

November 13, 2024

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

Dear President Biden,

The undersigned 309 immigrant, civil, and human rights organizations write to you because the window of opportunity to secure and finalize your administration's immigration policies is rapidly closing. We urge you to act decisively between now and January 2025 to ensure our communities are protected:

Actions to Limit Mass Deportations

- 1. Prioritize release from custody of all parole- and Temporary Protected Status (TPS)-eligible individuals** in accordance with the 2009 Morton Parole Directive and 2002 Carpenter TPS Memorandum. DHS should issue a directive to ensure the release of people with serious health conditions, including mental health conditions, whose health needs will not be met if they remain in detention, and where continued detention may not be appropriate.
- 2. Close Immigration and Customs Enforcement (ICE) detention facilities and contract detention facilities with egregious records of human rights violations and abuses and halt further detention expansion.** Closing detention facilities and halting ICE's current expansion plans is vital to protect communities from the planned draconian enforcement agenda of the incoming administration. It is also vital to saving lives and preventing abuses against people in ICE custody, often committed by for-profit prison companies. ICE should also immediately rescind all outstanding requests for information or proposals for detention expansion.
- 3. Publicize information to assist state and local governments in limiting their involvement in mass deportations.** State and local government agencies will be the frontline in defending community residents from raids and other mass deportation actions. The administration should publicize guidance, training manuals, memoranda and other materials regarding Customs and Border Protection (CBP)/ICE enforcement, e.g., current CBP/ICE contracts, as well as riders on other agencies' contracts, including but not limited to U.S. Marshals, and CBP/ICE access to state and local government-held data, ICE "at large" arrest tactics including impersonation of local law enforcement, and programs that seek to tap state and local agencies for immigration enforcement.
- 4. Issue a memo stating that prior to entering or executing an expedited removal order, Department of Homeland Security (DHS) officials must check the government's own records** to determine whether the government possesses information sufficient to establish that the individual facing expedited removal has not been present for more than two years and/or has not been admitted or paroled into the United States.
- 5. Prohibit enforcement of removal orders entered against unrepresented children absent a hearing to determine validity of notice.** DHS should issue a memo stating that prior to physically removing any individual who was ordered removed in absentia while unrepresented and [under the age of twenty-one](#), it will request that the respondent receive a hearing to determine whether the individual's removal order should be rescinded due to their age.

6. **Redesignate TPS for currently designated countries.** The administration should redesignate or at least extend TPS for El Salvador by no later than the statutory deadline, which is January 8, 2025. It should also issue updated designations for the other fifteen countries currently designated for TPS. The current designations rest on a determination made, within the last 18 months or less, that those countries cannot safely accept the return of their nationals. Beyond being right on the merits, redesignating TPS would protect people from those countries who have arrived since the last designation date, including approximately 63,000 additional Venezuelans and 37,000 additional Haitians. Others benefiting would include thousands of Afghans, Hondurans, and Nicaraguans not protected by current TPS designations.
7. **Issue new TPS or Deferred Enforced Departure (DED) designations for all other countries that merit protection.** The Administration should issue TPS designations for the Democratic Republic of Congo, Ecuador, Guatemala, Colombia, and all other countries that meet the existing criteria.
8. **Finalize the Rule providing automatic extensions for those with work permits and prioritize work permit processing.** USCIS should finalize the temporary final rule to permanently extend the automatic extension period from 180 days to 540 days and ideally 730 days to ensure work authorized immigrants do not lose their jobs. DHS and USCIS should also take immediate action to prioritize work permit processing across all categories of work permits (e.g. asylum applicants, DACA, TPS).
9. **Review and conduct re-paroles.** DHS should review all CHNV, CAM, and CBP One paroles and grant four-year parole extensions on a case-by-case basis as has been done for U4U and Afghan allies. Failing to do so will leave nearly 200,000 CHNV parolees and thousands of others without status, while forcing them to apply for asylum and thereby adding to the asylum case backlog.
10. **Prioritize Reviewing Pending Joint Motions to Reopen.** DHS should direct the Office of Principal Legal Advisor (OPLA) to prioritize and promptly respond to pending prosecutorial discretion requests under current guidance seeking a joint motion to reopen (and dismiss), for individuals, including but not limited to, those who have pending or approved Special Immigrant Juvenile Status (SIJS) petitions or other relief before USCIS.

