

Congress of the United States

Washington, DC 20515

April 17, 2018

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

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BY EXEC SEC
2018 APR 18 AM 8:26

Dear Secretary Nielsen:

As Members of Congress, we write to express our concern regarding the most recent DHS decisions on Temporary Protected Status (TPS). Over the course of the past few months, DHS has announced decisions to terminate TPS for Sudan, Nicaragua, Haiti, and El Salvador. TPS has long been viewed as a practical and effective tool for American foreign policy and key to providing a stability framework for individual countries. Given the long-standing policy of prior administrations—both Republican and Democratic—on the continued provision of such status, the reversal undertaken by the administration, and the termination of protected status for individuals with long histories in the United States is shocking and counterproductive to regional and international stability interests.

As you know, section 244 of the Immigration and Nationality Act (INA) prescribes that a foreign state may be designated under TPS if there is: (1) an armed ongoing conflict within the state that poses a serious threat to the personal safety of returning nationals;¹ (2) a natural disaster resulting in a substantial disruption of living conditions in the foreign state;² or (3) “extraordinary and temporary conditions” that prevent those who are nationals of that state from safely returning, **unless** the government finds that permitting them to remain in the United States is contrary to the “national interest.”³ TPS was designed by Congress to protect people from being returned to harmful conditions, and offer safe haven for persons who do not meet the legal definition of a “refugee” under existing law.^{4, 5}

Given the unexpected decisions by your agency, we are requesting information from you to ensure that the statute governing TPS is interpreted as intended by Congress when this form of safe haven was formally codified into law. We send this request with the intent of understanding, based on the most previous TPS designations, your agency’s conclusions, and the appropriate qualitative and quantitative metrics that are being used to justify your and your predecessor’s decisions.

¹ 8 U.S.C. § 1254a(b)(1)(A)

² 8 U.S.C. § 1254a(b)(1)(B)

³ 8 U.S.C. § 1254a(b)(1)(C)

⁴ 8 U.S.C. § 1101 (a)(42)(A)

⁵ Temporary Safe Haven Act of 1987. Hearing before the Subcommittee of Immigration, Refugees, and International Law of the Committee on the Judiciary. House of Representatives. One Hundredth Congress. First Session. October 28, 1987. Serial No. 33.

The most recent Federal Register records providing extension of status for these countries note that the countries whose designations have recently been terminated continued to meet the criteria for TPS designation under INA section 244(b). **Yet, press releases issued by your agency, along with the most recent publications in the Federal Register, raise concern. While the notices generally note that conditions have “improved” from the time of TPS designation, some of the metrics provided as evidence are unclear, confusing, and at times irrelevant. The assessments are limited in their breadth and depth since they lack appropriate quantitative data and provide little qualitative substance.**

Once decisions have been made, the delay between TPS decision announcements—which have mostly been channeled through DHS press releases—and the publication of Federal Register Notices (FRN) has been unprecedented under this administration. The statute requires that the administration “shall provide on a timely basis for the publication of notice of each such decision...in the Federal Register.”⁶ In practice, previous administrations have released FRNs within days. Yet, there are troubling trends with current practices on the timely publication of such notices:

- The notice regarding Sudan was delayed by over 3 weeks;
- The notices regarding Nicaragua and Honduras were delayed over 5 and a half weeks;
- The notice regarding Haiti was delayed by over 8 weeks; and
- The notice regarding El Salvador was delayed by a week and a half.

Arguably, the numbers above reflect an inconsistent application of your agency’s responsibilities. It is not only cruel and inhumane to force current TPS holder populations to live in a state of fear and limbo while the administration prepares the FRNs, but also opens the door for malicious actors to take advantage of immigrant communities because of information gaps on publicly accessible information.

