WITS-DHS HQ

Moderator: Cora Mandy
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6:34 pm CT

Coordinator: Good evening and thank you all for standing by. I'd like to inform all participants that your lines have been placed on the listen-only mode until the question-and-answer session of today's call. Today's call is also being recorded. If anyone has any objections, you may disconnect at this time. And I would now like to turn the call over to Assistant Secretary, Jonathan Hoffman. Thank you. You may begin.

Jonathan Hoffman: Good evening, everyone. Thank you for joining this call a little bit later in the evening. We will try to make this quick. So, I know many of you have deadlines and stories to write and so, we will get you the information as quickly as possible.

I am the Assistant Secretary of Public Affairs at DHS. Ground rules for the call is that information presented on the call will be on background. You can attribute the information to senior administration officials. We ask that all information be embargoed until the call ends.

I'm going to deliver initial remarks and then we have an (extra) from USCIS who is the Don Neufeld, the Associate Director of Service Center Operations
at USCIS and he and I will take some of your questions. And at the conclusion of the call we will be issuing a press release and additional documentation on the issue we're going to discuss tonight.

So, today Acting Secretary of Homeland Security, Elaine Duke, has announced her decision to terminate the Temporary Protected Status designation for Nicaragua with a delayed effective date 12 months from the current January 5, 2018 (expiration). The TPS designation for Nicaragua will terminate on January 5, 2019.

The 12-month delayed effective date will allow for an orderly transition and provide time for TPS beneficiaries to seek an alternative lawful immigration status in the United States if eligible or if necessarily arrange for their departure. It will also provide time for Nicaragua to prepare for the return and re-integration of its citizens.

The decision to terminate TPS for Nicaragua was made after an interagency review process that considered in-country conditions, the ability of the country to receive returning citizens and the lack of a request by the Government of Nicaragua to extend the current TPS designation. Based on all available information, the Acting Secretary determined that the country conditions in Nicaragua now exceed those prior to Hurricane Mitch and thus pursuant to statute, the current TPS designation should not be extended.

The Department will seek cooperation from Nicaragua to support the reintegration of their nationals upon termination of their designation and will encourage TPS beneficiaries to prepare for their return and request appropriate travel documents.
Additionally, Acting Secretary of Homeland Security, Elaine Duke, announced today that she has not made a determination with regard to the country conditions in Honduras and the Acting Secretary requires additional information to determine whether or not the country conditions in Honduras warrant termination, extension or designation in a manner consistent with the Statute.

Pursuant to the Immigration Nationality Act, Section 243B3C, where the Secretary does not make a decision that a foreign state no longer meets the conditions for designation for TPS, the period of designation of the foreign state is automatically extended for an additional period of six months.

Based on the lack of a determination, Honduras's current TPS designation will be automatically extended for an additional six months from the current January 5, 2018 date of expiration. The current TPS designation for Honduras will now expire on July 5, 2018.

The Acting Secretary received information and advice regarding Honduras's country conditions from the Department of State as required in Statute, DHS components and other intelligence entities and staff consulted with a wide variety of external entities as well. The Government of Honduras formally requested an extension of Honduras's TPS designation and provided information on progress and remaining challenges in addressing country conditions.

Despite receiving input from a broad spectrum of sources, the Acting Secretary concluded that additional time is necessary to obtain and assess supplemental information pertaining to country conditions in Honduras in order to make an appropriately deliberative TPS designation determination.
However, given the information currently available to the Acting Secretary, which she continues to review, it is possible that the TPS designation for Honduras may be terminated with an appropriate delay at the end of the automatic six-month extension with an appropriate delay. That decision will be taken at a later date.

Before I turn it over to questions, just one last thing to add on this. The Acting Secretary and the Administration are committed to working with Congress to address the impact of Nicaragua’s TPS termination. Only Congress can legislate a permanent solution and provide those in otherwise perpetually temporary status with a certain future. Operator, I will now open it up to questions.

Coordinator: Thank you. At this time, if anyone would like to ask a question, please press star followed by one on your telephone. You will be prompted to record your name. Please ensure your phone is unmuted and please record your first and last name so I may introduce you for your question. Again, that is star followed by one to ask a question. One moment please. Our first question comes from (Jacqueline Charles). You may go ahead.

(Jacqueline Charles): Yes, has there been any decision in terms of Haiti or El Salvador?

Jonathan Hoffman: Hey, (Jackie). Thank you for joining us. The Secretary has decided that she will be examining each of the countries in turn on a country-by-country basis. TPS Haiti -- the decision with respect to the status of Haiti is not due for a review until later this month and she will make a determination at that time. She has made no such determination now. Similarly, she has made no such determination with respect to TPS El Salvador.

(Jacqueline Charles): Okay, thank you.
Coordinator: Thank you. The next question comes from (Maria Penell). You may go ahead.

