

April 25, 2022

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

Dear Mr. President,

On behalf of UnidosUS, I write to urge you to use your executive authority to continue the economic and social progress made since 2020 for all working families in the U.S.—particularly Latino* and immigrant essential workers.

UnidosUS, previously known as the National Council of La Raza (NCLR), is the nation's largest Hispanic civil rights and advocacy organization and has worked to build a stronger country by creating opportunities for Latinos for more than 50 years. Through its unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the U.S. and Puerto Rico, UnidosUS simultaneously challenges the social, economic, and political barriers at the national and local levels.

We deeply appreciate your Administration's efforts to exercise executive power to advance the interests of all people in the U.S. with an inclusive approach. In 2021, the Administration's executive actions helped immigrant families and workers—elevating the importance of economic inclusion, achieving diverse representation in government, and addressing structural racial inequality in federal agencies. We appreciate that Hispanics have achieved greater representation in this President's Cabinet than in any prior administration. Your leadership also helped to ensure that the American Rescue Plan Act (ARPA) included important priorities for the Latino community, such as improved access to vaccines and relief aid.

Over the past several years, the nation's more than 60 million Latinos worked hard to keep the nation functioning, despite the pandemic. Latino essential workers, many of whom are raising U.S. citizen children, participated in the labor force at higher rates than did other Americans and continued to show strong consumer buying power—totaling some \$2 trillion in 2020 alone.

Too many Latino families were also devastated by the pandemic. Following disproportionately high rates of COVID-19 illness, hospitalizations, and mortality, many Latinos experienced job and income volatility while being barred from accessing government aid and relief that most other

* The terms "Hispanic" and "Latino" are used interchangeably by the U.S. Census Bureau and throughout our materials to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race. Our materials may also refer to this population as "Latinx" to represent the diversity of gender identities and expressions that are present in the community.

U.S. families and businesses benefitted from. Latinos were among the most vulnerable to job and housing shifts in the downturn and were those first called upon to respond and to ensure that essential services remained intact. Latinos were also among the last families to receive the needed supports to keep going, when they did receive them.

Many Latino working-class families now face rising food, energy, and gas prices, and expiring emergency aid measures can mean higher health care and student loan costs. A gridlocked Congress remains in negotiations over spending measures to support growing the economy from the ground up. Yet a return to the pre-pandemic “normal” for the millions of Latinos who face a loss of Medicaid coverage, increasing housing costs, and challenges in accessing supports for their families is not nearly good enough.

In short, without specific steps to make progress and address these concerns, the outlook for many Latino working families is dire, and the situation will doubtless occupy the minds of voters this fall. Notably, Hispanic voters turned out in record numbers in the 2018 mid-term election and early predictions suggest that an equal number of Latinos—11.6 million—will vote this year. Further, as it was in 2018, the Latino vote may well be decisive in a number of elections that will determine partisan control of the U.S. Senate.

In the face of Congressional uncertainties, the Administration should continue to make use of its authorities to address several top-of-mind concerns that will animate Latino voters this year. Below, we outline key actions for the Biden Administration that would resonate and generate excitement among Latinos.

Promoting the Contributions of Immigrant Essential Workers and First Responders

The Latino community has more than done its part: working on the [frontlines](#) and providing the [essential work](#) to help provide fellow Americans and their own communities with [fresh food](#), [quality health care](#), and other necessities, such as child care. In fact, Latinos account for 70% of essential workers. At the same time, restaurants cannot find enough servers, health providers cannot fill nursing positions, factories cannot find enough workers for assembly lines, and other sectors are struggling to fill open positions.

Those among us who are immigrants—documented or otherwise—also form an integral part of this essential workforce. By some estimates, 5.5 million undocumented immigrants are essential workers.

To fill gaps in our labor force and deliver a measure of justice, the Biden Administration should take critical steps to facilitate the filling of essential new positions needed to rebuild our infrastructure, including by:

- **Exercising parole authority for groups of essential workers.** The U.S. Department of Homeland Security (DHS) may extend “parole” to individuals when doing so would provide a significant public benefit to the nation. Such authority is used, for example,

to allow continuing presence in the U.S. for undocumented family members of armed services members. To address pandemic-induced challenges including inflation, supply-chain disruptions, and labor shortages that will undermine infrastructure building, we urge your Administration to exercise authority to extend parole to workers in essential industries (as defined by DHS's Cybersecurity and Infrastructure Security Agency).