In summary, it is our intent to understand how the countries have been able to overcome limitations and aggravating conditions that were highlighted in previous extension notices. Therefore, we would like your response to the following questions and request any relevant documentation from agencies that were consulted in each of the following decisions.⁷

In the case of Sudan:

1. Termination of status was issued on October 11, 2017. The Federal Register notes that: “the ongoing armed conflict no longer prevents the return of nationals of Sudan to all regions of Sudan without posing a serious threat to their personal safety.”⁸

⁶ See 8 U.S.C. §1254a(b)(3)(A)

⁷ 8 U.S.C. §1254a(b)(1)

⁸ Termination of the Designation of Sudan for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. October 11, 2017. 82 FR 47228. Pages 47228-47234. <https://www.federalregister.gov/documents/2017/10/11/2017-22074/termination-of-the-designation-of-sudan-for-temporary-protected-status>

The published notice indicated that: “further, extraordinary and temporary conditions within Sudan no longer prevent nationals from returning in safety to all regions of Sudan.”⁹ The notice later specifies that the “conflict in Sudan is limited to Darfur and the Two Areas (South Kordofan and Blue Nile states)” and notes that there is a series of time-limited unilateral “cessation” of hostilities.¹⁰

- a. If a ceasefire is time-limited, does that not, therefore, imply that hostile actions, including further armed conflict, is possible at any time?
- b. If TPS recipients were to live or have family ties to these affected regions—and with nowhere else to go—what confidence does your agency have in the Sudanese government being able to provide for the security and wellbeing of such individuals?
- c. Your agency took **23 days** to publish its decision in the Federal Register. **This is an extremely long time for a decision to be published and is, arguably, contrary to the spirit of the law’s requirement of “timely basis” in the Register.** What caused this delay?
- d. Would you reconsider the previous termination if your review, prompted by this letter, or further congressional inquiries, determine that the conditions existing in Sudan warrant continued designation under Temporary Protected Status?

In the case of Nicaragua:

2. Please describe in detail, with a list of applicable regions/departments, the status of these areas and how exactly they have been able to improve in the past 18 months? The notice provided in the Federal Register on December 15, 2017 notes that “many reconstruction projects have now been completed” and that “hundreds of homes destroyed by the storm have been rebuilt.”¹¹ Such assessment is vague and provides little substance. Please provide a list of Nicaraguan state-sponsored, public-private investments, non-profit activities or international development finance programs that justify that these issues, along with the items addressed on the aforementioned notice have, in fact, been resolved.
 - a. The register notice on May 15, 2016 reported that Nicaragua was unable to handle the return an influx of its nationals because of volcanic eruptions and heavy rains.¹² In 2017, it was widely reported that Tropical Storm Nate caused havoc in Central America with flooding, landslides and infrastructure damage.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Termination of the Designation of Nicaragua for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. December 15, 2017. 82 FR 59636. Pages 59636-59642. <https://www.federalregister.gov/documents/2017/12/15/2017-27141/termination-of-the-designation-of-nicaragua-for-temporary-protected-status>

¹² Extension of the Designation of Nicaragua for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. May 16, 2016. 81 FR 30325. Pages 30325-30331. <https://www.federalregister.gov/documents/2016/05/16/2016-11305/extension-of-the-designation-of-nicaragua-for-temporary-protected-status>

According to reports from *La Prensa*, the country had a total of 13 deaths, 14,262 persons affected and 3,759 damaged homes in 14 departments.¹³ These numbers are significant, especially given that this was only a tropical storm. Please describe, in detail, how Nicaragua is intended to cope with disaster rehabilitation and construction projects alongside an influx of nationals in 2019 and how the storm's impact was, in any way or form, factored into the number homes that may have been lost due to the storm from the "hundreds of homes" figure provided by your agency in its most recent notice.

- b. As part of your answer to the above question, please provide an estimate of the country's financial ability to repatriate its citizens with current safety net programs or protocol.
- c. Your agency took **39 days** to publish its decision in the Federal Register. **This is an extremely long time for a decision to be published and is, arguably, contrary to the spirit of the law's requirement of "timely basis" in the Register.** What caused this delay?
- d. Would you reconsider the previous termination if your review, prompted by this letter, or further congressional inquiries, determine that the conditions existing in Nicaragua warrant continued designation under Temporary Protected Status?

