

January 12, 2024

The Honorable Alejandro Mayorkas Secretary, U.S. Department of Homeland Security 2707 Martin Luther King Jr. Ave, SE Washington, D.C. 20528

Dear Secretary Mayorkas:

As elected representatives of jurisdictions that proudly embrace and benefit from the American value of welcoming immigrants, we write to request your urgent assistance to ensure the United States continues providing safe haven to those around the world who need it.

Hundreds of Haitians settled in Maryland over the last 14 months after being admitted into the U.S. to pursue asylum. However, many if not all Haitian newcomers were placed into removal proceedings almost immediately, some within days of being paroled into the U.S. Many are facing proceedings as soon as mid-January that could result in their immediate removal, despite the armed conflicts in Haiti worsening. This sequence of events is highly unusual, destabilizing to our communities and impacted families, and in conflict with the priority enforcement framework established by the Mayorkas Memo of 2021¹.

Additionally, the inability of hundreds of newly arrived residents to obtain or renew work permits in a timely manner, despite arriving here legally and desiring to be self-sufficient, is putting a tremendous economic strain on our resources as we strive to ensure their housing, food, and other basic necessities.

Given the heavy impact of U.S. immigration policy on our communities, we respectfully request that you take the following actions:

1. Expand eligibility for TPS and provide Deferred Enforced Departure (D.E.D.) for Haitian Nationals to include entry dates up to current (January 1, 2024 or later): A country may be designated for TPS when it is experiencing extraordinary and temporary conditions, including armed conflicts. The conditions which caused the U.S. Government to re-designate Haiti for TPS on January 26, 2023² continue to persist and have in fact worsened to the point where the UN Security Council and member nations are poised to intervene imminently – a rare, extreme and historic action³. The U.S. Embassy in Haiti has evacuated its employees and advised American citizens to leave Haiti⁴, and as recently as December 25, 2023, the U.S. Embassy was on lockdown and shelter-in-place due to gunfire⁵. Meanwhile, our continued deportation flights to an airport and country

¹ Guidelines for the Enforcement of Civil Immigration Law (ice.gov)

² Temporary Protected Status Designated Country: Haiti | USCIS

³ Security Council authorizes 'historic' support mission in Haiti | UN News

⁴ Haiti Travel Advisory (state.gov)

⁵ <u>US Embassy in Haiti on lockdown as gunfire erupts in streets outside (msn.com)</u>

lacking government control contribute to the chaos.

Last January, you issued an order to re-designate TPS status for Haitian citizens through August 3, 2024; however this only applied to those Haitian citizens who can clearly demonstrate continuous residence in the U.S. dating back to November 6, 2022. Unfortunately, since then we have seen the influx of hundreds of Haitian citizens into our communities who have newly arrived to the U.S. fleeing the violence in Haiti, and none of these individuals, under your previous order, are eligible for TPS. Therefore, we ask that you issue an addendum to your previous order to allow Haitian citizens who arrived as of January 1, 2024, to apply for TPS status to protect them from dangerous conditions and allow them to lawfully remain in the U.S. during this period of extreme strife and violence in Haiti.

- 2. Urge/Direct OPLA/ICE to agree to exercise Prosecutorial Discretion to terminate removal proceedings pursuant to the authority and direction in the Mayorkas **Memo.** Many Haitian newcomers are facing imminent removal proceedings. The Mayorkas Memo provides that the Office of the Principal Legal Advisor (OPLA) may agree to or move to terminate removal proceedings for immigrants that are not enforcement priorities. Enforcement priorities include those immigrants who are considered threats to national security, public safety or border security. These Haitian newcomers are not enforcement priorities and thus fit the criteria for termination of removal proceedings pursuant to the Mayorkas Memo, as they did not enter the U.S. unlawfully and have no criminal records. ICE has been exercising its Prosecutorial Discretion (PD) to terminate removal proceedings for many other immigrants, even those from countries that are not experiencing emergencies like Haiti's. Haitians should also be benefiting from the Mayorkas Memo PD, yet initial pro se PD motions to OPLA by this group have been unsuccessful. CARECEN DC, the Haitian Bridge Alliance and others are re-submitting these motions, and ICE should be encouraged/directed to agree to them as these cases qualify for termination pursuant to the Mayorkas Memo.
- 3. DHS should exercise its discretion to renew and extend humanitarian parole periods granted previously to Haitians to allow beneficiaries to apply for or/and extend their work permits. DHS has the authority to renew these paroles for humanitarian reasons, which would allow migrants to seek or renew work permits while they are in the U.S. Work permits would help relieve the substantial economic burden currently falling on local governments, and allow the migrants to be self-sufficient, contribute to the labor force, and pay taxes without becoming victims of labor exploitation and trafficking in the cash workforce market.

