November 8, 2023

The Honorable Joseph R. Biden, Jr.
President
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Biden:

We urge your Administration to designate the Palestinian territories for Temporary Protected Status (TPS) and/or authorize Deferred Enforced Departure (DED) for Palestinians present in the United States. As you know, TPS and DED offer temporary relief from removal and work authorization for eligible foreign nationals who are unable to return safely to their home countries or part of a country.¹ In light of ongoing armed conflict, Palestinians already in the United States should not be forced to return to the Palestinian territories, consistent with President Biden’s stated commitment to protecting Palestinian civilians.²

Following the horrific October 7 terrorist attack by Hamas and Israel’s ensuing military response, conditions in the Palestinian territories have greatly deteriorated. According to reports from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), as of November 6, at least 10,000 Palestinians have been killed.³ This includes more than 4,100 children⁴, which, according to Save the Children, is more than the number of children killed in all of the world’s armed conflicts on an annual basis since 2019.⁵ The United Nations reports that almost 1.5 million of Gaza’s population of 2.2 million have been displaced of which “nearly 725,000 are sheltering in 149 UNRWA [United Nations Relief and Works Agency for Palestine Refugees in the Near East] installations” across the Gaza Strip.⁶ Further, OCHA reports at least 42 percent of all housing units in the Gaza strip as damaged or destroyed since October 7.⁷

Thousands are unable to access clean water and nutrition; access to medical care has become

¹ A TPS designation may be due to natural disasters, armed conflicts, or other extraordinary and temporary conditions. INA sec. 244; The authority to extend DED arises from the President's constitutional authority to conduct the foreign relations of the United States and may include situations of armed conflict where it is dangerous for individuals to return.
⁴ Id.
increasingly difficult, with some health facilities in Gaza hit by bombardment and many others
crippled by a lack of fuel for electricity.\(^8\) And in the West Bank, unrest and settler violence have
resulted in the deaths of 149 Palestinians\(^9\) and the forcible displacement of hundreds more.\(^10\)
Such forcible displacement from the West Bank is of serious concern, and we also share the
Administration’s opposition to the “displacement of Palestinians from Gaza.”\(^11\) At the same time,
we believe that Palestinians currently in the United States who cannot safely return home at this
time should have the option of seeking temporary protection.

Given these conditions, it is no surprise that the U.S. Department of State extended a
Level 4 Travel Advisory for Gaza due to “terrorism, civil unrest and armed conflict” and a Level
3 Travel Advisory for the West Bank earlier this month for terrorism and civil unrest.\(^12\)
Providing TPS and/or authorizing DED would protect Palestinians in the United States from
being forced to return to these clearly dangerous conditions.

There is precedent for analogous designations. In 1998, there was a designation of only
the Province of Kosovo in light of ongoing armed conflict.\(^13\) Montserrat was designated for TPS
in 1997 when volcanic eruptions caused nearly two-thirds of its population to flee.\(^14\) At the time,
Montserrat was a colony of the United Kingdom, and Montserratians did not enjoy British
residency rights or citizenship. Similarly, DED is currently authorized to defer the removal of
certain residents of Hong Kong present in the United States.\(^15\)

U.S. Department of State statistics indicate that 7,241 nonimmigrant visas were issued to
individuals holding Palestinian Authority (PA) travel documents in 2022,\(^16\) the most recent year
for which such data is available. While the number of non-immigrant visas issued cannot

\(^8\) United Nations Office of the High Commissioner for Human Rights, *Latest: Occupied Palestinian Territory/Israel*

\(^9\) OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #30* (Nov. 7, 2023),

\(^10\) PBS, *Biden condemns retaliatory attacks by Israeli settlers against Palestinians in the West Bank* (Oct. 25, 2023),

\(^11\) U.S. Department of State, *Department Press Briefing* (October 30, 2023),

\(^12\) U.S. Department of State, *Israel, the West Bank and Gaza Travel Advisory* (Oct. 14, 2023),


