

April 14, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Nebraska Avenue Complex
Washington, D.C. 20528

The Honorable Ur Jaddou
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Ave. NW
Washington, D.C. 20529

Dear Secretary Mayorkas and Director Jaddou:

I write to respectfully request information and data regarding the administration's use of Temporary Protected Status (TPS), Deferred Enforced Departure (DED), and issues related to the management of both programs. TPS provides protection to over half a million noncitizens, in addition to their over one quarter-million U.S. citizen children, while DED provides relief from removal for approximately a quarter million noncitizens, many of whom may also hold TPS.¹ There are currently TPS designations for Burma (Myanmar), El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, Venezuela, and Yemen. The administration has issued a DED designation for Liberia, Hong Kong, and Venezuela.

I am disappointed to find that many of the issues highlighted in our last data request in July 2019 persist to the current day, and I request this information to contextualize this persistence.² As part of Congress's role in conducting oversight and in the interest of promoting transparency in the operation of the Federal Government, I request that the U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) jointly respond to the following questions and requests for information:

- 1) With various TPS terminations, federal court injunctions, and redesignations, we are concerned that not all members of TPS-eligible populations are aware of their eligibility

¹ Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure*, Congressional Research Service, May 12, 2021, accessed December 7, 2021, https://www.everycrsreport.com/files/2021-05-12_RS20844_84a7664654b93878707741e47f56401de4b7b81d.pdf; Leila Schochet and Nicole Prchal Svajlenka, "How Ending TPS Will Hurt U.S.-Citizen Children," Center for American Progress, February 11, 2019, <https://cdn.americanprogress.org/content/uploads/2019/02/07053255/Children-of-TPS-Holders-factsheet.pdf>; "Fact Sheet: Deferred Enforced Departure (DED)," National Immigration Forum, March 12, 2021, accessed December 7, 2021, <https://immigrationforum.org/article/fact-sheet-deferred-enforced-departure-ded>; *List of Countries with Conditions that Satisfy Grounds for TPS*, last updated November 8, 2021, Temporary Protected Status Deferred Enforced Departure Administrative Advocacy Coalition, <https://bit.ly/TPSConditionsChart>.

² Representative Nydia Velázquez et al. to Acting Secretary Kevin McAleenan of the U.S. Department of Homeland Security and Acting Director Kenneth Cuccinelli of U.S. Citizenship and Immigration Services, July 24, 2019, available at <https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/uscis>.

or how to apply. For El Salvador, Nepal, and Nicaragua, please provide by country the following information for the most recent registration or re-registration period:

- a) The number of current TPS holders
 - b) The number of applications (Form I-821) received
 - c) The number of applications pending, denied, and approved
- 2) The total estimated number of noncitizens from each TPS-designated country who would be eligible if the administration redesignated a country for TPS as of January 1, 2022
- 3) Similarly, with new DED designations, we are concerned that not all members of DED-eligible populations are aware of their eligibility or how to apply for work authorization based on DED eligibility. To gauge how successful community outreach has been, we request the following data. For each DED designated country or jurisdiction, please provide the following information for Form I-765 Applications for Employment Authorization based on 8 CFR § 274a.12(c)(14) (2021) eligibility, by country, as of the date of this request:
- a) The number of individuals who have received a work permit under DED
 - b) The number of applications filed, pending, denied, and approved
- 4) TPS holders are reported to disproportionately encounter problems verifying their employment authorization through the E-Verify system.³ Please provide the following since January 20, 2017:
- a) The number of Final Nonconfirmations (FNCs) issued by DHS in E-Verify cases of TPS and DED holders, broken down by month and country, issued by DHS
 - b) The number of Tentative Nonconfirmations (TNCs) issued by DHS in E-Verify cases of TPS and DED holders, broken down by month and country
 - c) The average processing or review time for TNCs for TPS or DED holders versus all other forms
 - d) The number of TNCs for TPS or DED holders by identification document type
 - e) The number TPS or DED holders that were employed after receiving a TNC versus non-TPS or -DED holders
 - f) The number of compliance actions taken against employers based on TPS and DED cases
- 5) Prior to announcing terminations during the previous administration, USCIS failed to adjudicate timely re-registration applications for nationals from El Salvador, Haiti, Syria, and Honduras following these countries' final statutory (and not court-ordered) 18-month extensions. These processing delays resulted in TPS holders not receiving their new Employment Authorization Document (EAD) before the automatic extension of work authorization expired. Estimates are that these delays affected 20,000 Salvadorans, 4,500 Haitians, 335 Syrians, and an unknown number of Hondurans.⁴ Ten TPS holders covered by Federal Register Notices (FRN) that have been given automatic extensions have also experienced employment issues when presenting FRNs and expired

³ Alex Nowrasteh, "E-Verify Errors Plague Workers with Temporary Protected Status," CATO Institute, April 30, 2020, accessed December 7, 2021, <https://www.cato.org/blog/e-verify-errors-plague-workers-temporary-protected-status>.

