

Biden-Harris Administration Announces Deferred Enforced Departure for Certain Palestinians

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BACKGROUND

On February 14, 2024, the Biden-Harris administration [announced](#) certain non-U.S. citizens of any nationality, or without nationality, who are Palestinian would be eligible Deferred Enforced Departure (DED) for 18 months, from February 14, 2024 to August 13, 2025, due to worsening humanitarian conditions in the Palestinian territories, primarily in Gaza. [The White House cited](#) significantly deteriorating conditions for Palestinians following Israel's military response to the October 7, 2023 terrorist attack by Hamas. Global Refuge applauds the administration's decision.

DED is a temporary immigration status that provides protection from deportation for certain eligible nationals of the designated country. In addition, individuals covered under DED may be eligible to apply for certain benefits such as work authorization during the specified period.

WHO IS ELIGIBLE UNDER THIS DED DESIGNATION

The DED designation allows certain Palestinians to defer their removal from the United States for a period of up to 18 months if they were present in the country as of February 14, 2024, and have continuously remained since that time.

In order to be eligible for DED, Palestinians cannot have been convicted of a felony or two or more misdemeanors in the United States, be subject to any of the [mandatory bars to asylum](#), nor have been found inadmissible or deportable under any of the security-related grounds in INA sections (212)(a)(3) & 237(a)(4). Additionally, Palestinians who are subject to extradition, whose presence is not in the interest of the United States or poses a danger to public safety, or whose presence would have potentially serious adverse foreign policy consequences for the United States may not be eligible for DED.

WHAT IS REQUIRED FOR DED AND WORK AUTHORIZATION

Most Palestinians, who were in the United States as of February 14, 2024, will automatically possess DED status until its expiration or termination. It is important to note that DED is not classified as an immigration benefit and no formal application is required to obtain it.

Palestinians covered by DED are eligible for employment authorization documents (EAD) through August 13, 2025 under [category code \(a\)\(11\)](#). Eligible individuals may apply for DED-based work authorization by filing a [Form I-765](#) with U.S. Citizenship and Immigration Services (USCIS) along with filing fees and supporting documentation. On the Form I-765, individuals should enter (a)(11) in response to Question 27. When evaluating applications, USCIS will consider evidence that the applicant is Palestinian, which may include: a Palestinian Authority Passport; a Palestinian Authority Identification Card; a birth certificate or birth extract verified or issued by a recognized governmental authority identifying the holder as born in the Palestinian Territories; or an identification/travel document issued by a third country, the United Nations or its agencies, or the International Committee of the Red Cross identifying the holder as a Palestinian.

The USCIS filing fee for Form I-765 filed online is \$470 and the fee for paper forms filed by mail is \$520. The complete fee schedule can be found [here](#). Fee waivers ([Form I-912](#)) are available for certain individuals who cannot afford USCIS filing fees. However, when submitting a Form I-912, the fee waiver request and associated EAD application cannot be filed online and must be submitted by mail.

WHAT IS THE CURRENT PROCESSING TIME FOR EAD APPLICATIONS

The current processing time for EAD applications varies and can range from 6 weeks to 6 months. We recognize the importance of accurate information regarding processing times and will update this document accordingly as more information becomes available.

OTHER IMPORTANT THINGS TO CONSIDER

The Department of State [visa reciprocity table for the Palestinian authority](#) provides more information on the availability of visas and other documentation. Individuals covered by DED may be eligible for travel authorization as a matter of discretion. However, if an individual leaves the United States without first receiving travel authorization, they may no longer be eligible for DED or permitted to reenter the country. Additionally, if an individual returns to the Palestinian territories, even with prior travel authorization, they may be rendered ineligible for DED. Additional details regarding DED for Palestinians can be found in the [published Federal Register notice](#).

For employers, a DED-based EAD is an [acceptable document under List A of the Form I-9](#). When completing Form I-9, employers must accept any unexpired documentation that appears on the Form I-9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to the individual, or an acceptable List A, List B, or List C



receipt. Employers may not request proof of Palestinian identity when completing Form I-9 for new hires or reverifying the employment authorization of current employees. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I-9Central@dhs.gov.

Note: A listing of non-profit immigration legal services providers can be found at www.immigrationadvocates.org/legaldirectory/.