

Congress of the United States

Washington, DC 20515

November 8, 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.¹ 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.²

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.³ This includes more than 4,100 children⁴, 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 2019.⁵ 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.⁶ Further, OCHA reports at least 42 percent of all housing units in the Gaza strip as damaged or destroyed since October 7.⁷ Thousands are unable to access clean water and nutrition; access to medical care has become

¹ 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.

² 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/>.

³ 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>.

⁴ *Id.*

⁵ 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>.

⁶ 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>.

⁷ 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.⁸ And in the West Bank, unrest and settler violence have resulted in the deaths of 149 Palestinians⁹ and the forcible displacement of hundreds more.¹⁰ 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."¹¹ 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.¹² 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.¹³ Montserrat was designated for TPS in 1997 when volcanic eruptions caused nearly two-thirds of its population to flee.¹⁴ 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.¹⁵

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

⁸ 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>.

⁹ 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>.

¹⁰ 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>.

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

¹² 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>.

¹³ 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>.

¹⁴ 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>.

¹⁵ 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/>.

¹⁶ 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.

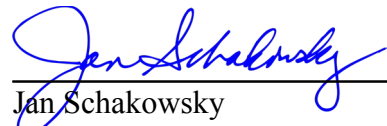
Sincerely,



Richard J. Durbin
United States Senator



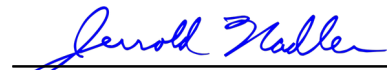
Pramila Jayapal
Member of Congress



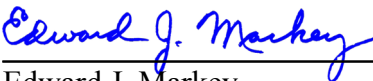
Jan Schakowsky
Member of Congress



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

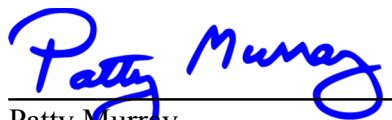
/s/



Laphonza Butler
United States Senator



Jamaal Bowman, Ed.D.
Member of Congress



Patty Murray
United States Senator



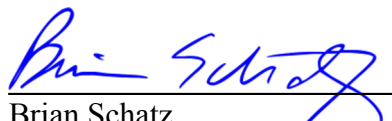
Barbara Lee
Member of Congress




Elizabeth Warren
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Betty McCollum
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Brian Schatz
United States Senator



Danny K. Davis
Member of Congress



Martin Heinrich
United States Senator

André Carson

André Carson
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Bernard Sanders
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Eleanor H. Norton

Eleanor Holmes Norton
Member of Congress



Jeffrey A. Merkley
United States Senator

Mike Quigley

Mike Quigley
Member of Congress



Tim Kaine
United States Senator



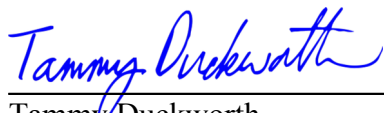
Ilhan Omar
Member of Congress



Tammy Baldwin
United States Senator

Delia C. Ramirez

Delia C. Ramirez
Member of Congress



Tammy Duckworth
United States Senator



Mark Pocan
Member of Congress



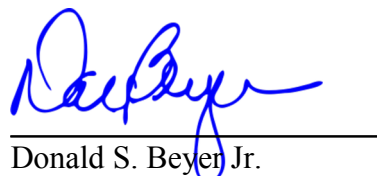
Jack Reed
United States Senator



Ayanna Pressley
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Mazie K. Hirono
United States Senator



Donald S. Beyer Jr.
Member of Congress



Michael F. Bennet
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J. Luis Correa
Member of Congress



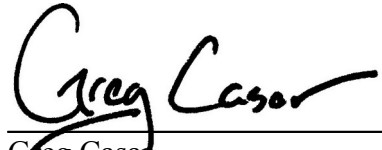
Christopher S. Murphy
United States Senator



James P. McGovern
Member of Congress



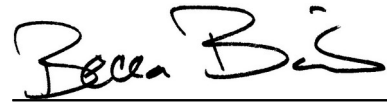
Thomas R. Carper
United States Senator



Greg Casar
Member of Congress



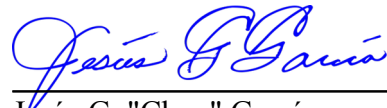
Gary C. Peters
United States Senator



Becca Balint
Member of Congress



Debbie Stabenow
United States Senator



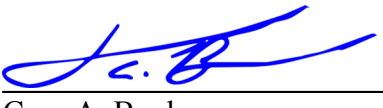
Jesús G. "Chuy" García
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Tina Smith
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Summer Lee
Member of Congress



Cory A. Booker
United States Senator



Rashida Tlaib
Member of Congress



Alexandria Ocasio-Cortez
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Adam Smith
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Chellie Pingree
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Lloyd Doggett
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Valerie P. Foushee
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Earl Blumenauer
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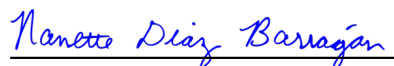
Mark DeSaulnier
Member of Congress



