

**RECEIVED**

**By ESEC at 12:21 pm, Nov 16, 2023**

November 16, 2023

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

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528

Dear President Biden and Secretary Mayorkas,

We write to urge you to use your parole authority to protect the spouses of U.S. citizens. To that end, the administration should consider granting parole in place, on a case-by-case basis, to the spouses of U.S. citizens who are physically present in the country without admission. We also urge you to create a family reunification parole process for the spouses of U.S. citizens who are outside the United States. These actions are consistent with the President's statutory parole authority and would promote family unity, provide immediate relief to millions of families who have been separated or live in constant fear of deportation, and are in line with existing family reunification parole processes for nationals from Cuba, Haiti, Colombia, El Salvador, Guatemala, Honduras, and Ecuador.

Under Section 212(d)(5) of the Immigration and Nationality Act (INA), the Secretary is authorized to parole individuals into the United States, on a case-by-case basis, for urgent humanitarian reasons or significant public benefit. This parole authority has a long and bipartisan tradition. It has been used extensively by both Democratic and Republican administrations since the Eisenhower administration.<sup>1</sup>

The parole authority under Section 212(d)(5) of the INA also extends to individuals who are already physically present in the country. For example, since 2007, military parole in place has been available to the spouses, parents, and sons and daughters of U.S. military service members and veterans, who are physically present in the United States without admission.<sup>2</sup> Since 2013, the United States Citizenship and Immigration Services (USCIS) has approved 39,780 applications for military parole in place.<sup>3</sup>

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<sup>1</sup> Examples include the parole of 58,000 Cubans between 1961 and 1962, 15,000 Chinese refugees from Hong Kong between 1962 and 1966, and over 130,000 Southeast Asian refugees following the fall of Saigon in 1975. See *Refugee Timeline*, U.S. CITIZENSHIP AND IMMIGR. SRVS (Feb. 7, 2023), <https://www.uscis.gov/about-us/our-history/history-office-and-library/featured-stories-from-the-uscis-history-office-and-library/refugee-timeline>.

<sup>2</sup> *Discretionary Options for Military Members, Enlistees and Their Families*, Military, U.S. Citizenship and Immigration Services (Apr. 25, 2022), <https://www.uscis.gov/military/discretionary-options-for-military-members-enlistees-and-their-families>.

<sup>3</sup> Information provided By USCIS (on file with the House Committee on the Judiciary). This data is from 2013 through 6/14/2022.

Reports indicate that nearly 1.1 million U.S. citizens are married to an undocumented person,<sup>4</sup> and approximately 4.9 million U.S. citizen children have at least one undocumented parent.<sup>5</sup> These families live in a constant state of fear and uncertainty. Many of them are fearful of driving, accessing much-needed health care, and reporting crimes. The fear of deportation has been associated with psychological stress and biological processes linked to an increased risk of chronic disease for children in such families.<sup>6</sup>

Granting parole in place, on a case-by-case basis, to the spouses of U.S. citizens who are physically present in the country without admission would provide immediate relief to millions of mixed-status families in our communities. It would allow them to come out of the shadows and live meaningfully without the constant fear of deportation. The parole in place process would also allow the Department of Homeland Security (DHS) to thoroughly vet each applicant while allowing the individual to apply for work authorization. It is also estimated that it would add \$16 billion to the U.S. economy and \$5 billion in taxes per year.<sup>7</sup> Likewise, a family reunification parole process for the spouses of U.S. citizens who are outside the United States would allow vetted individuals with already approved family-based petitions to be paroled into the United States, on a case-by-case basis.

These actions are directly in line with your administration’s strategy “centered on the basic premise that our country is safer, stronger, and more prosperous with a fair and orderly immigration system that welcomes immigrants, keeps families together, and allows people across the country—both newly arrived immigrants and people who have lived here for generations—to more fully contribute to our country.”<sup>8</sup>

The administration has the ability to make significant and meaningful reforms through the statutory parole authority already granted to it by Congress. We strongly urge the administration to use this authority to the fullest extent possible.

Sincerely,

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<sup>4</sup> Andrew Moriarty, *American Families United Act Priority Bill Spotlight*, Fwd.Us (Oct. 5, 2023), <https://www.fwd.us/news/american-families-united-act/>.

<sup>5</sup> Philip Connor, *Immigration reform can keep millions of mixed-status families together*, FWD.US (Sept. 9, 2021), <https://www.fwd.us/news/mixed-status-families/>.

