

# Congress of the United States

Washington, DC 20510

May 23, 2022

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

**RECEIVED**

**By ESEC at 7:43 am, May 24, 2022**

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
301 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20528

The Honorable Antony Blinken  
Secretary  
U.S. Department of State  
2201 C St. NW  
Washington, DC 20520

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

We write to urgently request your administration expand Temporary Protected Status protections for migrants from Guatemala, El Salvador, Honduras, and Nicaragua. We have watched with concern the worsening humanitarian crisis in Central American countries in the aftermath of Hurricanes Eta and Iota in 2020, continued severe drought, and the COVID-19 pandemic. We believe designating Guatemala and redesignating El Salvador, Honduras, and Nicaragua for Temporary Protected Status (TPS) would go a long way in assisting those communities in the United States and enable them to better support their families back home.

The pressures of the November 2020 hurricanes compounded with the long-term effects of climate change and the COVID-19 pandemic have worsened food insecurity and violence in countries in Central America. Hurricanes Eta and Iota left over 9.3 million people,<sup>1</sup> including 3.5 million children, affected and forced to leave their home communities. The hurricanes also left long-lasting damage by destroying key healthcare, education, and other infrastructure essential to everyday lives. Almost a year later, millions in Honduras, Guatemala, Nicaragua, and El Salvador still lacked access to humanitarian assistance, housing, and basic services.<sup>2</sup>

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<sup>1</sup> <https://www.unicef.org/appeals/hurricanes-eta-and-iota#:~:text=An%20estimated%209.2%20million%20people,%2C%20Honduras%2C%20Nicaragua%20and%20Panama.>

<sup>2</sup> <https://gho.unocha.org/part-three/disaster-response-during-pandemic-hurricanes-eta-and-iota-central-america#:~:text=Eta%20and%20Iota%20made%20landfall,nearly%20half%20of%20Honduras's%20population>

The COVID-19 pandemic and the hurricanes interrupted the crucial flow of remittances to Guatemala, Honduras, El Salvador, and Nicaragua, which served a crucial role in supporting the region's economic recovery. The Famine Early Warning Systems Network (FEWS NET) estimates areas affected by the two hurricanes, as well as the Dry Corridor in Honduras and Guatemala, will remain in crisis levels of food insecurity through at least May 2022.<sup>3</sup> Over 8 million people went hungry in 2021,<sup>4</sup> quadrupling from 2018, and these numbers will continue to rise as we see the increased effects of climate change on agriculture outputs, security, and economic integration. As your administration has recognized climate change as a key contributor to migration, these designations would support the administration's efforts to address the root causes of migration as communities in Central America have weathered the brunt of climate change's effects including consecutive years of drought and extreme weather events.

The changing political dynamics in these countries also underscore the difficulties individuals face in returning home. For example, the crackdown on civil society, journalists, and other dissidents in Nicaragua over the last few years has worsened to the point where return for many Nicaraguans means imprisonment or other forms of punishment. Similar situations have emerged over the last year in El Salvador and Guatemala. The U.S. Government must respond to these developments by adding these TPS designations to the larger landscape of assistance for Central American countries and as part of the administration's effort to curb corruption, impunity, and violence in the region.

We believe that conditions on the ground in Guatemala, Honduras, El Salvador, and Nicaragua constitute "extraordinary and temporary conditions" that prevent nationals from safely returning.<sup>5</sup> These countries have been dealing with the aftermath of such events for years and as conditions continue to worsen and new challenges arise, the United States should provide temporary protection and refuge. Furthermore, these designations would provide the U.S. government with an important tool to address root causes of migration from Central American countries by helping increase the flow of remittances and supporting government efforts to address in-country conditions without the additional tax of a large influx of individuals forced to return home. The designation would likely protect nearly 1.5 million migrants currently in the United States, providing immediate relief to these individuals and their families. We ask that these TPS designations be paired with a robust and comprehensive messaging campaign that offers clear instructions regarding eligibility and application procedures, as to prevent confusion and mass migration that occurred after the May 2021 Haiti TPS designation.

It is our view that Guatemala, El Salvador, Honduras, and Nicaragua meet the circumstances and standards for TPS. We look forward to continuing to support the efforts from your administration to address the root causes of migration in Central America in a holistic manner, including by taking this important step to uphold humanitarian protections and safeguard U.S. national security interests. Thank you for your consideration.

