



October 26, 2017

The Honorable Elaine Duke
Acting Secretary
Department of Homeland Security
Washington, DC 20528

VIA EMAIL

SCANNED/RECEIVED
BY EXEC SEC
2018 JAN - 7 AM 9:21

RE: Extension of TPS Designation for Honduras and El Salvador

Dear Secretary Duke,

We, the undersigned, write on behalf of the U.S. Conference of Catholic Bishops Migration and Refugee Services (USCCB/MRS), Catholic Relief Services, Catholic Legal Immigration Network, Inc. (CLINIC), and Catholic Charities USA (CCUSA) to urge you to extend the Temporary Protected Status (TPS) designation of Honduras and El Salvador for 18 months. As you know, while the current TPS designation extends through January 5, 2018 for Honduras¹ and through March 9, 2018 for El Salvador,² pursuant to statutory requirements,³ a decision to extend or terminate TPS for the countries must be made by November 6, 2017 and January 8, 2018, respectively. From our recent delegation trip to the region on August 13-19, 2017, our presence and work in the region and with affected communities in the U.S., we know firsthand that these countries are not currently in a position to adequately handle the return of their nationals who currently have TPS.

The Catholic Church's deep concern for individuals from these countries is rooted in our experience as an immigrant church and in Catholic Social Teaching. Many of the dioceses in the United States have direct relationships of pastoral care and outreach with Hondurans and Salvadorans. And, we believe that God has called on us, as part of our life of faith, to care for the foreigner and the marginalized: "For the Lord, your God, is the God of gods, the Lord of lords, the great God, mighty and awesome, who has no favorites, accepts no bribes, who executes justice for the orphan and the widow, and loves the resident alien, giving them food and clothing. So you too should love the resident alien, for that is what you were in the land of Egypt."⁴

Bishop David O'Connell of the Archdiocese of Los Angeles and Bishop Vasquez of the Diocese of Austin led the USCCB's August delegation trip to Honduras and El Salvador to express solidarity with those impacted by the imminent decisions and to assess the countries' abilities to adequately accept and integrate individuals if TPS is terminated. As discussed in the

¹ Extension of the Designation of Honduras for Temporary Protected Status, 81 Fed. Reg. 30,331 (May 16, 2016).

² Extension of the Designation of El Salvador for Temporary Protected Status, 81 Fed. Reg. 44,645 (July 8, 2016).

³ 8 U.S.C. § 1254a(b).

⁴ Deut. 10:17-19, available at <http://www.usccb.org/bible/deuteronomy/10>

trip report, *Temporary Protected Status: A Vital Piece of the Central American Protection and Prosperity Puzzle*,⁵ an extension of TPS for both countries is crucial for humanitarian, regional security, and economic stability reasons. Honduras and El Salvador lack the capacity to adequately receive, protect, and welcome TPS returnees at this time. Specifically, the delegation found that:

- Entire families, not just children, currently face targeted violence in the countries;
- Large numbers of internally displaced people (IDPs) in Honduras (~174,000) and El Salvador (~220,000 - 400,000) continue to be displaced, illustrating already existing safety issues and the growing humanitarian protection challenges in both countries;
- The Honduran government does not have the capacity at this time to adequately handle the return of nationals with TPS because it lacks knowledge of the impacted population and lacks an adequate reception, protection, and integration system for the already large numbers of IDPs and returnees (almost 70,000 in 2016); and
- Similarly, the Salvadoran government does not currently have the capacity to adequately handle the return of its TPS population as evidenced by its failure to address citizen safety and humanitarian concerns related to its large-scale internal displacement, as well as due to its lack of an adequate reception, protection, and integration system for IDPs and annual returnees (52,560 in 2016).

Terminating TPS at this time would be inhumane and untenable. Given the current country conditions, Honduras is in no position to accommodate the return of an estimated 57,000 Hondurans who have received TPS from the United States; nor is El Salvador in any position to accommodate the return of roughly 200,000 Salvadorans. Doing so in either case would likely destabilize these key strategic, regional partners and potentially bring harm to those returned. In addition, terminating TPS would needlessly add large numbers of Hondurans and Salvadorans to the undocumented population in the U.S., lead to family separation, and unnecessarily cause the Department of Homeland Security to expend resources on individuals who are already registered with our government and whose safe return is forestalled by dire humanitarian conditions.

Based on the above facts and further analysis in our trip report, we urge you to extend the TPS designation for Honduras and El Salvador, pursuant to Section 244(b) of the Immigration and Nationality Act,⁶ until individuals' return and reintegration to the two countries can be safely accomplished. This will allow Hondurans and Salvadorans to continue to legally work, contribute to U.S. communities in an authorized capacity, and maintain safe, stable lives, and human dignity for their families, many of which include U.S. citizens. We ask you to show compassion and patience as Honduras and El Salvador continue to improve their citizen security and humanitarian capacity for reception, protection, and integration.

We appreciate your consideration of this request. The Catholic Church stands ready to support measures to protect the well-being and dignity of Honduran and Salvadoran families as

⁵ USCCB/MRS, *Temporary Protected Status: A Vital Piece of the Central American Protection and Prosperity Puzzle* (October 2017), available at <http://www.usccb.org/about/migration-policy/fact-finding-mission-reports/upload/el-salvador-honduras-report-20171016.pdf>.

⁶ 8 U.S.C. § 1254a(b).

the two countries are on the path to reform, addressing citizen security and building protection infrastructure.

Respectfully submitted,



William Canny
Executive Director
Migration and Refugee Services
U.S. Conference of Catholic
Bishops



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**U.S. Citizenship
and Immigration
Services**

March 2, 2018

Mr. William Canny
Executive Director
Migration and Refugee Services
3211 4th Street, NE
Washington, DC 20017

Dear Mr. Canny:

Thank you for your October 26, 2017 letter to the Department of Homeland Security (DHS). Secretary Nielsen asked that I respond on her behalf.

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

At least 60 days before the current expiration date for a TPS designation, the Secretary must review conditions in the foreign country and, after consultation with other appropriate federal agencies, determine whether the statutory conditions for TPS continue to be met. Under the INA, if the Secretary determines that the conditions for designation are no longer met with respect to a country, the Secretary is required to terminate the designation. *See* INA § 244(b)(1),(3).

Secretary Nielsen decided to terminate the TPS designation for El Salvador after considering information from several U.S. Government sources, with a delay of 18 months to allow for an orderly transition before the designation terminates on September 9, 2019. DHS is committed to an orderly transition that will allow time for El Salvador to prepare for the return and reintegration of its citizens. USCIS will work with the State Department and the government of El Salvador to help inform relevant stakeholders in-country and in the United States to ensure an orderly return and reintegration of El Salvador's citizens. Additional details on the Secretary's decision and the process for current El Salvador TPS beneficiaries to renew their work authorization documentation until TPS terminates on September 9, 2019, can be found on the USCIS website and in the notice that was published in the *Federal Register* on January 18, 2018.

In regards to Honduras, former Acting Secretary Duke did not make a determination by the 60-day deadline for Honduras (November 6, 2017), resulting in an automatic six-month extension of the designation. Details regarding this extension and the process for Honduran TPS beneficiaries to re-register can be found on the USCIS website and in the *Federal Register* notice published on December 15, 2017.

Mr. William Canny

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

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna". The signature is stylized, with the first letter "L" being large and the last letter "a" having a long, sweeping tail.

L. Francis Cissna
Director