Actions that Ensure that DACA Holders and Other Long-time Residents Are Able to Benefit from Current Policies

1. **Expedite the processing of DACA and TPS renewal applications, SIJS deferred action renewal applications, and DALE recipients, or first-time applicants.** With the ongoing uncertainty around the future of DACA, we urge USCIS to process all DACA renewals, Advance Parole requests, and H-1B premium processing applications as expeditiously as possible. Likewise, all TPS applications should be expeditiously processed and granted. Similarly, USCIS should promptly issue SIJS deferred action renewals for an additional 4-year period.
2. **Expand legal pathways and employment opportunities for DACA recipients who have graduated from American colleges and universities.** We urge you to finalize those portions of a [proposed H-1B regulation](#) that clarify the rules around cap-exempt status under the H-1B program. Clearer cap exemption rules may encourage more employers, including public school systems, hospitals, and other city, county, and state agencies, to petition for H-1B visas on

behalf of DACA holders and would ensure qualified DACA recipients have opportunities to gain legal status through their employers.

3. **Protect farmworkers and other seasonal workers by finalizing the H-2 reform rule.** We urge the administration to finalize the September 2023 [proposed rule](#) to improve protections for temporary and seasonal workers, including farmworkers, to ensure that these vulnerable workers are treated fairly while helping employers meet critical seasonal labor demands.
4. **Protect the ability for DACA, TPS, DALE, SIJS deferred action holders and others to travel on advance parole by Trump-era proposed rule.** The Executive Office for Immigration Review previously [proposed a rule](#) that, among other things, sought to overturn the Board of Immigration Appeals' decision in [Matter of Arrabally](#) 25 I&N Dec. 771 (BIA 2012). This seminal Board case clarified rules around advance parole and has helped many DACA recipients travel to their home countries for the first time in their lives. The administration should withdraw the bulk of this proposed rule, as well as use the opportunity to 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).

Actions to Safeguard People Fleeing Persecution

1. **Dedicate Asylum Officers to adjudicate as many cases pending in the asylum application backlog as possible** to ensure that those who started the process, in some cases years before the Biden administration even took office, are able to complete their cases. Many cases that are facially eligible based on country condition profiles could be prioritized for efficient processing.
2. **Stop conducting Credible Fear Interviews in Customs and Border Protection (CBP) custody and issue a directive granting lawyers physical access to CBP custody.** For more than a year, the Biden-Harris administration has pushed people through Credible Fear Interviews and Immigration Judge reviews while in CBP custody. This practice results in wrongful deportations because people are unable to quickly articulate their asylum claim so soon after their arrival at the border. This practice causes particular harm to many of the most vulnerable people seeking asylum including rare language speakers, survivors of gender-based harm, and LGBTQI individuals. Further, access to legal services is extremely compromised in CBP custody. Continuing this practice will open the door for further due process abuses in the next administration. The administration should announce an end to this practice and recommit to protecting the due process rights of people seeking asylum. Regardless of whether this practice continues, the administration should also issue a directive granting physical access to attorneys at CBP facilities; having visibility into the practices put in place in CBP custody by the next administration will be absolutely crucial to safeguarding and protecting against the worst abuses.
3. **Codify details about improving overseas refugee processing.** The Biden administration has made tremendous strides in rebuilding the U.S. Refugee Admissions Program (USRAP). It is extremely important to protect these advancements, so the administration should codify, in publicly available documents such as the USCIS Policy Manual and Department of State Foreign Affairs Manual, the steps it undertook to streamline and improve overseas processing.
4. **Take urgent action to protect Afghans.** The administration should expedite processing of SIV applications, including issuing as many COM approvals as possible, asylum applications, and

adjustment of status applications of any Afghan nationals along with the family reunification petitions. Many unaccompanied Afghan children evacuated in 2021 are still waiting for their parents to be relocated to the United States. Grant outstanding humanitarian parole requests and P1 and P2 referrals for at-risk Afghan nationals abroad and swiftly issue travel documents. Surge resources for additional interviews at overseas processing sites like Camp As Saliyah in situations where people could conceivably still travel and/or have conditional approvals issued before that time, as well as resources for CARE relocations.