- **Expanding eligibility for DREAMers through rulemaking.** We commend the Administration for taking a first step to fortify the Deferred Action for Childhood Arrivals (DACA) by issuing a rulemaking notice last year. Yet more should be done. As described in our comments,¹ as well as those by Senators Menendez, Cortez Masto, Lujan, and Padilla,² such steps include, but are not limited to: modernizing key eligibility dates, eliminating arbitrary age caps, and extending the duration of work permits.
- **Designating Guatemala and re-designating El Salvador, Honduras, and Nicaragua.** Through the Temporary Protected Status and Deferred Enforced Departure authorities, the Administration has the responsibility to protect groups of people from removal from the U.S. when removal would pose risks due to conflicts, natural disasters, or other emergency temporary conditions. We join the 33 Senators who, earlier this year, sent your Administration a letter urging you to designate El Salvador, Guatemala, Honduras, and Nicaragua.³

These measures have broad public support and bipartisan appeal and would benefit all American workers and families.

Protecting Low-Income Working Families from Losing Needed Health Insurance Coverage and Struggling with Rising Food Prices

More than 150,000 Latinos have died from COVID-19, and one in four cases are Latino. Importantly, the impact of the pandemic could have been far worse if not for the health care measures included in the American Rescue Plan Act.

As a result, nearly 3 million Latinos have become eligible for affordability credits and 600,000 Latino gained coverage last year. As we enter a new phase in combating COVID-19, parents and workers are facing the real possibility of losing access to Medicaid, health care coverage under the Affordable Care Act (ACA), and critical food assistance that has helped families survive.

The Biden Administration can bring relief to these families and demonstrate that the President will do all in his power to sustain and expand access to affordable health insurance and combat hunger and food insecurity likely to increase due to rising food prices. Specifically, the Administration should:

- **Comprehensively address the Medicaid enrollment cliff following the end of the Public Health Emergency.** A recent national poll found that when given a list of major policy

proposals, 36% of Hispanics strongly support offering subsidized coverage to individuals living in states which have not expanded Medicaid, while nearly 30% strongly support extending the enhanced ACA premium tax credits.⁴ These numbers mirrored the opinion of all voters in battleground states. To reduce the loss of health coverage when the COVID continuous enrollment requirement for Medicaid ends, the Administration should make sure that eligible individuals remain in Medicaid by enforcing statutory requirements that reduce administrative burdens on recipients, such as requiring use of available third-party data to redetermine eligibility wherever possible. The federal agencies should also work with the states to streamline transitions to other coverage options for those who become ineligible for Medicaid, including coverage under the ACA. Specifically, the Centers for Medicare & Medicaid Services (CMS) should:

- 1) Work with states to ensure that children are successfully transitioned to separate CHIP programs when necessary; and
 - 2) Work within the Federally Facilitated Marketplace (FFM) to ensure that individuals and families are enrolled in affordable Marketplace coverage when losing Medicaid.
- **Include “DREAMers” in health care coverage under the Affordable Care Act.** The Administration should immediately clarify that people granted DACA are eligible for coverage by developing a rule clarifying that people with DACA are “lawfully present” for the purposes of Marketplace coverage, Medicaid, and the Children’s Health Insurance Program (CHIP), ensuring that the federal and state-based Marketplaces are prepared for this change, and launching a robust outreach campaign to communicate this change in both English and Spanish. Ending the ACA exclusion for DACA recipients is widely supported by a cross-section of federal policymakers and federal, state, and local stakeholders.
 - **Fully counter manifold harms from the public charge rule.** We commend the Administration for quickly pursuing rulemaking to clarify how the Department of Homeland Security will apply the public charge ground of inadmissibility in the immigration context. Identifying and addressing counterproductive rules and inflexible regulations that undermine the nation’s ability to respond swiftly and effectively to national emergencies must be part of any updated playbook emerging from our nation’s experience in responding to COVID-19. We urge DHS to take full account of the harmful chilling effect of it and make decisions related to its implementation that weight these impacts more heavily than in the past. Over its history, the rule has proven to be largely ineffective in achieving its policy purpose and instead has harmed families who are eligible and in need of human services. To mitigate the adverse and unintended impact of the rule, DHS must develop clear, highly actionable, and easily communicated categories and decision rules to mitigate stigma and trauma and ensure that necessary supports can be accessed by all who are eligible at a moment of need. When the contours of the public charge inquiry are being implemented and communicated to interested parties, having a

rule that is easy to explain and has bright-line implications will do much to mitigate the chilling effects and related harms. We thus urge that, as much as possible, the rule be streamlined, categorical and clear.

