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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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August 21, 2017

VIA ELECTRONIC SUBMISSION

James McCament
Acting Director
U.S. Citizenship and Immigration Services
Washington, D.C. 20008

Dear Acting Director McCament:

We are writing to request information regarding the number of individuals who receive advance parole and subsequently apply for and are granted lawful permanent resident status (LPR status) in the United States, particularly those who benefitted from the exercise of prosecutorial discretion known as Deferred Action for Childhood Arrivals, or DACA. In March 2016 I wrote, along with Senator Mike Lee, to express our concerns about the manner in which the prior administration exercised its parole authority, because advance parole creates an unintended pathway to citizenship for DACA recipients.¹ By obtaining advance parole, a DACA recipient leaves the country an unlawful immigrant but returns, through the parole program, with lawful—albeit temporary—status. Once in the United States these individuals may, if a relevant family relationship exists, apply to adjust to LPR status; from LPR an individual may apply for citizenship within five years. In short, advanced parole artificially eliminates a DACA recipient's unlawful status and creates an otherwise unavailable pathway to citizenship. I have attached our prior correspondence as an appendix to this letter, and incorporate it by reference here.

As noted in our previous letter, immigration lawyers and activists have long encouraged DACA recipients to exploit the advance parole loophole and it appears that dozens, if not hundreds, of DACA recipients have done so. To date we have not received a response to our original request, which would clarify the scope of this problem and would identify the size of the population that has benefitted from this loophole. As a result we are writing again and we ask that you please provide the following information no later than September 21, 2017:

1. Please provide the number of aliens who have been granted advance parole and later applied for and were granted LPR status in the United States.

¹ See Letter from Senators Grassley and Lee, Mar. 2, 2016 available at <https://www.judiciary.senate.gov/imo/media/doc/2016-03-02%20CEG%20+%20Lee%20to%20DHS%20-%20DACA%20Advance%20Parole%20Program.pdf>.

2. In a letter to you from House Judiciary Committee Chair Robert Goodlatte, dated February 13, 2015, Rep. Goodlatte states that he is troubled by the fact that USCIS claimed “not [to] have a way to track electronically” the number of DACA recipients who have received advance parole and who have subsequently applied for adjustment of immigration status.² Rep. Goodlatte expressed in his letter his hope that the prior the USCIS inability to track such requests was not intentional—permitting the administration to avoid answering questions about how many DACA recipients get Green Cards. As a follow-up to that letter and our prior inquiry:
 - a. Is it technically possible for USCIS to track DACA recipients who have re-entered the country as parolees subsequently adjust status? If not, why not?
 - b. If it is technically possible for USCIS to track how many DACA recipients who have re-entered the country as parolees subsequently adjust status, and if USCIS is not tracking this data, please explain why USCIS is not tracking it.
3. Assuming that it is possible to derive this information, how many DACA recipients have:
 - a. Received advance parole?
 - b. Travelled abroad and been paroled back into the United States?
4. Assuming that it is possible to derive this information, how many of the DACA recipients who have travelled abroad and been paroled back into the United States subsequently:
 - a. Became the beneficiaries of an immigrant petition?
 - b. Applied for adjustment to lawful permanent resident status?
5. For those individuals described in question #4.b who applied for adjustment, please explain the basis for the individual’s lawful permanent residence application (e.g. marriage to a U.S. citizen).

Thank you in advance for your cooperation with this request. If you have questions, please contact Brad Watts or Katherine Nikas of my Committee staff at (202) 224-5225.



Charles E. Grassley
United States Senator

Sincerely,



Mike Lee
United States Senator

² See Letter from Congressman Bob Goodlatte to Secretary Johnson (Feb. 12, 2015) available at <https://goodlatte.house.gov/news/documentsingle.aspx?DocumentID=270>.