

EXHIBIT 1

Period		Requests by Intake, Biometrics and Case Status									
		Intake ¹			Biometrics ²	Case Review ³					
Requests Accepted ⁴		Requests ⁵ Rejected ⁶	Total Requests Received ⁷	Average Accepted/Day ⁸	Biometrics ² Scheduled ⁹	Requests Under Review ¹⁰	Approved ¹¹	Denied ¹²	Pending ¹³		
Fiscal Year - Total¹⁴											
2012	152,431	5,395	157,826	3,629	124,055	38,024	1,681	-	150,790		
2013	427,616	16,351	443,967	1,697	445,013	77,747	470,354	10,972	97,040		
2014	238,900	24,887	263,787	952	209,670	101,568	158,336	20,991	156,613		
2014 Initial	112,424	19,127	131,551	488	-	-	136,401	20,988	62,375		
2014 Renewal	116,476	5,760	122,236	464	-	-	22,335	-	94,238		
2015	448,856	35,474	484,330	1,781	525,499	48,355	510,118	21,351	74,000		
2015 Initial	85,304	7,477	92,781	338	-	-	90,667	19,068	37,844		
2015 Renewal	363,552	27,997	391,549	1,443	-	-	419,451	2,283	36,056		
2016	260,701	12,317	273,018	1,035	68,140	-	198,827	14,448	121,426		
2016 Initial	73,383	1,204	74,587	291	-	-	52,863	11,399	47,065		
2016 Renewal	187,318	11,113	198,431	744	-	-	145,964	3,049	74,361		
2017	397,544	31,985	429,529	1,795	-	-	349,284	10,609	99,077		
2017 Initial	86,467	31	86,498	194	-	-	41,860	7,854	34,388		
2017 Renewal	301,077	31,954	333,031	1,602	-	-	307,024	2,755	64,779		
Total Cumulative	1,866,048	126,409	1,992,457	1,509	1,372,377	-	1,688,690	74,997	99,077		
Total Cumulative Initial	897,605	49,585	947,190	725	-	-	793,026	67,867	34,298		
Total Cumulative Renewal	968,443	76,824	1,045,267	783	-	-	895,674	7,130	64,779		
Fiscal Year 2017 by Quarter¹⁵											
Q1, October - December	110,189	4,138	114,327	1,777	-	-	121,973	2,731	106,909		
Q1, October - December Initial	15,375	15	15,390	247	-	-	18,298	2,097	42,035		
Q1, October - December Renewal	94,814	4,123	98,937	1,530	-	-	103,715	636	64,874		
Q2, January - March	132,783	19,267	152,050	2,108	-	-	124,743	4,145	110,804		
Q2, January - March Initial	10,321	8	10,329	164	-	-	17,242	3,029	32,085		
Q2, January - March Renewal	122,462	19,259	141,721	1,944	-	-	107,501	1,116	78,719		
Q3, April - June	94,572	8,580	103,152	1,501	-	-	102,658	3,731	99,077		
Q3, April - June Initial	10,801	8	10,809	171	-	-	5,860	2,728	34,298		
Q3, April - June Renewal	83,771	8,572	92,343	1,330	-	-	96,708	1,003	64,779		
Q4, July - September											
Q4, July - September Initial											
Q4, July - September Renewal											

D - Data withheld to protect requestors' privacy.

- Represents zero.

¹Refers to a request for USCIS to consider deferred removal action for an individual based on guidelines described in the Secretary of Homeland Security's memorandum issued June 15, 2012.

Each request is considered on a case-by-case basis.

See <http://www.uscis.gov/childstatusarrivals>.

²The number of new requests accepted at a Lockbox during the reporting period.

³The number of requests rejected at a Lockbox during the reporting period.

⁴The number of requests that were received at a Lockbox during the reporting period.

⁵The number of requests accepted per day at a Lockbox as of the end of the reporting period. Also note the average accepted per day for initial plus renewal will not equal the total average.

⁶Refers to capture of requestors' biometrics.

⁷The number of appointments scheduled to capture requestors' biometrics during the reporting period.

⁸Refers to consideration of deferring action on a case-by-case basis during the reporting period.

⁹The number of new requests received and entered into a case-tracking system during the reporting period.

¹⁰The number of requests approved during the reporting period.

¹¹The number of requests that were denied, terminated, or withdrawn during the reporting period.

¹²The number of requests awaiting a decision as of the end of the reporting period.

¹³Data on biometrics scheduled is not available past January 31, 2016. Totals reflect up to January 31, 2016.

NOTE: 1. Some requests approved or denied may have been received in previous reporting periods.

2. The report reflects the most up-to-date estimate available at the time the report is generated.

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Biometrics Capture Systems, CIS Consolidated Operational Repository (CISCOR), June 30th, 2017



Number of Form I-921D Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Initials, Biometrics and Case Status
Fiscal Year 2012-2017 (June 30)

Top Countries of Origin	Accepted to Date*			Approved to Date*			Residence	Accepted to Date*			Approved to Date*			Accepted to Date*			Approved to Date*				
	Initials	Renewals	Total	Initials	Renewals	Total		Initials	Renewals	Total	Initials	Renewals	Total	Initials	Renewals	Total	Initials	Renewals	Total		
Mexico	89,117	726,511	1,024,428	627,743	993,118	1,621,861	Guatemala	248,131	251,468	499,600	222,459	218,053	440,512	Armenia	3,660	4,761	8,421	5,167	4,474	9,641	
El Salvador	16,107	176,761	192,868	151,735	155,983	307,718	Honduras	141,736	152,853	294,589	114,774	116,946	231,720	Guatemala	3,565	4,187	7,752	4,287	5,505	9,792	
Guatemala	24,583	23,991	48,574	20,000	21,965	41,965	New York	50,700	69,427	120,127	42,503	62,890	105,393	Missouri	3,465	4,107	7,572	8,110	3,549	3,847	7,390
Honduras	22,383	23,201	45,584	18,385	21,149	39,534	Florida	49,860	59,399	109,259	35,007	59,001	94,008	Nebraska	3,829	3,821	7,650	3,884	3,446	6,620	
Peru	9,775	11,794	21,569	9,302	11,128	20,430	Missing	15,321	82,227	97,548	8,295	79,065	79,360	Kentucky	3,488	3,389	6,796	3,079	3,085	6,164	
South Korea	8,64	15,563	24,207	7,281	10,823	18,104	Illinois	15,589	42,013	57,602	42,527	38,703	81,230	Iowa	3,183	3,293	6,476	2,811	3,127	5,938	
Brazil	8,529	8,525	17,054	7,405	8,373	15,778	Arizona	30,850	26,865	57,715	29,932	25,315	55,247	Idaho	3,405	3,053	6,458	3,143	2,819	6,021	
Lebanon	7,728	8,430	16,158	6,725	7,918	14,643	New Jersey	26,141	32,315	58,456	22,227	29,377	51,604	Louisiana	2,454	2,810	5,271	2,070	2,520	4,590	
Colombia	7,158	8,911	16,069	6,698	7,793	14,491	North Carolina	29,741	34,870	64,611	29,495	29,619	59,114	South Dakota	1,498	2,213	3,711	1,248	2,019	3,267	
Philippines	5,088	6,150	11,238	4,674	5,888	10,562	Georgia	28,852	25,379	54,231	24,234	23,733	47,967	Delaware	1,421	1,698	3,119	1,451	1,583	3,034	
Argentina	5,113	5,611	10,724	4,801	5,269	10,070	Washington	19,786	19,143	38,929	13,937	13,064	26,985	Mississippi	1,713	1,328	3,041	1,421	1,322	2,743	
India	3,164	4,379	7,543	3,190	4,133	7,323	Colorado	15,242	16,200	31,442	17,110	15,422	32,532	Hawaii	821	2,463	3,284	582	2,179	2,761	
Haiti	4,859	3,950	8,809	3,431	3,670	7,101	Virginia	14,107	16,784	30,891	12,448	15,296	27,744	District of Columbia	963	1,410	2,373	773	1,299	2,072	
Venezuela	3,464	3,874	7,338	3,206	3,576	6,782	Nebraska	14,315	13,391	27,706	13,116	12,495	25,611	Puerto Rico	544	1,481	2,025	362	1,205	1,667	
Dominican Republic	3,380	3,349	6,729	3,139	3,084	6,223	Maryland	13,689	13,794	27,483	9,877	12,565	22,442	Not Reported	234	1,415	1,649	125	1,243	1,368	
Uruguay	2,601	2,643	5,244	2,324	2,486	4,810	Massachusetts	8,796	10,310	19,106	6,053	12,482	18,535	Wyoming	695	664	1,359	618	1,118	1,736	
Unknown	2,679	2,596	5,275	2,014	2,274	4,288	Oregon	12,110	10,881	22,991	11,321	10,275	21,596	New Hampshire	462	811	1,273	374	732	1,124	
Bolivia	2,224	2,661	4,885	2,069	2,511	4,580	Indiana	10,789	9,081	19,870	9,869	8,641	18,510	Monte Carlo	355	669	1,024	164	539	673	
Costa Rica	2,279	2,554	4,833	2,057	2,382	4,439	Idaho	6,376	6,376	12,752	6,951	6,951	13,903	South Dakota	311	459	770	255	373	628	
Laos	2,441	3,100	5,541	2,094	1,897	3,991	Pennsylvania	2,324	11,859	14,183	5,982	9,875	15,857	Utah	139	467	606	98	427	520	
Poland	3,970	2,300	6,270	1,792	2,025	3,817	Tennessee	8,374	2,957	11,331	6,374	7,518	13,892	Utah	107	468	575	62	620	682	
China	1,891	2,185	4,076	1,740	2,044	3,784	Michigan	7,443	9,422	16,865	6,526	8,555	15,081	North Dakota	141	396	537	103	346	449	
Haitian	1,917	2,241	4,158	1,803	2,093	3,896	Illinois	8,223	7,124	15,347	5,651	6,742	12,393	Virginia	183	293	486	99	283	385	
Nicaragua	1,885	1,897	3,782	1,584	1,744	3,328	Minnesota	7,005	7,689	14,694	6,283	7,023	13,306	West Virginia	151	267	418	118	241	359	
Egypt	1,479	1,567	3,046	1,273	1,481	2,754	Oklahoma	2,531	6,574	14,107	6,888	6,239	13,127	Montana	90	219	311	76	185	261	
							Alabama	2,954	6,397	13,711	6,821	6,028	12,839	Nevada	63	253	316	64	199	263	
							New Mexico	2,449	3,853	13,402	6,838	5,622	12,460	Armed Forces Pacific	31	167	138	17	90	107	
							South Carolina	3,209	6,031	13,241	6,821	5,714	12,535	Armed Forces Europe, Middle East, Africa, Canada	26	80	104	14	51	65	
							Connecticut	5,768	7,459	13,227	4,889	6,764	11,753	Armed Forces Americas (except Canada)	17	65	81	12	59	71	
							Ohio	5,360	6,654	12,018	4,487	5,990	10,477	Northern Mariana Isl	11	21	31	11	16	27	

D. Data withheld to protect requestors privacy.

* Represents date

* The number of requests that were accepted to date of the reporting period.

* The number of requests that were approved to date of the reporting period.

* All fields with less than 10 of a value in the open field are indicated by the field "not reported"

NOTE 1) Some requests approved or denied may have been received in previous reporting periods.

NOTE 2) This report reflects the most up-to-date estimate data available at the time the report is generated.

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Biometrics Capture Systems, CB Consolidated Operational Repository (CISCOR), June 2017

EXHIBIT 2

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



**Homeland
Security**

February 20, 2017

MEMORANDUM FOR:

Kevin McAleenan
Acting Commissioner
U.S. Customs and Border Protection

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement

Lori Scialabba
Acting Director
U.S. Citizenship and Immigration Services

Joseph B. Maher
Acting General Counsel

Dimple Shah
Acting Assistant Secretary for International Affairs

Chip Fulghum
Acting Undersecretary for Management

FROM:

John Kelly
Secretary

A handwritten signature in black ink, appearing to read "John Kelly", written over the printed name and title.

SUBJECT:

**Enforcement of the Immigration Laws to Serve the National
Interest**

This memorandum implements the Executive Order entitled “Enhancing Public Safety in the Interior of the United States,” issued by the President on January 25, 2017. It constitutes guidance for all Department personnel regarding the enforcement of the immigration laws of the United States, and is applicable to the activities of U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). As such, it should inform enforcement and removal activities, detention decisions, administrative litigation, budget requests and execution, and strategic planning.

With the exception of the June 15, 2012, memorandum entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” and the November 20, 2014 memorandum entitled “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,”¹ all existing conflicting directives, memoranda, or field guidance regarding the enforcement of our immigration laws and priorities for removal are hereby immediately rescinded—to the extent of the conflict—including, but not limited to, the November 20, 2014, memoranda entitled “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants,” and “Secure Communities.”

A. The Department’s Enforcement Priorities

Congress has defined the Department’s role and responsibilities regarding the enforcement of the immigration laws of the United States. Effective immediately, and consistent with Article II, Section 3 of the United States Constitution and Section 3331 of Title 5, United States Code, Department personnel shall faithfully execute the immigration laws of the United States against all removable aliens.

Except as specifically noted above, the Department no longer will exempt classes or categories of removable aliens from potential enforcement. In faithfully executing the immigration laws, Department personnel should take enforcement actions in accordance with applicable law. In order to achieve this goal, as noted below, I have directed ICE to hire 10,000 officers and agents expeditiously, subject to available resources, and to take enforcement actions consistent with available resources. However, in order to maximize the benefit to public safety, to stem unlawful migration and to prevent fraud and misrepresentation, Department personnel should prioritize for removal those aliens described by Congress in Sections 212(a)(2), (a)(3), and (a)(6)(C), 235(b) and (c), and 237(a)(2) and (4) of the Immigration and Nationality Act (INA).

Additionally, regardless of the basis of removability, Department personnel should prioritize removable aliens who: (1) have been convicted of any criminal offense; (2) have been charged with any criminal offense that has not been resolved; (3) have committed acts which constitute a chargeable criminal offense; (4) have engaged in fraud or willful misrepresentation in connection with any official matter before a governmental agency; (5) have abused any program related to receipt of public benefits; (6) are subject to a final order of removal but have not complied with their legal obligation to depart the United States; or (7) in the judgment of an immigration officer, otherwise pose a risk to public safety or national security. The Director of ICE, the Commissioner of CBP, and the Director of USCIS may, as they determine is appropriate, issue further guidance to allocate appropriate resources to prioritize enforcement activities within these categories—for example, by prioritizing enforcement activities against removable aliens who are convicted felons or who are involved in gang activity or drug trafficking.

¹ The November 20, 2014, memorandum will be addressed in future guidance.

B. Strengthening Programs to Facilitate the Efficient and Faithful Execution of the Immigration Laws of the United States

Facilitating the efficient and faithful execution of the immigration laws of the United States—and prioritizing the Department’s resources—requires the use of all available systems and enforcement tools by Department personnel.

Through passage of the immigration laws, Congress established a comprehensive statutory regime to remove aliens expeditiously from the United States in accordance with all applicable due process of law. I determine that the faithful execution of our immigration laws is best achieved by using all these statutory authorities to the greatest extent practicable. Accordingly, Department personnel shall make full use of these authorities.

Criminal aliens have demonstrated their disregard for the rule of law and pose a threat to persons residing in the United States. As such, criminal aliens are a priority for removal. The Priority Enforcement Program failed to achieve its stated objectives, added an unnecessary layer of uncertainty for the Department’s personnel, and hampered the Department’s enforcement of the immigration laws in the interior of the United States. Effective immediately, the Priority Enforcement Program is terminated and the Secure Communities Program shall be restored. To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Department shall eliminate the existing Forms I-247D, I-247N, and I-247X, and replace them with a new form to more effectively communicate with recipient law enforcement agencies. However, until such forms are updated they may be used as an interim measure to ensure that detainers may still be issued, as appropriate.

ICE’s Criminal Alien Program is an effective tool to facilitate the removal of criminal aliens from the United States, while also protecting our communities and conserving the Department’s detention resources. Accordingly, ICE should devote available resources to expanding the use of the Criminal Alien Program in any willing jurisdiction in the United States. To the maximum extent possible, in coordination with the Executive Office for Immigration Review (EOIR), removal proceedings shall be initiated against aliens incarcerated in federal, state, and local correctional facilities under the Institutional Hearing and Removal Program pursuant to section 238(a) of the INA, and administrative removal processes, such as those under section 238(b) of the INA, shall be used in all eligible cases.

The INA § 287(g) Program has been a highly successful force multiplier that allows a qualified state or local law enforcement officer to be designated as an “immigration officer” for purposes of enforcing federal immigration law. Such officers have the authority to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, and conduct searches authorized under the INA, under the direction and supervision of the Department.

There are currently 32 law enforcement agencies in 16 states participating in the 287(g)

Program. In previous years, there were significantly more law enforcement agencies participating in the 287(g) Program. To the greatest extent practicable, the Director of ICE and Commissioner of CBP shall expand the 287(g) Program to include all qualified law enforcement agencies that request to participate and meet all program requirements. In furtherance of this direction and the guidance memorandum, "Implementing the President's Border Security and Immigration Enforcement Improvements Policies" (Feb. 20, 2017), the Commissioner of CBP is authorized, in addition to the Director of ICE, to accept State services and take other actions as appropriate to carry out immigration enforcement pursuant to section 287(g) of the INA.

C. Exercise of Prosecutorial Discretion

Unless otherwise directed, Department personnel may initiate enforcement actions against removable aliens encountered during the performance of their official duties and should act consistently with the President's enforcement priorities identified in his Executive Order and any further guidance issued pursuant to this memorandum. Department personnel have full authority to arrest or apprehend an alien whom an immigration officer has probable cause to believe is in violation of the immigration laws. They also have full authority to initiate removal proceedings against any alien who is subject to removal under any provision of the INA, and to refer appropriate cases for criminal prosecution. The Department shall prioritize aliens described in the Department's Enforcement Priorities (Section A) for arrest and removal. This is not intended to remove the individual, case-by-case decisions of immigration officers.

The exercise of prosecutorial discretion with regard to any alien who is subject to arrest, criminal prosecution, or removal in accordance with law shall be made on a case-by-case basis in consultation with the head of the field office component, where appropriate, of CBP, ICE, or USCIS that initiated or will initiate the enforcement action, regardless of which entity actually files any applicable charging documents: CBP Chief Patrol Agent, CBP Director of Field Operations, ICE Field Office Director, ICE Special Agent-in-Charge, or the USCIS Field Office Director, Asylum Office Director or Service Center Director.

Except as specifically provided in this memorandum, prosecutorial discretion shall not be exercised in a manner that exempts or excludes a specified class or category of aliens from enforcement of the immigration laws. The General Counsel shall issue guidance consistent with these principles to all attorneys involved in immigration proceedings.

D. Establishing the Victims of Immigration Crime Engagement (VOICE) Office

Criminal aliens routinely victimize Americans and other legal residents. Often, these victims are not provided adequate information about the offender, the offender's immigration status, or any enforcement action taken by ICE against the offender. Efforts by ICE to engage these victims have been hampered by prior Department of Homeland Security (DHS) policy extending certain Privacy Act protections to persons other than U.S. citizens and lawful permanent residents, leaving victims feeling marginalized and without a voice. Accordingly, I am establishing the Victims of Immigration Crime Engagement (VOICE) Office within the Office of

the Director of ICE, which will create a programmatic liaison between ICE and the known victims of crimes committed by removable aliens. The liaison will facilitate engagement with the victims and their families to ensure, to the extent permitted by law, that they are provided information about the offender, including the offender's immigration status and custody status, and that their questions and concerns regarding immigration enforcement efforts are addressed.

To that end, I direct the Director of ICE to immediately reallocate any and all resources that are currently used to advocate on behalf of illegal aliens (except as necessary to comply with a judicial order) to the new VOICE Office, and to immediately terminate the provision of such outreach or advocacy services to illegal aliens.

Nothing herein may be construed to authorize disclosures that are prohibited by law or may relate to information that is Classified, Sensitive but Unclassified (SBU), Law Enforcement Sensitive (LES), For Official Use Only (FOUO), or similarly designated information that may relate to national security, law enforcement, or intelligence programs or operations, or disclosures that are reasonably likely to cause harm to any person.

E. Hiring Additional ICE Officers and Agents

To enforce the immigration laws effectively in the interior of the United States in accordance with the President's directives, additional ICE agents and officers are necessary. The Director of ICE shall—while ensuring consistency in training and standards—take all appropriate action to expeditiously hire 10,000 agents and officers, as well as additional operational and mission support and legal staff necessary to hire and support their activities. Human Capital leadership in CBP and ICE, in coordination with the Under Secretary for Management and the Chief Human Capital Officer, shall develop hiring plans that balance growth and interagency attrition by integrating workforce shaping and career paths for incumbents and new hires.

F. Establishment of Programs to Collect Authorized Civil Fines and Penalties

As soon as practicable, the Director of ICE, the Commissioner of CBP, and the Director of USCIS shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties which the Department is authorized under the law to assess and collect from aliens and from those who facilitate their unlawful presence in the United States.

G. Aligning the Department's Privacy Policies With the Law

The Department will no longer afford Privacy Act rights and protections to persons who are neither U.S. citizens nor lawful permanent residents. The DHS Privacy Office will rescind the DHS *Privacy Policy Guidance memorandum*, dated January 7, 2009, which implemented the DHS "mixed systems" policy of administratively treating all personal information contained in DHS record systems as being subject to the Privacy Act regardless of the subject's immigration status. The DHS Privacy Office, with the assistance of the Office of the General Counsel, will

develop new guidance specifying the appropriate treatment of personal information DHS maintains in its record systems.

H. Collecting and Reporting Data on Alien Apprehensions and Releases

The collection of data regarding aliens apprehended by ICE and the disposition of their cases will assist in the development of agency performance metrics and provide transparency in the immigration enforcement mission. Accordingly, to the extent permitted by law, the Director of ICE shall develop a standardized method of reporting statistical data regarding aliens apprehended by ICE and, at the earliest practicable time, provide monthly reports of such data to the public without charge.

The reporting method shall include uniform terminology and shall utilize a format that is easily understandable by the public and a medium that can be readily accessed. At a minimum, in addition to statistical information currently being publicly reported regarding apprehended aliens, the following categories of information must be included: country of citizenship, convicted criminals and the nature of their offenses, gang members, prior immigration violators, custody status of aliens and, if released, the reason for release and location of their release, aliens ordered removed, and aliens physically removed or returned.

The ICE Director shall also develop and provide a weekly report to the public, utilizing a medium that can be readily accessed without charge, of non-Federal jurisdictions that release aliens from their custody, notwithstanding that such aliens are subject to a detainer or similar request for custody issued by ICE to that jurisdiction. In addition to other relevant information, to the extent that such information is readily available, the report shall reflect the name of the jurisdiction, the citizenship and immigration status of the alien, the arrest, charge, or conviction for which each alien was in the custody of that jurisdiction, the date on which the ICE detainer or similar request for custody was served on the jurisdiction by ICE, the date of the alien's release from the custody of that jurisdiction and the reason for the release, an explanation concerning why the detainer or similar request for custody was not honored, and all arrests, charges, or convictions occurring after the alien's release from the custody of that jurisdiction.

I. No Private Right of Action

This document provides only internal DHS policy guidance, which may be modified, rescinded, or superseded at any time without notice. This guidance 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. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigation prerogatives of DHS.

In implementing these policies, I direct DHS Components to consult with legal counsel to ensure compliance with all applicable laws, including the Administrative Procedure Act.

EXHIBIT 3

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

- 1 c. Misha Hill has been a State Policy Fellow at ITEP since 2016. She holds a
2 Master of Public Policy from The George Washington University and Bachelor
3 of Arts in Hispanic Studies from the University of Pennsylvania.
- 4 2. According to U.S. Citizenship and Immigration Services (USCIS), the agency that
5 administers Deferred Action for Childhood Arrivals (DACA), as of the second quarter
6 of March 31, 2017 over 880,000 young people who were brought to the United States
7 as children without documentation are currently enrolled in DACA.¹ The Migration
8 Policy Institute, a non-profit, non-partisan think tank that analyzes the movement of
9 people worldwide, estimates an additional 450,000 individuals are eligible for DACA
10 but not currently enrolled.²
- 11 3. We used the above estimates of the current population receiving and eligible for but not
12 receiving Deferred Action for Childhood Arrivals (DACA) in each state to estimate the
13 annual aggregate state and local tax contributions of the DACA-eligible population.
- 14 4. Young undocumented immigrants eligible for or enrolled in DACA, like all people
15 living and working in the U.S., pay state and local income, property, sales, and excise
16 taxes. We estimate that the total DACA-eligible population contributes more than \$2
17 billion annually in state and local taxes. \$1.6 billion of that is from the population
18 currently enrolled in DACA. The following assumptions were made to calculate the
19 sales and excise, income, and property taxes of the DACA-eligible population:
- 20 a. Taxpaying units and employment status:
- 21 i. ITEP’s analysis treats each DACA-eligible immigrant who is working as
22 a single taxpaying unit.
- 23 ii. The employment rate of immigrants depends on legal status

22 ¹ Deferred Action for Childhood Arrivals Process (Through Fiscal Year 2017, 2nd Qtr).
23 Available at:
24 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr2.pdf

25 ² Migration Policy Institute, “Deferred Action for Childhood Arrivals (DACA) Data Tools.”
26 Available at <http://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles#overlay-context=events>

1 iii. 2016 national survey of 1,308 DACA recipients found that 87 percent of
2 respondents were employed.³ DACA enrollees pay the same income
3 taxes (in states with income taxes) as other lawfully present individuals.
4 DACA enrollees receive a temporary social security number which
5 allows them to file federal and state income taxes and, additionally
6 payroll taxes are deducted from their paychecks.

7 iv. The previously mentioned national survey also found that prior to
8 obtaining DACA only 51% of survey respondents were employed. Our
9 analysis assumes that 51% of the population that is eligible for DACA
10 but not currently enrolled are employed.

11 b. Income of DACA-eligible population

12 i. Immigrant wages change depending on legal status. Undocumented
13 workers earn \$22,029 a year on average and granting DACA status
14 increases wages by 8.5 percent, according to a 2014 report by the Center
15 for American Progress. The average wages applied to the estimated
16 DACA working population in ITEP’s analysis are:

- 17 • \$23,901 for the DACA-eligible population working and enrolled
18 in the program.
- 19 • \$22,029 for the DACA-eligible population working, but not
20 enrolled in the program.

21 c. Estimated effective tax rates (taxes as share of income) for sales, income, and
22 property taxes paid by DACA-eligible population in each state.

23 i. ITEP’s microsimulation computer model is a sophisticated program that
24 applies the state and local tax laws in each state (including sales, excise,
25 income, and property tax laws) to a statistically valid database of tax
26 returns to generate estimates of the effective tax rates paid by taxpayers

³ “Results of Tom K. Wong, United We Dream, National Immigration Law Center, and Center for American Progress National Survey.” Center for American Progress, https://cdn.americanprogressaction.org/content/uploads/2016/10/21111136/2016-daca_survey_draft_updated-FINAL2.pdf

1 at various income levels under state and local tax law in place as of
2 December 31, 2014. In January of 2015, ITEP released the 5th edition of
3 *Who Pays?* which estimates the effect of the state and local tax laws as
4 of January 2015 on taxpayers at 2012 income levels. This report applies
5 effective tax rates calculated in the 2015 *Who Pays?* report to the DACA
6 eligible population.

7 d. We estimate that the DACA-eligible population contributes \$282 million in
8 state and local income taxes annually.

9 i. Eligible immigrants enrolled in DACA are required to pay personal
10 income taxes using a temporary social security number. Thus, this study
11 assumes the 740,400 DACA-enrolled workers are fully complying with
12 state personal income taxes. Personal income tax effective rates in each
13 state were applied accordingly. Various studies have estimated between
14 50 and 75 percent of undocumented immigrants currently pay personal
15 income taxes predominantly using Individual Tax Identification (ITIN)
16 numbers or with false social security numbers. This analysis assumes a
17 50 percent compliance rate for DACA-eligible immigrants who are not
18 enrolled and applies 50 percent compliance if DACA protections are
19 lost. Personal income tax effective rates in each state were applied to 50
20 percent of the estimated income.

21 ii. Enrolled DACA recipients are eligible to receive the federal Earned
22 Income Tax Credit (EITC) and the state versions of the credit as well,
23 however state EITC benefits were not included in this study for two
24 reasons: 1) all DACA-eligible workers are treated as single taxpaying
25 units and 2) the average income of the enrolled DACA population is
26 above the EITC income eligibility amounts for single workers. The
impact of state EITCs was also left out of the other policy options given
that DACA-eligible immigrants not enrolled in the program are
ineligible for the credit.

1 e. We estimate the DACA-eligible population contributes \$496 million annually in
2 state and local property taxes. The DACA-eligible population pays property
3 taxes either directly as homeowners, or indirectly through higher rents as
4 tenants.

5 i. The first step in calculating property taxes was to identify the share of
6 DACA-eligible immigrants who are homeowners or renters in each
7 state. This analysis used state-by-state data from the Migration Policy
8 Institute to estimate homeownership rates for undocumented immigrants
9 in each state. The ITEP model assumes that for renters, half of the cost
10 of the property tax paid initially by owners of rental properties is passed
11 through to renters.

12 f. We estimate the DACA-eligible population contributes \$1.24 billion annually in
13 state and local sales and excise taxes. The DACA-eligible population, like
14 anyone purchasing goods or services, pays consumption taxes directly at the
15 point of sale on taxable items.

16 i. Sales and excise taxes are collected by retailers every time a purchase is
17 made on a taxable good or service. It is reasonable to assume that
18 DACA eligible immigrants pay sales and excise taxes at similar rates to
19 U.S. citizens and legal immigrants with similar incomes thus the
20 estimated rates in ITEP's *Who Pays?* for each state were applied to the
21 various estimated DACA-eligible population incomes.

22 5. A useful way to compare taxes paid across income levels is the effective tax rate. This
23 is the total of all taxes paid - income, property, and sales and excise - as a share of
24 income. The DACA-eligible population pays an average effective tax rate of 8.9%.
25 ITEP's 2015 report, *Who Pays: A Distributional Analysis of the Tax Systems in All
26 Fifty States* found that the middle 20% of taxpayers pays on average an effective tax
rate of 9.4%, and the top 1% of taxpayers pays just 5.4% of their income in taxes.⁴ This

⁴ Davis, Carl, et al. "Who Pays? A Distributional Analysis of the Tax Systems in All 50 States, 5th ed.," Institute on Taxation and Economic Policy, Jan. 2015, www.whopays.org.

1 means the DACA-eligible population pays state and local taxes at a similar rate to
2 middle income taxpayers across the country.

3 6. We also estimate that if DACA protections were lost the population would continue to
4 contribute to state and local revenues, but at much lower levels. We estimate a total loss
5 of \$797 million in state and local tax revenues.

6 a. DACA protections increase state and local tax contributions because they
7 increase employment rates, increase average salaries, and increase the share
8 paying state personal income taxes from 50 to 100 percent. Surveys of DACA
9 recipients found that after receiving DACA protections respondents were
10 employed at higher rates and earned higher wages. This is likely because the
11 work authorizations and deferral from deportation provided by DACA allow
12 recipients to better compete with legally present workers, pursue advanced
13 degrees, and protects them from wage theft by unscrupulous employers. Thus, a
14 loss of DACA protections would eliminate the revenue gained from the
15 increased salaries DACA affords.

16 7. There are residents of every state that are eligible for or enrolled in DACA, which
17 means every state revenue stream could be harmed by the loss of DACA protections.

18 Some examples relevant to this case below:

- 19 a. 23,000 Colorado residents are eligible for or receiving DACA, and contributing
20 \$33.9 million in state and local taxes. If DACA protections were lost their
21 contributions would decrease by \$16.4 million to \$17.4 million.
- 22 b. 11,000 Connecticut residents are eligible for or receiving DACA, and
23 contributing \$17.6 million in state and local taxes. If DACA protections were
24 lost their contributions would decrease by \$5.4 million to \$12.1 million.
- 25 c. 3,000 Delaware residents are eligible for or receiving DACA, and contributing
26 \$2.4 million in state and local taxes. If DACA protections were lost their
contributions would decrease by \$1 million to \$2.4 million.
- d. 2,000 residents of the District of Columbia are eligible for or receiving DACA,
and contributing \$2.7 million in local taxes. If DACA protections were lost their
contributions would decrease by \$946,000 to \$1.7 million.

- e. 2,000 Hawaii residents are eligible for or receiving DACA, and contributing \$3.2 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$870,000 to \$2.3 million.
- f. 68,000 Illinois residents are eligible for or receiving DACA, and contributing \$131 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$54.7 million to \$76.2 million.
- g. 4,000 Iowa residents are eligible for or receiving DACA, and contributing \$6.8 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$3.2 million to \$3.5 million.
- h. 19,000 Massachusetts residents are eligible for or receiving DACA, and contributing \$24.2 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$9.2 million to \$15 million.
- i. 10,000 New Mexico residents are eligible for or receiving DACA, and contributing \$18.8 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$7.5 million to \$11.2 million.
- j. 76,000 New York residents are eligible for or receiving DACA, and contributing \$140 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$55 million to \$84 million.
- k. 41,000 North Carolina residents are eligible for or receiving DACA, and contributing \$63.6 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$29 million to \$39.5 million.
- l. 15,000 Oregon residents are eligible for or receiving DACA, and contributing \$20 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$11 million to \$8.9 million.
- m. 15,000 Pennsylvania residents are eligible for or receiving DACA, and contributing \$20.7 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$7.5 million to \$13.2 million.
- n. 3,000 Rhode Island residents are eligible for or receiving DACA, and contributing \$3.8 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$1.2 million to \$2.6 million.

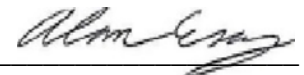
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- o. About 100 Vermont residents are eligible for or receiving DACA, and contributing \$140,000 in state and local taxes. If DACA protections were lost their contributions would decrease by \$48,000 to \$92,000.
- p. 30,000 Virginia residents are eligible for or receiving DACA, and contributing \$34.7 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$12.7 million to \$20 million.
- q. And in Washington State 27,000 DACA-eligible persons contribute \$51 million in state and local taxes. If DACA protections were lost their contributions would decrease by \$19 million to \$32 million.

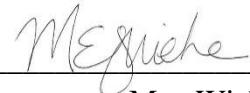
8. For all the foregoing reasons, in our professional opinions rescinding DACA would reduce the state and local tax contributions of the population eligible for DACA by at least half. This would hamper state and local revenues and hurt their economies.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of our knowledge.


Respectfully submitted,



Alan Essig



Meg Wiehe



Misha Hill

September 21, 2017

Date

EXHIBIT 4

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Declaration of Ike Brannon

1. I am currently an economist who is president of the consulting firm Capital Policy Analytics. I also have an affiliation with the Cato Institute.
2. I received my MA and Ph.D. in Economics from Indiana University.
3. I was an economics professor in the University of Wisconsin System from 1994-2002. In 2001 I was given tenure and promoted to associate professor.
4. Since then I have worked in Washington DC, for (in order) the Office of Management and Budget, the Congressional Joint Economic Committee, The Senate Finance Committee, The U.S. Treasury, and the House Energy and Commerce Committee.
5. In 2008 I was chief economist for the John McCain for president campaign.
6. My coauthor, Logan Albright, received his Master's Degree in economics in 2011 from Georgia State University, and has worked as a policy analyst in Washington, DC for the last five years, including positions at think tanks and policy organizations such as the American Action Forum, FreedomWorks, Free the People, and Capital Policy Analytics.
7. Whereas the President has expressed a desire to end Deferred Action for Childhood Arrivals (DACA) program, we conducted a thorough investigation of the economic and fiscal costs that such action would impose on the federal government, and to the economy as a whole and published that research in January 2017.
8. We recently updated this analysis to break down these costs by state, using survey data from DACA recipients.
9. My co-author Logan Albright and I began our analysis by comparing DACA recipients to those immigrants who hold H-1B visas. These are high-skilled, well-educated immigrants who are demographically analogous to DACA students, all of whom must necessarily enroll in higher education programs in order to be eligible.
10. The average DACA recipient is 22 years old, employed, and a student. 17 percent of them are on track to complete an advanced degree. The college attrition rate of DACA recipients is miniscule compared to domestic students, an indication of the exceptional

1 caliber of the DACA students. H-1B holders are generally between 25 and 34,
2 employed, and most have completed degrees. In short, we posit that they look like what
3 DACA recipients will look like in a few years' time.

4 11. We begin our analysis by using a study from the Hoover Institute¹ on the economic
5 impact of expanding the H-1B visa program as our baseline. We adjusted that estimate
6 by the difference in the number of recipients and the difference in income. To conform
7 to Congressional budget procedures we compiled a ten year aggregate cost.

8 12. We determined that, if DACA recipients were completely analogous to H-1B holders,
9 their removal would constitute a budgetary loss of \$127 billion and a GDP loss of \$512
10 billion.

11 13. We adjusted for the fact that DACA recipients, being younger and not completely done
12 with their education, earn on average roughly 43 percent of what H-1B holders earn.
13 What's more, the population of DACA recipients is about 750,000, compared to the
14 660,000 H-1B holders the Hoover study examined, so we adjusted for these
15 differences.

16 14. From this, we determined that, over a ten-year window, a repeal of DACA would cost
17 the federal government \$60 billion in lost revenue, and the economy as a whole \$215
18 billion in lost GDP.

19 15. As a way of confirming our result, we consulted a study from the National Research
20 Council that estimated the average long-term fiscal impact for immigrants who remain
21 in the country for an extended period of time. This result coincided with our own nearly
22 perfectly (\$59.3 billion versus our \$60 billion).

23 16. There are DACA recipients in 35 states and the District of Columbia. Using survey data
24 from the Center for American Progress,² we estimated the total cost of repealing DACA
25 for each of the relevant states, based on the proportion of DACA recipients who live
26 locally.

¹ Thomas Church, Estimating the Economic and Budgetary Effects of New H1-B Visas in the Senate Gang of Eight's Proposed Immigration Bill, Hoover Institution (May 7, 2013) http://www.hoover.org/sites/default/files/uploads/na/s_20130513_estimating-the-economic-and-budgetary-effects-of-h1b-reform-in-s_744.pdf

² Tom K. Wong, National Immigration Law Center, and Center for American Progress, Results from National Survey of DACA recipients, <https://cdn.americanprogress.org/wp-content/uploads/2015/07/DACA-Wong-NILC-CAP-Codebook-PDF.pdf>

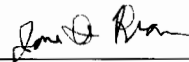
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17. Of the 50 states, California will bear the highest cost, with over 30 percent of DACA recipients. Factoring in budgetary and economic effects, California’s total cost over a ten year window would be \$84.2 billion (See Table 1).

18. It is important to note that these estimates are conservative, as DACA recipients will likely end up being more productive than their current salaries indicate, as they age and complete their degrees. Nor does this analysis factor in the enforcement cost of physically deporting recipients, should the program be eliminated.

19. In summary, the repeal or rollback of the DACA program would have a significant and negative fiscal and economic impact on the country, and would disproportionately affect the various states in which DACA recipients are most prevalent.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and complete to the best of my knowledge.



Ike Brannon, Ph.D.

8/31/2017

Date

Table 1: Cost of DACA Repeal By State 2018-2028

State	Budget Cost (Millions \$)	Economic Cost (Millions \$)	Total Cost (Millions \$)
AL	258	924.5	1,182.5
AZ	2,826	10,126.5	12,952.5
CA	18,372	65,833	84,205
CO	768	2,752	3,520
CT	642	2,300.5	2,942.5
DC	900	3,225	4,125
DE	258	924.5	1,182.5

1	FL	5,910	21,177.5	27,087.5
2	GA	1,158	4,149.5	5,307.5
3	HI	126	451.5	577.5
4	IA	258	924.5	1,182.5
5	IL	1,926	6,901.5	8,827.5
6	IN	642	2,300.5	2,942.5
7	KS	384	1,376	1,760
8	MA	258	924.5	1,182.5
9	MD	642	2,300.5	2,942.5
10	MI	768	2752	3,520
11	MN	126	451.5	577.5
12	MO	126	451.5	577.5
13	NE	126	451.5	577.5
14	NJ	384	1,376	1,760
15	NM	258	924.5	1,182.5
16	NV	126	451.5	577.5
17	NY	10,794	38,678.5	49,472.5
18	NC	2,184	7,826	10,010
19	OH	126	451.5	577.5
20	OK	126	451.5	577.5
21	OR	384	1376	1,760
22	PA	258	924.5	1,182.5
23	SC	258	924.5	1,182.5
24	TN	258	924.5	1,182.5
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TX	5,142	18,425.5	23,567.5
UT	384	1,376	1,760
VA	1,026	3,676.5	4,702.5
WA	1,800	6,450	8,250

EXHIBIT 5

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Declaration of Tom K. Wong

I, Tom K. Wong, declare as follows:

1. My name is Tom K. Wong and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.
2. I am an Associate Professor with tenure at the University of California, San Diego (UCSD). I work in the political science department, which is consistently ranked by U.S. News & World Report as one of the top ten political science departments nationally. I am also the Director of the International Migration Studies Program Minor at UCSD.
3. I am an expert on immigration politics and policy, which includes the Deferred Action for Childhood Arrivals (DACA) policy. I have written two peer-reviewed books and several peer-reviewed journal articles, book chapters, and reports on these subjects. My most recent book analyzes 31,193 roll call votes on immigration-related legislation in the U.S. Congress from 2005 to present, which makes it the most comprehensive analysis to date on the contemporary politics of immigration in the U.S. My most recent research on DACA is a national survey of 3,063 DACA recipients conducted in August 2017. This 2017 survey is in addition to two peer-reviewed journal articles on DACA (*International Migration Review* and *Journal on Migration and Human Security*), one book-length monograph (supported by a grant from the U.S. Department of Homeland Security [DHS]), and three other reports based on national surveys that I have conducted of DACA recipients.
4. I received a Ph.D. in political science at the end of the 2010-2011 academic year. I was

1 a post-doctoral research fellow during the 2011-2012 academic year. I joined the
2 political science department at UCSD during the 2012-2013 academic year. I served as
3 an advisor to the White House Initiative on Asian Americans and Pacific Islanders
4 (WHIAAPI) during the 2015-2016 academic year, where I worked on the immigration
5 portfolio.
6

- 7 5. I have attached a true and complete copy of my curriculum vitae as Exhibit A to this
8 Declaration.
9

10 **DACA**

- 11 6. Since it was first announced on June 15, 2012, the Deferred Action for Childhood
12 Arrivals policy has provided temporary relief from deportation as well as work
13 authorization to 793,026 people.¹
14
15

16 **2017 National Survey of DACA Recipients**

- 17 7. From August 1, 2017 to August 20, 2017, I conducted a national online survey of
18 DACA recipients. The resulting survey is the largest study to date of DACA recipients
19 with a sample size of 3,063 respondents in forty-six states plus the District of
20 Columbia.
21
22 8. Methodologically, several steps were taken to account for the known sources of bias
23 that can result from online panels. To prevent ballot stuffing, meaning one person
24

25 ¹ Based on the most recent publicly available data from U.S. Citizenship and Immigration Services
26 (USCIS) at the time of this writing, which is up June 30, 2017. USCIS provides quarterly reports on DACA. See:
https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

1 submitting multiple responses, incentives were not given for each completed survey
2 that was submitted. Moreover, a state-of-the-art online survey platform (Qualtrics),
3 which can be programmed to prevent one IP address from submitting multiple
4 responses, was used. To prevent spoiled ballots, meaning people who responded to the
5 survey who are not undocumented, I used a unique validation test for undocumented
6 status. Multiple questions were asked about each respondent's migratory history. These
7 questions were asked during different parts of the survey. When a question was
8 repeated, it was posed using different wording. For example, "How old were you when
9 you first came to the U.S.?" and, "In what year did you first come to the U.S.?" (current
10 age was used to tether these answers). If there was agreement in the answers, meaning
11 there was consistency regarding the respondent's migratory history, the respondent was
12 kept in the resulting sample. If there were inconsistencies, the respondent was
13 excluded. Also, Facebook ads were used to improve the geographic representativeness
14 of the resulting sample, as well as to recruit respondents who are outside of the
15 networks of the organizations that conducted outreach for the survey. Because there is
16 no directory of undocumented immigrants from which to randomly sample from,
17 researchers need to partner with organizations that interact with undocumented
18 immigrants to conduct such surveys. The outreach partners were United We Dream
19 (UWD), the National Immigration Law Center (NILC), and the Center for American
20 Progress (CAP). Given the nature of online opt-in surveys, it is not possible to construct
21 a valid margin of error.
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25 9. Evaluating representativeness and reweighting the sample requires current and
26

1 complete data on the characteristics of DACA recipients. The only publicly available
2 data that is current and complete is their geographic breakdown at the state level. These
3 data are made publicly available by USCIS. USCIS also provides publicly available
4 data on the country of birth of DACA recipients but these data are incomplete.² Thus, a
5 two-sample Kolmogorov-Smirnov test of equality of distributions shows that the state-
6 by-state breakdown of the sample is representative of the state-by-state breakdown of
7 all DACA recipients ($p = .570$).³

10 **DACA Improves the Economic Integration of Recipients**

11 10. DACA has been critical in improving the economic integration of DACA recipients.

12 11. Regarding employment, 91% of DACA recipients are currently employed. Among
13 those 25 years and older, this percentage climbs to 93%.

14 12. Moreover, after receiving DACA:

- 15 a. 54% got their first job;
- 16 b. 69% got a job with better pay;
- 17 c. 54% got a job that better fits their education and training;

20 ² USCIS only lists the top twenty-five countries of birth, and one of these is “unknown.” USCIS has
21 analyzed the demographic characteristics of DACA recipients, but this initial analysis was based on data on
22 DACA approvals from August 2012 to September 2013. See:
23 <https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Deferred%20Action%20for%20Childhood%20Arrivals/USCIS-DACA-Characteristics-Data-2014-7-10.pdf>. More recently, USCIS published updated
24 characteristics. A Kolmogorov-Smirnov test of equality of distributions shows that the state-by-state breakdown
25 of the sample is representative of the state-by-state breakdown of all “active DACA recipients” as of September
26 2017 ($p = .557$). Moreover, the most recent USCIS report indicates that the average age of active DACA
recipients is 23.8. The average age of the sample is similar at 25.2. The most recent USCIS data do not provide
detailed cross-tabulations sufficient for weighting purposes.

³ That is, there is no evidence to suggest that the distribution of survey respondents by state and the
actual number of DACA recipients by state is statistically significantly different. Moreover, analyzing and
comparing the unweighted and weighted results show that the findings are substantively similar throughout.

- d. 54% got a job that better fits their long-term career goals;
- e. 57% got a job with health insurance or other benefits;
- f. 56% got a job with improved work conditions; and
- g. 5% started their own businesses.

Table 1 summarizes these results. The column “≥ 25” reports the results for respondents 25 years and older.

		≥ 25
	Got my first job	54.2% 35.3%
	Got a job with better pay	68.5% 77.7%
	Got a job that better fits my education and training	54.2% 59.6%
	Got a job that better fits my long-term career goals	53.9% 61.4%
	Got a job with health insurance or other benefits	57.3% 66.9%
	Got a job with improved work conditions	56.2% 64.4%
	Started my own business	5.4% 7.9%

Note: percentages do not sum to 100 as individuals may select all that apply. *n* = 1,662 for all respondents 25 years and older.

13. Regarding earnings, the data make clear that DACA is having a positive and significant effect on wages.

14. The average hourly wage of DACA recipients has increased by 69% since receiving DACA. Among those 25 years and older, the average hourly wage has increased by 81%.

15. The data also show that average annual earnings among DACA recipients is \$36,232. Among those 25 years and older, it is \$41,621.

16. Higher wages have meant greater financial independence and consumer purchasing power. For example:

- a. 69% reported, “I have been able to earn more money, which has helped me

1 become financially independent”;

2 b. 71% reported, “I have been able to earn more money, which has helped my
3 family financially”;

4 c. 65% purchased their first car after receiving DACA; and

5 d. 16% purchased their first home after receiving DACA.
6

7 Table 2 summarizes these results. The column “≥ 25” reports the results for
8 respondents 25 years and older.

		≥ 25
I have been able to earn more money, which has helped me become financially independent	69.0%	73.4%
I have been able to earn more money, which has helped my family financially	70.8%	73.7%
Bought my first car	64.5%	67.2%
Bought a home	15.7%	23.5%

9 Note: percentages do not sum to 100 as individuals may select all that apply. *n* = 1,662 for all respondents 25
10 years and older.
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16 17. Higher wages are one indicator of the broader positive economic impact of DACA. For
17 example, higher wages translate into more federal income taxes paid, more state
18 income taxes paid, and more in Federal Insurance Contributions Act (FICA)
19 contributions, which are mandatory payroll deductions for Social Security and
20 Medicare. Moreover, large purchases such as cars add to state tax revenues, as most
21 states collect a percentage of the car purchase in sales tax, along with additional
22 registration and title fees. Similarly, home buying further adds to state and local tax
23 revenues in the form of property taxes.⁴
24

25
26 ⁴ There is a literature on how home buying creates new jobs and adds new spending in local economies.
For job creation, see here: <https://www.nar.realtor/topics/home-ownership-matters/jobs-impact-of-an-existing->

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DACA Improves the Education of Recipients

18. Overall, 45% of DACA recipients are currently in school. Among those who are currently in school, 94% reported, “I pursued educational opportunities that I previously could not” because of DACA.

19. Among those in school, 72% are pursuing a bachelor’s degree or higher. The majors and specializations that DACA recipients are pursuing include accounting, biochemistry, business administration, chemical engineering, civil engineering, computer science, early childhood education, economics, environmental science, history, law, mathematics, mechanical engineering, neuroscience, physics, psychology, and social work, to name a few.

20. Regarding educational attainment, 36% of respondents 25 years and older have a bachelor’s degree or higher.

21. The education DACA recipients are receiving not only means a better prepared and competitive workforce, but DACA recipients are also being recognized by many of the top companies in the country. The data show that at least 72% of the top twenty-five Fortune 500 companies employ DACA recipients.

DACA and Normality in Day-to-Day Life

22. The data also show that DACA has provided recipients a degree of normality in their day-to-day lives. For example, after receiving DACA:

home-purchase. For spending in local economies, see here: <https://www.cnbc.com/2017/04/12/immigrant-households-impact-success-of-real-estate-market-says-report.html>

- a. 61% opened a bank account;
- b. 66% got their first credit card;
- c. 80% got a driver’s license for the first time;
- d. 55% got a state identification card for the first time; and
- e. 49% became organ donors.

Table 3 summarizes these results. The column “≥ 25” reports the results for respondents 25 years and older.

		≥ 25
Opened a bank account	61.0%	47.3%
Got my first credit card	65.7%	67.9%
Got my driver’s license for the first time	79.7%	80.4%
Got a state identification card for the first time	55.1%	51.1%
Became an organ donor	48.7%	49.8%

Note: percentages do not sum to 100 as individuals may select all that apply. *n* = 1,662 for all respondents 25 years and older.

DACA Recipients and American Citizen Family Members

23. A combined 73% of DACA recipients have either an American citizen sibling, spouse, or child:

- a. 59% have an American citizen sibling;
- b. 17% have an American citizen spouse; and
- c. 26% have an American citizen child.

Table 4 summarizes these results.

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American citizen spouse	16.6%
American citizen child	25.7%
American citizen sibling	58.9%
American citizen spouse, child, or sibling	72.7%

Note: percentages do not sum to 100 as individuals may select all that apply.

Many Recipients May Go Back “Into the Shadows” if DACA Ends

24. The data show that should DACA end, recipients may go back “into the shadows.” For example, if DACA ended 53% reported that they would be less likely to report a crime they witnessed; 47% reported that they would be less likely to report a crime even if they were the victim; 48% reported that they would be less likely to go to the hospital if they suffered an injury; and 60% reported that they would be less likely to report wage theft by their employer.

25. Moreover, 22% reported being “likely” or “very likely” to leave the country if DACA ends.

DACA Recipients by State

26. Below are examples of state-specific profiles of DACA recipients. Data from the survey are used to construct these profiles.

DACA Recipients in the State of Colorado

27. As of June 30, 2017, there were 17,310 initial DACA approvals in the State of

1 Colorado.⁵

2 28. Regarding employment and earnings:

- 3 a. An estimated 15,281 DACA recipients in the State of Colorado are currently
- 4 employed⁶;
- 5
- 6 b. An estimated 935 DACA recipients in the State of Colorado are business
- 7 owners⁷; and
- 8 c. The State of Colorado’s DACA recipients earn an estimated \$627.2 million
- 9 annually.⁸

10 29. Regarding education:

- 11 a. An estimated 7,772 DACA recipients in the State of Colorado are currently in
- 12 school⁹;
- 13
- 14 b. Among those currently in school, an estimated 7,275 have “pursued educational
- 15 opportunities that I previously could not” because of DACA¹⁰; and
- 16 c. An estimated 5,557 DACA recipients in the State of Colorado are currently
- 17 pursuing a bachelor’s degree or higher.¹¹

18 30. Regarding American citizen family members:

- 19 a. An estimated 12,584 DACA recipients in the State of Colorado have an
- 20
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22 ⁵
https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

23 ⁶ 91.4% of 17,310.

24 ⁷ 5.4% of 17,310.

25 ⁸ 15,821 multiplied by \$36,231.91. This translates into \$38.9 million annually in Social Security contributions (6.2% per FICA) and \$9.1 million annually in Medicare contributions (1.45% per FICA).

26 ⁹ 44.9% of 17,310.

¹⁰ 93.6 % of 7,772.

¹¹ 71.5% of 7,772.

1 American citizen sibling, spouse, or child.¹²

2
3 **DACA Recipients in the State of Connecticut**

4 31. As of June 30, 2017, there were 4,989 initial DACA approvals in the State of
5 Connecticut.¹³

6
7 32. Regarding employment and earnings:

8 a. An estimated 4,560 DACA recipients in the State of Connecticut are currently
9 employed¹⁴;

10 b. An estimated 269 DACA recipients in the State of Connecticut are business
11 owners¹⁵; and

12 c. The State of Connecticut’s DACA recipients earn an estimated \$180.8 million
13 annually.¹⁶

14
15 33. Regarding education:

16 a. An estimated 2,240 DACA recipients in the State of Connecticut are currently
17 in school¹⁷;

18 b. Among those currently in school, an estimated 2,097 have “pursued educational
19 opportunities that I previously could not” because of DACA¹⁸; and
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22 ¹² 72.7% of 17,310.

23 ¹³ As a common rule, smaller sample sizes lead to greater uncertainty around estimates.
https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

24 ¹⁴ 91.4% of 4,989.

25 ¹⁵ 5.4% of 4,989.

26 ¹⁶ 4,560 multiplied by \$36,231.91. This translates into \$11.2 million annually in Social Security contributions (6.2% per FICA) and \$2.6 million annually in Medicare contributions (1.45% per FICA).

¹⁷ 44.9% of 4,989.

¹⁸ 93.6 % of 2,240.

1 c. An estimated 1,602 DACA recipients in the State of Connecticut are currently
2 pursuing a bachelor’s degree or higher.¹⁹

3 34. Regarding American citizen family members:

4 a. An estimated 3,627 DACA recipients in the State of Connecticut have an
5 American citizen sibling, spouse, or child.²⁰
6

7
8 **DACA Recipients in the State of Delaware**

9 35. As of June 30, 2017, there were 1,451 initial DACA approvals in the State of
10 Delaware.²¹

11 36. Regarding employment and earnings:

12 a. An estimated 1,326 DACA recipients in the State of Delaware are currently
13 employed²²; and

14 b. The State of Delaware’s DACA recipients earn an estimated \$52.6 million
15 annually.²³
16

17 37. Regarding education:

18 a. An estimated 651 DACA recipients in the State of Delaware are currently in
19 school²⁴;

20 b. Among those currently in school, an estimated 610 have “pursued educational
21

22 ¹⁹ 71.5% of 2,240.

23 ²⁰ 72.7% of 4,989.

²¹ As a common rule, smaller sample sizes lead to greater uncertainty around estimates.

24 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

25 ²² 91.4% of 1,451.

26 ²³ 1,326 multiplied by \$36,231.91. This translates into \$3.3 million annually in Social Security contributions (6.2% per FICA) and \$0.8 million annually in Medicare contributions (1.45% per FICA).

²⁴ 44.9% of 1,451.

opportunities that I previously could not” because of DACA²⁵; and

c. An estimated 466 DACA recipients in the State of Delaware are currently pursuing a bachelor’s degree or higher.²⁶

38. Regarding American citizen family members:

a. An estimated 1,055 DACA recipients in the State of Delaware have an American citizen sibling, spouse, or child.²⁷

DACA Recipients in the District of Columbia

39. As of June 30, 2017, there were 773 initial DACA approvals in the District of Columbia.²⁸

40. Regarding employment and earnings:

a. An estimated 707 DACA recipients in the District of Columbia are currently employed²⁹; and

b. The District of Columbia’s DACA recipients earn an estimated \$28.0 million annually.³⁰

41. Regarding education:

a. An estimated 347 DACA recipients in the District of Columbia are currently in

²⁵ 93.6 % of 651.

²⁶ 71.5% of 651.

²⁷ 72.7% of 1,451.

²⁸ As a common rule, smaller sample sizes lead to greater uncertainty around estimates.

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

²⁹ 91.4% of 773.

³⁰ 707 multiplied by \$36,231.91. This translates into \$1.7 million annually in Social Security contributions (6.2% per FICA) and \$0.4 million annually in Medicare contributions (1.45% per FICA).

1 school³¹;

2 b. Among those currently in school, an estimated 325 have “pursued educational
3 opportunities that I previously could not” because of DACA³²; and

4 c. An estimated 248 DACA recipients in the District of Columbia are currently
5 pursuing a bachelor’s degree or higher.³³
6

7 42. Regarding American citizen family members:

8 a. An estimated 562 DACA recipients in the District of Columbia have an
9 American citizen sibling, spouse, or child.³⁴
10

11 **DACA Recipients in the State of Hawaii**

12 43. As of June 30, 2017, there were 582 initial DACA approvals in the State of Hawaii.³⁵
13

14 44. Regarding employment and earnings:

15 a. An estimated 532 DACA recipients in the State of Hawaii are currently
16 employed³⁶; and

17 b. The State of Hawaii’s DACA recipients earn an estimated \$21.1 million
18 annually.³⁷
19

20 45. Regarding education:
21

22 ³¹ 44.9% of 773.

³² 93.6 % of 347.

³³ 71.5% of 347.

³⁴ 72.7% of 773.

³⁵ As a common rule, smaller sample sizes lead to greater uncertainty around estimates.

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

³⁶ 91.4% of 44.

³⁷ 40 multiplied by \$36,231.91. This translates into approximately \$99,900 annually in Social Security contributions (6.2% per FICA) and \$23,000 annually in Medicare contributions (1.45% per FICA).
26

- 1 a. An estimated 261 DACA recipients in the State of Hawaii are currently in
2 school³⁸;
- 3 b. Among those currently in school, an estimated 245 have “pursued educational
4 opportunities that I previously could not” because of DACA³⁹; and
- 5 c. An estimated 187 DACA recipients in the State of Hawaii are currently
6 pursuing a bachelor’s degree or higher.⁴⁰

7
8 46. Regarding American citizen family members:

- 9 a. An estimated 423 DACA recipients in the State of Hawaii have an American
10 citizen sibling, spouse, or child.⁴¹

11
12 **DACA Recipients in the State of Illinois**

13
14 47. As of June 30, 2017, there were 42,537 initial DACA approvals in the State of
15 Illinois.⁴²

16 48. Regarding employment and earnings:

- 17 a. An estimated 38,879 DACA recipients in the State of Illinois are currently
18 employed⁴³;
- 19 b. An estimated 2,297 DACA recipients in the State of Illinois are business
20 owners⁴⁴; and

21
22

³⁸ 44.9% of 44.

23 ³⁹ 93.6 % of 20.

24 ⁴⁰ 71.5% of 20.

⁴¹ 72.7% of 44.

⁴²

25 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

26 ⁴³ 91.4% of 42,537.

⁴⁴ 5.4% of 42,537.

1 c. The State of Illinois’s DACA recipients earn an estimated \$1.5 billion
2 annually.⁴⁵

3 49. Regarding education:

4 a. An estimated 19,099 DACA recipients in the State of Illinois are currently in
5 school⁴⁶;

6 b. Among those currently in school, an estimated 17,877 have “pursued
7 educational opportunities that I previously could not” because of DACA⁴⁷; and

8 c. An estimated 13,656 DACA recipients in the State of Illinois are currently
9 pursuing a bachelor’s degree or higher.⁴⁸

10 50. Regarding American citizen family members:

11 a. An estimated 30,924 DACA recipients in the State of Illinois have an American
12 citizen sibling, spouse, or child.⁴⁹

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16 **DACA Recipients in the State of Iowa**

17 51. As of June 30, 2017, there were 2,812 initial DACA approvals in the State of Iowa.⁵⁰

18 52. Regarding employment and earnings:

19 a. An estimated 2,570 DACA recipients in the State of Iowa are currently
20

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⁴⁵ 38,879 multiplied by \$36,231.91. This translates into \$95.6 million annually in Social Security
23 contributions (6.2% per FICA) and \$22.3 million annually in Medicare contributions (1.45% per FICA).

⁴⁶ 44.9% of 42,537.

⁴⁷ 93.6 % of 19,099.

⁴⁸ 71.5% of 19,099.

⁴⁹ 72.7% of 42,537.

⁵⁰ As a common rule, smaller sample sizes lead to greater uncertainty around estimates.

26 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

1 employed⁵¹;

2 b. An estimated 152 DACA recipients in the State of Iowa are business owners⁵²;

3 and

4 c. The State of Iowa’s DACA recipients earn an estimated \$101.9 million
5 annually.⁵³

7 53. Regarding education:

8 a. An estimated 1,263 DACA recipients in the State of Iowa are currently in
9 school⁵⁴;

10 b. Among those currently in school, an estimated 1,182 have “pursued educational
11 opportunities that I previously could not” because of DACA⁵⁵; and

12 c. An estimated 903 DACA recipients in the State of Iowa are currently pursuing a
13 bachelor’s degree or higher.⁵⁶

15 54. Regarding American citizen family members:

16 a. An estimated 2,044 DACA recipients in the State of Iowa have an American
17 citizen sibling, spouse, or child.⁵⁷

19 **DACA Recipients in the State of Massachusetts**

20 55. As of June 30, 2017, there were 8,053 initial DACA approvals in the State of
21

22
23 ⁵¹ 91.4% of 2,812.

⁵² 5.4% of 2,812.

24 ⁵³ 2,570 multiplied by \$36,231.91. This translates into \$6.3 million annually in Social Security
contributions (6.2% per FICA) and \$1.5 million annually in Medicare contributions (1.45% per FICA).

25 ⁵⁴ 44.9% of 2,812.

⁵⁵ 93.6 % of 1,263.

26 ⁵⁶ 71.5% of 1,263.

⁵⁷ 72.7% of 2,812.

1 Massachusetts.⁵⁸

2 56. Regarding employment and earnings:

- 3 a. An estimated 7,360 DACA recipients in the State of Massachusetts are currently
- 4 employed⁵⁹;
- 5
- 6 b. An estimated 435 DACA recipients in the State of Massachusetts are business
- 7 owners⁶⁰; and
- 8 c. The State of Massachusetts’s DACA recipients earn an estimated \$291.8
- 9 million annually.⁶¹

10 57. Regarding education:

- 11 a. An estimated 3,616 DACA recipients in the State of Massachusetts are currently
- 12 in school⁶²;
- 13
- 14 b. Among those currently in school, an estimated 3,384 have “pursued educational
- 15 opportunities that I previously could not” because of DACA⁶³; and
- 16 c. An estimated 2,585 DACA recipients in the State of Massachusetts are currently
- 17 pursuing a bachelor’s degree or higher.⁶⁴

18 58. Regarding American citizen family members:

- 19 a. An estimated 5,855 DACA recipients in the State of Massachusetts have an
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22 ⁵⁸

23 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

24 ⁵⁹ 91.4% of 8,053.

25 ⁶⁰ 5.4% of 8,053.

26 ⁶¹ 7,360 multiplied by \$36,231.91. This translates into \$18.1 million annually in Social Security contributions (6.2% per FICA) and \$4.2 million annually in Medicare contributions (1.45% per FICA).

⁶² 44.9% of 8,053.

⁶³ 93.6 % of 3,616.

⁶⁴ 71.5% of 3,616.

American citizen sibling, spouse, or child.⁶⁵

DACA Recipients in the State of New Mexico

59. As of June 30, 2017, there were 6,838 initial DACA approvals in the State of New Mexico.⁶⁶

60. Regarding employment and earnings:

- a. An estimated 6,250 DACA recipients in the State of New Mexico are currently employed⁶⁷;
- b. An estimated 369 DACA recipients in the State of New Mexico are business owners⁶⁸; and
- c. The State of New Mexico’s DACA recipients earn an estimated \$247.8 million annually.⁶⁹

61. Regarding education:

- a. An estimated 3,070 DACA recipients in the State of New Mexico are currently in school⁷⁰;
- b. Among those currently in school, an estimated 2,874 have “pursued educational opportunities that I previously could not” because of DACA⁷¹; and

⁶⁵ 72.7% of 8,053.

⁶⁶

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

⁶⁷ 91.4% of 6,838.

⁶⁸ 5.4% of 6,838.

⁶⁹ 6,250 multiplied by \$36,231.91. This translates into \$15.4 million annually in Social Security contributions (6.2% per FICA) and \$3.6 million annually in Medicare contributions (1.45% per FICA).

⁷⁰ 44.9% of 6,838.

⁷¹ 93.6 % of 3,070.

1 c. An estimated 2,195 DACA recipients in the State of New Mexico are currently
2 pursuing a bachelor’s degree or higher.⁷²

3 62. Regarding American citizen family members:

4 a. An estimated 4,971 DACA recipients in the State of New Mexico have an
5 American citizen sibling, spouse, or child.⁷³
6

7
8 **DACA Recipients in the State of New York**

9 63. As of June 30, 2017, there were 42,503 initial DACA approvals in the State of New
10 York.⁷⁴

11 64. Regarding employment and earnings:

12 a. An estimated 38,848 DACA recipients in the State of New York are currently
13 employed⁷⁵;

14 b. An estimated 2,295 DACA recipients in the State of New York are business
15 owners⁷⁶; and

16 c. The State of New York’s DACA recipients earn an estimated \$1.5 billion
17 annually.⁷⁷
18

19 65. Regarding education:

20 a. An estimated 19,084 DACA recipients in the State of New York are currently in
21

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⁷² 71.5% of 3,070.

23 ⁷³ 72.7% of 6,838.

24 ⁷⁴

25 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

26 ⁷⁵ 91.4% of 42,503.

⁷⁶ 5.4% of 42,503.

⁷⁷ 38,848 multiplied by \$36,231.91. This translates into \$95.5 million annually in Social Security contributions (6.2% per FICA) and \$22.3 million annually in Medicare contributions (1.45% per FICA).

1 school⁷⁸;

2 b. Among those currently in school, an estimated 17,862 have “pursued
3 educational opportunities that I previously could not” because of DACA⁷⁹; and

4 c. An estimated 13,645 are currently pursuing a bachelor’s degree or higher.⁸⁰

5
6 66. Regarding American citizen family members:

7 a. An estimated 30,900 DACA recipients in the State of New York have an
8 American citizen sibling, spouse, or child.⁸¹

9
10 **DACA Recipients in the State of North Carolina**

11 67. As of June 30, 2017, there were 27,455 initial DACA approvals in the State of North
12 Carolina.⁸²

13
14 68. Regarding employment and earnings:

15 a. An estimated 25,094 DACA recipients in the State of North Carolina are
16 currently employed⁸³;

17 b. An estimated 1,483 DACA recipients in the State of North Carolina are
18 business owners⁸⁴; and

19 c. The State of North Carolina’s DACA recipients earn an estimated \$994.7
20

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22

⁷⁸ 44.9% of 42,503.

23 ⁷⁹ 93.6 % of 19,084.

24 ⁸⁰ 71.5% of 19,084.

25 ⁸¹ 72.7% of 42,503.

26 ⁸²

27 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

⁸³ 91.4% of 27,455.

⁸⁴ 5.4% of 27,455.

1 million annually.⁸⁵

2 69. Regarding education:

- 3 a. An estimated 12,327 DACA recipients in the State of North Carolina are
- 4 currently in school⁸⁶;
- 5
- 6 b. Among those currently in school, an estimated 11,538 have “pursued
- 7 educational opportunities that I previously could not” because of DACA⁸⁷; and
- 8 c. An estimated 8,814 DACA recipients in the State of North Carolina are
- 9 currently pursuing a bachelor’s degree or higher.⁸⁸

10 70. Regarding American citizen family members:

- 11 a. An estimated 19,960 DACA recipients in the State of North Carolina have an
- 12 American citizen sibling, spouse, or child.⁸⁹
- 13
- 14

15 **DACA Recipients in the State of Oregon**

16 71. As of June 30, 2017, there were 11,321 initial DACA approvals in the State of
17 Oregon.⁹⁰

18 72. Regarding employment and earnings:

- 19 a. An estimated 10,347 DACA recipients in the State of Oregon are currently
- 20
- 21

22 ⁸⁵ 25,094 multiplied by \$36,231.91. This translates into \$61.7 million annually in Social Security
23 contributions (6.2% per FICA) and \$14.4 million annually in Medicare contributions (1.45% per FICA).

⁸⁶ 44.9% of 27,455.

⁸⁷ 93.6 % of 12,327.

⁸⁸ 71.5% of 12,327.

⁸⁹ 72.7% of 27,455.

⁹⁰

26 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

1 employed⁹¹;

2 b. An estimated 611 DACA recipients in the State of Oregon are business
3 owners⁹²; and

4 c. The State of Oregon’s DACA recipients earn an estimated \$410.2 million
5 annually.⁹³
6

7 73. Regarding education:

8 a. An estimated 5,083 DACA recipients in the State of Oregon are currently in
9 school⁹⁴;

10 b. Among those currently in school, an estimated 4,758 have “pursued educational
11 opportunities that I previously could not” because of DACA⁹⁵; and

12 c. An estimated 3,634 DACA recipients in the State of Oregon are currently
13 pursuing a bachelor’s degree or higher.⁹⁶
14

15 74. Regarding American citizen family members:

16 a. An estimated 8,230 DACA recipients in the State of Oregon have an American
17 citizen sibling, spouse, or child.⁹⁷
18

19 **DACA Recipients in the State of Pennsylvania**

20 75. As of June 30, 2017, there were 5,982 initial DACA approvals in the State of
21

22
23 ⁹¹ 91.4% of 11,321.

⁹² 5.4% of 11,321.

24 ⁹³ 10,347 multiplied by \$36,231.91. This translates into \$25.4 million annually in Social Security
contributions (6.2% per FICA) and \$5.9 million annually in Medicare contributions (1.45% per FICA).

25 ⁹⁴ 44.9% of 11,321.

⁹⁵ 93.6 % of 5,083.

⁹⁶ 71.5% of 5,083.

26 ⁹⁷ 72.7% of 11,321.

1 Pennsylvania.⁹⁸

2 76. Regarding employment and earnings:

- 3 a. An estimated 5,468 DACA recipients in the State of Pennsylvania are currently
- 4 employed⁹⁹;
- 5
- 6 b. An estimated 323 DACA recipients in the State of Pennsylvania are business
- 7 owners¹⁰⁰; and
- 8
- 9 c. The State of Pennsylvania’s DACA recipients earn an estimated \$216.7 million
- 10 annually.¹⁰¹

11 77. Regarding education:

- 12 a. An estimated 2,686 DACA recipients in the State of Pennsylvania are currently
- 13 in school¹⁰²;
- 14
- 15 b. Among those currently in school, an estimated 2,514 have “pursued educational
- 16 opportunities that I previously could not” because of DACA¹⁰³; and
- 17
- 18 c. An estimated 1,920 DACA recipients in the State of Pennsylvania are currently
- 19 pursuing a bachelor’s degree or higher.¹⁰⁴

20 78. Regarding American citizen family members:

- 21 a. An estimated 4,349 DACA recipients in the State of Pennsylvania have an

22 ⁹⁸

23 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

24 ⁹⁹ 91.4% of 5,982.

25 ¹⁰⁰ 5.4% of 5,982.

26 ¹⁰¹ 5,468 multiplied by \$36,231.91. This translates into \$13.4 million annually in Social Security contributions (6.2% per FICA) and \$3.1 million annually in Medicare contributions (1.45% per FICA).

¹⁰² 44.9% of 5,982.

¹⁰³ 93.6 % of 2,686.

¹⁰⁴ 71.5% of 2,686.

American citizen sibling, spouse, or child.¹⁰⁵

DACA Recipients in the State of Rhode Island

79. As of June 30, 2017, there were 1,248 initial DACA approvals in the State of Rhode Island.¹⁰⁶

80. Regarding employment and earnings:

- a. An estimated 1,141 DACA recipients in the State of Rhode Island are currently employed¹⁰⁷; and
- b. The State of Rhode Island’s DACA recipients earn an estimated \$45.2 million annually.¹⁰⁸

81. Regarding education:

- a. An estimated 560 DACA recipients in the State of Rhode Island are currently in school¹⁰⁹;
- b. Among those currently in school, an estimated 524 have “pursued educational opportunities that I previously could not” because of DACA¹¹⁰; and
- c. An estimated 401 DACA recipients in the State of Rhode Island are currently pursuing a bachelor’s degree or higher.¹¹¹

¹⁰⁵ 72.7% of 5,982.

¹⁰⁶ As a common rule, smaller sample sizes lead to greater uncertainty around estimates.

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

¹⁰⁷ 91.4% of 1,248.

¹⁰⁸ 1,141 multiplied by \$36,231.91. This translates into \$2.8 million annually in Social Security contributions (6.2% per FICA) and \$0.7 million annually in Medicare contributions (1.45% per FICA).

¹⁰⁹ 44.9% of 1,248.

¹¹⁰ 93.6 % of 560.

¹¹¹ 71.5% of 560.

1 82. Regarding American citizen family members:

- 2 a. An estimated 907 DACA recipients in the State of Rhode Island have an
- 3 American citizen sibling, spouse, or child.¹¹²

4
5
6 **DACA Recipients in the State of Virginia**

7 83. As of June 30, 2017, there were 12,248 initial DACA approvals in the State of
8 Virginia.¹¹³

9 84. Regarding employment and earnings:

- 10 a. An estimated 11,195 DACA recipients in the State of Virginia are currently
- 11 employed¹¹⁴;
- 12 b. An estimated 661 DACA recipients in the State of Virginia are business
- 13 owners¹¹⁵; and
- 14 c. The State of Virginia’s DACA recipients earn an estimated \$443.8 million
- 15 annually.¹¹⁶

16
17 85. Regarding education:

- 18 a. An estimated 5,499 DACA recipients in the State of Virginia are currently in
- 19 school¹¹⁷;
- 20 b. Among those currently in school, an estimated 5,147 have “pursued educational
- 21

22

 ¹¹² 72.7% of 1,248.

23 ¹¹³

24 https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

25 ¹¹⁴ 91.4% of 12,248.

26 ¹¹⁵ 5.4% of 12,248.

¹¹⁶ 11,195 multiplied by \$36,231.91. This translates into \$27.5 million annually in Social Security contributions (6.2% per FICA) and \$6.4 million annually in Medicare contributions (1.45% per FICA).

¹¹⁷ 44.9% of 12,248.

opportunities that I previously could not” because of DACA¹¹⁸; and

- c. An estimated 3,932 DACA recipients in the State of Virginia are currently pursuing a bachelor’s degree or higher.¹¹⁹

86. Regarding American citizen family members:

- a. An estimated 8,904 DACA recipients in the State of Virginia have an American citizen sibling, spouse, or child.¹²⁰

DACA Recipients in the State of Washington

87. As of June 30, 2017, there were 17,937 initial DACA approvals in the State of Washington.¹²¹

88. Regarding employment and earnings:

- a. An estimated 16,394 DACA recipients in the State of Washington are currently employed¹²²;
- b. An estimated 969 DACA recipients in the State of Washington are business owners¹²³; and
- c. The State of Washington’s DACA recipients earn an estimated \$649.9 million annually.¹²⁴

¹¹⁸ 93.6 % of 5,499.

¹¹⁹ 71.5% of 5,499.

¹²⁰ 72.7% of 12,248.

¹²¹

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf

¹²² 91.4% of 17,937.

¹²³ 5.4% of 17,937.

¹²⁴ 16,394 multiplied by \$36,231.91. This translates into \$40.3 million annually in Social Security contributions (6.2% per FICA) and \$9.4 million annually in Medicare contributions (1.45% per FICA).

1 89. Regarding education:

- 2 a. An estimated 8,054 DACA recipients in the State of Washington are currently
- 3 in school¹²⁵;
- 4 b. Among those currently in school, an estimated 7,538 have “pursued educational
- 5 opportunities that I previously could not” because of DACA¹²⁶; and
- 6 c. An estimated 5,758 DACA recipients in the State of Washington are currently
- 7 pursuing a bachelor’s degree or higher.¹²⁷
- 8

9 90. Regarding American citizen family members:

- 10 a. An estimated 13,040 DACA recipients in the State of Washington have an
- 11 American citizen sibling, spouse, or child.¹²⁸
- 12

13 I declare under penalty of perjury under the laws of the United States of America that
14 the foregoing is true and correct to the best of our knowledge.

15 Respectfully submitted,



16
17 Dr. Tom K. Wong

18 September 27, 2017

19 Date
20
21
22
23

24
25 ¹²⁵ 44.9% of 17,937.

¹²⁶ 93.6 % of 8,054.

¹²⁷ 71.5% of 8,054.

¹²⁸ 72.7% of 17,937.

EXHIBIT 6

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Declaration of Cesar Andrade

Pursuant to 28 U.S.C. § 1746(2), I, Cesar Alberto Andrade Chiriboga, hereby declare as follows:

1. I am over the age of 18. I have personal knowledge of the matters stated herein, and if called as a witness, I could and would testify competently thereto.
2. I am a twenty-five year old New York City resident.
3. In 2001, when I was eight years old, I came to New York City from Ecuador.
4. I arrived in Washington Heights, a neighborhood in New York City. I immediately entered the public school system in New York.
5. My interest in practicing medicine was sparked at sixteen when I had the opportunity to volunteer at a hospital, which treated cancer patients.
6. In 2010, I was accepted into the Macaulay Honors College at the City University of New York (“CUNY”) Lehman College. Due to my undocumented immigration status, I was ineligible to receive any financial assistance or grants to fund my education. However, through my outstanding academic performance and achievements, I was awarded a scholarship covering the full cost of tuition. I majored in molecular biology and was a pre-med student. In addition, I was a member of my college’s tennis and soccer teams. In 2011, I was part of a soccer team that won the first CUNY championship for my college. Being a student athlete gave me the opportunity to learn how to successfully balance multiple obligations.
7. DACA did not exist during the first two years of my education at CUNY. Therefore, for those first two years of my education at CUNY, I was unable to intern anywhere. Without a social security number I was prevented from applying to internships and volunteering at hospitals, both of which are a requirement for applying to medical school.
8. In 2012, DACA was enacted and I applied that same year and received DACA status in March 2013. When I attained DACA status, I received a social security number and work authorization,

both of which allowed me to have access to previously unattainable healthcare and employment options.

9. During my college years, I also became a DACA advocate and worked in clinics to spread awareness of the program and promote enrollment into the program among the undocumented community.
10. In 2014, I graduated from CUNY with a bachelor's degree in molecular biology. After graduation, my DACA status allowed me the opportunity to intern for one year at the New York State Health Foundation. While there, I helped lead a public education campaign that spread awareness that DACA grantees are eligible for Medicaid health insurance. As part of this campaign, I worked with the Community Service Society, an advocacy group that addresses the roots of economic disparity, to pair DACA grantees with enrollment navigators who assisted their enrollment in Medicaid. I was involved in every aspect of this campaign, including – handing out flyers, placing flyers online and appearing at events where I would speak directly to community members. This campaign was organized in partnership with the Mayor's Office of Immigrant Affairs.
11. I also participated in Pre-Health Dreamers, a community of undocumented students in America who wish to pursue careers in healthcare. I actively worked on the Pre-Health Dreamer campaign to amend New York City laws to allow non-citizens to receive licenses in professional careers as long as they complete all other required licensure or certification requirements.
12. After my internship at the New York State Health Foundation, I worked at Mt. Sinai hospital in New York City for a year conducting research on diabetes prevention. Specifically, I researched the social determinants of diabetes and how to address them.

13. In 2016, I applied for and was accepted into medical school. I am currently a second year medical student at the Icahn School of Medicine at Mt. Sinai. I was fortunate enough to receive a significant scholarship from my medical school. Without the scholarship, I could not have afforded the cost of medical school. As an undocumented immigrant, I am ineligible to receive federal government assistance and I cannot finance my medical education on my own.
14. I renewed my DACA status in January 2017 for the duration of at least the next two years.
15. Any revocation of DACA would have a huge impact on my life. First, if I lose my DACA status, I will lose my health insurance and my ability to work or intern in the United States. This will impact my ability to complete my medical training. For example, in two years I will have to apply for residency. Without DACA status, I will be unable to get work authorization in order to participate in any residency program. I know I have the support of those at my current academic institution, and other DACA advocates; however, there is no certainty of any favorable outcome. In addition, on a personal level – revocation of DACA would impact my sister and her ability to work as well, which would potentially add more hardship and stress to my family. I am truly unclear about our future without DACA.
16. If I have to, I will consider completing my medical training in another country. However, my first preference is to have the opportunity to give back to this country, and to the communities and academic institutions, which have supported me throughout my life. Allowing DACA to continue would allow my sister and I to continue to live, work, and contribute to the economy and communities of America; where we have spent most of our lives.

17. I was attracted to the medical profession, because I grew up seeing the lack of access to healthcare in underserved communities, particularly among undocumented immigrants. I saw firsthand how a lack of primary care can harm a community. I want to become a primary care doctor so I can help fill that gap in healthcare access, and make a difference in underserved communities.

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

Executed on this 5th day of September, 2017

_____/s_____
Cesar Andrade

EXHIBIT 7



Massachusetts Department of Higher Education

One Ashburton Place, Room 1401
Boston, MA 02108-1696

TEL (617) 994-6950
FAX (617) 727-0955
WEB www.mass.edu

Richard M. Freeland, *Commissioner*
Charles F. Desmond, *Chairman*
Massachusetts Board of Higher Education

MEMORANDUM

TO: Deirdre Heatwole, University of Massachusetts General Counsel
Kenneth A. Tashjy, Community College Counsel
James B. Cox, State University Counsel

FROM: Constantia T. Papanikolaou, General Counsel

DATE: November 21, 2012

SUBJECT: Residency Status for Tuition Classification Purposes — Deferred Action for Childhood Arrivals

On June 15, 2012 the U.S. Department of Homeland Security (DHS) issued a memorandum describing its policy regarding “Deferred Action for Childhood Arrivals” (DACA)¹. The purpose of this memorandum is to provide you with interpretive guidance on the Board of Higher Education’s (BHE) policy on in-state tuition classification for your use as you advise your respective campuses on applicable tuition classification and reclassification requests pertaining to DACA beneficiaries.

According to figures recently released by the U.S. Citizenship and Immigration Services (USCIS), although over 300,000 requests for DACA approval have been filed nationwide, relatively few have been granted to date. It is anticipated that the vast majority of the applications will be acted upon in the coming months, in time for consideration by your respective campuses for or during the Spring semester.

The DHS/ USCIS Policy on Deferred Action

Under the DHS’ June 15, 2012 DACA memorandum, USCIS can grant renewable, two-year deferments of any action that could lead to the deportation of individuals who were brought to the United States as young children and meet other qualifying criteria. To be eligible for deferred action under this policy (“DACA status”), an individual must meet all of the following criteria:

- was under the age of 31 as of June 15, 2012;

¹ See 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).

- came to the United States before reaching his/her 16th birthday;
- has continuously resided in the United States since June 15, 2007, up to the present time;
- was physically present in the United States on June 15, 2012, and at the time of making the request for consideration of deferred action with USCIS;
- entered without inspection before June 15, 2012, or his/her lawful immigration status expired as of June 15, 2012;
- is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety.

The DHS' June 15, 2012 memorandum directed the USCIS to establish a process for reviewing and granting requests for DACA status. On August 14, 2012, USCIS published a notice announcing the required new forms and instructions which will allow individuals to request consideration of DACA status. Based on the USCIS' currently established process, DACA applicants must submit the following forms, along with the associated fees:

- 1) Form I-821-D, Consideration for Deferred Action for Childhood Arrivals, along with all supporting documentation showing that the applicant meets each DHS criterion for deferred action status;
- 2) Form I-765, Application for Employment Authorization; and
- 3) Form I-765 Worksheet

In addition, DACA applicants must complete a biometric background check prior to receiving DACA approval. USCIS's deferred action decisions are purely discretionary and are made on a case-by-case basis, with no appeal rights.

Board of Higher Education Policy

Pursuant to M.G.L. c. 15A, Section 9(t), the BHE has defined in its policy on "Residency Status for Tuition Classification Purposes" (the "BHE Tuition Classification Policy") the criteria that a non-citizen of the United States must meet in order to receive in-state tuition at a public institution of higher education in Massachusetts.² Specifically, Section 3.2 of the BHE Tuition Classification Policy states that "lawful immigrants" or "permanent residents" of the United States are eligible to be considered for Massachusetts residency for tuition purposes provided:

- 1) (s)he meets the same requirements for establishing residency³ in Massachusetts as are required of a United States citizen; and

² A copy of the BHE's current policy is attached to this memorandum for your convenience.

³ In order to be eligible for in-state tuition, an applicant must satisfy the policy's durational and residency requirements by showing that that (s)he has resided continuously in the Commonwealth for a set period of time (e.g., 6 or 12 months) and/or has demonstrated an intent to remain in Massachusetts permanently. See Sections 2.1 and 2.2. of the BHE Tuition

- 2) all non-citizens are required to provide appropriate United States Citizenship and Immigration Services documentation to verify that they are “lawful immigrants.”

In November 2008, the DHE developed instructions to help guide decisions regarding who is a “lawful immigrant” under the BHE Tuition Classification Policy and issued an “Illustrative List of Documents” for the purposes of determining eligibility for in-state tuition. It remains the policy of the BHE that, if a student presents a valid, non-expired document included in this Illustrative List of Documents, such document is considered evidence that the student is a “lawful immigrant” under the BHE policy. As such, the student is eligible for consideration for in-state tuition, subject, of course, to meeting all of the other requirements in the BHE policy (e.g., durational and residency requirements).

Within this context, an Employment Authorization Document (EAD) – also known as a “work permit” – is considered evidence that an individual is a “lawful immigrant” for purposes of the BHE’s in-state tuition policy. The USCIS’ August 14, 2012 notice makes it clear that individuals who qualify for and are granted DACA status will be eligible to obtain an EAD. Indeed, the filing of a Form I-765, Application for Employment, is a mandatory step in the DACA application process. Under current BHE policy, a valid EAD is considered evidence that a student is a “lawful immigrant” for in-state tuition purposes. Campuses should therefore continue to accept an EAD as verification that the applicant is a “lawful immigrant” for purposes of the BHE Tuition Classification Policy, irrespective of whether the EAD is secured through the DACA process or through another federally recognized process.

Finally, the BHE’s Tuition Classification policy contemplates that there will be situations where an enrolled student may seek reclassification of his or her residency status for tuition purposes. Please note that the reclassification process as outlined in Part IV of the BHE policy limits any retroactive application to reclassification decisions to the “beginning of the semester during which the institution makes the final decision to reclassify the student.”

I trust that the above information will prove to be helpful as campuses make their case-by-case tuition classification and reclassification determinations going forward. Please do not hesitate to contact me should you have any questions.

EXHIBIT 8

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Declaration of Paul F. Mutty

I, Paul F. Mutty, declare as follows:

1. I am currently the interim general counsel at Starbucks Coffee Company, and have worked at Starbucks for 19 years.
2. Since 1971, Starbucks Coffee Company has been committed to ethically sourcing and roasting high-quality arabica coffee. Today, with more than 25,000 stores in 75 countries around the globe, Starbucks is the premier roaster and retailer of specialty coffee in the world. Through our unwavering commitment to excellence and our guiding principles, we bring the unique Starbucks Experience to life for every customer through every cup.
3. Within the United States, Starbucks has over 8,000 company operated stores, and we employ over 180,000 partners (employees). We are proud of the fact that our partners reflect the diverse communities we serve. Inclusion and humanity are fundamental to who we are as a company and to how we approach our communities. We strive to be a place where everyone, from our partners to our customers, feels welcome and valued.
4. Today, more than 43% of Starbucks partners in the United States self-identify as minorities, including more than one in five who identifies as Hispanic or Latino. As a result of the increasingly diverse labor market, we will likely be a “majority minority” company within a few years. While young people from across the globe benefit from Deferred Action for Childhood Arrivals (DACA), the vast majority are youth who identify as Hispanic or Latino. In part because this population reflects a significant number of our partners, we support the young women and men – the “Dreamers” – who are part of the DACA program.
5. Nearly three quarters of a million hardworking youth are contributing to our communities and our economy because of the DACA program. DACA recipients must satisfy strict requirements, including a background check, attending school or having a GED or military service, and applying for work authorization. More than 91 percent of DACA recipients are now employed, contributing billions to our economy and our communities. Of those currently in school, more than 70 percent are pursuing a

1 bachelor's degree or higher. One recent study estimated that removing DACA workers
2 would represent a loss of \$460.3 billion to the U.S. GDP over a decade. Indeed, we
3 know that immigrants are twice as likely to start a new business than native born
4 citizens and even 8 to 10 percent of undocumented immigrants do so. More than 40
5 percent of Fortune 500 companies were started by an immigrant or the child of an
6 immigrant. They represent the values of hard work, patriotism and hope that define
7 America. They are our future. At Starbucks, we are proud to call them our partners.

8 6. We support bipartisan efforts to secure the future of Dreamers and the promise of
9 America. On behalf of Starbucks, our founder and Chairman Howard Schultz wrote
10 earlier this year on this matter to U.S. Senators Lindsey Graham and Richard Durbin.
11 Last week, our CEO Kevin Johnson signed a pledge with many other companies to
12 stand with Dreamers. We take these steps not only on behalf of the Dreamers we
13 employ, but also on behalf of all our partners across the country who have come to
14 expect Starbucks to be a responsible and inclusive employer.

15 7. Starbucks reimburses partners for the biennial fee required to stay in the DACA
16 program. As of today, we are currently aware of at least 84 Starbucks partners who
17 have sought reimbursement for the DACA fee. This is merely the number of partners
18 who have sought reimbursement for the fee – the total of DACA partners is likely
19 substantially more. These partners are employed in 18 states across the country,
20 including the states of Washington and New York. They are contributing to our efforts
21 to hire and create pathways for 100,000 opportunity youth. Our DACA partners include
22 some who are the first in their families to attend college. Others serve on our
23 Opportunity Youth Leadership Council. Their input to the Council ensures that we have
24 a better understanding of how to attract and retain talent from minority communities
25 and how best to employ the strength that these resilient young individuals bring to our
26 workforce. We are a better company because of their contributions.

8. Having DACA partners supports the kind of diverse and creative workplace we seek to
create and sustain at Starbucks. We recruit people to work where they live so we can
reflect our community, creating meaningful connections with customers whose loyalty
and repeat business drive our growth. Dreamers who have gained employment under

1 DACA represent so many of our customers – customers who either are immigrants
2 themselves or the children, grandchildren, or friends of immigrants. We want to see
3 these Dreamers benefit in ways our other partners have, through in-store training,
4 covered health care, and, we hope, fully-funded access to higher education through our
5 partner Arizona State University. We have seen through our hiring commitments to
6 Opportunity Youth, Veterans & Military Spouses, and Refugees, how providing people
7 with options for professional growth leads to workforce stability and lower turnover in
8 a tight labor market. Our goal is to embrace and employ the next generation of diverse
9 talent, which includes our current and future DACA partners.

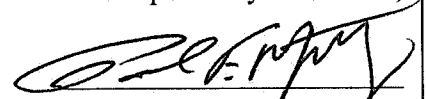
9 9. In addition to working at Starbucks, our DACA partners are going to school, taking
10 care of their families, and working toward realizing their own American dream. Our
11 goal is that they feel as welcome and included as any other partner, and we strive to
12 provide them the same opportunities. That is why we reimburse them for the biennial
13 fee they must pay to stay in the program and why we have offered DACA-related
14 services at our Opportunity Youth fairs. Still, we know this population faces many
15 barriers, even with DACA. For example, legal impediments prohibit our DACA
16 partners from taking advantage of our college tuition program with Arizona State
17 University. It is thus critical that we voice our support and concern for these special
18 young women and men. Without the ability to live lawfully and work in this country,
19 hundreds of thousands of patriotic young people will be pushed back underground,
20 including current Starbucks partners, unable to serve their families, their communities,
21 our economy and, most importantly, their own futures. The impact of any changes
22 restricting or ending the DACA program would have far-reaching negative implications
23 well beyond those who participate in the program.

22 10. Starbucks will continue to stand with the hundreds of thousands of Dreamers impacted
23 by today's announcement, including those we are proud to call Starbucks partners.
24 These young people are in America through no fault of their own. They are
25 contributing to their community and to the economy, and this is their home. Forcing
26 them to leave is unacceptable.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,



Paul F. Mutty

September 5, 2017

EXHIBIT 9



Identification (ID) requirements

The RMV requires you to provide the required identification for each different type of credential you apply for even if you already have a Massachusetts ID, Liquor ID, or driver's license.

Overview

All customers must provide a valid Social Security number (SSN), which will be verified with the Social Security Administration (SSA). If you do not have a SSN, you must provide a valid foreign passport with an I-94 and acceptable visa status as well as a Social Security Denial Notice (not more than 60 days old) issued by the SSA.

For customers 18 years of age and older, customers must submit documents that prove the following three aspects of identity:

- Massachusetts residency
- Signature
- Date of birth

For customers under the age of 18, only a document that proves date of birth is required and these customers are not required to submit proof of Massachusetts residency or signature. Refer to the [Acceptable Identification Documents](#) list.

All identification documents must be originals unless otherwise indicated. Photocopies will not be accepted. In addition, the same document may not be used for multiple identification requirements.

TELL US WHAT YOU THINK

Additional Resources



[Acceptable Identification Documents](#) (PDF 142.75 KB)



[Document Requirements Chart](#) (PDF 277.18 KB)

Translation policy

If you present a document that is not written or printed in the English language, it must be accompanied by a translation that is certified by a bilingual teacher at an accredited Massachusetts college, university, or private language school, by a bilingual notary public, or by the local consulate for the document's country of origin.

If translated by a teacher or consulate, the translation must be printed on the letterhead of the consulate, college, university, or private language school and it must be properly formatted. This must be printed on the translator's letterhead, completed by the translator, and submitted to the RMV with the foreign language document.

If translated by a notary, the translation must have the notary's official seal.

Additional Resources



[Translation Certificate Sample](#) (PDF 6.56 KB)

Social Security number (SSN) requirements

You must have a valid Social Security number (SSN) to apply for

[TELL US WHAT YOU THINK](#)

license, or ID card, including a replacement or a renewal. The RMV will validate the SSN you provide against computer records at the Social Security Administration (SSA). If you do not have an SSN, you may request an application for one by calling (800) 772-1213.

If you are not a citizen and do not have an SSN, you should apply for one at a Social Security Office as soon as possible. If you are denied an SSN, you may still qualify for a Massachusetts driver's license if you can meet other identification requirements proving your age, signature, and Massachusetts residency. However, to prove that you applied for an SSN, you must present the written notice the SSA provided you, which informed you that you were not eligible for an SSN.

The RMV requires your SSN to confirm your identity and to maintain your license and driving records.

Additional Resources



[Social Security Administration](#)

Visa classification codes

Any visa presented must indicate an authorized stay in the U.S. of at least 12 months (from the date of application at the RMV) to be eligible for a MA license or ID card.

Acceptable visa classes

The following visa classes are acceptable for processing a learner's permit, driver's license, and Mass ID Card transaction.

- A-1 through A-3
 - The visa holder is eligible for a learner's permit, driver's license, or ID card only if the customer presents a letter from the Office of Foreign Missions (OFM) stating that he/she is not eligible for a United States State Department license and meets all identification requirements.
- DV

TELL US WHAT YOU THINK

- E-1 through E-2
- E-3 and E-3D
- F-1 through F-2
 - The visa holder must present an I-20 certificate of eligibility
 - The I-20 should state that the customer is enrolled in a Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, or Vermont school.
 - The visa holder's I-94 must be endorsed with Duration of Status. (The I-94 can be either a paper version from US Customs and Border Protection or a printout of an electronic version downloaded from their website: www.cbp.gov/i94)
- G-1 through G-5
- H-1B through H-4
- I
- J-1 through J-2
 - The visa holder must present a I-20/DS-2019 (earlier known as the IAP-66) certificate of eligibility.
 - The visa holder's I-94 must be endorsed with Duration of Status. (The I-94 can be either a paper version from US Customs and Border Protection or a printout of an electronic version downloaded from their website: www.cbp.gov/i94)
- K-1 through K-4
- L-1 through L-2
- M-1 through M-2
 - The visa holder must present an I-20 certificate of eligibility.
 - The I-20 should state that the customer is enrolled in a Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, or Vermont school.
 - The visa holder's I-94 must be endorsed with Duration of Status. (The I-94 can be either a paper version from US Customs and Border Protection or a printout of an electronic version downloaded from their website: www.cbp.gov/i94)
- N-1 through N-2
- O-1 through O-3
- Q-1 through Q-3

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- R-1 through R-2
- S-5 through S-7
- TN
- TD
- V-1 through V-3

Unacceptable visa classes

The following visa classes do not prove legal presence, and are therefore not acceptable for learner's permit, driver's license, and Mass ID Card transactions:

- B-1 through B-2 and B1-B2 multiple (this is tourist or business only)
- C1 through C-3
- D
- NATO
- W-B
- W-T

If a customer has a visa classification listed as not acceptable, he/she is not eligible for a Massachusetts learner's permit, driver's license, or Mass ID, but may be eligible for a Liquor ID. Any valid visa is acceptable for obtaining a Liquor ID.

Did you find the information you were looking for on this page?*

Yes No

SEND FEEDBACK

TELL US WHAT YOU THINK

EXHIBIT 10

 Official website of the Department of Homeland Security



U.S. Department of
Homeland Security

Q&A: DHS Implementation of the Executive Order on Enhancing Public Safety in the Interior of the United States

Release Date: February 21, 2017

February 21, 2017 8:30 a.m. EST

Office of the Press Secretary

Contact: 202-282-8010

WASHINGTON – On February 20, 2017, Secretary John Kelly signed a memorandum implementing the president’s Executive Order No. 13768 entitled “Enhancing Public Safety in the Interior of the United States,” issued on January 25, 2017. This document is designed to answer some frequently asked questions about how the Department will operationally implement the guidance provided by the president’s order.

Q1: Under what authority is DHS implementing this executive order?

A1: This executive order is being implemented under the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and other immigration laws.

Q2: How is ICE conducting interior enforcement operations based on this executive order?

A2: Effective immediately, ICE will direct its personnel as well as its state and local partners through the 287(g) program to apply the enforcement priorities stated in Executive Order No. 13768.

To that end, within 180 days, ICE will carry out a number of actions to implement the enforcement priorities stated in the executive order. Some of those actions include, but are not limited to, conducting targeted enforcement operations and allocating resources to work in jurisdictions with violent crime tied to gang activities.

Q3: Does this new memoranda substantively change the authority of immigration enforcement officers throughout DHS to exercise traditional law enforcement discretion?

A3: DHS officers and agents maintain discretion to determine which action(s) to take against removable aliens, but they have been provided with additional guidance by the president and secretary.

Q4: How is ICE holding recalcitrant countries responsible for their failure to cooperate with the removal of their nationals?

A4: The Secretary of Homeland Security and Secretary of State will coordinate to impose appropriate, lawful consequences on foreign governments who refuse to accept the repatriation of their nationals. These consequences range from formal diplomatic

communications to visa sanctions.

Q5: What are ICE's priorities under this executive order?

A5: Under this Executive Order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States.

Q6: What is ICE doing to support victims, and the family members of victims, of crimes committed by removable aliens?

A6: ICE is currently identifying resources and realigning existing personnel to support and establish the Victims of Immigration Crime Engagement (VOICE) Office. ICE is in the process of drafting outreach materials for victims and families impacted by immigration crime.

Q7: Does this focus on victims of immigration crime mean that ICE will no longer engage with NGOs and other stakeholders?

A7: ICE will continue to engage with all stakeholders to include NGOs.

Q8: Is it true that under this executive order, ICE has done away with priorities?

A8: Under this Executive Order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those present in violation of the immigration laws may be subject to immigration arrest, detention, and, if found removable by final order, removal from the United States.

Q9: How soon will you hire the additional 10,000 employees mandated in the executive order? Will the hiring be completed all at once or in phases? Will all of the hires be law enforcement personnel?

A9: ICE is working on implementing a hiring plan.

Q10: Will these additional resources be solely focused on immigration enforcement?

A10: Those hired pursuant to the president's direction under the executive order will focus on both civil and criminal immigration enforcement. Additional personnel will also be hired to carry out support functions of the executive order.

Q11: What is the 287(g) and how will it be used by ICE?

A11: The 287(g) program allows local law enforcement agencies to participate as an active partner in identifying criminal aliens in their custody, and placing ICE detainers on these individuals. Removing criminal aliens from our communities produces a higher level of public safety for everyone. To strengthen the 287(g) program, ICE field leadership has begun examining local operational needs and liaising with potential 287(g) partners. Existing 287(g) applications are also undergoing an expedited review process.

Q12: Are 287(g) officers now going to do ICE's job?

A12: The 287(g) program, one of ICE's top partnership initiatives, enables a state and local law enforcement entity to enter into a partnership with ICE, under a joint memorandum of agreement. The state or local entity receives delegated authority for immigration enforcement within their jurisdictions.

Q13: How will ICE and CBP engage with governors and others for the purpose of preparing to enter into agreements under 287(g)?

A13: As part of ICE's outreach, agency personnel will discuss the 287(g) program and how interested parties can enter into a memorandum of agreement.

Q14: When is the Priority Enforcement Program (PEP) being terminated?

A14: ICE has terminated the Priority Enforcement Program (PEP) and restored Secure Communities, directing its personnel to take enforcement action consistent with the priorities set forth in the executive orders.

Q15: Has the DHS Secretary reviewed all agency regulations, policies and procedures to ensure consistency with this Executive Order? If so, have any regulations, policies and/or procedures been rescinded?

A15: ICE has terminated the Priority Enforcement Program (PEP) and restored Secure Communities, directing its personnel to take enforcement action consistent with the priorities set forth in the executive orders. ICE has also rescinded priority enforcement categories that previously exempted classes or categories of removable aliens from potential enforcement.

Q16: Is the Secretary of Homeland Security working to develop and implement a program that ensures adequate resources are devoted to the prosecution of criminal immigration offenses in the United States?

A16: ICE is using a three pronged approach to ensuring criminal immigration offenses are prosecuted to the fullest extent possible. First, ICE will coordinate with each U.S. Attorney's Office to revisit local prosecution threshold requirements and advocate for a lower threshold. Second, ICE developed a proposal for a National Lead Development Center to focus on immigration fraud and refer those cases to Document and Benefit Fraud Task Forces. Third, ICE it will coordinate with state and local law enforcement partners to support criminal investigations involving illegal aliens engaged in fraud schemes.

Q17: What are you doing to reduce the reach of violent crime and transnational criminal organizations?

A17: To better target gang members responsible for violent crime and transnational criminal activities, ICE has notified field leadership to immediately assess and, if possible, realign resources to support Operation Community Shield, an international law enforcement initiative that combines Homeland Security Investigations' (HSI) expansive statutory and civil enforcement authorities to combat the growth and proliferation of transnational criminal street gangs, prison gangs and outlaw motorcycle gangs throughout the United States. With assistance from state, local, tribal and foreign law enforcement partners, the initiative helps HSI locate, investigate, prosecute, and where applicable, immediately remove gang members from our neighborhoods and ultimately from the United States.

Q18: What threshold of abuse of a public benefit program will render someone removable?

A18: Those who have knowingly defrauded the government or a public benefit system will be priority enforcement targets.

Q19: Is there any class of removable individuals in the United States that ICE will deprioritize for removal?

A19: Under this executive order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States.

Q20: Does ICE still prioritize criminal enforcement priorities?

A20: Under this executive order, ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States. The guidance makes clear, however, that ICE should prioritize several categories of removable aliens who have committed crime, beginning with those convicted of a criminal offence.

Q21: What training do immigration officers receive to make them valid determinations of who could possibly pose a risk to public safety or national security?

A21: ICE officers and agents as well as state and local 287(g) officers are trained to enforce immigration laws both in civil and criminal environments. All of those in violation of immigration law are subject to immigration arrest, detention and, if found removable by final order, removal from the United States.

Q22: Do these memoranda affect recipients of Deferred Action for Childhood Arrivals (DACA)?

A22: No.

Topics: [Border Security \(/topics/border-security\)](#) , [Homeland Security Enterprise \(/topics/homeland-security-enterprise\)](#) , [Immigration Enforcement \(/topics/immigration-enforcement\)](#) , [Land \(/topics/land\)](#)

Last Published Date: February 21, 2017

EXHIBIT 11

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et. al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et. al.*,

Defendants,

No. 1:17-CV-5228

DECLARATION

Pursuant to 28 U.S.C. § 1746(2), I, Viridiana Carrizales, hereby declare as follows:

1. I am over the age of 18. I have personal knowledge of the matters stated herein, and if called as a witness, I could and would testify competently thereto.
2. I am the Managing Director of DACA Corps Member Support at Teach For America (TFA).
3. Teach For America finds, develops, and supports a diverse network of leaders who expand opportunity for children from classrooms, schools, and every sector and field that shapes the broader systems in which schools operate. We recruit remarkable and diverse individuals to become teachers in low-income communities. They commit to teach for two years and are hired by our partner public schools across the country. During these two years, they are called TFA corps members. Since 1990, when our program began, we have brought over 56,000 talented teachers and leaders to classrooms in low-income communities across America, including New York, Colorado, Connecticut, Massachusetts, New Mexico, and Illinois as well as five other states.
4. Teach For America is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code. While we operate in 53 regions within 36 states and the District of Columbia, we are only incorporated in one state, Connecticut, where we were incorporated as a nonprofit corporation in 1989. TFA is managed and controlled by a Board of Directors; a Chief Executive Officer supervises, manages and controls the general day-to-day administration of TFA, subject to the oversight of the Board. Our headquarters is in New York City.
5. Deferred Action For Childhood Arrivals (DACA) allows qualified young adults to apply for DACA status and receive renewable, two-year work permits and temporary relief from deportation. DACA is life-altering for young immigrants, who are able to work, obtain driver's licenses, get health insurance, open bank accounts and provide for their families.

6. As one of our nation's leading recruiters of teachers in receipt of DACA for public schools, Teach For America has an interest in maintaining DACA because it allows talented, diverse college graduates to serve as teachers and leaders.
7. In 2013, Teach For America was among the first organizations to recruit college graduates with DACA status into the workforce. Our first DACA cohort consisted of two teachers hired in one district.
8. Since 2013, our DACA cohort has grown. Nationwide, in 2017, 190 Teach For America alumni and corps members with DACA status are working in classrooms to expand educational opportunities for more than 6,000 students in 11 states. Another 10 DACA alumni are promoting equity in the nonprofit, corporate, and higher education sectors, including one enrolled in medical school and one on staff at Teach For America.
9. In the state of New York, there are currently 11 DACA TFA corps members and 2 DACA TFA alumni. Twelve of the thirteen TFA New York corps members and alumni still teach in the classroom, and one is part of TFA staff. All 12 corps members and alumni impact over 540 students in New York.
10. TFA DACA corps member and alumni presence in other relevant states: in Colorado, there are currently 2 TFA corps members and 11 TFA alumni; in Connecticut, 2 TFA corps members; in Illinois, 7 current TFA corps members and 3 alumni; in Massachusetts, 2 TFA corps members; in New Mexico, 1 TFA corps member and 1 alum.
11. In keeping with TFA's mission, our DACA teachers work in shortage-area subjects and hard-to-staff schools. Some examples (we withheld last names for privacy reasons): Vanessa teaches social studies in a high-poverty New York City school. Priscilla teaches science just ten minutes from the border of Mexico. Many of our DACA teachers are bilingual, or they bring Ivy League educations to the classroom. Many others serve as role models and navigators for students who face the intersecting challenges of poverty and undocumented status.
12. If DACA ends, or the administration stops approving or renewing DACA applications, DACA teachers and leaders, including 190 TFA alumni and corps members with DACA status, would lose their ability to work and would be at risk of deportation—a far cry from the pathway to citizenship these individuals deserve. Ending DACA would severely undercut TFA's national effort to increase academic success among all students, but particularly undocumented students, since we've learned that DACA teachers provide tremendous help to undocumented youth as they navigate the barriers they face; students would lose the chance to connect with teachers who mirror their life experiences and act as remarkable role models.
13. Ending DACA without a solution in place would have other far-reaching impacts on our students and communities. Many K-12 students in the United States are undocumented or have one undocumented parent at home. If DACA is rescinded, they will lose the legal pathway to driver's licenses, jobs, and higher education. They could be separated from their families or deported to countries they've never known as home.
14. Teach For America is proud of the impact our DACA leaders have made on our corps, communities, and country. We will continue to provide them legal assistance and financial support during this time of uncertainty.

Date: 9/29/2017

A handwritten signature in black ink, appearing to read "Viridiana Carrizales". The signature is fluid and cursive, with a large initial "V" and "C".

Viridiana Carrizales

EXHIBIT 12

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF JAMES B. MILLIKEN

Pursuant to 28 U.S.C. § 1746 (2), I, James B. Milliken, hereby declare as follows:

1. I am Chancellor of The City University of New York (“CUNY” or “University”), a position which I have held since June 2014. As Chancellor, I am the chief executive, educational and administrative officer of CUNY, its senior and community colleges and other educational divisions and units. Prior to holding my current position, I served as President of the University of Nebraska for ten years, and prior to that I served as Senior Vice President of the 16-campus University of North Carolina. I also hold an appointment as Distinguished Professor of Law at the CUNY Law School. I have personal knowledge of the matters set forth below, or have knowledge of those matters based on my review of information and records gathered by members of my staff.

2. The City University of New York is the nation’s largest urban university, with twenty-four campuses, including senior and community colleges and graduate and professional institutions. The University has an enrollment of approximately 274,000 full and part-time undergraduate and graduate students and nearly 276,000 students enrolled in adult and continuing education programs.

3. As is set forth in Section 6201 of the New York State Education Law, CUNY was established as an “integrated system of higher education” with a continuing commitment to academic excellence and equal access and opportunity for students, faculty and staff from all ethnic and racial groups and from both sexes. CUNY has had a special mission to provide an affordable and excellent education for residents of New York City from disadvantaged backgrounds. Led by this historic mandate, CUNY has become among the most accessible, affordable and respected universities in the country.

4. As is set forth below, since it went into effect in 2012, the DACA program has provided an important cohort of CUNY students with legal protections and financial opportunities that have enhanced their ability to take full advantage of a CUNY education. This result furthers CUNY's mission to make higher education available to all who wish to attain it. The DACA program has also benefitted the University itself, as DACA students contribute their unique perspective and enthusiasm inside and outside the classroom, making CUNY an even more vibrant place to study. Finally, DACA furthers CUNY's mission to supply an educated workforce to the State and City of New York, as graduates with DACA status can go on to employment in professions needed by the State and City.

5. Students without lawful immigration status through no fault of their own face a number of barriers to accessing and obtaining higher education, including paying tuition and living expenses, obtaining a job to support themselves and sometimes family members, and overcoming psychological obstacles such as anxiety, stress and feelings of exclusion. DACA has removed some of these barriers for CUNY students. By providing for work authorization, DACA has helped these students finance the cost of their college educations by working at higher-paying jobs, and has also enabled them to obtain valuable paid work experience and internships in their field to prepare them for career-track positions after college. By providing temporary protection from deportation, it has reduced stress and anxiety and enabled them to focus on their education. Accordingly, the DACA program has played a significant role in allowing these students to meet their educational goals at the University.

6. Although CUNY does not collect data on the specific number of students with DACA status, CUNY is aware that there are hundreds, if not more, DACA students enrolled at the University. A private scholarship, TheDream.US, which is available only to students in

DACA or Temporary Protected Status (TPS) has advised the University that it has awarded approximately 800 scholarships to CUNY students since the Spring 2015 semester; it is reasonable to assume that most of these are DACA students. Consistent with research regarding DACA students in higher education generally, DACA students at CUNY generally perform well academically. Of the 474 CUNY students who were receiving TheDream.US scholarship in Spring 2017, close to 70 percent have maintained a cumulative grade point average of 3.0 or higher. Such students, who are residing in New York through no act of their own, are clearly strivers who are taking the educational opportunities they been have afforded seriously.

7. If the DACA program were eliminated, it would have a severe impact on CUNY's DACA students. The elimination of work authorization could likely result in some students having to withdraw from the University, due to lack of resources. They would be subject to deportation and likely lose their sense of educational purpose, which would undoubtedly impact their retention and academic success.

8. One of CUNY's critical roles as an institution of higher education is to provide students with the skills necessary for them to be successful in their chosen field, regardless of whether this requires an associate's degree, a bachelor's degree, or graduate or professional education. By providing students with work authorization, DACA allows these students to work in the field of study while in school and after graduation. Moreover, in the State of New York, students in DACA status can now be licensed in the professions and can become lawyers, nurses, teachers and have other professional employment that requires licensure by the State. CUNY invests significant financial and human resources in teaching all of its students, and this investment is coupled with the investment that the City and State of New York have already

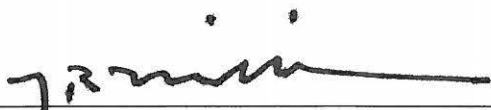
made in K-12 with regard to these students. The DACA program ensures that, at least for this group of immigrant students, CUNY's resources, as well as those of the City and the State, are being fully taken advantage of.

9. With its home in the nation's largest and most diverse city, CUNY recruits and attracts a student body that is extraordinarily diverse by any measure, including in country of origin, language, culture, race, ethnicity, religion, geography, family income, age, and educational background. New York City is home to one of the largest immigrant populations in the country and CUNY has a historic tradition of educating immigrants. CUNY students identify with 216 different ancestries and speak 189 different languages. Thirty seven percent of CUNY students were born outside of the United States mainland.

10. As is described in its 2016-2020 Master Plan adopted by the University's Board of Trustees, CUNY has recognized the increasing importance of providing global perspectives to its students. Studying alongside students from other countries can expose students to different cultures and ideas, enliven their classroom experiences, expand their networks and horizons and engender a sense of global citizenship. DACA students contribute to these specific goals of the Master Plan and CUNY's special mission to serve all residents of New York City regardless of class, race or immigration status.

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

Executed on September 5, 2017.



James B. Milliken
Chancellor
The City University of New York

EXHIBIT 13

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 printed name and title.

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:

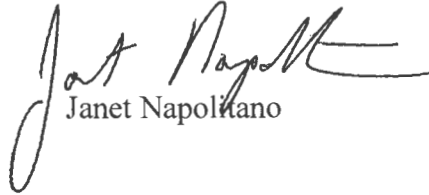
- USCIS should establish a clear and efficient process for exercising prosecutorial discretion, on an individual basis, by deferring action against individuals who meet the

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 14



U.S. Citizenship and Immigration Services

Frequently Asked Questions

FAQs updated April 25, 2017

[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?

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 two years, subject to renewal for a period of two 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 two 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 two years, and if you demonstrate an economic necessity for employment, you may receive employment authorization throughout that period.

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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 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 \(PDF, 235 KB\)](#), 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, please see the Form I-821D page for more information), 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' National Customer Service Center 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 because USCIS:

- Denied the request based on abandonment, when you actually responded to a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) within the prescribed time;

- Mailed the RFE or NOID to the wrong address although you had changed your address online at www.uscis.gov or with a customer service representative on the phone and submitted a Form AR-11, Change of Address, before USCIS issued the RFE or NOID.
 - To ensure the address is updated on a pending case as quickly as possible, we recommend that customers submit a change of address request at www.uscis.gov/addresschange. Please note that only an online change of address or a Form AR-11 submission will satisfy the legal requirements for notifying the agency of an address change. Therefore, if you called a customer service representative to change your address, please be sure you have also submitted your address change online or with a Form AR-11.
- 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 Application Support Center (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

	<ul style="list-style-type: none"> ● 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 ● 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.)
<p>Proof you continuously resided in U.S. since June 15, 2007</p>	<ul style="list-style-type: none"> ● Military records (Form DD-214 or NGB Form 22) ● 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 ● Deeds, mortgages, rental agreement contracts ● Tax receipts, insurance policies
<p>Proof of your education status at the time of requesting consideration of DACA</p>	<ul style="list-style-type: none"> ● School records (transcripts, report cards, etc.) 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

	<ul style="list-style-type: none"> • 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.

USCIS' current goal is to process DACA renewal requests within 120 days. 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 egov.uscis.gov/e-request.

- **Please Note:** Factors that may affect the timely processing of your DACA renewal request include, but are not limited to:
 - Failure to appear at an Application Support Center (ASC) for a scheduled biometrics appointment to obtain fingerprints and photographs. No-shows or rescheduling appointments will require additional processing time.
 - Issues of national security, criminality or public safety discovered during the background check process that require further vetting.
 - Issues of travel abroad that need additional evidence/clarification.
 - Name/date of birth discrepancies that may require additional evidence/clarification.
 - The renewal submission was incomplete or contained evidence that suggests a requestor may not satisfy the DACA renewal guidelines and USCIS must send a request for additional evidence 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: USCIS strongly encourages you to file your renewal request within the recommended 150-120 day filing period to minimize the possibility that your current period of DACA will expire before you receive a decision on your renewal request. Requests received earlier than 150 days in advance will be accepted; however, this could result in an overlap between your current DACA and your renewal. This means your renewal period may extend for less than a full two years from the date that your current DACA period expires..

If you file after the recommended filing period (meaning less than 120 days before your current period of DACA expires), there is an increased possibility that your current period of DACA and employment authorization will expire before you receive a decision on 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:

- Did not depart the United States on or after Aug. 15, 2012, without advance parole;
- 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
- 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.

Q52 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.

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 (\$575). 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
On or after June 15, 2007, but before Aug. 15, 2012	Brief, casual and innocent	No
	For an extended time Because of an order of exclusion, deportation, voluntary departure, or removal To participate in criminal activity	Yes
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. 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 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.
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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 deferred action provide me with a path to permanent resident status or citizenship?

A68: 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.

Q69: Can I be considered for deferred action even if I do not meet the guidelines to be considered for DACA?

A69: 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.

Q70: 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?

A70: 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.

Q71: How should I fill out question 9 on Form I-765, Application for Employment Authorization?

A71. 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.

Q72: Will there be supervisory review of decisions by USCIS under this process?

A72: Yes. USCIS has implemented a successful supervisory review process to ensure a consistent process for considering requests for DACA.

Q73: Will USCIS personnel responsible for reviewing requests for DACA receive special training?

A73: Yes. USCIS personnel responsible for considering requests for consideration of DACA have received special training.

Q74: 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?

A74: 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.

Q75: When must an individual sign a Form I-821D as a preparer?

A75: Anytime someone other than the requestor prepares or helps fill out the Form I-821D, that individual must complete Part 5 of the form.

Q76: 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?

A76: 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.

Q77: Can I request consideration for deferred action under this process if I live in the Commonwealth of the Northern Mariana Islands (CNMI)?

A77: 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.

Q78: Someone told me if I pay them a fee, they can expedite my DACA request. Is this true?

A78: 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.

Q79: Am I required to register with the Selective Service?

A79: 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](#)].

Q80: How can I tell if an employer is discriminating against me because I am a DACA recipient?

A80: An employer may be engaging in discrimination if the employer:

- Demands that an employee show specific documents or asks for more or different documents than are required to complete [Form I-9, Employment Eligibility Verification](#), or create an [E-Verify](#) case; or
- Rejects documents from the Lists of Acceptable Documents that reasonably appear to be genuine and relate to the employee, including a work authorization document because it has a future expiration date or because of an employee's prior unauthorized status.

The Civil Rights Division of the U.S. Department of Justice has an office dedicated to ensuring that employers do not discriminate against individuals who are permitted to work in the U.S. These include DACA recipients who have been granted work authorization. If you think your employer may be discriminating against you, contact the Immigrant and Employee Rights Section (IER) at 1-800-255-7688 (TDD for the deaf and hard of hearing: 1-800-237-2515).

For more information about unfair employment practices against DACA recipients, please read IER's factsheet in [English \(PDF\)](#) or [Spanish \(PDF\)](#).

For additional resources and information about workers' rights, visit www.justice.gov/crt/worker-information.

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Last Reviewed/Updated: 02/08/2017

EXHIBIT 15



**Homeland
Security**

December 30, 2016

The Honorable Judy Chu
U.S. House of Representatives
Washington, DC 20515

Dear Representative Chu:

On behalf of the Administration, I write in response to the letter you and 110 other members of Congress sent the President on December 5. In your letter, you ask us “to do everything within [our] power to safeguard the personal identifying information of DACA enrollees.” We share your concerns.

Today there are 750,000 young people enrolled in DACA who, when they applied for enrollment, relied on the U.S. government’s representations about the use of their personal identifying information. Since DACA was announced in 2012, DHS has consistently made clear that information provided by applicants will be collected and considered for the primary purpose of adjudicating their DACA requests and would be safeguarded from other immigration-related purposes. More specifically, the U.S. government represented to applicants that the personal information they provided will not later be used for immigration enforcement purposes except where it is independently determined that a case involves a national security or public safety threat, criminal activity, fraud, or limited other circumstances where issuance of a notice to appear is required by law.

We believe these representations made by the U.S. government, upon which DACA applicants most assuredly relied, must continue to be honored.

For decades, even dating back before DACA, it has been the long-standing and consistent practice of DHS (and its predecessor INS) to use information submitted by people seeking deferred action or other benefits for the limited purpose of adjudicating their requests, and not for immigration enforcement purposes except in the kinds of specified circumstances described above. This was true, for example, under the deferred action policies extended to victims of human trafficking, to foreign students affected by Hurricane Katrina, to battered immigrants under the Violence Against Women Act, and to widows and widowers of American citizens. Accordingly, people who requested to be considered under DACA, like those who requested deferred action in the past, have relied on our consistent practice concerning the information they provide about themselves and others.

The Honorable Judy Chu

Page 2

The U.S. government's practice of adhering to the assurances it makes to applicants for deferred action is also consistent with the way USCIS (and the INS before it) has long protected information submitted by those seeking other benefits or relief. This includes but is not limited to individuals requesting temporary protected status, deferred enforced departure, or extended voluntary departure. In these circumstances, as with deferred action requests, USCIS and INS have abided by a longstanding and consistent practice of using information to adjudicate specific applications, but not for immigration enforcement purposes absent the limited circumstances described above.

Since DACA began, thousands of Dreamers have been able to enroll in colleges and universities, complete their education, start businesses that help improve our economy, and give back to our communities as teachers, medical professionals, engineers, and entrepreneurs—all on the books. We continue to benefit as a country from the contributions of those young people who have come forward and want nothing more than to contribute to our country and our shared future.

The co-signers of your letter will receive separate, identical responses. Should you wish to discuss this further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeh Charles Johnson'. The signature is highly stylized and somewhat illegible due to its cursive and scribbled nature.

Jeh Charles Johnson

EXHIBIT 16

How do I request consideration of DACA?

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, 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.

Not what you're looking for?

Similar Questions

[My Form I-765 has been pending for 75 days or more \(25 or more if initial asylum\), what can I do?](#)

When should I file my renewal request with U.S. Citizenship and Immigration Services (USCIS)?

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?

EXHIBIT 17



U.S. Citizenship and Immigration Services

I-821D, Consideration of Deferred Action for Childhood Arrivals

- [I-821D, Consideration of Deferred Action for Childhood Arrivals \(PDF, 526 KB\)](#)
- [Instructions for I-821D, Consideration of Deferred Action for Childhood Arrivals \(PDF, 265 KB\)](#)
- [Form I-765 \(MUST be filed with your Form I-821D\) \(PDF, 289 KB\)](#)
- [Instructions for Form I-765 \(PDF, 332 KB\)](#)
- [I-765 Worksheet \(PDF, 235 KB\)](#)
- [Form G-1145, E-Notification of Application/Petition Acceptance \(PDF, 229 KB\)](#)

Purpose of Form

To request that we consider granting or renewing deferred action, on a case-by-case basis, using guidelines described in the [Secretary of Homeland Security's memorandum issued June 15, 2012 \(PDF\)](#). Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Individuals who receive deferred action will not be placed into removal proceedings or removed from the United States for a specified period of time. Individuals filing Form I-821D **must also file** [Form I-765, Application for Employment Authorization](#), and **Form I-765WS**, Form I-765 Worksheet.

Number of Pages

Form 7; Instructions 14.

Edition Date

01/09/17. Previous edition dated 06/04/14 is also accepted. You can find the edition date at the bottom of the page on the form and instructions.

Where to File

Where you file depends on your state of residence; check our [Filing Addresses for Consideration of Deferred Action for Childhood Arrivals](#) for the correct mailing address.

Filing Tips for Form I-821D, Consideration of Deferred Action for Childhood Arrivals

Complete **all sections** of the form. The form will be rejected if these fields are missing:

- Part 1 – Information About You
 - Initial Request or Renewal Request
 - Expiration date of most recent period of DACA (renewals only)
 - Family Name
 - U.S. Mailing Address
 - Alien Registration Number (renewals only)

- Date of Birth
- Part 4 – Criminal, National Security, and Public Safety Information (for initial and renewal requests)
 - Questions 1 – 7 must be marked “Yes” or “No”

Don't forget to sign your form! We will reject any unsigned form.

Filing Fee

The fee to request consideration of deferred action for childhood arrivals, including employment authorization and biometric services, is \$495, and cannot be waived.

Special Instructions

Since you will file your forms at a USCIS Lockbox facility:

- We recommend reading our [Lockbox Filing Tips](#).
- To **receive an e-Notification** when your forms have been accepted, complete [Form G-1145, E-Notification of Application/Petition Acceptance](#) and clip it to the front of the Form I-821D.

To ensure your request is accepted for processing:

- Sign the forms.
- Submit the correct fees.
- Send the documentation required by the form instructions.

Direct Filing Addresses for Form I-821D, Consideration of Deferred Action for Childhood Arrivals

I live in ...	For U.S. Postal Service	For FedEx, UPS, and DHL deliveries
Arizona, California	USCIS Phoenix Lockbox Facility USCIS P.O. Box 20700 Phoenix, AZ 85036-0700	USCIS Phoenix Lockbox Facility USCIS Attn: DACA 1820 E. Skyharbor Circle S Suite 100 Phoenix, AZ 85034
Alaska, Alabama, Arkansas, Florida, Guam, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, North Dakota, Nebraska, New Mexico, Oklahoma, Puerto Rico, South Dakota, Tennessee, Texas, Utah, U.S. Virgin Islands, or Wyoming.	USCIS Dallas Lockbox Facility USCIS P.O. Box 660045 Dallas, TX 75266-0045	USCIS Dallas Lockbox Facility USCIS ATTN: DACA 2501 S. State Hwy.121, Business Suite 400 Lewisville, TX 75067
Colorado, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Maine, Michigan, Nevada, North Carolina, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Vermont, Washington, Wisconsin, or West Virginia.	USCIS Chicago Lockbox Facility USCIS P.O. Box 5757 Chicago, IL 60680-5757	USCIS Chicago Lockbox Facility USCIS Attn: DACA 131 S. Dearborn – 3rd Floor Chicago, IL 60603-5517

This page can be found at <https://www.uscis.gov/i-821d>

Last Reviewed/Updated: 08/28/2017

EXHIBIT 18



National Standard Operating Procedures (SOP)

**Deferred Action for Childhood Arrivals
(DACA)
(Form I-821D and Form I-765)**

Prepared by: Service Center Operations Directorate

April 4, 2013
Version 2.0

1.0 REVISION HISTORY

Revision History							
Version	V02	Date Released	4/4/2013	Changes Made By	SCOPS	Reason for SOP Update	
	Reason	Chapter/Section	Page No(s).				
1	New Guidance	Chapter 2, ROIQ	14				
2	New Guidance	Chapter 2, Childhood Arrivals	18				
3	New Guidance	Chapter 2, DACA Requestors in Immigration Detention	19				
4	New Guidance	Chapter 5, Homebound Biometrics Capturing	27				
5	New Guidance	Chapter 7, Commonwealth of the Mariana Islands Note Eligible	42				
6	New Guidance	Chapter 7, Initial DACA Package	43				
7	New Guidance	Chapter 7, DACA Guidelines	44				
8	New Guidance	Chapter 8, Unobtainable A-Files	45				
9	New Guidance	Chapter 8, A-File Requests from USCIS Field/Asylum Offices	46				
10	New Guidance	Chapter 8, Unlawful Immigration Status on June 15, 2012	52				
11	New Guidance	Chapter 8, Continuous Residence	55				
12	New Guidance	Chapter 8, Education	58				
13	New Guidance	Chapter 8, Public or Private, Elementary...	60				
14	New Guidance	Chapter 8, Graduated From School	67-68				
15	New Guidance	Chapter 8, Misdemeanors	83				
16	New Guidance	Chapter 8, Requesting Certified Court Disposition	84				
17	New Guidance	Chapter 8, Expunged or Vacated Convictions	86				
18	New Guidance	Chapter 8, Juvenile Delinquency	87				
19	New Guidance	Chapter 8, DACA Requestors in Immigration Detention	88-89				
20	New Guidance	Chapter 8, Non-EPS Cases	91				
21	New Guidance	Chapter 8, Notice of Intent to Deny	102				
22	New Guidance	Chapter 8, Denials – After RFE or NOID	105				
23	New Guidance	Chapter 8, Denials – Supervisory Review	106				
24	Correction	Chapter 12, Application Annotations	115				
25	New Guidance	Chapter 12, Denials	119				
26	New Guidance	Chapter 15, Prescribed Conditions for Advance Parole	135				
27	New Guidance	Chapter 15, Advance Parole Requested for Humanitarian Purposes	136				
28	New Guidance	Chapter 15, Advance Parole Requested for Educational Purposes	137				
29	New Guidance	Chapter 15, Advance Parole Requested for Employment Purposes	137				

Note: SOP revisions listed are reflected in blue font.

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Appendices

Appendix A: June 15, 2012, Secretary of Homeland Security memorandum entitled, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children.

Appendix B: November 7, 2011, memorandum entitled, Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens.

Appendix C: Overview of the Background Check Process

Appendix D: DACA RFE Call Ups

Appendix E: Notice of Intent to Deny Call-Ups

Appendix F: DACA Denial Template

Appendix G: SRMT Responses

Appendix H: SRMT Denial Template

Appendix I: Notice of Intent to Terminate Deferred Action for Childhood Arrivals and Termination Notice

Appendix J: Notice of Intent to Deny Review Policy

Appendix K: DACA Denial Call-Ups

Chapter 1: Definitions and Applicability to DACA

Absconder	An alien who failed to surrender to DHS for removal after receiving a final order of deportation, exclusion, or removal.
Aggravated Felon	Any alien who has been convicted of a criminal offense within the definition of 101(a)(43) of the Immigration and Nationality Act (Act).
Alias	An additional name (e.g., nickname, maiden name, or married name) or an assumed name.
Ancillary Application	Applications for travel, employment authorization, or applications that do not convey an immigrant or nonimmigrant status, and are filed in connection with a primary or an underlying application or petition.
ASC	Application Support Center. The ASCs, which are located throughout the United States and its outlying territories, facilitate the capture of fingerprints and biometric data.
BCU	Background Check Unit. A work unit located at each of the Service Centers and the National Benefits Center. The BCU is responsible for reviewing and resolving (b) (7)(E) hits and other criminal, national security, and public safety concerns in accordance with Agency policy.
BCU DACA Team	A specialized team within the BCU that specifically reviews and adjudicates issues of criminality arising from DACA requests. The team may consist of Immigration Services Officers, as well as officers assigned to CARRP, NTA issuance, and Triage duties, and the analysts who support them.

Continued on next page

Definitions and Applicability to DACA, Continued

Brief, Casual, and Innocent Absence

A brief, casual, and innocent absence from the United States before August 15, 2012 will not interrupt continuous residence for purposes of DACA. An absence will be considered brief, casual, and innocent, if:

- (1) The absence was short and reasonably calculated to accomplish the purpose of the absence;
- (2) The absence was not the result 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 the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) The purpose of the absence from the United States or actions while outside of the United States were not contrary to law.

This definition of a brief, casual, and innocent absence has its basis in case law and was codified into the regulations for the Temporary Protected Status (TPS) program. Elements of this definition of brief, casual, and innocent will be used for individuals requesting DACA. See 8 C.F.R. §244.1. See also “Continuous Residence” below for additional circumstances that will not break continuous residence.

CFDO

The Center Fraud Detection Operations (CFDO) is the Fraud Detection and National Security (FDNS) organization within Service Centers. The CFDO is comprised of FDNS officers under the direction of an FDNS supervisor who reports directly to the CFDO Assistant Center Director (ACD). While most CFDO work occurs in an office environment, some Service Centers conduct administrative investigations in support of FDNS’s field operations.

CLAIMS (C3)

Computer - Linked Application Information Management System Version 3. A case management application system to track and process the adjudication of applications, petitions, and other requests for immigration benefits and services.

Continued on next page

Definitions and Applicability to DACA, Continued

Continuous Residence	The DACA requestor is to reside in the United States for the entire period specified in the guidelines for DACA to be considered. An alien shall not be considered to have failed to maintain continuous residence in the United States by reason of a brief, casual, and innocent absence as defined within this section.
CARRP	Controlled Application Review and Resolution Program. This program outlines the process to identify, record, and adjudicate applications/petitions/requests where a National Security concern is identified.
DACA	Deferred Action for Childhood Arrivals
Deferred Action	Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not confer any lawful status.
DNR	Does Not Relate. A determination by USCIS personnel of whether a security check result relates to a DACA requestor.
Egregious Public Safety (EPS) Concern	Any case where routine systems and background checks indicate that an individual is under investigation for, has been arrested for (without disposition), or has been convicted of, a specified crime, including but not limited to, murder, rape, sexual abuse of a minor, trafficking in firearms or explosives, or other crimes listed in the November 7, 2011, memorandum entitled <u>Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens.</u>

Continued on next page

Definitions and Applicability to DACA, Continued

Evidence

Affidavits

Affidavits generally will not be sufficient on their own to demonstrate that a requestor meets the DACA guidelines. However, affidavits may be used to support the following guidelines when primary and secondary evidence are unavailable:

- A gap in the documentation demonstrating that the requestor meets the five year continuous residence requirement; and
- A shortcoming in documentation with respect to the brief, casual and innocent departures during the five years of required continuous presence.

