

March 13, 2019

The Honorable Kirstjen Nielsen  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
Nebraska Avenue Complex  
3801 Nebraska Ave. NW  
Washington, D.C. 20016

The Honorable Michael Pompeo  
Secretary of State  
U.S. Department of State  
2201 C St., NW  
Washington, D.C. 20520

SCANNED/RECEIVED  
BY EXEC SEC  
2019 MAR 13 PM 12:30

**RE: REQUEST TO DESIGNATE VENEZUELA FOR TEMPORARY PROTECTED STATUS**

Dear Secretaries Nielsen and Pompeo:

The 219 undersigned national, state, and local organizations in the areas of immigration, civil rights, human rights, labor, faith, and education respectfully request that you designate Venezuela for Temporary Protected Status (TPS) under INA § 244. The extraordinary and temporary conditions in Venezuela, including ongoing civil unrest and devastating humanitarian crisis, prevent the safe return of Venezuelan nationals and satisfy the statutory criteria for TPS designation. Designating Venezuela for TPS would potentially safeguard the lives of 72,000 Venezuelan nationals and their families.<sup>1</sup> This request mirrors recently introduced, bipartisan, bicameral legislation that would direct Department of Homeland Security to issue a grant of TPS to Venezuela.<sup>2</sup>

Congress established TPS to provide the Executive Branch the authority to provide an abeyance from deportation for nationals who cannot be safely returned to their countries.<sup>3</sup> Specifically, under INA § 244, the Secretary may designate a country for TPS if she “finds that there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state . . . would pose a serious threat to their personal safety;” or “there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety.”<sup>4</sup>

Venezuela satisfies all these criteria as, beginning in April of 2017, Venezuela has faced unprecedented civil crisis, leading to an exodus of refugees; government-sanctioned

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<sup>1</sup> The 72,000 estimate is likely conservative, but a best estimate. Arguably, the number of folks who would be eligible is larger because there would be a portion or percentage of Venezuelans who have already entered the United States on non-immigrant visas who would transition to TPS, if designated. The U.S. Department of State reports the number of visa entrants for each year, per country, and State's projections would likely be helpful in future efforts to better define this population.

<sup>2</sup> Venezuela TPS Act of 2019, H.R. 549, 116th Cong. (2019); Venezuela TPS Act of 2018, S. 3759, 115th Cong. (2018).

<sup>3</sup> INA § 244, 8 U.S.C. § 1254a (West 2019).

<sup>4</sup> *Id.* at (b).

persecution and killings;<sup>5</sup> pervasive crime; and medicine and food shortages.<sup>6</sup> Violent protests and demonstrations continue to this day and are coupled with an erosion in civil and human rights; press repression; use of arbitrary arrests and detention; and spontaneous riots.<sup>7</sup> As of 2017, Venezuela’s homicide rate was 89 per 100,000 people, dramatically higher than our country’s rate of 5.3 per 100,000 people; and second only to El Salvador.<sup>8</sup> The State Department currently has a travel advisory, warning U.S. citizens from visiting the country as a result of a “social unrest, violent crime, and pervasive food and medicine shortages;” and stating that “[i]ndiscriminate violent crime is endemic throughout the country and can occur anywhere at any time.”<sup>9</sup> Four of the top ten most dangerous cities in the world are in Venezuela.<sup>10</sup>

TPS has strict criminal background criteria, disqualifying applicants based on felony and misdemeanor convictions.<sup>11</sup> Moreover, under TPS, applicants must register with the government, provide their biometric information and submit themselves to a criminal background and national security check. TPS for Venezuela would not only be an appropriate use of the authority granted by Congress, but a critical tool to meet the goals of your administration to enhance our nation’s security and safety. Finally, designating TPS for Venezuela satisfies our country’s deeply held moral values that underlie the law itself: we do not turn our backs on those in need and we do not return people to countries where their lives or freedom would be at risk.

Thank you for your consideration of this request. If you have any questions, please contact Jill Marie Bussey, CLINIC’s Director of Advocacy, at (301) 565-4844 or at [jbussey@cliniclegal.org](mailto:jbussey@cliniclegal.org).

