May 13, 2024

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

The Honorable Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, D.C. 20528

Dear President Biden and Secretary Mayorkas,

The undersigned organizations write to urge the Department of Homeland Security (DHS) to use existing pathways to promote family unity and provide much-needed relief and stability to children in mixed-status immigrant families. 1.1 million undocumented immigrants are married to U.S. citizens and 5.2 million children—the vast majority of whom are U.S. citizens themselves—live in mixed-status families with at least one undocumented parent.¹ As organizations dedicated to the health and well-being of all infants, children, and youth, we believe it is critical to protect children from the threat of being separated from their parents due to deportation. We urge you to revise the United States Citizenship and Immigration Services (USCIS) Policy Manual so that spouses of U.S. citizens who entered without inspection can apply for parole in place (PIP) and to create a family reunification program.

**Parole in place (PIP) for U.S. citizen spouses**

Undocumented spouses in the United States have been married to their partners for an average of 10 years, and have lived in the country for an average of 16 years, contributing to federal, state, and local revenues.² They are interwoven members of our communities and the American workforce. They are also parents and caretakers to children who rely on them to support their physical and emotional wellbeing.

Spouses of U.S. citizens who are physically present in the country without admission must overcome a number of sizable barriers to adjust their status – including relatively high entry bars and long wait times for provisional waivers.³ According to USCIS reported data, the median processing time for I-601A applications ballooned from 8.7 months in 2019 to 42.1 months in

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2024. In addition, the requirement for an applicant to leave the country during the adjustment of status process, even for a short period of time, results in emotional and economic hardship for the U.S. citizen spouse and children who remain in the United States. Unexpected processing delays at U.S. consulates or application issues that extend a trip abroad can be especially challenging in cases where a child has health conditions or special needs that require particular attention. As the Biden administration has recognized, our immigration system has long since needed to be modernized and improved. Although Congressional action is required for meaningful reform, there are steps that the administration can take immediately to provide swift relief to many families.

One such option, which was outlined in letters sent to the Biden administration by Congress members on November 16, 2023 and March 27, 2024, is to expand the process of parole in place to include spouses of U.S. citizens. Section 212(d)(5) of the Immigration and Nationality Act (INA) gives the DHS Secretary the authority to temporarily parole individuals on a case-by-case basis for “urgent humanitarian reasons or significant public benefit.” This is an authority that has been exercised for spouses of military members since 2007. From 2013 to 2023, USCIS approved nearly 40,000 applications for military PIP.

Expanding the use of parole in place would not only allow the Administration to grant immediate deportation relief, but would also allow applicants to apply for work authorization to provide economic stability for families. In addition, establishing a reunification program under the same authority could allow for a process to parole spouses of U.S. citizens who have been separated from their families for years – sometimes decades, due to three-year, ten-year, or lifetime bars – back into the United States on a case-by-case basis, potentially reunifying thousands of families who have been unjustly separated.

The harms of parent-child separation

9 Ibid.
The removal of a loving parent or caregiver from a family with children must be avoided at all costs. Children need their parents and guardians every single day to provide essential care and emotional support. Research thoroughly documents the short and long-term negative impacts of parental separation on children’s physical, developmental, emotional, and economic well-being.11

**Parent-child separation is an Adverse Childhood Event (ACE).**
The loss of a parent, for any reason, is considered an Adverse Childhood Event (ACE). Experiencing ACEs in childhood is linked to serious health issues in adulthood – such as heart disease, cancer, and chronic lung disease.12 Researchers have argued that exposure to immigration enforcement, including the threat of detention and deportation of a parent, are ACEs, due to the definitive body of evidence of its harms to children of immigrants.13 About 765,000 children of undocumented parents may have special needs, such as Type 1 diabetes and autism spectrum disorder, and may have higher ACEs than children without special needs, making them particularly vulnerable to the harms of parental separation and the threat of separation.14

**The Threat of Parental Separation Disrupts Young Children’s Development.**
Having stable caretakers is a cornerstone of a healthy childhood, especially for young children and those with special needs.15 Children in mixed-status families, however, live with a constant sense of vulnerability that their parents could be taken away at any moment. This contributes to an overall worsened mental health state, negative self esteem, heightened anxiety, and high levels of stress that damage young children’s developmental trajectory.16 Research has consistently

16 Zayas et al., 2015.
shown that hardship and distress in the early years can particularly compromise healthy development and growth in the short and long terms.17

