

EXHIBIT 123

PRE-DECISIONAL/DELIBERATIVE

Extension of Haiti's Designation for Temporary Protected Status

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Given the persistence of extraordinary and temporary conditions in Haiti, neither USCIS nor DOS recommends termination. Likewise, neither USCIS nor DOS recommends that Haiti be redesignated for TPS. Although Hurricane Matthew resulted in the deterioration of conditions in Haiti's southwest peninsula, overall, conditions in the country have continued on an upward trajectory since the 2010 earthquake. All of the earthquake-related rubble has been cleared, and there have been improvements to road conditions and infrastructure. Virtually all government offices and ministries in Port-au-Prince were destroyed in the earthquake, but most are now operating out of temporary facilities. The institutional capacity of the Haitian government to respond to the lingering effects of the earthquake remains weak; however, the U.S. Government is actively working to strengthen the Haitian civil service and government service delivery, with improvements being seen in some areas.

Because conditions are slowly improving in most areas of Haiti and for the majority of Haitians, despite the damaging effects of Hurricane Matthew in the country's southwest peninsula, redesignation is not recommended. A decision to extend TPS for existing beneficiaries due to the persisting extraordinary and temporary conditions cited in the 2011 redesignation, but not to expand protection to individuals who have arrived more recently, is most consistent with DHS's prior September 22, 2016 directive that regular removals to Haiti resume.⁸

Timeliness: You are required to provide timely notice of whether existing TPS designations will be extended or terminated through publication in the *Federal Register*.⁹ Your earliest decision will facilitate publication of notice in the *Federal Register* sufficiently in advance of the July 22, 2017 expiration of Haiti's designation, providing predictability and clarity to beneficiaries and their employers. If you do not make a decision at least 60 days before the expiration of the current designation (*i.e.*, by May 23, 2017), then Haiti's designation will automatically be extended for a minimum of 6 months.¹⁰

option
pocket veto
6 month extension
announce it will
end after 6 mo.

⁸ See Statement by Secretary Johnson Concerning His Directive to Resume Regular Removals to Haiti, September 22, 2016, available at: <https://www.dhs.gov/news/2016/09/22/statement-secretary-johnson-concerning-his-directive-resume-regular-removals-haiti>.

⁹ See INA § 244(b)(3)(A).

¹⁰ See INA § 244(b)(3)(A), (C).

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Haiti. In October 2016, the United Nations Security Council extended the mandate of the United Nations peacekeeping mission in Haiti until mid-April 2017.

Haiti is the poorest country in the Western Hemisphere, with poverty, corruption, vulnerability to natural disasters, and low levels of education serving as significant obstacles to sustained economic development. In September 2016, an estimated 3.2 million people (approximately 30 percent of the population) suffered from food insecurity. Haiti's weak public health system is further strained due to an ongoing cholera epidemic. Since October 2010, close to 800,000 Haitians have contracted cholera, and nearly 10,000 people have died from the disease. While progress has been made in combatting cholera, the lack of access to safe drinking water and Haiti's weak sanitation infrastructure remain significant concerns.

Hurricane Matthew made landfall in Haiti on October 4, 2016, causing extensive damage to crops, housing, livestock, and infrastructure across Haiti's southwest peninsula. The Government of Haiti confirmed 546 fatalities from the storm, and over 175,000 people have been left without housing. The most significant impact from the storm was concentrated in 3 of Haiti's 10 departments—Nippes, Grand'Anse, and Sud. Minimal damage was inflicted on the rest of the country, including the capital, Port-au-Prince, and the second largest city, Cap-Haïtien. Still, significant losses of crops and livestock in the regions damaged by Hurricane Matthew have led to warnings of a potential food crisis throughout Haiti.

The extraordinary and temporary conditions described above and detailed in the attached country condition reports prevent Haitian nationals from safely returning to Haiti. Additionally, permitting Haitian nationals to remain temporarily in the United States is not contrary to the national interest of the United States. Therefore, Haiti's continued designation for TPS on the basis of extraordinary and temporary conditions is warranted.

There should be more options

Options other than the recommended extension include: (1) terminating Haiti's designation for TPS or (2) redesignating Haiti for TPS in addition to extending its existing designation. Termination would end TPS benefits for existing Haitian TPS beneficiaries. Upon the termination of TPS benefits, former beneficiaries without another immigration status would no longer have permission to remain in the United States. In contrast, redesignation would allow the continuous residence and continuous physical presence dates to be advanced, expanding TPS eligibility to individuals who entered the United States after the current continuous residence date of January 12, 2011, and the current continuous physical presence date of July 23, 2011. Redesignation is typically recommended when country conditions have significantly changed or deteriorated since the last designation and there is a demonstrated need to afford temporary protection to additional nationals of the designated country.

