

# Congress of the United States

Washington, DC 20515

November 8, 2023

RECEIVED

By ESEC at 9:11 am, Nov 09, 2023

The Honorable Joseph R. Biden, Jr.  
President  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear President Biden:

We urge your Administration to designate the Palestinian territories for Temporary Protected Status (TPS) and/or authorize Deferred Enforced Departure (DED) for Palestinians present in the United States. As you know, TPS and DED offer temporary relief from removal and work authorization for eligible foreign nationals who are unable to return safely to their home countries or part of a country.<sup>1</sup> In light of ongoing armed conflict, Palestinians already in the United States should not be forced to return to the Palestinian territories, consistent with President Biden's stated commitment to protecting Palestinian civilians.<sup>2</sup>

Following the horrific October 7 terrorist attack by Hamas and Israel's ensuing military response, conditions in the Palestinian territories have greatly deteriorated. According to reports from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), as of November 6, at least 10,000 Palestinians have been killed.<sup>3</sup> This includes more than 4,100 children<sup>4</sup>, which, according to Save the Children, is more than the number of children killed in all of the world's armed conflicts on an annual basis since 2019.<sup>5</sup> The United Nations reports that almost 1.5 million of Gaza's population of 2.2 million have been displaced of which "nearly 725,000 are sheltering in 149 UNRWA [United Nations Relief and Works Agency for Palestine Refugees in the Near East] installations" across the Gaza Strip.<sup>6</sup> Further, OCHA reports at least 42 percent of all housing units in the Gaza strip as damaged or destroyed since October 7.<sup>7</sup> Thousands are unable to access clean water and nutrition; access to medical care has become

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<sup>1</sup> A TPS designation may be due to natural disasters, armed conflicts, or other extraordinary and temporary conditions. INA sec. 244; The authority to extend DED arises from the President's constitutional authority to conduct the foreign relations of the United States and may include situations of armed conflict where it is dangerous for individuals to return.

<sup>2</sup> Yasmeen Abutaleb, *Biden, shifting tone, stresses need for Palestinian state after war*, Washington Post (Oct. 25, 2023), <https://www.washingtonpost.com/politics/2023/10/25/us-fears-escalation-israel-gaza-war/>.

<sup>3</sup> OCHA, *Hostilities in the Gaza Strip and Israel- reported impact Day 31* (Nov. 7, 2023), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-31>.

<sup>4</sup> *Id.*

<sup>5</sup> Save the Children, *Gaza: 3,195 Children Killed in Three Weeks Surpasses Annual Number of Children Killed in Conflict Zones since 2019* (Oct. 29, 2023), <https://www.savethechildren.org/us/about-us/media-and-news/2023-press-releases/gaza--3-195-children-killed-in-three-weeks>.

<sup>6</sup> UNRWA *Situation Report #24 on the situation in the Gaza Strip and the West Bank (including East Jerusalem)* (Nov. 7, 2023), <https://www.unrwa.org/resources/reports/unrwa-situation-report-24-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>7</sup> OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #15* (Oct. 21, 2023), <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-15>.

increasingly difficult, with some health facilities in Gaza hit by bombardment and many others crippled by a lack of fuel for electricity.<sup>8</sup> And in the West Bank, unrest and settler violence have resulted in the deaths of 149 Palestinians<sup>9</sup> and the forcible displacement of hundreds more.<sup>10</sup> Such forcible displacement from the West Bank is of serious concern, and we also share the Administration's opposition to the "displacement of Palestinians from Gaza."<sup>11</sup> At the same time, we believe that Palestinians currently in the United States who cannot safely return home at this time should have the option of seeking temporary protection.

Given these conditions, it is no surprise that the U.S. Department of State extended a Level 4 Travel Advisory for Gaza due to "terrorism, civil unrest and armed conflict" and a Level 3 Travel Advisory for the West Bank earlier this month for terrorism and civil unrest.<sup>12</sup> Providing TPS and/or authorizing DED would protect Palestinians in the United States from being forced to return to these clearly dangerous conditions.

There is precedent for analogous designations. In 1998, there was a designation of only the Province of Kosovo in light of ongoing armed conflict.<sup>13</sup> Montserrat was designated for TPS in 1997 when volcanic eruptions caused nearly two-thirds of its population to flee.<sup>14</sup> At the time, Montserrat was a colony of the United Kingdom, and Montserratians did not enjoy British residency rights or citizenship. Similarly, DED is currently authorized to defer the removal of certain residents of Hong Kong present in the United States.<sup>15</sup>

U.S. Department of State statistics indicate that 7,241 nonimmigrant visas were issued to individuals holding Palestinian Authority (PA) travel documents in 2022,<sup>16</sup> the most recent year for which such data is available. While the number of non-immigrant visas issued cannot

<sup>8</sup> United Nations Office of the High Commissioner for Human Rights, *Latest: Occupied Palestinian Territory/Israel* (Oct. 17, 2023), <https://www.ohchr.org/en/press-briefing-notes/2023/10/latest-occupied-palestinian-territoryisrael>.

