

United States Senate

WASHINGTON, DC 20510

July 18, 2017

The Honorable Rex Tillerson
U.S. Secretary of State
U.S. Department of State
2201 C St NW
Washington, DC 20520

The Honorable John F. Kelly
U.S. Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20530

Dear Secretaries Tillerson and Kelly:

In the coming months, you will together be responsible for deciding whether to extend Temporary Protected Status (TPS) designations that permit approximately 320,000 TPS recipients from ten countries to temporarily live and work lawfully in the United States.¹ We urge you to review each of the designations closely, taking into consideration conditions on the ground and remaining mindful of the possibility that ending TPS and ordering the return of recipients could undermine fragile recovery efforts or put individuals in harm's way.

Since its creation in the Immigration Act of 1990 nearly thirty years ago,² TPS has served the humanitarian purpose that Congress intended, offering protection and shelter to foreign nationals unable to safely return to their home countries due to natural disaster, armed conflict, or other extraordinary conditions. TPS also has helped to facilitate recovery and stabilization efforts, as countries can focus on rebuilding—often with the support of critically-needed remittances—without having to deal with the strain of reintegrating large numbers of returning nationals.

In recent weeks, much has been said about the need to focus on the “temporary” nature of the TPS designation. It is true that although some TPS designations have been terminated in the past, other designations have lasted for a number of years. However, TPS has been granted sparingly over the past three decades and only in situations in which countries have been truly devastated by a natural disaster or are experiencing widespread armed conflict that poses a grave danger to the public. As a result, although the statute requires that the conditions justifying a grant of TPS be temporary, it nowhere presumes that the conditions will be short-lived and experience shows that it may take years for a country to get back on its feet—particularly when recovery efforts are hampered by subsequent calamities. Indeed, “temporary” in the context of

¹ Argueta, Carla N. 2017. “Temporary Protected Status: Current Immigration Policy and Issues.” Congressional Research Service Reports & Analysis. Washington, DC: Library of Congress. (<http://www.crs.gov/Reports/RS20844?source=search&guid=4bdd1a9c07f2428da30d137dc9895e66&index=0>).

² Immigration Act of 1990, Pub. L. 101-649, 104 Stat. 4978.

natural disasters or armed conflict in countries with limited infrastructure and resources could reasonably mean many years.

For countries such as El Salvador, Haiti, Honduras, and Nepal, consecutive natural disasters, including deadly earthquakes and hurricanes, as well as outbreaks of infectious diseases, have hindered these countries' efforts to adequately improve their infrastructure and rebuild their national economies. High levels of violence and citizen insecurity often compound and frustrate rebuilding efforts. While these countries have shown signs of recovery, tens or hundreds of thousands of returnees would overburden their food, housing, healthcare, and social service systems, potentially setting back the fragile progress they have made and triggering deleterious consequences for the entire region. For countries such as Somalia, Sudan, South Sudan, Syria, and Yemen, sustained armed conflict has contributed to global human displacement reaching levels greater than after World War II. Attempting to return individuals to these war zones will inevitably cause great harm or even death.

As you know, while TPS holders can obtain employment authorization, the status does not confer the right to permanent residency or citizenship. It is also important to remember that all TPS recipients are fully vetted and are required to undergo a host of biometrics checks to ensure that they are not risks to public safety or national security. Anyone with a serious criminal record or who is found to be a national security threat is ineligible for TPS.

While they are in the United States, TPS holders regularly make a positive impact on our country's economy. Each year TPS holders contribute hundreds of millions of dollars in federal tax revenue.³ For example, TPS recipients from El Salvador, Honduras, and Nicaragua report high levels of labor force participation, with 94% of men and 82% of women working.⁴ Likewise, Haitians with TPS employed in nursing homes and as home health aides are filling a critical gap in chronically understaffed healthcare fields.⁵

The financial and social contributions by TPS holders are notable. Earnings generated by TPS recipients in the United States not only contribute to local, state, and national economies, but they also provide a lifeline to families and communities struggling to rebuild in the countries of origin. In 2015, El Salvador received over \$3.98 billion in remittances from the United States, Honduras over \$3.25 billion, and Haiti nearly \$1.35 billion.⁶ Over three-quarters of TPS holders send remittances to their home countries.⁷ Such financial contributions play a critical role in bolstering those national economies' recovery efforts, and underscore TPS holders' continued

³ Baran, Amanda, Jose Magaña-Salgado, and Tom K. Wong. 2017. *Economic Contributions by Salvadoran, Honduran, and Haitian TPS Holders*. Washington, DC: Immigrant Legal Resource Center. (https://www.ilrc.org/sites/default/files/resources/2017-04-18_economic_contributions_by_salvadoran_honduran_and_haitian_tps_holders.pdf)

⁴ Menjivar, Cecilia. 2017. *Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants*. Lawrence, KS: Center for Migration Research, University of Kansas. (http://ipsr.ku.edu/migration/pdf/TPS_Report.pdf).

