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May 8, 2024

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

Dear President Biden,

While the border has been relatively quiet for the past few weeks, we know a surge is not far off. We urge you to use your Executive Authority to help **bring order to the border** and **extend legal work permits** to populations of the long-term undocumented who have shown significant roots in our nation and a history of economic contributions. These executive orders will help secure the border while also adding workers to the tax-paying labor force. Despite bipartisan efforts, Congress has failed to act. The American people now need you to use your authority to help stop the abuse of our asylum system while also welcoming a defined and worthy population to the tax rolls.

Executive Action to Bring Order to the Border

The Refugee Act of 1980 established our asylum process which was designed to protect those fleeing persecution in their home country (in 1980, many of those claiming asylum were fleeing communist and authoritarian regimes). Today, the asylum process is being misused by many who are not fleeing persecution, but who have been instructed to tailor their response to satisfy the low “credible fear” standard.

We urge you to consider issuing an executive order to help **bring order to the border by 1) restricting the abuse of the asylum process by cartels guiding migrants between ports of entry, and 2) raising the credible fear standard to a higher threshold.**

Pursuant to The Immigration and Nationality Act (8 U.S.C. § 1182), the President may restrict the entry of any “aliens or of any class of aliens” that would be “detrimental to the interests of the United States.” Currently, the asylum system is being abused by cartels employing ‘coyote’ guides to pad their profits. Cartel coyotes have been responsible for coaching and shepherding desperate migrants on their entry into the U.S. between ports of entry. By instructing migrants on the language necessary to access the asylum process, migrants are presenting falsified stories during credible fear exams, gaining access to the U.S. for years, only to ultimately be denied entry by an immigration court judge. In FY23, only 18% of cases that originated with a credible fear claim were ultimately granted asylum. In the first quarter of FY24 that share decreased, with only 9% of such cases resulting in asylum. You have broad authority to prevent this abuse by limiting use of asylum between ports of entry and by raising the credible fear standard.

Executive Action to Extend Legal Work Permits

We urge you to consider issuing an executive order that would **expand our tax-paying labor force by extending legal work permits to the 1.1 million immigrant spouses married to U.S. citizens.**

The Executive Authority for such an order is currently the basis for the admirable program which allows enlistees in the U.S. armed forces to adjust the immigration status of their spouses or their parents. Using this authority for undocumented, long-term contributor spouses married to U.S. citizens would keep families together and expand our tax-payer labor force. In addition, it is estimated that these work permits for immigrant spouses will generate \$16 billion in growth to U.S. GDP.

We support efforts to bring order to the border and fairness for long-term contributors. Our nation needs solutions, and an overwhelming majority of U.S. citizens will support meaningful steps taken in this direction.

Thank you for your attention to this issue.

Sincerely,



Thomas R. Suozzi
Member of Congress



Brian Fitzpatrick
Member of Congress