Two or more affidavits, sworn to or affirmed by people other than the requestor, who have direct personal knowledge of the events and circumstances, can be submitted. If the affidavits are not sufficient to establish that the guideline is met, issue an RFE using RFE DACA 302 call up in Appendix D.

USCIS will not accept affidavits as proof of satisfying the following guidelines:

- The requestor is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general education development certificate, or is an honorably discharged veteran from the Coast Guard or Armed Forces of the United States;
- The requestor was physically present in the United States on June 15, 2012;
- The requestor came to the United States before reaching his/her 16th birthday;
- The requestor was under the age of 31 on June 15, 2012; and
- The requestor's criminal history, if applicable.

Weigh the assertions in the affidavit in light of the totality of all the evidence presented. When evaluating what weight to give an affidavit, take the following into consideration:

- An affidavit needs to be signed and dated;
- The identity of the affiant needs to be readily ascertainable from the information in the affidavit;
- The affidavit should state the relationship between the affiant and the DACA requestor and contain facts that are relevant to the guideline the requestor seeks to meet;
- The affidavit should state the basis of the affiant's knowledge and exhibit first-hand knowledge of the fact asserted.

Continued on next page

Definitions and Applicability to DACA, Continued

Evidence
(Continued)

Preponderance of the Evidence

A DACA requestor is to establish by a preponderance of the evidence that he/she meets the guidelines for the exercise of prosecutorial discretion in the form of deferred action. Under this standard, the requestor must demonstrate that it is more likely than not that he or she meets those guidelines. The preponderance of the evidence standard is a lower standard of proof than both the “clear and convincing evidence” standard and the “beyond a reasonable doubt” standard applicable to criminal cases.

Primary Evidence

Primary evidence is evidence which, on its face, proves a fact. In the DACA context, an example of primary evidence that could be submitted to satisfy the age guideline would be a birth certificate. An example of primary evidence that could be submitted to satisfy all or part of the continuous residence guideline would be rental agreements or school records in the DACA requestor’s name.

Secondary Evidence

Secondary evidence must lead the officer to conclude that it is more likely than not (in other words, probable) that the fact sought to be proven is true. For example, if an individual is unable to obtain a copy of his birth certificate to establish his date of birth, baptismal records issued by a church showing that an individual was born at a certain time would be acceptable secondary evidence of the birth for purposes of satisfying the DACA age guideline. Similarly, to satisfy the continuous residence guideline under DACA, rental agreements in the name of the DACA requestor’s parent could be acceptable secondary evidence demonstrating periods of the requestor’s residence in the United States, if corroborating evidence in the file (for example, school or medical records) points to the DACA requestor’s residence at that address.

Sufficiency of the Evidence

The sufficiency of all evidence is judged according to its relevance, consistency, and credibility.

Continued on next page

Definitions and Applicability to DACA, Continued

Evidence
(Continued)

Totality of the Evidence

For DACA, the totality of the documentary evidence should be reviewed to determine whether the facts needed to establish a specific guideline have been demonstrated. In many instances, an adjudicator may be satisfied based upon the review of all the documentary evidence, that it is more likely than not that a specific guideline has been met even if the record does not contain one specific document that, in fact, satisfies the guideline. For example, if a DACA requestor is unable to submit a specific document evidencing his/her presence in the United States on June 15, 2012, he/she may be able to satisfy this guideline by submitting various forms of credible documentation evidencing that he/she was present in the United States shortly before and shortly after June 15, 2012 from which the officer could infer, based on the totality of the evidence, that the individual was present in the United States on June 15, 2012. (Note: evidence upon which one may infer that a fact has been demonstrated is also known as “circumstantial evidence,” a term that appears in many DACA public information documents).

Officers must see documentary evidence (either primary or secondary) in order to determine if the following guidelines have been met:

- Requestor was under the age of 31 on June 15, 2012; and
- Requestor is currently in school, has graduated or obtained a certificate of completion 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

Officers may not infer from other sources that either of these two guidelines have been met.

Officers should look to the totality of the evidence (meaning that facts can be inferred from one or more sources) to determine if the following guidelines have been met:

- The requestor was physically present in the United States on June 15, 2012;
- The requestor came to the United States before reaching his/her 16th birthday;
- The requestor satisfies the continuous residence requirement, (as long as he or she presented clear documentation of continuous residence in the United States for a portion of the required five-year period and any other evidence submitted supports a finding that the requestor was actually residing in the U.S. during the period for which he has not provided clear documentary evidence of such residence); and
- Any travel outside the United States during the five years of required continuous presence was brief, casual, and innocent.

Continued on next page

Definitions and Applicability to DACA, Continued

Evidence (Continued)	For the remaining guidelines, i.e., the requestor was in unlawful status on June 15, 2012, has no disqualifying criminal convictions, and does not otherwise pose a threat to public safety or national security, the information presented by the DACA requestor on his/her Form I-821D in combination with background and security checks, routine systems checks, supporting evidence submitted by the requestor, and any other information on file, may establish that these guidelines have been met.
Front End Check	Security and systems checks performed upon the receipt of an application or petition or other requests to screen for national security, EPS, fraud, or other criminal concerns.
HQ FDNS	Headquarters Office of the Fraud Detection and National Security Directorate of USCIS.
Hit	A record returned by a security or background check system in response to a query that may relate to the subject being queried.
Interpol	International Criminal Police Organization, the world's largest international police organization. This organization facilitates cross-border police cooperation and supports and assists all organizations, authorities, and services whose mission is to prevent or combat international crime.
JTTF	Joint Terrorism Task Force. The JTTF is run by the Federal Bureau of Investigation (FBI). The JTTF is comprised of small groups of highly trained, locally based members from U.S. law enforcement and intelligence agencies. JTTF is responsible for all domestic and international terrorism matters.

Continued on next page

Definitions and Applicability to DACA, Continued

KST

Known or Suspected Terrorist.

(b) (7)(E)



National Security (NS) Concern

An NS Concern exists when an individual or organization has been determined to have an articulable link to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in §§ 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Act. This determination requires that the case be handled according to the CARRP policy outlined in the memorandum issued on April 11, 2008.

NCIC

The National Crime Information Center (NCIC) is a database maintained by the FBI. NCIC includes the Interstate Identification Index (NCIC III) that allows authorized users to access criminal history information. Access to NCIC III is limited to FDNS personnel only. FDNS personnel may only access NCIC III when an individual has been determined to have, or is likely to have, a link to a current or planned criminal activity and the case is referred to FDNS for further investigation with the appropriate law enforcement agency, when a reasonable suspicion of fraud is identified that may be referred to ICE for criminal investigation or when an individual has been determined to be involved in current or planned terrorist activity. Prior to accessing NCIC III information, USCIS personnel who are TECS users must first complete the NCIC Certification Course.

NCTC

National Counterterrorism Center. In August 2004, the President established NCTC, a multi-agency organization, to serve as the primary organization for the U.S. Government for integrating and analyzing all intelligence pertaining to terrorism and counterterrorism (CT) and to conduct strategic operational planning by integrating all instruments of national power.

Continued on next page

Definitions and Applicability to DACA, Continued

No Match	This annotation is used on the Record of (b) (7)(E) if a (b) (7)(E) query results in no (b) (7)(E) hit.
Non-KST	A Non-KST NS concern includes all other NS concerns, regardless of the source, including but not limited to: associates of KSTs, unindicted coconspirators, terrorist organization members, persons involved with providing material support to terrorists or terrorist organizations, and agents of foreign governments.
Primary Name and DOB	The name and date of birth provided by an applicant, petitioner, or requestor as his/her given name and date of birth. This is generally listed in the first part of the application/petition/request.
Relates	This annotation is used on the ROIQ if a (b) (7)(E) query results in a hit that closely corresponds to the subject queried.
Resolution	A determination of the effect or relevance of the available information on the eligibility of the applicant, requestor, petitioner, beneficiary, or derivative for the benefit or request sought.
ROIQ	Record of IBIS Query. This form is used to record the search criteria queried and the results of those queries. The ROIQ was revised on March 5, 2013 to include checkbox "R" for requestors.
SNAP	Scheduling and Notification of Applicants For Processing. An automated system that schedules appointments for individuals to submit biometric information to ASCs.
Secretary's Memorandum	The June 15, 2012, memorandum entitled, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children, issued by the Secretary of Homeland Security.

Continued on next page

Definitions and Applicability to DACA, Continued

Security Check	A specific check or a combination of checks required for each application, petition, or request conducted in accordance with Agency policy.
-----------------------	---

System Match	A record returned by (b) (7)(E) in response to a query, the subject of which may or may not relate to the subject being queried. This is the same as a (b) (7)(E) Hit.
---------------------	--

TECS	TECS is formerly known as the Treasury Enforcement Communications System/Interagency Border Inspection System. TECS is an automated enforcement and inspection lookout system that combines information from multiple agencies, databases, and system interfaces to compile data relating to national security risks, public safety issues, current or past targets of investigations, and other law enforcement concerns. The system is maintained by U.S. Customs and Border Protection.
-------------	--

VGTOF	Violent Gang and Terrorist Organization File. The VGTOF file has been designed to provide identifying information about violent criminal gangs and terrorist organizations and members of those gangs and organizations to law enforcement personnel. This information serves to warn law enforcement officers of the potential danger posed by violent individuals and to promote the exchange of information about these organizations and members to facilitate criminal investigations. USCIS has access to VGTOF through NCIC.
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Chapter 2: Introduction

Purpose	This SOP describes the procedures Service Centers are to follow when adjudicating DACA requests. This SOP includes the procedures for processing Form I-821D, Consideration of Deferred Action for Childhood Arrivals, and Form I-765, Application for Employment Authorization. It also describes the procedures for adjudicating advance parole requests for individuals whose removal has been deferred under DACA and who need to travel outside of the United States for educational, employment, or humanitarian purposes.
References	<p>For DACA: Memorandum issued June 15, 2012, <u>Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children</u>, by Secretary of Homeland Security Janet Napolitano to U.S. Customs and Border Protection; U.S. Citizenship and Immigration Services; and Immigration and Customs Enforcement. <u>See Appendix A</u> for a copy of the Secretary's memorandum.</p> <p>For Employment Authorization: 8 C.F.R. § 274a.12(c)(14) is the legal authority for employment authorization based on a grant of deferred action. The (c)(33) code will be used to distinguish EAD grants under DACA from EAD grants under other forms of deferred action. <u>See</u> also the Secretary's memorandum, which provides that USCIS shall accept applications to determine whether individuals whose removal has been deferred under DACA qualify for work authorization during the period of deferred action.</p>
Fraud Cases	All officers are required to review cases for the possibility of fraud. All officers should review the case based on the standard fraud referral protocols and the additional guidance provided in Chapter 8, Section K of this SOP.
Applicability	This SOP is applicable to all Service Center personnel performing adjudicative and clerical functions or review of those functions. Personnel outside of Service Centers performing duties related to DACA processing will be similarly bound by the provisions of this SOP.

Continued on next page

Introduction, Continued

Conflict Resolution

Any provision of the Act or 8 C.F.R. found by Headquarters Service Center Operations Directorate (SCOPS) to be in conflict with this SOP will take precedence over the SOP; any individual who identifies such an apparent conflict will report the matter immediately to the DACA SISO POC, who will in turn report the conflict to SCOPS.

If any apparent conflict is noted between this SOP and policy or guidance documents, the matter should be reported to SCOPS through the supervisory chain of command.

Revisions

SCOPS will issue numbered revisions to this SOP. No other document will be considered a valid modification.

Version Control

All personnel who maintain a hard copy of the SOP will ensure that it is the latest version. An electronic copy of the latest version will be posted per local procedures. The training unit will archive all prior electronic versions of this SOP.

Additional Resources

For additional resources on DACA, please see a supervisor or training coordinator for DACA training presentations and modules.

Continued on next page

Introduction, Continued

DACA Overview

On June 15, 2012, the Secretary of Homeland Security issued a memorandum entitled, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children. In this memorandum, the Secretary provides guidelines for exercising prosecutorial discretion on a case -by-case basis to defer removal action of individuals who were brought to the United States as children. By issuing this memorandum, the Secretary recognized that, as a general matter, these individuals lacked the requisite intent to violate the law when they entered the United States as children. Therefore, the Secretary determined that additional measures are necessary to ensure that enforcement resources are not expended on these low priority cases, but rather, on those who meet DHS's enforcement priorities.

Childhood Arrival

For purposes of considering an individual for DACA under the Secretary's memorandum, an individual may be favorably considered for DACA if he/she:

1. Entered without inspection before June 15, 2012, or his or her lawful immigration status expired as of June 15, 2012. For DACA purposes, the phrase "in unlawful status as of June 15, 2012" means that he/she never had a lawful immigration status on or before June 15, 2012, or any unlawful status or parole that he/she obtained prior to June 15, 2012 had expired before June 15, 2012;
2. Was under the age of 31 as of June 15, 2012;
3. Came to the United States prior to reaching his/her 16th birthday;
4. Has continuously resided in the United States since June 15, 2007, up to the date of filing;
5. Was present in the United States on June 15, 2012, and at the time of making his/her request for consideration of deferred action with USCIS;
6. Is currently in school at the time of filing, has graduated or obtained a certificate of completion from a U.S. high school, has obtained a GED certificate or other equivalent State authorized exam in the United States, or is an honorably discharged veteran of the U.S. Coast Guard or U.S. Armed Forces; and
7. Has not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and does not otherwise pose a threat to national security or public safety.

Continued on next page

Introduction, Continued

DACA Requests Filed with USCIS

USCIS will process all DACA requests, regardless of whether the individual is in removal proceedings (unless the individual is in immigration detention under the custody of ICE) or subject to a final order of removal. Depending on when the order was issued, this could be an order of deportation, exclusion or removal. A complete DACA package consists of concurrently filed Forms I-821D, Consideration of Deferred Action for Childhood Arrivals and I-765, Application for Employment Authorization, with the worksheet, Form I-765WS. Forms I-821D and I-765 must be filed concurrently. DACA requests will be adjudicated by all four Service Centers.

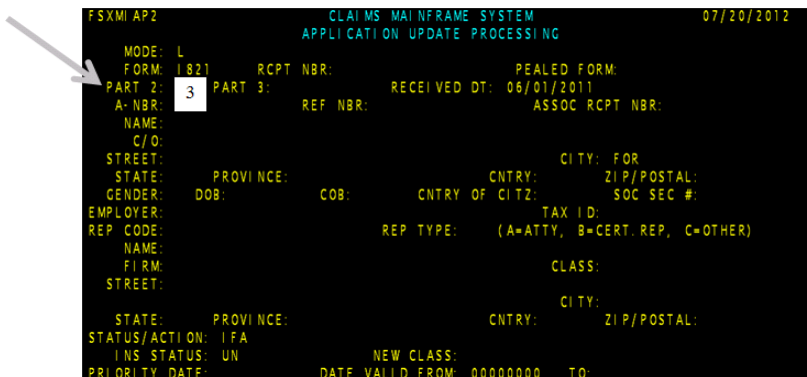
DACA Requestors in Immigration Detention

USCIS lacks the authority to consider requests from individuals who are in immigration detention under the custody of ICE at the time of filing Form I-821D and remain in immigration detention as of the date Form I-821D is adjudicated. Since the Lockbox is currently unable to reject these cases, the Center may receive a Form I-821D when the requestor was in immigration detention under the custody of ICE at the time of filing. Whenever this occurs, the Center should follow the procedures in Chapter 8, Section G. Evaluating Issues of Criminality, Public Safety, and National Security, Continued.

Introduction, Continued

Lockbox

All DACA requests are filed, with applicable fees, and with the appropriate USCIS Lockbox. DACA filings mistakenly mailed to a Service Center will be forwarded to the appropriate Lockbox for processing. Requests received at a Lockbox Facility will be electronically scanned into OnBase (the Lockbox intake system) and all pertinent fields will be populated in CLAIMS 3 (C3) into the Form I-821 screen, but with a new category “3” as the basis for requesting DACA. While Forms I-821 for TPS, and I-821D for DACA are very similar, when Form I-821 appears in CLAIMS with category “3” (to denote that it is actually an I-821D for DACA), only those fields pertaining to the DACA request will be active.



The file containing the Form I-821D and Form I-765 will be forwarded to the appropriate Service Center for adjudication, based on the agreed upon routing logic between Service Centers and Lockbox.

The Lockbox will screen DACA requests to determine whether they have been filed correctly with USCIS.

Chapter 3: Summary of Overall Process Flow For DACA Filings

Introduction This section summarizes the general process flow for an initial DACA request, from intake at the Lockbox, to the point of a final decision.

Process Flow

Step 1:
Intake occurs at the Lockbox per the agreed upon Lockbox/SCOPS business rules.

Step 2:
Service Center Records performs the A-number look-up and validation process.

Step 3:
Data is populated into C3 via the Lockbox-Service Center interface.

Step 4:
Lockbox creates and ships A-Files/T-Files to the appropriate Service Center based on the agreed upon routing.

Step 5:
Service Centers receive the files and perform file intake functions.

Step 6:
ASC appointments are scheduled via SNAP by the Service Center pursuant to local procedures.

Continued on next page

Summary of Overall Process Flow For DACA Filings, Continued

Process Flow (Continued)

Step 7:

In parallel to the SNAP scheduling process, background and security checks are initiated via (b) (7)(E)

Step 8:

The Service Center must look for the following to determine the next steps:

- Whether the DACA requestor appeared at the ASC for biometrics capture and whether the FBI returned the fingerprint results (fingerprint results are required only for those 14 years and older); and
- Whether (b) (7)(E) fingerprint results returned derogatory information impacting the exercise of discretion for DACA.

Step 9:

The Service Center will take adjudicative action.

Step 10:

The process flow splits off here, depending on the results from the FBI, the (b) (7)(E) check, on whether an adjudication hold should be placed on the request. A DACA request will be routed based on these results, as laid out in the chart below:

(b) (7)(E)	
No hit	are routed to an officer for adjudication.
A hit	is routed to adjudications from BCU with the annotation Does Not Relate (DNR); or
	is routed to BCU for confirmation and vetting of the related hit.

Chapter 4: Lockbox Intake

Rejection Criteria

The Lockbox will use the following rejection criteria for DACA filings:

Rejection of Form I-821D:

- Missing Signature on either Form I-821D or Form I-765;
- Missing or wrong fee for Form I-765 (Expecting \$465 total, which includes the biometrics fee, unless the individual fits within certain fee exemptions established for DACA requestors and an exemption has been previously approved);
- Missing Required Fields – needed for ingestion to C3:
 - Family Name
 - Address: or
 - Date of Birth:
- Form I-821D received without Form I-765;
- Filed from a foreign address;
- Form I-131 for advance parole received with Form I-821D (If the Form I-131 is filed with a separate check, only the Form I-131 will be rejected and the Form I-821D and Form I-765 will be accepted);
- The requestor was 31 years or older on June 15, 2012;
- The requestor is under 15 at time of filing and does not indicate that he/she is in removal proceedings in Question 3.b. of Form I-821D.

Rejection of Form I-765 (based on DACA grant):

- Missing or wrong fee (Expecting \$465 total, including the biometrics fee, unless the individual fits within certain fee exemptions established for DACA requestors and an exemption has been previously approved); or
- Missing Signature.

The “stand-alone” Form I-765s filed by those whose removal has been deferred under DACA by ICE will be processed at the National Benefit Center. Prior to the decision that USCIS will process all DACA requests to include those in removal proceedings, ICE did defer removal for some DACA requestors.

Continued on next page

Lockbox Intake, Continued

**A#
Validation/
Assignment**

The Lockbox will perform the following:

- A# validation is triggered by the Form I-821D;
- If the requestor provides an A# that matches the Central Index System (CIS) based upon the same name and date of birth, the A# is retained and cloned to the Form I-765;
- If the A# provided by the requestor is incorrect, the transaction goes to the queue for research. If the correct A# is found in USCIS systems, it is inserted into the Form I-821D record and cloned to the Form I-765. If no A# is found in USCIS systems, then an A# is assigned to Form I-821D and cloned to the Form I-765;
- If there is no A# on the Form I-821D, the transaction goes to the queue for research. If the correct A# is found, it will be inserted into the Form I-821D record and cloned to the Form I-765. If no A# is found in USCIS records (manual search), then the A# is assigned to Form I-821D and cloned to the Form I-765.

Research is completed by Service Center staff remotely accessing the Lockbox intake system. DACA requests with a missing or invalid A# are routed to USCIS to review. USCIS may correct the A# or assign a new A#.

**Record of
Proceeding
(ROP)**

The Lockbox will assemble the DACA files in the following order:

Records Side	Non-Records Side
Valid Form G-28	Form G-28 (not-valid) face down
Form I-821D	Property Envelope (facing backward and upside down)
Form I-765WS	
Form G-1145	
Attorney's Letter (if applicable)	
Passport	
Birth Certificate	
Form I-94	
Other Supporting Documentation (e.g., school transcripts and relating envelope)	
Form I-765 (2 requestor's photos will be placed in a ziplock bag and stapled to the Form I-765)	
Address Side of Envelope	

Chapter 5: Service Center Intake

Incoming Files

The contractor will perform the following actions:

- Open the boxes from the Lockbox;
- Date stamp and check the manifest against the files in the boxes;
- Separate A-file and T-files;
- Perform “new add” for the receipt files, A-files, and T-files, as well as consolidate Forms I-821D and I-765 into the A-file/T-file in the National File Tracking System (NFTS);
- T-files – locate the A-file(s) using the NFTS inquiry screen and if the A-file(s) are located outside the Service Center, initiate the A-file request;
- A-files – Perform “new add the A-file” into the Central Index System (CIS); and
- Deliver DACA files to work distribution. Responsible Party Codes (RPCs) are used to track the location of files at the Service Center. An NFTS barcode is placed on each shelf, box, or drawer in which DACA files are stored.

The Service Center will perform the following actions:

- Perform a Quality Assurance review on a random sample of incoming DACA files. ROP order, proper acceptance, and correct matching data on the form compared with the CLAIMS record, will all be reviewed. Any errors will be recorded and reported back to the Lockbox service provider for process improvement steps. Corrections will be made at the Service Center.
- Initiate an automated (b) (7)(E) check of the DACA requestor’s name(s) and date(s) of birth; and
- Review and resolve any identified hit (performed by BCU officers).

See Chapter 6 for more detailed information relating to background checks.

Biometric Capture

The Service Center will perform the following actions:

- Compile **daily bulk scheduling** requests and send them to the ASC for SNAP scheduling; and
 - Fill officer work orders, as biometric and fingerprint results post for DACA requestors.
-

Continued next page

Service Center Intake, Continued

Biometric Rescheduling

All reschedule requests will go through the centralized rescheduling facility. The centers will be notified via a spreadsheet from the centralized rescheduling facility upon rescheduling of an original ASC appointment.

The requestor can reschedule multiple times within 87 days of the initial ASC appointment date. If the requestor fails to appear at the ASC within the 87 days, the DACA request will be denied for abandonment.

If the requestor asks for an appointment beyond 30 days into the future, the centralized rescheduling facility will send a scanned request to the Service Center for processing. The rescheduled ASC appointment date is not to exceed the 87-day window.

Biometric No Shows

If a requestor is originally scheduled for an ASC appointment and does not appear, the center should issue RFE DACA 130. The RFE should include other deficiencies identified during the review of the request. A written response to the RFE is not required, provided that the requestor goes to the rescheduled ASC appointment and no other evidence is requested.

The centers will be notified via a spreadsheet from the centralized rescheduling facility upon rescheduling of an original ASC appointment. The center will then hold the case for the new appointment, and if the requestor fails to appear again, or if the requestor fails to reschedule a second appointment within 87 days based on that RFE, the case will be denied for abandonment.

**Homebound
Biometrics
Capturing**

If a requestor is unable to attend the biometrics appointment at the ASC due to medical limitations, the ASC notice directs the requestor to call the National Customer Service Center (NCSC) telephone line. The NCSC will create a SRMT and route it to the Service Center according to the designation within the receipt number of Form I-821D. Once the SRMT has been created, the Center will initiate contact with SCOPS for assistance.

- The Center will email HQSCOPSDACA with subject line: “Homebound DACA Requestor” and include the information provided by the requestor in the SRMT concerning medical limitations, contact information, and the SRMT referral ID {e.g., ETC.334.12.00177.CIN}.
- Once the email is received, SCOPS/SPB will coordinate with the Field Operations Directorate (FOD)/Operations Support Branch (OSB) to designate a District/Field Office that has a mobile unit to capture the required biometrics.
- SCOPS will email FOD to ask for assistance in biometric capturing for the homebound DACA requestor and identify a Center POC for the District/Field Office to liaise with if questions arise.
- Once notified, SCOPS will instruct the Service Center to transfer the SRMT to the designated District/Field Office for completion.
- The District/Field Office will contact the DACA requestor to make arrangements for biometrics capturing. Biometrics capturing should occur within 30 days of the transfer. The District/Field Office will notify the Center POC if there are extenuating circumstances that will delay the capturing of biometrics beyond 30 days.
- The Center should monitor the SRMT to ensure biometrics are captured within 30 days of the transfer.
- If 30 days have elapsed from the date of the transfer and no action has occurred, the Center should notify SCOPS/SPB so follow-up can occur with FOD/OSB.

Once collected, the mobile unit’s live scan will be uploaded into the Benefits Biometric Support System (BBSS), or if the mobile unit is unavailable at the time of biometrics capturing, the District/Field Office will send the two FD-258 cards and photo material to the designated Center POC for appropriate action.

**Officer
Work Orders**

The contractor will perform the following actions:

- In accordance with local procedures, screen prints may be provided to officers to reduce the need to search systems at the point of adjudication; and
- Adjudication ready DACA files will be delivered to officers.

Service Center Intake, Continued

Non-Sufficient Funds (NSF)

Background

This section addresses the procedures to be used for completing the non-sufficient funds (NSF) cases. The NSF cases are identified by the Burlington Finance Center (BFC) and are listed in the NSF “New Bill Report” in the Federal Finance Management Service (FFMS) system.

For DACA, Forms I-821D and I-765 must be filed concurrently. There is no fee for Form I-821D. The \$380 fee is required for Form I-765. The \$85 biometrics fee is also required. Lockbox will be looking for \$465, either in one check or in two checks. The I-765 fee and the biometrics fee will be bundled in C3 and listed as one fee -- \$465. If the DACA requestor does not remit \$465, Lockbox will reject the entire filing. Even when the proper fee has been remitted, it is possible that payment may be returned due to NSF. The NSF can occur in a combination of scenarios: the fees are paid in one check and the entire check is returned as NSF; or the fee is paid in two checks and either or both checks are returned as NSF. Failure of either fee or both fees to clear the bank, or being made good within the 14 calendar days allowed, will result in denial of Form I-821D and rejection of Form I-765. See Chapter 9 for more information on the denial.

Retrieving the New Bill Listing Report in FFMS

Fee payments in the form of personal checks, cashier checks, or money orders are submitted along with a DACA request. When a discrepancy is found in a payment, such as stale, dated, or without sufficient funds, etc., the bank will notify the Burlington Finance Center (BFC) in Vermont. These non-payment checks or money orders are referred to as bounced checks. The BFC will compile all the bounced checks and enter the data into the FFMS system, create an invoice number for each bounced check case, and place them on the bounced check “New Bill Report.” The Service Center Records Divisions, on a daily basis, access this data via the FFMS website to download a bounced check “New Bill Report.”

Continued on next page

Service Center Intake, Continued

Non-Sufficient Funds (NSF)
(continued)

Invoicing the Payee

Along with listing the case in FFMS, the BFC will also mail an invoice to the payee of the fee, requesting that the new payment be sent to them and that a \$30 NSF charge also be paid. The \$30 NSF charge is assessed on each bounced check.

Notifying the DACA Requestor

The Service Center will mail an informational notice on the I-797C to the DACA requestor regarding the specific NSF payment. In this case, the DACA requestor will receive the NSF notice, regardless of whether they are the payee or not. In this manner, both the payee and the DACA requestor receive notification if they are different parties.

Placing Case in Hold Status

To reflect the hold status of the case, the action codes will be recorded in C3, are as follows:

(b) (7)(E) CHECK BOUNCED, CASE NOT YET COMPLETED and
CHECK DEFICIENCY NOTICE 1 SENT

Place file on a hold shelf.

Completion procedure when case is paid

The bounced check paid cases are identified by Burlington Finance Center and are listed in the bounced check "Paid Activity Report" in the FFMS system. The Service Center Records Divisions access this data daily via the FFMS website to download the bounced check Paid Activity Report.

Continued on next page

Service Center Intake, Continued

Non-Sufficient Funds (NSF)
(continued)

System Update Steps

The CLAIMS GUI I-765 record will be accessed. The new paid date from the Paid Activity Report will become the new Received Date in the record.

The remittance screen will be updated with the action code:

(b) (7)(E) FEE COLLECTED ELSEWHERE

A modified receipt notice will be printed and mailed reflecting the new Received Date. The action code recording this is: (b) (7)(E) MODIFIED RECEIPT NOTICE 1 SENT

The hold status will be removed from the record. The action code recording this is: (b) (7)(E) BOUNCED CHECK CORRECTED ON CASE NOT YET COMPLETED

The case is now ready to proceed again through the pre-adjudication process. Schedule the biometrics appointment in SNAP and place the file on the biometrics hold shelf.

Mailing the Receipt notice

The receipt notice states:

“This is to notify you that we have received full payment for the above referenced application or petition and processing has resumed. Your filing date has been adjusted to reflect the receipt of payment. We will notify you separately of our decision on the application or petition.”

Completion procedure when case remains unpaid

Unless fee exempt, the DACA requestor has 14 calendar days from the invoice date to submit proper payment by credit card, money order or cashier’s check to the BFC. The proper payment is \$465 -- \$380 for the Form I-765 and \$85 for the biometrics fee. If the \$465 was paid in two checks, either check exceeding the 14 calendar days allowed to correct NSF status will result in rejection of Form I-765.

- Pull the files that have been staged on the bounced check hold shelf for over 14 days and verify the case in the CLAIMS system and determine the bounced check “paid” status in FFMS.

Continued on next page

Service Center Intake, Continued

Non-Sufficient Funds (NSF)
(continued)

The FFMS “Status” box indicates “OPEN”

The “Open” status means the BFC has not received the bounced check payment in full from the debtor. After the 14-day hold on the bounced check hold shelf, a C3/GUI application/petition shall be pulled from the hold shelf for review. If it has been over 14 days past due and the case status shows “Open” in FFMS and there is no indication of a “Change of the Due Date” made by the BFC in the in the Customer Log (RM043) screen, reject the Form I-765 as “untimely paid.”

Recording the Rejection

The case is accessed in C3 and the action code recorded is: (b) (7)(E)
BOUNCED CHECK NOT CORRECTED, REJECTED

Form I-765 form will be closed by the Records Analyst in this manner:
In the “Action Block” of the application, stamp in red or black ink
“REJECTED Bounced Check.”

A memorandum is printed from a template in MS Word recording the following data:

- Today’s Date
- Form Type
- A# (if available)
- Receipt #
- Date Rejected
- Invoice #
- Amount
- Debtor’s Name (Optional)

Place this memo on the top of the right side of the DACA A-file.

Continued on next page

Service Center Intake, Continued

Non-Sufficient Funds (NSF)
(continued)

Mailing the Rejection

A rejection notice printed on I-797 is generated from C3 and mailed to the requestor. It reads:

We previously notified you that the payment for the filing fee in the above case was returned. The Burlington Finance Center did not receive payment within 14 days of the invoice.

Your application or petition has been rejected as improperly filed. Any previously assigned priority or processing date is no longer applicable. A new application or petition must be filed, and a new fee is required, if you wish to pursue the benefit. Personal Checks will not be accepted.

Disposition of the I-821D

After processing the rejection for Form I-765 due to the NSF, on **the same day**, route the A-file to a DACA Supervisory Immigration Services Officer for issuance of a denial for the Form I-821D.

The denial should be issued per the instructions in Chapter 9 of this SOP.

Chapter 6: Background and Security Checks

Introduction

Background and security checks will be conducted for all DACA requests. As part of the background check, USCIS requires that specific security checks or a combination of checks are completed for Forms I-821D and I-765. The background checks refer to the analysis of the results of the security checks or any other identified concern relating to national security or public safety and the actions required to resolve the concern. The resolution must be conducted in accordance with current NaBISCOP and CARRP policies.

Fraud related concerns that arise during the course of background and security checks should be addressed according to the March 2011 SOP, 2008 ICE/USCIS MOA and Chapter 8, Section K of this SOP. Fraud related issues will be referred to CFDO.

The following specific background and security checks apply to DACA requestors:

(b) (7)(E)

Responsibility

All DACA requestors with national security issues, (b) (7)(E) hits, or other criminality concerns will be processed by the BCU DACA team per the following guidance:

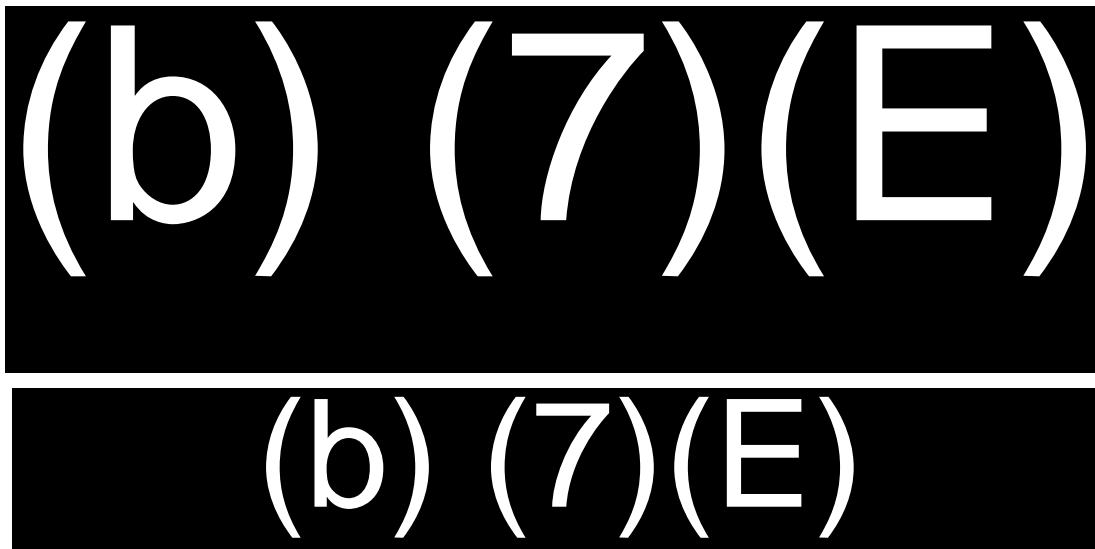
- **National Security:** All (b) (7)(E) national security issues will be resolved through the established CARRP process. All cases with National Security concerns will be resolved and adjudicated by the CARRP officer attached to the BCU DACA Team.

(b) (7)(E)

Continued on next page

Background and Security Checks, Continued

Responsibility
(continued)



**System Updates
for DACA File
Movement Into
and Out of
BCU**

For reporting purposes, DACA file movement into and out of the BCU will require the following updates in C3:

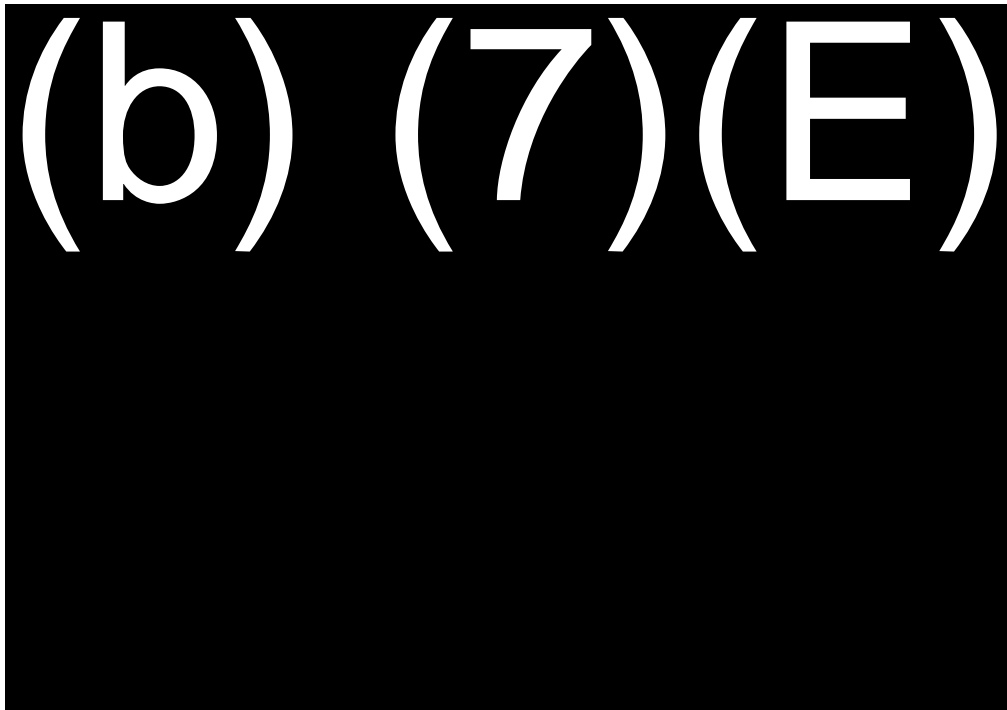
- “Sent to Background Check Unit (BCU) for Resolution” (b) (7)(E) when sending a DACA request to the BCU; and
- “Received from Background Check Unit (BCU) with Resolution” (b) (7)(E) when receiving a DACA request from the BCU for final processing.

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Background and Security Checks, Continued

Overview of Background Check Process

Appendix C illustrates a high level overview of the background check process once potentially derogatory information has been identified as a result of the security checks, or from other sources.



A. Procedures for confirming a match

USCIS personnel must:

- Determine if the subject of the derogatory information relates to the requestor; and
- Compare the information from the security check or other source to the biographic, biometric information, and physical descriptors about the individual.

USCIS personnel may use any combination of available identifiers, to assist in the determination. While USCIS officers primarily rely on best judgment and experience in determining whether the information relates to the individual, USCIS personnel should consult with a supervisor if there is any uncertainty as to whether the information relates to the DACA requestor. If there continues to be any uncertainty about the match, supervisors may work through their chain of command and with HQ, if necessary.

Continued on next page

Background and Security Checks, Continued

Overview of Background Check Process
(continued)

B. Triage Information

1. *Conclusive Match*

Once it is determined that the information relates to the individual, USCIS personnel must determine if the results fall into the following categories, which require special processing:

- National Security;
- EPS or other criminal cases; or
- Articulated immigration Fraud.

Criminal hits, which involve a violation of U.S., state, or local criminal law, but do not rise to the level of an EPS concern, as defined in the November 7, 2011, NTA memorandum, impact each case differently and should be considered during the adjudication process to determine if such activity is germane to the request for consideration of deferred action for childhood arrivals. Criminal activity occurring outside of the United States (including foreign convictions) that may be revealed during routine background checks or which the requestor may have disclosed on the deferred action request, factor into the evaluation of whether the requestor poses a public safety concern, under the totality of the circumstances.

2. *Inconclusive Match*

When USCIS officers are unable to confirm the match after exhausting available electronic systems searches and other resources, personnel must consult their chain of command to determine the appropriate follow-up action. In some instances, (b) (7)(E) RFE to confirm the match, or other appropriate action may be required. USCIS personnel must then document the hit, include a statement in the Resolution Memorandum or other memoranda, as required, explaining the inconclusive nature of the match determination, the actions taken to resolve the hit, and refer the case to the appropriate unit or field office to confirm the match. If USCIS personnel are still unable to confirm the match, refer the case through the chain of command.

C. Resolve Concern

Resolution may require a variety of activities to be completed by the BCU which include, but are not limited to (b) (7)(E)

(b) (7)(E)

Continued on next page

Background and Security Checks, Continued

Overview of Background Check Process (continued)

Deconfliction is the coordination between USCIS and another governmental agency or record owner to ensure that planned adjudicative activities (e.g., interview, request for evidence, site visit, decision to grant or deny, issue an NTA, and the timing of such) do not compromise or impede an ongoing investigation or other record owner interest.

D. Document the Resolution

Each hit requires documentation by the BCU DACA Team member of any resolution. Review the specific information for each background and security check for more information on documenting the resolution.

E. Adjudication

Once the NS/EPS/other criminal concern has been resolved, the BCU DACA ISO should proceed with adjudication.

(b) (7)(E)

USCIS will conduct (b) (7)(E) batch queries on the (b) (7)(E) all DACA requests within 15 calendar days of initial receipt. The objective of

(b) (7)(E)

In addition, USCIS has access to other types of records, referred to as “hot files.” The following records are “hot files”:

- Wants/Warrants;
- Foreign Fugitives;
- Missing Persons;
- Registered Sex Offenders;
- Deported Felons;
- Supervised Release;
- Protection Orders;
- Terrorist Organization Members; and
- Violent Gang Members.

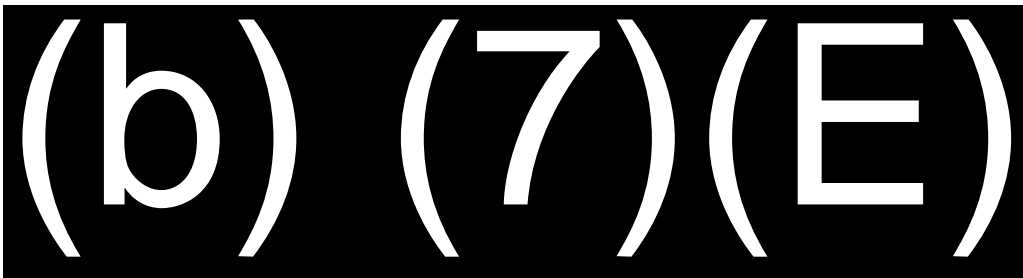
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Background and Security Checks, Continued

(b) (7)(E)

(continued)

Officers must determine whether the result of a security check relates to the subject or does not relate (DNR). Officers review and resolve security checks and complete the background checks. For (b) (7)(E) procedures, search criteria and best practices, refer to the current NaBISCOP policy.



The following items, if present, must be reviewed in the DACA A-file for name and DOB combinations and aliases, (b) (7)(E)

- Form I-821D;
- Form I-765;
- All supporting documents; and
- Any other documents in the A-file relating to the DACA request including, but not limited to the following:
 - Passports;
 - Visas;
 - Border Crossing Cards (BCC);
 - Forms I-94;
 - Birth Certificates;
 - Marriage Certificates;
 - Divorce Decrees;
 - Diplomas/Academic Transcripts;
 - Student Identification Cards;
 - Military Identification Cards;
 - Driver's Licenses;
 - Social Security Cards; or
 - Business/Membership Cards.

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Background and Security Checks, Continued

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

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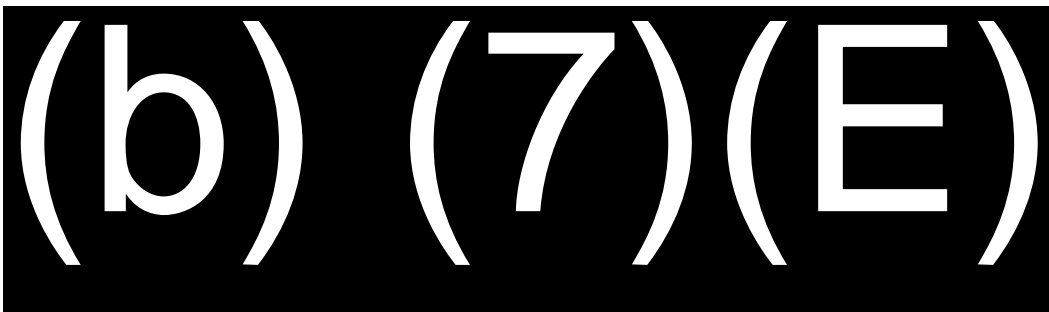
Background and Security Checks, Continued

Resolution Memorandum

The resolution memorandum is the formal documentation of the reconciliation of a related hit. This is a mandatory action that must be completed before rendering a final adjudicative decision. Before completing the adjudication, the officer should ensure that each resolution memorandum completely resolves the hit. For a related hit, a separate resolution memorandum must be completed for each subject with a related hit and each file containing a related hit. For procedures and formats for the resolution of related hits, refer to the current NaBISCOP policy.

FBI Fingerprint Check

The FBI Fingerprint Check provides summary information of an individual's administrative or criminal record within the United States. The FBI Fingerprint Check is conducted through the Integrated Automated Fingerprint Identification System (IAFIS). The IAFIS is a national fingerprint and criminal history system maintained by the FBI's Criminal Justice Information System (CJIS) Division. State, local, and Federal law enforcement agencies submit fingerprints and corresponding administrative or criminal history information to IAFIS. Participation by state and local agencies is not mandatory, so the FBI Fingerprint check does not contain records from every jurisdiction. The information contained in the record is obtained using prior fingerprint submissions to the FBI related to arrests and, in some instances, Federal employment, naturalization, or military service.



Issues of criminality arising from an IDENT, IDENT handling procedures, and adjudication of the case based on the IDENT, are addressed more fully in Chapter 8, Section G of this SOP.

Continued on next page

Background and Security Checks, Continued

**FBI
Fingerprint
Check
Procedures**

All individuals filing a DACA request will be scheduled for biometrics capture (photo, fingerprints, and signature) at an ASC regardless of whether biometrics were captured for the requestor from a previous filing with USCIS within the last 15 months. DACA requestors under the age of 14 will have the press print captured instead of full fingerprints.

Chapter 7: DACA Overview

Filing

All individuals requesting DACA must file their request individually and satisfy the DACA guidelines in their own right; USCIS will not consider deferring removal action of an individual under DACA based on their familial relationship to someone who has received DACA. There is no derivative DACA.

Commonwealth of the Northern Mariana Islands (CNMI) Not Eligible

The CNMI is part of the United States and is not excluded from this process. However, because of the specific guidelines for DACA, individuals who have been residents of the CNMI are in most cases unlikely to qualify for the program because they must, among other things, have come to the United States before their 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 November 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 DACA.

USCIS has used parole authority in a variety of situation in the CNMI to address particular humanitarian needs on a case-by-case basis since November 28, 2009. If an individual lives in the CNMI and believes that he or she meets the guidelines for DACA except that his or her entry and/or residence to the CNMI took place entirely or in part before November 28, 2009, USCIS will consider the situation on a case-by-case basis for a grant of parole. Individuals who believe this situation applies to them are instructed to make an appointment through INFOPASS with the USCIS Application Support Center in Saipan to discuss their case with an immigration officer.

Continued on next page

DACA Overview, Continued

Initial DACA Package

A complete DACA package must include the following items:

1. Form **I-821D**, Consideration of Deferred Action for Childhood Arrivals, properly filed with proper signature.
2. Form **I-765**, Application for Employment Authorization with **I-765 WS**, properly filed with proper signature, the base filing fee, and the biometric services fee. The fees for Form I-765, and the biometric services fee are not eligible for fee waiver consideration.*
3. Evidence of identity to include date of birth, which would establish compliance with the upper and lower age limits.
4. Evidence of entry prior to the requestor's 16th birthday.
5. Evidence of continuous residence since June 15, 2007, up to the date of filing.
6. Evidence of unlawful status on June 15, 2012, if admitted or paroled.
7. Evidence of presence in the United States on June 15, 2012.
8. Evidence that any absences from the United States during the required period of continuous residence were brief, casual, and innocent absences.
9. Evidence that the requestor is currently in school at the time of filing, graduated or obtained a certificate of completion from a U.S. high school, public or private college, or university or community college, obtained a general educational certificate (GED) or other equivalent State-authorized exam in the United States, or is an honorably discharged veteran of the Coast Guard or U.S. Armed Forces.

*If the requestor has been determined exempt from the fee. The DACA package must be accompanied by the exemption approval letter from USCIS Headquarters.

Continued on next page

DACA Overview, Continued

DACA Guidelines

An individual meeting the following guidelines may be favorably considered for DACA if, under the totality of the circumstances, he/she:

1. Entered without inspection before June 15, 2012, or his or her lawful immigration status expired as of June 15, 2012. For DACA purposes, the phrase “in unlawful status as of June 15, 2012” means that he/she never had a lawful immigration status on or before June 15, 2012, or any unlawful status or parole that he/she obtained prior to June 15, 2012 had expired before June 15, 2012;
 2. Was under the age of 31 as of June 15, 2012 (Born after June 15, 1981 so was not age 31 or older on June 15, 2012);
 3. Came to the United States prior to reaching his/her 16th birthday;
 4. Has continuously resided in the United States since June 15, 2007, up to the date of filing;
 5. Was present in the United States on June 15, 2012, and at the time of making his/her request for consideration of deferred action with USCIS;
 6. Is currently in school at the time of filing, has graduated or obtained a certificate of completion from a U.S. high school, has obtained a GED certificate or other equivalent State authorized exam in the United States, or is an honorably discharged veteran of the U.S. Coast Guard or U.S. Armed Forces; and
 7. Has not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and does not otherwise pose a threat to national security or public safety.
-

Chapter 8: Adjudication of The DACA Request

A. Procedural Overview

Evaluating the Evidence

When evaluating the evidence submitted in support of a request for DACA consideration, refer to the discussion of the different types of evidence, the weight to be given to such evidence, and the standards of proof, all of which are discussed in Chapter 1.

Request for Evidence (RFE) versus Notice of Intent to Deny (NOID)

Officers will **NOT** deny a DACA request solely because the DACA requestor failed to submit sufficient evidence with the request (unless there is sufficient evidence in our records to support a denial). As a matter of policy, officers will issue an RFE or a Notice of Intent to Deny (NOID).

If additional evidence is needed, issue an RFE whenever possible.

When an RFE is issued, the response time given shall be 87 days. A list of DACA RFE call-ups and the actual templates can be found in Appendix D.

When a NOID is issued, the response time given shall be 33 days.

Unobtainable A-files

After requesting an A-file from the FCO, there may be occasions when there is no response or the file cannot be released (e.g., pending interview, etc.). After three unsuccessful attempts to obtain the file from a field office via CIS or from ICE, adjudicate the DACA filing from the T-file.

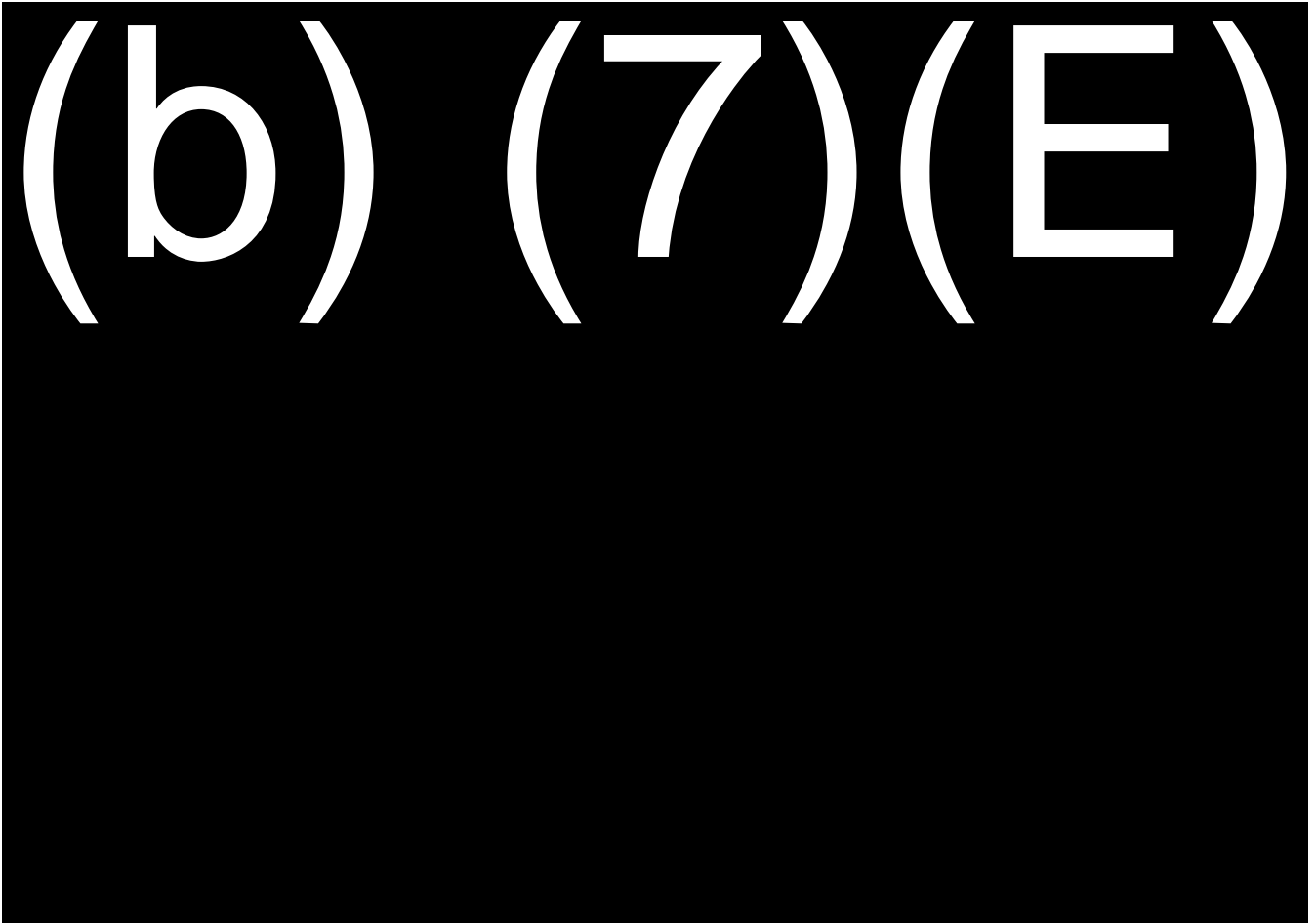
If the A-file is with ICE, the center should send three requests via CIS using standard procedures. However, if the A-file is not received from ICE within the 30 days allowed after the initial request, the center's Records Section should also send a manifest containing a list of the A-files requested from ICE to the designated ICE e-mail box, which has been created specifically for the DACA workload. The center's Records Section has this e-mail box and will designate a primary and an alternate Point of Contact who will send the manifest.

A-File Requests from USCIS Field/Asylum Office Centers may release an A-file to a USCIS Field Office or Asylum Office without SCOPS approval whenever the A-file request is based upon adjudication of a pending of a pending Form I-589, Form I-485 (or motion to reopen/reconsider I-485), or Form N-600 located within the requesting office unless the requestor's case contains novel, complex, or sensitive information (i.e., national security concern, currently in detention, etc.).

In these instances, Centers are instructed to notify SCOPS of the novel, complex, or sensitive information within the case and wait for approval to release the A-file.

Whenever the A-file is released to a USCIS Field Office or Asylum Office, Centers will hold adjudication of the Form I-821D and I-765 and send the A-file with the DACA forms pending. Prior to release, Centers should coordinate with their Records Division to identify a POC within the requesting office to inform the POC that the A-file must be returned as soon as final adjudication is rendered so that appropriate action can be taken on the DACA forms.

B. System Searches



C. Determining if Guidelines are Met

Introduction

Individuals may be considered for DACA upon showing that they meet the prescribed guidelines by a preponderance of the evidence. The evidentiary standards are discussed in Chapter 1. If additional information is needed for DACA consideration, issue an RFE. Appendix D has a list of DACA RFE call ups.

Identity

Acceptable evidence may consist of, but is not limited to:

- A passport,
- A birth certificate accompanied by some type of photo identification,
- Any national identity document from the requestor's country of origin bearing the requestor's photo and/or fingerprint;
- Any U.S.-government immigration or other document bearing the requestor's name and photograph (e.g., Employment Authorization Documents (EADs), expired visas, driver's licenses, non-driver cards);
- Any school-issued form of identification with photo;
- Military identification document with photo
- State-issued Photo ID showing date of birth; or
- Any document that the requestor believes is relevant.

The Matricular Consular or other form of consular identification issued by a consulate or embassy in the United States will be accepted as proof of identity.

Expired documents are acceptable.

If identity is not established, then issue RFE DACA 100 call up from Appendix D.

Age at Time of Filing

If the DACA requestor is not in removal proceedings, does not have a final removal order, or does not have voluntary departure, he/she is to be age 15 or older to file the DACA request. To determine the requestor's age at the time of filing, review the requestor's birth certificate or other acceptable secondary evidence establishing the requestor's date of birth.

If the DACA requestor is in removal proceedings (including cases that have been administratively closed), which includes having an order of voluntary departure after proceedings were initiated or a final order, he/she may be under age 15 at the time of filing the DACA request.

Regardless of whether the DACA requestor is in removal proceedings or not, he/she was born after June 15, 1981 and meets the remaining guidelines in the Secretary's memorandum.

Continued on next page

C. Determining if Guidelines are Met, Continued

Arrived in the United States Prior to 16th Birthday

The Secretary's memorandum states as one of the guidelines to be met before an individual is considered for DACA is that he/she arrived in the United States prior to reaching his/her 16th birthday. To determine the date of arrival, review the response to Part 1, questions 13 through 17 of Form I-821D for the date and place of initial entry into the United States and status at entry. In addition, review question 6 in Part 1 and the requestor's birth certificate or other acceptable evidence establishing the requestor's date of birth.

If the requestor indicates a status in response to question 15 of Form I-821D, but does not provide the I-94# or a copy of the I-94 or any other document, such as a copy of his/her passport showing the date of initial entry, perform a systems check (SQ94/Arrival Departure Information System (ADIS)) to validate the date of entry, if needed.

If the requestor entered "no status" in response to question 15 of Form I-821D, or if the requestor indicates that he/she arrived with a status or was paroled into the United States, but this cannot be validated through a systems check, review the totality of the evidence submitted to establish whether the individual entered before age 16.

If the totality of the evidence does not establish that the requestor arrived in the United States before his/her 16th birthday, issue RFE DACA 103 call up from Appendix D for evidence of the date of arrival.

Present in the United States on June 15, 2012

The Secretary's memorandum states as one of the guidelines to be met before an individual may be considered for DACA that the individual was present in the United States on June 15, 2012. To determine if the requestor was present in the United States on June 15, 2012, review the responses to Part 1 regarding the date of entry, status at entry and date authorized stay expired, and the responses to the questions in Part 2 regarding all absences from the United States since June 15, 2007. Review the totality of the evidence submitted. The evidentiary standards are discussed in Chapter 1. If the requestor arrived before June 15, 2007, and there is no indication of any departure and the evidence submitted establishing his/her presence in the United States on June 15, 2012 is credible, then this guideline has been met.

If a given document does not specifically refer to June 15, 2012, review the dates on all the documentation submitted in its totality to establish presence in the United States on that date.

Continued on next page

C. Determining if Guidelines are Met, Continued

Present in the United States on June 15, 2012
(continued)

The following are examples of acceptable evidence to establish presence in the United States on June 15, 2012. This list of examples is not exhaustive.

Evidence	Acceptable Documentation
Employment Records	<ul style="list-style-type: none"> • Pay stubs; • W-2 Forms; • Federal, State, or local income tax returns; or • Letters from employer(s) or, if the DACA requestor has been self-employed, letters from banks, and other firms with whom he/she has done business. <p>In all of these documents, the employee’s name and the name of the requestor’s 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.</p> <p>Such letters must include: (1) the requestor’s address(es) at the time of employment; (2) the exact period(s) of employment; (3) period(s) of layoff; and (4) a brief summary of the requestor’s duties with the company.</p>
Receipts, Bills, Letters	<ul style="list-style-type: none"> • Rent receipts; • Utility bills (gas, electric, telephone, etc.) bearing the requestor’s name (or family name if residing at same address) and address; or • Receipts or letters from companies showing the dates during which the requestor received service.
School Records	Transcripts, letters, report cards, etc., from the school(s) that the requestor attended in the United States showing the name of school(s) and the period(s) of school attendance.
Medical Records	Hospital or medical records showing medical treatment or hospitalization of the requestor. Such records should show the name of the medical facility or physician, as well as the date(s) of the treatment or hospitalization.

Continued on next page

C. Determining if Guidelines are Met, Continued

Present in the United States on June 15, 2012
(continued)

Evidence	Acceptable Documentation
Memberships	<ul style="list-style-type: none"> • Official records from a religious entity in the United States confirming the requestor’s membership or attendance in the entity, attendance at entity events, or participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding, etc.). • Documentation showing membership in community organizations (e.g. Scouts).
Military Records	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).
Additional Documents	<p>Additional documents to support the requestor’s claim may include:</p> <ul style="list-style-type: none"> • Money order receipts for money sent in or out of the country; • Passport entries; • Birth certificates of children born in the United States; • Dated bank transactions; • Correspondence between the DACA requestor and other persons or organizations; • U.S. Social Security card; • Selective Service card; • Automobile license receipts, title, vehicle registration, etc.; • Deeds, mortgages, contracts to which the DACA requestor has been a party; • Tax receipts; • Insurance policies, receipts, or postmarked letters; and/or • Any other relevant document.

If the totality of the evidence does not establish that the requestor was present in the United States on June 15, 2012, issue RFE DACA 105 call up from Appendix D for additional evidence.

Continued on next page

C. Determining if Guidelines are Met, Continued

Unlawful Immigration Status on June 15, 2012

To be considered for DACA, the requestor is to demonstrate that he/she was in an unlawful status on June 15, 2012. For DACA purposes, the phrase “in unlawful status” means that the requestor never had a lawful immigration status on or before June 15, 2012, or any lawful immigration status or parole that he/she obtained prior to June 15, 2012, had expired before June 15, 2012.

To determine whether the requestor was in an unlawful status on June 15, 2012, review the responses to Part 1 of Form I-821D regarding date of entry, status at entry, and any date that authorized stay or parole expired, if such authorized stay or parole existed. If the requestor was admitted for duration of status or for a period of time that extended past June 14, 2012, but violated his/her immigration status (e.g., by engaging in unauthorized employment, failing to report to his/her employer, or failing to pursue a full course of study) before June 15, 2012, USCIS will not consider his/her case for DACA unless the Executive Office for Immigration Review terminated his/her status by issuing a final order of removal against you before June 15, 2012.

Examples of documents that may show the requestor’s immigration status on June 15, 2012 include, but are not limited to the following:

- I-94/I-95/I-94W Arrival/Departure Record showing the date the requestor’s authorized stay expired;
- If the requestor has a final order of exclusion, deportation, or removal issued on or before June 15, 2012, a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing the requestor into deportation, exclusion, or removal proceedings;
- Any other document that is relevant to show that the requestor lacked lawful immigration status on June 15, 2012; or
- Any document relating to parole.

If needed, officers should conduct a systems check (i.e., to determine if a record exists) for the DACA requestor that will help in establishing his/her unlawful status on June 15, 2012.

If the evidence submitted does not establish that the requestor was in an unlawful status on June 15, 2012, issue RFE DACA 104 call up from Appendix D for additional evidence.

An individual who had Temporary Protected Status (TPS) on June 15, 2012, will not be considered for deferred action for childhood arrivals.

**Not
Age 31 or Older
on
June 15, 2012**

The Secretary's memorandum provides that one of the guidelines to be met before an individual is considered for DACA is that the individual was not age 31 or older on June 15, 2012. In other words, the DACA requestor was born after June 15, 1981. To determine whether the requestor was born after June 15, 1981, review the requestor's birth certificate or other acceptable secondary evidence establishing the requestor's date of birth.

If there is no evidence establishing the requestor's date of birth, issue DACA RFE 140 call up from Appendix D.

Continued on next page

C. Determining if Guidelines are Met, Continued

Continuous Residence (CR)

The individual requesting DACA is to submit evidence that he/she has resided continuously in the United States since June 15, 2007, or earlier, and up to the present time. Present time means the date of filing.

If the answers to any of the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D are blank or if page 3 of the form is missing and no documentation was submitted, or the documentation submitted does not reasonably show when the requestor arrived and that the requestor meets the continuous residence (CR) guideline, issue an RFE. Include a copy of the original Form I-821D (if page 3 is missing, also include a blank page 3) with the RFE asking the requestor to provide the missing answers and to provide documentation that may establish CR.

The following are examples of acceptable evidence of (CR). This list of examples is not exhaustive.

Evidence	Acceptable Documentation
Employment Records	<ul style="list-style-type: none"> • Pay stubs; • W-2 Forms; • Federal, State, or local income tax returns; or • Letters from employer(s) or, if the DACA requestor has been self-employed, letters from banks, and other firms with whom he/she has done business. <p>In all of these documents, the employee’s name and the name of the requestor’s employer or other interested organization is to appear on the form or letter, as well as relevant dates. Letters from employers are to be signed by the employer and are to include the employer’s contact information.</p> <ul style="list-style-type: none"> • Such letters are to include: (1) the requestor’s address(es) at the time of employment; (2) the exact period(s) of employment; (3) period(s) of layoff; (4) and a brief summary of the requestor’s duties with the company
Receipts, Bills, Letters	<ul style="list-style-type: none"> • Rent receipts; • Utility bills (gas, electric, telephone, etc.) bearing the requestor’s name (or family name if residing at same address) and address; or • Receipts or letters from companies showing the dates during which the requestor received service.

Continued on next page

C. Determining if Guidelines are Met, Continued

Continuous Residence (CR)
(continued)

Evidence	Acceptable Documentation
School Records	<ul style="list-style-type: none"> • Transcripts, letters, report cards, etc., from the school(s) that the requestor attended in the United States showing the name(s) of the school(s) and periods of school attendance.
Medical Records	Hospital or medical records showing medical treatment or hospitalization of the requestor. Such records are to show the name of the medical facility or physician, as well as the date(s) of the treatment or hospitalization.
Memberships	<ul style="list-style-type: none"> • Official records from a religious entity in the United States confirming the requestor’s membership or attendance in the entity, attendance at entity events, or participation in a religious ceremony, rite, or passage (e.g., baptism, first communion, wedding, etc.). • Documentation showing membership in community organizations (e.g. Scouts).
Military Records	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).
Additional Documents	<p>Additional documents to support the requestor’s claim may include:</p> <ul style="list-style-type: none"> • Money order receipts for money sent in or out of the country; • Passport entries; • Birth certificates of children born in the United States; • Dated bank transactions; • Correspondence between the DACA requestor and other persons or organizations; • U.S. Social Security card; • Selective Service card; • Automobile license receipts, title, vehicle registration, etc.; • Deeds, mortgages, contracts to which the DACA requestor has been a party; • Tax receipts; • Insurance policies, receipts, or postmarked letters; and/or • Any other relevant document.

Continued on next page

C. Determining if Guidelines are Met, Continued

Brief, Casual and Innocent (BCI) Absence on CR

A brief, casual, and innocent absence from the United States will not interrupt the DACA requestor's continuous residence. A departure made before August 15, 2012, will not be disqualifying if the departure was "brief, casual, and innocent." Travel occurring after August 15, 2012, will not be considered brief, casual, and innocent, unless removal has been deferred under DACA and advance parole have been granted.

If the requestor indicated in Part 2 of the Form I-821D that he/she has been absent before August 15, 2012, review the reason for the absence and any evidence submitted to show that it was brief, casual, and innocent.

Examples of evidence establishing that an absence was brief, casual, and innocent and therefore did not interrupt the requestor's continuous residence include, but are not limited to:

- Plane or other transportation tickets or itinerary showing the travel dates;
- Passport entries;
- Hotel receipts showing the dates the requestor was abroad;
- Evidence of the purpose of the travel (e.g., the requestor attended a wedding or funeral);
- Copy of any advance parole documents; or
- Any other relevant/probative evidence that could support a brief, casual, and innocent absence, as that term is defined in the definitions section of this SOP.

Note that a departure made while under an order of voluntary departure or deportation, exclusion, or removal is not brief, casual, and innocent.

Continued on next page

C. Determining if Guidelines are Met, Continued

Effect of Travel Outside of the United States After August 15, 2012

- Travel outside the United States after August 15, 2012 and before the DACA request is filed:
 - The departure interrupts a requestor's continuous residence in the United States. The requestor cannot meet the continuous residence guideline for DACA and removal action should not be deferred.
 - Travel outside the United States while the DACA request is pending:
 - The departure shall be deemed an abandonment of the DACA request; therefore, the request will be denied for abandonment.
 - Travel outside the United States after removal action has been deferred under DACA, but without advance parole:
 - Deferred action under DACA is terminated automatically.
-

CR/BCI Not Met

If CR is not met, issue the following RFE DACA 101 call up from Appendix D.

If no documentation is submitted to show that a departure was brief, casual, and innocent, or the documentation is not sufficient, issue the following RFE DACA 102 call up from Appendix D.

If routine systems checks, documentation submitted with the DACA request, or evidence in the A-file indicate that a departure was made while under an order of voluntary departure or deportation, exclusion, or removal, issue a Notice of Intent to Deny (NOID) with the opportunity for the requestor to rebut the derogatory information. See Appendix E for NOID Template.

Continued on next page

C. Determining if Guidelines are Met, Continued

Education

To meet the educational guideline for DACA consideration, a DACA requestor may show that he/she is currently in school, has graduated or obtained a certificate of completion from a U.S. high school or has a recognized equivalent of a high school diploma under State law, public or private college, or university or community college, or has obtained a General Educational Development (GED) certificate or equivalent State-authorized exam in the United States. Note that evidence of enrollment in on-line courses is acceptable. When reviewing such evidence, the completeness, credibility, relevance, and sufficiency are germane and take precedence over the electronic medium over which the education was received.

Each component of this guideline is discussed in more detail below.

Currently In School

To be considered “currently in school,” a requestor is to be enrolled in:

- a public or private elementary school, junior high or middle school, high school, or secondary school;
- an education, literacy, or career training program (including vocational training or an English as a Second Language (ESL) course) that is designed to lead to placement in post-secondary education, job training, or employment;
- 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 equivalent State-authorized exam; or
- a public or private college or university or a community college;

For ease of reading, education, literacy, and career training programs will be referenced collectively as “alternative educational programs.” When the DACA requestor seeks to meet the “currently in school” component of the educational guideline based on enrollment in an alternative educational program, the requestor’s current enrollment in that program is to be in preparation for the requestor’s anticipated subsequent placement in post-secondary education, job training, or employment (new employment or advancement within existing employment). Evidence of such subsequent placement is not required.

Continued on next page

C. Determining if Guidelines are Met, Continued

Currently In School (continued)

A DACA requestor who is enrolled in a personal enrichment class (such as arts and crafts) or who is enrolled in a recreational class (such as canoeing) is not in an alternative educational program and thus not considered to be “currently in school” for DACA purposes.

In determining whether enrollment in an alternative educational program meets the “currently in school” component of the educational guideline for DACA consideration, first, review the documentary evidence provided to see whether the alternative educational program is an education, literacy, or career training program (including vocational training and ESL) and whether it is publicly funded in whole or in part (State, Federal, county, or municipal funds.) If it is an alternative educational program and it receives public funding, no further evaluation is required. As long as the information is provided by the school/program, it is not necessary to RFE for copies of the actual funding documents. If this information is not provided, the RFE should request the information, but not require copies of the actual funding documents. If it is a literacy program that is run by a non-profit entity, no further evaluation is required with respect to the first part of the analysis. If, however, it is an alternative educational program that does not receive any public funding and it is not a non-profit literacy program, then officers are also to assess whether the program is of demonstrated effectiveness and are to look for such evidence, as described in more detail below.

Some of the ways a DACA requestor can meet the “currently in school” component of the educational guideline for DACA consideration and the different types of evidence that can be submitted, depending on the type of program in which he/she is enrolled, are discussed separately below. The examples and types of evidence listed here are illustrative, and not exhaustive.

Continued on next page

**Public or Private
Elementary,
Junior
High/Middle
School, or High
School/Secondary
School**

Currently in School

Public or Private Elementary, Junior High/Middle School, or High School/Secondary School

Evidence of enrollment in a public or private elementary, junior high/middle school, or high school/secondary school may include, but are not limited to, copies of:

- **Accepted for Enrollment:** Evidence of acceptance for enrollment may include, but is not limited to:
 - An acceptance letter on school letterhead from the school's authorized representative, if the requestor was accepted for enrollment, but the classes have not yet commenced. Such acceptance letter is to include the name and address of the school, the requestor's grade level, and the date that the classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, for a student with a disability, would also be acceptable evidence of enrollment;
 - A copy of the current tuition bill;
 - A current class schedule containing the student's name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.

- **Already Attending Classes:** For DACA requestors already enrolled and attending classes, evidence may include, but is not limited to, current school registration cards, current transcripts, report cards, and progress reports. The document(s) presented are to show the name of the student, the name of the school, the time period or semester covered by the document, and the current grade level. A current IEP showing the student's progress to date would also be acceptable evidence that the DACA requestor has been accepted for enrollment and is attending classes.

A claim of homeschooling is not necessarily an indicator of fraud; however, because homeschool programs and their requirements vary widely from state to state, refer the case to CFDO for further research and evaluation. Even if the file contains documents including transcripts, a diploma or a certificate of completion as a result of homeschooling, the case must be referred to CFDO for further research and evaluation prior to final adjudication. CFDO referrals on "homeschooling" are only mandatory prior to adjudication if the homeschooling is the basis for meeting the education guideline; if not, then the case can be processed normally and is then referred to the CFDO after final adjudication for tracking purposes.

C. Determining if Guidelines are Met, Continued

Public or Private
College or
University, or
Community
College

Currently in School

Public or Private College or University, or Community College

Evidence of enrollment in a public or private college or university or a community college may include, but is not limited to, copies of:

- **Accepted for Enrollment:** Evidence of acceptance for enrollment may include, but is not limited to:
 - An acceptance package or other related material on school letterhead from the school's authorized representative, if the requestor was accepted for enrollment, but the classes have not yet commenced. Such acceptance package or other related material is to include the name and address of the school, the requestor's grade level or class year, and the date or term when the classes are scheduled to commence, and is to be accompanied by evidence that the student has registered for class. In addition, the acceptance package or other related material is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, for a student with a disability, would also be acceptable evidence of enrollment;
 - A copy of the student's current tuition bill;
 - The student's current class schedule containing the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
- **Already Attending Classes:** For DACA requestors already enrolled and attending classes, evidence may include, but is not limited to, current school registration cards, current transcripts, report cards, and progress reports. The submitted document(s) are to show the name of the student, the name of the school, the time period or semester covered by the document, and the current grade level or class year. A current IEP showing the student's progress to date would also be acceptable evidence that the DACA requestor has been accepted for enrollment and is attending classes.

It is not necessary to RFE for a copy of the high school diploma or GED, unless there are articulable reasons to question the evidence of acceptance and enrollment or attendance in a public or private college or university, or community college.

Continued on next page

C. Determining if Guidelines are Met, Continued

General
Education
Development
(GED)

Currently in School GED

If a DACA requestor claims that he/she is enrolled in a course of study to pass a GED exam or other equivalent State-authorized exam, the DACA request is to include a letter or other documentation from an authorized representative of the program, that includes information such as:

- The requestor's name and date of enrollment;
- The duration of the program and expected completion date;
- Whether the course of study is for a GED exam or other equivalent State-authorized exam;
- The program's source of public funding (Federal, State, county, or municipal), if any; and
- The program's authorized representative's contact information.

If the GED/Equivalency program is not publicly funded in whole or in part, documentation from the program should also provide information about the program's demonstrated effectiveness. Such information could include, but is not limited to, information relating to:

- The duration of the program's existence;
- The program's track record in assisting students in obtaining a GED, or a recognized equivalent certificate;
- Receipt of awards or special achievement or recognition that indicate the program's overall quality; and/or
- Any other information indicating the program's overall quality.

Continued on next page

C. Determining if Guidelines are Met, Continued

Educational or Career Training Program (Including Vocational Training)

Currently in School

Educational or Career Training Program (Including Vocational Training)

The documentary evidence submitted in support of the “currently in school” guideline based on enrollment in an educational or career training program (including vocational training) may include, but is not limited to:

- **Accepted for Enrollment:** An acceptance letter on school letterhead from the school registrar/authorized school representative, if the requestor was accepted for enrollment, but the classes have not yet commenced. Such acceptance letter is to include the name and address of the program, a brief description of the program, the duration of the program, and state the date the classes are scheduled to commence, and is to be accompanied by evidence that the student has registered for the program. Evidence of the requestor’s acceptance for enrollment may also include a copy of his/her current year registration (intake form/enrollment form), or any other relevant documentation. The DACA request is also to be supported by evidence of the school or program’s public funding or its demonstrated effectiveness, as described below.

- **Already Attending Classes:**
 - Current attendance records, transcripts, report cards, test reports, progress reports showing the name of the school, the name of the requestor, the time period or semester covered by the document, and, if relevant, the current educational or grade level;
 - A letter from the school registrar/authorized school representative, with contact information, providing information related to the program’s public funding or its demonstrated excellence:

Continued on next page

C. Determining if Guidelines are Met, Continued

Educational or Career Training Program (Including Vocational Training)
(continued)

Public Funding: If the educational or career training program is publicly funded in whole, or in part, the above-referenced letter from the school registrar/authorized school representative is to provide basic details about the funding, such as the source(s) of the funding; or,

Demonstrated Effectiveness: If the educational or career training program is not publicly funded in whole, or in part, the school registrar/authorized school representative is to provide information about the program's demonstrated effectiveness, with supporting documentation, if available. Such information could include, but is not limited to: information relating to:

- The duration of the program's existence;
- The program's track record in placing students in employment, job training, or post-secondary education; Receipt of awards or special achievement or recognition that indicate the program's overall quality; and/or
- Any other information indicating the program's overall quality.

Literacy Training

Currently in School

The documentary evidence submitted in support of the "currently in school" guideline based on enrollment in a literacy program is to include, but is not limited to:

- A letter from the literacy program administrator or authorized representative providing information such as:
 - The requestor's name;
 - The date of the requestor's enrollment;
 - The duration of the literacy program and the expected completion date;
 - The program administrator or authorized representative's contact information;
 - Information about the literacy program's non-profit status, if applicable, and evidence of such status:
 - Evidence of the literacy program's non-profit status is to include a copy of a valid letter from the Internal Revenue Service confirming exemption from taxation under section 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, or equivalent section of prior code; or
- If the literacy program is not administered by a non-profit organization, information related to the literacy program's source of public funding or its demonstrated effectiveness:

Continued on next page

C. Determining if Guidelines are Met, Continued

**Literacy
Training**
(continued)

-
- **Public Funding:** If the literacy program is publicly funded in whole, or in part, the letter from the literacy program administrator or authorized representative is to provide basic details about the funding, such as the source(s) of the funding. ; or
 - **Demonstrated Effectiveness:** If the literacy program is not publicly funded in whole or in part, or not administered by a non-profit entity, the literacy program administrator or authorized representative is to provide information about the program's demonstrated effectiveness. Such information could include, but is not limited to:
 - The duration of the program's existence;
 - The program's track record in placing students in employment, job training, or post-secondary education;
 - Receipt of awards or special achievement or recognition that indicate the program's overall quality; and/or
 - Any other information indicating the program's overall quality.

It should be noted that many literacy programs may not track statistics on placement rates following completion of the program. Therefore, the lack of such data, standing alone, does not diminish the literacy program's record. Evaluate all of the information and evidence provided in its totality for credibility and sufficiency.

A claim of enrollment in a literacy class run by a for-profit entity that does not receive any public funding is not necessarily an indicator of fraud; however, a vast number of literacy programs are offered for free or at a minimal cost. Therefore, if the literacy program is a **for-profit** entity and does not receive any public funds, refer the case to CFDO for further research and evaluation.

Continued on next page

C. Determining if Guidelines are Met, Continued

English as a
Second Language
(ESL)

Currently in School

English as a Second Language (ESL)

The documentary evidence submitted in support of the “currently in school” guideline based on enrollment in an ESL class is to include, but is not limited to:

- A letter from the ESL program administrator or authorized representative providing information such as:
 - The requestor’s name;
 - The date of the requestor’s enrollment;
 - The duration of the ESL program and the expected completion date;
 - The program administrator or authorized representative’s contact information;
 - Information/documentation related to the ESL program’s public funding or its demonstrated effectiveness:
 - **Public Funding:** If the ESL program is publicly funded in whole, or in part, the letter from the ESL program administrator or authorized representative is also to provide specific details about the funding, such as the source(s) of the funding;
 - **Non-Profit Status:** If the ESL program non-profit status, the ESL program administrator or authorized representative is to provide evidence that the ESL program has non-profit status; or
 - **Demonstrated Effectiveness:** If the ESL program is not publicly funded in whole or in part, the ESL program administrator or authorized representative is to provide information about the program’s demonstrated effectiveness. Such information could include, but is not limited to:
 - The duration of the program’s existence;
 - The program’s track record in placing students in post-secondary education, job training, or employment; Receipt of awards or special achievement or recognition that indicate the program’s overall quality; and/or
 - Any other information indicating the program’s overall quality.

It should be noted that many ESL programs may not track statistics on placement rates following completion of the program. Therefore, the lack of such data, standing alone, does not diminish the school’s record. Evaluate all of the information and evidence provided in its totality for credibility and sufficiency.

Continued on next page

C. Determining if Guidelines are Met, Continued

School Breaks and Medical Leave

At the time of filing, it is possible that school may not be in session due to a holiday or a semester (or quarter or trimester) break. A break may occur during a course, for example spring break, or it may occur between semesters, for example summer break. If a DACA request is filed between semesters, the requestor is considered to be currently in school if he/she is enrolled for the next semester and submits evidence of such enrollment. Note that a requestor on temporary medical leave from school is considered to be currently in school. Evidence of the medical leave and the expected return date to school are to be provided.

Graduated From School

A DACA requestor can also meet the educational guideline if he/she has graduated from school. To meet the “graduated from school” component of the educational guideline, the DACA requestor may show that he/she has graduated or obtained a certificate of completion from a U.S. high school or has a recognized equivalent of a high school diploma under State law, public or private college or university or community college, or has obtained a GED certificate or other equivalent State-authorized exam in the United States. For the purpose of considering an initial DACA request, the phrase “graduated from school” does not include graduation from an education, literacy or career training program (including vocational training or an ESL course). Evidence of graduation may include copies of:

- A diploma;
- A recognized equivalent of high school diploma under State law;
- Transcripts showing the date of graduation;
- A GED Certificate
 - Documentation sufficient to demonstrate that the DACA requestor obtained a GED includes, but is not limited to, evidence the he/she passed a GED exam, or other comparable State-authorized exam, and, as a result, he/she received the recognized equivalent of a regular high school diploma under State law;
- A certificate of completion or certificate of attendance that is equivalent to a high school diploma under state law
 - A certificate of completion or certificate of attendance may or may not be equivalent to a high school diploma. Because the definition of these types of certificate varies widely from state to state, it is important to seek information about how the state’s school district defines a certificate of completion or certificate of attendance and make the determination if it meets the “Graduated from School” guideline;

**Graduated
From
School**
(continued)

- If there is uncertainty about whether the certificate of completion or certificate of attendance meets the “Graduated from School” guideline, in this instance a requestor may be able to meet the “Currently Enrolled in School” guideline if the requestor shows enrollment in an education program assisting students either in obtaining a high school diploma or its recognized equivalent under State law;
- An alternate award from a public or private high school or secondary school.

A claim of homeschooling is not necessarily an indicator of fraud; however, because homeschool programs and their requirements vary widely from state to state, refer the case to CFDO for further research and evaluation. Even if the file contains documents including transcripts, a diploma or a certificate of completion as a result of homeschooling, the case must be referred to CFDO for further research and evaluation prior to final adjudication. CFDO referrals on "homeschooling" are only mandatory prior to adjudication if the homeschooling is the basis for meeting the education guideline; if not, then the case can be processed normally and is then referred to the CFDO after final adjudication for tracking purposes.

Continued on next page

Military Service The Secretary's memorandum states that, in lieu of being currently in school, or having graduated from school (including a GED), the requestor may be an honorably discharged veteran of the U.S. Coast Guard or U.S. Armed Forces. This may include reservists who were honorably discharged.

Examples of acceptable evidence include, but is not limited to the following:

- 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; or
- Any other relevant document.

If the requestor indicated in question 24 of Part 1 that he/she was a member of the U. S. Armed Forces or Coast Guard, but did not submit evidence of an honorable discharge and does not otherwise meet the educational guidelines, issue RFE DACA 107 call up from Appendix D.

The Form DD-214 and NGB Form 22 both contain a section, "Character of Service" listing the type of discharge a service member obtained. The main types of discharges include the following:

- (1) Honorable;
- (2) General (Under Honorable Conditions);
- (3) Under Other Than Honorable Conditions;
- (4) Bad Conduct;
- (5) Dishonorable; or
- (6) Uncharacterized.

For purposes of DACA, if Character of Service is Honorable or General (Under Honorable Conditions) the requestor has satisfied the military service guideline.

Currently serving in the U.S. Coast Guard or U.S. Armed Forces does not qualify.

D. Economic Necessity

Reviewing Economic Necessity

An EAD based on a grant of deferred action requires a showing of economic necessity. To facilitate this economic necessity review, a separate worksheet was created, Form I-765WS. To streamline adjudication of the DACA request and the I-765, officers will review the I-765WS during the adjudication of Form I-821D. During file set-up, the I-765WS will be put in ROP order immediately behind the Form I-821D.

If Form I-765WS is completely blank or is missing, issue an RFE on the I-765 (not the Form I-821D) using DACA 180 call up from Appendix D, but only if the requestor does not include evidence that a fee exemption was granted. The fee exemption will be indicated in C3 as “Fee Waiver Granted.” If an officer issues an RFE on the I-765, he/she should proceed with adjudication of the I-821D. When the response to the I-765 RFE is received and the I-765 is approved, the expiration date of the EAD should not exceed the end date of the deferred removal under DACA.

If the requestor does not respond to the I-765 RFE, the I-765 should be denied for abandonment; however, the Form I-821D can be approved for DACA if the guidelines have been met. When denying the Form I-765 for abandonment, an officer should use the standard abandonment denial used at his/her center.

If/when Form I-765WS has been completed, review the information provided regarding current income, assets, and expenses to determine whether economic necessity has been established. The requestor may, but need not, include supporting documents with Form I-765WS.

There is a general presumption that DACA requestors will need to work given their undocumented circumstances and the fact that they are not generally anticipated to have independent means. Absent evidence of sufficient independent financial resources, the Form I-765WS is sufficient to establish economic need, without any further economic analysis.

D. Removal Proceedings

Removal Proceedings

Individuals in removal proceedings may file a DACA request, even if they are under age 15, as long as they were born after June 15, 1981. As explained more fully below, removal proceedings commence with the filing of Form I-862, Notice to Appear, with the Immigration Court and terminate in one of several ways. See 8 C.F.R. §245.1(c)(8)

If a DACA requestor has been or is currently in deportation, exclusion, or removal proceedings, he/she may have another A-file, which should have been discovered by the officer during the initial review of the I-821D and/or Record of Arrest and Prosecution (RAP) sheet (if any). Please see the “A-File” section.

There are several ways to determine if the DACA requestor:

- Was or is in proceedings;
- What the outcome of the proceeding was; and
- If he/she was previously removed.

(b) (7)(E)

See the charts below for an overview of the electronic systems to check.

(b) (7)(E)

Continued on next page

Removal Proceedings, Continued

Removal Proceedings (continued)



Effects of Deportation or Removal Proceedings

The existence of deportation, exclusion, or removal proceedings may have an effect on the exercise of prosecutorial discretion for DACA. If the DACA requestor is in proceedings, the A-file is likely with the ICE office. Before a DACA request may be adjudicated by the Center, the Center should make every attempt to obtain all A-File(s).

Determining Whether an Individual is in Removal Proceedings

Deportation, exclusion, and removal proceedings begin with the filing of the charging document with the Immigration Court. Currently, the charging document used is Form I-862, Notice to Appear. Over the years, proceedings commenced in other ways, including:

1. With the issuance of Form I-221, Order to Show Cause and Notice of Hearing, prior to June 20, 1991;
2. With the filing of Form I-221, Order to Show Cause and Notice of Hearing, issued on or after June 20, 1991, with the immigration court;
3. With the issuance of Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge, prior to April 1, 1997; and
4. With the issuance and service of Form I-860, Notice and Order of Expedited Removal.

It is possible for an individual to have voluntary departure and be in removal proceedings. See Voluntary Departure section below for more information.

Continued on next page

E. Removal Proceedings, Continued

**Determining
Removal
Proceedings
have been
Terminated**

Deportation, exclusion, or removal proceedings terminate when one of the following occurs:

1. The individual leaves the United States under an outstanding order of deportation, exclusion, or removal;
2. The individual is found not to be inadmissible or deportable from the United States;
3. The individual leaves the United States before the expiration of his/her voluntary departure, which was granted in connection with an alternate order of deportation or removal;
4. The charging document is canceled (Form I-122, I-221, I-860, or I-862);
5. The immigration judge or the Board of Immigration Appeals terminates the proceedings; or
6. A Federal court grants a petition for review or an action for habeas corpus.

See 8 C.F.R. §245.1(c)(8)

**Voluntary
Departure**

An individual with voluntary departure may or may not be in removal proceedings. Voluntary departure may be issued before the commencement of proceedings, during proceedings, or at the conclusion of proceedings. When voluntary departure is issued during or at the conclusion of proceedings, it is normally issued as an alternate order of voluntary departure/removal or deportation. An alternate order of voluntary departure converts automatically to an order of removal/deportation when the individual does not leave the United States voluntarily by the specified date.

**Administratively
Closed**

Administratively closed proceedings means that proceedings have commenced, but the parties subsequently agreed to remove the matter from the immigration court's docket. Administratively closed does not mean terminated, and thus the individual remains in proceedings. Either party may file a motion to place the case on the court's active docket at any time.

Continued on next page

E. Removal Proceedings, Continued

Use the chart below to assist in determining if a DACA requestor is in removal proceedings:

If...	Then...	And...
(b)	(7)	(E)

Note: The guideline that the individual is under age 31 on June 15, 2012 applies to all DACA requestors regardless of whether they are in deportation, exclusion, or removal proceedings. If the individual was age 31 or older on June 15, 2012, issue a NOID.

Individuals With Final Removal Orders (FRO)

An individual with an unexecuted final removal order is still in removal proceedings. See 8 C.F.R. § 245.1(c)(8). Although the final removal order may have been issued before, on, or after June 15, 2012, the volume of individuals that could be considered for DACA with a post-June 15th final removal order should be small, because ICE began applying the DACA guidelines upon publication of the Secretary’s memorandum. Final removal orders issued after June 15, 2012 should be reviewed carefully to examine the underlying grounds for removal.

If the requestor is the subject of an FRO, then determine the requestor’s age on June 15, 2012. Review the answer provided to question #9 in Part 1 of Form I-821D and review the requestor’s birth certificate or other acceptable secondary evidence submitted to show the date of birth. If the evidence submitted does not show that the requestor satisfies the upper age limit, issue RFE DACA 140 call up from Appendix D.

E. Removal Proceedings, Continued

Subject to the Reinstatement of a Prior Removal Order

When an individual reenters the United States illegally after having been removed or after leaving voluntarily under an order of removal, the individual is subject to reinstatement of the prior removal order from its original date. See INA § 241 (a)(5).

An individual who is subject to reinstatement of their prior removal order under the provisions of § 241 (a)(5) of the Act may file a DACA request; however, the removal **and** the illegal reentry must have occurred before June 15, 2007. This is because a DACA requestor must have resided continuously in the United States for at least five years before June 15, 2012, the date of Secretary's memorandum. Additionally, a removal is not deemed to be a brief, casual, and innocent departure and, therefore, it interrupts the period of continuous residence.

Underlying Removal Ground Adversely Impacts Prosecutorial Discretion

If the DACA requestor indicates in Question #3.a. in Part 1 of Form I-821D that he/she has been in removal proceedings, and/or routine systems, background, and fingerprint checks indicate that the requestor is in removal proceedings, proceed as follows:

- Review the underlying removal charges; and
- Review the derogatory information obtained through routine checks.

Do not rely solely on the grounds listed in the charging document and/or EARM, as not all issues may have necessarily been captured, or new issues may have arisen since the charging document was issued. It is necessary to review all derogatory information in its totality and then make an informed assessment regarding the appropriate exercise of prosecutorial discretion for DACA.

Underlying Removal Ground Does Not Adversely Impact Prosecutorial Discretion

If a DACA requestor has been placed in proceedings on a ground that does not adversely impact the exercise of prosecutorial discretion, review the results of all routine systems, background, and fingerprint checks. If those routine checks did not reveal any additional derogatory information that impacts the exercise of prosecutorial discretion, the case may proceed for adjudication.

Do not rely solely on the grounds listed in the charging document and/or EARM, as not all issues may have necessarily been captured, or new issues may have arisen since the charging document was issued. It is necessary to review all derogatory information in its totality and then make an informed assessment regarding the appropriate exercise of prosecutorial discretion for DACA.

Continued on next page

E. Removal Proceedings, Continued

**Removal
During
Continuous
Residence
Period**

A departure from the United States pursuant to an order of deportation, exclusion, or removal that occurred during the required continuous residence period is not “brief, casual, and innocent.” Therefore any absence caused by such a departure meaningfully interrupts such continuous residence. This also includes a departure made “voluntarily,” for example, the individual leaves the United States on his/her own volition while under an order of deportation, exclusion, or removal.

In these instances, issue a NOID.

F. Fingerprints and RAP Sheets

Fingerprint Requirements

Fingerprints (ten print) are required for every DACA requestor 14 years of age and older to determine if they have a criminal history. Submissions of prior fingerprint results will not be accepted.

FBI Fingerprint Response

At the time of adjudication, the file should contain a (b) (7)(E)

(b) (7)(E)

A definitive response from the FBI regarding fingerprint clearances is required before any DACA request for an individual 14 years of age and older may be approved.

Fingerprint results for the requestor obtained as a result of a previous filing with USCIS within the last 15 months are not valid for DACA purposes. Each DACA requestor must obtain a new fingerprint check upon the filing of a DACA request. Officers should utilize FD-258 to verify that the fingerprint check was completed for the DACA request.

Performing an FBI Query

The fingerprint clearance should be complete before the case is sent for adjudication. If there is no fingerprint result printout in the file, officers must perform a query of FBI Fingerprint Tracking in CLAIMS Mainframe and also check SNAP to see if the requestor has been scheduled for an appointment at an ASC.

(b) (7)(E)

Continued on next page

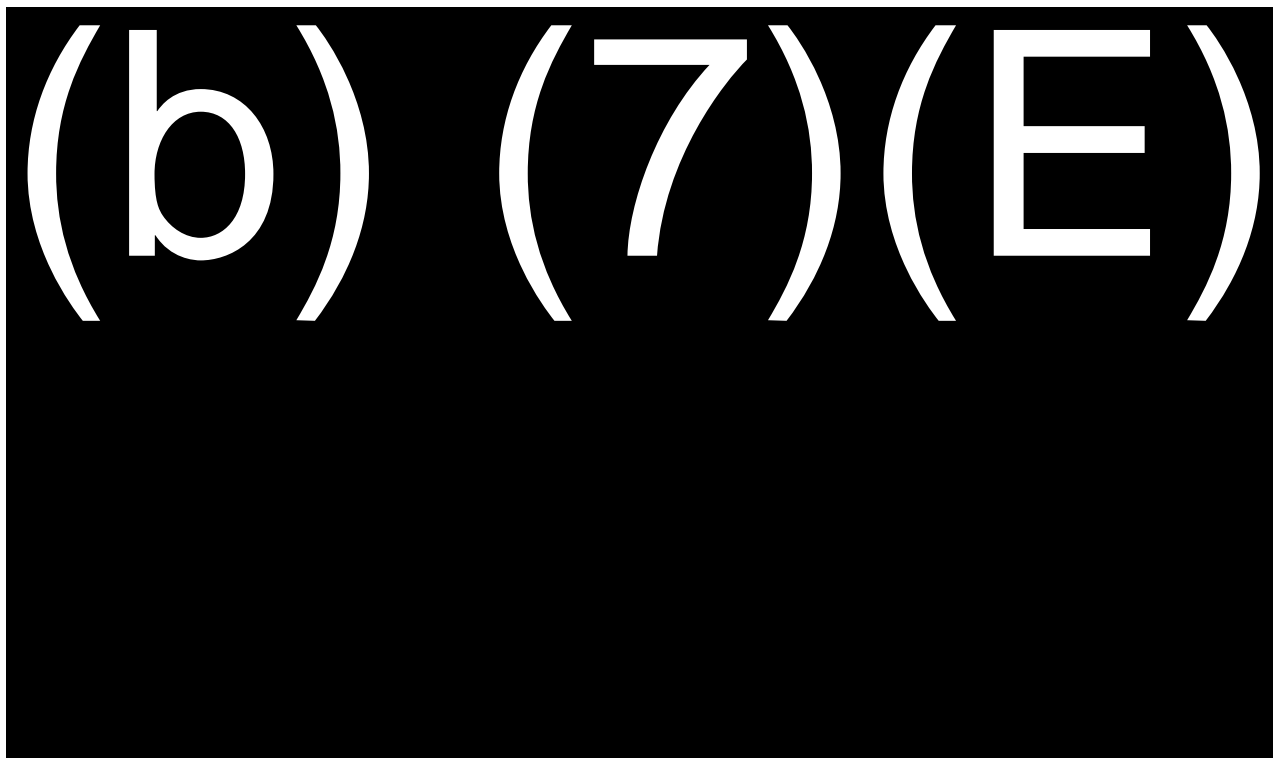
F. Fingerprints and RAP Sheets, Continued

Introduction

There are four possible results of a fingerprint query:

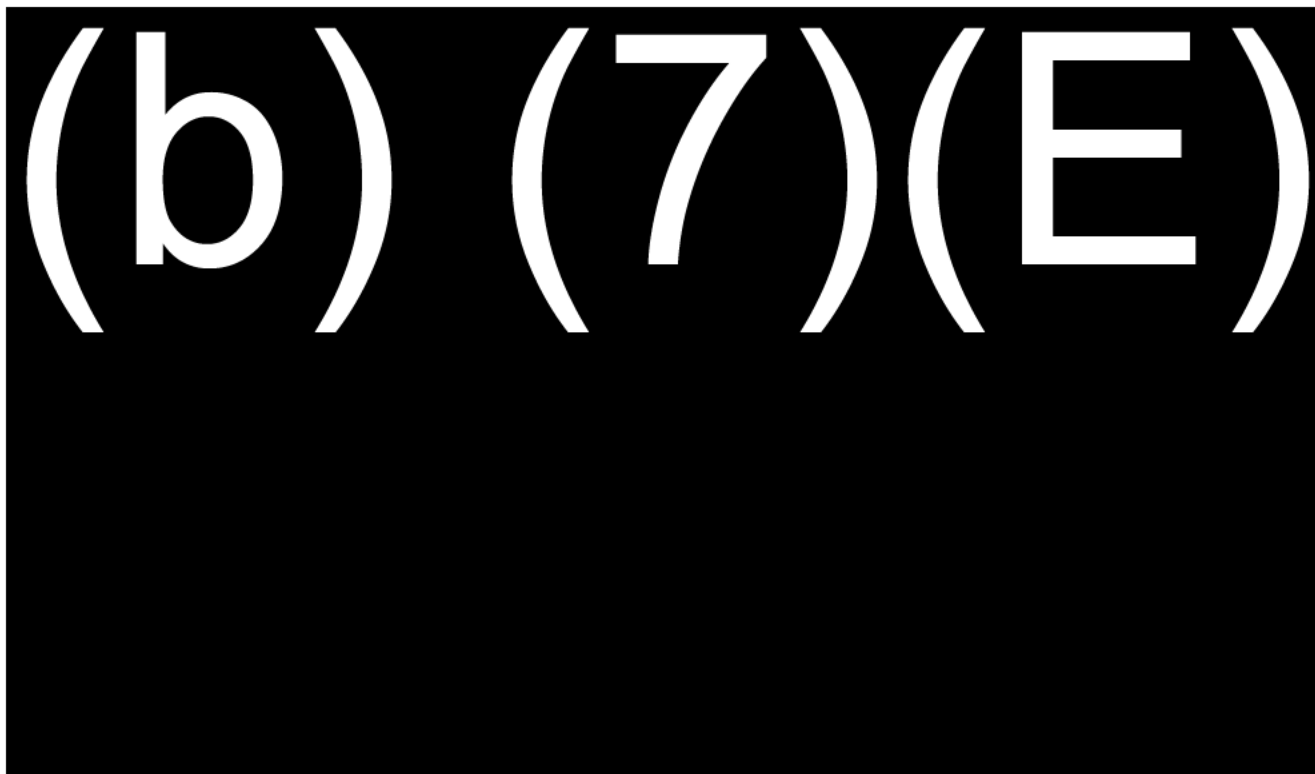
(b) (7)(E)

This section instructs officers on how to proceed based on the fingerprint results.



Continued on next page

F. Fingerprints and RAP Sheets, Continued



A-numbers Found on the RAP Sheet

If any other A-numbers are found on the RAP sheet, the files must be requested, reviewed, and consolidated prior to any final action.

Updated RAP Sheets

Although biometrics will not be cloned from other filings, if the requestor has a criminal history [REDACTED] (b) (7)(E) [REDACTED] the file, request updated (b) (7)(E) sheets through the [REDACTED] (b) (7)(E) [REDACTED]

G. Evaluating Issues of Criminality, Public Safety, and National Security

Criminal Ineligibilities

The Secretary's memorandum provides as one of the guidelines that should be met before an individual is considered for DACA that the individual not have been convicted of a felony offense, a significant misdemeanor offense, three or more non-significant misdemeanor offenses, or otherwise pose a threat to national security or public safety. If the evidence establishes that an individual has a conviction for one of the above or may be a national security or public safety threat, USCIS will deny the request for deferred action, unless exceptional circumstances are found. The requestor must specifically ask to be evaluated under this exception and must fully document the exceptional circumstances.

The decision whether to defer action in a particular case is individualized and discretionary, taking into account the nature and severity of the underlying criminal, national security, or public safety concerns. By their very nature, felonies, significant misdemeanors, a history of other misdemeanors, and activities compromising national security and public safety are particularly serious and carry considerable weight in the totality of the circumstances analysis. As a result, it would take a truly exceptional circumstance to overcome the underlying criminal, national security, and public safety grounds that would otherwise result in not considering an individual for DACA, which would be rare. Deferring removal under DACA shall not be considered under this very limited exception without concurrence from HQSCOPS. In these instances the case shall come to HQSCOPS from the Service Center Director, through the appropriate chain of command.

Felony

A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year.

Continued on next page

G. Evaluating Issues of Criminality, Public Safety, and National Security, Continued

Misdemeanors	<p><u>Significant Misdemeanor:</u></p> <p>For DACA only, 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:</p> <ol style="list-style-type: none">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. <p>The sentence must involve time to be served in custody, and therefore does not include a suspended sentence. The time to be served 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 whether the offense is categorized as a significant or non-significant misdemeanor, 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 or presence of a criminal history, 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.</p>
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Misdemeanors
(continued)

Non-Significant Misdemeanor:

For DACA only, 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 whether the offense is categorized as a significant or non-significant misdemeanor, 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.

G. Evaluating Issues of Criminality, Public Safety, and National Security, Continued

Misdemeanors (continued)

Multiple Misdemeanors:

Absent exceptional circumstances, a person is not eligible for consideration of DACA if he/she has been convicted of three or more non-significant misdemeanors that did not occur on the same day and did not arise out of the same act, omission, or scheme of misconduct.

When evaluating a request for consideration for deferred action for childhood arrivals, a minor traffic offense, such as driving without a license, will not be considered a misdemeanor that counts towards the “three or more non-significant misdemeanors.” However, the requestor’s entire offense history can be considered along with other facts to determine whether, under the totality of the circumstances, he/she warrants an exercise of prosecutorial discretion.

State Law Immigration Offenses

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 pursuant to this process.

Foreign Convictions

When evaluating a request for consideration of deferred action for childhood arrival, a foreign conviction, standing alone, will generally not be treated as a disqualifying felony or misdemeanor. Such convictions, however, may be considered when addressing whether the person poses a threat to public safety and whether, under the particular circumstances, the exercise of prosecutorial discretion is warranted. Cases involving foreign convictions should be elevated for supervisory review.

Court Dispositions

Requesting Certified Court Dispositions

Using RFE DACA 151 call up from Appendix D, request a certified court disposition a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state law.

If the requestor is unable to provide such records because the case was expunged or sealed, RFE DACA 151 informs the requestor that he or she must provide information about his or her arrest and evidence demonstrating that such records are unavailable under the law of the particular jurisdiction. It is not necessary for the officer to issue an RFE if he/she is able to readily obtain the dispositions on line.

Free Online Court Dispositions

There are many online sites that can be searched and the disposition printed for a file copy. These sites are open to the public; therefore, USCIS can gain the final disposition without doing an RFE or ITD if all the charges in question are found, or if enough evidence can be gathered to deny without the remaining charges.

The AAO has upheld prior decisions made using these court dispositions, even though these dispositions are not “certified” by the court, since the information is made available to the public.

Reading Court Dispositions

Court dispositions take as many different forms as there are courts in the United States. There is no way to give specific instructions on how to read such dispositions. Usually the state criminal statutes cite is used to indicate which charge the applicant was actually convicted of. Adjudicators should consult with their supervisor if they have any questions about how to read a court disposition.

Convictions

Pursuant to INA § 101(a)(48)(A), a conviction is a formal judgment of guilt entered by a court or, if adjudication of guilt has been withheld, where:

- 1) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt; and
- 2) the judge has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed.

Nolo contendere means the individual is unwilling to contend. This subjects the individual to some form of punishment, penalty, or restraint as if he/she was found guilty.

An adjudication of juvenile delinquency is not a conviction.

**Formal
Adjudication of
Guilt Withheld**

Court orders in criminal proceedings sometimes include, as part of the disposition, terms such as: Continued without a finding (CWOFF); adjudication withheld; deferred adjudication, etc. Different jurisdictions use different terminology.

Where there is no formal adjudication of guilt, officers must determine whether:

1. A judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt; AND
2. the judge has ordered some form of punishment, penalty, or restraint on the alien's liberty, such as jail, a fine, parole, probation, community service, etc.

The officer must dissect the law, the statute, court order, and conviction, and put all the pieces together to determine whether these requirements for a conviction are met in the absence of a formal adjudication of guilt.

**Imposition of
Costs as
Punishment**

Imposition of costs (such as fines, court costs, etc.) in a criminal case constitutes a form of punishment, and therefore satisfies the second prong of the conviction definition.

Continued on next page

Court Dispositions, Continued

Deferred Prosecution

Deferred prosecution or pretrial diversion programs that do not require the defendant to plead guilty or nolo contendere or require the court to make any finding of guilt do not constitute a conviction for immigration purposes.

Dismissals, Dropped, Set Aside

In many cases, the charges may be dropped or set aside in exchange for the DACA requestor agreeing to attend various self-help courses and programs, or if the person who filed the complaint against him/her fails to appear or chooses to drop the case.

These are not considered convictions for immigration purposes.

Nolle Prosequi

A decision of “nolle prosequi” is a Latin legal term for “declined to prosecute”.

This is not considered a conviction for immigration purposes.

Convictions on Appeal

A conviction is effective for immigration purposes, including DACA, while it is on direct appeal. See *Plane v. Holder*, 652 F.3d 991 (9th Cir. 2011), rehearing en banc denied, 2012 WL 1994862 (2012). If the conviction is ultimately reversed on appeal, the DACA requestor is free to file a new request for DACA if otherwise eligible.

Expunged or Vacated Convictions

For DACA purposes only, expunged convictions will not be treated as disqualifying felonies or misdemeanors. Expunged convictions, however, will be assessed on a case-by-case basis to determine whether the person poses a threat to public safety and whether, under the particular circumstances, the exercise of prosecutorial discretion is warranted. Cases involving expunged convictions should be elevated for supervisory review.

Sealed and expunged records will be evaluated according to the nature and severity of the criminal offense.

STET

The entry of “STET” in a criminal case simply means that the state (Maryland and West Virginia) will NOT proceed against an accused on that indictment at that time. As long as the STET order is still in place and the individual is in compliance, the STET is not a conviction for immigration purposes.

NOTE: Carefully review the file for J&Cs, orders, etc., to determine if a subsequent decision on the offense has been made.

Arrests and Convictions

Criminal Arrests

When a DACA requestor's RAP sheet indicates an arrest, it is necessary to determine whether the DACA requestor has been convicted of the crime.

The only way to know if the DACA requestor has been convicted of the charge for which he/she was arrested is to obtain the certified court disposition. Occasionally the disposition of the arrest is shown on the RAP sheet. **However, in all cases, the officer must review the court disposition. This may be done by obtaining the disposition online or by issuing an RFE.**

Juvenile Delinquency

Juvenile delinquency will not automatically disqualify a DACA requestor. Such criminal history will be evaluated on a case-by-case basis to determine whether, under the particular circumstances, discretion is warranted to defer removal under DACA.

If a requestor was a juvenile, but tried and convicted as an adult he/she will be treated as an adult for purposes of the DACA process. Individuals must provide a certified court disposition, arrest record, charging document, sentencing record, etc. for each arrest, unless disclosure is prohibited under state law.

Sealed and expunged records will be evaluated according to the nature and severity of the criminal offense.

Pardons

A full and unconditional pardon by the President of the United States or by the Governor of a U.S. State eliminates a conviction for purposes of DACA.

Public Safety Concerns

Evaluating Public Safety Concerns

The scope of criminal offenses deemed to be EPS are described in the November 7, 2011, NTA memorandum and the accompanying MOA between USCIS and ICE.

A DACA requestor's criminal record may give rise to significant public safety concerns even where there is not a disposition of conviction. Therefore, when the disposition is pending, it is not necessary to hold the case. For example, an individual with multiple DUI arrests, but no convictions, could pose a significant public safety concern. Similarly, an individual arrested for multiple assaults or other violent crimes could be deemed a public safety risk even if he/she was never convicted for those crimes. Arrests and/or convictions that took place outside of the United States are also significant unfavorable factors in evaluating public safety concerns, under the totality of the circumstances.

National Security Concerns

Evaluating National Security Concerns

A case posing national security concerns is handled through the CARRP process according to existing protocols.

DACA Requestors in Immigration Detention

DACA Requestors in Immigration Detention

USCIS lacks the authority to consider requests from individuals who are in immigration detention under the custody of ICE at the time of filing Form I-821D and remain in immigration detention as of the date Form I-821D is adjudicated. If upon receipt of Form I-821D, a review of DHS electronic systems or information received from ICE identifies the requestor as detained, the Center should follow the below procedures.

The BCU will contact local ICE operations having jurisdiction over the requestor to determine if the requestor is an ICE enforcement priority or if ICE intends on administratively closing the proceedings and/or physically releasing the requestor within 30 days.

1. If ICE indicates that it does not intend to physically release the requestor within 30 days, USCIS will deny the DACA request using the checkbox within Appendix F (Denial Template) that states "USCIS lacks the authority to consider your request because you were in immigration detention at the time you filed your Form I-821D and

Continued on next page

you remain in immigration detention as of the date of this notice.” USCIS will notify ICE once the denial notice is issued.

2. If ICE indicates that the requestor is an ICE enforcement priority but ICE intends on physically releasing the requestor, USCIS will deny the DACA request using the checkbox within Appendix F (Denial Template) that states “...exercising prosecutorial discretion in your case would not be consistent with the Department of Homeland Security’s enforcement priorities.” USCIS will notify ICE once the denial notice is issued
3. If ICE indicates that the case is not an ICE enforcement priority and ICE intends to physically release the requestor, the case will be adjudicated on its merits. **A review of DHS electronic systems must be performed to ensure the requestor is physically released before the case is adjudicated on its merits.**

If a BCU supervisor disagrees with ICE’s determination of whether or not the requestor is an enforcement priority, the BCU should ask local counsel for assistance in contacting local ICE operations to discuss the reasons why USCIS believes this individual is an enforcement priority. The Service Center’s local counsel can seek assistance from USCIS Headquarters’ Office of the Chief Counsel to contact ICE, if necessary.

Handling Procedures

General

The evaluation of criminal issues with respect to a DACA request is done after BCU vetting of the (b) (7)(E) check and the (b) (7)(E) results from the FBI. If the up-front (b) (7)(E) check reveals a hit, the DACA request goes to BCU/Triage. If the hit relates, BCU triage routes the DACA request to the BCU. BCU documents the (b) (7)(E) hit and the resolution in the ROIQ. While the DACA request is undergoing the up-front (b) (7)(E) check, the DACA requestor is placed in the scheduling queue for an ASC appointment to have his/her biometrics captured. If the (b) (7)(E) results return an IDENT, the BCU reviews the results to determine whether they are germane to the DACA request and the exercise of prosecutorial discretion. The officer may issue an RFE at any point along the way, if necessary to establish whether the issues of criminality relate to a misdemeanor, a significant misdemeanor, a felony, or whether the criminal issues pose a public safety threat. When a DACA request is denied, the denial shall be issued using the standard denial template, which provides a list of checkboxes. The standard denial template is found at Appendix F. Select the box or boxes that apply. For guidance on when to seek supervisory review of a denial involving issues of criminality, see Chapter 9, Section D.

Categorization

If the BCU determines that the case presents issues of criminality, processing of the DACA request must be categorized as either EPS or non-EPS, as defined in the November 7, 2011 NTA memorandum.

**Non-EPS
Cases**

A DACA request posing issues of criminality that are based on (b) (7)(E) non-EPS, as per the NTA policy memorandum, is handled by the BCU DACA Team as follows:

- The BCU DACA Team will adjudicate Form I-821D, taking into account all issues of criminality.
- If the case is approvable, the BCU DACA Team will approve the I-821D for DACA and adjudicate the I-765 for employment authorization.
- If an approval is not warranted, a denial for Form I-821D and Form I-765 will be issued, pending supervisory review.
- After the decisions have been rendered on Forms I-821D and I-765, the A-file shall be routed to the NRC.

In non-EPS cases where the requestor has been arrested for a potentially disqualifying criminal offense, but the court disposition is currently unavailable because the criminal proceedings are pending, the BCU DACA Team will issue RFE DACA 151 call up from Appendix D. The BCU DACA Team will withhold adjudication until the requestor submits the court disposition or receives SCOPS authorization to deny the case absent the court disposition. The BCU DACA Team will initially provide 87 days for the requestor to respond, but may issue a second RFE DACA 151 call up if the requestor fails to provide the final court disposition within 87 days because the criminal proceedings have not concluded.

Continued on next page

Handling Procedures, Continued

EPS Cases

A DACA request presenting issues of criminality that are deemed to be EPS, as per the NTA policy memorandum, is handled by the BCU DACA Team. The BCU DACA Team shall refer the case to ICE prior to adjudicating the case, even if USCIS can deny the DACA request on its merits. The BCU DACA Team will refer the DACA request to ICE using the RTI process. The BCU DACA Team will suspend adjudication of the DACA request for 60 days, or until ICE provides notification of its action on the case, whichever is earlier.

- **ICE Takes No Action or Does Not Respond:** If ICE does not accept the referral request or otherwise provide any notification of its action within 60 days of the RTI:
 - The BCU DACA Team will adjudicate Form I-821D, taking into account all issues of criminality, and in particular, the issues presenting an EPS concern.
 - If the disposition of the criminal charges against the DACA requestor is **pending**, the BCU DACA Team will deny the DACA request on public safety grounds, because the underlying issues of criminality are deemed to pose an EPS concern, pursuant to the November 7, 2011 NTA memorandum. The BCU DACA Team will also deny Form I-765, requesting employment authorization.
 - If the disposition of the criminal charges against the DACA requestor are **final**, the BCU DACA Team will deny Form I-821D based on the issues of criminality and the conviction. The BCU DACA Team will also deny Form I-765, requesting employment authorization.
 - Upon denial, the BCU DACA Team shall refer the DACA request to ERO, in accordance with the agreed upon method, and update FDNS-DS.

Continued on next page

Handling Procedures, Continued

EPS Cases
(continued)

-
- **ICE Accepts the Referral:** If ICE accepts the case, the BCU DACA Team will follow the standard protocols outlined in the November 7, 2011 NTA memorandum.

Note: Requests involving issues of criminality that normally would not meet the guidelines for consideration of deferred action will be denied, unless the requestor is claiming that consideration is warranted due to exceptional circumstances and fully documents such claim. Removal shall not be deferred under DACA pursuant to this very limited exception without concurrence from HQSCOPS. In these instances the case shall come to HQSCOPS from the Service Center Director, through the appropriate chain of command.

H. Adjudicating Form I-821D, Part 3, Criminal, National Security, and Public Safety Information

Introduction

When adjudicating Part 3 of Form I-821D, it is necessary to ensure that clear information and evidence are present to make a final determination. Refer to Chapter 6 for Background and Security Checks and Chapter 8, Section H, for evaluating and handling criminality, public safety, and national security issues.

Questions 1 and 2: Arrested for, charged with, or convicted of a felony or misdemeanor, or significant misdemeanor in the United States (includes drug offenses and driving under the influence of drugs or alcohol)

OR

arrested for, charged with, or convicted of a crime in any country other than the United States

If the requestor answers “No”:

If...	And...	Then...
There is no derogatory information in the A-File(s), (b) (7)(E) [redacted] etc.,		Case stays in regular workflow. Continue to adjudicate.
There is derogatory information in the A-File(s), (b) (7)(E) [redacted] etc.,	The derogatory information clearly shows that the requestor does not meet the DACA guidelines,	Case is handled by the BCU DACA Team.
There is derogatory information in the A-File(s), (b) (7)(E) [redacted] etc.,	The derogatory information is unclear,	
There is derogatory information in the A-File(s), (b) (7)(E) [redacted] etc.,	There are clear charges or clear derogatory information, but no clear judgment or conviction,	

If the requestor answers “Yes”:

If...	Then...
There is clear derogatory information provided by the requestor and/or in our records,	Case is handled by the BCU DACA Team.
No derogatory information can be found in our records or it is unclear, and the requestor did not provide any additional information or documentation,	

Continued on next page

H. Adjudicating Form I-821D, Part 3, Criminal, National Security, and Public Safety Information, Continued

Questions 3 and 5: Security and Related Issues – Engaging in Terrorist Activities; or Engaging in Ordering, Inciting, Assisting, or Otherwise Participating in Genocide, Human Trafficking, and Other Violent Crimes Involving the persecution of Others

If the requestor answers “No”:

If...	And...	Then...
There is no derogatory information in the A-File(s), (b) (7)(E) etc.,		Case stays in regular workflow. Continue to adjudicate.
There is derogatory information in the A-File(s), (b) (7)(E) etc.,	The derogatory information clearly shows that the requestor did or may have engaged in terrorist activities or human rights violations,	(b) (5)
There is derogatory information in the A-File(s), (b) (7)(E) etc.,	The derogatory information is unclear,	

If the requestor answers “Yes”:

If...	Then...
There is clear derogatory information provided by the requestor and/or in our records,	Put the case through the CARRP process per standard protocols.
No derogatory information can be found in our records or it is unclear and the requestor did not provide information,	

Continued on next page

H. Adjudicating Form I-821D, Part 3, Criminal, National Security, and Public Safety Information, Continued

**Question 4:
Current and
Past Gang
Membership**

If the requestor answers “No”:

If...	And...	Then...
There is no derogatory information in the A-File(s), (b) (7)(E) [redacted] etc.,		Case stays in regular workflow. Continue to adjudicate.
There is derogatory information in the A-File(s), (b) (7)(E) [redacted] etc.,	The derogatory information clearly shows that the requestor is or may be a gang member,	Case is handled by the BCU DACA Team.
There is derogatory information in the A-File(s), (b) (7)(E) [redacted] etc.,	The derogatory information is unclear,	

If the requestor answers “Yes”:

If...	Then...
There is clear derogatory information provided by the requestor and/or in our records,	Case is handled by the BCU DACA Team.
No derogatory information can be found in our records or it is unclear and the requestor did not provide information,	

I. Fraud Review and Fraud Referrals

Immigration Fraud

In the normal course of adjudication, officers should be aware of fraud indicators. Fraud related concerns that arise during the course of background and security checks should be addressed according to the March 2011 Fraud Detection SOP and the 2008 ICE/USCIS Investigation of Immigration Benefit Fraud MOA.

Fraud encompasses any material representation or omission, accompanied by an intent to deceive. Establishing the elements of fraud is at the core of the work performed during a fraud investigation. In the immigration context, fraud is a willful misrepresentation of a material fact. An omission of a material fact can also constitute a willful misrepresentation, rising to the level of fraud. When reviewing an immigration request, a finding of fraud is generally supported by the presence of the following three elements.

- There must have been a **misrepresentation** or concealment of a fact;
- The misrepresentation or concealment must have been **willful**; and
- The fact must be **material**. See *Kungys v. U.S.*, 485 U.S. 759 (1988) which indicates that a fact is considered material if it had a tendency to influence the decision for the application or petition or shut off a relevant line of inquiry.

A finding of fraud is also supported when the immigration filing contains fraudulent documents that are germane.

The Fraud Detection and National Security (FDNS) Directorate administratively investigates allegations of immigration benefit fraud and produces a Statement of Findings (SOF) that adjudicators use to render their decisions. Most fraud investigations are conducted under the authority of § 212(a)(6)(C)(i) of the Act. In the DACA context, the SOF will document all fraud findings and underlying issues impacting the favorable exercise of prosecutorial discretion.

Continued on next page

I. Fraud Review and Fraud Referrals, Continued

**Immigration
Fraud**
(continued)

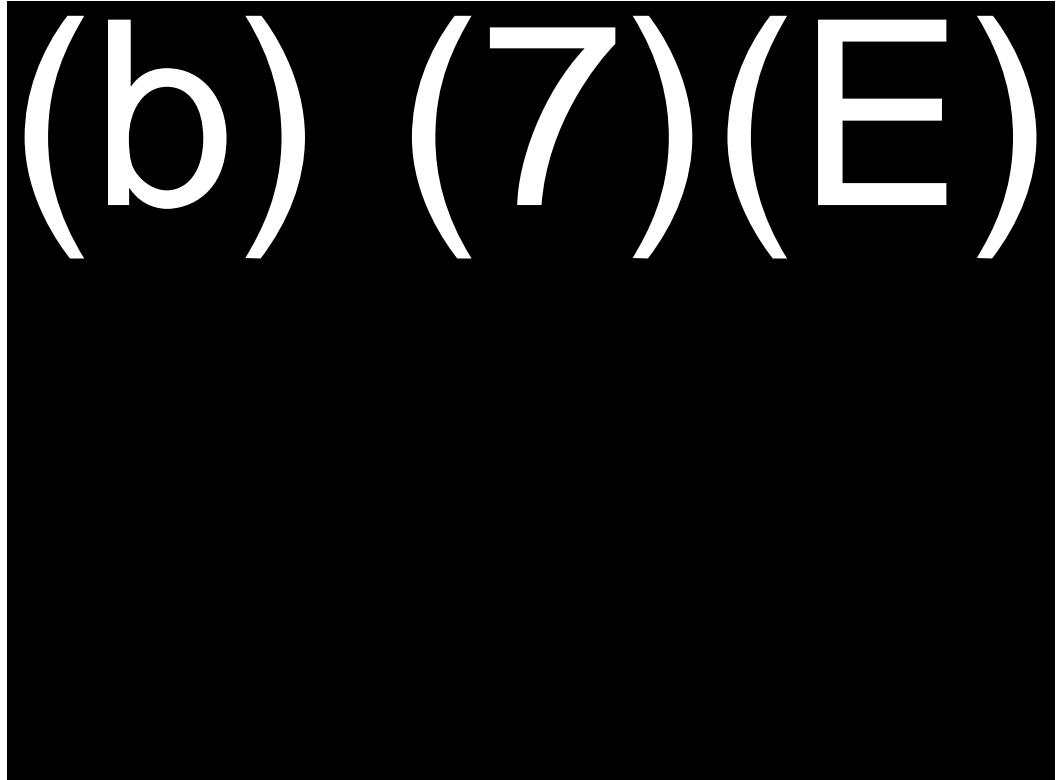
Individuals requesting DACA are not subject to the 212 inadmissibility grounds, because they are neither applying for a visa nor seeking admission to the United States. They are, instead, seeking the administrative exercise of prosecutorial discretion. Nevertheless, the presence of confirmed or suspected fraud issues are germane in deciding whether the DACA requestor merits the exercise of prosecutorial discretion. As a result, when an individual is found to have committed fraud in connection with a DACA request, the DACA request is denied not because the individual is inadmissible due to fraud, but rather, because the fraud negates the exercise of prosecutorial discretion to defer removal. Denials based on confirmed fraud findings will be supported by a properly documented SOF generated by CFDO. FDNS-DS must be updated to show that the DACA request was actually denied for confirmed fraud. The officer must provide information on the final outcome of a DACA request (e.g., approved, denied, NTA) to the BCU/CFDO so they may update FDNS-DS, accordingly.

When adjudicating Forms I-821D and I-765 for DACA, officers will complete a fraud referral sheet when there are articulable elements of fraud found within the filing. When articulable fraud indicators exist, the officer should refer the filing with a fraud referral sheet prior to taking any adjudication action even if there are other issues which negate the exercise of prosecutorial discretion to defer removal.

Continued on next page

I. Fraud Review and Fraud Referrals, Continued

**Immigration
Fraud**
(continued)



If the CFDO is to resolve the articulated fraud after exhausting all reasonable efforts and resources, the CFDO may refer the cases to appropriate field office for interview, if an interview may resolve outstanding concerns.

The findings of the administrative or criminal investigation will be recorded in FDNS-DS and reported in an SOF and placed in the A-file to enable officers to make accurate and informed decisions on the DACA requests.

The CFDO will adhere to the Fraud Detection Standard Operating Procedures for referring fraud cases filed under the DACA program to ICE.

DACA cases denied due to a confirmed finding of fraud shall be updated in C3 as "Denial Notice with a Finding of Fraud Ordered" [EC] for tracking purposes. In addition, DACA cases denied due to a confirmed finding of fraud shall be referred for NTA issuance in accordance with the NTA memorandum dated November 7, 2011. The appropriate NTA charge will be determined on a case-by-case basis in consultation with local counsel.

Continued on next page

I. Fraud Review and Fraud Referrals, Continued

System Updates for DACA File Movement Into and Out of CFDO

For reporting purposes, DACA file movement into and out of the CFDO will require the following updates in C3:


- “Sent to the Fraud Detection Unit (FDU) for Analysis” (b) (7)(E) when sending a DACA request to the CFDO; and
 - “Return from Fraud Detection Unit (FDU) with Results” (b) (7)(E) when receiving a DACA request from CFDO for final processing.
-

Chapter 9: Decisions

A. Requests for Evidence

Request for Evidence (RFE) For DACA requests, when requesting additional evidence, an RFE will be used. A NOID will rarely be used. Appendix D has a list of DACA RFE call ups to be used when processing a DACA request.

Follow the steps below to process an RFE.

Step	Action
1	
2	
3	
4	
5	
6	
7	
8	

B. Notice of Intent to Deny

Notice of
Intent to
Deny (NOID)

Follow the steps below to process a NOID:

Step	Action
1	
2	
3	
4	
5	
6	
7	
8	

Notice of Intent
to Deny (NOID)
–Local Counsel
and HQ
SCOPS Review

See Appendix J for current Notice of Intent to Deny review policy.

C. Approvals

**Approvals:
CLAIMS
Verification**

Follow the steps below to verify information in C3 prior to processing an approval.

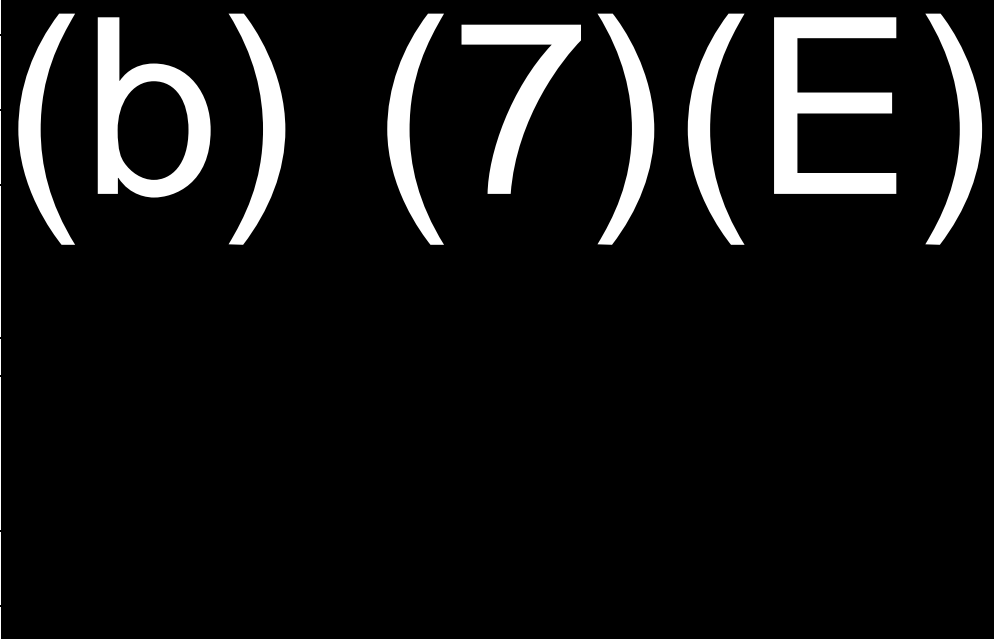
Step	Action
1	(b) (7) (E)
2	
4	
5	
6	
7	
8	
9	
10	(b) (7) (E)

Continued on next page

C. Approvals, Continued

**Approval
Processing for
Initial I-821D**

Follow the steps below to process an approval for a DACA request.

Step	Action
1	
2	
3	
4	
5	
6	
7	
8	
9	

D. Denials –

Denials – After RFE or NOID

In general, the officer shall issue a denial whenever the requestor's response to a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) is insufficient to establish eligibility. There may be exceptions when a NOID or second RFE is appropriate after an initial RFE.

**Denials –
Supervisory
Review**

When the denial involves one of the grounds listed below, obtain supervisory review before issuing the denial when the requestor:

- Has a conviction for any crime committed before reaching age 18, and was tried as an adult; or
- Has been convicted of a “significant misdemeanor;” or
- Has no criminal convictions and outwardly appears to meet the guidelines in the Secretary’s June 15, 2012 memorandum; however, based on other derogatory information obtained through routine systems and background/security checks, there are credible reasons to believe that the requestor poses a threat to national security or public safety. If the requestor poses a threat to national security, the officer should refer the proposed denial for supervisory review after the case has been processed through the CARRP process; or
- Has one or more departures which he/she claims were “brief, casual, and innocent” and therefore are not disruptive of the continuous residence requirement; or
- Has not met the educational guideline; or
- Is in immigration detention at the time of filing Form I-821D and remains in immigration detention; or
- Cannot receive prosecutorial discretion because it is not consistent with the Department of Homeland Security’s enforcement priorities.

If the convictions and/or arrests occurred before the requestor filed the Form I-821D and the requestor did not disclose this derogatory information, include the withholding of the material fact(s) as one of the reasons for not exercising prosecutorial discretion in the case.

When a DACA request is denied, the denial shall be issued using the Appendix F. In instances where an individual is unable to establish he or she warrants a favorable exercise of prosecutorial discretion under this process, and no other checkbox applies except “You have not established that you warrant a favorable exercise of prosecutorial discretion,” supervisors must refer the case to HQSCOPS through the normal chain of command.

Before routing the A-file to a supervisor, the officer should place a supervisory hold on the case in C3. After the supervisor concurs with the issuance of a denial, the officer shall check the appropriate box on the denial template and process the cases in the system for denial. See Appendix F for the DACA Denial Template. If the supervisor determines that the case should be approved, process for approval and document the file as appropriate.

In novel, complex, or sensitive cases, or cases that require a paragraph denial, supervisors will refer the case to HQSCOPS, through the normal chain of command.

Continued on next page

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D. Denials, Continued

Denial
(continued) When the denial falls under one of the categories that requires supervisory review, ensure that concurrence has been obtained before processing the DACA request for denial.

Step	Action
1	(b) (7) (E)
2	
3	
4	
5	
6	
7	
8	Prepare and send the denial.
9	Put in ROP order and place a pink coversheet on the left-hand side of the file over the denial letter.
10	Process Form I-765 for denial. See Chapter 12.

Continued on next page

D. Denials, Continued

Abandonment Denial Letters Abandonment denials do not require supervisory review. Abandonment denials are initiated on Form I-821D in the following:

- The requestor fails to respond to an RFE or NOID;
- The requestor fails to appear at an ASC for biometrics collection within the specified time frame, after failure to respond to an RFE, Refer to Chapter 5 of this SOP.

Abandonment Denials After **ALL** A-files have been retrieved when processing an I-821D (unless adjudicating in a T-file if unable to obtain the A-file), follow the steps below to process an abandonment denial.

Step	Action
1	Ensure that no other addresses exist: <ol style="list-style-type: none"> 1. Review the file for any correspondence received; 2. Review the returned envelope for any changes from the post office; 3. Check C3, National Claims, and AR11 for an alternate address or an address change; 4. Check the systems to see if a more recent DACA request was submitted with updated address; and 5. Check Forms I-821D and I-765 to ensure that there is no different address provided between the two forms.
2	(b) (7) (E)
3	
4	
5	
5	

Continued on next page

D. Denials, Continued

Abandonment Denials (continued)

Step	Action
6	(b) (7) (E)
7	
8	
9	Prepare and send the denial.
10	Put in ROP order and place a pink coversheet on the left-hand side of the file over the denial letter.
11	Process the Form I-765 for denial. See Chapter 12.

NOTE: If the RFE/NOID was not stamped as a “No Response,” the officer should write it on the document. A “No Response” will **ALWAYS** remain on top of the application for proper ROP and the officer will place the denial/withdrawal letter on top of the “No Response.”

Denial for NSF

When Form I-765 has been “rejected” for NSF, for the \$380 I-765 fee and/or the \$85 biometrics fee, Form I-821D shall be denied as the DACA filing did not include a concurrently filed I-765 and I-821D. The officer shall select the appropriate denial box on the denial template and update C3 to reflect the denial. After processing the case for denial and updating the system, hold the A-file for 45 days and then forward to the NRC, if a request to review is not received through SRMT.

Chapter 10: Post Denial Process

Determining Appropriate Action After Denial

1. Review the grounds for denial.
 2. If the denial grounds do not involve criminal, national security, or public safety issues, hold the A-file for 45 days and then forward to the NRC, if a request to review is not received through SRMT.
 3. If the denial involves criminal, national security, or public safety issues, refer to the November 7, 2011, memorandum entitled, Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens. Confirmed fraud denials also warrant NTA issuance. See Appendix B.
 4. The NTA unit will determine whether NTA issuance is appropriate under the NTA memorandum referenced above.
-

Chapter 11: Returned Mail

Check for Address Changes

When notices are returned as undeliverable, the officer should:

1. Review the file for any correspondence received;
2. Review the returned envelope for any changes from the post office, Check C3, National Claims, and AR11 for an alternate address or an address change;
3. Check the systems to see if a more recent DACA request was submitted with an updated address; and
4. Check both Form I-821D and the I-765 to ensure that there is no different address provided between the two forms.

