

July 14, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Re: Extension of Employment Authorization for DACA, TPS, and Other Work-Authorized Immigrants in Fourth COVID-19 Legislative Package

Dear Senators:

The undersigned 183 organizations write to encourage you to include legislative language in the fourth COVID-19 legislative package that would direct U.S. Citizenship and Immigration Services (USCIS) to automatically, and at no cost, extend employment authorization documents (EADs) and the underlying status for Deferred Action for Childhood Arrivals (DACA) recipients, Temporary Protected Status (TPS) holders, and all other work-authorized immigrants. Specifically, we ask that the Senate include the legislative language present in the House-passed HEROES Act, which would extend work authorization and protection from deportation for DACA recipients for two years, TPS holders for 18 months, and other immigrants for a reasonable period in light of the ongoing COVID-19 crisis.¹ Despite the personal risk, work authorized immigrants are on the front lines of healthcare, keep our food industry functioning, and keep our country running in transportation, manufacturing, construction, and more.

The extension of work permits for TPS holders is also particularly critical in light of the awaited court decision in the *Ramos v. Nielsen* case challenging the administration's attempts to end TPS. It is unknown how the courts will ultimately rule on the case; there is a real risk that the administration could succeed in its attempts to expel hundreds of thousands of TPS holders amidst a global pandemic.

COVID-19 has made it substantially more likely that immigrants, including DACA recipients and TPS holders, will be unable to obtain renewal of their EADs. Regardless of minor processing

¹ The Heroes Act, H.R.6800, 116th Cong. (2020). The relevant language is as follows:

(A) In general.—With respect to any alien whose immigration status, employment authorization, or other authorized period of stay has expired or will expire during the period described in subsection (d), during the one-year period beginning on the date of the enactment of this title, or during both such periods, the Secretary of Homeland Security shall automatically extend such status, authorization, or period of stay until the date that is 90 days after the last day of whichever of such periods ends later.

(B) Exception.—If the status, authorization, or period of stay referred to in subparagraph (A) is based on a grant of deferred action, or a grant of temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), the extension under such subparagraph shall be for a period not less than the period for which deferred action or temporary protected status originally was granted by the Secretary of Homeland Security.

adjustments², closures of Application Support Centers (ASCs)³ and a dramatic increase of telework for adjudicators—coupled with pre-COVID-19 adjudication backlogs and delays⁴—means that USCIS will struggle to approve work permit applications in a timely manner. Moreover, USCIS is currently facing a historic fiscal shortfall and has begun to furlough adjudicators.⁵ These furloughs will only exacerbate current backlogs and make it substantially more difficult for DACA recipients and TPS holders to renew in a timely manner.

Applicants face a variety of COVID-19 barriers, including difficulty in paying filing fees due to job losses and loss of savings and investments. At the pandemic's peak, over 316 million individuals were under “stay at home” orders, meaning that many applicants are literally forbidden from leaving their house outside of essential activities, erecting significant legal barriers to prepare, print, and mail their applications (which would not be an essential activity under most “stay at home” orders).⁶ Furthermore, many applicants cannot access the legal service providers required for renewal, as many of these providers are closed, furloughed, or overcapacity. Practically, an applicant may be unable to submit their application if they or their family members become ill with COVID-19. While we support the automatic extension of work permits for all work-authorized immigrants, we highlight the acute need for extensions for DACA recipients and TPS holders.

DACA. The Supreme Court recently held that the administration did not lawfully rescind DACA and must therefore reinstitute the full DACA initiative. However, the administration has yet to move forward on accepting initial applications. It is also increasingly likely that the administration will attempt to rescind DACA once again, likely in the coming weeks, through the issuance of a new memorandum. DACA recipients are also on the front lines of battling COVID-19. An estimated 200,000 DACA recipients serve our nation as essential workers, including 29,000 DACA recipients in the healthcare industry.⁷ Rescission of DACA would also lead to \$6.3 billion in unnecessary turnover costs and job losses for nearly 7,000 employees each

² Minor adjustments have been made to biometric collection and Requests for Evidence. *USCIS to Continue Processing Applications for Employment Authorization Extension Requests Despite Application Support Center Closures*, U.S. Cit. & Immigr. Servs., <https://www.uscis.gov/news/alerts/uscis-continue-processing-applications-employment-authorization-extension-requests-despite-application-support-center-closures> (last updated Mar. 30, 2020). *USCIS Announces Flexibility for Requests for Evidence, Notices of Intent to Deny*, U.S. Cit. & Immigr. Servs., <https://www.uscis.gov/news/alerts/uscis-announces-flexibility-requests-evidence-notices-intent-deny> (last updated Mar. 27, 2020).