5. **Frontload funding to insulate programs.** Distribute as much dedicated funding in Q1 for FY25 as possible, to insulate federally-supported programming for asylum seekers, unaccompanied children, and populations served through ORR. This includes the remaining tranches of the Case Management Pilot Program (CMPP), FY23 and FY24 Shelter and Services Program (SSP) funds, and ORR programs like Refugee Support Services (RSS), Matching Grant, and the Unaccompanied Children Lived Experience and Youth Engagement Program.
6. **Eliminate all Trump-Era asylum restrictions.** The administration has left in place multiple [regulations](#) put in place during the Trump administration that unlawfully restrict access to asylum, some of which are inconsistent with the current administration's own approach to the issue and most of which have not even taken effect because they remain blocked by court injunctions. To eliminate confusion, the administration should publish a final rule rescinding all Trump-era asylum restrictions.¹ The administration should also take urgent action to vacate Trump-era attorney general decisions that impose unwarranted bars to asylum.²

Given the policies of the last Trump Administration and the evident plans for the upcoming one, we are concerned about the significant risk to immigrant communities and the groups that serve them. It is imperative that you take full advantage of the remaining time in office to take concrete action to ensure that the above priorities are realized.

Sincerely,

#WelcomeWithDignity
18 Million Rising
32BJ SEIU
AAPI Equity Alliance
AAPI New Jersey
Acacia Center for Justice
ACLU
ACLU People Power Fairfax
Afghan-American Community Organization (AACO)
Afghans For A Better Tomorrow
African Communities Together (ACT)
African Public Affairs Committee
Akin Pro Bono Practice
Al Otro Lado
Alianza Nacional de Campesinas

¹ See *Procedures for Asylum and Withholding of Removal*, *Credible Fear and Reasonable Fear Review*, [85 Fed. Reg. 80,274](#), (Dec. 11, 2020); *Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act*, [84 Fed. Reg. 63,994](#) (Nov. 19, 2019); *Procedures for Asylum and Bars to Asylum Eligibility*, [85 Fed. Reg. 67,202](#) (Nov. 20, 2020); *Security Bars and Processing*, [85 Fed. Reg. 84,160](#) (Dec. 23, 2020).

² *Matter of A-C-M-*, 27 I&N Dec. 303 (BIA 2018); *Matter of Negusie*, 28 I&N Dec. 120 (A.G. 2020).

American Families United
American Friends Service Committee (AFSC)
American Immigration Council
American Immigration Lawyers Association - Southern California Chapter
American Muslim Health Professionals
American-Arab Anti-Discrimination Committee (ADC)
Americans for Immigrant Justice
America's Voice
Amica Center for Immigrant Rights
Amnesty International USA
ANAR
Anethum Global
Arab American Institute (AAI)
Arab Resource & Organizing Center
Arkansas United
Arrive Ministries
Asian American Advocacy Fund
Asian American Federation
Asian American Legal Defense and Education Fund
Asian Americans Advancing Justice - Atlanta
Asian Americans Advancing Justice - Southern California
Asian Americans Advancing Justice | AAJC
Asian Law Alliance
Asian Law Caucus
Asian Pacific Institute on Gender-Based Violence
ASISTA Immigration Assistance
ASSOCIATION OF AFRICANS LIVING IN VERMONT, INC.
Asylum Program of Arizona
Asylum Seeker Advocacy Project (ASAP)
Ayuda
AZ Immigration Alliance
BBP
Bend the Arc: Jewish Action
Bet Tzedek Legal Services
Black Alliance for Just Immigration (BAJI)
Border Workers United
Borderlands Resource Initiative
Boston University School of Law Immigrants' Rights and Human Trafficking Clinic
Bridges Faith Initiative
Brost immigration law office
CAIR Washington
CAIR-Georgia
Caminantes Community Services, LLC.
CAPAVA
Care in Action
CARECEN-NY
Carolina Refugee Resettlement Agency
CASA
Catholic Community Services of Utah