RFE, NOID, Intent to Terminate

When an RFE, NOID, or Intent to Terminate is returned to the Service Center as undeliverable, follow all procedures above to locate a new address and re-mail the RFE, NOIT or Intent to Terminate after updating C3.

If there is no other address to use and the response time indicated has not passed, the file should be placed on hold in accordance with local procedures for the remainder of the response time.

If there is no other address found and the response time has passed on the...	Then...
RFE	Deny as an abandonment denial.
NOID (with NO criminal content),	Deny for cause.
Intent to Terminate,	Terminate DACA.

Denial Notice

When a denial is returned to the Service Center as undeliverable, follow all procedures above to locate a new address and re-mail the denial.

If there is no new address and the 45 days...	Then...
Have NOT passed,	Hold file
Have passed,	Send to the NRC if no further communication is received

Chapter 12: Employment Authorization

A. General Information

(c)(33) Eligibility Category	The eligibility category for employment authorization based on a grant of deferred action is 8 C.F.R. § 274a.12(c)(14). To distinguish DACA-related EADs from other deferred action EADs, the (c)(33) code will be used.
Evidentiary Requirements	<p>For a (c)(33) EAD, the individual must be approved for DACA.</p> <p>The information needed to assess economic necessity is collected on the Form I-765WS. This worksheet should have been reviewed during the adjudication of Form I-821D.</p> <p>Before proceeding with the adjudication of the Form I-765, review C3 to ensure that there is no outstanding RFE, as the RFE would have been issued during the adjudication of Form I-821D.</p>
Validity Period of (c)(33) EAD	The “valid from” date is the date of approval and the “valid to” date is 2 years minus one day from the date of approval or to the end date of the deferred removal date under DACA, whichever is earlier.
8 C.F.R. § 274a.13(d) – 90 Day Time Period to Issue an EAD	Pursuant to 8 C.F.R. § 274.12(c)(14), the EAD is predicated on a grant of deferred action. Since Forms I-821D and I-765 are filed concurrently for DACA, Form I-821D will be adjudicated first. If Form I-821D is approved, then Form I-765 would be approved under the (c)(33) code to distinguish the DACA related EADs from other deferred action EADs. Since approval of the Form I-821D is a prerequisite, and since the EAD is based upon a grant of DACA, the 90-day EAD clock begins after Form I-821D is approved for DACA.

Continued on next page

A. General Information, Continued

Reasons for Filing

The DACA requestor should indicate one of the following reasons for filing:

- Permission to accept employment: The initial request for employment authorization under an eligibility category; or
- Replacement (of lost or stolen employment authorization document): A request to replace a lost, stolen, mutilated, or incorrect EAD.

If neither of these boxes is checked, verify the Form I-821D approval in C3 to ensure that removal has been deferred under DACA and then check the Form I-765 history in C3 to see if a prior EAD has been issued under the (c)(33) eligibility category. If yes, process the Form I-765 EAD as a replacement. If no, process the Form I-765 EAD as an initial EAD. If a prior replacement EAD under the (c)(33) eligibility category has been issued, refer the case to CFDO.

B. Adjudication

Verification of Forms I-821D and I-765

Access C3 and follow the steps below to verify the information:

Step	Action
1	Verify that the requestor has a pending or an approved initial I-821D on file. (If no, see the denial section for processing instructions.)
3	<ul style="list-style-type: none"> • Check the signatures on Form I-765. • Verify that the biometrics are present.

Biometrics

Officers must check the (b) (7)(E) to determine if the requestor's biometrics (photograph, fingerprints, signature) have been received. (b) (7)(E)

If ...	Then ...
(b) (7)(E)	the biometrics have been received.
	the biometric(s) have been waived.
	then the data was not captured and a card will not print.

If the requestor is a child less than 14 years of age, there should be a **Waiver (W)** for fingerprint and signature.

Continued on next page

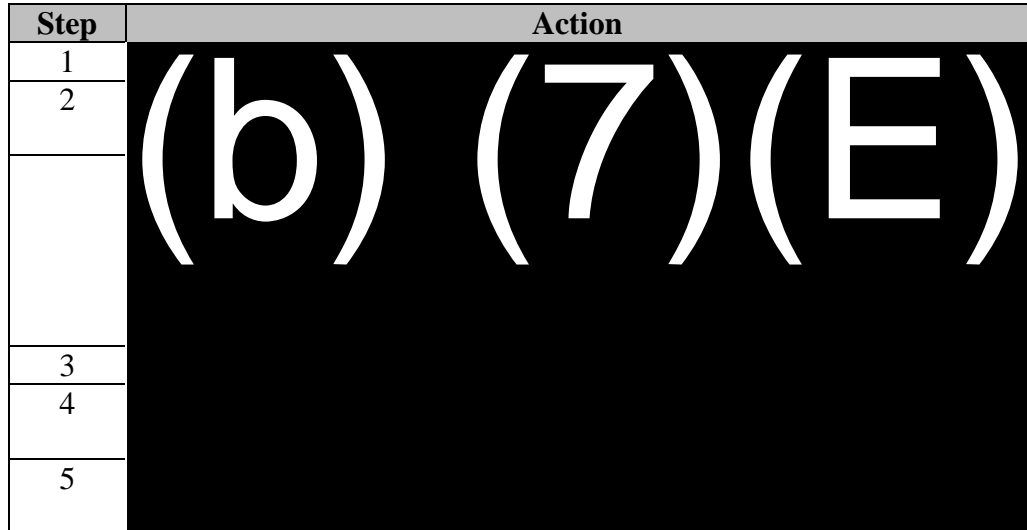
B. Adjudication, Continued

Approvals

All corrections made to the information contained on Form I-765 must be made on the face of the application in **red**.

Application Annotations

When approving Form I-765, follow the steps below for proper annotation of the form:

Step	Action
1	
2	
3	
4	
5	

Continued on next page

B. Adjudication, Continued

**CLAIMS
Updating for
Approvals**

Follow the steps below to update C3 for I-765 approval.

Step	Action
1	(b) (7) (E)
2	
3	
4	
5	
6	
7	
8	
9	
10	In the alternative, the approval may be updated using I-765 Express per existing protocols.

NOTE: If you go back into the approval screen to view the data before exiting the form after approving, then you must press the “save” button again to retain the approval. If the information is not saved, then a card will not be generated.

Continued on next page

B. Adjudication, Continued

Notice of Intent to Deny (NOID) Officers will prepare the intent to deny letter, annotate the worksheet, and update CLAIMS as follows:

Step	Action
1	<div data-bbox="553 439 1414 782" data-label="Text"> <p>(b) (7) (E)</p> </div>
2	
3	
4	
5	
6	

Continued on next page

B. Adjudication, Continued

Denials

Follow the steps below when denying a case.

Step	Action
1	(b) (7) (E)
2	
3	
4	
5	
6	
7	
8	
9	
	<p>NOTE: The date on the denial stamp should be date of adjudication.</p>

Continued on next page

B. Adjudication, Continued

Denials (continued)

Step	Action
10	For cases NOT going to the NTA team: <ul style="list-style-type: none"><li data-bbox="570 506 1425 580">• The denial for the Form I-765 is included in the DACA Denial Template. <u>See</u> Appendix F.<li data-bbox="570 580 1425 655">• Place a pink coversheet on the left-hand side of the file over the denial letter. <p data-bbox="532 691 1382 762">NOTE: When denying only the Form I-765 for abandonment, an officer should use the DACA Form I-765 Abandonment Denial.</p>
11	Charge out the file using local procedure.

C. Replacement Cards

Evidence Required

The following evidence is required for replacement cards:

- Biometrics from the applicant's most recent ASC visit.
 - Original signature. All applicants age 14 and over must sign their own application. The contractor can obtain the signature from Form I-765 and waive the fingerprint when scanning and producing an EAD.
 - Current card issued with validity dates that have NOT expired.
 - Valid fingerprints are not required in order to issue a replacement EAD.
-

Validity Dates

When issuing a replacement card the validity period should mirror the dates authorized under the previous card.

Biometrics

Upon receipt, the contractor will clone from biometrics from the applicant's most recent ASC visit.

Chapter 13: Use of Service Request Management Tool (SRMT) to

Introduction

USCIS will accept SRMTs from DACA denials based on a claim that the denial is incorrect and the denial is based on an administrative error. Specifically, USCIS will accept SRMTs where the requestor believes that USCIS incorrectly denied his/her DACA request for one or more of the reasons listed in this chapter of the DACA SOP.

History Action Codes (HAC)

When responding to a request to review a denied DACA request, C3 must be updated with the appropriate History Action Code (HAC) created to track the specific action taken and to denote that the SRMT involved a denied DACA request. The following HACs will be used:



Templates

When providing an interim response to review a denied DACA request, standard response templates must be used for the interim response and when the denial is affirmed. When the denied DACA request is approved on Service Motion, the standard approval notice will be generated from C3. Appendix G contains the following templates:

- DACA SRMT call-ups for interim SRMT responses.
- DACA SRMT call-ups to respond that the denial was correct and is affirmed.

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials

Administrative Errors related to Material Facts

Follow the steps below when an SRMT is filed due to a **claimed** administrative error related to:

- The denial of the DACA request on the grounds that the requestor did not come to the United States prior to reaching his/her 16th birthday, but the evidence submitted at the time of filing shows that the requestor did, in fact, arrive before the required age; or
- The denial of the DACA request on the grounds that the requestor was under age 15 at the time of filing, but not in removal proceedings, but the evidence submitted at the time of filing and/or systems checks show that the requestor was, in fact, in removal proceedings when the DACA request was filed; or
- The denial of the DACA request on the grounds that the requestor was not under the age of 31 on June 15, 2012, but the evidence submitted at the time of filing shows that the requestor did not exceed the upper age limit on June 15, 2012; or
- The denial of the DACA request on the grounds that the requestor was not in an unlawful immigration status on June 15, 2012, but the evidence submitted at the time of filing shows that the requestor was, in fact, in a lawful status on June 15, 2012; or
- The denial of the DACA request on the grounds that the requestor was not physically present in the United States on June 15, 2012, up through the date of filing, but the evidence submitted at the time of filing establishes that the requestor was, in fact, present.

Step	Action
1	Request the file.
2	Respond to the SRMT with an interim response.
3	Update C3 (with HAC code), (b) (7)(E)
4	(b) (7)(E)
5	Route the file to the reviewing ISO.

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

Administrative Errors Related to Material Facts
(continued)

Step	Action								
6	<p>The ISO will review the claimed administrative error.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">If the denial...</th> <th style="text-align: center;">Then...</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">Was correct,</td> <td> <ul style="list-style-type: none"> • The ISO will route the filing to the SISO for concurrence. • The SISO will concur or not concur and route back to the ISO for appropriate systems updating. • If SISO concurs, the ISO updates C3 with HAC code <i>SRMT DACA Denial Affirmed</i> and respond to the DACA requestor using the appropriate DACA SRMT call-up found in Appendix G. • If SISO does not concur, follow the instructions below (Was Not Correct). </td> </tr> <tr> <td style="vertical-align: top;"><u>Was not</u> correct,</td> <td> <ul style="list-style-type: none"> • The SISO routes the filing to the ISO for review. • The ISO approves Forms I-821D and I-765. • The ISO updates C3 with the HAC code (b) (7)(E) [REDACTED] for <u>each</u> form to show that the case to show that the case was approved on Service Motion. </td> </tr> <tr> <td style="vertical-align: top;">Was not correct, but other reasons for denial still exist,</td> <td> <ul style="list-style-type: none"> • The ISO will route the filing to the SISO for concurrence. • If the SISO concurs, the ISO will re-deny the case. • The ISO updates C3 with the HAC code (b) (7)(E) [REDACTED] DACA Denial Affirmed for each form. • The ISO produces a new denial using the (b) (7)(E) [REDACTED] denial template found in Appendix H. </td> </tr> </tbody> </table>	If the denial...	Then...	Was correct,	<ul style="list-style-type: none"> • The ISO will route the filing to the SISO for concurrence. • The SISO will concur or not concur and route back to the ISO for appropriate systems updating. • If SISO concurs, the ISO updates C3 with HAC code <i>SRMT DACA Denial Affirmed</i> and respond to the DACA requestor using the appropriate DACA SRMT call-up found in Appendix G. • If SISO does not concur, follow the instructions below (Was Not Correct). 	<u>Was not</u> correct,	<ul style="list-style-type: none"> • The SISO routes the filing to the ISO for review. • The ISO approves Forms I-821D and I-765. • The ISO updates C3 with the HAC code (b) (7)(E) [REDACTED] for <u>each</u> form to show that the case to show that the case was approved on Service Motion. 	Was not correct, but other reasons for denial still exist,	<ul style="list-style-type: none"> • The ISO will route the filing to the SISO for concurrence. • If the SISO concurs, the ISO will re-deny the case. • The ISO updates C3 with the HAC code (b) (7)(E) [REDACTED] DACA Denial Affirmed for each form. • The ISO produces a new denial using the (b) (7)(E) [REDACTED] denial template found in Appendix H.
If the denial...	Then...								
Was correct,	<ul style="list-style-type: none"> • The ISO will route the filing to the SISO for concurrence. • The SISO will concur or not concur and route back to the ISO for appropriate systems updating. • If SISO concurs, the ISO updates C3 with HAC code <i>SRMT DACA Denial Affirmed</i> and respond to the DACA requestor using the appropriate DACA SRMT call-up found in Appendix G. • If SISO does not concur, follow the instructions below (Was Not Correct). 								
<u>Was not</u> correct,	<ul style="list-style-type: none"> • The SISO routes the filing to the ISO for review. • The ISO approves Forms I-821D and I-765. • The ISO updates C3 with the HAC code (b) (7)(E) [REDACTED] for <u>each</u> form to show that the case to show that the case was approved on Service Motion. 								
Was not correct, but other reasons for denial still exist,	<ul style="list-style-type: none"> • The ISO will route the filing to the SISO for concurrence. • If the SISO concurs, the ISO will re-deny the case. • The ISO updates C3 with the HAC code (b) (7)(E) [REDACTED] DACA Denial Affirmed for each form. • The ISO produces a new denial using the (b) (7)(E) [REDACTED] denial template found in Appendix H. 								

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

**Requestor did
Appear to Have
Biometrics
Collected at a
USCIS ASC**

Follow the steps below when an SRMT is filed due to a claimed administrative error related to the requestor's biometrics collection.

Step	Action
1	Review the electronic systems to see whether the requestor had his/her biometrics taken. Request the A-file (if needed).
2	Reopen Forms I-821D and I-765 on Service Motion.
3	Update C3 with HAC codes (b) (7)(E), for both forms.
4	Send an interim (b) (7)(E) response using (b) (7)(E).

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

Requestor did Appear to Have Biometrics Collected at a USCIS ASC (continued)

If the requestor...	Then...						
Did not have his/her biometrics taken,	The reviewing officer should check: <ul style="list-style-type: none"> • Returned Mail • Address Changes • Rescheduling Requests • The BPU ASC Reschedule Spreadsheet 						
	<table border="1"> <thead> <tr> <th data-bbox="646 606 943 641">If you...</th> <th data-bbox="948 606 1398 641">Then...</th> </tr> </thead> <tbody> <tr> <td data-bbox="646 641 943 1096"> Locate returned mail, an address change, or a rescheduling request, </td> <td data-bbox="948 641 1398 1096"> <ul style="list-style-type: none"> • Initiate ASC appointment rescheduling. • After the biometrics results are received, adjudicate the case. • If Form I-821D is approved, approve Form I-765. • Update C3 with HAC^{(b) (7)(E)} [REDACTED] for each form. • If denied, issue a denial using the^{(b) (7)(E)} denial template. • Update C3 with HAC^{(b) (7)(E)} Denial Affirmed for each form. </td> </tr> <tr> <td data-bbox="646 1096 943 1257"> Do not locate any returned mail, address change, or rescheduling request, </td> <td data-bbox="948 1096 1398 1257"> <ul style="list-style-type: none"> • Respond to the SRMT that the denial stands, using the SRMT denial template. </td> </tr> </tbody> </table>	If you...	Then...	Locate returned mail, an address change, or a rescheduling request,	<ul style="list-style-type: none"> • Initiate ASC appointment rescheduling. • After the biometrics results are received, adjudicate the case. • If Form I-821D is approved, approve Form I-765. • Update C3 with HAC^{(b) (7)(E)} [REDACTED] for each form. • If denied, issue a denial using the^{(b) (7)(E)} denial template. • Update C3 with HAC^{(b) (7)(E)} Denial Affirmed for each form. 	Do not locate any returned mail, address change, or rescheduling request,	<ul style="list-style-type: none"> • Respond to the SRMT that the denial stands, using the SRMT denial template.
	If you...	Then...					
Locate returned mail, an address change, or a rescheduling request,	<ul style="list-style-type: none"> • Initiate ASC appointment rescheduling. • After the biometrics results are received, adjudicate the case. • If Form I-821D is approved, approve Form I-765. • Update C3 with HAC^{(b) (7)(E)} [REDACTED] for each form. • If denied, issue a denial using the^{(b) (7)(E)} denial template. • Update C3 with HAC^{(b) (7)(E)} Denial Affirmed for each form. 						
Do not locate any returned mail, address change, or rescheduling request,	<ul style="list-style-type: none"> • Respond to the SRMT that the denial stands, using the SRMT denial template. 						
Do not locate any returned mail, address change, or rescheduling request,	<ul style="list-style-type: none"> • Respond to the SRMT that the denial stands, using the SRMT denial template. 						

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

Requestor did Appear to Have Biometrics Collected at a USCIS ASC (continued)

If the requestor...	Then...
Did have his/her biometrics taken,	<ul style="list-style-type: none"> The ISO will adjudicate Forms I-821D and I-765. If Form I-821D is approved, ISO approves Form I-765. ISO updates C3 with HAC [REDACTED] (b) (7)(E) for each form. If denied, ISO issues a denial using the (b) (7)(E) denial template. ISO updates C3 with HAC [REDACTED] (b) (7)(E) for each form.

Requestor requested that His/Her Biometrics Appointment at a USCIS ASC be Rescheduled Prior to the Scheduled Date

Follow the steps below when an SRMT is filed due to a claimed administrative error related to the request to reschedule the ASC appointment.

Step	Action
1	Request the A-file.
2	Reopen Forms I-821D and I-765 on Service Motion.
3	Update C3 with HAC code (b) (7)(E) DACA Reopened on Service Motion for both forms.
4	Send an interim (b) (7)(E) response using [REDACTED] (b) (7)(E)

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

Requestor requested that His/Her Biometrics Appointment at a USCIS ASC be Rescheduled Prior to the Scheduled Date (continued)

Step	Action						
5	<p>Review the filing and SRMT to determine if a request was received to reschedule the ASC Appointment.</p> <table border="1" data-bbox="570 399 1382 1225"> <thead> <tr> <th data-bbox="576 399 821 433">If the requestor...</th> <th data-bbox="821 399 1375 433">Then...</th> </tr> </thead> <tbody> <tr> <td data-bbox="576 433 821 983">Requested to have his/her biometrics appointment rescheduled, prior to the scheduled date,</td> <td data-bbox="821 433 1375 983"> <ul style="list-style-type: none"> • The ISO will schedule a new ASC appointment and route the A-file to the appropriate holding shelf to await the biometrics results. • Adjudicate the case after the biometrics results are received. • If Form I-821D is approved, approve Form I-765. • Update C3 with HAC (b) (7)(E) Approved on Service Motion for each form. • If denied, issue a denial using the (b) (7)(E) denial template. • Update C3 with HAC (b) (7)(E) </td> </tr> <tr> <td data-bbox="576 983 821 1225">Did not request to have his/ her biometrics appointment rescheduled, prior to the scheduled date,</td> <td data-bbox="821 983 1375 1225"> <ul style="list-style-type: none"> • Respond to the SRMT that the denial stands, using the SRMT denial template. </td> </tr> </tbody> </table>	If the requestor...	Then...	Requested to have his/her biometrics appointment rescheduled, prior to the scheduled date,	<ul style="list-style-type: none"> • The ISO will schedule a new ASC appointment and route the A-file to the appropriate holding shelf to await the biometrics results. • Adjudicate the case after the biometrics results are received. • If Form I-821D is approved, approve Form I-765. • Update C3 with HAC (b) (7)(E) Approved on Service Motion for each form. • If denied, issue a denial using the (b) (7)(E) denial template. • Update C3 with HAC (b) (7)(E) 	Did not request to have his/ her biometrics appointment rescheduled, prior to the scheduled date,	<ul style="list-style-type: none"> • Respond to the SRMT that the denial stands, using the SRMT denial template.
If the requestor...	Then...						
Requested to have his/her biometrics appointment rescheduled, prior to the scheduled date,	<ul style="list-style-type: none"> • The ISO will schedule a new ASC appointment and route the A-file to the appropriate holding shelf to await the biometrics results. • Adjudicate the case after the biometrics results are received. • If Form I-821D is approved, approve Form I-765. • Update C3 with HAC (b) (7)(E) Approved on Service Motion for each form. • If denied, issue a denial using the (b) (7)(E) denial template. • Update C3 with HAC (b) (7)(E) 						
Did not request to have his/ her biometrics appointment rescheduled, prior to the scheduled date,	<ul style="list-style-type: none"> • Respond to the SRMT that the denial stands, using the SRMT denial template. 						

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

Requestor Paid the Filing and Biometric fees for the I-765

Follow the steps below when an SRMT is filed due to a claimed administrative error related to Non-Sufficient Funds.

Review the electronic systems to see whether the requestor paid the associated fees with the filing.

Step	Action
1	Records Division reviews electronic systems to determine if the fee was paid timely and properly (if necessary, Request the A-file)
2	Reopen Forms I-821D and I-765 on Service motion.
3	Update C3 with HAC code (b) (7)(E) [redacted], for both forms.
4	Send an interim (b) (7)(E) response using (b) (7)(E) [redacted]

If the Records Division determines...	Then...
The appropriate fees were not paid,	<ul style="list-style-type: none"> Respond to the SRMT that the denial stands, using the SRMT denial template.
The appropriate fees were paid,	<ul style="list-style-type: none"> The ISO obtains the file and schedules a new ASC appointment and routes the A-file to the appropriate holding shelf to await the biometrics results. Adjudicate the case after the biometrics results are received. If Form I-821D is approved, approve Form I-765. Update C3 with HAC code (b) (7)(E) [redacted] for each form. If denied, issue a denial using the (b) (7)(E) denial template. Update C3 with HAC code (b) (7)(E) [redacted] each form.

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

USCIS Denied the Request for DACA Based on Abandonment and the Requestor Claims He/She did Respond to a RFE Within the Prescribed Time

Follow the steps below when an SRMT is filed due to a claimed administrative error related to the requestor's response to a RFE.

Step	Action						
1	Request the A-file.						
2	Reopen Forms I-821D and I-765 on Service motion.						
3	Update C3 with HAC code (b) (7)(E) for both forms.						
4	Send an interim (b) (7)(E) response using (b) (7)(E)						
5	Review A-file and local systems to determine if a response to the RFE was received before the due date. <table border="1" data-bbox="565 701 1399 1362"> <thead> <tr> <th>If the requestor...</th> <th>Then...</th> </tr> </thead> <tbody> <tr> <td>Responded to the RFE within the prescribed time,</td> <td> <ul style="list-style-type: none"> Route the filing to the reviewing officer. Adjudicate based on the evidence submitted initially and the RFE response. If Form I-821D is approved, approve Form I-765. Update C3 with HAC code (b) (7)(E) for each form. If denied, issue a denial using the (b) (7)(E) denial template. Route to SISO for denial concurrence Update C3 with HAC code (b) (7)(E) for each form. </td> </tr> <tr> <td>Did not respond within the required time, or no response was received.</td> <td> <ul style="list-style-type: none"> Respond to the SRMT that the denial stands, using the SRMT denial template. </td> </tr> </tbody> </table>	If the requestor...	Then...	Responded to the RFE within the prescribed time,	<ul style="list-style-type: none"> Route the filing to the reviewing officer. Adjudicate based on the evidence submitted initially and the RFE response. If Form I-821D is approved, approve Form I-765. Update C3 with HAC code (b) (7)(E) for each form. If denied, issue a denial using the (b) (7)(E) denial template. Route to SISO for denial concurrence Update C3 with HAC code (b) (7)(E) for each form. 	Did not respond within the required time, or no response was received.	<ul style="list-style-type: none"> Respond to the SRMT that the denial stands, using the SRMT denial template.
If the requestor...	Then...						
Responded to the RFE within the prescribed time,	<ul style="list-style-type: none"> Route the filing to the reviewing officer. Adjudicate based on the evidence submitted initially and the RFE response. If Form I-821D is approved, approve Form I-765. Update C3 with HAC code (b) (7)(E) for each form. If denied, issue a denial using the (b) (7)(E) denial template. Route to SISO for denial concurrence Update C3 with HAC code (b) (7)(E) for each form. 						
Did not respond within the required time, or no response was received.	<ul style="list-style-type: none"> Respond to the SRMT that the denial stands, using the SRMT denial template. 						

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

USCIS Mailed the RFE to the Wrong Address and the Requestor Submitted a COA Prior to the RFE Issuance

Follow the steps below when an SRMT is filed due to a claimed administrative error related to the requestor's change of address.

Step	Action
1	Request the A-file.
2	Reopen Forms I-821D and I-765 on Service Motion.
3	Update C3 with HAC code SRMT D (b) (7)(E) for both forms.
4	Send an interim (b) (7)(E) response using (b) (7)(E)
5	Verify the requestor's address.

If the requestor...	Then...
Filed a change of address, prior to the issuance of an RFE,	<ul style="list-style-type: none"> • Re-issue the RFE with a new 87-day response time to the correct address and route the A-file to the RFE hold shelf. • After the RFE response is received, adjudicate Forms I-821D and I-765 based on the evidence submitted initially and the RFE response. • If Form I-821D is approved, approve Form I-765. • Update C3 with HAC code (b) (7)(E) (b) (7)(E) for each form. • If denied, issue a denial using the (b) (7)(E) denial template. • Update C3 with HAC code (b) (7)(E) for each form.

Continued on next page

Use of SRMT to Respond to Request to Review Certain Denials, Continued

USCIS Mailed the RFE to the Wrong address and the Requestor Submitted a COA Prior to the RFE Issuance (continued)

If the requestor...	Then...	
Did not file a COA prior to the issuance of an RFE,	Review that the RFE was sent to the correct address.	
	If the RFE was sent to,	Then,
	The correct address,	<ul style="list-style-type: none"> Respond to the SRMT stating that the denial stands, using the SRMT denial template.
An incorrect address,	<ul style="list-style-type: none"> Route the filing to the SISO. The ISO shall re-issue the RFE with a new 87-day response time to the correct address and route the A-file to the RFE hold shelf. After the RFE response is received, adjudicate Forms I-821D and I-765 based on the evidence submitted initially and the RFE response. If Form I-821D is approved, approve Form I-765. Update C3 with HAC code (b) (7)(E) [redacted] for each form. If denied, issue a denial using the SRMT denial template. Update C3 with HAC code (b) (7)(E) [redacted] for each form. 	

Chapter 14: DACA Termination

Removal Deferred Under DACA in Error

If it comes to the attention of an officer that removal was deferred under DACA in error, the officer should reopen the case on Service motion and issue a Notice of Intent to Terminate, unless there are criminal, national security, or public safety concerns (see below). The individual should be allowed 33 days to file a brief or statement contesting the grounds cited in the Notice of Intent to Terminate. The Notice of Intent to Terminate should include a statement that if deferred action for childhood arrivals is terminated, any associated employment authorization granted during the period of deferred action will be terminated for cause.

If the adverse grounds are not overcome, or no response is received to the Notice of Intent to Terminate, the officer should prepare a Termination Notice and seek supervisory review of the draft Termination Notice, prior to issuance. The Termination Notice should indicate that the individual's employment authorization is terminated for cause as of the date of the notice.

Fraud

If it comes to the attention of an officer that an individual committed fraud in seeking deferral of removal under DACA, the officer should reopen the case on Service motion and issue a Notice of Intent to Terminate. The individual should be allowed 33 days to file a brief or statement contesting the grounds cited in the Notice of Intent to Terminate. The Notice of Intent to Terminate should include a statement that if deferred action for childhood arrivals is terminated, any associated employment authorization granted during the period of deferred action will be terminated for cause.

If the adverse grounds are not overcome, or no response is received to the Notice of Intent to Terminate, the officer should prepare a Termination Notice and seek supervisory review of the draft Termination Notice prior to issuance. The Termination Notice should indicate that the individual's employment authorization is terminated for cause as of the date of the notice.

The decision to issue a Notice of Intent to Terminate based on fraud should be supported by a fully documented SOF and any other relevant documents/information. The terminated DACA case must also be appropriately recorded in FDNS-DS.

Continued on next page

DACA Termination, Continued

**Criminal,
National
Security, or
Public Safety
Issues**

If disqualifying criminal offenses or public safety concerns, which are deemed to be EPS, arise after removal has been deferred under DACA, the officer should forward the case to the BCU DACA Team who, in turn, will refer the case to ICE and follow the handling procedures outlined in the November 7, 2011 NTA memorandum for EPS cases. If ICE accepts the case, the issuance of the NTA will result in the termination of DACA. Upon the filing of the NTA with EOIR, the individual's employment authorization terminates automatically.

If ICE does not accept the case or if the disqualifying criminal offense is non-EPS per the November 7, 2011 NTA memorandum, the BCU DACA Team should reopen the case on Service motion and issue a Notice of Intent to Terminate. The individual should be allowed 33 days to file a brief or statement contesting the grounds cited in the Notice of Intent to Terminate. The Notice of Intent to Terminate should include a statement that if deferred action for childhood arrivals is terminated, any associated employment authorization granted during the period of deferred action will be terminated for cause.

If the adverse grounds are not overcome, or no response is received to the Notice of Intent to Terminate, the officer should prepare a Termination Notice and seek supervisory review of the draft Termination Notice prior to issuance. The Termination Notice should indicate that the individual's employment authorization is terminated for cause as of the date of the notice. Consequently, the Class of Admission (COA) code in CIS should be changed to DAT (Deferred Action Terminated) for employment verification purposes. Additionally, the BCU DACA Team should forward the individual's name to ERO.

If national security concerns arise after removal has been deferred under DACA, the case should go through the CARRP process, per established CARRP protocols.

Continued on next page

DACA Termination, Continued

**System
Updates**

The following new HACs must be used as appropriate when updating a Notice of Intent to Terminate DACA and a DACA Termination Notice in C3:

(b) (7)(E)

After terminating DACA, the Class of Admission (COA) code in CIS should be changed to DAT (Deferred Action Terminated) for employment verification purposes.

See Appendix I for Notice of Intent to Terminate and Termination Notice.

Chapter 15: Processing Form I-131, Application for Travel Document for Individuals With Approved Form I-821D, Consideration of Deferred Action for Childhood Arrivals (DACA)

Introduction

Parole is the authorization to allow an otherwise inadmissible person to physically proceed into the United States under certain safeguards and controls. Parole is not an admission. The legal authority for parole is found in § 212(d)(5)(A) of the Act. Under this statutory authority, DHS may, as a matter of discretion, parole an individual into the United States under prescribed conditions. Parole is granted on a case-by-case basis for urgent humanitarian reasons or significant public benefit. Advance parole is generally granted prior to the individual's departure from the United States. Form I-512L evidencing such a grant is generally the document accepted by a transportation company to allow individuals travelling without a visa to return to the United States.

Prescribed Conditions for Advance Parole

In accordance with the discretionary authority provided in § 212(d)(5)(A) of the Act, USCIS will determine whether a DACA recipient's purpose for international travel is justifiable based on the circumstances he or she describes in his or her request. Generally, USCIS will only grant advance parole if the applicant's 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.

Continued on next page

**Advance
Parole
Requested for
Humanitarian
Purposes**

For humanitarian purposes the applicant must show that the travel is for the purpose of:

- Obtaining medical treatment;
- Attending funeral services for a family member; or
- Visiting an ailing relative.

Evidence to demonstrate this purpose includes, but is not limited to:

- A letter from the applicant's physician explaining the nature of his or her medical condition, the specific medical treatment to be sought outside of the United States, and a brief explanation why travel outside the U.S. is medically necessary; or
- Documentation of a family member's serious illness or death.

Continued on next page

Processing Form I-131, Application for Travel Document for Individuals With Approved Form I-821D, Continued

Advance Parole Requested for Educational Purposes

For educational purposes the applicant must show that the travel will be undertaken for educational pursuits.

- Examples include semester abroad programs or travel necessary to conduct academic research.
- Travel during an academic year unrelated to academics (e.g., a vacation) is insufficient to qualify as an educational purpose.
- Evidence to demonstrate this purpose includes, but is not limited to:
 - A letter from a school employee acting in an official capacity describing the purpose of the travel and explaining why travel is required or beneficial; or
 - A document showing enrollment in an educational program requiring travel.

Advance Parole Requested for Employment Purposes

For employment purposes the applicant must show that the travel relates to fulfilling job requirements.

- These purposes will also include the pursuit of a position in the United States with a foreign employer.
- Examples include an overseas assignment, an interview, a conference, training, or a meeting with overseas clients.
- Evidence to demonstrate employment purposes includes, but is not limited to:
 - A letter from the applicant's employer or conference host describing the need for travel; or
 - A document showing a specific employment need, such as a conference program, that also shows the applicant's participation.

Expedites

As a general matter of course, expedite requests will not be granted, because USCIS will make every effort to process the advance parole request quickly; however, in a dire emergency, and if properly documented, if an individual were to appear at a local office and the local office were to deem the need for an expedite to be compelling such that an expedite would be warranted, the local office has the option of processing the advance parole or working through established POCs at the Service Center under normal protocols.

Continued on next page

Processing Form I-131, Application for Travel Document for Individuals With Approved Form I-821D, Continued

Filing Location A DACA recipient seeking advance parole files Form I-131 with the USICS Lockbox Facility according to the instruction on the form. The Lockbox Facility will forward the application to the appropriate Service Center according to the agreed upon routing.

DACA Recipients in Removal Proceedings Individuals in removal proceedings, including those with a final removal order, may seek advance parole if the request meets the guidelines for advance parole consideration under DACA. Notwithstanding the advance parole, a departure made while under a final order of removal (including a voluntary departure that converted automatically to a final removal order) renders that individual inadmissible under § 212(a)(9)(A) of the Act.

- Processing Steps**
- Step 1:** Determine whether the applicant is in removal proceedings and/or has a final removal order.
- Step 2:** Captured digital photos from the recent ASC visit should be used in creating the travel document within the I-512L program.
- Step 3:** Review the results of the initial (b) (7)(E) checks.
- If there is no (b) (7)(E), or the (b) (7)(E) shows the hit does not relate (DNR), or the hit has already been resolved, go to step 4.
 - If there is an unresolved (b) (7)(E) hit, follow the instructions in the NaBISCOP.
- Step 4:** Adjudicate the I-131.
- If the criteria have been met, issue the advance parole valid for the duration of the event, as documented in the advance parole application. For multiple events, issue the advance parole valid for the duration of all the documented events, not to exceed the duration of the deferral of removal under DACA.
 - Update the I-131 in C3 for approval and issuance of an I-512L Advance Parole Document.
 - If the criteria have not been met, issue a denial and update C3.

Update RFEs, approvals and denials in C3 using current procedures.

Appendix A

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



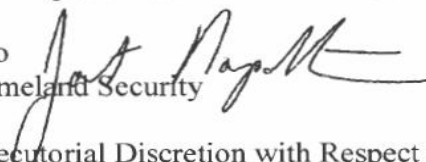
Homeland Security

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 

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:

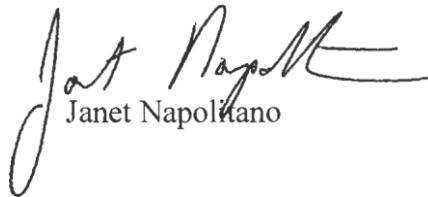
- USCIS should establish a clear and efficient process for exercising prosecutorial discretion, on an individual basis, by deferring action against individuals who meet the

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

Appendix B

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



**U.S. Citizenship
and Immigration
Services**

November 7, 2011

PM-602-0050

Policy Memorandum

SUBJECT: Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens

Purpose

This Policy Memorandum (PM) establishes new USCIS guidelines for referring cases and issuing Notices to Appear (NTAs) in a manner that promotes the sound use of the resources of the Department of Homeland Security and the Department of Justice to enhance national security, public safety, and the integrity of the immigration system. This PM supersedes Policy Memorandum No. 110, *Disposition of Cases Involving Removable Aliens*, dated July 11, 2006.

Scope

This PM applies to and is binding on all USCIS employees unless otherwise specifically provided in this PM.

Authority

Immigration and Nationality Act (INA) sections 101(a)(43), 103(a), 239, 240 and 318; Title 8, Code of Federal Regulations (8 CFR) parts/sections 2.1, 103, 204, 207.9, 208, 216.3(a), 216.6(a)(5), 236.14(c), and 239; Adjudicator's Field Manual Chapter 10.11(a).

Background

U.S. Citizenship and Immigration Services (USCIS) has authority, under the immigration laws, *see, e.g.*, INA §§ 103(a), 239; 8 CFR §§ 2.1, 239.1, to issue Form I-862, Notice to Appear, to initiate removal proceedings.¹ U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) also have authority to issue NTAs. Accordingly, USCIS must ensure that its issuance of NTAs fits within and supports the Government's overall removal priorities, while also ensuring that its NTA policies promote national security and the integrity of the nation's immigration system.

To those ends, this PM identifies the circumstances under which USCIS will issue an NTA, or will refer the case to ICE for NTA issuance, in order to effectively handle cases that involve public safety threats, criminals, and aliens engaged in fraud.

¹ *Delegation by the Secretary of the Department of Homeland Security to the Bureau of Citizenship and Immigration Services*, Delegation Number 0150.1; Paragraph 2(N). However, international District Directors and officers are not authorized to issue NTAs.

PM-602-0050: Revised Guidance for the Referral of Cases and Issuance of NTAs in Cases Involving Inadmissible and Removable Aliens

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Policy

I. National Security Cases

This PM does not affect the handling of cases involving national security concerns.² Guidance from the Fraud Detection and National Security Directorate (FDNS)³ will continue to govern the definition of these cases and the procedures for resolution and NTA issuance.

II. NTA Issuance Required by Statute or Regulation

USCIS will issue an NTA in the following circumstances:⁴

- A. Termination of Conditional Permanent Resident Status and Denials of Form I-751, Petition to Remove the Conditions of Residence (8 CFR 216.3, 216.4, 216.5)⁵
- B. Denials of Form I-829, Petition by Entrepreneur to Remove Conditions (8 CFR 216.6)
- C. Termination of refugee status by the District Director (8 CFR 207.9)
- D. Denials of NACARA 202 and HRIFA adjustments
 - 1. NACARA 202 adjustment denials (8 CFR 245.13(m));
 - 2. HRIFA adjustment denials (8 CFR 245.15(r)(2)(i)).
- E. Asylum⁶, NACARA 203, and Credible Fear cases:⁷
 - 1. Asylum referrals (8 CFR 208.14(c)(1));
 - 2. Termination of asylum or termination of withholding of removal or deportation (8 CFR 208.24(e));⁸
 - 3. Positive credible fear findings (8 CFR 208.30(f));
 - 4. NACARA 203 cases where suspension of deportation or cancellation of removal is not granted, and the applicant does not have asylum status, or lawful immigrant or non-immigrant status (8 CFR 240.70(d)).

This PM does not apply to, or change, NTA or notification procedures for Temporary Protected Status cases.⁹ Further, Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, processed under the Violence Against Women Act (VAWA), should continue to

² National Security Cases include cases involving Terrorist Related Grounds of Inadmissibility (TRIG) pursuant to sections 212(a)(3)(B) and 212(a)(3)(F) of the INA.

³ See, e.g., *Policy for Vetting and Adjudicating Cases with National Security Concerns* (April 11, 2008).

⁴ If any Form I-751 or I-829 cases are also Egregious Public Safety cases, they will be referred to ICE in accordance with Section IV.A.1 of this PM.

⁵ See the October 9, 2009 internal memo, *Adjudication of Form I-751, Petition to Remove Conditions on Residence Where the CPR Has a Final Order of Removal, Is in Removal Proceedings, or Has Filed an Unexcused Untimely Petition or Multiple Petitions*. See also the April 3, 2009 memo, *I-751 Filed Prior to Termination of Marriage*.

⁶ USCIS may issue an NTA when an asylum applicant withdraws his or her asylum application.

⁷ This memo does not apply to the Asylum Division's issuance of Form I-863, Notice of Referral to Immigration Judge, to certain stowaways, crewmembers, and VWP individuals who are requesting asylum or withholding of removal; reasonable fear screenings and negative credible fear screenings.

⁸ See also section 208(c)(3) of the INA describing removal when asylum is terminated.

⁹ See the September 12, 2003 internal memo, *Service Center Issuance of Notice to Appear (Form I-862)*.

PM-602-0050: Revised Guidance for the Referral of Cases and Issuance of NTAs in Cases Involving Inadmissible and Removable Aliens

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be processed under existing protocols. If the VAWA applicant's Form I-485 is denied, this memorandum is applicable in terms of NTA issuance.¹⁰

III. Fraud Cases with a Statement of Findings Substantiating Fraud

To protect the integrity of the immigration system and address fraud, USCIS will issue NTAs when a Statement of Findings (SOF) substantiating fraud is part of the record.¹¹ An NTA will be issued upon final adjudicative action on the petition and/or application or other appropriate eligibility determination.¹² NTAs will be issued even if the petition 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 in the record.

The NTA should include the charge of fraud or misrepresentation, if possible. The appropriate charge(s) will be determined on a case-by-case basis. Consultation with local USCIS counsel to determine the appropriate charge(s) is recommended.

IV. Cases to be Referred to ICE for a Decision on NTA Issuance

A. **Criminal Cases:** Criminal aliens are a top immigration enforcement priority for the government. The following guidance recognizes the prioritization and requires USCIS to refer criminals to ICE for action or issue an NTA in accordance with this PM.

1. Egregious Public Safety (EPS) Cases

USCIS will refer all EPS cases, including cases with pending N-400s, to ICE prior to adjudicating the case even if USCIS can deny the petition and/or application on its merits. An EPS case is defined by USCIS and ICE as a case where information indicates the alien is under investigation for, has been arrested for (without disposition), or has been convicted of, any of the following:

- a. Murder, rape, or sexual abuse of a minor as defined in section 101(a)(43)(A) of the INA.
- b. Illicit trafficking in firearms or destructive devices as defined in section 101(a)(43)(C) of the INA.
- c. Offenses relating to explosive materials or firearms as defined in section 101(a)(43)(E) of the INA.

¹⁰ When making determinations, employees must keep in mind USCIS's obligations under 8 USC § 1367, which prohibits the release of any information, outside of DHS, relating to aliens who are seeking or have been approved for immigration benefit(s) under the provisions for battered spouses, children, and parents in the Violence Against Women Act.

¹¹ Alternatively, ICE will determine whether to issue the NTA if a criminal investigation is conducted, fraud is found, and the investigation results in criminal prosecution.

¹² This includes, but is not limited to, aliens that were granted asylum status by USCIS, adjusted to Lawful Permanent Resident status, presented fraud indicators, were subject to the Post Adjustment Eligibility Review (PAER) process in an Asylum Office, and met the PAER criteria for NTA issuance.

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- d. Crimes of violence for which the term of imprisonment imposed, or where the penalty for a pending case, is at least one year as defined in section 101(a)(43)(F) of the INA.
- e. An offense relating to the demand for, or receipt of, ransom as defined in section 101(a)(43)(H) of the INA.
- f. An offense relating to child pornography as defined in section 101(a)(43)(I) of the INA.
- g. An offense relating to peonage, slavery, involuntary servitude, and trafficking in persons as defined in section 101(a)(43)(K)(iii) of the INA.
- h. An offense relating to alien smuggling as described in section 101(a)(43)(N) of the INA
- i. Human Rights Violators, known or suspected street gang members, or Interpol hits.
- j. Re-entry after an order of exclusion, deportation or removal subsequent to conviction for a felony where a Form I-212, Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal, has not been approved.

All EPS cases must be referred to ICE using the procedures outlined below. The case will be referred as soon as it is identified. ICE will have an opportunity to decide if, when, and how to issue an NTA and/or detain the alien. USCIS will not issue an NTA in these cases if ICE declines to issue an NTA. If some other basis unrelated to the EPS concern becomes apparent during the course of adjudication, an NTA may be issued in accordance with this memo.

Referral Process

This referral process is utilized in order to give ICE the opportunity to determine the appropriate course of action before USCIS adjudicates the case. A decision to issue an NTA may directly affect the processing of the pending petition and/or application. Upon issuing the Referral to Immigration and Customs Enforcement (RTI), USCIS will suspend adjudication for 60 days, or until ICE provides notification of its action on the case, whichever is earlier.

In response to the RTI –

1. ICE may issue an NTA. ICE's issuance of an NTA allows USCIS to proceed with adjudication (unless jurisdiction transfers to EOIR or the pending application is an N-400), taking into account the basis for the NTA.
2. If ICE does not issue an NTA or otherwise provide notification of its action on the case within 60 days of the RTI, USCIS may resume its adjudication of the case, taking into account the referral grounds.

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- a. If the case is approvable, USCIS will consult with ICE prior to adjudication.
- b. Once adjudicated, regardless of the decision, USCIS will notify ICE of the result by sending a copy of the original RTI to ICE with a cover memorandum advising of the outcome of the case.

EPS cases referred to ICE prior to adjudication should be called up and reviewed no later than 60 days after referral. Normally, the case should be adjudicated by USCIS. However, USCIS retains discretion to place the case on hold for more than 60 days if ICE requests additional time to conduct an investigation.¹³

Office-Specific Processes

1. Cases to be adjudicated by Service Centers and the National Benefits Center. Adjudication will be suspended and the case will immediately be sent to the appropriate Service Center Background Check Unit (BCU). The BCU will refer the case to the ICE Benefit Fraud Unit (BFU) via an RTI. A hard copy of the RTI will be placed in the A-file and/or receipt file. The BCU will retain the file unless ICE requests it or the 60 days expire.
2. Cases to be adjudicated by Field Offices. The Immigration Services Officer (ISO) will suspend adjudication and the case will immediately be referred to the local ICE Special Agent in Charge (SAC) via an RTI. A hard copy of the RTI will be placed in the A-file and/or receipt file. A copy of the RTI must also be sent to the ICE BFU. USCIS will retain the file unless ICE requests the file for their review.

An RTI should include any relevant attachments that USCIS has at the time, such as a copy of the RAP sheet and a copy of the petition and/or application.

2. Non-Egregious Public Safety Criminal Cases

If it appears that the alien is inadmissible or removable for a criminal offense not included on the EPS list, USCIS will complete the adjudication and then refer the case to ICE. This section applies to N-400 cases if the N-400 has been denied on good moral character (GMC) grounds based on the criminal offense.¹⁴ ICE will decide if, and how, it will institute removal proceedings and whether or not it will detain the alien. USCIS will not issue an NTA if ICE declines to issue an NTA.

¹³ Pursuant to 8 CFR 274a.13(d), USCIS must complete processing of an Employment Authorization Document (EAD) within 90 days or issue an interim EAD card valid up to 240 days. Officers should be mindful of this regulatory timeframe when cases with a pending Form I-765, Application for Employment Authorization, are referred to ICE.

¹⁴ See Section V of this memo addressing N-400 cases.

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If some other basis unrelated to the criminal offense becomes apparent upon return of the case to USCIS, an NTA may be issued in accordance with this memo.

Referral Process

The referral process is used to allow ICE to make a determination whether to issue an NTA, based on the totality of circumstances and its priorities. ICE will determine the appropriate grounds for removal if an NTA is issued.

Once adjudication is complete, USCIS will send an RTI to ICE. USCIS will concurrently transmit a copy of the RTI to ICE Headquarters (HQ) Enforcement and Removal Operations (ERO) Criminal Alien Division for statistical monitoring purposes. If there is any confusion or uncertainty about classifying a case as egregious versus non-egregious, the USCIS ISO should refer the matter as an EPS case using the process described above.

The accompanying A-file will be referred to ICE with the RTI, if the file is in the possession of the referring USCIS office or center. If the file is not at the referring USCIS office or center, the RTI should include any relevant attachments that USCIS has, such as a copy of the RAP sheet and a copy of the petition and/or application. Where USCIS obtained certified conviction records through normal processing of the case, USCIS will include the records with the RTI, but it will not hold the RTI on a completed case solely to obtain disposition records. Instead ICE will decide whether, and how, it will obtain such records as part of its decision to issue an NTA.

Office-Specific Processes

1. Cases adjudicated by Service Centers and the National Benefits Center. Once adjudication is completed, if the alien is removable on a criminal charge, regardless of the reason for the denial, the file will be referred to the BCU. The BCU will refer the case, along with the A-file and/or receipt file, to the appropriate ERO Field Office Director (FOD) via an RTI.
2. Cases adjudicated by Field Offices. Once adjudication is completed, if the alien is removable on a criminal charge, regardless of the reason for the denial, USCIS will prepare an RTI and refer the case, along with the A-file and/or receipt file, to the local ERO FOD.

B. National Security Entry Exit Registration System (NSEERS) Violator Cases

USCIS will refer all cases in which an application is denied based on an NSEERS violation to ICE for possible NTA issuance.

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V. Cases Involving Form N-400, Application for Naturalization

The following guidance applies to the issuance of NTAs in cases in which applicants for naturalization are removable. There are two primary situations in which NTAs may be issued in connection with a filed Form N-400. If the N-400 case involves fraud (documented in the SOF) the procedures found in this section must be followed, rather than the procedures found in Section III (Fraud Cases with a Statement of Findings Substantiating Fraud).

However, the below guidance does not apply to EPS cases. EPS cases must be referred in accordance with Section IV.A.1 (Egregious Public Safety Cases) of this memo.

Additionally, the below guidance does not apply to non-EPS criminal cases when the N-400 can be denied on GMC grounds based on the criminal act. These cases must be denied and referred in accordance with Section IV.A.2 (Non-Egregious Public Safety Criminal Cases).

- A. The first situation occurs when the applicant may be eligible to naturalize but is also deportable under section 237 of the INA. Examples include applicants convicted of aggravated felonies prior to November 29, 1990, or applicants convicted of deportable offenses after obtaining Lawful Permanent Resident (LPR) status that do not fall within the GMC period. The ISO should:
1. Make a written recommendation on the issuance of an NTA through a review of the totality of the circumstances to include factors such as: severity of crime, time since crime committed, other criminal conduct, reformation, immigration history including method of entry, length of presence in the U.S., and prior immigration violations, and contributions to society to include the pursuit of education and military service.¹⁵
 2. Once the ISO has made a recommendation on whether or not to issue an NTA, the case should be forwarded to the N-400 NTA Review Panel (Review Panel), along with the written recommendation. A Review Panel must be formed in each Field Office and include a local Supervisory Immigration Services Officer (SISO), a local USCIS Office of Chief Counsel attorney, and a district representative. An attorney from ICE's local Office of Chief Counsel will be invited to participate and will have an advisory role on the panel. The Review Panel will make the final determination on NTA issuance. If consensus cannot be reached by the Review Panel, the case will be elevated to the District Director, through the district representative, for a final decision.
 3. If the Review Panel decides to issue an NTA, place the N-400 on hold until removal proceedings have concluded. Once proceedings have concluded, or if the Review Panel declines to issue an NTA, adjudicate the case appropriately.

¹⁵ Additional factors to be taken under consideration can be found in the June 17, 2011 ICE memo, *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*.

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- B. The second situation occurs when it is determined that the applicant was inadmissible at the time of adjustment or admission to the United States, thus deportable under section 237 of the INA and not eligible for naturalization under section 318 of the INA.¹⁶ The ISO should:
1. Make a written recommendation on the issuance of an NTA through a review of the totality of the circumstances to include factors such as: willfulness of actions, fraud factors, length of LPR status, criminal history, and officer error at time of adjustment.
 2. Once the ISO has made a recommendation on the issuance of the NTA, the case should be forwarded to the Review Panel (see Section V.A.2), along with the written recommendation. The Review Panel will make the final determination on NTA issuance. If consensus cannot be reached by the Review Panel, the case will be elevated to the District Director, through the district representative, for a final decision.
 3. If the Review Panel decides to issue an NTA, place the N-400 on hold until removal proceedings have concluded. Once removal proceedings have concluded, adjudicate the case appropriately. If the Review Panel declines to issue an NTA, deny the case under section 318 of the INA.

VI. Other Cases

- A. An alien may request NTA issuance to renew an application for adjustment or in certain cases with a denied N-400. The request must be made in writing.¹⁷
- B. An asylum applicant issued an NTA may request NTA issuance for family members not included on the asylum application as dependents for family unification purposes. The request must be made in writing.¹⁸

VII. Exceptions

Exceptions to the guidance in this PM require concurrence from Regional or Center Directors, who will consult with ICE before issuing an NTA.

¹⁶ In the Third Circuit *only* (Pennsylvania, New Jersey, Delaware, and the U.S. Virgin Islands), based on the holding in *Garcia v. Att’y Gen.*, 553 F.3d 724 (3d Cir. 2009), if the alien has been an LPR for at least five years, the alien cannot be placed in removal proceedings for fraud or willful misrepresentation of a material fact at time of adjustment, if USCIS could have learned of the fraud or misrepresentation through reasonable diligence before the five year rescission period expired. Please consult with USCIS counsel if there are questions regarding the applicability of this precedent.

¹⁷ USCIS retains discretion to deny a request. USCIS should consider ICE actions and determinations when making an NTA issuance decision under this section.

¹⁸ USCIS retains discretion to deny a request.

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VIII. Coordination with ICE

According to the June 2011 ICE memo regarding the exercise of prosecutorial discretion consistent with priorities,¹⁹ USCIS will receive notice before an ICE attorney exercises prosecutorial discretion and dismisses, suspends, or closes a case. The local N-400 NTA Review Panel will work with ICE to come to a resolution if USCIS does not agree with ICE's use of prosecutorial discretion in a particular case. If concurrence cannot be reached, the case should be elevated to the USCIS Office of Chief Counsel in headquarters.

Implementation

Each field office must form an N-400 NTA Review Panel and create a process to complete RTIs and refer EPS and non-EPS criminal cases to ICE. A written list enumerating the members of the Review Panel and a document outlining the process of referral must be sent to the appropriate district office within 30 days of the issuance of this memorandum.

Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law, or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate channels to the Field Operations Directorate, Service Center Operations Directorate, or the Refugee, Asylum, and International Operations Directorate.

¹⁹ *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*, signed June 17, 2011.

Appendix C

Overview of the Background Check Process

(b) (7)(E)

Appendix D

DEFERRED ACTION FOR CHILDHOOD ARRIVALS RFE CALL-UPS

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed **[Text]** and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply. Text only highlighted in **YELLOW** and not bracketed is directive in nature and should not be printed in the letter being sent but should be deleted. Please mix call-ups into a single RFE as needed.

NOTE: Please add call-ups **DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION** and **DACA 301 – YOU MAY SUBMIT PHOTOCOPIES** to any other call-ups below as needed.

I. GUIDELINES

DACA 100 – IDENTITY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to prove your identity is insufficient (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the following that were already provided by the requestor*)

- 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.

DACA 101 – 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. (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the following that were already provided by the requestor*)

- a. Employment records (e.g., pay stubs, W-2 Forms, Federal and 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.

*(ISO: Add the appropriate language below to the RFE if any of the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D are blank **OR** if page 3 of the Form I-821D is missing.)*

In addition, you did not answer question(s) *(ISO should list the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D that were not answered)* in Part 2, Arrival/Residence Information, of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to answer these question(s) on the enclosed copy of your original Form I-821D.

Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D with the RFE)

OR

In addition, you did not submit page three (3) with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to complete the enclosed page three (3) of the form.

Also enclosed is a copy of your original Form I-821D. Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D and a blank page 3 of the form with the RFE)

DACA 102 - BRIEF, CASUAL, AND INNOCENT ABSENCE

To be considered for deferred action as a childhood arrival, you must have continuously resided in the United States during the 5 years period immediately before June 15, 2012 and up to the date you filed your request for deferred action. A brief, casual, and innocent absence from the United States will not interrupt your continuous residence.

An absence will be considered brief, casual, and innocent, if:

- (1) The absence was short and reasonably calculated to accomplish the purpose of the absence;
- (2) The absence was not the result 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 the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) The purpose of the absence from the United States or actions while outside of the United States were not contrary to law.

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, for each departure you made from the United States since June 15, 2007 to show that each departure you made from the United States since June 15, 2007 was brief, casual, and innocent is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- Plane or other transportation tickets or itinerary showing the travel dates;
- Passport entries;
- Hotel receipts showing the dates you were abroad;
- Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- Advance parole document; or
- Any other evidence that could support a brief, casual, and innocent absence.

DACA 103A – ARRIVED IN THE UNITED STATES BEFORE AGE 16

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to establish that you came to the United States prior to your 16th birthday is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- Passport with an admission stamp indicating when you entered the United States;
- I-94/I-95/I-94W Arrival/Departure Record;
- Any INS or DHS document stating your date of entry (e.g., Form I-862, Notice to Appear);
- Travel records, such as transportation tickets showing your dates of travel to the United States;
- School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and the periods of school attendance;
- 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;
- 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.); or
- Any other document that you believe is relevant.

ACA 103B – ESTABLISHED RESIDENCE IN THE UNITED STATES PRIOR TO AGE 16

The record indicates that you left the United States for some period of time before returning on or after your 16th birthday and beginning your current period of continuous residence. Please submit evidence that you established residence in the United States before your 16th birthday. You can demonstrate that you established residence in the United States before your 16th birthday by, for example, submitting records showing that 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.

Evidence of establishing residence in the United States before your 16th birthday may include, but is not limited to, copies of:

- a. School records (transcripts, report cards, etc.) from the schools that you attended in the United States before turning 16 years old, showing the name(s) of the schools and periods of school attended;
- b. Employment records showing that you worked in the United States before turning 16 years old (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);
- c. Documents evidencing that you were physically present in the United States for multiple years prior to your 16th birthday; or
- d. Any other relevant document.

DACA 104A –IN UNLAWFUL STATUS 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 in unlawful status on June 15, 2012 is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- If you have a final order of exclusion, deportation, or removal issued on or before June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings;
- Any other document that you believe is relevant to show that you lacked lawful immigration status on June 15, 2012; or
- Any document relating to parole.

DACA 104B –STUDENT IN UNLAWFUL STATUS 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 in unlawful status on June 15, 2012 is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- If you have a final order of exclusion, deportation, or removal issued on or before June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings;
- Copies of your transcripts showing your student status from (ISO should insert dates);

- Copies of all properly completed old I-120AB/I-20ID forms or new SEVIS I-20 forms (required since August 1, 2003) for all schools attended;
- Proof of reinstatement;
- Any other document that you believe is relevant to show that you lacked lawful immigration status on June 15, 2012;
- Any document relating to parole.

DACA 105 – 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. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly).* You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- a. Employment records (e.g., pay stubs, W-2 Forms, Federal and 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.

DACA 106 – CURRENTLY ENROLLED IN SCHOOL

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, showing that you have been accepted for enrollment or are already attending classes in one of the following is insufficient:

- A public or private elementary, junior high/middle school or high school/secondary school;
- A public or private college or university, or community college;
- A course of study to pass a General Education Development (GED) Certificate exam or other State-authorized exam;
- An educational or career training program (including vocational training);
- Literacy training; or
- An English as a Second Language (ESL) program.

(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)

You may still submit evidence, which may include the following: *(ISO should delete any of the following that were already provided by the requestor)*

- **A public or private elementary, junior high/middle school or high school/secondary school;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school's authorized representative. Such acceptance letter is to include the name and address of the school, your grade level, and the date that classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;
 - A current class schedule containing the student's name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
 - If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade; or a current IEP showing your process to date.
- **A public or private college or university, or community college;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance package or related material on school letterhead from the school's authorized representative. Such acceptance package or related material is to include the name and address of the school, your grade level or class year, and the date or term when classes are scheduled to commence. In addition, the acceptance package or related material is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;
 - A copy of your current tuition bill;
 - A current class schedule containing your name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
 - If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade or class year; or a current IEP showing your process to date.

- **A course of study to pass a General Education Development (GED) Certificate exam or other equivalent State-authorized exam;**

Such evidence is to include a letter from the authorized representative of the program that includes information such as:

 - Your name and date of enrollment;
 - The duration of the program and expected completion date;
 - Whether the course of study is for a regular high school diploma or recognized equivalent under State law or a GED exam or other equivalent State-authorized exam;
 - The program's source and amount of funding;
 - The program's authorized representative's contact information; and
 - The program's demonstrated effectiveness *if it is not publicly funded* (Federal, State, county, or municipal) in whole or in part.
- **An educational or career training program (including vocational training);**

Such evidence may include, but is not limited to:

 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school registrar/authorized school representative. Such acceptance letter is to include the name and address of the program, a brief description of the program, the duration of the program, and state when the classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for the program;
 - A copy of your current year registration (intake form/enrollment form); or
 - Any other relevant documentation.
 - If already attending classes– Current transcripts, report cards, or progress reports showing the name of the school, the time period or semester covered by the document, and if relevant, the current educational or grade level.
 - The program's demonstrated effectiveness *if it is not publicly funded* (Federal, State, county, or municipal) in whole or in part.
- **Literacy training; or**

Such evidence is to include a letter from the literacy program administrator or authorized representative providing information such as:

 - Your name;
 - The date of your enrollment;
 - The duration of the literacy program and the expected completion date;
 - The program administrator or authorized representative's contact information; and
 - The program's demonstrated effectiveness *if it is not publicly funded* (Federal, State, county, or municipal) in whole or in part.
- **An English as a Second Language (ESL) program.**

Such evidence is to include a letter from the ESL program administrator or authorized representative. This letter is to include the following:

 - Your name;
 - The date of your enrollment;
 - The duration of the ESL program and the expected completion date;
 - The program administrator or authorized representative's contact information; and
 - The program's demonstrated effectiveness *if it is not publicly funded* (Federal, State, county, or municipal) in whole or in part.

DACA 106A – EVIDENCE OF ACCEPTANCE BUT NO EVIDENCE OF REGISTERING FOR CLASSES:

You have provided an acceptance letter or other related material indicating that you have been accepted at *(ISO should list the name of the private elementary/junior high/middle school/high school/secondary school or public or private college/university/community college)*. However, you did not include evidence that you have enrolled in that school. Therefore, you are requested to submit such evidence

which is to include, but is not limited to paid tuition or evidence that you have registered for class at that school.

DACA 106B – LITERACY PROGRAM’S NON-PROFIT STATUS

If the literacy program in which you are enrolled has non-profit status, please provide evidence of such status. Evidence of the literacy program’s non-profit status is to include a copy of a valid letter from the Internal Revenue Service confirming exemption from taxation under section 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, or equivalent section of prior code.

DACA 106C –PUBLIC FUNDING (GED; Educational or Career Training Program (Including Vocational Training); ESL)

If the *(ISO should insert GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; or English as a Second Language)* in which you are enrolled is funded in whole or in part by public funds (Federal, State, county or municipal), you are requested to submit a letter from the *(ISO should insert GED program administrator/authorized representative; school registrar/authorized school representative if requestor is enrolled in Career Training Program (Including Vocational Training); literacy program administrator/authorized representative; or ESL program administrator/authorized representative)* providing basic details about the funding, such as the source(s) of the funding.

DACA 106D – PUBLIC FUNDING – (Literacy Program)

If the literacy program in which you are enrolled is not funded in whole or in part by public funds (Federal, State, county, or municipal) or not administered by a non-profit entity you are requested to submit a letter from the program administrator or authorized representative providing basic details about the funding, such as the amount and the source(s) of the funding.

DACA 106E – DEMONSTRATED EFFECTIVENESS (GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; ESL)

(ISO should select the correct RFE paragraph below depending upon the program in which the requestor is enrolled)

If the **GED/Equivalency program**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part, you are requested to submit information from the GED program administrator/authorized representative relating to the program’s demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program’s existence;
- The program’s track record in assisting students in obtaining a regular high school diploma, GED, or a recognized equivalent certificate, or passing a GED or recognized equivalent exam;
- Receipt of awards or special achievement or recognition, that indicate the program’s overall quality; and/or
- Any other relevant information indicating the program’s overall quality.

If the **educational or career training program (including vocational training)**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part, you are requested to submit information, with supporting documentation, if available, from the school registrar/authorized representative relating to the program’s demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program’s existence;
- The program’s track record in placing students in employment, job training, or post-secondary education; and
- Receipt of awards or special achievement or recognition, that indicate the program’s overall quality; and/or
- Any other relevant information indicating the program’s overall quality.

If the **literacy program** in which you are enrolled, is publicly funded (Federal, State, county, or municipal) in whole or in part, you are requested to submit information from the literary program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in post-secondary education, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

If the **English as a Second Language (ESL)** program in which you are enrolled is not publicly funded (Federal, State, county, or municipal) in whole or in part, you are requested to submit information from the ESL program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The length of the program's existence;
- The program's track record in assisting students in obtaining placement in postsecondary schools, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

DACA 106F – 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 obtained a General Educational Development (GED) Certificate or equivalent State authorized exam in the United States is insufficient (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the following that were already provided by the requestor*)

- A diploma;
- Transcripts showing the date of graduation; or
- A GED certificate, certificate of completion, certificate of attendance, or 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.

DACA 107 – MEDICAL LEAVE

You indicate in your filing that you are currently on medical leave from school. Therefore, you are requested to submit evidence of your medical leave and indicate the date you expect to return to school. Evidence of your medical leave may include, but is not limited to, an explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long your treatment is expected to last.

DACA 108 - MILITARY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States is insufficient. (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the following that were already provided by the requestor*)

- 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.

DACA 109- REMOVAL PROCEEDINGS

Submit documents that you have been issued an order of exclusion, deportation or removal. Such documentation could include copies of:

- Any removal, deportation, or exclusion order issued by an Immigration Judge;
- Final decision from the Board of Immigration Appeals (BIA); or
- Final decision from a U.S. Court of Appeals in your case.

II. APPLICATION SUPPORT CENTER (ASC) RELATED

DACA 130 – SCHEDULE ASC APPOINTMENT

Your request cannot be processed until you have appeared at an Application Support Center (ASC) for the collection of a digital photograph, signature, and fingerprint(s). Our records indicate that you have not yet appeared at an ASC for this purpose. Follow the instructions on the appointment notice for biometrics capture [enclosed with this notice/that will be mailed to you separately]. Additional information regarding the location of the ASC can be found on the USCIS web site at www.USCIS.gov. Please bring this notice with you to your appointment.

If you have appeared at an ASC for biometrics capture, please return this notice to the address below with the appointment information.

Date of Appointment: _____

Location of Appointment: _____

DACA 131– RESCHEDULE ASC APPOINTMENT (TECHNICAL DIFFICULTIES)

Our records indicate that you have already appeared at an Application Support Center (ASC) as previously scheduled. However, due to technical problems, your previously-acquired biometrics from the ASC cannot be used.

[USCIS will mail a separate notice to you containing information for a new appointment for biometrics capture at the ASC nearest you/Follow the instructions of the enclosed appointment for biometrics capture at the ASC nearest you.] Additional information regarding the location of the ASC can be found on the USCIS web site at www.USCIS.gov. Please bring this notice with you to your appointment in addition to any other required documents as stated in the new appointment notice.

We sincerely regret any inconvenience this has caused you.

III. NAME, DATE OF BIRTH DISCREPANCY

DACA 140 – DATE OF BIRTH DISCREPANCY

USCIS records indicate that you were born on [DATE]. You indicated on your request for consideration of deferred action for childhood arrivals that you were born on [DATE]. Submit documentary evidence to establish your true date of birth. Such evidence may include your birth certificate and/or passport. If you submit a copy of your birth certificate, you must submit copies of the front and back (if there is information on the back).

DACA 142 – NAME CHANGE/DISCREPANCY

USCIS records and/or evidence you submitted indicate that your name is [NAME]. You indicated on your request for consideration of deferred action for childhood arrivals that your name is [NAME]. Submit documentary evidence to establish your true name. Such evidence may include a birth certificate, adoption records, marriage certificate, passport, or government documentation showing that you have officially changed your name.

DACA143 – SUBMIT EVIDENCE OF NAME CHANGE

Submit proof of your name change. Such proof would normally be a marriage certificate, termination of marriage (divorce or annulment decree), adoption decree, or court order.

IV. FINGERPRINTING / CRIMINALITY

DACA 150A – 2 UNCLASSIFIABLE PRINTS – SUBMIT LOCAL POLICE CLEARANCES

To date, you have been fingerprinted twice and USCIS has been unable to get a required clearance for you because both sets of fingerprints were rejected as unclassifiable by the Federal Bureau of Investigation. At this time you must submit a local police clearance certificate for each jurisdiction (city, town, county, or municipality) in which you have lived for six months or more within the past five years.

Important Note: The police clearance certificate(s) must show your name and date of birth, and all aliases, if applicable, for all names researched. You must supply the law enforcement agency with all aliases you listed on your Form I-821D [ISO should list ONLY those names provided in Part 1. Other Names Used (including maiden name) of the Form I-821D. Aliases obtained from any other source should not be listed in the RFE], including maiden name, [If applicable, insert maiden name unless it was included in the list of names in Part 1. Other Names Used (including maiden name) of the Form I-821D] if applicable. Fingerprint cards are not acceptable evidence of a police clearance certificate.

If the police clearance shows you have been arrested for, charged with, or convicted of a felony or misdemeanor, 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.

DACA 150B – FINGERPRINT WAIVER

The Application Support Center (ASC) granted a fingerprint waiver on your case. At this time you must submit a local police clearance certificate for each jurisdiction (city, town, county, or municipality) in which you have lived for six months or more within the past five years.

Important Note: The police clearance certificate(s) must show your name and date of birth, and all aliases, if applicable, for all names researched. You must supply the law enforcement agency with all aliases you listed on your Form I-821D [ISO should list ONLY those names provided in Part 1. Other Names Used (including maiden name) of the Form I-821D. Aliases obtained from any other source should not be listed in the RFE], including maiden name, [If applicable, insert maiden name unless it was included in the list of names in Part 1. Other Names Used (including maiden name) of the Form I-821D] if applicable. Fingerprint cards are not acceptable evidence of a police clearance certificate.

If the police clearance shows you have ever been arrested for, charged with, or convicted of a felony or misdemeanor, 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.

DACA 151– 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 [DATE], in [JURISDICTION] and charged with [CHARGES].

(Where appropriate, Service Center may also need to include the name under which the arrest took place if different from name being used by requestor on Form I-821D. If there are multiple charges, you may bullet each charge.)

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.

V. I-821D PART 3 INCOMPLETE

DACA 155 – FORM I-821D INCOMPLETE

You did not answer question(s) **(ISO should list the question numbers in Part 3 of the Form I-821D that the requestor did not answer)** in Part 3 of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to answer these question(s) on the enclosed copy of your original Form I-821D.

After you answer these questions, you must re-sign and date page four (4) of the enclosed copy of your original Form I-821D. The completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

As stated in the instructions on Part 3 of the Form I-821D, if any of the questions apply to you, please describe the circumstances and include a full explanation in Part 7 of the Form I-821D. To view the instructions of the Form I-821D, please visit the USCIS website at <http://www.uscis.gov/USCIS/files/form/i-821d.pdf> or call toll-free (800) 870-3676 to request this form by mail.

(Include a copy of the requestor's Form I-821D with the RFE)

VI. I-821D PART 3, CRIMINAL, NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION AFFIRMATIVE RESPONSES POSSIBLE INELIGIBILITY ISSUES

DACA 160 – ANSWERED “YES” TO QUESTION 1 AND 2 IN PART 3 – DOCUMENTS NEEDED AND EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information: **DELETE**

THOSE THAT DON’T APPLY

- 1. Have you been arrested for, charged with, or convicted of a felony or misdemeanor in the United States?**
- 2. Have you been arrested for, charged with, or convicted of any crime in any country other than the United States?**

You did not provide a full explanation in Part 7 of your Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D. Therefore, please provide a full explanation describing the circumstances. **DELETE IF AN EXPLANATION WAS PROVIDED**

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.

DACA 161 – ANSWERED “YES” TO QUESTION 3 IN PART 3 – SUBMIT EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 3, Criminal, National Security and Public Safety Information:

- 3. Have you ever engaged in or do you continue to engage in or plan to engage in terrorist activities?**

You did not provide a full explanation in Part 7 of your Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation of the terrorist activities you have ever engaged in, continue to engage in, or plan to engage in. Your explanation should include:

- Whether other people were engaged in terrorist activities with you;
- The names of the other people with whom you engaged in terrorists activities;
- The role you played in terrorist activities;
- The role that others played in terrorist activities;
- Whether you planned or actually carried out the terrorist activities;
- Whether you engaged in, continued to engage, or planned to engage in terrorist activities in the United States or abroad; and
- Describe the type of terrorist activities you engaged in, continue to engage in, or plan to engage in.

DACA 162 – ANSWERED “YES” TO QUESTION 4 IN PART 3 – SUBMIT EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 3, Criminal, National Security and Public Safety Information:

4. Are you now or have you ever been a member of a gang?

You did not provide a full explanation in Part 7 of the Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation of your gang membership, including:

- When you joined the gang(s);
- How long you were a member of the gang(s);
- The name of the gang(s); and
- The criminal activities you participated in with the gang(s).

DACA163 – ANSWERED “YES” TO QUESTIONS 5a, 5b, 5c, AND 5d IN PART 3– SUBMIT EXPLANATION

On your Request for Deferred Action for Childhood Arrivals (Form I-821D) you checked “Yes” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information: **DELETE THOSE THAT DON’T APPLY**

5. Have you EVER engaged in, ordered, incited, assisted, or otherwise participated in any of the following:

- a. acts involving torture, genocide, or human trafficking?**
- b. killing any person?**
- c. severely injuring a person?**
- d. any kind of sexual contact or relations with any person who was being forced or threatened?**

You did not provide a full explanation in Part 7 of the Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation describing your participation in activities involving torture, genocide, human trafficking, killing any person, severely injuring any person, or any sexual contact or relations with any person who was being forced or threatened.

VII. I-821D PART 3, CRIMINAL, NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION

DACA 170– 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 [DATE], in [JURISDICTION] and charged with [CHARGES].

Where appropriate, Service Center may also need to include the name under which the arrest took place if different from name being used by requestor on Form I-821D. If there are multiple charges, you may bullet each charge.)

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.

DACA 171– ANSWERED “NO” TO QUESTIONS 1 AND 2 IN PART 3 - CRIMINAL ACTIVITY UNCLEAR TO USCIS, SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

Based on a review of your case, it appears that you have some type of criminal record/interaction with law enforcement authorities. It appears that on [DATE] the following occurred:

[Provide explanation of findings, to include name of police dept. If applicable, charges if applicable, etc. NOTE: Do not inform the applicant where the information came from systems that are not our records (ex. IBIS)]

(Where appropriate, you may also need to include the name under which the arrest took place if different from name being used by the requestor on Form I-821D. If there are multiple interactions, you may bullet each interaction.)

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.

DACA 172– ANSWERED “NO” TO QUESTIONS 3, 4, 5a, 5b, 5c, AND 5d IN PART 3 – USCIS DISCOVERED UNCLEAR INFORMATION, SUBMIT EXPLANATION

Based on a review of your case, the following was discovered: **(Delete those that do not apply)**

- 3. you engaged in or do you continue to engage or plan to engage in terrorist activities?**
- 4. you are now or have been a member of gang?**
- 5. you engaged in, ordered, incited, assisted, or otherwise participated in any of the following:**
 - a. acts involving torture, genocide, or human trafficking?**
 - b. killing any person?**
 - c. severely injuring a person?**
 - d. any kind of sexual contact or relations with any person who was being forced or threatened?**

[Provide explanation of findings. This can include where the information was found if it is knowledge that can be shared with the requestor. NOTE: Do not inform the requestor where the information came from systems that are not our records (ex. IBIS).]

Therefore, you must submit a statement explaining and/or refuting the information/circumstances found in USCIS records. Please note that if you refute the above information, and USCIS later receives information that the above does relate to you, USCIS may terminate deferred action and you may be barred from other immigration benefits.

VIII. FORM I-765

DACA 180 – FAILURE TO SUBMIT OR COMPLETE FORM I-765WS

USCIS is unable to complete the adjudication of your Form I-765, Application for Employment Authorization, because you did not submit or complete the Form I-765WS. Please provide a response to Part 1 (Full Name), and Part 2 (Financial Information), and if applicable, Part 3 (Additional Information) of Form I-765WS to indicate whether or not you have an economic need to work and return it to the address provided within the specified time.

To obtain Form I-765WS, please visit the USCIS website at <http://www.uscis.gov/files/form/i-765ws.pdf> or call toll-free (800) 870-3676 to request this form by mail.

DACA 190 – SUBMIT PASSPORT PHOTOS

Please submit **two (2)** passport-style **color** photo(s) of [NAME] taken within 30 days of the date of this notice, which conform(s) to the specifications below. Using a pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.

Please do not staple through any part of the photo(s). Enclose the photo(s) in a plastic or paper envelope and staple the envelope to this notice when returning it to this office.

Passport-style photos must be 2 inches by 2 inches:

- Frame subject with full face, front view, eyes open.
- Make sure photo presents full head from top of hair to bottom of chin; height of head should measure 1 inch to 1 3/8 inch (25 mm to 35 mm).
- Center head within frame.
- Make sure eye level is between 1 1/8 inch and 1 3/8 inch (28 mm and 35 mm) from bottom of photo.
- Photograph subject against a plain white or off-white background.
- Position subject and lighting so that there are no distracting shadows on the face or background.
- Encourage subject to have a natural expression.
- Include headpieces if worn daily for religious purposes; they should not obscure or cast shadows on the eyes or any other part of the face.

For more information on photo requirements, please see the Department of State website at: <http://www.travel.state.gov/passport/pptphotos/index.html>, or contact the USCIS National Customer Service Center at 1-800-375-5283.

IX. FORM 131

DACA 200 – PROOF OF DACA

To be considered for advance parole you must submit evidence to establish that you have been granted deferred action for childhood arrivals. Submit a copy of the approval notice issued by USCIS for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals.

DACA 201 – GENERAL

On [insert filing date], you filed an Application for Travel Document (Form I-131) based on an approved Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Under section 212(d)(5)(A) of the Immigration and Nationality Act (INA), the Secretary of Homeland Security may, in her discretion,

parole into the United States any alien applying for admission to the United States on a case-by-case basis for urgent humanitarian reasons or significant public benefit. To assist USCIS in adjudicating your application, please provide additional information about your proposed travel, including the reasons for requesting advance parole in order to travel outside the United States. In response to this notice, you should also submit evidence in support of your request (e.g., documentation showing that your proposed travel is related to your current employment or education or a humanitarian purpose).

DACA 202 – PROOF OF EDUCATIONAL NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for education purposes. Examples of travel abroad for education purposes include study abroad programs, school-sponsored trips abroad, or travel necessary to conduct academic research.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for education purposes is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for educational purposes, modify RFE call up accordingly).* You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- A letter from the educational institution, or from an employee of the institution acting in his or her official capacity, describing the purpose of the travel, or documentation showing enrollment in a specific program or class coupled with documentary evidence showing that you will benefit from, or are required to travel for the specific program or class; or

NOTE: Travel during an academic year unrelated to academics (i.e., a vacation) is insufficient to qualify as an educational purpose.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 203 – PROOF OF HUMANITARIAN NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for humanitarian reasons. Examples of travel abroad for humanitarian reasons include medical reasons, to visit a family member, or to attend funeral services for a family member.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for humanitarian purposes is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for humanitarian, modify RFE call up accordingly).* You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long the treatment is expected to last;
- Information on the reasons why you cannot obtain treatment in the United States;
- An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis of the family member's condition; or
- A death certificate or newspaper obituary of the family member or other document evidencing the death of the family member.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 204 – PROOF OF EMPLOYMENT NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individual granted deferred provided for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for employment purposes. Examples of travel abroad for employment purposes include: pursuit of a position in the United States with a foreign employer; an overseas assignment, interview, conference, or training; a meeting with overseas clients or others with whom you interact professionally; or a trip to cultivate business or sales overseas or any other overseas trip taken in furtherance of the applicant's professional responsibilities.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for employment purposes is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for employment purposes, modify RFE call up accordingly).* You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- A letter on official letterhead from your employer describing the need for your travel; or
- A document showing a specific employment need, such as a conference program, that also shows your participation.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

X. ASSORTED OTHERS

DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION

All foreign language documents must be accompanied by a full English language translation which the interpreter has certified as complete and accurate, and by the interpreter's certification that he or she is competent to translate from the foreign language into English. Please submit a full English translation of *(ISO should list the document(s))*. You must submit the requested foreign language document along with the translation.

DACA 301– YOU MAY SUBMIT PHOTOCOPIES

You may submit either the original documents or legible photocopies of the originals, including copies of the front and back of each document. If you choose to submit original documents, they will not be returned to you. *(Not for use when USCIS is requesting original documents.)*

DACA 302– AFFIDAVITS

Affidavits can support two of the DACA guidelines:

- Brief, casual, and innocent departures during the five years of required continuous presence in the United States: and
- Any minor gap in the five year continuous residence requirement.

In support of your DACA request, you submitted affidavits, but you did not indicate that:

- primary and secondary evidence cannot be obtained; and
- what effort you undertook to obtain that evidence.

Therefore, you are requested to provide the following:

- A written statement from the appropriate issuing authority attesting to the fact that no record exists or can be located, or that the record sought was part of some segment of records which were lost or destroyed; or
- Evidence (such as an affidavit) "that repeated good faith attempts were made to obtain the required document or record."

DACA 303A – SIGNATURE ON FORM I-821D

As stated in the Form I-821D instructions, each request must be properly signed. Part 4 of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals is not properly signed because *(ISO should indicate why the form was incorrectly signed. For example, the preparer signed Part 4 instead of Part 5 of the form or the requestor is over the age of 14, but the requestor's parent or legal guardian signed Part 4)*. Therefore, a copy of your original Form I-821D is enclosed so that you can sign and date Part 4, 2.a. and 2.b. of your Form I-821D. The completed form must contain a new original signature. Attach your properly signed Form I-821D to this Request for Evidence and return to the address listed on this notice.

(Include a copy of the requestor's Form I-821D with the RFE)

DACA 303B - SIGNATURE ON FORM I-765

As stated in the Form I-765 instructions, each application must be properly signed. Form I-765, Application for Employment Authorization is not properly signed because *(ISO should indicate why the form was incorrectly signed. For example, the preparer signed the form or the requestor is over the age of 14, but the requestor's parent or legal guardian signed the signature area)*. Therefore, a copy of your original Form I-765 is enclosed so that you can sign and date. The completed form must contain a new original signature. Attach your properly signed Form I-765 to this Request for Evidence and return to the address listed on this notice.

(Include a copy of the requestor's Form I-765 with the RFE)

DACA 304 – FORM I-821D MISSING PAGE(S)

You did not submit page(s) *(ISO should list the missing page number(s))* with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. In addition to submitting these missing pages, you must sign and date page four (4) of the Form I-821D. The completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice

To obtain Form I-821D, please visit the USCIS website at <http://www.uscis.gov/USCIS/files/form/i-821d.pdf> or call toll-free (800) 870-3676 to request this form by mail.

XI. ACKNOWLEDGEMENT OF WITHDRAWAL

DACA 350 FORM I-821D ACKNOWLEDGEMENT OF WITHDRAWAL

On [DATE] you filed a request for deferred action under the Secretary of Homeland Security's June 15, 2012, directive concerning Deferred Action for Childhood Arrivals. Your filing included a Form I-821D, Consideration of Deferred Action for Childhood Arrivals, a Form I-765, Application for Employment Authorization, and a Form I-765WS, Form I-765 Worksheet, together with the required filing fee.

On [DATE], you withdrew your Form I-821D. This withdrawal applies equally to the forms I-765 and I-765WS that you concurrently filed with the Form I-821D.

USCIS hereby acknowledges your withdrawal. USCIS will not take any further action on your Form I-821D or the related forms I-765 and I-765WS. If you later wish to request Consideration of Deferred Action for Childhood Arrivals, you may file a new Form I-821D concurrently with a new Form I-765 and Form I-765WS, with a new fee.

DACA 351 FORMS I-765/I-765WS ACKNOWLEDGEMENT OF WITHDRAWAL

On [DATE] you filed a request for deferred action under the Secretary of Homeland Security's June 15, 2012, directive concerning Deferred Action for Childhood Arrivals. Your filing included a Form I-821D, Consideration of Deferred Action for Childhood Arrivals, a Form I-765, Application for Employment Authorization, and a Form I-765WS, Form I-765 Worksheet, together with the required filing fee.

On [DATE], you withdrew your Form I-821D. This withdrawal applies equally to the forms I-765 and I-765WS that you concurrently filed with the Form I-821D.

USCIS hereby acknowledges your withdrawal. USCIS will not take any further action on your forms I-765 and I-765WS or the related Form I-821D. The filing fee is not refundable. If you later wish to request Consideration of Deferred Action for Childhood Arrivals, you may file a new Form I-821D concurrently with a new Form I-765 and Form I-765WS, with a new fee.

Appendix D

DEFERRED ACTION FOR CHILDHOOD ARRIVALS RFE CALL-UPS

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed **[Text]** and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply. Text only highlighted in **YELLOW** and not bracketed is directive in nature and should not be printed in the letter being sent but should be deleted. Please mix call-ups into a single RFE as needed.

NOTE: Please add call-ups **DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION** and **DACA 301 – YOU MAY SUBMIT PHOTOCOPIES** to any other call-ups below as needed.

I. GUIDELINES

DACA 100 – IDENTITY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to prove your identity is insufficient (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the following that were already provided by the requestor*)

- 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.

DACA 101 – 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. (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the following that were already provided by the requestor*)

- a. Employment records (e.g., pay stubs, W-2 Forms, Federal and 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.

*(ISO: Add the appropriate language below to the RFE if any of the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D are blank **OR** if page 3 of the Form I-821D is missing.)*

In addition, you did not answer question(s) *(ISO should list the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D that were not answered)* in Part 2, Arrival/Residence Information, of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to answer these question(s) on the enclosed copy of your original Form I-821D.

Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D with the RFE)

OR

In addition, you did not submit page three (3) with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to complete the enclosed page three (3) of the form.

Also enclosed is a copy of your original Form I-821D. Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D and a blank page 3 of the form with the RFE)

DACA 102 - BRIEF, CASUAL, AND INNOCENT ABSENCE

To be considered for deferred action as a childhood arrival, you must have continuously resided in the United States during the 5 years period immediately before June 15, 2012 and up to the date you filed your request for deferred action. A brief, casual, and innocent absence from the United States will not interrupt your continuous residence.

An absence will be considered brief, casual, and innocent, if:

- (1) The absence was short and reasonably calculated to accomplish the purpose of the absence;
- (2) The absence was not the result 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 the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) The purpose of the absence from the United States or actions while outside of the United States were not contrary to law.

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, for each departure you made from the United States since June 15, 2007 to show that each departure you made from the United States since June 15, 2007 was brief, casual, and innocent is insufficient. *(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- Plane or other transportation tickets or itinerary showing the travel dates;
- Passport entries;
- Hotel receipts showing the dates you were abroad;
- Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- Advance parole document; or
- Any other evidence that could support a brief, casual, and innocent absence.

DACA 103 – ARRIVED IN THE UNITED STATES BEFORE AGE 16

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to establish that you came to the United States prior to your 16th birthday is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- Passport with an admission stamp indicating when you entered the United States;
- I-94/I-95/I-94W Arrival/Departure Record;
- Any INS or DHS document stating your date of entry (e.g., Form I-862, Notice to Appear);
- Travel records, such as transportation tickets showing your dates of travel to the United States;
- School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and the periods of school attendance;
- 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;
- 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.); or
- Any other document that you believe is relevant.

DACA 104A –IN UNLAWFUL STATUS 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 in unlawful status on June 15, 2012 is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- If you have a final order of exclusion, deportation, or removal issued on or before June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings;
- Any other document that you believe is relevant to show that you lacked lawful immigration status on June 15, 2012; or
- Any document relating to parole.

DACA 104B –STUDENT IN UNLAWFUL STATUS 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 in unlawful status on June 15, 2012 is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- If you have a final order of exclusion, deportation, or removal issued on or before June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings;
- Copies of your transcripts showing your student status from (ISO should insert dates);
- Copies of all properly completed old I-120AB/I-20ID forms or new SEVIS I-20 forms (required since August 1, 2003) for all schools attended;
- Proof of reinstatement;
- Any other document that you believe is relevant to show that you lacked lawful immigration status on June 15, 2012;
- Any document relating to parole.

DACA 105 – 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. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)*. You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- a. Employment records (e.g., pay stubs, W-2 Forms, Federal and 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.

DACA 106 – CURRENTLY ENROLLED IN SCHOOL

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, showing that you have been accepted for enrollment or are already attending classes in one of the following is insufficient:

- A public or private elementary, junior high/middle school or high school/secondary school;
- A public or private college or university, or community college;
- A course of study to pass a General Education Development (GED) Certificate exam or other State-authorized exam;
- An educational or career training program (including vocational training);
- Literacy training; or
- An English as a Second Language (ESL) program.

(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)

You may still submit evidence, which may include the following: *(ISO should delete any of the following that were already provided by the requestor)*

- **A public or private elementary, junior high/middle school or high school/secondary school;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school's authorized representative. Such acceptance letter is to include the name and address of the school, your grade level, and the date that classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;

- A current class schedule containing the student's name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
- If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade; or a current IEP showing your process to date.
- **A public or private college or university, or community college;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance package or related material on school letterhead from the school's authorized representative. Such acceptance package or related material is to include the name and address of the school, your grade level or class year, and the date or term when classes are scheduled to commence. In addition, the acceptance package or related material is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;
 - A copy of your current tuition bill;
 - A current class schedule containing your name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
 - If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade or class year; or a current IEP showing your process to date.
- **A course of study to pass a General Education Development (GED) Certificate exam or other equivalent State-authorized exam;**
Such evidence is to include a letter from the authorized representative of the program that includes information such as:
 - Your name and date of enrollment;
 - The duration of the program and expected completion date;
 - Whether the course of study is for a regular high school diploma or recognized equivalent under State law or a GED exam or other equivalent State-authorized exam;
 - The program's source and amount of funding; and
 - The program's authorized representative's contact information.
- **An educational or career training program (including vocational training);**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school registrar/authorized school representative. Such acceptance letter is to include the name and address of the program, a brief description of the program, the duration of the program, and state when the classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for the program;
 - A copy of your current year registration (intake form/enrollment form); or
 - Any other relevant documentation.
 - If already attending classes– Current transcripts, report cards, or progress reports showing the name of the school, the time period or semester covered by the document, and if relevant, the current educational or grade level.
- **Literacy training; or**
Such evidence is to include a letter from the literacy program administrator or authorized representative providing information such as:

- Your name;
 - The date of your enrollment;
 - The duration of the literacy program and the expected completion date; and
 - The program administrator or authorized representative's contact information.
- **An English as a Second Language (ESL) program.**

Such evidence is to include a letter from the ESL program administrator or authorized representative. This letter is to include the following:

 - Your name;
 - The date of your enrollment;
 - The duration of the ESL program and the expected completion date;
 - The program administrator or authorized representative's contact information.

DACA 106A – EVIDENCE OF ACCEPTANCE BUT NO EVIDENCE OF REGISTERING FOR CLASSES:

You have provided an acceptance letter or other related material indicating that you have been accepted at *(ISO should list the name of the private elementary/junior high/middle school/high school/secondary school or public or private college/university/community college)*. However, you did not include evidence that you have enrolled in that school. Therefore, you are requested to submit such evidence which is to include, but is not limited to paid tuition bills or evidence that you have registered for class at that school.

DACA 106B – LITERACY PROGRAM'S NON-PROFIT STATUS

If the literacy program in which you are enrolled has non-profit status, please provide evidence of such status. Evidence of the literacy program's non-profit status is to include a copy of a valid letter from the Internal Revenue Service confirming exemption from taxation under section 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, or equivalent section of prior code.

DACA 106C –PUBLIC FUNDING (GED; Educational or Career Training Program (Including Vocational Training); ESL)

If the *(ISO should insert GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; or English as a Second Language)* in which you are enrolled is funded in whole or in part by public funds (Federal, State, county or municipal), you are requested to submit a letter from the *(ISO should insert GED program administrator/authorized representative; school registrar/authorized school representative if requestor is enrolled in Career Training Program (Including Vocational Training); literacy program administrator/authorized representative; or ESL program administrator/authorized representative)* providing basic details about the funding, such as the source(s) of the funding.

DACA 106D – PUBLIC FUNDING – (Literacy Program)

If the literacy program in which you are enrolled is not funded in whole or in part by public funds (Federal, State, county, or municipal) or not administered by a non-profit entity you are requested to submit a letter from the program administrator or authorized representative providing basic details about the funding, such as the amount and the source(s) of the funding.

DACA 106E – DEMONSTRATED EFFECTIVENESS (GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; ESL)

(ISO should select the correct RFE paragraph below depending upon the program in which the request is enrolled)

Your record shows that the **GED/Equivalency program**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the GED program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;

- The program's track record in assisting students in obtaining a regular high school diploma, GED, or a recognized equivalent certificate, or passing a GED or recognized equivalent exam;
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **educational or career training program (including vocational training)**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information, with supporting documentation, if available, from the school registrar/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in employment, job training, or post-secondary education; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **literacy program** in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the literacy program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in post-secondary education, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **English as a Second Language (ESL)** program in which you are enrolled is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the ESL program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The length of the program's existence;
- The program's track record in assisting students in obtaining placement in postsecondary schools, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

DACA 106F– 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 obtained a General Educational Development (GED) Certificate or equivalent State authorized exam in the United States is insufficient (*ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly*). You may still submit evidence, which may include, but is not limited to, copies of: (*ISO should delete any of the following that were already provided by the requestor*)

- A diploma;
- Transcripts showing the date of graduation; or
- A GED certificate, certificate of completion, certificate of attendance, or 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.

DACA 107 – MEDICAL LEAVE

You indicate in your filing that you are currently on medical leave from school. Therefore, you are requested to submit evidence of your medical leave and indicate the date you expect to return to school. Evidence of your medical leave may include, but is not limited to, an explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long your treatment is expected to last.

DACA 108 - MILITARY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States is insufficient. *(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly).* You may still submit evidence, which may include, but is not limited to, copies of: *(ISO should delete any of the following that were already provided by the requestor)*

- 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.

DACA 109- REMOVAL PROCEEDINGS

Submit documents that you have been issued an order of exclusion, deportation or removal. Such documentation could include copies of:

- Any removal, deportation, or exclusion order issued by an Immigration Judge;
- Final decision from the Board of Immigration Appeals (BIA); or
- Final decision from a U.S. Court of Appeals in your case.

II. APPLICATION SUPPORT CENTER (ASC) RELATED

DACA 130 – SCHEDULE ASC APPOINTMENT

Your request cannot be processed until you have appeared at an Application Support Center (ASC) for the collection of a digital photograph, signature, and fingerprint(s). Our records indicate that you have not yet appeared at an ASC for this purpose. *Follow the instructions on the appointment notice for biometrics capture [enclosed with this notice/that will be mailed to you separately].* Additional information regarding the location of the ASC can be found on the USCIS web site at www.USCIS.gov. Please bring this notice with you to your appointment.

If you have appeared at an ASC for biometrics capture, please return this notice to the address below with the appointment information.

Date of Appointment: _____

Location of Appointment: _____

DACA 131 – RESCHEDULE ASC APPOINTMENT (TECHNICAL DIFFICULTIES)

Our records indicate that you have already appeared at an Application Support Center (ASC) as previously scheduled. However, due to technical problems, your previously-acquired biometrics from the ASC cannot be used.

[USCIS will mail a separate notice to you containing information for a new appointment for biometrics capture at the ASC nearest you/Follow the instructions of the enclosed appointment for biometrics capture at the ASC nearest you.] Additional information regarding the location of the ASC can be found on the USCIS web site at www.USCIS.gov. Please bring this notice with you to your appointment in addition to any other required documents as stated in the new appointment notice.

We sincerely regret any inconvenience this has caused you.

III. NAME, DATE OF BIRTH DISCREPANCY

DACA 140 – DATE OF BIRTH DISCREPANCY

USCIS records indicate that you were born on [DATE]. You indicated on your request for consideration of deferred action for childhood arrivals that you were born on [DATE]. Submit documentary evidence to establish your true date of birth. Such evidence may include your birth certificate and/or passport. If you submit a copy of your birth certificate, you must submit copies of the front and back (if there is information on the back).

DACA 142 – NAME CHANGE/DISCREPANCY

USCIS records and/or evidence you submitted indicate that your name is [NAME]. You indicated on your request for consideration of deferred action for childhood arrivals that your name is [NAME]. Submit documentary evidence to establish your true name. Such evidence may include a birth certificate, adoption records, marriage certificate, passport, or government documentation showing that you have officially changed your name.

DACA143 – SUBMIT EVIDENCE OF NAME CHANGE

Submit proof of your name change. Such proof would normally be a marriage certificate, termination of marriage (divorce or annulment decree), adoption decree, or court order.

IV. FINGERPRINTING / CRIMINALITY

DACA 150A – 2 UNCLASSIFIABLE PRINTS – SUBMIT LOCAL POLICE CLEARANCES

To date, you have been fingerprinted twice and USCIS has been unable to get a required clearance for you because both sets of fingerprints were rejected as unclassifiable by the Federal Bureau of Investigation. Instead of a fingerprint clearance, you must submit a local police clearance certificate for each jurisdiction (city, town, county, or municipality) in which you have lived for six months or more within the past five years.

Please note: The police clearance certificate(s) must be researched by name and date of birth. You must supply the law enforcement agency with all aliases you have used, including maiden name, if applicable. Fingerprint cards are not acceptable evidence of a police clearance certificate.

If any record indicates that you have been arrested, you must provide documentation of each of the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of **every** charge against you. The charge and disposition must be specifically identified (not merely numeric citations or codes).
- b. If you were convicted of **any** charge, you must also provide evidence showing whether the charge for which you were convicted was classified as a **felony or misdemeanor**. You may submit a

copy of the pertinent statute, sentencing guidelines, and/or statement from the court clerk or police department for this purpose.

Along with the above information, you must also answer the following questions. You should respond on this notice and sign your name where it asks for your signature. If more space is needed, you may respond to the following questions on separate sheet(s) of paper. Please sign every separate sheet of paper.

- 1) Have you ever been arrested or detained by a law enforcement officer? If yes, please explain.

Answer: _____

- 2) Have you had your fingerprints taken for any reason by a law enforcement officer for a criminal offense? If yes, please explain.

Answer: _____

- 3) Have you been issued a ticket or been taken into custody by a law enforcement officer? If yes, please explain.

Answer: _____

- 4) Have you ever been ordered by a court to: pay a fine; serve a probationary sentence; perform community service; make restitution; or have your wages garnished (e.g., for failure to make child support payments)? If yes, please explain.

Answer: _____

- 5) Have you ever received an expungement, parole, pardon, or successfully completed a diversion or rehabilitation program? If yes, please explain.

Answer: _____

I certify, under penalties of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release from my records that USCIS needs to determine my eligibility for deferred action of childhood arrivals.

Signature of Requestor: _____

DACA 150B – FINGERPRINT WAIVER

The ASC granted a fingerprint waiver on your case, and provided you with a Police Clearance Notice instructing you to obtain police clearances and arrest reports (if any) for every U.S. residence during the past (5) five years.

Please note: The police clearance certificate(s) must be researched by name and date of birth. You must supply the law enforcement agency with all aliases you have used, including maiden name, if applicable. Fingerprint cards are not acceptable evidence of a police clearance certificate.

If any record indicates that you have been arrested, you must provide documentation of each of the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of **every** charge against you. The charge and disposition must be specifically identified (not merely numeric citations or codes).
- b. If you were convicted of **any** charge, you must also provide evidence showing whether the charge for which you were convicted was classified as a **felony or misdemeanor**. You may submit a copy of the pertinent statute, sentencing guidelines, and/or statement from the court clerk or police department for this purpose.

Along with the above information, you must also answer the following questions. You should respond on this notice and sign your name where it asks for your signature. If more space is needed, you may respond to the following questions on separate sheet(s) of paper. Please sign every separate sheet of paper.

- 1) Have you ever been arrested or detained by a law enforcement officer? If yes, please explain.

Answer: _____

- 2) Have you had your fingerprints taken for any reason by a law enforcement officer for a criminal offense? If yes, please explain.

Answer: _____

- 3) Have you been issued a ticket or been taken into custody by a law enforcement officer? If yes, please explain.

Answer: _____

- 4) Have you ever been ordered by a court to: pay a fine; serve a probationary sentence; perform community service; make restitution; or have your wages garnished (e.g., for failure to make child support payments)? If yes, please explain.

Answer: _____

- 5) Have you ever received an expungement, pardon, or successfully completed a diversion or rehabilitation program? If yes, please explain.

Answer: _____

I certify, under penalties of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release from my records that USCIS needs to determine my eligibility for deferred action of childhood arrivals.

Signature of Requestor: _____

DACA 151– 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 [DATE], in [JURISDICTION] and charged with [CHARGES].

(Where appropriate, Service Center may also need to include the name under which the arrest took place if different from name being used by requestor on Form I-821D. If there are multiple charges, you may bullet each charge.)

You must provide certified judgment and conviction/disposition documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. 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 certified judgment and conviction/disposition documents must address the following:

- a. The final disposition (*e.g.*, your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony, misdemeanor or other type of offense. Please submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

V. I-821D PART 3 INCOMPLETE

DACA 155 – FORM I-821D INCOMPLETE

You did not answer question(s) **(ISO should list the question numbers in Part 3 of the Form I-821D that the requestor did not answer)** in Part 3 of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to answer these question(s) on the enclosed copy of your original Form I-821D.

As stated in the instructions on Part 3 of the Form I-821D, if any of the questions apply to you, please describe the circumstances and include a full explanation in Part 7 of the Form I-821D. Re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D with the RFE)

VI. I-821D PART 3, CRIMINAL, NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION AFFIRMATIVE RESPONSES POSSIBLE INELIGIBILITY ISSUES

DACA 160 – ANSWERED “YES” to QUESTION 1 AND 2 IN PART 3 –DOCUMENTS NEEDED AND EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information: **DELETE THOSE THAT DON’T APPLY**

- 1. Have you been arrested for, charged with, or convicted of a felony or misdemeanor in the United States?**
- 2. Have you been arrested for, charged with, or convicted of any crime in any country other than the United States?**

You did not provide a full explanation in Part 7 of your Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D. Therefore, please provide a full explanation describing the circumstances. **DELETE IF AN EXPLANATION WAS PROVIDED**

You must provide certified judgment and conviction/*disposition* documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. *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 certified judgment and conviction/*disposition* documents must address the following:

- a. The final disposition (*e.g.*, your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony, misdemeanor, or some other type of offense. You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 161 – ANSWERED “YES” TO QUESTION 3 IN PART 3 – SUBMIT EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 3, Criminal, National Security and Public Safety Information:

- 3. Have you ever engaged in or do you continue to engage in or plan to engage in terrorist activities?**

You did not provide a full explanation in Part 7 of your Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation of the terrorist activities you have ever engaged in, continue to engage in, or plan to engage in. Your explanation should include:

- Whether other people were engaged in terrorist activities with you;
- The names of the other people with whom you engaged in terrorists activities;
- The role you played in terrorist activities;
- The role that others played in terrorist activities;

Whether you planned or actually carried out the terrorist activities;
Whether you engaged in, continued to engage, or planned to engage in terrorist activities in the United States or abroad; and
Describe the type of terrorist activities you engaged in, continue to engage in, or plan to engage in.

DACA 162 – ANSWERED “YES” TO QUESTION 4 IN PART 3 – SUBMIT EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 3, Criminal, National Security and Public Safety Information:

4. Are you now or have you ever been a member of a gang?

You did not provide a full explanation in Part 7 of the Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation of your gang membership, including:

- When you joined the gang(s);
- How long you were a member of the gang(s);
- The name of the gang(s); and
- The criminal activities you participated in with the gang(s).

DACA163 – ANSWERED “YES” TO QUESTIONS 5a, 5b, 5c, AND 5d IN PART 3– SUBMIT EXPLANATION

On your Request for Deferred Action for Childhood Arrivals (Form I-821D) you checked “Yes” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information: **DELETE THOSE THAT DON’T APPLY**

5. Have you EVER engaged in, ordered, incited, assisted, or otherwise participated in any of the following:

- a. acts involving torture, genocide, or human trafficking?
- b. killing any person?
- c. severely injuring a person?
- d. any kind of sexual contact or relations with any person who was being forced or threatened?

You did not provide a full explanation in Part 7 of the Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation describing your participation in activities involving torture, genocide, human trafficking, killing any person, severely injuring any person, or any sexual contact or relations with any person who was being forced or threatened.

VII. I-821D PART 3, CRIMINAL, NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION

DACA 170– 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 [DATE], in [JURISDICTION] and charged with [CHARGES].

Where appropriate, Service Center may also need to include the name under which the arrest took place if different from name being used by requestor on Form I-821D. If there are multiple charges, you may bullet each charge.)

You must provide certified judgment and conviction/[disposition](#) documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. [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 certified judgment and conviction/[disposition](#) documents must address the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony or misdemeanor. You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 171– ANSWERED “NO” TO QUESTIONS 1 AND 2 IN PART 3 - CRIMINAL ACTIVITY UNCLEAR TO USCIS, SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

Based on a review of your case, it appears that you have some type of criminal record/interaction with law enforcement authorities. It appears that on **[DATE]** the following occurred:

[Provide explanation of findings, to include name of police dept. If applicable, charges if applicable, etc. NOTE: Do not inform the applicant where the information came from systems that are not our records (ex. IBIS)]

(Where appropriate, you may also need to include the name under which the arrest took place if different from name being used by the requestor on Form I-821D. If there are multiple interactions, you may bullet each interaction.)

Submit a statement explaining the results of this interaction with law enforcement authorities. You must provide certified judgment and conviction/[disposition](#) documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. [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 certified judgment and conviction/[disposition](#) documents must address the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted of any charge, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony or misdemeanor. You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 172– ANSWERED “NO” TO QUESTIONS 3, 4, 5a, 5b, 5c, AND 5d IN PART 3 – USCIS DISCOVERED UNCLEAR INFORMATION, SUBMIT EXPLANATION

Based on a review of your case, the following was discovered: **(Delete those that do not apply)**

3. you engaged in or do you continue to engage or plan to engage in terrorist activities?

4. you are now or have been a member of gang?

5. you engaged in, ordered, incited, assisted, or otherwise participated in any of the following:

a. acts involving torture, genocide, or human trafficking?

b. killing any person?

c. severely injuring a person?

d. any kind of sexual contact or relations with any person who was being forced or threatened?

[Provide explanation of findings. This can include where the information was found if it is knowledge that can be shared with the requestor. NOTE: Do not inform the requestor where the information came from systems that are not our records (ex. IBIS).]

Therefore, you must submit a statement explaining and/or refuting the information/circumstances found in USCIS records. Please note that if you refute the above information, and USCIS later receives information that the above does relate to you, USCIS may terminate deferred action and you may be barred from other immigration benefits.

VIII. FORM I-765

DACA 180 – FAILURE TO SUBMIT OR COMPLETE FORM I-765WS

USCIS is unable to complete your Form I-765, Application for Employment Authorization because you failed to submit or complete the Form I-765WS. Please complete the worksheet and return it to the address provided within the specified time.

DACA 190 – SUBMIT PASSPORT PHOTOS

Please submit **two (2)** passport-style **color** photo(s) of [NAME] taken within 30 days of the date of this notice, which conform(s) to the specifications below. Using a pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.

Please do not staple through any part of the photo(s). Enclose the photo(s) in a plastic or paper envelope and staple the envelope to this notice when returning it to this office.

Passport-style photos must be 2 inches by 2 inches:

- Frame subject with full face, front view, eyes open.
- Make sure photo presents full head from top of hair to bottom of chin; height of head should measure 1 inch to 1 3/8 inch (25 mm to 35 mm).
- Center head within frame.
- Make sure eye level is between 1 1/8 inch and 1 3/8 inch (28 mm and 35 mm) from bottom of photo.
- Photograph subject against a plain white or off-white background.
- Position subject and lighting so that there are no distracting shadows on the face or background.
- Encourage subject to have a natural expression.
- Include headpieces if worn daily for religious purposes; they should not obscure or cast shadows on the eyes or any other part of the face.

For more information on photo requirements, please see the Department of State website at: <http://www.travel.state.gov/passport/pptphotos/index.html>, or contact the USCIS National Customer Service Center at 1-800-375-5283.

IX. FORM 131

DACA 200 – PROOF OF DACA

To be considered for advance parole you must submit evidence to establish that you have been granted deferred action for childhood arrivals. Submit a copy of the approval notice issued by USCIS for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals.

DACA 201 – GENERAL

On [insert filing date], you filed an Application for Travel Document (Form I-131) based on an approved Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Under section 212(d)(5)(A) of the Immigration and Nationality Act (INA), the Secretary of Homeland Security may, in her discretion, parole into the United States any alien applying for admission to the United States on a case-by-case basis for urgent humanitarian reasons or significant public benefit. To assist USCIS in adjudicating your application, please provide additional information about your proposed travel, including the reasons for requesting advance parole in order to travel outside the United States. In response to this notice, you should also submit evidence in support of your request (e.g., documentation showing that your proposed travel is related to your current employment or education or a humanitarian purpose).

DACA 202 – PROOF OF EDUCATIONAL NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for education purposes. Examples of travel abroad for education purposes include study abroad programs, school-sponsored trips abroad, or travel necessary to conduct academic research.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for education purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for educational purposes, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- A letter from the educational institution, or from an employee of the institution acting in his or her official capacity, describing the purpose of the travel, or documentation showing enrollment in a specific program or class coupled with documentary evidence showing that you will benefit from, or are required to travel for the specific program or class; or

NOTE: Travel during an academic year unrelated to academics (i.e., a vacation) is insufficient to qualify as an educational purpose.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 203 – PROOF OF HUMANITARIAN NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for humanitarian reasons. Examples of travel abroad for humanitarian reasons include medical reasons, to visit a family member, or to attend funeral services for a family member.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for humanitarian purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to

support his/her need to travel abroad for humanitarian, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long the treatment is expected to last;
- Information on the reasons why you cannot obtain treatment in the United States;
- An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis of the family member's condition; or
- A death certificate or newspaper obituary of the family member or other document evidencing the death of the family member.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 204 – PROOF OF EMPLOYMENT NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individual granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for employment purposes. Examples of travel abroad for employment purposes include: pursuit of a position in the United States with a foreign employer; an overseas assignment, interview, conference, or training; a meeting with overseas clients or others with whom you interact professionally; or a trip to cultivate business or sales overseas or any other overseas trip taken in furtherance of the applicant's professional responsibilities.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for employment purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for employment purposes, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- A letter on official letterhead from your employer describing the need for your travel; or
- A document showing a specific employment need, such as a conference program, that also shows your participation.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

X. ASSORTED OTHERS

DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION

All foreign language documents must be accompanied by a full English language translation which the interpreter has certified as complete and accurate, and by the interpreter's certification that he or she is competent to translate from the foreign language into English. Please submit a full English translation of (ISO should list the document(s)). You must submit the requested foreign language document along with the translation.

DACA 301– YOU MAY SUBMIT PHOTOCOPIES

You may submit either the original documents or legible photocopies of the originals, including copies of the front and back of each document. If you choose to submit original documents, they will not be returned to you. **(Not for use when USCIS is requesting original documents.)**

DACA 302– AFFIDAVITS

Affidavits can support two of the DACA guidelines:

- Brief, casual, and innocent departures during the five years of required continuous presence in the United States: and
- Any minor gap in the five year continuous residence requirement.

In support of your DACA request, you submitted affidavits, but you did not indicate that:

- primary and secondary evidence cannot be obtained; and
- what effort you undertook to obtain that evidence.

Therefore, you are requested to provide the following:

- A written statement from the appropriate issuing authority attesting to the fact that no record exists or can be located, or that the record sought was part of some segment of records which were lost or destroyed; or
- Evidence (such as an affidavit) "that repeated good faith attempts were made to obtain the required document or record."

DACA 303A – SIGNATURE ON FORM I-821D

As stated in the Form I-821D instructions, each request must be properly signed. Part 4 of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals is not properly signed because **(ISO should indicate why the form was incorrectly signed. For example, the preparer signed Part 4 instead of Part 5 of the form or the requestor is over the age of 14, but the requestor's parent or legal guardian signed Part 4)** Therefore, a copy of your Form I-821D is enclosed so that you can sign and date Part 4, 2.a. and 2.b. of your Form I-821D. Please note that a photocopy of a signed request or a typewritten name in place of a signature is not acceptable. Please attach your properly signed Form I-821D to this Request for Evidence and return to the address listed on this notice.

(Include a copy of the requestor's Form I-821D with the RFE)

DACA 303B - SIGNATURE ON FORM I-765

As stated in the Form I-765 instructions, each application must be properly signed. Form I-765, Application for Employment Authorization is not properly signed because **(ISO should indicate why the form was incorrectly signed. For example, the preparer signed the form or the requestor is over the age of 14, but the requestor's parent or legal guardian signed the signature area)**. Therefore, a copy of your Form I-765 is enclosed so that you can sign and date. Please note that a photocopy of a signed application or a typewritten name in place of a signature is not acceptable. Please attach your properly signed Form I-765 to this Request for Evidence and return to the address listed on this notice.

(Include a copy of the requestor's Form I-765 with the RFE)

DACA 304 – FORM I-821D MISSING PAGE(S)

You did not submit page (*ISO should list the missing page number(s)*) with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to complete the enclosed page (*ISO should list the missing page number(s)*) of the form.

Also enclosed is a copy of your original Form I-821D. Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D and the blank missing page(s) of the form with the RFE)

XI. ACKNOWLEDGEMENT OF WITHDRAWAL

DACA 350 FORM I-821D ACKNOWLEDGEMENT OF WITHDRAWAL

On [DATE] you filed a request for deferred action under the Secretary of Homeland Security's June 15, 2012, directive concerning Deferred Action for Childhood Arrivals. Your filing included a Form I-821D, Consideration of Deferred Action for Childhood Arrivals, a Form I-765, Application for Employment Authorization, and a Form I-765WS, Form I-765 Worksheet, together with the required filing fee.

On [DATE], you withdrew your Form I-821D. This withdrawal applies equally to the forms I-765 and I-765WS that you concurrently filed with the Form I-821D.

USCIS hereby acknowledges your withdrawal. USCIS will not take any further action on your Form I-821D or the related forms I-765 and I-765WS. If you later wish to request Consideration of Deferred Action for Childhood Arrivals, you may file a new Form I-821D concurrently with a new Form I-765 and Form I-765WS, with a new fee.

DACA 351 FORMS I-765/I-765WS ACKNOWLEDGEMENT OF WITHDRAWAL

On [DATE] you filed a request for deferred action under the Secretary of Homeland Security's June 15, 2012, directive concerning Deferred Action for Childhood Arrivals. Your filing included a Form I-821D, Consideration of Deferred Action for Childhood Arrivals, a Form I-765, Application for Employment Authorization, and a Form I-765WS, Form I-765 Worksheet, together with the required filing fee.

On [DATE], you withdrew your Form I-821D. This withdrawal applies equally to the forms I-765 and I-765WS that you concurrently filed with the Form I-821D.

USCIS hereby acknowledges your withdrawal. USCIS will not take any further action on your forms I-765 and I-765WS or the related Form I-821D. The filing fee is not refundable. If you later wish to request Consideration of Deferred Action for Childhood Arrivals, you may file a new Form I-821D concurrently with a new Form I-765 and Form I-765WS, with a new fee.

Appendix D

DEFERRED ACTION FOR CHILDHOOD ARRIVALS RFE CALL-UPS

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed **[Text]** and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply. Text only highlighted in **YELLOW** and not bracketed is directive in nature and should not be printed in the letter being sent but should be deleted. Please mix call-ups into a single RFE as needed.

NOTE: Please add call-ups **DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION** and **DACA 301 – YOU MAY SUBMIT PHOTOCOPIES** to any other call-ups below as needed.

DACA 100 – IDENTITY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to prove your identity is insufficient (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- 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; or
- Any other document that you believe is relevant.

DACA 101 – 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. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- a. Employment records (e.g., pay stubs, W-2 Forms, Federal and 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.

(ISO: Add the appropriate language below to the RFE if any of the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D are blank OR if page 3 of the Form I-821D is missing.)

In addition, you did not answer question(s) (ISO should list the questions on page 3 (Part 2, Arrival/Residence Information) of the Form I-821D that were not answered) in Part 2, Arrival/Residence Information, of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to answer these question(s) on the enclosed copy of your original Form I-821D.

Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D with the RFE)

OR

In addition, you did not submit page three (3) with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to complete the enclosed page three (3) of the form.

Also enclosed is a copy of your original Form I-821D. Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D and a blank page 3 of the form with the RFE)

DACA 102 - BRIEF, CASUAL, AND INNOCENT ABSENCE

To be considered for deferred action as a childhood arrival, you must have continuously resided in the United States during the 5 years period immediately before June 15, 2012 and up to the date you filed your request for deferred action. A brief, casual, and innocent absence from the United States will not interrupt your continuous residence.

An absence will be considered brief, casual, and innocent, if:

- (1) The absence was short and reasonably calculated to accomplish the purpose of the absence;
- (2) The absence was not the result 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 the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) The purpose of the absence from the United States or actions while outside of the United States were not contrary to law.

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, for each departure you made from the United States since June 15, 2007 to show that each departure you made from the United States since June 15, 2012 were brief, casual, and innocent is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- Plane or other transportation tickets or itinerary showing the travel dates;
- Passport entries;
- Hotel receipts showing the dates you were abroad;
- Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- Advance parole document; or
- Any other evidence that could support a brief, casual, and innocent absence.

DACA 103 – ARRIVED IN THE UNITED STATES BEFORE AGE 16

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to establish that you came to the United States prior to your 16th birthday is insufficient. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- Passport with an admission stamp indicating when you entered the United States;
- I-94/I-95/I-94W Arrival/Departure Record;
- Any INS or DHS document stating your date of entry (e.g., Form I-862, Notice to Appear);
- Travel records, such as transportation tickets showing your dates of travel to the United States;
- School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and the periods of school attendance;
- 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;
- 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.); or
- Any other document that you believe is relevant.

DACA 104 – IN UNLAWFUL STATUS AS OF JUNE 15, 2012

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you were in unlawful status as of June 15, 2012 is insufficient. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- If you have a final order of exclusion, deportation, or removal issued on or before June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings;
- Any other document that you believe is relevant to show that you lacked lawful immigration status on June 15, 2012; or
- Any document relating to parole.

DACA 105 – 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. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- a. Employment records (e.g., pay stubs, W-2 Forms, Federal and 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.

DACA 106 – CURRENTLY ENROLLED IN SCHOOL

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, showing that you have been accepted for enrollment or are already attending classes in one of the following is insufficient:

- A public or private elementary, junior high/middle school or high school/secondary school;
- A public or private college or university, or community college;
- A course of study to pass a General Education Development (GED) Certificate exam or other State-authorized exam;
- An educational or career training program (including vocational training);
- Literacy training; or
- An English as a Second Language (ESL) program.

(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)

You may still submit evidence, which may include the following: (ISO should delete any of the following that were already provided by the requestor.)

- **A public or private elementary, junior high/middle school or high school/secondary school;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school's authorized representative. Such acceptance letter is to include the name and address of the school, your grade level, and the date that classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;
 - A current class schedule containing the student's name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
 - If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade; or a current IEP showing your process to date.
- **A public or private college or university, or community college;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance package or related material on school letterhead from the school's authorized representative. Such acceptance package or related material is to include the name and address of the school, your grade level or class year, and the date or term when classes are scheduled to commence. In addition, the acceptance package or related material is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;
 - A copy of your current tuition bill;
 - A current class schedule containing your name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.

- If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade or class year; or a current IEP showing your progress to date.
- **A course of study to pass a General Education Development (GED) Certificate exam or other equivalent State-authorized exam;**

Such evidence is to include a letter from the authorized representative of the program that includes information such as:

 - Your name and date of enrollment;
 - The duration of the program and expected completion date;
 - Whether the course of study is for a regular high school diploma or recognized equivalent under State law or a GED exam or other equivalent State-authorized exam;
 - The program’s source and amount of funding; and
 - The program’s authorized representative’s contact information.
- **An educational or career training program (including vocational training);**

Such evidence may include, but is not limited to:

 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school registrar/authorized school representative. Such acceptance letter is to include the name and address of the program, a brief description of the program, the duration of the program, and state when the classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for the program;
 - A copy of your current year registration (intake form/enrollment form); or
 - Any other relevant documentation.
 - If already attending classes– Current transcripts, report cards, or progress reports showing the name of the school, the time period or semester covered by the document, and if relevant, the current educational or grade level.
- **Literacy training; or**

Such evidence is to include a letter from the literacy program administrator or authorized representative providing information such as:

 - Your name;
 - The date of your enrollment;
 - The duration of the literacy program and the expected completion date; and
 - The program administrator or authorized representative’s contact information.
- **An English as a Second Language (ESL) program.**

Such evidence is to include a letter from the ESL program administrator or authorized representative. This letter is to include the following:

 - Your name;
 - The date of your enrollment;
 - The duration of the ESL program and the expected completion date;
 - The program administrator or authorized representative’s contact information.

DACA 106A – EVIDENCE OF ACCEPTANCE BUT NO EVIDENCE OF REGISTERING FOR CLASSES:

You have provided an acceptance letter or other related material indicating that you have been accepted at [ISO should list the name of the private elementary/junior high/middle school/high school/secondary school or public or private college/university/community college]. However, you did not include evidence that you have enrolled in that school. Therefore, you are requested to submit such evidence which is to include, but is not limited to paid tuition bills or evidence that you have registered for class at that school.

DACA 106B – LITERACY PROGRAM’S NON-PROFIT STATUS

If the literacy program in which you are enrolled has non-profit status, please provide evidence of such status. Evidence of the literacy program’s non-profit status is to include a copy of a valid letter from the Internal Revenue Service confirming exemption from taxation under section 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, or equivalent section of prior code.

DACA 106C – PUBLIC FUNDING (GED; Educational or Career Training Program (Including Vocational Training); ESL)

If the [ISO should insert GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; or English as a Second Language] in which you are enrolled is funded in whole or in part by public funds (Federal, State, county or municipal), you are requested to submit a letter from the [ISO should insert GED program administrator/authorized representative; school registrar/authorized school representative if requestor is enrolled in Career Training Program (Including Vocational Training); literacy program administrator/authorized representative; or ESL program administrator/authorized representative] providing basic details about the funding, such as the source(s) of the funding.

DACA 106D – PUBLIC FUNDING – (Literacy Program)

If the literacy program in which you are enrolled is not funded in whole or in part by public funds (Federal, State, county, or municipal) or not administered by a non-profit entity you are requested to submit a letter from the program administrator or authorized representative providing basic details about the funding, such as the amount and the source(s) of the funding.

DACA 106E – DEMONSTRATED EFFECTIVENESS (GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; ESL)

(ISO SHOULD SELECT THE CORRECT RFE PARAGRAPH BELOW DEPENDING UPON THE PROGRAM IN WHICH THE REQUESTOR IS ENROLLED)

Your record shows that the **GED/Equivalency program**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the GED program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in assisting students in obtaining a regular high school diploma, GED, or a recognized equivalent certificate, or passing a GED or recognized equivalent exam;
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **educational or career training program (including vocational training)**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information, with supporting documentation, if available, from the school registrar/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in employment, job training, or post-secondary education; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **literacy program** in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the literacy program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in post-secondary education, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **English as a Second Language (ESL)** program in which you are enrolled is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the ESL program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The length of the program's existence;
- The program's track record in assisting students in obtaining placement in postsecondary schools, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

DACA 106F- GRADUATED FROM SCHOOL

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you graduated from school is insufficient (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- A diploma;
- Transcripts showing the date of graduation; or
- A GED certificate, certificate of completion, certificate of attendance, or 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.

DACA 107G - MEDICAL LEAVE

You indicate in your filing that you are currently on medical leave from school. Therefore, you are requested to submit evidence of your medical leave and indicate the date you expect to return to school. Evidence of your medical leave may include, but is not limited to, an explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long your treatment is expected to last.

DACA 107 - MILITARY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States is insufficient. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- 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.

DACA 108- REMOVAL PROCEEDINGS

Submit documents that you have been issued an order of exclusion, deportation or removal. Such documentation could include copies of:

- Any removal, deportation, or exclusion order issued by an Immigration Judge;
- Final decision from the Board of Immigration Appeals (BIA); or
- Final decision from a U.S. Court of Appeals in your case.

APPLICATION SUPPORT CENTER (ASC) RELATED

DACA 130 – SCHEDULE ASC APPOINTMENT

Your request cannot be processed until you have appeared at an Application Support Center (ASC) for the collection of a digital photograph, signature, and fingerprint(s). Our records indicate that you have not yet appeared at an ASC for this purpose. Please schedule an appointment at the ASC nearest you by calling the USCIS National Customer Service Center at 1-800-375-5283 (TTY 1-800-767-1833). You also can find the location of the ASC nearest you on the USCIS web site at www.USCIS.gov.

Once you have scheduled an appointment, or if you have a scheduled appointment, please return this notice to the address below with the appointment information.

Date of Appointment: _____

Location of Appointment: _____

DACA 131– RESCHEDULE ASC APPOINTMENT (TECHNICAL DIFFICULTIES)

On [DATE], USCIS asked you to schedule an appointment at an Application Support Center (ASC) for the collection of a digital photograph, signature and fingerprint(s). In response to that request, you indicated that you already appeared at an ASC as required. However, due to technical problems, your previously-acquired biometrics from the ASC cannot be used.

USCIS will mail a separate notice to you containing information for a new appointment for biometrics capture at the ASC nearest you and listing identity documents that you must bring with you to your ASC appointment. Once you receive that notice, additional information regarding the location of the ASC can be found on the USCIS web site at www.USCIS.gov. Please bring this notice with you to your appointment.

Once you have provided your biometrics to the ASC, respond to this request with evidence of your attendance of the ASC appointment. Such evidence typically consists of a copy of your appointment notice, bearing a stamp from the ASC technician. Along with the evidence of your appointment, please include all other evidence requested in this notice.

We sincerely regret any inconvenience this has caused you.

NAME, DATE OF BIRTH DISCREPANCY

DACA 140 – DATE OF BIRTH DISCREPANCY

USCIS records indicate that you were born on [DATE]. You indicated on your request for consideration of deferred action for childhood arrivals that you were born on [DATE]. Submit documentary evidence to establish your true date of birth. Such evidence may include your birth certificate and/or passport. If you submit a copy of your birth certificate, you must submit copies of the front and back (if there is information on the back).

DACA 142 – NAME CHANGE/DISCREPANCY

USCIS records and/or evidence you submitted indicate that your name is [NAME]. You indicated on your request for consideration of deferred action for childhood arrivals that your name is [NAME]. Submit documentary evidence to establish your true name. Such evidence may include a birth certificate, adoption records, marriage certificate, passport, or government documentation showing that you have officially changed your name.

DACA143 – SUBMIT EVIDENCE OF NAME CHANGE

Submit proof of your name change. Such proof would normally be a marriage certificate, termination of marriage (divorce or annulment decree), adoption decree, or court order.

FINGERPRINTING / CRIMINALITY

DACA 150 – 2 UNCLASSIFIABLE PRINTS – SUBMIT LOCAL POLICE CLEARANCES

To date, you have been fingerprinted twice and USCIS has been unable to get a required clearance for you because both sets of fingerprints were rejected as unclassifiable by the Federal Bureau of Investigation. Instead of a fingerprint clearance, you must submit a local police clearance certificate for each jurisdiction (city, town, county, or municipality) in which you have lived for six months or more within the past five years.

Please note: The police clearance certificate(s) must be researched by name and date of birth. You must supply the law enforcement agency with all aliases you have used, including maiden name, if applicable. Fingerprint cards are not acceptable evidence of a police clearance certificate.

If any record indicates that you have been arrested, you must provide documentation of each of the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of **every** charge against you. The charge and disposition must be specifically identified (not merely numeric citations or codes).
- b. If you were convicted of **any** charge, you must also provide evidence showing whether the charge for which you were convicted was classified as a **felony or misdemeanor**. You may submit a copy of the pertinent statute, sentencing guidelines, and/or statement from the court clerk or police department for this purpose.

Along with the above information, you must also answer the following questions. You should respond on this notice and sign your name where it asks for your signature. If more space is needed, you may respond to the following questions on separate sheet(s) of paper. Please sign every separate sheet of paper.

- 1) Have you ever been arrested or detained by a law enforcement officer? If yes, please explain.

Answer: _____

- 2) Have you had your fingerprints taken for any reason by a law enforcement officer for a criminal offense? If yes, please explain.

Answer: _____

- 3) Have you been issued a ticket or been taken into custody by a law enforcement officer? If yes, please explain.

Answer: _____

- 4) Have you ever been ordered by a court to: pay a fine; serve a probationary sentence; perform community service; make restitution; or have your wages garnished (e.g., for failure to make child support payments)? If yes, please explain.

Answer: _____

- 5) Have you ever received an expungement, parole, pardon, or successfully completed a diversion or rehabilitation program? If yes, please explain.

Answer: _____

I certify, under penalties of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release from my records that USCIS needs to determine my eligibility for deferred action of childhood arrivals.

Signature of Requestor: _____

DACA 151- SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

A criminal history 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 [DATE], in [JURISDICTION] and charged with [CHARGES].

(WHERE APPROPRIATE, SERVICE CENTER MAY ALSO NEED TO INCLUDE THE NAME UNDER WHICH THE ARREST TOOK PLACE IF DIFFERENT FROM NAME BEING USED BY REQUESTOR ON FORM I-821D. IF THERE ARE MULTIPLE CHARGES, YOU MAY BULLET EACH CHARGE.)

You must provide certified judgment and conviction documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. The certified judgment and conviction documents must address the following:

- a. The final disposition (e.g., your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony, misdemeanor or other type of offense. Please submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

I-821D PART 3 INCOMPLETE

DACA 155 – FORM I-821D INCOMPLETE

You did not answer question(s) (ISO should list the question numbers in Part 3 of the Form I-821D that the requestor did not answer) in Part 3 of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to answer these question(s) on the enclosed copy of your original Form I-821D.

As stated in the instructions on Part 3 of the Form I-821D, if any of the questions apply to you, please describe the circumstances and include a full explanation in Part 7 of the Form I-821D. Re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor’s Form I-821D with the RFE)

I-821D PART 3, CRIMINAL, NATIONAL SECURITY
AND PUBLIC SAFETY INFORMATION
AFFIRMATIVE RESPONSES
POSSIBLE INELIGIBILITY ISSUES

DACA 160 – ANSWERED “YES” to QUESTION 1 AND 2 IN PART 3 –DOCUMENTS NEEDED AND EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information: **DELETE THOSE THAT DON’T APPLY**

- 1. Have you been arrested for, charged with, or convicted of a felony or misdemeanor in the United States?**
- 2. Have you been arrested for, charged with, or convicted of any crime in any country other than the United States?**

You did not provide a full explanation in Part 7 of your Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D. Therefore, please provide a full explanation describing the circumstances. **DELETE IF AN EXPLANATION WAS PROVIDED**

You must provide certified judgment and conviction documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. The certified judgment and conviction documents must address the following:

- a. The final disposition (e.g., your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony, misdemeanor, or some other type of offense. You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 161 – ANSWERED “YES” TO QUESTION 3 IN PART 3 – SUBMIT EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 3, Criminal, National Security and Public Safety Information:

- 3. Have you ever engaged in or do you continue to engage in or plan to engage in terrorist activities?**

You did not provide a full explanation in Part 7 of your Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation of the terrorist activities you have ever engaged in, continue to engage in, or plan to engage in. Your explanation should include:

- Whether other people were engaged in terrorist activities with you;
- The names of the other people with whom you engaged in terrorists activities;
- The role you played in terrorist activities;
- The role that others played in terrorist activities;
- Whether you planned or actually carried out the terrorist activities;
- Whether you engaged in, continued to engage, or planned to engage in terrorist activities in the United States or abroad; and
- Describe the type of terrorist activities you engaged in, continue to engage in, or plan to engage in.

DACA 162 – ANSWERED “YES” TO QUESTION 4 IN PART 3 – SUBMIT EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 3, Criminal, National Security and Public Safety Information:

4. Are you now or have you ever been a member of a gang?

You did not provide a full explanation in Part 7 of the Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation of your gang membership, including:

- When you joined the gang(s);
- How long you were a member of the gang(s);
- The name of the gang(s); and
- The criminal activities you participated in with the gang(s).

DACA163 – ANSWERED “YES” TO QUESTIONS 5a, 5b, 5c, AND 5d IN PART 3– SUBMIT EXPLANATION

On your Request for Deferred Action for Childhood Arrivals (Form I-821D) you checked “Yes” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information: **DELETE THOSE THAT DON’T APPLY**

5. Have you EVER engaged in, ordered, incited, assisted, or otherwise participated in any of the following:

- a. acts involving torture, genocide, or human trafficking?
- b. killing any person?
- c. severely injuring a person?
- d. any kind of sexual contact or relations with any person who was being forced or threatened?

You did not provide a full explanation in Part 7 of the Form I-821D describing the circumstances, as requested in the instructions on Part 3 of the Form I-821D.

Please provide a full and complete explanation describing your participation in activities involving torture, genocide, human trafficking, killing any person, severely injuring any person, or any sexual contact or relations with any person who was being forced or threatened.

I-821D PART 3, CRIMINAL, NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION

DACA 170– 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 [DATE], in [JURISDICTION] and charged with [CHARGES].

(WHERE APPROPRIATE, YOU MAY ALSO NEED TO INCLUDE THE NAME UNDER WHICH THE ARREST TOOK PLACE IF DIFFERENT FROM NAME BEING USED BY THE REQUESTOR ON FORM I-821D. IF THERE ARE MULTIPLE CHARGES, YOU MAY BULLET EACH CHARGE.)

You must provide certified judgment and/or conviction documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. The certified judgment and conviction documents must address the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).

- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony or misdemeanor. You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 171– ANSWERED “NO” TO QUESTIONS 1 AND 2 IN PART 3 - CRIMINAL ACTIVITY UNCLEAR TO USCIS, SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

Based on a review of your case, it appears that you have some type of criminal record/interaction with law enforcement authorities. It appears that on [DATE] the following occurred:

[PROVIDE EXPLANATION OF FINDINGS, TO INCLUDE NAME OF POLICE DEPT. IF APPLICABLE, CHARGES IF APPLICABLE, ETC. NOTE: DO NOT INFORM THE APPLICANT WHERE THE INFORMATION CAME FROM SYSTEMS THAT ARE NOT OUR RECORDS (EX. IBIS)]

(WHERE APPROPRIATE, YOU MAY ALSO NEED TO INCLUDE THE NAME UNDER WHICH THE ARREST TOOK PLACE IF DIFFERENT FROM NAME BEING USED BY THE REQUESTOR ON FORM I-821D. IF THERE ARE MULTIPLE INTERACTIONS, YOU MAY BULLET EACH INTERACTION.)

