

Congress of the United States

Washington, DC 20515

June 13, 2024

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

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

Dear Secretary Mayorkas and Director Jaddou:

We write to urge swift administrative action to protect children who have grown up in the United States with full legal documentation as dependents of long-term visa holders who are at risk of aging out of status or deportation because of our outdated immigration laws.

These young people grow up in the United States, complete their education in the American school system, and graduate with degrees from American institutions. However, due to the long green-card backlog, families with approved immigrant petitions are often stuck waiting decades for permanent residence. Many other families have no pathway to permanent residence and can live in the United States only as long as they maintain their work visas. Meanwhile, the children of these immigrants age out of their dependent status when they turn 21 and are forced to leave the United States if they cannot find a new status.

While we continue to pursue legislative solutions to permanently protect these individuals, such as the bipartisan and bicameral *America's Children Act of 2023*, we urge you to take administrative action to protect the thousands of children who may be forced to self-deport each year.

We are grateful for the policy guidance issued by U.S. Citizenship and Immigration Services (USCIS) in February 2023 that updates when an immigrant visa “becomes available” for the purpose of calculating age under the Child Status Protection Act for individuals seeking lawful permanent resident status. The change to calculating individuals’ ages using the Dates for Filing chart rather than the Final Action Date chart provides relief to young adults who otherwise would have narrowly aged out of the system. However, more must be done to fully address the problems that this population faces.

We urge you to consider the following actions:

1. **Clarify the applicability of potential grants of deferred action on a case-by-case basis, where discretion is warranted, for children of long-term visa holders who age out of status.** Deferred action is a discretionary determination to defer removal of an individual as an act of prosecutorial discretion. USCIS recently updated its policy manual to clarify that it would consider deferred action for individuals with approved Special Immigrant Juvenile Status petitions who cannot adjust status because a visa number is not

available.¹ USCIS should similarly clarify the applicability of deferred action to children of long-term visa holders on a case-by-case basis where discretion is warranted.

2. **Expand eligibility for Employment Authorization to child dependents of visa holders, and to individuals with approved I-140 petitions.** The Department of Homeland Security (DHS) should authorize employment for additional categories of nonimmigrants, including child dependents, in any category for which the spouse of the primary visa holder is authorized to work, as well as nonimmigrants with an approved I-140 petition who are stuck in the green-card backlog. DHS should also expand eligibility for a compelling circumstances Employment Authorization Document (EAD) to include children who are aging out. According to USCIS, a compelling circumstances EAD is a “temporary stopgap measure intended to address particularly difficult situations, including those that may have otherwise forced individuals on the path to lawful permanent residence to abruptly stop working and leave the United States.” Currently, only principal applicants of certain employment-based petitions and their dependent spouses and children are eligible for a compelling circumstances EAD. We urge DHS to include children of long-term visa holders who are raised in America in any expansion of eligibility for compelling circumstances EADs.
3. **Grant parole to children of long-term visa holders who age out.** USCIS has authority to grant parole on a case-by-case basis for urgent humanitarian or significant public benefit reasons. We urge USCIS to create a process to allow children of long-term visa holders who have aged out to seek parole on a case-by-case basis, if warranted for urgent humanitarian reasons or to advance a significant public benefit.

We urge you to fully consider each of these actions. We ask that you provide a response detailing which actions you intend to pursue, and, if any actions are not practicable, why that is your determination.

Sincerely,

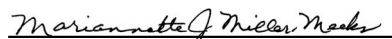


Alex Padilla
United States Senator



Deborah K. Ross
Member of Congress

¹ U.S. Citizenship and Immigration Services, “USCIS to offer deferred action for special immigrant juveniles,” March 7, 2022. <https://www.uscis.gov/newsroom/alerts/uscis-to-offer-deferred-action-for-special-immigrant-juveniles>



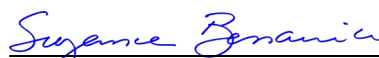
Mariannette Miller-Meeks,
M.D.
Member of Congress



Michael F. Bennet
United States Senator



Ami Bera, M.D.
Member of Congress



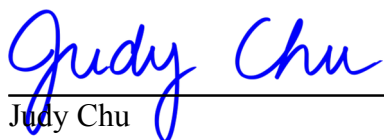
Suzanne Bonamici
Member of Congress



Benjamin L. Cardin
United States Senator



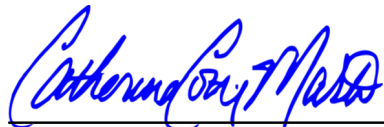
André Carson
Member of Congress



Judy Chu
Member of Congress



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United States Senator



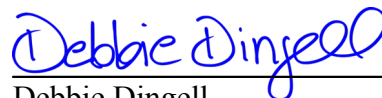
Catherine Cortez Masto
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Jim Costa
Member of Congress



Mark DeSaulnier
Member of Congress



Debbie Dingell
Member of Congress



Tammy Duckworth
United States Senator



Richard J. Durbin
United States Senator



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Member of Congress



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Member of Congress



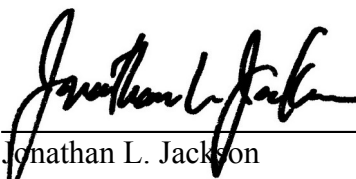
Raúl M. Grijalva
Member of Congress



Mazie K. Hirono
United States Senator



Chrissy Houlahan
Member of Congress



Jonathan L. Jackson
Member of Congress



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



Young Kim
Member of Congress



Raja Krishnamoorthi
Member of Congress



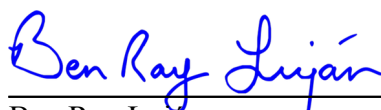
Barbara Lee
Member of Congress



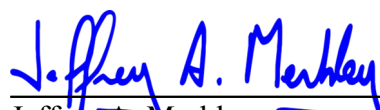
Mike Levin
Member of Congress



Zoe Lofgren
Member of Congress



Ben Ray Lujan
United States Senator



Jeffrey A. Merkley
United States Senator



Ferrol Nadler
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Joe Neguse
Member of Congress



Eleanor Holmes Norton
Member of Congress



Scott H. Peters
Member of Congress



Mike Quigley
Member of Congress



Delia C. Ramirez
Member of Congress



Jacky Rosen
United States Senator



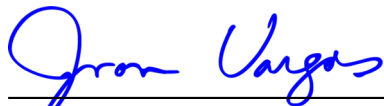
María Elvira Salazar
Member of Congress



Kyrsten Sinema
United States Senator



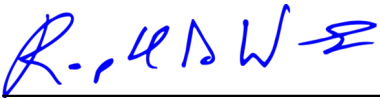
Marilyn Strickland
Member of Congress



Juan Vargas
Member of Congress



Elizabeth Warren
United States Senator

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Raphael Warnock
United States Senator

Handwritten signature of Debbie Wasserman Schultz in blue ink, featuring a cursive style with a prominent 'D'.

Debbie Wasserman Schultz
Member of Congress

Handwritten signature of Sheldon Whitehouse in blue ink, written in a cursive script.

Sheldon Whitehouse
United States Senator