



Congress of the United States
House of Representatives
Washington, DC 20515

September 16, 2024

Hon. Joseph R. Biden, Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20000

Dear President Biden,

We write to urgently request that your administration provide temporary humanitarian protections for Guatemalan nationals living in the United States by either designating the country for Temporary Protected Status (TPS) or authorizing Deferred Enforced Departure (DED) for Guatemalan nationals. Several significant and overlapping natural disasters are causing substantial disruption and hampering the country's ability to adequately handle the return of its nationals at this time. Additionally, widespread impunity, corruption, and violence are preventing Guatemalans from returning to the country safely.

Today, the vast majority of Guatemalans have lived in the United States for many years and are deeply integrated into the fabric of American families, communities, and local economies. Providing these humanitarian protections will reinforce the relationship that the United States is developing with the new, democratically elected government in Guatemala, which has committed to taking steps to try to ameliorate many of the conditions that have long been neglected by previous Guatemalan leaders.

Guatemala has long experienced significant environmental disasters, which has resulted in worsened food insecurity and displacement of Guatemalans. The United Nation's World Food Programme describes Guatemala as "among the ten countries in the world most vulnerable to disasters and climate emergencies." Guatemala's unique vulnerability to the significant and protracted effects of environmental disasters was vividly exposed when large portions of the country were leveled by twin Category 4 hurricanes (Eta and Iota) and resulting flooding and landslides in November 2020. The storms affected more than 2.4 million people, displacing hundreds of thousands, many of whom eventually returned to villages and communities that were entirely wiped out. The damage from the hurricanes further exacerbated already dire food insecurity throughout the country. According to the Integrated Food Security Phase Classification's (IPC) most recent report on acute food insecurity in Guatemala, during the lean season running from June to August 2023, the number was projected to be 4.3 million—nearly

one-quarter of the country's population. As a result of the environmental challenges, nearly half of Guatemalan children under 5 (46.5 percent) experience chronic malnutrition—the highest rate in Latin America and the sixth highest worldwide.

Additionally, Guatemala faces other extraordinary and temporary conditions that prevent the country's nationals from returning safely. These conditions include widespread violence against marginalized communities, including women, Indigenous people, and human rights and rule of law defenders. Pervasive official corruption infects every aspect of life in Guatemala and has precipitated the collapse of the country's justice system as well as violence and environmental degradation associated with powerful drug trafficking organizations.

The U.S. Government's official reports on human rights abuses and violence in Guatemala are unsparring. The State Department's 2023 Human Rights Report cites credible reports of:

“cruel, inhuman, and degrading treatment or punishment by the government; harsh and life threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; transnational repression against individuals in another country; serious restrictions on freedom of expression and media freedom, including threats of violence against journalists and unjustified arrests or prosecutions of journalists; serious government corruption; serious government harassment of domestic and international human rights organizations; extensive gender-based violence, including femicide and other forms of such violence; crimes involving violence or threats of violence targeting members of Indigenous groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; crimes involving violence or threats of violence targeting persons with disabilities; and significant restrictions on workers' freedom of association, including violence and threats against union leaders.”

In a country marked by deep social and economic inequity, the marginalization of Guatemala's Indigenous population stands out and heightens their vulnerability to violence and abuse without recourse. In recent years, 79 percent of Indigenous people live in poverty, a rate almost 30 points higher than the national average. The 2023 report by the U.N. High Commissioner for Human Rights noted that evictions of indigenous families from native land had doubled in 2023, attacks on human rights defenders increased by 264 percent, and attacks on journalists increased by nearly 74 percent.

The ability of Guatemala's public and private institutions to effectively tackle many of the extremely serious problems facing the country is sorely compromised by the widespread and deeply ingrained problems of corruption and impunity. The strength of drug trafficking organizations that frequently operate with impunity in many parts of the country poses a significant threat to citizen security. According to the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL), drug trafficking organizations maintain significant influence over many parts of the country, especially along its borders. The recent Treasury Department sanction of the Los Pochos drug trafficking organization noted that the work of the organization relied on corrupt public officials, from police and military officers to

prosecutors and other authorities. Through these actions, drug trafficking groups are also responsible for up to 30 percent of deforestation in the country.

A sober assessment of conditions in the country today would support the conclusion that the country is unsafe and unable to adequately handle the return of its nationals and would be consistent with the current foreign policy goals of Guatemala, who recently requested a TPS designation.

Unlike TPS, which is an authority granted to the Secretary of Homeland Security by Congress, Deferred Enforced Departure is a power of the president derived from the constitutional authority in Article II to conduct foreign relations. In the past, DED has most often been used by presidents to offer protection to people from a country where they would face political repression or serious threat to their lives if they were forced to return. That is certainly the case with the recent memoranda providing DED for certain Palestinians, Hong Kong residents, and Venezuelan nationals.

But that is not always the case. For many years, DED for Liberians has been extended not out of concern for the safety and security of Liberian nationals in the United States were they to return to their country of nationality, but rather in recognition of the “historic close relationship” between our two countries and to advance “the foreign policy interests of the United States.” For the reasons explained above, there is enough evidence that DED for Guatemalans in the United States today is necessary to protect them from the many diverse threats to their safety and overall welfare if they were to be returned to Guatemala. But for purposes of DED, it is equally relevant that the United States is currently building an especially close relationship with the government of Guatemala and its people.