<sup>9</sup> OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #30* (Nov. 7, 2023), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-30>.

<sup>10</sup> PBS, *Biden condemns retaliatory attacks by Israeli settlers against Palestinians in the West Bank* (Oct. 25, 2023), <https://www.pbs.org/newshour/politics/biden-condemns-retaliatory-attacks-by-israeli-settlers-against-palestinians-in-the-west-bank>.

<sup>11</sup> U.S. Department of State, *Department Press Briefing* (October 30, 2023), <https://www.state.gov/briefings/department-press-briefing-october-30-2023/>.

<sup>12</sup> U.S. Department of State, *Israel, the West Bank and Gaza Travel Advisory* (Oct. 14, 2023), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/israel-west-bank-and-gaza-travel-advisory.html>.

<sup>13</sup> U.S. Department of Justice, Immigration and Nationality Service, Federal Register Notice, *Designation of the Province of Kosovo in the Republic of Serbia in the State of the Federal Republic of Yugoslavia (Serbia-Montenegro) Under Temporary Protected Status* (Jun. 9, 1998), <https://www.govinfo.gov/content/pkg/FR-1998-06-09/pdf/98-15209.pdf>.

<sup>14</sup> U.S. Department of Justice, Immigration and Naturalization Service, Federal Register Notice, *Designation of Montserrat Under Temporary Protected Status* (Aug. 28, 1997), <https://www.justice.gov/sites/default/files/eoir/legacy/2002/09/09/fr28au97N.pdf>.

<sup>15</sup> White House, *Memorandum on Extending and Expanding Eligibility for Deferred Enforced Departure for Certain Hong Kong Residents*, (Jan. 26, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/01/26/memorandum-on-extending-and-expanding-eligibility-for-deferred-enforced-departure-for-certain-hong-kong-residents/>.

<sup>16</sup> U.S. Department of State, *Nonimmigrant Visas Issued by Classification (including Border Crossing Cards): Fiscal Years 2018-2022*, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html>.

provide an exact approximation of the number of Palestinians that would be eligible for TPS or DED, it makes clear that the number of beneficiaries would be small, while the benefit could be lifesaving. TPS or DED would enable Palestinians currently present in the U.S., including students, tourists, and workers, to be protected from a dangerous return to their homeland while affording them the ability to remain safely in the U.S. and to work legally to support themselves and their families.

As such, we urge your Administration to designate the Palestinian territories for TPS and/or to authorize DED for Palestinians in the United States without delay. Thank you for your consideration of this request.

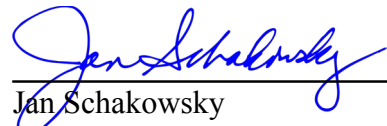
Sincerely,



Richard J. Durbin  
United States Senator



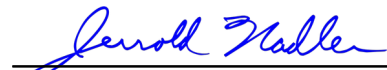
Pramila Jayapal  
Member of Congress



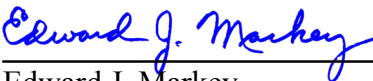
Jan Schakowsky  
Member of Congress



Chris Van Hollen  
United States Senator



Jerrold Nadler  
Member of Congress



Edward J. Markey  
United States Senator



Bonnie Watson Coleman  
Member of Congress



Peter Welch  
United States Senator



Henry C. "Hank" Johnson, Jr.  
Member of Congress

/s/

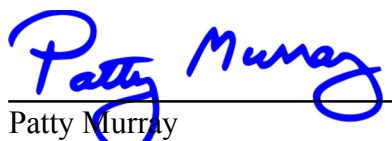
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Laphonza Butler  
United States Senator



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Jamaal Bowman, Ed.D.  
Member of Congress



Patty Murray  
United States Senator



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Barbara Lee  
Member of Congress

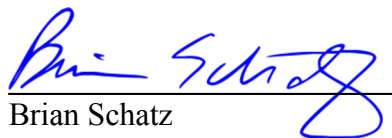


Elizabeth Warren  
United States Senator



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Betty McCollum  
Member of Congress



Brian Schatz  
United States Senator



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Danny K. Davis  
Member of Congress



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Martin Heinrich  
United States Senator

*André Carson*

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André Carson  
Member of Congress



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Bernard Sanders  
United States Senator

*Eleanor H. Norton*

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Eleanor Holmes Norton  
Member of Congress



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Jeffrey A. Merkley  
United States Senator

*Mike Quigley*

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Mike Quigley  
Member of Congress



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Tim Kaine  
United States Senator



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Ilhan Omar  
Member of Congress