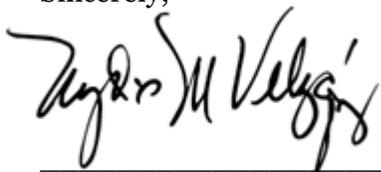
⁴ "Letter from 70 law professors and scholars to USCIS and DHS regarding work permit extensions for TPS holders," Catholic Legal Immigration Network, Inc., December 3, 2018, accessed December 7, 2021, <https://cliniclegal.org/resources/humanitarian-relief/letter-70-law-professors-and-scholars-uscis-and-dhs-regarding-work>.

EADs, unable to renew licenses or other identifications as well as harassment from employers. Please provide the following since January 20, 2017:

- a) The number of all Notices of Evidence of Continued Work Authorization that USCIS mailed to TPS recipients, broken down by country
- b) Whether USCIS issued a second round of Notices of Evidence of Continued Work Authorization for these countries once the initial notices expired. If so, please provide the number of notices mailed, broken down by country.
- c) The legal and policy rationale for employing Notices of Evidence of Continued Work Authorization instead of an FRN, especially in light of legal experts expressing serious concerns regarding the compliance of these notices with the Administrative Procedure Act⁵
- d) Delays between the announcement of a TPS designation and the publication of a notice in the Federal Register have been pronounced, continuing a trend from the previous administration. For example, DHS announced a designation of TPS for Haiti on May 22, 2021, but published the FRN over two months later, on August 3, 2021.⁶ Please provide:
 - i) The contributing factors to the delays between announcements of TPS designations and publication of the accompanying FRN
 - ii) The steps is DHS taking to reduce or eliminate the delay between announcements of TPS designations and publication of the accompanying FRN.

We anticipate a timely response within 30 days. Thank you for your attention to this matter; I look forward to your response.

Sincerely,



Nydia M. Velázquez
Member of Congress

⁵ “Letter from 70 law professors and scholars to USCIS and DHS regarding work permit extensions for TPS holders,” Catholic Legal Immigration Network, Inc., December 3, 2018, <https://cliniclegal.org/resources/humanitarian-relief/letter-70-law-professors-and-scholars-uscis-and-dhs-regarding-work>.

⁶ “Secretary Mayorkas Designates Haiti for Temporary Protected Status for 18 Months,” U.S. Department of Homeland Security, May 22, 2021, accessed December 7, 2021, <https://www.dhs.gov/news/2021/05/22/secretary-mayorkas-designates-haiti-temporary-protected-status-18-months>; “Designation of Haiti for Temporary Protected Status,” Federal Register, U.S. Citizenship and Immigration Services, August 3, 2021, accessed December 7, 2021, <https://www.federalregister.gov/documents/2021/08/03/2021-16481/designation-of-haiti-for-temporary-protected-status>.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Camp Springs, MD 20588-0009



U.S. Citizenship
and Immigration
Services

August 30, 2022

The Honorable Nydia Velázquez
U.S. House of Representatives
Washington, DC 20515

Dear Representative Velázquez:

Thank you for your April 15, 2022 letter to the U.S. Department of Homeland Security requesting information about the administration's use of Temporary Protected Status (TPS) and Deferred Enforced Departure (DED). Secretary Mayorkas asked that I respond on his behalf. Please see the enclosures for detailed responses to your questions as well as the data you requested.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services (USCIS) Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, reading "Ur M. Jaddou".

