



April 26, 2019

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

**RE: CLINIC Recommendations Regarding *Ramos v. Nielsen* Preliminary Injunction
Implementation and Public Engagement**

Dear Director Cissna:

The Catholic Legal Immigration Network, Inc., or CLINIC, writes to register our concerns regarding U.S. Citizenship and Immigration Services' (USCIS) public engagement surrounding the *Ramos v. Nielsen* preliminary injunction, which has temporarily halted the termination of Temporary Protected Status, or TPS, for El Salvador, Haiti, Nicaragua, and Sudan.

CLINIC supports a network of over 365 immigration legal services organizations across the country, the vast majority of which serve TPS holders. While the preliminary injunction has brought some temporary relief to the impacted community, USCIS' lack of plain language information, significant delays in providing in-language information, and meager public engagement create such serious obstacles that they undercut the integrity of the preliminary injunction. In addition to TPS holders, public and stakeholder engagement is needed for legal service providers, employers of TPS holders, Departments of Motor Vehicles, other state/local agencies, etc.

Through our network and partners, CLINIC is aware of TPS holders facing issues with employment discrimination, loss of income or employment, and inability to renew personal or commercial driver's licenses related to the implementation of the *Ramos v. Nielsen* preliminary injunction and other systemic issues at USCIS affecting TPS holders. These issues include extreme TPS and Employment Authorization Document processing delays resulting in autoconversions of pending cases, USCIS having to issue subsequent automatic extensions of work authorization for four countries, and ongoing unprecedented delays in publishing Federal Register Notices (FRNs) corresponding with TPS decisions.

Below, please find CLINIC's recommendations for public engagement to help ensure the *Ramos v. Nielsen* preliminary injunction is meaningful and people maintain their TPS benefits. These recommendations would also apply to the *Bhattarai v. Nielsen* case, which has stayed the termination of TPS for Honduras and Nepal and would help alleviate the compounding USCIS systemic issues that are affecting TPS holders and their families.

Recommendations:

1. **Publish Frequently Asked Questions (FAQs) for TPS holders and employers regarding *Ramos* and *Bhattarai*.** FAQs should be in plain language and available in the languages impacted communities speak, including Spanish, Haitian Creole, and Nepali, as required by law. We recommend FAQs contain straightforward and easy-to-use charts so that TPS holders can easily answer key questions for themselves including, but not limited to: (a) Do I qualify for an autoextension under *Ramos* or *Bhattarai*?; (b) Can I get the autoextension by late re-registration?; and (c) How do I late re-register under the *Ramos/Bhattarai* presumption of good cause?
2. **Improve and clarify information on the *Ramos v. Nielsen* webpage on the USCIS website.** CLINIC has attached specific recommendations to assist in the process. Please see Appendix A.
3. **Hold regular stakeholder calls for TPS holders, practitioners, and employers around the FRN publication dates for *Ramos* and *Bhattarai*.** Productive calls would include subject matters experts from USCIS on TPS, the Employment Eligibility Verification (I-9) process, E-Verify, and how to report scams and the unauthorized practice of immigration law.
4. **Direct USCIS Community Relations Officers to conduct outreach to all Departments of Motor Vehicles in their jurisdictions to provide education about *Ramos*, *Bhattarai*, and USCIS systemic issues.** Outreach should include materials listing specific documents TPS holders may present at the DMV to alleviate confusion. These materials should also be publicly posted and available to TPS holders, practitioners, and advocates.
5. **Establish a dedicated call prompt for customers calling the National Customer Service Center (1-800-375-5283) that directs TPS holders and employers to *Ramos* and *Bhattarai* specific resources and allows callers to access information officers who are equipped to answer questions.** The call prompt should be easy to access. CLINIC recommends linking it to the current call prompt on the TPS program.
6. **Regularly share information related to *Ramos*, *Bhattarai*, and the systemic issues affecting TPS holders on social media to increase public understanding and to help combat notario fraud.**
7. **Establish a stakeholders roundtable to ensure regular information sharing and troubleshooting regarding the issues TPS holders are facing.** CLINIC would be happy to assist in convening the stakeholders group and recommending participants.
8. **Mail physical notices containing key information.** Mail physical notices to all affected TPS recipients updating them on the continued validity of their TPS and employment authorization and refer them to USCIS' online guidance for additional information and resources.