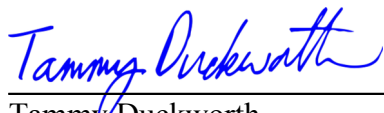
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Tammy Baldwin  
United States Senator

*Delia C. Ramirez*

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Delia C. Ramirez  
Member of Congress



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Tammy Duckworth  
United States Senator



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Mark Pocan  
Member of Congress



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Jack Reed  
United States Senator



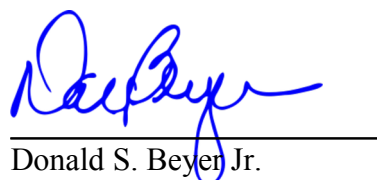
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Ayanna Pressley  
Member of Congress



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Mazie K. Hirono  
United States Senator



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Donald S. Beyer Jr.  
Member of Congress



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Michael F. Bennet  
United States Senator



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J. Luis Correa  
Member of Congress



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Christopher S. Murphy  
United States Senator

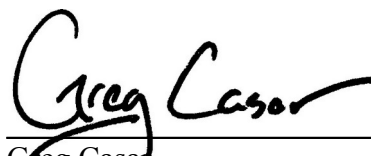


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James P. McGovern  
Member of Congress



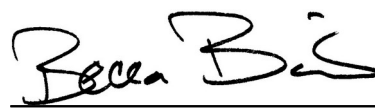
Thomas R. Carper  
United States Senator



Greg Casar  
Member of Congress



Gary C. Peters  
United States Senator



Becca Balint  
Member of Congress



Debbie Stabenow  
United States Senator



Jesús G. "Chuy" García  
Member of Congress



Tina Smith  
United States Senator



Summer Lee  
Member of Congress



Cory A. Booker  
United States Senator



Rashida Tlaib  
Member of Congress



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Alexandria Ocasio-Cortez  
Member of Congress



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Adam Smith  
Member of Congress



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Daniel T. Kildee  
Member of Congress



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Chellie Pingree  
Member of Congress



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Lloyd Doggett  
Member of Congress



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Valerie P. Foushee  
Member of Congress



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Earl Blumenauer  
Member of Congress



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Mark DeSaulnier  
Member of Congress



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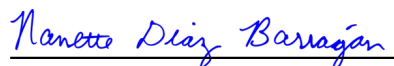
Eric Swalwell  
Member of Congress



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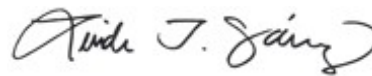
Dwight Evans  
Member of Congress





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Nanette Diaz Barragán  
Member of Congress



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Linda T. Sánchez  
Member of Congress



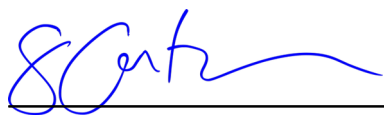
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Ro Khanna  
Member of Congress



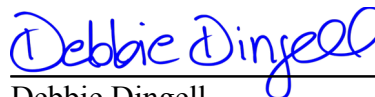
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Jim Tokuda  
Member of Congress



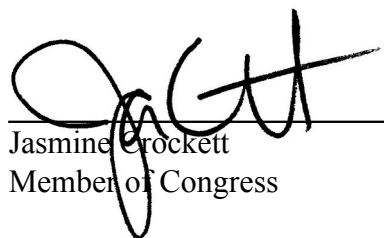
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Sean Casten  
Member of Congress



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Debbie Dingell  
Member of Congress



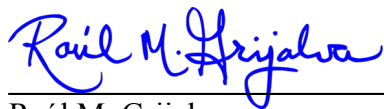
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Jasmine Crockett  
Member of Congress



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Zoe Lofgren  
Member of Congress



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Raúl M. Grijalva  
Member of Congress



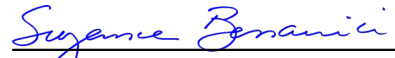
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Veronica Escobar  
Member of Congress



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Bill Foster  
Member of Congress



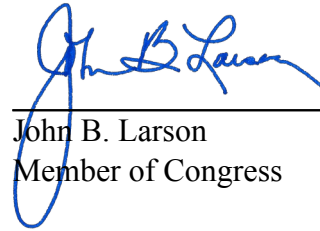
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Suzanne Bonamici  
Member of Congress




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Doris Matsui  
Member of Congress



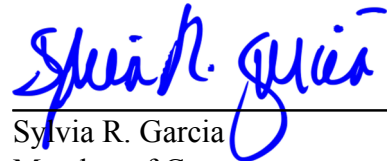
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John B. Larson  
Member of Congress



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Alma S. Adams, Ph.D.  
Member of Congress



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Sylvia R. Garcia  
Member of Congress



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Jonathan L. Jackson  
Member of Congress



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Robert Garcia  
Member of Congress



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Paul D. Tonko  
Member of Congress