Ur M. Jaddou
Director

Enclosure

**The Department of Homeland Security's Response to
Representative Nydia Velázquez's April 14, 2022 Letter**

- 1. With various TPS terminations, federal court injunctions, and redesignations, we are concerned that not all members of TPS-eligible populations are aware of their eligibility or how to apply. For El Salvador, Nepal, and Nicaragua, please provide by country the following information for the most recent registration or re-registration period:**

- a. The number of current TPS holders**

As of August 19, 2022, there are approximately 258,840 current Temporary Protected Status (TPS) beneficiaries under these designations: 240,225 from El Salvador, 14,410 from Nepal, and 4,205 from Nicaragua. The counts have been rounded up or down to the nearest 5. Please note that the overall total may not equal the sum of the individual country counts due to rounding.

- b. The number of applications (Form I-821) received**

In the most recent re-registration periods for El Salvador (01/18/2018), Nepal (5/22/2018), and Nicaragua (12/15/2017), approximately 191,075 receipts were received under the El Salvador designation, 10,695 receipts under the Nepal designation, and 2,470 receipts under the Nicaragua designation. *See Note below.* At present, eligible TPS beneficiaries under the designations of these countries may retain their TPS even when they re-registered in certain earlier re-registration periods.

Note: Existing TPS beneficiaries under the designations for El Salvador, Nepal and Nicaragua who registered during any of the time periods noted in fn. 3 of the *Federal Register* notice (FRN) DHS published at 87 FR 50725 (Sept. 10, 2021) have TPS and valid TPS-related documentation as described in that notice, as long as their TPS was not individually withdrawn for ineligibility. This notice continues DHS' compliance with the preliminary injunction in *Ramos, et al. v. Nielsen, et al.*, No. 18-cv-01554(N.D. Cal. Oct. 3, 2018) and the court order in *Bhattarai v. Nielsen*, No. 19-cv-00731(N.D. Cal. Mar. 12, 2019). Although a panel of the U.S. Court of Appeals for the Ninth Circuit vacated the *Ramos* injunction, plaintiffs sought *en banc* review of that decision, and the district court's injunction remains in effect. *See Ramos, et al., v. Wolf, et al.*, No. 18-16981 (th Cir. Sept. 14, 2020). Additional information about the litigation is available on the U.S. Citizenship and Immigration Services (USCIS) TPS webpage at <https://www.uscis.gov/humanitarian/temporary-protected-status> .

- c. The number of applications pending, denied, and approved**

In the most recent re-registration periods (*see* periods described above), there were approximately 187,030 approvals of beneficiaries under the TPS designation for El Salvador, 9,610 under the Nepal designation, and 2,290 under the Nicaragua designation. There were approximately 2,495 denials under the El Salvador designation, 180 denials under the Nepal designation, and 50 denials under the Nicaragua designation. As of August 19, 2022, there are approximately 1,550 pending cases under the El Salvador designation, 905 for Nepal, and 130 for Nicaragua.

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These individuals under the El Salvador, Nepal and Nicaragua TPS designations with pending re-registration applications have TPS under the above-referenced court orders if they are covered under fn. 3 of the Sept. 10, 2021 FRN (87 FR 50725) unless and until USCIS or the Executive Office for Immigration Review (EOIR) finally withdraws their TPS for individual ineligibility or court orders are superseded by subsequent action that affect their TPS.”

2. The total estimated number of noncitizens from each TPS-designated country who would be eligible if the administration redesignated a country for TPS as of January 1, 2022

DHS is not able to provide estimated numbers of potentially eligible individuals for countries not newly designated or redesignated at this time. Such information is highly speculative because secretarial decisions regarding TPS qualifying countries have not been made, including what the relevant continuous residence and continuous physical presence dates in the United States for eligible individuals might be for the countries to receive a new TPS designation or redesignation.

3. Similarly, with new DED designations, we are concerned that not all members of DED eligible populations are aware of their eligibility or how to apply for work authorization based on DED eligibility. To gauge how successful community outreach has been, we request the following data. For each DED designated country or jurisdiction, please provide the following information for Form I-765 Applications for Employment Authorization based on 8 CFR § 274a.12(c)(14) (2021) eligibility, by country, as of the date of this request:

a. The number of individuals who have received a work permit under DED

Requested data regarding applications for an employment authorization document (EAD) provided in the chart below.

