Dear Secretary Mayorkas and Director Jaddou:

Over the past year, the Biden administration has increased the number of vulnerable noncitizens eligible to enter the United States under various humanitarian parole programs. Massachusetts is welcoming many of these new arrivals with open arms. But stakeholders across the state — from local governments to housing nonprofits to legal aid groups — are being stretched to capacity as they work tirelessly to meet the needs of immigrant families that are left housing insecure because they cannot work legally and support themselves during their periods of parole. We urge the Administration to fix this problem by streamlining and expediting the processing of new arrivals’ work authorization requests.

On January 5, 2023, the Biden administration announced a series of new measures on migration as it prepared to lift the Title 42 public health order. We support the decision to end Title 42, having long called for the end of the Trump administration’s improper use of the program to bar immigrants from entering the country. Among the new steps announced was the expansion of a parole program that each month allows 30,000 nationals from Cuba, Haiti, Nicaragua, and Venezuela (CHNV), with eligible sponsors, to apply for parole into the United States. Both Democratic and Republican administrations have long used parole as a protection pathway into the United States for individuals with urgent humanitarian needs.

Migration from Cuba, Haiti, Nicaragua, and Venezuela has significantly increased due to political and civil unrest, climate crises, economic crises, and the continuing effects of the COVID-19 pandemic. Three of these four countries are also Temporary Protected Status,

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designees, further highlighting the U.S. government’s recognition of the dangerous conditions in those countries. In recent years, Haiti has faced natural disasters, gang violence, and political unrest that has led many individuals to seek safety in the United States — and particularly in Massachusetts, a top state of residence for Haitians. Under the administration of President Nicolás Maduro, Venezuela has suffered a deep economic depression and endured violent crackdowns on nonviolent civil actions. Meanwhile, Nicaragua has faced growing political unrest, the suppression of political dissent, severe hurricanes, and a weak economy. Finally, conditions in Cuba have worsened due to government repression, hurricanes, and a severe economic downturn partly driven by the COVID-19 pandemic. In addition to the CHNV program and other formal parole programs, the Biden administration also grants parole into the United States from ports of entry on a case-by-case basis.

Over the past year, many cities across the country, including those in Massachusetts, have seen increased numbers of new arrivals due to the expansion of parole programs and the easing of pandemic-era travel and entry restrictions. Massachusetts is committed to welcoming new immigrant arrivals. It is currently the only state in the country that guarantees a “right to shelter” to families in need of assistance. But municipalities and nonprofits across Massachusetts are facing significant strain as they tirelessly work to meet the needs of families seeking shelter. For example, the Massachusetts Department of Housing and Community Development was providing shelter in hotels for 19 families in June 2022, but by May 2023 that number had skyrocketed to 882 families.

Too often, newly arriving families are left housing insecure because they lack Employment Authorization Documents (EADs), are unable to work lawfully, and are therefore unable to support themselves. CHNV parolees and port-of-entry parolees are not granted employment authorization incident to parole. Instead, after being paroled, these individuals must file an I-765

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6 Brookings Institution, supra note 4.
application and wait for the application to be processed. U.S. Citizenship and Immigration Services (USCIS) has stated that “processing times will vary depending on the complexities of each case.” Many applicants wait six months or longer to receive their EADs. During that time, they cannot legally and safely work to support themselves.

We therefore ask that you implement the following three policy changes to expedite the issuance of EADs to CHNV parolees and those being paroled in from the U.S. border:

1. **Provisionally authorize a parolee to work upon submission of an EAD application.** USCIS has broad authority to determine which noncitizens may work in the United States. USCIS should issue a notice or policy announcement establishing that USCIS’s receipt of an I-765 application makes a parolee employment-authorized for I-9 purposes during the pendency of the I-765 application or for an agency-determined time period (such as 90 days). To implement this policy, USCIS could (1) attach a provisional work authorization endorsement to I-797 receipts for parolees who submit I-765 applications, or (2) inform the public that the I-797 itself authorizes a parolee to work until the I-765 is fully adjudicated (or for a set period).

2. **For arrivals paroled through U.S. ports of entry, standardize parole to two years.** Under the Immigration and Nationality Act (INA), the Department of Homeland Security (DHS) has the discretion to determine the length of parole. Extending and standardizing

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the length of parole to two years, absent special temporary circumstances for which an individual may be paroled, would allow individuals the time to find jobs, housing, and begin the process of seeking longer-term immigration status. The current patchwork system has led to some individuals seeing their periods of parole expire before they have been issued an EAD.

3. **Automatically extend an EAD when an individual is re-paroled, without requiring a new I-765 application.** When re-parole is granted to any parolee who is authorized to work, the EAD previously issued should be automatically extended. DHS has automatically extended EADs upon the renewal of parole for specific groups, including re-parolees from Afghanistan and Haitian TPS recipients whose TPS status is renewed.\(^{19}\) DHS has done so via public notices, without a rule change.\(^{20}\) Similarly, DHS should issue a notice establishing that the Secretary will automatically extend EADs for any parolee who is re-paroled and who previously secured an EAD pursuant to 8 C.F.R. § 274a.12(c).

Massachusetts will continue to welcome and assist new arrivals as they resettle across the Commonwealth. The federal government can help relieve the strain on available resources in the Commonwealth by removing obstacles new arrivals face when trying to work legally. We urge the Administration to use its broad authority to streamline and expedite the processing of work authorization requests for new arrivals.

We thank you for your attention to these urgent matters, and we look forward to working with you to help support new arrivals in Massachusetts and across the United States.

Sincerely,

Elizabeth Warren
United States Senator

Edward J. Markey
United States Senator

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\(^{20}\) U.S. Citizenship and Immigration Services, Federal Register Notice, supra note 19.
Seth Moulton
Member of Congress

James P. McGovern
Member of Congress

Lori Trahan
Member of Congress

Jake Auchincloss
Member of Congress

William R. Keating
Member of Congress

Stephen F. Lynch
Member of Congress

Ayanna Pressley
Member of Congress

Katherine M. Clark
Member of Congress

Richard E. Neal
Member of Congress