



June 10, 2021

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

Attorney General Merrick Garland
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. DC 20530

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

Acting Director Tracy Renaud
U.S. Citizenship and Immigration Services
111 Massachusetts Avenue NW
Washington, D.C. 20001

RE: Implementation of *Sanchez v. Mayorkas* Supreme Court decision

Dear President Biden, Attorney General Garland, Secretary Mayorkas, and Acting Director Renaud:

The undersigned 102 local, state, and national organizations serving and advocating for Temporary Protected Status (TPS) holders and their families respectfully submit urgent recommendations and request engagement regarding the implementation of the Supreme Court's June 7, 2021, decision in *Sanchez v. Mayorkas*.

Plaintiffs Jose Sanchez and Sonia Gonzalez originally arrived in the United States in the 1990s and have held TPS since 2001, when El Salvador was designated following a series of devastating earthquakes that made safe return impossible. Like so many TPS holders, Jose and Sonia built their lives in the United States, starting families, putting down roots, and making great contributions to their communities. This litigation arose in the context of the threat of family separation under the previous administration and a long-standing need for permanent relief for TPS holders and their families. Estimates show that tens of thousands of people could be impacted by this ruling.¹ Accordingly, we call on the Biden administration to implement the Supreme Court decision according to the usual timeline in order to not upset the reasonable reliance, stability, and security of TPS recipients who applied for adjustment of status under the

¹ Adam Liptak, Supreme Court Rules Against Immigrants Seeking Green Cards, New York Times (June 7, 2021), <https://www.nytimes.com/2021/06/07/us/politics/immigrants-green-cards-supreme-court.html>.

current state of the law in their home circuit courts of appeal. Doing so would ensure compliance with the Supreme Court's decision while also prioritizing family unity, humanitarian protection, and American communities and economies. Simultaneously, the administration must call on Congress to put in place permanent solutions for TPS holders.

Recommendations:

- 1. Continue to process TPS adjustment cases currently in the pipeline during the period before the certified judgment issues.** As the administration knows, the Supreme Court's decision in the *Sanchez* case is not effective until the certified judgment is issued, a period that usually takes 32 days after the opinion is announced. During this period, USCIS should adjudicate all pending TPS adjustment cases based on current policy and the laws of the circuit courts of appeals. Shortening this period would be akin to a retroactive application of the Supreme Court ruling and upset the settled expectations of TPS recipients who followed the current law in seeking adjustment of status. Furthermore, as the USCIS Administrative Appeals Office (AAO) adopted decision Matter of Z-R-Z-C- recognizes, the administration must respect cognizable reasonable reliance interests. Here, those with pending TPS adjustment applications reasonably relied on USCIS's past practice of interpreting TPS approval as an admission pursuant to U.S. courts of appeals precedent. We urge the administration not to take the opportunity for permanent status away from families already in the pipeline who filed for adjustment in reliance of prior policy and to use all necessary resources to adjudicate these cases before the Court's certified judgment becomes effective. Specifically, we urge the administration to process applications for adjustment of status for affected class members whose applications were postmarked by June 6, 2021 prior to the certified judgement issuance.
- 2. Call on Congress to immediately pass permanent relief for TPS holders.** In implementing this decision, the administration should strongly and repeatedly call on Congress to pass a pathway to permanent residency and citizenship for TPS holders. Hundreds of thousands of families who are American in every way but on paper have been forced to live their lives in 6 to 18 month increments for decades. While TPS is a vital and life-saving program, permanent relief is needed now to give individuals and families the stability and security they deserve. It will make the country as a whole stronger. We strongly urge the administration to boldly call on Congress to use all available tools to provide this relief, including budget reconciliation.
- 3. Put in place a robust, culturally competent outreach plan to educate TPS holders and other immigrants about the meaning of this decision.** We call on USCIS to immediately launch a culturally competent outreach and education plan to help TPS holders and other immigrants understand the meaning of this decision. This outreach should make clear that TPS recipients who adjusted status and received lawful permanent residence prior to yesterday's decision will not have their LPR status threatened and that there will be no retroactive application of the *Sanchez* decision. Major announcements without

necessary public and stakeholder engagement create environments where those engaged in the unauthorized practice of immigration law can thrive and cause deep harm to individuals and families.

