

## Pinkerton, Christopher M (Chris)

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**From:** Ooi, Maura M  
**Sent:** Tuesday, September 19, 2017 4:57 PM  
**To:** Tintary, Ruth E; Levine, Laurence D; Tynan, Natalie S; Hernandez, Efren; King, Alexander R; Umoru, Victoria E; Robinson, Brandon M; Garon, Michielle S; Smith, Alice J; Hinds, Ian G; Meckley, Tammy M; Mayhew, Michael X; Lotspeich, Katherine J; Zenny, Jimmy J; FDNSExecSec; Arroyo, Susan K  
**Cc:** Beppu, Jennifer M; Atkinson, Ronald A  
**Subject:** RE: Rescheduled Senate Judiciary Hearing: Draft Q&As - need response and review

Here are OCC edits/comments:

Please explain how and when the personal information provided by DACA applicants is provided to ICE or other law enforcement agencies.

### RESPONSE:

- Generally speaking, personal information provided by DACA requestors would be provided to ICE when the DACA requestor poses a risk to national security or public safety, or meets the criteria for the issuance of a Notice To Appear or for a referral to ICE. ~~under the criteria.~~
- When an individual meets the criteria for referral to ICE, trained USCIS officers in Background Check Units (BCUs), follow established procedures and refer the case to the ICE Benefit Fraud Unit (BFU) via a Request to Investigate (RTI).
- Request from ICE or other law enforcement: ICE or a requesting law enforcement agency (LEA) may submit an information request form used by the service center BCUs for LEA file requests or alternatively they can utilize the DHS Request for Information Process. Additionally, BCUs utilize direct email correspondence with ICE. **[OCC recommends deleting the following information, as it is not essential to responding to the specific question asked, and is likely to generate considerable anxiety among DACA requestors who are already very concerned, and are making claims in lawsuits, about the sharing of their information with ICE. Instead, we recommend adding the bullet in green below, which is consistent w/ recent representations to the EDNY court in a DACA case: It is worth noting that in many cases, ICE already has the file or it is at the National Record Center (NRC) post adjudication and ICE can order the file from the NRC. Additionally, DHS personnel have mutual access to some of the electronic systems used by USCIS.]**
- DHS continues to adhere to its DACA information-sharing policies as expressed since the inception of DACA and assesses requests for information from ICE and LEAs in light of those expressed policies.

Maura Ooi  
Associate Counsel  
RALD/OCC/USCIS  
(b) (6)  
(b) (6)

\*\*I telework on Mondays and Fridays and can be reached at [REDACTED]

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**From:** Ooi, Maura M  
**Sent:** Tuesday, September 19, 2017 5:35 PM  
**To:** Tintary, Ruth E; Levine, Laurence D; Tynan, Natalie S; Hernandez, Efren; King, Alexander R; Umoru, Victoria E; Robinson, Brandon M; Garon, Michelle S; Smith, Alice J; Hinds, Ian G; Meckley, Tammy M; Mayhew, Michael X; Lotspeich, Katherine J; Zenny, Jimmy J; FDNExecSec; Arroyo, Susan K  
**Cc:** Beppu, Jennifer M; Atkinson, Ronald A  
**Subject:** RE: Rescheduled Senate Judiciary Hearing: Draft Q&As - need response and review

Attached are edits from OCC on everything except q. 18. We are reviewing the response SCOPS provided to question 18 now.

-Maura

Maura Ooi  
Associate Counsel  
RALD/OCC/USCIS  
(b) (6)

\*\*I telework on Mondays and Fridays and can be reached at [REDACTED]

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**From:** Tintary, Ruth E  
**Sent:** Tuesday, September 19, 2017 3:50 PM  
**To:** Levine, Laurence D; Tynan, Natalie S; Hernandez, Efren; King, Alexander R; Umoru, Victoria E; Robinson, Brandon M; Garon, Michelle S; Ooi, Maura M; Smith, Alice J; Hinds, Ian G; Meckley, Tammy M; Mayhew, Michael X; Lotspeich, Katherine J; Zenny, Jimmy J; FDNExecSec; Arroyo, Susan K  
**Cc:** Beppu, Jennifer M; Atkinson, Ronald A  
**Subject:** RE: Rescheduled Senate Judiciary Hearing: Draft Q&As - need response and review

Hi All, reminder that comments ( and an answer to Q. 18) are due at 4pm to Jennifer.

