Virginia and Erie Neighborhood House in Chicago, Illinois for contributing to the campaign survey. The impact of *ya es hora ¡CIUDADANIA!* has been greatly enhanced by the dedicated involvement of more than 400 national, statewide, and local partners, as well as media partners Univision, Entravision Communications Corporation, and impreMedia. Finally, the campaign thanks the John S. and James L. Knight Foundation for its continuing support of *ya es hora ¡CIUDADANIA!*

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OVERVIEW

Between March 2006 and May 2006, numerous marches took place across America to protest the passage of H.R. 4437, which became commonly known as the “Sensenbrenner Bill” and was widely regarded as one of the most punitive anti-immigrant pieces of legislation in the last 70 years. H.R. 4437 included provisions that would criminalize the presence of undocumented persons in the United States, construct additional fencing along the U.S.-Mexico border, and impose criminal penalties upon anyone who knowingly assisted any individual with an illegal immigration status.¹ It is estimated that more than five million people participated in the marches, placing them among the largest and most widespread civil rights actions in U.S. history.² One of the ubiquitous calls to action stemming from the marches was “Today we march, tomorrow we vote,” which, in addition to spurring voter registration activities among those already eligible, also evoked renewed energy among legal immigrants to pursue citizenship.

More than a decade earlier, similar circumstances motivated Latinos to become citizens and register to vote. A contentious political climate in California, triggered by hostile immigrant legislation and political rhetoric, led to marches and subsequent increases in naturalization and voting rates among native-born and naturalized Latino voters. Proposition 187, a California ballot initiative that sought to deny public services to undocumented immigrants and required public officials to report individuals who they suspected were undocumented to the Immigration and Naturalization Service, generated intense backlash among Latinos, who perceived themselves as the primary targets of the measure.³ Like Proposition 187, the “Sensenbrenner Bill” had a symbolic impact on Latinos and activated the community toward greater involvement in the political process.

At least in theory, our country places a high value on naturalization—the step immigrants take to become full Americans, with all the

rights and responsibilities of U.S. citizenship. However, in practice, not much support is available to help eligible immigrants navigate that process. For many, the naturalization process can seem complex and intimidating. In 2007, there were an estimated 8.2 million legal permanent residents who were eligible to naturalize.⁴ That same year, the United States Citizenship and Immigration Services (USCIS), the federal agency that oversees the naturalization process, announced plans to raise the cost of the naturalization application from \$330 to \$595, an increase of 561% since 1990.⁵

Recognizing the importance of helping eligible immigrants become U.S. citizens, several civic organizations and Spanish-language media providers came together and, in January 2007, launched the *ya es hora ¡CIUDADANIA!* (It’s Time, Citizenship!) campaign.* Building on the momentum generated by the immigration marches to promote citizenship and civic participation, the campaign provided eligible immigrants with materials, information, and assistance. The campaign sought to increase the number of eligible Latinos[†] pursuing naturalization, an important step toward full political participation.

The *ya es hora ¡CIUDADANIA!* model was centered on three pillars: 1) strategy, coordination, training, and technical assistance through national civic organizations; 2) a Spanish-language public awareness campaign via national media companies; and 3) community education and support from local nonprofits and service providers. The campaign carried out its work through a series of public service announcements, advertisements, and earned media; a national bilingual hotline and website; local naturalization assistance workshops; distribution of reference materials; and *centros de ciudadanía* (citizenship centers) for one-on-one citizenship assistance. Activities were designed to educate the public about the requirements, process, and cost for becoming a citizen and provide assistance to those who were eligible to do so. At workshops and

* The *ya es hora* campaign is a collaboration of civic organizations and Spanish-language media conglomerates that included the Mi Familia Vota Education Fund, National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, National Council of La Raza (NCLR), Service Employees International Union (SEIU), Entravision Communication Corporation, impreMedia LLC, Univision Communications, and approximately 400 local civic organizations.

† The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central American, Dominican, Spanish, and other Hispanic descent; they may be of any race.



centers, applicants received direct support with the naturalization application and were provided legal referrals when necessary for a limited fee of approximately \$30.

In fiscal year 2007, USCIS received almost 1.4 million petitions for naturalization.⁶ The tremendous influx of applications overwhelmed the USCIS processing system, causing a significant backlog and longer processing times for many applicants. According to testimony from former USCIS Director Emilio Gonzalez, “[h]istorically there have been increases in naturalization filings in advance of fee increases, Presidential elections, immigration debates, and new legislation. Still, none of these past increases compare to the magnitude of the surge we experienced this summer [of 2007].”⁷

In addition to the immigration marches and increased outreach undertaken by *ya es hora*, a number of different factors contributed to the surge of naturalization applications in 2007, including the proposed increase to the naturalization application fee and the introduction of a redesigned citizenship exam.⁸ While all of these factors played a role in the surge, there has not been a study focusing on the extent to which the *ya es hora* campaign led to measurable increases in the number of naturalizations. The presence of all these variables begs a number of important questions: Which of these factors, or combination of factors, were most salient for the increased rates of naturalization? Moreover, which had the greatest impact on Latinos’ decision to initiate and/or complete the naturalization process? Finally, for those who didn’t complete the process, what were the primary barriers?

In order to examine these questions, this report presents an analysis of aggregate USCIS statistics on the number of naturalizations in the top 50 metropolitan reporting areas for which USCIS gathers data. These data provide an initial assessment of the geographic patterns of change in naturalization rates before and after the immigrant marches in 2006 and the subsequent *ya es hora* efforts.

From this information, we determined if there is a relationship between the increased naturalization rates in metropolitan areas among Latinos and whether these metro areas staged large immigrant marches, had a strong *ya es hora* organizational presence, and/or had a strong Spanish-language media presence. However, the aggregate data only include individuals who were granted U.S. citizenship and fail to include those who have not yet completed the process or were denied U.S. citizenship.

In order to more directly consider the catalysts and barriers faced by individuals who have or have not completed the naturalization process, this report also provides the results of a survey of people who received assistance in the naturalization process from organizations participating in *ya es hora*. These responses provide important insight into the motivating factors that can be credited for increased naturalization rates, voter registration, and voter turnout among Latinos.^{*} These findings may have strong implications for organizations, partisan and nonpartisan alike, that wish to assist eligible Hispanic residents in the naturalization process. An analysis of increased Latino naturalization in the context of these factors could also have significant implications for electoral participation, particularly considering the concentration of Latinos in large electoral states (New York, California, Texas, Illinois, Florida), as well as key battleground states (New Mexico, Arizona, Colorado, North Carolina, and Florida).⁹

USCIS AGGREGATE STATISTICS: NATURALIZATIONS FROM 2003 TO 2008

We initially examined USCIS data¹⁰ from the top 50 metropolitan statistical areas of naturalizations from 2003 to 2008 and included the top 42 that remained consistently in the top 50 throughout this period. The unit of analysis was the reported number of naturalizations in each metropolitan statistical area.[†] After standardizing the data collected, we calculated the percent increase of naturalizations for

* The survey results are based on the responses of participants to questions about their attitudes toward the naturalization process. In order to determine actual naturalization rates, one must examine aggregate data. However, these data would not include all who initiated but failed to complete the process, nor would it include the total number of residents who were eligible to naturalize.

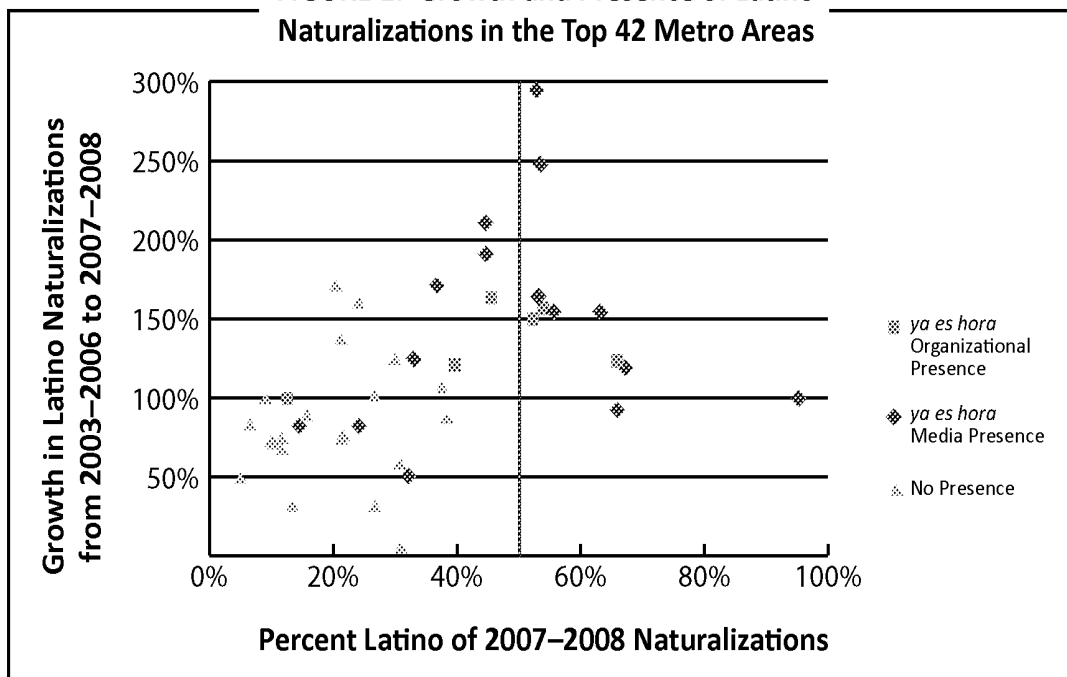
† Aggregate rates of naturalization for these years were obtained from the annual *Yearbook of Immigration Statistics*. The *Yearbook of Immigration Statistics* only reports the number of naturalizations for the top 50 reporting statistical metropolitan areas. Aggregate data collected prior to 2003 was either incomplete or organized in a manner that did not allow for cross-year comparisons.

Latinos and non-Latinos. In addition, we calculated the percent Latino composition of the total number of naturalizations in a given year. We compared these two measures for 2003–2006 against the same measures for 2007–2008.* These comparisons allowed us to identify whether or not there was a noticeable growth in the number of naturalizations for Latinos following the immigration marches of 2006 and the corresponding *ya es hora* campaign. Furthermore, we were able to see if this trend was unique to Hispanics or if it was merely part of a general trend toward increased rates of naturalization across various races and ethnicities.†

After compiling these calculations, we plotted the reporting metropolitan areas onto a graph (see Figure 1). The y-axis displays the level

of growth in Latino naturalizations between 2003–2006 and 2007–2008. The x-axis identifies the percent of Latino naturalizations out of the total number of naturalizations in 2007–2008. We identified each of the reporting metropolitan areas where *ya es hora* had a significant organizational presence and its partners maintained a strong media presence.‡ By classifying the reporting metropolitan areas in this manner, we were able to examine the relative impact that the *ya es hora* campaign had in increasing the rate of Latino naturalizations. In those areas that had a convergence of *ya es hora* organizational and media presence, we determined whether there was a higher growth of Latino naturalizations than in those metropolitan areas where one or both of these factors were not present.

FIGURE 1: Growth and Presence of Latino Naturalizations in the Top 42 Metro Areas



FINDINGS

- Overall, metropolitan areas that had either *ya es hora* organizational or media presence had consistently higher levels of growth in Latino naturalizations than metropolitan areas with no *ya es hora* presence.
- Metropolitan areas that had a convergence of both *ya es hora* organizational and media presence had higher levels of growth than those with only a media presence.

* The average naturalization process takes over a year to complete. Since the majority of the marches took place between March 2006 and May 2006, the impact of the marches on completed naturalizations would not be evident until 2007.
 † Our findings would be enhanced by additional data regarding the total number of Latinos who were eligible for naturalization in each of the years we examined. This would allow us to ensure that a larger percentage of Latinos were pursuing naturalization, as opposed to an ever-growing number of Latinos who have become eligible for naturalization.
 ‡ The level of organizational and media presence was self-reported by *ya es hora* partnering organizations.

- Between 2003 and 2006, there were only five metropolitan areas where Latinos constituted the majority of those who naturalized. After 2006, however, there were 11 metropolitan areas where Latinos constituted a majority of successful naturalizations.*
- Of the 42 metropolitan areas that were consistently in the top 50 areas for naturalization, 23 experienced at least 100% growth of the number of yearly Latino naturalized citizens in 2007–2008, as compared to the average number of Latino naturalized citizens in the preceding four years. Only three metropolitan areas witnessed a greater than 55% increase in the average number of non-Latino naturalizations in 2007–2008, as compared to the average in the preceding four years. In no instance did the non-Latino growth reach 100%.
- Of the metropolitan areas with strong *ya es hora* media presence, 70% demonstrated at least 100% growth in the number of yearly Latino naturalized citizens in 2007–2008, as compared to the average number of Latino naturalized citizens in the preceding four years.
- Of the metropolitan areas with strong *ya es hora* media and organizational presence, nearly two-thirds (64%) experienced at least 100% growth in the number of Latino naturalizations and were places where Latinos constituted the majority of all naturalizations.

YA ES HORA SURVEY

While the aggregate data allowed us to evaluate the impact of the *ya es hora* campaign on the naturalization rates of Latinos, we also sought to evaluate the effectiveness of the campaign’s model through a survey of *ya es hora* participants. The purpose of the survey was to gain a better understanding of the motivating factors that encouraged individuals to apply for citizenship, as well as the barriers that they faced. The survey was administered to 823

Latinos who attended *ya es hora* citizenship workshops or received assistance from one of the *ya es hora* partner organizations. The sample was limited to five regional locations: Northern Virginia, Houston, Chicago, New York, and Los Angeles. These areas were selected to provide a reasonable cross-section of the United States and the experiences of *ya es hora* participants. A random sample from the five metropolitan areas was selected and individuals were contacted by phone,[†] which decreased the number of unit and participant nonresponse. The survey was conducted in either English or Spanish, based on the language preference of the participant, and all calls were conducted by a bilingual Latino interviewer.

SURVEY FINDINGS

Barriers to Naturalization

High cost was a significant factor among those who decided to postpone pursuing citizenship.

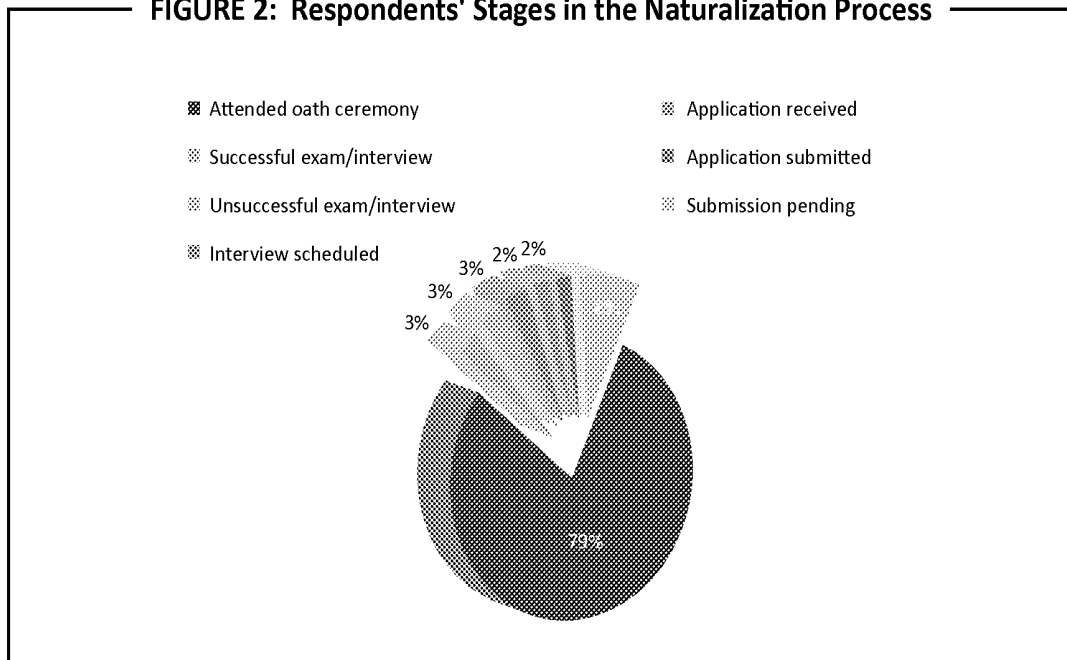
- Less than one in ten (8%) of those who attended *ya es hora* citizenship workshops or received help at a *ya es hora centro de ciudadanía* decided not to submit the application to USCIS or through a campaign partner (see Figure 2).
- Of those who chose to postpone the application (that is, those who at the time of the survey interview had not submitted their application), a large plurality (43%) indicated that they did so because “the application cost was too great.” Of those respondents, 93% indicated that it was “somewhat likely” or “very likely” that they would apply if loans were available to assist with the application cost.
- One in five (20%) of those who already submitted their application indicated that it was “somewhat unlikely” or “very unlikely” that they would have applied if the fee was more than \$675 (the current cost in 2010).

* Between 2003 and 2008, the metropolitan areas with a majority of Latino naturalizations were El Paso, TX; Miami-Fort Lauderdale-Pompano Beach, FL; San Antonio, TX; Ventura-Oxnard-Thousand Oaks, CA; and Riverside-San Bernardino-Ontario, CA. By 2008, this list also included Fresno, CA; Phoenix-Mesa-Scottsdale, AZ; Los Angeles-Long Beach-Santa Ana, CA; San Diego-Carlsbad-San Marcos, CA; Houston-Sugar Land-Baytown, TX; and Las Vegas-Paradise, NV.

† Individuals who were identified as non-Latino were eliminated from the sample.

- 16% knew someone who had postponed applying for citizenship. Of those, almost half (45%) did so because of the high cost of the application process.
- More than one in four (26%) respondents reported a combined family income of less than \$20,000 per year.
- A majority of respondents (76%) had to save money to be able to afford the fees associated with the naturalization process (88% of those spent one month or more saving; 29% spent six months or more).
- 23% of respondents needed to borrow money from family or friends, or take out a loan to cover the costs of applying.

FIGURE 2: Respondents' Stages in the Naturalization Process



Low levels of English language proficiency continue to be a barrier to citizenship.

- Among those who did not complete the naturalization process because of an unsuccessful exam or interview, 67% of these individuals cited limited English proficiency as the reason for not completing the process.
- Additionally, among those who decided to postpone the application process, 13% cited limited English skills and the need for English classes as the reason for doing so.
- Of the 16% of respondents who knew someone who postponed applying for citizenship, 29% reported that the reason for doing so was that person's limited English skills.

Delays associated with the naturalization process proved to be a considerable barrier for those who pursued citizenship.

- Participants reported the following issues as reasons for delay: general processing (21%), background checks (20%), application materials or information lost by USCIS (15%), biometrics and fingerprinting (14%).

Motivations for Naturalization

Workshops by *ya es hora* significantly increased the number of Latino residents who pursued and were granted citizenship.

- Of the respondents who completed a *ya es hora* workshop, 92% were first-time applicants for citizenship.

- 79% of respondents had been granted citizenship.
- Of those who had been denied citizenship (3%), 95% plan to reapply.
- One in five (20%) respondents said they were “somewhat unlikely” or “very unlikely” to have applied without the assistance provided by *ya es hora*.
- 96% of respondents rated the assistance that they received from *ya es hora* as “excellent,” “very good,” or “good.”

The partnership with Univision, impreMedia, and Entravision was vital to the success of the *ya es hora* citizenship application workshops.

- Television, radio, and print media accounted for 49% of the sources of information about the citizenship assistance workshops.

Friends and family also served as an important source of information regarding the naturalization process.

- Among respondents, 16% reported family and friends as the source of information about the citizenship workshops (see Figure 3), more than half (57%) of whom had received assistance from a similar workshop.

FIGURE 3: How Respondents Learned of Citizenship Workshops

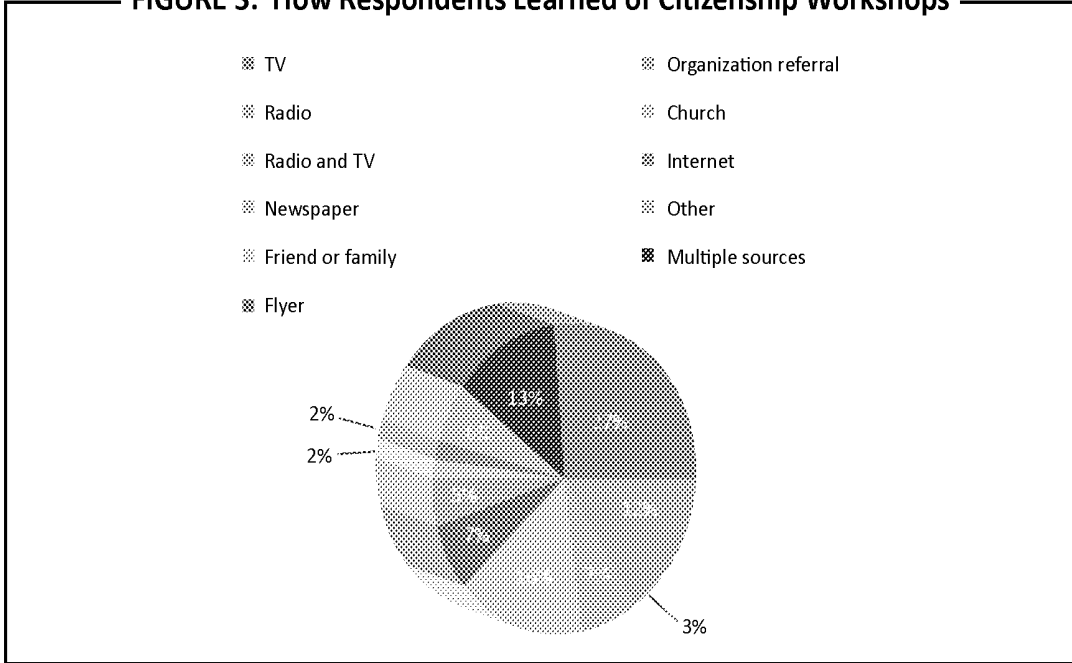
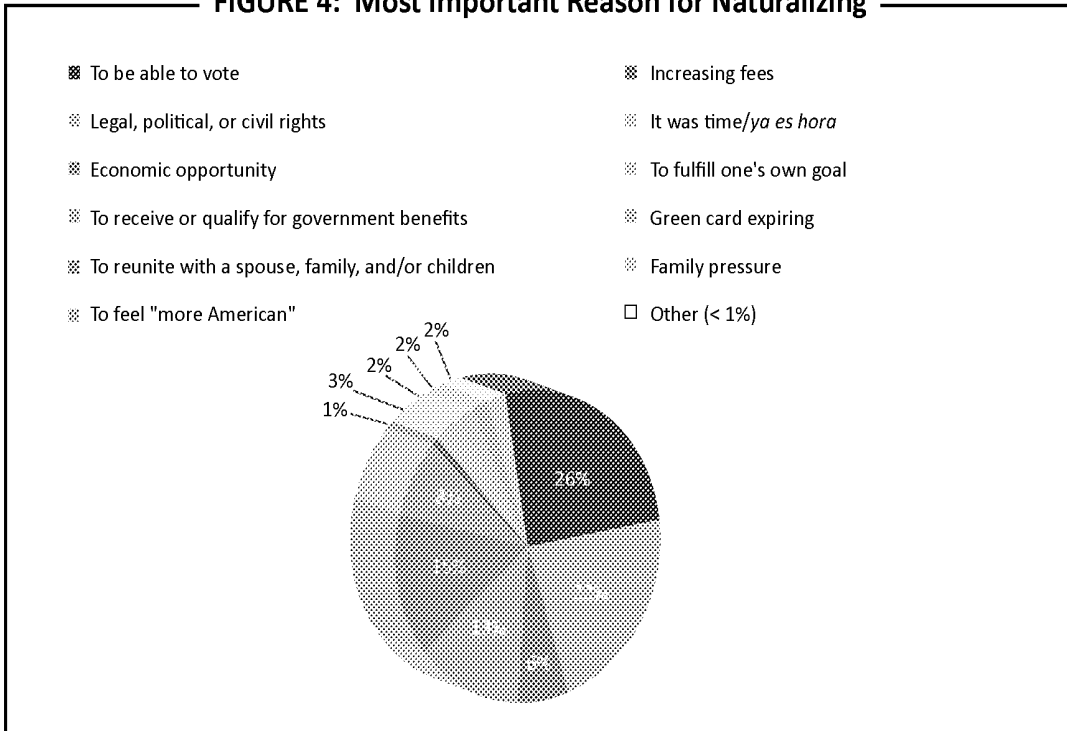


FIGURE 4: Most Important Reason for Naturalizing



Legal, political, civil, and voting rights were key motivating factors for those who pursued citizenship.

- When asked about the most important reason why they applied for citizenship, 26% of respondents indicated that it was “to be able to vote.” When coupled with those who cited “legal, political, or civil rights” as the most important reason (22%), almost half (48%) of the survey respondents sought citizenship because of their desire to defend or exercise their rights (see Figure 4).

The immigration debate was a particularly salient issue affecting Latino residents’ decision to pursue citizenship.

- When asked separately about the impact of the immigration debate in their decision to naturalize, nearly half (49%) of respondents noted that the immigration debate was “the main reason” or “an important reason” for naturalizing.

Respondents’ Experiences

Workshop participants were likely to encourage others to pursue naturalization.

- More than one-third of respondents indicated that a friend or family member has applied for citizenship since they applied.
- 97% of respondents indicated that they were “somewhat likely” or “very likely” to encourage family members or friends to pursue citizenship.
- 57% of respondents were encouraged to pursue naturalization from others who had received assistance from a community-based effort similar to those used by the *ya es hora* model.

While respondents were more likely to hear about the *ya es hora* workshops from women, gender did not affect their own likelihood of encouraging other family members and friends to pursue citizenship.

- Respondents were more likely to recall being informed about the workshops from female friends and family by an almost two to one margin.
- Yet among respondents who completed the naturalization process, an equal number of males and females reported that friends

or family had initiated the naturalization process after the respondent had initiated the process.

- Moreover, 89.1% of men and 86% of women indicated that they were “very likely” to encourage family or friends to pursue citizenship. An additional 7.2% of men and 10.4% of women indicated that they were “somewhat likely” to do so.

Political Participation

Newly naturalized Latino respondents demonstrated a high propensity to vote.

- 67.2% of those who had been granted citizenship have voted at least once.
- 84.8% of those who had been granted citizenship had registered to vote.

ANALYSIS

The results of the USCIS aggregate statistics suggest that *ya es hora* played a role, and in some cities a particularly significant one, in increasing Latino naturalizations where the campaign carried out its work. On the whole, areas where *ya es hora* had an organizational and/or media presence experienced higher levels of growth in the number of Latino naturalizations than areas with no campaign activity. The data also yield important information on the two major components of the campaign. Areas where the campaign had both an organizational and media presence saw higher levels of growth than those with only a media presence. While the involvement and presence of media ensured that Latinos were informed about the naturalization process, this impact was amplified in areas where these efforts were complemented by community-based assistance in filling out the complex citizenship application.

Analysis of USCIS data also revealed an important finding about the percentage of Latino naturalizations among the top metropolitan areas. The number of

metropolitan areas where Latinos composed a majority of completed naturalizations jumped from five to 11 between the two periods studied (2003–2006 and 2007–2008). This notable change occurred within two years, showing that the Latino community was highly motivated to pursue naturalization in the aftermath of the 2006 immigration marches and launch of the *ya es hora* campaign. Two-thirds of metropolitan areas with an organizational and media presence by *ya es hora* were places where Latinos constituted the majority of all naturalizations, suggesting that the campaign’s targeted efforts toward the Latino community contributed in part to this change.

More importantly, this finding illustrates the great potential of mobilizing this community not only through unique contextual factors, but also through campaigns such as *ya es hora*, which provide Latinos with essential information and assistance on the naturalization process. The change is notable when considering the implications of this increase on Latino electoral participation. In particular, California, Texas, Arizona, and Florida were states with metropolitan areas where the growth of Latino naturalizations and the Latino share of overall naturalizations were particularly pronounced. All of these states have sizable Latino populations, hold significant electoral influence at the national level, and are places where issues concerning the Latino community are especially salient. With the focus that has been devoted to the political impact of Latinos in recent years, there is no doubt that Latino voters in each of these states will play a major role in shaping the nature of elections and associated policy outcomes in the future.

While the aggregate data allowed us to isolate the growth and percentage of Latino naturalizations among areas with and without a *ya es hora* presence, the results obtained from the survey of *ya es hora* participants gave a more detailed understanding of the various factors that affect an individual’s decision to pursue citizenship and experiences with the naturalization process. From this information, it was clear that some applicants continue to

confront challenges on the path to naturalization. While an impressive percentage (79%) of survey respondents had completed the process, high application costs, English proficiency levels, and administrative delays continue to affect applicants' naturalization experiences.

For many applicants, the high application fee continues to be a significant barrier to naturalization. The survey results showed that even individuals who were able to successfully complete the naturalization process had to find outside sources of financial assistance to pay for the process or save money in order to apply. Given the relatively lower incomes of Hispanic immigrants, high application fees have a disproportionately adverse impact on Latino naturalization applicants. The financial hurdles encountered by many immigrants who are eligible for naturalization make it imperative to provide potential applicants with information about the fee waiver process so that citizenship does not remain an impossible goal for those with limited means.*

Limited English proficiency also proved to be a significant deterrent among the respondents who did not complete the naturalization process and was cited as a major barrier by respondents who acknowledged that they knew someone who had postponed applying for citizenship. The presence of this barrier highlights the significant need to increase resources for English courses and provide support to community-based organizations facing high demands for these services. In a survey of adult English-as-a-second-language programs, 57.4% of such programs reported that they had a wait list.¹¹ The incredible demand that exists for adult English classes has forced programs in some states to do away with wait lists altogether and led to a reduction in the quality and availability of these services.¹² Thus, while many immigrants are willing and eager to acquire the skills necessary to pursue naturalization, the lack of institutional support for such development is difficult to find. Inevitably, this barrier stands in the way of many immigrants' aspirations for greater integration into their communities.

Additional support and funding for such programs would ensure that eligible Latino applicants are properly prepared for the naturalization process. While the *ya es hora* campaign is not designed to address this challenge, it is nonetheless important to consider it given its presence in the communities where the campaign carries out its efforts. Finally, the procedural delays encountered by respondents in the survey highlight the continuing need to engage in administrative advocacy to address these inefficiencies and keep applicants informed on the status of their cases.

Despite the fact that these challenges prevented some applicants from applying for citizenship, the outcomes for those who went through with the process were positive. Seventy-nine percent of survey respondents had been granted citizenship when they were interviewed. These statistics reveal that those who received assistance from *ya es hora* were not only highly motivated to pursue citizenship but also experienced high success rates doing so. In addition, the survey results show that the *ya es hora* campaign played a critical role in respondents' experiences and positive outcomes. The fact that 20% of respondents indicated that they were "somewhat unlikely" or "very unlikely" to apply for citizenship without help from *ya es hora* illustrates that the campaign's efforts were essential in ensuring that participants had the necessary resources and assistance to undertake the naturalization process. Survey responses also indicated that the campaign's partnership with media sources was highly effective at providing respondents with information about its work. Furthermore, many individuals were exposed to the campaign through friends and family, additional sources that enabled the campaign to elevate its presence in individual communities.

While *ya es hora* was undoubtedly instrumental in yielding successful results among survey respondents, the immigration debate was another major factor driving their motivation to apply for citizenship. Among survey respondents, 49% cited the immigration debate

* The fee waiver process is administered by USCIS. The agency requires applicants to request a fee waiver through an affidavit and provide accompanying documentation of their inability to pay.

as “the main reason” or “an important reason” for naturalizing. For these applicants, the high level of activity surrounding immigration impelled them to pursue citizenship, a status that affords them full protections and rights in the United States, which can only be secured by going through the naturalization process. The survey results suggest that while the immigration debate served as a powerful impetus for individuals to naturalize, the *ya es hora* campaign provided many with the information and assistance needed to complete the intimidating process of becoming a citizen. In this respect, the campaign served as a means of enabling respondents to achieve their goal of attaining citizenship.

The survey also revealed important insights about respondents’ attitudes toward the political process. Almost half of survey respondents cited greater political, legal, and civil, and voting rights as a major factor in their decision to seek citizenship. Of those who had already obtained citizenship, 67.2% indicated that they had voted at least once, and nearly 85% had registered to vote. The survey results show that for these respondents, the naturalization process was seen as a step toward greater involvement and engagement in the political process

CONCLUSION

Our analysis of the aggregate data and survey responses demonstrates that the *ya es hora* campaign positively contributed to the increase of Latino naturalizations following the 2006 immigration marches. While there were a number of factors that contributed to the spike in applications in 2007, *ya es hora* helped to maximize the number of Latinos applying for citizenship and successfully completing the process. While these data do not allow for an analysis of the full scope of factors that affected Latinos’ decision to pursue citizenship, the survey results of individuals who participated in *ya es hora* reveal that the campaign was essential to applicants’ understanding of and access to the naturalization process. These findings show that through targeted outreach and assistance, Latinos can be motivated to pursue naturalization.

Nonetheless, it is also clear that some potential applicants continue to come across a number of barriers that prevent them from being able to achieve citizenship. An understanding of these challenges is necessary for campaigns like *ya es hora* and supporting efforts to reach eligible applicants for citizenship and provide them with the resources to succeed in the naturalization process. From these results, it is apparent that the desire to pursue citizenship as a means of greater civic involvement and integration into American society is strong among Latinos. For this reason, efforts such as those undertaken by the *ya es hora* campaign will continue to play an important role in shaping the full integration, political influence, and social contributions of Latinos in the United States.

ENDNOTES

- ¹ *Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005*, H.R. 4437, 109th Cong., 1st sess.
- ² Sylvia R. Lazos, "The Immigrant Rights Marches (Las Marchas): Did the 'Gigante' (Giant) Wake Up or Does it Still Sleep Tonight?" *Nevada Law Journal* 7 (November 2007): 780–825.
- ³ Adrián Félix, Carmen González, and Ricardo Ramírez, "Political Protest, Ethnic Media, and Latino Naturalization," *American Behavioral Scientist* 52 (2008): 618–634.
- ⁴ Nancy Rytina, *Estimates of the Legal Permanent Resident Population in 2007*. U.S. Department of Homeland Security. Washington, DC, 2009.
- ⁵ Olga Medina and Marisabel Torres, *Citizenship Beyond Reach* (Washington, DC: National Council of La Raza, 2009).
- ⁶ U.S. Department of Homeland Security, *Yearbook of Immigration Statistics: 2008*. Office of Immigration Statistics. Washington, DC, 2009, Table 20.
- ⁷ Emilio T. Gonzalez, Director of U.S. Citizenship and Immigration Services, *Naturalization Delays: Causes, Consequences and Solutions*, 110th Cong., 2nd sess., 2008.
- ⁸ Olga Medina and Marisabel Torres, *Citizenship Beyond Reach*.
- ⁹ Ricardo Ramírez, "Strength in Numeros? Political Context, Ethnic Solidarity, and the Political Mobilization of Latino Immigrants in the United States" (unpublished manuscript, presented at Latino Natural Survey Conference, Cornell University, November 1–3, 2007).
- ¹⁰ These data came from U.S. Department of Homeland Security, *Yearbook of Immigration Statistics* for the years 2003–2008.
- ¹¹ James Thomas Tucker, *The ESL Jogjam: Waiting Times for Adult ESL Classes and the Impact on English Learners* (Los Angeles: NALEO Educational Fund, 2006).
- ¹² *Ibid.*

ya es hora National Partners



Jaynes, Thomas A (Allen)

From: Ali Noorani, National Immigration Forum <digital@immigrationforum.org>
Sent: Thursday, October 23, 2014 8:10 AM
To: Guttentag, Lucas
Subject: Keepers of the American Dream

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Lucas:

On behalf of the board and staff, thank you for your donation of \$ to the National Immigration Forum on October 23, 2014 towards our Keepers of the American Dream event. We will hold our Keepers of the American Dream ceremony after the Immigration 2020 National Strategy Session.

Your support will help the Forum continue its role as a leading voice, convener and advocate for immigrants and immigration. We appreciate your partnership as we work together to advocate for the value of immigrants and immigration to the nation, and create immigration policy that reflects the realities of our nation and its economy, all while serving the hopes and aspirations of immigrants, America's families and communities across the nation.

If you have any questions about your donation or how to attend any of our events, please feel free to contact Zach Lewis at zlewis@immigrationforum.org or 202-383-5980.

If you sponsored or purchased a ticket to an event, we thank you once again for your support and will contact you with more details closer to the event date.

Thank you again for your support!

Sincerely,

Ali Noorani

Executive Director

(b)(3)

The National Immigration Forum is a 501(c)(3) organization, tax ID Donations are tax-deductible to the extent permitted by law. You may print out this email as a record of your donation.

Spread the word: share <http://www.immigrationforum.org/keepers> with your friends and family.

Jaynes, Thomas A (Allen)

From: anoorani=immigrationforum.org@mail.salsalabs.net on behalf of Ali Noorani
<anoorani@immigrationforum.org>
Sent: Monday, November 03, 2014 1:04 PM
To: Guttentag, Lucas
Subject: Our Three Immigration Goals for the Future

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas,

Just over a week ago, we gathered in Washington for a day of conversation and collaboration during our National Strategy Session. After a summer of roundtable conversations in a dozen American cities, this session was the next step toward the creation of an Immigration 2020 agenda. By strengthening the network of champions across sectors and geographies, the National Strategy Session helped us develop a unified front and cohesive message.

I invite you to experience the event by watching an individual panel or speaker of your interest [here](#) and check out the photo galleries [here](#).

Ahead of a very complicated political environment, together we have crafted a pragmatic, thoughtful approach to the immigration debate that looms ahead. This approach includes 3 primary goals:

- 1) We will work with local and national stakeholders to define a public/private “Opportunities-Skills-Status Agenda.” Working with faith, law enforcement and business allies across the country, we will identify the innovative strategies for the public and private sector to work together to make sure America’s prosperity goes hand in hand with new Americans reaching their fullest potential.
- 2) Through innovative communications strategies, we will tell the story of America thriving because new Americans are reaching their fullest potential.
- 3) Based on this agenda and the story we tell, we will engage and educate policymakers. Between now and 2020, there are four electoral cycles and many legislative windows to ensure we push this agenda forward.

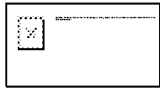
To stay connected and receive immigration 2020-specific updates going forward sign up here: www.immigrationforum.org/stay-current.



We look forward to working with you to ensure America thrives because new Americans have the opportunities, skills and status to reach their fullest potential.

Ali Noorani
Executive Director

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Jaynes, Thomas A (Allen)

From: Hoefer, Michael D
Sent: Wednesday, November 12, 2014 9:24 AM
To: Olavarria, Esther; JPassel@PewResearch.org; Guttentag, Lucas; Randy Capps
Cc: Guevara, Carlos; Patrick, Shirley A (CTR); Vanison, Denise
Subject: RE: meeting

The meeting will take place in the USCIS Office of Policy and Strategy Conference room located at 20 Mass. NW on the first floor at noon. For those of you who need an escort, please call me at 202 805-4980 and I will come and pick you up at the guard's desk.

Mike

Michael Hoefer
Senior Advisor
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

202 272-1258

Michael.D.Hoefer@uscis.dhs.gov

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From: Olavarria, Esther
Sent: Tuesday, November 11, 2014 6:03 PM
To: JPassel@PewResearch.org; Guttentag, Lucas; Randy Capps
Cc: Hoefer, Michael D; Guevara, Carlos
Subject: RE: meeting

I think we are set for noon on Wednesday.
Mike or Lucas – can you get us a room at USCIS? 20 Mass Ave, NW

From: JPassel@PewResearch.org [<mailto:JPassel@PewResearch.org>]
Sent: Monday, November 10, 2014 5:23 PM
To: Guttentag, Lucas; Olavarria, Esther; Randy Capps
Cc: Hoefer, Michael D; Guevara, Carlos
Subject: RE: meeting

This works for me, too

Jeff Passel
Pew Research Center
Hispanic Trends Project
(202) 419-3625 (O)
(202) 527-2146 (M)

Jaynes, Thomas A (Allen)

From: Guttentag, Lucas
Sent: Monday, November 17, 2014 8:19 AM
To: Nino, Teresa
Subject: FW: Meeting request

I misaddressed earlier

From: Guttentag, Lucas
Sent: Monday, November 17, 2014 8:54:41 AM
To: McCament, James W; Choi, Juliet K
Cc: Alfaro, Nina; Inouye, Shinichi (Shin)
Subject: FW: Meeting request (b)(6)

Lorella message and reference to earlier I didn't receive

From: [REDACTED] on behalf of Lorella Praeli
Sent: Sunday, November 16, 2014 11:21:48 PM
To: Guttentag, Lucas
Subject: Re: Meeting request

Hi Lucas,

I'm writing to follow up on the e-mail from Nov. 5. Hopefully, we can schedule something soon.

Best,
Lorella

On Wed, Nov 5, 2014 at 12:05 PM, Lorella Praeli <lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>>>
wrote:

Dear Lucas,

I'm writing to request a meeting with you and Director Rodriguez to discuss DACA and future administrative reforms. Please let me know if it would be possible to meet soon.

Respectfully,

--

Lorella Praeli
Director of Advocacy & Policy | United We Dream<<http://unitedwedream.org/>>
c: 203-417-1436 | lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>
<<http://www.youtube.com/unitedwedream>>

We can't continue this work without your support: <<http://www.youtube.com/unitedwedream>> Donate to UWD today<https://wfc2.wiredforchange.com/o/8496/p/salsa/donation/common/public/?donate_page_KEY=7213>.

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--

Lorella Praeli

Director of Advocacy & Policy | United We Dream<<http://unitedwedream.org/>>

c: 203-417-1436 | lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>

<<http://www.youtube.com/unitedwedream>>

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Jaynes, Thomas A (Allen)

From: Guttentag, Lucas
Sent: Monday, November 17, 2014 7:53 AM
To: McCament, James W; Choi, Juliet K
Cc: Olavarria, Esther; Nino, Teresa; Inouye, Shinichi (Shin)
Subject: FW: Meeting request

From UWD request for meeting with Leon

From: Guttentag, Lucas
Sent: Monday, November 17, 2014 8:49:20 AM
To: Lorella Praeli
Subject: RE: Meeting request

Hi Lorella

I'm sorry you didn't get a response to your earlier message. For some reason, I don't see it in my inbox and don't recall receiving it.

Let me check the calendar to see what we can arrange. Apologies for any oversight.

Look forward to seeing you.

All best
Lucas

Best
Lucas (b)(6)

From: [REDACTED] on behalf of Lorella Praeli
Sent: Sunday, November 16, 2014 11:21:48 PM
To: Guttentag, Lucas
Subject: Re: Meeting request

Hi Lucas,

I'm writing to follow up on the e-mail from Nov. 5. Hopefully, we can schedule something soon.

Best,
Lorella

On Wed, Nov 5, 2014 at 12:05 PM, Lorella Praeli <lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>>>
wrote:
Dear Lucas,

I'm writing to request a meeting with you and Director Rodriguez to discuss DACA and future administrative reforms. Please let me know if it would be possible to meet soon.

Respectfully,

--

Lorella Praeli

Director of Advocacy & Policy | United We Dream<<http://unitedwedream.org/>>

c: 203-417-1436 | lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>

<<http://www.youtube.com/unitedwedream>>

We can't continue this work without your support: <<http://www.youtube.com/unitedwedream>> Donate to UWD today<https://wfc2.wiredforchange.com/o/8496/p/salsa/donation/common/public/?donate_page_KEY=7213>.

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Lorella Praeli

Director of Advocacy & Policy | United We Dream<<http://unitedwedream.org/>>

c: 203-417-1436 | lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>

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Jaynes, Thomas A (Allen)

From: Marc Rosenblum <MRosenblum@migrationpolicy.org>
Sent: Monday, November 17, 2014 6:32 PM
To: Guttentag, Lucas
Subject: Re: Executive action presentation and numbers

Hi Lucas-

Sorry; I just realized I told you the wrong #. Please call and I will correct.

Sent from my iPhone

On Nov 17, 2014, at 5:38 PM, "Guttentag, Lucas" <lucas.guttentag@uscis.dhs.gov> wrote:

Probably cell after 7pm or 7.30

From: Marc Rosenblum [<mailto:MRosenblum@migrationpolicy.org>]
Sent: Monday, November 17, 2014 5:34 PM
To: Guttentag, Lucas
Subject: Re: Executive action presentation and numbers

Sure; I'm at 202-266-1919 for another 20 mins or so and then cell i (b)(6)

Sent from my iPhone

On Nov 17, 2014, at 5:13 PM, "Guttentag, Lucas" <lucas.guttentag@uscis.dhs.gov> wrote:

Do you have minute to talk?
Lucas

From: Marc Rosenblum [<mailto:MRosenblum@migrationpolicy.org>]
Sent: Wednesday, October 22, 2014 10:26 AM
To: Guttentag, Lucas
Subject: Executive action presentation and numbers

Hi Lucas-

Good to see you yesterday.

FYI/in case helpful, passing along these links:

Report on enforcement data and how removal numbers would be affected by changes to priorities: <http://www.migrationpolicy.org/research/deportation-and-discretion-reviewing-record-and-options-change>.

Policy brief estimating eligible population under different deferred action scenarios: <http://www.migrationpolicy.org/research/executive-action-unauthorized-immigrants-estimates-populations-could-receive-relief>.

Powerpoint from yesterday:

<http://www.migrationpolicy.org/sites/default/files/powerpoints/Rosenblum%20-%20law%20and%20policy%20conference.pdf>.

Happy to be in touch any time.

Best,

Marc

Marc Rosenblum, PhD
Deputy Director, U.S. Immigration Program
Migration Policy Institute
Phone: 202-266-1919
Cell: 936-204-2250

Jaynes, Thomas A (Allen)

From: digital=immigrationforum.org@mail.salsalabs.net on behalf of Ali Noorani
<digital@immigrationforum.org>
Sent: Wednesday, November 26, 2014 11:49 AM
To: Guttentag, Lucas
Subject: Opportunity in what happens next

Follow Up Flag: Follow up
Flag Status: Flagged



Lucas –

My inbox is split between emails from partners on the left very happy with President Obama's actions and allies on the right very upset with them.

Needless to say, it's an interesting time to be working in coalition-building. But it's a historic opportunity if you care about immigration.

Read our summary of the executive action announced last week.

Whether you support or oppose executive action, 5 million immigrants who contribute every day to the fabric of our nation are on the verge of receiving temporary protection.

And the opportunity to make history lies in what happens next.

Regardless of where you stand on the political spectrum, the strategy for 2015 is similar: If you want a permanent solution on immigration, move legislation early in the 114th Congress.

It'll be incredibly difficult, particularly with the upcoming backlash on executive action. But we must double down on supporting our elected members of Congress to take courageous stances on immigration reform.

And you can do that by sharing your new American story (about yourself or your friends) and articulating the need for a permanent legislative solution.

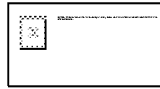
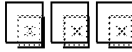
If you're ready to share your story, please share it here.

Best wishes this Thanksgiving.

Ali

Ali Noorani
Executive Director

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Jaynes, Thomas A (Allen)

(b)(6)

From: [REDACTED] on behalf of Lorella Praeli <lorella@unitedwedream.org>
Sent: Monday, December 01, 2014 1:53 PM
To: Guttentag, Lucas
Subject: Re: Meeting request

sounds good!

On Mon, Dec 1, 2014 at 2:51 PM, Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov> wrote:
Hi Lorella - traveling today and can't read entire emails. Back in DC tmrw. Connect after that, ok?

Sent with Good (www.good.com)
(b)(6)

From: [REDACTED] on behalf of Lorella Praeli
Sent: Monday, December 01, 2014 1:14:03 PM

To: Guttentag, Lucas
Subject: Re: Meeting request

Hi Lucas,

Hope you had a wonderful (and restful) Thanksgiving holiday weekend. I wanted to follow up on this request. Would it be possible to schedule a meeting for early next week? I will be out of the country from Dec. 10-15, so ideally a meeting early next week, though can also meet upon return.

I look forward to hearing from you.
Thanks,
Lorella

On Tue, Nov 18, 2014 at 8:16 AM, Lorella Praeli <lorella@unitedwedream.org> wrote:
Thanks, Lucas. No problem! I look forward to hearing from you. It seems to be an exciting week.

Best,
Lorella

On Monday, November 17, 2014, Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov> wrote:
Hi Lorella

I'm sorry you didn't get a response to your earlier message. For some reason, I don't see it in my inbox and don't recall receiving it.

Let me check the calendar to see what we can arrange. Apologies for any oversight.

Look forward to seeing you.

All best
Lucas

Best
Lucas (b)(6)

From [REDACTED] on behalf of Lorella Praeli
Sent: Sunday, November 16, 2014 11:21:48 PM
To: Guttentag, Lucas
Subject: Re: Meeting request

Hi Lucas,

I'm writing to follow up on the e-mail from Nov. 5. Hopefully, we can schedule something soon.

Best,
Lorella

On Wed, Nov 5, 2014 at 12:05 PM, Lorella Praeli
<lorella@unitedwedream.org<mailto:lorella@unitedwedream.org>> wrote:
Dear Lucas,

I'm writing to request a meeting with you and Director Rodriguez to discuss DACA and future administrative reforms. Please let me know if it would be possible to meet soon.

Respectfully,

--
Lorella Praeli
Director of Advocacy & Policy | United We Dream<<http://unitedwedream.org/>>
c: 203-417-1436 | lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>
<<http://www.youtube.com/unitedwedream>>

We can't continue this work without your support: <<http://www.youtube.com/unitedwedream>> Donate to UWD today<https://wfc2.wiredforchange.com/o/8496/p/salsa/donation/common/public/?donate_page_KEY=7213>.

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Lorella Praeli
Director of Advocacy & Policy | United We Dream<<http://unitedwedream.org/>>
c: 203-417-1436 | lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>
<<http://www.youtube.com/unitedwedream>>

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Lorella Praeli
Director of Advocacy & Policy | **United We Dream**
c: 203-417-1436 | lorella@unitedwedream.org

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Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Mario Moreno, National Immigration Forum <media@immigrationforum.org>
Sent: Thursday, December 11, 2014 11:42 AM
To: Guttentag, Lucas
Subject: Top 10 Immigration Clips: 12/11/14

Follow Up Flag: Follow up
Flag Status: Flagged



Today's Top 10 Immigration Stories December 11, 2014

NATIONAL DEVELOPMENTS

[WASHINGTON POST: A single mistake made over a decade ago can still get you deported—even after Obama's action](#)

[LOS ANGELES TIMES: Number of states challenging Obama on immigration grows to 24](#)

[BLOOMBERG: How the White House's Immigration order survived the 'Cromnibus'](#)

[FUSION: Don't call me Deporter-in-Chief: Obama defends his Immigration Legacy](#)

[HUFFINGTON POST: After leaving immigration out of funding fight, Republicans vow to block it next year.](#)

[THE HILL: GOP Chairman wants to move immigration reform to next year](#)

IN-STATE DEVELOPMENTS

[MONTGOMERY ADVERTISER \(Alabama\): Sheriffs lobby against immigration orders](#)

[LAS VEGAS SUN \(Nevada\): Why Nevada has become a leader in Immigration Reform](#)

OPINION

[NEW YORK TIMES \(Downes Post\): Executive action \(and Reaction\) on Immigration](#)

[THE HILL \(Vargas Column\): Executive action essential for current and future immigration reform](#)

NATIONAL DEVELOPMENTS

WASHINGTON POST: A single mistake made over a decade ago can still get you deported—even after Obama's action

Javier Licón has lived in the United States since 1997. He entered legally on a visa to work as a horse groomer in Arizona. In 2003, the visa was canceled after regulations changed. So Licón did what a lot of his fellow temporary workers did. He took his valid Social Security card and his driver's license and got a higher-paying job in construction. In 2008, he met Sherrie Soria, a widow, born and raised in Buffalo. Romance ensued. A year later, they

married and now have three children.

Licón's family seems to be exactly what President Obama had in mind when he announced that he would extend temporary protection from deportation for undocumented parents of children who are U.S. citizens.

To read more [click here](#)

LOS ANGELES TIMES: Number of states challenging Obama on immigration grows to 24

Seven more states signed on to a lawsuit challenging President Obama's executive action halting the deportation of as many as 5 million undocumented immigrants, bringing the total to 24 states, Texas Atty. Gen. Greg Abbott announced Wednesday.

The new states to join the coalition were Arizona, Florida, Arkansas, Michigan, North Dakota, Ohio and Oklahoma. The original 17 states, including Alabama, Kansas and Texas, filed suit in U.S. District Court last week, arguing that Obama overstepped his powers in enacting such changes on his own.

"The president's proposed executive decree violates the U.S. Constitution and federal law, circumvents the will of the American people and is an affront to the families and individuals who follow our laws to legally immigrate to the United States," Abbott said.

To read more [click here](#).

BLOOMBERG: How the White House's Immigration order survived the 'Cromnibus.'

Representative Mo Brooks was not going to support the "Cromnibus." The Alabama Republican sounded amazed that so many of his colleagues would even dare.

"Without any remorse whatsoever, the House leadership has surrendered to President Obama on the illegal alien issue, and have supported and decided to fund amnesty," said Brooks, a member of the 2010 class from a safe red district, after leaving the Republican conference's weekly meeting on Wednesday. "Whatever they can do in the United States Senate to reverse the president's unconstitutional, illegal conduct, they should do. That's something that the United States House of Representatives is not even trying to do."

To read more [click here](#).

FUSION: Don't call me Deporter-in-Chief: Obama defends his Immigration Legacy

President Obama is coming out swinging to defend his record on immigration.

Last month, the president acted alone to allow as many as 5 million undocumented immigrants to avoid deportation. It was one of the boldest moves of his presidency, but it still did not satisfy every supporter of immigration reform.

Polls show the vast majority of Latino voters support his move, but some immigrant activists say he didn't go far enough to curb deportations. At a speech in Las Vegas to rally support for his plan, two men interrupted the president urging him to expand protections for undocumented immigrants. Obama has been heckled on immigration many times before he took action, but it's something he surely hoped his program would stop.

To read more [click here](#).

HUFFINGTON POST: After leaving immigration out of funding fight, Republicans vow to block it next year.

Republicans may largely have given up on killing the president's immigration executive actions this week as part of a government funding bill, but they insisted Wednesday they're as committed as ever to stopping the new deportation relief policies.

"We're going to fight this illegal amnesty and we're not going to stop," Sen. Jeff Sessions (R-

Ala.) said at a press conference, joined by Sen. David Vitter (R-La.), Rep. Marsha Blackburn (R-Tenn.) and a group of sheriffs. "We're not going to give in, we're not going to yield. We're going to stand strong for the people of the United States of America."

To read more [click here](#).

THE HILL: GOP Chairman wants to move immigration reform to next year

House Judiciary Committee Chairman Bob Goodlatte (R-Va.) wants to move immigration reform bills "early" next year.

The former immigration attorney says his party intends to tackle the thorny matter on two fronts: challenging President Obama's executive action to grant millions of undocumented workers temporary legal status and moving bills that passed in his committee last Congress.

To read more [click here](#).

IN-STATE DEVELOPMENTS

MONTGOMERY ADVERTISER (Alabama): Sheriffs lobby against immigration orders

WASHINGTON – President Barack Obama's decision to give temporary legal status to about 5 million undocumented immigrants is a burden on local law enforcement and a threat to the country, according to about 20 sheriffs who appeared Wednesday at a Capitol Hill news conference with Sen. Jeff Sessions, R-Ala.

Sessions and other congressmen at the news conference are trying to block Obama's executive action to shield certain immigrants from the threat of deportation.

Sheriff Paul Babeu from Pinal County, Ariz., said illegal border crossings are directly related to increased drug activity in his county.

To read more [click here](#).

LAS VEGAS SUN (Nevada): Why Nevada has become a leader in Immigration Reform.

When President Barack Obama gave Astrid Silva a shout-out last month, he did more than put a face on his new immigration plan.

He helped thrust Silva, and her home state of Nevada, into the national spotlight on immigration reform.

She has since used her political fame to sell the president's divisive executive action. Her latest push came before a Senate panel Wednesday, where she accused Obama's critics of "attacking America and everything that has made this country strong."

To read more [click here](#).

OPINION

NEW YORK TIMES (Downes Post): Executive action (and Reaction) on Immigration

President Obama's plan to protect large numbers of unauthorized immigrants from deportation has infuriated his critics on the right. Which is unsurprising; everything Mr. Obama does has that effect.

What is more interesting is watching the Republicans try to come up with a persuasive explanation of what's wrong with the plan.

The default argument on the right is that in bypassing Congress, Mr. Obama is acting as a dictator, ruling by fiat.

To read more [click here](#).

THE HILL (Vargas Column): Executive action essential for current and future immigration reform

When President Obama finally announced his policy reforms on immigration, there was no better feeling than seeing my 70-year-old mother thrilled that she would likely be one of the estimated 5 million undocumented immigrants who would qualify.

Earlier this week, instead of responding with legislation to replace the president's action, Republicans voted to block the implementation of the executive order. If the 50-plus votes to repeal ObamaCare are any indication, this will not be the last time they attack immigration reform.

To read more [click here](#).

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From: Kathy Brady [REDACTED]
Sent: Thursday, December 18, 2014 4:05 PM
To: Guttentag, Lucas; Olavarria, Esther
Subject: ILRC involvement in meetings and calls

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lucas and Esther,

Thanks so much for the great work you are doing.

I'm writing to see if I might be involved in some of the high-level calls or meetings that you are holding with advocates, especially regarding crimes bars to DAPA/DACA and enforcement.

I know you don't want to get too many people in the room, but it would be very helpful to us. As you know, ILRC is partnering with NIPNLG to create national advisories and work on analysis and policy relating to Administrative Relief, for the "CIRI" group and with other groups. ILRC is working closely with groups on these issues throughout California and the west coast.

Thanks for considering this.

Best,
Kathy

Katherine Brady
Senior Staff Attorney
Immigrant Legal Resource Center
1663 Mission Street, Suite 602
San Francisco CA 94103

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

F L D

April 7, 2015

Lyle W. Cayce
Clerk

No. 14-10049

CHRISTOPHER L. CRANE; DAVID A. ENGLE; ANASTASIA MARIE CARROLL; RICARDO DIAZ; LORENZO GARZA; FELIX LUCIANO; TRE REBSTOCK; FERNANDO SILVA; SAMUEL MARTIN; JAMES D. DOEBLER; STATE OF MISSISSIPPI, by and through Governor Phil Bryant,

Plaintiffs - Appellants Cross-Appellees

v.

JEH CHARLES JOHNSON, SECRETARY, DEPARTMENT OF HOMELAND SECURITY; JOHN SANDWEG, in His Official Capacity as Director of Immigration and Customs Enforcement; LORI SCIALABBA, in Her Official Capacity as Acting Director of United States Citizenship and Immigration Services,

Defendants - Appellees Cross-Appellants

Appeals from the United States District Court
for the Northern District of Texas

Before KING, DAVIS, and OWEN, Circuit Judges.

W. EUGENE DAVIS, Circuit Judge:

Plaintiffs-Appellants are several Immigration and Customs Enforcement agents and deportation officers (collectively referred to as “Agents”) and the State of Mississippi. They filed this suit against the Secretary of the Department of Homeland Security and the directors of departments within that agency (collectively referred to as “DHS”), in their official capacities, challenging DHS’s 2012 directive, which requires its officials

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to use “deferred action” as to a certain class of aliens in immigration removal proceedings. The Agents allege that exercising deferred action violates federal law, because the law requires them to detain all illegal aliens for the purpose of placing the aliens in removal proceedings. The State of Mississippi alleges that the deferred action has caused additional aliens to remain in the state and, thus, causes the state to spend money on providing social services. The district court dismissed Plaintiffs’ claims for lack of subject matter jurisdiction. We conclude that neither the Agents nor the State of Mississippi has demonstrated the concrete and particularized injury required to give them standing to maintain this suit. We therefore affirm the district court’s judgment.

I. BACKGROUND

A. Enforcement of Immigration Laws

“The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens.”¹ The Immigration and Nationality Act (“INA”), codified at 8 U.S.C. § 1101 *et seq.*, is the comprehensive statutory scheme governing immigration in the United States. It controls, among other things, the removal of illegal aliens found within the United States.² Those “[a]liens may be removed if they were inadmissible at the time of entry, have been convicted of certain crimes, or meet other criteria set by federal law.”³

Under the INA, the Secretary of the Department of Homeland Security is “charged with the administration and enforcement of [the INA] and all other

¹ *Arizona v. United States*, 132 S. Ct. 2492, 2499 (2012) (citations omitted).

² 8 U.S.C. § 1227.

³ *Arizona*, 132 S. Ct. at 2499.

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laws relating to the immigration and naturalization of aliens”⁴ Although the Secretary of DHS is charged with enforcement of the INA, “a principal feature of the removal system is the broad discretion exercised by immigration officials.”⁵ In fact, the Supreme Court has recognized that the concerns justifying criminal prosecutorial discretion are “greatly magnified in the deportation context.”⁶

B. Challenged Executive Immigration Enforcement Programs

Beginning in 2012, the Executive Branch implemented a program deferring action against the removal of what it considers low priority aliens. This class of low priority aliens are “certain young people who were brought to [the U.S.] as children and know only this country as home.”⁷ This is known as the Deferred Action for Childhood Arrivals (“DACA”) program outlined in former DHS Secretary Napolitano’s directive, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children” (“Napolitano Directive” or “the Directive”).⁸ As outlined in the Napolitano Directive, DACA permits, on a case-by-case basis, deferred action

⁴ 8 U.S.C. § 1103(a)(1).

⁵ *Arizona*, 132 S. Ct. at 2499.

⁶ See *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 490 (1999) (“Such factors as the strength of the case, the prosecution’s general deterrence value, the Government’s enforcement priorities, and the case’s relationship to the Government’s overall enforcement plan are not readily susceptible to the kind of analysis the courts are competent to undertake. . . . These concerns are greatly magnified in the deportation context.”) (internal quotation marks omitted).

⁷ See Memorandum from Janet Napolitano, Secretary, Department of Homeland Security, to David V. Aguilar, Acting Commissioner, U.S. Customs and Border Protection, et al., *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children* (June 15, 2012) (“Napolitano Directive”), at 1, available at <http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>.

⁸ *Id.*

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on the removal of undocumented aliens who: (1) arrived in the United States before the age of sixteen; (2) are under the age of 31 as of June 15, 2012; (3) have continuously resided in the United States since June 15, 2007; (4) are in school, have graduated from high school, have obtained a general education development certificate, or have been honorably discharged from the Coast Guard or Armed Forces of the United States; and (5) have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety.⁹ If an alien satisfies all of these criteria, then the alien may apply to have any removal proceeding deferred for a period of two years.¹⁰ The alien must pass a criminal background check, submit biometrics, file several forms, and pay a fee.¹¹ Deferred action is granted on a case-by-case basis and DHS does not guarantee that relief will be granted in all cases.¹²

⁹ *Id.* at 1-2.

¹⁰ *Id.* at 2.

¹¹ *Id.*; *See also Consideration of Deferred Action for Childhood Arrivals (DACA)*, [uscis.gov](http://www.uscis.gov), <http://www.uscis.gov/childhoodarrivals> (last visited February 19, 2015).

¹² Napolitano Directive at 2. In 2014 — after the initiation of this lawsuit — acting Secretary of DHS, Jeh Johnson, issued a supplemental directive amending DACA and instituting a new program granting deferred action to another class of undocumented aliens. The new program defers action against parents of U.S. citizens or lawful permanent residents that meet similar criteria found in DACA. This new program has become known as “DAPA,” Deferred Action for Parent Arrivals. Plaintiffs do not challenge DAPA’s validity. Therefore, we need not, and do not, discuss DAPA. The 2014 DACA amendments removed the age cap of 31 as of June 15, 2012, extended the period of deferred action to three years instead of two, and adjusted the date from which the alien must be continuously residing in the United States from June 15, 2007 to January 1, 2010. The 2014 DACA amendments are not the subject of Plaintiffs’ challenges. *See Memorandum from Jeh Charles Johnson, Secretary, Department of Homeland Security, to Leon Rodriguez, Director, U.S. Citizenship and Immigration Services, et al., Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Whose Parents are U.S. Citizens or Permanent Residents* (November 20, 2014) (“Johnson Directive”), at 5, available at http://www.dhs.gov/sites/default/files/publications/14_1120_memo_deferred_action.pdf.

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According to Section 1225 of the INA, when an immigration officer encounters an alien who is an “applicant for admission,” the officer must determine whether the alien is “clearly and beyond a doubt entitled to be admitted.”¹³ An “applicant for admission” includes aliens present in the United States who have not been admitted.¹⁴ If the examining immigration official is not satisfied that the alien is entitled to be admitted, then the officer “shall” detain the alien for a removal proceeding.¹⁵ It is undisputed that Section 1225(b)(2)(A) only directs the Agents to detain an alien for the purpose of placing that alien in removal proceedings. It does not limit the authority of DHS to determine whether to pursue the removal of the immigrant.

DACA instructs DHS officials who come into contact with an undocumented alien who meets the program’s criteria to “immediately exercise” prosecutorial discretion, on an individual basis, in order to uphold DHS’s priority removal scheme.¹⁶ Once DHS awards the alien deferred action, the alien may apply for work authorization during the time period action is deferred.¹⁷

¹³ 8 U.S.C. § 1225(b)(2)(A).

¹⁴ *Id.* at § 1225(a)(1).

¹⁵ *Id.* at § 1225(b)(2)(A).

¹⁶ *See* Napolitano Directive at 2, which states, in pertinent part:

1. With respect to individuals who are encountered by U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or U.S. Citizenship and Immigration Services (USCIS):

- With respect to individuals who meet the above criteria, ICE and CBP should immediately exercise their discretion, on an individual basis, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.

¹⁷ *Id.* at 3.

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According to the Agents, even if the immigration official is not satisfied that the alien is “clearly and beyond a doubt entitled to be admitted,” DACA prohibits the agent from detaining eligible aliens for the purpose of commencing removal proceedings. The Agents read 8 U.S.C. § 1225(b)(2)(A) as requiring them to detain all undocumented immigrants they come in contact with. They contend that if they follow the statute and decline to follow DACA they will be subject to employment sanctions. The Agents also allege that following DACA will cause them to violate their oath to support and defend the laws of the United States.

The State of Mississippi alleges that the beneficiaries of DACA who remain in the state will cost the state money in education, healthcare, law enforcement, and lost tax revenue. In support of this allegation, Mississippi points to a 2006 study conducted by Mississippi officials that estimates the net fiscal burden of illegal immigration as a whole at \$25 million per year.

C. Procedural Posture

According to Plaintiffs’ amended complaint, DHS began accepting DACA applications on August 15, 2012. Plaintiffs filed this lawsuit seeking declaratory and injunctive relief eight days later, on August 23, 2012, facially attacking the constitutional and statutory validity of the DACA program. Specifically, Plaintiffs allege that the program violates:

(1) federal statutes requiring the initiation of removals; (2) federal law by conferring a non-statutory form of benefit—deferred action—to more than 1.7 million aliens, rather than a form of relief or benefit that federal law permits on such a large scale; (3) federal law by conferring the legal benefit of employment authorization without any statutory basis and under the false pretense of “prosecutorial discretion”; (4) the constitutional allocation of legislative power to Congress; (5) the Article II, Section 3, constitutional obligation of the executive to take care that the laws

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are faithfully executed; and (6) the Administrative Procedure Act through conferral of a benefit without regulatory implementation.

All of the causes of action, except the third, challenge the portion of DACA that requires the Agents to exercise prosecutorial discretion and refrain from detaining certain aliens. The third cause of action challenges the employment authorization provision of DACA.

Defendants filed a Fed. R. Civ. P. 12(b)(1) Motion to Dismiss, asserting, among other things, that Plaintiffs lack standing to challenge the provisions of DACA. Specifically, Defendants claim that Plaintiffs have not alleged an adequate injury-in-fact that can be redressed by a favorable ruling. In opposition to the Motion to Dismiss, the Agents asserted three distinct injuries: (1) a violation of their oaths of office; (2) the burden of compliance with the Directive; and (3) “being compelled to violate a federal statute . . . , on pain of adverse employment action if they do not.” The district court found that violating one’s oath is not a sufficient injury-in-fact to confer standing, nor is the burden of complying with the Directive. However, the district court found that the threat of an adverse employment action if the Agents refuse to follow the Directive is a sufficient injury to support standing. The court dismissed the Agents’ third cause of action, challenging the employment authorization provisions of DACA for lack of subject matter jurisdiction, because the Agents’ injury does not relate to that DACA provision. Plaintiffs do not challenge this dismissal on appeal. The Agents’ remaining causes of action, however, were allowed to proceed.

Mississippi asserted that the cost to the state in providing support services to DACA beneficiaries is an adequate injury to support standing. The district court held that Mississippi’s allegation of a fiscal burden was too speculative because the only support the state provided for this burden was a 2006 report which estimated the annual cost of immigration six years before

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the DACA program was instituted. Mississippi produced no studies or other evidence tending to establish that the DACA program would add to the state's already existing costs.

Next, the district court proceeded with the Agents' remaining claims and conducted an evidentiary hearing on their petition for a preliminary injunction. The court did not rule on the preliminary injunction because an outstanding jurisdictional question existed as to whether the Agents had exhausted their administrative remedies before proceeding to federal court. Ultimately, the district court determined that the Agents had not pursued their remedies under the Civil Service Reform Act, and, thus, the district court lacked subject matter jurisdiction over these claims. The court dismissed the remainder of the Agents' claims. This appeal followed.

II. STANDARD OF REVIEW

We review a district court's grant of a 12(b)(1) motion to dismiss for lack of subject matter jurisdiction de novo.¹⁸ Moreover, the jurisdictional issue of standing is a legal question for which review is de novo.¹⁹ In determining whether the court has subject matter jurisdiction, we must accept as true the allegations set forth in the complaint.²⁰ The court is also "empowered to consider matters of fact which may be in dispute."²¹ Therefore, a trial court "has the power to dismiss for lack of subject matter jurisdiction on any one of three separate bases: (1) the complaint alone; (2) the complaint supplemented by undisputed facts evidenced in the record; or (3) the complaint supplemented

¹⁸ *Choice Inc. v. Greenstein*, 691 F.3d 710, 714 (5th Cir. 2012).

¹⁹ *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 102 (1998).

²⁰ *Choice Inc.*, 691 F.3d at 714.

²¹ *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001) (citing *Williamson v. Tucker*, 645 F.2d 404, 413 (5th Cir. 1981)).

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by undisputed facts plus the court’s resolution of disputed facts.”²² “The party invoking federal jurisdiction bears the burden of establishing standing.”²³

III. LAW AND ANALYSIS

We must first consider the threshold question of jurisdiction. Article III of the United States Constitution limits the jurisdiction of federal courts to actual “Cases” and “Controversies.”²⁴ The doctrine of standing provides definition to these constitutional limits by “identify[ing] those disputes which are appropriately resolved through the judicial process.”²⁵ “The law of Article III standing, which is built on separation-of-powers principles, serves to prevent the judicial process from being used to usurp the powers of the political branches.”²⁶ “In keeping with the purpose of this doctrine, [o]ur standing inquiry has been especially rigorous when reaching the merits of the dispute would force us to decide whether an action taken by one of the other two branches of the Federal Government was unconstitutional.”²⁷

“To establish Article III standing, a plaintiff must show (1) an ‘injury in fact,’ (2) a sufficient ‘causal connection between the injury and the conduct complained of,’ and (3) a ‘likel[i]hood’ that the injury ‘will be redressed by a favorable decision.’”²⁸

²² *Wolcott v. Sebelius*, 635 F.3d 757, 762 (5th Cir. 2011) (citing *Ramming*, 281 F.3d at 161) (citations omitted).

²³ *Choice Inc.*, 691 F.3d at 714 (quoting *Williamson*, 645 F.2d at 413).

²⁴ U.S. CONST., art. III, § 2.

²⁵ *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992).

²⁶ *Clapper v. Amnesty Int’l USA*, 133 S. Ct. 1138, 1146 (2013).

²⁷ *Id.* at 1147 (alteration in original).

²⁸ *Susan B. Anthony List v. Driehaus*, 134 S. Ct. 2334, 2341 (2014) (quoting *Lujan*, 504 U.S. at 560-61 (internal quotation marks omitted)) (alteration in original).

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“An injury sufficient to satisfy Article III must be ‘concrete and particularized’ and ‘actual or imminent, not conjectural or hypothetical.’”²⁹ “Although imminence is concededly a somewhat elastic concept, it cannot be stretched beyond its purpose, which is to ensure that the alleged injury is not too speculative for Article III purposes — that the injury is certainly impending.”³⁰ “Thus, we have repeatedly reiterated that ‘threatened injury must be certainly impending to constitute injury in fact,’ and that ‘[a]llegations of *possible* future injury’ are not sufficient.”³¹

A. Mississippi’s Standing

Plaintiffs-Appellants first challenge the district court’s determination that Mississippi’s alleged injury in fact is too speculative to support standing. Specifically, Mississippi argues that its fiscal injury is already manifest because a 2006 study shows that the illegal aliens of Mississippi cost the state more than \$25 million per year. Since DACA authorizes a certain class of those illegal aliens to remain in the state, Mississippi argues that the program necessarily costs the state money.

In response, DHS asserts two arguments. First, that Mississippi has failed to allege facts showing that the cost to the state will increase as a result of DACA. All that Mississippi can point to, according to DHS, is that *illegal immigration* is costing the state money, not that *DACA* is costing the state money. It could be that the reallocation of DHS’s assets is resulting in the removal of immigrants that impose a greater financial burden on the state. If this is true, the net effect would be a reduction in the fiscal burden on the state.

²⁹ *Susan B. Anthony List*, 134 S. Ct. at 2341 (quoting *Lujan*, 504 U.S. at 560).

³⁰ *Clapper*, 133 S. Ct. at 1147 (citing *Lujan*, 504 U.S. at 565, n. 2 (internal quotation marks omitted)).

³¹ *Id.* (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 158 (1990) (internal quotation marks omitted)) (emphasis in original). *See also Lujan*, 504 U.S. at 565 n. 2.

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Second, DHS argues that a favorable ruling would not necessarily redress Mississippi's alleged injury. It is uncontested that 8 U.S.C. § 1225(b)(2)(A) — if read as Plaintiffs claim — only compels the commencement of removal proceedings. DHS argues that even if we were to read the statute that way, DHS unquestionably has the discretion to terminate removal proceedings after their initiation and release the immigrant back into Mississippi.

The district court held that Mississippi's alleged fiscal injury was purely speculative because there was no concrete evidence that Mississippi's costs had increased or will increase as a result of DACA. Based on the record before the district court³², we agree. Mississippi submitted no evidence that any DACA eligible immigrants resided in the state. Nor did Mississippi produce evidence of costs it would incur if some DACA-approved immigrants came to the state. Instead, Mississippi only asserts (based on the 2006 study) that DACA will cost the state money because the state provides social benefits to illegal immigrants. Article III standing, however, mandates that Mississippi show a “concrete and particularized” injury that is “fairly traceable” to DACA. To do that, Mississippi was required to demonstrate that the state will incur costs because of the DACA program.³³ Because Mississippi's claim of injury is not supported by any facts, we agree with the district court that Mississippi's injury is purely speculative. Mississippi has failed to carry its burden to

³² Mississippi has referred to additional evidence it apparently developed while the case was on appeal that it did not present to the district court. We may not consider this evidence.

³³ *Cf.*, *Wyoming v. United States DOI*, 674 F.3d 1220, 1232 (10th Cir. 2012) (“Petitioners provide no evidence of the general fund actually decreasing, nor have they shown the general fund revenues will decrease in the future Importantly, Petitioners have not shown the 2009 rules have or will result in lost revenue.”).

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establish standing. We, therefore, affirm the district court's dismissal of Mississippi's suit for lack of standing.³⁴

B. Agents' Standing

The Agents claim a number of different injuries. First, they allege that they are being compelled to violate their oath to uphold the laws of the United States if they follow the Directive. Second, the burden of complying with DACA is causing injury to the Agents. Finally, the Agents argue that they are threatened with employment sanctions if they do not follow the Directive.

In considering the motion to dismiss for lack of standing, we consider Plaintiffs' amended complaint and its attachments,³⁵ Defendants' motion to dismiss, and Plaintiffs' opposition to the motion to dismiss and its attachments.³⁶ Neither party objects to the court's consideration of these documents, nor do the parties contest the relevant facts.

i. Oath Violation

The Agents assert that they have suffered an injury in fact because enforcing DACA would require them to violate their oaths to uphold the laws of the United States, specifically § 1225(b)(2)(A). In opposition, DHS argues that the violation of one's oath alone is insufficient to establish standing.

³⁴ In a letter brief filed after oral argument, Mississippi put forward three new arguments in support of its standing, based on (1) the cost of issuing driver's licenses to DACA's beneficiaries; (2) standing requirements specific to the Administrative Procedure Act; and (3) the federal government's abdication of its duties to enforce the immigration laws. Because Mississippi failed to provide evidentiary support on these arguments and failed to make these arguments in their opening brief on appeal and below, they have been waived. *See Tex. Democratic Party v. Benkiser*, 459 F.3d 582, 594 (5th Cir. 2006); *XL Specialty Ins. Co. v. Kiewit Offshore Servs., Ltd.*, 513 F.3d 146, 153 (5th Cir. 2008).

³⁵ Plaintiffs attached the Napolitano Directive and the 2006 study conducted by the State of Mississippi.

³⁶ Plaintiffs attached affidavits from Plaintiff Christopher L. Crane, Plaintiff David A. Engle, Plaintiff James D. Doebler, and Plaintiff Samuel Martin.

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Instead, the plaintiffs must allege a separate adverse consequence that will flow if they comply with DACA.

The district court agreed with DHS and held that the violation of one's oath alone is not a sufficient injury in fact to support standing. Citing to *Finch v. Mississippi State Medical Ass'n.*, 585 F.2d 765 (5th Cir. 1978), and *Donelon v. Louisiana Division Of Administrative Law*, 522 F.3d 564 (5th Cir. 2008), the district court found that the Agents are "suing to ensure that the Directive . . . compl[ies] with their opinion of what federal law requires." In other words, the agent's subjective belief that complying with the Directive will require him to violate his oath is not a cognizable injury. We agree. Under the Fifth Circuit precedent, the violation of one's oath alone is an insufficient injury to support standing.

ii. Burden of Compliance

Next, the Agents assert that the burden of compliance with DACA qualifies as a sufficient injury to satisfy the requirements of constitutional standing. Specifically, the Agents allege that they must inevitably alter their current processes to ensure that they defer action with respect to DACA-eligible aliens. DHS argues that "a government employee responsible for carrying out an agency policy does not have standing to challenge that policy merely because of work responsibilities related to that policy." The district court again agreed with DHS and held that the burden of compliance with DACA is insufficient to satisfy the injury requirement of standing. We agree.

First, the Agents do not point to, and we have not found, any case where a plaintiff has had standing to challenge a department policy merely because it required the employees to change their practices. Second, the Agents have not alleged with any specificity how their practices will change in a substantial way. There are no factual allegations in the amended complaint describing the practices of the Agents before DACA or how those practices have changed or

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will change. More importantly, there are no allegations that any change which may occur will make their employment duties significantly more difficult. The Agents have not alleged a sufficient injury in fact with respect to compliance with DACA to satisfy the requirements of constitutional standing.

iii. Threat of Employment Sanctions

Finally, the Agents allege that they have suffered an injury in fact by virtue of being threatened with employment sanctions if they do not comply with the terms of the Directive. Specifically, the Agents argue that they are threatened with employment sanctions if they detain a DACA-eligible alien for a removal proceeding. The district court found that the facts alleged in the Agents' complaint were sufficient to demonstrate that they are threatened with employment sanctions; and these allegations were sufficient to support the Agents' claims of injury in fact to establish standing in this suit. For the following reasons, we disagree.

As we stated above, Plaintiffs must allege an injury that is "concrete and particularized" and "actual or imminent, not conjectural or hypothetical."³⁷ The threat of a future injury can suffice as a sufficient injury in fact, but only if it is "certainly impending."³⁸ "[W]e have repeatedly reiterated that . . . '[a]llegations of *possible* future injury' [is] not sufficient."³⁹

We begin with the observation that Plaintiffs have provided no evidence that any agent has been sanctioned or is threatened with employment sanctions for detaining an alien and refusing to grant deferred action under

³⁷ *Susan B. Anthony List*, 134 S. Ct. at 2341 (quoting *Lujan*, 504 U.S. at 560).

³⁸ *Clapper*, 133 S. Ct. at 1147 (citing *Lujan*, 504 U.S. at 565 n.2 (internal quotation marks omitted)).

³⁹ *Id.* (quoting *Whitmore*, 495 U.S. at 158 (internal quotation marks omitted)) (emphasis in original); *See also Lujan*, 504 U.S. at 565 n. 2.

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DACA.⁴⁰ The complaint alleges that on one occasion an agent's supervisor instructed the agent to defer action under the Directive to an alien, and the agent refused to follow the supervisor's instruction. The agent received a non-disciplinary letter admonishing him for refusing to follow his supervisor's instruction. This admonishment for refusing to follow a supervisor's instruction does not support Plaintiffs' claim that they are threatened with employment sanctions for failing to exercise their discretion to grant deferred action to an alien who appears to satisfy DACA's criteria.

This brings us to a fundamental flaw in the Agents' argument. The Agents' reading of the Directive — that they are always required to grant deferred action and cannot detain an alien who may meet the Directive's criteria — is erroneous. The Napolitano Directive makes it clear that the Agents shall exercise their discretion in deciding to grant deferred action, and this judgment should be exercised on a case-by-case basis:

[Our Nation's immigration laws] are not designed to be blindly enforced without consideration given to the individual circumstances of each case.

With respect to individuals who are encountered by U.S. Immigration and Customs Enforcement (ICE) . . . [and] who meet the above criteria, ICE . . . should immediately exercise their discretion, on an individual basis⁴¹

The 2014 supplemental directive, which also supplements DACA, reinforces this approach to the application of deferred action:

⁴⁰ In discussing the applicability of the Civil Service Reform Act, the Agents concede in their brief that "there has been no employment action taken Nor has there even been a specific threat of future employment action." Brief of Appellants at 22, *Christopher L. Crane, et al. v. Jeh Charles Johnson, et al.*, No. 14-10049 (5th Cir. May 16, 2014).

⁴¹ Napolitano Directive at 2.

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Under any of the proposals outlined above, immigration officers will be provided specific eligibility criteria for deferred action, but the ultimate judgment as to whether an immigrant is granted deferred action will be determined on a case-by-case basis.⁴²

The fact that the directives give this degree of discretion to the agent to deal with each alien on a case by case basis makes it highly unlikely that the agency would impose an employment sanction against an employee who exercises his discretion to detain an illegal alien.

The unlikelihood of an agency sanction against an agent for exercising discretion expressly granted under the directives together with the fact that no sanctions — or warning of sanctions — have been issued for that exercise persuades us that the Agents are not under a “certainly impending” threat of an adverse personnel action that is sufficiently concrete and particularized to qualify as an injury in fact that gives Plaintiffs standing.

Because the Agents have not alleged a sufficient injury in fact to satisfy the requirements of constitutional standing, we dismiss their claims for lack of subject matter jurisdiction.

IV. CONCLUSION

Neither Mississippi nor the Agents have alleged a sufficiently concrete and particularized injury that would give Plaintiffs standing to challenge DACA. For this reason, we affirm the district court’s dismissal of Plaintiffs’ claims for lack of subject matter jurisdiction.⁴³

AFFIRMED.

⁴² Johnson Directive at 5.

⁴³ DHS cross-appealed preliminary findings made by the district court following the evidentiary hearing on Plaintiffs’ petition for a preliminary injunction. Because we conclude that Plaintiffs lack standing to maintain this suit, DHS’s cross-appeal is moot.

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PRISCILLA R. OWEN, Circuit Judge, concurring:

I concur fully in the court's opinion and judgment. I write separately only to note that in order to establish standing with respect to some claims, it is not always necessary to present concrete evidence that an injury has occurred or will, beyond question, occur, as the Supreme Court implicitly recognized in *Watt v. Energy Action Educational Foundation*.¹ The State of Mississippi has not, however, made any arguments of this nature.

¹ 454 U.S. 151, 160-61 (1981).

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, <i>et al.</i>)	
)	
Plaintiffs,)	
)	No. 1:14-CV-254
v.)	
)	
UNITED STATES OF AMERICA, <i>et al.</i>)	
)	
Defendants.)	
)	

**DEFENDANTS' SUR-REPLY IN OPPOSITION TO
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

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INTRODUCTION AND SUMMARY OF THE ARGUMENT

The Executive Branch is constitutionally and statutorily vested with broad discretion to enforce the Nation's immigration laws. *See Arizona v. United States*, 132 S. Ct. 2492, 2499 (2012). The 2014 Deferred Action Guidance at issue in this case, which sets forth general parameters for the exercise of discretion and provides for such exercise on a case-by-case basis, responds to compelling enforcement needs and falls within the recognized scope of that discretion. *See Reno v. Am.-Arab Anti-Discrimination Comm. ("AAADC")*, 525 U.S. 471, 483-84 (1999). Plaintiffs' claims to the contrary are based on rhetoric, not law. Plaintiffs' Reply and presentation at oral argument confirm that their motion for the extraordinary relief of preliminary injunction fails as a matter of law – both on Article III standing and on the merits.

As an initial matter, Plaintiffs lack standing – and thus necessarily lack the irreparable harm that must be shown for a preliminary injunction. Plaintiffs' submission of voluminous factual materials with their Reply does nothing to cure the inherent legal defects in their theories of standing. Key among these defects is that their alleged and speculative harm based on driver's licensing is the result of state policy choices, not the challenged federal policies, and therefore is not an actionable Article III injury traceable to Defendants. Lacking a non-speculative injury, Plaintiffs – both in their Reply and at argument – rested significantly on the claim that they may sue the federal government to protect their citizens on a *parens patriae* theory. That is simply incorrect as a matter of law. At base, the States' grievance is a generalized one about the vague and indirect effects of a federal policy they oppose. As a matter of law, that is not a proper basis for standing, particularly in the immigration context, where the Federal Government has plenary and exclusive authority. It thus necessarily fails as a predicate for the irreparable harm that Plaintiffs must prove to obtain the relief they seek.

Although the lack of standing and irreparable harm are dispositive, Plaintiffs' claims are

not reviewable on the merits and in any event are unfounded. Despite mentioning *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), only in passing in their opening brief, Plaintiffs have made clear through their Reply and at oral argument that their purported constitutional claim hinges fully on that case. But *Youngstown* is inapposite and fails to support Plaintiffs' claim. In *Youngstown*, the Executive concededly acted outside statutorily-delegated authority and therefore sought to justify its actions by reference to the Take Care Clause. By contrast, the Secretary of Homeland Security's actions here were based on authority delegated to him by Congress pursuant to statutes that require him to prioritize the enforcement of immigration laws, consistent with the scarce resources provided by Congress. Plaintiffs' claim is therefore a challenge to agency action governed by the Administrative Procedure Act ("APA"). And that claim fails. As an initial matter, Plaintiffs are not within the zone of interests of the Immigration and Nationality Act ("INA") and thus cannot bring an APA claim. Moreover, because the Secretary is exercising prosecutorial discretion to enforce federal immigration laws using limited available resources, and no statute precludes the exercise of that discretion, *Heckler v. Chaney*, 470 U.S. 821 (1985), clearly forecloses judicial review. Plaintiffs' procedural challenge under the APA also fails because the Guidance is a general statement of policy that is not subject to the APA's notice-and-comment requirements.

The policy challenged by Plaintiffs is part of an integrated and comprehensive effort to most effectively deploy existing resources to enforce the Nation's immigration laws. As reflected in the concurrently-issued memoranda setting forth the Department's enforcement priorities, the Deferred Action Guidance is part and parcel of the Secretary's judgment on how best to focus on the removal of priority threats to the Nation and to secure the Nation's borders in light of indisputably limited resources. Plaintiffs' novel and expansive arguments concerning

standing, reviewability, and the merits are legally insufficient and would have no logical end. Federal control over immigration policy would be subject to challenge by any State whenever it might disagree with such policy, despite the plenary power of the Federal Government over immigration. Having failed to satisfy any of the requirements for a preliminary injunction, Plaintiffs' motion should be denied.

ARGUMENT

I. Plaintiffs Fail to Demonstrate Standing

The Plaintiff States have no legally cognizable interest in the enforcement or non-enforcement of the immigration laws against particular aliens (here, individuals who may be considered for deferred action under the challenged guidance), and thus they lack Article III standing to pursue this case. It is a fundamental principle of American jurisprudence that a plaintiff "lacks standing to contest the policies of the prosecuting authority when he himself is neither prosecuted nor threatened with prosecution." *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973); *see also* Defs.' Opp. to Pls.' Mot. for Prelim. Inj. ("Defs.' Opp.") at 15 [ECF No. 38]. And the Supreme Court has specifically held that "private persons . . . have no judicially cognizable interest in procuring enforcement of the immigration laws by the INS [now DHS]." *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 897 (1984). Nor do the Plaintiff States. Under the constitutional structure, the Federal Government has exclusive authority over immigration. *Arizona*, 132 S. Ct. at 2499. In addition, under settled case law that recognizes the need to avoid unnecessary "state interference with the exercise of federal powers," States may not invoke the jurisdiction of the federal courts on the basis of the kind of indirect "economic repercussions of . . . federal policies" that Plaintiffs seek to rely on here. *Pennsylvania ex rel. Shapp v. Kleppe*, 533 F.2d 668, 672, 678 (D.C. Cir. 1976); *see also* Defs.' Opp. at 23, 29.

In their Reply, Plaintiffs make no effort to address these first principles, or deal with the three most closely analogous standing cases, *see Arpaio v. Obama*, 27 F. Supp. 3d 185 (D.D.C. 2014), *appeal pending*, No. 14-05325 (D.C. Cir.); *Crane v. Napolitano*, 920 F. Supp. 2d 724, 745-46 (N.D. Tex. 2013), *appeal pending*, No. 14-10049 (5th Cir.) (oral arg. to be heard Feb. 3, 2015); *Texas v. United States*, No. B-94-228, at *7 (S.D. Tex. Aug. 7, 1995), *aff'd on other grounds*, 106 F.3d 661 (5th Cir. 1997). Relying on extensive precedent, all three of these cases rejected similar attempts by state and local governments to challenge federal immigration policies based on predictions about the indirect effects of those policies on the flow of undocumented immigrants and the public fisc. Plaintiffs' voluminous factual materials, submitted for the first time with Plaintiffs' Reply, are an attempt to obscure the same legal impediments that preclude standing for Plaintiffs in the present case.

A. Plaintiffs Cannot Demonstrate Article III Injury on the Basis of Benefits They Choose to Provide

Only three of the Plaintiff States – Texas, Wisconsin, and Indiana – have filed declarations purporting to show that the 2014 Deferred Action Guidance will impose costs on the State as a result of “state licensing programs.”¹ *See* Pls.' Reply in Supp. of Mot. for Prelim. Inj. (“Pls.' Reply”) at 42 [ECF No. 64]. And even then, their purported showing confirms the fatal flaw in Plaintiffs' theory: the States' obligation to provide licenses and other benefits to future DACA and DAPA recipients, and any costs attendant thereto, flow directly from these States' policy choices. *See, e.g.*, Snemis Decl. ¶ 13 (Pls.' Ex. 30). It is well-established that “injuries to

¹ Contrary to Plaintiffs' suggestion, no State can be excused from demonstrating standing in this case. Each party seeking separate relief must itself demonstrate an independent basis for standing. *See LULAC v. City of Boerne*, 659 F.3d 421, 428 (5th Cir. 2011). And each State necessarily seeks separate relief here, because an injunction may only be granted (if at all) to the extent necessary to remedy the harm *to the party seeking it*. *See Hernandez v. Reno*, 91 F.3d 776, 781 (5th Cir. 1996) (modifying nationwide injunction to apply only to plaintiff).

[a State's] fisc[] . . . [that] result[] from decisions by [the] state legislatures” cannot form the basis of Article III standing.² *Pennsylvania v. New Jersey*, 426 U.S. 660, 664 (1976) (concluding that Pennsylvania did not have standing to challenge laws of New Jersey based on allegations of harm tied to interplay between the two states' laws). Indeed, it would be anathema to the principles of federalism to deem Defendants responsible for consequences that flow directly from state legislative choices.

Then-Governor Rick Perry conceded this point in a letter to then-Attorney General Greg Abbott shortly after the announcement of the 2012 DACA initiative. Governor Perry clearly stated: “In Texas, the legislature has passed laws that reflect the policy choices that they believe are right for Texas,” and the Federal Government's deferred action policy “does not undermine or change our state laws” or “change our obligations . . . to determine a person's eligibility for state and local public benefits.” *See* Ltr. from Perry to Abbott (Aug. 16, 2012) (Ex. 34). Not only do Texas, Wisconsin, and Indiana choose to provide driver's licenses to deferred action recipients, but they also choose to subsidize those licenses with state funds – a decision that presumably reflects the States' view that the public safety benefits gained by providing licenses outweigh the cost. *Cf.* Amicus Br. of Major Cities Chiefs Ass'n *et al.* at 7-9 (explaining that driver's licenses promote road safety and assist law enforcement efforts) [ECF No. 83-1]. Thus, to the extent Plaintiff States “will lose money” from their issuance of licenses to future DACA and DAPA recipients, Pls.' Reply at 43, it is money that those states have chosen to spend.

² Plaintiffs err when they suggest that *Texas v. United States*, 497 F.3d 491, 496-97 (5th Cir. 2007), supports their view that their alleged injuries are not self-inflicted. *See* Pls.' Reply at 47. In that case, unlike this one, Texas challenged a policy that purported to *directly* regulate its conduct by compelling it to participate in mediation. *See Texas*, 497 F.3d at 497-98 (noting that Texas was the “object” of the regulation at issue).

Plaintiffs also contend that the “obligation to change state law” in order to “avoid giving licenses to DHS Directive beneficiaries” itself states an Article III injury. Pls.’ Reply at 47. That misstates the choice facing these States. The Guidance does not require the Plaintiffs to do anything with respect to these laws. And a State’s decision to change its law in response to the policy choices of another sovereign does not give rise to Article III standing. *See Pennsylvania*, 426 U.S. at 664 (finding that standing did not lie where “nothing prevent[ed] Pennsylvania from withdrawing” the state law that reduced its revenues). Were it otherwise, States would have virtually limitless ability to hale the Federal Government (or another State) into court and demand preliminary injunctive relief whenever they disagreed with a change in federal policy that they claimed would make it desirable to change state law.

Plaintiffs try to create the appearance of coercion by Defendants – notwithstanding the fact that Texas, Wisconsin, and Indiana have freely opted to provide driver’s licenses to deferred action recipients – by noting that the United States submitted an amicus brief in *Arizona Dream Act Coalition v. Brewer*, in which it expressed the view that federal law preempted Arizona’s policy of refusing to accept federal Employment Authorization Documents (“EADs”) from deferred action recipients while accepting them from all other aliens. *See* Amicus Br. of United States in Opp’n to Reh’g En Banc, No. 13-16248 (9th Cir.) (filed Sept. 30, 2014) (Pls.’ Ex. 3). This effort is a red herring. The United States explained in that amicus brief that Arizona’s driver’s licensing scheme was preempted not because it denied licenses to deferred action recipients, but because it relied on “new alien classifications not supported by federal law” – in that case, a redefinition of which EADs were to be regarded by the State as evidence of *federal* authorization. *Id.* at 11. The government’s position thus turned on the particulars of that state scheme. As a matter of preemption, neither the 2014 Deferred Action Guidance nor any federal

statute compels States to provide driver's licenses to DACA and DAPA recipients, so long as the States base eligibility on existing federal alien classifications – such as deferred action recipients, or other categories of aliens – rather than creating new state-law classifications of aliens.

Plaintiffs also contend that Arizona, Idaho, and Montana are injured because they are bound by the Ninth Circuit's decision in *Arizona Dream Act Coalition*, which ordered entry of a preliminary injunction of Arizona's policy of selectively accepting EADs.³ 757 F.3d 1053 (9th Cir. 2014). Although none of those three States submitted declarations alleging harm in this case, such alleged harms are in any event insufficient to establish standing for the reasons stated above. Like the 2014 Deferred Action Guidance, the decisions in *Arizona Dream Act Coalition* do not require States to provide driver's licenses to deferred action recipients. *See Arizona Dream Act Coalition v. Brewer*, No. 12-2546, 2015 WL 300376, at *9 (D. Ariz. Jan. 22, 2015) (“The Court is not saying that the Constitution requires the State of Arizona to grant driver's licenses to all noncitizens.”). And those three States still retain the choice to decline to subsidize any state licenses provided. *Cf. Texas*, 106 F.3d at 666 (state expenditures on services for undocumented aliens, including those required by the Equal Protection Clause, “are not the result of federal coercion” nor legally attributable to the actions of federal immigration authorities).⁴

³ The Ninth Circuit's finding of a likely Equal Protection violation was premised on the specific way that Arizona chose to structure its policy. In particular, the court found that Arizona's selective acceptance of federal Employment Authorization Documents was an “attempt to distinguish between these noncitizens on the basis of an immigration classification that has no basis in federal law” and thus was not likely to survive even rational basis review. 757 F.3d at 1066. On January 22, 2015, the district court entered a permanent injunction in the case on similar grounds. *See Ariz. Dream Act Coal.*, No. 12-2546, 2015 WL 300376, at *8 (D. Ariz. Jan. 22, 2015). In doing so, the district court also rejected Arizona's argument that DHS “lacked the authority to grant [DACA recipients] deferred status.” *See id.* at 6.

⁴ Plaintiffs also attempt to repackage their claim of economic harm as one that amounts to an “affront to their sovereignty,” Pls.' Reply at 48, but this effort gets them no closer to establishing an injury cognizable under Article III. *See Texas v. ICC*, 258 U.S. 158, 162 (1922) (state's claim of infringement upon state sovereignty was merely “an abstract question of legislative power,” not a justiciable case or controversy). Plaintiffs “cannot have a quasi-sovereign interest” in creating their own alien classifications

B. Plaintiffs' Theory of Harm from Increased Immigration Fails as Inherently Speculative and Attenuated

Plaintiffs' second theory of standing hypothesizes that the 2014 Deferred Action Guidance will increase the population of undocumented aliens in the Plaintiff States, leading them to expend additional funds on law enforcement and social services. Defendants have explained that this theory is both inherently speculative and not traceable to the challenged conduct of Defendants, and nothing in Plaintiffs' Reply or oral argument presentation cures these defects.

1. Plaintiffs Have Not Demonstrated a "Certainly Impending" Injury

Like the State of Mississippi, which was found to lack standing to challenge the 2012 DACA Memoranda by another district court in this State, Plaintiffs have failed to show that the costs associated with the presence of undocumented aliens will increase *at all* as a result of the 2014 Deferred Action Guidance. *See Crane*, 920 F. Supp. 2d at 745-46.

The vast majority of the declarations submitted by state officials contend only that expenditures on law enforcement and social services "will increase *if* additional undocumented immigrants come to Texas." Pls.' Reply at 53 (citing declarations) (emphasis added). In an effort to cure this acknowledged uncertainty, Plaintiffs submit a declaration from a demographer employed by the State of Texas, who speculates that the 2014 Deferred Action Guidance will cause or incentivize greater numbers of undocumented aliens to enter and remain in the United States. But Plaintiffs cannot satisfy the rigorous requirements of Article III with predictions about how third parties will respond to the supposed incentives created by prosecutorial enforcement policies. *See Linda R.S.*, 410 U.S. at 619; *Allen v. Wright*, 468 U.S. 737, 758-59

for purposes of licensure statutes, "because the matter falls within the sovereignty of the Federal Government." *Kleppe*, 533 F.2d at 677; *see also Traux v. Raich*, 239 U.S. 33, 42 (1915).

(1984). And in any event, Plaintiffs' predictions are themselves uncertain and speculative, resting on hypothesized outcomes. *See* Eschbach Decl. ¶ 5a (Pls.' Ex. 33) (DAPA "may" encourage undocumented immigrants to enter the country in the hope of getting benefits to which they are not actually entitled); *id.* ¶ 26 (it is "reasonable to *hypothesize*" that the 2012 DACA policy increased the size of the undocumented population); *id.* ¶ 28 (there is a "*theoretical*" basis to believe that the challenged policy will increase the unauthorized immigrant population) (emphasis added). The speculative nature of Plaintiffs' theory of harm, though evident from the face of the Eschbach declaration, is further highlighted by the Declaration of Michael Hofer, a technical expert on immigration statistics at USCIS's Office of Policy and Strategy, who explains that the predictions offered by Mr. Eschbach "rest on speculation and unsupported inferences . . . without sufficient data to support his conclusions."⁵ *See* Hofer Decl. ¶ 35. Such speculation, regardless of whether plausible as a theoretical matter, falls well short of demonstrating that Plaintiffs' posited future injury is "certainly impending." *See Clapper v. Amnesty Int'l USA*, 133 S. Ct. 1138, 1147 (2013).

Contrary to Plaintiffs' speculation, it is equally if not more plausible to expect that the challenged policy may *decrease* the number of undocumented aliens in the United States by rededicating scarce agency resources to border security.⁶ *See* Defs.' Opp. at 21; *see also Crane*, 920 F. Supp. 2d at 745 (faulting Mississippi for failing to account for potential "increased

⁵ Because the Eschbach Declaration fails, as a matter of law, to satisfy the requirements of Article III, the Court should reject Plaintiffs' flawed theory of standing, without the need to consider the Hofer Declaration. The Hofer Declaration simply provides additional detail on the unfounded premises that underlie the speculative assertions in the Eschbach Declaration.

⁶ Defendants have not, as Plaintiffs suggest, "conceded" that unspecified "immigration policies are causing increases in illegal immigration." Pls.' Reply at 54. Plaintiffs base this contention solely on material cited in the Amended Complaint, which is not in the record before this Court on Plaintiffs' Motion for Preliminary Injunction (and the very existence of which has never been established). *Id.* And even accepting Plaintiffs' unsupported characterization of that material as true, it is not connected to the particular immigration policies at issue in this case.

removal of high-priority illegal aliens”). It would be inappropriate for this Court to assume, before the Guidance has even gone into effect, that that effort will fail. Moreover, even assuming that the challenged policy would increase the total number of undocumented aliens present in the Plaintiff States, it would still require another speculative leap to conclude that any given State would be economically harmed, on balance, by the policy – a leap that Plaintiffs fail to substantiate in their Reply. Allowing certain individuals already present in the Plaintiff States to work legally is expected to expand state tax bases, *see* Amicus Br. of the State of Washington, *et al.* at 6 (noting that grant of work authorization to individuals who may receive DACA or DAPA in Texas will lead to estimated \$338 million increase in the state tax base over five years) [ECF No. 81], and will also make it more likely that those individuals obtain work-sponsored health insurance, thereby decreasing their need to rely on state health care, *see id.* at 9 & App. 55 (citing Roberto Gonzales & Angie Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA*). Plaintiffs make no effort to account for these anticipated effects and thus have failed to show that the policy would “harm rather than help” them. *United Transp. Union v. ICC*, 891 F.2d 908, 914 (D.C. Cir. 1989) (“indeterminacy” about effect of challenged policy “is enough to defeat. . . standing”); *see also Crane*, 920 F. Supp. 2d at 731 (finding no standing, where Mississippi failed to show a “*net* fiscal cost [to] the state”) (emphasis added).

2. Plaintiffs Have Not Demonstrated Any Injury Traceable to Defendants or Capable of Redress by an Order of This Court

Even if Plaintiffs’ speculation were sufficient to show a “certainly impending” injury, the chain of causation on which it is based is too attenuated, as a matter of law, to permit the Court to conclude that the predicted injury is “fairly traceable” to the 2014 Deferred Action Guidance rather than “the result of the independent action[s] of some third party not before the court.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (internal punctuation and citations

omitted). Such actions “break[] the causal chain” as a matter of law, regardless of the factual showing about incentives and influences. *See Frank Krasner Enters., Ltd. v. Montgomery County*, 401 F.3d 230, 234-36 (4th Cir. 2005) (concluding that harm was not traceable to government action even though the “record [left] no doubt” that third party was influenced by the challenged law); *Lane v. Holder*, 703 F.3d 668, 674 (4th Cir. 2012) (“Because any harm to the plaintiffs results from the actions of third parties not before this court, the plaintiffs are unable to demonstrate traceability.”). Here, the 2014 Deferred Action Guidance expressly forecloses deferred action for newly arriving aliens. The possibility that third party aliens might nevertheless misunderstand the policy and migrate based on that misunderstanding is not “fairly trace[able]” to Defendants. *Lujan*, 504 U.S. at 560 (emphasis added).

Moreover, there is no reason to believe that individuals who would allegedly migrate to the United States on the basis of misunderstandings about the scope of the 2014 Deferred Action Guidance would cease to do so if that guidance were enjoined. Other federal immigration policies, including 2012 DACA (which is not subject to challenge here), will remain in place, and Plaintiffs cannot demonstrate that the migratory effect they allege is independent of these policies. There is therefore no reason to believe (let alone prove) that a temporary injunction against one of these policies would have the effect of reducing immigration.

3. *Massachusetts v. EPA* Does Not Support Plaintiffs’ Theory of Standing

Plaintiffs are also incorrect when they contend that their standing “follows *a fortiori*” from the Supreme Court’s decision in *Massachusetts v. EPA*, 549 U.S. 497 (2007). *See* Pls.’ Reply at 49-50 (capitalization altered). In that case, the Court did not recognize standing based on speculative future effects, such as Massachusetts’ “generalized concern over ‘global warming,’” *id.* at 42, nor on the basis of state expenditures on public programs, as Plaintiffs

suggested at oral argument. Rather, the Court found standing to challenge the EPA's failure to regulate greenhouse gas emissions based on injuries to state-owned coastal property that had "already begun" and that would "only increase" in the future. 549 U.S. at 522. Importantly, and unlike here, the EPA "[did] not dispute the existence of a causal connection between manmade greenhouse gas emissions and global warming," such that there was no question that "EPA's refusal to regulate such emissions 'contribute[d]' to Massachusetts' injuries." *Id.* at 523.⁷ In contrast, Plaintiffs here have failed to identify an injury to the States' interests *qua* States that is currently ongoing, let alone one that is traceable to the challenged policy, as discussed above.

Massachusetts also presented a categorically different situation for standing purposes, because (1) Massachusetts' challenge to emissions standards did not (unlike here) involve an area of the law that is constitutionally-committed exclusively to the Federal Government, and (2) Massachusetts identified specific authorization by Congress for its challenge to agency inaction (none of which exists here).⁸ *See id.* at 516 (noting that such authorization was "critical . . . to the standing inquiry").

C. Plaintiffs Lack *Parens Patriae* Standing

Plaintiffs cannot cure their failure to show an Article III injury by claiming to represent the purported interests of their citizens under a *parens patriae* theory of standing. *See* Defs.' Opp. at 24. A State may not sue the Federal Government unless it demonstrates an injury-in-fact

⁷ Plaintiffs' speculation about how third parties may respond to federal enforcement policies is also quite different, as a matter of law, from Massachusetts' scientific modeling of the behavior of molecules in the atmosphere. *See Linda R.S.*, 410 U.S. at 619; *Lujan*, 504 U.S. at 575.

⁸ To the extent that Plaintiffs suggest that *Massachusetts* recognizes standing anytime a State sues to challenge a federal law that has supremacy over state law, *see* Pls.' Reply at 50, this argument cannot be reconciled with the reasoning of that case or with other precedent. *See, e.g., Florida v. Mellon*, 273 U.S. 12, 17 (1927) (fact that federal law "interferes with the exercise by the state of its full powers of taxation . . . affords no ground for judicial relief"); *cf. Virginia ex rel. Cuccinelli v. Sebelius*, 656 F.3d 253, 269 (4th Cir. 2011).

to *its own* legally cognizable interests. See *Massachusetts v. Mellon*, 262 U.S. 447, 485-86 (1923). Instead of citing precedent to the contrary, Plaintiffs attempt to draw support from suits against *private* defendants, which present entirely distinct issues. Indeed, the leading case cited by Plaintiffs, *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592 (1982), confirms that a “State does not have standing as *parens patriae* to bring an action on behalf of its citizens against the Federal Government.” *Id.* at 610 n.16.

Plaintiffs’ suggestion at oral argument that *Massachusetts* overruled, *sub silentio*, this well-established principle is incompatible with the holding of that case; the Court found that Massachusetts had standing not on the basis of an injury to its citizens’ health and welfare, but to property that the State itself owned. *Massachusetts*, 549 U.S. at 519-22 & n.17. Plaintiffs’ reading of *Massachusetts* is also directly contrary to the manner in which the case has been interpreted and applied by numerous courts. See, e.g., *Wyoming v. U.S. Dep’t of the Interior*, 674 F.3d 1220, 1232 (10th Cir. 2012) (“[S]tanding pursuant to *parens patriae* . . . is not available when a state sues the federal government because the federal government is presumed to represent the citizens’ interests.”); *Oklahoma ex rel. Pruitt v. Sebelius*, No. 11-30, 2013 WL 4052610, at *3-4 (E.D. Okla. Aug. 12, 2013); *Florida ex rel. Cobb v. U.S. Dep’t of Justice*, No. 5:10-cv-118, 2010 WL 3211992, at *1 (N.D. Fla. Aug. 12, 2010) (citing *Massachusetts*, 549 U.S. at 519), affirmed by 440 Fed. App’x. 860 (11th Cir. 2011).

Plaintiffs alternatively contend that the bar to *parens patriae* suits against the Federal Government applies only where a State challenges a federal statute, rather than an agency action. Pls.’ Reply at 61-62. There is no support for such a distinction. Numerous courts have recognized that, whether acting through regulation or statute, “it is the United States, and not the state, which represents [its citizens] as *parens patriae*.” *Mellon*, 262 U.S. at 486; see also, e.g.,

Kleppe, 533 F.2d at 676-78 & n.56 (state challenge to federal agency's decision not to provide disaster assistance); *Iowa ex rel. Miller v. Block*, 771 F.2d 347, 354 (8th Cir. 1985) (state suit to compel U.S. Department of Agriculture to implement federal agricultural disaster relief programs); *Oklahoma*, 2013 WL 4052610, at *3-4 (state challenge to, *inter alia*, an IRS rule); *Puerto Rico by Hernandez Colon v. Walters*, 660 F. Supp. 1230, 1233 (D.P.R. 1987) (rejecting contention that *Mellon* does not apply "[w]hen a state sues [a federal agency] over rights and benefits flowing from Federal legislation").

Even if Plaintiffs were not barred from bringing suit against the Federal Government on behalf of their citizens (which they clearly are), they could not maintain a *parens patriae* suit here, having failed to show that their citizens will suffer any concrete injury as a result of the challenged guidance. Plaintiffs' conjecture that the guidance will injure U.S. citizen workers in the Plaintiff States, *see* Pls.' Reply at 60, does not state a cognizable injury. Plaintiffs hypothesize that unknown employers will someday discriminate against U.S. citizens, in favor of DACA and DAPA recipients, to avoid an employment tax under the Affordable Care Act. *Id.* Not only does this theory improperly rest on numerous layers of speculation about third-party conduct, but it also ignores the fact that it is against the law for an employer to discriminate against U.S. citizens who are receiving tax credits under the ACA in favor of alien employees who are not eligible for them. *See* Pub. L. No. 111-148, § 1558, 124 Stat. 119, 261 (codified as amended at 29 U.S.C. § 218c (2010)); *see also Tel. and Data Sys., Inc. v. FCC*, 19 F.3d 42, 48 (D.C. Cir. 1994) (refusing to "presume illegal activities on the part of actors not before the court" in order to find standing).

Plaintiffs' second theory of *parens patriae* standing rests on their claim that the challenged policy will interfere with their ability to enforce state laws that allegedly "prohibit

employers . . . from hiring undocumented immigrants.” Reply at 60. But the provisions of state law cited by Plaintiffs prohibit employers from hiring immigrants *who are not authorized to work*, and each state statute *tracks* the federal definition of work authorization. Accordingly, the 2014 Deferred Action Guidance stands as no obstacle to their enforcement.

D. Further Considerations Compel Dismissal of Plaintiffs’ Claims

1. Plaintiffs’ Claims Amount to a Generalized Policy Grievance

Plaintiffs do not dispute that this suit is animated by their ideological disagreement with the challenged federal policy rather than an effort to protect the States from the economic consequences they allege as the basis for standing. *See* Defs.’ Opp. at 28 n. 4 (“[W]e’re not suing for that economic harm . . . [W]hat we’re suing for is actually . . . harm to the [C]onstitution”) (quoting interview of Greg Abbott). Nor do Plaintiffs dispute that they invoke this Court’s jurisdiction for the purpose of “the ventilation of public grievances.” *Wyoming ex rel. Sullivan v. Lujan*, 969 F.2d 877, 881 (10th Cir. 1992) (internal quotation marks omitted). Instead, Plaintiffs note that Article III does not “bar[] the federal courts from adjudicating issues of ‘broad public significance.’” Pls.’ Reply at 57. But it is not the “public significance” of the legal issues in this case that deprives this Court of jurisdiction. Rather, it is the abstract and generalized nature of the harms alleged, which – to the extent they exist at all – would be “pervasively shared” by all citizens and thus would be “more appropriately addressed in the representative branches.” *Valley Forge Christian Coll. v. Ams. United for Separation of Church & State Inc.*, 454 U.S. 464, 475 (1982). Given that all federal policies may be said to have some indirect and generalized consequence on the populace, and thus on States in which that populace resides, if this Court were to accept Plaintiffs’ theory of standing here, “no issue, no matter how generalized or quintessentially political, would fall beyond a state’s power to litigate in federal

court.”⁹ *Cuccinelli*, 656 F.3d at 272 (finding the lack of a limiting principle a basis for rejecting state standing); *see also Kleppe*, 533 F.2d at 672-73.

2. Plaintiffs Are Not Within the Zone of Interests of the Relevant Provisions of the Immigration Laws

Even if Plaintiffs had satisfied the requirements of Article III standing, they still would not be entitled to adjudication of their APA claims, because they have not established that Congress intended to confer on them a right to challenge the Secretary’s immigration enforcement policies. *See* Defs.’ Opp. at 27 & n. 22. It is not enough, as Plaintiffs suggest, *see* Pls.’ Reply at 56, that the APA contains a general cause of action. In order to obtain judicial review under the APA, a party must show that it is “adversely affected or aggrieved by agency action within the meaning of a relevant statute,” 5 U.S.C. § 702, and that requires it to show that its interests fall “arguably within the zone of interests to be protected or regulated by the [substantive] statute in question.” *Nat’l Credit Union Admin. v. First Nat’l Bank & Trust Co.*, 522 U.S. 479, 488 (1998) (citation and internal ellipses omitted); *Sierra Club v. Morton*, 405 U.S. 727, 732-33 (1972). The “essential inquiry” under the “zone of interests” test is “whether Congress intended for a particular class of plaintiffs to be relied upon to challenge” alleged violations of the specific statutory provisions they seek to enforce. *Clarke v. Sec. Indus. Ass’n*, 479 U.S. 388, 389 (1987) (internal quotations and brackets omitted); *Air Courier Conference v. Am. Postal Workers Union*, 498 U.S. 517, 530 (1991). Thus, the question before the Court is whether Congress intended to allow States to challenge the Secretary’s immigration enforcement policies with respect to individuals already residing in the United States.

⁹ This concern is heightened in the immigration context, where any grant of citizenship, lawful permanent residency, or other lawful immigration status (including asylum, parole, or other relief) may make an individual eligible for benefits under state law. By Plaintiffs’ logic, States would have standing to challenge even these individual adjudications.

The Supreme Court’s decision in *Arizona* compels the conclusion that Congress had no such intent. While crediting the “importance of immigration policy to the States” as a general matter, the Court went on to conclude that Congress did not intend to permit States to countermand decisions by the Executive Branch about whether it is “appropriate to allow a foreign national to continue living in the United States.” *Arizona*, 132 S. Ct. at 2505-06. This absence of congressional intent is dispositive here. See *Nat’l Credit Union Admin.*, 522 U.S. at 516 (“The pertinent question . . . is whether Congress *intended* to protect certain interests through a particular provision, not whether, irrespective of congressional intent, a provision may have the *effect* of protecting those interests.”); cf. *Hartigan v. Cheney*, 726 F. Supp. 219, 227 (C.D. Ill. 1989) (Illinois not within zone of interest of the Base Closure and Realignment Act, because “states have no constitutional or statutory role in federal military policy”). As the D.C. Circuit held in *Federation for American Immigration Reform, Inc. v. Reno*, 93 F.3d 897 (D.C. Cir. 1996), the public’s interest in preventing “stresses on the provision of government services” – the interest sought to be advanced here – does not lie within the zone of interests of any provisions limiting the Executive Branch’s authority to grant immigration relief.¹⁰ *Id.* at 901.

II. Plaintiffs Have Not Demonstrated a Likelihood of Success on the Merits

Even if Plaintiffs were able to establish standing, which they cannot, they would still not be entitled to the extraordinary relief requested, because, among other things, they have failed to demonstrate a likelihood of success on the merits, in the light of the significant discretion enjoyed by the Secretary in the enforcement of the Nation’s immigration laws.

¹⁰ By contrast, the statute at issue in *Massachusetts* specifically directed the Administrator of the EPA to act in the interests of the “public health or welfare” when considering whether to issue emissions standards. 549 U.S. at 519-20 (citing 42 U.S.C. § 7521(a)(1)).

A. *Youngstown* Does Not Establish an Independent Cause of Action Against the Executive Under the Take Care Clause and, In Any Event, Does Not Support Plaintiffs' Claims

Plaintiffs now focus singularly on Justice Jackson's concurrence in *Youngstown*, 343 U.S. 579 (1952), to support their constitutional claim, but that case does not demonstrate an independent cause of action against the Executive under the Take Care Clause.¹¹ The Take Care Clause vests discretionary authority directly in the President, not the Legislative or Judicial Branch, to take care that the laws are properly executed. This is consistent with Supreme Court precedent that – far from countenancing judicial review of how the President exercises the authority vested in him under the Take Care Clause – has emphasized the need to protect the President's Article II power from intrusion by Congress or the courts. *See, e.g., Free Enterprise Fund v. PCAOB*, 561 U.S. 477, 484 (2010) (“The President cannot ‘take Care that the Laws be faithfully executed’ if he cannot oversee the faithfulness of the officers who execute them.”); *Allen*, 468 U.S. at 761 (declining to recognize Article III standing where adjudication of claim would interfere with President's Take Care Clause authority); *Franklin v. Massachusetts*, 505 U.S. 788, 827-28 (1992) (Scalia, J., concurring) (Court cannot order relief that would interfere with President's constitutional responsibility under the Take Care Clause).

To be clear, *Youngstown* did not involve a claim brought under the Take Care Clause against the President. Rather, the steel companies brought an action against the Secretary of Commerce claiming that the President's Executive Order, which directed the Secretary of Commerce to seize privately owned steel mills, was not authorized by an act of Congress or by the Constitution. 343 U.S. at 583. The Government acknowledged that it failed to meet

¹¹ Although Plaintiffs previously relied upon a host of other cases as purported authority for a Take Care Clause claim, all of those cases are distinguishable, *see* Defs.' Opp. at 30 n.25, and Plaintiffs have not contested in their Reply Defendants' arguments with respect to those cases.

conditions necessary to invoke two statutes that would have authorized the Executive to take personal and real property under certain circumstances. *Id.* at 585-86. Instead, the Government invoked, *as a defense*, the President's inherent authority under Article II, including the Take Care Clause, to act without statutory authority. *Id.* at 587. Thus, *Youngstown's* use of the Take Care Clause obtains only in the rare circumstance where the President takes action concededly outside the authority conferred by statute and then relies solely on powers inherent in Article II as a defense to a claim that his order was *ultra vires*. See *Dalton v. Specter*, 511 U.S. 462, 473 (1994) (explaining that *Youngstown* "involved the conceded *absence of any* statutory authority, not a claim that the President acted in excess of such authority," and holding that "claims simply alleging that the President has exceeded his statutory authority" are not constitutional claims subject to judicial review). That is categorically different from the situation here, where the Secretary of Homeland Security has acted pursuant to a congressional mandate to prioritize enforcement resources and within the Executive Branch's longstanding enforcement discretion under the immigration laws, Homeland Security Act, and other congressional enactments. See Defs.' Opp. at 33-34, 43.¹²

Additionally, Plaintiffs here are not suing the President, nor are they challenging any action taken by him. Unlike *Youngstown*, there has been no Executive Order issued by the President; the only issue before the Court is whether the Secretary's 2014 Deferred Action Guidance is lawful within the framework of the INA and other immigration laws.

¹² Plaintiffs mischaracterize the President's prior statements concerning the Executive's inability to grant a non-statutory path to lawful immigration status (which the Secretary has not done here) as implying that the immigration laws and other congressional enactments do not confer discretion upon the Secretary to prioritize removals, including through the use of deferred action. But no such concession has been made, and Supreme Court precedent makes clear that such discretion continues to exist. See *Arizona*, 132 S. Ct. at 2499; *AAADC*, 525 U.S. at 483-84.

In all events, Plaintiffs' Take Care Clause claim – even were it cognizable – necessarily fails because Plaintiffs cannot demonstrate that the Executive acted contrary to the express command of the statutes Congress has enacted. As explained below, the Secretary's actions are not foreclosed by statute, and, indeed, are consistent with recognized enforcement discretion under the immigration laws.¹³

B. The Secretary's Guidance Regarding the Exercise of Deferred Action for Certain Low Priority Aliens Is an Unreviewable Form of Prosecutorial Discretion Under *Heckler v. Chaney*

Quite apart from the other threshold bars to this suit discussed above, a challenge to an agency's decision not to exercise its enforcement authority, or to exercise it in a particular way, is "presumed" to be "immune from judicial review under § 701(a)(2)" of the APA. *See* Defs.' Opp. at 31-32 (citing *Chaney*, 470 U.S. at 832). Thus, the Court must determine whether the statute bars the exercise of prosecutorial discretion here. *See Perales v. Casillas*, 903 F.2d 1043, 1048 (5th Cir. 1990) (holding, in challenge to immigration enforcement decisions, that "[r]eview of agency nonenforcement decisions is permissible *only* where statutory language sets constraints on the agency's discretion."); *see also Pub. Citizen, Inc. v. EPA*, 343 F.3d 449, 464 (5th Cir. 2003). Such standards are not present here, and thus the Federal Government's discretionary immigration enforcement efforts are not subject to judicial review. *See Texas*, 106 F.3d at 667 ("Real or perceived inadequate enforcement of immigration laws does not constitute a reviewable abdication of duty").

¹³ The OLC Memorandum's discussion of *Youngstown* is consistent with the above points, as it cited the Jackson concurrence for the obvious point that, as a statutory matter, enforcement decisions have to be consonant with, rather than contrary to, congressional policies underlying the statute that the agency is charged with administering. OLC Op. at 6 (Defs.' Ex. 2). The Secretary has not exceeded those limits here. *Id.* at 31.

1. *Chaney* Applies Because Plaintiffs Do Not Identify Any Statutory Provision Limiting the Exercise of Prosecutorial Discretion Through Deferred Action

The Secretary's use of deferred action is part of a comprehensive Departmental effort to most effectively enforce the Nation's immigration laws, consistent with the language and purpose of the INA. *See* Defs.' Opp. at 11. Specifically, Congress has afforded the Secretary broad discretion to take necessary actions to carry out his authority, *see* 8 U.S.C. § 1103(a), and directed him to "[e]stablish[] national immigration enforcement policies and priorities," 6 U.S.C. § 202(5). That is precisely what the Secretary has done with the 2014 Deferred Action Guidance, which is part of a series of interrelated memoranda that set Department-wide enforcement priorities and allow resources to be deployed most effectively in support of those priorities.¹⁴ This integrated approach allows DHS to implement its comprehensive scheme to prioritize the removal of high priority aliens in a way that promotes national security and public safety, as well as family unity,¹⁵ and is consistent with the plain language and purpose of the immigration laws. Because Congress has not foreclosed this discretion, *Chaney* applies.

In response, Plaintiffs contend that certain inapplicable provisions of the INA, which they

¹⁴ On November 20, 2014, the Secretary issued ten interrelated memoranda aimed at, among other things, strengthening border security, revising removal priorities, improving personnel policies for ICE officers, expanding availability of provisional waivers of inadmissibility under 8 U.S.C. § 1182(a)(9)(B)(v) to spouses and children of U.S. citizens or lawful permanent residents, revising parole rules, promoting the naturalization process, and supporting high-skilled business and workers. Although Plaintiffs only challenge the 2014 Deferred Action Memorandum, *see* Am. Compl. ¶¶ 71, 83, 87 [ECF No. 14]; *see also* Proposed Order on Mot. for Prelim. Inj. [ECF No. 5-1], copies of the other memoranda that have not already been submitted in this case are attached hereto, at the Court's request. *See* Exs. 36-43.

¹⁵ Plaintiffs base much of their argument on the conclusory assertion that "family unity" is not a proper objective of the immigration laws. The immigration laws further a variety of Congressional objectives, but it is well-established that maintenance of family unity and the liberal treatment of children represent well-known goals of the INA. H.R. Rep. No. 82-1365, at 29 (1952), reprinted in 1952 U.S.C.C.A.N. 1653, 1680 (statute implements "the underlying intention of our immigration laws regarding the preservation of the family unit"); *see, e.g., Holder v. Martinez Gutierrez*, --- U.S. ---, 132 S. Ct. 2011, 2019 (2012) (observing that the "objectives of providing relief to aliens with strong ties to the United States and promoting family unity . . . underlie or inform many provisions of immigration law" (internal quotation marks and citations omitted)).

mischaracterize in their Reply, invalidate the Secretary's actions. *See* Pls.' Reply at 9-14. The logical extension of Plaintiffs' statutory arguments would be that *all* grants of deferred action, and not just the challenged policy, violate the INA – an outcome that the Supreme Court has already foreclosed. Plaintiffs' arguments cannot be squared with the language or purpose of the immigration laws, nor with the Supreme Court's and Congress's historical recognition of the valid exercise of prosecutorial discretion through deferred action. *See* Defs.' Opp. at 33-37.

First, Plaintiffs' argument that 8 U.S.C. § 1225(b)(2)(A) creates a mandatory duty of removal¹⁶ is inconsistent with the text of the statute and the Supreme Court's recognition in *Arizona* that “a principal feature of the removal system is the broad discretion exercised by immigration officials,” which includes the decision “whether it makes sense to pursue removal at all.”¹⁷ 132 S. Ct. at 2499. Moreover, Plaintiffs ignore the settled case law that a statute does not foreclose prosecutorial discretion simply because it speaks in mandatory terms (*e.g.*, “shall”). *See Town of Castle Rock v. Gonzales*, 545 U.S. 748, 761 (2005) (recognizing “[t]he deep-rooted nature of law-enforcement discretion, even in the presence of seemingly mandatory legislative

¹⁶ This legal question is currently before the 5th Circuit in *Crane v. Johnson*, No. 14-10049 (5th Cir.) (oral argument to be heard Feb. 3, 2015).

¹⁷ Plaintiffs also misstate the scope of 8 U.S.C. § 1225(b)(2)(A), which states that “an alien seeking admission . . . shall be detained for [removal proceedings].” *Id.* This provision, on its face, does not apply to aliens who are already present within the United States and who are taking no action to “seek” admission. *Id.* Although Plaintiffs contend otherwise, their argument rests on a conflation of those aliens who are “seeking admission” with aliens who are “applicants for admission.” Some aliens who may be considered for DACA and DAPA, who already must be physically present within the United States, may be “deemed” to be “applicant[s] for admission” by operation of law. *See* 8 U.S.C. § 1225(a)(1). But unlike aliens arriving at the border, or a port of entry, they are not engaged in any affirmative behavior that qualifies as “seeking admission,” and instead are requesting temporary relief from removal. If Congress intended section 1225(b)(2)(A) to apply to all aliens deemed “applicants for admission,” it could easily have used that existing term of art instead of the distinct formulation of “seeking admission.” *See Russell v. Law Enforcement Assistance Admin.*, 637 F.2d 354, 356 (5th Cir. 1981) (“There is . . . a well settled rule of statutory construction that where different language is used in the same connection in different parts of a statute it is presumed that the Legislature intended a different meaning and effect.”). Indeed, some aliens who may request DACA and DAPA are not even “applicants for admission,” including aliens who were lawfully admitted but overstayed their period of authorized admission.

commands”); *see also City of Seabrook v. Costle*, 659 F.2d 1371, 1373-75 (5th Cir. 1981) (concluding that the phrase “shall notify” did not create a nondiscretionary duty, given the “broad discretion” afforded administrative agencies charged with enforcing the laws, as well as their limited resources). Given that Congress granted the Secretary discretion to prioritize enforcement efforts, and that Congress has not appropriated sufficient resources for DHS to detain and commence proceedings against all removable aliens (including undocumented immigrants, persons apprehended at the border, and lawfully authorized aliens who commit crimes or otherwise violate the terms of their immigration status), Plaintiffs’ reading of section 1225 to create a mandatory duty to remove all undocumented immigrants would lead to an “absurd result[.]”¹⁸ *Bartholomew v. United States*, 740 F.2d 526, 531 (7th Cir. 1984) (courts should consider whether “a mandatory construction would yield harsh or absurd results”).

Second, ignoring the structure and complexity of the immigration laws, Plaintiffs attempt to mischaracterize unrelated provisions of the INA to suggest that deferred action somehow circumvents the INA’s scheme for lawful admission. *See* Pls.’ Reply at 10-14. But the longstanding practice of deferred action does not confer lawful status on recipients or constitute lawful admission. For purposes of the INA, “the terms ‘admission’ and ‘admitted’ mean . . . lawful entry of the alien into the United States after inspection and authorization by an immigration officer.” 8 U.S.C. § 1101(a)(13)(A); *see also Martinez v. Mukasey*, 519 F.3d 532, 543-44 (5th Cir. 2008). An alien who is present in the United States unlawfully – either because he was not inspected and admitted by an immigration officer or because he overstayed his

¹⁸ Moreover, even under Plaintiffs’ interpretation, section 1225(b)(2)(A) applies only to the decision to file a “notice to appear” commencing removal proceedings. Thus, the Government would remain free to exercise prosecutorial discretion to terminate removal proceedings at any subsequent stage. Plaintiffs’ construction would thus have the illogical consequence of requiring the Government to spend its time and resources to commence removal proceedings that it has no intention of prosecuting further. The language of the statute does not compel such absurd results.

authorized period of admission as a nonimmigrant – cannot turn his or her unlawful status into a lawful one simply by being granted deferred action. *See Ariz. Dream Act Coalition*, 757 F.3d at 1058 (“Like recipients of other forms of deferred action, DACA recipients enjoy no formal immigration status.”). The statutory provisions concerning admission discussed by Plaintiffs are thus irrelevant to the issues before the Court.

Plaintiffs suggest that deferred action contravenes provisions of the INA that place conditions on the lawful admission of certain relatives of U.S. citizens or lawful permanent residents (LPRs) pursuant to immigrant or nonimmigrant visas.¹⁹ *See* Pls.’ Reply at 10-11, 13-14 (citing, *inter alia*, 8 U.S.C. § 1151(a)(1), (a)(2)(A)(i)). But a grant of deferred action is categorically different from admission pursuant to a visa: deferred action does not constitute lawful admission, does not confer any lawful immigration status, does not provide a basis from which to seek lawful permanent residence or U.S. citizenship, and can be revoked at any time for any reason whatsoever.²⁰ In fact, Congress itself indicated that granting deferred action to immediate relatives of LPRs did not contravene its statutory scheme, by expressly providing that certain of those aliens were “eligible for deferred action” and “work authorization” in some circumstances. USA PATRIOT Act of 2001, Pub. L. No. 107-56, § 423(b)(1), 115 Stat. 272, 361; National Defense Authorization Act for Fiscal Year 2004, Pub. L. No. 108-136, § 1703(c)(1)(A), (d)(1), 117 Stat. 1392, 1694. Similarly, Plaintiffs’ reliance on the eligibility

¹⁹ Immigrant visas lead to lawful permanent residence (commonly known as having a “green card”) upon admission. Nonimmigrant visas lead to lawful temporary status (such as H-1B specialty occupation worker status) upon admission.