Fighting for a Diverse Working Class

The U.S. working class is racially and ethnically diverse and communities of color face many challenges in common with their white peers. Working class Hispanics are experiencing serious economic and financial challenges that often make them feel left behind, forgotten, and ignored by political leaders and government officials.⁵ The Biden Administration must connect with these workers and families and show that the President is fighting for them too. Specifically, the Administration can:

- **Develop an Immigrant Taxpayer Bill of Rights and execute on its promises.** The Internal Revenue Service previously developed and published a set of fundamental rights for taxpayers.⁶ Immigrant taxpayers face specific and significant barriers that are amplified by legal restrictions, eligibility exclusions, benefit limitations, and undue administrative burdens. Such burdens hamper participation in the tax system by undocumented immigrants, as well as lawful permanent residents and U.S. citizens in immigrant families. To address this and invite everyone to contribute as taxpayers to the national purse, the IRS should focus on similar rights for immigrant taxpayers,⁷ including:
 - **A Right to Be Informed**, which includes culturally competent outreach as part of deployment of communications and implementation of tax credits and other programs.
 - **A Right to Quality of Service**, which includes: 1) concerted and effective efforts to address current large backlogs in processing of returns; 2) developing a dedicated effort to fix systems for securing a tax identification number (ITIN) by modernizing the system and 3) enabling simplified filing tools throughout the tax season.
 - **A Right to a Fair and Just Tax System**, including by: 1) increasing protections for taxpayers against fraud with a program of regulation and oversight for tax preparers; and 2) conducting data modeling to estimate the equity impacts of tax credits and other tax programs, including costs and benefits.
- **Halt foreclosures for 60 days whenever a homeowner applies for Homeowner Assistance Funds (HAF) and the servicer is notified by the HAF administrator.** The government-sponsored enterprises (GSEs), Federal Housing Administration (FHA), and other government agencies collectively cover about two-thirds of the mortgage market, and FHA is a significant source of mortgage credit for Latino homeowners and other borrowers of color. Homeowners in forbearance or who are working in good faith to remedy past due mortgage payments may find themselves with uncooperative and unresponsive servicers looking to move on, rather than to help. Although the GSEs issued a 60-day pause in foreclosure activity for borrowers applying for HAF, HUD failed to extend such a protection for FHA loans—which are experiencing the highest rates of delinquency on the heels of the pandemic. The Administration should also direct HUD to

require servicers of FHA loans to comply with its loss mitigation waterfall, including by addressing systemic non-compliance in offering streamlined loan modifications and releasing performance data. Such steps could go a long way towards relieving the unnecessary stress and burden on hard-working families.

- **Ease the financial hardship on low-income workers carrying debt loads that hamper them from making ends meet.** The Administration should cancel student debt for federal student loan borrowers of at least \$10,000 of total loan balance to ease financial hardship brought on by the COVID-19 pandemic. More than 80% of Latinos support some form of student debt cancellation for low to moderate income borrowers.
- **Ensure that all U.S. families are treated respectfully by government agencies.** As the federal emergency declaration ends, workers and families faced the prospect of losing important government relief and aid. The complex, confusing, and burdensome administrative process of accessing and applying for federal and state aid is much harder for families with limited English proficiency and those with non-citizens in their families and households.
 - The White House should direct the Department of Health and Human Services, Office of Civil Rights, to issue a revised Section 1557 rule protecting access to health coverage and care for limited-English-proficient (LEP) Latinos by restoring requirements for the notices and in-language taglines that inform LEP individuals about their right to seek language services and to file a complaint, increasing standards for translated documents, restoring the previous standards for video language interpreting, and reinstating the previous rule's standards for providing "meaningful access" to LEP patients. These steps communicate that all families ought to be treated with respect by our government, especially those who are working hard to stay in the labor force and keep their children healthy with federal support.
 - Similarly, the White House should seek to ensure that programs coordinate outreach and adopt a whole-of-government approach to ensuring that families can maintain or access benefits. Millions of families and workers routinely engage agencies to maintain, for example, affordable health coverage and food assistance.