PRE-DECISIONAL/DELIBERATIVE

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March 2, 2017	Following G-1056 clearance, USCIS/OP&S provides to USCIS Front Office for review a draft S1 decision memo recommending that Secretary Kelly extend Haiti's TPS designation for 18 months, through January 22, 2019, but not redesignate Haiti for TPS
March 21, 2017	USCIS meets with DHS HQ to discuss draft recommendation to extend Haiti's TPS designation; S1 counselor, Gene Hamilton, requests that USCIS revise S1 decision memo to include options other than extension and that State again be asked to provide an updated recommendation from Secretary Tillerson
March 22, 2017	USCIS/OP&S requests that State provide an updated recommendation from Secretary Tillerson on Haiti TPS
April 3, 2017	USCIS/OP&S provides to USCIS Front Office the revised draft S1 decision memo describing S1's options and assessing that an 18-month extension of Haiti's TPS is warranted
April 10, 2017	S1 holds meeting on Haiti TPS, indicating that he will make his decision on Haiti TPS 65 days prior to the current expiration date of July 22, 2017 (i.e., May 18, 2017)
April 10, 2017	USCIS Acting Director James McCament signs S1 decision memo concluding that termination of Haiti's TPS designation is warranted and recommending an effective termination date of January 22, 2018; memo notes that State has been asked to provide an updated recommendation but that one has not yet been received
April 13, 2017	State requests phone conversation with USCIS Acting Director James McCament to discuss Haiti TPS
April 17, 2017	USCIS submits S1 decision memo and draft Federal Register Notice to DHS OGC for DHS HQ clearance
April 18, 2017	State/PRM reports to USCIS/OP&S that internal discussions regarding whether to provide an updated recommendation from Secretary Tillerson are ongoing
May 18, 2017	Anticipated date by which S1 will make a decision on Haiti TPS
May 23, 2017	Target date for publication of Federal Register Notice regarding Haiti TPS
July 22, 2017	Current expiration date of Haiti TPS
January 22, 2018	Effective date of termination of Haiti TPS recommended by USCIS

April 28th. James call w/ WHA
how's US helping Haiti - messaging -
what has it been like in the past.

Haiti TPS Review Chronology

April 23, 2017

October 4, 2016	Hurricane Matthew makes landfall in Haiti
October 4-7, 2016	USCIS/OP&S has informal discussions with State/PRM about potential redesignation of Haiti for TPS following Hurricane Matthew
October 7, 2016	USCIS/OP&S requests country conditions assessment from USCIS/RAIO RU; USCIS/OP&S requests number of Haitians potentially eligible under a TPS redesignation from DHS Office of Immigration Statistics
October 11, 2016	USCIS/OP&S requests that State provide a country conditions assessment to inform a decision on Haiti TPS; State/PRM sends cable requesting assessment to Post
Oct. - Dec. 2016	Ongoing discussions with NSC, DHS HQ, and State/PRM and WHA about potential redesignation and/or extension of Haiti TPS following Hurricane Matthew
October 12, 2016	USCIS/OP&S receives initial country conditions report from USCIS/RAIO RU on impacts of Hurricane Matthew
October 17, 2016	USCIS/RAIO RU provides updated country conditions report on impacts of Hurricane Matthew
December 12, 2016	Secretary Kerry sends letter and supporting country conditions assessment to Secretary Johnson, recommending that he extend Haiti's existing TPS designation but not redesignate Haiti for TPS
December 16, 2016	USCIS/OP&S requests full Haiti country conditions report from USCIS/RAIO RU
December 21, 2016	USCIS/OP&S receives USCIS/RAIO RU country conditions report
December 28, 2016	USCIS Director Rodriguez signs S1 decision memo recommending that Secretary Johnson extend Haiti's TPS designation for 18 months, through January 22, 2019, but not redesignate Haiti for TPS
January 9, 2017	Secretary Johnson determined not to make a decision on Haiti TPS
February 3, 2017	USCIS/OP&S requests updated recommendation and country conditions assessment from State
February 6, 2017	USCIS/OP&S requests updated country conditions report from USCIS/RAIO RU
February 10, 2017	USCIS/OP&S receives updated country conditions report from USCIS/RAIO RU
February 15, 2017	State provides updated country conditions assessment (including a recommendation to extend TPS) to USCIS, but declines to request an updated recommendation from Secretary Tillerson

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The Government of Haiti indicates that it understands TPS is temporary, but stresses it does not yet have the ability to accept back all of its TPS beneficiaries.

Haiti is generally a good partner with regard to repatriations and doesn't require travel documents for most non-criminal Haitians ordered removed from the United States on charter flights. However, Haiti has not yet responded to ICE's request that it accept back combined criminal and non-criminal removal flights, something that every other country in the region allows.

Haiti's ability to accept back its nationals from the United States may be affected if deportations increase from elsewhere in the region, such as from the Bahamas and the Dominican Republic.