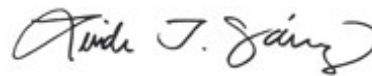
Eric Swalwell
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Dwight Evans
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Nanette Diaz Barragán
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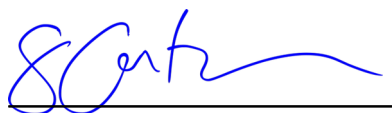
Linda T. Sánchez
Member of Congress



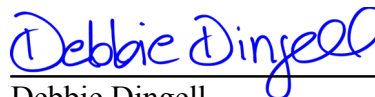
Ro Khanna
Member of Congress



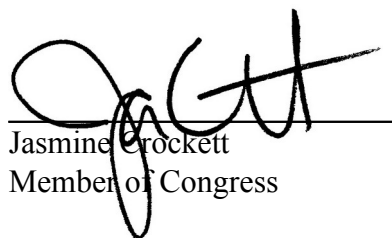
Jim Tokuda
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Sean Casten
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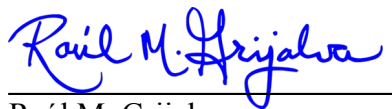
Debbie Dingell
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Jasmine Crockett
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Zoe Lofgren
Member of Congress



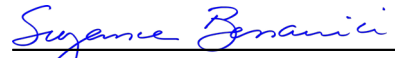
Raúl M. Grijalva
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Veronica Escobar
Member of Congress



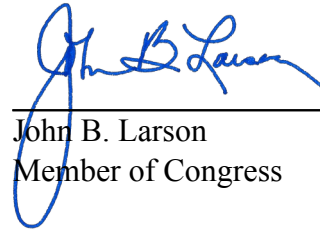
Bill Foster
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Suzanne Bonamici
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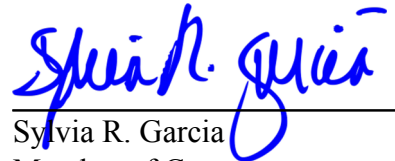
Doris Matsui
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John B. Larson
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Alma S. Adams, Ph.D.
Member of Congress



Sylvia R. Garcia
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Jonathan L. Jackson
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Robert Garcia
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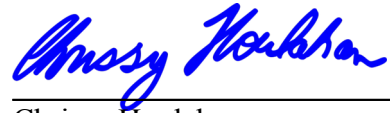
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John Garamendi
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Chrissy Houlahan
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Lori Trahan
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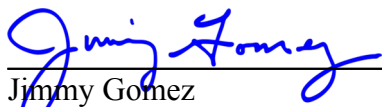
Gwen S. Moore
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Seth Moulton
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Jamie Raskin
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Jimmy Gomez
Member of Congress



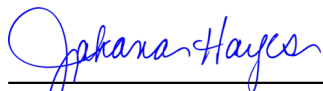
Lauren Underwood
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Rosa L. DeLauro
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Nikema Williams
Member of Congress



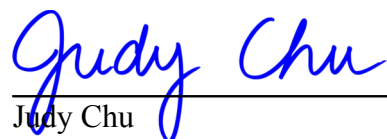
Jahana Hayes
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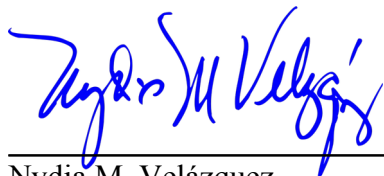
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Judy Chu
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Nydia M. Velázquez
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Suzan K. DelBene
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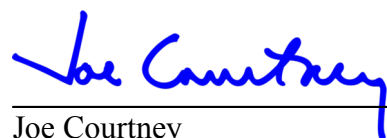
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Melanie Stansbury
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Terri A. Sewell
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Joe Courtney
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Tony Cárdenas
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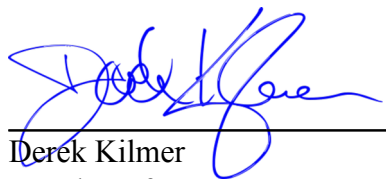
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Member of Congress



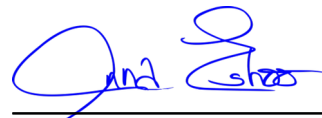
Maxine Waters
Member of Congress



Cori Bush
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Derek Kilmer
Member of Congress



Anna G. Eshoo
Member of Congress



Sydney Kamlager-Dove
Member of Congress



Diana DeGette
Member of Congress



Susan Wild
Member of Congress

cc: The Honorable Antony J. Blinken
Secretary of State

cc: The Honorable Alejandro Mayorkas
Secretary of Homeland Security