

September 28, 2020

Biden for President
PO Box 58174
Philadelphia, PA 19102

**RE: DAY ONE USE OF DEFERRED ENFORCED DEPARTURE (DED) TO PROTECT
2.2 MILLION AT-RISK IMMIGRANTS, INCLUDING 400k+ TPS HOLDERS AT
IMMEDIATE RISK OF LOSING WORK PERMITS AND STATUS**

Dear Vice President Joseph Biden:

On behalf of the 213 undersigned state, local, and national immigrant, labor, faith, civil rights, and legal organizations, we request that you commit, on day one of a presidency, to use your authority to grant Deferred Enforced Departure (DED) to individuals who either are currently protected by Temporary Protected Status (TPS) and are in danger of losing it, or merited a grant of TPS under the terms of the statute but have been stymied by the current administration. Such a commitment to immediate action is urgently needed to reassure current and potential TPS holders that in the event you are elected, they need not fear removal or loss of work authorization.

We acknowledge your current commitment to TPS for Venezuela; review of other countries for potential TPS designations; and pursuit of a permanent legislative roadmap to citizenship for all immigrants—as outlined in your platforms, *Joe Biden's Agenda and the Latino Community* and *The Biden Plan for Securing our Values as a Nation of Immigrants*. Respectfully, however, these commitments are insufficient. If elected president, you will have authority to protect these populations from day one, and we ask that you exercise that authority.

Critically, over 400,000 current TPS holders from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan are at serious risk of losing their work permits and protection from deportation. The Trump administration attempted to terminate TPS for over 400,000 TPS holders, and their fate is in the hands of multiple federal district court injunctions that have thus far prevented the termination of their TPS status. Most recently, the Ninth Circuit issued a decision in the *Ramos* litigation, which allows the administration to begin the process of ending TPS for the challenged countries.¹ These TPS holders cannot wait for the legislative process or TPS designation review process. For these individuals, an immediate DED grant would ensure there are no gaps in their work authorization or protection from deportation.

Meanwhile, people from the Bahamas (14,200), Cameroon, El Salvador (750,000), Guatemala (600,000), Guinea (930), Haiti (100,000), Honduras (400,000), Lebanon, Nepal (36,795), Nicaragua (54,926), Sierra Leone (1,180), Somalia (455), South Sudan (96), Sudan (774), Syria (6,934), Venezuela (200,000), and Yemen (1,646) are likely all eligible for TPS under the statute.² Thus, we urge you to utilize DED on day one of your presidency to provide interim

¹ *TPS Lawsuit Information*, Nat'l TPS All., <https://www.nationaltpsalliance.org/tps-lawsuit/> (last accessed August 13, 2020).

² See Temporary Protected Status Advocacy Working Group, *How Many Could Executive Action Protect?: Estimating the Scope of Protection Through TPS and DACA* (June 2020), *available at*

protections while your administration builds a foundation for subsequent TPS designations and pursues legislation for a path to citizenship.

I. TEMPORARY PROTECTED STATUS (TPS) AND DEFERRED ENFORCED DEPARTURE (DED)

A country can be designated for TPS to protect foreign nationals in the United States from civil, political, and humanitarian crises in their home country that make it unsafe for them to return, or whose suspension of deportation serves other United States foreign policy or domestic interests. While TPS is statutorily based, DED stems from the president's constitutional powers to conduct foreign relations, provides similar protections, and is triggered when an individual is identified for removal. In this way, a DED designation uses minimal resources administratively and has an immediate effect for those who qualify. Thus, a Biden administration could utilize DED to immediately provide relief to eligible noncitizens in the United States, including access to employment authorization and release from detention.

II. POTENTIAL IMPACT

Approximately 2.2 million nationals from fifteen countries currently stand to benefit from an immediate DED designation: the Bahamas, Cameroon, El Salvador, Guatemala, Guinea, Haiti, Honduras, Lebanon, Nepal, Nicaragua, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Venezuela, and Yemen. All are at risk due to different roadblocks to protection under TPS:

- **1,342,495 people** from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan; 400k people from these countries are currently awaiting the final results of litigation challenging the current administration's unjustified termination, but more than a million people have arrived in many years since these countries were last designated, and they should be protected given the extraordinarily dangerous conditions there.³
- **9,131 people** from Somalia, South Sudan, Syria, and Yemen were denied re-designation of TPS by the current administration and will lose TPS once their extensions expire.
- At least **816,310 people** from the Bahamas, Cameroon, Guatemala, Guinea, Lebanon, Sierra Leone, and Venezuela should have received an initial TPS designation under the current administration due to country conditions, but did not.

