

# Congress of the United States

Washington, DC 20515

June 20, 2024

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security  
Washington, DC 20528

Dear Secretary Mayorkas:

As the sponsors of bicameral legislation to protect stateless individuals and their families in the United States,<sup>1</sup> we deeply appreciate the actions that the Department of Homeland Security (DHS) has taken to address statelessness, including enhancing protections for stateless individuals in the United States, beginning with your December 2021 Commitment to Enhance Protections for Stateless Individuals in the United States (“DHS commitment”).<sup>2</sup> As that commitment recognized, statelessness is a global problem that requires a comprehensive, tailored response.

We also deeply appreciate the actions that U.S. Citizenship and Immigration Services (USCIS) has taken so far to address statelessness, including building a process for making stateless determinations, and working to reduce barriers to legally available immigration relief and benefits faced by stateless persons. We urge you to consider the following recommendations to further enhance protections for stateless individuals and ensure consistency and coordination between DHS components with respect to such individuals.

USCIS updated its policies to consider an individual’s potential statelessness as a factor in discretionary determinations, including requests for parole in place and deferred action.<sup>3</sup> USCIS has also established a specialized unit to conduct advisory assessments of statelessness for immigration adjudicators on a potentially stateless noncitizen’s application for immigration benefits.<sup>4</sup> To ensure consistency and to leverage the substantial subject matter expertise that USCIS has already developed, we recommend consolidating adjudication of all parole in place and deferred action requests from stateless noncitizens within a single unit at USCIS, regardless of whether such noncitizens have a final order of removal or are in immigration court proceedings and would generally fall under Immigration and Customs Enforcement (ICE) jurisdiction. This approach would ensure consistency in the Department’s approach to statelessness issues. We also urge USCIS to consider granting parole-in-place and deferred action requests based on statelessness for a period of three years, rather than one year, and permitting concurrent filing of employment authorization applications.

Stateless noncitizens are disproportionately likely to experience lengthy periods of immigration detention in the United States because no country is obligated to accept the removal of a stateless person. We urge ICE to consider statelessness as a mitigating factor in favor of declining enforcement action when making determinations regarding arrests, detainers, removal proceedings, and the execution of removal orders. To accomplish this goal, we recommend that ICE develop guidance to better identify stateless noncitizens when ICE first encounters them, including by permitting ICE attorneys and officers to utilize the expertise of the specialized USCIS unit and request an advisory report on an individual’s potential statelessness when faced

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<sup>1</sup> Stateless Protection Act of 2024, S. 3987, 118<sup>th</sup> Cong. (2024).

<sup>2</sup> DHS Announces Commitment to Enhance Protections for Stateless Individuals in the United States, December 15, 2021.

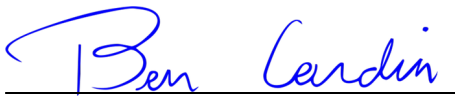
<sup>3</sup> USCIS Policy Manual, Part K, *Statelessness*, available at <https://www.uscis.gov/policy-manual/volume-3-part-k>, last accessed April 24, 2024.

<sup>4</sup> USCIS Policy Manual, Part K, *Statelessness*, available at <https://www.uscis.gov/policy-manual/volume-3-part-k>, last accessed April 24, 2024.

with cases that present indicators of statelessness in removal proceedings or in detention. This would allow ICE to be fully informed with respect to an individual's statelessness when deciding whether to exercise discretion with respect to enforcement actions.

We appreciate your efforts to improve protections for stateless individuals in the United States, a goal which we wholeheartedly share. We request a response by July 11, 2024, on steps DHS will take to ensure that the Department's stated commitment is fully implemented by all components of the Department. Thank you for your attention to this important matter.

Sincerely,



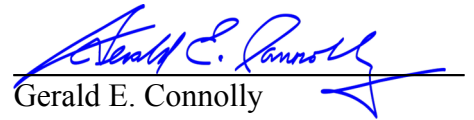
Benjamin L. Cardin  
United States Senator



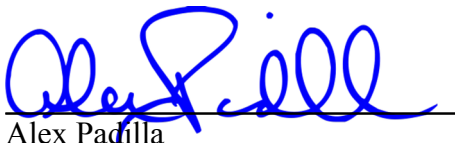
Jamie Raskin  
Member of Congress



Richard J. Durbin  
United States Senator



Gerald E. Connolly  
Member of Congress



Alex Padilla  
United States Senator



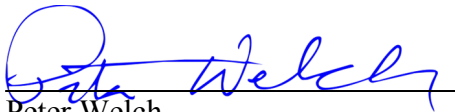
Jerrold Nadler  
Member of Congress



Elizabeth Warren  
United States Senator



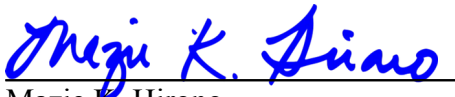
Eleanor Holmes Norton  
Member of Congress



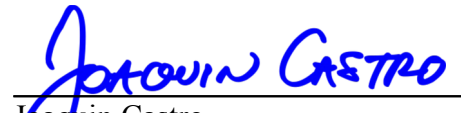
Peter Welch  
United States Senator



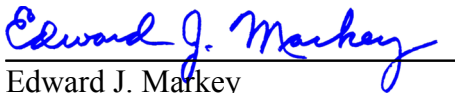
Delia C. Ramirez  
Member of Congress



Mazie K. Hirono  
United States Senator



Joaquin Castro  
Member of Congress



Edward J. Markey  
United States Senator



David J. Trone  
Member of Congress



Barbara Lee  
Member of Congress



André Carson  
Member of Congress



Jamaal Bowman, Ed.D.  
Member of Congress



James P. McGovern  
Member of Congress



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Raúl M. Grijalva  
Member of Congress

CC:

The Honorable Ur Jaddou  
Director  
U.S. Citizenship and Immigration Services

Patrick J. Lechleitner  
Deputy Director and Senior Official Performing the Duties of the Director  
Immigration and Customs Enforcement