

EXHIBIT

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Jones, Eric

From: Norman, Jon A Maj Gen USAF SOUTHCOM SC-CC (US) [REDACTED]
Sent: Thursday, January 4, 2018 12:00 PM
To: Jones, Eric
Cc: [REDACTED]

Subject: URGENT/ACTION: Request for review: potential implications of rescinding TPS in El Salvador (UNCLASSIFIED//FOUO)

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Eric,

BLUF: SC CCDR reviewed/approved input below
 - OSD (P) and JCS J5 are aware.

BACKGROUND: USSOUTHCOM tear line assessment of El Salvador TPS rescission follows:

 If El Salvador's Temporary Protected Status (TPS) is rescinded, the likely return of up to 195,000 Salvadorans will strain the economy where opportunity is already limited and present a potential destabilizing influence to the country. While unlikely to trigger a mass migration event to the United States, it is likely to accelerate illegal migration north. The removal of TPS could further stress El Salvador's security forces, undermining efforts to combat transregional and transnational threat networks, including the MS-13.

Rescinding TPS could potentially limit El Salvador leadership's willingness to continue current security cooperation with the United States, although El Salvador's reliance on U.S. assistance to address its security challenges makes this unlikely. El Salvador is a willing partner in the interdiction of narcotics trafficking and the extradition of criminals to the United States, and recently began negotiations with the United States on a transfer agreement for detained criminals. El Salvador hosts a Cooperative Security Location (CSL), a forward operating location that hosts both DoD and interagency aircraft that support counter narcotics and counter threat network missions. The CSL agreement is up for renewal in 2020, and while significant opposition to its renewal is currently unlikely, a major change in TPS status could potentially affect the El Salvador government's future position on extending the agreement. U.S. Embassy San Salvador highlighted earlier this week that El Salvador is about to enter a decisive political year with legislative and municipal elections scheduled for March 2018, followed by first round presidential elections in February 2019.

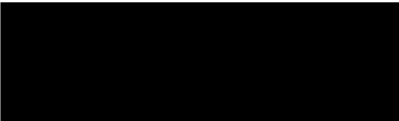
Currently, El Salvador's security forces can only maintain the security situation with the help of the military, and nearly 75% of the military supports law enforcement on a daily basis. Homicide rates in El Salvador have been the highest in the world over the past two years, and despite a decrease in 2017, this has contributed to a climate of fear and hopelessness that continues to drive migrants north. The Government of El Salvador cannot provide basic services for deported migrants and their economy cannot create sufficient jobs to support them. Remittances currently account for 17-18% of El Salvador's GDP and of these remittances, 30% come from people holding TPS status. The elimination of this income will have a significant negative effect on El Salvador's economy.

 Thank you again for the opportunity to provide comment from our Headquarters.

v/r
 Jon

//signed/jn//

Jon Norman, Maj Gen, USAF
Chief of Staff
US SOUTHERN COMMAND



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**PHONE CALL TO PRESIDENT OF EL SALVADOR
SALVADOR SANCHEZ CEREN
Talking Points**

General

- Thank you for your government's ongoing communication with DHS on TPS and your partnership on bilateral economic, immigration, and security issues.
- I had a very productive meeting with Foreign Minister Martinez in December where we discussed your government's impressive efforts to address economic and security needs as well as to provide incentive programs for Salvadoran nationals living in the United States to return to El Salvador.
- El Salvador is one of our key partners in the region on economic, security, and immigration issues. The June 2017 Central America Conference in Miami, Florida, showed the vast number of areas in which we are working together to combat the root causes of illicit activities that threaten regional stability.
 - We are working to remove obstacles to economic growth, including barriers to trade and investment for U.S. and Salvadoran businesses.
 - On the security front, the conference addressed tangible ways to combat organized crime, enhance citizen security, increase transparency, and promote regional security cooperation.

Temporary Protected Status (TPS)

- I am taking the review of conditions in El Salvador, TPS statutory requirements, and El Salvador's TPS designation very seriously.
- I am reviewing conditions in El Salvador, in consultation with the U.S. Department of State, to consider whether the statutory requirements

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continue to be met and whether, depending on such country conditions, an extension, re-designation, or termination is warranted.

- I want to ensure lines of communication are open throughout this process. Prior to public notification, the U.S. Government will inform you of the TPS decision through the U.S. Embassy in San Salvador.

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SENSITIVE BUT UNCLASSIFIED**Post-TPS/DACA/CAM Strategy****CONTEXT**

The return of El Salvadoran nationals after the potential curtailment of Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA), and the Central American Minors (CAM) programs is expected to further stress El Salvador's already weakened economy and institutions. It could also present obstacles to the United States government's goals of stemming illegal migration to the United States and disrupting criminal networks, namely MS-13 and 18th Street gangs currently prevalent in El Salvador (estimated 60,000 gang members and affiliates currently in country). El Salvador (population 6.1 million) continues to suffer from serious security and economic challenges, and the government would need to boost considerably its ability to provide basic services, jobs, and education for returning citizens and their families. To successfully absorb the potential return of estimated 262,528 TPS, 25,900 DACA, and 1,109 CAM beneficiaries – and possibly tens-to-hundreds of thousands of American citizen children - GOES, private sector companies, and civil society must work together to offer a resettlement that does not result in driving the push factors of illegal migration and further raising already record-high violence and homicide rates due to gang activity, extortion, and gang recruitment of youth. There are potential rewards for El Salvador from the successful reintegration of returnees with their skills, know-how and capital, but they will require significant GOES and USG planning and coordination, and possibly an increase of resources.

I. Who is Affected**TPS**

According to USCIS, approximately 262,528 Salvadorans are estimated to reside in the United States under the Temporary Protected Status (TPS) Program, with 187,000 of that number having applied for work authorization in 2015. In addition, there are an estimated 192,700 U.S.-born children to TPS parents.

Profile:

- 50 percent of beneficiaries are currently in their forties.
- 40 percent are married, 86.3 one child, more than 50 percent two or more.
- **Education:** 50 percent have High School diploma or GED and some college.
- **Employment:** 93.9 percent of men and 82.1 percent of women employed. Men: construction, landscaping, cleaning, restaurant and other service Women: caretaking, child care, and the cleaning industry.
Self-employed: 13 percent.

Source: University of Kansas Study on TPS

Timeline: Unclear at this point. Expiration of legal status could happen as soon as March 3, 2018 and up to several years, with perhaps a few years after that for initiation of deportation proceedings for those who seek to appeal. Also unclear how TPS deportees will be prioritized.

DACA and CAM:

- DACA: 25,900 Salvadorans.
- CAM: 1,109 Salvadoran beneficiaries.

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- Timeline:
 - DACA: Congress has been given six months (until February 2018) to propose a legislative solution for DACA beneficiaries.
 - CAM: Parole program cancelled; beneficiaries will need to reapply for humanitarian parole once their initial two-year status expires.
- Low priority: DHS estimates DACA and CAM beneficiaries, once out of status, will fall low on the priority list for deportation proceedings due to low resources and focus on deportees with criminal records.

II. Impact

Impact on and Challenges for El Salvador:

- **Increased demand for services:** Increased demand for immigration processing and documentation to allow access to the education system, social, and health services, and increased demand for those services. Lack of sufficient GOES funding and lengthy bureaucratic processes could hinder successful reintegration.
- **Demand for more jobs** will likely be difficult to meet in the near term. 60,000 Salvadorans enter the labor force each year and only 12,000 find jobs in the formal economy. (source: FUSADES)
- **Youth education:** Dual national children returning with parents will need education and professional opportunities. Some may not speak Spanish well.
- **Diminished remittances** would stress an already weakened economy: They currently make up 17 percent of GDP and would cut consumption of goods and services. TPS beneficiaries currently make up roughly 10 percent of Salvadorans in the United States, likely contributing a similar percentage of total remittances, which would disappear from the Salvadoran economy.
- **Driver of illegal migration:** Returnees with weaker cultural ties and language abilities in El Salvador will be less interested in remaining in El Salvador and may strongly consider returning to the United States illegally (if they return at all), increasing the probability of another wave of illegal immigrants.
- **Potential for increased gang violence:** Returnees and their families could become targets for extortion, violence, and coercion. Children risk recruitment by gangs in the U.S. and in El Salvador – El Salvador's security woes will not bypass them.
- **Potential increased internal displacement:** Returnees subjected to gang violence can become displaced persons in need of protection, with reduced prospects of engaging in productive activity, and increased chances of straining security services.
- **Lack of faith and trust** in Salvadoran authorities by returnees.
- **Appearance of unfair/special treatment** toward an already privileged group by disadvantaged parts of Salvadoran society if special benefits and programs are established for TPS or other returnees alone.

Impact for the United States:

- Loss of employees/employee shortage for some industries in the United States, as well as a loss of employers
- \$3 billion – estimated cost of deporting TPS holders

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Estimated \$45 billion in lost GDP over a decade \$6.9 billion in lost Social Security and Medicare contributions over a decade. (Source: Alianza Americas: <http://www.alianzaamericas.org/save-tps/>)

- \$1 billion in turnover costs for businesses
- Potential for increased illegal migration and heightened gang-related violence
- DHS assesses that individuals with weak family ties and weak language abilities will not return to El Salvador voluntarily, they will wait until they are forced to return (formal removal).

Impact on U.S. Citizen Children of TPS holders

- Those children born in the U.S., but not old enough to work, would be vulnerable to gang recruitment both in the U.S. (if they remain with relatives) and in El Salvador due to split family units, lack of education/community structure. U.S. citizen children in El Salvador will have legal access to education and healthcare under the Law of Integral Protection of Children and Adolescents (LEPINA). However, the quality of those services will not meet U.S. standards.