I-765, Application for Employment Authorization Number of Approved Individuals Grouped by Country of Citizenship For Eligibility Category (a)(11) - GRANTED DED As of August 19, 2022			
Country of Citizenship	Effective Date of DED	Cumulative Count of Individuals with Approved DED-based EAD Applications (Effective Date to Aug. 19, 2022)	Count of Individuals with Issued DED-based EADs as of Aug. 19, 2022
TOTAL		4,649	-2,657
Hong Kong	August 5, 2021	1,086	1,086

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Liberia	October 1, 2007	2,530	538
Venezuela	January 20, 2021	1,033	1,033

Note(s):

- 1) This report reflects the most up to date data available at the time the database is queried.
- 2) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.
- 3) Cumulative Number of individuals with approved initial and renewal DED-related EAD Applications (effective date to August 19, 2022) is calculated by counting the unique alien numbers for I765 A11 applications between the effective date of DED and the report date. This count may include individuals with expired EADs.
- 4) Number of approved individuals with valid EADs includes individuals with a valid EAD that expires after May 20, 2022 or individuals from Liberia whose EADs have been auto-extended via the February 16, 2021 Federal Register notice (86 FR 9531)¹. Please note that President Biden issued a Presidential Memorandum on June 27, 2022 extending and expanding eligibility for DED for Liberians through June 30, 2024 (87 FR 38871). A FRN providing employment authorization, including procedures for obtaining related documentation for covered Liberians, through June 30, 2024 and automatically extending the validity of certain DED-related EADs is forthcoming.
- 5) Individuals approved for a DED may have become eligible for an EAD through other means, such as Liberian Refugee Immigration Fairness (LRIF).
- 6) The LRIF provision of the National Defense Authorization Act (NDAA) for Fiscal Year 2020, signed December 20, 2019, provided certain Liberians, as well as their spouses, children, and unmarried sons or daughters, the ability to adjust their status to that of a U.S. Lawful Permanent Resident (LPR).
- 7) The DED designation for Venezuela expired on July 20, 2022.

Source:

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality
CLAIMS3 & ELIS,
queried 08/2022,
TRK#10348.

b. The number of applications filed, pending, denied, and approved

¹ On June 27, 2022, President Joseph R. Biden issued a [memorandum](#) to the Secretaries of State and Homeland Security that extends and expands DED for Liberians through June 30, 2024. The memorandum directs the deferral of the removal of any Liberian national, or person without nationality who last habitually resided in Liberia, who is present in the United States and who was covered under DED as of June 30, 2022. It also defers the removal of any Liberian national, or person without nationality who last habitually resided in Liberia, who has been continuously physically present in the United States since May 20, 2017. The memo extends employment authorization through June 30, 2024, for Liberians covered under DED. USCIS is automatically extending DED-related Employment Authorization Documents (EADs) through June 30, 2024, for those who already have an EAD with a “Card Expires” date of March 30, 2020, Jan. 10, 2021, or June 30, 2022. A notice in the *Federal Register* will be published soon.

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Requested data provided in the chart below.

I-765, Application for Employment Authorization Count of Receipts, Approvals, Denials and Pending Applications For Eligibility Category (a)(11) - GRANTED DED FY2008-FY2022 (August 19, 2022)					
				U.S. Citizenship and Immigration Services	
Country of Citizenship	Fiscal Year	Receipts	Approvals	Denials	Pending
TOTAL		13,960	12,464	1,125	n/a
Hong Kong Total		1,240	1,087	16	n/a
Hong Kong	2021	12			12
Hong Kong	2022	1,228	1,087	16	128
Liberia Total		11,493	10,340	1,080	n/a
Liberia	2008	413	282	70	61
Liberia	2009	1,890	1,236	120	594
Liberia	2010	2,187	2,087	263	430
Liberia	2011	644	427	182	462
Liberia	2012	1,304	1,596	80	90
Liberia	2013	1,325	1,084	83	247
Liberia	2014	311	374	49	135
Liberia	2015	1,052	1,042	52	88
Liberia	2016	108	108	25	63
Liberia	2017	873	781	61	85
Liberia	2018	627	353	14	345
Liberia	2019	624	820	38	105
Liberia	2020	57	130	21	11
Liberia	2021	31	8	5	29
Liberia	2022	47	12	17	47
Venezuela Total		1,227	1,037	29	n/a
Venezuela	2021	1,130	8		1,122
Venezuela	2022	97	1,029	29	161

Note(s):

- 1) This report reflects the most up to date data available at the time the database queried.
- 2) Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.
- 3) Pending count represents the number of applications pending as of September 30th of the given fiscal year. Pending counts cannot be summed across fiscal years.