Key Issues:DHS Priorities for Meeting

- There are approximately **58,600** Haitian TPS beneficiaries. Of these 58,600 individuals, over 16,000 have either filed for or been granted lawful permanent resident status since being granted TPS. USCIS estimates the filing of approximately **40,000** re-registration applications if Haiti's designation for TPS is extended (**Attachments B and C**).
- Haiti was first designated for TPS on January 21, 2010, due to extraordinary and temporary conditions resulting from the devastating earthquake that occurred on January 12, 2010.
 - Haiti was redesignated on May 19, 2011, and its TPS has been extended four times since the May 2011 redesignation.
 - On May 24, 2017, former Secretary Kelly extended Haiti's TPS designation for 6 months.
- Former Secretary Kelly requested that the Government of Haiti take steps to prepare for the eventual end of its TPS designation. Specific steps Haiti has taken to prepare include:
 - **Establishing a Working Group:** The Government of Haiti established a minister-level working group focused on efforts to mitigate factors which cause Haitians to migrate illegally. A sub-group was created in order to focus specifically on preparations for the possible termination of TPS; understanding the need to ensure employment opportunities exist for TPS beneficiaries when they return to Haiti.
 - **Conducting Outreach to Diaspora Leaders:** Haiti's Ambassador in Washington has worked to raise awareness amongst influential diaspora leaders, so they can effectively share information with the Haitian community in the United States on how the termination of TPS will affect them.
 - **Providing Legal Assistance:** The Haitian Mission in the U.S. established a hotline to provide legal assistance by way of immigration attorneys.
- *Analyst note: It is difficult to measure how these steps affect Haiti's ability to accept back its current TPS beneficiaries. In addition to the steps outlined above, Haiti has recently acquired an additional travel document (passport) printer. Haitian government officials have assured DHS and State that Haitians seeking travel documents have no difficulty getting them, and that wait times to receive a passport have dropped and production rates increased.*
- USCIS has also taken actions to remind Haitian TPS beneficiaries of the need to prepare for their departure in the event Haiti's designation is terminated.

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Honduras 6 mo.

unanswered questions:

- 1) can't take their people back
State says they can't.
Mitigated when not done 2 once.

Caution
on message
to pass
legislation.

- 2) intel meeting
Could lose cooperation
related to operations (TCO, reports)

If we are true partners -
we need them. What can we do to help
them prepare.

pay extra attn to relationships

idea:

→ One Stop for asylum
One Office in FL.

engagement/diplomatic plan
Weeks; months.

In a recent interview with Al Jazeera, Sandra Honore, head of MINUSTAH, said the UN is winding down the mission because it has achieved its aims.

"It is a vote of confidence in the Haitian people," she said.

It is an indication of the recognition by the Security Council that the stabilisation work which was entrusted to the mission did in fact produce positive results."

What have Haitians said about the mission?

Though February's presidential election seems to demonstrate Haiti is more politically stable now than when MINUSTAH began, a number of Haitians recently told Al Jazeera the mission has done little to improve their lives.

Mothers who say they have had children, fathered by peacekeepers, also say they feel abandoned.

"After years of running around and false promises from the UN, nothing has happened," Saintil Benite, a mother, told Al Jazeera.

"They make us do a lot of stuff but there's no results," she said.

Another mother, Roselaine Duperval, added that the mission has failed those people it sought to serve.

"I am very angry that the UN is leaving as it's left us with nothing," she said.

"They should take responsibility. They know about the kids. They did DNA tests and they told us they're positive but never give us the results."

As peacekeepers leave, Haiti continues to experience political turbulence.

Protests last month over the government's new budget plans brought much of the country to a halt.

The government has defended its plans, which include increased taxes on fuel and property, saying the money raised will be invested in improving public services and infrastructure.

**Name changed to protect identity*

SOURCE: AL JAZEERA AND NEWS AGENCIES

Honduras' Designation for Temporary Protected Status
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environmental disaster grounds.² Honduras' designation has been continuously extended since the 1999 designation, with the most recent extension announced on May 16, 2016.³ To be eligible for TPS under Honduras' designation, along with meeting the other eligibility requirements, individuals must have continuously resided in the United States since December 30, 1998, and have been continuously physically present in the United States since January 5, 1999. There are approximately 86,163 Honduran TPS beneficiaries. Approximately 57,000 individuals re-registered for TPS under Honduras' last extension.⁴

Comment [KEA2]: Will need an updated number from SCOPS.

Country Conditions

Both USCIS and DOS have conducted an in-depth review of conditions in Honduras. The country condition reports, upon which USCIS' assessment and recommendation are based, can be found in Attachments B and C.

Comment [KEA3]: Reference to DOS will need to be deleted if we do not receive their package.

Hurricane Mitch struck Honduras in October 1998, impacting and damaging all of Honduras' 18 departments. The storm affected millions of people, killing over 5,650 individuals, injuring over 12,270, and damaging and destroying tens of thousands of homes and hundreds of roads and bridges. Recovery from Hurricane Mitch has been slow and encumbered by subsequent natural disasters and environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, seismic activity, an ongoing coffee rust epidemic, a prolonged and severe regional drought that is impacting food security, and an increase in various mosquito-borne diseases.

Honduras received a significant amount of international aid to assist in its Hurricane Mitch-related recovery efforts, which enabled the completion of many reconstruction projects, including programs to help address Honduras' ongoing housing shortage and improve infrastructure. Schools and health centers damaged by the storm have also been repaired or rebuilt and re-opened.