(Maria Penell): Yes, it's (Maria Penell) with (LaOpinion). Thank you. Can you give us a rundown or updated statistics or numbers for each of the countries affected by this decision? I've seen different numbers. The El Salvadoran Government, for instance, says that there are about 190,000 Salvadorans, but your numbers are different. So, give us a rundown of the most updated information in terms of TPS holders? Thank you.

Jonathan Hoffman: Don, can you take that for Honduras and Nicaragua?

Donald Neufeld: Yes, sorry. Hi, I can provide - if you can give me a second here, I can provide the numbers for Nicaragua. It was 5,000 - hold on. Five thousand three hundred persons are beneficiaries under TPS Nicaragua and then for Honduras I have those numbers -- that is approximately 86,000 persons for TPS Honduras. I don't have the numbers for the others.

(Maria Penell): Okay.

Jonathan Hoffman: We can work to get you those (sic) information. If you just email the meeting inquiry email address, we'll get you those numbers.

(Maria Penell): Okay, thank you.

Jonathan Hoffman: All right, next question.

Coordinator: Thank you. The next question is from Dean DeChiaro. You may go ahead.

Dean DeChiaro: Hi. Thanks for doing the call. I'm just - if I can get some clarification on whether the information on each TPS holder will be available to ICE at any
point during this process or if that information becomes available on the date of the expiration and if there will be any enforcement strategy specifically targeting former TPS holder following the expiration date.

Jonathan Hoffman: So, to the priorities, the DHS enforcement priorities still remain in place. We prioritize criminal aliens and those who have a final order of removal. Your typical TPS recipient will not fall into those priorities. However, we stand by our position that all persons who are here illegally are eligible for removal, but they will not be targeted for removal. Don, do you want to take the last second one or do you want me to - the second part or do you have that?

Donald Neufeld: What was the second part?

Jonathan Hoffman: The sharing of information.

Donald Neufeld: I'd rather you...

Jonathan Hoffman: Okay.

Donald Neufeld: Well, what I can say is the USCIS doesn't proactively share information with ICE regarding just the expiration of TPS status.

Jonathan Hoffman: Okay.

Dean DeChiaro: So, to the larger question, so no information we proactively share for the purpose of immigration enforcement.

Jonathan Hoffman: Okay.
Man 1: Could I just ask very quickly, is there any - the dates on the work authorizations, are they going to be consistent with the dates of the expirations? I know sometimes in the past the dates have been not totally lined up. Is there going to be any change in the work authorizations or will they go according to the expiration date?

Jonathan Hoffman: Don, can you take that?

Donald Neufeld: Yes, I can take that. So, yes, the folks will have to re-register. They'll have a 60-day period to re-register and file their applications with us and then when we process their EADs -- their Employment Authorization Documents -- they will bear an expiration date that would be timed with the TPS designation.

Man 1: Okay, thank you.

Jonathan Hoffman: Next question.

Coordinator: Thank you. The next question is from Victor Ramos. You may go ahead.

Victor Ramos: Hi. Yes, I'm wondering what is the critical piece of information or additional information that the Secretary will be looking for in the case of Honduras to determine whether they qualify to continue receiving TPS?

Jonathan Hoffman: The focus of her review is going to be examining the conditions on the ground and working with the State Department, the Government of Honduras and other entities to obtain additional information so that she can make a fully deliberative decision.

I do not believe that there is a single piece of information that she is seeking, but she is looking for time and an opportunity to examine the information she
received, seek out additional information, deconflict those sources and make an appropriately thoughtful and fair decision.

Victor Ramos: Can I ask a follow-up?

Jonathan Hoffman: Sure.

Victor Ramos: If you talk to immigrant advocates in the Central American community, they'll raise the issue of increasing violence in Central America in the northern triangle and while that was not the cause for the initial TPS, they say that that warrants continuing the program. Is that a factor that you are considering?

Jonathan Hoffman: So, under the Statute, the INA restricts considerations for continuing designation of TPS to the conditions on the ground as impacted by the initial event, whether it's a civil war or a natural disaster. So, the conditions on the ground and how they were impacted by that event is what we have to consider under the Statute. I will say that if individuals believe that there are other reasons that they cannot return, there are other avenues available and they can apply for other immigration benefits outside of TPS.

Victor Ramos: Thank you.

Coordinator: Thank you. The next question is from Alicia Caldwell. You may go ahead.

Alicia Caldwell: Hey, thanks for the call, guys. I think my question actually just got answered, but I appreciate it.

Jonathan Hoffman: Okay, thanks Alicia.

Coordinator: Thank you. The next question is from (Paul Copen). You may go ahead.
Woman 1: (Unintelligible).

Jonathan Hoffman: All right, well you're breaking up pretty bad there. We can't hear you.