Best,

*Ruth E. Tintary*

Associate Chief  
Legislative Branch  
Office of Legislative Affairs  
U.S. Citizenship and Immigration Services  
Dept. of Homeland Security  
(b) (6)

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**From:** Tintary, Ruth E  
**Sent:** Monday, September 18, 2017 12:10 PM  
**To:** Levine, Laurence D; Tynan, Natalie S; Hernandez, Efren; King, Alexander R; Umoru, Victoria E; Robinson, Brandon M; Garon, Michelle S; Ooi, Maura M; Smith, Alice J; Hinds, Ian G; Meckley, Tammy M; Mayhew, Michael X; Lotspeich, Katherine J; Zenny, Jimmy J; FDNExecSec; Arroyo, Susan K

Cc: Beppu, Jennifer M; 'Atkinson, Ronald A (b) (6)

Subject: FW: Rescheduled Senate Judiciary Hearing: Draft Q&As - need response and review

Importance: High

Hi All, please see the instructions below and the attachment. I have suggested back to DHS OLA that DHS PLCY or OGC are better positioned to provide responses to questions 1, 2, 7, 9, and Q. 19 is to ICE for response.

- **For USCIS, only Q.18 needs a response and I believe SCOPs should have the lead with input from FDNS and OCC. Please provide your final response (as cleared by FDNS and OCC) by 2:00pm tomorrow to allow for Director's Office clearance.**
- We are being asked to review the new responses to DACA question 2, 4, 5, and 6. I believe all the other DACA responses are still good.
- IRIS/Verification, please review the new responses to questions 31 & 32.
- SCOPs, per DHS OLA's comment bubble, do any of the H1B responses (Q. 42-49) or the H2B responses (Q. 50-53) need to be updated? DHS OLA also asked about the responses to TPS questions, but I believe all of those responses are fine.

Review of all other responses **by 4:00pm Tuesday (9/19).**

Best,

*Ruth E. Tintary*

Associate Chief  
Legislative Branch  
Office of Legislative Affairs  
U.S. Citizenship and Immigration Services  
Dept. of Homeland Security  
(b) (6)

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**From:** Hymowitz, Emily

**Sent:** Sunday, September 17, 2017 3:02 PM

**To:** Rogers, Judy C; Hackbarth, Sean M; Velazquez, Ricardo L; Atkinson, Ronald A; Rodriguez, Miguel E

**Cc:** Phillips, James M; Mueller, Jill; Balunis, Timm; Joh, Joseph; Brown, Katherine H; Tintary, Ruth E

**Subject:** RE: Rescheduled Senate Judiciary Hearing: Draft Q&As

Hi Judy and Mike:

Please find attached updated prep questions for the DACA hearing. OLA has trimmed them a bit to reflect the new focus of the hearing, but have kept a number of the Q&As that relate to visa issues that are very relevant for SJC Members. In addition, we've added some additional Qs and Q&As in red. Here's what we are kindly asking from ICE and USCIS by COB Tuesday (9/19):

- Please review the Qs and Q&As in red to determine if your Component has any language to add; and
- Please review the non-highlighted Q&As (those in black text) to make sure no additional updates are needed from your Component. For example, I have two comment boxes where I think some updates may be needed due to recent efforts/movement on particular topics, but ask that you take a relook at all of it.

Many thanks,

Emily

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**From:** Hymowitz, Emily

**Sent:** Thursday, September 14, 2017 7:15 AM

**To:** Rogers, Judy C (b) (6)

Ricardo L (b) (6)

Miguel E (b) (6)

**Cc:** Phillips, James M (b) (6)

(b) (6)

Joh, Joseph (b) (6)

Hackbarth, Sean M(b) (6)

; Atkinson, Ronald A (b) (6)

>; Mueller, Jill (b) (6)

>; Velazquez,

>; Rodriguez,

>; Balunis, Timm

**Subject:** Rescheduled Senate Judiciary Hearing

Good morning ICE and USCIS Colleagues:

We have been informed by SJC staff that the Committee will hold a DACA-only hearing on Tuesday, October 3 (time TBD). The BAHA hearing has yet to be rescheduled, but current plan is to do so.

