



DANIELLA LEVINE CAVA
MAYOR
MIAMI-DADE COUNTY

September 9, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Via Email

Dear Secretary Mayorkas,

As you know, South Florida and Miami-Dade County have long been a place of hope and refuge for hundreds of thousands of families who escaped tyranny, oppression, warfare, and human rights violations. Many Miami-Dade County residents — including Venezuelans, Nicaraguans, and Haitians — have received Temporary Protected Status (TPS) and, as a result, have had enormous positive impact on our community and economy. The mutually influential relationship between Miami-Dade and South America is unmistakable — and reflects the values of our County and nation.

I write this letter urging your office to redesignate and extend this important protection for Nicaraguans. Should they return to Nicaragua at this time, they would face social and political oppression, at the hands of a repressive regime, and continued threats to democracy and safety. Since the days of Hurricane Mitch in 1998, many Nicaraguans have called Miami-Dade their new home and built strong networks and livelihoods here. Going back now would sentence them to live under an authoritarian government and a crippled economy due to several hurricanes and the pandemic.

We must continue standing up for democracy around the world and thank you for your commitment. Miami-Dade County has a strong, deep history of welcoming those who come to our shores seeking freedom and opportunity. Through our Office of New Americans, we will continue supporting Nicaraguans who want a chance at the American Dream. I strongly urge the federal administration to redesignate and extend this critical protection to the Nicaraguan people.

With gratitude and honor,

A handwritten signature in blue ink that reads "Daniella Levine Cava".



October 27, 2022

The Honorable Daniella Levine Cava
Mayor of Miami-Dade County
Miami, FL 33128-1930

Dear Mayor Cava:

Thank you for your September 9, 2022 letter to the U.S. Department of Homeland Security (DHS) Secretary Mayorkas asked that I respond on his behalf.

The Secretary of Homeland Security may designate or redesignate a country for Temporary Protected Status (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 facts: (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 the Secretary required their return; (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 exists 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).

Nicaragua was initially designated for TPS on January 5, 1999, based on environmental disaster grounds that prevented nationals of Nicaragua from returning in safety.¹ Following the initial designation, TPS for Nicaragua was extended thirteen times, including the last extension of TPS for Nicaragua on May 16, 2016. Subsequently, then Acting Secretary Elaine Duke announced the termination of TPS effective January 5, 2019.²

There is ongoing litigation regarding this TPS termination decision.³ As required by a preliminary injunction and related court orders, the termination of Nicaragua's TPS designation is enjoined or otherwise on hold.⁴ U.S. Citizenship and Immigration Services (USCIS) is continuing the TPS and TPS-related documentation of affected beneficiaries under the designation for Nicaragua in compliance with this court order.⁵ This TPS-related documentation

¹ *See Designation of Nicaragua for Temporary Protected Status*, 64 FR 526 (Jan. 5, 1999).

² *See Termination of the Designation of Nicaragua for Temporary Protected Status*, 82 FR 59636 (Dec. 15, 2017).

³ *See Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020), *petition for en banc rehearing* filed Nov. 30, 2020 (No. 18-16981) (district court's preliminary injunction against termination of six countries' TPS remains in effect pending 9th Circuit consideration of plaintiffs' request for *en banc* rehearing of appellate panel decision to vacate the district court injunction).

⁴ *See id.*

⁵ *See* 86 FR 50725 (Sept. 10, 2021) (most recent notice continuing TPS and TPS-related documentation through December 31, 2022, for TPS beneficiaries affected by the court orders).

includes Employment Authorization Documents, Forms I-797, Notice of Action, and Forms I-94, Arrival/Departure Record.⁶ USCIS has announced the continuation of this TPS programs on its website and will publish subsequent notices, as needed, while the court order remains in effect.⁷

In addition to TPS, USCIS also offers support that may be available upon request to assist eligible Nicaraguan nationals and other individuals who last habitually resided in Nicaragua. This support includes the following types of aid:

- Change or extension of nonimmigrant status for noncitizens 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 special situation; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information on these options is available under “Special Situations” on the USCIS website at <https://www.uscis.gov/humanitarian/special-situations>.

Thank you for the information you have provided regarding the impact TPS beneficiaries have on the community and economy of South Florida and Miami-Dade County. DHS is committed to administering its programs, including TPS, in an equitable manner. DHS continues to closely monitor the conditions in Nicaragua. Decisions to redesignate TPS are made after consultation with interagency partners and careful consideration of the circumstances of the country and in accordance with the TPS statute noted earlier. Due to the ongoing litigation, DHS is unable to comment further on the concerns regarding TPS for Nicaragua that you raised in your letter.

⁶ DHS has extended TPS-related documents for eligible beneficiaries of Nicaragua pursuant to *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal) (challenging the terminations of TPS for El Salvador and Nicaragua, as well as other covered TPS beneficiaries). The termination of TPS for Nicaragua will not take effect while the *Ramos* injunction is in place.

⁷ See <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nicaragua> (continuing TPS for Nicaragua).

Thank you again for your letter and interest in this important issue. 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", followed by a long horizontal flourish.

Ur M. Jaddou
Director