



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

The Honorable Joseph Biden  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Via email

November 10, 2023

**RE: Recommendations on Protecting Individuals Impacted by the Middle East Conflict**

Dear President Biden,

On behalf of the American Immigration Lawyers Association, we urge you to take immediate all-of-government action to ensure the safety and security of all people impacted by the current conflict in the Middle East. As an organization of nearly 17,000 immigration lawyers, we are concerned by the mass displacement of individuals in Gaza, Israel and nearby territories and countries, including U.S. Citizens, their family members, and refugees. The United States must take affirmative steps to ensure that individuals are able to access legal pathways to the United States and are not forced to return to danger in the middle of the conflict.

The State Department (DOS) has issued a Level 4 Travel Advisory for Gaza, warning U.S. citizens not to travel to Gaza due to “terrorism, civil unrest and armed conflict.” In it is advisory, DOS notes that the U.S. government is unable to provide routine or emergency services to U.S. Citizens, further stating that “the security environment within Gaza and on its borders is dangerous and volatile”.<sup>1</sup> Other areas in Israel and Palestine have a Level 3 Travel Advisory, where U.S. Citizens should reconsider travel to the area and the departure of family members and non-emergency U.S. personnel.<sup>2</sup> Level 4 advisories have also been issued to surrounding countries that may have been a refuge to people impacted by the war, such as Lebanon.<sup>3</sup>

As the U.S. government has deemed it unsafe to be in these areas for U.S. citizens and their family members, we believe it is imperative that the U.S. government recognizes the same for others in the impacted area. The U.S. government should take the following steps to facilitate travel by individuals from these areas and to ensure that individuals currently present in the U.S.

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<sup>1</sup> See *Israel, the West Bank and Gaza Travel Advisory* available at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/israel-west-bank-and-gaza-travel-advisory.html>.

<sup>2</sup> *Id.*

<sup>3</sup> “Raised to Level 4 and updated to reflect the authorized departure of family members of U.S. government personnel and some non-emergency personnel,” *Lebanon Travel Advisory* available at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/lebanon-travel-advisory.html>.

are not sent back to this area during this period of instability when people are being deprived of basic necessities and vulnerable to intensive air strikes<sup>4</sup>:

#### Inter-Government Agency Actions

- All U.S. Citizens and Lawful Permanent Residents and their family members must be evacuated from Gaza.
- The Secretaries of Homeland Security and State should authorize Temporary Protected Status and/or Deferred Enforced Departure to provide temporary relief from removal and work authorization for nationals of the Palestinian Territories and others who are impacted by conflict and are currently in the United States.
- Palestinians should be expressly designated as “Stateless” individuals to make clear that they may benefit from recent guidance published by U.S. Citizenship and Immigration Services (USCIS).<sup>5</sup>

#### Department of State Actions

- DOS must expeditiously process the visas of individuals from the impacted areas, particularly where consular services are closed or significantly reduced, at any U.S. consulate in the world they may safely reach.
- DOS should designate Palestinians as a "Homeless" Population under 9 FAM 504.4-8(E).

#### Department of Homeland Security Actions

- USCIS should expedite review and processing of all cases involving individuals from the impacted areas, including but not limited to requests for humanitarian relief, waivers, nonimmigrant and immigrant petition processing, as well as parole.
- DHS should issue a Federal Register Notice declaring the war in Israel and Palestine an emergent circumstance for granting Special Student Relief (SSR) for students from the impacted areas.
- DHS should immediately place a temporary moratorium on removals to the impacted areas and noncitizens in immigration custody should be assessed for release or release with any necessary conditions.
- The Immigration and Customs Enforcement (ICE) Office of the Principal Legal Advisor (OPLA) and Enforcement and Removal Operations (ERO) should robustly exercise prosecutorial discretion for pending removal cases involving individuals from the impacted areas, including dismissal, termination, administrative closure, or stipulations to relief or facts such as country conditions for those with applications for relief.
- ERO should issue public guidance for noncitizens impacted by the conflict on Orders of Supervision who may be approaching the end of their period of supervision.

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<sup>4</sup> “Situation in Gaza ‘growing more desperate by the hour’, says UN chief Guterres,” United Nations, available at <https://news.un.org/en/story/2023/10/1142942>.

<sup>5</sup> See *Statelessness* available at <https://www.uscis.gov/humanitarian/statelessness>.

Importantly, AILA calls for an end to the violence in the Middle East. While we wait upon a ceasefire in the conflict and in its aftermath, the U.S. government should ensure the safe passage and protection of all innocent individuals, regardless of race, religion, or ethnicity whose lives have been upended by this conflict.

We appreciate your urgent consideration of these recommendations and are available to discuss them with your staff. If you should have any questions, please do not hesitate to contact Sharvari (Shev) Dalal-Dheini at [sdalal-dheini@aila.org](mailto:sdalal-dheini@aila.org) or Greg Chen at [gchen@aila.org](mailto:gchen@aila.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin", with a long horizontal line extending to the right.

Executive Director

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

cc: Alejandro Mayorkas, Secretary Homeland Security  
Anthony Blinken, Secretary of State  
Jake Sullivan, National Security Council  
Jeff Zients, White House Chief of Staff  
Neera Tanden, White House Domestic Policy Advisor