

OLAT
7/11/19
VIP
MOS

United States Senate
WASHINGTON, DC 20510

June 26, 2019

RECEIVED

By ESEC at 10:11 am, Jul 18, 2019

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We write to express our deep concern about the number of individuals who have fled Venezuela's political, economic, and humanitarian crisis and again urge your Administration to provide Temporary Protected Status (TPS) for eligible Venezuelans.

As you know, Venezuela has now become the number one country of origin for individuals claiming asylum in the U.S. and nearly 30,000 Venezuelans applied for asylum with U.S. Citizenship and Immigration Services in 2018 alone.¹ This constitutes nearly one-third of claims filed with the agency in 2018 and the most of any country, according to statistics in recent years.

In addition, the United Nations High Commissioner for Refugees (UNHCR) recently announced that the number of refugees and migrants from Venezuela has skyrocketed to over four million since 2015.² Globally, UNHCR reports that Venezuelans made more asylum requests than any other nationality and now represent more than one in five asylum claims made anywhere in the world. Venezuelans are fleeing Nicolás Maduro's corrupt regime, attempting to escape a country ravaged by violence, destitution, and the widespread absence of basic food and medicine.

Venezuelans are fleeing their country at a staggering pace and it appears that the current crisis will only accelerate. The Organization of American States estimates that by 2020 the number of Venezuelans fleeing could reach 7.5 million. While the majority of these individuals have sought refuge in the region—with Colombia, Peru, Chile, Ecuador, and Brazil hosting approximately three million Venezuelans—it is likely that this number will increase in the United States as well.

Given the ongoing humanitarian disaster in Venezuela, we again urge your Administration to grant TPS to eligible Venezuelans currently present in the United States. Without TPS, Venezuelans in the United States are at risk of deportation back to a country that is suffering a

¹ See, e.g., Annual Flow Report, *Refugees and Asylees: 2017*, Office of Immigration Statistics, Department of Homeland Security, available at https://www.dhs.gov/sites/default/files/publications/Refugees_Asylees_2017.pdf (In 2017, there were 27,579 affirmative asylum cases from Venezuela, out of which 548 were approved).

² See, e.g., United Nations High Commissioner for Refugees, *Refugees and migrants from Venezuela top 4 million: UNHCR and IOM*, available at <https://www.unhcr.org/news/press/2019/6/5cfa2a4a4/refugees-migrants-venezuela-top-4-million-unhcr-iom.html>.

widespread humanitarian tragedy, and data from your Administration shows there was a 35 percent increase in deportations of Venezuelan citizens in FY2018.³

As 24 Senators emphasized in a March 7th letter that you have yet to respond to, 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.

Designating Venezuela for TPS would alleviate the suffering of innocent Venezuelan civilians and demonstrate our nation's commitment to supporting a safe democratic transition in Venezuela so that individuals can return home soon. It would also reaffirm the United States' historical role as a beacon of light to those fleeing oppression.

Thank you in advance for your attention to this issue. We look forward to your response

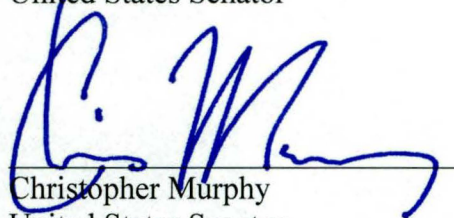
Sincerely,



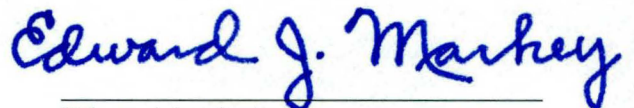
Robert Menendez
United States Senator



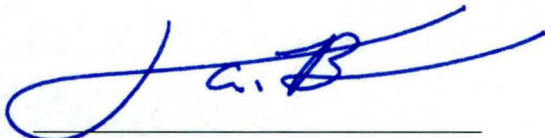
Richard J. Durbin
United States Senator



Christopher Murphy
United States Senator



Edward J. Markey
United States Senator



Cory A. Booker
United States Senator



Amy Klobuchar
United States Senator

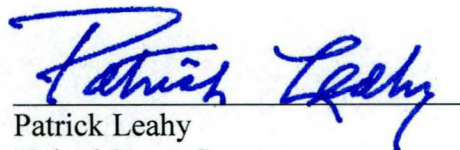
³ See, e.g., *Fiscal Year 2018 ICE Enforcement and Removals Operations Report*, Immigrations and Customs Enforcement (ICE), Department of Homeland Security, available at <https://www.ice.gov/doclib/about/offices/ero/pdf/eroFY2018Report.pdf>



Kirsten E. Gillibrand
United States Senator



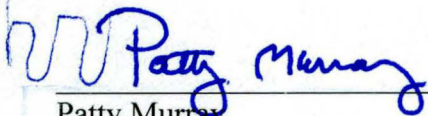
Mazie K. Hirono
United States Senator



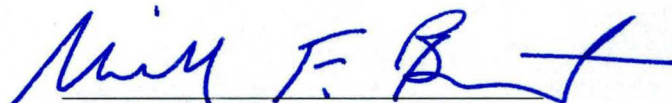
Patrick Leahy
United States Senator



Tammy Duckworth
United States Senator



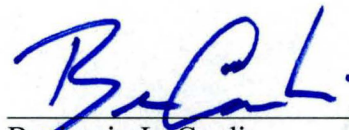
Patty Murray
United States Senator



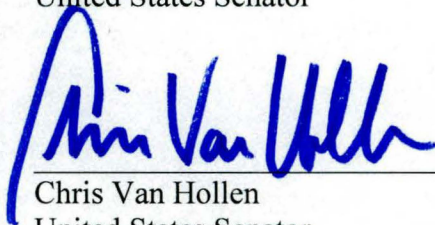
Michael F. Bennet
United States Senator



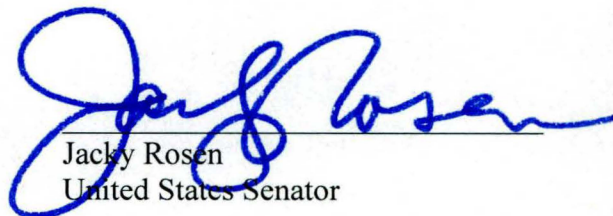
Sherrod Brown
United States Senator



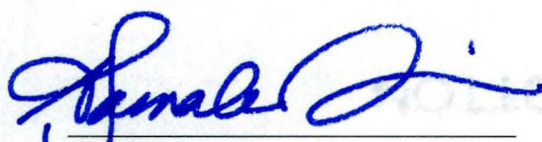
Benjamin L. Cardin
United States Senator



Chris Van Hollen
United States Senator



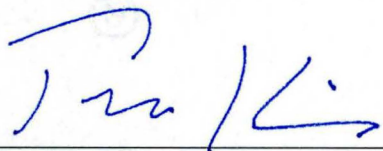
Jacky Rosen
United States Senator



Kamala D. Harris
United States Senator



Catherine Cortez Masto
United States Senator



Tim Kaine
United States Senator



Elizabeth Warren
United States Senator



Bernie Sanders
United States Senator

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

OFFICIAL BUSINESS

Rubio Menendez

U.S.S.

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500



✓#046

QC✓#038

JUL 09 2019

485



**U.S. Citizenship
and Immigration
Services**

August 2, 2019

The Honorable Robert Menendez
United States Senate
Washington, DC 20510

Dear Senator Menendez:

Thank you for your June 26, 2019 letter to President Trump. The White House referred 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.

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.

The Honorable Robert Menendez
Page 2

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,



Ken Cuccinelli II
Acting Director