

# United States Senate

WASHINGTON, DC 20510

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By ESEC at 1:11 pm, Jul 18, 2023

July 18, 2023

The Honorable Antony J. Blinken  
Secretary  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
301 7th Street, SW  
Washington, DC 20528

Dear Secretaries Blinken and Mayorkas:

We write to urge you to redesignate Venezuela and Nicaragua for Temporary Protected Status (TPS). TPS offers temporary relief from removal and access to work permits for eligible foreign nationals who are unable to return safely to their home countries due to natural disasters, armed conflicts, or other extraordinary and temporary conditions.<sup>1</sup> Both of these countries clearly qualify for a TPS designation under our immigration laws and merit the use of the Executive's statutory designation authority.

The Administration first designated Venezuela for TPS for a period of 18 months in March 2021. Since that time, Venezuela continues to be plagued by violence, instability, and repression, with Venezuelans suffering from the country's historic collapse. Nicolás Maduro's discredited and repressive regime has been responsible for widespread human rights abuses, including unlawful killings, forced disappearances, torture, and the recruitment of child soldiers by nonstate actors.<sup>2</sup> It has jailed some 245 political prisoners and continues to jail and disqualify political opponents from running for office.<sup>3</sup> Such actions have led the UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela to conclude in its September 2022 report that crimes against humanity have been committed "as part of a plan by high-level authorities to repress opponents of the Government."<sup>4</sup> It is no surprise that the State Department extended a Level 4 Travel Advisory for Venezuela earlier this year.<sup>5</sup>

The humanitarian crisis faced by the Venezuelan people has only deepened in the last two years. Millions continue to be unable to access basic healthcare and adequate nutrition, with many forced to reduce their food intake. The UNHCR has called "the exodus of Venezuelans fleeing repression and the humanitarian emergency the largest migration crisis in recent Latin American

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<sup>1</sup> INA 245.

<sup>2</sup> Department of State, *2022 Country Reports on Human Rights Practices: Venezuela*, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/venezuela/>.

<sup>3</sup> Human Rights Watch, *Venezuela: Events of 2022*, <https://www.hrw.org/world-report/2023/country-chapters/venezuela>.

<sup>4</sup> *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela*, [https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffimv/2022-09-20/A\\_HRC\\_51\\_43\\_AdvanceUneditedVersion.docx](https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffimv/2022-09-20/A_HRC_51_43_AdvanceUneditedVersion.docx).

<sup>5</sup> Department of State, "Venezuela Travel Advisory," <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Venezuela.html>.

history.”<sup>6</sup> Such unprecedented circumstances unquestionably constitute the extraordinary and temporary conditions that justify its TPS designation and subsequent extension.

Nicaragua was last designated for TPS in January 1999 after Hurricane Mitch devastated the country in October 1998.<sup>7</sup> That designation has been extended several times, but was terminated by the prior Administration.<sup>8</sup> The termination was blocked by a preliminary injunction, and the original designation was reinstated and extended for 18 months in June 2023.<sup>9</sup> In recent years, conditions in Nicaragua have sharply declined, warranting the country’s TPS redesignation. President Daniel Ortega returned to power in 2007 and began dismantling the country’s democratic structures.<sup>10</sup> In recent years, he has worked to consolidate power, transforming Nicaragua “into a police state in which the executive branch has instituted a regime of terror and of suppression of all freedoms through control and surveillance of the citizenry and repression by state and parastate security institutions supported by the other branches of government.”<sup>11</sup>

In 2022, the regime closed over 2,000 nongovernmental organizations, including those catering to women and children, and intensified its crackdown against members of the Catholic Church through arrests of clergy and closure of Catholic radio stations.<sup>12</sup> In February 2023, the regime arbitrarily and without due process, deprived 316 persons of their Nicaraguan nationality and expelled them from the country, erasing their birth and civil records, confiscating their assets, and leaving most of them stateless.<sup>13</sup> The Group of Human Rights Experts on Nicaragua recently found reasonable grounds to conclude that Nicaraguan authorities have committed widespread human rights violations that amount to crimes against humanity, such as murder; imprisonment; torture, including sexual violence; and politically motivated persecution.<sup>14</sup> Providing TPS to eligible beneficiaries would protect families in the United States from being forced to return to these dangerous conditions in Nicaragua.

