

August 16, 2017

The Honorable Elaine Duke  
Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, DC 20016

Dear Secretary Duke:

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BY ESEC SEC  
2017 AUG 18 AM 10:24

On behalf of the undersigned organizations, a coalition of labor unions representing working men and women in the construction and maintenance industry, we ask that you maintain and extend Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA), two programs that deeply affect our collective membership.

Our members work every day helping build the best infrastructure, private and public, for our nation. They have spent years building the skills at each of their crafts to bring the highest level of professionalism, the highest quality of work and the best performance in the industry. We represent both TPS and DACA beneficiaries, who are upstanding members of our unions and their communities. All of our members, TPS and DACA beneficiaries included, have gone through our apprenticeship programs and are valued employees of our signatory contractors.

We know that twenty-three percent of TPS recipients have found employment in the construction industry. While not all of them are working for an unionized employer, many of them are. Those beneficiaries are earning good wages for the work that they are doing, they pay taxes, and are able to send money home, helping to build the economies of their home countries, just as the TPS program was established to do. Furthermore, ending TPS for Haiti, El Salvador and Honduras alone would have expensive ramifications for our country. It would lead to a \$45 billion reduction in GDP, an immediate \$6.9 billion reduction in tax contributions and nearly a \$1 billion in employer costs.

In addition, thousands of DACA youth have entered our apprenticeship programs and our unions. Ninety-five percent of DACA recipients are currently employed or in school. Sixty-three percent of them got better-paying jobs and working conditions. In the tax context, ending DACA would reduce Social Security and Medicare tax contributions by \$24.6 billion over a decade, half of which would have been paid by employers.

The displacement of DACA and TPS recipients who are already working in the United States lawfully, and who are union members, will have extremely negative effects in the construction industry:

1. Undocumented workers are far more likely to be exploited by their employers, being forced to work in deplorable working conditions, and driving these workers underground. These conditions create both an economic and political environment that enables unscrupulous employers, who skirt the system often failing to pay taxes and thriving by exploiting an immigrant workforce. Eliminating these programs will only increase the prevalence of unscrupulous employers, who are skirting Federal and state laws.
2. These two programs, TPS and DACA, allow their recipients to stand up and demand better working conditions in a collective action. This action is the freedom that is granted to them by the United States. This freedom creates safer job sites, better quality work, and stronger communities for all workers. Eliminating these programs will have a chilling effect for both U.S. born workers and immigrant workers seeking to better their own working conditions.
3. As the administration and Congress debate and discuss the creation of a massive infrastructure bill, and as the economy continues to get better there is greater demand for skilled construction workers. Eliminating these programs will pull people off job sites, potentially create work stoppages; and reduce the number of apprentices learning vital skills to create a career in the construction industry. We cannot continue to grow as a country if we are reducing the number of good construction workers.

Maintaining DACA and TPS will allow workers to continue to lawfully work, contribute to our communities in an authorized capacity, and live with dignity. We know that many of our members currently working as DACA and TPS recipients are upstanding workers and community members.

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We take pride in our members, and their families' heritage and believe that they are playing a role in rebuilding families and workers livelihood.

The current uncertainty of whether or not these two programs will continue to exist is creating immense amounts of uncertainty among our members who are in fear that they will lose their status and their jobs. This fear extends to our contractors, many of whom are experiencing a booming construction industry, where the consistency of a skilled workforce is one of their top concerns.

We urge you to exercise your authority under section 8 U.S. Code § 1254 to continue to extend Temporary Protected Status (TPS) for those nearly 150,000 families who are working in the United States from countries currently designated for TPS and to continue to enforce Deferred Action for Childhood Arrivals (DACA).

Thank you for your consideration.

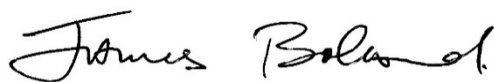
Respectfully,

A handwritten signature in black ink, reading "Kenneth E. Rigmaiden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth E. Rigmaiden, General President  
International Union of Painters and Allied Trades

A handwritten signature in blue ink, reading "Eric Dean". The signature is cursive and somewhat stylized.

Eric Dean, General President  
International Association of Bridge, Structural, Ornamental and Reinforcing Iron  
Workers

A handwritten signature in black ink, reading "James Boland". The signature is cursive and clear.

James Boland, General President  
International Union of Bricklayers and Allied Craftworkers





U.S. Citizenship  
and Immigration  
Services

February 5, 2018

Mr. Kenneth E. Rigmaiden  
General President  
International Union of Painters  
and Allied Trades  
7234 Parkway Drive  
Hanover, Maryland 21076

Dear Mr. Rigmaiden:

Thank you for your August 16, 2017 letter to the Department of Homeland Security. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designations for Haiti, 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).

After considering information from several U.S. Government sources, on November 20, 2017, former Acting Secretary Duke announced the termination of Haiti's TPS designation after determining that the statutory conditions for its designation no longer continued to be met. To allow for an orderly transition, the former Acting Secretary delayed the effective date by 18 months. Accordingly, Haiti's TPS designation will terminate on July 22, 2019. The 18-month period will provide time for individuals with TPS to arrange for their departure or to seek an alternative lawful immigration status in the United States. Additional information on the termination of Haiti TPS can be found on the USCIS website and in a notice that was published in the *Federal Register* on January 18, 2018.

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

Mr. Kenneth E. Rigmaiden

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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 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.

In accordance with a federal court order, USCIS resumed accepting requests to renew grants of deferred action under DACA on January 10, 2018. For the latest information on DACA, visit USCIS' response to the January 2018 preliminary injunction on its website, available at [www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction](http://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction).

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 black ink, appearing to read "L. Francis Cissna".

L. Francis Cissna  
Director