

December 8, 2020

Michael J. McDermott, Chief, Security and Public Safety Division
Office of Policy and Strategy U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Public Comment on DHS Docket No. USCIS-2019-0024, RIN 1615-AC40, CIS No. 2653-19, Employment Authorization for Certain Classes of Aliens With Final Orders of Removal

We, a group of Asian American organizations in Minnesota, strongly oppose the Department of Homeland Security's proposed rule limiting work authorization for non-citizens with Orders of Supervision (OSUP), published on November 19, 2020. This rule would cause incredible harm to thousands of immigrants and refugees living under OSUP and their families.

As nonprofit organizations, we elevate the voices and visibility of Asian immigrants and refugees and mobilize against the criminalization of the communities we serve. With news of increased deportations of individuals to Cambodian, Laos, and Vietnam this year, our organizations came together and partnered with directly impacted individuals who have navigated or survived the detention, deportation, and criminal legal systems. Our values are grounded in social justice, we build power with impacted communities to fight for a world where Asian Minnesotans are thriving.

More than half of the Asian population in Minnesota is Southeast Asian, of which the largest percentage is Hmong. Our organizations serve and advocate for many individuals who came to the United States as the children of refugees, living here for on average 40 years. Some now face dire immigration consequences, including permanent separation from their families and community here in the United States. Many are under OSUP that came from old convictions, mostly brought about because of over-policing policies of the 1990s and lack of access to legal resources. Many of these individuals made mistakes in their young adulthood, and have been on OSUP for 10, 15, 20 years rebuilding their lives. Many are married, have children, own homes, and secured a career. They contribute to the strength and vitality of our communities, having rehabilitated and now lead thriving, productive, and full lives.

The history of refugee migration to the United States and the ensuing path towards deportation underscores the structural racism inherent in both the criminal justice and immigration system, and the failure of the refugee system. The proposed rule will further punish individuals who have served their time, as well as harm their families, employers, and communities.

This rule eliminates work authorization for thousands of immigrants and refugees, many of whom have worked lawfully, paying taxes in the United States for years. Many individuals on OSUP have started families with US Citizen and Lawful Permanent Resident spouses and children. These family members rely on the income brought in by the hard work of people on OSUP. Ending work authorization for people on OSUP is directly harming thousands of

US citizens who will struggle to put food on the table, care for their children, and afford their rent.

With millions of workers out of work due to the ongoing pandemic, now is the worst time to create more layoffs and thrust thousands of diligent workers into unemployment. Millions of families, including families of individuals with OSUP, are struggling to make ends meet and simply survive the pandemic. By cutting off work options for thousands of individuals, the proposed rule is likely to increase homelessness, hunger, poverty, and mental health issues.

An impacted U.S. Citizen community member states, "My husband is the backbone of our family. He is a loving husband and is an amazing father to our five U.S. citizen children. He has a degree in computer networking and software development and is currently supporting me in advancing my professional career. Losing my husband would have severe impacts on my family, including significant loss of household income, health benefits, and possibly our home..."

Furthermore, the Department of Homeland Security has decided that certain immigrants and refugees should remain under OSUP because they cannot be removed from the United States. It is unjust to force a status on someone and then prevent them from working to earn a living and support their family. Work authorization has allowed many people on OSUP to support themselves and their families for 10, 15 20 years. Changing the rules now would just punish these individuals again who have already been punished many times over. Changing this policy now would not "encourage [non-citizens] to depart the country," as USCIS claims. Rather, it will only punish people who will remain in the U.S. without the ability to work lawfully.

This rule would cause incredible harm to immigrants, refugees, their families, and their communities, having not accomplished any meaningful immigration goals. For all of the above reasons, the Department of Homeland Security should immediately withdraw the proposed rule.

Sincerely,

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