In the case of Honduras:

3. Your agency was unable to arrive at a conclusion for TPS.¹⁴ As a result, TPS was automatically extended for an additional period of 6 months as provided in statute. In the 2016 notice on TPS extension, it was noted that Honduras was having difficulty responding to mosquito-borne illnesses because of heavy rainfall, and that such conditions were exacerbating "persisting disruptions" caused by Hurricane Mitch. In the upcoming months, your agency will determine whether current conditions require an extension of status. Please provide an explanation of how Honduras' public health system, along with other infrastructure, have improved sufficiently to address current needs and a sudden influx of TPS nationals.
 - a. As part of your answer to the above question, please provide an estimate of the country's financial ability to repatriate its citizens with current safety net programs or protocol.
 - b. On November 9, 2017 it was reported that your predecessor, Acting Secretary Elaine Duke, was pressured by the White House Chief of Staff John Kelly to end TPS designation for Honduran nationals.¹⁵

¹³ La Prensa. Nacionales. 13 muertos y más de 14 mil personas afectadas tras el paso de la tormenta Nate en Nicaragua. Digital Edition. <https://www.laprensa.com.ni/2017/10/06/nacionales/2309258-en-vivo-estragos-en-nicaragua-tormenta-nate>

¹⁴ Extension of the Designation of Honduras for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. December 15, 2017. 82 FR 59630. Pages 59630-59636. <https://www.federalregister.gov/documents/2017/12/15/2017-27140/extension-of-the-designation-of-honduras-for-temporary-protected-status>

¹⁵ Miroff, N. White House Chief of Staff Tried to Pressure Acting DHS Secretary to Expel Thousands of Hondurans, Officials Say. November 9, 2017. The Washington Post. <https://www.washingtonpost.com/world/national-security/white-house-chief-of-staff-tried-to-pressure->

Ms. Duke later denied such pressure from the President's Chief of Staff.¹⁶ Regardless of such denial, the idea of the White House encroaching on an agency's legislative responsibilities raises concern, particularly if the Department of Homeland Security is able to fully execute its independent decision-making authority on nationals in receipt of TPS. Can you assure Members of Congress that you are able to exercise such statutory authority consistent with the spirit of the Immigration and Nationality Act and free from improper influence?

- c. Given widespread violence and persecution, including forcible gang recruitment, police corruption, lack of a child protection system, and sexual assault and rape, what do you think is the best approach to ensuring Hondurans are not forcibly returned to life-threatening, unsafe conditions?
- d. Your agency took **39 days** to publish its decision in the Federal Register. **This is an extremely long time for a decision to be published and is, arguably, contrary to the spirit of the law's requirement of "timely basis" in the Register.** What caused this delay?
- e. Would you reconsider re-extending TPS if your review, prompted by this letter, or further congressional inquiries, determine that the conditions existing in Honduras warrant continued designation under Temporary Protected Status?

In the case of El Salvador:

4. The Federal Register published on January 18, 2018 notes that "many reconstruction projects have now been completed. Damaged schools and hospitals have been reconstructed and repaired, homes have been rebuilt, and money has been provided for water and sanitation and to repair damaged roads and other infrastructure."¹⁷ This seems to contradict the 2016 extension notice, which indicated that 340,000 homes destroyed by the 2001 earthquakes remained unbuilt.¹⁸
 - a. Please describe, in detail, the state of reconstruction and repair of infrastructure and how such projects have been able to have been completed since the date of the 2016 extension notice.
 - b. As part of your answer to this question, please provide raw numbers, percentages and overall percentage change, from 2016 to 2018.

[acting-dhs-secretary-to-expel-thousands-of-hondurans-officials-say/2017/11/09/914d3700-c54a-11e7-a441-3a768c8586f1_story.html?utm_term=.8395688e7d7a](https://www.dhs.gov/acting-dhs-secretary-to-expel-thousands-of-hondurans-officials-say/2017/11/09/914d3700-c54a-11e7-a441-3a768c8586f1_story.html?utm_term=.8395688e7d7a)

¹⁶ Acting DHS Chief Denies White House Pressured Her Over Immigration Program. Reuters. November 10, 2017. <https://www.reuters.com/article/us-usa-immigration-dhs/acting-dhs-chief-denies-white-house-pressured-her-over-immigration-program-idUSKBN1DB02W>

¹⁷ Termination of the Designation of El Salvador for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. January 18, 2018. 83 FR 2654. Pages 2654-2660. <https://www.federalregister.gov/documents/2018/01/18/2018-00885/termination-of-the-designation-of-el-salvador-for-temporary-protected-status>