<sup>6</sup> A. Martinez, L. Ruelas, and D. Granger, *Household fear of deportation in Mexican-origin families: Relation to body mass index percentiles and salivary uric acid*, *AM J HUM BOL.* 2017; L. Rojas-Flores, M. Clements, J. Hwang Koo, and J. London, *Trauma and psychological distress in Latino citizen children following parental detention and deportation*, *PSYCHOL TRAUMA* 2017.

<sup>7</sup> *American Families United Act Priority Bill Spotlight*, FWD.us (Oct. 5, 2023), <https://www.fwd.us/news/american-families-united-act/>.

<sup>8</sup> *The Biden-Harris Administration Immediate Priorities*, The White House, <https://www.whitehouse.gov/priorities/>.



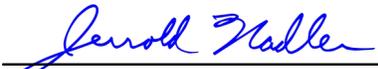
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Pramila Jayapal  
Ranking Member  
Immigration Integrity,  
Security, and Enforcement



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Veronica Escobar  
Member of Congress



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Jerrold Nadler  
Member of Congress  
Ranking Member, Committee  
on the Judiciary



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Yvette D. Clarke  
Member of Congress



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Jesús G. "Chuy" García  
Member of Congress



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James P. McGovern  
Member of Congress



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Delia C. Ramirez  
Member of Congress



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Henry C. "Hank" Johnson, Jr.  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



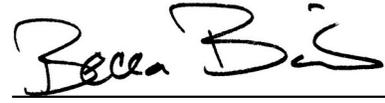
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Jamaal Bowman, Ed.D.  
Member of Congress



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Robert Garcia  
Member of Congress



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Becca Balint  
Member of Congress



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Dan Goldman  
Member of Congress



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Nikema Williams  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress  
Chairwoman, Congressional  
Hispanic Caucus



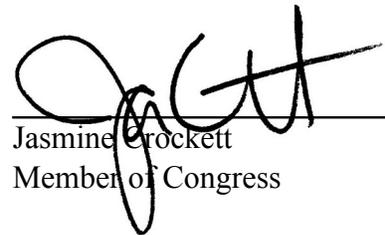
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Deborah K. Ross  
Member of Congress



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Salud Carbajal  
Member of Congress



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Jasmine Crockett  
Member of Congress



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Madeleine Dean  
Member of Congress



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Grace F. Napolitano  
Member of Congress

*André Carson*

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André Carson  
Member of Congress



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Adriano Espaillat  
Member of Congress



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Jimmy Gomez  
Member of Congress



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Adam B. Schiff  
Member of Congress



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Ilhan Omar  
Member of Congress



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Jason Crow  
Member of Congress



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J. Luis Correa  
Member of Congress



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Donald M. Payne, Jr.  
Member of Congress



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Darren Soto  
Member of Congress



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Joaquin Castro  
Member of Congress



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Julia Brownley  
Member of Congress



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David J. Trone  
Member of Congress



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Tony Cárdenas  
Member of Congress



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Judy Chu  
Member of Congress



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Alexandria Ocasio-Cortez  
Member of Congress



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Gregory W. Meeks  
Member of Congress



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Barbara Lee  
Member of Congress



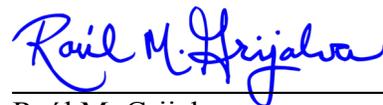
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Melanie Stansbury  
Member of Congress



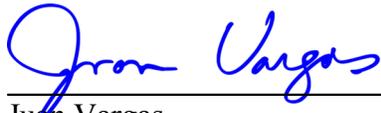
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Katie Porter  
Member of Congress



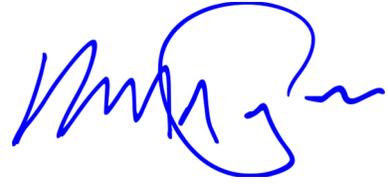
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Raúl M. Grijalva  
Member of Congress



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Juan Vargas  
Member of Congress



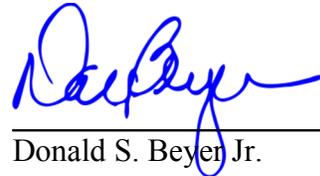
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Mark Pocan  
Member of Congress



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Frederica S. Wilson  
Member of Congress



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Donald S. Beyer Jr.  
Member of Congress



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Jan Schakowsky  
Member of Congress



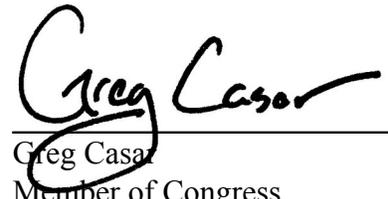
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Sean Casten  
Member of Congress



