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**Re: Comment in Response to the DHS/USCIS Notice of Proposed Rulemaking (NPRM)
Deferred Action for Childhood Arrivals; CIS NO. 2691-21; DHS Docket No. USCIS-2021-0006;
RIN 1615-AC64**

Dear Ms. Deshommes and Ms. Strano:

I am writing on behalf of Futures Without Violence (FUTURES), in response to the Department of Homeland Security (DHS)/United States Citizenship and Immigration Services (USCIS) Notice of Proposed Rulemaking on Deferred Action for Childhood Arrivals published in the Federal Register on September 28, 2021.

FUTURES is a national nonprofit organization that has worked for more than 35 years to prevent and end violence against women and children in the United States (U.S.) and around the world. We educate about and work to eliminate domestic violence, sexual assault, child abuse, and human trafficking through education and prevention campaigns; training and technical assistance to state agencies, public and private entities, judges and court systems, colleges and universities, and global organizations; and we advance promising policies and practices at the state and federal level that prevent violence and help adult and child survivors heal and thrive.

FUTURES strongly supports the preservation and fortification of the Deferred Action for Childhood Arrival (DACA) through the proposed rule and strongly recommends that USCIS

strengthen, improve, and expand DACA to make it more accessible and inclusive to immigrant survivors of violence.

I. DACA Provides Safety and Economic Security for Immigrant Survivors of Domestic and Sexual Violence and Human Trafficking and Must Be Preserved and Fortified.

FUTURES staff are experts on family violence, child trauma, sexual assault, and human trafficking and the services and supports necessary for survivors to heal from violence and trauma. Based on our decades of experience, we know that DACA provides a critical pathway to safety and security for many immigrant survivors of domestic violence, sexual assault, human trafficking, and other gender-based violence. DACA allows immigrant survivors of violence to seek safety and security for themselves and their families without fear that their abusers or other harm-doers will call immigration enforcement authorities if they ask for help or try to leave an abusive situation. No one should fear seeking assistance to escape or recover from violence for themselves or their families due to fear of deportation.

DACA also gives immigrant survivors of violence the opportunity to increase their economic independence, which helps them recover from abuse and leave abusive or exploitative relationships and/or workplaces. With timely access to work authorization through DACA, immigrant survivors can obtain employment to help support themselves and their families. Additionally, DACA allows immigrant survivors to pursue their educational goals to strengthen their job prospects and strengthen their earning power.

For immigrant survivors of violence, DACA provides life-saving protections. The policy/program reduces immigrant survivors' vulnerability to domestic and sexual violence and other exploitation and it helps to ensure that they can live safely, work, and support themselves and their families. DACA must be preserved and strengthened.

II. To Strengthen and Increase DACA's Inclusivity, the Criminal Bars Must Be Eliminated.

The proposed rule precludes individuals from eligibility on the basis of any felony, multiple misdemeanors, or any single misdemeanor if it falls within a list of offenses. (Conviction of a misdemeanor "domestic violence" offense currently is designated as a significant misdemeanor (although that term will not be used in the future) and an absolute bar to DACA.

These criminal exclusions harm immigrant survivors of violence who are particularly vulnerable to being arrested and prosecuted for domestic violence and trafficking related offenses, or coerced into other crimes by their abusers. Domestic violence perpetrators and traffickers will often use the fear of immigration consequences as a tactic for exerting control over their victims. Language and cultural barriers often prevent immigrant survivors from explaining they acted in self-defense or that an abuser's allegations are false, or their vulnerability to human traffickers, and many survivors have criminal histories related to the harm they have experienced. No immigrant survivor should be denied DACA because of the trauma they have

faced in a violent and harmful situation. The criminal bar creates an insurmountable barrier and should be eliminated, especially for immigrant survivors of violence or trafficking.

III. The Proposed Rule Comports with the Administrative Procedures Act.

It is a well-established feature of executive power to prioritize its resources within the confines of its discretionary power. Existing areas of humanitarian relief, such as self-petitioners under the Violence Against Women Act or crime survivors deemed eligible for U visas but lacking access to available visas, show the well-established character of deferred action. USCIS properly expands on the lengthy historical use of executive discretion and grant of deferred action within an array of forms of relief. Further, existing rule 8 C.F.R. § 1.3(a)(4)(vi) properly makes clear that deferred action does not grant status, but merely exempts individuals of accumulating “unlawful presence.”

IV. DACA Provides Critical Protections for Immigrant Survivors of Violence and Must Be Expanded.

Unfortunately, DACA remains out of reach for many immigrant survivors of violence because they do not meet the requirement that they have arrived in the country before June 15, 2007. DACA must be expanded to include those who have entered and maintained presence in recent years. In addition, USCIS should eliminate the age cap, and move the required date for eligibility criteria from 2012 to 2021. Also, DACA applicants should only be required to prove continuous residence for 5 years back from when the rule is implemented, and USCIS should make clear that various forms of evidence, including affidavits attesting to presence is sufficient.

V. Conclusion

For the reasons set forth above, Futures Without Violence strongly urges DHS/USCIS to preserve and fortify the proposed rule on Deferred Action for Childhood Arrivals (DACA) and recommends that it strengthen, improve, and expand DACA to make it more accessible and inclusive of immigrant survivors of violence.

Thank you for the opportunity to submit comments on the Notice of Proposed Rulemaking on Deferred Action for Childhood Arrivals. Please contact me if you have any questions or concerns relating to these comments.

Respectfully submitted,

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