

United States Senate

WASHINGTON, DC 20510

September 12, 2019

The Honorable Kenneth T. Cuccinelli II
Acting Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue NW M.S. 2090
Washington, D.C. 20529

Dear Acting Director Cuccinelli:

We write to express our serious concerns about your recent decision to terminate the Filipino World War II Veterans Parole Program. Over the past two years, the Trump administration has repeatedly attacked immigrants, and once again, its anti-immigrant disposition is reflected in this harmful and unnecessary action to end a program that helps elderly World War II veterans—who are now in their late 80s and 90s—reunite with their children and siblings. By abruptly and cruelly terminating this program nearly two years early, you are breaking yet another promise to Filipino World War II veterans and denying them the relief they deserve for their service to our country. We strongly urge you to reverse your decision to keep these veterans separated from their families by ending the Filipino World War II Veterans Parole Program.

In 2016, U.S. Citizenship and Immigration Services (USCIS) created this program to reunite aging veterans with their children and siblings, in recognition of “the extraordinary contributions and sacrifices of Filipino veterans who fought for the United States during World War II” and the benefits of enabling “such elderly veterans and their spouses to obtain care and support from their family members abroad.”¹ World War II ended nearly 75 years ago, and yet these veterans still have not received the full benefits they were promised. Today, there are fewer than 6,000 surviving Filipino veterans, and many are still waiting to reunite with their children.

During World War II, more than 260,000 Filipino soldiers answered the United States’ call to arms to fight for the United States. These Filipino soldiers fought shoulder to shoulder with U.S. servicemembers, and many of them died in fierce and bloody battles. The sacrifices of these valiant Filipino soldiers played a critical role in the war’s outcome. Despite their bravery, honor, and service under the U.S. flag, Filipino World War II veterans were not awarded U.S. citizenship until President George H.W. Bush signed the Immigration Act of 1990 – more than 40 years after they risked their lives for our Nation.

Moreover, when these veterans became citizens, they were separated from their children and certain family members who were caught in the backlog of immigration visas, which exceeds twenty years. This meant that, even though their family members were approved for family-based immigrant visas, these elderly veterans were forced to wait decades to reunite with their children – years that many of them did not have.

¹ 81 F.R. 28097, available at <https://www.federalregister.gov/documents/2016/05/09/2016-10750/filipino-world-war-ii-veterans-parole-policy>.

To address these “urgent humanitarian concerns,” USCIS established the Filipino World War II Veterans Parole Program to allow the elderly Filipino veterans to petition for humanitarian parole for certain family members who have been approved for family-based immigrant visas but are stuck in the current visa backlog.² Under the program, if USCIS determines that these family members meet the conditions of the program *and* “merit a favorable exercise of discretion,” it may issue parole so that the family members “may wait in the United States until they are able to adjust status under existing immigration laws.”³ The initial period for the program was set for five years, subject to renewal. At minimum, these families expected to be able to submit applications for at least five years—or until June 7, 2021, as USCIS had previously confirmed.

We were deeply troubled to learn, however, that USCIS recently decided to prematurely terminate the Filipino World War II Veterans Parole Program by claiming that such an action is “consistent with Executive Order (E.O.) 13767” that was issued in January 2017, and helps “better ensure that parole is used only on a case-by-case basis.”⁴ And in announcing its intent to end this program, USCIS inaccurately described the program as a “categorical parole program” that allows individuals to “skip the line and bypass the proper channels established by Congress.” Such claims not only conflict with USCIS’s own description of the program in the Federal Register, they also conflict with USCIS’s actual implementation of the program.

Congress provided authority for USCIS to implement the Filipino World War II Veterans Parole Program in 8 U.S.C. 1182, which allows for discretionary parole “on a case-by-case basis for urgent humanitarian reasons or significant public benefit.”⁵ In establishing the program, USCIS made clear that “[i]n all cases, whether to parole a particular individual under this policy is a discretionary determination that will be made on a case-by-case basis” and those with “overriding adverse factors (*e.g.*, criminal history) would not be approved.”⁶

USCIS further recognized that “the parole of qualified applicants who establish on a case-by-case basis that they are eligible for consideration under this policy and merit a favorable exercise of discretion would generally yield a “significant public benefit” and “would often address urgent humanitarian concerns.”⁷ And the fact that USCIS has denied 32 percent of applications for parole confirms that it is implementing the program on a case-by-case basis, rather than a “categorical” basis.⁸ Moreover, the program has nothing to do with the stated purpose of E.O. 13767, which purported to “secure the Nation’s southern border” and address immigrants who entered the United States without screening or authorization. By contrast, the Filipino World War II Veterans Parole Program focuses on certain family members of veterans who have already been approved for visas.

