



Policy Brief Analyzing DHS's Response to TPS FOIA Request¹

November 9, 2020

I. BACKGROUND

On August 13, 2019, the Catholic Legal Immigration Network, Inc., or CLINIC, Alianza Americas, the National TPS Alliance, the National Immigration Project of the National Lawyers Guild (NIPNLG), and the TPS Advocacy Working Group submitted a Freedom of Information Act (FOIA) request to the U.S. Department of Homeland Security (DHS) with regard to the unlawful terminations of Temporary Protected Status (TPS) and Deferred Enforced Departure (DED), and the undue influence of white nationalist groups seeking to implement a xenophobic “America First” worldview.

Based on previous [documents obtained](#) through discovery in the class action lawsuits of *Ramos v. Nielsen* and *Bhattarai v. Nielsen*, there is alarming evidence of overt racism in the Trump administration’s targeting of TPS communities—and the role of nativist hate groups in government decision-making. In this context, it is urgent for federal courts and congressional committees of jurisdiction to uncover the truth about the racist targeting of TPS holders and to hold these government actors accountable.

On August 7, 2020, DHS responded to our FOIA request by stating that it had identified 90 pages of relevant material (with there likely being more responsive records), but only releasing to us 62 pages, many of which were heavily redacted.² There are likely more than 90 pages of responsive records as DHS failed to release any records on some documents we requested, including information about requests to designate Venezuela for TPS and requests about the termination of DED. Documents in the FOIA response included general background, agendas, and talking points for meetings with TPS and country conditions experts, information from the government of Haiti, and country conditions memos.

II. KEY TAKEAWAYS

- In general, the FOIA response included information that had been uncovered by TPS litigation, the Senate Foreign Relations Committee, other Congressional offices, and the press. No information on the failure to redesignate or newly designate TPS for any country was included. Despite our request for email communications, none were included in the government’s disclosure.
- The few documents released support the evidence that the DHS decisions to terminate TPS and DED were made despite clear indications of need based on country conditions. However, the continued failure to provide emails and communications within DHS and State Department point to a need for congressional committees to provide further oversight and much more robust accountability.
- Of particular relevance to current litigation, DHS admits that certain TPS beneficiaries may be eligible to adjust status, particularly TPS beneficiaries who are special

¹ For questions regarding this document, please contact jose@masadc.com.

² See Appendix A & B.

immigrants or who have U.S. citizen immediate relatives and depart and return to the United States via advance parole.³

- DHS recognizes that Salvadoran TPS recipients are parents to thousands of U.S. citizen children through whom there may be a path to permanent legal status yet nonetheless declined to extend TPS.⁴ “[M]ore than 42,700 [of the total El Salvadoran TPS beneficiaries in the U.S.] have been granted lawful permanent resident status since being granted TPS.”⁵
- The State Department determined that despite Haiti’s progress, Haiti lacks “capacity to ensure that the large population TPS beneficiaries currently residing in the United States can return in safety.”⁶
- The State Department noted that involuntarily returning Haitian nationals to a country ill-equipped to receive a large number of returning nationals “would further incentivize [irregular] migration” and “could threaten the progress made on the U.S. strategy in Central America[.]”⁷
- A letter from the Haitian embassy dated October 4, 2017, and a corresponding memo echo a request for an 18-month extension or re-designation of TPS for Haitian nationals.⁸
- A common theme throughout the country conditions analyses in the DHS meeting notes is observing that homicide and sexual violence rates are extremely high in a given country, but citing a decrease in homicide and/or sexual violence rates as a sign of improvement—implying justification for terminating TPS. Similarly, and perhaps even more troublingly, the country conditions analysis for El Salvador laments the high rates of sexual abuse in El Salvador but immediately adds, “But, again, El Salvador is not alone in that regard.”⁹

This conclusion seems to echo language in recent government reports that we now know from a recent reprisal whistleblower complaint filed with the DHS Office of Inspector General by a Senior DHS official may have been the product of Mr. Cuccinelli demanding “changes to the information outlining high levels of corruption, violence, and poor economic conditions in the three Northern Triangle countries.” The reasoning being that the unadulterated reports undermined President Trump’s “policy objectives with respect to asylum.

- Former USCIS Director Francis Cissna’s memo regarding the TPS designation for Haiti and Honduras are largely redacted as deliberative documents. It is unclear whether and/or to what extent nativist groups were involved in these determinations due to the redactions and/or exclusions of certain records. As Senator John Cornyn (R-TX) [said in support of the FOIA Improvement Act of 2016](#), “a truly democratic system depends on an informed citizenry to hold their leaders accountable. And in a form of government

³ *Infra* app. B p. 24.

⁴ *See infra* app. B p. 1.

⁵ *Infra* app. B p. 1.

⁶ *Infra* app. B p. 34.

⁷ *Infra* app. B p. 37.

⁸ *Infra* app. B. pp. 42–47.

⁹ *Infra* app. B p. 26.

that depends for its very legitimacy on the consent of the governed, the simple point is, if the public doesn't know what government is doing, how can they consent?"

It is unclear what the administration hides behind this overused exemption, but the public should know if nativist groups were involved in these determinations given the [influence these groups have already had in the Trump administration](#).

III. CONCLUSION

As TPS communities deal with the fallout from the recent *Ramos* [ruling](#) and anticipate the imminent *Bhattarai* and *Saget* rulings, nearly half a million people's lives and livelihoods hang in limbo. Clearly, the unlawful terminations of TPS—and the influence of white nationalist groups and philosophy—require further Congressional intervention and investigation in order to hold government actors accountable, including holding hearings, requesting data and records, and calling attention to this administration's unlawful targeting of TPS.

Appendix A

Final Denial in Part or in Full

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

Privacy Office, Mail Stop 0655

August 7, 2020

SENT BY ELECTRONIC MAIL TO: jbussey@cliniclegal.org

Jill Marie Bussey
Catholic Immigration Legal Network

Re: 2019-HQFO-01186

Dear Ms. Bussey:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated August 13, 2019, and received by this office on August 27, 2019. You are seeking records relating to: a. "Temporary Protected Status," "TPS," "Deferred Enforced Departure," or "DED"; and b. "America First"; 2- Records related to requests and subsequent responses originating from DHS to state or federal agencies regarding history of criminal conduct, including arrests, convictions, or incarceration, for individuals from countries who currently hold or held TPS; 3- Records related to DHS's most recent decision to extend, but not re-designate TPS for South Sudan, Syria, Yemen, Somalia, including recommendations from USCIS and the State Department regarding re-designation; 4- Records related to DHS's failure to designate Guatemala for TPS in light of the recent volcanic eruption, including recommendations from USCIS and the State Department; 5- Records related to DHS's failure to designate Venezuela for TPS in light of recent and ongoing civil unrest and humanitarian crisis including recommendations from USCIS and the State Department; 6- Records related to the impact or relation between termination of TPS for all countries and consequences on U.S. citizen children of those TPS holders; 7- Records related to communication from the Domestic Policy Council regarding the decision to terminate, extend, and/or re-designate TPS for all countries; 8- Records related to communication from the National Security Council regarding the decision to terminate, extend, and/or re-designate TPS for all countries; 9- Records containing BOTH: a. "Temporary Protected Status," "TPS," "Deferred Enforced Departure," or "DED"; and b. "Federation for American Immigration Reform"; c. "FAIR"; d. "Center for Immigration Studies"; e. "Immigration Reform Law Institute", or f. "IRLI" (Date Range for Record Search: From 1/20/2017 To 8/13/2019).

A search of the Office of the Chief Information Officer (OCIO) and Office of the Executive Secretariat for documents responsive to your request produced a total of 90 pages. Of those pages, I have determined that 62 pages are partially releasable entirety pursuant to Title 5 U.S.C. § 552: (b)(5), (b)(6), FOIA Exemptions 5 and 6.

Enclosed are 62 pages with certain information withheld as described below;

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that portions of the responsive documents qualify for protection under the Deliberative Process Privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

The balance of the records are being withheld in full under Exemption 5.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that the responsive documents qualify for protection under the Attorney-Client Privilege. The attorney-client privilege protects confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice. It applies to facts divulged by a client to his attorney, and encompasses any opinions given by an attorney to his client based upon, and thus reflecting, those facts, as well as communications between attorneys that reflect client-supplied information. The attorney-client privilege is not limited to the context of litigation.

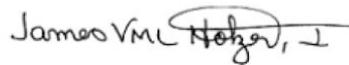
You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2017-HQFO-00271**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner.

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



James V.L.M. Holzer
Deputy Chief FOIA Officer

Enclosure(s): Responsive Documents, 62 pages

Appendix B FOIA Results

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TPS MEETING TALKING POINTS

General

- Thank participants for their regular engagement with DHS on TPS and other immigration issues.

Temporary Protected Status (TPS)

- Stress that you are taking the review of conditions in El Salvador and El Salvador's TPS designation very seriously.
- Explain that your authority to designate or redesignate a country for TPS and to extend or terminate a country's existing designation is based upon specific criteria, as defined under the Immigration and Nationality Act (INA).
- Thank participants for their continued dialogue with DHS on immigration issues, including TPS. Emphasize that you have been reviewing conditions in El Salvador to determine whether its TPS designation should be extended, terminated, or redesignated and will make a decision by Monday, January 8.

Additional points, as needed:

- Explain that if El Salvador's TPS designation is terminated, Department personnel will follow the enforcement priorities identified in former Secretary Kelly's February 20, 2017 memorandum and will no longer exempt classes or categories of removable aliens from potential enforcement.
- Note that there are currently approximately 262,500 beneficiaries under El Salvador's designation, but out of that total number of beneficiaries, more than 42,700 have been granted lawful permanent resident status since being granted TPS.

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**TPS MEETING
Participant List**

Secretary Nielsen
Elaine Duke, Deputy Secretary
Chad Wolf, Chief of Staff
AMB Nealon, Assistant Secretary, PLCY
Francis Cissna, Director, USCIS
Joe Maher, Acting General Counsel, OGC
Matt Hayden, Acting Deputy Assistant Secretary, PSO
Jonathan Hoffman, Assistant Secretary, OPA

External Participants

Ashley Feasley, Attorney, Director of Policy, U.S. Catholic Conference of Bishops - Migration and Refugee Services
Jill Marie Bussey, Advocacy Director, Catholic Legal Immigration Network, Inc. (CLINIC)
Abel Nuñez, Executive Director, Washington, DC Office, Central American Resource Center
Royce Murray, Attorney, Policy Director, American Immigration Council
Oscar Chacon, Executive Director, Alianza Americas
Josh Bernstein, Director of Immigration, Service Employees International Union
Rev. Noel Andersen, National Grassroots Coordinator, Church World Service - Immigration and Refugee Program
Sister Patricia McDermott, President, Institute of the Sisters of Mercy of the Americas
Jean Stokan, Policy Director, Institute of the Sisters of Mercy of the Americas
Rev. Dr. Sharon Stanley-Rea, Director, Refugee & Immigration Ministries for the Christian Church (Disciples of Christ) in the U.S. & Canada
TBD

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~~FOR OFFICIAL USE ONLY~~**TPS MEETING
January 5, 2018****Objective:**

- You will meet with representatives of faith-based and non-governmental organizations, at their request, to discuss their concerns regarding the future of El Salvador's Temporary Protected Status (TPS) designation.

Agenda:

- This meeting will be an unscripted conversation between you and senior representatives of several faith-based and non-governmental organizations advocating against ending TPS for El Salvador.

Key Messages

- Thank the organizations for their regular engagement with DHS on immigration-related issues.
- Highlight that you are taking your review of conditions in El Salvador and El Salvador's TPS designation very seriously.

Key Issues:DHS Priorities for Meeting

- Respond to the organizations' concerns regarding your upcoming decision on TPS for El Salvador.
 - Note that prior to making a decision regarding El Salvador's current TPS designation (which you must do by January 8, 2018, or the designation will be automatically extended by statute), you have been reviewing conditions in El Salvador to determine whether TPS designation should be extended, terminated, or re-designated in accordance with the Immigration and Nationality Act.

Issues Likely to be Raised

- TPS: The authority to designate a country for TPS and to extend or terminate a country's existing designation is vested in the Secretary of Homeland Security, following consultation with other appropriate U.S. Government agencies, and provided the relevant statutory criteria are met.
- El Salvador was designated for TPS due to an environmental disaster in 2001 and there are approximately 262,500 beneficiaries under the designation. U.S. Embassy San Salvador estimates that there are 192,700 U.S.-born children to Salvadoran TPS parents. Of the total number of beneficiaries, more than 42,700 have been granted lawful permanent resident status since being granted TPS.
- The current expiration of El Salvador's designation is March 9, 2018, necessitating a decision be made no later than Monday, January 8, 2018.
- Meeting participants will advocate for the extension of TPS for Salvadoran nationals.

- (b)(5)

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~~FOR OFFICIAL USE ONLY~~**History/Background:**

- In 2017 alone, DHS (including, USCIS) conducted dozens of outreach meetings in Salvadoran communities throughout the country. The outreach includes, but is not limited to: community forums on TPS, panel discussions with Salvadoran community organizers, stakeholder teleconferences, regular meetings with TPS beneficiaries, news releases to the Salvadoran community, luncheons with Salvadoran government officials, meetings at local churches, and listening sessions.
- Currently, there are 10 countries designated for TPS. The countries are South Sudan, Sudan, Somalia, Honduras, Nicaragua, El Salvador, Syria, Haiti, Nepal and Yemen. TPS for Sudan terminates on November 2, 2018; TPS for Nicaragua terminates on January 5, 2019; and TPS for Haiti terminates on July 22, 2019.
- El Salvador was originally designated for TPS on March 9, 2001, on environmental disaster grounds, specifically because of the devastation caused by major earthquakes in January and February of that year.
- TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status. Persons with TPS may seek an alternative lawful immigration status for which they are independently eligible.
- TPS beneficiaries are eligible to work in the United States while they hold TPS.
- Decisions on Honduras' and Nicaragua's TPS designations, the two other Central American countries designated for TPS, were announced by former Acting Secretary Duke on November 6, 2017.
 - Honduras' TPS designation was automatically extended from January 6, 2018 through July 5, 2018. Nicaragua's TPS designation was terminated with a delayed effective date of 12 months, effective January 5, 2019.
 - Federal Register Notices announcing the two decisions were published on December 15, 2017, and provide detailed information regarding re-registration for TPS and employment authorization.
- DHS is working to publish the FRN for the recent decision to terminate Haiti's TPS designation with an 18-month transition period as expeditiously as possible. The notice will provide details regarding re-registration procedures and employment authorization for the 18-month transition period before Haiti's TPS termination becomes effective on July 22, 2019.

Logistics:

- This meeting will be **closed press**.

Attachments:

- A. Talking Points or Remarks
- B. Participant List
- C. Biographies

Staff Responsible for Briefing Memo: (b)(6) Policy Analyst, International and Humanitarian Affairs Division, Office of Policy and Strategy, USCIS, (b)(6)

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Ashley Feasley
Attorney, Director of Policy,
U.S. Catholic Conference of Bishops - Migration and Refugee Services



As the Director of Policy for the Migration and Refugee Services (MRS) Office of Migration and Refugee Policy, Ms. Feasley assists the bishops in the development and promotion of migration and refugee policy positions within the context of the Church's social and moral teaching. She also implements communication, public education/outreach and legislative strategies that foster greater advocacy, awareness, understanding, and support for the work of MRS and the vulnerable populations it serves.

Ms. Feasley worked as the Director of Advocacy for the Catholic Legal Immigration Network (CLINIC). She has taught at Fordham University School of Law and at the Columbus School of Law at Catholic University of America.

She focuses her work and scholarship on migration law- including immigration law, human trafficking, refugee and asylum law, and protection of vulnerable mobile populations. She has published numerous articles and has appeared in the media speaking about migration-related issues. Feasley also previously clerked for the Honorable Evan J. Wallach at the United States Court of International Trade in New York.