¹⁸ Extension of the Designation of El Salvador for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. July 8, 2016. 81 FR 44645. Pages 44645-44651. <https://www.federalregister.gov/documents/2016/07/08/2016-15802/extension-of-the-designation-of-el-salvador-for-temporary-protected-status>

- c. Your agency took **9 days** to publish its decision in the Federal Register. **This is a stark contrast to the Administration’s approach to previous “timely basis” observations, inconsistent with previous practices executed under the current Administration and contrary to the spirit of the law’s requirement of “timely basis” for publication in the Register.** What caused this delay?
- d. Would you reconsider the previous termination if your review, prompted by this letter, or further congressional inquiries, determine that the conditions existing in El Salvador warrant continued designation under Temporary Protected Status?

In the case of Haiti:

- 5. As you know, TPS was first granted to eligible Haitians in the U.S. in 2010, following a 7.0 magnitude earthquake, affecting 3 million people (one-third of Haiti's population), displacing 1.5 million people, and causing catastrophic damage to the country’s infrastructure. Haiti was left without infrastructure for electricity, telephone services and fuel, while basic needs such as food and water were (and remain) scarce. On May 24, 2017, your agency noted that Haiti had “over 55,000 Haitians who lost their homes in the earthquake [were] still living in 31 camps for internally displaced persons without viable options to leave.”¹⁹ The notice also indicated that basic public health services were largely inaccessible to Haitians before and after the earthquake, and that the number of displaced persons decreased to 38,000. **Yet the January 18, 2018 notice omits the public health issue, despite the Administration’s expectation of Haiti being able to successfully handle an additional 46,000 of its nationals.**²⁰
 - a. Please describe how the country will be able to handle an influx of immigrants “in safety” with access to basic public health services stagnant at 40%.
 - b. Your agency took **59 days** to publish its decision in the Federal Register. **This is the longest your agency took to publish a decision. The 8-week delay is unequivocally contrary to the spirit of the law’s requirement of “timely basis” in the Register.** What caused this delay?
 - c. Would you reconsider the previous termination if your review, prompted by this letter, or further congressional inquiries, determine that the conditions existing in Haiti warrant continued designation under Temporary Protected Status?

In the case of Syria:

- 6. Syria was first designated for TPS in 2012, as the civil war plaguing the nation made country conditions unlivable and unsafe.

¹⁹ Extension of the Designation of Haiti for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. May 24, 2017. 82 FR 23830. Pages 23830-23837. <https://www.federalregister.gov/documents/2017/05/24/2017-10749/extension-of-the-designation-of-haiti-for-temporary-protected-status>

²⁰ Termination of the Designation of Haiti for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. January 18, 2018. 83 FR 2648. Pages 2648-2654. <https://www.federalregister.gov/documents/2018/01/18/2018-00886/termination-of-the-designation-of-haiti-for-temporary-protected-status>

A violent government repression of what began as peaceful demonstrations by the public in 2011 has become one of the most destructive and fatal conflicts in recent history. Over 5.4 million people have fled Syria since the conflict began, and the United Nations estimates that more than 400,000 people have been killed.²¹ Reports have surfaced documenting the use of chemical weapons against civilians as recently as April, 2017.²² In addition to government-sponsored humanitarian and human rights violations, the Syrian people have also been subjected to violence at the hands of terrorist groups, primarily ISIL. The impact of the war on civilians is exacerbated by the inhumane tactics used by many of the warring parties, such as siege warfare, and deliberate deprivation of food, medicine and water. There have been deliberate attacks on areas predominantly populated by civilians such as hospitals and schools, violating international humanitarian law and leaving no safe places for Syrians.

- a. What factors ultimately led to Syria's TPS 18-month extension? What factors ultimately led to deciding to limit registration to current holders?²³ What criteria did you use to make that determination?
- b. As part of your answer to the above question, please describe, in detail, your decision to limit registration to current recipients, **considering that your agency has noted that conditions warranting the initial designation continue to exist.**²⁴

Based on current statutory requirements and the precedence of previous extensions of temporary protected status for the aforementioned countries, it can be argued that the circumstances in each country fall under the definition of "extraordinary and temporary conditions" under the INA's section 244(b)(1)(C). A foreign national returning to any of these conditions may be subject to precarious conditions, therefore compromising their ability to return to their state in safety. Such conditions may arise or worsen because of governance issues, particularly if a foreign state is unable to adequately repatriate its nationals.