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- 4) Only applications filed between the effective date of DED and the report date are included in this report.
- 5) The DED designation for Venezuela expired on July 20, 2022.

Source:

Department of Homeland Security, U.S. Citizenship and Immigration Services,
Office of Performance and Quality
CLAIMS3 & ELIS,
queried 08/2022, TRK
#10348.

4. TPS holders are reported to disproportionately encounter problems verifying their employment authorization through the E-Verify system. Please provide the following since January 20, 2017:

- a. The number of Final Nonconfirmations (FNCs) issued by DHS in E-Verify cases of TPS and DED holders, broken down by month and country, issued by DHS**

Requested data provided in "Tab a." of the enclosed spreadsheet "Data Request for TPS and DED Program."

- b. The number of Tentative Nonconfirmations (TNCs) issued by DHS in E-Verify cases of TPS and DED holders, broken down by month and country**

Requested data provided in "Tab b." of the enclosed spreadsheet "Data Request for TPS and DED Program."

- c. The average processing or review time for TNCs for TPS or DED holders versus all other forms**

Requested data provided in "Tab c." of the enclosed spreadsheet "Data Request for TPS and DED Program."

- d. The number of TNCs for TPS or DED holders by identification document type**

Requested data provided in "Tab d." of the enclosed spreadsheet "Data Request for TPS and DED Program."

- e. The number TPS or DED holders that were employed after receiving a TNC versus non-TPS or -DED holders**

Requested data provided in "Tab e." of the enclosed spreadsheet "Data Request for TPS and DED Program." The spreadsheet provides the number of "Employment Authorized" results E-Verify issued.

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f. The number of compliance actions taken against employers based on TPS and DED cases

Requested data provided at the bottom, under Item f. in the "Summary" tab of the enclosed spreadsheet "Data Request for TPS and DED Program."

5. Prior to announcing terminations during the previous administration, USCIS failed to adjudicate timely re-registration applications for nationals from El Salvador, Haiti, Syria, and Honduras following these countries' final statutory (and not court-ordered) 18-month extensions. These processing delays resulted in TPS holders not receiving their new Employment Authorization Document (EAD) before the automatic extension of work authorization expired. Estimates are that these delays affected 20,000 Salvadorans, 4,500 Haitians, 335 Syrians, and an unknown number of Hondurans. Ten TPS holders covered by Federal Register notices (FRN) that have been given automatic extensions have also experienced employment issues when presenting FRNs and expired EADs, unable to renew licenses or other identifications as well as harassment from employers. Please provide the following since January 20, 2017:

a. The number of all Notices of Evidence of Continued Work Authorization that USCIS mailed to TPS recipients, broken down by country

USCIS issued individual Notices of Evidence of Continued Work Authorization extending the validity of certain EADs (Form I-766) to certain TPS beneficiaries under the designations of Haiti, Honduras, El Salvador, Somalia, and Syria, whose renewal EAD applications remained pending during the time periods identified below due to the large number of affected beneficiaries and to ensure that there were no gaps in work authorization documentation. USCIS also generally conveys EAD auto-extensions through FRNs, then notifies the public and employers of the publication of these FRNs via social media; GovDelivery emails to subscribers; news articles on the [I-9 Central](#), and the [E-Verify website](#) and outreach to E-Verify employers and SAVE benefit granting agencies.

- Haiti:
 - USCIS issued approximately 4,263 notices on January 22, 2018. Under these notices, TPS Haiti-based EADs with a Card Expires date of July 22, 2017, on the front of the document were automatically extended through July 21, 2018.
- Honduras:
 - USCIS issued approximately 1,500 notices on December 6, 2018. Under these notices, TPS Honduras-based EADs with Card Expires dates of July 5, 2016, January 5, 2018 and July 5, 2018, were automatically extended through June 30, 2019.
- El Salvador:
 - USCIS issued approximately 22,000 notices on August 23, 2018. Under these notices, TPS El Salvador-based EADs with Card Expires dates of March 9, 2018, and September 9, 2016, were automatically extended through March 4, 2019.

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- Somalia:
 - USCIS issued approximately 173 notices on March 18, 2022. Under these notices, TPS Somalia-based EADs with Card Expires dates of September 17, 2021; March 17, 2020; and September 17, 2018, were automatically extended through September 12, 2022.
- Syria:
 - USCIS issued approximately 1,000 notices on September 11, 2018. Under these notices, TPS Syria-based EADs with Card Expires dates of March 21, 2018, and September 30, 2016, were automatically extended through March 26, 2019.