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Jill Marie Bussey
Advocacy Director, Catholic Legal Immigration Network, Inc. (CLINIC)



Bussey is Director of Advocacy with CLINIC. She works with the Executive Director and senior staff to develop policy recommendations and designs, evaluates and executes strategies to promote the dignity and protect the rights of immigrants. She joined CLINIC in April 2015 as an Advocacy Attorney, working closely with CLINIC affiliates and coalition partners to monitor the implementation of the Deferred Action for Childhood Arrivals program, identify and address individual and systemic problems with application processing, and research and develop policy and advocacy recommendations.

Bussey has nearly 20 years of experience in the field of immigration and earned her Juris Doctor degree with a concentration in business law, cum laude, from the University of Baltimore School of Law and her bachelor's in law and society from American University. She was in private practice prior to joining CLINIC.

She is also actively engaged in her community, serving as chair of the Howard County Consumer Protection Board, representing economically disadvantaged groups in Maryland.

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Abel Nuñez
Executive Director, Washington, DC Office
Central American Resource Center (CARECEN)



Abel Enrique Nuñez, is the executive director of the Central American Resource Center (CARECEN), which provides a wide range of services for the Washington, D.C. area Latino population, including direct legal assistance, housing counseling, citizenship education and community economic development.

Nuñez is a native of El Salvador. Before he took the helm as executive director of CARECEN in 2013, Nuñez worked for 13 years at a similar organization in Chicago called Centro Romero.

At CARECEN, Nuñez has expanded services to the suburbs surrounding the District, successfully pushed for legislation that allows undocumented immigrants to more easily obtain a driver's license, and has a list of many other accomplishments.

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Royce Murray
Attorney, Policy Director, American Immigration Council



Royce Bernstein Murray is the Policy Director at the American Immigration Council where she oversees the Council's policy advocacy and research. Prior to joining the Council, Royce served as the Director of Policy at the National Immigrant Justice Center where she worked on legislative and administrative advocacy on issues impacting the due process rights and treatment of vulnerable immigrants.

She previously worked as an immigration and human rights law consultant for organizations including the National Immigration Forum, Center for Global Development, and the World Bank's Nordic Trust Fund. Royce was also an adjunct professor at the David A. Clarke School of Law at the University of the District of Columbia.

She also previously worked at U.S. Citizenship and Immigration Services Office of the Chief Counsel, Refugee and Asylum Law Division, and as a Presidential Management Fellow and Asylum Officer for the Immigration and Naturalization Service Office of International Affairs.

Murray began her legal career interning with NGOs, including the Lawyers Committee for Human Rights (now "Human Rights First"), the Guatemala Human Rights Commission/USA, and Ayuda. She holds a J.D. from the Georgetown University Law Center and a Bachelor of Arts with distinction in political science from the University of Michigan. She is a member of the New York Bar.

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Oscar Chacon
Executive Director, Alianza Americas



Oscar A. Chacón is a co-founder and executive director of Alianza Americas (formerly known as National Alliance of Latin American & Caribbean Communities-NALACC), an umbrella of immigrant-led and immigrant serving organizations based in the United States of America, dedicated to improving the quality of life of Latino immigrant communities in the US, as well as of peoples throughout the Americas.

Prior to his designation in 2007 in his current role, Oscar served in leadership positions at the Chicago-based Heartland Alliance for Human Needs and Human Rights, the Northern California Coalition for Immigrant and Refugee Rights, the Boston-based Centro Presente, and several other community based and international development organizations. Oscar has also served in multiple advisory committees to national and international processes including the Civil Society Consultation process associated to the Global Forum on Migration and Development and the World Social Forum on Migration.

Oscar is a frequent national and international spokesperson on transnationalism, economic justice, the link between migration and development, migrant's integration processes, human mobility, migration policies, racism and xenophobia; and U.S. Latino community issues.

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Josh Bernstein
Director of Immigration, Service Employees International Union



Josh Bernstein, serves as the Director of Immigration, at the Service Employees International Union (SEIU), which represents about 1.9 million workers in over 100 occupations in the United States, and Canada.

As SEIU's immigration director, Bernstein is responsible for directing, developing, and leading the union's activities to build power for its immigrant members and their families through national lobbying, grassroots activism, and internal capacity building.

Mr. Bernstein joined SEIU's staff in January 2009 after more than 14 years at the National Immigration Law Center, where he most recently served as director of federal policy. At NILC, he was a trusted national leader on immigration reform and immigrant worker rights issues.

Mr. Bernstein's advocacy on behalf of low-income workers dates back to 1982 when he was director of Californians for a Fair Share, a grassroots statewide coalition of low-income families and their allies that was formed to combat welfare cuts. He subsequently served as a welfare advocate for the Legal Aid Foundation of Los Angeles and the Inner City Law Center, a Los Angeles skid row legal clinic, providing direct services to homeless families and coordinating a coalition pressing for improved city and county services. Bernstein was also a major legislative advocate for the DREAM Act.

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Rev. Noel Andersen
National Grassroots Coordinator,
Church World Service - Immigration and Refugee Program



Rev. Noel Andersen has served as Grassroots Coordinator for over three years with Church World Service out the Washington DC Advocacy Office. He became an expert on the 2014 Sanctuary Movement while serving as a national coordinator for the initiative meant to draw on the prophetic witness of congregation's wanting to stop deportations and lift up the immigrant story of those struggling to keep their families together in midst of unjust immigration policies.

Previously, he served as Assistant Pastor at the Good Shepherd United Church of Christ in Sahuarita, Arizona, just 40 miles from the U.S.- Mexico border where the congregation was very active in humanitarian aid for migrants on the border and in the struggle against anti-immigrant bill SB 1070. He has a Masters of Divinity from Pacific School of Religion where his emphasis was on theology of liberation which he studied extensively during his field study in El Salvador.

He is fluent in Spanish and has worked for a number of nonprofit organizations in Central America and on the border focusing on community development, education and community organizing.

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Sister Patricia McDermott
President, Institute of the Sisters of Mercy of the Americas



Sister Patricia (Pat) McDermott is the president of the Institute of the Sisters of Mercy of the Americas. Prior to being elected president, she served two terms on the Institute Leadership Team. Pat served as president of the former regional community of the Sisters of Mercy in Omaha, Nebraska, from 1990 to 1998 and as an administrative team member for the previous four years.

She taught English, journalism and religious education at the secondary level for 10 years before finishing doctoral studies and teaching pastoral theology at Catholic University of America. Pat has held many board positions in institutions that provide healthcare, education and housing serving with lay colleagues as well as women religious.

She values the commitment to Mercy values that she sees in ministry partners who witness to the spirit of Catherine McAuley and her vision of multiple responses to the needs of those marginalized by our society.

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Jean Stokan
Policy Director, Institute of the Sisters of Mercy of the Americas



Jean Stokan serves as Director of the Sisters of Mercy of the America Institute Justice Team, focused on Mercy's critical concerns of: non-violence, immigration, anti-racism, Earth, women and poverty/economic inequality. Prior, she served on the national staff of PCUSA for seven years, opening the DC office and building partnerships with national Catholic organizations.

She helped organize initiatives with Pax Christi International partners to promote non-violent alternatives to war. Jean has worked for many years on human rights in Latin America, building people-to-people ties to strengthen global solidarity.

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Rev. Dr. Sharon Stanley-Rea
Director, Refugee & Immigration Ministries for the Christian Church (Disciples of Christ)
in the U.S. & Canada



Sharon Stanley-Rea is Director of Refugee & Immigration Ministries for the Christian Church (Disciples of Christ). She is an employee of Disciples Home Missions, with her office located in Washington, D.C., on the second floor at National City Christian Church. She works to mobilize Disciples congregations around the country to offer hospitality to immigrants, provide refugee resettlement assistance to refugees, seek justice for farm workers, and engage in advocacy on behalf of refugees and immigrants. Prior to joining DHM, Sharon served for 19 years as the Founder and Executive Director of Fresno Interdenominational Refugee Ministries, which provides wholistic ministries to thousands of refugees annually in California's Central Valley.

Previously, she pastored in North Carolina and California, and served in mission in Seoul and Pusan, South Korea. She is a pastor, ordained in the Presbyterian Church U.S.A. and with clergy standing in the Christian Church (Disciples of Christ). She is the wife of Disciples pastor Rev. Dr. Woodie Rea, Senior Pastor at The Inter-faith Chapel at Leisure World in Silver Spring, Maryland. She is the sister, daughter, and granddaughter of pastors.

She holds a doctor of ministry degree from Columbia Theological Seminary, earned a Masters of Divinity degree from San Francisco Theological Seminary, has studied in Indonesia and China, and lived for many years in a low income Fresno, California neighborhood nicknamed after a refugee camp in Thailand.

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Countries Currently Designated for TPS

Sourced from USCIS website on 4/7/17. TPS designations for Guinea, Liberia, and Sierra Leone will terminate on May 21, 2017.

| Designated Country | Most Recent Designation Date | Current Expiration Date | Current Re-Registration Period | Current Initial Registration Period | Employment Authorization Document (EAD) Automatically Extended Through |
|--------------------|------------------------------|-------------------------|--------------------------------|-------------------------------------|--|
| El Salvador | March 9, 2001 | March 9, 2018 | July 8, 2016 - Sept. 6, 2016 | N/A | Sept. 9, 2017 |
| Guinea* | Nov. 21, 2014 | May 21, 2017 | N/A | N/A | May 20, 2017 |
| Haiti | July 23, 2011 | July 22, 2017 | Aug. 25, 2015 - Oct. 26, 2015 | N/A | July 22, 2016 |
| Honduras | Jan. 5, 1999 | Jan. 5, 2018 | May 16, 2016 - July 15, 2016 | N/A | Jan. 5, 2017 |
| Liberia* | Nov. 21, 2014 | May 21, 2017 | N/A | N/A | May 20, 2017 |
| Nepal | June 24, 2015 | June 24, 2018 | Oct. 26, 2016 - Dec. 27, 2016 | N/A | June 24, 2017 |
| Nicaragua | Jan. 5, 1999 | Jan. 5, 2018 | May 16, 2016 - July 15, 2016 | N/A | Jan. 5, 2017 |

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| Designated Country | Most Recent Designation Date | Current Expiration Date | Current Re-Registration Period | Current Initial Registration Period | Employment Authorization Document (EAD) Automatically Extended Through |
|--------------------|------------------------------|-------------------------|--------------------------------|-------------------------------------|--|
| Sierra Leone* | Nov. 21, 2014 | May 21, 2017 | N/A | N/A | May 20, 2017 |
| Somalia | Sept. 18, 2012 | Sept. 17, 2018 | Jan. 17, 2017 - March 20, 2017 | N/A | Sept. 17, 2017 |
| Sudan | May 3, 2013 | Nov. 2, 2017 | Jan. 25, 2016 - March 25, 2016 | N/A | Nov. 2, 2016 |
| South Sudan | May 3, 2016 | Nov. 2, 2017 | Jan. 25, 2016 - March 25, 2016 | Jan. 25, 2016 - July 25, 2016 | Nov. 2, 2016 |
| Syria | Oct. 1, 2016 | March 31, 2018 | Aug. 1, 2016 - Sept. 30, 2016 | Aug. 1, 2016 - Jan. 30, 2017 | March 31, 2017 |
| Yemen | March 4, 2017 | Sept. 3, 2018 | Jan. 4, 2017 - March 6, 2017 | Jan. 4, 2017 - July 3, 2017 | Sept. 3, 2017 |

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TEMPORARY PROTECTED STATUS MEETING

April 10, 2017

Objective:

- The purpose of this meeting is to review the current Temporary Protected Status (TPS) designations, extensions, and possible terminations.

Background:

- Under section 244(b)(1) of the Immigration and Nationality Act (INA), the Secretary of Homeland Security, after consultation with appropriate U.S. Government agencies, may designate a foreign country (or any part of such foreign country) for TPS if the conditions in the foreign country fall into one or more of three statutory categories, generally described as: (1) ongoing armed conflict; (2) environmental disasters; or, (3) extraordinary and temporary conditions.
 - If the Secretary determines that country conditions support a TPS designation, he or she may provide for an initial designation, or re-designation of 6 to 18 months, or an extension of 6, 12 or 18 months.
 - When the Secretary designates, re-designates, or extends TPS for a country, he or she establishes the dates from which a TPS applicant must have continuously resided and been continuously physically present in the United States in order to be eligible for TPS under the particular country designation.
- During the TPS designation period, registered TPS beneficiaries are eligible to remain in the United States, cannot be removed, and are authorized to work, so long as they continue to meet the terms and conditions of their TPS designation. They may also be granted authorization to travel abroad, under certain circumstances and only at the Secretary's discretion, for brief periods..
- When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they possessed before TPS (unless that status has since expired or been terminated), or to any other status they may have obtained while registered for TPS.
- TPS generally does not lead to Lawful Permanent Resident (LPR) status, though there are exceptions to this general rule.

Discussion Points:

- Currently, there are 13 countries designated for TPS (**See Tab A**).
 - Of these 13 countries, three (Guinea, Liberia, and Sierra Leone) will have their TPS designations terminate on May 21, 2017.
 - Of the remaining 10 countries, seven have TPS designations scheduled to expire within the next 12 months, with Haiti being the first, scheduled to expire on July 22, 2017.
- As of December 31, 2016, there were approximately 439,625 TPS beneficiaries (**See Tab B**).
 - Approximately 75 percent (330,150) had a pre-TPS immigration status that was unknown or unreported.
 - Approximately 60 percent (263,282) were nationals of El Salvador.

Participants:

Secretary Kelly
Elaine Duke

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Kirstjen Nielsen, Chief of Staff
Elizabeth Neumann, Deputy Chief of Staff
Gene Hamilton, Counselor, SEC
Michael Dougherty, Acting Assistant Secretary for Border Immigration and Trade, PLCY
Francis Cissna, Advisor, PLCY
Jonathan Hoffman, Acting Assistant Secretary, OPA
Ben Cassidy, Advisor, OLA
James McCament, Deputy Associate Director, USCIS
Carl Risch, Acting Chief of Staff, USCIS

Attachments:

- A. USCIS List of Countries Currently Designated for TPS (as of December 31, 2016)
- B. USCIS List of Individuals Currently Designated for TPS (as of December 31, 2016)

Staff Responsible for Briefing Memo: (b)(6), Policy Analyst, (b)(6)
Reviewed and approved by: (b)(6) Acting Chief of Staff, PLCY (b)(6)

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~~UNCLASSIFIED / FOR OFFICIAL USE ONLY~~**Countries Currently Designated for TPS**

Sourced from USCIS website on 9/30/17.

| Designated Country | Most Recent Designation Date | Current Expiration Date | Current Re-Registration Period | Current Initial Registration Period | Employment Authorization Document (EAD) Automatically Extended Through |
|--------------------|------------------------------|-------------------------|--------------------------------|-------------------------------------|--|
| El Salvador | March 9, 2001 | Mar. 9, 2018 | July 8, 2016 - Sept. 6, 2016 | N/A | Sept. 9, 2017 |
| Haiti | July 23, 2011 | Jan. 22, 2018 | May 24, 2017 - July 24, 2017 | N/A | Jan. 18, 2018 |
| Honduras | Jan. 5, 1999 | Jan. 5, 2018 | May 16, 2016 - July 15, 2016 | N/A | Jan. 5, 2017 |
| Nepal | June 24, 2015 | Jun. 24, 2018 | Oct. 26, 2016 - Dec. 27, 2016 | N/A | Jun. 24, 2017 |

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| Designated Country | Most Recent Designation Date | Current Expiration Date | Current Re-Registration Period | Current Initial Registration Period | Employment Authorization Document (EAD) Automatically Extended Through |
|--------------------|------------------------------|-------------------------|--------------------------------|-------------------------------------|--|
| Nicaragua | Jan. 5, 1999 | Jan. 5, 2018 | May 16, 2016 - July 15, 2016 | N/A | Jan. 5, 2017 |
| Somalia | Sept. 18, 2012 | Sept. 17, 2018 | Jan. 17, 2017 - March 20, 2017 | N/A | Sept. 17, 2017 |
| Sudan* | May 3, 2013 | Nov. 2, 2018. | N/A | N/A | Nov. 2, 2016 |
| South Sudan | May 3, 2016 | May 2, 2019 | Sep. 21, 2017 - Nov. 20, 2017 | Jan. 25, 2016 - July 25, 2016 | May 1, 2018 |
| Syria | Oct. 1, 2016 | Mar. 31, 2018 | Aug. 1, 2016 - Sept. 30, 2016 | Aug. 1, 2016 - Jan. 30, 2017 | Mar. 31, 2017 |

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| Designated Country | Most Recent Designation Date | Current Expiration Date | Current Re-Registration Period | Current Initial Registration Period | Employment Authorization Document (EAD) Automatically Extended Through |
|--------------------|------------------------------|-------------------------|--------------------------------|-------------------------------------|--|
| Yemen | March 4, 2017 | Sept. 3, 2018 | Jan. 4, 2017 - March 6, 2017 | Jan. 4, 2017 - July 3, 2017 | Sept. 3, 2017 |

*TPS designation terminates on November 2, 2018.