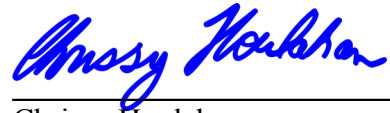
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Dan Goldman  
Member of Congress



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John Garamendi  
Member of Congress



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Chrissy Houlahan  
Member of Congress



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Lori Trahan  
Member of Congress



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Gwen S. Moore  
Member of Congress



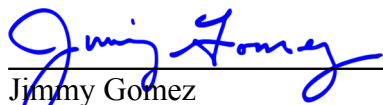
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Seth Moulton  
Member of Congress



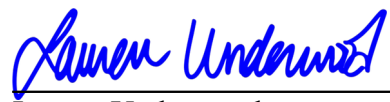
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Jamie Raskin  
Member of Congress



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Jimmy Gomez  
Member of Congress



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Lauren Underwood  
Member of Congress



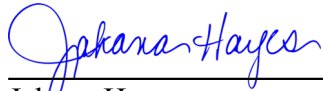
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Rosa L. DeLauro  
Member of Congress



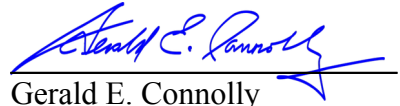
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Nikema Williams  
Member of Congress



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Jahana Hayes  
Member of Congress



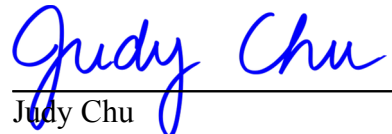
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Gerald E. Connolly  
Member of Congress



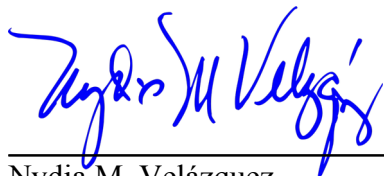
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Joaquin Castro  
Member of Congress



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Judy Chu  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Suzan K. DelBene  
Member of Congress



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Sheila Cherfilus-McCormick  
Member of Congress



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Melanie Stansbury  
Member of Congress



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Terri A. Sewell  
Member of Congress



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Joe Courtney  
Member of Congress



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Tony Cárdenas  
Member of Congress



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Robert C. "Bobby" Scott  
Member of Congress



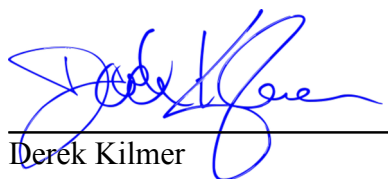
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Maxine Waters  
Member of Congress



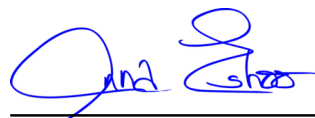
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Cori Bush  
Member of Congress



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Derek Kilmer  
Member of Congress



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Anna G. Eshoo  
Member of Congress



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Sydney Kamlager-Dove  
Member of Congress



---

Diana DeGette  
Member of Congress



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Susan Wild  
Member of Congress

cc: The Honorable Antony J. Blinken  
Secretary of State

cc: The Honorable Alejandro Mayorkas  
Secretary of Homeland Security



U.S. Citizenship  
and Immigration  
Services

May 2, 2024

The Honorable Richard Durbin  
United States Senate  
Washington, DC 20510

Dear Senator Durbin:

Thank you for your November 8, 2023 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 outlined regarding the situation in the Palestinian territories and your interest in the designation of Palestinians for Temporary Protected Status (TPS) and/or Deferred Enforced Departure (DED).

On February 14, 2024, President Joseph Biden issued a memorandum to the Secretary of State and the Secretary of Homeland Security determining that it was in the foreign policy interest of the United States to defer through August 14, 2025 the removal of certain Palestinians present in the United States.<sup>1</sup> This memorandum also directs the Secretary of Homeland Security to take appropriate measures to authorize employment for such individuals. On April 15, 2024, U.S. Citizenship and Immigration Services (USCIS) published a Federal Register notice providing additional information about DED for Palestinians and instructions on how to apply for a DED-based Employment Authorization Document.<sup>2</sup>

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 that reads "Ur M. Jaddou". The signature is written in a cursive style with a long horizontal stroke at the end.

Ur M. Jaddou  
Director

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<sup>1</sup> See Presidential Memorandum for the Secretary of State and the Secretary of Homeland Security on Extending and Expanding Eligibility for Deferred Enforced Departure for Certain Palestinians, February 14, 2024, <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/02/14/memorandum-on-the-deferred-enforced-departure-for-certain-palestinians/>

<sup>2</sup> See Implementation of Employment Authorization for Individuals Covered by Deferred Enforced Departure for Certain Palestinians, 89 FR 26167 (April 15, 2024) <https://www.federalregister.gov/documents/2024/04/15/2024-07866/implementation-of-employment-authorization-for-individuals-covered-by-deferred-enforced-departure>