

RECEIVED
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May 16th, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue
NW, Washington, DC 20500

Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW,
Washington, DC 20520

Alejandro Mayorkas
Secretary of Homeland
Security
U.S. Department of
Homeland Security
301 7th Street, SW,
Washington, DC 20528

RE: REQUEST FOR AN 18-MONTH DESIGNATION OF DED FOR COLOMBIA

Dear President Biden,

We write on behalf of 400+ U.S based undersigned organizations, Colombian and European civic society organizations, requesting that your administration exercise executive discretion and immediately defer the enforced departure (DED) of Colombians for at least an 18-month period.

We respectfully urge you to (1) pursue your constitutional authority to conduct the foreign relations of the United States and defer the removal of any national of Colombia, (2) set a reasonable arrival date for the designation to cover individuals who fled the armed conflict, (3) promptly publish the Federal Register for immediate allowance of employment authorization, (4) launch a public information campaign to notify the impacted community of the decision and any instructions to avail benefits, and (5) provide advance notice of the decision of eligibility to protect Colombians in removal proceedings.

I. Deferred Enforced Departure (DED) for Colombians

DED was established to provide the president with a vital tool in U.S. foreign policy, to protect foreign nationals in the United States from civil, political, and humanitarian crises in their home country that make it unsafe for them to return, or whose suspension of deportation serves other United States foreign policy or domestic interests.¹ This temporary relief would provide protections that allow Colombians already living in the United States to support their families and would prevent unjust deportations.

The Colombian government is committed to prioritizing the needs of Colombians outside of Colombia, including those that are contributing members to the United States society, culture, and economy. The policy of “La Paz Total” (Total Peace) represents a historic change that recognizes that there is an internal armed conflict that has lasted decades, in which the Colombian State has been one of the causes of human rights violations by action or omission. The painful reality is that as a result of more than 60 years of armed conflict, hundreds of thousands of Colombian citizens have been forced to leave the country and live irregularly as undocumented people in the United States for many decades. Despite achieving a historic and necessary Peace Agreement, previous Colombian administrations failed to implement the agreement, which has resulted in an increase in violence that continues today.

The U.S. Department of State declared its support to Colombian efforts to transition from conflict towards peace.² We believe the strategic use of DED to protect Colombians already in the United States

¹ “Deferred Enforced Departure,” U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, last updated January 6, 2023, <https://www.uscis.gov/humanitarian/deferred-enforced-departure>.

² “U.S. Relations With Colombia,” U.S. Department of State, July 19, 2021, <https://www.state.gov/u-s-relations-with-colombia/>.

will be a critical aspect of living up to the State Department's promises to stand with the people of Colombia and promote peacebuilding in the country.

II. Conditions Necessitating Continued DED Protection

A. Armed conflict

Colombia has endured more than 60 years of armed conflict. After *la Violencia*, the decade of violence in the 1950s, the conflict between guerilla groups, the Revolutionary Armed Forces of Colombia (FARC) and the Army of National Liberation (ELN), paramilitary groups, and the government resulted in the massacre of the civilian population across the country – with rural areas and marginalized groups, including indigenous and Afro-descendant peoples, and campesinos, women and children, facing the brunt of the war. Civilians in various parts of the country suffered serious abuses at the hands of ELN guerrillas, FARC dissidents, and paramilitary successor groups.³

B. Peace accord

In 2016, a peace accord was signed between the government and FARC to bring an end to decades of violence. The accord also established the Special Jurisdiction for Peace, a war crimes tribunal, to investigate serious human rights violations, crimes against humanity, and war crimes committed by all the parties during the armed conflict, and to investigate whether “victims' rights are being placed in the peacebuilding.”⁴ But reports show that conflict-related violence has taken new forms since the signing of the peace deal due to the abandonment of the agreement during the Duque administration. According to Human Rights Watch, abuses by armed groups, including killings, massacres, and massive forced displacement increased in many remote areas of Colombia in 2021, reaching similar levels in 2022 to those that existed immediately before the peace process.⁵

