



ARCHDIOCESE OF BALTIMORE

AUXILIARY BISHOP OF BALTIMORE

October 10, 2022

RECEIVED

By ESEC at 10:37 am, Nov 02, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

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

Dear President Biden and Secretary Mayorkas:

We respectfully call on you to take action to protect hundreds of thousands of Temporary Protected Status (TPS) holders who remain in limbo, now four years after the Trump Administration attempted to end their lawful immigration status. Specifically, we ask you to commit to a just settlement of the *Ramos* litigation and re-designation of El Salvador, Honduras, Nepal, and Nicaragua for TPS before their designations expire on December 31 of this year.

TPS residents are important contributors to our local communities and local and national economies. The average TPS resident works 40-45 hours per week. They pay taxes; many own homes and support families. Several hundred thousand U.S. citizen children have at least one parent who holds TPS. Ending TPS would tear their families apart.

Stripping the employment authorization of TPS residents would also devastate our economy. Laying off long-term residents who hold TPS would cost employers \$967 million in turnover costs. It would cost \$164 billion in lost GDP, plus \$6.9 billion in lost Social Security and Medicare payments over a decade. And it would drive hundreds of thousands of immigrant workers into the shadows, driving down working conditions for all American workers.

During the presidential campaign, you committed to protecting TPS holders. We recognize and applaud DHS's decision to re-designate Haiti and Sudan for TPS. Yet, we are concerned that DHS continues to defend the Trump Administration's termination decisions in court and has yet to make new TPS decisions for El Salvador, Honduras, Nepal, and Nicaragua.

We believe it is imperative that your Administration demonstrate its commitment to TPS holders by arriving at a fair, equitable settlement in the *Ramos* case and re-designating El Salvador, Honduras, Nepal, and Nicaragua for TPS as soon as possible.

With every best wish for you, I am,
Sincerely,

Most Reverend Bruce Lewandowski
Auxiliary Bishop
Archdiocese of Baltimore



November 23, 2022

Most Reverend Bruce Lewandowski
Auxiliary Bishop
Archdiocese of Baltimore
320 Cathedral Street
Baltimore, MD 21201

Dear Most Reverend Lewandowski:

Thank you for your October 10, 2022 letter to the Department of Homeland Security (DHS) requesting a just settlement of the *Ramos* litigation and redesignation of TPS for El Salvador, Honduras, Nepal and Nicaragua. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS and implementing the program. 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: (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 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).

El Salvador, Honduras, Nicaragua, and Nepal were previously designated for TPS due to environmental disasters that occurred in their respective countries and resulted in a substantial disruption of living conditions.¹ Following a review of the country conditions and consultation with appropriate U.S. government agencies, former Secretaries and Acting Secretaries of Homeland Security announced the termination of the designations of TPS for Nicaragua in 2017 and for El Salvador, Honduras, and Nepal in 2018.² As you are aware, litigation continues regarding these termination decisions.

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) and Nicaragua (64 FR 526) were designated for TPS on January 5, 1999 following Hurricane Mitch; Nepal was designated for TPS on June 24, 2015 following a series of earthquakes in 2015 (80 FR 36346).

² DHS announced the termination of the designations of TPS for Honduras on June 5, 2018 (83 FR 26074), El Salvador on January 18, 2018 (83 FR 2654), Nepal on May 22, 2018 (83 FR 23705), and Nicaragua on December

As required by the court order adopting the parties' stipulation to stay proceedings in *Bhattarai et al. v. Nielsen et al.*, No. 19-cv-731 (N.D. Cal), DHS extended appropriate TPS-related documentation (Employment Authorization Documents (EADs), Forms I-797 Notice of Action, and Forms I-94, Arrival/Departure Record) for eligible beneficiaries of TPS El Salvador, Nicaragua, Honduras, and Nepal.³ In compliance with the litigation, DHS has published a series of Federal Register notices that have continued TPS and TPS-related documentation for certain TPS beneficiaries covered under the litigation. On November 16, 2022, DHS published a Federal Register notice indicating that eligible beneficiaries will retain their TPS and TPS-related documentation, such as Employment Authorization Documents, through June 30, 2024. *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).

DHS is closely monitoring conditions in El Salvador, Honduras, Nicaragua, and Nepal. Please be assured that DHS offers support that may be available upon request⁴ to assist eligible noncitizens. DHS is committed to administering its programs, including TPS, in an equitable manner. DHS makes decisions to designate or redesignate TPS after consultation with interagency partners and careful consideration of the circumstances of the country and in accordance with the TPS statute noted earlier.

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", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

15, 2017 (82 FR 59636). DHS also announced the termination of the designations of TPS for Haiti and Sudan. Affected beneficiaries of TPS for Haiti and Sudan are included in the actions mandated by the court in the pending litigation.

³ *Bhattarai et al. v. Nielsen et al.*, No. 19-cv-731 (N.D. Cal., March 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, et al. v. Nielsen, et al.*, 336 F. Supp.3d 1075 (N.D. Cal. 2018).

⁴ Additional information is available at the U.S. Citizenship and Immigration Services website at: <https://www.uscis.gov/humanitarian/special-situations>.