Submit a statement explaining the results of this interaction with law enforcement authorities. You must provide certified judgment and conviction documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. The certified judgment and conviction documents must address the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted of any charge, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony or misdemeanor. You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 172– ANSWERED “NO” TO QUESTIONS 3, 4, 5a, 5b, 5c, AND 5d IN PART 3 – USCIS DISCOVERED UNCLEAR INFORMATION, SUBMIT EXPLANATION

Based on a review of your case, the following was discovered: **DELETE THOSE THAT DON'T APPLY**

3. you engaged in or do you continue to engage or plan to engage in terrorist activities?

4. you are now or have been a member of gang?

5. you engaged in, ordered, incited, assisted, or otherwise participated in any of the following:

- a. acts involving torture, genocide, or human trafficking?
- b. killing any person?
- c. severely injuring a person?
- d. any kind of sexual contact or relations with any person who was being forced or threatened?

[PROVIDE EXPLANATION OF FINDINGS. THIS CAN INCLUDE WHERE THE INFORMATION WAS FOUND IF IT IS KNOWLEDGE THAT CAN BE SHARED WITH THE REQUESTOR. NOTE: DO NOT INFORM THE REQUESTOR WHERE THE INFORMATION CAME FROM SYSTEMS THAT ARE NOT OUR RECORDS (EX. IBIS).]

Therefore, you must submit a statement explaining ~~and~~ or refuting the information/circumstances found in USCIS records. Please note that if you refute the above information, and USCIS later receives information that the above does relate to you, USCIS may terminate deferred action and you may be barred from other immigration benefits.

FORM I-765

DACA 180 – FAILURE TO SUBMIT OR COMPLETE FORM I-765WS

USCIS is unable to complete your Form I-765, Application for Employment Authorization because you failed to submit or complete the Form I-765WS. Please complete the worksheet and return it to the address provided within the specified time.

DACA 190 – SUBMIT PASSPORT PHOTOS

Please submit **two (2)** passport-style **color** photo(s) of [NAME] taken within 30 days of the date of this notice, which conform(s) to the specifications below. Using a pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.

Please do not staple through any part of the photo(s). Enclose the photo(s) in a plastic or paper envelope and staple the envelope to this notice when returning it to this office.

Passport-style photos must be 2 inches by 2 inches:

- Frame subject with full face, front view, eyes open.
- Make sure photo presents full head from top of hair to bottom of chin; height of head should measure 1 inch to 1 3/8 inch (25 mm to 35 mm).
- Center head within frame.
- Make sure eye level is between 1 1/8 inch and 1 3/8 inch (28 mm and 35 mm) from bottom of photo.
- Photograph subject against a plain white or off-white background.
- Position subject and lighting so that there are no distracting shadows on the face or background.
- Encourage subject to have a natural expression.
- Include headpieces if worn daily for religious purposes; they should not obscure or cast shadows on the eyes or any other part of the face.

For more information on photo requirements, please see the Department of State website at: <http://www.travel.state.gov/passport/pptphotos/index.html>, or contact the USCIS National Customer Service Center at 1-800-375-5283.

FORM 131

DACA 200 – PROOF OF DACA

To be considered for advance parole you must submit evidence to establish that you have been granted deferred action for childhood arrivals. Submit a copy of the approval notice issued by USCIS for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals.

DACA 201 – PROOF OF EDUCATIONAL NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for education purposes. Examples of travel abroad for education purposes include study abroad programs, school-sponsored trips abroad, or travel necessary to conduct academic research.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for education purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support

his/her need to travel abroad for educational purposes, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- A letter from the educational institution, or from an employee of the institution acting in his or her official capacity, describing the purpose of the travel, or documentation showing enrollment in a specific program or class coupled with documentary evidence showing that you will benefit from, or are required to travel for the specific program or class; or

NOTE: Travel during an academic year unrelated to academics (i.e., a vacation) is insufficient to qualify as an educational purpose.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 202 – PROOF OF HUMANITARIAN NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for humanitarian reasons. Examples of travel abroad for humanitarian reasons include medical reasons, to visit a family member, or to attend funeral services for a family member.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for humanitarian purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for humanitarian, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long the treatment is expected to last;
- Information on the reasons why you cannot obtain treatment in the United States;
- An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis of the family member's condition; or
- A death certificate or newspaper obituary of the family member or other document evidencing the death of the family member.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 203 – PROOF OF EMPLOYMENT NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individual granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for employment purposes. Examples of travel abroad for employment purposes include: pursuit of a position in the United States with a foreign employer; an overseas assignment, interview, conference, or training; a meeting with overseas clients or others with whom you interact professionally; or a trip to cultivate business or sales overseas or any other overseas trip taken in furtherance of the applicant's professional responsibilities.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for employment purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for employment purposes, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- A letter on official letterhead from your employer describing the need for your travel; or
- A document showing a specific employment need, such as a conference program, that also shows your participation.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

ASSORTED OTHERS

DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION

If you submit a document in any language other than English, it must be **completely** translated word-for-word. The translator must certify that the translation is accurate and that he or she is competent to translate. Note: You must submit the requested foreign language document along with the translation.

DACA 301– YOU MAY SUBMIT PHOTOCOPIES

You may submit either the original documents or legible photocopies of the originals, including copies of the front and back of each document. If you choose to submit original documents, they will not be returned to you. [NOT FOR USE WHEN USCIS IS REQUESTING ORIGINAL DOCUMENTS.]

DACA 302– AFFIDAVITS

Affidavits can support two of the DACA guidelines:

- Brief, casual, and innocent departures during the five years of required continuous presence in the United States: and
- Any minor gap in the five year continuous residence requirement.

In support of your DACA request, you submitted affidavits, but you did not indicate that:

- primary and secondary evidence cannot be obtained; and
- what effort you undertook to obtain that evidence.

Therefore, you are requested to provide the following:

- A written statement from the appropriate issuing authority attesting to the fact that no record exists or can be located, or that the record sought was part of some segment of records which were lost or destroyed; or
- Evidence (such as an affidavit) "that repeated good faith attempts were made to obtain the required document or record."

DACA 303 – SIGNATURE ON FORM I-821D 2060

As stated in the Form I-821D instructions, each request must be properly signed. Part 4 of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals is not properly signed because (ISO should indicate why the form was incorrectly signed. For example, the preparer signed Part 4 instead of Part 5 of the form or the requestor is over the age of 14, but the requestor's parent or legal guardian signed Part 4) Therefore, your Form I-821D is enclosed so that you can sign and date Part 4, 2.a. and 2.b. of your Form I-821D. Please note that a photocopy of a signed request or a typewritten name in place of a signature is not acceptable. Please attach your properly signed Form I-821D to this Request for Evidence and return to the address listed on this notice.

(Include a copy of the requestor's Form I-821D with the RFE)

DACA 304 – Form I-821D Missing Page(s)

You did not submit page (ISO should list the missing page number(s)) with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Therefore, you are requested to complete the enclosed page (ISO should list the missing page number(s)) of the form.

Also enclosed is a copy of your original Form I-821D. Please re-sign and date page four (4) of the completed form; the completed form must contain a new original signature. Attach your completed Form I-821D to this Request for Evidence and send to the address as listed on this notice.

(Include a copy of the requestor's Form I-821D and the blank missing page(s) of the form with the RFE)

ACKNOWLEDGEMENT OF WITHDRAWAL

DACA Acknowledgement of Withdrawal

On [DATE] you filed a request for deferred action under the Secretary of Homeland Security's June 15, 2012, directive concerning Deferred Action for Childhood Arrivals. The complete DACA package included Form I-821D, Consideration of Deferred Action for Childhood Arrivals, a Form I-765, Application for Employment Authorization, and a Form I-765WS, Form I-765 Worksheet, together with the required filing fee ("DACA Package").

On [DATE], you withdrew your DACA Package. This withdrawal applies equally to the Form I-821D, the Form I-765, and the Form I-765WS.

USCIS hereby acknowledges your withdrawal of your DACA Package. Your withdrawal terminates each separate request that is part of your DACA Package. USCIS will not take any further action on your Form I-821D or the related Form I-765. The filing fee is not refundable.

This acknowledgement of your withdrawal of your DACA Package is not a "decision" that is subject to administrative appeal or to the filing of a motion to reopen/reconsider. However, if you later believe you are eligible and wish to request Consideration of Deferred Action for Childhood Arrivals, you may file a new Form I-821D concurrently with a new Form I-765 and Form I-765WS, with a new fee.

Appendix D

DEFERRED ACTION FOR CHILDHOOD ARRIVALS RFE CALL-UPS

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed **[Text]** and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply. Text only highlighted in **YELLOW** and not bracketed is directive in nature and should not be printed in the letter being sent but should be deleted. Please mix call-ups into a single RFE as needed.

NOTE: Please add call-ups **DACA 300 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION** and **DACA 301 – YOU MAY SUBMIT PHOTOCOPIES** to any other call-ups below as needed.

DACA 100 – IDENTITY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to prove your identity is insufficient (**ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly**). You may still submit evidence, which may include, but is not limited to, copies of: (**ISO should delete any of the following that were already provided by the requestor**)

- 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; or
- Any other document that you believe is relevant.

DACA 101 – CONTINUOUS RESIDENCE

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to that 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.

(ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- 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.

DACA 102 - BRIEF, CASUAL, AND INNOCENT ABSENCE

To be considered for deferred action as a childhood arrival, you must have continuously resided in the United States during the 5 years period immediately before June 15, 2012 and date you filed your request for deferred action. A brief, casual, and innocent absence from the United States will not interrupt your continuous residence.

An absence will be considered brief, casual, and innocent, if:

- (1) The absence was short and reasonably calculated to accomplish the purpose of the absence;
- (2) The absence was not the result 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 the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) The purpose of the absence from the United States or actions while outside of the United States were not contrary to law.

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, for each departure you made from the United States since June 15, 2007 to show that each departure you made from the United States since June 15, 2012 were brief, casual, and innocent is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- Plane or other transportation tickets or itinerary showing the travel dates;
- Passport entries;
- Hotel receipts showing the dates you were abroad;
- Evidence of the purpose of the travel (e.g., you attended a wedding or funeral);
- Advance parole document; or
- Any other evidence that could support a brief, casual, and innocent absence.

DACA 103 – ARRIVED IN THE UNITED STATES BEFORE AGE 16

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to that establish you came to the United States prior to your 16th birthday is insufficient. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- Passport with an admission stamp indicating when you entered the United States;
- I-94/I-95/I-94W Arrival/Departure Record;
- Any INS or DHS document stating your date of entry (e.g., Form I-862, Notice to Appear);
- Travel records, such as transportation tickets showing your dates of travel to the United States;
- School records (transcripts, report cards, etc.) from the schools that you have attended in the United States, showing the name(s) of the schools and the periods of school attendance;
- 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;

- 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.); or
- Any other document that you believe is relevant.

DACA 104 –IN UNLAWFUL STATUS AS OF JUNE 15, 2012

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to that show that you were in unlawful status as of June 15, 2012 is insufficient. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- I-94/I-95/I-94W Arrival/Departure Record showing the date your authorized stay expired;
- If you have a final order of exclusion, deportation, or removal issued on or before June 15, 2012, submit a copy of that order and related charging documents, if available;
- An INS or DHS charging document placing you into removal proceedings;
- Any other document that you believe is relevant to show that you lacked lawful immigration status on June 15, 2012; or
- Any document relating to parole.

DACA 105 – 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 that show that you were present in the United States on June 15, 2012 is insufficient. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- 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.

DACA 106 – CURRENTLY ENROLLED IN SCHOOL

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, showing that you have been accepted for enrollment or are already attending classes in one of the following is insufficient:

- A public or private elementary, junior high/middle school or high school/secondary school;
- A public or private college or university, or community college;
- A course of study to pass a General Education Development (GED) Certificate exam or other State-authorized exam;
- An educational or career training program (including vocational training);
- Literacy training; or
- An English as a Second Language (ESL) program.

(ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly)

You may still submit evidence, which may include the following: (ISO should delete any of the following that were already provided by the requestor.

- **A public or private elementary, junior high/middle school or high school/secondary school;**

Such evidence may include, but is not limited to:

- If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school's authorized representative. Such acceptance letter is to include the name and address of the school, your grade level, and the date that classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;

- A current class schedule containing the student's name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
 - If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade; or a current IEP showing your process to date.
- **A public or private college or university, or community college;**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance package or related material on school letterhead from the school's authorized representative. Such acceptance package or related material is to include the name and address of the school, your grade level or class year, and the date or term when classes are scheduled to commence. In addition, the acceptance package or related material is to be accompanied by evidence that the student has registered for classes, or other evidence showing the student has accepted the offer and has committed to start classes on a certain date;
 - A current individualized education program (IEP), as required under the Individuals with Disabilities Education Act, if you have a disability;
 - A copy of your current tuition bill;
 - A current class schedule containing your name, the list of courses, and the day and time of each class; or
 - Any other relevant evidence.
 - If already enrolled – Current school registration cards; current transcripts; report cards; progress reports showing the name of the school, the time period or semester covered by the document, and the current grade or class year; or a current IEP showing your process to date.
- **A course of study to pass a General Education Development (GED) Certificate exam or other equivalent State-authorized exam;**
Such evidence is to include a letter from the authorized representative of the program that includes information such as:
 - Your name and date of enrollment;
 - The duration of the program and expected completion date;
 - Whether the course of study is for a regular high school diploma or recognized equivalent under State law or a GED exam or other equivalent State-authorized exam;
 - The program's source and amount of funding; and
 - The program's authorized representative's contact information.
- **An educational or career training program (including vocational training);**
Such evidence may include, but is not limited to:
 - If accepted for enrollment, but classes have not yet commenced:
 - An acceptance letter on school letterhead from the school registrar/authorized school representative. Such acceptance letter is to include the name and address of the program, a brief description of the program, the duration of the program, and state when the classes are scheduled to commence. The letter is to be accompanied by evidence that the student has registered for the program;
 - A copy of your current year registration (intake form/enrollment form); or
 - Any other relevant documentation.

- If already attending classes– Current transcripts, report cards, or progress reports showing the name of the school, the time period or semester covered by the document, and if relevant, the current educational or grade level.
- **Literacy training; or**
Such evidence is to include a letter from the literacy program administrator or authorized representative providing information such as:
 - Your name;
 - The date of your enrollment;
 - The duration of the literacy program and the expected completion date; and
 - The program administrator or authorized representative’s contact information.
- **An English as a Second Language (ESL) program.**
Such evidence is to include a letter from the ESL program administrator or authorized representative. This letter is to include the following:
 - Your name;
 - The date of your enrollment;
 - The duration of the ESL program and the expected completion date;
 - The program administrator or authorized representative’s contact information.

DACA 106A – EVIDENCE OF ACCEPTANCE BUT NO EVIDENCE OF REGISTERING FOR CLASSES:

You have provided an acceptance letter or other related material indicating that you have been accepted at [ISO should list the name of the private elementary/junior high/middle school/high school/secondary school or public or private college/university/community college]. However, you did not include evidence that you have enrolled in that school. Therefore, you are requested to submit such evidence which is to include, but is not limited to paid tuition bills or evidence that you have registered for class at that school.

DACA 106B – LITERACY PROGRAM’S NON-PROFIT STATUS

If the literacy program in which you are enrolled has non-profit status, please provide evidence of such status. Evidence of the literacy program’s non-profit status is to include a copy of a valid letter from the Internal Revenue Service confirming exemption from taxation under section 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, or equivalent section of prior code.

DACA 106C –PUBLIC FUNDING (GED; Educational or Career Training Program (Including Vocational Training); ESL)

If the [ISO should insert GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; or English as a Second Language] in which you are enrolled is funded in whole or in part by public funds (Federal, State, county or municipal), you are requested to submit a letter from the [ISO should insert GED program administrator/authorized representative; school registrar/authorized school representative if requestor is enrolled in Career Training Program (Including Vocational Training); literacy program administrator/authorized representative; or ESL program administrator/authorized representative] providing basic details about the funding, such as the source(s) of the funding.

DACA 106D – PUBLIC FUNDING – (Literacy Program)

If the literacy program in which you are enrolled is not funded in whole or in part by public funds (Federal, State, county, or municipal) or not administered by a non-profit entity you are requested to submit a letter from the program administrator or authorized representative providing basic details about the funding, such as the amount and the source(s) of the funding.

DACA 106E – DEMONSTRATED EFFECTIVENESS (GED; Educational or Career Training Program (Including Vocational Training); Literacy Program; ESL)

(ISO SHOULD SELECT THE CORRECT RFE PARAGRAPH BELOW DEPENDING UPON THE PROGRAM IN WHICH THE REQUESTOR IS ENROLLED)

Your record shows that the **GED/Equivalency program**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the GED program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in assisting students in obtaining a regular high school diploma, GED, or a recognized equivalent certificate, or passing a GED or recognized equivalent exam;
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **educational or career training program (including vocational training)**, in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information, with supporting documentation, if available, from the school registrar/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in employment, job training, or post-secondary education; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **literacy program** in which you are enrolled, is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the literacy program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The duration of the program's existence;
- The program's track record in placing students in post-secondary education, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or
- Any other relevant information indicating the program's overall quality.

Your record shows that the **English as a Second Language (ESL)** program in which you are enrolled is not publicly funded (Federal, State, county, or municipal) in whole or in part. Therefore, you are requested to submit information from the ESL program administrator/authorized representative relating to the program's demonstrated effectiveness. Such information can include, but is not limited to:

- The length of the program's existence;
- The program's track record in assisting students in obtaining placement in postsecondary schools, job training programs, or employment; and
- Receipt of awards or special achievement or recognition, that indicate the program's overall quality; and/or

- Any other relevant information indicating the program's overall quality.

DACA 106F– GRADUATED FROM SCHOOL

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to show that you graduated from school is insufficient (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the documents provided by the requestor are incomplete (i.e. no identifying information) or illegible, the ISO should note this in the RFE. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- A diploma;
- Transcripts showing the date of graduation; or
- A GED certificate, certificate of completion, certificate of attendance, or 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.

DACA 107G – MEDICAL LEAVE

You indicate in your filing that you are currently on medical leave from school. Therefore, you are requested to submit evidence of your medical leave and indicate the date you expect to return to school. Evidence of your medical leave may include, but is not limited to, an explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long your treatment is expected to last.

DACA 107 - MILITARY

The evidence you submitted with your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to that show that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States is insufficient. (ISO should list what evidence was submitted for this guideline and briefly state why the evidence is insufficient. If the requestor did not submit any evidence for this guideline, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- 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.

DACA 108- REMOVAL PROCEEDINGS

Submit documents that you have been issued an order of exclusion, deportation or removal. Such documentation could include copies of:

- Any removal, deportation, or exclusion order issued by an Immigration Judge;
- Final decision from the Board of Immigration Appeals (BIA); or
- Final decision from a U.S. Court of Appeals in your case.

APPLICATION SUPPORT CENTER (ASC) RELATED

DACA 130 – SCHEDULE ASC APPOINTMENT

Your request cannot be processed until you have appeared at an Application Support Center (ASC) for the collection of a digital photograph, signature, and fingerprint(s). Our records indicate that you have not yet appeared at an ASC for this purpose. Please schedule an appointment at the ASC nearest you by calling the USCIS National Customer Service Center at 1-800-375-5283 (TTY 1-800-767-1833). You also can find the location of the ASC nearest you on the USCIS web site at www.USCIS.gov.

Once you have scheduled an appointment, or if you have a scheduled appointment, please return this notice to the address below with the appointment information.

Date of Appointment: _____

Location of Appointment: _____

DACA 131– RESCHEDULE ASC APPOINTMENT (TECHNICAL DIFFICULTIES)

On [DATE], USCIS asked you to schedule an appointment at an Application Support Center (ASC) for the collection of a digital photograph, signature and fingerprint(s). In response to that request, you indicated that you already appeared at an ASC as required. However, due to technical problems, your previously-acquired biometrics from the ASC cannot be used.

USCIS will mail a separate notice to you containing information for a new appointment for biometrics capture at the ASC nearest you and listing identity documents that you must bring with you to your ASC appointment. Once you receive that notice, additional information regarding the location of the ASC can be found on the USCIS web site at www.USCIS.gov. Please bring this notice with you to your appointment.

Once you have provided your biometrics to the ASC, respond to this request with evidence of your attendance of the ASC appointment. Such evidence typically consists of a copy of your appointment notice, bearing a stamp from the ASC technician. Along with the evidence of your appointment, please include all other evidence requested in this notice.

We sincerely regret any inconvenience this has caused you.

NAME, DATE OF BIRTH DISCREPANCY

DACA 140 – DATE OF BIRTH DISCREPANCY

USCIS records indicate that you were born on [DATE]. You indicated on your request for consideration of deferred action for childhood arrivals that you were born on [DATE]. Submit documentary evidence to establish your true date of birth. Such evidence may include your birth certificate and/or passport. If you submit a copy of your birth certificate, you must submit copies of the front and back (if there is information on the back).

DACA 142 – NAME CHANGE/DISCREPANCY

USCIS records and/or evidence you submitted indicate that your name is [NAME]. You indicated on your request for consideration of deferred action for childhood arrivals that your name is [NAME]. Submit documentary evidence to establish your true name. Such evidence may include a birth certificate, adoption records, marriage certificate, passport, or government documentation showing that you have officially changed your name.

DACA 143 – SUBMIT EVIDENCE OF NAME CHANGE

Submit proof of your name change. Such proof would normally be a marriage certificate, termination of marriage (divorce or annulment decree), adoption decree, or court order.

FINGERPRINTING / CRIMINALITY

DACA 150 – 2 UNCLASSIFIABLE PRINTS – SUBMIT LOCAL POLICE CLEARANCES

To date, you have been fingerprinted twice and USCIS has been unable to get a required clearance for you because both sets of fingerprints were rejected as unclassifiable by the Federal Bureau of Investigation. Instead of a fingerprint clearance, you must submit a local police clearance certificate for each jurisdiction (city, town, county, or municipality) in which you have lived for six months or more within the past five years.

Please note: The police clearance certificate(s) must be researched by name and date of birth. You must supply the law enforcement agency with all aliases you have used, including maiden name, if applicable. Fingerprint cards are not acceptable evidence of a police clearance certificate.

If any record indicates that you have been arrested, you must provide documentation of each of the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of **every** charge against you. The charge and disposition must be specifically identified (not merely numeric citations or codes).
- b. If you were convicted of **any** charge, you must also provide evidence showing whether the charge for which you were convicted was classified as a **felony or misdemeanor**. You may submit a copy of the pertinent statute, sentencing guidelines, and/or statement from the court clerk or police department for this purpose.

Along with the above information, you must also answer the following questions. You should respond on this notice and sign your name where it asks for your signature. If more space is needed, you may respond to the following questions on separate sheet(s) of paper. Please sign every separate sheet of paper.

- 1) Have you ever been arrested or detained by a law enforcement officer? If yes, please explain.

Answer: _____

- 2) Have you had your fingerprints taken for any reason by a law enforcement officer for a criminal offense? If yes, please explain.

Answer: _____

- 3) Have you been issued a ticket or been taken into custody by a law enforcement officer? If yes, please explain.

Answer: _____

-
- 4) Have you ever been ordered by a court to: pay a fine; serve a probationary sentence; perform community service; make restitution; or have your wages garnished (e.g., for failure to make child support payments)? If yes, please explain.

Answer: _____

- 5) Have you ever received an expungement, parole, pardon, or successfully completed a diversion or rehabilitation program? If yes, please explain.

Answer: _____

I certify, under penalties of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release from my records that USCIS needs to determine my eligibility for deferred action of childhood arrivals.

Signature of Requestor: _____

DACA 151– SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

A criminal history 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 [DATE], in [JURISDICTION] and charged with [CHARGES].

(WHERE APPROPRIATE, SERVICE CENTER MAY ALSO NEED TO INCLUDE THE NAME UNDER WHICH THE ARREST TOOK PLACE IF DIFFERENT FROM NAME BEING USED BY REQUESTOR ON FORM I-821D. IF THERE ARE MULTIPLE CHARGES, YOU MAY BULLET EACH CHARGE.)

You must provide certified judgment and conviction documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. The certified judgment and conviction documents must address the following:

- a. The final disposition (e.g., your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony, misdemeanor or other type of offense. Please submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

I-821D PART 3. CRIMINAL, NATIONAL SECURITY

AND PUBLIC SAFETY INFORMATION
AFFIRMATIVE RESPONSES
POSSIBLE INELIGIBILITY ISSUES

DACA160 – ANSWERED “YES” TO QUESTION 1 AND 2 IN PART 3 –DOCUMENTS NEEDED AND EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information:

DELETE THOSE THAT DON’T APPLY

1. Have you been arrested for, charged with, or convicted of a felony or misdemeanor in the United States?

2. Have you been arrested for, charged with, or convicted of any crime in any country other than the United States?

You did not provide a full explanation on a separate sheet of paper(s) describing the circumstances, as requested by the Form I-821D instructions. Therefore, please provide a full explanation describing the circumstances. **DELETE IF AN EXPLANATION WAS PROVIDED**

You must provide certified judgment and conviction documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. The certified judgment and conviction documents must address the following:

- a. The final disposition (e.g., your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony, misdemeanor, or some other type of offense. You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 161 – ANSWERED “YES” TO QUESTION 3 IN PART 3 – SUBMIT EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 3, Criminal, National Security and Public Safety Information:

3. Have you ever engaged in or do you continue to engage in or plan to engage in terrorist activities?

You did not provide a full explanation on a separate sheet of paper(s) describing the circumstances, as requested by the Form I-821D instructions.

Please provide a full and complete explanation of the terrorist activities you have ever engaged in, continue to engage in, or plan to engage in. Your explanation should include:

Whether other people were engaged in terrorist activities with you;
The names of the other people with whom you engaged in terrorists activities;
The role you played in terrorist activities;
The role that others played in terrorist activities;
Whether you planned or actually carried out the terrorist activities;
Whether you engaged in, continued to engage, or planned to engage in terrorist activities in the United States or abroad; and
Describe the type of terrorist activities you engaged in, continue to engage in, or plan to engage in.

DACA 162 – ANSWERED “YES” TO QUESTION 4 IN PART 3 – SUBMIT EXPLANATION

On your Consideration of Deferred Action for Childhood Arrivals (Form I-821D), you checked “Yes” to the following question in Part 3, Criminal, National Security and Public Safety Information:

4. Are you now or have you ever been a member of a gang?

You did not provide a full explanation on a separate sheet of paper(s) describing the circumstances, as requested by the Form I-821D instructions.

Please provide a full and complete explanation of your gang membership, including:

When you joined the gang(s);
How long you were a member of the gang(s);
The name of the gang(s); and
The criminal activities you participated in with the gang(s).

DACA 163 – ANSWERED “YES” TO QUESTIONS 5a, 5b, 5c, AND 5d IN PART 3– SUBMIT EXPLANATION

On your Request for Deferred Action for Childhood Arrivals (Form I-821D) you checked “Yes” to the following question(s) in Part 3, Criminal, National Security and Public Safety Information:

DELETE THOSE THAT DON’T APPLY

5. Have you EVER engaged in, ordered, incited, assisted, or otherwise participated in any of the following:

- a. acts involving torture, genocide, or human trafficking?**
- b. killing any person?**
- c. severely injuring a person?**
- d. any kind of sexual contact or relations with any person who was being forced or threatened?**

You did not provide a full explanation on a separate sheet(s) of paper describing the circumstances, as requested by the Form I-821D instructions.

Please provide a full and complete explanation describing your participation in activities involving torture, genocide, human trafficking, killing any person, severely injuring any person, or any sexual contact or relations with any person who was being forced or threatened.

**I-821D PART 3. CRIMINAL, NATIONAL SECURITY
AND PUBLIC SAFETY INFORMATION**

DACA 170– 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 [DATE], in [JURISDICTION] and charged with [CHARGES].

(WHERE APPROPRIATE, YOU MAY ALSO NEED TO INCLUDE THE NAME UNDER WHICH THE ARREST TOOK PLACE IF DIFFERENT FROM NAME BEING USED BY THE REQUESTOR ON FORM I-821D. IF THERE ARE MULTIPLE CHARGES, YOU MAY BULLET EACH CHARGE.)

You must provide certified judgment and/or conviction documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. The certified judgment and conviction documents must address the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony or misdemeanor. You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 171– ANSWERED “NO” TO QUESTIONS 1 AND 2 IN PART 3 - CRIMINAL ACTIVITY UNCLEAR TO USCIS, SUBMIT JUDGMENT AND CONVICTION DOCUMENTS

Based on a review of your case, it appears that you have some type of criminal record/interaction with law enforcement authorities. It appears that on [DATE] the following occurred:

[PROVIDE EXPLANATION OF FINDINGS, TO INCLUDE NAME OF POLICE DEPT. IF APPLICABLE, CHARGES IF APPLICABLE, ETC. NOTE: DO NOT INFORM THE APPLICANT WHERE THE INFORMATION CAME FROM SYSTEMS THAT ARE NOT OUR RECORDS (EX. IBIS)]

(WHERE APPROPRIATE, YOU MAY ALSO NEED TO INCLUDE THE NAME UNDER WHICH THE ARREST TOOK PLACE IF DIFFERENT FROM NAME BEING USED BY THE REQUESTOR ON FORM I-821D. IF THERE ARE MULTIPLE INTERACTIONS, YOU MAY BULLET EACH INTERACTION.)

Submit a statement explaining the results of this interaction with law enforcement authorities. You must provide certified judgment and conviction documents from the court(s) for all of your arrests, including but not limited to, the charges listed above. The certified judgment and conviction documents must address the following:

- a. The final disposition (your sentence, probation, dismissal, etc.) of every charge against you. The charge and disposition must be specifically identified (not just numeric citations or codes).
- b. If you were convicted of any charge, you must also provide evidence showing whether the charge for which you were convicted was classified as a felony or misdemeanor.

You may submit a copy of the pertinent statute, sentencing guide, or statement from the court clerk or police department for this purpose.

If you fail to submit such evidence, USCIS may deny your request for consideration of deferred action for childhood arrivals.

DACA 172– ANSWERED “NO” TO QUESTIONS 3, 4, 5a, 5b, 5c, AND 5d IN PART 3 – USCIS DISCOVERED UNCLEAR INFORMATION, SUBMIT EXPLANATION

Based on a review of your case, the following was discovered: **DELETE THOSE THAT DON’T APPLY**

3. you engaged in or do you continue to engage or plan to engage in terrorist activities?

4. you are now or have been a member of gang?

5. you engaged in, ordered, incited, assisted, or otherwise participated in any of the following:

a. acts involving torture, genocide, or human trafficking?

b. killing any person?

c. severely injuring a person?

d. any kind of sexual contact or relations with any person who was being forced or threatened?

[PROVIDE EXPLANATION OF FINDINGS. THIS CAN INCLUDE WHERE THE INFORMATION WAS FOUND IF IT IS KNOWLEDGE THAT CAN BE SHARED WITH THE REQUESTOR. NOTE: DO NOT INFORM THE REQUESTOR WHERE THE INFORMATION CAME FROM SYSTEMS THAT ARE NOT OUR RECORDS (EX. IBIS).]

Therefore, you must submit a statement explaining and/or refuting the information/circumstances found in USCIS records. Please note that if you refute the above information, and USCIS later receives information that the above does relate to you, USCIS may terminate deferred action and you may be barred from other immigration benefits.

FORM I-765

DACA 180 – FAILURE TO SUBMIT OR COMPLETE FORM I-765 WS

USCIS is unable to complete your Form I-765, Application for Employment Authorization because you failed to submit or complete the Form I-765 WS. Please complete the worksheet and return it to the address provided within the specified time.

DACA 190 – SUBMIT PASSPORT PHOTOS

Please submit **two (2)** passport-style **color** photo(s) of **[NAME]** taken within 30 days of the date of this notice, which conform(s) to the specifications below. Using a pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.

Please do not staple through any part of the photo(s). Enclose the photo(s) in a plastic or paper envelope and staple the envelope to this notice when returning it to this office.

Passport-style photos must be 2 inches by 2 inches:

- Frame subject with full face, front view, eyes open.
- Make sure photo presents full head from top of hair to bottom of chin; height of head should measure 1 inch to 1 3/8 inch (25 mm to 35 mm).
- Center head within frame.
- Make sure eye level is between 1 1/8 inch and 1 3/8 inch (28 mm and 35 mm) from bottom of photo.
- Photograph subject against a plain white or off-white background.
- Position subject and lighting so that there are no distracting shadows on the face or background.
- Encourage subject to have a natural expression.
- Include headpieces if worn daily for religious purposes; they should not obscure or cast shadows on the eyes or any other part of the face.

For more information on photo requirements, please see the Department of State website at: <http://www.travel.state.gov/passport/pptphotos/index.html>, or contact the USCIS National Customer Service Center at 1-800-375-5283.

FORM 131

DACA 200 – PROOF OF DACA

To be considered for advance parole you must submit evidence to establish that you have been granted deferred action for childhood arrivals. Submit a copy of the approval notice issued by USCIS for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals.

DACA 201 – PROOF OF EDUCATIONAL NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for education purposes. Examples of travel abroad for education purposes include study abroad programs, school-sponsored trips abroad, or travel necessary to conduct academic research.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for education purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for educational purposes, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- A letter from the educational institution, or from an employee of the institution acting in his or her official capacity, describing the purpose of the travel, or documentation showing enrollment in a specific program or class coupled with documentary evidence showing that you will benefit from, or are required to travel for the specific program or class; or

NOTE: Travel during an academic year unrelated to academics (i.e., a vacation) is insufficient to qualify as an educational purpose.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 202 – PROOF OF HUMANITARIAN NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individuals granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for humanitarian reasons. Examples of travel abroad for humanitarian reasons include medical reasons, to visit a family member, or to attend funeral services for a family member.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for humanitarian purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for humanitarian, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis, and how long the treatment is expected to last;
- Information on the reasons why you cannot obtain treatment in the United States;
- An explanation from a medical doctor on official letterhead stating the diagnosis and prognosis of the family member's condition; or
- A death certificate or newspaper obituary of the family member or other document evidencing the death of the family member.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

DACA 203 – PROOF OF EMPLOYMENT NEED

In accordance with the discretionary authority provided in section 212(d)(5)(A) of the Act, grants of advance parole to individual granted deferred action for childhood arrivals may be made based on the need to travel abroad for educational, employment, or humanitarian purposes. You claim that you need to travel abroad for employment purposes. Examples of travel abroad for employment purposes include: pursuit of a position in the United States with a foreign employer; an overseas assignment, interview, conference, or training; a meeting with overseas clients or others with whom you interact professionally; or a trip to cultivate business or sales overseas or any other overseas trip taken in furtherance of the applicant's professional responsibilities.

The evidence you submitted with your Form I-131, Application for Travel Document, to establish your need to travel abroad for employment purposes is insufficient. (ISO should list what evidence was submitted and briefly state why the evidence is insufficient. If the requestor did not submit any evidence to support his/her need to travel abroad for employment purposes, modify RFE call up accordingly). You may still submit evidence, which may include, but is not limited to, copies of: (ISO should delete any of the following that were already provided by the requestor)

- A letter on official letterhead from your employer describing the need for your travel; or
- A document showing a specific employment need, such as a conference program, that also shows your participation.

(ISO: If the applicant did not establish the dates of travel, please include in the RFE as advance parole is valid for the duration of the event, as documented in the advance parole application. For multiple events, the advance parole is valid for the duration of all the documented events)

ASSORTED OTHERS

DACA 200 – FOREIGN LANGUAGE DOCUMENT MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION

If you submit a document in any language other than English, it must be **completely** translated word-for-word. The translator must certify that the translation is accurate and that he or she is competent to translate. Note: You must submit the requested foreign language document along with the translation.

DACA 201– YOU MAY SUBMIT PHOTOCOPIES

You may submit either the original documents or legible photocopies of the originals, including copies of the front and back of each document. If you choose to submit original documents, they will not be returned to you. [**NOT FOR USE WHEN USCIS IS REQUESTING ORIGINAL DOCUMENTS.**]

DACA 202– AFFIDAVITS

Affidavits can support two of the DACA guidelines:

- Brief, casual, and innocent departures during the five years of required continuous presence in the United States; and
- Any minor gap in the five year continuous residence requirement.

In support of your DACA request, you submitted affidavits, but you did not indicate that:

- primary and secondary evidence cannot be obtained; and
- what effort you undertook to obtain that evidence.

Therefore, you are requested to provide the following:

- A written statement from the appropriate issuing authority attesting to the fact that no record exists or can be located, or that the record sought was part of some segment of records which were lost or destroyed; or
- Evidence (such as an affidavit) "that repeated good faith attempts were made to obtain the required document or record."

Appendix E

DEFERRED ACTION FOR CHILDHOOD ARRIVALS NOIDs

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed [Text] and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply.

DACA 400 -NOTICE OF INTENT TO DENY – NOT A BCI DEPARTURE – UNDER VOLUNTARY DEPARTURE OR FINAL EXCLUSION, DEPORTATION, OR REMOVAL ORDER

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 have been residing continuously in the United States since June 15, 2007, to the present time. A brief, casual, and innocent departure from the United States does not meaningfully disrupt the period of continuous residence. A departure is deemed to be brief, casual, and innocent if:

- (1) It was short and reasonably calculated to accomplish the purpose of the absence;
- (2) It was not the result of an order of exclusion, deportation, or removal;
- (3) It was not because of an order of voluntary departure, or an administrative grant of voluntary departure before the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) Its purpose or the actions taken while outside of the United States were not contrary to law.

PICK PARAGRAPH (A) OR (B) BELOW, AS APPLICABLE:

A. USE THIS PARAGRAPH IF THE DISQUALIFYING TRAVEL OCCURRED BEFORE 8/15/12, THEN PROCEED TO THE CLOSING PARAGRAPH:

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you departed the United States on or about **[insert date; this date should be before 8/15/2012]**. It also appears that, at the time of your departure, you **[INSERT WHICHEVER IS APPROPRIATE: departed under an order of voluntary departure; departed under an administrative grant of voluntary departure prior to the commencement of removal proceedings; your departure was the result of an order of exclusion, deportation, or removal (including an order of voluntary departure that converted automatically to a final order of exclusion, deportation or removal).]** Because such a departure is not brief, casual, or innocent, you have not established that you have resided continuously in the United States since at least June 15, 2007, until the present time.

[Proceed to the closing paragraph.]

OR

B. USE THIS PARAGRAPH IF THE DISQUALIFYING TRAVEL OCCURRED ON OR AFTER 8/15/12 AND BEFORE FORM I-821D WAS APPROVED

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you departed the United States on or about ***[insert date – this date should be on or after 8/15/12]***. A departure made on or after August 15, 2012 is not brief, casual, or innocent unless removal action has been deferred, as evidenced by an approved Form I-821D. Because your departure occurred after August 15, 2012, but before USCIS has determined whether to defer action in your case, your departure from the United States was not brief, casual, or innocent. Therefore, you have not established that you have resided continuously in the United States since at least June 15, 2007, until the present time.

[CLOSING PARAGRAPH]

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 401 NOTICE OF INTENT TO DENY – DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

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 have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you 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 have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

Driving under the influence of alcohol or drugs constitutes a significant misdemeanor.¹ Accordingly, USCIS intends to deny your request for consideration of 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.

¹ For the purposes of the DACA 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)

See www.uscis.gov/childhoodarrivals.

DACA 402 NOTICE OF INTENT TO DENY – DOMESTIC VIOLENCE

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 have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you 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 have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

An offense of domestic violence constitutes a significant misdemeanor.¹ Accordingly, USCIS intends to deny your request for consideration of 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

¹ For the purposes of the DACA 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).

See www.uscis.gov/childhoodarrivals.

DACA 403 NOTICE OF INTENT TO DENY – BURGLARY

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 have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you 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 have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

Burglary constitutes a significant misdemeanor.¹ Accordingly, USCIS intends to deny your request for consideration of 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

¹ For the purposes of the DACA 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).

See www.uscis.gov/childhoodarrivals.

DACA 404 NOTICE OF INTENT TO DENY –NO ENTRY BEFORE 16

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 came to the United States before reaching your 16th birthday.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you initially entered the United States when you were [insert age] years old. On [insert date Form I-821D received], you submitted Form I-821D, Consideration of Deferred Action for Childhood Arrivals. You indicated on your Form I-821D that you were born on [insert date of birth], and that your initial entry into the United States was on [insert date of entry]. Your date of birth is supported by your [identify the document (e.g. birth certificate, passport, etc.) that establishes the requestor's DOB], and you did not submit evidence that you entered the United States before reaching the age of 16.

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 405 NOTICE OF INTENT TO DENY –STUDENT IN LAWFUL STATUS ON JUNE 15, 2012 [Updated 2/27/2013]

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 were in unlawful immigration status as of June 15, 2012. For deferred action for childhood arrivals, the phrase “in unlawful immigration status as of June 15, 2012” means 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 before June 15, 2012.

According to the information provided with your request, and based on information obtained during routine systems checks, your current F-1 nonimmigrant status is active in Student & Exchange Visitor Information System (SEVIS). [Identify other facts e.g., Employment Authorization Card validity date]. Based on these facts, USCIS has determined that you were not in an unlawful status on June 15, 2012.

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 406 NOTICE OF INTENT TO DENY –ARRIVED AFTER JUNE 15, 2007

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 have continuously resided in the United States since June 15, 2007.

According to the information you provided with your request, and/or based on information obtained during routine systems checks, it appears that you initially arrived in the United States on or about [*insert date of initial entry*].

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 407 NOTICE OF INTENT TO DENY – NOT IN SCHOOL

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 are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

On your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, you indicated that you are currently in school. However, according to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you are not currently enrolled in school. [*Insert specific information; e.g., official transcripts showing enrollment status as “Removed for Lack of Attendance” or school enrollment history listing requestor as a “No Show”.*]

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 408 NOTICE OF INTENT TO DENY – NONIMMIGRANT STATUS ON JUNE 15, 2012

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 were in unlawful immigration status as of June 15, 2012. For deferred action for childhood arrivals, the phrase “in unlawful immigration status as of June 15, 2012” means 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 before June 15, 2012.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you entered the United States on [Date] as [insert nonimmigrant classification. For example, “an E-2 Nonimmigrant Treaty Investor or as the spouse or child of a Nonimmigrant Treaty Investor”]. It appears that your lawful immigration status [insert “is” or “was” depending if still in status] valid until [Date], and therefore had not expired before June 15, 2012.

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 409 NOTICE OF INTENT TO DENY – TEMPORARY PROTECTED STATUS ON JUNE 15, 2012

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 were in unlawful immigration status as of June 15, 2012. For deferred action for childhood arrivals, the phrase “in unlawful immigration status as of June 15, 2012” means 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 before June 15, 2012.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you had Temporary Protected Status (TPS) on June 15, 2012. USCIS has no record that your status as a TPS beneficiary was withdrawn or terminated before June 15, 2012, therefore it appears you were not in unlawful status on June 15, 2012.

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 410 NOTICE OF INTENT TO DENY – MULTIPLE MISDEMEANORS

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 have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you 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 have multiple criminal convictions.

The court dispositions that you submitted indicate that you were convicted on:

- [Insert date of conviction, court name, city/state, crime, and statute]
- [Insert date of conviction, court name, city/state, crime, and statute]
- [Insert date of conviction, court name, city/state, crime, and statute]

You have been convicted of three or more non-significant misdemeanors.¹ Accordingly, USCIS intends to deny your request for consideration of 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.

¹ For the purposes of the DACA 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 U.S. Immigration and Customs Enforcement (ICE).

DACA 411 NOTICE OF INTENT TO DENY – FELONY CONVICTION

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 have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you 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 have a criminal conviction.

The court disposition indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

[Explain why the offense is a felony under federal law. For example, “Possession of drug paraphernalia is classified as a Class 6 felony under Arizona law, with a maximum term of imprisonment of 1.5 years. See A.R.S. §§ 13-702(D), 13-3415.”] Therefore, the offense is a felony for purposes of deferred action for childhood arrivals.¹ Accordingly, USCIS intends to deny your request for consideration of 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.

¹ For the purposes of the DACA process, a felony is a federal, state, or local criminal offense for which the maximum term of imprisonment authorized is for a period of more than one year.

See www.uscis.gov/childhoodarrivals.

Appendix E

DEFERRED ACTION FOR CHILDHOOD ARRIVALS NOIDs

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed [Text] and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply.

DACA 400 -NOTICE OF INTENT TO DENY – NOT A BCI DEPARTURE – UNDER VOLUNTARY DEPARTURE OR FINAL EXCLUSION, DEPORTATION, OR REMOVAL ORDER

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 have been residing continuously in the United States since June 15, 2007, to the present time. A brief, casual, and innocent departure from the United States does not meaningfully disrupt the period of continuous residence. A departure is deemed to be brief, casual, and innocent if:

- (1) It was short and reasonably calculated to accomplish the purpose of the absence;
- (2) It was not the result of an order of exclusion, deportation, or removal;
- (3) It was not because of an order of voluntary departure, or an administrative grant of voluntary departure before the requestor was placed in exclusion, deportation, or removal proceedings; and
- (4) Its purpose or the actions taken while outside of the United States were not contrary to law.

PICK PARAGRAPH (A) OR (B) BELOW, AS APPLICABLE:

A. USE THIS PARAGRAPH IF THE DISQUALIFYING TRAVEL OCCURRED BEFORE 8/15/12, THEN PROCEED TO THE CLOSING PARAGRAPH:

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you departed the United States on or about **[insert date; this date should be before 8/15/2012]**. It also appears that, at the time of your departure, you **[INSERT WHICHEVER IS APPROPRIATE: departed under an order of voluntary departure; departed under an administrative grant of voluntary departure prior to the commencement of removal proceedings; your departure was the result of an order of exclusion, deportation, or removal (including an order of voluntary departure that converted automatically to a final order of exclusion, deportation or removal).]** Because such a departure is not brief, casual, or innocent, you have not established that you have resided continuously in the United States since at least June 15, 2007, until the present time.

[Proceed to the closing paragraph.]

OR

B. USE THIS PARAGRAPH IF THE DISQUALIFYING TRAVEL OCCURRED ON OR AFTER 8/15/12 AND BEFORE FORM I-821D WAS APPROVED

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you departed the United States on or about **[insert date – this date should be on or after 8/15/12]**. A departure made **on or** after August 15, 2012 is not brief, casual, or innocent unless removal action has been deferred, as evidenced by an approved Form I-821D. Because your departure occurred after August 15, 2012, but **before USCIS has determined whether to defer action in your case**, your departure from the United States was not brief, casual, or innocent. Therefore, you have not established that you have resided **continuously** in the United States since at least June 15, 2007, until **the present time**.

[CLOSING PARAGRAPH]

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 401 NOTICE OF INTENT TO DENY – DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

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 have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you 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 have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

Driving under the influence of alcohol or drugs constitutes a significant misdemeanor.¹ Accordingly, USCIS intends to deny your request for consideration of 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.

¹ For the purposes of the DACA 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)

See www.uscis.gov/childhoodarrivals.

DACA 402 NOTICE OF INTENT TO DENY – DOMESTIC VIOLENCE

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 have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you 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 have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

An offense of domestic violence constitutes a significant misdemeanor.¹ Accordingly, USCIS intends to deny your request for consideration of 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

¹ For the purposes of the DACA 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)

See www.uscis.gov/childhoodarrivals.

DACA 403 NOTICE OF INTENT TO DENY – BURGLARY

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 have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you 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 have a criminal conviction.

The court disposition that you submitted indicates that you were convicted on:

[Insert date of conviction, court name, city/state, crime, and statute]

Burglary constitutes a significant misdemeanor.¹ Accordingly, USCIS intends to deny your request for consideration of 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

¹ For the purposes of the DACA 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)

See www.uscis.gov/childhoodarrivals.

DACA 404 NOTICE OF INTENT TO DENY –NO ENTRY BEFORE 16

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 came to the United States before reaching your 16th birthday.

According to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you initially entered the United States when you were [insert age] years old. On [insert date Form I-821D received], you submitted Form I-821D, Consideration of Deferred Action for Childhood Arrivals. You indicated on your Form I-821D that you were born on [insert date of birth], and that your initial entry into the United States was on [insert date of entry]. Your date of birth is supported by your [identify the document (e.g. birth certificate, passport, etc.) that establishes the requestor's DOB], and you did not submit evidence that you entered the United States before reaching the age of 16.

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 405 NOTICE OF INTENT TO DENY –STUDENT IN LAWFUL STATUS ON JUNE 15, 2012 [Updated 2/27/2013]

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 were in unlawful immigration status as of June 15, 2012. For deferred action for childhood arrivals, the phrase “in unlawful immigration status as of June 15, 2012” means 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 before June 15, 2012.

According to the information provided with your request, and based on information obtained during routine systems checks, your current F-1 nonimmigrant status is active in Student & Exchange Visitor Information System (SEVIS). [Identify other facts e.g., Employment Authorization Card validity date]. Based on these facts, USCIS has determined that you were not in an unlawful status on June 15, 2012.

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 406 NOTICE OF INTENT TO DENY –ARRIVED AFTER JUNE 15, 2007

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 have continuously resided in the United States since June 15, 2007.

According to the information you provided with your request, and/or based on information obtained during routine systems checks, it appears that you initially arrived in the United States on or about *[insert date of initial entry]*.

Accordingly, USCIS intends to deny your request for consideration of 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.

DACA 407 NOTICE OF INTENT TO DENY – NOT IN SCHOOL

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 are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.

On your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, you indicated that you are currently in school. However, according to the information provided with your request, and/or based on information obtained during routine systems checks, it appears that you are not currently enrolled in school. *[Insert specific information; e.g., official transcripts showing enrollment status as “Removed for Lack of Attendance” or school enrollment history listing requestor as a “No Show”.]*

Accordingly, USCIS intends to deny your request for consideration of 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.

Appendix F

NOTICE OF DENIAL OF CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS, FORM I-821D

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. For the reason(s) indicated below, USCIS has, in its unreviewable discretion, determined that it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

- At the time of filing, you were under the age of fifteen (15) and were not in removal proceedings, did not have a final removal order, or did not have a voluntary departure order.
- You have not established that you came to the United States under the age of sixteen (16).
- You have not established that you were under age 31 on June 15, 2012.
- You have not established that you have continuously resided in the United States since June 15, 2007, until the date of filing your request.
- During your period of residence in the United States, you had one or more absences that did not qualify as “brief, casual, and innocent.”
- You have not established that you were present in the United States on June 15, 2012.
- You have not established that you were in an unlawful immigration status in the United States on June 15, 2012.
- You have not established that you are currently in school at the time of filing your request, have graduated or obtained a certificate of completion from a U.S. high school, or have obtained a general educational development (GED) certificate or other equivalent State-authorized exam in the United States, or that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.
- You have been convicted of a felony or a significant misdemeanor, or you have been convicted of three or more misdemeanors, or you do not warrant a favorable exercise of prosecutorial discretion because of public safety concerns, or exercising prosecutorial discretion in your case would not be consistent with the Department of Homeland Security’s enforcement priorities.
- You have not established that you warrant a favorable exercise of prosecutorial discretion.
- You have not paid the fee for your concurrently filed Application for Employment Authorization, Form I-765, and/or your biometrics fee, because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time.
- USCIS was unable to conduct a background check on you because you did not appear for your scheduled appointment at an Application Support Center for the collection of biometrics, or your fingerprints were rejected as unclassifiable and you did not submit a local police clearance certificate for each jurisdiction in which you have lived for six months or more within the past five years.
- You did not respond to a Request for Evidence or Notice of Intent to Deny within the time prescribed.
- You have abandoned your Form I-821D, Consideration of Deferred Action for Childhood Arrivals because you departed the United States while the form was pending.
- USCIS lacks the authority to consider your request because you were in immigration detention at the time you filed your Form I-821D and you remain in immigration detention as of the date of this notice.

**NOTICE OF DENIAL OF CONSIDERATION OF DEFERRED ACTION FOR
CHILDHOOD ARRIVALS, FORM I-821D**

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. For the reason(s) indicated below, USCIS has, in its unreviewable discretion, determined that it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

- You are under the age of fifteen (15) and are not in removal proceedings, do not have a final removal order, or do not have a voluntary departure order.
- You have not established that you came to the United States under the age of sixteen (16).
- You have not established that you were under age 31 on June 15, 2012.
- You have not established that you have continuously resided in the United States since June 15, 2007, until the date of filing your request.
- During your period of residence in the United States, you had one or more absences that did not qualify as “brief, casual, and innocent.”
- You have not established that you were present in the United States on June 15, 2012.
- You have not established that you were in an unlawful immigration status in the United States on June 15, 2012.
- You have not established that you are currently in school at the time of filing your request, have graduated or obtained a certificate of completion from a U.S. high school, or have obtained a general educational development (GED) certificate or other equivalent State-authorized exam in the United States, or that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.
- You have been convicted of a felony or a significant misdemeanor, or you have been convicted of three or more misdemeanors, or you do not warrant a favorable exercise of prosecutorial discretion because of public safety concerns, or exercising prosecutorial discretion in your case would not be consistent with the Department of Homeland Security’s enforcement priorities.
- You have not established that you warrant a favorable exercise of prosecutorial discretion.
- You have not paid the fee for your concurrently filed Application for Employment Authorization, Form I-765, and/or your biometrics fee, because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time.
- USCIS was unable to conduct a background check on you because you failed to appear for your scheduled appointment at an Application Support Center for the collection of biometrics, or your fingerprints were rejected as unclassifiable and you did not submit a local police clearance certificate for each jurisdiction in which you have lived for six months or more within the past five years.
- You did not respond to a Request for Evidence or Notice of Intent to Deny within the time prescribed.
- You have abandoned your Form I-821D, Consideration of Deferred Action for Childhood Arrivals because you departed the United States while the form was pending.
- USCIS lacks the authority to consider your request because you were in immigration detention at the time you filed your Form I-821D and you remain in immigration detention as of the date of this notice.

Appendix F

NOTICE OF DENIAL OF CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS, FORM I-821D

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. For the reason(s) indicated below, USCIS has, in its unreviewable discretion, determined that that it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

- You are under the age of fifteen (15) and are not in removal proceedings, do not have a final removal order, or do not have a voluntary departure order.
- You have failed to establish that you came to the United States under the age of sixteen (16).
- You have failed to establish that you were under age 31 on June 15, 2012.
- You have failed to establish that you have continuously resided in the United States since June 15, 2007, until the date of filing your request.
- During your period of residence in the United States, you had one or more absences that did not qualify as ‘brief, casual, and innocent.’
- You have failed to establish that you were present in the United States on June 15, 2012 and that you were unlawfully present in the United States on that date.
- You have failed to establish that you are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or that you are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.
- You have been convicted of a felony or a significant misdemeanor, or you have been convicted of three or more misdemeanors, or you do not warrant a favorable exercise of prosecutorial discretion because of public safety concerns.
- You do not warrant a favorable exercise of prosecutorial discretion because of other concerns.
- You have failed to pay the fee for your concurrently filed Application for Employment Authorization, Form I-765, and/or your biometrics fee, because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time.
- You failed to appear for the collection of biometrics at an Application Support Center.
- You failed to respond to a Request for Evidence or Notice of Intent to Deny within the time prescribed.
- You have abandoned your Form I-821D, Consideration of Deferred Action for Childhood Arrivals because you departed the United States while the form was pending.

Appendix G

SRMT Call Ups Pertaining to Denied Form I-821D, Consideration of Deferred Action for Childhood Arrivals

Administrative Errors

1. Denial of Form I-821D on the grounds that the requestor did not come to the United States prior to reaching his/her 16th birthday.

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment Authorization is approved, you will receive an Employment Authorization Document.

2. Denial of Form I-821D on the grounds that the requestor was under the age of 15 at the time of filing, but not in removal proceedings.

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment Authorization is approved, you will receive an Employment Authorization Document.

3. **Denial of Form I-821D on the grounds that the requestor was not under the age of 31 on June 15, 2012.**

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment Authorization is approved, you will receive an Employment Authorization Document.

4. **Denial of Form I-821D on the grounds that the requestor was not in an unlawful immigration status as of June 15, 2012.**

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment Authorization is approved, you will receive an Employment Authorization Document.

5. **Denial of Form I-821D on the grounds that the requestor was not physically present in the United States on June 15, 2012.**

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and if your Form I-765, Application for Employment is approved, you will receive an Employment Authorization Document.

6. Denial of Form I-821D on the grounds that the requestor did not appear to have biometrics collected at a USCIS ASC

SRMT DACA 1 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to appear for the collection of biometrics at an Application Support Center. We have reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records and have routed your file for adjudication. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment after adjudication is complete.

7. Denial of Form I-821D on the grounds that the requestor did not request to have his/her biometrics appointment at a USCIS ASC rescheduled prior to the scheduled date

SRMT DACA 2 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to appear for the collection of biometrics at an Application Support Center nor did you request to have your biometrics appointment rescheduled prior to the date you were scheduled to appear. We have reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final Response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records. Your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment have resumed processing. Once adjudication is complete, you will receive a decision.

8. Denial of Form I-821D on the grounds that the requestor failed to pay the filing and biometric fees for the Form I-765

SRMT DACA 3 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to pay the fee for your concurrently filed Form I-765, Application for Employment Authorization, and/or your biometrics fee because your payment has been rejected for insufficient funds and you have failed to correct the fee deficiency within the allotted time. We have reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final Response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records and have routed your file for adjudication. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment after adjudication is complete.

9. Denial of Form I-821D due to abandonment and the requestor claims he/she did respond to RFE within the prescribed time

SRMT DACA 4 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to respond to a Request for Evidence within the time prescribed. We reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final Response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records and have routed your file for adjudication. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment after adjudication is complete.

10. Denial of Form I-821D due to abandonment – USCIS mailed the RFE to the wrong address and the requestor submitted a change of address prior to the issuance of RFE.

SRMT DACA 5 Interim Response:

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals on the grounds that you failed to respond to a Request for Evidence (RFE) within the time prescribed. In your request to review the denial of your Form I-821D, you indicated that the RFE was mailed to the wrong address and you had submitted a Change of Address prior to the RFE issuance. We have reopened your case on a service motion and will review your file. You will receive a notice that your case is reopened on a service motion and a response once our review is complete.

Final Response if denial was correct:

Use SRMT Denial Template

Final response if denial was incorrect:

Since the date we received your request, we have reopened your case on a service motion and reviewed the decision made on your case. Upon review, it has been determined that the denial was issued in error.

We have corrected the error in our records and have routed your file for adjudication. You will receive an approval notice for your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and your Form I-765, Application for Employment after adjudication is complete.

Appendix H**SRMT Denial Template**

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and the accompanying Form I-765, Application for Employment Authorization. Your request was based on your belief that the denial involved one or more of the administrative errors, as indicated below:

- You claimed that your DACA request was denied on the grounds that you did not come to the United States prior to reaching your 16th birthday and that the evidence you submitted at the time of filing shows that you did, in fact, arrive before the required age.
- You claimed that your DACA request was denied on the grounds that you were under the age of 15 at the time of filing, but not in removal proceedings, or did not have a final removal order or a voluntary departure order, and that the evidence submitted at the time of filing shows that you were, in fact, in removal proceedings or had a final removal order or a voluntary departure order.
- You claimed that your DACA request was denied on the grounds that you were over the age of 31 on June 15, 2012 and that the evidence you submitted at the time of filing shows that you were, in fact, under age 31 on June 15, 2012.
- You claimed that your DACA request was denied on the grounds that you were in a lawful immigration status as of June 15, 2012, and that the evidence you submitted at the time of filing shows that you were, in fact, in an unlawful status on June 15, 2012.
- You claimed that your DACA request was denied on the grounds that you were not physically present in the United States on June 15, 2012, up through the date of filing, and that the evidence you submitted at the time of filing establishes that you were, in fact, present.
- You claimed that your DACA request was denied because you did not appear for biometrics collection at an Application Support Center, but you did appear.
- You claimed that your DACA request was denied because you did not appear for biometrics collection at an Application Support Center, but you asked for the appointment to be rescheduled before the originally scheduled date.
- You claimed that your DACA request was denied because you did not pay the required fees, but you have evidence that you paid (including evidence that you remitted payment to rectify any Nonsufficient Funds notice on the initial payment).
- You claimed that your DACA request was denied because you did not respond to a request for evidence (RFE) within the prescribed time (includes a request to submit additional evidence or appear at an ASC for biometrics collection following a prior failure to appear) and that you did, in fact respond timely.
- You claimed that your DACA request was denied because USCIS mailed the RFE to the wrong address even though you filed a change of address request before the RFE was issued.

Upon review of your request, the evidence in the file at the time of filing, and upon performing all relevant records and systems checks, it has been determined that your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, and the accompanying Form I-765, Application for Employment Authorization, were properly denied and that the denial did not involve an administrative error.

Appendix H**SRMT Denial Template**

We have received your request to review the denial of your Form I-821D, Consideration of Deferred Action for Childhood Arrivals and the accompanying Form I-765, Application for Employment Authorization. Your request was based on your belief that the denial involved one or more of the administrative errors, as indicated below:

- You claimed that your DACA request was denied on the grounds that you did not come to the United States prior to reaching your 16th birthday and that the evidence you submitted at the time of filing shows that you did, in fact, arrive before the required age.
- You claimed that your DACA request was denied on the grounds that you were under the age of 15 at the time of filing, but not in removal proceedings, or did not have a final removal order or a voluntary departure order, and that the evidence submitted at the time of filing shows that you were, in fact, in removal proceedings or had a final removal order or a voluntary departure order.
- You claimed that your DACA request was denied on the grounds that you were over the age of 31 on June 15, 2012 and that the evidence you submitted at the time of filing shows that you were, in fact, under age 31 on June 15, 2012.
- You claimed that your DACA request was denied on the grounds that you were in a lawful immigration status as of June 15, 2012, and that the evidence you submitted at the time of filing shows that you were, in fact, in an unlawful status on June 15, 2012.
- You claimed that your DACA request was denied on the grounds that you were not physically present in the United States on June 15, 2012, up through the date of filing, and that the evidence you submitted at the time of filing establishes that you were, in fact, present.
- You claimed that your DACA request was denied because you did not appear for biometrics collection at an Application Support Center, but you did appear.
- You claimed that your DACA request was denied because you did not appear for biometrics collection at an Application Support Center, but you asked for the appointment to be rescheduled before the originally scheduled date.
- You claimed that your DACA request was denied because you did not pay the required fees, but you have evidence that you paid (including evidence that you remitted payment to rectify any Nonsufficient Funds notice on the initial payment).
- You claimed that your DACA request was denied because you did not respond to a request for evidence (RFE) within the prescribed time (includes a request to submit additional evidence or appear at an ASC for biometrics collection following a prior failure to appear) and that you did, in fact respond timely.
- You claimed that your DACA request was denied because USCIS mailed the RFE to the wrong address even though you filed a change of address request before the RFE was issued.

Upon review of your request, the evidence in the file at the time of filing, and upon performing all relevant records and systems checks, it has been determined that your Form I-821D, Consideration of Deferred Action for Childhood Arrivals, and the accompanying Form I-765, Application for Employment Authorization, were properly denied and that the denial did not involve an administrative error.

Appendix I

NOTE: Text highlighted in **YELLOW** and bracketed by [] is hidden text that requires ISO input. The ISO should delete the highlighted bracketed [Text] and type in the necessary information, or choose the appropriate information from choices and delete the information that does not apply.

DACA 600 – Notice of Intent to Terminate

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States. A review of your records reveals that [ISO should thoroughly explain why the removal was deferred under DACA in error or that it has come to the attention of USCIS that the individual committed fraud in seeking deferral of removal under DACA. If the decision to issue a Notice of Intent to Terminate is based on fraud, it should be supported by a fully documented SOF and any other relevant documents/information.]

Based on the information outlined above, USCIS is notifying you of its intent to terminate your deferred action for childhood arrivals. A final decision to terminate your deferred action for childhood arrivals will not be made for 33 days. During that time, you may submit any evidence that you feel will overcome the grounds for termination. If your response is not received within the allotted time or if your response to this notice does not overcome the grounds for termination, USCIS will terminate your deferred action for childhood arrivals. If your deferred action for childhood arrivals is terminated, any associated employment authorization granted during the period of your deferred action will be terminated for cause

DACA 601 – Termination Notice [After NOIT]

On [Date], you were notified that it was the intent of USCIS to terminate your deferred action for childhood arrivals. In response to the Intent to Terminate, you [ISO should summarize the individual's response to the Intent to Terminate or indicate that the individual did not respond within the allotted time].

Your response does not overcome the grounds for termination. [If the individual's response does not overcome the reason for the termination as outlined in the Notice of Intent to Terminate, the ISO should explain why]. Therefore, your deferred action for childhood arrivals is terminated as of the date of this notice. In addition, your employment authorization is terminated for cause as of the date of this notice.

You must return your Employment Authorization Document (EAD) to USCIS immediately. Fraudulent use of your EAD could result in a referral to law enforcement. Send a copy of this notice and your EAD to:

[Insert Service Center
Address]

DACA 602 – Termination Notice [NTA Issuance]

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States.

On [Date NTA served on alien], [U.S. Citizenship & Immigration Services (USCIS)/Immigration & Customs Enforcement (ICE)] issued you a Notice to Appear (NTA).

Your deferred action as a childhood arrival and your employment authorization automatically terminated as of the date your NTA was issued. You must return your Employment Authorization Document (EAD) to USCIS immediately. Fraudulent use of your EAD could result in a referral to law enforcement. Send a copy of this notice and your EAD to:

[Insert Service Center
Address]

DACA 603 – Termination Notice [Enforcement Priority; Not Automatically Terminated]

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States.

After consulting with U.S. Immigration & Customs Enforcement, USCIS has determined that exercising prosecutorial discretion in your case is not consistent with the Department of Homeland Security's enforcement priorities. Therefore, your deferred action for childhood arrivals is terminated as of the date of this notice. In addition, your employment authorization is terminated for cause as of the date of this notice.

You must return your Employment Authorization Document (EAD) to USCIS immediately. Fraudulent use of your EAD could result in a referral to law enforcement. Send a copy of this notice and your EAD to:

[Insert Service Center
Address]

Appendix I

Notice of Intent to Terminate

On [Date], you filed Form I-821D, Consideration of Deferred Action for Childhood Arrivals. USCIS approved your Form I-821D on [Date] deferring your removal from the United States. A review of your records reveals that [ISO should thoroughly explain why the removal was deferred under DACA in error or that it has come to the attention of USCIS that the individual committed fraud in seeking deferral of removal under DACA. If the decision to issue a Notice of Intent to Terminate is based on fraud, it should be supported by a fully documented SOF and any other relevant documents/information.]

Based on the information outlined above, USCIS is notifying you of its intent to terminate your deferred action for childhood arrivals. A final decision to terminate your deferred action for childhood arrivals will not be made for 33 days. During that time, you may submit any evidence that you feel will overcome the grounds for termination. If your response is not received within the allotted time or if your response to this notice does not overcome the grounds for termination, USCIS will terminate your deferred action for childhood arrivals. If your deferred action for childhood arrivals is terminated, any associated employment authorization granted during the period of your deferred action will be terminated for cause

Termination Notice

On [Date], you were notified that it was the intent of USCIS to terminate your deferred action for childhood arrivals. In response to the Intent to Terminate, you [ISO should summarize the individual's response to the Intent to Terminate or indicate that the individual did not respond within the allotted time].

Your response does not overcome the grounds for termination. [If the individual's response does not overcome the reason for the termination as outlined in the Notice of Intent to Terminate, the ISO should explain why]. Therefore, your deferred action for childhood arrivals is terminated as of the date of this notice. In addition, your employment authorization is terminated for cause as of the date of this notice.

APPENDIX J

NOTICE OF INTENT TO DENY POLICY

1. NOIDs for the following guideline must be sent to HQSCOPSDACA for SPB review, but no longer require local counsel review:
 - Under 31 on 6/15/12
2. Local OCC Legal Review: NOIDS for the following guidelines must be sent to HQSCOPSDACA for SPB review, but no longer require local counsel review **unless** the Center encounters a novel, complex, or sensitive case:
 - CR Since 06/15/2007
 - Physically Present on 6/15/2012
 - Out of Status as of 06/15/2012
3. NOIDs for the following guidelines require local counsel review **prior** to being sent to HQSCOPSDACA for SPB review:
 - Education
 - Criminal, Public Safety & National Security
 - Fraud Concerns
 - All other NOIDs not categorized in Appendix J
4. NOIDs issued on the following templates **do not require** local counsel or SPB review prior to issuance. The SPB will institute a random sampling of casework as a quality assurance measure in the near future on the following templates:
 - Appendix E (NOID Templates) Published 4/4/2013
 - *Appendix E when combined with language in Appendix D (RFE Templates) Published 4/4/2013

***Note:** When an Appendix E NOID is combined with language in Appendix D and it creates a complicated NOID decision, Centers should issue the NOID decision without the Appendix D language. Once the response to the NOID is received and if the reason for the intended denial is overcome, Centers may issue an RFE with the Appendix D call-ups to establish the requestor's eligibility.

Operational Guidance as of April 3, 2013

NOID for DACA	Local OCC Review	SCOPS SPB Review	HQOCC Review Required
Appendix E (NOID Templates) Published 04/04/2013	No.	No. Will implement QA review.	No.
*Appendix E combined with Appendix D (RFE Templates)	No.	No. Will implement QA review.	No.
<p>*Note: When an Appendix E NOID is combined with language in Appendix D and it creates a complicated NOID decision, Centers should issue the NOID decision without the Appendix D language. Once the response to the NOID is received and if the reason for the intended denial is overcome, Centers may issue an RFE with the Appendix D call-ups to establish the requestor's eligibility.</p>			
Under 31 on 6/15/12	No.	Yes.	No.
CR Since 6/15/07	Whenever the Center encounters a novel, complex, or sensitive case.	Yes.	Whenever the Center encounters a novel, complex, or sensitive case.
Physically Present on 6/15/12	Whenever the Center encounters a novel, complex, or sensitive case.	Yes.	Whenever the Center encounters a novel, complex, or sensitive case.
Out of Status as of 6/15/12	Whenever the Center encounters a novel, complex, or sensitive case.	Yes.	Whenever the Center encounters a novel, complex, or sensitive case.
Criminal, Public Safety & NS	Yes.	Yes.	Yes.
Education	Yes.	Yes.	Yes.
Fraud Concerns	Yes.	Yes.	Yes.
All other NOIDs not categorized above.	Yes.	Yes.	Yes.

Operational Guidance as of May 22, 2013			
NOID for DACA	Local OCC Review Required	SCOPS Review Required	HQOCC Review Required
Appendix E (NOID Templates)	No.	No. Will implement QA Review.	No.
*Appendix E combined with Appendix D (RFE Templates)	No.	No. Will implement QA Review.	No.
<p>*Note: When an Appendix E NOID is combined with language in Appendix D and it creates a complicated NOID decision, Centers should issue the NOID decision without the Appendix D language. Once the response to the NOID is received and if the reason for the intended denial is overcome, Centers may issue an RFE with the Appendix D call-ups to establish the requestor's eligibility.</p>			
Under 31 on 6/15/12	No.	Whenever the Center encounters a novel, complex, or sensitive case.	No.
CR Since 6/15/07	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Physically Present on 6/15/12	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Out of Status on 6/15/12	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Education	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Criminal	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.
Juvenile Delinquency	Yes.	Yes.	Yes.
Public Safety & National Security	Yes.	Yes.	Yes.
Fraud Concerns	Yes.	Yes.	Yes.
Favorable Exercise of Prosecutorial Discretion Not Warranted	Yes.	Yes.	Yes.
All Other NOIDs Not Categorized Above	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever the Center encounters a novel, complex, or sensitive case.	Whenever local OCC or SCOPS encounters a novel, complex, or sensitive case.

APPENDIX K

DEFERRED ACTION FOR CHILDHOOD ARRIVALS DENIAL CALL-UPS

DACA 500 -NOTICE OF DENIAL – REQUESTOR IS DECEASED

USCIS has evaluated the Form I-821D, Consideration of Deferred Action for Childhood Arrivals, filed by [insert name] (“the requestor”) on [insert date].

On [insert date], USCIS received notification that the requestor is now deceased. Please accept our deepest sympathies for your loss.

USCIS is hereby denying the requestor’s Form I-821D. Accordingly, the requestor’s Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. An appeal or motion to reopen/reconsider this decision may not be filed on behalf of the requestor.

DACA 501 -NOTICE OF DENIAL – ACQUIRED LAWFUL STATUS AFTER JUNE 15, 2012

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

On [insert date] you filed Form I-821D. According to information obtained during routine systems checks, it appears that Form [insert USCIS form number and title] that [you filed / was filed on your behalf] was approved on [insert date]. Your status as [insert status acquired after 6/16/2012] is valid since [insert period of validity].

In view of the fact that you are currently in a lawful immigration status, USCIS has, in its unreviewable discretion, determined that deferred action is not appropriate under these circumstances and is hereby denying your Form I-821D. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

DACA 502A -NOTICE OF DENIAL – ICE ALREADY DEFERRED ACTION

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

The record reveals that on [Date ICE deferred action], U.S. Immigration and Customs Enforcement (ICE) deferred action in your case as a childhood arrival until [Date deferred action expires]. ICE notified you that action was deferred on your case and instructed you to request employment authorization from USCIS. On [Date I-821D filed], you submitted Form I-821D to USCIS, together with Form I-765, Application for Employment Authorization.

It was not necessary for you to file Form I-821D with USCIS because ICE has already deferred action on your case. Therefore, USCIS has denied your Form I-821D. The denial of your Form I-821D does not affect the determination that ICE made on your case.

If granted, you will receive your Employment Authorization Document separately by mail.

DACA 502B – NOTICE OF DENIAL - USCIS ALREADY DEFERRED ACTION

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

The record reveals that on [Filing date for approved case], you submitted a Form I-821D (Receipt number XXXXX) to USCIS, together with a Form I-765, Application for Employment Authorization (Receipt number XXXXX). On [Date], USCIS determined that you meet the guidelines for deferred action for childhood arrivals and deferred action on your case until [Date]. USCIS notified you that action was deferred on your case and mailed to you an Employment Authorization Document valid until [Date].

On [Filing date for pending case], you submitted the instant Form I-821D (Receipt number XXXXX) to USCIS, together with a Form I-765 (Receipt number XXXXX). In view of the fact that USCIS has already deferred action on your case, USCIS is hereby denying your Forms I-821D (Receipt number XXXXX) and I-765 (Receipt number XXXXX). The denial of the instant Forms I-821D and I-765 does not affect the previous determination that USCIS made to defer action on your case until [Date].

DACA 503 -NOTICE OF DENIAL – INSUFFICIENT RFE RESPONSE FOR CRIMINAL RECORDS

USCIS has evaluated your Form I-821D, Consideration of Deferred Action for Childhood Arrivals. Based on a review of your case, it appears that the following occurred:

The record reveals that you have been arrested or detained by law enforcement officials. On [Date RFE issued], USCIS sent you a notice requesting you to submit certified court dispositions for all of your arrests, including an arrest(s) specifically identified on the request. In response to the request for evidence, you submitted [indicate what was submitted]. However, the response was insufficient because [indicate why it was insufficient. For example: “the document was not certified by the court”].

USCIS was unable to conduct a sufficient background check on you because you did not provide the requested certified court dispositions. Accordingly, USCIS has determined, in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765, Application for Employment Authorization, has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

EXHIBIT 19

How will USCIS evaluate my request for renewal of DACA:

You may be considered for renewal of DACA if you met the guidelines for consideration of Initial DACA 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.

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Similar Questions

[If I am no longer in school, can I still request to renew my DACA?](#)

What guidelines must I meet to be considered for deferred action for childhood arrivals (DACA)?

Can my deferred action under the DACA process be terminated before it expires?

EXHIBIT 20



AT LIBERTY

JANUARY 18, 2017 3:00PM

The Economic and Fiscal Impact of Repealing DACA

By IKE BRANNON and Logan Albright

Executive Summary

Donald Trump has proposed eliminating or severely modifying the Deferred Action for Childhood Arrivals (DACA) program. Many Americans believe that the presence of unauthorized immigrants is harmful to the economy and would like to see steps taken to reduce their presence. However, a repeal or roll-back of DACA would harm the economy and cost the U.S. government a significant amount of lost tax revenue. We estimate that the fiscal cost of immediately deporting the approximately 750,000 people currently in the DACA program would be over \$60 billion to the federal government along with a \$280 billion reduction in economic growth over the next decade.

We arrived at our estimates by comparing and adjusting the characteristics of DACA recipients to similarly well-educated immigrants admitted through the H-1B visa program, a cohort that not only resembles the population of DACA recipients but whose own economic impact has been well-studied. We use the esti-

mated budgetary and economic impact of H-1B visa workers and adjust it to reflect the age and earnings differences between the two groups to calculate our figures.

Background

President Obama created the DACA program in 2012 via executive action. DACA's objective was to allow American residents who entered the country illegally as children to receive temporary protection from deportation, work permits, and an incentive to invest in their own human capital. The program only applies to those who have lived in the United States for five years or longer and do not have a criminal record. Essentially, these are people who never knowingly broke any law and have been productive and peaceful members of society since their arrival. The logic of the Obama Administration in creating DACA is that it makes little sense to expend time and resources trying to track down, arrest, and deport these people when they have not committed any crime save for being unwittingly brought across the border by others.

There is much legitimate debate in the United States over the role that immigration—both legal and illegal—plays in the economy, and what should be done about border security. Inseparable from this problem is the question of what to do with the undocumented immigrants already in the country, a sizeable population that is estimated to number 11 to 12 million.^[1]

President-Elect Donald Trump has taken an absolutist position on the issue, vowing not only to build a wall with the intent of greatly reducing illegal entry from the Mexican border, but also to unilaterally nullify President Obama's executive actions dealing with immigration, including the action which spawned DACA.

As with any sudden and dramatic shift in any policy, there are bound to be costs associated with implementation, as well as after-effects of the policy, not all of which are immediately intuitive. It is the goal of this paper to examine the costs

that the wholesale repeal of DACA would impose on the American economy, both in terms of enforcement as well as the sudden loss of a large number of residents and their contributions to the domestic economy.

Who Are the DACA Recipients?

Although there have been many previous studies on the costs and benefits of immigration as a whole (we recently authored a review of such studies), it is important to note that we cannot simply assume that DACA recipients constitute a representative sample of the immigrant population. In addition to the aforementioned screening for criminal activity, workers in the DACA program tend to be younger, better educated, and more highly paid than the typical immigrant. To extrapolate from the studies on immigration in general, therefore, would significantly underestimate the opportunity cost to the economy of deporting the approximately 750,000 program participants, due to their higher level of productivity.

We instead looked for another group that might more closely resemble the demographic characteristics of those in the DACA program whose economic and budgetary impacts on the economy is well established: the recipients of H-1B visas, which are issued to skilled workers who are invited into the country to fulfill specific economic needs. This coincidence is useful.

The average DACA recipient is 22 years old, employed, and earns about \$17 an hour. The majority are still students and 17 percent are pursuing an advanced degree.^[2] By contrast, most recipients of H-1B visas are between 25 and 34 and hold either a Bachelor's Degree or a Master's Degree. In short, they appear to be a close reflection of what DACA recipients will look like a few years from now as they complete their educations.^[3]

While the comparison is not perfect, as no such comparison can be, calculating costs under the assumption that DACA recipients are more like H-1B Visa holders than the general population of unauthorized immigrants will, we believe,

yield a more accurate result. And given that we know the demographic and educational differences between the two groups we take those differences into account when estimating the fiscal and economic costs of repealing DACA.

Economic Costs

As of June 2016, U.S. Citizenship and Immigration Services has received 844,931 applications for the DACA program. Of these, 741,546 were accepted, with the rest either denied or pending approval.^[4] It should be noted that the applicants to DACA are asked to pay the administrative fees for background checks and processing, so the administrative costs of implementing the program itself are minimal. While the Obama Administration had announced its intention to expand the program last year, this is unlikely to occur under the Trump Administration, so we will accept these numbers as representative of the affected population.

Little research has been done on the effects of DACA itself, which is why we have chosen to extrapolate the program's economic impact from the research done on holders of H-1B visas, who are demographically similar to workers in the DACA program, as well as from the numerous studies on the economic effects of undocumented immigration generally.

One study on DACA itself was conducted by Nolan G. Pope and published in the *Journal of Public Economics* in 2016. Nolan found that DACA moved between 50,000 and 75,000 immigrants into employment from either outside the formal labor force or unemployment, and increased the average income of immigrants in the bottom of the income distribution.^[5] This is a positive labor market outcome for a number of reasons: working and earning a higher level of income in the formal sector means that the DACA workers pay more taxes, both through payroll, income, and sales as a result of greater consumption associated with higher incomes. The Organization of Economic Co-operation and Development

grants’ net fiscal contributions,” so it is clear that any increase in immigrant employment will tend to result in a positive fiscal impact.^[6]

A 2014 survey found that 59 percent of DACA recipients reported getting their first job, 45 percent received a pay increase, 49 percent opened their first bank account, and 33 percent got their first credit card due to their participating in DACA.^[7] All of these factors contribute positively to the economy. But while the survey also noted that recipients would be eligible for higher levels of education, Pope’s research completed two years later found no correlation between DACA participation and education, although it is possible that simply not enough time has passed to observe an effect.

Turning more generally to the cost-benefit analysis of unauthorized immigration as a whole, the evidence suggests that the mere presence of undocumented workers, especially non-criminals like those covered under DACA, is not nearly as detrimental to the economy as most people suppose, and may actually be a net benefit. Legalizing unauthorized immigrants and allowing them to participate in society as legal workers dramatically reduces government enforcement costs and generates broader economic benefits.^[8]

Quantifying the Net Costs

Quantifying the costs of any action on immigration presents enormous difficulties, due to the complexity and number of variables involved.

Alex Nowrasteh, a scholar at the Cato Institute, points out that while the economic impact of immigration is large and positive, the fiscal impact tends to be minimal. Nowrasteh also stresses the need to take into account the long-term effects of immigration, meaning the contributions of immigrants’ children and grandchildren, which tend to be more positive than those of first generation immigrants.^[9]

There are unquantifiable benefits from DACA as well, such as providing increased access to private health insurance, driver's licenses, and auto insurance, all of which generate spillover benefits to the rest of society. This analysis also leaves out the effects of simply having more productive minds in the country capable of producing innovations and increasing labor productivity. The data show that immigrants start their own businesses and file patents at greater rates than native-born Americans.^[10]

The fiscal costs of DACA recipients are also minimal and comparable to the fiscal costs of H-1B workers.^[11] Under current law, DACA recipients are ineligible for means-tested welfare benefits provided by the federal government or funded through federal matching grants to the states.^[12] Although states can extend welfare benefits to DACA recipients if they choose to, few have done so. DACA recipients, like everybody else in the United States, are eligible for emergency Medicaid. Thus, DACA does not boost government welfare expenditures above the level consumed by unauthorized immigrants.

To reiterate, we need to isolate DACA recipients—who tend to be more educated, younger, and less prone to criminal activity—from the general population of unauthorized immigrants to derive an accurate estimate of DACA's impact. To do this, we begin by comparing them to the holders of H-1B visas, the work permits issued for high-skilled labor. The main difference between the two groups is age, with H-1B visa holders being on average 3 to 12 years older. With this age gap also comes the concomitant difference in education and earnings, which we can adjust for in our calculations.

Thomas Church, a senior fellow at the Hoover Institution, estimates that expanding the H-1B visa program over a ten year period would increase GDP by \$456 billion and tax revenues by \$113 billion, assuming that 660,000 new H-1B immigrants would arrive over the decade.^[13] Church obtains his results by taking the mean wages for H-1B immigrants, assuming an average wage growth of 3 percent per year, and applying the appropriate tax rates.

Church also incorporates income accrued to capital from these workers, using the relatively stable historical averages calculated by the Congressional Budget Office. Multiple studies have been conducted on the impact of immigration on native wages, and the results have been both positive and negative, albeit small in either direction. There is also some evidence that the presence of immigrant workers can increase purchasing power by reducing consumer prices. Given these conflicting and minor findings, Church has not included wage or purchasing power effects in his calculations, and we have done the same.

We take Church's estimate as our baseline and begin by adjusting it to reflect the 741,546 participants in the DACA program—which is a bit more than his H-1B expansion called for—producing an estimated GDP gain of \$512 billion and a budgetary impact of \$127 billion.

However, since the average wages of DACA participants are lower than H-1B immigrants, we corrected these values to reflect the relative youth and inexperience of DACA immigrants. DACA participants earn an average of \$34,000 annually and H-1B participants an average of \$72,000 annually, a ratio of 47 percent. Applying this ratio to the economic and fiscal costs above yields an economic impact of \$215 billion and a fiscal impact of \$60 billion.

We feel this is a conservative estimate due to the fact that many DACA immigrants are young and still acquiring education credentials that will boost wages later. DACA immigrants are less like H-1B immigrants at half the salary, and more like younger H-1B workers. Additionally, the higher tax brackets associated with higher incomes would increase DACA immigrants' fiscal contributions at a greater rate than the increase in salary. In other words, doubling the wages of DACA participants would more than double their contributions to state and federal budgets. Thus, a life-cycle comparison of the wages of the two groups would produce a narrower difference.

For comparison, an influential study by the National Research Council^[14] examined the present value fiscal impact of immigration in the United States, with an emphasis on long-term impact. The study points out that immigrants become more productive over time as they learn new skills and become more fluent in English. The authors concluded that the average immigrant will have a net long-term impact on state, local and federal budgets of \$80,000, which includes tax payments as well as the impact of the children of immigrants, who tend to be less costly—and higher-earning—than their parents. Multiplying this estimate by the number of DACA recipients produces an estimated fiscal impact of \$59.3 billion, nearly identical to the \$60 billion fiscal impact we derived from the Hoover study.

We also need to add the actual cost of deportation for current DACA recipients to the fiscal and economic estimates. For this we borrow from a study from the Center for American Progress that estimates the marginal deportation costs at just over \$10,000 per removal.^[15] The total deportation cost would then be \$7.5 billion.

Summing these numbers produces a total cost estimate of immediately eliminating the DACA program and deporting its participants of \$283 billion over 10 years. In other words, the United States economy would be poorer by more than a quarter of a trillion dollars if President Trump were to make good on his threat to repeal it.

There are other variables that potentially impact both the costs and benefits of immigrant workers, and the further into the future we attempt to project such costs and benefits the more difficult accurate estimates become. For example, our calculation used only the current number of DACA recipients, but it is estimated that there could be another one million eligible residents who have not yet applied for, or received, membership in the program.^[16] We do not make any forecast regarding whether this cohort would eventually take advantage of the program and instead assume none of them would do so.

Likewise, assuming immediate deportation instead of a temporary reversion to undocumented status changes the calculus as well, considering the costs that result from people trying to live outside the law. This would need to be taken into account.

Alex Nowrasteh of Cato suggested that it is probably more realistic to assume that upon a repeal of DACA the newly unauthorized immigrants would predominantly remain in the United States and pursue employment illegally, at wages 10 percent to 20 percent less than they earned legally. If we combined that with a similar reduction in employment levels then the resulting economic impact would be a bit less—in the range of \$60-\$100 billion—but still significant.^[17]

Regardless of the response, it is clear that there is a significant fiscal and economic cost to the immediate repeal of DACA, one borne by all of the nation's residents and not just by those whose lives would be upended by such a move. This suggests that it would make more sense to focus immigration enforcement efforts elsewhere—if indeed the aim is to protect American national sovereignty, as well as the life, liberty, and private property of Americans.

Small Gains, Big Costs

There are valid reasons to be concerned about unauthorized immigration in the United States. The DACA program, however, screens out anyone with a criminal past as part of its core eligibility requirements. DACA participants are not eligible for means-tested welfare benefits or Obamacare subsidies.

Since DACA applicants pay their own processing fees, the program itself does not have an administrative cost, and so the only costs we need to evaluate are those that stem from having these people in the country in the first place. We submit that any such costs are far outweighed by the benefits that come from immigrants who are able to work openly and legally, pay taxes, support entitlement programs, create jobs, innovate, and sire children who will one day do the same.

The deportation of DACA participants would cost the American economy billions of dollars, as well as billions of tax dollars foregone, while doing little to address the true concerns that Americans may have about unauthorized immigrants.

[1] Jeffrey S. Passel and D’Vera Cohn, “Unauthorized Immigrant Population Stable for Half a Decade,” (Washington: Pew Research Center, September 21, 2016), <http://www.pewresearch.org/fact-tank/2016/09/21/unauthorized-immigrant-population-stable-for-half-a-decade/>.

[2] Tom K. Wong, “Results of Tom K. Wong, National Immigration Law Center, and Center for American Progress National Survey,” (Washington: National Immigration Law Center and Center for American Progress, June 2015), https://cdn.americanprogress.org/wp-content/uploads/2015/07/DACA-Wong_NILC_CAP-Codebook-PDF.pdf.

[3] “Characteristics of H-1B Specialty Occupation Workers,” Fiscal Year 2014 Annual Report to Congress (Washington: U.S. Citizenship and Immigration Services, February 26, 2015), <https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H-1B/h-1B-characteristics-report-14.pdf>.

[4] “Number of I-821D, Consideration of Arrivals by Fiscal Year, Quarter, Intake, Biometrics, and Case Status: 2012-2016,” (Washington: U.S. Citizenship and Immigration Services, June 30, 2016), <https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/I-821D/I-821D-consideration-of-arrivals-by-fiscal-year-quarter-intake-biometrics-and-case-status-2012-2016.pdf>.

[5] Nolan G. Pope, “The Effects of DACAmentation: The Impact of Deferred Action for Childhood Arrivals on Unauthorized Immigrants,” *Journal of Public Economics* 143 (2016): 98-114.

[6] Organization for Economic Cooperation and Development, “International Migration Outlook,” (Paris: OECD, 2013), p. 161.

[7] Robert G. Gonzales and Angie M. Bautista-Chavez, “Two Years and Counting: Assessing the Growing Power of DACA,” American Immigration Council Special Report (Washington: American Immigration Council, June 14, 2014), <https://www.americanimmigrationcouncil.org/research/two-years-and-counting-assessing-growing-power-daca>.

[8] Ike Brannon and Logan Albright, “Immigration’s Impact on the Texas Economy,” Texas Public Policy Foundation (Austin: TPPF, March 2016), <http://www.texaspolicy.com/library/doclib/Immigration-s-Impact-on-the-Texas-Economy.pdf>.

[9] Alex Nowrasteh, “The Fiscal Impact of Immigration,” Cato Institute Working Paper (Washington: Cato Institute, July 23, 2014), <https://object.cato.org/sites/cato.org/files/pubs/pdf/working-paper-21-fix.pdf>.

[10] American Immigration Council, “Value Added: Immigrants Create Jobs and Businesses, Boost Wages of Native-Born Workers,” American Immigration Council Factsheet (Washington: AIC, January 2, 2012), <https://www.americanimmigrationcouncil.org/research/value-added-immigrants-create-jobs-and-businesses-boost-wages-native-born-workers>.

[11] Ruth Ellen Wasem, “Noncitizen Eligibility for Federal Public Assistance: Policy Overview and Trends,” Congressional Research Service (Washington: CRS, September 27, 2012).

[12] “Frequently Asked Questions: The Obama Administration’s DAPA and Expanded DACA Programs,” National Immigration Law Center (Washington: NILC, March 2, 2015), <https://www.nilc.org/issues/immigration-reform-and-executive-actions/dapa-and-expanded-daca-programs/>.

[13] Thomas V. Church, “Estimating the Economic and Budgetary Effects of New H-1B Visas in the Senate Gang of Eight’s Proposed Immigration Bill,” Hoover Institution (Stanford: Hoover, May 7, 2013), <http://www.hoover.org/sites/default/files/uploads/aafs/2013/05/Estimating-the-Economic-and-Budgetary-Effects-of-H-1B-Reform-In-S.744.pdf>.

nomics, Demographic, and Fiscal Effects of Immigration,” National Academies Press (Washington: NAP, 1997), p. 346.

[15] <https://www.americanprogress.org/issues/immigration/news/2015/02/23/1069>.

[16] Philip E. Wolgin, “What Would it Cost to Deport All 5 Million Beneficiaries of Executive Action on Immigration?” Center for American Progress (Washington: CAP, February 23, 2015), <https://www.americanprogress.org/issues/immigration/news/2015/02/23/106983/what-would-it-cost-to-deport-all-5-million-beneficiaries-of-executive-action-on-immigration/>.

[17] Alex Nowrasteh, “Heritage Immigration Study Fatally Flawed,” Cato at Liberty, April 4, 2013, <https://www.cato.org/blog/heritage-immigration-study-fatally-flawed>.

Topics: [International Economics](#), [Development & Immigration](#)

Tags: [immigration](#), [DACA](#), [Trump](#)



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EXHIBIT 21

Center for American Progress

IMMIGRATION

DACA Recipients' Economic and Educational Gains Continue to Grow

By Tom K. Wong, Greisa Martinez Rosas, Adam Luna, Henry Manning, Adrian Reyna, Patrick O'Shea, Tom Jawetz, and Philip E. Wolgin | Posted on August 28, 2017, 9:01 am



AP/Craig Ruttler

Activists supporting Deferred Action for Childhood Arrivals (DACA) and other immigration issues gather near Trump Tower in New York, August 2017.

Note: The survey results can be found [here](#). For more information on the survey, please contact [Tom K. Wong](#).

Since it was first announced on June 15, 2012, the [Deferred Action for Childhood Arrivals](#) (DACA) policy has provided temporary relief from deportation as well as work authorization to approximately [800,000 undocumented young people](#) across the country. As [research has consistently shown](#), DACA has not only improved the lives of undocumented young people and their families but has also positively affected the [economy more generally](#), which benefits all Americans.

From August 1, 2017 to August 20, 2017, Tom K. Wong of the University of California, San Diego; United We Dream (UWD); the National Immigration Law Center (NILC); and the Center for American Progress fielded a national survey to further analyze the economic, employment, educational, and societal experiences of DACA recipients. This is the largest study to date of DACA recipients with a sample size of 3,063 respondents in 46 states as well as the District of Columbia.

The data illustrate that DACA recipients continue to make positive and significant contributions to the economy, including earning higher wages, which translates into [higher tax revenue](#) and economic growth that benefits all Americans. In addition, DACA recipients are buying cars, purchasing their first homes, and even creating new businesses. The survey's results also show that at least 72 percent of the top 25 Fortune 500 companies employ DACA recipients. Moreover, 97 percent of respondents are currently employed or enrolled in school.

DACA's impact on employment

Work authorization is critical in helping DACA recipients participate more fully in the labor force. The data show that 91 percent of respondents are currently employed. Among respondents age 25 and older, employment jumps to 93 percent.

After receiving DACA, 69 percent of respondents reported moving to a job with better pay; 54 percent moved to a job that "better fits my education and training"; 54 percent moved to a job that "better fits my long-term career goals"; and 56 percent moved to a job with better working conditions.

We also see that 5 percent of respondents started their own business after receiving DACA. Among respondents 25 years and older, this climbs to 8 percent. As the 2016 survey noted, among the

American public as a whole, the rate of starting a business is 3.1 percent, meaning that DACA recipients are outpacing the general population in terms of business creation.

As one respondent stated, “I started a bookkeeping business which gives me the opportunity to help our Hispanic community be in compliance with tax law [...] If DACA ended, I will not be able to keep my small business and help my community.”

Another respondent stated, “Because of DACA, I opened a restaurant. We are contributing to the economic growth of our local community. We pay our fair share of taxes and hire employees [...] It will be hard to maintain my business if DACA ended. I depend on my [social security number] for a lot of my business, such as when getting licenses, permits, leases, and credit.”

DACA's impact on earnings

The data make clear that DACA is having a positive and significant effect on wages. The average hourly wage of respondents increased by 69 percent since receiving DACA, rising from \$10.29 per hour to \$17.46 per hour. Among respondents 25 years and older, the average hourly wage increased by 84 percent since receiving DACA.

The data also show that respondents' average annual earnings come out to \$36,232, and their median annual earnings total \$32,000. Among respondents 25 years and older, the figures are \$41,621 and \$37,595, respectively. These higher wages are not just important for recipients and their families but also for tax revenues and economic growth at the local, state, and federal levels.

Last year, we noted that further research is needed to parse out the short- and long-run wage effects of DACA as well as whether short-run gains represent a plateau in earnings or if more robust long-run wage effects may exist. This remains true. However, as DACA recipients are now further along in their careers, and as we continue to see growth in their earnings, it is likely there is even more room for recipients' wages to grow.

The immediate impact of wage increases is evident in 69 percent of survey respondents reporting that their increased earnings have “helped me become financially independent” and 71 percent reporting that their increased earnings have “helped my family financially.” Among respondents 25 years and older, these percentages rise to 73 percent and 74 percent, respectively.

DACA's impact on the economy

The purchasing power of DACA recipients continues to increase. In the 2017 study, nearly two-thirds of respondents, or 65 percent, reported purchasing their first car. The average cost paid was \$16,469. As we have noted previously, these large purchases matter in terms of state revenue, as most states collect a percentage of the purchase price in sales tax, along with additional [registration and title fees](#). The added revenue for states comes in addition to the [safety benefits](#) of having more licensed and insured drivers on the roads.

The data also show that 16 percent of respondents purchased their first home after receiving DACA. Among respondents 25 years and older, this percentage rises to 24 percent. The broader positive economic effects of home purchases include the [creation of jobs](#) and the infusion of [new spending](#) in local economies.

Additionally—and importantly—the data show that at least 72 percent of the top 25 Fortune 500 companies—including Walmart, Apple, General Motors, Amazon, JPMorgan Chase, Home Depot, and Wells Fargo, among others—employ DACA recipients. All told, these companies account for [\\$2.8 trillion in annual revenue](#).

DACA's impact on education

Overall, 45 percent of respondents are currently in school. Among those currently in school, 72 percent are pursuing a bachelor's degree or higher. The majors and specializations that respondents report include accounting, biochemistry, business administration, chemical engineering, civil engineering, computer science, early childhood education, economics, environmental science, history, law, mathematics, mechanical engineering, neuroscience, physics, psychology, and social work, to name a few.

When it comes to educational attainment, 36 percent of respondents 25 years and older have a bachelor's degree or higher. Importantly, among those who are currently in school, a robust 94 percent said that, because of DACA, "I pursued educational opportunities that I previously could not."

Conclusion

Our findings could not paint a clearer picture: DACA has been unreservedly good for the U.S. economy and for U.S. society more generally. Previous research has shown that DACA beneficiaries will contribute **\$460.3 billion** to the U.S. gross domestic product over the next decade—economic growth that would be lost were DACA to be eliminated.

As our results show, the inclusion of these young people has contributed to more prosperous local, state and national economies; to safer and stronger communities through increased access to cars and home ownership; and to a more prepared and educated workforce for the future. Ending DACA now would be counterproductive at best and, at worst, cruel. At present, 800,000 lives—as well as the lives of their families and friends—hang in the balance. At a time when the continuing existence of DACA is facing its most serious threat ever, understanding the benefits of the program for recipients; their families and communities; and to the nation as a whole is all the more important.

Tom K. Wong is associate professor of political science at the University of California, San Diego. Greisa Martinez Rosas is advocacy and policy director, Adam Luna is senior advisor for communications, Henry Manning is research fellow, and Adrian Reyna is director of membership and technology strategies at United We Dream. Patrick O'Shea is Mellon/ACLS public fellow at the National Immigration Law Center. Tom Jawetz is vice president for Immigration Policy and Philip E. Wolgin is managing director for Immigration Policy at the Center for American Progress.

The authors thank all those who took the survey for their time and effort in helping to bring these stories to light.

Methodology

The questionnaire was administered to an online panel of DACA recipients recruited by the partner organizations. Several steps were taken to account for the known sources of bias that result from such online panels. To prevent ballot stuffing—one person submitting multiple responses—the authors did not offer an incentive to respondents for taking the questionnaire and used a state-of-the-art online survey platform that does not allow one IP address to submit multiple responses. To prevent spoiled ballots—meaning, people responding who are not undocumented—the authors used a unique validation test for undocumented status. Multiple questions were asked about each respondent's migratory history. These questions were asked at different parts of the questionnaire. When repeated,

the questions were posed using different wording. If there was agreement in the answers such that there was consistency regarding the respondent's migratory history, the respondent was kept in the resulting pool of respondents. If not, the respondent was excluded. In order to recruit respondents outside of the networks of the partner organizations, Facebook ads were also used. Because there is no phone book of undocumented immigrants, and given the nature of online opt-in surveys, it is not possible to construct a valid margin of error.



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EXHIBIT 22

Center for American Progress

IMMIGRATION

New Study of DACA Beneficiaries Shows Positive Economic and Educational Outcomes

By Tom K. Wong, Greisa Martinez Rosas, Adrian Reyna, Ignacia Rodriguez, Patrick O'Shea, [Tom Jawetz](#), and [Philip E. Wolgin](#) | Posted on October 18, 2016, 12:00 pm



AP/Pablo Martinez Monsivais

Hareth Andrade, who was born in Bolivia, works at the Mexican American Legal Defense and Education Fund office in Washington, D.C., on February 7, 2014.

Note: The survey results can be found [here](#). For more information on the survey, please contact [Tom K. Wong](#). The 2017 version of this survey can be found [here](#).

This year marks the fourth anniversary of the [Deferred Action for Childhood Arrivals](#), or DACA, initiative. Through executive action, DACA provides temporary relief from deportation and work authorization to eligible unauthorized immigrants who entered the country at a young age. According to the latest publicly available data from the *U.S. Citizenship and Immigration Services*, [741,546 unauthorized young people have received DACA](#). Early studies—including one that Tom K. Wong of the University of California, San Diego; the National Immigration Law Center, or NILC; and the Center for American Progress, or CAP, [conducted last year](#) and [another published by United We Dream](#)—illustrate that DACA has improved the lives of its recipients and their families.

Following up on these studies, these organizations teamed up on a new national survey to further analyze the economic, educational, and employment experiences and outcomes of DACA recipients. The survey was fielded from September 8, 2016, to September 26, 2016, with a sample size of 1,308 individuals. The [results](#) make clear that DACA has had a positive impact, not just for recipients but also for the American economy more generally.

The data illustrate that DACA recipients are making significant contributions to the economy by buying cars and first homes, which translate into more revenue for states and localities in the form of sales and property taxes. Some are even using their entrepreneurial talents to help create new jobs and further spur economic growth by starting their own businesses.

The positive wage effect of DACA is also significant. The data show that DACA increased recipients' average hourly wages by 42 percent. Given that higher wages translate into [higher tax revenue](#) and economic growth, these findings reinforce the fact that DACA benefits all Americans. Moreover, a full 95 percent of survey respondents are currently employed or enrolled in school. Consistent with the 2015 survey, the data indicate that many DACA recipients are getting better and higher-paying jobs because of DACA. Many are pursuing educational opportunities that were previously unavailable to them. The majors, specializations, and training that DACA recipients are pursuing include early

childhood education, biochemistry, computer science, creative writing, graphic design, neuroscience, nursing, social work, and urban planning, among many others.

DACA's impact on employment

The latest data indicate that having work authorization remains vital when it comes to helping DACA recipients participate more fully in the labor force. Eighty-seven percent of respondents to the 2016 survey are currently employed, with an additional 8 percent not working but in school.

The current survey is one of the first to systematically identify the industries in which DACA recipients are working, and the results show wide-ranging labor market contributions. The data indicate that 21 percent of respondents work in educational and health services, 11 percent work in the nonprofit sector, 9 percent work in wholesale and retail trades, and 8 percent work in professional and business services. The results illustrate that DACA recipients are contributing across all sectors of the economy.

Furthermore, after receiving DACA, 63 percent of respondents reported moving to a job with better pay; 49 percent moved to a job that “better fits my education and training”; and 48 percent moved to a job with better working conditions. These figures are largely consistent with previous findings from the 2015 survey and show that the temporary work authorization that comes with DACA has helped to unlock recipients' economic potential.

The 2016 survey also found that 6 percent of respondents started their own business after receiving DACA. This rate of business starts is higher than that of both the [American public](#) as a whole—at 3.1 percent—and the entire immigrant population—at 3.6 percent. These businesses include tech startups, online craft stores, and tax preparation services, among others. One business owner who employs nine people hopes to continue to grow and “hire [even] more people from the community.”

DACA's impact on earnings

Last year's survey found that having DACA increased individuals' average hourly wages by more than 40 percent. The current survey data confirm that DACA is having a positive and significant effect on wages: The average hourly wages of respondents increased by 42 percent since receiving DACA, rising from \$9.83 per hour to \$13.96 per hour. Further research is needed to parse out the short- and long-run wage effects of DACA, as well as whether short-run gains represent a plateau in earnings or if an

even more robust long-run wage effect exists as recipients gain more work experience and progress in their careers. But for now, this much is clear: Four years into the initiative, DACA means earning higher wages.

Accordingly, 60 percent of survey respondents reported that their increased earnings have “helped me become financially independent,” and 61 percent reported that their increased earnings have “helped my family financially.” These figures are also consistent with the previous 2015 findings, but importantly, the percentage of respondents who are now able to help their families financially [has increased](#) from last year, which is another sign of the broader benefits of DACA.

DACA's impact on the economy

The current survey results suggest that the purchasing power of those with DACA is increasing.

Last year, the survey found that 21 percent of respondents purchased their first car after receiving DACA. This year, this figure climbed to an astonishing 54 percent. The data indicate that most people—71 percent—purchased used cars, while a smaller group—29 percent—purchased new cars. The average cost of used car purchases was \$10,637, and the average cost of new car purchases was \$24,307. These large purchases matter for state revenue, as most states collect between [3 percent and 6 percent](#) of the purchase price in sales tax, along with additional [registration and title fees](#). The added revenue for states comes in addition to the [safety benefits](#) of having more licensed and insured drivers on the roads.

The survey also found that 12 percent of respondents purchased their first home after receiving DACA, at an average cost of \$167,596. The broader positive economic impact of home purchases are [well-documented](#) and include the creation of jobs and the infusion of new spending in local economies.

DACA's impact on education

Overall, 46 percent of respondents are currently in school. Of these individuals, a full 83 percent are also working, which is perhaps reflective of the [limited options for in-state tuition and financial aid](#) that are available to DACA recipients. Among those who are currently in school:

- 4 percent are pursuing a high school or GED diploma.

- 20 percent are pursuing an associate degree.
- 4 percent are pursuing a trade, technical, or vocational certificate.
- 70 percent are pursuing a bachelor's degree or higher.

Importantly, among those who are currently in school, a robust 92 percent said that because of DACA, "I pursued educational opportunities that I previously could not."

DACA's impact on social inclusion

A little more than 90 percent of survey respondents reported obtaining a driver's license or state identification card for the first time after receiving DACA. The average cost of obtaining a driver's license was \$35, and the average cost of obtaining a state identification card was \$28. As one respondent wrote, "I can now drive to work." Another respondent said that after obtaining a state identification card, "I was able to apply for credit cards and have a bank account."

DACA's impact on civic participation

The results also show that DACA may be a strong motivator of civic participation: The 2016 survey found that 41 percent of respondents have immediate family members who are U.S. citizens over age 18 and that 80 percent of these family members are registered to vote. A [recent national poll found](#) that protecting DACA and its recipients will be a key motivator for Latino voters during the 2016 elections, and these survey results suggest that this will be especially true of eligible voters with DACA-recipient family members.

Conclusion

The survey results reported here illustrate that DACA has promoted educational and employment outcomes and has been a major driver of economic growth—for individuals and families, as well as cities and states that reap the benefits of new tax dollars from large purchases and new jobs. Four years later, the effects of DACA on the lives of unauthorized young people have been enormous.

Still, hundreds of thousands more people could benefit from the initiative and [have not applied](#) for various reasons. These findings suggest that beyond DACA, greater opportunities and benefits could

accrue from the creation of an even more inclusive executive action reaching a greater swath of the unauthorized population. As of this publication, two parts of the November 2014 [executive actions on immigration](#)—Deferred Action for Parents of Americans and Lawful Permanent Residents, or DAPA, and an expansion of the DACA initiative—are [still on hold in the courts](#). Similar to DACA, these initiatives could have a deep impact on the lives of unauthorized immigrants who have lived in this country for years, their families, and the nation as a whole.

Methodology

The survey questionnaire was administered to an online panel of DACA recipients recruited by the partner organizations. Several steps were taken to adjust for the known sources of bias that result from such online panels. To prevent ballot stuffing—one person submitting multiple responses—the authors did not offer an incentive to respondents for taking the questionnaire and used a state-of-the-art online survey platform that does not allow one IP address to submit multiple responses. To prevent spoiled ballots—meaning people responding who are not unauthorized—the authors used a unique validation test for unauthorized status. Multiple questions were asked about each respondent's migratory history. These questions were asked at different parts of the questionnaire, and some questions were repeated but posed using different wording. If there was agreement in the answers such that there was consistency with respect to the respondent's migratory history, the respondent was kept in the resulting pool of respondents. If not, the respondent was excluded. In order to recruit respondents outside of the networks of the partner organizations, Facebook ads were also used to recruit respondents. Because there is no phone book of unauthorized immigrants and given the nature of online opt-in surveys, it is not possible to construct a valid margin of error.

Tom K. Wong is an Assistant Professor of Political Science at University of California, San Diego. Greisa Martinez Rosas is Advocacy Director and Adrian Reyna is Director of Membership and Technology at United We Dream. Ignacia Rodriguez is Immigration Policy Advocate and Patrick O'Shea is Research Manager at the National Immigration Law Center. Tom Jawetz is Vice President for Immigration Policy and Philip E. Wolgin is Managing Director for Immigration Policy at the Center for American Progress.

The authors thank all those who took the survey for their time and effort in helping to bring these stories to light.



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EXHIBIT 23



Official website of the Department of Homeland Security



U.S. Department of
Homeland Security

Rescission of Memorandum Providing for Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”)

Release Date: June 15, 2017

On June 15, Department of Homeland Security Secretary John F. Kelly, after consulting with the Attorney General, signed a memorandum rescinding the November 20, 2014 memorandum that created the program known as Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”) because there is no credible path forward to litigate the currently enjoined policy.

The rescinded memo purported to provide a path for illegal aliens with a U.S. citizen or lawful permanent resident child to be considered for deferred action. To be considered for deferred action, an alien was required to satisfy six criteria:

- (1) as of November 20, 2014, be the parent of a U.S. citizen or lawful permanent resident;
- (2) have continuously resided here since before January 1, 2010;
- (3) have been physically present here on November 20, 2014, and when applying for relief;
- (4) have no lawful immigration status on that date;
- (5) not fall within the Secretary’s enforcement priorities; and

(6) “present no other factors that, in the exercise of discretion, make [] the grant of deferred action inappropriate.”

Prior to implementation of DAPA, twenty-six states challenged the policies established in the DAPA memorandum in the U.S. District Court for the Southern District of Texas. The district court enjoined implementation of the DAPA memorandum, the United States Court of Appeals for the Fifth Circuit affirmed the district court’s decision, and the Supreme Court allowed the district court’s injunction to remain in place.

The rescinded policy also provided expanded work authorization for recipients under the DACA program for three years versus two years. This policy was also enjoined nationwide and has now been rescinded.

The June 15, 2012 memorandum that created the Deferred Action for Childhood Arrivals (DACA) program will remain in effect.

For more information, see our [frequently asked questions \(/news/2017/06/15/frequently-asked-questions-rescission-memorandum-providing-deferred-action-parents\)](/news/2017/06/15/frequently-asked-questions-rescission-memorandum-providing-deferred-action-parents) and [signed memo \(/publication/deferred-action-parents-americans-and-lawful-permanent-residents-recession-memo-dapa\)](/publication/deferred-action-parents-americans-and-lawful-permanent-residents-recession-memo-dapa).

###


Topics: [Immigration and Citizenship Services \(/topics/immigration-and-citizenship-services\)](/topics/immigration-and-citizenship-services), [Immigration Enforcement \(/topics/immigration-enforcement\)](/topics/immigration-enforcement)

Keywords: [DAPA \(/keywords/dapa\)](/keywords/dapa)

Last Published Date: June 16, 2017

EXHIBIT 24

UNITED STATES OF AMERICA

Receipt Number IOE0900414397	USCIS Account Number 002054432260	Case Type I821D - CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS
Receipt Date 03/02/2016	Priority Date 02/28/2016	 DANIEL RAMIREZ MEDINA
Notice Date 05/05/2016	Page 1 of 1	

RAMIREZ MEDINA, DANIEL



Notice Type: Approval Notice
 Valid from: 05/05/2016 to 05/04/2018

Notice of Deferred Action:

This notice is to inform you regarding U.S. Citizenship and Immigration Services's (USCIS) decision on your Form I-821D, Consideration of Deferred Action for Childhood Arrivals.

USCIS, in the exercise of its prosecutorial discretion, has decided to defer action in your case. Deferred action is an exercise of prosecutorial discretion by USCIS not to pursue the removal of an individual from the United States for a specific period. Deferred action does not confer or alter any immigration status.

Unless terminated, this decision to defer removal action will remain in effect for 2 years from the date of this notice.

This form does not constitute employment authorization, nor may it be used in place of an Employment Authorization Document. The 90-day period for reviewing Form I-765, Application for Employment Authorization, filed together with Form I-821D begins as of the date of this approval notice. If Form I-765 is granted, you will receive your Employment Authorization Document separately by mail. Subsequent criminal activity after your case has been deferred is likely to result in termination of your deferred action. This notice does not provide permission to travel outside of the United States.

You are required to notify USCIS if you change your address. You may use the Alien's Change of Address Card, Form AR-11, to report a new address. That form may be found at www.uscis.gov. There is no fee for this change of address form.

NOTICE: USCIS and the U.S. Department of Homeland Security (DHS) reserve the right to verify the information submitted in this request and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of the verification will be used to determine whether termination of deferred action and/or removal proceedings are appropriate if, for example, the requestor committed fraud or misrepresentation in his or her request for consideration of deferred action for childhood arrivals, or engaged in subsequent criminal activity following the submission of his or her request. Individuals for whom removal action is deferred under Deferred Action for Childhood Arrivals may, in the sole discretion of USCIS and DHS, be provided an opportunity to address derogatory information before deferred action is terminated and/or removal proceedings are initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS/Nebraska Service Center
 P.O. Box 82521
 Lincoln NE 68501-2521

Customer Service Telephone: 800-375-5283




EXHIBIT 25

Will the information I share in my request for consideration of DACA be used for immigration enforcement purposes?

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.

Not what you're looking for?

 Ask your question here Search

Similar Questions

If my DACA 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?

If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?

If I meet the guidelines for consideration of DACA and am encountered by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE), will I be placed into removal proceedings?

EXHIBIT 26

If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?

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.

Not what you're looking for?

Similar Questions

If my DACA 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?

Can my deferred action under the DACA process be terminated before it expires?

Will USCIS use information provided in my request for a provisional unlawful presence waiver to place me in removal proceedings?

EXHIBIT 27

If my DACA 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?

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

Not what you're looking for?

Similar Questions

Will the information I share in my request for consideration of DACA be used for immigration enforcement purposes?

If USCIS does not exercise deferred action in my case, will I be placed in removal proceedings?

If I provide my employer 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?

EXHIBIT 28

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?

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

Not what you're looking for?

Similar Questions

[If my DACA 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?](#)

[Will the information I share in my request for consideration of DACA be used for immigration enforcement purposes?](#)

Do I need to provide additional documents when I request renewal of deferred action under DACA?

EXHIBIT 29



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 THE HACKERS
 REELS AND THE BIRD DOG
 THE CRISPR PIONEERS
 about, up here in his
 penthouse 600 ft. in the sky,
 PLUS

EUROPE'S POPULIST REVOLT
ARE PRESIDENTS ALWAYS POY?
90 YEARS OF ROY
where it's hard to make out the
regular people below. The ice
skaters swarming Central
Park's Wollman Rink look like

old-television static, and the Fifth Avenue holiday shoppers could be mites in a gutter. To even see this view, elevator operators, who spend their days standing in place, must push a button marked 66–68, announcing all three floors of [Trump's princely pad](#). Inside, staff members wear cloth slipcovers on their shoes, so as not to scuff the shiny marble or stain the plush cream carpets.

This is, in short, not a natural place to refine the common touch. It's gilded and gaudy, a dreamscape of faded tapestry, antique clocks and fresco-style ceiling murals of gym-rat Greek gods. The throw pillows carry the Trump shield, and the paper napkins are monogrammed with the family name. His closest neighbors, at least at this altitude, are an international set of billionaire moguls who have decided to stash their money at One57 and 432 Park, the two newest skyscrapers to remake midtown Manhattan. There is no tight-knit community in the sky, no paperboy or postman, no bowling over brews after work.



And yet here
Trump resides,
under dripping
crystal, with
diamond cuff
links, as the
President-elect
of the United
States of
America. The
Secret Service
agents milling
about prove that
it really
happened, this
election result
few saw coming.
Hulking and

serious, they gingerly try to stay on the marble,
avoiding the carpets with their uncovered shoes.

On [his wife Melania's desk](#), next to books of Gianni Versace's fashions and Elizabeth Taylor's jewelry, a new volume sits front and center: *The White House: Its Historic Furnishings and First Families*.

For all of Trump's public life, tastemakers and intellectuals have dismissed him as a vulgarian and



Photograph by Nadav Kander for TIME

President-elect Donald Trump photographed at his penthouse on the 66th floor of Trump Tower in New York City on Nov. 28.

Behind TIME's Person of the Year Cover

carnival barker, a showman with big flash and little substance. But what those critics never understood was that their disdain gave him strength. For years, he fed off the disrespect and used it to grab more tabloid headlines, to connect to common people. Now he has upended the leadership of both major political parties and effectively shifted the political direction of the international order. He will soon command history's most lethal military, along with economic levers that can change the lives of billions. And [the people he has to thank are those he calls "the forgotten," millions of American voters](#) who get paid by the hour in shoes that will never touch these carpets—working folk, regular Janes and Joes, the dots in the distance.

It's a topic Trump wants to discuss as he settles down in his dining room, with its two-story ceiling and marble table the length of a horseshoe pitch: the winning margins [he achieved in West Virginia coal country](#), the rally crowds that swelled on Election Day, what he calls that "interesting thing," the contradiction at the core of his appeal. "What amazes a lot of people is that I'm sitting in an apartment the likes of which nobody's ever seen," the next President says, smiling. "[And yet I represent the workers of the world.](#)"

The late Fidel Castro would probably spit out his cigar if he heard that one—a billionaire who branded excess claiming the slogans of the proletariat. But Trump doesn't care. "I'm representing them, and they love me and I love them," he continues, talking about the people of Wisconsin, Michigan, Ohio and Pennsylvania, the struggling Rust Belt necklace around the Great Lakes that delivered his victory. "And here we sit, in very different circumstances."

The Last, Greatest Deal

For nearly 17 months on the campaign trail, Trump did what no American politician had attempted in a generation, with defiant flair. Instead of painting a bright vision for a unified future, he magnified the divisions of the present, inspiring new levels of anger and fear within his country. Whatever you think of the man, this much is undeniable: he uncovered an opportunity others didn't believe existed, the last,

greatest deal for a 21st century salesman. The national press, the late-night comics, the elected leaders, the donors, the corporate chiefs and a sitting President who prematurely dropped his mic —they all believed he was just taking the country for a ride.

Now it's difficult to count all the ways Trump remade the game: the huckster came off more real than the scripted political pros. The cable-news addict made pollsters look like chumps. The fabulist out-shouted journalists fighting to separate fact from falsehood. [The demagogue won more Latino and black votes than the 2012 Republican nominee.](#)

Trump found a way to woo white evangelicals by historic margins, even winning those who attend religious services every week. Despite boasting on video of sexually assaulting women, he still found a way to win white females by 9 points. As a champion of federal entitlements for the poor, tariffs on China and health care “for everybody,” he dominated among self-described conservatives. In a country that seemed to be bending toward its demographic future, with many straining to finally step outside the darker cycles of history, he proved that tribal instincts never die, that in times of economic strife and breakneck social change, a charismatic leader could still find the enemy within and rally the masses to his side. In the weeks after his victory, hundreds of incidents of harassment, many using his name—against women, Muslims, immigrants and racial minorities—were reported across the country.

The starting point for his success, which can be measured with just tens of thousands of votes, was the most obvious recipe in politics. He identified the central issue motivating the American electorate and then convinced a plurality of the voters in the states that mattered that he was the best person to bring change. “The greatest jobs

theft in the history of the world” was his cause, “I alone can fix it” his unlikely selling point, “great again” his rallying cry.

Since the bungled Iraq War faded into the rearview mirror, there has been only one defining issue in American presidential politics, spanning party and ideology. It’s the reason Massachusetts Senator Elizabeth Warren thunders that “the system is rigged” by the banks, and Vermont’s Bernie Sanders got so much traction denouncing the greed of “millionaires and billionaires.” It’s what Marco Rubio meant when he said, “We are losing the American Dream,” and why Jeb Bush claimed everyone has a “right to rise.”



Nadav Kander for TIME

President-elect Trump in the living room of his three-story penthouse on the 66th floor of Trump Tower in New York City on Nov. 28

President Barack Obama identified it early, back in 2005, as a newly elected Senator delivering a commencement speech at tiny Knox College in Galesburg, Ill. Obama's hymn to "the forgotten" was his ticket to the White House. "You know what this new challenge is. You've seen it," he said. "The fact that when you drive by the old Maytag plant around lunchtime, no one walks out anymore ... It's as if someone changed the rules in the middle of the game and no one bothered to tell these folks."

As Obama explained it, the American promise was being put up on cinder blocks, buttressed by massive economic forces. His vow, repeated in his final 30-minute-long television ad in 2008, was change for the struggling, help for those who needed it, security for the ones who felt themselves slipping. Four years later, he would return to the same playbook to defeat Mitt Romney, casting the Republican nominee as an obtuse private-equity moneybags aiming to bankrupt Detroit. A quote pulled from a focus group—”I’m working harder and falling behind”—became the watchwords of Obama’s 2012 re-elect, hung on walls and placed atop PowerPoints. He had identified the issue, and as long as his name was on the ballot, no one could beat him.

But Obama never fully delivered the prosperity he promised. There was certainly help on the margins, slowing cost growth for health care and providing insurance to millions, for example. He started some pilot projects for manufacturing hubs, increased incomes marginally in the past couple of years and led the nation to recover from a vicious recession, with the federal government directly creating or saving millions of jobs. An unemployment rate that peaked at 10% in October 2009 has been halved to

4.6% now, at the end of his term. But the great weather systems of global change continued under his watch. Ultimately, he grew resigned to the fact that there was only so much he could do in office.

The most

recently

available data

tells the

remarkable

story: between

2001 and 2012,

the median

incomes of

households

headed by people without college degrees—nearly

two-thirds of all homes—fell as they aged,

according to research by Robert Shapiro, an

economist who advised Bill Clinton's 1992

campaign. As American productivity and gross

domestic product grew in the first decade of the

new century, median wages for all Americans broke

away, effectively flatlining. Most Americans

making less than the median income, but not so

little as to qualify for poverty benefits, suffered

income losses of about 5% between 2007 and 2013,

according to research by Branko Milanovic, a

former World Bank economist.

If you lived in the nation's great cities or held a college degree, you probably didn't feel the full fury of these forces. Average income declines for top earners were closer to 1% during the postrecession years. Global change is tricky that way. It enriches those in the developed world who can handle bits and bytes, create something new or sell their work at a distance. And it elevates the fortunes of the global poor, largely in Asia, pushing about a billion people from poverty into the beginnings of a new China-led middle class.

But for the working men and women of developed countries, many of whom had made good livings in the 20th century, the price of others' success could be seen all around, in peeling house paint and closed storefronts, in towns that went belly-up when one of the two big employers closed shop. The pressures pushed across the Atlantic Ocean. The size of the middle classes, as measured by those who earn 25% above or below the median income, dropped in the U.S. from the 1980s to 2013. It also dropped in Spain and Germany, the Netherlands and the U.K. It is no accident that all those countries now find themselves in the midst

of political upheaval as well.

The reasons for the shifts are more complex than the simple offshoring of manufacturing plants to Mexico or China. Global trade and new technology also pressure wages on jobs beyond the assembly line. When combined with rising health-insurance costs and incessant shareholder demands, companies found themselves unable or unwilling to give raises. Automation also accelerated as factories turned to robots, checkout lines retooled with self-operated terminals, and engineers developed self-driving trucks and taxis. Political gridlock in Washington, and the mild austerity it created, weighed everything down.

‘I hoped for change and never saw it’

But properly diagnosing the problem doesn’t help much if you live in a place that has taken it on the chin. In Shiawassee County, Michigan, which sits like a pit stop between Flint and Lansing, Obama won comfortably in 2008 and by a narrow margin in 2012. Then Trump tromped to victory this year with a 20-point margin. Rick Mengel, a 69-year-old retired pipe fitter, was one of the union members who voted for the young Illinois Senator in 2008, after seeing him promise to renegotiate the North

American Free Trade Agreement, which Obama once called “devastating” and a “big mistake.”

“I hoped for change and never saw it,” Mengel says of the Obama years. “I watched jobs go away, and any jobs that came in were at McDonald’s. I’m not knocking McDonald’s, but it’s a starter job. It doesn’t make the car or house payments.” When a friend bought him a MAKE AMERICA GREAT AGAIN hat this year, Mengel took to wearing it everywhere he went. He never believed the polls that said [Hillary Clinton](#) would carry Michigan, because he can’t remember ever sitting down with a group of five or six people and finding more than one for her. “Hillary came along and she just never said what she was going to do,” Mengel explains. “She just talked bad about Trump.”

Such voices were easy to find in central Michigan, northeast Pennsylvania and western Wisconsin in the days after the election. Here were historically Democratic counties that Obama

***FIRST HE
NEEDED TO
DEFINE THE
BAD GUYS.
THEN HE
NEEDED TO***

had won twice, only to see Trump then win comfortably. They are mostly white parts of the country, with struggling Main Streets and low college-graduation rates, where the local beauty salons do better business than the car dealers. They are places where people start their life stories by recounting the good-paying jobs their grandparents held, or the long-gone second homes up on the lake where they used to play as kids. In the 1970s, the bumper stickers on trucks in Prairie du Chien, Wis., would read LIVE BETTER. WORK UNION. Now the sign in the local Walmart says, SAVE MONEY. LIVE BETTER.

KNOCK THEM OVER.

Joseph Dougherty, a former Democratic mayor of Nanticoke, Pa. who manages an automotive paint store, switched his voter registration this year for Trump. He was one of many in Luzerne County, a gorgeous river valley of rolling hills and former coal mines, who had lost patience. Trump cleared 78,000 votes in these hills, 20,000 more than Romney. “The Democratic Party forgot about its base. It’s all less for us and more for someone else,” Dougherty said, explaining how he could betray

the party he was born into. “People are tired of surviving. People want to go on vacation, improve their home, get a better car, invest in their children’s future.”

Economists looking at the voting patterns since Election Day have been able to draw clear correlations between the local effects of international trade and voter angst. In counties where Chinese imports grew between 2002 and 2014, the vote for Trump increased over the vote George W. Bush won in 2000. For every percentage-point increase in imports, the economists found an average 2-point increase for the Republican nominee.

In some places, the shift was even steeper. In Branch County, Michigan, near the Indiana border, about halfway between Detroit and Chicago, a 3% increase in Chinese imports coincided with an 11%

bump for Trump over Bush. The message of renewed protectionism, new tariffs and scrapped trade agreements broke through. “His approach was much more visceral,” says David Autor, a Massachusetts Institute of Technology economist, who co-authored the study. “He seemed to say, ‘We don’t have to adapt to globalization. We can reverse it.’”

It’s hard to find any trained economist who believes that’s possible, at least in the terms Trump uses. The supply chains are too broadly dispersed, the pricing efficiencies too embedded in our lives, the robots too cost-effective. Then there are the dangers of massive disruption, the unquantifiable costs of trade wars, or the actual wars that could follow.

But Trump’s improvement on Obama’s sales pitch was never about the details. He communicated on a deeper level, something he has done all his life. His was not a campaign about the effects of tariffs on the price of batteries or basketball shoes. He spoke only of winning and losing, us and them, the strong and the weak. Trump is a student of the tabloids, a master of television. He had moonlighted as a professional wrestler. He knew how to win the

crowd. First he needed to define the bad guys. Then he needed to knock them over.

The Presidency as Improv

On Dec. 1, just weeks after his victory, Trump traveled to Indiana to announce that United Technologies, the 45th largest company in the country, had agreed to his demands and would retain 800 Carrier manufacturing jobs in Indianapolis. This mostly fulfilled a campaign promise he had made after the factory became national news when video shot inside showed the despair of workers discovering their work was headed to Mexico. “Companies are not going to leave the United States anymore without consequences,” he declared at the plant.

Three days earlier, Trump met with TIME in his towering dining room. The Carrier deal was basically done, thanks to a mixture of \$7 million in state tax breaks, presidential threats and promises of tax and regulatory reform. But it was still a secret. His running mate, former Indiana governor Mike Pence, declined to discuss the deal when a reporter ran into him in Trump’s high-rise kitchen. But Trump could not stop himself. “I’m going to give you this off the record,” he said. “You can use it

if they announce.”

For both conservative and liberal ideologues, including Sarah Palin and Bernie Sanders, the deal Trump struck with Carrier was an abomination, an example of government using taxpayer money to pick winners and losers. But as Trump told the story in his tower, ideology had nothing to do with it. This was just another tale of a little guy getting his voice heard.

“So the other night, I’m watching the news,” Trump began. NBC’s Lester Holt had introduced a segment on the Carrier plant featuring a union representative and a plant worker talking in a bar. The man looked at the camera and spoke to Trump, saying, “We want you to do what you said you were going to do.” Trump claimed this shocked him: “I said, I never said they weren’t going to move, to myself.”

But of course he had, as the news segment demonstrated. So Trump says he had no choice. He had to listen to his people. “He energized me, that man,” the President-elect explained. “And I called up the head of United Technologies.”

Shortly after he spoke those words, Reince Priebus, the next White House chief of staff, walked into the room. With the tape recorders rolling, Trump began to issue new instructions. “Hey, Reince, I want to get a list of companies that have announced they’re leaving,” he called out. “I can call them myself. Five minutes apiece. They won’t be leaving. O.K.?”

He was talking as if he had just realized—at that moment, in the middle of an interview—that he had the power to do what he promised to do on the campaign trail. But it was just a show. At that point, Trump had already had a similar talk with Bill Ford of Ford Motor Co., and he boasted of putting out three other calls out to corporations with outsourcing plans.

This is the presidency as improv, as performance art, with good guys, bad guys and suspense. It’s a new thing for the United States of America. The

reporters in the room, the voters who will read this article, the nation, the world—we are the audience. A quick study who grew up in Kenosha, Wis., Priebus is far too Midwestern to be mistaken for a showman. But he got what Trump was trying to do, and smiled. “It worked for you last time,” he told the boss.

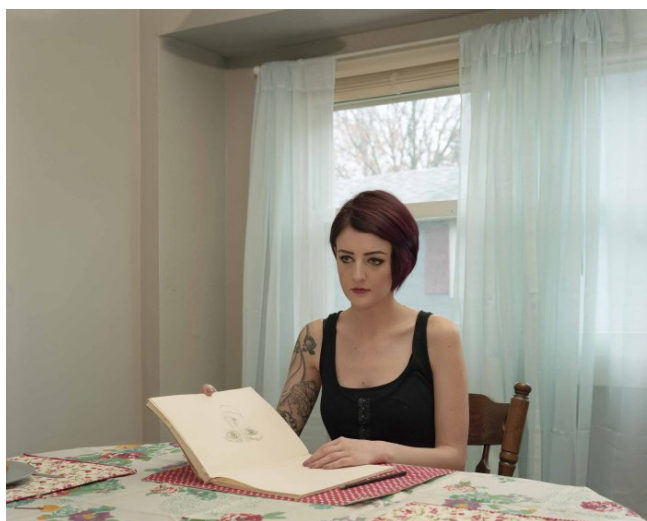
Missing the Message

History will record that Clinton foresaw the economic forces that allowed Trump to win. What she and her team never fully understood was the depth of the populism Trump was peddling, the idea that the elites were arrayed against regular people, and that he, the great man, the strong man, the offensive man, the disruptive man, the entertaining man, could remake the physics of an election.

“You cannot underestimate the role of the backlash against political correctness—the us vs. the elite,” explains Kellyanne Conway, who worked as Trump’s final campaign manager. His previous campaign chairman, Paul Manafort, put it somewhat more delicately: “We always felt comfortable that when people were criticizing him for being so outspoken, the American voters were

hearing him too.”

MEET THE VOTERS WHO HELPED PUT DONALD TRUMP IN THE WHITE HOUSE



Lise Sarfati for TIME

Shannon Goodin, 24, Owosso, Mich. A first-time voter who doesn't consider herself a Democrat or a Republican, Goodin says Trump earned her support by being “a big poster child for change,” adding, “Politicians don't appeal to us. Clinton would go out of her way to appeal to minorities, immigrants, but she didn't really for everyday Americans.”

1 of 9



In June 2015, Clinton's pollster Joel Benenson laid out the state of the country in a private memo to senior staff that was later released to the public by WikiLeaks. The picture of voters was much the same as the one he had described to Obama in 2008 and 2012. “When they look to the future,

they see growing obstacles, but nobody having their back,” Benenson wrote. “They can’t keep up; they work hard but can’t move ahead.” The top priority he listed for voters was “protecting American jobs here at home.”

That message anchored the launch of Clinton’s campaign, and it was woven through her three debate performances. But in the closing weeks, she shifted to something else. No presidential candidate in American history had done or said so many outlandish and offensive things as Trump. He cheered when protesters got hit at his rallies, used sexist insults for members of the press, argued that an American judge should be disqualified from a case because of his Mexican heritage. He would tell an allegory about Muslim refugees entering the U.S. that cast those families fleeing violence as venomous snakes, waiting to sink their fangs into “tenderhearted” women. And he would match those stories with bloody tales of undocumented immigrants from Mexico who murdered Americans in cold blood. “His disregard for the values that make our country great is profoundly dangerous,” Clinton argued.

His rhetoric had in fact opened up a new public

square, where racists and misogynists could boast of their views and claim themselves validated. And to further enrage many Americans, Trump regularly peddled falsehoods, without offering any evidence, and then refused to back down from his claims. He promised to sue the dozen women who came forward to say they had been sexually mistreated by him over the years. He said he might not accept the outcome of the election if it did not go his way. He described a crime wave gripping the country based on a selective reading of statistics.

For a Clinton campaign aiming to re-create Obama's winning coalitions, all of this proved too large a target to pass up. Clinton had proved to be a subpar campaigner, so with the FBI restarting and reclosing a criminal investigation into her email habits, her closing message focused on a moral argument about Trump's character. "Our core values are being tested in this election," she said in Philadelphia, the night before the election. "We know enough about my opponent. We know who he is. The real question for us is what kind of country we want to be."