Catholic Legal Immigration Network, Inc.
 Catholic Migration Services
 Center for Engagement and Advocacy in the Americas (CEDA)
 Center for Gender & Refugee Studies
 Center for Immigration Law and Policy at UCLA School of Law
 Center for Law and Social Policy (CLASP)
 Center for Security, Race and Rights
 Center for Victims of Torture
 Central American Resource Center
 Central American Resource Center (CARECEN-LA)
 Central American Resource Center of Northern CA - CARECEN SF
 Centro Hispano
 Chinese for Affirmative Action
 Cleveland Jobs with Justice
 CLUE (Clergy and Laity United for Economic Justice)
 Coalición de Derechos Humanos
 Coalition for Humane Immigrant Rights (CHIRLA)
 Coalition on Human Needs
 Communities United for Status & Protection (CUSP)
 Community Change Action
 Conversations with Friends
 Council on American-Islamic Relations
 Council on American-Islamic Relations, California
 Defending Rights & Dissent
 Del Camino Jesuit Border Ministries
 Detention Watch Network
 Disability Rights Education and Defense Fund (DREDF)
 Dreamer Mothers in Action (DMIA)
 Drug Policy Alliance
 Empire Justice Center
 Empowering Pacific Islander Communities
 End SIJS Backlog Coalition
 Envision Freedom Fund
 Esperanza United
 Estrella del Paso (Formerly Diocesan Migrant and Refugee Services Inc)
 Fairlington United Methodist Church
 Faith In Action
 Faith in Action International
 Family Action Network Movement
 First Focus on Children
 Florence Immigrant & Refugee Rights Project
 Florida Immigrant Coalition
 Florida Legal Services, Inc.
 Food Justice DMV
 Franciscan Action Network
 Freedom for Immigrants
 Freedom Network USA
 Friends Committee on National Legislation
 GALEO Impact Fund

Guatemalan Migrant Network
Haitian Bridge Alliance
Hamkae Center
HANA Center
HIAS
HIAS Pennsylvania
Hindus for Human Rights
Hispanic Federation
Hope Border Institute
Houston Immigration Legal Services Collaborative
Human Rights Campaign
Human Rights First
Illinois Coalition for Immigrant and Refugee Rights
Illinois Workers in Action
Immigrant ARC
Immigrant Children Advocates' Relief Effort (ICARE)
Immigrant Defenders Law Center
Immigrant Defense Project
Immigrant Justice Network
Immigrant Legal Resource Center
Immigrants Act Now
Immigration Equality
Immigration Hub
Immigration Services and Legal Advocacy (ISLA)
Indivisible
Innovation Law Lab
Institute for Policy Studies New Internationalism Project
Institute for Women in Migration (IMUMI)
International Refugee Assistance Project (IRAP)
International Rescue Committee
Jewish Activists for Immigration Justice
Jobs With Justice
Just Futures Law
Just Neighbors
Justice Action Center
Justice for Migrant Families
Justice in Motion
Labor Council for Latin American Advancement
Las Americas Immigrant Advocacy Center
Latin America Working Group (LAWG)
Latino Commission on AIDS
Latino Victory Project
LatinoJustice PRLDEF
Latinos Unidos por el Futuro
Law Offices of Zahedi PLLC
Lawyers' Committee for Civil Rights of the SF Bay Area
Lawyers for Good Government
Legal Aid Justice Center
LEGAL AID SOCIETY OF SAN MATEO COUNTY

Lideres Campesinas
Long Island Connections
Long Island Immigration Clinic/Sisters of St. Joseph
Louisiana Advocates for Immigrants in Detention
LOUISIANA ORGANIZATION FOR REFUGEES AND IMMIGRANTS
Maine Immigrants' Rights Coalition
Make the Road Nevada
Make the Road New Jersey
Make the Road NY
Make the Road Pennsylvania
MALDEF (Mexican American Legal Defense and Educational Fund)
Mariposa Legal
Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)
Mennonite Central Committee U.S.
Mi Familia Vota
Miami Valley Immigration Coalition (Dayton, Ohio)
Michigan Immigrant Rights Center
Midwest Immigration Bond Fund
Migrant Equity Southeast
MinKwon Center for Community Action
MomsRising
Mountain State Justice
MoveOn
MPower Change Action Fund
Muslim Advocates
Muslims for Just Futures
National Asian American Pacific Islander Mental Health Association (NAAPIMHA)
National Asian Pacific American Women's Forum
National Association of Social Workers
National Center for Youth Law
National Council of Jewish Women
National Domestic Workers Alliance
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Immigration Litigation Alliance
National Immigration Project
National Korean American Service & Education Consortium (NAKASEC)
National Latina Institute for Reproductive Justice
National Lawyers Guild - SF Bay Area Chapter
National Lawyers Guild - Task Force on the Americas
National LGBTQ Task Force Action Fund
National Network for Arab American Communities
National Partnership for New Americans
National Queer Asian Pacific Islander Alliance
National Survivor Network
National Women's Law Center
NCAPA (National Council of Asian Pacific Americans)
Neighbors Link

