



November 23, 2021

Ms. Andria Strano  
Acting Chief  
Office of Policy and Strategy  
Division of Humanitarian Affairs  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

Re: DHS Docket No. 2021-0006

*Submitted via Federal eRulemaking Portal at [regulations.gov](https://www.regulations.gov)*

Dear Ms. Strano:

The National Retail Federation (NRF) appreciates the opportunity to comment on the Department of Homeland Security's (DHS) proposed rule, "Deferred Action for Childhood Arrivals," DHS Docket No. 2021-0006, which protects the Deferred Action for Childhood Arrival (DACA) policy. NRF has long supported efforts to bring certainty and stability to the millions of people who came to the United States as minors. As such, NRF is pleased to express support for the proposed rule.

NRF, the world's largest retail trade association, passionately advocates for the people, brands, policies and ideas that help retail thrive. From its headquarters in Washington, D.C., NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing \$3.9 trillion to annual GDP and supporting one in four U.S. jobs — 52 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring and communicating the powerful impact retail has on local communities and global economies

The young people whose status would be adjusted by this regulation are law-abiding, tax-paying Americans who have never known adult life anywhere else besides the United States. They have contributed to our society, businesses and economy. Many have worked tirelessly throughout the COVID-19 pandemic: An estimated 1 million Dreamers are working on the front lines as essential workers in health care and other fields. For retailers, having a stable and reliable workforce is critical to continue providing consumers the goods and services they need during the pandemic.

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The recent Federal District Court ruling deeming the DACA policy to be illegal continues to create an environment in which these individuals remain in legal limbo. NRF has consistently urged Congress to address this issue. Thus, given the need for governmental action in this area, NRF applauds DHS for attempting to codify DACA through formal notice-and-comment rulemaking.

The proposed rule would officially define “Deferred Action” as a “temporary forbearance from removal that does not confer any right or entitlement to remain in or re-enter the United States, and that does not prevent DHS from initiating any criminal or other enforcement action against the DACA recipient at any time.” The proposed rule also severs deferred action from automatic employment authorization, so individuals could apply for DACA without also attempting to obtain a work permit. Finally, those granted deferred action would be considered “lawfully present.”

While NRF supports the Department’s actions, we urge DHS to take additional actions to ensure work authorization is protected as a necessary component of the program. DHS needs to protect the ability for DACA recipients to apply and receive work authorization. NRF wants to bring these undocumented immigrants into the workforce and to allow them to continue to contribute to the American economy. DACA recipients should have the right to both live and work in the United States legally.

Similarly, the Administration should address current processing times for the renewal of Employment Authorization Documents (EAD), which are at an all-time high. For example, the California Service Center is taking 8.5-14.5 months to issue EAD renewals (see <https://egov.uscis.gov/processing-times/>). USCIS has provided for automatic renewals of up to 180 days for certain types of EAD categories (A03, A05, A07, A08, A10, C08, C09, C10, C16, C20, C22, C24, C31, and A12 or C19). However, DACA recipients (EAD category C33) are not currently eligible for automatic renewals. This causes many employers to terminate the employment of their workers who are caught in USCIS’ EAD processing backlogs. We respectfully request that USCIS add the DACA EAD Category to the list of EAD categories approved for automatic renewals for individuals who have timely filed and paid for a renewal of their EADS.

While NRF will continue to urge Congress to pass the Dream and Promise Act to provide a path to citizenship for these immigrants who have contributed to — and will continue to contribute to — our society, businesses and economy, we are pleased the Administration is taking this action.

Sincerely,



David French  
Senior Vice President  
Government Relations