

February 5, 2021

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

RE: Urgent Repeal of the Immigrant and Nonimmigrant Visa Bans (Presidential Proclamations 10014 and 10052)

Dear Mr. President,

We the undersigned 174 immigration, civil rights, human rights, labor and policy organizations and businesses are heartened by actions you announced in the opening days of your administration to reform the immigration system. We write to express concern, however, that your administration has not yet rescinded or taken steps to halt the impact of Presidential Proclamations 10014 and 10052,¹ which have suspended the entry of many people seeking to enter as immigrants and nonimmigrants and continue to cause harm to a wide cross-section of families, businesses, and communities in the United States.

These bans are jeopardizing the once in a lifetime opportunity for thousands of 2020 Diversity Visa (DV) lottery recipients to enter the United States. The bans are keeping families separated and delaying the entry of valuable foreign workers. In addition, the visa bans are undermining your efforts to recognize that “[o]ur Nation is enriched socially and economically by the presence of immigrants.”² We urge you to repeal Proclamations 10014 and 10052 immediately.

The prior Administration issued Proclamations 10014 and 10052 pursuant to INA 212(f) on the basis that the entry of such individuals would be “detrimental to the interests of the United States” in yet another attempt to dehumanize non-citizens under the false premise of protecting the U.S. labor market. Contrary to the Trump administration’s baseless assertions, the COVID-19 pandemic and related economic fallout were a pretext to exclude entire categories of non-citizens that his administration deemed undesirable. In your Executive Order designed to restore faith in our legal immigration system, you importantly recognize that immigrants have helped keep our “economy afloat” during the global pandemic and are responsible for creating millions of jobs.³

Your administration’s pronouncements on immigration describe in compelling terms the importance of diversity to the strength of our nation. Yet each day the immigrant visa ban remains in place means DV lottery program recipients may never be able to enter the United

¹ 85 Fed. Reg. 23441 (4/27/20) and 85 Fed. Reg. 38263 (6/25/20), as extended by 86 Fed. Reg. 417 (1/6/21).

² “Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans,” February 2, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>

³ *Id.*

States. The DV program was specifically established in 1990 to increase diversity in immigrants to the United States to attract foreign nationals from underrepresented countries. Historically, people from African nations have received a significant portion of diversity visas and will be disproportionately harmed by this inaction. Failure to act quickly to rescind the immigrant visa ban will extinguish the hopes of thousands of DV winners for fiscal year 2020 as the extended time to immigrate will expire in the coming months. As a result, they will lose the opportunity to enter the United States as lawful permanent residents. Similarly, the clock is running for DV winners for fiscal year 2021 who may not be able to get through the application process and be issued their visa before September 30, 2021. Any delay risks the loss of these visas, thus fulfilling the exclusionary intent of the prior administration.

We applaud your immediate and forceful repeal of the discriminatory Muslim-majority and African nations travel bans on Day 1, a mark of your commitment to diversity and inclusion. But until the visa bans are rescinded, many people from those nations will remain blocked from entering the United States. The overlapping effect of these proclamations renders the repeal of those discriminatory bans largely ineffective. Failure to immediately repeal the visa bans undermines the spirit of Presidential Proclamation 10141.⁴

You have set forth family reunification as one of the animating principles of your vision for immigration reform. Unfortunately, the imposition of Proclamations 10014 and 10052 has kept U.S. citizens and permanent residents separated from their parents, adult children, siblings and fiancés.⁵ In FY2020, approximately 100,000 family-based preference visas were lost in large part due these proclamations, adding to the existing backlogs in those categories. If your administration waits to begin processing family-based visas until April, there is a risk of losing even more visas this fiscal year.

The proclamations also prevent foreign workers from reuniting with their family members for many months with little hope for reunification despite the fact that President Trump offered no evidence to support his false premise that the bans would protect the U.S. labor market. We are deeply concerned that families remain separated for longer periods of time as long as the immigrant and nonimmigrant visa bans remain in place.

Presidential Proclamations 10014 and 10052 were issued in direct contradiction to these principles. Last June, you described the bans as an attempt by the previous administration to “distract” the American public from its poor response to the pandemic and to “scapegoat” immigrants.⁶ Such wrongful targeting of foreign workers fosters distrust in the U.S. legal immigration system and undermines their important economic contributions. The continuation of Presidential Proclamation 10052, even with a preliminary injunction in place for some, creates delays and uncertainties for U.S. employers, their foreign-born professional workers, and their families. Rather than attracting talented individuals to the United States, keeping these bans

⁴ “Ending Discriminatory Bans on Entry to the United States,” 86 FR 7005 (1/20/21).

⁵ American Immigration Council, The Impact of COVID-19 on Noncitizens and Across the U.S. Immigration System, Sept. 30, 2020, <https://www.americanimmigrationcouncil.org/research/impact-covid-19-us-immigration-system>.

⁶ Joe Biden, Tweet, June 23, 2020, <https://twitter.com/JoeBiden/status/1275430918946263041>

makes the immigration system harder to navigate and drives foreign workers to seek greener pastures.

The previous administration justified these bans based on protectionist falsehoods that are so deeply contrary to the truth you have spoken: that immigration promotes diversity, family unity, and economic growth and will advance our nation's prosperity. Every day the immigrant and nonimmigrant visa bans remain in place, a shadow is cast upon that vision for a new, more prosperous and welcoming nation. We look forward to working with you in furtherance of that vision and urge you to rescind those proclamations without delay.

