

December 4, 2017

The Honorable Elaine C. Duke  
Acting Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, D.C. 20528

The Honorable L. Francis Cissna  
Director of U.S. Citizenship and Immigration Services  
111 Massachusetts Avenue, NW  
Washington, D.C. 20008

**RE: Publication of Temporary Protected Status Determinations**

Dear Acting Secretary Duke and Director Cissna,

We the 126 undersigned represent organizations that are comprised of, represent, and advocate on behalf of Temporary Protected Status (TPS) holders. We write to request the immediate publication of the Federal Register Notices associated with the TPS determinations for Honduras, Nicaragua, and Haiti released on Nov. 6 and Nov. 20, respectively.

We are deeply troubled by what appears to be a trend under the current administration involving the release of TPS determinations on or after the 60-day statutory requirement as well as extended delays in the publication of Federal Register Notices. While we appreciate the amount of time and effort that goes into the decision process, we are deeply concerned about the impact of these delays.

The Immigration and Nationality Act requires, “at least 60 days before the expiration of a country’s TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in a foreign state designated for TPS and determine whether the conditions for the TPS designation continue to be met. The [Secretary] **shall** provide on a **timely basis for the publication of notice of each such determination**, and, in the case of an affirmative decision, the period of extension . . . ”. 8 U.S.C. § 1254a(b)(3)(A); INA § 244(b)(1) (emphasis added).

This year, the TPS determinations for Sudan and South Sudan were expected on Sept. 4. Two weeks later, USCIS released the TPS determinations for these countries, extending the designation for South Sudan and terminating the designation for Sudan. In that Sept. 18 communication, Acting Homeland Security Secretary Duke indicated the decision to terminate TPS for Sudan would be managed in an orderly fashion. Unfortunately, this announcement was followed by a Federal Register Notice that was posted for pre-publication and withdrawn,

causing confusion in the field and anxiety among TPS holders. The final Notice was published on Oct. 11, five weeks after the anticipated decision date.

Failure to provide clear and timely instruction to the public on the necessary steps and timelines to comply with these decisions is not only contrary to the statute but is inconsistent with the stated objective of orderly implementation. Prior TPS Federal Register Notices informed employers of employment verification (I-9), documentation, and other requirements.<sup>1</sup> Without this information, employers of TPS holders are unable to properly comply with I-9 processing in a manner consistent with the statute. Failure to timely publish Federal Register Notices also confuses TPS holder employees as to the documentation requirements for TPS, creating obstacles to the timely submission of applications for work authorization and efficient adjudication by the agency.

As a practical matter, the delayed issuance of the Federal Register Notices can have a costly impact on TPS holders and their families by potentially disrupting employment, travel and driving authorization, health insurance, and access to higher education. The delayed publication also inhibits meaningful and productive outreach by USCIS, foreign governments, and legal and social services providers attempting to provide guidance to constituents.

The delayed issuance of the Federal Register Notices also affects the TPS community by creating undue stress, panic, and suffering. This is particularly painful and confusing for TPS holders who have just learned that their TPS protection has been terminated.

In conclusion, the failure to timely publish Federal Register Notices is contrary to the statute and we urge you comply with these obligations. If you have any questions, please contact Jill Marie Bussey at the Catholic Legal Immigration Network, Inc. at [jbussey@cliniclegal.org](mailto:jbussey@cliniclegal.org).

Sincerely,

Access Living  
Alianza Americas  
American Friends Service Committee  
American Immigration Lawyers Association  
Asian Americans Advancing Justice - Atlanta  
CAMBA, Inc.  
CARECEN-DC  
CARECEN SF

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<sup>1</sup> See Extension of the Designation of Haiti for Temporary Protected Status, May 24, 2017, [www.federalregister.gov/documents/2017/05/24/2017-10749/extension-of-the-designation-of-haiti-for-temporary-protected-status](http://www.federalregister.gov/documents/2017/05/24/2017-10749/extension-of-the-designation-of-haiti-for-temporary-protected-status).

CASA

Casa Mary Johanna

Casa Reina

Catholic Charities Archdiocese of Boston

Catholic Charities Community Services, Archdiocese of New York

Catholic Charities of Pueblo

Catholic Charities of Raleigh

Catholic Charities of the Archdiocese of Washington

Catholic Charities Tompkins/Tioga

Catholic Legal Immigration Network, Inc.

Catholic Migration Services

Catholic Social Services

Central Florida AFL-CIO

Central Florida Jobs with Justice

Centro Comunitario CEUS

Centro Presente

Centro Romero

Chelsea Collaborative, Inc.

