

July 25, 2018

The Honorable Kristjen Nielsen
Secretary of Homeland Security
U.S. Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Ave. NW
Washington, D.C. 20016

The Honorable Michael Pompeo
Secretary of State
U.S. Department of State
2201 C St., NW
Washington, D.C. 20520

RE: REQUEST TO DESIGNATE GUATEMALA FOR TEMPORARY PROTECTED STATUS

Dear Secretaries Nielsen and Pompeo:

The 307 undersigned national, state, and local organizations in the areas of immigration, civil rights, human rights, labor, religion, and education respectfully request that you designate Guatemala for Temporary Protected Status (TPS) under INA § 244. The environmental conditions in Guatemala stemming from a June 2018 volcano eruption; inability to safely return Guatemalan nationals; and subsequent request from the government of Guatemala for TPS clearly satisfy the statutory criteria for a designation of TPS. Designating Guatemala for TPS would potentially allow upwards of 525,000 Guatemalan nationals currently residing in the United States to register with the federal government; undergo background checks; and avoid repatriation back to dangerous and potentially life-threatening conditions. This request mirrors the letter sent by half a dozen Senators, led by Senator Gillibrand, to you and Secretary Pompeo requesting TPS for Guatemala on June 28, 2018.¹

As you know, Congress established TPS to provide the Executive Branch the authority to provide an abeyance from deportation for nationals who cannot be safely returned to their countries.² Specifically, under INA § 244(b)(1)(B), the Secretary may designate a country for TPS if:

- (i) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,
- (ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and
- (iii) the foreign state officially has requested designation³

¹ Letter from Kirsten Gillibrand, Senator. U.S. Senate, to Michael Pompeo, Secretary, U.S. Department of State, et al. (June 28, 2018) (on file with author)

² INA § 244, 8 U.S.C. § 1254a (West 2018).

³ *Id.* at (b)(1)(B).

Guatemala satisfies all three statutory criteria. On June 3, 2018, Volcán de Fuego, a volcano located in southern Guatemala, unexpectedly erupted and wrought devastation to the surrounding areas as boiling ash, rocks, and pyroclastic flow (a mixture of rock and gas) spewed from the volcano.⁴ As of July 23, there have been over 100 casualties; over 300 people remain missing; nearly 13,000 people have been evacuated; and the eruption affected over 1.7 million people.⁵ The death toll is likely to be significantly higher due to the undercounting of the indigenous populations around the volcano, with local community activists stating that “[t]here could be thousands [of dead].”⁶ The eruption destroyed or placed at risk close to a 1,000 homes; destroyed or impacted major roadways; compromised electrical grids; destroyed or impacted schools; and destroyed critical infrastructure, including bridges.⁷ Other federal agencies recognized the severity of this environmental disaster, with USAID providing \$300,000 in humanitarian aid to communities affected by the eruption and USAID’s Office of U.S. Foreign Disaster Assistance providing technical assistance and support to local government.⁸

On June 25, 2018, President Jimmy Morales stated that he instructed the Minister of Foreign Affairs to request TPS from the Trump Administration as a result of the volcanic eruption.⁹ Foreign Minister Sandra Jovel subsequently confirmed that she sent a formal request to the Administration, specifically citing TPS as a mechanism to provide “a work permit [and] to avoid [the] deportation” of Guatemalan nationals.¹⁰ The request from the Guatemalan government reflects the reality that, due the disaster, the Guatemalan government is unable, temporarily, to adequately accept the return of its nationals.

⁴ *Guatemala volcano: Dozens die as Fuego volcano erupts*, BBC, June 4, 2018, <https://www.bbc.com/news/world-latin-america-44350974>.

⁵ NATIONAL COORDINATOR FOR DISASTER REDUCTION, GOVERNMENT OF GUATEMALA, Volcan de Fuego Eruption, Guatemala, June 28, 2018, <https://conred.gob.gt/site/ultimas-24-horas>.

⁶ Jackie McVicar, *Death toll from a volcano eruption in Guatemala may far exceed the official count*, AMERICA: THE JESUIT REVIEW, June 27, 2018, <https://www.americamagazine.org/politics-society/2018/06/27/death-toll-volcano-eruption-guatemala-may-far-exceed-official-count>.

⁷ NATIONAL COORDINATOR FOR DISASTER REDUCTION, GOVERNMENT OF GUATEMALA, Volcan de Fuego Eruption, Guatemala, June 28, 2018, <https://conred.gob.gt/site/ultimas-24-horas>.

⁸ U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, Guatemala - Key Developments, June 15, 2018, <https://www.usaid.gov/crisis/guatemala>.