²⁰ Under long-standing policy, deferred action tolls the accrual of “unlawful presence” for purposes of the so-called “3- and 10-year bars” under 8 U.S.C. § 1182(a)(9)(B). Such tolling is irrelevant for virtually all individuals who may be considered for deferred action under DACA or DAPA. An individual need only have been here unlawfully for one year to trigger the 10-year bar. Additional unlawful presence triggers no additional consequences or penalties, and neither tolling nor deferred action cures any unlawful presence an individual has already accumulated.

criteria for cancellation of removal (a term of art for certain relief in the INA) is inapt, because, unlike deferred action, a grant of cancellation of removal to an otherwise inadmissible and removable alien confers LPR status and all the rights that come with such status, including prospective eligibility for U.S. citizenship. *See* 8 U.S.C. § 1229b(b).

Indeed, none of the provisions cited by Plaintiffs demonstrates that deferred action is prohibited by statute or that it confers lawful immigration status, which the Fifth Circuit has held “implies a right protected by law.” *Dhuka v. Holder*, 716 F.3d 149, 156 (5th Cir. 2013). The statutory provisions on which Plaintiffs rely reflect the intent to limit DHS’s ability to provide lawful immigration status, which deferred action does not provide. No provision cited by Plaintiffs – or in the immigration laws – reflects an intent to limit DHS’s enforcement discretion, much less the clear intent that would be required to permit judicial review under *Chaney*.

2. The Secretary Has Exercised His Statutory Responsibilities by Providing a Framework for the Exercise of Prosecutorial Discretion

Plaintiffs also fail to support their claim that *Chaney* does not apply because Defendants allegedly have abdicated a statutory duty by announcing a framework for the exercise of prosecutorial discretion. *See* Pls.’ Reply at 9, 32 (citing *Adams v. Richardson*, 480 F.2d 1159 (D.C. Cir. 1973)). Specifically, they argue that the challenged policy does not conserve resources and that its use of deferred action is different in “kind or scale” than past exercises of agency discretion. *See* Pls.’ Reply at 18-23, 27. These arguments, while lacking in merit, fail to demonstrate that the Secretary is violating an express statutory mandate akin to *Adams*. As the Fifth Circuit has held, real or perceived inadequacies in federal immigration enforcement policy do not constitute an abdication of a statutory duty, especially given the broad discretionary authority conferred upon the Secretary by the immigration laws. *See Texas*, 106 F.3d at 667; *see also Arizona*, 132 S. Ct. at 2499. For similar reasons, DHS’s decisions regarding how to deploy

enforcement resources or how to design guidelines for exercising prosecutorial discretion for a group do not constitute an abdication of statutory responsibilities under the INA. *See* Defs.’ Opp. at 37-44. To the contrary, these decisions fulfil the Secretary’s charge under the Homeland Security Act to “establish[] national immigration enforcement policies and priorities.” 6 U.S.C. § 202(5).

Plaintiffs first argue that the granting of deferred action to a high percentage of DACA requestors is indicative of an abdication of a statutory duty similar to *Adams v. Richardson*. Pls.’ Reply at 32. But contrary to Plaintiffs’ characterization, the D.C. Circuit’s holding in *Adams* did not hinge on the number of noncompliant school districts that were receiving Title VI funds from the Department of Health, Education, and Welfare, but rather focused on the Department’s failure to carry out a “clear and direct statutory mandate.” *See Cutler v. Hayes*, 818 F.2d 879, 893 (D.C. Cir. 1987). Here, on the other hand, Congress has enacted no provision forbidding the exercise of deferred action, comparable to the provisions of the Civil Rights Act that were dispositive in *Adams*.²¹ In addition, the existence of unreviewable discretion here is further supported by the fact that “the [agency] lacks the resources necessary to locate and prosecute every [statutory] violator.” *Adams*, 480 F.2d at 1162.

Plaintiffs also have failed to demonstrate the kind of extreme conduct required to establish even a remotely colorable claim of abdication under *Chaney*. Plaintiffs do not dispute that DHS lacks funds to pursue removal of anything more than a small fraction of the removable

²¹ Numerous courts have distinguished *Adams* on the ground that plaintiffs have failed to demonstrate extreme dereliction or complete abandonment of enforcement efforts. *See, e.g., Ass’n of Civilian Technicians, Inc. v. FLRA*, 283 F.3d 339, 344 (D.C. Cir. 2002); *Block v. SEC*, 50 F.3d 1078, 1082-84 (D.C. Cir. 1995); *Wash. Legal Found. v. Alexander*, 984 F.2d 483, 487-88 (D.C. Cir. 1993); *Sierra Club v. Yeutter*, 911 F.2d 1405, 1412 (10th Cir. 1990); *Sierra Club v. Larson*, 882 F.2d 128, 132-33 (4th Cir. 1989); *Cutler v. Hayes*, 818 F.2d 879, 892-93 (D.C. Cir. 1987); *Gillis v. U.S. Dep’t of Health & Human Servs.*, 759 F.2d 565, 578-79 (6th Cir. 1985).

aliens present in the United States and encountered at the border, nor do they contest that DHS is using all funds appropriated to it for removal. Instead, they contend that implementation of the 2014 Deferred Action Guidance does not conserve resources, Pls.’ Reply at 27, questioning resource allocation decisions uniquely within the agency’s expertise and discretion. Notably, though, Plaintiffs ignore the fact that the costs of administering the Deferred Action Guidance will be covered through fees submitted by requestors and not with congressionally appropriated funds. *See* Decl. of Donald W. Neufeld (“Neufeld Decl.”) ¶¶ 5, 26 (Ex. 44); *see also* OLC Op. at 10 (citing, *inter alia*, 8 U.S.C. § 1356(m); 8 C.F.R. § 103.7(b)(1)(i)(C), (b)(1)(i)(HH)). Plaintiffs also disregard that by using USCIS’s fee-funded resources to investigate potential candidates for non-removal and to provide a means for identifying them on a prospective basis, DHS has enabled U.S. Immigration and Customs Enforcement (“ICE”) and U.S. Customs and Border Protection (“CBP”) to more easily identify low-priority aliens and instead focus on the aliens that Congress has prioritized for removal. *See* OLC Op. at 28. This includes being able to more efficiently devote manpower to border security, expend resources attempting to locate, apprehend, and remove criminal aliens who were released by state and local authorities, and reduce costs associated with detaining low priority aliens and obtaining travel documents and transporting them back to their home countries, particularly those countries not contiguous to the United States.²² *See generally* Defs.’ Ex. 3 at 4 (DHS Immigration Enforcement Actions: 2013),

²² For example, between fiscal years 2011 and 2013, the total number of aliens apprehended at the border rose, including the number and percentage from non-contiguous countries (*i.e.*, other than Mexico), *see* Defs.’ Ex. 3 at 4. Generally, the removal of nationals to non-contiguous countries is far more costly, takes significantly more time, and requires added officer resources, as compared to removals of Mexican nationals. *See* Defs.’ Ex. 4 at 4, 9. In addition, the influx of unaccompanied children (UACs) at the border in FY2014 required ICE to reassign 800 officers from the interior to support southwest border operations, as well as to construct and staff additional detention facilities. *See id.* at 3. During FY2014, Congress did not act upon a DHS request for emergency supplemental funding, requiring DHS to reprogram funds from other key homeland security priorities. *Id.* Finally, ICE has been challenged by an

Ex.4 at 2-6, 9 (ICE Enforcement and Removal Operations Report, FY2014). As recognized by *Chaney*, the need to efficiently allocate scarce enforcement resources is a quintessential basis for an agency's exercise of enforcement discretion. 470 U.S. at 831.

Plaintiffs also argue that prior programs identifying certain groups of aliens who may be eligible for an exercise of discretion were of a different "kind or scale." *See* Pls.' Reply at 18-19. Of course, this alone is not dispositive of the lawfulness of the present initiative. In any event, Plaintiffs fail to distinguish the 2014 Deferred Action Guidance from the Family Fairness Program of 1990, which addressed a similar type of family-based classification²³ and reflected a statutory concern for promoting unity among U.S. citizens and their undocumented families. As to the scope, although a limited number of potential recipients ultimately applied for temporary relief under the 1990 Family Fairness Program, *see* Pls.' Reply at 19, the relevant data point for comparison purposes is the number of potential applicants estimated at the time of the program's announcement, which was 1.5 million.²⁴ As a percentage of the total estimated undocumented population at present (11.3 million), the estimated potential applicant pool under the 2014 Deferred Action Guidance (35%, or 4 million) is below the estimated potential requestor pool for the Family Fairness Program (43%, or 1.5 million) as a percentage of the total undocumented

increasing number of state and local jurisdictions that are declining to honor ICE immigration detainers. *Id.* at 4. This has meant that ICE has to use additional resources to try to locate, apprehend, and remove criminal aliens who are released by state and local authorities. *Id.* at 5.

²³ In that program, the Executive granted "extended voluntary departure" and provided work authorization for certain aliens who were ineligible for legal status under the Immigration Reform and Control Act of 1986 but who were the spouses and children of aliens who qualified for legal status under the Act. *See* Defs.' Opp. at 42 (citing OLC Op. at 14-15).

²⁴ *See* Defs.' Ex. 8 ("At the time, [INS Commissioner] McNary stated that an estimated 1.5 million unauthorized aliens would benefit from the policy."); *see also* Decision Mem. to Gene McNary, *The Implementation of the Family Fairness Policy* at 1 (Feb. 8, 1990) (Ex. 45) (stating that the program would provide voluntary departure and employment authorization "to potentially millions of individuals"); *Draft Processing Plan, Processing of Family Fairness Applications, Utilizing Direct Mail Procedures* at 1 (Feb. 8, 1990) (estimating that "greater than one million IRCA-ineligible family members" would file for relief under the announced policy) (Ex. 46).

population at the time when that program was first announced (3.5 million).²⁵ *See* OLC Op. at 1, 14-15, 30-31. Given these relative percentages, combined with Congress’s implicit approval of the Family Fairness policy, *see* OLC Op. at 30 n. 15, the 2014 Deferred Action Guidance is not, by virtue of its kind and scale, inconsistent with what Congress has previously deemed to be a reasonable exercise of enforcement discretion.²⁶ *Id.* at 31.

Although Plaintiffs contend that prior deferred action programs were limited to providing a “temporary bridge” to lawful status for which recipients were already eligible by statute, that was true of neither the 1990 Family Fairness Program nor 2012 DACA (which Plaintiffs are not challenging here).²⁷ Plaintiffs have cited no statute or regulation that confines the Executive’s exercise of deferred action to only providing a temporary bridge to lawful status. Nor could they, as Congress has long been aware of the practice of granting deferred action, including through the use of categorical framework, and has never acted to disapprove or limit the practice. OLC Op. at 18. To the extent that Congress has considered legislation that would limit the practice of granting deferred action, it has never enacted such a measure. *See* OLC Op. at 18 n.

²⁵ There remains uncertainty regarding how many people will apply for or receive deferred action under the 2014 Guidance. Approximately 1.2 million people, for example, were estimated to be eligible for deferred action under 2012 DACA when the program was announced. But as of December 31, 2014, only 638,897 of DACA eligible individuals had been granted deferred action. *See* Neufeld Decl. ¶ 23. Moreover, any comparison between the number of aliens who may receive deferred action under the 2014 guidance and those who received temporary relief under the Family Fairness Program would also have to take into account that Congress enacted a statute in 1990 providing certain relief less than a year after the program’s announcement, thereby rendering the program unnecessary. *See infra* note 25.

²⁶ Indeed, other high-level officials have in the past exercised their discretion to set policies that exempted large numbers of people from prosecution, including based on bright-line categories. *See, e.g.,* *Wayte v. United States*, 470 U.S. 598, 604, 609-10 (1985) (upholding application of policy that categorically exempted from prosecution 99.96% of a class of 674,000 violators of the selective-service registration requirement).

²⁷ After INS implemented the Family Fairness policy, Congress enacted a separate statute granting recipients under the Family Fairness program an indefinite stay of deportation. *See* Immigration Act of 1990, Pub. L. No. 101-649, § 301, 104 Stat. 4978, 5030. Although that grant of relief did not take effect for nearly a year, Congress clarified that “the delay in effectiveness of this section shall not be construed as reflecting a Congressional belief that the existing family fairness program should be modified in any way before such date.” *Id.* § 301(g).

9. Plaintiffs' contention that the House of Representatives has issued a "rebuke[]" of the Secretary's November 20 guidance, Pls.' Reply at 24, is irrelevant. As the Supreme Court has made clear, an unenacted bill is an unreliable indicator of legislative intent. *See Red Lion Broad. Co. v. FCC*, 395 U.S. 367, 381 n. 11(1969); *see also Metro. Wash. Airports Auth. v. Citizens for the Abatement of Aircraft Noise, Inc.*, 501 U.S. 252, 276 (1991).

For all of these reasons, the Secretary's proposed exercise of deferred action at issue here does not constitute an abdication of a statutory duty and hence is not reviewable by this Court.

3. The Secretary's 2014 Deferred Action Guidance Appropriately Reflects the Exercise of the Agency's Prosecutorial Discretion at Several Different Levels

Contrary to Plaintiffs' claim, the fact that the Secretary has established a framework for the exercise of DHS's prosecutorial discretion, which nevertheless preserves ultimate decisionmaking on a case-by-case basis, does not remove that exercise of discretion from the rule of *Chaney* and the non-reviewability of exercised of enforcement discretion. As explained previously, the creation of a framework *itself* is an exercise of discretion. *See Lopez v. Davis*, 531 U.S. 230, 243-44 (2001). And DAPA's framework for the exercise of this discretion in individual cases helps ensure that it is not employed arbitrarily, *see* Defs.' Opp. at 40 (citing cases), and that this discretion is being exercised both at a Department-level and on a case-by-case basis. *Id.* at 41-42. Consistent with his statutory charge to set Department-wide enforcement priorities, *see* 6 U.S.C. § 202(5), the Secretary in the exercise of his discretion has first established general guidelines for who may be considered—for example, having a U.S. citizen or LPR son or daughter, continuous residence for five years, and no current lawful status. These parameters, reflecting the exercise of discretion by the agency's top law-enforcement official, are designed to ensure that the policy is limited in scope, reflects enforcement priorities,

and at the same time serves a particularized humanitarian interest in promoting family unity and is consonant with congressional policies embodied in the immigration laws.

The Guidance further preserves significant judgment and discretion to be exercised on a case-by-case basis, by including broad and flexible criteria, such as whether the person constitutes a threat to public safety or whether the person presents any other “factors that, in the exercise of discretion, [would] make[] the grant of deferred action inappropriate.” Deferred Action Guidance at 4. Plaintiffs incorrectly claim that each guideline is akin to a check-box that allows no discretion, when in fact many of the guidelines, such as the public safety factor, necessarily require USCIS adjudicators to exercise significant discretion. Although Plaintiffs speculate, without foundation, that this discretion may not be implemented on a case-by-case basis, *see, e.g.*, Pls.’ Reply at 28-32, what matters for purposes of this Court’s inquiry under *Chaney* is that the Deferred Action Guidance reflects multiple layers of prosecutorial discretion on a matter committed by law to agency discretion.

Plaintiffs’ argument that the Deferred Action Guidance will amount to “rubber-stamping,” *see* Pls.’ Reply at 28-29, is also contrary to the Secretary’s policy. Because Plaintiffs challenge a memorandum that has not yet gone into effect, it would be inappropriate and contrary to law for this Court to assume that the Government will not administer the policy in keeping with its terms, which clearly contemplate case-by-case consideration. *See USPS v. Gregory*, 534 U.S. 1, 10 (2001) (“[A] presumption of regularity attaches to the actions of Government agencies”). Plaintiffs have cited no case in which a court has rejected an exercise of prosecutorial discretion by second-guessing the manner in which an agency implemented a policy that is lawful on its face, let alone based on an assumption about the agency’s presumed failure to comply with the policy as written before it has gone into effect.

In any event, Plaintiffs' claim of "rubber-stamping" with respect to the existing DACA policy that they carefully avoid challenging is incorrect and rests on erroneous assumptions.²⁸ As an initial matter, approximately six percent of adjudicated DACA requests have been denied, in addition to the six percent that were initially rejected when filed. Defs.' Opp. at 41.²⁹ The denials have been based on an adjudicator's case-by-case determination that the requestor has not met the substantive criteria of the policy or for other discretionary reasons. Neufeld Decl. ¶ 15. While these numbers alone (in addition to the express terms of the 2012 DACA policy itself) show that discretion is being exercised under that policy, there are also concrete examples in which requests have been denied based on decidedly discretionary grounds (although the absence of such cases in the record would not be dispositive of the relevant legal issues). *See id.* ¶¶ 17, 18, 24; *see also* Amicus Br. of Am. Immigration Council *et al.* at 2 [ECF No. 39-1] (noting *amici*'s experience seeing "individuals who meet all of the DACA eligibility requirements [but are] still denied deferred action"). For example, requests have been denied for public safety reasons where the requestor was suspected of gang membership or gang-related

²⁸ For example, Plaintiffs' complaint about the relatively high rate of approval under 2012 DACA fails to take into account that an individual who may not merit deferred action, *e.g.*, one who has multiple arrests, is unlikely to apply in the first place. Defs.' Opp. at 41-42.

²⁹ In the Neufeld Declaration, Defendants provide further details about DHS's implementation of 2012 DACA at the request of the Court and to respond to some of the points made in Plaintiffs' papers. Because the 2014 Deferred Action Guidance is, on its face, a valid exercise of DHS's prosecutorial discretion for the reasons discussed above, the details about the agency's implementation of 2012 DACA are not necessary to reject Plaintiffs' pre-enforcement challenge to that Guidance. Moreover, challenges brought pursuant to the APA are ordinarily confined to the administrative record or appropriately explanatory materials. This is in contrast to the Kenneth Palinkas Declaration (Pls.' Ex. 23) [ECF No. 64-42] submitted by Plaintiffs, which, aside from reflecting conclusory, generalized assertions lacking support, is unrelated to the agency's administrative action, and thus does not bear on whether Plaintiffs can demonstrate a likelihood of success on the merits. *See Camp v. Pitts*, 411 U.S. 138, 142 (1973); *see also Harvard Pilgrim Health Care v. Thompson*, 318 F. Supp. 2d 1, 10 (D.R.I. 2004) (when constitutional and APA claims overlap, review must be on the administrative record); *cf. Seafarers Int'l Union of N. Am. v. U.S.*, 891 F. Supp. 641, 647 (D.D.C. 1995) ("Although judicial review is normally confined to the administrative record, *agency* affidavits may be used to supplement the administrative record to further explain the administrative record and describe the background information that was available to the agency") (emphasis added).

activity or had a series of arrests without convictions, arrests resulting in a pre-trial diversionary program, or an ongoing criminal investigation. Neufeld Decl. ¶ 24. In addition, requests have been denied on the basis of factors not expressly set forth in the 2012 DACA guidance, such as where the requestor had made false prior claims of U.S. citizenship. *Id.* ¶¶ 18, 24. Thus, contrary to Plaintiffs' unsupported contentions, implementation of 2012 DACA demonstrates the entirely appropriate use of case-by-case discretion.³⁰

Plaintiffs question USCIS's ability to exercise discretion under the upcoming 2014 Deferred Action Guidance on two additional grounds, *see* Pls.' Reply at 31-32, both of which are flawed. First, Plaintiffs contend that the use of service centers to process requests under DACA has "prevent[ed] investigators from interviewing applicants." Pls.' Reply at 31 (citing Palinkas Decl. ¶ 8). This contention is unfounded. USCIS uses its service centers for substantive processing of DACA requests because they are capable of handling high-volume caseloads. *See* Neufeld Decl. ¶ 8. And such handling is not dissimilar from several other programs through which individuals may receive deferred action. *Id.* ¶ 8 n.1. As explained in the Neufeld Declaration, after a DACA request is received and determined to be complete, it is subject to a substantive determination by a USCIS adjudicator, in which the adjudicator considers the guidelines and weighs the evidence submitted by the requestor. *Id.* ¶¶ 14-18. The USCIS service center has the authority to refer a case for interview at a USCIS field office in order to

³⁰ Other documents submitted by Plaintiffs describing the 2012 DACA program also fail to show that USCIS is not exercising discretion in adjudicating DACA requests. Plaintiffs cite a letter from USCIS Director Rodriguez to Senator Grassley in support of this point, but that letter lists only the four most common reasons why DACA requests were *rejected* during the time period from August 15, 2012 to August 31, 2014 (all of which relate to failing to meet the guidelines), Pls.' Ex. 29; the letter does not address why DACA requests were *denied* for other discretionary reasons. DACA rejections are based on a deficiency in the request (*e.g.*, missing fee) or failure to meet one of the age-related guidelines, while denials require adjudication of particular factors and weighing of evidence. Neufeld Decl. ¶¶ 14-15. The Migration Policy Institute Study (also cited by Plaintiffs) similarly does not address the reasons for DACA denials, including any discretionary reasons for those denials. *See* Pls.' Ex. 6.

resolve outstanding concerns on DACA requestors, examples of which are attached to the Neufeld Declaration. *Id.* ¶ 20. Thus, contrary to Mr. Palinkas's unsupported and conclusory assertions, *see, e.g.*, Palinkas Decl. ¶ 10, the process for consideration of DACA requests by the service centers preserves the case-by-case consideration contemplated by the policy.

Plaintiffs also err when they contend that the existence of agency-wide procedures for accepting evidentiary submissions and sending notices to requestors somehow indicates that adjudicators are prevented from exercising discretion under DACA. Pls.' Reply at 31-32. Such instructions do not indicate a lack of discretion; rather, they highlight that DACA requests must be supported by evidence presented in each case and that officers are encouraged to consider all relevant factors and evidence before determining whether deferred action is appropriate. *See* Neufeld Decl. ¶¶ 18-19. Likewise, Plaintiffs' assertion that DACA involves solely the mechanical use of "templates," *see* Pls.' Reply at 32, is baseless: the portion of the DACA Standard Operation Procedures they cite in support of this claim clearly reflects that, even though standardized forms are used to record decisions, those decisions are to be made "on a case-by-case basis, according to the facts and circumstances of a particular case." Pls.' Ex. 10. In the end, the existence of standardized forms and procedures for administering DACA shows only that the agency has processes in place for managing work flows and for ensuring that discretion is exercised consistent with articulated enforcement priorities and in a non-arbitrary fashion.³¹

³¹ Contrary to Plaintiffs' contention, *see* Pls.' Reply at 32-34, deferred action has been terminated under DACA for discretionary reasons, *see* Ltr. from USCIS Dir. Leon Rodriguez to Sen. Charles Grassley, Oct. 9, 2014, Enclosure 1, Pls.' Ex. 29 (listing twelve different reasons that deferred action has been terminated under DACA). The fact that there have not been more terminations should not be held against the agency, as it most likely indicates that discretion is being exercised carefully in the initial consideration of DACA requests.

4. **Work Authorization for Deferred Action Is Based on Longstanding Legal Authority**

Plaintiffs also erroneously characterize the 2014 Deferred Action Guidance as a “massive new permitting scheme” not subject to *Chaney*’s limits on judicial review of prosecutorial discretion, Pls.’ Reply at 27, on the ground that it may ultimately lead to the grant of federal work authorization to individuals granted deferred action. Federal work authorization is made available not through the challenged guidance, but through a separate statutory and regulatory scheme that confers discretion to the Secretary to consider which aliens are authorized to be employed in the United States – a legal scheme Plaintiffs do not separately challenge. *See Am. Compl.* ¶¶ 71, 83, 87. Accordingly, any subsequent grant of work authorization is irrelevant to the agency’s exercise of prosecutorial discretion under the Guidance. It is not legally significant, for purposes of *Chaney*, that Plaintiffs complain of what they anticipate to be the independent statutory and regulatory consequences of a discretionary decision to defer removal. *See Texas*, 106 F.3d at 667 (regardless of costs to State from defendants’ alleged failure to control illegal immigration, Attorney General’s immigration enforcement decisions are not subject to a “workable standard against which to judge the agency’s exercise of discretion”).

In any event, the statutory and regulatory scheme for granting federal work authorization to deferred action recipients is well-grounded in established law and precedent. Federal immigration officials are specifically authorized by statute to determine which aliens are authorized to work in the United States. *See* 8 U.S.C. § 1324a(h)(3) (defining “unauthorized alien” not entitled to work as an alien who is neither a legal permanent resident nor “authorized to be . . . employed by [the INA] or by the Attorney General [now the Secretary of Homeland Security].”) (emphasis added). Other provisions also indicate that federal immigration officials

possess broad discretion in determining when aliens may work in the United States.³² Congress has therefore provided the Secretary with authority to address which aliens may work under these circumstances. *See Arizona Dream Act Coalition*, 757 F.3d at 1062 (“Congress has given the Executive Branch broad discretion to determine when noncitizens may work”) (citing 8 U.S.C. § 1324a(h)(3)). Exercising the discretion within these statutory provisions, the Secretary has determined that those granted deferred action may ordinarily apply for work authorization. 8 C.F.R. § 274a.12(c)(14). This regulation, which was subject to notice-and-comment, dates back to 1981, and in both its original and current form, defines “deferred action” as an “act of administrative convenience to the government which gives some cases lower priority.” *See Employment Authorization to Aliens in the United States*, 46 Fed. Reg. 25079-03, 25081 (May 5, 1981); 8 C.F.R. § 274a.12(c)(14). In numerous enactments since, Congress has indicated its approval of this longstanding practice of granting work authorization to recipients of deferred action. *See* Pub. L. No. 107-56, § 423(b)(1) (certain relatives of LPRs “may be eligible for deferred action *and work authorization*” (emphasis added)); Pub. L. No. 108-136, § 1703(c)(1)(A), (d)(1) (certain immediate relatives “shall be eligible for deferred action . . . *and work authorization*” (emphasis added)); 8 U.S.C. § 1154(a)(1)(D)(i)(II), (IV) (certain children

³² *See, e.g.*, 8 U.S.C. § 1324a(h)(1) (providing that Attorney General is responsible for documenting aliens’ right to work in the United States); § 1324a(b)(1)(C)(ii) (providing that a document is valid as evidence of employment authorization if “the Attorney General finds [it], by regulation, to be acceptable” for that purpose). Moreover, in the few instances in which Congress has determined to limit employment authorization for certain classes of aliens, it has done so expressly. *See, e.g.*, 8 U.S.C. § 1158(d)(2) (“An [asylum] applicant who is not otherwise eligible for employment authorization shall not be granted such authorization prior to 180 days after the date of filing of the application for asylum.”); § 1226(a)(3) (restricting employment authorization for aliens who have been arrested and are in removal proceedings unless the alien is a lawful permanent resident “or otherwise would (without regard to removal proceedings) be provided [work] authorization”); § 1231(a)(7) (providing that alien who has been ordered removed is ineligible for work authorization unless the Secretary finds that the alien cannot be removed for lack of a country willing to receive the alien or “the removal of the alien is otherwise impracticable or contrary to the public interest”).

are “eligible for deferred action *and work authorization*” (emphasis added)).

Plaintiffs argue that 8 U.S.C. § 1324a(h)(3) is a “definitional provision” and that the Secretary’s interpretation is inconsistent with other provisions of the INA. Pls.’ Reply at 15-16. Shortly after Congress enacted 8 U.S.C. § 1324a(h)(3) as part of the Immigration Reform and Control Act of 1986 (“IRCA”), Pub. L. No. 99-603, 100 Stat. 3359, the Immigration and Naturalization Service (“INS”) was presented with the identical argument as part of a petition for rescission of the employment authorization regulation. *See* Employment Authorization; Classes of Aliens Eligible, 52 Fed. Reg. 46,092, 46,093 (Dec. 4, 1987). INS rejected the argument that 8 U.S.C. § 1324a(h)(3) precludes the Secretary (then the Attorney General) from granting work authorization. Rather, INS concluded “that Congress, being fully aware of the Attorney General’s authority to promulgate regulations, and approving of the manner in which he has exercised that authority in this matter, defined ‘unauthorized alien’ in such fashion as to exclude aliens who have been authorized employment by the Attorney General through the regulatory process, in addition to those . . . authorized by statute.” 52 Fed. Reg. at 46,093. Given that an agency’s “contemporaneous interpretation of the statute it is entrusted to administer” is given “considerable weight,” *Commodity Futures Trading Comm’n v. Schor*, 478 U.S. 833, 844 (1986), Plaintiffs’ argument fails.

Further, the Fifth Circuit has explicitly recognized that 8 U.S.C. § 1324a(h)(3) provides federal immigration officials with extensive flexibility in granting work authorization. *See Perales*, 903 F.2d at 1048-50. In *Perales*, immigration visa applicants brought a class action requesting that INS “change its method of considering petitions for voluntary departure and employment authorization for certain types of aliens.” *Id.* at 1045. The Fifth Circuit found that, under *Chaney*, neither 8 U.S.C. § 1324a(h)(3) nor 8 C.F.R. § 274a.12(c) provides a court with

judicially manageable standards for reviewing the manner in which federal immigration officials exercise their discretionary power to grant work authorizations. *See Perales*, 903 F.2d at 1048-50.³³

In short, the provision of federal work authorization for deferred action recipients, whether related to DACA or DAPA or some other grant of deferred action, has a strong statutory and regulatory basis and does not contravene the express or implied will of Congress.

C. Even If It Were Reviewable, the Deferred Action Guidance Must Be Upheld as a Valid Exercise of Discretion Under the APA

Even if the Guidance Memorandum were subject to judicial review on the merits—which it is not—Plaintiffs’ vague and unsupported argument that it violates the substantive requirements of the APA, *see* Pls.’ Reply at 40-42, is without merit. Plaintiffs’ first claim is that the Deferred Action Guidance violates “Congress’s clear statutory commands.” *Id.* at 41. But as Defendants demonstrated above, Plaintiffs fail to show that the Guidance violates any provision of the INA. *See supra* Part II.B.1.

To the extent that Plaintiffs separately contend that the Deferred Action Guidance is arbitrary and capricious, even though it is not contrary to the terms of the immigration laws, Plaintiffs fall far short of meeting the extremely high bar for such a showing. *See FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 513 (2009) (“We have made clear . . . that ‘a court is not to substitute its judgment for that of the agency.’”); *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (courts should “uphold a decision of less than ideal

³³ Moreover, there is a long history of the Executive providing work authorization for categories of individuals who have had their removals deferred. Under the Family Fairness Program in 1990, the Executive granted “extended voluntary departure” and provided work authorization for certain aliens who were ineligible for legal status under IRCA but who were the spouses and children of aliens who qualified for legal status under the Act. *See* OLC Op. at 14-15. Likewise, students who wished to apply for deferred action under a program for foreign student affected by Hurricane Katrina were required to submit an application for work authorization. *Id.* at 16.

clarity if the agency’s path may reasonably be discerned.”). Under this standard, a court must presume the validity of agency action. *See Ala. Nursing Home Ass’n v. Harris*, 617 F.2d 388, 393 (5th Cir.1980). Plaintiffs have made no effort whatsoever to explain how they can overcome this presumption.

Plaintiffs’ only other ground for invalidating the Guidance under the APA—a meritless non-delegation argument that they raise for the first time in their Reply—fares no better. The Supreme Court has repeatedly endorsed broad grants of discretion to agencies to carry out legislative commands. *See, Whitman v. Am. Trucking Ass’ns, Inc.*, 531 U.S. 457, 474-75 (2001) (citing *Nat’l Broadcasting Co. v. United States*, 319 U.S. 190, 194, 225-26 (1943) (upholding delegation to the FCC to regulate airwaves in the “public interest”)). Also, *Arizona* makes clear that discretion pervades the INA. Because Plaintiffs have failed to raise any colorable challenge to the Secretary’s use of deferred action, the Court should deny their motion.

D. Plaintiffs Fail to State a Procedural Challenge Under the APA

Plaintiffs’ procedural claim that the Guidance violates the APA because it was not issued using notice-and-comment procedures rests on a fundamental misunderstanding of the principles of administrative law and the relevant precedent. It is not the law, as Plaintiffs claim, that if “the APA applies” to a particular agency action, that agency action – regardless of its content and form – can be issued only after notice to the public and opportunity to comment. *See* Pls.’ Reply at 34. As Defendants have already explained, the APA does not subject general statements of policy to the notice-and-comment requirements set forth in 5 U.S.C. § 553. *See id.* § 553(b)(3)(A). Plaintiffs are thus flatly incorrect when they suggest that Defendants “concede that they will lose if the Court reaches the merits [of their notice-and-comment] claim, because they [have] undisputedly failed to engage in notice-and-comment rulemaking.” Pls.’ Reply at

34-35. To be sure, Plaintiffs' notice-and-comment claim is *not* subject to review, because Plaintiffs are not within the relevant zone of interests under the APA. *See supra* Part I.D.2; *cf. Mendoza v. Perez*, 754 F.3d 1002, 1016 (D.C. Cir. 2014) (“Although the plaintiffs here assert a [notice and comment] cause of action under the APA, in considering whether plaintiffs are authorized to sue . . . we look to whether they fall within the zone of interests sought to be protected by the substantive statute pursuant to which [agency] acted”). But even if their claim were properly presented, it fails as a matter of law because the 2014 Deferred Action Guidance is expressly exempt from the requirement of notice-and-comment rulemaking, as a “statement of general policy.” Defs.’ Opp. at 44-47.

In *Lincoln v. Vigil*—a case Plaintiffs fail to cite, let alone distinguish—the Supreme Court defined “general statements of policy” as “statements issued by an agency to advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power.” 508 U.S. 182, 197 (1993) (quoting *Chrysler Corp. v. Brown*, 441 U.S. 281, 302 n.31 (1979)). The 2014 Deferred Action Guidance, which seeks to inform the public prospectively about the manner in which DHS proposes to exercise prosecutorial discretion in certain instances, falls squarely within the statutory exemption. *See id.*; *see also Prof’ls & Patients for Customized Care v. Shalala*, 56 F.3d 592, 601 (5th Cir. 1995) (“PPCC”) (finding FDA policy announcing nine factors it will consider in bringing discretionary enforcement action fits the Fifth Circuit’s definition of general statement of policy “to a tee”). The policy *itself* is an exercise of discretion and should be exempt from notice-and-comment requirements on that ground alone; and in any event, it further contemplates the exercise of discretion on a case-by-case basis without proscribing any result.

Plaintiffs erroneously claim that general statements of policy must be “legally

meaningless.” *See* Pls.’ Reply at 38. However, that is contrary to the standard recognized by the Fifth Circuit, which has provided that a general statement of policy is one that “does not impose any rights and obligations” and that “genuinely leaves the agency and its decisionmakers free to exercise discretion.” *PPCC*, 56 F. 3d at 595. In *PPCC*, the Fifth Circuit found that FDA-issued guidance setting forth enforcement standards qualified as a “statement of policy” after first analyzing the plain language of the policy itself to determine whether it created binding norms. *Id.* at 597. The court noted that, although the policy directed that the FDA “will consider” nine factors that were included in the guidance, the policy “afford[ed] an opportunity for individualized determinations,” and noted that even if the factors were met, the FDA retained discretion on whether to bring an enforcement action. *Id.* at 597-98. The Court also noted that the policy included “broad, general, [and] elastic” criteria that required discretion to apply. *Id.* at 598. The same is true of the Deferred Action Guidance. *See supra* Part II.B.3.

Plaintiffs’ argument that the Deferred Action Guidance cannot be a general policy statement because it has “substantive effects,” *see* Pls.’ Reply at 37-38, is also unavailing. First, contrary to Plaintiffs’ suggestion, deferred action is not “conferred through the [Guidance],” *id.* at 38; rather, it is conferred through the determination by an immigration officer to defer removal in a given case. Moreover, it was irrelevant to the Supreme Court’s definition of a “general statement of policy” in *Vigil* whether such a policy has some substantive impact. 508 U.S. at 197. The argument that a rule has some substantive impact “alone does not undercut the conclusion that . . . [it is a] general statement[] of policy.” *Guardian Fed. Sav. and Loan Ass’n v. Fed. Sav. and Loan Ins. Corp.*, 589 F.2d 658, 668 (D.C. Cir. 1978).

Plaintiffs assert that the Guidance “uses a series of *shalls* and *musts*,” Pls.’ Reply at 36, but none of these verbs directs officials to deny or grant particular requests for deferred action.

Accordingly, this language is irrelevant to the inquiry, which turns on whether “the rule has binding effect *on agency discretion*.” *PPCC*, 56 F.3d at 595 (emphasis added); *see also Guardian Fed. Sav. and Loan Ass’n*, 589 F.2d at 667 (concluding that rule was “statement of policy,” notwithstanding its “mandatory tone”). Plaintiffs’ reliance on *Appalachian Power Co. v. EPA*, 208 F.3d 1015 (D.C. Cir. 2000), is also misplaced. In that case, the agency’s guidance “from beginning to end . . . read[] like a ukase,” [*i.e.*, an unfair edict] *id.* at 1024, which manifestly cannot be said about the guidance here. In addition, the policy at issue in *Appalachian Power*, unlike the present one, purported to impose new legal obligations on regulated parties that commanded compliance. *Id.* at 1023. In contrast, the Guidance here is akin to the FDA enforcement guidance that the Fifth Circuit found to be exempt from notice-and-comment requirements in *PPCC*.

Plaintiffs invite the Court to ignore that the guidance is a “policy statement,” as well as the language of the Guidance generally, and to find that it leaves no discretion to agency officials to make individualized determinations. *See* Pls.’ Reply at 38-39. Thus, even though the Guidance expressly provides that “the ultimate judgment as to whether an immigrant is granted deferred action will be determined on a case-by-case basis,” Deferred Action Guidance at 5, Plaintiffs ask this Court to assume the contrary. This approach is not permitted under the law of this Circuit. *PPCC*, 56 F. 3d at 596 (“[T]he starting point is ‘the agency’s characterization of the rule.’”); *see also Nat’l Ass’n of Broadcasters v. F.C.C.*, 569 F.3d 416, 426 (D.C. Cir. 2009) (determination of “whether the agency has imposed any rights and obligations or has left itself free to exercise discretion” must “tak[e] into account the agency’s phrasing”).

Further, this argument fails for the reasons previously explained in Part II.B.3, *supra*. As noted, Plaintiffs’ claim that “it is undisputed that the [Guidance] has yielded a 99.5-94.4%

approval rate,” Pls.’ Reply at 37, is wrong. To begin with, the 2014 Deferred Action Guidance has not gone into effect yet, so it cannot have “yielded” any approval rate. To the extent Plaintiffs refer to the approval rate of 2012 DACA requests, this statistic is both inaccurate and irrelevant, as 2012 DACA is not at issue in this case. Moreover, Plaintiffs have identified no case in which a court has determined that a policy such as this one, which is addressed to the exercise of agency discretion, was subject to notice-and-comment requirements based on the rate at which that discretion was ultimately exercised under the policy.³⁴ Further, Plaintiffs’ claim that immigration “officers have no discretion to grant a reprieve” to an individual who does not meet the guidelines, Pls.’ Reply at 36, ignores the fact that USCIS retains discretion to grant deferred action or certain forms of discretionary relief to such an individual. *See* Neufeld Decl. ¶ 27. The Deferred Action Guidance does not purport to restrict the existing discretion that immigration officers have to defer removal or provide certain forms of discretionary relief.

For all of these reasons, the Court must reject Plaintiffs’ procedural APA claim.

III. Plaintiffs Have Failed To Establish Irreparable Harm or That the Balance of the Harms Favor an Injunction

Because Plaintiffs have failed to establish that they will suffer a concrete injury as a result of the 2014 Deferred Action Guidance, and thus lack standing, they have necessarily failed to show that they will suffer irreparable injury absent an injunction. Defs.’ Opp. at 49; *cf. Safari Club Int’l v. Salazar*, 852 F. Supp. 2d 102, 123 (D.D.C. 2012) (no irreparable harm when plaintiffs could avoid harm). Indeed, Plaintiffs’ assertion that, absent an injunction, future

³⁴ Plaintiffs suggestion that *Chamber of Commerce v. U.S. Dep’t of Labor*, 174 F.3d 206 (D.C. Cir. 1999), found a “70%-90% rate” to be “sufficient” to show that a rule is substantive and binding, Pls.’ Reply at 37, is quite misleading. That case did not involve consideration of the rate of grants or denials of discretionary relief under the policy subject to challenge; rather, it involved a policy that, on its face, left “no room for discretionary choices by inspectors in the field,” and provided that every company that did not comply with its terms would be inspected, which meant that the effect of the rule was to “inform employers of a decision already made.” 174 F.3d at 213.

Presidents will be emboldened to exceed their authority, Pls.’ Reply at 66-67, underscores the highly speculative and abstract nature of Plaintiffs’ claims of harm, which are insufficient to justify the extraordinary remedy of a preliminary injunction. *See* Defs.’ Opp. at 49.

And although Plaintiffs contend that Defendants “cannot claim any countervailing injury,” Pls.’ Reply at 65, it is Plaintiffs, not Defendants, who have the burden of showing that “the threatened harm to [Plaintiffs] will outweigh any potential injury the injunction may cause [to Defendants]” and that the injunction “will not be adverse to public interest.” *Star Satellite, Inc. v. City of Biloxi*, 779 F. 2d 1074, 1079 (5th Cir. 1986). Plaintiffs have failed to meet this burden. As demonstrated by the numerous amicus briefs submitted in opposition to Plaintiffs’ Motion, a preliminary injunction would have a significant negative impact on other States, and on municipalities and communities nationwide. *See* ECF Nos. 39-1, 49-2, 81, 121. Among other things, DACA and DAPA will have important public safety benefits, as leading law enforcement officials from a wide range of cities (including in the Plaintiff States) have explained, and an injunction will prevent communities from reaping those benefits. *See* ECF No. 83-1. Plaintiffs weakly contend that an injunction cannot harm the public because “the status quo has existed ‘for years.’” Pls.’ Reply at 65. But Plaintiffs ignore the need to address the challenges DHS confronts in enforcing our immigration laws. As Defendants explained in their Opposition, the need for the 2014 Deferred Action Guidance, which allows DHS to efficiently identify and temporarily set aside aliens who are low priorities for removal, and thus to focus on its top enforcement priorities (threats to public safety, national security risks, and recent border crossers), is especially acute in light of recent demographic shifts in the immigrant population, restrictions on ICE’s use of detainers, the backlog in the immigration courts, and DHS’s limited resources. Defs.’ Opp. at 51-54. DACA and DAPA are tools that help DHS address these

challenges while promoting other legitimate immigration objectives, such as humanitarian concerns and family unity. *Id.* at 52-53. Halting or delaying policies that promote national security, public safety, administrative efficiency, and humanitarian concerns is not in the public interest. *Id.* at 54.

CONCLUSION

This Court should deny Plaintiffs' motion for preliminary injunction and dismiss Plaintiffs' Complaint for lack of subject matter jurisdiction.

Dated: January 30, 2015

Respectfully submitted,

KENNETH MAGIDSON
United States Attorney

JOYCE R. BRANDA
Acting Assistant Attorney General

DANIEL DAVID HU
Assistant United States Attorney
Deputy Chief, Civil Division

KATHLEEN R. HARTNETT
Deputy Assistant Attorney General

DIANE KELLEHER
Assistant Branch Director

/s/ Kyle R. Freeny
KYLE R. FREENY (Cal. Bar No. 247857)
Attorney-in-Charge
HECTOR G. BLADUELL
BRADLEY H. COHEN
ADAM D. KIRSCHNER
JULIE S. SALTMAN
Civil Division, Federal Programs Branch
U.S. Department of Justice
P.O. Box 883
Washington, D.C. 20044
Tel.: (202) 514-5108
Fax: (202) 616-8470
Kyle.Freeny@usdoj.gov
Counsel for Defendants

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45	Decision Memo to Gene McNary, <i>The implementation of the Family Fairness Policy – Providing For Voluntary Departure under 8 CFR 242.5 and Employment Authorization under 8 CFR 274a.12 for the spouses and children of legalized aliens (sections 245a and section 210)</i> (Feb. 8, 1990)	559 - 561
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EXHIBIT 34



OFFICE OF THE GOVERNOR

August 16, 2012

RICK PERRY
GOVERNOR

The Honorable Greg Abbott
Attorney General
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Dear General Abbott:

In a memo dated June 15, 2012, the Secretary of the U.S. Department of Homeland Security issued prosecutorial guidelines for certain unlawfully present aliens. The guidelines, which were to take effect no later than August 15, 2012, outline the secretary's intent to defer deportation actions involving those aliens for a period of at least two years. According to media reports, thousands of aliens in Texas are eligible to apply for relief from deportation under the guidelines.

I have previously expressed my position that the secretary was wrong to unilaterally undermine the law through a policy statement issued under the cover of so-called "prosecutorial discretion." I believe her actions were a slap in the face to the rule of law and our Constitutional framework of separated powers.

To avoid any confusion on the impact of the Obama administration's actions, I am writing to ensure that all Texas agencies understand that Secretary Napolitano's guidelines confer absolutely no legal status whatsoever to any alien who qualifies for the federal "deferred action" designation. In fact, the secretary specifically closed her directive by explaining that "[t]his memorandum confers no substantive right, immigration status or pathway to citizenship."

These guidelines do not change our obligations under federal and Texas law to determine a person's eligibility for state and local public benefits. Federal law prohibits conferring such benefits to most unlawfully present aliens, absent a state law to the contrary. In Texas, our legislature has passed laws that reflect the policy choices that they believe are right for Texas. The secretary's directive does not undermine or change our state laws, or any federal laws that apply within the State of Texas. I expect our state agencies to continue to comply with and enforce the laws for the protection of our citizens, communities and state treasury and in fulfillment of our constitutional duty as officials within the executive branch.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry".

Rick Perry
Governor

RP:crp

EXHIBIT 35

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, <i>et al.</i>)	
)	
Plaintiffs,)	
)	No. 1:14-CV-254
v.)	
)	
UNITED STATES OF AMERICA, <i>et al.</i>)	
)	
Defendants.)	
)	

DECLARATION OF MICHAEL HOEFER

I, Michael Hoefer¹, hereby make the following declaration with respect to the above captioned matter.

I. QUALIFICATIONS

1. I am a Senior Advisor for the Office of Policy & Strategy at U.S. Citizenship and Immigration Services (USCIS), a component within the U.S. Department of Homeland Security (“DHS” or “Department”). I have held this position since March 2013. I was previously the Director of the DHS Office of Immigration Statistics (OIS) from 1997 to 2013. The OIS is the lead office within DHS for the reporting and analysis of immigration data. I began working in the Statistics Office at the Immigration and Naturalization Service (INS) in March 1982.

2. I am a graduate of Cornell University with a B.S. (1976) in Industrial and Labor Relations with a concentration in applied statistics.

3. As a technical expert at OIS I authored many reports on Department immigration data and population estimates, including annual estimates of the number of unauthorized aliens

¹ Curriculum Vitae provided at Exhibit 1.

residing in the United States. I was staff statistician (on detail) at the Commission on Immigration Reform from 1994-95 and was a member of the DHS Immigration Reform Team in 2007. I co-chaired the Federal Interagency Workgroup on Immigration Statistics and Research for several years. As a leading expert on U.S. immigration data, I gave an invited address to the Annual Meeting of the Committee on National Statistics, National Academy of Sciences, titled "Measuring Immigration Flows and Immigrant Populations: What Do We Know? How Can we Learn More?" in October 2008. I also testified before the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, of the House Judiciary Committee in June of 2007 on the subject, "Comprehensive Immigration Reform: Government Perspectives on Immigration Statistics." This past year I was the United States representative to the Organization for Economic Co-operation and Development Expert Meeting on Migration. I also was a member, and provided statistical guidance, to the DHS task force addressing the increase in apprehensions of unaccompanied minor children beginning in the spring of 2012.

4. Resulting from my role as Senior Advisor for the Office of Policy & Strategy at USCIS, I am familiar with the 2012 Deferred Action for Childhood Arrivals policy (DACA), as well as the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) policy and modification of DACA announced in 2014 and presently in the process of being implemented by DHS.

5. I have worked on various projects to estimate the size and characteristics of unauthorized populations, such as those who meet the guidelines for DACA. I was the lead author of DHS annual reports on the size and characteristics of unauthorized populations from 2005 to 2011. I also assisted in the development of the "Report on the Legalized Alien Population," which was sponsored by the former INS. Last year I served as an advisor on the

development of a USCIS report on the “Characteristics of Individuals Requesting and Approved for DACA.”

6. The purpose of this declaration is to respond to certain opinions and conclusions in the Declaration of Karl Eschbach, Ph.D., submitted as Exhibit 14 to the Plaintiffs’ Reply Brief, filed in the case *State of Texas, et al., v. United States of America, et al.*, 14-cv-254, pending before the United States District Court for the Southern District of Texas.

7. In addition to the documents and information available to me as Senior Advisor for the Office of Policy & Strategy at USCIS, I have reviewed the above-referenced Declaration of Karl Eschbach, Ph.D., including attachments.

8. My views expressed in this declaration are based on my education, experience, knowledge of relevant scientific literature, knowledge of the generally accepted methodologies associated with review and analysis of statistical data regarding migrant populations, and my review of relevant documents and information. I have personal knowledge of the matters stated herein.

II. SUMMARY OF DECLARATION

9. Dr. Eschbach was retained by the Office of the Attorney General of Texas to analyze three issues: (1) whether the 2012 Deferred Action for Childhood Arrivals (DACA) policy caused an increase in the unauthorized immigrant population, and whether the 2014 Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) policy likely would cause concomitant increase in the unauthorized immigrant populations; (2) the method for counting the unauthorized immigrant population and the number of authorized immigrants that reside in Texas; and (3) whether unauthorized immigrants receive a disproportionate amount of uncompensated healthcare. (Eschbach Dec. at ¶ 4, pg. 2)

10. This declaration addresses Dr. Eschbach's analysis of the first of these issues, i.e. whether 2012 DACA caused an increase in the unauthorized immigrant population, and whether the 2014 deferred action policies likely would cause concomitant increase in the unauthorized immigrant populations.

11. Dr. Eschbach opines, regarding issue (1), that "DAPA will discernibly and significantly increase unauthorized immigration to the United States in two ways": (1) by encouraging both eligible and ineligible unauthorized immigrants to stay in the United States, in the hopes of attaining adjustment of status in the future and relatedly, by reducing the emigration rate of immigrants who may be considered for DAPA; and (2) by "making it more attractive for unauthorized immigrants to migrate to the United States." (Eschbach Dec. at ¶ 5(a), pg. 3). He therefore concludes that DAPA implementation will result in an increase in unauthorized immigrants. (Eschbach Dec at ¶ 5(a), pg. 4.)

12. Having reviewed Dr. Eschbach's declaration, including the data and bases for his hypotheses and conclusions, it is my opinion that Dr. Eschbach's opinions are not supported by the available evidence. DACA and DAPA are very recent policies, and they have not been fully studied. Dr. Eschbach himself notes that with respect to DACA that "there is no peer-reviewed analytic study evaluating the influences on recent trends in child migration." (Eschbach Dec. at ¶ 26.) Dr. Eschbach's opinions rest on speculation and unsupported inferences drawn largely from historical data reflecting generalized immigration statistics (e.g., Eschbach Dec. at ¶ 12, Table 2), and a program implemented in 1986 (the Immigration Reform and Control Act or "IRCA") (Eschbach Dec. at ¶¶ 20-23). There are not sufficient data to support his conclusions.

III. DISCUSSION

13. In his analysis, Dr. Eschbach discusses unauthorized migration, including incentives that affect individuals considering whether or not to attempt an unauthorized entry into the United States, and the potential effects/incentives that policies such as DACA and DAPA may have on those individuals. He views the unauthorized immigrant population at issue as being comprised of three groups: (1) unauthorized immigrants in the United States who may apply for deferred action under DACA or DAPA; (2) “potential migrants”, i.e., individuals outside the United States who do not meet the DACA/DAPA guidelines and who may be considering an illegal entry into the United States; and (3) unauthorized immigrants presently in the United States who do not meet the DACA/DAPA guidelines. (Eschbach Dec. at ¶ 16.)

14. Dr. Eschbach bases much of his speculation regarding the effect of DACA and DAPA on a rough extrapolation from pre-DACA/DAPA data, from which no relationship to DACA or DAPA can be inferred, without considering other significant factors that may affect his conclusions. Dr. Eschbach concedes that the “flow of unauthorized entrants across the border was responsive to many influences, including primarily perceptions of relative employment opportunities and wage rates.” (Eshbach Dec. at ¶ 23.) But Dr. Eschbach goes on to draw inferences regarding the causes of unauthorized migration without addressing environmental factors, such as crime, civil unrest and natural disasters. For example, he concludes that an increase in unauthorized migration can be attributed to IRCA, but the increase in the flow of unauthorized migrants since its passage was most notable between 1998 and 2002 (accounting

for 42% of the total increase), which is significantly attenuated with respect to IRCA, and correlates with other events.²

a. Dr. Eschbach's Opinions Regarding DACA/DAPA Causing an Increase in the Unauthorized Immigrant Population are Speculative and Unreliable

15. Regarding the first of Dr. Eschbach's groups – unauthorized immigrants in the United States who meet the guidelines for consideration under DACA or DAPA – Dr. Eschbach postulates that DACA and DAPA will increase the size of the unauthorized population, by: (1) deferring the removal of individuals whom he surmises would otherwise be “identified by” DHS and “subject to deportation within the time period specified in the programs”; and (2) “reducing the incentive to emigrate (i.e., return to [unauthorized immigrants'] home countr[ies]).” (Eschbach Dec. at ¶ 17). The evidence he relies on to support this conclusion – data reflecting estimated removal and emigration rates for the resident unauthorized immigrant population within the United States during the period 1990-2010 – predates the implementation of DACA, so this conclusion is based purely on conjecture. (Eschbach Dec. at ¶ 17, pg. 10, fn. 10.) Dr. Eschbach postulates a “crude estimate of an increase in the stock of resident unauthorized immigrants of 3 percent of the enrollees in the program for each year of their participation,” before conceding that “[t]he actual number of reduced deportations/deferrals may vary” if certain factors are true. (Id.).³ This “crude estimate” is just that – an unsupported guess based on

² In 1998 Hurricane Mitch devastated Central America, killing thousands and affecting more than 100,000 people. In 2001, El Salvador was struck by a series of earthquakes, killing more than a thousand people and damaging more than 100,000 homes and businesses.

³ No recent data are available on the rate that foreign-born residents (e.g., lawful permanent residents LPRs, unauthorized residents) emigrate. The U.S. government stopped collecting information on the emigration of LPRs in 1957. The “residual” methodology used by the DHS Office of Immigration Statistics and others to estimate the size of the unauthorized population does not require an estimate of the emigration rate of the unauthorized population, but does utilize an estimate of the foreign-born emigration based by Ahmed and Robinson, “Estimates of Emigration of the Foreign-Born Population: 1980-90,” Census Bureau Technical Working Paper No. 9, December 1994. Ahmed and Robinson estimate that emigration rate of the foreign born population during the 1980-89 period was 18.7 percent for those who entered during 1970-79, 9.1 percent for those who entered during 1960-69, and 7.1

several layers of inference – and it is particularly speculative because it does not rest on data or analysis drawn from DACA or DAPA. The incentives created by DACA and DAPA with regard to emigration now or in the future, and their relationship to existing disincentives to emigrate among the DACA and DAPA community, are affected by a complex set of factors which are not considered or discussed in any meaningful way by Dr. Eschbach.⁴ He later postulates that those who meet the DACA/DAPA guidelines will serve as anchors for new unauthorized migration among non-DACA/DAPA populations, and by this connection he attributes that possible future growth to DACA/DAPA. (Eschbach Dec. at ¶ 28.) Dr. Eschbach provides no reliable data or analysis supporting his conclusions, which are more in the nature of conclusory assertions.

16. For example, Dr. Eschbach's declaration lacks any analysis or consideration of pre-DACA/DAPA incentives to emigrate, and present and future consequences of DACA/DAPA on that same community regarding incentives to emigrate.

17. In addition, Dr. Eschbach relies in part on data regarding the effects of the Immigration Reform and Control Act of 1986 (IRCA), a program implemented twenty-eight years ago. As I explain below, IRCA does not provide a basis on which to make predictions

percent for those who entered before 1960. Warren and Warren, in their estimate of 3 percent emigration, have extrapolated the emigration rates for the total foreign-born population who entered in 1970-79 and applied it to unauthorized residents who have entered the United States from 1980 to 2009.

⁴ For example, lacking actual data and analysis concerning DACA and DAPA, any reasonable hypothesis regarding the effect of DACA and DAPA on incentives to emigrate, and the predicted consequence to the overall unauthorized immigrant population in the United States, would need to consider the pre-DACA and pre-DAPA incentives on the eligible population. Pursuant to the eligibility requirements of the program, the population of individuals in the United States who meet the DACA guidelines necessarily entered the United States at a young age. Their parents and immediate family are likely to be in the United States, and their primary community ties are likely to be in the United States. Conversely, this population may have diminished or non-existent family and community ties in their country of birth. The DAPA policy necessarily correlates with strong ties to the United States, including having at least one United States citizen or legal resident child and having at least 5 years of residence in the United States. Further, inasmuch as the DACA and DAPA policies are contingent upon individuals having not been convicted of serious crimes, this population is less likely to be placed in removal proceedings.

about DACA and DAPA.⁵ Dr. Eschbach attempts to support his conclusion that DACA and DAPA will lead to an increased in the unauthorized population in the United States based on a tenuous comparison to the fact that unauthorized migration has increased in the decades since IRCA was passed; but the fundamental assumption—that this increase is attributable to IRCA—is itself speculative, and fails to take into account other significant factors that may affect his conclusions, like environmental and economic factors. (supra at ¶ 14.)⁶ Available data, and reasonable inferences that can be drawn from them, do not support Dr. Eschbach’s prediction that DAPA or DACA will increase unauthorized immigration.

18. Dr. Eschbach’s opinion regarding the effect of DACA and DAPA on incentives to voluntarily emigrate is not supported by the data or reasonable inferences drawn from it. His conclusory statement that an “unambiguous effect” of DACA and DAPA is that they will “reduce the incentive to emigrate” suffers from a lack of analysis or consideration of pre-DACA/DAPA incentives to emigrate, and present and future consequences of DACA/DAPA on that same community regarding incentives to emigrate. As such, Dr. Eschbach’s hypothesized growth in the unauthorized population based upon the theory that individuals who meet the DACA/DAPA guidelines who are discouraged from emigrating by DACA/DAPA will attract new unauthorized migrants, is also unsupported by the data or reasonable inferences that can be drawn from them. This is because a necessary premise of that hypothesis is that DACA or DAPA had a meaningful effect on the incentive to emigrate. Dr. Eschbach has not demonstrated

⁵ DACA and DAPA, for example, result in a temporary and revocable grant of deferred action (which is not a lawful immigration status), while IRCA allowed persons to be granted the legal status of lawful permanent resident.

⁶ If the net rate of removal remains constant, but immigration removal authorities are successful in focusing removal resources on higher priorities for removal, there would be a net qualitative benefit from DACA or DAPA, even if there is not a net quantitative increase in removals.

DACA and DAPA have a meaningful effect on incentives to emigrate, and as such, he cannot tie any hypothesized future “anchor” growth to DACA/DAPA.

b. Dr. Eschbach’s Conclusions Regarding the Effect of DACA/DAPA on Individuals who do Not Meet those Policy Guidelines Are Not Supported by the Data or His Analysis.

19. Dr. Eschbach hypothesizes that DACA and DAPA may incentivize unauthorized migrants who do not meet the policy guidelines to seek illegal entry to the United States (group “2”) (See *supra*, ¶ 13), or to stay in the United States if they are already here (group “3”) (See *supra*, ¶ 13). Dr. Eschbach does not purport to base this hypothesis on any data regarding DACA. (Eschbach Dec. at ¶ 26). Instead, he begins by looking at IRCA and attempting to extrapolate the consequences of DACA/DAPA based his analysis of IRCA. (Eschbach Dec. at ¶ 20) His conclusions are not supported by available data or reasonable inferences that can be drawn from that data.

20. IRCA was implemented in 1986. Dr. Eschbach asserts that IRCA was intended to “reduce the impacts of unauthorized migration . . . [through] adjustment in status of a substantial portion of the resident unauthorized populations . . . [combined with] enhanced enforcement [which would] reduce future growth of the population.” Dr. Eschbach asserts that IRCA “failed to accomplish its goals” (Eschbach Dec. at ¶ 12, with citation at FN 13), and further asserts that “[i]n the 25 years after IRCA was implemented, there has not been a significant decrease in the number of unauthorized immigrants entering the United States. Instead, the unauthorized population has surged to 11.7 million individuals since its implementation.” (Eschbach Dec. at ¶¶ 21-22.)⁷

⁷ I take no position on the success or failure of IRCA vis-à-vis its intended goals.

21. This conclusion does not support Dr. Eschbach's hypothesis that DACA and DAPA will have "the expected effect of increasing subsequent growth of the unauthorized population." (Eschbach Dec. at ¶28).

22. First it is based on a flawed premise: Dr. Eschbach implies a relationship between IRCA and the growth of unauthorized populations within the United States by citing data reflecting growth in unauthorized population in the United States between 1990 and 2010 (Eschbach Dec. at ¶ 22), but this does not demonstrate a causal connection. (Eschbach Dec. ¶ 22.) In fact, Dr. Eschbach goes on to point to other primary causes for that increase, noting that "[t]he most important factors influencing" decisions to engage in unauthorized migration to the United States "are likely to be based on relative wages and job opportunities in the United States and the country of origin. (Eschbach Dec. at ¶ 23, pg. 13.; ¶ 11, pg. 7.) Given the primacy Dr. Eschbach and his authorities assign to perceptions of employment opportunities and wages in the United States as incentivizing unauthorized migration, his hypothesized connection between IRCA and unauthorized migration is not supported by his own findings.

23. The mere fact of an increase in the flow of unauthorized migrants reflected in the 21 years of accumulated data between 1990 and 2010 supports no clear connection to the 1986 passage of IRCA. Further, Dr. Eschbach fails to consider other factors affecting the flow of unauthorized migrants to the United States.

24. Dr. Eschbach references trend data, including data reflecting increased apprehensions of unauthorized immigrants, "changes in the effectiveness of border enforcement," and other "confounding influences on trend data" (Eschbach Dec. at ¶ 24, pg. 13), but this discussion fails to shed any light on IRCA, subsequent growth of unauthorized migration, and how, if at all, they are connected.

25. In support of his hypothesis that DACA and DAPA will increase the growth of unauthorized immigrant populations among individuals who do not meet the guidelines under those policies, Dr. Eschbach theorizes a connection between the unaccompanied minors (“UAC”) surge and DACA. He does this by juxtaposing the 2012 implementation of DACA with statistical data regarding UAC border apprehensions before and after the implementation of DACA, and which reflect the UAC surge. (Eschbach Dec. at ¶¶ 25-26). Dr. Eschbach’s hypothesis is premised upon the assumption that DACA created a “climate of expectations...that status adjustments might be available to resident unauthorized children” rather than on data or reasonable inferences derived therefrom, and that DAPA and DACA expansion will create a similar misimpression.

26. Notably, after conceding an absence of peer-reviewed studies supporting his hypothesis, Dr. Eschbach concedes that another statute, the Trafficking Victims Protection Reauthorization Act of 2008 (not DACA), was “the recent policy most directly related to the differential treatment of the Central American child population that has contributed the largest numbers to the recent increase in unauthorized migration by children.” (Eschbach Dec. at ¶ 26.) Nevertheless, Dr. Eschbach asserts a meaningful connection between DACA and the UAC surge, and bases that connection largely on a hypothesized misinformation effect, i.e., that individuals may have sent their children to the U.S. border based on the mistaken belief that they meet the DACA guidelines. (Eschbach Dec. at ¶ 26 (“...contributed to a climate of expectation...”).) But Dr. Eschbach’s analysis of the extent of the hypothesized misinformation effect is flawed. And moreover, any misinformation effect has abated, as shown below, and there is no support for Dr. Eschbach’s inference that DAPA or DACA would have a similar impact in the future.

27. The reasonable inference to be drawn from available data is that DACA did not create a “discernabl[e] and significan[t]” incentive for “increased unauthorized migration.” (Eschbach Dec. at ¶ 5). The initial increase in apprehensions of Central American children began before the DHS Secretary announced DACA on June 15, 2012 (approximately 9 months into Fiscal Year 2012). In particular, apprehensions of Central American⁸ children had been fairly steady in Fiscal Years 2009-11; however, child⁹ apprehensions increased 147 percent between Fiscal Years 2011 and 2012 (Exhibit 2, Chart 1). The increase in Central American child apprehensions during the first 9 months of Fiscal Year 2012 (October 1, 2011 to June 30, 2012) was 112 percent above comparable months during Fiscal Year 2011. This increase is *prior* to the date of the DACA announcement. These differences contravene a reasonable inference that DACA was the primary factor affecting migration decisions during the relevant time period. Finally, and as further described below, while a misinformation effect may have briefly existed and, as a result, motivated some individuals to attempt illegal migration, or send their children to the U.S. border, based on a misunderstanding of the DACA policy (infra at ¶¶30, 31), available data suggest that the effect was temporary and will not be a permanent feature of DACA, or a predictable consequence of DAPA (infra at ¶¶ 30-31). There is no data supporting the conclusion that a misinformation effect had a significant effect on migration rates.

28. An increase in apprehension of adults at the border also preceded the implementation of the 2012 DACA policy. Mirroring the patterns for children, Central American adult apprehensions had been fairly steady in Fiscal Years 2009-11 and then increased by 103 percent between Fiscal Years 2011 and 2012 (Exhibit 2, Chart 1).

⁸ This reference is to citizens of El Salvador, Guatemala, and Honduras, who account for nearly all of the apprehensions from Central America.

⁹ Here, children are defined as persons under 18 years old, including Unaccompanied Minors (UAC) and those entering with others.

29. Historically, Mexicans have represented the largest single nationality among persons apprehended by the U.S. Border Patrol. Recent apprehension trends for Mexicans are strikingly different from trends for Central Americans, suggesting that factors other than DACA have had the most influence on recent migration decisions. Mexican adult apprehensions have decreased annually from 442,000 in 2009 to 206,000 in 2014 (Exhibit 2, Chart 4). Mexican child apprehensions have also declined. Apprehensions of Mexican children have decreased from 61,000 in 2009 to 24,000 in 2014 (Exhibit 2, Chart 4). Conversely, there has been continued growth in the number of Central American children apprehended by the U.S. Border Patrol following the DACA announcement in June 2012, peaking in June 2014 (Exhibit 2, Table 1). The increasing trend in apprehensions of Central American adults, who clearly do not meet DACA guidelines, has also continued through 2014. The proportion of children among all Central American apprehensions, however, has increased from about 16 percent in Fiscal Years 2009-11, to 19 percent in 2012, 23 percent in 2013, and then to 38 percent in 2014. The concomitant increase in adult and child apprehensions before and after the DACA announcement suggests that macro factors such as economic or safety concerns were pushing Central Americans to migrate in 2012 rather than the DACA policy.¹⁰

30. If DACA had in fact created incentives among potential migrants who are ineligible for that program, child or otherwise, it is reasonable to conclude that those incentives would be constant as between Mexican migrants and Central American migrants, yet the data reflects significantly different migration patterns. Dr. Eschbach does not address this

¹⁰ For example, Central American children interviewed in U.S. detention facilities in 2012 reported that “dramatic increases in violence and poverty in their home countries” were the main reasons they migrated to the United States. See “Forced From Home: The Lost Boys and Girls of Central America,” Women’s Refugee Commission, October 2012, Page 1. A UNHCR report also found that “forty-eight percent of the displaced children interviewed for this study shared experiences of how they had been personally affected by the augmented violence in the region by organized armed criminal actors, including drug cartels and gangs or by State actors.” See “Children on the Run,” UNHCR, July 2014, page 6.

discrepancy, which significantly undercuts his primary hypothesis regarding DACA's effect on UAC migration.

31. Dr. Eschbach hypothesizes that DACA may have initially had a misinformation effect among individuals considering illegal migration to the United States, such that individuals who do not meet the DACA guidelines may have attempted unauthorized migration, or sent their children to the U.S. border, based upon a mistaken understanding of DACA. This hypothesis does not provide a reasonable basis for extrapolating to future effects of DACA and DAPA. Dr. Eschbach does not identify data from which it can be determined the extent, if any, that a false expectation of non-removal based on a misinterpretation of DACA, or a misunderstanding about eligibility for other immigration programs, or other factors affected the UAC surge, and to what extent it has affected migration patterns generally. Moreover, the available data reflect a decrease of UAC migration in the latter half of 2014, a trend which corresponds to the redoubled efforts of DHS to inform the parents of children who were considering sending their children to the U.S. border that those apprehended would be a priority for deportation and that their children were not eligible for DACA.¹¹ DHS also initiated a series of responses focused on stepped up deterrence, enhanced enforcement, stronger regional cooperation, and greater capacity of affected Federal agencies to ensure that the U.S. border remained secure. The monthly number of apprehensions of Central Americans dropped from 38,790 in June 2014, to 23,170 in July, and leveled off at approximately 9,500 during the months of September to December 2014 (Exhibit 2, Table 1). This rapid and significant decrease in apprehensions following the DHS's increased

¹¹ See "An Open Letter to the Parents of Children Crossing Our Southwest Border," June 23, 2014; <http://www.dhs.gov/news/2014/06/23/open-letter-parents-children-crossing-our-southwest-border>; "Statement by Secretary Johnson About the Situation Along the Southwest Border," September 8, 2014, <http://www.dhs.gov/news/2014/09/08/statement-secretary-johnson-about-situation-along-southwest-border> for a description responses taken to address the increase in South West border apprehensions.

education efforts supports a reasonable inference that even assuming there was a misinformation-effect on migration related to DACA, any such effect was mitigated through the information campaign and stepped up enforcement. In sum, available data indicate that any hypothesized misinformation effect was likely temporary and has abated, and it would not be reasonable to infer from these data that DACA or DAPA will cause a significant misinformation effect in the future.

32. Dr. Eschbach's hypothesized connection between the UAC surge, or indeed any migration effect, and DACA and DAPA do not rest on peer reviewed analysis, or on a complete analysis of the empirical data.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of January, 2015



Michael Hoefer

EXHIBIT 1

Michael D. Hoer

20 Massachusetts Avenue, NW
 Washington, DC
 20529

Telephone: 202 272-1258

LY

Mar 2013 to Present Senior Advisor
 Office of Policy and Strategy
 .S. Citizenship and Immigration Services

Develop estimates of the number of persons that may be eligible for various congressional bills, programs, or executive actions. Also, provide technical support to the Research and Evaluation Office on statistical projects and immigration data analysis and reporting.

Oct 2003 to Mar 2013 Director
 Office of Immigration Statistics
 Office of Policy
 .S. Department of Homeland Security

Mar 1997 to Mar 2012 Chief
 Statistics Branch
 Policy Division
 .S. Immigration and Naturalization Service

Managed the Office of Immigration Statistics (OIS), which is the lead office within DHS for the reporting and analysis of immigration data. The Statistics Branch of the U.S. Immigration and Naturalization Service was transferred to DHS in 2003 when DHS was created. OIS serves a decision-support function within the DHS Policy Office by producing annual core reports on immigrants by legal status and by conducting quantitative studies and research on immigration. The Office develops annual publications such as the *Yearbook of Immigration Statistics* and reports on trends in DHS administrative data of U.S. Lawful Permanent Residents, U.S. Naturalizations, Refugees and Asylees, Nonimmigrant admissions, and Immigration Enforcement Actions. OIS also produces annual estimates of the Unauthorized, Lawful Permanent Resident, and Nonimmigrant populations.

Mar 1982 to Mar 1997 Supervisory Statistician (beginning in 1988)
 Demographic Analysis
 Statistics Branch
 Policy Division
 .S. Immigration and Naturalization Service

1993 to 1994 Statistician (on Detail)
 Commission on Immigration Reform

Sep 1979 to Mar 1982 Statistician
Measurement and Analysis Division
Office of Productivity Programs
.S. ice o ersonnel anagement

Served as the statistician for the Office of Productivity Programs and provided guidance on sampling procedures and the analyses of productivity measures under review. Worked on the development and implementation of productivity systems designed for use by all governmental personnel, engineering, and security offices.

Aug 1976 to Sep 1979 Economist
Office of Occupational Safety and Health Statistics
Bureau of Labor Statistics
.S. Department o Labor

Worked on the design of the Supplementary Data System, a collection of State Workers Compensation Records with information on workplace injuries and illnesses. Wrote programs to compile the information and produce reports on the characteristics and patterns of injuries and illnesses

 D A

1972 to 1976 CORNELL UNIVERSITY, Ithaca, New York,
.S. n ustrial an Labor Relations, 1
(Concentration in Applied Statistics)

 L A S A D R R S

Estimates of Unauthorized Immigrant Population Residing in the U.S.
(Various years, 2005-11),
Office of Immigration Statistics
U.S. Department of Homeland Security

Background of U.S. Immigration Policy Reform
U.S. Immigration Policy Reform in the 1980s: A Preliminary
Assessment, Edited by Francisco L. Rivera-Batiz, Selig L. Sechzer, and
Ira N. Gang, 1991

 D R S A S A D S Y

DHS Population Estimates: Legal and Illegal Residents
Briefing for the U.S. Census Bureau Demographic Analysis Team
September 2009

Immigration Flows: What Do We Know? How Can We Learn More?
107th Meeting of the Committee on National Statistics
National Academy of Sciences
October 2008

Immigration Statistics

Testimony before the House Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law
June 2007

The INS Statistics Program

Testimony before the Commission on Immigration Reform
January 1993

The Impact of the Immigration Act of 1990 on new flows of legal immigrants to the United States

Population Reference Bureau
February 1991

The Legalization Program in California

Fourth Annual Demographic Workshop
University of Southern California
April 1991

The Newest Americans

Knight Center of Specialized Journalism
University of Maryland
April 1990

Recent Trends in Immigration

Population Resource Center
Immigration: An Update for the Congressional Sunbelt Caucus
February 1990

U.S. Immigration Policy Reform: A Preliminary Assessment

Rutgers University Colloquium
October 1988

-D R S S R RS R

1979 to 1986

George Washington University
Econometrics
Times Series Analysis
Demography
Mathematical Statistics I and II

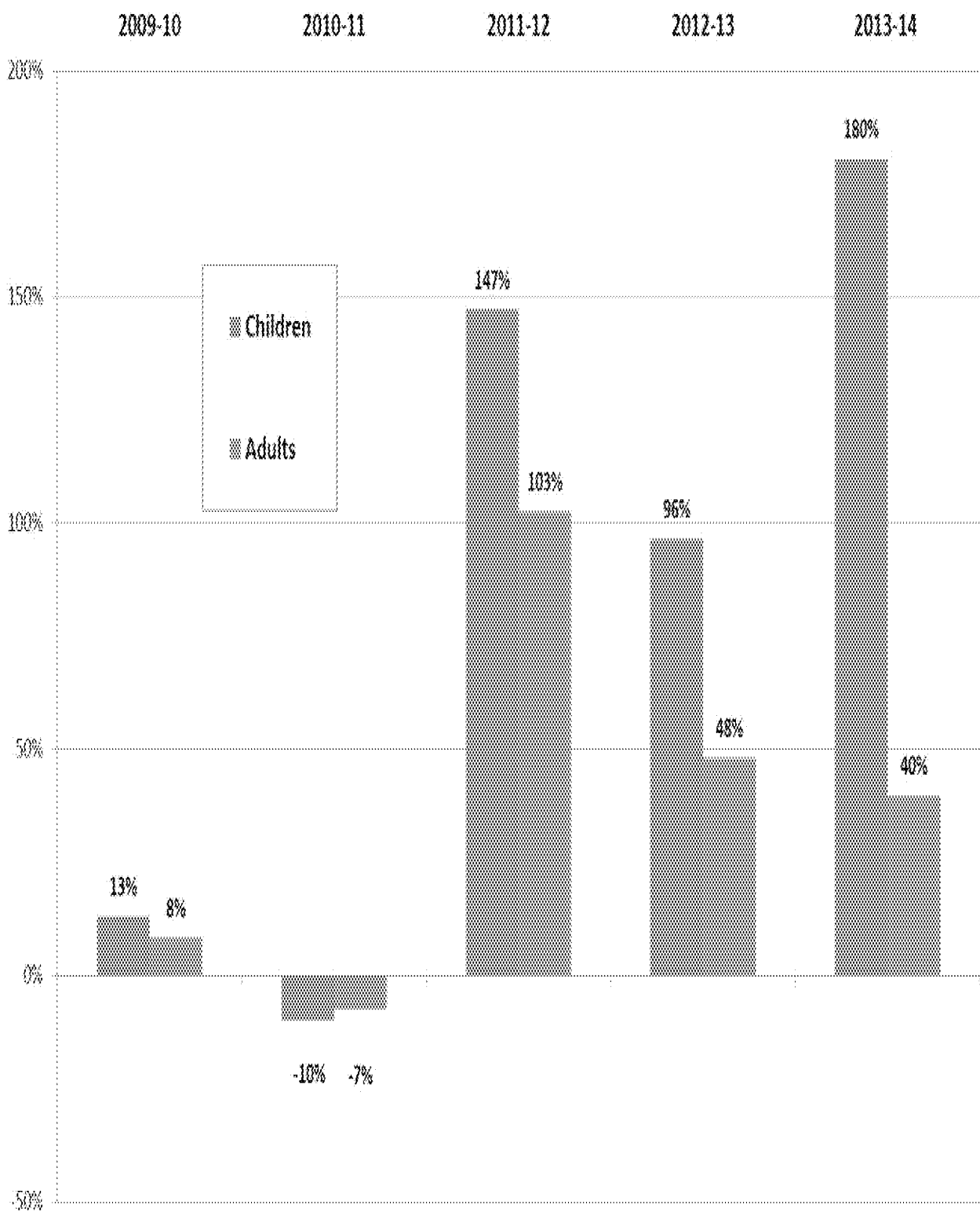
A ARDS

Secretary's Award for Team DHS Excellence
Immigration Task Force
December 2007

Joyce Chiang Memorial Award for Excellence in Customer Service
U.S. Immigration and Naturalization Service
October 2000

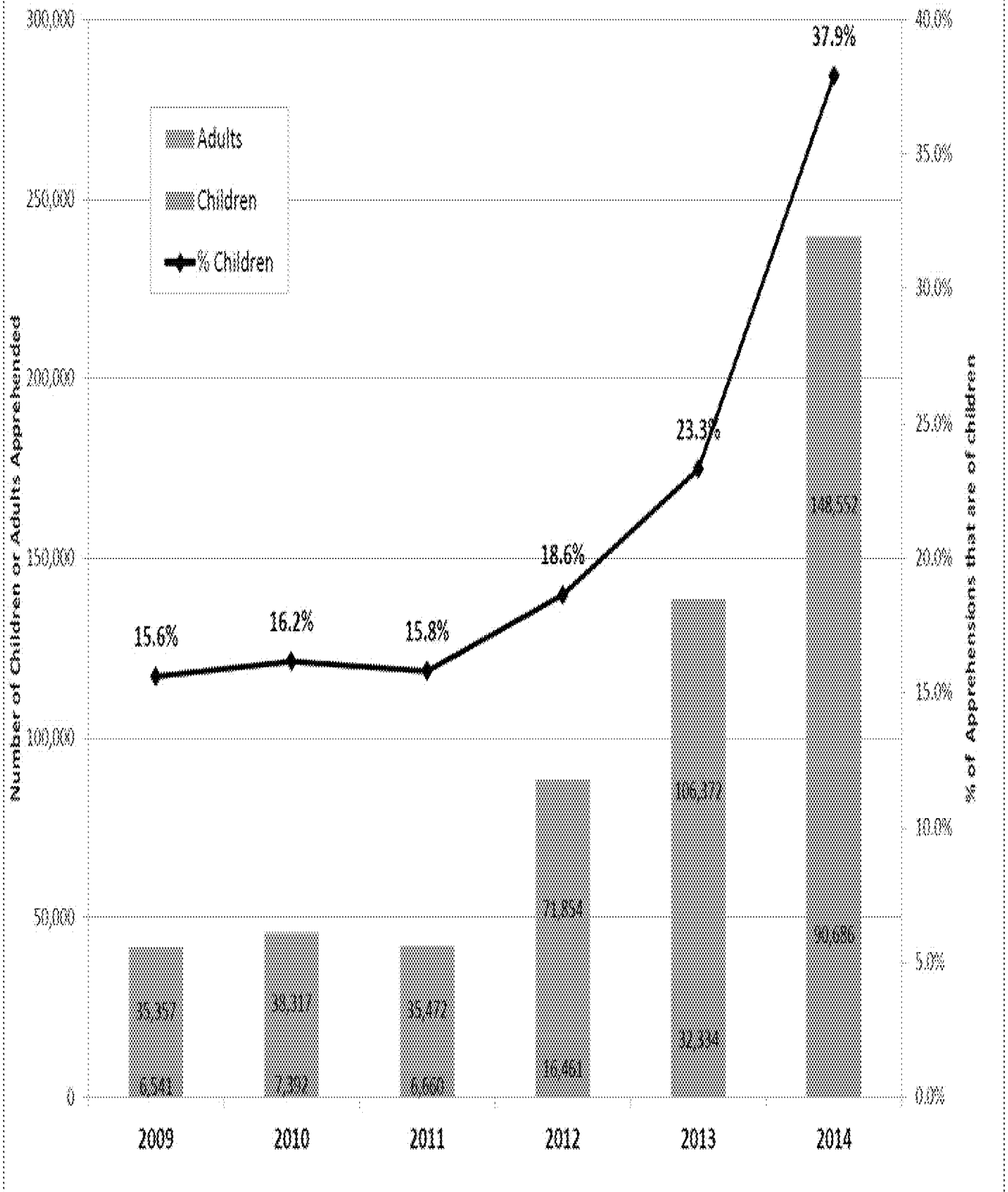
EXHIBIT 2

Chart 1. Percent Change in Apprehensions of El Salvadoran, Guatemalan, and Honduran Adults and Children: Fiscal Years 2009-14



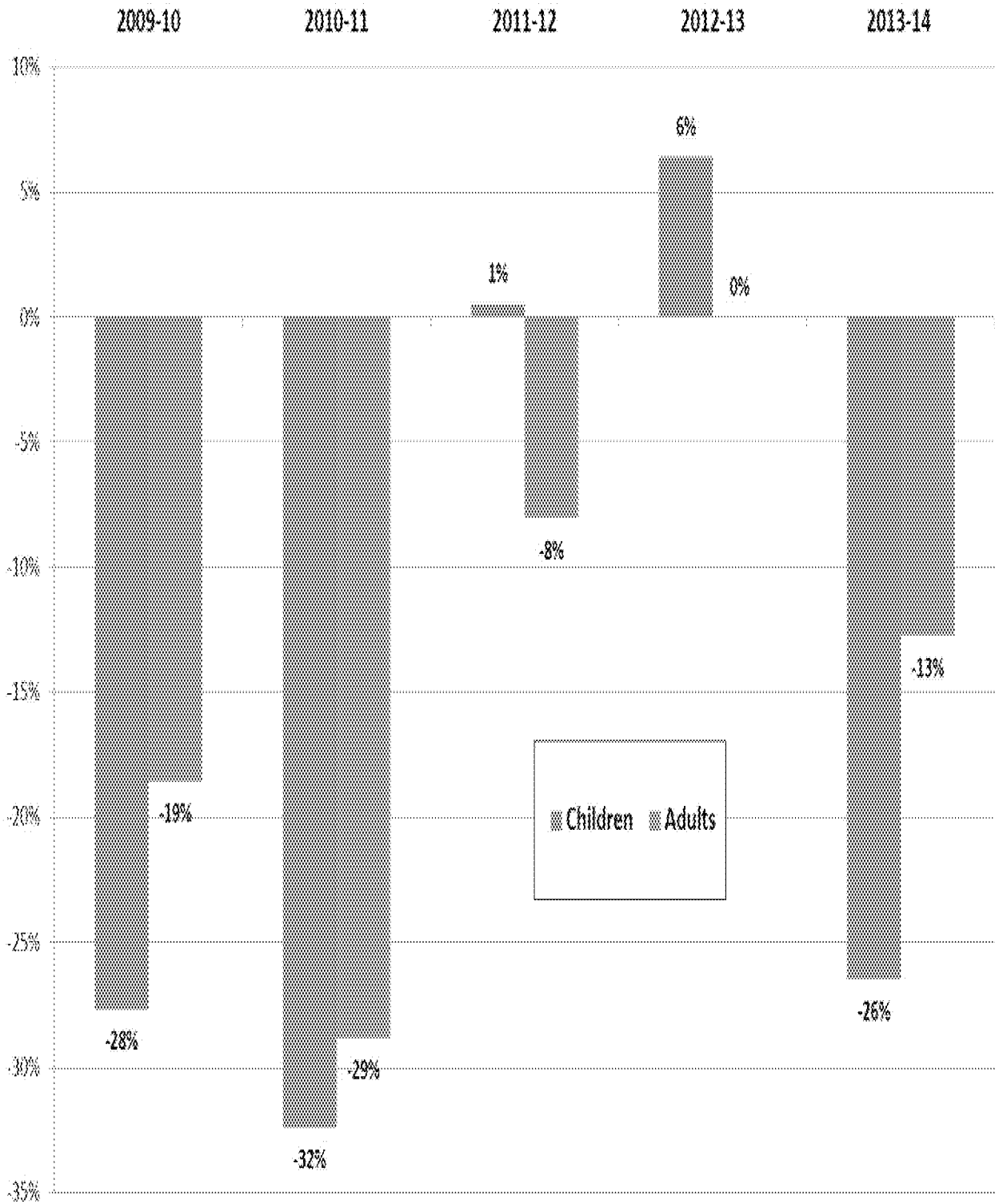
Source: U.S. Customs and Border Patrol

Chart 2. Number of Adults and Children Apprehended from El Salvador, Guatemala, and Honduras, and Children as a Percent of the Total: Fiscal Years 2009-14



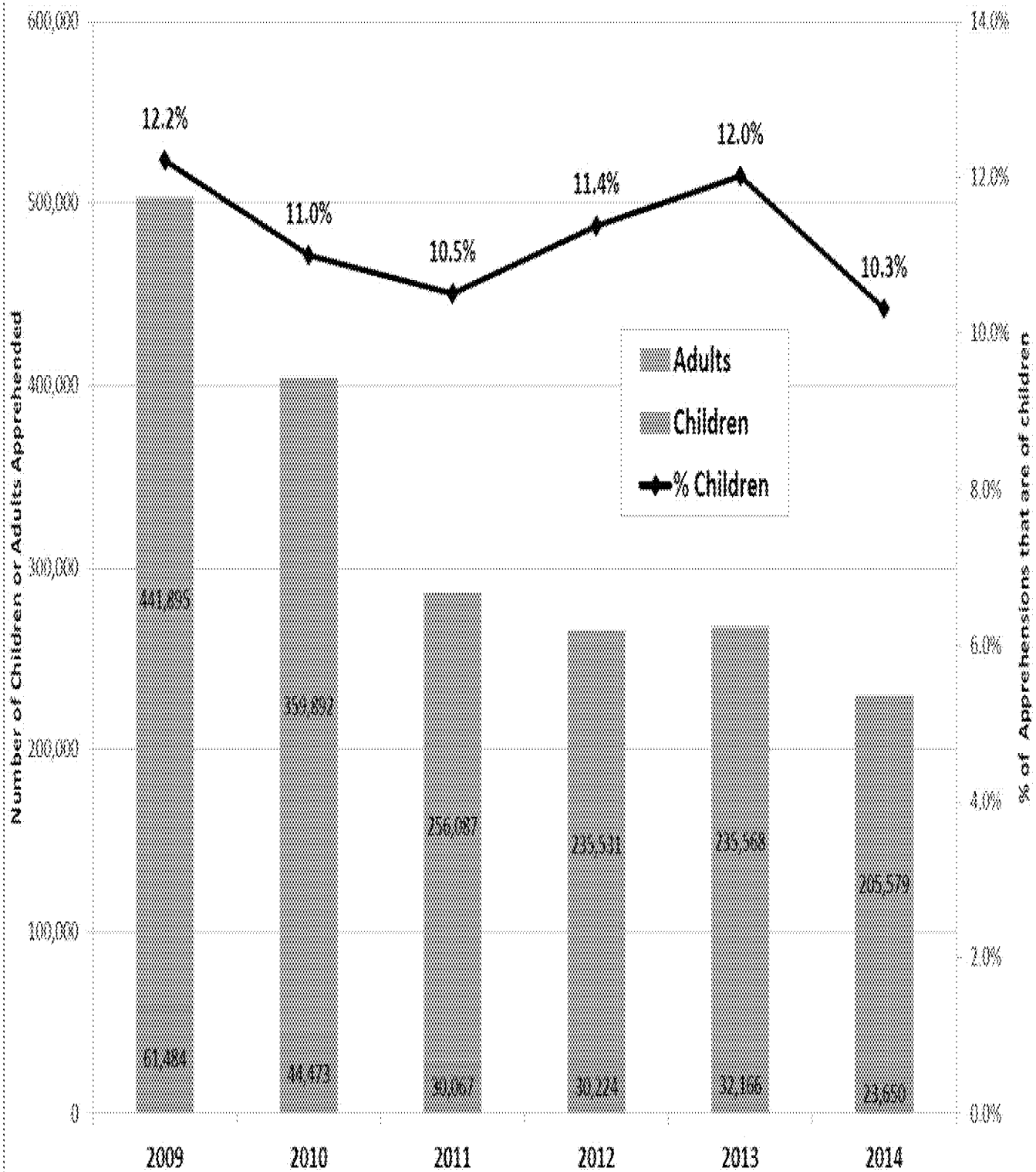
Source: U.S. Customs and Border Patrol

**Chart 3. Percent Change in Apprehensions of Mexican Adults and Children:
Fiscal Years 2009-14**



Source: U.S. Customs and Border Patrol

Chart 4. Number of Mexican Adults and Children Apprehended, and Children as a Percent of the Total: Fiscal Years 2009-14



Source: U.S. Customs and Border Patrol

**Table 1. Border Patrol Apprehensions of Adults and Children or Selected Nationalities
October 2008 to December 2014**

Month-Year	All Nationalities			Central American			Mexican		
	Adults	Children	Total	Adults	Children	Total	Adults	Children	Total
Fiscal Year Total									
2009	487,152	68,880	556,032	35,357	6,541	41,898	441,895	61,484	503,379
2010	410,292	53,090	463,382	38,317	7,392	45,709	359,892	44,473	404,365
2011	302,414	37,838	340,252	35,472	6,660	42,132	256,087	30,067	286,154
2012	316,852	47,916	364,768	71,854	16,461	88,315	235,531	30,224	265,755
2013	354,416	66,373	420,789	106,372	32,334	138,706	235,568	32,166	267,734
2014	369,819	116,888	486,707	148,552	90,686	239,238	205,579	23,650	229,229
Change									
2009-10	-76,860	-15,790	-92,650	2,960	851	3,811	-82,003	-17,011	-99,014
2010-11	-107,878	-15,252	-123,130	-2,845	-732	-3,577	-103,805	-14,406	-118,211
2011-12	14,438	10,078	24,516	36,382	9,801	46,183	-20,556	157	-20,399
2012-13	37,564	18,457	56,021	34,518	15,873	50,391	37	1,942	1,979
2013-14	15,403	50,515	65,918	42,180	58,352	100,532	-29,989	-8,516	-38,505
Change									
2009-10	-16%	-23%	-17%	8%	13%	9%	-19%	-28%	-20%
2010-11	-26%	-29%	-27%	-7%	-10%	-8%	-29%	-32%	-29%
2011-12	5%	27%	7%	103%	147%	110%	-8%	1%	-7%
2012-13	12%	39%	15%	48%	96%	57%	0%	6%	1%
2013-14	4%	76%	16%	40%	180%	72%	-13%	-26%	-14%
Oct-08	38,401	6,036	44,437	3,231	574	3,805	34,251	5,383	39,634
Nov-08	29,509	4,447	33,956	2,578	507	3,085	26,201	3,862	30,063
Dec-08	23,621	3,499	27,120	2,392	459	2,851	20,319	2,933	23,252
Jan-09	39,727	5,930	45,657	2,170	382	2,552	36,661	5,460	42,121
Feb-09	43,925	6,503	50,428	2,703	507	3,210	40,520	5,939	46,459
Mar-09	60,139	8,601	68,740	3,282	639	3,921	56,057	7,894	63,951
Apr-09	52,613	7,158	59,771	3,008	617	3,625	48,812	6,479	55,291
May-09	46,536	5,541	52,077	3,191	550	3,741	42,597	4,941	47,538
Jun-09	41,924	5,330	47,254	3,117	543	3,660	38,011	4,715	42,726
Jul-09	39,539	5,561	45,100	3,289	600	3,889	35,466	4,901	40,367
Aug-09	38,906	5,943	44,849	3,372	613	3,985	34,678	5,266	39,944
Sep-09	32,312	4,331	36,643	3,024	550	3,574	28,322	3,711	32,033
Oct-09	37,110	5,185	42,295	2,804	479	3,283	33,386	4,615	38,001
Nov-09	30,318	3,805	34,123	2,402	390	2,792	27,022	3,335	30,357
Dec-09	23,312	2,872	26,184	2,148	398	2,546	20,336	2,417	22,753
Jan-10	32,051	3,779	35,830	1,914	356	2,270	29,346	3,339	32,685
Feb-10	38,946	5,102	44,048	2,504	465	2,969	35,472	4,531	40,003
Mar-10	55,176	7,639	62,815	3,542	664	4,206	50,648	6,860	57,508
Apr-10	49,852	6,766	56,618	3,798	767	4,565	45,011	5,892	50,903
May-10	42,814	5,585	48,399	4,586	986	5,572	37,092	4,498	41,590
Jun-10	30,445	3,776	34,221	4,311	895	5,206	25,043	2,757	27,800
Jul-10	24,011	2,819	26,830	3,608	745	4,353	19,394	1,984	21,378
Aug-10	24,751	3,192	27,943	3,770	710	4,480	19,699	2,312	22,011
Sep-10	21,506	2,570	24,076	2,930	537	3,467	17,443	1,933	19,376
Oct-10	24,699	2,836	27,535	2,126	308	2,434	21,534	2,445	23,979
Nov-10	21,034	2,519	23,553	2,180	369	2,549	17,910	2,071	19,981
Dec-10	17,944	2,405	20,349	1,940	399	2,339	15,306	1,933	17,239
Jan-11	22,264	2,781	25,045	1,686	303	1,989	19,794	2,412	22,206
Feb-11	26,426	3,352	29,778	2,271	413	2,684	23,391	2,852	26,243

**Table 1. Border Patrol Apprehensions of Adults and Children or Selected Nationalities
October 200 to December 2014**

Month-Year	All Nationalities			Central American			Mexican		
	Adults	Children	Total	Adults	Children	Total	Adults	Children	Total
Mar-11	38,159	5,087	43,246	3,517	679	4,196	33,531	4,254	37,785
Apr-11	33,014	4,169	37,183	3,508	727	4,235	28,574	3,349	31,923
May-11	28,782	3,425	32,207	3,290	638	3,928	24,464	2,650	27,114
Jun-11	25,113	2,984	28,097	3,780	734	4,514	20,427	2,145	22,572
Jul-11	21,519	2,643	24,162	3,781	704	4,485	16,710	1,856	18,566
Aug-11	22,397	2,867	25,264	4,004	706	4,710	17,535	2,087	19,622
Sep-11	21,063	2,770	23,833	3,389	680	4,069	16,911	2,013	18,924
Oct-11	23,247	3,150	26,397	3,809	781	4,590	18,776	2,309	21,085
Nov-11	21,162	3,020	24,182	3,961	887	4,848	16,452	2,067	18,519
Dec-11	17,022	2,498	19,520	3,169	796	3,965	13,192	1,645	14,837
Jan-12	22,928	3,391	26,319	3,400	759	4,159	18,812	2,569	21,381
Feb-12	27,930	4,222	32,152	5,188	1,197	6,385	22,003	2,932	24,935
Mar-12	37,119	5,704	42,823	6,604	1,555	8,159	29,666	4,032	33,698
Apr-12	35,750	5,468	41,218	7,494	1,853	9,347	27,374	3,469	30,843
May-12	32,637	4,959	37,596	8,990	2,137	11,127	22,760	2,672	25,432
Jun-12	27,345	3,965	31,310	8,471	1,796	10,267	17,911	2,037	19,948
Jul-12	23,907	3,817	27,724	7,105	1,634	8,739	15,919	2,030	17,949
Aug-12	24,096	4,080	28,176	7,044	1,606	8,650	16,312	2,340	18,652
Sep-12	23,709	3,642	27,351	6,619	1,460	8,079	16,354	2,122	18,476
Oct-12	25,397	4,180	29,577	6,546	1,561	8,107	18,120	2,516	20,636
Nov-12	23,947	4,186	28,133	6,455	1,704	8,159	16,772	2,380	19,152
Dec-12	19,879	3,801	23,680	5,565	1,656	7,221	13,640	2,038	15,678
Jan-13	23,201	4,116	27,317	4,929	1,408	6,337	17,524	2,609	20,133
Feb-13	30,287	5,217	35,504	7,997	2,178	10,175	21,434	2,913	24,347
Mar-13	40,694	7,144	47,838	11,077	3,219	14,296	28,404	3,737	32,141
Apr-13	41,477	7,220	48,697	12,183	3,477	15,660	28,059	3,534	31,593
May-13	37,554	6,694	44,248	12,173	3,568	15,741	24,081	2,922	27,003
Jun-13	29,424	5,529	34,953	9,770	3,102	12,872	18,403	2,257	20,660
Jul-13	27,979	5,905	33,884	10,112	3,360	13,472	16,600	2,350	18,950
Aug-13	28,158	6,324	34,482	10,158	3,615	13,773	16,772	2,537	19,309
Sep-13	26,419	6,057	32,476	9,407	3,486	12,893	15,759	2,373	18,132
Oct-13	28,815	7,119	35,934	9,661	4,140	13,801	17,819	2,764	20,583
Nov-13	25,104	7,342	32,446	8,495	4,736	13,231	15,264	2,407	17,671
Dec-13	22,459	7,525	29,984	8,588	5,293	13,881	12,715	1,992	14,707
Jan-14	22,933	6,305	29,238	7,318	3,978	11,296	14,570	2,168	16,738
Feb-14	28,654	8,281	36,935	10,134	5,653	15,787	17,326	2,378	19,704
Mar-14	37,681	12,498	50,179	14,126	9,132	23,258	22,204	3,116	25,320
Apr-14	40,656	11,405	52,061	16,353	9,126	25,479	22,844	2,063	24,907
May-14	43,456	17,901	61,357	20,731	15,810	36,541	21,009	1,779	22,788
Jun-14	38,672	19,941	58,613	20,533	18,367	38,900	16,554	1,284	17,838
Jul-14	31,559	9,791	41,350	14,947	8,336	23,283	15,354	1,261	16,615
Aug-14	27,057	5,042	32,099	10,492	3,620	14,112	15,274	1,286	16,560
Sep-14	22,773	3,738	26,511	7,174	2,495	9,669	14,646	1,152	15,798
Oct-14	23,277	3,734	27,011	6,934	2,424	9,358	15,334	1,204	16,538
Nov-14	21,162	3,982	25,144	6,542	2,729	9,271	13,608	1,157	14,765
Dec-14	21,133	4,483	25,616	7,128	3,305	10,433	12,931	1,076	14,007
Total	2,306,517	403,184	2,709,701	456,528	168,532	625,060	1,776,425	225,501	2,001,926

Source: U.S. Border Patrol and the DHS Office of Immigration Statistics

Note: Data are for all Border Patrol Sectors, including the Northern and Sea Borders

Adults are those persons 18 years or older.

EXHIBIT 36

Secretary
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

November 20, 2014

MEMORANDUM FOR: R. Gil Kerlikowske
Commissioner
U.S. Customs and Border Protection

Admiral Paul F. Zukunft
Commandant
U.S. Coast Guard

Thomas S. Winkowski
Acting Director
U.S. Immigration and Customs Enforcement

León Rodríguez
Director
U.S. Citizenship and Immigration Services

W. Craig Fugate
Administrator
Federal Emergency Management Agency

Alan D. Bersin
Acting Assistant Secretary for Policy

FROM: Jeh Charles Johnson
Secretary

A handwritten signature in black ink, appearing to read "Jeh Johnson", written over a circular stamp.

SUBJECT: **Southern Border and Approaches Campaign**

I hereby direct new policies, outlined below, in furtherance of our Department-wide Southern Border and Approaches Campaign Plan that I first directed and announced on May 8, 2014.¹ These directives are an extension of this Department's new Unity of Effort initiative I announced on April 22, 2014.²

¹ See Memorandum for DHS Leadership entitled "DHS-Wide Inter-Component Campaign Plan for the U.S. Southern Border and Approaches" issued by me on May 8, 2014.

² See Memorandum for DHS entitled "Strengthening Department Unity of Effort" issued by me on April 22, 2014.

This Nation's long term investment in border security has produced significant, positive results over the years. Illegal migration into the United States peaked in the year 2000, reflected by over 1.6 million apprehensions that year. Illegal migration into this country has dropped considerably since then. In fact, apprehensions—a reflection of total attempts to cross the border—are at the lowest rate since the 1970s. Meanwhile, the estimated population of undocumented immigrants in this country has stopped growing for the first time since the 1980s, and over half of these individuals have been in this country for nearly 13 years.

This summer we saw an unprecedented spike in illegal migration into South Texas. Almost all of this migration came from Guatemala, Honduras, and El Salvador. It consisted of large numbers of unaccompanied children and adults with children. We responded aggressively, and beginning in mid-June, the numbers of illegal migrants crossing into South Texas went down considerably. Though the worst is over for now—from the spike this summer and the high rate of illegal migration 15 years ago—the President and I are committed to building an even more secure border, and a smart strategy to get there. Much of illegal migration is seasonal. The spike in migration we saw this summer could return. The poverty and violence that are the “push factors” in Honduras, Guatemala and El Salvador still exist. The economy in this country—a “pull factor”—is getting better.

Thus, there is still more we can and should do for border security. This includes the Department-wide Southern Border and Approaches Campaign Plan that I first announced and directed on May 8, 2014. In furtherance of that plan, I direct the following:

A. Joint Task Forces

I am commissioning three Joint Task Forces. Two of these task forces will be geographically based and one will be functionally focused. All three Joint Task Forces will incorporate elements of the U.S. Coast Guard (USCG), U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services, and integrate capabilities of the remaining components as needed. Joint Task Force East will be responsible for the Southern maritime border and approaches. Joint Task Force West will be responsible for the Southern land border and the West Coast. Joint Task Force Investigations will focus on investigations in support of the geographic Task Forces.

These Task Forces should adopt a supported-supporting component model. Among the Components of this Department, CBP will be the supported component in Joint Task Force West, the USCG will be the supported component in Joint Task Force East, and ICE will be the supported component in Joint Task Force Investigations.

Within 90 days of my commissioning of these Joint Task Forces, you are directed to realign personnel and stand up headquarters capabilities within each Joint Task Force. At the conclusion of this phase, we should conduct a first assessment on implementation.

B. Goals, Objectives and Lines of Effort

The overarching goals of the Southern Border and Approaches Campaign are to enforce our immigration laws and interdict individuals seeking to illegally cross our land, sea, and air borders; degrade transnational criminal organizations; and decrease the terrorism threat to the Nation, all without impeding the flow of lawful trade, travel, and commerce.

The ten objectives of the Southern Border and Approaches Strategy will be:

1. Minimize the risk of terrorism.
2. Increase the perceived risk of engaging in or facilitating illegal transnational or cross-border activity.
3. Interdict people and goods attempting to enter illegally between ports of entry.
4. Increase situational awareness in the air, land, and sea border and approaches.
5. Decrease or disrupt the profitability and finances of transnational criminal activities at the optimal points.
6. Dismantle criminal and terrorist organizations and networks.
7. Prevent the illegal exploitation of legal flows.
8. Maximize the resiliency of key nodes, conveyances, pathways, and transportation infrastructure.
9. Minimize the cost to travelers and delays to shippers in being screened and vetted at ports of entry.
10. Maximize the number of travelers and value of imported goods that undergo screening before arriving at ports of entry.³

³ Office of Policy, U.S. Department of Homeland Security, *Strategic Guidance for the U.S. Southern Border and Approaches Campaign Planning Effort*, (September 8th, 2014), page 13.

Further, the Directors of the Joint Task Forces will conduct operations consistent with the following lines of effort, to achieve the objectives identified above:

1. Reduce the terrorism risk to the Nation.
2. Combat transnational criminal organizations.
3. Prevent exploitation of legal flows at ports of entry.
4. Counter illegal flows at maritime approaches and in between ports of entry.
5. Manage lawful flows of people and goods in transit.
6. Disincentivize illegal border behavior.⁴

⁴ Office of Policy, U.S. Department of Homeland Security, "Department of Homeland Security Campaign Plan for Securing the U.S. Southern Border and Approaches 2015-2018," U.S. Department of Homeland Security (September 30th, 2014) page 21.

EXHIBIT 37

Secretary
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

November 20, 2014

MEMORANDUM FOR: Thomas S. Winkowski
Acting Director
U.S. Immigration and Customs Enforcement

Megan Mack
Officer
Office of Civil Rights and Civil Liberties

Philip A. McNamara
Assistant Secretary for Intergovernmental Affairs

FROM: Jeh Charles Johnson
Secretary

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson", written over a horizontal line.

SUBJECT: **Secure Communities**

The Secure Communities program, as we know it, will be discontinued.

The goal of Secure Communities was to more effectively identify and facilitate the removal of criminal aliens in the custody of state and local law enforcement agencies. But the reality is the program has attracted a great deal of criticism, is widely misunderstood, and is embroiled in litigation; its very name has become a symbol for general hostility toward the enforcement of our immigration laws. Governors, mayors, and state and local law enforcement officials around the country have increasingly refused to cooperate with the program, and many have issued executive orders or signed laws prohibiting such cooperation. A number of federal courts have rejected the authority of state and local law enforcement agencies to detain immigrants pursuant to federal detainers issued under the current Secure Communities program.

The overarching goal of Secure Communities remains in my view a valid and important law enforcement objective, but a fresh start and a new program are necessary. As recommended by the Homeland Security Advisory Council Task Force, Secure Communities "must be implemented in a way that supports community policing and sustains the trust of all elements of the community in working with local law enforcement."

Accordingly, I am directing U.S. Immigration and Customs Enforcement (ICE) to discontinue Secure Communities. ICE should put in its place a program that will continue to rely on fingerprint-based biometric data submitted during bookings by state and local law enforcement agencies to the Federal Bureau of Investigation for criminal background checks. However, ICE should only seek the transfer of an alien in the custody of state or local law enforcement through the new program when the alien has been convicted of an offense listed in Priority 1 (a), (c), (d), and (e) and Priority 2 (a) and (b) of the November 20, 2014 Policies for the Apprehension, Detention and Removal of Undocumented Immigrants Memorandum, or when, in the judgment of an ICE Field Office Director, the alien otherwise poses a danger to national security. In other words, unless the alien poses a demonstrable risk to national security, enforcement actions through the new program will only be taken against aliens who are convicted of specifically enumerated crimes.

Further, to address the increasing number of federal court decisions that hold that detainer-based detention by state and local law enforcement agencies violates the Fourth Amendment,¹ I am directing ICE to replace requests for detention (*i.e.*, requests that an agency hold an individual beyond the point at which they would otherwise be released) with requests for notification (*i.e.*, requests that state or local law enforcement notify ICE of a pending release during the time that person is otherwise in custody under state or local authority).

If in special circumstances ICE seeks to issue a request for detention (rather than a request for notification), it must specify that the person is subject to a final order of removal or there is other sufficient probable cause to find that the person is a removable alien, thereby addressing the Fourth Amendment concerns raised in recent federal court decisions.

¹ See, e.g., *Miranda-Olivares*, 2014 WL 1414305, at *11 (D. Ore. Apr. 11, 2014) (holding that county violated the Fourth Amendment by relying on an ICE detainer that did not provide probable cause regarding removability); *Morales v. Chadbourne*, 996 F. Supp. 2d 19, 29 (D.R.I. 2014) (concluding that detention pursuant to an immigration detainer “for purposes of mere investigation is not permitted”). See also *Moreno v. Napolitano*, Case No. 11 C 5452, 2014 WL 4814776 (N.D. Ill. Sept. 29, 2014) (denying judgment on the pleadings to the government on plaintiffs’ claim that ICE’s detainer procedures violate probable cause requirements); *Gonzalez v. ICE*, Case No. 2:13-cv-0441-BRO-FFM, at 12-13 (C.D. Cal. July 28, 2014) (granting the government’s motion to dismiss, but allowing plaintiffs to file an amended complaint and noting that plaintiffs “have sufficiently pleaded that Defendants exceeded their authorized power” by issuing “immigration detainers without probable cause resulting in unlawful detention”); *Villars v. Kubiatoski*, --- F. Supp. 2d ---, 2014 WL 1795631, at * 10 (N.D. Ill. May 5, 2014) (rejecting dismissal of Fourth Amendment claims concerning an ICE detainer issued “without probable cause that Villars committed a violation of immigration laws”); *Galarza v. Szalczyk*, Civ. Action No. 10-cv-06815, 2012 WL 1080020, at *14 (E.D. Penn. March 30, 2012) (denying qualified immunity to immigration officials for unlawful detention on an immigration detainer issued without probable cause), rev’d and remanded on other grounds, 745 F.3d 634 (reversing district court’s finding of no municipal liability); *Uroza v. Salt Lake City*, No. 2:11CV713DAK, 2013 WL 653968, at *6-7 (D. Utah Feb. 21, 2013) (denying dismissal on qualified immunity grounds where plaintiff claimed to have been held on an immigration detainer issued without probable cause). Cf. *Makowski v. United States*, --- F. Supp. 2d ---, 2014 WL 1089119, at *10 (N.D. Ill. 2014) (concluding that plaintiff stated a plausible false imprisonment claim against the United States where he was held on a detainer without probable cause).

This new program should be referred to as the "Priority Enforcement Program" or "PEP."

Nothing in this memorandum shall prevent ICE from seeking the transfer of an alien from a state or local law enforcement agency when ICE has otherwise determined that the alien is a priority under the November 20, 2014 Policies for the Apprehension, Detention and Removal of Undocumented Immigrants Memorandum and the state or locality agrees to cooperate with such transfer. DHS will monitor these activities at the state and local level, including through the collection and analysis of data, to detect inappropriate use to support or engage in biased policing, and will establish effective remedial measures to stop any such misuses.² I direct the Office of Civil Rights and Civil Liberties to develop and implement a plan to monitor state and local law enforcement agencies participating in such transfers.

Finally, acquainting state and local governments, and their law enforcement components, with this policy change will be crucial to its success. I therefore direct the Assistant Secretary for Intergovernmental Affairs to formulate a plan and coordinate an effort to engage state and local governments about this and related changes to our enforcement policies. I am willing to personally participate in these discussions.

² See Homeland Security Advisory Council, *Task Force on Secure Communities Findings and Recommendations*, September 2011.

EXHIBIT 38

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

November 20, 2014

MEMORANDUM FOR: Thomas S. Winkowski
Acting Director
U.S. Immigration and Customs Enforcement

Catherine Emerson
Chief Human Capital Officer
Department of Homeland Security

FROM: Jeh Charles Johnson
Secretary

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson", written over a horizontal line.

SUBJECT: **Personnel Reform for Immigration and Customs
Enforcement Officers**

In recent years, Immigration and Customs Enforcement's (ICE) priority missions have increasingly focused on national security and public safety. In furtherance of that, the Office of Enforcement and Removal Operations' (ERO) enforcement strategy and initiatives have shifted heavily towards the investigation, identification, location, arrest, prosecution, and removal of criminal and other aliens who present a danger to national security or threaten public safety. This targeted approach has in fact resulted in record-breaking numbers of criminal removals. ICE ERO has accomplished this under a personnel structure that lags behind that of other federal law enforcement agencies and components, including other ICE components. This discrepancy hurts morale and presents other management challenges. I know you share my commitment to address this.

Today we announced new enforcement priorities for the Department of Homeland Security (DHS) that will further ICE ERO's focus on DHS's national security and public safety missions. I have concluded that these policy changes should be accompanied by a recalibration of ICE ERO's workforce and personnel pay structure.

Accordingly, I direct the following:

A. Job Series Realignment for ICE ERO Officers

First, ICE ERO, in conjunction with the Office of the Chief Human Capital Officer (OCHCO), must conduct an expeditious review of the work performed by ERO officers. This review will identify gaps in current job series to support a classification that accurately reflects ICE ERO's realigned mission to national security and public safety. ICE ERO officers are responsible for conducting investigations, executing arrests, preparing cases for prosecution, and managing the detention and removal of foreign nationals in the United States who pose threats to public safety and national security. Their work involves close coordination and negotiations with domestic and foreign law enforcement agencies. They also compile and report intelligence that is shared across law enforcement and intelligence communities, supporting DHS's national security mission.

This review will also identify ICE ERO officer positions that supervise, lead, or perform homeland security work through the enforcement of federal criminal and civil laws and will be used to update classification of all ICE ERO officers as required. It is anticipated that any changes in job classification structure for ICE ERO employees will permit management to make more flexible and efficient staffing and workload decisions and allow for outstanding performers to rise through the ranks.

B. Premium Ability Pay Coverage for ICE ERO Officers

Second, ICE ERO and the OCHCO must review the premium pay coverage for ICE ERO officers and determine what changes may be required to compensate ICE employees adequately and equitably for the work they perform. This review should include an evaluation of administrative and statutory reform alternatives, including Law Enforcement Availability Pay (LEAP), that may be required to improve the current ICE ERO premium pay system, as well as an assessment of the potential benefit and justification for including ICE ERO officers in alternative premium pay systems.

C. Next Steps

I will thus recommend that the Administration pursue and prioritize regulations and legislation necessary to address job series realignment and premium pay structure that synchronizes our personnel structure and compensation with the critical mission the component executes on behalf of the public.

As practicable, these efforts should be completed according to the following schedule: December 2014 completion of job series classification and premium pay system review; December 2014 submission of analysis and recommendations to the Office of Personnel Management and the Office of Management and Budget; January 2015 final recommended personnel reforms for ICE ERO officers; and February 2015 announcement of recommended personnel reforms and submittal of required statutory and resource proposals to Congress.

EXHIBIT 39

Secretary
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

November 20, 2014

MEMORANDUM FOR: León Rodríguez
Director
U.S. Citizenship and Immigration Services

FROM: Jeh Charles Johnson
Secretary

SUBJECT: **Expansion of the Provisional Waiver Program**

By this memorandum, I hereby direct U.S. Citizenship and Immigration Services (USCIS) to issue new regulations and policies with respect to the use of the I-601A provisional waiver to all statutorily eligible applicants.

As you know, under current law certain undocumented individuals in this country who are the spouses and children of U.S. citizens and lawful permanent residents, and who are statutorily eligible for immigrant visas, must leave the country and be interviewed at U.S. consulates abroad to obtain those immigrant visas. If these qualifying individuals have been in the United States unlawfully for more than six months and later depart, they are, by virtue of their departure, barred by law from returning for 3 or 10 years.¹ Current law allows some of these individuals (*i.e.*, a spouse, son, or daughter of a U.S. citizen or permanent resident) to seek a waiver of these 3- and 10-year bars if they can demonstrate that absence from the United States as a result of the bar imposes an "extreme hardship" to a U.S. citizen or lawful permanent spouse or parent.² But, prior to 2013, the individual could not apply for the waiver until he or she had left the country for a consular interview.

In January 2013, the Department of Homeland Security (DHS) published a regulation establishing a process that allows a subset of statutorily eligible individuals to apply to USCIS for a waiver of the 3- and 10-year bars before departing abroad for consular interviews.³ This "provisional" waiver provided eligible individuals with some

¹ Immigration and Nationality Act (INA) § 212(a)(9)(B)(i), 8 U.S.C. § 1182(a)(9)(B)(i).

² INA § 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v).

³ See *Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives*, Fed. Reg. 78-2, 551 (Jan. 3, 2013).

level of certainty that they would be able to return after a successful consular interview and would not be subject to lengthy overseas waits while the waiver application was adjudicated.⁴ However, the 2013 regulation extended the provisional waiver process only to the spouses and children of U.S. citizens. In 2013 we did not initially extend the provisional waiver to other statutorily eligible individuals—*i.e.*, the spouses and children of lawful permanent residents and the adult children of U.S. citizens and lawful permanent residents—to assess the effectiveness and operational impact of the provisional waiver process. To date, approximately 60,000 individuals have applied for the provisional waiver, a number that, as I understand, is less than was expected.

Today, I direct DHS to amend its 2013 regulation to expand access to the provisional waiver program to all statutorily eligible classes of relatives for whom an immigrant visa is immediately available. The purpose behind today's announcement remains the same as in 2013—family unity.

As a related matter, I hereby direct USCIS to provide additional guidance on the definition of “extreme hardship.” As noted above, to be granted a provisional waiver, applicants must demonstrate that their absence from the United States would cause “extreme hardship” to a spouse or parent who is a U.S. citizen or lawful permanent resident. The statute does not define the term, and federal courts have not specifically defined it through case law.⁵ It is my assessment that additional guidance about the meaning of the phrase “extreme hardship” would provide broader use of this legally permitted waiver program.

USCIS should clarify the factors that are considered by adjudicators in determining whether the “extreme hardship” standard has been met. Factors that should be considered for further explanation include, but are not limited to: family ties to the United States and the country of removal, conditions in the country of removal, the age of the U.S. citizen or permanent resident spouse or parent, the length of residence in the United States, relevant medical and mental health conditions, financial hardships, and educational hardships. I further direct USCIS to consider criteria by which a presumption of extreme hardship may be determined to exist.⁶

⁴ 8 C.F.R. 212.7 (e)(3).

⁵ See *Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives*, Fed. Reg. 78-2, 551 (Jan. 3, 2013).

⁶ Such a presumption was previously adopted by regulations implementing the 1997 Nicaraguan Adjustment and Central American Relief Act, Pub. L. No. 105-100, 8 C.F.R. 240.64(d).

EXHIBIT 40

Secretary
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

November 20, 2014

MEMORANDUM FOR: León Rodríguez
Director
U.S. Citizenship and Immigration Services

Thomas S. Winkowski
Acting Director
U.S. Immigration and Customs Enforcement

FROM: Jeh Charles Johnson
Secretary

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson", written over a horizontal line.

SUBJECT: **Policies Supporting U.S. High-Skilled Businesses
and Workers**

I hereby direct the new policies and regulations outlined below. These new policies and regulations will be good for both U.S. businesses and workers by continuing to grow our economy and create jobs. They will support our country's high-skilled businesses and workers by better enabling U.S. businesses to hire and retain highly skilled foreign-born workers while providing these workers with increased flexibility to make natural advancements with their current employers or seek similar opportunities elsewhere. This increased mobility will also ensure a more-level playing field for U.S. workers. Finally, these measures should increase agency efficiencies and save resources.

These new policies and regulations are in addition to efforts that the Department of Homeland Security is implementing to improve the employment-based immigration system. In May, for example, U.S. Citizenship and Immigration Services (USCIS) published a proposed rule to extend work authorization to the spouses of H-1B visa holders who have been approved to receive lawful permanent resident status based on employer-sponsorship. USCIS is about to publish the final rule, which will incentivize employer sponsorship of current temporary workers for lawful permanent residence so they can become Americans over time, while making the United States an even more competitive destination for highly skilled talent. Also, USCIS has been working on guidance to strengthen and improve various employment-based temporary visa programs. I expect that such guidance, consistent with the proposals contained in this memorandum, will be published in a timely manner.

A. Modernizing the Employment-Based Immigrant Visa System

As you know, our employment-based immigration system is afflicted with extremely long waits for immigrant visas, or “green cards,” due to relatively low green card numerical limits established by Congress 24 years ago in 1990. The effect of these caps is further compounded by an immigration system that has often failed to issue all of the immigrant visas authorized by Congress for a fiscal year. Hundreds of thousands of such visas have gone unissued in the past despite heavy demand for them.

The resulting backlogs for green cards prevent U.S. employers from attracting and retaining highly skilled workers critical to their businesses. U.S. businesses have historically relied on temporary visas—such as H-1B,¹ L-1B,² or O-1³ visas—to retain individuals with needed skills as they work their way through these backlogs. But as the backlogs for green cards grow longer, it is increasingly the case that temporary visas fail to fill the gap. As a result, the worker’s temporary status expires and his or her departure is required. This makes little sense, particularly because the green card petition process for certain categories requires the employer to test the labor market and show the unavailability of other U.S. workers in that position.

To correct this problem, I hereby direct USCIS to take several steps to modernize and improve the immigrant visa process. *First*, USCIS should continue and enhance its work with the Department of State to ensure that all immigrant visas authorized by Congress are issued to eligible individuals when there is sufficient demand for such visas. *Second*, I ask that USCIS work with the Department of State to improve the system for determining when immigrant visas are available to applicants during the fiscal year. The Department of State has agreed to modify its visa bulletin system to more simply and reliably make such determinations, and I expect USCIS to revise its current regulations to reflect and complement these proposed modifications. *Third*, I direct that USCIS carefully consider other regulatory or policy changes to better assist and provide stability to the beneficiaries of approved employment-based immigrant visa petitions. Specifically, USCIS should consider amending its regulations to ensure that approved, long-standing visa petitions remain valid in certain cases where they seek to change jobs or employers.

¹ INA § 101(a)(15)(H)(i)(b), 8 U.S.C. § 101(a)(15)(H)(i)(b).

² INA § 101(a)(15)(L), 8 U.S.C. § 101(a)(15)(L).

³ INA § 101(a)(15)(O)(i), 8 U.S.C. § 101(a)(15)(O)(i).

B. Reforming “Optional Practical Training” for Foreign Students and Graduates from U.S. Universities

Under long-standing regulations, foreign nationals studying in the United States on non-immigrant F-1 student visas⁴ may request twelve additional months of F-1 visa status for “optional practical training” (OPT), which allows them to extend their time in the United States for temporary employment in the relevant field of study. OPT, which may occur before or after graduation, must be approved by the educational institution.

This program provides important benefits to foreign students and the U.S. economy. Foreign students are able to further their full course of study in the United States and gain additional, practical experience in their fields by training in those fields with employers in the United States. In turn, foreign students put into practice the skills and education they gain at U.S. universities to benefit the U.S. economy. By regulations adopted in 2007, students in science, technology, engineering, and mathematics (STEM) fields are eligible for an additional 17 months of OPT, for a total of 29 months. This extension has the added benefit of helping America keep many of its most talented STEM graduates from departing the country and taking their skills overseas.

The OPT program should be evaluated, strengthened, and improved to further enhance American innovation and competitiveness, consistent with current legal authority. More specifically, I direct that Immigration and Customs Enforcement (ICE) and USCIS develop regulations for notice and comment to expand the degree programs eligible for OPT and extend the time period and use of OPT for foreign STEM students and graduates, consistent with law. I am also directing ICE and USCIS to improve the OPT program by requiring stronger ties to degree-granting institutions, which would better ensure that a student’s practical training furthers the student’s full course of study in the United States. Finally, ICE and USCIS should take steps to ensure that OPT employment is consistent with U.S. labor market protections to safeguard the interests of U.S. workers in related fields.

C. Promoting Research and Development in the United States

To enhance opportunities for foreign inventors, researchers, and founders of start-up enterprises wishing to conduct research and development and create jobs in the United States, I hereby direct USCIS to implement two administrative improvements to our employment-based immigration system:

First, the “national interest waiver” provided in section 203(b)(2)(B) of the *Immigration and Nationality Act* (INA) permits certain non-citizens with advanced

⁴ INA § 101(a)(15)(F)(i), & U.S.C. § 101(a)(15)(F)(i).

degrees or exceptional ability to seek green cards without employer sponsorship if their admission is in the national interest.⁵ This waiver is underutilized and there is limited guidance with respect to its invocation. I hereby direct USCIS to issue guidance or regulations to clarify the standard by which a national interest waiver can be granted, with the aim of promoting its greater use for the benefit of the U.S. economy.

Second, pursuant to the “significant public benefit” parole authority under section 212(d)(5) of the INA,⁶ USCIS should propose a program that will permit DHS to grant parole status, on a case-by-case basis, to inventors, researchers, and founders of start-up enterprises who may not yet qualify for a national interest waiver, but who have been awarded substantial U.S. investor financing or otherwise hold the promise of innovation and job creation through the development of new technologies or the pursuit of cutting-edge research. Parole in this type of circumstance would allow these individuals to temporarily pursue research and development of promising new ideas and businesses in the United States, rather than abroad. This regulation will include income and resource thresholds to ensure that individuals eligible for parole under this program will not be eligible for federal public benefits or premium tax credits under the Health Insurance Marketplace of the Affordable Care Act.

D. Bringing Greater Consistency to the L-1B Visa Program

The L-1B visa program for “intracompany transferees” is critically important to multinational companies. The program allows such companies to transfer employees who are managerial or executives, or who have “specialized knowledge” of the company’s products or processes to the United States from foreign operations. It is thus an essential tool for managing a global workforce as companies choose where to establish new or expanded operations, research centers, or product lines, all of which stand to benefit the U.S. economy. To date, however, vague guidance and inconsistent interpretation of the term “specialized knowledge” in adjudicating L-1B visa petitions has created uncertainty for these companies.

To correct this problem, I hereby direct USCIS to issue a policy memorandum that provides clear, consolidated guidance on the meaning of “specialized knowledge.” This memorandum will bring greater coherence and integrity to the L-1B program, improve consistency in adjudications, and enhance companies’ confidence in the program.

⁵ INA § 203(b)(2)(B), 8 U.S.C. § 1153(b)(2)(B).

⁶ INA § 205(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A).

E. Increasing Worker Portability

Currently, uncertainty within the employment-based visa system creates unnecessary hardships for many foreign workers who have filed for adjustment of status but are unable to become permanent residents due to a lack of immigrant visas. Current law allows such workers to change jobs without jeopardizing their ability to seek lawful permanent residence, but only if the new job is in a "same or a similar" occupational classification as their old job. Unfortunately, there is uncertainty surrounding what constitutes a "same or similar" job, thus preventing many workers from changing employers, seeking new job opportunities, or even accepting promotions for fear that such action might void their currently approved immigrant visa petitions.

To help eliminate this uncertainty, I hereby direct USCIS to issue a policy memorandum that provides additional agency guidance, bringing needed clarity to employees and their employers with respect to the types of job changes that constitute a "same or similar" job under current law. This guidance should make clear that a worker can, for example, accept a promotion to a supervisory position or otherwise transition to related jobs within his or her field of endeavor. By removing unnecessary restrictions to natural career progression, workers will have increased flexibility and stability, which would also ensure a more level playing field for U.S. workers.

EXHIBIT 41


Secretary
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

November 20, 2014

MEMORANDUM FOR: León Rodríguez
Director
U.S. Citizenship and Immigration Services

FROM: Jeh Charles Johnson 
Secretary

SUBJECT: **Families of U.S. Armed Forces Members and Enlistees**

By this memorandum, I hereby direct U.S. Citizenship and Immigration Services (USCIS) to issue new policies on the use of parole-in-place or deferred action for certain spouses, children, and parents of individuals seeking to enlist in the U.S. Armed Forces.

The authority of the Secretary of Homeland Security to parole an immigrant into the United States is expressly authorized by statute. Section 212(d)(5)(A) of the *Immigration and Nationality Act* (INA) authorizes the Secretary "in his discretion [to] parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission into the United States."¹

Although parole determinations must be made on an individualized basis, the authority has long been interpreted to allow for designation of specific classes of aliens for whom parole should be favorably considered, so long as the parole of each alien within the class is considered on a discretionary, case-by-case basis. Further, it is generally accepted that this parole authority can lawfully be extended to persons outside the United States as well as persons inside the United States who have not been lawfully admitted.² The latter use of parole is referred to as "parole-in-place."

¹ INA § 212(d)(5)(A); 8 U.S.C. § 1182(d)(5)(A).

² U.S. Citizenship and Immigration Services Policy Memorandum PM-602-0091 (Nov. 15, 2013).

Under current policy, family members of U.S. military service members and veterans are eligible for parole-in-place.³ The Department of Defense has requested that the Department of Homeland Security expand the scope of its parole-in-place memorandum of November 2013 to encompass family members of U.S. citizens and lawful permanent residents who seek to enlist in the U.S. Armed Forces. To support the military and its recruitment efforts, I hereby direct USCIS to work with the Department of Defense to address the availability of parole-in-place and deferred action for the spouse, parent, and child of a U.S. citizen or lawful permanent resident who seeks to enlist in the U.S. Armed Forces.

Further, I am also directing USCIS to consider the availability of deferred action, on a case-by-case basis, to those now undocumented family members of U.S. military service members and veterans who would be otherwise eligible for parole-in-place, but who were inspected and lawfully admitted to the United States.

³ U.S. Citizenship and Immigration Services, *Parole of Spouses, Children and Parents of Active Duty Members of the U.S. Armed Forces, the Selected Reserve of the Ready Reserve, and Former Members of the U.S. Armed Forces or Selected Reserve of the Ready Reserve and the Effect of Parole on Inadmissibility under Immigration and Nationality Act § 212(a)(6)(A)(i)*, November 15, 2013.

EXHIBIT 42

Secretary
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

November 20, 2014

MEMORANDUM FOR: Stevan E. Bunnell
General Counsel
Office of the General Counsel

Leon Rodriguez
Director
U.S. Citizenship and Immigration Services

Thomas S. Winkowski
Acting Director
U.S. Immigration and Customs Enforcement

R. Gil Kerlikowske
Commissioner
U.S. Customs and Border Protection

FROM: Jeh Charles Johnson
Secretary

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson", written over a circular stamp or seal.

SUBJECT: **Directive to Provide Consistency Regarding Advance Parole**

Advance parole is an established procedure by which U.S. Citizenship and Immigration Services (USCIS) may authorize, as a matter of discretion, an individual to travel abroad with advance authorization to be considered for parole into the United States upon return. For example, USCIS regularly grants advance parole to individuals with certain types of temporary status or with pending immigration applications. Advance parole is subject to U.S. Customs and Border Protection (CBP) later considering parole at the port of entry.

In April 2012, the Board of Immigration Appeals issued the precedent decision *Matter of Arrabally* (later amended in August 2012),¹ which held that individuals who travel abroad after a grant of advance parole do not effectuate a "departure . . . from the

¹*Matter of Arrabally*, 25 I. & N. Dec. 771 (BIA 2012).

United States" within the meaning of section 212(a)(9)(B)(i) of the *Immigration and Nationality Act* (INA). That provision, along with section 212(9)(B)(i)(I), establishes the "3- and 10-year bars" for persons who have "departed" after more than 180 days of unlawful presence in the United States.² The *Arrabally* decision arose in the context of two aliens who had been in unlawful status for multiple years, applied for adjustment of status, and obtained advance parole to travel to India several times. The Board of Immigration Appeals held that travel on advance parole was not a "departure" within the meaning of the statute and hence did not trigger the ground of inadmissibility that bars admission after the accrual of unlawful presence.

This is to notify you that I have asked the Department's General Counsel to issue written legal guidance on the meaning of the *Arrabally* decision, which will clarify that in all cases when an individual physically leaves the United States pursuant to a grant of advance parole, that individual shall not have made a "departure" within the meaning of section 212(a)(9)(B)(i) of the INA. This instruction will ensure consistent application of the *Arrabally* decision across the Department, and provide greater assurance to individuals with advance parole of the consequences of their travel.

Nothing in this directive is intended to limit the authority of CBP to conduct its routine inspection and admission or parole of an individual returning to the United States.

² INA § 212(a)(9)(B)(i), 8 U.S.C. § 1182(a)(9)(B)(i).

EXHIBIT 43



Homeland
Security

November 20, 2014

MEMORANDUM FOR: León Rodríguez
Director
U.S. Citizenship and Immigration Services

FROM: Jeh Charles Johnson
Secretary

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson", written over a circular stamp or mark.

SUBJECT: **Policies to Promote and Increase Access to U.S. Citizenship**

Deciding to become a U.S. citizen is an important decision in an immigrant's life and a significant milestone in his or her journey toward full membership in our society. By deciding to naturalize, immigrants demonstrate their permanent commitment to the United States and their desire to fully integrate into the fabric of American society.

There are more than 8 million lawful permanent residents in the United States who are eligible to become citizens, but who have not yet sought to do so. The President believes U.S. Citizenship and Immigration Services (USCIS) should explore options to promote and increase access to naturalization and to consider innovative ways to address barriers that may impede such access, including for those who lack resources to pay application fees. Accordingly, I am directing USCIS to take the steps described below.

A. Implementing Credit Card Processing

The President is committed to addressing barriers to naturalization that filing fees may impose on applicants while ensuring the fiscal stability of USCIS in light of its dependence on fee-generated income. The cost of naturalization is currently \$680, comprised of the \$595 naturalization fee and the \$85 biometrics fee. Many lawful permanent residents in the United States who are eligible for citizenship may find it more convenient to pay the cost of naturalization using their credit cards, yet currently there is no vehicle available to them to pay in that manner.