The Threat of Caregiver Separation Blocks Opportunities for a Full Childhood.
The unrealized fears of deportation cast a cloud of uncertainty that collectively damages families’ ability to live out their day to day lives, causing them to avoid accessing basic needs from medical care to social services.18 As a result, children become isolated from the larger community, miss out on child care and early education programs, and experience food insecurity due to their families forgoing the nutrition assistance for which they are eligible.19 The sense of isolation and a fear of law enforcement also puts families at higher risk of being victims of crime and exploited by unscrupulous landlords, forcing them to endure worse housing conditions, unfair lease terms, and unlawful evictions.20 Housing instability causes disruptions in children’s everyday lives, affecting their sense of security and impacting their educational outcomes.21

The Removal of a Caregiver Can Have Lasting Impacts On Their Children.
When a parent is detained or deported, children display high levels of emotional distress.22 Children are significantly more likely to experience mental health conditions such as depression

22 Zayas et al., 2015.
and anxiety, as well as display signs of aggression and other behavioral issues. These emotional impacts may even have life or death implications; one study linked the detention and deportation of a family member with increased alcohol use, problem behaviors, and suicidal ideation among Latinx adolescents. These behaviors are associated with a number of health and wellness complications and risks in adulthood.

Their fears around deportation threatens all children’s future academic achievement and careers. Their anxiety contributes to decreases in school performance – in part due to increases in chronic absenteeism and drop-out rates, but also due to toxic stress, in particular when that person is the primary breadwinner. One study found that deportation could lead a household income to drop by nearly 50 percent. Additionally, when a caregiver is removed from the household, household income is reduced. Older children may have to drop out of school to work and contribute to household income and/or have to become de-facto parents to younger siblings. They end up experiencing delays in or becoming fully disjointed from their own educational and career ambitions.

The Expansion of PIP Would Afford Children Opportunities to Thrive.
Every child deserves to live in dignity, free from fear, and have their needs met. The potential benefits of expanding PIP are exponential. Children with parents already in the U.S. who are potential beneficiaries of such an expansion would have the threat of separation removed and children who have been waiting to reunify with a parent abroad would have the benefit of an additional caregiver. As parent and caregiver instability is related to poor outcomes among children, it is also established that stable caregivers can be a protective factor. One study showed decreased rates of mental health issues among children of undocumented mothers after their mothers secured DACA. Stability in caregiver relationships contributes to the healthy social and physical development of young children and has long-term implications for their economic

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27 Bellows 2019; Kirksey and Sattin-Bajaj 2021; Dee and Murphy 2020.
and social-emotional wellbeing in adulthood. Moreover, research has found that granting legal status to parents is beneficial to their children’s immediate and long-term well-being, including their social mobility. Providing parents legal status and access to work permits can significantly improve their entire family’s health and economic security by enabling parents to secure jobs with higher wages and critical employer-based benefits, such as health insurance. For example, one study found that providing undocumented parents with work permits has the potential to lift a quarter of a million children out of poverty.

Conclusion

It is critical for this nation’s wellbeing for policymakers to do everything in their power to support children’s development into thriving adults. As the Administration once expressed, our country is “safer, stronger, and more prosperous with a fair and orderly immigration system that welcomes immigrants, keeps families together, allows people across the country…to more fully contribute to our country.” The expansion of PIP – an existing lever available to DHS – would be aligned with the stated goals of the administration. Providing additional pathways to status, even if limited, would help decrease administrative burdens, promote family unity, and change the trajectory of children’s lives. It would also give people the opportunity to apply for work authorization, helping bridge our country’s labor shortage gap while increasing their own family’s economic security. Additionally, creating a family reunification program that allows spouses of U.S. citizens to reunify with families in the United States would alleviate suffering and put families on a path to healing, and as evidence clearly shows: healthy families lead to healthy communities.

Should you have questions or wish to discuss this matter further, please contact Wendy Cervantes, Director of Immigration and Immigrant Families at the Center for Law and Social Policy, at wcervantes@clasp.org. We thank you for your time and consideration.


Signed,

American Federation of Teachers
Ayuda (DMV)
Center for Law and Social Policy
Center for the Study of Social Policy
Centro Hispano de East Tennessee
CHILDREN AT RISK (TX)
Children's Defense Fund
Children's HealthWatch
Corridor Community Action Network (IA)
El Pueblo Unido of Atlantic City (NJ)
First Focus on Children
Futures Without Violence
IAJE (MS)
ImmSchools
MomsRising
National Education Association
Prevention Institute
Sunrise Counseling Services, LLC (NJ)
The Children's Partnership (CA)
United Parent Leaders Action Network (UPLAN)
Voices for Utah Children
Women's Refugee Commission
Young Center for Immigrant Children's Rights
ZERO TO THREE