Woman 1: Is this better?

Jonathan Hoffman: Yes.

Woman 1: I know you talked about country-by-country decisions and the upcoming deadlines, but we now have the termination of Sudan, the termination of Nicaragua and the indication that Haitians should get their affairs in order. Is there a message from this Administration that they are looking to wind down TPS at large?

Jonathan Hoffman: The only indication you should receive is that the Administration is examining earnestly and thoughtfully the conditions on the ground as they exist at the time of a determination for an extension and making an assessment of whether those conditions meet the statutorial requirements. That is the message that the Administration is sending.

Woman 1: Thank you.

Coordinator: Thank you. The next question is from Alex Pfeiffer. You may go ahead.

Alex Pfeiffer: Hi. Did the White House have any say in this decision?

Jonathan Hoffman: This was a decision that was made by the Acting Secretary of Homeland Security based on her assessment and review of the conditions on the ground.

((Crosstalk))
Jonathan Hoffman: I won't get into pre-deliberative conversations or matters other than that.

Alex Pfeiffer: Okay, thank you.

Coordinator: Thank you. The next question is from Juan Carlos Lopez. You may go ahead.

Juan Carlos Lopez: Yes, hi. Good evening. Question first -- Nicaraguans. With this year they get, do they have to re-apply? Do they have to submit paperwork? How does it work? And does it mean that after that year is over they must have left the country or that they have until that date to leave?

Jonathan Hoffman: Don, if you can take that?

Donald Neufeld: Yes, so the process is that they will have 60 days to submit a -- what's known as -- a re-registration package, which is the same package that they have been submitting for other re-registration periods. Nothing's changed. They have 60 days to do that and then we will process. They will also get an automation extension of their EAD upon the filing of their re-registration.

So, the Employment Authorization Document that they have -- even though it says on the face of it that it's expired -- they'll get an automatic extension of that to cover the time period that it takes for us to adjudicate the cases.

Juan Carlos Lopez: Okay, so that means...

Donald Neufeld: And there was a second part I didn't...

Juan Carlos Lopez: Yes, the second part was that date -- that 2019 date -- what does that mean, that they must have left the country by that date or they have starting on that day they have to leave?
Donald Neufeld: Well, that would be the termination of their Temporary Protected Status. After that, they would revert back to whatever status they had prior to the approval of Temporary Protected Status with the provision that that status wouldn't have subsequently or in the interim expired. So, for the most part, the practical application is that that's the date by which these folks would need to leave or in the interim between now and then come up with another means to, you know, regularize their status.

Juan Carlos Lopez: And do Hondurans have to do anything on the six-month extension or is it automatically extended and then they have to re-apply?

Donald Neufeld: They'll need to re-register as well. It's in the same pattern as they've been accustomed to, it's just that the period that they'll be authorized is six months not a year or 18 months.

Juan Carlos Lopez: And pay all the fees, both Nicaraguans and Hondurans?

Donald Neufeld: Yes.

Juan Carlos Lopez: Okay, thank you.

Coordinator: The next question comes from (Amy Ortiz). You may go ahead.

(Amy Ortiz): Actually, my question was just answered. Thank you. Sorry about that.

Coordinator: Thank you and...

Jonathan Hoffman: All right, we'll do one more question.

Coordinator: Okay. The next question is from Neil Munro. You may go ahead.
Neil Munro: Yes, hi. I've got two questions here. First of all, what percentage of these TPS beneficiaries were in the country as illegal immigrants when the old process started. And secondly, is this process designed to give the President any leverage in continuing negotiations about DACA, Dreamers and the border wall and chain migration.

Donald Neufeld: To the first one, I don't believe we have that information. It was definitely not something that was examined in this process. To the second question, I will say that the Administration's intention with this was to look at what the Statute required under the law given the timing of the decision and making appropriate decision under the statute.

That being said, the Administration understands that there are a number of individuals who have been in a TPS status for, in the case of Nicaragua will have been here potentially for 20 years at the time that that status terminates. And given that the lengthy period of their presence here that Congressmen wish to find a solution that allows them a more permanent status versus this 18-month to 18-month temporary fix that has been going on for two decades.

That is up to Congress, but the Administration would support Congress's efforts to find such a solution.

Neil Munro: What would Congress have to do to win the Administration's approval for that solution?

Donald Neufeld: I don't believe we have any - we're not going to lay out any negotiating positions on this call tonight. But, we do hope that and we encourage Congress to look at this and find a solution.
Jonathan Hoffman: All right, everybody. Operator, I think that's going to be the last call. Everyone, you should be receiving the press release momentarily, which will have a little bit additional information, but I just want to remind you that this call is on background, and Senior Administration officials, thank you for joining us.

Coordinator: Thank you. That concludes today's conference. All participants may disconnect.

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