Granting TPS or DED to Guatemalan nationals in the United States is entirely within the legal authority of this administration and it is both the right and the smart thing to do. The problems in Guatemala today are deeply rooted and they pose a threat not only to the safety and security of Guatemalan nationals who have long resided in the United States, but also to the U.S. Government’s efforts to address the root causes of forced and irregular migration in the hemisphere. The magnitude of the challenges in Guatemala also threatens to undo the tenuous grip on power maintained by the country’s newly elected president, who is fighting back against powerful, entrenched interests focused on halting his efforts and undermining his growing partnership with the United States. Now is the time to act.

We thank you for your consideration of this urgent humanitarian request.

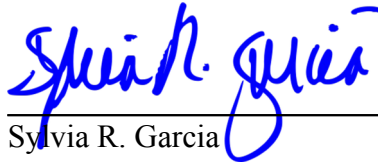
Sincerely,



J. Luis Correa
Member of Congress



Gerald E. Connolly
Member of Congress



Sylvia R. Garcia
Member of Congress



James P. McGovern
Member of Congress



Raul Ruiz, M.D.
Member of Congress



Nydia M. Velázquez
Member of Congress



Barbara Lee
Member of Congress



Grace Meng
Member of Congress



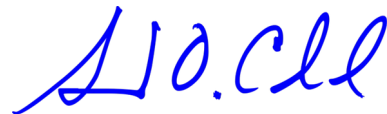
Jesús G. "Chuy" García
Member of Congress



Cori Bush
Member of Congress



Eleanor Holmes Norton
Member of Congress



Salud Carbajal
Member of Congress



Ilhan Omar
Member of Congress



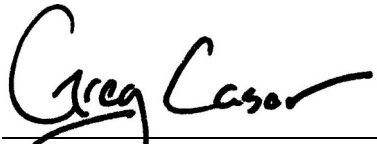
Yvette D. Clarke
Member of Congress



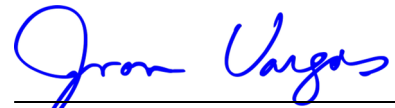
Jan Schakowsky
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Frederica S. Wilson
Member of Congress



Greg Casar
Member of Congress



Juan Vargas
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Henry C. "Hank" Johnson, Jr.
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Nanette Diaz Barragán
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Joaquin Castro
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Jamie Raskin
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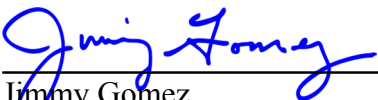
Darren Soto
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Tony Cárdenas
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Maxwell Alejandro Frost
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Jimmy Gomez
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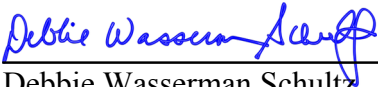
Frank Pallone, Jr.
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Jamaal Bowman, Ed.D.
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Debbie Wasserman Schultz
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Adriano Espaillat
Member of Congress



Andre Carson
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Pramila Jayapal
Member of Congress



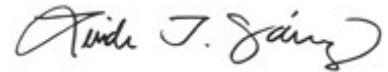
Rashida Tlaib
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Judy Chu
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Linda T. Sánchez
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Troy Carter
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Gabe Amo
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Sara Jacobs
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Suzan K. DelBene
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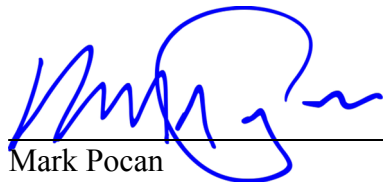
Ted W. Lieu
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Veronica Escobar
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Glenn Ivey
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David J. Trone
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Bonnie Watson Coleman
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CC:

Hon. Alejandro Mayorkas
Secretary
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Hon. Antony Blinken
Secretary
U.S. Department of State
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009



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

January 15, 2025

The Honorable J. Luis Correa
U.S. House of Representatives
Washington, DC 20515

Dear Representative Correa:

Thank you for your September 16, 2024 letter to President Biden requesting the designation of Guatemala for Temporary Protected Status (TPS) or the authorization of Deferred Enforced Departure (DED) for Guatemalan nationals in the United States. Your letter was referred to the Department of Homeland Security (DHS), and I am responding on behalf of the Department.

DHS continues to implement a migration strategy focused on strengthened consequences for those who cross the border without authorization and a historic expansion of lawful, safe, and orderly pathways for those who qualify. The Secretary of Homeland Security may designate a country for TPS and extend or terminate a country's existing TPS designation based upon specific statutory criteria. To designate a country for TPS or extend a country's TPS designation, the Secretary must find one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States.

DED is an administrative stay of removal that the President may authorize for a designated group of foreign nationals in the United States pursuant to his constitutional authority to conduct foreign relations. Although DED is not a specific immigration status, individuals covered by DED are not subject to removal from the United States, usually for a designated period.

I appreciate your concerns regarding the situation in Guatemala and your interest in its designation for TPS or DED. Please be assured DHS is monitoring conditions in Guatemala. DHS is committed to administering its programs, including TPS, in an equitable manner and

makes decisions to designate TPS after consultation with interagency partners and careful consideration of the circumstances.

U.S. Citizenship and Immigration Services (USCIS) also offers immigration relief that may be available upon request to assist eligible noncitizens affected by emergencies or unforeseen circumstances.¹ Such relief may include:

- Change or extension of nonimmigrant status if eligible noncitizens are currently in the United States, even if the request is filed after their 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;
- 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 emergency or unforeseen circumstances; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

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

Ur M. Jaddou
Director

¹ Additional information is available at the U.S. Citizenship and Immigration Services website at: uscis.gov/newsroom/immigration-relief-in-emergencies-or-unforeseen-circumstances.