Committee staff is working with DOJ to identify a witness from that Department. Panel 1 will be DHS and DOJ. The Committee is open to more than one DHS witness if necessary. Panel 2 will be Center for Immigration Studies, 2 other majority witnesses, and 2 other minority witnesses (TBD).

OLA is seeking DHS Front Office guidance on whether a Component witness will join. Until we know if another witness has been tapped, PLCY will lead the charge on revising the written statement for the record.

Given the official, singular focus of the rescheduled hearing, we will want to re-look at the Key Messages and Q&As for needed updates. We will likely need some additional input from your SMEs, so please be on the look out for emails with these documents.

We'll also want to schedule another SME-centric prep session with Michael and will follow up shortly on the day/time.

Thanks,

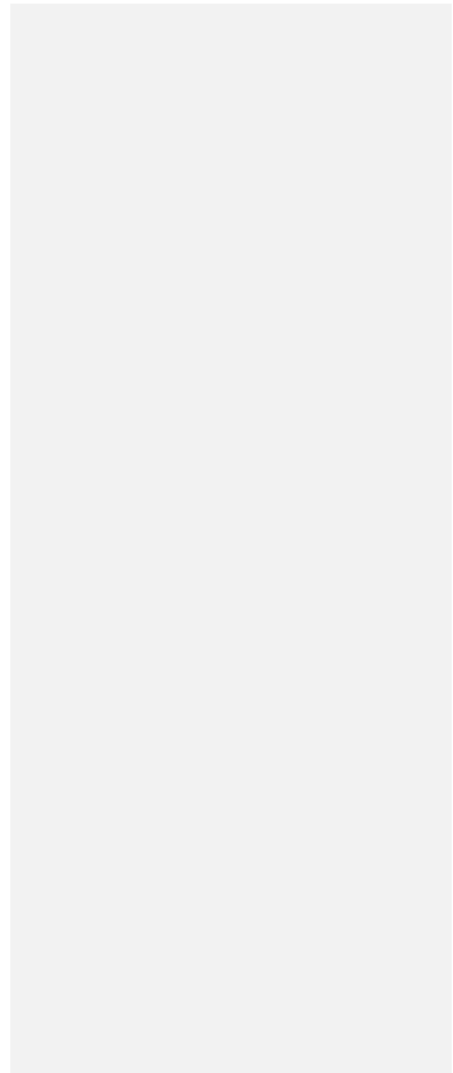
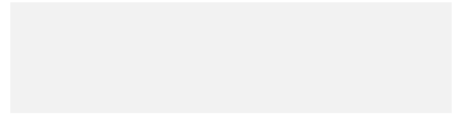
Emily Hymowitz

Office of Legislative Affairs

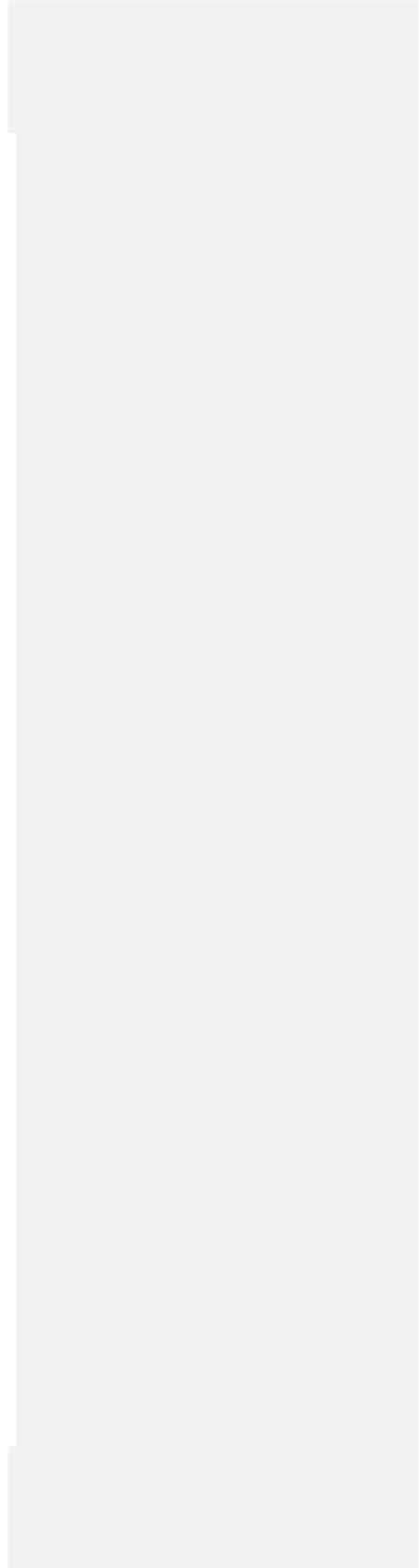
Department of Homeland Security

(b) (6)

