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Congress of the United States
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SUBCOMMITTEES:
Cybersecurity, Infrastructure Protection, and
Security Technologies

Border and Maritime Security

SENIOR WHIP
DEMOCRATIC CAUCUS

June 11, 2018

The Honorable Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington DC 20004

2018 JUN 18 AM 10:35
SCANNED/RECEIVED
BY EXEC SEC

Re: Guatemala Temporary Protected Status Designation

Dear Mr. President:

As a senior member of the House Committees on the Judiciary and Homeland Security, and Member of Congress for the Eighteenth Congressional District of Texas, I am writing to request that you direct the designation of Guatemala, pursuant to Section 244 of the Immigration and Nationality Act, so that Guatemalan nationals in the United States are eligible for temporary protected status (TPS). Guatemala merits TPS designation because of the devastating eruption of the deadly Fuego volcano at San Miguel Los Lotes in Escuintla, Guatemala on June 3, 2018, and because of the increase in gang violence in Guatemala that has led to an acute humanitarian emergency. An effective and comprehensive response to this crisis must include TPS, which offers temporary protection in emergency situations, without granting a path to legal permanent resident status.

Designating Guatemala for TPS is both necessary and fully within the existing authority of the Secretary of Homeland Security. Section 244(b)(1)(B)(i) of the Immigration and Nationality Act (INA) provides clear statutory authority for the designation of TPS for citizens of a country where "there has been there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected."

Similarly, Section 244(b)(1)(C) of the Act permits TPS designation upon a finding that there are "extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the

[Secretary of Homeland Security] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest.” The recent increase in violence in Guatemala meets that standard. Between 2005 and 2015, the homicide rate in Guatemala has increased by approximately fifty percent, with women and children among the most vulnerable to violence.

Sending children and families back to such a dangerous country needlessly puts them in grave risk of harm. It would be inhumane and un-American to send vulnerable children and families back to Guatemala where mothers live in fear that the street gangs from which they fled would come and take their children and are powerless to protect them because of the prevalent corruption in local police forces.

For these reasons, designating Guatemala for Temporary Protected Status pursuant to Section 244 of the Immigration and Nationality Act is the necessary and humane action that should be taken immediately and a display of the international leadership Americans expect of their President.

Thank you for your consideration of this request. Please contact me at (202) 225-3816 if you have any questions or need additional information.

Very Truly Yours,



Sheila Jackson Lee
MEMBER OF CONGRESS



U.S. Citizenship
and Immigration
Services

July 18, 2018

The Honorable Sheila Jackson Lee
U.S. House of Representatives
Washington, DC 20515

Dear Representative Jackson Lee:

Thank you for your June 11, 2018 letter to President Trump. The White House referred your letter to the Department of Homeland Security, and Secretary Nielsen asked that I respond on her behalf.

I appreciate your concern for the situation in Guatemala and your interest in its designation for Temporary Protected Status (TPS). The Secretary of Homeland Security's authority to designate a country for TPS and to extend or terminate a country's existing TPS 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.

To designate a foreign country for TPS, the Secretary must find, after consultation with appropriate Government agencies, one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States. *See* INA § 244(b)(1).

USCIS understands your concern for the situation in Guatemala, and is continuing to monitor the current conditions in the country. USCIS also has humanitarian programs and relief measures that are available to eligible Guatemalans outside of any consideration for designation of TPS. Other measures that may be of assistance to Guatemalan nationals affected by the current conditions in Guatemala may be found at: www.uscis.gov/humanitarian/special-situations.

Thank you again for your letter and interest in this important matter. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink that reads "L. Francis Cissna".

L. Francis Cissna
Director