³ *USCIS Temporary Office Closure Extended until at least May 3*, U.S. Cit. & Immigr. Servs., <https://www.uscis.gov/news/alerts/uscis-temporary-office-closure-extended-until-least-may-3> (last updated Apr. 1, 2020).

⁴ Am. Immigr. Lawyers' Ass'n, AILA Doc. No. 19012834, AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration (2019), <https://www.aila.org/advo-media/aila-policy-briefs/aila-policy-brief-uscis-processing-delays>.

⁵ Geneva Sands and Priscilla Alvarez, *\$1 billion shortfall, furloughs could bring US immigration system to a halt*, CNN, July 2, 2020, <https://www.cnn.com/2020/07/02/politics/uscis-mass-furloughs-pandemic/index.html>.

⁶ Sarah Mervosh et al., *See Which States and Cities Have Told Residents to Stay at Home*, N.Y. Times (Apr. 20, 2020), <https://www.nytimes.com/interactive/2020/us/coronavirus-stay-at-home-order.html>.

⁷ Nicole Prechal Svajlenka, *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*, Center for American Progress, April 6, 2020, <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>.

week.⁸ The United States would lose a total of \$39.3 billion in Social Security and Medicare payments over a decade if DACA recipients were forced to return to their home countries.⁹

TPS. TPS holders also play a significant role in our fight against COVID-19. An estimated 131,300 TPS holders from El Salvador, Honduras, and Haiti alone serve our nation as essential workers, including 11,600 healthcare workers.¹⁰ In the midst of the worst economic recession in decades, we cannot afford to lose thousands of strong economic contributors. TPS holders are well established in the United States and have lived here for an average of 13-22 years.¹¹ If TPS holders could no longer work in their current jobs, employers would experience \$967 million in turnover costs. The United States would lose a total of \$6.9 billion in Social Security and Medicare payments over a decade if TPS holders were forced to return to their home countries.¹²

We therefore respectfully urge you to include language in the fourth COVID-19 legislative package that directs USCIS to automatically, and at no cost, extend EADs for all work authorized immigrants, including DACA recipients and TPS holders. This relief will not only benefit hundreds of thousands of individuals affected by COVID-19, but their families, communities, and the nation's continued economic recovery.

Sincerely,

National Organizations

ACCESS

ADL (Anti-Defamation League)

AFL-CIO

African Communities Together

Alianza Americas

Alianza Nacional de Campesinas

America's Voice

American Business Immigration Coalition

American Family Voices

American Federation of Teachers (AFT)

American Friends Service Committee

American Immigration Lawyers Association (AILA)

American-Arab Anti-Discrimination Committee (ADC)

Asian American Legal Defense and Education Fund (AALDEF)

Asian Americans Advancing Justice | AAJC

Asian Pacific American Labor Alliance, AFL-CIO

⁸ David J. Bier, *Ending DACA Will Impose Billions in Employer Compliance Costs*, Cato Institute, Sept. 1, 2017, <https://www.cato.org/blog/ending-daca-will-impose-billions-employer-compliance-costs>.

⁹ *Id.*

¹⁰ Nicole Prchal Svajlenka and Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis*, Center for American Progress, April 14, 2020, <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holder-s-providing-essential-services-coronavirus-crisis/>.

¹¹ Svajlenka et al., *TPS Holders Are Integral Members*, Center for American Progress (2017).

