

Post Office Fails to Deliver on Time, and DACA Applications Get Rejected

 [nytimes.com/2017/11/10/nyregion/post-office-mail-delays-daca-applications.html](https://www.nytimes.com/2017/11/10/nyregion/post-office-mail-delays-daca-applications.html)

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November 10, 2017

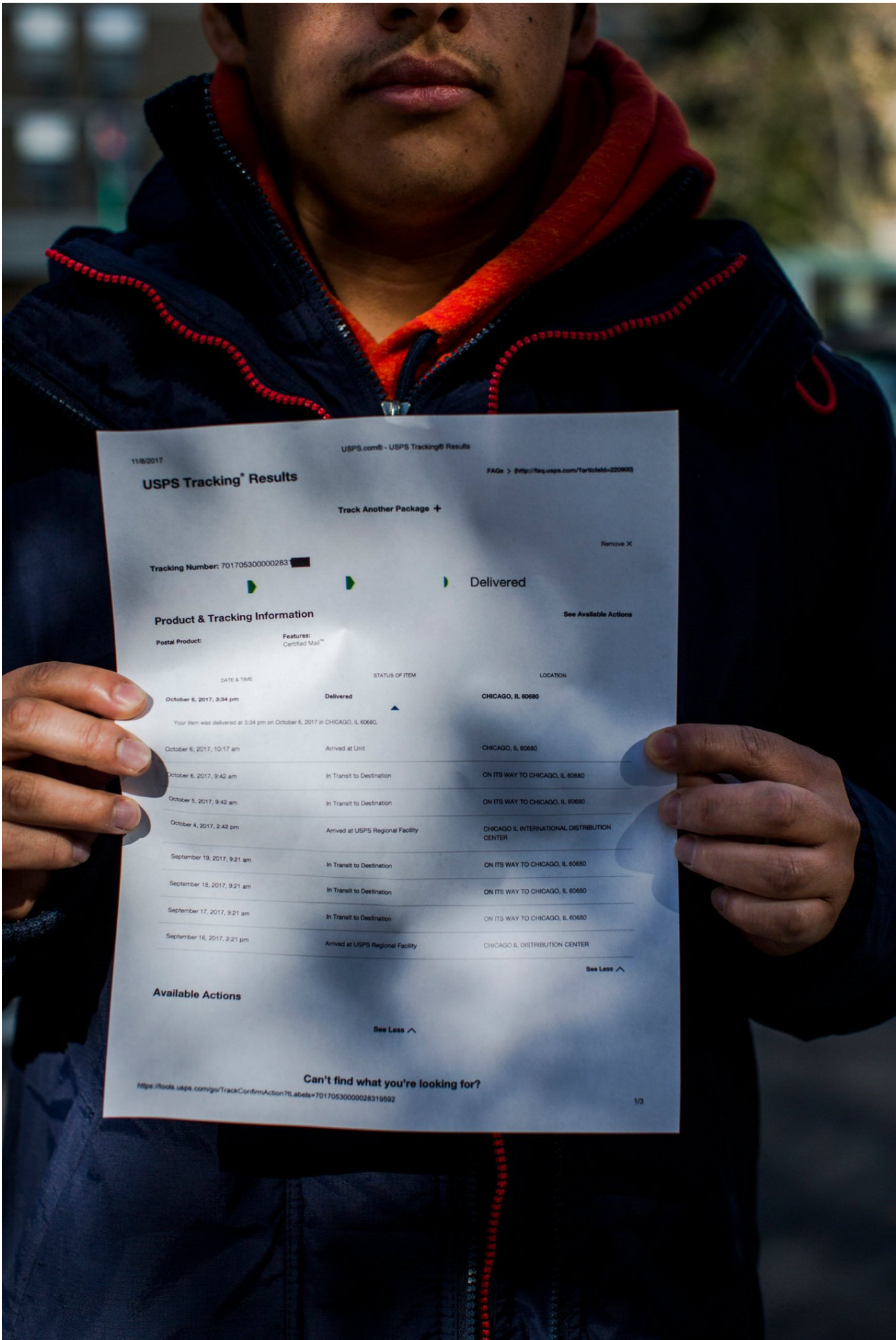
The paperwork was mailed from New York in plenty of time. On Sept. 14, Allison Baker, a lawyer for the Legal Aid Society, sent a client's application to renew a permit that would let him stay and work in the United States legally as part of the Deferred Action for Childhood Arrivals program — long before the Oct. 5 deadline. It was sent certified mail to be safe.

