



April 5, 2023

The President
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

RE: Deferred Enforced Departure for Deferred Action for Childhood Arrivals

Dear Mr. President:

On behalf of the #DED4DACA Campaign and the undersigned 95 state, local, national, and international organizations, we urge you to consider granting Deferred Enforced Departure (DED) on a class-wide or country-by-country basis to the approximately 1.5 million individuals who currently receive or would be eligible for Deferred Action for Childhood Arrivals (DACA). With DACA facing considerable judicial opposition, DED would provide an independent ground of protection for these individuals and forestall the negative foreign policy consequences of ending DACA.

The Department of Homeland Security has recognized that your authority to grant DED, “arises from [your] constitutional authority to conduct the foreign relations of the United States,” and that you can “authorize DED for any reason related to this authority” for “foreign nationals or other groups of noncitizens.”¹ DED would provide automatic protection against removal, accompanied by the ability to apply for employment authorization.²

Presidents have used DED to: 1) avoid the risk of straining a relationship with a regional partner by returning nationals without sufficient preparation,³ 2) account for a country’s inability to “accommodate the repatriation” of nationals,⁴ 3) mitigate the effect of the return of refugees from other regional neighbors on a country’s stabilization efforts,⁵ and 5) “offer[] safe haven” to those “deprived [of] guaranteed freedoms.”⁶

¹ Deferred Enforced Departure for Certain Hong Kong Residents, 86 Fed. Reg. 43,587 (Aug. 10, 2021), <https://www.federalregister.gov/d/2021-17122>; Implementation of Employment Authorization for Individuals Covered by Deferred Enforced Departure for Hong Kong, 86 Fed. Reg. 58,296 (Oct. 21, 2021), <https://www.federalregister.gov/d/2021-23012>; USCIS, Adjudicator’s Field Manual § 38.2(a).

² USCIS, *supra* note 1, at § 38.2(b).

³ Extension of Deferred Enforced Departure for Liberians, 84 Fed. Reg. 12,867 (Apr. 2, 2019), <https://www.federalregister.gov/d/2019-06556>.

⁴ Deferral of Enforced Departure for Salvadorans, 57 Fed. Reg. 28,700 (June 26, 1992), <https://www.govinfo.gov/app/details/FR-1992-06-26>.

⁵ Mem. on Measures Regarding Certain Liberians in the United States, 2 Pub. Papers 1,193 (Sept. 12, 2007), <https://www.govinfo.gov/app/details/PPP-2007-book2>.

⁶ Deferred Enforced Departure for Certain Hong Kong Residents, *supra* note 1.

DED for this population would further United States foreign policy interests.⁷ The threat of removal for DACA-eligible individuals would imperil the productive bilateral relationships required to successfully execute your Administration’s strategy to address the root causes of Central American migration.⁸ Additionally, it would harm efforts to attract and retain international students, one of our nation’s “unique strategic advantages.”⁹ International students have reported feeling less welcome in the United States as one reason for seeking opportunities in other countries—failure to protect DACA students will likely accelerate the trend of international students investing their time and talents elsewhere.¹⁰

We remain adamant that Congress act to provide permanent relief for DACA-eligible individuals. Should Congress fail to do so, DED would remain a stop-gap, not a substitute. Your administration should use all available authorities to protect this population, of which DED is but one.

We thank you for your continued commitment to DACA and look forward to working with you to ensure the DACA-eligible population is protected alongside U.S. foreign policy interests.

Sincerely,

International

American Friends Service Committee (AFSC)
Alianza Americas
Church World Service
International Refugee Assistance Project (IRAP)
Sisters of Charity of Nazareth Congregational Leadership
Sisters of St Joseph of Carondelet
The Campaign for Hong Kong
The Jus Semper Global Alliance

National

African Communities Together (ACT)
Catholic Legal Immigration Network, Inc. (CLINIC)
Center for Disability Rights
Communities United for Status & Protection (CUSP)

⁷ See Brief of Amici Curiae Former Nat’l Sec. Officials at 8-13, *Dep’t of Homeland Sec. v. Regents*, 591 U.S. ____ (2020), https://www.supremecourt.gov/DocketPDF/18/18-587/118082/20191004112536399_18-587%2018-58818-589bsacFormerNationalSecurityOfficials.pdf

⁸ Nat’l Sec. Council, U.S. Strategy for Addressing the Root Causes of Migration in Central America (July 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/07/Root-Causes-Strategy.pdf>; cf. Brief of Amicus Curiae Gov’t of the United Mexican States at 3, *Dep’t of Homeland Sec. v. Regents*, 591 U.S. ____ (2020), https://www.supremecourt.gov/DocketPDF/18/18-587/118012/20191003162141446_Mexico%20Amicus%20Petition%20Oct%20202019%20EFile.pdf.

