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. 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.

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. This includes more than 4,100 children, 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. 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. Further, OCHA reports at least 42 percent of all housing units in the Gaza strip as damaged or destroyed since October 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. And in the West Bank, unrest and settler violence have resulted in the deaths of 149 Palestinians and the forcible displacement of hundreds more. 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.” 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. 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. Montserrat was designated for TPS in 1997 when volcanic eruptions caused nearly two-thirds of its population to flee. 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.

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

---

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
Martin Heinrich
United States Senator

André Carson
André Carson
Member of Congress

Bernard Sanders
United States Senator

Eleanor Holmes Norton
Eleanor Holmes Norton
Member of Congress

Jeffrey A. Merkley
United States Senator

Mike Quigley
Mike Quigley
Member of Congress

Tim Kaine
United States Senator

Ilhan Omar
Ilhan Omar
Member of Congress

Tammy Baldwin
United States Senator

Delia C. Ramirez
Delia C. Ramirez
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
Thomas R. Carper  
United States Senator

Greg Casar  
Member of Congress

Gary C. Peters  
United States Senator

Becca Balint  
Member of Congress

Debbie Stabenow  
United States Senator

Jesús G. "Chuy" García  
Member of Congress

Tina Smith  
United States Senator

Summer Lee  
Member of Congress

Cory A. Booker  
United States Senator

Rashida Tlaib  
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
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

Robert C. "Bobby" Scott
Member of Congress

Cori Bush
Member of Congress

Anna G. Eshoo
Member of Congress

Diana DeGette
Member of Congress

cc: The Honorable Antony J. Blinken
    Secretary of State

cc: The Honorable Alejandro Mayorkas
    Secretary of Homeland Security