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House of Representatives

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Opening Statement

Chairman Jamie Raskin (MD-08)

Subcommittee on Civil Rights and Civil Liberties

Hearing on “The Administration’s Apparent Revocation of Medical Deferred Action for Critically Ill Children”

September 11, 2019

Good afternoon. Thank you all for joining us today. I want to thank our witnesses, particularly Ms. Bueso from Mr. DeSaulnier’s district, and Mr. Sanchez from Ms. Pressley’s district. It is hard to imagine what the past month has been like for you and your families, and I appreciate your coming forward to share your stories with us. I also want to extend my gratitude to Ms. Pressley and Mr. DeSaulnier for their excellent efforts addressing the current problem.

We are here today to discuss the Trump Administration’s decision to deport critically ill children and their families. This is completely at odds with American values.

Last month, without notifying Congress or the public, U.S. Citizenship and Immigration Services (USCIS) began denying all non-military deferred action requests. Most of these requests are made by sick immigrants and their families seeking to stay in the United States to receive life-saving medical care that is simply not available in their home countries.

The Administration decided to cast out some of the most vulnerable and defenseless people in the world, and there are families across the country who would essentially be sentenced to death by this stunningly harsh and cruel policy.

- Ms. Bueso, who is here today, was invited to the United States to participate in a medical study on her disease that extended her life expectancy by ten years. To live, she relies on a weekly infusion that is unavailable in her home country.
- Mr. Sanchez, who is also here today, suffers from cystic fibrosis. His parents already lost his older sister to the disease due to dramatically inferior and substandard medical care in Honduras.
- Joaquim Norville, a seven-year-old boy from Guyana, was in the United States when he suffered a seizure and was diagnosed with epilepsy. He was visiting his grandparents, who are U.S. citizens. Thanks to deferred action, his grandparents did not have to send him back to Guyana, where continuing treatment for his collapsed lung, colon infection, and

the removal of his large intestine is unavailable. His mother fears that returning to Guyana would be “signing my son’s death warrant.”

- Serena Badia, a 14-year-old with a congenital heart condition, has already gone beyond the life expectancy given to her by doctors in Spain.
- An eight-year-old-girl in Miami suffering from nerve cancer relies on her father to take her to monthly treatments in New York. Her father needs deferred action to stay in the United States.
- A man from Venezuela has been able to care for his wife, who suffers from a brain blood-flow malformation, and his daughter has metastatic Stage 4 neuroblastoma. The Trump Administration told him to leave the country this month or face deportation.

This new policy threatens sick immigrants who may be forced to leave the country and end life-saving treatment. It threatens American citizens and lawful residents who rely on immigrant family members for financial and emotional support. It threatens crucial medical research and progress by undermining clinical trials that rely on the participation of immigrants with rare diseases.

The officials responsible for this policy must be held accountable for their recklessness and their failure to take even the most basic steps to determine the incalculable harm that would be caused by this policy.

The Administration’s decision to expel these immigrants was exacerbated by the limited time they were given to leave. According to medical experts, 33 days is not nearly enough time to even attempt to arrange for proper continuity of medical care overseas.

For days, USCIS and ICE squabbled about who was responsible for this decision and how to implement it and whether there was a new process for stay requests. As they bickered, families were left in panic with all-consuming dread and terror. USCIS claimed that ICE would consider stay requests, but ICE denied those reports. The only recourse ICE offers would require vulnerable families to risk deportation before they can request a stay of removal. This is the unnecessary collateral damage facing every family caught between USCIS and ICE. It appears that no one at either agency contemplated or cared about the full implications of this policy.

This Administration’s recent so-called “reversal” of this policy does not resolve the life and death consequences faced by many more families.

After these heart-wrenching realities became public, the Administration backtracked and announced that it would reopen all deferral requests that were pending on August 7th. But there are still crucial questions left unanswered. Will anyone who applied after August 7th be eligible for relief? Does the Trump Administration actually plan to grant relief to those who have reopened applications? What will happen to families that are currently receiving deferred action, but will need to reapply once their two-year stay expires?

Without answers to these key questions, the Administration's reversal appears primarily aimed at avoiding a storm of criticism from the public. It gives the appearance of change without altering the cruel essence of this policy.

The Trump Administration must immediately and completely reverse this policy and continue granting deferred action requests. There are people who applied after August 7 who are still facing the 33-day deadline to leave this country, a deadline that will arrive within days or weeks for some. That is simply unacceptable.

There is no justification for the incompetence and inhumanity of this decision, and there is no excuse for the recklessness displayed by our government in the whole affair.

I look forward to having a serious and rigorous analysis of these events and a discussion of how we can move forward constructively to repair the damage.

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