

Congress of the United States

Washington, DC 20515

February 23, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Ave., NW
Washington, DC 20016

RECEIVED

By ESEC at 8:48 am, Feb 24, 2023

Dear Secretary Mayorkas:

Thank you for your service. We appreciate your concern for vulnerable populations. We write to urge you to redesignate and extend Temporary Protected Status (“TPS”) to the Republic of Nicaragua (“Nicaragua”).

As you know, under the William J. Clinton Administration,¹ the United States first designated Nicaragua for TPS on January 5, 1999,² after Hurricane Mitch³ devastated Central America in October 1998. The program was repeatedly renewed and extended for nearly two decades under Republican and Democratic presidential administrations.⁴

In 2017, the Donald J. Trump Administration announced its decision to end TPS for Nicaragua, negatively impacting thousands of Nicaraguan nationals who had lived and worked in the United States continuously since December 30, 1998.⁵ As a result, TPS holders from several countries for whom the program was also terminated, including El Salvador, Honduras, Nepal, Nicaragua, the 2011 beneficiaries of Haiti, and the 2013 beneficiaries of Sudan, challenged the legality of the terminations in a lawsuit. Currently, the continuity of TPS for Nicaragua and the other

¹ William Branigin, et al., *U.S. Seeks to Stem a Wave of Migration After Mitch*, Wash. Post, Nov. 14, 1998, <https://www.washingtonpost.com/archive/politics/1998/11/14/us-seeks-to-stem-a-wave-of-migration-after-mitch/dc477130-a97f-494d-a1ca-22f8da2b07e9/>.

² USCIS, *Temporary Protected Status Designated Country: Nicaragua*, www.uscis.gov, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nicaragua> (last visited Feb. 20, 2023).

³ Hurricane Mitch was a tropical cyclone that devastated Central America, particularly Honduras and Nicaragua, in late October 1998. Hurricane Mitch was recognized as the second-deadliest Atlantic hurricane on record after the Great Hurricane of 1780. It was also one of the most destructive, with millions left homeless and property damage of roughly \$6 billion.

⁴ Both the George W. Bush and Barack H. Obama administrations extended TPS status for Nicaragua, arguing that the Central American nation could not yet cope with the return of thousands of their nationals. See BBC News, *U.S. Sets Final Date for Nicaraguan Immigrants’ Protected Status*, BBC News, Nov. 7, 2017, <https://www.bbc.com/news/world-latin-america-41899733>.

⁵ Maya Rhodan, *The Trump Administration Ended Protection for Nicaraguans Who Fled Disaster. These Three Countries Could Be Next*, Time, Nov. 7, 2017, <https://time.com/5013380/trump-temporary-protected-status-nicaragua/>.

countries depends on the result of the preliminary injunction in *Ramos v. Wolf*⁶ and the stay of proceedings order in *Bhattarai v. Nielsen*, respectively.⁷

According to U.S. Citizenship and Immigration Services, TPS is a congressionally created humanitarian program administered by the Department of Homeland Security that provides temporary relief to nationals of designated foreign countries that have been impacted by ongoing armed conflict, an environmental disaster or an epidemic, or other extraordinary and temporary conditions.⁸ As Secretary, you can redesignate and extend TPS to Nicaragua. Due to the unique socio-political conditions in the country, we strongly urge you to do so.

As mentioned above, Nicaraguans began fleeing their homeland in 1998 en masse following Hurricane Mitch. Hurricane Mitch is the second-deadliest Atlantic hurricane, resulting in 11,374 fatalities in Central America, including 3,800 in Nicaragua.⁹ As a result of Hurricane Mitch's devastation, an estimated 2 million Nicaraguans were displaced, with many seeking refuge in the United States.¹⁰

Additionally, since 2007, Nicaraguan President Daniel Ortega and his wife and now-vice president, Rosario Murillo, have ruled the country with an authoritarian and repressive hand.¹¹ On April 3, 2018, the Indio-Maíz fire destroyed over 5,400 hectares of land, impacting the indigenous nation of the Rama-Kriol.¹² After massive, proposed reforms to social security networks that would negatively impact the elderly populations, students rose in protest and were met with violent repression.¹³ Since 2018, over 500 individuals have been killed. As a result, more than 160,000 Nicaraguans have fled to Costa Rica.¹⁴ In 2021, during the country's presidential election, to ensure he was elected to a fourth consecutive term, President Ortega

⁶ *Ramos et al. v. Nielsen et al.*, 336 F.Supp.3d 1075 (N.D. Cal. Oct. 3, 2018). In *Ramos v. Wolf*, a three-judge panel of the Ninth Circuit ruled two-to-one that the Trump Administration's TPS termination decisions could go into effect. However, this decision is not final. As of today, the TPS terminations have *not* gone into effect.