III. Impact on U.S. Foreign Policy and Security Objectives

GOES could slow, pause or terminate cooperation on several current areas of success:

- **Acceptance of Deportees:** El Salvador's record on acceptance of returned nationals has been very good over the last year. Previous difficulties on document verification and lack of cooperation by the deportees resulting in delayed document issuance have been overcome.
- **Drug Interdiction Cooperation:** El Salvador has been a strong partner in drug interdiction, hosting the Cooperative Security Location and actively working to interdict narcotics trafficker, particularly through maritime routes in the Eastern Pacific.
- **Anti-gang cooperation:** Law enforcement cooperation and intelligence sharing is strong and ongoing, resulting in arrests in the United States and in El Salvador, including cases with direct links to crimes in the United States.
- **DOJ Detainee Transfer:** Current negotiations on the agreement are going well, and demonstrate the host government's willingness to work with us on counternarcotics efforts.
- **U.S. Congress' Certification Criteria:** While progress has occasionally been uneven, the GOES is generally willing to work cooperatively on an annual action plan to make progress on the 16 criteria.

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SENSITIVE BUT UNCLASSIFIED**IV. U.S. Programs and Next Steps****Existing USAID programs*****A) Tailor Flagship Migration programs to address the specific needs of the changing profiles of returnees and support their reintegration:***

USAID has contributed more than \$7 million towards the International Organization for Migration's (IOM) Data Management Initiative and Return and Reintegration programs in El Salvador. These programs currently assist returned migrants, especially children, in the following ways:

- Provides post-arrival direct humanitarian assistance and psychosocial support;
- Supports referral systems at the reception centers and at the community level for repatriated persons;
- Modernizes public space infrastructure to encourage social cohesion; and,
- Increases the availability, quality and use of data to optimize the processes of reception, reintegration and diminish recidivism.

USAID is in the process of bringing on line a new contribution of \$6.7 million to consolidate migration data management efforts in the NTCA to allow identification of human mobility trends and dynamics, and expand efforts on reintegration of returned migrants. **This program will enable better identification of different migrant profiles and needs and will encompass the ability to tailor reintegration support for potential TPS and DACA returnees. Specific areas of assistance (that may require additional resources) may include:**

- Expanding technical assistance to build capacity of those governmental and non-governmental institutions while in-processing returnees to identify differentiated needs;
- Additional humanitarian assistance;
- Support enhanced referral systems and public service delivery;
- Potential support to construct shelters or additional transportation to get families into their communities.

B) Identify opportunities to link returnees to other existing programs offering economic, educational, and crime prevention opportunities:

Likewise, USAID is committed to ensure that other existing and future programming in the basic education, at-risk youth crime prevention and workforce development will seek ways to integrate returnee populations into programs where feasible. Some examples are listed below:

- Under USAID's **Crime and Violence Prevention program**, we can link returned youth to the 166 outreach centers, 16 FORMATE centers, and 14 Youth Philharmonics to provide them a safe space to play and learn skills outside the reach of gang recruitment.
- USAID's **education programs** can support returning youth migrants' enrollment in schools and promote activities that establish support networks and create safe and stimulating learning environments.

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- USAID's **Bridges to Employment program** can facilitate inclusion of returnees into existing youth employability efforts.
- Tailored to the profiles of returnees, USAID will explore the potential to connect them to **entrepreneurship promotion programs**.
- USAID's **regional and bilateral human rights programs** can support government institutions' ability to prevent abuses, assist and protect returnees at risk, including those internally displaced, and mitigate stigmatization and discrimination of returnees.

Existing INL Programs

A) Share information on returnees to prevent future migration efforts:

INL has helped the Government of El Salvador launch the Border Integration and Coordination Center (GCIF) to better identify gang members or individuals with criminal records attempting to enter the United States. The GCIF will have access to information on returnees through existing DGME databases, and will be able to identify any former TPS, DACA, or CAM recipients attempting to reenter the United States illegally.

B) Work with local law enforcement to resettle and acclimate returnees to local communities:

INL works with local police in 41 Model Police Precincts (MPPs) throughout El Salvador. A key part of this program has been training Salvadoran police to proactively engage with the communities they serve, making contact with citizens, and engaging with civic organizations to deter crime. This network of trained police provides a potential resource to help returnees resettle in communities throughout the country, and a place to report security concerns or efforts at extortion/gang recruitment of the returning population.

Under the MPP program, the PNC also implements INL-funded gang prevention activities for youth, the Gang Resistance Education and Training (GREAT) program and the Police Athletic League (PAL). Returnees and potentially their American-citizen children could participate in these programs as a means of reintegrating with Salvadoran communities, and lowering their vulnerability to recruitment or extortion by the gangs.

Existing MCC Programs

MCC's Human Capital Project (\$115M) is designed to improve the quality of general education and to better match the supply of skills relevant to the international trade of goods and services in El Salvador to the demand of the labor market. **The project could benefit young returnees, particularly children entering school within grades 7-12 in the country's southern zone, and both young adults and skilled mature-aged adults, with respective English skills, looking for workforce development training.** Specifically:

- **The Education Quality Activity** seeks to improve the effectiveness and quality of the national education system in El Salvador through legal, policy and operational reforms for the educational system. This also includes investments in infrastructure and pedagogical interventions in the country's southern zone.
- **The Technical Vocational Education and Training (TVET) Activity** seeks to establish TVET sector committees that will ensure an integrated competency-based curricula led

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and developed by the private sector through an innovative blend of school- and industry-based training and workforce development initiatives.

Existing PAS programs

- PAS' pilot program which **trains vetted returnees as English teachers, tutors, or classroom assistants**, if successful (and with the support of the Ministry of Education), could be scaled up to provide El Salvador with a large number of qualified individuals to support improving the English skills of students in public schools.
- PAS programs focused on the **YLAI Network and on entrepreneurship**, in coordination with USAID support for the entrepreneurship ecosystem, could be tailored to support returning TPS holders with seed money they wish to invest in promising business opportunities.

V. Risks and New Assumptions

- **TPS holders will not return quickly:** DHS assesses that, beneficiaries of the above programs will first exhaust other means of staying in the United States legally or will try to remain illegally.
- **Voluntary return:** DHS informal assessment is that a low percentage of TPS beneficiaries will return voluntarily.
- **Low Priority for Deportation:** DHS noted that current enforcement priority remains on removing individuals who:
 - have been convicted of any criminal offense;
 - have been charged with any criminal offense that has not been resolved;
 - have committed acts which constitute a chargeable criminal offense;
 - have engaged in fraud or willful misrepresentation in connection with any matter before a governmental agency;
 - have abused any program related to receipt of public benefits; are subject to a final order of removal but have not complied with their legal obligation to depart the U.S.;
 - or in the judgement of an immigration officer, otherwise pose a risk to public safety or national security.

VI. Opportunities for GOES

- **Potential to grow El Salvador's Small and Medium Business Community:** If returnees bring skills, experience, and capital from the United States, they could provide a boost to the Salvadoran economy, presuming a successful integration into the community. Familiarity with a less-regulated and more capitalistic economy could encourage El Salvador's government to improve its approach to regulation and increase growth.
- **Boost Select Industries:** Returnees' experience and skills in certain areas could help boost El Salvador's economy, such as the hospitality and tourism sector, construction, and other service-oriented sectors.

VII. Possible Incentives for Successful Reintegration

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- **Ease Asset Transfer and Customs Procedures:** If asset transfer and customs rules were simplified and returnees provided generous exemptions (perhaps similar to retiree exemptions in some countries), returnees might be more likely to start small- and medium-sized enterprises and more rapidly integrate into society.
- **Explore opportunities to give tax breaks for pooled returned resources and/or remittances,** targeted to private sector development in targeted Plan El Salvador Seguro communities.
- **Speed up Business Registration processes by creating “citizen services”** centers where returnees could receive translation help and one-stop assistance navigating bureaucracy, similar to the INL-supported miempresa.gob.sv, which is credited with reducing business registration times by up to 75 percent.
- **Facilitate Comprehensive Family Reintegration: Rather than just providing information** as is currently the case at “La Chacra,” provide assistance with completing and filing documents, school registration, and services for minor children of Salvadoran returnees would help speed up successful integration. It is a matter of advancing an already existing basic mechanism.
- **Raise Security Awareness:** Public information campaigns and local community efforts could help prevent returnees falling victims of coercion, extortion, and violence by gangs and criminal groups.
- **Create language and educational programs to ease transition back to El Salvador,** while taking advantage of skills and experiences brought by returnees.

VIII. Post’s TPS Curtailment Engagement Strategy

- **Media and Public Engagement Strategy:** Post will develop a cohesive messaging strategy for Ambassador’s engagement (in coordination with GOES) with the media, via social media, and with public, private, and civil society contacts on the TPS Decision. (PAS, POL, USAID, ECON, CONS).
- **Bilateral Working Group for Reintegration:** Post leadership will engage with GOES to discuss the decision on TPS once it is announced and propose forming a bilateral working group, which could include public and private sector entities, to help facilitate successful return. (POL, USAID, ECON)
- **Private Sector Working Group:** Post will engage with Private Sector Contacts, AmCham, and other potential partners (Internationals, NGOs, religious groups) to develop incentives for skilled Salvadoran workers. (ECON, MCC, POL, FCS)

Sources:

Alianza Americas: <http://www.alianzaamericas.org/save-tps/>

DHS Memo: <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>

FAQs: <https://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca>

Fact Sheet: <https://www.dhs.gov/news/2017/09/05/fact-sheet-rescission-deferred-action-childhood-arrivals-daca>

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SENSITIVE BUT UNCLASSIFIED**Attachment 1**

**Active DACA Recipients:
Country of Birth
As of September 4, 2017**

Country of Birth	Number	Percent
Total	690,000	100.0
Mexico	548,000	79.4
El Salvador	25,900	3.7
Guatemala	17,700	2.6
Honduras	16,100	2.3
Peru	7,420	1.1
Korea, South	7,310	1.1
Brazil	5,780	0.8
Ecuador	5,460	0.8
Colombia	5,020	0.7
Argentina	3,970	0.6
Philippines	3,880	0.6
India	2,640	0.4
Jamaica	2,640	0.4
Venezuela	2,480	0.4
Dominican Republic	2,430	0.4
Uruguay	1,930	0.3
Trinidad & Tobago	1,930	0.3
Bolivia	1,700	0.2
Costa Rica	1,620	0.2
Chile	1,410	0.2

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Attachment 2

CAM Parole Program data, per USCIS, September 27, 2017

Below statistics are subject to change and should only be used for internal reference purposes.

