February 17, 2021

The Honorable Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

RE: REQUEST FOR TEMPORARY PROTECTED STATUS FOR MEXICO

Dear President Biden and Secretary Mayorkas:

The undersigned 128 local, regional, and national organizations write to request that you use your authority to issue designations of Temporary Protected Status (TPS) to roughly 4.9 million undocumented immigrants from Mexico. We respectfully request that the Secretary of the U.S Department of Homeland Security (DHS) designate Mexico for TPS in consultation with the State Department and U.S. Citizenship and Immigration Services (USCIS), especially in light of the ongoing risk to Deferred Action for Childhood Arrivals.1 TPS would provide employment authorization and protection from deportation for millions of undocumented people in the United States and provide significant incentive for Congress to subsequently provide an eventual legislative roadmap to citizenship. As you know, the Secretary has substantial discretion to designate countries for TPS, and Congress explicitly stated that an “epidemic” is an acceptable ground for designation in addition to “extraordinary and temporary” conditions2 and did not limit the use of TPS through a numerical ceiling. Such a designation would also likely be largely immune from many judicial challenges, as Congress also established a bar for most legal challenges. Indeed, nearly 50 legal experts sent you a letter stating that your administration has the legal and statutory authority to utilize TPS for Mexico.3

It will likely take a significant amount of time to undo the Trump administration’s harmful immigration policies, and many efforts may be delayed by the courts. In the meantime, your administration has the legal authority to protect significant number of undocumented people who cannot return to Mexico safely under current conditions. The Trump administration cruelly and boldly wielded its executive authority on immigration against immigrant communities, and your administration has the opportunity to use that power boldly to help immigrants instead. A broad use of TPS has the potential to serve as a “down payment” toward more permanent reform. In the past, temporary executive relief has often strengthened, not undermined, efforts to achieve more lasting immigration reform. The Obama administration’s creation of the DACA program and strong support of TPS preceded the passage of the American Dream and Promise Act of 2019 (H.R.6) in the House of Representatives. Similarly, the use of Deferred Enforced Departure (DED) established a roadmap for the eventual passage of Liberian Refugee Immigration Fairness.

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1 Maria Sacchetti, Biden Has Promised to Protect ‘Dreamers,’ but DACA Court Challenges Loom, Wash. Post (Dec. 2, 2020, 8:00 AM), https://www.washingtonpost.com/politics/2020/12/02/biden-daca-dreamers/.
2 Immigration and Nationality Act § 244(b), 8 U.S.C.A. § 1254a(b) (West 2021).
I. TEMPORARY PROTECTED STATUS

Established by Congress in 1990, TPS represents a congressional delegation of power to the executive to address emergent humanitarian crises. TPS is a temporary form of humanitarian relief that provides short-term protection from deportation and permission to work for immigrants whose country is not safe for return. The statute authorizes the DHS Secretary to designate a country for TPS if the Secretary finds that there is: (a) “an ongoing armed conflict” where deporting immigrants would “pose a serious threat to their personal safety;” (b) an “earthquake, flood, drought, epidemic, or other environmental disaster” that leads a foreign government to request TPS during recovery; or (c) “extraordinary and temporary conditions” prevent immigrants from safely returning. TPS designation is up to the discretion of the DHS Secretary, who may determine if qualifying conditions exist in any given country to cover any number of nationals for that country, as there is no numerical cap on TPS grants. Congress also wrote into the statute a bar prohibiting non-constitutional challenges regarding the Secretary's designation, termination, and extension of TPS, meaning the statute disallows most legal challenges, including those that were successful against previous, large-scale immigration relief initiatives, such as expanded DACA and Deferred Action for Parents of Americans (DAPA) programs.

Conservative estimates put the count of undocumented immigrants from Mexico at approximately 4.9 million people, or nearly half of all the undocumented people in the United States. Additionally, there are nearly 520,000 active DACA recipients from Mexico that may also soon need protection, pending litigation that may lead to the end of DACA. These individuals and their families deserve the opportunity to participate fully in American life without the fear of being deported to dangerous conditions.

II. COVID-19 PANDEMIC AS GROUNDS FOR TPS

Notably, the law establishing TPS specifically lists examples of natural disasters as grounds for TPS, including an “epidemic;” and also provides for designation if “extraordinary and temporary” conditions exist. The COVID-19 arguably satisfies either of these grounds. The COVID-19 pandemic has currently infected over 106 million people across the world, leading to over 2.3 million deaths globally. Mexico has over 1.9 million recorded cases with over 166,000 deaths, though experts say that both numbers are likely an undercount as many Mexicans choose to fight the virus at home to avoid the neglected hospital system. Even with the

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5 Immigration and Nationality Act § 244.
6 Id. §§ (b)(1)(A)–(C).
7 See id. § 244.
10 Immigration and Nationality Act §§ (b)(1)(B), (C).
undercount, Mexico is leading the world in COVID-19 mortality rate of 8.6 percent, significantly higher than the United States’ 1.7 percent rate.\(^3\)

As of December 2020, the U.S. Centers for Disease Control and Prevention has designated Mexico at the highest Level 4 risk and urges people to “avoid all travel to Mexico” due to a “very high” risk of COVID-19 and limited medical resources.\(^4\) A winter surge in cases is sending states back into the highest levels of lockdown.\(^5\) COVID-19 has served as both a public health crisis and a catalyst to existing troubles in Mexico, including a struggling economy, high crime rates, civil unrest, and increased poverty.\(^6\) Mexico has only secured enough vaccine doses to vaccinate around 17 million citizens, or only 13 percent of the country’s population of 126 million, and still faces significant obstacles to vaccinating all its people.\(^7\)

**III. CONCLUSION**

In light of the above, we respectfully ask that your administration designate Mexico for TPS on the basis of COVID-19. Such a designation would serve as a “bridge” for millions of people and their families who have built a life in the United States until a more permanent solution from Congress emerges. If you have any questions regarding this letter, please do not hesitate to contact jose@masade.com.

