

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA
VIDAL, *et al.*,

Plaintiffs,

v.

CHAD F. WOLF, *et al.*,

Defendants.

No. 16-cv-4756 (NGG) (VMS)

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

No. 17-cv-5228 (NGG) (VMS)

DEFENDANTS' STATUS REPORT

Defendants are hereby filing reports regarding the DACA policy pursuant to the Court's order of December 4, 2020, *Batalla Vidal* ECF No. 354. Copies of these reports, entitled Request 1 (DACA and Advance Parole Requests from Nov. 14, 2020 - Dec. 31, 2020), Request 2.1 (DACA First-Time Requests Rejected Under Wolf Memo), Request 2.2 (DACA Renewal and Employment Authorization Grants for One-Year Under Wolf Memo), and Request 2.3 (DACA Advance Parole Requests Under Wolf Memo), which correspond to the status report requirements on page 5 of this Court's December 4, 2020 order, are attached to this filing as Exhibits A, B, C, and D.

Defendants note that the information used to generate these reports is transferred from certain electronic systems to the agency's Enterprise Citizenship and Immigration Services

Centralized Operation Repository (eCISCOR). Because there is a lag time due to the electronic transfer of data, these reports reflect the currently available information in eCISCOR as of January 4, 2021. Additionally, in accordance with standard business procedures, some data may not be entered into USCIS's electronic systems for 72 business hours. New filings may take longer than normal to be data entered into USCIS's electronic systems due to the front-log at the USCIS Lockbox, which occurs when mail, including immigration forms, is arriving at the Lockbox faster than the clerks can enter the information into the electronic systems, the first step to processing immigration filings. Thus, these reports reflect USCIS's best analysis of the currently available data as of January 4, 2021. The notes accompanying the attached reports provide further detail regarding data limitations.

Dated: January 4, 2021

Respectfully submitted,

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Exhibit A

Request 1 (DACA and Advance Parole Requests from Nov. 14 - Dec. 31, 2020)*

Form I-821D, Consideration of Deferred Action for Childhood Arrivals
 Form I-131, Application for Travel Document
 Receipts, Adjudications, Approvals, Denials, Rejections
 November 14, 2020 - December 31, 2020



**U.S. Citizenship
 and Immigration
 Services**

Form Type	Receipts ¹	Adjudications ²	Approvals ³	Denials ⁴	Rejections ⁵
DACA - Initial ⁶	2,713	295	174	121	369
DACA - Renewal ⁷	28,821	62,170	61,844	326	2,842
DACA I-131 Filing ⁸	163	0	0	0	25

* This chart responds to the Court's Dec. 4, 2020 Order at p. 5 for "(1) The number of first-time DACA applications received, adjudicated, approved, denied, and rejected from November 14 until December 31, 2020; (2) the number of renewal requests received, adjudicated, approved, denied, and rejected over that time period, and (3) the number of advance parole requests received, adjudicated, approved, denied, and rejected over that time period."

Reference(s):

- ¹ The number of requests or applications received and entered into a case-tracking system during the reporting period.
- ² The number of requests or applications approved or denied during the reporting period.
- ³ The number of requests or applications approved during the reporting period.
- ⁴ The number of requests or applications denied during the reporting period.
- ⁵ The number of requests or applications rejected during the reporting period. See footnote 4 below.
- ⁶ Cases marked as a DACA Initial request in the electronic systems as of the query date. This may include some I821D renewal requests where the requestor's previous DACA had expired more than 1 year ago or the previous DACA was terminated. System limitations prevent USCIS from being able to segregate such DACA requests categorized as "initials" from those that were filed by individuals seeking DACA for the first-time.
- ⁷ Cases marked as a DACA Renewal request in the electronic systems as of the query date.
- ⁸ Cases marked as a I-131 Advance Parole application based on DACA in the electronic systems as of the query date.

Note(s):

- 1) Some petitions/applications/requests approved or denied may have been received outside the reporting period.
- 2) The report reflects the most up-to-date estimate available at the time the database is queried.
- 3) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.
- 4) Data on advance parole requests may be incomplete with respect to applications for an advance parole document submitted at USCIS field offices in person in emergency situations. For applications submitted at USCIS field offices, USCIS does not systematically maintain information about rejected applications, and for denied and approved applications does not systematically capture that the request is from a DACA recipient.
- 5) USCIS is currently updating its pre-9/5/2017 DACA I-131 (advance parole) procedural guidance and training materials. The agency anticipates that officer training will be completed and adjudications of applications will begin before the end of January 2021.

Source:

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality CLAIMS3 & ELIS, queried January 4, 2021, TRK 6773.

Exhibit B

Request 2.1 (DACA First-Time Requests Rejected Under Wolf Memo)*

Form I-821D, Consideration of Deferred Action for Childhood Arrivals

DACA Initials

Rejected Pursuant to the Wolf Memorandum

June 30, 2020 - December 4, 2020



**U.S. Citizenship
and Immigration
Services**

Form Type	Rejections ¹	Rejections in Subclass ²
DACA - Initial	4,383	0

* This chart responds to the request in the Court's December 4, 2020 Order at p. 5 for "(1) the number of first-time applications for consideration of deferred action under DACA received and rejected pursuant to the Wolf Memorandum;...The Government shall ensure that this data includes all persons in the certified Subclass defined in the court's November 14 Memorandum & Order, and shall also provide those metrics as applied to the Subclass, broken out from the total. See *Batalla Vidal*, 2020 WL 6695076 at *13." See also Note 3 below.

Reference(s):

¹The number of requests rejected pursuant to the Wolf Memorandum during the reporting period.

