

Congress of the United States

Washington, DC 20515

September 19, 2023

RECEIVED

By ESEC at 2:11 pm, Oct 02, 2023

The Honorable Joseph R. Biden, Jr.
President of the United States
1600 Pennsylvania Avenue
Washington, D.C., 20500

The Honorable Kamala Harris
Vice President of the United States
1600 Pennsylvania Avenue
Washington, D.C., 20500

Dear President Biden and Vice President Harris:

Thank you for your efforts to advance equity for Latinos in the United States. Notably, we commend your efforts to expand and improve legal pathways to immigration by expanding humanitarian parole for Cuban, Haitian, Nicaraguan, and Venezuelan nationals. This means a great deal for the Latino community, given that immigration impacts 32 percent (19.9 million) of Latinos in our great nation.¹ As the U.S. continues to address ongoing large-scale migration flows, we urge your administration to employ full executive power to provide relief for asylum seekers in the United States.

As you know, cities across the nation, such as New York City, Boston, Los Angeles, Chicago, Denver, Philadelphia, Washington, D.C., and more, have experienced a significant increase in asylum seekers who are fleeing violence, persecution, poverty, and environmental crises in their home countries. Moreover, Republican Governors, such as Greg Abbott of Texas and Ron DeSantis of Florida, have, for well over a year now, directed state-funded busses and planes to relocate migrants to northern cities. This coordinated effort has mostly been done as an ill-intended political stunt, with little regard for migrants' health and safety. We strongly condemn Republican efforts to use migrants to make a political statement, especially while they are unwilling to partner with Democrats to pass comprehensive immigration reform.

We applaud cities welcoming asylum seekers with dignity and respect, and we acknowledge that the life-sustaining and legal services they provide to ensure migrants can achieve self-sufficiency are unsustainable without additional federal relief. As such, we respectfully request that your administration take the following actions to alleviate financial strains on cities that are providing quality care for migrants:

- 1. Redesignate Venezuela for Temporary Protected Status (TPS) [8 U.S. Code § 1254a].** Data shows that most new arrivals in the U.S. are from Venezuela.² We support your administration's decision to extend its original TPS designation for Venezuelan immigrants in acknowledgement of the worsening humanitarian crisis in Venezuela. The current cutoff date for Venezuelan TPS is March 8, 2021. A redesignation would simply update the cutoff date and provide Venezuelans who have arrived in the U.S. over the last two years with immediate relief and economic stability via TPS.
- 2. Grant work authorization to parole recipients when their parole status is approved.** By permitting people from Cuba, Nicaragua, Venezuela, and Haiti to receive work permits at the time of their parole, as completed with the Ukrainian parole program,³ your administration can reduce the amount of time a parole recipient is

¹ Jeanne Batalova Nicole Ward and Jeanne Batalova. (2023, July 17). *Frequently requested statistics on immigrants and immigration in the United States*. migrationpolicy.org. [https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#:~:text=Of%20the%2062.5%20million%20people,42.6%20million\)%%20were%20native%20born.](https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#:~:text=Of%20the%2062.5%20million%20people,42.6%20million)%%20were%20native%20born.)

² Jeanne Batalova Ari Hoffman and Jeanne Batalova. (2023, July 17). *Venezuelan immigrants in the United States*. migrationpolicy.org. <https://www.migrationpolicy.org/article/venezuelan-immigrants-united-states-2021>

³ U.S. Department of Justice Civil Rights Division Immigrant and Employee Rights Section. (2022, November). *United States Department of Justice. Employment Information for Ukrainians in the United States*. <https://www.justice.gov/media/1262401/dl?inline=>

required to wait to receive work authorization. To prevent delays, all future parolees receive expedited work authorizations in this fashion. For parolees who are already here, the administration should expand its efforts to promote work permit enrollment and broaden the eligibility for initial I-765 filing fee exemptions. We understand that USCIS also has the authority to coordinate a large-scale I-765 adjudication operation in New York City and other major cities for people paroled into the U.S. through CBP One, as it did on the military bases that received evacuated Afghans in 2021.

3. **Swiftly rescind the current 150-day regulatory waiting period that asylum applicants must undergo between submitting their applications for asylum and applying for work authorization in the U.S.** The current Department of Homeland Security (DHS) regulation establishing this 150-day waiting period is reflective of DHS's earnest attempt to enforce the 180-day statutory waiting period imposed by Section 208(d)(2) of the Immigration and Nationality Act. However, 208(d)(2)'s statutory waiting period merely requires asylum seekers to wait 180 days to receive their employment authorization documents (EADs) after they first submit their applications for asylum with U.S. Citizenship and Immigration Services (USCIS). The statute does not require that asylum seekers wait to submit an EAD application.
4. **Establish an interagency task force aimed at expeditiously processing asylum and work authorization requests, supporting service organizations responding to the migrant crisis and transitioning individuals to permanent affordable housing.** Efforts to address migrants' housing, social and administrative processing needs are siloed. We strongly encourage the Administration to convene an interagency task force consisting of USCIS, FEMA, and HUD to identify ways to expedite work authorization, clear the asylum processing backlog, and transition migrants out of shelter into affordable housing to reduce the strain on municipalities.
5. **Use Title 32 of the U.S. Code or another funding mechanism to reimburse sanctuary cities for costs associated with the deployment of the National Guard to assist with providing humanitarian non-enforcement aid to immigrant arrivals.** We understand that Federal funding for some aspects of Title 32 missions may be available upon a determination by the Secretary of Defense that the participation of National Guard units or members for a qualifying operation is necessary and appropriate. Please carefully review and consider this request.