A prolonged and severe regional drought, which began in the summer of 2014, has significantly impacted Honduras. Regions of the country located in Central America's "Dry Corridor" – encompassing 146 of Honduras' 298 municipalities – are particularly affected. The drought has caused crop losses, food insecurity, limited or no access to clean drinking water, and income loss in affected areas. In September 2016, the United Nations Office for the Coordination of Humanitarian Affairs reported that the drought was the most intense in Honduras' history. As of June 2016, over 2 million Hondurans – approximately 25 percent of the population – had been severely affected by the drought, and over 460,000 were in need of food assistance. By March 2017, consecutive years of drought had left many subsistence farmers in the Dry Corridor struggling to produce food, although slightly improved conditions this growing season allowed normal development of basic grain crops.

² See Designation of Honduras Under Temporary Protected Status, 64 FR 524 (Jan. 5, 1999).

³ See Extension of the Designation of Honduras for Temporary Protected Status, 81 FR 30331 (May 16, 2016).

⁴ This total represents all individuals who have been granted TPS since Honduras' designation in 1999 and who have not had their TPS withdrawn. Not all of these individuals continue to re-register because they have adjusted to another valid immigration status (e.g., over 14,000 have become lawful permanent residents or U.S. citizens), have left the United States, are no longer eligible for TPS, or have failed to re-register for other reasons. As a result, the number of beneficiaries that re-register for TPS under extensions is lower than the total number of beneficiaries.

INTERNAL PRE-DECISIONAL RECOMMENDATION



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

**U.S. Citizenship
and Immigration
Services**

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: James W. McCament
Acting Director

SUBJECT: Honduras' Designation for Temporary Protected Status

Purpose: Honduras' existing designation for Temporary Protected Status (TPS) will expire on January 5, 2018. At least 60 days before the expiration of a TPS designation, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met. If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation. If the Secretary finds, however, that the conditions for designation continue to be met, the TPS designation must be extended for 6, 12, or 18 months.¹

U.S. Citizenship and Immigration Services (USCIS) has completed a review of the conditions in Honduras and is presenting options and a recommendation for your consideration. In summary, USCIS assesses that Honduras suffers few remaining residual effects of Hurricane Mitch, which formed the basis of Honduras' designation for TPS in 1999. However, current conditions, especially the extraordinarily high levels of crime and violence afflicting the country and an ongoing drought, could support Honduras' designation for TPS on new grounds. Accordingly, USCIS recommends that you (1) terminate Honduras' existing TPS designation, and (2) consider redesignating Honduras for TPS on the new basis of extraordinary and temporary conditions (without necessarily expanding the pool of eligible beneficiaries).

As part of the review process, USCIS has consulted with the Department of State (DOS). DOS assesses that _____ Secretary Tillerson recommends _____

Background: Following the destruction wrought by Hurricane Mitch, which struck Honduras in October of 1998, the Attorney General designated Honduras for TPS on January 5, 1999, on

¹ See Immigration and Nationality Act (INA) § 244(b)(3)(A-C), 8 U.S.C. § 1254a(b)(3)(A-C); see also Attachment A: Temporary Protected Status Legal Authority.

INTERNAL PRE-DECISIONAL RECOMMENDATION

Handwritten notes:

- They can return to safety
- 20,000 deport 1/2 from US/mexico
- We have coop from them. dump anomalous
- We will jeopardize that
- DEED: pull forward
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- on v. 10/10/18
- no more pgs

Comment [REAI]: Placeholder to insert State's recommendation if/when we receive it.

What other pgs...

Temporary Protected Status Review Schedule

<u>Country</u>	<u>Target Date for DHS Receipt of DOS Package</u>	<u>Target Date for Transmission of D1-S1 Package from USCIS to DHS HQ¹</u>	<u>S1 Decision / Federal Register Notice Publication</u>	<u>Current Expiration Date</u>	<u>Number of Beneficiaries</u>
South Sudan	Rec'd on 04/19/2017	08/01/2017	09/01/2017	11/02/2017	49
Sudan	07/01/2017	08/01/2017	09/01/2017	11/02/2017	1,039
Honduras	08/01/2017	09/05/2017	11/03/2017	01/05/2018	86,163
Nicaragua	08/01/2017	09/05/2017	11/03/2017	01/05/2018	5,349
El Salvador	08/01/2017	09/05/2017	11/03/2017 ²	03/09/2018	263,282
Haiti	08/22/2017	09/22/2017	11/22/2017	01/22/2018	58,706
Syria	09/30/2017	11/30/2017	01/30/2018	03/31/2018	6,177
Nepal	12/25/2017	02/26/2018	04/25/2018	06/24/2018	12,967
Yemen	03/05/2018	05/07/2018	07/05/2018	09/03/2018	819
Somalia	03/19/2018	05/21/2018	07/19/2018	09/17/2018	497

² Although El Salvador's TPS designation does not expire until approximately two months following the expiration dates for Honduras and Nicaragua, S1's office and S2 have requested that the decision memos for all three countries be presented to S1 at the same time so that the decisions on all of the Central American TPS designations can be considered in tandem. However, S1 does not need to make a decision on El Salvador until 01/08/2018. Accordingly, S1 could choose to delay an announcement and/or publication of the Federal Register Notice on TPS for El Salvador past 11/03/2017 for operational or other reasons.

