

United States Senate

WASHINGTON, DC 20510

December 9, 2024

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

Dear President Biden:

As Senators who represent diverse states across our nation and who collectively represent millions of immigrant families, we write to express our deep concern about the threat the incoming administration poses to immigrants in our communities. Mass deportations would jeopardize the safety and security of millions of mixed-status families, sow deep distrust and fear in the communities we represent, and destabilize the U.S. economy. While we support common-sense steps to better secure our borders and improve border processing, we will continue to oppose any policies that contradict our nation's core values.

We write now because the window to secure and finalize your administration's policies is closing rapidly. We urge you to act decisively between now and the inauguration of the President-elect to complete the important work of the past four years and protect immigrant families.

With this in mind, we respectfully urge you to prioritize the following actions:

Redesignate and Extend Temporary Protected Status (TPS) for All Eligible Countries and Consider Providing Deferred Enforced Departure (DED) As Appropriate. Worsening crises in countries across the world, including in Ukraine, Nicaragua, and eastern provinces of the Democratic Republic of Congo, continue to endanger hundreds of thousands, underscoring the need for TPS. Additionally, the administration has already affirmed that conditions in El Salvador continue to justify TPS, with over 180,000 Salvadoran nationals having lived in the United States for more than 23 years.¹ We urge your administration to offer vital protections via TPS for eligible countries or parts of countries, providing relief from deportation while allowing these individuals to continue working and contributing to our economy. Where TPS is not an option, we strongly urge the administration to protect qualified vulnerable noncitizens through DED.

¹ See *Reconsideration and Rescission of Termination of the Designation of El Salvador for Temporary Protected Status; Extension of the Temporary Protected Status Designation for El Salvador*, 88 Fed. Reg. 40292 (June 21, 2023); and *Temporary Protected Status and Deferred Enforced Departure*, Cong. Research Service (Updated Sept. 23, 2024).

Expedite the Processing of Benefit Requests for Deferred Action for Childhood Arrivals (DACA) Recipients. With the ongoing uncertainty around the future of DACA, we urge DHS to process all DACA renewals, Advance Parole requests, 212(d)(3) waivers, and H-1B premium processing applications from DACA recipients as expeditiously as possible. U.S. Citizenship and Immigration Services (USCIS) should also allow early renewals of DACA and allow DACA grants to maximize each individual’s time in status.

Protect the Ability for DACA Holders and Others to Travel on Advance Parole. Toward the end of the first Trump Administration, the Executive Office for Immigration Review proposed a rule restricting the ability of Immigration Judges to manage their court dockets.² The rule also proposed, among other things, overturning the Board of Immigration Appeals’ decision in *Matter of Arrabally*—a seminal case that clarified rules around Advance Parole and has helped many DACA recipients travel to their home countries for the first time in their lives.³ We request that your administration withdraw the bulk of this proposed rule and codify the *Arrabally* decision by making it clear that a noncitizen who leaves the country temporarily under a grant of Advance Parole has neither “departed” nor made a “departure” for purposes of triggering an inadmissibility bar under 8 U.S.C. 1182(a)(9)(B), as well as all other grounds of inadmissibility. In the alternative, the administration should withdraw the proposed rule in its entirety.

Prioritize Adjudication of Pending Asylum Claims. Many asylum claims have been pending in the backlog for many years. We request that your administration ensure that those who started the process, in some cases even years before you took office, can finally complete their cases.

Finalize the Rule Providing Automatic Extensions for Those with Work Permits and Prioritize Work Permit Processing. Earlier this year, USCIS published a temporary final rule that increased the automatic extension period for work authorization from 180 days to at least 540 days.⁴ This important step helped reduce the risk of employment authorization documents becoming invalid before USCIS could renew them, but the temporary final rule will sunset on October 15, 2025, unless the rule is finalized. We urge your administration to finalize this rule and extend work permits for at least 540 days to ensure work-authorized immigrants do not lose their jobs. The Department of Homeland Security and USCIS should also take immediate action to prioritize work permit processing for vulnerable noncitizens, especially asylum applicants, DACA recipients, and TPS holders.

We stand ready to support you in these efforts and are committed to working together to ensure that these priorities are realized.

² *Motions To Reopen and Reconsider; Effect of Departure; Stay of Removal*, 85 FR 75942 (Nov. 27, 2020).

³ *Matter of Arrabally & Yerrabally*, 25 I&N Dec. 277 (BIA 2012).

⁴ *Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants*, 89 FR 24628 (Apr. 8, 2024).

Thank you for your continued leadership and dedication to the betterment of our nation.

Sincerely,



Richard J. Durbin
United States Senator



Cory A. Booker
United States Senator



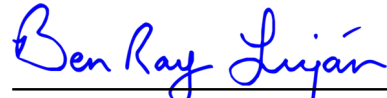
Catherine Cortez Masto
United States Senator



Tammy Duckworth
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Ben Ray Lujan
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