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September 26, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington D.C 20528

Dear Secretary Nielsen:

I write to request that you reverse the Department of Homeland Security's terminations of Temporary Protected Status (TPS) for El Salvador, Honduras, Nicaragua, Haiti, Sudan, and Nepal. Information supporting extension, rather than termination, existed at the time those determinations were made and I believe the recommendation was based upon an erroneous interpretation of the facts. Conditions in these countries were then and are now such that I believe TPS should be extended for all these countries. In addition, suddenly ending TPS for those presently in the U.S. raises serious humanitarian concerns for the U.S. citizen children of these TPS holders. Potentially, these TPS authorized parents and guardians will have to decide whether to bring their U.S. citizen children to a country they have never been to and have no attachment to, or leave them in the U.S.

DHS has also announced differing termination dates based upon the country of origin for those who currently qualify for TPS. In total, these termination orders are expected to affect the lives of over 500,000 individuals who have legally resided in the U.S. many for decades.

For example, in the 6th Congressional District of Colorado, which I have the honor of representing in the House of Representatives, we presently have a substantial population of TPS authorized residents from El Salvador. Many of these individuals now own homes here, are owners of small businesses here, and have become part of the community. Most of these individuals received TPS shortly after El Salvador was struck by a catastrophic 7.6 magnitude earthquake on January 13, 2001. For the past 17 years, the U.S. government has routinely extended TPS for these refugees because their native land has remained unstable and unsafe. In its Extension of the Designation of El Salvador for Temporary Protected Status, 81 Fed. Reg. 44645 (July 8, 2016) in fact, the U.S. government cited the dire conditions brought about by numerous subsequent natural disasters, including hurricanes, tropical storms, flooding, volcanic seismic activity, prolonged drought that caused widespread food and water insecurity, the spread of mosquito-borne illnesses, lack of housing and electricity and gang-related insecurity as reasons to extend TPS. None of these facts have changed materially since the granting of the extension.

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The State Department provided a letter to you (dated October 31, 2017¹) stating that conditions in El Salvador, Haiti, Honduras, and Nicaragua no longer support TPS designation, in spite of the facts similar to those that I have noted above in the case of El Salvador. In each of these countries, the condition reports prepared by the State Department highlight serious problems that continue to bedevil them. These include repeated natural disasters that have prevented countries from making improvements or repairs; the inability of the governments to handle the economic pressures of the returning former TPS beneficiaries; increased crime and gang activity; and the likelihood of increased illegal immigration.

Rather than simply accepting and concurring with the letter you have received from the State Department, I urge you to review the much more comprehensive country condition reports appended to the letter that very clearly support the opposite conclusion. I request that after you do so, you fully consider reversing your decision to end TPS for El Salvador, Haiti, Honduras, and Nicaragua. Additionally, given the material discrepancies between the State Department's letter and the condition reports for El Salvador, Honduras, Nicaragua, and Haiti, I request that you also reconsider the decision to terminate TPS for Nepal and Sudan.

Clearly, discussion and focused reform of the TPS program is warranted. After decades of renewals for many beneficiaries, the program can hardly be considered temporary. At the same time, a sudden termination of TPS means beneficiaries are faced with the prospect of abandoning homes, businesses, and families they have established in the U.S. – or remaining in the U.S. illegally.

TPS holders are productive members of their communities; they pay taxes, contribute positively to the growing U.S. economy, and have been thoroughly and repeatedly vetted through criminal background checks.

Finally, I note that the widely differing termination dates for various TPS countries creates confusion among advocates and lawmakers, and impedes needed discussion of reforms. To that end, and to the extent possible, I ask that you extend TPS for all affected countries to the same date. I suggest September 15, 2021. Doing so will give Congress, as well as the administration, time to work on permanent solutions for this issue.

I also respectfully request a meeting with you at your earliest convenience to discuss this important issue. My point of contact to schedule this meeting is Michelle Patrick at 720-748-7514 or michelle.patrick@mail.house.gov. I look forward to sitting down with you soon.

Sincerely,



Mike Coffman

U.S. Representative
6th Congressional District of Colorado

¹ Letter with enclosures from Secretary of State Rex Tillerson to Acting Secretary of Homeland Security Elaine Duke, October 31, 2017, <https://www.foreign.senate.gov/imo/media/doc/Discretionary%20Release%20TPS%20.pdf>



U.S. Citizenship
and Immigration
Services

November 5, 2018

The Honorable Mike Coffman
U.S. House of Representatives
Washington, DC 20515

Dear Representative Coffman:

Thank you for your September 26, 2018, letter to the Department of Homeland Security. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designations for El Salvador, Honduras, Nicaragua, Haiti, Sudan, and Nepal. The Secretary's authority to designate a country for TPS and to extend or terminate a country's existing designation is based upon specific statutory criteria set by Congress. *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.

The Secretary takes TPS decisions very seriously and she makes every decision in full compliance with the law. 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 for designation are no longer met with respect to that country, she is required by statute to terminate the designation.

TPS was designed by Congress to be temporary in nature. In your letter, you raise a concern with the differing termination dates for the TPS designations for El Salvador, Honduras, Nicaragua, Haiti, Sudan, and Nepal. DHS publicly announces every TPS decision in a *Federal Register* notice, as well as on the USCIS website.

Additional information regarding TPS designations is available in the *Federal Register* and on the USCIS website. The TPS determinations for El Salvador, Honduras, Nicaragua, Haiti, and Sudan are the subject of ongoing litigation; therefore, we are unable to comment further.

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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 Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Francis Cissna". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

L. Francis Cissna
Director