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Opening Statement Chairman Jamie Raskin (MD-08) Subcommittee on Civil Rights and Civil Liberties Hearing on “The Administration’s Decision to Deport Critically Ill Children and Their Families” October 30, 2019

Good morning. Thank you all for joining us. We are here today to get to the bottom of the Administration’s mysterious campaign to deport critically ill children. It appears that this cruel policy has thankfully been reversed, but only because Congress and the American people rose up in outrage at the unrepentant inhumanity on display. This hearing is not only in honor of the memory of our late beloved Chairman, but it is in direct pursuit of a policy objective close to his heart. The deportation of sick kids was such an outrage to Chairman Cummings that his last official act was to issue subpoenas to hold the Administration to account. Think about that for just a moment. On Wednesday, in the waning hours of his life, through all his pain, he recognized the indelible moral stain this policy would leave on our nation’s collective soul and made holding our government accountable his final act. We have a sacred obligation to follow through on his subpoenas.

To our witnesses here today let me make this abundantly clear. This Subcommittee intends to follow through on Chairman Cummings’ promise to unearth the truth behind this policy, and his desire to ensure that the policy is truly reversed and that our government treats immigrants with the dignity they deserve. Not only do we owe that to him, but we owe that to Maria Isabel Bueso, Jonathan Sanchez, Serena Badia, and all the immigrants whose lives were threatened by the coldhearted policy implemented by U.S. Citizenship and Immigration Services.

USCIS must explain what the current policy is on deferred action. It cannot keep this process shrouded in secrecy while sick kids wait to hear their fate.

On September 18, 2019, Acting Secretary of Homeland Security Kevin McAleenan ordered Acting Director Ken Cuccinelli to – quote – “ensure that, effective immediately, USCIS resumes its consideration of non-military deferred action requests on a discretionary, case-by-case basis.” It is unclear whether USCIS has actually granted relief to anyone since reversing course.

He further ordered USCIS to – quote – “ensure that the procedure for considering and responding to deferred action requests is consistent throughout USCIS and that discretionary, case-

by-case deferred action is granted only based on compelling facts and circumstances.” What does this mean? What precisely is the problem USCIS is trying to fix? What changes are being considered? Will any outside stakeholders be consulted? **The American people deserve maximum transparency to ensure USCIS is not secretly imposing unreasonable requirements on immigrants who deserve our mercy.**

In the meantime, USCIS must explain what will happen to people whose prior deferrals have expired while their renewals are still under review. We have heard from the family of a 12-year-old boy with an incurable condition that could cause him to bleed to death if he is not treated correctly. Both of his parents applied in March to renew their deferrals but have been waiting months without a decision. His father’s deferral expired in August. His mother’s expires in January. Without a deferral, neither parent would be authorized to stay or work in the United States threatening their ability to support and care for their son.

What does USCIS recommend families like his do while the agency dithers over how to reinstate deferred action? How many more are stuck in this limbo and what will USCIS do to protect them? We need answers to these basic questions.

The ongoing confusion regarding deferred action reflects the same cruelty and incompetence that produced the disastrous policy that prompted our last hearing, and for which the Administration must still answer. What little we have been able to learn about how this policy came to be indicates that it was hastily undertaken without any effort to ascertain its life-threatening effects.

At our hearing in September, we heard the compelling stories of people harmed by this policy. Isabel Bueso, a 24-year-old woman suffering from a rare disease, testified deportation would be a – quote – “death sentence for me.” She told us: “I want to live. I’m a human being with hopes and dreams in my life.”

Jonathan Sanchez, a 16-year-old suffering from cystic fibrosis, told us that upon learning he was facing deportation, he broke down crying, pleading – quote – “I don’t want to die. I don’t want to die. If I go back to Honduras, I will die.” In his words: “It is incredibly unfair to kick out sick kids who are in the hospital or at home taking treatments and who are just trying to have better opportunities to live.”

It is obvious from that testimony that USCIS either did not realize the implications of its policy, or it knew and did not care. Either reality would be damning.

But the effects on Maria and Jonathan would have been entirely foreseeable if USCIS had sought public feedback before instituting its policy. According to USCIS, it failed to consult a single external stakeholder before jeopardizing countless lives. Making matters worse, USCIS did not even issue any public announcement about the policy or provide any guidance to Maria or Jonathan, or any of the other critically ill children and their families, on about what to do next. Why not? What was the reason for this secrecy? Is it USCIS’s practice to implement massive policy shifts without doing their homework or providing public notice?

Sadly, the threatened deportation of sick kids is just one egregious example of this Administration's mistreatment of immigrant children, but it is far from the only example. USCIS, in particular, has engaged in a pattern of endangering kids. Since Mr. Cuccinelli took office, USCIS has eliminated automatic citizenship for some children of U.S. soldiers stationed overseas, introduced new barriers for immigrant children fleeing domestic abuse in their home countries, and rolled out a public charge rule that has scared parents into removing their children from essential health and nutrition services.

Each of these acts is an affront to the central tenet of Chairman Cummings' philosophy that children are the living messengers we send forward to a future we will never see. The last hearing Chairman Cummings ever attended was our September 11 hearing on this issue. Treating children with dignity was so important to Elijah that he made a point to come down from Baltimore despite his failing health. At that hearing, Elijah said – quote – “I really do think that we are in a moral situation. People are striving to live, trying to breathe the air of our country, trying to be better, trying to be healthy.” Elijah, who himself was striving to live, trying to be healthy, wanted these children to have the same access to medical treatment that he did.

We will honor his memory and the humanity of all those seeking deferred action by remaining vigilant, conducting rigorous oversight, and working to guarantee that this Administration treats immigrants with the dignity they deserve. I caution today's witnesses against the unacceptable stonewalling your agencies engaged in at our last hearing. We are here for answers, and we will not stop until we get them.