Date: August 31, 2017

Prepared by: U.S. Citizenship & Immigration Services, Office of Policy & Strategy, International & Humanitarian Affairs Division

- ① State opinion
- ② Sounds horrible
- ③ interagency
 - 1/ Send out call for opinions
 - Not part of decision,
 - ① DPC to solicit opinions/equities
- ④ Data on status byorhand.
- ⑤ Look back at original designations
L add, to memo
whole section

Drafted on: October 10, 2017

USCIS recommendation: USCIS will recommend that the Secretary terminate all three Central American designations (with a 12 or 18 month period for orderly departure). USCIS understands the working relationship the U.S. Government has with these countries, but the law clearly directs and supports the decision to terminate.

Let's take

TEMPORARY PROTECTED STATUS DESIGNATIONS for CENTRAL AMERICAN COUNTRIES

Objective/Purpose: To highlight options and considerations for the upcoming Temporary Protected Status (TPS) decisions for El Salvador, Honduras, and Nicaragua.

Background:

- Honduras' and Nicaragua's existing designations for TPS will expire on January 5, 2018. Per the statute, the Secretary needs to make a decision by November 6, 2017, to avoid an automatic extension. These countries were designated in 1999 due to destruction of Hurricane Mitch.
- El Salvador's existing designation for TPS will expire on March 9, 2018. The Secretary must make a decision on El Salvador's TPS by January 8, 2018, to avoid an automatic extension. She may make, and even announce, the decision earlier, for example, in conjunction with the decisions for Honduras and Nicaragua. El Salvador was designated in 2001 following a series of earthquakes.
- The number of beneficiaries associated with the Central American TPS countries are:
 - El Salvador – approximately 263,000; *Jan 5 March 9*
 - Honduras – approximately 86,000; and *Jan 5*
 - Nicaragua – approximately 5,350. *March 9 Jan 5*
- Also upcoming is a decision on Haiti's TPS (approximately 59,000 beneficiaries), which will need to be made by November 23, 2017.
- The Secretary may extend, redesignate, or terminate TPS designations. If the Secretary determines that the conditions for designation are no longer met, she must terminate. If she determines that the conditions for designation continue to be met (or makes no determination at all), the designation will be extended for six months or, in the Secretary's discretion, 12 or 18 months. In addition to extending or terminating, the Secretary may, in her discretion, redesignate a country for TPS if there is a statutory basis for doing so.
- The United States removes thousands of individuals to these three countries on a yearly basis. Under the ~~Obama~~ administration's second term alone, ICE removed 120,047 individuals to Honduras; 91,240 individuals to El Salvador; and 4,311 individuals to Nicaragua.

Options/Considerations:

1. Extension: Since conditions do not appear to support extension, USCIS does not assess extension to be the best option for any of the three countries.
2. No Decision/Automatic Extension: If the Secretary does not make a decision 60 days prior to their current expiration dates, the designations will automatically be extended for 6 months, or, in her discretion, 12 or 18 months. She could affirmatively choose to make no decision and simply announce the automatic extensions.
3. Termination: Conditions no longer appear to support designation for any of the three Central American countries on their 1999 and 2001 bases.
4. Termination and Redesignation: While highly inadvisable, you could redesignate TPS for El Salvador and Honduras based on violence, citing extraordinary and temporary conditions. Violence, however, is not a temporary condition and is not limited to these countries. Many other nations have high rates of violence but have not been designated for TPS.
5. Deferred Enforced Departure (DED): DED is a Presidential authority based in his constitutional power to conduct foreign relations. Unlike TPS, DED is not based in statute and there is no registration required. The legality of DED, however, could be subject to the same challenges as the recently rescinded Deferred Action for Childhood Arrivals (DACA) and the Deferred Action for Parents of Americans (DAPA) policies. Therefore, while DED was considered in conjunction with terminating TPS designations for Honduras and El Salvador, it does not appear to be a viable option absent a determination by the Attorney General that DED is constitutional.



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

**U.S. Citizenship
and Immigration
Services**

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: L. Francis Cissna
Director

SUBJECT: El Salvador's Designation for Temporary Protected Status

Purpose: El Salvador's existing designation for Temporary Protected Status (TPS) will expire on March 9, 2018. At least 60 days before the expiration of a TPS designation, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met. If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation. If the Secretary does not determine, however, that the conditions for designation are no longer met, the TPS designation will be extended for 6 months, or in the Secretary's discretion, 12 or 18 months.¹

U.S. Citizenship and Immigration Services (USCIS) has completed a review of the conditions in El Salvador and is presenting options and a recommendation for your consideration. In summary, USCIS assesses that El Salvador suffers few remaining residual effects of the major earthquakes that led to its designation for TPS in 2001. Accordingly, USCIS recommends that you terminate El Salvador's existing TPS designation.

