

# Congress of the United States

Washington, DC 20515

**RECEIVED**

By ESEC at 9:41 am, Jul 15, 2024

July 11, 2024

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
2801 Nebraska Avenue, NW  
Washington, DC 20528

The Honorable Ur Jaddou  
Director  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

Dear Secretary Mayorkas and Director Jaddou:

We were proud to stand alongside President Biden last month as the Biden-Harris Administration announced new executive actions to keep mixed-status families together. The announcement is intended to protect approximately half a million spouses of U.S. citizens and approximately 50,000 noncitizen children with a parent married to a U.S. citizen, which would make it the most significant positive policy change for immigrants and their families since the Deferred Action for Childhood Arrivals program in 2012.

We know that because of the precarious nature of undocumented status in the United States, many noncitizen members of mixed-status families have prior immigration histories as they weigh limited options to keep their family together, care for loved ones, and be able to financially support themselves and their relatives. This often results in many being forced to exit and enter the United States without authorization, making them ineligible for relief. Many have also taken actions based on misinformation and bad legal advice. **Their exclusion from the new parole in place process makes it even more critical to ensure the forthcoming Federal Register Notice detailing eligibility and how to apply for the new process will bring relief to as many immigrants and their families living in fear of deportation as initially announced.**

As the Department of Homeland Security finalizes the notice, we urge you to ensure a parole in place process that:

- **Minimizes the use and avoids the creation of crime- or conduct-based bars to prevent eligibility for the new process.** Especially for Black and Brown communities, contact with the criminal legal system mirrors racial disparities and often results from racial profiling and discrimination. The proliferation of anti-immigrant legislation at the state level in recent years only heightens these risks. As a result, police records, arrests, and charges that did not result in a conviction should not be considered as automatic ineligibilities; doing so contravenes due process. Similarly, vacated convictions must not be the basis of denial for parole in place. Further, we urge you not to create new crime- or conduct-based bars for the new parole in place program, given how expansive the existing conduct-based bars to inadmissibility are and the discretion inherent in parole adjudications.

- **Adopts flexible and generous guidelines regarding fee waiver eligibility.** Reducing fees as a barrier to apply is especially acute given that many potential applicants are living under the poverty line because of their undocumented status and challenges to accessing the formal workforce.
- **Includes strong safeguards of personal information from applications to minimize fear of immigration enforcement.** Fear of enforcement will dissuade immigrant communities from applying for parole in place, hindering the program's goal of providing relief to longtime immigrant residents and their families.

Lastly, we are concerned to see the continued reliance on a vague definition of "public safety" as a consideration. Please provide answers to the following questions:

- What guidance will DHS use to determine if a noncitizen is a threat to public safety or national security?
- Will a noncitizen have an opportunity to contest such a designation?
- Will a noncitizen who applies for parole but is deemed a threat to national security or public safety be automatically subject to immigration enforcement action?

We believe the time has long come to support mixed-status families and are grateful for the Administration's announcement last month. We appreciate the urgency to move ahead quickly with the new parole in place process to ensure that as many families can receive protection as possible. We support your efforts toward efficiency. **However, we also support our constituents who are in need of the protections this process offers but whose cases are more complex and involve bars to eligibility. We respectfully request a commitment from the Department to continue to work with us and impacted communities to develop subsequent opportunities for these individuals and their families to access protection.**

Sincerely,



Delia C. Ramirez  
Member of Congress



Jesús G. "Chuy" García  
Member of Congress



Robert Garcia  
Member of Congress

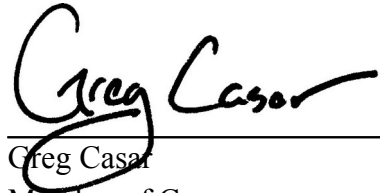


Sylvia R. Garcia  
Member of Congress



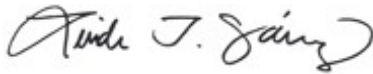
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Robert J. Menendez  
Member of Congress



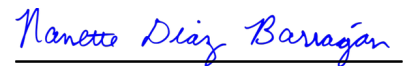
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Greg Casar  
Member of Congress



