



# Immigration Law Office of Los Angeles

A Private Law Firm Representing Your Opportunity, Family & Hope

October 12, 2011

Director John Morton  
U.S. Immigration and Customs Enforcement  
500 12th St., SW  
Washington, D.C. 20536

Dear Director Morton,

I had the honor of being asked by five brave-- and undocumented-- students to represent them during a sit-in today in the Los Angeles Office of the Chief Counsel of ICE. These students were supported by attorneys from the American Immigration Lawyers Association, National Lawyers Guild, National Immigration Law Center, the Vail Center for Immigrant Rights, and the UCLA Labor Center as well as hundreds of supporters protesting in and around the building.

These five “DREAM” students were all brought as young children from Mexico by their parents. They have all led the type of lives that would make any parent-- and any country-- proud. [The students’ bios are attached.] Yet, under the current administration’s policy, they can only “hope” for administrative relief if they are caught-up in deportation proceedings. This is a bad policy solution to a societal crisis.

They believe-- as do many immigration attorneys-- that the same power that you exercised in reinvigorating “prosecutorial discretion” can be exercised by the administration in the form of an “application” for administrative relief. This includes the executive branch’s authority-- and responsibility-- to make decisions on how it will interpret and implement existing law. For instance, the plain language of INA Section 240A(b)(1) grants the authority to the Attorney General to allow qualifying nonpermanent members to adjust and receive permanent residency if they meet four qualifications. The plain language does not require the nonpermanent resident to be in removal proceedings- a reinterpretation of that provision could allow the Attorney General to create an application process. Almost 100% of DREAM students meet the first three qualifications. The administration could then declare a presumption of INA Section 240A(b)(1)(D)’s “exceptional and extremely unusual hardship” for the family members of DREAM Act students. This would enable a

great portion of the DREAMers to begin the process of adjustment

Other such reinterpretation and new implementation strategies could provide relief to the students who do not have family that qualify under INA Section 240A(b)(1)(D).

Alternatively, the administration could just grant DREAMers a work permit with an annual reporting/supervision requirement and a ban on students being put into removal proceedings. Giving them a work permit will at least allow them to use their education and contribute to our society.

Yes, there will be court challenges. But progress will not be made with inaction. The action the DREAM students-- and immigrant communities-- are demanding boils down to one thing: the administration providing leadership in immigration policy. We ask this be done on a timeline that gives today's generation of DREAM students HOPE.

Finally, I would like to commend the Office of the Chief Counsel in Los Angeles. When the students occupied the lobby-- and hundreds of supporters occupied the building below-- Acting Chief Counsel Debra Workeneh responded rapidly and professionally. She agreed to hear the concerns of the students-- and thereby de-escalated the situation-- where others might have resorted to more heavy handed tactics. I believe all of the students left the building knowing that the policy is the enemy, not the men and women of ICE. Deputy Counsel Jason Aguilar and Lee Chrystal also deserve credit for the professionalism with which they carried themselves during this event.

Sincerely,



Scott Daniel McVarish, Esq.

cc. Dream Team Los Angeles  
AILA President Eleanor Pelta