We again note that TPS and TPS-related documentation have been continued as described in the FRN at 87 FR 50725 (Sept. 10, 2021) for existing beneficiaries under the designations for El Salvador, Haiti, Sudan, Nicaragua, Nepal, and Honduras that are the subject of the *Ramos* and *Bhattarai* litigation, unless DHS or EOIR has withdrawn the person's TPS for individual ineligibility. Eligible beneficiaries may continue to show their facially expired documents to employers and other entities along with the Sept. 10, 2021, notice that explains those documents have been continued by court orders. If such beneficiaries desire EADs with current validity dates, they may apply in accordance with the TPS information for their countries described at <https://www.uscis.gov/humanitarian/temporary-protected-status>.

b. Whether USCIS issued a second round of Notices of Evidence of Continued Work Authorization for these countries once the initial notices expired. If so, please provide the number of notices mailed, broken down by country.

USCIS issued a second round of individual Notices of Evidence of Continued Work Authorization to certain TPS beneficiaries from Haiti and Syria whose EAD applications remained pending.

- Haiti:
 - USCIS issued approximately 4,659 notices on July 18, 2018, further automatically extending existing EADs through January 17, 2019.
 - Syria:
 - The first batch of approximately 1,190 notices issued on Sept. 28, 2021, further automatically extended existing EADs through March 28, 2022.
 - The second batch of approximately 639 notices issued on April 1, 2022, automatically extended their existing EADs through Sept. 24, 2022.
- c. The legal and policy rationale for employing Notices of Evidence of Continued Work Authorization instead of an FRN, especially in light of legal experts expressing serious concerns regarding the compliance of these notices with the Administrative Procedure Act.**

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USCIS issued individualized notices to use in combination with certain EADs and extend those EADs and serve as individualized evidence of employment authorization for eligible TPS beneficiaries whose EAD automatic extension period had expired instead of publishing a class-wide, generalized FRN to avoid or shorten lapses in documentation of employment eligibility. USCIS can process and send out individualized notices within approximately two weeks, while publishing an FRN can take months. USCIS is responsible for issuing documentary evidence of employment authorization and has discretion to establish the validity period of an EAD. *See* INA section 274A(h)(1) and 8 CFR 274a.12(c). To minimize further delays in providing evidence of continued eligibility for employment in these instances, USCIS opted to issue individualized notices to certain TPS beneficiaries indicating that their EADs were automatically extended. Upon issuance of these individualized letters, USCIS also published communications materials to inform employers and TPS beneficiaries of the EAD automatic extensions.

- d. Delays between the announcement of a TPS designation and the publication of a notice in the Federal Register have been pronounced, continuing a trend from the previous administration. For example, DHS announced a designation of TPS for Haiti on May 22, 2021, but published the FRN over two months later, on August 3, 2021. Please provide:**

- i. The contributing factors to the delays between announcements of TPS designations and publication of the accompanying FRN**

Following the announcement of a particular country being newly designated for TPS, USCIS must draft the corresponding FRN and clear it through various levels of review prior to publication in the *Federal Register*. As the FRN is signed by the Secretary of Homeland Security, it is reviewed by Departmental offices and DHS components with equities. In addition, the FRN that designates TPS for a particular country is considered a “significant regulatory action” under the definition provided in Executive Order 12866 and is thus subject to review by the Office of Information and Regulatory Affairs (OIRA). During the OIRA review phase, the draft FRN is also reviewed by relevant executive branch agencies.

- ii. The steps DHS is taking to reduce or eliminate the delay between announcements of TPS designations and publication of the accompanying FRN.**

USCIS achieved significant strides in minimizing time between announcement and publication of the FRN by expediting the drafting and length of review times for regulatory actions.