In June 2022, the Truth Commission, established under the peace accord to uncover the extent of crimes during the conflict, released its extensive 900-page report documenting its findings. The Commission found that at least 450,666 people were killed in the armed conflict, while 121,768 civilians were forcibly disappeared. An estimated 50,770 people were kidnapped, and 16,238 children and adolescents were recruited during the war. The number of victims who endured sexual violence was a staggering 32,446. Over 8 million people were displaced.⁶ The National Center for Historical Memory estimates that there are more than 80,000 people missing as a result of the conflict.⁷

C. Ongoing security threat to peace

In August 2022, Gustavo Petro and Francia Marquez won the presidential elections, marking a historic victory for the first democratically-elected progressive president and the first Afro-Colombian vice president. They ran on the promise to fight climate change, implement the 2016 peace accord, and bring peace to the country after decades of violence and trauma. They announced a “Total Peace” platform that would seek an accord with the guerrillas and negotiate disarmament of other armed groups.⁸ This policy platform is a commitment to long-lasting peace and will take time as its goal is to reverse 60 years of armed conflict. Another great challenge that this administration has is rescuing the intentions of the 2016

³ Human Rights Watch, “Colombia: Events of 2021,” in *World Report 2022*, 2021, <https://www.hrw.org/world-report/2022/country-chapters/colombia>.

⁴ “Uncertainty for Colombia’s Special Jurisdiction for Peace (JEP),” ABColombia, March 21, 2019, <https://reliefweb.int/report/colombia/uncertainty-colombia-s-special-jurisdiction-peace-jep>.

⁵ Human Rights Watch, “Colombia: Events of 2022,” in *World Report 2023*, 2023, <https://www.hrw.org/world-report/2023/country-chapters/colombia>.

⁶ Manuel Rueda, “Colombia Truth Commission Gives Scathing Report on Civil War,” *AP News*, June 28, 2022, <https://apnews.com/article/politics-colombia-caribbean-war-crimes-civil-wars-f6c05ee3b21a7b03db7b1f9ad24f121e>.

⁷ “Colombia: Challenges of Armed Conflict and Violence,” International Committee of the Red Cross, February 18, 2019, <https://www.icrc.org/en/colombia-challenges-armed-conflict-and-violence>.

⁸ Human Rights Watch, “Colombia.”

peace agreement which created a roadmap to peace but was ignored by the Duque administration and helped fuel poverty and violence.

In January 2023, the government's human rights ombudsman announced that 215 social leaders and human rights activists were killed in 2022, the highest toll ever recorded, as illegal armed groups intensified their attacks in key drug-trafficking areas.⁹ Despite the efforts to curb the violence, the government's national registry of victims recorded more than 21,000 people affected by confinements by illegal armed groups.¹⁰

In a report released in March 2023, the International Committee of the Red Cross found that more than 180,000 civilians were displaced in 2022 as non-state groups wrestled for control of their territory and resources.¹¹ Instituting and strengthening security and humanitarian stability after decades of state and military offenses will require every resource the country has to be directed towards these efforts, and to combat emerging threats.

During this challenging transitional period, we urge the United States to uphold and amend its historic relations with Colombia, draw from the progress both governments have achieved while working in union, and pledge the United States' continued support to the Colombian government and its people by designating DED for Colombia. This will support peacebuilding in the country and stability in the region.

III. Designating DED for Colombia is in the United States Interest

As stated by the U.S. Department of State, **the U.S. government supports Colombian efforts to transition from conflict towards peace** – “by working in conflict-affected rural areas of Colombia, where violence, drug trafficking, the lack of government presence, and the absence of legal economic opportunities have historically converged.”¹²

The United States is the largest international donor to the 2016 Peace Accord, with over \$1 billion in foreign assistance dedicated to its implementation. USAID has invested more than \$230 million to implement the Peace Accord in conflict-affected regions, including more than 500 direct activities to support Territorial Development Plans.¹³ In October 2022, Secretary of State Antony Blinken and Vice President Francia Marquez announced the United States as the first accompanier of the Ethnic Chapter of Colombia's Peace Agreement, expanding U.S. support for Afro-Colombians, Indigenous communities, and other social leaders.¹⁴

In November 2022, U.S.-Colombia Defense Leaders met to discuss regional and international security cooperation and humanitarian impacts related to regional migration. The U.S. Secretary of Defense Lloyd J. Austin III stated, “I applaud your government's commitment to protecting these migrants” – referring to the at least 1.7 million Venezuelan migrants who crossed the border into Colombia due to the political and economic crisis in Venezuela.

