



THE COUNCIL
OF
THE CITY OF NEW YORK
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NEW YORK, N.Y. 10007

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November 15, 2017

The Honorable Elaine C. Duke
Acting Secretary of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Acting Secretary of Homeland Security Duke:

Enclosed please find a certified copy of **Resolution No. 1638**, adopted by the New York City Council on October 31, 2017, calling upon the Secretary of State and the Secretary of the Department of Homeland Security to extend Temporary Protected Status designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen, to provide temporary immigration relief to eligible nationals in the wake of devastating environmental disasters, ongoing armed conflict, and extraordinary and temporary conditions that prevent its nationals from returning safely.

Very truly yours,

Matthew DiStefano, Esq.
Legislative Document Unit
New York City Council

Please send acknowledgments and all correspondence to:
Hon. Melissa Mark-Viverito
Speaker of the New York City Council
250 Broadway, Room 1856
New York, N.Y. 10007

Encl.

THE COUNCIL

September 7, 2017

Res. No. 1638

Resolution calling upon the Secretary of State and the Secretary of the Department of Homeland Security to extend Temporary Protected Status designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen, to provide temporary immigration relief to eligible nationals in the wake of devastating environmental disasters, ongoing armed conflict, and extraordinary and temporary conditions that prevent its nationals from returning safely.

By the Speaker (Council Member Mark-Viverito) and Council Members Menchaca, Kallos and Koo. Approved by the Committee on Immigration on October 30, 2017. Adopted by the Council by voice-vote on October 31, 2017.

Whereas, Temporary Protected Status (“TPS”) is a temporary immigration status granted to eligible nationals of TPS designated countries; and,

Whereas, During the temporary designation period, eligible nationals may remain in the United States and may not be detained by the Department of Homeland Security (“DHS”) based solely on immigration status, and may obtain employment and travel authorization; and,

Whereas, The Secretary of DHS has the authority to provide TPS to immigrants present in the United States who are unable to safely return to their home country due to an environmental disaster, an ongoing armed conflict, or other extraordinary and temporary conditions that prevent safe return; and,

Whereas, A country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension; and

Whereas, The TPS program is a hallmark of United States diplomacy, underscoring our leadership in ending extreme poverty and supporting self-reliant, legitimate governments through providing humanitarian relief for nationals already in the U.S.; and,

Whereas, There are currently over 320,000 TPS designation recipients in the U.S.; and,

Whereas, The Immigrant Legal Resource Center, the Center for Migration Research, and the Migration Policy Institute report high levels of labor force participation among TPS recipients, for example: Haitian TPS recipients fill a critical labor gap in elder and home health care; and,

Whereas, TPS recipients in the United States contribute hundreds of millions of dollars in federal, state and local tax revenue, and are critical participants in the U.S. economy, while supporting their national economies through remittances: billions of dollars upon which TPS designated countries rely; and,

Whereas, The City of New York has the highest foreign-born population in the United States, including the highest concentration of Sub-Saharan and Middle East and North African immigrants and the second highest Central American and Haitian population, and extending TPS designation can help maintain safety among the immigrant community and keep families intact; and,

Whereas, The cost of immediate removal and repatriation would cost taxpayers approximately \$3.5 billion, with additional associated costs such as fostering TPS recipient U.S.-born children left behind, and could likely jeopardize TPS-recipients' path to lawful residence through other pending immigration status adjustment cases; and,

Whereas, The situations in TPS countries render them ill-equipped to reintegrate TPS-recipients after they have been relocated in the U.S., many for more than 10 years; and.

Nepal and Nicaragua; while ongoing armed conflicts have ravaged Somalia, Sudan, South Sudan, Syria and Yemen, contributing to unprecedented global human displacement; and,

Whereas, El Salvador was struck by a magnitude 7.6 earthquake in January, 2001, with 3,000 subsequent aftershocks and a magnitude 6.6 earthquake in February, 2001; and,

Whereas, The earthquakes displaced 17% of El Salvador's population, and led to more than 10,000 casualties; and,

Whereas, recovery efforts in El Salvador remain stalled by subsequent environmental disasters, limited access to potable water and electricity, and a persistent housing shortage of approximately 630,000 houses; and,

Whereas, Further, violent gangs perpetuate an atmosphere of fear through extortion, exploiting nationals to the sum of \$756 million in 2014, reported by El Salvador's Central Bank and the United Nations Development Program; and,

Whereas, Haiti was struck by a magnitude 7.0 earthquake in January, 2010, displacing 1.5-2.3 million Haitian nationals; and,

