

# Congress of the United States

## Washington, DC 20515

July 11, 2024

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
2801 Nebraska Avenue, NW  
Washington, DC 20528

The Honorable Ur Jaddou  
Director  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

Dear Secretary Mayorkas and Director Jaddou:

We were proud to stand alongside President Biden last month as the Biden-Harris Administration announced new executive actions to keep mixed-status families together. The announcement is intended to protect approximately half a million spouses of U.S. citizens and approximately 50,000 noncitizen children with a parent married to a U.S. citizen, which would make it the most significant positive policy change for immigrants and their families since the Deferred Action for Childhood Arrivals program in 2012.

We know that because of the precarious nature of undocumented status in the United States, many noncitizen members of mixed-status families have prior immigration histories as they weigh limited options to keep their family together, care for loved ones, and be able to financially support themselves and their relatives. This often results in many being forced to exit and enter the United States without authorization, making them ineligible for relief. Many have also taken actions based on misinformation and bad legal advice. **Their exclusion from the new parole in place process makes it even more critical to ensure the forthcoming Federal Register Notice detailing eligibility and how to apply for the new process will bring relief to as many immigrants and their families living in fear of deportation as initially announced.**

As the Department of Homeland Security finalizes the notice, we urge you to ensure a parole in place process that:

- **Minimizes the use and avoids the creation of crime- or conduct-based bars to prevent eligibility for the new process.** Especially for Black and Brown communities, contact with the criminal legal system mirrors racial disparities and often results from racial profiling and discrimination. The proliferation of anti-immigrant legislation at the state level in recent years only heightens these risks. As a result, police records, arrests, and charges that did not result in a conviction should not be considered as automatic ineligibilities; doing so contravenes due process. Similarly, vacated convictions must not be the basis of denial for parole in place. Further, we urge you not to create new crime- or conduct-based bars for the new parole in place program, given how expansive the existing conduct-based bars to inadmissibility are and the discretion inherent in parole adjudications.

- **Adopts flexible and generous guidelines regarding fee waiver eligibility.** Reducing fees as a barrier to apply is especially acute given that many potential applicants are living under the poverty line because of their undocumented status and challenges to accessing the formal workforce.
- **Includes strong safeguards of personal information from applications to minimize fear of immigration enforcement.** Fear of enforcement will dissuade immigrant communities from applying for parole in place, hindering the program's goal of providing relief to longtime immigrant residents and their families.

Lastly, we are concerned to see the continued reliance on a vague definition of "public safety" as a consideration. Please provide answers to the following questions:

- What guidance will DHS use to determine if a noncitizen is a threat to public safety or national security?
- Will a noncitizen have an opportunity to contest such a designation?
- Will a noncitizen who applies for parole but is deemed a threat to national security or public safety be automatically subject to immigration enforcement action?

We believe the time has long come to support mixed-status families and are grateful for the Administration's announcement last month. We appreciate the urgency to move ahead quickly with the new parole in place process to ensure that as many families can receive protection as possible. We support your efforts toward efficiency. **However, we also support our constituents who are in need of the protections this process offers but whose cases are more complex and involve bars to eligibility. We respectfully request a commitment from the Department to continue to work with us and impacted communities to develop subsequent opportunities for these individuals and their families to access protection.**

Sincerely,



Delia C. Ramirez  
Member of Congress



Jesús G. "Chuy" García  
Member of Congress



Robert Garcia  
Member of Congress

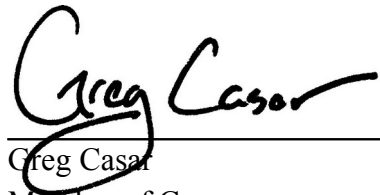


Sylvia R. Garcia  
Member of Congress



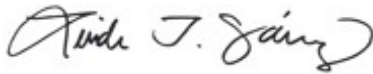
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Robert J. Menendez  
Member of Congress



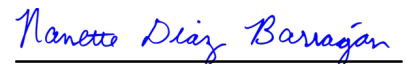
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Greg Casar  
Member of Congress



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Linda T. Sánchez  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress



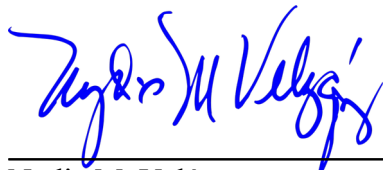
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Veronica Escobar  
Member of Congress



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Alexandria Ocasio-Cortez  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Paul D. Tonko  
Member of Congress



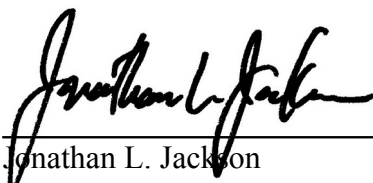
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Jamaal Bowman, Ed.D.  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



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Jonathan L. Jackson  
Member of Congress



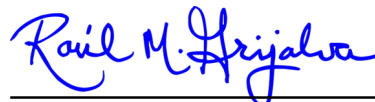
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Nikema Williams  
Member of Congress



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Shri Thanedar  
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Raúl M. Grijalva  
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Pramila Jayapal  
Member of Congress



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Mike Quigley  
Member of Congress



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James P. McGovern  
Member of Congress