Q8: How many people have been paroled through the CAM program already (by country)?

ES: 1109 Number of individuals currently in the US with CAM Parole status (which will expire in 2 years and they will have to find another means of staying in country legally or get deported to country of origin?)

HO: 324

GTM: 31

TOTAL: 146

Q9: How many have been conditionally approved, but will not be allowed to travel (by country)?

ES: 2444 There is no current means of getting these individuals into country, correct? Basically their approvals will not move forward unless directed otherwise, correct? They will be given the opportunity to request a review of their denied refugee status decision, per standard procedures.

HO: 231

GTM: 39

TOTAL: 2714

Also, 2,697 individuals (not 2,714) *will get rescission notices*. It continues to be accurate to say “approximately 2700” were conditionally approved and still in-country. The “2,697” number includes only those people who had already received their physical conditional approval notice, and therefore needed to receive a rescission notice. This does not include those who would have been recommended for parole but had not yet received a physical conditional approval notice.

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PHONE CALL TO PRESIDENT OF EL SALVADOR SALVADOR SANCHEZ CEREN
January 5, 2018

Objective:

- You will call President Salvador Sanchez Ceren to discuss your upcoming decision regarding the future of El Salvador's Temporary Protected Status (TPS) designation, and to emphasize the importance of maintaining a close bilateral relationship on economic, immigration, and security matters.

Agenda:

- This meeting will be an unscripted conversation between you and President Sanchez Ceren.
- The President does not speak English and will have an interpreter for the call.

Key Messages

Highlight that you are taking your review of conditions in El Salvador and El Salvador's TPS designation very seriously.

Express appreciation for Foreign Minister Hugo Martinez's regular visits over the last six months to discuss country conditions and bilateral engagement with you and your staff.

Emphasize the importance of maintaining strong bilateral engagement on economic, immigration, and security issues.

Key Issues:

DHS Priorities for Meeting

- Inform President Sanchez Ceren of the seriousness with which you are reviewing the country conditions and statutory requirements tied to TPS. Highlight that you and your staff have been consulting with U.S. Government, non-governmental, and Salvadoran counterparts as part of this process.
- Highlight that prior to announcement, the U.S. Government will communicate its decision to the Government of El Salvador through formal channels.
- Emphasize the importance of maintaining a strong bilateral relationship with the Government of El Salvador as one of DHS's key partners in the region.
 - In El Salvador, DHS priorities include combatting transnational criminal networks and gangs; enhancing air, land, and maritime border security; facilitating trade and customs processes; and improving information sharing.
 - The DHS footprint in El Salvador includes ICE and USCIS. CBP is in the process of establishing a permanent presence. DOS also funds two CBP advisors in El Salvador.
 - In June 2017, the United States and Mexico co-hosted the Conference on Prosperity and Security in Central America ("the Conference"), held in Miami, Florida, where the Administration reaffirmed its commitment to Central America. El Salvador was a key partner in developing the agenda and deliverables for the Conference.
 - The U.S. Government intends to hold a high-level dialogue with the Northern Triangle in early 2018 to follow-up on high-level objectives and outcomes from the June 2017 Conference.

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Issues Likely to be Raised

- President Sanchez Ceren may note that while the Government of El Salvador has taken steps to prepare for a potential influx of Salvadoran nationals (initiatives for Salvadoran nationals to bring their cars or tools back to El Salvador tax-free, incentives for creating a small business, etc.), he may raise concerns that El Salvador is not prepared to receive and reintegrate the large number of Salvadoran TPS beneficiaries and their families who may have no lawful means to remain in the United States, were El Salvador's TPS designation terminated.
- DHS is currently working with DOS and U.S. Agency for International Development to identify opportunities to support the Government of El Salvador in their efforts. There are approximately 262,500 beneficiaries under El Salvador's TPS designation, and U.S. Embassy San Salvador estimates 192,700 U.S.-born children to Salvadoran TPS parents (see Attachment B). In addition to holding TPS, more than 42,700 Salvadoran beneficiaries have been granted lawful permanent resident status since receiving TPS.
 - *Staff recommendation:* Thank the President for his and the Foreign Minister's continued dialogue with DHS on immigration issues, to include TPS. Emphasize that DHS and its interagency partners are committed working with the Government of El Salvador to support the safe and humane return of migrants as well as mutual bilateral economic, security, and information sharing priorities.
- The President may seek reassurance that DHS will not remove Salvadorans who lose TPS and have no other lawful status en masse if you terminate their TPS.
 - *Staff recommendation:* Note that although DHS will not exempt entire categories or classes of people from potential immigration enforcement actions, in the event of termination, DHS would continue to focus on criminal aliens, those with final orders of removal, and those who otherwise pose a threat to public safety and/or national security.

History:

- DHS senior officials have not met with President Sanchez Ceren since May 2016. The Salvadoran Foreign Minister has met with DHS leadership six times since July 2017 to discuss TPS, the last of which was your meeting on December 20, 2017 at CBP HQ.
- Former Secretary John Kelly met with Salvadoran Vice President Oscar Ortiz as part of a meeting with Vice President Mike Pence on the margins of the June 15-16, 2017 Conference in Miami, Florida, where they discussed bilateral immigration (to include TPS) and security issues. President Sanchez Ceren was unable to attend the Conference.

Logistics:

- You will call President Sanchez Ceren on Friday, January 5, 2018 from 9:45a.m.-10:15a.m.

Attachments:

- A. Talking Points
- B. El Salvador Strategy (*Source:* U.S. Embassy San Salvador)
- C. Biography

Staff Responsible for Briefing Memo:

Traci Batla, Deputy Director – Central America/Andean Affairs, PLCY [REDACTED]; David Cloe, Director for Latin America and Caribbean Affairs, PLCY [REDACTED].

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**TPS MEETING
TALKING POINTS**

General

- Thank participants for their regular engagement with DHS on TPS and other immigration issues.

Temporary Protected Status (TPS)

- Stress that you are taking the review of conditions in El Salvador and El Salvador's TPS designation very seriously.
- Explain that your authority to designate or redesignate a country for TPS and to extend or terminate a country's existing designation is based upon specific criteria, as defined under the Immigration and Nationality Act (INA).
- Thank participants for their continued dialogue with DHS on immigration issues, including TPS. Emphasize that you have been reviewing conditions in El Salvador to determine whether its TPS designation should be extended, terminated, or redesignated and will make a decision by Monday, January 8.

Additional points, as needed:

- Explain that if El Salvador's TPS designation is terminated, Department personnel will follow the enforcement priorities identified in former Secretary Kelly's February 20, 2017 memorandum and will no longer exempt classes or categories of removable aliens from potential enforcement.
- Note that there are currently approximately 262,500 beneficiaries under El Salvador's designation, but out of that total number of beneficiaries, more than 42,700 have been granted lawful permanent resident status since being granted TPS.

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**TPS MEETING
Participant List**

Secretary Nielsen
Elaine Duke, Deputy Secretary
Chad Wolf, Chief of Staff
AMB Nealon, Assistant Secretary, PLCY
Francis Cissna, Director, USCIS
Joe Maher, Acting General Counsel, OGC
Matt Hayden, Acting Deputy Assistant Secretary, PSO
Jonathan Hoffman, Assistant Secretary, OPA

External Participants

Ashley Feasley, Attorney, Director of Policy, U.S. Catholic Conference of Bishops - Migration and Refugee Services
Jill Marie Bussey, Advocacy Director, Catholic Legal Immigration Network, Inc. (CLINIC)
Abel Nuñez, Executive Director, Washington, DC Office, Central American Resource Center
Royce Murray, Attorney, Policy Director, American Immigration Council
Oscar Chacon, Executive Director, Alianza Americas
Josh Bernstein, Director of Immigration, Service Employees International Union
Rev. Noel Andersen, National Grassroots Coordinator, Church World Service - Immigration and Refugee Program
Sister Patricia McDermott, President, Institute of the Sisters of Mercy of the Americas
Jean Stokan, Policy Director, Institute of the Sisters of Mercy of the Americas
Rev. Dr. Sharon Stanley-Rea, Director, Refugee & Immigration Ministries for the Christian Church (Disciples of Christ) in the U.S. & Canada
TBD

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TPS MEETING
January 5, 2018

Objective:

- You will meet with representatives of faith-based and non-governmental organizations, at their request, to discuss their concerns regarding the future of El Salvador's Temporary Protected Status (TPS) designation.

Agenda:

- This meeting will be an unscripted conversation between you and senior representatives of several faith-based and non-governmental organizations advocating against ending TPS for El Salvador.

Key Messages

- Thank the organizations for their regular engagement with DHS on immigration-related issues.
- Highlight that you are taking your review of conditions in El Salvador and El Salvador's TPS designation very seriously.

Key Issues:

DHS Priorities for Meeting

- Respond to the organizations' concerns regarding your upcoming decision on TPS for El Salvador.
 - Note that prior to making a decision regarding El Salvador's current TPS designation (which you must do by January 8, 2018, or the designation will be automatically extended by statute), you have been reviewing conditions in El Salvador to determine whether TPS designation should be extended, terminated, or re-designated in accordance with the Immigration and Nationality Act.