Please contact Greg Chen, gchen@aila.org, or Sharvari Dalal-Dheini, sdalal-dheini@aila.org at the American Immigration Lawyers Association with any questions.

Sincerely,

Non-profit organizations and trade associations

AAFF South Region
AASCSC Asian American Senior Citizens Service Center
The Advocates for Human Rights
Advocating Opportunity
African Communities Together
Alianza Americas
American Immigration Council
American Immigration Lawyers Association
American Muslim Empowerment Network (AMEN)
American-Arab Anti-Discrimination Committee (ADC)
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AmericanHort
Amnesty International USA
Arab American Association of New York ("AAANY")
Arab American Institute
Arab-American Family Support Center
Asian American Federation
Asian American Legal Defense and Education Fund (AALDEF)
Asian American Organizing Project
Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice - Los Angeles
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice | Chicago
Asian Counseling and Referral Service
Asian Law Alliance
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Americans for Civic Empowerment C4 (APACE C4)
AZ AANHPI for Equity
Black Immigrant Collective (BIC)
CAIR-Houston
Catholic Legal Immigration Network, Inc.

Center for Law and Social Policy (CLASP)
Chinese-American Planning Council
Church World Service
Cleveland Jobs with Justice
Coalition for Asian American Children and Families
Coalition for Humane Immigrant Rights (CHIRLA)
Community Change Action
Community Refugee & Immigration Services
Connecticut Shoreline Indivisible
Council on American-Islamic Relations (CAIR)
Detention Watch Network
Disciples Immigration Legal Counsel
Divided Families Podcast
The Door
Emgage Action
Emerald Isle Immigration Center
Empowering Pacific Islander Communities (EPIC)
Equality California
Executive Director
Fair Immigration Reform Movement (FIRM)
Faith Communities Organizing for Sanctuary
Families for freedom
Fellowship Southwest
Filipino Advocates for Justice
Florence Immigrant & Refugee Rights Project
Florida Asian Services
Florida Asian Women Alliance
Freedom Network USA
FWD.us
HANA Center
HR Policy Association
iCountNM.gov
Illinois Coalition for Immigrant and Refugee Rights
Immigration Center for Women and Children
Immigration Hub
India International Institute Inc.
Indiana H2B Coalition
Innovation Law Lab
International Association of Amusement Parks and Attractions (IAAPA)
Island Liaison, inc.
Japanese American Citizens League
Jetpac Resource Center
Jewish Council for Public Affairs
Justice Action Center
The Korean American Family Service Center
Labor Council for Latin American Advancement

The Leadership Conference on Civil and Human Rights
Long Beach Immigrant Rights Coalition
Louisiana Advocates for Immigrants in Detention
Louisiana Nursery & Landscape Association
Migrant Center for Human Rights
MPower Change
NAFSA: Association of International Educators
National Asian Pacific American Women's Forum (NAPAWF)
National Asian Pacific Center on Aging (NAPCA)
National Club Association
National Council of Asian Pacific Americans
National Council of Jewish Women
National Employment Law Project
National Golf Course Owners Association, INC
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Immigration Project (NIPNLG)
National Iranian American Council Action
National Network for Immigrant & Refugee Rights
National Partnership for New Americans
Navigate MN
Network in Solidarity with the People of Guatemala
New American Economy
New Mexico Immigrant Law Center
New York Immigration Coalition
Nikkei Uprising
Niskanen Center
No Muslim Ban Ever
OCA -- Asian Pacific American Advocates
OCA South Florida Chapter
Ohio Asian American Pacific Islander Advisory Council
OneAmerica
OPAWL
Outdoor Amusement Business Association
Partnership for the Advancement of New Americans
Pennsylvania Immigration and Citizenship Coalition
The Pool and Hot Tub Alliance
Public Counsel
Queer Detainee Empowerment Project
RI Nursery and Landscape Association
Service Employees International Union (SEIU)
SEIU Florida Public Services Union
Silver State Equality-Nevada
South Asian Americans Leading Together (SAALT)
South Asian Council for Social Services

South Asian Youth Action
Southeast Asia Resource Action Center
TechNet
Texas Nursery & Landscape Association
T'ruah: The Rabbinic Call for Human Rights
UndocuBlack Network
Union for Reform Judaism
Unitarian Universalist Service Committee
United Church of Christ, Justice and Witness Ministries
United We Dream
The Value Our Families Campaign
VECINA
Wilco Justice Alliance (Williamson County, TX)

Businesses

Action International, Inc. dba Action Visa
Bender's Immigration Bulletin (LexisNexis)
Cajun Visa Company Inc
Dana Brown & Associates
Earth Works Pro
Gardens & Grounds
George Peters Wholesale Pottery, Inc.
Green Up Lawn Care LLC
GreenForest Nursery
Integrity Lawn Service
LSU Landscape Services
Mjc labor solutions
Morans nursery
Perino's Garden Center
Pin Oak Nursery, Inc.
The Quaglino Landscape CO. Inc.
Roche's Lawn and Landscape
Superior Landscape & Maintenance Specialist Inc.
THREE RIVERS FARM SUPPLY INC