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<sup>6</sup> United Nations High Commissioner on Refugees, *Emergency Appeal: Venezuela Situation*, <https://www.unhcr.org/emergencies/venezuela-situation>.

<sup>7</sup> “Designation of Nicaragua Under Temporary Protected Status,” 64 F.R. 526 (Jan. 5, 1999), <https://www.justice.gov/sites/default/files/eoir/legacy/2002/09/09/fr05ja99N.pdf>; USCIS, “Designation of Nicaragua Under Temporary Protected Status,” <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nicaragua>; Hurricanes: Science and Society, <http://www.hurricanescience.org/history/storms/1990s/mitch/#:~:text=As%20many%20as%2023%2C900%20homes,of%20Central%20America%20as%20well.>

<sup>8</sup> USCIS, “Temporary Protected Status Designations for El Salvador, Honduras, Nepal and Nicaragua Reinstated and Extended for 18 Months,” June 20, 2023, <https://www.uscis.gov/newsroom/news-releases/temporary-protected-status-designations-for-el-salvador-honduras-nepal-and-nicaragua-reinstated-and>.

<sup>9</sup> *Id.*

<sup>10</sup> Marcela Garcia, “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/>; Department of State, “U.S. Relations with Nicaragua,” <https://www.state.gov/u-s-relations-with-nicaragua/>; Human Rights Watch, *World Report 2023: Nicaragua*, <https://www.hrw.org/world-report/2023/country-chapters/nicaragua>.

<sup>11</sup> Inter-American Commission on Human Rights, *Nicaragua: Concentration of power and the undermining of the Rule of Law*, [https://www.oas.org/en/iachr/reports/pdfs/2021\\_nicaragua-en.pdf](https://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf).

<sup>12</sup> Human Rights Watch, *World Report 2023: Nicaragua*, <https://www.hrw.org/world-report/2023/country-chapters/nicaragua>.

<sup>13</sup> *Report of the Group of Human Rights Experts on Nicaragua*, [https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/A\\_HRC\\_52\\_63\\_UnofficialEnglishVersion-Spanish.docx](https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/A_HRC_52_63_UnofficialEnglishVersion-Spanish.docx).

<sup>14</sup> Human Rights Watch, “Nicaragua: UN Group of Experts Highlights Severity of Human Rights Crisis,” (March 7, 2023), <https://www.hrw.org/news/2023/03/07/nicaragua-un-group-experts-highlights-severity-human-rights-crisis>.

Many nationals from Venezuela and Nicaragua residing in the United States have been protected because of the current TPS designation. TPS has enabled them to find safety and security and afforded them the ability to work legally to support themselves and their families. In turn, they can contribute meaningfully to their communities back home, which helps stabilize their home countries. A redesignation of TPS for each of these countries would extend these same benefits to individuals already in the United States. Redesignations would also provide critically needed support to states and localities around the country working to provide welcome by allowing TPS recipients to work.

Given the extraordinary humanitarian crises in these countries, we urge you to use your authority under the law provided by Congress to redesignate Venezuela and Nicaragua for TPS.

Thank you for your urgent consideration.

Sincerely,



Richard J. Durbin  
United States Senator



Robert Menendez  
United States Senator



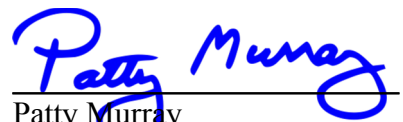
Charles E. Schumer  
United States Senator



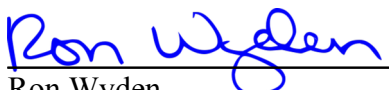
Kirsten Gillibrand  
United States Senator



