

United States Senate

WASHINGTON, DC 20510

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January 11, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

We write to express our deep concern regarding the unprecedented decision to end Temporary Protected Status (TPS) designation for El Salvador, and to request that you reverse this decision.

As you know, nearly 200,000 Salvadorans currently work and live in the United States under TPS protections—more than from any other country. These immigrants have high levels of workforce participation, and their valuable role in our labor force is vital to our economy. According to a recent analysis by the Center for American Progress, if Salvadoran workers with TPS are removed from the labor force, we will lose an estimated \$109 billion in GDP over the next decade, as well as billions of dollars in Social Security and Medicare contributions.¹ The renewal of El Salvador's TPS designation has received strong support from leaders in both business and labor, including the U.S. Chamber of Commerce,² the AFL-CIO,³ and the SEIU.⁴ Ending TPS protections for El Salvador will needlessly push nearly 200,000 hardworking immigrants into the shadows, hurting employers in industries across our economy.

El Salvador's government requested last year that the Trump Administration continue its existing TPS designation, after assessing that its country lacks the capacity to absorb tens of thousands of TPS returnees.⁵ Additionally, remittances transmitted by TPS recipients, who are authorized to work in the U.S., provide a critical boost to El Salvador's fragile economic security. More than 50 percent of TPS recipients in these countries have resided in the U.S. for 20 years or more, and TPS beneficiaries are parents to an estimated 273,000 U.S. citizen children.⁶ The decision to end TPS will uproot thousands of well-established lives and, in many cases, will devastate families and communities.

¹ *TPS Holders Are Integral Members of the U.S. Economy and Society*, October 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/>.

² *Time is Running Out. The Department of Homeland Security Should Extend El Salvador's TPS Designation*, January 5, 2018, <https://www.uschamber.com/series/above-the-fold/time-running-out-the-department-homeland-security-should-extend-el-salvador-s>.

³ *Ending Temporary Protected Status for El Salvador Undermines Our Freedom to Fight for All Working People*, January 8, 2018, <https://afcio.org/press/releases/ending-temporary-protected-status-el-salvador-undermines-our-freedom-fight-all>.

⁴ *SEIU's Sáenz: Tragic TPS decision will cause pain for good people, make our nation poorer*, January 8, 2018, <http://www.seiu.org/2018/01/seius-saenz-tragic-tps-decision-will-cause-pain-for-good-people-make-our-nation-poorer>.

⁵ *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 2017, <http://jmhs.cmsny.org/index.php/jmhs/article/download/99/90>.

⁶ *El Salvador Asks US Government for TPS Extension*, August 27, 2017, <https://www.voanews.com/a/el-salvador-asks-us-government-for-tps-extension-4002837.html>.

We believe that conditions in El Salvador remain unstable, and that continued TPS designation is warranted for the country. In June 2017, the Trump administration held a conference to promote prosperity, governance, and rule of law in the Northern Triangle countries of Central America—including El Salvador, Honduras, and Guatemala. While progress has been made under the Alliance for Prosperity in reducing gang violence, improving rule of law, and addressing root causes of migration, considerably more work needs to be done as conditions remain dangerous and the economic situation tenuous. The decision to end TPS for 200,000 Salvadorans and needlessly subject these immigrants to deportation stands to threaten, not further, this progress.

Given these concerns, we ask that you provide the following information no later than January 25, 2018:

1. A complete copy of documents prepared by the State Department and transmitted to the Department of Homeland Security regarding the country condition in El Salvador, including the recommendation regarding extension or termination of the TPS designation for El Salvador;
2. A complete copy of documents prepared by the U.S. Embassy in El Salvador and transmitted to the State Department regarding the Embassy's assessment of country conditions and formal recommendation related to the extension or termination of the TPS designation for El Salvador;
3. A description of how this information was considered in reaching your decision to terminate the TPS designation for El Salvador;
4. A description of how, if at all, the State Department's February 14, 2017, travel warning stating that El Salvador has one of the highest homicide levels in the world, and citing high rates of MS-13 and Eighteenth Street gang violence, was considered in reaching your decision to terminate the TPS designation for El Salvador; and
5. A description of any involvement by White House officials in the decision-making process related to the TPS designation for El Salvador, including detailing any policy preference or perspective communicated by the White House to you or other Department of Homeland Security officials.