⁹ See The White House, National Security Strategy 15 (Oct. 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf>; see also Dep’t of State & Educ., Joint Statement of Principles in Support of International Education 3 (July 27, 2021), https://educationusa.state.gov/sites/default/files/intl_ed_joint_statement.pdf.

¹⁰ NAFSA: Assoc. of Int’l Educators, *Losing Talent 2020: An Economic and Foreign Policy Risk America Can’t Ignore* 1, 6 (Mar. 2022), <https://www.nafsa.org/sites/default/files/media/document/nafsa-losing-talent.pdf>; see also Karin Fischer & Sasha Aslanian, *Fading Beacon: The U.S. May Never Regain its Dominance as a Destination for International Students. Here’s Why That Matters*, Am. Pub. Media (Aug. 3, 2021), <https://www.apmreports.org/episode/2021/08/03/fading-beacon-why-america-is-losing-international-students>.

Cooperative Baptist Fellowship
Disciples Immigration Legal Counsel
Dominican Sisters of Mission San Jose
Dominican Sisters of Sparkill
Faith in Public Life
Grey Nuns of the Sacred Heart

InReach

Latino Pastoral Action Center, Inc. & C.H.C.C.M. Council
Leadership Team of the Felician Sisters of North America
National Education Association (NEA)
National Employment Law Project
National Korean Service & Education Consortium (NAKASEC)
National Organization for Women
National Partnership for New Americans (NPNA)
NETWORK Lobby for Catholic Social Justice
Nicaraguan American Human Rights Alliance
Northeastern University School of Law Immigrant Justice Clinic
Our Lady of Victory Missionary Sisters
Presidents' Alliance on Higher Education and Immigration
Refugee Congress
Sisters of Charity of Nazareth Western Province Leadership
Sisters of Mercy of the Americas Justice Team
Sisters of St. Francis of the Providence of God
UNITED SIKHS
U.S. Federation of the Sisters of St. Joseph
United We Dream
Venezuelan American Caucus
Vision Weavers Consulting
Women's Alliance for Theology, Ethics, and Ritual (WATER)

State

ACER, Inc.
Al Otro Lado
Benedictine Sisters of Baltimore
Catholic Charities of SW Kansas
Children at Risk
Clergy and Laity United for Economic Justice Ventura County
Comite TPS Massachusetts
Convención Bautista Hispana de Texas
Fellowship Southwest
Florida Immigrant Coalition
Great Lakes African House Foundation
Iglesia Bautista Victoria En Cristo (Fort Worth, TX)
Illinois Coalition for Immigrant and Refugee Rights
Immaculate Heart Community Commission on Justice for Immigrants, Refugees, and Indigenous People
Immigrant Legal Advocacy Project
Iowa Migrant Movement for Justice
Just Neighbors

Kentucky Coalition for Immigrant and Refugee Rights
La Colaborativa, Inc.
Legal Aid Justice Center
Massachusetts Law Reform Institute
Ola Raza Inc.
Services, Immigrant Rights and Education Network (SIREN)
Sisters of Charity of Leavenworth Office of Justice, Peace, and Integrity of Creation

Strangers No Longer (Michigan)
The Children's Partnership
True Alliance Center
United Vision for Idaho
Wind of the Spirit Immigrant Resource Center

Local

Benedictine Sisters of Chicago
Central American Resource Center (CARECEN)
Cleveland Jobs with Justice
Coalición de Derechos Humanos
Dominican Sisters of Houston
El Vínculo Hispano / Hispanic Liaison
Immigration Support Services Network
Interfaith Council of Contra Costa County
Interfaith Welcome Coalition, San Antonio
International Institute of New England
Jewish Voice for Peace, Atlanta Chapter
Justice For Our Neighbors El Paso
Long Island Immigration Clinic / Sisters of St. Joseph
LUCHA Ministries
Mission Graduates
Opening Doors International Services, Inc.
Reedley Social Services, Inc.
Seattle Immigrant Rights Action Group
Sisters of St. Benedict of Ferdinand, Indiana
Sisters of St. Dominic of Blauvelt, New York
Venezuelans and Immigrants Aid (VIA)
Wayne Action for Racial Equality
WE RISE SF / Labor Center for Immigrant Justice
WESPAC Foundation, Inc.
Workers United