Tracking data from the [United States Postal Service](#) shows the envelope arriving in Chicago on Sept. 16 on its way to the regional processing warehouse of the United States Citizenship and Immigration Services, the agency that administers the program known as DACA.

Then the packet started circling Chicago in a mysterious holding pattern. From Sept. 17 to Sept. 19, it was “in transit to destination.” Then its tracking whereabouts disappeared until Oct. 4. Once again, it was “on its way.”

On Oct. 6, a day too late, it was delivered. And the application, for a 24-year-old man who asked to be identified only as José because his legal status was uncertain, was rejected.

José was not alone. According to lawyers from across the New York region, in at least 33 other cases, unusually long Postal Service delays resulted in rejections of DACA applications, throwing the lives of their clients into frantic limbo. Lawyers in Boston and Philadelphia, which also send their applications to the Chicago processing center, say they have not seen evidence of an issue with the mail.



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Tracking Number: 70170530000283

Delivered

Product & Tracking Information

[See Available Actions](#)

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
October 6, 2017, 3:34 pm	Delivered	CHICAGO, IL 60680
Your item was delivered at 3:34 pm on October 6, 2017 in CHICAGO, IL 60680.		
October 6, 2017, 10:17 am	Arrived at Unit	CHICAGO, IL 60680
October 6, 2017, 9:42 am	In Transit to Destination	ON ITS WAY TO CHICAGO, IL 60680
October 5, 2017, 9:42 am	In Transit to Destination	ON ITS WAY TO CHICAGO, IL 60680
October 4, 2017, 2:42 pm	Arrived at USPS Regional Facility	CHICAGO IL INTERNATIONAL DISTRIBUTION CENTER
September 19, 2017, 9:21 am	In Transit to Destination	ON ITS WAY TO CHICAGO, IL 60680
September 18, 2017, 9:21 am	In Transit to Destination	ON ITS WAY TO CHICAGO, IL 60680
September 17, 2017, 9:21 am	In Transit to Destination	ON ITS WAY TO CHICAGO, IL 60680
September 16, 2017, 2:21 pm	Arrived at USPS Regional Facility	CHICAGO IL DISTRIBUTION CENTER

[See Less](#) ^

Available Actions

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<https://tools.usps.com/go/TrackConfirmAction?Labels=7017053000028319592>

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José holding the tracking record that showed how his application was stalled for weeks in Chicago. Mark Abramson for The New York Times

But in Chicago, in the backyard of the U.S. Citizenship and Immigration Services agency, there were at least 41 DACA recipients whose renewals, sent well before the deadline, arrived late, advocates said. According to Representative Luis V. Gutiérrez, Democrat of Illinois, an applicant sent a renewal on Sept. 13 and it arrived on Oct. 6. Another sent the paperwork on Sept. 21, and it was received on Oct. 9. “Because somebody else did not do their job correctly we are taking innocent young immigrants and making them deportable,” said Mr. Gutiérrez in a statement. “That is unacceptable.”

On Thursday, in a rare admission from a federal agency, the U.S. Postal Service took the blame. David A. Partenheimer, a spokesman for the post office, said there had been an “unintentional temporary mail processing delay in the Chicago area.”

But the U.S. Citizenship and Immigration Services agency said nothing more could be done; the decisions were final.

“According to U.S.C.I.S. regulations, a request is considered received by U.S.C.I.S. as of the actual date of receipt at the location for filing such request,” Steve Blando, a spokesman for the agency, wrote in a statement. He added: “U.S.C.I.S. is not responsible for the mail service an individual chooses, or for delays on the part of mail service providers.”

He later added, though, that “U.S.C.I.S. is committed to working with the U.S.P.S. to understand and address the U.S.P.S. error that occurred that delayed the mail.”

Because DACA is an executive order, signed by President Barack Obama in 2012, and not a statute, applicants cannot appeal the decision. Still, immigrants and their advocates viewed the agency’s unwillingness to revisit their applications as harsh and unfair.

