

Congress of the United States
Washington, DC 20515

April 21, 2023

RECEIVED

By ESEC at 12:00 pm, Apr 21, 2023

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

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

Dear Secretary Mayorkas and Secretary Blinken:

We urge you to redesignate Honduras and El Salvador for Temporary Protected Status (TPS), as it is unsafe for the nationals of these countries to be returned at this time due to severe environmental damage caused by successive hurricanes and climate change-related catastrophes, combined with human rights violations and cascading political crises exacerbated by the COVID-19 pandemic. Both El Salvador and Honduras face separate but equally devastating realities that prevent individuals who have fled these countries from safely returning.

Furthermore, the continued litigation in the Ramos v. Nielsen case leave many in jeopardy and, whatever its result, may still prevent thousands from accessing much-needed protection. A TPS redesignation for El Salvador and Honduras would protect eligible beneficiaries from the dangers they face if they were removed, and would also enable them to support their loved ones back home, reducing the pressure for others in these countries to resort to irregular migration.

El Salvador and Honduras were devastated by three severe environmental catastrophes in the last few years. Hurricanes Iota and Eta destroyed homes, public infrastructure, and health care systems, and crushed the agricultural sector.

In Honduras, the hurricanes displaced 937,000 people, caused widespread damage to agricultural lands and infrastructure, and affected over 4.5 million Hondurans. Honduras continued to experience environmental disasters, including floods, landslides, and tropical storms last year that displaced hundreds of thousands and could increase the number of Hondurans living in extreme poverty from 42 percent to 64 percent.

Combined, the effects of the natural disasters and the COVID-19 pandemic have profoundly exacerbated food insecurity, violence, and led to rising social tensions. These factors have left the country's population struggling to survive. Over a quarter of El Salvador's population lives in deep poverty and facing poor health or malnutrition, and in Honduras, an estimated 2.6 million people, nearly a third of the population, were facing a hunger crisis as of 2022.

Although these conditions alone arguably warrant a TPS redesignation, the subsequent human rights and economic crises have exacerbated the impact on public safety in El Salvador and Honduras, although both countries face unique situational contexts.

El Salvador

El Salvador has suffered severe insecurity, and the government's subsequent crackdown has resulted in discrimination and human rights violations that threaten the everyday lives of Salvadorans. According to the U.S. Department of State's 2022 country report on human rights practices for El Salvador, there have been significant human rights issues in the country, including credible reports of *"unlawful or arbitrary killings, forced disappearances; torture and cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest and detention."* In particular, the government's implementation of the State of Exception, a year-long and continuing state of emergency that is renewed monthly led to mass disappearances and the imprisonment of 2 percent of the population, and threatened the ability of communities to thrive economically.

Since the State of Exception's implementation, security officials have committed widespread human rights violations, including arbitrary detentions, torture, inhumane treatment, and deaths in custody, specifically targeting young people in poor neighborhoods. Furthermore, the Inter-American Commission on Human Rights named El Salvador the most dangerous Latin American country for women as it reported the highest number of murders of women in Latin America and the Caribbean. Each of these human rights violations mean that Salvadorans living outside of the country are unable to return to the country safely at this time.

Honduras

The impact of the environmental disasters on Hondurans has been exacerbated by high levels of politically motivated violence and insecurity. The 2021 general elections were characterized by unprecedented levels of political violence. Deadly attacks on municipal and congressional candidates and their supporters more than doubled in 2021, and at least 68 municipal or congressional candidates were murdered leading up to election day. Further, the U.S. Department of State's 2022 country report on human rights practices in Honduras concludes that there have been significant human rights issues in the country, including criminal groups committing acts of *"homicide, torture, kidnapping, extortion, human trafficking, intimidation, and other threats and violence,"* particularly against vulnerable populations, including human rights defenders, judicial authorities, women, and ethnic minorities.

TPS is a humanitarian tool used by both Democratic and Republican administrations to provide relief for individuals who are unable to return to their home countries facing extraordinary and temporary conditions. The ongoing humanitarian crises in Honduras and El Salvador coupled with the devastating impact of the environmental disasters, makes the safe return of Honduran and Salvadorans in the United States inconceivable.

A redesignation of TPS would give the U.S. government an opportunity to engage in diplomacy with the Honduran government and work with civil society groups in the region to address the root causes of migration without creating further instability and volatility. The immediate and tangible humanitarian benefits of TPS would help advance life-saving and stability enhancing remittances to the region.

We urge you to redesignate TPS for El Salvador and Honduras. Thank you for your consideration of this important matter.