Investing in the Next Generation

More than one in five children in the nation's K-12 classrooms today are Hispanic, and nearly all of them are native born American children. A similar share of all college enrollment in the U.S. each year is Latino—a share that is expected to steadily grow over the next decade. These children and students benefit from many of the policies and programs that support low-income students from all walks of life.

There are few additional and targeted measures to address the unique challenges facing Latino students, many of whom are native-born and speak multiple languages and are likely first in their

family to go to college. Moreover, young Latinos are the future workers and taxpayers of our nation and will make up the next generation of homeowners and investors. Latinos in this next generation spectrum often struggle to find the type of support from schools or investment opportunities from housing markets to help them jump start their career and reach their full potential.

The Biden Administration should adopt a whole-of-government approach to plug important gaps in support and level the playing field for those born into poverty or circumstances that limit their potential and ability to thrive. For example:

- **Elevate multilingual learners as an educational priority for the Biden Administration** by: 1) making a historic and bold investment in Title III by increasing their request from the current FY23 request of \$1.1 billion to \$2 billion in future presidential budget proposals; and 2) supporting the renaming of the Office of English Language Acquisition to the Office of Multilingual Learners to honor students' native languages and cultures and shift the narrative from a deficit lens to an affirmative recognition of the assets that these students bring to the classroom.
- **Create a White House Initiative on Educational Excellence for First-Generation Students**, tasked with producing specific recommendations to advance the enrollment and completion of educational goals for this student population.
- **Create a more ambitious goal of creating, preserving, and selling affordable homes for First-generation homeowners.** The Biden Administration should commit to building a million new affordable starter homes over the next 10 years with programs like the new Housing Supply Fund (HSF), which provides \$25 billion over ten years for construction of affordable homes in the President's FY23 Budget Proposal, and the Capital Magnet Fund (CMF), which provides Community Development Financial Institutions (CDFIs) with capital to invest in affordable housing construction.
- **Support creation of a cross-agency task force to develop data and a public report early next year on the impact of speculators and large investment firms in the housing marketplace and the effects on home prices for first-generation homebuyers and communities of color.** The housing crisis that emerged during the pandemic threatens the stability and economic wellbeing of millions across the country, yet there is incomplete understanding of the effects of the influx of capital from large investors, including the loss of opportunities for wealth generation in lower-income communities and communities of color. The Administration should create a cross-agency task force including Department of the Treasury, HUD and federal agencies that address housing policy and develop an analysis and report of such impacts. The report should analyze effects of speculative and institutional investor involvement in the housing marketplace on such factors as: eviction rates, the quality of housing stock, the availability of owner-occupied homes in highly contested markets, pricing and opportunities for home ownership for lower-income, new buyers, and buyers of color, and other key factors that

may impact homeownership rates, access to affordable housing, rates of homelessness, the benefits and affordability of housing investments for individuals and families, and housing quality.

Securing the Right to Vote for Every Eligible Voter

Nationwide, almost one-million Latinos turn 18 each year, and nearly all of them are citizens, making them eligible to register to vote.⁸ Researchers estimate that the Latino electorate grew by nearly 30% between 2016 and 2020 and was decisive in the last election.⁹ Because of the growth and impact of the Latino vote over recent elections, some states moved aggressively to block and suppress their voting power.