²The number of requests rejected pursuant to the Wolf Memorandum during the reporting period for individuals in the subclass defined by *Batalla Vidal*, 2020 WL 6695076 at *13.

Note(s):

1) The report reflects the most up-to-date estimate available at the time the database is queried.

2) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.

3) The subclass is defined as, "All persons who had an application for deferred action through DACA, whether an initial or renewal, pending at USCIS on any date between June 30, 2020, and July 28, 2020, that have not been or will not be adjudicated in accordance with the 2012 Napolitano Memo." Under standard USCIS practice for reporting statistics, filings are considered "pending" if they have been accepted by USCIS and have not been approved, denied, or otherwise closed. "Pending" does not including filings that were received at a USCIS lockbox and then rejected.

Source:

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality CLAIMS3 & ELIS, queried January 4, 2021, TRK 6773.

Exhibit C

Request 2.2 (DACA Renewal and Employment Authorization Grants for One-Year Under Wolf Memo)*

Form I-821D, Consideration of Deferred Action for Childhood Arrivals

Form I-765, Application for Employment Authorization

DACA Renewals, Renewal EADs and Replacement EADs

1 Year Grants Pursuant to the Wolf Memorandum

July 28, 2020 - December 4, 2020



**U.S. Citizenship
and Immigration
Services**

Form Type	Approvals ¹	Approvals in Subclass ²
DACA - Renewal	68,328	0
I765 C33 EAD Renewal/Replacement	68,310	0

*This chart responds to the Court's request in its December 4, 2020 Order at p. 5 for "...(2) the number of DACA renewal applications and applications for EADs that were granted for a period of only one year pursuant to the Wolf Memorandum; ...The Government shall ensure that this data includes all persons in the certified Subclass defined in the court's November 14 Memorandum & Order, and shall also provide those metrics as applied to the Subclass, broken out from the total. See *Batalla Vidal*, 2020 WL 6695076 at *13." See also Note 4 below.

Reference(s):

¹ The number of applications or requests approved for 1 year period pursuant to the Wolf Memorandum during the reporting period.

² The number of applications or requests approved for 1 year period pursuant to the Wolf Memorandum during the reporting period for individuals in the subclass defined by *Batalla Vidal*, 2020 WL 6695076 at *13.

Note(s):

- 1) Some applications/requests approved may have been received outside this reporting period.
- 2) The report reflects the most up-to-date estimate available at the time the database is queried.
- 3) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.
- 4) The subclass definition refers to individuals with a pending DACA request in a specified time period "that have not been or will not be adjudicated in accordance with the 2012 Napolitano Memorandum." As of the time the database was queried, USCIS databases reflect that all one-year grants of DACA pursuant to the Wolf Memorandum have been extended to two years and therefore have been "adjudicated in accordance with the 2012 Napolitano Memorandum."

Source:

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality CLAIMS3 & ELIS, queried January 4, 2021, TRK 6773.

Exhibit D

Request 2.3 (DACA Advance Parole Requests Under Wolf Memo)*

Form I-131, Application for Travel Document

Receipts, Approvals, Denials, Rejections

Pursuant to Wolf Memorandum

July 28, 2020 - December 4, 2020


**U.S. Citizenship
and Immigration
Services**

Data Type	Receipts ¹	Approvals ²	Denials ³	Rejections ⁴
Total Counts	529	1	0	125
Counts in Subclass ⁵	0	0	0	0

*This chart responds to the Court's request in its Dec. 4, 2020 Order at p. 5 for "... (3) the number of advance parole requests received, approved, denied, and rejected pursuant to the Wolf Memorandum. The Government shall ensure that this data includes all persons in the certified Subclass defined in the court's November 14 Memorandum & Order, and shall also provide those metrics as applied to the Subclass, broken out from the total. See Batalla Vidal, 2020 WL 6695076 at *13." See also Note 7 below.

Reference(s):

¹ The number of applications received and entered into a case-tracking system during the reporting period.

² The number of applications approved during the reporting period.

³ The number of applications denied during the reporting period.

⁴ The number of requests or applications rejected during the reporting period.

⁵ The subclass is defined by Batalla Vidal, 2020 WL 6695076 at *13.

Note(s):

1) Some petitions/applications/requests approved or denied may have been received outside this reporting periods.

2) The report reflects the most up-to-date estimate available at the time the database is queried.

3) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.

4) Only Cases marked as a I-131 Advance Parole application based on DACA in the electronic systems as of the query date are included in this report.

5) Data on advance parole requests may be incomplete with respect to applications for an advance parole document submitted at USCIS field offices. For applications submitted at USCIS field offices, USCIS does not systematically maintain information about rejected applications, and for denied and approved applications does not systematically capture that the request is from a DACA recipient.

6) The low number of approval and denials (completions) reflects the fact that the guidance materials needed for USCIS adjudicators to fully operationalize the advance parole portions of the Wolf and Edlow memos had not been finalized by the time the Court issued its November 14 Decision and December 4 Order vacating the Wolf Memo.

7) The subclass is defined as, "All persons who had an application for deferred action through DACA, whether an initial or renewal, pending at USCIS on any date between June 30, 2020, and July 28, 2020, that have not been or will not be adjudicated in accordance with the 2012 Napolitano Memo." Under standard USCIS practice for reporting statistics, filings are considered "pending" if they have been accepted by USCIS and have not been approved, denied, or otherwise closed. "Pending" does not including filings that were received at a USCIS lockbox and then rejected.

Source:

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality CLAIMS3 & ELIS, queried January 4, 2021, TRK 6773.