

**Congress of the United States**  
**Washington, DC 20515**

May 20, 2020

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Kenneth Cuccinelli  
Senior Official Performing the Duties of Director  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20529

Dear Secretary Pompeo and Mr. Cuccinelli:

We are writing in response to the impact COVID-19 is having on colleges and universities, particularly as they develop plans to safely bring students back to campus. As schools continue to plan for the 2020-2021 academic year, we request that the State Department prioritize the processing of student visas, and that the State Department and USCIS develop a plan to ensure that these students can safely enter the United States.

International students contribute greatly to our schools, communities, and local economies. In fact, NAFSA: the Association of International Educators, reports that international students and their families contributed \$41 billion and 400,000 jobs to the U.S. economy in 2018. This means a 25 percent reduction in international student enrollment could result in a loss of \$10 billion and over 100,000 U.S. jobs.

We have already established an in-depth vetting process for international students. For example, before even applying, an applicant must be accepted for enrollment at an educational institution or program approved by the Student and Exchange Visitor Program (SEVP), through which the Department of Homeland Security tracks and monitors foreign students and exchange visitors. In addition, State Department consular officers screen all visa applicants through a biometric database and facial recognition technology that are used to verify an applicant's identity and his or her authorization to enter into the country. If an applicant warrants additional vetting, consular offices can refer selected visa cases for greater review by intelligence and law enforcement agencies.

It is critical to our nation's educational and economic recovery that these vetted international students are able to come to our colleges and universities for their studies. This is particularly true for our colleges in Rhode Island that attract a significant percentage of international students. We ask that the State Department and USCIS develop and implement a plan to ensure that international students can continue to study in the United States as we begin the economic recovery from the COVID-19 crisis. Such a plan should include the following steps:

- 1) Expedite and prioritize visa processing to help international students get to campus for the fall academic semester. We urge the State Department to start processing visa applications as soon as possible, and to develop an alternative to live interviews as appropriate. Schools are concerned that students will not obtain in-person interviews in time to return for the start of the 2020-2021 academic year.

2) Waive the requirement for in-person interviews for F-1 and M-1 applicants with no apparent or potential ineligibility. This would avoid unnecessary in-person contact between U.S. government officials and prospective students and would ensure smooth enrollment for international students in fall 2020.

3) Provide clear guidance to students and exchange visitors as soon as possible about any additional requirements they will have to comply with in order to enter the country safely, including any testing and quarantine requirements.

4) Keep Optional Practical Training (OPT) work authorization as a benefit for F-1 visa holders. We also request that the number of days of unemployment for students currently on OPT be extended beyond the current limit of 90 days so that their visa status would not be harmed if they are unemployed more than 90 days during the COVID-19 public health emergency.

We appreciate your consideration of this request and look forward to your response.

Sincerely,

/s/ Jack Reed

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Jack Reed  
United States Senator

/s/ Sheldon Whitehouse

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Sheldon Whitehouse  
United States Senator

/s/ James R. Langevin

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James R. Langevin  
Member of Congress

/s/ David N. Cicilline

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David N. Cicilline  
Member of Congress

**Congress of the United States**  
**Washington, DC 20515**

June 23, 2020

The Honorable Ken Cuccinelli  
Senior Official Performing the Duties of the Director  
U.S. Citizenship and Immigration Services  
20 Massachusetts Ave. NW  
Washington, D.C. 20001

Dear Mr. Cuccinelli:

In the current climate of uncertainty caused by the novel coronavirus (COVID-19) outbreak, hundreds of thousands of American residents are anxious about another looming threat: immigration visa deadlines and expirations. For example, four years ago, Dr. S. came to the U.S. on an H1B visa to work at a hospital in Rhode Island. In addition to helping patients, he teaches medical students and helps direct the hospital's internship program. Now, the COVID-19 pandemic jeopardizes the life he has built in our state. As a frontline worker during this crisis, he is stressed not only by his sick patients, but by his visa situation. If he falls sick, he could be laid off and sent back to his country of birth. He also cannot change jobs – either to another Rhode Island hospital or to a hospital in another state – because of his visa restrictions.

Across the country, workers, students, and families on non-immigrant visas are similarly living without clarity as to their status in the U.S. going forward. Many work in the health care sector, support our essential industries, or strengthen our higher education institutions with their skills and knowledge. However, even if they do everything within their power to comply with immigration laws, immigrants can fall out of status due to the realities of the public health emergency (PHE).