Sincerely,

## **National Organizations**

ABISA

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<sup>5</sup> Anthony Faiola, *Two dead after Venezuelan soldiers open fire on opposition supporters*, THE WASHINGTON POST, Feb. 22, 2019, [https://www.washingtonpost.com/world/the\\_americas/one-dead-multiple-injured-after-venezuelan-national-guard-opens-fire-on-opposition-supporters/2019/02/22/09d60f1a-3518-11e9-8375-e3dcf6b68558\\_story.html](https://www.washingtonpost.com/world/the_americas/one-dead-multiple-injured-after-venezuelan-national-guard-opens-fire-on-opposition-supporters/2019/02/22/09d60f1a-3518-11e9-8375-e3dcf6b68558_story.html).

<sup>6</sup> Zuzana Cepla, *Bill Summary: Venezuela TPS Act*, National Immigration Forum, Feb. 12, 2019, <https://immigrationforum.org/article/bill-summary-venezuela-tps-act/>; THE OVERSEAS SECURITY ADVISORY COUNCIL, U.S. DEPARTMENT OF STATE, *Venezuela 2018 Crime & Safety Report* (April 2, 2018), <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=23791>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> U.S. EMBASSY IN VENEZUELA, U.S. DEPARTMENT OF STATE, *Venezuelan Travel Advisory* (July 27, 2017), <https://ve.usembassy.gov/venezuelan-travel-warning/>.

<sup>10</sup> THE OVERSEAS SECURITY ADVISORY COUNCIL, U.S. DEPARTMENT OF STATE, *Venezuela 2018 Crime & Safety Report* (April 2, 2018), <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=23791>.

<sup>11</sup> INA § 244(c)(2)(B), 8 U.S.C. § 1254a(c)(2)(B) (West 2019).

Alianza Americas  
America's Voice  
American Immigration Lawyers Association  
Americans for Immigrant Justice  
Anti-Defamation League  
Asian Americans Advancing Justice (AAAJ)  
AsylumConnect  
Catholic Legal Immigration Network, Inc.  
Center for Victims of Torture  
Church World Service  
Congregation of Our Lady of the Good Shepherd, US Provinces  
Congregation of Sisters of St. Agnes  
Congregation of St. Joseph  
Daughters of Charity  
Disciples Refugee and Immigration Ministries  
Dominican Sisters of Adrian  
Dominican Sisters of Sparkill  
ELCA  
Grey Nuns of the Sacred Heart  
Hispanic Federation  
Hope Border Institute/Instituto Fronterizo Esperanza  
Human Rights First  
IHM Sisters  
IIBA  
Interfaith Center on Corporate Responsibility  
Interfaith Worker Justice  
International Rescue Committee (IRC)  
Justice, Peace and Reconciliation Commission, Priests of the Sacred Heart, US Province  
Latino Pastoral Action Center  
Leadership Conference of Women Religious  
Leadership Team of the Felician Sisters of North America  
Lutheran Immigration and Refugee Service  
Missionary Servants of the Most Holy Trinity  
National Advocacy Center of the Sisters of the Good Shepherd  
National Council of Jewish Women  
National Immigrant Justice Center  
National Immigration Forum  
National Network for Immigrant and Refugee Rights  
NETWORK Lobby for Catholic Social Justice  
Office of Social Justice, Christian Reformed Church in North America  
Province of St. Joseph of the Capuchin Order

Provincial Council Clerics of St. Viator  
RAICES  
Refugees International  
School Sisters of Notre Dame - Central Pacific Province  
Service Employees International Union (SEIU)  
Sisters of Charity of Nazareth Congregational Leadership  
Sisters of Charity of Nazareth Western Province Leadership  
Sisters of Charity, BVM  
Sisters of St. Francis of the Neumann Communities  
Sisters of St. Joseph, TOSF  
Sisters of the Presentation of the Blessed Virgin Mary, New Windsor, NY  
Srs. of St. Joseph of Carondelet  
SSND  
The America Team for Displaced Eritreans  
The Episcopal Church  
Tikkun/Network of Spiritual Progressives  
U.S. Committee for Refugees and Immigrants  
UM Church and Society  
UnidosUS  
Union for Reform Judaism  
Unitarian Universalist Service Committee  
US Catholic Sisters Against Human Trafficking  
Veterans for American Ideals  
Washington Office on Latin America (WOLA)  
Win Without War  
World Relief  
Wyoming Coalition Against Domestic Violence and Sexual Assault