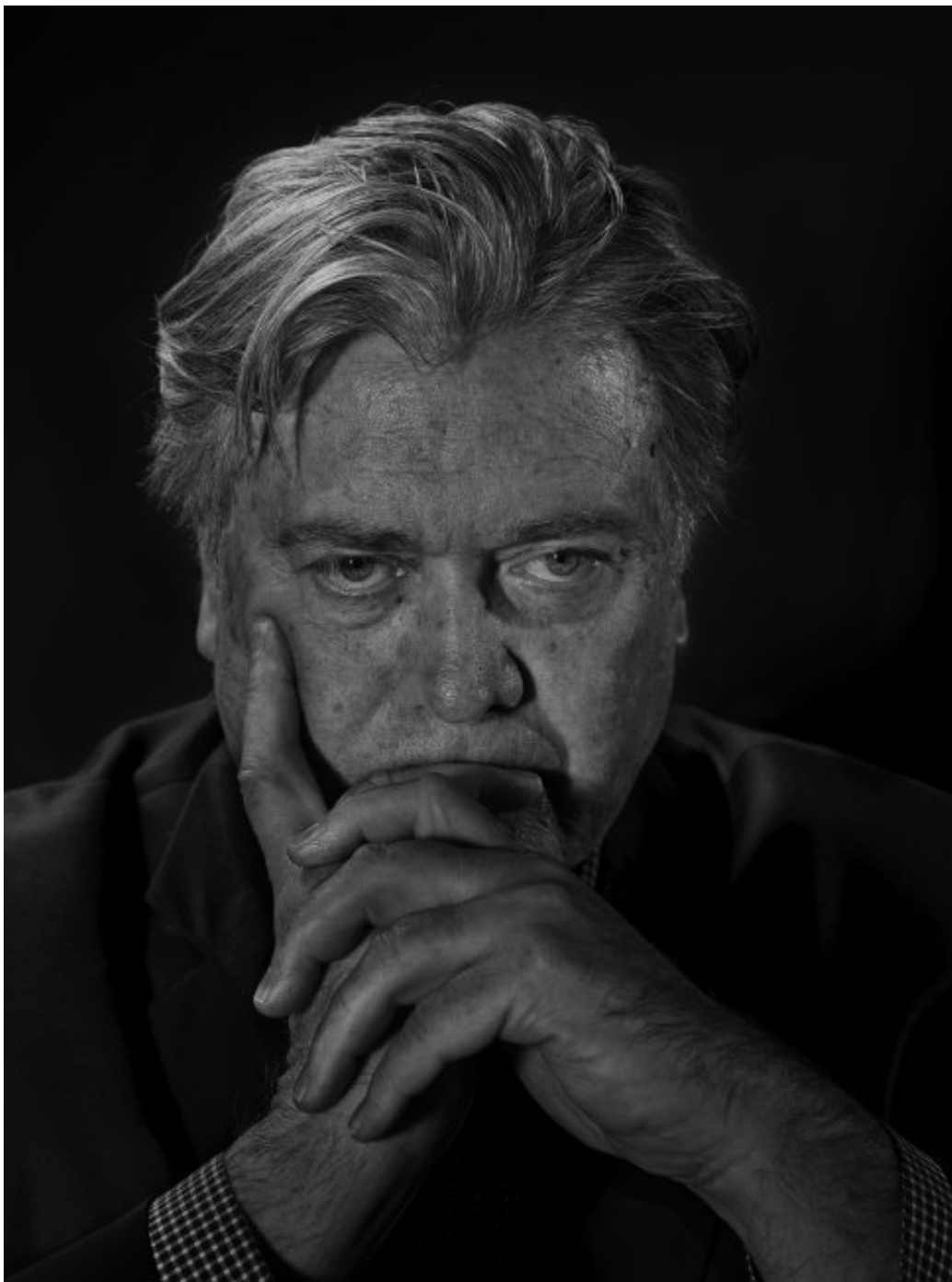
The strategy worked, in a way. Clinton got about 2.5 million more votes than Trump, and on

Election Day, more than 6 in 10 voters told exit pollsters that Trump lacked the temperament for the job of President. But the strategy also placed Clinton too far away from the central issue in the nation: the steady decline of the American standard of living. She lost the places that mattered most. “There’s a difference for voters between what offends you and what affects you,” Conway helpfully explained after it was over.

Stanley Greenberg, the opinion-research guru for Bill Clinton in 1992, put out a poll around Election Day and found clear evidence that Clinton’s decision to divert her message from the economy in the final weeks cost her the decisive vote in the Rust Belt. “The data does not support the idea that the white working class was inevitably lost,” Greenberg wrote, “until the Clinton campaign stopped talking about economic change and asked people to vote for unity, temperament and experience, and to continue on President Obama’s progress.” Interestingly, Greenberg said turnout among young, minority and unmarried female voters also decreased when the economic message Obama had used fell away.

Anecdote, Not Analysis

The irony of this conclusion is profound. By seeking to condemn the dark side of politics, Clinton’s campaign may have accidentally validated it. By believing in the myth that Obama’s election represented a permanent shift for the nation, they proved it was ephemeral. In the end, Trump reveled in these denunciations, which helped him market to his core supporters his determination to smash the existing elite. After the election, Trump’s campaign CEO Stephen Bannon—the former head of a website known for stirring racial animus and provoking liberal outrage—explained it simply. “Darkness is good,” he told the *Hollywood Reporter*.



Nadav Kander for TIME

The Rabble-Rouser: The former head of Breitbart, Stephen Bannon has pushed for a darker, more divisive populism, publishing articles that stirred racial animus. He will be a senior adviser at the White House.

This is the method of a demagogue. The more the elites denounced his transgressions, the more his

growing movement felt validated. Shortly after the campaign, Trump tweeted that 3 million votes had been cast illegally on Nov. 8, a false claim for which he has offered no hard evidence. But when asked about it in his penthouse, he seems eager to talk about the controversy he stirred. “I’ve seen many, many complaints,” he says. “Tremendous numbers of complaints.”

In the dining room, a TIME reporter reads to Trump one of Obama’s oft-stated quotes about trying to appeal to the country’s better angels and to fight its tribal instincts. Trump promptly stops the interview in its tracks. The human brain is wired for anecdote, not analysis, and Trump’s whole career is a testament to this insight. Even when his business failures mounted, he could always boast about the ratings of his hit reality show, *The Apprentice*, or that time he finished construction on the Wollman ice rink outside his window. “So

let me go upstairs for one second and get you one newspaper article,” he says. “Do you mind if I take a one-second break?” And then he disappears into his living quarters above.

He returns a few minutes later with that morning’s copy of *Newsday*, the Long Island tabloid. The front-page headline reads, “EXTREMELY VIOLENT” GANG FACTION, with an article about a surge of local crime by foreign-born assailants. His point, it seems, is that the world is zero-sum, full of the irredeemable killers that Obama’s idealism fails to see. The details are more compelling than any big picture. “They come from Central America. They’re tougher than any people you’ve ever met,” Trump says. “They’re killing and raping everybody out there. They’re illegal. And they are finished.”

A reporter mentions that what Trump is saying echoes the rhetoric of Philippine President Rodrigo Duterte, who has overseen the extrajudicial killing of thousands of alleged drug dealers and users in recent months. The President-elect offers no objection to the comparison. “Well, hey, look, this is bad stuff,” he says. “They slice them up, they carve their initials in the girl’s forehead, O.K. What

are we supposed to do? Be nice about it?”

Days later, Trump will have a phone call with the Philippine President, who called President Obama the “son of a whore” a few months ago. A readout from the Philippine government subsequently announces that during the call, Trump praised Duterte’s deadly drug crackdown as “the right way.”

Populism Takes Center Stage

A year from now, when Trump travels to the U.N. to address the world’s leaders, he is likely to find far more sympathy for this hard-edged populism than any thought possible in 2008. Trump is all but rooting for it. “People are proud of their countries, and I think you will see nationalism,” he says, before describing the growing backlash against Muslim migration in France, Belgium and Germany. “A lot of people reject some of the ideas that are being forced on them. And that’s certainly one of the reasons you had this vote, having to do not with the European Union but the same thing.”

In this view, Trump will find common cause with Vladimir Putin, the authoritarian President of Russia who, like Trump, seeks to challenge

diplomatic and democratic norms. For reasons that remain unclear, Trump still refuses to acknowledge the U.S. intelligence community's conclusion that Putin's agencies were responsible for stealing the Democratic National Committee and Clinton campaign emails released on WikiLeaks. "I don't believe it. I don't believe they interfered," Trump says. Asked if he thought the conclusion of America's spies was politically driven, Trump says, "I think so." Since the election, Trump has chosen not to consistently make himself available for intelligence briefings, say aides.

He has also so far refused to acknowledge established diplomatic boundaries. When the Pakistani government gave a long, apparently verbatim readout of its President's call with Trump, India's leaders reacted with strained nerves. Then Trump accepted a phone call from Taiwanese President Tsai Ing-wen, intentionally discarding a policy enforced since Jimmy Carter, which prompted an official complaint from China. In response, he sent out a tweet suggesting that such formalities, a bow to Chinese sensibilities, were ridiculous. "Interesting how the U.S. sells Taiwan billions of dollars of military equipment but I should not accept a congratulatory call," it

read.

As he proved in the campaign, there are sometimes few negative consequences in politics for offending or painting a false picture of reality. History suggests the same is less true in international relations, where the stakes are not just votes at the ballot box but also the movement of armies and the lives of citizens. Among the tight circle that has formed around Trump, one can sense some unease as they try to navigate a mercurial boss to a successful first term. There is talk of strategies for steering him when he is wrong, for appealing to his own intention to succeed. And Trump himself, true to his reality-show persona, has a history of allowing his staff to fight among themselves for his attention. “If I had to describe his deliberating style, I would say that it’s very similar to Socratic method, just like in law school,” explains Priebus. “He asks a lot of questions, he wants answers to those questions to be thorough and quick, and he relies on the people giving him the answers to be accurate.”

Just a day earlier, Conway had gone on television to suggest that picking Romney, an old Trump foe, for Secretary of State was a terrible idea. Some Trump

aides told reporters that this amounted to a betrayal of the boss, who had not yet made up his mind. Trump seemed to enjoy the spectacle. “I might not like it, but I thought it was fine,” he says at the dining-room table. “Otherwise I would have called her up.”



Nadav Kander for TIME

The Reconciler: After serving as Republican chair during the chaotic campaign, Reince Priebus will become Trump’s first White House chief of staff, acting as a bridge to the Washington establishment. **The Trump Whisperer:** A former resident of one of Trump’s buildings, pollster Kellyanne Conway became his campaign manager in August. She is known for her blunt advice, sometimes through TV appearances.

At the same time, Trump has tried to curtail some of his own bravado since the campaign. The day after the election, Priebus says, Trump told his

aides in his apartment, “Guys, I’m for everybody in this country.” Last year, Trump boasted about the great instincts that led him to support forced deportation for all undocumented immigrants and a ban on Muslims from entering the country. He has since backed off both positions. “I mean, I’ve had some bad moments in the campaign,” he says. But then he notes that his poll numbers seemed to rise after several of them, including his insults of Arizona Senator John McCain’s war service.

Trump claims that his unpredictability will be his strength in office. It certainly has left the political world guessing. He has so far refused to describe how he will separate himself from the conflict of owning a company and employing his children who do regular business with foreigners. On the one hand, he supports a broad policy platform shared by conservatives in Congress: a reduction in regulations, lower taxes, a pull back from the fight against global warming, and a cabinet filled with free-market ideologues. On the other hand, he has signaled that he is willing to break from Republican doctrine. His designated Treasury Secretary, the former Goldman Sachs banker Steve Mnuchin, has said Trump would back off his campaign suggestion that he would give large net

tax windfalls to the wealthiest. “Any reductions we have in upper-income taxes will be offset by less deductions,” Mnuchin said.

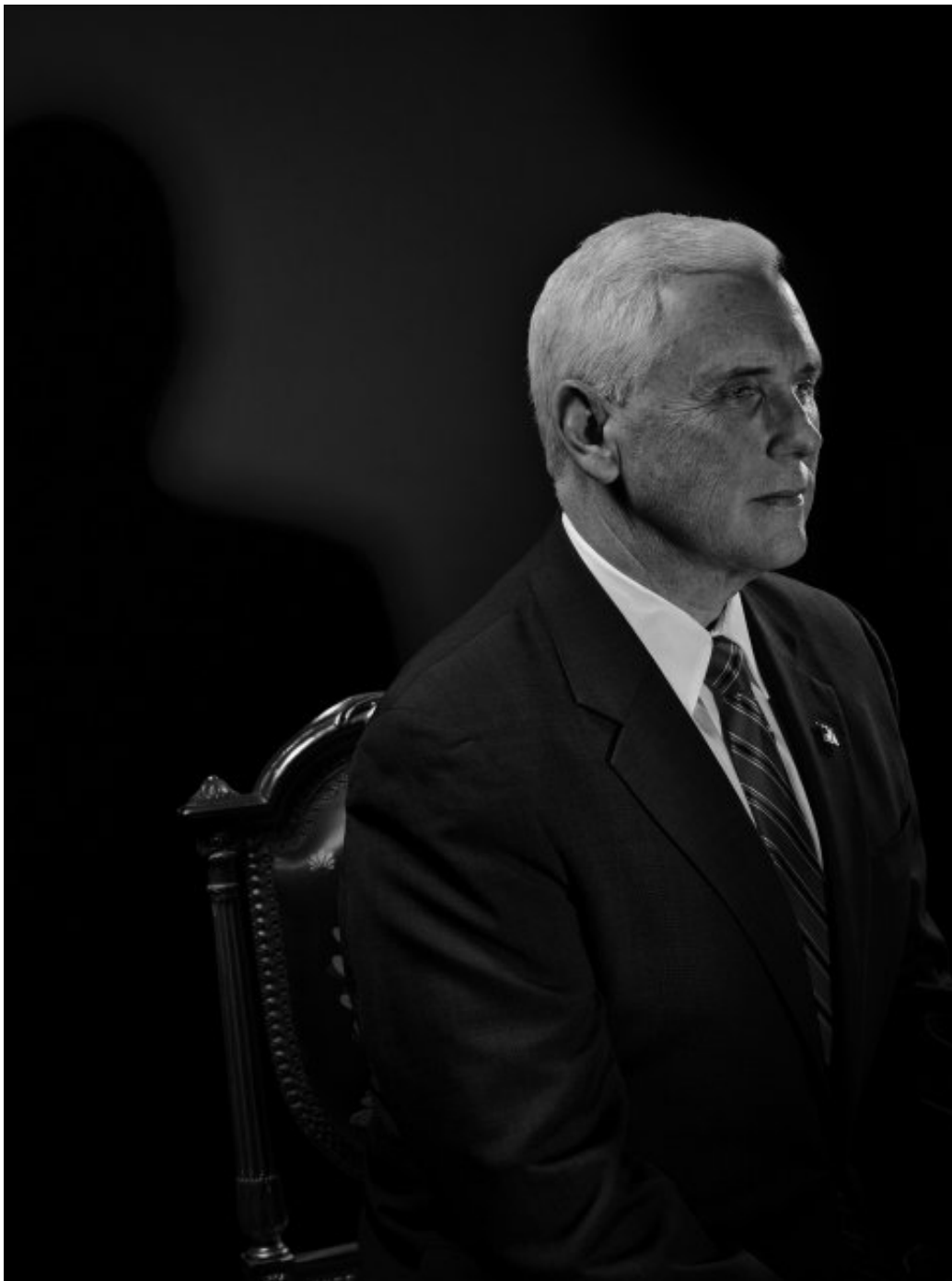
While Trump offered public words of support for the Iraq War at the time, he sees George W. Bush’s great adventure as a disaster now. He rejects wholesale the social conservative campaign to keep transgender people out of the bathrooms they choose, but promises to reward conservative ideologues with a Supreme Court Justice of their liking. And he has little patience for the organizing principle of the Tea Party: the idea that the federal government must live within its means and lower its debts. Instead, he seems to favor expensive new infrastructure spending and tax cuts as economic stimulus, much like Obama did in 2009. “Well, sometimes you have to prime the pump,” he says. “So sometimes in order to get jobs going and the country going, because, look, we’re at 1% growth.”

The next day, the third-quarter gross-domestic-product estimates would be released, showing an increase of 3.2%, up from 1.4% earlier in the year.

He also suggests that some stock analysts may have misread his intentions. The value of biotechnology stocks, for example, which enjoy large profit margins under current law, rose 9% in the day after Trump's election, a rally of relief that the price controls Clinton had proposed would not happen. But Trump says his goal has not wavered. "I'm going to bring down drug prices," he says. "I don't like what has happened with drug prices."

As for the people who were brought to the U.S. illegally as youths and now have work visas under Obama, Trump did not back off his pledge to end Obama's executive orders. But he made clear he would like to find some future accommodation for them. "We're going to work something out that's going to make people happy and proud," he says, showing a sympathy for young migrants that was often absent during the campaign. "They got brought here at a very young age, they've worked here, they've gone to school here. Some were good students. Some have wonderful jobs. And they're in never-never land because they don't know

what's going to happen.”



Nadav Kander for TIME

The True Believer: A devout evangelical Christian and a former leader in the U.S. House, Vice President-elect Mike Pence will help Trump navigate the agendas of conservative lawmakers and activists.

Trump's America, for Better and Worse

The truth is no one really knows what is going to happen, up to and including the occupants of Trump Tower. “It’s a very exciting time. It’s really been an amazing time,” Trump says, as the country still tries to come to terms with what he accomplished. “Hopefully we can take some of the drama out.”

That’s not likely to happen anytime soon. Following a President who prided himself on sifting drama through the sieve of careful consideration, Trump’s methods, for better and worse, tend to be closer to the opposite. And this is now Trump’s America to run, a victory made possible either because of historical inevitability or individual brilliance, or some combination of the two.

It’s an America with rising stock markets despite the tremors of a trade war. A country where a few jobs saved makes up, in the moment, for the thousands still departing. This is a land where a man will stand up in a plane headed to Allentown, Pa., to demand allegiance to the new leader—”We got some Hillary bitches on here? Come on man, Trump! He’s your President, every goddamn one of

you!”—and then get banned by the airline from ever traveling again. It’s where a hijab-wearing college student in New York reports being attacked and jeered at in the next President’s name, where American-born children ask their citizen parents if Trump will deport them, where white supremacists throw out Nazi salutes in Washington meeting halls for their President-elect.

It’s a country where many who felt powerless have a new champion, where much frustration has given way to excitement and where politics has become the greatest show on earth. Here men in combat helmets and military assault rifles now patrol the streets outside a golden residential tower in midtown Manhattan. And almost every day at about the same time they let pass a street performer who wears no pants, tight white underwear and cowboy boots, so he can sing a song in the lobby for the television cameras with Trump’s name written in red and blue on his butt. It’s an America of renewed hope and paralyzing fear, a country few expected less than a year ago. Because of Donald John Trump, whatever happens next, it will never be like it was before.

—*With reporting by Zeke J. Miller/New York;*

*Elizabeth Dias/Saginaw, Mich.; Haley Sweetland
Edwards/Nanticoke, Pa.; and Karl Vick/Lancaster,
Wis.*

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Trump signals he's softening on immigration as he says he's 'working on a plan' that will make DREAMers 'very happy'

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- Called the plight of children known as DREAMers who were brought into the country illegally by their relatives 'a very tough situation'
- Indicated that he's thinking about letting them stay and said his administration will have a plan in the next couple months
- Suggested he'd increase the number of visas available to high-skilled workers

By [FRANCESCA CHAMBERS](#), WHITE HOUSE CORRESPONDENT FOR DAILYMAL.COM

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President-elect **Donald Trump** says his administration is working on a plan that will make illegal immigrant children 'very happy,' and it will done in the next couple months.

Trump reiterated his plans to build a wall along the border with Mexico and crack down on unlawful immigration.

But he called the plight of children known as DREAMers, who were brought into the country illegally by their relatives 'a very tough situation,' indicating in an interview with Fox & Friends that he's thinking about letting them stay.

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President-elect Donald Trump says his administration is working on a plan that will make illegal immigrant children 'very happy,' and it will done in the next couple months

The president-elect said in the course of his campaign for the White House that illegal immigrants of all ages would be sent out of the country. Only the 'good' ones would be allowed to return, Trump stated.

He vowed to overturn **President Obama's** executive orders directing immigration officials to focus their efforts on deporting criminals, shielding children through his Deferred Action for Childhood Arrivals program.

After some pleading from exiting President Barack Obama and immigration reform advocates, including some Republicans in Congress, Trump seemed to soften his stance.

He told Time Magazine in early December that he wanted to 'work something out' for illegal immigrant children, known as DREAMers.

'I want Dreamers for our children also. We're going to work something out. On a humanitarian basis it's a very tough situation,' he said. 'We're going to work something out that's going to make people happy and proud. But that's a very tough situation.'

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Trump revealed this morning in an interview of Fox & Friends in response to a viewer question about the creation of a 'legal status to work for non-criminal, undocumented citizens brought here as children' that his team was working on this issue.

'We're working on a plan right now. And that plan, over the next two to three months, is going to come out,' he said. 'And it's a plan that's going to be very firm, but it's going to be a lot of heart'

morning sickness while world learns the duchess is expecting her THIRD baby



▶ 'I told her I'd be happier single': John Legend reveals he once tried to DUMP wife Chrissy Teigen... but she wouldn't let him end the relationship



▶ EXCLUSIVE: 'I've given up my dream of a gastric bypass': Human Ken Doll Rodrigo Alves reveals he's started going to the gym after docs issued warning



▶ 'We have different opinions': Kylie Jenner addresses frosty relationship with sister Kendall... but admits they get along 'most of the time'



▶ Still enjoying summer! Modern Family star Sarah Hyland, 26, has some bikini fun as she sunbathes with friends during Labor Day weekend



▶ Cristiano Ronaldo's pregnant girlfriend Georgina Rodriguez flaunts her derriere in bikini snap... after posting touching tribute to soccer star's family



▶ 'I've taken over a year off because of my family situation': Angelina Jolie addresses Brad Pitt marital split as she confirms her return to acting



▶ Drinks are on me! Conor McGregor (still sporting a black eye) enjoys wild party for his friend's wedding after earning \$130m in fight with Floyd Mayweather



▶ 'That's not feminism, that's being a ho': Sharon Osbourne slams Kim Kardashian's claims that her sexy outfits are helpful for women's rights



▶ They ruled New York nightlife in '80s and '90s with glitter, glamour and shocking antics before a grisly murder spelled their downfall - so where are the Club Kids now?



▶ Yes Man! Handsome Jim Carrey cleans up his act as he ditches the bushy beard and rocks clean-cut appearance at



Trump again said it's 'a very tough situation' - 'but I think they're going to end up being very happy,' he added.

Venice Film Festival
Looks like his old self



'We're going to have great people coming into our country, people that love our country. And we're also going to have people coming into our country merit-based.'

The incoming president suggested he'd increase the number of visas available to high-skilled workers, mentioning the inability of Harvard grads to get cleared to stay and work in Silicon Valley.

'We're going to have great people and people of great talent coming into our country. We're going to have, also, merit-based. And that's so important. We don't have that right now,' he stated.

At a briefing for press later in the morning Trump spokesman Sean Spicer said Trump has a 'very robust' schedule planned for his first few weeks in office and it includes a review of the immigration process.

'He is first and foremost focused on people who are here and may cause a safety issue,' Spicer said after he was asked about DACA.

Regardless of one's stance on immigration, he observed, 'I think you can admit, we've got a problem.'

Trump says he does not want to wait to build Mexico wall

▶ Having a rear-ly good time! Blac Chyna shows off ample sideboob and shapely derriere as she puts on a dizzying display in a skintight striped jumpsuit



▶ Specs appeal: Selena Gomez sports geek chic glasses and an oversized tee as she grabs breakfast in NYC after Instagram hack drama



▶ On a wave! Fall Out Boy's Pete Wentz shows off his buff body as he goes shirtless to celebrate Labor Day at the beach in Malibu with his sweet sons



▶ The world's best-dressed baby bump! As Duchess of Cambridge announces her third pregnancy FEMAIL looks back at Kate's maternity outfits



▶ 'She spends too much time on Twitter!' Martina Navratilova's wife reveals what it's like being married to tennis



ADVERTISING

star (and why she hates her 'butch' hats)



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She Was Bullied All Her Life, Now She's Making Headlines HopeShared

Julianne Moore, 56, shows off her age-defying beauty in a sheer black bra as Liv Tyler, 40, parades her stunning body in sizzling lingerie campaign



Taylor Swift files trademarks for lines from controversial song and album to sell on merchandise - including snake rings for \$60 and 'I love TS' from video



Tupac revealed he knew killer on DEATHBED - but cops didn't care because they couldn't be bothered to solve crime, claims new documentary



'Oh s**t': Victoria Beckham curses as she makes a mishap during beauty video... before donning a face mask and promising fans the 'most kissable' lips



Iconic 'Pretty Woman' Scene Has One Ridiculous Flaw No One Noticed IFLMyLife



2016's Worst College in New York. NowBuzz.me



23 Baby Names Parents Say They Regret Giving Their Kids CafeMom

World reacts to news of third royal baby with hilarious tweets - and point out soccer fan William's paternity leave could coincide with World Cup



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ddnj, Atlanta, United States, 7 months ago

Liar liar pants on fire

Click to rate 0 0



ElmoFreen, Fort Lauderdale, United States, 7 months ago

Wasn't my first choice. Since the Hildabeast was running, he was the only choice. The Russian hacking, it turns out, was removing Ted Cruz. This I can believe.

Click to rate 4 0



opticview, International Space Centre, Åland Islands, 7 months ago

The only consistent thing about Donald Trump is his inconsistency

Click to rate 19 4



HKUSA, New York, United States, 7 months ago

NO deals for the illegals already here until the border is secured.

Click to rate 19 13



tornadobelt, Kansas, United States, 7 months ago

That "0" mouth makes him look like a cat's as s h o l e with a nose.

Click to rate 9 5

Miranda Lambert leads nominations for Country Music Awards with five nods as Taylor Swift and Carrie Underwood also get recognized Big night getting closer



What's going on? Justin Bieber's ex Sahara Ray posts bizarre bikini-clad video ...after shocking fans with her drastically changed appearance



Plaid'll do! Rita Ora cuts an eclectic figure in striking frill-detailed blazer and cargo pants in Paris... following passionate performance at Grenfell event in UK



More in love than ever! Hugh Jackman and wife Deborah Lee-Furness look smitten as they pose beachside in Australia He's 48, she's 61

Happy Bey-Day! Jay-Z leads Made In America festival crowd in Philadelphia in serenading wife Beyoncé for her 36th birthday

John Legend is seeking white and 'out of shape' actors to play Trump supporters for his new music video





yamadog, Dallas, United States, 7 months ago

No! Send those illegals back like you promised!!!!!!!!!

Click to rate 17 17

Singer put out an unusual request



Steffie31, Lake Tear of the Clouds, United States, 7 months ago

Hahaha, sucker.

Click to rate 15 6

Wipe your feet! Adorable five-year-old girl schools Prince Harry in etiquette as he visits veterans' homes in Manchester Royal got a lesson



queens lace, upnorth, United States, 7 months ago

Trump does not decide alone who gets to stay and who has to go. We are a democracy in case he forgets he doesn't RULE like a KING he will NEVER be KING. Egomaniac bragger..

Click to rate 22 7

First glimpse of Prince Gabriel! Carl Philip and Sofia of Sweden introduce their baby son to the world - as he's named Duke of Dalecarlia



Yoyo66, Mahwah, United States, 7 months ago

Obama proved that to be not the fact by selective enforcement and his pen.

Click to rate 9 5

Now things are heating up! Kendall Jenner bares midriff on beach as she is spotted hanging with NBA star Blake Griffin for FIFTH day in a row



steverino, Annapolis, 7 months ago

Cool your jets dems. Would you rather have had an extreme right wing Ted Cruz?

Click to rate 7 6

Birthday girl Kaia Gerber looks chic in striped top and denim shorts as she indulges in ice cream with her brother Presley for sweet 16 celebration



Candy Bars, The Edge, United States, 7 months ago

We'd rather keep Obama forever.

Click to rate 21 19

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yamadog, Dallas, United States, 7 months ago

Where is Cruz hiding? Have not seen him? He got nothing to bi####tch about now.

Click to rate 3 2



RTW1, East Coast, United States, 7 months ago

Ask Pat Buchanan to be in charge of immigration and give him a free hand. Things will be straightened out lickety-split!

Click to rate 10 6



Candy Bars, The Edge, United States, 7 months ago

He's probably doing this because all of his chosen cabinet members would lose all their hired help at their homes. You know, all the illegals that are working in their homes.

Click to rate 21 7

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I did my homework for you guys! Ariana Grande thrills fans when she does Australian accent at Melbourne



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bags after Manchester
attack

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seemingly innocent
Disney film that inspired
Stephen King to
become the horror
genre legend
responsible for creating
Pennywise the clown

▶ Former Spice Girl Mel
C breaks down in tears
on TV show after
revealing how she had
'lost people' to deadly
brain cancer
Emotional moment

▶ Leggy Eva Longoria,
42, grapples with her
cleavage as she flashes
her bra in a plunging
maxi dress during
idyllic Greek getaway
with husband José
Bastón

▶ Getting it white!
Modern Family's Ariel
Winter looks stunning in
tube top as she shares
behind-the-scene peek
from photo shoot
Went on social media

▶ 'I doubt they'll stop at
three!' Pregnant Kate's
uncle Gary predicts
Duchess and William
could follow in Queen
Elizabeth's footsteps by
having FOUR children

▶ 'It's a big loss': Caitlyn
Jenner confesses she
hasn't spoken to Kim
Kardashian for NINE
months and was
worried her children
'would gang up on her'

▶ Better sleeve right
now! Kirsten Dunst
turns heads with VERY
quirky ruffled jumpsuit
as she leads glamour at
Woodshock photocall at
Venice Film Festival

▶ Mel B bares her behind
and puts on eye-
popping display in
sheer gown... as she
shrugs off explosive
'drug' claims made by
ex Stephen Belafonte

▶ 'It's fantastic!' Prince
Harry reveals his delight
at the news William and
Kate are expecting their
third baby with a
thumbs up and a grin as
he visits Manchester

▶ Danish Crown
Princess Mary dazzles
in baby pink gown as
she presents at



Carlsberg Foundation
award ceremony in
Copenhagen

▶ Nicole Richie goes
makeup-free as she
opts for a low-key look
during shopping trip in
Hollywood

Mom-of-two, 35, was
seen at bookstore

▶ REVEALED: Last
words of tragic INXS
star Michael Hutchence
scrawled on note paper
and found hidden in a
bank vault...20 years
after his death

▶ Duchess' third
pregnancy means a
sibling for George and
Charlotte is set to arrive
in late April - and the
bookies favorite is
already a girl!

▶ New royal baby will
see Prince Harry
pushed down to sixth in
line to the throne... but
law change means
Princess Charlotte will
stay as fourth

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▶ What is the Duchess'
condition? Pregnant
Kate suffers from
extreme morning
sickness that strikes



just 1% of women and
can be DEADLY

▶ **'It's embarrassing!'**
Michael Jackson's son
Prince, 20, admits he
can't sing or dance...
and reveals King Of Pop
used to terrify him with
the Thriller video

▶ **Captain America's best
friend!** Avengers star
Chris Evans reunites
with beloved rescue dog
Dodger after 10 weeks
apart in heartfelt video

▶ **Gigi Hadid and her
mom Yolanda join the
model's One Direction
beau Zayn Malik and his
mother Trisha**
celebrating Eid al-Adha
with happy family selfie

▶ **Rapper Lil Wayne**
hospitalized after being
found unconscious in
Chicago hotel room due
to seizure
Had been set to perform
in Las Vegas Sunday

▶ **The journey of love:**
'Hot Felon' Jeremy
Meeks packs on the
PDA with leggy
girlfriend Chloe Green
at LAX as they prepare
to jet to Israel for
pilgrimage

▶ **Miami heat!** Blac
Chyna shows off
serious cleavage in
TWO revealing bathing
suits on Instagram
She sure knows how to
get people fired up

▶ **Stalker who is banned**
from going within 100
yards of Keira
Knightley's home
threatens her husband
and CHILD in a series of
chilling tweets

▶ **Leggy Kimberly**
Stewart stuns in sexy
summer button-down
minidress as she
indulges her sweet
tooth with a trip to a
bakery in Los Angeles

▶ **'He just sits and eats!':**
George Clooney raves
about his 'moose' son
Alexander and his
voracious appetite in
candid interview about
his twins

▶ **Enlightened!** Paris
Jackson flaunts her new
chakras tattoos in
series of topless social
media postings



Displayed body in VERY revealing pictures

▶ **Welcome to the world Prince Gabriel!**
Sweden's royals join proud dad Carl Philip for a thanksgiving service to celebrate his newborn son

▶ **Taylor Swift's fans claim her new song Ready For It? reveals love for boyfriend Joe Alwyn and disses her famous exes Calvin and Tom**

▶ **Big Bang Theory finally gives a glimpse at what happens after Sheldon's shock proposal to Amy... as Leonard ruins the romantic moment**
Fans have been waiting

▶ **'If it isn't meant to be, then it isn't': Stunning Victoria's Secret model Bridget Malcolm pens emotional journal entry about dealing with rejection**

▶ **'Delighted' Queen Elizabeth and Prince Philip officially open a new suspension bridge in Queensferry, Scotland, after royal baby announcement**

▶ **Was this the moment Kate hinted she was pregnant? Duchess told William 'We'll just have to have more babies' during tour of Poland seven weeks ago**

▶ **Nicole Scherzinger, 39, shows off her ample assets in a bright bikini as she sexily sports unbuttoned shirt on the beach in Spanish island of Ibiza**

▶ **'None of these women were show ponies!': Sharon Osbourne reveals Ozzy cheated on her with SIX WOMEN including a Russian teenager**

▶ **Brooklyn Beckham's former squeeze Madison Beer sets pulses racing in plunging leather bralette and jeans as she enjoys glam night out in LA**

▶ **Radiant Katie Holmes is effortlessly chic in white skinny jeans and trainers as she takes her stylish daughter**



Suri, 11, to a funfair in Los Angeles

▶ Chic Selena Gomez clutches onto her beau The Weeknd's hand as they put on a smitten display during low-key dinner date in New York City

▶ They were laughing away': Chris Hemsworth reunited with Charlize Theron at Mayweather McGregor fight... and wife Elsa Pataky 'approved'

▶ Holy guacamole! Lorde causes a stir in avocado-green jumpsuit as she prances onstage at Vancouver show
Cinched in her waist with a black belt

▶ Like father like son! Josh Duhamel and his boy Axl wear shorts and T-shirts as they go on lunch outing in Los Angeles
Looked adorable

▶ 'Still got my head spinning': Ciara cannot contain her excitement as Russell Wilson 'shuts down' Seattle Art Museum for a romantic date night

▶ Leaving on a jet plane! Christina Aguilera is all smiles as she arrives at LAX hand-in-hand with fiancé Matthew Rutler
Christina rocked a black baseball cap

▶ The Prince George effect strikes again! Sales of shorts for schoolboys rocket in UK as parents are inspired by young royal ahead of new school year

▶ Storybook life! Channing Tatum's daughter Everly dresses like a princess in pink gown as they go to a bookstore in LA
Daddy's girl

▶ King of the swingers! Beaming Orlando Bloom takes a gleeful selfie as he enjoys a ride during carnival trip with blonde companion
Showing his fun side

▶ 'It was a wake-up call': Emotional Kylie Jenner reveals she grew closer to dad Caitlyn after best friend Jordyn Woods



lost her own father
Took dad for granted

▶ **'Afterparty on the mound': Lady Gaga looks glamorous on baseball diamond after historic performance at Fenway Park in Boston**
Took to Instagram

▶ **Pregnancy style! Jessica Alba shows off baby bump in white tank top as she stays cool in LA heat with gray fedora and shades**
As fashionable as ever

▶ **Out and a-pout! Comedian Janeane Garofalo, 52, shows fuller lips in NYC...after admitting she gets Botox 'twice a year'**
Self-declared Botox fan

▶ **Double oh heaven! Silver fox Pierce Brosnan looks tanned and lean in unbuttoned shirt during Malibu outing**
He's still got it!

▶ **One Elle of a bargain! Make-up free star Fanning sports geek chic glasses as she hunts through the sale racks on shopping spree in New York**

▶ **'I'll be there cheering you on!' Prince Harry issues a rallying call to Invictus athletes ahead of this month's games in girlfriend Meghan's current base Toronto**

▶ **'Living like I'm 49 forever': Real Housewife Tamra Judge celebrates turning 50 in a bikini...after revealing skin cancer diagnosis**
Showed off bikini body

▶ **Natural beauty Catherine Zeta-Jones, 47, shows off her youthful complexion as she goes makeup-free for latest selfie**
In bed for the shot

▶ **Susan Sarandon, 70, steals the show in a plunging black dress as she poses with her sons at The Leisure Seeker premiere during Venice Film Festival**

▶ **The Braid-y Bunch: Leggy Alessandra Ambrosio goes makeup-free as she swaps her glossy blow dry for blonde plaits for fair**



outing with her children

▶ **The Beautiful People:**
Kendall Jenner keeps a low profile while Blake Griffin stands out in Marilyn Manson tee... as the pair step out for yet another date night

▶ **'Hungover': Victoria's Secret models Jasmine Tookes and Josephine Skriver go makeup-free they touch down in LA following wild weekend at Burning Man festival**

▶ **Who needs clothes!**
Shanina Shaik goes TOPLESS with shirtless fiance DJ Ruckus as they enjoy Burning Man festival
In the Nevada desert

▶ **What did you do to your gorgeous hair?**
Zayn Malik shaves his head completely BALD in a new Instagram snap posted by his mom
Shocked fans

▶ **Kaia Gerber looks just like mom Cindy Crawford, 51, as the budding model celebrates her 16th birthday in West Hollywood**

▶ **Tamara Ecclestone gazes adoringly at daughter Sofia, three, as she and newly-single sister Petra put on leggy displays as they arrive at LAX airport**

▶ **'It's going to be the party of the year': Alicia Vikander, 28, 'set to marry hunky beau Michael Fassbender, 40, in secret Ibiza ceremony next month'**

▶ **Crack a smile, Piers! Morgan sports agonized facial expression as he clutches the side of his torso after breaking three ribs during nasty fall**

▶ **'I've had enough, Mom!' Queen Elizabeth's great-granddaughter Mia Tindall throws big tantrum after THREE DAYS of watching Zara at horse event**

▶ **PICTURE EXCLUSIVE:**
Bikini-clad Corinne Olympios kisses mystery man at Vegas party... after apologizing



to Bachelor In Paradise
co-star DeMario

▶ Daddy's home! Chris Hemsworth celebrates Australian Father's Day with wife Elsa Pataky, daughter India, five, and twins Tristan and Sasha, three

▶ Inside the final stop on Prince Harry and Meghan's romantic African getaway: A Zambia hideaway where guests can dine at a floating restaurant

▶ 'Team reunion': Wild Thing Charlie Sheen poses with Major League co-stars Corbin Bernsen and Tom Berenger for 28 year anniversary

▶ In the city of romance! Jennifer Lawrence gives rare peek of toned tummy as she enjoys boat ride with boyfriend Darren Aronofsky in Venice

▶ Is this the most lavish wedding of 2017? Stars join heir to \$2.6bn fashion empire Boohoo for THREE DAY extravaganza at villa loved by George Clooney

▶ 'Babes unite': Bald Kate Hudson wears trendy fedora and statement shirt as she takes mom Goldie Hawn and beau Danny Fujikawa to dinner

▶ Breakfast club! Olivia Munn wears wild short dress while meeting up with Trevor Noah and Cory Booker in NYC
The 37-year-old caught up with famous friends

▶ Back to reality! Chrissy Teigen flashes bra in sheer top as she and John Legend return home from European vacation... after revealing alcohol battle

▶ Ice, ice baby! January Jones beats the heat with an icy treat as she takes five-year-old son Xander to a fair
Summery chic during the Labor Day weekend

▶ A bikini type of day! Stunning Sofia Richie shows off her curves in a two-piece as she soaks up the sun in



Malibu

Looked stunning

▶ **Pictured: Law And Order: SVU's Stephanie March shares photo from wedding to Dan Benton... two years after split from chef Bobby Flay**

▶ **Bumping along! Pregnant April Love Geary, 22, dresses baby belly in skimpy dress as she enjoys hot day out with Robin Thicke, 40, and his son**

▶ **'He won her a unicorn': Kourtney Kardashian shares sweet Instagram snaps of Mason, 7, and Penelope, 5, playing carnival games at the fair**

▶ **Magazine claims Margot Robbie, 27, 'plans to freeze her eggs as she puts dreams of motherhood on hold to further her career'**
Peak of her acting career

▶ **Romantic getaway! Lea Michele wears white as she jets out of Los Angeles with new beau Zandy Reich**
Declared her love for him online last week

▶ **'What year is it?' Twin Peaks: The Return ends 18-episode revival with Agent Cooper finding Laura Palmer**
Brought the serial drama full circle

▶ **Sheer delight! Rachel McCord wears no bra beneath tight white tank top at Malibu Chili Cook-Off**
She showed off her amazing legs

▶ **How Amal's makeup artist made her a walking advert: She reveals every lotion and potion used to preen Mrs Clooney**
Glammed up

▶ **Good genes: Liz Hurley's lad Damian attends black-tie ball with Susannah Constantine's daughter Esme**
Blossoming friendship

▶ **'Rest in peace': Actress Magda Szubanski shares her heartbreak as she reveals her painter**



mother Margaret, 92,
has died

▶ Still on good terms!
Hilary Duff wears low-cut shirt as she reunites with personal trainer ex Jason Walsh for a workout in LA
They split last November

▶ 'Obviously I'm super excited, words can't describe!': Venus Williams reacts to sister Serena welcoming baby girl with fiance Alexis Ohanian

▶ 'We love our morning walks': Caitlyn Jenner shares snap wearing bra top with leggings and holding new puppy
Added a sun shade and a pair of sunglasses

▶ Doing their part: Jeremy Meeks and Chloe Green pack on the PDA while purchasing items in Target to give to Hurricane Harvey victims

▶ 'She's seriously considering it': Adele 'in talks for first Hollywood movie role in new film adaptation of iconic musical Oliver!'
New direction?

▶ George Clooney and his radiant wife Amal look every inch the doting parents as they enjoy a relaxed day in Venice with their newborn twins

▶ Back in their lingerie! Romee Strijd and Jasmine Tookes flash toned tummies as they share behind-the-scenes images from Victoria's Secret shoot

▶ Ms Money Bag! Elle Fanning goes make up-free for a casual stroll around Manhattan while carrying a \$2,200 designer clutch
Covered up

▶ Blonde beach bunny! Charlotte McKinney shows sideboob as she wears sparkly tank top during girls' night out in Malibu
Blonde bombshell

▶ She's on fire! Kelly Osbourne shows off new orange-flame hair as she steps out in Malibu



She looked in fine spirits on Saturday

▶ **Missing Costa Rica!**
Kim Kardashian shares bikini photo from eight months ago when she was on vacation with Khloe and Kylie
Shared a flashback pic

▶ **Judi Dench, 82, looks the picture of elegance in cream dress and embroidered jacket as she joins co-star Ali Fazal at Victoria & Abdul screening**

▶ **'Very disappointing, not cool!': Taylor Swift is booed by fans as they wait in rain to see her in bridesmaid's outfit after best friend's wedding**
Usually adored

▶ **Lindsay Lohan flaunts her slender legs and slim physique in a red slogan swimsuit as she soaks up the sun during her Mykonos getaway**
Looked happy

▶ **'This didn't come from me': John Legend denies seeking 'out of shape' extras for music video featuring Trump supporters**
New music video

▶ **'More beautiful and bada** every year!': Eddie Cibrian gushes over wife LeAnn Rimes with Instagram tribute on her 35th birthday**
Very happy message

▶ **Staying fit while pregnant! Jessica Alba shows off baby bump after gym session... as she confesses she's 'satisfied' with Honest success**

▶ **Jeff Goldblum, 64, and his wife Emilie Livingston, 34, on the red carpet at Kidnap premiere during 43rd Deauville American Film Festival in France**

▶ **Sleepy looking Selena Gomez checks out potential pets on casual outing with boyfriend of nine months The Weeknd... after THAT Instagram hack**

▶ **Mel B's rumored Beverly Hills cop lover appears tense as he leaves his home with his wife of less than year**



Both were still wearing their wedding rings

▶ **Miley Cyrus wears casual ensemble and goes make-up free to dinner with Liam Hemsworth and his parents....after rumors the pair have wed**

▶ **Steely Dan co-founder Walter Becker dies at home aged 67**
With Donald Fagen, he was genius behind legendary band's classic hits

▶ **Bright idea! Katie Holmes wears hippie chic yellow peasant blouse as she grabs lunch for two at gourmet deli in Los Angeles**
Was in good spirits

▶ **Well, if you got it! Khloe Kardashian pulls down her pants to reveal toned tummy as she takes Snapchat clips in her bathroom**
One of several snaps

▶ **'I don't enjoy being single': Angelina Jolie makes heartbreaking admission there is 'nothing nice' about split from Brad Pitt adding 'it's just hard'**

▶ **Game of knows! Ex Spice Girl Geri Horner hilariously attempts to deliver infamous GoT line as show star Kit Harington can't contain his laughter**

▶ **'Guacamole and rosé!': Tori Spelling, 44, looks thrilled as she takes her five kids to \$10k a night hotel in Mexico... amid persistent financial woes**

▶ **George Michael's beloved Golden Labrador Abby still pines for her master at the late popstar's shrine in north London**
Heartbreaking

▶ **The baby is here! Days Of Our Lives' star Nadia Bjorlin shares photo of second son with husband Grant Turnbull**
Posted a series of Instagram photos

▶ **Hitman's Bodyguard with Ryan Reynolds and Samuel L Jackson leads worst Labor Day box office weekend since**



the 1990s with only \$10m

▶ Did she get married too? Hailey Baldwin flashes diamond band on ring finger during coffee run on morning after sister Alaia's wedding

▶ PICTURE EXCLUSIVE: Kate Moss cuts a fashionable figure in black dress as enjoys a cigarette outside Ibiza tattoo parlour alongside daughter Lila Grace

▶ Pamela Anderson, 50, cuts a ladylike figure in a pretty floral print dress as she touches down in style in Amsterdam Ahead of the Comic Con event

▶ Soccer stud David Beckham dons hard hat to tour luxury condo development in NYC.. fueling speculation he is searching for base close to son Brooklyn

▶ That can't feel too good! Paris Hilton TAPES her breasts for racy outfit as she parties at Burning Man festival in Nevada Dressed the part

▶ A family affair! Angelina Jolie brings all six of her children with her to the First They Killed My Father premiere at the Telluride Film Festival

▶ Natalie Imbruglia cuts a stylish figure in leg-flaunting denim shirt dress as she walks hand-in-hand with new beau Matt Fields around London

▶ Fun in France! Jeff Goldblum, 64, poses with his wife, 34, and two kids while being honored during 43rd Deauville American Film Festival

▶ Sports chic Kate Hudson covers her buzzcut in a baseball cap as she enjoys a healthy juice after gruelling gym workout Hectic schedule

▶ Shaking off her Reputation: Taylor Swift lets best friend Abigail Anderson take centre stage as she acts as

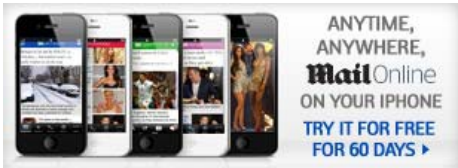


bridesmaid at Martha's
Vineyard wedding

▶ Wild child! Paris
Jackson shows off new
spiritual tattoo in
topless photo...and
breasts are covered up
by strategically placed
flower emojis

▶ George Clooney
photobombs Matt
Damon during night out
in Italy... as he's
presented with
champagne engraved
with his twins' names

▶ Age-defying Helen
Mirren, 72, stuns in
florals while eternal Judi
Dench, 82, wows in a
chic cream-colored
ensemble at 74th Venice
Film Festival



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DON'T MISS

▶ Game of Vrooms: Kit
Harington and Thrones



co-star Liam
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▶ [Glamorous Lily Collins commands attention in a striped mini dress and sultry thigh-high suede boots as she enjoys dinner in West Hollywood](#)

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She is well known for her bombshell curves

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The New Girl, 37, star has given birth to a son with husband Jesse

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The 28-year-old dressed as geeky reporter

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CNN LIVE EVENT/SPECIAL

**Town Hall Meeting with House Speaker Paul Ryan. Aired 9=10p
ET**

Aired January 12, 2017 - 21:00 ET

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JAKE TAPPER, CNN HOST: Good evening. We are live at the George Washington University in the nation's capital for a CNN Town Hall event with the Speaker of the House of Representatives Paul Ryan, Republican of Wisconsin.

I'm Jake Tapper. I want to welcome our viewers in the United States and around the world. We're being seen right now on CNN, CNN en Espanol, and CNN International. Also, welcome to those listening on the Westwood One Radio Network and on CNN channel 116 on Sirius XM. And, as if that weren't enough, hello to our servicemen and servicewomen who are watching right now on the American Forces Network. Thank you for your service, by the way, and thanks for joining us.

It is eight days until Donald Trump takes the oath of office to become the next president of the United States. The republicans control congress and, soon, the White House. But, Speaker Ryan has not always seen eye-to-

eye with the President-Elect. He has been emphasizing his "Better Way" agenda for the path ahead. It covers key issues that directly impact the lives of all Americans: jobs, the economy, national security, tax reform and, of course, repealing President Obama's healthcare law.

Now, we have invited folks from all over the country to pose their questions to Speaker Ryan. We have reviewed questions to make sure that we cover a variety of important issues and a variety of perspectives. But, there was not one subject that was off limits.

Please join me now in welcoming the Speaker of the House, Paul Ryan.

(APPLAUSE)

REP. PAUL RYAN, R-WI, SPEAKER OF THE HOUSE: Hi everybody. How are you doing?

TAPPER: Thank you, sir. Good to see you.

RYAN: Appreciate it. Thank you.

TAPPER: Have a seat.

Thanks so much for being here. So, the number one issue right now on Capitol Hill is the repeal of Obamacare. The Senate passed the first measure to begin the process. The House is going to do that tomorrow. We have lots of questions on Obamacare and lot of other issues. I want to start with one philosophical question about healthcare. During the campaign, Donald Trump was asked about healthcare on "60

Minutes". He said "This is an un-republican thing for me to say, but everybody has to be covered." Now, when he was asked "Who is going to pay for it?", he said "The government's going to pay for it." Do you share that philosophy at all, that the government should guarantee healthcare -- health insurance for every American?

RYAN: Well, I don't see it as the government having to pay for it. I think we all have to contribute and be a par

of it. I clearly think there's a role for the government in healthcare, no doubt about it. Let me say this: I believe that we can and should have a system in this country where everybody can have access to affordable healthcare including people with pre-existing conditions, no matter how much money they make.

That's not what this law is doing. This law is failing on that front and I think there is much, much better system that could be put in its place. I don't know how long you want me to get into this, because I'm sure there's some questions; but, Obamacare came in with all this fanfare and all this promise. Remember, "If you like your plan you can keep it"? That was proven the lie of the year at the time. Remember, it was going to lower premiums \$2500? They have skyrocketed since then. Remember, you were going to have all these choices? Five states, you only have one choice. Thirty-one percent of all the counties in America? One choice. That's not a choice, that's a monopoly.

And the problem is, the premiums are going so high, the deductibles are getting even higher -- the law is collapsing. And, so, we've got to rescue people from the collapsing of this law and fix this problem. And, so, that's what I'd love to engage in. And I know you've got questions, so I don't want to --

TAPPER: Yeah. No, (inaudible) --

RYAN: -- but, I think -- I think there's a lot we can do to --

TAPPER: You just --

RYAN: -- to improve this problem.

TAPPER: You just mentioned pre-existing conditions. Let me introduce you -- and please get up, because I know you want to engage. Jeff Jeans (ph) is from Sedona, Arizona. He was a life-long republican, and then something happened. Jeff?

RYAN: Come back.

(LAUGHTER)

QUESTION: I was a republican and I worked for the Reagan and Bush campaigns. Just like you, I was opposed to the Affordable Care Act. When it was passed, I told my wife we would close our business before I complied with this law. Then, at 49, I was given six weeks to live with a very curable type of cancer. We offered three times the cost of my treatments, which was rejected. They required an insurance card. Thanks to the Affordable Care Act, I'm standing here today alive.

Being both a small business person and someone with pre-existing conditions, I rely on the Affordable Care Act to be able to purchase my own insurance. Why would you repeal the Affordable Care Act without a replacement?

RYAN: Oh, we -- we wouldn't do that. We want to replace with something better. First of all, I'm glad you're standing here. I mean, really -- seriously.

(APPLAUSE)

QUESTION: Can -- can I --

RYAN: No, really.

QUESTION: Can I say one thing? I hate to interrupt you.

RYAN: Yeah, yeah, yeah.

QUESTION: Can I say one thing? I want to thank President Obama from the bottom of my heart, because I would be dead if it weren't for him.

(APPLAUSE)

RYAN: You mention you come from Arizona?

QUESTION: Sedona.

RYAN: Sedona; sure. Our old city manager, (inaudible) James was the city manager down in Sedona now.

QUESTION: My family is originally from Janesville.

RYAN: Really?

QUESTION: Yes.

RYAN: What's your last name again?

QUESTIONS: Jeans, like blue jeans. Craft (ph) was my grandfather's.

RYAN: Oh, okay, yeah.

QUESTION: He's buried there, actually.

RYAN: So, okay, we digress here.

(LAUGHTER)

So, Arizona -- this year, the premium increases for people on Obamacare, 116 percent; Oklahoma, 69 percent; Tennessee, 63 percent; Minnesota, 59 percent. The problem is, these increases were double-digit last year. They are really high this year. This thing is collapsing. So, do we want to make sure that a person with -- like yourself, with a pre-existing condition gets affordable care? Of course. Of course.

There is a better way to fix that problem without giving everybody else all these massive premium increases.

Deductibles are so high it doesn't even feel like you've got insurance anymore. So we -- obviously, I would encourage you to go to our website and take a look at our plan, but let me just give you a few ideas:

We believe that state high-risk pools are a smart way of guaranteeing coverage for people with pre-existing conditions. We had a really good one in Wisconsin. Utah had a great one. I was talking with a Congresswoman from -- from Washington today who was telling me how good their state high-risk pool is. What I mean when I say this is, about eight percent of all the people under 65 have that kind of pre-existing condition. My mother-in-law -- cancer -- she had melanoma in her 20s, breast cancer in her 50s, ovarian cancer in her 60s. People just have these things. And we don't want people to go poor or go bankrupt because this thing happens to them.

So we, obviously, want to have a system where they can get affordable coverage without going bankrupt because they get sick. But, we can do that without destroying the rest of the healthcare system for everybody else. That's the point I'm trying to make. What we should have done was fix what was broken in healthcare without breaking what was working in healthcare, and that's what, unfortunately, Obamacare did.

So, by financing state high-risk pools to guarantee people get affordable coverage when they have a pre-existing condition, like yourself, what you're doing is, you're dramatically lowering the price of insurance for everybody else. So, if we say let's just, as taxpayers -- and I agree with this -- finance the coverage for those eight percent of Americans under 65 in a condition like yours -- they don't have to be covered or paid for by their small business or their insurer who is buying the rates for the rest of the people in their insured pool, and you'd dramatically lower the price for the other 92 percent of Americans.

Let's just directly fix that so that everybody else can get more competitive rates and they don't have to pay for insurance to try to cover for those kinds of really expensive people. The problem with Obamacare -- the actuarial is called a death spiral. It's a really kind of ugly, gruesome term, but a death spiral is a mathematical term. They say when the insurance gets so expensive, healthy people won't buy it because they -- it's just a trade-off. The penalty to not buy is a lot cheaper than buying the insurance, so healthy people won't buy it; therefore, they won't go and participate in the insurance pool to cover the losses that sicker people, who have to have insurance, buy it.

That's what's happening to Obamacare now. So, you have unhealthy people more buying it, healthy people not buying it, and that is why the rates are going up so much. That's why all the insurers are pulling out. The biggest health insurance company in the country last year, United, pulled out of Obamacare. Aetna pulled out of Obamacare. Humana pulled out of Obamacare. As I mentioned, five states now are down to one insurer. Over a thousand counties in America are down to one insurer and they're all getting double-digit premium increases because they have a monopoly.

So, clearly, that's not working. And we see the worst is yet to come. The insurers are telling us they are going to pull out of whole states now. So we've got to step in in front of this problem, because, as republicans, we could just say -- I think the President-Elect said this yesterday -- "We could just sit back and watch it all happen and say 'Oh, look at what the democrats did.'" That would be irresponsible for us to do that.

So, we have to step in and rescue people from the collapse of this law. There are good objectives that were -- that they sought to achieve in this law. We agree with that. We think young people should be able to stay on their parents' plan until they are 26. We think there needs to be a solution, which we have, for people with pre-existing conditions. But we want more choices, lower prices, more competition, no monopolies. That's what we want to replace it with, and that's what we're working on right now.

TAPPER: So -- I'm sorry to interrupt. So, there are other questions about Obamacare and I want to let you get to them, but -- but, just to put a point on this, one of the things that Jeff was asking about is, you've begun the process of repealing Obamacare. Is the process of replacing it going to coincide with it?

RYAN: Yes.

TAPPER: Yes, it's going to coincide?

RYAN: Yes. Yes. So, without getting into all of the legislative mumbo jumbo, we want to do this at the same time and in some cases in the same bill.

TAPPER: OK.

RYAN: So, we want to advance repealing this law with its replacement at the same time along the lines of what - what I just described because I said, people just aren't buying insurance. Or if you get it, your deductible is so high, you're out-of-pockets are - they're so unaffordable, people aren't going to doctors.

So, we've got to fix that problem and the point I keep making in America, we spend more money than anybody else on healthcare. Surely, we can have a system that works for all of us.

TAPPER: Thank you, Jeff and I know you speak for a lot of people, so thanks for being here tonight.

SPEAKER: (inaudible) In Gainesville, maybe not in January. It's pretty cold.

TAPPER: Now, I want to introduce to you to Dawn Jones. She's an administrative officer with the U.S Navy, she's from Huntingtown, Maryland.

JONES: Thank you. As much as I'm for affordable child care -- or healthcare, I don't think Obamacare is hitting the mark. For example, college age children who are healthy are required to obtain child -- or healthcare, excuse me -

RYAN: Right.

JONES: But, they don't have the money to pay for it. So, what can Congress do to help them get affordable healthcare or opt out of it for those who cannot afford it?

RYAN: Yea, so, what's happening more and more these days because Obamacare's become so expensive, are the younger, healthier people just aren't buying it and they're just going without insurance.

Because, the -- the part of the law that's also counterproductive in this way is, you -- you can wait until you get sick, then get the insurance without a penalty and that's why they had this whole convoluted government run system that's basically collapsing. What we believe is the right way to go, which is what our plan is, are

refundable tax credits for people to be able to buy affordable coverage.

And so, by giving a person a refundable tax credit, a young person, maybe a person in college who maybe didn't stay on their parents' plan or somebody just getting started in work that doesn't have much of a tax liability. When I say refundable, that means you get the tax credit regardless of whether you have an income tax liability or not. Regardless of how much money you make.

Today, the big tax subsidy in law is you get to -- it's excluded from your income. So, what we're saying is the person in the highest tax bracket, the highest income earners get the biggest tax break for healthcare. But, that's not who are struggling to pay for healthcare.

We want to make sure that -- we want to instead have tax credits so that everybody can have a shot at buying. Take their tax credit and go buy a healthcare plan of their choosing and that's the other thing. We don't want to make people buy something that they don't want to buy. We don't want to force them to buy all these different benefits.

We want people to be able to get the coverage they want, the choices that they want, the options that they want and more importantly, we want competition. We don't want one insurer in one state. We want a lot of insurers competing against each other for our business as consumers. And this is the real big problem with Obamacare.

They basically decided that they'd have the government run it and now it's just a monopoly that is crashing. So, what we want to do, is make sure that anybody, a young person, old person, and in between gets a tax credit to go buy a plan of their choosing among a lot of choices that are competing against each other for their business.

More competition means better quality and lower prices. We also think health savings accounts are a real key critical piece of this. Let people save tax free for healthcare or let employers or parents, or whoever, put money in a person's health savings account to help them with their out-of-pocket costs or their premiums.

TAPPER: So, do you have a date for when you are going to repeal it or replace or, it's just going to happen this year?

RYAN: It's -- it's, yea, I don't have a date. But, that's something we're working on right now and it's going to take us a little bit of time but, we're working on this as fast as possible.

Again, because we see this law collapsing even faster this year, because we see more insurance companies pulling out, people with little or no choices and another round of double digit premium increases, we really feel we need to step in and provide better choices and better options as fast as possible. So, we're going to move on this as quickly as we can.

TAPPER: First 100 days?

RYAN: Yea, oh yea, it's something - definitely is a plan within the first 100 days to get moving on this legislation.

TAPPER: I want to introduce you to -- to Sherry Rigs from Fort Pierce, Florida. Who didn't vote on election day because she was recovering from a heart attack. And, we're glad you're here, too.

RIGS: Thank you.

TAPPER: One point that I just want to make is that obviously, and this fits in with what you were saying about refundable tax credits, but also, what you're about to be asked which is, the White House says there are 8 million Americans who now have health insurance because of the Medicaid expansion.

Medicaid was expanded in Obamacare and in states that accepted that money. So, are there a lot of people who are lower income who wonder what's going to happen to them? Whether they are on Medicaid or not. Please?

RYAN: Where are you from again?

RIGS: Good evening, Fort Pierce, Florida.

MALE: Florida.

RIGS: Well, you want to give tax credits instead of insuring people? Now, what if a person is --

RYAN: Can I get you right there for a minute? It's tax credits to buy insurance.

RIGS: OK. Well, what if a person makes so little that they don't have to pay taxes? Will they still have access to the Federal --

RYAN: Yeah, that's what I'm trying to say here in this last question. So, a tax credit, the way we described it when we say refundable, that means you get it no matter whether you pay taxes or not. So, it's like a voucher basically, to go buy health insurance. And, for -- for Medicaid some states do a pretty good job for Medicaid and some states don't do as well. The problem that we're seeing in Medicaid is more and more doctors

just won't take Medicaid. Because, they -- they lose money on Medicaid. It's - it's so over regulated and so bureaucratic that physicians just won't take Medicaid patients.

And, so our concern is, that people on Medicaid can't get a doctor and if you can't get a doctor, what good is your coverage? So, we really think there are a lot of good Medicaid reforms at the state level. There's some states that have done some pretty impressive things.

Indianan is one state, Wisconsin, we've done some pretty good reforms to make sure that people of low income get good coverage, but, also get access to care. Actually, get doctors that will take that care.

We want to see more of those state based solutions, so that we can make sure that coverage actually works. You're right on the numbers. About 10 million people got it on Medicaid. There are about another, I think, 11.5 million that got healthcare on Obamacare.

Obamacare at this time was supposed to have 23 million people. So, it's 11 million instead of 23 million. It's far missed its mark, but the problem is more and more people just are -- are getting a plan that they can't use

because their deductible is so high or we have a Medicaid problem. So, we want to reform Medicaid as well, to make sure that states can innovate it, so, that it works for their citizens and so they can actually -- actually get care.

TAPPER: Thank you so much.

RIGS: Thank you, thank you.

TAPPER: I want to -- well part of your plan for repealing Obamacare is also to defund Planned Parenthood. I want to bring in Shannon Vow (sic), who is a physical therapy graduate student here at G.W. (sic) and wants to ask you about --

RYAN: Where are you from Shannon?

VOW: It's complicated. I moved here for graduate school, but, I'm from Northern California.

RYAN: OK.

VOW: So, among a lot of other things that we have heard in the news, Planned Parenthood also provides cervical cancer screenings, annual examinations as well as other critical healthcare services.

And, I will continue and I have used these services for the next four years. And, I can tell you personally that Planned Parenthood provided help when I couldn't go to anybody else. So, my question for you, Speaker Ryan, is, if Planned Parenthood is defunded, then, where will millions of women, low income groups and (inaudible) -

RYAN: It's -- it's a good question. First of all, I want to make sure you get the care you need. We want to make sure that all women get the kind of care that they need. Like preventative screenings and services like you're talking about. We believe that this can be better be done by putting that money in federal community health centers.

Federal community health centers, I have a lot of experience with them myself. They're -- they're all throughout Wisconsin. They're - they're virtually in every community. By putting these dollars in the federal community health centers, which provide the same kinds of services for every Planned Parenthood, there is -- there are 20 federal community health centers. They're vastly bigger in network, there are so many more of them, and they provide these kinds of services without all of the controversy surrounding this issue.

TAPPER: Can I just ask you, you -- you believe in providing more choice for people when it comes to health insurance, except for Planned Parenthood?

RYAN: Well, there is a long-standing principle that we've all believed in. And, by the way this is for pro-choice pro-life people that we don't want to commit taxpayer funding for abortion. And, Planned Parenthood is the largest abortion provider.

So, we don't want to effectively commit taxpayer money to an organization providing abortions. But, we want to make sure that people get their coverage. That's why there's no conflict by making sure that these dollars go to federal community health centers, which provide these services and have a vast larger network than these Planned Parenthood clinics, which - which are surrounded by a lot of controversy.

And, we don't want to commit people's taxpayer dollars to effectively funding something that they believe is morally unconscionable. Not everybody believes that and I understand that. But, that's a long-standing principle that we've had in this country that we want to maintain.

TAPPER: Of course, taxpayers don't fund abortions, right now, right? Because of the Hyde amendment.

RYAN: Because of the Hyde amendment, right. But, they get a lot of money and -- and you know, money is fungible and it effectively floats these organizations which then use other money. You know, money is fungible

TAPPER: A lot of --

RYAN: You don't have this controversy by funding health centers.

TAPPER: A lot of people on social media wanted me -- want me to ask you about Medicare and your plans for Medicare. Donald Trump during the campaign said about you, you want to knock Medicare way down.

(LAUGHTER)

That Mr. Trump said -

RYAN: I wouldn't call it the most articulate description of my plan. TAPPER: No, no, I'm going to let you respond.

(LAUGHTER)

He said, I'm not going to cut it and I'm not going to raise ages and I'm not going to do all the things that they, meaning you, want to do.

(LAUGHTER)

And, you say that Medicare needs to be changed --

RYAN: It does --

TAPPER: Or -- or, it won't survive. What are you going to say to President-Elect Trump to change his mind?

RYAN: We've - we've had a couple of conversations about it. Look, we don't all agree on everything. It's - I think people kind of know that. Here is the issue with Medicare; more than half of the money going to Medicare right now is the money we borrow. Medicare goes bankrupt in the next decade. Medicare along with Social Security, the two most important programs the Federal Government has in my opinion. I mean, when - when - after my dad died, my grandma moved in with my mom and myself, living on Medicare and Social

Security, battling all (simmers). I watched that program do amazing things for my own family.

So we know that we want to make sure that this program is successful. But if we want this program to succeed, we have to save it from the insolvency, the bankruptcy that's coming. And so the kinds of reforms that we have been pushing and talking about are reforms designed to save the program and give people more choices and they don't affect anyone in or near retirement. And here is the thing, if we can improve Medicare for the next generation, for the (tapper Ryan) generation on down, we don't have to change the benefits for anybody in or near retirement and we can continue to afford the cash flow, that promise has been made to them but there is no way on the current path we are on, Medicare will be for our generation when we retire.

So we better get prepared to fix this problem while it's so containable and solvable without affecting the benefit or the choices of plans of people currently on Medicare like my mom and that's something that we have to just own up to in this country. It's - it's the biggest part of the debt crisis in the future, and it is something that we have to deal with. And the point is, I think these reforms are better. I like the idea of saying to a future senior, if you like the traditional Medicare plan, you can keep that but if you want to choose from a list of competing health plans that are comprehensive competing for your benefit, that are guaranteed benefits like federal employees have, you should be able to choose that, too.

TAPPER: If you like your plan, you can keep your plan?

RYAN: Yes, and well - and that's what premium support is.

TAPPER: Alright, got you. RYAN: Well, that active choice in competition, it's been proven to - you know, you're going to hear this (theme), it's proven to drive down cost because it makes those insurers compete against each other for our business.

TAPPER: We're going to take a very quick break. Coming up next, Russia's hacking of the U.S. election, what will congress do about it; that and much more ahead. With Speaker Paul Ryan, we are Live from the George Washington University. Stay with us.

(COMMERCIAL BREAK)

TAPPER: We are back live from the George Washington University, home of the colonials along with Speaker of the House, Paul Ryan. Now members of Congress earlier today were briefed by top intelligence officials about the hacking activities by Russia into the election. There are a lot of concerns among the American people about the Russians. I want to turn to Ray Daffner, he is an independent voter from Virginia. Ray?

RAY DAFFNER, VIRGINIA RESIDENT: Mr. Speaker, my grandfather came from Russia to The United State and his family had a prosperous business and they left not because they wanted to but because they were forced to by anti-Jewish (pilgrims) that threatened not just our livelihood but their life. Putin's Russia continues to treat their citizens in an undemocratic way and worse, they imprison and they assassinate their critics, they assault their neighbours like Ukraine, they support our enemies, and they undermine our allies; and of course, most recently, they've interfered in our election through hacking and possibly have attempted to blackmail our highest officials.

So my question Mr. Speaker is what will you and what will Congress do to help ensure the safety of our democracy and specifically, what will Congress do to penalize Putin and his government for their actions?

RYAN: So I agree with your basic assessment of Russia. I think Russia is a global menace led by a man who is menacing. Vladimir Putin does not share our interests, he frustrates our interests, he violates his neighbours, he does all those things you say on free speech, he is not democratic; I really think a lot of the things that he is doing is to try and delegitimize the other democracies so that his illegitimate democracy doesn't look as illegitimate by comparison.

So I think that there is a lot that he is doing and it's not just here, he is doing this around the world. He is doing this in Europe, he is doing this in capitals around the world. So I do see - I call the Russia hawk, I said they call us these days, I guess. So I do share that concern. I think we have to step up our game on Russia. I think we have to step up our game with respect to confronting Russia when they act like this, when they frustrate our interests. I think clearly and I do - I do believe that they tried to affect our elections by meddling in our elections. If you're going to medal in elections, you are trying to affect it, there is no place for that.

Having said that, I think it had no bearing on the election. I think Donald Trump won it fair and square, clearly and convincingly but the fact that a foreign government tried to medal in another government's elections is wrong. And so I do think sanctions are called for. I think - frankly, the current President put sanctions that I think we're a little late, should have done it earlier. So I do think we had a bad Russia policy in the last administration. I think the reset was too much of an appeasement policy, and I think we're now reaping the bad benefits from that. So I think we need a stronger Russia engagement policy for sure across the board.

TAPPER: So Ray just alluded to it but obviously, as you know, because you were briefed on it, intelligence officials have alerted the President-elect that there are claims by Russians, claims that they have materials that could be compromising and that there are communications between his campaign and the Russian Government claims (inaudible). But let me just ask -here is the question; Donald Trump says this is a political witch hunt and the intelligence agencies are politicizing intelligence.

You are the Speaker of the House, you've been (privy) to some of the most classified briefings. Do you agree - are the intelligence chiefs trying to change -

RYAN: I do not think Donald Trump - what has been elevated is private opposition research done by a political opponent on completely unsubstantiated rumours and that has now been elevated and that I think is wrong. I don't even want to confirm any more legitimacy about this stuff by even talking about it and I think that people have conflicted this to think that it's somehow legitimate, that this is a product of the intelligence committee, it's not. And I do think by including these things and merging them, it has given that misimpression.

TAPPER: So you think -

RYAN: I don't think taking opposition research from a political opponent on total hearsay unsubstantiated rumours and combing it with intelligence information was the right thing to do.

TAPPER: So you take issue with the intelligence chiefs including this, this two-page synopsis that attacked on the end of their -

RYAN: Yes, I won't get into - I'm not going to comment on what documents we get and don't get.

TAPPER: But you take issue with what they did?

RYAN: I take issue with this even being talked about because it's not even worthy of media. I'm blessed CNN didn't publish it but some people did. And I don't think it's completely unsubstantiated. Let me put it this way, the Russians are up to no good, we all know that. And I don't think we should give any more credence to this and we've got to make sure going forward that we do everything we can on cyber, on all of the other things to make sure that they can't do this again; and we've got to help allies, too. We're going to make sure that we help our Europeans with their elections, block this kind of interference from coming, that's what I think we should be focused on. TAPPER: So just to put a button on this, you agree to a degree at least with Donald Trump assessing that this is the politicization of intelligence?

RYAN: I think it has been politicized. I don't - I can't tell you who is for politicizing but it has been politicized and I think that's wrong. I think as Donald himself gets to know the Intelligence Committee, as I know them very well, and when you're second in line, you get the same briefings. I think he is going to learn that there are lot of good men and women in the Intelligence Committee that risk their lives for this country to keep us safe and I think he'll learn to appreciate the service and the value that they have. But I completely understand why he is frustrated that what eight/nine days before his inauguration, this junk gets thrown out there.

TAPPER: So what you were talking about Donald Trump winning, one of the reasons he won, especially in places like the great state of Pennsylvania and Michigan and Wisconsin - the great state of Wisconsin, I suppose.

RYAN: Go packers, (all right).

TAPPER: Is that - what's his position on trade? It really motivated a lot of voters. It's a position you don't share I want to introduce you to Bill Jones, he is a tool and (dye) maker, he runs a medium- sized manufacturing company in Cabot, Pennsylvania. Please.

BILL JONES: Mr. Speaker, I have concern about our trade deals, our unfair trade. We have lost in the past decade, probably hundreds of jobs, our community has lost thousands of jobs; these are good jobs in our community with healthcare and retirement benefits. I actually started supporting Mr. Trump more when he started talking about fixing these trade deals. Our support grew because without trade deals - without fixing them, our country will not have the good paying jobs we need.

Now, my question to you, Mr. Speaker is, how will you as leader of the House help with this new administration fix these trade deals?

RYAN: It's a great question actually, and we've talked about this a lot. The President-elect and his economic team and myself about how do we work together to do just what you said because look, whenever I go to my kids' track meets, it's Monterrey Stadium in Janesville, Wisconsin; and you look down the end zone and you see a shut GM plant. The core of my hometown - and the employer was General Motors and it's now a 4 million square foot (mothball). So we have experienced the same kinds of things you're talking about where we have lost really good family supporting manufacturing jobs. I think there are a number of things we can and should and will do.

Number one, we do need good trade deals but here is the point; getting good trade deals means go out and get other country to play by our rules. You add up all the countries that we have trade agreements with, we have a surplus - a trade surplus with them. You add up all the countries we don't have trade agreements with, we have massive trade deficit with. And so the secret to success is go out and get agreements. That's why I think of all the people who (ceded) the Presidency, who are negotiators, Donald Trump is that. And I believe that he has the tools and the skills to go out and get good agreements, to get other countries to play by our rules so we have a level playing field, that's point number one.

Point number two, and I know you're walking toward me and I don't mean to (jawbone) too much but our tax reform we think is really critical. We hit our businesses so much more than our foreign competitors hit theirs. The industrial world average tax rate on businesses like tool and dye makers, 23%; if you're a (inaudible) corporation, pass-through, top tax rate 44.6% or if you're a corporation, 35%. We are taxing our businesses at

such higher tax rates than the other countries tax theirs. So number one, we're going to get those tax rates down but number two, with all these other countries; almost all our competitors do is they have a tax system where they border adjust their taxes. They - when they make something to sell overseas into America, they take the tax off of it and then it comes into America and it's tax-free.

If we make something, we tax it and send it to those countries and as it goes into their country, they tax it. So let's -- you got an example?

BILL JONES: If i may?

RYAN: Yes, sure.

BILL JONES: When you talk about that, that's just -- to me just baffles me that we cannot fix that.

RYAN: That's what our Tax Reform Bill does.

BILL JONES: We need to level the playing field between us and our largest trading partner China without doing damage but obviously they need us and we do need them.

RYAN: I agree with that.

BILL JONES: But without levelling this playing field we cannot compete -

RYAN: I actually - that's right.

BILL JONES: We just cannot.

RYAN: Let's take Harley Davidson, something we're really proud off in Milwaukee and Wisconsin. We make a hog in Milwaukee, we send it to China, it's taxed in Milwaukee, in America; and then China taxes it as it goes into the country. If - you know, they make a hog in China, it's taxed once and not twice, like ours. If Toyota or

Honda sends a motorcycle from Tokyo into China, they take the tax off of it, it goes and it's taxed once. So we're doing it to ourselves. I know that's a little confusing, the point I'm trying to say is let's level the playing field and do the same thing they do to us that we do to them and by doing that, by saying we take our tax off our exports and place it on our imports, we are levelling the playing field and at the end of the day we're making China pay for our tax reform.

So I think that is one of the smartest things we can do to level the playing field and put American manufacturers, American producers, American products on a level playing field with the rest of the world to help us create more manufacturing jobs.

TAPPER: Thank you so much, Bill. I want to turn to another issue where Mr. Trump got a lot of support, that is an issue where you're not necessarily on the same page, shall we say; and that is Mr. Trump's position on illegal immigration and reducing legal immigration, as well. There are a lot of sceptics among his supporters of you and other Republican establishment types. Marry Ann Mendoza?

RYAN: They didn't used to call me Republican establishment types until about a year ago.

TAPPER: You're the Speaker of the House; you're the Speaker of the House, you did it to yourself.

RYAN: OK, I've been there a year.

TAPPER: You did it to yourself, man. All right, Marry Ann Mendoza is a realtor from Mesa, Arizona and she has a very serious question about this.

MARY ANN MENDOZA: Good evening, Speaker Ryan. My son, Brandon Mendoza was a Sergeant with the Mesa, Arizona Police Department. He was killed on May 12, 2014 by a three-time legal limit drunk, high on meth, repeat illegal criminal who smashed head-on in a violent head-on collision on my son - to my son on his way home from work. We now have Mayors who are creating sanctuary cities and using taxpayer money to protect these illegals. What do Americans have who are permanently affected by illegal crime? We've got politicians protecting them, we have court systems that are allowing them to stay in the country, and I'd really

like to ask those Mayors, which child of yours would you choose to lose in order for illegals to stay here because that's the price I've had to pay? And I want to know how you're going to stand by our new President Trump elect, ending sanctuary cities, securing our borders, building a wall, properly vetting refugees who are coming in to stop the assault on our country, our citizens and our economy? Are you going to stand up for America, Speaker Ryan?

RYAN: First, let me say I'm so sorry for your loss.

MARY ANN MENDOZA: Thank you.

RYAN: You just made me think of a Sheriff Deputy (inaudible) we lost the same way, a multiple illegal immigrant drunk driving, head-on collision, going down the interstate. It's just awful. Donald and I agree completely on that. There is no daylight between us on that. So what I mean that sanctuary cities are a violation of the Rule of Law and they are not to be tolerated, we agree with that a 100 percent. That means if you want Federal assistance, you're not going to get it, you got to enforce the law. And what the President-elect has asked us to do is focus on two things in Congress, with respect to this issue immediately and that's what we're doing. We're getting Congress working on that right now and that is to secure the border, and to enforce our laws with respect to criminal - violent criminals who are illegal aliens. We 100 percent agree with that because we are a nation of laws that need to support our laws. For instance, we're now working on legislation to make sure that the resources are deployed to the border, so that they can get what they need to secure the border. We passed this law - I voted for this - 2006, I think, about ten years ago, to secure our border and it never got done because of this past administration.

We now have a President who is serious about securing the border. He's telling us it's one of the top six things I want to get done this year in Congress. So we said, absolutely. So, what I'm telling you is we support that, agree with that. And now, not only that, we're working on how to execute that in this new Congress.

TAPPER: Thank you, Mary Ann.

RYAN: I'm sorry about your loss.

ANN: I just want to say one other thing. Do you know how many lives have been lost by repeat, deported criminals who are coming over our unsecured border? If we don't have a wall and we deport these criminals, they will keep coming back, killing more of us.

RYAN: That is why the two things that he has asked us to focus on is deporting violent criminals, who are repeat offenders, and securing the border. We agree and that's what we're working on.

TAPPER: Thank you, Mary Ann. And our thoughts and prayers are with you and your family. I want to bring in now Angelica Villalobos. She lives in Oklahoma City. She was brought to the United States illegally from Mexico when she was 11 years old, so clearly through no fault of her own.

ANGELICA VILLALOBOS: Thank you, Speaker Ryan. My name is Angelica Villalobos. I'm undocumented. I've been - like he mentioned, I've been living in the State of Oklahoma. I'm here with one of my daughters, Destiny. I've been in the United States for 21 years. I am protected from deportation because of the DACA program. To be protected, I applied, went through a background check, and I paid almost nearly \$1,000 in fees. It's clear that if DACA gets repealed, my daughter will lose her mother. And - I'm sorry. She will lose her mother and I want you to know that DACA has helped me. What do you - do you think that I should be deported and many families in my situation should?

RYAN: No. No, Angelica. First of all, I can see that you love your daughter and you are a nice person who has a great future ahead of you and I hope your future is here. I'll even repeat the sentiment that our incoming president says. That's the problem he wants to focus on. This is not the focus.

And so, what we have to do is find a way to make sure that you can get right with the law and we've got to do this in a good way, so that the rug doesn't get pulled out from under you and your family gets separated. That's the way we feel and that is exactly what our new incoming president has stated he wants to do.

Look, I got married in Oklahoma City. It's a great community. It's where - my wife is from that area. And I'm sure you're a great contributor to that community and we don't want to see you get separated from your family.

So, we have to figure out how to fix this. But to do that, people need to have confidence that our laws are being followed and that we actually know who is coming and going, that we actually have a secure border.

So, I think what's really important for this issue writ large to get fixed - and Jake mentioned that I have a background in this - we've got to make sure that these laws are being enforced, that we are controlling our border, so violent criminals, repeat offenders don't come in and do these kinds of horrific things. We've got a drug problem, we've got a lot of problems and we want to be able to secure our border. When people get confidence in this country that our border is secured, that our laws are being enforced, then I really believe the country - all people in the country will be in a much better position to fix these thornier, bigger problems. But if you're worried about, you know, some deportation force coming, knocking on your door this year, don't worry about that.

TAPPER: So, let me ask you a question. For those who don't know, DACA is Deferred Action for Childhood Arrival. It's an executive action that President Obama took, granting legal status for individuals like Angelica. If President-Elect Trump wants to undo DACA, you would tell him don't do it?

RYAN: Well, I think we have to come up with a solution for the DACA kids and that's something we, in Congress, and the Trump transition team are working on, is what's a good, humane solution.

There is a constitutional issue here, which is President Obama tried to unilaterally write laws without going through Congress. And as you know, one of the separation of powers, Presidents don't write laws. Congress writes laws. The elected legislative branch of government are the ones who write the laws. And so, this current president, President Obama, on this and many other occasions tried to go around Congress to unilaterally write laws, which is not the power of the president. So, there is an - that is unconstitutional.

And so, the point is, you just organize your life around this. You just told us how important this is to you and your family. So, what we have to do is figure out how to have a humane solution to this very legitimate, sincere problem and respect the rule of law. And that is what we're ...

TAPPER: The government has information about her now. What happens to that information? Will you

introduce legislation to block it from being used to deport her?

RYAN: Everybody thinks that there's some deportation force that's being assembled. That's not happening.

TAPPER: President-Elect Trump actually used the term deportation force. RYAN: That's not happening.

TAPPER: But that's why people think it.

RYAN: I know, I know. And I'm here to tell you, in Congress, it's not happening. And what's happening is - where did she go?

TAPPER: Mary Ann?

RYAN: Mary. What's happening is that's what he's asked us to focus on, that's where we're focusing on. Secure the border and the people who are violent criminals, repeat offenders who keep coming back in, we've got to focus on that. That's what we're focusing on.

TAPPER: We have to pay a couple of bills. Take his seat. Coming up ahead, draining the swamp. Is Congress i step with the incoming president. We'll have more with House Speaker, Paul Ryan. Live from the George Washington University. Stay with us.

(COMMERCIAL BREAK)

TAPPER: We are back live. Our guest this evening, Speaker of the House, Mr. Paul Ryan. I want to bring in Gail Wilson. She grew up in Texas. She works in international development. She is a Republican.

GAIL WILSON: Since you've been elected to Congress, you've picked up a (inaudible) as an expert on the budget. As the Trump administration and their agenda, increasing the funding with infrastructure, building a wall along our southern border and increasing the capacity of our military, all while simultaneously cutting taxes. Do you believe that the agenda is fiscally solvent?

RYAN: Yes. The tax reform we plan to be what we call revenue neutral, meaning to pay for itself. So, for taxes it's close loopholes and special interest carve-outs, which broadens the tax base, meaning more money so we can lower the tax rates so we're more competitive. The gentleman who is a tool and die maker, that one provision I was telling him raising a trillion dollars in revenue to help us lower our tax rates. So, for instance, the tax reform we see is revenue neutral. On the other mention - - things you mentioned do cost money. We have to pay for those things and that's what our spring budget is going to do. So, for instance, there's a big infrastructure problem in this country. Whether it's canals, whether it's roads or bridges or rail or airports, that's

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), in our budget, come up with other spending offsets to pay for those kinds of things, and that's why we want to prioritize spending to do that.

TAPPER: Thank you so much.

Gail Wilson: (Inaudible) Because, you know, it's harder here in D.C. And like - - I mean, it's hard. I mean, sometimes we make decisions, you don't think about the youth.

TAPPER: CNN is reporting tonight that the Trump - -

RYAN: That's why we need growth and jobs.

Gail Wilson: Yes.

RYAN: That's why we need economic growth.

TAPPER: CNN is reporting tonight that Trump transition officials want your tax reform proposal that the Congress is now working on to include a measure, championed by Ivanka Trump, that would include a child care tax credit and six weeks of maternity leave. You have voted against paid parental leave in the past. Will you support the Ivanka effort getting into the tax reform bill?

RYAN: That's definitely something that's on the table. The Ways and Means Committee, which writes our tax laws, are going to be looking at that. I don't want to get ahead of myself, because it's too soon to say what is in or not in the tax bill.

TAPPER: So, Speaker Ryan, I want to bring in Greg Gross. The context here is one of the first things that happened last week when you convened with the House Republican Caucus is they, against your wishes, wanted to gut, undermine, weaken the Office of Congressional Ethics. That alarmed a lot of people, including president-elect Trump, who said it shouldn't be a priority, who want to drain the swamp. Sir?

Greg Gross: Thank you. One of the things that this election has demonstrated to Democrats and Republicans is that a lot of Americans don't trust the representatives in Washington.

RYAN: Yes, you think?

Greg Gross: It explains a lot. And Donald Trump pledged, among other things during the campaign, to, in his words, drain the swamp of Washington corruption. And then he, just before the election, offered a series of ethics reform proposals, three directed at Congress. One was a five-year ban on lobbying by members of Congress and their staffs, after they leave the government.

RYAN: In the administration.

Greg Gross: Well, for Congress, he said. He also called for eliminating the loopholes in the definition of what is a lobbyist under the law, under the federal, or the Lobbyist Disclosure Act, as you know. Third thing was congressional term limits, impose a constitutional amendment to impose term limits. As you know, that's been here for 20 years as a proposal.

RYAN: Right.

Greg Gross: So, I worked in the U.S. Senate as a chief of staff for many years for several senators, so I know how difficult these problems can be, especially the broader issue of trust. Do you support these three specific

proposals? That's the five- year ban on former members of Congress and their staffs lobbying after they leave government. That's for Congress, not - - he did it in the executive branch, for Congress. Second thing is expanding the definition of a lobbyist under the federal law. The third is a constitutional amendment on term limits. And then, what else would you do beyond that to restore trust?

RYAN: So, let me first get to the point that he made, which is this is kind of an obscure agency that can make - anonymous people can make allegations with a person with no due process and you have no right to confront your accuser. So, there were a lot of people in Congress who were concerned that unsubstantiated allegations were being leveled against them. They didn't know who they were, and they didn't have an opportunity to confront that accuser. So, there's a legitimate problem with that. I, as you said, do not think this was the time to be dealing with that. We have more important issues that the people of this country care about, and that's not one of them. To your point, I'll go backwards- forwards. So, I agree with term limits. I've always supported term limits. I think term limits is a smart thing to do. It should be uniform across - - we shouldn't just have term limits for Wisconsin and only Illinois. And the only way to do that is a constitutional amendment. I've long supported a constitutional amendment for term limits. I think it freshens the system. We impose term limits within Congress on our critical positions, like our chairmanships. So, we rotate people through so they can't be in the same job in Congress, because we term limit our people. So, I've always liked the term limit proposal. On the lobbyist thing, some reforms are a little more complicated than they seem. Do I think a person shouldn't leave right away and go into lobbying? Yes, I agree with that. They should not do that. But, what if you want to become an advocate for the Cancer Society? What if you want to, after you've retired, help your local hospital system and be on their board to support them and then go get legislation? There are a lot of other unseen circumstances that can play into this, and you've got to be careful about that. When people leave Congress, what's wrong with them going out and advocating for causes that they believe in? So, the question is, are they going to go, leave, and get rich, and go shill for a company? That, I think, is something that is an issue that needs to be dealt with. We do ban it. The question is, should we lengthen the ban? That's the question. But I don't think we should tell men and women we want a citizen legislature, take time out of your private life and come and serve, and then go back into private life and you can't get engaged in civics. I think that's dangerous. I don't think that's a good idea.

TAPPER: Sorry to jump in, he's got one more point. You can tell him at the the commercial. Let's take another

quick break. When we come back, how will Donald Trump's tweeting habits affect U.S. policy? Stay with us.

(Commercials)

Welcome back to CNN Live, tonight at George Washington University. With one week until the inauguration of Donald Trump, House Speaker Paul Ryan is our guest. I see you've got your Packers pin on now.

RYAN: You bet I do. I had it on the last segment, too. TAPPER: But, I do want to turn to one serious question. Obviously, the nation is in the throes of an opioid epidemic. I want to introduce you to Craig Moss. He came from upstate New York to join us tonight. He says he's attended more than 40 Trump rallies during the campaign. Craig?

Craig Moss: Hello. I lost my son, Rob J. R. Moss, three years ago to a heroin overdose. And heroin comes into the towns and just ruins the communities and families. And my question to you, sir, is do you and the members of Congress intend to support Donald Trump's stance on protecting our borders by supporting his recommendations so we can slow down that heroin that's coming into this country? And secondly, are there any laws currently being put together that would provide and mandate - - and I stress mandate - - step-down procedures for folks that are being prescribed ox con tin and that type of drug?

TAPPER: By step down, just to - - you mean helping wean people who are on these opioids, wean them off?

Craig Moss: Exactly, yes. That's exactly - - yes, sir.

RYAN: Well, you know, unfortunately, I have heard too many stories like yours just in the last couple of years, and I'm really sorry about the loss of your son. I'm thinking of two buddies of mine in Janesville, Wisconsin, who lost their sons, just like you did. This affects everybody and it is an epidemic raging through our country. So, yes, on your border question, it's what we were talking about before. It's one of the reasons I said why we're building the border wall and the fence. This is one of the reasons, because we're getting so many drugs coming in from the southern border in particular, which is making it so much more high in supply and low in price. So, that is one of the big reasons why we need to secure our borders. So, yes, we do support our president-elect in

doing that, and that's something we're working on right now. We just passed legislation last month on opioid reform on a whole host of issues. We just - - literally, it went into law about a month ago, and it doesn't mandate step-downs, but it pushes a lot of reforms, like you just said, which is fixing the way prescriptions are written in America; digitizing these, so that you can make sure that a person can't go shopping around for prescriptions and making sure that physicians who prescribe these know what they're prescribing and to guard against the kinds of problems, because typically what happens is you get hurt, you know, you get in a car accident, you get a painkiller, and then that progressively takes you farther down the road to where you're addicted to opioids, and then comes heroin. That is the classic progression that we've seen, and that is what our landmark legislation - - one of the things I'm most proud of this last year, Republicans and Democrats came together, seeing that this was a raging epidemic, to pass the most sweeping legislation in this area that we've ever passed. And we put - - then a few weeks ago, at the end of - - I mean, before Christmas, I passed legislation funding it, putting a lot of money out to the states to fund this new policy. So much so that our governor in Wisconsin, Scott Walker, is just now convening a special session of our state legislature to deal with all the new federal funds coming into the state to fight opioid abuse and to fight - - it's law enforcement, it's medical professionals, and it's counseling and it's prevention. So, we have to have a full-front war against this opioid epidemic, and that is exactly what we passed and funded just a couple of weeks ago. So, this is happening everywhere in this country. And thank you for going around and talking about it. Thank you for making people aware.

TAPPER: God bless you, Craig. A lot of people in your shoes, and we're really sorry. All right. A lot of emotional actions, a lot of tough stories.

RYAN: It's a tough time in our country.

TAPPER: It is a tough time in the country. On a slightly lighter note, I want to bring in Christine Ford. She's a grad student in the school of public health here at GW. Please.

Christine Ford: So, I'm 23, so as a millennial - -

RYAN: And where are you from?

Christine Ford: I'm from Frederick, Maryland. It's, like, 45 minutes away. So, as a millennial, many people in my generation have Twitter, at least follow social media. Donald Trump has made a habit of calling out those who disagree with him, even you.

RYAN: I know. He did it to me all the time during the campaign.

Christine Ford: Even you, exactly, on his own Twitter account. So, I wanted to know how you feel his tweeting habits will affect both foreign and domestic policy in the United States.

RYAN: I'm going to go out on a limb here, and I'm going to say: This is going to be a very unconventional president.

Christine Ford: You think?

RYAN: All right, so...

What do you mean by that?

RYAN: So, he is going - - I think he's going to keep doing this, and I think he's going to be probably a little more restrained in his tweets, probably. But, it's all relative.

Christine Ford: Really, you do?

RYAN: I mean, just look. But I do believe it's been extremely effective for getting elected President, I've got to tell you. I mean, he was able to touch and tap into people's hearts and minds unlike - - look. I ran for Vice President in 2012. I was part of a national campaign. And I am just a marvel - - amazed at how well he connected with so many people. And I think he did that because of this. And so, I think he believes - - no, I don't think he believes, I think he has a very special, personal relationship with individuals. So, he connects directly with them in this country. And that's what I think is very interesting in this age we are in, where you don't, as a public official, have to go through the media to communicate to people; you can just do it directly.

And he has mastered that. I mean, so much so that he is now about to be sworn in as President of the United States. So, I don't think he's going to stop doing that. I think he's going to continue to work on mastering that. How it affects domestic policy and foreign policy, I don't know. We're going to find out because we're in uncharted territory. But he has mastered not just public opinion, but communicating directly with people and getting around the filters; and that is something that I think he feels very strongly about the fact that he's given voice to a lot of people who felt they've not guilty been heard, that have been voiceless.

TAPPER: Let me ask you a question about social media, which is: Your tenure as Speaker of the House has been in this age of wild social media. What written about you on social media has been the most amusing to you, and what has been the most irksome?

RYAN: I don't really pay attention to it. You get really thick skin doing this kind of a job, so things don't really bother me too much. Because if it's irksome, you just kind of laugh it off. You know, I actually do know what a dab is, okay? Just for the record. It's this. I do. So, the most amusing thing was, what, a week ago, when we swore people in, this congressman's son, we were doing the post, he was doing it - - he wasn't doing a dab, by the way, he looked like he was sneezing. He was going like this. He was holding a Bible and going like this. So that's not dabbing, in my opinion. Cam Newton dabs, all right?

TAPPER: So you took issue with his technique.

RYAN: His technique, and I thought he was sneezing. Because it looked like he was sneezing. It looked a little strange to me at the time. So, I think that kind of went viral and I got made fun of for that.

TAPPER: But you loved it.

RYAN: But I thought it was funny, yes.

TAPPER: He's been a great sport. Let's give a big hand to Speaker Ryan.

RYAN: Thank you.

TAPPER: And everyone else who made this town hall possible, thank you so much. A special thanks to our partners at George Washington University, and our audience who was asking the questions and sharing their stories, and also, of course, those watching around the world. Don't forget, CNN will have extensive live coverage of the historic inauguration of president-elect Donald Trump one week from tomorrow. Don Lemon picks up now. Good luck to your Packers, all right?

RYAN: I'm a Packers fan. And I know you're a Texas fan, but, hey, go Packers! Thank you.

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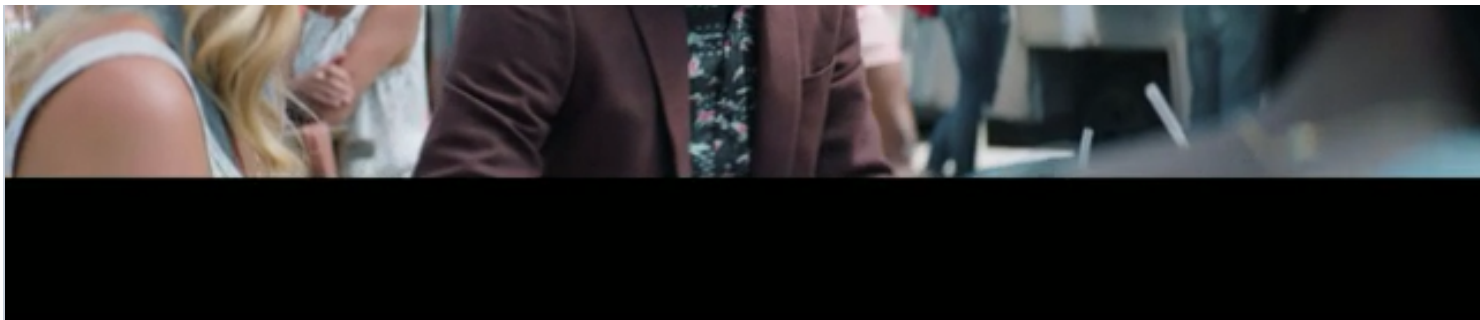
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On Wednesday, Jan. 25, 2017, ABC News "World News Tonight" anchor David Muir interviewed President Donald Trump in the White House.



The following is a transcript of the interview:



DAVID MUIR: Mr. President, it's an honor to be here at the White House.

PRESIDENT TRUMP: Thank you very much, David.

DAVID MUIR: Let me ask you, has the magnitude of this job hit you yet?

PRESIDENT TRUMP: It has periodically hit me. And it is a tremendous magnitude. And where you really see it is when you're talking to the generals about problems in the world. And we do have problems in the world. Big problems. The business also hits because the -- the size of it. The size.

I was with the Ford yesterday. And with **General Motors** yesterday. The top representatives, great people. And they're gonna do some tremendous work in the United States. They're gonna build plants back in the United States. But when you see the size, even as a businessman, the size of the investment that these big companies are gonna make, it hits you even in that regard. But we're gonna bring jobs back to America, like I promised on the campaign



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What you need to know about DACA



Trump praises Harvey recovery effort: 'Things are working well'



Sunday on 'This Week': Hurricane Harvey's Aftermath

trail.

DAVID MUIR: And we're gonna get to it all right here.

PRESIDENT TRUMP: Good.

DAVID MUIR: Mr. President, I want to start -- we're five days in. And your campaign promises. I know today you plan on signing the order to build the wall.

PRESIDENT TRUMP: Correct.

DAVID MUIR: Are you going to direct U.S. funds to pay for this wall? Will American taxpayers pay for the wall?

PRESIDENT TRUMP: Ultimately it'll come out of what's happening with Mexico. We're gonna be starting those negotiations relatively soon. And we will be in a form reimbursed by Mexico which I will say ...

DAVID MUIR: So, they'll pay us back?

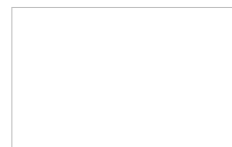
PRESIDENT TRUMP: Yeah, absolutely, 100 percent.

DAVID MUIR: So, the American taxpayer will pay for the wall at first?

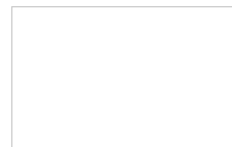
PRESIDENT TRUMP: All it is, is we'll be reimbursed at a later date from whatever transaction we make from Mexico. Now, I could wait a year



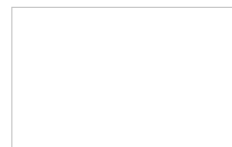
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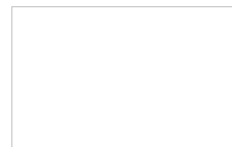
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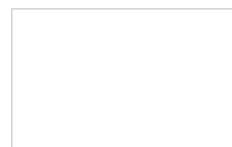
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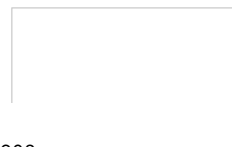
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Frustration mounts over

and I could hold off the wall. But I wanna build the wall. We have to build the wall. We have to stop drugs from pouring in. We have to stop people from just pouring into our country. We have no idea where they're from. And I campaigned on the wall. And it's very important. But that wall will cost us nothing.

DAVID MUIR: But you talked -- often about Mexico paying for the wall. And you, again, say they'll pay us back. Mexico's president said in recent days that Mexico absolutely will not pay, adding that, "It goes against our dignity as a country and our dignity as Mexicans." He says ...

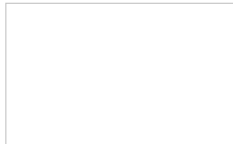
(OVERTALK)

PRESIDENT TRUMP: David, he has to say that. He has to say that. But I'm just telling you there will be a payment. It will be in a form, perhaps a complicated form. And you have to understand what I'm doing is good for the United States. It's also going to be good for Mexico.

We wanna have a very stable, very solid Mexico. Even more solid than it is right now. And they need it also. Lots of things are coming across Mexico that they don't want. I think it's going to be a good thing for both countries. And I think the relationship will be better than ever



premiums for individual health plans



60,000 evacuating Frankfurt before disposal of WWII-era bomb

before.

You know, when we had a prisoner in Mexico, as you know, two years ago, that we were trying to get out. And Mexico was not helping us, I will tell you, those days are over. I think we're gonna end up with a much better relationship with Mexico. We will have the wall and in a very serious form Mexico will pay for the wall.

DAVID MUIR: What are you gonna say to some of your supporters who might say, "Wait a minute, I thought Mexico was going to pay for this right at the start."

PRESIDENT TRUMP: Well, I'd say very simply that they are going to pay for it. I never said they're gonna pay from the start. I said Mexico will pay for the wall. But what I will tell my supporters is, "Would you like me to wait two years or three years before I make this deal?" Because we have to make a deal on NAFTA. We have to make a new trade deal with Mexico because we're getting clobbered.

We have a \$60-billion trade deficit. So, if you want, I can wait two years and then we can do it nice and easily. I wanna start the wall immediately. Every supporter I have -- I have had so many people calling and tweeting and -- and writing

letters saying they're so happy about it. I wanna start the wall. We will be reimbursed for the wall.

DAVID MUIR: When does construction begin?

PRESIDENT TRUMP: As soon as we can. As soon as we can physically do it. We're ...

DAVID MUIR: Within months?

PRESIDENT TRUMP: I would say in months. Yeah, I would say in months. Certainly planning is starting immediately.

DAVID MUIR: People feel ...

(OVERTALK)

PRESIDENT TRUMP: We'll be having some really good, really solid plans within a short period of time.

DAVID MUIR: When people learn of the news of this wall today there are gonna be a lot of people listening to this. And I wanna ask about undocumented immigrants who are here -- in this country. Right now they're protected as so-called dreamers -- the children who were brought here, as you know, by their parents. Should they be worried -- that they could be deported? And is there anything you can say to assure them right now that they'll be allowed to stay?

PRESIDENT TRUMP: They shouldn't be very worried. They are here illegally. They shouldn't be very worried. I do have a big heart. We're going to take care of everybody. We're going to have a very strong border. We're gonna have a very solid border. Where you have great people that are here that have done a good job, they should be far less worried. We'll be coming out with policy on that over the next period of four weeks.

DAVID MUIR: But Mr. President, will they be allowed to stay?

PRESIDENT TRUMP: I'm gonna tell you over the next four weeks. But I will tell you, we're looking at this, the whole immigration situation, we're looking at it with great heart. Now we have criminals that are here. We have really bad people that are here. Those people have to be worried 'cause they're getting out. We're gonna get them out. We're gonna get 'em out fast. General Kelly is -- I've given that as his number one priority.

DAVID MUIR: Senator Jeff Sessions, your pick for attorney general, as you know during his confirmation hearing said that ending DACA, this is President Obama's policy protecting the dreamers -- that, "Ending it certainly would be constitutional." That you could end

the protection of these dreamers. Is that a possibility?

PRESIDENT TRUMP: We're gonna be talking with -- attorney general. He will soon be the attorney general. He's done fantastically well. We're all very proud of him. I thought he was treated very, very unfairly. He's a brilliant man and he's a very good man. He'll do a fantastic job. I'll be speaking to him as soon as he's affirmed.

DAVID MUIR: So, it's a possibility.

PRESIDENT TRUMP: We will be talking to the attorney general.

DAVID MUIR: I wanna ask you about something you said this week right here at the White House. You brought in congressional leaders to the White House. You spoke at length about the presidential election with them -- telling them that you lost the popular vote because of millions of illegal votes, 3 to 5 million illegal votes. That would be the biggest electoral fraud in American history. Where is the evidence of that?

PRESIDENT TRUMP: So, let me tell you first of all, it was so misrepresented. That was supposed to be a confidential meeting. And you weren't supposed to go out and talk to the

press as soon as you -- but the Democrats viewed it not as a confidential meeting.

DAVID MUIR: But you have tweeted ...

(OVERTALK)

DAVID MUIR: ... about the millions of illegals ...

PRESIDENT TRUMP: Sure. And I do -- and I'm very ...

(OVERTALK)

PRESIDENT TRUMP: ... and I mean it. But just so you -- it was supposed to be a confidential meeting. They turned it into not a con... Number two, the conversation lasted for about a minute. They made it -- somebody said it was, like, 25 percent of the ... It wasn't. It was hardly even discussed.

I said it. And I said it strongly because what's going on with voter fraud is horrible. That's number one. Number two, I would've won the popular vote if I was campaigning for the popular vote. I would've gone to California where I didn't go at all. I would've gone to New York where I didn't campaign at all.

I would've gone to a couple of places that I didn't go to. And I would've won that much easier than

winning the electoral college. But as you know, the electoral college is all that matters. It doesn't make any difference. So, I would've won very, very easily. But it's a different form of winning. You would campaign much differently. You would have a totally different campaign. So, but ...

(OVERTALK)

PRESIDENT TRUMP: ... you're just asking a question. I would've easily won the popular vote, much easier, in my opinion, than winning the electoral college. I ended up going to 19 different states. I went to the state of Maine four times for one. I needed one.

I went to M-- I got it, by the way. But it turned out I didn't need it because we ended up winning by a massive amount, 306. I needed 270. We got 306. You and everybody said, "There's no way you get to 270." I mean, your network said and almost everybody said, "There's no way you can get to ..." So, I went to Maine four times. I went to various places. And that's the beauty of the electoral college. With that being said, if you look at voter registration, you look at the dead people that are registered to vote who vote, you look at people that are registered in two states, you look at all of these different things

that are happening with registration. You take a look at those registration for -- you're gonna s-- find -- and we're gonna do an investigation on it.

DAVID MUIR: But 3 to 5 million illegal votes?

PRESIDENT TRUMP: Well, we're gonna find out. But it could very well be that much. Absolutely.

DAVID MUIR: But ...

PRESIDENT TRUMP: But we're gonna find out.

(OVERTALK)

PRESIDENT TRUMP: In fact, I heard one of the other side, they were saying it's not 3 to 5. It's not 3 to 5. I said, "Well, Mr. Trump is talking about registration, tell--" He said, "You know we don't wanna talk about registration." They don't wanna talk about registration.

You have people that are registered who are dead, who are illegals, who are in two states. You have people registered in two states. They're registered in a New York and a New Jersey. They vote twice. There are millions of votes, in my opinion. Now ...

DAVID MUIR: But again ...

PRESIDENT TRUMP: I'm doing an ...

(OVERTALK)

PRESIDENT TRUMP: ...
investigation. David, David, David ...

DAVID MUIR: You're now, you're
now president of the United States
when you say ...

(OVERTALK)

PRESIDENT TRUMP: Of course, and
I want the voting process to be
legitimate.

DAVID MUIR: But what I'm asking ...

PRESIDENT TRUMP: The people
that ...

DAVID MUIR: ... what I'm asking that
-- when you say in your opinion
millions of illegal votes, that is
something that is extremely
fundamental to our functioning
democracy, a fair and free election.

PRESIDENT TRUMP: Sure. Sure.
Sure.

DAVID MUIR: You say you're gonna
launch an investigation.

PRESIDENT TRUMP: Sure, done.

DAVID MUIR: What you have
presented so far has been
debunked. It's been called ...

(OVERTALK)

DAVID MUIR: ... false.

PRESIDENT TRUMP: No, it hasn't.
Take a look at the Pew reports.

DAVID MUIR: I called the author of the Pew report last night. And he told me that they found no evidence of voter ...

(OVERTALK)

DAVID MUIR: ... fraud.

PRESIDENT TRUMP: Really? Then why did he write the report?

DAVID MUIR: He said no evidence of voter fraud.

PRESIDENT TRUMP: Excuse me, then why did he write the report?

(OVERTALK)

PRESIDENT TRUMP: According to Pew report, then he's -- then he's groveling again. You know, I always talk about the reporters that grovel when they wanna write something that you wanna hear but not necessarily millions of people wanna hear or have to hear.

DAVID MUIR: So, you've launched an investigation?

PRESIDENT TRUMP: We're gonna

launch an investigation to find out. And then the next time -- and I will say this, of those votes cast, none of 'em come to me. None of 'em come to me. They would all be for the other side. None of 'em come to me. But when you look at the people that are registered: dead, illegal and two states and some cases maybe three states -- we have a lot to look into.

DAVID MUIR: House Speaker Paul Ryan has said, "I have seen no evidence. I have made this very, very clear." Senator Lindsey Graham saying, "It's the most inappropriate thing for a president to say without proof. He seems obsessed with the idea that he could not have possibly lost the popular vote without cheating and fraud." I wanna ask you about something bigger here. Does it matter more now ...

PRESIDENT TRUMP: There's nothing bigger. There's nothing bigger.

DAVID MUIR: But it is important because ...

PRESIDENT TRUMP: Let me just tell you, you know what's important, millions of people agree with me when I say that if you would've looked on one of the other networks and all of the people that were calling in they're saying, "We

agree with Mr. Trump. We agree."
They're very smart people.

The people that voted for me -- lots of people are saying they saw things happen. I heard stories also. But you're not talking about millions. But it's a small little segment. I will tell you, it's a good thing that we're doing because at the end we're gonna have an idea as to what's going on. Now, you're telling me Pew report has all of a sudden changed. But you have other reports and you have other statements. You take a look at the registrations, how many dead people are there? Take a look at the registrations as to the other things that I already presented.

DAVID MUIR: And you're saying ...

(OVERTALK)

PRESIDENT TRUMP: And you're gonna find ...

DAVID MUIR: ... those people who are on the rolls voted, that there are millions of illegal votes?

PRESIDENT TRUMP: I didn't say there are millions. But I think there could very well be millions of people. That's right.

DAVID MUIR: You tweeted though ...

PRESIDENT TRUMP: And I also say

this ...

DAVID MUIR: ... you tweeted, "If you deduct the millions of people who voted illegally, I won the popular vote."

PRESIDENT TRUMP: David, and I also say this, if I was going for the popular vote I would've won easily. But I would've been in California and New York. I wouldn't have been in Maine. I wouldn't have been in Iowa. I wouldn't have been in Nebraska and all of those states that I had to win in order to win this. I would've been in New York, I would've been in California. I never even went there.

DAVID MUIR: Let me just ask you, you did win. You're the president. You're sitting ...

PRESIDENT TRUMP: That's true.

DAVID MUIR: ... across from me right now.

PRESIDENT TRUMP: That's true.

DAVID MUIR: Do you think that your words matter more now?

PRESIDENT TRUMP: Yes, very much.

DAVID MUIR: Do you think that that talking about millions of illegal votes is dangerous to this country

without presenting the evidence?

PRESIDENT TRUMP: No, not at all.

(OVERTALK)

PRESIDENT TRUMP: Not at all because many people feel the same way that I do. And ...

DAVID MUIR: You don't think it undermines your credibility if there's no evidence?

(OVERTALK)

PRESIDENT TRUMP: No, not at all because they didn't come to me. Believe me. Those were Hillary votes. And if you look at it they all voted for Hillary. They all voted for Hillary. They didn't vote for me. I don't believe I got one. Okay, these are people that voted for Hillary Clinton. And if they didn't vote, it would've been different in the popular.

Now, you have to understand I -- I focused on those four or five states that I had to win. Maybe she didn't. She should've gone to Michigan. She thought she had it in the bag. She should've gone to Wisconsin, she thought she had it because you're talking about 38 years of, you know, Democrat wins. But they didn't. I went to Michigan, I went to Wisconsin. I went to Pennsylvania all the time. I went to all of the

states that are -- Florida and North Carolina. That's all I focused on.

DAVID MUIR: Mr. President, it does strike me though that we're relitigating the presidential campaign, the election ...

(OVERTALK)

PRESIDENT TRUMP: No, no. We're looking at it for the next time. No, no, you have to understand, I had a tremendous victory, one of the great victories ever. In terms of counties I think the most ever or just about the most ever. When you look at a map it's all red. Red meaning us, Republicans.

One of the greatest victories ever. But, again, I ran for the electoral college. I didn't run for the popular vote. What I'm saying is if there are these problems that many people agree with me that there might be. Look, Barack Obama -- if you look back -- eight years ago when he first ran -- he was running for office in Chicago for we needed Chicago vote.

And he was laughing at the system because he knew all of those votes were going to him. You look at Philadelphia, you look at what's going on in Philadelphia. But take a look at the tape of Barack Obama who wrote me, by the way, a very

beautiful letter in the drawer of the desk. Very beautiful. And I appreciate it. But look at what he said, it's on tape. Look at what he said about voting in Chicago eight years ago. It's not changed. It hasn't changed, believe me. Chicago, look what's going on in Chicago. It's only gotten worse.

But he was smiling and laughing about the vote in Chicago. Now, once he became president he didn't do that. All of a sudden it became this is the foundation of our country. So, here's the point, you have a lot of stuff going on possibly. I say probably. But possibly. We're gonna get to the bottom of it.

And then we're gonna make sure it doesn't happen again. If people are registered wrongly, if illegals are registered to vote, which they are, if dead people are registered to vote and voting, which they do. There are some. I don't know how many. We're gonna try finding that out and the other categories that we talk about, double states where they're - - registered in two states, we're gonna get to the bottom of it because we have to stop it. Because I agree, so important. But the other side is trying to downplay this. Now, I'll say this -- I think that if that didn't happen, first of all, would -- would be a great thing if it didn't happen. But I believe it did happen.

And I believe a part of the vote would've been much different.

DAVID MUIR: And you believe millions of illegal votes ...

PRESIDENT TRUMP: Well, we're gonna find out.

DAVID MUIR: Let me ask you this ...

PRESIDENT TRUMP: We're gonna find out. And -- and, by the way, when I say you're gonna find out. You can never really find, you know, there are gonna be -- no matter what numbers we come up with there are gonna be lots of people that did things that we're not going to find out about. But we will find out because we need a better system where that can't happen.

DAVID MUIR: Mr. President, I just have one more question on this. And it's -- it's bigger picture. You took some heat after your visit to the CIA in front of that hallowed wall, 117 stars -- of those lost at the CIA. You talked about other things. But you also talked about crowd size at the inauguration, about the size of your rallies, about covers on Time magazine. And I just wanna ask you when does all of that matter just a little less? When do you let it roll off your back now that you're the president?

(OVERTALK)

PRESIDENT TRUMP: OK, so I'm glad you asked. So, I went to the CIA, my first step. I have great respect for the people in intelligence and CIA. I'm -- I don't have a lot of respect for, in particular one of the leaders. But that's okay. But I have a lot of respect for the people in the CIA.

That speech was a home run. That speech, if you look at Fox, OK, I'll mention you -- we see what Fox said. They said it was one of the great speeches. They showed the people applauding and screaming and -- and they were all CIA. There was -- somebody was asking Sean -
- "Well, were they Trump people that were put--" we don't have Trump people. They were CIA people.

That location was given to me. Mike Pence went up before me, paid great homage to the wall. I then went up, paid great homage to the wall. I then spoke to the crowd. I got a standing ovation. In fact, they said it was the biggest standing ovation since Peyton Manning had won the Super Bowl and they said it was equal. I got a standing ovation. It lasted for a long period of time. What you do is take -- take out your tape -- you probably ran it live. I know when I do good speeches. I know when I do bad speeches.

That speech was a total home run.
They loved it. I could've ...

(OVERTALK)

PRESIDENT TRUMP: ... gotten ...

DAVID MUIR: You would give the
same speech if you went back ...

PRESIDENT TRUMP: Absolutely.

DAVID MUIR: ... in front of that wall?

PRESIDENT TRUMP: People loved
it. They loved it. They gave me a
standing ovation for a long period
of time. They never even sat down,
most of them, during the speech.
There was love in the room. You
and other networks covered it very
inaccurately. I hate to say this to you
and you probably won't put it on but
turn on Fox and see how it was
covered. And see how people
respond to that speech.

That speech was a good speech.
And you and a couple of other
networks tried to downplay that
speech. And it was very, very
unfortunate that you did. The
people of the CIA loved the speech.
If I was going to take a vote in that
room, there were, like, 300, 350
people, over 1,000 wanted to be
there but they couldn't. They were
all CIA people. I would say I
would've gotten 350 to nothing in
that room. That's what the vote

would've been. That speech was a big hit, a big success -- success. And then I came back and I watched you on television and a couple of others.

DAVID MUIR: Not me personally.

(OVERTALK)

PRESIDENT TRUMP: And they tried to demean. Excuse me?

DAVID MUIR: Not me personally.

PRESIDENT TRUMP: Not you personally but your network -- and they tried to demean the speech. And I know when things are good or bad. A poll just came out on my inauguration speech which was extraordinary that people loved it. Loved and liked. And it was an extraordinary poll.

DAVID MUIR: I guess that's what I'm getting at. You talked about the poll, the people loving your inaugural speech and the size of your ...

PRESIDENT TRUMP: No, because you bring it up.

DAVID MUIR: I'm asking, well, on day one you ...

PRESIDENT TRUMP: Well, you just brought it up. I didn't bring it up. I didn't wanna -- talk about the inauguration speech. But I think I

did a very good job and people really liked it. You saw the poll. Just came out this morning. You bring it up. I didn't bring it up.

DAVID MUIR: So, polls and crowd size and covers on Time, those still matter now that you're here as president.

PRESIDENT TRUMP: Well, you keep bringing it up. I had a massive amount of people here. They were showing pictures that were very unflattering, as unflattering -- from certain angles -- that were taken early and lots of other things. I'll show you a picture later if you'd like of a massive crowd.

In terms of a total audience including television and everything else that you have we had supposedly the biggest crowd in history. The audience watching the show. And I think you would even agree to that. They say I had the biggest crowd in the history of inaugural speeches. I'm honored by that. But I didn't bring it up. You just brought it up.

DAVID MUIR: See, I -- I'm not interested in the inaugural crowd size. I think the American people can look at images side by side and decide for themselves. I am curious about the first full day here at the White House, choosing to send the

press secretary out into the briefing room, summoning reporters to talk about the inaugural crowd size. Does that send a message to the American people that that's -- that's more important than some of the very pressing issues?

PRESIDENT TRUMP: Part of my whole victory was that the men and women of this country who have been forgotten will never be forgotten again. Part of that is when they try and demean me unfairly 'cause we had a massive crowd of people. We had a crowd -- I looked over that sea of people and I said to myself, "Wow."

And I've seen crowds before. Big, big crowds. That was some crowd. When I looked at the numbers that happened to come in from all of the various sources, we had the biggest audience in the history of inaugural speeches. I said the men and women that I was talking to who came out and voted will never be forgotten again. Therefore I won't allow you or other people like you to demean that crowd and to demean the people that came to Washington, D.C., from faraway places because they like me. But more importantly they like what I'm saying.

DAVID MUIR: I just wanna say I didn't demean anyone who was in

that crowd. We did coverage for hours ...

(OVERTALK)

PRESIDENT TRUMP: No, I think you're demeaning by talking the way you're talking. I think you're demeaning. And that's why I think a lot of people turned on you and turned on a lot of other people. And that's why you have a 17 percent approval rating, which is pretty bad.

DAVID MUIR: Mr. Trump, let's talk about many of the things that have happened this week. Chicago. Last night you tweeted about the murder rate in Chicago saying, "If Chicago doesn't fix the horrible carnage going on I will send in the feds."

PRESIDENT TRUMP: Right.

DAVID MUIR: You will send in the feds? What do you mean by that?

PRESIDENT TRUMP: It's carnage. You know, in my speech I got tremendous -- from certain people the word carnage. It is carnage. It's horrible carnage. This is Afghanistan -- is not like what's happening in Chicago. People are being shot left and right. Thousands of people over a period -- over a short period of time.

This year, which has just started, is worse than last year, which was a

catastrophe. They're not doing the job. Now if they want help, I would love to help them. I will send in what we have to send in. Maybe they're not gonna have to be so politically correct. Maybe they're being overly political correct. Maybe there's something going on. But you can't have those killings going on in Chicago. Chicago is like a war zone. Chicago is worse than some of the people that you report in some of the places that you report about every night ...

DAVID MUIR: So, I will send ...

PRESIDENT TRUMP: ... in the Middle East.

DAVID MUIR: ... you mentioned federal assistance. There's federal assistance and then there's sending in the feds. I'm just curious would you take action on your own?

PRESIDENT TRUMP: I want them to fix the problem. You can't have thousands of people being shot in a city, in a country that I happen to be president of. Maybe it's okay if somebody else is president. I want them to fix the problem. They have a problem that's very easily fixable.

They're gonna have to get tougher and stronger and smarter. But they gotta fix the problem. I don't want to have thousands of people shot in a

city where essentially I'm the president. I love Chicago. I know Chicago. And Chicago is a great city, can be a great city.

DAVID MUIR: And if they're unable to fix it?

(OVERTALK)

PRESIDENT TRUMP: It can't be a great city. Excuse me. It can't be a great city if people are shot walking down the street for a loaf of bread. Can't be a great city.

DAVID MUIR: And if they are unable to fix it, that's when you would send in the feds?

(OVERTALK)

PRESIDENT TRUMP: Well, so far they have been unable. It's been going on for years. And I wasn't president. So, look, when President Obama was there two weeks ago making a speech, very nice speech. Two people were shot and killed during his speech. You can't have that.

DAVID MUIR: Let me ask ...

PRESIDENT TRUMP: They weren't shot at the speech. But they were shot in the city of Chicago during his speech. What -- what's going on? So, all I'm saying is to the mayor who came up to my office recently -

- I say, "You have to smarten up and you have to toughen up because you can't let that happen. That's a war zone."

DAVID MUIR: So, this is an "or else." This is a warning?

PRESIDENT TRUMP: I want them to straighten out the problem. It's a big problem.

DAVID MUIR: Let me ask you about a new report that you were poised to lift a ban on so-called CIA black sites of prisons around the world that have been used in the past. Is that true?

PRESIDENT TRUMP: Well, I'll be talking about that in about two hours. So, you'll be there and you'll be able to see it for yourself.

DAVID MUIR: Are you gonna lift the ban?

PRESIDENT TRUMP: You're gonna see in about two hours.

DAVID MUIR: The last president, President Obama, said the U.S. does not torture. Will you say that?

PRESIDENT TRUMP: Well, I have a general who I have great respect for, General Mattis, who said -- I was a little surprised -- who said he's not a believer in torture. As you know, Mr. Pompeo was just approved,

affirmed by the Senate. He's a fantastic guy, he's gonna be the head of the CIA.

And you have somebody fabulous as opposed to the character that just got out who didn't -- was not fabulous at all. And he will I think do a great job. And he is -- you know, I haven't gone into great detail. But I will tell you I have spoken to others in intelligence. And they are big believers in, as an example, waterboarding.

DAVID MUIR: You did tell me ...

(OVERTALK)

PRESIDENT TRUMP: Because they say it does work. It does work.

DAVID MUIR: Mr. President, you ...

(OVERTALK)

DAVID MUIR: Mr. President, you told me during one of the debates that you would bring back waterboarding and a hell of a lot worse.

PRESIDENT TRUMP: I would do ...

(OVERTALK)

PRESIDENT TRUMP: I would do -- I wanna keep our country safe. I wanna keep our country safe.

DAVID MUIR: What does that mean?

PRESIDENT TRUMP: When they're shooting -- when they're chopping off the heads of our people and other people, when they're chopping off the heads of people because they happen to be a Christian in the Middle East, when ISIS is doing things that nobody has ever heard of since Medieval times, would I feel strongly about waterboarding?

As far as I'm concerned we have to fight fire with fire. Now, with that being said I'm going with General Mattis. I'm going with my secretary because I think Pompeo's gonna be phenomenal. I'm gonna go with what they say. But I have spoken as recently as 24 hours ago with people at the highest level of intelligence. And I asked them the question, "Does it work? Does torture work?" And the answer was, "Yes, absolutely."

DAVID MUIR: You're now the president. Do you want waterboarding?

PRESIDENT TRUMP: I don't want people to chop off the citizens or anybody's heads in the Middle East. Okay? Because they're Christian or Muslim or anything else. I don't want -- look, you are old enough to have seen a time that was much

different. You never saw heads chopped off until a few years ago.

Now they chop 'em off and they put 'em on camera and they send 'em all over the world. So we have that and we're not allowed to do anything. We're not playing on an even field. I will say this, I will rely on Pompeo and Mattis and my group. And if they don't wanna do, that's fine. If they do wanna do, then I will work for that end.

I wanna do everything within the bounds of what you're allowed to do legally. But do I feel it works? Absolutely I feel it works. Have I spoken to people at the top levels and people that have seen it work? I haven't seen it work. But I think it works. Have I spoken to people that feel strongly about it? Absolutely.

DAVID MUIR: So, you'd be okay with it as ...

PRESIDENT TRUMP: I wanna keep ...

DAVID MUIR: ... president?

PRESIDENT TRUMP: ... no, I wanna - I will rely on General Mattis. And I'm gonna rely on those two people and others. And if they don't wanna do it, it's 100 percent okay with me. Do I think it works? Absolutely.

DAVID MUIR: Mr. President, I wanna

ask you about refugees. You're about to sign a sweeping executive action to suspend immigration to this country.

PRESIDENT TRUMP: Right.

DAVID MUIR: Who are we talking about? Is this the Muslim ban?

PRESIDENT TRUMP: We're talking about -- no it's not the Muslim ban. But it's countries that have tremendous terror. It's countries that we're going to be spelling out in a little while in the same speech. And it's countries that people are going to come in and cause us tremendous problems. Our country has enough problems without allowing people to come in who, in many cases or in some cases, are looking to do tremendous destruction.

(OVERTALK)

PRESIDENT TRUMP: You look at what's happening ...

DAVID MUIR: Which countries are we talking about?

PRESIDENT TRUMP: ... you'll be hearing about it in two hours because I have a whole list. You'll be very thrilled. You're looking at people that come in, in many cases, in some cases with evil intentions. I don't want that. They're ISIS.

They're coming under false pretense. I don't want that.

I'm gonna be the president of a safe country. We have enough problems. Now I'll absolutely do safe zones in Syria for the people. I think that Europe has made a tremendous mistake by allowing these millions of people to go into Germany and various other countries. And all you have to do is take a look. It's -- it's a disaster what's happening over there.

I don't want that to happen here. Now with that being said, President Obama and Hillary Clinton have, and Kerry have allowed tens of thousands of people into our country. The FBI is now investigating more people than ever before having to do with terror. They -- and it's from the group of people that came in. So look, look, our country has a lot of problems. Believe me. I know what the problems are even better than you do. They're deep problems, they're serious problems. We don't need more.

DAVID MUIR: Let me ask you about some of the countries that won't be on the list, Afghanistan, Pakistan, Saudi Arabia. Why are we going to allow people to come into this country ...

PRESIDENT TRUMP: You're going to see -- you're going to see. We're going to have extreme vetting in all cases. And I mean extreme. And we're not letting people in if we think there's even a little chance of some problem.

DAVID MUIR: Are you at all ...

(OVERTALK)

PRESIDENT TRUMP: We are excluding certain countries. But for other countries we're gonna have extreme vetting. It's going to be very hard to come in. Right now it's very easy to come in. It's gonna be very, very hard. I don't want terror in this country. You look at what happened in San Bernardino. You look at what happened all over. You look at what happened in the World Trade Center. Okay, I mean, take that as an example.

DAVID MUIR: Are you at all ...

(OVERTALK)

DAVID MUIR: ... concerned -- are you at all concerned it's going to cause more anger among Muslims ...

PRESIDENT TRUMP: Anger?

DAVID MUIR: ... the world?

PRESIDENT TRUMP: There's plenty

of anger right now. How can you have more?

DAVID MUIR: You don't think it'll ...

PRESIDENT TRUMP: Look, David ...

DAVID MUIR: ... exacerbate the problem?

PRESIDENT TRUMP: ... David, I mean, I know you're a sophisticated guy. The world is a mess. The world is as angry as it gets. What? You think this is gonna cause a little more anger? The world is an angry place. All of this has happened. We went into Iraq. We shouldn't have gone into Iraq. We shouldn't have gotten out the way we got out.

The world is a total mess. Take a look at what's happening with Aleppo. Take a look what's happening in Mosul. Take a look what's going on in the Middle East. And people are fleeing and they're going into Europe and all over the place. The world is a mess, David.

DAVID MUIR: You brought up Iraq and something you said that could affect American troops in recent days. You said, "We should've kept the oil but okay maybe we'll have another chance." What did you mean by that?

PRESIDENT TRUMP: Well, we should've kept the oil when we got

out. And, you know, it's very interesting, had we taken the oil, you wouldn't have ISIS because they fuel themselves with the oil. That's where they got the money. They got the money from leaving -- when we left, we left Iraq, which wasn't a government. It's not a government now.

And by the way, and I said something else, if we go in and do this. You have two nations, Iraq and Iran. And they were essentially the same military strength. And they'd fight for decades and decades. They'd fight forever. And they'd keep fighting and it would go -- it was just a way of life. We got in, we decapitated one of those nations, Iraq. I said, "Iran is taking over Iraq." That's essentially what happened.

DAVID MUIR: So, you believe we can go in and take the oil.

PRESIDENT TRUMP: We should have taken the oil. You wouldn't have ISIS if we took the oil. Now I wasn't talking about it from the standpoint of ISIS because the way we got out was horrible. We created a vacuum and ISIS formed. But had we taken the oil something else would've very good happened. They would not have been able to fuel their rather unbelievable drive to destroy large portions of the world.

DAVID MUIR: You've heard the critics who say that would break all international law, taking the oil. But I wanna get to the words ...

(OVERTALK)

DAVID MUIR: ... that you ...

PRESIDENT TRUMP: Wait, wait, can you believe that? Who are the critics who say that? Fools.

DAVID MUIR: Let, let me ...

PRESIDENT TRUMP: I don't call them critics. I call them fools.

DAVID MUIR: ... let me talk about your words ...

PRESIDENT TRUMP: We should've kept -- excuse me. We should've taken the oil. And if we took the oil you wouldn't have ISIS. And we would have had wealth. We have spent right now \$6 trillion in the Middle East. And our country is falling apart.

(OVERTALK)

PRESIDENT TRUMP: Our roads -- excuse me. Our roads, our bridges, our schools, it's falling apart. We have spent as of one month ago \$6 trillion in the Middle East. And in our country we can't afford to build a school in Brooklyn or we can't afford to build a school in Los

Angeles. And we can't afford to fix up our inner cities. We can't afford to do anything. Look, it's time. It's been our longest war. We've been in there for 15, 16 years. Nobody even knows what the date is because they don't really know when did we start. But it's time. It's time.

DAVID MUIR: What got my attention, Mr. President, was when you said, "Maybe we'll have another chance."

PRESIDENT TRUMP: Well, don't let it get your attention too much because we'll see what happens. I mean, we're gonna see what happens. You know, I told you and I told everybody else that wants to talk when it comes to the military I don't wanna discuss things.

I wanna let -- I wanna let the action take place before the talk takes place. I watched in Mosul when a number of months ago generals and politicians would get up and say, "We're going into Mosul in four months." Then they'd say, "We're going in in three months, two months, one month. We're going in next week."

Okay, and I kept saying to myself, "Gee, why do they have to keep talking about going in?" All right, so now they go in and it is tough

because they're giving the enemy all this time to prepare. I don't wanna do a lot of talking on the military. I wanna talk after it's finished, not before it starts.

DAVID MUIR: Let me ask you, Mr. President, about another promise involving Obamacare to repeal it. And you told The Washington Post that your plan to replace Obamacare will include insurance for everybody. That sounds an awful lot like universal coverage.

PRESIDENT TRUMP: It's going to be -- what my plan is is that I wanna take care of everybody. I'm not gonna leave the lower 20 percent that can't afford insurance. Just so you understand people talk about Obamacare. And I told the Republicans this, the best thing we could do is nothing for two years, let it explode. And then we'll go in and we'll do a new plan and -- and the Democrats will vote for it. Believe me.

Because this year you'll have 150 percent increases. Last year in Arizona 116 percent increase, Minnesota 60 some-odd percent increase. And I told them, except for one problem, I wanna get it fixed. The best thing I could do as the leader of this country-- but as wanting to get something approved with support of the Democrats, if I

didn't do anything for two years they'd be begging me to do something. But I don't wanna do that. So just so you unders-- Obamacare is a disaster.

It's too expensive. It's horrible health care. It doesn't cover what you have to cover. It's a disaster. You know it and I know it. And I said to the Republican folks-- and they're terrific folks, Mitch and Paul Ryan, I said, "Look, if you go fast -- and I'm okay in doing it because it's the right thing to do. We wanna get good coverage at much less cost." I said, "If you go fast we then own Obamacare. They're gonna put it on us. And Obamacare is a disaster waiting to explode. If you sit back and let it explode it's gonna be much easier." That's the thing to do. But the right thing to do is to get something done now.

DAVID MUIR: But you ...

PRESIDENT TRUMP: So I wanna make sure that nobody's dying on the streets when I'm president. Nobody's gonna be dying on the streets. We will unleash something that's gonna be terrific. And remember this, before Obamacare you had a lot of people that were very, very happy with their health care.

And now those people in many

cases don't even have health care. They don't even have anything that's acceptable to them. Remember this, keep your doctor, keep your plan, 100 percent. Remember the \$5 billion website? Remember the website fiasco. I mean, you do admit that I think, right? The website fiasco.

Obamacare is a disaster. We are going to come up with a new plan ideally not an amended plan because right now if you look at the pages they're this high. We're gonna come up with a new plan that's going to be better health care for more people at a lesser cost.