Visa holders currently face a number of additional obstacles that prevent them from extending their stay in the U.S. These obstacles include strict stay-at-home orders that prevent them from obtaining necessary documents, USCIS field office and embassy closures and service reductions, reduced or nonexistent access to notary and fingerprinting services, and global travel restrictions. Forcing visa holders to comply with deadlines set prior to the PHE is not fair or safe.

Stay-at-home orders have also forced temporary business closures, suspending the immigration status of necessary workers here on employment-based visas. Employers are concerned that, when they can reopen, they will lose these valued employees and be unable to fill jobs that require specialized skills or degrees. At the same time, workers are concerned that they could be laid off if they fall ill. Following Hurricanes Katrina and Rita, when events outside the control of visa holders also put many out of work for an indefinite period, USCIS issued guidance requiring adjudicators to forgive lapses due to these disasters. While the agency has issued this kind of guidance for agricultural workers, it has not done so for other employment-based visa holders, notably those working in health care and scholarly scientific research.

In recognition of the delays and obstacles that the COVID-19 outbreak continues to present, we urge you to take the following steps to implement increased flexibility in visa processing and adjudication both during and after the COVID-19 PHE.

1. Explicitly identify the COVID-19 PHE as an “extraordinary circumstance beyond the control of the applicant or petitioner.”
2. Issue clear and explicit guidance clarifying that USCIS adjudicators should:
  - a. Exercise their discretion, to the extent authorized by applicable law, to forgive a lapse in status in connection with an extension of status or change of status application if an alien is otherwise eligible for such extension or change of status;
  - b. Exercise their discretion, to the extent authorized by applicable law, to allow aliens who are no longer in status as the direct result of the PHE to extend or change their status, regardless of when such application is filed; and
  - c. Excuse any untimely filings under the authority contained in 8 CFR 214.1(c)(4) (extension of status applications) and 8 CFR 248.1(b)(1) (change of status applications) if “extraordinary circumstances beyond the control of the applicant or petitioner” exist;
3. Permit full e-filing for all non-immigrant visas; and
4. Extend from March 1, 2020 and through 90 days following the end of the PHE any and all deadlines to file and respond to requests for evidence for non-immigrant visa holders.

We believe these steps will not only ease the burden of anxiety on the many non-immigrant visa holders in the U.S., but also help meet our public health needs and ease our economic recovery. These measures are well within USCIS’s authority, and would follow the precedent set by the agency after other emergency declarations, including the devastation wrought by Hurricanes Katrina and Rita. By offering flexibility to visa holders, USCIS will provide a much needed reprieve to workers, families, and students. Losing these valued workers will only impede our economic recovery.

Thank you for your attention to, and consideration of this urgent matter.

Sincerely,

/s/ Jack Reed

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Jack Reed  
United States Senator

/s/ Sheldon Whitehouse

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Sheldon Whitehouse  
United States Senator

/s/ James R. Langevin

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James R. Langevin  
United States Senator

/s/ David N. Cicilline

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David N. Cicilline  
United States Senator

# United States Senate

WASHINGTON, DC 20510

March 4, 2020

President Trump  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President, Vice President Pence, and members of the President's Coronavirus Task Force:

We write to express deep and urgent concern regarding two key Department of Homeland Security (DHS) policies that will significantly threaten our ability to effectively respond to the novel coronavirus (COVID-19) outbreak. First, DHS must immediately stop all civil immigration enforcement activities occurring in or around public health departments, hospitals, medical clinics and centers, or coronavirus testing sites or laboratories. Second, DHS must also immediately confirm that any person seeking medical testing or treatment related to potential COVID-19 symptoms, regardless of their immigration status, will not be subjected to the "Inadmissibility on Public Charge Grounds" rule that was implemented February 24, 2020.

In light of the seriousness of the public health emergency we face, we need the cooperation of all agencies to facilitate a swift response, and the public charge rule impedes that response. We request an immediate moratorium on any enforcement-related actions at sensitive medical locations. We hope that you will agree that prioritizing medical care for people without fear of coming forward will be critical to slowing the spread of a deadly virus. Additionally, freeing medical experts to focus on patient wellbeing rather than disruptive civil immigration enforcement in their places of work is of critical importance. Our health care providers need support, rather than distractions, during a public health emergency.