It is important to note that the statute does not prevent re-designation of a TPS country under a new subparagraph, so long as the designation is consistent with the program's purpose.²⁵ As such, we request answers to the following questions:

²¹ Syria Envoy Claims 400,000 Have Died in Syria Conflict. Syria Envoy Claims 400,000 Have Died in Syria Conflict | United Nations Radio, April 26, 2016. www.unmultimedia.org/radio/english/2016/04/syria-envoy-claims-400000-have-died-in-syria-conflict/#.V87iafkrldV

²² Syria Chemical 'Attack': What We Know BBC. April 26, 2017. <http://www.bbc.com/news/world-middle-east-39500947>

²³ Extension of the Designation of Syria for Temporary Protected Status. Federal Register. United States Citizenship and Immigration Services. March 5, 2018. 83 FR 9329. Pages 9329-9336. <https://www.federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protected-status>

²⁴ Secretary of Homeland Security Kirstjen M. Nielsen Announcement On Temporary Protected Status For Syria. Department of Homeland Security. January 31, 2018. <https://www.dhs.gov/news/2018/01/31/secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected>

²⁵ See 8 U.S.C. §1254a(b)

7. Can you describe, in detail, how all the countries specified in this letter have managed to resolve their respective aforementioned circumstances, including issues that have been cited previously in earlier versions of the Federal Register, from the date of the most recent extension of status of countries under TPS.
- a. In the case that a country (or countries) has/have not been able to do so, please elaborate why these circumstances were not taken into account for designation under 244(b)(1)(C).
 - b. Congress has not specified the definition of an immigrant's ability under TPS to "return to their state in safety."²⁶ Please provide the Administration's interpretation of such terminology, and include a comparative analysis of how this definition differs from previous interpretations from other Administrations.
 - c. If an immigrant under TPS is unable to be fully repatriated because of circumstances/limitations that were previously indicated in prior Federal Register notices, does this not jeopardize the Administration's current interpretation of TPS statute and an immigrant's ability to be "return[ed] to their state in safety?"
 - i. If a condition listed on previous register notices is based on new developments not immediately related to the original designation, but strain an individual country's ability to respond to issues stemming from/related to the original designation, would this not be considered a "temporary or extraordinary" condition given previous designations? If so, please indicate why your agency's discretion was unused in providing safe haven protections. If not, please provide a detailed explanation, including the appropriate metrics and methodologies, that are employed to determine whether a condition mentioned in a previous FRN is "temporary or extraordinary."
 - ii. Is it your view, or the Administration's view, that the presence of TPS holders in our country is counter to our national interests? If not, please specify, in detail, why the discretionary power provided under 244(b)(1)(C) was unused. If it is the Administration's view that their presence in the United States is counter to U.S. interest, please specify the reasons that determine this assessment.

We also ask that you provide a copy of all non-sensitive interagency documents relevant to the consultation requirements under statute describing the TPS decisions for all the countries listed in this letter.²⁷

Given the inconsistencies and unclear methodologies employed by your agency regarding these terminations, extensions and delay on timely publication in the Federal Register, we request a response to these questions no later than **60 calendar days** from the date of this letter. Your agency's response will facilitate Congress' assessment of the metrics and methodologies used to evaluate termination or extension of temporary protected status for all TPS holders.

²⁶ See 8 U.S.C. §1254a(b)(1)(C)

²⁷ See 8 U.S.C. § 1254a(b)(3)(A)

Answers to these questions will also subject agencies responsible for the execution and interpretation of the “timely basis” requirement required for periodic review publication under statute.²⁷

Your timely response and collaboration will provide Congress with the adequate tools to provide further legislative remedies on an as-needed basis. Should Congress determine that your agency failed to execute the statute appropriately or as intended, additional questions and remedies will follow.