Whereas, Haitian reconstruction efforts have been slowed by critical infrastructure damage aggravated by Hurricane Matthew in October 2016 and heavy rainfall that destroyed 80% of the Southern spring harvest in April 2017 leaving roughly one third of the Haitian population without secure access to food; and,

Whereas, Honduras and Nicaragua were struck by Hurricane Mitch in October 1998, displacing more than 1.1 million people in Honduras alone, and killing 8,702 persons, with overall damages to property due to landslides and floods estimated between \$6.3-6.5 billion; and

Whereas, Reconstruction efforts in Honduras and Nicaragua have been repeatedly stalled by subsequent natural disasters, political unrest and corruption, rendering them unable to adequately absorb returning nationals; and,

Whereas, Nepal was struck by a magnitude 7.8 earthquake in April, 2015, affecting approximately 25-33% the population, and reconstruction efforts have been significantly slowed by ensuing civil unrest and ongoing armed conflict at key humanitarian aid distribution junctions on the Nepal-India border; and,

Whereas, Somalia has been ravaged by ongoing armed conflict between government forces, clan militia, African Union troops, and al-Shabaab since 1986, internally displacing 1.1 million Somalians; and,

Whereas, Armed conflict aside, 1 million Somalians experience acute food insecurity aggravated by flooding and severe drought, 1.9 million Somalians are at risk of death by preventable diseases due to limited access to clean water, and 3.2 million Somalians have insufficient access to emergency health care services; and,

Whereas, Sudan and South Sudan have been embroiled in civil war and ongoing armed conflict since 1997, and there have been no signs of decreasing conflict; and,

Whereas, Instead, there remains an acute cycle of ethnic violence, human rights' atrocities and a humanitarian disaster of devastating scale, displacing 2.2 million Sudanese and South Sudanese persons and contributing to high malnutrition rates, limited access to clean water, food, and shelter; and,

Whereas, Syria remains embroiled in ongoing armed conflict since March 2011, as a result of citizens' demonstrations seeking greater political freedom, involving government forces, rebel militias and fundamentalist groups; and,

Whereas, The Syrian crisis, termed the "biggest humanitarian emergency of our era" by the former UNHCR Commissioner António Guterres, has displaced 11.3 million Syrians and led to a casualty toll of approximately 2 million persons; and,

Whereas, Ongoing armed conflict in Syria created and exacerbated extreme levels of food insecurity, limited access to clean water and medical care for 13.5 million people, and destroyed significant public and private infrastructure; and,

Whereas, Yemen has been engaged in an ongoing armed conflict since July 2014, displacing 3 million Yemini nationals, triggering unprecedented levels of food insecurity for 14 million people, extensive shortages in operational health care facilities; and,

Whereas, The humanitarian crisis in Yemen has been compounded by a cholera

permit approximately 320,000 TPS recipients from ten countries to temporarily live and work lawfully in the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Secretary of State and the Secretary of the Department of Homeland Security to extend Temporary Protected Status designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen, to provide temporary immigration relief to eligible nationals in the wake of devastating environmental disasters, ongoing armed conflict, and extraordinary and temporary conditions that prevent its nationals from returning safely.

Adopted.

Office of the City Clerk, }ss.:
The City of New York

I hereby certify that the foregoing matter is a true copy of a Resolution passed by The Council of The City of New York on October 31, 2017 on file in this office.


City Clerk, Clerk of the Council

**ALISA FUENTES
ACTING CITY CLERK**



U.S. Citizenship
and Immigration
Services

June 11, 2018

The Honorable Melissa Mark-Viverito
Speaker of the New York City Council
250 Broadway, Room 1856
New York, New York 10007

Dear Ms. Mark-Viverito:

Thank you for your November 15, 2017 letter to the Department of Homeland Security (DHS). Secretary Nielsen asked that I respond on her behalf.

The Secretary of Homeland Security's authority to designate a country for Temporary Protected Status (TPS) and to extend or terminate a country's existing designation is based upon specific statutory criteria. *See* Immigration and Nationality Act (INA) § 244(b). U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program.

Prior to the current expiration date for an existing TPS designation, the Secretary of Homeland Security reviews conditions in the foreign country and, after consultation with other appropriate federal agencies, determines whether the statutory conditions for TPS continue to be met. Under the INA, if the Secretary determines that the conditions for designation continue to be met with respect to a given country, the Secretary extends the designation. But if the Secretary determines that the conditions are no longer met with respect to that country, she is required to terminate the designation. Additional information regarding TPS designations is available in the *Federal Register* and on the USCIS website. Recent TPS decisions are the subject of ongoing litigation; therefore, we are unable to comment further.

Thank you for your letter and interest in this important issue. Should you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "L. Francis Cissna".

L. Francis Cissna
Director