I direct USCIS to begin accepting credit cards as a payment option for the naturalization fee, which would allow applicants to pay the cost of the application while paying the relevant credit-issuing financial institution according to its terms. Presently,

USCIS accepts the naturalization fee by either money order or check. To implement this option, USCIS should rely on the electronic payment portal on the Department of the Treasury's Pay.gov website. USCIS should begin accepting credit cards for the payment of the naturalization fee as soon as practicable and no later than the end of 2015.

B. Conducting a Fee Study to Explore a Partial Fee Waiver Program

USCIS now provides a waiver of the \$680 cost of naturalization if the applicant's income is no greater than 150% of the federal poverty level, the applicant is receiving a means-tested public benefit, or the applicant demonstrates other special financial circumstances justifying waiver for inability to pay. The existing waiver based on income is an all-or-nothing mechanism that is not available to persons whose income is above 150% of the federal poverty level.

I have asked USCIS to consider a partial waiver (*e.g.*, 50%) in the case of applicants whose income is more than 150% and no greater than 200% of the federal poverty level, or a scaled adjustment to the fee based on a range of income levels. In response, you have informed me that you cannot at this time recommend a partial fee waiver given the uncertain financial risk associated with it for an agency that is dependent on fee-generated income. In light of that, I direct that USCIS include the feasibility of such a partial fee waiver proposal as part of the next biennial fee study. We will reconsider a partial fee waiver following that study.

C. Expanding Public Awareness/Promotion Media Campaigns

Finally, building on the ongoing efforts of the USCIS Office of Citizenship to engage and support partners to welcome immigrants, promote English language learning, increase education on the rights and responsibilities of citizenship, and encourage U.S. citizenship, I hereby direct that USCIS expand citizenship public awareness by launching a comprehensive media campaign targeting major media markets in California, New York, Texas, Florida, New Jersey, Illinois, Massachusetts, Virginia, Washington, and Arizona. These 10 states are home to 75% of the overall lawful permanent resident population. To this end, USCIS should collaborate with state and local governments and foreign embassies in the United States to provide information on U.S. citizenship and the naturalization process.

EXHIBIT 44

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, <i>et al.</i>)	
)	
Plaintiffs,)	
)	No. 1:14-CV-254
v.)	
)	
UNITED STATES OF AMERICA, <i>et al.</i>)	
)	
Defendants.)	
)	

DECLARATION OF DONALD W. NEUFELD

I, Donald W. Neufeld, hereby make the following declaration with respect to the above captioned matter.

1. I am the Associate Director for Service Center Operations (SCOPS) for U.S. Citizenship and Immigration Services (USCIS), a component within the U.S. Department of Homeland Security (DHS or Department). I have held this position since January 2010. In this position, I oversee all policy, planning, management and execution functions of SCOPS. My current job duties include overseeing a workforce of more than 3,000 government employees and 1,500 contract employees at the four USCIS Service Centers located in California, Nebraska, Texas and Vermont. These four centers adjudicate about four million immigration-related applications and requests annually, including all requests for deferred action under the Deferred Action for Childhood Arrivals (DACA) process.

2. I was previously the Deputy/Acting Associate Director for USCIS Domestic Operations from June 2007 to January 2010 where I oversaw all immigration adjudication activities at USCIS's four Service Centers and 87 field offices throughout the United States, as well as 130

Application Support Centers, four Regional Offices, two Call Centers, the Card Production Facility and the National Benefits Center. From January 2006 to June 2007, I was Chief of USCIS Field Operations managing and overseeing the 87 field offices delivering immigration benefit services directly to applicants and petitioners in communities across the United States and the National Benefits Center (NBC) which performs centralized front-end processing of certain applications and petitions. My career with USCIS and the legacy Immigration and Naturalization Service spans more than 30 years, where I have held several leadership positions including Deputy Assistant District Director for the Los Angeles District, Assistant District Director and later District Director of the Miami District, and Service Center Director for the California and Nebraska Service Centers. I began my career in 1983, initially hired as a clerk in the Los Angeles District, then serving as an Information Officer, then an Immigration Examiner, conducting interviews and adjudicating applications for immigration benefits. I also performed inspections of arriving passengers at Los Angeles International Airport.

3. I make this declaration on the basis of my personal knowledge and information made available to me in the course of my official duties.

USCIS's Role in Immigration Enforcement

4. DHS has three components with responsibilities over the enforcement of the nation's immigration laws: (1) Immigration and Customs Enforcement (ICE); (2) Customs and Border Protection (CBP); and (3) USCIS. USCIS is the DHS component that administers a variety of immigration-related programs. Currently, USCIS adjudicates approximately seven million applications, petitions and requests per year, including applications for naturalization by lawful permanent residents (LPRs), immigrant visa petitions (including employment-based visa petitions filed by U.S. employers and family-based visa petitions filed by U.S. citizens and

LPRs), a variety of non-immigrant petitions (including temporary worker categories such as the H-1B), asylum and refugee status, other humanitarian protections under the Violence Against Women Act (VAWA) and for victims of trafficking and crimes, humanitarian parole, and deferred action, among others.

5. USCIS's current budget is approximately \$3.2 billion. This budget is funded overwhelmingly by user fees paid by individuals who file applications. Only approximately 5% of our budget is from Congressionally-appropriated taxpayer funds, and those appropriations are specifically designated for operation and maintenance of the employment verification system, known as E-Verify, and for limited citizenship-related services (none of which are related to requests for deferred action).

6. USCIS employs approximately 13,000 federal employees and an additional 5,000 contract employees housed in a range of facilities throughout the United States and overseas. USCIS maintains 87 Field Offices under its Field Operations Directorate (FOD) and four major Service Centers under SCOPS. These Service Centers are located in Dallas, Texas; Laguna Niguel, California; Lincoln, Nebraska; and St. Albans, Vermont. Altogether, the Service Centers employ approximately 3,000 federal workers. USCIS also operates the NBC, which is similar in size to a Service Center. The NBC performs some limited adjudications, although it was originally established to prepare cases for adjudication in other offices by conducting pre-interview case review.

7. The Field Offices and Service Centers adjudicate a wide range of immigration-related applications and requests. USCIS distributes the responsibility for processing and adjudicating various categories of applications and requests among the Field Offices and Service Centers

based on multiple considerations in order to achieve maximum efficiency, reliability, consistency, and accuracy.

8. The Service Centers are designed to adjudicate applications, petitions and requests of programs that have higher-volume caseloads, including non-immigrant visa petitions (such as H-1Bs), I-130 petitions establishing relationships between a U.S. citizen or LPR and a foreign national relative, employment-based applications for adjustment of status to lawful permanent residence, multiple forms of humanitarian protection (including temporary protected status, protection under the VAWA, non-immigrant status for victims of crimes and trafficking), and requests for deferred action under the DACA process.¹

9. In addition to the Field Offices and Service Centers, USCIS also uses three centralized “lockboxes” for the initial receipt and processing of most applications, requests, and fee payments received by the agency each year. At the lockbox, every application and request is opened, reviewed for basic filing requirements, then fees are collected, and data is captured. In order to ensure reliability and proper processing, each application and request must be logged into one of the USCIS computer systems, the paper applications and requests must be scanned, the payment must be processed, a receipt must be issued, and the hardcopy applications and requests must be distributed to the appropriate Field Office, Service Center, or the NBC for further processing.

¹ DACA is not the only deferred action program handled by USCIS Service Centers. For example, the Vermont Service Center (VSC) currently administers two programs through which individuals may be placed in deferred action, one related to relief under VAWA and one related to U nonimmigrant status. VAWA allows certain spouses, children, and parents to self-petition for family-based immigration benefits if they have been battered or subjected to extreme cruelty by the U.S citizen or LPR spouse or parent, or U.S. citizen son or daughter. If the VAWA self-petition is approved by VSC, the self-petitioner can file an application for adjustment of status that is adjudicated by the appropriate field office. In addition, based on the approved self-petition, the self-petitioner is eligible for consideration for deferred action and for an employment authorization document. VSC adjudicates all VAWA self-petitions and also administers the deferred action and EAD component of the VAWA program.

The DACA Process

10. In 2012, then-Secretary of Homeland Security Napolitano “set[] forth how, in the exercise of our prosecutorial discretion, the Department of Homeland Security (DHS) should enforce the Nation’s immigration laws.” In doing so, USCIS was tasked with implementing the DACA process and adjudicating these requests for deferred action. As explained by then-Secretary Napolitano, the DACA process supports DHS-wide efforts to efficiently prioritize overall enforcement resources through the removal of criminals, recent border crossers, and aliens who pose a threat to national security and public safety, while recognizing humanitarian principles embedded within our immigration laws. The individuals who could be considered for DACA “lacked the intent to violate the law” because they were “young people brought to this country as children[.]” She further explained such children and young adults could be considered, on a case-by-case basis, for deferred action if they met the guidelines, passed a criminal background check, and lived in the U.S. continuously for five years. Secretary Napolitano explained that DACA was part of “additional measures to ensure that [DHS’s] enforcement resources [were] not expended on these low priority cases but [were] instead appropriately focused on people who meet [DHS’s] enforcement priorities.” *See* Exhibit A (June 15, 2012 Memorandum, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” (hereinafter “the Napolitano Memo”)).

11. Under DACA, aliens brought to the United States as children before the age of 16 and who are determined to meet other certain guidelines, including continuous residence in the United States since June 15, 2007, can be considered for deferred action on a case-by-case basis.²

² The guidelines for DACA under the Napolitano Memo include: 1) being under the age of 31 as of June 15, 2012; 2) entering the U.S. before reaching the age of 16; 3) continuously residing in the U.S. since June 15, 2007 to the present time; 4) being physically present in the U.S. on June 15, 2012 and at the time of making the request for

Requestors who meet the guidelines are not automatically granted deferred action under DACA. Rather, each initial DACA request is individually considered, wherein an adjudicator must determine whether a requestor meets the guidelines and whether there are other factors that might adversely impact the favorable exercise of discretion.

12. In addition to satisfying the DACA guidelines, requestors must submit to, and pay for, a background check. Information discovered in the background check process is also considered in the overall discretionary analysis. If granted, the period of deferred action under the existing DACA program is—depending on the date of the grant—two or three years.³ Requestors simultaneously apply for employment authorization, although the application for employment authorization is not adjudicated until a decision is made on the underlying DACA request.

13. Procedurally, the review and adjudication of an initial request for deferred action under DACA is a multi-step, case-specific process described in greater detail below. The process begins with the request being mailed to a USCIS lockbox, which then reviews requests for completeness. Following review at the lock-box stage, those requests that are not rejected (as briefly described below) are sent to one of the four USCIS Service Centers for further substantive processing. Once a case arrives at a Service Center, a specially trained USCIS adjudicator is assigned to determine whether the requestor satisfies the DACA guidelines and ultimately determine whether a request should be approved or denied.

consideration for DACA; 5) having no lawful status on June 15, 2012; 6) being currently in school, having graduated or obtained a certificate of completion from high school, having obtained a General Educational Development (GED) certificate, or being an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and, 7) having not been convicted of a felony, a significant misdemeanor, three or more other misdemeanors, and not otherwise posing a threat to national security or public safety.

³ The 2012 Napolitano Memo directed USCIS to issue two-year periods of deferred action under DACA. Pursuant to the November, 20, 2014 memo issued by Secretary Johnson, as of November 24, 2014, all first-time DACA requests and requests for renewals now receive a three-year period of deferred action.

14. Unlike a “denial,” a DACA request is “rejected” when the lockbox determines upon intake that the request has a fatal flaw, such as failure to submit the required fee,⁴ failure to sign the request, illegible or missing required fields on the form, or it is clear that the requestor does not satisfy the age guidelines.

15. A DACA request is “denied” when a USCIS adjudicator, on a case-by-case basis, determines that the requestor has not demonstrated that they satisfy the guidelines for DACA or when an adjudicator determines that deferred action should be denied even though the threshold guidelines are met. Both scenarios necessarily involve the consideration of and exercise of USCIS’s discretion.

16. Adjudicators evaluate the evidence each requestor submits in conjunction with the relevant DACA guidelines, assess the appropriate weight to accord such evidence, and ultimately determine whether the evidence is sufficient to satisfy the guidelines. Adjudicators must utilize judgment in determining weight accorded to the submitted evidence.

17. Where a guideline is not prescriptive, USCIS must also exercise significant discretion in determining whether that guideline, and the requestor’s case in relation to that guideline, counsels for or against a grant of deferred action. For example, one of the DACA guidelines is that the requestor “has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety.” *See* Exhibit A, at 1. While determining whether a requestor has been convicted of a felony is straightforward, determining whether a requestor “poses a threat to national security or public safety” necessarily involves the exercise of the agency’s discretion.

⁴ Very limited fee exemptions are considered. *See* Exhibit B (FAQ 8).

18. Even if it is determined that a requestor has satisfied the threshold DACA guidelines, USCIS may exercise discretion to deny a request where other factors make the grant of deferred action inappropriate. For example, if the DACA requestor is believed to have submitted false statements or attempted to commit fraud in a prior application or petition, USCIS has denied DACA even when all the DACA guidelines, including public safety considerations, have been met. As another example, when USCIS learned that a DACA requestor falsely claimed to be a U.S. citizen and had prior removals, as an exercise of discretion, USCIS denied the request even though those issues are not specifically part of the DACA guidelines.

19. Under current DACA procedures, denials issued solely on discretionary grounds, including for national security and public safety reasons, are generally required to undergo review by USCIS headquarters. There is an exception to that requirement for cases involving gang affiliation—where such affiliation is confirmed by interview—and those cases may be denied without further guidance from USCIS headquarters. After an adjudicator in a USCIS Service Center determines that, in his or her discretion, a request should be denied for purely discretionary reasons, the adjudicator may send to USCIS headquarters a “Request for Adjudicative Guidance,” which summarizes the case, usually recommends a denial for discretionary reasons, and seeks concurrence or guidance before rendering a final decision. This process has been established to allow USCIS to ensure consistency and avoid arbitrary decisions regarding discretionary denials.

20. Adjudicators have the authority to verify documents, facts, and statements provided by the requestor by contacting educational institutions, other government agencies, employers, or other entities. *See* Exhibit B (USCIS Frequently Asked Questions for DACA Requestors (hereinafter DACA FAQs)), FAQ 21. In addition, adjudicators at the Service Centers may refer

a case for interview at a Field Office. *See* Exhibit C (redacted DACA interview notices).

Typically, an interview would be requested when the adjudicator determines, after careful review of the request and supporting documents, that a request is deniable, but potentially curable, with information that can best be received through an interview instead of requesting additional supporting documents. For example, where an adjudicator suspected a requestor was associated with a gang, an interview was conducted to question the requestor regarding this association.

21. An adjudicator may also issue a "Request for Evidence" (RFE) or a Notice of Intent to Deny (NOID) to require the requestor to submit additional evidence in support of the request for DACA. An RFE is issued when not all of the required initial evidence has been submitted or the adjudicator determines that the totality of the evidence submitted does not meet the DACA guidelines or other discretionary factors. A NOID is more appropriate than issuing an RFE when the officer intends to deny the request based on the evidence already submitted because the request does not appear to meet DACA guidelines or other discretionary factors, but the request is not necessarily incurable. Since August 15, 2012 through December 31, 2014, 188,767 RFEs and 6,496 NOIDs have been issued in the process of adjudicating DACA requests. Failure to respond may result in a denial. *See* Exhibit D (redacted DACA-related RFEs and NOIDs); Exhibit E. In addition, all DACA requestors must submit to background checks, and requests are denied if these background checks show that deferred action would be inappropriate. Information discovered in this process may be provided to ICE, CBP, and other law enforcement authorities for further action if appropriate. *See* Exhibit B (DACA FAQs 19 and 20).

22. If USCIS denies a DACA request, USCIS applies its policy guidance governing the referral of cases to ICE. Normally, if the case does not involve a criminal offense, fraud, or a threat to national security or public safety, the case is not referred to ICE for purposes of removal

proceedings. Many of the cases involving discretionary denials were referred to ICE due to public safety issues.

23. Since the inception of DACA through December 31, 2014, USCIS accepted as filed 727,164 initial requests for deferred action under DACA. An additional 43,174 requests were submitted to USCIS, but were rejected at the lockbox stage. Of the 727,164 initial requests that were accepted for filing, 638,897 were approved, 38,597 were ultimately denied, and the rest remain pending. All DACA requestors also submit applications for employment authorization. Of the 970,735 employment authorization applications received, 825,640 were approved.⁵ See Exhibit E.

24. The reasons for these 38,597 denials vary. Most were based on a determination that the requestor failed to meet certain threshold criteria, such as continuous residence in the United States. Other denials involved cases in which the deciding official exercised further judgment and discretion in applying the criteria set forth in the policy, including where individuals were determined to pose a public safety risk based on the individual circumstances of the case. For example, DACA requests have been denied for discretionary public safety reasons because the requestor was suspected of gang membership or gang-related activity, had a series of arrests without convictions, arrests resulting in pre-trial diversionary programs, or ongoing criminal investigations. Requests have also been denied on the basis that deferred action was not appropriate for other reasons not expressly set forth in 2012 DACA Memorandum, such as evidence of immigration fraud. See *supra* ¶ 18 (citing examples). Until very recently, USCIS

⁵ The total number of employment authorization document application receipts is higher than the number of DACA requests because USCIS systems do not distinguish between employment authorization document applications made by initial requestors, renewal requestors, or those seeking to replace an employment authorization document.

lacked any ability to automatically track and sort the reasons for DACA denials, and it still lacks the ability to do so for all DACA denials except for very recent ones.

25. DACA is funded exclusively through the fees requestors submit with their DACA request. No Congressional appropriations are used to administer DACA.

**2014 DACA Modifications and
Deferred Action for Parents of U.S. Citizens and LPRs (DAPA)**

26. On November 20, 2014, Secretary Johnson issued a memorandum directing DHS to implement certain modifications to DACA and to create a process for certain parents of U.S. Citizens and LPRs to apply for deferred action (DAPA). The DACA modifications include: (1) allowing individuals over 31 to request deferred action; (2) increasing the period of deferred action and work authorization from two to three years; and (3) adjusting the date regarding the beginning of the continuous residence period from June 15, 2007 to January 1, 2010. These modifications will not change the case-by-case process for reviewing DACA requests described above. USCIS is in the process of determining the procedures for reviewing requests under DAPA, and thus USCIS has not yet determined whether the process to adjudicate DAPA requests will be similar to the DACA process. However, as with DACA, DAPA will be funded through fees submitted by requestors, and USCIS will not use Congressional appropriations to administer DAPA.

27. The 2014 DACA modifications and DAPA do not restrict the longstanding authority of USCIS to grant deferred action in the exercise of its discretion. Accordingly, if a requestor is denied DACA or DAPA, USCIS may consider deferred action for the requestor if such action is considered appropriate in the agency's discretion. *See Exhibit B (DACA FAQ 71).*

28. USCIS has taken some steps to implement the expanded DACA and DAPA, such as securing adequate office space and beginning to develop a form, among others. In taking these

steps, USCIS has counted on receiving the fees that will be generated by requestors when submissions commence in February for DACA and May 2015 for DAPA. USCIS has carefully calibrated expenses incurred in light of anticipated revenues to ensure the continuing fiscal integrity of our budget. USCIS's budget contemplates that we will begin receiving fees from requestors soon to cover some of the expenses we have already incurred and fund the process as it continues to go forward.

29. Based on our experience implementing DACA in 2012, we anticipate that fewer than the total number of estimated persons who might meet the guidelines for DAPA would submit requests. The total estimated population for DACA was projected to be approximately 1.2 million individuals in 2012. To date, approximately 720,000 initial DACA requests, or roughly 60% of the total estimated population, have been received by the agency. The projected total population for DAPA is estimated at approximately 3.85 million. USCIS currently anticipates approximately 50% of this population will submit requests in the 18-month period after USCIS begins accepting requests.

30. As the foregoing paragraphs explain, the DACA program requires case-by-case consideration of each request and provides for individualized adjudicatory judgment and discretion. Each case is first reviewed by lockbox contractors who reject requests that are incomplete. All non-rejected cases are then forwarded to a USCIS Service Center for a case-by-case review. Upon careful review of the case, adjudicators regularly issue RFEs and NOIDs for additional evidence, where after initially reviewing the request, adjudicators determine the request is deniable, but also curable with additional evidence. In making a decision on each case, adjudicators must carefully evaluate the weight of the submitted evidence to ensure compliance with the discretionary guidelines broadly outlined by the Secretary when establishing DACA.

They must also make determinations on individual requests based on non-prescriptive guidelines such as “public safety” and “national security.” Finally, in DACA, USCIS exercises its discretion by otherwise denying a request where other factors not included in the guidelines would make the grant of deferred action inappropriate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of January of 2015.

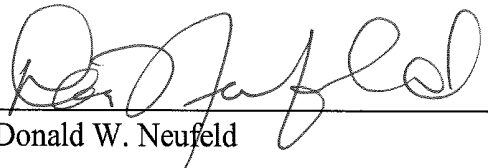

Donald W. Neufeld

EXHIBIT A

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

June 15, 2012

MEMORANDUM FOR: David V. Aguilar
Acting Commissioner, U.S. Customs and Border Protection

Alejandro Mayorkas
Director, U.S. Citizenship and Immigration Services

John Morton
Director, U.S. Immigration and Customs Enforcement

FROM:

Janet Napolitano
Secretary of Homeland Security

A handwritten signature in black ink, appearing to read "Janet Napolitano", written over the typed name.

SUBJECT:

Exercising Prosecutorial Discretion with Respect to Individuals
Who Came to the United States as Children

By this memorandum, I am setting forth how, in the exercise of our prosecutorial discretion, the Department of Homeland Security (DHS) should enforce the Nation's immigration laws against certain young people who were brought to this country as children and know only this country as home. As a general matter, these individuals lacked the intent to violate the law and our ongoing review of pending removal cases is already offering administrative closure to many of them. However, additional measures are necessary to ensure that our enforcement resources are not expended on these low priority cases but are instead appropriately focused on people who meet our enforcement priorities.

The following criteria should be satisfied before an individual is considered for an exercise of prosecutorial discretion pursuant to this memorandum:

- came to the United States under the age of sixteen;
- has continuously resided in the United States for a least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum;
- is currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety; and
- is not above the age of thirty.

Our Nation's immigration laws must be enforced in a strong and sensible manner. They are not designed to be blindly enforced without consideration given to the individual circumstances of each case. Nor are they designed to remove productive young people to countries where they may not have lived or even speak the language. Indeed, many of these young people have already contributed to our country in significant ways. Prosecutorial discretion, which is used in so many other areas, is especially justified here.

As part of this exercise of prosecutorial discretion, the above criteria are to be considered whether or not an individual is already in removal proceedings or subject to a final order of removal. No individual should receive deferred action under this memorandum unless they first pass a background check and requests for relief pursuant to this memorandum are to be decided on a case by case basis. DHS cannot provide any assurance that relief will be granted in all cases.

1. With respect to individuals who are encountered by U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or U.S. Citizenship and Immigration Services (USCIS):

- With respect to individuals who meet the above criteria, ICE and CBP should immediately exercise their discretion, on an individual basis, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.
- USCIS is instructed to implement this memorandum consistent with its existing guidance regarding the issuance of notices to appear.

2. With respect to individuals who are in removal proceedings but not yet subject to a final order of removal, and who meet the above criteria:

- ICE should exercise prosecutorial discretion, on an individual basis, for individuals who meet the above criteria by deferring action for a period of two years, subject to renewal, in order to prevent low priority individuals from being removed from the United States.
- ICE is instructed to use its Office of the Public Advocate to permit individuals who believe they meet the above criteria to identify themselves through a clear and efficient process.
- ICE is directed to begin implementing this process within 60 days of the date of this memorandum.
- ICE is also instructed to immediately begin the process of deferring action against individuals who meet the above criteria whose cases have already been identified through the ongoing review of pending cases before the Executive Office for Immigration Review.

3. With respect to the individuals who are not currently in removal proceedings and meet the above criteria, and pass a background check:

- USCIS should establish a clear and efficient process for exercising prosecutorial discretion, on an individual basis, by deferring action against individuals who meet the

above criteria and are at least 15 years old, for a period of two years, subject to renewal, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.

- The USCIS process shall also be available to individuals subject to a final order of removal regardless of their age.
- USCIS is directed to begin implementing this process within 60 days of the date of this memorandum.

For individuals who are granted deferred action by either ICE or USCIS, USCIS shall accept applications to determine whether these individuals qualify for work authorization during this period of deferred action.

This memorandum confers no substantive right, immigration status or pathway to citizenship. Only the Congress, acting through its legislative authority, can confer these rights. It remains for the executive branch, however, to set forth policy for the exercise of discretion within the framework of the existing law. I have done so here.


Janet Napolitano

EXHIBIT B



U.S. Citizenship and Immigration Services

Frequently Asked Questions

FAQs updated Oct. 23, 2014

General Information for All Requestors

- [What is Deferred Action for Childhood Arrivals?](#)
- [DACA Process](#)
- [Background Checks](#)
- [After USCIS Makes a Decision](#)

Initial Requests for DACA

Renewal of DACA

Travel

Criminal Convictions

Miscellaneous

I. General Information for All Requestors

A. What is Deferred Action for Childhood Arrivals?

Over the past several years, this Administration has undertaken an unprecedented effort to transform the immigration enforcement system into one that focuses on national security, public safety, border security and the integrity of the immigration system. As the Department of Homeland Security (DHS) continues to focus its enforcement resources on the removal of individuals who pose a danger to national security or a risk to public safety, DHS will exercise prosecutorial discretion as appropriate to ensure that enforcement resources are not expended on low priority cases, such as individuals who came to the United States as children and meet other key guidelines. Individuals who demonstrate that they meet the guidelines below may request consideration of deferred action for childhood arrivals (DACA) for a period of three years, subject to renewal for a period of three years, and may be eligible for employment authorization.

You may request consideration of DACA if you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Had no lawful status on June 15, 2012, meaning that:
 - You never had a lawful immigration status on or before June 15, 2012, or
 - Any lawful immigration status or parole that you obtained prior to June 15, 2012, had expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a General Educational Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, a significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Individuals can call U.S. Citizenship and Immigration Services (USCIS) at 1-800-375-5283 with questions or to request more information on DACA. Those with pending requests can also use a number of online self-help tools which include the ability to check case status and processing times, change your address, and send an inquiry about a case pending longer than posted processing times or non-delivery of a card or document.

Q1: What is deferred action?

A1: Deferred action is a discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. For purposes of future inadmissibility based upon **unlawful presence**, an individual whose case has been deferred is not considered to be unlawfully present during the period in which deferred action is in effect. An individual who has received deferred action is authorized by DHS to be present in the United States, and is therefore considered by DHS to be lawfully present during the period deferred action is in effect. However, deferred action does not confer **lawful status** upon an individual, nor does it excuse any previous or subsequent periods of unlawful presence.

Under existing regulations, an individual whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate "an economic necessity for employment." DHS can terminate or renew deferred action at any time, at the agency's discretion.

Q2: What is DACA?

A2: On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of three years, subject to renewal, and would then be eligible for work authorization.

Individuals who can demonstrate through verifiable documentation that they meet these guidelines will be considered for deferred action. Determinations will be made on a case-by-case basis under the DACA guidelines.

Q3: Is there any difference between “deferred action” and DACA under this process?

A3: DACA is one form of deferred action. The relief an individual receives under DACA is identical for immigration purposes to the relief obtained by any person who receives deferred action as an act of prosecutorial discretion.

Q4: If my removal is deferred under the consideration of DACA, am I eligible for employment authorization?

A4: Yes. Under existing regulations, if your case is deferred, you may obtain employment authorization from USCIS provided you can demonstrate an economic necessity for employment.

Q5: If my case is deferred, am I in lawful status for the period of deferral?

A5: No. Although action on your case has been deferred and you do not accrue unlawful presence (for admissibility purposes) during the period of deferred action, deferred action does not confer any lawful status.

The fact that you are not accruing unlawful presence does not change whether you are in lawful status while you remain in the United States. However, although deferred action does not confer a lawful immigration status, your period of stay is authorized by the Department of Homeland Security while your deferred action is in effect and, for admissibility purposes, you are considered to be lawfully present in the United States during that time. **Individuals granted deferred action are not precluded by federal law from establishing domicile in the U.S.**

Apart from the immigration laws, “lawful presence,” “lawful status” and similar terms are used in various other federal and state laws. For information on how those laws affect individuals who receive a favorable exercise of prosecutorial discretion under DACA, please contact the appropriate federal, state or local authorities.

Q6: Can I renew my period of deferred action and employment authorization under DACA?

A6: Yes. You may request consideration for a renewal of your DACA. Your request for a renewal will be considered on a case-by-case basis. If USCIS renews its exercise of discretion under DACA for your case, you will receive deferred action for another three years, and if you demonstrate an economic necessity for employment, you may receive employment authorization throughout that period.

[Return to top.](#)

B. DACA Process**Q7: How do I request consideration of DACA?**

A7: To request consideration of DACA (either as an initial request or to request a renewal), you must submit Form I-821D, Consideration of Deferred Action for Childhood Arrivals to USCIS. Please visit www.uscis.gov/i-821d before you begin the process to make sure you are using the most current version of the form available. This form must be completed, properly signed and accompanied by a Form I-765, Application for Employment Authorization, and a Form I-765WS, Worksheet, establishing your economic need for employment. If you fail to submit a completed Form I-765 (along with the accompanying filing fees for that form, totaling \$465), USCIS will not consider your request for deferred action. Please read the form instructions to ensure that you answer the appropriate questions (determined by whether you are submitting an initial or renewal request) and that you submit all the required documentation to support your initial request.

You must file your request for consideration of DACA at the USCIS Lockbox. You can find the mailing address and instructions at www.uscis.gov/i-821d. As of June 5, 2014, requestors must use the new version of the form. After your Form I-821D, Form I-765, and Form I-765 Worksheet have been received, USCIS will review them for completeness, including submission of the required fee, initial evidence and supporting documents (for initial filings).

If it is determined that the request is complete, USCIS will send you a receipt notice. USCIS will then send you an appointment notice to visit an Application Support Center (ASC) for biometric services, if an appointment is required. Please make sure you read and follow the directions in the notice. Failure to attend your biometrics appointment may delay processing of your request for consideration of deferred action, or may result in a denial of your request. You may also choose to receive an email and/or text message notifying you that your form has been accepted by completing a Form G-1145, E-Notification of Application/Petition Acceptance.

Each request for consideration of DACA will be reviewed on an individual, case-by-case basis. USCIS may request more information or evidence from you, or request that you appear at a USCIS office. USCIS will notify you of its determination in writing.

Note: All individuals who believe they meet the guidelines, including those in removal proceedings, with a final removal order, or with a voluntary departure order (and not in immigration detention), may affirmatively request consideration of DACA from USCIS through this process. Individuals who are currently in immigration detention and believe they meet the guidelines may not request consideration of deferred action from USCIS but may identify themselves to their deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information visit ICE's website at www.ice.gov/daca.

Q8: Can I obtain a fee waiver or fee exemption for this process?

A8: There are no fee waivers available for employment authorization applications connected to DACA. There are very limited fee exemptions available. Requests for fee exemptions must be filed and favorably adjudicated before an individual files his/her request for consideration of DACA without a fee. In order to be considered for a fee exemption, you must submit a letter and supporting documentation to USCIS demonstrating that you meet one of the following conditions:

- You are under 18 years of age, have an income that is less than 150 percent of the U.S. poverty level, and are in foster care or otherwise lacking any parental or other familial support; or
- You are under 18 years of age and homeless; or
- You cannot care for yourself because you suffer from a serious, chronic disability and your income is less than 150 percent of the U.S. poverty level; or,
- You have, at the time of the request, accumulated **\$10,000** or more in debt in the past 12 months as a result of unreimbursed medical expenses for yourself or an immediate family member, and your income is less than 150 percent of the U.S. poverty level.

You can find additional information on our Fee Exemption Guidance Web page. Your request must be submitted and decided before you submit a request for consideration of DACA without a fee. In order to be considered for a fee exemption, you must provide documentary evidence to demonstrate that you meet any of the above conditions at the time that you make the request. For evidence, USCIS will:

- Accept affidavits from community-based or religious organizations to establish a requestor's homelessness or lack of parental or other familial financial support.
- Accept copies of tax returns, bank statement, pay stubs, or other reliable evidence of income level. Evidence can also include an affidavit from the applicant or a responsible third party attesting that the applicant does not file tax returns, has no bank accounts, and/or has no income to prove income level.
- Accept copies of medical records, insurance records, bank statements, or other reliable evidence of unreimbursed medical expenses of at least **\$10,000**.
- Address factual questions through Requests for Evidence (RFEs).

Q9: If individuals meet the guidelines for consideration of DACA and are encountered by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE), will they be placed into removal proceedings?

A9: DACA is intended, in part, to allow CBP and ICE to focus on priority cases. Under the direction of the Secretary of Homeland Security, if an individual meets the guidelines for DACA, CBP or ICE should exercise their discretion on a case-by-case basis to prevent qualifying individuals from being apprehended, placed into removal proceedings, or removed. If individuals believe that, in light of this policy, they should not have been apprehended or placed into removal proceedings, contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

Q10: Does this process apply to me if I am currently in removal proceedings, have a final removal order, or have a voluntary departure order?

A10: This process is open to any individual who can demonstrate he or she meets the guidelines for consideration, including those who have never been in removal proceedings as well as those in removal proceedings, with a final order, or with a voluntary departure order (as long as they are not in immigration detention).

Q11: If I am not in removal proceedings but believe I meet the guidelines for consideration of DACA, should I seek to place myself into removal proceedings through encounters with CBP or ICE?

A11: No. If you are not in removal proceedings but believe that you meet the guidelines, you should submit your DACA request to USCIS under the process outlined below.

Q12: Can I request consideration of DACA from USCIS if I am in immigration detention under the custody of ICE?

A12: No. If you are currently in immigration detention, you may not request consideration of DACA from USCIS. If you think you may meet the guidelines of this process, you should identify yourself to your deportation officer or Jail Liaison. You may also contact the ICE Field Office Director. For more information, visit ICE's website at www.ice.gov/daca.

Q13: If I am about to be removed by ICE and believe that I meet the guidelines for consideration of DACA, what steps should I take to seek review of my case before removal?

A13: If you believe you can demonstrate that you meet the guidelines and are about to be removed, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

Q14: What should I do if I meet the guidelines of this process and have been issued an ICE detainer following an arrest by a state or local law enforcement officer?

A14: If you meet the guidelines and have been served a detainer, you should immediately contact the Law Enforcement Support Center's hotline at 1-855-448-6903 (staffed 24 hours a day, 7 days a week).

Q15: If I accepted an offer of administrative closure under the case-by-case review process or my case was terminated as part of the case-by-case review process, can I be considered for deferred action under this process?

A15: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you have accepted an offer of administrative closure or termination under the case-by-case review process.

Q16: If I declined an offer of administrative closure under the case-by-case review process, can I be considered for deferred action under this process?

A16: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you declined an offer of administrative closure under the case-by-case review process.

Q17: If my case was reviewed as part of the case-by-case review process but I was not offered administrative closure, can I be considered for deferred action under this process?

A17: Yes. If you can demonstrate that you meet the guidelines, you will be able to request consideration of DACA even if you were not offered administrative closure following review of your case as part of the case-by-case review process.

Q18: Can I request consideration of DACA under this process if I am currently in a nonimmigrant status (e.g. F-1, E-2, H-4) or have Temporary Protected Status (TPS)?

A18: No. You can only request consideration of DACA under this process if you currently have no immigration status and were not in any lawful status on June 15, 2012.

Q19: Will the information I share in my request for consideration of DACA be used for immigration enforcement purposes?

A19: Information provided in this request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for the issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS' Notice to Appear guidance (www.uscis.gov/NTA). Individuals whose cases are deferred pursuant to DACA will not be referred to ICE. The information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense. The above information sharing policy covers family members and guardians, in addition to the requestor. This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Q20: If my case is referred to ICE for immigration enforcement purposes or if I receive an NTA, will information related to my family members and guardians also be referred to ICE for immigration enforcement purposes?

A20: If your case is referred to ICE for purposes of immigration enforcement or you receive an NTA, information related to your family members or guardians that is contained in your request will not be referred to ICE for purposes of immigration enforcement against family members or guardians. However, that information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of DACA, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense.

This policy, which may be modified, superseded, or rescinded at any time without notice, is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

Q21: Will USCIS verify documents or statements that I provide in support of a request for DACA?

A21: USCIS has the authority to verify documents, facts, and statements that are provided in support of requests for DACA. USCIS may contact education institutions, other government agencies, employers, or other entities in order to verify information.

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C. Background Checks

Q22: Will USCIS conduct a background check when reviewing my request for consideration of DACA?

A22: Yes. You must undergo biographic and biometric background checks before USCIS will consider your DACA request.

Q23: What do background checks involve?

A23: Background checks involve checking biographic and biometric information provided by the individuals against a variety of databases maintained by DHS and other federal government agencies.

Q24: What steps will USCIS and ICE take if I engage in fraud through the new process?

A24: If you knowingly make a misrepresentation, or knowingly fail to disclose facts, in an effort to obtain DACA or work authorization through this process, you will be treated as an immigration enforcement priority to the fullest extent permitted by law, and be subject to criminal prosecution and/or removal from the United States.

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D. After USCIS Makes a Decision

Q25: Can I appeal USCIS' determination?

A25: No. You cannot file a motion to reopen or reconsider, and cannot appeal the decision if USCIS denies your request for consideration of DACA.

You may request a review of your I-821D denial by contacting USCIS' Call Centers at 1-800-375-5283 to have a service request created if you believe that you actually did meet all of the DACA guidelines and you believe that your request was denied due to one of the following errors:

- Denied the request based on abandonment, when you actually responded to an RFE or NOID within the prescribed time;
- Mailed the RFE or NOID to the wrong address although you had submitted a Form AR-11, Change of Address, or changed your address online at www.uscis.gov before USCIS issued the RFE or NOID;
- Denied the request on the grounds that you did not come to the United States prior to your 16th birthday, but the evidence submitted **at the time of filing** shows that you did arrive before reaching that age;
- Denied the request on the grounds that you were under age 15 **at the time of filing** but not in removal proceedings, while the evidence submitted **at the time of filing** show that you indeed were in removal proceedings when the request was filed;
- Denied the request on the grounds that you were 31 or older as of June 15, 2012, but the evidence submitted **at the time of filing** shows that you were **under the age of 31** as of June 15, 2012;
- Denied the request on the grounds that you had lawful status on June 15, 2012, but the evidence submitted **at the time of filing** shows that you indeed were in an **unlawful** immigration status on that date;
- Denied the request on the grounds that you were not physically present in the United States on June 15, 2012, and up through the date of filing, but the evidence submitted **at the time of filing** shows that you were, in fact, present;

- Denied the request due to your failure to appear at a USCIS ASC to have your biometrics collected, when you in fact either did appear at a USCIS ASC to have this done or requested prior to the scheduled date of your biometrics appointment to have the appointment rescheduled; or
- Denied the request because you did not pay the filing fees for Form I-765, Application for Employment Authorization, when you actually did pay these fees.

If you believe your request was denied due to any of these administrative errors, you may contact our National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired). Customer service officers are available Monday – Friday from 8 a.m. – 6 p.m. in each U.S. time zone.

Q26: If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?

A26: If you have submitted a request for consideration of DACA and USCIS decides not to defer action in your case, USCIS will apply its policy guidance governing the referral of cases to ICE and the issuance of Notices to Appear (NTA). If your case does not involve a criminal offense, fraud, or a threat to national security or public safety, your case will not be referred to ICE for purposes of removal proceedings except where DHS determines there are exceptional circumstances. For more detailed information on the applicable NTA policy, visit www.uscis.gov/NTA. If after a review of the totality of circumstances USCIS determines to defer action in your case, USCIS will likewise exercise its discretion and will not issue you an NTA.

Q27: Can my deferred action under the DACA process be terminated before it expires?

A27: Yes.

DACA is an exercise of prosecutorial discretion and deferred action may be terminated at any time, with or without a Notice of Intent to Terminate, at DHS's discretion.

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II. Initial Requests for DACA

Q28: What guidelines must I meet to be considered for deferred action for childhood arrivals (DACA)?

A28: Under the Secretary of Homeland Security's June 15, 2012 memorandum, in order to be considered for DACA, you must submit evidence, including supporting documents, showing that you:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching your 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making your request for consideration of deferred action with USCIS;
5. Had no lawful status on June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a General Educational Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of DACA. U.S. Citizenship and Immigration Services (USCIS) retains the ultimate discretion to determine whether deferred action is appropriate in any given case even if the guidelines are met.

Q29: How old must I be in order to be considered for deferred action under this process?

A29:

- If you have never been in removal proceedings, or your proceedings have been terminated before your request for consideration of DACA, you must be at least 15 years of age or older at the time of filing and meet the other guidelines.
- If you are in removal proceedings, have a final removal order, or have a voluntary departure order, and are not in immigration detention, you can request consideration of DACA even if you are under the age of 15 at the time of filing and meet the other guidelines.
- In all instances, you must have been under the age of 31 as of June 15, 2012, to be considered for DACA.

Q30: I first came to the United States before I turned 16 years old and have been continuously residing in the United States since at least June 15, 2007. Before I turned 16 years old, however, I left the United States for some period of time before returning and beginning my current period of continuous residence. May I be considered for deferred action under this process?

A30: Yes, but only if you established residence in the United States during the period before you turned 16 years old, as evidenced, for example, by records showing you attended school or worked in the United States during that time, or that you lived in the United States for multiple years during that time. In addition to establishing that you initially resided in the United States before you turned 16 years old, you must also have maintained continuous residence in the United States from June 15, 2007, until the present time to be considered for deferred action under this process.

Q31: To prove my continuous residence in the United States since June 15, 2007, must I provide evidence documenting my presence for every day, or every month, of that period?

A31: To meet the continuous residence guideline, you must submit documentation that shows you have been living in the United States from June 15, 2007, up until the time of your request. You should provide documentation to account for as much of the period

as reasonably possible, but there is no requirement that every day or month of that period be specifically accounted for through direct evidence.

It is helpful to USCIS if you can submit evidence of your residence during at least each year of the period. USCIS will review the documentation in its totality to determine whether it is more likely than not that you were continuously residing in the United States for the period since June 15, 2007. Gaps in the documentation as to certain periods may raise doubts as to your continued residence if, for example, the gaps are lengthy or the record otherwise indicates that you may have been outside the United States for a period of time that was not brief, casual or innocent.

If gaps in your documentation raise questions, USCIS may issue a Request for Evidence to allow you to submit additional documentation that supports your claimed continuous residence.

Affidavits may be submitted to explain a gap in the documentation demonstrating that you meet the five-year continuous residence requirement. If you submit affidavits related to the continuous residence requirement, you must submit two or more affidavits, sworn to or affirmed by people other than yourself who have direct personal knowledge of the events and circumstances during the period as to which there is a gap in the documentation. Affidavits may only be used to explain gaps in your continuous residence; they cannot be used as evidence that you meet the entire five-year continuous residence requirement.

Q32: Does “currently in school” refer to the date on which the request for consideration of deferred action is filed?

A32: To be considered “currently in school” under the guidelines, you must be enrolled in school on the date you submit a request for consideration of deferred action under this process.

Q33: Who is considered to be “currently in school” under the guidelines?

A33: To be considered “currently in school” under the guidelines, you must be enrolled in:

- a public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or homeschool program that meets state requirements;
- an education, literacy, or career training program (including vocational training) that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; or
- an education program assisting students either in obtaining a regular high school diploma or its recognized equivalent under state law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a GED exam or other state-authorized exam (e.g., HiSet or TASC) in the United States.

Such education, literacy, career training programs (including vocational training), or education programs assisting students in obtaining a regular high school diploma or its recognized equivalent under state law, or in passing a GED exam or other state-authorized exam in the United States, include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations. Programs funded by other sources may qualify if they are programs of demonstrated effectiveness.

In assessing whether such programs not funded in whole or in part by federal, state, county or municipal grants or administered by non-profit organizations are of demonstrated effectiveness, USCIS will consider the duration of the program's existence; the program's track record in assisting students in obtaining a regular high school diploma or its recognized equivalent, in passing a GED or other state-authorized exam (e.g., HiSet or TASC), or in placing students in postsecondary education, job training, or employment; and other indicators of the program's overall quality. For individuals seeking to demonstrate that they are “currently in school” through enrollment in such a program, the burden is on the requestor to show the program's demonstrated effectiveness.

Q34: How do I establish that I am currently in school?

A34: Documentation sufficient for you to demonstrate that you are currently in school may include, but is not limited to:

- evidence that you are enrolled in a public, private, or charter elementary school, junior high or middle school, high school or secondary school; alternative program, or homeschool program that meets state requirements; or
- evidence that you are enrolled in an education, literacy, or career training program (including vocational training) that:
 - has a purpose of improving literacy, mathematics, or English, or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement; and
 - is funded, in whole or in part, by federal, state, county or municipal grants or is administered by non-profit organizations, or if funded by other sources, is a program of demonstrated effectiveness; or
- evidence that you are enrolled in an education program assisting students in obtaining a high school equivalency diploma or certificate recognized under state law (such as by passing a GED exam or other such state-authorized exam [for example, HiSet or TASC]), and that the program is funded in whole or in part by federal, state, county or municipal grants or is administered by non-profit organizations or if funded by other sources, is of demonstrated effectiveness.

Such evidence of enrollment may include: acceptance letters, school registration cards, letters from a school or program, transcripts, report cards, or progress reports which may show the name of the school or program, date of enrollment, and current educational or grade level, if relevant.

Q35: What documentation may be sufficient to demonstrate that I have graduated from high school?

A35: Documentation sufficient for you to demonstrate that you have graduated from high school may include, but is not limited to, a high school diploma from a public or private high school or secondary school, a certificate of completion, a certificate of attendance, or an alternate award from a public or private high school or secondary school, or a recognized equivalent of a high school diploma

under state law, or a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC) in the United States.

Q36: What documentation may be sufficient to demonstrate that I have obtained a GED certificate or certificate from passing another such state authorized exam (e.g., HiSet or TASC)?

A36: Documentation may include, but is not limited to, evidence that you have passed a GED exam, or other state-authorized exam (e.g., HiSet or TASC), and, as a result, have received the recognized equivalent of a regular high school diploma under state law.

Q37: If I am enrolled in a literacy or career training program, can I meet the guidelines?

A37: Yes, in certain circumstances. You may meet the guidelines if you are enrolled in an education, literacy, or career training program that has a purpose of improving literacy, mathematics, or English or is designed to lead to placement in postsecondary education, job training, or employment and where you are working toward such placement. Such programs include, but are not limited to, programs funded, in whole or in part, by federal, state, county or municipal grants or administered by non-profit organizations, or if funded by other sources, are programs of demonstrated effectiveness.

Q38: If I am enrolled in an English as a Second Language (ESL) program, can I meet the guidelines?

A38: Yes, in certain circumstances. Enrollment in an ESL program may be used to meet the guidelines if the ESL program is funded in whole or in part by federal, state, county or municipal grants, or administered by non-profit organizations, or if funded by other sources is a program of demonstrated effectiveness. You must submit direct documentary evidence that the program is funded in whole or part by federal, state, county or municipal grants, administered by a non-profit organization, or of demonstrated effectiveness.

Q39: Will USCIS consider evidence other than that listed in Chart #1 to show that I have met the education guidelines?

A39: No. Evidence not listed in Chart #1 will not be accepted to establish that you are currently in school, have graduated or obtained a certificate of completion from high school, or have obtained a GED or passed another state-authorized exam (e.g., HiSet or TASC). You must submit any of the documentary evidence listed in Chart #1 to show that you meet the education guidelines.

Q40: Will USCIS consider evidence other than that listed in Chart #1 to show that I have met certain initial guidelines?

A40: Evidence other than those documents listed in Chart #1 may be used to establish the following guidelines and factual showings if available documentary evidence is insufficient or lacking and shows that:

- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You satisfy the continuous residence requirement, as long as you present direct evidence of your continued residence in the United States for a portion of the required period and the circumstantial evidence is used only to fill in gaps in the length of continuous residence demonstrated by the direct evidence; and
- Any travel outside the United States during the period of required continuous presence was brief, casual, and innocent.

However, USCIS will not accept evidence other than the documents listed in Chart #1 as proof of any of the following guidelines to demonstrate that you:

- Were under the age of 31 on June 15, 2012; and
- Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

For example, even if you do not have documentary proof of your presence in the United States on June 15, 2012, you may still be able to satisfy the guideline. You may do so by submitting credible documentary evidence that you were present in the United States shortly before and shortly after June 15, 2012, which, under the facts presented, may give rise to an inference of your presence on June 15, 2012 as well. However, evidence other than that listed in Chart #1 will not be accepted to establish that you have graduated high school. You must submit the designated documentary evidence to satisfy that you meet this guideline.

Chart #1 provides examples of documentation you may submit to demonstrate you meet the initial guidelines for consideration of deferred action under this process. Please see the instructions of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, for additional details of acceptable documentation.

Chart #1 Examples of Documents to Submit to Demonstrate You Meet the Guidelines

Proof of identity	<ul style="list-style-type: none"> • Passport or national identity document from your country of origin • Birth certificate with photo identification • School or military ID with photo • Any U.S. government immigration or other document bearing your name and photo
Proof you came to U.S. before your 16th birthday	<ul style="list-style-type: none"> • Passport with admission stamp • Form I-94/I-95/I-94W • School records from the U.S. schools you have attended • Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear) • Travel records • Hospital or medical records • Rent receipts or utility bills

Chart #1 Examples of Documents to Submit to Demonstrate You Meet the Guidelines

	<ul style="list-style-type: none"> • Employment records (pay stubs, W-2 Forms, etc.) • Official records from a religious entity confirming participation in a religious ceremony • Copies of money order receipts for money sent in or out of the country • Birth certificates of children born in the U.S. • Dated bank transactions • Automobile license receipts or registration • Deeds, mortgages, rental agreement contracts • Tax receipts, insurance policies
<p>Proof of immigration status</p>	<ul style="list-style-type: none"> • Form I-94/I-95/I-94W with authorized stay expiration date • Final order of exclusion, deportation, or removal issued as of June 15, 2012 • A charging document placing you into removal proceedings
<p>Proof of presence in U.S. on June 15, 2012</p>	<ul style="list-style-type: none"> • Rent receipts or utility bills • Employment records (pay stubs, W-2 Forms, etc.) • School records (letters, report cards, etc.) • Military records (Form DD-214 or NGB Form 22)
<p>Proof you continuously resided in U.S. since June 15, 2007</p>	<ul style="list-style-type: none"> • Official records from a religious entity confirming participation in a religious ceremony • Copies of money order receipts for money sent in or out of the country • Passport entries • Birth certificates of children born in the U.S. • Dated bank transactions • Automobile license receipts or registration
<p>Proof of your education status at the time of requesting consideration of DACA</p>	<ul style="list-style-type: none"> • Deeds, mortgages, rental agreement contracts from the school that you are currently attending in the United States, showing the name(s) of the school(s) and periods of school attendance and the current educational or grade level • U.S. high school diploma, certificate of completion, or other alternate award • High school equivalency diploma or certificate recognized under state law • Evidence that you passed a state-authorized exam, including the GED or other state-authorized exam (for example, HiSet or TASC) in the United States
<p>Proof you are an honorably discharged veteran of the U.S. Armed Forces or the U.S. Coast Guard</p>	<ul style="list-style-type: none"> • Form DD-214, Certificate of Release or Discharge from Active Duty • NGB Form 22, National Guard Report of Separation and Record of Service • Military personnel records • Military health records

Q41: May I file affidavits as proof that I meet the initial guidelines for consideration of DACA?

A41: Affidavits generally will not be sufficient on their own to demonstrate that you meet the guidelines for USCIS to consider you for DACA. However, affidavits may be used to support meeting the following guidelines only if the documentary evidence available to you is insufficient or lacking:

- Demonstrating that you meet the five year continuous residence requirement; and
- Establishing that departures during the required period of continuous residence were brief, casual and innocent.

If you submit affidavits related to the above criteria, you must submit two or more affidavits, sworn to or affirmed by people other than yourself, who have direct personal knowledge of the events and circumstances. Should USCIS determine that the affidavits are insufficient to overcome the unavailability or the lack of documentary evidence with respect to either of these guidelines, it will issue a Request for Evidence, indicating that further evidence must be submitted to demonstrate that you meet these guidelines.

USCIS will not accept affidavits as proof of satisfying the following guidelines:

- You are currently in school, have graduated or obtained a certificate of completion or other alternate award from high school, have obtained a high school equivalency diploma or certificate (such as by passing the GED exam or other state-authorized exam [for example, HiSet or TASC]), or are an honorably discharged veteran from the Coast Guard or Armed Forces of the United States;
- You were physically present in the United States on June 15, 2012;
- You came to the United States before reaching your 16th birthday;
- You were under the age of 31 on June 15, 2012; and
- Your criminal history, if applicable.

If the only evidence you submit to demonstrate you meet any of the above guidelines is an affidavit, USCIS will issue a Request for Evidence, indicating that you have not demonstrated that you meet these guidelines and that you must do so in order to demonstrate that you meet that guideline.

Q42: Will I be considered to be in unlawful status if I had an application for asylum or cancellation of removal pending before either USCIS or the Executive Office for Immigration Review (EOIR) on June 15, 2012?

A42: Yes. If you had an application for asylum or cancellation of removal, or similar relief, pending before either USCIS or EOIR as of June 15, 2012, but had no lawful status, you may request consideration of DACA.

Q43: I was admitted for "duration of status" or for a period of time that extended past June 14, 2012, but violated my immigration status (e.g., by engaging in unauthorized employment, failing to report to my employer, or failing to pursue a full course of study) before June 15, 2012. May I be considered for deferred action under this process?

A43: No, unless the Executive Office for Immigration Review terminated your status by issuing a final order of removal against you before June 15, 2012.

Q44: I was admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of my dependent nonimmigrant status as of June 15, 2012. May I be considered for deferred action under this process?

A44: Yes. For purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if you were admitted for "duration of status" or for a period of time that extended past June 14, 2012 but "aged out" of your dependent nonimmigrant status, on or before June 15, 2012, (meaning you turned 21 years old on or before June 15, 2012), you may be considered for deferred action under this process.

Q45: I was admitted for "duration of status" but my status in SEVIS is listed as terminated on or before June 15, 2012. May I be considered for deferred action under this process?

A45: Yes. For the purposes of satisfying the "had no lawful status on June 15, 2012," guideline alone, if your status as of June 15, 2012, is listed as "terminated" in SEVIS, you may be considered for deferred action under this process.

Q46: I am a Canadian citizen who was inspected by CBP but was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

A46: In general, a Canadian citizen who was admitted as a visitor for business or pleasure and not issued an I-94, Arrival/Departure Record, (also known as a "non-controlled" Canadian nonimmigrant) is lawfully admitted for a period of six months. For that reason, unless there is evidence, including verifiable evidence provided by the individual, that he or she was specifically advised that his or her admission would be for a different length of time, the Department of Homeland Security (DHS) will consider for DACA purposes only, that the alien was lawfully admitted for a period of six months. Therefore, if DHS is able to verify from its records that your last non-controlled entry occurred on or before Dec. 14, 2011, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012 and you may be considered for deferred action under this process.

Q47: I used my Border Crossing Card (BCC) to obtain admission to the United States and was not issued an I-94 at the time of admission. May I be considered for deferred action under this process?

A47: Because the limitations on entry for a BCC holder vary based on location of admission and travel, DHS will assume that the BCC holder who was not provided an I-94 was admitted for the longest period legally possible—30 days—unless the individual can demonstrate, through verifiable evidence, that he or she was specifically advised that his or her admission would be for a different length of time. Accordingly, if DHS is able to verify from its records that your last admission was using a BCC, you were not issued an I-94 at the time of admission, and it occurred on or before May 14, 2012, DHS will consider your nonimmigrant visitor status to have expired as of June 15, 2012, and you may be considered for deferred action under this process.

Q48: Do I accrue unlawful presence if I have a pending initial request for consideration of DACA?

A48: You will continue to accrue unlawful presence while the request for consideration of DACA is pending unless you are under 18 years of age at the time of the request. If you are under 18 years of age at the time you submit your request, you will not accrue unlawful presence while the request is pending, even if you turn 18 while your request is pending with USCIS. If action on your case is deferred, you will not accrue unlawful presence during the period of deferred action. However, having action deferred on your case will not excuse previously accrued unlawful presence.

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III. Renewal of DACA

Q49: When should I file my renewal request with U.S. Citizenship and Immigration Services (USCIS)?

A49: USCIS strongly encourages you to submit your Deferred Action for Childhood Arrivals (DACA) renewal request between 150 days and 120 days before the expiration date located on your current Form I-797 DACA approval notice and Employment Authorization Document (EAD). Filing during this window will minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request. If you have filed your renewal request at least 120 days before your deferred action expires and USCIS is delayed in processing your renewal request, USCIS may provide you with DACA and employment authorization for up to an additional 120 days.

USCIS' current goal is to process DACA renewal requests within 120 days. However, you may submit an inquiry about the status of your renewal request after it has been pending more than 105 days. To submit an inquiry online, please visit <https://egov.uscis.gov/e-request>.

Please Note: USCIS will not provide any such short-term deferred action and employment authorization when USCIS is delayed in reaching a final decision on your renewal request because, for example: 1) of factors within your control (such as failure to file the renewal request within the suggested timeframe or filing an incomplete renewal request); 2) additional time is needed to resolve issues with background or security checks in your case; and/or 3) your renewal submission contained evidence that you may not satisfy the DACA renewal guidelines and USCIS must send you a request for additional information or explanation.

Q50: Can I file a renewal request outside the recommended filing period of 150 days to 120 days before my current DACA expires?

A50: Yes, you may submit your renewal request outside of the recommended filing window.

However:

- If you file before the recommended filing window (meaning more than 150 days before your current period of DACA expires), USCIS may reject your submission and return it to you with instructions to resubmit your request within the recommended filing period.
- If you file after the recommended filing period (meaning less than 120 days before your current period of DACA expires), USCIS will not consider providing you with any additional short-term period of deferred action and employment authorization before reaching a final decision on your renewal request. This will be true even if your current period of DACA expires while USCIS is considering your renewal request.

If you file after your most recent DACA period expired, but within one year of its expiration, you may submit a request to renew your DACA. If you are filing beyond one year after your most recent period of DACA expired, you may still request DACA by submitting a new initial request.

Q51: How will USCIS evaluate my request for renewal of DACA:

A51: You may be considered for renewal of DACA if you met the guidelines for consideration of Initial DACA (see above) AND you:

1. Did not depart the United States on or after Aug. 15, 2012, without advance parole;
2. Have continuously resided in the United States since you submitted your most recent request for DACA that was approved up to the present time; and
3. Have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety.

These guidelines must be met for consideration of DACA renewal. USCIS retains the ultimate discretion to determine whether deferred action is appropriate in any given case even if the guidelines are met.

Q512 Do I accrue unlawful presence if I am seeking renewal and my previous period of DACA expires before I receive a renewal of deferred action under DACA? Similarly, what would happen to my work authorization?

A52: Yes, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will accrue unlawful presence for any time between the periods of deferred action unless you are under 18 years of age at the time you submit your renewal request.

Similarly, if your previous period of DACA expires before you receive a renewal of deferred action under DACA, you will not be authorized to work in the United States regardless of your age at time of filing until and unless you receive a new employment authorization document from USCIS.

However, if you have filed your renewal request with USCIS approximately 120 days before your deferred action and EAD expire and USCIS is unexpectedly delayed in processing your renewal request, USCIS may provide deferred action and employment authorization for a short period of time.

Q53. Do I need to provide additional documents when I request renewal of deferred action under DACA?

A53. No, unless you have *new* documents pertaining to removal proceedings or criminal history that you have not already submitted to USCIS in a previously approved DACA request. USCIS, however, reserves the authority to request at its discretion additional documents, information or statements relating to a DACA renewal request determination.

CAUTION: If you knowingly and willfully provide materially false information on Form I-821D, you will be committing a federal felony punishable by a fine, or imprisonment up to five years, or both, under 18 U.S.C. Section 1001. In addition, individuals may be placed into removal proceedings, face severe penalties provided by law, and be subject to criminal prosecution.

Q54. If I am no longer in school, can I still request to renew my DACA?

A54. Yes. Neither Form I-821D nor the instructions ask renewal requestors for information about continued school enrollment or graduation. The instructions for renewal requests specify that you may be considered for DACA renewal if you met the guidelines for consideration of initial DACA, including the educational guidelines and:

1. Did not depart the United States on or after August 15, 2012, without advance parole;
2. Have continuously resided in the United States, up to the present time, since you submitted your most recent request for DACA that was approved; and

3. Have not been convicted of a felony, a significant misdemeanor or three or more misdemeanors, and are not a threat to national security or public safety.

Q55: If I initially received DACA and was under the age of 31 on June 15, 2012, but have since become 31 or older, can I still request a DACA renewal?

A55: Yes. You may request consideration for a renewal of DACA as long as you were under the age of 31 as of June 15, 2012.

IV. Travel

Q56: May I travel outside of the United States before I submit an initial Deferred Action for Childhood Arrivals (DACA) request or while my initial DACA request remains pending with the Department of Homeland Security (DHS)?

A56: Any unauthorized travel outside of the United States on or after Aug. 15, 2012, will interrupt your continuous residence and you will not be considered for deferred action under this process. Any travel outside of the United States that occurred on or after June 15, 2007, but before Aug. 15, 2012, will be assessed by U.S. Citizenship and Immigration Services (USCIS) to determine whether the travel qualifies as brief, casual and innocent. (See Chart #2.)

CAUTION: You should be aware that if you have been ordered deported or removed, and you then leave the United States, your departure will likely result in your being considered deported or removed, with potentially serious future immigration consequences.

Q57: If my case is deferred under DACA, will I be able to travel outside of the United States?

A57: Not automatically. If USCIS has decided to defer action in your case and you want to travel outside the United States, you must apply for advance parole by filing a Form I-131, Application for Travel Document and paying the applicable fee (\$360). USCIS will determine whether your purpose for international travel is justifiable based on the circumstances you describe in your request. Generally, USCIS will only grant advance parole if your travel abroad will be in furtherance of:

- humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;
- educational purposes, such as semester-abroad programs and academic research, or;
- employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.

Travel for vacation is not a valid basis for advance parole.

You may not apply for advance parole unless and until USCIS defers action in your case under the consideration of DACA. You cannot apply for advance parole at the same time as you submit your request for consideration of DACA. All advance parole requests will be considered on a case-by-case basis.

If USCIS has deferred action in your case under the DACA process after you have been ordered deported or removed, you may still request advance parole if you meet the guidelines for advance parole described above.

CAUTION: However, for those individuals who have been ordered deported or removed, before you actually leave the United States, you should seek to reopen your case before the Executive Office for Immigration Review (EOIR) and obtain administrative closure or termination of your removal proceeding. Even after you have asked EOIR to reopen your case, you should not leave the United States until after EOIR has granted your request. If you depart after being ordered deported or removed, and your removal proceeding has not been reopened and administratively closed or terminated, your departure may result in your being considered deported or removed, with potentially serious future immigration consequences. If you have any questions about this process, you may contact U.S. Immigration and Customs Enforcement (ICE) through the local ICE Office of the Chief Counsel with jurisdiction over your case.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

Q58: Do brief departures from the United States interrupt the continuous residence requirement?

A58: A brief, casual and innocent absence from the United States will not interrupt your continuous residence. If you were absent from the United States, your absence will be considered brief, casual and innocent if it was on or after June 15, 2007, and before Aug. 15, 2012, and:

1. The absence was short and reasonably calculated to accomplish the purpose for the absence;
2. The absence was not because of an order of exclusion, deportation or removal;
3. The absence was not because of an order of voluntary departure, or an administrative grant of voluntary departure before you were placed in exclusion, deportation or removal proceedings; and
4. The purpose of the absence and/or your actions while outside the United States were not contrary to law.

Once USCIS has approved your request for DACA, you may file Form I-131, Application for Travel Document, to request advance parole to travel outside of the United States.

CAUTION: If you travel outside the United States on or after Aug. 15, 2012, without first receiving advance parole, your departure automatically terminates your deferred action under DACA.

Travel Guidelines (Chart #2)

Travel Dates	Type of Travel	Does It Affect Continuous Residence
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Travel Dates	Type of Travel	Does It Affect Continuous Residence
On or after June 15, 2007, but before Aug. 15, 2012	Brief, casual and innocent	No
	For an extended time	Yes
	Because of an order of exclusion, deportation, voluntary departure, or removal To participate in criminal activity	
On or after Aug. 15, 2012, and before you have requested deferred action	Any	Yes. You cannot apply for advance parole unless and until DHS has determined whether to defer action in your case and you cannot travel until you receive advance parole.
On or after Aug. 15, 2012, and after you have requested deferred action	Any	In addition, if you have previously been ordered deported and removed and you depart the United States without taking additional steps to address your removal proceedings, your departure will likely result in your being considered deported or removed, with potentially serious future immigration consequences.
On or after Aug. 15, 2012 and after receiving DACA	Any	It depends. If you travel after receiving advance parole, the travel will not interrupt your continuous residence. However, if you travel <i>without</i> receiving advance parole, the travel <i>will</i> interrupt your continuous residence.

Q59: May I file a request for advance parole concurrently with my DACA package?

A59: Concurrent filing of advance parole is not an option at this time. DHS is, however, reviewing its policy on concurrent filing of advance parole with a DACA request. In addition, DHS is also reviewing eligibility criteria for advance parole. If any changes to this policy are made, USCIS will update this FAQ and inform the public accordingly.

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V. Criminal Convictions

Q60: If I have a conviction for a felony offense, a significant misdemeanor offense, or multiple misdemeanors, can I receive an exercise of prosecutorial discretion under this new process?

A60: No. If you have been convicted of a felony offense, a significant misdemeanor offense, or three or more other misdemeanor offenses not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, you will not be considered for Deferred Action for Childhood Arrivals (DACA) except where the Department of Homeland Security (DHS) determines there are exceptional circumstances.

Q61: What offenses qualify as a felony?

A61: A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year.

Q62: What offenses constitute a significant misdemeanor?

A62: For the purposes of this process, a significant misdemeanor is a misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and that meets the following criteria:

1. Regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; or,
2. If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence.

The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by U.S. Immigration and Customs Enforcement (ICE). Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion. DHS retains the discretion to determine that an individual does not warrant deferred action on the basis of a single criminal offense for which the individual was sentenced to time in custody of 90 days or less.

Q63: What offenses constitute a non-significant misdemeanor?

A63: For purposes of this process, a non-significant misdemeanor is any misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and that meets the following criteria:

1. Is not an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; and
2. Is one for which the individual was sentenced to time in custody of 90 days or less. The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by ICE.

Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion.

Q64: If I have a minor traffic offense, such as driving without a license, will it be considered a non-significant misdemeanor that counts towards the “three or more non-significant misdemeanors” making me unable to receive consideration for an exercise of prosecutorial discretion under this new process?

A64: A minor traffic offense will not be considered a misdemeanor for purposes of this process. However, your entire offense history can be considered along with other facts to determine whether, under the totality of the circumstances, you warrant an exercise of prosecutorial discretion.

It is important to emphasize that driving under the influence is a significant misdemeanor regardless of the sentence imposed.

Q65: What qualifies as a national security or public safety threat?

A65: If the background check or other information uncovered during the review of your request for deferred action indicates that your presence in the United States threatens public safety or national security, you will not be able to receive consideration for an exercise of prosecutorial discretion except where DHS determines there are exceptional circumstances. Indicators that you pose such a threat include, but are not limited to, gang membership, participation in criminal activities, or participation in activities that threaten the United States.

Q66: Will offenses criminalized as felonies or misdemeanors by state immigration laws be considered felonies or misdemeanors for purpose of this process?

A66: No. Immigration-related offenses characterized as felonies or misdemeanors by state immigration laws will not be treated as disqualifying felonies or misdemeanors for the purpose of considering a request for consideration of deferred action under this process.

Q67: Will DHS consider my expunged or juvenile conviction as an offense making me unable to receive an exercise of prosecutorial discretion?

A67: Expunged convictions and juvenile convictions will not automatically disqualify you. Your request will be assessed on a case-by-case basis to determine whether, under the particular circumstances, a favorable exercise of prosecutorial discretion is warranted. If you were a juvenile, but tried and convicted as an adult, you will be treated as an adult for purposes of the DACA process.

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VI. Miscellaneous

Q68: Does this Administration remain committed to comprehensive immigration reform?

A68: Yes. The Administration has consistently pressed for passage of comprehensive immigration reform, including the DREAM Act, because the President believes these steps are critical to building a 21st century immigration system that meets our nation's economic and security needs.

Q69: Is passage of the DREAM Act still necessary in light of the new process?

A69: Yes. The Secretary of Homeland Security's June 15, 2012, memorandum allowing certain people to request consideration for deferred action is one in a series of steps that DHS has taken to focus its enforcement resources on the removal of individuals who pose a danger to national security or a risk to public safety. Deferred Action for Childhood Arrivals (DACA) is an exercise of prosecutorial discretion and does not provide lawful status or a pathway to citizenship. As the President has stated, individuals who would qualify for the DREAM Act deserve certainty about their status. Only the Congress, acting through its legislative authority, can confer the certainty that comes with a pathway to permanent lawful status.

Q70: Does deferred action provide me with a path to permanent resident status or citizenship?

A70: No. Deferred action is a form of prosecutorial discretion that does not confer lawful permanent resident status or a path to citizenship. Only the Congress, acting through its legislative authority, can confer these rights.

Q71: Can I be considered for deferred action even if I do not meet the guidelines to be considered for DACA?

A71: This process is only for individuals who meet the specific guidelines for DACA. Other individuals may, on a case-by-case basis, request deferred action from U.S. Citizenship and Immigration Services (USCIS) or U.S. Immigration and Customs Enforcement (ICE) in certain circumstances, consistent with longstanding practice.

Q72: How will ICE and USCIS handle cases involving individuals who do not satisfy the guidelines of this process but believe they may warrant an exercise of prosecutorial discretion under the June 2011 Prosecutorial Discretion Memoranda?

A72: If USCIS determines that you do not satisfy the guidelines or otherwise determines you do not warrant an exercise of prosecutorial discretion, then it will decline to defer action in your case. If you are currently in removal proceedings, have a final order, or have a voluntary departure order, you may then request ICE consider whether to exercise prosecutorial discretion.

Q73: How should I fill out question 9 on Form I-765, Application for Employment Authorization?

A73: When you are filing a Form I-765 as part of a DACA request, question 9 is asking you to list those Social Security numbers that were officially issued to you by the Social Security Administration.

Q74: Will there be supervisory review of decisions by USCIS under this process?

A74: Yes. USCIS has implemented a successful supervisory review process to ensure a consistent process for considering requests for DACA.

Q72: Will USCIS personnel responsible for reviewing requests for DACA receive special training?

A72: Yes. USCIS personnel responsible for considering requests for consideration of DACA have received special training.

Q75: Must attorneys and accredited representatives who provide pro bono services to deferred action requestors at group assistance events file a Form G-28 with USCIS?

A75: Under 8 C.F.R. §§ 292.3 and 1003.102, practitioners are required to file a Notice of Entry of Appearance as Attorney or Accredited Representative when they engage in practice in immigration matters before DHS, either in person or through the preparation or filing of any brief, application, petition, or other document. Under these rules, a practitioner who consistently violates the requirement to file a Form G-28 may be subject to disciplinary sanctions; however on Feb. 28, 2011, USCIS issued a statement indicating that it does not intend to initiate disciplinary proceedings against practitioners (attorneys and accredited representatives) based solely on the failure to submit a Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) in relation to pro bono services provided at group assistance events. DHS is in the process of issuing a final rule at which time this matter will be reevaluated.

Q76: When must an individual sign a Form I-821D as a preparer?

A77: Anytime someone other than the requestor prepares or helps fill out the Form I-821D, that individual must complete Part 5 of the form.

Q78: If I provide my employee with information regarding his or her employment to support a request for consideration of DACA, will that information be used for immigration enforcement purposes against me and/or my company?

A78: You may, as you determine appropriate, provide individuals requesting DACA with documentation which verifies their employment. This information will not be shared with ICE for civil immigration enforcement purposes under section 274A of the Immigration and Nationality Act (relating to unlawful employment) unless there is evidence of egregious violations of criminal statutes or widespread abuses.

Q79: Can I request consideration for deferred action under this process if I live in the Commonwealth of the Northern Mariana Islands (CNMI)?

A79: Yes, in certain circumstances. The CNMI is part of the United States for immigration purposes and is not excluded from this process. However, because of the specific guidelines for consideration of DACA, individuals who have been residents of the CNMI are in most cases unlikely to qualify for the program. You must, among other things, have come to the United States before your 16th birthday and have resided continuously in the United States since June 15, 2007.

Under the Consolidated Natural Resources Act of 2008, the CNMI became part of the United States for purposes of immigration law only on Nov. 28, 2009. Therefore entry into, or residence in, the CNMI before that date is not entry into, or residence in, the United States for purposes of the DACA process.

USCIS has used parole authority in a variety of situations in the CNMI to address particular humanitarian needs on a case-by-case basis since Nov. 28, 2009. If you live in the CNMI and believe that you meet the guidelines for consideration of deferred action under this process, except that your entry and/or residence to the CNMI took place entirely or in part before Nov. 28, 2009, USCIS is willing to consider your situation on a case-by-case basis for a grant of parole. If this situation applies to you, you should make an appointment through INFOPASS with the USCIS ASC in Saipan to discuss your case with an immigration officer.

Q80: Someone told me if I pay them a fee, they can expedite my DACA request. Is this true?

A80: No. There is no expedited processing for deferred action. Dishonest practitioners may promise to provide you with faster services if you pay them a fee. These people are trying to scam you and take your money. Visit our Avoid Scams page to learn how you can protect yourself from immigration scams.

Make sure you seek information about requests for consideration of DACA from official government sources such as USCIS or the DHS. If you are seeking legal advice, visit our Find Legal Services page to learn how to choose a licensed attorney or accredited representative.

Q81: Am I required to register with the Selective Service?

A81: Most male persons residing in the U.S., who are ages 18 through 25, are required to register with Selective Service. Please see [link](#) for more information. [Selective Service].

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Last Reviewed/Updated: 12/04/2014

EXHIBIT C

Request for Appearance for Initial Interview		NOTICE DATE OCTOBER 1, 2014
CASE TYPE Form I-821D, Consideration of Deferred Action for Childhood Arrivals		INSCR AS [REDACTED]
APPLICATION NUMBER [REDACTED]	PRIORITY DATE	PAGE #
PETITIONER NAME AND ADDRESS [REDACTED]		
<p>You are hereby notified to appear for an interview appointment, as scheduled below, related to your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, and Form I-765, Application for Employment Authorization. <u>Failure to appear for this interview and/or failure to bring the below listed items may result in the denial of your Form I-821D and Form I-765 (Title 8 Code of Federal Regulations 103.2(b)(13)).</u></p> <p>If you are over 18 years of age, you must come to the interview with identification bearing your name and photograph, such as a driver's license, state-issued identification card or passport, in order to enter the building and to verify your identity at the time of the interview. Please be on time, but do not arrive more than 45 minutes before your scheduled interview to avoid overcrowding.</p> <p><u>You must bring the following items with you:</u> (Please use this as a checklist to prepare for your interview)</p> <ul style="list-style-type: none"> ➤ This interview notice and your identification. ➤ All documentation establishing you meet the guidelines for deferred action for childhood arrivals. An individual may be considered for deferred action for childhood arrivals if you: <ul style="list-style-type: none"> ○ Were under the age of 31 as of June 15, 2012; ○ Came to the United States before reaching your 16th birthday; ○ Have continuously resided in the United States since June 15, 2007, up to the present time; ○ Were present in the United States on June 15, 2012, and at the time of making your request; ○ Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012; ○ Are currently in school at the time of filing, have graduated or obtained a certificate of completion from a high school, have obtained a general educational development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and, ○ Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety. ➤ If you have ever been arrested, please bring a certified court disposition, arrest record, charging document, sentencing record, etc., for each arrest, unless disclosure is prohibited under state law. If you are unable to provide such records because the case was expunged or sealed, please bring evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. <p>For additional information on documentary evidence needed under the guidelines to establish eligibility, please visit www.uscis.gov/childhoodarrivals</p> <p><u>You must appear for this interview.</u> If an emergency, such as your own illness or a close relative's hospitalization, prevents you from appearing, call the National Customer Service Center at 1-800-375-5283 (Hearing Impaired TDD Service is 1-800-767-1833) as soon as possible. Please be advised that rescheduling this appointment will delay the processing of your Form I-821D and Form I-765.</p> <p>If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.</p> <p>PLEASE COME TO: U.S. Citizenship and Immigration Services 1177 Fulton Mall Fresno, CA 93721</p> <p style="text-align: right;">ON: OCTOBER 22, 2014 AT: 9:00 A.M. ISO: [REDACTED]</p>		

U.S. Department of Homeland Security
790 Sandhill Road
Reno, NV 89521



U.S. Citizenship
and Immigration
Services



File:
Date: October 15, 2014

cc: , Attorney at Law

OFFICE LOCATION	U.S. Department of Homeland Security USCIS 790 Sandhill Road Reno, NV 89521
DATE/TIME OF APPOINTMENT	Oct 21, 2014 @ 8:00 a.m.
REASON FOR APPOINTMENT	I-821 Deferred Action for Childhood Arrivals (DACA)

You must bring picture ID with you (i.e., passport, valid driver license, military ID, etc.). Additionally, bring this letter as proof of your appointment and any previously requested documents.

Failure to attend this interview will result in the denial of any pending petitions or applications. (8CFR 103.2(9))

Sincerely,

Walter L. Haith
Field Office Director
sj

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Boise Field Office
1185 S. Vinnell Way
Boise Idaho 83709



U.S. Citizenship
and Immigration
Services

HAND DELIVERED AT INTERVIEW

Date: September 10, 2014



Interviewing Officer:

Form Type: I-821D

NOTICE OF INTERVIEW RESULTS

You have just completed your interview for, Consideration of Deferred Action for Childhood Arrivals (Form I-821D). USCIS is unable to provide a final decision to you at this time because your request requires additional review. Please see below for further explanation.

REASON FOR CONTINUANCE

Your case is being transferred to the Nebraska Service Center for additional file review and processing of Form I-765, Application for Employment Authorization. Should further information or documents be required to complete the processing of Form I-821D or Form I-765, the Nebraska Service Center will issue you a notice in the mail within 30 days.

Please allow for no less than 120 days before making a status inquiry on your case. You may make a status inquiry through the national customer service line at 1(800)375-5283 or check your case status online at www.uscis.gov. If you change your address while Form I-821D remains pending, you must file Form AR-11 and contact the national customer service line to ensure that your file and all systems are updated with your current address. Form AR-11 and its instructions may be obtained at <http://www.uscis.gov/ar-11>.

Sincerely,

Field Office Director

cc:



Boise Field Office
1100 S. Vinnell Way
Boise, ID 83709



**U.S. Citizenship
and Immigration
Services**

Refer To File Number: [REDACTED]

Date: August 19, 2014

[REDACTED]

Dear [REDACTED]

Our office has received your I-821D Consideration of Deferred Action for Childhood Arrivals. Please see the attached Form I-797C, Notice of Action.

Best Regards,

[REDACTED]
ISO, USCIS
Boise Field Office

Cc: [REDACTED]

Form I-797C, Notice of Action

Request for Appearance for Initial Interview

Case Type: Form I-821D, Consideration of Deferred Action for Childhood Arrivals

You are hereby notified to appear for an interview appointment, as scheduled below, related to your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, and Form I-765, Application for Employment Authorization. Failure to appear for this interview and/or failure to bring the below listed items may result in the denial of your Form I-821D and Form I-765 (Title 8 Code of Federal Regulations 103.2(b)(13)).

If you are over 18 years of age, you must come to the interview with identification bearing your name and photograph, such as a driver's license, state-issued identification card or passport, in order to enter the building and to verify your identity at the time of the interview. Please be on time, but do not arrive more than 45 minutes before your scheduled interview to avoid overcrowding.

You must bring the following items with you: (Please use this as a checklist to prepare for your interview)

- This interview notice and your identification.
- All documentation establishing you meet the guidelines for deferred action for childhood arrivals. An individual may be considered for deferred action for childhood arrivals if you:
 - o Were under the age of 31 as of June 15, 2012;
 - o Came to the United States before reaching your 16th birthday;
 - o Have continuously resided in the United States since June 15, 2007, up to the present time;
 - o Were present in the United States on June 15, 2012, and at the time of making your request;
 - o Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
 - o Are currently in school at the time of filing, have graduated or obtained a certificate of completion from a high school, have obtained a general educational development certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and,
 - o Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.
- If you have ever been arrested, please bring a certified court disposition, arrest record, charging document, sentencing record, etc., for each arrest, unless disclosure is prohibited under state law. If you are unable to provide such records because the case was expunged or sealed, please bring evidence demonstrating that such records are unavailable under the law of the particular jurisdiction.

For additional information on documentary evidence needed under the guidelines to establish eligibility, please visit www.uscis.gov/childhoodarrivals

You must appear for this interview. If an emergency, such as your own illness or a close relative's hospitalization, prevents you from appearing, call the National Customer Service Center at 1-800-375-5283 (Hearing Impaired TDD Service is 1-800-767-1833) as soon as possible. Please be advised that rescheduling this appointment will delay the processing of your Form I-821D and Form I-765.

Please come to: U.S. Citizenship and Immigration Service 1185 S Vinnell Way, Boise, Idaho 83709.

On: September 10, 2014

At: 9:00am

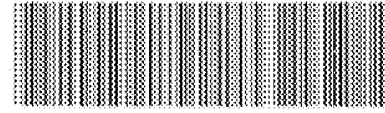
EXHIBIT D

September 26, 2014

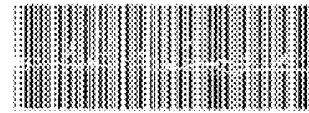
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82531
Lincoln, NE 68704-0251



U.S. Citizenship
and Immigration
Services



RE: I-821 D, Deferred Action for Childhood Arrivals



REQUEST FOR EVIDENCE

The documentation submitted is not sufficient to warrant favorable consideration of your request.

See Letter for Details

Your response must be received in this office by December 19, 2014

Your case is being held in this office pending your response. Within this period you may:

1. Submit all of the evidence requested;
2. Submit some or none of the evidence requested and ask for a decision based upon the record; or
3. Withdraw the request. (Please note that if the request is withdrawn, the filing fee cannot be refunded.)

You must submit all of the evidence at one time. Submission of only part of the evidence requested will be considered a request for a decision based on the record. No extension of the period allowed to submit evidence will be granted. If the evidence submitted does not establish that your case was approvable at the time it was filed, it can be denied. If you do not respond to this request within the time allowed, your case will be considered abandoned and denied. Evidence received in this office after the due date may not be considered.

If you submit a document in any language other than English, it must be accompanied by a full **complete** English translation. The translator must certify the translation is accurate and he or she is competent to translate. Note: You must submit the requested foreign language document along with the translation.

For deferred action for childhood arrivals, **affidavits or sworn statements generally are not satisfactory evidence.** Affidavits will only be considered as evidence in two situations: 1. When there is a shortcoming in documentation to explain brief, casual, and innocent departures during the period of continuous residence in the United States; and 2. To explain a minor gap in documentation showing you meet the continuous residence requirement. If you submit affidavits for these two reasons, you should provide two or more affidavits, sworn to or affirmed by people other than yourself who have direct, personal knowledge of the information.

NOV 26 2014 - 10:00 AM

GRADUATED FROM SCHOOL

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you graduated or received a certificate of completion from a U.S. High School, public or private college, or university or community college, or have obtained a General Educational Development (GED) Certificate in the United States or equivalent under State law is insufficient. You did not submit a copy of your diploma showing you have graduated. You may still submit evidence, which may include, but is not limited to, copies of:

- A high school diploma from a public or private high school or secondary school;
- A recognized equivalent of a high school diploma under state law, including a General Educational Development (GED) certificate, a certificate of completion, or a certificate of attendance;
- A transcript that identifies the date of graduation or program completion;
- An enrollment history that shows the date of graduation or program completion;
- A degree from a public or private college or university or community college; or
- An alternate award from a public or private high school or secondary school.

Documentation sufficient to demonstrate that you obtained a GED includes, but is not limited to, evidence you passed a GED exam, or other comparable State-authorized exam, and, as a result, you received the recognized equivalent of a regular high school diploma under State law.

SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

A background check has been conducted based upon the fingerprints you provided at the Application Support Center. Your criminal history check has revealed that you were arrested on [REDACTED] in Wenatchee, WA and charged with Driving Under the Influence.


At this time you must provide a **final** certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state law within the United States. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified (not just numeric citations or codes). Additionally, if you were convicted, you may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

PLACE THIS ENTIRE LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL. PLEASE USE THE ENCLOSED ENVELOPE TO MAIL THE ADDITIONAL EVIDENCE REQUESTED BACK TO THIS OFFICE.

Sincerely,



Mark J. Hazuda
Director
Officer: 



June 27, 2014

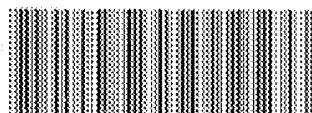
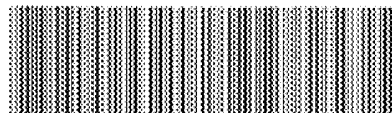
COPY

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 81521
Lincoln, NE 68501-2521

JUL 31 2014



U.S. Citizenship
and Immigration
Services



RE: I-821 D, Deferred Action for Childhood Arrivals

REQUEST FOR EVIDENCE

The documentation submitted is not sufficient to warrant favorable consideration of your request.

See Letter for Details

Your response must be received in this office by September 19, 2014

Your case is being held in this office pending your response. Within this period you may:

1. Submit all of the evidence requested;
2. Submit some or none of the evidence requested and ask for a decision based upon the record; or
3. Withdraw the request. (Please note that if the request is withdrawn, the filing fee cannot be refunded.)

You must submit all of the evidence at one time. Submission of only part of the evidence requested will be considered a request for a decision based on the record. No extension of the period allowed to submit evidence will be granted. If the evidence submitted does not establish that your case was approvable at the time it was filed, it can be denied. If you do not respond to this request within the time allowed, your case will be considered abandoned and denied. Evidence received in this office after the due date may not be considered.

If you submit a document in any language other than English, it must be accompanied by a full complete English translation. The translator must certify the translation is accurate and he or she is competent to translate. Note: You must submit the requested foreign language document along with the translation.

For deferred action for childhood arrivals, **affidavits or sworn statements generally are not satisfactory evidence.** Affidavits will only be considered as evidence in two situations: 1. When there is a shortcoming in documentation to explain brief, casual, and innocent departures during the period of continuous residence in the United States; and 2. To explain a minor gap in documentation showing you meet the continuous residence requirement. If you submit affidavits for these two reasons, you should provide two or more affidavits, sworn to or affirmed by people other than yourself who have direct, personal knowledge of the information.

AUG 25 2014 - 10:24:04

CONTINUOUS RESIDENCE

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to establish that you have continuously resided in the United States during the 5-year period immediately before June 15, 2012, and up to the time of filing is insufficient because no evidence was submitted for 2014.

- a. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, State verification of the filing of state income tax returns, letters from employer(s), or, if you are self employed, letters from banks and other firms with whom you have done business);

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers must be signed by the employer and must include the employer's contact information.

Such letters must include: (1) your address(es) at the time of employment; (2) the exact period(s) of employment; (3) period(s) of layoff; and (4) duties with the company.

- b. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service;
- c. School records (transcripts, letters, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance;
- d. Military records (e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records);
- e. Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;
- f. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding, etc.);
- g. Money order receipts for money sent into or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; Selective Service card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- h. Any other relevant document.

ANSWERED "NO" TO QUESTIONS 1 AND 2 IN PART 3- USCIS FOUND CLEAR CHARGES OR OTHER DEROGATORY INFORMATION, SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

A background check has been conducted based upon the fingerprints you provided at the Application


Support Center. Your background check revealed that you were arrested on [REDACTED] in Albuquerque, NM and charged with POSSESSION OF A CONTROLLED SUBSTANCE.

At this time you must provide a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state law within the United States. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified (not just numeric citations or codes). Additionally, if you were convicted, you may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received.

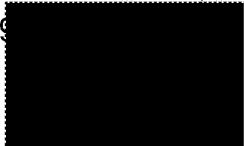
If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

PLACE THIS ENTIRE LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL. PLEASE USE THE ENCLOSED ENVELOPE TO MAIL THE ADDITIONAL EVIDENCE REQUESTED BACK TO THIS OFFICE.

Sincerely,


Mark J. Hazuda
Director
Officer: [REDACTED]





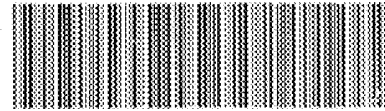
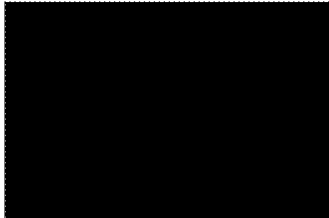
August 13, 2014



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Las Vegas, NE 68503-2521



U.S. Citizenship
and Immigration
Services



RE: [Redacted]
I-821 D, Deferred Action for Childhood Arrivals

REQUEST FOR EVIDENCE

The documentation submitted is not sufficient to warrant favorable consideration of your request.

See Letter for Details

Your response must be received in this office by November 5, 2014

Your case is being held in this office pending your response. Within this period you may:

1. Submit all of the evidence requested;
2. Submit some or none of the evidence requested and ask for a decision based upon the record; or
3. Withdraw the request. (Please note that if the request is withdrawn, the filing fee cannot be refunded.)

You must submit all of the evidence at one time. Submission of only part of the evidence requested will be considered a request for a decision based on the record. No extension of the period allowed to submit evidence will be granted. If the evidence submitted does not establish that your case was approvable at the time it was filed, it can be denied. If you do not respond to this request within the time allowed, your case will be considered abandoned and denied. Evidence received in this office after the due date may not be considered.

If you submit a document in any language other than English, it must be accompanied by a full complete English translation. The translator must certify the translation is accurate and he or she is competent to translate. Note: You must submit the requested foreign language document along with the translation.

For deferred action for childhood arrivals, **affidavits or sworn statements generally are not satisfactory evidence.** Affidavits will only be considered as evidence in two situations: 1. When there is a shortcoming in documentation to explain brief, casual, and innocent departures during the period of continuous residence in the United States; and 2. To explain a minor gap in documentation showing you meet the continuous residence requirement. If you submit affidavits for these two reasons, you should provide two or more affidavits, sworn to or affirmed by people other than yourself who have direct, personal knowledge of the information.



IDENTITY

No evidence was submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to prove your identity. You may still submit evidence, which may include, but is not limited to, copies of:

- Passport;
- Birth certificate accompanied by photo identification;
- Any national identity documents from your country of origin bearing your photo and/or fingerprint;
- Any U.S.-government immigration or other document bearing your name and photograph (e.g., Employment Authorization Documents (EADs), expired visas, driver’s licenses, non-driver cards, etc.);
- Any school-issued form of identification with photo;
- Military identification document with photo;
- State issued photo ID showing date of birth; or
- Any other document that you believe is relevant.

Expired documents are acceptable.

CONTINUOUS RESIDENCE

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to establish that you have continuously resided in the United States during the 5-year period immediately before June 15, 2012, and up to the time of filing is insufficient. You have submitted sufficient evidence to document your residency in the United States for 2007, 2008, 2010 and 2013. You submitted account statements as evidence of your residence in the United States for the years 2009, 2011, 2012. However, these documents are insufficient as evidence of your residency for those years. Additionally, no evidence was submitted for 2014. You may still submit evidence, which may include, but is not limited to, copies of:

- a. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, State verification of the filing of state income tax returns, letters from employer(s), or, if you are self employed, letters from banks and other firms with whom you have done business);

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers must be signed by the employer and must include the employer’s contact information.

Such letters must include: **(1)** your address(es) at the time of employment; **(2)** the exact period(s) of employment; **(3)** period(s) of layoff; and **(4)** duties with the company.

- b. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service;
- c. School records (transcripts, letters, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance;



- d. Military records (e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records);
- e. Hospital or medical records concerning treatment or hospitalization, showing the name of the medical facility or physician and the date(s) of the treatment or hospitalization;
- f. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding, etc.);
- g. Money order receipts for money sent into or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; Selective Service card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, rental agreements, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or
- h. Any other relevant document.

PROOF OF PRESENCE IN THE UNITED STATES ON JUNE 15, 2012

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you were present in the United States on June 15, 2012 is insufficient. You submitted copies of account statements for 2012. However, the account statements you submitted for 2012 do not contain sufficient information to verify that you were physically present in the U.S. on June 15. You may still submit evidence, which may include, but is not limited to, copies of:

- a. Employment records (e.g., pay stubs, W-2 Forms, certification of the filing of Federal income tax returns, State verification of the filing of state income tax returns, letters from employer(s), or, if you are self-employed, letters from banks and other firms with whom you have done business).

NOTE: In all of these documents, your name and the name of the employer or other interested organization must appear on the form or letter, as well as relevant dates. Letters from employers must be signed by the employer and must include the employer's contact information.

Such letters must include: (1) your address(es) at the time of employment; (2) the exact period(s) of employment; (3) period(s) of layoff; and (4) duties with the company.

- b. Rent receipts, utility bills (gas, electric, phone, etc.), receipts or letters from companies showing the dates during which you received service.
- c. School records (transcripts, letters, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and periods of school attendance.
- d. Military records (e.g., Form DD-214, Certificate of Release or Discharge from Active Duty; NGB Form 22, National Guard Report of Separation and Record of Service; military personnel records; or military health records).
- e. Hospital or medical records concerning treatment or hospitalization, showing the name of the

medical facility or physician and the date(s) of the treatment or hospitalization.

f. Official records from a religious entity in the United States confirming your participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding, etc.).

g. Money order receipts for money sent into or out of the country; passport entries; birth certificates of children born in the United States; dated bank transactions; correspondence between you and another person or organization; U.S. Social Security card; Selective Service card; automobile license receipts, title, vehicle registration, etc.; deeds, mortgages, contracts to which you have been a party; tax receipts; insurance policies; receipts; postmarked letters; or

h. Any other relevant document.

SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

A background check has been conducted based upon the fingerprints you provided at the Application Support Center. Your criminal history check has revealed that you were arrested for the following:


- Arrested [REDACTED] in McAllan Texas and charged with False Report to Police Officer/Law Enforce Empl (37.08 PC).

At this time you must provide a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state law within the United States. If you are unable to provide such records because your case was expunged or sealed, you must provide information about your arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. The charge and disposition of each arrest must be specifically identified (not just numeric citations or codes). Additionally, if you were convicted, you may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department identifying the statute under which you were convicted and the sentence you received.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

PLACE THIS ENTIRE LETTER ON TOP OF YOUR RESPONSE. SUBMISSION OF EVIDENCE WITHOUT THIS LETTER WILL DELAY PROCESSING OF YOUR CASE AND MAY RESULT IN A DENIAL. PLEASE USE THE ENCLOSED ENVELOPE TO MAIL THE ADDITIONAL EVIDENCE REQUESTED BACK TO THIS OFFICE.

Sincerely,


Mark J. Hazuda
Director
Officer: [REDACTED]

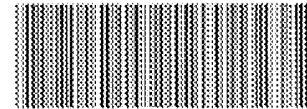
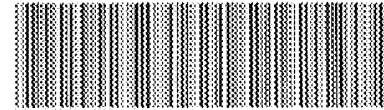


June 10, 2014

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 62311
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services



RE: [REDACTED]
I-821D, Deferred Action for Childhood Arrivals

NOTICE OF INTENT TO DENY

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action as a childhood arrival, you are to demonstrate that you warrant the favorable exercise of prosecutorial discretion.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you have a record of juvenile delinquency.

The record indicates that you committed the following offense(s) as a minor.

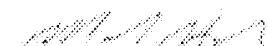
- On [REDACTED] at the age of 16 you committed Robbery and Grand Theft, in violation of PC 211 and PC 487. Your case was adjudicated as a juvenile delinquency at Los Angeles CA.

While a finding of juvenile delinquency is not considered a criminal conviction for purposes of deferred action, given the seriousness of your offense, USCIS has determined that you do not merit a favorable exercise of discretion.

Accordingly, USCIS intends to deny your request for consideration for deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial.

Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

Sincerely,


Mark J. Hazuda
Director
Officer: [REDACTED]

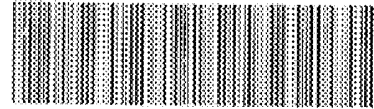


September 12, 2014

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 8101
Phoenix, AZ 85001-2521



U.S. Citizenship
and Immigration
Services



RE: [Redacted]
I-821 D, Deferred Action for Childhood Arrivals

NOTICE OF INTENT TO DENY

USCIS has reviewed your request for consideration of deferred action for childhood arrivals.

In order to be considered for deferred action for childhood arrivals, you are to demonstrate that you have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you pose a threat to public safety because you committed multiple felonies as a juvenile and have been involved in the sale of illegal drugs.

Furthermore, based on the totality of the circumstances, it does not appear that you warrant a favorable exercise of prosecutorial discretion.

Accordingly, USCIS intends to deny your request for consideration for deferred action for childhood arrivals. You are afforded thirty-three (33) days from the date of this notice of intent to deny to submit additional information, evidence, or arguments overcoming the grounds for the intended denial.

Failure to respond to this notice of intent to deny will result in the denial of your request for consideration of deferred action for childhood arrivals.

Sincerely,

Mark J. Hazuda

Director

Officer: [Redacted]



EXHIBIT E

U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 Washington, DC 20529



U.S. Citizenship
 and Immigration
 Services

U.S. Citizenship & Immigration Services Deferred Action for Childhood Arrivals Receipts, Rejections, Approvals, Denials, NOIDs, and RFEs from August 15, 2012 -December 31, 2014						
Type of Filing	Receipts	Rejections	Approvals	Denials	NOIDs	RFEs
Initials	727,164	43,174	638,897	38,597	6,496	188,767
Renewals	234,991	12,648	148,171	71	117	2,685
Grand Total	962,155	55,822	787,068	38,668	6,613	191,452

Please note:

- 1) The report reflects the most up-to-date data available at the time the report is generated.
- 2) The duplicates and rejected cases have been removed.

Database Queried January 6, 2015

Report Created: January 29 2015

System: CIS Consolidated Operational Repository (CISCOR)

By: Office of Performance and Quality (OPQ), Performance Analysis & External Reporting (PAER), DL

Parameter

*Date: Receipts, Approvals, Denials, Rejections, Requests for Evidence, Notice of Intent to Deny
 from 08/15/2012 to 01/23/2015*

Form Type(s): I-821D

U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 Washington, DC 20529



U.S. Citizenship
 and Immigration
 Services

U.S. Citizenship and Immigration Services Form I-765, Application for Employment Authorization Class Preference C33 (Deferred Action for Childhood Arrivals) Receipts and Approvals Fiscal Years 2012- 2014 (December)		
Count	Receipts	Approvals
Total	970,735	825,640

Please note:

- 1) The report reflects the most up-to-date data available at the time the report is generated.
- 2) The Rejections and duplicates have been removed.

Report Created: January 28, 2015

System: CIS Consolidated Operational Repository (CISCOR)

By: Office of Performance and Quality (OPQ), Performance Analysis & External Reporting (PAER), DL

Parameters:

Date: Fiscal Years 2012-2014 (December 31)

Form Type: I-765, Class Preference C33

Data Type: Receipts, Approvals

EXHIBIT 45

February 8, 1990

Decision Memo

To: Gene McNary, Commissioner

Subject: The implementation of the Family Fairness Policy -- Providing For Voluntary Departure under 8 CFR 242.5 and Employment Authorization under 8 CFR 274a.12 for the spouses and children of legalized aliens (section 245a and section 210).

The family fairness policy provides voluntary departure and employment authorization to potentially millions of individuals. The Service must establish specific procedures to ensure consistency of processing requests for voluntary departure and employment authorization from ineligible family members of temporary resident aliens legalized under the legalization (section 245a) and special agricultural (section 210) programs. The following processing options are submitted for consideration.

Traditional processing pursuant to 8 CFR 242.5 (voluntary departure) and 8 CFR 274a.12 (employment authorization).

- o request for voluntary departure will be made in writing to the district director in whose jurisdiction the ineligible spouse or child resides.
- o the district's records section will create an A-file, if a file has not been previously opened.
- o the district's investigations section will prepare form I-213, "Record of Deportable Alien" for each ineligible spouse or child, a determination will be made to grant or deny voluntary departure, and the aliens will be placed under docket control.
- o the district's deportation section will control both granted and denied cases that have been placed under docket control. One year call-ups will be maintained for granted cases. Requests for extensions will be processed by deportation personnel. Denied cases will be processed for Orders to Show Cause if the alien has not departed the United States within the required time frame.
- o application for employment authorization will be made on form I-765, "Application for Employment Authorization", with fee.

PROS

- o follows established regulatory procedures and guidelines.
- o utilizes personnel experienced in processing requests for voluntary departure, employment authorization, and file creation.

o does not "link" to legalization's promise of confidentiality and "no risk" if alien comes forward to request voluntary departure. (alien can be denied and placed into deportation proceedings, etc.)

o does not impact on legalization processing, thus complying with Congressional intent for a temporary legalization program that will continue to phase down (adjudicating the remaining 700,000+ Phase I 245a and 210 cases, the remaining 800,000 Phase II 245a cases, replacement card applications, processing the 60,000 ongoing litigation cases etc.)

o allows for maximum use of district director's exercise of discretion.

CONS

o places large workload on in place INS structure, that will strain existing resources.

o jeopardizes the Regional Commissioners and the District Directors performance goals in other operational activities.

o operational budgets do not contain sufficient funds for this effort. (a "user fee" may have to be charged generating negative publicity and charges that the Service's policy was a ruse to raise money)

o large numbers of individuals will visit in place INS offices that already experience unacceptable crowds and long waiting times. (Again, the risk of negative publicity is great)

o congressional complaints are likely to increase as resources are diverted from other activities, slowing the disbursement of benefits and services associated with these activities)

o the morale of personnel in investigations and deportation is likely to suffer in that the perception of this program will not "fit" with their regular mission assignments. (Low morale can translate into inadequate processing and poor service and consequently reflecting badly on the Service)

o not an efficient way to consistently process large numbers.

EXHIBIT 46

DRAFT PROCESSING PLAN

RPF PROCESSING OF FAMILY FAIRNESS APPLICATIONS

UTILIZING DIRECT MAIL PROCEDURES

This proposal identifies one feasible method for accomplishing the initial receipt of documents required for an alien to request coverage under the Service's recently announced policy shift on family fairness. As a result of this change in policy, current estimates are that greater than one million IRCA-ineligible family members will file for this benefit.

Because of the anticipated scope of this workload on the Service, it is advisable to identify cost-efficient and effective methods to receive and process applications for inclusion under the Family Fairness Policy (FFP). Therefore, it is recommended that one viable option will incorporate many of the resources currently in place throughout the Service. One such plan, which can be activated with a minimum lead time and effort is to have aliens direct mail their applications to Service Regional Processing Facilities (RPF).

ALIEN MUST FILE BY MAIL WITH THEIR RPF:

1. One Form I-765, Application for Employment Authorization

- Instructions are modified for this form to tell aliens to enter
"F F P"
in the three () located in item #16 on the I-765

Money order or bank check for \$35.00 made out to INS, if employment authorization is required

Affidavit of family membership, using the required format

THE RPF WILL USE THE IAPS SYSTEM TO DO THE FOLLOWING:

Note: Simply stated, the RPF will handle the I-765 with accompanying documentation, in very much the same manner as the current I-698, used by temporary residents under § 245a to apply for adjustment to permanent resident status.

1. If application is complete, as required, process. If not, it is returned to the alien until it is perfected.
2. If processable, the I-765 is forwarded to data entry. Here, a new A-number will be assigned to the application and the resulting record.
3. IAPS will be used to capture all data from the I-765 for which there is a comparable field in IAPS. For starters, the form type will be I-765, the fee amount \$35.00, etc. Information for which there is no comparable field

in LAPS will not be able to be keyed until modifications are made to the system. The resulting electronic record will enable the Service to track individual cases, produce timely management reports, and send notices to the alien.

4. After data entry, all paperwork is placed in the appropriate A-file folder.
5. The fee, if indicated, is processed with monies deposited to X accounts.
6. LAPS will preempt all other interviews which have been scheduled and will schedule I-765 applicants to appear for interview instead, at the earliest practicable date.
7. LAPS prints an automated mailer to the applicant. This mailer tells the alien that their request for coverage under FFP has been received. The mailer states that it is a replacement I-689 document and grants employment authorization until the date of a scheduled interview. Suggested text:

"We have received your request for relief from deportation under the Family Fairness Policy. You must appear at the office listed below on _____ for an interview so we may make a decision on this application. If we approve your application, you will receive employment authorization at that time. If you move, notify the INS of your new address using form I-697A, available at any INS office."

MESSAGE REPEATS IN SPANISH - MAXIMUM MAILER LINES = 12

- 7A. Alternatively, if policy requires that employment authorization be instantaneous, upon processing of the I-765, the suggested language is:

" We have received your request for relief from deportation under the Family Fairness Policy. You will be notified to appear at an INS office for an interview so we may make a decision on this application. This document replaces form I-689 and, combined with proper identification, authorizes employment until _____. If you move, notify the INS of your new address using form I-697A, available at any INS office."

MESSAGE REPEATS IN SPANISH - MAXIMUM MAILER LINES = 12

ALIEN RECEIVES NOTICE AND SHOW UP AT PHASE II OFFICE HAVING LAPS ACCESS

1. I-213 completed on alien. Decision on EVD is made.
2. Alien is interviewed to determine applicability of FFP relief and veracity of family relationship claim. Examiner uses online screen record of I-765 data.
3. If I-765 approved, alien processed at that office for EAD card.
4. If FFP coverage denied, alien notified in writing using Form I-210. LAPS

screen updated to reflect status.

5. Copy of I-210, I-213 sent to district Deportation and Investigation branches for issuance of an OSC if alien does not leave the country within 30 days voluntarily, as provided on the I-210.

ESTIMATED RESOURCES REQUIRED

	<u>@1,000,000 interviewed in 100 workdays</u>	
1. Clerical staff at RPFs:	100	est cost. \$ 1,348,500
2. Adjudicators at RPFs:	250	3,371,250
3. Clerical staff in Field:	250	3,371,250
4. Adjudicators in Field:	500	6,742,500
<hr/>		
est. subtotal personnel costs:	1,100	\$ 14,833,500
est. software modification costs:		200,000
est. miscellaneous support costs:		2,000,000
<hr/>		
total estimated costs:		\$ 17,033,500

PRO:

- o Centralizes control, security and consistency.
- o Requires less personnel than a more distributed plan.
- o Buys the Service valuable time to get ready. The time normally wasted in mailing can work to our benefit.
- o Diminishes the potential for a "circus atmosphere" created by the media or our critics, who will be avidly looking for signs of disorganization or inconsistency at our offices.

CON:

- o Cost. This can be offset if the Legalization program is allowed to use the fees received from Form I-765 applications, without restriction, to accomplish this special project and to remedy disruption caused to the ongoing legalization, SAW and RAW programs.
- o Holds the alien, and their representative at arms length. This may be perceived as negative by the public. However, given the emotional nature of

this issue, the Service cannot take the risk of exposing too much of itself to the public until we are ready to handle however many aliens come forward.

T. Andreotta (February 8, 1990)
RPF-1.FFP

Jaynes, Thomas A (Allen)

From: Guttentag, Lucas
Sent: Monday, January 26, 2015 3:29 PM
To: legomsky@wustl.edu
Subject: FW: Texas Oppositino Brief - As Filed
Attachments: Doc 38 - Defs' Opp to PI (12-24-14).pdf

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, <i>et al.</i>)	
)	
Plaintiffs,)	
)	No. 1:14-CV-254
v.)	
)	
UNITED STATES OF AMERICA, <i>et al.</i>)	
)	
Defendants.)	

**DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES
IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

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23	<i>Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border: Hearing Before the S. Comm. on Homeland Security and Governmental Affairs</i> (July 9, 2014) (statement of Craig Fugate, Administrator, Federal Emergency Management Agency, <i>et al.</i>)	327 - 332
24	Congressional Research Service, <i>Unaccompanied Alien Children: Potential Factors Contributing to Recent Immigration</i> (July 3, 2014)	333 - 357
25	U.S. Department of State, <i>Country Reports on Human Rights Practices for 2013</i> (excerpts from Guatemala, Honduras, and El Salvador reports)	358 - 387

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26	United Nations High Commissioner for Refugees, <i>Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection</i> (July 9, 2014)	388 - 403
27	Elizabeth Kennedy, <i>No Childhood Here: Why Central American Children Are Fleeing Their Homes</i> (2014)	404 - 415
28	USCIS, Current Statistics: Deferred Action for Childhood Arrivals: Countries of Birth (Dec. 19, 2014)	416 - 421
29	U.S. Customs and Border Protection (CBP), USBP Nationwide Apprehensions by Requested Citizenship FY 2010 -- FY 2014	422
30	NBC News, Meet the Press Transcript: Interview of Greg Abbott (Dec. 7, 2014) (excerpt)	423 - 428
31	USCIS, Current Statistics: Deferred Action for Childhood Arrivals: Pending, Receipts, Rejected, Approvals, Denials (Dec. 19, 2014)	429
32	<i>Review of the President's Emergency Supplemental Request: Hearing Before Sen. Comm. on Appropriations, 113th Cong. 2</i> (Jul. 10, 2014) (stmt. of Jeh C. Johnson)	430 - 435
33	<i>Open Borders: The Impact of Presidential Amnesty on Border Security: Hearing Before the H. Comm. on Homeland Security, 113th Cong. 3-4</i> (Dec. 2, 2014) (stmt. of Jeh C. Johnson)	436 - 441

INTRODUCTION AND SUMMARY OF THE ARGUMENTS

The Constitution and Congress have vested the Executive Branch, and the Secretary of Homeland Security in particular, with broad discretion over the enforcement of federal immigration law—including determining whether and when to remove (or not remove) particular aliens. *See Arizona v. United States*, 132 S. Ct. 2492, 2499 (2012). On November 20, 2014, the Secretary issued a series of integrated directives pursuant to his authority under the Immigration and Nationality Act (“INA”) and the Homeland Security Act of 2002 to establish Department of Homeland Security (“DHS” or “Department”) wide enforcement priorities that emphasize national security, border security, and public safety. These priorities reflect DHS’s need to adopt coordinated measures to further its enforcement efforts in light of limited resources. They are based on statutory obligations and congressional priorities, as well as humanitarian factors embodied in our immigration laws. Integral to these initiatives is a DHS guidance memorandum calling for the case-by-case exercise of deferred action—a long-established form of prosecutorial discretion—for certain low-priority aliens: those present in the United States since before 2010 and who either entered as children or are the parents of U.S. citizens or Lawful Permanent Residents (“LPRs”). Designation of these two categories of aliens as potentially eligible for deferred action serves two related purposes: (1) enhancing DHS’s capacity to focus its limited resources on threats to national security, border security, and public safety, and (2) reducing the humanitarian cost of enforcement efforts when doing so is consistent with these priorities.

Through the present lawsuit, twenty States, four governors, and the Attorney General of Michigan seek to overturn and effectively commandeer federal enforcement prerogatives, including through the injunction of the deferred action policies announced on November 20. This effort cannot be reconciled with the Executive’s well-recognized discretionary authority under the immigration laws to prioritize enforcement resources, including through grants of

deferred action, or with the practical impossibility and humanitarian cost of removing every such alien regardless of consequence. In any event, Plaintiffs' case fails at the threshold, because Plaintiffs lack standing. Thus, as another federal district court ruled just yesterday in a similar challenge, this Court should dismiss this action for lack of jurisdiction and deny the motion for a preliminary injunction. *See Arpaio v. Obama*, No. 14-cv-1966 (D.D.C. Dec. 23, 2014) (Ex. 1).

1. As an initial matter, this Court should deny the motion and dismiss this action for lack of subject matter jurisdiction because Plaintiffs lack Article III standing. *See Munaf v. Geren*, 553 U.S. 674, 692 (2008) (finding it appropriate to “terminate the litigation” at the preliminary injunction stage if the “Government is entitled to judgment as a matter of law”). Plaintiffs themselves are not subject to the DHS deferred action guidance, and their claim that they nevertheless will be harmed by the guidance rests on multiple layers of speculation about the effect of the guidance on third parties not before the Court. These allegations cannot support jurisdiction. Nothing about Plaintiffs' status as States (or state executive officials) lessens the showing required to establish an Article III injury-in-fact here. At its core, Plaintiffs' suit is a generalized disagreement about the scope of the prosecutorial discretion of the Executive Branch of the Federal Government, in the exercise of exclusive federal authority over immigration. “[A]n injury amounting only to the alleged violation of a right to have the Government act in accordance with law [is] not judicially cognizable.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 575 (1992).

2. Even if this Court had jurisdiction, it should deny Plaintiffs' motion for the extraordinary relief of a preliminary injunction. Plaintiffs must “clearly carr[y] the burden of persuasion” for each element of a preliminary injunction. *Karaha Bodas Co. v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara*, 335 F.3d 357, 363 (5th Cir. 2003). Plaintiffs fail

to meet each element: they cannot show irreparable harm, nor a likelihood of success on the merits, nor that the balancing of the equities and the public interest favor issuance of an injunction.

a. For the same reasons that Plaintiffs lack any injury-in-fact sufficient to confer Article III standing, they cannot meet the heightened standard of irreparable harm required to obtain a preliminary injunction. Their generalized complaints of harm are speculative, conclusory, and therefore inadequate.

b. Plaintiffs also cannot demonstrate the requisite likelihood of success on the merits. At the outset, their lack of Article III standing is fatal to their likelihood of success. Beyond that, Plaintiffs' claims fail on the merits. First, contrary to Plaintiffs' claim, there is no independent cause of action under the Take Care Clause. Second, Plaintiffs' Administrative Procedure Act ("APA") challenge to the DHS guidance conflicts with the Executive's longstanding and well-recognized authority to exercise prosecutorial discretion in the immigration context. Indeed, the Supreme Court has made clear that the Federal Government's broad discretion in immigration enforcement includes the authority to "decide whether it makes sense to pursue removal at all," including because of "immediate human concerns." *See Arizona*, 132 S. Ct. at 2499. The Supreme Court has also recognized the government's "regular practice" of granting "deferred action" as an exercise of administrative discretion on the basis of "humanitarian reasons or simply for [the administration's] own convenience." *Reno v. Am.-Arab Anti-Discrimination Comm.* ("AAADC"), 525 U.S. 471, 483-84 (1999). The DHS guidance at issue here, which involves its prioritization of immigration enforcement efforts and the consideration of humanitarian factors, is thus committed to agency discretion by law and not subject to judicial review. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Third, even if the Court

could consider the merits of Plaintiffs' procedural and substantive challenges under the APA, they would fare no better. The DHS guidance concerning deferred action is a general statement of policy statutorily exempt from the APA's notice-and-comment requirement and was issued under the Secretary's authority to administer and enforce the Nation's immigration laws.

c. Finally, the balance of equities and the public interest weigh heavily against granting a preliminary injunction. An injunction would subvert the Executive's judgment about how best to protect border security, national security, and public safety, including its ordering of priorities to focus on the removal of aliens affecting those concerns. An injunction would also impose significant humanitarian costs and interfere with the Secretary's established authority to take into account humanitarian consequences in exercising his power to consider deferred action. *See Arizona*, 132 S. Ct. at 2499; *AAADC*, 525 U.S. at 483-84.

NATURE AND STAGE OF THE PROCEEDING

I. Statutory and Regulatory Background

A. The Executive Branch's Discretion in Immigration Enforcement

In the INA, Congress has charged the Secretary of Homeland Security with the administration and enforcement of the immigration laws. 8 U.S.C. § 1103(a)(1). In doing so, it has vested the Secretary with discretion over immigration matters, authorizing him to "establish such regulations; . . . issue such instructions; and perform such other acts *as he deems necessary* for carrying out his authority" under the statute. *Id.* § 1103(a)(3) (emphasis added). That broad vesting of discretionary authority reflects the longstanding recognition that immigration is "a field where flexibility and the adaptation of the congressional policy to infinitely variable conditions constitute the essence of the program." *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 543 (1950).

The Secretary's discretion is at its apex when the removal of aliens is at issue. The INA

expressly authorizes immigration officials to grant aliens certain forms of discretionary relief from removal, including parole, 8 U.S.C. § 1182(d)(5)(A); asylum, *id.* § 1158(b)(1)(A); and cancellation of removal, *id.* § 1229b. Indeed, “[t]he broad discretion exercised by immigration officials” is a “principal feature of the removal system.” *Arizona*, 132 S. Ct. at 2499; *see also AAADC*, 525 U.S. 471, 483-84. At each stage of the removal process—“commenc[ing] proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders”—“the Executive has discretion to abandon the endeavor.” *AAADC*, 525 U.S. at 483-84.¹ Such broad authority and discretion over immigration matters is further supported by the Executive Branch’s inherent power over the admissibility and exclusion of aliens. *See Knauff*, 338 U.S. at 542-43.

Recognizing that the immigration statutes it enacted vest the Executive Branch with broad enforcement discretion, and recognizing the Executive Branch’s inherent power and need for flexibility in light of limited resources for immigration enforcement, Congress has directed the Secretary to establish “national immigration enforcement policies and priorities.” Homeland Security Act of 2002, Pub. L. No. 107-296, § 402(5), 116 Stat. 2135, 2178 (codified at 6 U.S.C. § 202(5)). These priorities are essential: Congress has appropriated sufficient resources for DHS to pursue only a small fraction of the violations it confronts. In particular, recent funding provided to DHS’s U.S. Immigration and Customs Enforcement (“ICE”), the component of DHS charged with enforcing the interior, has allowed the agency to annually remove only a small proportion of the estimated 11.3 million undocumented aliens living in the United States. *See* Mem. Op. from Karl Thompson, Principal Dep’y Ass’t Attorney General, Office of Legal Counsel, for the Sec’y of Homeland Security and the Counsel to the President: *DHS’s Authority*

¹ In rare circumstances, Congress has decided to limit the Executive’s discretion. In those circumstances, in contrast to the present case, Congress has done so expressly. *See* 8 U.S.C. 1226(c); *Demore v. Kim*, 538 U.S. 510 (2003).

to Prioritize Removal of Certain Aliens Unlawfully Present in the United States and to Defer Removal of Others at 9 (Nov. 19, 2014) (“OLC Op.”) (Ex. 2).² Such significant constraints require DHS to “ensure that [] its limited resources [are] devoted to the pursuit of” its highest priorities: “national security, border security, and public safety.” Mem. from Jeh Charles Johnson, Sec’y of Homeland Security, to Thomas S. Winkowski, Acting Director, ICE, *et al.*, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants* at 2 (Nov. 20, 2014) (“Prioritization Guidance”) (Ex. 5).

DHS’s prioritization, as reflected in the guidance challenged in this case, is consistent with and reflected in the INA itself, which emphasizes the detention and removal of recent border crossers, criminal aliens, and threats to national security. *See, e.g.*, 8 U.S.C. § 1225 (establishing a special “expedited removal” process for aliens apprehended at the border); *id.* § 1226(c) (providing mandatory detention for aliens convicted of certain crimes); *id.* § 1226a (providing mandatory detention of suspected terrorists). Congress has explicitly directed DHS to prioritize “the identification and removal of aliens convicted of a crime by the severity of the crime,” DHS Appropriations Act 2010, Pub. L. No. 111-83, 123 Stat. 2142, 2149 (2009) (enacted as amended), and to ensure “that the government’s huge investments in immigration enforcement are producing the maximum return in actually making our country safer,” H.R. Rep. No. 111-157, at 8 (2009). At the same time, it is well-settled that it is appropriate for the

² In light of the amount of annual appropriations and the removal priorities dictated by Congress, ICE has removed and returned between approximately 300,000 and 400,000 aliens a year. *See* DHS Immigration Enforcement Actions: 2013 Annual Report, at 5 (Table 6; total removed), 7 (Table 10; total returned) (Ex. 3). Many of these individuals, however, were apprehended attempting to unlawfully enter the United States rather than in the interior. *See* ERO Report, 2014, at 7 (noting that more than two-thirds of those ICE removed were apprehended at the border) (Ex. 4). These numbers do not include those removals and returns conducted by U.S. Customs and Border Protection (“CBP”), whose responsibilities relate solely to the border. *See* DHS Immigration Enforcement Actions: 2013 at 8; *see also id.* at 5 (Table 6), p. 7 (Table 10). Unlike CBP, ICE’s responsibilities include removals from the interior *and* removals at the border, particularly of nationals of countries not contiguous to the United States.

Executive Branch to consider, when exercising its discretion consistent with these priorities, the humanitarian and societal impacts of removal. “Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime.” *Arizona*, 132 S. Ct. at 2499.

B. The Executive Branch’s Longstanding Exercise of Its Immigration Enforcement Discretion Through “Deferred Action”

In order to focus limited resources on higher priority aliens, the Executive Branch has long exercised prosecutorial discretion in the immigration context, including through “deferred action” with respect to certain classes of aliens. *See AAADC*, 525 U.S. at 483-84 (describing “deferred action” as a “regular practice . . . of exercising . . . discretion”). Deferred action may also further other public interests beyond preserving resources and offering humanitarian relief, such as advancing foreign policy objectives, fostering economic development, and promoting administrative efficiency. *Cf. Arizona*, 132 S. Ct. at 2499. It does so by allowing DHS to defer, for a limited period of time subject to renewal, the removal of aliens who are low priorities for removal. *See* U.S. Citizenship and Immigration Services (“USCIS”), *Deferred Action for Childhood Arrivals (DACA) Toolkit: Resources for Community Partners* at 16 (2014) (“DACA Toolkit”) (Ex. 6). Deferred action does not confer legal immigration status or foreclose an alien’s removal, as it is both time-limited and revocable at any time. *See id.* Nor does it provide an independent path to LPR status or U.S. citizenship. *See, e.g.*, Mem. from Jeh Charles Johnson, Sec’y of Homeland Security, to León Rodriguez, Director, USCIS, *et al.*, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents* at 2 (Nov. 20, 2014) (“2014 Deferred Action Guidance”) (Ex. 7) (“Deferred action does not confer any form of legal status in this country, much less citizenship.”). Longstanding

regulations, based on authority granted to the Secretary and previously to the Attorney General, 8 U.S.C. § 1324a(h)(3), provide that an alien subject to deferred action may be eligible for employment authorization. 8 C.F.R. § 274a.12(c)(14). This ensures that when the DHS decides not to remove an alien for a period of time, the alien is not left during that time to a choice between seeking public support or working illegally.

For decades, the Executive Branch has implemented deferred action and other forms of prosecutorial discretion both for individual aliens and for various classes of aliens. For example, during varying periods from 1956 to 1990, discretionary mechanisms similar to deferred action were used to defer enforcement against aliens who were beneficiaries of certain approved visa petitions,³ nurses who were eligible for H-1 visas,⁴ nationals of designated foreign states,⁵ and ineligible spouses and children of aliens who had been granted legal status under the Immigration Reform and Control Act of 1986.⁶ *See* OLC Op. at 14. Since the 1990s, deferred action has been applied to additional classes of aliens, such as battered aliens who appear to qualify for relief under the Violence Against Women Act of 1994 (“VAWA”),⁷ T and U visa applicants,⁸ foreign students affected by Hurricane Katrina,⁹ and widows and widowers of U.S.

³ *See United States ex. rel. Parco v. Morris*, 426 F. Supp. 976, 979-80 (E.D. Pa. 1977).

⁴ *See* Voluntary Departure for Out-of-Status Nonimmigrant H-1 Nurses, 43 Fed. Reg. 2776, 2776 (Jan. 19, 1978).

⁵ *See* Andorra Bruno *et al.*, Cong. Research Serv., Analysis of June 15, 2012 DHS Mem., *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children* at 20-23 (July 13, 2012) (Ex. 8); Moore, Charlotte J., Cong. Research Serv., *Review of U.S. Refugee Resettlement Programs and Policies* at 9, 12-14 (1980) (excerpt as Ex. 9).

⁶ Mem. from Gene McNary, Commissioner, INS, to Regional Commissioners, INS, *Family Fairness: Guidelines for Voluntary Departure under 8 C.F.R. 242.5 for the Ineligible Spouses and Children of Legalized Aliens* (Feb. 2, 1990) (Ex. 10).

⁷ Mem. from Paul W. Virtue, Acting Executive Associate Commissioner, INS, to Regional Directors *et al.*, *Supplemental Guidance on Battered Alien Self-Petitioning Process and Related Issues* at 3 (May 6, 1997) (Ex. 11).

⁸ Mem. from Michael D. Cronin, Acting Executive Associate Commissioner, INS, to Michael A. Pearson, Executive Associate Commissioner, INS, *Victims of Trafficking and Violence Protection Act of 2000 (VTVPA) Policy Memorandum #2 – “T” and “U” Nonimmigrant Visas* at 2 (Aug. 30, 2001) (Ex. 12).

citizens.¹⁰ *See id.* at 15-17.¹¹ And beginning in 2012, deferred action has been available to aliens brought to the United States as children who meet certain guidelines, including having continuously resided in the United States since June 15, 2007, under what has been referred to as Deferred Action for Childhood Arrivals (“DACA”). *See* Mem. from Janet Napolitano, Sec’y of Homeland Security, to David V. Aguilar, Acting Commissioner, CBP, *et al.*, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children* at 1 (June 15, 2012) (“2012 DACA Memo”) (Ex. 19).

The Supreme Court has specifically acknowledged the Executive’s prosecutorial discretion in immigration, including through deferred action. *See AAADC*, 525 U.S. at 483-84 (“At each stage [of the removal process] the Executive has discretion to abandon the endeavor, and at the time IIRIRA was enacted [in 1996] the INS had been engaging in a regular practice (which had come to be known as ‘deferred action’) of exercising that discretion for humanitarian reasons or simply for its own convenience.”). Moreover, the Court held in *AAADC* that 8 U.S.C. § 1252(g) renders unreviewable the Executive’s decision not to exercise discretion in favor of granting deferred action to an alien. *Id.* at 483-84, 486-87. The Supreme Court recently

⁹ USCIS, Interim Relief for Certain Foreign Academic Students Adversely Affected by Hurricane Katrina: Frequently Asked Questions (FAQ) at 1 (Nov. 25, 2005) (Ex. 13).

¹⁰ Mem. from Donald Neufeld, Acting Associate Director, USCIS, to Field Leadership, USCIS, *Guidance Regarding Surviving Spouses of Deceased U.S. Citizens and Their Children* at 1 (Sept. 4, 2009) (Ex. 14).

¹¹ *See also* Sam Bernsen, INS General Counsel, *Legal Op. Regarding Service Exercise of Prosecutorial Discretion* at 2 (July 15, 1976) (Ex. 15) (noting the Executive’s “inherent authority” to exercise prosecutorial discretion); Mem. from Doris Meissner, INS Comm’r, to INS Regional Directors, *Exercising Prosecutorial Discretion* at 2 (Nov. 17, 2000) (Ex. 16) (directing, following the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), that prosecutorial discretion “applies not only to the decision to issue, serve, or file a Notice to Appear (NTA), but also to a broad range of other discretionary enforcement decisions,” such as “granting deferred action or staying a final order”); Mem. from William J. Howard, Principal Legal Advisor, ICE, to Office of the Principal Legal Advisor (OPLA) Chief Counsel, ICE, *Prosecutorial Discretion* at 2 (Oct. 24, 2005) (Ex. 17) (recognizing that the “universe of opportunities to exercise prosecutorial discretion is large,” including “in the pre-filing stage”); Mem. from Julie L. Myers, Ass’t Sec’y, ICE, to Field Office Directors, ICE, *Prosecutorial and Custody Discretion* (Nov. 7, 2007) (Ex. 18) (recommending exercise of prosecutorial discretion for nursing mothers).

reaffirmed the Executive Branch's broad authority over whether to initiate or defer removal proceedings. *See Arizona*, 132 S. Ct. at 2499.

Congress also has approved the practice of deferred action. As noted, Congress enacted 8 U.S.C. § 1252(g) against the backdrop of the Executive's longstanding exercise of deferred action and to protect that exercise of discretion from challenge by particular aliens denied that relief. That action by Congress reflects a general ratification of the practice of deferred action as a means of exercising enforcement discretion. In addition, Congress expanded the Executive's VAWA deferred action program in 2000 by making eligible for "deferred action and work authorization" children who could no longer self-petition under VAWA because they were over the age of 21. *See* Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, § 1503(d)(2), 114 Stat. 1464, 1522 (codified at 8 U.S.C. § 1154(a)(1)(D)(i)(II), (IV)). Similarly, in 2008, as part of legislation authorizing DHS to grant "an administrative stay of a final order of removal" to any individual who could make a *prima facie* showing of eligibility for a T or U visa, Congress stated that "[t]he denial of a request for an administrative stay of removal . . . shall not preclude the alien from applying for . . . deferred action." William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, § 204, 122 Stat. 5044, 5060 (codified at 8 U.S.C. § 1227(d)(1), (d)(2)).¹² Congress also has specified classes of aliens who should be made eligible for deferred action, such as certain family members of LPRs who were killed on September 11, 2001, *see* USA PATRIOT Act of 2001, Pub. L. No. 107-56, § 423(b), 115 Stat. 272, 361, and certain family members of certain U.S. citizens killed in combat, *see* Nat'l Defense Authorization Act for Fiscal Year 2004, Pub. L. No.

¹² In the REAL ID Act of 2005, Pub. L. No. 109-13, Div. B, § 202(c)(2)(B)(viii), 119 Stat. 231, 302 (49 U.S.C. § 30301 note), Congress specified that proof of "approved deferred action status" constituted evidence of lawful status for the sole purpose of authorizing (but not requiring) states to issue driver's licenses to individual recipients.

108-136, § 1703(c)-(d), 117 Stat. 1392, 1694.

II. Procedural Background

A. DHS's 2014 Guidance Challenged by Plaintiffs

On November 20, 2014, the Secretary issued a series of memoranda as part of a comprehensive initiative to establish Department-wide enforcement priorities that further focus DHS resources on national security, border security, and public safety. One of those memoranda revised three aspects of DACA and provided deferred action guidelines for certain other aliens who are a low priority for removal. *See* 2014 Deferred Action Guidance. First, with regard to DACA, the memorandum removed the existing age cap of 31 so that individuals could request deferred action under DACA without regard to their current age, as long as they entered the United States before the age of 16. *Id.* at 3. Second, it extended the period of DACA from two to three years. *Id.* Third, it adjusted the relevant date by which an individual must have been in the United States from June 15, 2007 to January 1, 2010. *Id.* at 4. USCIS was instructed to begin accepting requests under the revised DACA guidelines no later than 90 days after the date the guidance was issued, *id.*, which is February 18, 2015.

The November 2014 Deferred Action Guidance also established separate guidelines under which certain parents of U.S. citizens or LPRs will be able to request deferred action (“DAPA”). To be considered for deferred action under DAPA, an individual must: (1) have, on November 20, 2014, a son or daughter who is a U.S. citizen or LPR; (2) have continuously resided in the United States since before January 1, 2010; (3) have been physically present in the United States on November 20, 2014, and at the time of making a request for deferred action with USCIS; (4) have had no lawful status on November 20, 2014; (5) not fall within one of the categories of enforcement priorities set forth in another memorandum issued that same day; and

(6) present no other factors that, in the exercise of discretion, make the grant of deferred action inappropriate. *Id.* at 4. In addition, applicants are required to submit fingerprints and personal identifying information to USCIS for a background check. *Id.* USCIS was instructed to begin accepting requests from individuals under the DAPA guidelines no later than 180 days after the date of the policy's announcement, *id.* at 5, which is May 19, 2015.

As with DACA, DAPA requests will be assessed individually by immigration officers, who will determine whether to exercise discretion “on a case-by-case basis” considering all relevant factors. *Id.* at 4. Also, as with DACA, deferred action under DAPA does not confer any “substantive right, immigration status or pathway to citizenship,” *id.* at 5, and it may be revoked at any time in the agency's discretion, *id.* at 2. Individuals who request deferred action under DAPA may also be eligible for work authorization for the deferred action period of 3 years, pursuant to longstanding regulations and statutory authority. *Id.* at 4-5; *see* 8 U.S.C. § 1324a(h)(3); 8 C.F.R. § 274a.12(c)(14).