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Linda T. Sánchez  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress



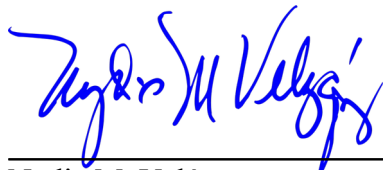
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Veronica Escobar  
Member of Congress



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Alexandria Ocasio-Cortez  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Paul D. Tonko  
Member of Congress



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Jamaal Bowman, Ed.D.  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



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Jonathan L. Jackson  
Member of Congress



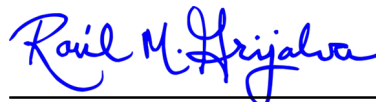
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Nikema Williams  
Member of Congress



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Shri Thanedar  
Member of Congress



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Raúl M. Grijalva  
Member of Congress



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Pramila Jayapal  
Member of Congress



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Mike Quigley  
Member of Congress



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James P. McGovern  
Member of Congress



U.S. Citizenship  
and Immigration  
Services

September 24, 2024

The Honorable Delia C. Ramirez  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Ramirez:

Thank you for your July 11, 2024 letter to the U.S. Department of Homeland Security (DHS) regarding *Keeping Families Together* (KFT), a process for certain noncitizen spouses and noncitizen stepchildren of U.S. citizens to request parole in place under existing statutory authority. I am responding on behalf of DHS.

I appreciated the opportunity to meet with you and other members of the Congressional Hispanic Caucus (CHC) on July 23, 2024. It was a valuable and engaging discussion of issues important to the CHC, and I look forward to continued engagement.

DHS continues to implement a migration strategy focused on strengthened consequences for those who cross the border without authorization and a historic expansion of lawful, safe, and orderly pathways for those who qualify. As you know, on June 18, 2024, President Biden announced that DHS would establish a process for certain noncitizen spouses and stepchildren of U.S. citizens to request parole in place so that they may apply for lawful permanent residence without having to leave the country.

Following President Biden's announcement, DHS issued a [Federal Register notice \(FRN\), Implementation of Keeping Families Together](#), about the criteria and process for certain noncitizen spouses and stepchildren of U.S. citizens to request parole in place. U.S. Citizenship and Immigration Services (USCIS) began accepting requests for parole in place under this process on August 19, 2024. The FRN, along with the recently published web guidance at [www.uscis.gov/keepingfamielstogether](http://www.uscis.gov/keepingfamielstogether), includes comprehensive FAQs and provides detailed information about eligibility criteria, documentation requirements, fees, and other important considerations.

The Biden-Harris administration is committed to promoting family unity in the immigration system, and that goal was central to the development of the KFT process. DHS estimates that approximately 500,000 noncitizen spouses of U.S. citizens could be eligible to access this process. On average, these noncitizens have resided in the United States for 23 years. Approximately 50,000 noncitizen stepchildren of U.S. citizens are also estimated to be eligible for this process. Noncitizens will be subject to screening and vetting. Those who pose a threat

to national security or public safety will be ineligible for this process, as aligned with DHS's immigration enforcement priorities.

Shortly after the announcement of the *KFT* process, the process was challenged in court and the agency is stayed from granting requests for parole in place under the process. On August 26, 2024, the United States District Court for the Eastern District of Texas ("district court"), in *Texas v. Department of Homeland Security*, entered an administrative stay for an initial period of 14 days (and subsequently extended it for an additional 14 days), preventing DHS from granting parole in place under the KFT process. On September 11, 2024, the United States Court of Appeals for the Fifth Circuit issued an order pausing all proceedings before the district court, but keeping the district court's stay of KFT in effect until further order from the circuit court.

While the process is administratively stayed, USCIS will:

- Not grant any pending parole in place requests under the Keeping Families Together process.
- Continue to accept filings of Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens.
- Continue to schedule biometric appointments at Application Support Centers (ASCs).

The district court's administrative stay order does not affect any requests for a parole in place that were granted before the administrative stay order was issued.

I appreciate the information and concerns you shared and will take them under consideration. 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 flourish extending to the right.

Ur M. Jaddou  
Director