DAVID MUIR: Last question because I know you're gonna show me around the White House. Last question on this. You've seen the estimate that 18 million Americans could lose their health insurance if Obamacare is repealed and there is no replacement. Can you assure those Americans watching this right now that they will not lose their health insurance or end up with anything less?

PRESIDENT TRUMP: So nobody ever deducts all the people that have already lost their health insurance that liked it. You had millions of people that liked their health insurance and their health care and their doctor and where

they went. You had millions of people that now aren't insured anymore.

DAVID MUIR: I'm just asking about the people ...

PRESIDENT TRUMP: No, no.

DAVID MUIR: ... who are nervous and watching ...

PRESIDENT TRUMP: We ...

DAVID MUIR: ... you for reassurance.

PRESIDENT TRUMP: ... here's what I can assure you, we are going to have a better plan, much better health care, much better service treatment, a plan where you can have access to the doctor that you want and the plan that you want. We're gonna have a much better health care plan at much less money.

And remember Obamacare is ready to explode. And you interviewed me a couple of years ago. I said '17 -- right now, this year, "'17 is going to be a disaster." I'm very good at this stuff. "'17 is going to be a disaster cost-wise for Obamacare. It's going to explode in '17."

And why not? Obama's a smart guy. So let it all come do because that's what's happening. It's all coming do

in '17. We're gonna have an explosion. And to do it right, sit back, let it explode and let the Democrats come begging us to help them because it's on them. But I don't wanna do that. I wanna give great health care at a much lower cost.

DAVID MUIR: So, no one who has this health insurance through Obamacare will lose it or end up ...

PRESIDENT TRUMP: You know, when you ...

DAVID MUIR: ... with anything less?

(OVERTALK)

PRESIDENT TRUMP: ... say no one I think no one. Ideally, in the real world, you're talking about millions of people. Will no one. And then, you know, knowing ABC, you'll have this one person on television saying how they were hurt. Okay. We want no one. We want the answer to be no one.

But I will say millions of people will be happy. Right now you have millions and millions and millions of people that are unhappy. It's too expensive and it's no good. And the governor of Minnesota who unfortunately had a very, very sad incident yesterday 'cause he's a very nice guy but -- a couple of

months ago he said that the Affordable Care Act is no longer affordable.

He's a staunch Democrat. Very strong Democrat. He said it's no longer affordable. He made that statement. And Bill Clinton on the campaign trail -- and he probably had a bad night that night when he went home -- but he said, "Obamacare is crazy. It's crazy." And you know what, they were both right.

DAVID MUIR: Mr. President, thank you.

(OVERTALK)

PRESIDENT TRUMP: Thank you very much. Appreciate it.

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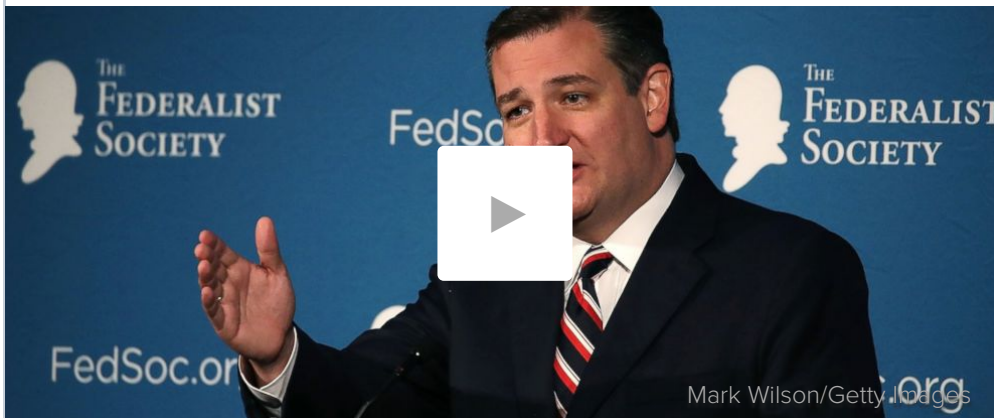
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Trump 'speaks in ways that I wouldn't' on North Korea, but US must show 'strength': Ted Cruz

By NICKI ZINK · Sep 3, 2017, 10:50 AM ET

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WATCH | Texas Senator Ted Cruz: 'This disaster is unlike anything we have ever seen'



Texas Sen. Ted Cruz said President Donald Trump "speaks in ways that I wouldn't" on North Korea but that it helps to "have a president who is strong."



The Republican senator told ABC

News "This Week" co-anchor Martha Raddatz that if North Korea's claim that it successfully tested a hydrogen bomb Sunday is true, it is "a serious escalation in their ability to commit mass acts of murder" that will spur calls for "further serious steps to prevent North Korea from using those weapons."

"North Korea right now, it's the most dangerous place on the face of the planet," Cruz said on "This Week" Sunday. "Kim Jong Un, who's the dictator there, he is radical, he is unpredictable, he is extreme, and he's getting more and more dangerous weapons."

Raddatz asked Cruz about Trump's prior warning that the United States would respond with "fire and fury" to any further provocations from North Korea.

"Do you think [the president's threat] hurt or helped?" she asked.

"The president speaks in ways that I wouldn't speak, but that is his prerogative," the Texas senator said. "I do think it helps for North Korea and for China to understand that we have a president who is strong."

"I think the president is right that Kim Jong Un and other bullies only understand and respect strength, that weakness, that appeasement,

encourages this action," Cruz said.

He added, "In term of what happens, listen, no rational person wants to see a military conflict with North Korea, with the nuclear weapons ... [In] almost any scenario, you're looking at tens of thousands or hundreds of thousands of casualties in a matter of days.'

North Korea says it successfully tested hydrogen bomb that can be mounted on an ICBM

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EXHIBIT 33

POLITICO



Homeland Security Secretary John Kelly sought to mollify senators who have for weeks been outraged by the Trump administration's hard-edged immigration policies. | AP Photo

Wary Democrats look to Kelly for answers on immigration

Senate Democrats wanted reassurances from Homeland Security Secretary John Kelly.

By **TED HESSON** and **SEUNG MIN KIM** | 03/29/2017 09:13 PM EDT

Senate Democrats met with Homeland Security Secretary John Kelly on Wednesday to seek reassurances that there would be boundaries to President Donald Trump's plan to intensify immigration enforcement.

In some cases, Kelly delivered. The former Marine general told senators that border agents would

not separate mothers and children at the border, unless a mother was sick or injured. He also said his department would not target enrollees in the Deferred Action for Childhood Arrivals Program, which grants deportation relief to undocumented immigrants brought to the U.S. at a young age.

But an undercurrent of frustration ran through the meeting, according to interviews with roughly half the more than 20 senators in attendance.

Privately, Kelly sought to mollify senators who have for weeks been outraged by the Trump administration's hard-edged immigration policies. During the meeting at the Capitol, which lasted nearly two hours, the DHS secretary told Democrats that the administration was still mainly targeting for deportation those who had committed crimes, and that they didn't even have the manpower to deport all undocumented immigrants in the country, according to one senator.

Several Democrats weren't convinced, including Sen. Bob Menendez of New Jersey. "Basically, even though the secretary portrays that we're only going after the bad apples, and criminals and this and that, the reality is — I pointed out to him — that his new memo on priorities makes everybody technically eligible for deportation," Menendez said in an interview after the meeting. "He didn't deny that."

CONGRESS

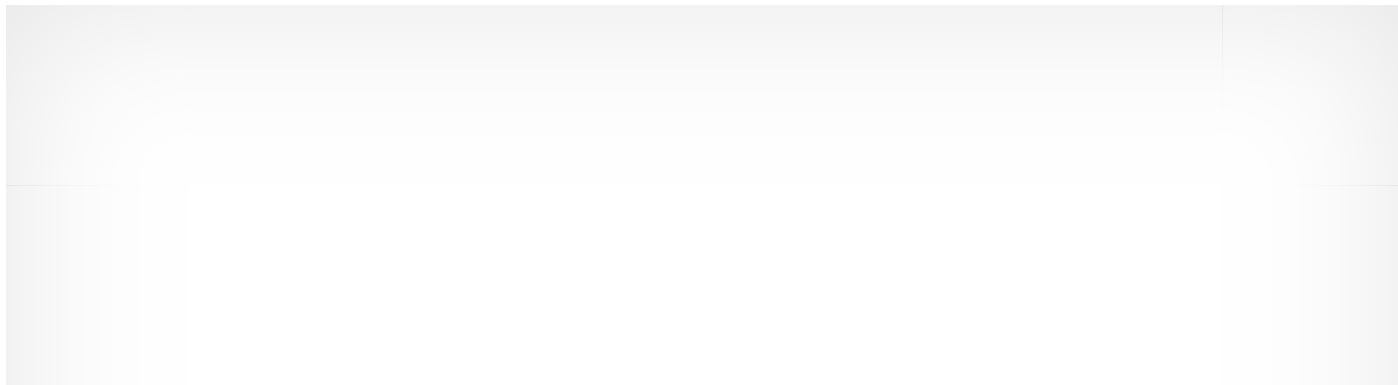
Senate steps up as House Russia probe flails

By **AUSTIN WRIGHT** and **MARTIN MATISHAK**

Several other senators echoed that sentiment.

"Frustration would be a good word," said Sen. Patty Murray (D-Wash.). "He stated that he was not separating children from their parents, but that's not been our experience." On the topic of keeping families together, Sen. Kamala Harris (D-Calif.) said, "He didn't guarantee it."

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Speaking with reporters after the meeting, Kelly generally affirmed his positions on families at the border and DACA enrollees. He also called on members of Congress to change laws if they don't agree with them. "They may not like what I have to say, in terms of how we're doing business, but they deserve as elected representatives of the people to hear what I have to say," he said. "Honest men and women should be able to disagree on a lot of things and we do."

Of the DACA program, Kelly said both the government and individuals have an obligation to honor the terms of the policy. "The DACA status is a commitment, not only by the government towards the DACA person, or the so-called Dreamer, but by that person to obey the law," Kelly said. "I don't care what you read, or what people say, we have not, in my time picked up someone who was covered by DACA. We have not done that."

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Since Trump took office, though, several current or former DACA recipients have been arrested by federal immigration authorities, including a 24-year-old man in the Seattle area who was released on bail by an immigration judge Wednesday. Federal immigration officers contend he admitted to membership in a gang once they encountered him.

The news from Kelly seemed to placate some Democrats, if not win them over entirely. Sen. Dick Durbin (D-Ill.) said he "breathed a little sigh of relief" at Kelly's DACA stance, which he said "was the policy of the Obama administration, too." Durbin said the program "is still very much alive" —

and credited Kelly for it.

“Many people would have doubted that that ever would be the case, and I think he is one of the major reasons for it,” Durbin said.

At the meeting, Kelly spoke of the importance of addressing the factors that drive migrants north from Central American countries, such as Honduras, Guatemala and El Salvador. He said the administration plans to organize a conference in Miami before the summer with presidents and business leaders from those countries to discuss ways to improve social and economic conditions in the region.

Kelly said Mexico wants to co-host the event and that Canada and Colombia would attend as observers. “We’re trying to improve the state of life in the Central American republics so those people don’t have to come up here,” he said.

Elana Schor contributed to this report.

EXHIBIT 34



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Transcript of AP interview with Trump

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A transcript of an Oval Office interview Friday with President Donald Trump by AP White House Correspondent Julie Pace. Where the audio recording of the interview is unclear, ellipses or a notation that the recording was unintelligible are used.

AP: I do want to talk to you about the 100 days.

TRUMP: Good.

AP: I want to ask a few questions on some topics that are happening toward the end of the interview.

TRUMP: Did you see Aya (Hijazi, an Egyptian-American charity worker who had been detained in the country for nearly three years) ...

AP: Can you tell me a little bit about how that came about?

TRUMP: No, just — you know, I asked the government to let her out. ...

TRUMP: You know Obama worked on it for three years, got zippo, zero.

AP: How did you hear about this story?

TRUMP: Many people, human rights people, are talking about it. It's an incredible thing, especially when you meet her. You realize — I mean, she was in a rough place.

AP: Did you have to strike a deal with (Egyptian President Abdel-Fattah) el-Sissi over this?

TRUMP: No. No deal. He was here. He — I said, "I really would appreciate it if you would look into this and let her out." And as you know, she went through a trial. And anyway, she was let go. And not only she, it was a total of eight people. ...

—
TRUMP: Yeah, it's funny: One of the best chemistries I had was with (German Chancellor Angela) Merkel.

(Crosstalk) AP: Really?

TRUMP: Chancellor Merkel.

TRUMP: And I guess somebody shouted out, "Shake her hand, shake her hand," you know. But I never heard it. But I had already shaken her hand four times. You know, because we were together for a long time.

AP: Did you expect you would have good chemistry with her?

TRUMP: No. Because, um, I'm at odds on, you know, the NATO payments and I'm at odds on immigration. We had unbelievable chemistry. And people have given me credit for having great chemistry with all of the leaders, including el-Sissi. ...

TRUMP: So it was a great thing to see that happen.

—

AP: Do you feel like you have changed the office of the presidency, how the presidency can be used to effect change?

TRUMP: I think the 100 days is, you know, it's an artificial barrier. It's not very meaningful. I think I've established amazing relationships that will be used the four or eight years, whatever period of time I'm here. I think for that I would be getting very high marks because I've established great relationships with countries, as President el-Sissi has shown and others have shown. Well, if you look at the president of China, people said they've never seen anything like what's going on right now. I really liked him a lot. I think he liked me. We have a great chemistry together. ...

TRUMP: I've developed great relationships with all of these leaders. Nobody's written that. In fact, they said, "Oh, well, he's not treating them nicely," because on NATO, I want them to pay up. But I still get along with them great, and they will pay up. In fact, with the Italian prime minister yesterday, you saw, we were joking, "Come on, you have to pay up, you have to pay up." He'll pay.

AP: Did he say that? In your meeting? Your private meeting?

TRUMP: He's going to end up paying. But you know, nobody ever asked the question. Nobody asked. Nobody ever asked him to pay up. So it's a different kind of a presidency.

AP: Do you feel like that's one thing that you've changed, that you maybe are actually asking the direct questions about some of these things?

TRUMP: Yeah. Let me give me an example. A little before I took office there was a terrible article about the F-35 fighter jet. It was hundreds of billions of dollars over budget. It was seven years behind schedule. It was a disaster. So I called in Lockheed and I said, "I'm sorry, we're going to have to bid this out to another company, namely Boeing," or whoever else. But Boeing. And I called in Boeing and I started getting competing offers back and forth. ...

TRUMP: I saved \$725 million on the 90 planes. Just 90. Now there are 3,000 planes that are going to be ordered. On 90 planes I saved \$725 million. It's actually a little bit more than that, but it's \$725 million. Gen. Mattis, who had to sign the deal when it came to his office, said, "I've never seen anything like this in my life." We went from a company that wanted more money for the planes to a company that cut. And the reason they cut — same planes, same everything — was because of me. I mean, because that's what I do.

TRUMP: Now if you multiply that times 3,000 planes, you know this is on 90 planes. In fact, when the Prime Minister (Shinzo) Abe of Japan came in because they bought a certain number of those ... The first thing he said to me, because it was right at the time I did it, he said, "Could I thank you?" I said, "What?" He said, "You saved us \$100 million." Because they got a \$100 million savings on the 10 or 12 planes that they (bought). Nobody wrote that story. Now you know that's a saving of billions and billions of dollars, many billions of dollars over the course of — it's between 2,500 and 3,000 planes will be the final order. But this was only 90 of those 2,500 planes.

AP: And you expect those savings to carry out across that full order?

TRUMP: More. I'm gonna get more than that. This was a thing that was out of control and now it's great. And the woman that runs Lockheed, Marillyn (Hewson), she was great. But all of a sudden it was a different kind of a thing. You know?

—

AP: Do you feel like you've been able to apply that kind of a relationship to your dealings with Congress as well?

TRUMP: I have great relationships with Congress. I think we're doing very well and I think we have a great foundation for future things. We're going to be applying, I shouldn't tell you this, but we're going to be announcing, probably on Wednesday, tax reform. And it's — we've worked on it long and hard. And you've got to understand, I've only been here now 93 days, 92 days. President Obama took 17 months to do Obamacare. I've been here 92 days but I've only been working on the health care, you know I had to get like a little bit of grounding right? Health care started after 30 day(s), so I've been working on health care for 60 days. ...You know, we're

very close. And it's a great plan, you know, we have to get it approved.

AP: Is it this deal that's between the Tuesday Group and the Freedom Caucus, is that the deal you're looking at?

TRUMP: So the Republican Party has various groups, all great people. They're great people. But some are moderate, some are very conservative. The Democrats don't seem to have that nearly as much. You know the Democrats have, they don't have that. The Republicans do have that. And I think it's fine. But you know there's a pretty vast area in there. And I have a great relationship with all of them. Now, we have government not closing. I think we'll be in great shape on that. It's going very well. Obviously, that takes precedent.

AP: That takes precedent over health care? For next week?

TRUMP: Yeah, sure. Next week. Because the hundred days is just an artificial barrier. The press keeps talking about the hundred days. But we've done a lot. You have a list of things. I don't have to read it.

—

AP: You did put out though, as a candidate, you put out a 100-day plan. Do you feel like you should be held accountable to that plan?

TRUMP: Somebody, yeah, somebody put out the concept of a hundred-day plan. But yeah. Well, I'm mostly there on most items. Go over the items, and I'll talk to you ...

(Crosstalk.)

TRUMP: But things change. There has to be flexibility. Let me give you an example. President Xi, we have a, like, a really great relationship. For me to call him a currency manipulator

and then say, “By the way, I’d like you to solve the North Korean problem,” doesn’t work. So you have to have a certain flexibility, Number One. Number Two, from the time I took office till now, you know, it’s a very exact thing. It’s not like generalities. Do you want a Coke or anything?

AP: I’m OK, thank you. No. ...

TRUMP: But President Xi, from the time I took office, he has not, they have not been currency manipulators. Because there’s a certain respect because he knew I would do something or whatever. But more importantly than him not being a currency manipulator the bigger picture, bigger than even currency manipulation, if he’s helping us with North Korea, with nuclear and all of the things that go along with it, who would call, what am I going to do, say, “By the way, would you help us with North Korea? And also, you’re a currency manipulator.” It doesn’t work that way.

AP: Right.

TRUMP: And the media, some of them get it, in all fairness. But you know some of them either don’t get it, in which case they’re very stupid people, or they just don’t want to say it. You know because of a couple of them said, “He didn’t call them a currency manipulator.” Well, for two reasons. Number One, he’s not, since my time. You know, very specific formula. You would think it’s like generalities, it’s not. They have — they’ve actually — their currency’s gone up. So it’s a very, very specific formula. And I said, “How badly have they been,” ... they said, “Since you got to office they have not manipulated their currency.” That’s Number One, but much more important, they are working with us on North Korea. Now maybe that’ll work out or maybe it won’t. Can you imagine? ...

AP: So in terms of the 100-day plan that you did put out during the campaign, do you feel, though, that people should hold you

accountable to this in terms of judging success?

TRUMP: No, because much of the foundation's been laid. Things came up. I'll give you an example. I didn't put Supreme Court judge on the 100 (day) plan, and I got a Supreme Court judge.

AP: I think it's on there.

TRUMP: I don't know. ...

AP: "Begin the process of selecting." You actually exceeded on this one. This says, "Begin the process of selecting a replacement."

TRUMP: That's the biggest thing I've done.

AP: Do you consider that your biggest success?

TRUMP: Well, I — first of all I think he's a great man. I think he will be a great, great justice of the Supreme Court. I have always heard that the selection and the affirmation of a Supreme Court judge is the biggest thing a president can do. Don't forget, he could be there for 40 years. ... He's a young man. I've always heard that that's the biggest thing. Now, I would say that defense is the biggest thing. You know, to be honest, there are a number of things. But I've always heard that the highest calling is the nomination of a Supreme Court justice. I've done one in my first 70 days.

TRUMP: Our military is so proud. They were not proud at all. They had their heads down. Now they have their heads up. ...

TRUMP: I'm rebuilding the military. We have great people. We have great things in place. We have tremendous borders. I mention the F-35 because if I can save \$725 million — look at that, that's a massive amount of money. And I'll save more as we make more planes. If I can save that on a small number of

planes — Gen. (Jim) Mattis (the defense secretary) said, “I’ve never seen anything like this,” because he had to sign the ultimate (unintelligible) ... He had to sign the ultimate, you know. He said, “I’ve never seen anything like this before, as long as I’ve been in the military.” You know, that kind of cutting.

AP: Right.

TRUMP: Now, if I can do that (unintelligible) ... As an example, the aircraft carriers, billions of dollars, the Gerald Ford, billions and billions over budget. That won’t happen.

AP: Is that something you’re going to take on?

TRUMP: (unintelligible) But as we order the other ones, because they want to order 12, the other ones are going to come in much less expensive. ...

—

AP: Can I ask you, over your first 100 days — you’re not quite there yet — how do you feel like the office has changed you?

TRUMP: Well the one thing I would say — and I say this to people — I never realized how big it was. Everything’s so (unintelligible) like, you know the orders are so massive. I was talking to —

AP: You mean the responsibility of it, or do you mean —

TRUMP: Number One, there’s great responsibility. When it came time to, as an example, send out the 59 missiles, the Tomahawks in Syria. I’m saying to myself, “You know, this is more than just like, 79 (sic) missiles. This is death that’s involved,” because people could have been killed. This is risk that’s involved, because if the missile goes off and goes in a city or goes in a civilian area — you know, the boats were

hundreds of miles away — and if this missile goes off and lands in the middle of a town or a hamlet every decision is much harder than you'd normally make. (unintelligible) ... This is involving death and life and so many things. ... So it's far more responsibility. (unintelligible) ...The financial cost of everything is so massive, every agency. This is thousands of times bigger, the United States, than the biggest company in the world. The second-largest company in the world is the Defense Department. The third-largest company in the world is Social Security. The fourth-largest — you know, you go down the list.

AP: Right.

TRUMP. It's massive. And every agency is, like, bigger than any company. So you know, I really just see the bigness of it all, but also the responsibility. And the human responsibility. You know, the human life that's involved in some of the decisions.

—

AP: You've talked a little bit about the way that you've brought some business skills into the office. Is there anything from your business background that just doesn't translate into the presidency, that just simply is not applicable to this job?

TRUMP: Well in business, you don't necessarily need heart, whereas here, almost everything affects people. So if you're talking about health care — you have health care in business but you're trying to just negotiate a good price on health care, et cetera, et cetera. You're providing health. This is (unintelligible). Here, everything, pretty much everything you do in government, involves heart, whereas in business, most things don't involve heart.

AP: What's that switch been like for you?

TRUMP: In fact, in business you're actually better off without

it.

AP: What's making that switch been like for you?

TRUMP: You have to love people. And if you love people, such a big responsibility. (unintelligible) You can take any single thing, including even taxes. I mean we're going to be doing major tax reform. Here's part of your story, it's going to be a big (unintelligible). Everybody's saying, "Oh, he's delaying." I'm not delaying anything. I'll tell you the other thing is (unintelligible). I used to get great press. I get the worst press. I get such dishonest reporting with the media. That's another thing that really has — I've never had anything like it before. It happened during the primaries, and I said, you know, when I won, I said, "Well the one thing good is now I'll get good press." And it got worse. (unintelligible) So that was one thing that a little bit of a surprise to me. I thought the press would become better, and it actually, in my opinion, got more nasty.

—

AP: But in terms of tax reform, how are you going to roll that out next week?

TRUMP: Well I'm going to roll (out) probably on Wednesday, around Wednesday of next week, we're putting out a massive tax reform — business and for people — we want to do both. We've been working on it (unintelligible). Secretary Mnuchin is a very talented person, very smart. Very successful (unintelligible). ... We're going to be putting that out on Wednesday or shortly thereafter. Let me leave a little room just in case (unintelligible). ... And that's a big story, because a lot of people think I'm going to put it out much later.

AP: Do you have any details on that in terms of rates?

TRUMP: Only in terms that it will be a massive tax cut. It will be bigger, I believe, than any tax cut ever. Maybe the biggest

tax cut we've ever had. ...

—

AP: Obviously, that's going to come in a week where you're going to be running up against the deadline for keeping the government open. If you get a bill on your desk that does not include funding for the wall, will you sign it?

TRUMP: I don't know yet. People want the border wall. My base definitely wants the border wall, my base really wants it — you've been to many of the rallies. OK, the thing they want more than anything is the wall. My base, which is a big base; I think my base is 45 percent. You know, it's funny. The Democrats, they have a big advantage in the electoral college. Big, big, big advantage. I've always said the popular vote would be a lot easier than the electoral college. The electoral college — but it's a whole different campaign (unintelligible). The electoral college is very difficult for a Republican to win, and I will tell you, the people want to see it. They want to see the wall, they want to see security. Now, it just came out that they're 73 percent down. ... That's a tremendous achievement. ... Look at this, in 100 days, that down to the lowest in 17 years and it's going lower. Now, people aren't coming because they know they're not going to get through, and there isn't crime. You know the migration up to the border is horrible for women, you know that? (Unintelligible.) Now, much of that's stopped because they can't get through.

AP: It sounds like maybe you're beginning to send a message that if you do get a spending bill that doesn't have border funding in there, you would sign it.

TRUMP: Well, first of all, the wall will cost much less than the numbers I'm seeing. I'm seeing numbers, I mean, this wall is not going to be that expensive.

AP: What do you think the estimate on it would be?

TRUMP: Oh I'm seeing numbers — \$24 billion, I think I'll do it for \$10 billion or less. That's not a lot of money relative to what we're talking about. If we stop 1 percent of the drugs from coming in — and we'll stop all of it. But if we stop 1 percent of the drugs because we have the wall — they're coming around in certain areas, but if you have a wall, they can't do it because it's a real wall. That's a tremendously good investment, 1 percent. The drugs pouring through on the southern border are unbelievable. We're becoming a drug culture, there's so much. And most of it's coming from the southern border. The wall will stop the drugs.

AP: But, just trying to nail you down on it one more time, will you sign a spending bill if it doesn't have —

TRUMP: I don't want to comment. I just don't know yet. I mean, I have to see what's going on. I really do. But the wall's a very important thing to — not only my base, but to the people. And even if it wasn't, I mean I'll do things that aren't necessarily popular. ... The wall is very important to stopping drugs.

AP: If you don't have a funding stream, your message to your base is what?

TRUMP: My base understands the wall is going to get built, whether I have it funded here or if I get it funded shortly thereafter, that wall's getting built, OK? One hundred percent. One hundred percent it's getting built. And it's also getting built for much less money — I hope you get this — than these people are estimating. The opponents are talking \$25 billion for the wall. It's not going to cost anywhere near that.

AP: You think \$10 billion or less.

TRUMP: I think \$10 billion or less. And if I do a super-duper,

higher, better, better security, everything else, maybe it goes a little bit more. But it's not going to be anywhere near (those) kind of numbers. And they're using those numbers; they're using the high numbers to make it sound impalatable (sic). And the fact it's going to cost much less money, just like the airplane I told you about, which I hope you can write about.

—

(Off-the-record discussion.)

—

TRUMP: They had a quote from me that NATO's obsolete. But they didn't say why it was obsolete. I was on Wolf Blitzer, very fair interview, the first time I was ever asked about NATO, because I wasn't in government. People don't go around asking about NATO if I'm building a building in Manhattan, right? So they asked me, Wolf ... asked me about NATO, and I said two things. NATO's obsolete — not knowing much about NATO, now I know a lot about NATO — NATO is obsolete, and I said, "And the reason it's obsolete is because of the fact they don't focus on terrorism." You know, back when they did NATO there was no such thing as terrorism.

AP: What specifically has NATO changed?

TRUMP: (Cites Wall Street Journal article) ... I did an interview with Wolf Blitzer, and I said NATO was obsolete — I said two things — obsolete, and the country's aren't paying. I was right about both. I took such heat for about three days on both, because nobody ever criticized NATO. I took heat like you wouldn't believe. And then some expert on NATO said, "You know, Trump is right." But I said it was obsolete because they weren't focused on terror. ...

It's not fair that we're paying close to 4 percent and other countries that are more directly affected are paying 1 percent

when they're supposed to be paying 2 percent. And I'm very strong on it and I'm going to be very strong on it when I go there in a month."

—

AP: This morning you tweeted that after the possible terrorist attack in Paris, that it will have a big effect on the upcoming French election. What did you mean by that?

TRUMP: Well, I think it will have a big effect on who people are going to vote for in the election.

AP: Do you think it's going to help Marine Le Pen?

TRUMP: I think so.

AP: Do you believe that she should be the president?

TRUMP: No, I have no comment on that, but I think that it'll probably help her because she is the strongest on borders and she is the strongest on what's been going on in France.

AP: Do you worry at all that by saying that, that a terrorist attack would have an impact on a democratic election, that it would actually embolden terrorists to try to —.

TRUMP: No. Look, everybody is making predictions who is going to win. I am no different than you, you could say the same thing. ...

AP: I just wonder if you are encouraging, you are the president of the United States, so to say that you worry that it encourages terrorists ...

TRUMP: No, I am no different than — no, I think it discourages terrorists, I think it discourages. I think what we've done on the border discourages it. I think that my stance on having people come in to this country that we have

no idea who they are and in certain cases you will have radical Islamic terrorism. I'm not going to have it in this country. I'm not going to let what happened to France and other places happen here. And it's already largely, you know — we have tens — we have hundreds of thousands of people that have been allowed into our country that should not be here. They shouldn't be here. We have people allowed into our country with no documentation whatsoever. They have no documentation and they were allowed under the previous administrations, they were allowed into our country. It's a big mistake.

AP: Just so that I am clear. You are not endorsing her for the office, but you are —

TRUMP: I am not endorsing her and I didn't mention her name.

AP: Right, I just wanted to make sure I have that clear.

TRUMP: I believe whoever is the toughest on radical Islamic terrorism and whoever is the toughest at the borders will do well at the election. I am not saying that person is going to win, she is not even favored to win, you know. Right now, she is in second place.

—

AP: I have a question on the markets, actually. One thing that I think has been different about this White House is that you do point to the markets as a sign of progress. Do you worry, though — I mean, the markets go up and down.

TRUMP: You live by the sword, you die by the sword, to a certain extent. But we create a lot of jobs, 500,000 jobs as of two months ago, and plenty created since. Five hundred thousand. ... As an example, Ford, General Motors. I've had cases where the gentleman from China, Ma, Jack Ma

(chairman of Alibaba Group), he comes up, he says, “Only because of you am I making this massive investment.” Intel, only because of you. ... The press never writes that.

AP: What about NAFTA? What’s the plan on NAFTA?

TRUMP: What would you like to know?

AP: I would like to know what your plan is in terms of renegotiating.

TRUMP: I am very upset with NAFTA. I think NAFTA has been a catastrophic trade deal for the United States, trading agreement for the United States. It hurts us with Canada, and it hurts us with Mexico. Most people don’t even think of NAFTA in terms of Canada. You saw what happened yesterday in my statements, because if you look at the dairy farmers in Wisconsin and upstate New York, they are getting killed by NAFTA.

AP: Is your plan still, though, to renegotiate the whole deal?

TRUMP: I am going to either renegotiate it or I am going to terminate it.

AP: Termination is still on the table.

TRUMP: Absolutely. If they don’t treat fairly, I am terminating NAFTA.

AP: What’s a timeline for that decision?

TRUMP: It’s a six-month termination clause, I have the right to do it, it’s a six-month clause.

AP: If I could fit a couple of more topics. Jeff Sessions, your

attorney general, is taking a tougher line suddenly on Julian Assange, saying that arresting him is a priority. You were supportive of what WikiLeaks was doing during the campaign with the release of the Clinton emails. Do you think that arresting Assange is a priority for the United States?

TRUMP: When Wikileaks came out ... never heard of Wikileaks, never heard of it. When Wikileaks came out, all I was just saying is, "Well, look at all this information here, this is pretty good stuff." You know, they tried to hack the Republican, the RNC, but we had good defenses. They didn't have defenses, which is pretty bad management. But we had good defenses, they tried to hack both of them. They weren't able to get through to Republicans. No, I found it very interesting when I read this stuff and I said, "Wow." It was just a figure of speech. I said, "Well, look at this. It's good reading."

AP: But that didn't mean that you supported what Assange is doing?

TRUMP: No, I don't support or unsupport. It was just information. They shouldn't have allowed it to get out. If they had the proper defensive devices on their internet, you know, equipment, they wouldn't even allow the FBI. How about this — they get hacked, and the FBI goes to see them, and they won't let the FBI see their server. But do you understand, nobody ever writes it. Why wouldn't (former Hillary Clinton campaign chairman John) Podesta and Hillary Clinton allow the FBI to see the server? They brought in another company that I hear is Ukrainian-based.

AP: CrowdStrike?

TRUMP: That's what I heard. I heard it's owned by a very rich Ukrainian, that's what I heard. But they brought in another company to investigate the server. Why didn't they allow the FBI in to investigate the server? I mean, there is so many

things that nobody writes about. It's incredible.

AP: Can I just ask you, though — do you believe it is a priority for the United States, or it should be a priority, to arrest Julian Assange?

TRUMP: I am not involved in that decision, but if Jeff Sessions wants to do it, it's OK with me. I didn't know about that decision, but if they want to do it, it's OK with me.

—

AP: On Iran, which is another thing you talked a lot on the campaign —

TRUMP: And the other thing that we should go after is the leakers. ...

AP: On Iran, you also talked about it quite a bit on the campaign trail. And you said in the press conference yesterday that you think that Iran is violating the spirit of the agreement. When you say that, do you mean in terms of the actual nuclear accord, or do you mean what they are doing in the region?

TRUMP: In terms of what they are doing all over the Middle East and beyond.

AP: So you believe that they are complying with the agreement?

TRUMP: No, I don't say that. I say that I believe they have broken the spirit of the agreement. There is a spirit to agreements, and they have broken it.

AP: In terms of what they are doing elsewhere in the Middle East?

TRUMP: In terms of what they are doing of all over.

AP: When you talk to European leaders, when you talk to Merkel, for example, or Teresa May, what do they say about the nuclear deal? Do they want you to stay in that deal?

TRUMP: I don't talk to them about it.

AP: You don't talk to them about the Iran deal?

TRUMP: I mention it, but it's very personal when I talk to them, you know, it's confidential. No, they have their own opinions. I don't say that they are different than my opinions, but I'd rather have you ask them that question.

AP: At this point, do you believe that you will stay in the nuclear deal?

TRUMP: It's possible that we won't.

—

AP: Dreamers, you've talked about them, you've talked about heart earlier. This is one area where you have talked —

TRUMP: No, we aren't looking to do anything right now. Look, the dreamers ... this is an interesting case, they left and they came back and he's got some problems, it's a little different than the dreamer case, right? But we are putting MS-13 in jail and getting them the hell out of our country. They've taken over towns and cities and we are being really brutal with MS-13, and that's what we should be. They are a bad group, and somebody said they are as bad as al-Qaida, which is a hell of a reference. So we are moving criminals out of our country and we are getting them out in record numbers and those are the people we are after. We are not after the dreamers, we are after the criminals.

AP: And that's going to be the policy of your administration to allow the dreamers to stay?

TRUMP: Yes. Yes. That's our policy. I am not saying ... long-term, we are going to have to fix the problem, the whole immigration problem. But I will tell you: Right now we have a great gentleman, one of my real stars is Gen. (John) Kelly, now (Homeland Security) Secretary Kelly. We are down 73 percent at the border, we are cleaning out cities and towns of hard-line criminals, some of the worst people on earth, people that rape and kill women, people that are killing people just for the sake of having fun. They are being thrown in jails and they are being ... all over the country and nobody's ever done it like us, so we are being unbelievably thorough with that. We are out in Long Island cleaning out the MS-13 scum, they are all scum, that's probably the worst gang anywhere on Earth. ...

AP: A lot of the dreamers have been hoping to hear something from you. I don't want to give them the wrong message with this.

TRUMP: Here is what they can hear: The dreamers should rest easy. OK? I'll give you that. The dreamers should rest easy. ...

—

(An aide talks about the president's address to Congress.)

TRUMP: A lot of the people have said that, some people said it was the single best speech ever made in that chamber.

AP: You seem like you enjoyed it.

TRUMP: I did. I did. I believed in it and I enjoyed it. It was a great feeling to introduce the wife of a great young soldier who died getting us very valuable information. Have you seen the tremendous success? ... That's another thing that nobody talks about. Have you seen the tremendous success we've had in the Middle East with the ISIS (an abbreviation for the Islamic State group)? When (current Iraqi Prime Minister Haider al) Abadi left from Iraq, he said Trump has more success in eight

weeks than Obama had in eight years. ... We have had tremendous success, but we don't talk about it. We don't talk about it.

AP: Do you mean you don't talk about it personally because you don't want to talk about it?

TRUMP: I don't talk about it. No. And the generals don't talk about it.

—

AP: You had put a request into the Pentagon to put forward an ISIS plan within 30 days. I know they have sent that over. Have you accepted a plan? Are you moving forward on a strategy?

TRUMP: We have a very strong plan, but we cannot talk about it, Julie.

AP: So you have decided on a plan?

TRUMP: Remember how many times have you been to the speech where I talked about Mosul.

AP: Right.

TRUMP. Right. Mosul. Four months we are going in, three months. We are still fighting Mosul. You know why? Because they were prepared. If we would have gone in and just done it, it would have been over three months ago.

AP: Can you say generally what the strategy is? Should people

—

TRUMP: Generally is we have got to get rid of ISIS. We have no choice. And other terrorist organizations.

AP: Should Americans who are serving in the military expect that you are going to increase troop numbers in the Middle

East to fight ISIS?

TRUMP: No, not much.

AP: In terms of the strategy, though, that you have accepted, it sounds like, from the generals —

TRUMP: Well, they've also accepted my strategy.

AP: Does that involve more troops on the ground, it sounds like?

TRUMP: Not many.

AP: So a small increase?

TRUMP: It could be an increase, then an increase. But not many more. I want to do the job, but not many more. ... This is an important story. I've done a lot. I've done more than any other president in the first 100 days and I think the first 100 days is an artificial barrier. And I'm scheduled ... the foundations have been set to do some great things. With foreign countries. Look at, look at President Xi. I mean ...

AP: What do you think it was about your chemistry?

TRUMP: We had good chemistry. Now I don't know that I think that's going to produce results but you've got a good chance.

AP: Uh-huh.

TRUMP: Look, he turned down many coal ships. These massive coal ships are coming where they get a lot of their income. They're coming into China and they're being turned away. That's never happened before. The fuel, the oil, so many different things. You saw the editorial they had in their paper saying they cannot be allowed to have nuclear, you know, et cetera. People have said they've never seen this ever before in

China. We have the same relationship with others. There's a great foundation that's built. Great foundation. And I think it's going to produce tremendous results for our country.

AP: One more 100 days question.

TRUMP: That's fine.

AP: ... is do you think you have the right team in place for your next 100 days?

TRUMP: Yes. I think my team has been, well, I have different teams. I think my military team has been treated with great respect. As they should be. I think my other team hasn't been treated with the respect that they should get. We have some very talented people, and very diverse people.

AP: Do you mean your White House team when you say that?

TRUMP: Yeah, my White House team. I think Reince (Priebus) has been doing an excellent job. I think that, you know, this is a very tough environment not caused necessarily by me. Although the election has, you know, look, the Democrats had a tremendous opportunity because the electoral college, as I said, is so skewed to them. You start off by losing in New York and California, no matter who it is. If, if Abe Lincoln came back to life, he would lose New York and he would lose California. It's just the registration, there's nothing you can do. So you're losing the two biggest states, that's where you start. OK. The Electoral College is so skewed in favor of a Democrat that it's very, very hard. Look at Obama's number in the Electoral College. His numbers on the win were ... but the Electoral College numbers were massive. You lose New York, you lose Illinois. Illinois is impossible to win. And you look at, so now you lose New York, Illinois, no matter what you do, and California. Right. And you say, man. Now you have to win

Florida, you have to win Ohio, you have to win North Carolina. You have to win all these states, and then I won Wisconsin and Michigan and all of these other places, but you remember there was no way to, there was no way to 270.

AP: Right.

TRUMP: So she had this massive advantage, she spent hundreds of millions of dollars more money than I spent. Hundreds of millions ... Yeah. Or more, actually because we were \$375 she was at \$2.2 billion. But whatever. She spent massive amounts of money more and she lost. Solidly lost, because you know it wasn't 270, it was 306. So there's anger. But there was massive anger before I got there, so it's not easy for a White House staff to realize that you are going into a situation where you are going to be at no, where are going to get no votes. I mean, here's a judge who is No. 1 at Columbia, No. 1 at Harvard and an Oxford scholar. And he got three votes.

AP: Three Democratic votes, but yeah.

TRUMP: Three Democratic votes. OK. He's an Oxford scholar at the highest level. The No. 1, you know, one of the great academics, one of the great writers. No bad decisions with all ... nothing. He's like a ...

AP: Do you think that you can break through that? I mean this

—

TRUMP: Yeah, I do.

AP: Is one of the biggest challenges for a president.

TRUMP: I think (I) can to an extent. But there's a, there's a basic hard-line core that you can't break though, OK, that you can't break through. There's a hard-line group you can't break through, you can't. It's sad. You can't. Look, I met with

Congressman Cummings and I really liked him, a lot. Elijah Cummings (of Maryland). I really liked him a lot. And during the conversation because we have a very strong mutual feeling on drug prices. He came to see me, at my invitation, because I saw him talking about, he came to see me about drug prices because drug prices are ridiculous. And I am going to get them way, way, way down and he liked that. He said you will be the greatest president. He said you will be, in front of five, six people, he said you will be the greatest president in the history of this country.

AP: He disputed that slightly.

TRUMP: That's what he said. I mean, what can I tell you?

AP: Yeah.

TRUMP: There's six people sitting here. What did he, what, what do you mean by slightly?

AP: He said, he said that he felt like you could be a great president if and then —

TRUMP: Well he said, you'll be the greatest president in the history of, but you know what, I'll take that also, but that you could be. But he said, will be the greatest president but I would also accept the other. In other words, if you do your job, but I accept that. Then I watched him interviewed and it was like he never even was here. It's incredible. I watched him interviewed a week later and it's like he was never in my office. And you can even say that.

—

AP: And that's one of the difficulties I think presidents have had is that you can have these personal relationships with people from the other party, but then it's hard to actually change how people vote or change how people —

TRUMP: No I have, it's interesting, I have, seem to get very high ratings. I definitely. You know Chris Wallace had 9.2 million people, it's the highest in the history of the show. I have all the ratings for all those morning shows. When I go, they go double, triple. Chris Wallace, look back during the Army-Navy football game, I did his show that morning.

AP: I remember, right.

TRUMP: It had 9.2 million people. It's the highest they've ever had. On any, on air, (CBS "Face the Nation" host John) Dickerson had 5.2 million people. It's the highest for "Face the Nation" or as I call it, "Deface the Nation." It's the highest for "Deface the Nation" since the World Trade Center. Since the World Trade Center came down. It's a tremendous advantage.

I have learned one thing, because I get treated very unfairly, that's what I call it, the fake media. And the fake media is not all of the media. You know they tried to say that the fake media was all the, no. The fake media is some of you. I could tell you who it is, 100 percent. Sometimes you're fake, but — but the fake media is some of the media. It bears no relationship to the truth. It's not that Fox treats me well, it's that Fox is the most accurate.

AP: Do you believe that? That Fox —

TRUMP: I do. I get treated so badly. Yesterday, about the thing, you know when I said it's a terrorism ... it may be. I said it may be a terrorist attack and MSNBC, I heard, went crazy, "He called it a terrorist attack." They thought it was a bank robbery. By the way, I'm 10-0 for that. I've called every one of them. Every time they said I called it way too early and then it turns out I'm ... Whatever. Whatever. In the meantime, I'm here and they're not.

—

AP: Do you feel that one of the things with cable is there's such real-time reaction with everything you say?

TRUMP: Yeah.

AP: Can you separate that sometimes from that actual decision?

TRUMP: The one thing —

AP: That you have to do —

TRUMP: OK. The one thing I've learned to do that I never thought I had the ability to do. I don't watch CNN anymore.

AP: You just said you did.

TRUMP: No. No, I, if I'm passing it, what did I just say (inaudible)?

AP: You just said —

TRUMP: Where? Where?

AP: Two minutes ago.

TRUMP: No, they treat me so badly. No, I just said that. No, I, what'd I say, I stopped watching them. But I don't watch CNN anymore. I don't watch MSNBC. I don't watch it. Now I heard yesterday that MSNBC, you know, they tell me what's going on.

AP: Right.

TRUMP: In fact, they also did. I never thought I had the ability to not watch. Like, people think I watch (MSNBC's) "Morning Joe." I don't watch "Morning Joe." I never thought I had the ability to, and who used to treat me great by the way, when I played the game. I never thought I had the ability to not watch what is unpleasant, if it's about me. Or pleasant. But when I

see it's such false reporting and such bad reporting and false reporting that I've developed an ability that I never thought I had. I don't watch things that are unpleasant. I just don't watch them.

AP: And do you feel like that's, that's because of the office that you now occupy —

TRUMP: No.

AP: That you've made that change?

TRUMP: I don't know why it is, but I've developed that ability, and it's happened over the last, over the last year.

AP: That's interesting.

TRUMP: And I don't watch things that I know are going to be unpleasant. CNN has covered me unfairly and incorrectly and I don't watch them anymore. A lot of people don't watch them anymore, they're now in third place. But I've created something where people are watching ... but I don't watch CNN anymore. I don't watch MSNBC anymore. I don't watch things, and I never thought I had that ability. I always thought I'd watch.

AP: Sure.

TRUMP: I just don't. And that's taken place over the last year. And you know what that is, that's a great, it's a great thing because you leave, you leave for work in the morning you know, you're, you don't watch this total negativity. I never thought I'd be able to do that and for me, it's so easy to do now. Just don't watch.

AP: That's interesting.

TRUMP: Maybe it's because I'm here. I don't know.

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EXHIBIT 35

The Washington Post

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Full text: Donald Trump announces a presidential bid

By Washington Post Staff June 16, 2015

Donald Trump announced Tuesday that he's running for president. Here are his remarks as delivered. (They vary pretty substantially from the copy of prepared remarks sent to reporters.)

TRUMP: Wow. Whoa. That is some group of people. Thousands.

So nice, thank you very much. That's really nice. Thank you. It's great to be at Trump Tower. It's great to be in a wonderful city, New York. And it's an honor to have everybody here. This is beyond anybody's expectations. There's been no crowd like this.

And, I can tell, some of the candidates, they went in. They didn't know the air-conditioner didn't work. They sweated like dogs.

(LAUGHTER)

They didn't know the room was too big, because they didn't have anybody there. How are they going to beat ISIS? I don't think it's gonna happen.

(APPLAUSE)

Our country is in serious trouble. We don't have victories anymore. We used to have victories, but we don't have them. When was the last time anybody saw us beating, let's say, China in a trade deal? They kill us. I beat China all the time. All the time.

(APPLAUSE)

AUDIENCE MEMBER: We want Trump. We want Trump.

TRUMP: When did we beat Japan at anything? They send their cars over by the millions, and what do we do? When was the last time you saw a Chevrolet in Tokyo? It doesn't exist, folks. They beat us all the time.

When do we beat Mexico at the border? They're laughing at us, at our stupidity. And now they are beating us economically. They are not our friend, believe me. But they're killing us economically.

The U.S. has become a dumping ground for everybody else's problems.

(APPLAUSE)

Thank you. It's true, and these are the best and the finest. When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people.

But I speak to border guards and they tell us what we're getting. And it only makes common sense. It only makes common sense. They're sending us not the right people.

It's coming from more than Mexico. It's coming from all over South and Latin America, and it's coming probably -- probably -- from the Middle East. But we don't know. Because we have no protection and we have no

competence, we don't know what's happening. And it's got to stop and it's got to stop fast.

(APPLAUSE)

TRUMP: Islamic terrorism is eating up large portions of the Middle East. They've become rich. I'm in competition with them.

They just built a hotel in Syria. Can you believe this? They built a hotel. When I have to build a hotel, I pay interest. They don't have to pay interest, because they took the oil that, when we left Iraq, I said we should've taken.

So now ISIS has the oil, and what they don't have, Iran has. And in 19 -- and I will tell you this, and I said it very strongly, years ago, I said -- and I love the military, and I want to have the strongest military that we've ever had, and we need it more now than ever. But I said, "Don't hit Iraq," because you're going to totally destabilize the Middle East. Iran is going to take over the Middle East, Iran and somebody else will get the oil, and it turned out that Iran is now taking over Iraq. Think of it. Iran is taking over Iraq, and they're taking it over big league.

We spent \$2 trillion in Iraq, \$2 trillion. We lost thousands of lives, thousands in Iraq. We have wounded soldiers, who I love, I love -- they're great -- all over the place, thousands and thousands of wounded soldiers.

And we have nothing. We can't even go there. We have nothing. And every time we give Iraq equipment, the first time a bullet goes off in the air, they leave it.

Last week, I read 2,300 Humvees -- these are big vehicles -- were left behind for the enemy. 2,000? You would say maybe two, maybe four? 2,300 sophisticated vehicles, they ran, and the enemy took them.

AUDIENCE MEMBER: We need Trump now.

TRUMP: You're right.

(APPLAUSE)

AUDIENCE MEMBER: We need Trump now.

TRUMP: Last quarter, it was just announced our gross domestic product -- a sign of strength, right? But not for us. It was below zero. Whoever heard of this? It's never below zero.

Our labor participation rate was the worst since 1978. But think of it, GDP below zero, horrible labor participation rate.

And our real unemployment is anywhere from 18 to 20 percent. Don't believe the 5.6. Don't believe it.

That's right. A lot of people up there can't get jobs. They can't get jobs, because there are no jobs, because China has our jobs and Mexico has our jobs. They all have jobs.

But the real number, the real number is anywhere from 18 to 19 and maybe even 21 percent, and nobody talks about it, because it's a statistic that's full of nonsense.

AUDIENCE MEMBER: We want Trump now.

TRUMP: Our enemies are getting stronger and stronger by the way, and we as a country are getting weaker. Even our nuclear arsenal doesn't work.

It came out recently they have equipment that is 30 years old. They don't know if it worked. And I thought it was horrible when it was broadcast on television, because boy, does that send signals to Putin and all of the other people that look at us and they say, "That is a group of people, and that is a nation that truly has no clue. They don't know what they're doing. They don't

know what they're doing."

AUDIENCE MEMBER: We need Trump now.

(APPLAUSE)

TRUMP: We have a disaster called the big lie: Obamacare. Obamacare.

Yesterday, it came out that costs are going for people up 29, 39, 49, and even 55 percent, and deductibles are through the roof. You have to be hit by a tractor, literally, a tractor, to use it, because the deductibles are so high, it's virtually useless. It's virtually useless. It is a disaster.

TRUMP: And remember the \$5 billion Web site? \$5 billion we spent on a Web site, and to this day it doesn't work. A \$5 billion Web site.

I have so many Web sites, I have them all over the place. I hire people, they do a Web site. It costs me \$3. \$5 billion Web site.

(APPLAUSE)

AUDIENCE: We want Trump. We want Trump. We want Trump. We want Trump.

TRUMP: Well, you need somebody, because politicians are all talk, no action. Nothing's gonna get done. They will not bring us -- believe me -- to the promised land. They will not.

As an example, I've been on the circuit making speeches, and I hear my fellow Republicans. And they're wonderful people. I like them. They all want me to support them. They don't know how to bring it about. They come up to my office. I'm meeting with three of them in the next week. And they don't know -- "Are you running? Are you not running? Could we have your support? What do we do? How do we do it?"

I like them. And I hear their speeches. And they don't talk jobs and they don't talk China. When was the last time you heard China is killing us? They're devaluing their currency to a level that you wouldn't believe. It makes it impossible for our companies to compete, impossible. They're killing us.

But you don't hear that from anybody else. You don't hear it from anybody else. And I watch the speeches.

AUDIENCE MEMBER: No more free (inaudible).

TRUMP: Thank you.

I watch the speeches of these people, and they say the sun will rise, the moon will set, all sorts of wonderful things will happen. And people are saying, "What's going on? I just want a job. Just get me a job. I don't need the rhetoric. I want a job."

And that's what's happening. And it's going to get worse, because remember, Obamacare really kicks in in '16, 2016. Obama is going to be out playing golf. He might be on one of my courses. I would invite him, I actually would say. I have the best courses in the world, so I'd say, you what, if he wants to -- I have one right next to the White House, right on the Potomac. If he'd like to play, that's fine.

(APPLAUSE)

In fact, I'd love him to leave early and play, that would be a very good thing.

(LAUGHTER)

But Obamacare kicks in in 2016. Really big league. It is going to be amazingly destructive. Doctors are quitting. I have a friend who's a doctor, and he said to me the other day, "Donald, I never saw anything like it. I have

more accountants than I have nurses. It's a disaster. My patients are beside themselves. They had a plan that was good. They have no plan now."

We have to repeal Obamacare, and it can be -- and -- and it can be replaced with something much better for everybody. Let it be for everybody. But much better and much less expensive for people and for the government. And we can do it.

(APPLAUSE)

AUDIENCE: Trump. Trump. Trump. Trump. Trump. Trump.

TRUMP: So I've watched the politicians. I've dealt with them all my life. If you can't make a good deal with a politician, then there's something wrong with you. You're certainly not very good. And that's what we have= representing us. They will never make America great again. They don't even have a chance. They're controlled fully -- they're controlled fully by the lobbyists, by the donors, and by the special interests, fully.

Yes, they control them. Hey, I have lobbyists. I have to tell you. I have lobbyists that can produce anything for me. They're great. But you know what? it won't happen. It won't happen. Because we have to stop doing things for some people, but for this country, it's destroying our country. We have to stop, and it has to stop now.

AUDIENCE: It needs Trump.

TRUMP: Now, our country needs -- our country needs a truly great leader, and we need a truly great leader now. We need a leader that wrote "The Art of the Deal."

AUDIENCE MEMBER: Yes.

TRUMP: We need a leader that can bring back our jobs, can bring back our

manufacturing, can bring back our military, can take care of our vets. Our vets have been abandoned.

(APPLAUSE)

And we also need a cheerleader.

You know, when President Obama was elected, I said, "Well, the one thing, I think he'll do well. I think he'll be a great cheerleader for the country. I think he'd be a great spirit."

He was vibrant. He was young. I really thought that he would be a great cheerleader.

AUDIENCE MEMBER: But not a leader.

TRUMP: He's not a leader. That's true. You're right about that.

But he wasn't a cheerleader. He's actually a negative force. He's been a negative force. He wasn't a cheerleader; he was the opposite.

We need somebody that can take the brand of the United States and make it great again. It's not great again.

(APPLAUSE)

We need -- we need somebody -- we need somebody that literally will take this country and make it great again. We can do that.

(APPLAUSE)

And, I will tell you, I love my life. I have a wonderful family. They're saying, "Dad, you're going to do something that's going to be so tough."

You know, all of my life, I've heard that a truly successful person, a really, really successful person and even modestly successful cannot run for public office. Just can't happen. And yet that's the kind of mindset that you need to make this country great again.

So ladies and gentlemen...

(APPLAUSE)

I am officially running...

(APPLAUSE)

... for president of the United States, and we are going to make our country great again.

(APPLAUSE)

It can happen. Our country has tremendous potential. We have tremendous people.

We have people that aren't working. We have people that have no incentive to work. But they're going to have incentive to work, because the greatest social program is a job. And they'll be proud, and they'll love it, and they'll make much more than they would've ever made, and they'll be -- they'll be doing so well, and we're going to be thriving as a country, thriving. It can happen.

(APPLAUSE)

I will be the greatest jobs president that God ever created. I tell you that.

(APPLAUSE)

I'll bring back our jobs from China, from Mexico, from Japan, from so many places. I'll bring back our jobs, and I'll bring back our money.

Right now, think of this: We owe China \$1.3 trillion. We owe Japan more than that. So they come in, they take our jobs, they take our money, and then they loan us back the money, and we pay them in interest, and then the dollar goes up so their deal's even better.

How stupid are our leaders? How stupid are these politicians to allow this to happen? How stupid are they?

(APPLAUSE)

I'm going to tell you -- thank you. I'm going to tell you a couple of stories about trade, because I'm totally against the trade bill for a number of reasons.

Number one, the people negotiating don't have a clue. Our president doesn't have a clue. He's a bad negotiator.

He's the one that did Bergdahl. We get Bergdahl, they get five killer terrorists that everybody wanted over there.

We get Bergdahl. We get a traitor. We get a no-good traitor, and they get the five people that they wanted for years, and those people are now back on the battlefield trying to kill us. That's the negotiator we have.

Take a look at the deal he's making with Iran. He makes that deal, Israel maybe won't exist very long. It's a disaster, and we have to protect Israel. But...

AUDIENCE MEMBER: Yes, we do. Yes, we do.

(APPLAUSE)

TRUMP: So we need people -- I'm a free trader. But the problem with free trade is you need really talented people to negotiate for you. If you don't have talented people, if you don't have great leadership, if you don't have people that know business, not just a political hack that got the job because he made a contribution to a campaign, which is the way all jobs, just about, are gotten, free trade terrible.

Free trade can be wonderful if you have smart people, but we have people that are stupid. We have people that aren't smart. And we have people that are controlled by special interests. And it's just not going to work.

So, here's a couple of stories happened recently. A friend of mine is a great manufacturer. And, you know, China comes over and they dump all their stuff, and I buy it. I buy it, because, frankly, I have an obligation to buy it, because they devalue their currency so brilliantly, they just did it recently, and nobody thought they could do it again.

But with all our problems with Russia, with all our problems with everything -- everything, they got away with it again. And it's impossible for our people here to compete.

So I want to tell you this story. A friend of mine who's a great manufacturer, calls me up a few weeks ago. He's very upset. I said, "What's your problem?"

He said, "You know, I make great product."

And I said, "I know. I know that because I buy the product."

He said, "I can't get it into China. They won't accept it. I sent a boat over and they actually sent it back. They talked about environmental, they talked about all sorts of crap that had nothing to do with it."

I said, "Oh, wait a minute, that's terrible. Does anyone know this?"

He said, "Yeah, they do it all the time with other people."

I said, "They send it back?"

"Yeah. So I finally got it over there and they charged me a big tariff. They're not supposed to be doing that. I told them."

Now, they do charge you tariff on trucks, when we send trucks and other things over there.

Ask Boeing. They wanted Boeing's secrets. They wanted their patents and all their secrets before they agreed to buy planes from Boeing.

Hey, I'm not saying they're stupid. I like China. I sell apartments for -- I just sold an apartment for \$15 million to somebody from China. Am I supposed to dislike them? I own a big chunk of the Bank of America Building at 1290 Avenue of the Americas, that I got from China in a war. Very valuable.

I love China. The biggest bank in the world is from China. You know where their United States headquarters is located? In this building, in Trump Tower. I love China. People say, "Oh, you don't like China?"

No, I love them. But their leaders are much smarter than our leaders, and we can't sustain ourself with that. There's too much -- it's like -- it's like take the New England Patriots and Tom Brady and have them play your high school football team. That's the difference between China's leaders and our leaders.

They are ripping us. We are rebuilding China. We're rebuilding many countries. China, you go there now, roads, bridges, schools, you never saw anything like it. They have bridges that make the George Washington Bridge look like small potatoes. And they're all over the place.

We have all the cards, but we don't know how to use them. We don't even know that we have the cards, because our leaders don't understand the

game. We could turn off that spigot by charging them tax until they behave properly.

Now they're going militarily. They're building a military island in the middle of the South China sea. A military island. Now, our country could never do that because we'd have to get environmental clearance, and the environmentalist wouldn't let our country -- we would never build in an ocean. They built it in about one year, this massive military port.

They're building up their military to a point that is very scary. You have a problem with ISIS. You have a bigger problem with China.

And, in my opinion, the new China, believe it or not, in terms of trade, is Mexico.

So this man tells me about the manufacturing. I say, "That's a terrible story. I hate to hear it."

But I have another one, Ford.

So Mexico takes a company, a car company that was going to build in Tennessee, rips it out. Everybody thought the deal was dead. Reported it in the Wall Street Journal recently. Everybody thought it was a done deal. It's going in and that's going to be it, going into Tennessee. Great state, great people.

TRUMP: All of a sudden, at the last moment, this big car manufacturer, foreign, announces they're not going to Tennessee. They're gonna spend their \$1 billion in Mexico instead. Not good.

Now, Ford announces a few weeks ago that Ford is going to build a \$2.5 billion car and truck and parts manufacturing plant in Mexico. \$2.5 billion, it's going to be one of the largest in the world. Ford. Good company.

So I announced that I'm running for president. I would...

(APPLAUSE)

... one of the early things I would do, probably before I even got in -- and I wouldn't even use -- you know, I have -- I know the smartest negotiators in the world. I know the good ones. I know the bad ones. I know the overrated ones.

You get a lot of them that are overrated. They're not good. They think they are. They get good stories, because the newspapers get buffaloed (ph). But they're not good.

But I know the negotiators in the world, and I put them one for each country. Believe me, folks. We will do very, very well, very, very well.

But I wouldn't even waste my time with this one. I would call up the head of Ford, who I know. If I was president, I'd say, "Congratulations. I understand that you're building a nice \$2.5 billion car factory in Mexico and that you're going to take your cars and sell them to the United States zero tax, just flow them across the border."

And you say to yourself, "How does that help us," right? "How does that help us? Where is that good"? It's not.

So I would say, "Congratulations. That's the good news. Let me give you the bad news. Every car and every truck and every part manufactured in this plant that comes across the border, we're going to charge you a 35-percent tax, and that tax is going to be paid simultaneously with the transaction, and that's it.

Now, here's what is going to happen. If it's not me in the position, it's one of these politicians that we're running against, you know, the 400 people that we're (inaudible). And here's what's going to happen. They're not so stupid.

They know it's not a good thing, and they may even be upset by it. But then they're going to get a call from the donors or probably from the lobbyist for Ford and say, "You can't do that to Ford, because Ford takes care of me and I take care of you, and you can't do that to Ford."

And guess what? No problem. They're going to build in Mexico. They're going to take away thousands of jobs. It's very bad for us.

So under President Trump, here's what would happen:

(APPLAUSE)

The head of Ford will call me back, I would say within an hour after I told them the bad news. But it could be he'd want to be cool, and he'll wait until the next day. You know, they want to be a little cool.

And he'll say, "Please, please, please." He'll beg for a little while, and I'll say, "No interest." Then he'll call all sorts of political people, and I'll say, "Sorry, fellas. No interest," because I don't need anybody's money. It's nice. I don't need anybody's money.

I'm using my own money. I'm not using the lobbyists. I'm not using donors. I don't care. I'm really rich. I (inaudible).

(APPLAUSE)

And by the way, I'm not even saying that in a -- that's the kind of mindset, that's the kind of thinking you need for this country.

AUDIENCE MEMBER: Absolutely.

TRUMP: So -- because we got to make the country rich.

It sounds crass. Somebody said, "Oh, that's crass." It's not crass.

We got \$18 trillion in debt. We got nothing but problems.

We got a military that needs equipment all over the place. We got nuclear weapons that are obsolete.

We've got nothing. We've got Social Security that's going to be destroyed if somebody like me doesn't bring money into the country. All these other people want to cut the hell out of it. I'm not going to cut it at all; I'm going to bring money in, and we're going to save it.

(APPLAUSE)

But here's what's going to happen:

After I'm called by 30 friends of mine who contributed to different campaigns, after I'm called by all of the special interests and by the -- the donors and by the lobbyists -- and they have zero chance at convincing me, zero -- I'll get a call the next day from the head of Ford. He'll say, "Please reconsider," I'll say no.

He'll say, "Mr. President, we've decided to move the plant back to the United States, and we're not going to build it in Mexico." That's it. They have no choice. They have no choice.

There are hundreds of things like that. I'll give you another example.

TRUMP: Saudi Arabia, they make \$1 billion a day. \$1 billion a day. I love the Saudis. Many are in this building. They make a billion dollars a day.

Whenever they have problems, we send over the ships. We say "we're gonna protect." What are we doing? They've got nothing but money.

If the right person asked them, they'd pay a fortune. They wouldn't be there except for us.

And believe me, you look at the border with Yemen. You remember Obama a year ago, Yemen was a great victory. Two weeks later, the place was blown up. Everybody got out -- and they kept our equipment.

They always keep our equipment. We ought to send used equipment, right? They always keep our equipment. We ought to send some real junk, because, frankly, it would be -- we ought to send our surplus. We're always losing this gorgeous brand-new stuff.

But look at that border with Saudi Arabia. Do you really think that these people are interested in Yemen? Saudi Arabia without us is gone. They're gone.

And I'm the one that made all of the right predictions about Iraq. You know, all of these politicians that I'm running against now -- it's so nice to say I'm running as opposed to if I run, if I run. I'm running.

(APPLAUSE)

But all of these politicians that I'm running against now, they're trying to disassociate. I mean, you looked at Bush, it took him five days to answer the question on Iraq. He couldn't answer the question. He didn't know. I said, "Is he intelligent?"

Then I looked at Rubio. He was unable to answer the question, is Iraq a good thing or bad thing? He didn't know. He couldn't answer the question.

How are these people gonna lead us? How are we gonna -- how are we gonna go back and make it great again? We can't. They don't have a clue. They can't lead us. They can't. They can't even answer simple questions. It was terrible.

But Saudi Arabia is in big, big trouble. Now, thanks to fracking and other things, the oil is all over the place. And I used to say it, there are ships at sea, and this was during the worst crisis, that were loaded up with oil, and the

cartel kept the price up, because, again, they were smarter than our leaders.

They were smarter than our leaders.

There is so much wealth out there that can make our country so rich again, and therefore make it great again. Because we need money. We're dying. We're dying. We need money. We have to do it. And we need the right people.

So Ford will come back. They'll all come back. And I will say this, this is going to be an election, in my opinion, that's based on competence.

AUDIENCE MEMBER: Yes.

TRUMP: Somebody said -- thank you, darlin'.

(APPLAUSE)

Somebody said to me the other day, a reporter, a very nice reporter, "But, Mr. Trump, you're not a nice person."

AUDIENCE MEMBER: We don't need nice.

TRUMP: That's true. But actually I am. I think I am a nice person. People that know me, like me. Does my family like me? I think so, right. Look at my family. I'm proud of my family.

(APPLAUSE)

By the way, speaking of my family, Melania, Barron, Kai, Donnie, Don, Vanessa, Tiffany, Ivanka did a great job. Did she do a great job?

(APPLAUSE)

Great. Jared (ph), Laura and Eric, I'm very proud of my family. They're a

great family.

(APPLAUSE)

So the reporter said to me the other day, "But, Mr. Trump, you're not a nice person. How can you get people to vote for you?"

I said, "I don't know." I said, "I think that number one, I am a nice person. I give a lot of money away to charities and other things. I think I'm actually a very nice person."

But, I said, "This is going to be an election that's based on competence, because people are tired of these nice people. And they're tired of being ripped off by everybody in the world. And they're tired of spending more money on education than any nation in the world per capita, than any nation in the world, and we are 26th in the world, 25 countries are better than us in education. And some of them are like third world countries. But we're becoming a third world country, because of our infrastructure, our airports, our roads, everything. So one of the things I did, and I said, you know what I'll do. I'll do it. Because a lot of people said, "He'll never run. Number one, he won't want to give up his lifestyle."

TRUMP: They're right about that, but I'm doing it.

Number two, I'm a private company, so nobody knows what I'm worth. And the one thing is that when you run, you have to announce and certify to all sorts of governmental authorities your net worth.

So I said, "That's OK." I'm proud of my net worth. I've done an amazing job.

I started off -- thank you -- I started off in a small office with my father in Brooklyn and Queens, and my father said -- and I love my father. I learned so much. He was a great negotiator. I learned so much just sitting at his feet playing with blocks listening to him negotiate with subcontractors. But I

learned a lot.

But he used to say, "Donald, don't go into Manhattan. That's the big leagues. We don't know anything about that. Don't do it."

I said, "I gotta go into Manhattan. I gotta build those big buildings. I gotta do it, Dad. I've gotta do it."

And after four or five years in Brooklyn, I ventured into Manhattan and did a lot of great deals -- the Grand Hyatt Hotel. I was responsible for the convention center on the west side. I did a lot of great deals, and I did them early and young. And now I'm building all over the world, and I love what I'm doing.

But they all said, a lot of the pundits on television, "Well, Donald will never run, and one of the main reasons is he's private and he's probably not as successful as everybody thinks."

So I said to myself, you know, nobody's ever going to know unless I run, because I'm really proud of my success. I really am.

(APPLAUSE)

I've employed -- I've employed tens of thousands of people over my lifetime. That means medical. That means education. That means everything.

So a large accounting firm and my accountants have been working for months, because it's big and complex, and they've put together a statement, a financial statement, just a summary. But everything will be filed eventually with the government, and we don't extensions or anything. We'll be filing it right on time. We don't need anything.

(APPLAUSE)

And it was even reported incorrectly yesterday, because they said, "He had assets of \$9 billion." So I said (ph), "No, that's the wrong number. That's the wrong number. Not assets."

So they put together this. And before I say it, I have to say this. I made it the old-fashioned way. It's real estate. You know, it's real estate.

It's labor, and it's unions good and some bad and lots of people that aren't in unions, and it's all over the place and building all over the world.

And I have assets -- big accounting firm, one of the most highly respected -- 9 billion 240 million dollars.

AUDIENCE MEMBER: Yeah.

TRUMP: And I have liabilities of about \$500 million (ph). That's long-term debt, very low interest rates.

In fact, one of the big banks came to me and said, "Donald, you don't have enough borrowings. Could we loan you \$4 billion"? I said, "I don't need it. I don't want it. And I've been there. I don't want it."

But in two seconds, they give me whatever I wanted. So I have a total net worth, and now with the increase, it'll be well-over \$10 billion. But here, a total net worth of -- net worth, not assets, not -- a net worth, after all debt, after all expenses, the greatest assets -- Trump Tower, 1290 Avenue of the Americas, Bank of America building in San Francisco, 40 Wall Street, sometimes referred to as the Trump building right opposite the New York -- many other places all over the world.

So the total is \$8,737,540,00.

Now I'm not doing that...

(APPLAUSE)

I'm not doing that to brag, because you know what? I don't have to brag. I don't have to, believe it or not.

I'm doing that to say that that's the kind of thinking our country needs. We need that thinking. We have the opposite thinking.

We have losers. We have losers. We have people that don't have it. We have people that are morally corrupt. We have people that are selling this country down the drain.

So I put together this statement, and the only reason I'm telling you about it today is because we really do have to get going, because if we have another three or four years -- you know, we're at \$8 trillion now. We're soon going to be at \$20 trillion.

TRUMP: According to the economists -- who I'm not big believers in, but, nevertheless, this is what they're saying -- that \$24 trillion -- we're very close -- that's the point of no return. \$24 trillion. We will be there soon. That's when we become Greece. That's when we become a country that's unsalvageable. And we're gonna be there very soon. We're gonna be there very soon.

AUDIENCE MEMBER: Make America strong.

TRUMP: So, just to sum up, I would do various things very quickly. I would repeal and replace the big lie, Obamacare.

AUDIENCE MEMBER: Yeah.

(APPLAUSE)

I would build a great wall, and nobody builds walls better than me, believe

me, and I'll build them very inexpensively, I will build a great, great wall on our southern border. And I will have Mexico pay for that wall.

AUDIENCE MEMBER: Yes.

TRUMP: Mark my words.

(APPLAUSE)

Nobody would be tougher on ISIS than Donald Trump. Nobody.

(APPLAUSE)

I will find -- within our military, I will find the General Patton or I will find General MacArthur, I will find the right guy. I will find the guy that's going to take that military and make it really work. Nobody, nobody will be pushing us around.

AUDIENCE MEMBER: Yes.

(APPLAUSE)

TRUMP: I will stop Iran from getting nuclear weapons. And we won't be using a man like Secretary Kerry that has absolutely no concept of negotiation, who's making a horrible and laughable deal, who's just being tapped along as they make weapons right now, and then goes into a bicycle race at 72 years old, and falls and breaks his leg. I won't be doing that. And I promise I will never be in a bicycle race. That I can tell you.

(APPLAUSE)

I will immediately terminate President Obama's illegal executive order on immigration, immediately.

(APPLAUSE)

Fully support and back up the Second Amendment.

(APPLAUSE)

Now, it's very interesting. Today I heard it. Through stupidity, in a very, very hard core prison, interestingly named Clinton, two vicious murderers, two vicious people escaped, and nobody knows where they are. And a woman was on television this morning, and she said, "You know, Mr. Trump," and she was telling other people, and I actually called her, and she said, "You know, Mr. Trump, I always was against guns. I didn't want guns. And now since this happened" -- it's up in the prison area -- "my husband and I are finally in agreement, because he wanted the guns. We now have a gun on every table. We're ready to start shooting."

I said, "Very interesting."

So protect the Second Amendment.

(APPLAUSE)

End -- end Common Core. Common Core should -- it is a disaster. Bush is totally in favor of Common Core. I don't see how he can possibly get the nomination. He's weak on immigration. He's in favor of Common Core. How the hell can you vote for this guy? You just can't do it. We have to end -- education has to be local.

Rebuild the country's infrastructure.

AUDIENCE MEMBER: Yeah.

TRUMP: Nobody can do that like me. Believe me. It will be done on time, on budget, way below cost, way below what anyone ever thought.

I look at the roads being built all over the country, and I say I can build those things for one-third. What they do is unbelievable, how bad.

You know, we're building on Pennsylvania Avenue, the Old Post Office, we're converting it into one of the world's great hotels. It's gonna be the best hotel in Washington, D.C. We got it from the General Services Administration in Washington. The Obama administration. We got it. It was the most highly sought after -- or one of them, but I think the most highly sought after project in the history of General Services. We got it. People were shocked, Trump got it.

Well, I got it for two reasons. Number one, we're really good. Number two, we had a really good plan. And I'll add in the third, we had a great financial statement. Because the General Services, who are terrific people, by the way, and talented people, they wanted to do a great job. And they wanted to make sure it got built.

TRUMP: So we have to rebuild our infrastructure, our bridges, our roadways, our airports. You come into La Guardia Airport, it's like we're in a third world country. You look at the patches and the 40-year-old floor. They throw down asphalt, and they throw.

You look at these airports, we are like a third world country. And I come in from China and I come in from Qatar and I come in from different places, and they have the most incredible airports in the world. You come to back to this country and you have LAX, disaster. You have all of these disastrous airports. We have to rebuild our infrastructure.

Save Medicare, Medicaid and Social Security without cuts. Have to do it.

(APPLAUSE)

Get rid of the fraud. Get rid of the waste and abuse, but save it. People have been paying it for years. And now many of these candidates want to cut it.

You save it by making the United States, by making us rich again, by taking back all of the money that's being lost.

Renegotiate our foreign trade deals.

AUDIENCE MEMBER: Yes.

(APPLAUSE)

TRUMP: Reduce our \$18 trillion in debt, because, believe me, we're in a bubble. We have artificially low interest rates. We have a stock market that, frankly, has been good to me, but I still hate to see what's happening. We have a stock market that is so bloated.

Be careful of a bubble because what you've seen in the past might be small potatoes compared to what happens. So be very, very careful.

And strengthen our military and take care of our vets. So, so important.

AUDIENCE MEMBER: Yes.

(APPLAUSE)

TRUMP: Sadly, the American dream is dead.

AUDIENCE MEMBER: Bring it back.

TRUMP: But if I get elected president I will bring it back bigger and better and stronger than ever before, and we will make America great again.

Thank you. Thank you very much.

(APPLAUSE)



A podcast from
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EXHIBIT 36



At GOP debate, Trump says 'stupid' U.S. leaders are being duped by Mexico

By Andrew O'Reilly

Published August 06, 2015

Fox News

Speculation that Donald Trump would tone down his rhetoric on immigration and Mexico during the first prime time Republican presidential debate crumbled Thursday night when the outspoken billionaire made it clear that none of the candidates would be talking about immigration if it was not for him.

Trump has taken a particularly tough stance on immigration this summer, drawing criticism in the Latino community for saying Mexico was sending criminals and rapists to the U.S.

When asked by Fox News host Chris Wallace to provide evidence for his controversial comments, Trump fired back that U.S. Border Patrol agents have told him the Mexican government is sending criminals because they know the government in America is "stupid."

"They say this is what's happening because our leaders are stupid, our politicians are stupid," the real estate mogul said, during the debate inside Cleveland's Quicken Loans Arena. "And the Mexican government is much smarter, much sharper, much more cunning."

Trump added: "They send the bad ones over, because they don't want to pay for them, they don't want to take care of them. Why should they, when the stupid leaders of the United States will do it for 'me?'"

When asked to respond to comments made by former Florida Gov. Jeb Bush that he was "hurt" by Trump's comments about Mexicans and immigrants, the businessman-turned-presidential candidate did not turn to his left, where Bush was standing, but instead said the U.S. needs to build a wall and that he doesn't mind if it has a "big, beautiful door."

Immigration dominated a large portion of the first half of the debate, with most candidates pledging to take a tough stance on the issue -- but most of them disagreeing on how to fix a broken system.

Bush argued that border security is key to finding a solution to the immigration problem, but stuck by his stance that most undocumented immigrants come to the U.S. because they feel they have no other choice.

"I believe that the great majority of people coming here do it because they have no other option," Bush said.

Bush, whose wife was born in Mexico, added: "There's much to do. Rather than talking about this as a wedge issue, the next president will fix this once and for all, as a driver for high, sustained economic growth."

While Ohio Gov. John Kasich dodged an opportunity to criticize Trump on immigration -- saying instead that Trump was "hitting a nerve in this country" -- other candidates were not so reluctant to pull any punches.

A seemingly confident Florida Sen. Marco Rubio took offense to Trump's assertion that Mexico is to blame for America's illegal immigration problem. Most immigrants coming illegally, Rubio said, are coming from countries such as Guatemala and El Salvador and are overstaying their welcome, as opposed to sneaking over the border.

Rubio said his Senate office takes phone calls frequently from people who entered the country legally but are frustrated with the slow legal immigration process and wonder if they should just come illegally.

"This is the most generous country in the world when it comes to immigration," he said.

But, in response to Trump, he said building a wall or fence won't solve the immigration issue.

"If (Mexican drug lord) El Chapo can build a tunnel under that fence, we need to deal with that," he said.

Texas Sen. Ted Cruz, who has not only praised Trump but even made a trip to New York to meet with him -- struck a different chord Thursday evening by saying that he was one of the only candidates on stage who had not supported amnesty for undocumented immigrants.

In reference to Trump's comments calling U.S. leaders stupid, Cruz said: "It's not a question of stupidity, it's that they don't want to reform immigration."



The debate only included the top 10 candidates based on their showing in recent polls. The remaining seven candidates were relegated to a pre-debate forum, a low-key event in a largely empty arena, where candidates avoided debating each other and largely stuck to scripted responses on domestic and foreign policy issues.

The Associated Press contributed to this report.

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EXHIBIT 37

The Washington Post

Post Politics

First, Trump booted Univision anchor Jorge Ramos out of his news conference. Then things got interesting.

By **Philip Rucker** August 25, 2015

This story has been updated.

DUBUQUE, Iowa — Two minutes into Donald Trump's news conference here Tuesday night came the question he tried to silence.

"Mr. Trump, I have a question," said Jorge Ramos, the top news anchor at Univision and one of the country's most recognizable Mexican-Americans, as he stood up in the front row of journalists.

"Excuse me," the Republican presidential front-runner told Ramos. "Sit down. You weren't called. Sit down."

Ramos, holding a piece of paper, calmly tried to ask Trump about his plan to combat illegal immigration. "I'm a reporter, an immigrant, a senior citizen,"

he said. "I have the right to ask a question."

Trump interrupted him. "Go back to Univision," he said. Then the billionaire businessman motioned to one of his bodyguards, who walked across the room and physically removed Ramos from the room.

Trump's dismissal of a major television news anchor lit up social media. Reporters asked Trump why he removed Ramos. At first, he accused Ramos of violating his news conference protocol. "He stood up and started screaming," Trump said of Ramos. "He's obviously a very emotional person," Trump said.

But moments later, Ramos returned to his seat in the front row — and Trump called on him. For five minutes, they tangled over immigration policy, an issue on which both men have passionately different views. It was one of the more compelling moments of the 2016 campaign.

"Good to have you back," Trump told Ramos, signaling to him to begin his questioning.

"Here's the problem with your immigration plan," Ramos said. "It's full of empty promises."

Ramos pointed out it would be unconstitutional to deny citizenship to what Trump calls "anchor babies," children born in the United States to undocumented immigrants. Trump disagreed, saying it could be done as an act of Congress and that some legal scholars argue the 14th Amendment should be changed.

"A woman's getting ready to have a baby," Trump said. "She crosses the border for one day, has the baby, all of a sudden for the next 80 years — we have to take care of" the child.

The next question from Ramos: How do you build a 1,900-mile wall across

the U.S. border with Mexico?

"It's very easy," Trump said. "I'm a builder. ... What's more complicated is building a building that's 95 stories tall."

The questioning continued. At one point, Trump said, "I can't deal with this." A Trump aide interrupted and told Ramos, "Is there one question — one question?"

Yet Trump let the questioning continue, seemingly determined to prove his case. "I have a bigger heart than you do," he told Ramos. "We're going to do [deportations] in a very humane fashion."

Trump went on to assert that gang members in Baltimore, St. Louis and other cities are illegal immigrants.

"Listen, we have tremendous crime," he told Ramos. "We have some very bad ones. ... Do you mind if I send them back to Mexico?"

Ramos replied, "No human being is illegal, Mr. Trump."

The response: "Well, when they cross the border, from a legal standpoint, they're illegal immigrants when they don't have their papers."

When Ramos pressed Trump on polls showing his unpopularity with Latinos, Trump would not accept the premise of the question. First, he interrupted Ramos and turned the question on him: "How much am I suing Univision for right now? Do you know the number? I know you're part of the lawsuit."

Trump filed suit against the network in June, alleging defamation and breach of contract, after Univision ended its relationship with him and canceled plans to broadcast the Miss Universe pageant he owns following his controversial comments about Mexican immigrants.

"I'm a reporter," Ramos said.

"Five hundred million dollars," Trump replied. "And they're very concerned about it, by the way. I'm very good at this."

Philip Rucker is the White House Bureau Chief for The Washington Post. He previously has covered Congress, the Obama White House, and the 2012 and 2016 presidential campaigns. He joined The Post in 2005 as a local news reporter. [Follow @PhilipRucker](#)



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EXHIBIT 38



Donald J. Trump

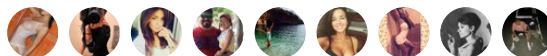
@realDonaldTrump

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The protesters in New Mexico were thugs who were flying the Mexican flag. The rally inside was big and beautiful, but outside, criminals!

6:39 AM - 25 May 2016

12,237 Retweets 33,359 Likes



4.9K 12K 33K



Alvin S. Brown, Esq. @USTaxAttorney · 25 May 2016

Replying to @realDonaldTrump

American want to know why and how Trump is evading the payment of federal income taxes that we all pay.

81 67 228



Christian Thalacker @JP_Revere · 25 May 2016

surely @YourAnonCentral could clear this up?

@realDonaldTrump @realDonaldTrump

1 1 1



Anonymous @YourAnonCentral · 25 May 2016

While @realDonaldTrump's taxes are exciting, his personal connection to child trafficker J. Esptein is even more. @JP_Revere @USTaxAttorney

9 102 68

EXHIBIT 39



Donald J. Trump ✓

@realDonaldTrump

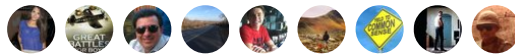
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Many of the thugs that attacked the peaceful Trump supporters in San Jose were illegals. They burned the American flag and laughed at police

6:04 AM - 4 Jun 2016

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3.9K



12K

27K



Sean Keats @seankeats · 4 Jun 2016



Replying to @realDonaldTrump

@KazmierskiR Trump is being blamed for the violence perpetrated by the other side.

3

5

8



BEAR @streetbear57 · 4 Jun 2016



Yeah, that's just hilarious. Like a fat person blaming the fork.

2

2

6



RedeemedPatriot6 @HRClintonPrison · 4 Jun 2016



That damn fork. & last week my car backed out of the garage all by itself, went out & got drunk&now I have a DWI.

3

4

5



BEAR @streetbear57 · 4 Jun 2016



indeed. I was raised to be responsible for my own actions. But, when you have a LEADER that always blames. 🤔

2

2

2



RedeemedPatriot6 @HRClintonPrison · 4 Jun 2016



He said "not my fault" same week TEN US servicemembers lost, then blamed a general for his ISIS FUBAR.

2

1

3

EXHIBIT 40

The Washington Post

Politics

Trump's personal, racially tinged attacks on federal judge alarm legal experts

By **Jose A. DelReal** and **Katie Zezima** June 1, 2016

Donald Trump's highly personal, racially tinged attacks on a federal judge overseeing a pair of lawsuits against him have set off a wave of alarm among legal experts, who worry that the Republican presidential candidate's vendetta signals a remarkable disregard for judicial independence.

That attitude, many argue, could carry constitutional implications if Trump becomes president.

U.S. District Judge Gonzalo Curiel, who is handling two class-action lawsuits against Trump University in San Diego, has emerged as a central target for Trump and his supporters in recent weeks. The enmity only escalated after Curiel ordered the release of embarrassing internal documents detailing predatory marketing practices at the for-profit educational venture; that case is set to go to trial after the November election.

"I have a judge who is a hater of Donald Trump, a hater. He's a hater,"

Trump said at a campaign rally in San Diego, adding that he believed the Indiana-born judge was “Mexican.”

He also suggested taking action against the judge after the election: “They ought to look into Judge Curiel, because what Judge Curiel is doing is a total disgrace. Okay? But we will come back in November. Wouldn’t that be wild if I am president and come back and do a civil case? Where everybody likes it. Okay. This is called life, folks.”

The courtroom proceedings come with high stakes for Trump, whose likely tough general-election fight against Hillary Clinton will leave him open to intense scrutiny of his character, business practices and temperament. Clinton said Wednesday that the Trump University allegations are “just more evidence that Donald Trump himself is a fraud.”

Trump’s strikingly personal attacks on Curiel are highly unusual and have prompted questions about how he would react to adverse judicial decisions should he become president. Trump’s remarks also stand out because he has a personal financial stake in the case.

“Having a presidential candidate embroiled in litigation totally unrelated to the political system . . . that is what is so novel about this. And then you add to this the personal criticism,” said Arthur Hellman, a law professor at the University of Pittsburgh. “It’s personal all the way, and that’s what makes this different.”

Conflicts between the courts and the political branches are common and, to some degree, expected. The Constitution mandates lifetime tenure for federal judges who serve in “good behavior” and protects them against recrimination by forbidding that their salaries be diminished.

Judicial appointments are among a president’s most lasting legacies, and in the current presidential campaign, candidates from both parties have gone beyond the comfort level of many legal experts by issuing litmus tests. On

the Democratic side, Clinton and Sen. Bernie Sanders (Vt.) have said overturning the Supreme Court's controversial *Citizens United* ruling should be a priority, while Republican candidates went after Chief Justice John G. Roberts Jr. for his votes upholding the Affordable Care Act.

President Obama prompted outrage among conservatives in 2010 when he blasted the *Citizens United* ruling in his State of the Union address.

Republican members of Congress criticized the president for attacking the decision with members of the court seated just feet away from him, while Democrats defended the comments as within the bounds of policy debate.

Trump's attacks on Curiel stand out for their personal nature, for the racial remarks and for the suggestion by a potential president that someone "ought to look into" the judge.

Charles Gardner Geyh, a professor at Indiana University's Maurer School of Law, said he has no problem with presidents or presidential candidates criticizing judges or judicial decisions. But, he said, "there's a line between disagreement and sort of throwing the judiciary under the bus that I think is at issue here."

One of Trump's earlier jeremiads came in February, when he told Fox News that Curiel was biased against him because of his controversial immigration comments and proposals, including his promises to build a giant wall on the U.S.-Mexico border and deport 11 million illegal immigrants.

"I think it has to do with perhaps the fact that I'm very, very strong on the border," Trump said then. "Now, he is Hispanic, I believe. He is a very hostile judge to me."

Trump returned to ethnicity at last week's San Diego rally, where he erroneously suggested Curiel was from Mexico: "The judge, who happens to be, we believe, Mexican, which is great. I think that's fine. You know what? I think the Mexicans are going to end up loving Donald Trump when I give all

these jobs, okay?”

Curiel, who through his office declined to comment, was born in East Chicago, Ind., and is a 1979 graduate of the Indiana University law school. He gained acclaim prosecuting drug traffickers along the Tijuana corridor and was reportedly targeted for assassination by the Felix cartel; he joined the federal bench in 2012 after being nominated by Obama.

Katrina Pierson, a spokeswoman for Trump, has expanded on the accusations of bias, wrongly suggesting Curiel is part of a group organizing protests at Trump rallies around California. Curiel is a member of the San Diego La Raza Lawyers Association, a professional group that she appeared to confuse with the National Council of La Raza, an advocacy group.

Luis Osuna, the president of the lawyers association, said the group is not an advocacy group and supports candidates on both sides of the aisle. He said Trump’s attempts to discredit Curiel should give voters serious pause, not least because his comments reduce Hispanics in the legal profession to their heritage.

“Every time there is a comment like this, it is disheartening,” Osuna said. “It is not, unfortunately, surprising, given the source of the comments. But it displays a complete lack of understanding of the role that we have as attorneys and judges and the role that we have in upholding the Constitution.”

“He’s definitely using it as a dog whistle to his supporters,” he added. “Obviously, I don’t know what is in his heart. I can only judge based on the way he has acted in the past, but this has been a recurring theme in his campaign.”

Trump is not without recourse if he thinks that Curiel has engaged in misconduct. Russell Wheeler, a visiting fellow at the Brookings Institution, said Trump could file a complaint with the federal court of appeals. He said

Trump would have to provide evidence that Curiel was biased in his behavior against the real estate mogul and could then proceed with a disqualification motion. Wheeler said Trump could also ask Curiel to recuse himself from the case because of a lack of impartiality. If Curiel declined, Trump could file an appeal.

But Wheeler added that, based on what he has seen, Curiel “has been nothing but fair in this case.”

As part of the ongoing class-action lawsuit against Trump University that he is overseeing, Curiel ordered the release of internal documents that showed Trump played a key role in the marketing for the business and how staff members were guided to push customers to purchase expensive follow-ups costing up to \$35,000 after taking free introductory courses.

The order came in response to a request by The Washington Post, which argued that Trump’s presidential bid made the documents a matter of public interest. In the order, Curiel said that Trump had “placed the integrity of these court proceedings at issue.”

Robert Barnes contributed to this report.

Jose DelReal is a national correspondent covering America's rural-urban divide, the USDA, and HUD. During the 2016 presidential election, he traveled to over 40 states while chronicling Donald Trump's astonishing political rise. Jose grew up in Anchorage, Alaska, and graduated from Harvard College. He lives in Washington, D.C.

🐦 Follow @jdelreal

Katie Zezima is a national correspondent covering drugs, guns, gambling and vice in America. She covered the 2016 election and the Obama White House for The Post. 🐦 Follow @katiezez

EXHIBIT 41

By CBS NEWS / CBS NEWS / June 5, 2016, 12:57 PM

Face the Nation transcripts June 5, 2016: Trump



Donald Trump, the presumptive Republican presidential nominee gestures to his camouflaged "Make America Great" hat as he discusses his support by the National Rifle Association at a campaign rally at the Redding Municipal Airport Friday, June 3, 2016, in Redding, Calif. (AP Photo/Rich Pedroncelli) / **RICH PEDRONCELLI, AP**

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JOHN DICKERSON, HOST: Today on <FACE> THE <NATION>: Donald Trump gives no ground, as we go one on one. And we will look back at <the>life of <the> greatest, Muhammad Ali.

As she closes in on Democratic nomination, Hillary Clinton changes course and launches a withering round of attacks against Donald Trump.

(BEGIN VIDEO CLIP)

HILLARY RODHAM CLINTON (D), PRESIDENTIAL CANDIDATE: This is not just another outlandish, insulting comment from Donald Trump. And it is not normal politics. This is something much, much more dangerous.

(END VIDEO CLIP)

DICKERSON: We sat down with <the> presumptive Republican nominee in California ahead of Tuesday`s primary and asked him about <the> growing controversy over Trump University and <the> judge presiding over <the> case against him.

(BEGIN VIDEO CLIP)

DICKERSON: How does -- his Mexican parents have to do with him not...

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(CROSSTALK)

DONALD TRUMP (R), PRESIDENTIAL CANDIDATE: He`s member of a club or society very strongly pro-Mexican, which is all fine. But I say he`s got bias. I want to build a wall. I`m going to build a wall.

(END VIDEO CLIP)

DICKERSON: We will have plenty of analysis on all <the> political news.

Plus, we will talk about <the> legacy of Muhammad Ali, who died Friday at<the> age of 74.

It`s all coming up on <FACE> THE <NATION>.

Good morning, and welcome <FACE> THE <NATION>. I`m John Dickerson.

Less than a month ago, we traveled to California to sit down with Democratic front-runner Hillary Clinton and asked her about her strategy in <the> fall campaign.

(BEGIN VIDEO CLIP)

CLINTON: I am going to run a race based on issues and what my agenda is for<the> American people. I don`t really feel like I`m running against Donald Trump.

(END VIDEO CLIP)

DICKERSON: Just to underscore how quickly this campaign is changing, she reversed course against Trump late last week.

(BEGIN VIDEO CLIP)

CLINTON: Donald Trump`s ideas aren`t just different. They are dangerously incoherent.

(APPLAUSE)

CLINTON: He is not just unprepared. He is temperamentally unfit to hold an office that requires knowledge, stability and immense responsibility.

(CHEERING AND APPLAUSE)

DICKERSON: We sat down with Mr. Trump at his home in Beverly Hills on Friday. And that`s where our interview began.

(BEGIN VIDEOTAPE)

DICKERSON: Mr. Trump, on Thursday, Hillary Clinton gave a speech very tough on you, said that you wanted to bring back water-boarding, go after <the>families of terrorist, allow Saudi Arabia to have a nuclear weapons. She says you have said that you know more about ISIS than <the> generals.

But what policy of yours did she mischaracterize?

TRUMP: Number one, it was a whole -- written out by professionals and just shot after shot. It was supposed to be foreign policy, and it was really Trump policy. And she got it all wrong.

First of all, she talked about that I want to nuke all of these countries. It is ridiculous. No, I want these countries to pay for protection. We are protecting them. We have \$19 trillion in debt, very soon going to \$21 trillion, John, in debt. And I want these countries to reimburse us at least for our costs.

She made many statements that she knows were wrong.



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DICKERSON: Do you still feel like you know more about ISIS than <the>generals?

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TRUMP: Well, they don` t know much, because they` re not winning. That, I can tell you.

Now, I think they` re not winning for a different reason. I think Obama is hurting them.

DICKERSON: How so?

TRUMP: It` s being run -- well, from what I hear, it` s being run from <the>White House. It` s all being run from <the> White House.

I have spoken to certain generals. I will keep it quiet as to who, but highly respected people. They say we could knock them out fast.

DICKERSON: In office now generals or retired generals?

TRUMP: In one case, in office, and, in one case, out of office.

And they said -- both of them said <the> same thing. If we had <the> leadership, meaning <the> go-ahead, you could knock them out fast. For some reason, Obama is not doing that.

DICKERSON: Let me ask you about Libya. You have been highly critical of Libya and Hillary Clinton. You were also for military action to oust Gadhafi and military action to take care of <the> humanitarian situation in Libya. You supported that.

TRUMP: When you say supported it, I supported Libya?

DICKERSON: Yes, you supported <the> intervention in Libya.

TRUMP: I did? Where do you see that?

DICKERSON: In a video blog from 2011, you said:

(BEGIN VIDEO CLIP)

TRUMP: Now, we should go in. We should stop this guy, which would be very easy and very quick. We could do it surgically, stop him from doing it and save these lives.

(END VIDEO CLIP)

TRUMP: That` s a big difference from what we` re talking about.

DICKERSON: But you were for intervention.

(CROSSTALK)

TRUMP: Again, I` m <the> only one. I made lot of money with Gadhafi. If you remember, he came to <the> country and he had to make a deal with me because he needed a place to stay, and he paid me a fortune, never got to stay there. And it became sort of a big joke.

But <the> fact is that Libya was a disaster from <the> standpoint of <the> way it was handled.

DICKERSON: But you were for intervention, just to clear that up?

TRUMP: I was for doing something, but I wasn` t for what you have right now.

And right now, ISIS has their oil, John. ISIS is selling -- that is among <the> finest oil in <the> world. ISIS has taken over <the> Libyan oil. And we don` t do blockades. We don` t do anything. They` re selling it. They` re making a fortune with it.



192 PHOTOS

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So, we go out, we do Libya, we do it poorly, as poorly as you can do it. You can't do worse. And then now, if you look at what's happened, <the> end result is, ISIS selling <the> oil and it's a total mess.

DICKERSON: This is one of <the> things that confuses some people about your positions. You said you weren't for intervention, but you were for intervention in Libya.

TRUMP: I didn't mind surgical. And I said surgical. You do a surgical shot and you take them out.

But I wasn't for what happened. Look at <the> way it's -- look at -- with Benghazi and with all of <the> problems that you have had. It was handled horribly.

(CROSSTALK)

DICKERSON: But you said you were never for intervention.

TRUMP: I was never for a strong intervention. I could have seen surgical, where you take out Gadhafi and his group.

DICKERSON: You said Hillary Clinton should go to jail. If <the> FBI, which is investigating, if there's no indictment, will your attorney general go after her?

TRUMP: OK.

So, I have spoken to, and I have watched and I have read many, many lawyers on <the> subject, so-called neutral lawyers, OK, not even on one side or <the> other, neutral lawyers. Everyone of them, without a doubt, said that what she did is far worse than what other people did, like General Petraeus, who essentially got a two-year jail term.

General Petraeus and others have been treated -- their lives have been in a sense destroyed. She keeps campaigning. What she did is a criminal situation. She wasn't supposed to do that with <the> server and <the> e-mails all of <the> other.

Now, I rely on <the> lawyers. These are good lawyers. These are professional lawyers. These are lawyers that know what they're talking about and know -- are very well-versed on what they did. They say she's guilty as hell.

DICKERSON: But it sounds like you were making promise for your attorney general that, if you were elected, this is one of <the> things -- this is a commitment you were making.

TRUMP: That's true, yes. DICKERSON: It's a commitment to have your attorney general...

TRUMP: Certainly have my -- very fair, but I would have my attorney general look at it.

DICKERSON: Even if <the> investigation...

(CROSSTALK)

TRUMP: You know you have a five and maybe even a six-year statute of limitation.

DICKERSON: But even if <the> current investigations don't find anything, you would have your attorney general go back at it?

TRUMP: Yes, I would, because everyone knows that she's guilty.

Now, I would say this. She's guilty. But I would let my attorney general make that determination. Maybe they would disagree. And I would let that person make <the> determination.

DICKERSON: And what for you exactly is she guilty of?



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TRUMP: She`s guilty of <the> servers. She`s guilty of -- you look at confidential information, I mean, all of <the> information that probably has gotten out all over <the> world.

And then you know what she`s also guilty of? Stupidity and bad judgment.

DICKERSON: But that`s not a -- if that were criminal, we would all be in jail.

TRUMP: No, no, I`m not even saying that part is criminal. But she`s certainly guilty of that.

In terms of this country, she is guilty of having just bad, bad -- how could she do a thing like this?

DICKERSON: But what do you get -- what gets them to jail, though? This is -- what`s <the> difference here between rhetoric and law?

TRUMP: What <the> lawyers are saying is what she did in terms of national security, we have very strict rules and regulations -- she`s broken all of them.

DICKERSON: So, <the> classification issue?

TRUMP: She`s broken all of them. Of course it is. But she`s broken so much.

But she`s so -- if you look at this from <the> standpoint of why did she do it, judgment, <the> word judgment. This is not criminal judgment. You make bad judgment, although, actually, under those rules and regulations, judgment is even criminal. You`re not supposed to do it. If you make a mistake, they don`t take that into account.

Why would a person and how can a person with this kind of judgment become<the> president of <the> United States? Now, think of this. We`re in a cyber-world. It`s a cyber-world. This is a very complex -- we`re in world like we have never been in before.

If we are in a cyber-world and she can`t even handle her e-mails, how can she be president? And we`re being hacked all over <the> place by Russia, by China probably. I mean, to <the> best of everyone`s knowledge, it seems to be.

But listen to this. So, we`re in a cyber-world, and she`s playing around with servers and e-mails. How can she be running this country? She doesn`t know what she`s doing.

DICKERSON: I want to make -- move on to another development this week.

Paul Ryan has now come out and endorsed you. You have talked to him several times.

TRUMP: Yes.

DICKERSON: Which of his ideas, <the> famous Ryan ideas, is -- are most appealing to you?

TRUMP: He`s most appealing. He`s a good man. He wants good things for<the> country.

We will agree on many things. We`re not going to agree on all things. But we`re going to agree on many things.

DICKERSON: For instance?

TRUMP: But Paul -- Paul Ryan -- well, I think we will agree on -- as an example, he really focuses on poverty. He wants to take people out of poverty. So do I. And we`re going to come up with a plan.

DICKERSON: Why do you think people are poor, by <the> way?

TRUMP: They're poor because they don't have jobs. They're poor in many cases because they don't have jobs.

And I will tell you will bring jobs back to this country like nobody has ever seen before. And people like Carrier and Ford and Nabisco leaving Chicago and moving to Mexico, they're all moving to Mexico. I will stop that very quickly.

DICKERSON: Do you see yourself as implementing Paul Ryan's agenda as president, or is Paul Ryan implementing <the> Donald Trump agenda?

TRUMP: I think it's going to be a compromise, honestly. I can see a compromise.

DICKERSON: Because, on issues of trade, entitlements, you and he -- immigration -- so, trade, entitlements, immigration, those are no small issues. You are on exactly <the> opposite end of <the> -- those aren't differences. You are on <the> opposite end of <the>...

(CROSSTALK)

TRUMP: Well, I don't know. To be honest, we have spoken about it very briefly. They are big subjects.

You know what my deal is on trade? I want good deals. That's what I'm going to do. Somebody said, what is your position on trade? I said, I want good deals. Whether it's free trade, not free trade, I don't care what kind of trade it is. I want good deals for our country.

We don't make good deals. We have a trade deficit with China that is through <the> roof. We have a trade deficit with Mexico. We have a trade deficit with Japan. We make bad deals, whether it's <the> military, whether it's trade. We only make bad deals.

DICKERSON: Let me ask you about Mitch McConnell on <the> Senate side.

He was asked by CNN two things, one about deporting <the> 11 million undocumented immigrants, which <the> president, by <the> way, called a fantasy. He said, if you asked him to do that, he would say, no, don't do it. He also said about <the> temporary ban on Muslim integration, no, don't do it.

These are two big promises.

(CROSSTALK)

DICKERSON: You got millions of votes based on these promises. How are you going to get past <the> establishment to keep those promises?

TRUMP: You are going to have to watch and are going to have to see.

I have done a lot of things that nobody thought I could do.

(CROSSTALK)

DICKERSON: But you're not backing down on those promises, based on a no from <the> Senate?

TRUMP: No, I'm not backing down. We have to do something.

We have a problem in this country. We have a radical Islamic terrorism problem in this country, and, by <the> way, throughout <the> world, throughout <the> world. It's a problem. And it's a temporary ban. I'm not talking permanent. It's a temporary ban. We have to find out what is going on.

DICKERSON: Let me ask you about, what does <the> Mexican heritage of <the> judge in <the> Trump University case have to do with anything?

TRUMP: I think it has a lot to do with it.

First of all, I have had terrible rulings forever. I had a judge previous to him, and it would have been a very quick case. This is a case I should have won on summary judgment. This is a case -- and nobody writes this, and they all know it, but they don't like to write it -- <the> plaintiff in <the> case was a woman.

She was so bad that, under deposition, it was over. She couldn't have been <the> plaintiff. It was a disaster. They went before <the> judge. They said, we don't want her to be <the> plaintiff. We want to put somebody else in. So, we said, well, that's fine. Dismiss <the> case. You have to dismiss <the> case.

Wait a minute. She gave letters, <the> most incredible reviews of <the> college you have ever seen, of <the> university. She gave <the> most incredible. Then, on top of it, we have a tape where she's talking about it in <the> most glowing terms. You wouldn't speak about your college...

DICKERSON: Mr. Trump, what does this have to do with his parents before from Mexico? How is that...

(CROSSTALK)

TRUMP: No, no, excuse me, excuse me. I'm just saying, we're getting terrible rulings.

We go to <the> judge, we say to <the> judge, hey, you can't let her out of <the> case. He let her out of <the> case. We said, well, if you're going to let her out of <the> case, she's <the> plaintiff. If you're going to let her out of <the> case, <the> case is over. No, <the> case isn't over. OK?

Now, give me...

(CROSSTALK)

DICKERSON: No, no, for him, how does -- his Mexican parents have to do with him not...

(CROSSTALK)

TRUMP: He's member of a club or society very strongly pro- Mexican, which is all fine. But I say he's got bias. I want to build a wall. I'm going to build a wall.

I'm doing very well with <the> Latinos, with Hispanics, with <the> Mexicans. I'm doing very well with them, in my opinion. And we're going to see, you're going to see, because you know what? I'm providing jobs. Nobody else is giving jobs.

But just so you understand, this judge has treated me very unfairly. He's treated me in a hostile manner. And there's something going on. When a woman can be a plaintiff in a case and then say, I don't want to be -- and you know why they don't want to be a plaintiff? They didn't want her. <The> lawyers asked that she not be a plaintiff because they would have lost <the> case immediately.

DICKERSON: So, I'm trying to figure out your thinking here, though.

If his Mexican heritage, <the> fact that his parents were Mexican immigrants, is a barrier to him doing his job, why would any Mexican voter vote for you? Wouldn't they be -- <the> same barrier, <the> same problem?

TRUMP: No, no, that's a whole different thing. No, they're going to vote for me because I'm going to bring jobs into <the> country.

DICKERSON: But isn't it <the> same problem, because you want to build a wall and all <the> ?

TRUMP: No.

(CROSSTALK)

DICKERSON: So, what if it was a Muslim judge?

TRUMP: By <the> way, I have so many Hispanics.

I made a speech last night. I saw hundreds of signs, Latinos for Trump, Latinos for Trump all over <the> place. And you know what? They are here legally. They don't want their homes taken away. They don't want their job taken away. They like what I'm doing.

Now, people can come in, but they have to come in legally.

DICKERSON: You have -- on <the> Muslim -- but what if he was a Muslim, though? You have had -- been very tough on temporary Muslim immigration ban. Would a Muslim judge be also out of <the> question here?

(CROSSTALK)

TRUMP: We are allowing tremendous numbers of people coming into this country that we know nothing about.

We are -- we have a problem in this country. We're going to have big problems. I have been pretty good at predicting things, John. We are going to have big problems. We have people coming into this country totally undocumented. They don't know anything about them.

They don't have paperwork. I interviewed and talked to <the> best law enforcement people in <the> business. There's no way of knowing where they come from. And we're taking them in from <the> so-called migration. They are being sent all over <the> country. We have people that don't know what they're doing. And we have to stop it.

DICKERSON: My question is, if it were a Muslim judge, would you also feel like they wouldn't be able to treat you fairly because of that policy of yours? TRUMP: It's possible, yes. Yes. That would be possible, absolutely.

DICKERSON: Isn't there sort of a tradition, though, in America that we don't judge people by who their parents were and where they came from?

TRUMP: I'm not talking about tradition. I'm talking about common sense. OK? He's somebody -- he is proud of his heritage. And I think that's great that he's proud of his heritage.

DICKERSON: But you're saying it's a barrier to him doing his job.

TRUMP: He's not treating me fair. He's not treating me fairly.

DICKERSON: And you think it's not because -- you think it's because of where his parents came from?

TRUMP: I have had numerous lawyers.

Look, I have a case where thousands of people have said it was a great school. They have written reviews where they say it's a great school. Not a good school, like great. They gave it <the> highest marks. I have thousands of these papers.

It should have been a summary judgment case, meaning <the> case should have been dismissed. And I had a judge who was very fair. I have a lawyer that came in when he came in. <The> lawyer on other side sort of entered <the> case when entered <the> case. And we're trying to figure out what that is all about.

DICKERSON: Would you have your lawyers say, hey, throw this out because <the> judge...

(CROSSTALK)

TRUMP: Well, I may do that now. Look, we're finding things out now that we didn't know before.

(CROSSTALK)

DICKERSON: Because of his Mexican heritage, though?

(CROSSTALK)

TRUMP: No, because of other things, I mean, because of other things.

DICKERSON: You have said you want to reopen...

TRUMP: How do you allow a case to proceed when <the> plaintiff asks to be dismissed from <the> case?

<The> plaintiff, <the> one that brought <the> suit, said, I don't want to sue anymore. I don't want to sue anymore. They didn't want to sue.

You know why they didn't want to? Because she can't win <the> case, because she was a disaster.

DICKERSON: Yes.

TRUMP: So, <the> lawyers want her dismissed from <the> case. They go before <the> judge and he lets her out?

Well, he can let her out, but you have to dismiss <the> case.

DICKERSON: Yes, I guess I'm just confused how that -- what his Mexican parents have to do with that.

Let me...

TRUMP: Excuse me. I want to build a wall. I can -- I don't think it's very confusing.

DICKERSON: Well...

TRUMP: It has nothing to do with anything except common sense.

We have to stop being so politically correct in this country. And we need a little more common sense, John. And I'm not blaming. I'm proud of my heritage. We're all proud of our heritage. And I want to build a wall.

Now, <the> Hispanics, many of them like what I'm saying. They're here legally. They don't want people coming and taking their jobs and taking their house and everything else. They don't want that.

DICKERSON: Let me ask you about Trump University. You're going to reopen it. Anything you would do differently when you reopen it?

TRUMP: Look, I guess, in life, you always do things differently.

I'll tell you, <the> thing that we did very well is, we had evaluation reports done by all of <the> students. Without that, it would be my word against their word, I guess, or somebody's word against their word.

We have evaluation reports where we have thousands of them, thousands of them. And these reports, they're very detailed reports. What did you think of <the> instructors? What do you think of this? What do you think of <the> questions? One to five. Mostly five, five being excellent, right? It's from one to five, five being <the> best.

And people circled. I'm being sued by people that have given these tremendous reports. Now, they're going to say, oh, but they were forced. Who forced them?

Nobody forced them. You mean they forced thousands of people to sign reports?
Nobody forced them to sign <the> report.

And many, it says remarks on them. Many have been -- handwriting, beautiful statements about <the> school. Look, it`s very simple. It`s called, if I have chance to get my money back, let me get my money back.

DICKERSON: Last question. Should <the> U.S. go to <the> Olympics still with<the> threat of Zika in Brazil?

TRUMP: <The> answer is, yes, but certainly, if an athlete wouldn`t want to do it, they should <the> right not to do it, but I would say yes.

DICKERSON: All right, Mr. Trump, thank you very much.

TRUMP: Thank you very much.

(END VIDEOTAPE)

DICKERSON: We will be back in one minute with a look back at <the> life of Muhammad Ali.

(COMMERCIAL BREAK)

DICKERSON: We lost Muhammad Ali on Friday, a man whose impact went far beyond his sport.

(BEGIN VIDEOTAPE)

DICKERSON (voice-over): Ali was a boxer and, as he let <the> world know, so much more.

MUHAMMAD ALI, BOXING HEAVYWEIGHT CHAMPION: That`s why I say I`m<the> greatest. I`m a poet. I`m a movie star. I`m an actor. I`m a fighter. And most of all, I`m pretty.

DICKERSON: A three-time heavyweight champion of <the> world, Ali was known for his unorthodox style, rolling along <the> ropes to avoid a flurry of blows.

ALI: I`m going to float like a butterfly and sting like a bee. His hands can`t hit what his eyes can`t see.

DICKERSON: But for a man who made his living dancing around <the> ring, he became a legend when he took a stand. In 1964, he announced he was giving up what he called his slave name of Cassius Clay and converting to Islam.

QUESTION: Cassius Clay is a name no more. Is that?

ALI: Yes, sir. It`s Muhammad Ali. Muhammad means worthy of all praise, and Ali means most high.

DICKERSON: Ali was a militant in <the> debate over what it meant to be black and live in America.

He asserted his greatness when in some parts of <the> country a black man who did that could be killed for it. By 1967, Ali became a pariah, refusing to join<the> Army on religious grounds during <the> Vietnam War. At <the> height of his talent, he sacrificed his fame, title and liberty for his beliefs, marking a new era in political activism by a star athlete. His comeback bouts with George Foreman and Joe Frazier in <the> 1970s made him a global celebrity. And, in 1981, he even put his fame to use.

UNIDENTIFIED MALE: <The> former heavyweight champion went to a window and reportedly yelled, "I`m your brother, I want to help you."

DICKERSON: By talking a suicidal man back from <the> brink.

For <the> last half of his life, Ali battled Parkinson`s disease, rallying in 1996 to carry <the> Olympic torch. Once scorned, he was now a hero.

Ali hadn`t changed. <The> times had. Writing in his autobiography, Ali said he wanted to be remembered -- quote -- "as a man who stood up for his beliefs no matter what, as a man who tried to unite all humankind through faith and love. I wouldn`t even mind," he wrote, "if folks forgot how pretty I was."

Muhammad Ali was 74.

(END VIDEOTAPE)

DICKERSON: Joining us now is "New York Times" sports columnist William Rhoden and, in New York, Muhammad Ali biographer Thomas Hauser, author of "His Life and Times" and a new book out today, "Muhammad Ali: A Tribute to<the> Greatest."

Bill, I want to start with you.

Explain for people who may not have seen <the> whole course of Muhammad Ali`s life where do you put your finger on <the> greatness of Muhammad Ali? Was it boxer, civil rights, humanitarian, what?

WILLIAM C. RHODEN, "<THE> NEW YORK TIMES": So much, John, because you covered every one.

For me, <the> first thing was -- I never thought I would feel this sad. I knew this was coming. And I find myself feeling sadder than I thought I would. But remember <the> first -- this guy has been in my life since I was like 13 years old.

And it was through boxing. I was <the> only black kid in my -- in Harvey, Illinois, Catholic school. I was <the> only black guy. Leading up to it, everybody was talking all this trash about Ali and Ali.

So, I remember getting ready to watch <the> fight. My father was a Joe Louis guy, which means he was kind of a Sonny Liston guy. Remember, it was February. And so, just before <the> fight went on, my dad put on his coat, his overcoat. And he was going. I said, where are you going? He said, I`m going out to catch Clay.

And so -- and that was <the> first time we find ourselves competitively on sort of <the> opposite ends of sort of <the> fence, but...

DICKERSON: Catch him, meaning he`s going to get knocked out.

RHODEN: Oh, no, no. He thought -- yes, he thought that Liston was going to knock him in <the> middle, so he was going to <the> yard and catch him. That was my dad`s humor.

And so -- but for every phase of my life, when I`m 16, 17, and <the> war was real. As you know, I`m like -- this is `67. <The> war is real. And we`re thinking, what are we going to do about -- so, at every phase of my life, including now, Ali sort of was there as this...

DICKERSON: Thomas, tell me about -- let`s -- about Muhammad Ali as a boxer. Why was he so good?

THOMAS HAUSER, AUTHOR, "MUHAMMAD ALI: HIS LIFE AND TIMES": Well, let me just get one thing off my chest.

I was listening to Donald Trump at <the> top of this telecast. And it brought back a memory of a dinner I had attended at <the> Taj Mahal, <the> Trump Taj Mahal, as it was called then, in <the> mid-1990s. It was one of those dinners where Muhammad was given an award, one of these big gala events.

Donald Trump was sitting at <the> same table as Muhammad. And at one point in <the> evening, Muhammad leaned over and whispered to me, "He`s not as big as he thinks he is."

That was one of many times when Muhammad was right.

Now, in terms of Muhammad, why he was great, he was arguably <the> greatest fighter of all time. He was a beacon of hope for oppressed people all over <the> world. Every time he looked in <the> mirror and said, "I`m so pretty," what he was saying, before it became fashionable was, black is beautiful.

When he refused induction into <the> United States Army, he stood up for <the> proposition that, unless you have a very good reason for killing people, war is wrong. That`s a lesson we still haven`t learned. People all over <the> world haven`t learned it.

But I think in <the> end his greatest contribution might have been that there was an aura of pure goodwill and love about him. He taught us how to love.

DICKERSON: All right.

And we`re going to take a quick break right here, be back with more of our conversation. So, stay with us.

(COMMERCIAL BREAK)

DICKERSON: Don`t go away. We will be right back.

And be sure to tune in next week, when we sit down with Speaker Paul Ryan in his first interview since his decision to endorse Donald Trump.

(COMMERCIAL BREAK)

DICKERSON: Some of our CBS stations are leaving us now, but, for most of you, we will be right back with a lot more <FACE> THE <NATION>, including a look back at <the> legendary life of Muhammad Ali, a conversation with Democratic consultant David Axelrod, and our panel, plus a look at surprises in <the> news.

Stay with us.

(COMMERCIAL BREAK)

DICKERSON: Welcome back to <FACE> THE <NATION>.

We want to continue our conversation with "New York Times" columnist William Rhoden and Muhammad Ali biography Thomas Hauser.

Bill, I want to ask you about Muhammad Ali`s famous poetry, his mouth, his taunting. Was that an act or was that a part of his character?

WILLIAM RHODEN, "NEW YORK TIMES": Well, you know, part of it was an act. You know, gorgeous George was sort of his - his model. But it - it was - it became part of him. I mean, you know, one of <the> famous things, even in <the> street, you know, and, you know, he was talking about early Torell (ph), and, you know, a lot of people not calling him by his name and he really gave him a hard time. And, actually, when he was on <the> mat he was - what`s my name? What`s my name? And so that almost became, you know, in <the> - in <the> street where we were playing around and wrestling people and throwing them down, that became sort of <the> thing like, what`s my name? What`s my name?

Now, that went completely against <the> - sort of <the> orthodoxy of what was supposed to be sportsmanship at that time. You know, so I think it was - it was an act to <the> extent that it was show business, but it was - also came out of <the> (INAUDIBLE) of style which really, to me, helped define sort of <the> young, black community.

DICKERSON: Thomas, when Muhammad Ali is - has <the> clash over Vietnam, how did he come back to become <the> boxing hero, <the> - <the> legend he was at <the> end of his boxing career?

THOMAS HAUSER, "MUHAMMAD ALI: A TRIBUTE TO <THE> GREATEST": People began to root for Muhammad very early on in <the> liberal community and also segments of <the> black community. After he came back from <the> exile, a number of people looked at Muhammad and said, well, we don't necessarily agree with his principles, but he lived up for them, he sacrificed a lot for them. Also, <the> nation turned against <the> war in Vietnam. People began to think, well, maybe Muhammad was right about this one. And it's also worth noting that while Muhammad sacrificed a lot, he said many times, look, there were young men who believe that this war is right. They went to Vietnam, they fought and they were killed and they sacrificed a lot more than I did.

DICKERSON: William, when you - when you think of Ali, you think of Ali and Frazier, like <the> twin people together.

RHODEN: Right.

DICKERSON: But Joe Frazier returned to his boxing club by <the> railroad tracks. I mean two very different courses in life.

RHODEN: Yes. You know, and again, that was - that was very interesting too because, again, you know, <the> black community is complex. There are a lot of ways to be black. Well, actually, <the> range isn't that great. There are a lot of ways to be black, but at <the> end of <the> day I think what Ali stood for is that at <the> end of <the> day it's about - it's about defending black people, caring for black people, fighting for black people. And - and I think <the> thing that's going to live on for me in <the> spirit of Ali lives, is that early on, when I was 17, he said, listen, you live in a country of trinkets and they're going to throw a lot of trinkets at you. There's so much wealth here. You choose between wealth and principle. And to have somebody you admire so much at an early age tell you about <the> essence of this country, and that as you grow up they're going to throw a lot of wealth at you and you've got to make a choice, it's going to be <the> belt or principle.

DICKERSON: Thomas, let me ask you, as a final question, about Muhammad Ali after - with Parkinson's, <the> final stage of his life. Tell us about that stage.

HAUSER: It was sad to watch, this long, sad goodbye. I can't think of a parallel, really, for 30 years <the> whole world watched this man become more and more debilitated. He did it very publicly. What's happening now is a time of mourning is moving into a time of celebration. So to everybody who loved Ali, I would say, don't cry because he's gone, smile because we had him.

DICKERSON: All right, Thomas Hauser, on that note, thanks so much.

We'll be back in a moment with our new battleground tracker polls in Tuesday's Democratic primary states. Stay with us.

(COMMERCIAL BREAK)

DICKERSON: Turning now to <the> Democratic race ahead of Tuesday's primaries. CBS News battleground tracker polls show a lopsided lead for Hillary Clinton in New Jersey. She has 61 percent to Bernie Sanders at 34 percent. In California, there is a much closer race. Bernie Sanders has closed <the> gap and is now only two points down with Clinton at 49 and Sanders at 47 percent.

We turn now to Democratic strategist and CNN's senior political consultant David Axelrod.

David, it looks like on Tuesday Hillary Clinton is going to lock things up, but Bernie Sanders says there is going to be a contested convention. Explain how those

two things can happen and what that means? DAVID AXELROD, CNN SENIOR POLITICAL CONSULTANT: Yes, I think we need a little reality check here. <The> fact is, she needs about 60 delegates to clinch <the> nomination. There are 781 at stake in <the> next few days. And so she will probably - she will almost certainly clinch <the> nomination before <the> polls close in California. She will have led <the> primary season in delegates by pledged delegates, elected delegates, by about 300 delegates or more. And <the> popular vote by three million. And now Bernie Sanders is in <the> ironic position of turning to these super delegates, these party officials, these <the> party elite, to overturn <the> verdict of voters. And I think that that's a very awkward position to be if you're trying to lead a political revolution.

DICKERSON: Let me ask you about Hillary Clinton's speech this week, <the> very tough attack on Donald Trump. We talked to her a month ago and she said, I'm not going to bother with Donald Trump. I'm going to talk about my campaign. Then she gave a kind of Trump-like, sustained, long speech with attack after attack on policy but also calling him a whole series of names. What do you make of that switch?

AXELROD: Well, I thought it was imprudent when she made <the> first comment because, obviously, you can't - you can't deal with Donald Trump by ignoring him. He insists that you not ignore him. And, you know, one of <the> mistakes Republicans made in <the> primaries was, they didn't take him on vigorously from <the> start. She clearly can't make that mistake. And I think Thursday was probably her best day in <the> whole campaign.

First of all, that's her event, standing in front of those flags, giving a very sober speech, as she did, is what she feels comfortable with. But, secondly, it was a very lacerating speech and it provoked <the> kind of response that almost - almost reinforced <the> point she was trying to make, which is, temperamentally, Donald Trump isn't suited for <the> presidency.

And for Trump <the> challenge is, can he change in any way and - and - and demonstrate to people that he has that element of discipline that's necessary when you're in a job that involves mortal power.

DICKERSON: She also suggested Donald Trump likes to throw up shiny objects when he doesn't want to talk about something else, but she's, obviously, got something she doesn't want to talk about, that inspector general's reports, <the> bad reviews she's gotten in terms of <the> answers to <the> inspector general's report. So should we read anything into that, that this was her own shiny object?

AXELROD: Well, I think this is her core case and I think anybody who would be running against Donald Trump would be making <the> same case. There's no doubt that <the> e-mail situation continues to nag at her. I think it was very damaging and I think it - it was poor judgment, as - as she and others have acknowledged. She hasn't handled it particularly well. But her hope is, and expectation I assume, is that it will pass. But for her setting up this stark contrast is absolutely essential in part because she wants to make that case for voters, but in part because every time she does it, she draws a response from Trump that only reinforces her case. DICKERSON: Is this a shot in <the> arm for Democrats too? There were some people worried about kind of <the> Clinton campaign.

AXELROD: Oh, I absolutely - you know, my - my soundings around <the> country were such that, you know, Democrats were dispirited by <the> campaign that she had run to date. It seemed a little flaccid. She seemed more restrained.

This was - this - this speech was a shot of adrenaline for her. My - my - my guess is it may help her Tuesday in <the> California primary. This is what a lot of Democrats were hoping to see.

DICKERSON: All right, David Axelrod, thanks so much for being with us.

AXELROD: Good to see you, John.

DICKERSON: And we'll be right back with our panel.

(COMMERCIAL BREAK)

DICKERSON: Joining us now for some political analysis is "USA Today's" Washington bureau chief Susan Page, chief Washington correspondent for "The Washington Post," Dan Balz, plus national editor of "Cook Political Report," Amy Walter, and executive editor of "The National Review, Reihan Salam.

Reihan, let me start with you. How much of a big deal are Donald Trump's comments and his - you know, he's not backing down on this question of Judge Gonzalo Curiel. Newt Gingrich said it was a huge mistake for him to hold this position. Does it matter?

REIHAN SALAM, NATIONAL REVIEW INSTITUTE: It's hard to say because what Donald Trump does, and as he did in his interview with you is, he will take one of your questions, he won't exactly answer it. He will take words that you brought up in your question and he will say them again and again without actually addressing the substance of your question. And the reason he does that is to make it appear as though he's responding. And, frankly, that's been decently effective so far. He doesn't address the actual charge. and the question is, do people actually believe that he's bigoted or not? If they believe he's bigoted, and, of course, much of the country already does, they'll accept that this reinforces that view. If they simply don't believe it, if they believe he's basically a decent guy who's being hounded by the media in unfair way, they'll believe that. And he recognizes that uncertainty and he plays to it.

DICKERSON: Dan, what do you make of - I mean Speaker Paul Ryan also spoke out about - in opposition after having just endorsed Donald Trump. So you've got Speaker Paul Ryan, Newt Gingrich, Senator Flake. Where does this leave things?

DAN BALZ, "WASHINGTON POST": John, it's almost the classic example of what we've seen throughout the entire year. Things he does and says give terrible heart burn to Republican establishment people. And over the last month since he effectively became the nominee, more and more of them have in one way or another said, I will be for him in November and yet he does these things and they react. Their concern is that it's going to cost him the presidency and that it's going to cost the party, both short term and long term. But we've also seen there is another audience out there that responds in a different way to that. And so I think you always have to be careful about predicting just how bad something that seems bad is going to be.

DICKERSON: That's right.

Amy, the audience Dan is talking about is the common sense audience. The one that looks at all of the things -

AMY WALTER, "COOK POLITICAL REPORT": Right.

DICKERSON: We get all wound up about.

WALTER: Right.

DICKERSON: And that elites get, you know, spun up about. And, you know, just let's have some common sense in Washington, that's the pitch Donald Trump is making.

WALTER: That's right. It's hard to make that pitch, though. I mean this is the whole point, which is, what we should really be talking about today, if you were the Republicans, if you were the Trump campaign, is the terrible jobs report that came out on Friday. That should be the entire focus of this. We have an economy that has not recovered for a whole lot of people who are attracted to

Donald Trump, who's saying I'm going to bring jobs back. That would have been a message that would break through, I think, to a whole bunch of people. Instead, what we're talking about are all of these things that seem to have nothing to do with whether or not jobs are going to come back or <the> economy is going to recover.

<The> other thing that's remarkable, I went back and went through <the> 2013 autopsy that <the> Republican Party did after their loss in 2012. And literally everything he's doing right now is <the> opposite of what Republicans thought <the> next presidential candidate needed to do, specifically on tone. It wasn't just, he needs to come out and support immigration, or do better with these groups. It said, if we have a tone that suggests that we don't like these people, it doesn't matter who our policies are. So when Trump says, I'm going to bring jobs back, it doesn't matter what I say about walls or about Mexicans not being able to take my case, that's exactly <the> opposite of what they learned from <the> last time.

DICKERSON: And yet, Susan, Republicans are lining up smartly behind Donald Trump, despite <the> tone. I mean, you know, it's not just Paul Ryan. It's Marco Rubio. And you look at <the> distance some of them have travel. I mean Rick Perry called him a cancer. Now he's saying he's wonderful. He is - they are, in a sense, and people have written this, they are basically affirming everything he said about them and how quickly politicians will fishtail to get to <the> - to <the> right place. So <the> Republican Party is - is getting behind this candidate.

SUSAN PAGE, "USA TODAY": I think senior Republicans decided they didn't have an alternative. He had won <the> nomination. He's going to be nominated at <the> - at <the> convention. I think one thing we're seeing is a battle for <the> post Trump GOP. I mean I think that's why you see them come out and say, I'm going to - Paul Ryan among - among them saying, I'm going to vote for him, I'm endorsing him. But I have a totally different vision on all these issues, like immigration or <the> Muslim judge or <the> Mexican judge or <the> Muslim ban, because they want to define - they want to have an alternative vision of <the> Republican Party to offer once this election is over and that is on <the> assumption that Trump is going to lose.

WALTER: Right.

PAGE: Because winning <the> nomination is a different electorate -

WALTER: Yes.

PAGE: Than they <face> now in <the> - in <the> general election. This is a much more diverse electorate. It's a much younger electorate. It's people who are going to be, I think, quite concerned, voters, not just elites, voters concerned about <the> positions that he's taking.

DICKERSON: Reihan.

SALAM: There's a version of what Trump is saying. Even actually when he's talking about nuclear proliferation, there's actually a version of what he's saying that is, in my view, defensible. He does not make that case. Time and again rather than making, you know, an affirmative case for his use on immigration and trade, he actually keeps getting drawn in to talking about his personal business affairs rather than talking about <the> unemployment rate. So when you're looking at Republicans, as Susan is saying, there is this jockeying for position, what do we do now that we know <the> Republican Party has changed in this meaningful, material way? And you see some smart people, like Tom Cotton, <the> senator from Arkansas, he is looking around <the> bend and he's actually trying to be very cautious. Being a good soldier for Trump, but also recognizing there is this national constituency in <the> country, how do I speak to it in a coherent and defensible way? But that's all going to happen - that's all going to happen after Trump because, frankly, Trump, because of his obsession with his own personal business

affairs, rather than really laying out a distinctive ideological direction for <the> Republican Party, he`s actually not making that case.

BALZ: John, I wanted to pick up on something that Amy said about <the> -<the> economic situation. If you look what Donald Trump has done since he became <the> presumptive nominee, it has almost entirely been backward looking. It is not forward looking.

WALTER: Yes.

BALZ: He`s settling old scores. He can`t let go of things that still bother him from his successful campaign for <the> nomination. He needs to be reaching to a different audience. That message on jobs is something that would reach people who might not necessarily have been for him, or were still on <the> fence. But, instead, he`s ignoring that part of <the> electorate that he really would need to become president. DICKERSON: Amy, what do you make of Hillary Clinton`s speech this week? Is this a change in strategy? Is this what we`re in for, for <the> next many months?

WALTERS: Well, campaigns are pretty simple, right? It`s - their choice is between this or that. And it`s also a referendum. Now, this, again, this is an election that, on its <face>, should be an election that Republicans should win, if it is a choice between going in <the> same direction that this president has been going in for <the> last eight years, many Americans saying we want to take a different direction.

However, what she`s saying is, that direction is going to be led by Donald Trump, who`s unstable and is going to lead us into more trouble. So <the> change is too dangerous. It`s better to be stable than it is to have change. And that is really <the> only way I think that she wins an election in a time when people are saying they want change more than anything.

SALAM: One opportunity that Trump has in a funny way is that, in theory at least, he could run to Hillary Clinton`s right, as well as to his left. And so if you`re a Democrat, <the> campaign you`re used to running is a grind it out, this person is a right wing extremist, and, you know, there`s certainly some reason to believe that with Donald Trump. <The> trouble is that he wears those positions so lightly. He abandons them one after another.

Whereas, when you go in <the> route that she`s taking now, in <the> speech that she made on Thursday, by saying that he is dangerous, and actually by saying that, look, this guy attacked Ronald Reagan in <the> `80s. It`s very interesting because it kind of lowers <the> temperature on that left-right ideological contest and it`s saying to a lot of independents who have lots of doubts about her, have lots of doubts about Barack Obama, to say that, look, this is very simple. You might actually find one thing or another that he says interesting or appealing, but then there`s seven other things that he said that are less so.

And I`ve got to say, I wonder if she`s going to stick with this overtime. And I wonder if Donald Trump will maybe be able to reach out to some of that Sanders` vote. But I think that that`s <the> danger. But at this point, right now, Donald Trump`s obsession with himself and with his own business affairs, with his own past, makes it very hard to see him breaking out of that dynamic and actually reaching out to those left wing voters that maybe could deliver him <the> election in some strange world.

PAGE: But pity <the> voter.

WALTER: That`s right.

PAGE: Pity - pity Americans. You`ve got <the> - he`s saying she should go to jail for stupidity, which is a hard standard. That`s - that`s too low a bar, I think, (INAUDIBLE).

DICKERSON: Yes. Right, as he does also <the> classification. PAGE: As you - as you pointed out. Yes. And she says he`s unstable and - and - she`d leave it to<the> psychiatrists to talk about why he`s so drawn to tyrants.

And one thing he said in your interview I thought was interesting, he said, she was supposed to give a foreign policy speech and she gave a Trump speech. And that is true. She gave a speech that was really devoted to savaging Trump in a really effective way. But are we going to have a campaign that`s - that turns totally on other person is even more unacceptable than I am with - with no serious discussion about some of <the> big challenges that are in American`s own lives?

DICKERSON: I think - well, I think that`s right.

PAGE: I think <the> answer is yes.

DICKERSON: I see no other reason. Also because she was trying not to talk about <the> e-mails -

WALTER: That`s right.

DICKERSON: Which is another topic.

WALTER: And she was trying not to talk, too, about - I mean, again, his response to her speech should have been, her decisions that she`s made and that <the> Obama administration has made on foreign policy have not made us safer.

DICKERSON: Right.

WALTER: And went through <the> litany of issues. And instead it was back on all these other things that we just have been talking about.

DICKERSON: Let`s switch to <the> Democrats here at <the> end.

Dan, Bernie Sanders says there`s going to be a contested convention. What does that really mean, do you think?

BALZ: I don`t know what that means, John, and I think we`re going to have to wait until we get through Tuesday night to see how Senator Sanders actually responds to a conclusion in this. There is a D.C. primary <the> week after that. But for all practical purposes, it`s over Tuesday night. She will have, as David Axelrod said, more votes, more pledged delegates, more superdelegates, more states won. She will have won across <the> board. He`s going to try to make an argument. <The> questions is, does he persist in that? Does he carry that fight forward? If he does, it`s going to be messy in Philadelphia.

WALTER: I`m looking for President Obama and what he does right after this primary is over. I mean I think it`s not going to necessarily happen on Tuesday or on Wednesday, but when all <the> votes are tallied, when all <the> delegates comes out, does President Obama come out and say, this has been great, good job, everybody, Hillary Clinton`s our nominee and that I think helps move <the> - <the> dialogue in a different direction. BALZ: But does Senator Sanders respond to that? That`s <the> question.

WALTER: Well, that`s <the> question.

