

EXHIBIT 71



National Security

U.S. embassy cables warned against expelling 300,000 immigrants. Trump officials did it anyway.

by **Nick Miroff, Seung Min Kim and Joshua Partlow** May 8

In the past six months, the Trump administration has moved to expel 300,000 Central Americans and Haitians living and working legally in the United States, disregarding senior U.S. diplomats who warned that mass deportations could destabilize the region and trigger a new surge of illegal immigration.

The warnings were transmitted to top State Department officials last year in embassy cables now at the center of an investigation by Senate Democrats, whose findings were recently referred to the Government Accountability Office. The Washington Post obtained a copy of their report.

The cables' contents, which have not been previously disclosed, reveal career diplomats' strong opposition to terminating the immigrants' provisional residency, known as **temporary protected status** (TPS), and the possible deportation of hundreds of thousands of people to some of the poorest and most violent places in the Americas.

Then-Secretary of State Rex Tillerson dismissed the advice and joined other administration officials in pressuring leaders at the Department of Homeland Security to strip the immigrants of their protections, according to current and former administration officials whose accounts were consistent with Senate Democrats' findings.

On Friday, DHS **canceled** the provisional residency of 57,000 Hondurans whose numbers add to the 195,000 Salvadorans and 46,000 Haitians previously given 18

months to leave the country or face deportation. TPS recipients from those three countries are the mothers and fathers of an estimated 273,000 U.S.-born children who will have to leave or separate from their parents.

The phased expulsions are a central part of the Trump administration's effort to raise physical and legal walls around the U.S. immigration system. Together with President Trump's move to end protections for 690,000 "dreamers" brought to the United States illegally as children, his administration has stamped an expiration date on the residency of 1 million immigrants.

In Congress, several proposed bills that would legalize dreamers also have included provisions for allowing TPS recipients to remain in the United States, but those negotiations have stalled.

Democratic staff members on the Senate Foreign Relations Committee had, for several months, sought from the State Department information about its decision-making process. They were allowed to review the diplomatic cables in January. Their report, staffers say, shows the extent to which Tillerson and other Trump officials undermined the State Department's regional experts to advance the White House's immigration objectives.

Sen. Robert Menendez (N.J.), the committee's ranking Democrat, wants Tillerson's successor, Mike Pompeo, to review whether the administration's decisions can be reversed. "It would be woefully irresponsible for Congress to turn a blind eye to these discoveries," he told The Post in a statement.

In a letter to the GAO seeking a separate independent investigation, Menendez expressed suspicion that Tillerson's recommendation to terminate the TPS programs was made in "deliberate disregard" of the advice provided by State Department officials. The senator said investigators also have evidence the White House's domestic policy office "sought to repeatedly influence" the TPS process and ensure a predetermined outcome.

“I am concerned that the Department of State, under then-Secretary of State Tillerson’s leadership, acted in a way that jeopardized U.S. national security and put at risk the physical safety of current beneficiaries of the Temporary Protected Status program,” Menendez wrote to Gene Dodaro, the comptroller general.

Representatives for Tillerson, whom Trump fired in March, did not respond to interview requests. A representative from the State Department said the agency would not comment on “internal or interagency deliberations.”

According to current and former State Department officials, the embassy cables were received by Tillerson’s aides but generated no reply from the secretary or his staff. In the ensuing weeks, Trump senior adviser and immigration hard-liner Stephen Miller placed phone calls to DHS Chief of Staff Chad Wolf and top Tillerson advisers telling them to end TPS anyway, according to current and former administration officials who, like others, spoke on the condition of anonymity to offer their candid assessment of sensitive internal discussions.

A White House official said that Miller regularly speaks to the State Department and DHS but that the TPS policy decisions followed the process established by law. “Career State Department officials make the recommendation, which was eventually followed through by the secretary of homeland security, who is the sole individual with the authority to end the TPS programs,” the official said.

In a letter dated Oct. 31, Tillerson told Homeland Security’s acting secretary, Elaine Duke, that conditions in Central America and Haiti had improved and the TPS protections were no longer warranted. When the two spoke by phone, Tillerson told Duke that ending TPS “was just something she had to do,” according to a person with direct knowledge of the conversation. The implication of Tillerson’s message was clear: This wasn’t worth a showdown with the White House.

Duke was unpersuaded. She sought the counsel of James Nealon, a top aide who served as U.S. ambassador to Honduras until 2017, when he became Homeland

Security's international adviser for strategy and planning. As ambassador, Nealon had sent similar cables warning that Honduras was in no position to take back tens of thousands of U.S. deportees and their American-born children, who could be targeted for attacks or recruitment by the country's powerful gangs.

Duke, a longtime DHS official who served under President George W. Bush, decided she could not in clear conscience end the TPS protections, according to former colleagues. And the decision was hers to make. Instead, she gave the Hondurans a six-month extension, saying she did not have the information she needed to reach a decision.

White House Chief of Staff John F. Kelly, who had run DHS from January until July, [called Duke](#) from Asia, where he was traveling with the president, to convey his frustration.

Duke had approached the decision "like a real human being," according to a former colleague. But it was the beginning of the end of her career at DHS, and she began telling friends and close advisers that she planned to resign. She [announced](#) her departure in February, after less than a year at the agency. Nealon quit DHS the same month. Both declined to be interviewed.

