

United States Senate
WASHINGTON, DC 20510

December 13, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

We urge your Administration to promptly designate the Palestinian Territories for Temporary Protected Status (TPS). The ongoing catastrophe in Gaza and the West Bank not only justifies but requires such a designation.

As you know, Congress established TPS to allow noncitizens who are unable to return home safely to remain in the United States for a temporary, but extendable, period. The ongoing conflict in Gaza and the West Bank is precisely the kind of crisis Congress envisioned when crafting TPS.

For over a year, Israeli bombing and extensive ground operations in Gaza have left over 43,000 Palestinians dead, and core civilian infrastructure largely incapacitated.¹ The stability of the West Bank has also worsened since October 7, 2023, as violent settlers have increasingly destroyed homes, stolen livestock, demolished olive orchards, and wounded and killed hundreds of Palestinian civilians, including children. The presence of this “ongoing armed conflict” would clearly “pose a serious threat” to the personal safety of Palestinians forced to return home.²

In November 2023, following Israel’s initial incursion into Gaza, over 100 Members of Congress wrote to you and requested protection from removal for Palestinians present in the United States.³ We were encouraged to see your Administration recognize the gravity of the situation and subsequently authorize Deferred Enforced Departure (DED) for certain Palestinians present in the United States.⁴

However, DED may be insufficient in this instance. It derives from a president’s constitutional authority to conduct foreign affairs and thus does not offer the strongest possible protection for

¹ United Nations Office for the Coordination of Humanitarian Affairs, *Reported Impact Since 7 October 2023* (online at <https://www.ochaopt.org>) (accessed on Nov. 20, 2024).

² 8 U.S.C. § 1254a.

³ Letter from Sen. Durbin and 105 other Members of Congress to President Joseph R. Biden, Jr. (Nov. 8, 2023) (online at <https://dqipjbvbc4l2o.cloudfront.net/files/2a304aa6-10b7-4417-99a9-085d7b1dad99.pdf>).

⁴ Memorandum from President Joseph R. Biden, Jr. on the Deferred Enforced Departure for Certain Palestinians (Feb. 14, 2024) (online at <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/02/14/memorandum-on-the-deferred-enforced-departure-for-certain-palestinians/>).

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this vulnerable population. TPS, on the other hand, is firmly rooted in statute and therefore more durable. It can and should be applied here to protect Palestinians present in the United States.

There is clear precedent for the designation of analogous entities for TPS. In 1998, for example, the Clinton Administration made such a designation of the province of Kosovo during the war with Yugoslavia. Furthermore, as the cases of Venezuela and Lebanon demonstrate, there is also clear precedent for a TPS designation following a grant of DED.⁵

In short, we believe congressional intent, statute, and past practice justify a TPS designation for the Palestinian Territories. We respectfully request your Administration grant such relief.

Thank you for your consideration of this critically important matter.

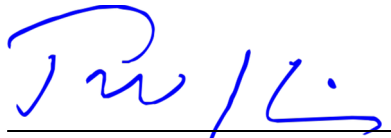
Sincerely,



Peter Welch
United States Senator



Richard J. Durbin
United States Senator



Tim Kaine
United States Senator



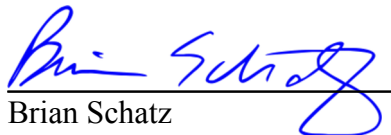
Chris Van Hollen
United States Senator



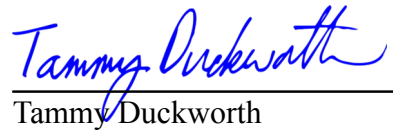
Bernard Sanders
United States Senator



Raphael Warnock
United States Senator



Brian Schatz
United States Senator



Tammy Duckworth
United States Senator

cc: The Honorable Anthony J. Blinken
Secretary of State

⁵ Executive Office for Immigration Review, *Temporary Protected Status* (online at <https://www.justice.gov/eoir/temporary-protected-status>) (accessed Nov. 20, 2024).

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cc: The Honorable Alejandro Mayorkas
Secretary of Homeland Security