“You can’t put the burden on the applicant to ensure the government agencies did their job,” said Camille Mackler, the director of legal initiatives for the [New York Immigration Coalition](#). “Can you imagine if the I.R.S. didn’t pick up their mail for two weeks and you get a penalty because of it?”

The DACA program had offered temporary protection and work permits for about 800,000 young adults who had been brought to the United States illegally as children.

On Sept. 5, Attorney General Jeff Sessions announced after months of speculation that the Trump administration was canceling the program. Recipients were allowed to keep their permits until they expired at the end of the current two-year term. The administration also offered a brief renewal window for recipients whose permits were expiring before March 5, which set off a scramble across the country from legal service providers to assist applicants.

There are three U.S. Citizenship and Immigration Services intake locations, known as lockboxes, in the United States: in Phoenix, Chicago and Lewisville, Tex., a suburb of Dallas.

According to the immigration agency, its employees do not pick up the mail from the lockbox. The United States Department of the Treasury manages the process but uses a courier service that picks up the mail from post offices each morning. Express Mail items, the agency said, are picked up in the afternoon. Also, items are delivered to the lockbox by the courier services FedEx, DHL and the United Parcel Service.

In a memo after DACA was rescinded, the Department of Homeland Security said renewals had to be “accepted” by Oct. 5. Immigration lawyers contrasted that with a permanent residency opportunity the government offered in 2001, when applications only had to be postmarked by the deadline of April 30. Acknowledging the high volume of applications, the government offered a grace period for paperwork to be received by May 3.

Immigration lawyers questioned why that was not an option in this case.

Hasan Shafiqullah, director of the immigration unit of the Legal Aid Society in New York, was disturbed by the lack of compassion from the agency.

“From the clients’ perspective, they did the right thing,” Mr. Shafiqullah said. “Filing three weeks before should be sufficient, and U.S.C.I.S. needs to recognize that and needs to exercise discretion.”

According to an Oct. 18 deposition of an immigration official conducted as part of a federal lawsuit in Brooklyn, 4,000 DACA applications arrived late. One hundred and fifty-four thousand people were eligible to apply for renewal and 132,000 applications were received on time.

Tata Camara, 32, who came to the United States at age 15 from Guinea, sent her application on Sept. 29; she said it was the earliest she could afford to apply, since that day she got a donation for the \$495 application fee from the New Economy Project, a New York nonprofit. BronxWorks, a legal services agency, helped her prepare her application.

She had installed two apps on her phone to track her application in the mail, but she became anguished when they showed her envelope had arrived in Chicago on Oct. 1 but seemed to stall there. She called every supervisor she could in the Chicago post office.

“It doesn’t make any sense, I mail stuff all the time,” Ms. Camara said. “I can understand one day of delay. Two days at most. But you can’t even tell me where it is?”

According to the tracking record, her application arrived “at the unit” on Oct. 5, but was not actually delivered until Oct. 6.

She said she made an appointment to discuss the application with an immigration official next week. Five lawyers in New York said they had already received denials from the U.S. Citizenship and Immigration Services agency when pleading their case — via email, an 800-number and in person.

Linda Bennett-Rodriguez, a lawyer at the Empire Justice Center in White Plains, said one of her clients sent his application in on Sept. 12. She sent the renewal form for his younger brother on Sept. 21, and it was accepted on Sept. 25.

The older brother's application was in transit for three weeks; it did not arrive at the regional facility in Chicago until Oct. 3. At that point, Ms. Bennett-Rodriguez raced to find a solution.

When it still had not arrived, hours before the deadline, she said that her client offered to fly from La Guardia Airport to Chicago to hand-deliver his application. But she learned there was no physical address listed for where he would go.

The post office tracking information showed his application arrived on Oct. 6.

"It was probably my worst day as an attorney," Ms. Bennett-Rodriguez said. "I knew the importance and I knew we filed with enough time."

Mr. Partenheimer, the post office spokesman, said the processing "issue has been resolved and we are investigating how it occurred." He added that the mail service would "work diligently" with the U.S. Citizenship and Immigration Services agency "concerning any potential issues this may cause for the affected individuals."

Correction: November 10, 2017

An earlier version of this article referred incorrectly to a deposition in a federal lawsuit. It was not conducted by the immigration advocacy group Make the Road and did not include the number of applications received on time.