

July 30, 2020

Biden for President
PO Box 58174
Philadelphia, PA 19102

RE: DAY ONE USE OF DEFERRED ENFORCED DEPARTURE (DED) FOR VENEZUELA

Dear Vice President Joseph Biden:

On behalf of the forty-eight (48) undersigned state, local, and national immigrant, labor, faith, civil rights, and legal organizations, we write to encourage you to commit to protecting the 200,000 noncitizen Venezuelans living United States through the use of Deferred Enforced Departure (DED) on day one of your presidency. As you know, Venezuela is in the midst of an unprecedented humanitarian crisis stemming from ongoing civil unrest and exacerbated by the worldwide COVID-19 pandemic. We thank you for your current commitment to designate Temporary Protected Status (TPS) for Venezuela. Strategic use of DED will ensure that Venezuelans eligible for TPS will be protected in the interim while the U.S. State Department and U.S. Department of Homeland Security (DHS) develop their recommendations regarding a formal TPS designation for Venezuela.

I. DEFERRED ENFORCED DEPARTURE (DED)

DED stems from the president's constitutional power to conduct foreign relations and has historically been used to protect foreign nationals in the United States from civil, political, and humanitarian crises in their home country that make it unsafe for them to return, or whose suspension of deportation serves other United States foreign policy or domestic interests. DED provides protection from deportation and permission to work in the United States for the duration of the designation. Unlike TPS, which provides similar protection but is statutorily based, DED does not require a registration process and is triggered when an individual is identified for removal. In this way, a DED designation uses minimal resources administratively and has an immediate effect for those who qualify. Thus, a Biden administration could utilize DED to immediately provide relief to Venezuelans in the United States, including access to employment authorization and release from detention.

II. PROTECTION IS DESPERATELY NEEDED FOR VENEZUELANS IN THE U.S.

As of July 2020, 5.2 million people have fled Venezuela, approaching Syria in the sheer number of displaced people.¹ Venezuela's escalating humanitarian crisis is defined by state-sanctioned violence and torture of civilians, a collapsed economy, widespread blackouts, and severe shortages of food, medicine, medical supplies, and fuel. Inside the country, millions of people are still in need of humanitarian aid.² The already dire conditions of the economic crisis in

¹ *Refugee and Migrant Response Plan 2020*, R4v: Coordination Platform for Refugees and Migrants from Venezuela, <https://r4v.info/en/situations/platform> (last updated July 5, 2020); *Syria Regional Refugee Response*, Operational Portal: Refugee Situations, United Nations High Commissioner on Refugees, <https://data2.unhcr.org/en/situations/syria> (last updated July 2, 2020).

² Dany Bahar and Meagan Dooley, *Venezuela refugee crisis to become the largest and most underfunded in modern history*, Brookings Institute (Dec. 9, 2019),

Venezuela are now worsening under COVID-19. Though the Venezuelan government says that 85 percent of the country is abiding by lockdown measures, a study last week by the National Medicine Academy on Friday estimated the figure at 48 percent.³ The preexisting economic conditions have made it nearly impossible for struggling families to miss work and stay at home. The already collapsing healthcare system has been further strained by water shortages, limited access to testing, and loss of medical workers who have fled or been targeted by the Maduro regime. Venezuela was ranked among the least prepared countries in the world to mitigate the spread of an epidemic according to the 2019 Global Health Security Index.⁴

Here in the United States, protection for Venezuelans cannot come too soon. According to the most recent federal data, Venezuelans constitute 26 percent of pending asylum applications and yet have a grant rate of just 16 percent,⁵ made worse by the insurmountable barriers to asylum imposed by recent policy changes under the Trump administration. Without TPS or DED in place, roughly 850 Venezuelans are trapped in U.S. detention centers while deadly coronavirus spreads.⁶ As of June 2020, U.S. Immigration and Customs Enforcement (ICE) reported 2,059 detainees and 45 employees with cases of COVID-19 across 61 facilities, which is likely an undercount.⁷

III. POTENTIAL IMPACT

The Congressional Budget Office (CBO) estimates that roughly 200,000 Venezuelans in the United States would benefit from TPS,⁸ which covers a substantially similar population to DED. The non-partisan Migration Policy Institute estimates that Florida is home to 208,820, or 53 percent of Venezuelan immigrants in the United States. Miami and Orlando have the top two highest concentrations of Venezuelan immigrants in the country.⁹ Thousands more Venezuelans await pending asylum claims in dangerous U.S. detention centers or just across the border in camps under the Migrant Protection Protocols (MPP), most of which will likely be unjustly denied.