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Individuals Currently Designated for TPS

The following table reflects the number of TPS beneficiaries under each designated foreign state at the close of FY 2017.

| Country | Total |
|--------------|----------------|
| El Salvador | 263,282 |
| Haiti | 58,706 |
| Honduras | 86,163 |
| Nepal | 12,967 |
| Nicaragua | 5,349 |
| Somalia | 497 |
| South Sudan | 49 |
| Sudan* | 1,039 |
| Syria | 6,177 |
| Yemen | 819 |
| Total | 435,048 |

*TPS designation terminates on November 2, 2018.

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TEMPORARY PROTECTED STATUS MEETING

October 13, 2017

Objective:

- The purpose of this meeting is to review the current status of Temporary Protected Status (TPS) designations, extensions, and/or terminations.
- The objective is to discuss policy options related to TPS designations and implementation under the Administration.
- Included within this overview is a specific objective to discuss considerations for the upcoming TPS designation decisions regarding Honduras, Nicaragua and El Salvador.

Agenda:

- L. Francis Cissna, Director of USCIS, will lead and facilitate this internal briefing.
- Summary of the authorities and parameters of TPS designations;
- Overview of the countries currently designated for TPS;
- Overview of considerations for the forthcoming TPS decisions regarding the Central American countries.

Key Messages

Under the Immigration and Nationality Act (INA), the Secretary of Homeland Security, after consultation with appropriate U.S. Government agencies, may designate a foreign country (or any part of such foreign country) for TPS if the conditions in the foreign country fall into one, or more, of three statutory categories, generally described as (1) ongoing armed conflict, (2) environmental disasters, or (3) extraordinary and temporary conditions.

If the Secretary determines that country conditions support a TPS designation, he or she may provide for an initial designation, redesignation, or extension of 6 to 18 months. Conversely, if country conditions do not support a TPS (re)designation or extension, TPS shall be terminated.

When the Secretary designates, redesignates, or extends TPS for a country, he or she establishes the dates from which a TPS applicant must have continuously resided in and been continuously physically present in the United States in order to be eligible for TPS under the particular country designation.

By establishing these “continuous residence” and “continuous physical presence” dates in accordance with the TPS statute, the Secretary is able to afford temporary protection to the most appropriate group of individuals from the designated country.

Key Issues:

DHS Priorities for the Meeting

- Currently, there are 10 countries designated for TPS (*see* Attachment A).
 - Of these 10 countries, one (Sudan) will have their TPS designations terminate on November 2, 2018.

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- Of the remaining nine countries, five (El Salvador, Haiti, Honduras, Nicaragua, and Syria) have TPS designations scheduled to expire within the next six months.
- As of September 30, 2017, there were approximately 435,048 TPS beneficiaries (*see* Attachment B).
 - Approximately 75 percent had a pre-TPS immigration status that was unknown or unreported.
 - Approximately 13 percent had a pre-TPS immigration status of Entry-without-Inspection (EWI).
 - Approximately 60 percent were nationals of El Salvador.

Issues Likely to be Raised

- TPS, generally, does not lead to legal permanent resident (LPR) status. When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they possessed before TPS (unless that status has since expired or been terminated) or to any other status they may have obtained while registered for TPS.
 - Pursuant to a 1991 legal opinion from legacy-INS, in certain circumstances, TPS beneficiaries can pursue LPR status. Under a hypothetical scenario, the summary of conclusions stated:
 - An alien who entered the United States without inspection is ineligible for adjustment of status. A grant of temporary protected status would not make the alien eligible.
 - Departure and return under advance parole would relieve an alien of ineligibility for adjustment only if the alien is classified as an immediate relative or as a special immigrant.
 - On March 31, 2017, the Ninth Circuit Court of Appeals held that under the TPS statute, a TPS recipient is deemed to be in lawful status and thereby has satisfied the requirements to become a nonimmigrant, including inspection and admission, for the purposes of adjustment of status.
 - The panel held that the TPS beneficiary, Jesus Ramirez, a national of El Salvador who came to the United States in 1999 and was granted TPS in 2001, was therefore eligible to obtain lawful permanent residence.

Attachments:

- A. USCIS List of Countries Currently Designated for TPS (as of September 30, 2017)
- B. USCIS List of Individuals Currently Designated for TPS (as of September 30, 2017)
- C. USCIS Overview of Considerations for the upcoming Central American TPS
- D. Participant List

Staff Responsible for Briefing Memo: (b)(6) Policy Analyst, PLCY, (b)(6)
 (b)(6) Policy Analyst, PLCY, (b)(6)

Reviewed and approved by: (b)(6), Acting Chief of Staff, PLCY (b)(6)

OGC Reviewer: (b)(6), Deputy Chief of Staff, OGC, (b)(6)

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**Country Conditions Related to Temporary Protected Status:
El Salvador, Honduras, Nicaragua¹**

El Salvador

The 2001 earthquakes that formed the basis for El Salvador's designation killed over 1,000 individuals, caused over 8,000 injuries, and affected over 1.5 million people. The earthquakes caused significant damage to transportation infrastructure, housing, education and health services, small and medium businesses, and the environment. Recovery from the earthquakes has been slow and encumbered by subsequent natural disasters and environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, volcanic and seismic activity, an ongoing coffee rust epidemic, a prolonged and severe regional drought that is impacting food security, and an increase in various mosquito-borne diseases.

El Salvador received a significant amount of international aid to assist in its recovery efforts, including millions of dollars dedicated to emergency and long-term assistance. Many reconstruction projects have now been completed. Damaged schools and hospitals have been reconstructed and repaired, homes have been rebuilt, and money has been provided for water and sanitation and to repair damaged roads and other infrastructure. Additionally, El Salvador's economy is steadily improving. The Gross Domestic Product (GDP) in El Salvador reached an all-time high of \$26.80 billion (USD) in 2016 and is expected to reach \$27.29 billion (USD) by the end of this quarter. El Salvador's GDP is projected to increase to about \$29.54 billion in 2020.²

A prolonged and severe regional drought is impacting El Salvador. Regions of the country located in Central America's "Dry Corridor" – over 50% of the country – are particularly affected. The drought has caused crop losses, food insecurity, limited or no access to clean drinking water, and income loss in affected areas. In June 2016, river levels were reportedly 20 to 60% lower than normal; an estimated 170,000 people were suffering from food insecurity. By July 2016, as many as 700,000 people (11% of the population) were affected by the drought. The 2017 growing season has demonstrated slightly improved conditions, allowing normal development of basic grain crops. El Salvador has also been heavily affected by a regional coffee rust epidemic, which has caused crop loss and declining coffee production throughout Central America since 2012, leading to significant job loss and food insecurity. Additionally, beginning in 2014, El Salvador has experienced an outbreak of hundreds of thousands of cases of mosquito-borne illnesses, including chikungunya, dengue, and Zika.

El Salvador currently has widespread gang activity and one of the highest homicide rates. In 2015, El Salvador was the most violent country in the world outside of a war zone with a homicide rate of 103 murders per 100,000 inhabitants. In 2016, El Salvador's homicide rate declined to 81.2 per 100,000. This number has fluctuated over the years, however, with a rate of 37.2 per 100,000 in 2003, 42.7 per 100,000 in 2012, and 41.3 per 100,000 in 2013. By way of comparison, Jamaica's homicide rates have similarly fluctuated but have seen years higher than

¹ Country conditions have been excerpted from the draft TPS decision memos for the Acting Secretary as of October 13, 2017.

² *Trading Economics*, El Salvador GDP, available at: <https://tradingeconomics.com/el-salvador/gdp>

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El Salvador's (62.5 in 2005, 58.6 in 2007, 59.6 in 2008, and 61.7 in 2009). Other countries with high rates include Colombia (53.4 in 2003), Brazil (27.7 in 2014), Venezuela (62 in 2014 and 57.2 in 2015), Greenland (31.8 in 2009), and Anguilla (38.8 in 2006 and 35.4 in 2012). According to the World Health Organization's 2002 "World Report on Violence and Health," violence is "a universal challenge" and "scourge," and "[n]o country or community is untouched by violence." Further, "[v]iolence is among the leading causes of death for people aged 15-44 years worldwide."

Homicides in El Salvador have continued to trend downward in 2017, with the Salvadoran government reporting a 36% reduction for the first 8 months of the year as compared to the same period in 2016. However, homicide rates currently remain extremely high.

Gangs, including MS-13 and Barrio 18, exert their influence and operate throughout all of El Salvador. They regularly prey on communities, kidnapping residents, recruiting youth, and demanding extortion payments. Individuals who refuse to pay are subject to threats and violence. According to a 2016 poll, nearly 25% of Salvadorans were victims of crime in 2015. Violence against women, both that committed by gang members and domestic violence, is widespread in El Salvador. The female homicide rate increased by 60% between 2008 and 2015 and is one of the highest in the world. Sexual abuse, especially of female children and adolescents, also occurs at high rates. But, again, El Salvador is not alone in that regard. Additionally, while the U.S. Department of State has a current travel warning for El Salvador due to the high crime rate, the United Kingdom states that "[m]ost visits to El Salvador are trouble free."

Crimes are underreported due to Salvadoran's low confidence in the police and justice system, as well as threats and fears of reprisals from gangs. The Salvador government has responded to gang violence by intensifying security measures and deploying thousands of extra police officers and soldiers, and limiting access to prisons to restrict gangs' communications. In confrontations between gangs and security forces, members of the police and military have been accused of participating in death squads and committing extrajudicial executions of alleged gang members.

The U.S. Government works to repatriate individuals back to El Salvador. During the Obama administration's second term alone, Immigration and Customs Enforcement (ICE) removed over 90,000 individuals to El Salvador.³

Honduras

Hurricane Mitch struck Honduras in October 1998, impacting and damaging all of Honduras' 18 departments. The storm affected millions of people, killing over 5,650 individuals, injuring over

³ From 2013-2016, 91,240 individuals were removed to El Salvador. This total is the cumulative number of removals found in the following reports: <https://www.ice.gov/sites/default/files/documents/Report2016/removal-stats-2016.pdf>; <https://www.ice.gov/sites/default/files/documents/Report/2016/fy2015removalStats.pdf>; <https://www.ice.gov/doclib/about/offices/ero/pdf/2014-ice-immigration-removals.pdf>; <https://www.ice.gov/doclib/about/offices/ero/pdf/2013-ice-immigration-removals.pdf>.

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12,270, and damaging and destroying tens of thousands of homes and hundreds of roads and bridges. Recovery from Hurricane Mitch has been slow and encumbered by subsequent natural disasters and environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, seismic activity, an ongoing coffee rust epidemic, a prolonged and severe regional drought that is impacting food security, and an increase in various mosquito-borne diseases.

Honduras received a significant amount of international aid to assist in its Hurricane Mitch-related recovery efforts, which enabled the completion of many reconstruction projects, including programs to help address Honduras' ongoing housing shortage and improve infrastructure, in particular roads and bridges. Schools and health centers damaged by the storm have also been repaired or rebuilt and re-opened. Subsequently, the Honduran economy grew by 3.7% in 2016 and its GDP is projected to trend around 4.10% by the end of this quarter.⁴ The GDP in Honduras averaged \$5.69 billion (USD) from 1960 until 2016, reaching an all-time high of \$21.52 USD billion in 2016.⁵

A prolonged and severe regional drought, which began in the summer of 2014, has significantly impacted Honduras. Regions of the country located in Central America's "Dry Corridor" – encompassing 146 of Honduras' 298 municipalities – are particularly affected. The drought has caused crop losses, food insecurity, limited or no access to clean drinking water, and income loss in affected areas. In September 2016, the United Nations Office for the Coordination of Humanitarian Affairs reported that the drought was the most intense in Honduras's history. As of June 2016, over 2 million Hondurans – approximately 25% of the population – had been severely affected by the drought, and over 460,000 were in need of food assistance. By March 2017, consecutive years of drought had left many subsistence farmers in the Dry Corridor struggling to produce food, although slightly improved conditions this growing season allowed normal development of basic grain crops.

Honduras has also been heavily affected by a regional coffee rust epidemic, which has caused crop loss and declining coffee production throughout Central America since 2012, negatively impacting people's livelihoods and the country's economy. Additionally, beginning in 2014, Honduras has experienced an outbreak of tens of thousands of cases of mosquito-borne illnesses, including chikungunya, dengue, and Zika.

Gang violence, drug trafficking, weak institutions, corruption, and impunity, among other factors, have contributed to extraordinarily high levels of violence in Honduras, the "murder capital" of the world in 2012 and 2013. Honduras's homicide rate has remained among the highest in the world in recent years. Although the homicide rate peaked in 2011 at a rate of 86.5 homicides per 100,000 people, in 2016 the country's homicide rate was still 59 per 100,000, which was almost identical to the 2015 rate. This number has fluctuated over the years, however, with a rate of 61.47 per 100,000 in 2003, 93.21 per 100,000 in 2011, and 74.56 per 100,000 in 2013. By way of comparison, Jamaica's homicide rates have similarly fluctuated but have seen years higher than Honduras' (62.51 in 2005, 44.79 in 2006, and 58.57 in 2007). Other

⁴ *Trading Economics*, "Honduras GDP Annual Growth Rate: Forecast," available at: <https://tradingeconomics.com/honduras/gdp>

⁵ *Trading Economics*, "Honduras GDP Annual Growth Rate: Forecast," available at: <https://tradingeconomics.com/honduras/gdp>

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countries with high rates include Colombia (53.4 in 2003), Brazil (27.7 in 2014), Venezuela (62 in 2014 and 57.2 in 2015), Greenland (31.8 in 2009), and Anguilla (38.8 in 2006 and 35.4 in 2012). According to the World Health Organization's 2002 "World Report on Violence and Health," violence is "a universal challenge" and "scourge," and "[n]o country or community is untouched by violence." Further, "[v]iolence is among the leading causes of death for people aged 15-44 years worldwide."

Homicides have trended downward in 2017, with the Honduran government reporting a 24% reduction for the first 8 months of the year as compared to the same period in 2016. Over the last two years, the Honduran government has made unprecedented investments in its National Police (HNP) and Public Ministry (PM). A police reform commission was established in April 2016 to investigate corruption. By January 2017, 18% of police officers in Honduras had been fired, and the commission's mandate extended until 2018. The government combined \$30 million of its own fundings with \$50 million in Inter-American Development Bank loan funds to renovate police stations, increase capacity in its academies, purchase equipment, and furnish crime labs with satellite locations. In September of 2016, the HNP Investigative Division (DPI) replaced its "historically inept and corrupt predecessor" and has expanded its jurisdiction. As a result, all five major urban areas in the country have DPI satellites. The DPI has recently begun investigating crimes in Tegucigalpa. Despite these improvements,⁶ Honduras' two largest cities, San Pedro Sula and Tegucigalpa, still rank among the most violent cities in the world. Over 200,000 people have been internally displaced in Honduras due to the violence. But, again, Honduras is not alone in that regard. Additionally, while the U.S. Department of State has a current travel warning for Honduras due to the high crime rate, the United Kingdom states that "[m]ost visits to Honduras are trouble free."