Additionally, the so-called "public charge" rule implemented last week has been documented to deter people from receiving medical care and diagnostic testing when ill. According to studies, the chilling effect of the public charge rule will impact millions of people, many of whom are eligible to receive medical services under Medicaid, including emergency care.<sup>1</sup> We refer you to reports of families that are eligible for certain services un-enrolling from programs or cancelling appointments at community health clinics and more.<sup>2</sup>

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<sup>1</sup> Jeanne Batalova, Michael Fix, and Mark Greenberg. "Millions Will Feel Chilling Effects of U.S. Public-Charge Rule that is also Likely to Reshape Legal Immigration." Migration Policy Institute. August, 2019. Accessed March 2, 2020. <https://www.migrationpolicy.org/news/chilling-effects-us-public-charge-rule-commentary>

<sup>2</sup> Jennifer Tolbert, Samantha Artiga, and Olivia Pham. "Impact of Shifting Immigration Policy on Medicaid Enrollment and Utilization of Care among Health Center Patients." Kaiser Family Foundation. October 15, 2019. Accessed March 2, 2020. <https://www.kff.org/406b1d4/>



Noting that this rule is counterproductive to millions of families coming forward with symptoms or signs of illness, we urge you to immediately suspend the implementation of the "Inadmissibility on Public Charge Grounds" rule and issue public notices that alleviate this fear and confusion. We appreciate your cooperation on this matter of putting the public's health above agency policy and ensuring that all who may be impacted by this public health emergency are able to come forward for care.

We cannot allow the fear this ill-considered rule creates to scare families away from getting the help that they may need if they come into contact with people with COVID-19 or become ill themselves. It is in the public's interest that people are able to come forward free of fear of immigration authorities to mitigate the serious impacts of this public health emergency.

Thank you for your urgent attention to this matter. If you have any questions, please contact Elvia Montoya (202-224-8527) and Tara Stutsman (202-224-7657) in my office.

CC: Members of the President's Coronavirus Task Force

Secretary Alex Azar, Department of Health and Human Services  
Robert O'Brien, Assistant to the President for National Security Affairs  
Dr. Robert Redfield, Director of the Centers for Disease Control and Prevention  
Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases at the National Institutes of Health  
Deputy Secretary Stephen Biegun, Department of State  
Ken Cuccinelli, Acting Deputy Secretary, Department of Homeland Security  
Joel Szabat, Acting Under Secretary for Policy, Department of Transportation  
Matthew Pottinger, Assistant to the President and Deputy National Security Advisor  
Rob Blair, Assistant to the President and Senior Advisor to the Chief of Staff  
Joseph Grogan, Assistant to the President and Director of the Domestic Policy Council  
Christopher Liddell, Assistant to the President and Deputy Chief of Staff for Policy Coordination  
Derek Kan, Executive Associate Director, Office of Management and Budget

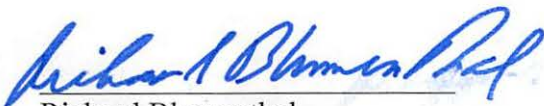
Sincerely,



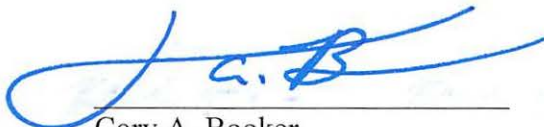
Jeffrey A. Merkley  
United States Senator




Bernard Sanders  
United States Senator



Richard Blumenthal  
United States Senator




Cory A. Booker  
United States Senator



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Elizabeth Warren  
United States Senator



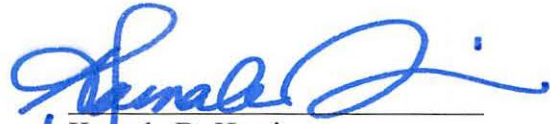
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Jack Reed  
United States Senator




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Mazie K. Hirono  
United States Senator



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Kamala D. Harris  
United States Senator



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Patty Murray  
United States Senator

**Congress of the United States**  
**Washington, DC 20510**

April 20, 2020

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, and Minority Leader McCarthy:

As Congress responds to the critical needs of our country during the COVID-19 pandemic, we urge you to ensure that the vital protections and economic lifelines provided in coronavirus relief legislation are accessible to all communities, regardless of immigration status or limited English proficiency. COVID-19 has caused one of the greatest public health and economic crises our Nation has ever faced, and it requires a whole-of-society approach. A response that leaves out immigrants—many of whom are on the front lines in our fight against COVID-19—will be ineffective and detrimental to our efforts to stop this pandemic.