Thank you for your consideration of our recommendations. Please contact Yanira Arias, National Campaigns Manager, Alianza Americas at varias@alianzaamericas.org; Karen Tumlin, Director and Founder, Justice Action Center Contact at karen.tumlin@justiceactioncenter.org; Alexandra Morales, Policy Advocacy Manager, CARECEN-LA/National TPS Alliance at AMorales@CARECEN-LA.ORG; Lisa Parisio, Director of Advocacy, Catholic Legal Immigration Network, at lparisio@cliniclegal.org; and Jose Magaña-Salgado, Campaign Coordinator, TPS-DED Administrative Advocacy Coalition at jose@masadc.com with any questions or to arrange engagement.

Sincerely,

Alianza Americas
Access Living
Adhikaar
African Communities Together
American Friends Service Committee
Arkansas United
Asylum Seeker Advocacy Project (ASAP)
BIJAN (Boston Immigration Justice Accompaniment Network
Border Network for Human Rights
Bread for the World
Cambridge Health Alliance
CASA
Casa Yurumein
Catholic Legal Immigration Network, Inc.
Center for Law and Social Policy (CLASP)
Central American Resource Center
Central American Resource Center (CARECEN-LA)
Central American Resource Center of Northern CA - CARECEN SF
Centro Romero
Chicago Religious Leadership Network on Latin America-CRLN
Church World Service
Circle of Support, Detroit Cristo Rey High School
Coalition for Humane Immigrant Rights (CHIRLA)
Conexión de Negocios Latinos
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
CRECEN
Dominican Development Center, Inc.

Durango Unido en Chicago
Faith in Public Life
Familia: Trans Queer Liberation Movement
Familias Unidas en Accion
Family Action Network Movement
First Focus on Children
First Parish UU Concord - Immigration Justice Task Force
Florida Immigrant Coalition (FLIC)
Franciscan Action Network
Francisco Morazan
Freedom Network USA
GA Familias Unidas
Global Exchange
Global Labor Justice
Haitian Bridge Alliance
Hispanic Federation
HONDUREÑOS CONTRA EL SIDA
Houston Immigration Legal Services Collaborative
Immigrant Legal Advocacy Project
Immigrant Service Providers Group/Health
Immigration Hub
Justice Action Center
La Comunidad, Inc. (77599)
Latin America Working Group (LAWG)
Latinas en Poder
Louisiana Advocates for Immigrants in Detention
Massachusetts Law Reform Institute
Michigan Coalition for Human Rights
Michigan Immigrant Rights Center
Ministerio Mujer a Mujer
Minnesota Interfaith Coalition on Immigration
National Advocacy Center of the Sisters of the Good Shepherd
National Immigration Law Center (NILC)
National Justice for Our Neighbors
National Partnership for New Americans (NPNA)
National TPS Alliance
NETWORK Lobby for Catholic Social Justice
New Ellis Island Border Policy Group
New Sanctuary Coalition
Nicaragua Center for Community Action
NorCal TPS Coalition
ONECA
Opening Doors
Organización Hondureña Francisco Morazan

Presbyterian Church USA Office of Public Witness
Presente.org
Quixote Center
RAICES
Rian Immigrant Center
SEIU 32BJ
Service Employees International Union (SEIU)
Sister Parish
Sisters of St. Francis of Philadelphia
Sisters of Mercy of the Americas Justice Team
Sisters, Home Visitors of Mary
South Asian Americans Leading Together
Southeast Asia Resource Action Center
SPLC Action Fund
St. Benedict Parish - Archdiocese of Boston
St. Mary of the Hills
Strangers No Longer
The Association of Salvadorans of Los Angeles - ASOSAL
Thelar Management Group
Toledo Lucas County Health District Board President
Transformations CDC
UFCW Local 1445
UndocuBlack
UNIDOS CAMBIANDO FUTUROS
United Church of Christ Justice and Witness Ministries
VECINA
Washington Office on Latin America
WeCount!
Wind of the Spirit Immigrant Resource Center
WOMEN WORKING TOGETHER USA
Ministerio Latino