As part of the review process, USCIS staff has consulted with the Department of State (DOS). However, to date, Secretary Tillerson has not weighed in and DOS has not provided any recommendation.

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Background: On March 9, 2001, the Attorney General designated El Salvador for TPS on environmental disaster grounds, specifically, because of the devastation caused by major earthquakes in January and February of that year.² El Salvador's designation has been continuously extended since the 2001 designation, with the most recent extension announced on

¹ See Immigration and Nationality Act (INA) § 244(b)(3)(A-C), 8 U.S.C. § 1254a(b)(3)(A-C); see also Attachment A, Temporary Protected Status Legal Authority.

² See Designation of El Salvador Under Temporary Protected Status Program, 66 FR 14214 (Mar. 9, 2001).

INTERNAL PRE-DECISIONAL RECOMMENDATION

El Salvador's Designation for Temporary Protected Status
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July 8, 2016.³ To be eligible for TPS under El Salvador's designation, along with meeting the other eligibility requirements, individuals must have continuously resided in the United States since February 13, 2001, and have been continuously physically present in the United States since March 9, 2001. There are approximately 263,876 Salvadoran TPS beneficiaries. Approximately 195,000 individuals re-registered for TPS under El Salvador's last extension.⁴

Country Conditions

USCIS has conducted an in-depth review of conditions in El Salvador. The country condition report, upon which USCIS' assessment and recommendation are based, can be found in Attachment B.

The 2001 earthquakes that formed the basis for El Salvador's designation killed over 1,000 individuals, caused over 8,000 injuries, and affected over 1.5 million people. The earthquakes caused significant damage to transportation infrastructure, housing, education and health services, small and medium businesses, and the environment. Recovery from the earthquakes has been slow and encumbered by subsequent natural disasters and environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, volcanic and seismic activity, an ongoing coffee rust epidemic, a prolonged and severe regional drought that is impacting food security, and an increase in various mosquito-borne diseases.

El Salvador received a significant amount of international aid to assist in its recovery efforts, including millions of dollars dedicated to emergency and long-term assistance. Many reconstruction projects have now been completed. Damaged schools and hospitals have been reconstructed and repaired, homes have been rebuilt, and money has been provided for water and sanitation and to repair damaged roads and other infrastructure. Additionally, El Salvador's economy is steadily improving. The Gross Domestic Product (GDP) in El Salvador reached an all-time high of \$26.80 billion (USD) in 2016 and is expected to reach \$27.29 billion (USD) by the end of this quarter. El Salvador's GDP is projected to increase to about \$29.54 billion in 2020.⁵

A prolonged and severe regional drought is impacting El Salvador. Regions of the country located in Central America's "Dry Corridor" – over 50% of the country – are particularly affected. The drought has caused crop losses, food insecurity, limited or no access to clean drinking water, and income loss in affected areas. In June 2016, river levels were reportedly 20 to 60 percent lower than normal; an estimated 170,000 people were suffering from food insecurity. By July 2016, as many as 700,000 people (11 percent of the population) were affected by the drought. The 2017 growing season has demonstrated slightly improved conditions, allowing normal development of basic grain crops. El Salvador has also been heavily affected by a regional coffee rust epidemic.

³ See Extension of the Designation of El Salvador for Temporary Protected Status, 81 FR 44645 (July 8, 2016).

⁴ The total number of beneficiaries represents all individuals who have been granted TPS since El Salvador's designation in 2001 and who have not had their TPS withdrawn. Not all of these individuals continue to re-register because they have adjusted to another valid immigration status (e.g., over 37,000 have become lawful permanent residents or U.S. citizens), have left the United States, are no longer eligible for TPS, or have failed to re-register for other reasons. As a result, the number of beneficiaries that re-register for TPS under extensions is lower than the total number of beneficiaries.

⁵ Trading Economics, El Salvador GDP, available at <https://tradingeconomics.com/el-salvador/gdp>.

INTERNAL PRE-DECISIONAL RECOMMENDATION

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Comment [BSP1]: We still haven't gotten State's material, so can delete this and attachment C note from the attachments list.

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El Salvador's Designation for Temporary Protected Status
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which has caused crop loss and declining coffee production throughout Central America since 2012, leading to significant job loss and food insecurity. Additionally, beginning in 2014, El Salvador has experienced an outbreak of hundreds of thousands of cases of mosquito-borne illnesses, including chikungunya, dengue, and Zika.

