

March 13, 2018

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, D.C. 20515

The Honorable Charles E. Schumer  
Minority Leader  
United States Senate  
Washington, D.C. 20515

The Honorable Paul Ryan  
Speaker of the House  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Kevin McCarthy  
Majority Leader  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Nancy Pelosi  
Minority Leader  
United States House of Representatives  
Washington, D.C. 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Ryan,  
Majority Leader McCarthy, and Minority Leader Pelosi:

We, the Attorneys General of the States of California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia, urge Congress to pass legislation protecting the hundreds of thousands of people from countries that recently had their Temporary Protected Status (TPS) designations terminated by the Secretary of Homeland Security. TPS beneficiaries are business and home owners and have become valued members of our communities. Their safety will be endangered if they are forced to return to countries that are still recovering from the unsafe conditions on which their TPS designations were based. In addition, our states' economies will be destabilized by the loss of integral long-time members of our communities. We encourage Congress to act now before these valued community members are forced from the country that has become their home.

TPS provides temporary lawful status to foreign nationals in the United States from countries experiencing armed conflict, natural disaster, or other extraordinary conditions that temporarily prevent their safe return. 8 U.S.C. § 1254a (2012). Under the statute, the Secretary of Homeland Security, in consultation with other government agencies, may designate a country for TPS for periods of 6 to 18 months, and can extend these periods if conditions do not improve in the designated country.

Recently, the Secretary of Homeland Security decided to terminate the TPS designations of Haiti and El Salvador.<sup>1</sup> While a state may not be designated for TPS if the Secretary finds that allowing its migrants to temporarily stay in the United States is against the U.S. national interest, the Secretary has made no such finding in relation to either of these countries. Rather, the Secretary has stated that conditions in these countries no longer support their TPS designations. The evidence is to the contrary, and conditions in Haiti and El Salvador are too dangerous to permit the safe return of their nationals.

Haiti was originally designated for TPS on January 21, 2010 in the aftermath of extraordinary conditions created by the 7.0 magnitude earthquake that occurred on January 12, 2010. Since then, the Secretary has repeatedly renewed this designation based on subsequent complications that have had a negative impact on Haiti's ability to recover from the 2010 earthquake, including a cholera epidemic introduced by United Nations peacekeepers in the aftermath of the earthquake, multiple hurricanes in 2016 and 2017, and food shortages. The Congressional Research Service recently noted that "Haiti is still recovering from the devastating earthquake in 2010, as well as Hurricane Matthew, which hit the island in 2016,"<sup>2</sup> and news reports confirm that "Haiti . . . remains in the grips of a cholera epidemic."<sup>3</sup> Despite the evidence that complications have continued to hamper Haiti's recovery and its ability to provide safe conditions for the return of TPS beneficiaries, the Secretary recently decided to terminate Haiti's TPS designation, effective July 22, 2019. *See* 83 Fed. Reg. 2648 (Jan. 18, 2018).

El Salvador's current TPS designation began on March 9, 2001, after a series of earthquakes caused an environmental disaster and substantially disrupted living conditions. The Secretary renewed the designation 13 times based on El Salvador's ongoing recovery from these earthquakes, which has been slowed by other obstacles to recovery, including hurricanes, flooding, and food shortages. "El Salvador currently faces serious governance, security, and economic challenges,"<sup>4</sup> and is unable to

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<sup>1</sup> The TPS designations for Nicaragua and Sudan were also recently terminated, and the designations for Honduras, Yemen, Somalia, and Nepal are all due to expire later this year. Zuzana Jerabek, *Fact Sheet: Temporary Protected Status*, Nat'l Immigration Forum (Feb. 8, 2018), <http://immigrationforum.org/blog/fact-sheet-temporary-protected-status/>. While the Secretary of Homeland Security extended the TPS designation for Syria, she did not affirmatively re-designate Syria for TPS, which means that more recent arrivals from that war zone are not protected. Amanda Holpuch, "Trump to allow 6,900 Syrians to remain in US temporarily," *The Guardian* (Jan. 31, 2018), <https://www.theguardian.com/us-news/2018/jan/31/syria-tps-extended-trump-administration>.

<sup>2</sup> Maureen Taft-Morales, Cong. Research Serv., R45034, *Haiti's Political and Economic Conditions: In Brief* (Dec. 1, 2017).

<sup>3</sup> Nick Miroff & Karen DeYoung, "Protected status no longer justified for Central Americans and Haitians in U.S., State Dept. says," *Wash. Post* (Nov. 3, 2017).

<sup>4</sup> Clare Ribando Seelke, Cong. Research Serv., R43616, *El Salvador: Background and U.S. Relations* (Nov. 3, 2017).

provide safe conditions for returning TPS beneficiaries.<sup>5</sup> Despite these conditions, the Secretary recently decided to terminate El Salvador's TPS designation, effective September 9, 2019. *See* 83 Fed. Reg. 2654 (Jan. 18, 2018).

TPS beneficiaries have more than 275,000 U.S.-born children who have never known any other home.<sup>6</sup> When the parents of these U.S. citizens lose their protection from removal under TPS, the children will be faced with the choice of remaining in the United States separated from their departing parents, or moving to unfamiliar, unsafe, and unstable nations with their parents. Termination of these TPS designations thus affects not only the hundreds of thousands of direct beneficiaries, but also hundreds of thousands of U.S. citizens, as well as our communities and economies.