In terms of Honduras' political environment, citizens and international observers alike have recognized several significant improvements to the electoral system, including electronic scanning and transmission of vote tally sheets and the distribution of national identification cards by the National Registry of persons rather than by political parties.⁷ They noted that the country's past presidential election was transparent, credible, and reflective of the will of the electorate.⁸ Additionally, as of August 2016, the Human Rights Office of the Honduran Armed Forces reported that 4,500 service members received human rights training as part of its ongoing pledge to reduce crime and corruption.⁹

The U.S. Government works to repatriate individuals back to Honduras. During the Obama administration's second term alone, ICE removed over 120,000 individuals to Honduras.¹⁰

⁶ U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (2016), "Honduras," available at <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253271.htm>.

⁷ United States Department of State (2016) "Country Reports on Human Rights Practices for 2016," available at: <https://www.state.gov/documents/organization/265808.pdf> on p. 20.

⁸ United States Department of State (2016), "Country Reports on Human Rights Practices for 2016," available at: <https://www.state.gov/documents/organization/265808.pdf> on p. 1.

⁹ United States Department of State (2016), "Country Reports on Human Rights Practices for 2016," available at: <https://www.state.gov/documents/organization/265808.pdf> on p. 11.

¹⁰ From 2013-2016 120,047 individuals were removed to Honduras. This total is the cumulative number of removals found in the following reports: <https://www.ice.gov/sites/default/files/documents/Report/2016/removal-stats-2016.pdf>; <https://www.ice.gov/sites/default/files/documents/Report/2016/fy2015removalStats.pdf>;

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Nicaragua

Hurricane Mitch killed over 3,000, and affected nearly 868,000, Nicaraguans. Landslides and floods destroyed villages and caused extensive damage to the country's infrastructure and agricultural sector. Recovery from the storm has been slow and encumbered by subsequent natural disasters and environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, volcanic and seismic activity, an ongoing coffee rust epidemic, a prolonged and severe regional drought that is impacting food security, and an increase in various mosquito-borne diseases.

Nicaragua received a significant amount of international aid to assist in its Hurricane Mitch-related recovery efforts, and many reconstruction projects have now been completed. Although Nicaragua reportedly continues to have one of the highest housing deficits in Central America, hundreds of homes destroyed by the storm have been rebuilt. The Second Land Administration Project covers 6 of the 15 Departments in the country and has helped over 430,000 people benefit from better property rights regulations. More than 67,000 families have received legal documents for their properties, of which more than 43,000 are new land titles.¹¹ Significant aid was dedicated to repairing roads, and access to drinking water and sanitation has improved. Over 200 kilometers of roads have been constructed, benefitting around 460,000 people. More than 168,000 people have benefitted from access to reliable water supplies and sanitation services as a result of international aid-based projects.

The Second Educational Sector Support Project—an International Development Assistance (IDA) project—provided 1.4 million textbooks to 225,000 primary students of the poorest regions of the country, which represent 25% of the national enrollment in primary education.¹² All 'afro-descendant and indigenous primary students in the Caribbean Coast received textbooks in their native languages for the first time ever.

The GDP in Nicaragua reached an all-time high of \$13.23 billion (USD) in 2016 and is expected to reach \$13.48 billion by the end of this quarter. Within a long-term context, the GDP in Nicaragua is projected to increase to about \$15.67 in 2020.¹³ Additionally, the World Bank reported that, despite global economic turbulence, Nicaragua has stood out for maintaining growth levels above the average for Latin America and the Caribbean as a result of disciplined macroeconomic policies, combined with a steady expansion of exports and foreign direct investment. Nicaragua ranks second among countries in Central America with favorable prospects for foreign direct investment and trade.¹⁴

A prolonged and severe regional drought has impacted Nicaragua, causing crop losses, food insecurity, water shortages, and income loss in affected areas. By June of 2016, over 300,000

<https://www.ice.gov/doclib/about/offices/ero/pdf/2014-ice-immigration-removals.pdf>;

<https://www.ice.gov/doclib/about/offices/ero/pdf/2013-ice-immigration-removals.pdf>.

¹¹ World Bank, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>.

¹² World Bank, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>.

¹³ Trading Economics, "Nicaragua GDP", available at: <https://tradingeconomics.com/nicaragua/gdp>.

¹⁴ World Bank, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>

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people were in need of food assistance. The 2017 growing season has demonstrated slightly improved conditions, allowing normal development of basic grain crops. Nicaragua has also been heavily affected by a regional coffee rust epidemic, which has caused crop loss and declining coffee production throughout Central America since 2012, leading to significant job loss and food insecurity. Additionally, in recent years, Nicaragua has experienced an outbreak of thousands of cases of mosquito-borne illnesses, including chikungunya, dengue, and Zika.

In stark contrast to its neighbors to the north, Nicaragua lacks high levels of crime and violence. Nicaragua's homicide rate declined to 7 homicides per 100,000 inhabitants in 2016, slightly higher than the worldwide average of 5.3 homicides per 100,000 inhabitants in 2015 (the most recent year available), and significantly lower than El Salvador's rate of 81.2 per 100,000 in 2016 and Honduras' rate of 59 per 100,000. There has been some significant, but isolated, violence along Nicaragua's Caribbean coast since 2015 relating to conflict over land between indigenous communities and settlers, and violence against women remains widespread. However, on the whole, crime rates are low, police are viewed positively and focus on preventing crime and violence, and transnational gangs and drug trafficking are largely absent from the country.

The U.S. Government works to repatriate individuals back to Nicaragua. During the Obama administration's second term alone, ICE removed over 4,300 individuals to Nicaragua.¹⁵ The U.S. Department of State does not have a current travel warning for Nicaragua, and the United Kingdom states that "most visits to Nicaragua are trouble free."

¹⁵ From 2013-2016, 4,311 individuals were removed to Nicaragua. This total is the cumulative number of removals found in the following reports: <https://www.ice.gov/sites/default/files/documents/Report/2016/removal-stats-2016.pdf>; <https://www.ice.gov/sites/default/files/documents/Report/2016/fy2015removalStats.pdf>; <https://www.ice.gov/doclib/about/offices/ero/pdf/2014-ice-immigration-removals.pdf>; <https://www.ice.gov/doclib/about/offices/ero/pdf/2013-ice-immigration-removals.pdf>.

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**TEMPORARY PROTECTED STATUS MEETING
Participant List**

Acting Secretary Duke
Chad Wolf, Chief of Staff
James Nealon, Assistant Secretary for International Affairs, PLCY
Michael Dougherty, Assistant Secretary Border Immigration and Trade, PLCY
Briana Petyo, Deputy Chief of Staff, PLCY
Francis Cissna, Director, USCIS
Dimple Shah, Deputy General Counsel, OGC
Christina McDonald, Associate General Counsel, OGC

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TEMPORARY PROTECTED STATUS DESIGNATIONS FOR CENTRAL AMERICAN COUNTRIES

Objective/Purpose: To highlight options and considerations for the upcoming Temporary Protected Status (TPS) decisions for El Salvador, Honduras, and Nicaragua.

Background:

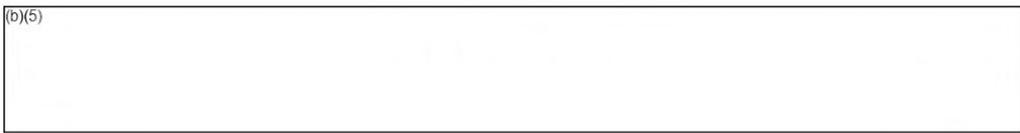
- Honduras' and Nicaragua's existing designations for TPS will expire on January 5, 2018. Per the statute, the Secretary needs to make a decision by November 6, 2017, to avoid an automatic extension. These countries were designated in 1999 due to destruction of Hurricane Mitch.
- El Salvador's existing designation for TPS will expire on March 9, 2018. The Secretary must make a decision on El Salvador's TPS by January 8, 2018, to avoid an automatic extension. She may make, and even announce, the decision earlier, for example, in conjunction with the decisions for Honduras and Nicaragua. El Salvador was designated in 2001 following a series of earthquakes.
- The number of beneficiaries associated with the Central American TPS countries are:
 - El Salvador – approximately 263,000;
 - Honduras – approximately 86,000; and
 - Nicaragua – approximately 5,350.
- Also upcoming is a decision on Haiti's TPS (approximately 59,000 beneficiaries), which will need to be made by November 23, 2017.
- The Secretary may extend, redesignate, or terminate TPS designations. If the Secretary determines that the conditions for designation are no longer met, she must terminate. If she determines that the conditions for designation continue to be met (or makes no determination at all), the designation will be extended for six months or, in the Secretary's discretion, 12 or 18 months. In addition to extending or terminating, the Secretary may, in her discretion, redesignate a country for TPS if there is a statutory basis for doing so.
- The United States removes thousands of individuals to these three countries on a yearly basis. Under the Obama administration's second term alone, ICE removed 120,047 individuals to Honduras; 91,240 individuals to El Salvador; and 4,311 individuals to Nicaragua.

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Drafted on: October 10, 2017

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**DEPARTMENT OF STATE RECOMMENDATION REGARDING
TEMPORARY PROTECTED STATUS (TPS) FOR HAITI – 2017**

I. Statutory Basis for Designation

Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?

(SBU) **Yes, the conditions have ceased to exist.** The extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. Former Secretary of Homeland Security Janet Napolitano originally designated Haiti for TPS effective January 21, 2010, on the basis of extraordinary and temporary conditions in the wake of Haiti's 2010 earthquake. Since 2010, a 2011 re-designation and four subsequent extensions of TPS designation for Haiti have been made by DHS Secretaries. The most recent extension, effective from July 23, 2017 – January 22, 2018, cited not only temporary and extraordinary conditions in the wake of the 2010 earthquake, but subsequent conditions, including: 2016's Hurricane Matthew, April 2017 heavy rains and landslides, security vulnerabilities that some Haitians who reside in Internally Displaced Persons (IDP) areas experience, and health vulnerabilities due to a weak public health system, which has been strained by a cholera epidemic. The extension also noted Haiti's serious economic and security challenges (82 FR 23830).

(SBU) Country conditions have improved since the January 2010 earthquake. The IDP population has decreased 97 percent from its peak in 2010. A legitimized government is in place after two years of electoral impasse. As of October 15, 2017, all UN military personnel have been withdrawn from Haiti; to be replaced by a police only successor mission focused on strengthening rule of law and promoting human rights.

(SBU) Specific lingering effects of the earthquake remain in the areas of infrastructure, health, sanitation services, and emergency response capacity. Although significant steps have been taken to improve the stability and the quality of life for Haitian citizens, Haiti continues to lack the capacity to ensure that the large population TPS beneficiaries currently residing in the United States can return in safety. However, Haiti maintains the ability safely to receive traditional levels of returned Haitian nationals, and is currently doing so.

(SBU) Based on these facts, we assess that the extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety.

A. *Armed Conflict*

1. Is the foreign state still involved in an ongoing, internal armed conflict?

(U) No.

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a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) still pose a serious threat to their personal safety?

(U) N/A.

B. Environmental Disaster

1. Does there continue to be a substantial, but temporary, disruption of living conditions in the area affected by the environmental disaster?

(U) N/A.

2. Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?

(U) N/A.

3. Does the foreign state continue to support the TPS designation?

(U) N/A.

C. Extraordinary and Temporary Conditions

1. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?

(SBU) **No.** In the wake of the 2010 earthquake, Haiti continues to be affected by lingering earthquake damage. The earthquake destroyed virtually all government offices and ministries in downtown Port-au-Prince, leaving most in long-term temporary facilities spread throughout the city. However, country conditions and the Government of Haiti's capacity have improved sufficiently to allow for the safe return of a moderate flow of Haitian nationals.

(SBU) Since the earthquake, the IDP population had decreased 97 percent (from two million to 37,000) from its estimated peak in 2010, to the point where today, just 27 of the original 1,555 IDP sites remain open. Despite these gains, gender-based violence in the IDP areas remains a serious concern, and personal security is a serious and pervasive problem. An estimated 41,000 Haitians who have been made homeless as a result of various natural disasters since 2010, including Hurricane Matthew in 2016, affecting Haiti remain in IDP areas.

(SBU) With more than a half its total population living in extreme poverty, Hurricane Matthew demonstrated Haiti's weakened ability to cope, recover, and adapt to shocks from natural disasters. This fragility was exposed again most recently by Hurricane Irma, which temporarily displaced over 10,000 people into shelters and exacerbated an existing food security crisis on the northern coast.

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(SBU) With the withdrawal of the United Nations Stabilization Mission in Haiti's (MINUSTAH) military component underway, the Haitian National Police (HNP) will be called upon to shoulder increased responsibility for maintaining order throughout the country. However, the HNP remains highly concentrated in Port-au-Prince and has limited resources, challenging its ability to guarantee security throughout the country. The United States and our international partners continue to work to train and support the development and growth of the HNP, which has been increasingly perceived as professional and capable of providing security.

2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?

(SBU) No. Permitting Haitians to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for six or seven years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

II. Discretionary Factors

What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?

(SBU) An abrupt termination of TPS for Haiti that does not provide a period for an orderly transition could jeopardize progress made in our bilateral relationship, particularly our robust partnership with Haiti on migration.

(SBU) Setting a Negative Historical Precedent: Approximately 58,706 Haitians received TPS benefits following the 7.0 magnitude earthquake in 2010. Since 1990 when the TPS statute was passed, approximately 22 countries have been designated under the statute. Only three countries have had their TPS designation terminated without a period of at least six months provided for orderly transition – those cases involved beneficiary populations of as few as 316, and as many as 4,018. The average duration of a TPS designation has been 8.5 years. By this measure, an immediate effective date for termination of Haiti's TPS designation would be a statistical outlier. Haiti has been designated for TPS for less than eight years, and its sudden termination with no delay in effective date to allow for orderly transition period would affect 14 times more people than the largest group of TPS beneficiaries whose status was terminated without an extended transition period (which last occurred in 1993).

(SBU) A Cooperative Partnership: Haiti is a committed and cooperative partner in stemming the irregular flow of migrants to the United States, accepting regular deportation flights, and preventing further illegal migration of Haitians upon their return. This cooperation was best exemplified through their support in managing the irregular flow of Haitian migrants arriving at the U.S. southwest border with Mexico in 2016. Despite political turmoil and economic uncertainty in Haiti, when more than 6,500 Haitians presented themselves at U.S. ports of entries (a 1,300 percent increase from 2015), the Haitian government agreed to receive non-criminal

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deportation flights for the first time since the 2010 earthquake. This proved to be a strong deterrent mechanism, bringing a near cessation of Haitians presenting themselves at the U.S. southwest border. To date, Haiti has accepted over 5,200 deportees.

(SBU) Haiti has also shown a commitment to adequately prepare in the event TPS is terminated. Since then-DHS Secretary Kelly's visit to Haiti on May 31, Haiti has made the following preparations:

- **(SBU) Establishment of a Working Group:** The Government of Haiti established a minister-level working group focused on efforts to mitigate factors that cause Haitians to migrate illegally. A sub-group was created in order to focus specifically on preparations for the possible DHS termination of TPS; understanding the need to ensure employment opportunities exist for TPS beneficiaries when they return to Haiti.
- **(SBU) Outreach to Diaspora Leaders:** Haiti's Ambassador in Washington has worked to raise awareness amongst influential diaspora leaders, so they can effectively share information with the Haitian community in the United States on how a policy change will affect them.
- **(SBU) Providing Legal Assistance:** The Haitian Mission in the United States established a hotline to provide legal assistance by way of immigration attorneys.

(SBU) Implications of a Termination: While the Haitian government has exemplified its commitment to remain a cooperative partner of the United States, an abrupt DHS termination of TPS benefits for Haitian beneficiaries would jeopardize this progress. It would also threaten the strides the Government of Haiti has made towards political stability. After two years of electoral impasse, President Jovenel Moise and his government have been legitimized and are able to focus on developing a more secure, stable, and self-sufficient Haiti. It is in our interest to remain committed to the country's long-term security, democratic development, and economic growth, as well as to recognize when adequate conditions exist to warrant DHS termination of TPS.

