

United States Senate

WASHINGTON, DC 20510

December 4, 2024

Hon. Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave N.W.
Washington, D.C. 20006

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By ESEC at 3:03 pm, Dec 05, 2024

Dear President Biden,

Thank you for your leadership and service to this nation over the past four years. We write today to urge you to act decisively during the remainder of your term of office to complete important work that will protect long-term immigrant communities and ensure that families are not returned to countries where they would face immense danger. In addition to supporting strong border security, we are eager to ensure that DACA recipients, TPS holders, and other immigrants who are critical members of our communities and economies are not forgotten during this busy time.

With this in mind, we respectfully urge you to prioritize the following actions:

Designate, Redesignate, and Extend Temporary Protected Status (TPS) for Eligible Countries. Worsening crises in countries around the world, including in Ecuador, Nicaragua, and El Salvador, continue to endanger hundreds of thousands of people. Nationals from these three countries cannot return home due to severe circumstances on the ground. Ecuadorians currently face horrific levels of violence that has only surged in recent years.¹ Nicaragua remains under the oppressive rule of President Daniel Ortega's authoritarian regime, where widespread human rights violations by the government pose severe risks of state-sponsored violence and persecution to its citizens.² And both political and environmental conditions in El Salvador continue to justify TPS, with over 180,000 Salvadoran nationals having lived in the U.S. for more than 23 years.³ We urge the administration to ensure that those from countries with meritorious cases are granted TPS, allowing these individuals to continue building their lives here and contributing to our country.

Protect Deferred Action Recipients via Expedited Processing and Expansion of Legal Pathways. With the ongoing uncertainty surrounding the future of DACA and others with deferred action, we urge USCIS to process all deferred action renewals and Advance Parole requests as expeditiously as possible. USCIS should also allow all DACA recipients' status to extend for the maximum time possible. We also urge you to finalize the proposed regulation

¹ <https://www.economist.com/the-americas/2024/01/10/how-ecuador-became-latin-americas-deadliest-country>

² <https://news.un.org/en/story/2024/09/1153891> and <https://www.axios.com/2024/11/21/nicaragua-daniel-ortega-constitution> and <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/11/22/press-release-notice-to-the-speaker-of-the-house-and-president-of-the-senate-on-the-continuation-of-the-national-emergency-with-respect-to-the-situation-in-nicaragua/>

³ <https://www.federalregister.gov/documents/2023/06/21/2023-13018/reconsideration-and-rescission-of-termination-of-the-designation-of-el-salvador-for-temporary>

clarifying the rules around cap-exempt status under the H-1B program.⁴ Clearer cap exemption rules may encourage more employers to petition for H-1B visas on behalf of DACA holders, which will ensure qualified DACA recipients have opportunities to gain legal status through their employers.

We appreciate your prompt consideration of these crucial actions. Thank you for your continued service and partnership as we work together to better the lives of all Americans.

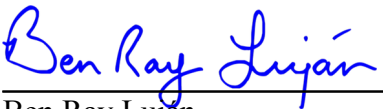
Sincerely,



Catherine Cortez Masto
United States Senator



Alex Padilla
United States Senator



Ben Ray Lujan
United States Senator

⁴ <https://www.federalregister.gov/documents/2023/10/23/2023-23381/modernizing-h-1b-requirements-providing-flexibility-in-the-f-1-program-and-program-improvements>



January 14, 2025

The Honorable Catherine Cortez Masto
United States Senate
Washington, DC 20510

Dear Senator Cortez Masto:

Thank you for your December 4, 2024 letter to President Biden. Your letter was referred to the Department of Homeland Security (DHS), and I am responding on behalf of the Department.

I appreciate the concerns you have raised regarding the situations in Ecuador, Nicaragua, and El Salvador, and your interest in designating, redesignating, or extending Temporary Protected Status (TPS) for these countries, as appropriate. On January 10, 2025, after careful consideration, including a thorough review of the country conditions and consultation with interagency partners, Secretary Mayorkas announced the extension of El Salvador for TPS for 18 months.¹ Additionally, the *Federal Register* notice (FRN) announcing the extension was posted for public inspection in the Federal Register on January 10, 2025, and will be published on January 17, 2025.

Additionally, U.S. Citizenship and Immigration Services (USCIS) is reviewing conditions in TPS-designated countries to determine whether they continue to meet the criteria for designation and considers whether non-designated countries meet the conditions for initial designation. DHS makes these decisions in consultation with interagency partners and after careful consideration of each individual country's circumstances, in accordance with statutory requirements.²

In your letter, you urge the Administration to process Deferred Action for Childhood Arrivals (DACA) renewals and advance parole applications as swiftly as possible, as well as to allow all periods of DACA for current recipients to extend for the maximum period possible. USCIS is committed to timely adjudicating DACA renewal requests and applications for advance parole documents. As USCIS does every day across all requests we review and

¹ See <https://www.uscis.gov/newsroom/news-releases/dhs-publishes-federal-register-notice-extending-temporary-protected-status-for-el-salvador>.

² See Immigration and Nationality Act sec. 244(b)(1), (b)(3), 8 U.S.C. 1254a(b)(1), (b)(3).

adjudicate, the agency has taken steps to ensure that appropriate resources are allocated to ensure the timely processing of these and all other requests, commensurate with available resources.

You also urge USCIS to finalize the proposed regulation clarifying the rules around cap-exempt status under the H-1B program, “Modernizing H-1B Requirements, Providing Flexibility in the F-1 Program, and Program Improvements Affecting Other Nonimmigrant Workers.” DHS announced on December 18, 2024, this final rule that modernizes the H-1B program by streamlining the approval process, increasing its flexibility to better allow employers to retain talented workers, and improving the integrity and oversight of the program.³

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

³ See “Modernizing H-1B Requirements, Providing Flexibility in the F-1 Program, and Program Improvements Affecting Other Nonimmigrant Workers,” December 18, 2024, at <https://www.federalregister.gov/documents/2024/12/18/2024-29354/modernizing-h-1b-requirements-providing-flexibility-in-the-f-1-program-and-program-improvements>.