⁵ McCabe, Kristen. 2012. "Foreign-Born Health Care Workers in the United States." Washington, DC: Migration Policy Institute. (<http://www.migrationpolicy.org/article/foreign-born-health-care-workers-united-states#5>)

⁶ Pew Research Center Global Attitudes & Trends. 2016. "Remittance Flows Worldwide in 2015." Washington, DC: Pew Research Center. (<http://www.pewglobal.org/interactives/remittance-map/>).

⁷ Menjivar, op. cit.

attachment to their origin countries. Ending TPS and driving beneficiaries out of the workforce or off-the-books would reduce these contributions, drying up critically-needed private dollars to support recovery work at precisely the time when the United States is reducing its commitment to provide foreign financial assistance to many of these countries.


Continuing to extend TPS for the 10 currently designated countries serves our national security interests and demonstrates to our allies abroad that the United States is a leader in humanitarian efforts. Deporting TPS holders back to their home countries would cost billions in taxpayer dollars and would result in several billions in lost tax revenue and economic growth over the next decade.⁸

We hope that you will consider all of these facts as you move forward in evaluating the extension of these countries' TPS expiration dates, and we look forward to your response.

Sincerely,



Kirsten Gillibrand
United States Senator



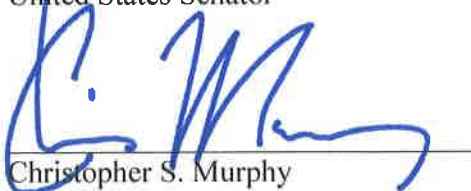
Robert Menendez
United States Senator



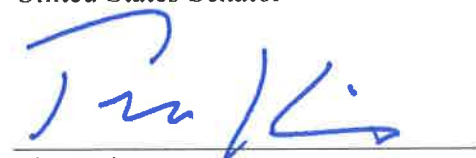
Edward J. Markey
United States Senator



Chris Van Hollen
United States Senator



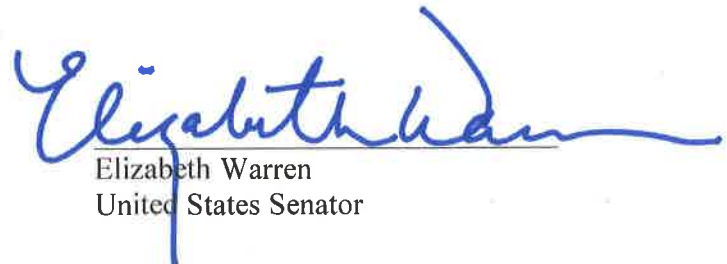
Christopher S. Murphy
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Tim Kaine
United States Senator



Cory A. Booker
United States Senator



Elizabeth Warren
United States Senator

⁸ Baran et al., op. cit.



Sherrod Brown
United States Senator



Catherine Cortez Masto
United States Senator



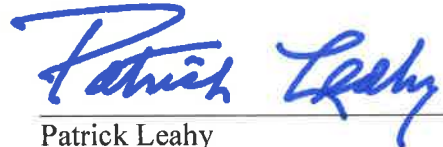
Al Franken
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Mark R. Warner
United States Senator



Jeffrey A. Merkley
United States Senator



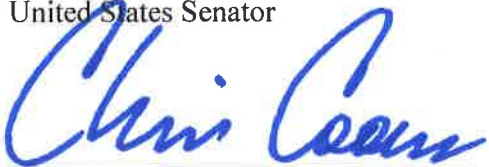
Patrick Leahy
United States Senator



Richard Blumenthal
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Richard J. Durbin
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Christopher A. Coons
United States Senator



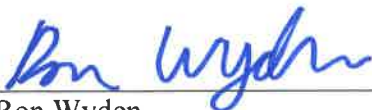
Tammy Duckworth
United States Senator



Mazie Hirono
United States Senator



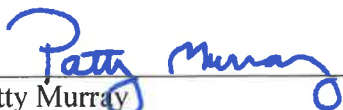
Michael F. Bennet
United States Senator



Ron Wyden
United States Senator



Kamala D. Harris
United States Senator



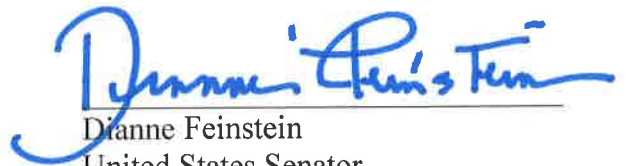
Patty Murray
United States Senator



Bernard Sanders
United States Senator



Charles E. Schumer
United States Senator



Dianne Feinstein
United States Senator