El Salvador currently has widespread gang activity and one of the highest homicide rates. In 2015, El Salvador was the most violent country in the world outside of a war zone with a homicide rate of 103 murders per 100,000 inhabitants. In 2016, El Salvador's homicide rate declined to 81.2 per 100,000. This number has fluctuated over the years, however, with a rate of 37.2 per 100,000 in 2003, 42.7 per 100,000 in 2012, and 41.3 per 100,000 in 2013. By way of comparison, Jamaica's homicide rates have similarly fluctuated but have seen years higher than El Salvador's (62.5 in 2005, 58.6 in 2007, 59.6 in 2008, and 61.7 in 2009). Other countries with high rates include Colombia (53.4 in 2003), Brazil (27.7 in 2014), Venezuela (62 in 2014 and 57.2 in 2015), Greenland (31.8 in 2009), and Anguilla (38.8 in 2006 and 35.4 in 2012). According to the World Health Organization's 2002 "World Report on Violence and Health," violence is "a universal challenge" and "scourge," and "[n]o country or community is untouched by violence." Further, "[v]iolence is among the leading causes of death for people aged 15-44 years worldwide."

Homicides in El Salvador have continued to trend downward in 2017, with the Salvadoran government reporting a 36% reduction for the first 8 months of the year as compared to the same period in 2016. However, homicide rates currently remain extremely high.

Gangs, including MS-13 and Barrio 18, exert their influence and operate throughout all of El Salvador. They regularly prey on communities, kidnapping residents, recruiting youth, and demanding extortion payments. Individuals who refuse to pay are subject to threats and violence. According to a 2016 poll, nearly 25 percent of Salvadorans were victims of crime in 2015. Violence against women, both that committed by gang members and domestic violence, is widespread in El Salvador. The female homicide rate increased by 60 percent between 2008 and 2015 and is one of the highest in the world. Sexual abuse, especially of female children and adolescents, also occurs at high rates. But, again, El Salvador is not alone in that regard. Additionally, while the U.S. Department of State has a current travel warning for El Salvador due to the high crime rate, the United Kingdom states that "[m]ost visits to El Salvador are trouble free."

Crimes are underreported due to Salvadoran's low confidence in the police and justice system, as well as threats and fears of reprisals from gangs. The Salvador government has responded to gang violence by intensifying security measures and deploying thousands of extra police officers and soldiers, and limiting access to prisons to restrict gangs' communications. In confrontations between gangs and security forces, members of the police and military have been accused of participating in death squads and committing extrajudicial executions of alleged gang members.

INTERNAL PRE-DECISIONAL RECOMMENDATION

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Comment [BBP2]: Moving this point to here. It seems to fit better in the country conditions section as a counterpoint, rather than serving as a primary analytical point in the options themselves.

El Salvador's Designation for Temporary Protected Status
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The U.S. Government works to repatriate individuals back to El Salvador. During the Obama administration's second term alone, Immigration and Customs Enforcement (ICE) removed over 90,000 individuals to El Salvador.⁶

Options

1) *Extend El Salvador's Designation for TPS*

Under the TPS statute, if you determine that the statutory conditions supporting a country's designation for TPS continue to exist, you must extend the TPS designation for an additional period of 6, 12, or 18 months. El Salvador was initially designated for TPS in 2001 as a result of the effects of a series of earthquakes. The review of conditions in El Salvador indicates that reconstruction and recovery efforts relating to the earthquakes have largely been completed. Although subsequent environmental disasters and citizen insecurity have hampered El Salvador's recovery and development, El Salvador's current challenges cannot be directly tied to destruction stemming from the earthquakes. Therefore, USCIS assesses that, on balance, conditions in El Salvador no longer support its TPS designation on the basis of the 2001 earthquakes.

Although USCIS assesses otherwise, an argument could be made that subsequent and, in some cases, ongoing environmental disasters -- in particular, the prolonged, severe drought, coffee rust epidemic, and mosquito-borne disease outbreak -- and other conditions have sufficiently hindered recovery that a substantial disruption in living conditions endures, El Salvador continues to be unable to handle the return of its nationals, and extension is justified. Note that the Government of El Salvador has requested that its TPS designation be extended.

From an operational perspective, extension periods of less than 18 months are challenging given the significant workload and timeframes involved in receiving and adjudicating re-registration applications and issuing new employment authorization documents. Additionally, the deliberative review process to support TPS decision making, including consultation with DOS, typically begins 10 months before the expiration date of a country's current designation. A 12- or 18-month extension of El Salvador's designation for TPS would permit Salvadoran TPS beneficiaries to re-register for TPS and remain in the United States with work authorization through March or September 9, 2019, respectively.

2) *No Decision/Automatic Extension*

If you do not make a determination about whether El Salvador's TPS designation should be extended or terminated at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period

⁶ From 2013-2016, 91,240 individuals were removed to El Salvador. This total is the cumulative number of removals found in the following reports: <https://www.ice.gov/sites/default/files/documents/Report/2016/removal-stats-2016.pdf>, <https://www.ice.gov/sites/default/files/documents/Report/2016/fy2015removalstats.pdf>, <https://www.ice.gov/doclib/about/offices/enr/pdf/2014-ice-immigration-removals.pdf>, <https://www.ice.gov/doclib/about/offices/enr/pdf/2013-ice-immigration-removals.pdf>.