B. Plaintiffs' Claims

On December 3, 2014, Plaintiffs filed this suit, challenging DHS's authority to issue the November 20, 2014 Deferred Action Guidance and seeking declaratory and injunctive relief. (ECF No. 1, 14). Plaintiffs' Complaint includes three causes of action: that the guidance (1) violates the Take Care Clause of the Constitution, art. II, § 3, Cl. 5; (2) fails to comply with the APA's notice-and-comment requirement, *see* 5 U.S.C. § 553; and (3) violates the APA's substantive requirements, *see* 5 U.S.C. § 706. Plaintiffs moved for a preliminary injunction on all counts on December 4, 2014. *See* Pls.' Mot. for Prelim. Inj. (“Pls.' Mot.”) (ECF No. 5).

STATEMENT OF THE ISSUES TO BE RULED ON BY THE COURT

Plaintiffs seek to preliminarily enjoin the 2014 Deferred Action Guidance issued by the Secretary of Homeland Security concerning the exercise of prosecutorial discretion in the form

of deferred action. To obtain preliminary injunctive relief, the moving party must show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm in the absence of preliminary relief; (3) that a balance of equities tips in its favor; and (4) that an injunction is in the public interest. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). “[A] preliminary injunction is ‘an extraordinary remedy’ which should only be granted if the party seeking the injunction has ‘clearly carried the burden of persuasion’ on all four requirements.” *Karaha Bodas Co.*, 335 F.3d at 363. “[I]f the movant does not succeed in carrying its burden on any one of the four prerequisites, a preliminary injunction may not issue.” *Enter. Int’l v. Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d 464, 472 (5th Cir. 1985).

ARGUMENT

I. THE COURT SHOULD DENY PLAINTIFFS’ MOTION AND DISMISS THIS ACTION FOR LACK OF SUBJECT-MATTER JURISDICTION BECAUSE PLAINTIFFS LACK STANDING

The Court should deny Plaintiffs’ motion for preliminary injunction without reaching the merits because Plaintiffs lack Article III standing. *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94-95 (1998). The Court should further dismiss Plaintiffs’ claims for lack of subject matter jurisdiction, consistent with the decision by a federal district court yesterday in a local official’s challenge to the 2014 Deferred Action Guidance, *see Arpaio*, Slip Op. at 3, and with the decision of the only other court to have addressed a state’s standing to challenge Defendants’ deferred action policies. *See Crane v. Napolitano*, 920 F. Supp. 2d 724, 745-46 (N.D. Tex. 2013) (concluding that Mississippi lacked standing to challenge the 2012 DACA Memo), *appeal pending*, No. 14-10049 (5th Cir.) (oral argument to be heard Feb. 3, 2015); *cf. Prestage Farms, Inc. v. Bd. of Supervisors of Noxubee Cnty.*, 205 F.3d 265, 267 (5th Cir. 2000) (vacating preliminary injunction and dismissing case for lack of standing).

Federal courts sit to decide cases and controversies, not to resolve disagreements about

policy or politics. Indeed, “[n]o principle is more fundamental to the judiciary’s proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies.” *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 341 (2006) (citation and internal quotation omitted). Article III standing “is an essential and unchanging part of the case-or-controversy requirement.” *Lujan*, 504 U.S. at 560. To establish standing, a plaintiff bears the burden of demonstrating, by competent proof, that it suffers an injury that is (1) “concrete, particularized, and actual or imminent”; (2) “fairly traceable to the challenged action”; and (3) “redressable by a favorable ruling.” *Clapper v. Amnesty Int’l USA*, 133 S. Ct. 1138, 1147 (2013) (internal quotation marks and citation omitted). Where standing is premised on a projected future injury, Article III demands not merely a possibility of injury, but a showing that the threatened future injury is “*certainly* impending.” *Id.* at 1147.

The standing inquiry is “especially rigorous” where, as here, a plaintiff asks a federal court “to decide whether an action taken by one of the other two branches of the Federal Government was unconstitutional.” *Raines v. Byrd*, 521 U.S. 811, 819-20 (1997). Because standing requirements serve an “overriding and time-honored concern about keeping the Judiciary’s power within its proper constitutional sphere,” courts must take care to “put aside the natural urge to proceed directly to the merits of [an] important dispute and to ‘settle’ it for the sake of convenience and efficiency.” *Id.* at 820.

Plaintiffs have failed to demonstrate that any state, let alone every state joined in this action, has standing to seek to enjoin the 2014 Deferred Action Guidance. *Cf. Allen v. Wright*, 468 U.S. 737, 752 (1984) (standing limitations are designed “to ascertain whether the *particular*

plaintiff is entitled to an adjudication of the *particular claims* asserted”) (emphasis added).¹³

A. Plaintiffs Have Failed to Demonstrate That They Will Suffer a Cognizable Injury Traceable to the Deferred Action Guidance

The challenged guidance does not itself command the States to take, or refrain from taking, any action. Accordingly, this case is unlike the most common situation in which states have been found to have standing to challenge federal law. *See, e.g., New York v. United States*, 505 U.S. 144 (1992); *Oregon v. Mitchell*, 400 U.S. 112 (1970); *Texas v. United States*, 497 F.3d 491, 496-97 (5th Cir. 2007) (Texas “suffered the injury of being compelled to participate in an invalid administrative process”). Instead, Plaintiffs complain of injury “from the government’s allegedly unlawful regulation (or lack of regulation) of someone else,” making standing “substantially more difficult to establish.” *See Lujan*, 504 U.S. at 562. Furthermore, allowing Plaintiffs to challenge the DHS prosecutorial discretion guidance to which they are not themselves subject would conflict with the fundamental principle that “a citizen lacks standing to contest the policies of the prosecuting authority when he himself is neither prosecuted nor threatened with prosecution.” *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973); *see also Haitian Refugee Ctr. v. Gracey*, 809 F.2d 794, 804-807 (D.C. Cir. 1987) (applying principle to immigration context); *cf. Henderson v. Stalder*, 287 F.3d 374, 384 (5th Cir. 2002) (Jones, J., concurring) (“As a general proposition, a plaintiff who complains merely that a benefit has been unconstitutionally granted to others is asserting only a ‘generalized grievance’ that does not allow the plaintiff standing”). States have no more of a cognizable interest in the Federal Government’s exercise of prosecutorial discretion under the INA than do their citizens.

Plaintiffs nonetheless seek to challenge the Secretary’s exercise of discretion based on

¹³ For all but two states – Texas and Wisconsin – Plaintiffs make no specific attempt to demonstrate any injury. Although no Plaintiff here has standing for the reasons discussed herein, nearly all Plaintiffs should be summarily dismissed for not even attempting to establish their standing.

conjecture about the indirect or incidental consequences that allegedly will flow from the 2014 Deferred Action Guidance. Even assuming that a citizen or state could overcome the constraint on standing articulated in *Linda R.S.*, Plaintiffs' allegations fail to demonstrate that the challenged policy—which will allow DHS to increase its focus on border security and on criminal and dangerous aliens—will result in an injury for any of the States, much less that an injury is “*certainly* impending.” *Clapper*, 133 S. Ct. at 1147; *see also Arpaio*, Slip Op. at 20 (rejecting “such a broad interpretation of the injury requirement” that “would permit nearly all state officials to challenge a host of Federal laws simply because they disagree with how many—or how few—Federal resources are brought to bear on local interests”).

i. Plaintiffs' Conjecture about Costs Associated with the Presence of Undocumented Aliens Is Not Cognizable

Plaintiffs' first theory of harm is that the 2014 Deferred Action Guidance will increase the presence of undocumented aliens in the Plaintiff States, forcing them to spend “substantial resources” on law enforcement, emergency healthcare, and other public welfare services that are available under state or federal law to indigent individuals (including any undocumented aliens present within a state). Am. Compl. ¶¶ 61-65 (ECF No. 14). The district court in *Crane* already correctly rejected, as conjectural, a similar theory of harm offered by the State of Mississippi (a plaintiff in this case) in its challenge to the 2012 DACA Memo. *Crane*, 920 F. Supp. 2d at 745 (“[T]he Court finds that Mississippi's asserted fiscal injury is purely speculative because there is no concrete evidence that the costs associated with the presence of illegal aliens in the state of Mississippi have increased or will increase as a result of the [DACA] Directive.”). Conclusory allegations that a state's budget or tax revenues will be harmed in some general way by a federal

policy are not sufficient to support standing.¹⁴ *See, e.g., Pennsylvania ex rel. Shapp v. Kleppe*, 533 F.2d 668, 672-73 (D.C. Cir. 1976); *Wyoming v. U.S. Dep't of the Interior*, 674 F.3d 1220, 1234 (10th Cir. 2012); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (courts need not accept “naked assertion[s] devoid of further factual enhancement”); *Lujan*, 504 U.S. at 562 (noting heightened burden to adduce facts where harm is tied to third-party actions).

Plaintiffs’ conjecture about increased spending on public welfare and emergency services also runs counter to the terms of the DACA and DAPA initiatives. To receive DACA or DAPA under the 2014 Deferred Action Guidance, individuals must already have been present in the country for at least five years. Accordingly, any temporary deferral of deportation under the guidance would not be expected to *increase* demand for services provided to undocumented aliens, because the affected individuals are already present. *See Wyoming*, 674 F.3d at 1234 (rejecting standing where state would incur cost regardless of federal policy). Indeed, DACA and DAPA may logically be expected to *decrease* covered aliens’ need to rely on state social welfare programs,¹⁵ by facilitating recipients’ ability (pursuant to existing regulations) to work lawfully during the period of deferred action. If anything, deferred action will have a positive

¹⁴ Although Plaintiffs have failed to demonstrate a concrete injury as a result of *any* action by Defendants, the present inquiry before the Court is not whether an alleged harm is fairly traceable to the conduct of Defendants as a general matter, but rather whether it is “fairly traceable to *the challenged action*,” *i.e.*, the 2014 Deferred Action Guidance. *See Clapper*, 133 S. Ct. at 1147 (emphasis added). Accordingly, Plaintiffs’ general allegations of harm from what they contend is Defendants’ “lax attitude toward the immigration laws,” Am. Compl. ¶ 62, or from the “immigration policies of the federal government” in general, *id.* ¶ 37, are wholly irrelevant here.

¹⁵ Plaintiffs have separately failed to demonstrate redressability – another essential element of Article III standing – because enjoining the 2014 Deferred Action Guidance would not redress any alleged harms caused by the presence of eligible individuals, in light of existing limitations on DHS’s removal resources and the fact an injunction would not compel the removal of any individual. *See Crane*, 920 F. Supp. 2d at 745 (“Even if it is true that many illegal immigrants are permitted to remain in the state of Mississippi pursuant to the Directive and the Morton Memorandum, Plaintiffs have offered only conclusory allegations that those illegal aliens who are permitted to remain would otherwise have been removed.”). An injunction would prevent any such aliens from working legally, effectively forcing them instead to work illegally or seek public support.

economic effect,¹⁶ but, in any event, Plaintiffs have wholly failed to support their contention that the 2014 Deferred Action Guidance will be a net drain on state resources.

Plaintiffs also speculate that the challenged policy will encourage a “new wave” of undocumented aliens to cross the border illegally—even though all aliens who arrive in the future are categorically foreclosed from receiving deferred action under DACA or DAPA. Am. Compl. ¶¶ 61-65. The Supreme Court has repeatedly rejected similar attempts to base standing on a theory that a federal policy somehow “encourages” complained-of third-party conduct. *See, e.g., Florida v. Mellon*, 273 U.S. 12, 18 (1927) (rejecting as “remote and indirect” Florida’s theory that challenged law would induce citizens to remove property from the State and thereby diminish its revenues); *Allen*, 468 U.S. at 758-59; *Simon v. E. Ky. Welfare Rights Org.*, 426 U.S. 26, 41-42 (1976). Another court in this District likewise concluded that alleged costs associated with the presence of undocumented aliens in the state did not give Texas standing to challenge federal immigration enforcement. *See Texas v. United States*, No. B-94-228, at *7 (S.D. Tex. Aug. 7, 1995) (Ex. 22) (agreeing with federal defendants that the decision to cross the border illegally results from the “conscious actions of aliens” rather than the actions or inactions of the U.S. Government), *aff’d on other grounds*, 106 F.3d 661 (5th Cir. 1997).¹⁷

Plaintiffs’ speculation that the 2014 Deferred Action Guidance will increase illegal

¹⁶ *See* President’s Council of Economic Advisors, *The Economic Effects of Administrative Action on Immigration* (Nov. 2014) (Ex. 20) (estimating that the 2014 Deferred Action Guidance may, among other things, result in significant growth for economic measures); Raul Hinojosa-Ojeda and Maksim Wynn, *From the Shadows to the Mainstream: Estimating the Economic Impact of Presidential Administrative Action and Comprehensive Immigration Reform* (Nov. 2014) (Ex. 21) (concluding that DACA “has had and will continue to have a positive economic impact on its recipients as well as the economy as a whole”).

¹⁷ On appeal, the Fifth Circuit “assum[ed], without deciding,” that Texas had standing and proceeded to reject its claim on other non-justiciability grounds, including that an “agency’s decision not to take enforcement actions is unreviewable under the Administrative Procedure Act.” 106 F.3d at 664 n.2, 667; *cf. Sinochem Int’l Co. v. Malay. Int’l Shipping Corp.*, 549 U.S. 422, 431 (2007) (reiterating principle that courts generally may not reach merits of dispute before determining existence of jurisdiction but have discretion in the sequencing of threshold non-merits issues).

immigration is also belied by the terms of the guidance itself, which specifically excludes recent or future arrivals from consideration. *See Arpaio*, Slip Op. at 21-22 (determining that it “is speculative that a program, which does not apply to future immigrants, will nonetheless result in immigrants crossing the border illegally into . . . borders of this country”). Aliens cannot be considered for DACA or DAPA unless they have “continuously resided in the United States since before January 1, 2010.” *See* 2014 Deferred Action Guidance at 4. In contrast, those apprehended at the border are among DHS’s highest enforcement priorities. *See* Prioritization Guidance at 4. Any potential misconceptions that undocumented aliens may have about the scope of DACA and DAPA, *see* Am. Compl. ¶ 41, also cannot support standing, which requires a showing “that the defendant’s *actual* action has caused” the alleged harm. *See Clapper*, 133 S. Ct. at 1150 n.5 (emphasis added). The challenged policy is expressly designed to deter—not encourage—future illegal border crossings. Moreover, the Government has undertaken substantial efforts to dispel potential misconceptions about immigration benefits in the United States. *See, e.g., Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border: Hr’g Before the S. Comm. on Homeland Security and Governmental Affairs* at 4-5 (Jul. 9, 2014) (stmt. of Craig Fugate, Administrator, Federal Emergency Management Agency, *et al.*) (“Fugate statement”) (Ex. 23).

Plaintiffs’ assertion that the 2012 DACA Memo “led directly to a flood of immigration across the Texas-Mexican border,” Am. Compl. ¶ 62, is similarly conclusory and insufficient to establish standing. Aliens who crossed the border, including during a recent surge of immigration in the summer of 2014, were not eligible for deferred action under the 2012 DACA Memo issued two years earlier, and any misconception they might have had to the contrary is not fairly traceable to that guidance. Plaintiffs’ conclusory claim of causation further ignores the

varied and complex factors that influence immigration, including many that are wholly outside the United States' control. *See, e.g., Arpaio*, Slip Op. at 21 (“[T]he decision for any individual to migrate is a complex decision with multiple factors, including factors entirely outside the United States' control, such as social, economic and political strife in a foreign country”); Cong. Research Serv. Report, *Unaccompanied Alien Children: Potential Factors Contributing to Recent Immigration*, Summary (July 3, 2014) (observing that “[u]naccompanied child migrants' motives for migrating to the United States are often multifaceted,” including a desire to escape poverty and violence and concluding that “it remains unclear if, and how, specific immigration policies have motivated children to migrate to the United States”) (Ex. 24).¹⁸ Notably, DHS data show that Mexican nationals constitute the vast majority of DACA beneficiaries, but since the 2012 DACA Memo was issued, the number of Mexican nationals apprehended by Border Patrol at or near the border has decreased, not increased. *Compare* USCIS, Current Statistics: Deferred Action for Childhood Arrivals: Countries of Birth (Dec. 19, 2014) (Ex. 28) (showing that Mexican nationals make up 78% of DACA grants) *with* CBP, USBP Nationwide Apprehensions by Requested Citizenship FY 2010 – FY 2014 (Ex. 29) (demonstrating that illegal migration by Mexican nationals has decreased since 2012). This further reveals the attenuated and speculative nature of the claim of causation on which Plaintiffs rely.

Finally, and perhaps most fundamentally, Plaintiffs' attempt to link the 2014 Deferred Action Guidance to a predicted future increase in immigration ignores the reality that the

¹⁸ State Department country reports confirm the existence of significant unrest and difficult living conditions in the countries from which many recent immigrants have come. *See* State Dep't Country Report, Guatemala; State Dep't Country Report, Honduras; State Dep't Country Report, El Salvador (excerpts at Ex. 25). *Accord* United Nations High Commissioner for Refugees, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (July 9, 2014) (excerpt at Ex. 26); Elizabeth Kennedy, *No Childhood Here: Why Central American Children Are Fleeing Their Homes* (Am. Immigration Council, 2014) (Ex. 27).

challenged guidance *promotes* border security and a reduction of new illegal entrants. Congress has not provided DHS with resources to remove all undocumented aliens present in the United States; DHS thus must make choices about how to allocate its limited enforcement resources. By deferring the removal of individuals with significant community ties and no significant criminal records, DACA and DAPA free up limited resources so that federal authorities can more singularly focus on border security and recent illegal border-crossers, among other things. *See* Prioritization Guidance at 3. Accordingly, enjoining the 2014 Deferred Action Guidance would likely *exacerbate*, not redress, any alleged harm the Plaintiffs claim they will suffer as a result of illegal border crossings.

ii. Plaintiffs Cannot Base Standing on Costs Triggered by State Law

Plaintiffs have identified only one alleged harm that they contend will “follow specifically from the extension of deferred action”: costs associated with the grant of professional licenses and other state benefits that are triggered under state law by an individual’s receipt of deferred action and/or work authorization. Am. Compl. ¶ 66 (citing Texas law); Pls’ Mot. at 27 (citing Texas and Wisconsin law). These hypothetical future costs are not traceable to the 2014 Deferred Action Guidance, which does not require States to provide any state benefits to deferred action recipients; whether to provide such benefits is a decision made by the States. In fact, federal law establishes a presumption that certain categories of aliens, including the recipients of deferred action, are “not eligible for any State or local public benefits,” including professional and commercial licenses, public housing, and unemployment benefits, *unless* a state affirmatively elects to provide those benefits. 8 U.S.C. § 1621. Federal law also contemplates that States may take federal alien classifications into account in administering their driver’s licensing schemes. *See* REAL ID Act of 2005, Pub. L. No. 109-13, Div. B., § 202, 119 Stat.

231, 312 (49 U.S.C. § 30301 note). The States thus have leeway in administering these schemes as long as they do not intrude on the federal power to classify on the basis of alien status.¹⁹

Accordingly, costs associated with processing and providing state licenses or other state benefits to deferred action recipients are “self-inflicted injuries” that are not cognizable under Article III. *See Clapper*, 133 S. Ct. at 1152; *see also Illinois* 137 F.3d at 476 (holding that Illinois could not base standing on harms caused by state statute, *even if* “the balance of political power in Illinois may render [amendment of the statute] impossible at the moment”); *cf. Texas*, 106 F.3d at 666 (rejecting argument that Federal Government commandeered Texas’s financial resources by causing them to expend funds incarcerating undocumented aliens, because the “State’s correctional expenses stem from its enforcement of its own penal laws, not federal laws”).²⁰

¹⁹ As we have elsewhere explained, a State may not selectively deny driver’s licenses to some recipients of deferred action based on the State’s own classification of aliens. *See* Amicus Br. of United States in Opp’n to Reh’g En Banc, *Ariz. Dream Act Coalition v. Brewer*, No. 13-16248 (9th Cir.) (filed Sept. 30, 2014); *see Plyler v. Doe*, 457 U.S. 202,225 (1982); *Mathews v. Diaz*, 426 U.S. 67, 80, 85 (1976). But it does not follow that States must provide driver’s licenses to deferred action recipients as Wisconsin has done. Thus, to the extent that Wisconsin’s claimed injury is an economic one flowing from the costs of providing driver’s licenses, the injury is of Wisconsin’s own making through the way it has structured its driver’s licensure scheme. And to the extent Wisconsin’s alleged injury is based instead on its policy opposition to providing driver’s licenses to DACA or DAPA recipients, Wisconsin has no legally cognizable interest in a dispute about immigration policy. *See* Part I.C, *supra*; *see also Illinois v. City of Chicago*, 137 F.3d 474, 478 (7th Cir. 1998) (“A role as lawmaker does not confer a role as litigant in federal court.”)

²⁰ In addition to this fundamental defect, Plaintiffs have also failed to establish that “the cost of processing and issuing additional licenses and [state] benefits” to DACA and DAPA recipients, Am. Compl. ¶ 68, would result in a net loss of revenue to the Plaintiff States. The costs of processing additional licenses could (and may already) be recouped through fees levied on the individual recipients. And any other hypothetical costs may be offset by an increase in income or sales tax revenues resulting from the legal employment of DACA and DAPA recipients who already reside in the Plaintiff States and who, without employment authorization, could only work illegally. *Cf. supra*, pp. 17-18 & n. 16. In analogous circumstances, the Supreme Court has declined to engage in the conjecture that would be required to conclude that a federal policy that does not operate against a state will nevertheless result in harm to the state’s public fisc. *See Florida*, 273 U.S. at 18 (rejecting Florida’s claim that federal policy would lead to diminution of tax revenues, because, *inter alia*, it was possible that the deficiency could “readily be made up by an increased rate of taxation”).

iii. Even Accepting Their Claims of Harm, Plaintiffs Have Not Demonstrated an Injury to Their Own Interests, as Opposed to the Interests Shared by All Taxpayers

In addition to the foregoing defects, Plaintiffs fail to demonstrate an injury sufficient to confer standing because their generalized allegations of harm to the state fisc and general welfare are not injuries to Plaintiffs themselves, but to the taxpayers. *See People ex rel. Hartigan v. Cheney*, 726 F. Supp. 219, 225 (C.D. Ill. 1989) (concluding that alleged decrease in state revenue and increase in social spending did not confer standing on Illinois because they “fall on the taxpayers and citizens of Illinois and not on the state *qua* state”). And as explained further in Part I.B below, Plaintiffs cannot pursue litigation against the Federal Government on the basis of injuries to their citizens.

To be sure, a direct and genuine injury to a State’s own proprietary interests may give rise to standing. *See Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592, 602 (1982). But “neither the impairment of the state’s ability to look after its citizens nor the diminution of its tax revenues” as an indirect result of actions by the Federal Government constitutes a legally cognizable “injury to state proprietary interests.” *Kleppe*, 533 F.2d at 672-73. For this reason, and in light of the “unavoidable economic repercussions of virtually all federal policies, and the nature of the federal union as embodying a division of national and state powers,” general diminutions of state revenue or increases in expenditures incidental to some federal policy are routinely found insufficient to establish state standing.²¹ *See, e.g., id.; Hartigan*, 726 F. Supp. at

²¹ Indeed, if the Court were to deem Plaintiffs’ generalized allegations of the harm sufficient for injunctive relief, it is difficult to see how such logic could be cabined. There are countless ways in which any given federal action may have some incidental intersection with state law. If Plaintiffs’ theory of injury were accepted, states would have standing to challenge any decision to grant citizenship, lawful immigration status, asylum, or virtually any form of humanitarian relief, simply because such individuals could be eligible for benefits under state law. *See Arpaio*, Slip Op. at 20 (rejecting a “broad

221-22. *Compare Wyoming v. Oklahoma*, 502 U.S. 437, 448 (1992) (finding cognizable injury where the effect of challenged state statute on specific tax revenues was direct and undisputed). In short, even if Plaintiffs had stated a fiscal injury traceable to the 2014 Deferred Action Guidance—which they have not—that injury would not fall on the States themselves and therefore cannot establish standing for the Plaintiffs as states. *See Hartigan*, 726 F. Supp. at 221-22; *cf. Ariz. Christian Sch. Tuition Org. v. Winn*, 131 S. Ct. 1436 (2011) (discussing presumption that taxpayers do not have standing to challenge government expenditures).

B. Plaintiffs Cannot Pursue This Litigation on Behalf of the Purported Interests of their Citizens

Plaintiffs cannot overcome their failure to demonstrate that they have standing in their own right by framing their claimed standing based on a *parens patriae* theory of representing the asserted rights of their citizens. *See* Am. Compl. ¶ 69 (asserting that Plaintiffs seek “to vindicate [the] interests . . . of their citizens”). “A State does not have standing as *parens patriae* to bring an action against the Federal Government.” *Alfred L. Snapp & Son*, 458 U.S. at 610 n.16 (citing *Massachusetts v. Mellon*, 262 U.S. 447, 485-86 (1923), and *Missouri v. Illinois*, 180 U.S. 208, 241 (1901)). As the Court explained in *Mellon*, “it is no part of [a state’s] duty or power to enforce [its citizens’] rights in respect of their relations with the federal government.” 262 U.S. at 485-86. In this regard, the Court emphasized, “it is the United States, and not the state, which represents [its citizens] as *parens patriae*.” *Id.* Thus, while states may institute proceedings against private entities on behalf of their citizens, they may not sue “to protect citizens of the United States from the operation” of federal law. *Id.* This limitation is rooted in the proper allocation of authority between the state and federal governments: “[w]hen a state brings a suit

interpretation of the injury requirement [that] would permit nearly all state officials to challenge a host of Federal laws”; “Fortunately, the standing doctrine is not so limp.”).

seeking to protect individuals from [federal law], it usurps [the] sovereign prerogative of the federal government and threatens the general supremacy of federal law.” *Virginia ex rel.*

Cuccinelli v. Sebelius, 656 F.3d 253, 269 (4th Cir. 2011) (quotation marks and citation omitted).

This well-settled principle controls here. As in *Mellon*, Plaintiffs call upon this Court “to adjudicate, not rights of person or property, not rights of dominion over physical domain, not quasi sovereign rights actually invaded or threatened, but abstract questions of political power, of sovereignty, of government.” 262 U.S. at 484-85. Such claims do not present a justiciable issue. *Id.*; see also *New Jersey v. Sargent*, 269 U.S. 328, 337 (1926) (allegations that provisions of federal law “go beyond the power of Congress and impinge on that of the state . . . do not suffice as a basis for invoking an exercise of judicial power”); *Texas v. ICC*, 258 U.S. 158, 162-63 (1922) (state’s claim of infringement upon state sovereignty was merely “an abstract question of legislative power,” not a justiciable case or controversy).

In their Complaint, Plaintiffs appear to suggest that *Massachusetts v. EPA* (“*Massachusetts*”), 549 U.S. 497 (2007), supports their effort to litigate on behalf of the interests of their citizens. See Am. Compl. ¶ 69. That case does not support standing here. In *Massachusetts*, the Supreme Court held that Massachusetts could challenge EPA’s rejection of a petition for rulemaking to regulate greenhouse gases emitted by new motor vehicles. In doing so, the Court first assured itself that Massachusetts had demonstrated a cognizable injury-in-fact to its own proprietary or quasi-sovereign interests: viz., a particularized injury “in its capacity as a landowner” of a “substantial portion of the state’s coastal property,” which was already being eroded by the “rising seas.” 549 U.S. at 522 (citation omitted). The Court further deemed Congress’s authorization in the Clean Air Act of the exact type of challenge brought by Massachusetts “of critical importance to the standing inquiry.” *Id.* at 516. Although the Court

indicated that it was according Massachusetts “special solicitude in [the] standing analysis,” it did so not only on account of the plaintiff’s status as a “sovereign State,” but also because Massachusetts was suing under a federal statute that secured it both a procedural right and a cause of action. *Id.* at 519-20. In determining that Massachusetts had standing in light of these specific circumstances, the Supreme Court also reaffirmed that its decision in *Mellon* “prohibits” a state from suing federal defendants “to protect her citizens from the operation of federal statutes.” *Id.* at 520 n.17.

Because Plaintiffs have failed to satisfy the predicate requirement of an injury-in-fact to their own interests, and because there is no federal statute providing Plaintiffs a right and cause of action, *Massachusetts* does not apply here. In recognizing Massachusetts’ ability to sue under the unique facts of that case, the Court did not “eliminate [a] state [plaintiff]’s obligation to establish a concrete injury.” *Del. Dep’t of Natural Res. & Env’tl. Control v. FERC*, 558 F.3d 575, 579 n.6 (D.C. Cir. 2009); *see also Sturgeon v. Masica*, 768 F.3d 1066, 1074 (9th Cir. 2014) (holding that “evidence of actual injury is still required”); *Wyoming*, 674 F.3d at 1238. To the contrary, Massachusetts had demonstrated such an injury in its capacity as landowner. 549 U.S. at 522. Accordingly, whatever effect the “special solicitude” employed in *Massachusetts* may have on the final standing analysis—an issue that is subject to considerable uncertainty in the lower courts—it cannot excuse Plaintiffs’ failure here to allege a cognizable injury to their own interests. *See Wyoming*, 674 F.3d at 1238 (“Because [Wyoming has] failed to establish a concrete injury, we need not determine the parameters of ‘special solicitude’ in this case.”).

Moreover, because Congress has not authorized the type of challenge brought by Plaintiffs—as it had for the Clean Air Act claim at issue in *Massachusetts*—Plaintiffs cannot take advantage of that “special solicitude” in any event. *See People of Colorado ex rel. Suthers v.*

Gonzales, 558 F. Supp. 2d 1158, 1165 (D. Colo. 2007) (rejecting state’s standing to challenge alleged deficiencies in federal enforcement of immigration laws, because it “failed to identify any recognition, by Congress or otherwise, of its right to challenge the actions that the Government has taken”). In enacting the INA—and in particular, the provisions of the INA addressing removal authority—Congress did not intend to permit states to police the Federal Government’s enforcement efforts.²² *See, e.g., Arizona*, 132 S. Ct. at 2505-07 (holding that Congress did not intend to allow states to countermand decisions by federal officials about whether to prosecute immigration violations); *cf. Fed’n for Am. Immigration Reform, Inc. v. Reno*, 93 F.3d 897, 902 (D.C. Cir. 1996) (“The immigration context suggests the comparative improbability of any congressional intent to embrace as suitable challengers in court all who successfully identify themselves as likely to suffer from the generic negative features of immigration.”). Thus, unlike Massachusetts, which undisputedly had a sovereign interest in its shoreline, the Plaintiff States maintain no sovereign interest in directing immigration policy, which is uniquely and exclusively entrusted to the federal government. To the extent there are sovereign interests implicated by this case, they are the sovereign interests of the United States, which are not subject to policing by the States. *See Arizona*, 132 S. Ct. at 2506.

**C. Prudential Considerations Further Compel Dismissal of Plaintiffs’
Generalized Policy Grievance in this Area of Unique Federal Control**

Prudential considerations about the “the proper—and properly limited—role of the courts in a democratic society” further demonstrate that this Court may not review Plaintiffs’ challenge

²² For this reason, Plaintiffs’ claims under the INA are also separately subject to dismissal because Plaintiffs do not fall with the INA’s “zone-of-interests.” *See Bennett v. Spear*, 520 U.S. 154, 161-62 (1997); *Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 134 S. Ct. 1377, 1388-89 & n.5 (2014) (holding that the “zone of interests” test, while non-jurisdictional in at least some circumstances, remains focused on whether the statute is intended to protect the class of persons encompassing the plaintiff from the harm that has occurred as a result of the alleged statutory violation).

to the Secretary's administration and enforcement of the immigration laws. *Bennett*, 520 U.S. at 162 (quoting *Warth v. Seldin*, 422 U.S. 490, 498 (1975)). Among other things, such considerations restrain courts from "adjudicating abstract questions of wide public significance which amount to generalized grievances, pervasively shared and most appropriately addressed in the representative branches." *Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.*, 454 U.S. 464, 475 (1982) (internal quotations omitted). The Supreme Court has recently suggested that this limitation, although commonly couched as a question of "prudential standing," is an essential constraint on Article III jurisdiction. *See Lexmark Int'l*, 134 S. Ct. at 1387 n.3. It rests on the proposition that the "political branches of government are generally better suited to resolving disputes involving matters of broad public significance." *Apache Bend Apartments, Ltd. v. United States*, 987 F.2d 1174, 1176 (5th Cir. 1993) (en banc).²³

These constraints bar Plaintiffs' policy-driven suit, which Plaintiffs themselves characterize as ultimately "not about immigration," but "about the rule of law, presidential power, and the structural limits of the U.S. Constitution," Am. Compl. ¶ 2.²⁴ *See Apache Bend*, 987 F.2d at 1179 (rejecting on prudential standing grounds a constitutional challenge by taxpayers to a congressional act that provided favored tax exemptions to a small number of individuals). Like the constitutional challenge to the tax code that the *en banc* Fifth Circuit declined to entertain in *Apache Bend*, Plaintiffs' claim would inject this Court into abstract issues

²³ Prudential concerns also appropriately bear on a district court's exercise of its traditional discretion to entertain an equitable action and to grant (or deny) injunctive and declaratory relief. *See, e.g., Abbott Labs. v. Gardner*, 387 U.S. 136, 148 (1967); 5 U.S.C. § 702.

²⁴ The Texas Attorney General confirmed this view in a recent television appearance, responding to a question about the nature of the harms for which the State had filed the instant lawsuit: "Sure. Because we're not suing for that economic harm. It's the way that Texas has been impacted that gives us standing. What we're suing for is actually the greater harm, and that is harm to the constitution by empowering the president of the United States to enact legislation on his own without going through Congress." *See Meet the Press Transcript – Dec. 7, 2014* (excerpt at Ex. 30).

of “wide public significance” appropriately left to the political branches. *See id.* States “may not convert the federal courts into publicly funded forums for the ventilation of public grievances.” *Wyoming v. Lujan*, 969 F.2d 877, 881 (10th Cir. 1992) (internal quotation marks omitted).

The fact that the Plaintiff States seek judicial intervention that would reshape immigration policy—a uniquely federal prerogative—warrants strict adherence to this limitation. *See Arpaio*, Slip Op. at 2 (“Concerns over the judicial role are heightened when the issue before the court involves, as here, enforcement of the immigration laws.”). Where a state’s suit threatens “state interference with the exercise of federal powers,” it presents “an important argument against standing” not present in private litigation. *Kleppe*, 533 F.2d at 678. This concern is particularly acute in the context of immigration, which is committed to the plenary authority of the federal government. *See Arizona*, 132 S. Ct. at 2499; *see also Mathews*, 426 U.S. at 81-82 (1976) (“For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government”); *Plyler*, 457 U.S. at 225 (1982) (states “enjoy no power with respect to the classification of aliens”).

These considerations make clear that states may not invoke the jurisdiction of the federal courts to advance their preferences regarding how the federal government should execute federal immigration laws and set enforcement policy, particularly based on the alleged indirect consequences from the federal government’s application of the immigration statutes to third parties. Plaintiffs’ redress concerning their policy disagreement with the Deferred Action Guidance, or with federal immigration policy more generally, is through the political process, not the courts. *Cf. Garcia v. San Antonio Metro. Transit Auth.*, 469 U.S. 528, 552 (1985) (“State sovereign interests . . . are more properly protected by procedural safeguards inherent in the

structure of the federal system than by judicially created limitations on federal power.”).

II. PLAINTIFFS’ CLAIMS FAIL ON THE MERITS

Regardless of how Plaintiffs’ claim on the merits is framed, the result is the same: a challenge to the Executive’s exercise of discretion in enforcing the Nation’s immigration laws is not subject to judicial review. In any event, as explained below, even if the 2014 Deferred Action Guidance were subject to judicial review, Defendants have acted within and consistent with the APA and the broad authority provided by the INA.

A. Plaintiffs Cannot Bring an Independent Claim under the Take Care Clause

Plaintiffs seek to state a separate cause of action under the Take Care Clause, but they cannot do so. None of the cases cited by Plaintiffs suggests there is judicially cognizable basis to challenge executive action under the Take Care Clause, separate and apart from an APA or statutory claim that the Executive acted outside of statutory authority.²⁵ Moreover, any claim that the President has failed to “take Care that the Laws be faithfully executed” requires at least a

²⁵ None of the cases cited by Plaintiffs supports the proposition that their Take Care Clause claim is judicially cognizable as an independent basis for a challenge to whether the Executive acted within statutory authority; to the extent the Take Care Clause arose in those cases, it was in the context of an affirmative defense. See Pls.’ Mot at 8-9. In *Kendall v. United States*, the Supreme Court addressed the effect of a statute establishing a “precise, definite act, purely ministerial; and about which the postmaster general had no discretion whatever.” 37 U.S. (12 Pet.) 524, 613 (1838). In *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the President conceded that he was acting outside of authority provided to him by statute. In *Medellin v. Texas*, 552 U.S. 491 (2008), the Supreme Court addressed, in the context of a non-self-executing treaty, whether a Presidential memorandum preempted state law in the absence of Congressional ratification. *Angelus Milling Co. v. Comm’r of Internal Revenue*, 325 U.S. 293, 296 (1945), recites the truism that the Executive must follow the law, notwithstanding that the Court held in that case that the IRS could lawfully exercise its discretion in refusing to waive the formal requirements of the authorized Treasury regulations. *Id.* at 295, 299. Likewise, in *DaCosta v. Nixon*, 55 F.R.D. 145 (E.D.N.Y. 1972), the court concluded that the ordering of plaintiff to return to his active service in Vietnam did not violate the Military Procurement Authorization Act of 1971 because “[t]he legislation . . . gave a very wide discretion to the President.” *Id.* at 146. Finally, *Catano v. Local Bd. No. 94 Selective Serv. Sys.*, 298 F. Supp. 1183, 1184-86 (E.D. Pa. 1969)—a mandamus case in which the court ordered a draft board to grant a deferment under a statutory provision—is not applicable here; Plaintiffs have not made any argument (nor could they) that they would be entitled to the “drastic” relief of mandamus, which is “to be invoked only [for] extraordinary situations.” *Kerr v. U.S. Dist. Ct. for N. Dist. of Cal.*, 426 U.S. 394, 402 (1976).

showing that the Executive has acted inconsistently with the statutes Congress has enacted, and thus cannot be divorced from a statutory claim.

Plaintiffs' attempt to bring an independent cause of action under the Take Care Clause is also belied by the fact that they rely on *Heckler v. Chaney* for that cause of action. *See* Pls.' Mot. at 9. In *Chaney*, the Supreme Court addressed under the APA whether the FDA acted consistent with its statutory authority in exercising prosecutorial discretion. 470 U.S. at 821. The Court held that an agency's decision not to exercise its enforcement authority, or to exercise it in a particular way, is "presumed" to be "immune from judicial review under § 701(a)(2)" of the APA. *Id.* at 832. Although the Supreme Court referred to the Take Care Clause in its analysis, *id.* at 832, it ultimately confined its analysis to the justiciability of a challenge to the exercise of discretion in the enforcement of a statutory scheme.

Plaintiffs thus cannot bring an independent cause of action under the Take Care Clause; the APA provides the proper framework for this Court's analysis.²⁶ *Cf. Lyng v. Nw. Indian Cemetery Protective Ass'n*, 485 U.S. 439, 445-46 (1998) (courts should avoid addressing unnecessary constitutional issues).

B. Deferred Action Is an Unreviewable Exercise of Enforcement Discretion

The Secretary of Homeland Security's exercise of enforcement discretion through the

²⁶ Plaintiffs' citation to the recent decision in *United States v. Escobar*, No. 2:14-cr-00180-AJS (W.D. Pa. Dec. 16, 2014), offers no additional support for their claims. *See Arpaio*, Slip Op. at 30 n.13. First, despite the fact that (1) both parties informed the *Escobar* Court that the November 20, 2014 immigration-related enforcement guidance memoranda were not at issue, and (2) the constitutionality of these policies was not addressed in either side's briefs, the *Escobar* Court reached the issue. *See Escobar*, ECF Nos. 30, 31, 32. This overreach by the *Escobar* Court was inappropriate and incorrect. Indeed, in issuing its decision, the *Escobar* Court flouted two vitally important principles of federal jurisdiction: first, the obligation of federal courts "not [to] decide constitutional questions unless it is necessary to do so," *Kalka v. Hawk*, 215 F.3d 90, 97 (D.C. Cir. 2000), and second, the rule that federal court "jurisdiction is limited to actual cases or controversies between proper litigants." *NB ex rel. Peacock v. Dist. of Columbia*, 682 F.3d 77 (D.C. Cir. 2012) (internal citations omitted).

deferred action guidance at issue here is not subject to judicial review. The decision to prosecute—or not to prosecute—is an exercise of Executive power, and it follows, consistent with the constitutional separation of powers, that courts should not interfere with such discretionary decisions. *United States v. Cox*, 342 F.2d 167, 171 (5th Cir. 1965) (en banc); *cf. Sec’y of Labor v. Twentymile Coal Co.*, 456 F.3d 151, 157 (D.C. Cir. 2006) (noting that “the traditional nonreviewability” of prosecutorial discretion applies to administrative enforcement).

The *Chaney* Court noted at least three reasons why agency enforcement decisions generally are not reviewable. First, an agency’s enforcement strategy “often involves a complicated balancing of a number of factors which are peculiarly within its expertise,” and the “agency is far better equipped than the courts to deal with the many variables involved in the proper ordering of its priorities.” 470 U.S. at 831-32. Second, an agency’s decision not to exercise its enforcement authority “generally does not [involve the] exercise [of] *coercive* power over an individual’s liberty or property rights, and thus does not infringe upon areas that courts often are called upon to protect.” *Id.* at 832. Third, an agency’s exercise of enforcement discretion “shares to some extent the characteristics of the decision of a prosecutor in the Executive Branch not to indict—a decision which has long been regarded as the special province of the Executive Branch, inasmuch as it is the Executive who is charged by the Constitution to ‘take Care that the Laws be faithfully executed.’” *Id.* (quoting U.S. Const. art. II, § 3).

The Court of Appeals for this Circuit has held that “[r]eview of agency nonenforcement decisions is permissible *only* where statutory language sets constraints on the agency’s discretion.” *Perales v. Casillas*, 903 F.2d 1043, 1048 (5th Cir. 1990) (emphasis added); *see also Public Citizen, Inc. v. EPA*, 343 F.3d 449, 464 (5th Cir. 2003) (finding non-justiciable challenge to EPA’s decision whether to issue a notice of deficiency for air pollution because Clean Air Act

did not “provide[] meaningful standards for defining the limits of that discretion”). “Such standards are not present” here. *See id.* To the contrary, the Federal Government’s immigration enforcement efforts are not subject to judicial review. *See Texas*, 106 F.3d at 667 (holding that “[r]eal or perceived inadequate enforcement of immigration laws does not constitute a reviewable abdication of duty”).²⁷

i. Congress Has Not Limited DHS’s Longstanding Discretion to Grant Deferred Action

The Supreme Court has repeatedly and explicitly recognized that the INA grants broad discretion to the Executive Branch, including the decision whether to initiate removal proceedings or grant deferred action: “A principal feature of the removal system is the broad discretion exercised by immigration officials. Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all.” *Arizona*, 132 S. Ct. at 2499 (internal citation omitted); *see also AAADC*, 525 U.S. at 483-84 (“At each stage” of the removal process, “the Executive has discretion to abandon the endeavor”). The Supreme Court has also recognized “deferred action” as such an exercise of administrative discretion. In *AAADC*, it explained that, as of 1996, “the INS had been engaging in a regular practice (which had come to be known as ‘deferred action’) of exercising that discretion for humanitarian reasons or simply for its own convenience.” *Id.* The Supreme Court recounted the roots of this “commendable” practice: “To ameliorate a harsh and unjust outcome, the INS may decline to institute proceedings, terminate proceedings, or decline to execute a final order of deportation.” *Id.* at 484. And the Supreme

²⁷ Courts have consistently rejected similar challenges brought by states challenging the Federal Government’s enforcement of immigration laws. *See Arizona v. United States*, 104 F.3d 1095, 1096 (9th Cir. 1997); *California v. United States*, 104 F.3d 1086, 1090-95 (9th Cir. 1987); *New Jersey v. United States*, 91 F.3d 463, 466-71 (3d Cir. 1996); *Padavan v. United States*, 82 F.3d 23, 26-30 (2d Cir. 1996); *Chiles v. United States*, 69 F.3d 1094, 1095-97 (11th Cir. 1995); *People of Colo. ex rel. Suthers*, 558 F. Supp. 2d at 1162.

Court found that Congress enacted 8 U.S.C. § 1252(g) “to give some measure of protection to ‘no deferred action’ decisions and similar discretionary determinations.” *Id.* at 485.

The Secretary’s discretion to grant deferred action draws upon the Secretary’s broader discretion in enforcing the Nation’s immigration laws. Through the INA, Congress has authorized the Secretary to “establish such regulations; . . . issue such instructions; and perform such other acts *as he deems necessary* for carrying out his authority” under the statute. 8 U.S.C. § 1103(a)(3) (emphasis added); *see also* 6 U.S.C. § 2205 (directing the Secretary to establish “national immigration enforcement policies and priorities”); *Chiles v. United States*, 874 F. Supp. 1334, 1340-41 (S.D. Fla. 1994) (emphasizing that 8 U.S.C. § 1103(a) indicates that the “decision not to undertake enforcement action in certain situations is . . . committed to agency discretion” and hence unreviewable under the APA), *aff’d*, 69 F.3d 1094, 1096 n.5 (11th Cir. 1995) (stating that § 1103(a) “would not justify even an allegation of complete abdication of statutory duties to go to trial”); 8 C.F.R. § 2.1.²⁸ The Supreme Court has found that similar language commits action to agency discretion by law. *See Webster v. Doe*, 486 U.S. 592, 600 (1988); *see also Claybrook v. Slater*, 111 F.3d 904, 909 (D.C. Cir. 1997).

Deferred action is one longstanding means by which federal immigration authorities exercise such discretion. *See, e.g., AAADC*, 525 U.S. at 483-84. Individuals who receive deferred action are not granted any legal immigration status. *See* 2014 Deferred Action Guidance at 2. Deferred action does not provide citizenship, or even an independent path to citizenship. *Id.* Rather, deferred action is a temporary deferral of an alien’s removal, which can

²⁸ 8 C.F.R. § 2.1, the regulation implementing 8 U.S.C. § 1103, states that “[a]ll authorities and functions of the Department of Homeland Security to administer and enforce the immigration laws are vested in the Secretary of Homeland Security,” and the Secretary may “in his discretion” delegate his authority and may, through “regulation, directive, memorandum or other means deemed as appropriate,” announce principles “in the exercise of the Secretary’s discretion.”

be revoked at any time in the agency's discretion. *See id.* Moreover, the 2014 Deferred Action Guidance challenged by Plaintiffs does not itself grant deferred action to anyone, but rather provides a framework for individualized determinations of whether certain persons should receive deferred action, after a case-by-case assessment. *Id.*

Rather than citing any statutory provision that conflicts with the 2014 Deferred Action Guidance (because there is none), Plaintiffs erroneously claim that two separate provisions of the INA provide limits on deferred action. *See* Pls.' Mot. at 23-24. First, Plaintiffs argue that the Secretary can *never* exercise prosecutorial discretion concerning removal. They assert that 8 U.S.C. § 1225(b)(2)(A) creates a "mandatory duty" to remove "any undocumented immigrant present in violation of federal law, unless Congress provides a specific exception." *See* Pls.' Mot. at 3-4, 23. But this provision relates to detention and removal procedures for those "seeking admission"—rather than to aliens who, like aliens eligible for DACA or DAPA, have maintained a long term physical presence in the United States—and certainly does not mandate removal. Plaintiffs also undermine their argument by acknowledging that the Secretary has discretion as to whether to pursue removal in individual cases. *See* Pls.' Mot. at 10.

Plaintiffs' radical position that all undocumented aliens must be removed is foreclosed by more than half a century of prosecutorial discretion and controlling precedent; it also would yield absurd results. *See Town of Castle Rock v. Gonzales*, 545 U.S. 748, 761 (2005) (recognizing "[t]he deep-rooted nature of law-enforcement discretion, even in the presence of seemingly mandatory legislative commands"). The Supreme Court has recognized that "a principal feature of the removal system is the broad discretion exercised by immigration officials." *Arizona*, 132 S. Ct. at 2499 ("Federal [immigration] officials, as an initial matter, must decide whether it makes sense to pursue removal at all."). This discretion is critical to the effective operation of

the immigration system. “Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime.” *Id.* at 2499. And, removing an alien to a home country that is “mired in civil war” could “create a real risk that the alien or his family will be harmed upon return.” *Id.* “The dynamic nature of relations with other countries [also] requires the Executive Branch to ensure that enforcement policies are consistent with this Nation’s foreign policy with respect to these and other realities.” *Id.* This Court should reject Plaintiffs’ invitation, through their Section 1225 argument, to upset a central aspect of the immigration laws and to force the Executive, automatically and regardless of consequence, to remove any alien it encounters who is here illegally unless an express exemption applies.²⁹ *See Bartholomew v. United States*, 740 F.2d 526, 531 (7th Cir. 1984) (suggesting that a court should consider whether “a mandatory construction would yield harsh or absurd results”); *accord Sigmon v. Sw. Airlines Co.*, 110 F.3d 1200, 1206 (5th Cir. 1997); *Conoco, Inc. v. Skinner*, 970 F.2d 1206, 1225 (3d Cir. 1992).

Second, Plaintiffs incorrectly claim that the statutory provisions that set forth requirements for parents of U.S. citizens to become LPRs somehow control the Secretary’s exercise of enforcement discretion regarding the deferral of removal proceedings for a limited period of time, as in DACA and DAPA. *See* Pls.’ Mot. at 14 (citing 8 U.S.C. §§ 1151(b)(2)(A)(i), 1182(a)(9)(B)(i)(II), 1201(a), 1255). As described above, individuals receiving deferred action do *not* obtain the LPR status that an adult U.S. citizen child may seek

²⁹ Plaintiffs rely on *Crane v. Napolitano*, No. 3:12-cv-03247, 2013 WL 1744422 (N.D. Tex. Apr. 23, 2013), for the proposition that 8 U.S.C. § 1225(b)(2) creates a mandatory duty for DHS to commence removal proceedings. *See* Pls.’ Mot. at 3-4. That interpretation of the statute cannot be reconciled with controlling law for the reasons discussed above. And even the *Crane* Court, which ultimately dismissed the case for lack of jurisdiction, acknowledged that the Executive has discretion at each subsequent stage of the removal process, including the ability to dismiss removal proceedings after they are initiated. *Crane*, 2013 WL 1744422, at *13.

for his or her parent or any other enduring legal immigration status.³⁰ See 2014 Deferred Action Guidance at 2. Moreover, any consequence that follows from receiving deferred action flows from pre-existing legal authority. See, e.g., 8 C.F.R. § 274a.12(c)(14).

ii. DHS’s Tailored Guidance Faithfully Executes the Immigration Laws and Does Not “Abdicate” its “Statutory Responsibilities”

Plaintiffs’ suggestion that the Secretary’s exercise of prosecutorial discretion is a total abdication, and thus not subject to the presumption of non-reviewability under *Chaney*, is based on a misunderstanding of the INA and the challenged Deferred Action Guidance. Plaintiffs take language out of context from *Chaney* to suggest that the standard for review is whether the Executive has “‘consciously[,] and expressly [adopted] a general policy’ of non-enforcement.” See Pls.’ Mot. at 9 (citing *Chaney*, 470 U.S. at 833 n.4). But the situation referred to in *Chaney*, based on the D.C. Circuit’s decision in *Adams v. Richardson*, 480 F.2d 1159, 1162 (D.C. Cir. 1973) (en banc), is when “the agency has ‘consciously and expressly adopted a general policy’ that is so extreme *as to amount to an abdication of its statutory responsibilities.*”³¹ *Chaney*, 470 U.S. at 833 n.4 (emphasis added).

³⁰ Further, Congress has recognized—not limited—the Executive’s use of deferred action as a tool to temporarily prevent the removal of individuals who ultimately may later be entitled to lawful status. See *supra*, pp. 10-11 (identifying instances where Congress has codified the use of deferred action for individuals who had a prospective, but not then-existing, entitlement to T or U visas, or to self-petitioner status under VAWA). Hence, the fact that the INA gives the parents of U.S. citizens a potential prospective entitlement to lawful status makes the grant of deferred action to such individuals accord more, not less, with Congress’s understanding of the permissible use of such discretion. Plaintiffs’ claims to the contrary based on inapposite portions of the INA should be rejected, and the presumption against judicial reviewability of the Executive’s enforcement discretion stands. See *Texas*, 106 F.3d at 667 (finding that a “court has no workable standard against which to judge the agency’s exercise of discretion” in immigration enforcement). Further, even the statutory provisions Plaintiffs cite recognize discretion in the immigration context. See, e.g., 8 U.S.C. § 1182(d)(3) (providing discretion to grant waivers of inadmissibility to certain aliens applying for nonimmigrant visas).

³¹ Recognizing the high bar this sets, the Second Circuit noted in 2004 that “[n]o party has directed us to, nor can we locate, a decision by a court of appeals that has found, in performing the *Chaney* analysis, a federal agency to have abdicated its statutory duties.” *Riverkeeper, Inc. v. Collins*, 359 F.3d 156, 170-71 n.17 (2d Cir. 2004).

The Fifth Circuit has rejected a previous attempt by Texas to equate a perceived inadequacy in federal immigration enforcement with a statutory abdication. *See Texas*, 106 F.3d at 667 (“We reject out-of-hand the State’s contention that the federal defendants’ alleged systemic failure to control immigration is so extreme as to constitute a reviewable abdication of duty.”). “Congress has not given [DHS] an inflexible mandate to bring enforcement actions against all violators of the [immigration laws].” *Cutler v. Hayes*, 818 F.2d 879, 893 (D.C. Cir. 1987) (distinguishing *Adams*, 480 F.2d at 1161); *see also Texas*, 106 F.3d at 667 (finding that a “court has no workable standard against which to judge the agency’s exercise of discretion” in immigration enforcement).

DHS’s effort to prioritize the removal of persons who present a risk to public safety, national security, and border security over those who present no such risk and have long ties to this country is fully consistent with congressional priorities. Concurrent with the Secretary’s determination to further dedicate CBP’s and ICE’s limited enforcement resources to high-priority targets, *see* Prioritization Guidance at 1, the 2014 Deferred Action Guidance helps prevent the unwise and inefficient expenditure of removal resources on the lowest priority aliens by having a different agency—USCIS—implement DACA and DAPA through fees paid by the deferred action requestors. Indeed, DHS’s allocation of enforcement priorities stands in stark contrast to the statutory abdication that the D.C. Circuit found in *Adams*, which predated *Chaney*. *See, e.g., Ass’n of Civilian Technicians, Inc. v. FLRA*, 283 F.3d 339, 344 (D.C. Cir. 2002) (describing *Adams* as a case in which “the Secretary of Health, Education, and Welfare declined to enforce an entire statutory scheme, Title VI of the Civil Rights Act of 1964”); *see also Adams*, 480 F.2d at 1162 (concluding that agency was not exercising bona fide prosecutorial discretion because it was “actively supplying” racially segregated institutions “with federal funds, contrary

to the expressed purposes of Congress”).

Congress has expressly recognized that DHS must set priorities to do its work effectively and consistent with the public interest, and both Congress and the Supreme Court have recognized deferred action as one such mechanism for exercising prosecutorial discretion. *See supra*, pp. 8-9. DACA and DAPA allow for deferral of the removal of certain low-priority aliens, including so that removal resources can be directed at higher priority aliens. Because no alien is automatically entitled to deferred action under DACA and DAPA—and because those who receive deferred action may have it revoked at any time—these policies do not negate any past violations of immigration laws Congress enacted. Such administrative postponement or deferment of enforcement is not a basis for judicial intervention. *Cutler*, 818 F.2d at 894.

Congress’s funding choices further reinforce the point. DHS’s limited resources will always constrain how many aliens can be removed. DHS has the appropriated resources to remove only a small proportion of illegal aliens present in the country. *See OLC Op.* at 9; *see also supra*, pp. 5-6 n.2. Given this reality, DHS must determine how best to utilize its limited resources for high-priority targets. *See Prioritization Guidance* at 1.

Thus, any suggestion by Plaintiffs that a statutory abdication can be found based solely on the number of those eligible for deferred action, *see Pls.’ Mot.* at 15-17, ignores the constraints on the resources Congress has provided, which set the parameters against which DHS must make enforcement decisions. Based largely on these resource constraints, Congress has instructed DHS to not “simply round[] up as many illegal immigrants as possible, which is sometimes achieved by targeting the easiest and least threatening among the undocumented population,” but to ensure “that the government’s huge investments in immigration enforcement are producing the maximum return in actually making our country safer.” H.R. Rep. No. 111-

157, at 8. That is precisely the object of DACA and DAPA.

Further, to ensure that grants of deferred action are consistent with the agency's enforcement priorities, the Secretary reaffirmed that the revised DACA and DAPA policies would continue the case-by-case, individualized consideration that has characterized DACA since its inception in 2012, to ensure that each requestor is not an enforcement priority and does not possess a characteristic that would make deferred action inappropriate. *See* 2014 Deferred Action Guidance at 2, 4-5; *see also* 2012 DACA Memo at 2.

There is also no merit to Plaintiffs' suggestion that DACA and DAPA are inappropriate because they are directed at groups meeting certain criteria, as agencies may establish frameworks for the exercise of discretion to reduce the risk that such discretion is exercised arbitrarily. *See Arpaio*, Slip Op. at 32 (guidance "helps to ensure that the exercise of deferred action is *not* arbitrary and capricious"); *see, e.g., Chaney*, 470 U.S. at 824 (challenge to a general enforcement policy regarding the use of drugs in executions); *Ass'n of Irrigated Residents v. EPA*, 494 F.3d 1027 (D.C. Cir. 2007) (holding non-reviewable a broad agreement between the agency and an entire industry, which deferred agency enforcement for several years); *United States v. 9/1 Kg. Containers*, 854 F.2d 173, 178 (7th Cir. 1988) (endorsing FDA "non-enforcement policy"); *cf. Wayte v. United States*, 470 U.S. 598, 604, 609-10 (1985) (upholding categorical selective service non-enforcement policy applicable to 99.96% of violators—only 274 out of an estimated 674,000 violators were eligible for possible prosecution—against challenge of selective prosecution).³²

³² *See also Hotel & Rest. Employees Union, Local 25 v. Smith*, 594 F. Supp. 502, 505 (D.D.C. 1984) (holding that Attorney General's discretionary determination to grant "extended voluntary departure" to certain classes of aliens was valid exercise of prosecutorial discretion), *aff'd per curiam by an equally divided court*, 846 F.2d 1499 (D.C. Cir. 1988) (en banc); *Hotel & Rest. Employees Union*, 846 F.2d at 1510 (separate opinion of Mikva, J.) ("We agree . . . that where, as here, Congress has not seen fit to limit

The 2014 Deferred Action Guidance appropriately provides a framework for the exercise of prosecutorial discretion with respect to two groups, while specifying that each request for deferred action must be assessed on a discretionary, case-by-case basis.³³ See *Arpaio*, Slip Op. at 32. Without providing any source for their statistics, Plaintiffs assert that 99.5-99.8% of DACA requests have been granted. Pls.' Mot. at 11; Am. Compl. ¶ 25. Based on these unsupported assertions, they incorrectly claim that the program is "rubber-stamping" applicants. See Pls.' Mot. at 10-12. But, in reality, approximately six percent of adjudicated DACA requests have been denied, not counting the six percent of filed requests that were initially rejected when filed. Specifically, as of December 19, 2014, of the 723,358 individuals who made initial requests for deferred action under DACA, 42,919 requests were rejected for not meeting an administrative requirement of the application. See USCIS, Current Statistics: Deferred Action for Childhood Arrivals: Pending, Receipts, Rejected, Approvals, and Denials (2014) (Ex. 31). Of the 674,404 requests that have been adjudicated, 38,080 (5.6%) were denied for failure to meet eligibility criteria or for other discretionary reasons and 636,324 (94.4%) were granted. *Id.* And these non-approval numbers do not even factor in the commonsense logic that an individual who may not merit deferred action, *e.g.*, one who has repeated arrests—is unlikely to apply in the

the agency's discretion to suspend enforcement of a statute as to particular groups of aliens, we cannot review facially legitimate exercises of that discretion."); *id.* at 1519-20 (separate opinion of Silberman, J.) (decisions to "suspend enforcement over a broad category of cases" are the kind "of policy choices and allocations left to the Executive Branch").

³³ Plaintiffs cite *Crowley Caribbean Transp. Inc., v. Pena*, 37 F.3d 671, 676 (D.C. Cir. 1994), for the proposition that prosecutorial discretion usually arises in the context of a "single-shot non-enforcement decision." See Pls.' Mot. at 10. But the D.C. Circuit used that language to distinguish prosecutorial discretion from a situation where an enforcement policy is based on a "direct interpretation[]" of the commands of the substantive statute." *Crowley*, 37 F.3d at 677; *cf. Kenney v. Glickman*, 96 F.3d 1118, 1124 (8th Cir. 1996) (finding underlying statute established standards to assess an agency's compliance scheme for poultry processing). There is no contention in this case that the Secretary is attempting to interpret a particular statutory provision of the INA as establishing deferred action. Nor does the INA establish a meaningful standard to review the Secretary's exercise of prosecutorial discretion through deferred action. In any event, each decision on whether to grant deferred action to a DACA or DAPA requestor is "single shot," as the determination is made on a case-by-case basis.

first place.

Plaintiffs' effort to portray the 2014 Deferred Action Guidance as a statutory abdication also ignores the Executive's long history of exercising prosecutorial discretion through the identification of certain discrete groups of aliens who may be eligible for an exercise of discretion. *See Arpaio*, Slip Op. at 31 (explaining that "the challenged deferred action programs continue a longstanding practice of enforcement discretion regarding the Nation's immigration laws," including through "a large class-based program"); OLC Op. at 14-18 (providing examples). This approach dates back to the 1950s. *See id.* at 14. More recently, under the "Family Fairness" program in 1990, the Executive granted "extended voluntary departure" and provided work authorization for certain aliens who were ineligible for legal status under the Immigration Reform and Control Act of 1986 but who were the spouses and children of aliens who qualified for legal status under the Act. *See id.* at 14-15. Since the 1990s, the Executive has also used deferred action for battered aliens who were waiting for visas to become available under VAWA, applicants for nonimmigrant status or visas made available under the Victims of Trafficking and Violence Protection Act of 2000, foreign students affected by Hurricane Katrina, and widows and widowers of U.S. citizens. *See id.* at 14-18. Further, longstanding regulations allow for deferred action recipients to be eligible for employment authorization. 8 C.F.R.

§ 274a.12(c)(14).³⁴

Not only has Congress not limited the Executive's use of deferred action, but DACA and

³⁴ Plaintiffs claim that deferred action creates benefits, including work authorization. *See* Pls.' Mot. at 12-14. But there is nothing in the 2014 Deferred Action Guidance that provides any benefit beyond what is already provided for by statute or regulation. For example, regulations promulgated in 1981 codified existing procedures for granting employment authorization, including to deferred action recipients. *See Employment Authorization to Aliens in the United States*, 46 Fed. Reg. 25079, 25080-81 (May 5, 1981). In 1986, Congress enacted 8 U.S.C. § 1324a(h)(3), which confirmed the Attorney General's authority to grant work authorization. *See* OLC Op. at 21 n.11 ("This statutory provision has long been understood to recognize the authority of the Secretary to grant work authorization to particular classes of aliens.").

DAPA mirror the particular priorities Congress has established. *Cf. Sierra Club v. Jackson*, 648 F.3d 848, 856 (D.C. Cir. 2011). The INA clearly prioritizes the detention and removal of threats to border security, national security, and public safety. *See, e.g.*, 8 U.S.C. § 1225 (establishing “expedited removal” for aliens apprehended at the border); *id.* § 1226(c) (providing mandatory detention for certain criminal aliens); *id.* § 1226a (providing mandatory detention of suspected terrorists); *see also* Consolidated Appropriations Act, 2014, Pub. L. No. 113-76, Div. F., Tit. II, 128 Stat. 5, 251 (2014) (requiring DHS to “prioritize the identification and removal of aliens convicted of a crime by the severity of that crime”).

At the same time, numerous provisions of the INA reflect a concern for promoting family unity among U.S. citizens and their undocumented families. *See INS v. Errico*, 385 U.S. 214, 220 n.9 (1966) (“The legislative history of the Immigration and Nationality Act clearly indicates that the Congress . . . was concerned with the problem of keeping families of United States citizens and immigrants united.”) (quoting H.R. Rep. No. 85-1199, at 7 (1957)). Plaintiffs suggest that recent changes in the INA deter family reunification, Pls.’ Mot. at 14, but neglect to acknowledge that the INA is replete with examples to the contrary. *See, e.g.*, 8 U.S.C. § 1151(b)(2)(A)(i) (placing no limits on number of immigrant visas available for parents of U.S. citizens older than 21); § 1229b(b)(1) (giving discretion to Attorney General to cancel removal for certain nonpermanent resident aliens who, *inter alia*, show that their removal would pose significant difficulty to certain immediate family members who are U.S. citizens or LPRs).³⁵

The Supreme Court has explicitly recognized that the Executive’s enforcement of immigration laws can and should take into account humanitarian and other interests:

³⁵ Even the article that Plaintiffs rely upon to argue that limitations have been placed on family reunifications acknowledges that “Congress continues to demonstrate its support of family unification in immigration legislation.” *See* Kristi Lundstrom, *The Unintended Effects of the Three- and Ten-Year Unlawful Presence Bars*, 76 Law & Contemp. Probs. 389, 394 (2013).

Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime. The equities of an individual case may turn on many factors, including whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service. Some discretionary decisions involve policy choices that bear on this Nation's international relations.

Arizona, 132 S. Ct. at 2499; *see also AAADC*, 525 U.S. at 483-84 (describing long-recognized humanitarian rationale as well as administrative convenience for deferred action). Both DACA and DAPA appropriately reflect these concerns. *See, e.g.*, 2014 Deferred Action Guidance at 3 (recognizing that most individuals considered for DACA and DAPA “are hard-working people who have become integrated members of American society”).

In short, both DACA and DAPA are part of a long tradition of enforcement prioritization and discretion by the Executive, grounded in its statutory and constitutional authority to determine how best to use the limited resources available to enforce the Nation's immigration laws. *See Arizona*, 132 S. Ct. at 2499. Plaintiffs' claim that the Secretary's 2014 Deferred Action Guidance constitutes an abdication of a statutory duty must be rejected.

C. Plaintiffs' APA Claims Lack Merit

Even if Plaintiffs' challenges to the 2014 Deferred Action Guidance were subject to judicial review—which they are not—Plaintiffs' claims of procedural and substantive APA violations lack merit.

i. The Deferred Action Guidance Is Exempt From the Notice-And-Comment Requirement of the APA

Plaintiffs claim that, in issuing the challenged guidance, DHS failed to comply with the APA's notice-and-comment requirement, 5 U.S.C. § 553. This claim fails as a matter of law, because the 2014 Deferred Action Guidance is statutorily “exempt from notice-and-comment

requirements” as a general statement of policy. *See Lincoln v. Vigil*, 508 U.S. 182, 197 (1993); *Tex. Sav. & Cmty. Bankers Ass’n v. Fed. Hous. Fin. Bd.*, 201 F.3d 551, 556 (5th Cir. 2000) (explaining that a challenged policy was “a list of investment guidelines; it therefore required no notice and comment”). Congress has explicitly exempted from the notice-and-comment requirement any “general statements of policy,” 5 U.S.C. § 553(b)(3)(A). The Supreme Court in turn has defined such statements of policy as “statements issued by an agency to advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power.” *Vigil*, 508 U.S. at 197 (citation omitted).

The 2014 Deferred Action Guidance fits squarely within this definition and is therefore exempt from notice-and-comment requirements. The Fifth Circuit has held that, in determining whether an agency pronouncement is a statement of policy, “the starting point is ‘the agency’s characterization of the rule.’” *Prof’ls & Patients for Customized Care v. Shalala*, 56 F.3d 592, 596 (5th Cir. 1995).³⁶ Defendants have consistently maintained that the Deferred Action Guidance is not a rule, but a policy that “supplements and amends . . . guidance” for the use of deferred action. *See* 2014 Deferred Action Guidance at 1, 2. Further, unlike substantive rules, a general statement of policy is one “that does not impose any rights and obligations” and that “genuinely leaves the agency and its decisionmakers free to exercise discretion.” *Prof’ls & Patients for Customized Care*, 56 F.3d at 595. Here, the deferred action guidance “confers no

³⁶ Plaintiffs argue that it is “meaningless” that the 2014 Deferred Action Guidance makes clear that it is not intended to confer any substantive right, immigration status, or pathway to citizenship. But in the Fifth Circuit, courts may consider the agency’s characterization as evidence of the nature of the pronouncement. *See id.*; *see also, e.g., Wilderness Soc’y v. Norton*, 434 F.3d 584, 595 (D.C. Cir. 2006). The agency’s characterization may, in some circumstances, even be a “key factor[.]” *See Interstate Natural Gas Ass’n of Am. v. FERC*, 285 F.3d 18, 59 (D.C. Cir. 2002).

substantive right,³⁷ immigration status or pathway to citizenship.” 2014 Deferred Action Guidance at 2. Further, as demonstrated above, *see supra*, pp. 40-41, the deferred action guidance provides for an individualized decision concerning the exercise of prosecutorial discretion. *See* 2014 Deferred Action Guidance at 4.

The Ninth Circuit found that legacy INS operating instructions from 1987 and 1981 providing guidance on deferred action were “general policy statements” that were exempt from notice-and-comment. *See Mada-Luna v. Fitzpatrick*, 813 F.2d 1006, 1013, 1017 (9th Cir. 1987) (noting that general policy statements “inform[] the public concerning the agency’s future . . . priorities for exercising its discretionary power” and “provide direction to the agency’s personnel in the field, who are required to implement its policies and exercise its discretionary power in specific cases”); *see also Romeiro de Silva v. Smith*, 773 F.2d 1021, 1024-25 (9th Cir. 1985). Ignoring *Mada-Luna*, Plaintiffs incorrectly rely on an earlier Ninth Circuit case, *Nicholas v. INS*, 590 F.2d 802, 807-08 (9th Cir. 1979), *see* Pls.’ Mot. at 19, which did not involve a notice-and-comment challenge and which predated both *Chaney* and *Vigil*.³⁸ In any event, “[m]ost other courts that . . . considered this issue . . . concluded that the 1978 Operations Instruction [was] an intra-agency guideline which confer[red] no substantive benefit on aliens seeking inclusion in the deferred action category.” *Romeiro de Silva*, 773 F.2d at 1023. Notably, in considering whether an alien had a substantive right to request deferral of removal, the Fifth Circuit found that the

³⁷ Plaintiffs’ claim that the 2014 Deferred Action Guidance “[c]ategorically authorize[s] work for millions of otherwise-unauthorized individuals,” Pls.’ Mot. at 23-24, is based on a false premise; there is nothing in the 2014 Deferred Action Guidance that provides any benefit beyond what is already provided for by statute or regulation. As discussed above, *see supra*, p. 42 n. 34, regulations promulgated in 1981 codified existing procedures for granting employment authorization, including to deferred action recipients. *See* 46 Fed. Reg. at 25080-81. Plaintiffs do not challenge this regulation, but in any event, it was adopted after notice-and-comment rulemaking and is fully compliant with the APA.

³⁸ Plaintiffs also rely on *Morton v. Ruiz*, 415 U.S. 199, 232 (1974), but *Morton* did not consider whether the “general statement of policy” exemption applied.

INS's procedures for granting deferred action did not create a right of application, let alone a right to receive the benefit. The court held that "[t]he decision to grant or withhold nonpriority status . . . lies within the particular discretion of the INS, and we decline to hold that the agency has no power to create and employ such a category for its own administrative convenience without standardizing the category and allowing applications for inclusion in it." *Soon Bok Yoon v. INS*, 538 F.2d 1211, 1213 (5th Cir. 1976).

Because the 2014 Deferred Action Guidance is a "general statement of policy," it is exempt from the APA's notice-and-comment requirements.

ii. The Guidance Is Consistent with Congress's Intent in Enacting the INA and Delegating to the Secretary Discretion in Enforcing Its Provisions

Plaintiffs fail to raise any cognizable basis on which this Court could invalidate the 2014 Deferred Action Guidance under the APA. Plaintiffs assert, without discussion of case law, that the challenged guidance is "arbitrary and capricious," but this unsubstantiated argument is based solely on inaccurate characterizations of several provisions of the INA. These easily refuted suggestions do not meet the high bar for relief. When determining whether agency action is arbitrary, capricious or not in accordance with law, the Court's "scope of review . . . is very narrow." *Louisiana v. Verity*, 853 F.2d 322, 327 (5th Cir. 1988). The Court must "determine whether the agency decision was based on a consideration of the relevant factors and whether there was a clear error of judgment." *Delta Found., Inc. v. United States*, 303 F.3d 551, 563 (5th Cir. 2002) (quotation omitted). This standard of review is highly deferential. The "agency's decision need not be ideal, so long as it is not arbitrary or capricious, and so long as the agency gave at least minimal consideration to relevant facts contained in the record." *Id.*

As an initial matter, even if Plaintiffs' claim was justiciable, this Court should still

decline to review such a claim under the APA because the enforcement of immigration law is a core executive power. *See Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208 (D.C. Cir. 1985) (finding that under the APA, 5 U.S.C. § 702, courts should decline to review matters on equitable grounds that intrude into core executive powers); *see also Al-Aulaqi v. Obama*, 727 F. Supp. 2d 1, 42 (D.D.C. 2010) (rejecting interjection into “sensitive” foreign affairs matters).

Regardless, the 2014 Deferred Action Guidance was issued in accordance with Congress’s broad and explicit vesting of authority in the Secretary, charging him with “the administration and enforcement of [the INA and all other laws] relating to the immigration and naturalization of aliens,” *see* 8 U.S.C. § 1103, and the obligation to “[e]stablish[] national immigration enforcement policies and priorities.” 6 U.S.C. § 202(5). With respect to removal decisions in particular, the Supreme Court has recognized that “the broad discretion exercised by immigration officials” is a “principal feature of the removal system” under the INA. *Arizona*, 132 S. Ct. at 2499. Further, as explained above, no section of the INA conflicts with the Secretary’s Deferred Action Guidance. *See supra*, pp. 35-37. And, Plaintiffs’ challenge to the provision of employment authorization under independent operation of law and regulation, *see* 8 U.S.C. § 1324a(h)(3) and 8 C.F.R. § 274a.12, is misplaced, because aliens who are granted deferred action have long been eligible for work authorization based on independent provisions of law. *See* 8 C.F.R. § 274a.12(c)(14). Plaintiffs do not challenge the legality of these provisions.

The APA does not contemplate “pervasive oversight by federal courts over the manner and pace of agency compliance with [broad] congressional directives[.]” *See Norton v. S. Utah Wilderness Alliance*, 542 U.S. 55, 67 (2004). Here, Plaintiffs seek exactly the kind of judicial entanglement in discretionary policy decisions that the APA precludes. This claim, and

Plaintiffs' derivative claim under the Take Care Clause, must therefore be rejected.

III. PLAINTIFFS WILL NOT SUFFER IRREPARABLE HARM ABSENT A PRELIMINARY INJUNCTION

Because Plaintiffs have failed to establish that they will suffer any cognizable injury at all, they have necessarily failed to show that they will suffer an irreparable injury absent the injunction. The Supreme Court has made clear that a preliminary injunction cannot be entered only on a “possibility” of irreparable harm; “plaintiffs seeking preliminary relief [must] demonstrate that irreparable injury is *likely* in the absence of an injunction.” *Winter*, 555 U.S. at 22 (citations omitted). “The *Winter* standard requires [Plaintiffs] to demonstrate that irreparable harm is real, imminent, and significant—not merely speculative or potential—with admissible evidence.” *Aquifer Guardians v. Fed. Highway Admin.*, 779 F. Supp. 2d 542, 574 (W.D. Tex. 2011).

Here, for the same reasons Plaintiffs lack an injury-in-fact, and even more so in light of the heightened standard for irreparable harm, Plaintiffs fall well short of demonstrating the harm required for preliminary injunctive relief. Their claim of irreparable harm rests on their speculation that the 2014 Deferred Action Guidance will cause a “humanitarian crisis along Texas’s southern border and elsewhere” and “will be virtually irreversible” if DHS is allowed to implement it. Pls.’ Mot. at 25. Nothing but speculation suggests that the guidance will cause these alleged injuries. As discussed above, these claimed future injuries are entirely contingent on the action of third parties not before the Court—individuals outside the country—and thus are purely speculative. *See, e.g., Allen*, 468 U.S. at 758-59; *Little v. KPMG, LLP*, 575 F. 3d 533, 541 (5th Cir. 2009) (“[C]laim of injury depends on several layers of decisions by third parties . . . and is too speculative[.]”).

Plaintiffs also speculate that the 2014 Deferred Action Guidance will lead “4 million

individuals [to] take advantage of” state benefits. Pls.’ Mot. at 27. Not so. The 2014 Deferred Action Guidance does not itself require the States to provide any state benefits to deferred action recipients; that is a decision of the States. Although Plaintiffs identify some state benefits contingent on proof of work authorization, *see* Pls.’ Mot. at 27, the 2014 Deferred Action Guidance itself does not itself confer any substantive right or immigration status to those whose requests are approved; recipients are simply not deported for a limited amount of time at the Secretary’s discretion. In any event, it is entirely speculative that recipients of deferred action will apply for, and will be granted, any state benefits. And even assuming that some will be granted benefits, Plaintiffs have not shown that a preliminary injunction is necessary to prevent such alleged harm,³⁹ states have power over their own laws and action taken pursuant to them.⁴⁰

IV. GRANTING A PRELIMINARY INJUNCTION WOULD HARM DEFENDANTS AND THE PUBLIC INTEREST

Finally, Plaintiffs have failed to demonstrate—as they must—that the threatened irreparable injury outweighs the threatened harm that the injunction would cause Defendants and unrepresented third parties, and that granting the injunction would not “be adverse to public interest.” *Star Satellite, Inc. v. City of Biloxi*, 779 F.2d 1074, 1079 (5th Cir. 1986); *Southdown, Inc. v. Moore McCormack Res., Inc.*, 686 F. Supp. 595, 596 (S.D. Tex. 1988) (petitioner has

³⁹ *See supra*, pp. 17-18 & n. 16 (discussing economic benefits of DACA).

⁴⁰ Plaintiffs’ requested injunction is also entirely disproportionate to their alleged irreparable harm. While Plaintiffs seek a *nationwide* injunction, only Texas and Wisconsin have attempted to show irreparable harm by identifying state laws allegedly providing benefits to future recipients of deferred action under DAPA and DACA, and only Texas claims specific costs allegedly caused by illegal immigration. Pls.’ Mot. at 26-27. As a “general principle ‘injunctive relief should be no more burdensome to the defendant than necessary to provide complete relief to the plaintiffs.’” *Lion Health Servs., Inc. v. Sebelius*, 635 F.3d 693, 703 (5th Cir. 2011) (quoting *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979)). Even setting aside all other defects with their Motion, Plaintiffs have entirely failed to show entitlement to the nationwide injunction they seek. *See, e.g., Adams v. Freedom Forge Corp.*, 204 F.3d 475, 488 (3rd Cir. 2000); *Lewis v. Casey*, 518 U.S. 343, 357 (1996). At the same time, the Constitution’s vesting of immigration power exclusively in the Federal Government, and the constitutionally grounded interest in national uniformity in administration of the immigration laws, weigh heavily against an injunction regarding enforcement of federal immigration laws in one state. *Arizona*, 132 S. Ct. at 2498-99.

burden to show injunction will cause “no disservice to unrepresented third parties”). Courts should “pay particular regard for the public consequences in employing the extraordinary remedy of injunction.” *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312-13 (1982) (citation omitted). “[E]ven though irreparable injury may otherwise result to plaintiff,” courts may postpone issuing an injunction “until a final determination of the rights of the parties” if the injunction would “adversely affect a public interest[.]” *Id.* Here, the balance of equities and the public interest weigh heavily against Plaintiffs’ requested preliminary injunction. As established above, Plaintiffs’ alleged harms are entirely speculative and disconnected from the guidance they seek to enjoin. In contrast, preventing DHS from implementing the 2014 Deferred Action Guidance would cause serious harm and disruption. It would undermine DHS’s comprehensive efforts to focus on its top enforcement priorities: national security, border security, and public safety, while simultaneously resulting in undue and needless humanitarian harm.

A. The Challenged Deferred Action Guidance Promotes Congressionally-Mandated Public Safety and National Security Objectives

Congress has directed DHS, an agency with limited resources, to prioritize the removal of aliens who pose a threat to national security, border security, and public safety. *See supra*, pp. 6-7, 42-43. As explained above, that is precisely what the 2014 Deferred Action Guidance helps DHS accomplish. Individuals who may participate include high school graduates and parents of U.S. citizens or LPRs, all of whom have lived in the United States for at least five years and are determined on a case-by-case basis not to pose a threat to national security or public safety, or otherwise to present a factor that makes deferred action inappropriate. 2014 Deferred Action Guidance at 3-4. By creating a mechanism to efficiently identify these aliens who are a low priority for removal, these guidelines help the government to focus its removal efforts on criminals, threats to national security, and more recent border crossers, while recognizing

important humanitarian considerations. Documents provided through deferred action, for instance, allow immigration officials conducting enforcement actions to quickly distinguish recent border crossers and other enforcement priorities—who may be removed more quickly under existing statutory authority—from lower-priority aliens whose cases may impose additional burdens on already backlogged immigration courts.

The need for these guidelines is especially acute given recent developments affecting the removal of persons from the United States. At the border, for example, recent and sizable demographic shifts necessitate a significant realignment in the Department's approach to border enforcement. For example, the U.S. Border Patrol is apprehending an increasing number of nationals from Central American countries at the border (paired with a decrease in the apprehension of Mexican nationals). *See* U.S. Customs and Border Protection, *USBP Nationwide Apprehensions by Requested Citizenship FY 2010 – FY 2014* (Ex. 27). This shift requires both: (1) a significant transfer of ICE resources to assist with the removal of aliens apprehended by the Border Patrol who are not immediately removable to a contiguous country, and (2) the expenditure of increased overall resources, as the removal of persons to non-contiguous countries is far more resource-intensive. *See* ICE, *ERO Annual Report: FY 2014* at 4, 9 (Ex. 4). In addition, restrictions on ICE's use of detainers with state and local law enforcement agencies, and the backlog in the immigration courts, have made the removal of aliens, including criminal aliens, from the interior of the country more difficult and resource-intensive. *Id.* at 4-5; *Review of the President's Emergency Supplemental Request: H'ng Before Sen. Comm. on Appropriations*, 113th Cong. 2 (Jul. 10, 2014) (stmt. of Jeh Johnson) (Ex. 32).

The Government continues to undertake substantial and successful efforts to stem illegal immigration across the Mexican border. This summer, for example, DHS shifted significant

resources from across the Department to the border. *See, e.g., Open Borders: The Impact of Presidential Amnesty on Border Security: Hearing Before the H. Comm. on Homeland Security, 113th Cong. 3-4 (Dec. 2, 2014) (stmt. of Jeh C. Johnson) (Ex. 33).* And in recent months the U.S. Government has held high-level discussions with Mexico and Central American countries, provided millions of dollars in aid to those countries, and initiated a large-scale public affairs campaign to explain to people in these countries the dangers of making the long journey to the United States, attempt to dissuade them from making the journey, and inform them that individuals, regardless of age, apprehended crossing the U.S. border will be priorities for deportation. *See, e.g., Fugate statement at 4-6 (Ex. 23).*

Due to these and other challenges in removing high-priority aliens, consistent with congressional mandates, DHS has had to further realign its resources away from non-priority aliens where possible. The 2014 Deferred Action Guidance provides crucial support for this effort. By actively inducing individuals who are not removal priorities to come forward, submit to background checks, and pay fees that fund the cost of investigating and processing their requests for deferred action from USCIS, DHS is better able to identify priority aliens and concentrate CBP's and ICE's enforcement resources on such aliens.

B. The Challenged Deferred Action Guidance Furthers Humanitarian and Other Interests

The public interest is also advanced by other equities from the discretion entailed in the 2014 Deferred Action Guidance. As the Court in *Arizona* acknowledged, “[d]iscretion in the enforcement of immigration law embraces immediate human concerns.” 132 S. Ct. at 2499. Such discretion may properly recognize the difference between “[u]nauthorized workers trying to support their families” and “alien smugglers” or those “who commit a serious crime.” *Id.* The Court also specifically suggested that family unity is an appropriate factor for DHS to consider in

exercising its enforcement discretion. *See id.* at 2499 (“The equities of an individual case may turn on many factors, including whether the alien has children born in the United States[.]”). The 2014 Deferred Action Guidance furthers these important goals. The injunction Plaintiffs seek would harm the public by halting policies that not only promote public safety and national security, but also humanitarian concerns and family unification. Deferred action impacts the lives of many people. For example, as of December 19, 2014, approximately 636,324 individuals have been granted deferred action under DACA. DHS, Current Statistics: Deferred Action for Childhood Arrivals: Pending, Receipts, Rejected, Approvals, and Denials (2014) (Ex. 31). Moreover, Plaintiffs’ requested injunction would disrupt the effective enforcement of the laws, interfere with the orderly implementation of the mechanisms for considering some non-priority cases for deferred action under the 2014 Deferred Action Guidance, and impede the harmonization of enforcement priorities among DHS’s component immigration agencies.

C. Enjoining the Challenged Deferred Action Guidance Would Significantly Undermine the Public Interest

DHS officials have been instructed to implement the DACA modifications within 90 days and DAPA within 180 days. 2014 Deferred Action Guidance at 4-5. A preliminary injunction would prevent DHS from the timely implementation of this guidance. It is not in the public interest to delay a policy that promotes public safety, national security, administrative efficiency, and humanitarian concerns. *See, e.g., Nat’l Res. Def. Council, Inc. v. Pena*, 972 F. Supp. 9, 20 (D.D.C. 1997); *Hodges v. Abraham*, 253 F. Supp. 2d 846, 873 (D.S.C. 2002); *Gulf Oil Corp. v. FEA*, 391 F. Supp. 856, 864 (W.D. Pa. 1975). As explained further above, the 2014 Deferred Action Guidance is part of DHS’s broader efforts to more effectively administer and enforce our Nation’s immigration laws, including by allowing enforcement resources to be focused on high-priority aliens, thereby promoting national security and public safety, while at the same time

addressing the human concerns properly the subject of immigration enforcement efforts. Moreover, because DACA and DAPA are fully funded through the fees paid by requestors, these goals are being accomplished effectively and without cost to DHS. These initiatives also advance the public interest by allowing individuals already been present in the country for many years to work legally and thereby pay taxes like everybody else.

D. The Challenged Deferred Action Guidance and Exercises of Discretion Can Be Modified at Any Time

Plaintiffs contend that a preliminary injunction is justified because “it [would] be difficult or impossible to reverse Defendants’ Actions[.]” Pls.’ Mot. at 26. Plaintiffs are wrong. Deferred action confers “no substantive right, immigration status or pathway to citizenship.” 2014 Deferred Action Guidance at 5. And deferred action can be revoked at any time in the agency’s discretion. *Id.* at 2.

CONCLUSION

For all the foregoing reasons, this Court should deny Plaintiffs’ motion for preliminary injunction and dismiss Plaintiffs’ Complaint for lack of subject matter jurisdiction.

Dated: December 24, 2014

KENNETH MAGIDSON
United States Attorney

DANIEL DAVID HU
Assistant United States Attorney
Deputy Chief, Civil Division

Respectfully submitted,

JOYCE R. BRANDA
Acting Assistant Attorney General

KATHLEEN R. HARTNETT
Deputy Assistant Attorney General

DIANE KELLEHER
Assistant Branch Director

/s/ Kyle R. Freeny
KYLE R. FREENY (Cal. Bar No. 247857)
Attorney-in-Charge
HECTOR G. BLADUELL
BRADLEY H. COHEN
ADAM D. KIRSCHNER

JULIE S. SALTMAN
Civil Division, Federal Programs Branch
U.S. Department of Justice
P.O. Box 883
Washington, D.C. 20044
Tel.: (202) 514-5108
Fax: (202) 616-8470
Kyle.Freeny@usdoj.gov
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for Preliminary Injunction has been delivered electronically on December 24, 2014, to counsel for Plaintiffs via the District's ECF system.

/s/ Kyle R. Freeny
Counsel for Defendants

Jaynes, Thomas A (Allen)

From: Randy Capps <RCapps@MigrationPolicy.Org>
Sent: Thursday, January 22, 2015 10:35 AM
To: Guttentag, Lucas
Subject: RE: another quick ask...

No worries, Lucas, I am standing by...

From: Guttentag, Lucas [<mailto:lucas.guttentag@uscis.dhs.gov>]
Sent: Thursday, January 22, 2015 10:33 AM
To: Randy Capps
Subject: RE: another quick ask...

That's great; thank you. We can tweak later depending on how this goes forward. Many thanks

From: Randy Capps [<mailto:RCapps@MigrationPolicy.Org>]
Sent: Thursday, January 22, 2015 10:31 AM
To: Guttentag, Lucas
Subject: RE: another quick ask...

Lucas,

Here is a pretty up-to-date vita. I might be missing one or two useful publications for this purpose—so might tweak it a bit if needed.

Randy

From: Guttentag, Lucas [<mailto:lucas.guttentag@uscis.dhs.gov>]
Sent: Thursday, January 22, 2015 10:27 AM
To: Randy Capps
Subject: another quick ask...

Randy – sorry to bother you but do you have CV readily at hand that we can share w/ DOJ? I didn't see it online on MPI site but may have missed it. Many thanks

Lucas

Lucas Guttentag
Senior Counselor to the Director
U.S. Citizenship and Immigration Services
t: 202.272-8025
lucas.guttentag@uscis.dhs.gov

(b)(6)

Executive Action on Immigration Enforcement: Projecting the Impact

By Marc R. Rosenblum

January 2015

DRAFT

THE ISSUE: In November 2014, President Obama announced a series of executive actions on immigration policy. While much of the immediate attention has focused on programs providing relief from deportation for unauthorized immigrants who came to the United States as children and for parents of U.S. citizens or legal permanent residents, the executive actions also include important changes to federal immigration enforcement practices. This policy brief explores two of these changes related to enforcement priorities and the Secure Communities program.

Introduction

President Obama’s announcement of a series of executive actions on immigration on November 20, 2014 included expansion of the existing Deferred Action for Childhood Arrivals (DACA) program and the creation of a new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program, both of which offer certain unauthorized immigrants who have resided in the United States for at least five years the opportunity to apply for three-year protection from deportation and work authorization. The Migration Policy Institute (MPI) estimates that 5.2 million unauthorized immigrants are eligible to apply for one or both of the deferred action programs— 46 percent of the estimated 11.4 million unauthorized immigrants in the United States.¹

While the policymaker and media focus has been largely on the DACA and DAPA programs, the president also announced important changes to Department of Homeland Security (DHS) immigration enforcement practices. These changes may affect an even larger share of the unauthorized population than the DACA and DAPA programs. This policy brief describes two elements of the president’s announcement at the heart of these changes:

- updated DHS-wide policy guidance on enforcement priorities and the exercise of prosecutorial discretion; and
- termination of the Secure Communities program, and its replacement with a new initiative called the Priorities Enforcement Program (PEP).

This brief analyzes how changes to enforcement priorities could affect the number of deportations from within the United States as well as what the termination of the controversial Secure Communities program means.

¹ Migration Policy Institute (MPI), “MPI: As Many as 3.7 million Unauthorized Immigrants Could Get Relief from Deportation under Anticipated New Deferred Action Program,” (press release, November 20, 2014), <http://migrationpolicy.org/news/mpi-many-37-million-unauthorized-immigrants-could-get-relief-deportation-under-anticipated-new>; Bryan Baker and Nancy Rytina, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2012* (Washington, DC: Department of Homeland Security, Office of Immigration Statistics, 2013), http://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf.

I. DHS Enforcement Priorities and Prosecutorial Discretion

In furtherance of the president's announcement, Homeland Security Secretary Jeh Johnson on November 20, 2014 issued a new DHS-wide policy memorandum on immigration enforcement priorities and the exercise of discretion during the enforcement process.² The enforcement memo rescinded and supersedes a series of earlier memoranda, most notably a pair issued by then-U.S. Immigration and Customs Enforcement (ICE) Assistant Secretary John Morton in 2010 and 2011.³ The new memo limits the scope of enforcement to a narrower set of priorities than the earlier ICE memos, and provides clearer direction to DHS enforcement agents, officers, and prosecutors.

A. *The History of Prosecutorial Discretion in Immigration Enforcement*

Like all law enforcement agencies, DHS exercises discretion whether or not to act in certain cases during the enforcement process. Prosecutorial discretion refers to the authority of a law enforcement agency "to decide to what degree to enforce the law against a particular individual."⁴ In the immigration context, the favorable exercises of discretion may include, for example, deciding not to arrest or initiate removal proceedings against an individual, not detaining a noncitizen while removal proceedings are pending, or administratively closing a case so that an immigrant does not get deported. The DAPA and DACA programs are also forms of prosecutorial discretion, in that they administratively defer the possibility of deportation for a defined period (in both cases three years). DHS may exercise discretion both for humanitarian reasons and for law enforcement purposes, in order to focus enforcement resources on those individuals that represent the greatest security and public safety risks.⁵

Between 1976 and 2011, DHS and its predecessor immigration agency, the Immigration and Naturalization Service (INS), published a series of memoranda advising enforcement officers regarding the criteria they should consider when exercising discretion. In general, these guidance memos directed officers to consider factors such as how long noncitizens potentially eligible for removal had lived in the United States, whether they had U.S. family members, health concerns, and other equitable considerations.

² Homeland Security Secretary Jeh Johnson, Memorandum to Acting Director of U.S. Immigration and Customs Enforcement (ICE), Commissioner of U.S. Customs and Border Protection (CBP), Director of U.S. Citizenship and Immigration Services (USCIS), and Acting Assistant Secretary for Policy, "Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants," November 20, 2014), http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf.

³ ICE Assistant Secretary John Morton, Memorandum to all ICE employees, "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens," June 30, 2010, www.ice.gov/doclib/news/releases/2010/civil-enforcement-priorities.pdf; Morton, memorandum to all ICE Field Office Directors, Special Agents in Charge, and Chief Counsel, "Exercising Prosecutorial Discretion Consistent with Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens," June 17, 2011, www.ice.gov/doclib/foia/prosecutorial-discretion/pd_constnt_w_civil_imm_enforce_ice_priorities.pdf.

⁴ Morton, "Exercising Prosecutorial Discretion Consistent with Civil Immigration Enforcement Priorities of the Agency."

⁵ Immigration and Naturalization Service (INS) General Counsel Sam Bernsen, Memorandum to INS Commissioner, "Legal Opinion Regarding Service Exercise of Prosecutorial Discretion," July 15, 1976, <http://www.ice.gov/doclib/foia/prosecutorial-discretion/service-exercise-pd.pdf>.

In 2010, ICE published a memo approaching this question from another direction. While previous guidance focused on grounds for discretion (i.e., reasons *not* to arrest, detain, and deport people), the 2010 memo identified three sets of priorities for who *should* be arrested, detained, and deported, in the following order:

- 1) national security and public safety threats, including gang members and immigrants who had previously been convicted of any type of crime;
- 2) recent border crossers and other illegal entrants, including anyone apprehended within three years of entering the United States; and
- 3) “immigration obstructionists,” including ICE fugitives and anyone who violates a judicial order or re-enters following a deportation order.

The 2010 memo effectively formalized priorities that had been long-standing goals for Congress and practice for prior administrations: 94 percent of removals completed by the Bush administration in fiscal years (FY) 2003-08, for example, fell within the enforcement priorities as reflected in the Obama administration's 2010 memo.⁶

Still, the 2010 enforcement priorities memo was important for two reasons. First, in identifying enforcement priorities, the memo implicitly described a broad set of nonpriority cases— i.e. anyone falling outside these designated categories. A subsequent 2011 memo described additional factors that made potentially deportable immigrants candidates for the favorable exercise of prosecutorial discretion.⁷ The two memos became a flashpoint in the immigration debate, with critics characterizing ICE’s exercise of discretion as “administrative amnesty.”⁸

Second, the 2010 memo was important because it appears to have substantially influenced DHS enforcement practices. Prior to 2010, the Obama administration adopted and expanded tough new interior enforcement programs initiated after the 9/11 attacks, which resulted in a relatively high number of removals targeting long-settled unauthorized immigrants. With the implementation of the 2010 memo, the administration increasingly limited interior removals to people who had been convicted of a crime or had been previously deported, causing the total number of interior removals to fall, as illustrated in Figure 1. Border enforcement remained a priority, however, so that a second major trend since 2010 has been a sharp increase in removals from the border.⁹ Overall, the number of interior

⁶ Marc R. Rosenblum and Kristen McCabe, *Deportation and Discretion: Reviewing the Record and Options for Change* (Washington, DC: Migration Policy Institute, 2014), <http://www.migrationpolicy.org/research/deportation-and-discretion-reviewing-record-and-options-change>.

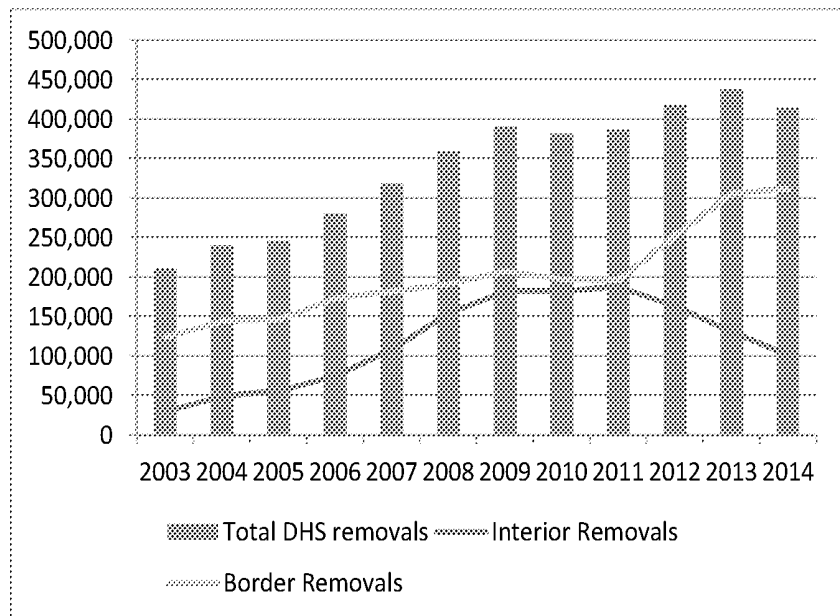
⁷ Morton, “Exercising Prosecutorial Discretion Consistent with Civil Immigration Enforcement Priorities of the Agency.”

⁸ See for example, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operational Control of the Border?*, 112th Cong., 1st sess., Oct. 4, 2011, <http://homeland.house.gov/hearing/subcommittee-hearing-does-administrative-amnesty-harm-our-efforts-gain-and-maintain>.

⁹ For a fuller discussion, see Rosenblum and McCabe, *Deportation and Discretion*.

removals fell from an all-time high of 188,000 in FY 2011 to somewhat less than 102,000 in FY 2014, while border removals increased from 196,000 to 312,000 in the same period.¹⁰

Figure 1. DHS Removals, by Apprehension Location, FY 2003-14



Note: While total Department of Homeland Security (DHS) removals are restricted to formal removals, interior removals data for fiscal year (FY) 2014 are based on U.S. Immigration and Customs Enforcement (ICE) statistics, and include an unknown number of ICE returns. (For fuller explanation, see footnote 10.) As a result the actual number of interior removals may be somewhat lower in FY 2014 than depicted in the figure, and the number of border removals may be somewhat higher.

Source: Fiscal year (FY) 2003-13 data are from Marc R. Rosenblum and Kristen McCabe, *Deportation and Discretion: Reviewing the Record and Options for Change* (Washington, DC: Migration Policy Institute, 2014), <http://www.migrationpolicy.org/research/deportation-and-discretion-reviewing-record-and-options-change>; FY 2014 data are from DHS, “DHS Releases End of Year Statistics,” (press release, December 19, 2014), <http://www.dhs.gov/news/2014/12/19/dhs-releases-end-year-statistics>.

B. The 2014 Changes to Enforcement Priorities

The DHS enforcement memo included in the executive actions announced by President Obama in November 2014, and taking effect January 15, 2015, updates the 2010-11 memos in three main ways.

First, whereas the earlier memos were issued by the ICE Assistant Secretary and addressed to ICE personnel (and later endorsed as department-wide by Homeland Security Secretary Janet Napolitano), the 2014 memo was issued directly by Secretary Johnson and applies to all three DHS immigration agencies (ICE, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services).

¹⁰ MPI calculations based on data in Rosenblum and McCabe, *Deportation and Discretion*, and ICE, *ICE Enforcement and Removal Operations Report, FY2014* (Washington, DC: ICE, 2014), http://www.dhs.gov/sites/default/files/images/ICE%20FY14%20Report_20141218_0.pdf. ICE “removal” data include both removals and confirmed returns, so the actual number of interior removals is somewhat less than the reported total of 102,024. In FY 2013, 23,453 of 368,485 (6 percent) of ICE “removals” were confirmed returns—i.e., people deported without being formally removed. Detailed information about ICE’s 2014 removal cases is not publicly available.

Second, the 2014 memo resolves an ambiguity regarding how to treat individuals who meet the department's guidelines for being enforcement priorities *and* its criteria for discretion—a subject that was not addressed in the 2010 and 2011 memos. Anecdotal evidence suggests that most ICE offices placed greater priority on deporting people who met DHS's enforcement priorities than on exercising discretion for people who also had positive equities identified in the 2011 prosecutorial discretion memo.¹¹ Under the 2014 memo, DHS supervisors and agents are now directed to consider, on a case-by-case basis, the totality of an individual's circumstances, and to determine whether there are mitigating factors that may cause DHS to exercise prosecutorial discretion *even if the individual falls within one of the enforcement priority categories*.

Third, the 2014 memo redefines and reorganizes DHS enforcement priorities to include the following categories, ranked from highest to lowest priority:

- 1) National security threats, gang members, people previously convicted of felonies or aggravated felonies as defined in immigration law, and those apprehended immediately at the border.
- 2) People convicted of three or more misdemeanors or one serious misdemeanor and those who entered or re-entered the United States unlawfully after January 1, 2014. Serious misdemeanors are defined as offenses involving domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, driving under the influence, and other crimes for which a person was sentenced to custody of 90 days or more.
- 3) People subject to a final order of removal on or after January 1, 2014.

Thus, the overall impact of the new memorandum is to describe DHS enforcement priorities more precisely—and more narrowly—than was the case under the 2010 and 2011 guidance memorandum, and to broaden the circumstances under which DHS is likely to exercise discretion.

C. Analysis and Projected Impact of the 2014 Changes to Enforcement

Examining the effect that the 2014 guidance would have had on removals during the current administration (FY 2009-13), MPI estimates that the new guidelines could potentially reduce deportations from within the United States by about 25,000 cases per year, and will provide a degree of protection to at least 75 percent of all unauthorized immigrants. [NOTE: these numbers may go up; something like “degree of protection to 75 to 85 percent of all unauthorized immigrants.”] The projected drop in interior removals would reinforce recent trends, as interior removals have already fallen from 188,000 cases in FY 2011 to fewer than 102,000 in FY 2014.

¹¹ For a fuller discussion, see Marc R. Rosenblum and Doris Meissner, *The Deportation Dilemma: Reconciling Tough and Humane Enforcement* (Washington, DC: Migration Policy Institute, 2014), <http://www.migrationpolicy.org/research/deportation-dilemma-reconciling-tough-humane-enforcement>

Table 1: DHS Removals FY2009-FY2014 by Percent Meeting 2010 and 2014 Enforcement Priorities

	2010 Enforcement Priorities					2014 Enforcement Priorities				
	First	Second	Third	Non-Priority	First	First or Second	Second	Third	Second or non-priority	Non-Priority
2009	36%	26%	31%	8%	68%	2%	6%	1%	2%	20%
2010	47%	22%	27%	5%	71%	3%	6%	1%	3%	16%
2011	50%	21%	25%	4%	69%	5%	8%	1%	2%	16%
2012	50%	20%	28%	2%	78%	3%	7%	1%	1%	10%
2013	45%	19%	35%	1%	85%	3%	6%	1%	1%	6%
Total	46%	21%	29%	4%	75%	3%	6%	1%	2%	13%

Source: MPI analysis of ICE Enforcement Integrated Database (EID); DHS Office of Immigration Statistics (OIS), *Immigration Enforcement Actions*, for years 2010 through 2013 (Washington, DC: DHS, OIS, various years), <http://www.dhs.gov/immigration-statistics-publications>.

Table one describes the percentage of DHS removals in FY2009-FY2013 that would be classified as enforcement priorities according to criteria described in the 2010 and 2014 policy memoranda, based on MPI’s analysis of ICE administration enforcement data obtained by The New York Times through a Freedom of Information Act request.¹² As the table indicates, a much larger share of recent removals would be classified as top priority cases under the 2014 guidelines than under the 2010 guidelines: 75 percent vs. 46 percent. In short, by defining border crossers as a top priority (along with the most serious criminals), the new memo reclassifies most existing “second priority” cases into the top priority category. The Obama administration has consistently emphasized that border crossers are a top enforcement priority, a goal that matches congressional and widespread public demands. The 2014 memo seems to reflect a further commitment by DHS to match its policy guidance to this policy goal.

It is also clear that a larger share of FY 2009-13 removals would be considered nonpriorities under the 2014 memo than was the case previously: 13 percent versus 4 percent. Because the Obama administration has already taken significant steps to focus enforcement on criminals and recent border crossers, the proportion of non-priority removals is substantially lower in FY2013: 6 percent based on the 2014 memo and just 1 percent under the 2010 memo. Since all recent border crossers are priorities under both sets of guidelines, the only cases that may be considered non-priorities are interior removals.

Table 2: Projected Reduction in DHS Removals FY2009-13 Based on Strict Adherence to 2010 and 2014 Enforcement Priorities

	2010 Enforcement Priorities	2014 Enforcement Priorities
2009	29,656	79,258
2010	18,423	61,156
2011	15,708	60,542
2012	8,840	41,993
2013	4,348	25,313
Total	76,975	268,262

Source: MPI analysis of ICE Enforcement Integrated Database (EID); DHS Office of Immigration Statistics (OIS), *Immigration Enforcement Actions*, for years 2010 through 2013 (Washington, DC: DHS, OIS, various years), <http://www.dhs.gov/immigration-statistics-publications>.

These data can be used to describe the number of removals cases in 2009-2013 that would not have occurred if the 2010 or 2014 memos had been in place and had been strictly adhered to throughout this period, presented in Table 2. Altogether, about 270,000 removal cases in FY 2009-13 would not have been deported under the 2014 guidelines compared to 77,000 cases under the 2010 guidelines. The corresponding numbers for FY2013 alone are 25,000 cases under the 2014 guidelines and 4,000 cases under the 2010 guidelines.

¹² For a full discussion of the methodology, see Rosenblum and McCabe, *Deportation and Discretion*, and ICE, *ICE Enforcement and Removal Operations Report, FY2014* (Washington, DC: ICE, 2014), <http://www.dhs.gov/sites/default/files/images/ICE%20FY14%20Report.20141218.0.pdf>.

Comparing the 2010 and 2014 memos, about 200,000 removal cases that were priorities under the old guidelines are no longer considered priorities under the new guidelines. These include 111,000 cases previously considered immigration obstructionists, typically because they re-entered the country following a removal order, who will no longer be priorities because the removal order is more than a year old; 74,000 cases of immigrants convicted of minor crimes that were previously viewed as top enforcement priorities, but will no longer be considered priorities under the new guidelines; and 7,000 cases previously considered recent entrants by virtue of having entered within the last three years, who will no longer be priorities under the new one-year guideline.

Because border crossers are all defined as enforcement priorities, all of the new nonpriority cases are interior apprehensions. Thus, the new enforcement guidelines will support a continuation of the recent trend toward fewer interior removals, which are likely to drop below 100,000 in FY 2015. At the same time, the continued emphasis on border enforcement and recent CBP efforts to rely more heavily on formal removal and other enhanced penalties for border crossers suggest that the number of border removals may continue to rise, and overall removal numbers could remain at or near record levels.

A third observation is that the 2014 guidelines result in a number of ambiguous cases that are hard to classify by enforcement priority. A total of 98,000 in FY 2009-13 are ambiguous because they refer to immigrants convicted of crimes that could be either felonies or serious misdemeanors (the 1st priority or 2nd priority categories) or that could be either serious or minor misdemeanors (the 2nd priority or nonpriority categories). With more information about the states of residence in which people were convicted and the length of their sentences,¹³ DHS agents presumably will be better able to identify higher and lower priority cases. Yet a more fundamental source of ambiguity is that some criminal convictions fall into a gray area between what are generally considered serious crimes versus minor offenses. For example, should a 10- or 20-year-old conviction for drunk driving, or for some other offense for which someone was sentenced to 90 days in jail, make an unauthorized immigrant a priority for deportation?

The 2014 enforcement memo also includes language designed to ensure flexibility in ambiguous cases. In particular, the memo clarifies that enforcement agents are not required to pursue removal in every priority case. Thus, an immigrant with a long-standing serious misdemeanor conviction would be viewed as a second-tier priority, but may also be viewed as a good candidate for prosecutorial discretion by virtue of the elapsed time since the conviction and other mitigating factors, such as overall time in the United States, U.S. family members, etc.¹⁴

Overall, by taking the enforcement focus off settled unauthorized immigrants who do not meet the November 2014 enforcement priorities, the new policy offers a significant new degree of protection to

¹³ Certain crimes are misdemeanors in some states and felonies in others, and some crimes also may be subject to widely varying lengths of sentences. For these reasons, it is not always possible to describe how high an enforcement priority a person would be based on available information about their criminal record.

¹⁴ MPI does not have data on these mitigating factors. Immigrants who have been convicted of serious misdemeanors generally would not be eligible (by virtue of their criminal conviction) for deferred action and work authorization under the Deferred Action for Childhood Arrivals (DACA) or Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) programs; but they could still benefit from a favorable exercise of prosecutorial discretion, and thereby not be placed in removal proceedings.

the vast majority of the country's existing unauthorized immigrants. With the flow of illegal immigration almost at a standstill, MPI estimates that no more than 600,000 of the country's 11.4 million unauthorized immigrants¹⁵ (6 percent) have lived in the United States for less than one year. DHS removed about 400,000 people in FY2014, making this number the maximum that could have returned to the United States following a recent order of removal. And while the precise number of convicted criminals among the settled unauthorized population is unknown, DHS estimated in 2012 that there were 1.9 million convicted criminals among the entire noncitizen (i.e. unauthorized immigrant and green-card or temporary visa holder) population. Based on the criminal records of previous deportees, MPI estimates that no more than 92 percent of these—1.75 million immigrants—have been convicted of felonies or serious misdemeanors. Taking these three data points together, no more than 2.75 million existing unauthorized immigrants (i.e., 600,000 in the United States less than a year + 400,000 removed within the previous year + 1.75 million convicted of serious crimes) could be viewed as enforcement priorities under the November 2014 enforcement memo.

These 2.75 million unauthorized immigrants represent 24 percent of the 11.4 million unauthorized immigrants now estimated to be in the United States. The other 76 percent (8.65 million) falls outside the 2014 priorities. This estimate should be viewed as conservative. The actual number of unauthorized immigrants that fall within the 2014 enforcement priorities is likely less than 2.75 million—and possibly substantially less—because many of the 400,000 deportees do not return to the United States (and some who return are not apprehended within one year), and because the share of serious offenders among all convicted immigrants is likely lower than the share among noncitizens who have been removed by ICE.¹⁶ [NOTE: THIS PARAGRAPH IN FLUX: Will likely end up saying something like 75-85%.]

II. Abolition and Replacement of the Secure Communities Program

Also less noted in President Obama's list of executive actions on immigration announced in November 2014—but of significant importance—is the planned termination of the Secure Communities program and its replacement with a new Priorities Enforcement Program (PEP).

Secure Communities has been controversial throughout its six-year history, but has also proven to be a highly efficient—if not always highly focused—method for ICE to identify potentially removable immigrants passing through the criminal justice system. The PEP appears designed to retain the most important features of Secure Communities, while addressing key concerns about the program. Questions remain unanswered about how the new program will be implemented, however.

¹⁵ Bryan Baker and Nancy Rytina, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2012* (Washington, DC: Department of Homeland Security, Office of Immigration Statistics, 2013), http://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf.

¹⁶ The proportion of all convicted noncitizens who are deportable and have committed serious offenses is likely to be lower than the proportion of ICE removals who have committed serious offenses because: a) not all noncitizens convicted of a crime are deportable; and b) serious criminals are likely to be over-represented in the deported population relative to all convicted noncitizens because ICE targets the most serious offenders for removal.

A. *The History of Secure Communities*

Secure Communities is an information-sharing program between ICE and the Federal Bureau of Investigation (FBI) that interacts with state and local law enforcement agencies across the United States. Under the program, when any state or local law enforcement agency send fingerprint data to the FBI for criminal background checks, the FBI automatically shares the data with ICE's Law Enforcement Support Center (LESC), and the LESL checks the fingerprints against DHS databases to identify people who may be removable. In practice, law enforcement agencies routinely conduct criminal background checks of all arrestees as they are being booked into jail. Thus, since 2013 when Secure Communities became universally implemented, ICE has checked the immigration history of virtually every person arrested in the United States.

When LESL finds that an arrestee may be deportable, it notifies the ICE field office in the arresting jurisdiction. Depending on available ICE resources, the arrestee's criminal and immigration history, and the enforcement priorities in place, ICE may lodge a detainer—a formal request that the arresting agency hold the individual for 48 hours (excluding weekends and holidays) after completion of processing in the criminal justice system. Before the 48-hour period is over, ICE is to take custody of deportable noncitizens and initiate removal proceedings against them.

Secure Communities has been controversial—in Jeh Johnson's words, "its very name has become a symbol for general hostility toward the enforcement of our immigration laws"¹⁷ for at least five reasons:

- **Mandatory participation.** ICE and DHS initially described Secure Communities as a voluntary program for states, and ICE signed a series of memorandums of understanding with individual states describing the program and the conditions of each partner's participation. Beginning in 2010, however, as a number of jurisdictions passed local laws and ordinances to opt out of Secure Communities, ICE adopted the position that because the program relies on information sharing between federal agencies, local jurisdictions cannot opt out of it—¹⁸ a position DHS continued to take until announcing the program's end.
- **Low-priority removals.** As its name suggests, Secure Communities has been described foremost as a tool of public safety, designed to identify and deport the most dangerous criminal aliens. But during the program's first four years, a majority (54 percent) of people deported following identification through Secure Communities consisted of noncriminals or people who had been convicted only of one or two misdemeanor offenses. While the program focused on more serious criminals in FY 2013-14, more than one-third (38 percent) of Secure Communities deportees in the latter period were noncriminals or minor criminal offenders.¹⁹

¹⁷ Homeland Security Secretary Jeh Johnson, memorandum to ICE Acting Director, Office of Civil Liberties, and Assistant Secretary for Intergovernmental Affairs, "Secure Communities" (November 20, 2014), http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf.

¹⁸ Paloma Esquivel, "Federal immigration enforcement is mandatory, memo says," *Los Angeles Times*, January 8, 2012, <http://articles.latimes.com/2012/jan/08/local/la-me-ice-foia-20120109>.

¹⁹ Through FY 2012, 24 percent of Secure Communities deportations were of noncriminals, and 30 percent were of noncitizens classified as Level 3 criminals, meaning they had been convicted of one or two misdemeanors; these numbers

- **Use of detainers.** Under Secure Communities, ICE regularly issues detainers to delay the release of people who have not been convicted of any crime, or who have already completed their sentences. This practice has been particularly controversial, with at least eight federal lawsuits bringing Fourth Amendment wrongful detention claims,²⁰ and with at least two federal courts ruling that states and localities are not required to comply with detainer requests.²¹ Partly for these reasons, three states (California, Connecticut, and Rhode Island), the District of Columbia, and at least 293 cities and counties have passed laws and ordinances to restrict their law enforcement agencies' compliance with ICE detainer requests.²²
- **Racial profiling.** Because Secure Communities automatically screens all arrestees, it may create incentives for certain law enforcement officers to arrest people they suspect of being unauthorized immigrants, sometimes by engaging in racial profiling. Some research on the program has found evidence that Secure Communities encourages racial profiling in some jurisdictions.²³ ICE announced plans in 2012 to conduct new statistical monitoring to guard against such profiling, but apparently never implemented the oversight.²⁴
- **Impact on immigrant community-police relations.** Critics argue that Secure Communities has undermined trust between state and local law enforcement agencies and immigrant communities, and thereby discouraged immigrants from reporting crimes, creating a barrier to community policing practices. This concern has been raised by a number of law enforcement agencies—though others support the program—and by a DHS task force on Secure Communities.²⁵

B. The New Priorities Enforcement Program

According to information released in November 2014, the PEP will continue to take advantage of the data link between the FBI and ICE to automatically receive fingerprint data that is forwarded to the FBI for criminal background checks. And the LESC will continue to notify local ICE field offices when potentially deportable immigrants are identified.

fell to 11 percent and 27 percent, respectively, in FY 2013-14. MPI calculations from ICE, "Secure Communities Monthly Statistics through August 31, 2014," http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats_fy2014-to-date.pdf. Data for 2014 are only through the first 11 months of the fiscal year.

²⁰ See Johnson, "Secure Communities" memo, 2.

²¹ In *Ernesto Galarza v. Mark Szalczyk, City of Allenton, Lehigh County, Greg Marino, Christie Correa*, the Third Circuit held that detainers are merely requests, are not mandatory, and cannot compel a state or local law enforcement agency to detain suspected immigrants subject to removal. 745 F. 3d 634 (3d Cir. 2014). In *Maria Miranda-Olivares v. Clackamas County*, a federal magistrate judge, relying in part on *Galarza*, found that detainers are requests and the mere existence of the detainer was not sufficient basis for a jail to reasonably conclude that it had probable cause to detain Miranda-Olivares. 2014 U.S. Dist. LEXIS 50340 (D. Ore. Apr. 11, 2014). The judge thus ruled that county officials violated Miranda-Olivares' Fourth Amendment rights when they kept her in custody solely on the basis of an immigration detainer.

²² Catholic Legal Immigration Network, Inc. (CLINIC), "States and Localities that Limit Compliance with ICE Detainer Requests (Nov. 2014)," <https://cliniclegal.org/resources/articles-clinic/states-and-localities-limit-compliance-ice-detainer-requests-jan-2014>.

²³ See for example, Aarti Kohli, Peter Markowitz, and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process* (Berkeley, CA: Chief Justice Earl Warren Institute on Law and Social Policy, University of California, Berkeley Law School, 2011), http://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf.

²⁴ ICE, "ICE Response to the Task Force on Secure Communities Findings and Recommendations," April 27, 2012, <http://www.dhs.gov/xlibrary/assets/hsac/ice-response-to-task-force-on-secure-communities.pdf>.

²⁵ DHS Advisory Council, "Task Force on Secure Communities Findings and Recommendations," September 2011, 24, <https://www.dhs.gov/xlibrary/assets/hsac-task-force-on-secure-communities.pdf>.

The new program will differ from Secure Communities in two key respects:

- 1) ICE will only seek to take custody of people who have been *convicted* of a crime, and only of crimes that are identified as a priority under the 2014 guidance. This policy narrows the scope of the PEP by restricting its focus to immigrants who have been convicted of relatively serious crimes, rather than all deportable immigrants, regardless of their criminal histories.
- 2) ICE will not normally use immigration detainers to take custody of people. Instead, ICE will request that local jurisdictions notify ICE of a pending release while a person is still in custody, at which time ICE may initiate removal proceedings and take custody of a person at the conclusion of their criminal sentence.²⁶

C. *Analysis and Projected Impact of the Change from Secure Communities to the Priorities Enforcement Program*

While some questions remain about how PEP will be implemented, the new program has the potential to substantially reshape ICE interior enforcement practices. Ultimately, any substantive changes to Secure Communities are important because the program has become the primary way ICE identifies and departs noncitizens from the U.S. interior. In the three years since Secure Communities has been widely implemented, MPI estimates that the program was responsible for 59 percent of all interior deportations, including 72 percent of those in FY 2014.²⁷ Thus, if implemented successfully, the new PEP program will reinforce the enforcement priorities in the 2014 enforcement memo and further narrow the scope of individuals subject to deportation.

Moreover, the specific changes announced in 2014 appear designed to retain the operational benefits of Secure Communities while addressing the concerns identified above. In particular, because the PEP will continue to take advantage of FBI-ICE interoperability to screen people during the booking process, ICE will still be able to identify high-priority deportable immigrants early in the criminal justice process. Thus, PEP preserves an immigration security capability. At the same time, by restricting removals to people already convicted of a serious crime and limiting the use of detainers, the PEP addresses two of the most important criticisms of Secure Communities: its disproportionate impact on low-priority offenders and its broad use of detainers. If implemented successfully, these two refinements may also discourage racial profiling and mitigate the adverse impact of immigration enforcement on police-community relations.

A key question about the PEP is how it will be implemented. In principle, the best way for DHS/ICE to limit the program to people convicted of serious crimes would be to exercise careful oversight of the flow of information from the LESC to local field offices. If the LESC only notifies field offices of fingerprint

²⁶ ICE will continue to use detainers for national security reasons and in some other special circumstances, but will be required to show that the subject of the detainer request is already subject to a final order of removal or that there is probable cause to find the person to be deportable.

²⁷ MPI calculations based on ICE, "Secure Communities Monthly Statistics through August 31, 2014," http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats_fy2014-to-date.pdf; Rosenblum and McCabe, *Deportation and Discretion*; and ICE, *ICE Enforcement and Removal Operations Report, FY 2014* (Washington, DC: ICE, 2014), http://www.dhs.gov/sites/default/files/images/ICE%20FY14%20Report_20141218_0.pdf.

matches in cases that meet the new enforcement criteria, then field offices are likely to restrict their follow-up enforcement efforts to these cases. Alternatively, if the LESC continues to notify field offices every time an arrestee is the subject of a match in the DHS fingerprint database, implementation of the PEP may vary across ICE jurisdictions, and some ICE field offices and local law enforcement agencies may continue to use DHS-FBI information-sharing in ways not outlined in the PEP. In this case, DHS will have to expend substantial resources to oversee PEP implementation at the local level in order to ensure its successful implementation.

Historically, ICE has resisted calls to narrow the flow of information to local field offices, however, because customizing the LESC response based on an individual's detailed criminal history would require the ICE support center to make complex determinations based on the jurisdictions in which criminal convictions occurred to determine, for example, whether an individual has been convicted of a felony or a misdemeanor.²⁸ Nonetheless, ICE could refine LESC procedures to only notify local jurisdictions about noncitizens who have been previously convicted of a crime—a change that would promote adherence to the new PEP guidelines without requiring complex case-by-case analyses by the LESC. ICE could also invest additional resources at the LESC to allow more refined case-by-case analysis if the alternative would be costly investments in field office oversight.

III. Conclusion

The president's executive actions announced in November 2014 created a watershed moment in the recent history of U.S. immigration policy— putting in place sweeping changes in the absence of legislative action and ushering in major policy changes to the immigration enforcement system.

The most widely publicized policy changes were the expansion of the Deferred Action for Childhood Arrivals (DACA) program, providing temporary relief from deportation for certain unauthorized immigrants who came to the United States as children, and creation of the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program, which together could grant work authorization and a three-year reprieve from deportation for up to 5.2 million unauthorized immigrants.²⁹

As this brief documents, however, changes to DHS enforcement practices may be equally significant, especially for unauthorized immigrants who are ineligible for the DACA or DAPA programs. The Migration Policy Institute estimates that about 25,000 fewer people per year could be deported from the interior of the United States, which will likely bring total interior removals below the 100,000 mark

²⁸ ICE, "ICE Response to the Task Force on Secure Communities Findings and Recommendations," April 27, 2012, <http://www.dhs.gov/xlibrary/assets/hsac/ice-response-to-task-force-on-secure-communities.pdf>, p. 16. In general, similar crimes are subject to different criminal penalties, and classified differently, in different states.

²⁹ Migration Policy Institute (MPI), "MPI: As Many as 3.7 million Unauthorized Immigrants Could Get Relief from Deportation under Anticipated New Deferred Action Program," (press release, November 20, 2014), <http://migrationpolicy.org/news/mpi-many-37-million-unauthorized-immigrants-could-get-relief-deportation-under-anticipated-new>

for the first time in many years. Moreover, the new enforcement priorities provide a degree of protection from deportation for at least three-quarters of the unauthorized population (nearly 9 million people). These changes build on recent DHS efforts to shift its focus to the border, and falling interior removals may well be offset by further border removals.

Important questions remain about how the new enforcement guidelines and Priorities Enforcement Program will be implemented by local ICE offices, however, leaving the actual impact of the new enforcement policies uncertain.

DRAFT

Jaynes, Thomas A (Allen)

From: Jose Magana-Salgado <jmagana@ilrc.org>
Sent: Friday, January 30, 2015 9:53 AM
To: Torres, Marina A; Guttentag, Lucas
Subject: [Recommendations] Post RFE-Eligibility and Adjustment of Eligibility Dates
Attachments: 01-29-15 ILRC Rec's to Adjust DACA Eligibility Dates.pdf; 01-29-15 ILRC Rec's for Post RFE Eligibility.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Marina and Lucas:

I hope you're doing well. I send you two of IRLC's newest recommendations for DACA/DAPA implementation. One is on post RFE eligibility for initial DACA requests and the second is for the alignment of some of the DACA dates with the new DAPA dates.

Please let me know if you have any questions.

--

Jose Magaña-Salgado
Immigration Policy Attorney
Immigrant Legal Resource Center
1016 16th St., NW, Suite 100
Washington, DC 20036
O: 202-777-8999
C: 480-678-0040
jmagana@ilrc.org



Memorandum

Date: January 29, 2015
To: Department of Homeland Security
From: Immigrant Legal Resource Center
Subject: Recommendations for Post RFE Eligibility

Recommendations for Post RFE Eligibility

Recommendation:

U.S. Citizenship and Immigration Services should approve requests for Deferred Action for Childhood Arrivals even when a requestor satisfies the educational requirement criteria *after* the issuance of a Request for Evidence and not just at the time of filing.

Analysis:

On June 15, 2012, the Department of Homeland Security (DHS) released a memorandum establishing what would later be known as Deferred Action for Childhood Arrivals (DACA).¹ DACA requires that an individual must be currently in school, have graduated from high school, have obtained a general education development certificate (GED), or be an honorably discharged veteran of the Coast Guard or Armed Forces.²

To satisfy the “currently in school” requirement, many individuals enroll in online programs, which U.S. Citizenship and Immigration Services (USCIS) accepts—if properly accredited—as a qualifying educational program.³ Unfortunately, some online programs defraud individuals by claiming to be accredited institutions. In some cases, individuals are even referred to these online programs by school officials.

<u>Reported Cases</u>	
Location	Date
Newark, NJ	June 2014
Newark, NJ	June 2014
Austin, TX	June 2014
Kansas City, MO	July 2014
Washington, DC	May 2014
Washington, DC	Aug. 2014
Albuquerque, NM	Dec. 2014
Washington, DC	Dec. 2014
Austin, TX	Dec. 2014
Austin, TX	Dec. 2014

Lincoln Academy, an online program based in Texas, was particularly notorious for this type of fraud and was shut down by the Texas Attorney General for deceiving students into believing it was an accredited institution.⁴ In many cases, individuals enroll in these programs and are unaware of the fact that the programs do not satisfy DACA’s educational requirement. These individuals inevitably receive Requests for Evidence (RFEs) and though they attempt to “cure” by enrolling in a qualifying program—such as a

¹ See Memorandum from Secretary of Homeland Security Janet Napolitano to David V. Aguilar, et. al on Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children (June 15, 2012), <http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>.

² *Id.*

³ Deferred Action for Childhood Arrivals: SCOPS-HQ at 53, Aug. 2012, (on file with author) (“Evidence of enrollment in on-line courses is acceptable,” “[o]ffices should focus on the school, not the medium,” and “[i]t is not uncommon for students to be enrolled in online courses.”).

⁴ Press release, Texas Attorney General, State of Texas Shuts Down Houston-area Diploma Mill (Aug. 13, 2014), *available at* <https://www.texasattorneygeneral.gov/oagnews/release.php?id=4820>.

program to obtain a GED or in a community college—after receiving the RFE, USCIS still denies these requests because they did not satisfy the educational requirement *at the time of filing*. These individuals are then forced to refile and pay the \$465 filing fee for a second time, a potentially insurmountable barrier for some applicants. Through no fault of their own, these applicants did not originally meet the DACA requirements, but then corrected that by enrolling in a new educational program when it was brought to their attention. These applicants deserve favorable discretion for their efforts, not denial because they were misled by the school they attended.

Case Examples.

- **TX.** In August of 2014, an individual who enrolled in Lincoln Academy—on the recommendation of her high school counselor—received an RFE from USCIS and subsequently enrolled in a GED program. The individual responded to the RFE with proof of enrollment and affidavit explaining why she had enrolled at Lincoln Academy. She was denied by USCIS.
- **TX.** In December of 2014, two siblings enrolled in Lincoln Academy received RFEs from USCIS and subsequently enrolled in a qualifying community college program. They responded to the RFEs with proof of enrollment and were denied by USCIS.
- **TX.** In December, 2014 two individuals enrolled in Lincoln Academy received RFEs from USCIS and subsequently enrolled in a qualifying GED program. They responded to the RFEs with proof of enrollment and were denied by USCIS.

Accordingly, USCIS should approve requests for DACA when a requestor satisfies the educational requirement criteria *after* the issuance of an RFE and not just at the time of filing.

Jose Magana-Salgado | Immigration Policy Attorney | Immigrant Legal Resource Center

jmagana@ilrc.org | (202) 777-8999

*Founded in 1979, the **Immigrant Legal Resource Center (ILRC)** is a national resource center that provides training, consultations, publications and advocacy support to individuals and groups assisting low-income persons with immigration matters. The ILRC works with a broad array of individuals, agencies, and institutions including immigration attorneys and advocates, criminal defense attorneys, civil rights advocates, social workers, law enforcement, judges, and local and state elected officials.*

With respect to DACA and DAPA, the ILRC provides trainings, educational materials, and engages in advocacy for a fair administration of the program. We also provide technical assistance to practitioners on DACA-related issues with a focus on the intersection between the immigration and criminal justice systems. Our organization works towards the elimination of unjust penalties for immigrants entangled in the criminal justice system and to end the criminalization of immigrant communities.



Memorandum

Date: January 29, 2015
To: Department of Homeland Security
From: Immigrant Legal Resource Center
Subject: Recommendations to Adjust DACA Eligibility Dates

Recommendations to Adjust DACA Eligibility Dates

Recommendations:

The Department of Homeland Security should adjust the eligibility date on which a DACA requestor must have:

- 1) had no lawful status from June 15, 2012 to November 20, 2014;
- 2) been physically in the United States from June 15, 2012 to November 20, 2014; and
- 3) not traveled without advance parole.¹

Analysis:

On November 20, 2015, the Department of Homeland Security (DHS) released a memorandum expanding Deferred Action for Childhood Arrivals (DACA) and creating Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA).² DHS adjusted the continuous residency³ requirement of DACA from June 15, 2007 to January 1, 2010 “to align the DACA program more closely with” DAPA.⁴

DHS, however, failed to adjust the eligibility dates on which a DACA requestor must have: (a) had no lawful status; or (b) been physically present in the United States.⁵ Additionally, USCIS failed to clarify the new date on which DACA requestors must have not traveled without advance parole.

The following is a visual representation of the adjustments made by the November 20, 2014 memorandum and ILRC’s corresponding recommendations:

¹ This recommendation is for both DACA and DAPA requestors.

² Memorandum from Jeh Johnson, Secretary of Homeland Security, Department of Home Security, to Leon Rodriguez, et. al on Exercising Prosecutorial Discretion with Respect to Individual Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents, November 20, 2014, *available at* http://www.dhs.gov/sites/default/files/publications/14_1120_memo_deferred_action.pdf.