⁹ @jimmymoralesgt, Twitter (June 25, 2018, 5:15pm), <https://twitter.com/jimmymoralesgt/status/1011372222043303936> (Spanish-language tweet where the President stated he instructed the Minister of Foreign Affairs to immediately request Temporary Protected Status (TPS) from the United States).

¹⁰ *Guatemala asks US to help its migrants after volcano eruption*, AFP NEWS, June 25, 2018, <https://sg.news.yahoo.com/guatemala-asks-us-help-migrants-volcano-eruption-035040029.html> (“Foreign Minister Sandra Jovel said later that she sent a note to President Donald Trump’s administration making the request “in favor of our migrant brothers.”); *Guatemala Asks U.S. for Migrant Protections Due to Volcano Fallout*, N.Y. TIMES, June 25, 2018, <https://www.nytimes.com/reuters/2018/06/25/world/americas/25reuters-usa-immigration-guatemala.html>.

There are approximately 525,000 Guatemalan nationals in the United States that could potentially receive protection under a designation of TPS for Guatemala.¹¹ Over 70% of these individuals have lived in the United States for more than a decade, building deep ties to their communities and local economies.¹² As you know, TPS has strict criminal background criteria, disqualifying applicants based on felony and misdemeanor convictions.¹³ Moreover, under TPS, applicants must register with the government, providing their biometric information and submitting themselves to a criminal background and national security check. TPS would not only be an appropriate use of the authority granted by Congress, but a critical tool to meet the goals of your Administration to enhance our nation's security and safety.

Thank you for your consideration of this request. If you have any questions, please contact Lisa M. Parisio at (301) 565-4816 or at lparisio@cliniclegal.org.

Sincerely,

National Organizations

Adhikaar

Adorers of the Blood of Christ

Alianza Americas

America's Voice Education Fund

American-Arab Anti-Discrimination Committee

Asian Americans Advancing Justice | AAJC

AsylumConnect

Bread for the World

Catholic Charities Immigration Legal Services

Catholic Charities of Pueblo

CEJIL

Center for Community Change

Center for Popular Democracy

Center for Victims of Torture

Christian Church (Disciples of Christ) Refugee & Immigration Ministries

Christian Community Development Association

Church World Service

¹¹ *Unauthorized immigrant population trends for states, birth countries and regions*, PEW RESEARCH CENTER, Nov. 3, 2016, www.pewhispanic.org/interactives/unauthorized-trends/ (Select "Region/Country of birth" and then "Guatemala" from the dropdown menu to see estimates for the unauthorized Guatemalan population. Of note, TPS would cover more than just undocumented Guatemalans as individuals with other forms of temporary status (e.g. DACA or temporary visas) would be able to apply for and receive TPS).

¹² D'Vera Cohn, et al., 2. *Geography and characteristics of Northern Triangle immigrants*, PEW RESEARCH CENTER, Dec. 7, 2017, www.pewhispanic.org/2017/12/07/geography-and-characteristics-of-northern-triangle-immigrants/ ("71% from Guatemala and 68% from Honduras had lived in the U.S. for 10 years or more.").

¹³ INA § 244(c)(2)(B), 8 U.S.C. § 1254a(c)(2)(B) (West 2018).

Catholic Legal Immigration Network, Inc.
Coalition on Human Needs
Columban Center for Advocacy and Outreach
Consejo de Federaciones Mexicanas
Council on American-Islamic Relations
Daughters of Charity USA
Dominicans of Sinsinawa
El Centro
El Centro Catholic Charities
Faith in Public Life
Franciscan Action Network
Franciscan Sisters of the Poor, US Area
Franciscans, TOR
Grey Nuns of the Sacred Heart
Hispanic Federation
Holy Spirit Missionary Sisters - USA-JPIC
Human Rights Observation/Honduras
Ignatian Solidarity Network
Immigrant Legal Resource Center
Immigration Hub
Interfaith Center on Corporate Responsibility
International American Relief Society (IARS)
Justice and Peace Office of the Wheaton Franciscans
Leadership Conference of Women Religious
Lutheran Immigration and Refugee Service
MALDEF
Maryknoll Office for Global Concerns
Mi Familia Vota
NAACP
National Center for Lesbian Rights
National Council of Jewish Women
National Council of Jewish Women South Cook Section
National Domestic Workers Alliance
National Immigrant Justice Center
National Immigration Law Center
National Korean American Service & Education Consortium (NAKASEC)
National Latina Institute for Reproductive Health
National Organization for Women
National Partnership for New Americans
NCJW Chicago North Shore
NETWORK Lobby for Catholic Social Justice