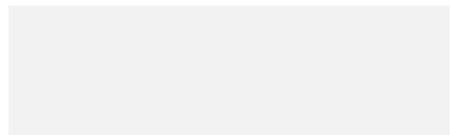
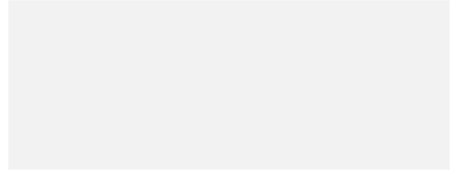
(b) (5)



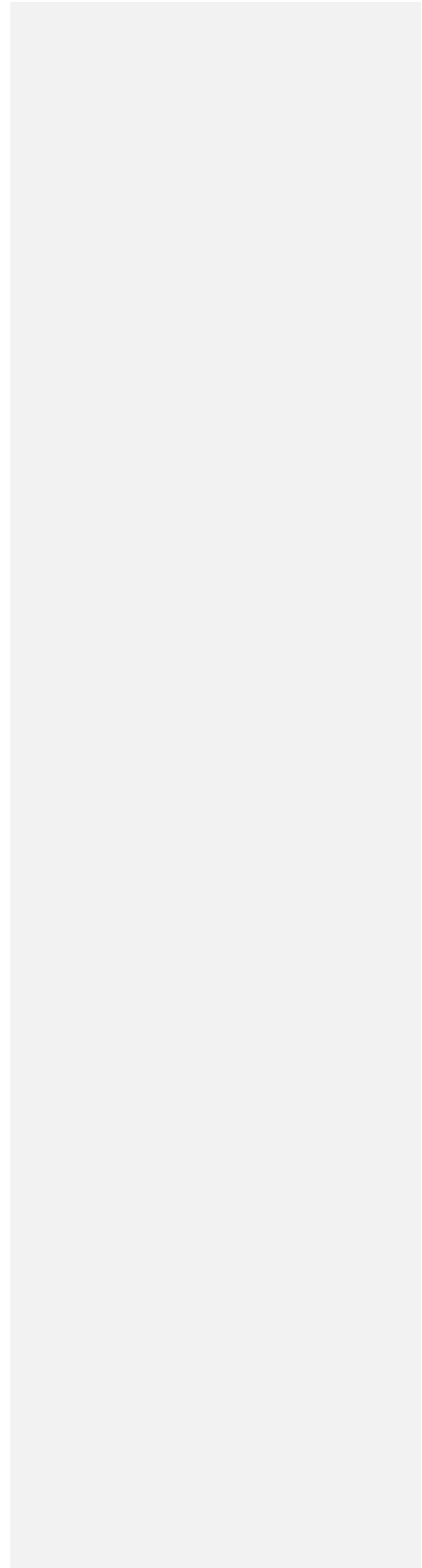
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(b) (5)



3-8-17 / SCOPS Response to DACA questions

**1. The number of applications denied**

Since the beginning of the DACA program, 73,052 DACA Requests have been denied.

**2. The number of DACA beneficiaries who did not seek renewal**

As of February 27, 2017, 45,739 approved DACA Initial Recipients have not filed for a DACA Renewal.

**3. Breakdown (year by year/month by month) of when interviews have taken place**

Awaiting data from OPQ

Please see pg. 2 for answers to questions 4 & 5.