Sincerely,

**National Organizations**

African Communities Together
Alianza Americas
Alianza Nacional de Campesinas
American Federation of Teachers (AFT)
Asylum Seeker Advocacy Project
AsylumConnect
Black LGBTQ+ Migrant Project (BLMP)
Cameroon American Council
CASA
CASA in Action
Center for Disability Rights


Coalition on Human Needs
Community Change Action
Congregation of Sisters of St. Agnes
Doctors for America - Immigrant Health Justice Working Group
Dominican Sisters of Sparkill
Episcopal Network for Economic Justice (ENEJ)
Fair Immigration Reform Movement (FIRM)
Fellowship of Reconciliation (FOR-USA)
Fellowship Southwest
Franciscan Action Network
Grey Nuns of the Sacred Heart
Haitian Bridge Alliance
Hispanic Federation
Immigrant Legal Resource Center
International American Relief Society IARS
Lawyers for Good Government (L4GG)
Leadership Conference of Women Religious
League of Women Voters of the United States
Local Progress
Maryknoll Office for Global Concerns
National Association of Social Workers
National Immigrant Justice Center
National Immigration Litigation Alliance
National Korean American Service & Education Consortium (NAKASEC)
National Network for Arab American Communities
National Network for Immigrant and Refugee Rights
National Organization for Women
National Partnership for New Americans
Network in Solidarity with the People of Guatemala (NISGUA)
North American Climate, Conservation and Environment (NACCE)
Our Lady of Victory Missionary Sisters
Planned Parenthood Federation of America
Presidents' Alliance on Higher Education and Immigration
Provincial Council Clerics of St. Viator (Viatorians)
Shiloh Restoration Church, Inc.
Sisters of Charity, BVM
Sisters of Mercy of the Americas - Justice Team
Sisters of Notre Dame of the United States
Sisters of St. Francis of Philadelphia and St. Aloysius Church in Spokane
Sisters of the Holy Spirit and Mary Immaculate
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center
The Jus Semper Global Alliance
Unitarian Universalist Service Committee
United We Dream
Win Without War

State and Local Organizations
Advocate Visitors with Immigrants in Detention
AGS Immigrant Center, Inc.
Alianza Sacramento
American Friends Service Committee, Colorado
Black Immigrant Collective (BIC)
Border Crit Institute
Buen Vecino
Cabrini Immigrant Services of NYC
Caminando Juntos - Presentation Sisters Hispanic Ministry
Campaign for Immigrant Detention Reform (CIDR)
Central American Resource Center of Northern California - CARECENSF
Centro de Comunidad y Justicia
Church of Our Saviour/La Iglesia de Nuestro Salvador
Coalition for Humane Immigrant Rights (CHIRLA)
Colectivo de Mujeres Trasnacionales
Connecticut Shoreline Indivisible
Convencion Bautista Hispana de Texas
Cooperative Baptist Fellowship of Texas
Durango Unido en Chicago
Education and Leadership Foundation
Faith Communities Organized for Sanctuary
Franciscans for Justice
Greater Cleveland Immigrant Support Network
Haitian Americans United, Inc.
Heights Friends of Immigrants
Immaculate Heart Community Immigration Commission
Immigrant Legal Advocacy Project
Immigrant Legal Center of Boulder County
Immigration Working Group of the Southwestern Pennsylvania Synod
Indivisible Chicago - South Side
Interfaith Council for Peace & Justice
InterReligious Task Force on Central America and Colombia (IRTF Cleveland)
Jewish Voice for Peace, Atlanta chapter
Justice Committee Albany Province Sisters of St. Joseph
Latin American Coalition
Latino Pastoral Action Center & Sanctuary Church
Legal Aid Justice Center
Make the Road NY
Migrant and Immigrant Community Action Project
Motivation Motivates
NC Conference of the United Methodist Church
Northern Illinois Justice for Our Neighgbors
Ohio Immigrant Alliance
Oregon Fellowship of Reconciliation
Pennsylvania Council of Churches
Pennsylvania Immigration and Citizenship Coalition
Presentation Sisters of Aberdeen SD
Quetzal Enterprises
Raleigh Immigrant Community, Inc.
Reedley Social Services, Inc.
Rian Immigrant Center
Rural & Migrant Ministry
San Bernardino Community Service Center
SIREN (Services, Immigrant Rights and Education Network)
Sisters of Charity of New York
Sisters of Saint Joseph of Chestnut Hill, Philadelphia, PA
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Francis-Dubuque
Sisters of St. Joseph of Carondelet, LA Province
Sisters of St. Joseph of Orange
Sisters of the Presentation, Dubuque, Iowa
St. Stephen Lutheran Church
STEP UP! Sacramento
True Alliance Center, Inc.
University of Maryland Carey Immigration Clinic
University YMCA New American Welcome Center
Venezuelans and Immigrants Aid (VIA)
Wayne Action for Racial Equality
WESPAC Foundation, Inc.
Wilco Justice Alliance (Williamson County, TX)
Wind of the Spirit Immigrant Resource Center