³ DHS referred to this as the “date-of-entry” requirement. *See id.*

⁴ *Id.*

⁵ *See id.*

	Before Announcement		After Announcement		Recommendation	
	DACA	DAPA	DACA	DAPA	DACA	DAPA
Continuous Residence	June 15, 2007	N/A	Jan. 1, 2010	Jan. 1, 2010	Jan. 1, 2010	Jan. 1, 2010
No Lawful Status	June 15, 2012	N/A	June 15, 2012	Nov. 20, 2014	June 15, 2012 <u>Nov. 20, 2014</u>	Nov. 20, 2014
Physical Presence	June 15, 2012	N/A	June 15, 2012 ⁶	Nov. 20, 2014	June 15, 2007 <u>Nov. 20, 2014</u>	Nov. 20, 2014
Travel Without Advance Parole Deadline	Aug. 15, 2012	N/A	Unknown	Unknown	<u>Unknown</u> <u>Date Application</u> <u>Period Opens</u>	<u>Unknown</u> <u>Date Application</u> <u>Period Opens</u>

Adjustment of No Lawful Status Requirement. The failure to adjust the eligibility date on which a DACA requestor must have had “no lawful presence” is problematic both from a requestor and adjudicator perspective. Initially, requiring DAPA requestors to have no lawful status on November 20, 2014 while requiring DACA requestors to have no lawful status on June 15, 2012 is inconsistent with DHS’s stated goals of aligning DACA more closely with DAPA.

Moreover, such standard runs contrary to DHS’s previous implementation of the “no lawful presence” requirement, which allowed DACA requestors to obtain relief as long as they had no lawful status at the *end* of their required period of continuous presence, not on a single date arbitrarily placed in the middle of the requirement. Under DHS’s construction, individuals who fell out of status *after* June 15, 2012 but before November 20, 2014 and meet all other DACA requirements would still not be eligible for DACA. This approach arbitrarily and inconsistently excludes individuals who may have had lawful status on June 15, 2012 but lost that status before November 20, 2014. These individuals would nonetheless fit the DACA profile as individuals who entered the United States as children and are attending or graduated from American schools.

Accordingly, DHS should adjust the eligibility date on which a DACA requestor must have had no lawful status from June 15, 2012 to November 20, 2014.

Adjustment of Physical Presence Requirement. DHS’s failure to adjust the eligibility date on which a DACA requestor must have been physically present suffers from many of the same problems as the failure to adjust the no lawful status requirement. Uniquely, however, this requirement would unfairly disqualify DACA requestors who satisfy all other requirements for DACA but who were out of the country on June 15, 2012, even if such absence did not interrupt continuous presence. Furthermore, this requirement places an additional evidentiary burden on DACA requestors who would have to prove physical presence in the country on June 15, 2012 in addition to on the date they submit their request.

In informal and off the record discussions, DHS indicated that the DHS had adjusted the physical presence requirement to November 20, 2014. If true, DHS should publicize this adjustment as the failure to incorporate this adjustment in the November 20, 2015 memorandum has sown confusion among stakeholders, potential requestors, and even USCIS public engagement officials.

⁶ According to conversations with DHS, DHS—though unstated in the November 20, 2014 memorandum—adjusted the eligibility date for physical presence for DACA requestors to November 20, 2010. If true, this adjustment should be publicized.

Accordingly, DHS should adjust the eligibility date on which a DACA requestor must have been physically present in the country from June 15, 2012 to November 20, 2014, and, if such change has already been made, publicize it to stakeholders, requestors, and USCIS officials.

Departure Without Advance Parole. The DACA FAQs provide that a person who travels without advance parole after August 15, 2012 is not eligible for DACA. Under the new continuous residence timeframe, this date no longer makes sense. USCIS selected August 15, 2012 as the cutoff date because that was the date it began to accept DACA applications. It should similarly update the cutoff date for DACA and DAPA to the dates on which USCIS will begin to accept applications for the expansion of DACA and initial DAPA requests.

Accordingly, DHS should revise the FAQs to clarify that travel after August 15, 2012 but before the DACA/DAPA application periods open without advance parole is not a bar to DACA/DAPA eligibility.

Jose Magana-Salgado | Immigration Policy Attorney | Immigrant Legal Resource Center
jmagana@ilrc.org | (202) 777-8999

*Founded in 1979, the **Immigrant Legal Resource Center (ILRC)** is a national resource center that provides training, consultations, publications and advocacy support to individuals and groups assisting low-income persons with immigration matters. The ILRC works with a broad array of individuals, agencies, and institutions including immigration attorneys and advocates, criminal defense attorneys, civil rights advocates, social workers, law enforcement, judges, and local and state elected officials.*

With respect to DACA and DAPA, the ILRC provides trainings, educational materials, and engages in advocacy for a fair administration of the program. We also provide technical assistance to practitioners on DACA-related issues with a focus on the intersection between the immigration and criminal justice systems. Our organization works towards the elimination of unjust penalties for immigrants entangled in the criminal justice system and to end the criminalization of immigrant communities.

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Jaynes, Thomas A (Allen)

From: Jose Magana-Salgado <jmagana@ilrc.org>
Sent: Wednesday, April 29, 2015 11:06 AM
To: Guttentag, Lucas
Subject: [request for a meeting] ILRC

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lucas,

I hope you're doing well!

Bill Hing previously mentioned that I was interested in doing a quick sit down with you for introductions and to chat about some of the advocacy we're doing.

Do you have sometime to meet at your office here in DC anytime May 4 or 5?

Thanks and look forward to chatting in person.

Jose

----- Forwarded message -----

From: Bill Hing <bhing@usfca.edu>

Date: Tue, Apr 28, 2015 at 7:03 PM

Subject: Lucas Guttentag

To: Jose Magana-Salgado <jmagana@ilrc.org>

Cc: Bill Hing <bhing@ilrc.org>, Angie Junck <ajunck@ilrc.org>, Aidin Castillo <acastillo@ilrc.org>, Mark Silverman <msilverman@ilrc.org>, Eric Cohen <ecohen@ilrc.org>

Dear Jose,

As promised, I reached out to Lucas Guttentag on your behalf. I told him that you would like to chat with him on behalf of the ILRC just to meet him. He said he would be happy to meet you.

He said he is traveling this week, so next week would be better. I know you might be in SF next week, but at any rate you should probably reach out to him next week to schedule an appointment. He said to contact him on his cell [REDACTED] his voicemail tends to be full or not set up, but I've had success texting him) or via email: lucas.guttentag@uscis.dhs.gov (b)(6)

Bill Hing

blog: <http://lawprofessors.typepad.com/immigration/>

<http://twitter.com/immprof>

ssrn: <http://ssrn.com/author=331631>

--

Jose Magaña-Salgado

Immigration Policy Attorney

Immigrant Legal Resource Center

1016 16th St., NW, Suite 100
Washington, DC 20036
O: 202-777-8999
C: 480-678-0040
jmagana@ilrc.org

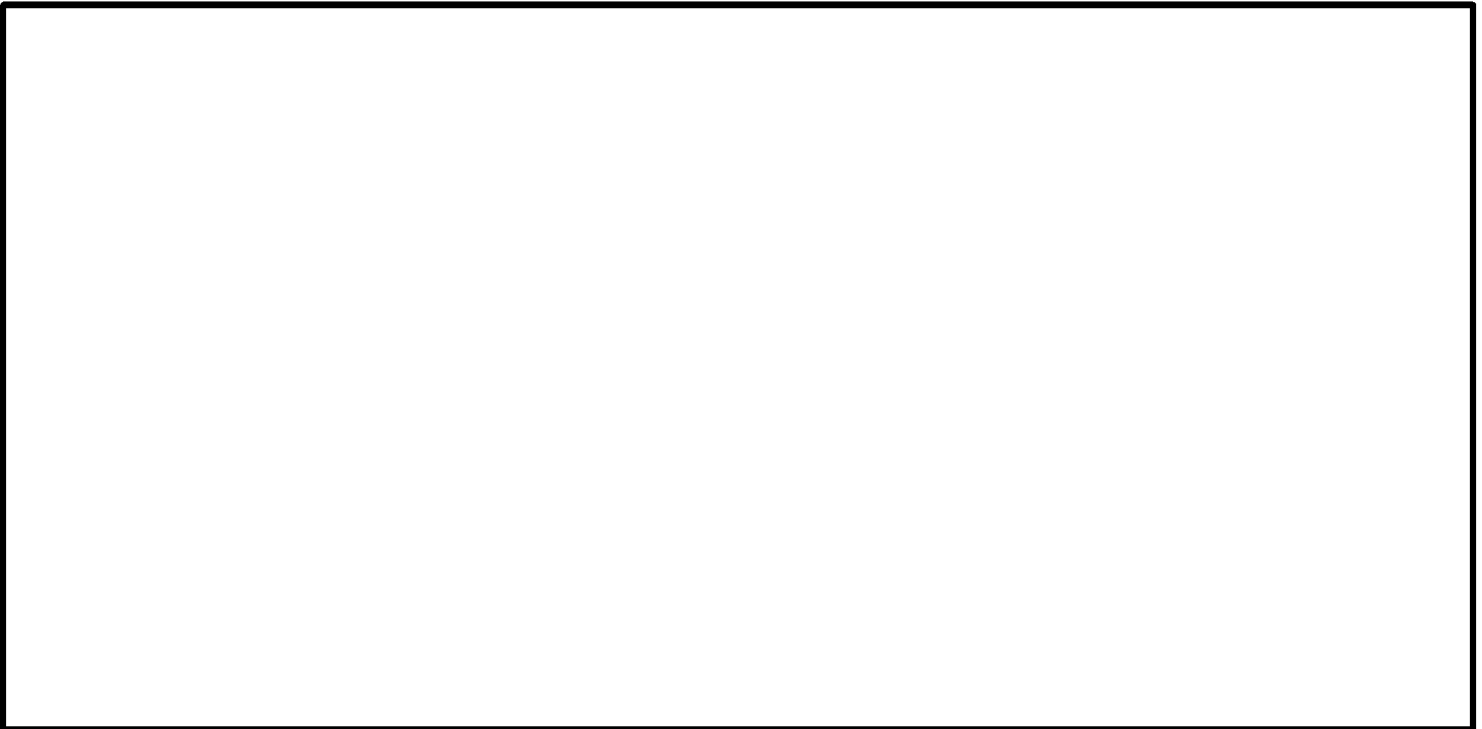
Jaynes, Thomas A (Allen)

From: Marielena Hincapie <hincapie@nilc.org>
Sent: Sunday, July 12, 2015 10:08 PM
To: Guttentag, Lucas
Subject: As discussed

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lucas,

I hope you had a good weekend and trip back to DC. Below is info about comments made at a USCIS stakeholder meeting held with organizations, lawyers, etc. that offer immigration legal services in Seattle. It takes place every four months. (b)(5)



Marielena Hincapie, Esq.
Executive Director
National Immigration Law Center

213-674-2812 (o)
415-845-3403 (m)
@MarielenaNILC

Executive Assistant: Claudia Lara
lara@nilc.org // 213-674-2835

Jaynes, Thomas A (Allen)

From: Jose Magana-Salgado <jmagana@ilrc.org>
Sent: Wednesday, July 15, 2015 12:29 PM
To: Guttentag, Lucas
Subject: [urgent] [REDACTED] (b)(6)
Attachments: [REDACTED]

Follow Up Flag: Follow up
Flag Status: Flagged

Lucas:

Hope you're doing well.

Following up on a case I previously flagged for ya'll (who has also submitted an Ombudsman request) of an individual who did not travel outside the country but received a NOID and (as of yesterday) a denial.

Here is the case information:

(b)(6)



This looks like a clearly erroneous denial, especially **because there was no travel outside the country.**

Any recommendations on how we can assist this individual especially as they're close to exhausting their remedies?

--

Jose Magaña-Salgado
Immigration Policy Attorney
Immigrant Legal Resource Center
1016 16th St., NW, Suite 100
Washington, DC 20036
O: [202-777-8999](tel:202-777-8999)
C: [480-678-0040](tel:480-678-0040)
jmagana@ilrc.org

(b)(6)

Mousel, Julie A

From: Choi, Juliet K
Sent: Friday, June 03, 2016 1:06 PM
To: Reisner, Katherine; Higgins, Jennifer; Guttentag, Lucas; Hoy, Serena
Cc: Prelogar, Brandon B; Inouye, Shinichi (Shin); Hyams, Emilie R
Subject: FW: Letters urging access to counsel for refugees
Attachments: Refugee Access to Counsel Sign-On Letter_Final.pdf; CGRS Sign on.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

For group visibility

From: Brittany Vanderhoof [<mailto:britanny.vanderhoof@hias.org>]
Sent: Friday, June 03, 2016 1:42 PM
To: alejandro.mayorkas@dhs.gov; Choi, Juliet K; Olavarria, Esther; Reisner, Katherine
Cc: Betsy Fisher; Lisa Frydman
Subject: Letters urging access to counsel for refugees

Good Afternoon,

On behalf of the International Refugee Assistance Program (IRAP), Kids In Need of Defense (KIND), and HIAS I am writing to you today to share with you two letters urging the Department of Homeland Security to allow refugees being considered for resettlement to the United States to be represented by counsel at their adjudications, at no cost to the government. The first letter, signed by 55 organizations and experts, urges DHS to allow for counsel during interviews as required under the applicable federal statute and regulation. This letter also shows how allowing counsel would improve the fairness and efficiency of the process for refugee applicants and would better advance the objectives of the U.S. Refugee Admissions Program. The second letter is signed by 60 organizations that work with and otherwise support immigrant survivors of sexual and gender-based violence (SGBV) and discusses how the presence of counsel is particularly important for survivors of SGBV.

We would like the chance to meet with you and discuss the contents of the letters with you further. Please feel free contact us with any questions or to schedule a meeting: Betsy Fisher bfisher@refugeerights.org (IRAP); Lisa Frydman lfrydman@supportkind.org (KIND); Brittany Vanderhoof Britanny.vanderhoof@hias.org (HIAS).

Thank you for your time and consideration.

Best,

Britanny

Britanny Vanderhoof
Policy Counsel
1300 Spring Street Suite 500 Silver Spring, MD 20910 ← ***We've moved!***
202-212-6029

HIAS • Welcome the stranger. Protect the refugee.
hias.org | [facebook](https://www.facebook.com/hias) | [twitter](https://twitter.com/hias)

Silver Spring • New York • Washington DC • Caracas • Kampala • Kyiv
N'Djamena • Nairobi • Panama City • Quito • Tel Aviv • Vienna

Mousel, Julie A

From: Guttentag, Lucas
Sent: Monday, November 17, 2014 9:24 AM
To: Choi, Juliet K
Subject: RE: Meeting request

Follow Up Flag: Follow up
Flag Status: Flagged

Yes, fixed it. Thank you

From: Choi, Juliet K
Sent: Monday, November 17, 2014 10:08 AM
To: Guttentag, Lucas
Subject: RE: Meeting request

Teresa Nino rt?

Email jam likely during outage

Sent with Good (www.good.com)

From: Guttentag, Lucas
Sent: Monday, November 17, 2014 8:54:41 AM
To: McCament, James W; Choi, Juliet K
Cc: Alfaro, Nina; Inouye, Shinichi (Shin)
Subject: FW: Meeting request

Lorella message and reference to earlier I didn't receive

From: [REDACTED] on behalf of Lorella Praeli
Sent: Sunday, November 16, 2014 11:21:48 PM (b)(6)
To: Guttentag, Lucas
Subject: Re: Meeting request

Hi Lucas,

I'm writing to follow up on the e-mail from Nov. 5. Hopefully, we can schedule something soon.

Best,
Lorella

On Wed, Nov 5, 2014 at 12:05 PM, Lorella Praeli <lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>> wrote:
Dear Lucas,

I'm writing to request a meeting with you and Director Rodriguez to discuss DACA and future administrative reforms. Please let me know if it would be possible to meet soon.

Respectfully,

--

Lorella Praeli

Director of Advocacy & Policy | United We Dream<<http://unitedwedream.org/>>

c: 203-417-1436 | lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>

<<http://www.youtube.com/unitedwedream>>

We can't continue this work without your support: <<http://www.youtube.com/unitedwedream>> Donate to UWD today<https://wfc2.wiredforchange.com/o/8496/p/salsa/donation/common/public/?donate_page_KEY=7213>.

--

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--

Lorella Praeli

Director of Advocacy & Policy | United We Dream<<http://unitedwedream.org/>>

c: 203-417-1436 | lorella@unitedwedream.org<<mailto:lorella@unitedwedream.org>>

<<http://www.youtube.com/unitedwedream>>

We can't continue this work without your support: <<http://www.youtube.com/unitedwedream>> Donate to UWD today<https://wfc2.wiredforchange.com/o/8496/p/salsa/donation/common/public/?donate_page_KEY=7213>.

--

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Mousel, Julie A

Subject: DACA Expirations
Location: USCIS, WILCOXCONFIRM 5110

Start: Fri 12/12/2014 9:00 AM
End: Fri 12/12/2014 10:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Guttentag, Lucas
Required Attendees: Torres, Marina A; Guttentag, Lucas; Jaddou, Ur M; Scheduler, Choi; Choi, Juliet K

-----Original Message-----

From: Jaddou, Ur M
Sent: Wednesday, December 03, 2014 4:35 PM
To: 'ktalbot@veng-group.com'
Cc: Guttentag, Lucas; Torres, Marina A; Choi, Juliet K
Subject: Re: Daca expirations

Sounds good

----- Original Message -----

From: Kerri Sherlock Talbot [<mailto:ktalbot@veng-group.com>]
Sent: Wednesday, December 03, 2014 04:25 PM
To: Jaddou, Ur M
Cc: Guttentag, Lucas; Torres, Marina A; Choi, Juliet K
Subject: Re: Daca expirations

Great, that is perfect thanks. On addition to DACA expirations, we may also flag a few things to consider regarding the new program announcement. Thanks!

Kerri Talbot
+1 202 517 3109

> On Dec 3, 2014, at 3:33 PM, "Jaddou, Ur M" <ur.m.jaddou@uscis.dhs.gov> wrote:

>

> How about we aim for next Friday (December 12), 10 AM?

>

> -----Original Message-----

> From: Guttentag, Lucas

> Sent: Wednesday, December 03, 2014 10:51 AM

> To: Kerri Sherlock Talbot; Jaddou, Ur M

> Cc: Torres, Marina A; Choi, Juliet K

> Subject: RE: Daca expirations

>
> Thanks Kerri. Hope you had a good Thanksgiving. Look forward to finding a time to discuss. Adding Marina and Juliet.
>
> -----Original Message-----
> From: Kerri Sherlock Talbot [<mailto:ktalbot@veng-group.com>]
> Sent: Monday, December 01, 2014 3:35 PM
> To: Jaddou, Ur M
> Cc: Guttentag, Lucas; Torres, Marina A
> Subject: RE: Daca expirations
>
> Hi, I wanted to see if there is a time later this month when we could reschedule this DACA renewals meeting? I know you guys are super crazy busy so just let us know when a good time for you would be.
> Thanks!
>
>
>
> _____
> Kerri Sherlock Talbot
> VENG GROUP
> O +1 202 499 7027, x 106
> M +1 202 517 3109
> F +1 202 499 7030
> ktalbot@veng-group.com
>
> -----Original Message-----
> From: Jaddou, Ur M [<mailto:ur.m.jaddou@uscis.dhs.gov>]
> Sent: Thursday, November 13, 2014 10:00 AM
> To: Kerri Sherlock Talbot
> Cc: Guttentag, Lucas; Torres, Marina A
> Subject: Re: Daca expirations
>
> Kerri: A mtg was scheduled that we have to attend at 10 and need to depart by 9:30. Would that be enough time or should we rescheduled?
>
> ----- Original Message -----
> From: Kerri Sherlock Talbot [<mailto:ktalbot@veng-group.com>]
> Sent: Thursday, November 13, 2014 08:04 AM
> To: Jaddou, Ur M
> Cc: Guttentag, Lucas
> Subject: RE: Daca expirations
>
> Hi, sorry to bug you but wanted to confirm whether we should be there at 9 tomorrow? Thanks!
>
>
>
> _____
> Kerri Sherlock Talbot
> VENG GROUP
> O +1 202 499 7027, x 106
> M +1 202 517 3109
> F +1 202 499 7030
> ktalbot@veng-group.com

>
> -----Original Message-----
> From: Jaddou, Ur M [<mailto:ur.m.jaddou@uscis.dhs.gov>]
> Sent: Monday, November 10, 2014 12:01 PM
> To: Kerri Sherlock Talbot
> Cc: Guttentag, Lucas
> Subject: RE: Daca expirations
>
> Hi Kerri: I could do early on Friday morning, but need to depart by 10:15 am. I could also meet next week:
>
> Monday 10:30-2
> Tuesday 2-4
>
> -----Original Message-----
> From: Kerri Sherlock Talbot [<mailto:ktalbot@veng-group.com>]
> Sent: Monday, November 10, 2014 11:48 AM
> To: Jaddou, Ur M
> Cc: Guttentag, Lucas
> Subject: RE: Daca expirations
>
> Hi Ur and Lucas,
> Sorry to bug you but I wanted to circle back and see if Friday morning works at all (any time) or if you prefer next week?
> Thanks!
>
>
>
> _____
> Kerri Sherlock Talbot
> VENG GROUP
> O +1 202 499 7027, x 106
> M +1 202 517 3109
> F +1 202 499 7030
> ktalbot@veng-group.com
>
> -----Original Message-----
> From: Jaddou, Ur M [<mailto:ur.m.jaddou@uscis.dhs.gov>]
> Sent: Wednesday, November 5, 2014 6:48 PM
> To: Kerri Sherlock Talbot
> Cc: Guttentag, Lucas
> Subject: RE: Daca expirations
>
> Hi Kerri -
>
> Great to hear from you. I hope you're doing well. I'd be happy to meet with NILC, AILA, and AIC. I've copied Lucas who indicated he would like to join the meeting. What date and time do you propose?
>
> Best,
> Ur
>
> -----Original Message-----
> From: Kerri Sherlock Talbot [<mailto:ktalbot@veng-group.com>]

> Sent: Tuesday, November 04, 2014 3:43 PM

> To: Jaddou, Ur M

> Subject: Daca expirations

>

>

> Hi Ur,

> How are you doing? I'm writing on behalf of NILC, AILA and AIC—they are hoping to meet with you about DACA expirations and EAD renewal. They have some recommendations and case examples to present. Is that something you would be willing to meet about? When would be good? Hope you are doing well Best Kerri

>

>

> -----

> Kerri Talbot

> +1 202 517 3109

Mousel, Julie A

From: Jaddou, Ur M
Sent: Thursday, December 11, 2014 6:55 PM
To: 'ktalbot@veng-group.com'
Cc: Guttentag, Lucas; Torres, Marina A; Choi, Juliet K
Subject: Re: Daca expirations

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kerri: I'm so sorry, but a few meetings were scheduled that Lucas and I can't miss tomorrow morning that would conflict with our meeting. Can we reschedule? I apologize again for this change.

Best,
Ur

----- Original Message -----

From: Kerri Sherlock Talbot [mailto:ktalbot@veng-group.com]
Sent: Thursday, December 11, 2014 05:17 PM
To: Jaddou, Ur M
Cc: Guttentag, Lucas; Torres, Marina A; Choi, Juliet K
Subject: Re: Daca expirations

Looking forward to seeing you tomorrow at 10, thanks!

Kerri Talbot
+1 202 517 3109

> On Dec 3, 2014, at 4:35 PM, "Jaddou, Ur M" <ur.m.jaddou@uscis.dhs.gov> wrote:

>

> Sounds good

>

> ----- Original Message -----

> From: Kerri Sherlock Talbot [mailto:ktalbot@veng-group.com]

> Sent: Wednesday, December 03, 2014 04:25 PM

> To: Jaddou, Ur M

> Cc: Guttentag, Lucas; Torres, Marina A; Choi, Juliet K

> Subject: Re: Daca expirations

>

>

> Great, that is perfect thanks. On addition to DACA expirations, we may also flag a few things to consider regarding the new program announcement. Thanks!

>

> -----

> Kerri Talbot

> +1 202 517 3109

>

>> On Dec 3, 2014, at 3:33 PM, "Jaddou, Ur M" <ur.m.jaddou@uscis.dhs.gov> wrote:

>>

>> How about we aim for next Friday (December 12), 10 AM?

>>

>> -----Original Message-----

>> From: Guttentag, Lucas

>> Sent: Wednesday, December 03, 2014 10:51 AM

>> To: Kerri Sherlock Talbot; Jaddou, Ur M

>> Cc: Torres, Marina A; Choi, Juliet K

>> Subject: RE: Daca expirations

>>

>> Thanks Kerri. Hope you had a good Thanksgiving. Look forward to finding a time to discuss. Adding Marina and Juliet.

>>

>> -----Original Message-----

>> From: Kerri Sherlock Talbot [mailto:ktalbot@veng-group.com]

>> Sent: Monday, December 01, 2014 3:35 PM

>> To: Jaddou, Ur M

>> Cc: Guttentag, Lucas; Torres, Marina A

>> Subject: RE: Daca expirations

>>

>> Hi, I wanted to see if there is a time later this month when we could reschedule this DACA renewals meeting? I know you guys are super crazy busy so just let us know when a good time for you would be.

>> Thanks!

>>

>>

>>

>>

>> Kerri Sherlock Talbot

>> VENG GROUP

>> O +1 202 499 7027, x 106

>> M +1 202 517 3109

>> F +1 202 499 7030

>> ktalbot@veng-group.com

>>

>> -----Original Message-----

>> From: Jaddou, Ur M [mailto:ur.m.jaddou@uscis.dhs.gov]

>> Sent: Thursday, November 13, 2014 10:00 AM

>> To: Kerri Sherlock Talbot

>> Cc: Guttentag, Lucas; Torres, Marina A

>> Subject: Re: Daca expirations

>>

>> Kerri: A mtg was scheduled that we have to attend at 10 and need to depart by 9:30. Would that be enough time or should we rescheduled?

>>

>> ----- Original Message -----

>> From: Kerri Sherlock Talbot [mailto:ktalbot@veng-group.com]

>> Sent: Thursday, November 13, 2014 08:04 AM

>> To: Jaddou, Ur M

>> Cc: Guttentag, Lucas

>> Subject: RE: Daca expirations

>>

>> Hi, sorry to bug you but wanted to confirm whether we should be there at 9 tomorrow? Thanks!

Mousel, Julie A

Subject: Canceled: DACA Expirations
Location: USCIS, WILCOXCONFIRM 5110

Start: Fri 12/12/2014 9:00 AM
End: Fri 12/12/2014 10:00 AM
Show Time As: Free

Recurrence: (none)

Organizer: Guttentag, Lucas
Required Attendees: Torres, Marina A; Guttentag, Lucas; Jaddou, Ur M; Scheduler, Choi; Choi, Juliet K

When: Friday, December 12, 2014 3:00 PM-4:00 PM. UTC
Where: USCIS, WILCOXCONFIRM 5110

~~*~*~*~*~*~*~*~*

-----Original Message-----

From: Jaddou, Ur M
Sent: Wednesday, December 03, 2014 4:35 PM
To: 'ktalbot@veng-group.com'
Cc: Guttentag, Lucas; Torres, Marina A; Choi, Juliet K
Subject: Re: Daca expirations

Sounds good

----- Original Message -----

From: Kerri Sherlock Talbot [mailto:ktalbot@veng-group.com]
Sent: Wednesday, December 03, 2014 04:25 PM
To: Jaddou, Ur M
Cc: Guttentag, Lucas; Torres, Marina A; Choi, Juliet K
Subject: Re: Daca expirations

Great, that is perfect thanks. On addition to DACA expirations, we may also flag a few things to consider regarding the new program announcement. Thanks!

Kerri Talbot
+1 202 517 3109

> On Dec 3, 2014, at 3:33 PM, "Jaddou, Ur M" <ur.m.jaddou@uscis.dhs.gov> wrote:

>

> How about we aim for next Friday (December 12), 10 AM?

>

> -----Original Message-----

> From: Guttentag, Lucas

> Sent: Wednesday, December 03, 2014 10:51 AM

Mousel, Julie A

From: Bjorndahl, Jami A
Sent: Tuesday, January 06, 2015 3:29 PM
To: Jaddou, Ur M
Cc: Guttentag, Lucas
Subject: RE: Immigration Engagement

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you. I'll contact S2's office.

From: Jaddou, Ur M
Sent: Tuesday, January 06, 2015 4:27 PM
To: Bjorndahl, Jami A
Cc: Guttentag, Lucas
Subject: Re: Immigration Engagement

I'm not sure who is the POC for the event. I received the invitation as a forwarded invite fr Esther Olavarria, Counselor to S1, who is an attendee. The Outlook invitation is from "Mayorkas.Scheduler"

From: Bjorndahl, Jami A
Sent: Tuesday, January 06, 2015 04:23 PM
To: Jaddou, Ur M
Subject: FW: Immigration Engagement

Hi Ur,

Sorry to be a bother – can you please advise if there's a POC to request additional attendees on the invite? I'd like to make sure I contact the right person at S2's office.

Thank you,
Jami

From: Choi, Juliet K
Sent: Tuesday, January 06, 2015 4:20 PM
To: Jaddou, Ur M; Guttentag, Lucas
Cc: Bjorndahl, Jami A; Savina, Jennifer P (CTR)
Subject: RE: Immigration Engagement

J/J, let's get the meeting invitation to my calendar and make other arrangements as necessary. Thx.

Cheers -

**

Juliet K. Choi
USCIS Chief of Staff

From: Jaddou, Ur M
Sent: Tuesday, January 06, 2015 4:07:45 PM
To: Choi, Juliet K; Guttentag, Lucas
Cc: Nino, Teresa; Inouye, Shinichi (Shin); Torres, Marina A
Subject: Re: Immigration Engagement

1:30-3

From: Choi, Juliet K
Sent: Tuesday, January 06, 2015 04:06 PM
To: Jaddou, Ur M; Guttentag, Lucas
Cc: Nino, Teresa; Inouye, Shinichi (Shin); Torres, Marina A
Subject: RE: Immigration Engagement

What time? I may want to try to attend.

(cc'ing others for viz only.)

Cheers -

**

Juliet K. Choi
USCIS Chief of Staff

From: Jaddou, Ur M
Sent: Tuesday, January 06, 2015 3:51:20 PM
To: Choi, Juliet K; Guttentag, Lucas
Subject: Re: Immigration Engagement

S2 mtg with the following groups:

DHS Attendees:

S2

Rob Silvers

Serena Hoy

Esther Olavarria

CONFIRMED (19 people):

Mr. Greg Chen – Director of Advocacy, American Immigration Lawyers Association (AILA)

Ms. Melissa Crow – Legal Director, American Immigration Council

Ms. Adrienne DerVartanian - Director of Immigration and Labor Rights, Farmworker Justice

Ms. Patty First – Principal, The Raben Group

Mr. Marshall Fitz – Vice President, Center for American Progress

Ms. Mary Giovagnoli – Director of Immigration Policy, American Immigration Council

Mr. Ben Johnson – Executive Director, American Immigration Council

Ms. Kate Kahan – Legislative Director, Center for Community Change

Ms. Betsy Lawrence – Director of Liaison, American Immigration Lawyers Association (approved surrogate for Crystal Williams)

Ms. Joanne Lin – Legislative Counsel, American Civil Liberties Union

Mr. Jose Magaña-Salgado – Staff Attorney, MALDEF

Ms. Rita Medina – Policy Advocate, Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) (approved surrogate for Angelica Salas)

Ms. Royce Bernstein Murray – Director of Policy, National Immigrant Justice Center

Mr. Ali Noorani – Executive Director, National Immigration Forum

Ms. Brittney Nystrom – Director for Advocacy, Lutheran Immigration and Refugee Service

Ms. Lorella Praeli – Director of Advocacy & Policy, United We Dream

Ms. Paromita Shah – Associate Director, National Immigration Project of the NLG

Ms. Kerri Sherlock Talbot – Partner, Veng Group

Mr. Gustavo Torres – Executive Director, CASA de Maryland

Ms. Ashley Feasley - Immigration Policy Advisor, United States Conference of Catholic Bishops | Migration and Refugee Services

Ms. Allison Posner – Director of Advocacy, Catholic Legal Immigration Network, Inc.

From: Choi, Juliet K

Sent: Tuesday, January 06, 2015 03:45 PM

To: Jaddou, Ur M; Guttentag, Lucas

Subject: RE: Immigration Engagement

Which mtg is this? (There's no description below)

Cheers -

**

Juliet K. Choi
USCIS Chief of Staff

From: Jaddou, Ur M
Sent: Tuesday, January 06, 2015 3:27:33 PM
To: Guttentag, Lucas; Choi, Juliet K
Subject: RE: Immigration Engagement

Unfortunately, this meeting conflicts with my check-in tomorrow. Would you prefer I attend this meeting (and reschedule the check-in) or we continue to with our check-in?

From: Guttentag, Lucas
Sent: Tuesday, January 06, 2015 3:00 PM
To: Choi, Juliet K
Cc: Jaddou, Ur M
Subject: FW: Immigration Engagement

FYI. Esther asked that Ur and I attend.

From: Olavarria, Esther
Sent: Tuesday, January 06, 2015 11:48 AM
To: Jaddou, Ur M; Guttentag, Lucas
Subject: FW: Immigration Engagement

Mousel, Julie A

From: Choi, Juliet K
Sent: Friday, January 09, 2015 9:02 PM
To: Olavarria, Esther; Guttentag, Lucas
Subject: FW: UWD's Implementation Training Retreat
Attachments: ImmigrationAction Bootcamp 2015AGENDA-2.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

FYI. Gonna swing by and meet folks during their lunch break.

(b)(6)

From: [REDACTED] [mailto:lorella.praeli@gmail.com] **On Behalf Of** Lorella Praeli
Sent: Friday, January 09, 2015 3:27 PM
To: Choi, Juliet K
Cc: Patrick, Shirley A (CTR)
Subject: UWD's Implementation Training Retreat

Dear Juliet and Shirley,

It was a pleasure meeting you both and I'm eager to continue to build this relationship, so we can work together so immigrant communities can live with less fear and more dignity!

As I mentioned, UWD is having its immigration bootcamp training this weekend and we'd love to have you join us for part of it! I've attached the agenda for your perusing. My suggestion (if possible) would be for you to join the team during lunch. There are sections on data systems and a mock information session afterward, which you might enjoy.

Let me know and I can go ahead and connect you to Adam in our team; I won't be there due to a prior commitment (unfortunately).

All best,

Lorella

PS: we're already moving on some of the pieces we discussed yesterday!

--

Lorella Praeli
Director of Advocacy & Policy | United We Dream
c: 203-417-1436 | lorella@unitedwedream.org

We can't continue this work without your support: Donate to UWD today.

--

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Mousel, Julie A

From: lorella.praeli@gmail.com on behalf of Lorella Praeli <lorella@unitedwedream.org>
Sent: Tuesday, January 13, 2015 6:38 PM
To: Torres, Marina A
Cc: Choi, Juliet K; Guttentag, Lucas; Nino, Teresa; Inouye, Shinichi (Shin)
Subject: Re: USCIS, UWD connect

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you, Marina, and nice to e-meet the team! Marina, I'm following up separately to (finally) set up our meeting. I'm looking forward to it!

Thank you all for your incredible work. I look forward to working with you.

On Fri, Jan 9, 2015 at 2:20 PM, Torres, Marina A <marina.a.torres@uscis.dhs.gov> wrote:

Lorella –

Always a pleasure to see you! Glad we had a chance to connect yesterday when you were in the office. Very much looking forward to strengthening our collaboration with UWD and happy to assist with any bridge-building and introductions that may be useful to you and to UWD. Please do consider us a resource here at USCIS.

I've also taken the liberty of looping in my good colleagues Teresa Niño (Sr. Advisor for Intergovernmental Affairs) and Shin Inouye (Press Secretary and Advisor for Intergovernmental and External Affairs).

Warmly,

Marina A. Torres

Counselor to the Director

U.S. Citizenship and Immigration Services

Department of Homeland Security

[202.272.8024](tel:202.272.8024)

Marina.a.torres@uscis.dhs.gov

--

Lorella Praeli

*Director of Advocacy & Policy | **United We Dream***

c: 203-417-1436 | lorella@unitedwedream.org

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Mousel, Julie A

From: Guttentag, Lucas
Sent: Tuesday, February 03, 2015 7:00 AM
To: Chishti, Muzaffar
Subject: RE: Capps Decl - edited 1 MPI

Follow Up Flag: Follow up
Flag Status: Flagged

Ok. Try my desk. 272-8025. (b)(6)
Cell if no answer

From: Chishti, Muzaffar
Sent: Tuesday, February 03, 2015 7:08:18 AM
To: Guttentag, Lucas
Subject: Re: Capps Decl - edited 1 MPI

Let's do noon. What number shall we reach you at?
Best.
M

Sent from my iPhone

On Feb 2, 2015, at 6:56 PM, Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov> wrote:

Yes, of course. Tomorrow at 11.30 or Noon?

From: Chishti, Muzaffar [<mailto:muzaffar.chishti@nyu.edu>]
Sent: Monday, February 02, 2015 6:19 PM
To: Guttentag, Lucas
Subject: RE: Capps Decl - edited 1 MPI

He appreciated your call. I know Doris would like to speak as well, and wanted to see if we could do a three-way call. Let me know what time/s you can.
Many thanks,
Muz

From: Guttentag, Lucas [<mailto:lucas.guttentag@uscis.dhs.gov>]
Sent: Friday, January 30, 2015 9:28 PM
To: Chishti, Muzaffar
Subject: RE: Capps Decl - edited 1 MPI

Happy to talk. I spoke with Randy to explain more fully. He understood. Hugely appreciate the time and effort of all of you.
L

Mousel, Julie A

From: Guttentag, Lucas
Sent: Monday, March 02, 2015 3:05 PM
To: Charles Kamasaki; Olavarria, Esther
Subject: RE: Question and Idea

Follow Up Flag: Follow up
Flag Status: Flagged

Charles, Sorry I got pulled away unexpectedly. Will catch up with Esther.

From: Charles Kamasaki [<mailto:ckamasaki@nclr.org>]
Sent: Monday, March 02, 2015 10:15 AM
To: Guttentag, Lucas; Olavarria, Esther
Subject: RE: Question and Idea

Great; can we shoot for 3:00? What's the best # for me to call?

From: Guttentag, Lucas [<mailto:lucas.guttentag@uscis.dhs.gov>]
Sent: Monday, March 02, 2015 9:41 AM
To: Olavarria, Esther; Charles Kamasaki
Subject: RE: Question and Idea

Today betw 2-3.30pm is good; tomorrow after 12 is ok.

From: Olavarria, Esther
Sent: Monday, March 02, 2015 9:37 AM
To: Charles Kamasaki; Guttentag, Lucas
Subject: RE: Question and Idea

Today and tomorrow are pretty open for me.

From: Charles Kamasaki [<mailto:ckamasaki@nclr.org>]
Sent: Saturday, February 28, 2015 2:35 PM
To: Guttentag, Lucas; Olavarria, Esther
Subject: Question and Idea

Hi Guys,

Might either or both of you be available for a quick chat early next week? I both have a question about legal status and a possible idea. Pls. shoot me some available times, or you can try my cell (traveling now, back in DC Sun night): 202-340-8212. Thanks!

Charles

Mousel, Julie A

From: Marielena Hincapie <hincapie@nilc.org>
Sent: Thursday, April 02, 2015 9:45 AM
To: Guttentag, Lucas
Subject: Re: Still available?

Follow Up Flag: Follow up
Flag Status: Flagged

Great, will call you at 11. Thx

On Apr 2, 2015, at 7:43 AM, Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov> wrote:

Let's start. I'm squeezed too but can do until 11:15a so worth beginning. Tomorrow is unfortunately bad.

If you want to call at 10.45a instead, that works for me.

At 202.272-8025

L

From: Marielena Hincapie [<mailto:hincapie@nilc.org>]

Sent: Thursday, April 02, 2015 10:40 AM

To: Guttentag, Lucas

Subject: Still available?

Good morning Lucas,

Are you still available at 11? My schedule is a bit tight because we're finalizing our brief but I can talk. Tomorrow is much better if that's at all an option for you.

Let me know.

Thanks,
Marielena

Marielena Hincapie, Esq.
Executive Director
National Immigration Law Center

213-674-2812 (o)
415-845-3403 (m)
[@MarielenaNILC](https://twitter.com/MarielenaNILC)

Executive Assistant: Claudia Lara
lara@nilc.org // 213-674-2835

Mousel, Julie A

From: Guttentag, Lucas
Sent: Friday, April 03, 2015 5:30 PM
To: Choi, Juliet K
Subject: RE: Follow up ltr re 1 or 11 Million Cases

Follow Up Flag: Follow up
Flag Status: Flagged

(b)(5)

[Redacted]

From: Choi, Juliet K
Sent: Friday, April 03, 2015 6:24 PM
To: Guttentag, Lucas
Subject: RE: Follow up ltr re 1 or 11 Million Cases

[Redacted]

From: Guttentag, Lucas
Sent: Friday, April 03, 2015 6:21 PM
To: Choi, Juliet K
Subject: RE: Follow up ltr re 1 or 11 Million Cases

[Redacted]

From: Choi, Juliet K
Sent: Friday, April 03, 2015 6:19 PM
To: Guttentag, Lucas
Subject: RE: Follow up ltr re 1 or 11 Million Cases

Lucas, thanks for this.

[Redacted]

Make sense?

(b)(5)

Juliet K. Choi, Chief of Staff
U.S. Citizenship and Immigration Services
202-272-1000 (Office)
Juliet.K.Choi@uscis.dhs.gov

From: Guttentag, Lucas
Sent: Friday, April 03, 2015 5:46 PM
To: Choi, Juliet K
Subject: FW: Follow up ltr re 1 or 11 Million Cases

(b)(5)

From: Marielena Hincapie [<mailto:hincapie@nilc.org>]
Sent: Friday, April 03, 2015 5:24 PM
To: Guttentag, Lucas
Subject: RE: Follow up ltr re 1 or 11 Million Cases

I appreciate you letting me know that, Lucas. As you can imagine, folks are getting anxious since they filed their requests over 6 months ago now.

It would be helpful to at least get a formal response to our request for a status update (since we sent that 1 month ago) so that we can at least share with the 11 individuals that USCIS is looking into this.

All the best,
Marielena

From: Guttentag, Lucas [<mailto:lucas.guttentag@uscis.dhs.gov>]
Sent: Friday, April 03, 2015 2:05 PM
To: Marielena Hincapie
Subject: RE: Follow up ltr re 1 or 11 Million Cases

Thanks Marielena. I'm on travel most of the next couple of weeks so please do not anticipate a reply as soon as you're requesting. I believe you indicated that one of these individuals had received a denial recently. If you can also send that along, it would be helpful.

All best
Lucas

From: Marielena Hincapie [<mailto:hincapie@nilc.org>]
Sent: Friday, April 03, 2015 4:45 PM
To: Guttentag, Lucas
Subject: FW: Follow up ltr re 1 or 11 Million Cases

Dear Lucas,

It was great talking with you briefly yesterday. I am forwarding the letter from March 3, 2015 requesting a status update on the 1 of 11 million campaign.

I'd greatly appreciate a response next week.

Mousel, Julie A

From: Guttentag, Lucas
Sent: Sunday, April 05, 2015 8:09 AM
To: Jaddou, Ur M
Cc: Torres, Marina A
Subject: RE: Follow up ltr re 1 or 11 Million Cases

Follow Up Flag: Follow up
Flag Status: Flagged

Sorry. Misread your availability. 12:30 would be great.

From: Guttentag, Lucas
Sent: Saturday, April 04, 2015 11:09:06 PM
To: Jaddou, Ur M
Cc: Torres, Marina A
Subject: RE: Follow up ltr re 1 or 11 Million Cases

Good question. So far as I know, no formal representation. 10:30 would be great.

From: Jaddou, Ur M
Sent: Saturday, April 04, 2015 9:17:57 PM
To: Guttentag, Lucas
Cc: Torres, Marina A
Subject: RE: Follow up ltr re 1 or 11 Million Cases

I'm free 11-1. Does NILC represent them?

From: Guttentag, Lucas
Sent: Saturday, April 04, 2015 4:54:33 PM
To: Jaddou, Ur M
Cc: Torres, Marina A
Subject: FW: Follow up ltr re 1 or 11 Million Cases

(b)(5)

From: Marielena Hincapie [<mailto:hincapie@nilc.org>]
Sent: Friday, April 03, 2015 4:45 PM

To: Guttentag, Lucas
Subject: FW: Follow up ltr re 1 or 11 Million Cases

Dear Lucas,

It was great talking with you briefly yesterday. I am forwarding the letter from March 3, 2015 requesting a status update on the 1 of 11 million campaign.

I'd greatly appreciate a response next week.

All the best,
Marielena

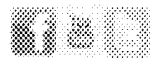
Marielena Hincapie, Esq. | Executive Director
National Immigration Law Center | NILC Immigrant Justice Fund
3435 Wilshire Blvd., Suite 2850 | Los Angeles, CA 90010 | 213.674.2812

Executive Assistant: Claudia Lara
lara@nilc.org | 213.674.2835

@MarielenaNILC

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Save paper--don't print unless necessary

From: Claudia Lara
Sent: Friday, April 03, 2015 11:24 AM
To: Marielena Hincapie
Subject: FW: Follow up ltr re 1 or 11 Million Cases

Here you go!

From: Claudia Lara
Sent: Tuesday, March 03, 2015 3:26 PM
To: Choi, Juliet K
Cc: maria.odom@hq.dhs.gov
Subject: Follow up ltr re 1 or 11 Million Cases

Julie,

Hope you are well.

Marielena asked I email you the attached letter. Can you please be sure this reaches Leon Rodriquez?

Cc'ing Maria Odom

Regards,
Claudia

Claudia Lara | Sr. Executive Assistant
National Immigration Law Center
3435 Wilshire Bl, Suite 2850 | Los Angeles, CA 90010 | 213.674.2835 |
lara@nilc.org

(b)(6)

Mousel, Julie A

From: [REDACTED] on behalf of Lorella Praeli <lorella@unitedwedream.org>
Sent: Monday, May 11, 2015 1:51 PM
To: Bjorndahl, Jami A
Cc: Choi, Juliet K; Cristina Jimenez; Julieta Garibay; Guttentag, Lucas; Melero, Mariela
Subject: Re: 3 year EADs

Follow Up Flag: Follow up
Flag Status: Flagged

That works for us. Thanks, Jami.

On Mon, May 11, 2015 at 2:41 PM, Bjorndahl, Jami A <jami.a.bjorndahl@uscis.dhs.gov> wrote:

Good afternoon,

Would 9:30am be convenient for all?

Thank you,

Jami

From: Choi, Juliet K
Sent: Monday, May 11, 2015 2:28 PM
To: Lorella Praeli
Cc: Cristina Jimenez; Julieta Garibay; Guttentag, Lucas; Melero, Mariela; Bjorndahl, Jami A
Subject: RE: 3 year EADs

Thank you so very much, Lorella. Let's see if we can confirm a time for the morning.

**

Juliet K. Choi
USCIS Chief of Staff

(b)(6)

From [REDACTED] on behalf of Lorella Praeli
Sent: Monday, May 11, 2015 2:18:46 PM
To: Choi, Juliet K
Cc: Cristina Jimenez; Julieta Garibay; Guttentag, Lucas
Subject: Re: 3 year EADs

Hi Juliet,

Apologies for our late response. We're available for a call today at 4:30 or tomorrow 8-11. Please let us know if any of these times work or if there is a better date/time for you.

Best,

Lorella

On Fri, May 8, 2015 at 8:10 PM, Choi, Juliet K <juliet.k.choi@uscis.dhs.gov> wrote:

Cristina and Lorella,

Apologies I'm just writing back as I've been on travel this week. (And Lucas remains on travel.) I know I asked Mariela to reach out to you both by phone to make sure we could connect with you sooner rather than later. I want to make sure I get the chance to connect with you as well.

Kindly advise if you have time on Monday to connect.

As always, we very much appreciate your partnership, especially during these dynamic times.

Juliet K. Choi, Chief of Staff

U.S. Citizenship and Immigration Services

202-272-1000 (Office)

Juliet.K.Choi@uscis.dhs.gov

(b)(6)

(b)(6)

From: [redacted] [mailto:[redacted]] **On Behalf Of** Lorella Praeli
Sent: Wednesday, May 06, 2015 6:29 AM
To: Choi, Juliet K; Guttentag, Lucas
Cc: Julieta Garibay
Subject: 3 year EADs

Hi Juliet and Lucas,

I hope you're well! Please see attached. Is USCIS retracting 3-year EADs and issuing 2 year EADs? If so, do you have a sense of how many folks are impacted by this?

Many thanks,

Lorella

--

Lorella Praeli

Director of Advocacy & Policy | [United We Dream](#)

c: [203-417-1436](tel:203-417-1436) | lorella@unitedwedream.org

@lorellaluciana

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--

Lorella Praeli

*Director of Advocacy & Policy | **United We Dream***

c: 203-417-1436 | lorella@unitedwedream.org

@lorellaluciana

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Mousel, Julie A

From: Choi, Juliet K
Sent: Tuesday, May 12, 2015 8:27 AM
To: Lorella Praeli
Cc: Bjorndahl, Jami A; Cristina Jimenez; Julieta Garibay; Guttentag, Lucas; Melero, Mariela
Subject: RE: 3 year EADs

Follow Up Flag: Follow up
Flag Status: Flagged

Apologies, ladies. I am running just a few minutes late. Could we connect @ 940am?

**

Juliet K. Choi
USCIS Chief of Staff

(b)(6)

From: [REDACTED] on behalf of Lorella Praeli
Sent: Monday, May 11, 2015 4:17:30 PM
To: Choi, Juliet K
Cc: Bjorndahl, Jami A; Cristina Jimenez; Julieta Garibay; Guttentag, Lucas; Melero, Mariela
Subject: Re: 3 year EADs

I think it's easier if we call you, since our office phones have a weird set up and don't always get incoming calls. What's best number?

On Mon, May 11, 2015 at 4:15 PM, Choi, Juliet K <juliet.k.choi@uscis.dhs.gov> wrote:

Hello all, thanks for getting us confirmed for tomorrow @ 930am.

Rather than a group call, I'd like to do this call directly with Christina and Lorella. Might I just call your office?

(b)(6)

From: lorella.praeli@gmail.com [mailto:[REDACTED]] **On Behalf Of** Lorella Praeli
Sent: Monday, May 11, 2015 2:51 PM
To: Bjorndahl, Jami A
Cc: Choi, Juliet K; Cristina Jimenez; Julieta Garibay; Guttentag, Lucas; Melero, Mariela

Subject: Re: 3 year EADs

That works for us. Thanks, Jami.

On Mon, May 11, 2015 at 2:41 PM, Bjorndahl, Jami A <jami.a.bjorndahl@uscis.dhs.gov> wrote:

Good afternoon,

Would 9:30am be convenient for all?

Thank you,

Jami

From: Choi, Juliet K
Sent: Monday, May 11, 2015 2:28 PM
To: Lorella Praeli
Cc: Cristina Jimenez; Julieta Garibay; Guttentag, Lucas; Melero, Mariela; Bjorndahl, Jami A
Subject: RE: 3 year EADs

Thank you so very much, Lorella. Let's see if we can confirm a time for the morning.

**

Juliet K. Choi
USCIS Chief of Staff

From: [REDACTED] on behalf of Lorella Praeli (b)(6)
Sent: Monday, May 11, 2015 2:18:46 PM
To: Choi, Juliet K
Cc: Cristina Jimenez; Julieta Garibay; Guttentag, Lucas
Subject: Re: 3 year EADs

Hi Juliet,

Apologies for our late response. We're available for a call today at 4:30 or tomorrow 8-11. Please let us know if any of these times work or if there is a better date/time for you.

Best,

Lorella

On Fri, May 8, 2015 at 8:10 PM, Choi, Juliet K <juliet.k.choi@uscis.dhs.gov> wrote:

Cristina and Lorella,

Apologies I'm just writing back as I've been on travel this week. (And Lucas remains on travel.) I know I asked Mariela to reach out to you both by phone to make sure we could connect with you sooner rather than later. I want to make sure I get the chance to connect with you as well.

Kindly advise if you have time on Monday to connect.

As always, we very much appreciate your partnership, especially during these dynamic times.

Juliet K. Choi, Chief of Staff

U.S. Citizenship and Immigration Services

[202-272-1000](tel:202-272-1000) (Office)

Juliet.K.Choi@uscis.dhs.gov

(b)(6)

From: lorella.praeli@gmail.com [mailto:] **On Behalf Of** Lorella Praeli

Sent: Wednesday, May 06, 2015 6:29 AM

To: Choi, Juliet K; Guttentag, Lucas

Cc: Julieta Garibay

Subject: 3 year EADs

Hi Juliet and Lucas,

I hope you're well! Please see attached. Is USCIS retracting 3-year EADs and issuing 2 year EADs? If so, do you have a sense of how many folks are impacted by this?

Many thanks,

Lorella

--

Lorella Praeli

Director of Advocacy & Policy | [United We Dream](#)

c: [203-417-1436](tel:203-417-1436) | lorella@unitedwedream.org

@lorellaluciana

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Lorella Praeli

Director of Advocacy & Policy | [United We Dream](#)

c: [203-417-1436](tel:203-417-1436) | lorella@unitedwedream.org

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Lorella Praeli
Director of Advocacy & Policy | United We Dream
c: 203-417-1436 | lorella@unitedwedream.org
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Mousel, Julie A

From: Guttentag, Lucas
Sent: Thursday, May 21, 2015 12:42 AM
To: Jose Magana-Salgado
Subject: RE: [request for a meeting] ILRC

Follow Up Flag: Follow up
Flag Status: Flagged

I've been out for family matters. Back on Friday. Can we connect after I have few days to catch up? Please reach out early next week after the holiday. Thank you

From: Jose Magana-Salgado
Sent: Tuesday, May 19, 2015 5:14:37 PM
To: Guttentag, Lucas
Subject: Re: [request for a meeting] ILRC

Hi Lucas:
Hope you're well.
I'm following up on the below meeting request. Do you have anytime anytime after June 3?
Thank you so much.

On Wed, Apr 29, 2015 at 12:05 PM, Jose Magana-Salgado <jmagana@ilrc.org> wrote:

Hi Lucas,
I hope you're doing well!
Bill Hing previously mentioned that I was interested in doing a quick sit down with you for introductions and to chat about some of the advocacy we're doing.
Do you have sometime to meet at your office here in DC anytime May 4 or 5?
Thanks and look forward to chatting in person.
Jose

----- Forwarded message -----

From: Bill Hing <bhing@usfca.edu>
Date: Tue, Apr 28, 2015 at 7:03 PM
Subject: Lucas Guttentag
To: Jose Magana-Salgado <jmagana@ilrc.org>
Cc: Bill Hing <bhing@ilrc.org>, Angie Junck <ajunck@ilrc.org>, Aidin Castillo <acastillo@ilrc.org>, Mark Silverman <msilverman@ilrc.org>, Eric Cohen <ecohen@ilrc.org>

Dear Jose,

As promised, I reached out to Lucas Guttentag on your behalf. I told him that you would like to chat with him on behalf of the ILRC just to meet him. He said he would be happy to meet you.

He said he is traveling this week, so next week would be better. I know you might be in SF next week, but at any rate you should probably reach out to him next week to schedule an appointment. He said to contact him on

his cell [202-345-3418](tel:202-345-3418) (his voicemail tends to be full or not set up, but I've had success texting him) or via email: lucas.guttentag@uscis.dhs.gov

Bill Hing

blog: <http://lawprofessors.typepad.com/immigration/>

<http://twitter.com/immprof>

ssrn: <http://ssrn.com/author=331631>

--

Jose Magaña-Salgado

Immigration Policy Attorney

Immigrant Legal Resource Center

1016 16th St., NW, Suite 100

Washington, DC 20036

O: [202-777-8999](tel:202-777-8999)

C: [480-678-0040](tel:480-678-0040)

jmagana@ilrc.org

--

Jose Magaña-Salgado

Immigration Policy Attorney

Immigrant Legal Resource Center

1016 16th St., NW, Suite 100

Washington, DC 20036

O: [202-777-8999](tel:202-777-8999)

C: [480-678-0040](tel:480-678-0040)

jmagana@ilrc.org

(b)(6)

Subject: Re: 3 year EADs

That works for us. Thanks, Jami.

On Mon, May 11, 2015 at 2:41 PM, Bjorndahl, Jami A <jami.a.bjorndahl@uscis.dhs.gov> wrote:

Good afternoon,

Would 9:30am be convenient for all?

Thank you,

Jami

From: Choi, Juliet K
Sent: Monday, May 11, 2015 2:28 PM
To: Lorella Praeli
Cc: Cristina Jimenez; Julieta Garibay; Guttentag, Lucas; Melero, Mariela; Bjorndahl, Jami A
Subject: RE: 3 year EADs

Thank you so very much, Lorella. Let's see if we can confirm a time for the morning.

**

Juliet K. Choi
USCIS Chief of Staff

From: [REDACTED] on behalf of Lorella Praeli (b)(6)
Sent: Monday, May 11, 2015 2:18:46 PM
To: Choi, Juliet K
Cc: Cristina Jimenez; Julieta Garibay; Guttentag, Lucas
Subject: Re: 3 year EADs

Hi Juliet,

Mousel, Julie A

From: Charles Kamasaki <ckamasaki@nclr.org>
Sent: Thursday, May 28, 2015 9:02 AM
To: Guttentag, Lucas
Subject: RE: So maybe time for a quick check-in?

Follow Up Flag: Follow up
Flag Status: Flagged

Yes. See you then.

Sent from my Windows Phone

From: [Guttentag, Lucas](#)
Sent: 5/28/2015 8:26 AM
To: [Charles Kamasaki](#)
Subject: RE: So maybe time for a quick check-in?

Johnnys Half Shell at 6pm on North Capitol. Work for you?

From: Charles Kamasaki
Sent: Wednesday, May 27, 2015 11:22:42 PM
To: Guttentag, Lucas
Subject: RE: So maybe time for a quick check-in?

Sounds good. Name a place & time & I'll meet you.

Sent from my Windows Phone

From: [Guttentag, Lucas](#)
Sent: 5/27/2015 9:41 PM
To: [Charles Kamasaki](#)
Subject: RE: So maybe time for a quick check-in?

I'm free tmrw after work if you want. Esther is gone til next week.

From: Charles Kamasaki
Sent: Wednesday, May 27, 2015 9:28:46 PM
To: Guttentag, Lucas
Subject: RE: So maybe time for a quick check-in?

Ok, I'll buy. When?

Sent from my Windows Phone

From: [Guttentag, Lucas](#)
Sent: 5/27/2015 5:15 PM

To: Charles Kamasaki

Subject: RE: So maybe time for a quick check-in?

Yes-- or more like a stiff drink

From: Charles Kamasaki

Sent: Wednesday, May 27, 2015 5:12:56 PM

To: Guttentag, Lucas; Esther M. (Olavarria@nss.eop.gov)

Subject: So maybe time for a quick check-in?

Charles Kamasaki
Senior Cabinet Advisor

National Council of La Raza (NCLR)

Headquarters

1126 16th St., NW, Suite 600

Washington, DC 20036-4845

MAIN 202.785.1670

TEL 202.776.1719

Mousel, Julie A

From: Jose Magana-Salgado <jmagana@ilrc.org>
Sent: Monday, June 08, 2015 4:02 PM
To: Guttentag, Lucas
Subject: Re: [request for a meeting] ILRC

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lucas:
Hope you're well.
Following up on the below meeting request. Let me know if you have some time the week of the 22nd.
Thank you!

On Thu, May 21, 2015 at 5:19 PM, Jose Magana-Salgado <jmagana@ilrc.org> wrote:
That sounds great, Lucas.
Welcome back.
I'll reach out to you then.
Thanks, again.

On Thu, May 21, 2015 at 1:42 AM, Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov> wrote:
I've been out for family matters. Back on Friday. Can we connect after I have few days to catch up? Please reach out early next week after the holiday. Thank you

From: Jose Magana-Salgado
Sent: Tuesday, May 19, 2015 5:14:37 PM
To: Guttentag, Lucas
Subject: Re: [request for a meeting] ILRC

Hi Lucas:
Hope you're well.
I'm following up on the below meeting request. Do you have anytime anytime after June 3?
Thank you so much.

On Wed, Apr 29, 2015 at 12:05 PM, Jose Magana-Salgado <jmagana@ilrc.org> wrote:
Hi Lucas,
I hope you're doing well!
Bill Hing previously mentioned that I was interested in doing a quick sit down with you for introductions and to chat about some of the advocacy we're doing.
Do you have sometime to meet at your office here in DC anytime May 4 or 5?
Thanks and look forward to chatting in person.
Jose

----- Forwarded message -----
From: Bill Hing <bhing@usfca.edu>
Date: Tue, Apr 28, 2015 at 7:03 PM
Subject: Lucas Guttentag

Mousel, Julie A

From: Jose Magana-Salgado <jmagana@ilrc.org>
Sent: Thursday, June 11, 2015 10:12 AM
To: Rodriguez, Leon
Cc: mariela.melero@dhs.uscis.gov; Olavarria, Esther; Giovagnoli, Mary; Hoy, Serena; Guevara, Carlos; Guttentag, Lucas; Elizabeth Dallam
Subject: [SIJS] Request for National Engagement re: SIJS
Attachments: 06-11-15 NGO Request for Meeting re SIJS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Attached please find a request from NGOs engaged in Special Immigration Juvenile Status (SIJS) advocacy for regular stakeholder engagements with the relevant parties within the USCIS leading SIJS implementation efforts. Thank you for your consideration of this request for a meeting. To coordinate this meeting, please contact Jose Magana-Salgado, of ILRC, at 202-777-8999 or jmagana@ilrc.org; or Elizabeth Dallam, of KIND, at 202-824-8681 or edallam@supportkind.org.

--

Jose Magaña-Salgado
Immigration Policy Attorney
Immigrant Legal Resource Center
1016 16th St., NW, Suite 100
Washington, DC 20036
O: 202-777-8999
C: 480-678-0040
jmagana@ilrc.org

Delivered via Email to leon.rodriguez@dhs.uscis.gov

June 11, 2015

Leon Rodriguez
Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
500 12th St., SW
Washington D.C. 20536

Dear Director Rodriguez:

On behalf of over two dozen national community-based organizations deeply involved in advocacy around Special Immigrant Juvenile Status (SIJS) at the federal, state, and local level, we would like to formally request regular engagements with U.S. Citizenship and Immigration Services (USCIS) officials to discuss ongoing and emerging issues related to SIJS.

On February 20, 2015, national stakeholders, led by Kids in Need of Defense (KIND) and the Immigrant Legal Resource Center (ILRC), sent a letter to you outlining some of the recent serious issues surrounding the adjudication of SIJS applications. Thank you for your response of June 3, 2015 and your commitment to address our concerns through comprehensive policy guidance. USCIS's response underscores the benefits of meeting with us so that we can share greater detail about the concerns raised in our letter.

Among other issues, we hope to discuss the following topics during our first engagement. We have received reports of Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs) (a) alleging that an individual requesting SIJS is not credible as a result of statements recorded within the I-213; (b) alleging minors are participating in the family court process solely for immigration benefits through the use of statements made at the border or other ports of entry; (c) attempting to inappropriately re-adjudicate the findings of a state court; (d) requesting complete adjudication records from state courts, records that are often protected by state confidentiality laws; and (e) challenging the validity of state court orders because a parent is not listed on a birth certificate. Moreover, there are serious issues regarding the lack of specificity as to why USCIS issues certain RFEs or NOIDs, with USCIS often employing boilerplate language or listing every conceivable basis. More recently, we have heard reports of a new, troubling policy where USCIS will no longer accept temporary custody orders with SIJS findings to support an I-360 application.

To address some of these issues, we would like to discuss existing and potential training mechanisms and guidance for USCIS adjudicators. We are also eager to discuss the scope of the *Perez-Olano* settlement and whether USCIS will disseminate the agreement to all districts.

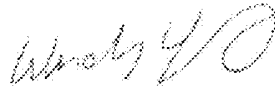
Given the importance of this topic and the benefits of community engagement, we would also like to formally request that we establish a series of quarterly stakeholder engagements regarding SIJS issues.

Thank you for your consideration of this request for a meeting. To coordinate this meeting, please contact Jose Magana-Salgado, of ILRC, at 202-777-8999 or jmagana@ilrc.org; or Elizabeth Dallam, of KIND, at 202-824-8681 or edallam@supportkind.org.

Sincerely,



Jose Magana-Salgado
Immigration Policy Attorney
Immigrant Legal Resource Center



Wendy Young
President
Kids in Need of Defense

Cc

Mariela Melero, Associate Director Customer Service and Public Engagement Directorate
Maria Odom, USCIS Ombudsman
Esther Olavarria, Counselor to Secretary
Mary Giovagnoli, Deputy Assistant Secretary for Immigration Policy, Office of Policy
Serena Hoy, Counselor to the Deputy Secretary
Carlos Guevara, Special Assistant of Department of Homeland Security
Lucas Guttentag, Senior Counselor to the Director

Mousel, Julie A

From: Faye Hipsman <fhipsman@migrationpolicy.org>
Sent: Thursday, June 11, 2015 1:46 PM
To: Guttentag, Lucas
Subject: RE: introduction and request

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you, Doris! (I've moved you to bcc)

Hi Lucas,

I believe we met in passing once before—so it's nice to reconnect. I'm certain that you would be a fantastic person to talk with about the immigration landscape and opportunities in SF and I'd be very grateful if you have some time to meet.

If there is a day/time that's convenient for you before June 25, I'll make it work. My only limitation is the afternoon of June 23.

Thank you!
Faye

From: Doris Meissner
Sent: Thursday, June 11, 2015 2:23 PM
To: Guttentag, Lucas
Cc: Faye Hipsman
Subject: introduction and request

Hi Lucas,

How are you doing? The roller coaster of executive action, a BIG program of applications, and now standstill status must be an exceptional experience for you to be having. Someday we must de-brief! For the moment, I'd like to take advantage of this lull in your work. ☺

By copy, please meet Faye Hipsman (you may already have met in passing). I wonder if you could find time in the next two weeks for her to visit with you re the immigration landscape and possible job ideas she should consider in SF. Faye is an associate policy analyst in the U.S. program here at MPI. She is moving to SF at the end of the month because her sweetheart has a terrific job opportunity there. I've worked closely with her for several years – as has Muz - and she's been invaluable. We snapped her up from an internship because she was so good. She's become an indispensable member of our US group and has done outstanding work on a wide range of issues. We will really miss her, but want to do all we can to help her become established in SF. She'll follow up with you in the hopes you can get together.

Many thanks. Hope life is treating you well.
Warmest, Doris

Doris Meissner
Senior Fellow and Director, US Policy Programs
Migration Policy Institute (MPI)

1400 16th Street, Suite 300
Washington, D.C. 20036
dmeissner@migrationpolicy.org
Ph: 202-266-1911; Fax: 202-266-1900
www.migrationpolicy.org

Mousel, Julie A

From: Guttentag, Lucas
Sent: Monday, June 22, 2015 12:16 PM
To: Faye Hipsman
Subject: RE: introduction and request

Follow Up Flag: Follow up
Flag Status: Flagged

My office is at 20 Mass Ave near Union Station. We can meet nearby so you don't need to deal with the security access issues. Please email again in the morning just in case I have to adjust the time or have unexpected conflict.

From: Faye Hipsman [<mailto:fhipsman@migrationpolicy.org>]
Sent: Monday, June 22, 2015 12:48 PM
To: Guttentag, Lucas
Subject: RE: introduction and request

Hi Lucas,

Not to worry at all—thanks so much for your willingness to connect. I can come meet you for coffee at 11am tomorrow. Just let me know what place is most convenient for you.

Thank you,
Faye

From: Guttentag, Lucas [<mailto:lucas.guttentag@uscis.dhs.gov>]
Sent: Monday, June 22, 2015 12:34 PM
To: Faye Hipsman
Subject: RE: introduction and request

Hi Faye

I'm sorry this fell through the cracks. I'd be happy to talk by phone or to grab a cup of coffee. I can do tomorrow around 11am – subject only to unexpected changes in my calendar.

All best
Lucas

From: Faye Hipsman [<mailto:fhipsman@migrationpolicy.org>]
Sent: Thursday, June 11, 2015 2:46 PM
To: Guttentag, Lucas
Subject: RE: introduction and request

Thank you, Doris! (I've moved you to bcc)

Hi Lucas,

I believe we met in passing once before—so it's nice to reconnect. I'm certain that you would be a fantastic person to talk with about the immigration landscape and opportunities in SF and I'd be very grateful if you have some time to meet.

Mousel, Julie A

From: Faye Hipsman <fhipsman@migrationpolicy.org>
Sent: Tuesday, June 23, 2015 9:12 AM
To: Guttentag, Lucas
Subject: RE: introduction and request
Attachments: Faye Hipsman __ Resume 2015.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

P.S., I'm attaching my resume for some context, should it be helpful for you to have—either before or after we meet.

From: Guttentag, Lucas [<mailto:lucas.guttentag@uscis.dhs.gov>]
Sent: Tuesday, June 23, 2015 9:48 AM
To: Faye Hipsman
Subject: RE: introduction and request

Let's make it 11:15. Emmett coffee shop on F street (approx #25 F) across from back entrance to USCIS HQ.

Lucas Guttentag
Senior Counselor to the Director
USCIS | DHS
lucas.guttentag@uscis.dhs.gov

From: Faye Hipsman
Sent: Tuesday, June 23, 2015 8:05:38 AM
To: Guttentag, Lucas
Subject: Re: introduction and request

Hi Lucas,

Just checking in about this morning and whether 11 still works.

Thank you!
Faye

Sent from my iPhone

On Jun 22, 2015, at 1:15 PM, Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov> wrote:

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(b)(6)

(b)(6)

Mousel, Julie A

From: Faye Hipsman <fhipsman@migrationpolicy.org>
Sent: Tuesday, June 23, 2015 10:18 AM
To: Guttentag, Lucas
Subject: Re: introduction and request

Follow Up Flag: Follow up
Flag Status: Flagged

Perfect, found it.

Sent from my iPhone

On Jun 23, 2015, at 11:16 AM, Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov> wrote:

Sorry! It's Phillips w/ tables and umbrellas on the sidewalk, I'll be there in a few minutes.

From: Faye Hipsman [<mailto:fhipsman@migrationpolicy.org>]
Sent: Tuesday, June 23, 2015 11:14 AM
To: Guttentag, Lucas
Subject: Re: introduction and request

Hi Lucas, I don't see an Emmett's. I'm on F behind USCIS.

Sent from my iPhone

On Jun 23, 2015, at 9:49 AM, Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov> wrote:

Let's make it 11:15. Emmett coffee shop on F street (approx #25 F) across from back entrance to USCIS HQ.

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Senior Counselor to the Director
USCIS | DHS
lucas.guttentag@uscis.dhs.gov

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Sent from my iPhone

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I believe we met in passing once before—so it's nice to reconnect. I'm certain that you would be a fantastic person to talk with about the immigration landscape and opportunities in SF and I'd be very grateful if you have some time to meet.

Mousel, Julie A

From: Heejin Hwang <hhwang@aclu.org>
Sent: Thursday, September 10, 2015 10:43 AM
To: Guttentag, Lucas
Cc: Joanne Lin
Subject: Invitation to 9/28 Book Discussion: "Beyond Deportation: The Role of Prosecutorial Discretion in Immigration Cases"
Attachments: Flyer_BeyondDeportation_2015.09.28.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Lucas Guttentag,

You are cordially invited to attend a discussion with **Shoba Sivaprasad Wadhia**, the Samuel Weiss Faculty Scholar at Pennsylvania State University School of Law, about her new book, ***Beyond Deportation: The Role of Prosecutorial Discretion in Immigration Cases***. Please see the flyer attached and copied below. **The book discussion will take place on Monday, September 28, from 3:30 p.m. to 4:30 p.m. at the ACLU Washington Legislative Office, 8th floor conference room (915 15th Street NW, Washington, DC).** A book signing will immediately follow the discussion.

Beyond Deportation is the first book to comprehensively describe the history, theory, and application of prosecutorial discretion in immigration law. It provides a rich history of the role of prosecutorial discretion in the immigration system and unveils the powerful role it plays in protecting individuals from deportation and saving the government resources. Shoba Sivaprasad Wadhia draws on her years of experience as an immigration attorney, policy leader, and law professor to advocate for a bolder standard on prosecutorial discretion, greater mechanisms for accountability when such standards are ignored and improved transparency about the cases involving prosecutorial discretion. She will be joined by Joanne Lin, ACLU Legislative Counsel, an expert on immigration policy issues who has advocated on the use of prosecutorial discretion in immigration cases with the administration and with Congress.

Please RSVP by COB Thursday, September 24. Only those who RSVP prior to the event will be admitted. To RSVP or if you have any questions, please email Heejin Hwang at hhwang@aclu.org.

We hope to see you there.

Best,

Hee in H ang
Washington Legislative Office
American Civil Liberties Union
915 15th Street, NW
Washington, DC 20005
☎ [202.715-0832](tel:202.715-0832). ☎ hhwang@aclu.org
www.aclu.org

BEYOND DEPORTATION

The Role of Prosecutorial Discretion
in Immigration Cases

Featuring:



Shoba Sivaprasad Wadhia | Samuel Weiss Faculty Scholar
Pennsylvania State University School of Law

Joanne Lin | Legislative Counsel
American Civil Liberties Union

Monday, September 28 | 3:30 p.m.
8th floor conference room, ACLU
(915 15th St. NW, Washington, D.C.)





BEYOND DEPORTATION

The Role of Prosecutorial Discretion
in Immigration Cases

Shoba Sivaprasad Wadhia | Samuel Weiss Faculty Scholar

Pennsylvania State University School of Law

Joanne Lin | Legislative Counsel

American Civil Liberties Union

Penn State Law Prof. Shoba Sivaprasad Wadhia will be discussing her new book, ***Beyond Deportation: The Role of Prosecutorial Discretion in Immigration Cases***. Given President Obama's November 2014 immigration executive actions, which included a new list of enforcement priorities, and Congress's renewed focus on deporting undocumented immigrants in the past year, Prof. Wadhia's book is timely and explains one of the most pivotal topics in immigration. She will be joined by Joanne Lin, ACLU Legislative Counsel, an expert on immigration policy issues who has advocated on the use of prosecutorial discretion in immigration cases with the administration and with Congress.

Monday, September 28 | 3:30 p.m.
8th floor conference room, ACLU
(915 15th St. NW, Washington, D.C.)

Mousel, Julie A

From: Melero, Mariela
Sent: Tuesday, November 10, 2015 10:25 AM
To: Inouye, Shinichi (Shin); Choi, Juliet K; Bird, John W (Wally); Guttentag, Lucas; Carpenter, Dea D; Munoz-Acevedo, Carlos
Subject: RE: Conference Call: Decision in Texas v. U.S. from 5th Circuit

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks. We will plan to listen in as well.

MM

From: Inouye, Shinichi (Shin)
Sent: Tuesday, November 10, 2015 11:17:03 AM
To: Choi, Juliet K; Bird, John W (Wally); Guttentag, Lucas; Carpenter, Dea D; Melero, Mariela; Munoz-Acevedo, Carlos
Subject: FW: Conference Call: Decision in Texas v. U.S. from 5th Circuit

FYI

From: Emilie Hyams
Sent: Tuesday, November 10, 2015 11:02:06 AM
To: Inouye, Shinichi (Shin)
Subject: Fwd: Conference Call: Decision in Texas v. U.S. from 5th Circuit

FYI

~Emilie

Begin forwarded message:

From: Shiu-Ming Cheer, National Immigration Law Center <reply@nilc.org>
Date: November 10, 2015 at 9:03:32 AM EST
To: Emilie Hyams <emilie.hyams@gmail.com>
Subject: Conference Call: Decision in Texas v. U.S. from 5th Circuit
Reply-To: Shiu-Ming Cheer, National Immigration Law Center <reply@nilc.org>

5th Circuit decision affecting DAPA & expanded DACA

[View this email in your browser](#)



The Fifth Circuit Court of Appeals finally has issued a decision in *Texas v. U.S.*, the case that put President Obama's DAPA and expanded DACA initiatives on hold. The court says that it will *not* reverse the Texas federal district court decision that blocks the DAPA and expanded DACA initiatives from going forward.

This means DAPA and expanded DACA continue to be blocked.

NILC, along with immigrant communities across the country, have been waiting anxiously for the Fifth Circuit to issue a decision. Now we call on the U.S. Justice Department to appeal the case to the U.S. Supreme Court immediately.

Join us for a conference call later today, **Tuesday, November 10, at 12 noon Pacific/3 p.m. Eastern time** to discuss this decision. We will be talking about:

- next steps in the legal case
- the timeline to get the case before the Supreme Court
- activities planned for Friday, November 20, the one-year anniversary of the president's announcement of the DAPA and expanded DACA initiatives

You can **RSVP for the call** at

<https://attendee.gotowebinar.com/register/5732249266292286465>.

NILC's executive director issued [this statement](#) after the Fifth Circuit issued its decision. And there's much more information about DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents) and expanded DACA (Deferred Action for Childhood Arrivals) [on our website](#).

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Mousel, Julie A

From: Guttentag, Lucas
Sent: Monday, February 15, 2016 6:13 PM
To: Hyams, Emilie R; Choi, Juliet K; Guttentag, Lucas
Cc: Inouye, Shinichi (Shin)
Subject: RE: Meeting request re: DACA revocations and interactions with ICE.

Follow Up Flag: Follow up
Flag Status: Flagged

I have initial update courtesy of Serena. Let's connect tmrw.

Lucas Guttentag
lucas.guttentag@uscis.dhs.gov
lucas.guttentag@hq.dhs.gov
mobile: 202.345-3418

From: Hyams, Emilie R
Sent: Monday, February 15, 2016 9:53:37 AM
To: Guttentag, Lucas; Choi, Juliet K; Guttentag, Lucas
Cc: Inouye, Shinichi (Shin) (b)(5)
Subject: RE: Meeting request re: DACA revocations and interactions with ICE.



From: Guttentag, Lucas
Sent: Saturday, February 13, 2016 10:55:51 AM
To: Choi, Juliet K; Guttentag, Lucas; Hyams, Emilie R
Cc: Inouye, Shinichi (Shin)
Subject: RE: Meeting request re: DACA revocations and interactions with ICE.

I am not aware of case. Will check with Serena/Esther.

Lucas Guttentag
lucas.guttentag@uscis.dhs.gov
lucas.guttentag@hq.dhs.gov
mobile: 202.345-3418

From: Choi, Juliet K
Sent: Saturday, February 13, 2016 10:09:15 AM
To: Guttentag, Lucas; Guttentag, Lucas; Hyams, Emilie R

Cc: Inouye, Shinichi (Shin)

Subject: FW: Meeting request re: DACA revocations and interactions with ICE.

FYI. Not sure whether I can get this set for next week.

In the meantime, Lucas or Emilie - do you have insights into the below?

Checking in with you first before I reach out to a broader group. Thx

From: Greisa Martinez

Sent: Thursday, February 11, 2016 8:56:42 PM

To: Choi, Juliet K

Cc: Kamal Essaheb; Jose Magana-Salgado

Subject: Meeting request re: DACA revocations and interactions with ICE.

Hi Juliet -

Would like to request meeting with you and your team at CIS focused around DACA and on the following questions:

1. What is the timeline for USCIS to update the DACA FAQ to incorporate the new guidance released by the ICE FAQs?
2. What is the process of adjudicating DACA revocations?

United We Dream is alarmed by two recent DACA cases (Below), NILC and ILRC have seen similar trends.

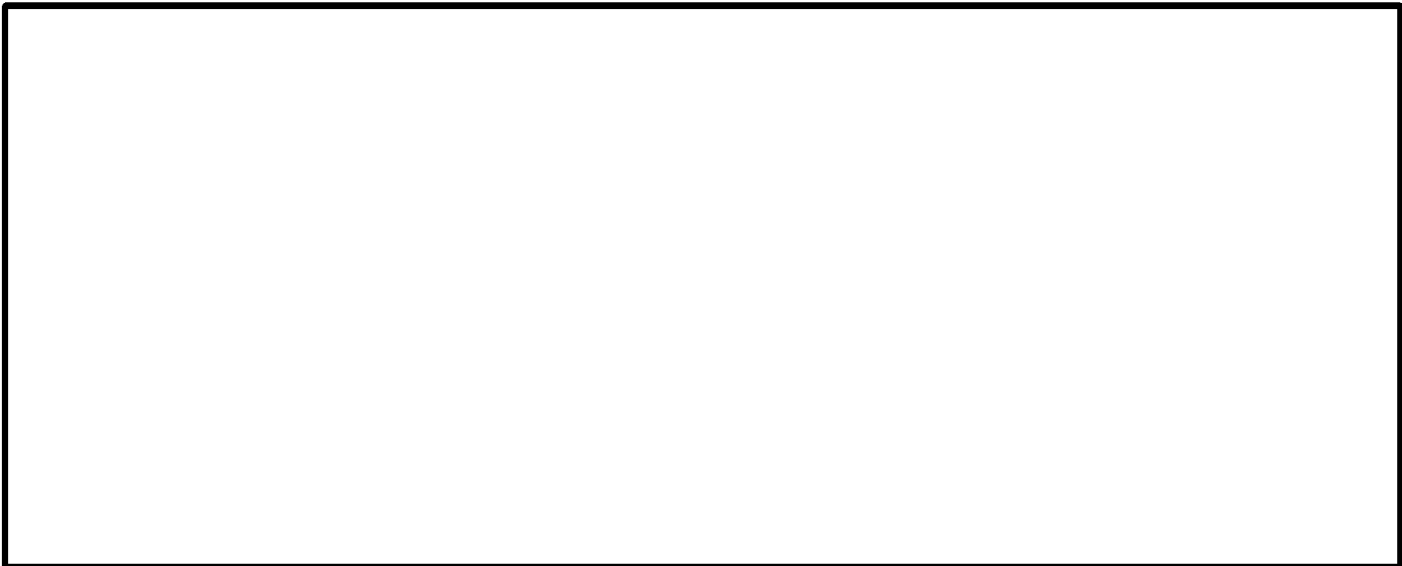
Would you be available to meet with our teams next week?

Greisa.

Case of DACA recipient mother of US Citizens: Media coverage: <http://thinkprogress.org/immigration/2016/02/02/3744963/daca-recipient-advance-parole-deportation/>

Case of DACA recipient swept up in recent ICE raids with DACA revocation: (b)(6)

ac groun



As We are asking DHS/USCIS to review all of the civil rights violations and truncated due process of this case; and adjudicate his DACA.

--

reisa artine
y ronouns She Her lla hem
Advocacy Director



(979) 587-2952 | greisa@unitedwedream.org

We can't continue this work without your support: Donate to UWD today.



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Mousel, Julie A

From: Barry Collins <BCollins@aila.org>
Sent: Monday, May 09, 2016 2:12 PM
To: Guttentag, Lucas
Cc: Munoz-Acevedo, Carlos
Subject: 2016 AILA Annual Conference on Immigration Law CLE Conference: Speaker Invitations
Attachments: Guttentag.doc; 2016 AILA Annual Conference Program.pdf; Reply Form-Govt Guest.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Guttentag:

Please see the attached **Speaker** invitation letters for you to participate on two panels (see below) at the **2016 AILA Annual Conference on Immigration Law** to be held **June 22–25, 2016** at the Cosmopolitan Hotel in Las Vegas, NV.

An excerpt from the conference program is included in the invitation letters which indicates the day and times of the panels on which you are invited to speak. Also attached is the **preliminary conference program**.

Please confirm your participation by responding to this email or fax/email back the attached **reply form**.

Sincerely,
Barry

FRIDAY, JUNE 24, 2016

GOVERNMENT OPEN FORUMS

(Belmont, Level 4)

1:30 pm – 2:30 pm

U.S. Citizenship and Immigration Services (USCIS) Open Forum

Robert H. Cohen (DL), AILA USCIS Liaison Committee Chair, Columbus, OH

**Ur Mendoza Jaddou, Chief Counsel, USCIS, Washington, DC*

**Donald Neufeld, Associate Director, Service Center Operations, USCIS, Washington, DC*

**Ron Rosenberg, Chief, Administrative Appeals Office, USCIS, Washington, DC*

**Daniel Renaud, Associate Director, Field Office Operations, USCIS, Washington, DC*

**Lucas Guttentag, Senior Counselor to the Director, Office of the Director, USCIS, Washington, DC*

Barry D. Collins

Education Process Manager

☎ phone 202-507-7610 ✉ eMail bcollins@aila.org

American Immigration Lawyers Association

Main: 202.507.7600 | Fax: 202.783.7853 | www.aila.org
1331 G Street NW, Suite 300, Washington, DC 20005



Mousel, Julie A

From: Hyams, Emilie R
Sent: Tuesday, May 17, 2016 10:35 AM
To: Hamilton, Cristina A; Jaddou, Ur M
Cc: Allred, Esther R; Melero, Mariela; Herrmann, Mary K; Martinez, Janette M; Miles, John D; Guttentag, Lucas; Vanison, Denise; Levine, Laurence D
Subject: RE: Recommendations Regarding USCIS NTA Guidance

Follow Up Flag: Follow up
Flag Status: Flagged

Much thanks, Cristina!

From: Hamilton, Cristina A
Sent: Tuesday, May 17, 2016 11:32 AM
To: Hyams, Emilie R; Jaddou, Ur M
Cc: Allred, Esther R; Melero, Mariela; Herrmann, Mary K; Martinez, Janette M; Miles, John D; Guttentag, Lucas; Vanison, Denise; Levine, Laurence D
Subject: RE: Recommendations Regarding USCIS NTA Guidance

Thanks, Ur and Emilie, and adding Denise and Larry.

We'll start taking a look at this in anticipation of any discussion that may be scheduled.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
202-272-1466

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From: Hyams, Emilie R
Sent: Tuesday, May 17, 2016 11:18 AM
To: Jaddou, Ur M
Cc: Allred, Esther R; Melero, Mariela; Herrmann, Mary K; Martinez, Janette M; Miles, John D; Hamilton, Cristina A; Guttentag, Lucas
Subject: RE: Recommendations Regarding USCIS NTA Guidance

Thanks, Ur,

And for Cristina and OCC folks' reference, attached is the ILRC memo.

Thanks,

Emilie

From: Jaddou, Ur M
Sent: Tuesday, May 17, 2016 11:03 AM
To: Hyams, Emilie R; Guttentag, Lucas
Cc: Allred, Esther R; Melero, Mariela; Herrmann, Mary K; Martinez, Janette M; Miles, John D; Hamilton, Cristina A
Subject: RE: Recommendations Regarding USCIS NTA Guidance

Hi Emilie: there's a USCIS working group on NTA issues that has been on-going since the November 20, 2014 announcements. I'm copying a few folks from my office and Cristina from OP&S who have been working on this. I'm also happy to update you on many related issues, including OGC and ICE efforts to consolidate NTA filing in ICE. Let's discuss.

From: Hyams, Emilie R
Sent: Tuesday, May 17, 2016 10:44 AM
To: Guttentag, Lucas; Jaddou, Ur M
Cc: Allred, Esther R; Melero, Mariela; Herrmann, Mary K
Subject: FW: Recommendations Regarding USCIS NTA Guidance

Hi Lucas and Ur,

I hope you're doing well!

I wanted to touch base with you on the attached ILRC memo with recommendations for the NTA guidance. Have either of you worked on this matter, and if so, can you please provide an update on where things stand?

Much thanks,

~Emilie

From: Melero, Mariela
Sent: Tuesday, April 12, 2016 12:59 PM
To: Hyams, Emilie R; Rigdon, Jerry L; Allred, Esther R
Cc: Herrmann, Mary K
Subject: FW: Recommendations Regarding USCIS NTA Guidance

Sharing for your visibility.
Best,

Mariela

Mariela Melero
Associate Director
Customer Service and
Public Engagement Directorate
US Citizenship and Immigration Services
202 272 1318 office
202 528 5809 cell

From: Jose Magana-Salgado [<mailto:jmagana@ilrc.org>]
Sent: Tuesday, April 12, 2016 12:48 PM
To: OPE Feedback; Melero, Mariela
Subject: Recommendations Regarding USCIS NTA Guidance

Mariela, great to see you today.

I'm (re)sending our recommendations to USCIS forthcoming update to its Notice to Appear Guidance directly to the OPE mailbox. We previously shared with USCIS-HQ and DHS-HQ.
Thanks for your continued efforts to engage with the community and stakeholders.

--

Jose Magaña-Salgado
Managing Policy Attorney
Immigrant Legal Resource Center
O: 202-777-8999
C: 480-678-0040
jmagana@ilrc.org

Washington, DC Office:
1016 16th St., NW, Suite 100
Washington, DC 20036

San Francisco, CA Office:
1663 Mission Street, Suite 602
San Francisco, CA 94103

Jaynes, Thomas A (Allen)

From: Jose Magana-Salgado <jmagana@ilrc.org>
Sent: Wednesday, September 09, 2015 9:56 AM
To: Guttentag, Lucas
Cc: Hyams, Emilie R; Marina Torres; Guttentag, Lucas; Guevara, Carlos
Subject: Re: [question] Updates to I-512L, Advance Parole Form

Hi Lucas:

There were two types of cases with two sets of resolution. The first type of cases involved individuals who traveled within their period of advance parole but still received NOIDs or Denials. To my knowledge, those cases were resolved after elevation. The second type of cases involved individuals who traveled before or after their period of advance parole. It is my understanding that *some* of the individuals who traveled before their AP grant had their cases re-opened after denial and fixed -- though not all. It is my understanding that a much smaller proportion (possibly none) of individuals who returned after their AP grant had their cases re-opened and resolved. Moreover, there are likely an abundance of DACA recipients who lost their DACA because of pre-AP travel but were not familiar with various escalation strategies (reaching out to NGOs, ombudsman, etc.) and we likely never heard of them.

My hope is that we can work together to update the I-512L guidance to prevent individuals from leaving before and returning after their AP validity date.

Jose

On Wed, Sep 9, 2015 at 5:53 AM, Guttentag, Lucas <lucas.guttentag@hq.dhs.gov> wrote:
Thank you for flagging Jose. I've been pulled away since late July. Did the earlier cases you raised get resolved pending clarification of the broader form and policy questions?

Lucas Guttentag
Lucas.guttentag@hq.dhs.gov

From: Jose Magana-Salgado
Sent: Tuesday, September 08, 2015 5:47:36 PM
To: Hyams, Emilie R; Marina Torres; Guttentag, Lucas
Cc: Guevara, Carlos
Subject: [question] Updates to I-512L, Advance Parole Form

Hi Emilie, Marina, and Lucas:

I reach out to you to begin a discussion regarding the updates that USCIS is making to Form I-512L, Authorization for Parole of an Alien Into the United States, in light of the confusion surrounding the form that has lead to DACA Recipients leaving (or re-entering) outside of the validity dates. For your records, attached are the proposed recommendations we submitted to ya'll last month re: the updating of the DACA FAQ.

This email conversation is meant to to obtain more information regarding how USCIS is updating Form I-512L. Specifically, the current form issued by USCIS is inconsistent and confusing -- sometimes I (as an immigration policy attorney) still do not understand.

For example, please see the attached (redacted) Form I-512L, which has one "date" (unknown whether that is the issuance date or start of advance parole) and instructions to return "prior to 90 days" without clear instructions as to what date the form is referring to.

1. Are ya'll able to share information on how ya'll plan on updating the form to reduce confusion?
2. Do ya'll have a timeline on when these revisions will be completed?
3. In regards to the DACA FAQ updates, do ya'll have updates on the timeline and/or current status?

UWD is having a webinar for hundreds of people regarding advance parole travel on Wednesday, which means more and more people will likely encounter this issue in the coming months.

Jose

--

Jose Magaña-Salgado
Immigration Policy Attorney
Immigrant Legal Resource Center
1016 16th St., NW, Suite 100
Washington, DC 20036
O: 202-777-8999
C: 480-678-0040
jmagana@ilrc.org

--

Jose Magaña-Salgado
Immigration Policy Attorney
Immigrant Legal Resource Center
1016 16th St., NW, Suite 100
Washington, DC 20036
O: 202-777-8999
C: 480-678-0040
jmagana@ilrc.org

(b)(6)

(b)(6)

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(b)(6)

Jaynes, Thomas A (Allen)

From: Jose Magana-Salgado <jmagana@ilrc.org>
Sent: Tuesday, November 03, 2015 5:15 PM
To: Choi, Juliet K
Cc: Guevara, Carlos; Hyams, Emilie R; Guttentag, Lucas
Subject: [question] Form I-912, Request for Fee Waiver Timeline

Follow Up Flag: Follow up
Flag Status: Flagged

Juliet:

I hope you're doing well. As you know, the ILRC leads the New Americans Campaign, a national effort to increase naturalization rates across the nation by working with local NGOs and hosting clinics and workshops. The NAC is engaging in strategic planning regarding future workshops/events for the year and part of that planning is contingent on the release of the final version of Form I-912, Request for Fee Waiver (as it's regularly used by clients at our workshops to apply for naturalization). We are aware that USCIS has been reviewing the form for the past few months -- I was wondering if you were able to share a timeline for the release of the final form, even an estimate would be very helpful for our planning of future naturalization workshops.

Thank you!

--

Jose Magaña-Salgado
Immigration Policy Attorney
Immigrant Legal Resource Center
1016 16th St., NW, Suite 100
Washington, DC 20036
O: 202-777-8999
C: 480-678-0040
jmagana@ilrc.org

Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Ali Noorani, National Immigration Forum <media@immigrationforum.org>
Sent: Thursday, November 05, 2015 12:37 PM
To: Guttentag, Lucas
Subject: Reflecting on 2015

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas,

At this time every year, I look back on the year as I look ahead to the future. And 2015 was not a quiet year.

Immigration was in the spotlight every week. From the presidential debates to the refugee crisis to drama in Congress. At every turn, the National Immigration Forum played a leadership role in advocating for the value of immigrants and immigration to the nation.

For example, as immigration climbed to the top of the presidential debate topic list, we pushed back on the rhetoric and raised important questions for candidates. Our allies in the faith community brought a level of moral clarity to the refugee crisis. And, our new Law Enforcement Immigration Task Force of 40 chiefs and sheriffs from across the country weighed in on public safety and immigration issues moving through Congress.

In addition, we released our Immigration 2020 Agenda and commissioned innovative research, and our New American Workforce project grew beyond our expectations, reaching nearly 200 businesses across the country and helping them encourage eligible employees to become U.S. citizens.

Next year will be a big year. We need to build an even stronger ground operation to build broad support among faith communities, law enforcement, business and veterans. We need to keep making the case for how immigrants and immigration strengthen our communities, workforces and the nation. And we need to be able to continue to push back against the forces that would divide us.

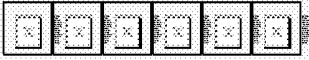
More on that in the weeks ahead.

For now, please join me in reflecting on a busy, but successful, 2015!

Onward,

Ali

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Washington, DC 20001

www.immigrationforum.org

UNSUBSCRIBE



Jaynes, Thomas A (Allen)

From: Jose Magana-Salgado <jmagana@ilrc.org>
Sent: Friday, November 06, 2015 4:01 PM
To: Guttentag, Lucas; Jaddou, Ur M
Cc: Choi, Juliet K; Guevara, Carlos; Paromita Shah; Royce Murray; Avidah Moussavian; Lena Graber
Subject: [recommendations] Notice to Appear Guidance Update
Attachments: 11-06-15 NGOs Recs re Update of Notice to Appear Guidance.pdf

Lucas and Ur:

I hope you're doing well. As you are aware, USCIS is in the process of updating its Notice to Appear guidance in light of the November 20, 2015 enforcement priorities memorandum. To assist in this update, the Immigrant Legal Resource Center, National Immigrant Justice Center, National Immigration Project of the National Lawyers Guild, and the National Immigration Law Center collaborated to draft the attached recommendations.

Above all, we want to strongly encourage USCIS to have a comment period or the next propose guidance, similar to the current public comment period to the extreme hardship guidance. In addition to our four organizations, I know there are at least a dozen other national organizations that are closely following this issue and would participate in a public comment process.

Thank you and please let me know if you have any questions.

--

Jose Magaña-Salgado
Immigration Policy Attorney
Immigrant Legal Resource Center
1016 16th St., NW, Suite 100
Washington, DC 20036
O: [202-777-8999](tel:202-777-8999)
C: [480-678-0040](tel:480-678-0040)
jmagana@ilrc.org

Memorandum

Date: November 6, 2015
To: Lucas Guttentag; Juliet Choi; Ur Mendoza Jaddou
From: Immigrant Legal Resource Center; National Immigrant Justice Center; National Immigration Project of the National Lawyers Guild; National Immigration Law Center
Subject: Update of Notice to Appear Guidance (PM-602-0050)¹

U.S. Citizenship and Immigration Services (USCIS) is in the process of updating its Notice to Appear (NTA)² guidance in light of Secretary Jeh Johnson's November 20, 2014 enforcement priorities memorandum.³ We write to provide specific recommendations to ensure that USCIS's proposed NTA procedures remain narrow, suggest categories that USCIS should eliminate or modify, and provide procedural improvements to the NTA referral process. **Most importantly, in light of the substantial and far-ranging impact that the revised NTA guidance will have on *all* individuals seeking immigration benefits, we emphatically recommend that USCIS release an interim version of the proposed NTA guidance for public comment.**⁴

Broadly, USCIS should issue NTAs or refer cases to U.S. Customs and Immigration Enforcement (ICE) based on criminal convictions that clearly make an individual inadmissible or deportable under the Immigration and Nationality Act (INA). Although DHS's current enforcement priorities do not entirely align with grounds of deportability,⁵ USCIS is not an enforcement agency but instead responsible to ensure the smooth processing of affirmative immigration applications. As such, the importance of clarity and predictability are paramount. Without a clear and understandable statement of when USCIS will issue an NTA or refer a case to ICE, eligible applicants may be deterred from applying for benefits or presenting themselves to USCIS. This chilling effect already deters many lawful permanent residents (LPRs) from naturalizing. While technically, any individual without lawful presence is removable,⁶ USCIS has historically tied NTA referrals to other, collateral grounds of deportability (namely the existence of criminal convictions) to properly marshal resources. USCIS should continue to narrow this policy and tether the proposed NTA guidance to specific, criminal grounds of deportability that establish a framework that applicants and their attorneys can rely on.

¹ These recommendations were jointly prepared by Immigrant Legal Resource Center (ILRC); National Immigrant Justice Center; National Immigration Project of the National Lawyers Guild; and National Immigration Law Center. For questions regarding these recommendations, please contact Jose Magana-Salgado, of the ILRC, at jmagana@ilrc.org or (202) 777-8999.

² Memorandum from Alejandro Mayorkas, Director, U.S. Citizenship and Immigration Services, on Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens, to U.S. Department of Homeland Security and Subcomponents (Nov. 7, 2011), *available at* http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf [hereinafter "NTA Memorandum"].

³ Memorandum from Jeh C. Johnson, Secretary, U.S. Department of Homeland Security, on Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants to Thomas S. Winkowski et. al (Nov. 20, 2014), *available at* http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf [hereinafter "Enforcement Priorities Memorandum"].

⁴ See U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, Interim Guidance for Comment (July 27, 2015), *available at* <http://www.uscis.gov/outreach/feedback-opportunities/interim-memoranda-comment/interim-guidance-comment>.

⁵ For example, while the enforcement priorities prioritize an individual with more than three non-traffic misdemeanors, there is no corresponding ground of deportability that tracks this same category. See *generally* 8 U.S.C. § 1227 (West 2015).

⁶ *Id.* at (a)(1).

Importantly, USCIS should base referrals to ICE on criminal *convictions*, and not on arrests, charges, “offenses” or other inconclusive contact with the criminal justice system. An arrest is an allegation, not evidence or a legal finding. This clarification would match DHS’s overall enforcement priorities, which are generally defined by convictions and not arrests for certain criminal offenses. Second, USCIS should not refer applicants to ICE who fall under a new enforcement priority but who are not removable based on a criminal conviction. DHS’s enforcement priorities are not defined by case law and do not clearly map onto either state criminal law or the INA. As a result, the categories are vague and do not provide consistency or predictability. With this framework in mind, we provide the following recommendations.

I. Requirement of Conviction for Referral

The current NTA guidance allows the referral of individuals who are “under investigation for” or have “been arrested for (without disposition)” of certain enumerated offenses. Arrests and charging documents are unproven allegations that may be made unilaterally with or without evidence. A conviction represents the culmination of appropriate due process—including the finding that an individual, beyond a reasonable doubt, committed an offense. By disregarding the preliminary nature of arrests, USCIS risks referring individuals who were erroneously arrested, had charges dropped, or (in the case of investigations), were never even charged. Moreover, law enforcement authorities regularly racially profile individuals and, as a consequence, disproportionately arrest individuals of color, including immigrants.⁷ Referring these individuals for proceedings further ratifies the unlawful conduct of local law enforcement authorities, particularly in situations where local law enforcement purposely targets immigrants using facially neutral laws.⁸ Recognizing this potential for inequity, Secretary Johnson requires convictions for prioritization of individuals in the enforcement memorandum⁹ and Priority Enforcement Program.¹⁰ To truly align with the November 20 memorandums, the proposed NTA guidance *must* require a conviction for referral and not just an investigation or arrest.

II. NTA and Enforcement Priorities

A. **Do Not Refer Applicants to ICE based on Enforcement Priority Categories**

The current NTA guidance mostly tracks grounds of inadmissibility and deportability in determining when USCIS issues referrals. The enforcement priorities, however, target individuals who, in many cases, fall outside of the NTA guidance, particularly in regards to the classification of the offense and existence of a conviction. USCIS should take special care to not expand NTA referrals to situations where an

⁷ Gary Fields and John R. Emshwiller, *As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime*, WASHINGTON POST, Aug. 18, 2014, available at <http://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-1408415402> (Noting that nearly one out of every three American adults have arrest records, that minorities are disproportionately impacted by arrests, and that many arrested individuals never face charges or have charges dropped); Trevor Gardner II and Aarti Kohli, *The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program*, THE CHIEF JUSTICE EARL WARREN INSTITUTE ON RACE, ETHNICITY & DIVERSITY, Sep. 2009, available at http://www.motherjones.com/files/policybrief_irving_FINAL.pdf (noting that the Criminal Alien Program lead to a local jurisdiction disproportionately targeting individuals of Latino origin for arrest).

⁸ Nigel Duara, *Judge blocks Arizona ID theft law targeting job-seeking immigrants*, L.A. TIMES, Jan. 5, 2015, available at <http://www.latimes.com/nation/la-na-ff-arizona-immigrants-20150106-story.html> (Noting that local Arizona law enforcement would use facially neutral statutes to target and arrest Latinos and immigrants).

⁹ Enforcement Priorities Memorandum, *supra* note 3.

¹⁰ Memorandum from Jeh C. Johnson, Secretary, U.S. Department of Homeland Security, on Secure Communities to Thomas S. Winkowski, et. al (Nov. 20, 2014), available at http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf.

individual falls under the enforcement priorities but *not* under the current NTA guidance. For example, the following categories are currently enforcement priorities but *not* grounds for an NTA referral:

1. Convictions for Driving Under the Influence (Priority 2)

The placement of DUI convictions within the enforcement priorities is not based on statutory grounds (e.g. a DUI conviction is *not* a ground for inadmissibility or deportability, nor is there a federal definition).¹¹ Therefore, a DUI conviction should not represent a ground for referral under the proposed NTA guidance. In light of the lack of statutory grounds for DUI convictions, the U.S. Department of Homeland Security (DHS) updated and modified the definition a DUI conviction multiple times.¹² The most notable of these efforts are the ICE FAQs, which state a DUI conviction is only a significant misdemeanor if: (a) the conviction is a misdemeanor as defined by federal law; (b) the relevant statute required the operation of a motor vehicle; and (c) there was a finding of impairment or a BAC higher than .08.¹³ This updated, highly fact-specific analysis, means that determining whether a DUI conviction qualifies as a significant misdemeanor is a substantial fact-intensive process. Moreover, where a DUI conviction *is* a significant misdemeanor, adjudicators would have to perform a careful weighing of equities based on the criteria enumerated by the ICE FAQs.¹⁴ Including DUI convictions as a ground for referral would substantially increase the burden on USCIS adjudicators in properly identifying and referring these cases in accordance with the enforcement priorities and ICE FAQs.

Additionally, expanding the NTA guidance to include DUI convictions runs counter to USCIS's stated goals of encouraging applicants to apply for relief, particularly DACA requestors and naturalization applicants. One of the most common issues that we see among applicants for immigration relief is criminal histories that include DUI convictions. These obstacles are particularly common in situations where an individual resided in the United States for an extended period of time, e.g. likely naturalization applicants and individuals eligible for current and future forms of deferred action. Expansion of the NTA guidance to cover this population would be a radical and substantial expansion that would drastically increase the number of referrals issued by USCIS.

2. Three or More Non-Significant Misdemeanors (Priority 2)

Currently, three or more non-significant misdemeanors will not automatically trigger an NTA referral, but does classify an individual as an enforcement priority. The mere existence of three or more non-significant misdemeanors should not be enough to warrant referral. Instead, USCIS should instruct adjudicators to perform a fact-specific analysis of the elements of a conviction to determine whether an individual meets USCIS's NTA priorities as they relate to criminal grounds of deportability. The mere existence of three or more non-significant misdemeanors should never, by itself, serve as a ground for referral.

¹¹ See 8 U.S.C. § 1227 (West 2015) (listing grounds of deportability); 8 U.S.C. § 1182 (West 2015) (listing grounds of inadmissibility).

¹² U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, Frequently Asked Questions Relating to Executive Action on Immigration (June 17, 2015), <https://www.ice.gov/immigrationAction/faqs>.

¹³ *Id.*

¹⁴ *Id.*

3. Re-Entered Unlawfully Since January 1, 2014 (Priority 2) & Deportation Order After January 1, 2014 (Priority 3)

An individual should not be an NTA priority if they re-entered or have a removal order after Jan. 1, 2014, which is another enforcement priority that is not tethered to clear provisions of the INA. For example, under the Deferred Action for Childhood Arrivals (DACA) memorandum, requestors can qualify for DACA even if they have a deportation order after January 1, 2014, as long as they meet all initial DACA requirements. Accordingly, it would be counterproductive for USCIS to add grounds of referral for individuals who are eligible for relief under DACA (or other forms of relief) that are not tied to criminal deportability grounds.

B. USCIS Should Apply “Unless” Clauses of Enforcement Priorities Memorandum and Positive Determinations Should be Binding on ICE

Under the enforcement priorities memorandum, the USCIS District Director and USCIS Services Center director have the authority to exercise prosecutorial discretion if an individual falls within Priority 2.¹⁵ In the context of Priority 3, any “immigration officer” has the authority to exercise discretion.¹⁶ Clearly, Secretary Johnson intended for USCIS to play a significant role in the exercise of prosecutorial discretion. Therefore, if USCIS ultimately decides to include some individuals that fall under Priority 2 and Priority 3 as NTA priorities, it should make the initial determination of whether to exercise prosecutorial discretion. Positive exercises of discretion by USCIS should be binding on ICE, e.g. ICE, in encountering the individual in the future, should not re-adjudicate a positive grant of prosecutorial discretion. However, if USCIS decides not to exercise prosecutorial discretion in the issuance of an NTA, DHS must still provide an opportunity for individuals to request prosecutorial discretion from ICE, per the enforcement priorities memorandum.

III. Elimination or Narrowing of Existing Categories

A. Eliminate Referrals for Non-Egregious Public Safety Cases

Under the current NTA guidance, USCIS will refer non-egregious public safety criminal cases to ICE when USCIS believes that an individual may be inadmissible or removable for a criminal offense not included in the list of egregious public safety (EPS) offenses. In the non-EPS context, USCIS defers to ICE as to whether to issue an NTA and does not issue an NTA if ICE declines to pursue the case. In light of limited resources and the enforcement priorities memorandum, which instructs DHS subcomponents to “prioritize threats to national security, public safety, and border security,” USCIS should update its NTA guidance to exclude *all* referrals for non-EPS cases. By very definition, these cases fall outside of Secretary Johnson’s intent to prioritize threats to the nation, all of which are non-egregious cases. By focusing referrals on EPS cases, USCIS would assist ICE in allocating its scarce resources by avoiding referral for cases that, by definition, should be low priority.

B. Eliminate Referrals for All N-400 Applicants and Lawful Permanent Residents

Under the current NTA guidance, USCIS will, based on a case-by-case analysis, issue an NTA for N-400 applicants who: (a) are deportable under section 237 of the INA; (b) were inadmissible at the time of adjustment or admission; (c) are EPS cases; and also (d) are non-EPS cases. USCIS, through these various

¹⁵ Enforcement Priorities Memorandum, *supra* note 3.

¹⁶ *Id.*

referral mechanisms, substantially discourages applications for N-400 and reduces the number of individuals that seek to naturalize. ILRC leads the New Americans Campaign (NAC), a collaborative comprised of over a hundred local, state, and national organizations that work to expand access to naturalization. Through ILRC's conversations with NAC partners, ILRC discovered that a large number of applicants who are eligible to naturalize but have had some contact with the criminal justice system are reticent to apply for naturalization. In most cases, this criminal history does not render an individual ineligible to naturalize or even an NTA priority, but the mere knowledge that USCIS regularly refers N-400 applicants for removal proceedings has a significant chilling effect on application rates. Accordingly, USCIS should eliminate *all* NTA referrals for N-400 applications. If an N-400 applicant is ineligible to naturalize because of their criminal history, then USCIS can deny the application without referring that individual for removal proceedings. This strategy would preserve the careful balance of ensuring only eligible individuals naturalize and fulfilling the goals enumerated by the White House Task Force on New Americans in *Strengthening Communities by Welcoming All Residents* to increase the rate of naturalization.¹⁷

Likewise, an N-400 applicant who is ineligible to naturalize because he or she was initially ineligible for adjustment to LPR status should not be placed in removal proceedings. For example, there are instances in which USCIS denied the N-400 and issued an NTA because the applicant had an in absentia removal order at the time she was granted LPR status, even where the individual did not know about the in absentia removal order and was not an enforcement priority. Other naturalization applicants have been placed in removal proceedings because USCIS learns that the individual registered to vote, even inadvertently or unintentionally. USCIS should review these cases under the enforcement priorities to determine whether it is appropriate to issue an NTA.

At the very least, USCIS should adjust the factors under V.B., which instruct adjudicators to consider, among other factors, "officer error at the time of adjustment" when deciding whether to issue an NTA for individuals who were inadmissible at the time of adjustment or admission. USCIS should make the existence of officer error dispositive in deciding whether to issue a referral. An N-400 applicant or LPR who, though ineligible, was admitted or adjusted due to the error of an immigration officer and possessed a good faith belief they were eligible for such benefit, should not be punished for an error that was not their own.

If USCIS is reticent to end all N-400 referrals, then it should investigate the feasibility of refraining from referring individuals with aggravated felony convictions, an extremely overbroad category that includes misdemeanor theft, writing bad checks, sale of ten-dollars' worth of marijuana, or simple assault.¹⁸ Additionally, USCIS should also explore the possibility of avoiding referral for individuals who are deportable but are prima facie eligible for § 212(h),¹⁹ § 237(a)(1)(H),²⁰ or other statutory waivers. Finally, USCIS should: (a) uniformly implement DHS's policy guidance on false claims to citizenship for individuals that did not knowingly make a false claim or minors who lacked the capacity to understand

¹⁷ *Strengthening Communities by Welcoming All Residents: A Federal Strategic Action Plan on Immigrant & Refugee Integration*, The White House Task Force on New Americans, April 2015, available at https://www.whitehouse.gov/sites/default/files/docs/final_tf_newamericans_report_4-14-15_clean.pdf.

¹⁸ *End Extreme Punishment for "Aggravated Felonies"*, IMMIGRANT JUSTICE NETWORK, April 2013, available at <http://immigrantdefenseproject.org/wp-content/uploads/2013/04/IJN-Aggravated-Felony-Factsheet.pdf> (noting the overbreadth of the aggravated felony category and harsh immigration consequences).

¹⁹ 8 U.S.C. § 1182(h) (West 2015) (discretionary waiver for certain crimes, drug possession, multiple convictions, and other offenses).

²⁰ 8 U.S.C. § 1227(a)(1)(H) (West 2015) (discretionary waiver in removal proceedings for certain misrepresentations and fraud at admission).

the nature and consequences of a false claim (including expanding this exception to deportability); and (b) refrain from referring individuals who fall within these policy exceptions.²¹

C. Removal of Gang Members from Egregious Public Safety Category

USCIS should not consider purported gang members to be a threat to public safety or national security. Due to a lack of due process protections and accountability, local and federal law enforcement often erroneously place individuals into gang databases.²² Gang databases are overbroad and the criteria used to document gang members is often based on racial stereotypes. There are few safeguards to protect an individual from being falsely identified as a gang member, photographed, and entered into a gang database. Many states have processes known as “documentation,” whereby people are entered into gang databases, but these processes are highly subjective in nature and employ loose or questionable criteria. For example, many databases have very low thresholds for inclusion, including criteria such as appearing in photographs with gang members, talking to gang members, or merely wearing certain colors.²³ Further, law enforcement and ICE do not distinguish between someone who socializes and/or lives with gang members and actual gang members. This can lead law enforcement to enter a young individual who claims gang membership merely for social status or protection into a gang database even if they are not actually part of the gang.

Additionally, it can be extremely difficult for an individual to be removed from a gang database. While some places have policies regarding when an individual can be purged from the database due to a number of years of no recorded gang activity, there is widespread departmental failure to follow purging policies, thus erroneously leaving people in the database.²⁴ Many police departments have failed to remove people who are no longer affiliated with a gang or otherwise meet the guidelines for removal, leaving people without recourse for agency failure to purge the names that should be thrown out of the system according to departmental and federal guidelines.²⁵ Because gang databases are riddled with factual inaccuracies, administrative errors, and lack of oversight, USCIS should not rely on unproven and unreliable allegations of gang membership in determining whether to issue an NTA or to make a referral to ICE. Indeed, Secretary Johnson recognized the inherent unreliability of gang databases, and, for the purposes of the enforcement priorities, requires that an individual have a conviction for offenses where an element was active participation in a gang or that an individual intentionally participated in furthering the illegal activity of the gang.²⁶

D. Eliminate Referrals for NSEERS Violators

Under the current NTA guidance, “USCIS will refer all cases in which an application is denied based on an NSEERS violation to ICE for possible NTA issuance.”²⁷ In 2002, the Bush Administration promulgated the National Security Entry Exit Registration System (NSEERS) program under DOJ and transferred

²¹ See Letter from Thomas B. Gibbons, Acting Assistant Secretary, Legislative Affairs, Department of State, to Harry Reid, Senator, U.S. Senate (Aug. 29, 2013); Letter from Brian de Vallance, Acting Assistant Secretary for Legislative Affairs, U.S. Department of Homeland Security to Harry Reid, Senator, U.S. Senate (Aug. 29, 2013).

²² Joshua D. Wright, *The Constitutional Failure of Gang Databases*, 2 STAN. J. OF C.R. & C.L. 115, 118 (2005) (noting that there are limited opportunities for individuals to contest their inclusion within a gang database).

²³ CALIFORNIA GANG NODE ADVISORY COMMITTEE, OFFICE OF THE CALIFORNIA ATTORNEY GENERAL, Policy and Procedures for the CalGang System 7 (Sept. 27, 2007), available at http://oag.ca.gov/sites/all/files/agweb/pdfs/calgang/policy_procedure.pdf.

²⁴ Wright, *supra* note 22.

²⁵ *Id.* (noting that there are limited opportunities for individuals to contest their inclusion within a gang database).

²⁶ Enforcement Priorities Memorandum, *supra* note 3, at 3.

²⁷ NTA Memorandum, *supra* note 2, at 6.

jurisdiction of the program to DHS jurisdiction in 2003. NSEERS, among other requirements, required the registration of all males on temporary nonimmigrant visas who were 16 or older from a list of specified countries, leading to an abundance of criticism from civil rights groups and the DHS Office of Inspector General.²⁸ In light of this criticism and the existence of other programs such as US-VISIT, in 2011, DHS essentially ended the program by delisting all countries required to participate in the program.²⁹ Even though the NSEERS regulations still exist,³⁰ the removal of designated countries, existence of collateral programs, and ineffectiveness of the NSEERS program means it is highly unlikely that DHS will resume the program in the future. Accordingly, USCIS should strike Part IV.B. of the NTA guidance and eliminate referrals to ICE for NSEERS violations.

IV. Procedural Recommendations

A. Requiring Fraud Conviction for NTA Issuance on Fraud Grounds

Under current NTA guidelines, “USCIS will issue NTAs when a Statement of Findings (SOF) substantiating fraud is part of the record.” Protecting the integrity of the immigration system is of the utmost importance, however, an NTA should only be issued when an applicant has a conviction of fraud, rather than a SOF substantiating fraud in the record. Applicants deserve full due process procedures, such as the right to present a defense and to contest the evidence against them, which are afforded to them during the course of a criminal investigation and trial.

Additionally, under current guidelines, “NTAs will be issued even if the petitioner and/or application is denied for a ground other than fraud, such as lack of prosecution or abandonment, is terminated based on a withdrawal by the petitioner/applicant, or where an approval is revoked, so long as an SOF substantiating fraud is recommended.” USCIS should only issue NTAs if the petition and/or application is active and there has been a conviction of fraud, rather than if an SOF substantiating fraud is on the record. Issuing an NTA even after USCIS denies, terminates, or revokes a petition and/or application deters applicants from initiating applications who are filing pro se and may be insecure about their representation in their applications. In addition, issuing an NTA after USCIS denies, terminates, or revokes an application creates unnecessary work for USCIS officers, further contributing to the backlog of cases.

B. Supervisory Overview of NTA Issuance

Currently, the Office of Chief Counsel (OCC) does not provide active and consistent oversight on the training needs of USCIS officials. Only asylum offices are required to have weekly training sessions for continuing instruction on NTAs, while other USCIS offices and components are not required to have trainings. Regularly scheduled assessments by OCC, and trainings focused on the needs determined by the assessments will ensure consistency amongst USCIS officers when evaluating which cases warrant the issuance of an NTA. This training will result in USCIS officers more closely aligning the November 20, 2014 enforcement priorities memorandum and to USCIS NTA guidance.

²⁸ Rights Working Group, Penn State Law, *The NSEERS Effect: A Decade of Racial Profiling, Fear, and Secrecy* 6, May 2012, available at http://www.rightsworkinggroup.org/sites/default/files/RWGPenn_NSEERSReport_060412.pdf.

²⁹ U.S. DEPARTMENT OF HOMELAND SECURITY, DHS Removes Designated Countries from NSEERS Registration (May 2011), May 2011, <http://www.dhs.gov/dhs-removes-designated-countries-nseers-registration-may-2011>.

³⁰ 8 C.F.R. § 264.1(f) (West 2015).

C. Data Collection and Release Regarding NTA Issuance

A recent evaluation by the USCIS Ombudsman found that USCIS does not properly track NTAs.³¹ Currently, USCIS categorizes the number of NTAs issued into four categories, none of which track the remaining, discretionary NTAs issued pursuant to the current NTA guidance. This lack of tracking results in an inability of USCIS to evaluate the effects of the policy memorandum. USCIS should track and report on the number of cases eligible for a discretionary issuance of an NTA or a referral to ICE and the number of those cases in which an NTA is actually issued or a referral is made. USCIS should also track and report on the number of cases issued an NTA or referred to ICE under each category of NTA guidance.

D. Require Attorney Review of All NTAs before Issuance

Uniform review of all NTAs by USCIS legal counsel will ensure legal sufficiency, conformity to due process requirements and agency guidance. The legal review of NTAs will also increase the understanding of USCIS officials regarding the relationship between charges and allegations, the evidence required to substantiate charges, how to analyze a case in light of DHS's enforcement priorities, and how to evaluate whether an individual is eligible for affirmative relief. Oversight by legal counsel will prevent improperly issued and inaccurate charging documents. Indeed, this recommendation reflects the explicit recommendations made by the USCIS Ombudsman in its annual report.³²

E. Establish Affirmative Process for Individuals to Request Removal Proceedings

Although the bulk of our recommendations address the parameters of NTA issuance with an eye to when an NTA should *not* be issued, there are some rare cases in which an individual will want to be placed in removal proceedings because they may be eligible for relief in removal proceedings. For example, an individual who has had a Form I-751, *Petition to Remove Conditions on Residence*, denied may want to be placed in removal proceedings for a *de novo* review of that I-751 decision. The current NTA guidance provides for this referral for denied I-751s. We recommend that USCIS maintain this referral mechanism and establish an affirmative, consistent procedure where individuals, outside of the context of the I-751, can submit a request to USCIS to be affirmatively placed in removal proceedings.

³¹ CITIZENSHIP AND IMMIGRATION SERVICES OMBUDSMAN, U.S. DEPARTMENT OF HOMELAND SECURITY, Annual Report 2015 90, June 29, 2015, available at http://www.dhs.gov/sites/default/files/publications/2015%20CISOMB%20Annual%20Report_508.pdf (recommending that USCIS “[c]reate a working group . . . to improve tracking, information-sharing, and coordination of NTA issuance.”).

³² *Id.* (Recommending that USCIS require attorneys to “review NTAs prior to their issuance and [that USCIS] provide comprehensive legal training.”).

(b)(6)

Department of Homeland Security
Citizenship and Immigration Services Ombudsman

**Case Assistance Form
(Ombudsman Form DHS-7001)**

NOTE: Please read the attached instructions before submitting this form, and provide as much information as possible.

<p>1. Name: Please identify the individual or employer encountering difficulties with USCIS (applicant/beneficiary/petitioner).</p>	Mr. <input type="checkbox"/> First Name:	Middle Name:	Last Name:
<p>2. Contact Information: Please provide information on the individual or employer encountering difficulties with USCIS (applicant/beneficiary/petitioner).</p>			
<p>3. Date of Birth:</p>			
<p>4. Country of Birth and Citizenship:</p>			
<p>5. Alien Registration Number (A-Number): The A-number appears in the following format: A123-456-789.</p>			
<p>6. Person Preparing This Form: Please indicate who is completing this form.</p>			
<p>7. Applications/Petitions Filed: List all applications and/or petitions pending with USCIS related to your case inquiry.</p>			
<p>8. Type of Immigration Benefit: Please provide the type of immigration benefit sought from USCIS.</p>			

<p>9. Reason for Inquiry: Please indicate if any of the options apply. Provide a description in section 10.</p>	<p>a. <input checked="" type="checkbox"/> I am facing or am about to face an immediate adverse action or impact, an emergency or any other type of significant hardship, caused by an action/inaction/delay in processing by USCIS, or a problem that could not be resolved through the normal processes provided for by the USCIS.</p> <p>b. <input type="checkbox"/> I am experiencing processing delays with a case that are beyond anticipated processing times.</p> <p>c. <input type="checkbox"/> I am incurring or am about to incur significant and unusual costs (including fees for professional representation that are not normally incurred).</p> <p>d. <input checked="" type="checkbox"/> I have brought this case problem to the attention of USCIS and have not received a response or resolution within the anticipated time frames.</p> <p>e. <input type="checkbox"/> Other (specify):</p>
<p>10. Description: Describe the difficulties experienced with USCIS. Attach additional pages if needed.</p>	<p>This I-821D and accompanying I-765 was denied because the Service mistakenly determined that the applicant had been placed in deferred action pursuant to a U Nonimmigrant Status application. As noted, this determination was erroneous. She submitted her U Status application on March 24, 2015, and the Service claims she was placed in Deferred Action THREE WEEKS LATER on April 10, 2015. The USCIS Case Status option on its website does not indicate that she was placed in deferred action.</p> <p>This has happened in a number of our DACA/U Status cases, and since the I-821D pends for nearly 6 months, by the time the erroneous denial arrives, the DACA-based EAD is about to expire. That is the case for the client making this inquiry.</p>
<p>11. Prior Actions Taken: Check all that apply: Please describe the response USCIS provided and attach any relevant correspondence.</p>	<p>a. <input checked="" type="checkbox"/> Contacted an attorney/accredited representative for assistance.</p> <p>b. <input checked="" type="checkbox"/> Visited My Case Status at www.uscis.gov.</p> <p>c. <input checked="" type="checkbox"/> Contacted the National Customer Service Center (NCSC) for information and/or assistance regarding this case at their toll-free number 1-800-375-5283.</p> <p>d. <input type="checkbox"/> Attended an InfoPass Appointment with USCIS.</p> <p>e. <input type="checkbox"/> Contacted a U.S. Government Agency or Congressional Representative.</p> <p>Please describe: I called the NCSC and talked with a representative, who was just about to make an inquiry when she determined that it was a U status case and she was prohibited from going further. She forwarded me to second level review, and I</p>
<p>12. Consent: If you are the beneficiary of an immigration petition, consent of the individual who submitted the petition on your behalf is required. The petitioner must sign.</p>	<p>I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct, and that I am the individual or employer encountering difficulties with USCIS and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under the false pretenses is punishable under the provisions of 5 U.S.C. Section 552a (i)(3) by a fine of not more than \$5,000. Further, pursuant to 5 U.S.C. Section 522a(b), I authorize the Citizenship and Immigration Services Ombudsman to release any and all information relating to the individual or employer above mentioned to U.S. Citizenship and Immigration Services.</p> <p>Signature: _____ Date (mm/dd/yyyy): <u>11/09/2015</u></p> <p>Print Name: _____ (b)(6)</p>

13. Attorney or Accredited Representative:

Representative:

Please complete this section if you are an attorney, a representative of an organization, an accredited representative, or anyone else preparing this form on behalf of the individual or employer encountering difficulties with USCIS.

First Name: Susan	Middle Name: Senger	Last Name: Bowyer		
Street Address: 1440 Broadway	Suite: 402	City: Oakland	State/Province: CA	Zip Code: 94612
Country: U.S.	E-Mail Address: susan@icwclaw.org	Phone Number: (510) 251-0150	Fax Number: (510) 593-2167	

- 1. I am an attorney and a member in good standing of the bar of the highest court of the following State, territory, insular possession, or District of Columbia and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
State of Admission: California Name of Court: Supreme Court
- 2. I am an accredited representative of the following named religious, charitable, social service or similar organization established in the United States and recognized by the Board of Immigration Appeals pursuant to 8 CFR 292.1.
- 3. I have submitted a Form G-28 to USCIS as the attorney/accredited representative regarding applications or petitions related to this inquiry. A copy of my Form G-28 is attached.
- 4. Other (Explain fully):

Signature of Attorney/Representative: Susan Bowyer	Date (mm/dd/yyyy): 11/09/2015
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(b)(5)

(b)(6)

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(b)(6)



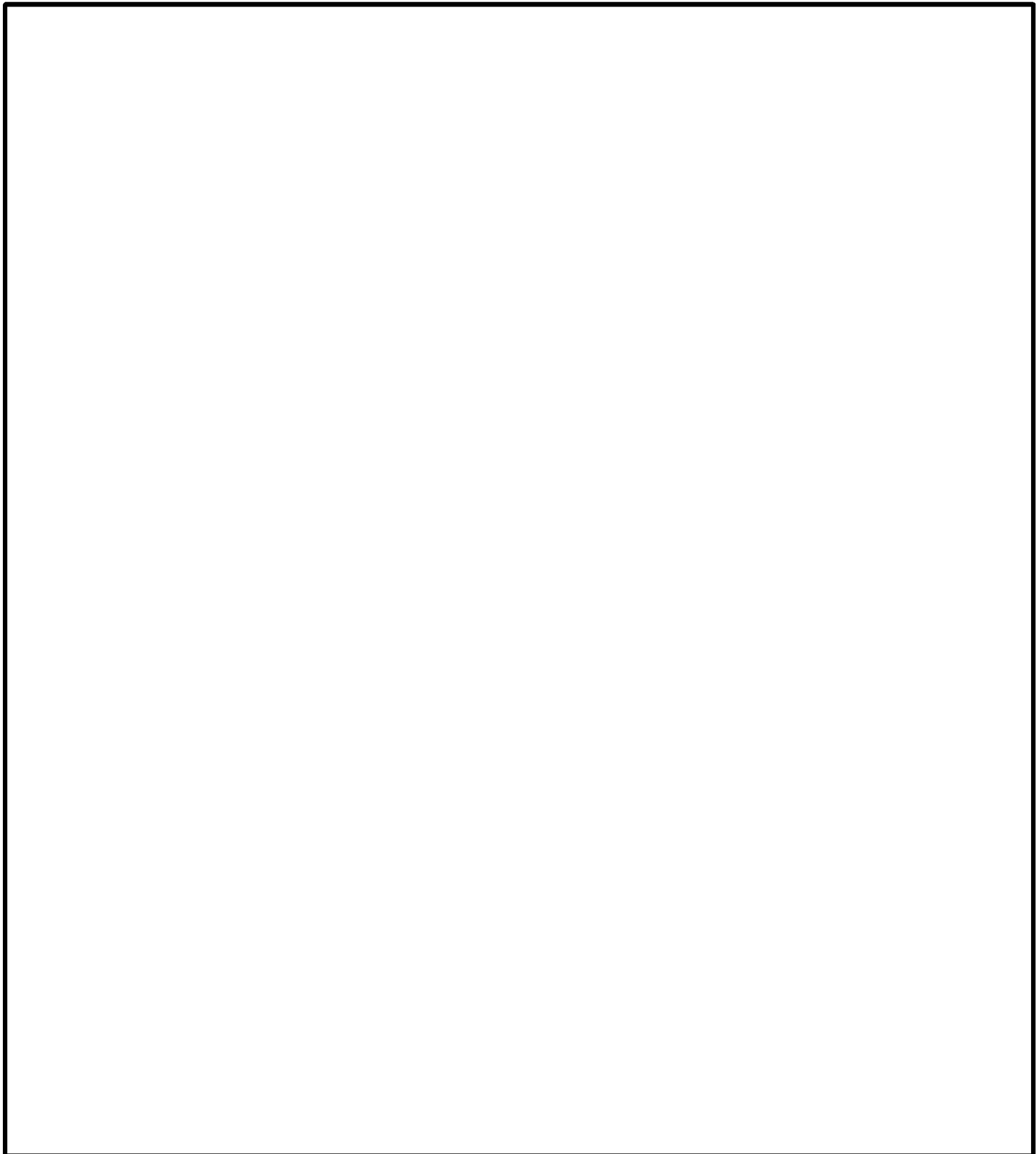
Jenny Horne
Staff Attorney
650.517.8915
jhorne@legalaidsmc.org

November 12, 2015

Lucas Guttentag, Senior Counselor
US Citizenship and Immigration Services

(b)(6)

RE: **Request for Assistance Re DACA Denial** for



(b)(6)

(b)(6)



Sincerely,

Jenny Horne
Staff Attorney

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Copies of California Code Sections Prohibiting Disclosure of Juvenile Records

827. (a) (1) Except as provided in Section 828, a case file may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) The minor's parents or guardian.

(E) The attorneys for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action.

(G) The superintendent or designee of the school district where the minor is enrolled or attending school.

(H) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(I) The State Department of Social Services, to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12, of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements, Section 10850.4, and paragraph (2).

(J) Authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and may not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of

Social Services may not contain the name of the minor.

(K) Members of children's multidisciplinary teams, persons, or agencies providing treatment or supervision of the minor.

(L) A judge, commissioner, or other hearing officer assigned to a family law case with issues concerning custody or visitation, or both, involving the minor, and the following persons, if actively participating in the family law case: a family court mediator assigned to a case involving the minor pursuant to Article 1 (commencing with Section 3160) of Chapter 11 of Part 2 of Division 8 of the Family Code, a court-appointed evaluator or a person conducting a court-connected child custody evaluation, investigation, or assessment pursuant to Section 3111 or 3118 of the Family Code, and counsel appointed for the minor in the family law case pursuant to Section 3150 of the Family Code. Prior to allowing counsel appointed for the minor in the family law case to inspect the file, the court clerk may require counsel to provide a certified copy of the court order appointing him or her as the minor's counsel.

(M) A court-appointed investigator who is actively participating in a guardianship case involving a minor pursuant to Part 2 (commencing with Section 1500) of Division 4 of the Probate Code and acting within the scope of his or her duties in that case.

(N) A local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders.

(O) Juvenile justice commissions as established under Section 225. The confidentiality provisions of Section 10850 shall apply to a juvenile justice commission and its members.

(P) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) (A) Notwithstanding any other law and subject to subparagraph (A) of paragraph (3), juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.

(B) This paragraph represents a presumption in favor of the release of documents when a child is deceased unless the statutory reasons for confidentiality are shown to exist.

(C) If a child whose records are sought has died, and documents are sought pursuant to this paragraph, no weighing or balancing of the interests of those other than a child is permitted.

