



March 7, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

The Honorable Kamala Harris
Vice President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
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The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
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Ms. Ur Mendoza Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20588

Dear President Biden, Vice President Harris, Secretary Mayorkas, and Director Jaddou,

Several abused, neglected, and abandoned immigrant youth with pending petitions for Special Immigrant Juvenile (SIJ) Status visas and non-profit legal services organizations have filed a class action lawsuit in federal court in Los Angeles (*Casa Libre v. Mayorkas*) against your administration seeking work permits for all SIJ petitioners with prima facie approvable cases. Virtually every filed case is in fact prima facie approvable because before they can file a SIJ visa petition, these juveniles must obtain state court orders confirming they have in fact been abused, neglected, or abandoned. Without work permits these immigrant youth are forced to work for unscrupulous employers uniformly violating federal employer sanctions and labor laws, and often go cold, hungry and homeless for several years while their visa petitions are pending.

We are writing to urge your administration to promptly meet with the plaintiffs and their legal representatives to address settling the legal claims in a way that is operationally feasible, humane, and efficient. This case should be quickly settled as the current policy is both harmful and entirely irrational. As explained below, other visa applicants get prompt work permits and

there is no rational reason to discriminate against young abused, neglected, and abandoned immigrant youth playing by the rules with pending visa applications.

The Immigration Act of 1990 notably created a humanitarian immigrant classification known as Special Immigrant Juvenile Status.¹ Most of these youth experienced abuse, neglect, or abandonment in their home countries, and many entered the US as unaccompanied minors. Clear-eyed about this vulnerable population's acute need for stability and permanent sanctuary, Congress long ago granted these children and youth a straightforward path to legalization of status.

Current USCIS policy does not permit SIJ applicants to apply for work permits until (1) their SIJ applications are fully approved (which can take a year or more), and (2) they are at the front of the quota line and can apply for permanent resident status, which can easily take several more years. *Only then does USCIS allow immigrant SIJ applicants to apply for work permits.* This policy causes young immigrant SIJ applicants to suffer extreme hardships, often including homelessness, hunger, the inability to continue their education, and extreme exploitation should they find underground work. Without employment authorization it is also difficult and in many States impossible to procure a driver's license or state ID card, in-state tuition at public colleges, and scholarships and financial aid for continuing education.

Unlike with SIJ applicants, USCIS in fact allows a host of other visa category applicants to apply for employment authorization long *before* they may apply for permanent resident status, and some even before their visa applications are approved.²

In light of USCIS's policy of forcing thousands of abused, neglected, and abandoned immigrant youth to survive without work permits for many years, several immigrant youth and community-based legal services programs have filed a class action case in federal court in Los Angeles (*Casa Libre v. Mayorkas*) seeking an injunction requiring USCIS to issue work permits to SIJ immigrants who file bona fide visa petitions. We urge your administration to promptly meet with the plaintiffs and their legal representatives to begin to explore a change in policy that will allow work permits to be issued to young immigrant visa petitioners soon after they file their SIJ petitions. Doing so would be consistent with Congress's desire to protect these victims of trauma and relieve them of the extreme and unusual hardships they face trying to survive for years without work permits while their visa petitions are pending.

¹ See The Immigration Act of 1990, P.L. 101-649, §153(a)(3) at 28; 8 U.S.C. 1101(a)(27)(J).

² See, e.g., 8 CFR § 214.11(e) (T visa work permits); Memorandum from Stuart Anderson, Executive Associate Commissioner, Office of Policy and Planning, INS, *Deferred Action for Aliens with Bona Fide Applications for T Nonimmigrant Status* (May 8, 2002) (T visa work permits); USCIS, Policy Alert (June 14, 2021), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210614-VictimsOfCrimes.pdf> (U visa work permits).

We look forward to a response from your Administration. Please direct your response to Peter Schey. Thank you for your consideration.

Respectfully,

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