**4. Breakdown of the 1, 507 terminated DACAs. How many in each FY? How many were because of 1) gang membership; 2) criminal convictions; and/or 3) criminal convictions related to gang affiliation**

Table 1: Total Terminations per Fiscal Year<sup>1</sup>

Fiscal Year	Total	Gang only	Criminal	Criminal w/gang Affiliation	Conviction related to gang affiliation
FY13	28		25	3	
FY14	134	4	128	1	1
FY15	327	27	294	6	
FY16	786	9	761	13	3
FY17 (thru 1/31/17)	232	1	222	9	

**5. Breakdown of the criminal convictions for which DACAs were terminated**

Table 2: Total Terminations by Conviction per Fiscal Year<sup>2, 3</sup>

FY	Total	DUI	Other <sup>4</sup>	Dom Viol	Sex w/ Minor	Other Sex Offenses	Larceny/ Theft/ Stolen Vehicle <sup>5</sup>	Criminal Trespass/ Burglary <sup>6</sup>	Weapon offenses <sup>7</sup>	Assaults/ Kidnap/ Murder/ Threats <sup>8</sup>	Drug Offenses <sup>9</sup>	Alien Smuggling
13	28	4	6	1	2		1	3	1	4	6	
14	130	41	23	4	8	11	4	6	3	9	19	2
15	300	107	36	15	17	6	15	15	16	27	35	11
16	777	275	41	56	71	51	26	22	36	117	58	24
17 (thru Jan)	231	107	8	13	15	5	9	4	12	33	17	8

<sup>1</sup> The 77 terminations related to gang affiliation are found separated out from criminal in the three columns pertaining to gangs

<sup>2</sup> Fiscal Year totals on Table 2 are totals from Table 1 minus counts from **Gang only** column

<sup>3</sup> Offense categories grouped in order to minimize number of choices noted during manual review of available systems to determine termination reasons; not based upon standardized charge codes.

<sup>4</sup> This captures crimes where there is not significant numbers of examples or where specific crimes were not noted on the tracker, such as three minor misdemeanors, false claim to USC, reckless driving, criminal impersonation, arson, obstruction, etc.

<sup>5</sup> These offenses focus on theft element without an application of force such as larceny, theft, shoplifting, coordinating retail theft, possess stolen property, theft of animals

<sup>6</sup> These offenses focus on trespass element without an application of force such as criminal trespass, burglary, burglary of vehicle, breaking and entering

<sup>7</sup> These offenses focus on weapon element without an application of force such as discharge firearm, unlicensed transportation of firearms, carrying loaded concealed weapon

<sup>8</sup> These offenses focus on use of force, excluding domestic violence, such as aggravated battery, robbery, kidnapping, murder, attempted murder, aggravated assault, assault

<sup>9</sup> These offenses focus on drug element such as trafficking in methamphetamines, possess with intent to manufacture/deliver controlled substance, possess marijuana with intent to sell

**6. Number of Fee Waiver requested and received**

Our systems indicate there are 880 DACA-related Form I-765s that were accepted by Lockbox without fee. Per our Question 8 of the DACA FAQs, there are no fee waivers available for employment authorization applications connected to DACA; however, a fee waiver may occur due to a USCIS error. There are very limited fee exemptions available. Unfortunately, our systems are unable to differentiate between cases that were approved for a fee exemption and a fee waiver.

**7. Nationalities- broken down by all countries, eliminating the “rest of the world” category**

Please see the attached spreadsheet for a breakdown of Nationalities by country without the “rest of the world” category.



**8. Nationalities- why are there 4, 311 unknowns?**

Cases with Unknown COB have ‘UNKNO’ listed as their country of birth in the system. This appears to be an error on the part of the DACA requestor when completing the Form I-821D and/or a data entry error. This particular data does not mean that these individuals’ country of birth was unknown or that documentary evidence of these individuals’ country of birth was not contained in the record of proceeding at the time of adjudication.

**9. Nationalities- how many list the United States and why?**

A total of 343 receipts have United States (US) listed as the country of birth in the system. This appears to be an error on the part of the DACA requestor when completing the Form I-821D and/or a data entry error. Individuals requesting DACA must submit proof of identity as well as evidence that the individual had no lawful status in the United States on June 15, 2012 or at the time of adjudication.