Sincerely,


Nydia M. Velázquez
Member of Congress

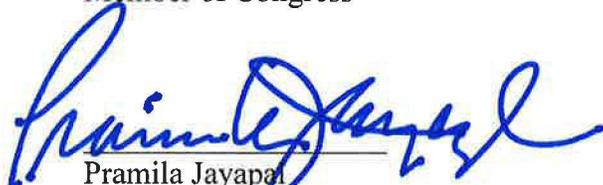

Kirsten Gillibrand
U.S. Senator


Ted W. Lieu
Member of Congress

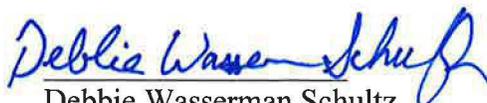

Charles E. Schumer
U.S. Senator


Elijah E. Cummings
Member of Congress


Edward J. Markey
U.S. Senator


Pramila Jayapal
Member of Congress


Patty Murray
U.S. Senator

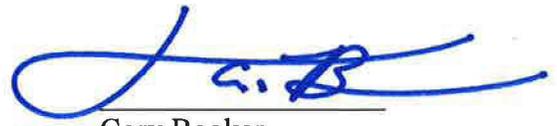

Debbie Wasserman Schultz
Member of Congress


Chris Van Hollen
U.S. Senator

²⁷ See 8 U.S.C. §1254a(b)(3)(A)



Andre Carson
Member of Congress



Cory Booker
U.S. Senator



Luis V. Gutierrez
Member of Congress



Bernard Sanders
U.S. Senator



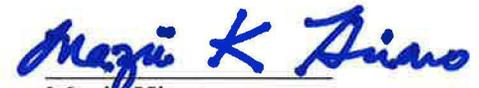
Brenda Lawrence
Member of Congress



Tammy Duckworth
U.S. Senator



James P. McGovern
Member of Congress



Mazie Hirono
U.S. Senator



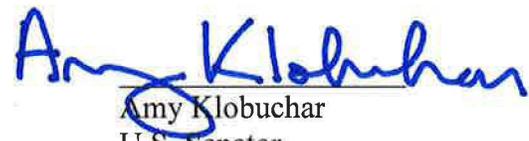
Zoe Lofgren
Member of Congress



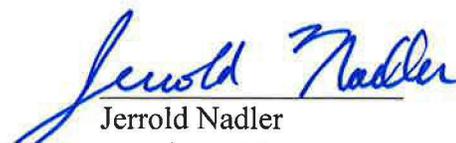
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U.S. Senator



David N. Cicilline
Member of Congress



Amy Klobuchar
U.S. Senator



Jerrold Nadler
Member of Congress



Dianne Feinstein
U.S. Senator



Dina Titus
Member of Congress



Ben Cardin
U.S. Senator



Yvette D. Clarke
Member of Congress



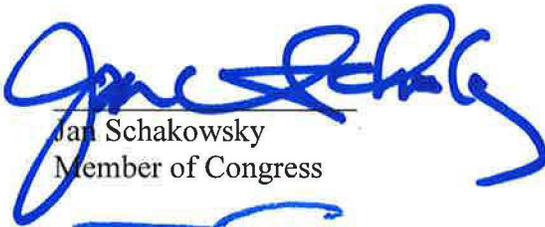
Tina Smith
U.S. Senator



Gwen Moore
Member of Congress



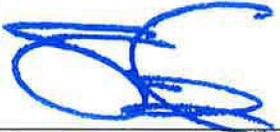
Christopher A. Coons
U.S. Senator



Jan Schakowsky
Member of Congress



Elizabeth Warren
U.S. Senator



Sean Patrick Maloney
Member of Congress



Bill Nelson
U.S. Senator



Hakeem Jeffries
Member of Congress



Adriano Espaillat
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Karen Bass
Member of Congress



Eleanor Holmes Norton
Member of Congress

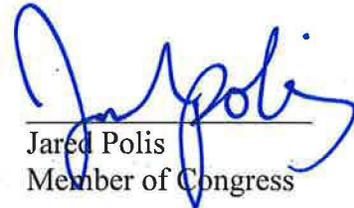


Danny K. Davis
Member of Congress


Raúl Grijalva
Member of Congress


Juan Vargas
Member of Congress

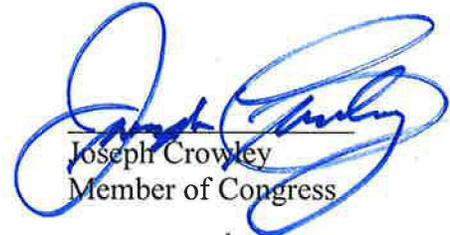

Donald S. Beyer
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Alma S. Adams

Alma S. Adams, Ph.D.
Member of Congress

Eddie Bernice Johnson

Eddie Bernice Johnson
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Frank Pallone, Jr.