Church Council of Greater Seattle

Church World Service

Coalition for Humane Immigrant Rights (CHIRLA)

Community Legal Advocate of New York

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

Congregation of St. Joseph

Connecticut Institute for Refugees and Immigrants

CRECEN - Houston

Dominican Development Center/ Immigrant Defense Project

Dominican Sisters of Adrian, Michigan

Dominican Sisters of Houston

Ecumenical Ministries of Oregon

El Centro Hispano, Inc.

El Paracaidista

Fair Immigration Reform Movement (FIRM)

Faith in Florida

FANM-Haitian Women of Miami

First Congregational United Church of Christ

FL Immigrant Coalition

Florida Center for Fiscal and Economic Policy

Florida Student Power Network  
Franciscan Action Network  
Franklin County Legal Services  
Friends of Broward Detainees  
Friends of Miami-Dade Detainees  
Global Justice Clinic, NYU Law \*This communication does not purport to represent the institutional views, if any of NYU  
Grand Island Latino Network  
Greater New York Labor Religion Coalition  
Haitian-Americans United for Progress  
Haitian Clergy Association  
Harvard College Act On a Dream  
Hodureños Unidos de Tampa  
Hondurans Against AIDS  
Hope Community Center  
Houston's America For All  
Immigrant Legal Advocacy Project  
Immigrant Legal Center of Boulder County  
Immigrant Legal Resource Center  
Immigrant Rights Clinic at NYU School of Law  
Inter-faith Coalition on Immigration, MN  
Interfaith Council of Contra Costa County  
InterReligious Task Force on Central America and Colombia  
Iowa Justice For Our Neighbors  
IUC Ministerios Rios de Agua Viva/Joy Like A River UCC  
Jefferson County Immigrant Rights Advocates  
Jesuit Social Research Institute/Loyola University New Orleans  
Justice For Our Neighbors (Houston, TX)  
Justice, Peace and Reconciliation Commission, Priests of the Sacred Heart, U.S. Province  
Kentucky Equal Justice Center  
Kitsap Immigrant Assistance Center  
La Casa de Amistad  
La Comunidad, Inc.  
La Union del Pueblo Entero  
Latin America Working Group (LAWG)  
Latin American Legal Defense and Education Fund (LALDEF)  
Latino Commission on AIDS  
Law Office of Steffani Powell

Leadership Conference of Women Religious  
Lutheran Church of Our Redeemer  
Lutheran Immigration and Refugee Service  
Lutheran Social Services of New York  
Maryknoll Office for Global Concerns  
Mi Casa  
Mi Familia Vota  
National Advocacy Center of the Sisters of the Good Shepherd  
National Justice for Our Neighbors  
New Florida Majority  
New York Immigration Coalition  
New York Law School Asylum Clinic  
NHCUCC Immigration Group  
Office of Social Justice, Christian Reformed Church in North America  
Orange County Classroom Teachers Association  
Organize Florida  
Our Lady Queen of Peace Catholic Church  
Pax Christi USA Ambassador of Peace  
PICO National Network  
Presbyterian Church (U.S.A.)  
Presentation Sisters at Caminando Juntos  
Project IRENE  
Queer Detainee Empowerment Project  
Red Mexicana de Lideres y Organizaciones Migrantes  
Reformed Church of Highland Park  
Refugee & Immigration Ministries, Christian Church (Disciples of Christ)  
Saint Patrick's Church, Baltimore  
Salvadoran American National Network (SANN)  
Salvadoran Association of Los Angeles /ASOSAL  
School Sisters of Notre Dame - Central Pacific Province  
SEIU 32BJ  
Service Employees International Union (SEIU)  
Sisters of Mercy of the Americas - Institute Justice Team  
Sisters of Mercy of the Holy Cross  
Sisters of Mercy West Midwest Community Justice Team  
Sisters of Saint Joseph of Chestnut Hill, Philadelphia  
Sisters of St. Joseph of the Third Order of St. Francis  
Sisters of the Living Word

South Florida Interfaith Worker Justice  
Students Working for Equal Rights  
Tennessee Immigrant and Refugee Rights Coalition  
The Episcopal Church of Saint Paul et les Martyrs d'Haiti  
The Farmworker Association of Florida, Inc.  
The Right to Immigration Institute (TRII)  
Unitarian Universalist Mass Action Network  
United Families  
Wallingford Indivisible  
WeCount!  
Women Working Together USA  
Youth and Young Adult Network of the Farmworker Ministry

cc: Julie Kirchner, Citizenship and Immigration Services Ombudsman at the Department of  
Homeland Security  
Oliver Potts, Director, Office of Federal Register