Issues Likely to be Raised

- TPS: The authority to designate a country for TPS and to extend or terminate a country's existing designation is vested in the Secretary of Homeland Security, following consultation with other appropriate U.S. Government agencies, and provided the relevant statutory criteria are met.
- El Salvador was designated for TPS due to an environmental disaster in 2001 and there are approximately 262,500 beneficiaries under the designation. U.S. Embassy San Salvador estimates that there are 192,700 U.S.-born children to Salvadoran TPS parents. Of the total number of beneficiaries, more than 42,700 have been granted lawful permanent resident status since being granted TPS.
- The current expiration of El Salvador's designation is March 9, 2018, necessitating a decision be made no later than Monday, January 8, 2018.
- Meeting participants will advocate for the extension of TPS for Salvadoran nationals.
 - *Staff recommendation (if no announcement is made by the meeting):* Thank the groups for their continued dialogue with DHS on immigration issues, to include TPS. Emphasize that, prior to expiration of the current designation, you will review conditions in El Salvador to determine whether the statutory requirements continue to be met and the country warrants an extension, re-designation, or termination of TPS.

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History/Background:

- In 2017 alone, DHS (including, USCIS) conducted dozens of outreach meetings in Salvadoran communities throughout the country. The outreach includes, but is not limited to: community forums on TPS, panel discussions with Salvadoran community organizers, stakeholder teleconferences, regular meetings with TPS beneficiaries, news releases to the Salvadoran community, luncheons with Salvadoran government officials, meetings at local churches, and listening sessions.
- Currently, there are 10 countries designated for TPS. The countries are South Sudan, Sudan, Somalia, Honduras, Nicaragua, El Salvador, Syria, Haiti, Nepal and Yemen. TPS for Sudan terminates on November 2, 2018; TPS for Nicaragua terminates on January 5, 2019; and TPS for Haiti terminates on July 22, 2019.
- El Salvador was originally designated for TPS on March 9, 2001, on environmental disaster grounds, specifically because of the devastation caused by major earthquakes in January and February of that year.
- TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status. Persons with TPS may seek an alternative lawful immigration status for which they are independently eligible.
- TPS beneficiaries are eligible to work in the United States while they hold TPS.
- Decisions on Honduras' and Nicaragua's TPS designations, the two other Central American countries designated for TPS, were announced by former Acting Secretary Duke on November 6, 2017.
 - Honduras' TPS designation was automatically extended from January 6, 2018 through July 5, 2018. Nicaragua's TPS designation was terminated with a delayed effective date of 12 months, effective January 5, 2019.
 - Federal Register Notices announcing the two decisions were published on December 15, 2017, and provide detailed information regarding re-registration for TPS and employment authorization.
- DHS is working to publish the FRN for the recent decision to terminate Haiti's TPS designation with an 18-month transition period as expeditiously as possible. The notice will provide details regarding re-registration procedures and employment authorization for the 18-month transition period before Haiti's TPS termination becomes effective on July 22, 2019.

Logistics:

- This meeting will be **closed press**.

Attachments:

- A. Talking Points or Remarks
- B. Participant List
- C. Biographies

Staff Responsible for Briefing Memo: Marian Drake, Policy Analyst, International and Humanitarian Affairs Division, Office of Policy and Strategy, USCIS [REDACTED].

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Ashley Feasley
Attorney, Director of Policy,
U.S. Catholic Conference of Bishops - Migration and Refugee Services



As the Director of Policy for the Migration and Refugee Services (MRS) Office of Migration and Refugee Policy, Ms. Feasley assists the bishops in the development and promotion of migration and refugee policy positions within the context of the Church's social and moral teaching. She also implements communication, public education/outreach and legislative strategies that foster greater advocacy, awareness, understanding, and support for the work of MRS and the vulnerable populations it serves.

Ms. Feasley worked as the Director of Advocacy for the Catholic Legal Immigration Network (CLINIC). She has taught at Fordham University School of Law and at the Columbus School of Law at Catholic University of America.

She focuses her work and scholarship on migration law- including immigration law, human trafficking, refugee and asylum law, and protection of vulnerable mobile populations. She has published numerous articles and has appeared in the media speaking about migration-related issues. Feasley also previously clerked for the Honorable Evan J. Wallach at the United States Court of International Trade in New York.

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Jill Marie Bussey
Advocacy Director, Catholic Legal Immigration Network, Inc. (CLINIC)



Bussey is Director of Advocacy with CLINIC. She works with the Executive Director and senior staff to develop policy recommendations and designs, evaluates and executes strategies to promote the dignity and protect the rights of immigrants. She joined CLINIC in April 2015 as an Advocacy Attorney, working closely with CLINIC affiliates and coalition partners to monitor the implementation of the Deferred Action for Childhood Arrivals program, identify and address individual and systemic problems with application processing, and research and develop policy and advocacy recommendations.

Bussey has nearly 20 years of experience in the field of immigration and earned her Juris Doctor degree with a concentration in business law, cum laude, from the University of Baltimore School of Law and her bachelor's in law and society from American University. She was in private practice prior to joining CLINIC.

She is also actively engaged in her community, serving as chair of the Howard County Consumer Protection Board, representing economically disadvantaged groups in Maryland.

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Abel Nuñez
Executive Director, Washington, DC Office
Central American Resource Center (CARECEN)



Abel Enrique Núñez, is the executive director of the Central American Resource Center (CARECEN), which provides a wide range of services for the Washington, D.C. area Latino population, including direct legal assistance, housing counseling, citizenship education and community economic development.

Núñez is a native of El Salvador. Before he took the helm as executive director of CARECEN in 2013, Núñez worked for 13 years at a similar organization in Chicago called Centro Romero.

At CARECEN, Núñez has expanded services to the suburbs surrounding the District, successfully pushed for legislation that allows undocumented immigrants to more easily obtain a driver's license, and has a list of many other accomplishments.

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Royce Murray
Attorney, Policy Director, American Immigration Council



Royce Bernstein Murray is the Policy Director at the American Immigration Council where she oversees the Council's policy advocacy and research. Prior to joining the Council, Royce served as the Director of Policy at the National Immigrant Justice Center where she worked on legislative and administrative advocacy on issues impacting the due process rights and treatment of vulnerable immigrants.

She previously worked as an immigration and human rights law consultant for organizations including the National Immigration Forum, Center for Global Development, and the World Bank's Nordic Trust Fund. Royce was also an adjunct professor at the David A. Clarke School of Law at the University of the District of Columbia.

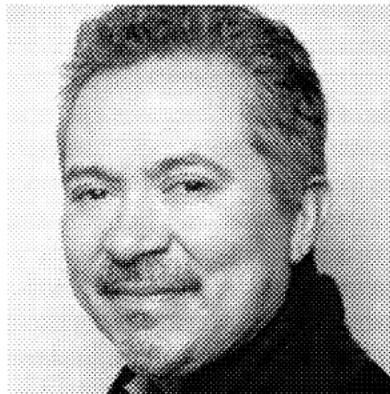
She also previously worked at U.S. Citizenship and Immigration Services Office of the Chief Counsel, Refugee and Asylum Law Division, and as a Presidential Management Fellow and Asylum Officer for the Immigration and Naturalization Service Office of International Affairs.

Murray began her legal career interning with NGOs, including the Lawyers Committee for Human Rights (now "Human Rights First"), the Guatemala Human Rights Commission/USA, and Ayuda. She holds a J.D. from the Georgetown University Law Center and a Bachelor of Arts with distinction in political science from the University of Michigan. She is a member of the New York Bar.

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Oscar Chacon
Executive Director, Alianza Americas



Oscar A. Chacón is a co-founder and executive director of Alianza Americas (formerly known as National Alliance of Latin American & Caribbean Communities-NALACC), an umbrella of immigrant-led and immigrant serving organizations based in the United States of America, dedicated to improving the quality of life of Latino immigrant communities in the US, as well as of peoples throughout the Americas.

Prior to his designation in 2007 in his current role, Oscar served in leadership positions at the Chicago-based Heartland Alliance for Human Needs and Human Rights, the Northern California Coalition for Immigrant and Refugee Rights, the Boston-based Centro Presente, and several other community based and international development organizations. Oscar has also served in multiple advisory committees to national and international processes including the Civil Society Consultation process associated to the Global Forum on Migration and Development and the World Social Forum on Migration.

Oscar is a frequent national and international spokesperson on transnationalism, economic justice, the link between migration and development, migrant's integration processes, human mobility, migration policies, racism and xenophobia; and U.S. Latino community issues.

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Josh Bernstein
Director of Immigration, Service Employees International Union



Josh Bernstein, serves as the Director of Immigration, at the Service Employees International Union (SEIU), which represents about 1.9 million workers in over 100 occupations in the United States , and Canada.

As SEIU's immigration director, Bernstein is responsible for directing, developing, and leading the union's activities to build power for its immigrant members and their families through national lobbying, grassroots activism, and internal capacity building.

Mr. Bernstein joined SEIU's staff in January 2009 after more than 14 years at the National Immigration Law Center, where he most recently served as director of federal policy. At NILC, he was a trusted national leader on immigration reform and immigrant worker rights issues.

Mr. Bernstein's advocacy on behalf of low-income workers dates back to 1982 when he was director of Californians for a Fair Share, a grassroots statewide coalition of low-income families and their allies that was formed to combat welfare cuts. He subsequently served as a welfare advocate for the Legal Aid Foundation of Los Angeles and the Inner City Law Center, a Los Angeles skid row legal clinic, providing direct services to homeless families and coordinating a coalition pressing for improved city and county services. Bernstein was also a major legislative advocate for the DREAM Act.

