

RECEIVED

By ESEC at 9:12 am, Jun 17, 2019

United States Senate

WASHINGTON, DC 20510

March 7, 2019

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump:

In light of the ongoing violence, deteriorating security situation, and humanitarian crisis in Venezuela caused by the illegitimate regime of Nicolás Maduro, we respectfully request that your Administration promptly designate Venezuela for Temporary Protected Status (TPS) to ensure that Venezuelan nationals currently present in the United States are not forced to return to Venezuela at this time. Returning non-violent individuals back to Venezuela during this critical time of transition is not in the best long-term interests of the United States or our partners in the region.

As you know, TPS can be granted to nationals of another country who are currently residing in the United States if returning to their country would pose a serious threat to their personal safety because of ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions. TPS allows eligible nationals of designated countries to remain in the United States legally until the designation expires.

Venezuela clearly meets the standard for TPS as it is obviously too dangerous for Venezuelan nationals to return to their country. It is facing simultaneous humanitarian, economic, and political crises of monumental proportions due to Maduro's criminal regime. The result is a failed state experiencing terrible violence and malnutrition as well as levels of disease seen only in war zones. Those who speak in opposition to the discredited and illegitimate Maduro cabal face arrest, torture, or even death. The ensuing human suffering has contributed to the largest refugee and migrant crisis in the Western Hemisphere.

An individual is ineligible for TPS if he or she has a criminal background or poses a threat to national security. The decision to deny, withdraw or terminate TPS is in the sole discretion of the U.S. Government. Moreover, TPS does not make a beneficiary eligible for legal permanent resident status or U.S. citizenship. When the TPS designation of a country is terminated, beneficiaries revert to the same immigration status they maintained before the designation.

As the United States and our partners in the international community have condemned the illegitimate Maduro regime's brutal campaign of repression, granting TPS to Venezuela is a concrete measure your Administration can immediately take to alleviate the suffering of innocent Venezuelan civilians and to demonstrate our nation's commitment to supporting a safe democratic transition in Venezuela so that individuals can safely return home soon.

Thank you for your consideration. We look forward to your prompt reply.

Sincerely,



Senator Richard J. Durbin



Senator Marco Rubio



Senator Robert Menendez



Senator Charles E. Schumer



Senator Patrick Leahy



Senator Patty Murray



Senator Sherrod Brown



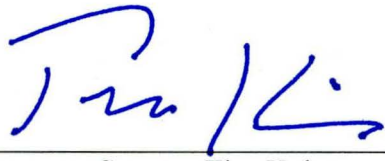
Senator Amy Klobuchar



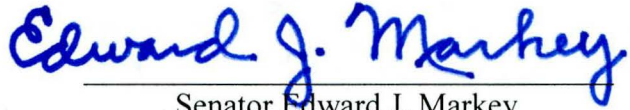
Senator Michael F. Bennet



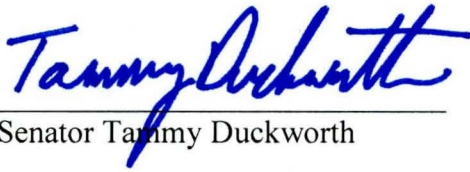
Senator Mazie K. Hirono



Senator Tim Kaine



Senator Edward J. Markey



Senator Tammy Duckworth



Senator Kamala D. Harris



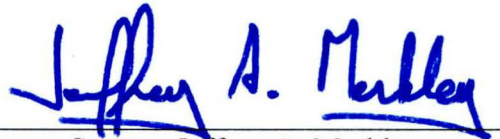
Senator Catherine Cortez Masto



Senator Tina Smith



Senator Richard Blumenthal




Senator Jeffrey A. Merkley



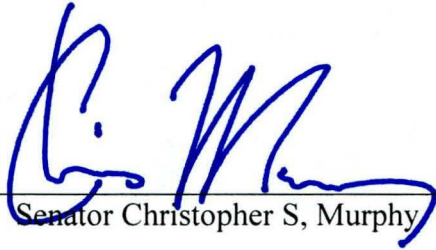
Senator Chris Van Hollen



Senator Cory A. Booker



Senator Jacky Rosen



Senator Christopher S, Murphy



Senator Benjamin L. Cardin



Senator Tom Udall

CC: The Honorable Mike Pompeo, Secretary, Department of State
The Honorable Kirstjen Nielsen, Secretary, Department of Homeland Security

United States Senate

WASHINGTON, DC 20510-1304

OFFICIAL BUSINESS



Richard Durbin
U.S.S.

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

INSIDE MAIL



485

MAR 13 2019

✓#071

QC✓#034



U.S. Citizenship
and Immigration
Services

July 11, 2019

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

Dear Senator Durbin:

Thank you for your March 7, 2019 letter to President Trump. The White House forwarded your letter to the Department of Homeland Security (DHS), and Acting Secretary McAleenan asked that I respond on his behalf.

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

After consultation with appropriate agencies of the Government, the Secretary may designate any foreign state (or any part of such foreign state) for TPS only if: (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). Because TPS is discretionary, even if the Secretary determines that conditions meet one or more of the prongs for TPS, he or she may still decline to designate the country.

I would further note that a separation of powers concern has arisen with TPS generally. As long as courts continue to displace executive branch authority to terminate TPS status, it makes a decision to exercise the discretion in the first place considerably more complicated and more akin to a permanent status, rather than temporary.

The Honorable Richard J. Durbin
Page 2

As it relates to Venezuela, the U.S. Government continues to monitor the situation in Venezuela. In addition, there may be other immigration relief measures available to Venezuelan nationals affected by the current conditions in Venezuela. Information on these options can be found at www.uscis.gov/humanitarian/special-situations.

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive separate, identical responses. 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, appearing to read "Ken C II". The signature is stylized with a large, sweeping "K" and a "C" followed by the Roman numeral "II".

Ken Cuccinelli II
Acting Director