Frank Pallone, Jr.
Member of Congress

Darren Soto

Darren Soto
Member of Congress

Grace F. Napolitano

Grace F. Napolitano
Member of Congress

Sheila Jackson Lee

Sheila Jackson Lee
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Mark Pocan
Member of Congress

Jimmy Gómez

Jimmy Gómez
Member of Congress

Terri Sewell

Terri Sewell
Member of Congress

Carolyn B. Maloney

Carolyn B. Maloney
Member of Congress

Katherine M. Clark

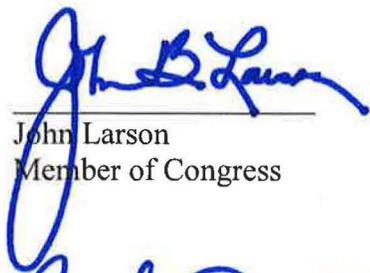
Katherine Clark
Member of Congress

Earl Blumenauer

Earl Blumenauer
Member of Congress

Thomas R. Suozzi

Thomas R. Suozzi
Member of Congress



John Larson
Member of Congress



Ted Deutch
Member of Congress



Eliot Engel
Member of Congress



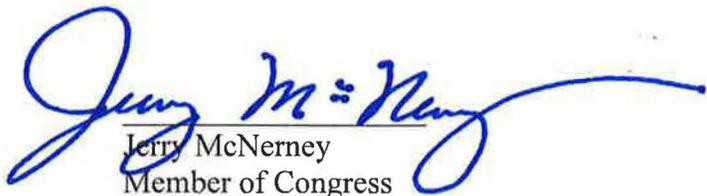
Barbara Lee
Member of Congress



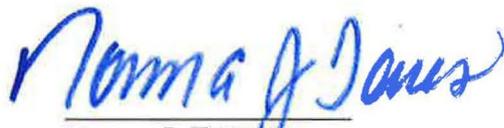
A. Donald McEachin
Member of Congress



Ro Khanna
Member of Congress



Jerry McNerney
Member of Congress



Norma J. Torres
Member of Congress



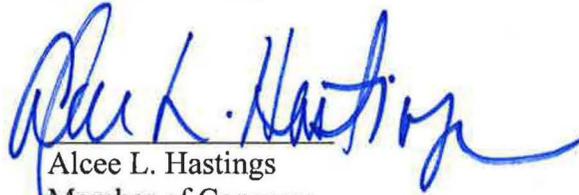
Anthony G. Brown
Member of Congress



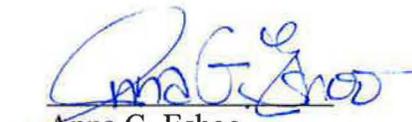
Diana DeGette
Member of Congress



Dwight Evans
Member of Congress



Alcee L. Hastings
Member of Congress



Anna G. Eshoo
Member of Congress



Rosa DeLauro
Member of Congress

Robert C. "Bobby" Scott
Member of Congress

David Scott
Member of Congress

Michael Capuano
Member of Congress

Rick Larsen
Member of Congress

Adam Smith
Member of Congress

Mike Quigley
Member of Congress

Frederica S. Wilson
Member of Congress

Keith Ellison
Member of Congress

Colleen Hanabusa
Member of Congress

Tony Cárdenas
Member of Congress

Gregory W. Meeks
Member of Congress

Joseph P. Kennedy, III
Member of Congress

Mark DeSaulnier
Member of Congress

cc: John F. Kelly, Chief of Staff, White House
John J. Sullivan, Acting Secretary of State, Department of State
Neomi Rao, Administrator, Office of Information and Regulatory Affairs



U.S. Citizenship
and Immigration
Services

June 8, 2018

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

Dear Representative Velázquez:

Thank you for your April 17, 2018 letter. 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 again for your letter and for your interest in this important matter. The co-signers of your letter will receive separate, identical responses. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in blue ink, appearing to read "LFC", written over a light blue circular stamp.

L. Francis Cissna
Director