(SBU) An immediate DHS termination of benefits at this juncture, when Haiti is focused on developing opportunities that allow Haitians to stay and help build their country, would have implications not only for Haiti's stability, but for the region. Haitians who are involuntarily returned to a country that is not yet able to handle the influx of returns would further incentivize illegal migration, to the United States and other destinations. This would strain the already limited resources of our North American, Central American, and Caribbean partners. To this end, such an irregular flow of Haitian migrants, similar to what was seen in 2016, could threaten the progress made on the U.S. strategy in Central America, and the efforts we have made to further secure our borders. It is therefore in the national security interests of the United States to ensure an orderly transition of Haitian TPS beneficiaries.

III. Recommendation

(SBU) The extraordinary and temporary conditions that served as the basis for the 2010 designation and 2011 re-designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. However, lingering issues from the 2010 earthquake, the aftermath of Hurricane Matthew in 2016, the heavy rains and landslides in 2017, Hurricane

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Irma in September 2017, and the additional effects of the cholera epidemic continue to affect Haiti. It is in the national interest of the United States to ensure that Haiti's inability to absorb a large number of TPS beneficiaries does not jeopardize the progress Haiti has made in receiving criminal and noncriminal deportees from the United States. **Based on these factors, the Department recommends that the Acting Secretary of Homeland Security designate an effective date to provide TPS benefits for an additional 18 months beyond the end of the current designation to provide the Haitian government with adequate time to prepare for the safe reintegration of approximately 58,706 Haitians.**

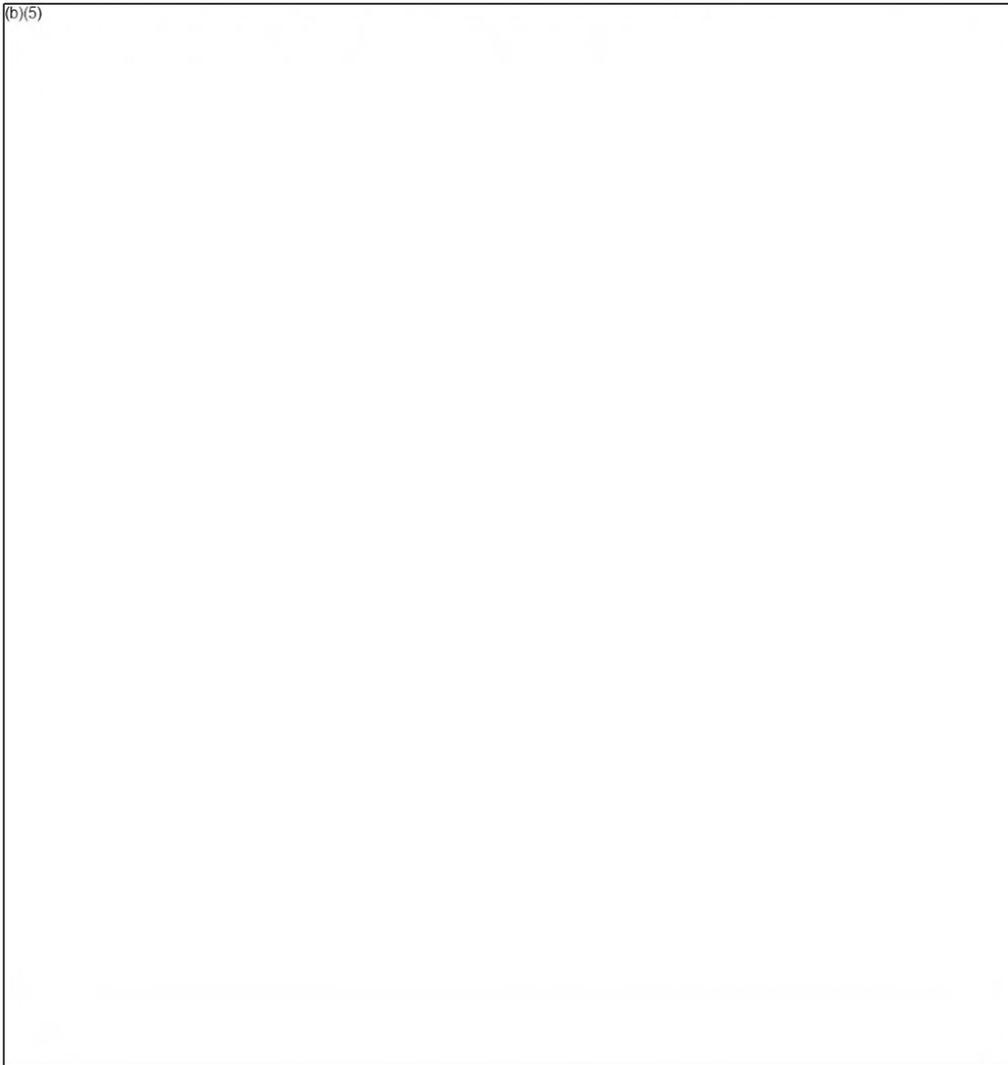
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HAITI TPS STRATEGY MEETING
November 13, 2017

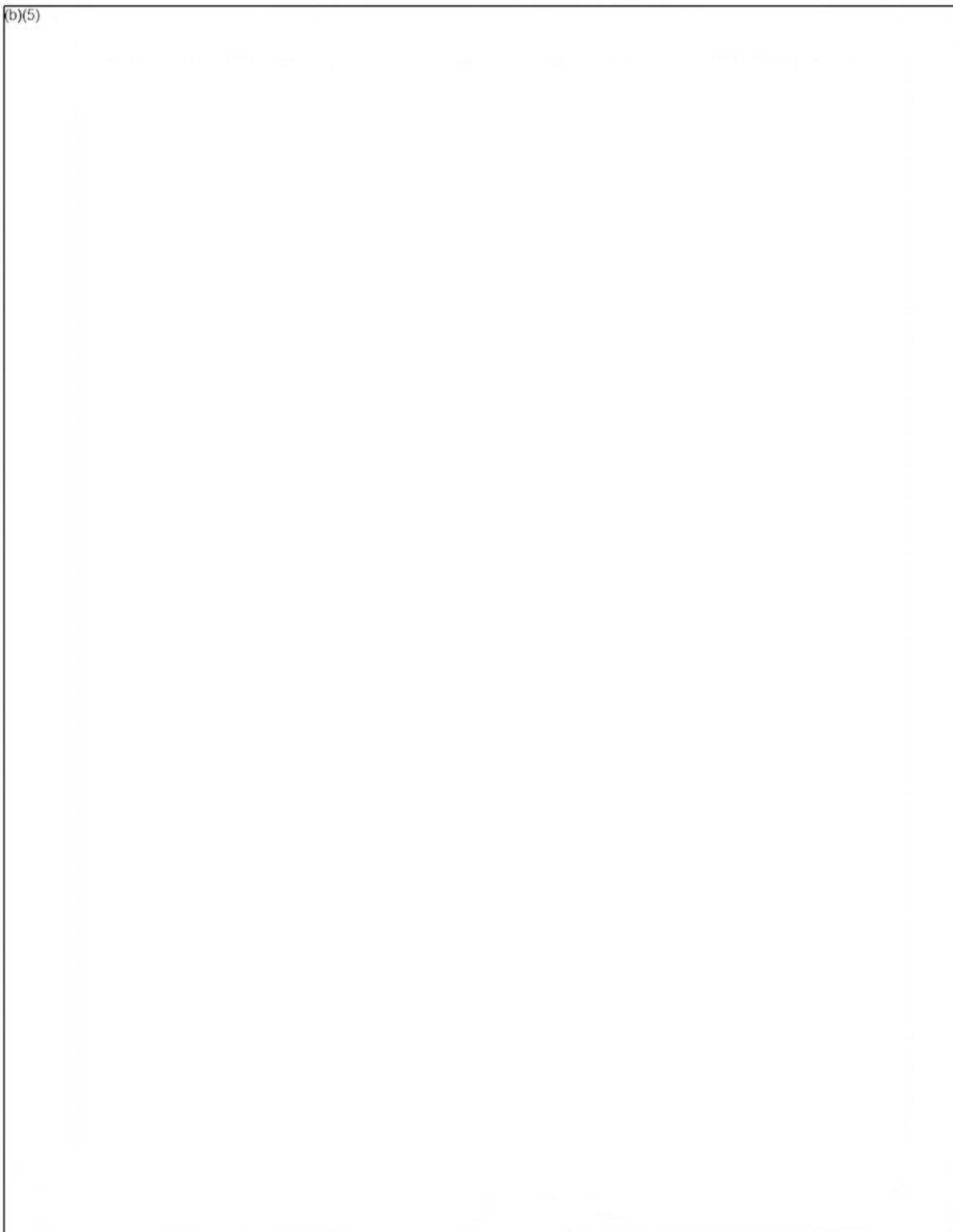
Objective:

- You called this meeting to assess actions taken by the Haitian government to prepare Haitian TPS beneficiaries for repatriation in the event Haiti's TPS designation is terminated.
- By statute, you must review Haiti's TPS designation and determine whether it should be extended, terminated, or redesignated by November 23, 2017. Note that November 23 is Thanksgiving Day and you may wish to make your decision earlier.



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Attachments:

- A. Memorandum for the Secretary from USCIS Director Cissna on Haiti's Designation for Temporary Protected Status
- B. Department of State Recommendation Regarding Temporary Protected Status for Haiti – 2017
- C. October 4th Letter from the Government of Haiti to the Secretary
- D. TPS Memorandum from the Government of Haiti
- E. Classified Product
- F. Participant List

Staff Responsible for Briefing Memo: (b)(6), Deputy Director for the Caribbean and Southern Cone, (b)(6)
Reviewed and approved by (b)(6) Assistant Secretary (b)(6)

OGC Reviewer: (b)(6) DCOS (b)(6)

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EMBASSY OF THE REPUBLIC OF HAITI
WASHINGTON, DC

October 4, 2017

The Honorable Elaine C. Duke
Acting Secretary of the Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Duke,

Please accept this correspondence in response to the letter from your Department dated September 8, 2017. I want to thank you for your Department's continued collaboration with the Haitian Government in addressing Haiti's Temporary Protected Status (TPS) designation. The Haitian Government is committed to working with the United States to reach a mutually beneficial resolution on this very important issue. Towards that end, the Haitian Government is of the sincere opinion that an extension for an additional eighteen (18) months or a TPS re-designation will serve the shared national interests of both Haiti and the United States.

As the two oldest republics in the Western Hemisphere, we have a long history of collaborating to further our shared values and national interests. Our request for an extension of the TPS designation for an additional eighteen (18) months is meant to ensure that Haiti is able to adequately move forward with its recovery and redevelopment plan and will not have to rely, over the long term, on the United States for temporary residence for its citizens.

We believe that the best way for us to convey our reasoning behind our request for an additional eighteen (18) months extension of the TPS designation is to show you the facts on the ground. Therefore, my Government is extending an invitation to host you in Haiti so that you can personally see the efforts underway to address the issues that warranted TPS designation for Haiti in the first place. Moreover, a visit to Haiti would offer you insight on the challenges that we continue to face. We sincerely believe that once you see the conditions on the ground, it will become clear that an additional eighteen (18) months extension or re-designation is in the shared national interests of both Haiti and the United States. We respectfully suggest that the visit occur no later than the first week of November so that you have sufficient time to assess the situation on the ground before making a decision on TPS for Haitians.

Haiti has undergone a catastrophic and unprecedented series of natural disasters during the last seven years. As you know, the TPS designation for Haiti originated in the aftermath of the January 2010 earthquake that devastated the country, leaving at least 300,000 people dead and more than one million of our citizens internally-displaced. Subsequently, United Nations soldiers introduced a cholera epidemic that killed thousands of people, sickened over 800,000

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and that continues to pose a healthcare risk to our citizenry. Valuable resources initially earmarked for addressing critical earthquake recovery issues had to be re-appropriated to eradicate this epidemic, with limited support from the United Nations, the entity that brought the disease to Haiti in the first place. To add to the devastation, on October 4, 2016, Hurricane Matthew, a Category 4 with 145 mph winds and the worst to strike our nation in 52 years, raged through Haiti, destroying over 200,000 homes, wiping out towns, entire villages, and destroying valuable crops. This caused a severe food crisis of unparalleled magnitude in Haiti's history. The economic loss from Hurricane Matthew alone was estimated at 2.8 billion dollars. As a result of these three extraordinary recent catastrophes, in May 2017, we requested an extension of the TPS designation for an additional eighteen (18) months to allow the Haitian Government more time to implement its ongoing recovery and redevelopment plan.

When former Secretary John Kelly announced a six-month extension of Haiti's TPS designation through January 22, 2018, he stated that, "if Haiti is able to continue its pace of recovery from the 2010 earthquake, then a TPS extension past January 2018 may not be warranted." However, despite best efforts and tangible progress, unforeseen natural disasters, including Hurricanes Irma and Maria, have significantly delayed the Government's ability to adequately maintain the pace of recovery from the 2010 earthquake. Therefore, the Haitian Government contends an 18-month extension or a TPS re-designation is necessary for Haiti to continue on the path of progress.

Since our last request, our ongoing efforts to continue to recover from the earthquake and from the ravages of the cholera epidemic and Hurricane Matthew have been hampered by significant setbacks, as Haiti continued to face unforeseeable and daunting challenges. In the past month, both Hurricanes Irma and Maria have caused serious damage in Haiti. A substantial amount of agricultural crops have been destroyed and communities have been flooded, which has resulted in the further displacement of local communities. Additionally, the impact of the most recent hurricanes on neighboring island countries, such as Turks and Caicos, has caused significant harm to the Haitian economy. As you may know, Haiti's economy relies heavily on the contribution of its Diaspora. A substantial proportion of the labor force in many neighboring islands that were affected by Hurricanes Irma and Maria is of Haitian descent. As many of these countries struggle to rebound from these hurricanes, Haitians expatriates working there have found themselves unable to support their families back home, further complicating Haiti's recovery process and delaying the ability of the country to place itself back in the position that it was in prior to the 2010 earthquake.

As noted in your Department's letter, a statutory basis required to designate a country for TPS is that "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." Unfortunately, Haiti has had three such major blows since 2010. The detrimental impacts of the recent hurricanes have complicated our ability to recover from the 2010 earthquake, cholera, and Hurricane Matthew within the projected timeline and have exacerbated the situation on the ground, resulting in major disruptions of living conditions in the short-term. Given the current circumstances on the ground and based on the statutory

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guidelines, an extension or re-designation of TPS for Haitians is fully warranted and would serve the mutual national interests of both countries.

Back in May, your Department's TPS determination stated that "permitting Haitian nationals to continue residing temporarily in the U.S. is not contrary to the national interest of the United States". Since then, we have not received any subsequent communication from the USG that these conditions changed. Our research, as well as our conversations with U.S. law enforcement and elected officials representing districts and states where Haitian TPS recipients reside, has shown that our nationals have been exemplary law-abiding residents and pose no threat to the security of the United States or its people. Moreover, Haitian TPS recipients have not constituted a financial burden on U.S. taxpayers. Rather, Haitian TPS recipients have made significant economic contributions to their communities here in the United States as acknowledged publicly by Congressional Leaders, from the Democratic and Republican side, as well as Mayors, Governors and business leaders.

At this precarious juncture, an 18-month extension or a TPS re-designation beyond January 2018 is a necessity. Not extending TPS beyond January 2018 would force the Government of Haiti not only to halt its ongoing, short-term redevelopment efforts, but also to focus its limited resources on receiving an influx of citizens. Under these circumstances, we fear that a non-renewal may cause TPS beneficiaries to find alternative, and ill-advised, ways to remain in the United States, and would also embolden trans-national human traffickers and cartels to prey upon this group of vulnerable individuals; such an outcome would not be in the best interests of either of our governments.

In the interim, the Haitian Government is diligently working to put the country back on a trajectory towards a swift recovery. The current leadership in Haiti is in the process of implementing a robust and expansive recovery and redevelopment plan. The plan includes enhancing our infrastructure, increasing private investment and incentivizing economic growth. The redevelopment plan is meant not only to significantly improve the lives of Haitians at home, but also to encourage the return of those living overseas to contribute in the long-term sustainability and economic prosperity of our country.