The need for relief for these people is dire and immediate. Again, while we are thankful for your current commitment to TPS, millions of noncitizens in the United States will not be safe without immediate protection or able to work and provide for their families in the first few months of your administration. A potential Biden presidency must begin by extending DED protection to these populations on day one, as a bridge to TPS or other more permanent solutions, especially for the over 400,000 current TPS holders previously protected under the *Ramos* litigation. We thank you for your continued commitment to the immigrant community and a fair and just immigration system at large. This relief will not only benefit millions of individuals in the United States, but also their families, employers, and communities here and in their countries of origin. Thank you for your time and consideration. If you have any questions or concerns, please feel

<https://cliniclegal.org/resources/humanitarian-relief/deferred-action-childhood-arrivals/how-many-could-executive-action>.

³ *Challenges to TPS and DED Terminations*, Catholic Legal Immigration Network, <https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/challenges> (last updated Nov. 17, 2019).

free to contact Luis Aguilar at laguilar@wearecasa.org or Michelle Nawar mnawar@alianzaamericas.org.

Sincerely,

National Organizations

ADL (Anti-Defamation League)
African Communities Together
African Public Affairs Committee Action Fund
Alianza Americas
Alliance of Baptists
America's Voice
American Friends Service Committee
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee (ADC)
Amnesty International USA
Asian Americans Advancing Justice | AAJC
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Institute on Gender-Based Violence
AsylumConnect
Black AIDS Institute
Bread for the World
Carmelite Sisters, VEDRUNA
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
CASA REINA
Catholic Labor Network
Center for Gender & Refugee Studies
Chispa LCV
Christian Church Disciples of Christ
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Congregation of Sisters of St. Agnes
Daughters of Charity of St. Vincent de Paul USA
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Dominican Sisters of Adrian, Michigan
Dominican Sisters of Sinsinawa
Dominican Sisters of Sparkill
Empowering Pacific Islander Communities (EPIC)
Farmworker Justice
First Focus on Children
Franciscan Action Network
Franciscan Sisters of the Poor, US Area
Friends Committee on National Legislation (FCNL)
Global Exchange
Harvard Immigration and Refugee Clinical Program

HIAS
Hispanic Federation
IHM Sisters
Immigrant Legal Resource Center
Immigration Hub
Innovation Law Lab
Latin America Working Group (LAWG)
Lawyers for Good Government
Leadership Conference of Women Religious
League of Conservation Voters
League of United Latin American Citizens
Lights for Liberty
Minority Veterans of America
NAKASEC Action Fund
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum (NAPAWF)
National Association for Latino Community Asset Builders
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Litigation Alliance
National Immigration Project of the National Lawyers Guild
National Network for Immigrant & Refugee Rights
National Organization for Women
National TPS Alliance
Network in Solidarity with the People of Guatemala (NISGUA)
NETWORK Lobby for Catholic Social Justice
Nicaragua Center for Community Action
Office of Peace, Justice, and Ecological Integrity/Sisters of Charity of Saint Elizabeth
ONECA
Organización Hondureña Francisco Morazán
Oxfam America Action Fund
Poder Latinx
Presidents' Alliance on Higher Education and Immigration
RAICES
Red Jesuita con Migrantes El Salvador
School Sisters of St Francis, US Province
Service Employees International Union (SEIU)
Sisters of Bon Secours, USA
Sisters of Charity of the Blessed Virgin Mary
Sisters of Mercy of the Americas Justice Team
Sisters of Mercy of the Holy Cross USA Province
Sisters of St. Francis of the Providence of God
Sisters of St. Francis, Oldenburg, IN
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center
SPLC Action Fund
The Jus Semper Global Alliance
TORO LAW FIRM

Union for Reform Judaism
Unitarian Universalist Service Committee
UNITED SIKHS
United We Dream Action
Wheaton Franciscans JPIC Office
Win Without War
Witness at the Border
Women's Alliance for Theology, Ethics, and Ritual (WATER)
World Relief
Young Center for Immigrant Children's Rights

