

MEMORANDUM

To: The White House

From: UnidosUS

Date: April 10, 2024

RE: Recommendations for Executive Actions on Immigration Relief

Recent reports suggest the Biden administration is examining taking executive actions on immigration to move past congressional inaction on this issue. As representatives of the Latino community, we believe the President should include measures that protect Dreamers and long-settled undocumented immigrants in this list. While Latino voters' have made legalizing these groups their top immigration priority,* congressional partisanship and division have blocked legislation with these protections, including a comprehensive reform bill the President proposed early in his term.

In response, the President should use the various legal tools he has that would place hundreds of thousands of immigrants with deep roots in the U.S. on the path to permanence and eventual citizenship. Action on these policies will allow the President to keep his promise to our community, while advancing solutions that most Americans support.

- **Use Advanced Parole to allow certain DACA recipients to adjust to a green card:** Currently, individuals in the Deferred Action for Childhood Arrivals (DACA) program who want to seek a green card can leave the United States to remedy penalties for entering the country illegally. The administration should use its advanced parole authority to allow these individuals to leave and reenter the country, with the reentry counting as the formal admission that makes them eligible to seek a green card within the United States.
- **Establish an affirmative process for cancellation of removal:** Cancellation of Removal allows longtime undocumented residents in removal proceedings to seek out a green card if they meet certain requirements. Rather than making individuals present themselves to immigration authorities to initiate the removal process, individuals would seek a "preapproval" from U.S. Citizenship and Immigration Services (USCIS) deeming them eligible for this relief and a work permit while waiting for the resolution of their cases.
- **Use authorities to help individuals in the provisional waiver backlog:** The "provisional waiver program" allows undocumented individuals adjusting to a family-based green card to leave the country for short periods of time to remedy penalties for entering the United States illegally. Given that applicants face a four-year wait time for the waiver, the administration should invest significant resources to swiftly clear the backlog. It also should use deferred action or parole authorities so waiver applicants can remain in the country with their families, a step that should include access to work permits.

* UnidosUS, "UnidosUS Unveils Hispanic Electorate Data Hub and Partners with Mi Familia Vota to Release This Year's Most Expansive Poll on the Priorities of Latino Voters," November 29, 2023. Available at: <https://unidosus.org/press-releases/unidosus-unveils-hispanic-electorate-data-hub-and-partners-with-mi-familia-vota-to-release-this-years-most-expansive-poll-on-the-priorities-of-latino-voters/>.

- **Expand the number of undocumented spouses of U.S. citizens eligible for parole in place:** Currently, DHS allows the undocumented spouses of U.S. citizens in the U.S. Armed Forces to apply for a green card. However, the relief could be expanded to the spouses of other U.S. citizens, meaning the administration should explore establishing a broader parole in place program that includes more eligible spouses.
- **Continue to use the Temporary Protected Status (TPS) program to provide individuals with stable protection from deportation and access to work permits:** In addition to designating new countries for TPS protection, the administration should redesignate or extend the designation of TPS for Central Americans whose populations include longtime residents. If a country is not eligible for TPS redesignation or extension, the administration should explore whether Deferred Enforcement Departure can serve as a substitute for longtime residents.
- **Fund community-based immigration legal services:** To successfully implement the measures in this memorandum, optimize our legal immigration system, and facilitate access to work permits, the administration should provide funding to trusted community-based organizations who have immigration attorneys and accredited representatives so they can provide qualified legal assistance.

Finally, the administration must provide USCIS and the immigration court system with enough financial and staffing resources to implement these measures. Without this funding, operationalizing these measures will fail to meet their intended goals, undermining our community's trust in the ability of these measures to provide protection.