In the spirit of the long shared-history of our two nations, I thank your Department for the continued dialogue with the Government of Haiti on this important matter. I look forward to hearing back from you regarding a suitable date to host you in Haiti.

Sincerely,



Paul G. Altidor
Ambassador

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EMBASSY OF THE REPUBLIC OF HAITI
WASHINGTON, DC

November 8, 2017

MEMORANDUM FOR: U.S. Department of Homeland Security (DHS)
FROM: Embassy of the Republic of Haiti in Washington, DC
SUBJECT: Extension of the Temporary Protected Status (TPS) for Haitian Nationals

The Government of the Republic of Haiti is pleased to submit this memorandum to the attention of the United States Department of Homeland Security (DHS) in support of the extension of the Temporary Protected Status (TPS) program for Haitian nationals. As stated in its most recent letter to the Acting DHS Secretary, the Honorable Elaine C. Duke, the Haitian Government is requesting an extension of TPS because the conditions in the country that warranted the initial TPS designation persist. This memo lays out the totality of the circumstances, as it exists in Haiti which is relevant under the TPS calculations. This extension request is meant to ensure that Haiti is able to adequately move forward with its recovery plans from the earthquake and will not have to rely, over the long term, on the United States as a temporary haven for its citizens.

Over the last seven years, the Haitian people have faced a series of unprecedented natural disasters that resulted in extraordinary and temporary conditions warranting the granting of TPS. Given the current circumstances, Haiti unquestionably meets the extension or re-designation criteria under the TPS statute. Section 244(b)(1)(B)(i) of the Immigration and Nationality Act states “TPS may be designated, re-designated, or extended if the Attorney General finds that there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in substantial, but temporary, disruption of living conditions in the area affected” and Section 244(b)(1)(C) states that a designation is warranted when “the Attorney General finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the Attorney General finds that permitting the aliens to remain temporarily in the United States is contrary to the national interests of the United States.”

The following facts, based on the current conditions on the ground, demonstrate that Haiti indisputably meets the criteria for (re)designation or renewal of TPS under the existing statute:

1. **Earthquake and internally displaced population:** On January 12, 2010, an earthquake killed over 250,000 people in Haiti. Moreover, it left more than two million Haitians internally displaced according to a report by the Global Justice Clinic of the New York University School of Law. While the Government of Haiti has made significant progress in ensuring that a substantial number of the internally displaced are adequately housed, thousands of Haitians still, unfortunately, remain displaced as a result of the earthquake. As of September 2017, close to

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40,000 of those displaced by the earthquake were still in displacement. An extension of TPS would enable the Haitian Government to adequately house the remaining internally displaced people without an immediate addition of up to 50,000 Haitian nationals who could be repatriated as a result of the TPS expiration.

2. **Additional natural disasters since the earthquake:** In addition to the earthquake, Haiti has suffered from a succession of natural disasters that have worsened the conditions that justified the TPS designation in the first place. In October 2016, Hurricane Matthew, a category 4 storm and the worst to strike Haiti in over 52 years, ravaged Haiti and its economy. As a result, the country faces challenges equal to those it faced in the aftermath of the earthquake. Since the last TPS extension in May of this year, the country's ongoing efforts to continue to recover from the earthquake and from the ravages of the cholera epidemic and Hurricane Matthew have been hampered by other disasters. Both Hurricanes Irma and Maria, which struck in September 2017, have caused serious damage in Haiti, including the destruction of agricultural crops and further displacement of the population. The detrimental impact of Irma and Maria have complicated the ability of Haiti to truly recover from the 2010 earthquake, cholera, and Hurricane Matthew within the previously projected timelines and have exacerbated the situation on the ground, resulting in major disruptions of living conditions in the short-term.
3. **Cholera epidemic:** As of November 1, 2017, it is well documented that Haiti suffered the worst cholera epidemic in over a century. Introduced to Haiti by United Nations soldiers, the cholera epidemic killed thousands of people, sickened over 800,000 and continues to pose a healthcare risk to Haiti's citizenry. Certainly Haiti, despite limited resources, has made a lot of progress in dealing with cholera but it will take years to overcome the consequences of the epidemic in the post-recovery efforts. In a recently published report, the Global Justice Clinic states that "in 2016, Haiti was home to nearly one in three cases of cholera worldwide." Such assessment is further proof of the magnitude of the vulnerable conditions that the population faces as a result of the epidemic. Moreover, the United Nations has projected that 30,000 people in Haiti will fall ill with cholera by the end of 2017. After Hurricane Matthew, the monthly number of suspected cholera cases more than doubled. Hurricane Matthew not only worsened the cholera epidemic, but also has impeded progress on the necessary infrastructure development to keep Haitians safe from cholera. Unfortunately, critical financial resources initially earmarked to address earthquake-related matters had to be reallocated to resolve the cholera issue. The Haitian Government needs more time to effectively address cholera; today it is focused increasingly on long-term control efforts, such as improving the water and sanitation systems necessary to provide a durable cholera solution.
4. **Drought and flooding:** Between 2012 and 2015, Haiti's food security showed overall improvement, but food security declined rapidly from 2015 to 2016 due to natural disasters. In 2016, Hurricane Matthew hit one of Haiti's key food-producing areas, affecting two million people and killing more than 350,000 farm animals. Entire towns were wiped out, and many of the roads and other infrastructure repairs that the Government of Haiti initiated as part of the recovery process since the earthquake were either destroyed or severely damaged. Hurricanes Irma and Maria skirted north of Haiti but caused significant damage, turning entire communities into pools of waters. The flooding caused by hurricanes Irma and Maria destroyed vast areas of farmland. Critical crops that would have been used to feed the population are no longer available. Moreover, the flooding of farmland forced many agricultural workers to abandon their farm, further causing an increase in unemployment. Consequently, Haiti runs the risk of facing a food crisis due to the destruction of crops by hurricanes Irma and Maria.

5. **Economic conditions:** The earthquake brought the Haitian economy to its knees. According to the World Bank and the International Monetary Fund, Haiti suffered losses in excess of USD 9 billion. Despite best efforts to reboot the economy, subsequent natural disasters drastically slowed economic recovery. Hurricane Matthew caused an additional USD 2.8 billion in damage, further complicating the recovery efforts. The administration in Haiti is implementing a robust and comprehensive plan to stimulate the Haitian economy. As Haiti is trying to revitalize its economy, a non-renewal of TPS will force the country, in the near term, to welcome a large number of TPS recipients who may become vulnerable due to the precarious economic situation on the ground.
6. **Rebuilding of infrastructure destroyed by the earthquake:** Since the earthquake, the Haitian Government has been making considerable investments in rebuilding the country's core infrastructure destroyed by the earthquake. Tangible progress was being made in key infrastructure areas such as the rebuilding of hospitals, community health centers and roads. Unfortunately, the cascade of hurricanes has either significantly damaged buildings and roads or has simply destroyed them.

In addition to the existing conditions on the ground that clearly justify a TPS renewal, another set of compelling reasons justify such a decision. These reasons include:

- **Legislative solution to TPS:** A growing number of Congressional leaders, from both sides of the aisle, have written to the DHS Secretary to solicit an extension of TPS for Haitians. In addition to arguing that Haiti continues to meet the criteria for an extension, many congressional leaders have also hinted at introducing a permanent legislative solution to the TPS issue.
- **Haitian TPS recipients pose no threat to the security of the United States:** In its last TPS determination for Haitians, DHS stated that "permitting Haitian nationals to continue residing temporarily in the U.S. is not contrary to the national interest of the United States". Research continues to show that Haitian nationals benefiting from TPS have been exemplary law-abiding residents and pose no threat to the security of the United States or its people. Moreover, Haitian TPS recipients have not constituted a financial burden on U.S. taxpayers. Rather, Haitian TPS recipients have made significant economic contributions to their communities here in the United States, as acknowledged publicly by Congressional leaders, as well as Mayors, Governors, and business leaders. Allowing the Haitian Government a temporary reprieve to address issues on the ground would not cause a burden on the United States and its people.

To conclude, a statutory basis required to designate a country for TPS is that "the country has officially requested TPS designation". Under the current statute, the Haitian Government strongly feels, despite tangible progress and its best efforts, that a sufficient basis exists to justify a renewal of TPS.

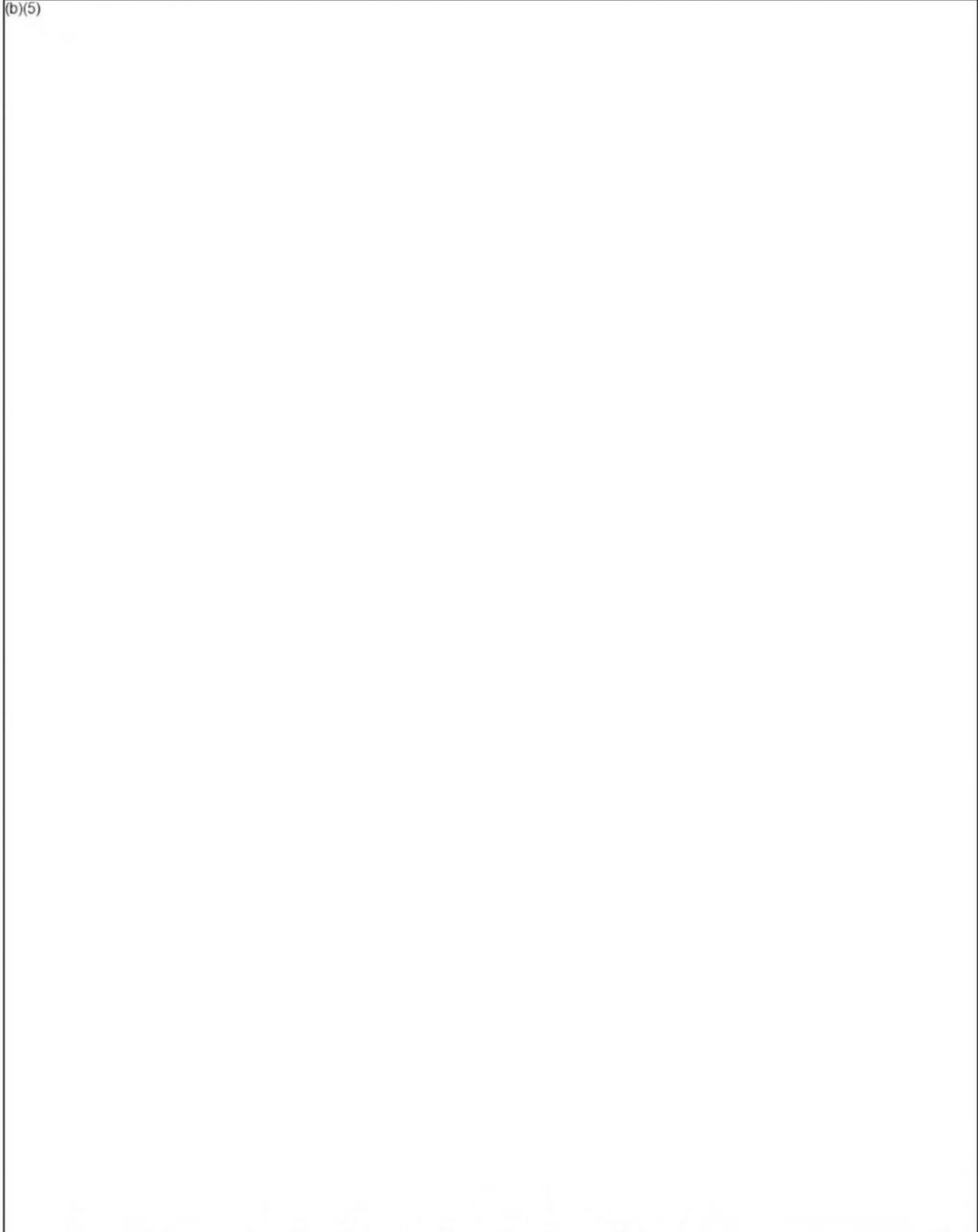


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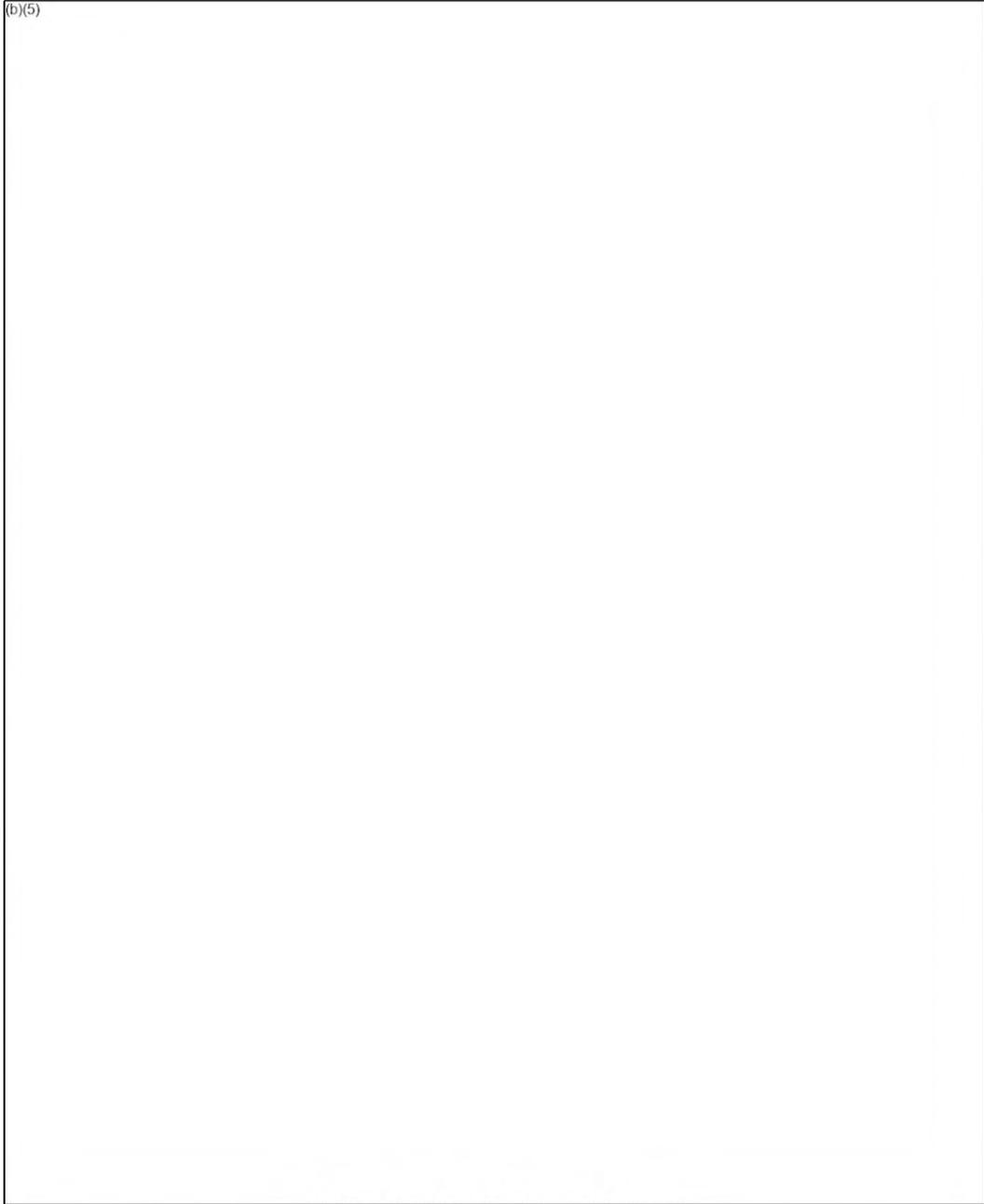


