

United States Senate

WASHINGTON, DC 20510

September 15, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, DC 20510

Dear Leader McConnell and Leader Schumer:

As the COVID-19 pandemic continues, we write to urge you to protect thousands of members of Virginia's essential workforce, including those with Temporary Protected Status (TPS). Temporary Protected Status is a temporary, legal status granted to foreign citizens fleeing violence or disaster in their home countries. Many TPS residents have lived in the United States for decades because their home countries remain too dangerous to return. During their time in the United States, these American residents have made countless contributions to our communities. Our House colleagues have taken steps to protect TPS residents by including an automatic extension for TPS holders' Employment Authorization Documents (EADs) in the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act.

We are proud to represent over 27,500 TPS holders in Virginia.^[1] As the nation and region continue to grapple with the health and economic consequences of COVID-19, TPS holders are on the front lines, serving our communities. In Virginia alone, an estimated 6,700 TPS holders work in industries deemed by the Department of Homeland Security (DHS) as "essential critical infrastructure" including health care, agriculture, and manufacturing.^[2] Automatically extending work authorization for TPS holders is not only the morally correct thing to do, but also in the best interest of the National Capitol Region's, and the United States' public health.

In Virginia, the vast majority of TPS holders come from El Salvador and Honduras, nations for whom TPS eligibility is in question due to ongoing litigation in *Ramos v. Nielsen* and *Bhattarai v. Nielsen*.^[3] Yesterday's Ninth Circuit decision in *Ramos v. Nielsen*, which allows the Trump administration to move forward with ending TPS for El Salvadorans, further intensifies the need to provide stability for TPS recipients. While DHS has automatically extended status and associated EADs for TPS holders from these nations through at least March 6, 2021, such assurances should be built upon as we quickly near DHS's expiration deadline. In a moment where their essential services are needed most, we would be unwise to turn our back on TPS holders. The quickest means to retain the critical talent and work of TPS holders in addressing the COVID-19 pandemic is to automatically extend all work authorizations. This would mitigate any processing backlogs at United States Citizenship and Immigration Services (USCIS) and help TPS holders and their families weather this uncertain time.

^[1] <https://fas.org/sgp/crs/homesecc/RS20844.pdf>

^[2] <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holders-providing-essential-services-coronavirus-crisis/>

^[3] <https://www.uscis.gov/humanitarian/temporary-protected-status>

The COVID-19 pandemic has laid bare the reality that our nation relies on immigrant communities to disproportionately serve in critical industries, something we see in Virginia daily. We urge you to prioritize the nation's health and safety by including an automatic extension of work authorizations for TPS recipients in the next COVID-19 legislation. We must take the necessary steps, including this one, to strengthen our essential workforce, not weaken it. Thank you for your time and consideration.

Sincerely,



Mark R. Warner
United States Senator



Tim Kaine
United States Senator