¹² *Id.*

Bend the Arc: Jewish Action
CASA
Center for American Progress
Center for Gender & Refugee Studies
Center for Law and Social Policy
Center for Popular Democracy
Center for Victims of Torture
Centro de los Derechos del Migrante, Inc.
Christian Reformed Church Office of Social Justice
Church World Service
Clearinghouse on Women's Issues
Council for Global Equality
Demand Progress
Detention Watch Network
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Dream Corps
Empowering Pacific Islander Communities (EPIC)
Familia: Trans Queer Liberation Movement
Families Belong Together
Farmworker Justice
Feminist Majority Foundation
Franciscan Action Network
Freedom Network USA
Future Coalition
Human Rights Campaign
Immigrant Defense Project
Immigrant Justice Network
Immigrant Legal Resource Center
Immigration Hub
ImmSchools
Indivisible
Just Futures Law
Justice Action Center
Justice for Migrant Women
Kickapoo-Guatemala Accompaniment Project
Latin America Working Group
Leadership Conference of Women Religious
League of Conservation Voters
League of United Latin American Citizens (LULAC)
Lights for Liberty
Lutheran Immigration and Refugee Service
March On

Mi Familia Vota
MoveOn
Muslim Public Affairs Council (MPAC)
National Asian Pacific American Women's Forum (NAPAWF)
National Coalition Against Domestic Violence
National Council of Asian Pacific Americans
National Council of Jewish Women
National Education Association
National Employment Law Project
National Equality Action Team (NEAT)
National Health Law Program
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Justice for Our Neighbors
National Korean American Service & Education Consortium (NAKASEC)
National Latina Institute for Reproductive Justice
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
National TPS Alliance
National Women's Law Center
Network in Solidarity with the People of Guatemala (NISGUA)
NETWORK Lobby for Catholic Social Justice
Oxfam America
PFLAG National
Planned Parenthood Federation of America
Poligon Education Fund
Presbyterian Church USA
Service Employees International Union (SEIU)
Sisters of Mercy of the Americas Justice Team
Sojourners
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center
Southern Border Communities Coalition
Sunrise Movement
T'ruah: The Rabbinic Call for Human Rights
Teach For America
The Leadership Conference on Civil and Human Rights
The United Methodist Church - General Board of Church and Society
Transgender Law Center
U.S. Committee for Refugees and Immigrants
UndocuBlack Network
UnidosUS

Union for Reform Judaism
Unitarian Universalist Service Committee
United Church of Christ, Justice and Witness Ministries
United We Dream
Voices for Progress
Win Without War
WOLA (Washington Office on Latin America)
Working Families United
Workplace Fairness
Young Center for Immigrant Children's Rights

State and Local Organizations

Adhikaar
Advocate Visitors with Immigrants in Detention in the Chihuahuan Desert
Alianzas, Unitarian Universalist Church of Arlington
Alliance San Diego
American Gateways
Americans for Immigrant Justice
CARECEN SF
Center for Health Progress
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Immigrant Rights Coalition (CIRC)
Colorado Jobs with Justice (CO JWJ)
Colorado Organization for Latina Opportunity and Reproductive Rights
Colorado People's Alliance
Comité TPS Massachusetts
Connecticut Shoreline Indivisible
CRECEN - Houston
CT Students for a Dream
Dream Project
Equal Justice Center
Family Action Network Movement
FANM In Action
Farmworker Association of Florida
Families Rights Network
FIRN Inc
Florida Immigrant Coalition
Immigrant Legal Center of Boulder County
Intercommunity Justice and Peace Center (IJPC)
Just Neighbors
La Unión del Pueblo Entero (LUPE)
Los Angeles LGBT Center

Madrean Archipelago Wildlife Center
Make the Road Nevada
Mano Amiga
Mexican American Legislative Caucus (MALC) of the Texas House of Representatives
Michigan United
Motivation Motivates
Multicultural Efforts to end Sexual Assault (MESA)
New Hampshire Guatemala Accompaniment Project
New York Immigration Coalition
NM CAFé
OneAmerica
Rian Immigrant Center
SEIU 32BJ
SEIU Local 105
The Door's Legal Services Center
The Green Valley/Sahuarita Samaritans
The Legal Aid Society (New York)
The LGBTQ Center OC
Together Colorado
Venezuelans and Immigrants Aid
Washington Immigrant Solidarity Network
Wind of the Spirit Immigrant Resource Center
Women Employed
Workers Center of Central New York
Workers Defense Action Fund
Yemeni American Merchants Association (YAMA)
YWCA Greater Austin