North American Climate, Conservation and Environment(NACCE)
NOVA Friends of Refugees
Pax Christi
People's Action
Presidents' Alliance on Higher Education and Immigration
Provincial Council Clerics of St. Viator (Viatorians)
Refugee & Immigration Ministries, Christian Church (Disciples of Christ) in the U.S. and Canada
Scalabrini International Migration Network
School Sisters of Notre Dame - Central Pacific Province
Secular Franciscan Order - USA
Service Employees International Union (SEIU)
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Nazareth Western Province Leadership
Sisters of Mercy of the Americas - Institute Justice Team
Sisters of Mercy of the Americas - Institute Leadership Team
Sisters of St. Francis of the Providence of God
Sisters of St. Francis, Clinton, Iowa
Sisters of the Most Precious Blood
St. Marys Immigration Program
Sugar Law Center for Economic and Social Justice
The Innovation Institute
The Jus Semper Global Alliance
The Third Order, Society of St. Francis, Province of the Americas
TRUE ALLIANCE CENTER INC/ GBNCC
U.S. Committee for Refugees and Immigrants
UnidosUS
UNITE HERE
United Church of Christ - Justice and Witness Ministries
United We Dream
Women's Alliance for Theology, Ethics, and Ritual (WATER)
World Relief

State and Local Organizations

AB540 Ally Training Project
Advocates for Immigrant Rights and Reconciliation
AFSC Colorado
Agencia ALPHA
Alabama Coalition for Immigrant Justice
Alianza
Allies for Knoxville's Immigrant Neighbors
America's Voice Ohio

American Civic Association
Arizona Justice For Our Neighbors
Arkansas Justice Collective
Arkansas United Community Coalition
Asian Americans Advancing Justice - Atlanta
Asian Americans Advancing Justice-LA
Asylee Women Enterprise
Ayuda
Benedictine Sisters of Baltimore
Brazos Interfaith Immigration Network
Cabrini Immigrant Services of NYC, Inc.
California Partnership
CASA
Casa San Jose
Catholic Agency for Migration & Refugee Services
Catholic Charities Archdiocese of Boston
Catholic Charities Eastern Washington
Catholic Charities of Santa Clara County
Catholic Charities of the Archdiocese of Washington
Catholic Charities of West TN
Catholic Charities Tompkins/Tioga
Catholic Community Services of Utah
Catholic Migration Services
Catholic Social Services, ArchDiocese of Philadelphia
Causa Oregon
Central American Resource Center
Central American Resource Center --CARECEN of Northern California
Centro Comunitario CEUS
Change Agency
Chesapeake Multicultural Resource Center
Church of Our Saviour/La Iglesia de Nuestro Salvador
Church of the Ascension
Church Women United in New York State
Cleveland Jobs with Justice
Club Nueva Visión de Cheranastico
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Immigrant Rights Coalition
Colorado People's Alliance
Columbia Presbyterian Church
Commonwealth Catholic Charities
Community Lawyers Inc

Compassionate Justice Project
Comunidad Colectiva-- Charlotte, NC
Comunidades Unidas / Communities United
Connecticut Institute for Refugees and Immigrants
COPAL
Council for the Spanish Speaking, Inc.
CRECEN
Crossing Borders - Dubuque
Daughters of Charity
DC-MD Justice for Our Neighbors
Delaware Civil Rights Coalition
Dominican Sisters
Dominican Sisters ~ Grand Rapids
Dominican Sisters of Mission San Jose
Dominican Sisters of San Rafael
East Texas Justice For Neighbors
EBECC
Education and Leadership Foundation
El Centro de Igualdad y Derechos
Episcopal Church of St. Matthew
Episcopal Community Services of Northern California
Episcopal Diocese of Western Massachusetts
Equal Justice Center
Equality California
Family Action Network Movement (FANM)
Fe y Justicia Worker Center
Florida Immigrant Coalition
Fort Collins Community Action Network
Franciscans for Justice
Friends of Broward Detainees
Generous Heart Sangha
Greater New York Labor Religion Coalition
Guatemala Solidarity Boston
HAITIAN BRIDGE Alliance
Hana Center
Holy Spirit Adoration Sisters
HUG "For The Making Of New Americans"
Hughes United Methodist Church
Human Rights Initiative of North Texas
IHM Sisters Justice, Peace and Sustainability Office
Illinois Coalition for Immigrant and Refugee Rights