<https://www.brookings.edu/blog/up-front/2019/12/09/venezuela-refugee-crisis-to-become-the-largest-and-most-underfunded-in-modern-history/>.

³ Patricia Laya & Nicolle Yapur, *Venezuelans Defy Lockdown and Growing Epidemic to Return to Work*, Bloomberg (May 19, 2020),

<https://www.bloomberg.com/news/articles/2020-05-19/venezuelans-defy-lockdown-and-growing-epidemic-to-return-to-work>.

⁴ Center for Health and Security at Johns Hopkins Bloomberg School of Public Health and the Nuclear Threat Initiative, GHS Index: Global Health and Security Index: Building Collective Action and Accountability 28 (Oct. 2019), <https://www.ghsindex.org/wp-content/uploads/2019/10/2019-Global-Health-Security-Index.pdf>.

⁵ Nadwa Mossaad, U.S. Department of Homeland Security Office of Immigration Statistics, Annual Report: Refugees and Asylees: 2018 6, 8 (Oct. 2019),

https://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2018/refugees_asylees_2018.pdf.

⁶ Joshua Goodman & Gisela Salomon, *Fleeing Maduro, Venezuelans find nightmare in Trump's jails*, Associated Press (Mar. 12, 2020), <https://apnews.com/77eaa46f8a3cdf2eb990ef3e9b11b2c4>.

⁷ Donald Kerwin, *Immigrant Detention and COVID-19: How the US Detention System Became a Vector for the Spread of the Pandemic*, Center for Migration Studies (June 16, 2020),

<https://cmsny.org/publications/immigrant-detention-covid/>.

⁸ *At a Glance: H.R. 549, Venezuela TPS Act of 2019*, Congressional Budget Office 4 (June 27, 2019), <https://www.cbo.gov/system/files/2019-06/hr549.pdf>.

⁹ Luis Hassan Gallardo & Jeanne Batalova, *Venezuelan Immigrants in the United States*, Migration Policy Inst. (Apr. 10, 2020), <https://www.migrationpolicy.org/article/venezuelan-immigrants-united-states>.

The need for relief for Venezuelans in the United States is dire and immediate. A Biden presidency must begin by extending DED protection to this population on Day One, as a bridge to TPS or other more permanent solutions. We thank you for your continued commitment to the Venezuelan community and a fair and just immigration system at large. This relief will not only benefit thousands of Venezuelan individuals in the United States, but also their families and communities here and in Venezuela. Thank you for your time and consideration. If you have any questions or concerns, please feel free to contact Jose Magaña-Salgado at jose@masadc.com.

Sincerely,

National

Alianza Americas
America's Voice
American-Arab Anti-Discrimination Committee (ADC)
Center for Gender & Refugee Studies
Center for Victims of Torture
Church World Service
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Franciscan Action Network
Jesuit Conference Office of Justice and Ecology
Justice For Our Neighbors - Houston
Justice, Peace and Reconciliation Commission, Priests of the Sacred Heart, US Province
Leadership Conference of Women Religious
Nicaragua center for Community Action
Northeastern University School of Law Immigrant Justice Clinic
Poder Latinx
Provincial Council Clerics of St. Viator
Union for Reform Judaism
Win Without War
WOLA

State and Local

Alianza Sacramento
Caminando Juntos - Presentation Sisters' Hispanic Ministry
Camino Immigration Law
Carolina Immigrant Alliance, Inc.
Catholic Charities of the Archdiocese of Miami, Inc.
Catholic Legal Services, Archdiocese of Miami
Central American Resource Center
Centro Romero
Chesapeake Multicultural Resource Center
Church of Our Saviour/La Iglesia de Nuestro Salvador, Episcopal
Church Women United in New York State
Convención Bautista Hispana de Texas
Farmworker Association of Florida
FIRN
Florida Immigrant Coalition

Franciscans for Justice
National Lawyers Guild of Los Angeles
Pennsylvania Council of Churches
Reedley Social Services, Inc.
Rian Immigrant Center
Seattle Immigrant Rights Action Group
United Action for Idaho
United Vision for Idaho
University of Maryland Carey Immigration Clinic
Venezuelans And Immigrants Aid (VIA)
Wallingford Indivisible
Wayne Action for Racial Equality
WESPAC