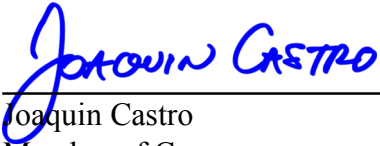
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<sup>3</sup> <https://fews.net/central-america-and-caribbean/food-security-outlook/march-2022>

<sup>4</sup> <https://www.wfp.org/news/battered-climate-shocks-and-bruised-economic-crisis-millions-more-central-america-face-hunger>

<sup>5</sup> <https://www.uscis.gov/humanitarian/temporary-protected-status>

Sincerely,



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Joaquin Castro  
Member of Congress



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Adriano Espaillat  
Member of Congress



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Maria Elvira Salazar  
Member of Congress



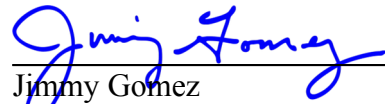
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James P. McGovern  
Member of Congress



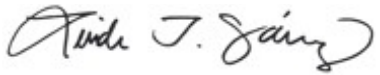
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Alexandria Ocasio-Cortez  
Member of Congress



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Jimmy Gomez  
Member of Congress



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Linda T. Sánchez  
Member of Congress



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Bonnie Watson Coleman  
Member of Congress



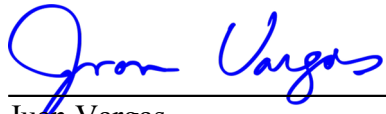
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André Carson  
Member of Congress



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Frederica S. Wilson  
Member of Congress



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Juan Vargas  
Member of Congress



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Anthony G. Brown  
Member of Congress



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Terri A. Sewell  
Member of Congress



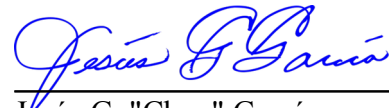
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J. Luis Correa  
Member of Congress



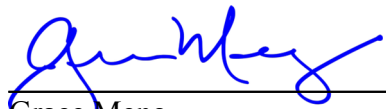
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Dwight Evans  
Member of Congress



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Jesús G. "Chuy" García  
Member of Congress



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Grace Meng  
Member of Congress



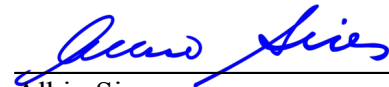
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Eleanor Holmes Norton  
Member of Congress



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Pramila Jayapal  
Member of Congress



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Albio Sires  
Member of Congress



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Barbara Lee  
Member of Congress



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Jan Schakowsky  
Member of Congress



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Troy Carter  
Member of Congress



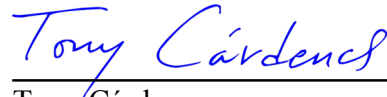
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Mark Pocan  
Member of Congress



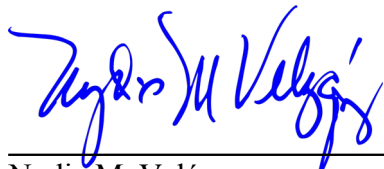
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Grace F. Napolitano  
Member of Congress



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Tony Cárdenas  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Ritchie Torres  
Member of Congress



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Donald M. Payne, Jr.  
Member of Congress



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Mike Quigley  
Member of Congress



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Rashida Tlaib  
Member of Congress



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Carolyn B. Maloney  
Member of Congress



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Henry C. "Hank" Johnson, Jr.  
Member of Congress



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Darren Soto  
Member of Congress



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Hakeem Jeffries  
Member of Congress



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Dina Titus  
Member of Congress



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Ruben Gallego  
Member of Congress



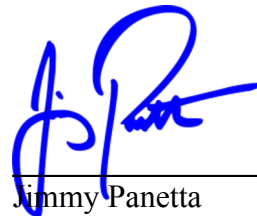
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Ayanna Pressley  
Member of Congress



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Mark DeSaulnier  
Member of Congress



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Jimmy Panetta  
Member of Congress

*Thomas R. Suozzi*

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Member of Congress

*Norma J. Torres*

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Norma J. Torres  
Member of Congress

*Nanette Diaz Barragán*

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Nanette Diaz Barragán  
Member of Congress

*Alan Lowenthal*

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Alan Lowenthal  
Member of Congress

*Sara Jacobs*

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Sara Jacobs  
Member of Congress

*Judy Chu*

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Judy Chu  
Member of Congress

*Veronica Escobar*

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Veronica Escobar  
Member of Congress

*Jamie Raskin*

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Jamie Raskin  
Member of Congress

*Cori Bush*

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Cori Bush  
Member of Congress

*Lori Trahan*

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Lori Trahan  
Member of Congress