Dianne Feinstein  
United States Senator



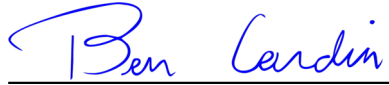
Patty Murray  
United States Senator



Ron Wyden  
United States Senator



Thomas R. Carper  
United States Senator



Benjamin L. Cardin  
United States Senator



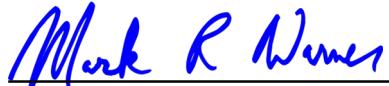
Bernard Sanders  
United States Senator



Amy Klobuchar  
United States Senator



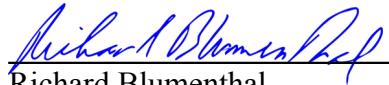
Sheldon Whitehouse  
United States Senator



Mark R. Warner  
United States Senator



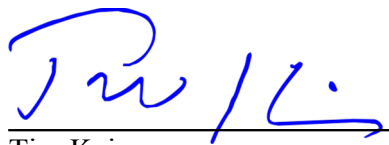
Christopher A. Coons  
United States Senator



Richard Blumenthal  
United States Senator



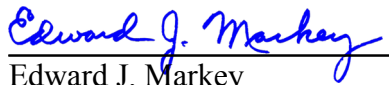
Mazie K. Hirono  
United States Senator



Tim Kaine  
United States Senator



Elizabeth Warren  
United States Senator



Edward J. Markey  
United States Senator



Cory A. Booker  
United States Senator



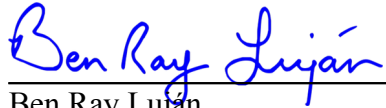
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Tammy Duckworth  
United States Senator



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Catherine Cortez Masto  
United States Senator



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Ben Ray Lujan  
United States Senator




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John Hickenlooper  
United States Senator



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Alex Padilla  
United States Senator



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Peter Welch  
United States Senator



U.S. Citizenship  
and Immigration  
Services

August 25, 2023

The Honorable Richard J. Durbin  
United States Senate  
Washington, DC 20510

Dear Senator Durbin:

Thank you for your July 18, 2023 letter to the Department of Homeland Security (DHS) requesting the redesignation of Venezuela and Nicaragua for Temporary Protected Status (TPS). I am responding on behalf of the Department.

As you note, on June 9, 2023, after a review of 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 it for 18 months. This designation will be in effect from January 6, 2024 through July 5, 2025.<sup>1</sup> On June 21, 2023, DHS published a Federal Register notice to provide instructions for current beneficiaries on how to re-register for TPS.<sup>2</sup>

On July 11, 2022, Secretary Mayorkas announced the extension of Venezuela's designation for TPS for 18 months. This extension will be in effect from September 10, 2022 through March 10, 2024.<sup>3</sup> On September 8, 2022, DHS published a Federal Register notice to provide instructions for current beneficiaries on how to re-register for TPS.<sup>4</sup>

U.S. Citizenship and Immigration Services (USCIS) also offers immigration relief that may be available upon request to eligible noncitizens affected by emergencies or unforeseen circumstances. Such relief may include:

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<sup>1</sup> *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>.

<sup>2</sup> *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).

<sup>3</sup> *DHS Announces Extension of Temporary Protected Status for Venezuela*, <https://www.dhs.gov/news/2022/07/11/dhs-announces-extension-temporary-protected-status-venezuela>.

<sup>4</sup> *Extension of the Designation of Venezuela for Temporary Protected Status*, <https://www.federalregister.gov/documents/2022/09/08/2022-19527/extension-of-the-designation-of-venezuela-for-temporary-protected-status>.

- Change or extension of nonimmigrant status if eligible noncitizens are 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;
- Expedited adjudication of employment authorization applications, where appropriate;
- Assistance if applicants 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 because of the unforeseen circumstances; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information is available at <https://www.uscis.gov/humanitarian/special-situations>.

Thank you for the information you have provided on conditions in Venezuela and Nicaragua. DHS is monitoring conditions in these countries. The Department is committed to administering its programs, including TPS, in an equitable manner. DHS makes decisions to designate TPS after consultation with interagency partners and careful consideration of the circumstances of the country.

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", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director