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Rev. Noel Andersen
National Grassroots Coordinator,
Church World Service - Immigration and Refugee Program



Rev. Noel Andersen has served as Grassroots Coordinator for over three years with Church World Service out the Washington DC Advocacy Office. He became an expert on the 2014 Sanctuary Movement while serving as a national coordinator for the initiative meant to draw on the prophetic witness of congregation's wanting to stop deportations and lift up the immigrant story of those struggling to keep their families together in midst of unjust immigration policies.

Previously, he served as Assistant Pastor at the Good Shepherd United Church of Christ in Sahuarita, Arizona, just 40 miles from the U.S.- Mexico border where the congregation was very active in humanitarian aid for migrants on the border and in the struggle against anti-immigrant bill SB 1070. He has a Masters of Divinity from Pacific School of Religion where his emphasis was on theology of liberation which he studied extensively during his field study in El Salvador.

He is fluent in Spanish and has worked for a number of nonprofit organizations in Central America and on the border focusing on community development, education and community organizing.

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Sister Patricia McDermott
President, Institute of the Sisters of Mercy of the Americas



Sister Patricia (Pat) McDermott is the president of the Institute of the Sisters of Mercy of the Americas. Prior to being elected president, she served two terms on the Institute Leadership Team. Pat served as president of the former regional community of the Sisters of Mercy in Omaha, Nebraska, from 1990 to 1998 and as an administrative team member for the previous four years.

She taught English, journalism and religious education at the secondary level for 10 years before finishing doctoral studies and teaching pastoral theology at Catholic University of America. Pat has held many board positions in institutions that provide healthcare, education and housing serving with lay colleagues as well as women religious.

She values the commitment to Mercy values that she sees in ministry partners who witness to the spirit of Catherine McAuley and her vision of multiple responses to the needs of those marginalized by our society.

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Jean Stokan
Policy Director, Institute of the Sisters of Mercy of the Americas



Jean Stokan serves as Director of the Sisters of Mercy of the America Institute Justice Team, focused on Mercy's critical concerns of: non-violence, immigration, anti-racism, Earth, women and poverty/economic inequality. Prior, she served on the national staff of PCUSA for seven years, opening the DC office and building partnerships with national Catholic organizations.

She helped organize initiatives with Pax Christi International partners to promote non-violent alternatives to war. Jean has worked for many years on human rights in Latin America, building people-to-people ties to strengthen global solidarity.

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Rev. Dr. Sharon Stanley-Rea
Director, Refugee & Immigration Ministries for the Christian Church (Disciples of Christ)
in the U.S. & Canada



Sharon Stanley-Rea is Director of Refugee & Immigration Ministries for the Christian Church (Disciples of Christ). She is an employee of Disciples Home Missions, with her office located in Washington, D.C., on the second floor at National City Christian Church. She works to mobilize Disciples congregations around the country to offer hospitality to immigrants, provide refugee resettlement assistance to refugees, seek justice for farm workers, and engage in advocacy on behalf of refugees and immigrants. Prior to joining DHM, Sharon served for 19 years as the Founder and Executive Director of Fresno Interdenominational Refugee Ministries, which provides wholistic ministries to thousands of refugees annually in California's Central Valley.

Previously, she pastored in North Carolina and California, and served in mission in Seoul and Pusan, South Korea. She is a pastor, ordained in the Presbyterian Church U.S.A. and with clergy standing in the Christian Church (Disciples of Christ). She is the wife of Disciples pastor Rev. Dr. Woodie Rea, Senior Pastor at The Inter-faith Chapel at Leisure World in Silver Spring, Maryland. She is the sister, daughter, and granddaughter of pastors.

She holds a doctor of ministry degree from Columbia Theological Seminary, earned a Masters of Divinity degree from San Francisco Theological Seminary, has studied in Indonesia and China, and lived for many years in a low income Fresno, California neighborhood nicknamed after a refugee camp in Thailand.

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TEMPORARY PROTECTED STATUS BRIEFING
December 15, 2017

Secretary Nielsen
Deputy Secretary Duke
Chad Wolf, Acting Chief of Staff
Elizabeth Neumann, Deputy Chief of Staff
Tracy Short, Counselor, SEC
Joe Maher, Acting General Counsel
Dimple Shah, Deputy General Counsel

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TEMPORARY PROTECTED STATUS BRIEFING**December 15, 2017****Objective:**

- To obtain a general overview of the upcoming Temporary Protected Status (TPS) designations the Secretary will be reviewing and making determinations on over the next two years, as well as on the populations affected.

Background:*TPS Generally*

- TPS is a temporary immigration status available to eligible nationals of a designated foreign state or aliens having no nationality who last habitually resided in that state.¹ TPS allows those individuals to remain in the United States temporarily with eligibility for employment authorization.² Although TPS does not, by itself, provide aliens with a basis for seeking lawful permanent resident status, receipt of TPS benefits will not bar an otherwise eligible individual from adjusting to lawful permanent resident status.³
- The Secretary of Homeland Security, after consultation with appropriate agencies of the Government, is authorized to designate a foreign state (or part thereof) for TPS.⁴ The Immigration and Nationality Act (INA) sets forth several possible bases for making or extending a TPS designation:⁵
 - Armed conflict,
 - Environmental disaster, or
 - Other extraordinary and temporary conditions.
- By statute, at least sixty days before the expiration of a country's TPS designation or extension and "after consultation with appropriate agencies of the Government," the Secretary must review the conditions underlying that country's designation for TPS.⁶ If the Secretary determine that the country no longer meets the conditions for TPS designation, the Secretary must terminate the designation.⁷
- If the Secretary does not make such a determination, the INA provides for an automatic six-month extension unless she, in her discretion, specify a period of 12 or 18 months.⁸ The Secretary must provide timely notice in the *Federal Register* of any determination to terminate or extend a TPS country designation.⁹
- When a country is designated for TPS, nationals of that country who are residing in the United States may apply for TPS with U.S. Citizenship and Immigration Services. In order to be eligible for TPS, applicants must meet required continuous residence and physical presence dates, which generally prevent individuals who first arrive in the United States after a country's designation for TPS from receiving the status.
- Thorough security and background checks are performed on all TPS applicants.

¹ See 8 U.S.C. § 1254a(a)(1).

² *Id.*

³ See 8 U.S.C. § 1254a(f)(4).

⁴ 8 U.S.C. § 1254a(b)(1).

⁵ *Id.*

⁶ 8 U.S.C. § 1254a(b)(3)(A).

⁷ 8 U.S.C. § 1254a(b)(3)(B).

⁸ 8 U.S.C. § 1254a(b)(3)(C).

⁹ 8 U.S.C. §§ 1254a(b)(3)(A), (b)(3)(B).

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- TPS beneficiaries are authorized to remain in the United States and receive work authorization for the duration of their status.

Current TPS Countries

- Currently, there are ten countries designated for TPS: El Salvador, Honduras, Nepal, South Sudan, Somalia, Syria, and Yemen.
 - Haiti (termination will be effective on July 22, 2019).
 - Nicaragua (termination will be effective on January 5, 2019).
 - Sudan (termination will be effective on November 2, 2018).

Review Schedule

- The following chart provides the timeline for decision making on all of the current TPS designations, as well as the approximate current number of beneficiaries under each designation who will be affected by the Secretary's decision.

<u>Country</u>	<u>Estimated Number of Beneficiaries</u>	<u>Required S1 Decision Date</u>	<u>Current Expiration Date</u>
El Salvador	263,282	01/08/2018	03/09/2018
Syria	6,177	01/30/2018	03/31/2018
Nepal	12,967	04/25/2018	06/24/2018
Honduras	86,163	05/06/2018	07/05/2018
Yemen	819	07/05/2018	09/03/2018
Somalia	497	07/19/2018	09/17/2018
South Sudan	49	03/03/2019	05/02/2019
Sudan	1,039	N/A	11/02/2018
Nicaragua	5,349	N/A	01/05/2019
Haiti	58,706	N/A	07/22/2019

Attachments:

A. Participant List

Staff Responsible for Briefing Memo: Nader Baroukh, Associate General Counsel for Immigration, Office of the General Counsel [REDACTED].

Reviewed and approved by: Dimple Shah [REDACTED]

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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

October 26, 2017

DECISION MEMORANDUM FOR THE ACTING SECRETARY

FROM: L. Francis Cissna
 Director

2 FAL

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 related to 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.

El Salvador's TPS Designation: On March 9, 2001, then Attorney General Ashcroft 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

The reason for El Salvador's designation for TPS stated in the Federal Register at the time of the initial designation was that due to earthquakes on January 13, February 13, and February 17 of 2001, "the Attorney General has determined that, due to the environmental disaster and substantial

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).

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El Salvador's Designation for Temporary Protected Status

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disruption of living conditions caused by the earthquakes, El Salvador is 'unable, temporarily, to handle adequately the return' of its nationals." The Federal Register Notice specifically cited that the earthquakes resulted in at least 1,100 deaths, 7,859 injuries, over 2,500 missing, and had displaced an estimated 1.3 million persons—over 80,000 of whom were living in temporary camps. The notice also stated that "approximately 220,000 homes, 1,696 schools, and 856 public buildings have been damaged or destroyed. Earthquake-caused losses in housing, infrastructure, and the agricultural sector exceed \$2.8 billion."

At the time, the Attorney General estimated that there would be no more than 150,000 nationals of El Salvador in the United States who would be eligible for TPS.

El Salvador's designation has been continuously extended since the 2001 designation, with the most recent extension announced on 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 262,500 Salvadoran TPS beneficiaries. Approximately 186,700 individuals re-registered for TPS under El Salvador's last extension.⁴

Current 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.

As the noted in the designation notice, the 2001 earthquakes that formed the basis for El Salvador's designation killed, injured, and displaced large numbers of persons, in addition to causing 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 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.

Following the earthquake, 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. Accordingly, many reconstruction projects have now been completed. Damaged schools and hospitals have been reconstructed and repaired, homes have been rebuilt, and money

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.