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Raul Ruiz, M.D.  
Member of Congress



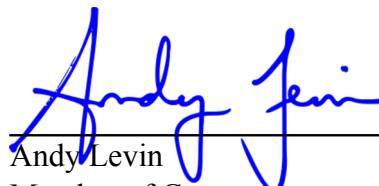
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Sylvia R. Garcia  
Member of Congress



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Ted W. Lieu  
Member of Congress



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Andy Levin  
Member of Congress



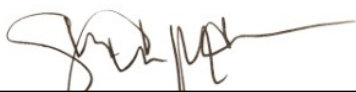
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Karen Bass  
Member of Congress



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Jason Crow  
Member of Congress



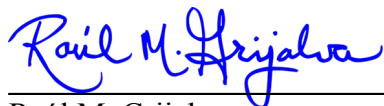
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Sheila Cherfilus-McCormick  
Member of Congress



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Salud Carbajal  
Member of Congress



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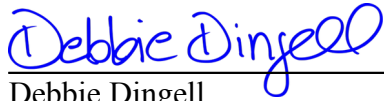
Raúl M. Grijalva  
Member of Congress



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Tom Malinowski  
Member of Congress





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Debbie Dingell  
Member of Congress



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Frank Pallone, Jr.  
Member of Congress



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Gerald E. Connolly  
Member of Congress



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Robert C. "Bobby" Scott  
Member of Congress



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Marcy Kaptur  
Member of Congress



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Gregory W. Meeks  
Member of Congress



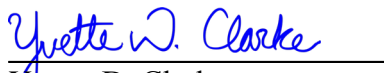
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Jamaal Bowman, Ed.D.  
Member of Congress



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Lucille Roybal-Allard  
Member of Congress



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Yvette D. Clarke  
Member of Congress



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Joe Neguse  
Member of Congress



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Adam Smith  
Member of Congress



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Marie Newman  
Member of Congress



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Steven Horsford  
Member of Congress



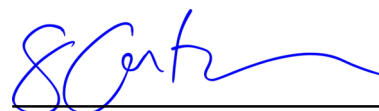
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Kathy Castor  
Member of Congress



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Kathleen M. Rice  
Member of Congress



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Sean Casten  
Member of Congress



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A. Donald McEachin  
Member of Congress



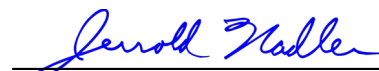
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Ilhan Omar  
Member of Congress



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David N. Cicilline  
Member of Congress



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Jerrold Nadler  
Member of Congress



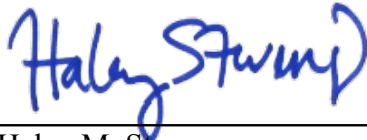
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Gwen S. Moore  
Member of Congress



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Zoe Lofgren  
Member of Congress



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Haley M. Stevens  
Member of Congress



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Debbie Wasserman Schultz  
Member of Congress



U.S. Citizenship  
and Immigration  
Services

July 20, 2022

The Honorable Joaquin Castro  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Castro:

Thank you for your May 23, 2022 letter to the Department of Homeland Security (DHS) requesting DHS to designate Guatemala, El Salvador, Honduras, and Nicaragua for Temporary Protected Status (TPS). Secretary Mayorkas asked that I respond on his behalf.

The Secretary of Homeland Security may designate or redesignate 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 adequately handle the return of its nationals, and the country has officially requested TPS designation; or (3) there exists extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and that permitting the country's nationals to remain temporarily in the United States would not be contrary to the national interest of the United States. *See* Immigration and Nationality Act § 244(b)(1).

Honduras, El Salvador, and Nicaragua were previously designated for TPS due to environmental disasters that occurred in 1998, 2001, and 1998, respectively, that resulted in a substantial disruption of living conditions.<sup>1</sup> Following a review of the country conditions and consulting with appropriate U.S. government agencies, former Secretaries and Acting Secretaries of Homeland Security announced the termination of the designations of Honduras, El Salvador, and Nicaragua for TPS in 2017 and 2018.<sup>2</sup> Litigation continues regarding these termination decisions. As required by a preliminary injunction and related court order, the termination of

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<sup>1</sup> Honduras was designated for TPS on January 5, 1999, following Hurricane Mitch (64 FR 524), El Salvador was designated for TPS on March 9, 2001, following a series of earthquakes occurring in 2001 (66 FR 14214), and Nicaragua was designated for TPS on January 5, 1999, following Hurricane Mitch (64 FR 526). Guatemala has not previously been designated for TPS.