Immigrant Connection at May Ave. Wesleyan Church
Immigrant Defenders Law Center
Immigrant Hope-Clifton NJ
Immigrant Law Center of MN
Immigrant Legal Center of Boulder County
Indivisible Kirkland
Intercommunity Justice and Peace Center
Interfaith Council of Contra Costa County
International Institute Los Angeles
International Institute of Buffalo
International Institute of New England
International Institute of the Bay Area
Iowa Citizens for Community Improvement
IUC Ministerios Rios de Agua Viva / Joy Like a River UCC
Jesuit Social Research Institute/Loyola University New Orleans
Jewish Family Service of San Diego
JPIC - Sisters of Saint Francis of Philadelphia
Jubilee Immigration Advocates
Junta for Progressive Action
Justice, Peace and Integrity for Creation Committee - Sisters of St. Francis of PHiladelphia
JVS (Jewish Vocational Services)
KC Metro Immigration Alliance
Kentucky Coalition for Immigrant and Refugee Rights
Kentucky Equal Justice Center
KIAC and JCIRA
Kids for College
Korean Resource Center
La Comunidad, Inc.
La Unión del Pueblo Entero
Labor Center for immigrant Justice/ WE RISE SF
Latin American Coalition
Latin American Legal Defense and Education Fund
Lost In Translation
Lowcountry Immigration Coalition
LUCHA Ministries, Inc.
Lutheran Church of Our Redeemer
Lutheran Family Services of Nebraska
Maine People's Alliance
Make the Road NY
Make the Road PA
Mary's Center

Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
Michigan United
Migrant and Immigrant Community Action Project
Migrant Rights Collective
MinKwon Center for Community Action
Mission Graduates
Mississippi Center for Justice
Mixteco Community Organizing Project
National Lawyers Guild - Los Angeles Chapter
Nationalities Service Center
Nebraska Appleseed
New American Welcome Center at the University YMCA
New Hampshire Alliance for Immigrant Rights
New Hope Immigration Services Inc.
New York Immigration Coalition
NHCUCC Immigrant and Refugee Support Group
NJ Alliance for Immigrant Justice
North Carolina Conference of the United Methodist Church
North Hills United Methodist Hispanic Mission
Northeast Iowa Peace and Justice Center
Northeast Justice Center
NOVA Catholic Community
OLA RAZA INC
OneAmerica
Oregon Interfaith Movement for Immigrant Justice
Paralegal Immigration Advocacy, Inc.
Pax Christi Florida
Pax Christi Illinois
Peace with Justice Ministries Great Plains Conference of The United Methodist Church
Pennsylvania Council of Churches
Pennsylvania Immigration and Citizenship Coalition
Pilipino Workers Center of Southern California
Pineros y Campesinos Unidos del Noroeste
Pittsburgh LCLAA
Progressive Leadership Alliance of Nevada
Promise Arizona
Province of St. Joseph of the Capuchin Order
Proyecto Santo Nino de Atocha
RAICES
Raleigh Immigrant Community Inc.

Reedley Social Services, Inc.
RespectWorks
Sacred Heart of Jesus Church
SALEF
Salvadoran American Leadership and Educational Fund
SC Appleseed
SIREN
Sisters and Brothers of Immigrants
Sisters of Saint Francis
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Francis of Penance and Christian Charity, St. Francis Province
Sisters of St. Joseph of Boston
Sisters of St. Joseph of Concordia, KS
SLV Immigrant Resource Center
Somos Un Pueblo Unido
St. Andrew Lutheran Church
St. Andrew United Methodist Women
St. James Cathedral Immigrant Assistance
St. John of God Church
St. Paul's Episcopal Church
St. Paul's Lutheran Church
Sunflower Community Action
Tacoma Community House
Tennessee Immigrant and Refugee Rights Coalition
Texas Organizing Project
The Farmworker Association of Florida, Inc.
The Florence Immigrant & Refugee Rights Project
The New York Immigration Coalition
The Northern Manhattan Coalition for Immigrant Rights
Thrive International Programs, Inc.
Unitarian Universalist Mass Action
University of San Francisco Immigration and Deportation Defense Clinic
Ventura County Clergy and Laity United for Economic Justice
Virginia Coalition of Latino Organizations (VACOLAO)
Voces de la Frontera
VOLUNTEERS OF LEGAL SERVICE
Wallingford Indivisible
Wayne Action for Racial Equality
Wesley Foundation Serving UCLA
WESPAC Foundation
Western North Carolina Sanctuary Movement

Wilco Justice Alliance (Williamson County, TX)
Women+s March Washington State
Worker Justice Center of New York, Inc.
Workers Defense Project
Youth Co-Op, Inc.