INTERNAL PRE-DECISIONAL RECOMMENDATION

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 20001)
Washington, DC 20539-20001

**U.S. Citizenship
and Immigration
Services**

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: L. Francis Cissna
Director

SUBJECT: Honduras' Designation for Temporary Protected Status

Purpose: Honduras' existing designation for Temporary Protected Status (TPS) will expire on January 5, 2018. At least 60 days before the expiration of a TPS designation, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met. If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation. If the Secretary does not determine, however, that the conditions for designation are no longer met, the TPS designation will be extended for 6 months, or in the Secretary's discretion, 12, or 18 months.¹

U.S. Citizenship and Immigration Services (USCIS) has completed a review of the conditions in Honduras and is presenting options and a recommendation for your consideration. In summary, USCIS assesses that Honduras suffers few remaining residual effects of Hurricane Mitch, which formed the basis of Honduras' designation for TPS in 1999. Accordingly, USCIS recommends that you terminate Honduras' existing TPS designation.

As part of the review process, USCIS staff has consulted with the Department of State (DOS). However, to date, Secretary Tillerson has not weighed in and DOS has not provided any recommendation.

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Background: Following the destruction wrought by Hurricane Mitch, which struck Honduras in October of 1998, the Attorney General designated Honduras for TPS on January 5, 1999, on environmental disaster grounds.² Honduras' designation has been continuously extended since the 1999 designation, with the most recent extension announced on May 16, 2016.³ To be eligible for

¹ See Immigration and Nationality Act (INA) § 244(b)(3)(A-C), 8 U.S.C. § 1254a(b)(3)(A-C), *see also* Attachment A: Temporary Protected Status Legal Authority.

² See Designation of Honduras Under Temporary Protected Status, 64 FR 524 (Jan. 5, 1999).

³ See Extension of the Designation of Honduras for Temporary Protected Status, 81 FR 30331 (May 16, 2016).

INTERNAL PRE-DECISIONAL RECOMMENDATION

Honduras' Designation for Temporary Protected Status
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TPS under Honduras' designation, along with meeting the other eligibility requirements, individuals must have continuously resided in the United States since December 30, 1998, and have been continuously physically present in the United States since January 5, 1999. There are approximately 86,163 Honduran TPS beneficiaries. Approximately 57,000 individuals re-registered for TPS under Honduras' last extension.⁴

Country Conditions

USCIS has conducted an in-depth review of conditions in Honduras. The country condition report, upon which USCIS' assessment and recommendation are based, can be found in Attachment B.

Hurricane Mitch struck Honduras in October 1998, impacting and damaging all of Honduras' 18 departments. The storm affected millions of people, killing over 5,650 individuals, injuring over 12,270, and damaging and destroying tens of thousands of homes and hundreds of roads and bridges. Recovery from Hurricane Mitch has been slow and encumbered by subsequent natural disasters and environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, seismic activity, an ongoing coffee rust epidemic, a prolonged and severe regional drought that is impacting food security, and an increase in various mosquito-borne diseases.

Honduras received a significant amount of international aid to assist in its Hurricane Mitch-related recovery efforts, which enabled the completion of many reconstruction projects, including programs to help address Honduras' ongoing housing shortage and improve infrastructure, in particular roads and bridges. Schools and health centers damaged by the storm have also been repaired or rebuilt and re-opened. Subsequently, the Honduran economy grew by 3.7% in 2016 and its Gross Domestic Product (GDP) is projected to trend around 4.10% by the end of this quarter.⁵ The GDP in Honduras averaged \$5.69 billion (USD) from 1960 until 2016, reaching an all-time high of \$21.52 billion in 2016.⁶

A prolonged and severe regional drought, which began in the summer of 2014, has significantly impacted Honduras. Regions of the country located in Central America's "Dry Corridor" – encompassing 146 of Honduras' 298 municipalities – are particularly affected. The drought has caused crop losses, food insecurity, limited or no access to clean drinking water, and income loss in affected areas. In September 2016, the United Nations Office for the Coordination of Humanitarian Affairs reported that the drought was the most intense in Honduras' history. As of June 2016, over 2 million Hondurans – approximately 25 percent of the population – had been severely affected by the drought, and over 460,000 were in need of food assistance. By March 2017, consecutive years of drought had left many subsistence farmers in the Dry Corridor struggling to produce food.

⁴ This total represents all individuals who have been granted TPS since Honduras' designation in 1999 and who have not had their TPS withdrawn. Not all of these individuals continue to re-register because they have adjusted to another valid immigration status (e.g., over 14,000 have become lawful permanent residents or U.S. citizens), have left the United States, are no longer eligible for TPS, or have failed to re-register for other reasons. As a result, the number of beneficiaries that re-register for TPS under extensions is lower than the total number of beneficiaries.

⁵ *Trading Economics*, "Honduras GDP Annual Growth Rate: Forecast," available at: <https://tradingeconomics.com/honduras/gdp>.

⁶ *Trading Economics*, "Honduras GDP Annual Growth Rate: Forecast," available at: <https://tradingeconomics.com/honduras/gdp>.

INTERNAL PRE-DECISIONAL RECOMMENDATION

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