Sincerely,



Joaquin Castro
Member of Congress



Tim Kaine
United States Senator



Gregory W. Meeks
Member of Congress



Alex Padilla
United States Senator



Jerrold Nadler
Member of Congress



Richard J. Durbin
United States Senator



Jesús G. "Chuy" García
Member of Congress



Catherine Cortez Masto
United States Senator



Nydia M. Velázquez
Member of Congress



Mark R. Warner
United States Senator



Eleanor Holmes Norton
Member of Congress



Michael F. Bennet
United States Senator



Debbie Wasserman Schultz
Member of Congress



Benjamin L. Cardin
United States Senator



Cori Bush
Member of Congress



Dianne Feinstein
United States Senator

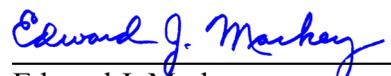


Henry C. "Hank" Johnson, Jr.
Member of Congress



Ben Ray Lujan
United States Senator


Nanette Diaz Barragán
Member of Congress


Edward J. Markey
United States Senator


Jimmy Panetta
Member of Congress


Kirsten Gillibrand
United States Senator


Adriano Espaillat
Member of Congress


Cory A. Booker
United States Senator


Barbara Lee
Member of Congress

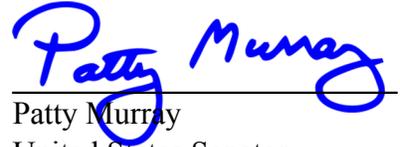

Bernard Sanders
United States Senator


J. Luis Correa
Member of Congress


Tina Smith
United States Senator



Gerald E. Connolly
Member of Congress



Patty Murray
United States Senator



Tony Cárdenas
Member of Congress



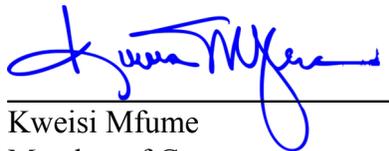
Tammy Baldwin
United States Senator



Jan Schakowsky
Member of Congress



Mazie K. Hirono
United States Senator



Kweisi Mfume
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Christopher A. Coons
United States Senator



Delia C. Ramirez
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Jacky Rosen
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John Fetterman
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Greg Casar
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Tammy Duckworth
United States Senator



Glenn Ivey
Member of Congress



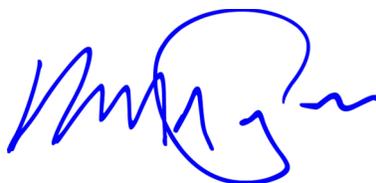
Amy Klobuchar
United States Senator



Dina Titus
Member of Congress



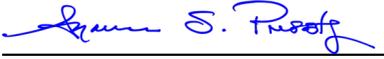
Ron Wyden
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Mark Pocan
Member of Congress



Raphael Warnock
United States Senator



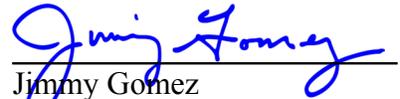
Ayanna Pressley
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United States Senator



Jamaal Bowman, Ed.D.
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Juan Vargas
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Ilhan Omar
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Member of Congress



Dwight Evans
Member of Congress



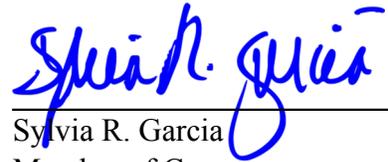
Darren Soto
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David J. Trone
Member of Congress



Katie Porter
Member of Congress



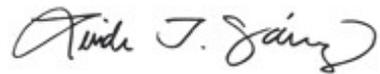
Sylvia R. Garcia
Member of Congress



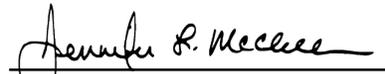
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Kathy Castor
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André Carson
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Lloyd Doggett
Member of Congress



Summer Lee
Member of Congress



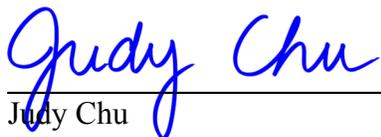
Robert Garcia
Member of Congress



Nikema Williams
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Sydney Kamlager-Dove
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Judy Chu
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Andrea Salinas
Member of Congress



Rashida Tlaib
Member of Congress



Bonnie Watson Coleman
Member of Congress



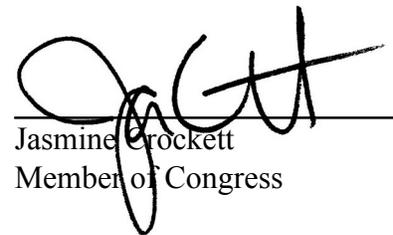
Sheila Cherfilus-McCormick
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Yvette D. Clarke
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Pramila Jayapal
Member of Congress