### **State and Local Organizations**

#### **Arkansas:**

Arkansas United  
Catholic Immigration Service- Little Rock

#### **Arizona:**

Episcopal Church of St. Matthew

#### **California:**

AB 540 Ally Training Project  
Alianza  
Beacon Presbyterian Fellowship

Canal Alliance  
Catholic Charities of Orange County, Inc.  
Clergy & Laity United for Economic Justice  
Franciscans for Justice  
Haitian Bridge Alliance  
HUG "For The Making Of New Americans"  
IILA  
International Institute of the Bay Area  
Lutheran Church of Our Redeemer  
Pilipino Workers Center  
Retired-Diocese of Oakland  
Sacramento Food Bank & Family Services, an affiliate of Catholic Charities of Sacramento, Inc.  
Services, Immigrant Rights & Education Network (SIREN)  
Sisters of St. Francis, St. Francis province  
St. John's Presbyterian Church in Berk  
Coalition for Humane Immigrant Rights (CHIRLA)

**Colorado:**

AFSC Colorado

**Connecticut:**

Catholic Charities of Fairfield County  
Connecticut Institute for Refugees and Immigrants

**Florida:**

Catholic Charities DOV Inc.  
Catholic Legal Services, Archdiocese of Miami  
Friends of Broward Detainees  
Immigration & Legalization Center

**Georgia:**

Asian Americans Advancing Justice- Atlanta  
Be One Together  
Episcopal Diocese of Atlanta

**Iowa:**

Crossing Borders- Dubuque  
Franciscan Peace Center  
Sisters of St. Francis Charitable Trust, Dubuque

**Idaho:**

Centro de Comunidad y Justicia

**Illinois:**

Centro Romero  
Champaign-Urbana Immigration Forum  
Erie Neighborhood House  
Frida Kahlo Community Organization  
Illinois Coalition for Immigrant and Refugee Rights  
MCS Mission Interpreters  
University YMCA New American Welcome Center  
West Suburban Faith-Based Peace Coalition

**Kansas:**

Advocates for Immigrant Rights and Reconciliation  
Catholic Agency  
Immigrant Family Support Network  
Office of Justice, Peace, and Integrity of Creation, Sisters of Charity of Leavenworth  
Sisters of St. Joseph of Concordia, Kansas

**Kentucky:**

Kentucky Coalition for Immigrant and Refugee Rights  
Kentucky Equal Justice Center  
Western Kentucky Refugee Mutual Assistance Society Inc.

**Louisiana:**

Catholic Diocese of Lafayette  
Jesuit Social Research Institute/Loyola University New Orleans

**Massachusetts:**

Berkshire Immigrant Center  
Catholic Charities Archdiocese of Boston  
Catholic Charities Boston Refugee and Immigration Services  
Crawford Memorial U.M.C.  
International Institute of New England  
La Comunidad, Inc.  
Sisters of St. Joseph of Boston

**Maryland:**

Asylee Women Enterprise  
DC-MD Justice for Our Neighbors

**Michigan:**

Dominican Sisters - Grand Rapids  
International Institute of Detroit, Inc.  
International Institute of Metropolitan Detroit  
Justice for Our Neighbors-Michigan  
Michigan Immigrant Rights Center  
Michigan United  
Voces

**Missouri:**

Catholic Charities of Central and Northern Missouri  
Community Legal Access  
Holy Spirit Adoration Sisters  
International Institute of St. Louis  
JVS (Jewish Vocational Services)  
Migrant and Immigrant Community Action Project  
Refugee and Immigration Services, Catholic Charities of Central and Northern Missouri  
Sisters Of the Most Precious Blood of O'Fallon, MO  
St. Francis Community Services

**Mississippi:**

Mississippi Center for Justice  
Mississippi Immigrants Rights Alliance

**North Carolina:**

Comunidad Colectiva  
Latin American Coalition  
Western NC Sanctuary Movement

**New England:**

Sisters of Mercy West Midwest Community

**New Jersey:**

Lutheran Episcopal Advocacy Ministry NJ

**New Mexico:**

Advocate Visitors with Immigrants in Detention in the Chihuahuan Desert  
AVID CD  
CASA REINA  
New Mexico Immigrant Law Center  
Sisters of Our Lady of Guadalupe and St. Joseph

**Nevada:**

Progressive Leadership Alliance of Nevada

**New York:**

Adhikaar

Cabrini Immigrant Services of NYC, Inc.