PAGE: And <the> results in California matter. Your poll shows it`s just a two-point race. We know it`s really close. But it may - it matters not in terms of who gets <the> nomination, it matters on kind of <the> tone at <the> end of these contests and what <the> context is for trying to get Bernie Sanders to endorse Hillary Clinton.

SALAM: I say Bernie Sanders has already won because Barack Obama came out and said that we should increase Social Security payments for everybody and this is a good and sensible policy. He would not have said that a year ago, two years ago. Certainly not, you know, seven years ago. That is a very big deal.

DICKERSON: Why a big deal? That Obama came out or <the> position on social security?

SALAM: It`s a big deal that Barack Obama has come out and repudiated some of <the> kind of centrist, goo-goo, Social Security reforms that he had before and embraced a central plank of <the> Bernie Sanders` campaign. He sees where <the> future is for <the> Democratic Party. You know, whether or not he could defend that position to <the> Barack Obama of three or four years ago, I can`t say, but he sees where <the> window is blowing and it`s blowing in Bernie Sanders` direction.

DICKERSON: Goo-goo being a term for good government, not - not what your toddler says in <the> morning. That`s it for all of us. We`ll be back in a moment.

(COMMERCIAL BREAK)

DICKERSON: When we started a new chapter of <FACE> THE <NATION>, only half of <the> 17 Republican presidential candidates had officially joined <the> campaign. And it was two weeks later that Donald Trump took that escalator ride into <the> race.

Weeks before he did, House Speaker John Boehner told us that Trump could surprise everyone. He sure did. And Boehner would <face> his own surprise, his career, a casualty of <the> forces that elevated Trump.

In our first meeting last spring, Bernie Sanders was concerned his campaign message wouldn`t get much coverage. News is what surprises us, but this year some of <the> surprises have felt more suited to fiction. And some of <the> news has felt too real. <The> terrorism in Charleston, Paris, San Bernardino and Brussels. Awful news to report, but also stories of courage and grit and amazing grace.

(BEGIN VIDEO CLIP)

BARACK OBAMA, PRESIDENT OF <THE> UNITED STATES (singing): Amazing grace, how sweet <the> sound.

(END VIDEO CLIP)

DICKERSON: A host has a license to ask questions, but it`s your questions in airports or diners or wherever we`re rushing that renew that license. Your thoughts, your concerns about <the> world and even <the> stories of how and where you watch <FACE> THE <NATION> remind us of <the> place you give us in your life and of our obligation. We are grateful. To my CBS colleagues who let me be <the> public <face> of <the> show, I am grateful for all of your hard work, though I`m not surprised.

And with that, we`ll see you next week. For <FACE> THE <NATION>, I`m John Dickerson.

END

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EXHIBIT 42

The Washington Post

Fact Checker

Trump supporters' false claim that Trump U judge is a member of a pro-immigrant group

By **Michelle Ye Hee Lee** June 7, 2016

“Trump’s complaints about the judge and the law firm in the Trump University case are valid and reflect a growing pattern of politicized justice.’ Criticizing the judge for his membership in a radical La Raza San Diego group would have been legitimate. Focusing on ethnicity was not.”

— **Former House speaker Newt Gingrich (R-Ga.), interview with The Washington Post, June 6**

Gingrich, a Donald Trump supporter, has been critical of the Republican presidential candidate’s racially charged remarks about the federal judge presiding over the Trump University case. Trump continues to say that U.S. District Judge Gonzalo Curiel, who was born in Indiana, is biased against him because of Curiel’s Mexican heritage and Trump’s border security proposals, including building a wall. Gingrich has called such claims “inexcusable” and “one of the worst mistakes Trump has made.”

In an interview with The Post, the former House speaker repeated a widely debunked claim perpetrated by Trump's supporters and surrogates to argue that Curiel is a liberal judge playing identity politics through the Trump University case. Gingrich described Curiel's membership in a "radical" La Raza group in San Diego, suggesting that the group is affiliated with a well-known pro-immigrant group with a similar name.

So let's debunk this once and for all — and along the way, check out some of the new claims about this group's alleged connections to illegal immigration advocacy.

The Facts

As The Post and other media outlets have pointed out repeatedly, Curiel is a member of the San Diego La Raza Lawyers Association, which is a professional organization for Latino lawyers. The group is the San Diego local affiliate of the California La Raza Lawyers Association, whose membership comprises lawyers practicing in California, and is a 501(c)(6) nonprofit trade organization. It has an affiliated 501(c)(3) scholarship fund that awarded 22 scholarships totaling \$34,000 in 2014. More on that later.

This group is not the National Council of La Raza, the Hispanic civil rights nonprofit organization that has pushed for comprehensive immigration reform in Congress with a pathway to citizenship and legalization for undocumented immigrants. It's often referred to as simply "La Raza," especially in the context of the immigration debate.

To recap this simple fact: San Diego La Raza Lawyers Association ≠ National Council of La Raza.

When Trump began his public tirade against Curiel, Trump campaign spokeswoman Katrina Pierson and other supporters conflated the two groups, which both use "La Raza." But now, even conservative groups have acknowledged that they are separate organizations.

A literal translation for “La Raza” is “the race,” but it’s interpreted as a broader term describing the Latino community. Opponents of immigration note that the term has roots in the Chicano nationalization movement of the 1960s. But “La Raza” is a common name incorporated throughout the community and often used by Latino organizations and businesses, including restaurants and medical clinics. A search for “la raza” on yellowpages.com turned up more than 3,000 results in California alone.

“The only tie that we have is that we serve the Latino community, and they do as well,” said Luis Osuna, president of the lawyers association. “But they’re a politically driven advocacy group, and we’re just a local diversity Bar association that focuses on both diversity and equality in the legal field, but particularly among Latinos.”

Lisa Navarette, a spokeswoman for the National Council of La Raza, confirmed this, saying: “The two organizations know of each other but are two completely separate organizations, and nothing wrong with either organization. The judge is not a member of NCLR, but there wouldn’t be any issue if he was.”

Still, Trump’s supporters and surrogates continue to draw misleading ties between the lawyers organization and the National Council of La Raza and advocacy for legalizing undocumented immigrants.

The latest criticism is that the group considers the National Council of La Raza and other pro-immigrant organizations a part of its “community,” as evidenced by a list of organizations on its website under the heading “Community.” But that’s a real stretch. Another misleading claim is that the organization gave a scholarship to an undocumented student in 2014, when Curiel served on the scholarship selection committee. In reality, the student identified himself as undocumented only after he was selected for a scholarship.

The list of Web links is a resource to people who visit the website looking for

information and services the organization doesn't provide, Osuna said. It includes links to groups, such as the San Diego Latino Film Festival, a domestic violence program, legal aid society, the San Diego Superior Court and resources for victims of human trafficking.

As for the scholarship, one of the recipients of a 2014 scholarship from the San Diego La Raza Lawyers Association Scholarship Fund was a part-time law student who identified himself as undocumented — after he received the award. The student received a \$1,500 scholarship and wrote in his bio that he emigrated to America at age 11, and that he “wishes to someday tell any student struggling with higher education, ‘Look, a boy from Oaxaca, who did not know English and is undocumented has now graduated from law school and is an attorney.’” Curiel was one of 10 people on the scholarship selection committee.

The California Supreme Court has ruled that undocumented immigrants can be admitted to the state bar as long as they have fulfilled requirements to practice law in the state, effective January 2014. The organization does not ask applicants for their citizenship status, and the student identified as undocumented when he wrote his bio for an event program, Osuna said.

“We give [scholarships] to Latino students. It’s not as if being undocumented is a prerequisite or a question asked in the application,” he said.

[Update: After the fact-check published, a spokesman for Gingrich responded to our request for explanation, saying Gingrich did not conflate National Council of La Raza with the San Diego La Raza Lawyers Association “because there is no need,” as both groups are “radical.”

We asked what constituted “radical” activities, and the spokesman said the lawyer group was affiliated with two groups that have advocated for pro-immigrant policies (Hispanic National Bar Association and the Mexican American Legal Defense), as shown by their names appearing on the “Community” section online. The lawyer group also linked to those two

organization's news releases and hosted events featuring their leaders, he said.

Neither the Hispanic National Bar Association nor the Mexican American Legal Defense has an official affiliation directly with the San Diego La Raza Lawyers Association. However, the lawyers group has paid to be an affiliate member of the Hispanic National Bar Association in the past. Still, as we noted, listing other pro-immigrant organizations under the San Diego lawyers association's "Community" section as a resource doesn't prove that the lawyers group itself is "radical."

In a statement released June 7, Trump called Curiel's professional memberships into question but also announced he does not "intend to comment on this matter any further": "Due to what I believe are unfair and mistaken rulings in this case and the Judge's reported associations with certain professional organizations, questions were raised regarding the Obama appointed Judge's impartiality. It is a fair question. I hope it is not the case."]

The Pinocchio Test

It's time to drop this false accusation that Curiel is a member of a "radical" group that advocates for immigrant rights, or for legalization of undocumented immigrants. Trump's supporters continue to mischaracterize this group as either the same, or comparable, to a Hispanic civil rights group.

Yet Curiel is a member of the San Diego La Raza Lawyers Association, which is a professional organization for Latino lawyers. There's no evidence the organization is advocating for giving law scholarships to undocumented immigrants. And the new attack that the group lists the National Council of La Raza as a member of its "community" on its website is just a red herring that says nothing substantive about the lawyers group's activities or merits as a professional organization.

Four Pinocchios

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Newt Gingrich

Former speaker of the House

"Criticizing the judge [Gonzalo Curiel] for his membership in a radical La Raza San Diego group would have been legitimate."

Interview with The Washington Post – Monday, June 6, 2016

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EXHIBIT 43



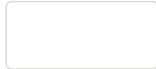
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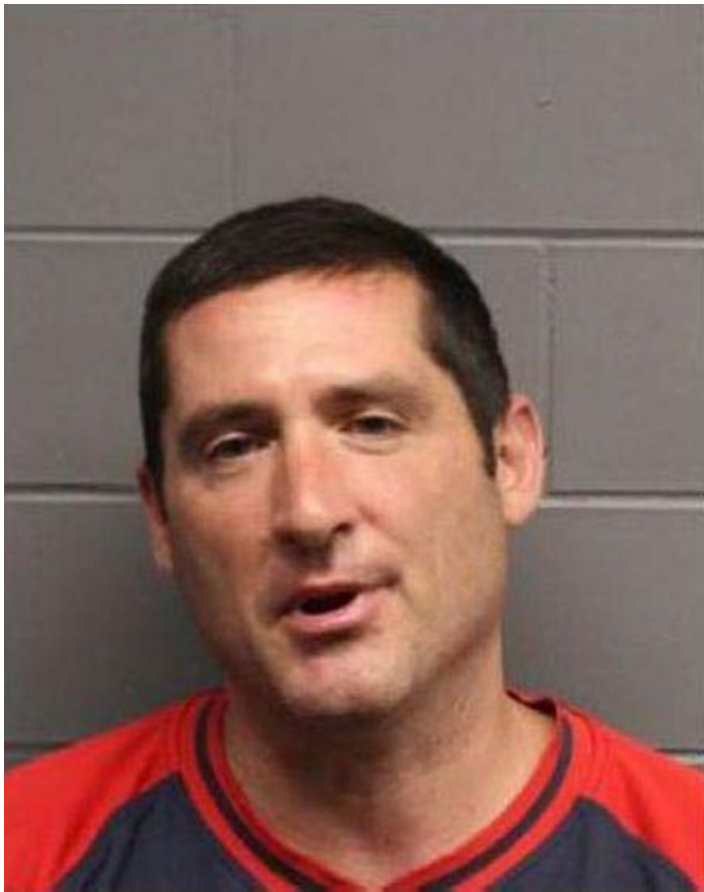
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ADRIAN WALKER

'Passionate' Trump fans behind homeless man's beating?



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SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE

Scott Leader (left) and Steve Leader (right).



By [Adrian Walker](#) | GLOBE COLUMNIST AUGUST 21, 2015

The anti-immigrant sentiments at the heart of Donald Trump's presidential campaign hit home for Boston early Wednesday, and the leading GOP candidate wasn't nearly as

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contrite about it as ^{Comments} he should have been.

According to police, a 58-year-old Mexican immigrant sleeping outside the JFK/UMass MBTA station was attacked by two South Boston brothers who were on their way home from a Red Sox game. State Police say Steven and Scott Leader both urinated on the man and beat him with a metal pole.

After they were arrested, one of them admiringly quoted his political hero. "Donald Trump was right; all these illegals need to be deported," Scott Leader said.

Obviously, Trump isn't personally responsible for the alleged behavior of two men in another state. But his reaction to hearing of the alleged beating of a Hispanic man was hardly worthy of a candidate for the Oval Office.



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"It would be a shame. . . . I will say that people who are following me are very passionate. They love this country and they want this country to be great again. They are passionate."

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South Boston brothers allegedly beat homeless man

One of the South Boston brothers accused of beating and urinating on the victim said he was inspired in part by Donald Trump.

Mexico condemns beating of citizen

Got that? They're passionate. But allegedly urinating on a homeless, sleeping man and breaking his ribs has nothing to do with making America great again. Quite the opposite, actually.

Nor would "passion" excuse such heinous behavior. But such distinctions might be too nuanced for the hard-charging Trump campaign.

In post-arrest interviews with the police, one of the men also whined that he and his brother were arrested because they are white, while immigrants are never arrested. In that, they echoed the twisted sense of victimization one hears from immigrant-bashers everywhere. Foreigners are taking over our country. They get to break the law. We're victims. Trump should be embarrassed to be the hero of such people, but his has been a shame-free campaign.

As it happens, it is the Leader brothers who may have been skirting the law. When

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McCormack housing development. Their name does not appear on any lease, but they were apparently living with their mother, a tenant there who hadn't disclosed their residence.

Boston Housing Authority administrator Bill McGonagle said Thursday the agency will begin proceedings to evict their mother — and, by extension, her sons — from public housing.



That decisive action is commendable. But it won't do much to stem the tide of anti-immigrant feeling that is being legitimized in the course of this hideous presidential campaign. Trump entered the race pledging to purge the country of Mexican criminals and rapists, and his rhetoric has gotten no less strident since then. Among other ideas, he has called for doing away with citizenship as a birthright, which he says will make it easier to deport families. He wants to build a fence at the US-Mexico border, though he has waffled on his initial declaration that he would somehow force Mexico to pay for it.

Much of this is plainly ridiculous, but he has struck a chord with people looking for someone to give voice to their rage and hate. Resentment has a way of finding an audience.

“The words that people use on the campaign trail, on the floors of Congress, on the nightly news, and in their living rooms have consequences,” said Robert Trestan of the Anti-Defamation League. “The climate of bias and hostility against immigrants that has emerged in recent weeks is unproductive for the immigration debate and can pave the way for people to act on bigotry and prejudice.”

Trump isn't likely to become president, but that doesn't make his brand of politics any less disgraceful. He doesn't seem to care much, but far from the spotlight Trump finds so addictive, some of his passionate supporters seem emboldened to act on long-simmering

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Adrian Walker is a Globe columnist. He can be reached at walker@globe.com. Follow him on
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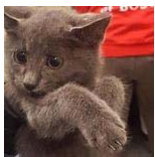
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Trump was on the menu at annual Labor Day breakfast in Boston

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Bernie Sanders blasts Trump over DACA

The Vermont senator spoke at a Labor Day breakfast in New Hampshire. [MORE...](#)

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EXHIBIT 44

The Washington Post

Post Politics

Trump on immigration: There are 'bad hombres' in the United States

By **Katie Zezima** October 19, 2016

Donald Trump, talking about immigration, said there are some “bad hombres” in the United States.

“We have some bad hombres here, and we're going to get them out,” Trump said during the final presidential debate.

Building a wall along the U.S.-Mexico border has been a central tenet of Trump’s campaign. Trump has said he wants to deport the 11 million undocumented immigrants in the country, but last month said he would prioritize the deportation of 5 million to 6.5 million people.

“One of my first acts will be to get all of the drug lords, all of the bad ones — we have some bad, bad people in this country that have to go out,” Trump said. He argued that building a wall will help stem the tide of heroin into the United States, something experts said is unlikely.

Trump said once the border is secured, “we'll make a determination as to the rest.”

Katie Zezima is a national correspondent covering drugs, guns, gambling and vice in America. She covered the 2016 election and the Obama White House for The Post. [Follow @katiezez](#)



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EXHIBIT 45

The Washington Post



‘This deal will make me look terrible’: Full transcripts of Trump’s calls with Mexico and Australia

Read related: [‘You cannot say that to the press’: Trump urged Mexican president to end his public defiance on border wall, transcript reveals](#)

By **Greg Miller**, **Julie Vitkovskaya** and **Reuben Fischer-Baum**

Aug. 3, 2017

The Washington Post has obtained transcripts of two conversations

President Trump had with foreign leaders: one with Mexican President Enrique Peña Nieto and another with Australian Prime Minister Malcolm Turnbull.

Four big takeaways from Trump's calls to Mexican and Australian counterparts

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The transcripts were prepared by the White House but have not been released. The Post is publishing reproductions rather than original documents in order to protect sources. The reproductions below also include minor spelling and grammatical mistakes that appeared in the documents.

The Washington Post

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Conversation with Mexican President Peña Nieto

Peña Nieto was elected in 2012, leading the centrist Institutional Revolutionary Party. A series of scandals has left the president with an approval rating lower than Trump's.

Timeline

- Friday Jan. 20 ● Donald Trump is inaugurated.
- Wednesday Jan. 25 ● Trump signs an executive order to begin construction of a southern border wall. Jared Kushner meets with Mexican Foreign Minister Luis Videgaray to craft the language for the announcement, which is “well received” in Mexico and doesn’t discuss payment.
- Thursday Jan. 26 ● Trump tweets, once again, that Mexico will pay for the wall. Facing political pressure at home, Peña Nieto cancels his Jan. 31 trip to Washington.
- Friday Jan. 27 ● **Call with Peña Nieto.** Trump hosts Britain’s Prime Minister Theresa May.

The two leaders discussed the political optics of funding the border wall, and potential taxes and tariffs on Mexican goods.

Highlights



1. Trump threatens potential tariffs on Mexican goods. ⌵



2. Trump vows to help fight the “tough hombres” driving the Mexican drug trade. ⌵



3. Trump seems to acknowledge that his threats to make Mexico pay had left him cornered politically. ⬇



4. Trump asks that they avoid publicly disagreeing over how the wall will be funded. ⬇



5. Trump describes the wall as “the least important thing we are talking about.” ⬇



6. Trump tells Peña Nieto to stop saying publicly that his government would never pay for the wall. ⬇

JANUARY 27, 2017, FROM 9:35 TO 10:28 A.M. EST.



TRUMP

Hello, good morning.



PEÑA NIETO

Mr. President, good morning.



TRUMP

How are you, Mr. President?



PEÑA NIETO

I am good. How are you? It is good to speak with you. Let me switch to Spanish so I will be more

Peña Nieto is a fluent English speaker but switches to Spanish in formal settings.

comfortable.



TRUMP

Yes, that would be fine, Enrique .



PEÑA NIETO

President Trump, I am very glad to hear from you and I know we have had a point of difference that has complicated the situation. Let me tell you clearly what I think is now happening in the route of reaching an agreement between our two nations. The first thing I want to say is that I highly appreciate the openness of your team and the willingness of your team to work to open a new framework between our two countries.



TRUMP

Thank you.



PEÑA NIETO

Yes, and I want to also thank you personally for what you said last

Trump continues to use Peña Nieto's first name throughout the conversation — a total of 13 times.

While announcing his border wall executive order, Trump said, "We also understand that a strong and healthy economy in Mexico is very good for the United States — very, very good."

Peña Nieto could be referring to Trump's visit to Mexico on Aug. 31. Trump, then the Republican presidential candidate, held a joint news conference with Pena Nieto and said the two didn't discuss who would pay for the proposed border wall.

Wednesday on the importance of Mexico to have a strong economy, and also the responsibility our administration has accepted to stop illegal trafficking of weapons and money coming into Mexico.

However, we have found an issue here that marks differences and this is nothing new, Mr. President.

I think that since your visit we have spoken about this and this is what I want to talk about, this difference. Let me tell you, Mr. President, this is not a personal difference. It has nothing to do with you personally, Mr.

President. But it is an unthinkable that I cannot ignore this because we find this completely unacceptable for Mexicans to pay for the wall that you are thinking of building. I understand, Mr.

President, the small political

margin that you have now in terms of everything you said that you established throughout your campaign. But I would also like to make you understand, President Trump, the lack of margin I have as President of Mexico to accept this situation. And this has been, unfortunately, the critical point that has not allowed us to move forward in the building of the relationship between our two countries. I propose, Mr. President, for you to allow us to look for ways to save these differences. For both our governments, this could constitute a win-win situation. I understand the position of your government on this issue, and I respect it. But I also ask for full consideration and respect for the position of my administration, and the position of

Luis Videgaray is Mexico's foreign minister.

Videgaray and Kushner worked together to soften Trump's words during his border wall speech.

This figure is out of context. The deficit is high because of increasing U.S. trade with Mexico. Economists generally agree that a high trade deficit coupled with high numbers of imports and exports is a good thing.

As a result of the North American Free Trade Agreement, the United States, Canada and Mexico constitute an economically integrated market, especially for the auto industry. Auto parts and vehicles produced in each country freely flow over the borders, without tariffs or other restrictions, as thousands of part suppliers serve the automakers that build the vehicles. Factories built in Mexico may actually free up production in the United States, so it's not a zero-sum game.

the Mexican society at large. Let us look for ways to save this political issue so that we can remove this difficulty and so that we can also be creative on this, Mr. President. I am certain that other conversations and discussions that we have had – this route of the dialogue that we are having, especially related to the economy and trade and security – are highly promising in our relationship. I believe we are on the path of overcoming the differences that we have, if this is what we decide to agree on. And I think we can continue in this attitude, the way I think of it, which is a constructive attitude to continue moving forward in a positive manner with friendship as well. That is my position, Mr. President.

This is a false claim. Trump did as well as Mitt Romney and worse than John McCain; Hillary Clinton lost some votes to third-party candidates, and therefore she did worse than Barack Obama.



TRUMP

Thank you very much, Enrique. I appreciate that. I thought that was beautifully stated. And certainly, as to the relationship and friendship, I consider you a friend. I met you the one time and I studied you. You are a very hard person to study, because you are sending out messages that are important to the Mexican people. I consider you a friend and I consider Luis, the person working with you, a very smart man. To be very honest with you, I did not want to have a meeting. I did not want to meet with Luis, I did not want to meet with Mexico, I did not want to meet with anybody. It was only because of a very good relationship that Jared Kushner has with Luis that these two decided to meet and discuss, but I was not really in favor for that

Ohio and Michigan actually have lost many auto industry jobs to other states, not countries. Factories have also closed because of automation and because American workers have become more productive, so fewer workers are needed to make the same number of goods. Trump swept Ohio with the help of white middle-class voters but won by a razor-thin 0.2 percentage points in Michigan. In 2015, Trump called Mexico “the new China” during a visit to Flint, Mich. “They’re taking our factories, and they’re rebuilding these massive plants in Mexico,” Trump said.

meeting. I felt that we should do a much simpler solution, and that solution was tariffs at the border, because the United States has a trade deficit with Mexico of \$60 billion. And the United States will not have those deficits anymore. We do not mind a small deficit, and we do not mind a little time to get there. But we cannot do this and we cannot sustain like this. We will not be the United States anymore. And we cannot listen to this. I was voted on the basis that we are losing so much money to Mexico in terms of jobs, factories, and plants moving to Mexico. We cannot do this anymore and I have to tell you it is not sustainable. And interpreter, I think Enrique understands everything I said, unless you, Enrique, feel you want an interpretation for this, please

Peña Nieto is probably saying this because trade was not discussed in any formal settings and Trump was referencing campaign promises.

Trump often boasted of the crowd size at his rallies but has also inflated these numbers. The highest turnout would have probably been in Mobile, Ala., where an estimated 30,000 people attended. Other candidates also had large turnouts. The campaign of Sen. Bernie Sanders (I-Vt.) said its rally in Portland attracted 28,000 people, and the next day 27,500 came to an event in Los Angeles.

continue to go forward, is that okay?



PEÑA NIETO

Yes, I will be okay.



TRUMP

Because I have been with him – he speaks better English than me – so we will just go on. What I want is fair tariffs at the border, and I want to be fair because I want a great relationship with Mexico. In the latest election, I won with a large percentage of Hispanic voters . I do not know if you heard, but with Cuba, I had 84 percent, with the Cuban-American vote. But overall generally, I had well over 30 percent and everyone was shocked to see this. I understand the community and they understand me, and I have a great respect for the Mexican people. But I did not want Jared to meet

The U.S. has a smaller trade deficit with Canada than it does with Mexico, although Trump has also clashed with with Canada over softwood lumber tariffs. In April, Trump said that “Canada’s been very rough on the United States.”

with Luis. I just wanted to very simply – and with a high level of precision – we put on a border tariff so that products coming in from Mexico to the United States would be taxed at a rate to be determined. But you know, it could be 10 percent or 15 percent or it could be 35 percent for some products that, for example, are jobs ripped from their foundation and moved to Mexico. Most would be in the 10 to 15 percent range. That would make us very even with Mexico and it would make a lot of sense. Now, Mexico may in turn try to do something like that to us. Since we have such a deficit, it gives us the advantage. In addition, I was going to very strongly say this to Mexico and other countries – that everything is reciprocal. So if Mexico adds a

Even before Trump was elected, a Pew research study found that more Mexicans are leaving the United States than migrating to America.

tax, we will add a tax.

We have a country that has been led by people who have no business understanding. We are living off the success of the past – off the fat of the past – and we cannot continue to do this. So anything another country imposes on us, we would automatically impose a tax on them, so it would not be very wise for them to do the taxing. So I did not want to have the meeting, I just wanted to go along with the very reasonable tax plan we were drawing up for Mexico, and that is honestly where I am right now. When I heard about the meeting, I was happy about it, beyond the fact that I hoped we would remain friendly with you. I was not at all disappointed in the meeting,

Trump tapped retired Gen. John F. Kelly in December to head DHS. Kelly was picked in part because of his border expertise as the former head of U.S. Southern Command.

New Hampshire has been particularly hard hit by heroin and prescription drug abuse. The state also has the highest synthetic opioid death rate in the country. Trump has previously said the state has an “unbelievable” heroin problem, adding: “You know where that stuff comes from.” Trump won the New Hampshire Republican primary, but it was actually Clinton who was declared the winner of New Hampshire in the presidential race – six days after she lost the election.

Congress delegated some tariff and trade powers to the president, but the president’s actions may be challenged in court.

because Mexico, honestly, through smarter leadership, more cunning leadership — and you are in that category very much so — the very smart leadership in Mexico has taken advantage of the United States. The people of the United States know this. In Ohio, they are having rallies for Trump right now because Trump has taken a hard stance on Mexico. We lost a lot of factories in Ohio and Michigan and I won these states — some of these states have not been won in 38 years by a Republican and I won them very easily. So they are dancing in the streets. You probably have the same thing where they are dancing in your streets also, but in reverse. I just want to put a border tax on, relax, and then we do not have to have meetings. That being said, if you

Billionaire investor Wilbur Ross was confirmed as the commerce secretary on Feb. 27. Investment banker Gary Cohn is Trump's chief economic adviser and director of the National Economic Council.

want to have meetings and you continue to have meetings, I am willing to wait. Jared feels so strongly that you and he will be able to work out a deal – meeting with Luis and his team – but I am very happy to not to have any more meetings and just put a border tax on, like everybody else does. Right now, every nation in the world is charging us what we are not putting on anyone. We have been led by people who really hurt our country. We will not let it go on anymore. With that being said, if you guys want to continue the talks or if you do not want to continue the talks, it is okay, but I would only like to know your thinking on it because I am willing to go either way.

Yes, Mr. President. The proposal

Trump previously said the wall would cost \$8 billion, but the Department of



PEÑA NIETO

that you are making is completely new, vis-à-vis the conversations our two teams have been having. But I have gathered this from the position that you have taken in terms of trade. I think we have the route to continue having balanced trade between both nations. And frankly, to tell you the truth Mr. President, I feel quite surprised about this new proposal that you are making because it is different from the discussion that both of our teams have been holding —



TRUMP

Enrique, if I can interrupt — this is not a new proposal. This is what I have been saying for a year and a half on the campaign trail. I have been telling this to every group of 50,000 people or 25,000 people — because no one got people in their rallies as big as I did. But I have

Homeland Security estimates it would cost \$21.6 billion.

Bibi is the nickname of Israeli Prime Minister Benjamin Netanyahu. Only one-tenth (33 miles) of the Israeli barrier with Palestinian territories is a 25-foot-tall concrete wall. The other 90 percent is a six-foot-high electronic fence.

Trump had to inform Congress first on his intention of negotiating any trade deal, including NAFTA. The process requires a 90-day consultation period.

been saying I wanted to tax people that treated us unfairly at the border, and Mexico is treating us unfairly. Now, this is different from what Luis and Jared have been talking about. But this was not a new proposal – this is the old proposal. This was the proposal I wanted. But they say they can come up with some other idea, and that is fine if they want to try it out. But I got elected on this proposal – this won me the election, along with military and healthcare. So this is not a new proposal this is been here for a year and half.



PEÑA NIETO

Yes, I do understand what you are saying, Mr. President. On this public proposal, I understand it is not new but what I am getting at is that it is new in terms of the type

of dialogue we have been having. I would insist very specifically, Mr. President, for us to find a route towards the dialogue to find a balance in our trade. I think that what you have said has weaknesses, as you said, regarding the lack of modernization. I think we can continue working towards building the construction of a new framework to continue our trade relationship among the three countries that are part of NAFTA.



TRUMP

Well, Canada is no problem – do not worry about Canada, do not even think about them. That is a separate thing and they are fine and we have had a very fair relationship with Canada. It has been much more balanced and much more fair. So we do not have to worry about Canada, we

do not even think about them.



PEÑA NIETO

I am saying this because it is an asset to have the three partners of NAFTA. Mr. President, let us talk about the Mexico-United States relationship. We can still build a very fair agreement so that we can increase and strengthen competitiveness between our two nations. Let me be precise, Mr. President – I appreciate the attitude of friendship that you have towards me and towards Mexico. And I am not at all trying to take advantage based on this friendship. I am sure we can have the dialogue and the agreement that is the best route to build a more robust and fairer agreement between both nations.

I would appeal to you, Mr.

President, for us to allow room to look for a new solution between our two countries. Let me be very specific on one matter – any issue that alters the economic situation in Mexico, I think, it also constitutes a potential risk for the United States, especially in terms of migration issues, Mr. President. Let me tell you that the best virtual wall that I think we can build between our two countries is to make sure that both countries have economic development. And it is exactly on this issue that we have been talking about a more fair trade relationship between our two countries, so we can build this type of framework for that relationship. I leave this for your consideration, Mr. President. The will of my government is not to have points of difference with you,

In May, the administration negotiated a deal with China softening trade barriers on beef, poultry and natural gas, among other industries. More recently, the administration has been threatening to investigate Chinese trade practices.

but rather points of agreement and for the good relationship between our two nations to be translated into economic trade migration and security benefits for both of our countries, our societies, and our administrations. And this is for your consideration, President Trump, if you truly think we can stay on this path and I believe this is more promising for our nations.



TRUMP

Okay, well thank you very much, Enrique. I just wanted to mention that when you talk about people coming across the border – because times will be tough and times will be good – that when times are tough, that is why we have a wall, because we do not want people to come across the border. We do not want them

Trump hosted British Prime Minister Theresa May at the White House on the same day as his conversation with Peña Nieto.

coming across. We have enough people coming across, we want to stop it cold. General Kelly is one of the most respected generals in the entire military system and he is a very fair man, but he is a very tough man. And we have the drug lords in Mexico that are knocking the hell out of our country. They are sending drugs to Chicago, Los Angeles, and to New York. Up in New Hampshire – I won New Hampshire because New Hampshire is a drug-infested den – is coming from the southern border. So we have a lot of problems with Mexico farther than the economic problem. We are becoming a drug-addicted nation and most the drugs are coming from Mexico or certainly from the southern border. But I will say this – you have that problem too. You

The president of Mexico is limited to a single term in office for six years. Peña Nieto's approval rating is lower than Trump's.

have some pretty tough hombres in Mexico that you may need help with, and we are willing to help you with that big-league. But they have to be knocked out and you have not done a good job of knocking them out. We have a massive drug problem where kids are becoming addicted to drugs because drugs are being sold for less money than candy because there is so much of it. So we have to work together to knock that out. And I know this is a tough group of people, and maybe your military is afraid of them, but our military is not afraid of them, and we will help you with that 100 percent because it is out of control – totally out of control.

Now getting back to the taxes for second, I have been given as

President tremendous taxation powers for trade and for other reasons – far greater than anybody understands. The powers of taxation are tremendous for the President of the United States and if you study that you will see what I mean. That is why I did not want to have the meeting, I just wanted to tax the border. With all that being said, I would love if you want to reinstitute the meetings between Luis and a staff that I will assemble in the United States.

Our Secretary of Commerce, Mr. Ross, will be approved very soon and we have a great team of people – Gary Cohen and lots of others – we have lots of great talent. And talent that wants things to happen. They are dealmakers, they are not obstructionist. We have some of

them, but so do you of course.

With that being said, if you would like to try and work a deal, that is okay. But if we cannot work a deal, I want to tell you we are going to put a very substantial tax on the border coming into the United States because, honestly, we will not want your products unless your products are going to be taxed. I do not want the products and lesser tax. And what that will mean is factories and plants will start to be built in the United States because the taxes will be too high in Mexico. I do not want to do that if we can work out a deal, so Jared Kushner and Luis can have the teams work out the deal. The only thing I will ask you though is on the wall, you and I both have a political problem. My people stand up and say, "Mexico

will pay for the wall” and your people probably say something in a similar but slightly different language. But the fact is we are both in a little bit of a political bind because I have to have Mexico pay for the wall – I have to. I have been talking about it for a two year period, and the reason I say they are going to pay for the wall is because Mexico has made a fortune out of the stupidity of U.S. trade representatives. They are beating us at trade and they are beating us at the border, and they are killing us with drugs. Now I know you are not involved with that, but regardless of who is making all the money, billions and billions and billions – some people say more – is being made on drug trafficking that is coming through Mexico. Some people say that the

business of drug trafficking is bigger than the business of taking our factory jobs. So what I would like to recommend is – if we are going to have continued dialogue – we will work out the wall. They are going to say, “who is going to pay for the wall, Mr. President?” to both of us, and we should both say, “we will work it out.” It will work out in the formula somehow. As opposed to you saying, “we will not pay” and me saying, “we will not pay.”

Because you and I are both at a point now where we are both saying we are not to pay for the wall. From a political standpoint, that is what we will say. We cannot say that anymore because if you are going to say that Mexico is not going to pay for the wall,

then I do not want to meet with you guys anymore because I cannot live with that. I am willing to say that we will work it out, but that means it will come out in the wash and that is okay. But you cannot say anymore that the United States is going to pay for the wall. I am just going to say that we are working it out. Believe it or not, this is the least important thing that we are talking about, but politically this might be the most important talk about. But in terms of dollars – or pesos – it is the least important thing. I know how to build very inexpensively, so it will be much lower than these numbers I am being presented with, and it will be a better wall and it will look nice. And it will do the job.

You know, you look at Israel – Israel has a wall and everyone said do not build a wall, walls do not work – 99.9 percent of people trying to come across that wall cannot get across and more. Bibi Netanyahu told me the wall works . We have also hired at least 15,000 more men and women on the border – patrolling the border very carefully. We just cannot play the game of stupidity anymore. I would love to continue talking. When Jared said, “the deal is off,” I was glad. Jared has a great feeling for the plan, though I know it would be politically much more popular in Mexico and, I think, it will be much less popular for me, to be honest. I think the most popular thing for me would just to put a tariff on the border. But I am willing to see if they can finish up

a plan. From what I hear, they have great discussions and it looks good. I guess they have to wait 90 days – there might be a statutory period or something like that and that might be too bad. But that is okay, so we will get Congress involved and let them work through the statutory period. If you want to do that, Enrique, I am good with doing that. And I want to reiterate, you and I will always be friends do not worry.



PEÑA NIETO

In terms of security, Mr. President, it is clear that organized crime is just as much our enemy as it is the enemy of your administration.



TRUMP

Enrique, you and I have to knock it out – you and I have to knock the hell out of them. Listen, I

know how tough these guys are – our military will knock them out like you never thought of, we will work to help you knock them out because your country does not want that. Your citizens are being killed all over the place, your police officers are being shot in the head, and your children are being killed. And we will knock them out.



PEÑA NIETO

I fully agree that we should work together. And let me tell you that a lot of what is happening in terms of traffickers in Mexico is being largely supported by the illegal amounts of money and weapons coming from the United States. And this has led Mexico to fight against criminal gangs with the participation of the military and the entire army of Mexico. And

this has taken many lives within the military and all the elements that are committed in this fight. But they are criminal groups that are well-armed, especially with weapons coming from the United States illegally into Mexico. I fully agree that both governments can work together to knock out and to do away fully with these criminal gangs.

And on the other issue, Mr. President, on trade I think we are moving forward in a very positive fashion, especially through the dialogue both of our teams are holding. You have a very big mark on our back, Mr. President, regarding who pays for the wall. This is what I suggest, Mr. President – let us stop talking about the wall. I have recognized

the right of any government to protect its borders as it deems necessary and convenient. But my position has been and will continue to be very firm saying that Mexico cannot pay for that wall.



TRUMP

But you cannot say that to the press. The press is going to go with that and I cannot live with that. You cannot say that to the press because I cannot negotiate under those circumstances.



PEÑA NIETO

I understand you well, Mr. President. I understand this critical point and I understand the critical political position that this constitutes for your country and for you, Mr. President. Let us look for a creative way to jump over this obstacle. It does not mean

that this is not an important issue
– this is an important issue.
However, this is why we should
walk on the path that we began,
because when we start talking
about the wall it prevents us from
talking about other important
issues that we must discuss. I
clearly understand what this issue
constitutes for you in the United
States. And for Mexico, it is also
an issue that goes beyond the
economic situation because this is
an issue related to the dignity of
Mexico and goes to the national
pride of my country. Let us for
now stop talking about the wall.
Let us look for a creative way to
solve this issue, for this to serve
both are your government, my
government, and both of our
societies. Let us leave this topic –
let us put it aside and let us find a

creative way of looking into this issue. And let us move forward on other issues that I think are positive for both of our countries. That would be my position, Mr. President.



TRUMP

Okay, Enrique, that is fine and I think it is fair. I do not bring up the wall but when the press brings up the wall, I will say, “let us see how it is going – let us see how it is working out with Mexico.” Because from an economic issue, it is the least important thing we were talking about, but psychologically, it means something so let us just say “we will work it out.” And if you want to do that, then we will go back to the negotiation table with Jared and Luis. And I am sure they can work something out that is good

for both nations, and obviously that would be a positive thing. And I am sort of in this bad position because the deal that they are making is not nearly as good as the deal I could impose tomorrow – in fact this afternoon. I do not have to go back to Congress or to the Senate. I do not need the vote of 400 people. I have the powers to do all of this, and I came to the office this morning and I met with a group of people – we had a plan to just go into what I wanted to do for two years. But I know what you are saying, it is something that is good for you. It is very important for you to understand this – I want the best solution also for Mexico. I do not just want a great solution for the United States. And what I am talking about is not a good solution for Mexico – it is a great

solution for the United States, which is a tariff on everything coming into our country. Now, that is the best solution economically for the United States, but I feel very strongly that it is important that as our neighbor, we have a strong relationship – the stronger the better.

Now, the reason I do like an agreement is I want Mexico to be a strong and happy country. I think I can do that. And we can get close enough to have a decent deal for the United States but at the same time have a good deal for Mexico. So I am okay with that. The thing I need you to understand is that right now we have a \$60 billion trade deficit. That is unsustainable. And do not feel

lonely because we are going to be having talks with China also .

China is beyond what is happened with that whole thing, and you will be very happy because that will be good for you – believe me. We are going to treat them fairly and we want a good relationship with China. But with Mexico, you are our neighbor and I want to do what is good for Mexico. That is very important [to] me. With that being said, if you think it is appropriate, I will let Jared Kushner, Wilbur Ross, and all the different people that are involved – Wilbur will be confirmed as Secretary of Commerce any moment now – to get with your team and they can knock something out that will be a fabulous agreement. It will look good for both of us. I will say with

you representing Mexico and me representing the United States we will have a good agreement and we will almost become the fathers of our country – almost not quite okay? Please go away from this conversation understanding it is not my first choice, but what I want is to have a good and strong neighbor in Mexico.



PEÑA NIETO

And we have to generate jobs, and we have to be stronger and we have to be growing. I share that position with you.



TRUMP

It is you and I against the world, Enrique, do not forget.



PEÑA NIETO

The spirit of my government, in the position of my administration, is for things to go well for the United States and for things to go

well for your government, because this is the only way that we can continue working together, and that is really my honest position.

Let us stop talking about who pays for the wall, talking about the wall in general, because I think there is a more creative way we can start looking for a solution. And it is the way we can remove the big block in our path. And let us now start talking about creative ways on how this wall is going to be paid because I fully understand that it is your sovereign right to talk about this, because you are protecting your southern border. But this cannot be the strongest thing in our path that keeps us from having a dialogue, and keeps us from having economic development.



TRUMP

That is very good, I agree with you 100 percent. Enrique, if you want, I have the Prime Minister of Great Britain coming in in a little while. If you want, you can put out a statement saying that we had a great conversation and our teams are going to continue to talk and just say we will not discuss the wall. We will discuss other things but we had a conversation. Now, there are some time delays that are imposed. I guess the 90-day period or a similar timeframe. Let me confirm with some of my people here. Well, Jared and Luis know what the timelines are, so why don't they work out a mutual statement? So, Enrique, if it is okay with you, Jared and Luis will work out a mutual statement that we can put out together.



PEÑA NIETO

Yes, Mr. President. I fully agree with you on Jared and Luis working together on this.



TRUMP

Good. I want you to be so popular that your people will call for a constitutional amendment in Mexico so that you can run again for another six years.



PEÑA NIETO

You are very kind, Mr. President. And really, the only thing I am interested in for both of our nations to do well – for your government, for you, and for us to truly have a relationship with friendship and a very constructive relationship, Mr. Trump.



TRUMP

You know, we should put that in the statement. Your words are so beautiful. Those are beautiful words and I do not think I can

speaking that beautifully, okay? It would be great to put those words at the end of the statement. Really nice though.



PEÑA NIETO

We will do so, Mr. President, and we will let Jared and Luis define the statement with a positive and constructive view that we both have. I know that we want to build a friendship between both of us and to work for the betterment of our societies. So, let us move on that position and let us look twice at what is obstructing us and move forward on a path to build together. Let us have Luis and Jared work on a statement. Thank you for your time and your views. I know this is a long conversation, which I appreciate.

Well, it is my honor and we will





TRUMP

have a great success. I will explain to Jared everything and they should talk soon. I appreciate all of your time, too, Enrique, and I look forward to seeing you soon. I feel confident with those two, plus their teams, will get something done that will be great for both countries.



PEÑA NIETO

I am sure that will happen, Mr. President. Thank you so much. I look forward also to see you very soon. Thank you.



TRUMP

Thank you. Goodbye.

END OF CALL

Conversation with Australian Prime



Minister Turnbull

Turnbull, a member of Australia’s conservative Liberal Party, took over as prime minister in 2015. During the phone call, Trump and Turnbull discuss an Obama-era agreement in which the United States will vet and take refugees who have been imprisoned after trying to enter Australia by boat.

Timeline

- Friday Jan. 20 ● Donald Trump is inaugurated.
- Friday Jan. 27 ● Call with Peña Nieto.
Trump hosts Britain’s Prime Minister Theresa May. Trump issues entry ban.
- Saturday Jan. 28 ● **Call with Turnbull.**
Trump also holds calls with Japan Prime Minister Shinzo Abe, French President François Hollande, Russian President Vladimir Putin and German Chancellor Angela Merkel.

The [two-sentence readout of the conversation from the White House](#) states both leaders “emphasized the enduring strength and closeness of the U.S.-Australia relationship,” but the full transcript below shows a heated 24-minute conversation in which Trump vents about his accepting refugees a day after he signed an entry ban.

Highlights



1. Trump tells Turnbull that accepting the refugees “will make us look awfully bad.”





2. Turnbull tries to explain to Trump that the refugee deal is consistent with the travel ban ⬇



3. Turnbull tells Trump that the deal is “really, really important” to Australia. ⬇



4. Trump says the refugee deal is “going to kill me.” ⬇



5. Trump calls the agreement a “stupid deal” that will make him “look terrible.” ⬇



6. Trump tells Turnbull “I have had it” and ends the call. ⬇

JANUARY 28, 2017 FROM 5:05 TO 5:29 P.M. EST.



Good evening.

TURNBULL



Mr. Prime Minister, how are you?

TRUMP



I am doing very well.

TURNBULL



And I guess our friend Greg Norman, he is doing very well?

TRUMP

Greg Norman is an Australian pro golfer, formerly No. 1 in the world. Norman, who is the president’s friend, passed Trump’s cellphone number to



TURNBULL

He is a great mutual friend yes.

Turnbull.



TRUMP

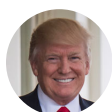
Well you say hello to him. He is a very good friend. By the way thank you very much for taking the call. I really appreciate it. It is really nice.



TURNBULL

Thank you very much. Everything is going very well. I want to congratulate you and Mike Pence on being sworn in now. I have spoken to you both now as you know. I know we are both looking to make our relationship which is very strong and intimate, stronger than ever – which I believe we can do.

Turnbull was a successful businessman before becoming prime minister. In 2015 his estimated net worth was over \$200 million.



TRUMP

Good.



TURNBULL

I believe you and I have similar backgrounds, unusual for

One of Trump's campaign promises was to develop a plan to defeat the Islamic State in 30 days.

politicians, more businessman but I look forward to working together.



TRUMP

That is exactly right. We do have similar backgrounds and it seems to be working in this climate – it is a crazy climate. Let me tell you this, it is an evil time but it is a complex time because we do not have uniforms standing in front of us. Instead, we have people in disguise. It is brutal. This ISIS thing – it is something we are going to devote a lot of energy to it. I think we are going to be very successful.

While a relatively small percentage of Syrian Christian refugees have been admitted to the United States, The Post's Fact Checker found that Trump's suggestion that they face discrimination is false. Christians from Iraq make up a disproportionate share of the refugees from that country, while Syrian Christians appear to prefer to settle with relatives in Lebanon.



TURNBULL

Absolutely. We have, as you know, taken a very strong line on national security and border protection here and when I was speaking with Jared Kushner just

the other day and one of your immigration advisors in the White House we reflected on how our policies have helped to inform your approach. We are very much of the same mind. It is very interesting to know how you prioritize the minorities in your Executive Order. This is exactly what we have done with the program to bring in 12,000 Syrian refugees, 90% of which will be Christians . It will be quite deliberate and the position I have taken – I have been very open about it – is that it is a tragic fact of life that when the situation in the Middle East settles down – the people that are going to be most unlikely to have a continuing home are those Christian minorities. We have seen that in Iraq and so from our point of view,

While it's accurate to say that a small percentage of Syrian Christian refugees have been admitted to the United States, The Post's Fact Checker found that the reason for this disparity is unclear.

Thousands of refugees trying to reach Australia have been sent to camps on Nauru and Manus, both remote Pacific islands. Human rights groups consider the conditions in the camps to be inhumane. The detention center on Manus Island is scheduled to be shut down Oct. 31.

The call with Turnbull came the day after Trump signed the first version of the entry ban, an executive order that blocked citizens from seven predominantly Muslim countries from entering the United States for 90 days.

The Mariel boatlift was an exodus of hundreds of thousands of Cuban refugees starting in 1980 under President Jimmy Carter, who called

as a final destination for refugees, that is why we prioritize. It is not a sectarian thing. It is recognition of the practical political realities. We have a similar perspective in that respect.

them Freedom Flotillas. Cuban leader Fidel Castro let more than 2,500 criminals and mentally ill people leave the country in an effort to embarrass Carter.



TRUMP

Do you know four years ago Malcom, I was with a man who does this for a living. He was telling me, before the migration, that if you were a Christian from Syria, you had no chance of coming to the United States. Zero. They were the ones being persecuted. When I say persecuted, I mean their heads were being chopped off. If you were a Muslim we have nothing against Muslims, but if you were a Muslim you were not persecuted at least to the extent – but if you were a Muslim from Syria that was

the number one place to get into the United States from. That was the easiest thing. But if you were a Christian from Syria you have no chance of getting into the United States . I just thought it was an incredible statistic. Totally true – and you have seen the same thing. It is incredible.



TURNBULL

Well, yes. Mr. President, can I return to the issue of the resettlement agreement that we had with the Obama administration with respect to some people on Nauru and Manus Island . I have written to you about this and Mike Pence and General Flynn spoke with Julie Bishop and my National Security Advisor yesterday. This is a very big issue for us, particularly domestically, and I do understand you are

Australia bans entry to refugees who arrive by boat. Opponents of the policy

inclined to a different point of view than the Vice President.



TRUMP

Well, actually I just called for a total ban on Syria and from many different countries from where there is terror, and extreme vetting for everyone else – and somebody told me yesterday that close to 2,000 people are coming who are really probably troublesome. And I am saying, boy that will make us look awfully bad. Here I am calling for a ban where I am not letting anybody in and we take 2,000 people. Really it looks like 2,000 people that Australia does not want and I do not blame you by the way, but the United States has become like a dumping ground. You know Malcom, anybody that has a problem – you remember the

consider it harsh and xenophobic, while proponents claim that it is necessary to deter smugglers and dangerous boat crossings for refugees.

Hundreds of thousands of Syrian refugees fled to Germany in the past several years to escape the Syrian civil war. German Chancellor Angela Merkel boldly declared in 2015 that Germany would welcome more than a million migrants. The open-door policy, though praised for helping to ease a humanitarian crisis, strengthened far-right parties that fanned fears of threats to security and Germany's national identity.

Facing scrutiny from human rights groups, Turnbull defended Australia's strict border policy at a U.N. summit.

Maribel boat lift, where Castro let everyone out of prison and Jimmy Carter accepted them with open arms. These were brutal people. Nobody said Castro was stupid, but now what are we talking about is 2,000 people that are actually imprisoned and that would actually come into the United States. I heard about this – I have to say I love Australia; I love the people of Australia. I have so many friends from Australia, but I said – geez that is a big ask, especially in light of the fact that we are so heavily in favor, not in favor, but we have no choice but to stop things. We have to stop. We have allowed so many people into our country that should not be here. We have our San Bernardino's, we have had the World Trade Center come down

because of people that should not have been in our country, and now we are supposed to take 2,000. It sends such a bad signal. You have no idea. It is such a bad thing.



TURNBULL

Can you hear me out Mr. President?



TRUMP

Yeah, go ahead.



TURNBULL

Yes, the agreement, which the Vice President just called the Foreign Minister about less than 24 hours ago and said your Administration would be continuing, does not require you to take 2,000 people. It does not require you to take any. It requires, in return, for us to do a number of things for the United States – this is a big deal, I think we should respect deals.

Trump held a marathon of phone calls with foreign leaders during his first eight days in office.

In addition to blocking visitation from seven countries, Trump's original entry ban also suspended all refugee programs for 120 days.



TRUMP

Who made the deal? Obama?



TURNBULL

Yes, but let me describe what it is.

I think it is quite consistent. I think you can comply with it. It is absolutely consistent with your Executive Order so please just hear me out. The obligation is for the United States to look and examine and take up to and only if they so choose – 1,250 to 2,000. Every individual is subject to your vetting. You can decide to take them or to not take them after vetting. You can decide to take 1,000 or 100. It is entirely up to you. The obligation is to only go through the process. So that is the first thing. Secondly, the people — none of these people are from the conflict zone. They are basically economic refugees from Iran, Pakistan, and Afghanistan. That is

the vast bulk of them. They have been under our supervision for over three years now and we know exactly everything about them.



TRUMP

Why haven't you let them out? Why have you not let them into your society?



TURNBULL

Okay, I will explain why. It is not because they are bad people. It is because in order to stop people smugglers, we had to deprive them of the product. So we said if you try to come to Australia by boat, even if we think you are the best person in the world, even if you are a Noble [sic] Prize winning genius, we will not let you in. Because the problem with the people —

Tamerlan Tsarnaev was born in Russia, while Dzhokhar, the younger brother, was born in Kyrgyzstan. The family moved back to Russia when both were children. Their family visited the U.S. on tourist visas in 2002 and claimed asylum.

That is a good idea. We should do





TRUMP

that too. You are worse than I am.



TURNBULL

This is our experience.



TRUMP

Because you do not want to destroy your country. Look at what has happened in Germany. Look at what is happening in these countries. These people are crazy to let this happen. I spoke to Merkel today, and believe me, she wishes she did not do it. Germany is a mess because of what happened.



TURNBULL

I agree with you, letting one million Syrians walk into their country. It was one of the big factors in the Brexit vote, frankly.



TRUMP

Well, there could be two million people coming in Germany. Two million people. Can you believe it?

As part of the original agreement, Australia agreed to accept more refugees from Central America trying to gain entry into the United States.

It will never be the same.



TURNBULL

I stood up at the UN in September and set up what our immigration policy was. I said that you cannot maintain popular support for immigration policy, multiculturalism, unless you can control your borders. The bottom line is that we got here. I am asking you as a very good friend.

This is a big deal. It is really, really important to us that we maintain it. It does not oblige you to take one person that you do not want.

As I have said, your homeland officials have visited and they have already interviewed these people.

You can decide. It is at your discretion. So you have the wording in the Executive Order that enables the Secretary of Homeland Security and the

Australia's population is made up of a large number of recent immigrants. As of 2017, only 51 percent of Australians were born to two Australian-born parents.

The START Treaty is a nuclear disarmament agreement between the United States and Russia. The original treaty was first proposed by former

Secretary of State to admit people on a case by case basis in order to conform with an existing agreement. I do believe that you will never find a better friend to the United States than Australia. I say this to you sincerely that it is in the mutual interest of the United States to say, “yes, we can conform with that deal – we are not obliged to take anybody we do not want, we will go through extreme vetting” and that way you are seen to show the respect that a trusted ally wants and deserves. We will then hold up our end of the bargain by taking in our country 31 [inaudible] that you need to move on from.

President Ronald Reagan and was signed in 1991. Its replacement, which Trump is probably referring to, was signed by Obama in 2010. The Iran deal is also a nuclear disarmament pact that Trump has often vowed to dismantle.



TRUMP

Malcom [sic], why is this so important? I do not understand. This is going to kill me. I am the

world's greatest person that does not want to let people into the country. And now I am agreeing to take 2,000 people and I agree I can vet them, but that puts me in a bad position. It makes me look so bad and I have only been here a week.



TURNBULL

With great respect, that is not right – It is not 2,000.



TRUMP

Well, it is close. I have also heard like 5,000 as well.



TURNBULL

The given number in the agreement is 1,250 and it is entirely a matter of your vetting. I think that what you could say is that the Australian government is consistent with the principles set out in the Executive Order.



TRUMP

No, I do not want say that. I will just have to say that unfortunately I will have to live with what was said by Obama. I will say I hate it. Look, I spoke to Putin, Merkel, Abe of Japan, to France today, and this was my most unpleasant call because I will be honest with you. I hate taking these people. I guarantee you they are bad. That is why they are in prison right now. They are not going to be wonderful people who go on to work for the local milk people.



TURNBULL

I would not be so sure about that. They are basically —



TRUMP

Well, maybe you should let them out of prison. I am doing this because Obama made a bad deal. I am not doing this because it fits into my Executive Order. I am

taking 2,000 people from Australia who are in prison and the day before I signed an Executive Order saying that we are not taking anybody in . We are not taking anybody in, those days are over.



TURNBULL

But can I say to you, there is nothing more important in business or politics than a deal is a deal. Look, you and I have a lot of mutual friends.



TRUMP

Look, I do not know how you got them to sign a deal like this, but that is how they lost the election. They said I had no way to 270 and I got 306. That is why they lost the election, because of stupid deals like this. You have brokered many a stupid deal in business and I respect you, but I guarantee that

you broke many a stupid deal. This is a stupid deal. This deal will make me look terrible.



TURNBULL

Mr. President, I think this will make you look like a man who stands by the commitments of the United States. It shows that you are a committed —



TRUMP

Okay, this shows me to be a dope. I am not like this but, if I have to do it, I will do it but I do not like this at all. I will be honest with you. Not even a little bit. I think it is ridiculous and Obama should have never signed it. The only reason I will take them is because I have to honor a deal signed by my predecessor and it was a rotten deal. I say that it was a stupid deal like all the other deals that this country signed. You have to see

what I am doing. I am unlocking deals that were made by people, these people were incompetent. I am not going to say that it fits within the realm of my Executive Order. We are going to allow 2,000 prisoners to come into our country and it is within the realm of my Executive Order? If that is the case my Executive Order does not mean anything Malcom [sic]. I look like a dope. The only way that I can do this is to say that my predecessor made a deal and I have no option then to honor the deal. I hate having to do it, but I am still going to vet them very closely. Suppose I vet them closely and I do not take any?



TURNBULL

That is the point I have been trying to make.



TRUMP

How does that help you?



TURNBULL

Well, we assume that we will act in good faith.



TRUMP

Does anybody know who these people are? Who are they? Where do they come from? Are they going to become the Boston bomber in five years? Or two years? Who are these people?



TURNBULL

Let me explain. We know exactly who they are. They have been on Nauru or Manus for over three years and the only reason we cannot let them into Australia is because of our commitment to not allow people to come by boat. Otherwise we would have let them in. If they had arrived by airplane and with a tourist visa then they would be here.



TRUMP

Malcom [sic], but they are arrived on a boat?



TURNBULL

Correct, we have stopped the boats.



TRUMP

Give them to the United States. We are like a dumping ground for the rest of the world. I have been here for a period of time, I just want this to stop. I look so foolish doing this. It [sic] know it is good for you but it is bad for me. It is horrible for me. This is what I am trying to stop. I do not want to have more San Bernardino's or World Trade Centers. I could name 30 others, but I do not have enough time.



TURNBULL

These guys are not in that league. They are economic refugees.



TRUMP

Okay, good. Can Australia give me a guarantee that if we have any problems – you know that is what they said about the Boston bombers. They said they were wonderful young men.



TURNBULL

They were Russians. They were not from any of these countries.



TRUMP

They were from wherever they were.



TURNBULL

Please, if we can agree to stick to the deal, you have complete discretion in terms of a security assessment. The numbers are not 2,000 but 1,250 to start. Basically, we are taking people from the previous administration that they were very keen on getting out of the United States . We will take

more. We will take anyone that you want us to take. The only people that we do not take are people who come by boat. So we would rather take a not very attractive guy that help you out then to take a Noble [sic] Peace Prize winner that comes by boat. That is the point.



TRUMP

What is the thing with boats? Why do you discriminate against boats? No, I know, they come from certain regions. I get it.



TURNBULL

No, let me explain why. The problem with the boats it that you are basically outsourcing your immigration program to people smugglers and also you get thousands of people drowning at sea. So what we say is, we will decide which people get to come to

Australia who are refugees, economic migrants, businessmen, whatever. We decide. That is our decision. We are a generous multicultural immigration nation like the United States but the government decides, the people's representatives decides. So that is the point. I am a highly transactional businessman like you and I know the deal has to work for both sides. Now Obama thought this deal worked for him and he drove a hard bargain with us – that it was agreed with Obama more than a year ago in the Oval Office, long before the election. The principles of the deal were agreed to.



TRUMP

I do not know what he got out of it. We never get anything out of it – START Treaty, the Iran deal. I

do not know where they find these people to make these stupid deals. I am going to get killed on this thing.



TURNBULL

You will not.



TRUMP

Yes, I will be seen as a weak and ineffective leader in my first week by these people. This is a killer.



TURNBULL

You can certainly say that it was not a deal that you would have done, but you are going to stick with it.



TRUMP

I have no choice to say that about it. Malcom [sic], I am going to say that I have no choice but to honor my predecessor's deal. I think it is a horrible deal, a disgusting deal that I would have never made. It is an embarrassment to the United

States of America and you can say it just the way I said it. I will say it just that way. As far as I am concerned that is enough Malcom [sic]. I have had it. I have been making these calls all day and this is the most unpleasant call all day. Putin was a pleasant call. This is ridiculous .



TURNBULL

Do you want to talk about Syria and DPRK?



TRUMP

[inaudible] this is crazy.



TURNBULL

Thank you for your commitment. It is very important to us.



TRUMP

It is important to you and it is embarrassing to me. It is an embarrassment to me, but at least I got you off the hook. So you put me back on the hook.



TURNBULL

You can count on me. I will be there again and again.



TRUMP

I hope so. Okay, thank you Malcolm.



TURNBULL

Okay, thank you.

END OF CALL

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Michelle Lee and Glenn Kessler contributed to this report.

CLARIFICATION (Aug. 3, 2017): A previous version of this graphic referenced a report from the International Institute of Strategic Studies stating Mexico had the second-highest murder rate among countries at war. The institute has since retracted its study, and the reference to the report has been removed.

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Source: Staff reports. Top photo of Donald Trump talking to Australian Prime Minister Malcolm Turnbull by Alex Brandon/AP.

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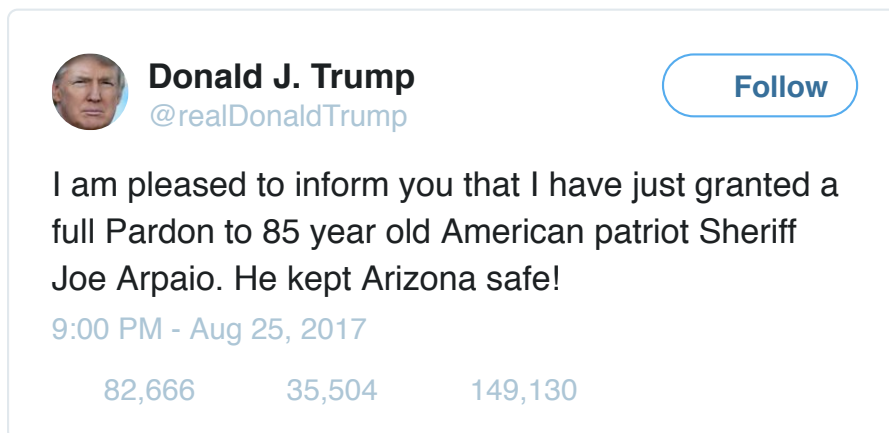
Trump Pardons Joe Arpaio, Who Became Face of Crackdown on Illegal Immigration


By JULIE HIRSCHFELD DAVIS and MAGGIE HABERMAN AUG. 25, 2017

WASHINGTON — President Trump on Friday pardoned Joe Arpaio, the former Arizona sheriff whose aggressive efforts to hunt down and detain undocumented immigrants made him a national symbol of the divisive politics of immigration and earned him a criminal contempt conviction.

In a two-paragraph statement, the White House said that Mr. Arpaio gave “years of admirable service to our nation” and called him a “worthy candidate for a presidential pardon.”

Mr. Trump called Mr. Arpaio “an American patriot” in a tweet later Friday. “He kept Arizona safe!” the president said.




 **Donald J. Trump**
@realDonaldTrump [Follow](#)

I am pleased to inform you that I have just granted a full Pardon to 85 year old American patriot Sheriff Joe Arpaio. He kept Arizona safe!

9:00 PM - Aug 25, 2017

82,666 35,504 149,130


In his own tweets, Mr. Arpaio thanked Mr. Trump and called his conviction “a political witch hunt by holdovers in the Obama justice department.” He also pointed his supporters to a website that was accepting donations to help him pay off his legal fees.

 **Joe Arpaio**
@RealSheriffJoe Follow

Thank you @realdonaldtrump for seeing my conviction for what it is: a political witch hunt by holdovers in the Obama justice department!

8:07 PM - Aug 25, 2017

14,926 18,551 43,248

 **Joe Arpaio**
@RealSheriffJoe Follow

I also thank my loyal supporters, who stood shoulder to shoulder w/ me in this fight, and throughout my career. For those who are asking . .

8:09 PM - Aug 25, 2017

2,267 4,728 14,265



Mr. Trump, who made cracking down on illegal immigration a signature campaign issue and had pressed for local officials to do more to assist federal authorities in rounding up undocumented people, had been openly flirting with the idea of pardoning Mr. Arpaio.

“I won’t do it tonight because I don’t want to cause any controversy,” the president said Tuesday night at a campaign-style rally in Phoenix, after asking, “Was Sheriff Joe convicted for doing his job?”

“I’ll make a prediction: I think he’s going to be just fine,” Mr. Trump said.

Mr. Arpaio, 85, served for 24 years as sheriff of Maricopa County — which includes Phoenix — building a national reputation for harsh conditions in his

county jail, and for his campaign against undocumented immigrants.

Mr. Arpaio had touted himself as “America’s toughest sheriff,” making inmates wear pink underwear and serving jail food that at least some prisoners called inedible. He was also at the forefront of the so-called birther movement that aimed to investigate President Barack Obama’s birth certificate.

The criminal conviction grew out of a lawsuit filed a decade ago charging that the sheriff’s office regularly violated the rights of Latinos, stopping people based on racial profiling, detaining them based solely on the suspicion that they were in the country illegally and turning them over to the immigration authorities.

A federal district judge hearing the case ordered Mr. Arpaio in 2011 to stop detaining people based solely on suspicion of their immigration status, when there was no evidence that a state law had been broken. But the sheriff insisted that his tactics were legal and that he would continue employing them.

He was convicted last month of criminal contempt of court for defying the order, a misdemeanor punishable by up to six months in jail.

The pardon was swiftly condemned on Twitter by Democrats in Congress as “outrageous and completely unacceptable” and a “disgrace.”

Its timing also raised eyebrows, coming on the eve of Hurricane Harvey, a Category 4 storm, barreling down on coastal Texas. Senator Chuck Schumer, Democrat of New York and the minority leader, accused Mr. Trump of “using the cover of the storm” to pardon Mr. Arpaio and to issue a formal ban on transgender people from joining the military. (The ban also gives the secretary of defense wide latitude to decide whether currently serving transgender troops should remain in the military.)


“The only reason to do these right now is to use the cover of Hurricane Harvey to avoid scrutiny,” Mr. Schumer said in a series of tweets late Friday. “So sad, so weak.”



Mr. Trump’s supporters hailed the pardon as a sign the president was keeping his word on his campaign pledge to crack down on illegal immigration.

Kelli Ward, a former Arizona state senator who is challenging Senator Jeff Flake in a Republican primary for his seat in 2018, called Mr. Arpaio “a patriot who did the job the Feds refused to do.” Mr. Trump has endorsed Ms. Ward’s candidacy.



 **Dr. Kelli Ward**
@kelliwardaz Follow

Thank you, @realDonaldTrump so glad you #pardoned @RealSheriffJoe - a patriot who did the job the Feds refused to do #StopIllegalImmigration

7:20 PM - Aug 25, 2017

1,400 6,185 13,252

Meanwhile, Senator John McCain, also an Arizona Republican, denounced the pardon of Mr. Arpaio.

“No one is above the law,” he said, “and the individuals entrusted with the privilege of being sworn law officers should always seek to be beyond reproach in their commitment to fairly enforcing the laws they swore to uphold.”

The discussion about pardoning Mr. Arpaio had begun weeks ago, while Mr. Trump’s chief strategist, Stephen K. Bannon, was still in the administration, according to two people briefed on the matter.

But the decision to make the announcement during a national news blackout related to the impending hurricane was not accidental. Some in the Trump administration had cautioned against it as too controversial, and had urged waiting, if it were going to be done.

Mr. Bannon had favored the move, as had Mr. Trump’s policy adviser, Stephen Miller, a former adviser to Jeff Sessions, the attorney general and a former senator for whom Mr. Miller served as press secretary.

Mr. Sessions and Mr. Miller share a hard-line view on curtailing immigration levels, and Mr. Arpaio had become a national avatar for Mr. Trump, who had a good relationship with the sheriff during the 2016 presidential campaign. Mr. Trump had once told Mr. Arpaio that he would try to help him if he could down the road.

But that was before Mr. Trump was closing in on Hillary Clinton in the presidential race. Still, he was fond of Mr. Arpaio, and was sold on the pardon as a way of pleasing his political base. Additionally, Mr. Miller fought hard for the pardon, according to a senior administration official.

Julie Hirschfeld Davis reported from Washington, and Maggie Haberman from New York.

Get politics and Washington news updates via Facebook, Twitter and the Morning Briefing newsletter.

A version of this article appears in print on August 26, 2017, on Page A1 of the New York edition with the headline: Trump Pardons Ex-Sheriff Seen As Migrant Foe.

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EXHIBIT 47

U.S.

JEFF SESSIONS ALWAYS WANTED TO DEPORT UNDOCUMENTED IMMIGRANT YOUTH. NOW HE CAN

BY JOSH SAUL ON 9/5/17 AT 11:22 AM

Jeff Sessions Announces Trump Administration Is Rescinding DACA



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U.S. DACA JEFF SESSIONS

U.S. Attorney General Jeff Sessions has long fought legal status for young undocumented immigrants who were brought to the U.S. as children, and on Tuesday, he announced the Trump administration would rescind former President Barack Obama's Deferred

“To have a lawful system of immigration, we cannot admit everyone who wants to come here. It’s just that simple,” Sessions said during a speech Tuesday morning, saying the new policy would make the U.S. safer and more secure. “Ending the previous administration’s disrespect for the legal process is an important first step.”

Obama wanted to get approval of the Dream Act before the end of the lame-duck Congress in 2010, in hopes of providing a path to legal status for certain young undocumented immigrants who came to the U.S. illegally as children. But the bill faced strong opposition from Republicans and a handful of Democrats, with then-Senator Sessions writing a “Dear Colleague” letter that bashed the bill to his fellow senators on December 2.

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“The DREAM Act would force jobless Americans to compete with millions of newly authorized workers, provide legal shelter for criminal aliens, and strain limited resources through generous grants of federal education benefits,” Sessions wrote, according to a copy of the letter obtained by [Politico](#). “Congress would be sending a message that we have effectively given up on enforcement of our immigration laws and instead seek to reward those who illegally enter the country.”

When the Senate voted about two weeks later, the bill failed, falling five votes short. Sessions reportedly [said](#) afterward, “This bill is a law that at its fundamental core is a reward for illegal activity.”

Sessions has continued to fight against the any legislation or order that would create a legal path for undocumented immigrants brought to the U.S. as children. Obama signed an executive order in June 2012 that suspended the deportation of young undocumented immigrants and allowed them to apply for temporary legal status—a move that Sessions didn’t like. “There is no question that the administration’s unilaterally decreed policy is contrary to codified federal law and places our law enforcement officers in an untenable position,” Sessions wrote in a letter later that year, according to [The New York Times](#).

The Alabama senator’s opposition to DACA continued in recent years. He released a statement in 2014 that criticized Obama’s push for amnesty, saying, “We have people in our own country living in violence, fear and poverty every single day,” according to Breitbart. And during his confirmation hearing in January, Sessions gave a preview of an argument the Trump administration could make to end DACA. “It would certainly be constitutional, I believe, to end that order,” Sessions said, according to Vice. “I would, with the Department of Justice, have no objection to abandon that order, because it’s very questionable, in my opinion, constitutionally.”

President Donald Trump announced his displeasure with DACA on Tuesday morning in language that mirrored what Sessions wrote in his 2010 letter. “We are a nation of laws. No longer will we incentivize illegal immigration,” the president wrote on Twitter. Make no mistake, we are going to put the interest of AMERICAN CITIZENS FIRST!”

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EXHIBIT 48



Donald J. Trump ✓

@realDonaldTrump

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Congress now has 6 months to legalize DACA (something the Obama Administration was unable to do). If they can't, I will revisit this issue!

5:38 PM - 5 Sep 2017

24,201 Retweets 92,819 Likes



40K 24K 93K



DCResisterBee @DC_Resister_Bee · Sep 6



Replying to @realDonaldTrump

Trump rescinds #DACA

800,000 young adults + kids at risk of deportation

Can't "revisit" racism



EXHIBIT 49



Print Close

Sessions defends immigration policies after reported 'DREAMer' deportation

By Adam Shaw

Published April 19, 2017

Fox News

Attorney General Jeff Sessions defended the Trump administration's immigration policies Wednesday in response to criticism over the deportation of a 23-year-old "DREAMer" who was brought to the country illegally when he was 9.

In an appearance on Fox News' "Happening Now," Sessions was asked about the case of Juan Manuel Montes, who says he qualified for the Obama administration's Deferred Action for Childhood Arrivals (DACA) program, but was deported to Mexico in February after being stopped by a police officer in California. Montes is suing the federal government.

"Everybody in the country illegally is subject to being deported."

WATCH: @JennaLeeUSA's full interview with AG Jeff Sessions. pic.twitter.com/C2XgqmWuzT

— Fox News (@FoxNews) April 19, 2017

Montes' attorneys say he qualified for DACA in 2014, and was renewed in 2016. But U.S. Customs and Border Protection officials say his permit expired in 2015 and was not renewed. They also note that Montes had been convicted for theft.

Sessions said he doesn't know why Montes was deported, and denied that DACA recipients are being targeted for deportation. But he warned against illegal immigrants thinking they are safe from deportation just because they have lived in the country for a long time.

"DACA enrollees are not being targeted, I don't know why this individual was picked up," he said. "Everybody in the country illegally is subject to being deported, so people come here and they stay here a few years and somehow they think they are not subject to being deported -- well, they are."

President Trump has not been clear about his intentions for DACA recipients. While he pledged during the campaign to end DACA, so far he has not done so, and has said in interviews that DACA recipients should not be worried.

But Sessions warned that while the administration is focused on certain types of illegal immigrants, they weren't ruling out deporting anyone here illegally.

"Our priority is to end the lawlessness at the border, stop the additional flow of illegals into the country, then to prioritize those who have gotten in trouble with the law, recent arrivals, people who have been deported previously, drug dealers and other criminal activists, they need to be deported first," he said.

"But we can't promise people who are here unlawfully that they aren't going to be deported."

Montes' case swiftly was taken up by Democratic lawmakers and progressive groups, who cited the deportation as an example of a cruel immigration policy.

"The Trump Administration's cruelty toward the DREAMers disgraces our values as a nation," House Minority Leader Nancy Pelosi said in a statement. "Shame on them."

Adam Shaw is a Politics Reporter and occasional Opinion writer for FoxNews.com. He can be reached here or on Twitter: @AdamShawNY.

Print Close

URL

<http://www.foxnews.com/politics/2017/04/19/sessions-defends-immigration-policies-after-reported-dreamer-deportation.html>

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EXHIBIT 50



Donald J. Trump ✓

@realDonaldTrump

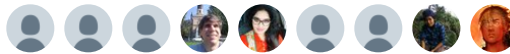
Follow



Does anybody really want to throw out good, educated and accomplished young people who have jobs, some serving in the military? Really!.....

3:28 AM - 14 Sep 2017

18,441 Retweets 82,905 Likes



43K



18K

83K



American Pride @usaforyoubruv · Sep 14



Replying to @realDonaldTrump

If u have to make a choice, that's the only ones to keep although it's unfair to those who waited years and spent a fortune to come legally

17

31

266



American Pride @usaforyoubruv · Sep 14



They already broke the law by coming here illegally. What other laws did they break to find work? False SSNs, not paying tax etc.

61

87

457



American Pride @usaforyoubruv · Sep 14



They were given benefits like free college and were prioritized ahead of American kids. That's unfair. American kids had and have dreams too

53

105

488



American Pride @usaforyoubruv · Sep 14

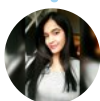


majority were not vetted & many may be working with kids or vulnerable adults. That's a concern. Tough rules needed. No criminal record

22

37

216



Romo @romod1997 · Sep 14



Daca can't receive anything from the government. They have to go through a long process to get it. They can't have criminal records

EXHIBIT 51

April 27, 2017

**Privacy Policy 2017-01
Questions & Answers**

U.S. Citizen Definitions

Who is a U.S. citizen?

A person may become a U.S. citizen at birth, if:

- i. He or she was born in the United States or certain territories or outlying possessions of the United States, and subject to the jurisdiction of the United States; or
- ii. She or he had a parent or parents who were citizens at the time of your birth (if you were [born abroad](#)) and meet other requirements.

A person may become a U.S. citizen after birth, if:

- i. She or he applies for “derived” or “acquired” [citizenship through parents](#), or
- ii. He or she [applies for naturalization](#).

Who is a lawful permanent resident?

A person is a lawful permanent resident if he or she enjoys the status accorded to an individual who has been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with immigration laws, and that status has not changed.

Who is an immigrant?

A person who is an alien in the United States, except one legally admitted under specific non-immigrant categories as discussed below in response to question 14. Additionally, a person who has entered without inspection, an illegal alien, is also considered an immigrant.

Who is a non-immigrant?

A person who is an alien seeking temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonimmigrant classification sought. The nonimmigrant classifications include: foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancé(e)s of U.S. citizens, intracompany transferees, NATO officials, religious

April 27, 2017

workers, and some others. Most nonimmigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

1. Why is the Policy changing?

- a. The Department of Homeland Security (DHS) is changing its policy regarding the extension of Privacy Act protections to all persons as directed by section 14 of Executive Order 13768, which states, that “[a]gencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.” Previously, DHS had provided the administrative protections of the Privacy Act to all persons, as permitted by regulatory guidance from the Office of Management and Budget. The policy of the current Administration is to grant Privacy Act protections only to those explicitly covered by the Privacy Act.

2. What changes result from the new Policy?

- a. Generally, the new policy clarifies that immigrants and non-immigrants may only obtain access to their records through the Freedom of Information Act and may not be granted amendment of their records upon request. The Executive Order limits the rights and protections of the Privacy Act, subject to applicable law, to U.S. citizens and lawful permanent residents. The new policy requires that decisions regarding the collection, maintenance, use, disclosure, retention, and disposal of information being held by DHS conform to an analysis consistent with the Fair Information Practice Principles, see questions 7 and 8.

3. What changes to the analysis of records and information disclosure under the Freedom of Information Act result from the new Policy?

- a. The new Policy does not change the analysis of records and information disclosure under the Freedom of Information Act (FOIA), an applicable law. Decisions to withhold information requested by third parties about immigrants and non-immigrants will be analyzed in accordance the FOIA exemptions at 5 U.S.C. § 552(b)(6) or (b)(7)(C), which balance the public’s right to know about government operations against the personal privacy interests of the subject. With respect to FOIA requests about oneself, an immigrant or non-immigrant will receive those records that are not exempt under the FOIA, just like any other person.

April 27, 2017

4. What is the impact of the new Policy on the Judicial Redress Act?

- a. The new Policy has no effect upon the Judicial Redress Act, an applicable law. The Judicial Redress Act provides that “covered persons,” who are citizens of covered foreign states, will have both administrative and judicial Privacy Act rights with respect to their information contained in “covered records,” which are law enforcement in nature. This means that certain foreign nationals, currently citizens of the majority of European Union states, may seek access or amendment of their covered records held and covered by a DHS System of Records Notice (SORN), or pursue judicial redress for access, amendment, or wrongful disclosure of such records. For more information see, <https://www.justice.gov/opcl/judicial-redress-act-2015>.

5. What changes to the sharing or disclosure of information with the Congress result from the new Policy?

- a. The new Policy does not change the requirements for sharing information in full in response to a request from the Chairperson of Congressional Committee asking upon behalf of the Committee regarding a matter within the jurisdiction of the Committee. Such a response is normally confidential for use in support of the Committee’s business and not a public disclosure. Similarly, the new Policy does not change how we respond to Congressional requests on behalf of constituents, who are U.S. citizens or lawful permanent residents, in that it is treated as a first-party Privacy Act request by consent of the constituent; nor does it change how we respond to Congressional requests on behalf of immigrants, non-immigrants, or other third parties (such as, state and local government, or the Congressperson asking in a personal capacity), in that it is treated as a Freedom of Information Act request.

6. What changes to the sharing or disclosure of information with federal, state, and local law enforcement result from the new Policy?

- a. The new Policy, subject to the Judicial Redress Act or confidentiality provisions provided by statute or regulation, permits the sharing of information about immigrants and non-immigrants with federal, state, and local law enforcement. The Policy requires that such sharing conform to an analysis based upon the Fair Information Practice Principles that demonstrates a consistent relationship between the purpose for collection of the information and intended use.

April 27, 2017

7. What are the Fair Information Practice Principles (FIPPs)?

- a. The Fair Information Practice Principles (FIPPs) are principles that were first promulgated by the Department of Health, Education, and Welfare in 1973 and have guided federal government information practices going forward. The concepts are integral to many privacy laws, including both the Privacy Act of 1974 and to the E-Government Act of 2002, which also governs agency use of new technology. The eight foundational principles are: Transparency, Individual Participation, Purpose Specification, Data Minimization, Use Limitation, Data Quality and Integrity, Security, and Accountability and Auditing. For a discussion see question 8.

8. How do the FIPPs inform the use and protection of information by DHS?

- a. The FIPPs inform the use and protection of information by DHS as follows:
 - i. **Transparency** requires that DHS give public notice to its actions to collect information (e.g., System of Records Notices and Privacy Impact Assessments, which are located on the DHS Privacy Office Website, and signage [see, www.dhs.gov/privacy.]);
 - ii. **Individual Participation** requires that, when appropriate, DHS involve the person in the decision whether or not to provide personal information to DHS (i.e., make a choice);
 - iii. **Purpose Specification** requires that DHS inform the public of its authority to collect the information that it seeks—in other words, say what information is sought, why it is being sought, and whether or not it's submission is voluntary;
 - iv. **Data Minimization** requires that DHS only seek to collect the information that it needs, based upon its authority and based upon the mission or operation that requires the information;
 - v. **Use Limitation** requires that DHS use the information that it collects in a manner compatible with the purpose and authority that permit the collection;
 - vi. **Data Quality and Integrity** require that DHS has means to ensure the accuracy of the information it collects, provides measures to maintain the data free from corruption, and allow for corrections to data that become inaccurate or stale;
 - vii. **Security** requires that DHS ensure its data systems are protected against intrusion, that user access is determined by mission assignments, and that remedial procedures exist to address the possibility of breach or data spills;
 - viii. **Accountability and Auditing** require that DHS maintains the integrity of its systems such that it may find, use, and report upon the data

April 27, 2017

residing in those systems, and so that it may allow for independent audits to verify the accuracy of its reporting and its satisfaction of the prior seven principles.

9. What access to records is available to immigrants and non-immigrants?

- a. Immigrants and non-immigrants may access their records through the Freedom of Information Act (FOIA). Any person, irrespective of immigration status, may file a FOIA request with DHS for information about him or herself that DHS has in its possession and systems; he or she is entitled to a response that details the search for information about the person and informs him or her whether or not the records about them are released in full, released with certain portions masked in accordance with exemptions under the FOIA, or withheld in full.

10. May immigrants and non-immigrants amend their records, which are held by DHS?

- a. Immigrants and non-immigrants may not request amendment of their records in accordance with the Privacy Act. DHS, however, as a matter of efficiency and accurate recordkeeping strives to keep all information in its possession current. When DHS becomes aware and is able to confirm that information in its possession is inaccurate or no longer relevant it may choose to update or dispose of such information in accordance with the terms of the Federal Records Act records disposition schedules that apply to the particular records under review.

11. What impact does the new Policy have on immigrants and non-immigrants access to redress through the DHS Traveler Redress Inquiry Process (DHS TRIP)?

- a. The new Policy has no impact upon an immigrant or non-immigrant's access to Redress through DHS TRIP. DHS TRIP provides traveler redress to all persons irrespective of immigration status. Individuals, including foreign nationals, or persons who believe they have been improperly denied entry, refused boarding for transportation, or identified for additional screening by DHS may submit a redress request through DHS TRIP. DHS TRIP is a single point of contact for persons who have inquiries or seek resolution regarding difficulties they experienced during their travel screening at transportation hubs such as airports, seaports and train stations, or at U.S. land borders. For more information see, www.dhs.gov/trip.

EXHIBIT 52

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Pursuant to 28 U.S.C. § 1746(2), I, Bitta Mostofi, hereby declare as follows:

1. I am over the age of 18. I have personal knowledge of the matters stated herein, and if called as a witness, I could and would testify competently thereto.

2. I am the Acting Commissioner for the City of New York's Mayor's Office of Immigrant Affairs. I have been employed by the Mayor's Office of Immigrant Affairs since 2014. In my capacity as the Acting Commissioner, I provide advice and guidance to the Mayor's Office of Immigrant Affairs and staff in other divisions of the Mayor's Office and other City agencies on a range of issues related to immigration.

3. The Mayor's Office of Immigrant Affairs, established in the Charter of the City of New York in 2001 by referendum, develops and implements policies designed to assist immigrants across the city.¹

4. The City of New York has long welcomed immigrants. In 2003, the Mayor issued two executive orders, which remain in effect today and have been reaffirmed by the present Mayor, to protect the confidentiality of immigrants' information and encourage their ability to access City services.²

5. Nearly forty percent of the City's population is foreign-born.

6. Since the creation of the federal Deferred Access for Childhood Arrivals (DACA) program, in 2012, the Mayor's Office of Immigrant Affairs has led the City's efforts to assist DACA-eligible immigrants to learn about and apply for the program and to take advantage of the opportunities that receiving DACA provides.

7. The Mayor's Office of Immigrant Affairs estimates that more than 30,000 New York City residents have received DACA, and up to 50,000 more may still be eligible.

¹ NYC Charter § 18.

² NYC Executive Orders 34 and 41 of 2003.

8. Among the 30,000-plus New York City DACA recipients, the Mayor's Office of Immigrant Affairs is aware that some are currently employed with City agencies as well as City-based public benefit corporations such as the Health and Hospitals Corporation. The City does not track employees by their particular status, and therefore does not have a firm count of the number of City employees who are DACA recipients, but the Mayor's Office of Immigrant Affairs has worked with a number of agencies that employ DACA recipients.

9. Over the course of the past five years and several months since the creation of DACA, the Mayor's Office of Immigrant Affairs has devoted significant resources and staff time to raise awareness about the DACA program and help constituents learn more about the process and connect to legal service providers and others to assist them.

10. The Mayor's Office of Immigrant Affairs and other City agencies have conducted large-scale public education to inform immigrant residents about the opportunities presented by DACA, including protection from removal, employment authorization, access to a Social Security number, and the ability to travel abroad with Advance Parole from federal immigration authorities.

11. In addition, the Mayor's Office of Immigrant Affairs has provided public education about additional opportunities available under New York State law and policies, including eligibility for a driver license or other state-issued identification from the New York State Department of Motor Vehicles, eligibility for Medicaid public health insurance (depending on income), and eligibility for certain professional licenses through the New York State Education Department's Office of the Professions.

12. In 2014, the Mayor's Office of Immigrant Affairs led a citywide outreach and public education campaign to provide information to immigrant New York City residents about DACA and to provide assistance to DACA recipients whose renewal applications were coming due.

13. In 2016, the Mayor's Office of Immigrant Affairs, with philanthropic support from the New York State Health Foundation, launched a citywide outreach and public education campaign to provide information to DACA recipients and potential DACA applicants about the eligibility for public health insurance conferred by DACA.

14. The Mayor's Office of Immigrant Affairs has conducted research on the effect of the rescission of the DACA program, in a number of areas.

15. The rescission of the DACA program will have a significant deleterious effect on not only those immigrants who have enrolled in the program, but also on the City itself.

16. As a result of the rescission of the DACA program, the Mayor's Office of Immigrant Affairs' research projects that New York City DACA recipients will lose approximately \$545 million per year in marginal wages, resulting in an estimated loss to the City of about \$19 million per year in local income tax revenue.³

17. In addition, as a result of the rescission of the DACA program, the Mayor's Office of Immigrant Affairs' research indicates that many families will suffer economically as a result of their DACA recipient family member's loss of work authorization.

³ These estimates were arrived at based on estimates of the number of DACA recipients in New York City, data reported in a national survey conducted in August 2017 (described at Tom K Wong et al., *DACA Recipients' Economic and Educational Gains Continue to Grow*, CENTER FOR AMERICAN PROGRESS, August 28, 2017, available at www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-recipients-economic-educational-gains-continue-grow), and analysis of the New York State and New York City tax codes.

18. Based on personal knowledge, the rescission of the DACA program will hinder the ability of the Mayor's Office of Immigrant Affairs and other City agencies to support the population of New York City immigrants who have received DACA, as well as their family members, employers, educational institutions, health care facilities, and more.

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

Executed on this 6th day of September, 2017

/s/ Bitta Mostofi_____

Bitta Mostofi
Acting Commissioner
Mayor's Office of Immigrant Affairs
City of New York
253 Broadway, 14th Floor
New York, New York 10007

EXHIBIT 53



IMMIGRATION

A New Threat to DACA Could Cost States Billions of Dollars

By Nicole Prchal Svajlenka, Tom Jawetz, and Angie Bautista-Chavez | Posted on July 21, 2017, 10:05 am



AP/Jacquelyn Martin

In this June 15, 2012 photo, undocumented immigrants who live in Maryland, hold signs saying "Thank You President Obama" in Washington, D.C.

Over the course of its five-year history, [Deferred Action for Childhood Arrivals \(DACA\)](#), has changed the lives of nearly 800,000 young people who have lived in the United States since their childhood. By providing the opportunity for individuals to come forward, pass rigorous background checks, and obtain permission to live and work in the United States lawfully, [DACA has helped its recipients](#) achieve milestones typically associated with the American dream, such as pursuing higher education, earning better wages to support their families, and buying homes.

Nearly **8 in 10 voters** support allowing DREAMers to remain permanently in the country, including almost three-quarters of Trump voters, and only 14 percent believe they should be forced to leave.

But despite the benefits of the popular program, DACA is now facing a **dangerous new attack**. In late June, officials from 10 states led by Texas Attorney General Ken Paxton issued an **ultimatum** to the Trump administration and Attorney General Jeff Sessions: End the DACA program by September 5 or face a lawsuit in front of the same federal judge who halted a separate initiative that would have provided similar temporary protections to the parents of U.S. citizens and lawful permanent residents. If DACA ends—whether because the administration accedes to the demands of DACA opponents or the initiative is enjoined by a federal court—hundreds of thousands of young people will be forced out of the workforce, upending their lives and the lives of their families, **creating tremendous disruption for businesses**, and sending shockwaves through the economies of most states.

According to the U.S. Citizenship and Immigration Services (USCIS), **787,580 people received DACA** through March 2017. The data presented in this column update previous columns from **November 2016** and **January 2017**, accounting for the additional DACA applicants that were approved since their publications.

Using data from two Center for American Progress publications—a **report that estimates the gross domestic product (GDP) declines** that would accompany removing all unauthorized workers from the country and a survey that estimates the **share of DACA recipients who are employed**—CAP estimates that ending DACA would result in a loss of \$460.3 billion from the national GDP over the next decade. Ending DACA would remove an estimated 685,000 workers from the nation’s economy.

Altogether, the 10 states demanding that the Trump administration end DACA—Alabama, Arkansas, Idaho, Kansas, Louisiana, Nebraska, Tennessee, Texas, South Carolina, and West Virginia—stand to lose more than \$8 billion annually in state GDP if they get their wish.

TABLE 1
State-by-state annual GDP loss from removing workers with DACA

State	Number of DACA recipients	Estimated number of DACA workers	Estimated annual GDP loss from removing DACA workers
Alabama	4,270	3,715	\$182,030,100
Alaska	138	120	\$8,572,284
Arizona	27,865	24,243	\$1,322,494,899
Arkansas	5,099	4,436	\$236,028,211
California	222,795	193,832	\$11,620,786,775
Colorado	17,258	15,014	\$856,946,796
Connecticut	4,929	4,288	\$315,289,496
Delaware	1,444	1,256	\$88,119,069
District of Columbia	764	665	\$48,219,513
Florida	32,795	28,532	\$1,524,721,538
Georgia	24,135	20,997	\$1,025,191,287
Hawaii	558	485	\$28,844,415

Idaho	3,132	2,725	\$159,526,996
Illinois	42,376	36,867	\$2,296,685,031
Indiana	9,840	8,561	\$516,409,548
Iowa	2,798	2,434	\$188,481,274
Kansas	6,803	5,919	\$335,913,999
Kentucky	3,062	2,664	\$155,574,096
Louisiana	2,049	1,783	\$91,007,953
Maine	95	83	\$3,967,200
Maryland	9,785	8,513	\$509,446,852
Massachusetts	7,934	6,903	\$606,598,730
Michigan	6,430	5,594	\$418,625,150
Minnesota	6,255	5,442	\$376,707,375
Mississippi	1,460	1,270	\$62,337,508
Missouri	3,524	3,066	\$209,005,419
Montana	72	63	\$3,507,840
Nebraska	3,371	2,933	\$150,222,997
Nevada	13,070	11,371	\$603,921,133
New Hampshire	367	319	\$26,873,575
New Jersey	22,024	19,161	\$1,587,108,546
New Mexico	6,815	5,929	\$384,647,119
New York	41,970	36,514	\$2,598,303,273
North Carolina	27,385	23,825	\$1,198,925,683
North Dakota	98	85	\$8,611,260
Ohio	4,442	3,865	\$251,609,158
Oklahoma	6,865	5,973	\$343,573,469
Oregon	11,281	9,814	\$605,603,130
Pennsylvania	5,889	5,123	\$357,080,795
Rhode Island	1,229	1,069	\$61,058,661
South Carolina	6,406	5,573	\$252,065,985
South Dakota	252	219	\$12,204,360
Tennessee	8,340	7,256	\$347,345,511
Texas	124,300	108,141	\$6,294,162,134
Utah	9,711	8,449	\$476,470,215
Vermont	42	37	\$2,429,910
Virginia	12,134	10,557	\$711,429,519
Washington	17,843	15,523	\$1,098,330,382
West Virginia	117	102	\$5,445,765
Wisconsin	7,565	6,582	\$427,041,340
Wyoming	621	540	\$39,079,530

Source: See Methodology.



The present threat to those with DACA is real. Moreover, because DACA recipients are so well integrated into families, communities, schools, and workplaces throughout the country, the economic and social effects of ending DACA would be widespread and significant. In the short term, the fate of DACA rests entirely in the hands of President Donald Trump, who has at times expressed great support for DREAMers and has encouraged them to “rest easy.” But ultimately, it is Congress that must act to provide a permanent solution so that these young people can contribute even more fully to the country they call home. Yesterday’s introduction of the DREAM Act of 2017, which has bipartisan sponsorship from Sens. Dick Durbin (D-IL), Jeff Flake (R-AZ), Lindsey Graham (R-SC), and Chuck Schumer (D-NY), is an encouraging step.

Methodology

This column uses the same methodology employed in CAP’s [November 2016](#) and [January 2017](#) estimates of the cost of ending DACA.

The USCIS publishes [quarterly data](#) on DACA applicants and recipients since the program’s beginning in 2012. In addition to national numbers, the USCIS also provides state-level data.

An October 2016 [survey of DACA recipients](#)—conducted by political scientist Tom K. Wong, United We Dream, the National Immigration Law Center, and CAP—estimated that nationally, 87 percent of DACA recipients were employed. The survey does not provide employment rates for individual states. Thus, this column uses the 87 percent benchmark for employment levels in each state.

The number of DACA recipients working in each state is a combination of the latest USCIS data and the survey findings.

A [2016 CAP report](#) authored by Ryan Edwards and Francesc Ortega estimated the national and state-by-state GDP loss that would result from removing unauthorized workers from the workforce, both annually and over the next decade. This column uses the GDP loss and number of unauthorized workers by each state to identify the contributions of each unauthorized worker to the state GDP. By both assuming that the skill distribution of the workforce with DACA reflects that of the broader unauthorized workforce and expressing data in 2013 dollars, this analysis reflects a conservative estimate.

The GDP losses associated with ending DACA for each state are derived by multiplying the number of employed DACA recipients with the losses associated with each unauthorized worker.

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EXHIBIT 54

State & Local Tax Contributions of Young Undocumented Immigrants

Institute on Taxation & Economic Policy

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About The Institute on Taxation & Economic Policy

The Institute on Taxation and Economic Policy (ITEP) is a non-profit, non-partisan 501 (c) 3 organization that produces timely, accessible, and sound analyses on federal, state, and local tax policy issues. ITEP's research helps inform policy makers, advocates, the media and general public about the fairness, adequacy, and sustainability of existing tax structures and how proposed tax changes would impact revenues and taxpayers across the income spectrum.

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Introduction

The Trump administration's immigration policies have broken apart families and removed established members of communities. The administration's disregard for the contributions of immigrants, regardless of their legal status, is of real concern for young immigrants whose parents brought them to the United States as children. Many of those young immigrants qualify for deferred deportation action and legal work authorization under Deferred Action for Childhood Arrivals (DACA), a 2012 executive order under President Barack Obama.

While it remains unclear what actions, if any, President Trump will take to amend DACA, the policy guidance the president has given to federal agencies has resulted in detentions and deportations of individuals reportedly eligible for deferred action. The ambiguity of the Trump Administration's statements and actions relating to the DACA program makes it essential that clear and accurate data about the DACA population is available.

More than 1.3 million out of the 11 million undocumented immigrants living in the United States are eligible for DACA.

As of September 2016, more than 852,000 individuals were enrolled in the program.¹ DACA offers eligible teenagers and young adults who were brought to the United States as children outside of their control temporary deferral from deportation and legal work authorization.²

DACA enrollment has helped young immigrants become more engaged in their communities. A national survey of DACA enrollees in 2016 found that more than 40 percent of respondents secured their first job after enrollment in DACA, and more than 60 percent landed a job with better pay. DACA enrollment also allowed 60 percent of respondents to pursue educational opportunities that were previously unavailable to them. The young immigrants enrolled in DACA work in diverse industries, including educational and health services, wholesale and retail trade, and professional and business services.

The 1.3 million young immigrants eligible for deferred action contribute tax dollars to communities that help pay for schools, public infrastructure, and other services. Their contributions could be increased by taking steps to ensure that all individuals eligible for deferred action are enrolled, or even by offering a path to citizenship. Conversely, stripping their temporary lawful status or deporting them would decrease their tax contributions and deprive our country of a dedicated and diverse generation.

What is DACA?

Deferred Action for Childhood Arrivals provides temporary deferral from deportation and work authorization. Individuals must apply for DACA status through U.S. Citizenship and Immigration Services. Approved individuals maintain their status for two years and must apply to renew their eligibility.

To qualify for DACA an individual must:

- ✓ Be between the ages of 15 and 30
- ✓ Have arrived in the U.S. prior to the age of 16
- ✓ Have continuously resided in the U.S. for at least five years prior to their application for deferred action
- ✓ Be enrolled in an approved education course, have completed high school or its equivalency, or have been honorably discharged from military service
- ✓ Not have been convicted of a felony, significant misdemeanor, three or more misdemeanors, or "otherwise pose a threat to public safety or national security"

Note: See "DACA at Four" and "DACA at the Two-Year Mark" from the Migration Policy Institute for more detailed information.

An ITEP report from March 2017 found the 11 million undocumented immigrants living and working in the United States contribute more than \$11.74 billion in state and local taxes.³ This report specifically examines the state and local tax contributions of undocumented immigrants who are currently enrolled or immediately eligible for DACA and the fiscal implications of various policy changes. The report includes information on the national impact (Table 1) and provides a state-by-state breakdown (Appendix 1).

Key Findings

- The 1.3 million young undocumented immigrants enrolled or immediately eligible for DACA **contribute an estimated \$2 billion a year** in state and local taxes.⁴ This includes personal income, property, and sales and excise taxes.
- DACA-eligible individuals pay on average **8.9 percent of their income** in state and local taxes. Their effective tax rate is higher than the average rate paid by the top 1% of taxpayers in state and local taxes of just 5.4 percent and is on par with the average rate paid of 9.4 percent paid by the middle 20 percent of taxpayers.⁵
- Continuing DACA and ensuring all who are eligible for the program are enrolled would **increase estimated state and local revenue by \$425 million**, bringing the total contribution to \$2.45 billion, and increasing the effective tax rate for those enrolled to 9 percent.
- Replacing DACA with a path to citizenship could provide **nearly \$505 million in additional state and local taxes**, increasing total contributions to at least \$2.53 billion a year.
- Repealing the temporary legal status and work authorizations permitted by DACA would **reduce estimated state and local revenues by nearly \$800 million**, and drop the total contributions to just over \$1.2 billion annually.
- Every state benefits from the economic contributions of the young immigrants eligible for DACA (see Appendices 1 and 2). For example, the 379,000 young immigrants living in California are contributing more than \$534 million to the golden state while the 2,000 immigrants in our nation's capital contribute \$2.7 million to the District. Likewise, every state stands to lose considerable revenue if we do not maintain the protections and opportunities DACA has allowed.

How federal policy changes in the treatment of young immigrants affect state and local revenues

Questions have frequently been raised about the taxes paid by undocumented immigrants. Everyone living and working in the U.S. contributes to state and local taxes, regardless of their immigration status. We all pay sales and excise taxes when we purchase goods and services such as clothing or gasoline. We all pay property taxes either directly for our homes or indirectly as renters.

As ITEP's March report demonstrated, about half of undocumented immigrants file income tax returns. They do this using Individual Taxpayer Identification Numbers (ITINs) in the absence of having valid Social Security numbers. Because DACA provides young immigrants with work authorization, recipients are subject to the same state and local personal income tax laws as all lawfully present workers. DACA recipients do have (temporary) Social Security numbers.

The tax revenues generated by DACA recipients are further boosted by the fact that DACA status boosts employment rates and wages. A national survey of DACA recipients found that employment rates increased by 36 percentage points after enrollment, from 51 percent of respondents employed to 87 percent.⁶ Evidence also shows that relief from deportation and temporary work permits through programs like DACA also boosts undocumented immigrants' wages by at least 8.5 percent. When given the opportunity to work legally and a reprieve from deportation DACA recipients are able to work more, earn more wages, and are less likely to be victims of wage theft from unscrupulous employers.

Table 1: U.S. Total of State and Local Tax Contributions of DACA-eligible individuals

Current and potential contributions of individuals currently receiving or eligible for DACA status

	Currently receiving DACA (852,000)	Currently eligible but not receiving (452,900)	Total DACA-eligible population (1.3 million)	Change from Current Contribution
Current Taxes	\$1,603,068,000	\$423,765,000	\$2,026,833,000	--
Taxes if All Eligible Receiving	\$1,603,068,000	\$849,546,000	\$2,452,614,000	+\$425,781,000
If granted citizenship	\$1,654,779,000	\$876,951,000	\$2,531,730,000	+\$504,897,000
If DACA protections lost	\$805,751,000	\$423,765,000	\$1,229,516,000	(\$797,317,000)

Based on this evidence, we assume that 87 percent of the 852,000 young immigrants currently enrolled in DACA are employed, and that they are earning, on average, 8.5 percent more than the estimated 452,900 young people eligible for but not receiving DACA. The higher earnings, higher employment rate, and higher tax compliance rate

of individuals enrolled in DACA leads to their increased tax contributions and higher effective tax rate compared to those eligible for but not receiving DACA. The total contributions of individuals currently receiving or eligible for DACA status is just over \$2 billion in state and local taxes annually. If all eligible individuals were enrolled in DACA, those state and local tax contributions would increase by more the \$425 million due to higher earnings, higher employment rate, and 100 percent tax compliance for all DACA eligible immigrants (see Table 1).

Granting DACA eligible immigrants a path to citizenship would provide an even larger wage boost. A 2013 analysis by the Congressional Budget Office estimated a 12 percent wage boost for undocumented citizens who were granted a path to citizenship.⁷ State and local revenues would net an additional \$505 million if the 1.3 million young people currently eligible for or receiving DACA were granted a path to citizenship (see Table 1).

In contrast, failing to maintain work authorizations and deportation relief of DACA would hurt state and local coffers. If the 852,000 young immigrants currently enrolled lost the protections of DACA, it would reduce their state and local tax contributions by nearly \$800 million (see Table 1).

Just as every state benefits from the tax contributions of young undocumented immigrants every state has much more to lose if we remove the protections and work authorization granted to these young immigrants who were brought to the United States as children and have always considered it home. If the Trump administration fails to protect this population from deportation, the nation risks forcing them back into the shadows and losing the economic and societal contributions these engaged young people are making in their communities.

Methodology

ITEP estimates the state and local tax contributions of DACA-eligible immigrants under different policy options through the methodology detailed below.

1. Estimated DACA- eligible and enrolled population in each state

- The number of young immigrants in each state immediately eligible for DACA comes from the Migration Policy Institute.⁸ MPI estimated just under 1.3 million young immigrants nationwide are immediately eligible for DACA. MPI's estimates are limited to 41 states and the District of Columbia. To calculate the eligible population in the nine missing states, ITEP used the enrollee data (see below) for each state to estimate a total eligible population (see Appendix 2).
- The number of people currently enrolled in DACA nationally (852,000) and in each state comes from the United States Citizenship and Immigration Services⁹. (see Appendix 2).

2. Taxpaying units and employment status

- This analysis treats each DACA-eligible immigrant who is working as a single taxpaying unit.

- The employment rate of immigrants depends on legal status. A 2016 national survey of 1,308 DACA recipients found that 87 percent of respondents were employed, compared to only 51 percent before gaining lawful status. The assumed employment rate of DACA-eligible immigrants with legal status, either those participating in the program or granted a pathway to citizenship, is 87 percent. The assumed employment rate of DACA-eligible immigrants who are not enrolled in the program is 51 percent.¹⁰ Additionally, to calculate the impact on tax contributions if DACA protections are removed, 51 percent was applied to the total DACA-eligible population.
- Here’s how the national numbers break down (see Appendix 2 for state numbers):

	Population	Workforce Participation %	Estimated Workers
Eligible DACA Population	1,304,900		
Enrolled DACA Population	852,000	87%	740,400
Eligible, but unenrolled DACA Population	452,900	51%	232,300
Eligible, but no DACA protections		51%	669,400

3. Income

- Immigrant wages change depending on legal status. Undocumented workers earn \$22,029 a year on average and granting DACA status increases wages by 8.5 percent, according to a 2014 report by the Center for American Progress¹¹. Putting immigrants on a path to citizenship would carry a larger effect, since it grants rights and protections associated with permanent residence. The Congressional Budget Office estimates a path to citizenship would boost wages by 12 percent¹². The average wages applied to the estimated DACA working population in this analysis are:
 - \$23,901 for the DACA-eligible population working and enrolled in the program.
 - \$22,029 for the DACA-eligible population working, but not enrolled in the program.
 - \$24,673 for the DACA-eligible population working and granted a pathway to citizenship.

4. Estimated effective tax rates (taxes as share of income) for sales, income, and property taxes paid by DACA-eligible population in each state¹³

ITEP’s microsimulation computer model is a sophisticated program that applies the state and local tax laws in each state (including sales, excise, income, and property tax laws) to a statistically valid database of tax returns to generate estimates of the effective tax rates paid by taxpayers at various income levels under state and local tax law in place as of December 31, 2014. In January of 2015, ITEP released the 5th edition of *Who Pays?* which estimates the effect of

the state and local tax laws as of January 2015 on taxpayers at 2012 income levels. This report applies effective tax rates calculated in the 2015 *Who Pays?* report to the DACA eligible population.

The following assumptions were made to calculate the sales and excise, income, and property taxes of the undocumented immigration population:

- ♦ **Sales and excise taxes:** Sales and excise taxes are collected by retailers every time a purchase is made on a taxable good or service. It is reasonable to assume that DACA eligible immigrants pay sales and excise taxes at similar rates to U.S. citizens and legal immigrants with similar incomes thus the estimated rates in ITEP's *Who Pays?* for each state were applied to the various estimated DACA-eligible population incomes.
- ♦ **Income tax:** Eligible immigrants enrolled in DACA are required to pay personal income taxes using a temporary social security number. Thus, this study assumes the 740,400 DACA-enrolled workers are fully complying with state personal income taxes. 100 percent compliance is also assumed under the path to citizenship policy option. Personal income tax effective rates in each state were applied accordingly. Various studies have estimated between 50 and 75 percent of undocumented immigrants currently pay personal income taxes predominantly using Individual Tax Identification (ITIN) numbers or with false social security numbers.¹⁴ This analysis assumes a 50 percent compliance rate for DACA-eligible immigrants who are not enrolled and applies 50 percent compliance if DACA protections are lost. Personal income tax effective rates in each state were applied to 50 percent of the estimated income.

Enrolled DACA recipients are eligible to receive the federal Earned Income Tax Credit (EITC) and the state versions of the credit as well, however state EITC benefits were not included in this study for two reasons: 1) all DACA-eligible workers are treated as single taxpaying units and 2) the average income of the enrolled DACA population is above the EITC income eligibility amounts for single workers. The impact of state EITCs was also left out of the other policy options given that DACA-eligible immigrants not enrolled in the program are ineligible for the credit.

- ♦ **Property tax:** The first step in calculating property taxes was to identify the share of DACA-eligible immigrants who are homeowners or renters in each state. This analysis used state-by-state data from the Migration Policy Institute to estimate homeownership rates for undocumented immigrants in each state. The model assumes that for renters, half of the cost of the property tax paid initially by owners of rental properties is passed through to renters.

¹ “Deferred Action for Childhood Arrivals Process (Through Fiscal Year 2016, 4th Qtr.)” United States Citizenship and Immigration Services (USCIS). Available at: https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2016_qtr4.pdf

² Batalova, Jeanne, et al. “DACA at the Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action.” Migration Policy Institute, Aug. 2014, <http://www.migrationpolicy.org/research/daca-two-year-mark-national-and-state-profile-youth-eligible-and-applying-deferred-action>

³ Christensen Gee, et al. “Undocumented Immigrants’ State and Local Tax Contributions.” Institute on Taxation and Economic Policy, Mar. 2017, <http://www.itep.org/pdf/immigration2017.pdf>

⁴ See the methodology section for more information on the calculation of estimated undocumented immigrant state and local tax payments.

⁵ Davis, Carl, et al. “Who Pays? A Distributional Analysis of the Tax Systems in All 50 States, 5th ed.”, Institute on Taxation and Economic Policy, Jan. 2015, www.whopays.org.

⁶ “Results of Tom K. Wong, United We Dream, National Immigration Law Center, and Center for American Progress National Survey.” Center for American Progress, https://cdn.americanprogressaction.org/content/uploads/2016/10/21111136/2016-daca_survey_draft_updated-FINAL2.pdf

⁷ “Economic Impact of S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act.” *Congressional Budget Office*, Congressional Budget Office, Jun. 2013, www.cbo.gov/sites/default/files/113th-congress-2013-2014/reports/44346-Immigration.pdf

⁸ See endnote 2 and Migration Policy Institute, “Deferred Action for Childhood Arrivals (DACA) Data Tools.” <http://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles#overlay-context=events>

⁹ USCIS (see endnote 1)

¹⁰ Center for American Progress (see endnote 6)

¹¹ Oakford, Patrick. “Administrative Action on Immigration Reform.” Center for American Program, September 2014. <https://www.americanprogress.org/issues/immigration/reports/2014/09/04/96177/administrative-action-on-immigration-reform/>

¹² Congressional Budget Office (see endnote 7)

¹³ Institute on Taxation and Economic Policy (see endnote 3)

¹⁴ See among others: Feinleib, Joel, and David Warner. “Issue Brief # 1: The Impact of Immigration on Social Security and the National Economy.” *Social Security Advisory Board*, Social Security Advisory Board, Dec. 2005, www.ssab.gov/Portals/0/OUR_WORK/REPORTS/Impact%20of%20Immigration%20on%20Social%20Security%20Brief_2005.pdf; Singer, Paula, and Linda Dodd-Major. “Identification Numbers and U.S. Government Compliance Initiatives.” *Tax Analysts*, 20 Sept, 2004; and Cornelius, Wayne, and Jessica Lewis. *Impacts of Border Enforcement on Mexican Migration: The View from Sending Communities*, La Jolla, Calif.: University of California at San Diego, Center for Comparative Immigration Studies, 2007.

Appendix 1: State and Local Tax Contributions of DACA-eligible individuals

Current and potential contributions of those currently receiving or eligible for DACA status

State	Current State and Local Taxes	Current Effective Tax Rate	Taxes if All Eligible Receiving	Change if All Eligible are Receiving	New Effective Tax Rate	Taxes if All Eligible Granted Citizenship	Change if All Granted Citizenship	New Effective Tax Rate ²	Taxes if DACA Protections Lost	Change if DACA Protections are Lost	New Effective Tax Rate ³
Alabama	\$13,220,000	9.0%	\$17,605,000	+\$4,385,000	9.4%	\$18,172,000	+\$4,952,000	9.4%	\$8,376,000	-\$4,844,000	8.2%
Alaska*	\$966,000	4.0%	\$1,659,000	+\$693,000	4.0%	\$1,712,000	+\$746,000	4.0%	\$903,000	-\$63,000	4.0%
Arizona	\$61,357,000	9.0%	\$65,837,000	+\$4,480,000	9.1%	\$67,961,000	+\$6,604,000	9.1%	\$33,274,000	-\$28,083,000	8.4%
Arkansas	\$15,894,000	11.1%	\$18,821,000	+\$2,927,000	11.3%	\$19,428,000	+\$3,534,000	11.3%	\$9,336,000	-\$6,558,000	10.3%
California	\$534,124,000	8.2%	\$652,389,000	+\$118,265,000	8.3%	\$673,433,000	+\$139,309,000	8.3%	\$334,630,000	-\$199,494,000	7.8%
Colorado	\$33,977,000	7.8%	\$37,631,000	+\$3,654,000	7.9%	\$38,845,000	+\$4,868,000	7.9%	\$17,479,000	-\$16,498,000	6.7%
Connecticut	\$17,639,000	10.0%	\$23,269,000	+\$5,630,000	10.2%	\$24,019,000	+\$6,380,000	10.2%	\$12,144,000	-\$5,495,000	9.8%
Delaware	\$2,434,000	5.0%	\$3,377,000	+\$943,000	5.4%	\$3,486,000	+\$1,052,000	5.4%	\$1,410,000	-\$1,024,000	4.2%
District of Columbia*	\$2,702,000	8.7%	\$3,910,000	+\$1,208,000	9.4%	\$4,036,000	+\$1,334,000	9.4%	\$1,756,000	-\$946,000	7.8%
Florida	\$100,239,000	8.5%	\$127,799,000	+\$27,560,000	8.5%	\$131,922,000	+\$31,683,000	8.5%	\$69,534,000	-\$30,705,000	8.5%
Georgia	\$71,705,000	9.0%	\$90,911,000	+\$19,206,000	9.3%	\$93,844,000	+\$22,139,000	9.3%	\$43,172,000	-\$28,533,000	8.1%
Hawaii	\$3,223,000	11.2%	\$4,978,000	+\$1,755,000	12.0%	\$5,138,000	+\$1,915,000	12.0%	\$2,353,000	-\$870,000	10.4%
Idaho	\$6,026,000	7.9%	\$6,578,000	+\$552,000	7.9%	\$6,791,000	+\$765,000	7.9%	\$3,288,000	-\$2,738,000	7.3%
Illinois	\$131,028,000	11.0%	\$159,279,000	+\$28,251,000	11.3%	\$164,417,000	+\$33,389,000	11.3%	\$76,260,000	-\$54,768,000	9.9%
Indiana	\$23,288,000	10.4%	\$23,784,000	+\$496,000	10.4%	\$24,552,000	+\$1,264,000	10.4%	\$10,755,000	-\$12,533,000	8.7%
Iowa	\$6,807,000	9.2%	\$7,806,000	+\$999,000	9.4%	\$8,058,000	+\$1,251,000	9.4%	\$3,594,000	-\$3,213,000	8.0%
Kansas	\$14,592,000	9.2%	\$15,361,000	+\$769,000	9.2%	\$15,856,000	+\$1,264,000	9.2%	\$7,699,000	-\$6,893,000	8.5%
Kentucky	\$9,093,000	9.1%	\$12,116,000	+\$3,023,000	9.7%	\$12,507,000	+\$3,414,000	9.7%	\$5,182,000	-\$3,911,000	7.6%
Louisiana	\$7,459,000	9.5%	\$10,221,000	+\$2,762,000	9.8%	\$10,551,000	+\$3,092,000	9.8%	\$5,061,000	-\$2,398,000	9.0%
Maine*	\$256,000	7.7%	\$330,000	+\$74,000	8.0%	\$341,000	+\$85,000	8.0%	\$160,000	-\$96,000	7.1%
Maryland	\$40,801,000	10.8%	\$56,926,000	+\$16,125,000	11.4%	\$58,762,000	+\$17,961,000	11.4%	\$26,907,000	-\$13,894,000	9.9%
Massachusetts	\$24,261,000	8.1%	\$34,426,000	+\$10,165,000	8.7%	\$35,537,000	+\$11,276,000	8.7%	\$15,052,000	-\$9,209,000	7.0%
Michigan	\$15,938,000	8.9%	\$18,952,000	+\$3,014,000	9.1%	\$19,563,000	+\$3,625,000	9.1%	\$8,666,000	-\$7,272,000	7.7%

Appendix 1: State and Local Tax Contributions of DACA-eligible individuals

Current and potential contributions of those currently receiving or eligible for DACA status

State	Current State and Local Taxes	Current Effective Tax Rate	Taxes if All Eligible Receiving	Change if All Eligible are Receiving	New Effective Tax Rate	Taxes if All Eligible Granted Citizenship	Change if All Granted Citizenship	New Effective Tax Rate ²	Taxes if DACA Protections Lost	Change if DACA Protections are Lost	New Effective Tax Rate ³
Minnesota	\$15,439,000	8.7%	\$18,766,000	+\$3,327,000	9.0%	\$19,372,000	+\$3,933,000	9.0%	\$8,550,000	-\$6,889,000	7.6%
Mississippi	\$4,169,000	8.4%	\$5,442,000	+\$1,273,000	8.7%	\$5,618,000	+\$1,449,000	8.7%	\$2,593,000	-\$1,576,000	7.6%
Missouri	\$8,430,000	8.1%	\$10,513,000	+\$2,083,000	8.4%	\$10,852,000	+\$2,422,000	8.4%	\$4,916,000	-\$3,514,000	7.2%
Montana*	\$101,000	5.3%	\$112,000	+\$11,000	5.4%	\$116,000	+\$15,000	5.4%	\$50,000	-\$51,000	4.4%
Nebraska	\$7,693,000	9.6%	\$8,013,000	+\$320,000	9.6%	\$8,272,000	+\$579,000	9.6%	\$3,905,000	-\$3,788,000	8.6%
Nevada	\$17,488,000	5.6%	\$18,595,000	+\$1,107,000	5.6%	\$19,195,000	+\$1,707,000	5.6%	\$10,117,000	-\$7,371,000	5.6%
New Hampshire*	\$812,000	7.6%	\$946,000	+\$134,000	7.6%	\$976,000	+\$164,000	7.6%	\$512,000	-\$300,000	7.5%
New Jersey	\$65,968,000	7.9%	\$90,221,000	+\$24,253,000	8.2%	\$93,131,000	+\$27,163,000	8.2%	\$44,911,000	-\$21,057,000	7.5%
New Mexico	\$18,848,000	10.3%	\$21,646,000	+\$2,798,000	10.4%	\$22,345,000	+\$3,497,000	10.4%	\$11,288,000	-\$7,560,000	10.0%
New York	\$140,035,000	10.7%	\$174,199,000	+\$34,164,000	11.0%	\$179,818,000	+\$39,783,000	11.0%	\$84,137,000	-\$55,898,000	9.8%
North Carolina	\$63,618,000	8.6%	\$75,296,000	+\$11,678,000	8.8%	\$77,725,000	+\$14,107,000	8.8%	\$34,532,000	-\$29,086,000	7.5%
North Dakota	\$286,000	8.6%	\$360,000	+\$74,000	8.7%	\$371,000	+\$85,000	8.7%	\$190,000	-\$96,000	8.4%
Ohio	\$14,103,000	9.4%	\$18,397,000	+\$4,294,000	9.8%	\$18,991,000	+\$4,888,000	9.8%	\$8,586,000	-\$5,517,000	8.4%
Oklahoma	\$17,411,000	9.5%	\$20,064,000	+\$2,653,000	9.7%	\$20,711,000	+\$3,300,000	9.7%	\$9,950,000	-\$7,461,000	8.8%
Oregon	\$20,021,000	7.1%	\$22,898,000	+\$2,877,000	7.3%	\$23,637,000	+\$3,616,000	7.3%	\$8,995,000	-\$11,026,000	5.3%
Pennsylvania	\$20,765,000	8.9%	\$30,086,000	+\$9,321,000	9.7%	\$31,056,000	+\$10,291,000	9.7%	\$13,239,000	-\$7,526,000	7.8%
Rhode Island	\$3,842,000	8.2%	\$5,300,000	+\$1,458,000	8.5%	\$5,471,000	+\$1,629,000	8.5%	\$2,602,000	-\$1,240,000	7.7%
South Carolina	\$11,768,000	6.5%	\$13,835,000	+\$2,067,000	6.7%	\$14,281,000	+\$2,513,000	6.7%	\$6,802,000	-\$4,966,000	6.0%
South Dakota*	\$585,000	8.1%	\$672,000	+\$87,000	8.1%	\$693,000	+\$108,000	8.1%	\$365,000	-\$220,000	8.1%
Tennessee	\$21,266,000	8.7%	\$25,228,000	+\$3,962,000	8.7%	\$26,042,000	+\$4,776,000	8.7%	\$13,723,000	-\$7,543,000	8.7%
Texas	\$313,095,000	9.5%	\$347,623,000	+\$34,528,000	9.5%	\$358,837,000	+\$45,742,000	9.5%	\$189,137,000	-\$123,958,000	9.5%
Utah	\$18,807,000	8.4%	\$19,372,000	+\$565,000	8.5%	\$19,997,000	+\$1,190,000	8.5%	\$8,981,000	-\$9,826,000	7.2%
Vermont*	\$140,000	8.6%	\$185,000	+\$45,000	8.9%	\$191,000	+\$51,000	8.9%	\$92,000	-\$48,000	8.2%

Appendix 1: State and Local Tax Contributions of DACA-eligible individuals

Current and potential contributions of those currently receiving or eligible for DACA status

State	Current State and Local Taxes	Current Effective Tax Rate	Taxes if All Eligible Receiving	Change if All Eligible are Receiving	New Effective Tax Rate	Taxes if All Eligible Granted Citizenship	Change if All Granted Citizenship	New Effective Tax Rate ²	Taxes if DACA Protections Lost	Change if DACA Protections are Lost	New Effective Tax Rate ³
Virginia	\$34,726,000	7.4%	\$50,323,000	+\$15,597,000	8.1%	\$51,946,000	+\$17,220,000	8.1%	\$22,019,000	-\$12,707,000	6.5%
Washington	\$51,272,000	10.5%	\$59,072,000	+\$7,800,000	10.5%	\$60,978,000	+\$9,706,000	10.5%	\$32,140,000	-\$19,132,000	10.5%
West Virginia*	\$283,000	8.0%	\$342,000	+\$59,000	8.2%	\$353,000	+\$70,000	8.2%	\$161,000	-\$122,000	7.1%
Wisconsin	\$17,825,000	9.4%	\$19,926,000	+\$2,101,000	9.6%	\$20,569,000	+\$2,744,000	9.6%	\$9,365,000	-\$8,460,000	8.3%
Wyoming*	\$949,000	5.3%	\$1,217,000	+\$268,000	5.3%	\$1,256,000	+\$307,000	5.3%	\$662,000	-\$287,000	5.3%
All States	\$2,026,772,000	8.9%	\$2,452,614,000	+\$425,842,000	9.0%	\$2,531,730,000	+\$504,958,000	9.0%	\$1,229,516,000	-\$797,256,000	8.3%

Appendix 2: DACA Eligible Population Estimates

STATE	Estimated Population Immediately Eligible for DACA ¹	Estimated Population Enrolled in DACA ²	Estimated Population Eligible for DACA but not Enrolled	Share of Est. Undocumented Immigrant Population ³
Alabama	9,000	4,720	4,280	13%
Alaska*	2,000	170	1,830	29%
Arizona	35,000	30,180	4,820	14%
Arkansas	8,000	5,530	2,470	14%
California	379,000	237,940	141,060	13%
Colorado	23,000	18,830	4,170	14%
Connecticut	11,000	5,430	5,570	10%
Delaware	3,000	1,560	1,440	13%
Dist. of Col.*	2,000	880	1,120	7%
Florida	72,000	37,940	34,060	12%
Georgia	47,000	28,090	18,910	12%
Hawaii	2,000	660	1,340	10%

Appendix 2: DACA Eligible Population Estimates

STATE	Estimated Population Immediately Eligible for DACA ¹	Estimated Population Enrolled in DACA ²	Estimated Population Eligible for DACA but not Enrolled	Share of Est. Undocumented Immigrant Population ³
Idaho	4,000	3,330	670	12%
Illinois	68,000	44,860	23,140	13%
Indiana	11,000	10,580	420	12%
Iowa	4,000	3,050	950	11%
Kansas	8,000	7,200	800	13%
Kentucky	6,000	3,380	2,620	13%
Louisiana	5,000	2,320	2,680	8%
Maine*	200	110	90	4%
Maryland	24,000	11,110	12,890	9%
Massachusetts	19,000	9,030	9,970	11%
Michigan	10,000	7,070	2,930	10%
Minnesota	10,000	6,740	3,260	12%

Appendix 2: DACA Eligible Population Estimates

STATE	Estimated Population Immediately Eligible for DACA ¹	Estimated Population Enrolled in DACA ²	Estimated Population Eligible for DACA but not Enrolled	Share of Est. Undocumented Immigrant Population ³
Mississippi	3,000	1,660	1,340	12%
Missouri	6,000	3,770	2,230	11%
Montana*	100	80	20	10%
Nebraska	4,000	3,690	310	11%
Nevada	16,000	13,910	2,090	12%
New Hampshire	600	420	190	7%
New Jersey	53,000	24,630	28,370	11%
New Mexico	10,000	7,300	2,700	15%
New York	76,000	47,170	28,830	9%
North Carolina	41,000	29,260	11,750	12%
North Dakota	200	110	90	7%
Ohio	9,000	5,060	3,940	11%

Appendix 2: DACA Eligible Population Estimates

STATE	Estimated Population Immediately Eligible for DACA ¹	Estimated Population Enrolled in DACA ²	Estimated Population Eligible for DACA but not Enrolled	Share of Est. Undocumented Immigrant Population ³
Oklahoma	10,000	7,380	2,620	12%
Oregon	15,000	11,900	3,100	13%
Pennsylvania	15,000	6,700	8,300	11%
Rhode Island	3,000	1,380	1,620	10%
South Carolina	10,000	7,060	2,940	10%
South Dakota*	400	290	110	8%
Tennessee	14,000	9,180	4,820	12%
Texas	177,000	138,440	38,560	12%
Utah	11,000	10,400	600	14%
Vermont*	100	50	50	3%
Virginia	30,000	13,470	16,530	11%
Washington	27,000	19,180	7,820	12%

Appendix 2: DACA Eligible Population Estimates

STATE	Estimated Population Immediately Eligible for DACA ¹	Estimated Population Enrolled in DACA ²	Estimated Population Eligible for DACA but not Enrolled	Share of Est. Undocumented Immigrant Population ³
West Virginia*	200	140	70	3%
Wisconsin	10,000	8,010	1,990	14%
Wyoming*	1,000	690	310	17%
All States	1,304,800	852,000	452,900	12%

* DACA eligible population in these states was estimated using data on enrolled DACA participants as of September 2016. Nationwide roughly 66 percent of immigrants immediately eligible DACA are enrolled thus the assumption was made that the actual participants in those states represent 66 percent of the eligible population (rounding was used).

¹ Batalova, Jeanne, et al. "DACA at the Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action." Migration Policy Institute, Aug. 2014, <http://www.migrationpolicy.org/research/daca-two-year-mark-national-and-state-profile-youth-eligible-and-applying-deferred-action>

² "Deferred Action for Childhood Arrivals Process (Through Fiscal Year 2016, 4th Qtr)." United States Citizenship and Immigration Services(USCIS). Available at: https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2016_qtr4.pdf

³ Migration Policy Institute (MPI) DACA estimates divided by MPI undocumented immigrant population estimates (Migration Policy Institute (MPI) analysis of U.S. Census Bureau data from the 2010-2014 ACS pooled, and the 2008 Survey of Income and Program Participation (SIPP) by Colin Hammar and James Bachmeier of Temple University and Jennifer Van Hook of Pennsylvania State University, Population Research Institute.)

EXHIBIT 55

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF ALEJANDRA PEREZ

I, Alejandra Perez, hereby declare as follows:

1. I arrived in the United States in 2006 when I was twelve years old. I moved to South Seattle three years later, in 2009, when I was fifteen.
2. I first-applied for Deferred Action for Childhood Arrivals (DACA) in November 2012 and received it in February 2013. At the time, I was a first year student at the University of Washington Bothell. After receiving work authorization, I was able to work as a Social Justice Organizer on campus, where I organized events, facilitated dialogues, and created professional development trainings for the entire campus community.
3. I also worked every summer while in college. I worked at Cleveland High School, my alma mater, as a Program Coordinator for Project 206, a summer transition program for incoming 9th graders.
4. As a DACA recipient with employment authorization, I was also able to apply for a Social Security number (SSN).
5. Receiving an SSN was incredibly important for me and my family. I was able to apply for several credit cards and build my credit. After building my credit, I purchased cars for both me and my family.
6. So far, I have purchased three cars and I pay car tabs with the Washington Department of Licensing on each one. Every year, the cost of the three car tabs total approximately \$1,082.50 per year.
7. Most recently, my credit has allowed me and my brother, also a DACA recipient, to purchase a home for our family in South Seattle. We closed on the house in March 2017. According to my files, I will pay \$1,397.41 in property taxes to King County,

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Washington in 2017. Going forward, my property taxes will be approximately \$2,395.56 per year.

- 8. Since graduating from the University of Washington - Bothell in 2016 with with a double major in Society, Ethics, and Human Behavior and American and Ethnic Studies, Since June 2016, I've worked as a College & Career Success Coordinator for the Community Center for Education Results, supporting the Road Map Project. In that capacity, I work with school districts and community partners in creating equitable tools and resources for low-income students and students of color in South King County to access postsecondary education and earn a degree or credential.
- 9. My plan is to continue working at the non-profit. It allows me to earn money, which I can then spend to support my family.
- 10. I've renewed my DACA status twice since I first applied. My current DACA status expires in February 2019.
- 11. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Alejandra Perez
Alejandra Perez

Place signed: Seattle, WA
City, State

Date: 09/01/2017

EXHIBIT 56

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

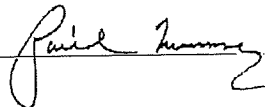
CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF PAUL QUINONEZ FIGUEROA

I, Paul Quinonez, hereby declare as follows:

1. I am an employee of the State of Washington. I work as a Legislative Aide to Representative Shelley Kloba (1st Leg. District).
2. As a Legislative Aide, I work in Olympia, Washington during the legislative sessions and am responsible for running the office budget, issuing districtwide newsletters, tracking bills, and managing the office. I also routinely take meetings with constituents and lobbyists.
3. In order to be effective at my job, I served as a session aide in 2016 and then received a week-long training before the most recent legislative session in 2017. Since the end of the 2017 legislative session, I've continued to receive monthly one-day trainings.
4. It has taken about one year to get acquainted with the civic associations, city officials and lobbyists related to my legislative member's committee assignments. However, I am now deeply familiar with the history and concerns of the district and its constituents.
5. I work out of the district office in Bothell when the state legislature is not in session. I spend much of my time there assisting constituents navigate our state agencies and resources. For example, I help constituents navigate the Department of Labor & Industries when they apply for unemployment benefits, or the Department of Social and Health Services when senior citizens seek appropriate assisted living services.
6. I am able to do this job because I am a recipient of Deferred Action for Childhood Arrivals ("DACA"), which generally grants work authorization to immigrants who arrived in the United States as children, who do not have criminal records, and are in school or graduated from high school.

- 1 7. I moved to the United States when I was seven years old. When DACA was first-
2 created, I was undocumented and considering whether it made sense to attend college.
3 Without DACA, college made little financial sense if I could not work afterwards.
4 8. However, DACA changed this and made it possible for me to use a college degree
5 once I graduated.
6 9. In early 2013, I applied for DACA. I attended Gonzaga University in Spokane,
7 Washington and graduated in 2015 with a double major in political science and
8 economics.
9 10. After college, I was able to apply for advance parole as a DACA recipient. With
10 advance parole, I was able to not only study abroad in Mexico City, but I was also able
11 to visit family I had not seen for over a decade in Mexico.
12 11. Since 2013, I have applied for renewal twice. My current DACA status will expire in
13 2019. I plan to work for the State of Washington for as long as I am work authorized.
14 12. I declare under penalty of perjury that the foregoing is true and correct to the best of
15 my knowledge.

16
17 Paul Quinonez 

18 Place signed: Seattle, Washington
19 City, State

20 Date: 9/3/2017
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EXHIBIT 57

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

1 delayed termination of the program will obviously greatly heighten this fear.) In the course of my
2 career, I have witnessed many times the negative effects that this type of stress can have on a
3 student's ability to thrive in a rigorous academic environment like the University. Admission to
4 the University is exceptionally competitive -- all these students have had to work incredibly hard
5 just to get here, and the University's academic programs are challenging even for our very
6 brightest students. The prospect of having all that effort go to waste would no doubt be
7 devastating, and may cause many of these students to simply give up and drop out.
8

9 6. If these students are not able to continue with their education because DACA is
10 rescinded, I am concerned that the University community will lose the significant contributions
11 that these students are able to make to the overall academic experience here on campus. Based
12 on my years of experience as a university admissions and enrollment professional engaged in the
13 development of higher education admissions policies, I (together with most of my peers in my
14 profession) have come to recognize the value of having, in every class cohort, students who
15 bring a variety of perspectives and life experiences into the academic community. Having a
16 student body with a diversity of viewpoints and backgrounds fosters a robust learning
17 environment for all. DACA eligible students inherently have a set of life experiences and
18 perspectives that are very different from those of other students. Many, if not most of them, are
19 the first in their families to attend college, and they enrich our community by being able to share
20 with their classmates - in a variety of settings both in and out of the classroom - their life

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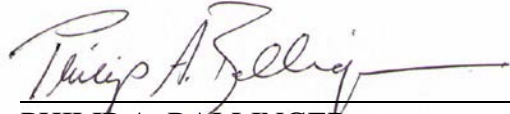
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experiences and the unique understandings they have gained by virtue of those experiences.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 5th day of September 2017.



PHILIP A. BALLINGER

EXHIBIT 58

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF LUCILA LOERA

I, Lucila Loera, hereby declare and affirm:

1. I am the Assistant Vice President for Access, Equity, and Achievement at Washington State University (WSU), Washington State's land grant institution and the second largest public research university in the Pacific Northwest. I have been in this position for seven years. However, I have worked in the area of higher education, access and success, for over 20 years in numerous leadership roles, such as Director of Student Support Services and Dean of Students at WSU. I have achieved national recognition for my work in promoting access and opportunity for first-generation, low-income, and underrepresented populations.

