

September 4, 2019

ATTORNEY GENERAL RAOUL DEMANDS ANSWERS OVER CHANGES TO FEDERAL PROGRAM THAT PROVIDES IMMIGRANTS WITH LIFESAVING MEDICAL CARE

Chicago — Attorney General Kwame Raoul, along with a coalition of 19 attorneys general, today called on U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) to provide immediate answers regarding the status and oversight of the federal government’s medical deferred action program. USCIS has long overseen and managed the medical deferred action program, which has allowed immigrants to apply to remain in the United States if they are in extreme medical need.

Last week, without warning, USCIS informed applicants in denial letters that the agency is no longer overseeing the program. The federal government has since failed to issue any formal directive or guidance on the new process for reviewing medical deferred action requests, including what federal agency is overseeing the program.

“The lack of information from the federal government has left sick patients and their families afraid, traumatized, and uncertain of their future health and well-being,” Raoul said. “This is yet another example of the federal government’s complete disregard for the safety of immigrants. I am committed to continuing to fight these hateful anti-immigrant actions.”

[In a letter](#) sent to USCIS and ICE, Raoul and the coalition are requesting answers to the following questions: (1) whether or not USCIS has terminated all consideration of deferred action for non-military-affiliated individuals who applied after Aug. 7, 2019; (2) how foreign nationals currently located in the coalition states who are suffering from severe medical conditions can request deferred action moving forward; (3) whether any criteria and processes related to deferred actions for serious medical conditions will change under new policies or procedures; and (4) if new policies or procedures will change deferred action for serious medical conditions, how the criteria or processes may change.

The medical deferred action program was created to allow immigrants to apply for an extended stay in the United States in the event of extreme medical need. USCIS has routinely considered and granted requests by foreign nationals seeking deferred action for decades, including for patients who are receiving lifesaving care in the U.S. and for the parents of such patients. These approvals have prevented the deportation of gravely ill children and adults to countries where their lives would be in danger due to the lack of quality medical care. Deferred action has also given patients access to health insurance and allowed parents of sick children to receive work authorizations that they need to pay their children’s medical bills and support their families.

USCIS recently informed several foreign nationals who made initial requests for medical deferred action or requests for renewal that it would “no longer consider deferred action requests except . . . for certain military members, enlistees, and their families.” The denial letters also informed applicants that they were required to leave the country 33 days from the date of the denial or risk deportation.

Joining Raoul in signing the letter are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.



LETTIA JAMES
ATTORNEY
GENERAL

THE STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL



MAURA HEALEY
ATTORNEY
GENERAL

September 4, 2019

Kenneth Cuccinelli II, Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Ave., NW, MS 2090
Washington, D.C. 20529-2090

Matthew T. Albence, Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Dear Acting Director Cuccinelli and Acting Director Albence:

We, the Attorneys General of New York, Massachusetts, California, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Maryland, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington State, write with alarm and grave concern about the decision by U.S. Citizenship and Immigration Services (USCIS) to end its long-standing policy of considering requests for deferred action for individuals—and the family members of individuals—suffering from serious medical conditions.

As you are aware, USCIS has routinely considered and granted requests by foreign nationals for deferred action for decades, including for patients who are receiving lifesaving care in our States and for the parents of such patients. These grants of deferred action have prevented the deportation of gravely ill children and adults to countries where their lives would be in danger due to lack of quality medical care. Deferred action has also given patients access to health insurance and allowed parents of sick children to receive work authorizations that they need to pay their children's medical bills and support their families.

We are therefore deeply concerned by USCIS's apparent decision to stop considering requests for medical deferred action. Beginning in late August, we learned that USCIS was uniformly denying medical deferred action requests, representing that it would no longer process any non-military deferred action requests, and instructing requestors that they would be at risk of deportation if they did not swiftly leave the United States. Then, after public outrage over the apparent suspension of all medical deferred action, USCIS announced on September 2, 2019 that it would continue to process medical deferred action requests—but only for individuals who had

a request pending as of August 7, 2019. USCIS has provided no official explanation of its decision to suspend consideration of medical deferred action requests moving forward. Moreover, while some reports have indicated that U.S. Immigration and Customs Enforcement (ICE) will review requests for deferred action related to medical conditions, ICE has provided no indication—much less detailed information—of plans to consider such requests or of how individuals who have been denied deferred action by USCIS can request such relief from ICE. As a result, sick patients and their families are left afraid, traumatized, and uncertain of their future health and wellbeing.

New York, Massachusetts, California, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Maryland, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington State are committed to ensuring that sick residents in our States continue to receive the care that they need to survive and thrive. USCIS's apparent suspension of all consideration for medical deferred action constitutes a grave threat to the wellbeing of many adults and children in our States who have relied on deferred action to receive life-saving care.

To assist in our inquiry into this matter, we request that you provide written confirmation of (1) whether USCIS has terminated all consideration of deferred action for non-military requests submitted after August 7, 2019; (2) how foreign nationals in our States suffering from severe medical conditions can request deferred action moving forward; (3) whether any criteria and processes related to deferred actions for serious medical conditions have changed or will change under new policies or procedures; and (4) if new policies or procedures will change deferred action for serious medical conditions, how the criteria or processes may change.

Please provide this information by September 10, 2019.

Sincerely,



LETITIA JAMES
New York Attorney General



MAURA HEALEY
Massachusetts Attorney General



XAVIER BECERRA
California Attorney General



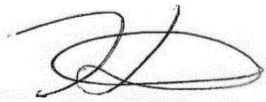
PHIL WEISER
Colorado Attorney General



WILLIAM TONG
Connecticut Attorney General



KATHLEEN JENNINGS
Delaware Attorney General




KARL A. RACINE
District of Columbia Attorney General



KWAME RAOUL
Illinois Attorney General



AARON M. FREY
Maine Attorney General



BRIAN E. FROSH
Maryland Attorney General



KEITH ELLISON
Minnesota Attorney General



AARON D. FORD
Nevada Attorney General



GURBIR S. GREWAL
New Jersey Attorney General



HECTOR BALDERAS
New Mexico Attorney General



ELLEN F. ROSENBLUM
Oregon Attorney General



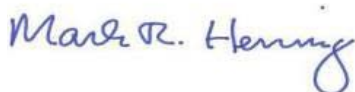
JOSH SHAPIRO
Pennsylvania Attorney General



PETER F. NERONHA
Rhode Island Attorney General



THOMAS J. DONOVAN, JR.
Vermont Attorney General



MARK R. HERRING
Virginia Attorney General



BOB FERGUSON
Washington State Attorney General