According to seven current and former administration officials, Tillerson's handling of the TPS decision deepened morale problems at the State Department, directly contributing to several high-level resignations. One senior State Department official called it "heartbreaking" and a low point in the official's career.

The TPS debate

TPS was established by Congress in the 1990 Immigration Act to avoid sending deportees back to countries hobbled by natural disaster or in the grips of armed conflict. Since then, nearly a half-million people have benefited from the designation, earning permission to live and work in the United States legally.

The largest groups are Salvadorans, who were allowed to stay after a pair of powerful earthquakes in 2001, and Hondurans, who won the designation after Hurricane Mitch tore a path through their country in 1998, triggering floods and mudslides that left 10,000 dead. Many recipients are now in their 40s and 50s, having spent much of their adult lives in the United States.

Heeding the advice of U.S. diplomats assigned to those nations, previous U.S. administrations repeatedly renewed the TPS designations for the Central American nations on an 18-month basis, and for the Haitians who were allowed to stay after the country's catastrophic earthquake in 2010.

Immigration-restriction advocates seeking to reduce the number of foreigners living in the United States say that the law's "temporary" intent has been violated. The designation was never meant to grant long-term U.S. residency to hundreds of thousands of people, they say.

Under Homeland Security Secretary Kirstjen Nielsen and L. Francis Cissna, who heads U.S. Citizenship and Immigration Services, DHS has hewed to a narrower interpretation of the TPS statutes, insisting the law obligates the administration to end the protections if the conditions that prompted them no longer exist.

But the law also states the U.S. government must take into account the concerns of those nations and their ability to take back large number of deportees.

Money sent home by Central Americans and Haitians living in the United States is an engine for job creation that reduces the pressure to go abroad, U.S. diplomats note. These remittances account for nearly 20 percent of the gross domestic product in El Salvador and Honduras and nearly 30 percent in Haiti, according to 2016 World Bank estimates.

And because TPS recipients living in the United States may fear taking their children back, they are more likely to remain in the country unlawfully or seek to return illegally if deported — a bonanza for smuggling networks and gangs, the diplomatic cables said.

Those forced to return will find countries wracked by extreme violence and widespread poverty. In recent years, Honduras and El Salvador have endured some of the highest homicide rates in the world as street gangs battle over territory and drive thousands from their homes. Haiti, where about 200,000 died in the 2010 earthquake, was battered again by Hurricane Matthew in 2016.

The caravan of Central America migrants that [recently arrived at the U.S.-Mexico border](#) — and whose journey piqued the anger of Trump — included many families from Honduras. “The caravan alone tells you that obviously there are still very significant problems in Honduras,” said Lisa Kubiske, who was the U.S. ambassador there from 2011 to 2014.

At the same time, Kubiske acknowledged that it has been a long time since Hurricane Mitch, which prompted the TPS designation for Honduras. “I don’t think it was the right thing to do to end TPS now, but I do understand the dilemma because 20 years should be enough time to deal with the aftermath of the hurricane,” said Kubiske, a career Foreign Service officer who left the State Department last year. “I just don’t think they have the capacity to absorb that many” people, she added, calling the decision “bad foreign policy.”

John Feeley, a career U.S. diplomat and Latin America expert who [resigned](#) as U.S. ambassador to Panama in March, said the TPS decision “was precisely the kind of disregard for professional nonpolitical advice that we saw under Tillerson.”

“This is not a partisan issue; it’s a practical one,” he said. “Does deporting people who have been here legally, following the rules for years, help us achieve our goals of having safe, orderly migration and alleviating the conditions that drive illegal immigration in the first place?”

On Tuesday, a dozen Democratic senators sent a [letter](#) to Nielsen and Cissna questioning the administration’s decisions to strip Haitians of the protections, given internal USCIS assessments that conditions in Haiti remain grim. The

senators urged Trump officials “to immediately commit to a reconsideration of the termination of Haiti’s TPS designation based on the facts and the law.”

Negotiations break down

Current and former diplomats and DHS officials say they think the White House initially viewed the TPS decisions as a way to gain bargaining leverage in immigration negotiations with Democrats, not unlike the move ending protections for dreamers. But those negotiations are stalled, leaving the immigrants with fading hopes.

Democrats who worked on the committee’s investigation hope their findings will spur some momentum behind efforts to extend a legislative lifeline to TPS recipients. But the best chance to do so probably was earlier this year, when a bipartisan group of senators proposed terminating the diversity visa lottery — a program Trump has derided — and rerouting those permits to TPS holders. That effort had been combined with provisions to provide a pathway to citizenship for dreamers and ramp up resources for border security.

The White House never got on board with the Senate proposal, which had prompted Trump to ask why the United States was admitting immigrants from “shithole countries” as he was briefed on it during a January meeting in the Oval Office.

Trump’s inflammatory remarks upended sensitive immigration talks on Capitol Hill, and the Senate plan was ultimately filibustered during a series of votes in February. There is scant expectation that immigration could return to the forefront in Congress, particularly during a contentious election year.


The administration appears to have given up on pushing for a TPS bill from lawmakers, too. When Nielsen ended TPS for El Salvador in January, her statement urged Congress to seek a long-term solution that would spare the immigrants from deportation.

But on Friday, when Nielsen canceled TPS for Hondurans — the move Duke refused to make — her announcement made no mention of a possible fix that might allow them to stay.

Partlow reported from Mexico City.


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