

**Congress of the United States**  
Washington, DC 20510

September 20, 2012

The Honorable Janet Napolitano  
Secretary  
Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

Since the announcement of President Obama's Deferred Action for Childhood Arrivals (DACA) directive on June 15, 2012, we and other members of Congress have made several requests to your department to be transparent and forthcoming about the process. Unfortunately, we have received very few details and have no access to documents that outline the program. Therefore, in keeping with the President's promise that his administration would be "the most open and transparent ever," and since this directive was issued unilaterally by the executive branch and did not go through the administrative procedures or constitutional legislative process, we believe that your agency should make all data available to the public.

While we appreciate the statistics released by USCIS last Friday, that data is far from sufficient to properly oversee the executive branch's implementation of DACA. Therefore, we seek your cooperation to maintain, publish and provide to us on a weekly basis the following statistics about the program since its inception:

- 1) The number of submitted Form I-821Ds (applications for deferred action)
  - a. received
  - b. approved
  - c. denied
  - d. approved despite a criminal conviction
  - e. approved despite a pending criminal charge
  - f. approved despite a juvenile criminal conviction
  - g. denied for suspicion of fraud or on the basis of fraud. Of those, how many have been referred for prosecution or removal, and how many have been prosecuted or removed for such cause?
  - h. containing fraud indicators
  
- 2) The number of submitted Form I-765s (applications for work permits) submitted along with an I-821D
  - a. received
  - b. approved
  - c. denied
  - d. granted a fee waiver.

- 3) The number of individuals granted deferred action under the DACA policy who
  - a. have applied for advanced parole
  - b. have been granted advance parole
  - c. have been granted advanced parole, traveled, and been paroled back into the United States and subsequently been granted lawful permanent residency
  - d. have been granted lawful permanent residency under any other means.
- 4) The number of parents of applicants for DACA who have
  - a. requested prosecutorial discretion
  - b. received prosecutorial discretion
  - c. been denied prosecutorial discretion.
- 5) The number of applications that have been received for individuals in removal proceedings, and the number of deferred action or work permit applications that have been approved for individuals in removal proceedings.
- 6) The number of DACA applicants who have been denied deferred action who have been
  - a. placed in removal proceedings
  - b. denied due to ineligibility
  - c. denied due to fraud or other violation of the immigration law
  - d. denied due to criminal history
  - e. deported from the United States.

We look forward to receiving your commitment to provide more data, and to ensure that Congress has the information they need to conduct oversight of the President's directive.

Sincerely,



Charles E. Grassley  
Ranking Member  
Senate Committee on the Judiciary



Lamar Smith  
Chairman  
House Committee on the Judiciary

cc: Alejandro Mayorkas, Director,  
U.S. Citizenship and Immigration Service

John Morton, Director  
U.S. Immigration and Customs Enforcement