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El Salvador's Designation for Temporary Protected Status

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has been provided for water and sanitation and to repair damaged roads and other infrastructure. Additionally, El Salvador's economy is also steadily improving. The Salvadoran government has estimated that the country's unemployment rate was 7 percent in 2014, 2015, and 2016.⁵ 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 2020.⁶

While recovering from the direct impacts of the 2001 earthquake, El Salvador is currently being impacted by a regional drought. Regions of the country located in Central America's "Dry Corridor" – over 50 percent 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, however, demonstrated slightly improved conditions, allowing normal development of basic grain crops. El Salvador has also been heavily affected by a regional coffee rust epidemic, 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.

Although El Salvador's current TPS designation is under the "environmental disaster" prong of the TPS statute, the country is experiencing 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. While the homicide rates remain extremely high in El Salvador, they have continued to trend downward in 2017, with the Salvadoran government reporting a 36 percent reduction for the first 8 months of the year as compared to the same period in 2016.

In addition, gangs, including MS-13 and Barrio 18, exert their influence and operate throughout all of El Salvador. They 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. 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. Unfortunately, El Salvador is not alone with respect to the level and nature of criminal activities. According to the World Health Organization's 2002 "World Report on Violence and Health,"

⁵ MINEC y DIGESTYC presentan principales resultados de la EHPM 2016, Dirección General de Estadísticas y Censos (DIGESTYC), <http://www.digestyc.gob.sv/index.php/novedades/noticias/767-ministerio-de-economia-y-digestyc-presentan-principales-resultados-de-la-encuesta-de-hogares-de-propositos-multiples-2016.html> (last visited Oct. 19, 2017); Alemán, Uveli, Más de 2,000 ingresan a las filas del desempleo y crece el trabajo precario, *El Mundo* (El Sal.), Oct. 20, 2016.

⁶ *Trading Economics*, El Salvador GDP, available at: <https://tradingeconomics.com/el-salvador/gdp>

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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." 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).

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. 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. The Salvadoran government has, however, 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.

It should be noted, however, the U.S. Government also 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.⁷

Options1) *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. As noted in the country condition assessment summary, the review of conditions in El Salvador indicates that reconstruction and recovery efforts relating to the earthquakes have largely been completed. Although, as noted, subsequent environmental challenges 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 of the factors, the conditions in El Salvador no longer support its TPS designation on the basis of the 2001 earthquakes.

Although USCIS assesses the conditions linked to the 2001 earthquakes do not support a designation, an argument could be made that subsequent and, in some cases, ongoing environmental challenges – in particular, the prolonged, severe drought, coffee rust epidemic, and

⁷ 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/ero/pdf/2014-ice-immigration-removals.pdf>; <https://www.ice.gov/doclib/about/offices/ero/pdf/2013-ice-immigration-removals.pdf>.

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mosquito-borne disease outbreak – and other conditions have sufficiently hindered recovery such that a substantial disruption in living conditions endures. Under this counterpoint based upon conditions subsequent to the earthquake, El Salvador continues to be unable to handle the return of its nationals, and extension is justified. To that point, the Government of El Salvador has requested that its TPS designation be extended (see Attachment C).

Should the decision be made to extend based upon these subsequent challenges hindering recovery, 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. Accordingly, 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) *Terminate El Salvador's Designation for TPS*

If you determine that El Salvador no longer continues to meet the statutory requirements for its TPS designation, you must terminate TPS for El Salvador. Termination would end TPS benefits for existing Salvadoran TPS beneficiaries. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence). As explained above, USCIS assesses that termination is warranted because reconstruction efforts relating to the 2001 earthquakes have largely been completed and current challenges cannot be directly tied to damage from the earthquakes.

If you decide to terminate El Salvador's designation, you may determine the appropriate effective date of the termination. In doing so, you have the option to provide for an orderly transition period (e.g., 6, 12, or 18 months) after which TPS documentation will end. Delaying the effective date would provide those beneficiaries without any other immigration status a reasonable amount of time following the announcement of termination of the designation to plan and prepare for their departure from the United States, of particular importance for this population given the extended length of time Salvadoran TPS beneficiaries have been living in the United States. Delaying the effective date would also allow El Salvador time to prepare for and absorb its nationals in a more orderly fashion – a concern heightened by the large size of El Salvador's TPS population. Note: the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

Given that the U.S. Government removed more than 90,000 individuals to El Salvador in the last four years, it can be argued that the country is able to handle adequately the return of its nationals.

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El Salvador's Designation for Temporary Protected Status

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3) *Redesignate El Salvador for TPS*

In addition to making a decision to terminate or extend El Salvador's TPS designation, you could also consider redesignating the country for TPS. A decision to redesignate a country for TPS, unlike termination or extension, is entirely at your discretion; if the statutory conditions are met, you may, but do not have to, redesignate a country for TPS. While one could argue that widespread violence warrants a new TPS designation, it is not advised. Such a basis is not explicitly contemplated by the statute outside of an armed conflict and would raise questions about the temporary need for protection given the continuing and universal challenge that crime and violence present worldwide.

4) *No Decision/Automatic Extension*

Upon review of the assessment, you could also choose not to make a determination about whether El Salvador's TPS designation should be extended or terminated at this time. If you do not make a decision 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 of 12 or 18 months). You could affirmatively choose not to make a decision about whether the conditions supporting El Salvador's designation continue to be met and announce the automatic extension of 6 (or 12 or 18) months, noting that the Secretary will then review country conditions prior to the expiration of that extension.

Timeliness: You are required to provide timely notice of whether existing TPS designations will be extended or terminated through publication in the *Federal Register*.⁸ Your earliest decision will facilitate publication of notice in the *Federal Register* sufficiently in advance of the March 9, 2018 expiration of El Salvador's designation, providing predictability and clarity to beneficiaries and their employers. By statute, if you do not make a decision at least 60 days before the expiration of the current designation (i.e., by January 8, 2018), then El Salvador's designation will automatically be extended for a minimum of 6 months.⁹

Recommendation: Upon consideration of all of the factors, USCIS recommends that you terminate El Salvador's existing designation for TPS based on the 2001 earthquakes. If you decide to terminate, USCIS recommends terminating with an effective date delayed by 6, 12, or 18 months to permit an orderly transition. This would permit current Salvadoran TPS beneficiaries to continue to remain and work in the United States through July 5, 2018; January 5, 2019; or July 5, 2019, respectively.

⁸ See INA § 244(b)(3)(A).

⁹ See INA § 244(b)(3)(A), (C).

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El Salvador's Designation for Temporary Protected Status
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Decision:

1. Extend: *Extend El Salvador's existing designation for (circle one):*

6 months

12 months

18 months

Approve/date _____

2. Terminate: *Terminate El Salvador's designation with an orderly transition period of (circle one or specify period):*

6 months

12 months

18 months

Other _____

Approve/date _____

3. Terminate and Redesignate: *Terminate El Salvador's existing designation and simultaneously redesignate El Salvador:*

Specify duration of redesignation (6-18 months): _____

Specify continuous residence date for eligibility under redesignation (currently February 13, 2001): _____

Approve/date _____

4. No Decision/Automatic Extension: *Delay a decision on El Salvador's designation, resulting in an extension of (circle one):*

6 months

12 months

18 months

Approve/date _____

Attachments:

Attachment A: Temporary Protected Status Legal Authority

Attachment B: USCIS RAIO Research Unit Report on Conditions in El Salvador

Attachment C: August 2017 Letter from Government of El Salvador in Support of Temporary Protected Status Extension

Attachment A - Temporary Protected Status (TPS) Legal Authority

Pursuant to section 244(b)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1254a(b)(1), the Secretary of Homeland Security (Secretary), after consultation with appropriate agencies of the Government, may designate a foreign State (or part thereof) for TPS. The Secretary may then grant TPS to eligible nationals of that foreign State (or aliens having no nationality who last habitually resided in that State). INA § 244(b)(1); 8 U.S.C. § 1254a(b)(1) sets forth three possible bases for making a TPS designation:

- On-going armed conflict in the foreign state that poses a serious threat to the personal safety of the state's nationals if they were required to return;
- Environmental disaster (including an epidemic) where the foreign state is unable to handle adequately the return of its nationals *and* the foreign state has officially requested TPS designation; or
- Other extraordinary and temporary conditions in the foreign state that prevent its nationals from returning in safety, unless the Secretary finds that permitting the aliens to remain temporarily in the United States is contrary to the U.S. national interest.

At least 60 days before the expiration of a TPS designation, the Secretary, after consultation with appropriate agencies of the Government, must review the conditions in a foreign State designated for TPS to determine whether the conditions for the TPS designation continue to be met and, if so, the length of an extension of the TPS designation. *See* INA § 244(b)(3)(A); 8 U.S.C. § 1254a(b)(3)(A)-(C). If the Secretary determines that the foreign State no longer meets the conditions for the TPS designation, she must terminate the designation. *See* INA § 244(b)(3)(B); 8 U.S.C. § 1254a(b)(3)(B). Although the Secretary must make her determination on extension or termination at least 60 days before the expiration of the TPS designation, publication of the required *Federal Register* notice announcing her decision must be “on a timely basis.” *See* INA § 244(b)(3)(A). There is also an automatic, minimum six-month extension of a country's TPS designation if the Secretary does not make a decision under INA § 244(b)(3)(A); 8 U.S.C. § 1254a(b)(3)(A) that the foreign state no longer meets the conditions for designation. *See* INA § 244(b)(3)(C); 8 U.S.C. § 1254a(b)(3)(C).