History proves that investing in immigrants strengthens our economy. There are currently labor shortages in many U.S. sectors, where employers are prepared to offer training and jobs to individuals who are authorized to work in the U.S.⁴ Together, we can address large-scale migration flows in a safe and humane manner that builds up the U.S. economy, proactively addresses 21st-century labor needs, and ensures safety and security to asylum-seeking families searching for refuge in America. Executive action is vital given the polarized Congressional environment, which has restrained Congressional action. Finally, given our nation's history of interventionist foreign policy in Latin America that has contributed to today's ongoing migration flows, we urge your administration to draw on existing frameworks for welcoming Ukrainians and Afghans to resettle asylum seekers from Latin America as a moral imperative.

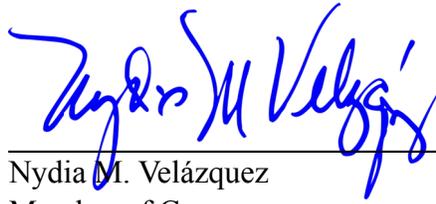
Thank you for your consideration of these requests.

Respectfully,

⁴ *Open letter to the president & congressional leaders from concerned business leaders regarding the asylum-seekers humanitarian crisis. Partnership for New York City. (2023, September 5). <https://pfny.org/news/open-letter-to-the-president-congressional-leaders-from-concerned-business-leaders-regarding-the-asylum-seekers-humanitarian-crisis/>*



Adriano Espaillat
Member of Congress



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Member of Congress



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Delia C. Ramirez
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Sylvia R. Garcia
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Jerrold Nadler
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Juan Vargas
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Tony Cardenas
Member of Congress



Dan Goldman
Member of Congress



Raul Ruiz, M.D.
Member of Congress



Nanette Diaz Barragan
Member of Congress



Darren Soto
Member of Congress



Robert J. Menendez
Member of Congress



Jimmy Gomez
Member of Congress



U.S. Citizenship
and Immigration
Services

October 27, 2023

The Honorable Adriano Espaillat
U.S. House of Representatives
Washington, DC 20515

Dear Representative Espaillat:

Thank you for your September 19, 2023 letter to the President and Vice President of the United States, and your suggestions for providing administrative relief to migrants to the United States. I am responding on behalf of the Biden Administration.

We appreciate the information you provided about significant arrivals to the United States from Venezuela, and your request for extension and redesignation of TPS for Venezuelans. Since the time of your letter, as you may know, DHS announced the extension and redesignation of Temporary Protected Status (TPS) for Venezuela on September 20, 2023.¹ Quickly following that announcement, on October 3, DHS issued a *Federal Register* notice (FRN) with additional details and information on the application process.² As noted in the FRN, the continuous residence date for those seeking to apply for TPS for the first time is July 31, 2023.

We also appreciate and will take into consideration your suggestions that future parolees receive expedited employment authorization, that DHS create a task force to process employment authorizations, and use Title 32 of the U.S. Code or another funding mechanism to reimburse sanctuary cities for costs associated with the deployment of the National Guard to assist with providing humanitarian nonenforcement aid to immigrant arrivals. We also acknowledge your request that DHS rescind the regulatory requirement that asylum seekers wait at least 150 days before filing Form I-765, Application for Employment Authorization. DHS will take these recommendations under advisement as it continues to explore all available avenues to eliminate unnecessary barriers, improve efficiency, and reduce burdens to the overall legal immigration system.

As you know, except for limited funds appropriated for specific functions, USCIS is a fee-funded agency. USCIS administers certain immigration benefits without collecting a fee (e.g., refugee and asylum processing, and fee exemptions or waivers for humanitarian-based

¹ <https://www.dhs.gov/news/2023/09/20/secretary-mayorkas-announces-extension-and-redesignation-venezuela-temporary>

² See *Extension and Redesignation of Venezuela for Temporary Protected Status*, 88 FR 68130 (Oct. 3, 2023).

The Honorable Adriano Espaillat

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immigration benefit requests). As USCIS' humanitarian mission continues to grow, Congressional support is crucial to ensuring we can carry out that mission without negatively impacting our other work or our fiscal sustainability.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director