Thank you for your partnership and your timely attention to this matter.

Sincerely,

Congressman Glenn Ivey Delegate Jheanelle Wilkins Maryland House of Delegates - District 20 U.S. House of Representatives - District 4 Congressman David Trone Delegate David Moon Maryland House of Delegates - District 20 U.S. House of Representatives - District 6 Delegate Joseline Peña-Melnyk Maryland House of Delegates - District 21 Senator Craig Zucker Delegate Ashanti Martinez Maryland State Senate - District 14 Maryland House of Delegates - District 22 Senator Ben Kramer Delegate Adrian Boafo Maryland State Senate - District 19 Maryland House of Delegates - District 23 Senator Will C. Smith, Jr. Delegate Greg Wims Maryland House of Delegates - District 39 Maryland State Senate - District 20 Senator Joanne Benson Delegate Lesley Lopez Maryland House of Delegates - District 39 Maryland State Senate - District 24 Delegate Gabriel Acevero Maryland House of Delegates - District 39 Delegate Bernice Mireku-North Delegate Robbyn Lewis Maryland House of Delegates - District 46 Maryland House of Delegates - District 14 Delegate Anne Kaiser Maryland House of Delegates - District 14 Delegate Julie Palakovich Carr County Executive Marc Elrich Montgomery County Executive Maryland House of Delegates - District 17 Delegate Joe Vogel Maryland House of Delegates - District 17 Delegate Emily Shetty Councilmember Andrew Friedson, President Montgomery County Council - District 1 Maryland House of Delegates - District 18 Delegate Aaron Kaufman Councilmember Marilyn Balcombe Maryland House of Delegates - District 18 Montgomery County Council - District 2 Delegate Jared Solomon Councilmember Sidney Katz Maryland House of Delegates - District 18 Montgomery County Council - District 3 Councilmember Kate Stewart, Vice President Delegate Vaughn Stewart Maryland House of Delegates - District 19 Montgomery County Council - District 4 Delegate Lorig Charkoudian Councilmember Kristin Mink Maryland House of Delegates - District 20 Montgomery County Council - District 5

Councilmember Natali Fani-Gonzalez Montgomery County Council - District 6 Councilmember Dawn Luedtke Montgomery County Council - District 7

County Executive Angela Alsobrooks Prince George's County Executive

Councilmember Gabe Albornoz Montgomery County Council - At-Large Councilmember Tom Dernoga Prince George's County Council - District 1

Councilmember Will Jawando

Councilmember Wanika Fisher Prince George's County Council - District 2

Montgomery County Council - At-Large Councilmember Laurie-Anne Sayles Councilmember Eric Olson Prince George's County Council - District 3

Montgomery County Council - At-Large

Councilmember Jolene Ivey, Chair Prince George's County Council - District 5

Councilmember Evan Glass Montgomery County Council - At-Large Councilmember Wala Blegay
Prince George's County Council - District 6

Councilmember Krystal Oriadha

Prince George's County Council - District 7

Mayor Brandon Scott Baltimore City Mayor

> Councilmember Josh Hastings Wicomico County Council - District 4

Councilmember Ryan Dorsey Baltimore City Council - District 3

Councilmember Kristerfer Burnett Baltimore City Council - District 8

Councilmember April R. Jackson Salisbury City Council - District 1

Councilmember John Bullock Baltimore City Council - District 9 Councilmember D'Shawn Doughty, President Salisbury City Council - District 2

CC:

Tom Perez, Senior Advisor to the President; Director, Office of Intergovernmental Affairs