

# United States Senate

WASHINGTON, DC 20510

July 3, 2019

The Honorable Kevin McAleenan  
Acting Secretary  
Department of Homeland Security  
300 7<sup>th</sup> Street, NW  
Washington, D.C. 20528

Dear Acting Secretary McAleenan:

We write to express our concern that the Trump Administration reportedly intends to eliminate the Parole in Place and Deferred Action programs,<sup>1</sup> which collectively protect certain eligible undocumented family members (i.e., spouse, widow(er), parent, son, or daughter) of active duty servicemembers, reservists, and veterans from deportation. The rationale for these programs is that “[m]ilitary preparedness can potentially be adversely affected if active members of the U.S. Armed Forces and individuals serving in the Selected Reserve of the Ready Reserve, who can be quickly called into active duty, worry about the immigration status of their spouses, parents and children.”<sup>2</sup> We call on you to ensure that Parole in Place and Deferred Action remain fully available so that the United States government provides common sense options to keep military families together.

According to recent reports from *National Public Radio (NPR)* and other outlets,<sup>3</sup> the Trump Administration is considering the elimination of Parole in Place, a program in which United States Citizenship and Immigration Services (USCIS) may grant certain eligible undocumented family members of servicemembers the permission to remain in the country in one-year intervals “on a case-by-case basis for urgent humanitarian reasons or significant public

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<sup>1</sup> U.S. Citizenship and Immigration Services, “Discretionary Options for Military Members, Enlistees and Their Families,” <https://www.uscis.gov/military/discretionary-options-military-members-enlistees-and-their-families>.

<sup>2</sup> U.S. Citizenship and Immigration Services, Policy Memorandum, “Parole of Spouses, Children and Parents of Active Duty Members of the U.S. Armed Forces, the Selected Reserve of the Ready Reserve, and Former Members of the U.S. Armed Forces or Selected Reserve of the Ready Reserve and the Effect of Parole on Inadmissibility under Immigration and Nationality Act § 212(a)(6)(A)(i),” November 15, 2013, p. 2, [https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2013/2013-1115\\_Parole\\_in\\_Place\\_Memo\\_.pdf](https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2013/2013-1115_Parole_in_Place_Memo_.pdf).

<sup>3</sup> National Public Radio, “Trump Wants To Withdraw Deportation Protections For Families Of Active Troops,” Franco Ordonez, June 27, 2019, <https://www.npr.org/2019/06/27/736362986/trump-wants-to-withdraw-deportation-protections-for-families-of-active-troops>; Military Times, “New Trump policies could end in deportations for some active duty troops,” Meghann Myers, June 28, 2019, <https://www.militarytimes.com/news/your-military/2019/06/28/new-trump-policies-could-end-in-deporations-for-some-active-duty-troops/>.

benefit,” as long as they did not overstay their visa.<sup>4</sup> In addition, reports indicate that the Administration is considering the elimination of Deferred Action, in which USCIS refrains from authorizing the deportation of certain eligible undocumented family members of servicemembers for up to two years and regards these individuals as lawfully present for the deferral period. Under these programs, beneficiaries can apply for work authorization if they “demonstrate ‘an economic necessity for employment.’”<sup>5</sup> Based on NPR reporting, “attorneys are racing to submit applications for ... parole in place after hearing from the wives and loved ones of deployed soldiers who have been told that option is ‘being terminated.’”<sup>6</sup>

If true, reports that the Trump Administration will cancel Parole in Place and Deferred Action are deeply troubling because such a decision would eliminate a critical lifeline that enables eligible undocumented family members of servicemembers to safely and lawfully remain in the country. Eliminating these programs would risk creating anxiety among deployed servicemembers that their family members will be deported and would risk distracting those servicemembers from their mission. Fundamentally, we believe that there is no public benefit to separating eligible military families and that maintaining access to Parole in Place and Deferred Action honors the sacrifices made by members of our Armed Forces and their families and is consistent with our national security.

We urge the Trump Administration to maintain Parole in Place and Deferred Action, and to consider the harmful effects that eliminating these programs would have on military families and military readiness. Accordingly, we request complete and accurate responses to the following questions:

1. Reports indicate that “[m]emos are circulating among Homeland Security and Defense Department personnel ... announcing the end of a handful of policies” including Parole in Place and Deferred Action.<sup>7</sup> Please identify any programs or policies protecting servicemembers, veterans, enlistees, and their families from deportation that are currently under consideration for termination or have been considered for termination since January 20, 2017.
  - a. Please provide copies of all memoranda, notes, or other written materials discussing the termination of these programs and policies.
2. Has USCIS established a timeline for the termination of Parole in Place or Deferred Action? If yes, please provide specific dates for when one or both of these programs will be terminated.

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<sup>4</sup> U.S. Citizenship and Immigration Services, “Discretionary Options for Military Members, Enlistees and Their Families,” <https://www.uscis.gov/military/discretionary-options-military-members-enlistees-and-their-families>.

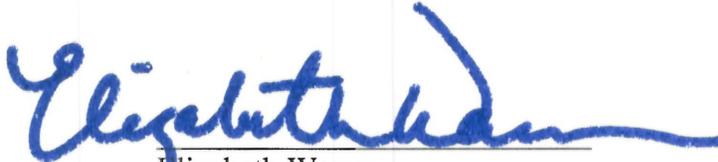
<sup>5</sup> *Id.*

<sup>6</sup> National Public Radio, “Trump Wants To Withdraw Deportation Protections For Families Of Active Troops,” Franco Ordonez, June 27, 2019, <https://www.npr.org/2019/06/27/736362986/trump-wants-to-withdraw-deportation-protections-for-families-of-active-troops>.

<sup>7</sup> Military Times, “New Trump policies could end in deportations for some active duty troops,” Meghann Myers, June 28, 2019, <https://www.militarytimes.com/news/your-military/2019/06/28/new-trump-policies-could-end-in-deportations-for-some-active-duty-troops/>.

Thank you for your consideration, and we look forward to your response by no later than Friday July 19, 2019.

Sincerely,



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Elizabeth Warren  
United States Senator



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Kirsten Gillibrand  
United States Senator