2. I have personal knowledge of the facts set forth in this declaration, and I am competent to testify about them.

3. As Assistant Vice President for Access, Equity, and Achievement, I lead WSU's institutional efforts to ensure the access and success of first-generation, low-income, and otherwise underrepresented students in higher education. Among our many activities, programs, and services, the Office of Access, Equity, and Achievement is home to the Office of Multicultural Student Services (MSS), which facilitates the undergraduate experience for multicultural students through culturally relevant programs and services. Our office also houses federally funded programs such as the College Assistance Migrant Program (CAMP), TRIO Student Support Services, and TRIO Upward Bound.

4. The Office of Access, Equity, and Achievement, in particular MSS, assists thousands of students each year, including many students who are registered under the Deferred Action for Childhood Arrivals program (DACA), as well as the Washington Dream Act, also called the REAL Hope Act. Although we do not require students to self-identify as DACA enrollees, I can confirm there are a minimum of 157 undergraduate DACA students currently enrolled at WSU, as well as 44 employees. However, based on my and my staff's observations and interactions with students, I estimate there actually are several hundred DACA students

1 enrolled at WSU each year, many of whom are served by our office. These students participate
2 in various academic programs across WSU and also play a significant role in WSU's student life
3 and culture.

4 5. If DACA is rescinded, many of these students will be unable to continue attending
5 WSU. This is in large part due to financial considerations. If students become ineligible to
6 work, many of them, as well as their family members, will lose the summer and academic year
7 employment they need to help pay living and educational expenses. In most cases, these students
8 will not have funds for tuition, food, or housing since they depend on work to pay as they go. If
9 DACA is rescinded, many of these students feel they cannot risk continuing their education
10 because of fear of deportation, and they plan to withdraw from WSU.

11 6. Many DACA students are the first in their family to attend college and are often
12 seen as the leaders and change agents in their family and communities. Like many Americans,
13 these students have the dreams and aspirations of Americans seeking a better life through higher
14 education. Many of these students participate and serve in leadership roles in student
15 organizations across the WSU campuses. If they are forced to withdraw from WSU, student life
16 and the overall student experience on campus will be negatively impacted.

17 7. WSU also stands to lose hundreds of thousands of dollars in revenue, including
18 direct tuition revenue, as well as scholarships and financial aid. Each of these students pays
19 approximately \$12,000 in tuition per year based on full-time attendance and in-state tuition.
20 They also may be eligible for state need grants and other scholarships. If DACA is rescinded,
21 WSU will lose this revenue, and the impact will be significant. Moreover, WSU will lose many
22 valuable employees and risks significant disruption to its academic enterprise due to the loss of
23 DACA students who currently are working as research or teaching assistants.

24 8. The threat of rescission of DACA has already been having a negative impact on
25 the WSU community. DACA students, as well as their many friends, family, and supporters in
26 the WSU community, are under extreme stress. They are angry and frightened. Many of these

1 students have no memory of the country their parents came from and no connections in that
2 country. They fear being taken from their families and the only home many of them have ever
3 known.

4 9. DACA students have had to work extremely hard to get to WSU, and many are
5 first in their families to attend college. They are high achievers, having done everything that has
6 been asked of them, and are in college realizing their potential. If DACA is rescinded, many
7 will have to leave college with debt and no degree. This is a violation of their trust.

8 10. Nearly all of these students have ceased academic and personal international
9 travel for fear they will not be permitted re-entry into the United States. This negatively impacts
10 them personally and professionally, and also negatively impacts WSU by limiting the scope of
11 academic activities in which these members of the WSU community are able to engage.

12 11. I believe that the presence of DACA students and staff on our campus serves to
13 build diversity and intercultural understanding among all members of our community. Their
14 presence greatly enriches the educational experience of all WSU students. By impeding WSU's
15 ability to reach these students and benefit from their presence on campus, the rescission of
16 DACA directly and immediately negatively impacts WSU's mission as a land-grant institution.
17 The rescission of DACA will also harm the state of Washington and the country as a whole, as
18 these students will lose the opportunity to obtain the education and skills needed to contribute to
19 society up to their potential. In Washington, a fast-growing state with a large population of
20 DACA residents, there is a high demand for an educated and skilled workforce. DACA students
21 are crucial to meeting that demand.

22 12. I declare under penalty of perjury under the laws of the State of Washington that
23 the foregoing is true and complete to the best of my knowledge.

24 Dated this 5th day of September, 2017.

25 
26 Lucila Loera

EXHIBIT 59

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

1
2 **DECLARATION OF REBECCA THOMPSON**

3 I, Rebecca Thompson, declare the following to be true and correct under penalty of
4 perjury under the laws of the state of Washington.

5 1. I am over the age of 18, competent to testify, and make the following statements
6 based on my personal knowledge.

7 2. I currently work as Director of Student Financial Assistance for the Washington
8 Student Achievement Council (WSAC). I have held this position since July 1, 2015.

9 3. I am familiar with the federal government's Deferred Action for Childhood
10 Arrivals (DACA) policy, which is an immigration-related policy that was adopted in June 2012.

11 4. My job responsibilities include oversight of Washington State's higher education
12 financial aid programs, including the Washington State Need Grant (SNG), Washington State
13 Work-Study (SWS), and College Bound Scholarship (CBS).

14 5. DACA students can apply for Washington State financial aid programs using a
15 free application form known as the Washington Application for State Financial Aid (WASFA)
16 that WSAC administers.

17 6. Although noncitizens are generally ineligible for CBS, SWS and resident
18 ("in-state") tuition rates many students fitting this description are eligible for SWS, CBS, and
19 resident tuition rates because of the protections afforded by DACA, so long as they meet the
20 residency requirements established by Washington State law.

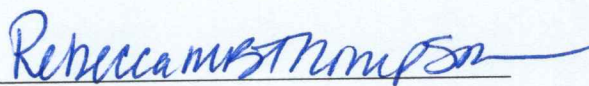
21 7. The WASFA permits applicants to self-disclose their Deferred Action for
22 Childhood Arrivals (DACA) designation for the purpose of determining eligibility for in-state
23 tuition and state financial aid programs.

24 8. Tuition for qualifying DACA students at institutions of higher education in
25 Washington State is at the residential or "in-state" rate.
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9. WSAC is aware of at least 1443 DACA students attending institutions of higher education who also applied for financial aid in Washington State as of the 2016-17 school year.

Dated this 5th day of September 2017 in Tacoma, Washington.



Rebecca Thompson
Director of Student Financial Assistance
Washington Student Achievement Council

EXHIBIT 60

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

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States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF REINA GUEVARA

I, Reina Guevara, hereby declare as follows:

1. My name is Reina Guevara. I am 26 years old. I live in Dorchester, Massachusetts.
2. I have personal knowledge of the matters set forth below.
3. I was born in Yucuaiquin, El Salvador during the civil war. When I was very young, my mother's life was threatened and she had to flee for the United States. I stayed in El Salvador and lived with my grandparents. The civil war ended but El Salvador was still not safe. When I was 10 years old I was sexually assaulted. My life was in danger. My mother brought me to the United States to keep me safe. I was 11 when I arrived here.
4. Before DACA, my life was difficult and complicated. I had to start working when I was 15 years old to help support my family, but without a work permit I could only get jobs that paid less than minimum wage. About 9 years ago, I was detained by Immigration and Customs Enforcement and given a deportation order. I lived in constant fear that I would be separated from my mother and family again.
5. I applied for DACA as soon as I could in 2012. Receiving DACA changed my life. I was able to get a work permit and a social security card. I was able to find a better job to help my family. I pay state and federal taxes. I have also been able to plan for my future.
6. I attended Bunker Hill Community College on a scholarship. I would not have received the scholarship without DACA.
7. I graduated from Bunker Hill last year and am now attending UMass Boston. I'm studying philosophy and public policy.

8. I just started a job as the Development Director of the Student Immigration Movement. After college, I want to continue working in the non-profit sector helping undocumented immigrants navigate the process to access higher education.
9. I couldn't have accomplished any of these things without DACA. Because of DACA, I pay in-state tuition at UMass. I also receive a partial scholarship that requires me to take a certain number of credits each semester. Without in-state tuition, I couldn't afford to keep up with the credit requirements, I would lose my scholarship, and would have to drop out of school.
10. If I lost DACA, my deportation order would be effective again. I would be at immediate risk of being separated from my family and sent back to El Salvador.
11. My mother brought me to the United States because I wasn't safe in El Salvador. I haven't been back to El Salvador in 16 years.
12. Boston is my home. My family is here. I work and go to school here. My future is here.

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

Executed this 5th day of September, 2017.



Reina Guevara

EXHIBIT 61

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
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Plaintiffs,

v.

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CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF DEIRDRE HEATWOLE

I, Deirdre Heatwole, declare as follows:

1. I am General Counsel for the University of Massachusetts (“UMass” or “University”). UMass is a public land grant university with five campuses located in Amherst, Boston, Dartmouth, Lowell, and Worcester, Massachusetts. I have been employed at the University in this capacity since 2008. Previously I was employed as Associate Counsel for the University since 1988. My current duties generally include managing legal services for the University; providing advice and representation for University administration; informing University employees and officers regarding compliance, risk management, and state and federal laws.

2. I have either personal knowledge of the matters set forth below or, with respect to those matters for which I do not have personal knowledge, I have reviewed information gathered from University records by others within the organization.

3. The University’s campuses offer vibrant learning environments that welcome diverse people, ideas, and perspectives. We encourage the application and enrollment of undocumented students and students granted Deferred Action for Childhood Arrivals (DACA).

4. Since the DACA program went into effect in 2012, many colleges and universities, including UMass campuses, have seen the critical benefits of this program for our students and the positive impacts on our institutions.

5. Terminating the DACA program will have a negative impact on the University, its students, and faculty. DACA recipients enrolled at UMass campuses are eligible for in-state tuition and various scholarships. Without access to this financial assistance, and with the likelihood that they will not be able to work legally upon graduation, some DACA beneficiaries

may not apply or enroll at the University in the first place. Many of those DACA students who already have enrolled will not be able to afford to continue their education. Graduate students, in particular, will be significantly affected as the loss of employment authorization needed for Graduate Assistantship (Research or Teaching) will likely mean the loss of tuition waivers and fringe benefits such as subsidized health/dental/eye care insurance for the DACA Graduate student and their families.

6. Additionally, any undergraduate or graduate program that requires employment authorization to complete elements of the program such as paid internships, residency training and Graduate Assistantships, such as Research (RA) and Teaching (TA) positions, will be severely impacted by the loss of work authorization. Inability to work may, in certain circumstances, prevent a DACA student from meeting the academic requirements of their degree programs, especially in the “bench sciences” that require significant lab work to complete research needed for Masters and Ph.D. degrees. Graduate RAs and TAs perform significant functions for the University, the loss of which will negatively impact both faculty who rely on their research to advance scholarship, and students who rely on their teaching duties to complete lower level course curriculum requirements.

7. If new DACA students do not enroll, or current DACA students are forced to drop out, the University will lose the benefit of the special contributions and perspectives that these special young people bring to our campus communities as both students and alumni. If current DACA students are forced to drop out, UMass will also lose the value of the financial assistance and the other resources UMass has invested in educating students who ultimately are not able to graduate.

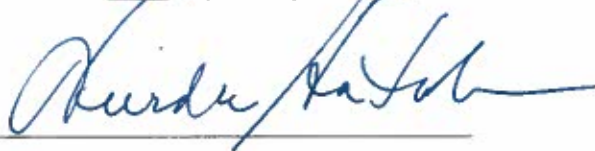
8. The University will also suffer additional tangible harms if the DACA program is terminated. We have already begun to experience disruption as a result of uncertainty over the future of the program and are preparing for the likelihood of increased institutional funds needed to help DACA students meet loss of employment.

9. All UMass campuses have designated a dedicated staff member who manages communications and services for our “dreamers” population, including DACA students. In addition, among other things, UMass has had to create an internal crisis communication structure for alerting senior leadership and management of various immigration changes with campus-level task forces closely monitoring executive actions, initiating outreach to the campus community that protects confidentiality and privacy concerns, and identifying institutional needs and resources.

10. Finally, the University also employs a number of non-student DACA recipients. If the program is terminated, we can no longer employ these individuals, and we will lose their services and the value of our investment in them and will incur additional costs to hire and train replacements.

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

Executed this 5th day of September, 2017.

A handwritten signature in blue ink, appearing to read "Deirdre Heatwole", written over a horizontal line.

Deirdre Heatwole

EXHIBIT 62

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

1 Pursuant to 28 U.S.C. § 1746(2), I, E. Alexandra Monroe hereby declare as follows:

- 2 1. I am over the age of eighteen and competent to testify herein.
- 3 2. I am employed at the Washington State Department of Ecology (Ecology) as the Labor
4 Relations and Personnel Operations Manager. I am responsible for providing human
5 resources and labor relations consultation, advice, and services to agency staff and
6 managers, both directly and through a team of human resource consultants, and for
7 providing overall management of the day-to-day personnel operations of the agency.
- 8 3. There is at least 1 employee at Ecology who is a recipient of Deferred Action for Childhood
9 Arrivals (DACA).
- 10 4. The DACA recipient is employed as an Information Technology Specialist 3, Application
11 Developer, in the Environmental Systems Support unit of the Agency's Information
12 Technology (IT) Services Office. The employee supports the development of complex
13 environmental information systems, using development tools to develop, test, implement,
14 and maintain highly efficient code that delivers the IT systems required by the business of
15 the agency. These systems are relied upon by Agency staff, management, legislators,
16 partner-agencies, and the public to identify, analyze, and reflect the state of the environment
17 in Washington State.
- 18 5. Ecology's mission is to protect, preserve, and enhance Washington's environment for
19 current and future generations, with the goals to protect and restore land, air and water;
20 prevent pollution; promote healthy communities and natural resources; and deliver
21 efficient and effective services. A strong technology infrastructure is essential in order
22 for Ecology to meet its mission and goals and information technology specialists are vital
23 to developing, managing, and maintaining that infrastructure. Ecology spends significant
24 time and resources to recruit, hire, train, and supervise its employees. When any
25 employee departs, it creates disruption for our agency and costs us time and resources to
26 replace and train that person. Failure to retain qualified IT specialists to manage agency
technology puts the timeliness of IT projects and the Agency's ability to successfully
perform its critical day to day work at risk.
6. The termination of DACA will be disruptive to operations and cause us to expend additional
resources.

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

Executed on this 1st day of September, 2017



E. Alexandra Monroe

EXHIBIT 63

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
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DONALD TRUMP, in his official
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C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

1 Pursuant to 28 U.S.C. § 1746(2), I, Ayesha Blackwell-Hawkins, hereby declare as
2 follows:

3 1. I am over the age of eighteen and competent to testify.

4 2. I am Senior Manager of Mobile Talent and Immigration Strategy at
5 Amazon.com, Inc. and its subsidiaries ("Amazon"). I am responsible for managing the
6 company's global immigration strategy in various countries where Amazon operates. Prior to
7 this role, I led the team that is responsible for providing immigration support for employees
8 and their dependent families and ensuring lawful immigration to and from the various
9 countries in which Amazon operates. I have been employed at Amazon since 2009.

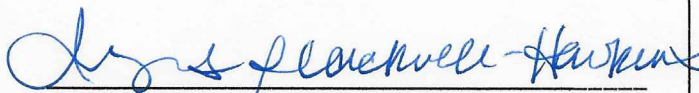
10 3. Amazon employs more than 40,000 employees in the State of Washington and
11 more than 200,000 employees in the United States.

12 4. At least nine Amazon employees are grantees under the Deferred Action for
13 Childhood Arrivals program ("DACA"), and we believe, like most large US companies, there
14 are many more. These employees are located in several different states, including Washington
15 and California, and work in a wide range of technical and non-technical job families, from
16 software development to procurement. If these employees lose their status and are deported,
17 Amazon will suffer injury.

18 5. Amazon has always been committed to equal rights, tolerance, and diversity -
19 and we always will be. As we've grown the company, we've worked hard to attract talented
20 people from all over the world, and we believe this is one of the things that makes Amazon
21 great - a diverse workforce with diverse backgrounds, ideas, and points of view helps us build
22 better products and services for customers.

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

24 Executed on this 5th day of September, 2017

25 

26 Ayesha Blackwell-Hawkins

EXHIBIT 64

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
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VIRGINIA,

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CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

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Pursuant to 28 U.S.C. § 1746(2), I, Camilla Glatt, hereby declare as follows:

1. I am over the age of eighteen and competent to testify herein.
2. I am employed at Columbia Basin College. My job title is Vice President for Human Resources & Legal Affairs. My job description is attached as Document No. 1.
3. There is at least 1 employee at Columbia Basin College who is a recipient of Deferred Action for Childhood Arrivals (DACA).
4. The DACA recipient is employed as an Outreach & Retention Specialist. That employee's job description is attached as Document No. 2. The employee serves students in the Cyber Security Program and others in an effort to meet the mission of the College.
5. Columbia Basin College spends time and resources to recruit, hire, train, and supervise employees. When any employee departs, it creates disruption for our agency and costs us time and resources to replace and train that person.
6. The termination of DACA will be disruptive to operations and cause us to expend additional resources.

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

Executed on this 1st day of September, 2017



Camilla Glatt

JOB DESCRIPTION

Employee Name: Camilla Glatt
Job Title: Vice President for Human Resources & Legal Affairs
Reports to: President
Exempt/FLSA: Yes
Prepared Date: August 20, 2007
Approved Date: February 19, 2008

A POSITION OBJECTIVES

The Vice President for Human Resources & Legal Affairs will direct and coordinate all aspects of Human Resources, Labor Relations and Legal Affairs including recruitment, benefits, leaves, compensation, contracts, classification, employee development and training, faculty and classified bargaining, diversity initiatives, discrimination and harassment complaints, and disciplinary actions. Additionally, the position is responsible for the College's legal practices, preparation of written opinions and guidance for college management in regards to grievances, complaints and lawsuits.

The Vice President for Human Resources & Legal Affairs is responsible for coordination and implementation of strategic Human Resources, Labor Relations and Legal Affairs functions. This position plays a key role in advancing the relationships between the institution and the two collective bargaining groups (faculty and classified staff) that are integral to the success of the College's mission and goals.

This is a contracted, exempt management position that reports to the College President.

B SUPERVISORY RESPONSIBILITIES

Yes

C ESSENTIAL FUNCTIONS – DUTIES AND RESPONSIBILITIES

- Develop, recommend and carry out approved personnel/human resources programs in support of the strategic goals identified by the Board of Trustees and the President;
- Review, develop and recommend College policies and procedures and assure consistency/compliance with state and federal regulations; maintain the College's policy Operations Manual and assure of compliance with the Washington Administrative Code;
- Design and execute strategies for the administration and communication of HR law, regulations, and policies as well as industry trends, best practices, and operating guidelines for existing and new developments of the College;
- Serve as the College's primary human resource interface with the Washington State Office of the Attorney General;
- Advise the President and the Board of Trustees, in conjunction with the Assigned Assistant Attorney General, on all personnel

- and legal matters concerning the College;
- Serve as the College's Title IX Coordinator assuming all responsibility for leadership, coordination and oversight of the College's Non-Discrimination & Harassment Policy & Grievance Procedure assuring compliance with Title IX of the Educational Amendments Act of 1972;
- Serve as the Affirmative Action Officer, Public Records Officer, and Appointing Authority for Classified Staff Personnel;
- Serve as the lead member of the CBC negotiation team during contract negotiations and promote effective labor/management relations;
- Work in collaboration with CBC managers, investigate and recommend employee disciplinary action consistent with CBC policies, procedures and appropriate collective bargaining agreement(s);
- Research information to develop and implement Board policies or human resource policies and procedures to guide the daily operations of the College;
- Interact with administrators, supervisors and employees to assess department/division human resource needs including, but not limited to, organizational structures, staffing, configurations and organizational development;
- Responsible for the overall coordination and implementation of programs related to the College's Equal Opportunity and Affirmative Action Program including development of the plan, identification of problem areas and assisting in arriving at solutions, serving as liaison between the College and enforcement agencies and community organizations, and providing training to staff to prevent disparate and/or harassment of employees or students who are members of affected groups;
- Coordinate the administration of all salary programs, including application of the provisions of the faculty negotiated agreement, compliance with the Washington State Department of Personnel Classified Staff Salary Schedule guidelines; implementation of the administrative/exempt compensation plan and administration of the hourly pay program;
- Coordinate all aspects of recruitment activities for academic, administrative and classified positions, including implementation of strategies to achieve affirmative action and diversity objectives and goals;
- Serve on College committees and provide leadership to College committees as may be designated by the President; act as the College's liaison to external agencies and organizations regarding human resource matters (i.e. State Board for Community and Technical Colleges, Washington State Department of Personnel, Department of Labor and Industries, Department of Employment Security, Human Rights Commission and other organizations);
- Lead, participate in, or coordinate projects, committees or task

- forces as assigned by the President;
- Discharge other administrative assignments, as directed by the President; and
- Fulfill other duties as assigned.

Common Duties Established by the College

1. Serve as a member of the designated College committees, councils, and teams; serve on President's Cabinet;
2. Provide leadership in accordance with the Mission, Vision, and Values established by the College, furthering goals and strategic initiatives;
3. Ensure areas of responsibility operate effectively within the policies and procedures of the College and applicable governing agencies;
4. Train, supervise and evaluate employees in accordance with negotiated agreements, applicable state and federal laws, and College policies and procedures; and
5. Work to achieve and support affirmative action goals as established by the College.

D BUDGET
RESPONSIBILITY

Human Resources, Legal Affairs and HR College Support

E COMPETENCIES

- Organizational Strategy – Demonstrated experience aligning and expanding programs based on the organization's mission, structures, and resources.
- Communication – Demonstrated experience creating and maintaining open communications regarding resources, priorities, and expectations. Effective problem-solving skills as well as strong oral and written communication skills.
- Collaboration – Demonstrated experience building and leveraging networks and partnerships to advance the mission, vision, and goals of an institution.
- Budget Management – Demonstrated experience developing and administering operating budgets, preparing financial reports, and ensuring compliance with federal and state regulations.
- Project Management – Demonstrated experience initiating, implementing, and coordinating multiple projects and priorities while meeting timelines.
- Personnel Management – Strong and effective interpersonal skills working with faculty and administration to ensure compliance with state and local policies and procedures.
- Professionalism – Demonstrated courage to take risks, make difficult decisions, and accept responsibility.
- Advocacy – Demonstrated experience working with staff and

student of great diversity in socioeconomic, cultural, and ethnic background, including those with different levels of academic preparation and varying physical and learning abilities.

F QUALIFICATIONS

- Juris Doctorate degree and five (5) years of progressively responsible leadership in the areas of human resources administration, human resources development, policy and program development, labor and employee/faculty relations, benefits, classification collective bargaining, ADA and FMLA requirements, affirmative action strategic human resource planning and supporting a diverse workforce.

Preferred/Desired Education

- Mastery of human resources policies, procedures and regulatory requirements;
- Knowledge of labor relations law and practices, and experience with collective bargaining, contract negotiation and contract administration;
- Strong leadership and coaching skills;
- The ability to balance strategic focus with operational perspective (articulate vision, execute strategic initiatives, and manage the operations of College HR team);
- Excellent communication skills; written, verbal, presentation, and interpersonal;
- The ability to manage a multicultural workforce;
- Experience in public and/or academic environments;
- Familiarity with academic, community college or university institutions.

Special Requirements/Conditions of Employment

- Washington State Bar License

G PHYSICAL REQUIREMENTS

- Occasional need to lift at least 20 pounds;
- Ability to sit and stand for long periods of time;
- Frequent need for oral, written and auditory communication;
- Frequent repetitive hand and wrist motions;
- Occasional need for travel;
- Ability to work in fast paced and sometimes stressful services environment.

H WORKING CONDITIONS

Work week is Monday – Friday, 7:30 a.m. – 4:30 p.m. however working hours will vary due to work demands and changes in the College’s schedule. Some evening and weekend work is to be expected.

JOB DESCRIPTION

Employee Name:
 Job Title: Outreach/Retention Specialist for the Bachelors of Science in Cyber Security Program
 Reports to: Associate Dean for Student Retention & Completion
 Exempt/FLSA: Yes
 Prepared Date: April 8, 2016
 Approved Date: April 8, 2016 (newly assigned supervisor)

- A POSITION OBJECTIVES
 The Outreach and Retention Specialist for the Bachelors of Applied Science (BAS) in Cyber Security Program will develop and then implement a recruiting and retention plan to include strategies to attract a diverse pool of student candidates, coordinate and provide assistance to enrolled students, and monitor student progress toward completion. The Outreach and Retention Specialist will report to the Associate Dean for Student Retention & Completion.

- B SUPERVISORY RESPONSIBILITIES
 N/A

- C ESSENTIAL FUNCTIONS –DUTIES AND RESPONSIBILITIES
 - Assist the Dean and other Columbia Basin College faculty and staff in implementing the Cyber Security Bachelor Program goals and objectives;
 - Develop strategies to recruit, enroll, retain and graduate students in Bachelor Program and collaborate with existing College departments such as Outreach and Student Success & Engagement in these efforts;
 - Collaborate with other campus BAS program staff to support shared marketing, outreach, recruitment, and retention processes and advising programs;
 - Assist in the oversight of the Program application process, student handbook, and recruiting materials in both printed and electronic formats;
 - Conduct informational sessions on the Program in the community, the College and organizational settings and ensure effective handling of inquiries concerning prerequisites, curriculum, enrollment procedures, transferability of previous coursework, and/or College services from prospective students online, by phone, at events, or in-person;
 - Develop and implement an orientation, as well as other student activities/offerings to support and retain students;
 - Implement tutoring and other support offerings to assist the special needs of the Bachelor adult-student population;
 - Coordinate with Student Services to ensure Cyber Security students receive services and resources to support their continued enrollment as well as specialized services germane to the Program;

- Develop and implement an advising model that assists students in designing and revising educational plans, as necessary, to meet their individual goals;
- Monitor student academic progress and implement student success workshops or other support offerings to maximize cohort retention;
- Recommend BAS in Cyber Security courses and other general education course scheduling;
- Collaborate with Instructional Support to support faculty efforts in utilizing appropriate eLearning technology, establishing Bachelor Program smart classrooms, and supporting faculty efforts to utilize appropriate eLearning technology;
- Maintain accurate records for reporting purposes, assessment activities and ensure accurate student coding;
- Provide other support as needed to the Dean for activities such as assessment, curriculum development, and accreditation; and
- Other duties as assigned.

D BUDGET
RESPONSIBILITY

None

E COMPETENCIES

Project Management: Develop project plans; coordinate projects; communicate change and progress; complete projects on time and budget; and manage project team activities.

Teamwork: Balance team and individual responsibilities; exhibit objectivity and openness to other views; give and welcome feedback; contribute to building a positive team spirit; put success of team above own interest; able to build morale and group commitment to goals and objectives; and support everyone's effort to succeed.

Visionary Leadership: Display passion and optimism; inspire respect and trust; mobilize others to fulfill the vision; and provide vision and inspiration to peers and subordinates.

Change Management: Develop workable implementation plans; communicate changes effectively; build commitment and overcome resistance; prepare and support those affected by change; and monitor transition and evaluate results.

Leadership: Exhibit confidence in self and others; inspire and motivate others to perform well; can effectively influence the actions and opinions of others; accept feedback from others; and give appropriate recognition to others.

Quality Management: Look for ways to improve and promote quality; and demonstrate accuracy and thoroughness.

Business Acumen: Understand business implications of decision; display orientation to profitability; demonstrate knowledge of market and competition; and align work with strategic goals.

Cost Consciousness: Work within approved budget; develop and implement cost savings measures; contribute to profits and revenues; conserve organizational resources.

F REQUIRED QUALIFICATIONS

- Bachelor's degree in computer science, education, communications, student development, business administration or related field from an accredited college or university;
- Experience in student recruitment and advising in a college setting;
- Proficient in Microsoft Office; and
- Commitment to diversity and cultural sensitivity with experience in working with diverse populations.

Preferred Qualifications:

- Master's degree in computer science, education, communications, student development, business administration or related field;
- Knowledge and understanding of computer science education;
- Experience in advising, retention and other student support services in a college setting;
- Knowledge about current best practices and research findings relative to student retention programs and services; and
- Instructional experience in a college setting.

G PHYSICAL REQUIREMENTS

- Occasional need to lift at least 20 pounds;
- Ability to sit and stand for long periods of time;
- Frequent need for oral, written and auditory communication;
- Frequent repetitive hand and wrist motions;
- Occasional need for travel;
- Ability to work in fast paced and sometimes stressful services environment.

H WORKING CONDITIONS

Work week is Monday – Thursday, 7:00 a.m. – 4:30 p.m. and Friday 7:00 a.m. - Noon; however working hours may vary due to work demands and some evening and weekend work is expected and will be required.

EXHIBIT 65

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

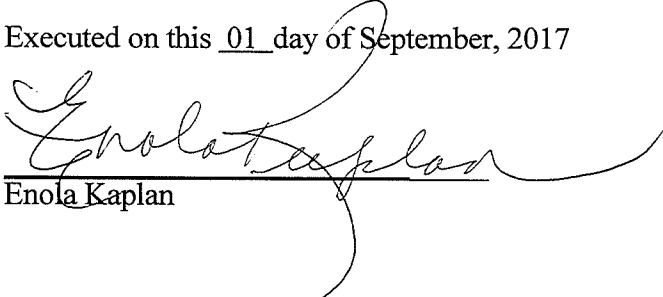
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Pursuant to 28 U.S.C. § 1746(2), I, Enola Kaplan hereby declare as follows:

1. I am over the age of eighteen and competent to testify herein.
2. I am employed at Department of Social and Health Services (DSHS)/ Human Resources Division (HRD). My job title is Human Resource Manager. My job description is to manage the delivery of full scope of human resource services to Lakeland Village/Region 1 DDA Field Services/Region 1 State Operated Living Alternative (SOLA) and Consolidated Support Services (CSS). I am responsible for managing a team of human resource professionals in the delivery of exceptional and valued human resource services to a major area of DSHS.
3. There are at least one (1) employees at DSHS/DDA/Lakeland Village who are recipients of Deferred Action for Childhood Arrivals (DACA).
4. One DACA recipient is employed as an Attendant Counselor 1. That employee's job description is to assist, train, monitor and keep intellectually challenged residents free of abuse/neglect in a homelike setting.
5. DSHS/DDA/Lakeland Village spends time and resources to recruit, hire, train, and supervise employees. When any employee departs, it creates disruption for our agency and costs us time and resources to replace and train that person.
6. The termination of DACA will be disruptive to operations and cause us to expend additional resources.

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

Executed on this 01 day of September, 2017



Enola Kaplan


EXHIBIT 66

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DSU immigrant students fear Trump's DACA decision

Scott Goss, The News Journal Published 8:00 a.m. ET Sept. 2, 2017 | Updated 12:58 p.m. ET Sept. 2, 2017



(Photo: William Bretzger, The News Journal)

Tania Hernandez Orozco has been dreading Sept. 5 for months.

"I marked it on my calendar, but I've tried not to think about it too hard," the 19-year-old said. "I have no control over what happens, and that might be the scariest part."

A freshman at Delaware State University, she is among [800,000 people who could face deportation \(/story/news/nation/2017/09/01/daca-immigrants-terrified-president-trump-decides-their-fate/625619001/\)](#) if President Donald Trump phases out a federal program that protects undocumented immigrants brought to the United States as children.

Those young people are currently protected from deportation under the [Deferred Action for Childhood Arrivals program \(/story/news/politics/2017/09/01/daca-undocumented-immigrants-protections/624678001/\)](#) created in 2012 by the Obama administration.

Many Republicans are vehemently opposed to DACA and characterize the program as an overreach by the former president. [GOP leaders have told Trump they plan to sue \(/story/news/politics/texlege/2017/06/29/texas-threatens-trump-administration-lawsuit-over-daca-work-permits/440721001/\)](#) if he does not announce an end to the program by Tuesday.

"We are a country of immigration but, more importantly, legal immigration," said Sussex County Councilman Rob Arlett, who chaired Trump's Delaware campaign. "These undocumented children are a big financial burden on taxpayers, and I think there are better ways to address these kids."

RELATED: [Carney calls Trump's offshore drilling plan 'counter-productive' \(/story/news/politics/2017/08/22/carney-calls-trumps-offshore-drilling-plan-counter-productive/591509001/\)](#)

RELATED: [Immigration fears steer some Delawareans to avoid health care, social services \(/story/opinion/contributors/2017/04/04/immigration-fears-steer-some-delawareans-avoid-health-care-and-social-services/100034054/\)](#)

The DACA program does not offer blanket protections and is not a path to citizenship. People must apply to be covered by the program, which is available only to those who came to the U.S. before 2007 and were 15 or younger when they arrived. DACA recipients also must have a clean criminal record.

The Migration Policy Institute estimates there are 1.9 million young immigrants in the U.S. eligible to apply for DACA. But many have not sought the program's protections, fearing what might happen if they reveal themselves to the federal government.



Maria Fernanda Lima (seated) and Tania Hernandez Orozco are both Delaware State University students who would be impacted by any changes to DACA, the Deferred Action for Childhood Arrivals program. (Photo: William Bretzger, The News Journal)

"My family and I thought about it a lot, did the research and decided it was better than the alternative," said 6, a nursing student at DSU whose mother brought her to the U.S. from Brazil when she was 4.

"DACA opened everything up for me because it meant I could find a job and get a driver's license without worrying about going to jail or worse," she said. "But it was scary to announce myself to the government, and it still is considering what's happening now."

RELATED: [What is DACA and why might Trump end it? \(/story/news/politics/2017/09/01/daca-undocumented-immigrants-protections/624678001/\)](http://www.delawareonline.com/story/news/politics/2017/09/01/daca-undocumented-immigrants-protections/624678001/)

Fernanda Lima and Hernandez Orozco are among about 75 DACA recipients at DSU thanks to a full scholarship provided by [TheDream](http://www.thedream.us/). (<http://www.thedream.us/>)US (<http://www.thedream.us/>), a privately endowed fund started by Don Graham, the former publisher of the Washington Post, and a small group of philanthropists. DSU is one of only five universities and colleges in the nation to partner with the group.

[The first group of 34 DACA recipients \(/story/news/education/2016/10/09/what-s-like-dreamer-dsu/91674394/\)](http://www.delawareonline.com/story/news/education/2016/10/09/what-s-like-dreamer-dsu/91674394/) who attended the school last year posted a cumulative grade-point average of 3.7, said DSU spokesman Carlos Holmes.

"These are the kinds of students we want," he said. "They do not take their education and the opportunity they've been given for granted."

Hernandez Orozco was 6 years old when her father brought her and her younger brother across the border from Mexico, a multiday journey that began after they finished trick-or-treating on Halloween in 2004.

The family settled in South Carolina, where Hernandez Orozco graduated with honors while working at a Sonic Drive-In, a job she landed after being accepted to DACA.

Fernanda Lima grew up in Georgia after her mother brought her and her older sister to the U.S. on a travel visa and then never returned.

"She had been assaulted and robbed twice in San Paulo, where we are from," she said. "She didn't want us to experience anything like that. And while being undocumented in the U.S. makes life difficult, at least we know we are safe."

Both women said they are fearful their dreams of finding the better life their parents hoped for could end after Labor Day.

"It's a concern I've been dealing with since my parents brought me here," Hernandez Orozco said. "I never knew if they would still be home when I got back from school or if immigration was going to come to school for me. Now I still don't know if I'll be able to stay in school or even the country."

Delaware's congressional delegation has publicly urged Trump to keep DACA in place, arguing that many of the young immigrants have never known any other home and did not choose to come here illegally.

[Hundreds of governors, state attorneys general \(/story/news/world/2017/08/30/1-850-u-s-leaders-trump-dont-kill-dreamer-protection-program/615653001/\)](http://www.delawareonline.com/story/news/world/2017/08/30/1-850-u-s-leaders-trump-dont-kill-dreamer-protection-program/615653001/), [business leaders \(/story/tech/2017/08/31/tech-industry-prepares-new-trump-fight-over-daca-dreamer-protection-program/622897001/\)](http://www.delawareonline.com/story/tech/2017/08/31/tech-industry-prepares-new-trump-fight-over-daca-dreamer-protection-program/622897001/) and even [some Republican lawmakers \(/story/news/politics/onpolitics/2017/09/01/gop-lawmakers-urge-trump-leave-daca-alone-let-congress-handle-legislation/625169001/\)](http://www.delawareonline.com/story/news/politics/onpolitics/2017/09/01/gop-lawmakers-urge-trump-leave-daca-alone-let-congress-handle-legislation/625169001/) also have called on Trump to leave DACA in place.

The White House says a final decision will not be announced until Tuesday.

Until then, Fernanda Lima and Hernandez Orozco say they are doing their best to focus on what they can control: their school work.

"There's no way to know what's going to happen so I'm trying to stay focused on my higher goal of becoming a neonatal nurse" Fernanda Lima said. "I love the idea of helping babies that don't have the power to fight for themselves."

Contact reporter Scott Goss at (302) 324-2281, sgoss@delawareonline.com or on Twitter @ScottGossDel.

Read or Share this story: <http://www.delawareonline.com/story/news/local/2017/09/02/dsu-immigrant-students-fear-trumps-daca-decision/625740001/>



EXHIBIT 67

2015-2016 Annual Report



Pomerantz
Career Center



MISSION STATEMENT

*Helping Hawkeyes
to become leaders
in their careers and
communities.*

VISION STATEMENT

*To create an engaged,
career-centered
campus that prepares
students for lifelong
professional success.*

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11	Community Involvement	25	2015-2016 Annual Graduate Survey
13	Dual Career Services	28	Fortune 500 Companies





University of Iowa

Fall 2015 Enrollment Report for Undergraduates
 from Tippie College of Business, Colleges of
 Education, Engineering, Liberal Arts and Sciences
 (CLAS), and Nursing: UI Registrar (Fall 2015)

www.registrar.uiowa.edu

	College of Business	College of Education	College of Engineering	College of Liberal Arts & Sciences	College of Nursing
GENDER					
Men	1,439	55	1,982	7,434	31
Women	897	274	695	9,297	758
Transgender	-	-	-	18	-
ORIGIN					
Resident of Iowa	1,074	-	1,311	9,305	505
Non-resident of Iowa	1,262	-	1,366	7,446	306
ETHNICITY					
American Indian or Native Alaskan	2	-	4	24	1
African American	27	3	56	637	5
Hispanic	87	25	141	1,373	28
Asian	54	5	152	638	15
2 or More	38	8	74	471	6
Native Hawaiian or Pacific Islander	2	0	5	13	3
Total Minority	210	41	432	3,156	58
Foreign	383	0	188	2,051	9

STUDENTS WITH DISABILITIES TOTAL: 631

Career Advancement

One of the first career-related decisions students make is regarding their major. Assistance in choosing a major that will start them on a career plan is important. Career Advisors help students with major choices and evaluation of career interests through multiple techniques, including assessments and self-reflection.

Later in a student's college career, interview preparation, networking, personal branding and negotiation may be part of career-related conversations with Career Advisors.

ADVISING

Walk-in sessions and internship/
program/career advising appointments
from Aug 1, 2015-July 15, 2016

PROGRAMS PRESENTED

from Aug 1, 2015-July 15, 2016

5,909

total advising
appointments

8,619

attendees

333

at total programs
presented

3,903

scheduled
appointments
(Career Advisors)

284

programs presented
by Career Advisors
(7,879 attendees)

2,006

walk-in sessions
(Peer Advisors)

49

programs presented
by Peer Advisors
(740 attendees)

Career Advancement

From the Center's exit survey of advisees

99.5% of students reported their primary needs were met during advising or walk-in advising.

99.5% of students would recommend Pomerantz Career Center to a friend.

Most students reported feeling confused or overwhelmed before their appointment and confident or informed following their appointment.



Monica Ahrens

MATHEMATICS, MAY 2016

“I decided late in my sophomore year of college to graduate a year early and pursue graduate school. Being so young put me in a place where I wasn't sure how to navigate the process of applications, resumes and personal statements. Going to the career center and having Jamie help me through this process was such a blessing. I am very thankful to the Career Center for their help.”

Career Advancement

Student Feedback on Career Advising:

"I really like my advisor (Mallory). She is really great. I believe she can help me better my experience at Iowa, and my career seems to look brighter."

"Sara was the best advisor that I have met with at the UI. She was encouraging, kind and really knew what she was talking about. She helped me to find exactly what I was looking for and more. I will definitely recommend her to other students!"

"I feel way better about my career and backup career. Jenny was very helpful!"

"Crystal was a HUGE help in making my resume stronger."



Student Feedback on Peer Advisors:

"Megan and Dan were seriously awesome and helped me tremendously! They are the best, and I can't wait to come back and, hopefully, tell them I got the internship I applied for."

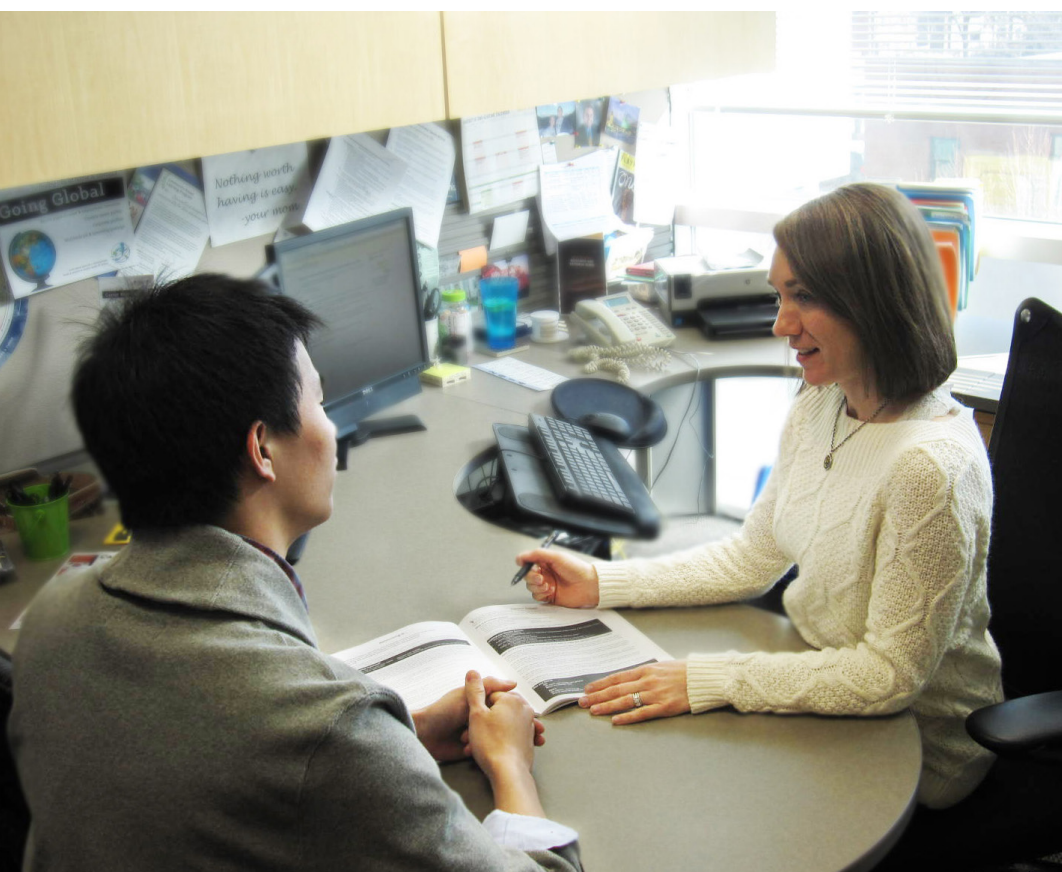
"I was surprised at the quick process I got as a walk-in. I met with someone who helped me right away. Thanks!"

"I think it really helped me a lot for answering my questions about resumes and cover letters and also the application process. I feel more comfortable doing these now."

"I like the walk-in hours provided by the Pomerantz Career Center. This is pretty convenient."

Special Programing and Services

As the needs and career goals of students change, so do the programs offered through the Pomerantz Career Center.



Career Series for International Students:

Each semester, the center does a series of workshops to help students new to the United States and the UI campus to prepare for their job and internship search.

Topics included:

- Competitive Resumes & Cover Letters
- Prepare for the Job & Internship Fair
- Interviewing to Impress
- Job & Internship Search Strategies
- Career Exploration
- Networking & Self-Marketing Skills
- Work Visa Options After Graduation
- Considering and Applying to Grad Schools

Experiential Education

Gaining experience outside of the classroom is essential for the success of students as they look to complement the skills they are gaining in the academic setting. An internship or other experiential opportunity is one of the most important activities students can participate in to prepare for a successful transition to the workplace.

The Pomerantz Career Center offers both for-credit and not-for-credit options (such as a 0-credit internship notation) to students as a way to recognize their experiences.



3,019
Internships recorded
in 2015-2016

2015-2016 Internship Data

Semester	Online Survey	Zero-Credit	PCC Credit	UI Dept.	TOTAL
Fall 2015	46	48	30	881	1,005
Spring 2016	18	86	56	1,004	1,164
Summer 2016	216	151	50	433	850
TOTAL	280	285	136	2,318	3,019

From HireaHawk.com

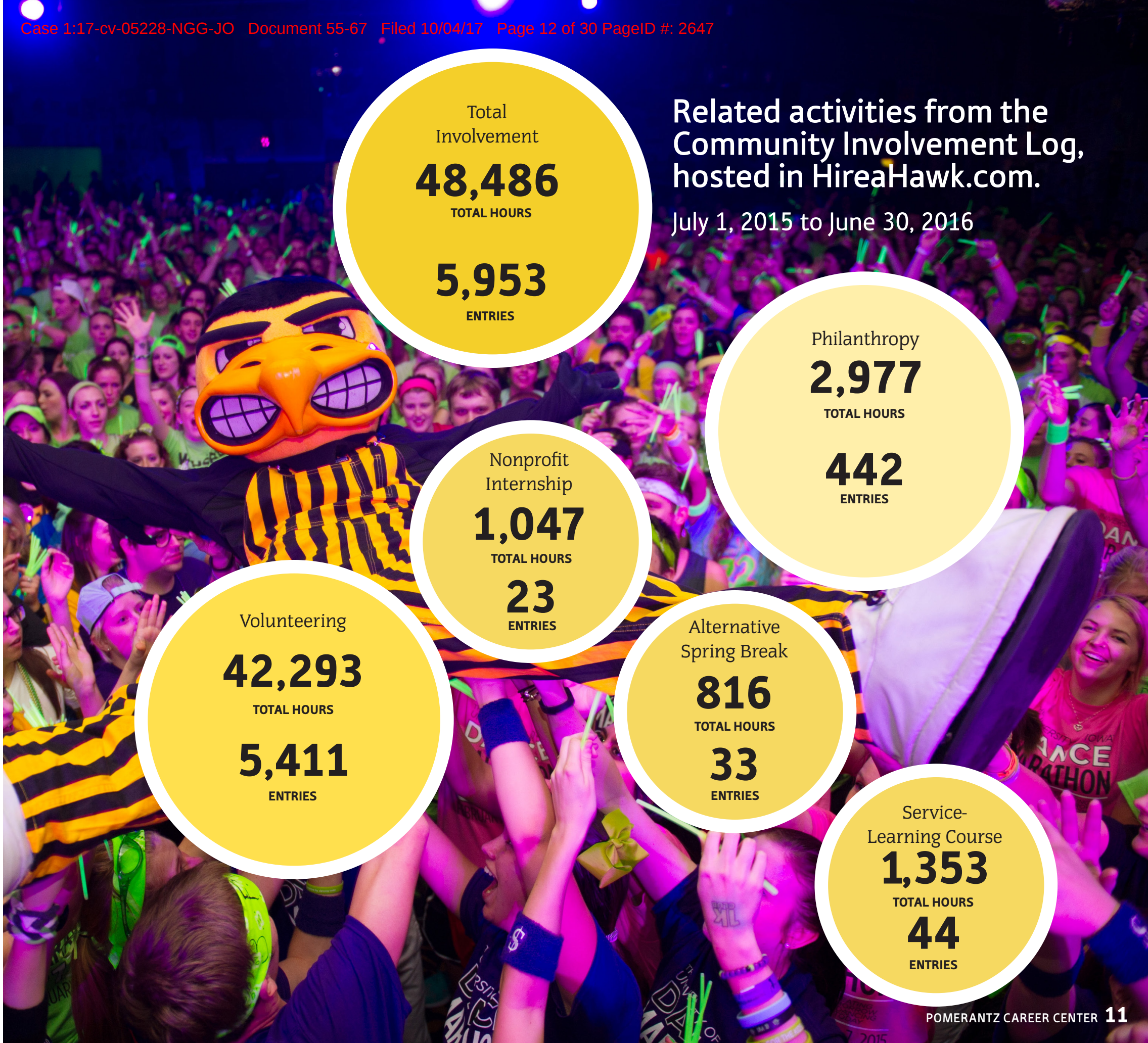
From MyUI

Top
Internship
Sites
2015-2016

ACT	Athletico	City of Coralville	Disney	First National Bank of Iowa	Honkamp Krueger & Co., P.C.
AEGON	Baltimore City Paper	City of Iowa City	District Office of	First Presbyterian Church,	Huawei
Aegon Asset Management	Barracuda Networks	Coalition for the Homeless	Congresswoman Cheri Bustos	Davenport	Northwestern Mutual
AEGON USA Realty Advisors, LLC.	Bayer HealthCare Pharmaceuticals Inc.	Coldwell Banker, Prestige Midwest Realtors	Domestic Violence Intervention Program	Fitness Xpress	Prelude Behavioral Services
Aerotek	BMO Harris Bank	Colgate Palmolive	Dreamfield Venture	Frerichs Law Office	PricewaterhouseCoopers
AgReliant Genetics	brainpup	CollegeFashionista	Dubuque County Attorney	Futurewei Technologies Inc.	Rockwell Collins
All American Concrete, Inc.	Brenda Nations	Colony Brands Inc.	Empowered Fitness	Gender, Women's and Sexuality Studies	RSM
Altoona Campus Kids Klub	Bridgestone Retail Operations, LLC	Communication Studies Student Association	Entertainment Cruises	Genentech	Summer of the Arts
Amazon	Bright Futures Chiropractic/ Bonfire Fitness	Community 1st Credit Union	Ernst & Young LLP	General Electric	Target Stores
American Hotel Register	Burkhart Marketing Associates	Cook Appraisal	ESD Studios	Goldman Sachs	Terry, Lockridge & Dunn
Amphenol AITC	Cadence Design System	Coolfire Studios	ETS	GreatMoods	The Principal Financial Group
Angela Burke	Camp Adventure Youth Services	Country Stampede	Exile Brewing Company	Habitat for Humanity Quad Cities	Transamerica
AOL	Campus Activities Board	Crowd Surf	Farm Bureau	HACAP, Inc.	U.S. Food and Drug Administration
Apple	CCM Think Impact	Crystal Flower Shop, Inc.	Farm Bureau Financial Services	Hawkeye Brokerage Center	UI Hospitals and Clinics
Apple Hill Center for Chamber Music	Chicago Woman Magazine	CUNA Mutual Group	FBL Financial Group, Inc.	Higher Learning Technologies	UI Foundation
AroundCampus Group, The	Circuit Court of Cook County	Delirio Films	Fesler Auto Mall	Hiscox USA	University of Iowa
AT&T		Deloitte LLP	First Bank of the Lake	HNI Corporation	Walmart Pharmacy
			First Congregational Church		

Community Involvement

Beyond the classroom and activities, Hawkeyes are involved in service and service-learning through independent volunteering, structured classroom service and alternative spring break. Students from Iowa make an impact in the immediate area and across the globe through service to those in need.



Related activities from the Community Involvement Log, hosted in HireaHawk.com.

July 1, 2015 to June 30, 2016



Community Involvement

Volunteer and Service Site Examples:

- Better Earth Textile Recycling
- Iowa State Registry for Interpreters for the Deaf
- Ronald McDonald House
- Aurora Health Care Psychiatric Hospital
- Bur Oak Land Trust
- United Action for Youth
- Courage League Sports
- Brain Injury Alliance for Iowa
- Immigrant Rights Network of Iowa
- Four Oaks Family & Children's Services
- Sholom Home
- Midwest Music Therapy
- Des Moines Hospice
- Free Medical Clinic
- Fury Friends Refuge
- Cedar Rapids Community School District



Student Response on their Experiences:

"It is a humbling experience to work with those who are less fortunate. It got me out of the bubble of Iowa City and helped me understand that there are many larger problems in this world than I have imagined."—**AUSTIN**

"I have a better understanding of the difference between cultures and can better communicate with people from different backgrounds. It also strengthened my leadership ability."—**YANNING**

"I learned the importance of working for something greater than yourself. Our environment is not something to take light heartedly. There is a great sense of satisfaction when you are able to improve an area that will last much longer than you will. Knowing that what we created will be there for future students to enjoy gives all of us great satisfaction."—**WILLIAM**

"I learned how to solve problems, effectively communicate to a large audience, and I accomplished my personal goal of giving back to the community."—**ZAREEF**

**TOP 5 MAJORS
RECORDING THE MOST
COMMUNITY
INVOLVEMENT HOURS:**

- Psychology
- Health & Human Physiology
- Communication Studies
- Pre-Business
- Nursing

Dual Career Services

In 2015-16, Dual Career Services (DCS) assisted seven of the 13 colleges and academic units with recruiting and hiring hiring. 48 accompanying partners were assisted with job searches. 22 continued services into 2016.

- The DCS also provided **25** limited-service appointments to individuals who did not meet the criteria for full service.
- **30** employers (including the University of Iowa and the UIHC) in seven cities hired DCS clients, with starting salaries of the successfully hired clients totaling approximately \$1.4 million or an average of \$53,846 per hire.



Staff met with
39
 prospective candidates
 by referral from
 departments for
 information about
 services.

"We always like auditors with experience. We recruited one of our IT auditors as a dual career situation and it has worked out quite well for us."—**TODD, UI INTERNAL AUDITING**

"It was great to meet with you. I appreciated your candid insight and suggestions to help with my future."
 —**DCS CLIENT CR**

"Thank you again for setting aside your time to meet with me last week. I appreciate your input and suggested changes to my resume and will be using that version moving forward. I felt that the information on the resume covered what I have done and am capable of doing."
 —**DCS CLIENT MD**

Academic and Leadership Programs

Pomerantz Career Center is continually looking for ways to offer services in different and innovative ways; one of those ways is through a traditional course setting. More than 1,000 students at the University of Iowa enroll each semester in more than 20 different courses offered through Pomerantz Career Center as well as a certificate in Leadership Studies.

These courses offer students an opportunity to interact with professionals from the community and beyond to learn about career paths and networking. Students take courses under the departments of Leadership Studies (LS) or Career Center Programs (CCP).



Mark Zhu

ART—PHOTOGRAPHY AND FRENCH, MAY 2016 GRADUATE

“The Pomerantz Career Center has been a great asset to me throughout my college years. I always find myself coming here for advice on my resume and cover letters, as well as insights on academic and career choices. Amanda at the Career Center connected me to the Student Life Marketing + Design at the IMU, where I landed a student job as a photographer and have since worked there for 3 years. This job helped me discover my passion for photography and art and has had a great impact on my academic and career paths. During my last year of college, Amanda also guided me through the application process for graduate schools. In the fall of 2016, I will be attending Boston University for MFA in graphic design, and I’m really grateful to the Career Center for their resources and services that helped me achieve this.”

Academic and Leadership Programs

Overall Fall 2015 - Summer 2016 Course Enrollment

Course	F '15	Sp '16	Su '16	Total
Job Search Strategies	29	34	0	63
Career Exploration	77	106	0	183
The Washington Center	2	4	5	11
Communication for the Workplace	26	26	0	52
Office Etiquette	32	22	0	54
Successful Teamwork	30	25	0	55
Suit Camp	28	0	0	28
Social Media for the Job Search	85	86	47	218
Advanced Job Search Skills	36	26	0	62
Moneywise	44	49	34	127
Strengths-Based Leadership	11	10	0	21
Culturally Intelligent Leadership	12	0	0	12
Graduate Admissions 101	33	25	0	58
Perspectives on Leadership	27	20	0	47
Career Leadership Academy Part 1	103	141	22	266
Career Leadership Academy Part 2	54	51	10	115
Leadership Community Seminar	22	0	0	22
Academic Internship	18	34	36	88
Leadership Certificate Internship	4	3	9	16

TOTAL ENROLLMENT 1,498

* Data is from registrations in MAUI

Student Quotes About Courses

"This class is one of the best I've taken so far. It's one of the classes that I wish was a 16-week class, and it's only a 6-week class. I've learned so much not just about teamwork but careers in general. I highly recommend this course to anyone at Iowa."

(SUCCESSFUL TEAMWORK IN THE WORKPLACE)

"I've learned about so many resources in this class. This class would benefit nearly every college student."

(CAREER EXPLORATION)

"I really liked this class, it helped me explore ideas on where I want to go in the future. It also showed me the best ways to look for jobs and interview for jobs as well as being a good working professional once getting a position."

(JOB SEARCH STRATEGIES)

"This course was very informative and I learned a lot. I would recommend this course to anyone because managing personal finances is an essential skill in life."

(MONEY WISE: PERSONAL FINANCE BASICS)

26

students were conferred
the Certificate in
Leadership Studies
during Fall 2015-
Spring 2016

137 students were declared as pursuing the Certificate in Leadership Studies as of Summer 2016.

Academic and Leadership Programs

2015-16 Course Stats

Professional Development Courses:

Upon completing the OFFICE ETIQUETTE FOR THE WORKPLACE course, **98%** of students who took the post-test were able to identify a strategy of how to work effectively with someone of a different generation within a workplace environment.

Upon completing the COMMUNICATION IN THE WORKPLACE course, **93%** of students who took the post-test were able to explain how both verbal and written communication can be interpreted in the workplace.

Social Media for Your Jobs Search:

In the SOCIAL MEDIA FOR YOUR JOB SEARCH course, students' confidence in their ability to build a professional online presence increased from an average of 56% prior to the course to **91%** after completing the course, according to the pre- and post-test.

Strengths-Based Leadership:

In the STRENGTHS-BASED LEADERSHIP course, students' confidence in their understanding of the process of developing strengths increased from an average of 64% prior to the course to **93%** after completing the course, according to the pre- and post-test.

Suit Camp for the Job Search:

Upon completing the SUIT CAMP FOR THE JOB SEARCH course, **95%** of students who took the post-test were able to give examples of effective interviewing and networking techniques.



Career Leadership Academy

When asked, employers continually ask for and recognize the importance of skills that add to the technical skills learned in academic classes. Skills like communication, analytical skills, teamwork and others rise to the top in what employers are seeking. One of the ways students can gain those skills to aid them on campus and beyond is through the Career Leadership Academy, a two-part academic course focused on employment and leadership.



425
students participated,
representing
45 different majors

27%
of participants were
International and
minority students

Top 5 Majors:

- Enterprise Leadership
- Business
- Communication Studies
- Sport and Recreation Management
- Interdepartmental Studies

1,114

—Total Number of CLA Alumni who have completed the entire program since program inception in January 2007



Service Projects and Community Partners Aided in Career Leadership Academy Courses

Fall 2015: Big Brothers Big Sisters, Iowa City Veterans Administration Hospital, Rape Victim Advocacy Program of Iowa City, Iowa City Animal Care and Adoption Center, Ronald McDonald House, Table to Table and Projects for Assistance in Transition from Homelessness (PATH)

Spring 2016: Iowa City's Shelter House, United Action for Youth, Tippie Build – Habitat for Humanity, Johnson County Crisis Center, Ronald McDonald House, and Habitat for Humanity

CLA grads work in hundreds of different fields across the country from Portland, OR, to Boston, MA, and Salt Lake City, UT, to Orlando, FL. They are becoming everything—lawyers, doctors, engineers, teachers, account managers, entrepreneurs, etc.

Sampling of Organizations where CLA Graduates Work

Acquity Group
American Academy of Pediatrics
American Cancer Society
Ameriprise
Anheuser-Busch
Brooksource
ConAgra Foods
Denver Area School District
Google
Hy-Vee

John Deere
Learfield Sports
Merrill Lynch
Northwestern Mutual
Pricewaterhouse Coopers
RAPP China
Rockwell Collins
State Farm
Target
UI Hospitals and Clinics
US Bank
..... and many, many more!

Making Connections

120 Employers have participated in program events with CLA students this year.



Career Leadership Academy

Sample of Learning Outcome Results

- 94%** of students believe they can apply strategies to effectively solve problems
- 96%** of students believe they can help groups work toward a common goal
- 96%** of students believe they can articulate their personal leadership philosophy
- 94%** of students believe they are able to work cooperatively with others
- 90%** of students learned to discuss their transferable skills in an interview setting
- 87.5%** of students felt they could apply their personal brand to anything related to the job search



Most Impactful Thing Learned –Part 1 and 2

“The most impactful thing that I learned was how to take advantage of networking skills. CLA has pushed me and given me more confidence in myself. It helped me embrace my skills and share them with others.”

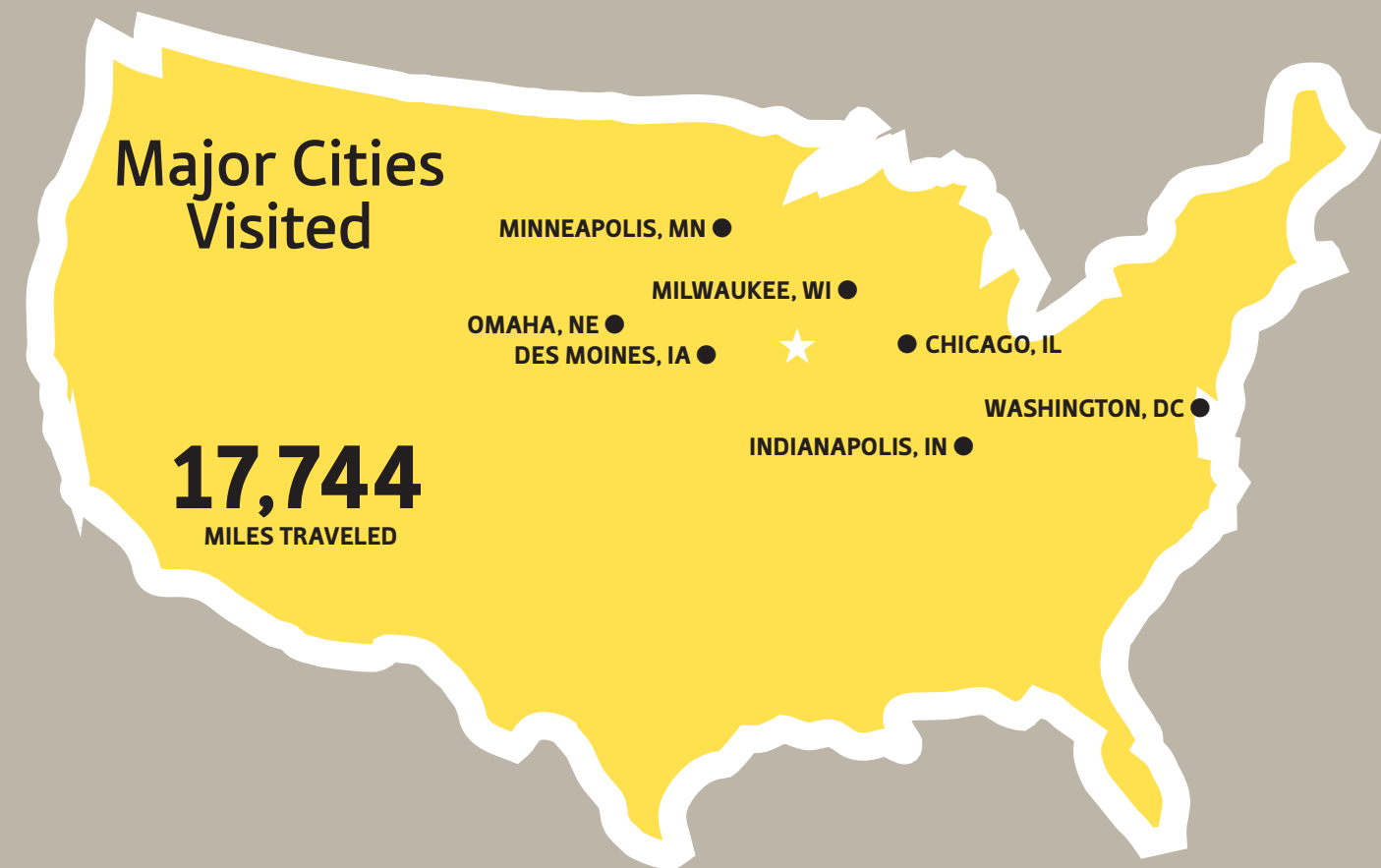
“By giving me an understanding of the many different personality and leadership styles, the different ages and generational gaps that one will encounter in the work world, and topics such as culture, networking and the identification of our own top skills.”

“I think CLA has really taught me who I am as a person. Before the class, I did not have a firm grasp on my strengths, communication style or leadership qualities. Knowing who I am will enable me to effectively apply my skills to real world situations and provide me with the best opportunities to succeed in everything I do.”



Corporate and Community Relations

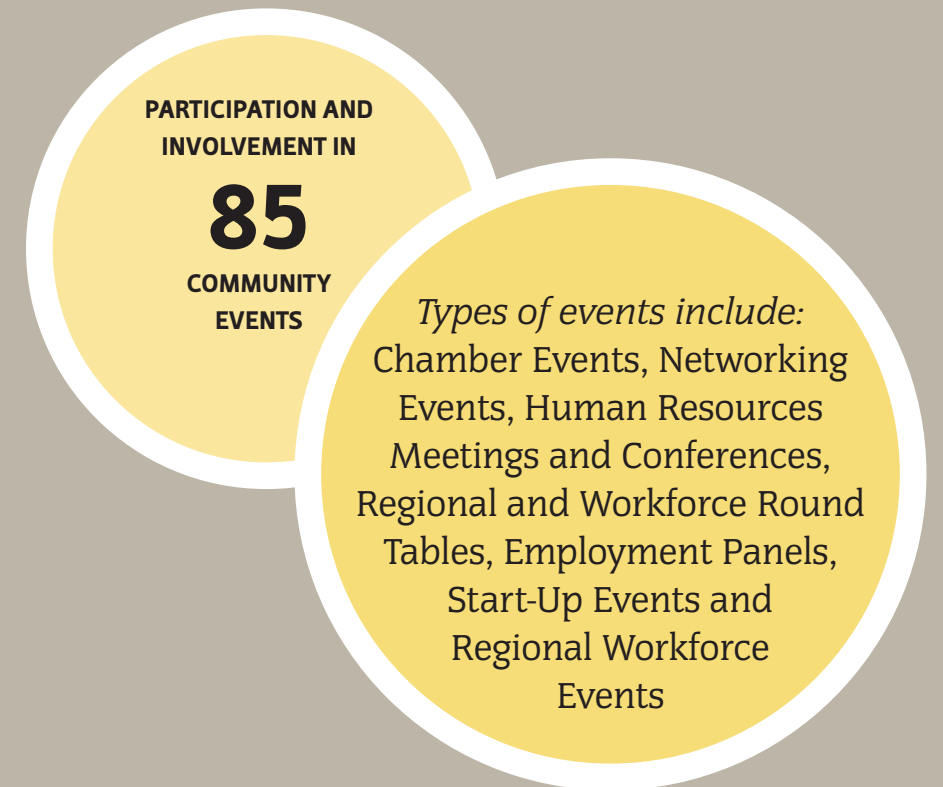
Employer relationships are very important to the Pomerantz Career Center. These relationships allow organizations to find new talent to add to their team while also creating opportunities for Iowa undergraduates. Outreach and consulting to assist in on-campus branding is conducted annually with a range of employers both small and large, from a variety of industries.



Employer Outreach



Community Outreach



Employer Relations and Events

Through on-campus interviews, mock interviews, career fairs and other campus activities, employers and UI students are able to connect and discuss future opportunities.



573
Employers Recruiting
On Campus
(Includes Career Fairs/
On-Campus Interviews/
Events)

2015-2016 On-Campus Recruiting Statistics

4,798

On-Campus Interviews
(Includes Full-time/
Internships/Mock
Interviews and College of
Law interviews)

12,958

Jobs, Internships and
Student Employment
Opportunities
Posted on
HireaHawk.com
(2016)

Employer Relations Program Participants

Organizations that have participated in Career Fairs, On-Campus Interviewing and/or Mock Interviews in 2015-2016 include:

- | | | | | |
|---|--|--|--|---|
| A.Y. McDonald Mfg. Co. | AppleTree Children's Center | BMO Harris Bank | Cerner Corporation | Cottingham & Butler |
| ABF Freight System, Inc. | Applied Predictive Technologies | Boehringer-Ingelheim Vetmedica | Chicago Apartment Finders | COUNTRY Financial |
| Academy for Urban School Leadership | Archdiocese of Dubuque | Briarwood Health Care Center | Chicago Public Schools | Coyote Logistics |
| Academy for Urban School Leadership,
Chicago Teacher Residency | Archer Daniels Midland Company
(ADM) | Bridgestone Retail Operations, LLC | Chicago Twenty Something Inc. | Crawford, Murphy & Tilly, Inc. (CMT) |
| Access Systems, Inc. | Armament Research, Development
and Engineering Center | Brooksource | ChildServe | CRST |
| Ace Hardware Corporation | AroundCampus Group, The | bswift | Chubb | Crystal Equation Corporation |
| ACT | ASC Communication, Inc. | Buckle, Inc. | CIGNA Corporation | CUNA Mutual Group |
| Advanced Technologies Group (ATG) | ASPIRA Inc. of Illinois | Buffalo Wild Wings | Citizens of the World Charter
Schools Kansas City | Davenport Community School
District |
| Aerrotek | Athene USA (Formerly Aviva) | Bunchball | City Year | Dayton Freight Lines |
| Affiliates Management Company | ATS Automation | Burlington Community School
District | CIVCO Medical Solutions | Deloitte LLP |
| Aflac | Bank of America/Merrill Lynch | Businessolver | Clarion Highlander Hotel &
Conference Center | DENSO International America |
| Aflac Global Investors | Bankers Trust | C.H. Robinson | Clear Creek Amana Community
School District | Des Moines Public Schools |
| AFN (Advantage Freight Network) | Barr Engineering Company | Cambrex | Clearwater Analytics | Desert Sands Unified School District |
| Agri-Industrial Plastics Company | BASF | Cambridge Associates | Clifton Larson Allen | Design Engineers |
| AIM Group | Baxalta Incorporated | Cambridge Educational Services | Clinton Community School District | Dick's Sporting Goods |
| Aldi | Bazooka Farmstar | Cambridge Investment Research, Inc. | CNA Insurance | Digital Doc |
| Aldine ISD | berganKDV | Camp Adventure Child and Youth
Services | Cobham Mission Systems | Direct Supply |
| Alliant Energy | Berkley Technology Services | Cargill | College Community School District | DivvyDOSE |
| Allstate Insurance | Berkshire Hathaway Homestate
Companies | Cartograph | College Possible | Dunn Solutions Group |
| ALPLA | Bettendorf Community School
District | Cartwright School District | Colony Brands Inc. | DuPont |
| Alzheimer's Association -
East Central Iowa Chapter | Billion Automotive | Casa Grande Elementary School
District | Columbus Junction Community
School District | Dyadic |
| American International Group (AIG) | Biotest Pharmaceuticals Corp. | Caterpillar Inc. | Community High School District 155 | Dynamite Ag |
| American Junior Golf Association | BITCO | CDW Corporation | ConAgra Foods, Inc. | Eaton Corporation |
| American Marketing & Publishing | BKD, LLP (Formerly Wolf & Co) | CEB | Converge Consulting | Echo Global Logistics & Command
Transportation |
| American Ordnance LLC | Blain's Farm & Fleet | Cedar Rapids Metro | COOK, Inc. | |
| American Trust & Savings Bank | BMM Transportation | Cedar Rapids School District | Cortland Capital Market Services | |
| AmeriCorps NCCC | | Centerville School District | COTG, a Xerox Company | |
| Andersen Corporation | | Centro, Inc. | | |
| Aon | | | | |
| Apex Systems | | | | |

Continued >>



Employer Relations and Events

Employer Relations Program Participants CONTINUED

- | | | | | | | |
|---------------------------------------|-------------------------------------|---------------------------------------|-------------------------------------|------------------------------------|--------------------------------------|---------------------------------------|
| Edgewood Chemical Biological Center | Frontier Natural Products | Hanley, Flight & Zimmerman | Iowa City Regina | LattaHarris LLP | Menards, Inc. | Northern Natural Gas |
| Egen Solutions | FTI Consulting | Hawkeye Brokerage Center | Iowa County Engineer's Association | Laurel-Concord-Coleridge Schools | Mercy Hospital | Northern Trust |
| EKS&H | | HawkeyePedershaab | Iowa Department of Corrections | Lee Enterprises | Merritt Research Services, LLC | Northwestern Mutual - The Effner |
| Eldorado Trading Group | | Hawthorne Direct | Iowa Department of Public Safety | Leepfrog Technologies | MetaCommunications | Financial Group |
| EleMech | Galapagos Charter Schools | HB Fuller | Iowa Department of Transportation | Legal and General Investment | MetLife Chicago | Northwestern Mutual - The Goris |
| Elite Satellite | Gallup | HBK Engineering, LLC | Iowa Division Banking | Management America | MHC Kenworth | Group Chicago |
| EMC Insurance Companies | Geater Machining and Manufacturing | HDR Inc. | Iowa Fertilizer Company | Leo Burnett Advertising | Microsoft | Northwestern Mutual- Des Moines |
| Emerson Process Management/Fisher | GEICO | Henderson Products, Inc. | Iowa Insurance Division | Levi, Ray & Shoup, Inc. | MicroVention | Northwestern Mutual Financial |
| English Valley Community School | General Electric | Herzog Technologies, Inc. | Iowa Mutual Insurance Company | Liberty Public Schools | MidAmerican Energy | Network - The Zach Group |
| District | General Mills-MN | Hillphoenix Specialty Products | Iowa Natural Heritage Foundation | LightEdge Solutions | Midwest Growth Properties - | Norwalk |
| Enterprise Rent A Car - Heartland and | Genova Technologies | Hills Bank and Trust Company | Iowa School for the Deaf/Iowa | LimoLink, Inc. | Hawkinsons | Nucor Buildings Group (American |
| Chicago | Gerdau | Hirschbach Motor Lines | Educational Services for the Blind | Lincoln Financial Group | Midwest Professional Staffing | Buildings Company) |
| Entertainment Cruises | Gilbane Building Company | HNI Corporation | and Visually Impaired | Lincoln Public Schools | Millang Financial Group | NXT Team |
| Epic | Girl Scouts of Eastern Iowa and | Holmes Murphy & Associates | Iowa Solutions | Linn-Mar Community School District | Milliman | |
| Ernst & Young | Western Illinois | Honkamp, Krueger, & Co | Iowa Valley School District | Load Delivered Logistics | Minneapolis Financial Group | Office of the Iowa Secretary of State |
| ESCO Group | Glendale Elementary School District | Hoopis Financial Group, a general | | Lockton Companies | Minneapolis Police Department | Office Team |
| Ethos Group | #40 | agency of MassMutual | J.H. Findorff.com | Lower Kuskokwin School District | MMS Consultants, Inc. | Old Brick |
| | Glenwood Community School District | Hormel Foods Corporation | Jewel-Osco | LWBJ | Modern Woodmen of America | Oliver Wyman Actuarial Consulting LLC |
| FactSet Research Systems | GNP Company | Houston Independent School District | John Deere | Maine TWP High School District 207 | MODUS Engineering | Omaha Public Schools |
| Fast Enterprises | GoDaddy | HR Green | Johnson Controls Inc. | Manhard Consulting | Moline | Omnivista Solutions, Inc. |
| Fastenal Company | Goldman Sachs | Hy-Vee, Inc. | Joliet Township High School | Manor Hall International School | Momentum Staffing Group | Oracle |
| Federal Bureau of Investigation | Goodwill of the Heartland | | | Marco, Inc. | Monsanto | OSO USMC |
| Federal Deposit Insurance | Google | IAC Group | Kansas Department of Transportation | Marion Independent School District | Motorola Solutions, Inc. | Otis Elevator Company |
| Corporation (FDIC) | Gordmans | IBM | Katecho | Marion Process Solutions | Mount Vernon Community School | Ottumwa Community Schools |
| Federal Home Loan Bank of Des | Graco Inc. | ICONIQ Capital | Kenilworth Science & Technology | Marriott International | District | Owatonna Public Schools |
| Moines | Grantek Systems Integration | IDNR Dam Safety Program | School | Marsh and Mercer | MSA Professional Services | |
| Federal Mogul Corporation | Grassroots Campaigns | IDx LLC | Kent Corporation | Marshalltown Company | MSDSonline | Palmer Group |
| Federated Mutual Insurance Company | GreatAmerica Financial Services | iHeartMedia | Kern High School District | Mason City Community Schools | Mt. Pleasant School District | Pariveda Solutions |
| Fehr Graham | Greater Cedar Valley Alliance & | IIW, P.C. | Kforce, Inc. | District | Muscatine Community School District | Parker Hannifin Corporation |
| Fidelity & Guaranty Life | Chamber | IMPACT | Kiesling Associates | Mass Markets (formerly TMOne and | Musco Sports Lighting, LLC | Parker Unified School District |
| Fidelity Investments | Greater Des Moines Partnership | Innomatix LLC | Kildeer District 96 | ERC) | Mutual Of Omaha Financial Advisors - | Pasadena Public Schools (Texas) |
| First National Bank of Omaha | Corporation | Innovative Software Engineering | Kimberly Clarke | Iowa City, IA | | PCT Engineered Systems |
| Fleet Feet Sports | Green Iowa AmeriCorps | Insight Global, Inc. | KJWW Engineering Consultants | Maurice Sporting Goods | Nanomedrix | Peace Corps |
| FM Global | Grinnell Mutual Reinsurance Company | Integrated DNA Technologies | Kohl's Department Stores | MB Financial Bank | Nationwide Insurance | Pearson |
| FoodCorps | GROWMARK | International Paper, Cedar River Mill | Kohler Co. | McAdam Financial Group | Neogen | Pella Corporation |
| Foth & Van Dyke LLC | Guardian Industries | Iowa 80 Group | KONE | McClure Engineering | New York Life Insurance Company | Penske Truck Leasing |
| Fountain Fort-Carson School District | | Iowa Army National Guard | KPMG LLP | McGrath Automotive Group | NextEra Energy | Pepsico |
| #8 | Hach Company | Iowa Bankers Association | Kum & Go | McGraw-Hill Education | NISC | Pixar Animation Studios |
| Fresh Thyme Farmers Markets | Hall & Hall Engineers, Inc. | Iowa Board of Educational Examiners | Kunkel & Associates, Inc. | Mead Johnson Nutrition | Noble Network of Charter Schools | |
| Frontier Co-op | Hampton, Lenzini and Renwick Inc. | Iowa City Community School District | Kwik Trip, Inc. | Mediacom | North Scott Community School | |
| | | | | Medirew | District | |
| | | | | Medix Staffing Solutions, Inc. | | |

Continued >>

Employer Relations and Events

Employer Relations Program Participants CONTINUED

- | | | | |
|---|---|---|--|
| Pleasant Valley Community School District | Sequel Youth & Family Services | Tinker Air Force Base Civilian Employment | Vascular Solutions, Inc. |
| PLS Logistics Services | Shasta QA | Tippee Full-Time MBA | Verizon Wireless |
| PMX Industries | Shaw Industries | TMC Transportation | Vermeer Manufacturing Company |
| Pollution Prevention Services | Shearer's Snacks | Total Quality Logistics (TQL) | Vibrant Credit Union (formerly Deere Employees Credit Union) |
| Price Industrial Electric, Inc. | Sherwin-Williams Company | Townsquare Media | VIDA Diagnostics, Inc. |
| PricewaterhouseCoopers (PWC) | Shive-Hattery | Transamerica | Viking Pump |
| Primerica | Shoemaker & Haaland | Trapeze Group | Vizient |
| Principal Financial Group | Siemens Product Lifecycle Management Software Inc. | Travelers Companies, Inc., | Von Maur |
| Principal Financial Group - Iowa City | Snyder & Associates | Trinity Consultants | Voya |
| Produce Iowa | Sogeti USA | Trinity Industries | |
| Produce Pro Software | Solar Plastics, Inc. | TRISTAR Insurance Group | Wabtec Railway Electronics |
| Proven Business Systems | Sonoma Partners | TrueNorth Companies | Walgreens |
| Prudential | Source Allies, Inc. | Trunk Company | Walmart Stores Inc. |
| | Southeast Polk Community School District | | Washington Elementary School District |
| QCI | Southwestern Advantage | U.S. Bank | Waterloo Community School District |
| | Stanley Consultants | U.S. Xpress Logistics | Waukegan Community Unit School District No. 60 |
| R.S. Stover Company | State Farm Insurance Companies | UI Center for Biocatalysis and Bioprocessing | Wells Enterprises |
| Raining Rose | State of Iowa | UI College of Education | Wells Fargo - Community Banking |
| Ralston Public Schools | State Street | UI College of Law | Wells Fargo Consumer Lending Group |
| Real Capital Markets | Statistics & Control, Inc. | UI College of Medicine | Wells Fargo Home Mortgage |
| Real Estate Research Corporation | Stepan Company | UI College of Public Health | Werner Enterprises |
| Red Star Yeast Company | Strand Associates, Inc. | UI Graduate College | West Bend |
| Renaissance Financial | Summer of the Arts | UI Museum of Natural History | West Des Moines Community School District |
| Renewable Energy Group, Inc. | SWWC Service Cooperative | UI School of Urban and Regional Planning | West Liberty Community School District |
| RFA Engineering | Synergy Associates | UI Study Abroad Internships | West Liberty Foods, LLC |
| RGA Reinsurance Company | | UICCU | Whirlpool Corporation - Amana Division |
| Rialto Unified School District | Tanager Place | Uline | White Bear Lake Area Schools |
| Rite-Hite Corporation | Target (Stores and Distribution) | Union Pacific Railroad | Wichita Public Schools |
| Robert Half International/Accountemps | Target Corporation (HQ) | United Fire Group | Widefield School District 3 |
| Rock Island Community School District | Tata Consultancy Services | United Rentals | Willett, Hofmann & Associates, Inc. |
| Rockwell Automation | Tate & Lyle | United States Liability Insurance Group | William Blair |
| Rockwell Collins | TaxACT | UnitedHealth Group | Williamsburg School District |
| Roth & Company PC | Teach for America | Universal Industries, Inc. | Willis Towers Watson |
| RSM (Formerly McGladrey) | Team Staffing Solutions | University of Chicago | Workiva |
| RTM Engineering Consultants | TekSystems | UNO Charter School Network | |
| RTP COMPANY | Telepharm | Urban Teachers | |
| Ruffalo Noel Levitz | Telligen | US Air Force | |
| Rush University Medical Center | Terex Corporation | US Army | |
| | Textura Corporation | US Army Chaplain Corps | |
| | The Buckle | US Army Corps of Engineers Rock Island District | |
| Sabljak Raether Hogerton, Milwaukee | The Burke Group | US Army Corps of Engineers, Omaha District | |
| Safelite Group | The Gazette | US Army Healthcare | |
| Sammons Financial Group | The IMT Group | US Department of State | |
| Sam's Club | The Kraft Heinz Company | US Marine Corps Officer Programs | |
| San Antonio ISD | The LaSalle Network | US Navy | |
| SantosHuman, Inc. | The Procter & Gamble Company | | |
| Saydel Community School District | The Washington Center for Internships and Academic Seminars | | |
| Scheider Electric | The Whiting-Turner Contracting Company | | |
| Schumacher Elevator Company | Thomas L. Cardella & Associates | | |
| Scientific Games Interactive | Thrivent Financial | | |
| Securian | | | |
| Sedgwick | | | |
| Sentry Insurance | | | |



Lauren Bannon

FINANCE AND MARKETING, MAY 2016 GRADUATE

“Mock interviews and the career fair were crucial to my internship and full-time opportunities. The Career Center is a great go-to place, but even cooler is that they come to you. Sara Burden and other advisors have presented to various classes and orgs I’m involved with, and each time, I learn something new about the job/internship search. Without their expertise and aid, I and many other students would not have the same professional polish the University of Iowa and Tippie College of Business prides themselves on.”

Over
1,000
more positions
were posted in
2016 thank 2015 in
HireaHawk.com



Employer Relations and Events

Student comments:

"The Fair was a great opportunity. Everyone should go at least once."

"The Fair felt laid back and the recruiters were welcoming and friendly."

"The Fair provides a good learning experience for students and the ability to have face time with companies you may otherwise not be able to contact."

"It's very informative and exciting to consider all of the post-college opportunities available to UI students."

"I liked the variety of employers. The atmosphere was very professional, and it was a great experience."

Career Fairs

Fall 2015-Spring 2016

Diversity Networking Event

—Wednesday, September 23

52 students attended

33 employers participated

Fall Job & Internship Fair

—Thursday, September 24

1,494 students attended

180 employers registered

Actuary Science, Insurance & Risk Management Career Fair

—Wednesday, September 30

121 students attended

40 employers participated

Spring Job & Internship Fair

—Wednesday, February 24

1,038 students attended

167 employers registered

Educator Fair

—Friday, April 1

129 students attended

58 districts registered



Courtney Warren

ELEMENTARY EDUCATION, MAY 2016 GRADUATE

"The Pomerantz Career Center at the University of Iowa helps prepare students for life after college unlike any other school in Iowa. With the help of Melissa, my resume was concise, organized and professional. As a result, I was offered an interview, and later a career, with a school district who only saw "me" on paper. I strongly encourage all UI students to take full advantage of the many resources, support and advice offered through the Pomerantz Career Center to make the transition from college to adulthood a smooth one."



Annual Graduate Survey

The Pomerantz Career Center contacts the recent graduates of five undergraduate colleges of The University of Iowa: Tippie College of Business, College of Liberal Arts & Sciences, College of Education, College of Engineering and College of Nursing. The graduates have an opportunity to complete the survey on the web or through a call center representative upon graduation.

Alumni provide several key pieces of outcome information about their employment status. The outcome information tells whether they are:

- Employed and the industry, employer, job title, location and salary
- Continuing education and the level and location
- Not seeking employment and the reason
- Still seeking employment

Annual Graduate Survey

The University of Iowa First Destination Survey Results:

Fall 2015—Summer 2016

Collected by Pomerantz Career Center

Overall First Destination: Undergraduates

These are the results for 3,370 UI graduates out of 4,584 graduates during the period from Fall 2015 through Summer 2016 for the College of Liberal Arts & Sciences, College of Business, College of Engineering, College of Nursing and College of Education.

UNDERGRADUATE STUDENTS	SUCCESS RATE	SEEKING
F/P Employment (2,423/3,370)	71.9%	
Continuing Education (666/3,370)	19.7%	
Not Seeking Employment (99/3,370)	2.9%	
Seeking Employment (182/3,370)		5.4%
Total†	94.6%	5.4%

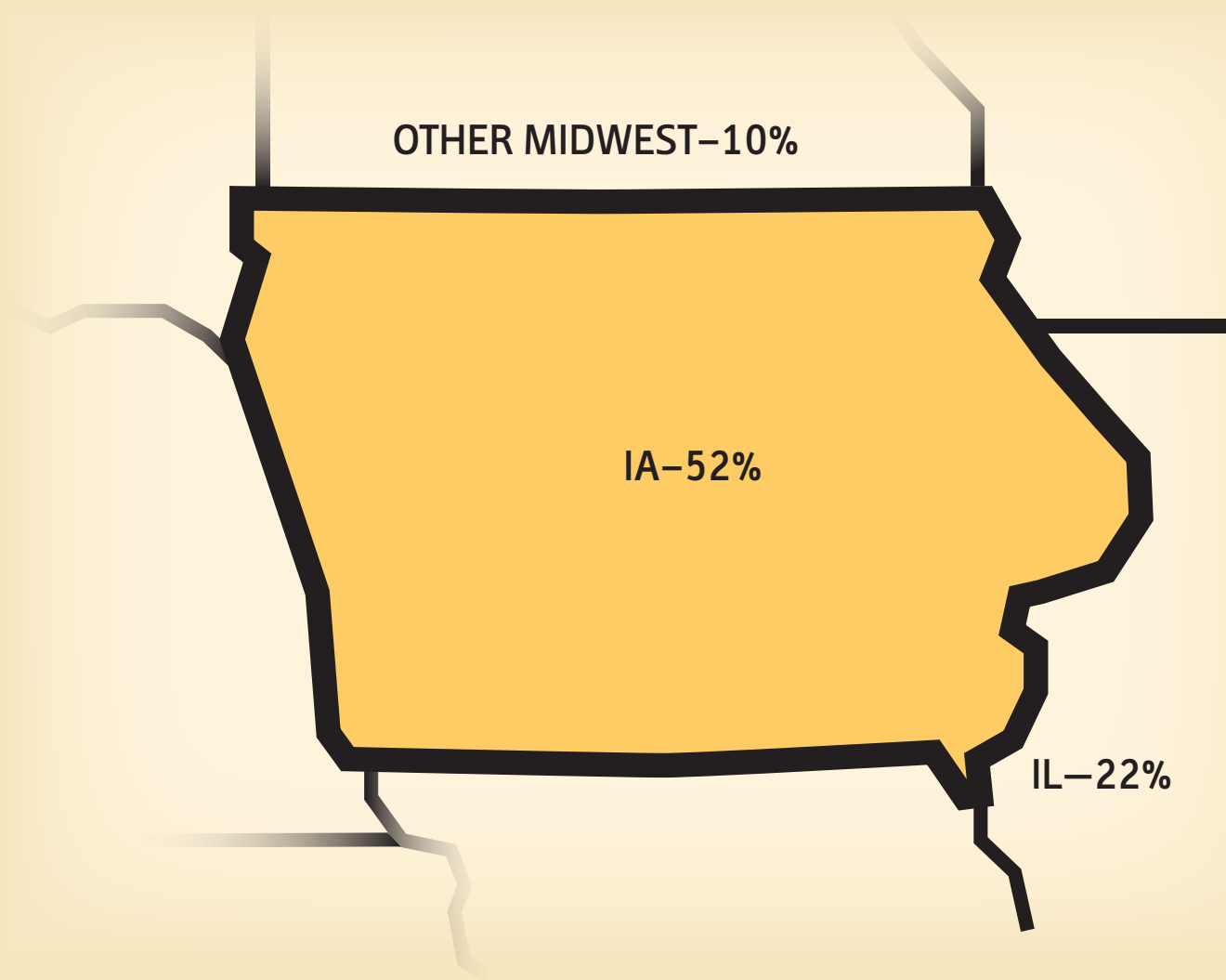
AVERAGE SALARY = \$45,430

MEDIAN SALARY = \$44,000

† Total may not add up to 100% due to rounding off; College of Nursing and Education does not graduate students in summer semester.

JOB OFFERS ACCEPTED BY GEOGRAPHIC LOCATION

States/Regions for reporting 2,247 UI Graduates Employed



- Iowa—**52%**
- Illinois—**22%**
- Other Midwest: Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin—**10%**
- **MIDWEST REGION TOTAL —83.0%**
- East—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont—**2%**
- West—Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming—**3%**
- Southwest—Arizona, Colorado, New Mexico, Oklahoma, Texas—**4%**
- South: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia—**3%**
- International (All other countries, including US territories, other than the US & D.C.)—**2%**
- Unknown (No country reported)—**2%**

Annual Graduate Survey

Tippie College of Business:

The response rate for the Tippie College of Business was 663 out of 840 graduates.

UNDERGRADUATE STUDENTS	SUCCESS RATE	SEEKING
F/P Employment (555/663)	83.7%	
Continuing Education (77/663)	11.6%	
Not Seeking Employment (13/663)	1.9%	
Seeking Employment (18/663)		2.7%
Total†	97.3%	2.7%

AVERAGE SALARY = \$48,447

MEDIAN SALARY = \$49,000



College of Education:

The response rate for College of Education was 140 out of 174 graduates.

Note: Those students who are counted as graduates from the College of Education are in turn recommended by the College of Education for teaching licensure in their respective state and receive their degree through the College of Liberal Arts & Sciences.

UNDERGRADUATE STUDENTS	SUCCESS RATE	SEEKING
F/P Employment (117/140)	83.6%	
Continuing Education (7/140)	5%	
Not Seeking Employment (3/140)	2.1%	
Seeking Employment (13/140)		9.3%
Total†	90.7%	9.3%

AVERAGE SALARY = \$39,486

MEDIAN SALARY = \$38,590

College of Engineering:

The response rate for College of Engineering was 286 out of 373 graduates.

UNDERGRADUATE STUDENTS	SUCCESS RATE	SEEKING
F/P Employment (219/286)	76.6%	
Continuing Education (47/286)	16.4%	
Not Seeking Employment (2/286)	.7%	
Seeking Employment (18/286)		6.3%
Total†	93.7%	6.3%

AVERAGE SALARY = \$60,503

MEDIAN SALARY = \$60,000

† Total may not add up to 100% due to rounding off; College of Nursing and Education does not graduate students in summer semester.



Annual Graduate Survey

College of Liberal Arts & Sciences:

The response rate for College of Liberal Arts & Sciences was 2,112 out of 3,011 graduates.

UNDERGRADUATE STUDENTS	SUCCESS RATE	SEEKING
F/P Employment (1,372/2,112)	65%	
Continuing Education (529/2,112)	25%	
Not Seeking Employment (80/2,112)	3.8%	
Seeking Employment (131/2,112)		6.2%
Total†	93.8%	6.2%

AVERAGE SALARY = \$38,156

MEDIAN SALARY = \$36,000

College of Nursing:

The response rate for College of Nursing was 169 out of 197 graduates.

UNDERGRADUATE STUDENTS	SUCCESS RATE	SEEKING
F/P Employment (160/169)	94.7%	
Continuing Education (6/169)	3.6%	
Not Seeking Employment (1/169)	.6%	
Seeking Employment (2/169)		1.2%
Total†	98.8%	1.2%

AVERAGE SALARY = \$52,752

MEDIAN SALARY = \$52,000



- Abbott Laboratories
- AbbVie
- Aflac Incorporated
- AGCO Corporation
- Alphabet
- Altria Group
- Amazon.com
- Ameriprise Financial
- Anthem
- Aramark
- Archer-Daniels-Midland Company
- Arthur J. Gallagher & Co.
- Bank of America Corporation
- Baxalta Incorporated
- Baxter International
- Best Buy Co.
- C. H. Robinson Worldwide
- Casey's General Stores
- Caterpillar
- CDW Corporation
- CIGNA Corporation
- ConAgra Foods
- Costco Wholesale Corporation
- CVS Health Corporation
- Deere & Company
- Discover Financial Services
- DISH Network Corporation
- Dollar Tree
- EMC Corporation
- FedEx Corporation
- First American Financial Corporation
- General Electric Company
- General Mills
- Genesis Healthcare
- Hormel Foods Corporation
- HP
- J.C. Penney Company
- JPMorgan Chase & Co.
- Kellogg Company
- Kohl's Corporation
- Liberty Mutual Holding Company
- Lockheed Martin Corporation
- Marriott International
- Massachusetts Mutual Life Insurance Company
- McDonald's Corporation
- Monsanto Company
- Motorola Solutions
- Mutual of Omaha Insurance Company
- Nationwide Mutual Insurance Co.
- Navistar International Corporation
- New York Life Insurance Company
- Nordstrom
- Norfolk Southern Corporation
- Northrop Grumman Corporation
- Northwestern Mutual Life Insurance Company
- Oracle Corporation
- Pacific Life
- PepsiCo
- Pfizer
- Principal Financial Group
- Prudential Financial
- Rockwell Automation
- Rockwell Collins
- St. Jude Medical
- Starbucks Corporation
- State Farm Insurance Cos.
- State Street Corporation
- Stryker Corporation
- Supervalu
- Target Corporation
- The Allstate Corporation
- The Goldman Sachs Group
- The Kraft Heinz Company
- The Procter & Gamble Company
- The Sherwin-Williams Company
- The Walt Disney Company
- Thermo Fisher Scientific
- Tyson Foods
- Union Pacific Corporation
- United Continental Holdings
- United Parcel Service
- UnitedHealth Group Incorporated
- US Foods Holding Corp.
- Verizon Communications
- Voya Financial
- W.W. Grainger
- Walgreens Boots Alliance, Inc.
- Wal-Mart Stores
- Wells Fargo & Company



† Total may not add up to 100% due to rounding off; College of Nursing and Education does not graduate students in summer semester.



The University of Iowa
Marvin A. and Rose Lee
Pomerantz Career Center

[Click here](#) to access the
Pomerantz Career Center
Staff

Pomerantz Career Center
100 Pomerantz Center,
Suite C310
Iowa City, Iowa 52242

319-335-1023

www.careers.uiowa.edu

Top Full-Time Hiring Employers 2015-2016

7G Distributing	Cottingham & Butler	Hon	Nationwide Insurance	Target
ACT	Coyote Logistics	Hy-Vee	Neighborhood Centers of Johnson County	TaxAct
Aerotek	Deloitte	IBM	Northwestern Memorial Hospital	TEKsystems
Aflac	Echo Global Logistics	Insight Global	Northwestern Mutual	The University of Iowa
Amazon	Edward Jones	Integrated DNA Technologies	Northwestern University	Toyota Financial Services
AmeriCorps	EKS&H	Iowa City Community School District	Pariveda Solutions	Transamerica
Ann & Robert H. Lurie Children's Hospital	Enterprise Holdings	JET Program	PepsiCo	U.S. Air Force
Bank of America Merrill Lynch	Enterprise Rent-A-Car	John Deere	Principal Financial Group	U.S. Army
Billion Automotive	Epic	Kforce Inc.	PwC	U.S. Bank
BMO Harris Bank	Ernst & Young	Kraft-Heinz	Robert Half	UI Hospitals and Clinics
Bread Garden Market	Fast Enterprises	Lutheran General Hospital	Rockwell Collins	United Airlines
Businessolver	GEICO	Make-A-Wish	RSM	United Fire Group
C.H. Robinson	Genesis Health Systems	Mayo Clinic	Scheels	UnityPoint Health
Cedar Rapids Community School District	Google	Medtronic	Sedgwick	UpRight Law
Cerner	Groupon	Mercy Medical Center	Shive-Hattery	Vanguard
Cigna	Guaranteed Rate	Mercy Medical Center North Iowa	Siemens	VelocityEHS
City of Coralville	hibu	Meredith Corporation	Stryker	Wells Fargo
Clear Creek Amana School District	Hills Bank	MidWestOne Bank	Systems Unlimited	West Liberty Community School District
College Community School District	HNI	Morningstar	Tanager Place	Yelp
	Holmes Murphy & Associates	Muscatine Community School District		

The University of Iowa prohibits discrimination in employment, educational programs, and activities on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference. The University also affirms its commitment to providing equal opportunities and equal access to University facilities. For additional information, contact the Office of Equal Opportunity and Diversity, (319) 335-0705.

EXHIBIT 68

IOWA STATE UNIVERSITY
6-Month Post Graduation Status - Bachelor Recipients
Graduates from Summer 2014/Fall 2014/Spring 2015

COLLEGE	Number of Grads	Respondents	No Response/ Information	Employment					Further Education					Summary Post-Graduation Status						
				Employed ²	Location ⁷				Type	Further Education ⁴	Location ⁷				Type			Placed ⁵	Seeking ⁶	Not Seeking
					In Iowa	Out of Iowa	International	Location Unknown	Professional Employment ³		In Iowa	Out of Iowa	International	Location Unknown	Additional Undergraduate	Graduate School	Professional School			
AgLS in-state¹	793	763	30	658	509	145	4	0	619	85	62	21	2	0	7	50	28	743	14	6
Percent Respondents		96.2%	3.8%	86.2%	77.4%	22.0%	0.6%	0.0%	94.1%	11.1%	72.9%	24.7%	2.4%	0.0%	8.2%	58.8%	32.9%	97.4%	1.8%	0.8%
AgLS out-of-state	192	179	13	129	46	83	0	0	121	39	10	26	3	0	3	27	9	168	4	7
Percent Respondents		93.2%	6.8%	72.1%	35.7%	64.3%	0.0%	0.0%	93.8%	21.8%	25.6%	66.7%	7.7%	0.0%	7.7%	69.2%	23.1%	93.9%	2.2%	3.9%
AgLS international	21	18	3	9	2	2	5	0	8	8	2	2	4	0	0	7	1	17	1	0
Percent Respondents		85.7%	14.3%	50.0%	22.2%	22.2%	55.6%	0.0%	88.9%	44.4%	25.0%	25.0%	50.0%	0.0%	0.0%	87.5%	12.5%	94.4%	5.6%	0.0%
AgLS Sub-Total	1,006	960	46	796	557	230	9	0	748	132	74	49	9	0	10	84	38	928	19	13
Percent Respondents		95.4%	4.6%	82.9%	70.0%	28.9%	1.1%	0.0%	94.0%	13.8%	56.1%	37.1%	6.8%	0.0%	7.6%	63.6%	28.8%	96.7%	2.0%	1.4%
Business in-state	552	526	26	481	295	143	2	41	460	29	17	4	3	5	0	24	5	510	13	3
Percent Respondents		95.3%	4.7%	91.4%	61.3%	29.7%	0.4%	8.5%	95.6%	5.5%	58.6%	13.8%	10.3%	17.2%	0.0%	82.8%	17.2%	97.0%	2.5%	0.6%
Business out-of-state	200	189	11	175	36	120	1	18	167	6	2	1	0	3	1	5	0	181	4	4
Percent Respondents		94.5%	5.5%	92.6%	20.6%	68.6%	0.6%	10.3%	95.4%	3.2%	33.3%	16.7%	0.0%	50.0%	16.7%	83.3%	0.0%	95.8%	2.1%	2.1%
Business international	150	116	34	52	13	11	18	10	48	52	13	13	9	17	0	52	0	104	9	3
Percent Respondents		77.3%	22.7%	44.8%	25.0%	21.2%	34.6%	19.2%	92.3%	44.8%	25.0%	25.0%	17.3%	32.7%	0.0%	100.0%	0.0%	89.7%	7.8%	2.6%
Business Sub-Total	902	831	71	708	344	274	21	69	675	87	32	18	12	25	1	81	5	795	26	10
Percent Respondents		92.1%	7.9%	85.2%	48.6%	38.7%	3.0%	9.7%	95.3%	10.5%	36.8%	20.7%	13.8%	28.7%	1.1%	93.1%	5.7%	95.7%	3.1%	1.2%
Design in-state	211	184	27	155	85	61	1	8	150	19	14	4	1	0	2	17	0	174	10	0
Percent Respondents		87.2%	12.8%	84.2%	54.8%	39.4%	0.6%	5.2%	96.8%	10.3%	73.7%	21.1%	5.3%	0.0%	10.5%	89.5%	0.0%	94.6%	5.4%	0.0%
Design out-of-state	117	107	10	94	12	74	1	7	91	10	3	7	0	0	1	9	0	104	3	0
Percent Respondents		91.5%	8.5%	87.9%	12.8%	78.7%	1.1%	7.4%	96.8%	9.3%	30.0%	70.0%	0.0%	0.0%	10.0%	90.0%	0.0%	97.2%	2.8%	0.0%
Design international	33	23	10	13	3	8	1	1	11	10	0	10	0	0	0	10	0	23	0	0
Percent Respondents		69.7%	30.3%	56.5%	23.1%	61.5%	7.7%	7.7%	84.6%	43.5%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%
Design Sub-Total	361	314	47	262	100	143	3	16	252	39	17	21	1	0	3	36	0	301	13	0
Percent Respondents		87.0%	13.0%	83.4%	38.2%	54.6%	1.1%	6.1%	96.2%	12.4%	43.6%	53.8%	2.6%	0.0%	7.7%	92.3%	0.0%	95.9%	4.1%	0.0%
Engineering in-state	598	472	126	413	188	184	1	40	409	49	2	2	0	45	0	49	0	462	10	0
Percent Respondents		78.9%	21.1%	87.5%	45.5%	44.6%	0.2%	9.7%	99.0%	10.4%	4.1%	4.1%	0.0%	91.8%	0.0%	100.0%	0.0%	97.9%	2.1%	0.0%
Engineering out-of-state	379	288	91	244	56	168	0	20	244	35	3	1	0	31	0	35	0	279	8	1
Percent Respondents		76.0%	24.0%	84.7%	23.0%	68.9%	0.0%	8.2%	100.0%	12.2%	8.6%	2.9%	0.0%	88.6%	0.0%	100.0%	0.0%	96.9%	2.8%	0.3%
Engineering international	176	87	89	20	3	3	1	13	20	65	3	4	0	58	0	65	0	85	2	0
Percent Respondents		49.4%	50.6%	23.0%	15.0%	15.0%	5.0%	65.0%	100.0%	74.7%	4.6%	6.2%	0.0%	89.2%	0.0%	100.0%	0.0%	97.7%	2.3%	0.0%
Engr Sub-total	1,153	847	306	677	247	355	2	73	673	149	8	7	0	134	0	149	0	826	20	1
Percent Respondents		73.5%	26.5%	79.9%	36.5%	52.4%	0.3%	10.8%	99.4%	17.6%	5.4%	4.7%	0.0%	89.9%	0.0%	100.0%	0.0%	97.5%	2.4%	0.1%

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COLLEGE	Number of Grads	Respondents	No Response/ Information	Employment					Further Education					Summary Post-Graduation Status						
				Employed	Location			Type	Further Education	Location			Type			Placed	Seeking	Not Seeking		
					In Iowa	Out of Iowa	International	Employed Unknown		Professional Employment	In Iowa	Out of Iowa	International	Further Ed. Unknown	Additional Undergraduate				Graduate School	Professional School
Human Sciences in-state	720	655	65	483	350	115	4	14	403	125	72	41	0	12	55	33	37	608	46	1
Percent Respondents		91.0%	9.0%	73.7%	72.5%	23.8%	0.8%	2.9%	83.4%	19.1%	57.6%	32.8%	0.0%	9.6%	44.0%	26.4%	29.6%	92.8%	7.0%	0.2%
Human Sciences out-of-state	210	191	19	137	41	87	4	5	117	41	8	27	1	5	15	12	14	178	11	2
Percent Respondents		91.0%	9.0%	71.7%	29.9%	63.5%	2.9%	3.6%	85.4%	21.5%	19.5%	65.9%	2.4%	12.2%	36.6%	29.3%	34.1%	93.2%	5.8%	1.0%
Human Sciences international	18	12	6	8	4	3	1	0	7	4	1	0	0	3	2	2	0	12	0	0
Percent Respondents		66.7%	33.3%	66.7%	50.0%	37.5%	12.5%	0.0%	87.5%	33.3%	25.0%	0.0%	0.0%	75.0%	50.0%	50.0%	0.0%	100.0%	0.0%	0.0%
Human Sciences Sub-total	948	858	90	628	395	205	9	19	527	170	81	68	1	20	72	47	51	798	57	3
Percent Respondents		90.5%	9.5%	73.2%	62.9%	32.6%	1.4%	3.0%	83.9%	19.8%	47.6%	40.0%	0.6%	11.8%	42.4%	27.6%	30.0%	93.0%	6.6%	0.3%
LAS in-state	860	750	110	522	281	88	5	148	478	152	76	55	6	15	14	114	24	674	67	9
Percent Respondents		87.2%	12.8%	69.6%	53.8%	16.9%	1.0%	28.4%	91.6%	20.3%	50.0%	36.2%	3.9%	9.9%	9.2%	75.0%	15.8%	89.9%	8.9%	1.2%
LAS out-of-state	312	290	22	194	42	79	2	71	181	60	17	40	1	2	3	44	13	254	32	4
Percent Respondents		92.9%	7.1%	66.9%	21.6%	40.7%	1.0%	36.6%	93.3%	20.7%	28.3%	66.7%	1.7%	3.3%	5.0%	73.3%	21.7%	87.6%	11.0%	1.4%
LAS international	68	54	14	18	9	3	2	4	15	29	6	16	2	5	1	28	0	47	5	2
Percent Respondents		79.4%	20.6%	33.3%	50.0%	16.7%	11.1%	22.2%	83.3%	53.7%	20.7%	55.2%	6.9%	17.2%	3.4%	96.6%	0.0%	87.0%	9.3%	3.7%
LAS Sub-total	1,240	1,094	146	734	332	170	9	223	674	241	99	111	9	22	18	186	37	975	104	15
Percent Respondents		88.2%	11.8%	67.1%	45.2%	23.2%	1.2%	30.4%	91.8%	22.0%	41.1%	46.1%	3.7%	9.1%	7.5%	77.2%	15.4%	89.1%	9.5%	1.4%
Total in-state	3,734	3,350	384	2,712	1,708	736	17	251	2,519	459	243	127	12	77	78	287	94	3,171	160	19
Percent Respondents		89.7%	10.3%	81.0%	63.0%	27.1%	0.6%	9.3%	92.9%	13.7%	52.9%	27.7%	2.6%	16.8%	17.0%	62.5%	20.5%	94.7%	4.8%	0.6%
Total out-of-state	1,410	1,244	166	973	233	611	8	121	921	191	43	102	5	41	23	132	36	1,164	62	18
Percent Respondents		88.2%	11.8%	78.2%	23.9%	62.8%	0.8%	12.4%	94.7%	15.4%	22.5%	53.4%	2.6%	21.5%	12.0%	69.1%	18.8%	93.6%	5.0%	1.4%
Total international	466	310	156	120	34	30	28	28	109	168	25	45	15	83	3	164	1	288	17	5
Percent Respondents		66.5%	33.5%	38.7%	28.3%	25.0%	23.3%	23.3%	90.8%	54.2%	14.9%	26.8%	8.9%	49.4%	1.8%	97.6%	0.6%	92.9%	5.5%	1.6%
TOTAL	5,610	4,904	706	3,805	1,975	1,377	53	400	3,549	818	311	274	32	201	104	583	131	4,623	239	42
Percent Respondents		87.4%	12.6%	77.6%	51.9%	36.2%	1.4%	10.5%	93.3%	16.7%	38.0%	33.5%	3.9%	24.6%	12.7%	71.3%	16.0%	94.3%	4.9%	0.9%

Summary of graduates' first destinations. Information collected by college career services offices via follow-up surveys conducted within 6 months of graduation

- ¹ In-state, out-of-state, and international categories based on residency status while student
- ² Graduates responding to survey who had obtained full or part-time/temporary positions (percentage based only on respondents)
- ³ Employed graduates securing professional or major-related employment (percentage based only on respondents)
- ⁴ Graduates responding to survey who were pursuing further education (percentage based only on respondents)
- ⁵ Graduates responding to survey who were either employed or pursuing further education (percentage based only on respondents)
- ⁶ Graduates responding to survey who were still seeking major-related positions (percentage based only on respondents)
- ⁷ Percentages under categories of 'Location' and 'Type' are based on those 'Employed' or continuing for 'Further education'

IOWA STATE UNIVERSITY
6-Month Post Graduation Status - Masters Recipients
Graduates from Summer 2014/Fall 2014/Spring 2015

COLLEGE	Number of Grads	Respondents	No Response/ Information	Employment					Further Education					Summary Post-Graduation Status						
				Employed ²	Location ⁷				Type	Further Education ⁴	Location ⁷				Type			Placed ⁵	Seeking ⁶	Not Seeking
					In Iowa	Out of Iowa	International	Location Unknown	Professional Employment ³		In Iowa	Out of Iowa	International	Location Unknown	Additional Undergraduate	Graduate School	Professional School			
AgLS in-state¹	53	53	0	45	32	13	0	0	43	5	2	3	0	0	0	4	1	50	2	1
Percent Respondents		100.0%	0.0%	84.9%	71.1%	28.9%	0.0%	0.0%	95.6%	9.4%	40.0%	60.0%	0.0%	0.0%	0.0%	80.0%	20.0%	94.3%	3.8%	1.9%
AgLS out-of-state	44	44	0	36	4	31	1	0	36	5	2	2	1	0	0	5	0	41	1	2
Percent Respondents		100.0%	0.0%	81.8%	11.1%	86.1%	2.8%	0.0%	100.0%	11.4%	40.0%	40.0%	20.0%	0.0%	0.0%	100.0%	0.0%	93.2%	2.3%	4.5%
AgLS international	16	16	0	11	1	3	7	0	11	5	3	2	0	0	0	5	0	16	0	0
Percent Respondents		100.0%	0.0%	68.8%	9.1%	27.3%	63.6%	0.0%	100.0%	31.3%	60.0%	40.0%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%
AgLS Sub-Total	113	113	0	92	37	47	8	0	90	15	7	7	1	0	0	14	1	107	3	3
Percent Respondents		100.0%	0.0%	81.4%	40.2%	51.1%	8.7%	0.0%	97.8%	13.3%	46.7%	46.7%	6.7%	0.0%	0.0%	93.3%	6.7%	94.7%	2.7%	2.7%
Business in-state	51	51	0	51	43	8	0	0	51	0	0	0	0	0	0	0	0	51	0	0
Percent Respondents		100.0%	0.0%	100.0%	84.3%	15.7%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Business out-of-state	6	6	0	6	2	4	0	0	6	0	0	0	0	0	0	0	0	6	0	0
Percent Respondents		100.0%	0.0%	100.0%	33.3%	66.7%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Business international	39	29	10	25	14	10	1	0	25	1	1	0	0	0	1	0	0	26	2	1
Percent Respondents		74.4%	25.6%	86.2%	56.0%	40.0%	4.0%	0.0%	100.0%	3.4%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	89.7%	6.9%	3.4%
Business Sub-Total	96	86	10	82	59	22	1	0	82	1	1	0	0	0	1	0	0	83	2	1
Percent Respondents		89.6%	10.4%	95.3%	72.0%	26.8%	1.2%	0.0%	100.0%	1.2%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	96.5%	2.3%	1.2%
Design in-state	27	24	3	24	17	6	0	1	22	0	0	0	0	0	0	0	0	24	0	0
Percent Respondents		88.9%	11.1%	100.0%	70.8%	25.0%	0.0%	4.2%	91.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Design out-of-state	10	10	0	10	6	4	0	0	10	0	0	0	0	0	0	0	0	10	0	0
Percent Respondents		100.0%	0.0%	100.0%	60.0%	40.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Design international	32	26	6	21	8	10	3	0	21	3	2	1	0	0	3	0	0	24	0	2
Percent Respondents		81.3%	18.8%	80.8%	38.1%	47.6%	14.3%	0.0%	100.0%	11.5%	66.7%	33.3%	0.0%	0.0%	100.0%	0.0%	0.0%	92.3%	0.0%	7.7%
Design Sub-Total	69	60	9	55	31	20	3	1	53	3	2	1	0	0	3	0	0	58	0	2
Percent Respondents		87.0%	13.0%	91.7%	56.4%	36.4%	5.5%	1.8%	96.4%	5.0%	66.7%	33.3%	0.0%	0.0%	100.0%	0.0%	0.0%	96.7%	0.0%	3.3%
Engineering in-state	69	48	21	41	23	13	0	5	41	7	0	0	0	7	0	7	0	48	0	0
Percent Respondents		69.6%	30.4%	85.4%	56.1%	31.7%	0.0%	12.2%	100.0%	14.6%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%
Engineering out-of-state	66	46	20	38	5	23	0	10	38	7	0	3	0	4	0	7	0	45	1	0
Percent Respondents		69.7%	30.3%	82.6%	13.2%	60.5%	0.0%	26.3%	100.0%	15.2%	0.0%	42.9%	0.0%	57.1%	0.0%	100.0%	0.0%	97.8%	2.2%	0.0%
Engineering international	102	51	51	24	5	12	0	7	24	25	1	0	24	0	25	0	0	49	2	0
Percent Respondents		50.0%	50.0%	47.1%	20.8%	50.0%	0.0%	29.2%	100.0%	49.0%	4.0%	0.0%	0.0%	96.0%	0.0%	100.0%	0.0%	96.1%	3.9%	0.0%
Engr Sub-total	237	145	92	103	33	48	0	22	103	39	1	3	0	35	0	39	0	142	3	0
Percent Respondents		61.2%	38.8%	71.0%	32.0%	46.6%	0.0%	21.4%	100.0%	26.9%	2.6%	7.7%	0.0%	89.7%	0.0%	100.0%	0.0%	97.9%	2.1%	0.0%

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COLLEGE	Number of Grads	Respondents	No Response/ Information	Employment					Further Education					Summary Post-Graduation Status						
				Employed	Location			Type	Further Education	Location			Type			Placed	Seeking	Not Seeking		
					In Iowa	Out of Iowa	International	Employed Unknown		Professional Employment	In Iowa	Out of Iowa	International	Further Ed. Unknown	Additional Undergraduate				Graduate School	Professional School
Human Sciences in-state	104	102	2	88	76	11	0	1	85	11	8	2	0	1	2	7	2	99	2	1
Percent Respondents		98.1%	1.9%	86.3%	86.4%	12.5%	0.0%	1.1%	96.6%	10.8%	72.7%	18.2%	0.0%	9.1%	18.2%	63.6%	18.2%	97.1%	2.0%	1.0%
Human Sciences out-of-state	43	41	2	35	11	24	0	0	34	6	3	3	0	0	5	1	41	0	0	
Percent Respondents		95.3%	4.7%	85.4%	31.4%	68.6%	0.0%	0.0%	97.1%	14.6%	50.0%	50.0%	0.0%	0.0%	83.3%	16.7%	100.0%	0.0%	0.0%	
Human Sciences international	25	23	2	11	4	2	4	1	9	9	6	1	2	0	9	0	20	3	0	
Percent Respondents		92.0%	8.0%	47.8%	36.4%	18.2%	36.4%	9.1%	81.8%	39.1%	66.7%	11.1%	22.2%	0.0%	100.0%	0.0%	87.0%	13.0%	0.0%	
Human Sciences Sub-total	172	166	6	134	91	37	4	2	128	26	17	6	2	1	2	21	3	160	5	1
Percent Respondents		96.5%	3.5%	80.7%	67.9%	27.6%	3.0%	1.5%	95.5%	15.7%	65.4%	23.1%	7.7%	3.8%	7.7%	80.8%	11.5%	96.4%	3.0%	0.6%
LAS in-state	48	47	1	30	17	6	2	5	30	13	11	2	0	0	13	0	43	4	0	
Percent Respondents		97.9%	2.1%	63.8%	56.7%	20.0%	6.7%	16.7%	100.0%	27.7%	84.6%	15.4%	0.0%	0.0%	100.0%	0.0%	91.5%	8.5%	0.0%	
LAS out-of-state	58	57	1	34	13	19	1	1	33	21	13	7	1	0	21	0	55	1	1	
Percent Respondents		98.3%	1.7%	59.6%	38.2%	55.9%	2.9%	2.9%	97.1%	36.8%	61.9%	33.3%	4.8%	0.0%	100.0%	0.0%	96.5%	1.8%	1.8%	
LAS international	35	31	4	21	2	14	1	4	19	7	5	1	1	0	6	1	28	3	0	
Percent Respondents		88.6%	11.4%	67.7%	9.5%	66.7%	4.8%	19.0%	90.5%	22.6%	71.4%	14.3%	14.3%	0.0%	85.7%	14.3%	90.3%	9.7%	0.0%	
LAS Sub-total	141	135	6	85	32	39	4	10	82	41	29	10	2	0	40	1	126	8	1	
Percent Respondents		95.7%	4.3%	63.0%	37.6%	45.9%	4.7%	11.8%	96.5%	30.4%	70.7%	24.4%	4.9%	0.0%	97.6%	2.4%	93.3%	5.9%	0.7%	
Vet Med in-state	23	17	6	8	6	1	0	1	8	9	6	3	0	0	1	7	17	0	0	
Percent Respondents		73.9%	26.1%	47.1%	75.0%	12.5%	0.0%	12.5%	100.0%	52.9%	66.7%	33.3%	0.0%	0.0%	11.1%	77.8%	100.0%	0.0%	0.0%	
Vet Med out-of-state	9	7	2	3	0	3	0	0	3	4	0	4	0	0	4	0	7	0	0	
Percent Respondents		77.8%	22.2%	42.9%	0.0%	100.0%	0.0%	0.0%	100.0%	57.1%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	
Vet Med international	6	1	5	0	0	0	0	0	0	1	0	1	0	0	1	0	1	0	0	
Percent Respondents		16.7%	83.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	
Vet Med Sub-total	38	25	13	11	6	4	0	1	11	14	6	8	0	0	2	11	25	0	0	
Percent Respondents		65.8%	34.2%	44.0%	54.5%	36.4%	0.0%	9.1%	100.0%	56.0%	42.9%	57.1%	0.0%	0.0%	14.3%	78.6%	100.0%	0.0%	0.0%	
Total in-state	375	342	33	279	179	50	2	64	229	45	27	10	0	8	2	32	61	332	8	2
Percent Respondents		91.2%	8.8%	81.6%	64.2%	17.9%	0.7%	22.9%	82.1%	13.2%	60.0%	22.2%	0.0%	17.8%	4.4%	71.1%	135.6%	97.1%	2.3%	0.6%
Total out-of-state	236	211	25	158	43	104	2	17	154	43	18	19	2	4	0	38	11	205	3	3
Percent Respondents		89.4%	10.6%	74.9%	27.2%	65.8%	1.3%	10.8%	97.5%	20.4%	41.9%	44.2%	4.7%	9.3%	0.0%	88.4%	25.6%	97.2%	1.4%	1.4%
Total international	255	177	78	102	30	42	15	37	85	51	17	6	3	24	1	49	27	164	10	3
Percent Respondents		69.4%	30.6%	57.6%	29.4%	41.2%	14.7%	36.3%	83.3%	28.8%	33.3%	11.8%	5.9%	47.1%	2.0%	96.1%	52.9%	92.7%	5.6%	1.7%
TOTAL	866	730	136	539	252	196	19	118	468	139	62	35	5	36	3	119	99	701	21	8
Percent Respondents		84.3%	15.7%	73.8%	46.8%	36.4%	3.5%	21.9%	86.8%	19.0%	44.6%	25.2%	3.6%	25.9%	2.2%	85.6%	71.2%	96.0%	2.9%	1.1%

Summary of graduates' first destinations. Information collected by college career services offices via follow-up surveys conducted within 6 months of graduation

- ¹ In-state, out-of-state, and international categories based on residency status while student
- ² Graduates responding to survey who had obtained full or part-time/temporary positions (percentage based only on respondents)
- ³ Employed graduates securing professional or major-related employment (percentage based only on respondents)
- ⁴ Graduates responding to survey who were pursuing further education (percentage based only on respondents)
- ⁵ Graduates responding to survey who were either employed or pursuing further education (percentage based only on respondents)
- ⁶ Graduates responding to survey who were still seeking major-related positions (percentage based only on respondents)
- ⁷ Percentages under categories of 'Location' and 'Type' are based on those 'Employed' or continuing for 'Further education'

IOWA STATE UNIVERSITY
6-Month Post Graduation Status - Doctoral Recipients
Graduates from Summer 2014/Fall 2014/Spring 2015

COLLEGE	Number of Grads	Respondents	No Response/ Information	Employment					Further Education					Summary Post-Graduation Status						
				Employed ²	Location ⁷				Type	Further Education ⁴	Location ⁷				Type			Placed ⁵	Seeking ⁶	Not Seeking
					In Iowa	Out of Iowa	International	Location Unknown	Professional Employment ³		In Iowa	Out of Iowa	International	Location Unknown	Additional Undergraduate	Graduate School	Professional School			
AgLS in-state ¹	13	13	0	13	10	3	0	0	13	0	0	0	0	0	0	0	13	0	0	
Percent Respondents		100.0%	0.0%	100.0%	76.9%	23.1%	0.0%	0.0%	100.0%	0.0%							100.0%	0.0%	0.0%	
AgLS out-of-state	18	16	2	16	3	11	2	0	16	0	0	0	0	0	0	0	16	0	0	
Percent Respondents		88.9%	11.1%	100.0%	18.8%	68.8%	12.5%	0.0%	100.0%	0.0%							100.0%	0.0%	0.0%	
AgLS international	26	26	0	25	8	7	10	0	25	0	0	0	0	0	0	0	25	1	0	
Percent Respondents		100.0%	0.0%	96.2%	32.0%	28.0%	40.0%	0.0%	100.0%	0.0%							96.2%	3.8%	0.0%	
AgLS Sub-Total	57	55	2	54	21	21	12	0	54	0	0	0	0	0	0	0	54	1	0	
Percent Respondents		96.5%	3.5%	98.2%	38.9%	38.9%	22.2%	0.0%	100.0%	0.0%							98.2%	1.8%	0.0%	
Business in-state	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent Respondents																				
Business out-of-state	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent Respondents																				
Business international	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent Respondents																				
Business Sub-Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent Respondents																				
Design in-state	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent Respondents																				
Design out-of-state	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent Respondents																				
Design international	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent Respondents																				
Design Sub-Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Percent Respondents																				
Engineering in-state	14	11	3	11	4	4	1	2	11	0	0	0	0	0	0	0	11	0	0	
Percent Respondents		78.6%	21.4%	100.0%	36.4%	36.4%	9.1%	18.2%	100.0%	0.0%							100.0%	0.0%	0.0%	
Engineering out-of-state	15	12	3	11	2	7	0	2	11	0	0	0	0	0	0	0	11	1	0	
Percent Respondents		80.0%	20.0%	91.7%	18.2%	63.6%	0.0%	18.2%	100.0%	0.0%							91.7%	8.3%	0.0%	
Engineering international	52	34	18	34	7	17	1	9	34	0	0	0	0	0	0	0	34	0	0	
Percent Respondents		65.4%	34.6%	100.0%	20.6%	50.0%	2.9%	26.5%	100.0%	0.0%							100.0%	0.0%	0.0%	
Engr Sub-total	81	57	24	56	13	28	2	13	56	0	0	0	0	0	0	0	56	1	0	
Percent Respondents		70.4%	29.6%	98.2%	23.2%	50.0%	3.6%	23.2%	100.0%	0.0%							98.2%	1.8%	0.0%	

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COLLEGE	Number of Grads	Survey Respondents	No Response/ Information	Employment					Further Education					Summary Post-Graduation Status					
				Employed	Location			Type	Further Education	Location				Type			Placed	Seeking	Not Seeking
					In Iowa	Out of Iowa	International	Employed Unknown		Professional Employment	In Iowa	Out of Iowa	International	Further Ed. Unknown	Additional Undergraduate	Graduate School			
Human Sciences in-state	17	17	0	16	14	2	0	0	16	0	0	0	0	0	0	0	16	1	0
Percent Respondents		100.0%	0.0%	94.1%	87.5%	12.5%	0.0%	0.0%	100.0%	0.0%							94.1%	5.9%	0.0%
Human Sciences out-of-state	8	8	0	8	3	5	0	0	8	0	0	0	0	0	0	0	8	0	0
Percent Respondents		100.0%	0.0%	100.0%	37.5%	62.5%	0.0%	0.0%	100.0%	0.0%							100.0%	0.0%	0.0%
Human Sciences international	14	13	1	12	4	6	2	0	0	0	0	0	0	0	0	0	12	1	0
Percent Respondents		92.9%	7.1%	92.3%	33.3%	50.0%	16.7%	0.0%	0.0%	0.0%							92.3%	7.7%	0.0%
Human Sciences Sub-total	39	38	1	36	21	13	2	0	24	0	0	0	0	0	0	0	36	2	0
Percent Respondents		97.4%	2.6%	94.7%	58.3%	36.1%	5.6%	0.0%	66.7%	0.0%							94.7%	5.3%	0.0%
LAS in-state	22	19	3	17	7	9	0	1	17	0	0	0	0	0	0	0	17	1	1
Percent Respondents		86.4%	13.6%	89.5%	41.2%	52.9%	0.0%	5.9%	100.0%	0.0%							89.5%	5.3%	5.3%
LAS out-of-state	49	46	3	44	11	24	2	7	44	1	0	1	0	0	1	0	45	1	0
Percent Respondents		93.9%	6.1%	95.7%	25.0%	54.5%	4.5%	15.9%	100.0%	2.2%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	97.8%	2.2%	0.0%
LAS international	61	58	3	55	7	36	5	7	55	1	0	1	0	0	1	0	56	1	1
Percent Respondents		95.1%	4.9%	94.8%	12.7%	65.5%	9.1%	12.7%	100.0%	1.7%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	96.6%	1.7%	1.7%
LAS Sub-total	132	123	9	116	25	69	7	15	116	2	0	2	0	0	2	0	118	3	2
Percent Respondents		93.2%	6.8%	94.3%	21.6%	59.5%	6.0%	12.9%	100.0%	1.6%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	95.9%	2.4%	1.6%
Vet Med in-state	1	1	0	1	1	0	0	0	1	0	0	0	0	0	0	0	1	0	0
Percent Respondents		100.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%							100.0%	0.0%	0.0%
Vet Med out-of-state	3	3	0	3	0	2	0	1	3	0	0	0	0	0	0	0	3	0	0
Percent Respondents		100.0%	0.0%	100.0%	0.0%	66.7%	0.0%	33.3%	100.0%	0.0%							100.0%	0.0%	0.0%
Vet Med international	2	2	0	2	0	0	2	0	2	0	0	0	0	0	0	0	2	0	0
Percent Respondents		100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%							100.0%	0.0%	0.0%
Vet Med Sub-total	6	6	0	6	1	2	2	1	6	0	0	0	0	0	0	0	6	0	0
Percent Respondents		100.0%	0.0%	100.0%	16.7%	33.3%	33.3%	16.7%	100.0%	0.0%							100.0%	0.0%	0.0%
Total in-state	66	61	5	58	36	18	1	3	58	0	0	0	0	0	0	0	58	2	1
Percent Respondents		92.4%	7.6%	95.1%	62.1%	31.0%	1.7%	5.2%	100.0%	0.0%							95.1%	3.3%	1.6%
Total out-of-state	90	85	5	82	19	49	4	10	82	1	0	1	0	0	1	0	83	2	0
Percent Respondents		94.4%	5.6%	96.5%	23.2%	59.8%	4.9%	12.2%	100.0%	1.2%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	97.6%	2.4%	0.0%
Total international	153	133	20	128	26	66	20	16	116	1	0	1	0	0	1	0	129	3	1
Percent Respondents		86.9%	13.1%	96.2%	20.3%	51.6%	15.6%	12.5%	90.6%	0.8%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	97.0%	2.3%	0.8%
TOTAL	309	279	30	268	81	133	25	29	256	2	0	2	0	0	2	0	270	7	2
Percent Respondents		90.3%	9.7%	96.1%	30.2%	49.6%	9.3%	10.8%	95.5%	0.7%	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%	96.8%	2.5%	0.7%

Summary of graduates' first destinations. Information collected by college career services offices via follow-up surveys conducted within 6 months of graduation

- ¹ In-state, out-of-state, and international categories based on residency status while student
- ² Graduates responding to survey who had obtained full or part-time/temporary positions (percentage based only on respondents)
- ³ Employed graduates securing professional or major-related employment (percentage based only on respondents)
- ⁴ Graduates responding to survey who were pursuing further education (percentage based only on respondents)
- ⁵ Graduates responding to survey who were either employed or pursuing further education (percentage based only on respondents)
- ⁶ Graduates responding to survey who were still seeking major-related positions (percentage based only on respondents)
- ⁷ Percentages under categories of 'Location' and 'Type' are based on those 'Employed' or continuing for 'Further education'

IOWA STATE UNIVERSITY
 6-Month Post Graduation Status - D.V.M. Recipients
 Graduates from Summer 2014/Fall 2014/Spring 2015

COLLEGE	Number of Grads	Survey Respondents	No Information	Employment					Further Education					Summary Post-Graduation Status					
				Employed ²	Location ⁷			Type	Further Education ⁴	Location ⁷			Type			Placed ⁵	Seeking ⁶	Not Seeking	
					In Iowa	Out of Iowa	International	Location Unknown		Professional Employment ³	In Iowa	Out of Iowa	International	Location Unknown	Additional Undergraduate				Graduate School
Vet Med in-state ¹	65	36	29	30	6	24	0	6	30	0	0	0	0	0	0	0	30	0	1
Percent Respondents		55.4%	44.6%	83.3%	20.0%	80.0%	0.0%	20.0%	100.0%	0.0%							83.3%	0.0%	2.8%
Vet Med out-of-state	81	80	1	68	2	65	0	13	68	0	0	0	0	0	0	0	68	0	1
Percent Respondents		98.8%	1.2%	85.0%	2.9%	95.6%	0.0%	19.1%	100.0%	0.0%							85.0%	0.0%	1.3%
Vet Med international	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent Respondents		0.0%	100.0%																
Vet Med Total	147	116	31	98	8	89	0	19	98	0	0	0	0	0	0	0	98	0	2
Percent Respondents		78.9%	21.1%	84.5%	8.2%	90.8%	0.0%	19.4%	100.0%	0.0%							84.5%	0.0%	1.7%

Summary of graduates' first destinations. Information collected by college career services offices via follow-up surveys conducted within 6 months of graduation

- ¹ In-state, out-of-state, and international categories based on residency status while student
- ² Graduates responding to survey who had obtained full or part-time/temporary positions (percentage based only on respondents)
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- ⁷ Percentages under categories of 'Location' and 'Type' are based on those 'Employed' or continuing for 'Further education'

EXHIBIT 69

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF CAIRO MENDES

I, Cairo Mendes, declare as follows:

1. My name is Cairo Mendes. I am 24 years old. I live in Marlborough, Massachusetts.
2. I have personal knowledge of the matters set forth below.
3. I was born in Goiania, Brazil. When I was 9 years old, my mother brought my sister and me to Massachusetts to join my father who had been working here for two years. My parents always told me that they brought our family to Massachusetts because of the opportunity for a better life – because of the American Dream.
4. I have lived in Marlborough for 15 years. I went to public school in here. I'm now a senior at UMass Boston. I'm studying economics and political science.
5. Receiving DACA has had an enormous impact on my life.
6. I work to help my family and pay for school. Because of DACA, I was able to get a social security card and a work permit. That allowed me find a job that paid more and, for the first time, provided health insurance. I pay state and federal taxes.
7. I commute to work and school every day. Because of DACA, I was able to get a driver's license and a loan to buy a car.
8. I wouldn't be able to attend UMass Boston without DACA. I started college at Mass Bay Community College in 2012 before DACA. It was a huge struggle to pay the tuition. After I received DACA status, I qualified for in-state tuition and was able to afford to enroll in more classes. I graduated from Mass Bay in 2015 and then started at UMass Boston. I still struggle to pay for school, but I couldn't make it work without DACA. If I lost in-state tuition – or my driver's license and work permit – I would have to drop out.

9. Getting DACA status removed the fear and anxiety from my life. It gave me the space to breathe. The only reason I've been able to get this far is because of DACA.
10. Losing DACA would turn my life upside down and hurt my entire family. I could lose my job, my health insurance, and I would have to put my education on hold. I'm my mother's right hand; without DACA I wouldn't be able to help my family in the same way. I could be deported to a country I don't know and haven't lived in since I was a little boy.
11. Eliminating DACA wouldn't just hurt recipients like me, it would destabilize entire families and communities.

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

Executed this 4th day of September, 2017.



Cairo Mendes