**10. How many DACA Recipients have received advanced parole? How many of those have been denied?**

Number of DACA recipients received advance parole	46,142
Number of advance parole requests denied for DACA recipients	3,787

**11. How many DACA recipients have applied and how many have received LPR or citizenship?**

Number of DACA recipients applied for LPR	42,978
Number of DACA recipients received LPR	28,276
Number of DACA recipients applied for USC	990

Number of DACA recipients received USC	636
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Deferred Action for Childhood Arrivals – Data Request  
February 16, 2017

The Deferred Action for Childhood Arrivals (DACA) program was implemented by U.S. Citizenship and Immigration Services (USCIS) in 2012 based on a mandate from Secretary Napolitano. Part of that mandate included a 60-day implementation dead-line. In order to meet that deadline, USCIS leveraged existing processes, including technology, to the extent possible. As such, not all information provided in a DACA request is captured in our system and only resides in the paper file. We have provided the information requested that we are able to extract from our database. The other data fields would require a manual review of all paper DACA files which is resource prohibitive.

**1. The total number of DACA applications (initial and renewals):**

Note: The figures below reflect the most up-to-date data available at the time the report is generated.

**Date range: Aug 15, 2012 – Jan 31, 2017**

- 880,832 Initials
- 802,615 Renewals
- 1,683,447 Total

**2. The total number of DACA approvals (initial and renewals):**

Note: The figures below reflect the most up-to-date data available at the time the report is generated.

**Date range: Aug 15, 2012 – Jan 31, 2017**

- 780,201 Initials
- 729,067 Renewals
- 1,509,268 Total

**3. The total number of DACA applicants who were interviewed as part of their application process:**

Note: The figures below reflect the most up-to-date data available at the time the report is generated.

**Date range: Aug 15, 2012 – Jan 31, 2017**

- There were approximately 440\* interviews for DACA applicants

Of the approximate 440 total, 126 were part of a one-time DACA Interview Pilot Program. In May 2013, during the early inception days of DACA, USCIS initiated an interview pilot at the request of DHS. USCIS interviewed individuals at our Field Offices in Dallas, TX and Santa Ana Field, CA. The interviews were of individuals who had made an initial request for DACA. Each of the two offices conducted 63 interviews. This pilot program was a one-time occurrence limited to the select population of 126 individuals.

**4. The total number of DACA applicants who had any indication of gang membership or affiliation at the time of his or her application, and the disposition of such cases.**

USCIS does not track this information in our electronic systems.

**4. The total number of DACA applicants who had been convicted of a crime at the time of his or her application (broken down by felony, misdemeanor, etc.), and the disposition of such cases.**

USCIS does not track this information in our electronic systems.

**5. The total number of DACA applicants who had been charged with a crime at the time of his or her application (same breakdown), and the disposition of such cases.**

USCIS does not track this information in our electronic systems.

**6. The total number of DACA applicants whose status was terminated for criminal, gang-related, or national security related reasons.**

Since the start of the DACA program, 1,507 recipients have had their deferred action terminated due to criminal convictions, gang affiliation or criminal convictions related to gang affiliation. While USCIS does not track this information in our electronic systems, there has been collection of this information manually, which enables us to provide this set of data. According to our records, USCIS has not terminated any DACA requests for national security reasons.

**7. A breakdown of the educational attainment level for all DACA recipients.**

USCIS does not track this information in our electronic systems. While this information is submitted as part of each individual request and is assessed at the time of adjudication, it is not captured in our systems and, therefore, we are not able to extract it without a full manual review of every paper DACA file.

**8. A breakdown of the nationalities of all DACA recipients.**

Note: The figures below reflect the most up-to-date data available at the time the report is generated.

**Date range: Aug 15, 2012 – Jan 31, 2017**

- Nationality of DACA recipients (Top 20 broken out)

Country	INITIAL	RENEWAL	Total
Mexico	612,507	566,738	1,179,245
El Salvador	28,059	27,466	55,525
Guatemala	19,549	17,743	37,292
Honduras	18,050	16,711	34,761

Peru	9,014	9,429	18,443
South Korea	7,205	9,857	17,062
Brazil	7,299	6,953	14,252
Ecuador	6,643	6,411	13,054
Colombia	6,564	6,578	13,142
Philippines	4,630	5,078	9,708
Argentina	4,730	4,352	9,082
India	3,165	3,554	6,719
Jamaica	3,410	2,908	6,318
Venezuela	3,077	2,970	6,047
Dominican Republic	3,090	2,460	5,550
Unknown	1,896	2,217	4,113
Uruguay	2,327	2,031	4,358
Bolivia	2,054	2,047	4,101
Costa Rica	2,034	2,006	4,040
Tobago	2,094	1,679	3,773
Rest of World	32,804	29,879	62,683