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Chellie Pingree  
Member of Congress



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Greg Casar  
Member of Congress



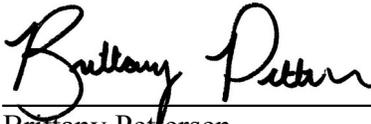
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Zoe Lofgren  
Member of Congress



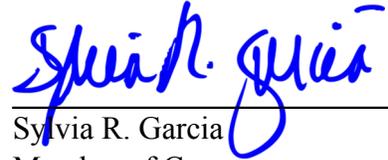
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Debbie Wasserman Schultz  
Member of Congress



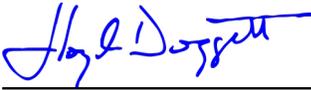
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Brittany Pettersen  
Member of Congress



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Sylvia R. Garcia  
Member of Congress



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Lloyd Doggett  
Member of Congress



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Jim Tokuda  
Member of Congress



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Emanuel Cleaver, II  
Member of Congress



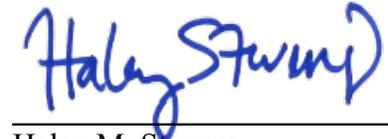
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Andy Kim  
Member of Congress



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Rashida Tlaib  
Member of Congress



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Haley M. Stevens  
Member of Congress



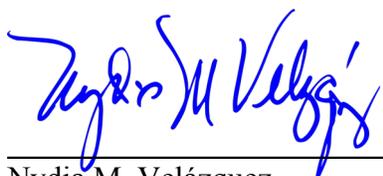
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Sheila Jackson Lee  
Member of Congress



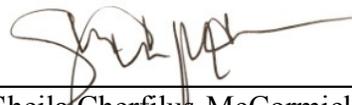
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Betty McCollum  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Sheila Cherfilus-McCormick  
Member of Congress



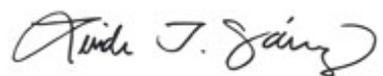
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Cori Bush  
Member of Congress



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Ro Khanna  
Member of Congress



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Linda T. Sánchez  
Member of Congress



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Earl Blumenauer  
Member of Congress



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Robert J. Menendez  
Member of Congress



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Mike Levin  
Member of Congress



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C. A. Dutch Ruppensberger  
Member of Congress



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Mike Quigley  
Member of Congress



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Summer Lee  
Member of Congress



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Dwight Evans  
Member of Congress



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Alma S. Adams, Ph.D.  
Member of Congress



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Brendan F. Boyle  
Member of Congress



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Sara Jacobs  
Member of Congress



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Colin Z. Allred  
Member of Congress



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Maxwell Alejandro Frost  
Member of Congress



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Ayanna Pressley  
Member of Congress



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Jamie Raskin  
Member of Congress



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MARK TAKANO  
Member of Congress



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Norma J. Torres  
Member of Congress



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Marc A. Veasey  
Member of Congress



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Kathy Castor  
Member of Congress



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Doris Matsui  
Member of Congress



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Paul Tonko  
Member of Congress



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Chrissy Houlahan  
Member of Congress



U.S. Citizenship  
and Immigration  
Services

March 11, 2024

The Honorable Pramila Jayapal  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Jayapal:

Thank you for your November 16, 2023 letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department.

As you note in your letter, DHS has authority under section 212(d)(5)(A) of the Immigration and Nationality Act (INA) to parole noncitizens into the United States, on a case-by-case basis, for urgent humanitarian reasons or significant public benefit.

The existing family reunification parole processes were established in recognition of the significant public benefit of reuniting families quickly in cases in which the beneficiaries are eligible for, but have not yet received, a family-based immigrant visa. The existing process also provides a lawful and more orderly alternative to irregular migration to the United States. USCIS is committed to facilitating more expeditious family reunification by reducing backlogs and processing times. In addition, the U.S. Department of State administers consular processing, which enables the spouse of a U.S. citizen residing outside the United States to be admitted into the United States as a lawful permanent resident.

Parole in place may be requested by noncitizens present in the United States, without admission, who can demonstrate both eligibility for parole (the requisite showing of urgent humanitarian reasons or significant public benefit) and that they merit a favorable exercise of discretion. USCIS considers these requests on a case-by-case basis, and if USCIS favorably exercises its discretion, USCIS generally grants parole in place for a limited period of time.

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 USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal line extending to the right.

Ur M. Jaddou  
Director