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**Remarks Prepared for ICE ERO Acting Executive Associate Director
Timothy S. Robbins
House Oversight and Reform Committee
September 11, 2019
Remarks as prepared for delivery**

Chairman Raskin, Ranking Member Roy, and distinguished Members of the Subcommittee: Thank you for the opportunity to appear before you today and clarify any public confusion over ICE's role in this matter.

As was stated in recent correspondence from USCIS, DHS may issue a Notice to Appear and commence removal proceedings under section 240 of the Immigration and Nationality Act (INA) before an immigration judge (IJ) against removable aliens. It is

critical to understand that ICE may only remove an alien from the United States when that alien has been issued a final removal order. Such orders are the result of a process provided for by law during which an alien has the opportunity to avail himself of a variety of procedural safeguards and seek certain forms of relief from removal. For example, an alien in INA section 240 removal proceedings has the right to be represented by counsel, to seek continuances, to contest removability, to apply for relief, to view, examine, and object to government evidence and witnesses, and

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to appeal IJ decisions to the Board of Immigration Appeals, all while having their proceedings before the IJ simultaneously translated at government expense into a language that the alien understands. There are currently over 920,000 aliens in INA section 240 removal proceedings nationwide.

ICE has broad discretion and exercises that discretion, as appropriate, on a case-by-case basis throughout the immigration enforcement process in a variety of ways. For instance, discretion may be exercised in the course of deciding which

aliens to arrest, which aliens to release from custody pending their removal proceedings, what the position of ICE will be on a claim, motion, or appeal made by an alien in immigration court, and which aliens will be prioritized for removal. ICE does not exercise discretion on a categorical basis to exempt entire groups of aliens from the immigration laws enacted by Congress.

Deferred action is a discretionary act of administrative convenience by which DHS may delay or decline to exercise immigration enforcement authority in a given case. It is not a legal benefit and provides no lawful immigration status in the United States. ICE does not accept “applications” for deferred action. However, consistent with federal regulations, an alien who becomes subject to a final removal order, such as when his

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or her INA section 240 removal proceedings conclude, may apply to ICE for an administrative stay of removal using Form I-246, Application for a Stay of Deportation of Removal.

A stay of removal may only be sought by aliens subject to final

AILA Doc. No. 19082737. (Posted 9/18/19)

orders of removal. ICE will consider all relevant factors in deciding whether to issue a stay of removal, including any claimed medical basis for the request; however, such stays are considered solely in ICE's discretion on a case-by-case basis.

Thank you again for inviting me today, and I look forward to answering any questions you may have on ICE's role in this matter.