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August 13, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
1705 Longworth House Office Bldg.
Washington, D.C. 20515

The Honorable Steny Hoyer
Majority Leader
U.S. House of Representatives
1236 Longworth House Office Bldg.
Washington, D.C. 20515

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

Dear Speaker Pelosi and Majority Leader Hoyer:

We at the Presidents' Alliance on Higher Education and Immigration (Presidents' Alliance) write to encourage the inclusion of language in the fourth COVID-19 legislative package that would explicitly 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. Such language was included in the House-passed HEROES Act,¹ and we respectfully urge you to make this a provision a priority in the House-Senate negotiations.

The non-partisan Presidents' Alliance comprises approximately 500 college and university presidents and chancellors of public and private institutions. Together, our members' institutions enroll over five million students across 41 states, D.C., and Puerto Rico. The Presidents' Alliance is committed to supporting policies that create a welcoming environment for immigrant and international students. We are deeply concerned about the impacts of the COVID-19 crisis on these students, and the institutions that seek to enroll and support them.

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. Pandemic conditions have only worsened the already sizable backlog of 2.3 million cases at USCIS.² In the past month, USCIS also informed stakeholders that it is

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.

² AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration, American Immigration Lawyers Association, AILA Doc. No. 19012834, Jan. 30, 2019,

unable to print secure documents such as lawful permanent residency cards or EADs in a timely manner and will be unable to do so for the foreseeable future.³ In addition to office closures, the agency is currently facing a historic budget crisis and has begun to furlough adjudicators, making it substantially more difficult for all immigrants, including DACA recipients and TPS holders, to apply by required deadlines. Applicants also face their own COVID-19 barriers to renewing their EADs on time, including stay at home orders, job loss amidst the economic recession, and the spreading illness.

But despite the personal risk during the pandemic, work authorized immigrants are on the front lines of essential industries that keep our country running, including 200,000 DACA recipients and 131,300 TPS holders.⁴ There are 216,000 DACA-eligible people in higher education, many of whom are unable to rely on their parents or the federal government for financial assistance.⁵ These students and scholars are under pressure to work to both support their families and continue their education. Many of those with TPS or DACA risk losing their status in the middle of a pandemic, as the Administration repeatedly vows to rescind DACA and TPS holders await the verdict of the challenge against wrongful TPS terminations in *Ramos v. Nielsen*. The U.S. Department of Homeland Security (DHS) recently released a memo making changes to DACA that will functionally eliminate the program without an official rescission, putting over 600,000 DACA recipients at risk of losing their status and thus legal permission to work.⁶

Again, we respectfully ask you not to pass the fourth COVID-19 legislative package without language that directs USCIS to automatically, and at no cost, extend EADs for all work authorized immigrants. 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. If you have any questions about this letter, please contact Jose Magaña-Salgado at jose@presidentsalliance.org.

Sincerely,

available at <https://www.aila.org/advo-media/aila-policy-briefs/aila-policy-brief-uscis-processing-delays>.

³ Electronic Letter from U.S. Department of Homeland Security to Stakeholders on Ombudsman's Alert: Card Production Delays at USCIS (Jul. 21, 2020), available at <https://www.aila.org/infonet/cis-ombudsman-provides-update-on-card-production>.

⁴ Nicole Prchal 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/>; 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-holders-providing-essential-services-coronavirus-crisis/>.

⁵ Miriam Feldblum et al., *New Am. Econ. & Presidents' Alliance on Higher Educ. & Immigration, Undocumented Students in Higher Education: How Many Students Are in U.S. Colleges and Universities, and Who Are They?* (2020), available at <https://www.presidentsimmigrationalliance.org/2020/04/15/report-undocumented-students-in-higher-education-how-many-students-are-in-u-s-colleges-and-universities-and-who-are-they/>; Veronica Terriquez, *Dreams Delayed: Barriers to Degree Completion Among Undocumented Community College Students*, 41 *J. Ethnic & Migration Studies* 1302, 1302-23 (2015).

⁶ Memorandum from Chad F. Wolf, Acting Secretary, U.S. Citizenship and Immigration Services to Mark Morgan, Senior Official Performing the Duties of Commissioner, Matthew Albence, Senior Official Performing the Duties of Director, Joseph Edlow, Deputy Director of Policy, U.S. Citizenship and Immigration Services on Reconsideration of the June 15, 2012 Memorandum Entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children" (July 28, 2020), available at https://www.dhs.gov/sites/default/files/publications/20_0728_s1_daca-reconsideration-memo.pdf.

A handwritten signature in black ink, reading "Miriam Feldblum". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Miriam Feldblum
Executive Director
Presidents' Alliance on Higher Education and Immigration