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February 12, 2014

DHS, USCIS, Office of Policy and Strategy
Chief, Regulatory Coordination Division
USCISFRComment@uscis.dhs.gov

**RE: Agency Information Collection Activities; Consideration of Deferred Action for
Childhood Arrivals, Form I-821D; Revision of a Currently Approved Collection
Docket ID USCIS-2012-0012**

Dear Sir or Madam:

I write these comments in response to the proposed "Agency Information Collection Activities; Consideration of Deferred Action for Childhood Arrivals, Form I-821D; Revision of a Currently Approved Collection" published in the Federal Register on December 18, 2013 DHS Docket No. USCIS-2012-0012.

I strongly support the initial application and renewal process for Deferred Action for Childhood Arrival ("DACA") recipients. However, I also believe that the proposed form is confusing and will endanger eligible individuals from seeking and ultimately obtaining and renewing DACA. I recommend that DHS and USCIS make the following changes to the proposed form in order to better achieve DHS and USCIS' dual goal of protecting families and increasing agency efficiency.

The proposed form is unnecessarily confusing

The proposed form is extremely confusing as it alternates between questions for initial requests only, for renewal requests only and questions for both groups. Creating a streamlined form which has separate blocked sections for first time requestors, renewal requestors and questions for both groups would be far more understandable to applicants and service providers, resulting in fewer application errors and a more streamlined approach for application processing.

Unrealistic narrow time frame of 120 days prior to expiration of current period of Deferred Action

According to the proposed regulations, an applicant's submission will be rejected if submitted prior to 120 before the expiration of deferred action. Currently, the processing times for DACA applications take an average of six months to adjudicate, and can take up to a year in some circumstances.

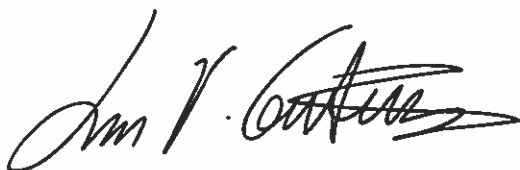
It is unclear if applicants with expired deferred action would be without status while their application is pending. DHS and USCIS should clarify this in the instructions so that applicants are not fearful of losing status. Should an applicant be left without status, they may be terminated or suspended from employment, have difficulty enrolling in school or face possible expiration of their driver's license. In addition, applicants who have reached the age of 18 would accrue unlawful presence. Therefore, the time frame of 120 days is too short and leaves applicants in a precarious situation that could have been easily avoided.

Creation of an appeals process

Currently, should an applicant's petition for DACA be denied, there is no appeals process except for an administrative error. Although an applicant may reapply, the process is financially prohibitive and may preclude eligible applicants from obtaining deferred action. Creation of an appeals process would be a fair and equitable solution to increased application denials.

In the interest of keeping children who have been brought up in this great country a legal pathway to stay here, I recommend that DHS and USCIS incorporate the above-mentioned reforms to improve this process. I believe my comments and recommendations will strengthen and improve the proposed form and ensure the most efficient use of DHS and USCIS resources. Thank you for your consideration and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Gutierrez", with a stylized flourish at the end.

Luis V. Gutierrez
Member of Congress
IL-04