\(^15\) White House, *Memorandum on Extending and Expanding Eligibility for Deferred Enforced Departure for Certain Hong Kong Residents*, (Jan. 26, 2023),

\(^16\) Fiscal Years 2018-2022, *Nonimmigrant Visas Issued by Classification (including Border Crossing Cards):*
provide an exact approximation of the number of Palestinians that would be eligible for TPS or DED, it makes clear that the number of beneficiaries would be small, while the benefit could be lifesaving. TPS or DED would enable Palestinians currently present in the U.S., including students, tourists, and workers, to be protected from a dangerous return to their homeland while affording them the ability to remain safely in the U.S. and to work legally to support themselves and their families.

As such, we urge your Administration to designate the Palestinian territories for TPS and/or to authorize DED for Palestinians in the United States without delay. Thank you for your consideration of this request.

Sincerely,

Richard J. Durbin
United States Senator
Pramila Jayapal
Member of Congress
Jan Schakowsky
Member of Congress
Chris Van Hollen
United States Senator
Jerrold Nadler
Member of Congress
Edward J. Markey
United States Senator
Bonnie Watson Coleman
Member of Congress
Peter Welch  
United States Senator

/s/  

Laphonza Butler  
United States Senator

Henry C. "Hank" Johnson, Jr.  
Member of Congress

Jamaal Bowman, Ed.D.  
Member of Congress

Patty Murray  
United States Senator

Barbara Lee  
Member of Congress

Elizabeth Warren  
United States Senator

Betty McCollum  
Member of Congress

Brian Schatz  
United States Senator

Danny K. Davis  
Member of Congress
Tammy Duckworth  
United States Senator

Mark Pocan  
Member of Congress

Jack Reed  
United States Senator

Ayanna Pressley  
Member of Congress

Mazie K. Hirono  
United States Senator

Donald S. Beyer Jr.  
Member of Congress

Michael F. Bennet  
United States Senator

J. Luis Correa  
Member of Congress

Christopher S. Murphy  
United States Senator

James P. McGovern  
Member of Congress
Alexandria Ocasio-Cortez
Member of Congress

Adam Smith
Member of Congress

Daniel T. Kildee
Member of Congress

Chellie Pingree
Member of Congress

Lloyd Doggett
Member of Congress

Valerie P. Foushee
Member of Congress

Earl Blumenauer
Member of Congress

Mark DeSaulnier
Member of Congress

Eric Swalwell
Member of Congress

Dwight Evans
Member of Congress
Bill Foster
Member of Congress

Doris Matsui
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

Jonathan L. Jackson
Member of Congress

Paul D. Tonko
Member of Congress

Suzanne Bonamici
Member of Congress

John B. Larson
Member of Congress

Sylvia R. Garcia
Member of Congress

Robert Garcia
Member of Congress

Dan Goldman
Member of Congress
John Garamendi  
Member of Congress

Chrissy Houlahan  
Member of Congress

Lori Trahan  
Member of Congress

Gwen S. Moore  
Member of Congress

Seth Moulton  
Member of Congress

Jamie Raskin  
Member of Congress

Jimmy Gomez  
Member of Congress

Lauren Underwood  
Member of Congress

Rosa L. DeLauro  
Member of Congress

Nikema Williams  
Member of Congress
Jahana Hayes
Member of Congress

Joaquin Castro
Member of Congress

Nydia M. Velázquez
Member of Congress

Sheila Cherfilus-McCormick
Member of Congress

Terri A. Sewell
Member of Congress

Gerald E. Connolly
Member of Congress

Judy Chu
Member of Congress

Suzan K. DelBene
Member of Congress

Melanie Stansbury
Member of Congress

Joe Courtney
Member of Congress
Tony Cárdenes
Member of Congress

Maxine Waters
Member of Congress

Derek Kilmer
Member of Congress

Sydney Kamlager-Dove
Member of Congress

Susan Wild
Member of Congress

cc: The Honorable Antony J. Blinken
Secretary of State

cc: The Honorable Alejandro Mayorkas
Secretary of Homeland Security