<sup>2</sup> DHS announced the termination of the designations for TPS for Honduras on June 5, 2018 (83 FR 26074), El Salvador on January 18, 2018 (83 FR 2654), and Nicaragua on December 15, 2017 (82 FR 59636).

TPS for Honduras, El Salvador, and Nicaragua are enjoined or otherwise on hold.<sup>3</sup> U.S. Citizenship and Immigration Services (USCIS) is continuing the TPS and TPS-related documentation of beneficiaries under the designations for El Salvador, Honduras, and Nicaragua, as well as certain other covered TPS beneficiaries, in compliance with these court orders.<sup>4</sup> This TPS-related documentation includes Employment Authorization Documents, Forms I-797, Notice of Action, and Forms I-94, Arrival/Departure Record.<sup>5</sup> USCIS has announced the continuation of these TPS programs on its website.<sup>6</sup>

DHS is closely monitoring conditions in Honduras, El Salvador, Nicaragua, and Guatemala. Please be assured DHS offers support to eligible individuals affected by a natural catastrophe or other extreme situations that may be available upon request.<sup>7</sup> DHS is committed to administering its programs, including TPS, in an equitable manner. DHS makes decisions to designate or redesignate TPS after consultation with interagency partners and careful consideration of the circumstances of the country and in accordance with the TPS statute noted earlier.

Separately, DHS is focused on creating and expanding lawful pathways for opportunity and protection, which is at the heart of the Biden Administration's efforts to address irregular migration in the Americas humanely. To that end, DHS reserved H-2B visas for nationals of Guatemala, Honduras, El Salvador, and Haiti to encourage U.S. employers to seek out workers from these countries, while, at the same time, to increase interest among nationals of these countries seeking a legal pathway for temporary employment in the United States. DHS also supports efforts of the U.S. Agency for International Development to build government capacity in Northern Central America to facilitate access to H-2A and H-2B visas. These efforts focus on systematic, orderly, and safe recruitment of workers, engagement with U.S. employers, and strengthening worker protections.

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<sup>3</sup> See *Ramos, et al. v. Nielsen, et al.*, 336 F. Supp.3d 1075 (N.D. Cal. 2018)(preliminary injunction; although the injunction was vacated by a panel of the 9th Cir., it remains in effect; plaintiffs' request for en banc review is pending, see *Ramos, et al. v. Wolf, et al.*, No. 18-16981 (9th Cir., Sept. 14, 2020)); *Bhattarai et al. v. Nielsen et al.*, No. 19-cv-731 (N.D. Cal., March 12, 2019)(proceedings stayed in challenge to termination of TPS for Honduras and Nepal; approving parties' stipulated agreement that TPS and TPS-related documentation for affected beneficiaries will be continued on same terms as for *Ramos* plaintiffs while *Ramos* appeal is pending).

<sup>4</sup> See 86 FR 50725 (Sept. 10, 2021) (most recent notice continuing TPS and TPS-related documentation through December 31, 2022, for TPS beneficiaries affected by the court orders). DHS will publish subsequent notices, as needed, while the court orders remain in effect.

<sup>5</sup> The Department of Homeland Security (DHS) has extended TPS-related documents for eligible beneficiaries of Nepal and Honduras as has been done for the TPS beneficiaries in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal), (challenging the terminations of TPS for El Salvador, Haiti, Nicaragua and Sudan). The district court in *Bhattarai* has stayed proceedings pending the outcome of the government's appeal in *Ramos*. The termination of TPS for Honduras, El Salvador, and Nicaragua will not take effect while the *Ramos* and *Bhattarai* injunctions are in place.

<sup>6</sup> See <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-el-salvador> (continuing TPS for El Salvador); <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras> (continuing TPS for Honduras); and <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nicaragua> (continuing TPS for Nicaragua).

<sup>7</sup> Additional information is available at the U.S. Citizenship and Immigration Services website at: <https://www.uscis.gov/humanitarian/special-situations>.

In cooperation with interagency partners DHS reimplemented and expanded a safer and lawful pathway for minors from Central American countries to reunite with their parents and legal guardians. Additionally, as President Biden announced at the Summit of the Americas, his Administration is committed to significantly increasing refugee resettlement from the Americas, and DHS is increasing efforts to process refugee applications in the region. USCIS plays a critical role in the U.S. Refugee Admissions Program and is fully committed to providing the necessary resources to achieve this goal.

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 have your staff 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 flourish extending to the right.

Ur M. Jaddou  
Director