The thousands of TPS beneficiaries who reside in our states are long-time residents who have made substantial contributions to our communities and economies. Many of them own homes and businesses, and they make significant contributions to our economy. Currently, individuals in the United States with TPS status from El Salvador, Haiti, and Honduras<sup>7</sup> “contribute a combined \$4.5 billion in pre-tax wages or salary income annually to our nation's gross domestic product.”<sup>8</sup> The labor force participation rate from these three countries “ranges from 81 to 88 percent.”<sup>9</sup> The removal of thousands of Salvadoran, Haitian, and Honduran workers from the United States workforce would cause a loss of \$164 billion to the gross

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<sup>5</sup> *See, e.g.*, U.S. State Department, *El Salvador Travel Advisory*, (Jan. 10, 2018), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/el-salvador-travel-advisory.html>.

<sup>6</sup> Nicole Prchal Svajlenka, Angie Bautista-Chavez & Laura Muñoz Lopez, *TPS Holders Are Integral Members of the U.S. Economy and Society*, Ctr. Am. Progress (Oct. 20, 2017), <https://www.americanprogress.org/issues/immigration/news/2017/10/20/440400/tps-holders-are-integral-members-of-the-u-s-economy-and-society/>.

<sup>7</sup> The TPS designation for Honduras was recently extended by six months, to July 5, 2018, *see* 82 Fed. Reg. 59,630 (Dec. 15, 2017), but DHS warned TPS recipients to “prepare for their return” to their country of origin in language identical to that it used when it issued its final extension for Haiti, *see* 82 Fed. Reg. 23,831 (May 24, 2017). Thus, TPS beneficiaries from Honduras justifiably fear the termination of their country's TPS designation. Associated Press, “Ending protected status for El Salvador migrants makes neighboring Honduras nervous,” *N.Y. Daily News* (Jan. 10, 2018), <http://www.nydailynews.com/news/world/honduras-nervously-awaits-decision-protected-migrants-article-1.3749234>. Honduras was designated for TPS on January 5, 1999. There are currently more than 50,000 Honduran TPS beneficiaries in the United States. Jerabek, *supra* note 1.

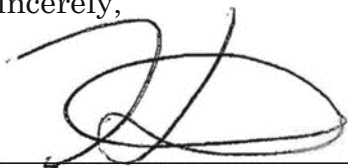
<sup>8</sup> Jerabek, *supra* note 1.

<sup>9</sup> Ctr. for Migration Studies of N.Y., *Data Tables Offer Detailed Characteristics of Temporary Protection Status Recipients from El Salvador, Honduras and Haiti by State*, <http://cmsny.org/tpstablesbystate/>. *See also* Cecilia Menjivar, *Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants*, at 12 (May 2017), [http://ipsr.ku.edu/migration/pdf/TPS\\_Report.pdf](http://ipsr.ku.edu/migration/pdf/TPS_Report.pdf).

domestic product over the next decade, and the United States would also lose these workers' contributions to Medicare and Social Security.<sup>10</sup>

Unless Congress acts to protect these individuals, families will be torn apart, our communities will be harmed, and hundreds of thousands of long-time residents will have to return to countries that are not safe or prepared to take them in. While a congressional extension of TPS to these nations would provide a short reprieve to hundreds of thousands of beneficiaries who now face the prospect of deportation, we believe that a permanent solution is more appropriate given how deeply these TPS beneficiaries have integrated into our communities. Congress may provide lawful permanent resident status to TPS beneficiaries who will soon lose their temporary protection from removal. 8 U.S.C. § 1254a(h). The undersigned therefore strongly support passing legislation that would permit long-time TPS beneficiaries from Haiti, El Salvador, and other nations to adjust to lawful permanent resident status. Both the Extending Status Protection for Eligible Refugees with Established Residency Act of 2017 (ESPERER Act of 2017), H.R. 4184, 115th Cong. (1st Sess. 2017), introduced on October 31, 2017, and the Safe Environment from Countries Under Repression and Emergency Act (SECURE Act), S. 2144, 115th Cong. (1st Sess. 2017), introduced on November 16, 2017, promise to provide stability to the TPS beneficiaries and communities in our states.

Sincerely,



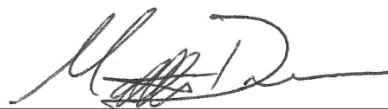
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KARL A. RACINE  
Attorney General for the District of Columbia



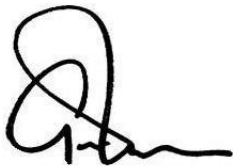
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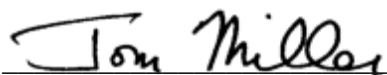
<sup>10</sup> *Id.*



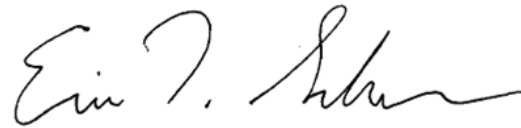
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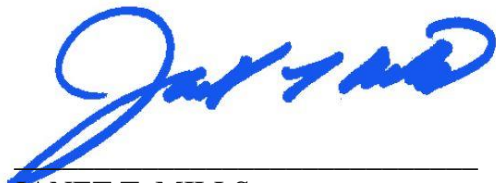
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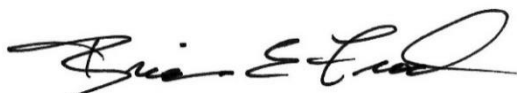
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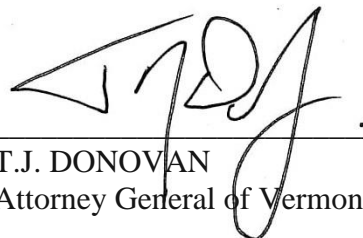
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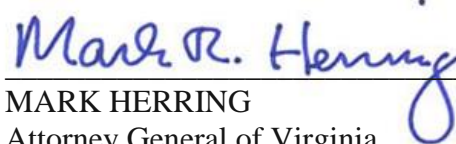
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