(D) A petition filed under this paragraph shall be served on interested parties by the petitioner, if the petitioner is in possession of their identity and address, and on the custodian of

records. Upon receiving a petition, the custodian of records shall serve a copy of the request upon all interested parties that have not been served by the petitioner or on the interested parties served by the petitioner if the custodian of records possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective.

(E) The custodian of records shall serve the petition within 10 calendar days of receipt. If any interested party, including the custodian of records, objects to the petition, the party shall file and serve the objection on the petitioning party no later than 15 calendar days of service of the petition.

(F) The petitioning party shall have 10 calendar days to file any reply. The juvenile court shall set the matter for hearing no more than 60 calendar days from the date the petition is served on the custodian of records. The court shall render its decision within 30 days of the hearing. The matter shall be decided solely upon the basis of the petition and supporting exhibits and declarations, if any, the objection and any supporting exhibits or declarations, if any, and the reply and any supporting declarations or exhibits thereto, and argument at hearing. The court may solely upon its own motion order the appearance of witnesses. If no objection is filed to the petition, the court shall review the petition and issue its decision within 10 calendar days of the final day for filing the objection. Any order of the court shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ.

(3) Access to juvenile case files pertaining to matters within the jurisdiction of the juvenile court pursuant to Section 300 shall be limited as follows:

(A) If a juvenile case file, or any portion thereof, is privileged or confidential pursuant to any other state law or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof shall prevail. Unless a person is listed in subparagraphs (A) to (O), inclusive, of paragraph (1) and is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the contents of, juvenile case files protected under another state law or federal law or regulation, shall petition the juvenile court. The juvenile court may only release the portion of, or information relating to the contents of, juvenile case files protected by another state law or federal law or regulation if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile case that is the subject of the petition. This paragraph shall not be construed to limit the ability of the juvenile court to carry out its duties in conducting juvenile court proceedings.

(B) Prior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a notice of and an opportunity to file an objection to the release of the record or report to all interested parties.

(4) A juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, may not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, a juvenile case file, any portion

thereof, and information relating to the content of the juvenile case file, may not be made as an attachment to any other documents without the prior approval of the presiding judge of the juvenile court, unless it is used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(5) Individuals listed in subparagraphs (A), (B), (C), (D), (E), (F), (H), and (I) of paragraph (1) may also receive copies of the case file. In these circumstances, the requirements of paragraph (4) shall continue to apply to the information received.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, family courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, other forms of delinquency, and child abuse.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall

so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) (1) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18 years, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

(2) Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

(e) For purposes of this section, a "juvenile case file" means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.

(f) The persons described in subparagraphs (A), (E), (F), (H), (K), (L), (M), and (N) of paragraph (1) of subdivision (a) include persons serving in a similar capacity for an Indian tribe, reservation, or tribal court when the case file involves a child who is a member of, or who is eligible for membership in, that tribe.



California
LEGISLATIVE INFORMATION

AB-899 Juveniles: confidentiality of records. (2015-2016)

Assembly Bill No. 899

CHAPTER 267

An act to add Section 831 to the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor September 04, 2015. Filed with Secretary of State
September 04, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 899, Levine. Juveniles: confidentiality of records.

Existing law requires the case file of a dependent child or ward of the juvenile court to be kept confidential, except as specified. Existing law authorizes only certain persons to inspect the case file, including, among others, the attorneys for the parties, judges, referees, other hearing officers, and law enforcement officers who are participating in proceedings involving the dependent child or ward.

This bill would provide that nothing in these provisions authorizes the disclosure of juvenile information to federal officials absent a court order upon filing a petition, as specified. The bill also would provide that nothing in these provisions authorizes the dissemination of juvenile information to, or by, federal officials absent a court order upon filing a petition, as specified. This bill would also provide that nothing in these provisions authorizes the attachment of juvenile information to other documents given to, or provided by, federal officials absent prior approval of the presiding judge of the juvenile court. This bill would specify that "juvenile information" includes the juvenile case file and information related to the juvenile, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature that juvenile records remain confidential in order to serve the compelling interest of avoiding stigma and promoting rehabilitation for juveniles. It is not the intent of the Legislature to attempt to resist federal officials.

SEC. 2. Section 831 is added to the Welfare and Institutions Code, to read:

831. (a) It is the intent of the Legislature in enacting this section to clarify that juvenile court records should remain confidential regardless of the juvenile's immigration status. Confidentiality is integral to the operation of the juvenile justice system in order to avoid stigma and promote rehabilitation for all youth, regardless of immigration status.

(b) Nothing in this article authorizes the disclosure of juvenile information to federal officials absent a court order of the judge of the juvenile court upon filing a petition as provided by subparagraph (P) of paragraph (1) of subdivision (a) of Section 827.

(c) Nothing in this article authorizes the dissemination of juvenile information to, or by, federal officials absent a court order of the judge of the juvenile court upon filing a petition as provided by subparagraph (P) of

paragraph (1) and paragraph (4) of subdivision (a) of Section 827.

(d) Nothing in this article authorizes the attachment of juvenile information to any other documents given to, or provided by, federal officials absent prior approval of the presiding judge of the juvenile court as provided by paragraph (4) of subdivision (a) of Section 827.

(e) For purposes of this section, "juvenile information" includes the "juvenile case file," as defined in subdivision (e) of Section 827, and information related to the juvenile, including, but not limited to, name, date or place of birth, and the immigration status of the juvenile that is obtained or created independent of, or in connection with, juvenile court proceedings about the juvenile and maintained by any government agency, including, but not limited to, a court, probation office, child welfare agency, or law enforcement agency.

(f) Nothing in this section shall be construed as authorizing any disclosure that would otherwise violate this article.

(g) The Legislature finds and declares that this section is declaratory of existing law.

(b)(6)

Exhibit 1:

Applicant's explanation

(b)(6)



(b)(6)

Exhibit 2


**March 23 2011 letter
from Juvenile Probation verifying
successful completion of intervention
contract**

(b)(6)



(b)(6)

Exhibit 3:

**July 3 2013 letter from
National Association for
Shoplifting Prevention
verifying that 
successfully completed
program**

(b)(6)

(b)(6)



(b)(6)

Applicant for DACA

Exhibit 4:

High School Diploma & Adult School Transcript Showing Graduation

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

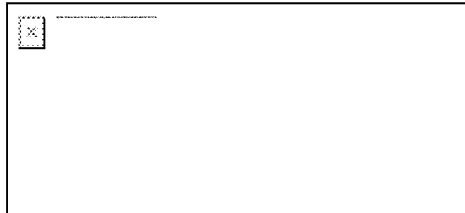
(b)(6)

(b)(6)

Jaynes, Thomas A (Allen)

From: info=forumactionfund.org@mail.salsalabs.net on behalf of Ali Noorani, National Immigration Forum Action Fund <info@forumactionfund.org>
Sent: Thursday, November 19, 2015 11:20 AM
To: Guttentag, Lucas
Subject: Support Freedom, Not Fear

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas

Today, the National Immigration Forum Action Fund is launching a new digital campaign, #AmericasBetter. Please [donate now](#) to support this campaign and ensure Members of Congress support refugee resettlement programs and services, ensuring refugees are screened, welcomed and integrated into our Nation.

In times like these, when our compassion is tested by those who would make us react in fear of those different from us, it is more important than ever to hold true to the powerful, enduring vision of our nation: one that welcomes people fleeing violence and persecution and helps them build a life and achieve the American dream in our communities.

President Ronald Reagan stood up for that vision. At the height of the Cold War, he believed freedom, not fear, would prevail.

As commander in chief, Reagan kept America safe. At the same time, he was the world's "Great Liberator," in the words of British Prime Minister Margaret Thatcher. He welcomed refugees from the Soviet Union, Cuba, Vietnam and elsewhere.

Our security concerns are real, but a response based on fear alone is not worthy of our values. Today, President Reagan's vision of America as a "shining city on a hill" is more important than ever. Now, more than ever, politicians and civic leaders need to be their better selves and remember that with freedom, not fear, America is Better.

From a [faith perspective](#), we must not blame victims who are fleeing the evil from which we also seek to protect ourselves. We are called to love our neighbor as ourselves, not slam the door in his face.

Our security is paramount. But as security experts [have pointed out](#), "Refugees are subjected to the highest and most intensive security review of any population coming to the U.S. No

group goes through greater scrutiny and vetting than refugees. A litany of recurrent checks continue throughout the process, which takes 18 to 24 months to complete. None of these security steps may be waived.”

Finally, economically, we know that refugees are not a burden, but instead represent a valuable, hardworking community of grateful residents who enrich our communities and help our businesses.

Your support will allow us to continue to push against hateful rhetoric, and ensure that members of congress hear from us that we support refugees and immigrants.

Thanks again for everything you do.

Onward,

Ali Noorani

Executive Director

National Immigration Forum Action Fund

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**Memorandum
Privileged and Confidential**

Date: November 25, 2015
To: DHS-HQ; USCIS
From: Immigrant Legal Resource Center¹
Subject: Non-FOIA Disclosure of A-Files

Non-FOIA Disclosure of A-Files

The U.S. Department of Homeland Security (DHS) is in the process of determining whether and how to create an opportunity for immigrants to access their immigration files (also known as “A-files”) outside of the Freedom of Information Act (FOIA). In light of this process and Deputy Secretary Mayorkas’s comments that DHS has the statutory and regulatory authority to provide A-files outside of the FOIA process, we provide the below recommendations.

The current options for immigrants to obtain their A-files—filing a FOIA request or a request pursuant to *Dent v. Holder*—are insufficient because: (a) FOIA requests are complicated to file, often too delayed to be effective, and may not ultimately result in receipt of the A-file if not directed to the proper agency; (b) and *Dent v. Holder* currently limits requests to individuals in removal proceedings within the Ninth Circuit who contest removability. In light of the crucial case and eligibility information included in the A-file, we emphatically recommend that USCIS establish a procedure to request the A-file outside of the FOIA process that is available to *all* immigrants, regardless of their immigration status, whether they are in removal proceedings, or whether they have contested removability.

I. RECOMMENDATIONS

- A. DHS should promulgate a procedure for all immigrants to request their A-file outside of the FOIA process; and
- B. This process should be expedited and available to all immigrants regardless of 1) their immigration status, 2) whether they are in removal proceedings, and 3) whether they have contested removability.

II. BACKGROUND

Existing Processes to Obtain the A-File Are Insufficient

DHS maintains an immigration file, the “A-file,” on all immigrants with whom it comes into contact. When an individual applies for an immigration benefit or is contesting removal, it is not only helpful, but

¹ The Immigrant Legal Resource Center is a national, nonprofit resource center that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The mission of the ILRC is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. For more information regarding this issue, please contact Jose Magana-Salgado, of the Immigrant Legal Resource Center, at jmagona@ilrc.org or 202-777-8999.

also often critical to the success of the individual's case to have a copy of certain immigration documents, many of which may only exist within the A-file. For example, an individual might need to know what criminal records the government possesses that could affect her eligibility for relief. Alternatively, an individual may need to examine a paper trail of her previous immigration history to help piece together previous contacts with immigration, especially those that occurred at an early age or decades prior. Currently, most immigrants file requests under FOIA² to receive copies of their A-file. However, filing a FOIA request is an insufficient method for obtaining an A-file due to a variety of procedural deficiencies. In implementing a non-FOIA process, DHS should ensure that the process is procedurally faster than the existing FOIA process.

1. Submitting a FOIA request is a technical, complicated process, particularly for pro se requestors.

Every federal agency has its own procedures regarding storage and disclosure of records. Even within DHS, each subcomponent that holds immigration records—U.S. Citizenship and Immigration Services (USCIS); U.S. Customs and Border Protection (CBP); U.S. Immigration and Customs Enforcement (ICE); or U.S. Office of Biometrics Identity Management (OBIM, formerly US-VISIT)—has different procedures. Although DHS recently made great strides to create more broadly applicable electronic and mobile-friendly FOIA applications, the differences between the DHS subcomponents remain. For example, USCIS requests may be submitted using Form G-639 by mail, fax, e-mail, or through the DHS Online Request Form.³ By contrast, CBP requests may only be submitted using a CBP-specific online request form.⁴ To add to the confusion, ICE accepts requests using Form G-639 by mail, fax, e-mail, through its own ICE-online request form, or through the DHS Online Request Form.⁵ Thus, for individuals seeking their A-file, simply discerning the procedure for submission can be a complicated process. The complexity of this process deters immigrants from filing FOIA requests themselves and encourages immigration provider services fraud. For example, we received reports of notarios charging up to \$500 to file a FOIA request on someone's behalf. By promulgating a simpler, non-FOIA process, individuals would be more likely to file requests themselves instead of turning to fraudulent providers.

2. FOIA responses frequently arrive too late to be useful.

For immigrants in removal proceedings or who face application deadlines, even minor delays in receiving an A-file can make the difference between receiving immigration status and deportation. USCIS, the DHS subcomponent that maintains A-files, established a fast track system in 2007 in an attempt to provide certain people in removal proceedings with their A-

² 5 U.S.C. § 552 (West 2015).

³ U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, *How to File a FOIA/PA Request* (Aug. 19, 2015), <http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/how-file-foiapa-request>.

⁴ U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, *Freedom of Information Act*, (Last accessed Nov. 23, 2015), <http://www.cbp.gov/site-policy-notice/foia>.

⁵ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, *Submitting FOIA Request* (Last accessed Nov. 23, 2015), http://www.ice.gov/foia/submitting_request.htm.

files in a more timely manner.⁶ However, even this “fast track” can take months, and there is no guarantee that an immigration judge will continue a case to wait for a pending FOIA request. These delays exacerbate consequences for immigrants in detention centers, who often face accelerated proceedings; even if they are granted a continuance to await a FOIA response, detained individuals must spend that additional time in detention center while awaiting a FOIA response.

FOIA regulations require only that federal agencies respond within 20 business days regarding *whether* the requested documents can be released, not necessarily with the documents themselves.⁷ An agency can also extend this time period by up to ten days for unusual circumstances.⁸ It is possible to expedite a request, but the grounds for expedition are narrow.⁹ Without expedited processing, FOIA requests can take many months.¹⁰ In fact, CBP is currently being sued for failing to timely respond to FOIA requests.¹¹

3. *It can be unclear which agency possesses the A-file, particularly for pro se requestors.*

Individuals may sometimes find it difficult to determine which agency possesses their A-file. Pro se requestors may not understand the differences between all of the federal agencies they interact with during the course of their immigration case, including DHS, the immigration court, and/or the consulate. Even within DHS, they may have trouble discerning which DHS subcomponent possesses the A-file. Moreover, although USCIS generally maintains the A-file, the A-file may be shipped to ICE or other subcomponents during the pendency of someone’s immigration case. Accordingly, if an individual requests their records from the incorrect agency, or incurred DHS subcomponent, she may not be able to successfully obtain her A-file.

Certain immigrants in the Ninth Circuit may currently request their A-file outside of the FOIA process; this process, too, is insufficient because it applies only to a narrow subset of individuals. In *Dent v. Holder*,¹² the Ninth Circuit held that the Immigration and Nationality Act requires the government to provide immigrants their A-file in cases where removability is contested. The court found that the mere opportunity to file a FOIA request is not sufficient because it violates due process not to provide information that is crucial to someone’s case. The court noted that a “serious due process problem would arise” if the government required

⁶ Press Release, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, USCIS Launches New Track for Processing Freedom of Information Act (FOIA) Requests, (Feb. 28, 2007), <http://www.uscis.gov/sites/default/files/files/pressrelease/FOIAProcessing022807PR.pdf>.

⁷ 8 C.F.R. § 5.6(b) (West 2015).

⁸ 8 C.F.R. § 5.5(c) (West 2015).

⁹ Federal regulations provide that a request can be expedited only if it involves “i) circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; [or] ii) an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information.” 6 C.F.R. § 5.5(d)(1) (West 2015).

¹⁰ See PRIVACY OFFICE, U.S. DEPARTMENT OF HOMELAND SECURITY, 2014 Freedom of Information Act Report to the Attorney General of the United States (Feb. 2015), available at <http://www.dhs.gov/sites/default/files/publications/dhs-chief-foia-officer-reports-fy-2014.pdf>.

¹¹ *Brown et al. v. CBP*, No. 15-cv-01181 (N.D. Cal. filed March 13, 2015).

¹² 627 F.3d 365 (9th Cir. 2010).

the individual to file a FOIA request in removal proceedings because the response would likely not arrive until after she was removed.¹³ Unfortunately, this case is limited in its application to immigrants in the Ninth Circuit who are in removal proceedings where removability is contested.

Thus, because the existing processes for obtaining an A-file are insufficient, DHS should create a separate procedure for requesting an A-file. Notably, other federal agencies established methods outside of the FOIA process to obtain important documentation. For example, individuals may request a copy of their Identity History Summary from the Federal Bureau of Investigation (FBI) without filing a FOIA request.¹⁴ We encourage DHS to create a similarly straightforward, and quick, method to request an A-file.

Recommendation: DHS Should Create an Expedited Process to Obtain an A-File for All Immigrants

DHS should create a process for *all* immigrants to request their A-file outside of the FOIA process. This process should be expedited and available to all immigrants regardless of 1) their immigration status, 2) whether they are in removal proceedings, 3) whether they contest removability.

1. The A-file contains crucial information for all immigrants, regardless of status.

A very large percentage of undocumented immigrants in the United States is estimated to be eligible for lawful status or the exercise of prosecutorial discretion.¹⁵ However, these individuals often need information from their A-file to apply for relief and fight removal. People who have some form of lawful presence or status similarly need information from their A-file to fight potential removal proceedings, apply for further relief for themselves, or apply for relief for family members. DHS should not narrow its process to include only certain types of immigrants but instead create a process to request the A-file that is broadly accessible for all immigrants, regardless of status.

2. The A-file is critical for all immigrants, whether they are in removal proceedings or not.

People who are currently in removal proceedings have an undeniably urgent need for their A-file. However, even people not in removal proceedings face emergent immigration deadlines. For example, asylum applicants are required to apply within one year of their last arrival unless they fall within certain exceptions.¹⁶ Many forms of immigration relief also have age-cut off

¹³ *Id.* at 374.

¹⁴ FEDERAL BUREAU OF INVESTIGATION, Submitting an Identity History Summary Request to the FBI (Last accessed Nov. 23, 2015), <https://www.fbi.gov/about-us/cjis/identity-history-summary-checks/submitting-an-identity-history-summary-request-to-the-fbi>.

¹⁵ See, e.g., Tom K. Wong, Donald Kerwin, Jeanne M. Atkinson, Mary Meg McCarthy, *Paths to Lawful Immigration Status: Results and Implications from the PERSON Survey*, 2 J. Migr. & Hum. Sec. 4 (2014).

¹⁶ INA § 208(a)(2)(B) (West 2015).

dates for youth¹⁷ or other family members in order to be eligible for derivative status.¹⁸ Moreover, all forms of immigration relief require the applicant to answer questions about her immigration history under penalty of perjury; for many immigrants, they may not remember or have understood the details of their immigration past and require the documents for confirmation. Because of the length of time FOIA requests take, many immigrants currently have to delay applying for relief for which they are eligible in order to wait for the documents in their A-file.

3. The A-file is necessary for an individual's immigration case, whether removability is contested or not.

The A-file includes documents such as a person's prior immigration applications, correspondence between the person and USCIS, internal USCIS memos regarding a person's applications for relief, and many other official documents related to the person's immigration applications, status, and/or eligibility. It may also contain identifying documents such as birth certificates, and the results of law enforcement background checks. These documents can provide information necessary for an immigrant to win her case, even where removability is not contested. For example, she may need prior approval notices from the A-file to prove that she is eligible to adjust status under INA 245(i); or the date she became a lawful permanent resident to prove that she derived citizenship when her parent naturalized; or her prior applications for immigration relief to ensure she is eligible to naturalize. Because of the wealth of information in the A-file, DHS should create a separate process accessible for *all* immigrants.

Projected Impact: A Process to Obtain the A-File Outside of FOIA Will Lead to More Efficiency

If DHS created an expedited process for all immigrants to obtain their A-file outside of the FOIA process, the projected impact would likely be greater administrative and judicial efficiency. While there are no statistics regarding the number of people who file FOIA requests simply to obtain their A-file, we can reasonably project that the DHS FOIA backlog would be greatly reduced if there were a streamlined process for immigrants to request their A-file.

Moreover, immigration cases are routinely continued and otherwise delayed while waiting for immigrants to obtain their A-files through FOIA requests. Allowing immigrants quick access to their A-files outside of the FOIA process would lead to more timely applications and adjudications. These FOIA-induced delays affect every level of immigration adjudicators, including at USCIS, immigration court, BIA, AAO, and federal courts. In addition to causing delays, the lack of a streamlined process to obtain A-files also currently leads to unnecessary hearings and appeals on issues that could easily have been determined by documents in the A-file. For example, in an immigration case within the Ninth Circuit, the immigration judge did not

¹⁷ See, e.g., 8 C.F.R. § 204.11(c) (West 2015) (defining eligibility for special immigrant juvenile status as limited to an immigrant under 21 years old).

¹⁸ See, e.g., INA § 101(a)(15)(U)(ii) (West 2015) (limiting U visa derivative eligibility for U visa applicants who are under 21 years old to their spouse, children, and unmarried siblings under age 18, and for U visa applicants who are 21 years or older, to their spouse and children).

have access to the individual's A-file and was unable to adjudicate a legitimate claim to citizenship that may have resolved the case differently.¹⁹ Similarly, in an immigration case within the Third Circuit, an individual gained information through a FOIA request, only after his case had been appealed several times, that showed he was admitted into the United States earlier than DHS alleged. The court noted that the untimeliness of the FOIA response "resulted in unnecessary delay, an additional written decision by the BIA, and an additional appeal."²⁰ Creating a separate, easily-accessible, and expedited process for immigrants to obtain their A-files would assist individuals like these and lead to more administrative and judicial efficiency for the government.

¹⁹ *Dent v. Holder*, 627 F.3d 365 (9th Cir. 2010).

²⁰ *Totimeh v. A.G.*, 666 F.3d 109, 112 n.3 (3d Cir. 2012); see also American Immigration Council, *Dent v. Holder and Strategies for Obtaining Documents from the Government during Removal Proceedings* at 7 (June 12, 2012), available at http://www.legalactioncenter.org/sites/default/files/dent_practice_advisory_6-8-12.pdf.

Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Jennie Murray, National Immigration Forum <media@immigrationforum.org>
Sent: Wednesday, December 09, 2015 8:43 AM
To: Guttentag, Lucas
Subject: We reached new heights in 2015

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas,

Just under three years ago, we launched New American Workforce with an ambitious goal: to help businesses help their eligible immigrant workforce become U.S. citizens.

Eight cities later, nearly 200 businesses have helped 4,000 members of their New American Workforce through the naturalization process, educating and offering services to more than 303,000 employees along the way. Please give now and help make us even stronger next year.

New American Workforce has grown into one of the nation's most innovative programs helping new Americans attain the opportunities, skills and status they need to reach their fullest potential. Los Angeles Mayor Eric Garcetti sees the potential of the program. In fact, in July Mayor Garcetti convened 75 Los Angeles businesses to learn about the program and commit to helping their eligible staff become citizens.

In November, we again partnered with the Miami Dolphins, our first NFL partner, as they organized naturalization workshops and services for the stadium workforce, a group of more than 3,000. Throughout the last 2 seasons, we have assisted more than 400 Dolphins employees with their citizenship application process. And on Nov. 8, during the game against the Buffalo Bills, the Dolphins aired English and Spanish public service announcements urging listeners to apply for U.S. citizenship. The spots will continue throughout the rest of the season.

Finally, we joined the Walmart Foundation, Miami Dade College and the Community College Consortium for Immigrant Education to launch *Skills and Opportunity for the New American Workforce*, our new contextualized English language learning project designed for employees of the retail industry. Over the next year this first-of-its-kind partnership will help 750 retail employees get the language skills they need to enhance their career possibilities.



It was a tremendous year, and 2016 will be even better.

As you consider your year-end giving, please consider making a gift to the Forum. As we continue to grow and expand, your support becomes more important than ever to keep our momentum going and help us move the needle.

We're so thrilled with the work that we've been able to accomplish in 2015. And, with your continued support moving into 2016, we'll reach new heights together.

Sincerely,

Jennie Murray
Director of Integration Programs
National Immigration Forum

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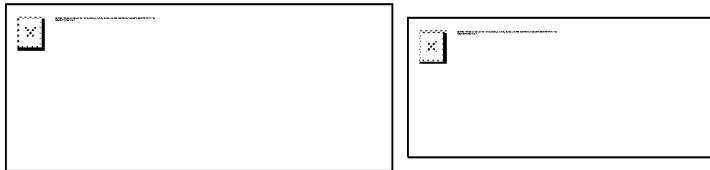
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Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Adam Estle, National Immigration Forum Action Fund <media@immigrationforum.org>
Sent: Tuesday, December 15, 2015 9:23 AM
To: Guttentag, Lucas
Subject: The choice is clear

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas,

Where others would divide us, the Forum and the Forum Action Fund bring people together with a clear message: #AmericaIsBetter than our current immigration debate.

By engaging conservative and moderate faith, law enforcement and business leaders, our Bibles, Badges and Business for Immigration Reform (BBB) coalition is on the ground in communities around the country, emphasizing that immigration is about people, not politics.

Our belief that #AmericaIsBetter rests on the powerful, enduring vision of our nation as one that welcomes people and helps them build a better life and achieve the American dream.

Supporting that vision, our team has worked tirelessly in the South, Midwest and Mountain West to grow the ranks of conservative voices speaking out on the positive contributions immigrants add to our nation along with the continued need for commonsense immigration reform.

Few organizations have the strategy or the breadth or depth of relationships we have brought to bear on our nation's immigration debate. From the Syrian refugee crisis to the negative political rhetoric, this message and these messengers are more important than ever.

But there is so much work to do in 2016.

BBB will continue to keep the conversation focused on compassion and practical solutions. But we cannot do it alone. Please lend your support and give to the Forum and the Forum Action Fund.

Thank you for everything you have done this year to support a better conversation. We look forward to continuing to grow and increase our impact in 2016 and beyond.

Thanks,

Adam Estle
Field Director
Bibles, Badges and Business for Immigration Reform

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National Immigration Forum
50 F Street NW, Suite 300
Washington, DC 20001

www.immigrationforum.org

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Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Ali Noorani, National Immigration Forum <media@immigrationforum.org>
Sent: Thursday, December 24, 2015 12:11 PM
To: Guttentag, Lucas
Subject: FW: A Disturbing Plan: DHS Considers Deportation Raids Targeting Central American Families

Follow Up Flag: Follow up
Flag Status: Flagged



Friends,

As you are getting ready to celebrate the holiday season, you may have heard reports that the Obama administration is preparing for raids focusing on Central American families who have fled to the U.S. since the beginning of 2014. More details below.

We remain committed to bringing a broad range of voices to this conversation. In fact, they are more important than ever. We hope you will continue to support this important work.

A peaceful holiday season to all of you.

Ali

For Immediate Release

Contact: Dan Gordon, 202-383-5996

December 24, 2015

A Disturbing Plan: DHS Considers Deportation Raids Targeting Central American Families

WASHINGTON, D.C. — The Washington Post reports today that the Obama administration is preparing for raids focusing on Central American families who have fled to the U.S. since the beginning of 2014.

Should the Department of Homeland Security follow through on such plans, hundreds of families, or more, could be deported following

raids.

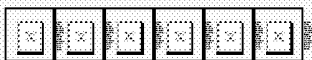
As the article points out, family detention in the past two years has raised serious due process concerns, including a lack of legal representation for minors and others. “Without an attorney, child migrants from Central America face overwhelming odds in seeking relief from U.S. immigration courts,” Politico reported in April.

“At this season, we remember that our Savior was a refugee, born in a manger after Joseph and Mary were turned away at the inn,” said **Rev. Samuel Rodriguez, President of the National Hispanic Christian Leadership Conference.** “Like Joseph and Mary, these families and children are fleeing desperate situations. We are called to welcome the stranger as we would welcome Christ himself. There is no welcome in deportation raids that target families.”

“These are mostly women and children fleeing violence. Surely the Obama Administration has a better Christmas in mind than the threat of deportation raids,” said **Ali Noorani, executive director of the National Immigration Forum.** “To punish these families for our lack of a functioning refugee program that meets the needs of Central America would be a moral tragedy.

“We need better asylum laws that address these circumstances. In the meantime, deterrence through deportation is a failed strategy, especially when the families in question have had to choose between violence and even temporary safety. To forcefully condemn them to the violent circumstances they fled would be unconscionable.”

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Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Ali Noorani, National Immigration Forum <media@immigrationforum.org>
Sent: Thursday, December 31, 2015 8:08 AM
To: Guttentag, Lucas
Subject: A Partial List

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas,

Bar refugees. Ban Muslims. Demonize Latinos. Turn away children fleeing violence. End birthright citizenship.

I wish this was a complete list of the verbal attacks on immigrants and immigration to which we responded in 2015 with your support. Sadly, these are only a few examples.

Through it all, we have been working hard here at the Forum to push back, raise up the voices of compassion, focus on the real needs of our communities and economy, and remind people that these issues are about people, not politics.

What will 2016 bring?

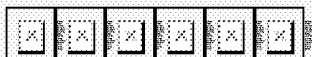
If 2015 is any indication, the real work has just begun.

Please give now, and help us continue this vital work.

Onward,

Ali Noorani
Executive Director
National Immigration Forum

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50 F Street NW, Suite 300

Washington, DC 20001

www.immigrationforum.org

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Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Ali Noorani, National Immigration Forum <media@immigrationforum.org>
Sent: Thursday, December 31, 2015 4:43 PM
To: Guttentag, Lucas
Subject: FW: A Partial List

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas,

Wanted to make sure you saw this, please give now before the new year.

Thanks,
Ali

-----Forwarded Message-----

From: Ali Noorani, National Immigration Forum

Subject: A Partial List

Bar refugees. Ban Muslims. Demonize Latinos. Turn away children fleeing violence. End birthright citizenship.

I wish this was a complete list of the verbal attacks on immigrants and immigration to which we responded in 2015 with your supoprt. Sadly, these are only a few examples.

Through it all, we have been working hard here at the Forum to push back, raise up the voices of compassion, focus on the real needs of our communities and economy, and remind people that these issues are about people, not politics.

What will 2016 bring?

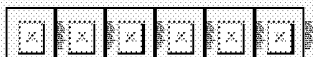
If 2015 is any indication, the real work has just begun.

Please give now, and help us continue this vital work.

Onward,

Ali Noorani
Executive Director
National Immigration Forum

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Washington, DC 20001

www.immigrationforum.org

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Jaynes, Thomas A (Allen)

From: Legomsky, Stephen <legomsky@wustl.edu>
Sent: Friday, January 08, 2016 5:25 PM
To: Guttentag, Lucas; Guttentag, Lucas
Subject: FW: US v Texas, thoughts on Texas's brief in opposition to cert
Attachments: US v Texas reactions to Texas brief in opposition 01 04 16.docx; congress written testimony 02 25 15.pdf

Here it is again.

From: Legomsky, Stephen
Sent: Monday, January 04, 2016 3:39 PM
To: Guttentag, Lucas <lucas.guttentag@hq.dhs.gov>
Subject: US v Texas, thoughts on Texas's brief in opposition to cert

(b)(5)

Thanks,
Steve

Written Testimony of

Stephen H. Legomsky
The John S. Lehmann University Professor
Washington University School of Law
[Legomsky@wulaw.wustl.edu]

Before the

United States House of Representatives
Committee on the Judiciary

February 25, 2015

Mr. Chairman and Honorable members of the committee, thank you for the opportunity to testify before you. My name is Stephen H. Legomsky. I am the John S. Lehmann University Professor at the Washington University School of Law. I have taught U.S. immigration law for more than 30 years and am the author (co-author starting with the fifth edition) of the law school textbook “Immigration and Refugee Law and Policy.” This book is now in its sixth edition and has been the required text for immigration courses at 183 U.S. law schools since its inception. From 2011 to 2013 I had the honor of serving as the Chief Counsel of U.S. Citizenship and Immigration Services, in the Department of Homeland Security. I have had the privilege of advising both Democratic and Republican administrations and several foreign governments on immigration policy. I have held visiting academic appointments at universities in twelve countries.

The issues that are the subject of today’s hearing are ones that I have studied carefully. While I appreciate that reasonable minds can and do differ about the *policy* decisions, I take this opportunity to respectfully share my opinion that the President’s actions are well within his *legal* authority. This conclusion is shared not only by the Justice Department’s Office of Legal Counsel, but also by the overwhelming majority of our country’s immigration law professors and scholars. On November 25, 2014, some 135 scholars and teachers of immigration law joined in a letter expressing their view that the recent executive actions are “well within the legal authority of the executive branch of the government of the United States.”¹ The signers are people whose years and often decades of studying, teaching, and writing on immigration law have immersed them in the intricacies of the governing statute and related law. They are very familiar with what the statute allows and what it forbids.

The principal executive actions at the heart of the debate are those announced by President Obama, and set forth in official memoranda from Secretary of Homeland Security Jeh Charles Johnson, on November 20, 2014. One memorandum, which I’ll refer to here as the “Prosecutorial Discretion Memo,” lays out the Secretary’s priorities for the apprehension,

¹ See <https://penntatelaw.psu.edu/sites/default/files/documents/pdfs/Immigrants/executive-action-law-prof-letter.pdf>. The quoted conclusion appears on page 7 of the letter.

detention, and removal of aliens.² Generally, this memorandum continues the Department’s prioritization of removals that contribute to national security, public safety, and border security. The other memorandum at the center of the debate,³ issued on the same date (and referred to here as the “DACA/DAPA Memo”) does two things. First, it expands the “DACA” program, which was originally announced on June 15, 2012.⁴ DACA allows deferred action for certain individuals who arrived in the United States as children. Second, this latter memorandum establishes a program (informally known as “DAPA”) that allows deferred action for certain parents of U.S. citizens or lawful permanent residents.

The critics of these actions have charged that they violate the President’s duty, imposed by article II, section 3 of the Constitution, to “take Care that the Laws be faithfully executed” -- in this case, the immigration laws. The district court for the District of Columbia concluded that that argument is unlikely to succeed. *Arpaio v. Obama*, Civ. Action No. 14-01966 (BHH) (Dec. 23, 2014). In contrast, the district court for the Southern District of Texas hinted that that argument might prevail but at this writing has not yet decided, electing instead to issue a preliminary injunction on a different ground – that the plaintiffs were likely to succeed with their argument that the Administrative Procedure Act (APA) required a notice-and-comment procedure. *State of Texas v. United States*, Civ. No. B-14-254 (S.D. Tex. Feb. 16, 2015) [hereinafter cited as *Texas 2015*].⁵

This testimony focuses mainly on the constitutional issue. That discussion appears in section I below and turns heavily on both general principles of public law and the interpretation of the Immigration and Nationality Act. Because the pending Texas litigation raises additional issues concerning (a) the standing of states to challenge DACA and DAPA and (b) the interpretation of the APA, I comment on those issues as well, in sections II and III respectively. The opposing briefs in the Texas case lay out the legal arguments on both standing and the APA in great detail; in sections II and III, therefore, I merely highlight a few key points.

I THE RECENT EXECUTIVE ACTIONS ARE WELL WITHIN THE ADMINISTRATION’S LEGAL AUTHORITY

Attempts to find legal flaws in these executive actions have tended to fall into two categories.

² Memorandum from Jeh Charles Johnson, Secretary of Homeland Security, Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants (Nov. 20, 2014).

³ Memorandum from Jeh Charles Johnson, Secretary of Homeland Security, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents (Nov. 20, 2014).

⁴ Memorandum from Janet Napolitano, Secretary of Homeland Security, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children (June 15, 2012).

⁵ For a powerful criticism of Judge Hanen’s opinion in *Texas 2015*, see Anil Kalhan, *Is Judge Hanen’s Smackdown of Executive Action on Immigration “Narrowly Crafted”?*, Dorf on Law (Feb. 21, 2015), <http://www.dorfonlaw.org/2015/02/is-judge-hanens-smackdown-of-executive.html> (observing that the opinion is chock full of factual exaggerations, false statements of the evidence, selective citation of evidence, and distortions of the government’s legal arguments).

Some of the arguments are meant to show that there is no affirmative legal authority for either the Prosecutorial Discretion Memo or the DACA/DAPA memo. Other arguments are meant to show that these policies actually conflict with either the letter or the spirit of the Immigration and Nationality Act. In this section I consider each of those concerns in turn and then briefly discuss a few miscellaneous arguments that some of the President's critics have offered.

A. There is ample affirmative legal authority for both the Prosecutorial Discretion Memo and the DACA/DAPA Memo.

1. Prosecutorial Discretion

Prosecutorial discretion is a long-established, and unavoidable, practice in every area of law enforcement today, both civil and criminal. The basic idea is straightforward: When a law enforcement agency has only enough resources to go after a fraction of the individuals whom it suspects of violating the relevant law, it has to make choices. There is no alternative.

In the specific context of immigration, Congress has explicitly authorized – arguably, in fact, *required* – the Department of Homeland Security to exercise prosecutorial discretion. In 6 U.S.C. § 202(5), Congress expressly makes the Secretary of Homeland Security “responsible” for “establishing national immigration enforcement policies and priorities.” Establishing enforcement policies and priorities is the very definition of prosecutorial discretion.

If any further support were needed, the congressional intent can be conclusively inferred from the annual congressional appropriations Acts. Year after year, Congress gives the Administration only enough money to pursue a small fraction of the undocumented population. No one seriously disputes Congress's conscious awareness that its appropriations for immigration enforcement fall far short of what the Administration would need for 100% enforcement. Congress knows that there are about 11 million undocumented immigrants living in the U.S., and it knows that the resources it is appropriating enable the Administration to go after fewer than 400,000 of them per year, less than 4% of that population. In practice, DHS resources are stretched even thinner than that, because (a) a large portion of the resources must be allocated to border apprehensions; and (b) an increasingly higher percentage of unauthorized entries are by nationals of countries other than Mexico; removal of those individuals is far more resource-intensive. This means more than that prosecutorial discretion is unavoidable; it is also the clearest evidence possible that Congress *intends* for the Department of Homeland Security, like practically every other law enforcement agency in the country, to use its discretion to decide how those limited resources can be most effectively deployed.

The appropriations Acts, in fact, do more than simply evidence Congress's intent that the Administration formulate enforcement priorities. They actually mandate a specific priority on the removal of criminal offenders and, within that group of individuals, sub-priorities that depend on the severity of the crime. These mandates have been included in every annual DHS appropriations Act since the one for fiscal year 2009.⁶ As discussed at the end of section B

⁶ E.g., Consolidated Appropriations Act 2014, Pub. L. 113-76, Div. F, title II, 128 Stat. 5, 251 (2014); Consolidated

below, the President's recent executive actions adopt precisely these crime-related and other public safety priorities.

For still more support, one need only turn to the decision of the U.S. Supreme Court in *Arizona v. United States*, 132 S.Ct. 2492 (2012). There the Court struck down most of Arizona's immigration enforcement statute, precisely because it would interfere with the broad enforcement discretion of the federal government. On that point the Court was emphatic:

A principal feature of the removal system is the broad discretion exercised by immigration officials. ... *Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all.* ...

Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime. The equities of an individual case may turn on many factors, including whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service. Some discretionary decisions involve policy choices that bear on this Nation's international relations. Returning an alien to his own country may be deemed inappropriate even where he has committed a removable offense or fails to meet the criteria for admission. The foreign state may be mired in civil war, complicit in political persecution, or enduring conditions that create a real risk that the alien or his family will be harmed upon return. The dynamic nature of relations with other countries requires the Executive Branch to ensure that enforcement policies are consistent with this Nation's foreign policy with respect to these and other realities.

Id. at 2499 [emphasis added].

These authoritative recognitions of broad prosecutorial discretion – 6 U.S.C. § 202(5), the annual congressional appropriations Acts, and the Supreme Court decision in *Arizona v. United States* – are all specific to immigration law. They are further reinforced by the longstanding judicial endorsements of prosecutorial discretion in law enforcement more generally. One of the leading cases is *Heckler v. Chaney*, 470 U.S. 821 (1985). State prisoners on death row sought to compel the Food and Drug Administration to ban the drug that was to be used for their executions. The Court held that the FDA's decision not to take any enforcement action with respect to that drug was unreviewable because the decision was “committed to agency discretion by law” within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701(a)(2). The Court said: “This Court has recognized on several occasions over many years that an agency's decision not to prosecute or enforce, *whether through civil or criminal process*,⁷ is a decision generally committed to an

Security, Disaster Assistance, and Continuing Appropriations Act 2009, Pub. L. 110-239, 122 Stat. 3574, 3659 (Sept. 30, 2008), <http://www.gpo.gov/fdsys/pkg/PLAW-110publ329/pdf/PLAW-110publ329.pdf>.

⁷ Emphasis added. I highlight this phrase only because one of the witnesses at a Dec. 2, 2014 House Judiciary Committee hearing asserted that prosecutorial discretion is limited to criminal cases and thus does not apply at all to civil enforcement contexts such as immigration. Testimony of Ronald D. Rotunda, *The President's Power to Waive*

agency’s absolute discretion” [citing several cases]. *Heckler*, 470 U.S. at 831.

The Court relied on the breadth of an enforcement agency’s prosecutorial discretion in concluding that non-enforcement decisions were ordinarily unreviewable. It explained:

First, an agency decision not to enforce often involves a complicated balancing of a number of factors which are peculiarly within its expertise. Thus, the agency must not only assess whether a violation has occurred, but whether agency resources are best spent on this violation or another, whether the agency is likely to succeed if it acts, whether the particular enforcement action requested best fits the agency’s overall policies, and indeed, whether the agency has enough resources to undertake the action at all. An agency generally cannot act against each technical violation of the statute it is charged with enforcing. The agency is far better equipped than the courts to deal with the many variables involved in the proper ordering of its priorities. ...

Id. at 831-32.

One other statement in *Chaney* must be acknowledged. In a footnote, the Court added a dictum on which critics of the President’s recently-announced decision have sometimes relied: “Nor do we have a situation where it could justifiably be found that the agency has ‘consciously and expressly adopted a general policy’ that is so extreme as to amount to an abdication of its statutory responsibilities” [quoting *Adams v. Richardson*, 480 F.2d 1159 (D.C. Cir. 1973)]. Such policies, the Court said, “might indicate that such decisions were not ‘committed to agency discretion’” (and thus might be judicially reviewable). *Id.* at 833 n.4.

But such is not the case here, because the Administration’s recent executive actions do not even approach “an abdication of its statutory responsibilities.” The discussion in section A.2.c below elaborates on the limits of prosecutorial discretion. As explained there, even the combination of the Prosecutorial Discretion Memo and the DACA/DAPA Memo will still leave far more undocumented immigrants (and border arrivals) than DHS will have the resources to pursue. Thus, the new policies will not prevent the Administration from continuing to enforce the

the Immigration Laws, Comm. on the Judiciary, U.S. House of Reps. (Dec. 2, 2014), at 10-11. Professor Rotunda cites no authority for this novel position. To the contrary, the highlighted language in *Chaney*, together with its explicit recognition of prosecutorial discretion in the indisputably civil context of FDA enforcement, is alone enough to debunk it. The previously-discussed decision in *Arizona v. United States*, in the specific context of immigration, further illustrates that prosecutorial discretion extends to civil enforcement. And if it were otherwise, it would be impossible for civil enforcement agencies to comply with the law unless – as would be rare indeed – they were so flush with resources that they could literally afford to prosecute every actor whom they suspect of having violated the relevant law. Professor Rotunda seeks to distinguish *Chaney* by asserting that it was decided on standing grounds, not on prosecutorial discretion grounds. *Id.* at 16. That claim too is both novel and indefensible. First, the word “standing” never appears anywhere in the opinion. Second, it is unimaginable that a court would hold that a person about to be executed – and with a drug that he argued would cause excruciating pain – lacks enough of a personal interest to establish standing. Third, there is no need to speculate, because the Court made its reliance on the broad nature of the agency’s enforcement discretion explicit, as the passages quoted above illustrate. Despite these obvious flaws, Judge Hanen effectively credits Prof. Rotunda’s novel (and indefensible) theory and turns it into a form of standing that he admits no court has ever recognized.

immigration laws to the full extent the appropriated resources allow. Under those circumstances, as long as the President continues to spend the immigration enforcement resources that Congress has appropriated, then absent some violation of an affirmative congressional mandate (which the next section of this testimony demonstrates does not exist), there is no basis for a claim of abdication.

As the Congressional Research Service has found, “no court appears to have invalidated a policy of non-enforcement founded upon prosecutorial discretion on the grounds that the policy violated the Take Care Clause.” Kate Manuel & Tom Garvey, Congressional Research Service, *Prosecutorial Discretion in Immigration Enforcement* (January 17, 2013), at 17. In a unanimous opinion, the Court of Appeals for the Fifth Circuit concluded: “We reject out-of-hand the State’s contention that the federal defendants’ alleged systemic failure to control immigration is so extreme as to constitute a reviewable abdication of duty.” *Texas v. United States*, 106 F.3d 661, 667 (5th Cir. 1997). The important takeaway is the standard that the court carefully articulated for finding an abdication: The State of Texas lost because “[t]he State does not contend that federal defendants are doing *nothing* to enforce the immigration laws or that they have *consciously* decided to abdicate their enforcement responsibilities. Real or perceived *inadequate* enforcement of immigration laws does not constitute a reviewable abdication of duty” [all emphases added]. *Id.* No one can credibly claim that an Administration that is spending all the immigration enforcement resources Congress has given it is doing “nothing” to enforce the laws, much less that the Administration has “consciously” decided to abdicate its responsibilities. And if an abdication claim could be “reject[ed] out of hand” even then, when the number of unauthorized entries was greater than today and the number of removals lower, there is even less room to intimate that the government’s current policies somehow amount to abdication.

Even *Massachusetts v. EPA*, 549 U.S. 497 (2007), the case most frequently cited by those who seek to narrow the scope of prosecutorial discretion, is perfectly consistent with the recent executive actions. In that case, the EPA had refused to regulate carbon dioxide emissions from motor vehicles. The court found the EPA’s explanations for its decision wanting. Even then, the court did not require the EPA to begin regulating those emissions; it merely remanded the case with instructions for the EPA to provide a better-reasoned explanation for its decision. In contrast, the Obama Administration has provided detailed, reasoned explanations for its prosecutorial discretion priorities (national security, public safety, and border security are rational enforcement priorities and in fact coincide with those that Congress itself has mandated; DACA and DAPA together bring people out of the shadows, keep families together, and recognize the moral innocence of those who were brought here as children).

As the above discussion illustrates, there is clear legal authority for prosecutorial discretion in the enforcement of the immigration laws. Even Judge Hanen agrees. See *Texas 2015* at 86-87, 92 (“this court finds nothing unlawful about the Secretary’s priorities.”) But what is the affirmative legal authority for employing deferred action as the specific vehicle for these recent exercises of prosecutorial discretion?

2. *Deferred Action*

The most important point is that deferred action is nothing more than a tentative, revocable signal to a noncitizen that the government does not intend to initiate removal proceedings, at least for the moment. As the regulations explain, deferred action is simply “an act of administrative convenience to the government which gives some cases lower priority.” 8 CFR § 274a.12(c)(14). To be sure, once granted, it can have various consequences. But there is nothing “affirmative” about deferred action itself, other than the act of communicating to the particular individuals that they will not be immediate priorities for removal.

That fact is often lost, since deferred action recipients benefit indirectly in various ways beyond not being immediately placed in removal proceedings. USCIS will exercise its authority under 8 USC § 1182(a)(9)(B)(ii) to authorize a “period of stay” while deferred action is in effect; by the terms of the same statutory provision the recipients are thus treated as “lawfully present” for certain narrow purposes (though deferred action will not erase their prior unlawful presence). Under the regulations, as discussed below, they are eligible for temporary work permits if they demonstrate economic necessity. 8 CFR § 274a.12(c)(14). And those temporary work permits in turn will enable them to obtain temporary social security cards. See Social Security Act, § 205(c)(2)(B)(i)(I) (requiring issuance of social security numbers to noncitizens when there is “authority of law permitting them to engage in employment in the United States”).

Judge Hanen relied heavily on those ripple effects. He accepted the recent prosecutorial discretion policy but concluded that DAPA is illegal nonetheless because “[e]xercising prosecutorial discretion and/or refusing to enforce a statute does not also entail bestowing benefits.” *Texas 2015* at 87.

But the key is this: The recent executive actions do not change any of those benefit policies. Deferred action recipients have long been deemed not to be unlawfully present (though they do not receive an immigration “status” as Judge Hanen continually implies); they have long been eligible for work permits; and they have long been eligible for social security cards as a result. None of that has changed. The executive actions greatly expand the number of individuals who will receive deferred action, but in no way do they alter the existing policies that govern the legal consequences of deferred action. For that reason, statements that question where the Administration gets the power to grant millions of work permits and social security cards are quite beside the point. The only real legal issue is where the Administration gets the power to grant *deferred action* in the way that it has. If it has that power, then all the other consequences flow from existing authority. If it doesn’t, then those benefits will not be awarded.

By way of background, deferred action (originally called “non-priority status”) – and similar programs operating under different names – have been integral parts of immigration enforcement for more than 50 years.⁸ Congress, well aware of this administrative practice, has never enacted

⁸ See, e.g., Office of Legal Counsel, U.S. Dept. of Justice, *The Department of Homeland Security’s Authority to Prioritize Removal of Certain Aliens Unlawfully Present in the United States and to Defer Removal of Others* (Nov. 19, 2014) [hereinafter OLC Opinion], at 13-20; Shoba Sivaprasad Wadhia, *Beyond Deportation – The Role of*

legislation to preclude it or even restrict it.

But the legal authority for deferred action does not rest solely, or even primarily, on congressional acquiescence in a well-known administrative practice. In several statutory provisions, Congress has expressly recognized deferred action by name. For example, 8 USC § 1227(d)(2) says that if a person is ordered removed, applies for a temporary stay of removal, and is denied, that denial does not preclude the person applying for deferred action. In addition, 8 USC § 1154(a)(1)(D)(i)(II,IV) specifically endorses deferred action (and work permits) for certain domestic violence victims and their children. Deferred action also qualifies a person for a driver's license under the REAL ID Act of 2005, Pub. L. 109-13, 119 Stat. 231, Div. B, § 202(c)(2)(B)(viii) (May 11, 2005).

In addition to the statute, the formal regulations of the Justice Department (and now the Department of Homeland Security) have also expressly recognized deferred action by name since at least 1982. See 8 C.F.R. § 109.1(b)(7) (1982); 8 CFR § 274a.12(c)(14) (2014). Those agency regulations, adopted via notice-and-comment procedures, have the force of law.

Finally, a long line of court decisions, including at least one Supreme Court decision, explicitly recognize deferred action by name. See, e.g., *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 483-84 (1999); *Mada-Luna v Fitzpatrick*, 813 F.2d 1006 (9th Cir. 1987); *Romeiro de Silva v. Smith*, 773 F.2d 1021, 1024 (9th Cir. 1985); *Pasquini v. Morris*, 700 F.2d 658, 661 (11th Cir. 1983); *Nicholas v. INS*, 590 F.2d 802 (9th Cir. 1979); *David v. INS*, 548 F.2d 219, 223 (8th Cir. 1977); *Soon Bok Yoon v. INS*, 538 F.2d 1211, 1213 (5th Cir. 1976); *Vergel v. INS*, 536 F.2d 755 (8th Cir. 1976).

Writing on behalf of eight Supreme Court Justices, Justice Scalia was emphatic about the broad scope of the executive branch discretion to grant deferred action: “At each stage the Executive has discretion to abandon the endeavor [referring to the removal process], and at the time IIRIRA was enacted the INS had been engaging in a regular practice (which had come to be known as ‘deferred action’) of exercising that discretion for humanitarian reasons or simply for its own convenience.” *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 483-84 (1999). Other courts had expressed the same view: E.g., *Pasquini v. Morris*, 700 F.2d 658, 662 (11th Cir. 1983) (granting or withholding deferred action “is firmly within the discretion of the INS” and therefore can be granted or withheld “as [the relevant official] sees fit, in accord with the abuse of discretion rule when any of the [then] five determining conditions is present”); *Soon Bok Yoon v. INS*, 538 F.2d 1211, 1213 (5th Cir. 1976) (“The decision to grant or withhold nonpriority status [the former name for deferred action] therefore lies within the particular discretion of the INS”).

Prosecutorial Discretion (2015), chap. 4; Shoba Sivaprasad Wadhia, *In Defense of Deferred Action and the DREAM Act*, 91 Texas L. Rev. 59 (2013); Shoba Sivaprasad Wadhia, *The Role of Prosecutorial Discretion in Immigration Law*, 9 Conn. Pub. Interest L.J. 243 (2010); Leon Wildes, *The Nonpriority Program of the Immigration and Naturalization Service Goes Public: The Litigative Use of the Freedom of Information Act*, 14 San Diego L. Rev. 42 (1976).

Deferred action, then, is well-established, explicitly authorized by multiple sources of legal authority, and extremely broad. Is there, nonetheless, a legal argument that the specific exercises of deferred action in DACA and DAPA are unauthorized? I am aware of at least four attempts to advance such an argument:

a. Some have occasionally suggested that Congress’s decision to mention deferred action in a few specific provisions (mainly for domestic violence victims and individuals who had unsuccessfully sought temporary stays of removal orders) indicates that Congress meant to prohibit deferred action in all other circumstances. That theory relies on the statutory interpretation maxim that (translated from Latin) the express mention of one thing excludes all others. But that principle does not apply here. When an administrative practice is as fundamental, as long entrenched, as integral to administrative practice, and as explicitly and frequently recognized as deferred action has been in statutes, regulations, and court decisions, it is inconceivable that Congress would abolish virtually the entire practice by vague inference. Had Congress intended to do something that radical, there would surely have been some mention of the issue in the legislative history, there would have been heated debate, and there would have been some clear language in the statute. There is none of these things.

b. A second claim by critics of these executive actions is that deferred action is legal if it is granted to a small number of people but illegal if granted to a large group. That argument is a non-starter. The number of individuals affected by a given set of deferred action criteria is clearly a relevant *policy* consideration. But none of the *legal* authorities that recognize deferred action – not Congress, not the executive branch, and not the courts – have stated or even remotely implied that deferred action is legal for a small number of people but illegal for a large number. (There are legal limits to the granting of deferred action, and they are discussed below, but there is *no* legal authority for the proposition that deferred action is per se illegal whenever it is extended to a large number of people.)

c. Perhaps the critics’ most frequent argument – and the one on which Judge Hanen in *Texas 2015* principally relied – is that deferred action is legal when granted on an individual, case-by-case basis but illegal when granted to an entire class. For the record, I note that nothing in either the statute or the regulations prohibits immigration officials from granting deferred action, or otherwise exercising its prosecutorial discretion, in favor of a class of individuals. As discussed in section C below, previous Presidents have frequently granted either deferred action or some functionally equivalent discretionary relief (for example “deferred enforced departure,” “extended voluntary departure,” “family fairness”) on a class-wide basis to large numbers of undocumented immigrants. As Professor Shoba Wadhia has pointed out,⁹ the DC Circuit in *Hotel & Restaurant Employees Union v. Attorney General*, 804 F.2d 1256 (DC Cir. 1986), refused to review a decision of the then-INS to grant “extended voluntary departure” (a non-statutory remedy analogous to deferred action) to Salvadorans. Although the challenged decision was a denial of relief rather than a grant of relief, the takeaway from that case applies equally here. The court held: “Where Congress has not seen fit to limit the agency’s discretion

⁹ See Shoba Sivaprasad Wadhia, *The Role of Prosecutorial Discretion in Immigration Law*, 9 Conn. Pub. Interest L.J. 243, 287-88 (2010).

to suspend enforcement of a statute as to particular groups of aliens, we cannot review facially legitimate exercises of that discretion.” *Id.* at 1271-72. The court thus specifically endorsed the authority of the immigration agency to grant non-statutory relief on a group basis.

More important here, even if the law prohibited class-based discretion, both DACA and DAPA expressly require precisely the individualized, case-by-case, discretionary evaluations on which the critics insist – as explained below. Surely, however, that doesn’t mean, and to date none of the critics have identified any legal authority that suggests, that it is illegal for the agency to provide general criteria to guide the evaluation of individual cases.

To the contrary, the courts have consistently recognized the Administration’s broad discretion to implement deferred action by announcing general categorical criteria. The courts were well aware of those categories; often they quoted them in their opinions. Indeed, there is no other way for an agency to guide its officers as to how to exercise that discretion. For example, the Eleventh Circuit in *Pasquini*, above, 700 F.2d at 661, quoted the 1978 INS Operating Instructions’ five criteria for officers to consider: “(1) advanced or tender age; (2) many years presence in the United States; (3) physical or mental condition requiring care or treatment in the United States; (4) family situation in the United States -- affect [sic] of expulsion; (5) criminal, immoral or subversive activities or affiliations.” The court then noted the discretion of the INS district director. *Id.* at 662. The Ninth Circuit in *Nicholas*, above, 590 F.2d at 806-07, likewise quoted the then five general categorical criteria for deferred action. The Supreme Court in *Reno*, above, similarly quoted a treatise that listed the several general categorical criteria the INS was then instructing officers to consider in deferred action cases. 525 U.S. at 483-84, quoting from 6 C. Gordon, S. Mailman, & S. Yale-Loehr, *Immigration Law and Procedure* § 72.03[2][h]. The fact that the agency had laid out general categorical criteria did not prevent the court from recognizing the agency’s use of deferred action.

All of this is consistent with common sense. When an agency sets its enforcement priorities – whether via deferred action or any other vehicle – there are two ways it could proceed. The agency could leave it up to each individual police officer and each individual prosecutor to decide what he or she thinks the agency’s enforcement priorities ought to be. Or, as the Secretary of Homeland Security has done here, the agency can formulate those priorities at the leadership level. The latter approach is far preferable. Enforcement priorities are important policy decisions, and important policy decisions should be made by the leaders, who are politically accountable. In addition, only the leadership can disseminate guidance throughout the agency so that the people on the ground know what they are supposed to do, so that these important priorities will be transparent to the public, and so that there will be some reasonable degree of consistency. Consistency in turn is essential to equal treatment. To the extent avoidable, the decision whether to arrest or detain or prosecute should not depend on which officer happens to encounter the person or which prosecutor’s desk the person’s file happens to land on.

Perhaps most crucial of all, there is nothing inconsistent about adopting general threshold criteria at the front end while still requiring individualized, case-by-case discretion at the back end. On

this issue there has been a great deal of misinformation. As the following discussion will show, both the Prosecutorial Discretion Memo and the DACA/DAPA Memo embody precisely that combination of steps.

The Prosecutorial Discretion Memo lays out three sets of high enforcement priorities but is replete with language that authorizes officers to deviate from the stated priorities in circumstances that either require them to weigh and balance various factors or are defined in such broad terms as to amount to the exercise of discretion. Some language goes further still, explicitly instructing officers to use their “judgment” (often after consultation with a supervisor). See, e.g., section A, priority 1, last paragraph; priority 2, last paragraph; priority 3, last sentence. Conversely, the memo specifically instructs officers that it is not meant to “prohibit” or even “discourage” enforcement actions against individuals who are *not* priorities; such decisions are similarly assigned to ICE field office directors, who are to use their “judgment” to decide whether removal “would serve an important federal interest” – again, language broad enough to make the resulting decisions highly discretionary. If this were not enough, the memo contains a section D, entitled “Exercising Prosecutorial Discretion,” which lists numerous factors that officials “should consider.” It even adds “These factors are not intended to be dispositive nor is this list intended to be exhaustive. Decisions should be based on the totality of the circumstances.”

The DACA/DAPA Memo takes a similar approach. It repeatedly mandates “case-by-case” evaluation, for both DACA and DAPA (as the original 2012 DACA memo did). At least one critic has suggested that that language might mean that the adjudicator’s case-by-case evaluation is limited to determining whether the person meets the threshold criteria – as opposed to additionally deciding whether discretion should be favorably exercised. Other language in the memo, however, removes any doubt. Section B, after laying out certain threshold criteria for DAPA, expressly limits DAPA to cases that “present no other factors that, *in the exercise of discretion*, makes the grant of deferred action inappropriate” [emphasis added]. And on page 5, the next-to-last paragraph of the memo reinforces this point. It explains that “immigration officers will be provided with specific eligibility criteria for deferred action [for both DACA and DAPA], *but the ultimate judgment as to whether an immigrant is granted deferred action will be determined on a case-by-case basis*” [emphasis added]. Meeting the eligibility criteria, in other words, is not enough.

So both memoranda are filled with clear, careful, explicit, repeated commands to officers to make individualized, case-by-case discretionary judgments. How can critics defend their persistent claims that DACA and DAPA lack individualized consideration when the Secretary’s memoranda that tell officers how they are to decide these requests say precisely the opposite?

With the actual memoranda directly contradicting their claims, some critics have effectively resorted to accusing the Administration of perpetrating a scam. Judge Hanen in *Texas 2015* called the discretionary factor a “pretext.” *Id.* at 109 n. 101. Professor Blackman makes a similar accusation. Josh Blackman, *The Constitutionality of DAPA Part II: Faithfully Executing the Law*, 19 *Tex. Rev. of L. & Politics* (forthcoming 2015), § IV(A,B,C) [hereinafter cited as

Blackman II]. The charge appears to be that in practice no such individual evaluation – and no such discretionary determination – ever takes place. Given the wording of the memoranda, this claim amounts to saying that DHS employees have been systematically disobeying the Secretary’s clear and repeated instructions to exercise discretion in each case. Yet the critics have not offered any credible evidence to support that charge or any other reason to expect such a counter-intuitive result.

They have tried. Judge Hanen, in *Texas 2015* at 11, credited the assertion of USCIS adjudicator and union president Kenneth Palinkas that DHS leadership “has guaranteed that [DACA] applications will be rubber-stamped for approval.” *Texas 2015*, Doc. No. 64, Pl. Ex. 23 at 3 (hereinafter “Palinkas Dec.”). Mr. Palinkas’s sole support for that assertion was that DACA requests are adjudicated by USCIS Service Centers, which do not conduct in-person interviews. The Service Center adjudicators study the documentary record, however, and in addition background checks include submission of fingerprints and consultation of the relevant law enforcement databases. Since USCIS service centers perform the vast majority of all USCIS adjudications, the Palinkas assertion is in effect a wholesale indictment of the bulk of USCIS’s work. That the absence of in-person interviews automatically converts the Service Centers’ decisions into rubberstamp approvals will come as a surprise to the millions of applicants who have received USCIS denials over the years. It would certainly surprise the more than 38,000 DACA requestors who have been denied on the merits. *Texas 2015*, at 10 (not even counting the more than 40,000 rejections at the lockbox stage for errors such as incomplete applications, failure to enclose the application fee, etc.). At any rate the Service Center adjudicators may refer DACA requestors for field office interviews when they believe that the decision will depend on factors that can best be ascertained in that manner. Neufeld Declaration, para. 20 & App. C.

The judge similarly credited Mr. Palinkas’s unsupported, and wildly inaccurate, assertion of “a 99.5% approval rate for all DACA applications.” *Texas 2015* at 109 n.101, citing Palinkas Doc., para. 8. Yet the detailed data that USCIS had long posted on its public website shows an approval rate of only 95% — a number Judge Hanen casually minimized as coming from “other sources.” *Texas 2015* at 109 n.101. The actual denial rate of 5%, in other words, was approximately 10 times the 0.5% denial rate that Mr. Palinkas had invented. See USCIS website, http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_fy2014_qtr4.pdf (through Sept. 30, 2014).¹⁰

¹⁰ While some might assume at first blush that even 95% is a high approval rate, it is not high when one considers who actually files requests for DACA. An undocumented individual with some additional misconduct in his or her background is unlikely to proactively approach the government, reveal his or her name, address, undocumented status, and additional negative information, and provide fingerprints – nor is that person likely to send the government \$465 – if he or she is unlikely to receive deferred action. For all these reasons, DACA requestors tend overwhelmingly to have strong cases. A denial rate of 5%, therefore, provides no reason to believe that DACA requests are being rubber-stamped; to the contrary, it shows that thousands of denials occur even among this highly self-selected group. To the contrary, the fact that hundreds of thousands of DACA-eligible individuals have not requested it suggests there are many who fear they would be denied, either for failure to meet the threshold criteria or in the exercise of discretion.

Further, at Judge Hanen’s request, the government provided several examples of cases where USCIS had denied DACA on discretionary grounds even though the requestors had met the threshold criteria. See *Texas 2015*, Exh. 44, Declaration of (Associate Director for Service Operations) Donald W. Neufeld, at 510, para. 18 [hereinafter the Neufeld Declaration]. In his sworn declaration, Mr. Neufeld stated that “USCIS has denied DACA even when all the DACA guidelines, including public safety considerations, have been met.” *Id.* He furnished specific examples. They included cases where a person had committed or had attempted to commit fraud in *prior* applications or petitions (not in connection with the DACA requests themselves), or where a person met all the threshold criteria but had previously made a false claim of U.S. citizenship and had had prior removals. *Id.* Despite this record evidence, Judge Hanan stated that “No DACA application that has met the criteria has been denied based on an exercise of individualized discretion.” *Texas 2015* at 109 n.101. Elsewhere in the opinion, he similarly stated that “the Government could not produce evidence concerning applicants who met the program’s criteria but were denied” and on that basis “this Court accepts the States’ evidence as correct.” *Id.* at 11 n.8. Apart from the fact that the government had produced precisely such evidence – and at the judge’s request – the states in fact did not submit *any* “evidence” that there had been no discretionary denials. They merely asserted, without any factual support, that the applications were being “rubberstamped.”

Moreover, officers must exercise a great deal of discretion just to apply some of the broadly-worded threshold criteria themselves. Whether someone endangers the public safety, for example, is more than simply a matter of finding facts. How probable the danger has to be and how severe the potential harm has to be before someone will be considered a threat to public safety are matters of opinion, not fact. The same is true when the question is whether the person is a threat to national security. The fact that the discretion is exercised in applying the threshold criteria rather than separately after the threshold criteria have been met does not make the determination any less discretionary. See, e.g., *Gonzalez-Oropeza v. U.S. Attorney General*, 321 F.3d 1331, 1332-33 (11th Cir. 2003) (determinations of “exceptional and extremely unusual hardship,” which is a statutory prerequisite for cancellation of removal, are discretionary and therefore unreviewable); *Romero-Torrez v. Ashcroft*, 327 F.3d 887, 889-92 (9th Cir. 2003) (same). Nor is there any apparent legal or policy reason to value either exercise of discretion more than the other. Either way, leadership is providing general guidance at the front end and officers, after considering the facts of the individual case, are exercising discretion at the back end.

As with most of its adjudications, USCIS officers use a standardized form when issuing denials. The DACA denial template has gone through several iterations. The earliest versions contained boxes that the adjudicator would check to indicate the reason for the denial. The listed reasons included the various threshold criteria for DACA and, as a ground for denial “*You do not warrant a favorable exercise of prosecutorial discretion because of other concerns*” [emphasis added]. See http://legalactioncenter.org/sites/default/files/2013-HQFO-00305_Document.pdf, page 442.¹¹ During my tenure as Chief Counsel of USCIS from October 2011 to October 2013, I

¹¹ Professor Blackman reproduces one of the older (undated) versions. See Blackman II, at 29. One of the checkboxes on that version covered certain criminal convictions and then added “or you do not warrant a favorable

personally recall seeing the DACA denial template and noticing the explicit inclusion of an option for discretionary denials. I do not believe that all the subsequent versions of the checkbox style template have been publicly released, but the only other versions that I have found similarly included this option. See <http://legalactioncenter.org/sites/default/files/DACA%20Standard%20Operating%20Procedures.pdf>, App. F (showing versions issued on March 13, 2013; May 2, 2013; and one undated version). The inclusion of that option reminds the adjudicators of the Secretary's instruction that DACA requests may be denied in the exercise of discretion even when all the threshold criteria have been satisfied. At any rate, it appears that USCIS has now switched from a checkbox format to a narrative format, at least if the final denial templates use the same format as the Notices of Intent to Deny (NOIDs) that are reproduced in the Neufeld Declaration at 554-55.

Judge Hanen also commented that (conversely) "there is no option for granting DAPA to an individual who does not meet each criterion." *Texas 2015* at 109. That statement is literally true but highly misleading. With or without DACA and DAPA, anyone may request deferred action for any of the humanitarian or other reasons for which deferred action had traditionally been granted; the fact that the DACA and DAPA criteria do not apply is not disqualifying.

Finally, even if the record had demonstrated that USCIS officers have been systematically disobeying Secretary Napolitano's explicit 2012 instructions to exercise discretion when deciding DACA requests – and as the above discussion shows, it does not – there is no basis for enjoining the future operation of DAPA. To do so requires further speculation that, in the future, officers will systematically disobey the instructions that Secretary Johnson issued in his November 20, 2015 memoranda. Once DAPA becomes operational, if evidence were to emerge that no discretion is actually being exercised, then there might well be cause for complaint. But when the Secretary's memoranda expressly require individualized case-by-case discretion, shutting down an entire program before it starts, based solely on speculation that officers might fail to exercise the discretion they've been ordered to exercise, is not defensible.

At any rate, an earlier decision by the federal district court for the District of Columbia specifically rejected the claim that USCIS adjudicators were not actually evaluating the facts of each individual case. *Arpaio v. Obama*, Civ. Action No. 14-01966 (BHH) (Dec. 23, 2014), at 31-32.¹²

d. One last attack on the specific use of deferred action in DACA and DAPA is the claim that, if these policies are legal, then there are no limits to executive power. A future President, these critics say, could refuse to enforce the civil rights laws, or the labor laws, or the environmental laws, or the consumer safety laws.

But this line of argument is similarly misconceived, for there are several substantial, concrete,

exercise of prosecutorial discretion because of national security or public safety concerns." That language clearly conveyed to the officers that they were to exercise discretion when making public safety and national security determinations, but admittedly it didn't confirm that discretionary denials could also be based on other grounds.

¹² The court also held the plaintiff lacked standing to bring the suit.

and realistic limits to executive discretion. I would suggest four:

First, every statutory structure is different. In each case, the initial question should be what the relevant statute says. In particular, how much discretion does it give the executive branch to formulate enforcement priorities?

In the present context, as noted earlier, Congress has given the Administration exceptionally wide discretion. 6 USC § 202(5) gives the Secretary of Homeland Security not only the power, but the “responsibility” for “establishing national immigration enforcement policies and priorities.” Under 8 USC § 1103(a)(1), the Secretary is “charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens,” except when those powers and duties are assigned to other specified executive officers. 8 USC § 1103(a)(3) requires the Secretary to, among other things, “issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this Act.” Those general powers are subject to any specific constraints otherwise imposed, but as discussed earlier, the executive actions at issue here do not violate either specific provisions or the spirit of either the INA or any other statutes.

Second, resource constraints matter. If the executive were to refuse to substantially spend the resources Congress has appropriated for enforcement, then a serious legal issue would be presented, as President Nixon discovered. But DACA and DAPA do not even approach the sort of hypothetical non-enforcement policies that this argument conjures up. From its first days in office, the Administration has spent every penny Congress has appropriated for immigration enforcement. It has removed more than 2 million immigrants. More important still is this reality: Even after DACA and DAPA are fully operational, there will still remain in this country at least – and this is a conservative estimate – 6-7 million undocumented immigrants to whom these policies don’t apply. And as noted earlier the President still will have only enough resources to go after fewer than 400,000 of them per year – i.e., less than 7% of even the non-DACA/DAPA population. Again, the resources are unlikely to permit even 400,000 removals of undocumented immigrants, because those same resources must also be used for border security and, further, because non-Mexican nationals comprise an increasingly large percentage of unauthorized entries and require significantly more resources per removal. Therefore, nothing in these new policies will prevent the President from continuing to enforce the immigration laws to the full extent that the resources Congress has given him will allow. As long as he does so, it is impossible to claim that his actions are tantamount to eliminating all limits.

Third, the particular priorities can’t be arbitrary or capricious, see 5 USC § 706(2)(a), or otherwise violate equal protection or other individual constitutional rights. Both the Prosecutorial Discretion Memo and the DACA/DAPA Memo prioritize national security, public safety (through the removal of criminal offenders by severity of crime), and border security. But with a fixed pot of money, prioritizing some areas means de-prioritizing other areas. The President has de-prioritized breaking up families and upending the lives of those who have lived in the U.S. peacefully and productively for many years. Most Americans would likely agree those are sensible priorities. Few could deny they are rational.

Fourth, the particular priorities cannot conflict with any that the legislature has mandated. Here, Congress has specifically mandated that the Administration prioritize three things – national security, public safety (through the removal of criminal offenders by severity of crime), and border security. Again, those are exactly the 3 priorities that both the Prosecutorial Discretion Memo and the DACA/DAPA Memo expressly incorporate. The Administration’s priorities not only don’t conflict with those of Congress; they expressly accommodate them.

Despite claims to the contrary, therefore, serious tangible, practical limits do exist. As this discussion has shown, the recent executive actions fully respect all four of those limits.

3. *Work Permits*

In continuing to grant work permits to deferred action recipients who can demonstrate economic necessity, USCIS is exercising a discretionary power expressly granted by Congress, incorporated into the formal regulations, and in active use for more than three decades. Importantly, the recent executive actions do not change the agency’s policies on work authorization in any way.

In 8 U.S.C. § 1103(a)(1), Congress charged the Secretary of Homeland Security with “the administration and enforcement” of all the immigration laws (except for any laws that Congress has assigned to other executive officers or departments). Section 1103(a)(3) then instructs the Secretary to “establish such regulations; ... issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this Act.”

From the earliest days of the Reagan Administration, the former INS (where the analogous immigration responsibilities then resided) understood this authority to include the power to decide which noncitizens should receive permission to work. See OLC Opinion, note 7 above, at 21 n.11. Exercising this power, the INS regulations specifically authorized work permits for recipients of deferred action. 8 C.F.R. § 109.1(b)(7) (1982).

When Congress later enacted the Immigration Reform and Control Act, Pub. L. 99-603, 100 Stat. 3359 (Nov. 5, 1986) [IRCA], it did so against the backdrop of this existing regulation and made this authority explicit. In 8 U.S.C. § 1324A(h)(3), Congress defined the term “unauthorized alien” (meaning an alien who is not authorized to work) as excluding lawful permanent residents and aliens who are “authorized to be so employed by this Act *or by the Attorney General*” [now the Secretary of Homeland Security] [emphasis added]. Congress thus expressly authorized the Attorney General (now the Secretary of Homeland Security) to grant work permits, and specifically to people whom the statute itself does not already authorize to work. And at least since 1982, deferred action recipients have continued to be among the classes of aliens whom the immigration agency (now USCIS) specifically makes eligible for work permits, provided they demonstrate the economic necessity to work. The relevant provision currently appears in 8 C.F.R. § 274a.12(c)(14) (2014). See also *Perales v. Casillas*, 903 F.2d 1043, 1048-50 (5th Cir. 1990) (treating the executive power to decide which noncitizens may work as “unfettered” and

therefore not only discretionary, but so “committed to agency discretion by law” that it is not even subject to judicial review). Nor did Congress put any numerical limit on the number of work permits USCIS may issue – and Congress knows how to impose numerical caps when it wants to. See, e.g., 8 USC §§ 1151-1153 (immigrants), 1184(g) (temporary workers), 1184(o,p) (certain victims of human trafficking, domestic violence, and other crimes).

Despite this broad and long-accepted authority, some critics of DACA and DAPA have disputed this power. In effect, they argue that the statutory phrase “or by the Attorney General” should be interpreted to mean “or by the Attorney General in cases where this Act already authorizes employment.” See, e.g., Jan Ting, *President Obama’s “Deferred Action” Program for Illegal Aliens is Plainly Unconstitutional* (Dec. 2014), at 18-19, citing John C. Eastman, *President Obama’s “Flexible” View of the Law: The DREAM Act as Case Study*, Roll Call (Aug. 28, 2014). They maintain that the only classes of noncitizens for whom Congress meant to allow the Attorney General to authorize employment were those whom Congress had already so authorized. That, of course, would render the phrase “or by the Attorney General” superfluous, since the individuals whom Professors Ting and Eastman concede this phrase covers would already be covered by the phrase “by this Act.” It would also render superfluous all the statutory provisions that preclude work permits for specific classes of noncitizens. For example, Congress has prohibited the employment of business visitors, 8 USC § 1101(a)(15)(B); visitors for pleasure, *id.*, asylum applicants for the first 180 days, 8 USC § 1158(d)(2); noncitizens in removal proceedings (unless already authorized to work), 8 USC 1226(a)(3); and (with exceptions) noncitizens who are awaiting execution of final removal orders, 8 USC § 1231(a)(7). All those provisions would be surplusage if, as the critics argue, the only people who could receive work permits were those already affirmatively so authorized by statute.

Professors Eastman and Ting attempt to support this interpretation nonetheless. They note that, before the 1986 enactment of IRCA, the Immigration and Nationality Act already (in Professor Ting’s words) “separately authorizes or requires” the Attorney General to grant work permits. They argue that these latter provisions are the ones that would be superfluous if the Attorney General possessed the broader discretion to grant work permits to any class of aliens. But there are two flaws in this argument. First, the argument ignores the *Perales* decision cited above (finding no statutory limits to the work permit authority). Second, the specific provisions cited by Professor Ting are not, as he describes them, ones that “authorize or require” work permits [my emphasis]. The cited provisions are all mandatory.¹³ Their superfluousness argument thus falls apart. Congress has *required* DHS to grant work permits to some, *forbidden* DHS to grant work permits to certain others, and *permitted* DHS to grant work permits to others in its discretion. There is nothing superfluous about that.

The only other argument Professor Ting offers on this score is that post-IRCA legislation added some new classes of noncitizens for whom issuance of work permits was indeed discretionary. Ting, above, at 26 n.80. But that is a thin reed on which to rely. All the cited post-IRCA provisions (relating to domestic violence victims and to nationals of Cuba, Haiti, and Nicaragua)

¹³ They include 8 U.S.C. § 1101(i)(2) (requiring work permits for T-visa recipients) and refugees, asylees, and recipients of temporary protected status (all of whom similarly *must* be granted work permits).

singled out these particular groups for strong humanitarian reasons. The provisions authorizing the grant of work permits to those groups were obviously intended to be ameliorative. If Congress, through a simple charitable act of allowing work permits for those few groups, had thereby intended a change as momentous as the one Professors Ting and Eastman are hypothesizing – i.e. simultaneously prohibiting the grant of work permits to all those who had been eligible since the early 1980s unless specifically singled out elsewhere in the statute – the legislative history would surely have revealed at least a debate on the issue. They assign unrealistic weight to the fact that parts of a humanitarian provision contained language that was unnecessary because of an otherwise more general, unrelated provision of a long statute.

B. Nothing in the recent executive actions conflicts with either the letter or the spirit of the Immigration and Nationality Act or any other federal statute.

Critics of DACA and DAPA continually assert that the President’s actions violate, or disregard, or suspend, or ignore the immigration laws. Rarely, however, do they ever attempt to identify any specific provisions of the law that they claim he has violated.

There is one exception. Critics will occasionally cite section 235 of the Immigration and Nationality Act, codified as 8 U.S.C. § 1225. Their argument is as follows: Section 1225(a)(1) defines an “applicant for admission” as “an alien present in the United States who has not been admitted or who arrives in the United States ...” In turn, section 1225(a)(3) says that “[a]ll aliens ... who are applicants for admission ... *shall* be inspected by immigration officers” [emphasis added]. Finally, section 1225(b)(2)(A) provides that “in the case of an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien *shall* be detained for a [removal] proceeding” [emphasis added].

The argument rests on the use of the highlighted word “shall.” The critics interpret this combination of provisions to mean that an immigration officer violates the law unless he or she detains, and initiates removal proceedings against, literally every noncitizen who is believed to be unlawfully present in the United States – regardless of the priorities set by Departmental leadership for deploying its limited enforcement resources.

Two federal judges in Texas have credited that argument. While holding that the court had no jurisdiction to consider an action brought by ICE agents challenging DACA, Judge O’Connor in *Crane v. Napolitano*, Civ. Action No. 3:12-cv-03247-O (N.D. Tex.) (Apr. 23, 2013 and July 31, 2013), suggested in dictum that section 1225 does indeed literally mandate removal proceedings against every noncitizen whom immigration officers believe is not “clearly and beyond a doubt entitled to be admitted.” Judge Hanen in *Texas 2015*, at 88-90, did the same. Under that interpretation, there is no room for any exercise of prosecutorial discretion.

That line of argument, however, has been thoroughly discredited. A superb law review article by Professor David Martin—former General Counsel of the INS and Principal Deputy General Counsel of DHS—identifies its many fatal flaws. David A. Martin, *A Defense of Immigration-*

Enforcement Discretion: The Legal and Policy Flaws in Kris Kobach's Latest Crusade, 122 Yale L.J. Online 167 (2012), <http://yalelawjournal.org/forum/a-defense-of-immigration-enforcement-discretion-the-legal-and-policy-flaws-in-kris-kobachs-latest-crusade>. As Professor Martin points out, the argument first of all is immediately inapplicable to the approximately 40% of the undocumented population who were legally admitted on temporary visas but overstayed. Having already been admitted, they are not “applicants for admission” as expressly defined by section 1225(a)(1). Therefore they do not fall within even the literal language of subsections (a)(3) and (b)(2)(A) on which the critics’ argument depends.

But even as to the remaining undocumented immigrants – i.e., those who entered without inspection and whom the statute does classify as applicants for admission – the argument collapses for several reasons. First, the word “shall” is routinely used in the law enforcement context. Interpreting the word “shall” in an analogous subsection of section 1225, the Board of Immigration Appeals explained in *Matter of E-R-M- & L-R-M-*, 25 I. & N. Dec. 520 (BIA 2011), that “[i]t is common for the term ‘shall’ to mean ‘may’ when it relates to decisions made by the Executive Branch of the Government on whether to charge an individual and on what charge or charges to bring.” *Id.* at 522, citing a long line of court cases that interpret “shall,” in the enforcement context, as subject to prosecutorial discretion. See especially *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 760-61 (2005) (declining to interpret “shall” literally in the law enforcement context). That result is a matter of common sense. If it were otherwise, then practically every law enforcement agency and every law enforcement officer in the country would be violating the law every day by failing to do the impossible, because almost no agency has the resources to arrest and prosecute every possible offender.

Moreover, that interpretation would be hard to square with the many statutory provisions that expressly authorize officers to use their discretion in deciding whom to refer for removal proceedings. These include not only the deferred action provisions discussed earlier, but also 8 U.S.C. §§ 1182(d)(5)(A) (parole), 1225(a)(4) (withdrawal of application for admission), and 1229c(a)(1) (voluntary departure “in lieu of” removal proceedings). Together, those provisions provide a statutory structure that is incompatible with the notion of mandatory removal proceedings for everyone suspected of being unlawfully present – even if, contrary to reality, there were enough resources to do so.

Finally, even the district court in *Crane* acknowledged that, although in its view the officer was required to issue the Notice to Appear, the officer could then unilaterally cancel the Notice to Appear before the immigration judge acquires jurisdiction, or DHS could move to dismiss the case thereafter. *Crane*, Apr. 23, 2013 Order, above, at 24, citing 8 CFR § 239.2(a,c). The court did not attempt to explain why Congress would require such a wasteful and irrational procedure – i.e., why it would require the immigration officer to detain the person, issue a Notice to Appear, and then cancel the Notice, rather than simply not file the charge in the first place.

Unable to convincingly identify any specific statutory provision with which DACA and DAPA conflict, the critics have often made vague suggestions that these policies violate the spirit, or the overall design, of the immigration laws. Again, given the long history of both prosecutorial

discretion generally and deferred action in particular, given the numerous applications of deferred action or similar large-scale relief policies announced by previous Administrations (discussed below), given that until now these types of actions have rarely been questioned, and given the fact that Congress has been well aware of the practice and has never legislated to prevent it, this argument is hard to understand.

Still, some have tried to support the “spirit” argument by citing some of the statutory provisions that allow the government, in its discretion, to grant *lawful permanent resident* status to people who meet certain specific conditions. Their argument is that this shows Congress intended not to allow benefits for those who don’t meet those conditions. But that argument is a nonsequitur. The fact that Congress is willing to give lawful permanent residence – a green card – to only *some* people doesn’t tell us anything about whether the Administration, in setting enforcement priorities, may grant *temporary* reprieves from removal, and *temporary* permission to work, to others. Deferred action, in fact, does not grant anyone an immigration status of any kind, let alone a permanent status; it is merely temporary relief from removal, revocable at any time for any reason. See, e.g., *Arizona Dream Act Coalition v. Brewer*, 757 F.3d 1053, 1058 (9th Cir. 2014) (“Like recipients of other forms of deferred action, DACA recipients enjoy no formal immigration status.”) Judge Hanen’s repeated objections to DACA and DAPA granting a “status” are, therefore, misplaced. See Kalhan, above, §§ I-IV (quoting and refuting Judge Hanen’s strong reliance on the notion that DACA and DAPA confer an immigration “status”).

Along similar lines, some critics have argued that DACA and DAPA are inconsistent with Congress’s failure to pass the DREAM Act and its failure to enact comprehensive immigration reform. See, e.g., Josh Blackman, *The Constitutionality of DAPA Part I: Congressional Acquiescence to Deferred Action*, 103 Georgetown L.J. Online (forthcoming 2015), at 19-21 [hereinafter Blackman I]. Congressional inaction is cast as an indication that Congress objects to broad relief for undocumented immigrants. First, congressional inaction tells us nothing about Congress’s intentions. If it did, then the failed attempt of the 113th Congress to block DACA and DAPA would be at least as indicative of Congress’s intentions as Congress’s failure to enact the DREAM Act or comprehensive immigration reform. Second, again, a congressional decision not to provide a path to *lawful permanent residence* tells us even less about its views on temporary reprieves from removal and temporary permission to work.

Another form of “overall spirit” argument appears in Professor Ting’s article, cited above. He maintains that the recent executive actions (unlike other exercises of prosecutorial discretion) do more than “refrain from detaining and expelling millions of illegal aliens.” Ting, above, at 5. Quoting the OLC opinion, he says they “openly tolerate an undocumented alien’s continued presence in the United States for a fixed period.” *Id.* Professor Ting does not acknowledge how sweeping that argument would be if it led to the conclusion he wants to reach. By his reasoning, deferred action could *never* be permissible (unless, presumably, the person already has a valid immigration status and therefore doesn’t need deferred action). *Any* time deferred action is granted to a person who is not already in lawful status, the person’s continued presence is being “openly tolerated” for some period. That is the tradeoff that the policy benefits of deferred action present and that the long and previously unquestioned administrative practice of deferred

action has reflected. At any rate, Professor Ting's observation – while a relevant, albeit unconvincing policy consideration – does not raise any identifiable legal barriers.

Professor Blackman has argued that the OLC opinion went off course by arguing that DAPA furthers the generic congressional concern with family unity. Blackman I, § III. He argues – and to this extent, I agree – that Congress's desire to promote family unity was a qualified one. Balancing family unity against competing goals, Congress credited only certain family relationships. In particular, it was unwilling to grant lawful permanent resident status to the parents of under-age-21 U.S. citizen children. See 8 USC § 1151(b)(2)(A)(i).

But even if one attaches only small weight to OLC's argument that DAPA *affirmatively* furthers Congress' family unity objectives, deferred action is not *limited* to promoting family unity. Deferred action has been awarded for a wide range of humanitarian objectives, *including* family unity. The Immigration and Nationality Act itself contains a myriad of provisions that promote humanitarian concerns other than family unity. They provide relief based on long-term residence, e.g. 8 USC §§ 1182(h)(1)(A) (discretionary relief even for noncitizens who have committed crimes, if the crimes occurred more than 15 years earlier), 1259 (registry, for those who have lived here since 1972); those who fear persecution on specified grounds, 8 USC §§ 1157 (overseas refugees), 1158 (asylum); victims of human trafficking or other crimes, 8 USC § 1101(a)(T, U); and domestic violence victims (many provisions).

Professor Blackman further argues that previous “similar” grants of deferred action have all been instances in which the deferred action was “a temporary bridge to permanent residence or lawful presence.” Blackman I, at 6. For many DAPA recipients, of course, the same will be true, depending on how they entered, the age of their sons or daughters, and other variables. Moreover, other executive programs that were the functional equivalents of deferred action – but with different labels, like “family fairness,” “extended voluntary departure,” or “deferred enforced departure” – had nothing to do with temporary bridges to lawful status. They were granted for a range of humanitarian reasons, including dangerous country conditions and the recent deaths of their spouses. See section I.C.2 below. Indeed, in many cases it was Congress that took action years after the grant of temporary protection to offer an opportunity for permanent legal status. Extended Voluntary Departure recipients from Poland, Afghanistan, Ethiopia, and Uganda were allowed to adjust their status to permanent residence through the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, Pub. L. No. 100-204, 101 Stat. 1331, 1400-01 (1987). And after President George H.W. Bush issued an Executive Order deferring the deportation of Chinese nationals and granting them work authorization following the Tiananmen Square massacre, Congress enacted legislation to permit those people to adjust their status. Chinese Student Protection Act of 1992, Pub. L. No. 102-404, 106 Stat. 1969 (1992). Finally, after President Bush granted Deferred Enforced Departure to 2,000 Persian Gulf evacuees of various nationalities who were airlifted from Kuwait during the Persian Gulf War, Congress enacted a private immigration law to permit those who had not already adjusted their status through some other means to adjust their status. Priv. L. No. 106-8, 114 Stat. 3099 (2000). In none of these cases was executive action provided as “a temporary bridge to permanent residence or lawful presence.” Rather, what all these programs have had in common is that they

were non-statutory, purely executive actions granting temporary reprieves from removal and temporary work permits to large numbers of (in almost all cases undocumented) immigrants – just like DAPA.

Family unity and the imminence of some other lawful status are certainly legitimate *policy* reasons to grant deferred action or similar relief. But the reason executive discretion is necessary is that no humans – not members of Congress, not Presidents, not agency leaders – can anticipate every conceivable humanitarian need. The executive’s discretion to base discretionary relief on new combinations of equities is essential; it cannot, and never has been, limited to any specific equities – either when exercised ad hoc or exercised for a large number of individuals.

Finally (on the subject of the overall structure of the immigration laws), there is indeed a recurring theme in Congress’s various enactments. Far from supporting the critics of the President’s recent executive actions, however, it affirmatively does the opposite. As noted earlier, both the Prosecutorial Discretion Memo and the DACA/DAPA Memo expressly reflect the Administration’s prioritization of national security, public safety, and border security. These are precisely the priorities that Congress has directed the Administration to pursue. See, e.g., note 5 above (citing annual appropriations Acts prioritizing removal of criminal offenders); 8 U.S.C. §§ 1225(b)(1), 1225(c), 1226(c)(1)(D) (prioritizing national security and border security).

C. Other miscellaneous objections similarly fail.

1. Some of the critics’ legal arguments have been directed at straw persons. Some, for example, have seized on the President’s frequent statements that he acted because Congress had failed to act. They have argued that Presidential action doesn’t become legal simply because Congress has not acted. *Blackman II*, at 43-45.

But no one claims otherwise. When the President explains that he is acting because Congress has not, he isn’t asserting congressional inaction as his *legal* authority for acting. The legal authority comes from the multiple independent sources described in subsections I.A and I.B above. The President’s references to congressional inaction are simply to make the point that he would have had no policy reason to exercise his legal authority in this way if Congress had fixed the problem legislatively as he has encouraged it to do.

2. Another argument has been that the President’s actions do not become legal simply because previous Presidents have adopted similar policies. (The critics have sought to distinguish the programs of previous Presidents in any event, as discussed below.) While those previous Presidential actions lend *additional* credence to the President’s legal authority, the legal authority, again, is independently provided by the many sources of law already described in sections I.A and I.B above. And apart from their supplementary legal value, the analogous actions of his predecessors negate the oft-repeated, but unsupported claim that his actions are so extreme as to be outside the range of acceptable political norms. Undoubtedly, the Administration has also been eager to contrast the congressional and public acceptance of his predecessors’ actions with the hyperbolic reactions of many to DACA and DAPA. But the legal

authority, again, rests independently on the many sources already described.

Because the critics have also attempted to distinguish the actions of previous Presidents, a few observations about those comparisons might be helpful. In the past several decades, almost every President has used his executive powers to grant temporary reprieves from removal, and temporary permission to work, to large, definable classes of undocumented immigrants — for humanitarian, foreign policy, or other legitimate reasons. See, e.g., *Arpaio v. Obama*, above, at 6 (summarizing some of the recent Presidents’ actions); Bridge Project, *Executive Actions Speak Louder than Words*, <http://www.bridgeproject.com/wp/assets/Executive-Action-8.8.14.pdf>; American Immigration Council, *Executive Grants of Temporary Immigration Relief, 1956-Present* (Oct. 2014), http://www.immigrationpolicy.org/sites/default/files/docs/executive_grants_of_temporary_immigration_relief_1956-present_final_5.pdf.

Despite the obvious parallels, critics of President Obama’s recent executive actions have sought to distinguish his predecessors’ programs. Professor Ting, for example, observes that Congress eventually passed legislation embracing, rejecting, or limiting some of those policies. Ting, above, at 9. That, of course, tells us nothing about either their legality or their compliance with political norms at the time the policies were adopted. Ting argues in the paragraph on pages 9-10 that those policies are further distinguishable because they were based on foreign affairs considerations, an area in which the President enjoys special powers. And indeed some of the prior Presidents’ actions were based on foreign affairs. But not all were. The Reagan and Bush family fairness programs, which I turn to now, were not based on foreign affairs at all. They were based on family unification, just like DACA and DAPA.

Congress in 1986 had granted legalization to certain undocumented immigrants but not to their spouses and children. IRCA, above, title II. President Reagan immediately granted relief from deportation to the children (provided both parents or a single parent were legalization beneficiaries), and President Bush Senior later extended those benefits to the spouses and granted them work permits as well. These policies were called the “Family Fairness” program. The precise sequence of legislative, executive, and media developments is summarized in Immigration Policy Center, *Reagan-Bush Family Fairness: A Chronological History* (Dec. 9, 2014), <http://www.immigrationpolicy.org/just-facts/reagan-bush-family-fairness-chronological-history> [IPC Chronology].

Professor Ting argues these programs are meaningfully different from DACA and DAPA. He says that “Presidents Reagan and Bush regarded these individuals as victims of an oversight in the drafting of IRCA and worked with Congress to fix it.” *Id.* at 10. Ting offers no support for that claim, and the record conclusively shows it to be false. Congress, in passing IRCA, made a conscious decision *not* to cover the family members of the legalization beneficiaries; Presidents Reagan and Bush provided executive relief nonetheless. Among the hard evidence is the Senate Judiciary Committee report on the bill that became IRCA. It specifically says: “It is the intent of the Committee that the families of legalized aliens will obtain no special petitioning right by virtue of the legalization.” Interpreter Releases (Oct. 26, 1987), at 1200, 1201, reproducing 1987

INS memo that cites S. Rep. No. 99-131 (99th Cong., 1st Sess. 343 (1985)). See http://www.prwatch.org/files/ins_family_fairness_memo_oct_21_1987.pdf. A Chicago Tribune article adds: “The law said nothing about legalizing children or spouses who came after the start of 1982. *Although Congress considered including them, conservative groups who opposed letting more immigrants into the country derailed the idea.* Moreover, Congress mistakenly assumed that the legalized immigrants would patiently petition the government to let their relatives into the United States” [emphasis added]. Chicago Tribune (Aug. 24, 1990), http://articles.chicagotribune.com/1990-08-24/news/9003110433_1_illegal-immigrants-immigrant-families-deport. The fear was that including the family members could jeopardize passage in the House, where the vote was expected to be extremely close (and in fact was -- the legalization program ended up passing the House by only seven votes). IPC Chronology, above. And on October 7, 1987, the Senate defeated an amendment that would have put the spouses and children on a path to legalization. Two weeks later, the Reagan Administration announced its program for the spouses even as the INS was acknowledging the “clear” intent of Congress to exclude the family members from the IRCA legalization program. *Id.* Thus, even Professor Ting’s representation that Presidents Reagan and Bush *thought* Congress’s omission of the family members was an oversight in the drafting is not true.

Controversy has also emerged over the expected scale of the Bush Family Fairness program. The Bush program was announced on February 2, 1990. At the time, the predictions as to the number of eligible family members varied widely. In the previous year, the INS Statistical Yearbook said the agency had received 3.1 million applications for IRCA legalization and estimated that approximately 42% of those individuals (that would be about 1.3 million) were married. It reaffirmed that estimate one year later. (On the one hand, the Yearbook did not comment on how many of the spouses already qualified independently for IRCA; on the other hand, it did not have any estimates as to the number of children who would be eligible for Family Fairness.) Two newspapers quoted INS officials as estimating the number of beneficiaries at “more than 100,000 people,” though that estimate appeared to be referring to the predicted number of applicants (expected to be much lower than the number of eligibles because many eligibles were expected not to apply). Another INS spokesperson said it “may run to a million.” A few days later, an INS “Draft Processing Plan” estimated that “greater than one million” would apply. On the same day an INS internal Decision Memorandum to the Commissioner said the program “provides voluntary departure and employment authorization to potentially millions of individuals.” About two weeks after that, INS Commissioner Gene McNary, testifying before the House Judiciary Committee, stated that Family Fairness would cover approximately 1.5 million already present in the United States and appeared to imply that yet another 1.5 million people outside the United States would also become eligible (though Mr. McNary, when contacted in late 2014, suggested he might have been misunderstood). As it turns out, far fewer than those numbers actually applied, largely because the Immigration Act of 1990 opened up alternative avenues for most of these individuals. See IPC Chronology.

Based on the congressional testimony of the then-INS Commissioner and the other data suggesting similar numbers of eligibles, the Obama Administration and numerous advocates have quoted the 1.5 million figure. They have pointed out that, like DACA and DAPA today, it

amounted to roughly 40% of the then-existing undocumented population. The critics (including a controversial “fact-check” by Washington Post blogger Glen Kessler, since corrected for serious errors at least twice) have seized on the fact that the actual number of Family Fairness applicants turned out to be much smaller than the Commissioner’s predictions. But the critics (including the “fact-checker”) miss the point, in several respects. First, the key point is not how many actually applied, or even how many were actually eligible (as to which the 1.5 million figure was probably reasonably accurate). Rather, the point was that at the time of President Bush’s announcement his Administration was *predicting* (notwithstanding INS Commissioner McNary’s protest, 24 years later, that he was misunderstood) that 1.5 million would be eligible and still saw no legal barrier to going forward. Nor was there an outcry from either Congress or the general public.

Perhaps most important of all, while the parallels to Family Fairness make that program a natural point of comparison, one must remember that, even if it were distinguishable, it is still just one of the many examples of executive actions granting temporary reprieves from removal, and temporary permission to work, to large categories of undocumented immigrants. In addition, even the totality of the examples is not being cited as the sole, or even primary, legal authority for DACA and DAPA. As noted earlier, they rest on multiple other sound legal grounds. The examples are offered mainly to show that DACA and DAPA have not exceeded acceptable political norms and to stress the need to judge President Obama’s policies by the same standards that have been applied to previous Presidents.

3. Some critics have argued that DACA and DAPA, unlike mere decisions not to prosecute, cannot be justified on the basis of resource limits. They claim that these executive actions do not conserve resources, at least not for those individuals whom the agency has not yet encountered. To the contrary, they say, these policies drain the Department’s law enforcement resources. As to the latter, they point to the money USCIS has had to spend to hire additional adjudicators and lease the necessary physical space. See, e.g., Blackman II, at 34-37. The plaintiffs in *Texas 2015* made a similar claim, *id.* at 16; to his credit, Judge Hanen acknowledged that this was not a matter for the court.

The argument founders for several reasons. First, contrary to the critics’ assumptions, DACA and DAPA *do* help conserve enforcement resources. By identifying and investigating millions of undocumented immigrants, USCIS can sift out the low-priority candidates so that ICE and CBP can more efficiently direct their resources to the high-priority targets. In addition, the DACA/DAPA process enables USCIS to receive and compile massive amounts of data on millions of undocumented immigrants; these data will be invaluable to ICE and CBP in the event DACA/DAPA recipients later commit acts that make them high-priority removal targets.

The claim that these programs affirmatively drain enforcement resources fundamentally misconceives both the separate missions and the separate funding structures of the various DHS immigration agencies. For one thing, USCIS is an adjudications agency, not a law enforcement agency like ICE and CBP. Nothing it does reduces ICE’s or CBP’s enforcement resources. More important, the administrative costs entailed by DACA and DAPA are funded by the

requestors themselves, not by congressional appropriations. Neufeld Declaration, paras. 5, 26; see also 8 USC § 1356(m). It is true that the personnel and physical facilities have to be in place before the offsetting revenue from the DACA requests actually arrives. But that is merely a *cash flow* consideration, not a net expenditure.

Perhaps most important of all, while DACA and DAPA do indeed help to conserve scarce immigration enforcement resources, that is not the only objective they accomplish. The other policy benefits are discussed on page 29 below.

4. Finally, the President's opponents like to use the President's own words to try to show that the President himself believes he is acting illegally. They like to cite some spontaneous answers the President has given to questions from the public. The vast majority of the answers they cite are perfectly consistent with DACA and DAPA. Some advocates have asked the President to suspend all deportations, and the President has indeed said he cannot legally do that. He has also said he cannot rewrite the law and that in our constitutional democracy he must follow the law that Congress enacts. All those statements are true. DACA and DAPA don't violate any of those principles unless the President exceeds his legal authority. For all the reasons given, DACA and DAPA do not do so.

The critics are especially fond of quoting a verbal gaffe by the President in one public gathering shortly after the announcement of DAPA. In response to a heckler who wanted him to go further, an exasperated President Obama apparently said ("But what you're not paying attention to is the fact that I just took action to change the law" Press Release, *Remarks by the President on Immigration* - Chicago, IL, The White House Office of the Press Secretary (Nov. 25, 2014). Of course, the President should not have used the word "law." A more accurate statement would have been that he had just changed the "policy." Judge Hanen saw great significance in that error. The judge read it as proof that the President had indeed changed the law and had done so consciously, despite having previously disavowed his power to do so. *Texas 2015*, at 107 and n.94. Other critics have similarly jumped on the President for casual spontaneous oral responses that the critics argue contradict his belief that DAPA is legal. See, e.g., *Blackman II*, at 45-54.

The case law of the 5th Circuit does not permit courts to attach legal consequences to such casual statements. In *Professionals and Patients for Customized Care*, 56 F.3d 592 (5th Cir. 1995), the court had to decide whether a policy of the Food and Drug Administration created binding norms that necessitated formal APA notice-and-comment rulemaking, or simply guidance as to the exercise of a discretionary power. The policy announcement explicitly required the exercise of discretion, but warning letters sent out by the FDA contained language that implied binding norms. The court refused to give significant weight to the letters. It explained: "Informal communications often exhibit a lack of 'precision of draftsmanship' and such internal inconsistencies are not unexpected, which is why such documents are generally entitled to limited weight." *Id.* at 599. If even written letters lack enough precision and formality to justify being treated as significant, common sense suggests that the President's spontaneous oral reaction to a heckler would command even less weight.

II STANDING

In *Texas 2015* the plaintiff states offered multiple theories for establishing standing. Ultimately, Judge Hanen accepted two of them. Because the opposing briefs provide detailed analysis and argumentation on standing, I take this opportunity to highlight only a few key points.

Judge Hanen's principal basis for finding standing was that the federal government's grant of deferred action would make the recipients eligible for driver's licenses. In turn, at least one state (Texas) argued that the average cost of processing a driver's license exceeded the application fee. Increasing the number of eligible drivers, the state argued, would therefore have a net negative fiscal impact on the state.

But that theory is highly problematic. First, the state's estimated costs are based on statewide averages. Presumably those averages include the amortized share of the fixed costs -- DMV facilities, equipment, administrative overhead, etc. Texas never alleged -- much less offered evidence of -- *any* marginal new cost attributable to the speculative number of deferred action recipients. The state failed to show, in other words, that it would have to hire any additional personnel, acquire any additional space, or obtain any additional equipment to handle the marginal increase in driver's license applications -- much less that any marginal new costs would exceed the additional revenue.

Second, the state's calculations reflected only part of the fiscal equation. In estimating its "losses," the state rightly deducted the extra revenue from the application fees, but it never deducted any of the huge tax savings that studies have consistently shown DAPA will generate -- even though, as the court acknowledged in a footnote, the amicus briefs had provided empirical evidence that DAPA would have a net *positive* fiscal impact. See *Texas 2015* at 51 n.38. See also the impressive study by the Center for American Progress, *Economic Benefits of Executive Action for Texas* (Feb. 19, 2015), <http://www.scribd.com/doc/248188359/Economic-Benefits-of-Executive-Action-for-Texas>. (finding that increased taxes from higher wages would increase Texas's tax revenues by \$338 million over five years -- about three times the amount of the costs Texas claims it will incur.)

The likely positive fiscal impact on the state impedes the very purpose of the standing requirement. As the Supreme Court has observed, the rationale for the standing requirement is to assure "concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination." *Massachusetts v. EPA*, 549 U.S. 497, 517 (2007), quoting *Baker v. Carr*, 369 U.S. 186, 204 (1962). When a state stands to gain from the very policy it is asking a court to invalidate, the incentive to litigate vigorously is to that extent diminished.

Third, even if there were some credible factual basis for Texas's claim that its additional costs will exceed its additional revenue gains, it takes little imagination to see where acceptance of its theory would lead. The court emphasizes that it is the fact of the injury, not its size, that matters

for purposes of standing. *Texas 2015* at 23 n.15. If that is so, and if the mere fact that favorable immigration decisions by the federal immigration agency could have a net negative fiscal impact for a particular state were enough to confer standing, then the state in which a given noncitizen lives would have standing to challenge every individual grant of deferred action that it considered erroneous. After all, that person would become eligible to apply for a driver's license. In fact the theory would not stop with deferred action. The court's logic would permit the state to challenge every grant of every immigration benefit that leads to eligibility for a driver's license or any other state benefit. A state by the same reasoning could challenge any grant of naturalization, since citizenship could make the person eligible for state welfare benefits. And apart from individual cases, a state could even more easily demonstrate standing to challenge any federal immigration agency interpretation of law or policy decision that is likely to lead to a greater number of individuals becoming eligible for driver's licenses or any other benefit.

Perhaps aware of those pitfalls, Judge Hanen invented a second, alternative theory -- "abdication" standing. The theory -- which the court acknowledged no court has ever adopted, see *Texas 2015* at 67 n.48 -- is that a state will have article III standing to sue if the federal government asserts the exclusive right to act but abdicates its statutory duty to do so. As applied here, Judge Hanen's argument was that DHS had refused to enforce the law against 40% of the undocumented population.

First, for all the reasons discussed on pages 5-6 above, even if there were a legal basis for this theory, there can be no serious claim that DHS has "abdicated" its statutory responsibilities. Second, if abdication could be demonstrated, and standing thereby established, simply by showing that an agency with the resources to pursue only 4% of the violators had decided to confine its focus to 60% of them, then practically every law enforcement agency in the country would be subject to daily lawsuits from states or individuals who objected to the agency's enforcement priorities.

III

THE ADMINISTRATIVE PROCEDURE ACT: NOTICE AND COMMENT RULEMAKING

In *Texas 2015*, Judge Hanen preliminarily enjoined DHS from implementing either DAPA or the expansion of DACA. It found that the plaintiff states were likely to prevail with their claim that these executive actions required notice-and-comment rulemaking under the Administrative Procedure Act (APA), 5 USC § 553.

The issue was whether the executive actions constituted "general statements of policy," which the APA specifically exempts from the notice-and-comment requirements. The Supreme Court has interpreted that term to include "statements issued by an agency to advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power." See, e.g., *Lincoln v. Vigil*, 508 U.S. 182, 197 (1993); *Chrysler Corp. v. Brown*, 441 U.S. 281, 302 n.31 (1979). In *Texas 2015*, the outcome of that test ultimately depended on whether DHS was

truly exercising a “discretionary” power, rather than requiring officers to apply binding criteria. Since that is precisely the same issue presented by the states’ constitutional and statutory claims discussed in section I.A.2.c, it is not necessary to repeat that analysis. As that previous discussion illustrated, the evidence in the record conclusively demonstrates the discretionary nature of both DACA and DAPA.

A Word on Policy

Although the main purpose of this testimony is to assure the Committee that the recent executive actions are on solid *legal* footing, I note briefly that these programs serve several common-sense *policy* goals as well. To summarize a few: Most will agree that, with finite resources, it is sensible to prioritize national security, public safety, and border security over separating families and destroying the long-term ties of those who have lived peacefully and productively in their communities for many years. Positive grants of deferred action draw the recipients out of the shadows and into the open. These individuals provide their names, addresses, and histories, and the government performs background checks to assure public safety. Surely this is healthier for everyone than maintaining a permanent underground culture. Police chiefs and other law enforcement professionals know that communities are also safer when undocumented immigrants who are either victims of crimes or witnesses to crimes feel secure enough to report the crimes to the police rather than avoid contact for fear of being deported.¹⁴ Federal and state tax revenues from those who receive deferred action will increase.¹⁵ Unscrupulous employers who currently know they can hire unauthorized workers at low wages will have less reason to hire them over U.S. workers and will no longer be able to drive down overall market wages or working conditions in the process.¹⁶ And as many have shown, these executive actions can stimulate economic growth in additional ways.¹⁷

Conclusion

¹⁴ Charlie Beck, Chief of the Los Angeles Police Department, Statement to the U.S. Senate Committee on the Judiciary, *Keeping Families Together: The President’s Executive Action on Immigration and the Need to Pass Comprehensive Reform* (December 10, 2014); Richard Biehl, Chief of the Dayton Police Department, et al., Letter to U.S. Senate Committee on the Judiciary (December 9, 2014); James R. Hawkins, Chief of the Garden City Police Department, Statement to the U.S. Senate Committee on the Judiciary, *Keeping Families Together: The President’s Executive Action on Immigration and the Need to Pass Comprehensive Reform* (December 10, 2014); National Task Force to End Sexual and Domestic Violence (NTF), Letter to U.S. Senate Committee on the Judiciary (December 9, 2014), <http://4vawa.org/4vawa/2014/12/11/ntf-supports-president-obamas-deferred-action-for-parents-and-expansion-of-the-deferred-action-for-childhood-arrivals-program>.

¹⁵ White House Council of Economic Advisors, *The Economic Effects of Administrative Action on Immigration* (2014), http://www.whitehouse.gov/sites/default/files/docs/cea_2014_economic_effects_of_immigration_executive_action.pdf; Elizabeth H. Shuler, Secretary-Treasurer, AFL-CIO, Statement to the U.S. Senate Committee on the Judiciary, *Keeping Families Together: The President’s Executive Action on Immigration and the Need to Pass Comprehensive Reform* (December 10, 2014), <http://www.judiciary.senate.gov/imo/media/doc/12-10-14ShulerTestimony.pdf>, at 2-3.

¹⁶ *Id.*

¹⁷ *Id.*

Reasonable people of good faith can certainly differ over the precise priorities the President should adopt when enforcing the nation's immigration laws with finite resources. Like the overwhelming majority of other immigration law professors and scholars, however, I believe that the *legal* authority for both the Prosecutorial Discretion Memo and the DACA/DAPA Memo is clear. There are Congress's express assignment of responsibility to the Secretary of Homeland Security for "establishing national immigration enforcement policies and priorities," in 6 U.S.C. § 202(5); the additional broad authority conferred by 8 U.S.C. § 1103(a); the long-settled recognition, by all three branches of our government, of broad prosecutorial discretion; the multiple provisions in which Congress has specifically recognized deferred action by name; the formal regulations that similarly recognize deferred action by name; the court decisions that do the same; the express grant by Congress of the power to decide who may be eligible for work permits; the formal regulations that have long made deferred action recipients specifically eligible for work permits; the absence of numerical limitations in any of these legal sources of authority; and the fact that the recent policy announcements will not prevent the President from continuing to spend all the immigration enforcement resources Congress gives him. All these sources lead to the same conclusion: The President's actions are well within his legal authority.

Thank you once again for the privilege of testifying before this Committee.

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Jaynes, Thomas A (Allen)

From: Marc Rosenblum <MRosenblum@migrationpolicy.org>
Sent: Friday, January 15, 2016 3:54 PM
To: Guttentag, Lucas
Subject: RE: Moving on + new contact info

Thanks, Lucas. Excited to be joining all the fun!

From: Guttentag, Lucas [<mailto:lucas.guttentag@uscis.dhs.gov>]
Sent: Friday, January 15, 2016 4:53 PM
To: Marc Rosenblum
Subject: RE: Moving on + new contact info

Welcome! Esther mentioned your starting to the Secretary today. See you soon.

From: Marc Rosenblum [<mailto:MRosenblum@migrationpolicy.org>]
Sent: Friday, January 15, 2016 4:44 PM
To: marc.rosenblum.21@gmail.com
Subject: Moving on + new contact info

Dear all-

I'm writing with the sad news that today is my last day at MPI, and the exciting news that I will be starting a new job on Jan. 25 as Deputy Assistant Secretary and Director of the Office of Immigration Statistics at DHS. I'm really looking forward to helping make that office a more important contributor to the immigration policy conversation. One of my priorities will also be to strengthen OIS's relationship with the broader immigration policy community, so I hope to stay in touch with all of you.

My new contact information after January 25:
marc.rosenblum@hq.dhs.gov
202-786-9871
Personal email: marc.rosenblum.21@gmail.com

Best regards,

Marc

(b)(7)(c)

(b)(6)

Jaynes, Thomas A (Allen)

From: Laura Durso <ldurso@americanprogress.org>
Sent: Friday, March 04, 2016 3:09 PM
To: Guttentag, Lucas
Cc: Sharita Gruberg
Subject: FW: LGBT issues follow-up
Attachments: 01.11.15 CAP memo re treatment of LGBT immigrants in detention.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Guttentag,

My name is Laura Durso and I am the Senior Director of the LGBT Research and Communications Project at the Center for American Progress. I have copied our team's Senior Policy Analyst, Sharita Gruberg, to this email.

It is my understanding that you have recently taken over some of Serena Hoy's portfolio and I wanted to introduce myself and make sure you know that we, along with colleagues in the LGBT and immigrant rights movements, had been communicating with Dept. Sec. Mayorkas about recommendations for protecting and better serving LGBT immigrants in detention settings. Below I have forwarded our last correspondence with his office and I wanted to ask whether you might have any updates on our request to meet again with the Dept. Sec. to further identify steps we can take together. For your reference, I have attached a copy of the most recent memo we shared with the Dept. Sec.

I look forward to working with you and please feel free to touch base anytime.

Sincerely,
Laura

Laura E. Durso, Ph.D.
Senior Director, LGBT Progress
Center for American Progress
Pronouns: she, her, hers
ldurso@americanprogress.org
(w) 202-599-9464
(c) 808-292-8662

From: Lynch, Ivornette [<mailto:Ivornette.Lynch@HQ.DHS.GOV>]
Sent: Thursday, February 11, 2016 3:25 PM
To: Laura Durso
Cc: Askew, Marineka; Hoy, Serena
Subject: RE: LGBT issues follow-up

Hi Laura,

Thanks for your email. I will follow up with you on your request.

Thanks,

Jaynes, Thomas A (Allen)

From: Doris Meissner <DMeissner@MigrationPolicy.Org>
Sent: Monday, March 07, 2016 2:23 PM
To: Guttentag, Lucas
Subject: RE: need some advice

Sure. Thanks.

From: Guttentag, Lucas [<mailto:lucas.guttentag@hq.dhs.gov>]
Sent: Monday, March 07, 2016 3:10 PM
To: Doris Meissner
Subject: RE: need some advice

I just got called into a meeting. Can we make it 4:30p? My desk tel is 282-9783

From: Doris Meissner [<mailto:DMeissner@MigrationPolicy.Org>]
Sent: Monday, March 7, 2016 3:07 PM
To: Guttentag, Lucas <lucas.guttentag@hq.dhs.gov>
Subject: RE: need some advice

Good. Give me a number to reach you and I'll call about 4:15.
Thanks!

From: Guttentag, Lucas [<mailto:lucas.guttentag@hq.dhs.gov>]
Sent: Monday, March 07, 2016 3:06 PM
To: Doris Meissner; Guttentag, Lucas
Subject: RE: need some advice

Yes, of course, I would be happy to talk. This afternoon any time after 4:00pm if that's convenient for you.

--

Lucas Guttentag
Senior Counselor to the Secretary
lucas.guttentag@hq.dhs.gov
tel: 202.282-9783 (NEW)
mob: 202.441-5197 (NEW)

From: Doris Meissner [<mailto:DMeissner@MigrationPolicy.Org>]
Sent: Monday, March 7, 2016 2:50 PM
To: Guttentag, Lucas <lucas.guttentag@uscis.dhs.gov>
Subject: need some advice

Hi Lucas,
Do you have time for a phone call – maybe 10 min – this afternoon or tomorrow? Need some advice on how to proceed with invites to various DHS staff for the asylum reform initiative I mentioned to you a while back.
Thanks, Doris

Doris Meissner
Senior Fellow and Director, US Policy Programs
Migration Policy Institute (MPI)
1400 16th Street, Suite 300
Washington, D.C. 20036
dmeissner@migrationpolicy.org
Ph: 202-266-1911; Fax: 202-266-1900
www.migrationpolicy.org

(b)(6)

(b)(6)

(b)(6)

Jaynes, Thomas A (Allen)

From: Doris Meissner <DMeissner@MigrationPolicy.Org>
Sent: Thursday, April 21, 2016 5:20 PM
To: Guttentag, Lucas
Subject: RE: call time

Thanks and Bon Voyage!!!!

From: Guttentag, Lucas [<mailto:lucas.guttentag@hq.dhs.gov>]
Sent: Thursday, April 21, 2016 5:51 PM
To: Doris Meissner
Subject: RE: call time

Yes, good. At my desk: 282-9783

From: Doris Meissner [<mailto:DMeissner@MigrationPolicy.Org>]
Sent: Thursday, April 21, 2016 5:50 PM
To: Guttentag, Lucas <lucas.guttentag@hq.dhs.gov>
Subject: RE: call time

How about now?

From: Guttentag, Lucas [<mailto:lucas.guttentag@hq.dhs.gov>]
Sent: Thursday, April 21, 2016 5:48 PM
To: Doris Meissner
Subject: RE: call time

Hi Doris

It was delightful to see you ---- and such a moving venue.

I would be happy to talk but am leaving town tomorrow late morning and will be out of the country all of next week. I should have a few hours of layover between about 4-6pm if that time works for you. I'm sorry that Monday is not possible. My cell is 202.441-5197 or I'm happy to call you at whatever number is best.

Warmly
Lucas

....
Lucas Guttentag
Senior Counselor to the Secretary
lucas.guttentag@hq.dhs.gov
tel: 202.282-9783
mob: 202.441-5197

From: Doris Meissner [<mailto:DMeissner@MigrationPolicy.Org>]

Sent: Thursday, April 21, 2016 5:25 PM

To: Guttentag, Lucas <lucas.guttentag@hq.dhs.gov>

Subject: call time

Hi Lucas,

So nice to see you in Court! That plaza and those wide steps are so majestic. Being there at a moment that is so momentous for us all is really a privilege. Truly memorable.

Do you have about 10 minutes for a phone time tomorrow or Monday? I have two issues on which I'd like your thoughts.

Doris

Doris Meissner

Senior Fellow and Director, US Policy Programs

Migration Policy Institute (MPI)

1400 16th Street, Suite 300

Washington, D.C. 20036

dmeissner@migrationpolicy.org

Ph: 202-266-1911; Fax: 202-266-1900

www.migrationpolicy.org

Jaynes, Thomas A (Allen)

From: Lisa Dixon <LDixon@MigrationPolicy.Org>
Sent: Tuesday, April 26, 2016 2:53 PM
To: Guttentag, Lucas
Subject: Invitation to Private Screening of Abrazos

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas,

While the Supreme Court is deliberating the future of deferred action, the well-being of the families that may be impacted by this pivotal decision hangs in the balance. The Migration Policy Institute (MPI) invites you to a private screening of Luis Argueta's documentary *ABRAZOS*, which powerfully explores one aspect of life in unauthorized status, and a discussion with the film's director on Thursday, May 5. The parents highlighted in this film, who made the decision that so many have had to make to leave family behind in search of a better life in the United States, have never returned to visit the loved ones they left behind in Guatemala, fearful of not being able to re-enter the United States.

ABRAZOS chronicles the unique solution that one community organization, Familias Juntas, has developed—bringing together the U.S.-citizen sons and daughters of Guatemalan immigrants in Worthington, Minnesota with their grandparents in San Marcos, Guatemala. The story follows the transformational journey of a group of U.S.-citizen children who travel 3,000 miles, from Minnesota to Guatemala, to meet their grandparents and other relatives for the first time. After being separated for nearly two decades, these families are able to share stories, strengthen traditions, and begin to reconstruct their cultural identity.

Join MPI for a **private, invitation-only screening at 3:45 pm on May 5 at MPI's offices (1400 16th Street, Suite 300, Washington, DC 20036)**. A discussion with the filmmaker Luis Argueta, representatives from Familias Juntas, and two of the children who made the journey will follow the screening.

Please RSVP to Lisa Dixon at ldixon@migrationpolicy.org or 202-266-1929. We hope you will be able to join us.

Thank you,

A handwritten signature in cursive script that reads 'Randy Capps'.

Randy Capps
Director of Research for U.S. Programs
Migration Policy Institute

Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Eddie Aldrete, National Immigration Forum <media@immigrationforum.org>
Sent: Wednesday, April 27, 2016 10:32 AM
To: Guttentag, Lucas
Subject: Help us improve lives

Follow Up Flag: Follow up
Flag Status: Flagged



“Becoming a citizen means a better future for myself and my family” –Leonardo Garcia, Houston

Dear Lucas,

As a Senior Vice President of IBC Bank, I see immigrants woven into the fabric of the many communities we serve in Texas and Oklahoma. They are an extension of our families, our communities and our American way of life. The American dream they pursue is the dream my family pursued.

That is why I write today to ask you to support the National Immigration Forum.

With your support, the Forum **improves the lives** of immigrants and our communities. The Forum’s 21st-century approach includes New American Workforce, which provides accessible naturalization services at the worksite. For participating businesses and their employees, the program has been truly transformative.

For people like Leonardo, who are able to access the services they need to become citizens because of New American Workforce, it is a life-changing event. Citizenship will increase their earning potential, protect them and their families, and give them access to the resources to build a more successful life here in the United States and contribute fully.

Your donation makes this possible.

New American Workforce has partnered with nearly 200 employers across 8 cities to provide these services to thousands of employees,

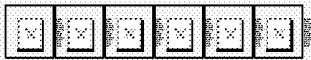
making a difference in their lives. The New York Daily News recently covered our successful program in New York City.

By donating here, **you can help the Forum improve lives, which in turn, improves local communities and improves our economy.** Your support makes it all possible.

Thank you for all that you do.

Eddie Aldrete
Vice Chair, Board of Directors, National Immigration Forum

Connect with Us



National Immigration Forum
50 F Street NW, Suite 300
Washington, DC 20001

www.immigrationforum.org

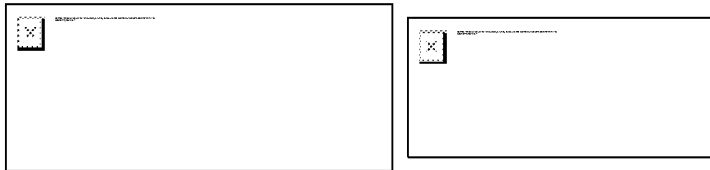
UNSUBSCRIBE



Jaynes, Thomas A (Allen)

From: media=immigrationforum.org@mail.salsalabs.net on behalf of Ali Noorani, National Immigration Forum <media@immigrationforum.org>
Sent: Friday, May 13, 2016 9:51 AM
To: Guttentag, Lucas
Subject: Six Months Out

Follow Up Flag: Follow up
Flag Status: Flagged



Dear Lucas,

Our country is less than six months away from a clear choice.

Will we be an America that values immigrants and immigration, ensuring that our nation thrives because new Americans have the opportunities, skills and status to reach their greatest potential?

Or, will we be an America that deports 11 million people and closes itself off to the world's best and brightest?

Which America do we want for our children and grandchildren?

One upside of this ugly debate — if there is an upside — is that the choice between these two Americas is clear. In our line of business, clear choices are ugly, but good. And, in this case, the choice is not one of right vs. left. Rather, for all of us, it is a choice of right vs. wrong.

The National Immigration Forum and the National Immigration Forum Action Fund are positioned to engage the pastors, police chiefs and business owners who change hearts, shape minds and improve lives of all of us, including the millions of immigrants who are our friends, families, neighbors and colleagues.

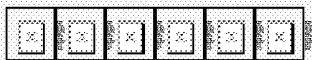
This is our chance to make a real difference, but we can't do it without you.

Please make a gift to the [National Immigration Forum](#) or the [National Immigration Forum Action Fund](#) today.

Thank you,

Ali

Connect with Us



National Immigration Forum
50 F Street NW, Suite 300
Washington, DC 20001

www.immigrationforum.org

UNSUBSCRIBE



Jaynes, Thomas A (Allen)

From: Greisa Martinez <greisa@unitedwedream.org>
Sent: Monday, May 16, 2016 9:27 AM
To: Guttentag, Lucas
Subject: I'll be back... RE: Chat Wed?

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for reaching out. I'm out of the office and will be slow to respond to email.

I'll be back online on May 17th

If this is urgent, text me (979) 587-2952.

Greisa.

--

Greisa Martinez

My Pronouns: She/Her/Ella/Them

Advocacy Director

[image: United We Dream Logo] <<http://www.unitedwedream.org/>>

C: (979) 587-2952 | *E:* greisa@unitedwedream.org We can't continue this work without your support: Donate to UWD today.

<<https://actionnetwork.org/fundraising/donate-to-help-keep-more-families-together-2?amount=20&source=staffemail>>

[image: Facebook] <<http://facebook.com/unitedwedream>>[image: Twitter]

<<http://twitter.com/unitedwedream>>[image: Youtube]

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June 30, 2014 - July 06, 2014

June 2014

Su	Mo	Tu	We	Th	Fr	Sa
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July 2014

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Monday, June 30

Tuesday, July 01

Wednesday, July 02

Thursday, July 03

- 1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ³

Friday, July 04

- Independence Day (United States)

Saturday, July 05

Sunday, July 06

July 07, 2014 - July 13, 2014

July 2014

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August 2014

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31						

Monday, July 07

Tuesday, July 08

Wednesday, July 09

Thursday, July 10

1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor;
Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- HQSCOPSDACA ↻

Friday, July 11

Saturday, July 12

Sunday, July 13

July 14, 2014 - July 20, 2014

July 2014

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August 2014

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Monday, July 14

Tuesday, July 15

Wednesday, July 16

Thursday, July 17

1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly**
Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor;
 Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
 - HQSCOPSDACA ↻

Friday, July 18

Saturday, July 19

Sunday, July 20

July 21, 2014 - July 27, 2014

July 2014

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August 2014

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Monday, July 21

Tuesday, July 22

Wednesday, July 23

Thursday, July 24

- 1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺

Friday, July 25

Saturday, July 26

Sunday, July 27

July 28, 2014 - August 03, 2014

July 2014

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August 2014

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30	31					

<p>Monday, July 28</p>	<p>Tuesday, July 29</p>
<p>Wednesday, July 30</p>	<p>Thursday, July 31</p> <p><input type="checkbox"/> 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☞</p>
<p>Friday, August 01</p>	<p>Saturday, August 02</p> <hr/> <p>Sunday, August 03</p>

August 04, 2014 - August 10, 2014

August 2014

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September 2014

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Monday, August 04

Tuesday, August 05

Wednesday, August 06

Thursday, August 07

- 1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly**
Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor;
 Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
 - HQSCOPSDACA ↻

Friday, August 08

Saturday, August 09

Sunday, August 10

August 11, 2014 - August 17, 2014

August 2014

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September 2014

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Monday, August 11

Tuesday, August 12

Wednesday, August 13

Thursday, August 14

- 1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺

Friday, August 15

Saturday, August 16

Sunday, August 17

August 18, 2014 - August 24, 2014

August 2014

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September 2014

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Monday, August 18

Tuesday, August 19

Wednesday, August 20

Thursday, August 21

1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺

Friday, August 22

Saturday, August 23

Sunday, August 24

August 25, 2014 - August 31, 2014

August 2014

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September 2014

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Monday, August 25

Tuesday, August 26

Wednesday, August 27

Thursday, August 28

- 1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ↗

Friday, August 29

Saturday, August 30

Sunday, August 31

September 01, 2014 - September 07, 2014

September 2014

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October 2014

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Monday, September 01

Labor Day (United States)

Tuesday, September 02

Wednesday, September 03

Thursday, September 04

1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ↻

Friday, September 05

Saturday, September 06

Sunday, September 07

September 08, 2014 - September 14, 2014

September 2014							October 2014						
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Monday, September 08

- ☒ 10:00am - 10:30am LG START
- ☒ 12:00pm - 12:30pm 12.05 checkin
- ☒ 5:00pm - 5:15pm NILC Pre-Brief (adjusted time) (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi
- ☒ 5:15pm - 5:30pm Meet & Greet w/ Lucas (Director's Office) - Scheduler, Rodriguez

Tuesday, September 09

- ☒ 2:30pm - 3:00pm Travel to the RRB (Depart from P1) - Scheduler, Rodriguez
- ☒ 4:00pm - 4:30pm Travel to HQ (20 Mass Ave) - Scheduler, Rodriguez

Wednesday, September 10

- ☒ 11:30am - 12:00pm Administrative Staff Meeting (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi
- ☒ 12:00pm - 1:00pm lunch shahoulia n and ur besther (ur office)
- ☒ 1:00pm - 2:00pm OMB Follow-Up Meeting (20 Massachusetts Ave, NW (Suite 5110)) - Scheduler, Rodriguez
- ☒ 3:00pm - 3:45pm NILC Meeting (**ROOM CHANGE** Stratus Conf Room (6th Floor, Room 6025)) - Scheduler, Rodriguez

Thursday, September 11

- ☒ 11:00am - 11:30am meet with Rendell
- ☒ 12:30pm - 1:00pm Travel to the EEOB (Depart from P1) - Scheduler, Rodriguez
- ☒ 1:00pm - 2:00pm Immigration Mtg (EEOB 248) - Mayock, Andrew
- ☐ 1:00pm - 2:00pm Canceled: **CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- ☒ 2:00pm - 2:30pm Travel to HQ (20 Mass Ave) - Scheduler, Rodriguez
- ☒ 6:00pm - 7:00pm esther? (johnys half shell 600pm)

Friday, September 12

- ☒ 8:00am - 9:00am 9:30 esther
- ☒ 12:00pm - 1:00pm felicia
- ☒ 12:00pm - 1:00pm Fw: Meeting on worksite enforcement (708 Jackson Place - First Floor Conference Room) - FN-WHO-DPC_Immigration
- ☒ 1:00pm - 2:00pm Hold for DHS/EOP catch up (708 Jackson Place) - Bailey, Kevin
- ☒ 4:30pm - 5:00pm Catch-Up w/Lucas (Director's Office) - Scheduler, Rodriguez
- ☒ 5:30pm - 6:00pm Catch-up w/Lucas (COS Choi's Office) - Scheduler, Choi

Saturday, September 13

- ☒ 12:00pm - 12:30pm Call ur

Sunday, September 14

September 15, 2014 - September 21, 2014

September 2014

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October 2014

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Monday, September 15

- 12:00pm - 12:30pm 12:05 daily check
- 2:00pm - 5:00pm Murder Board - Backbench (Large Conference Room - MGMT NAC 01-44) - Ramanathan, Sue
- 3:30pm - 4:00pm Catch-Up w/Lucas (Teleconference) - Scheduler, Rodriguez
- 4:00pm - 8:00pm White House south lawn

Tuesday, September 16

- 10:00am - 11:00am 1000 Jackson place
- 12:00pm - 12:30pm 12:05 daily check
- 12:30pm - 1:00pm U r meet derivs
- 5:00pm - 5:30pm Shahoulian

Wednesday, September 17

- 9:00am - 9:30am 9:00 Ur
- 9:45am - 10:00am 9:45 Juliet
- 9:45am - 10:00am Lucas 1/1 (jkc office) - Choi, Juliet K
- 11:30am - 2:30pm 11:30 ur, esther, david
- 12:00pm - 12:30pm 12:05 daily check
- 3:00pm - 3:20pm Small Group Huddle w/Lucas & John (COS Choi's Office) - Scheduler, Choi
- 4:00pm - 5:00pm Travel to NAC (Meet at P1 @ 4pm) - Bjorndahi, Jami A
- 5:00pm - 5:30pm Meeting w/ COS (CoS's Office) - Marrone, Christian
- 6:00pm - 6:30pm John, Esther, Ur, David, Serena drinks (TBD)

Thursday, September 18

- 9:30am - 10:30am Shuttle to NAC for Director Rodriguez's Swearing In Ceremony (20 Massachusetts Ave NW (front of building) - Bjorndahi, Jami A
- 11:00am - 12:00pm
- 11:00am - 12:00pm
- 11:00am - 11:15am *updated attendees* Director Rodriguez Ceremonial Swearing In (NAC, 5107 Conference Room) - Johnson, Scheduler
- 12:00pm - 12:45pm Hold | pre-OMB huddle (NAC (room tbd by Esther)) - Choi, Juliet K
- 12:00pm - 12:30pm 12:05 daily check
- 12:30pm - 1:00pm 2:15-4:00 DEC
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- 2:00pm - 5:30pm Leon swearing in ???