⁷ *Bhattarai et al. v. Nielsen et al.*, No. 19-cv-731 (N.D. Cal. Mar. 12, 2019). Six adults with Temporary Protected Status (TPS) and two U.S. citizen children of TPS holders filed a class-action lawsuit seeking to stop the unlawful termination of TPS for over 100,000 TPS holders from Honduras and Nepal and prevent the separation of tens of thousands of U.S. citizen children from their TPS-holder parents.

⁸ USCIS, *Temporary Protected Status*, www.uscis.gov, <https://www.uscis.gov/humanitarian/temporary-protected-status> (last visited Feb. 20, 2023).

⁹ Reuters Staff, *Factbox: The Deadliest, Most Costly Atlantic Hurricanes*, Reuters, May 27, 2010, <https://www.reuters.com/article/us-hurricane-worst-idUSTRE64Q3V620100527>.

¹⁰ LADB Staff, *Hurricane Mitch Recovery Moving Slowly in Central America After One Year*, LADB, Nov. 4, 1999, <https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=9622&context=noticen>.

¹¹ Marcela García, *Why a Record Number of Nicaraguans are Fleeing Their Homeland*, Boston Globe, Jan. 6, 2023, <https://www.bostonglobe.com/2023/01/06/opinion/why-record-number-nicaraguans-are-fleeing-their-homeland/#:~:text=President%20Daniel%20Ortega%20has%20ruled%20Nicaragua%20with%20an,in%20the%20continent%20after%20Haiti.%20Read%20full%20article>.

¹² Josh Mayer, *Behind the Fire That Propelled Nicaragua's Uprising*, NACLA, Dec. 12, 2018, <https://nacla.org/news/2018/12/12/behind-fire-propelled-nicaragua%E2%80%99s-uprising>.

¹³ Oswaldo Rivas, *Nicaraguans Take to Streets in Protest over Social Security Changes*, Reuters, Apr. 19, 2018, <https://www.reuters.com/article/us-nicaragua-protests-idUSKBN1HR02A>.

¹⁴ Katherine Estrada Tellez, *The Lives of 160,000 Nicaraguan Asylum Seekers in Costa Rica*, Havana Times, Sep. 16, 2022, <https://havanatimes.org/features/the-lives-of-160000-nicaraguan-asylum-seekers-in-costa-rica/>.

changed the country's laws, silenced the media, and incarcerated candidates who planned to run against him.¹⁵

The increasingly totalitarian nature of the Ortega-Murillo regime and the brutal political repression Nicaraguans face in their daily lives exacerbate the urgent need for the Biden Administration to redesignate and extend TPS to Nicaragua. Last week, President Ortega sent 222 Nicaraguan political prisoners to the United States in one of the most massive releases in U.S. history.¹⁶ Shortly after, the Nicaraguan government stripped the prisoners of their citizenship.¹⁷ While the newly released prisoners have been granted humanitarian parole to remain in the United States for two years, their futures remain uncertain. Further illustrating the deterioration of human rights in Nicaragua, Pope Francis expressed concern about the sentencing of Bishop Rolando Álvarez to 26 years in prison in the regime's latest move against the Catholic Church and government opponents.¹⁸

If you fail to redesignate and extend TPS to Nicaragua, we fear that thousands of Nicaraguans living in the United States will have to seek an alternative lawful immigration status or leave the U.S. altogether should the Trump Administration's termination take effect. This is an unconscionable reality for many Nicaraguans who have lawfully resided and worked in the United States for decades and do not desire to live under President Ortega's authoritarian regime. The possibility of Nicaraguans having to return to their homelands will have catastrophic effects on their families, livelihoods, and well-being.

As we await the judicial decision in *Ramos*, the Biden Administration must have a proactive plan in place and be prepared to assist Nicaraguans should the outcome of the preliminary injunction prove unfavorable.

We respectfully request that you redesignate and extend TPS to Nicaraguans in your authority as Secretary of the Department of Homeland Security.

Thank you in advance for your attention to this critical matter. We appreciate your efforts and are willing and able to provide any support or assistance you may need. Please confirm the receipt of this letter.