The United States has acknowledged the role of Colombia in mitigating a larger migration crisis in the region, and recognized their overburdened relief system, as the country grapples with transitioning from an armed conflict, curbing ongoing violence, and providing safety for migrants fleeing instability. **The**

⁹ Luis Jaime Acosta and Oliver Griffin, “Colombia Killings of Social Leaders Hit Record in 2022 -Ombudsman,” *Reuters*, January 23, 2023, <https://www.reuters.com/world/americas/colombia-killings-social-leaders-hit-record-2022-ombudsman-2023-01-23/>.

¹⁰ “Colombia Situation,” Global Focus, accessed March 27, 2023, <https://reporting.unhcr.org/colombiasituation>.

¹¹ “Red Cross Finds Deteriorating Conditions for Colombia's Civilians,” *Al Jazeera*, March 22, 2023, <https://www.aljazeera.com/news/2023/3/22/red-cross-says-more-colombians-displaced-by-violence-in-2022>.

¹² “U.S. Relations With Colombia.”

¹³ Office of the Spokesperson, “Secretary Blinken Travels to Bogota to Advance the U.S.-Colombia Partnership,” U.S. Department of State, October 3, 2022, <https://www.state.gov/secretary-blinken-travels-to-bogota-to-advance-the-u-s-colombia-partnership/>.

¹⁴ U. S. Embassy Bogotá, “Human Rights: A Shared Responsibility for Colombia and the United States,” U.S. Embassy in Colombia, December 10, 2022, <https://co.usembassy.gov/human-rights-a-shared-responsibility-for-colombia-and-the-united-states/>.

United States has compelling foreign policy reasons to designate DED for Colombia for undocumented Colombians who fled the armed conflict and civil war, to find safety in the United States. In a statement, President Biden said, "Our hemisphere migration challenges cannot be solved by one nation, or at any one border. We have to work together."¹⁵

Colombian diaspora advocates and pro-immigrant organizations calling for DED for Colombia reiterate the request for Deferred Enforced Departure (DED) for approximately 182,000 Colombians already living in the United States. DED would grant Colombians protection from deportation and work authorization, and in turn, would bolster the economy as the United States is experiencing labor shortages combined with rising inflation.

IV. Conclusion

In conclusion, we respectfully urge the administration to (1) pursue your constitutional authority to conduct the foreign relations of the United States and defer the removal of any national of Colombia, (2) set a reasonable arrival date for the designation to cover individuals who fled the armed conflict, (3) promptly publish the Federal Register for immediate allowance of employment authorization, (4) launch a public information campaign to notify the impacted community of the decision and any instructions to avail benefits, and (5) provide advance notice of the decision of eligibility to protect Colombians in removal proceedings.

Thank you for your consideration.

Sincerely,

United States NGOs

International NGOs

- A [previous letter in support of DED for Colombians](#) was signed by 285 Colombian and European human rights NGOs and 150 human rights leaders supporting DED for Colombia.

¹⁵ Camilo Montoya-Galvez, "U.S. Launches Deportation Operation to Colombia Using Title 42 Border Rule," *CBS News*, March 24, 2022, <https://www.cbsnews.com/news/immigration-title-42-colombia-deportations-us-mexico-border/>.

