

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.¹

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.² Since 2013, the United States Citizenship and Immigration Services (USCIS) has approved 39,780 applications for military parole in place.³

¹ 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>.

² *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>.

³ 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,⁴ and approximately 4.9 million U.S. citizen children have at least one undocumented parent.⁵ 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.⁶

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.⁷ 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.”⁸

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,

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

⁵ 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/>.

⁶ 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 BIOL. 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.

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

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



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Immigration Integrity,
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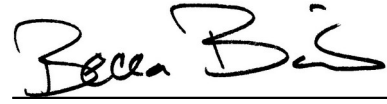
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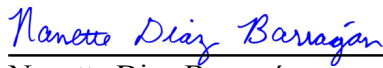
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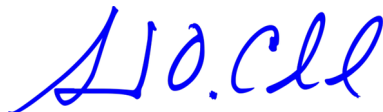
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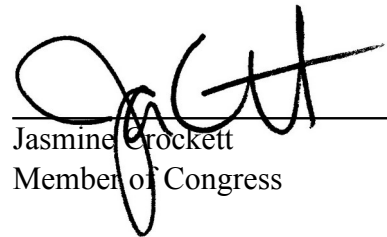
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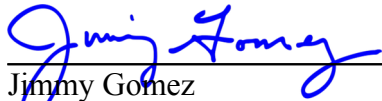
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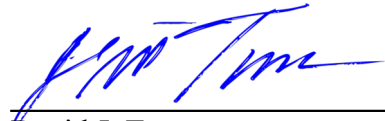
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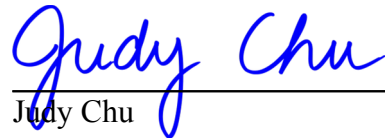
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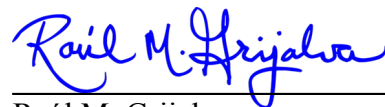
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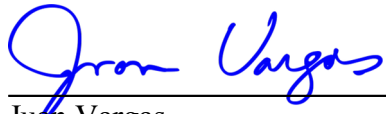
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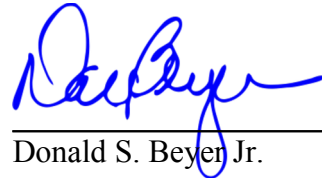
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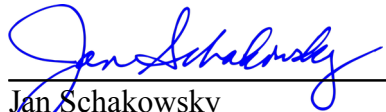
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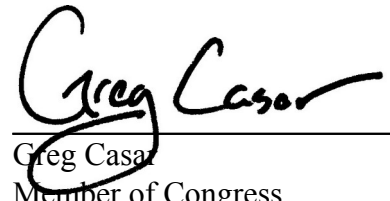
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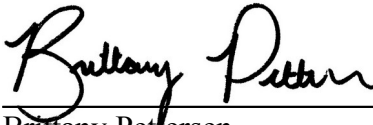
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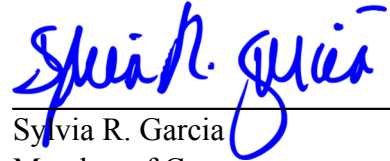
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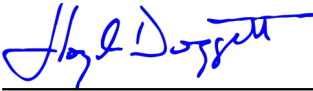
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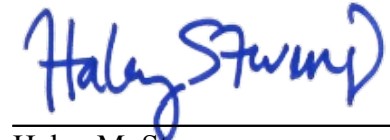
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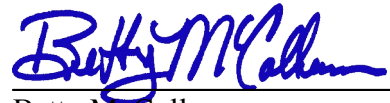
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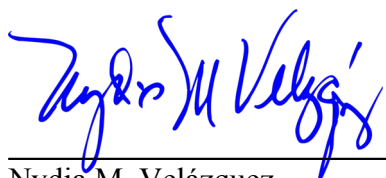
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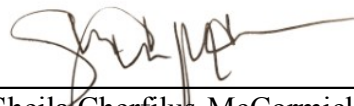
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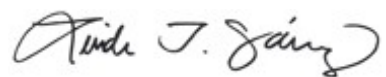
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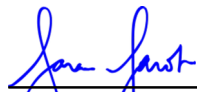
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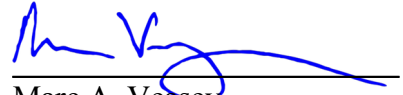
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