

October 26, 2020

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

I write to respectfully encourage you to exercise your inherent constitutional authority to conduct foreign relations to grant Deferred Enforced Departure (DED) to eligible Venezuelan nationals currently residing in the United States. Such a designation is consistent with – and advances – your administration’s foreign policy priorities with regard to Venezuela, as well as support for our neighbors and allies in the Western Hemisphere.

I commend your administration’s ongoing leadership to support Interim President Juan Guaidó as he continues to navigate his country through extraordinarily difficult – and in many respects catastrophic – circumstances caused by the regime of narcoterrorist Nicolás Maduro. As you know, I have advocated for your administration to designate Venezuela for Temporary Protected Status (TPS) so that it is clear that Venezuelan nationals who are in the United States will not have to return to Venezuela until democracy is restored.

Absent such a TPS designation from the Secretary of Homeland Security, we must ensure that we are not deporting individuals back to a country in which the illegitimate Maduro regime and its security forces routinely carry out extra-judicial murders, disappearances, and torture of political opponents. Just last month, the United Nations Human Rights Council’s Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela issued a report examining a range of human rights violations dating back to 2014. According to Marta Valiñas, the Mission’s chairperson, “[t]he Mission found reasonable grounds to believe that Venezuelan authorities and security forces have since 2014 planned and executed serious human rights violations, some of which – including arbitrary killings and the systematic use of torture – amount to crimes against humanity.” I was alarmed to learn that at least 188 Venezuelans, some of whom reportedly did not have a criminal record, were removed from the United States in fiscal year 2020. However, it remains unclear how many of these individuals, if any, were ultimately removed back to Venezuela.

DED provides a temporary administrative stay of removal for nationals from Presidentially-designated countries, and has historically been implemented in cases of natural disasters, war, and even “widespread civil strife.” It does not provide status pursuant to federal immigration law but does enable an individual to legally work in the country for the duration of the designation.

As a practical matter, Venezuelans in the United States currently face significant obstacles to return to Venezuela. At the same time, they face legal obstacles to obtaining immigration relief in the United States. Respectively, air travel from the United States to Venezuela is exceedingly prohibitive due to severely limited flight options into the country, and Venezuelans in the United States have limited ability to renew travel documents issued by the government of Venezuela.

Your administration has prioritized supporting human rights and democracy for the people of Venezuela and restoring constitutional order to both the near and long-term national security benefit of the United States. As the people of Venezuela continue their pursuit of democracy and the long road to restore human rights and civil society, I encourage you to ensure that United States government policies continue to support such efforts.

Thank you for your attention to this critical matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Rubio', with a stylized flourish at the end.

Marco Rubio
U.S. Senator