After the Secretary designates a country for TPS, nationals of the country (and persons without nationality who last habitually resided in the country) may apply for TPS, but they must individually demonstrate their eligibility pursuant to the criteria established in INA § 244(c), 8 U.S.C. § 1254a(c) and the TPS regulations at 8 C.F.R. § 244.1 *et seq.* These criteria include, but are not limited to, requirements that the applicant show continuous physical presence in the United States since the effective date of the country designation and continuous residence since such date as the Secretary determines; admissibility as an immigrant (with limited exceptions); that the applicant is not ineligible under certain mandatory criminal history, terrorism, and national security bars as specified in INA § 244(c)(2)(A-B); and that the applicant is registering for TPS in accordance with regulatory procedures in 8 C.F.R. §§ 244.2 – 244.9.

If granted TPS, the individual receives employment authorization and an Employment Authorization Document, if requested, that is valid for the period that he or she holds TPS. TPS is a temporary benefit that does not, by itself, provide aliens with a basis for seeking lawful permanent resident status or any other immigration status. However, receipt of TPS benefits will not bar an otherwise eligible individual from adjusting to lawful permanent resident (LPR) status or acquiring another lawful immigration status. When a TPS country designation ends, TPS beneficiaries maintain the same immigration status, if any, that they held prior to TPS (unless that status has expired or been terminated) or any other status they may have acquired while registered for TPS.



THE SECRETARY OF STATE

WASHINGTON

October 31, 2017

 2017 OCT 31 PM 3:32
 SCANNED/RECEIVED
 BY ESEC SEC

The Honorable
 Elaine C. Duke
 Acting Secretary of the Department of Homeland Security
 Washington, DC 20528

Dear Acting Secretary Duke:

The State Department has assessed that El Salvador, Haiti, Honduras, and Nicaragua no longer meet the conditions required for continued designation for Temporary Protected Status (TPS). The disruption in living conditions in El Salvador, Honduras, and Nicaragua attributable to the environmental disasters that served as the basis for their TPS designations has decreased in severity to a degree that it may no longer be considered "substantial" within the meaning of the TPS statute. The extraordinary and temporary conditions that served as the basis for Haiti's most recent designation have sufficiently improved such that they no longer prevent nationals of Haiti from returning in safety. Attached are country conditions reports that provide the Department's assessment of conditions in each country as they pertain to their respective TPS designations.

Given the number of impacted beneficiaries, and to minimize any negative implications that termination would have on our bilateral relations with these countries, I recommend that should the Department of Homeland Security (DHS) decide to terminate TPS for these countries, that you do so with delayed effective dates of 18 months. An 18-month wind down period would provide adequate time for long-term beneficiaries to arrange for their departure and for their home countries to prepare for their reception and reintegration.

I do not make these recommendations lightly. As you consider your decision, I am sure you are well aware of the significant humanitarian, foreign policy, and political interests at play. First and foremost, termination of TPS would likely leave hundreds of thousands of TPS recipients — many of whom have lived and worked in the United States for more than 15 years and have U.S. citizen children — out of legal status. For those that depart, they will return to countries with limited economic opportunities for their reintegration. In the case of El Salvador and Honduras, both countries continue to have some of the world's highest homicide rates, and weak law enforcement capabilities and inadequate government services will make it difficult for their respective governments to ensure the protection of returning citizens — no less the U.S. citizen children who may accompany their parents.

Termination of TPS will also likely generate a backlash from the governments themselves, particularly the Honduran and Salvadoran governments, who have agreed to engage with the United States in support of the U.S. strategy in Central America. Central American leaders are likely to assert that the resources required for a large-scale re-integration of TPS beneficiaries and their dependents will undermine the Central America Strategy and Central America's complementary Alliance for Prosperity, both of which seek to generate prosperity for the region's citizens and reduce irregular migration to the United States. They may take retaliatory actions counter to our long-standing national security and economic interests like withdrawing their counternarcotics and anti-gang cooperation with the United States, reducing

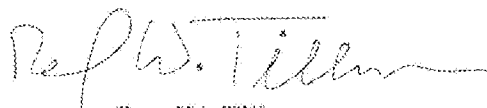
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their willingness to accept the return of their deported citizens, or refraining from efforts to control illegal migration.

However, the fact remains that the conditions in these countries do not – in the State Department's judgment – meet the legal requirements necessary for extension. Should DHS decide to terminate the programs, I hope our Departments can work together in a thoughtful, coordinated manner to develop a plan to work with the four governments, TPS beneficiaries themselves, Congress, NGOs, and other stakeholders to mitigate any negative impact on U.S. national security and foreign policy priorities. As indicated, an 18-month wind down period will be critical to our efforts.

I thank you in advance for including the Department of State's Bureaus of Western Hemisphere Affairs (WHA) and Population, Refugees, and Migration, as well as our public affairs team, in your Department's planning for the public announcement of any TPS decisions, including to foreign audiences. Additionally, I request that you provide WHA with no less than 48-hours lead time prior to the public announcement so that it can notify counterpart governments, on an embargoed basis, of the decision. I also recommend DHS delay a public announcement for Honduras until November 27, to prevent TPS issues from unduly influencing the November 26 presidential election.

Sincerely,



Rex W. Tillerson

Enclosures:

As stated.

SENSITIVE BUT UNCLASSIFIED(SBU) DEPARTMENT OF STATE RECOMMENDATION REGARDING
TEMPORARY PROTECTED STATUS (TPS) FOR EL SALVADOR – 2017**I. Statutory Basis for Designation**

Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?

(SBU) Yes, the conditions under which El Salvador was designated in 2001 have ceased to exist. Attorney General John Ashcroft designated El Salvador for TPS on March 9, 2001, on the basis of environmental disaster stemming from a devastating earthquake on January 13, 2001, followed by two more earthquakes on February 13 and 17, 2001. Subsequent Attorneys General and Secretaries of Homeland Security have extended the TPS designation for El Salvador eleven times; the most recent extension was effective September 10, 2016, and expires on March 9, 2018. This extension cited not only the 2001 earthquakes, but subsequent natural disasters and environmental challenges, including: (1) hurricanes and tropical storms; (2) heavy rains and flooding; (2) volcanic and seismic activity; (3) an ongoing coffee rust epidemic; (4) a prolonged regional drought that was impacting food security; and (5) an outbreak of mosquito-borne illnesses, all of which have slowed recovery from the 2001 earthquakes. It also noted El Salvador's serious economic and security challenges (81 FR 44645).

(SBU) While the 2001 earthquakes and subsequent environmental disasters have slowed economic growth, the disruption of living conditions attributable to the earthquakes in the affected area has decreased in severity to a degree that it should no longer be regarded as "substantial" within the meaning of the statute. The social and economic conditions affected by the earthquakes have stabilized and people are able to conduct their daily activities without impediments related to damage from the earthquakes. Many of the homes and infrastructure destroyed by the earthquakes have been restored, and economic activity has resumed. However, because El Salvador remains unable, due to ongoing security and economic conditions, to handle adequately the precipitous return of its nationals – should the Acting DHS Secretary decide to terminate TPS for El Salvador, the Department recommends that the effective date of the termination should be delayed 18 months to allow El Salvador much needed time to reabsorb its nationals, and permit the TPS holders time to close out their affairs in the United States.

A. *Armed conflict***1. Is the foreign state currently involved in an ongoing, internal, armed conflict?**

(U) No.

a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?

(U) N/A.

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B. Environmental Disaster

- 1. Has the foreign state in question experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?**

(SBU) Yes, but the conditions have ceased to exist. El Salvador experienced a series of earthquakes and aftershocks in early 2001, followed by additional environmental disasters since 2001, including Tropical Storm Stan in 2005, a series of earthquakes in 2006, and storms in 2009 (Ida) and 2010 (Agatha). Most recently, El Salvador declared a drought emergency in 2016, after multiple years of low rainfall that has added to the challenges presented by the prior environmental disasters.

- a. If so, does there continue to be a substantial, but temporary, disruption of living conditions in the area affected?**

(SBU) No, the disruption of living conditions attributable to the 2001 earthquakes should no longer be regarded as "substantial." Many basic services that were impaired following the 2001 earthquake have been restored.

(SBU) Despite progress in recovery from the 2001 earthquakes, El Salvador continues to experience frequent and significant natural disasters and environmental challenges the effects of which should not be discounted, and which affect its ability to adequately handle a precipitous return of its nationals residing in the United States. Agriculture accounts for 10 percent of GDP but 20 percent of employment, mostly low-wage and subsistence earners who are otherwise likely to migrate illegally. The 2014-2016 drought was particularly acute in the eastern region of the country, where a disproportionately large number of Salvadorans in the United States, including TPS beneficiaries, originate. The drought led to the loss of staple and export crops, and the death of thousands of cattle. The sugarcane industry suffered irreversible damage to 20 percent of cropland. The coffee industry lost over 40,000 jobs, equivalent to half the sector's employment, as production fell by half after the coffee rust outbreak in the region. Sugar and coffee are the two largest agricultural products in the sector.

(SBU) Problems of slow growth and lack of employment, in part due to the series of natural disasters, continue to plague the country. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years – and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016. A 2012 study by the Ministry of Economy indicates a national housing deficit of 446,000 dwellings, exacerbated by a growing population in a young demographic (50 percent of the population is under the age of 30).

- 2. Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?**

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(SBU) Yes, El Salvador continues to suffer from serious security and economic challenges and is unable to adequately handle the immediate return of a large number of TPS beneficiaries – a total of 263,282 Salvadorans – and potentially their family members, including a significant number of children, most of whom are dual U.S.-Salvadoran nationals. The Salvadoran foreign minister estimates at least 200,000 U.S.-born, dual-national children would be impacted by the end of TPS, although the numbers could be much higher.