We urge you to reconsider the decision to end TPS protections for Salvadorans, and commit to working with Congress to pass legislation providing permanent protections for current TPS beneficiaries. Thank you for your attention to this matter.

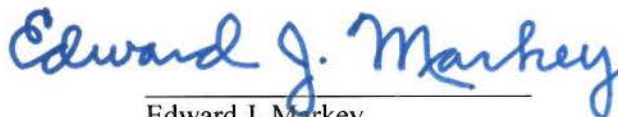
With best personal regards, we are

Sincerely yours,


Benjamin L. Cardin
United States Senator

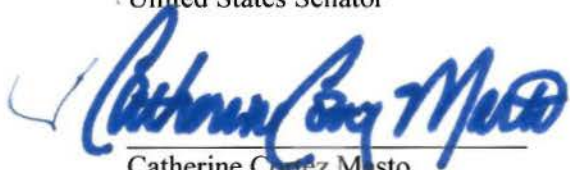

Thomas R. Carper
United States Senator


Patty Murray
United States Senator


Edward J. Markey
United States Senator



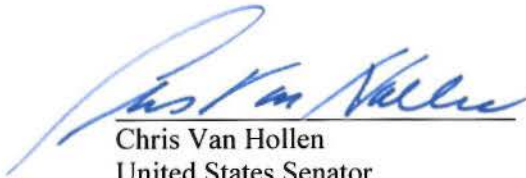
Cory A. Booker
United States Senator



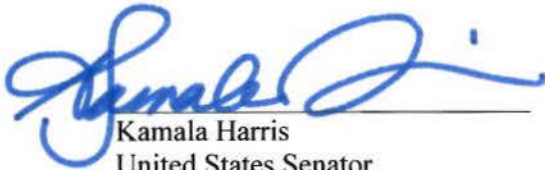
Catherine Cortez Masto
United States Senator



Tammy Duckworth
United States Senator



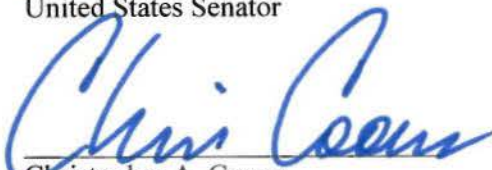
Chris Van Hollen
United States Senator



Kamala Harris
United States Senator



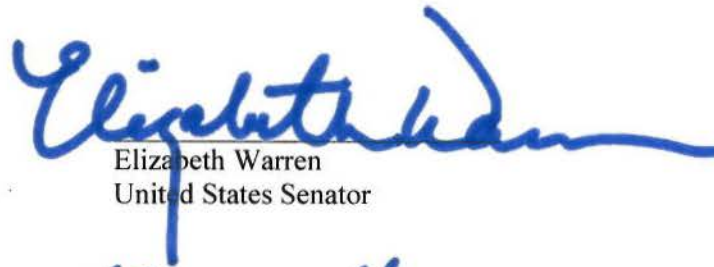
Sheldon Whitehouse
United States Senator