Catholic Charities Tompkins Tioga

Catholic Migration Services

CDWBA Legal Project, Inc.

Church Women United in New York State

Community Legal Advocates of New York

Greater New York Labor Religion Coalition

Jacob A. Riis Neighborhood Settlement

Kids for College

New Hope Free Methodist Church

New York Immigration Coalition

NYS Interfaith Network for Immigration Reform

Sisters of St Joseph

Sisters of St. Dominic of Blauvelt, New York

Wayne Action for Racial Equality

**Ohio:**

Cleveland Jobs with Justice

Franciscan Sisters of the Poor, US Area

Intercommunity Justice and Peace Center

Ohio Immigrant Alliance

Region VI Coalition for Responsible Investment

**Pennsylvania:**

HIAS Pennsylvania

Nationalities Service Center

Pennsylvania Council of Churches

Pittsburgh LCLAA

Sisters of St. Francis of Philadelphia

Sisters of the Humility of Mary

St. Andrew Lutheran Church

St. Paul's United Church of Christ, Mechanicsburg

Thrive International Programs, Inc.



**South Carolina:**

Carolina Immigrant Alliance  
Diocese of Charleston

**South Dakota:**

Caminando Juntos  
Pax Christi Southeastern South Dakota  
Sisters of the Presentation of the BVM

**Tennessee:**

Advocates for Immigrant Rights  
Catholic Charities of West TN  
Tennessee Justice for Our Neighbors

**Texas:**

Catholic Charities of Central Texas  
Convencion Bautista Hispana de Texas  
Iglesia Bautista Victoria en Cristo  
La Union del Pueblo Entero  
Opening Doors International Services, Inc  
ProBAR  
Rays of Freedom Non Profit Organization  
Refugee Support Network  
Ruth Project: Immigrant Services  
Spiritual Guidance Ministry

**Virginia:**

LUCHA Ministries, Inc.

**Washington:**

Immigrant and Refugee Covenant Group  
Kitsap Immigrant Assistance Center  
OneAmerica  
Wallingford Indivisible

**Wisconsin:**

Catholic Multicultural Center  
End Domestic Abuse WI

**Washington, D.C.:**

APALRC

Catholic Charities of the Archdiocese of Washington  
Central American Resource Center



U.S. Citizenship  
and Immigration  
Services

April 15, 2019

Ms. Jill Marie Bussey  
Director of Advocacy  
Catholic Legal Immigration Network  
8757 Georgia Avenue, Suite 850  
Silver Spring, Maryland 20910

Dear Ms. Bussey:

Thank you for your March 13, 2019 letter to the Department of Homeland Security.

I appreciate your concern for the situation in Venezuela and your interest in its designation for Temporary Protected Status (TPS). The Department of Homeland Security Secretary's authority to designate a country for TPS and to extend or terminate a country's existing TPS 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.

The decision to make an initial TPS designation is purely discretionary. To designate a foreign country for TPS, the Secretary must find, after consultation with appropriate Government agencies, 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 exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States. *See* INA § 244(b)(1).

USCIS understands your concern for the situation in Venezuela, and is continuing to monitor conditions in the country. USCIS has other humanitarian programs and relief measures that may also be available to eligible Venezuelans outside of any consideration for designation of TPS. Other immigration relief measures that may be of assistance to Venezuelan nationals affected by the current conditions in Venezuela can be found at: [www.uscis.gov/humanitarian/special-situations](http://www.uscis.gov/humanitarian/special-situations).

Ms. Jill Marie Bussey

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Thank you again for your letter. Please feel free to share this information with the co-signers of your letter. I look forward to my participation in the CLINIC Convening in May.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna". The signature is stylized and written in a cursive-like font.

L. Francis Cissna  
Director