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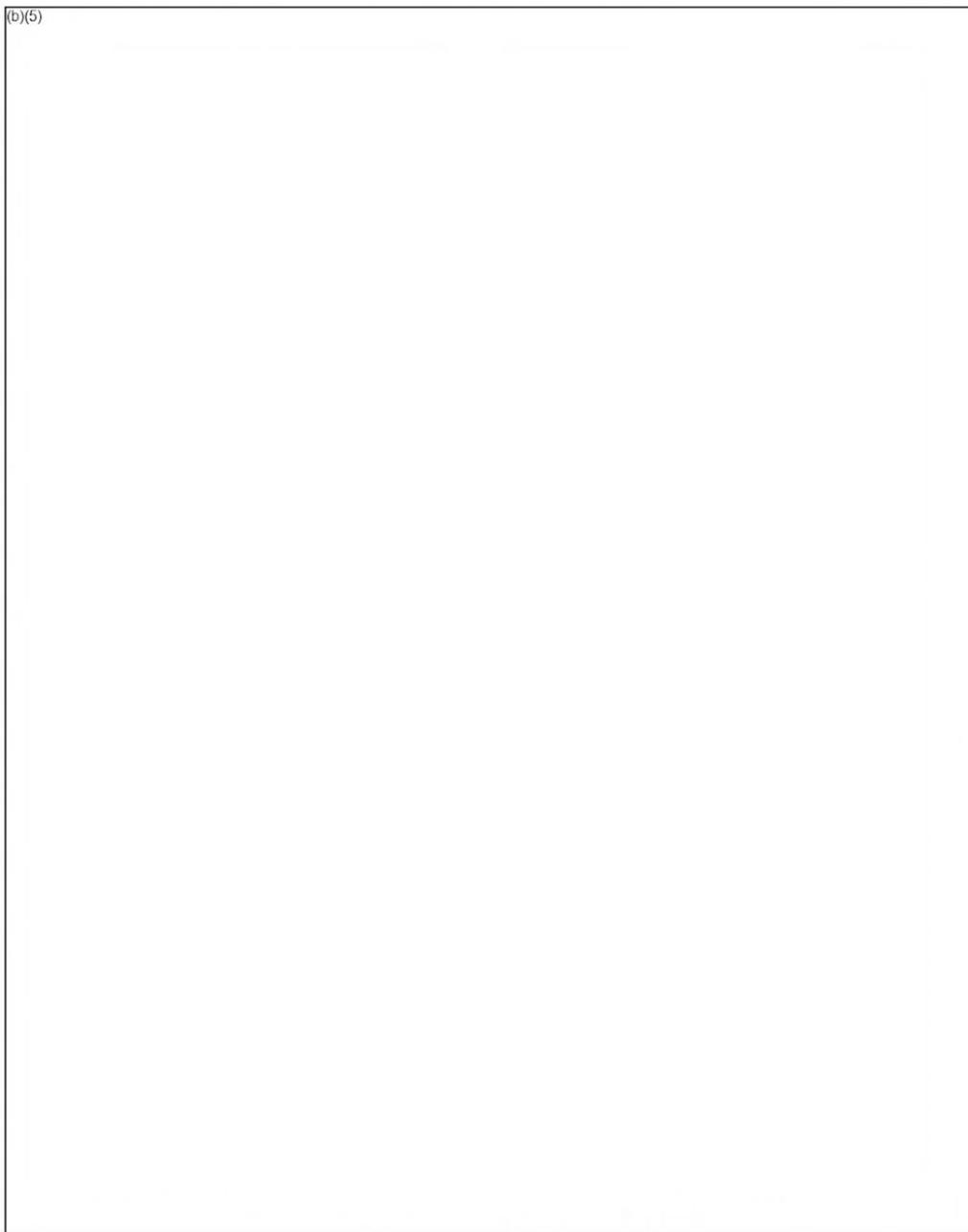
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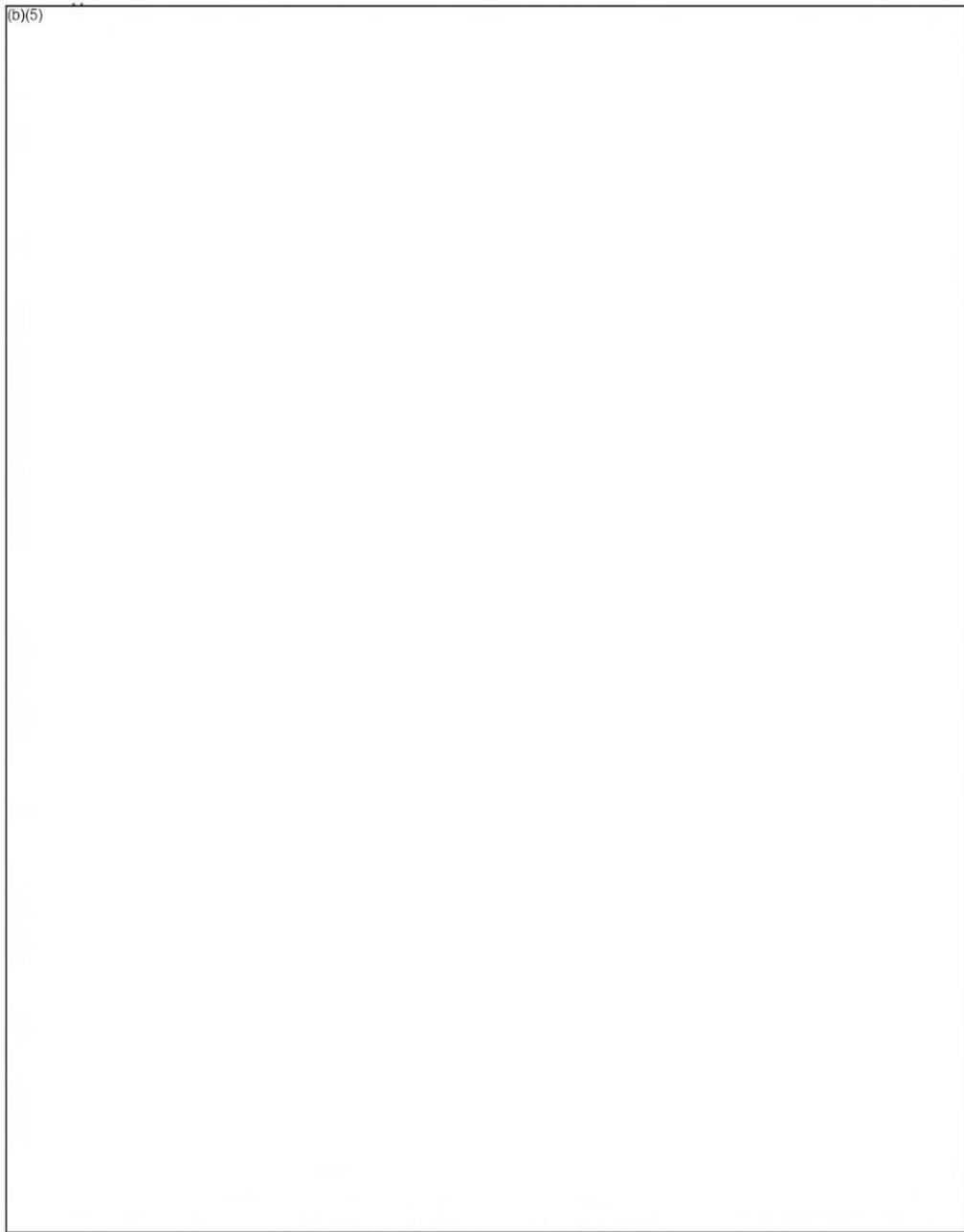


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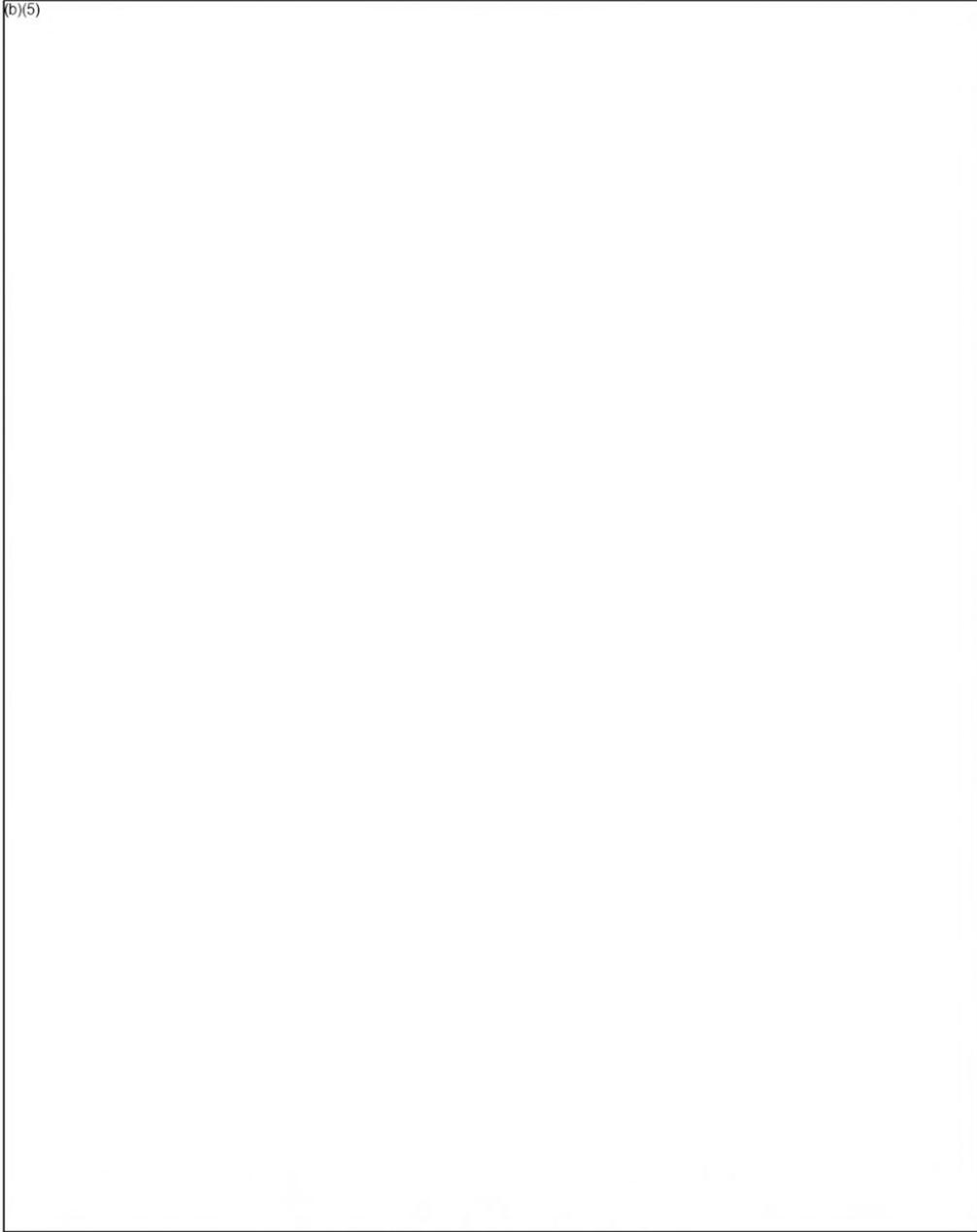


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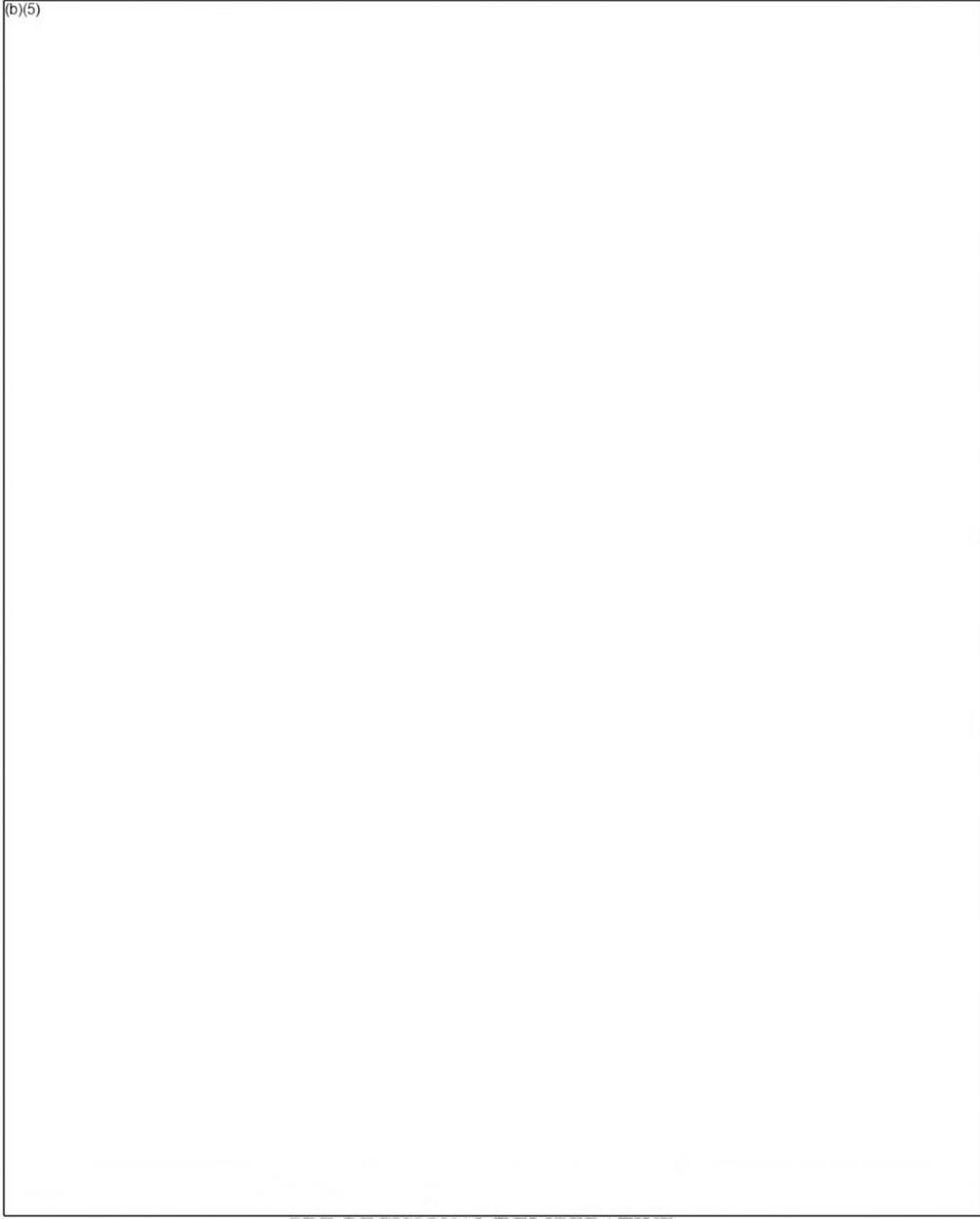


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(b)(5)

1. Terminate: Terminate Honduras' designation for TPS with an orderly transition period (i.e., delay the termination's effective date) of (circle one):

6 months 12 months 18 months Other _____

Approve/date _____

2. Extend: Extend Honduras' designation for TPS for (circle one):

6 months 12 months 18 months

Approve/date _____

3. Newly Designate: Newly designate Honduras for TPS for (circle one):

Armed Conflict Environmental Disaster Extraordinary & Temporary Conditions

6 months 12 months 18 months Other _____

Approve/date _____

(b)(5)

~~PRE-DECISIONAL / DELIBERATIVE~~

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

November 3, 2017

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: L. Francis Cissna *LFC*
Director