We appreciate your consideration of our concerns and requests and look forward to your response. We are at your disposal to discuss issues in more detail, troubleshoot, and work to prevent further harm to TPS holders.

Sincerely,



Jill Marie Bussey
Director of Advocacy
Catholic Legal Immigration Network, Inc.

Enclosed as Appendix A: Recommendations regarding the USCIS webpage:
<https://www.uscis.gov/update-ramos-v-nielsen>

cc: Julie Kirchner, Office of the Citizenship and Immigration Services Ombudsman

APPENDIX A

Catholic Legal Immigration Network, Inc. Recommendations to Improve, Correct, and Clarify Information at the Following USCIS Hosted Webpage: <https://www.uscis.gov/update-ramos-v-nielsen>

| Section | USCIS language | CLINIC Recommendation | Rationale |
|---|---|--|--|
| Current Status | “Current Status” heading | We recommend revising to “Current Status of the Court Order” | May help clarify the information contained in this section |
| Demonstrating Temporary Protective Status | “Demonstrating Temporary Protective Status” heading | Change to “Demonstrating Temporary <i>Protected</i> Status” | Accuracy |
| Demonstrating Temporary Protective Status | “As evidence of valid TPS, eligible beneficiaries...may show their most recently issued TPS-related documents bearing the end validity date of April 2, 2019” | For Nicaraguan and Sudanese TPS holders: For Haitian TPS holders: For Salvadoran TPS holders: | This language may mislead Nicaraguan and Sudanese TPS holders to believe that they should have been issued TPS documents under the Oct. 2018 auto extension, which is not the case. Only those who applied for a new, facially valid EAD or those who had pending applications that were converted, would have such docs. We understand this is a very small subset of the population. |
| Demonstrating Temporary Protective Status | “As stated in that FRN, if the Ramos preliminary injunction continues in effect beyond Jan. 2, 2020, DHS will publish a <i>subsequent</i> notice that will automatically extend...” | As stated in that FRN, if the Ramos preliminary injunction continues in effect beyond Jan. 2, 2020, DHS will publish the next notice 30 days prior to Jan. 2, 2020. -Or- As stated in that FRN, if the Ramos preliminary injunction continues in effect beyond Jan. 2, 2020, DHS will publish the next notice on or around Dec. 3, 2019. | This may be interpreted by some to think the FRN would be coming after Jan. 2, 2020. Listing the specific date that the next FRN would be due, may help provide clarity. |
| Current End Date | “Current End Date” heading | Rename to “Effect of Injunction on Future TPS End Date” | Clarification |
| Re-registration | “Re-registration” heading | Rename to “Auto Extension Eligibility” - Or - “Auto Extensions Under the Court Order” | Clarification |

| Section | USCIS language | CLINIC Recommendation | Rationale |
|-----------------|---|---|--|
| Re-registration | <p>“Current beneficiaries under the TPS designations for Sudan, Nicaragua, Haiti, and El Salvador do not need to re-register to maintain TPS at this time, <i>provided that they properly re-registered for TPS during the most recent registration period for their country.</i>”</p> | <p>TPS holders who are eligible for auto extensions of their TPS and work authorization do not need to file any applications with USCIS.</p> | <p>The phrase “provided that they properly re-registered for TPS during the most recent registration period for their country” is problematic and in accurate under the Court’s Order and subsequent FRNs. For example, if TPS holder had pending Forms I-821 & I-765 when the FRN to terminate TPS was published, their pending applications would have been converted to extend to the later date. Thus, they would not have affirmatively re-registered during the most recent registration period.</p> |
| Re-registration | <p>“If you properly re-registered for TPS during the most recent registration periods for your country, then you do not need to submit new biometrics, unless USCIS has specifically sent you a notice informing you to attend a biometrics collection appointment. [chart follows]</p> | <p>Assuming this chart is intended to be used to determine if biometrics is required, CLINIC recommends moving this entire statement and the chart to under the “Biometrics” heading.</p> | <p>The chart contains re-registration dates for each country and is confusing under a heading entitled “re-registration,” as that is conveying information about who is eligible for auto extensions and what action is required. It may be interpreted by some to think that if they re-registered under any of the re-registration periods listed, that they are covered by the auto extension.</p> |