² *Ibid.*

³ *Ibid.*

⁴ Press Release, U.S. Citizenship and Immigration Services, USCIS to End Certain Categorical Parole Programs (Aug. 2, 2019), <https://www.uscis.gov/news/news-releases/uscis-end-certain-categorical-parole-programs>.

⁵ 8 U.S.C. 1182(d)(5).

⁶ 81 F.R. 28097.

⁷ *Ibid.*

⁸ U.S. Citizenship and Immigration Services, Number of I-131 Travel Document Applications for the Filipino World War II Veterans Parole (FWVP) Program as of June 30, 2018, https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Family-Based/FWVP_performancedata_fy2018_qtr3.pdf.

These Filipino World War II veterans served our country with great courage and deep loyalty. They deserve our respect and gratitude. We ask that you rescind your decision to terminate a program that “recognizes the extraordinary contributions and sacrifices of Filipino veterans who fought for the United States during World War II.”

In addition, in light of the concerns noted above, please provide responses to the following questions no later than September 26, 2019:

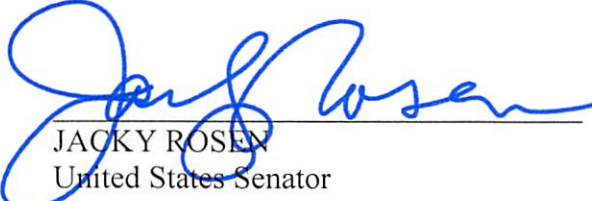
1. In deciding whether to terminate the Filipino World War II Veterans Parole Program, what assessments did you conduct to determine the impact of terminating the program on veterans, including how many elderly Filipino veterans will never be able to reunite with their children without this program given the current immigrant visa backlog?
2. Did you consult with the Department of Health and Human Services, or relevant state and local agencies, to determine whether terminating the program would result in increased costs to provide the care and support for elderly Filipino veterans that a family member would have provided under the program?
3. Did you consult with the Department of Defense to determine whether the “the extraordinary contributions and sacrifices of Filipino veterans who fought for the United States during World War II” that justified this program are no longer valid before deciding to terminate the program?
4. Given that this program had already set an initial timeline of five years, which ends on June 7, 2021, please (a) explain the reasons justifying your decision to expend resources to prematurely terminate the program now, and (b) identify the new termination date of the program.

Thank you for your attention to this matter. We look forward to your prompt response.

Sincerely,


MAZIE K. HIRONO
United States Senator


RICHARD BLUMENTHAL
United States Senator


JACKY ROSEN
United States Senator

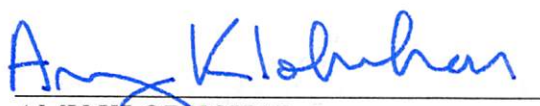

TAMMY DUCKWORTH
United States Senator



KAMALA D. HARRIS
United States Senator



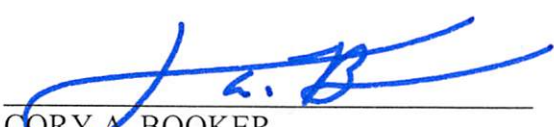
BRIAN SCHATZ
United States Senator



AMY KLOBUCHAR
United States Senator



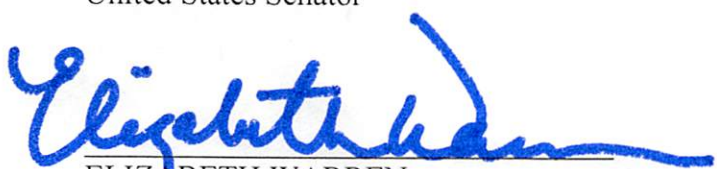
CATHERINE CORTEZ MASTO
United States Senator



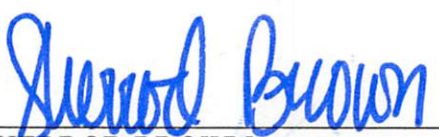
CORY A. BOOKER
United States Senator



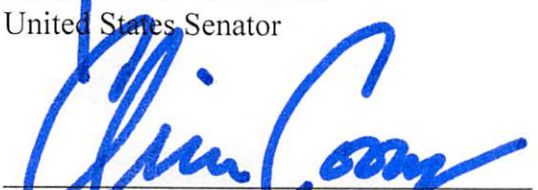
TIM Kaine
United States Senator



ELIZABETH WARREN
United States Senator



SHERROD BROWN
United States Senator



CHRISTOPHER A. COONS
United States Senator



DIANNE FEINSTEIN
United States Senator