Advocates for Immigrant Rights
African Communities Together
Afro latino Institute
AGS Immigrant Center Inc
Al Otro Lado
Alabama Coalition for Immigrant Justice
Aldea - the People's Justice Center
Alianza Americas
Alianza Global Jus Semper
Alliance San Diego
American Friends Service Committee (AFSC)
Arizona Dream Act Coalition
Arkansas United
Asian Americans Advancing Justice | AAJC
Asylum Seeker Advocacy Project (ASAP)
Ayuda
Binational Institute of Human Development
Cameroon Advocacy Network
CASA
Catholic Legal Immigration Network, Inc.
(CLINIC)
Catholic Legal Services, Archdiocese of Miami
Center for Gender & Refugee Studies
Center for Popular Democracy
Central American Resource Center of Northern
CA - CARECEN SF
Chacon Center for Immigrant Justice at
Maryland Carey Law
Chicago Religious Leadership Network on Latin
America (CRLN)
CHRC
Church Women United in New York State
Church World Service
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights
(CHIRLA)
Colorado Immigrant Rights Coalition
Communities United for Status & Protection
(CUSP)
Community Change Action
Connecticut Shoreline Indivisible
Diocesan Migrant and Refugee Services Inc
Disciples Immigration Legal Counsel
EL CENTRO de Igualdad y Derechos
Fellowship of Reconciliation (FOR-USA)
FIRM
Florida Immigrant Coalition
Florida student power network
Franciscans for Justice
Gamaliel Network
Haitian Bridge Alliance
Hampshire College
Heartfelt Tidbits, Inc.
IAJEOFMS
Illinois Coalition for Immigrant and Refugee
Rights
Illinois Venezuelan Alliance
Immigrant Action Alliance
Immigrant Assistance Services
Immigrant Defenders Law Center
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Hub
InReach
InterReligious Task Force on Central America
and Colombia
Iowa Migrant Movement for Justice
Jewish Voice for Peace, Atlanta chapter
Just Neighbors
Justice for Our Neighbors El Paso
LA RED/Faith In Action
Latin America Working Group (LAWG)
Legal Aid Justice Center
Long Island Immigration Clinic/Sisters of St.
Joseph
Make the Road Nevada
Make the Road NY
Michigan United
NAKASEC
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)

NATIONAL LAWYERS' GUILD- Task Force
on the Americas, SF Bay Area chapter

National Network for Immigrant and Refugee
Rights (NNIRR)

Nebraska Appleseed

Nicaraguan American Legal Defense and
Education Fund

Nigerian Center

NPNA

Ohio Immigrant Alliance

ONG Blanca Nieve Sierra

Opening Doors

Pennsylvania Immigration & Citizenship
Coalition

Portland Central America Solidarity Committee

Presente.org

Progressive leadership alliance of nevada

Raleigh Immigrant Community Inc

Resilience Force

SEIU CA

Semillas Colombia

Service Employees International Union (SEIU)

SIREN

Sisters of St. Dominic of Blauvelt, New York

Sisters of St. Francis, Clinton, Iowa

Sisters of St. Joseph of Carondelet, LA

The Church of the Crucifixion

The Welcoming Center

TRUE ALLIANCE CENTER INC

U.S. Committee for Refugees and Immigrants
(USCRI)

UndocuBlack Network

United Church of Christ, Justice and Local
Church Ministries

United We Dream

Voces de la Frontera

Ware

Washington Office on Latin America (WOLA)

Wilco Justice Alliance (Williamson County, TX)

Wind of the Spirit Immigrant Resource Center

Witness at the Border

Wyoming Coalition Against Domestic Violence
and Sexual Assault



**U.S. Citizenship
and Immigration
Services**

June 20, 2023

Isaias Guerrero-Cabrera
Senior Immigrant Organizer
Community Change
1536 U Street NW
Washington, DC 20009
iguerrero@communitychange.org

Dear Mr. Cabrera:

Thank you for your May 16, 2023 letter to the Department of Homeland Security (DHS) in support of a designation of Deferred Enforced Departure (DED) for Colombian nationals. I am responding on behalf of the Department.

DED is an administrative stay of removal that may be authorized by the President for a designated group of foreign nationals. The authority to grant DED arises from the President's constitutional authority to conduct the foreign relations of the United States. The President may direct DHS to offer certain benefits, such as employment authorization or advance parole to reenter the United States after travel abroad, to eligible foreign nationals covered by the presidential directive. Because DED is a presidential authority, DHS does not have authority to issue a DED country designation.

I appreciate the concerns you have outlined regarding the situation in Colombia and your interest in its designation for DED. Please be assured DHS offers support that may be available upon request¹ to assist eligible noncitizens residing in the U.S. who have been affected by special situations. Such support may include:

- Change or extension of nonimmigrant status if eligible nationals are currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;

¹ Additional information is available at the U.S. Citizenship and Immigration Services website at: <https://www.uscis.gov/humanitarian/special-situations>.

- Assistance if applicants received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner because of the special situation; and
- Replacement of lost or damaged immigration or travel documents issued by U.S. Citizenship and Immigration Services, such as a Permanent Resident Card (Green Card).

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director