

United States Senate

March 20, 2020

The Honorable Richard Shelby
Chair
Senate Committee on Appropriations

The Honorable Patrick Leahy
Vice Chair
Senate Committee on Appropriations

The Honorable Shelley Moore Capito
Chair
Subcommittee on Homeland Security
Committee on Appropriations

The Honorable Jon Tester
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations

Dear Chair Shelby, Vice Chair Leahy, Chair Capito, and Ranking Member Tester:

As you consider appropriations legislation for the U.S. Department of Homeland Security (DHS) for Fiscal Year 2021, we respectfully request that you include language prohibiting the use of any DHS funds to arrest, detain, or remove recipients of Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS).

As you know, the Supreme Court is currently considering the legality of President Trump's cruel repeal of DACA, with a decision expected by June. DACA provides temporary protection from deportation to Dreamers, young immigrants who grew up in the United States and know no other home, on an individualized basis if they register with the government, pay a fee, and pass criminal and national security background checks. More than 800,000 Dreamers have come forward and received DACA. DACA has unleashed the full potential of Dreamers, who are contributing to our country as soldiers, nurses, teachers, and small business owners, and in many other ways. Now, as a result of President Trump's decision, these Dreamers face losing their authorization to work and being deported to countries they barely remember.

In fact, it appears that the Trump Administration is planning to remove DACA recipients whose deportation cases had been administratively closed. ICE has issued a statement confirming that DACA deportation cases that had been administratively closed will be reopened and that this "is occurring nationwide and not isolated to a particular state or region." On January 23, Acting ICE Director Matthew Albence replied to a question about these actions, saying that if "DACA is done away with by the Supreme Court, we can actually effectuate those removal orders." Similarly, at a Homeland Security and Governmental Affairs Committee hearing on March 4, DHS Acting Secretary Wolf said that DHS would deport these DACA recipients, testifying: "So when we get final orders of removal, we're going to effectuate those."

Likewise, President Trump's attempts to terminate Temporary Protected Status designations have been unwise, unjustified, and cruel. He has announced the termination of TPS for six countries despite ample statutory justification for extending the designation for each of

these countries. Multiple reports have substantiated allegations of improper political interference in the Trump Administration’s decisions to terminate TPS designations, which have caused needless pain and uncertainty for hundreds of thousands of TPS recipients and their families. In a lawsuit brought by TPS holders and their U.S. citizen children seeking relief from DHS’s abrupt and arbitrary policy shift under the Trump Administration, a federal judge noted that absent the court’s intervention, “TPS beneficiaries and their children indisputably will suffer irreparable harm and great hardship. TPS beneficiaries who have lived, worked, and raised families in the United States (many for more than a decade), will be subject to removal.”

DACA and TPS recipients have built their lives in the United States, some for more than two decades, and they do not deserve to be forced to live in fear of detention and deportation. In light of the clear evidence that the Trump Administration is preparing to deport Dreamers and TPS recipients, we request that you include an unequivocal prohibition on any appropriated funds being used to deport them.

Thank you for your leadership in crafting this important appropriations bill, and for your consideration of this request.

Sincerely,

/s/ Jacky Rosen
/s/ Richard J. Durbin
/s/ Edward J. Markey
/s/ Kirsten Gillibrand
/s/ Richard Blumenthal
/s/ Catherine Cortez Masto
/s/ Mazie Hirono
/s/ Jeffrey A. Merkley
/s/ Robert Menendez
/s/ Tammy Baldwin
/s/ Chris Van Hollen
/s/ Cory A. Booker
/s/ Ron Wyden
/s/ Kamala D. Harris
/s/ Bernard Sanders
/s/ Christopher A. Coons
/s/ Amy Klobuchar
/s/ Tammy Duckworth
/s/ Elizabeth Warren
/s/ Michael F. Bennet