As the COVID-19 outbreak is challenging our already-strained medical system, we must keep in mind that immigrants make up a disproportionate share of nurses, home health aides, and health care facility workers. Nearly 1.7 million immigrants work in the health care industry. There are 29,000 DACA recipients who are health care workers, while another 12,700 DACA recipients support the health care industry in crucial roles such as custodians and administrators. In addition, there are 11,600 Temporary Protected Status (TPS) holders who are health care workers. Therefore, it is vital that Congress ensures that immigrant workers, including these frontline workers who are risking their lives to save others, are able to maintain their work authorization and access key coronavirus relief measures.

Moreover, during a time when more than ninety percent of Americans, as of April 8, have been ordered to stay at home except to get essential services, we are relying on farmworkers, grocery store workers, and other essential service providers to meet our basic needs. Many of these indispensable workers are immigrants who face additional vulnerabilities such as low incomes and lack of health insurance coverage. As these workers endure the challenges of this pandemic to provide for our critical needs, we request that you extend the coronavirus cash assistance Congress provided in the CARES Act to include immigrant families who file taxes with an Individual Tax Identification Number (ITIN). In 2015 alone, 4.35 million people paid more than \$13.7 billion in net taxes using an ITIN, according to the American Immigration Council. By



excluding ITIN filers and their family members from access to cash payments, spouses and children in mixed-status immigrant families will be denied critical economic support, including 5.1 million children, the vast majority of whom are U.S. citizens.

As Congress is taking bold steps to provide coverage of COVID-19 testing, treatment, and vaccines, it must ensure that everyone has adequate access to these health care services, regardless of immigration status. Congress expanded COVID-19 testing through Medicaid for the uninsured in prior coronavirus relief legislation. We ask for additional clarity to ensure that all uninsured individuals, including immigrants, may qualify. We also ask that in any subsequent coronavirus relief legislation, you ensure that all low-income communities, including immigrants, can access Medicaid-funded COVID-19-related medical care such as treatment and vaccines, alongside coverage for testing.

We further request that you modify immigration policies that deter immigrant families from obtaining the medical care they need during this public health emergency, such as the public charge rule and immigration enforcement actions around sensitive locations. Despite U.S. Citizenship and Immigration Services' announcement that those obtaining COVID-19 testing or treatment will not be penalized under the public charge rule, the rule continues to have a widespread chilling effect. It has discouraged even those not subject to the rule, including U.S. citizens and legal permanent residents, from getting the health care and essential services they need due to fear and confusion about the rule's impact. Suspending the public charge rule and immigration enforcement actions around sensitive locations, such as hospitals, COVID-19 testing sites, domestic violence shelters, food banks, and sites providing food and nutrition services for women, infants, and children, would help ensure that vulnerable populations are able to access critical coronavirus services.

Accordingly, we strongly urge you to build on the critical steps Congress has taken to protect families and workers in prior coronavirus relief packages by including the above-mentioned common sense measures in the upcoming relief legislation. We also ask that you provide robust funding for government agencies and community based-organizations to provide information about these coronavirus services in at least the languages described as most encountered in the 2016 FEMA Language Access Plan. Thank you for your attention to this important matter.

