



Save the Children



April 21st, 2023

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

RECEIVED

By ESEC at 10:16 am, Apr 24, 2023

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

Dear Secretary Mayorkas and Secretary Blinken,

We call on you to redesignate Honduras and El Salvador for Temporary Protected Status (TPS), because of the unsafe conditions existing in these countries which preclude nationals from returning safely. As humanitarian aid groups, we have seen first hand, the severe environmental damage caused by hurricanes and climate change-related catastrophes, combined with human rights violations and cascading political crises exacerbated by the COVID-19 pandemic, has created an exceptionally unstable and precarious situation for the countries of El Salvador and Honduras. Additionally, the ongoing legal challenges in the Ramos v. Nielsen case leave many in a situation of legal limbo and currently prevents 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 migration under added duress.

TPS is a compassionate and humanitarian tool used 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, make the safe return of Honduran and Salvadoran TPS holders and those eligible inconceivable. A redesignation would give the U.S. government an opportunity to partner with the Honduran and Salvadoran governments and the civil society groups, many of which are signed below, to address the root causes of migration without creating further instability and insecurity for these vulnerable groups.

Honduras and El Salvador have experienced three devastating environmental catastrophes over the past five years, and both nations are still struggling to fully recover. Hurricanes Eta and Iota destroyed civic bonds, public resources, and decimated the agricultural sector which is the primary source of income for the people in each country. In Honduras, the hurricanes displaced 937,000 people, caused widespread damage to agricultural lands and infrastructure, and affected over 4.5 million Hondurans.¹ Last year, Honduras continued to experience environmental disasters, including floods, landslides, and tropical storms that displaced hundreds of thousands, and will likely increase the number of Hondurans living in extreme poverty to nearly two-thirds of the country.² Combined, the effects of the natural disasters and the COVID-19 pandemic have profoundly exacerbated food insecurity, and violence, and led to rising social tensions. All this comes while Honduras is struggling to survive the COVID-19 pandemic. The country's rates of food insecurity, poverty, and economic instability have all been exacerbated by the pandemic and have left the country's population struggling to survive.³ As of 2022, an estimated 2.6 million people, nearly a third of the population, were facing a hunger crisis in Honduras, and over a quarter of El Salvador's population lives in deep poverty and faces poor health or malnutrition.⁴

Honduras

The impact of these disasters on Hondurans has been exacerbated by high levels of politically motivated violence and insecurity. The 2021 general elections faced 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.⁵ Further, the US State Department'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.⁶ An estimated 247,000 persons have been internally displaced due to violence in the country as of 2021. Gang activity, including attacks on and exploitation of nonmembers, was the primary contributor to violence-related internal displacement.⁷ Due to high crime and kidnappings, the U.S. State Department

¹ [USAID - Latin American Storms Report](#)

² [Intersecting crises: Pandemic and hurricanes add to political instability driving migration from Honduras](#)

³ [Honduras Humanitarian Needs Overview 2023 \(September 2022\) - UN OCHA](#)

⁴ Ibid.,

⁵ [Honduras: Freedom in the World 2022 Country Report](#)

⁶ [2022 Country Reports on Human Rights Practices: Honduras](#)

⁷ [Honduras 2022 Human Rights Report](#)

maintains a Level 3 travel advisory of “Reconsider Travel” to Honduras for U.S. travelers, one level below a “Do Not Travel” warning.⁸

The 2023 Humanitarian Response Plan prepared by the UN Office for the Coordination of Humanitarian Affairs (OCHA) indicates that in Honduras 3.2 million people, roughly a third of the population, have humanitarian needs, of which 60 percent are women, 37 percent are boys and girls, and 6 percent are people with disabilities.⁹

El Salvador

Although the environmental and socioeconomic conditions outlined above would arguably warrant a TPS redesignation, the subsequent human rights and economic crises have exacerbated the impact on public safety in El Salvador. The country has seen severe backsliding regarding fundamental civil rights, and the government’s subsequent crackdown has resulted in discrimination and human rights violations that threaten the everyday freedoms of all Salvadorans. Since the implementation of the State of Exception, state officials have committed widespread human rights violations, including arbitrary detentions, torture, inhumane treatment, and deaths in custody, specifically targeting young people in poor neighborhoods. More than 52,000 persons were arrested in the first six months of the State of Exception.¹⁰ The International Rescue Committee reported there were 175,000 new internally displaced persons due to violence in 2021, noting the causes included threats, extortion, and killings perpetrated by criminal gangs.¹¹

According to the US State Department’s 2022 country report, 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.”*¹² In particular, the government’s implementation of the State of Exception, a now year-long state of emergency that is renewed monthly, has imprisoned 2 percent of the population, led to mass disappearances, and threatened the ability of communities to thrive economically.¹³ Since its 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.¹⁴ Furthermore, the Inter-American Commission on

⁸ [Honduras Travel Advisory](#)

⁹ [Honduras Panorama de Necesidades Humanitarias 2023 \(Noviembre 2022\)](#)

¹⁰ [A Year of Suspended Civil Liberties in El Salvador: When the Exception Becomes the Rule](#)

¹¹ [El Salvador | International Rescue Committee \(IRC\)](#)

¹² [2022 Country Reports on Human Rights Practices: El Salvador](#)

¹³ *Ibid.*,

¹⁴ [“We Can Arrest Anyone We Want”: Widespread Human Rights Violations Under El Salvador’s “State of Emergency” | HRW](#)

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.¹⁵ Due to high crime and violence, the U.S. State Department maintains a Level 3 travel advisory of “Reconsider Travel” to El Salvador for U.S. travelers, one level below a “Do Not Travel” warning.¹⁶ Each of these human rights violations means that Salvadorans living outside of the country are temporarily unable to return to the country safely.

Lastly, since 2020, El Salvador has suffered the health and socioeconomic consequences of the COVID-19 pandemic as well as the impact of four climate events: two tropical storms, Amanda and Christopher, and two hurricanes, Eta and Iota, that left an estimated 1.7 million people with immediate humanitarian needs.¹⁷ In 2022, price inflation and the impact of extreme rains caused continued deterioration of the situation for an already vulnerable people.

The immediate and tangible humanitarian benefits of TPS would help advance life-saving and stability-enhancing remittances to the region. We urge you to re-designate TPS for El Salvador and Honduras. Thank you for your consideration of this important matter.

Sincerely,

Save the Children

Oxfam America

CC:

The Honorable Jake Sullivan, National Security Advisor
The Honorable Susan Rice, Domestic Policy Advisor

¹⁵ [IACHR presents Report on the Situation of Human Rights in El Salvador](#)

¹⁶ [El Salvador Travel Advisory](#)

¹⁷ [As El Salvador faces the double impact of hurricanes and COVID-19, NGOs step in | OCHA](#)



U.S. Citizenship
and Immigration
Services

May 23, 2023

Save the Children
501 Kings Highway East
Suite 400
Fairfield, CT 06825

Dear Save the Children:

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. Cal. Mar. 12, 2019) (proceedings stayed in challenge to termination of TPS for Honduras and Nepal; approving

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. Please share this response with the other organization that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

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

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).