Jasmine Crockett
Member of Congress



Ruben Gallego
Member of Congress



Sheila Jackson Lee
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Mike Quigley
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Madeleine Dean
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Suzanne Bonamici
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Jennifer Wexton
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Al Green
Member of Congress



Jamie Raskin
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Teresa Leger Fernández
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Norma J. Torres
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Troy Carter
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Susan Wild
Member of Congress



C. A. Dutch Ruppertsberger
Member of Congress



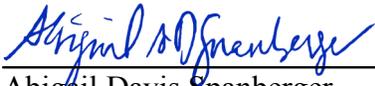
Greg Stanton
Member of Congress



Adam B. Schiff
Member of Congress



Salud Carbajal
Member of Congress



Abigail Davis Spanberger
Member of Congress



Raul Ruiz, M.D.
Member of Congress



Lori Trahan
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Robert J. Menendez
Member of Congress



Maxwell Alejandro Frost
Member of Congress



Pete Aguilar
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



Marc A. Veasey
Member of Congress



U.S. Citizenship
and Immigration
Services

May 23, 2023

The Honorable Joaquin Castro
U.S. House of Representatives
Washington, DC 20515

Dear Representative Castro:

Thank you for your April 21, 2023 letter to the Department of Homeland Security (DHS) urging the redesignation of Honduras and El Salvador for Temporary Protected Status (TPS). I am responding on behalf of the Department.

The Secretary of Homeland Security may designate or redesignate a country for TPS and extend or terminate a country's existing TPS designation based upon specific statutory criteria. To designate a country for TPS or extend a country's TPS designation, the Secretary must find one or more of the following: (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 that permitting the country's nationals to remain temporarily in the United States would not be contrary to the national interest of the United States. *See* Immigration and Nationality Act § 244(b)(1).

Honduras and El Salvador were previously designated for TPS due to natural disasters.¹ Following a review of the country conditions and consulting with appropriate U.S. government agencies, former Secretaries and Acting Secretaries of Homeland Security announced the termination of the TPS designations for Honduras and El Salvador in 2018.² Litigation continues regarding these termination decisions.

As required by court orders adopting parties' stipulations to stay proceedings in *Ramos v. Nielsen*, No. 18-cv-1554 (N.D. Cal.) and *Bhattarai v. Nielsen*, No. 19-cv-731 (N.D. Cal.),³ DHS

¹ El Salvador was designated for TPS on March 9, 2001, following a series of earthquakes occurring in 2001 (66 FR 14214); Honduras (64 FR 524) was designated for TPS on January 5, 1999 following Hurricane Mitch.

² DHS announced the termination of the designations of TPS for Honduras on June 5, 2018 (83 FR 26074) and El Salvador on January 18, 2018 (83 FR 2654).

³ *See Ramos v. Nielsen*, No. 18-cv-1554 (N.D. Cal., Oct. 26, 2018) (proceedings stayed pending appeal in challenge to terminations of TPS for Sudan, Haiti, El Salvador and Nicaragua) and *Bhattarai v. Nielsen*, No. 19-cv-731 (N.D.

The Honorable Joaquin Castro

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extended appropriate TPS-related documentation (Employment Authorization Document (EADs), Form I-797, Notice of Action; and Form I-94, Arrival/Departure Record) for eligible beneficiaries of TPS for Honduras and El Salvador.⁴ U.S. Citizenship and Immigration Services (USCIS) has announced the continuation of these TPS designations on its website.⁵ Eligible TPS beneficiaries who would like an EAD with the extended validity date of June 30, 2024, must file Form I-765, Application for Employment Authorization, with appropriate filing fee or request for fee waiver.

USCIS appreciates the information you have provided regarding the conditions in Honduras and El Salvador. DHS is closely monitoring conditions in these countries, in consultation with other governmental agencies, and is committed to administering its programs in an equitable manner.

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

Cal. Mar. 12, 2019) (proceedings stayed in challenge to termination of TPS for Honduras and Nepal; approving parties' stipulated agreement that TPS and TPS-related documentation for affected beneficiaries will be continued on same terms as the plaintiffs in *Ramos v. Nielsen*, 336 F. Supp. 3d 1075 (N.D. Cal. 2018), *vacated*, 975 F.3d 872 (9th Cir. 2020), *pet. for reh'g en banc granted*, 59 F.4th 1010 (9th Cir. 2023)).

⁴ See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 87 FR 68717 (Nov. 16, 2022).

⁵ See <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-el-salvador> (continuing TPS for El Salvador); <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras> (continuing TPS for Honduras).