The Administration should seek to demonstrate that newly eligible young Latinos can and should be fully able to register and exercise their right to vote in the 2022 elections. Specifically, the Biden Administration should:

- **Prohibit interference with voting by way of intimidation, threat, or deception.** The Department of Justice (DOJ) should pursue appropriately robust enforcement against actors engaged in violative behavior both off- and on-line and, as necessary, undertake a rulemaking to clarify applicability of enforcement standards to the digital environment. The Administration should also ensure that it responds in a timely and effective manner to state-level voter suppression activities throughout this election cycle, including discriminatory voter roll purges, redistricting plans, and other methods of vote dilution.
- **Fully enforce § 203 of the Voting Rights Act (language access provisions).** The Administration should also provide technical assistance and oversight to newly designated jurisdictions that emerged from the 2020 Census and in any states with demonstrated records of voter suppression (including, but not limited to, Arizona, Florida, and Texas).
- **Undertake a whole-of-government approach to educate, engage, and register Latino voters** by implementing the March 2021 Executive Order on Promoting Access to Voting¹⁰ and key activities outlined previously by the Administration.¹¹

The executive actions we describe here are supported widely, are achievable, appeal to voters across the ideological spectrum, and stand to connect with and energize Latinos this year.

We look forward to working with your Administration to promote the contributions of all essential workers, ensure that our nation's transition out of emergency pandemic response does no harm to low-income families, show that the President is fighting for working class Latino families, spotlight and provide supports needed for the next generation to thrive, and what is legally needed and appropriate to secure the right to vote for all citizens, including many who may be newly eligible to register and vote this year.

Sincerely,

A handwritten signature in black ink that reads "Janet Murguía". The signature is fluid and cursive, with the first letter of "Janet" being a large, stylized capital "J".

Janet Murguía
President and Chief Executive Officer

Notes

- ¹ “Comments on the proposed rulemaking on the Deferred Action for Childhood Arrivals policy,” *UnidosUS*. November 2021. https://www.unidosus.org/wp-content/uploads/2021/11/unidosus_nprm_dacacomment_112221.pdf
- ² Cortez Masto, Catherine, Et. Al. “Comment Submitted by U.S. Senator Catherine Cortez Masto,” *United States Senate*. November 2021. <https://www.regulations.gov/comment/USCIS-2021-0006-16088>
- ³ Menendez, Robert, Et. Al. “Senate Letter to Secretary Mayorkas and Secretary Blinken Regarding Central America and Temporary Protected Status.” *United States Senate*. January 2022. <https://www.foreign.senate.gov/imo/media/doc/01-10-22%20Senate%20Letter%20to%20Sec.%20Mayorkas%20and%20Sec.%20Blinken%20re%20Central%20America%20and%20TPS.pdf>
- ⁴ Morning Consult and POLITICO, “National Tracking Poll #2112027, December 04-06, 2021,” https://assets.morningconsult.com/wp-content/uploads/2021/12/08091802/2112027_crosstabs_POLITICO_RVs_v2_SH.pdf (accessed April 2022).
- ⁵ Foxen, Patricia, “Latinos, COVID-19, and Social Belonging: Voices from the Community,” *UnidosUS*. November 16, 2021. https://www.unidosus.org/wp-content/uploads/2021/11/unidosus_latinoscovid19andsocialbelonging_111521.pdf.
- ⁶ “Taxpayer Bill of Rights,” *Internal Revenue Service*. Accessed February 2022. <https://www.irs.gov/taxpayer-bill-of-rights#informed>
- ⁷ Acevedo-Garcia, Dolores, Et. Al. “Restoring An Inclusionary Safety Net For Children In Immigrant Families: A Review Of Three Social Policies,” *Health Affairs*. July 2021. <https://www.healthaffairs.org/doi/epdf/10.1377/hlthaff.2021.00206>
- ⁸ UnidosUS, “Latino Voters and The 2020 Election Part 1: Numbers, Trends, and Influence,” (July 2020) https://www.unidosus.org/wp-content/uploads/2021/07/unidosus_latinovoters2020election_072620.pdf.
- ⁹ Rodrigo Dominguez-Villegas Et. Al., “Vote Choice of Latino Voters in the 2020 Presidential Election,” UCLA Latino Policy & Politics Initiative, (January 18, 2021). <https://latino.ucla.edu/research/latino-voters-in-2020-election/>.
- ¹⁰ “Executive Order on Promoting Access to Voting,” *The White House*. March 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>
- ¹¹ “FACT SHEET: Biden Administration Promotes Voter Participation with New Agency Steps,” *The White House*. September 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/28/fact-sheet-biden-administration-promotes-voter-participation-with-new-agency-steps/>