SUBJECT: **Haiti's Designation for Temporary Protected Status**

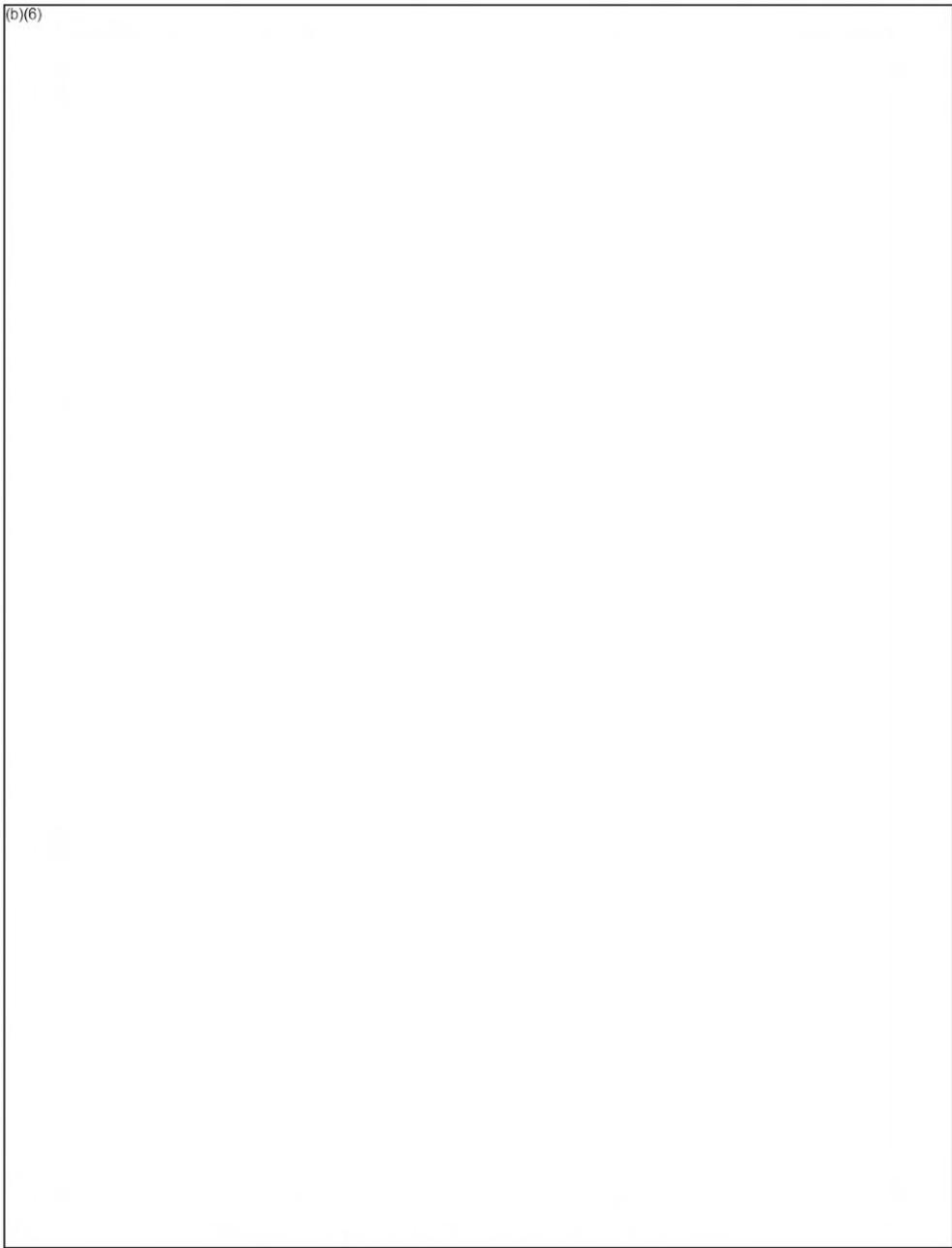
(b)(5)

~~PRE-DECISIONAL / DELIBERATIVE~~

~~PRE-DECISIONAL / DELIBERATIVE~~

Haiti's Designation for Temporary Protected Status
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(b)(6)

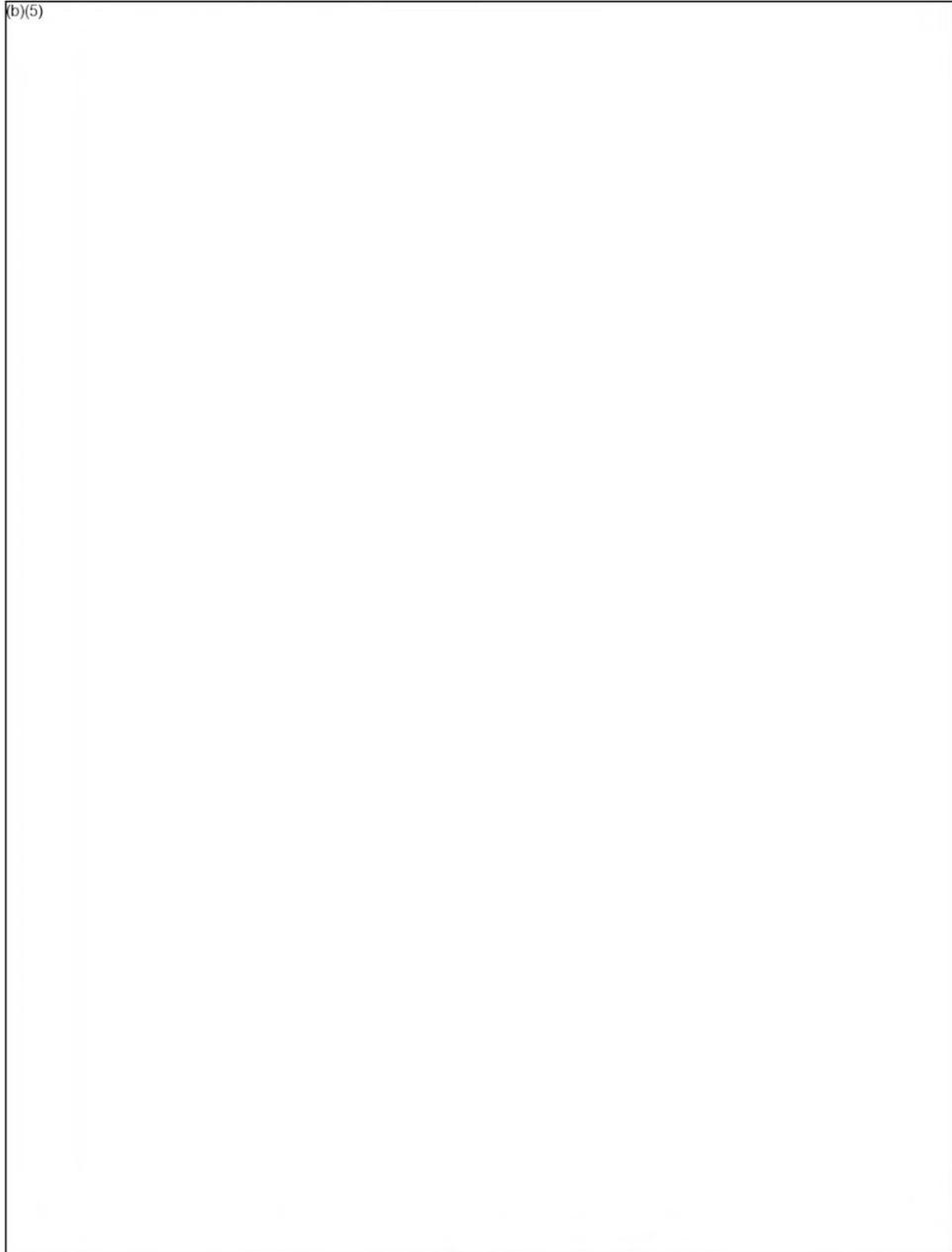


~~PRE-DECISIONAL / DELIBERATIVE~~

~~PRE-DECISIONAL / DELIBERATIVE~~

Haiti's Designation for Temporary Protected Status
Page 3

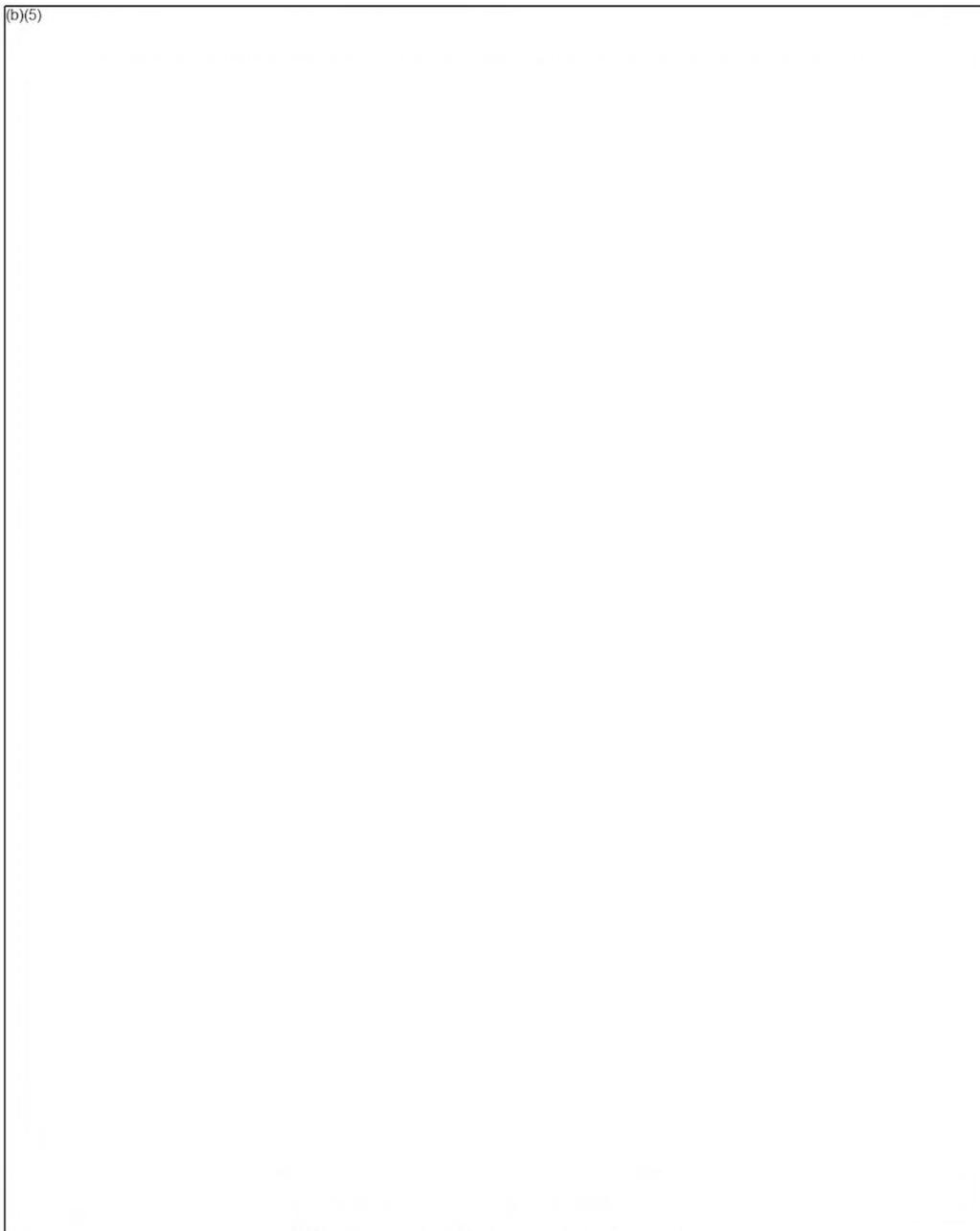
(b)(5)



~~PRE-DECISIONAL / DELIBERATIVE~~

~~PRE-DECISIONAL / DELIBERATIVE~~

Haiti's Designation for Temporary Protected Status
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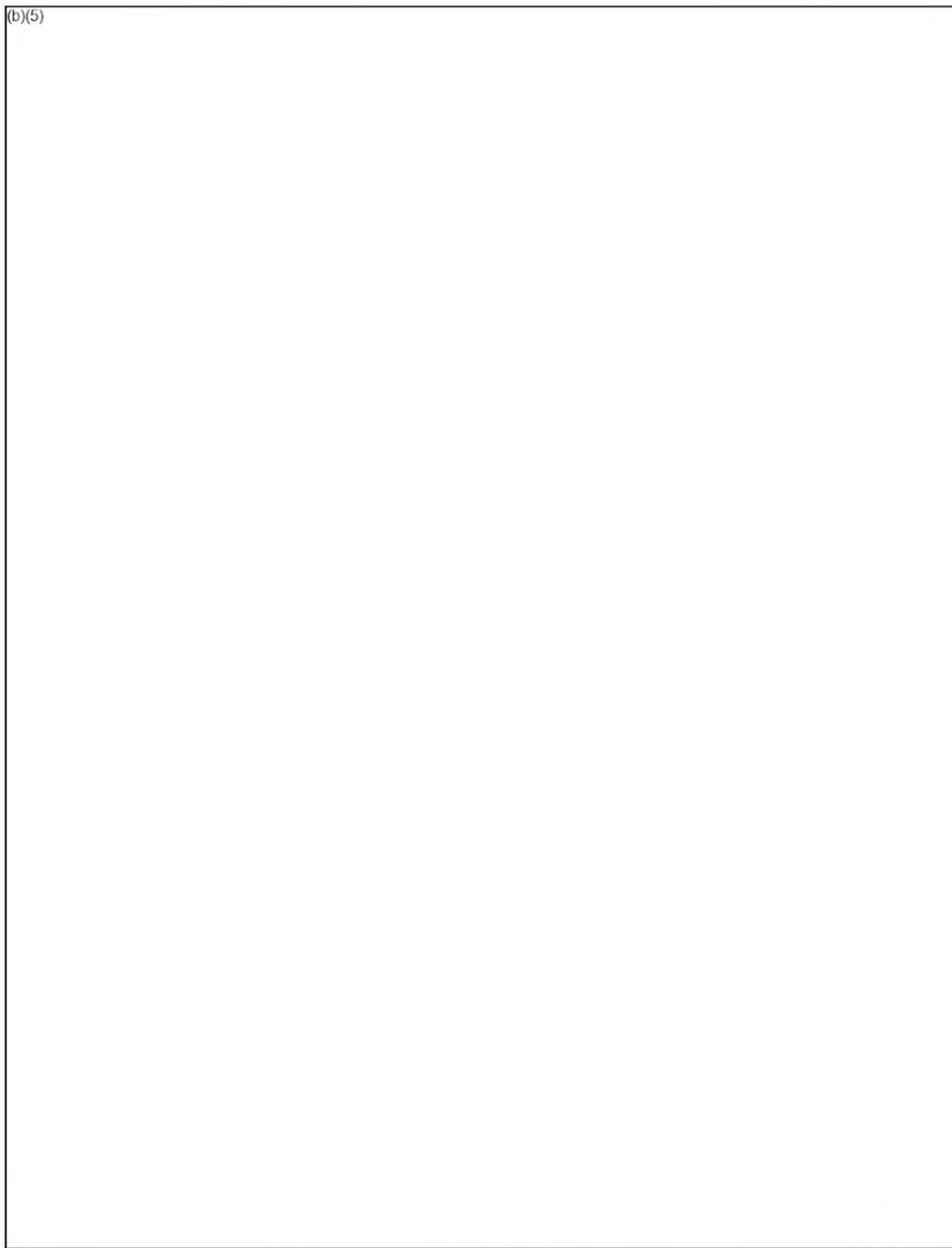


~~PRE-DECISIONAL / DELIBERATIVE~~

~~PRE-DECISIONAL / DELIBERATIVE~~

Haiti's Designation for Temporary Protected Status
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(b)(5)



~~PRE-DECISIONAL / DELIBERATIVE~~

(b)(5)

Decision:

1. Extend: Extend Haiti's existing designation for (circle one):

6 months 12 months 18 months

Approve/date _____

2. Terminate: Terminate Haiti's designation with an orderly transition period of (circle one or specify period):

6 months 12 months 18 months Other _____

Approve/date 11/20/17 _____

(Handwritten signature and circled "18 months")

3. Redesignate: Extend Haiti's existing designation and simultaneously redesignate Haiti:

Specify duration of redesignation (6-18 months): _____

Specify continuous residence date for eligibility under redesignation (currently January 12, 2011): _____

Approve/date _____

⁸ See INA § 244(b)(3)(A).

⁹ See INA § 244(b)(3)(A), (C).

Haiti's Designation for Temporary Protected Status
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4. *No Decision/Automatic Extension: Delay a decision on Haiti's designation, resulting in an extension of (circle one):*

6 months

12 months

18 months

Approve/date _____

(b)(5)