Friday, September 19

- 9:30am - 10:00am Esther / Felicia / Cecilia Check-in (Phone: 202-395-6392 passcode: 576 9054#) - Gray, Ian
- 11:00am - 12:00pm Travel to NAC (Departing from P1, Transportation POC: Sabrina Smith, 202-272-1568)
- 12:00pm - 12:30pm 12:05 daily check
- 12:30pm - 1:30pm *new date/time* CIR Update (NAC, Secretary's Office) - Johnson, Scheduler
- 12:30pm - 1:00pm Canceled: Travel to EEOB (Depart from P1) - Scheduler, Rodriguez
- 1:00pm - 2:00pm Canceled: Immigration Mtg (EEOB 248) - Mayock, Andrew
- 2:00pm - 3:00pm Travel to HQ (Transportation POC: Sabrina Smith, 202-272-1568)
- 2:00pm - 2:30pm Canceled: Travel to HQ - Scheduler, Rodriguez
- 5:00pm - 7:30pm carpeting starts

Saturday, September 20

- 11:00am - 11:30am go to North Carolina
- 1:00pm - 2:00pm carpeting

Sunday, September 21

- 9:00am - 10:00am carpeting

September 22, 2014 - September 28, 2014

September 2014							October 2014							
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28	29	30					26	27	28	29	30	31		

Monday, September 22

- 8:30am - 10:00am 8.30 DPC FOLLOWUP (hold call or in person)
- 10:15am - 11:15am Travel to HQ, POC: Sabrina Smith, 202-272-1568
- 12:00pm - 12:30pm 12:05 daily check ☺
- 2:00pm - 2:30pm H-4 USCIS
- 5:00pm - 5:45pm Confirmed | EIR caucus with senior counselors| (leon's office) - Choi, Juliet K

Tuesday, September 23

- 10:30am - 11:00am Internal EIR Huddle (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- 12:00pm - 12:30pm 12:05 daily check ☺
- 1:00pm - 2:00pm OPT STEM Deep Dive (708 Jackson Place - First Floor Conference Room) - Bailey, Kevin
- 3:00pm - 3:20pm Internal EIR Huddle (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- 3:20pm - 4:00pm Travel to EEOB (Departing from P1, Transportation POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 4:00pm - 5:00pm Immigration Mtg (EEOB 248) - Mayock, Andrew
- 5:00pm - 5:30pm Travel to HQ, POC: Sabrina Smith, 202-272-1568 - Scheduler, Rodriguez

Wednesday, September 24

- 10:00am - 11:00am Meet and Greet w/ Lisa Pino/USCIS Leadership (20 Massachusetts Ave, Director's Suite (5110)) - Scheduler, Rodriguez
- 12:00pm - 12:30pm 12:05 daily check ☺
- 2:45pm - 3:00pm Check-in w/Lucas (Leon's office) - Scheduler, Rodriguez
- 4:00pm - 4:30pm 4.30p David Shahoulian call
- 5:00pm - 5:30pm John et al for drinks

Thursday, September 25

- 12:00pm - 12:30pm 12:05 daily check ☺
- 12:50pm - 1:00pm EIR (Lucas Guttentag's Office) - Scheduler, Choi
- 1:00pm - 2:00pm Meet with Don Raddeau
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:30pm 2 esther at uscis
- 4:00pm - 4:30pm 4 informal meeting

Friday, September 26

- 9:45am - 10:05am 6th Annual Advancing Justice Conference, Columbia Rooms 5-8 (Washington Hilton Hotel, 1919 Connecticut Avenue NW, Washington, DC 20009) - Scheduler, Rodriguez
- 10:25am - 10:55am Canceled: Travel to NAC, POC: Sabrina Smith, 202-272-1568 - Scheduler, Rodriguez
- 11:15am - 11:45am Travel to HQ, POC: Sabrina Smith, 202-272-1568 - Scheduler, Choi
- 12:00pm - 12:30pm 12:05 daily check ☺
- 1:30pm - 2:00pm Discussion (David's office - 447-4576) - Shahoulian, David
- 2:30pm - 3:00pm MAVNI Discussion - Jaddou, Ur M
- 4:00pm - 4:30pm 4.15p Justin call
- 4:45pm - 5:00pm check-in w/Lucas (COS Choi's office) - Scheduler, Choi

Saturday, September 27

Sunday, September 28

September 29, 2014 - October 05, 2014

September 2014						
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October 2014						
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Monday, September 29

- 11:00am - 11:30am Internal EIR Group Huddle (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- 12:00pm - 1:00pm Lunch (Irish Times) - Scheduler, Rodriguez
- 12:00pm - 12:30pm 12:05 daily check
- 3:00pm - 3:45pm FW: Meet and Greet w/Frank Leija (WH Fellow/Special Advisor to S1) (20 Massachusetts Ave, NW (Suite 5110)) - Savina, Jennifer P (CTR)
- 5:00pm - 5:15pm FW: Conference call Re: Haiti (S2' office or dial 202-243-6160 pin: 989913) - Mayorkas.Scheduler

Tuesday, September 30

- 10:30am - 11:30am Meet and Greet (OCC conference room) - Carpenter, Dea D
- 12:00pm - 12:30pm 12:05 daily check
- 3:00pm - 3:45pm ** New Location** OLA Overview Meeting (USCIS, DEPDIRCONFIRM 5110) - Scheduler, Rodriguez
- 3:00pm - 3:15pm Conference Call Re: Migration and Mona Pass (S2's office or Dial 202-243-6160 Pin: 989913) - Mayorkas.Scheduler
- 4:00pm - 4:30pm EIR caucus w/Senior Counselors (Director's office) - Scheduler, Choi

Wednesday, October 01

- 12:00pm - 12:30pm 12:05 daily check
- 2:00pm - 3:00pm Historic Heritage Month: Formal Observance Program (Tomich Center, 111 Mass) - Scheduler, Rodriguez
- 3:30pm - 4:00pm OMB Pre-huddle | Conference Call: 1-866-814-1354 | Passcode: 2140835 (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez

Thursday, October 02

- 11:00am - 12:00pm Immigration Mtg (EEOB 248; Call 202-395-6392; 356.9166) - Mayock, Andrew
- 12:00pm - 1:00pm 12.15p Neil E. (Claire McComb: call when you're in the lobby (202) 456 1258)
- 12:00pm - 12:30pm 12:05 daily check
- 1:00pm - 1:30pm 1pm Cecilia M (Cecilia's office (Ian Gray))
- 1:00pm - 2:00pm FW: Demo of USCIS ELIS Functionality (AT&T We
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-I
- 1:30pm - 2:00pm 2p DACA working group?
- 3:50pm - 4:00pm Catch-up w/Lucas (Director's office) - Scheduler, Ro
- 4:00pm - 5:00pm Call with Charlie Oppenheim (Conference call info
- 4:30pm - 5:00pm Canceled: Refugee Discussion on Iraq/Syria (USCI
- 5:00pm - 6:30pm Esther at USCIS
- 5:00pm - 5:10pm Haiti Discussion (USCIS, WILCOXCONFIRM 5110) -

Friday, October 03

- 9:00am - 10:00am STATE/DHS/EOP (EEOB 176) - Bailey, Kevin
- 10:00am - 10:45am DHS/EOP catch up (EEOB 170) - Bailey, Kevin
- 11:30am - 12:00pm Group Huddle w/Lucas & Esther (Director's Office) - Scheduler, Rodriguez
- 12:00pm - 12:30pm 12:05 daily check
- 1:45pm - 2:00pm Meet & Greet with Lucas Guttentag and Debbie Smith (Director's office) - Scheduler, Rodriguez
- 2:30pm - 3:30pm Prep Session | S1 briefing on EIR (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez

Saturday, October 04

Sunday, October 05

October 06, 2014 - October 12, 2014

October 2014							November 2014							
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26	27	28	29	30	31			23	24	25	26	27	28	29
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Monday, October 06

- █ 10:00am - 11:00am EIR Group Huddle (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- █ 11:30am - 12:30pm ****new time** Travel to NAC** (Departing from P1, POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- █ 11:30am - 12:00pm EOP/DHS Check-In (202-395-6392; 544 3133) - Escobar, Felicia
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 12:30pm - 1:30pm ***new time* CIR Update** (NAC, S107 Conference Room) - Johnson, Scheduler
- █ 1:30pm - 2:30pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) -
- █ 3:00pm - 3:30pm
- █ 4:00pm - 4:10pm Discussion of open policy questions (Director's Of
- █ 4:15pm - 4:30pm Immigration Issues & Military (USCIS, WILCOXCO
- █ 4:30pm - 5:00pm 4.30p DOJ re detainers
- █ 5:00pm - 5:30pm DOJ call re OPT

Wednesday, October 08

- █ 11:00am - 11:45am CONFIRMED | GCIR Funders Meeting (Meet & Greet w/D1) (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- █ 11:45am - 12:15pm GCIR discussion - part II with Senior Counselors, COS (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 1:00pm - 2:00pm FW: Rendell Jones' Farewell (Tomich Center - USCIS Office at 111 Mass Ave, NW) - Renaud, Tracy L
- █ 1:30pm - 2:30pm kamasaki
- █ 4:00pm - 5:00pm H-4 EAD briefing
- █ 4:00pm - 4:30pm Travel to White House Conference Center (Departing from P1, POC: 202-272-1568) - Guttentag, Lucas
- █ 5:00pm - 6:00pm Visa Recapture/OPT (708 Jackson Place) - Bailey, Kevin

Friday, October 10

- █ 9:00am - 10:00am forms review, matrix
- █ 10:00am - 11:00am Felicia call?
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 12:00pm - 12:15pm Pre-brief: The President and Immigration Reform Roundtable (NYC/NYU) (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- █ 1:00pm - 1:30pm 12.30p Esther
- █ 3:00pm - 3:30pm EIR end of week huddle (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- █ 4:15pm - 4:35pm Harvard DACA/Humanitarian Parole Request (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☐ 6:00pm - 6:30pm Canceled: visa recapture follow up call (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin

Tuesday, October 07

- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 1:30pm - 2:00pm Pre-brief: AILA Fall Meeting (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- █ 4:15pm - 4:45pm EIR Internal Group Caucus (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- █ 5:15pm - 5:45pm [New Time] EIR caucus w/senior counselors (Director's office (USCIS to call Esther)) - Scheduler, Choi ☺

Thursday, October 09

- █ 11:00am - 12:00pm D1 briefing section fkr james and matrix for JK
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 1:00pm - 2:00pm FW: OCC, OP&S, SCOPS / DACA Weekly Check-In (SCOTT Conference Room, SCOPS /2nd Floor, Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor, Teleconfer
- █ 2:00pm - 4:00pm AILA Executive Committee Meeting (USCIS HQ, White Oak Conference Room (2nd Floor)) - Scheduler, Choi
- █ 3:20pm - 4:00pm Travel to EEOB, POC: Sabrina Smith, 202-272-1568 (Departing from P1) - Scheduler, Rodriguez
- █ 4:00pm - 5:00pm Immigration Mtg (EEOB 248) - Mayock, Andrew
- █ 5:00pm - 5:30pm 5-7 Jessie memorial
- ☐ 5:30pm - 6:00pm Canceled: EIR Huddle (Post-OMB) (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez

Saturday, October 11

Sunday, October 12

- █ 2:00pm - 3:00pm recapture tel call

October 13, 2014 - October 19, 2014

October 2014							November 2014						
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Monday, October 13

- Columbus Day (United States)
- 12:00pm - 12:30pm 12:05 daily check
- 5:00pm - 5:30pm EIR caucus w/senior counselors (Director's office) - Scheduler, Choi

Tuesday, October 14

- 7:00am - 7:30am 7.00am Neil E breakfast - Guttentag, Lucas
- 8:00am - 9:00am cecilia?
- 10:30am - 11:00am Confirmed: Pre-brief: D1 Speech/Remarks: 11th Annual Immigration Law and Policy Conference (DC) (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 12:00pm - 12:30pm 12:05 daily check (b)(6)
- 1:40pm - 2:00pm **Updated Time** NILC and Deferred Action Update (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 2:00pm - 2:30pm Meeting w/Ms. Vivian Graubard (USCIS, 20 Massachusetts Avenue NW, DC, Suite 5110 (Director's Office)
- 3:00pm - 4:00pm jennifer?
- 4:00pm - 4:30pm Follow UP on OPT (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin
- 4:00pm - 4:15pm EIR Internal Group Huddle (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez

Wednesday, October 15

- [Travel to NYC] Confirmed | "The President and Immigration Reform" Roundtable (NYU) - Rodriguez, Leon
- 9:00am - 9:30am Oct 15 NYC NYU/YLS meeting
- 9:30am - 10:30am USCIS/USDS Report (EEOB 248 or call 202-395-6392x3569166#) - Mayock, Andrew
- 11:00am - 12:00pm Call leon
- 12:00pm - 12:30pm 12:05 daily check
- 3:00pm - 8:00pm In NYC
- 3:00pm - 3:30pm Visa Recapture follow up (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin
- 4:00pm - 4:30pm DOL reception

Thursday, October 16

- 9:30am - 10:00pm Travel?
- 12:00pm - 12:30pm 12:05 daily check
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA

Friday, October 17

- 9:00am - 6:30pm YLS Immigration judging roundtable?
- 11:30am - 12:00pm Meet w/Brian De Vallance, Assistant Secretary for Legislative Affairs (USCIS, 20 Massachusetts Ave., NW, Suite 5110, Director's Office) - Scheduler, Rodriguez
- 12:00pm - 12:30pm 12:05 daily check
- 4:00pm - 5:00pm Immigration Weekly (EEOB 248 or call 202-395-6392x3569166#) - Mayock, Andrew

Saturday, October 18

Sunday, October 19

October 20, 2014 - October 26, 2014

October 2014							November 2014						
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Monday, October 20

- ☒ 9:50am - 10:00am Swearing-In for Teresa Niño (Suite 5110) - Scheduler, Rodriguez
- ☒ 12:00pm - 12:30pm 12:05 daily check ☺
- ☒ 12:30pm - 1:00pm Travel to Jackson Place (Departing from P1, POC: Sabrina Smith, 202-272-1568) - Guttentag, Lucas
- ☒ 1:00pm - 2:30pm WH/DHS sit down (708 Jackson Place - 1st floor conference room) - Bailey, Kevin
- ☒ 2:30pm - 3:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Guttentag, Lucas
- ☒ 3:00pm - 3:45pm Meeting with NCLR (USCIS, 20 Massachusetts Ave., NW, Suite 5110, Chief of Staff's Office) - Scheduler, Choi
- ☒ 3:00pm - 3:30pm INTERNAL ONLY: Meeting with NCLR - Scheduler,
- ☒ 4:30pm - 4:45pm EIR Group Huddle (USCIS, WILCOXCONFRM 5110)
- ☒ 4:45pm - 5:30pm EIR - USCIS/USDS Meeting (USCIS, WILCOXCONFRM 5110)
- ☒ 5:30pm - 6:00pm EIR caucus w/senior counselors (Director's office) -

Tuesday, October 21

- ☒ 9:00am - 1:00pm 9am Leon R at MPI - Guttentag, Lucas
- ☒ 12:00pm - 12:30pm 12:05 daily check ☺
- ☒ 4:15pm - 4:45pm Travel to EEOB (Departing from P1, POC: Sabrina Smith, 202-272-1568) - Guttentag, Lucas
- ☒ 4:45pm - 5:45pm STATE/DHS/WH Meeting (EEOB 428) - Bailey, Kevin
- ☒ 5:45pm - 6:15pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Guttentag, Lucas

Wednesday, October 22

- ☒ 10:30am - 11:15am OMB Pre-Huddle (Director's Office) - Scheduler, Rodriguez
- ☒ 12:00pm - 12:30pm 12:05 daily check ☺
- ☒ 1:00pm - 1:45pm FY2015 AOP/Fiscal Outlook -- Leadership Presentation (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☒ 3:00pm - 3:30pm Deloitte Meet and Greet (USCIS, 20 Massachusetts Avenue NW, DC, Suite 5110) - Scheduler, Choi
- ☒ 3:30pm - 4:00pm DHS Team Check-In Call (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin

Thursday, October 23

- ☒ 12:00pm - 12:30pm 12:05 daily check ☺
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor, Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☒ 1:15pm - 1:45pm Check-in Call with DHS (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin
- ☒ 2:00pm - 3:30pm Secretary's Award event
- ☒ 5:00pm - 5:30pm TPS Huddle (COS Choi's office) - Scheduler, Choi
- ☒ 6:30pm - 9:00pm FW: Keepers of the American Dream Awards Reception (The W Hotel | 515 15th Street NW) - Scheduler, Choi

Friday, October 24

- ☒ 9:30am - 10:30am Follow up legal discussion of using visa numbers (600 19th Street NW, Room 11.00 (VO Law Library)) - Perry, Nicholas
- ☒ 11:15am - 11:45am Travel to HQ
- ☒ 12:00pm - 12:30pm 12:05 daily check ☺
- ☒ 2:30pm - 3:00pm Budget Brief (USCIS WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☒ 3:20pm - 4:00pm Travel to EEOB, POC: Sabrina Smith, 202-272-1568 (Please meet in the Front Office by 3:15pm) - Scheduler, Rodriguez
- ☒ 4:00pm - 5:00pm Immigration weekly (EEOB 248 or call 202-395-6392x3569166#) - Mayock, Andrew
- ☒ 5:00pm - 5:30pm DHS Check-in (Z29 EEOB) - Bailey, Kevin
- ☒ 5:15pm - 5:45pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Saturday, October 25

Sunday, October 26

October 27, 2014 - November 02, 2014

October 2014							November 2014						
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Monday, October 27

- 10:40am - 11:00am Canceled: Travel to CRCL (131 M Street NE, Was
- 11:00am - 11:30am Canceled: INTERNAL ONLY: CRCL Bios attache
- 11:45am - 11:55am Quick CIR huddle - Rodriguez, Leon
- 12:00pm - 1:30pm Follow up on visa numbers (EEOB 172) - Sopko,
- 12:00pm - 1:00pm eeob with dos
- 12:00pm - 12:30pm 12:05 daily check
- 12:00pm - 12:15pm Canceled: Travel to HQ - Scheduler, Choi
- 12:15pm - 1:00pm Travel to NAC (Departing from P1, POC: Sabrina S
- 1:00pm - 2:00pm CIR Update (NAC, Secretary's Office) - Johnson.Sch
- 2:00pm - 3:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) -
- 2:00pm - 2:30pm Meeting to discuss teams on EIR (Ur's office - OCC
- 4:00pm - 5:00pm FW: Shirley Patrick 2-8208 (Blue Ridge RM 3103, 2
- 4:30pm - 5:30pm Follow up Meeting w/Ombudsman (USCIS, 20 Ma
- 5:30pm - 6:00pm EIR caucus w/senior counselors (Director's office) -

Tuesday, October 28

- 10:00am - 10:30am Discussion with New Promise New America (USCIS, 20 Massachusetts Ave., NW, Suite 5110, Director's Office) - Scheduler, Choi
- 12:00pm - 12:30pm 12:05 daily check
- 2:00pm - 3:00pm 2:30 David Martin
- 2:30pm - 3:00pm Allocation of Immigrant Visas (David - We'll call you in your office) - Shahoulian, David
- 3:00pm - 4:00pm Meeting w/Asian Americans Advancing Justice - Asian Law Caucus (USCIS, 20 Massachusetts Avenue, NW, DC, Suite 51
- 4:00pm - 5:00pm Juan Esther 3:30
- 4:00pm - 4:30pm EIR Huddle (Director's Office) - Scheduler, Rodriguez
- 4:30pm - 5:00pm HOLD: Immigration 101 (Lucas' Office) - Nino, Teresa M (Maria)
- 6:00pm - 6:30pm DACA huddle (Lucas' office) - Torres, Marina A

Wednesday, October 29

- 12:00pm - 12:30pm 12:05 daily check
- 12:30pm - 1:00pm Esther 12:30p - Guttentag, Lucas
- 1:00pm - 2:00pm EIR/USDS Meeting on Security Checks (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 2:30pm - 3:00pm vivian
- 3:00pm - 3:30pm Visa allocation (Conf call) - Shahoulian, David
- 4:00pm - 4:30pm 4.30p Shin
- 4:30pm - 5:00pm Meet - Inouye, Shinichi (Shin)

Thursday, October 30

- 11:00am - 11:10am Check-in with Lucas (COS Choi's office) - Scheduler, Choi
- 12:00pm - 12:30pm 12:05 daily check
- 12:30pm - 2:00pm FW: 2014 USCIS CFC Kick Off Event!!! Make It Possible!! (Tomich Center, 111 Mass or LIVE STREAM) - Houck, Monique
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- 1:50pm - 2:30pm Travel to EEOB (Departing from P1, 20 Mass (1:50pm); 111 Pickup (1:55pm); 2 Vehicles, POC: Sabrina Smith, 202-272
- 2:30pm - 3:30pm Immigration Weekly (EEOB 248 or 202-395-6392x3569166#) - Mayock, Andrew
- 3:30pm - 4:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) -
- 4:30pm - 5:00pm EIR Huddle (USCIS WILCOXCONFRM 5110) - Sched
- 6:00pm - 7:00pm Pam Coleman farewell
- 6:00pm - 8:00pm Pam Coleman's DHS Farewell (Laughing Man Tave

Friday, October 31

- Halloween (United States)
- 12:00pm - 12:30pm 12:05 daily check
- 12:30pm - 2:00pm Halloween Potluck (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 1:20pm - 2:00pm Travel to White House (Departing from P1 | POC: Sabrina Smith 202-272-1568) - Scheduler, Rodriguez
- 2:00pm - 3:00pm Meeting with Cecilia Munoz and Neil Eggleston (White House, West Wing, Second Floor (Neil Eggleston's Oic)) - Johnson.Scheduler
- 2:00pm - 2:45pm **New Time** DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba
- 3:00pm - 4:00pm Briefing w/Alan Metzler (USCIS HQ, 20 Massachusetts Avenue, NW, Washington, DC, Wilcox Conference Room
- 3:15pm - 4:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Guttentag, Lucas

Saturday, November 01

Sunday, November 02

November 03, 2014 - November 09, 2014

November 2014							December 2014							
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Monday, November 03 (b)(6)

- █ 10:00am - 11:00am CALL NANCY PERRIN Fores [REDACTED]
- █ 11:45am - 12:05pm EIR morning huddle (Director's Office) - Choi, Juliet K
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 1:00pm - 1:30pm Quick check-in with Esther and Lucas (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin

Tuesday, November 04

- ☐ Election Day (United States)
- █ 8:00am - 9:00am Call gene re apt
- █ 11:00am - 12:00pm DoState call
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 12:15pm - 1:15pm Secure Communities Mtg ((202) 395-6392 // 610 7622) - Sopko, Alexandra
- █ 2:30pm - 3:00pm DACA huddle (Lucas office) - Guttentag, Lucas
- █ 3:30pm - 4:30pm End of day check-in (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi
- █ 4:00pm - 4:30pm Catch-up on EIR issues (Lucas office) - Guttentag, Lucas
- █ 5:00pm - 6:00pm Call David
- █ 6:00pm - 6:30pm Private Appointment *

Wednesday, November 05

- █ 9:00am - 10:00am Esther call
- █ 10:00am - 11:00am memos
- █ 11:45am - 12:00pm Natz fee pilot (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 12:00pm - 1:30pm Implementation Planning w/ Alan Metzler (20 Mass Ave, 5th Floor, Deputy Director's Conference Room) - Higgins, Jennifer B

Thursday, November 06

- █ 9:00am - 9:20am doj call
- █ 9:00am - 10:15am The Ombudsman Role in Government: Insights from IRS Taxpayer Advocate Nina E. Olson/Marie Odom (National Archives | William McGowan Theater) - Scheduler, Rodriguez
- █ 10:00am - 11:00am Ur update checking - Guttentag, Lucas
- █ 10:30am - 11:45am A Conversation with new USCIS Director Leon Rodriguez (National Archives | William McGowan Theater) - Scheduler, Rodriguez
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 12:30pm - 1:30pm 12.30p Ur continue follow-up meeting - Guttentag, Lucas
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- █ 2:00pm - 3:00pm cwang?
- █ 5:30pm - 6:00pm Policy Memos ((202) 395-6392 // 610 7622) - Sopko, Alexandra

Friday, November 07

- █ 8:00am - 9:00am Perrin re painting
- █ 9:00am - 10:00am Implementation Planning Meeting with Alan Metzler (NAC 5110) - Higgins, Jennifer B
- █ 10:00am - 11:00am Ur Denise on regs and policies
- █ 10:15am - 11:15am Policy matrix meeting (Lucas office) - Guttentag, Lucas
- █ 11:30am - 12:00pm 11.30a Jennifer
- █ 12:00pm - 12:30pm 12:05 daily check ☺
- █ 12:30pm - 1:00pm
- █ 1:00pm - 1:30pm Travel to EEOB (Departing from P1, POC: Sabrina Smith, 202-272-1568) - Guttentag, Lucas
- █ 1:30pm - 3:00pm Forms Meeting with DHS (EEOB 405) - Bashadi, Sarah
- █ 3:00pm - 4:00pm Immigration Weekly (EEOB 248 or 202-395-6392x3
- █ 4:15pm - 4:45pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) -

Saturday, November 08

Sunday, November 09

November 10, 2014 - November 16, 2014

November 2014							December 2014						
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Monday, November 10

- ☑ 8:00am - 8:00pm working remotely
- ☑ 10:30am - 11:00am FW: WH/USCIS Call (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin
- ☑ 1:00pm - 1:15pm Pre-Brief: U.S. Chamber of Commerce -- D1 Remarks (Event: 11/13) (USCIS, WILCOXCONFIRM 5110 | Call-in #: 1-866-814-1354 Passcode: 2140835) - Scheduler, Rodriguez
- ☑ 2:30pm - 3:00pm WH DPC/DHS Call re: Immigration (Call-in: 202-395-6392; Code: 575 9054#) - Gray, Ian
- ☑ 3:00pm - 3:30pm WH/DHS Call (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin
- ☑ 6:30pm - 7:00pm EIR caucus w/senior counselors (Director's office | Conference Call: 1-866-814-1354 Passcode: 2140835) - Scheduler, Choi

Tuesday, November 11

- ☐ Veteran's Day (United States)

Wednesday, November 12

- ☑ 9:30am - 10:00am 1 david
- ☑ 12:00pm - 1:00pm 12.00 Numbers meeting
- ☑ 12:00pm - 12:45pm Meeting (USCIS, DEPDIRCONFIRM 5110) - Bjorn Dahl, Jami A
- ☑ 12:00pm - 12:30pm 12:05 daily check ☺
- ☑ 12:45pm - 1:45pm Discussion on legal opinion (Conf call) - Shahculian, David
- ☑ 1:00pm - 1:15pm Pre-Brief for The Council for Global Immigration (USCIS, WILCOXCONFIRM 5110/Teleconference: 1-866-814-1354/Passcode: 2140835) - Scheduler, Rodriguez
- ☑ 4:00pm - 5:00pm DOJ review (4pm)

Thursday, November 13

- ☑ 9:30am - 12:30pm EIR policy and regs (USCIS, DEPDIRCONFIRM 5110) - Guttentag, Lucas
- ☑ 12:00pm - 12:30pm 12:05 daily check ☺
- ☑ 12:00pm - 12:30pm DPC briefing on natz
- ☑ 12:00pm - 1:00pm WH/NPNA briefing on LPRs & natz fee (Telecon)
- ☑ 12:00pm - 1:00pm WH/NPNA briefing on LPRs & natz fee (UPDATE)
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-I
- ☑ 1:15pm - 2:00pm Daranee (TBD) - Guttentag, Lucas
- ☑ 3:45pm - 4:10pm Travel to US Chamber of Commerce (1615 H Stree
- ☑ 4:10pm - 5:00pm D1 Remarks: Private Immigration Subcommittee
- ☑ 4:30pm - 5:00pm 4:30 Taryn?
- ☐ 4:30pm - 5:00pm Canceled: Refugee Discussion on Iraq/Syria (USCI
- ☑ 5:15pm - 5:45pm Call with Taryn - Guttentag, Lucas
- ☑ 6:00pm - 7:00pm SLS event (newseum)

Friday, November 14

- ☑ 9:00am - 9:30am followup huddle (ur) - Guttentag, Lucas
- ☑ 10:00am - 11:00am Forms Meeting (USCIS, DEPDIRCONFIRM 5110) - Higgins, Jennifer B
- ☐ 10:30am - 11:00am Canceled: Political Appointee Check-In (Wilcox Conference Room) - Scheduler, Rodriguez
- ☑ 12:00pm - 12:30pm 12:05 daily check ☺
- ☑ 2:00pm - 2:30pm Travel to EEOB (Departing from P1, POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- ☑ 2:40pm - 3:40pm Immigration Weekly (EEOB 248 or 202-395-6392x356-9156) - Mayock, Andrew
- ☑ 3:45pm - 4:15pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Guttentag, Lucas

Saturday, November 15

Sunday, November 16

November 17, 2014 - November 23, 2014

November 2014							December 2014						
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Monday, November 17

- 9:30am - 11:00am NSI Initial Briefing (20 Mass. Ave.) - Heisman, Kathryn E
- 11:00am - 11:30am Huddle with Lori & Lucas (Director's office) - Scheduler, Rodriguez
- 12:00pm - 12:30pm 12:05 daily check ☺
- 2:15pm - 3:00pm IEA Coordination Discussion (Deputy Director's Conference Room) - McCament, James W
- 6:30pm - 7:00pm EIR caucus w/senior counselors (Director's office) - Scheduler, Choi ☺

Tuesday, November 18

- 10:00am - 11:00am Mandatory Ethics Training (4th Floor Conference Room - OCC Suite - 20 Mass Ave. and Teleconference) - Byers, Troy D
- 11:30am - 11:45am EIR Update w/Lucas & Esther (Director's office) - Scheduler, Rodriguez
- 12:00pm - 12:30pm 12:05 daily check ☺
- 2:30pm - 3:45pm policy & regs status/follow up (tbd) - Guttentag, Lucas
- 4:00pm - 4:30pm 4.00p call with Jennifer and OMB
- 6:30pm - 7:00pm Huddle with Lucas and Esther (Director's office) - Scheduler, Rodriguez

Wednesday, November 19

- 9:00am - 10:00am *NEW DATE/TIME/INVITEES* Huddle (dial in/ LG Cong Room 5107) - Metzler, Alan
- 9:30am - 10:00am Discussion (Wilcox Conference Room 1-866-814-1354; Passcode: 2140835) - McCament, James W
- 12:00pm - 12:30pm talk to Phil? ☺

Thursday, November 20

- 8:30am - 9:00am Canceled: Website discussion (Juliet's office) - Higgins, Jennifer B
- 11:30am - 1:00pm Canceled: Forms Meeting Placeholder (EEOB) - Higgins, Jennifer B
- 12:00pm - 12:30pm 12:05 daily check ☺
- 12:30pm - 2:00pm 12.30p Tomich
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- 3:05pm - 3:35pm **call will begin at 3:05pm** Town Hall Follow-up - Leadership Conversation with Director (Wilcox | Confere
- 3:30pm - 4:00pm Pending DACA & EADs (USCIS, WILCOXCONFRM 5110) - Scheduler, Scialabba
- 4:30pm - 4:45pm Philippines TPS Update (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez

Friday, November 21

- 12:00pm - 12:30pm 12:05 daily check ☺
- 12:30pm - 1:00pm Travel to EEOB (Departing from P1, POC: Sabrina Smith, 202-272-1568) - McCament, James W
- 1:00pm - 2:00pm Immigration Weekly (EEOB 248 or call 202-395-6392x356.9166#) - Mayock, Andrew
- 2:00pm - 2:30pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - McCament, James W

Saturday, November 22

Sunday, November 23

November 24, 2014 - November 30, 2014

November 2014							December 2014						
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Monday, November 24

- ☒ 9:30am - 10:30am PreBrief: Forms/Reg Timeline Meeting w/ OMB (USCIS, DEPDIRCONFRM 5110) - Higgins, Jennifer B
- ☒ 11:00am - 11:30am Working remotely (California)
- ☒ 11:30am - 12:30pm Forms and Reg Timeline Meeting (WHCC Jackson room) - Higgins, Jennifer B
- ☒ 4:15pm - 4:30pm Check-in with Esther/Lucas (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin
- ☒ 4:30pm - 4:45pm Check-in w/Lucas (Juliet to call Lucas at (202) 345-3418) - Scheduler, Choi

Tuesday, November 25

- ☒ 9:00am - 9:30am Immigration Call ((202) 395-6392 // 610 7622) - Sopko, Alexandra
- ☒ 10:00am - 10:30am working remotely (California)
- ☒ 11:00am - 11:30am whc/ angie
- ☒ 11:30am - 12:30pm call with martin
- ☒ 1:00pm - 2:00pm DACA and DAF WG (Pearl Chang's Office, Suite 1100) - Levine, Laurence D
- ☒ 1:10pm - 1:30pm 1.10 Juliet
- ☒ 5:00pm - 5:30pm EIR caucus w/senior counselors (Call-in #: 1-888-459-9171 | Passcode: 8942992) - Scheduler, Choi
- ☒ 5:30pm - 6:00pm FW: Call on Moving Forward (1-888-877-0329; PIN: 4663765#) - Diakiwski, Michael

Wednesday, November 26

- ☒ 8:30am - 9:30am Meeting with ICE (ICE) - Shahoulian, David
- ☒ 12:00pm - 1:00pm Follow-up Call re DOJ/ICE Case Review of Court Cases (Call-in #: 202-243-6160 or 1-877-711-5292 (toll-free); PIN: 177253#) - Guevara, Carlos
- ☒ 1:30pm - 2:30pm FW: Call with Esther & Lucas (202-395-6392, 9698146#) - Waheed, Manar
- ☒ 2:45pm - 3:00pm Call: Guttentag/Mayock (Call 202-395-7312) - Mayock, Andrew

Thursday, November 27

- ☒ Thanksgiving Day
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- ☐ 4:30pm - 5:00pm Canceled: Refugee Discussion on Iraq/Syria (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez

Friday, November 28

- ☒ 9:00am - 7:30pm Personal day

Saturday, November 29

Sunday, November 30

- ☒ 2:30pm - 3:00pm Prep - Bosworth, Michael
- ☒ 2:30pm - 2:31pm Conference Call (202-395-6392, 6107622#) - Shahoulian, David

December 01, 2014 - December 07, 2014

December 2014						
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January 2015						
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Monday, December 01

- ☒ 9:00am - 8:00pm Travel - Stanford Law School
- ☒ 11:00am - 12:00pm FW: DACA - PDA Core Project Team (OP&S Conference room) - Oik, Jennifer
- ☒ 1:00pm - 3:00pm CFC CHARITY FAIR ON MONDAY, DECEMBER 1st from 1:00 pm to 3:00 pm in the Tomich Center (Tomich Center - 111 Mass Avenue) - Houck, Monique C
- ☒ 5:00pm - 5:30pm EIR caucus w/senior counselors (Director's office) - Scheduler, Choi ☺

Tuesday, December 02

- ☒ 11:00am - 11:15am Check-in w/Lucas (COS Choi's office) - Scheduler, Choi
- ☒ 3:00pm - 3:30pm Travel to WH Conference Center (726 Jackson Place) (Depart from P1) - Scheduler, Choi
- ☒ 3:30pm - 4:30pm Discuss Implementation with outside folks (Lincoln Room - White House Conference Center (WHCC)) - Bailey, Kevin
- ☒ 3:30pm - 4:30pm DPC implementation with groups (Jackson)
- ☒ 4:30pm - 5:00pm Travel to HQ (20 Mass Ave) - Scheduler, Choi

Wednesday, December 03

- ☒ 9:30am - 10:00am 9.20 badge id upgrade
- ☒ 10:00am - 10:30am 10.00 call on Hill briefing
- ☒ 11:00am - 1:00pm FW: Application Wizard (111 Mass Ave / OIT Executive Conference Room) - Schwartz, Mark A
- ☒ 11:00am - 11:30am Senate Briefing Prep Call (Call In Details Below) - Metzler, Alan
- ☒ 6:00pm - 6:30pm [CALL] Prep for Hill Staff Briefing on Immigration (202-395-6392 | 7217264#) - Perkins, Nate

Thursday, December 04

- ☒ 10:00am - 10:30am
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- ☒ 1:10pm - 1:20pm Transportation to Dirksen Bldg. (Depart from P-1) - McCament, James W
- ☒ 1:30pm - 3:00pm 1.30-3.00 (Dem Caucus briefing Dirksen 106(?))
- ☒ 1:30pm - 2:30pm Update for Senate Democratic Caucus Briefing (Dirksen 106) - McCament, James W
- ☐ 2:00pm - 2:45pm **New Time** DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- ☒ 3:30pm - 3:45pm EIR Policy Discussion (Director's Office) - Scheduler, Rodriguez
- ☒ 3:45pm - 4:00pm EIR Policy/OPS Discussion (Director's Office) - Scheduler, Rodriguez
- ☒ 5:35pm - 5:55pm Senior Counselor Huddle (Telecon - USCIS to call E

Friday, December 05

- ☒ 10:00am - 11:30am embassy briefing
- ☒ 12:00pm - 1:00pm [MTG] Hill Staff Briefing on Immigration (EEOB 474 (Indian Treaty Room)) - Perkins, Nate
- ☒ 1:00pm - 2:30pm The Cory Isaac Vogel Dedication Ceremony (USCIS, WILCOXCONFRM 5110; USCIS, DEPDIRCONFRM 5110) - Scheduler, Scialabba
- ☒ 2:30pm - 3:00pm Wizard App Demo (EEOB 238) - Mayock, Andrew
- ☒ 3:00pm - 4:00pm Immigration Weekly (EEOB 248 or call 202-395-6392x356-9166) - Mayock, Andrew
- ☒ 5:00pm - 5:30pm Meeting w/ Ambassador Mora & Undersecretary Dr. Sergio Alcocer (20 Massachusetts Ave, NW | Washington, DC | Suite 5110) - Scheduler, Rodriguez

Saturday, December 06

Sunday, December 07

December 08, 2014 - December 14, 2014

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January 2015						
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Monday, December 08

- ☒ 9:00am - 10:00am Meeting on Visa Modernization PM (EEOB 208) - Bailey, Kevin
- ☒ 10:00am - 11:00am DACA - DAPA Core Project Team (Apple-Cherry Conference Room 2nd Floor) - Olk, Jennifer
- ☒ 11:30am - 12:30pm 601A mtg (Conference call number below) - Jaddou, Ur M
- ☒ 12:30pm - 1:30pm Policy and Regs Matrix update (USCIS, WILCOXCONFRM 5110) - Guttentag, Lucas
- ☒ 1:30pm - 2:00pm Denise
- ☒ 3:00pm - 3:20pm Check-In w/Lucas (Juliet's Office) - Scheduler, Choi
- ☒ 4:15pm - 4:45pm Implementation Call (Dial in details within) - Whelan, Justine

Tuesday, December 09

- ☒ 8:00am - 12:00pm 8am POTUS event
- ☒ 11:30am - 12:30pm Esther call

Wednesday, December 10

- ☒ 9:45am - 10:00am EIR Policy Status Update (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☒ 11:00am - 12:00pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- ☒ 1:00pm - 3:00pm FW: USCIS OLA Holiday Open House - Choi, Juliet K
- ☒ 4:00pm - 4:30pm Call w/ Esther re: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Torres, Marina A

Thursday, December 11

- ☒ 9:30am - 10:30am Meeting with DHS re implementation issues (DHS (Nebraska Avenue location)) - Moran, Molly (GAAG)
- ☒ 11:30am - 12:30pm DOJ/DHS Call (TBD) - Shahoulian, David
- ☐ 11:30am - 12:30pm Canceled: HOLD CIV-DHS re TX/Arpaio (Main Justice 3143 (CIV Conference Room)) - Hartnett, Kathleen R. (CIV)
- ☒ 12:00pm - 1:00pm Mission serve lunch
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- ☒ 1:30pm - 2:30pm Ethics Training (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- ☒ 2:30pm - 3:00pm Maria odom call
- ☒ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299
- ☒ 4:30pm - 6:00pm DPC Holiday party (Jackson place)
- ☐ 4:30pm - 5:00pm Canceled: Refugee Discussion on Iraq/Syria (USCI

Friday, December 12

- ☒ 10:30am - 11:30am Immigration Regs DHS/EOP Call (202-395-6392; S30 9412#) - Bashadi, Sarah
- ☒ 11:30am - 12:30pm 601 (601 call)
- ☒ 2:00pm - 3:00pm Meeting with tech groups on Visa Modernization PM (EEOB 208) - Bailey, Kevin
- ☒ 2:45pm - 4:15pm Meeting with Advocates re DOJ/ICE Implementation Issues (USCIS) - Olavarria, Esther
- ☒ 4:30pm - 5:30pm Immigration Weekly (EEOB 248 or call 202-395-6392x3569166x) - Mayock, Andrew
- ☒ 5:30pm - 6:00pm Travel to HQ (20 Mass Ave) - Scheduler, Rodriguez

Saturday, December 13

- ☒ 9:00am - 9:30am Call on draft response (Dial 866-630-9381 / Passcode 3850128#) - Jaddou, Ur M

Sunday, December 14

December 15, 2014 - December 21, 2014

December 2014						
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January 2015						
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Monday, December 15

- ☑ 10:00am - 11:00am DACA - DAPA Core Project Team (White Oak (20 Mass 2nd Floor)) - Olk, Jennifer ☺
- ☑ 1:30pm - 2:00pm call Jon Hiatt (202.637-5282)
- ☑ 4:30pm - 5:30pm Security checks for EA (USCIS, WILCOXCONFRM 5110) - Scheduler, Scialabba

Tuesday, December 16

- ☑ 10:00am - 11:00am Mandatory Ethics Training Reschedule (Teleconference) - Byers, Troy D
- ☑ 11:00am - 11:30am Updated: Immigration call re amicus - Kelleher, Diane (CIV)
- ☐ 1:30pm - 3:00pm Canceled: SAC - HAC Briefing (Majority/Minority) on Executive Actions-Immigration (Dirksen 116) - Lovett, Edward
- ☑ 1:40pm - 2:00pm Travel to 1333 H. Street, NW (Depart from P1) - Bjorn Dahl, Jami A
- ☑ 3:15pm - 3:45pm Travel to HQ - Bjorn Dahl, Jami A
- ☑ 4:30pm - 5:00pm 4.30 call with Esther on forms (by phone) - Guttentag, Lucas
- ☑ 5:30pm - 6:00pm 5.30p call with amicus
- ☑ 6:30pm - 8:30pm REMINDER: National Security Appointee Holiday Celebration (James Hoban - 1 Dupont Circle, NW Washington, DC 200

Wednesday, December 17

- ☑ 8:30am - 9:00am 8711
- ☑ 9:30am - 10:00am RFI - Shahoulian, David
- ☑ 1:30pm - 2:00pm DHS-CIV re 3 things (202-353-0877 ; 68029653) - Hartnett, Kathleen R. (CIV)
- ☑ 3:30pm - 4:00pm DHS/EOP Immigration Actions Timeline Call (202-395-6392; 830 9412#) - Bashadi, Sarah
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺
- ☑ 5:15pm - 5:30pm DACA Form (202-395-6392, 5443133) - Waheed, Manar

Thursday, December 18

- ☑ 9:00am - 9:30am 9:00 call re 821D w/ OMB
- ☑ 9:00am - 10:00am 821D Finalization (Wilcox Conf Room or Call 1-877-901-7564 Participant Passcode # 59247747) - Higgins, Jennifer B
- ☑ 10:00am - 11:00am FW: DOS/DHS Call on Implementing PM on IV Modernization (11.04, Call - (888) 296-1938, participant code 839916)
- ☑ 11:00am - 12:00pm NCGA Meeting Request (Ur's office/call-in) - Carpenter, Dea D
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- ☑ 1:30pm - 2:30pm Holiday Sweets & Treats (Suite 5110) - Scheduler,
- ☑ 2:00pm - 3:00pm DAPA Form Discussion (USCIS, WILCOXCONFRM 5
- ☑ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCO
- ☑ 4:00pm - 5:00pm Bimonthly National DACA Stakeholder Engagem
- ☑ 4:30pm - 5:00pm Call with advocacy groups re immigration cases (
- ☑ 4:50pm - 5:05pm Confidentiality in DACA and DAPA (USCIS, WILCO

Friday, December 19

- ☑ 9:00am - 10:00am Follow up Meeting w/Ombudsman (USCIS, DEPDIRCONFRM 5110) - Scheduler, Rodriguez
- ☑ 9:00am - 9:30am INTERNAL ONLY: Follow-up Mtg w/ CISOMB - Scheduler, Rodriguez
- ☑ 11:00am - 12:00pm Immigration Weekly or call 202-395-6392; Passcode 356.9166# (EEOB 248) - Mayock, Andrew
- ☑ 12:30pm - 1:30pm Meeting on Visa Recapture (EEOB 178) - Bailey, Kevin
- ☑ 1:30pm - 3:30pm FW: Arpaio Moot Court (CIV Large Conference Room (Main Justice 3143)) - Hartnett, Kathleen R. (CIV)

Saturday, December 20

Sunday, December 21

December 22, 2014 - December 28, 2014

December 2014

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January 2015

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Monday, December 22

- 10:00am - 11:00am **DACA - DAPA Core Project Team** (White Oak (20 Mass 2nd Floor)) - Olk, Jennifer ↻
- 1:00pm - 1:45pm **EIR deep dive with TPs** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 3:30pm - 4:00pm **Immigration Policy Discussion** (EEOB 238 - (202) 395-6392; Passcode 275 4809;) - Young, Carl
- 5:00pm - 5:30pm **Canceled: EIR caucus w/senior counselors** (Director's office) - Scheduler, Choi ↻

Tuesday, December 23

- 2:30pm - 3:00pm **DHS/EOP Immigration Forms Call** (395-6392; 830 9412#) - Bashadi, Sarah

Wednesday, December 24

- Christmas Eve** (United States)

Thursday, December 25

- Christmas Day** (United States)
- 1:00pm - 2:00pm **Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ↻
- 3:00pm - 4:30pm **Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ↻
- 4:30pm - 5:00pm **Canceled: Refugee Discussion on Iraq/Syria** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez ↻

Friday, December 26

Saturday, December 27

Sunday, December 28

December 29, 2014 - January 04, 2015

December 2014							January 2015							
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28	29	30	31					25	26	27	28	29	30	31

Monday, December 29

10:00am - 11:00am **DACA - DAPA Core Project Team** (White Oak (20 Mass 2nd Floor)) - Oik, Jennifer ↻

Tuesday, December 30

Wednesday, December 31

New Year's Eve (United States)

Thursday, January 01

New Year's Day (United States)

1:00pm - 2:00pm **Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ↻

3:00pm - 4:30pm **Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ↻

Friday, January 02

Saturday, January 03

Sunday, January 04

January 05, 2015 - January 11, 2015

January 2015							February 2015						
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Monday, January 05

☑ 10:00am - 11:00am DACA - DAPA Core Project Team (White Oak (20 Mass 2nd Floor)) - Olk, Jennifer ☺

Tuesday, January 06

☑ 10:00am - 11:30am Extended Leadership Meeting (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
 ☑ 11:30am - 12:30pm 11:30 manny
 ☑ 4:30pm - 5:00pm Travel to EEOB (Need to arrive NLT 5:00) (Depart from P1) - Scheduler, Choi
 ☑ 5:30pm - 6:30pm Immigration Implementation Meeting with Groups (EEOB 208) - Rodriguez, Julie
 ☐ 6:30pm - 7:00pm Canceled: Travel to HQ (20 Mass Ave) - Scheduler, Choi

Wednesday, January 07

☑ 3:00pm - 3:30pm DOJ call
 ☑ 4:00pm - 4:30pm Pre-brief for DOJ & USCIS meeting on Friday, 1/9 (USCIS, VOGELCONFRM 5110) - Scheduler, Rodriguez
 ☑ 4:30pm - 5:30pm 601A Waivers (Call-in info below) - Jaddou, Ur M

Thursday, January 08

☑ 10:00am - 11:00am DACA DAPA Team I-821D discussion (OPS Conference Room) - Olk, Jennifer
 ☑ 10:00am - 11:00am Immigration Call: OPT Stem (EEOB 233 - (202) 395-6392; Passcode 275 4809) - Young, Carl
 ☑ 11:00am - 11:30am 11.15/113.0 Jeanne B?
 ☑ 11:00am - 12:00pm FW: Immigration Statistics Data Tiger Team Kick-Off Meeting (NAC, Bldg 17, Room 17-01-100) - Brzymialkiewicz, Caryl
 ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
 ☑ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299
 ☑ 4:30pm - 5:30pm Updated With Bridge & Web Conference: Application Wizard Review (111 Mass Executive Conference Room Sui
 ☑ 5:00pm - 5:30pm Bowling

Friday, January 09

☑ 10:00am - 12:00pm FW: Executive Actions Implementation Policy Working Group (Immigration and Customs Enforcement (ICE) Potoma
 ☑ 11:00am - 12:00pm *updated attendees* EIR Implementation Update (NAC, 5107 Conference Room) - Johnson, Scheduler
 ☑ 12:00pm - 1:00pm Conf. Call re: IRLI Amicus Brief in State of Texas case (1-877-780-4602, PIN: 2381562#) - Cox, Reid
 ☑ 2:15pm - 3:15pm Travel to NAC (Depart from P1 | POC: Sabrina Smith 202-272-1568) - Scheduler, Choi
 ☑ 2:45pm - 3:45pm DACA Expansion & DAPA (Wilcox) - USCIS, WILCOXCONFRM 5110
 ☐ 3:00pm - 3:30pm Canceled: Travel to HQ (Depart from DOJ) | POC: Sa
 ☑ 3:15pm - 4:00pm REMINDER: DHS All-Appointee Meeting with De
 ☑ 4:00pm - 4:45pm Travel to HQ (POC: Sabrina Smith 202-272-1568) -
 ☑ 5:00pm - 6:00pm EB-5 and Infrastructure Meeting (EEOB 178 --OR-
 ☑ 6:00pm - 6:30pm Call at end of day? (Conference Call: 1-866-660-23

Saturday, January 10

Sunday, January 11

January 12, 2015 - January 18, 2015

January 2015							February 2015						
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Monday, January 12

- POSTPONED: CRCL Meeting, POC: Megan Mack** (131 M Street NE, Washington, DC, POC: Taya Corbett, 202-357-7838) - Scheduler, Rodrig
- 9:30am - 10:00am Pre-Brief: Congressional Call on DACA Expansion** (OLA Conference Room/ Teleconference: 1-877-703-8435 c
- 10:00am - 11:00am DACA - DAPA Core Project Team** (White Oak (2
- 11:15am - 12:15pm State of Texas Conf. Call with DOJ** (NAC 01-016
- 12:00pm - 1:00pm Meeting Don Neufeld re his review of TX reply**
- 12:30pm - 1:30pm USCIS Congressional Teleconference: DACA Exp**
- 12:30pm - 1:00pm 12.30p OLA call re DACA expansin**
- 1:00pm - 2:00pm Immigration Call: Visa Bulletin** (EEOB 233 - (202) 3
- 3:00pm - 3:15pm EIR Modeling** (USCIS, WILCOXCONFRM 5110) - Sch
- 4:00pm - 4:30pm **NEW TIME** DACA Data Briefing** (USCIS, WILC
- 5:30pm - 6:00pm Conf. Call re: State of Texas Demographic Declar**
- 6:00pm - 6:45pm DHS/USCIS/EOP DAPA Form** ((202) 395-6392; 830

Tuesday, January 13

- 7:00am - 8:00am Douglas case Armstrong berzon**
- 9:00am - 10:00am Call with Lynden and Bo (re: visa bulletin)** (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin
- 10:30am - 11:30am 10.30am Randy Capps**
- 10:30am - 11:00am Demographic discussion** (Conference Call: 1-866-660-2397 PIN 5994838#) - Shahoulian, David
- 11:30am - 12:30pm 11:30 air huddle**
- 12:30pm - 2:00pm Moot for TX Immigration PI Argument** (CIV Large Conference Room (Main Justice 3143); 202-353-0877 ; 68029653) - Hartneit, Kathleen R. (CIV)
- 1:00pm - 2:00pm **INTERNAL ONLY: Meeting w/AAPI Groups** Background Information included** (Tomich Center) - Scheduler, Rodriguez
- 2:00pm - 3:30pm DACA expansion listening session** (UPDATED LOCATION: Wilcox Conference Room - 20 Mass) - Ellis, Rachel H

Wednesday, January 14

- TEXAS: Gov't filed motion to extend deadline to 02/02 (from 1/20)** (State of Texas, et al. v. United States) - Diakowski, Michael
- TEXAS: MALDEF filed their intervention motion along with a motion for the aliens to proceed pseudonymously** (State of Texas, et al. v. United States) - Diakowski, Michael
- 8:00am - 1:30pm Travel to Texas**
- 12:15pm - 1:15pm Anniversary**
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi

Thursday, January 15

- TEXAS: Hearing on Plaintiffs' Motion for Preliminary Injunction** (State of Texas, et al. v. United States) - Diakowski, Michael
- 9:30am - 6:30pm Texas hearing**
- 10:00am - 12:00pm URGENT: DACA - DAPA Project Team (Review of DACA Forms)** (Discovery Room (20 Mass 6th Floor)) - Olk, Jennifer
- 10:30am - 11:30am Immigration Call: Entrepreneur Parole** (EEOB 248 - (202) 395-6392; Passcode: 275 4809) - Young, Carl
- 12:30pm - 1:30pm SAVE THE DATE: Speaker Series - Program on Ebola Outbreak and Response-HHS** (The Department of Health & Hu
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- 2:00pm - 3:00pm Immigration Call: Provisional Waivers** (EEOB 248 - (202) 395-6392; Passcode: 275 4809) - Young, Carl
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299

Friday, January 16

- 9:30am - 10:00am Travel to the EEOB** (Depart from P1) - Scheduler, Rodriguez
- 10:00am - 11:00am 212a9C -- Tom Jawetz?**
- 10:00am - 11:00am Call re 212(a)(9)(c)** - Hoy, Serena
- 10:00am - 11:00am DACA - Form I-821D instructions review** (OPS Conference Room (20 Mass 1st floor)) - Olk, Jennifer
- 10:00am - 11:00am FW: Immigration Meeting** (EEOB 248 or call 202-395-6392x3569166) - Mayock, Andrew
- 11:00am - 11:30am Travel to HQ** (Depart from EEOB) - Scheduler, Rodriguez
- 11:00am - 12:00pm DHS Success Brown Bag: Immigration 101 Panel** (NAC Room 44, large conference room) - WHLO
- 2:00pm - 2:30pm Conf. Call ree: State of Texas Hearing Update an**
- 2:30pm - 3:30pm Immigration Call: OPT Stem** (EEOB 233 - (202) 395
- 3:15pm - 3:45pm Hearing Update** (NAC, Secretary's Office) - Johnson

Saturday, January 17

Sunday, January 18

January 19, 2015 - January 25, 2015

January 2015							February 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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Monday, January 19

- Martin Luther King Day** (United States)
- 10:00am - 11:00am DACA - DAPA Core Project Team** (White Oak (20 Mass 2nd Floor)) - Oik, Jennifer ☺
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺

Tuesday, January 20

- TEXAS: Motion Submitted for Leave to File Amicus Brief** (State of Texas, et al. v. United States) - Diakiwski, Michael
- 11:00am - 11:20am EIR Small Group Leadership Huddle** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- 12:30pm - 1:00pm FW: DHS-FPB re TX next steps** (202-353-0877 ; 68029653) - Hartnett, Kathieen R. (CIV)
- 1:00pm - 3:00pm Data Tiger Team -- Next Steps** (OIS Conference Room 800K Street NW, Suite 1000, Washington DC 20526) - Simanski, John
- 5:00pm - 5:30pm Marc et al re dec**
- 5:30pm - 6:00pm David s re decs**
- 6:00pm - 6:30pm DAPA Form Call** (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin

Wednesday, January 21

- 1:00pm - 2:00pm FW: pre-brief: DAPA listening session** (Mariela's office - 6th floor, 111 Mass) - Ellis, Rachel H
- 4:15pm - 5:00pm call with MPI** (Call in Number: dial-in #: 1-888-459-9171; passcode 894-2992) - Guttentag, Lucas
- 5:00pm - 6:00pm DHS/DOJ coordination call re implementation** (Dial in: (202)353-0880 // Passcode #6623 3442) - Moran, Molly (OAAG)

Thursday, January 22

- 11:30am - 12:00pm 11.30 Viv re Wizard**
- 12:00pm - 1:00pm DACA DAPA Brown Bag meeting - 1-821P-INS** (Wilcox Conference Room (20 Mass 5th Floor)) - Oik, Jennifer
- 12:30pm - Transport to EEOB** - Vanison, Denise
- 1:00pm - 2:00pm Immigration Regulatory Timeline Meeting** (EEOB 230) - Bailey, Kevin
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 3:30pm Stakeholder Engagement - Dialogue with D1** (Tomich Center) - Ellis, Rachel H
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Friday, January 23

- TEXAS: Plaintiffs' shall file any supplemental pleading adding the State of Tennessee as a party-plaintiff** (State of Texas, et al. v. United States) - Diakiwski, Michael
- 8:30am - 10:00am I-601A** (USCIS) - Wheilan, Justine
- 10:00am - 11:00am Wizard Demo** (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B
- 11:00am - 12:00pm Weekly Immigration Mtg** (EEOB 248 or call 202-395-6392x356.9166X) - Mayock, Andrew
- 1:00pm - 1:30pm Randy Capps call**
- 2:00pm - 3:00pm 212(a)(9)(c) call** - Hoy, Serena
- 4:00pm - 4:15pm Discretion in DAPA** (Director's office) - Scheduler, Rodriguez

Saturday, January 24

Sunday, January 25

January 26, 2015 - February 01, 2015

January 2015							February 2015						
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Monday, January 26

- ☑ 10:00am - 11:00am DACA - DAPA Core Project Team (White Oak (20 Mass 2nd Floor)) - Oik, Jennifer
- ☑ 2:00pm - 3:00pm CIRI/USCIS Meeting (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☑ 2:00pm - 3:30pm Stakeholder Engagement - Listening Session on DAPA (CSPED conference room - 6th floor, 111 Mass) - Ellis, Rachel H
- ☑ 6:00pm - 7:00pm Noelia's (Mary goodbye)
- ☑ 6:15pm - 7:15pm Reg Process (USCIS, Wilcox Room) - Whelan, Justine

Tuesday, January 27

- ☑ 11:00am - 12:00pm Call with Paromita, Dan, DHS - Hoy, Serena

Wednesday, January 28

- ☑ 10:30am - 11:30am EIR issues (NAC 5, 5107) - Mayorkas, Scheduler
- ☑ 11:30am - 12:30pm *Agenda attached* Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler
- ☑ 11:30am - 12:15pm Travel to HQ (Depart NAC | POC: Sabrina Smith 202-272-8015) - Scheduler, Choi
- ☑ 12:30pm - 1:15pm Travel to HQ (Depart w/D1) - Scheduler, Rodriguez
- ☑ 2:15pm - 2:30pm Discussion with DOJ (CC) - Shahoulian, David
- ☑ 2:20pm - 2:50pm Immigration Call (Call-In # 1-877-939-5024, Participant: 8267781) - Kelleher, Diane (CIV)
- ☑ 4:30pm - 5:00pm Call with US Chamber on employer risks (re: DA expansion) (202-395-6392 and the caller code is 9698146#) - Bailey, Kevin

Thursday, January 29

- ☐ ARPAIO: Joint Appendix Due (Arpaio v. Obama, et al.) - Diakowski, Mi
- ☐ ARPAIO: Plaintiff's Brief Due (Arpaio v. Obama, et al.) - Diakowski, Mi
- ☑ 10:00am - 11:00am Team review of DACA Form Completion Wizar
- ☑ 10:30am - 11:00am TRAVEL: Depart @ 10:30am from 20 Mass Ave
- ☑ 11:00am - 12:00pm Scenarios (EEOB 238) - Mayock, Andrew
- ☑ 12:00pm - 12:30pm Pick-up @ 12:00pm from EEOB to 20 Mass Av
- ☑ 12:30pm - 1:30pm Immigration Follow Up Call: Entrepreneur Parol
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-I
- ☑ 1:30pm - 2:00pm Travel to DOJ (Depart P1 | POC: Sabrina Smith 202-
- ☑ 2:00pm - 4:00pm Crane Moot court Crane (DOJ Main civil conf room
- ☑ 2:00pm - 4:00pm Moot Court for Crane (Main Justice, Room 3143) -
- ☑ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCO
- ☑ 6:00pm - 6:30pm 6pm Ted Lovett call
- ☑ 6:00pm - 6:30pm HSGAC Request - (TELCON 877-646-1282 PIN 307

Friday, January 30

- ☐ TEXAS: Gov't filed Sur-Reply (State of Texas, et al. v. United States) - Diakowski, Michael
- ☐ TEXAS: Gov't must provide any pleading responsive to Plaintiffs' supplemental pleading (see 1/23/2015) to add Tennessee as a part
- ☐ TEXAS: Filing Deadline for Gov't Sur-Reply to Pls.' Motion for Preliminary Injunction (State of Texas, et al. v. United States) - Diakowski
- ☐ TEXAS: Gov't must file response to Plaintiffs' Reply in Support of their Motion for Preliminary Injunction (State of Texas, et al. v. United States) - Diakowski
- ☐ TEXAS: Plaintiff States' opposition to MALDEF intervention (State of Texas, et al. v. United States) - Diakowski
- ☑ 9:00am - 10:00am Kathleen
- ☑ 9:00am - 9:15am Texas Sur-Reply Draft - DHS/CIV touching base (
- ☑ 10:00am - 11:00am AFL list of attendees and memo (CHANGE IN R
- ☑ 11:00am - 12:00pm Immigration Weekly (EEOB 248 or call 202-395-
- ☑ 12:00pm - 2:30pm AU symposium with legomsky
- ☑ 3:00pm - 4:30pm USCIS Fee Setting Process (USCIS, WILCOXCONFR

Saturday, January 31

- ☑ 9:00am - 10:00am Kathleen

Sunday, February 01

February 02, 2015 - February 08, 2015

February 2015							March 2015							
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Monday, February 02

- Groundhog Day (United States)
- TEXAS: Plaintiff States' letter in response to the Gov't's Sur-Reply (State of Texas, et al. v. United States) - Diakowski, Michael
- 10:00am - 11:00am DACA - DAPA Core Project Team (White Oak (20 Mass 2nd Floor)) - Oik, Jennifer
- 1:30pm - 2:00pm 1.3- daca
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi
- 6:00pm - 6:30pm Noelia

Tuesday, February 03

- 9:00am - DACA renewals huddle (MT's office) - Torres, Marina A
- 10:00am - 11:30am Extended Leadership Meeting (Tornich Center, 111 Mass Ave) - Scheduler, Rodriguez
- 12:00pm - 12:30pm Doris et al?
- 1:00pm - 2:00pm US Digital Services Meeting--IT Systems (OIS- 600K Street NW, South Tower, 10th Floor Suite 1000) - Simanski, John
- 6:00pm - 6:30pm Bonnie Y

Wednesday, February 04

- *Postponed* Weekly Meeting Re: Executive Immigration Reform (
 - TEXAS: Gov't filed opposition to MALDEF's motion to intervene (S
 - 9:00am - 9:30am 9.30a Manar
 - 9:30am - 10:00am Provisional Waivers (202-395-6392 and the caller
 - 10:15am - 11:15am Canceled: Travel to NAC (Depart P1 | POC: Sabri
 - 12:00pm - 12:15pm Catch-up w/Lucas (Director's Office) - Scheduler,
 - 12:00pm - 1:00pm EB-5 meeting (Dial-In: (202) 395-6392 & Passcode
 - 12:15pm - 12:45pm Canceled: Travel to HQ - Bjorn Dahl, Jami A
 - 2:00pm - 2:30pm 2.15p call Pam Karlan
 - 3:00pm - 3:30pm Travel to DOJ (Depart from P1 | POC: Sabrina Smith
 - 3:30pm - 4:30pm INTERNAL ONLY: ELIS and USCIS Meeting (Room
 - 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/For
 - 4:30pm - 5:30pm I-601A discussion (202-243-6160 448018#) - Olav
- More Items...

Thursday, February 05

- TEXAS: Orly Taitz filed Motion to Intervene (State of Texas, et al. v. United States) - Diakowski, Michael
- 9:30am - 10:30am Esther re DOL and Amaya
- 9:30am - 10:00am DHS-DOJ Call - Kelleher, Diane (CIV)
- 10:15am - 10:45am EA issue **Please Call ***Conference Call Number 1-877-936-0889*** participant code 8437138# (Phone call
- 10:30am - 11:00am 10.15 riah
- 11:30am - 1:30pm Farmworkers and Administrative Relief Meeting
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-I
- 1:45pm - 2:00pm Meeting w/Lucas & Jennifer (COS Choi's Office) -
- 2:00pm - 2:30pm Military DA/Parole (USCIS, VOGELCONFRM 5110)
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCO
- 3:00pm - 4:00pm Immigration Follow Up Call: Provisional Waivers
- 4:00pm - 5:00pm FW: DACA Expansion Meeting with Groups (EEOB

Friday, February 06

- TEXAS: MALDEF filed reply in support of its motion to intervene (State of Texas, et al. v. United States) - Diakowski, Michael
- 10:00am - 11:00am **New Time** EIR Ops/Policy Prep for Mtg (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 11:15am - 11:45am Meet & Greet w/Sue McAndrew (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- 12:00pm - 1:00pm Lunch / Discussion re Pending Cases (MVR) - Shahoulian, David
- 1:30pm - 2:30pm Immigration Weekly (EEOB 248 or call 202-395-6392x3569166#) - Mayock, Andrew
- 3:00pm - 9:00pm TRAVEL TO Michigan

Saturday, February 07

- 8:30am - 4:00pm Michigan symposium
- 12:30pm - 1:30pm D1 @ the NAC - Choi, Juliet K

Sunday, February 08

- 4:00pm - 5:00pm Felicia re FAQs

February 09, 2015 - February 15, 2015

February 2015							March 2015						
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Monday, February 09

- ☑ 9:00am - 9:30am DACA FAQs (Call in) - Guttentag, Lucas
- ☑ 10:00am - 11:00am DACA - DAPA Core Project Team (White Oak (20 Mass 2nd Floor)) - Oik, Jennifer
- ☑ 11:00am - 11:30am DHS-DOJ re DACA FAQs (202-353-0877 ; 68029653) - Hartnett, Kathleen R. (CIV)
- ☑ 11:30am - 12:00pm DUI followup (by phone) - Guttentag, Lucas
- ☑ 12:30pm - 1:30pm Medina v. Beers, --- F. Supp. 3d ---, 2014 WL 5697675 - Appeal Recommendation (Conference call) - Newman, Amy
- ☑ 1:00pm - 1:30pm DACA FAQ Review (OP&S Conference Room (20 Mass First Floor)) - Oik, Jennifer

Tuesday, February 10

- ☑ 4:30pm - 5:00pm EIR Launch check-in (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi
- ☑ 5:00pm - 5:45pm DUI discussion USCIS-ICE (1-866-814-1354 ; Participant Passcode: 2140835) - Guttentag, Lucas

Wednesday, February 11

- ☐ TEXAS: Arpaio files supplemental exhibits (State of Texas, et al. v. United States) - Diakiwski, Michael
- ☐ TEXAS: Court denies MALDEF and Taitz Motions to Intervene (State of Texas, et al. v. United States) - Diakiwski, Michael
- ☑ 9:00am - 9:30am Travel logistics/coordination for upcoming NYC/ATL trips (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi
- ☑ 10:00am - 11:00am Travel to NAC (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjorn Dahl, Jami A
- ☐ 11:00am - 12:00pm *agenda attached* Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Meyorkas, Sched
- ☑ 12:00pm - 1:00pm Travel to HQ (20 Mass Ave NW) - Bjorn Dahl, Jami A
- ☑ 2:00pm - 3:30pm FW: Embassy Engagement - Executive Actions on
- ☑ 3:30pm - 4:30pm **New Location** Senior Leadership Huddle (re:
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/For

Thursday, February 12

- ☐ Lincoln's Birthday (United States)
- ☑ 9:00am - 9:30am FW: DACA Congressional Teleconf - Prebriefing (OLA Conference Room / call) - Trazabal, Luz F
- ☑ 9:45am - 10:45am [9:45am] Immigration Weekly (EEOB 248 or Call 202-395-6392x3569166#) - Mayock, Andrew
- ☑ 11:00am - 12:00pm Call on Reg/Timelines (202-395-6392 Code: 544
- ☑ 12:30pm - 12:45pm Huddle w/Lucas (D1's Office) - Scheduler, Rodrig
- ☑ 12:45pm - 2:00pm SMEs: Director's Leadership Call on DACA Expa
- ☑ 1:00pm - 2:00pm Extended Leadership Call (Conference call | Call-in
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-I
- ☑ 2:30pm - 3:30pm 2015 USCIS National African American History M
- ☑ 3:00pm - 4:30pm Litigation
- ☑ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCO
- ☑ 3:00pm - 3:30pm Stakeholder Engagement on DACA FAQs (New L

Friday, February 13

- ☑ 10:00am - 12:00pm Placeholder: Wizard Walk Through w DHS (Wilcox Conference Room) - Higgins, Jennifer B
- ☑ 3:00pm - 3:30pm Meeting w/Audrey Singer (Brookings) (COS drop-in only) (USCIS, VOGELCONFIRM 5110) - Scheduler, Choi
- ☑ 4:00pm - 4:15pm USCIS/Alan Metzler Check-In (COS Line: 1-888-459-9171 Code: 8942992 | Wilcox Conference Rooms) - Scheduler, Choi
- ☑ 4:15pm - 5:00pm FW: Media prep (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez

Saturday, February 14

- ☐ Valentine's Day (United States)

Sunday, February 15

February 16, 2015 - February 22, 2015

February 2015							March 2015							
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Monday, February 16

- Presidents' Day** (United States)
- TEXAS: Preliminary Injunction Ordered** (State of Texas, et al. v. United States) - Diakowski, Michael
- 10:00am - 11:00am DACA - DAPA Core Project Team** (White Oak (20 Mass 2nd Floor)) - Oik, Jennifer ◊
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ◊

Tuesday, February 17

- 9:30am - 9:45am Call with D1 (JKC, Lucas)** (COS: 888-459-9171 // Participant code: 8942992#) - Choi, Juliet K
- 10:30am - 11:30am Texas Case Update** (NAC, 5107 Conference Room) - Johnson, Scheduler
- 2:00pm - 2:30pm Conference Call with DOJ** (NAC, COS Office) - Johnson, Scheduler
- 2:45pm - 3:15pm Canceled: pre-brief: DACA expansion engagement** (teleconference/Mariela's office (6th floor, 111 Mass)) - Ellis, Rachel H
- 6:15pm - 6:45pm Call re: Immigration Ruling** (DIAL: (202) 395-6392 CODE: 456 4085) - Mayorkas, Scheduler
- 6:15pm - 6:45pm FW: Call re: Immigration Ruling** (DIAL: (202) 395-6392 CODE: 456 4085) - Lopez, David

Wednesday, February 18

- 9:30am - 10:00am DOJ Pre-Huddle** (Lucas' Office) - Scheduler, Choi
- 11:00am - 12:00pm Canceled: HOLD/TENTATIVE: DACA Expansion - National Congressional Teleconference** (OLA Conference Room) - Ir
- 11:25am - 12:00pm *agenda attached* Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Sched
- 12:00pm - 1:00pm Prep: Immigration** (NAC, 5107 Conference Room) - Johnson, Scheduler
- 1:00pm - 1:45pm Travel to HQ** (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 1:30pm - 3:00pm Canceled: Stakeholder Engagement on DACA Expansion** (Vogel Conference Room, 20 Mass) - Ellis, Rachel H
- 2:30pm - 3:00pm Quick discussion on court ruling** - Higgins, Jennife
- 3:30pm - 4:30pm 601A**
- 3:30pm - 4:30pm rescheduled implementation follow-up** (tel. (202)
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/For**

Thursday, February 19

- 9:00am - 9:30am Huddle pre-DOJ call** (call-in number to be provided) - Guttentag, Lucas
- 9:30am - 10:00am Call with DOJ and WH** (202-395-6392, 6107622#) - Shahoulian, David
- 10:00am - 11:00am Canceled: Call with DOJ (CC)** - Shahoulian, David
- 10:00am - 10:45am Canceled: DHS-DOJ re TX** (202-353-0877; 68029653) - Hartnett, Kathleen R. (CIV)
- 11:30am - 12:30pm Immigration Call** (202-353-0877; 68029653) - Kelleher, Diane (CIV)
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299
- 3:00pm - 3:30pm ** USCIS EIR senior leadership huddle with D1** (o
- 4:00pm - 5:00pm Carnegie call for funders (?)**

Friday, February 20

- 9:00am - 10:30am I-601A meeting** (NAC (location to be provided)) - Vanison, Denise
- 10:15am - 10:30am Call w/USCIS** (D1 Conf. Line: 1-866-814-1354 | Participant Passcode: 2140835) - Scheduler, Rodriguez
- 12:15pm - 1:00pm Canceled: DHS Success Brown Bag: Michael Coen-Room update!** (FEMA HQ, 500 C Street, SW; FEMA Conference Center, Room B. Conference Center is on the lobby level) - WHLO
- 12:30pm - 1:00pm Travel to the EEOB** (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 1:00pm - 2:00pm Immigration Weekly** (EEOB 248 or call 202-395-6392x3569166#) - Mayock, Andrew
- 2:00pm - 2:30pm Travel to HQ** (Depart EEOB | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 5:00pm - 5:30pm Travel to HQ** (Depart EEOB | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Saturday, February 21

- 2:00pm - 3:00pm FW: Updated: CBP Declaration Call** (all-In # 866-803-4084 Participant: 5230709) - Kelleher, Diane (CIV)

Sunday, February 22

February 23, 2015 - March 01, 2015

February 2015

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March 2015

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Monday, February 23

- ☐ **TEXAS: Gov't filed Notice of Appeal and Motion to Stay** (State of Texas, et al. v. United States) - Diakowski, Michael
- 📅 **10:00am - 12:00pm** Din oral argSCOTUS
- 📅 **4:30pm - 5:00pm USCIS EIR Reg Team - Huddle** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez

Tuesday, February 24

- 📅 **12:00pm - 1:30pm REMINDER: Senior Leadership Forum** (Ronald Reagan Building Amphitheater) - MCMTRSVP
- 📅 **4:30pm - 4:45pm Pre-Brief - Dialogue with D1** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez

Wednesday, February 25

- 📅 **10:30am - 11:00am DHS-FPB-Appellate Call re: next steps in D Ct** (202-353-0877 ; 68029653) - Hartnett, Kathleen R. (CIV)
- ☐ **11:00am - 12:00pm *Agenda Attached* Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler
- 📅 **3:00pm - 4:00pm Dialogue with D1** (Vogel Conference Room, 20 Mass) - Ellis, Rachel H
- 📅 **3:00pm - 4:00pm Stakeholder Engagement - Dialogue with D1** (USCIS, VOGELCONFRM 5110) - Scheduler, Rodriguez
- ☐ **3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- 📅 **6:00pm - 8:30pm INVITATION: DHS Appointee Happy Hour** (James Hoban - 1 Dupont Circle, NW Washington, DC 20036) - WHLO

Thursday, February 26

- 📅 **10:15am - 11:00am Midwest Regional Conference - Planning Call** (see dial-in below) - Lindt, Marketa
- 📅 **1:00pm - 3:00pm 601A w/ USCIS** (USCIS Vogel Conference Room, 5th Floor Director's Suite) - Whelan, Justine
- ☐ **1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 📅 **3:00pm - 5:30pm strategy**
- 📅 **3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110) COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez
- 📅 **6:00pm - 7:00pm Angie party**

Friday, February 27

- 📅 **11:00am - 11:45am FW: Immigration Weekly** (EEOB 248 or call 202-395-6392x3569166#) - Mayock, Andrew
- 📅 **11:30am - 12:00pm 11.40a litigation call**
- 📅 **12:00pm - 2:00pm Visa Bulletin meeting with DHS and USCIS** (USCIS Vogel Conference Room, 5th floor Director's Suite) - Varison, Denise
- 📅 **12:45pm - 1:15pm 12.45 DOJ call**
- 📅 **1:30pm - 2:00pm Travel to the WH** (Depart P1 | POC: Sabrina Smith, 202-272-3568) - Scheduler, Rodriguez
- 📅 **3:45pm - 4:15pm Travel to HQ** (Depart P1 | POC: Sabrina Smith, 202-272-3568) - Scheduler, Rodriguez

Saturday, February 28

Sunday, March 01

March 02, 2015 - March 08, 2015

March 2015							April 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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8	9	10	11	12	13	14	5	6	7	8	9	10	11
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22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

Monday, March 02

- ARPAIO: Gov't Brief Due** (Arpaio v. Obama, et al.) - Diakowski, Michael
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺
- 3:00pm - 3:30pm Esther**
- 4:30pm - 4:45pm FW: Pre-brief to 51 "USCIS" Meeting** (D1's Office (D1 Line: 1-866-814-1354, Code: 2140835)) - Scheduler, Rodriguez
- 5:15pm - 5:45pm 601A Provisional Waiver Meeting** (D1's Office (D1 Line: 1-866-814-1354, Code: 2140835)) - Scheduler, Rodriguez

Tuesday, March 03

- 10:30am - 11:30am Extended Leadership Meeting** (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- 11:00am - 11:30am Motion for stay in 5th Circuit** (866-817-7466 PIN: 3761983) - Shahoulian, David

Wednesday, March 04

- 10:15am - 11:15am Travel to the NAC** (Depart P1 | POC: Sabrina Smith, 202272-1568) - Scheduler, Rodriguez
- 11:15am - 12:15pm *Agenda attached* Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 12:15pm - 12:45pm Travel to HQ** - Scheduler, Rodriguez
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺
- 4:30pm - 5:00pm FW: TPS Adjustment discussion** (866-817-7466 PIN: 3761983) - Shahoulian, David

Thursday, March 05

- 11:00am - 12:00pm 601A Followup** (TBD) - Whelan, Justine
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺
- 3:30pm - 4:00pm Amici** (Call) - Nguyen, Eric
- 4:15pm - 5:15pm **UPDATE** | I-601A Provisional Waiver Conference Call** (Call-in #: (202) 395-6392 | Passcode: 544 3133) - Scheduler, Rodriguez

Friday, March 06

- [being rescheduled] **PPA Q&A Session for Lucas w/Denise Harrison & Sudanya Kirk** (Mr. Gurtentag's Office, 20 Mass, 5th Floor, Suite 5110/Teleconference: 888-459-9171, Passcode: 8942992) - Scheduler, Choi
- 2:00pm - 3:00pm USCIS and DOJ/OSC Discussion** (USCIS, VOGELCONFRM 5110, 20 Mass Ave NW) - Amaya, John G

Saturday, March 07

- 9:00am - 6:00pm travel to CHI**

Sunday, March 08

- 6:00am - 7:00pm chicago**

March 09, 2015 - March 15, 2015

March 2015							April 2015							
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	29	30	31					26	27	28	29	30		

Monday, March 09

- 7:00am - 8:00pm AILA Chicago
- 12:15pm - 1:15pm DOJ-DHS Texas Call (Call-In # 866-803-4084; Participant: 5230709) - Kelleher, Diane (CIV)

Tuesday, March 10

- 10:00am - 11:00am D1 meeting re 3-year EADs
- 10:00am - 10:45am Huddle re: 3-year EADs (attachment) (Wilcox (or D1 conference line: 866-814-1354, Code: 2140835#)) - Choi, Juliet K
- 12:30pm - 1:30pm SCOPs meeting
- 12:45pm - 1:30pm Travel to WH (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 1:30pm - 3:00pm WH meeting
- 3:00pm - 3:30pm Travel to HQ (POC: Sabrina Smith 202-272-1568) - Scheduler, Rodriguez
- 4:30pm - 5:00pm Internal huddle (USCIS, WILCOXCONFIRM 5110 (or COS conference line: 888-459-9171, Code: 8942992)) - Scheduler, Rodriguez

Wednesday, March 11

- 10:00am - 10:30am Call with DOJ re advance parole (Dial in: (202)353-0880 // Passcode #6623 3442) - Moran, Molly (OAG)
- 10:30am - 11:00am Canceled: Travel to Ronald Reagan Building (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjorndahl, Jami A
- 11:00am - 12:00pm *new location/ conference number* Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (RRB - OAM 6th Floor Bridge Conference Room 6.4A or Dial 202-243-6160 pin: 989913) - Mayorkas, Scheduler
- 12:00pm - 12:30pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Bjorndahl, Jami A
- 4:00pm - 8:00pm Confirmed | Reg. Evening Retreat: Entrepreneur Parole Evening Retreat (USCIS, WILCOXCONFIRM 5110 (20 Mass. Ave. NW) (or D1 conference line: 866-814-1354, Code: 2140835#)) - Scheduler, Rodriguez

Thursday, March 12

- TEXAS: 5th Circuit Stay & Expedition Motions Filed (State of Texas, et al. v. United States) - Diakowski, Michael
- 12:00pm - 12:30pm Texas v US -- call regarding March 19 hearing - Saltman, Julie (CIV)
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez
- 4:00pm - 4:30pm 1/1 meeting | Lucas and Shirley (Lucas office) - Choi, Juliet K
- 6:00pm - 7:00pm Bday dinner

Friday, March 13

- 11:00am - 11:45am Call with DOJ re AP (Dial in: (202)353-0880 // Passcode #6623 3442) - Moran, Molly (OAG)
- 1:30pm - 2:00pm PPA Session w/Lucas (COS Choi's office) - Scheduler, Choi
- 2:00pm - 2:25pm Huddle re: TPS Adjustment (USCIS, VOGELCONFIRM 5110) - Scheduler, Rodriguez
- 2:45pm - 3:30pm Travel to WH (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 3:30pm - 5:00pm WH meeting
- 5:00pm - 5:30pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Saturday, March 14

- 12:00pm - 1:00pm North Carolina

Sunday, March 15

- 12:00pm - 1:00pm North Carolina

March 16, 2015 - March 22, 2015

March 2015							April 2015							
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29	30	31					26	27	28	29	30			

Monday, March 16

- ARPAIO: Plaintiff's Reply Brief Due** (Arpaio v. Obama, et al.) - Diakiwski, Michael
- 12:00pm - 1:00pm AB-60 briefing** (Serena H organized)
- 12:00pm - 1:00pm FW: AB 60 Licenses and I-9 Briefing** (NAC 05 5107 (lg conference room)) - Wheilan, Justine
- 2:50pm - 3:10pm Canceled: Check-in w/Lucas** (COS Choi's Office) - Scheduler, Choi

Tuesday, March 17

- Saint Patrick's Day** (United States)
- 10:30am - 11:30am PPA Discussion** (Phone - Sudanya will initiate call) - Kirk, Sudanya
- 3:00pm - 4:30pm TX DCT - moot for 3/19 hearing** (CIV Large Conference Room, 3143 or 202-353-0877 ; 68029653) - Hartnett, Kathleen R. (CIV)
- 4:00pm - 5:00pm To Be Rescheduled: Form I-9 and M-274 Briefing** (ESD's Conf Room, Suite 2304) - Meckley, Tammy M
- 6:30pm - 7:30pm Dinner David and Helen**

Wednesday, March 18

- 9:30am - 10:00am PPA Review** (Phone - Sudanya will initiate call) - Kirk, Sudanya
- 10:45am - 11:15am Travel to NAC** (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 11:15am - 12:15pm *agenda attached* Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas.Sched
- 12:15pm - 12:45pm Travel to HQ** (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 1:00pm - 1:15pm Huddle with D1** (D1's office) - Scheduler, Rodriguez
- 3:30pm - 4:30pm DUI Convictions** (USCIS, VOGELCONFRM 5110) - Higgins, Jennifer B
- 4:30pm - 5:30pm L1B rollout** (New location Vogel Conf Room) - Higgins, Jennifer B
- 5:45pm - 5:50pm Check-in with Lucas** (re: PPA) (COS Choi's office) - Scheduler, Choi

Thursday, March 19

- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor, Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 1:15pm - 2:30pm Ira K lunch**
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez
- 5:00pm - 6:00pm L1B Huddle @ 5pm (attachment added) (updated bridge)** (OGC bridge: 866-817-7466 PIN: 3761983 | Massachusetts Ave, NW (Director's Suite 5110, 5th Floor)) - Scheduler, Rodriguez
- 6:00pm - 6:15pm Western Region Visit** (By Phone: 866-657-9571, passcode:8555193) - Muzyka, Carolyn L

Friday, March 20

- 9:00am - 9:30am 9.15 Phil busch**
- 9:45am - 10:10am FW: Pre-brief for Ombudsman's follow-up meeting** (D1's office) - Scheduler, Rodriguez
- 10:30am - 11:30am **New Date/Time** 6 Week Follow-Up w/Ombudsman Office** (20 Massachusetts Ave, Suite 5110) - Scheduler,
- 10:30am - 11:30am INTERNAL ONLY: 6 Week Follow Up w/Ombudsman Office** - Scheduler, Rodriguez
- 11:00am - 11:30am Special Immigrant Juvenile Status Sign-on Letter** (USCIS, VOGELCONFRM 5110) - Inouye, Shinichi (Shin)
- 12:30pm - 1:30pm Travel to NAC** (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 1:30pm - 2:30pm 1.30 S1 meeting**
- 2:30pm - 3:15pm Travel to White House** (430 17th St NW, Washingt
- 2:45pm - 3:15pm Travel to White House** (Depart P1 | POC: Sabrina S
- 5:00pm - 6:00pm Visa Modernization Meeting with DHS/USCIS** (EE

Saturday, March 21

- 1:30pm - 1:50pm USCIS huddle re L1-B rollout** (COS: 888-459-9171 | Participant code: 8942992#) - Choi, Juliet K
- 2:00pm - 3:00pm Don ungar**

Sunday, March 22

March 23, 2015 - March 29, 2015

March 2015							April 2015							
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	22	23	24	25	26	27	28	19	20	21	22	23	24	25
	29	30	31					26	27	28	29	30		

Monday, March 23

- TEXAS: Amicus Brief filed by Judicial Watch (State of Texas, et al. v. United States (5th Cir.)) - Diakowski, Michael
- TEXAS: Plaintiffs' Reply on Discovery Motion (State of Texas, et al. v. United States) - Diakowski, Michael
- 1:00pm - 8:00pm Calif service center
- 3:00pm - 4:00pm L-1B Memo Discussion (Cont'd) (USCIS, VOGELCONFRM 5110 (866-817-7466 PIN: 3761983)) - Scheduler, Choi

Tuesday, March 24

- TEXAS: Fifth Circuit Scheduling Order (State of Texas, et al. v. United States) - Diakowski, Michael
- 1:00pm - 8:00pm Western regional office
- 2:30pm - 3:30pm Tammy and [redacted] re E-verify

(b)(7)(c)

Wednesday, March 25

- 11:00am - 12:00pm Pre-huddle for Reg Retreat (USCIS, WILCOXCONFRM 5110 | COS Conference Line: 1-888-459-9171, Participant #: 8942992) - Scheduler, Choi
- 11:00am - 12:00pm Canceled: *cancelled* Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- 6:00pm - 7:00pm travel to Tex?

Thursday, March 26

- 10:00am - 2:45pm TEXAS
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 3:00pm - 4:00pm talk to LS 3.30 for 45-60mins
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez
- 4:00pm - 8:00pm UT Rollie White lecture
- 6:00pm - 7:00pm public service dinner (Texas)

Friday, March 27

- 11:30am - 12:30pm Call with WH re wizard
- 1:00pm - 2:00pm WWJ lunch at Lynn Blais
- 2:45pm - 3:30pm Canceled: Travel to WH (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 5:00pm - 5:30pm Canceled: Travel to HQ (20 Mass Ave | POC: Sabrina Smith, 202-272-1568) - Scheduler, Choi

Saturday, March 28

- 10:00am - 11:00am Texas
- 11:00am - 12:00pm see Toni?

Sunday, March 29

- 11:00am - 12:00pm Tex return

March 30, 2015 - April 05, 2015

March 2015							April 2015							
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	15	16	17	18	19	20	21	12	13	14	15	16	17	18
	22	23	24	25	26	27	28	19	20	21	22	23	24	25
	29	30	31					26	27	28	29	30		

Monday, March 30

- TEXAS: 5th Cir. Opening Brief Filed (State of Texas, et al. v. United States) - Diakowski, Michael
- TEXAS: Fifth Cir. Gov't Brief Due (State of Texas, et al. v. United States) - Diakowski, Michael
- 12:00pm - 1:30pm Potluck Celebration for Fatima (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 2:50pm - 3:10pm Canceled: Check-in w/Lucas (COS Choi's Office) - Scheduler, Choi

Tuesday, March 31

- 10:00am - 11:00am SCIF training - 111 Mass Ave lobby
- 11:20am - 11:50am DUI update? - Serena
- 1:00pm - 2:00pm Becca
- 3:00pm - 3:45pm ****New Location** Event Clearance Refresher Training** (8th floor, Room 8408 (Capital Room)) - Scheduler, Rodriguez
- 5:00pm - 6:30pm * new date * USCIS Mini Reg Retreat (Status + Entrepreneur Parole) (20 Mass. Ave, NW (Director's Suite 5110, 5th Floor, Wilcox Conference Room) | COS Call-in #: 1-888-459-9171, Passcode: 8942992) - Scheduler, Rodriguez

Wednesday, April 01

- 12:00pm - 12:30pm DUI significant misdemeanor (202-243-6160, PIN 448018#) - Guttentag, Lucas
- 3:00pm - 4:00pm Form I-9 and M-274 Briefing (ESD Conference Room (20 Mass, Suite 2304)) - Meckley, Tammy M
- 4:00pm - 4:30pm Juan re tps
- 4:00pm - 4:30pm Canceled: DACA items huddle (lucas' office) - Torres, Marina A
- 5:00pm - 6:00pm FW: EOP/DHS Immigration Planning Meeting (Cecilia's Office // 202-395-6392; 576 9054#) - Gray, Ian
- 6:00pm - 6:30pm Call with Leon Fresco on TPS adjustment (Dial 866-630-9381 / Passcode 3850128#) - Jaddou, Ur M

Thursday, April 02

- 10:00am - 10:30am Muneer
- 11:00am - 12:00pm Hold for Lucas (USCIS, VOGELCONFRM 5110) - Bjorndahl, Jami A
- 11:00am - 11:30am 11.00 Marielena (M)
- 11:30am - 12:00pm 11.30 Giev Farmworkers
- 1:00pm - 1:30pm EIR Small Group Leadership Huddle (Reg Agenda) (Wilcox conference room) - Scheduler, Rodriguez
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299
- 3:15pm - 3:30pm DUI Convictions Update (D1's Office) - Scheduler, Rodriguez
- 4:30pm - 5:00pm 4.45 call Eric Nguyen

Friday, April 03

- 10:30am - 11:30am parole (Lucas's office) - Ruppel, Joanna
- 12:15pm - 12:45pm TPS call (by phone) - Guttentag, Lucas
- 2:15pm - 3:00pm Travel to WH (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Rodriguez, Leon
- 4:30pm - 5:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Saturday, April 04

Sunday, April 05

- Easter Day (United States)

April 06, 2015 - April 12, 2015

April 2015						May 2015								
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19	20	21	22	23	24	25		17	18	19	20	21	22	23
26	27	28	29	30				24	25	26	27	28	29	30
								31						

Monday, April 06

- ☑ 8:30am - 10:00am NAC 8.30a David
- ☑ 11:30am - 12:00pm 11.30 call Beth Brinkman
- ☑ 11:45am - 11:55am Check-In w/ Lucas & Marina (COS Choi's Office) - Scheduler, Choi
- ☑ 12:00pm - 12:30pm Call on Texas Case (866-817-7466 PIN: 3761983) - Shahoulian, David
- ☑ 12:00pm - 12:30pm lunch Wizard demo
- ☑ 12:30pm - 1:30pm E-Verify/SAVE Demos (ESD Conf Room, Suite 2304) - Meckley, Tammy M
- ☑ 12:30pm - 1:00pm I in 11 million (Lucas office) - Guttentag, Lucas
- ☑ 3:30pm - 7:00pm Train

Tuesday, April 07

- ☐ TEXAS: Order on Discovery Motion (State of Texas, et al. v. United States) - Diakiwski, Michael
- ☐ TEXAS: Order on Motion to Stay (State of Texas, et al. v. United States) - Diakiwski, Michael
- ☑ 10:30am - 6:30pm Yale visit
- ☑ 10:30am - 11:00am
- ☑ 11:00am - 12:00pm DACA Wizard Demo (Webinar/Wilcox Conference Room) - Scheduler, Choi
- ☑ 1:30pm - 1:50pm *new location* DACA Gang Approvals (USCIS - COS office) - Scheduler, Choi

Wednesday, April 08

- ☑ 10:00am - 11:00am Travel to California
- ☑ 1:00pm - 2:00pm Visa Modernization Interagency Meeting (730 Jackson Place || Call-in Option 202-395-6392 | code: 544 3133) - FN-WHO-DPC_Immigration
- ☑ 1:00pm - 1:45pm **New Time** DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- ☐ 3:00pm - 4:00pm Canceled: **Canceled** Extended Leadership Meeting (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, April 09

- ☑ 10:00am - 11:00am California ☺
- ☑ 11:00am - 12:00pm Call Jennifer Higgins
- ☑ 1:00pm - 2:00pm Jocelyn's B-day (Vogel Conference Room) - Waiters, Jessica S
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☑ 2:30pm - 3:00pm Wizard Rollout (USCIS, VOGELCONFRM 5110) - Higgins, Jennifer B
- ☑ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺
- ☑ 6:00pm - 6:15pm Phone call w/Lucas (Lucas w/call 202-272-1313) - Scheduler, Choi

Friday, April 10

- ☑ 10:00am - 11:00am California ☺
- ☐ 3:00pm - 3:30pm Canceled: Huddle on Immigration Strategy (Roosevelt Room (West Wing, 1st Floor)) - Lopez, David
- ☐ 3:00pm - 3:30pm Canceled: Huddle on Litigation (Roosevelt Room - West Wing, 1st Floor) - Mayorkas, Scheduler

Saturday, April 11

- ☑ 10:00am - 11:00am California ☺

Sunday, April 12

- ☑ 10:00am - 11:00am California ☺

April 13, 2015 - April 19, 2015

April 2015							May 2015						
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26	27	28	29	30			24	25	26	27	28	29	30
							31						

Monday, April 13

- 10:00am - 12:00pm FW: Texas v. US moot court (3143) - Mizer, Benjamin C. (CIV)
- 10:00am - 11:00am California ☺
- 1:00pm - 2:00pm Call/meeting with DOJ re advanced parole (Dial in: (202) 353-0880 // Passcode 6823 3442) - Moran, Molly (OAAG)
- 1:00pm - 1:30pm FW: [Confirmed] Discussion: Parole for Family Members of Filipino Veterans (Conference Call) - Noor, Fatima
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺

Tuesday, April 14

- 10:00am - 11:00am California - Guttentag, Lucas ☺
- 5:00pm - 6:00pm FW: [HOLD] DPC Follow-up Call w/ CIS re: Visa Modernization (Call-in: (202) 395-6392 || Passcode: 544 3133) - Noor, Fatima
- 5:00pm - 6:00pm Internal Only | DPC Follow-up Call w/ CIS re: Visa Modernization (attachment added) (Vogel Conference Room | Call-in: (202) 395-6392 || Passcode: 544 3133) - Scheduler, Choi

Wednesday, April 15

- Tax Day (United States)
- 10:00am - 12:00pm FW: Texas v. U.S. moot court (3143) - Mizer, Benjamin C. (CIV)
- 11:15am - 12:15pm *Agenda Attached* Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC.S. 5107) - Mayorkas, Scheduler ☺
- 12:00pm - 1:00pm Julie McEvoy
- 2:30pm - 3:00pm Huddle re: DOJ Moot (USCIS, VOGELCONFIRM 5110) - Scheduler, Rodriguez
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺

Thursday, April 16

- 11:10am - 11:30am Catch-Up w/Lucas (COS Choi's Office) - Scheduler, Choi
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Rooms, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 3:00pm To New Orleans
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺
- 4:45pm - 5:30pm Travel to White House - West Wing (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 5:30pm - 6:30pm WH Immigration Implementation meeting (Roosevelt Room - West Wing, 1st Floor) - Mayorkas, Scheduler
- 6:00pm - 7:00pm Call Bette Epstein

Friday, April 17

- TEXAS: 5th Cir. Oral Argument on motion for stay (State of Texas, et al. v. United States) - Diakivski, Michael
- 10:00am - 12:00pm 5th arg New Orleans
- 2:30pm - 3:00pm Canceled: HOLD: Call w/Lucas re: Hearing (Lucas to call D1 on cell) - Scheduler, Rodriguez
- 3:00pm - 3:20pm Quick Huddle Post Hearing (Telecon/D1's Office | COS Line: 1-888-459-9171, Code: 8942992) - Choi, Juliet K

Saturday, April 18

- 4:00pm - 5:00pm Mvdh walk?

Sunday, April 19

April 20, 2015 - April 26, 2015

April 2015							May 2015						
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Monday, April 20

- ☑ 9:30am - 10:00am OCC Interview re State of Texas Litigation (Lucas's Office) - Schau Nelson, Jessica R
- ☑ 4:50pm - 5:00pm 5th Circuit Hearing/Possible Outcomes Discussion (D1's Office) - Scheduler, Rodriguez

Tuesday, April 21

- ☑ 10:00am - 11:00am Meet with Marina re pending matters (Lucas office) - Guttentag, Lucas
- ☑ 2:30pm - 3:30pm litigation research (OCC Conference room) - Busch, Philip B

Wednesday, April 22

- ☐ Administrative Professionals Day (United States)
- ☑ 10:00am - 11:30am get parking permit
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☐
- ☑ 4:00pm - 4:30pm Research Project check in (Lucas' Office or TelCon) - Franke, Evan R
- ☑ 5:30pm - 6:00pm FBA prep call for conference
- ☑ 6:00pm - 7:00pm DHS Pre-brief for Reg Meeting **agenda added** (USCIS, WILCOXCONFRM 5110 | 20 Mass Ave NW, Director's Suite 5110 | COS Call-in #: 1-888-459-9171, Passcode: 8942992) - Scheduler, Choi

Thursday, April 23

- ☑ 11:15am - 11:45am 11.15a consult (5530 Wisconsin Ave, Suite 1545)
- ☑ 12:30pm - 2:30pm FW: DACA WG Weekly Check-In: Please see message within the e-vite. (SCOTT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☐
- ☑ 2:00pm - 3:00pm Meet w/ Lucas Guttentag (20 Mass Ave / Lucas Guttentag Office) - Schwartz, Mark A
- ☑ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☐

Friday, April 24

- ☑ 9:30am - 10:30am Check in on research (Lucas Guttentag's Office/Teleconference) - Franke, Evan R
- ☑ 11:30am - 1:00pm Demo Of ELIS (Atomics room, 20 Mass Ave., 8th floor) - Stanley, Kathleen M
- ☑ 3:30pm - 4:00pm leave for WH
- ☑ 6:00pm - 6:30pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Saturday, April 25

- ☑ 6:00pm - 6:30pm Call re TX (1-866-660-2397 PIN 5994838#) - Meyer, Jonathan

Sunday, April 26

- ☑ 4:30pm - 5:00pm Internal DHS call re TX case (Conference Number: 866-817-7466 PIN: 3761983) - Meyer, Jonathan

April 27, 2015 - May 03, 2015

April 2015							May 2015							
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Monday, April 27

- 12:30pm - 1:30pm Visa Modernization Report - Final Interagency Discussion (Dial: (202) 395 6392 | Code: 544 3133) - Noor, Fatima
- 2:00pm - 2:30pm DHS letters (call in 202.353.0880 Passcode: 294 194 70#) - Brinkmann, Beth (CIV)

Tuesday, April 28

- 1:00pm - 1:30pm Alex Harmen
- 2:00pm - 4:00pm Arpaio - moot for D.C. Circuit argument (Main Justice, the Civil Division conference room - Room 3143. Call-in number is (202) 353-0880, passcode 85396922#.) - Browne, Rene
- 4:00pm - 5:00pm Fly to Chicago

Wednesday, April 29

- *4/29 Cancelled* Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler
- 10:00am - 6:00pm Chicago fed bar assoc
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi

Thursday, April 30

- 9:30am - 11:30am Final Review of Visa Modernization Report (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Rooms, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 2:00pm - 2:30pm Coordination on Enforcement SOP (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B
- 2:45pm - 3:15pm Call on letters ((202) 353-0880, passcode 294 194 70#) - Gilbert, Helen L. (CIV)
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez
- 4:00pm - 5:00pm USCIS Mini Reg Retreat (Status/check-in) (Wilcox Conference Room | COS Conference Call Line | Call-in #: 1-888-459-9171, Participant Code: 8942992) - Scheduler, Choi

Friday, May 01

- 9:00am - 10:30am Enforcement Priority Tools Review -- Form and Instruction-- Part II (USCIS, VOGELCONFIRM 5110) - Higgins, Jennifer B
- 9:00am - 10:30am Enforcement Priority Tools Review -- Form and Instruction-- Part II (NAC--Bldg 4--Conf Room 124// 202-243-6160 PI
- 11:00am - 1:00pm Arpaio - moot for D.C. Circuit Argument (Main Justice, the Civil Division conference room - Room 3143. Call-in number
- 11:00am - 12:00pm Canceled: Coordination on Enforcement SOP Follow-up Meeting (20 Massachusetts, Suite 1100, OP&S Conference
- 2:45pm - 3:00pm Discussion re: Response to Sen. Grassley Letter (D1's Office) - Scheduler, Rodriguez
- 3:30pm - 5:00pm Marina's Going Away Party (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- 4:15pm - 4:35pm Call with Esther (USCIS to call Esther | (202) 713-0431) - Scheduler, Rodriguez

Saturday, May 02

Sunday, May 03

May 04, 2015 - May 10, 2015

May 2015							June 2015							
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Monday, May 04

- TEXAS: Plaintiffs' Response Brief in CAS PI Appeal** (State of Texas, et al. v. United States) - Diakiwski, Michael
- 10:00am - 12:00pm Internal Enforcement Priorities SOP Discussion Follow-up** (20 Mass, Wilcox Conference Room, 5110) - Manoogian, Margaret
- 10:30am - 1:30pm ARPAIO ARGUMENT -DC circuit**
- 2:45pm - 3:15pm Travel to WH** (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjornsdahl, Jami A
- 3:00pm - 5:00pm Enforcement Priority Tools Review -- Form and Instruction** (NAC--Bldg 4--Conf Room 124// 202-243-6160 PIN: 448018#) - Metzler, Alan
- 3:30pm - 4:30pm CM WH**

Tuesday, May 05

- 10:00am - 11:00am Follow-up Discussion Enforcement Priorities Instruction** (20 Mass, Wilcox Conference Room, 5110) - Manoogian, Margaret
- 2:45pm - 3:15pm 2.30pm root canal alame 2229 santa clara ave** (alameda Calvert)
- 5:00pm - 6:00pm Call on EADs** (USCIS, WILCOXCONFRM 5110) - Higgins, Jennifer B

Wednesday, May 06

- 9:30am - 10:00am EAD Discussion** (Wilcox Conf room) - Higgins, Jennifer B
- 11:00am - 12:00pm DACA Renewal EADs** (USCIS, WILCOXCONFRM 5110) - Higgins, Jennifer B
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler
- 12:00pm - 1:00pm HOLD: DOJ-DHS call** - Meyer, Jonathan
- 12:15pm - 1:15pm Dentist** (Liu)
- 1:30pm - 2:30pm 1.30 dentist Liu**
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi

Thursday, May 07

- TEXAS: May 7 Gov't Advisory** (State of Texas et al v. United States) - Diakiwski, Michael
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Rooms, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 2:30pm - 3:00pm DACA** (Barbara's Office / Telecon) - Velarde, Barbara Q
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez

Friday, May 08

- TEXAS: Supplemental Court Order on Stay Motion** (State of Texas et al v. United States) - Diakiwski, Michael
- 2:45pm - 3:15pm Canceled: Travel to WH** (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 3:15pm - 4:00pm *see note, agenda attached* EIR Meeting** (NAC, 5107 Conference Room) - Johnson, Scheduler
- 5:00pm - 5:30pm Canceled: Travel to HQ** (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Saturday, May 09

Sunday, May 10

- Mother's Day** (United States)

May 11, 2015 - May 17, 2015

May 2015							June 2015						
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Monday, May 11

- ☒ 10:45am - 11:00am 10.45 Leon
- ☒ 11:00am - 12:00pm EAD discussion (OCC Conference Room, 4th floor/call-in number below) - Jaddou, Ur M
- ☒ 11:45am - 12:30pm Travel to WH (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- ☒ 2:30pm - 3:30pm DHS briefing re: CGRS's child migration report (NAC 17-323) - Giovagnoli, Mary

Tuesday, May 12

- ☐ TEXAS: Court Order re: Privilege Log (State of Texas et al v. United States) - Diakowski, Michael
- ☒ 9:30am - 11:30am DOJ meeting
- ☒ 9:30am - 11:00am Meeting with DOJ (20 Mass Ave, Room 6150/Call-in info below) - Jaddou, Ur M
- ☐ 9:30am - 10:00am Canceled: 3 year EADs (Lorelia to call Juliet @ 202-272-1000) - Scheduler, Choi
- ☒ 4:30pm - 4:50pm Catch up w/D1 (USCIS, WILCOXCONFIRM 5110 | D1 Conference Line: 1-866-814-1354, Passcode 2140835) - Scheduler, Rodriguez

Wednesday, May 13

- ☒ 9:00am - 11:00am DACA Data (John's Office) - Allen, John M
- ☒ 12:00pm - 1:00pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler
- ☒ 1:00pm - 2:00pm SAVE/Verify Discussion***** Updated with Call in Number***** (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B
- ☐ 1:30pm - 1:45pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi
- ☒ 2:30pm - 3:30pm Meeting/call (OCC conference room/call-in info below) - Jaddou, Ur M
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi
- ☒ 4:05pm - 4:25pm Check-in w/D1 (USCIS, WILCOXCONFIRM 5110 | D1 Conference Line: 1-866-814-1354, Passcode 2140835) - Scheduler, Rodr
- ☒ 5:30pm - 6:00pm Call with OCC and OGC (20 Mass Ave, Ste 6150/call-in in below) - Jaddou, Ur M

Thursday, May 14

- ☒ 10:00am - 11:00pm Travel to Calif
- ☒ 10:00am - 11:00am Meet and Greet with HNBA Members (USCIS, WILCOXCONFIRM 5110) - Anderson, Bertha I
- ☒ 12:00pm - 12:30pm Prep for OMB Meeting (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- ☒ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez

Friday, May 15

- ☐ REMINDER: DUE TODAY - 2015 Annual Financial Disclosure Report - Scheduler, Rodriguez
- ☒ 10:00am - 10:30am Numbers Huddle (USCIS, WILCOXCONFIRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez

Saturday, May 16

Sunday, May 17

May 18, 2015 - May 24, 2015

May 2015							June 2015						
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Monday, May 18

- TEXAS: Gov't filed reply brief in 5th Cir.** (State of Texas et al v. United States) - Diakiwski, Michael
- 9:00am - 11:00am California**
- 10:00am - 11:30am **New Date/Time** Extended Leadership Meeting** (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez
- 11:30am - 12:30pm Regs/Policy Discussion w/ DHS** (USCIS, VOGELCONFRM 5110 (20 Mass Ave, NW)) - Higgins, Jennifer B
- 4:00pm - 5:00pm Call re policy Bos et al**

Tuesday, May 19

- 3:00pm - 4:00pm Immigration Meeting** (EEOB 248 or call 202-395-6392x3569166#) - Mayock, Andrew
- 3:00pm - 4:00pm INTERNAL: Immigration Meeting** (Wilcox Conference Room | 202-395-6392x356.9166#) - Scheduler, Choi

Wednesday, May 20

- TEXAS: Gov't Response to May 12 Ct Order Due re: Privilege Log** (State of Texas et al v. United States) - Diakiwski, Michael
- TEXAS: Plaintiffs' Response Filed in Response to Government's May 7 Advisory and Related Submission of Materials** (State of Texas, et al. v. United States) - Diakiwski, Michael
- 11:00am - 12:00pm TPs call**
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- 4:00pm - 5:00pm Canceled: **New date and time** 6 Week Follow-Up w/Ombudsman Office** (20 Massachusetts Ave, Suite 5110) - Scheduler, Rodriguez

Thursday, May 21

- 11:00am - 11:45am **Updated Agenda** DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Rooms, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez
- 4:30pm - 5:00pm Call: Visa Modernization Report Update** (Call: 202-395-6392 | code: 544 3133) - Noor, Fatima
- 4:30pm - 5:00pm Internal - Visa Modernization Call** (USCIS, WILCOXCONFRM 5110) - Higgins, Jennifer B

Friday, May 22

- 12:30pm - 1:00pm DOJ Requests** (OCC Conf Room (Call-in # below)) - Hammill, Hunter A

Saturday, May 23

Sunday, May 24

May 25, 2015 - May 31, 2015

May 2015							June 2015						
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Monday, May 25

- Memorial Day** (United States)
- 2:50pm - 3:10pm Canceled: Check-in w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺

Tuesday, May 26

- TEXAS: Fifth Cir. Order - Denial of Motion for Stay of PI** (State of Texas et al v. United States) - Diakowski, Michael
- 11:00am - 12:00pm E-Verify/SAVE discussion** (USCIS, WILCOXCONFIRM 5110 -- Conf call: 877-901-7564 passcode# 59247747) - Higgins, Jennifer B
- 1:00pm - 2:00pm 1:00 Maria t/c**
- 2:15pm - 3:00pm Travel to the WH** (Depart PI | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 3:00pm - 4:00pm CISOMB Briefing: EIR Implementation and Engagement Plans** (White Oak Conference Room, 2nd Floor, 20 Mass. Avenue NW) - Reyes, Arthur E
- 4:30pm - 5:00pm Travel to HQ** (Depart WH | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Wednesday, May 27

- **To be rescheduled to week of 6/1** Visa Bulletin discussion with USCIS/DHS/WH** (Conference Call) - Scheduler, Rodriguez
- 9:45am - 10:15am cecilia?**
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 3:00pm - 3:15pm Catch-up w/Lucas** (D1's Office) - Scheduler, Rodriguez
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺
- 4:30pm - 4:45pm Preparation of written testimony for D1 hearing on 6/17** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez

Thursday, May 28

- 12:30pm - 1:00pm 12.30 DOJ**
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺
- 3:30pm - 4:00pm Farewell Celebration for Dominique Robertson** (NAC-01-5107, the Secretary's large conference room.) - Harman, Alex
- 4:00pm - 5:00pm ACS prep call**

Friday, May 29

- 10:00am - 11:00am DOJ call**
- 12:15pm - 12:45pm card retrieval process** (by phone) - Guttentag, Lucas
- 2:00pm - 2:45pm Immigration Huddle** (NAC Bldg. 5, Room 5107; Phone: 202-243-6160 PIN: 448018) - Sanders, Albert
- 5:00pm - 5:15pm DHS Instruction- Discussion on comission of fraud** (Phone: 202-243-6160 PIN: 448018) - Beilman, Kristen

Saturday, May 30

Sunday, May 31

June 01, 2015 - June 07, 2015

June 2015						July 2015								
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Monday, June 01

- 10:30am - 11:00am Internal Invite for Conference Call w/ DHS on Enforcement Priorities Instruction (USCIS, WILCOXCONFIRM 5110 || Phone: 202-243-6160 PIN: 448018) - Higgins, Jennifer B
- 12:00pm - 12:30pm E-Verify/SAVE EAD Data Analysis (Conference Call - 866-453-6881; Passcode: 2256287) - Meckley, Tammy M

Tuesday, June 02

- 8:30am - 9:30am 8.30 Shoba book NPress Club
- 9:40am - 9:50am ****revised time**** Conference Call (USCIS, WILCOXCONFIRM 5110 | D1 Conference line: 1-866-814-1354, Participant Passcode 2140835) - Scheduler, Choi
- 10:00am - 11:30am Extended Leadership Meeting (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez
- 12:30pm - 12:45pm David
- 12:55pm - 1:00pm Meeting w/D1 (D1's Office) - Scheduler, Rodriguez
- 2:00pm - 3:00pm DOJ meeting (Room 5706)
- 3:30pm - 5:30pm 3.30 Sandra Z briefing
- 3:30pm - 4:30pm CLAIMS 3 Overview (111 Mass Ave, OIT Conference Room, Suite 5000, Room 139) - Renaud, Tracy L

Wednesday, June 03

- 11:30am - 12:30pm Draft Testimony Review (USCIS, WILCOXCONFIRM 5110) - Savina, Jennifer P (CTR)
- 2:00pm - 4:00pm Interagency Working Group Listening Session (Dept of Labor - 200 Constitution Ave NW - Room S2508) - Nanda, Seema - OSEC
- 3:30pm - 4:45pm Hearing Prep for D1 ****new location**** (USCIS, VOGELCONFIRM 5110) - Scheduler, Rodriguez
- 4:30pm - 5:00pm FW: Call regarding Texas litigation data collection (Dial in: 202-353-0878; PIN - 85877598*) - Browne, Rene
- 5:30pm - 5:50pm Catch-up with Lucas (COS Choi's office) - Scheduler, Choi

Thursday, June 04

- 10:00am - 10:30am Kara call re acs
- 10:30am - 11:00am 10.30a Paromita call
- 12:00pm - 1:00pm Muneer Lunch - Guttentag, Lucas
- 1:00pm - 2:00pm **Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor, Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez
- 4:30pm - 6:00pm (USCIS) - Olavarria, Esther

Friday, June 05

- 9:15am - 9:45am Prep: WH Immigration Implementation Meeting (NAC, 5107 Conference Room (Non-NAC personnel via phone)) - Johnson, Scheduler
- 11:20am - 12:00pm Travel to EEOB (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 1:30pm - 2:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Saturday, June 06

Sunday, June 07

June 08, 2015 - June 14, 2015

June 2015							July 2015							
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28	29	30					26	27	28	29	30	31		

Monday, June 08

- ☞ 10:30am - 11:30am Josh et al re DA
- ☞ 12:00pm - 12:30pm Meeting to discuss PSC workloads (Vogel Conference Room) - Higgins, Jennifer B
- ☞ 12:30pm - 1:00pm Travel to EEOB (Depart P1 | POC: Sabrina Smith, 202-272-1558) - Scheduler, Choi
- ☞ 1:15pm - 2:00pm Updates on Visa Bulletin (EEOB 208 (Cordell Hull) 202-395-6392 | 544 3133) - Noor, Fatima
- ☞ 2:00pm - 2:30pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Choi
- ☞ 2:30pm - 3:00pm DOJ call on 5th Cir
- ☞ 3:00pm - 4:00pm Texas - Follow-up (Lucas' Office) - Schau Nelson, Jessica R

Tuesday, June 09

- ☞ 9:15am - 10:15am Texas - Follow-up (Ur's Office) - Schau Nelson, Jessica R
- ☞ 9:30am - 10:00am numbers with ur
- ☞ 10:30am - 11:00am DOJ call on numbers
- ☞ 2:30pm - 3:00pm 2.30 labor meeting
- ☞ 4:00pm - 5:00pm Follow-up call (Dial in: (202) 353-0880 // Passcode 6623 3442) - Moran, Molly (OAAG)

Wednesday, June 10

- ☞ 9:30am - 10:30am follow-up 3-year EAD data for DOJ (Wilcox | Conference Line: 1-888-459-9171, Passcode: 8942992) - Guttentag, Lucas
- ☞ 11:00am - 11:30am Texas litigation -- providing information to Texas (call-in) - Guttentag, Lucas
- ☞ 11:30am - 12:00pm Follow-up call (re-scheduled from today) (Dial in: (202) 353-0880 // Passcode 6623 3442) - Moran, Molly (OAAG)
- ☞ 12:45pm - 1:00pm Esther/David check in (COS Conference Line | Call-in #: 1-888-459-9171, Passcode: 8942992) - Scheduler, Rodriguez
- ☞ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- ☞ 5:00pm - 6:00pm NPRM meeting (DIAL IN, (202) 353-0880 // Passcode 6623 3442) - Moran, Molly (OAAG)
- ☞ 5:30pm - 6:00pm juan.5.30 ?