NETWORK Lobby for Catholic Social Justice
New England Justice for Our Neighbors
New Jersey Alliance for Immigrant Justice
New Mexico Immigrant Law Center
New York Immigration Coalition
New York Law School Asylum Clinic
Nicaraguan American Legal Defense and Education Fund, NALDEF
Nigerian Center
North Carolina Immigration Law and Justice Center
Northern California Chapter of the American Immigration Lawyers Association
Northern Virginia Immigration Law Firm, PLLC
Northwest Immigrant Rights Project
NYC-NASW Immigration and Global Social Work Committee
Oasis Legal Services
OPAWL - Building AAPI Feminist Leadership
Oregon Food Bank
Organized Power in Numbers
Oxfam America
Oxfam Colombia
Pennsylvania Immigration Coalition (PIC)
People's Action
Physicians for Human Rights
Popular Democracy
Prevention Institute
Progress Virginia
Project Hajra
Project Lifeline
Pronto of Long Island
Public Counsel
Queer Crescent
ReEstablish Richmond
Refugee Advocacy Lab
Refugee Council USA
Refugee Support Network
Refugees International
Restaurant Opportunities Centers United
Rising Voices
Robert F. Kennedy Human Rights
Rocky Mountain Immigrant Advocacy Network
Rural Coalition
Safe Harbor Clinic, Brooklyn Law School
Safe Passage Project
Sakhi for South Asian Survivors
Service Employees International Union - United Service Workers West
Service Employees International Union (SEIU)
Services, Immigrant Rights and Education Network
Sikh American Legal Defense and Education Fund (SALDEF)
Sin Barreras/Without Barriers, Inc.
Sisters of Mercy of the Americas - Justice Team

Social Workers for Immigration Justice
South Asian Legal Defense Fund
SOUTH ASIAN NETWORK
South Asian Public Health Association
South Carolina Appleseed Legal Justice Center
Southeast Asia Resource Action Center (SEARAC)
Southern Border Communities Coalition
Southern Poverty Law Center
Stop AAPI Hate
Sueños Sin Fronteras de Tejas
Sur Legal Collaborative
SURJ NYC
Tahirih Justice Center
Team Brownsville
The Advocates for Human Rights
The Door's Legal Services Center
The Sikh Coalition
The U.S. Committee for Refugees and Immigrants (USCRI)
The Women's Building
The Workers Circle
Thrive International Programs, Inc.
T'ruah: The Rabbinic Call for Human Rights
U-Lead Athens
UndocuBlack Network (UBN)
Union for Reform Judaism
Unitarian Universalists for Social Justice
United Parent Leaders Action Network
United We Dream
VECINA
Vera Institute of Justice
Virginia Coalition for Immigrant Rights (VACIR)
Virginia Coalition of Latino Organizations
Virginia Interfaith Center for Public Policy
Virginia Latino Leaders Council (VLLC)
Voces de la Frontera
Voces Unidas RGV
Voices for Utah Children
Volunteer Lawyers Project of CNY, Inc.
Volunteers of Legal Service
Washington Office on Latin America
Washington, DC Chapter of the American Immigration Lawyers Association
We Are All America
West Virginia University Immigration Law Clinic
Whosoever Will Christian Church
Win Without War
Wind of the Spirit Immigrant Resource Center
Witness at the Border
Woori Center
Young Center for Immigrant Children's Rights

cc: Hon. Alejandro N. Mayorkas, Secretary, Department of Homeland Security
Hon. General Merrick Garland, Attorney General, Department of Justice
Hon. Antony Blinken, Secretary, Department of State
Jeffrey Zients, White House Chief of Staff
Jake Sullivan, National Security Advisor
Neera Tanden, Director, Domestic Policy Council