Sincerely,



Mazie K. Hirono  
United States Senator

/s/ Kamala D. Harris  
United States Senator



Judy Chu  
United States Representative

/s/ Edward J. Markey  
United States Senator

/s/ Kirsten Gillibrand  
United States Senator

/s/ Tim Kaine  
United States Senator

/s/ Tammy Baldwin  
United States Senator

/s/ Jacky Rosen  
United States Senator

/s/ Richard Blumenthal  
United States Senator

/s/ Catherine Cortez Masto  
United States Senator

/s/ Bernard Sanders  
United States Senator

/s/ Elizabeth Warren  
United States Senator

/s/ Amy Klobuchar  
United States Senator

/s/ Cory A. Booker  
United States Senator

/s/ Benjamin L. Cardin  
United States Senator

/s/ Ron Wyden  
United States Senator

/s/ Robert P. Casey Jr.  
United States Senator

/s/ Jack Reed  
United States Senator

/s/ Chris Van Hollen  
United States Senator

/s/ Michael F. Bennet  
United States Senator

/s/ Robert Menendez  
United States Senator

/s/ Tom Udall  
United States Senator

/s/ Brian Schatz  
United States Senator

/s/ Jeffrey A. Merkley  
United States Senator

/s/ Sheldon Whitehouse  
United States Senator

/s/ Martin Heinrich  
United States Senator

/s/ Christopher A. Coons  
United States Senator

/s/ Sherrod Brown  
United States Senator

/s/ Thomas R. Carper  
United States Senator

/s/ Patty Murray  
United States Senator

/s/ J. Luis Correa  
Member of Congress

/s/ Raúl M. Grijalva  
Member of Congress

/s/ James P. McGovern  
Member of Congress

/s/ Jesús G. "Chuy" García  
Member of Congress

/s/ Jan Schakowsky  
Member of Congress

/s/ Grace Napolitano  
Member of Congress

/s/ Jimmy Panetta  
Member of Congress

/s/ Yvette D. Clarke  
Member of Congress

/s/ Nydia M. Velázquez  
Member of Congress

/s/ Barbara Lee  
Member of Congress

/s/ Jahana Hayes  
Member of Congress

/s/ Ilhan Omar  
Member of Congress

/s/ Peter Welch  
Member of Congress

/s/ Chellie Pingree  
Member of Congress

/s/ Alan Lowenthal  
Member of Congress

/s/ Rashida Tlaib  
Member of Congress

/s/ Frederica Wilson  
Member of Congress

/s/ Eleanor Holmes Norton  
Member of Congress

/s/ Bonnie Watson Coleman  
Member of Congress

/s/ Ayanna Pressley  
Member of Congress

/s/ Alexandria Ocasio-Cortez  
Member of Congress

/s/ Pramila Jayapal  
Member of Congress

/s/ Terri Sewell  
Member of Congress

/s/ Ruben Gallego  
Member of Congress

/s/ Sylvia R. Garcia  
Member of Congress

/s/ Zoe Lofgren  
Member of Congress

/s/ Jerrold Nadler  
Member of Congress

/s/ Ted Deutch  
Member of Congress

/s/ Jamie Raskin  
Member of Congress

/s/ Bobby L. Rush  
Member of Congress

/s/ Jason Crow  
Member of Congress

/s/ Bill Foster  
Member of Congress

/s/ John B. Larson  
Member of Congress

/s/ Steven Horsford  
Member of Congress

/s/ Henry C. “Hank” Johnson, Jr.  
Member of Congress

/s/ Ed Perlmutter  
Member of Congress

/s/ Dina Titus  
Member of Congress

/s/ Darren Soto  
Member of Congress

/s/ Mark Pocan  
Member of Congress

/s/ Mark Takano  
Member of Congress

/s/ Gregorio Kilili Camacho Sablan  
Member of Congress

/s/ Adam Smith  
Member of Congress

/s/ Ted W. Lieu  
Member of Congress

/s/ Joaquin Castro  
Member of Congress

/s/ David N. Cicilline  
Member of Congress

/s/ Joseph P. Kennedy  
Member of Congress

/s/ Adriano Espaillat  
Member of Congress

/s/ Danny K. Davis  
Member of Congress

/s/ Kathy Castor  
Member of Congress

/s/ Alcee L. Hastings  
Member of Congress

/s/ Al Green  
Member of Congress

/s/ Suzanne Bonamici  
Member of Congress

/s/ Thomas R. Suozzi  
Member of Congress

/s/ TJ Cox  
Member of Congress

/s/ Mike Thompson  
Member of Congress

/s/ Grace Meng  
Member of Congress

/s/ Ro Khanna  
Member of Congress

/s/ Gilbert R. Cisneros Jr.  
Member of Congress

/s/ Doris O. Matsui  
Member of Congress

/s/ Rosa L. DeLauro  
Member of Congress

/s/ Alma S. Adams, Ph.D.  
Member of Congress

/s/ Linda T. Sánchez  
Member of Congress

/s/ Jerry McNerney  
Member of Congress

/s/ Jackie Speier  
Member of Congress

/s/ Jim Langevin  
Member of Congress

/s/ Deb Haaland  
Member of Congress

/s/ Bennie G. Thompson  
Member of Congress

/s/ José E. Serrano  
Member of Congress

/s/ Jared Huffman  
Member of Congress

/s/ Lucille Roybal-Allard  
Member of Congress



/s/ Karen Bass  
Member of Congress

/s/ Nanette Diaz Barragán  
Member of Congress

/s/ Tony Cárdenas  
Member of Congress

/s/ Donald S. Beyer Jr.  
Member of Congress

/s/ Juan Vargas  
Member of Congress

/s/ Albio Sires  
Member of Congress