State and Local Organizations

350 New Orleans
Adhikaar
AIDS Foundation Chicago
Akron Area Interfaith Council
Akron Interfaith Immigration Advocates
Al Otro Lado
Alabama Coalition for Immigrant Justice
American Friends Service Committee, Colorado
Americans for Immigrant Justice
Arizona Palestine Solidarity Alliance
Arkansas United
Arlington (Massachusetts)-Teosinte (El Salvador) Sister City Project
Benedictine Sisters of FL
Briya
Brooklyn Defender Services
Cabrini Immigrant Services of NYC
CASA
CASA in Action
Central American Legal Assistance
Central American Resource Center - SF
Central American Resource Center - DC
Centro Romero
Chicago Religious Leadership Network on Latin America - CRLN
Church Women United in New York State
Cleveland Jobs with Justice
Coalición de Derechos Humanos
Colectivo de Mujeres Transnacionales
Comunidades Organizando el Poder y Acción Latina - COPAL
Connecticut Shoreline Indivisible
CRECEN
Dominican Sisters of Houston
Durango Unido en Chicago
Education and Leadership Foundation
Emerald Isle Immigration Center
End Streamline Coalition

Faith Communities Organizing for Sanctuary
 Families Rights Network
 Family Action Network Movement (FANM)
 Farmworker Association of Florida
 First Friends of NJ & NY
 Florida Immigrant Coalition (FLIC)
 Georgia Equality
 Global Justice Clinic, NYU School of Law⁴
 Grey Nuns of the Sacred Heart
 Guatemala Partners of Gates Pres. Church
 Guatemala Partnership, Needham Congreg. Church
 Haitian Bridge Alliance
 Hispanic Liaison / El Vínculo Hispano
 Hispanic Resource Center of Larchmont & Mamaroneck, Inc. (d/b/a Community Resource Center)
 Hondurans Against Aids
 HONDUREÑOS CONTRA EL SIDA
 Human Rights Observation Honduras
 Illinois Coalition for Immigrant and Refugee Rights
 Illinois Poor People's Campaign
 Immigrant Action Alliance
 Immigrant Hope - Brooklyn, NY
 Immigrant Service Providers Group/Health, Somerville, MA
 Immigration Committee of the Sisters of St. Joseph of Concordia, KS
 International Institute of New England
 Kentucky Coalition for Immigrant and Refugee Rights
 Kitsap Immigrant Assistance Center
 La Comunidad, Inc
 Land of the Sky UCC
 Legal Aid Justice Center
 Lila LGBTQ Inc.
 Massachusetts Immigrant and Refugee Advocacy Coalition
 Massachusetts Law Reform Institute
 Migrant Center for Human Rights
 Migrant Rights Collective
 Mother of God Monastery
 Motivation Motivates
 Neighbors for Refugees
 New Hampshire-Vermont Guatemala Accompaniment Project
 New Hope Immigration Legal Services at New Hope Free Methodist Church, Rochester, NY
 New Mexico Immigrant Law Center
 New Sanctuary Coalition
 Ohio Immigrant Alliance
 OneAmerica
 Religious Sisters of Charity
 Rian Immigrant Center

⁴ This communication does not purport to represent the institutional views, if any, of New York University.

Rochester Committee on Latin America (ROCLA)
Rural and Migrant Ministry
Rural Women's Health Project
San Antonio Region Justice For Our Neighbors
San Bernardino Community Service Center, Inc
Seattle Immigrant Rights Action Group
SEIU 32BJ
Sisters and Brothers of Immigrants (SBI)
Sisters of Charity of New York
Sisters of Providence of Saint Mary-of-the-Woods, Indiana
Sisters of Saint Joseph of Chestnut Hill, Philadelphia, PA
Sisters of St. Francis of Tiffin, Ohio
Sisters of St. Francis-Dubuque
Sisters of St. Joseph of Boston
Sisters of the Precious Blood, Dayton, Ohio
Sisters of the Presentation, Dubuque, Iowa
Social Justice Coalition of Central Lutheran Church
St. John of God Sanctuary Committee
St. Paul's Lutheran Church
Still Waters Anti-Trafficking Program
Taos Immigrant Allies
The Association of Salvadorans of Los Angeles - ASOSAL
The Legal Aid Society (New York)
Transformations CDC
UnidosNow
Unitarian Universalist Advocacy Network of IL
United Food and Commercial Workers Local 1445
Venezuelans and Immigrants Aid (VIA)
Ventura County Clergy and Laity United for Economic Justice
VIA NYC
Voces Unidas: Louisiana Immigrants' Rights Coalition
Wallingford Indivisible
Wayne Action for Racial Equality
WESPAC Foundation, Inc.
Wind of the Spirit Immigrant Resource Center