IRIS Tasking: AS-021988: WF 1230867 Rep. Nydia Velazquez - DATA request on TPS and DED Programs
DED and TPS data was derived using the following EAD Category / Provison of Law Codes:

A11 – Deferred Enforced Departure (DED)

A12 – Temporary Protected Status (TPS) granted under 8 CFR 244.12

C19 – Temporary Protected Status applicant under 8 CFR 244.5

Note, for country data we derived information from PCS for country of birth (COB)

a. The number of Final Nonconfirmations (FNCs) issued by DHS in E-Verify cases of TPS and DED holders, broke

DHS FNCs for DED (A11) Provison of Law	2017	2018	2019	2020	2021	2022	Total
DED (A11)							
Hong Kong			1				1
Liberia	1	4	9	5	4	1	24
Total	1	4	10	5	4	1	25

DHS FNCs for TPS (A12) Provison of Law	2017	2018	2019	2020	2021	2022	Total
TPS (A12)							
Honduras	13	97	116	75	84	68	453
Haiti	18	101	56	61	46	26	308
Nicaragua	1	6	7	2	4		20
Nepal	1	1	2	4			8
NULL	2	1	1		1	1	6
El Salvador	37	248	190	205	240	224	1,144
South Sudan			1				1
Syria			3	1			4
Yemen				1		1	2
Unspecified / Unknown					1		1
Total	72	454	376	349	376	320	1,947

DHS FNCs for TPS (C19) Provison of Law	2017	2018	2019	2020	2021	2022	Total
TPS (C19)							
Honduras	1	8	16	8	12	9	54
Haiti	3	3	4	4		8	22
Nicaragua			1	1			2
NULL			1				1
Sudan						1	1
El Salvador	14	37	35	44	72	35	237
Syria	1						1
Yemen			1				1
Total	19	48	58	57	84	53	319

b. The number of Tentative Nonconfirmations (TNCs) issued by DHS in E-Verify cases of TPS and DED holders, I

DHS TNCs for DED (A11) Provison of Law	2017	2018	2019	2020	2021	2022	Total
DED (A11)							
Hong Kong			1				1
Liberia	5	44	63	44	24	23	203
NULL			3				3
Total	5	44	67	44	24	23	207

DHS TNCs for TPS (A12) Provison of Law	2017	2018	2019	2020	2021	2022	Total
TPS (A12)							
Honduras	50	639	716	532	515	322	2,774
Haiti	123	706	683	450	358	247	2,567
Burma (Myanmar)			1				1
Nicaragua	3	26	48	21	17	8	123
Nepal	3	39	89	50	18	9	208
NULL	6	23	45	12	5	4	95
Sudan		3	5	1		1	10
El Salvador	126	1,472	1,658	1,496	1,864	652	7,268
Somalia		5	2	3		1	11
South Sudan			1	1			2
Syria		17	10	20	8	2	57
Venezuela		1		1			2
Yemen		1		5	3	2	11
Unspecified / Unknown					1		1
Total	311	2,932	3,258	2,592	2,789	1,248	13,130

DHS TNCs for TPS (C19) Provison of Law	2017	2018	2019	2020	2021	2022	Total
TPS (C19)							
Honduras	2	40	70	56	59	50	277
Haiti	6	15	34	34	39	42	170
Burma (Myanmar)						1	1
Nicaragua		3	6	4		4	17
Nepal	4	2					6
NULL		4	6		1		11
Sudan			1			2	3
El Salvador	42	189	234	231	403	177	1,276
Somalia				1			1
Syria	3	6	1	1	2	5	18
Venezuela					1	21	22
Yemen		1	6				7
Total	57	260	358	327	505	302	1,809

c. The average processing or review time for TNCs for TPS or DED holders versus all other forms

Non DED and Non TPS Provision of Law	
Fiscal Year	Avg. Turnaround_Days
2017	0.95
2018	1.05
2019	1.07
2020	1.02
2021	1.16
2022	1.41
Avg. Tunaround Days	1.11

Fiscal Year	Avg. Turnaround Days
DED (A11) Provision of Law Avg. Turnaround in Days	
2017	3.00
2018	0.80
2019	1.42
2020	0.74
2021	0.46
2022	1.76
Avg. Turnaround in Days	1.00

TPS (A12) Provision of Law Avg. Turnaround in Days	
2017	1.61
2018	1.31
2019	0.99
2020	1.13
2021	1.21
2022	1.25
Avg. Turnaround in Days	1.22