Thursday, June 11

- ☞ 10:30am - 11:00am EAD update (Lucas office and phone) - Guttentag, Lucas
- ☞ 11:00am - 1:00pm work on ACS talk
- ☞ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- ☞ 3:00pm - 3:30pm doj call
- ☞ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez
- ☞ 3:30pm - 5:00pm Reg Retreat (final agenda + attachment) (USCIS, WILCOXCONFRM 5110 | 20 Mass., Ave, NW) (or COS conference line: 1-888-459-9171, Code: 8942992#) - Scheduler, Rodriguez
- ☞ 4:00pm - 7:00pm Reg retreat
- ☞ 5:30pm - 8:30pm ACS dinner and reception

Friday, June 12

- ☞ 11:00am - 12:30pm ACS convention panel
- ☞ 1:00pm - 3:00pm FW: Murder Board for D1's Hearing on 6/17 (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☞ 3:00pm - 4:00pm Extreme Hardship (Ur's office) - Jaddou, Ur M
- ☞ 4:30pm - 5:00pm Update on info for DOJ - Guttentag, Lucas

Saturday, June 13

- ☞ 9:00am - 2:00pm ACS?
- ☞ 4:00pm - 7:00pm Serena

Sunday, June 14

- ☞ Flag Day (United States)

June 15, 2015 - June 21, 2015

June 2015						July 2015								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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28	29	30						26	27	28	29	30	31	

Monday, June 15

- 📅 12:30pm - 1:00pm Travel to ICE (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 📅 1:00pm - 2:30pm Joint Hearing Prep with USCIS (Julie Myers Conference Center (500 12th Street, SW, Washington, DC) - ICE Scheduler
- 📅 2:30pm - 3:00pm Travel to HQ (20 Mass Ave | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 📅 5:00pm - 5:30pm update on DOJ data ask (in person Ur's office and by phone) - Guttentag, Lucas

Tuesday, June 16

- 📅 12:00pm - 12:30pm EAD update (Lucas office and by phone) - Guttentag, Lucas
- 📅 12:45pm - 1:30pm INTERNAL ONLY: Weekly EIR Huddle (8th Floor - Refugee Training Room (DIAL IN: 202-243-6160 | PIN: 448018#)) - Scheduler, Choi
- 📅 12:45pm - 1:30pm Weekly EIR Huddle (Tuesday Edition- June 16) (NAC 04 1-124 (aka 4105) / Dial 202-243-6160 PIN 448018#) - Beilman, Kristen
- 📅 1:30pm - 2:00pm EAD spreadsheet follow-up (Wilcox) - Guttentag, Lucas
- 📅 1:30pm - 3:00pm Director's Town Hall Live from Boston (Tomich Center (111 Massachusetts Ave, NW)) - USCIS Broadcast
- 📅 3:30pm - 4:00pm 3.30 DOJ or OGC
- 📅 5:00pm - 5:15pm Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi

Wednesday, June 17

- 📅 9:00am - 9:45am Internal DHS-USCIS Conf Call re: Texas Compliance Qs from DOJ (Jonathan Meyer's Office & 1-877-780-4602, PIN: 2381562#) - Cox, Reid
- 📅 10:30am - 11:30am Review of TPS Big Picture Issues (1-877-930-5740, Pin 9284088#) - Cooper, Betsy
- 📅 1:30pm - 2:00pm 1.30 call with Eric et al
- 📅 4:00pm - 4:30pm call from S2
- 📅 4:30pm - 5:30pm Conf. Call re: DOJ Questions Concerning Texas (202-353-0877, PIN: 99911656#) - Cox, Reid
- 📅 6:00pm - 8:00pm June 17 legomsky retirement

Thursday, June 18

- TEXAS: Fifth Circuit Supplemental Briefs Due (State of Texas, et al. v. United States) - Diakiwski, Michael
- 📅 9:30am - 10:00am **New Location/Time** EAD litigation briefing (D1's office | Call D1's cell phone) - Scheduler, Rodriguez
- 📅 9:30am - 10:00am DACA Renewals pre-brief (USCIS, VOGELCONFR
- 📅 11:15am - 12:00pm Travel to the Gaylord Hotel (201 Waterfront St
- 📅 12:00pm - 1:00pm AILA Annual Conference (201 Waterfront St, Nati
- 📅 1:00pm - 2:00pm Travel to HQ (Depart Gaylord | POC: Sabrina Smith,
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-I
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS,
- 📅 2:30pm - 3:00pm 4 Cong briefing in EADS
- 📅 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCO
- 📅 4:00pm - 4:30pm Travel to Hart Senate Building (Depart P1 | POC: S
- 📅 5:30pm - 6:00pm Depart Hart Senate Building (POC: Sabrina Smith,

Friday, June 19

- 📅 9:30am - 10:00am D1 call re: Texas (COS line: 888-459-9171, code 8942992# (Wilcox Conf Rm)) - Choi, Juliet K
- 📅 10:00am - 11:00am David call ☺
- 📅 12:30pm - 1:30pm call at 12.30 (by conference call -- 866-817-7466 PIN: 3761983) - Guttentag, Lucas
- 📅 3:30pm - 5:00pm Texas Immigration Moot (RFK - Room 3143) - Sasser, Kimberly (CIV)

Saturday, June 20

- 📅 10:00am - 12:00pm AILA ☺

Sunday, June 21

- Father's Day (United States)

June 22, 2015 - June 28, 2015

June 2015						July 2015							
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Monday, June 22

- ☞ 9:00am - 9:30am Leon/Juliet on travel all week ☹
- ☞ 12:15pm - 12:45pm WH House Meeting Prep (Lucas' Office) - Higgins, Jennifer B
- ☞ 3:30pm - 4:00pm Travel to EEOB (Depart P1 | POC: Sabrina Smith, 202-272-1568)
- ☞ 4:00pm - 5:30pm meet w Bos

Tuesday, June 23

- ☐ TEXAS: Scheduling Order - Hearing on all pending matters (State of Texas, et al. v. United States (Southern District of TX)) - Diakowski, Michael
- ☞ 9:00am - 9:30am Leon/Juliet on travel all week ☹
- ☞ 11:15am - 11:45am 11.00 Faye re MPI
- ☞ 11:30am - 1:00pm TEXAS hearing on compliance
- ☞ 2:30pm - 3:15pm 2.30p AOS briefing (Lucas office) - Guttentag, Lucas
- ☞ 5:00pm - 5:30pm DACA (meet by phone -- call 272-8025) - Guttentag, Lucas

Wednesday, June 24

- ☞ 9:00am - 9:30am Leon/Juliet on travel all week ☹
- ☞ 5:00pm - 7:00pm Marshall Fitz- Farewell Party (Johnny's Half Shell- 400 North Capitol Street, NW Washington DC 20001(Bar area)) - Ana Betances

Thursday, June 25

- ☞ 9:00am - 9:30am Leon/Juliet on travel all week ☹
- ☞ 10:00am - 10:30am EAD follow-up post-hearing (CALL IN NUMBER added to invite) - Guttentag, Lucas
- ☞ 12:30pm - 1:30pm Interagency Working Group/Listening Session Debrief - HOLD (ICE Headquarters at 500 12th Street, SW OR Dial-In: 866 864 5140; Participant: 62337750; Leader: 16724038) - Nanda, See
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- ☞ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299)
- ☞ 5:00pm - 6:00pm DACA E-Filing Discussion (D1 Line: 1-866-814-1354 | Code: 2140835) - Scheduler, Rodriguez
- ☞ 5:00pm - 6:00pm INTERNAL: DACA E-Filing Discussion (USCIS, WILCOXCONFIRM 5110 | **USCIS To Activate Call** D1 line/code in invit

Friday, June 26

- ☞ 9:00am - 9:30am Leon/Juliet on travel all week ☹
- ☞ 10:00am - 11:00am Data Coordination Follow-up (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B
- ☞ 11:45am - 12:00pm Texas Case - Standing Argument (202-353-0877 ; 68029653) - Hartnett, Kathleen R. (CIV)
- ☞ 2:00pm - 4:30pm Molly oral history acti
- ☞ 4:30pm - 5:30pm Amelia arrives

Saturday, June 27

- ☞ 9:00am - 9:30am Leon/Juliet on travel all week ☹
- ☞ 10:30am - 5:30pm Amelia in DC ☹

Sunday, June 28

- ☞ 9:00am - 9:30am Leon/Juliet on travel all week ☹
- ☞ 10:30am - 5:00pm Amelia in DC ☹
- ☞ 2:00pm - 5:00pm Molly oral history

June 29, 2015 - July 05, 2015

June 2015						July 2015								
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Monday, June 29

- ☒ 9:00am - 9:30am Leon/Juliet on travel all week ☺
- ☒ 10:00am - 10:30am Check-In w/Lucas (D1's Office) - Scheduler, Rodriguez
- ☒ 2:00pm - 2:15pm Pre-Brief for 6 Week Follow-Up w/Ombudsman Office (USCIS, WILCOXCONFIRM 5110 | D1 Conference Call Line: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez
- ☒ 3:00pm - 3:30pm EAD retrieval process update (USCIS, WILCOXCONFIRM 5110 | D1 Conference Call Line: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez

Tuesday, June 30

- ☒ 8:00am - 9:00am WHC
- ☒ 9:00am - 9:30am Juliet back?
- ☒ 9:45am - 10:45am Travel to CIRI | CLINIC Office | 8757 Georgia Ave Suite 850 Silver Spring, MD 209810 (Depart P1 | POC: Sabrina Smith, 202-272-1568)
- ☒ 10:00am - 11:30am possible CIRI in Silver Spring
- ☒ 12:00pm - 3:00pm Leave for Calif
- ☒ 2:30pm - 3:30pm 6 Week Follow-Up w/Ombudsman Office (20 Massachusetts Ave, Suite 5110 | Wilcox Conference Room) - Scheduler, Rodriguez
- ☒ 2:30pm - 3:30pm INTERNAL: 6 Week Follow-Up w/Ombudsman Office (20 Massachusetts Ave, Suite 5110 | Wilcox Conference Room) - Scheduler, Rodriguez

Wednesday, July 01

- ☒ 9:00am - 9:30am Travel ☺
- ☒ 10:00am - 2:00pm Natz ceremony in Cupertino
- ☒ 10:00am - 10:30am Follow up on remailed EADs (USCIS, WILCOXCONFIRM 5110 | COS Conference Line: 888-459-9171, Passcode: 8942992) - Scheduler, Rodriguez
- ☐ 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☺
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺
- ☒ 4:00pm - 4:30pm 4:00 dr. liu

Thursday, July 02

- ☒ 9:00am - 9:30am Travel ☺
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Rooms, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☒ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Friday, July 03

- ☒ 9:00am - 9:30am Travel ☺

Saturday, July 04

- ☐ Independence Day (United States)
- ☒ 9:00am - 9:30am Travel ☺

Sunday, July 05

- ☒ 9:00am - 9:30am Travel ☺

July 06, 2015 - July 12, 2015

July 2015							August 2015						
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Monday, July 06

- 8:00am - 8:30am 8.30 call
- 8:30am - 9:00am Pre-DOJ call (866-630-9381, passcode 3850128#) - Jaddou, Ur M
- 9:00am - 9:30am 9 DOJ call
- 9:00am - 10:00am DHS-CIV discussion (CIV 3143 or 202-353-0877; 68029653) - Hartnett, Kathleen R. (CIV)
- 10:00am - 12:30pm Texas Moot Court (Room 3143) - Mizer, Benjamin C. (CIV)
- 10:00am - 10:30am EAD meeting
- 10:00am - 11:00am EIR Data Collection Working Group (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi
- 4:00pm - 4:30pm WH meeting

Tuesday, July 07

- 9:00am - 10:00am Medellin discussion (Conf call) - Carpenter, Dea D
- 10:00am - 11:30am Extended Leadership Meeting (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez
- 3:30pm - 4:30pm INTERNAL ONLY: DACA 1 meeting (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 3:30pm - 4:00pm 3.30 Kerri w/ D1 on DACA
- 4:45pm - 5:15pm Texas: DHS-only pre-call (Dial in: 1-877-780-4602; PIN 2381562#) - Browne, Rene
- 5:15pm - 6:00pm DOJ-DHS-USCIS Texas Conf. Call (202-353-0880, PIN: 23924099#) - Cox, Reid

Wednesday, July 08

- 10:00am - 12:00pm DOJ moot on Texas
- 10:00am - 12:30pm Texas Moot Court (Room 3143) - Mizer, Benjamin C. (CIV)
- 11:15am - 12:00pm New Time** DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 51.07) - Mayorkas, Scheduler
- 1:00pm - 2:00pm 1.00 Mary G
- 1:00pm - 1:30pm Call with Ur and Lucas (1-888-877-0329; PIN: 4663765#) - General Counsel Scheduler
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi

Thursday, July 09

- 10:00am - 10:45am Leadership huddle (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 11:00am - 12:00pm EAD Coordination (USCIS, 20 Massachusetts Ave NW, Washington, DC 20529 | Office of the Director, 5th floor, Suite 5110) - Scheduler, Rodriguez
- 1:00pm - 2:00pm Travel to New Orleans
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCGPSDACA
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez

Friday, July 10

- 9:00am - 9:15am **New Time 9:00** Check-In w/D1 (D1 Line: 1-866-814-1354 | Leader Code (D1): 5912572 | Participant Code: 21A0835) - Scheduler, Rodriguez
- 10:00am - 11:00am 5th circuit argument Nee Orleans
- 3:30pm - 5:00pm Visa Bulletin meeting (State Department) - Ojavarria, Esther

Saturday, July 11

- 6:00pm - 7:00pm Schlosser

Sunday, July 12

- 11:00am - 9:00pm Schlosser
- 4:00pm - 4:30pm Plan for 500 (CIS huddle) (COS line: 888-459-9171, Participant code: 8942992#) - Choi, Juliet K

July 13, 2015 - July 19, 2015

July 2015							August 2015						
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26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

Monday, July 13

- ☒ 9:00am - 9:45am ****new call-in number** Special Meeting @ 9am // Leadership huddle** (USCIS, WILCOXCONFIRM 5110 | D1 line 1-866-814-1354, Participant code: 2140835#) - Scheduler, Rodriguez
- ☒ 11:00am - 12:00pm ***DOJ Attendees Confirmed* Meeting with DOJ** (NAC, 5107 Conference Room) - Johnson, Scheduler
- ☒ 1:15pm - 2:00pm (ADJUSTED TIME) **Internal USCIS EAD Huddle** (USCIS, WILCOXCONFIRM 5110 | COS line 1-888-459-9171, Participant code: 8942992#) - Scheduler, Rodriguez
- ☒ 3:00pm - 3:45pm **Leadership Call w/DHS** (USCIS, WILCOXCONFIRM 5110 | D1 line 1-866-814-1354, Participant code: 2140835#) - Scheduler, Rodriguez
- ☒ 3:30pm - 4:15pm **Leadership Working Group IEA** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- ☒ 5:30pm - 6:00pm **Stakeholder Call with D1** (Wilcox Conference Room | 877-931-4812 | participant's code: 78342894#) - Choi, Juliet K

Wednesday, July 15

- ☒ 8:30am - 9:15am **Daily Check-In w/Lisa Pino** (USCIS, WILCOX Conference Room/Conference Line: 1-888-459-9171, Participant Passcode: 8942992) - Scheduler, Choi ☺
- ☒ 12:00pm - 1:00pm **BROWN BAG with WHL Alex Harman** (NAC 01 Room 44) - WHLO
- ☐ 3:30pm - 4:30pm **Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺

Friday, July 17

- ☒ 8:30am - 9:15am **Daily Check-In w/Lisa Pino** (USCIS, WILCOX Conference Room/Conference Line: 1-888-459-9171, Participant Passcode: 8942992) - Scheduler, Choi ☺
- ☒ 10:15am - 10:45am **Pre-Meeting regarding PONDS process** (USCIS OCC Conference Room, Suite 4210, 20 Massachusetts Avenue NW) - Schau Nelson, Jessica R
- ☒ 11:00am - 12:00pm **Meeting with DOJ regarding Re-Mailed EADs** (USCIS OCC Conference Room, Suite 4210, 20 Massachusetts Avenue NW) - Schau Nelson, Jessica R
- ☒ 1:00pm - 2:00pm **Hearing Prep for D1** (USCIS, WILCOXCONFIRM 5110 | D1 Conference Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez
- ☒ 4:00pm - 5:00pm ****New Time** Stakeholder call** (USCIS, WILCOXCONFIRM 5110 | Dial-in #: 877-931-4812, Leader: 49111769) - Scheduler, Choi

Tuesday, July 14

- ☒ 8:30am - 9:15am **Daily Check-In w/Lisa Pino** (USCIS, WILCOX Conference Room/Conference Line: 1-888-459-9171, Participant Passcode: 8942992) - Scheduler, Choi ☺
- ☒ 9:15am - 9:30am **Check-in w/Lucas** (COS Choi's office) - Scheduler, Choi
- ☒ 1:30pm - 2:00pm **1.30p Cecilia**
- ☒ 2:00pm - 3:00pm **Hearing Prep for D1** (USCIS, WILCOXCONFIRM 5110 | D1 Conference Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez
- ☒ 4:15pm - 4:45pm **FW: DACA Card Recovery Issue** (Director Rodriguez: Pls call (202) 646-3900) - Nimmich, Joseph
- ☒ 5:00pm - 6:00pm **OPA-CIS Discussion** (Lisa's office or Phone 877-491-0720 Pin: 7374479) - Pino, Lisa

Thursday, July 16

- ☒ 8:30am - 9:15am **Daily Check-In w/Lisa Pino** (USCIS, WILCOX Conference Room/Conference Line: 1-888-459-9171, Participant Passcode: 8942992) - Scheduler, Choi ☺
- ☒ 10:00am - 11:00am **pre-brief: DACA engagement** (Vogel Conference Room, 20 Mass) - Ellis, Rachel H
- ☐ 1:00pm - 2:00pm **Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- ☒ 2:00pm - 3:00pm **Congressional Teleconference on DACA EADs** (20 Mass - Vogel Conference room (5th Floor)) - Irazabal, Luz F
- ☒ 2:00pm - 2:45pm **Parole/Deferred action subgroup of IWG** (866-612-0129; Pin 9490851# (call-in only)) - Sultan, Jennifer
- ☐ 2:00pm - 2:45pm **Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFIRM 5110) - Scheduler, Scialabba ☺
- ☒ 3:00pm - 4:00pm **DACA Stakeholder Engagement** (Wilcox Conferen
- ☒ 3:00pm - 4:30pm **Weekly EIR/RA Leadership Huddle** (USCIS, WILCO
- ☒ 4:30pm - 5:00pm **Texas Legal Team - Administrative Meeting** (01-

Saturday, July 18

Sunday, July 19

July 20, 2015 - July 26, 2015

July 2015							August 2015						
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Monday, July 20

- ☒ 2:30pm - 3:00pm **ELIS Lockbox Overview Meeting** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- ☒ 3:30pm - 4:30pm **Hearing Prep for D1** (USCIS, WILCOXCONFIRM 5110 | D1 Conference Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez
- ☒ 3:30pm - 4:15pm **Leadership Working Group IEA** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi
- ☒ 5:00pm - 5:30pm **Stakeholder call** (USCIS, WILCOXCONFIRM 5110 | Dial-in #: 877-931-4812, Passcode: 78342894) - Scheduler, Choi

Tuesday, July 21

- ☒ 10:00am - 2:30pm **Hearing on DACA and Enforcement Priorities before Senate Judiciary Committee** (106 Dirksen Senate Office Building) - Tintary, Ruth E

Wednesday, July 22

- ☒ 9:30am - 9:45am **DACA Engagement Pre-Brief** (Phone Number: 877-931-4812 | Participant code: 78342894) - Scheduler, Choi
- ☒ 10:00am - 10:30am **CIS EAD Systems- SAVE & E-Verify** (OGC or Call Conference Number: 866-817-7466 PIN: 3761983) - Pino, Lisa
- ☒ 10:00am - 10:30am **INTERNAL ONLY: CIS EAD Systems - SAVE & E-Verify** (USCIS, VOGELCONFIRM 5110 | 866-817-7466 PIN: 3761983) -
- ☒ 10:30am - 11:00am **CIS EAD State Notifications** (OGC or Call Conference Number: 866-817-7466 PIN: 3761983) - Pino, Lisa
- ☒ 10:30am - 11:00am **INTERNAL ONLY: CIS EAD State Notifications** (USCIS, VOGELCONFIRM 5110 | 866-817-7466 PIN: 3761983) - Bjornada
- ☐ 11:15am - 12:15pm **Canceled: Weekly Meeting Re: Executive Immi**
- ☐ 12:30pm - 1:00pm **Canceled: i-9/E-verify/SAVE guidance to Public/**
- ☒ 1:45pm - 2:00pm **Extreme Hardship** (D1's office | via phone COS Con
- ☒ 2:00pm - 3:00pm **National 3yr DACA EAD Engagement (English)** (D
- ☒ 3:30pm - 4:30pm **National 3yr DACA EAD Engagement (Spanish)** (

Thursday, July 23

- ☒ 8:00am - 8:30am **CIS EAD Door Visits** (Phone Line 877-491-0720 PIN 7374479) - Pino, Lisa
- ☒ 10:45am - 11:30am **Travel to EEOB** (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- ☒ 11:30am - 1:00pm **Bi-Weekly Immigration Meeting with WH** (EEOB 374 - SMS Large) - Mayorkas, Scheduler
- ☒ 1:00pm - 1:20pm **Travel to HQ** (Depart EEOB | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- ☐ 1:00pm - 2:00pm **Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- ☒ 2:30pm - 3:00pm **Dreamer DL 9th cir**
- ☒ 3:00pm - 4:30pm **Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299
- ☒ 5:00pm - 6:30pm **Reg Retreat [[revised time and virtual meeting]]** (USCIS, WILCOXCONFIRM 5110 | (20 Mass., Ave, NW) (or COS conferen

Friday, July 24

- ☒ 9:00am - 10:00am **Daily EAD check in** (877-901-7564 Passcode # 59247747) - Higgins, Jennifer B
- ☒ 11:45am - 12:15pm **TX Litigation** (S2's Office or Call in Below) - Mayorkas, Scheduler
- ☒ 4:00pm - 4:30pm **DACA stakeholder teleconference** (USCIS, WILCOXCONFIRM 5110 | Dial-in #: 877-931-4812, Passcode: 78342894) - Ellis, Rachel H
- ☒ 5:00pm - 6:00pm **Team Social Hour** (Art & Soul | 415 New Jersey Ave NW) - Scheduler, Rodriguez

Saturday, July 25

Sunday, July 26

- ☒ 2:00pm - 2:30pm **D1 huddle** (COS: 888-459-9171 Participant code: 8942992#) - Choi, Juliet K

July 27, 2015 - August 02, 2015

July 2015							August 2015						
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Monday, July 27

- ☒ 1:00pm - 2:00pm Flores Call (866-817-7466 PIN: 3761983) - Shahoulian, David
- ☒ 2:45pm - 3:15pm Flores Meeting (NAC S, Conf. Room 5110) - Silvers, Robert
- ☒ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- ☒ 4:00pm - 4:30pm FW: Texas v US daily call (202.353.0877, passcode 99911656#) - Ricketts, Jennifer D (CIV) ☺
- ☒ 5:00pm - 5:30pm DACA stakeholder teleconference (USCIS, WILCOXCONFRM 5110 | Phone Number: 877-931-4812 Participant Passcode: 78342894) - Scheduler, Choi
- ☒ 5:00pm - 5:30pm Flores Update (NAC, Secretary's Office) - Johnson, Scheduler

Tuesday, July 28

- ☐ 12:00am (to be rescheduled) // SAVE THE DATE: 2015 USCIS Leadership Conference (The National Conference Center | 18980 Upper Belmont Place | Leesburg, VA 20176) - Scheduler, Rodriguez
- ☒ 9:00am - 9:30am Conf. Call re: Flores Follow-up w/ CBP (1-877-780-4602, PIN:2381562# (and David Shahoulian's Office)) - Cox, Reid
- ☒ 9:50am - 10:20am MP Reserved (NAC to DOJ) - Meyer, Jonathan
- ☒ 10:30am - 12:00pm *new start/end time* Follow-Up Meeting with DOJ (DOJ, 950 Pennsylvania Ave., NW, Room 5706) - Johnson, Scheduler
- ☒ 11:00am - 11:45am Internal USCIS EAD Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - S
- ☒ 12:30pm - 2:00pm Celebratin' James McCament Potluck lunch (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☒ 4:00pm - 4:30pm FW: Texas v US daily call (202.353.0877; passcode 99911656#) - Ricketts, Jennifer D (CIV) ☺

Wednesday, July 29

- ☐ * 12:00am (to be rescheduled) // SAVE THE DATE: 2015 USCIS Leadership Conference (The National Conference Center | 18980 Upp
- ☒ 9:00am - 10:00am Discuss Dilley/Karnes trip (TBD -) - Guttentag, Lucas
- ☐ 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC S, 5107) - Mayorkas, Scheduler ☺
- ☒ 2:45pm - 3:00pm Check-in w/Lucas at 202-345-3418 (Phone Call) - Scheduler, Choi
- ☒ 3:30pm - 4:30pm **new date/time** Senior Policy Council Meeting (SPC) (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☒ 3:30pm - 4:30pm DOJ call (Call in 202-953-0879; Passcode: 77111865) - Guevara, Carlos
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/For
- ☒ 4:00pm - 4:30pm FW: Texas v US daily call (202.353.0877; passcode
- ☒ 4:30pm - 5:00pm DACA stakeholder teleconference (USCIS, VOGEL

Thursday, July 30

- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☐ 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- ☒ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺
- ☒ 4:00pm - 4:30pm FW: Texas v US daily call (202.353.0877; passcode 99911656#) - Ricketts, Jennifer D (CIV) ☺

Friday, July 31

- ☒ 9:45am - 10:00am Call w/Esther re: NGO Letter to DHS (D1's Office | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Choi
- ☒ 12:50pm - 1:00pm Deferred Action Case (D1's Office | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez
- ☐ 2:45pm - 3:30pm Canceled: Travel to WH (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- ☒ 4:00pm - 4:30pm FW: Texas v US daily call (202.353.0877; passcode 99911656#) - Ricketts, Jennifer D (CIV) ☺
- ☒ 5:00pm - 6:30pm New Tradition: Last Friday of the Month Social Hour (Art & Soul | 415 New Jersey Ave NW) - Scheduler, Rodriguez
- ☐ 5:00pm - 5:30pm Canceled: Travel to HQ (Depart WH | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez

Saturday, August 01

Sunday, August 02

August 03, 2015 - August 09, 2015

August 2015							September 2015						
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Monday, August 03

- ☑ 10:15am - 11:15am Flores Conf. Call DOJ-DHS (202-353-0879, PIN: 77111265#) - Cox, Reid
- ☐ 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- ☑ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺

Tuesday, August 04

- ☐ 10:00am - 11:30am Canceled: (Cancel due to July Leadership Conference) Extended Leadership Meeting (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- ☑ 11:00am - 12:00pm ****Updated** Consolidated USCIS Leadership Meetings (weekly + EAD huddle)** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Rodriguez
- ☑ 11:00am - 11:30am Flores Call (Conference Call: 1-866-660-2397 PIN 5994838#) - General Counsel Scheduler
- ☑ 1:20pm - 1:50pm Pre-Brief: DACA EAD Engagement Plan (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- ☑ 4:00pm - 4:30pm DACA stakeholder teleconference (USCIS, WILCOXCONFRM 5110 | Phone Number: 877-931-4812 Participant Passcode: 78342894) - Scheduler, Rodriguez
- ☑ 4:30pm - 5:00pm Call with Director Rodriguez (Conference Line: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez

Wednesday, August 05

- ☐ 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayerkas, Scheduler ☺
- ☑ 11:45am - 12:30pm Internal USCIS EAD Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Rodriguez
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺
- ☑ 4:30pm - 4:45pm Call with Director Rodriguez (Conference Line: 800-619-7423 Participant Code: 7546790) - Scheduler, Rodriguez

Thursday, August 06

- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☑ 2:00pm - 3:00pm Parole/deferred action subgroup of IWG (ICE HQ 500 12th Street, SW; Room 6175 (call in 877-691-0685; code 5351494)) - Sultan, Jennifer
- ☑ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺
- ☑ 3:30pm - 3:45pm ****New Time** Commendation Call w/ Secretary Johnson and Director Rodriguez** (Conference Line: 800-857-4532 Participant Passcode: 7640661) - Scheduler, Rodriguez

Friday, August 07

- ☑ 11:00am - 11:45am ****New Location** Internal USCIS EAD Huddle/EIR Leadership Huddle** (White Oak Conference Room (2nd Floor) | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Rodriguez

Saturday, August 08

Sunday, August 09

August 10, 2015 - August 16, 2015

August 2015							September 2015						
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Monday, August 10

- ☑ **11:30am - 12:15pm Internal USCIS EAD Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Rodriguez
- ☑ **3:05pm - 3:30pm Birthday Cake for Jessica** (D1's Office) - Scheduler, Choi
- ☑ **3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi
- ☑ **4:30pm - 5:00pm DACA stakeholder teleconference** (USCIS, WILCOXCONFRM 5110 | Phone Number: 877-931-4812 Participant Passcode: 78342894) - Scheduler, Choi

Tuesday, August 11

- ☑ **9:30am - 10:15am FW: SWB Update** (S1 in NJ/Staff in NAC, 5107 Conference Room) - Johnson, Scheduler
- ☑ **11:00am - 11:30am 11:00: Check in, Lucas Guttentag** (COS Office) - Marrone, Christian
- ☑ **2:00pm - 2:30pm 2:00: Office Call** (COS Office) - Marrone, Christian
- ☑ **4:00pm - 5:30pm **New Date** DACA stakeholder teleconference** (USCIS, WILCOXCONFRM 5110 | Telecon Information Enclosed) - Scheduler, Choi

Wednesday, August 12

- ☑ **10:00am - 12:00pm T/U Briefing** (USCIS HQ - 20 Massachusetts Ave., N.W., dial in: 1-877-701-8726; password 27478112) - Tynan, Natalie S
- ☑ **10:15am - 10:45am Litigation Update** (S1 in NY/Staff in NAC, 5107 Conference Room) - Johnson, Scheduler
- ☐ **11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler
- ☑ **2:00pm - 3:00pm Interagency Working Group - Summer Update/Work Plan Mtg** (US Dept of Labor, ETA Conf Room, Room 52322 - Dial-In: 866 864 5140; Participant: 62337750; Leader: 16724038) - Nanda, Seema - OSEC
- ☐ **3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- ☑ **4:00pm - 4:30pm 4:00: FAMU Update** (NAC 05) - Marrone, Christian

Thursday, August 13

- ☐ **1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- ☐ **2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba
- ☑ **3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez

Friday, August 14

- ☑ **11:30am - 12:00pm **Update New Call-in** Internal USCIS EAD Huddle** (USCIS, WILCOXCONFRM 5110 / Dial-In: 1-866-814-1354/Passcode: 2140835) - Scheduler, Rodriguez
- ☑ **3:30pm - 4:00pm EAD Retrieval** (Telecon | D1: 1-866-814-1354; Code: 2140835) - Scheduler, Rodriguez

Saturday, August 15

Sunday, August 16

August 17, 2015 - August 23, 2015

August 2015							September 2015						
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23	24	25	26	27	28	29	27	28	29	30			
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Monday, August 17

- 10:00am - 11:30am *Canceled* Immigration Engagement (NAC 5, 5107) - Mayorkas, Scheduler
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi

Tuesday, August 18

- 10:30am - 11:00am Kerry's Farewell Breakfast (Front Office) - Scheduler, Rodriguez

Wednesday, August 19

- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi

Thursday, August 20

- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA
- 1:30pm - 2:00pm Texas Case (1-888-877-0329; PIN: 4663765#) - OGC Conference Rooms
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez

Friday, August 21

- 1:00pm - 2:00pm Call Re: LOPs at Ursula (Dial: 202-243-6160 Pin: 378548#) - Hay, Serena

Saturday, August 22

Sunday, August 23

August 24, 2015 - August 30, 2015

August 2015							September 2015						
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23	24	25	26	27	28	29	27	28	29	30			
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Monday, August 24

- ☑ **1:45pm - 2:00pm Internal Military Parole Meeting (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Choi**
- ☑ **2:00pm - 2:30pm Military Parole Discussion (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi**
- ☑ **3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi**

Tuesday, August 25

- ☑ **11:00am - 12:00pm Litigation Update (NAC, 5107 Conference Room) - Johnson, Scheduler**
- ☑ **2:30pm - 3:00pm Internal Military Parole Meeting (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Choi**
- ☑ **3:00pm - 3:30pm DHS/USCIS Military Parole Meeting (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi**

Wednesday, August 26

- ☐ **11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler**
- ☑ **1:30pm - 2:30pm Litigation Follow Up (NAC 05, 5107 (lg room)) - Marrone, Christian**
- ☑ **2:30pm - 3:00pm FW: Meeting with the Secretary (NAC, Secretary's Office) - Johnson, Scheduler**
- ☐ **3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi**

Thursday, August 27

- ☐ **1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA**
- ☐ **2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba**
- ☑ **3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez**
- ☑ **4:00pm - 5:00pm Follow-Up: Litigation Update (NAC, 5107 Conference Room) - Johnson, Scheduler**

Friday, August 28

- ☑ **4:00pm - 5:00pm Prep for Immigration Implementation Meeting with WH (NAC 5, CR 5107, Conference Call Number: 202-243-6160 PIN: 989913) - Mayorkas, Scheduler**

Saturday, August 29

Sunday, August 30

August 31, 2015 - September 06, 2015

August 2015							September 2015						
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16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, August 31

- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺

Tuesday, September 01

- 10:00am - 11:30am FW: Extended Leadership Meeting (Tornich Center) - Scheduler, Rodriguez ☺

Wednesday, September 02

- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 1:00pm - 1:30pm Fw: Draft Filing (Conference Number: 1-888-877-0329; PIN: 4663765# (on sight attendees Steve Bunnell's office)) - General Counsel Scheduler
- 3:30pm - 4:30pm EIR Leadership Huddle on TFNA (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, September 03

- 9:15am - 9:30am TX Filing (NAC, Secretary's Office) - Johnson, Scheduler
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺
- 3:00pm - 4:00pm Farewell Celebration for Clarissa Kornell (NAC-01-5107, the Secretary's large conference room) - Rhinebeck, Julianne
- 6:00pm - 6:25pm Catch-Up w/Lucas (COS Choi's Office) - Scheduler, Choi

Friday, September 04

- 10:00am - 10:30am FW: Litigation Press Statement (S1 in NY/Staff via Conference Call) - Johnson, Scheduler
- 3:30pm - 4:00pm **New Date/Time** NILC 11 Requests for Deferred Action Discussion (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez
- 4:00pm - 4:30pm **New Time** Deferred Action Case (D1's office | COS: 888-459-9171, participant code: 2658561#) - Scheduler, Rodriguez

Saturday, September 05

Sunday, September 06

September 07, 2015 - September 13, 2015

September 2015

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October 2015

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Monday, September 07

- Labor Day (United States)
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi

Tuesday, September 08

- 11:00am - 12:00pm Travel to the NAC (Depart P1) - Bjorndahl, Jami A
- 12:15pm - 12:45pm Follow-Up: Litigation Press Statement (NAC, 5107 Conference Room) - Johnson, Scheduler
- 1:30pm - 2:00pm FW: Family Detention Update (NAC, 5107 Conference Room) - Johnson, Scheduler
- 2:30pm - 3:30pm Travel to HQ - Bjorndahl, Jami A
- 3:30pm - 4:15pm Pre-Meet for OMB Meeting (USCIS, WILCOXCONFIRM 5110 | COS line: 888-459-9171, Participant code: 8942992) - Scheduler, Rodriguez

Wednesday, September 09

- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler
- 4:00pm - 5:00pm Additional EAD recall Efforts (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B

Thursday, September 10

- 9:00am - 9:30am Travel to ICE (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjorndahl, Jami A
- 9:30am - 11:30am IWG Parole Process Presentation (500 12th St. SW -ICE Rm 8175 (call in 877-691-0685; passcode 2754575)) - McCloskey, Paul A
- 10:00am - 11:00am NTA meeting and EAGLE (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B
- 11:00am - 12:00pm Status Update: EAD Outreach Efforts (USCIS, WILCOXCONFIRM 5110) - Higgins, Jennifer B
- 1:00pm - 1:30pm FAMU processing follow-up (Lucas Office) - Guttentag, Lucas
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299

Friday, September 11

- 11:00am - 11:30am Site visit discussion (Leon's office) - Higgins, Jennifer B
- 2:00pm - 3:00pm Immigration Check-in (EEOB 248 or 202-395-6392x3569166#) - Mayock, Andrew
- 3:45pm - 4:30pm *new time/topic* Litigation and EIR Update (NAC, 5107 Conference Room) - Johnson, Scheduler
- 4:45pm - 5:15pm *Reminder, Arrive Early* Secretary's Birthday Celebration (NAC, Secretary's Suite) - Johnson, Scheduler

Saturday, September 12

Sunday, September 13

September 14, 2015 - September 20, 2015

September 2015						October 2015								
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Monday, September 14

- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺

Tuesday, September 15

- 1:30pm - 4:00pm FW: ICE Family Case Management Outreach + USCIS presentation (111 Massachusetts Ave., NW, Room: 8008) - Plavsic, Julie H
- 2:00pm - 3:00pm Revised version of flow-chart (Lucas's office) - Pitti, Jose C

Wednesday, September 16

- 10:00am - 10:30am Canceled: *cancelled* Prep: Flores Update (COS Office) - Marrone, Christian
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC S, 5107) - Mayorkas.Scheduler ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, September 17

- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:15pm - 3:15pm Implementation of Flores Court Order (RRB/CBP, 1300 Pennsylvania Ave., NW, Room 4.4A (Commissioner's Small Conference Room)) - Johnson.Scheduler
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Friday, September 18

- 9:15am - 10:00am Travel to WH (Depart P1) - Scheduler, Rodriguez
- 10:00am - 11:00am INTERNAL: Bi-Weekly Immigration Meeting w/WH (WAVES sent for DL, IH, LG on 9/15) - Scheduler, Rodriguez
- 10:30am - 11:00am Conf. Call re: Texas compliance filing (1-877-780-4602, PIN: 2381562#) - Cox, Reid
- 3:30pm - 4:30pm Parole/deferred action subgroup (866-612-0129; Pin 9490851#) - Sultan, Jennifer

Saturday, September 19

Sunday, September 20

September 21, 2015 - September 27, 2015

September 2015							October 2015							
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27	28	29	30				25	26	27	28	29	30	31	

Monday, September 21

- 10:00am - 11:30am *Canceled* Immigration Engagement (NAC 5, 5107) - Mayorkas.Scheduler ↕
- 1:00pm - 2:00pm extreme hardship guidance (TBD) - Olavarria, Esther
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ↕

Tuesday, September 22

- 4:30pm - 5:00pm *new time* Texas Trip Follow-Up (NAC, Secretary's Office) - Johnson.Scheduler

Wednesday, September 23

- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas.Scheduler ↕
- 2:00pm - 3:00pm **New Date**Meeting on DUIs (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ↕

Thursday, September 24

- 11:00am - 11:30am Reg Policy Status Call (CALL IN ONLY | D1 Line: 1-866-814-1354 Code: 2140835 (D1 to activate the call)) - Scheduler, Rodriguez
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ↕
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ↕
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ↕
- 5:00pm - 6:00pm Leadership retreat 9/23-24

Friday, September 25

Saturday, September 26

Sunday, September 27

September 28, 2015 - October 04, 2015

September 2015						
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October 2015						
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Monday, September 28

- ☒ 11:30am - 12:00pm NTA policy (by phone -- w/ Lucas) - Guttentag, Lucas
- ☒ 11:30am - 12:00pm NTA Question (by phone) - Guttentag, Lucas
- ☒ 2:50pm - 3:10pm Canceled: Check-in w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- ☒ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- ☒ 6:30pm - 7:30pm Catch up (Johnny's Half Shell, Capitol Hill, 400 N. Capitol St., NW (North Capitol and Louisiana Ave, between C and D Streets)) - Charles Kamasaki

Tuesday, September 29

- ☒ 9:30am - 10:00am Molly - Guttentag, Lucas
- ☒ 11:00am - 11:45am **New Time** Senior Policy Council Meeting (SPC) (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- ☒ 1:30pm - 2:00pm TSP Discussion (Phone) - Kirk, Sudanya
- ☒ 5:00pm - 5:30pm Check-in w/Lucas (COS Choi's Office) - Scheduler, Choi

Wednesday, September 30

- ☒ 9:00am - 10:00am Travel to the NAC (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Choi
- ☒ 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting (NAC 5, 5107) - Mayorkas, Scheduler ☺
- ☒ 12:00pm - 1:00pm PSG issues (NAC) - Guttentag, Lucas
- ☒ 1:00pm - 1:30pm TPS adjustment (NAC) - Guttentag, Lucas
- ☒ 3:00pm - 4:00pm FW: WHOPE Legal Services Meeting (White House Conference Center, Lincoln Room, 726 Jackson Place NW, Washington, DC) - Jennifer Rizzo

Thursday, October 01

- ☒ 11:00am - 12:00pm NTA WG Meeting (20 Massachusetts Ave, Suite 1100, OP&S Conference Room) - Manoogian, Margaret
- ☒ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Rooms, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- ☒ 1:15pm - 1:45pm 1.15 S1 meeting?
- ☒ 1:15pm - 1:45pm Meeting with the Secretary (NAC, Secretary's Office) - Johnson, Scheduler
- ☒ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299)
- ☒ 5:30pm - 7:00pm FW: SAVE-THE-DATE - LULAC Capitol Hill Reception (House Visitor Center -- Room 201) - Scheduler, Rodriguez
- ☒ 6:00pm - 8:00pm FW: 19th annual American Courage Awards (National Press Club | 529 14th St NW) - Scheduler, Rodriguez
- ☒ 6:30pm - 7:00pm LULAC/AALC with Shin and Juliet?

Friday, October 02

- ☒ 11:45am - 12:00pm Catch-up w/Lucas (D1's office) - Scheduler, Rodriguez
- ☒ 2:00pm - 2:30pm WH call on Ext Hdshp (Call in 395-6392: code 9916342) - Guttentag, Lucas
- ☒ 2:45pm - 3:30pm Travel to the WH - Scheduler, Choi
- ☒ 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH (TBD) - Mayorkas, Scheduler ☺
- ☒ 4:30pm - 5:00pm Travel to HQ (Depart WH) - Scheduler, Choi

Saturday, October 03

Sunday, October 04

October 05, 2015 - October 11, 2015

October 2015							November 2015						
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Monday, October 05

- ☒ 10:00am - 11:00am TPS Adjustment (TBD -) - Guttentag, Lucas
- ☒ 10:00am - 11:00am Travel to NAC (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjorn Dahl, Jami A
- ☒ 10:30am - 11:00am Documenting Enforcement (NAC 5-5110) - Pino, Lisa
- ☒ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☒

Tuesday, October 06

- ☒ 10:00am - 11:30am Canceled: Extended Leadership Meeting (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☒
- ☒ 4:30pm - 5:30pm CR/RF screenings at the FRCs (Room 609 - 6th Floor RAIO conference room) - Lafferty, John L

Wednesday, October 07

- ☒ 8:15am - 8:45am Travel to Washington Convention Center (801 Mt Vernon Pl NW, Washington, DC 20001) (Depart P1 | POC: Sabrina Sm
- ☒ 9:00am - 10:00am S1 CHC speech
- ☒ 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☒
- ☒ 11:30am - 12:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1586) - Scheduler, Rodriguez
- ☒ 1:00pm - 1:45pm *canceled* Family Detention (NAC, Secretary's Office) - Johnson, Scheduler
- ☒ 2:00pm - 2:30pm Leadership Conference Call (USCIS, VOGELCONFIRM 5110) - Scheduler, Scialabba
- ☒ 3:00pm - 4:00pm Discuss USCIS Topics (Esther's Office) - Guevara, Carlos
- ☒ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☒

Thursday, October 08

- ☒ 10:30am - 11:30am Gutierrez briefing on EH
- ☒ 10:30am - 11:15am Victim and Witness Coordination Subgroup (866-612-0129; Pin 9490851#) - Sultan, Jennifer
- ☒ 11:00am - 12:00pm NTA WG Meeting (20 Mass, Suite 1100, Chang Conference Room) - Manoojian, Margaret
- ☒ 11:30am - 11:45am Canceled: Internal Pre-Brief re DACA Telecom
- ☒ 11:45am - 12:15pm Canceled: Placeholder: Follow up Call w/ Dept
- ☒ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-I
- ☒ 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS,
- ☒ 2:30pm - 3:00pm Canceled: Travel to ICE (Depart P1 | POC: Sabrina S
- ☒ 3:00pm - 4:00pm ICE meeting at ICE
- ☒ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCO
- ☒ 4:30pm - 5:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) -
- ☒ 5:00pm - 5:30pm Check-in w/Lucas (D1's office) - Scheduler, Rodrigu

Friday, October 09

- ☒ 9:30am - 11:00am S1 Gitmo
- ☒ 1:45pm - 2:15pm Quick huddle (extreme hardship) (D1's office | D1 Call-in line #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez
- ☒ 3:00pm - 5:00pm leave office

Saturday, October 10

Sunday, October 11

October 12, 2015 - October 18, 2015

October 2015							November 2015						
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Monday, October 12

- Columbus Day (United States)
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺

Tuesday, October 13

- 10:30am - 11:30am Transportation to NAC (Depart P1) - Bjorn Dahl, Jami A
- 10:30am - 11:15am **New time** Interagency Working Group on Exploited workers (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba
- 11:30am - 12:00pm Flores - NAC - COS
- 12:30pm - 1:30pm NAC - Implementation update
- 2:30pm - 3:00pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Bjorn Dahl, Jami A
- 4:45pm - 5:00pm Conference call - Texas cert petition (1-888-877-0329; PIN: 4663765#) - General Counsel Scheduler
- 6:00pm - 6:30pm FW: **New Time** Reg Update Call (Call in #: 202-395-6392 | Code: 544 3133) - Scheduler, Choi

Wednesday, October 14

- 9:30am - 10:00am TFA DACA renewal (TBD) - Guttentag, Lucas
- 11:15am - 12:15pm INTERNAL: Bi-Weekly Immigration Implementation Meeting (COS Choi's Office | 202-243-6160 PIN#989913) - Scheduler, Choi
- 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 1:00pm - 2:00pm Zachary Tripp
- 1:00pm - 2:00pm Canceled: Mandatory Ethics Training (Webinar) - USCIS Ethics
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺
- 4:30pm - 5:30pm Eye appt

Thursday, October 15

- 8:00am Save the Date: 2015 USCIS Leadership Conference w/ Travel Information (The National Conference Center (18980 Upper Belmont Place Leesburg, Virginia 20176-0198)) - Scheduler, Rodriguez
- 8:00am - 5:30pm (Rescheduled) Save the Date: 2015 USCIS Leadership Conference (The National Conference Center (18980 Upper Belmont Place, Leesburg, VA 20176-0198)) - Scheduler, Rodriguez
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Friday, October 16

- 5:30pm Save the Date: 2015 USCIS Leadership Conference w/ Travel Information (The National Conference Center (18980 Upper Belmont Place Leesburg, Virginia 20176-0198)) - Scheduler, Rodriguez
- 8:00am - 5:30pm (New Date) Save the Date: 2015 USCIS Leadership Conference (The National Conference Center (18980 Upper Belmont Place, Leesburg, VA 20176-0198)) - Scheduler, Rodriguez
- 3:00pm - 7:05pm Personal
- 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH (TBD) - Mayorkas, Scheduler ☺

Saturday, October 17

Sunday, October 18

- 11:00am - 12:00pm Move car. Parking expires Monday

October 19, 2015 - October 25, 2015

October 2015							November 2015						
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18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

Monday, October 19

- 9:00am - 10:00am Parking expires
- 10:00am - 11:30am 10: S2 meeting at NAC
- 10:00am - 11:30am *Serena Hoy and Esther Olavarria to Chair* Immigration Engagement (NAC 5, 5107) - Mayorkas, Scheduler
- 1:00pm - 2:00pm USCIS Forms Discussion (Esther's Office (or outside)) - Guevara, Carlos
- 2:30pm - 3:30pm Travel to HQ (Meet in front of visitor's center) - Bjorndahl, Jami A
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi

Tuesday, October 20

- 9:30am - 10:00am Flores CBP Conditions Compliance Conf. Call (1-877-783-6994, PIN: 9067492#) - Cox, Reid
- 10:15am - 10:45am Travel to DOS (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 12:00pm - 12:30pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- 4:00pm - 5:00pm Senior Leaders' Webinar (Atomics Conference Room, 8th Floor, 20 Massachusetts Avenue/Webinar (AT&T Connect Dial-in # 888-844-9904 Access Code: 6776707#)) - USCIS TransformationTeam
- 5:30pm - 6:00pm meet SCOTUS?

Wednesday, October 21

- 8:00am - 9:00am Travel to NAC (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjorndahl, Jami A
- 9:00am - 11:00am Meeting on TPS and Arrabally (tbd) - Olavarria, Esther
- 11:15am - 11:30am prep for Dof Ed DACA call (by phone) - Guttentag, Lucas
- 12:00pm - 2:00pm Georgetown
- 12:30pm - 1:30pm Canceled: SAVE THE DATE: Senior Leaders' Webinar (Atomics Conference Room, 8th Floor, 20 Massachusetts Avenue/Webinar (AT&T Connect Dial-in # 888-844-9904 Access Code:))
- 2:15pm - 2:45pm S1 update (Nac)
- 3:30pm - 4:00pm Travel to HQ - Bjorndahl, Jami A
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi
- 6:00pm - 7:00pm Sloan in DC

Thursday, October 22

- 9:00am - 9:30am Travel to ICE (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjorndahl, Jami A
- 9:30am - 10:00am FW: Flores implementation Call (CALL-IN Number (202) 353-0879 Passcode: 77111865# - ICE 9th floor) - Fresco
- 10:00am - 10:30am 10a ICE Flores data meeting
- 11:00am - 12:00pm CBP
- 11:00am - 12:00pm NTA Working Group (20 Mass, Suite 3103, Blue)
- 1:00pm - 2:00pm I-601A Policy Decisions (USCIS, WILCOXCONFRM)
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-I
- 2:00pm - 3:00pm AILA meeting
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS,)
- 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCO)
- 4:30pm - 5:00pm Follow-up Flores call with DOJ ((202) 353-0879 P3)
- 5:30pm - 5:45pm Check-In w/Lucas (COS Choi's Office) - Scheduler,

Friday, October 23

- 9:00am - 10:00am Private Appointment
- 10:00am - 10:30am FYSA - 90 Day EAD Clock Call (OP&S Conf Room 1st Floor (Past Denise's Office) | 866-817-7466 PIN: 3761983) - Choi, Juliet K
- 1:00pm - 2:00pm Travel to NAC
- 3:45pm - 4:00pm USCIS Pre Reg Huddle (DI's Office) - Scheduler, Rodriguez
- 4:00pm - 5:00pm S1 re family detention
- 4:00pm - 4:30pm **New Time** Reg Huddle (USCIS, VOGELCONFRM 5110 | 1-866-814-1954 Code: 2140835) - Scheduler, Rodriguez

Saturday, October 24

- 9:00am - 10:00am Private Appointment
- 11:00am - 3:00pm Move from house

Sunday, October 25

- 9:00am - 10:00am Private Appointment
- 11:00am - 3:00pm Move from house

October 26, 2015 - November 01, 2015

October 2015							November 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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25	26	27	28	29	30	31	29	30					

Monday, October 26

- ☞ 9:00am - 10:00am Private Appointment ☺ ☛
- ☞ 10:30am - 11:00am Rigdon/Bird
- ☞ 11:00am - 11:45am Meet & Greet with United We Dream (20 Massachusetts Ave NW, 5th floor, Suite 5110, Washington, DC 20529) -
- ☞ 11:00am - 11:45am INTERNAL ONLY: Meet & Greet w/United We Dream (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- ☞ 12:00pm - 2:00pm 12-2 ACS on 65 Immigration Act
- ☞ 12:00pm - 12:30pm Flores update (call-in) - Guttentag, Lucas
- ☞ 12:30pm - 1:00pm [New Time] ED/USCIS Check-in re: DACA (Dial: 8
- ☞ 2:00pm - 3:00pm INTERNAL: EA Tracker and WH Agenda Prep (CO
- ☐ 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep (NAC
- ☐ 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - S
- ☞ 3:00pm - 3:30pm Beth Brinkmann call
- ☞ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOX

Tuesday, October 27

- ☞ 9:00am - 10:00am Private Appointment ☺ ☛
- ☞ 10:00am - 11:00am FW: AC-21/I-140 Reg meeting with OGC (Teleconference: 866-817-7466 PIN: 3761983) - Dalal-Dheini, Sharvari P
- ☞ 1:00pm - 1:30pm NEW TIME: 1:00p TPS AOS follow-up (NOTE call in below) - Guttentag, Lucas
- ☞ 5:00pm - 5:30pm Talk with Esther Olavarria re: Sitting on detention panel discussion (1-877-780-4602, PIN: 2381562#) - Cox, Reid
- ☞ 5:30pm - 6:00pm Check In (202-395-6392 | Passcode: 544 3133) - Waheed, Manar

Wednesday, October 28

- ☞ 9:00am - 10:00am Private Appointment ☺ ☛
- ☞ 11:15am - 11:45am DUI guidance (by phone) - Guttentag, Lucas
- ☞ 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting (NAC 5, 5107) - Mayorkas.Scheduler ☺
- ☞ 3:00pm - 3:30pm tel call (1.800.704.9804, Password: 47436927#) - Guttentag, Lucas
- ☞ 3:30pm - 4:00pm Check-in w/Lucas (COS Choi's office) - Scheduler, Choi

Thursday, October 29

- ☞ 9:00am - 10:00am Private Appointment ☺ ☛
- ☞ 10:00am - 11:00am NTA WG Meeting (20 Massachusetts, Chang Conference Room) - Manogian, Margaret
- ☞ 1:00pm - 2:00pm FW: Chou Discussion (Scott Conference room) - Allred, Esther R
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☞ 2:00pm - 2:30pm 2:15p MPI on FAMU
- ☞ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺
- ☞ 5:00pm - 6:00pm WH COS call

Friday, October 30

- ☞ 9:00am - 10:00am Private Appointment ☺ ☛
- ☐ 9:30am - 11:00am Canceled: HOLD: Halloween Social (Director's Suite) - Scheduler, Rodriguez
- ☞ 10:00am - 10:45am 10:00: Family Detention Update (NAC, 5107) - Marrone, Christian
- ☞ 11:00am - 12:00pm NOTE CHANGE: Meet re DA and Natz RESCHEDULE - Guttentag, Lucas
- ☞ 12:00pm - 1:00pm AC21 Reg Text Discussion with OGC (Teleconference: Toll-Free Phone Number: 888-461-9130; Participant P
- ☞ 2:00pm - 2:30pm AC21 (202-395-6392 | Passcode: 544 3133) - Waheed, Manar
- ☞ 2:30pm - 3:00pm Travel to Jackson Place (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjorndahl, Jami A
- ☞ 3:00pm - 4:00pm 3:00p WH FAMU meeting
- ☞ 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH (TBD) -

Saturday, October 31

- ☐ Halloween (United States)

Sunday, November 01

November 02, 2015 - November 08, 2015

November 2015							December 2015								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa		
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	29	30							27	28	29	30	31		

Monday, November 02

- ☒ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- ☒ 4:00pm - 4:30pm ****New Date/Time** Senior Policy Council Meeting (SPC)** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☒ 5:00pm - 5:30pm AC21 (202-395-6392 | Passcode: 544 3133) - Waheed, Manar

Tuesday, November 03

- ☐ Election Day (United States)
- ☒ 9:30am - 10:30am ICE follow-up call with Esther (by phone) - Guttertag, Lucas
- ☒ 10:30am - 10:40am Huddle w/Lucas (COS Choi's office) - Scheduler, Choi
- ☒ 11:00am - 12:00pm Texas Family Detention Centers' Licensing With State Temporarily Blocked. (Telephonic - Call-in Information below) - Davis, Mike P
- ☒ 1:00pm - 2:00pm Extreme hardship stakeholder event
- ☒ 2:00pm - 4:00pm 51 awards ceremony?
- ☒ 2:00pm - 2:30pm FW: Discuss Texas DFPS Litigation (Telephonic: 866-862-3986 | 1405084#) - Davis, Mike P
- ☒ 4:15pm - 5:15pm Lucas, Dan and Michael (Lucas's office) - Valverde, Michael

Wednesday, November 04

- ☒ 11:00am - 11:45am 51 meeting: FAMU (NAC in person)
- ☒ 2:00pm - 8:00pm Travel to Stanford event
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺
- ☒ 5:00pm - 5:30pm AC21 (202-395-6392 | Passcode: 544 3133) - Waheed, Manar

Thursday, November 05

- ☒ 8:00am - 12:00pm Speak Stanford
- ☒ 11:00am - 11:30am NTA WG Meeting (20 Massachusetts, Suite 1100, Change Conference Room) - Manoojian, Margaret
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☒ 2:00pm - 3:00pm SI litigation meeting (NAC -- by phone?)
- ☐ 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- ☒ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Friday, November 06

- ☒ 10:00am - 11:00am Fw: Accepted: Updated: (HOLD) Pre-Meet on USCIS Forms - Guevara, Carlos
- ☒ 11:00am - 12:00pm USCIS Fee Review (EEOB 238) - Mayock, Andrew
- ☒ 12:00pm - 6:00pm Travel to VA

Saturday, November 07

- ☒ 8:00am - 1:00pm W/L soaking

Sunday, November 08

- ☒ 8:00am - 12:00pm Travel

November 09, 2015 - November 15, 2015

November 2015							December 2015							
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	29	30						27	28	29	30	31		

Monday, November 09

- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi

Tuesday, November 10

- 11:00am - 11:30am Internal USCIS/ED DACA Notice meeting (Wally's Office FO 5th Fl) - Bird, John W (Wally)
- 11:30am - 12:00pm Call with DOJ: CA5 rulings on PI and intervention (202-353-0880 / 68586070#) - Shahoulian, David
- 11:30am - 12:30pm Canceled: Request from State of Washington (OCC Conf Room/call-in) - Carpenter, Dea D
- 12:00pm - 12:05pm Check-in on Ruling (USCIS, WILCOXCONFRM 5110 | D1 Call-in #: 1-866-814-1354, Passcode: 2140835) - Bjorndahl, Jarni A
- 3:30pm - 4:00pm Rojas Parole (COS Choi's Office) - Scheduler, Choi
- 5:30pm - 6:00pm Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi

Wednesday, November 11

- Veteran's Day (United States)
- 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting (NAC 5, 5107) - Mayorkas, Scheduler
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler
- 12:00pm - 12:30pm AC21 (202-395-6392 | Passcode: 544 3133) - Waheed, Manar
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi

Thursday, November 12

- 9:00am - 9:45am [Confirmed] Follow-Up Check-in w/USCIS re: DACA (Dial: (866) 617-7937 Participant code: 4964219) - Fitzpatrick, Kelly
- 10:00am - 12:00pm conversation re finalizing AC21 NPRM (866-817-7466 PIN: 3761983) - Nice, Army
- 10:00am - 11:00am NTA WG Meeting (20 Massachusetts, Suite 1100, OP&S Conference Room) - Manoogian, Margaret
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- 2:30pm - 3:30pm AC21 Reg follow up (866-817-7466 PIN: 3761983) - Dalal-Dheini, Sharvari P
- 2:30pm - 3:30pm Save The Date - Senior Leaders' Webinar Agenda Attached (Atomics Conference Room, 8th Floor, 20 Massachusetts Ave
- 4:00pm - 6:00pm travel to chicago

Friday, November 13

- 10:00am - 6:00pm chicago BEN PhD
- 10:00am - 12:00pm USCIS - OGC Call on AC21 Rule (Teleconference: 866-817-7466 PIN: 3761983) - Dalal-Dheini, Sharvari P
- 10:30am - 11:30am **New Time** Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | P
- 12:45pm - 1:15pm discuss gender based asylum - Bettinger-Lopez, Caroline
- 1:00pm - 1:15pm Check-in with Denise (COS Choi's office) - Scheduler, Choi
- 2:00pm - 4:00pm One more :) (Teleconference: 866-817-7466 PIN: 3761983) - Dalal-Dheini, Sharvari P
- 3:00pm - 4:00pm Canceled: Save The Date - Senior Leaders' Webinar (Atomics Conference Room, 8th Floor, 20 Massachusetts Aven
- 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH (TBD) - Mayorkas, Scheduler

Saturday, November 14

Sunday, November 15

November 16, 2015 - November 22, 2015

November 2015							December 2015							
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29	30						27	28	29	30	31			

Monday, November 16

- ☒ **11:00am - 12:00pm [Pre-Meet] FISMA Requirements and USCIS Forms Language** (Call in: 202-243-6160/ PIN 448018#) - Guevara, Carlos
- ☒ **3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- ☒ **4:00pm - 5:00pm Save The Date - Senior Leaders' Webinar Agenda Attached** (Atomics Conference Room, 8th Floor, 20 Massachusetts Avenue/Webinar (AT&T Connect Dial-in # 888-844-9904 Access Code: 6776707#)) - USCIS TransformationTeam

Tuesday, November 17

- ☒ **3:30pm - 4:30pm FW: FISMA Requirements and USCIS Forms Language** (Office of the Chief Counsel Conference Room, 20 Massachusetts Ave., NW, Suite 4210, Washington, DC 20529) - Elder, Phillip D
- ☒ **5:30pm - 6:00pm RRI and IJ referrals** (conference call) - Olavarria, Esther
- ☒ **6:30pm - 8:30pm National Security Appointee Trivia Night** (James Hoban - 1 Dupont Circle, NW Washington, DC 20036) - WHLO

Wednesday, November 18

- ☐ **11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- ☒ **2:45pm - 3:45pm Final AC21 Preamble discussion** (Teleconference, Toll-Free Number 888-656-9149; Participant Passcode: 38131220) - Angustia, Kathleen M
- ☐ **3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺
- ☐ **3:30pm - 4:00pm Canceled: *PREP* for Pen & Pad** (866-918-0040, 8111638#) - Catron, Marsha

Thursday, November 19

- ☒ **10:00am - 11:00am NTA WG Meeting** (20 Mass, Suite 1100, OP&S Conference Room) - Manogian, Margaret
- ☐ **1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☒ **3:00pm - 3:15pm BIA accreditation -NEW TIME 3:00pm** (by phone) - Guttentag, Lucas

Friday, November 20

- ☒ **11:00am - 11:30am Intel at NAC** (NAC 17-323)
- ☒ **3:00pm - 3:45pm FW: Follow-Up: Family Detention** (NAC, 5107 Conference Room) - Johnson, Scheduler

Saturday, November 21

Sunday, November 22

November 23, 2015 - November 29, 2015

November 2015						
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December 2015						
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27	28	29	30	31		

Monday, November 23

- 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep** (NAC 5, 5110 or phone 1-866-745-6046, #3510446) - Pino, Lisa ☺
- 2:30pm - 3:00pm FW: WH Call** (USCIS, VOGELCONFRM 5110) - Bjorndahl, Jami A
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺

Tuesday, November 24

Wednesday, November 25

- 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting** (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, November 26

- Thanksgiving Day** (United States)
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 3:00pm - 4:30pm Canceled: Weekly EIR/RA Leadership Huddle** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Friday, November 27

- 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH** (TBD) - Mayorkas.Scheduler ☺

Saturday, November 28

Sunday, November 29

November 30, 2015 - December 06, 2015

November 2015							December 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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	15	16	17	18	19	20	21	13	14	15	16	17	18
	22	23	24	25	26	27	28	20	21	22	23	24	25
	29	30						27	28	29	30	31	

Monday, November 30

- ☑ 1:30pm - 3:00pm DOL (Wage and Hour Div. and OSHA) briefing for USCIS on law enforcement needs re deferred action (DHS HQ, 3801 Nebraska Ave., NW, NAC 17-323) - Sultan, Jennifer
- ☑ 3:00pm - 3:30pm *new time* 3:00: SWB (5107) - Marrone, Christian
- ☑ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171. Code: 8942992) - Scheduler, Choi ☑
- ☑ 6:30pm - 7:30pm Felicia
- ☑ 6:30pm - 7:00pm Check-In (202-395-6392; 544 3133) - Escobar, Felicia

Tuesday, December 01

- ☑ 10:00am - 11:30am Extended Leadership Meeting (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☑

Wednesday, December 02

- ☑ 8:00am - 8:30am on leave ☑
- ☑ 9:00am - 10:00am Victim and witness coordination subgroup check-in (1-866-612-0129; pin 9490851#) - Sultan, Jennifer
- ☐ 10:00am - 10:45am Canceled: Check-In w/Ur (Director's Office) - Scheduler, Rodriguez
- ☑ 11:00am - 12:30pm EEOC briefing for USCIS on law enforcement needs re deferred action (DHS HQ, 3801 Nebraska Ave., NW, NAC 17-100) - Sultan, Jennifer
- ☐ 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☑
- ☑ 2:00pm - 2:45pm SWB Update (Options and Recommendations) (NAC, 5107 Conference Room (JTF Director's via VTC)) - Johnson, Scheduler
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☑

Thursday, December 03

- ☐ 6:30am - 6:30pm Canceled: **Updated logistical information** Save the DATE "DHS Retreat" (Camp David -- More Info to come from WHLO) - Scheduler, Choi
- ☑ 7:00am - 6:30pm *info included* DHS Retreat (Camp David) - Johnson, Scheduler
- ☑ 8:00am - 8:30am on leave ☑
- ☑ 10:30am - 11:30am NTA WG Meeting (Pearl Chang Conference Room, 20 Mass) - Manoogian, Margaret
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- ☐ 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFIRM 5110) - Scheduler, Scialabba ☑
- ☑ 3:00pm - 4:30pm Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 894299

Friday, December 04

- ☑ 8:00am - 8:30am on leave ☑

Saturday, December 05

- ☑ 8:00am - 8:30am on leave ☑

Sunday, December 06

- ☑ 8:00am - 8:30am on leave ☑

December 07, 2015 - December 13, 2015

December 2015						January 2016								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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27	28	29	30	31				24	25	26	27	28	29	30
								31						

Monday, December 07

- ☒ 8:00am - 8:30am on leave ☺
- ☒ 8:30am - 9:00am Canceled: PREP ONLY***S1 EA Update/Immigration SPOT check review (S1 - 5110 or Phone 1-866-745-6046 Passcode: 1499070) - Pino, Lisa
- ☒ 2:00pm - 2:45pm *being rescheduled* EA Update (NAC, 5107 Conference Room) - Johnson, Scheduler
- ☒ 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep (NAC 5, 5110 or phone 1-866-745-6046, #3510446) - Pino, Lisa ☺
- ☒ 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- ☒ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺

Tuesday, December 08

- ☒ 8:00am - 8:30am on leave ☺
- ☒ 8:15am - 9:15am Meeting with the Secretary (NAC, Secretary's Office) - Johnson, Scheduler
- ☒ 11:45am - 12:45pm **New Time** Senior Policy Council Meeting (SPC) (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez
- ☒ 12:00pm - 1:00pm White House Legal Services Meeting (White House Conference Center, Lincoln Room, 726 Jackson Place NW, Washington, DC) - Jennifer Rizzo

Wednesday, December 09

- ☒ 8:00am - 8:30am on leave ☺
- ☒ 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting (NAC 5, 5107) - Mayorkas, Scheduler ☺
- ☒ 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☺
- ☒ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺

Thursday, December 10

- ☒ 8:00am - 8:30am on leave ☺
- ☒ 1:00pm - 3:00pm USCIS OLA Holiday Open House (20 Massachusetts Avenue, NW, Room 4008) - Atkinson, Ronald A
- ☒ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☒ 2:00pm - 3:00pm NTA WG Meeting (20 Mass, Suite 1100, Chang Conference Room) - Manoogian, Margaret
- ☒ 3:00pm - 4:30pm *New Time* Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Friday, December 11

- ☒ 8:00am - 8:30am on leave ☺
- ☒ 10:15am - 10:45am Texas - research (OCC conference room/Conference call line below) - Jaddou, Ur M
- ☒ 11:00am - 12:00pm Molly
- ☒ 11:00am - 12:00pm *TO BE RESCHEDULED* Immigration Engagement (NAC 5, 5107) - Mayorkas, Scheduler ☺
- ☒ 1:00pm - 2:00pm Reid Cox
- ☒ 2:00pm - 3:00pm FW: Coordinating on Program Review Meeting (phone: 877 925 2405; passcode 66741837) - Valverde, Michael
- ☒ 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH (IBL) - Mayorkas, Scheduler ☺

Saturday, December 12

Sunday, December 13

December 14, 2015 - December 20, 2015

December 2015							January 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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6	7	8	9	10	11	12	3	4	5	6	7	8	9
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20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
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Monday, December 14

- ☒ 10:30am - 11:00am Texas Hearing Update (Conference call - call-in info below) - Jeddou, Ur M
- ☒ 11:00am - 11:20am I/1 with COS (COS Choi's Office) - Scheduler, Choi
- ☒ 1:15pm - 2:00pm Travel to the NAC (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Choi
- ☒ 2:00pm - 3:00pm Christian farewell (NAC)
- ☒ 2:00pm - 3:00pm FW: Affordable Care Act: An Overview for Eligible Immigrants (111 Mass. Ave. Washington, DC 20529 (Conference Rm#6004)) - Scott, Danielle N
- ☒ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☒
- ☒ 3:45pm - 4:30pm Travel to HQ (Depart NAC | POC: Sabrina Smith, 202-272-1568) - Scheduler, Choi

Tuesday, December 15

- ☒ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☒
- ☒ 10:00am - 11:00am K-1 Program Review next steps (Teleconference Phone: 877 925 2405 Passcode 66741837) - Hurteau, Mallory J
- ☒ 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☒
- ☒ 12:30pm - 1:00pm discuss Texas memos -- placeholder (CALL-IN BELOW) - Guttentag, Lucas
- ☒ 3:00pm - 4:00pm FW: K-1 Program Review (Teleconference Phone: 877 925 2405 Passcode 66741837) - Hurteau, Mallory J
- ☒ 3:00pm - 3:30pm FW: HOGAR Hearing Prep - "Terrorist Travel: Vetting for National Security Concerns." (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez
- ☒ 4:30pm - 4:45pm **Updated Time** Mejia Reyes Case (USCIS, VOGELCONFRM 5110) - Scheduler, Rodriguez

Wednesday, December 16

- ☒ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☒
- ☒ 12:00pm - 2:00pm FW: OCC Festivus is coming... (Dec 16)! (OCC Conf Rm) - Bell, Stephen P
- ☒ 1:00pm - 1:30pm ttrave to DOJ
- ☒ 1:15pm - 1:45pm Transportation to DOJ (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Bjorn Dahl, Jami A
- ☒ 2:00pm - 3:00pm Texas Research Projects (Main Justice - OSG Conference Room - 5609) - Tripp, Zack (OSG)
- ☒ 3:00pm - 3:45pm Affordable Care Act: An Overview for Foreign Embassies and Consulates (111 Mass. Ave. N.W. Washington, DC 205) - Scheduler, Rodriguez
- ☒ 5:00pm - 5:30pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- ☒ 6:00pm - 6:15pm DUI Guidance for DACA (COS Choi's office) - Scheduler, Choi

Thursday, December 17

- ☒ 9:45am - 10:15am TPS - Guttentag, Lucas
- ☒ 10:45am - 11:15am Texas research (Call-in -NUMBER BELOW) - Guttentag, Lucas
- ☒ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- ☒ 1:15pm - 2:00pm Travel to WAS FOD | 2675 Prosperity Ave Fairfax, VA 22031 (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Sc
- ☒ 2:00pm - 3:30pm WAS Naturalization Ceremony (WAS FOD | 2675 Prosperity Ave, Fairfax VA 22031) - Scheduler, Choi
- ☒ 3:30pm - 4:15pm Travel to HQ (POC: Sabrina Smith, 202-272-1568) - Scheduler, Choi
- ☒ 3:30pm - 5:30pm You're Invited: Consular Affairs Holiday Breakfas
- ☒ 3:30pm - 4:00pm *New Time** Weekly EIR/RA Leadership Huddle (
- ☒ 4:00pm - 7:00pm DPC holiday party
- ☒ 4:30pm - 5:00pm Natz disability call (Lucas's office) - Guttentag, Luc

Friday, December 18

- ☒ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☒
- ☒ 9:30am - 10:00am Texas IRCA project (By phone) - Guttentag, Lucas
- ☒ 10:00am - 11:00am State's Use of Social Media in Fraud Prevention (1-888-363-4749 code: 6476361) - Martz, Aaron I
- ☒ 12:00pm - 12:45pm Flores appeal (Conference Line: 1-866-813-7251; code: 9535970, Materials attached) - Guttentag, Lucas
- ☒ 2:00pm - 2:30pm Check-In w/Ur & Denise (Director's Office) - Scheduler, Rodriguez
- ☒ 2:30pm - 4:00pm Executive Leadership Holiday Reception (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- ☒ 3:30pm - 4:00pm FW: Telecom Re: Family Removals (Dial: 202-243-6160 Pin: 378548#) - Hoy, Serena
- ☒ 5:30pm - 6:00pm Follow-Up: SWB Conference Call (NAC, 5110 Conference Room of Call-In) - Johnson, Scheduler

Saturday, December 19

Sunday, December 20

- ☒ 4:00am - 8:00am Debbie to callif

December 21, 2015 - December 27, 2015

December 2015						January 2016								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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20	21	22	23	24	25	26		17	18	19	20	21	22	23
27	28	29	30	31				24	25	26	27	28	29	30
								31						

Monday, December 21

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 8:30am - 9:00am SWB Lines of Effort - Implementation Call (5107 (Large Conference Room) / Dial in: 202-243-6160 PIN 448018#) - Beilm
- 9:00am - 10:00am Follow up to USCIS Listening Session (Jobs with
- 10:00am - 11:30am *Canceled* Immigration Engagement (NAC 5,
- 12:30pm - 1:00pm **New Time** LGBT immigration policy asks dis
- 12:30pm - 1:00pm update (by phone) - Guttentag, Lucas
- 12:30pm - 1:00pm INTERNAL ONLY: LGBT immigration policy asks
- 1:30pm - 2:00pm Texas (By phone) - Guttentag, Lucas
- 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep (NAC
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - S
- 3:00pm - 7:00pm Leave for airport
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXC

Tuesday, December 22

- San Ysidro CBP
- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 11:30am - 12:00pm SWB Update (S1 in NY/HQ Staff in NAC, 5110 Conference Room) - Johnson.Scheduler
- 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 2:00pm - 3:30pm Canceled: **Cancelled** Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Wednesday, December 23

- 9:00am - 10:00am Private Appointment *
- 9:15am - 9:45am Prep: SWB WH Call (S1 in NJ/Staff Calling in Separately) - Johnson.Scheduler
- 10:00am - 11:00am Remote work
- 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Canceled: Check-In w/Ur (Director's Office) - Scheduler, Rodriguez
- 5:00pm - 6:00pm Private Appointment *

Thursday, December 24

- Christmas Eve (United States)
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺

Friday, December 25

- Christmas Day (United States)
- 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH (TBD) - Mayorkas.Scheduler ☺

Saturday, December 26

Sunday, December 27

December 28, 2015 - January 03, 2016

December 2015							January 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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6	7	8	9	10	11	12		3	4	5	6	7	8	9
13	14	15	16	17	18	19		10	11	12	13	14	15	16
20	21	22	23	24	25	26		17	18	19	20	21	22	23
27	28	29	30	31				24	25	26	27	28	29	30
								31						

Monday, December 28

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:00am Remote work ☺
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺

Tuesday, December 29

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:00am Remote work ☺

Wednesday, December 30

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:00am Remote work ☺
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 1:00pm - 7:00pm Texas brief - Guttentag, Lucas
- 1:00pm - 1:15pm ICE Reporting wrt Surge Ops and Flores (Dial in: 202-243-6160 PIN 448018#) - Beilman, Kristen
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, December 31

- New Year's Eve (United States)
- 10:00am - 11:00am Remote work ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor, Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- 3:00pm - 4:30pm Canceled: Weekly EIR/RA Leadership Huddle (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 | Passcode: 8942992#) - Scheduler, Rodriguez ☺

Friday, January 01

- New Year's Day (United States)
- 10:00am - 11:00am Remote work ☺

Saturday, January 02

- 8:00am - 9:00am Seths engagement 12/2

Sunday, January 03

January 04, 2016 - January 10, 2016

January 2016							February 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29					
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Monday, January 04

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 10:00am - 11:00am Remote work ☑
- ☑ 2:00pm - 2:30pm IWG Victim & Witness Coordination -- Check In - Rogal, Leah
- ☐ 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep (NAC 5, 5110 or phone 1-866-745-6046, #3510446) - Pino, Lisa ☑
- ☐ 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☑
- ☑ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☑
- ☑ 6:00pm - 7:00pm Private Appointment *

Tuesday, January 05

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 10:00am - 11:00am Remote work ☑
- ☑ 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☑
- ☐ 1:00pm - 1:30pm Canceled: Political Appointee Check-In (Wilcox Conference Room) - Scheduler, Rodriguez ☑

Wednesday, January 06

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 10:00am - 11:00am Remote work ☑
- ☑ 11:00am - 11:30am Call to discuss posting monthly CBP stats on UACs and Family Units (1-877-780-4602, PIN: 2381562#) - Cox, Reid
- ☑ 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting (NAC 5, 5107) - Mayorkas Scheduler ☑
- ☑ 12:15pm - 1:15pm Fresco
- ☑ 1:30pm - 2:15pm Private Appointment *
- ☑ 2:30pm - 3:00pm Check-In w/Ur (Director's Office) - Scheduler, Rodriguez
- ☑ 3:00pm - 9:00pm EOIR in SF EJ FAMU hearing

Thursday, January 07

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 10:00am - 11:00am Remote work ☑
- ☑ 1:00pm - 1:30pm USCIS IWG Update Call (1-866-612-0129; pin 9490851#) - Rogal, Leah
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893, Participant Code: 61290222) - HQSCOPSDACA ☑
- ☑ 2:00pm - 8:00pm Travel

Friday, January 08

- ☑ 11:00am - 12:00pm **New Time** "Screening/Vetting Huddle" (updated to include Agenda, Tracker and Attachments) (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Rodriguez
- ☑ 11:30am - 12:00pm Meeting with Lucas Guttentag (S2's Office) - Mayorkas Scheduler
- ☑ 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☑
- ☑ 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH (TBD) - Mayorkas Scheduler ☑
- ☑ 3:30pm - 4:00pm *new time and date* 3:30: Scheduling Meeting (NAC, 5107 Conference Room) - Rosen, Paul ☑

Saturday, January 09

Sunday, January 10

January 11, 2016 - January 17, 2016

January 2016							February 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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3	4	5	6	7	8	9	7	8	9	10	11	12	13
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17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29					
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Monday, January 11

- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **11:00am - 12:00pm FW: Stakeholder Engagement** (Conference Room 01-044) - Mayorkas, Scheduler
- ☑ **12:00pm - 12:30pm FRC Report discussion** (S1 Bullpen) - Beilman, Kristen
- ☑ **2:00pm - 2:45pm **New Date** Leadership Working Group IEA** (USCIS, VOGELCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- ☑ **5:00pm - 6:00pm Meeting with Lucas** - Jaddou, Ur M
- ☑ **6:00pm - 6:30pm Flores** (by phone) - Guttentag, Lucas

Tuesday, January 12

- ☐ ****To Be Rescheduled** Extended Leadership Meeting** (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **9:45am - 10:15am Meeting with Lucas Guttentag** (COS Office) - Rosen, Paul
- ☑ **12:30pm - 1:30pm Paul Shechtman**
- ☑ **12:30pm - 1:00pm *new time* 12:30: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ **4:00pm - 5:00pm FW: CRCL Memo Discussion** (NAC 5, 5110) - Hoy, Serena
- ☑ **4:15pm - 4:30pm Check in w/Lucas** (COS Choi's office) - Scheduler, Choi
- ☑ **5:30pm - 6:30pm WH call**
- ☑ **5:45pm - 6:15pm S2 Prep/WH Implementation Prebrief** (COS Choi)

Wednesday, January 13

- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **9:00am - 9:30am planning** (Esther office) - Guttentag, Lucas
- ☑ **9:30am - 10:30am DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- ☑ **11:00am - 12:00pm Victim and witness coordination subgroup check-in** (1-866-612-0129; pin 9490851#) - Rogal, Leah
- ☐ **3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, January 14

- ☑ **8:00am - 8:30am Private Appointment** *
- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☐ **1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☐ **2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺

Friday, January 15

- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **12:00pm - 12:30pm *canceled for 1/15* 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ **12:45pm - 1:15pm EA Update** (NAC, 5107 Conference Room) - Johnson, Scheduler
- ☐ **3:15pm - 4:00pm Canceled: Travel to WH** (Depart P1 | POC: Sabrina Smith, 202-272-1568) - Scheduler, Rodriguez
- ☑ **3:30pm - 4:00pm regroup on Texas research?** (1-877-930-5740; 9284088#) - Noferi, Mark
- ☐ **4:00pm - 5:00pm Canceled: INTERNAL: Bi-Weekly Immigration Meeting WH** - Scheduler, Rodriguez

Saturday, January 16

Sunday, January 17

January 18, 2016 - January 24, 2016

January 2016							February 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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3	4	5	6	7	8	9	7	8	9	10	11	12	13
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17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29					
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Monday, January 18

- Martin Luther King Day** (United States)
- 10:00am - 11:30am *Canceled* Immigration Engagement** (NAC 5, 5107) - Mayorkas.Scheduler ↕
- 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep** (NAC 5, 5110 or phone 1-866-745-6046, #3510446) - Pino, Lisa ↕
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ↕

Tuesday, January 19

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ↕
- 10:00am - 10:30am**
- 10:15am - 10:45am Medicare and lawful presence** (Lucas office) - Guttentag, Lucas
- 11:00am - 11:45am **New Date/Time** Leadership Working Group IEA** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ↕
- 12:30pm - 1:00pm FW: USCIS/EOP Forms Certification Language** (202-395-6392; 830 9412#) - Bashadi, Sarah
- 1:00pm - 1:30pm Meeting with Lucas Guttentag** (52's Office) - Mayorkas.Scheduler
- 3:30pm - 4:00pm Texas research OSG update** (CALL IN NUMBER ADDED BELOW) - Guttentag, Lucas

Wednesday, January 20

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ↕
- 11:15am - 12:15pm Bi-weekly: Immigration Implementation Meeting** (NAC 5, 5107) - Mayorkas.Scheduler ↕
- 4:00pm - 4:30pm Check-In w/Ur** (Director's Office) - Scheduler, Rodriguez

Thursday, January 21

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ↕
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ↕
- 2:30pm - 3:00pm Detention Meeting** (NAC 5, 5110) - Mayorkas.Scheduler
- 3:30pm - 4:00pm Overstay follow up** (DCOS Lee Office or Teleconference - Dial 202-202-243-6160 Pin 448018#) - Lee, Jonathan

Friday, January 22

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ↕
- 9:45am - 10:45am S1 advocates**
- 9:45am - 10:30am Stakeholder Meeting** (NAC, Secretary's Office) - Johnson.Scheduler
- 11:30am - 12:00pm check in on Texas** (with call in number: Conference Line: 1-877-930-5740, PIN: 9284088#) - Guttentag, Lucas
- 11:45am - 12:00pm *new time* 11:45: Working Brunch** (5107 (Large Conf. Room)) - Rosen, Paul ↕
- 1:00pm - 1:30pm Canceled: Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ↕
- 3:00pm - 3:30pm Julie-Lucas-Felicia Conference Call** (BRIDGE NUMBER: 202-395-6392 CONFERENCE PASSCODE: 393 2641) - Rodriguez,
- 3:30pm - 5:00pm Bi-Weekly Immigration Meeting with WH** (TBD) - Mayorkas.Scheduler ↕

Saturday, January 23

Sunday, January 24

January 25, 2016 - January 31, 2016

January 2016							February 2016						
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Monday, January 25

- **To be rescheduled** Leadership Working Group IEA** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 10:10am - 10:55am FW: Overstay** (NAC5 Small Conference Room, 5110/ 202-243-6160 Pin 448018#) - Lee, Jonathan
- 12:30pm - 1:45pm Canceled: White House Legal Services Meeting** (White House Conference Center, 725 Jackson Place NW, Washington, DC - Lincoln Room) - Jennifer Rizzo

Tuesday, January 26

- 12:00pm - 12:30pm EVD/DED memo and research check in** (by phone - call-in number added) - Guttentag, Lucas
- 4:30pm - 5:30pm draft brief** (call-in number added -- see below) - Guttentag, Lucas
- 5:00pm - 5:30pm FW: Negusie Meeting - Conference Call** (1-877-930-5740 - 9284088#) - Baroukh, Nader

Wednesday, January 27

- 9:30am - 10:30am DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 99994785)
- 10:30am - 11:00am Travel to ICE** (Depart P1 | POC: Sabrina Smith, 202-272-1568)
- 11:00am - 12:30pm detention follow-up** (ICE-HQ Room TBD) - Guttentag, Lucas
- 12:30pm - 1:00pm Travel to HQ** (POC: Sabrina Smith, 202-272-1568)
- 1:00pm - 2:00pm Overstay and Entry/Exit follow-up** (NAC5 Large Conference Room, 5107/ 202-243-6160 Pin 448018#) - Lee, Jonathan
- 2:00pm - 2:30pm "SCOTUS DACA Discussion"** (Director's Office | D1 Call-in 1-866-814-1354, Passcode: 2140835#) - Scheduler, Rodriguez
- 3:00pm - 4:30pm HEARING PREP - 2/3 Hearing on Refugee and Visa Screening (House Homeland Security Committee)** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺

Thursday, January 28

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:30am Check-in with Lucas Guttentag** (S2's Office) - Mayorkas, Scheduler
- 11:00am - 11:30am follow-up** (by phone) - Guttentag, Lucas
- 1:00pm - 1:30pm [Hold] SIJS Discussion** (Call-in 202-243-6160; Pin 448018#) - Guevara, Carlos
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:30pm DUI Revised Discussion** (Serena's Office) - Hoy, Serena
- 3:00pm - 4:00pm [tentative hold time] CRCL detention update** (Updated time:3:00p. Room and call in coming.) - Guttentag, Lucas

Friday, January 29

- Deadline for Transshare/Metro 2016 benefits**
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:30am HEARING PREP - 2/3 Hearing on Refugee and Visa Screening (House Homeland Security Committee)** (USCIS, WILCOXCONFIRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez
- 12:30pm - 2:30pm Status Update on the Detention Reform Dashboard** (ODPP Conference Room) - Landy, Kevin
- 1:30pm - 3:00pm Touch base w/ ICE on detention**
- 3:30pm - 4:15pm Southern Border Campaign Strategy Update** (NAC, 5107 Conference Room) - Johnson, Scheduler
- 4:30pm - 5:30pm o/s meeting** (nac)
- 4:30pm - 5:00pm *new time* Next Steps - Overstay Report** (NAC, 5107 Conference Room) - Johnson, Scheduler

Saturday, January 30

Sunday, January 31

February 01, 2016 - February 07, 2016

February 2016							March 2016							
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Monday, February 01

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 10:00am - 10:30am detention plan next steps (by phone) - Guttentag, Lucas
- ☑ 11:00am - 12:00pm Card replacement
- ☑ 11:00am - 11:30am replace PIV card - Guttentag, Lucas
- ☑ 11:15am - 12:00pm ****Agenda attached** Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171)
- ☑ 12:30pm - 2:00pm ****New Time** HEARING PREP - 2/3 Hearing on Refugee and Visa Screening** (House Homeland Security Committee)
- ☑ 1:00pm - 1:30pm Internal call re records (1-877-930-5740; 9284088#)
- ☑ 2:00pm - 2:30pm process plan for editing ICE document (CALL-IN)
- ☑ 2:00pm - 2:30pm *new date & time* Scheduling Meeting (NAC, 510)
- ☑ 2:00pm - 2:30pm Detention Reform W/CALL-IN NUMBER (Teleconf)
- ☑ 4:00pm - 4:30pm Drivers licensee followup (UPDATED WITH CALL-I

Wednesday, February 03

- ☐ ****To be rescheduled** Check-In w/Ur** (Director's Office) - Scheduler, Rodriguez
- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 10:00am - 1:00pm Watch D1's Hearing Testimony (USCIS, WILCOXCONFRM 5110) - Bjorndahl, Jami A
- ☑ 11:00am - 11:20am Trafficking/Smuggling of Minors Agenda Discussion (NAC 5, 5110 (Dial: 202-243-6160 Pin: 329702#)) - Hoy, Serena
- ☐ 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☺
- ☑ 12:00pm - 1:00pm work authorization numbers (dial-in added below) - Guttentag, Lucas
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Friday, February 05

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 10:00am - 11:00am FW: DHS Meeting on Trafficking/Smuggling of Minors (NAC 5, 5107) - Hoy, Serena
- ☑ 11:30am - 12:00pm Silva (By phone) - Guttentag, Lucas
- ☑ 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ 1:00pm - 1:30pm [Hold] SIJS Follow Up (Call-in 202-243-6160; Pin 448018#) - Guevara, Carlos
- ☑ 1:45pm - 2:15pm OSG Research Needs (Call-in info below) - Jaddou,
- ☑ 2:00pm - 3:00pm Transportation to NAC (Depart P1 | POC: Sabrina S
- ☐ 2:45pm - 3:30pm Canceled: Travel to the WH (Depart P1 | POC: Sabr
- ☑ 3:00pm - 3:45pm *new time* Sprint 366 Meeting (NAC, 5107 Confer
- ☑ 4:00pm - 4:30pm TPS next steps (By phone) - Guttentag, Lucas
- ☐ 5:00pm - 5:30pm Canceled: Travel to HQ (Depart WH | POC: Sabrina

Tuesday, February 02

- ☐ Canceled: ****To be rescheduled** Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- ☐ Groundhog Day (United States)
- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 9:30am - 10:00am Flores (by phone) - Guttentag, Lucas
- ☑ 12:00pm - 12:30pm Call on Texas Injunction (Conference call info below) - Jaddou, Ur M
- ☑ 1:00pm - 1:30pm *new time* 1:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ 1:00pm - 1:30pm Call (Call) - Nguyen, Eric
- ☑ 2:30pm - 3:45pm White House Legal Services Meeting (White House Conference Center, Lincoln Room, 726 Jackson Place NW, Wash
- ☑ 4:00pm - 6:00pm Detention follow-up (NAC - TBD) - Guttentag, Luc
- ☑ 4:00pm - 6:00pm Detention matrix discussion (NAC TBD) - Guttenta

Thursday, February 04

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☑ 3:00pm - 4:00pm Family Unit Data Tracking: OFO (RRB, 4.4A Commissioner's Small Conference Room 1-888-546-3727 PIN: 93989860) - HANNA, RENE
- ☑ 3:00pm - 4:00pm "Screening/Vetting Huddle" (agenda attached) (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez

Saturday, February 06

Sunday, February 07

February 08, 2016 - February 14, 2016

February 2016						
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Monday, February 08

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 9:30am - 10:00am Detention touch base (By phone) - Guttentag, Lucas
- ☑ 3:00pm - 3:30pm Weekly check-in (395-6392, 6107622#) - Shahoulian, David
- ☑ 3:45pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- ☑ 4:15pm - 5:00pm Em/Lucas transition - Hyams, Emilie R
- ☑ 4:30pm - 5:30pm Extreme Hardship meeting (OP&S Conference Room) - Vanison, Denise

Tuesday, February 09

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room: 5107) - Rosen, Paul ☺
- ☑ 10:00am - 10:30am FW: IRCA leg history research (1-877-930-5740; 9284088#) - Noferi, Mark
- ☑ 10:00am - 11:00am NIW Precedent (telephonic: 1-866-616-1347; 62619278) - Rosenberg, Ronald M (Ron)
- ☑ 10:30am - 11:00am *new time* 10:30: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ 11:00am - 12:00pm Visa Overstay (*UPDATED ROOM* NAC05-5110 / Teleconference - Number: 202-243-6160 Pin: 448018) - Lee, Jonathan
- ☑ 3:00pm - 4:00pm *new day/time* Detention Reform (NAC 5, 5107) - Mayorkas.Scheduler

Wednesday, February 10

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 9:30am - 10:30am DHS SWB Component Coordination Call (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- ☑ 10:00am - 11:00am Flores Agenda Conference Call (1-877-780-4602, PIN: 2381562#) - Cox, Reid
- ☑ 11:30am - 12:30pm Texas brief - updated time - Guttentag, Lucas
- ☑ 1:30pm - 2:30pm Policies related to pregnant detainees (ODPP conference room and phone call) - Landy, Kevin
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺
- ☑ 4:30pm - 5:00pm TPS -- updated time: Wed at 4:30p (by phone -CALL IN NUMBER BELOW) - Guttentag, Lucas

Thursday, February 11

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 11:00am - 2:00pm S1 Aspen institute
- ☑ 11:00am - 1:00pm *room confirmed* Remarks: Aspen Institute Homeland Security Group (RRB, Wilson Center, 6th Floor, Moynihan Boardroom) - Johnson.Scheduler
- ☐ 1:00pm - 2:00pm Canceled: DACA WG Weekly Check-In (CHESTNUT Conference Rooms, SCOPS /2nd Floor; Teleconference Num
- ☐ 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- ☑ 3:30pm - 4:00pm Victims' Memo (Esther's) - Baran, Amanda
- ☑ 4:00pm - 5:00pm CBP POE Follow-up Discussion (Call in (202) 243-6160; Pin 448018#) - Guevara, Carlos
- ☑ 5:30pm - 6:00pm lawful presence (by phone -- CALL IN BELOW) - Guttentag, Lucas

Friday, February 12

- ☐ Lincoln's Birthday (United States)
- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 9:45am - 10:15am **New Series** Scheduling Team Check in (USCIS, VOGELCONFRM 5110 | COS Call-in #: 1-888-459-9171, Passcod
- ☑ 10:30am - 11:15am Transition/Catch-Up (COS Choi's Office) - Scheduler, Choi
- ☑ 11:00am - 11:30am **New Time** Senior Policy Council Meeting (SPC) (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code:
- ☑ 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ 1:00pm - 1:45pm NIVV Decision Memo Discussion (NAC05-5110) - Lee, Jonathan
- ☑ 3:00pm - 3:05pm **Paper Briefing** Check-In w/Ur (Director's Office
- ☑ 5:00pm - 9:00pm Travel

Saturday, February 13

- ☐ Valentine's Day (United States)

Sunday, February 14

- ☐ Valentine's Day (United States)

February 15, 2016 - February 21, 2016

February 2016							March 2016							
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Monday, February 15

- Presidents' Day (United States)
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep** (NAC 5, 5110 or phone 1-866-745-6046, #3510446) - Pino, Lisa ☺
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, February 16

- **To be rescheduled** Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 12:00pm - 12:30pm Call Davi/Lucas** (By phone) - Guttentag, Lucas
- 1:00pm - 1:30pm *new date/time* Telecom re: Trafficking** (Dial: 202-243-6160 Pin: 378548#) - Hoy, Serena
- 2:00pm - 2:45pm *New Date/Time* Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942)
- 2:30pm - 3:00pm Canceled: **New Time** Scheduling Team Check in** (USCIS, VOGELCONFRM 5110 | COS Call-in #: 1-888-459-9171, Passc)
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFRM 5110 | DI Line: 1-866-81

Wednesday, February 17

- Canceled: **To be rescheduled** Check-In w/Ur** (Director's Office) - Scheduler, Rodriguez
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:45am CBP Biometric entry/exit plan** (NAC5 5110 (Small Conference Room)/ 202-243-6160 Pin 448018#) - Lee, Jonathan
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 3:30pm - 4:00pm DACA revocations and interactions with ICE** (COS Choi's office) - Scheduler, Choi
- 4:00pm - 4:30pm TPS adjustment** (Call-in number below) - Guttentag, Lucas
- 6:00pm - 8:30pm Esther goodbye**

Thursday, February 18

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 11:00am - 12:00pm *Updated* Immigration Engagement** (*New Location* NAC 1, 044) - Mayorkas.Scheduler ☺
- 12:00pm - 12:30pm FW: Esther Olavarria Farewell** (NAC, Secretary's Suite) - Johnson.Scheduler
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222)
- 2:00pm - 3:00pm TPS adjustment follow-up** (by phone) - Guttentag, Lucas
- 3:30pm - 4:00pm 3:30: Scheduling Meeting** (NAC, 5107 Conference Room) - Rosen, Paul ☺
- 4:30pm - 5:00pm Arpayo v. Puente AZ** (Jon's Ofc - Conf Line 1-866-660-2397 Pin 5994838#) - General Counsel Scheduler

Friday, February 19

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:15am Senior Leadership Meeting** (USCIS, WILCOXCONFRM 5110 | DI Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez
- 10:00am - 11:30am Canceled: **New Date/Time** Extended Leadership Meeting** (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- 11:30am - 2:00pm Esther last day at NAC**
- 1:30pm - 2:00pm *canceled* EA Update** (NAC, 5107 Conference Room) - Johnson.Scheduler
- 2:00pm - 3:00pm **NEW DATE AND TIME** ICE Detention Meeting** (NAC 5, 5107) - Mayorkas.Scheduler

Saturday, February 20

Sunday, February 21

February 22, 2016 - February 28, 2016

February 2016							March 2016							
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Monday, February 22

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 8:30am - 4:00pm USCIS all day?
- 2:30pm - 3:00pm Parole (Lucas office) - Guttentag, Lucas
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:00pm - 4:30pm revised memo - Guttentag, Lucas
- 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, February 23

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 3:00pm - 4:15pm Leadership Huddle: EA & Screening/Vetting (updated - agenda attached) (USCIS, WILCOXCONFIRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺
- 3:30pm - 4:30pm FW: Flores/OFO Data Discussion (Lucas's Office) - Guevara, Carlos
- 4:30pm - 5:00pm Flores (by phone) - Guttentag, Lucas

Wednesday, February 24

- 9:30am - 10:30am DHS SWB Component Coordination Call (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 1:30pm - 3:00pm CONFIRMED: USCIS Town Hall (Tomich Center | 111 Mass Ave) - Scheduler, Rodriguez
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺

Thursday, February 25

- **To Be Rescheduled** Check-In w/Ur (Director's Office) - Scheduler, Rodriguez
- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm NTA WG Meeting (20 Mass, Suite 1100, OP&S Conference Room) - Manogian, Margaret
- 1:00pm - 2:00pm Pre-briefing meeting with DHS- I-601A Expansion Final Rule (Apple Cherry Room 2nd FL, 20 Mass. Ave. Call: 1-866-625-6657 Pass: 5209709) - Miranda-Valido, Liana M
- 1:00pm - 2:00pm Canceled: [Hold] OFO deep dive ([TBD]) - Guevara, Carlos
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFIRM 5110) - Scheduler, Scialabba ☺

Friday, February 26

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 2:00pm FW: DHS/EOP Briefing on 601A Unlawful Presence/Extreme Hardship (202-395-6392; 630 9412#) - Bashadi, Sarah

Saturday, February 27

Sunday, February 28

February 29, 2016 - March 06, 2016

February 2016							March 2016							
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28	29						27	28	29	30	31			

Monday, February 29

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 1:00pm - 3:00pm FW: Secretary's Briefing Staff discussion on OFO input to the Unified Coordination Group report** (1300 Pennsylvania
- 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep** (NAC 5, 5110 or phone 1-866-745-6046, #3510446) - Pino, Lisa ☺
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - S
- 3:30pm - 4:00pm Meeting on Detention Reform** (S2's Office) - Mayorkas Scheduler
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#.)

Wednesday, March 02

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:30am Prep: ICE Detention Meeting** (S2's Office) - Mayorkas Scheduler
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas Scheduler ☺
- 2:30pm - 3:30pm ICE Detention Meeting** (NAC 5, 5107) - Mayorkas Scheduler
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Friday, March 04

- 8:00am - 8:30am *canceled for 3/4* Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:30am Data check-in** (Lucas office) - Guevara, Carlos
- 10:30am - 11:00am Puente discussion** (Conference call: 1-877-936-0889 (passcode: 8437138#)) - Yuen, Minnie
- 12:00pm - 1:00pm FLORES MEET-AND-CONFER WITH PLAINTIFFS' COUNSEL** (605-475-3220, PIN: 1038088#) - Cox, Reid
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 2:00pm - 2:30pm Texas: Letter to WA & Grassley Production** (1-866-660-2397, 5994838#) - Schau Nelson, Jessica
- 2:30pm - 3:30pm **new date and time** EIR IT WG Meeting** (USCIS, WILCOXCONFRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 21408
- 3:30pm - 4:15pm INTERNAL: Meeting w/ Greisa Martinez re: DACA**
- 4:00pm - 4:30pm Comprehensive Entry/Exit Report** (NAC05 5110 /

Tuesday, March 01

- **To be rescheduled** Extended Leadership Meeting** (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:30pm Canceled: Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺

Thursday, March 03

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 11:15am - 11:30am Fw: *new start time* Meeting w. Carlos Guevara** (Rob's Office) - Silvers, Robert
- 1:00pm - 2:00pm Canceled: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 3:00pm - 3:30pm Visa Overstay** (NAC05 5110 / Teleconference: 202-243-6160 Pin: 448018) - Lee, Jonathan
- 4:00pm - 5:15pm Leadership Huddle: EA & Screening/Vetting (new time)** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺
- 4:00pm - 4:45pm Canceled: Check-In w/Ur** (Director's Office) - Scheduler, Rodriguez

Saturday, March 05

Sunday, March 06

March 07, 2016 - March 13, 2016

March 2016							April 2016							
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27	28	29	30	31				24	25	26	27	28	29	30

Monday, March 07

- **POSTPONED** Comprehensive Biometric Entry/Exit Plan (DDI number: 866-815-8228 Conference Pin: 1411121) - Blume, Allen**
- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul**
- 9:00am - 9:30am Weekly Immigration Check-in (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos**
- 10:00am - 10:30am Puente Discussion Follow up (Conference call: 1-877-936-0889 (passcode: 8437138)) - Yuen, Minnie**
- 3:45pm - 5:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi**
- 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#) - Shahoulian, David**

Tuesday, March 08

- 8:00am - 8:30am Canceled: 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul**
- 12:00pm - 1:00pm BorderStat brief to DPC/OMB [updated with attachment] (EEOB 238 (updated room #)) - Pejic, Gregory**
- 1:00pm - 2:00pm White House Legal Services Meeting (White House Conference Center, Lincoln Room, 726 Jackson Place NW, Washington, DC) - Jennifer Rizzo**
- 1:00pm - 1:30pm *new time* 1:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul**

Wednesday, March 09

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul**
- 9:30am - 10:30am DHS SWB Component Coordination Call (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 99994785**
- 9:30am - 9:45am **New Location** Scheduling Team Check in (USCIS, WILCOXCONFRM 5110 | COS Call-in #: 1-888-459-9171, Passco**
- 10:30am - 11:30am **New Date/Time** 6 Week Follow-Up w/Ombudsman Office (20 Massachusetts Ave, Suite 5110) - Scheduler,**
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler**
- 1:00pm - 1:30pm Flores Discussion (Gwen's ofc **Conference Call 866-829-9854** Participant Code 9370313#) - Fleming, Gwen K**
- 3:00pm - 4:00pm Canceled: **New Date/Time** Senior Policy Coun**
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/For**
- 4:30pm - 5:00pm Check-In w/Ur (Director's Office) - Scheduler, Rodri**

Thursday, March 10

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul**
- 9:15am - 9:45am 9:15: Overstay Enforcement Meeting (COS Office) - Rosen, Paul**
- 11:30am - 12:00pm 11:30: Scheduling Meeting (NAC, 5107 Conference Room) - Rosen, Paul**
- 1:00pm - 2:00pm Molly Graham oral history**
- 1:00pm - 2:00pm Canceled: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Num**
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba**
- 3:00pm - 3:30pm **Conf Line Added** Internal Mtg re: CIRI-AWG and USCIS/DACA Policy (20 Massachusetts Ave, NW | Suite 5110, 5th**
- 4:00pm - 5:15pm Canceled: Leadership Huddle: EA & Screening/VE**
- 5:00pm - 5:30pm Texas Research Discussion - Lucas/Mark/Jamie (**

Friday, March 11

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul**
- 10:30am - 10:45am Check in w. Lucas and Carlos (S2's Office) - Mayorkas, Scheduler**
- 10:30am - 11:00am Canceled: *new time* 10:30: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul**
- 11:00am - 11:30am Biometric Entry/Exit Plan (Dial-in Number: 855-852-7677 / PIN: 999947858671) - Soudie, Eric**

Saturday, March 12

Sunday, March 13

March 14, 2016 - March 20, 2016

March 2016							April 2016							
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Monday, March 14

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 9:00am - 9:30am Weekly Immigration Check-in (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- ☑ 10:30am - 11:00am Litigation Update (NAC, Secretary's Office) - Johnson, Scheduler
- ☑ 1:30pm - 3:00pm Prep: CHS Hearing (NAC, 5107 Conference Room) - Johnson, Scheduler
- ☐ 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep (NAC 5, 5110 or phone 1-866-745-6046, #3510446) - Pino, Lisa ☺
- ☐ 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- ☑ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXC)
- ☑ 3:30pm - 4:15pm Sprint 366 Meeting (NAC, 5107 Conference Room)
- ☐ 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#)

Wednesday, March 16

- ☑ 7:15am - 8:00am Prep: CHS Hearing (NAC, 5107 Conference Room) - Johnson, Scheduler
- ☐ 8:00am - 8:30am Canceled: 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 10:00am - 10:30am **New Series** Scheduling Team Check in (USCIS, VOGELCONFRM 5110 | COS Call-in #: 1-888-459-9171, Passcod
- ☑ 10:15am - 10:45am CBP call on UOF (1-800-320-4330, 493762#) - Catron, Marsha
- ☑ 11:00am - 11:45am Flores Internal DOJ-DHS-CBP-ICE-USCIS Prep
- ☐ 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immi
- ☑ 11:30am - 12:30pm Brown Bag with Alan Bersin: 3/16 at 11:30am
- ☐ 2:30pm - 3:45pm Canceled: Leadership Huddle: EA & Screening/Ve
- ☑ 3:30pm - 3:45pm *new time* USCIS Discussion (NAC 5, 5110 (Dial: 2
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/For
- ☑ 4:15pm - 4:30pm Arrest Discussion (NAC 5, 5110 (Dial: 202-243-6160

Friday, March 18

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 12:00pm - 1:00pm Lunch w/Doris Meissner (Old Ebbitt Grill (675 15th Street NW)) - Scheduler, Rodriguez
- ☑ 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ 1:00pm - 2:00pm Ben decision 12 eastern or 1:00 - Guttentag, Lucas
- ☑ 1:30pm - 2:15pm **new date** EIR IT WG Meeting (USCIS, WILCOXCONFRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez

Tuesday, March 15

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 10:00am - 10:30am Extreme Hardship Guidance Discussion (NAC 5, 5110 (Dial: 202-243-6160 Pin: 378548#)) - Hoy, Serena
- ☐ 12:00pm - 12:30pm Canceled: 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ 2:00pm - 2:30pm READ OUT of Working Level Adult Detention Mtg (Lucas's office (or by phone if needed)) - Guevara, Carlos
- ☑ 2:30pm - 3:30pm FW: USCIS Observations in Mexico Re Screening for Asylum Seekers (877-929-8571; passcode 1137974) - Kim, Ted H

Thursday, March 17

- ☐ Saint Patrick's Day (United States)
- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- ☑ 12:00pm - 1:30pm UPDATED CALL-IN -- FLORES MEET-AND-CONFER WITH PLAINTIFFS' COUNSEL (605-475-3220, PIN: 1038088#) - Cox, Reid
- ☑ 12:00pm - 12:30pm **New Series** Scheduling Team Check in (USCIS, VOGELCONFRM 5110 | COS Call-in #: 1-888-459-9171, Passcode: 8942992) - Scheduler, Choi
- ☑ 1:00pm - 3:00pm HOLD 1-3pm Border metrics technical briefing (OMB) - Kotila, Brodi
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconfer
- ☑ 3:00pm - 3:30pm RE: Draft Puente Brief - Shahoulian, David
- ☑ 4:00pm - 4:30pm EAD Data (Call-in info below) - Jaddou, Ur M

Saturday, March 19

Sunday, March 20

March 21, 2016 - March 27, 2016

March 2016							April 2016						
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Monday, March 21

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Canceled: Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 10:00am - 11:30am *Canceled* Immigration Engagement** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 2:00pm - 3:00pm Possible Eb-5 Regs** (866-817-7466 PIN: 3761983) - Shahoulian, David
- 3:30pm - 4:30pm Follow up on Data** (Conference Call - info below) - Iaddou, Ur M
- 3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - S
- 3:30pm - 3:45pm Pre-brief for meeting with Congressman Gutierrez (3/23)** (USCIS, VOGELCONFRM 5110 (Dial-in: 1-866-814-135
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#)

Tuesday, March 22

- 8:00am - 8:30am *canceled for 3/22* 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 11:30am - 12:30pm Canceled: Brown Bag Lunch with DCOS Jonathan Lee: 3/22** (NAC Bldg 01, Room 44) - WHLO
- 12:00pm - 12:30pm *new time* 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:30pm Canceled: 1:00: OIS Update** (COS Office) - Rosen, Paul

Wednesday, March 23

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:30am DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- 11:00am - 12:00pm 11:00am: Revised Comprehensive Entry-exit plan** (DDI number: 866-815-8228 Conference Pin: 1411121) - Budget Scheduler
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 1:00pm - 1:30pm Border Metrics** (NACOS 5110) - Lee, Jonathan
- 3:30pm - 5:00pm Combined Meeting: Senior Leadership Meeting | Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFR
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, March 24

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor, Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:30pm Senior Policy Council Meeting (SPC)** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- 3:30pm - 3:40pm Meeting w. Lucas Guttentag** (Rob's Office) - Silvers, Robert

Friday, March 25

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:30am **New Date/Time** Check-In w/Ur** (Director's Office) - Scheduler, Rodriguez
- 12:00pm - 1:00pm FLORES MEET-AND-CONFER WITH PLAINTIFFS' COUNSEL** (605-475-3220, PIN: 1038088#) - Cox, Reid
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:30pm - 2:00pm Canceled: Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺

Saturday, March 26

Sunday, March 27

- Easter Day** (United States)

March 28, 2016 - April 03, 2016

March 2016							April 2016						
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Monday, March 28

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 9:30am - 10:00am *new time* EA Update (NAC, 5107 Conference Room) - Johnson.Scheduler
- 9:30am - 10:00am Canceled: Visa Overstay (DCoS Office, NAC05 01-102-G) - Lee, Jonathan
- 1:00pm - 2:00pm *new date* Southern Border Campaign Strategy
- 2:00pm - 3:00pm EB-5 Follow-Up Call (866-817-7466 PIN: 3761983)
- 2:00pm - 3:00pm Canceled: EA Tracker and WH Agenda Prep (NAC)
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - S
- 3:00pm - 3:45pm Biometric Exit (NAC05 5110/Teleconference Numb
- 3:45pm - 5:15pm Leadership Working Group IEA (USCIS, WILCOXC
- 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#)

Tuesday, March 29

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:30am - 10:50am Meeting on Detention Reform (S2's Office) - Mayorkas.Scheduler
- 11:00am - 12:00pm Negusie Meeting (Call in: 866-817-7466 PIN: 3761983) (NAC conference room NAC 1, 02-015-D) - Shahoulian, Davi
- 12:00pm - 12:30pm Brown Bag Lunch with the Secretary (NAC, 5107 Conference Room) - Johnson.Scheduler
- 12:30pm - 12:45pm *Updated Time* Meeting on Fee Rule (S2's Office) - Mayorkas.Scheduler
- 1:00pm - 2:00pm Team Immigration Meeting (NAC 5, 5110) - Hoy, Serena
- 1:00pm - 1:30pm Canceled: 1:00: Working Lunch (5107 (Large Conf.
- 1:00pm - 1:30pm Canceled: Political Appointee Check-In (Wilcox C
- 2:00pm - 2:30pm Sensitive Locations (Serena's Office) - Hoy, Serena

Wednesday, March 30

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:00am Canceled: **New Date/Time** Leadership Huddle: EA & Screening/Vetting (USCIS, WILCOXCONFIRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 2:30pm - 3:30pm **new date and time** EIR IT WG Meeting (USCIS, WILCOXCONFIRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez
- 2:45pm - 3:00pm Meeting with Lucas Guttentag (S2's Office) - Mayorkas.Scheduler
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺
- 6:00pm - 9:00pm Richard Sloan

Thursday, March 31

- 8:00am - 8:30am Canceled: 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:30am Private Appointment *
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺

Friday, April 01

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 8:15am - 8:30am Prep: AFL-CIO Meeting (NAC, Secretary's Office) - Johnson.Scheduler
- 11:00am - 11:30am *new time* 11:00: Scheduling Meeting (NAC, 5107 Conference Room) - Rosen, Paul ☺
- 12:30pm - 12:45pm Canceled: 12:30: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:45pm - 2:00pm CIS Fee Rule (NAC, Secretary's Office) - Johnson.Scheduler
- 2:00pm - 2:30pm Meeting with Rich Trumka, President, AFL-CIO (NAC, Secretary's Office) - Johnson.Scheduler
- 4:15pm - 4:45pm Immigration data integration (NAC05 5110/Teleconference Number: 202-243-6160 Pin: 448018) - Lee, Jonat
- 4:45pm - 5:00pm *canceled* Phone Call FROM Shaun Donovan, Dir

Saturday, April 02

Sunday, April 03

April 04, 2016 - April 10, 2016

April 2016							May 2016						
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Monday, April 04

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:15am - 9:45am *slight time change* Meeting on Fee Rule with USCIS** (NAC 5, 5110) - Mayorkas.Scheduler
- 9:45am - 10:15am *new time* Meeting with the Secretary** (NAC, Secretary's Office) - Johnson.Scheduler
- 11:30am - 12:00pm Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 2:00pm - 2:30pm *new time* Border Metrics Update** (NAC, 5107 Conference Room) - Johnson.Scheduler
- 2:30pm - 3:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#.) - Shahoulian, David ☺

Tuesday, April 05

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:30am DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- 10:00am - 11:30am Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFIRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺
- 12:00pm - 1:00pm RESCHEDULED: Brown Bag Lunch with DCOS Jonathan Lee 4/5 at 12PM** (Large Conference Room, NAC Bldg 01, Room 44) - WHLO
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:30pm - 2:30pm UN WG on Arbitrary Detention** (CRCL, 131 M St. NE, 6th floor - Officer's Conference Room) - Olson, Laura

Wednesday, April 06

- **To Be Rescheduled** Check-In w/Ur** (Director's Office) - Scheduler, Rodriguez
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺
- 5:00pm - 6:00pm Negusie Call** (866-817-7466 PIN: 3761983) - Shahoulian, David

Thursday, April 07

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFIRM 5110) - Scheduler, Scialabba ☺

Friday, April 08

- 8:00am - 8:30am Canceled: 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 11:00am - 11:30am *new location* VTC re: Texas Case** (S1 in NY/Staff in NAC, 5107) - Johnson.Scheduler
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺

Saturday, April 09

Sunday, April 10

April 11, 2016 - April 17, 2016

April 2016							May 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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3	4	5	6	7	8	9	8	9	10	11	12	13	14
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17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday, April 11

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 11:30am - 12:30pm Prep Call for DACA Engagement** (Teleconference - 1-866-612-0129; 9490851) - Baran, Amanda
- 2:00pm - 2:30pm Team Immigration Meeting** (NAC S. 5110) - Hoy, Serena
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺
- 3:00pm - 3:30pm Texas Call** (Call in 202-353-0877 Code: 9446 3766) - Meyer, Jonathan
- 3:30pm - 4:30pm Enforcement Priorities** (ICE HQ, 500 12th Street, S
- 3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXC
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#.)

Wednesday, April 13

- **To be rescheduled** EIR IT WG Meeting** (USCIS, WILCOXCONFRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:30am ** new date ** Extended Leadership Meeting** (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC S, 5107) - Mayorkas.Scheduler ☺
- 2:00pm - 2:45pm Canceled: Check-In w/Ur** (Director's Office) - Scheduler, Rodriguez
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Friday, April 15

- Tax Day** (United States)
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:15am - 10:15am MP - Reserved** (DOJ) - Shahoulian, David
- 9:30am - 10:00am Travel to DOJ** - Johnson.Scheduler
- 10:00am - 12:00pm *confirmed* Moot Court: Texas v U.S.** (DO, 950 Pennsylvania Ave., NW, Room 5609 (OSG Conference Room)) - Johnson.Scheduler
- 11:30am - 12:00pm Canceled: Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- 12:00pm - 12:30pm Travel to NAC** - Johnson.Scheduler
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 2:00pm - 3:00pm FW: Meeting with the Secretary** (NAC, Secretary's Office) - Johnson.Scheduler

Tuesday, April 12

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:30am FW: DACA Engagement** (NAC 18-223 NAC 18 Large Conference Room) - Dudley, Gwendolyn
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:30pm Meeting on Negusie** (NAC 1. 045) - Mayorkas.Scheduler
- 3:00pm - 5:00pm Moot Court: Texas v U.S.** (DOJ, 950 Pennsylvania Ave., NW, Room 5609 (OSG Conference Room)) - Johnson.Scheduler
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Thursday, April 14

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Human Smuggling Meeting** (Roger's Office (NAC S, 01-111-D)) - Soucie, Eric
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 3:30pm - 4:00pm Follow up Meeting on Negusie** (*Updated To Conference Call ONLY* Dial-in: (202) 243-6160 PIN #989913) - Mayorkas.Scheduler

Saturday, April 16

Sunday, April 17

April 18, 2016 - April 24, 2016

April 2016							May 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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Monday, April 18

- ☑ 8:00am - 8:45am MP (NAC to Supreme Court) - General Counsel Scheduler
- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 9:00am - 9:30am Weekly Immigration Check-in (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☑
- ☑ 10:00am - 11:30am *Canceled* Immigration Engagement (NAC 5, 5107) - Mayorkas.Scheduler ☑
- ☑ 12:00pm - 12:45pm MP (Supreme Court to NAC) - General Counsel Scheduler
- ☑ 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - S
- ☑ 4:30pm - 4:50pm new dial in # || Call with D1 (D1: 866-814-1354 || 2140835#) - Scheduler, Choi
- ☐ 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#)

Tuesday, April 19

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 11:00am - 12:00pm Form 93 & UAC Screening Update (NAC 5, 5110) - Hoy, Serena
- ☐ 12:00pm - 12:30pm Canceled: 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☑
- ☑ 1:00pm - 2:00pm Invitation (CONFIRMED): Community Engagement Listening Session in re. VWP Changes. (DHS CRCL 131
- ☑ 1:30pm - 2:30pm Southern Border Campaign Strategy Update (NAC 5107 Conference Room (JTF Director's via VTC)) - Johnson.Sched
- ☑ 2:30pm - 3:00pm Negusie Discussion (866-817-7466 PIN: 3761983) - Shahoulian, David
- ☑ 3:00pm - 3:30pm SPRINT 366 prep (Lucas or Lisa) - Pino, Lisa
- ☑ 3:30pm - 4:15pm Sprint 366 Meeting (NAC, 5107 Conference Room)
- ☐ 3:30pm - 4:30pm Canceled: Leadership Huddle: EA & Screening/Ve

Wednesday, April 20

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 9:30am - 10:30am DHS SWB Component Coordination Call (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☑
- ☐ 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas.Scheduler ☑
- ☑ 1:30pm - 1:45pm 1:30: Check-in with Lucas and Serena (COS Office) - Rosen, Paul
- ☐ 2:30pm - 3:00pm Canceled: Check-In w/Ur (Director's Office) - Scheduler, Rodriguez
- ☐ 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☑

Thursday, April 21

- ☑ 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 10:30am - 11:00am Seg/Restrictive Housing (Dial in: 1-866-766-8518 **Passcode: 8522707) - Pino, Lisa
- ☐ 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☑
- ☑ 1:30pm - 4:30pm Biometric Exit Tour (Dulles Airport) - Lee, Jonathan
- ☐ 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFIRM 5110) - Scheduler, Scialabba ☑
- ☐ 3:00pm - 3:30pm Canceled: 3:00: Scheduling Meeting (NAC, 5107 Conference Room) - Rosen, Paul ☑

Friday, April 22

- ☐ 8:00am - 8:30am Canceled: 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☑
- ☑ 9:30am - 10:00am *NEW TIME* Conference Call on Detention Reforms (Dial-in: (202) 243-6160 PIN #989913) - Mayorkas.Scheduler
- ☑ 10:30am - 11:30am FW: UAC Contingency Planning (WHSR Exec) - Benjamin A. Rohrbaugh
- ☑ 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☑
- ☑ 1:30pm - 2:00pm *postponed* EA Update (NAC, 5107 Conference Room) - Johnson.Scheduler

Saturday, April 23

- ☑ 11:00am - 12:00pm To Spain with Ben? ☑

Sunday, April 24

- ☑ 11:00am - 12:00pm To Spain with Ben? ☑

April 25, 2016 - May 01, 2016

April 2016							May 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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17	18	19	20	21	22	23	22	23	24	25	26	27	28
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Monday, April 25

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 10:00am Telecom, re: Ursula LOP (Dial: 202-243-6160 Pin: 378548#) - Hoy, Serena
- 9:00am - 9:30am Weekly Immigration Check-in (5110 (Small Conference Room in: S1 suite)) - Guevara, Carlos ☺
- 11:00am - 12:00pm To Spain with Ben? ☺
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171. Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, April 26

- Canceled: ****To Be Rescheduled** Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 11:00am - 12:00pm To Spain with Ben? ☺
- 12:00pm - 12:30pm *room confirmed* Meeting with Peter Maurer, President, International Committee of the Red Cross (NAC, Building 1, Room 01-045) - Johnson, Scheduler
- 12:30pm - 1:00pm *new time* 12:30: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 2:00pm ****New Time** Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, April 27

- Administrative Professionals Day (United States)
- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 11:00am - 12:00pm To Spain with Ben? ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, April 28

- 8:00am - 8:30am Canceled: 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 11:00am - 12:00pm To Spain with Ben? ☺
- 11:30am - 12:30pm Brown Bag Lunch with State Department's Special Envoy for the Great Lakes Region of Africa, Tom Perriello (NAC Bldg 01; Room 44) - WHLO
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 3:00pm - 4:00pm Canceled: Senior Policy Council Meeting (SPC) (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 4:00pm - 4:45pm Canceled: Check-In w/Ur (Director's Office) - Scheduler, Rodriguez

Friday, April 29

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:30am *postponed* EIR 2015 Report (NAC, Secretary's Office) - Johnson, Scheduler
- 11:00am - 12:00pm To Spain with Ben? ☺
- 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 2:30pm - 2:45pm Meeting with Leon Rodriguez (S2's Office) - Mayorkas, Scheduler
- 4:30pm - 4:45pm *Canceled* Phone Call FROM Leon Rodriguez (Dial in: (202) 282-8204) - Mayorkas, Scheduler

Saturday, April 30

- 11:00am - 12:00pm Spain ☺

Sunday, May 01

- 11:00am - 12:00pm Spain ☺

May 02, 2016 - May 08, 2016

May 2016							June 2016								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa		
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	8	9	10	11	12	13	14		5	6	7	8	9	10	11
	15	16	17	18	19	20	21		12	13	14	15	16	17	18
	22	23	24	25	26	27	28		19	20	21	22	23	24	25
	29	30	31						26	27	28	29	30		

Monday, May 02

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 10:00am - 10:30am OFO Data Discussion** (Conference Call) - Urbine, Brandy
- 11:30am - 12:00pm *new date & time* OPA/Todd Breasseale Ceremonial Swearing-In** (NAC, 5107 Conference Room) - Johnson, Sch
- 1:00pm - 1:30pm Meeting with the Secretary** (NAC, Secretary's Office) - Johnson, Scheduler
- 1:30pm - 2:30pm Canceled: T Visa Rule** (GLD Conference room/Conference Line 1-866-817-7466 PIN: 3761983#) - General Coun
- 3:00pm - 3:45pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - S
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#.)

Tuesday, May 03

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:45pm - 2:15pm Meeting on Detention Reform Initiatives (new time)** (S2's Office) - Mayorkas, Scheduler
- 2:00pm - 3:00pm Fee Rule NPRM Internal Teleconference** (Teleconference) - INTERNAL COMMUNICATIONS, USCIS
- 3:00pm - 4:15pm Leadership Huddle: EA & Screening/Vetting (attachments added)** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, May 04

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:30am DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 99994785
- 9:30am - 10:30am Canceled: INTERNAL ONLY: DHS SWB Component Coordination Call** (USCIS, VOGELCONFRM 5110 | Dial-in:
- 10:15am - 11:15am *new time and date* Intel Briefing** (NAC 5 SCIF Conference Room) - Lee, Jonathan
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 12:30pm - 12:45pm 12:30: Meeting with Lucas Guttentag and Davi**
- 3:00pm - 3:30pm Restrictive Housing** (Phone call) - Pino, Lisa
- 3:30pm - 4:00pm PRWORA question** (866-817-7466 PIN: 3761983)
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/For**
- 4:00pm - 4:30pm *new time* Program Update** (NAC, 5107 Conferen

Thursday, May 05

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- 3:00pm - 4:00pm Canceled: **new date and time** EIR IT WG Meeting** (USCIS, WILCOXCONFRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez

Friday, May 06

- 8:00am - 8:30am Canceled: 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:15pm - 2:00pm **New Time** Bi-Weekly USCIS Leadership Meeting** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez ☺
- 2:00pm - 4:00pm NTC-P/HSC Tour and Briefing** (12379 Sunrise Valley Drive, Suite C, Reston, VA) - Soucie, Eric

Saturday, May 07

Sunday, May 08

- Mother's Day** (United States)

May 09, 2016 - May 15, 2016

May 2016							June 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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	8	9	10	11	12	13	14	5	6	7	8	9	10	11
	15	16	17	18	19	20	21	12	13	14	15	16	17	18
	22	23	24	25	26	27	28	19	20	21	22	23	24	25
	29	30	31					26	27	28	29	30		

Monday, May 09

- 8:00am - 8:30am Canceled: 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Canceled: Leadership Working Group IEA (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, May 10

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:30am - 12:00pm Hatch Act Briefing by Ana Galindo-Marrone (Navy Chapel, Nebraska Ave. Complex) - WHLO
- 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:15pm Checkin re I-485 - Guevara, Carlos
- 1:00pm - 1:30pm Canceled: Political Appointee Check-In (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- 1:45pm - 2:00pm Regs Document (NAC, Secretary's Office) - Johnson, Scheduler
- 2:45pm - 3:15pm May Numbers (NAC 05, 5110 (Small Conference Room)) - Lee, Jonathan
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting (USCIS, WILCOXCONFIRM 5110 | D1 Line: 1-866-81

Wednesday, May 11

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC S, 5107) - Mayorkas, Scheduler ☺
- 2:30pm - 3:00pm SPRINT walk (Lisa's or Lucas) - Pino, Lisa
- 3:00pm - 4:00pm **new date and time** EIR IT WG Meeting (USCIS, WILCOXCONFIRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez
- 3:00pm - 4:00pm Canceled: Bi-Weekly USCIS Leadership Meeting (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez ☺
- 3:15pm - 3:45pm Immigration Team Touch Base (Lucas' Office) - Baran, Amanda
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺

Thursday, May 12

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Canceled: RESTRICTIVE HOUSING (Phone) - Pino, Lisa
- 9:30am - 9:45am Prep: Meeting with ICE Leadership (S2's Office) - Mayorkas, Scheduler
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺

Friday, May 13

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm [New Date] Meeting re: S2's Trip to New York on May 27 (ESEC Conference Room) - Ulloa, Isabella
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:30pm meet with mary g (lucas office?) - Giovagnoli, Mary
- 2:00pm - 2:30pm LOP - Hoy, Serena
- 2:00pm - 2:30pm LOP Prep Meeting with Serena Hoy/DHS Front Office (NAC Conf. Room 01-016 & 1-877-780-4602, PIN: 2381562#) - Cox, Reid

Saturday, May 14

Sunday, May 15

May 16, 2016 - May 22, 2016

May 2016							June 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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22	23	24	25	26	27	28	19	20	21	22	23	24	25	
29	30	31					26	27	28	29	30			

Monday, May 16

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 10:00am - 11:30am *Canceled* Immigration Engagement (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 11:00am - 11:30am *new time and date* 11:00: Scheduling Meeting (NAC, 5107 Conference Room) - Rosen, Paul ☺
- 11:00am - 11:30am *Room Change* Etowah Discussion (NAC 4-01-101) - Hoy, Serena
- 3:30pm - 4:15pm **New Location** Leadership Working Group IEA (USCIS, VOGELCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, May 17

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:00am Seg Housing (HOLD DPC) - Pino, Lisa
- 12:30pm - 1:00pm Canceled: *new time* 12:30: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:30pm - 2:30pm Southern Border Campaign Strategy Update (NAC, 5107 Conference Room (JTF Director's via VTC)) - Johnson, Scheduler

Wednesday, May 18

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:30am DHS SWB Component Coordination Call (NAC 5107 (Large Conference Room)) / Dial-in: 855-852-7677 / PIN: 99994785
- 9:30am - 10:30am Canceled: INTERNAL ONLY: DHS SWB Compone
- 10:00am - 11:30am Canceled: Extended Leadership Meeting (Tomic
- 11:00am - 11:30am *New Date and Time* Swearing-in Ceremony f
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive I
- 12:00pm - 1:00pm Conf. Call re: New Flores Enforcement Motion (
- 12:00pm - 1:00pm FW: POLCY Brown Bag on "Texas v. U.S." (The Co
- 12:00pm - 1:00pm Texas Brown Bag for Policy (Building 17 - the Co
- 2:30pm - 3:30pm **New Conf Line** Leadership Huddle: EA & Scre
- 3:15pm - 4:15pm FW: Conf. Call re: Staff-Level LOPs Discussion w/
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/For

Thursday, May 19

- 8:00am - 8:30am Canceled: 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:30am - 11:30am Canceled: Discussion with DOJ re Texas Case (Main Justice - 4143 (Civil Division conference room)) - Shahoulian, David
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺

Friday, May 20

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:30am - 11:30am FW: DHS UAC Contingency Planning Discussion (1-800-320-4330, PIN: 335156 or FEMA HQ #7NW-2803) -
- 10:30am - 11:00am 10:30: Texas Update (COS Office) - Rosen, Paul
- 11:30am - 12:30pm Brown Bag with CBP Commissioner Kerlikowske - Friday, May 20th (Ronald Reagan Building, Commissio
- 1:00pm - 1:30pm FW: Call to discuss the Texas May 25 compliance report (1-888-877-0329; PIN: 4663765# // 01-014) - General Counsel S
- 1:30pm - 2:00pm *canceled* EA Update (NAC, 5107 Conference Room) - Johnson, Scheduler
- 4:00pm - 4:30pm Conference call RE Texas Hanen decision (1-888-877-0329; PIN: 4663765#) - General Counsel Scheduler
- 4:45pm - 5:00pm Check in with Lucas Guttentag (S2's Office) - Mayo
- 5:00pm - 5:30pm Canceled: *new time* 5:00: Working Lunch (5107

Saturday, May 21

Sunday, May 22

- 8:30am - 3:00pm Private Appointment - ☺ * *
- 1:00pm - 1:30pm Call re Texas (1-866-660-2397 PIN 5994838#) - Meyer, Jonathan

May 23, 2016 - May 29, 2016

May 2016							June 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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8	9	10	11	12	13	14	5	6	7	8	9	10	11	
15	16	17	18	19	20	21	12	13	14	15	16	17	18	
22	23	24	25	26	27	28	19	20	21	22	23	24	25	
29	30	31					26	27	28	29	30			

Monday, May 23

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 8:30am - 3:00pm Private Appointment - ☺ *
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 3:30pm - 4:00pm Weekly Immigration Check-in (S110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, May 24

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:30am *New Time and Date* Meeting on Legal Orientation Presentation (LOP) (NAC 5, 5107) - Mayorkas.Scheduler
- 10:30am - 11:00am UAC Legal Discussion (Dial: 202-243-6160 Pin: 378548#) - Hoy, Serena
- 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:30pm Canceled: Political Appointee Check-In (Wilcox C
- 1:15pm - 2:00pm *Canceled* Prep: HSGAC Hearing (NAC 5, 5107) -
- 2:30pm - 2:45pm FW: Prep: Meeting on Detention Facilities (S2's O
- 3:00pm - 3:30pm *Updated New Date and Time* Meeting on Date
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Ve
- 3:30pm - 5:00pm *Updated NEW DATE AND TIME* Meeting with I
- 6:30pm - 8:30pm DHS Night - Nationals vs NY Mets (Nats Park) - Jo

Wednesday, May 25

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am TX call (1-866-660-2397 PIN 5994838#) - Meyer, Jonathan
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 1:30pm - 2:30pm **new date and time** EIR IT WG Meeting (USCIS, WILCOXCONFRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez
- 3:00pm - 4:00pm Bi-Weekly USCIS Leadership Meeting (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Sc
- 3:00pm - 3:30pm Bo Machayo's Farewell Celebration (Secretary's large conference room (NAC 5, 5107)) - Rosen, Paul
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, May 26

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:30am - 11:00am Conf call (866-817-7466 PIN: 3761983) - Shahoulian, David
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺

Friday, May 27

- 8:00am - 8:30am Canceled: 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 4:15pm - 4:45pm 4:15: Call with Paul Rosen (Dial-in: 202-243-6160; PIN: 177253#) - Rosen, Paul

Saturday, May 28

Sunday, May 29

May 30, 2016 - June 05, 2016

May 2016							June 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
	1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11	
15	16	17	18	19	20	21	12	13	14	15	16	17	18	
22	23	24	25	26	27	28	19	20	21	22	23	24	25	
29	30	31					26	27	28	29	30			

Monday, May 30

- Memorial Day** (United States)
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 3:30pm - 4:15pm Canceled: Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, May 31

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 10:45am Team Immigration meeting** - Hoy, Serena
- 11:30am - 12:00pm RE: Texas: DHS Declaration** (202-353-0880 / 23924099#) - Shahoulian, David
- 12:00pm - 12:30pm Canceled: 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 2:00pm - 4:00pm FLORES MOOT COURT @ DOJ - Tues. 05/31 from 2:00 pm-4:00 pm** (Main Justice, Room 3143 (950 Pennsylvania Ave NW) & (202) 353-0879 / Passcode: 77111865#) - Cox, Reid
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, June 01

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:30am DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- 9:30am - 10:30am Canceled: INTERNAL ONLY: DHS SWB Component Coordination Call** (USCIS, VOGELCONFRM 5110 | Dial-in: 855-852-7677 / PIN: 999947858671) - Scheduler, Choi ☺
- 11:00am - 11:30am Lucas/Tamara/Carlos meeting** (Lucas' office) - Kessler, Tamara
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 3:30pm - 5:00pm TSA Operational Tour** (DCA) - Diakowski, Michael
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, June 02

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:15am 9:00: Restrictive Housing PM Update** (COS Office) - Rosen, Paul
- 10:00am - 10:30am Canceled: 10:00: Scheduling Meeting** (NAC, 5107 Conference Room) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 1:10pm - 1:40pm S1 Hearing** (Small Conference Room (NAC 5, 5110)/Teleconference: 202-243-6160 Pin: 448018) - Lee, Jonathan
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺

Friday, June 03

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:15am - 9:45am Travel to DOJ** - Johnson, Scheduler
- 10:00am - 12:00pm *new end time* Moot Court: Flores Argument** (DOJ, 950 Pennsylvania Ave., NW, Room 4141) - Johnson, Scheduler
- 10:00am - 12:00pm FLORES MOOT COURT @ DOJ - Fri. 06/03 from 10:00 am-12:00 noon** (Main Justice, Room 4141 (950 Pennsylvania Ave NW)) - Johnson, Scheduler
- 12:00pm - 12:30pm Canceled: *canceled* 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 2:00pm - 2:30pm Julianne's Farewell Celebration** (Secretary's Large Conference Room (NAC 5, 5107)) - Smith, Sherrod
- 3:30pm - 4:00pm Farewell for LCDR Dean Scott** (NAC, 5107 Conference Room) - Johnson, Scheduler
- 4:15pm - 4:45pm 4:15: Call on Locations Policy** (Dial-in: 202-243-6160; PIN: 177253#) - Rosen, Paul

Saturday, June 04

Sunday, June 05

June 06, 2016 - June 12, 2016

June 2016							July 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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12	13	14	15	16	17	18		10	11	12	13	14	15	16
19	20	21	22	23	24	25		17	18	19	20	21	22	23
26	27	28	29	30				24	25	26	27	28	29	30
														31

Monday, June 06

- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- ☑ **2:00pm - 3:00pm Etowah discussion** (5110 or Call in 202-243-6160 Code: 378548) - Higgins, Jennifer
- ☐ **2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺
- ☑ **3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- ☐ **4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, June 07

- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **10:00am - 11:30am Extended Leadership Meeting** (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- ☑ **10:30am - 11:00am Pete Verga Farewell** (NAC, 5107 Conference Room) - Johnson, Scheduler
- ☑ **12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☐ **1:00pm - 1:30pm Canceled: Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- ☑ **3:00pm - 3:45pm Sprint 366 Meeting** (NAC, 5107 Conference Room) - Johnson, Scheduler
- ☐ **3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFIRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, June 08

- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **11:00am - 12:00pm **new date and time** EIR IT WG Meeting** (USCIS, WILCOXCONFIRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez
- ☐ **11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- ☑ **2:45pm - 3:00pm Check-in Meeting** (COS Office/Dial in: 202-243-6160; PIN: 177253#) - Rosen, Paul
- ☐ **3:00pm - 4:00pm Canceled: Bi-Weekly USCIS Leadership Meeting** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez ☺
- ☐ **3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺

Thursday, June 09

- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **10:45am - 11:00am Check in w. Lucas** (S2's Office) - Mayorkas, Scheduler
- ☐ **1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- ☑ **2:00pm - 2:30pm *New Time* Meeting on Sensitive Locations** (Conference Call, Dial-in: (202) 243-6160 PIN#: 378548) - Mayorkas, Scheduler

Friday, June 10

- ☑ **8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- ☑ **10:15am - 10:45am TPS re: El Salvador** (NAC, 5107 Conference Room) - Johnson, Scheduler
- ☑ **12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- ☑ **6:00pm - 8:00pm FW: Jazz in the Sculpture Garden** - Harrison, Sarah

Saturday, June 11

Sunday, June 12

June 13, 2016 - June 19, 2016

June 2016							July 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
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5	6	7	8	9	10	11		3	4	5	6	7	8	9
12	13	14	15	16	17	18		10	11	12	13	14	15	16
19	20	21	22	23	24	25		17	18	19	20	21	22	23
26	27	28	29	30				24	25	26	27	28	29	30
														31

Monday, June 13

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 1:00pm - 2:30pm Interagency/NGO Meeting on Family Separation** (NAC01-01-044) - Cucinella, Amy
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, June 14

- Flag Day** (United States)
- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:45pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 2:15pm - 2:45pm HOLD - Prep: Meeting with ICE and Advocates** (S2's Office) - Mayorkas.Scheduler
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺
- 4:00pm - 5:00pm New Date/Time: Etowah Follow-up conversation** (5110 or Call in 202-249-6160 Code: 378548) - Higgins, Jennifer

Wednesday, June 15

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:30am Canceled: INTERNAL ONLY: DHS SWB Component Coordination Call** (USCIS, VOGELCONFRM 5110 | Dial-in: 855-852-7677 / PIN: 999947858671) - Scheduler, Choi ☺
- 9:45am - 10:30am DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas.Scheduler ☺
- 12:30pm - 1:00pm Internal Discussion In Re Flores District Court Case - OSC** (The call-in info. is: 1-877-780-4602 (PIN: 2381562#)) - Napolitano, Amber
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, June 16

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:00am Restrictive Housing** (Phone) - Pino, Lisa
- 12:00pm - 12:30pm Flores OSC pre-call** (1-877-780-4602 (PIN: 2381562#)) - Napolitano, Amber
- 1:00pm - 2:00pm *UPDATED DATE* State INR Briefing on Northern Triangle Migration** (NAC 17-323) - Baran, Amanda
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 3:30pm HOLD - Meeting on Detention Reform** (NAC 5, 5107) - Mayorkas.Scheduler
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺

Friday, June 17

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:30pm - 2:00pm *canceled* EA Update** (NAC, 5107 Conference Room) - Johnson.Scheduler

Saturday, June 18

Sunday, June 19

- Father's Day** (United States)

June 20, 2016 - June 26, 2016

June 2016							July 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

Monday, June 20

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 10:00am - 11:30am *Canceled* Immigration Engagement** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 11:00am - 12:00pm **new date and time** EIR IT WG Meeting** (USCIS, WILCOXCONFRM 5110 | D1 call-in #: 1-866-814-1354, Passcode: 2140835) - Scheduler, Rodriguez
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺
- 4:00pm - 4:45pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - S
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#.) - Shahoulian, David ☺

Tuesday, June 21

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:30pm Canceled: Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- 1:30pm - 2:30pm Southern Border Campaign Strategy Update** (NAC, 5107 Conference Room (JTF Director's via VTC)) - Johnson, Scheduler
- 3:00pm - 4:00pm *New Time* Bi-Weekly USCIS Leadership Meeting** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez ☺
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, June 22

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, June 23

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893, Participant Code: 61290222) - HQSCOPSDACA ☺
- 1:45pm - 2:30pm Canceled: Senior Leadership Meeting RE: SCOTUS (updated attendees list)** (Indian Treaty Room) - Scheduler, Rodriguez
- 3:00pm - 3:30pm 3:00: Scheduling Meeting** (NAC, 5107 Conference Room) - Rosen, Paul ☺

Friday, June 24

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺

Saturday, June 25

Sunday, June 26

June 27, 2016 - July 03, 2016

June 2016							July 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3 4						1	2
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

Monday, June 27

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, June 28

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, June 29

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:30am DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- 9:30am - 10:30am Canceled: INTERNAL ONLY: DHS SWB Component Coordination Call** (USCIS, VOGELCONFRM 5110 | Dial-in: 855-852-7677 / PIN: 999947858671) - Scheduler, Choi ☺
- 10:00am - 10:30am Canceled: **New Date/Time** Senior Policy Council Meeting (SPC)** (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, June 30

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺

Friday, July 01

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺

Saturday, July 02

Sunday, July 03

July 04, 2016 - July 10, 2016

July 2016							August 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
					1	2			1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13	
10	11	12	13	14	15	16	14	15	16	17	18	19	20	
17	18	19	20	21	22	23	21	22	23	24	25	26	27	
24	25	26	27	28	29	30	28	29	30	31				
31														

Monday, July 04

- Independence Day (United States)
- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Canceled: SI/DA | Leadership Working Group IEA (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in (395-6392, 6107622#.) - Shahoulian, David ☺

Tuesday, July 05

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 10:00am - 11:30am Canceled: Extended Leadership Meeting (Tomich Center, 111 Mass Ave) - Scheduler, Rodriguez ☺
- 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:30pm Canceled: Political Appointee Check-In (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, July 06

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR) (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 3:00pm - 4:00pm Canceled: Bi-Weekly USCIS Leadership Meeting (USCIS, WILCOXCONFRM 5110) - Scheduler, Rodriguez ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, July 07

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In (CHESTNUT Conference Room, SCOPS /2nd Floor, Teleconference Number: 1-866-650-3893. Participant Code: 63290222) - HQSCOPSDACA ☺

Friday, July 08

- 8:00am - 8:30am 8:00: Morning Huddle (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch (5107 (Large Conf. Room)) - Rosen, Paul ☺

Saturday, July 09

Sunday, July 10

July 11, 2016 - July 17, 2016

July 2016							August 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30	31			
31													

Monday, July 11

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in S1 suite)) - Guevara, Carlos ☺
- 3:30pm - 4:15pm *updated agenda* Leadership Working Group IEA** (USCIS, WILCOXCONFRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, July 12

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, July 13

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:30am - 10:30am Canceled: DHS SWB Component Coordination Call** (NAC 5107 (Large Conference Room) / Dial-in: 855-852-7677 / PIN: 999947858671) - Soucie, Eric ☺
- 9:30am - 10:30am Canceled: INTERNAL ONLY: DHS SWB Component Coordination Call** (USCIS, VOGELCONFRM 5110 | Dial-in: 855-852-7677 / PIN: 999947858671) - Scheduler, Choi ☺
- 11:00am - 12:00pm Canceled: Weekly Meeting Re: DHS Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 11:30am - 12:30pm Accessing Lucus Guttentag Emails** (Director's Office) - Cowart, Adrienne
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFRM 5110) - Scheduler, Choi ☺

Thursday, July 14

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺
- 2:00pm - 2:45pm Canceled: DACA Working Group Meeting** (USCIS, VOGELCONFRM 5110) - Scheduler, Scialabba ☺
- 3:00pm - 3:30pm 3:00: Scheduling Meeting** (NAC, 5107 Conference Rooms) - Rosen, Paul ☺

Friday, July 15

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺

Saturday, July 16

Sunday, July 17

July 18, 2016 - July 24, 2016

July 2016							August 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30	31			
31													

Monday, July 18

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 9:00am - 9:30am Weekly Immigration Check-in** (5110 (Small Conference Room in 51 suite)) - Guevara, Carlos ☺
- 10:00am - 11:30am *Canceled* Immigration Engagement** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 2:30pm - 3:00pm Canceled: *new date & time* EA Update** (NAC, 5107 Conference Room) - Johnson, Scheduler
- 2:50pm - 3:10pm Canceled: Check-In w/Lucas** (COS Choi's Office) - Scheduler, Choi ☺
- 3:30pm - 4:15pm Leadership Working Group IEA** (USCIS, WILCOXCONFIRM 5110 | COS Line: 1-888-459-9171 Code: 8942992) - Scheduler, Choi ☺
- 4:30pm - 5:00pm Canceled: Weekly check-in** (395-6392, 6107622#) - Shahoulian, David ☺

Tuesday, July 19

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺
- 1:00pm - 1:30pm Canceled: Political Appointee Check-In** (Wilcox Conference Room) - Scheduler, Rodriguez ☺
- 1:30pm - 2:30pm Southern Border Campaign Strategy Update** (NAC, 5107 Conference Room (JTF Director's via VTC)) - Johnson, Scheduler
- 3:00pm - 4:15pm Canceled: Leadership Huddle: EA & Screening/Vetting** (USCIS, WILCOXCONFIRM 5110 | D1 Line: 1-866-814-1354 Code: 2140835) - Scheduler, Rodriguez ☺

Wednesday, July 20

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 11:15am - 12:15pm Canceled: Weekly Meeting Re: Executive Immigration Reform (EIR)** (NAC 5, 5107) - Mayorkas, Scheduler ☺
- 3:00pm - 4:00pm Canceled: Bi-Weekly USCIS Leadership Meeting** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Rodriguez ☺
- 3:30pm - 4:30pm Canceled: Leadership Working Group: Policy/Forms** (USCIS, WILCOXCONFIRM 5110) - Scheduler, Choi ☺

Thursday, July 21

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 1:00pm - 2:00pm Canceled: CANCELED: DACA WG Weekly Check-In** (CHESTNUT Conference Room, SCOPS /2nd Floor; Teleconference Number: 1-866-650-3893. Participant Code: 61290222) - HQSCOPSDACA ☺

Friday, July 22

- 8:00am - 8:30am 8:00: Morning Huddle** (Conference Room 5107) - Rosen, Paul ☺
- 12:00pm - 12:30pm 12:00: Working Lunch** (5107 (Large Conf. Room)) - Rosen, Paul ☺

Saturday, July 23

Sunday, July 24

