



Background Brief **April 2018**

Temporary Protected Status

Background

Temporary Protected Status (TPS) is a form of relief from deportation for non-citizens who cannot safely return to their countries of origin. Grounded in the international legal principle of *non-refoulement*,¹ TPS is one tool the U.S. government can use to honor its moral and humanitarian obligation to provide safe haven to people who may be in danger. As of October 2017, 437,000 people had TPS in the United States from 10 countries—El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen.²

President Trump has significantly scaled back the use of TPS, in marked contrast to the approach of prior administrations.³ Since August 2017, the Department of Homeland Security (DHS) has cancelled TPS for nationals of Sudan, Nicaragua, Haiti, and El Salvador. These decisions affected nearly 260,000 TPS holders from the last two countries alone.⁴ Nearly 60,000 more Honduran nationals await a final decision next month.⁵ As TPS designations are terminated, individuals – some of whom have lived in the United States for decades – become vulnerable to arrest and removal.

Available evidence raises concerns that the administration's TPS decisions are not grounded in a fair assessment of country conditions, as required by statute.⁶ Academic experts have extensively documented the ways in which conditions in El Salvador and Honduras would warrant a TPS designation based on criteria previously used by the U.S. government. These conditions include the ongoing impacts of multiple natural disasters, severe economic disruptions, poor and unstable governance, and a pervasive crisis of public insecurity that has generated some of the highest homicide rates in the world.⁷

Further, the vulgar and derogatory remarks the President reportedly made about TPS-designated countries in January suggest that the decision to suspend certain TPS programs has little to do with safety.⁸

The consequences of TPS cancellation are grave and will affect both designated countries and the United States. A recent Center for Migration Research study of TPS holders from Honduras, Nicaragua, and El Salvador found that vast majority pay income taxes.⁹ An estimated 273,000 U.S.-citizen children have at least one parent who is a TPS holder.¹⁰ The remittances that TPS beneficiaries send home are often critical to sustaining the economies of their home countries. In El Salvador, remittances account for more than 17% of national GDP,¹¹ with the vast majority coming from relatives in the United States. In Honduras, they account for 18% of GDP.¹² Cutting off this economic lifeline would be devastating for these countries, and ultimately for the security and prosperity of our shared region.

Unitarian Universalist Service Committee Recommendation

Congress has a crucial role in ensuring that the integrity of TPS is upheld and that hundreds of thousands of U.S. residents are not deported to dangerous conditions. This includes enacting legislation that provides a pathway to permanent resident status for long-term TPS holders before more are left vulnerable.

Additional Resources

- Wilson, Jill H. *Temporary Protected Status: Overview and Current Issues* (Washington, D.C.: Congressional Research Service, 2018. Accessed March 30, 2018, <https://fas.org/sgp/crs/homesecc/RS20844.pdf>).
- Rathod, Jayesh et al. *Extending Temporary Protected Status for Honduras: Country Conditions and U.S. Legal Requirements*. Center for Latin American & Latino Studies (CLALS) Working Paper Series, No. 16, 2017-18. Accessed March 30, 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3065774##.
- Rathod, Jayesh et al. *Extending Temporary Protected Status for El Salvador: Country Conditions and U.S. Legal Requirements*. Center for Latin American & Latino Studies (CLALS) Working Paper Series, No. 17, 2017-18. Accessed March 30, 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3091249.

- Warren, Robert and Donald Kerwin. "A Statistical and Demographic Profile of TPS Populations," *Journal on Migration and Human Security*, Volume 5 Number 3 (2017): 577-592. <http://jmhs.cmsny.org/index.php/jmhs/article/view/99>.

¹ Jill H. Wilson, *Temporary Protected Status: Overview and Current Issues* (Washington, D.C.: Congressional Research Service), 2018, accessed March 30, 2018, <https://fas.org/sgp/crs/homesecc/RS20844.pdf>.

² *Ibid.*

³ See Jayesh Rathod et al., *Extending Temporary Protected Status for Honduras: Country Conditions and U.S. Legal Requirements*, Center for Latin American & Latino Studies (CLALS) Working Paper Series, No. 16, 2017-18, accessed March 30, 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3065774## and Jayesh Rashod et al. *Extending Temporary Protected Status for El Salvador: Country Conditions and U.S. Legal Requirements*, Center for Latin American & Latino Studies (CLALS) Working Paper Series, No. 17, 2017-18, accessed March 30, 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3091249 for in-depth analysis of prior TPS decisions related to both countries under the Bush and Obama administrations.

⁴ This includes nearly 60,000 from Haiti and nearly 200,000 from El Salvador. See Karen DeYoung and Nick Miroff, "Trump administration to end provisional residency protection for 60,000 Haitians," *Washington Post*, November 21, 2017, https://www.washingtonpost.com/world/national-security/trump-administration-to-end-provisional-residency-protection-for-50000-haitians/2017/11/20/fa3fdd86-ce4a-11e7-9d3a-bcbe2af58c3a_story.html?utm_term=.15e2ae043119 and Miriam Jordan, "Trump Administration Says That Nearly 200,000 Salvadorans Must Leave," *New York Times*, January 8, 2018, <https://www.nytimes.com/2018/01/08/us/salvadorans-tps-end.html>.

⁵ See Catholic Legal Immigration Network, Inc. "Temporary Protected Status for Honduras," Accessed March 30, 2018, <https://cliniclegal.org/resources/temporary-protected-status-honduras>.

⁶ See 8 U.S. Code 1254a.

⁷ See Jayesh Rathod et al., "Honduras" and "El Salvador," *op. cit.*

⁸ Josh Dawsey, "Trump derides protections for immigrants from 'shithole' countries," *Washington Post*, January 11, 2018, https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94_story.html?utm_term=.6d60fb15f85a.

⁹ Cecilia Mejivar, *Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants* (Lawrence, KS: Center for Migration Research, The University of Kansas, 2017), accessed March 30, 2018, https://www.wola.org/wp-content/uploads/2017/06/TPS_REPORT_FINAL.pdf.

¹⁰ Robert Warren and Donald Kerwin, "A Statistical and Demographic Profile of TPS Populations," *Journal on Migration and Human Security*, Volume 5 Number 3 (2017): 577-592, <http://jmhs.cmsny.org/index.php/jmhs/article/view/99>.

¹¹ Jayesh Rathod et al., "El Salvador," *op. cit.*

¹² Jayesh Rathod et al., "Honduras," *op. cit.*