TPS (C19) Provision of Law Avg. Turnaround in Days	
2017	0.00
2018	0.50
2019	0.88
2020	0.75
2021	0.16
2022	0.56
Avg. Turnaround in Days	0.53

d. The number of TNCs for TPS or DED holders by identification document type

DHS TNCs by Document Type for DED (A11) Provisions of Law	2017	2018	2019	2020	2021	2022	Total
DED (A11)							
ARRIVAL/DEPARTURE RECORD (FORM I-94) WITH TEMPORARY I-551 STAMP OR REFUGEE ADMISSION STAMP (RECEIPT)		1	1				2
EMPLOYMENT AUTHORIZATION DOCUMENT (FORM I-766)		15		9		1	25
FOREIGN PASSPORT WITH ARRIVAL/DEPARTURE RECORD (FORM I-94)		3	3				6
I-766	2						2
List B and C Documents	3	25	63	35	24	22	172
Total	5	44	67	44	24	23	207

DHS TNCs by Document Type for TPS (A12) Provisions of Law	2017	2018	2019	2020	2021	2022	Total
TPS (A12)							
EMPLOYMENT AUTHORIZATION DOCUMENT (FORM I-766)	0	1,634	1,618	1,240	670	308	5,471
FOREIGN PASSPORT WITH ARRIVAL/DEPARTURE RECORD (FORM I-94)	0	0	98	45	35	9	186
I-766	142	197	0	0	0	0	339
List B and C Documents	169	698	728	543	540	415	3,093
PERMANENT RESIDENT CARD OR ALIEN REGISTRATION RECEIPT CARD (FORM I-551)	0	403	815	764	1,544	516	4,041
Total	311	2,932	3,258	2,592	2,789	1,248	13,130

DHS TNCs by Document Type for TPS (C19) Provisions of Law	2017	2018	2019	2020	2021	2022	Total
TPS (C19)							
EMPLOYMENT AUTHORIZATION DOCUMENT (FORM I-766)		39	63	59	61	57	279
I-766	24	21					45
List B and C Documents	33	70	151	119	166	130	669
PERMANENT RESIDENT CARD OR ALIEN REGISTRATION RECEIPT CARD (FORM I-551)		130	144	149	278	115	816
Total	57	260	358	327	505	302	1,809

e. The number TPS or DED holders that were employed after receiving a TNC versus non-TPS or -DED holders

Employment Authorized Final Eligibility Determination for DED (A11), TPS (A12), and TPS (C19) Provisions of Law								
Final Eligibility Determination (3rd Step) Resolution	Provision of Law Codes	2017	2018	2019	2020	2021	2022	Total
Employment Authorized (EA)	A11		5	6	5	4	6	26
	A12	6	634	581	505	223	81	2,030
	C19		8	20	10	7	14	59
Total		6	647	607	520	234	101	2,115

Employment Authorized Final Eligibility Determination for Non DED (A11) and TPS (A12/C19) Provision of Law Codes								
Final Eligibility Determination (3rd Step) Resolution	Provision of Law Codes	2017	2018	2019	2020	2021	2022	Total
Employment Authorized (EA)	Non DED (A11) and TPS (A12/C19) Provision of Law Codes	6,577	31,433	77,019	62,146	32,330	19,063	228,568
Total		6,577	31,433	77,019	62,146	32,330	19,063	228,568

f. The number of compliance actions taken against employers based on TPS and DED cases

DED Cases:

17 Employers received compliance actions for 3 different behaviors

- Open Hanging TNCs (15 Cases)
- Employee Continues to Work After TNC/FNC (1 Case)
- Failure to Close Case after FNC (10 Cases)

TPS under 8 CFR 244.5 Cases:

88 Employers received compliance actions for 6 different behaviors

- Open Hanging TNCs (83 Cases)
- Employee Continues to Work After TNC/FNC (2 Cases)
- Failure to Close Case after FNC (29 Cases)
- Aliens Authorized to Work Submitting Specific Documents (4 Cases)
- High Rate of List B & C Documents for LPRs (1 Case)
- High Usage of List B other than State Issue DL (4 Cases)

TPS under 8 CFR 244.12 Cases:

716 Employers received compliance actions for 7 different behaviors

- Use of Invalid SSN (1 Case)
- Open Hanging TNCs (752 Cases)
- Employee Continues to Work After TNC/FNC (9 Cases)
- Failure to Close Case after FNC (13 Cases)
- Aliens Authorized to Work Submitting Specific Documents (17 Cases)
- High Rate of List B & C Documents for LPRs (1 Case)
- High Usage of List B other than State Issue DL (3 Cases)

en down by month and country, issued by DHS