Christopher A. Coons
United States Senator



Richard Blumenthal
United States Senator



Elizabeth Warren
United States Senator



Kirsten Gillibrand
United States Senator



Tina Smith
United States Senator



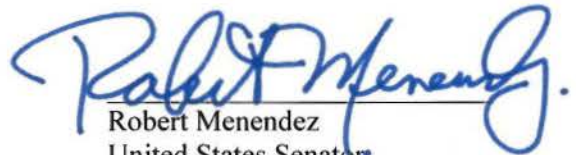
Amy Klobuchar
United States Senator



Ron Wyden
United States Senator



Maria Cantwell
United States Senator



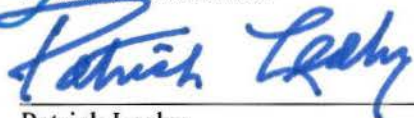
Robert Menendez
United States Senator



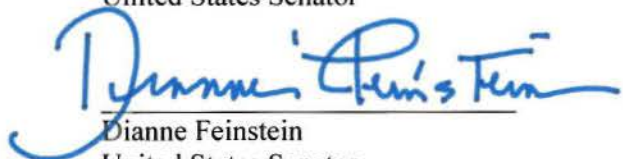
Mazie K. Hirono
United States Senator



Jack Reed
United States Senator



Patrick Leahy
United States Senator



Dianne Feinstein
United States Senator



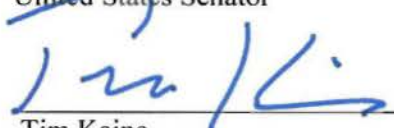
Mark R. Warner
United States Senator



Bernard Sanders
United States Senator



Tom Udall
United States Senator



Tim Kaine
United States Senator

CC: The Honorable Rex Tillerson, Secretary
U.S. Department of State



U.S. Citizenship
and Immigration
Services

February 28, 2018

The Honorable Benjamin L. Cardin
Ranking Member
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Ranking Member Cardin:

Thank you for your January 11, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for El Salvador. The Secretary of Homeland Security's authority to designate or redesignate a country for TPS and extend or terminate a country's existing designation is based upon specific criteria. *See* Immigration and Nationality Act § 244(b)). U.S. Citizenship and Immigration Services is principally responsible for advising the Secretary on TPS issues and implementing the program. Enclosed are responses to your questions.

Thank you for your letter and interest in this important issue. The co-signers of your letter will receive separate, identical responses. Should you wish to discuss this further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director

Enclosure

**The Department of Homeland Security's Response to
Senator Cardin's January 11, 2018 Letter**

- 1. A complete copy of documents prepared by the State Department and transmitted to the Department of Homeland Security regarding the country conditions in El Salvador, including the recommendation regarding the extension or termination of the TPS designation for El Salvador;**

The Department of Homeland Security (DHS) is not authorized to disclose the State Department's records regarding Temporary Protected Status (TPS) for El Salvador. The access procedures and guidelines for the availability of State Department records are provided in 22 C.F.R. part 171.

- 2. A complete copy of documents prepared by the U.S. Embassy in El Salvador and transmitted to the State Department regarding the Embassy's assessment of country conditions and formal recommendation related to the extension or termination of the TPS designation for El Salvador;**

DHS is not authorized to disclose any records prepared by the U.S. Embassy in El Salvador regarding TPS for El Salvador. The access procedures and guidelines for the availability of State Department records are provided in 22 C.F.R. part 171.

- 3. A description of how this information was considered in reaching your decision to terminate the TPS designation for El Salvador;**

Secretary Nielsen decided to terminate the TPS designation for El Salvador after considering information from a wide variety of sources. Her decision followed an interagency review process that considered country conditions and the ability of El Salvador to receive returning nationals. The Secretary undertook an extensive outreach campaign to U.S. state and Federal Government officials, Salvadoran officials, and third-party partners, who offered their input regarding the conditions within El Salvador. Based on all available information, the Secretary determined that the statutory conditions supporting El Salvador's TPS designation on the basis of an environmental disaster – specifically, the major earthquakes in January and February 2001 that caused a substantial disruption of living conditions in the country and rendered El Salvador unable to handle the return of its nationals – no longer existed. As a result, pursuant to statute, the current TPS designation could not be extended.

- 4. A description of how, if at all, the State Department's February 14, 2017 travel warning stating that El Salvador has one of the highest homicide levels in the world, and citing high rates of MS-13 and Eighteenth Street gang violence, was considered in reaching your decision to terminate the TPS designation for El Salvador; and**

The decision to terminate TPS for El Salvador was made after an interagency review process that considered country conditions, including the State Department's February 14, 2017 travel warning, as well as the Salvadoran Government's recent intensification of security measures to respond to gang violence.

5. A description of any involvement by the White House officials in the decision-making process related to the TPS designation for El Salvador, including detailing any policy preference perspective communicated by the White House to you or other Department of Homeland Security officials.

The decision to terminate TPS for El Salvador was made after a review of the environmental disaster-related conditions upon which the country's original designation was based and whether the statutory conditions continued to exist, as is required by statute. Based on all available information, including recommendations received as part of an interagency consultation process, Secretary Nielsen determined that those conditions caused by the 2001 earthquakes no longer existed. Thus, under the applicable statute, the current TPS designation was terminated.