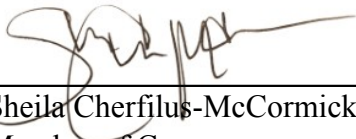
Sincerely,

¹⁵ Sharyn Alfonsi, "It's Completely Orwellian": How Daniel Ortega Tightened His Grip on Power in Nicaragua, CBS News, June 19, 2022, <https://www.cbsnews.com/news/nicaragua-daniel-ortega-60-minutes-2022-06-19/>.

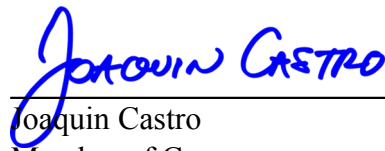
¹⁶ Gabriela Selser, et al., *Nicaragua Frees 222 Opponents of Ortega, Sends Them to U.S.*, ABC News, Feb. 9, 2023, <https://abcnews.go.com/US/wireStory/nicaragua-frees-222-opponents-ortega-sends-us-97022135>.

¹⁷ Megan Janetsky, *Nicaragua Stripped the Citizenship of the 222 Dissidents It Booted Out. Is That Legal?*, L.A. Times, Feb. 14, 2023, <https://www.latimes.com/world-nation/story/2023-02-14/nicaragua-strips-citizenship-released-dissidents-dubious-legality>.

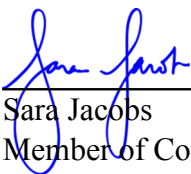
¹⁸ Megan Janetsky, *Pope Worried About Nicaraguan Bishop Sentenced to 26 Years*, ABC News, Feb. 12, 2023, <https://abcnews.go.com/International/wireStory/pope-worried-nicaraguan-bishop-sentenced-26-years-97065046>.



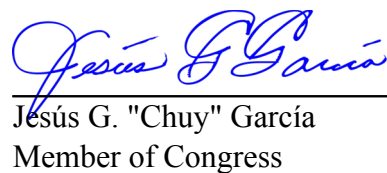
Sheila Cherfilus-McCormick
Member of Congress



Joaquin Castro
Member of Congress



Sara Jacobs
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Sheila Jackson Lee
Member of Congress



Rashida Tlaib
Member of Congress



Eleanor Holmes Norton
Member of Congress




Maria Elvira Salazar
Member of Congress




Dina Titus
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Tony Cárdenas
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Sydney Kamlager-Dove
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Maxwell Frost
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Darren Soto
Member of Congress


Debbie Wasserman Schultz
Member of Congress


Norma J. Torres
Member of Congress



U.S. Citizenship
and Immigration
Services

July 3, 2023

The Honorable Sheila Cherfilus-McCormick
U.S. House of Representatives
Washington, DC 20515

Dear Representative Cherfilus-McCormick:

Thank you for your February 23, 2023 letter to the Department of Homeland Security (DHS) requesting an extension and redesignation of Nicaragua for Temporary Protected Status (TPS). I am responding on behalf of the Department, as U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program.

As you know, on June 9, 2023, after careful consideration, including a thorough review of the country conditions and consultation with interagency partners, Secretary Mayorkas announced the rescission of the previous Administration's termination of the TPS designation of Nicaragua and extended the TPS designation for 18 months on the basis of environmental disaster. This designation will be in effect from January 6, 2024 through July 5, 2025. For additional information, please see the press release announcing the extension.¹ On June 21, 2023, DHS published a *Federal Register* notice to provide instructions for current beneficiaries to re-register for TPS.²

In addition to TPS, USCIS also offers support that may be available upon request to assist eligible noncitizens affected by special situations in their home country. Such support may include:

- Change or extension of nonimmigrant status if the eligible noncitizen is currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;

¹ *DHS Rescinds Prior Administration's Termination of Temporary Protected Status Designations for El Salvador, Honduras, Nepal, and Nicaragua*, <https://www.dhs.gov/news/2023/06/13/dhs-rescinds-prior-administrations-termination-temporary-protected-status>.

² *See Reconsideration and Rescission of Termination of the Designation of Nicaragua for Temporary Protected Status; Extension of the Temporary Protected Status Designation for Nicaragua*, 88 FR 40294 (June 21, 2023).

- Expedited adjudication of employment authorization applications, where appropriate;
- Flexibility for those who received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner due to the special situation; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information on these options is available at <https://www.uscis.gov/newsroom/immigration-relief-in-emergencies-or-unforeseen-circumstances>.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director