

United States Senate

WASHINGTON, DC 20510

May 5, 2023

The Honorable Joseph R. Biden, Jr.
President
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Biden:

As you know, the United States is facing significant workforce shortages across various industries. The Bureau of Labor Statistics reported that there were nearly 10 million job openings in February.¹ While early retirements, ongoing health problems in the aftermath of the COVID-19 pandemic, and workplace burnout have reportedly contributed to these shortages, economists estimate that two years of lost immigration is responsible for nearly half of the workers missing from the labor force.²

Congressional action to provide lawful pathways for immigrant workers is long overdue. Unfortunately, such action is unlikely to occur in time to meet our nation's urgent workforce needs. As such, we urge you to create a parole program allowing state governments to sponsor noncitizens for parole and work authorization in critical industries.

It is no surprise that state leaders have called for immigration reform to meet their state's workforce needs.³ Without such reforms, some businesses have closed their doors. Others have hired workers without authorization, leaving such workers at risk of artificially depressed wages and poor working conditions. Even worse, some states have attempted to meet workforce needs by loosening child labor laws, potentially allowing children to work in unsafe conditions and dangerous jobs.⁴

At the same time, in recent years, our nation has experienced a significant increase in migration to our southern border.⁵ Many migrants are ready, capable, and willing to meet our nation's workforce needs. Recent analysis demonstrates that a rebound in immigration in the last year has helped ease labor supply pressures.⁶ FWD.us recently estimated that approximately 450,000 parolees—mostly from Afghanistan, Ukraine, and South America—are working in industries with critical labor shortages, including accommodation and food services, transportation, and health care.⁷

¹ U.S. Bureau of Labor Statistics, *Job Openings and Labor Turnover Summary* (Apr. 4, 2023), <https://www.bls.gov/news.release/jolts.nr0.htm>.

² Abha Bhattarai & Lauren Kaori Gurley, *Trump, Covid Slowed Down Immigration. Now Employers Can't Find Workers*, WASH. POST (Dec. 15, 2022), <https://www.washingtonpost.com/business/2022/12/15/immigration-reform-congress-worker-shortage/>.

³ Eric Holcomb & Spencer Cox, *To Solve Our National Immigration Crisis, Let States Sponsor Immigrants*, WASH. POST (Feb. 21, 2023), <https://www.washingtonpost.com/opinions/2023/02/21/eric-holcomb-spencer-cox-states-immigration/>.

⁴ Jacob Knutson, *Lawmakers Target Child Labor Laws to Ease Worker Shortage*, AXIOS (Mar. 14, 2023), <https://www.axios.com/2023/03/14/child-labor-laws-labor-market>.

⁵ See, e.g., U.S. Customs and Border Protection, *Southwest Land Border Encounters* (last visited Apr. 26, 2023), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁶ White House, *The Labor Supply Rebound from the Pandemic* (Apr. 17, 2023), <https://www.whitehouse.gov/cea/written-materials/2023/04/17/the-labor-supply-rebound-from-the-pandemic/>.

⁷ Phillip Connor, *Immigration Parole Has Added 450,000 Workers to Industries with Critical Labor Shortages*, FWD.US (Apr. 20, 2023), <https://wp.fwd.us/news/immigration-labor-shortages/>.

Unfortunately, many recently arrived migrants have struggled to obtain work authorization due to legal and logistical obstacles in our immigration system.⁸ Our immigration laws require an asylum seeker to wait six months to obtain a work permit, and, due to processing times, these applications can take nearly a year.⁹ However, individuals who receive parole to enter into the United States are immediately eligible for work authorization.¹⁰ We understand that migrants entering through the Cuba, Haiti, Nicaragua, and Venezuela parole program are able to obtain work authorization in a matter of weeks.

The Secretary of Homeland Security has the authority to issue parole on a case-by-case basis to meet urgent humanitarian needs or in cases where a grant of parole would result in a significant public benefit to the United States.¹¹ The Department of Homeland Security anticipates an increase in migrants arriving at our southern border when Title 42 is lifted on May 11.¹² Many will have fled desperate conditions and tyrannical regimes such as those in Venezuela and Nicaragua to seek safe haven in the United States. At the same time, our states are in desperate need of workers to ensure access to health care and to lower the costs of food for Americans. Allowing these states to opt into a lawful, orderly, and efficient parole program to meet workforce needs in critical industries would provide an enormous public benefit to all Americans.

We appreciate your consideration and look forward to the opportunity to work with you to implement this policy.

Sincerely,



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Senator



Sheldon Whitehouse
United States Senator



Mazie K. Hirono
United States Senator

⁸ Melissa Russo & Hilary Weissman, *NY Migrants Wait Months for Work Authorization Cards, Preventing Them from Getting Jobs*, NBC N.Y. (Mar. 17, 2023), [nbcnewyork.com/investigations/migrant-crisis/migrants-forced-to-wait-months-for-work-authorization-cards-keeping-them-out-of-work/4159474/](https://www.nbcnewyork.com/investigations/migrant-crisis/migrants-forced-to-wait-months-for-work-authorization-cards-keeping-them-out-of-work/4159474/); Lydia DePillis, *Immigration Rebound Eases Shortage of Workers, Up to a Point*, N.Y. TIMES (Feb. 6, 2023), <https://www.nytimes.com/2023/02/06/business/economy/immigration-labor.html>.

⁹ *Id.*; INA § 208.

¹⁰ 8 C.F.R. § 274a.12(c)(11).

¹¹ INA § 212(d)(5).

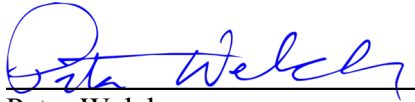
¹² *See, e.g.*, 88 Fed. Reg. 1208 (Mar. 27, 2023), <https://www.federalregister.gov/documents/2023/02/23/2023-03718/circumvention-of-lawful-pathways>.



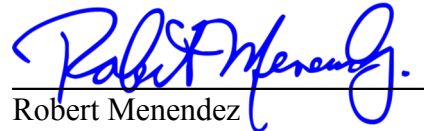
Cory A. Booker
United States Senator



Alex Padilla
United States Senator



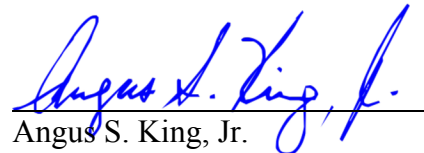
Peter Welch
United States Senator



Robert Menendez
United States Senator



Kirsten Gillibrand
United States Senator



Angus S. King, Jr.
United States Senator



Elizabeth Warren
United States Senator



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