(SBU) The Salvadoran government works closely with DHS to facilitate the deportation of Salvadorans from the United States, accepting additional deportation flights and expediting the issuance of temporary travel documents to returnees. El Salvador has facilitated the return of 52,000 deportees in 2016, 21,000 from the United States and 31,000 from Mexico. Reports indicate, however, that many of the returnees try to return to the United States illegally shortly after their deportation back to El Salvador. This is because the government cannot provide basic services for these returned nationals and the economy cannot create sufficient jobs to employ them. High levels of insecurity also continue to hinder El Salvador's ability to adequately handle a precipitous return of TPS beneficiaries. Homicide rates in El Salvador in 2016 were the highest in the world outside a war zone, at 81 homicides per 100,000 inhabitants in 2016, and growth was the lowest in Central America, creating a climate of fear and hopelessness that continues to drive migrants north. Parents in many communities in El Salvador fear boys may be targeted for gang recruitment and girls may be forced into sexual relations with gang members. Many parents in El Salvador refuse to even send their children to school out of fear of the gangs.

(SBU) According to a survey by the University of Kansas, the median age of TPS holders is 43 years and approximately 61 percent have no children left in Central America. These returnees would need to compete with locals to find scarce jobs in order to support themselves and their families legally. The lack of legitimate employment opportunities is likely to push some repatriated TPS holders, or their children, into the gangs or other illicit employment. In addition, the immediate return of a population of TPS Salvadoran nationals of the magnitude currently residing in the United States – which El Salvador is currently unable to adequately absorb or employ – could intensify the push factors that drive illegal migration.

(SBU) High levels of insecurity as well as ongoing effects from the series of natural disasters El Salvador has experienced also hamper economic growth and prosperity. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years – and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016. A 2012 study by the Ministry of Economy indicates a national housing deficit of 446,000 dwellings, exacerbated by a growing population in a young demographic (50 percent of the population is under the age of 30). Extortion of businesses drives up costs and discourages investment. Business leaders assess that extortion payments have tripled since 2013, with small businesses paying approximately 10-20 percent of their income to organized crime, while larger businesses face monthly payments in the tens of thousands of dollars. The Central

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Bank estimates that extortion fees paid by businesses could amount to approximately \$756 million – or almost 3 percent of GDP – though other estimates are lower.

3. Does the foreign state continue to support the TPS designation?

(SBU) Yes. On June 15, in a meeting with Vice President Pence at the Conference on Prosperity and Security in Central America, Salvadoran Vice President Ortiz requested an extension of TPS. Extension of TPS is the single highest foreign policy priority of the Salvadoran government.

C. Extraordinary and Temporary Conditions

- 1. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?**

(U) N/A.

- 2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?**

(U) N/A.

II. Discretionary Factors

What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?

(SBU) El Salvador is a consistent partner of the United States in working to combat illegal immigration and transnational criminal organizations. The Government of El Salvador has shown itself willing to proactively address concerns related to illegal immigration, investing time, money, and political capital in trying to keep its citizens in El Salvador. El Salvador is also a receptive partner for the U.S. government and other governments in the region seeking to deport Salvadoran nationals. If, however, the Government of El Salvador were expected to immediately absorb 263,282 of its citizens, its institutional capacity and willingness to continue to be a receptive partner would diminish. In addition, without a delayed effective date, the Salvadoran government would be forced to dedicate all available resources to receiving its nationals, undermining the medium- to longer-term U.S. goals in El Salvador, which could lead to an increase in illegal migration from El Salvador to the United States.

(SBU) As a part of the U.S. strategy in Central America, the U.S. government continues efforts to build security, improve prosperity, and strengthen institutions. The Department of State and USAID are investing approximately \$2 billion in FY 2015 to FY 2017 assistance to advance our economic, security, and governance goals in Central America. These efforts, combined with El Salvador's own efforts under the Alliance for Prosperity, protect U.S. national security by

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combating transnational criminal organizations, including gangs, and creating conditions for Salvadoran citizens to remain and prosper in their home country.

(SBU) The Government of El Salvador is making a concerted effort to fight crime and restore its economy. The government is expanding a national security plan that significantly reduced homicides in the most crime-ridden municipalities and passed legislation that has helped cut off imprisoned gang members from their rank-and-file members. It is targeting gang financial networks and dismantling extortion rings. El Salvador has demonstrated willingness to combat illegal migration through the creation of a Border Intelligence and Coordination Center, deploying Salvadoran officers to McAllen, Texas, to screen incoming migrants for gang ties and making Salvadoran arrest and investigation records available to DHS and local law enforcement agencies throughout the United States.

(SBU) The Salvadoran government cooperates with U.S. law enforcement in a variety of fields, including investigating transnational gang crime, extraditing criminals, and interdicting drugs. Information sharing on MS-13 gang activity between the two governments has led to major takedowns in the United States. In 2016, El Salvador seized 9.0 metric tons of cocaine – more than four times the amount seized the previous year. El Salvador has been particularly active on maritime seizures of illegal narcotics, including via the Cooperative Security Location at Comalapa Airport, where U.S. surveillance flights track movements of narcotics in the Pacific, but the lease must be renegotiated before 2020. Since 2010, extradition of criminals to the United States has been another example of ongoing cooperation. More recently, the Government of El Salvador opened negotiations with the United States on a detainee transfer agreement to permit the immediate movement of interdicted drug traffickers in the Pacific to U.S. custody for prosecution, a major objective of the U.S. Department of Justice. The immediate deportation of TPS beneficiaries in the United States would create tension with the Salvadoran government, and could jeopardize cooperation in these critical areas.

(SBU) On the economy, the Salvadoran government intends to join a customs union with Guatemala by the end of 2017 to reduce the costs of trade and improve commerce, while it also works to improve the business climate for investment by reducing bureaucratic procedures. Through the Alliance for Prosperity, El Salvador is leading the effort to improve the situation on the ground to attract Salvadorans back to El Salvador in the future. In 2017, the Government of El Salvador passed legislation and kicked off programs through the Ministry of Foreign Affairs to assist Salvadorans deported from the United States, including through small loans and training to show them how to access public services. The U.S. Millennium Challenge Corporation invested \$490 million in 2007 to boost agriculture, build roads, provide clean water, and improve education. In 2014, MCC signed a second compact for \$367 million, including \$88 million in funding from the government of El Salvador, to improve the investment climate, employment, and transportation infrastructure.

(SBU) The broad U.S. support for improving security and economic opportunity in El Salvador is designed to address the underlying drivers of illegal migration and lay the groundwork for an eventual return of many Salvadorans from the United States. Under current conditions, however, immediate repatriation of the TPS beneficiaries and their families would likely endanger those U.S. foreign policy goals. Introducing an additional 263,282 working-age people and children

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vulnerable to recruitment by transnational criminal organizations (TCOs), such as MS-13, to a country rife with gangs and that cannot provide the 60,000 jobs required every year for its current population will undermine U.S.-Salvadoran efforts to combat TCOs. With no employment and few ties, options for those returning to El Salvador and those overwhelmed by the additional competition will likely drive increased illegal migration to the United States and the growth of MS-13 and similar gangs. A delayed effective date of 18 months will allow much-needed time for our work with the government of El Salvador to combat TCOs and create jobs to bear fruit. This will hopefully mean that the large number of returnees will have access to employment and services, making their re-entry smoother and increasing the likelihood that they will remain in El Salvador.

(SBU) Finally, Permitting El Salvadorans to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for 16 years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

III. Recommendation

(SBU) Since the grounds for El Salvador's January 13, 2001, designation for TPS on the basis of environmental disaster no longer exist, the Department recommends that should the Acting Secretary of Homeland Security decide to terminate TPS for El Salvador, that the Acting Secretary designate an effective date to provide TPS benefits for an additional 18 months beyond the end of the current designation for the purpose of orderly transition. Providing the government more time to improve conditions and repatriation systems is directly in the U.S. national interest, since it would reduce incentives for illegal immigration and encourage continued bilateral cooperation on other national security issues, including the fight against transnational criminal organizations. It would increase the likelihood of sustaining effective cooperation with the United States on a wide range of issues. Improved conditions in El Salvador would give Salvadorans residents there, especially young people, an incentive to continue to seek their fortunes in El Salvador, and would make it more likely that Salvadorans in the United States would return to El Salvador voluntarily. Moreover, since 2001, 263,282 Salvadoran nationals have received TPS, and during that time, many started families, opened businesses, and bought houses and properties in the United States. This period of transition would provide them and their family members with time to prepare for their departure from the United States.

(SBU) While the conditions in El Salvador that justified the designation of El Salvador for TPS on the basis of environmental disaster no longer exist, a sudden DHS termination of TPS for El Salvador without a delayed effective date would overwhelm the country's ability to absorb returnees.

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U.S. Citizenship
and Immigration
Services

TEMPORARY PROTECTED STATUS CONSIDERATIONS: EL SALVADOR DECEMBER 2017

Overview

El Salvador was originally granted Temporary Protected Status following two separate earthquakes in 2001. The first earthquake, on January 13, registered 7.6 on the Richter Scale; the second, on February 13, had a magnitude of 6.6.¹ Over 3,000 aftershocks hit El Salvador in the aftermath of the earthquakes, including those with 5.1 and 5.6 magnitudes in late February 2001.² Together, the earthquakes caused the death of over 1,000 people and injured more than 8,000.³ Over 1.5 million people—approximately 25% of the population—were affected.⁴ Total damages and losses were estimated at \$1.6 billion—approximately 12% of El Salvador's gross domestic product (GDP).⁵ The Government of El Salvador estimated that reconstruction would cost over \$2.8 billion.⁶

In response to the devastation, various countries, international organizations, non-governmental organizations, and the Salvadoran diaspora provided aid and assistance to support El Salvador's recovery.⁷ El Salvador's recovery to date has been slow and encumbered by subsequent natural disasters and environmental concerns, including: hurricanes and tropical storms; heavy rains and flooding; volcanic and seismic activity; a coffee rust epidemic; a prolonged and severe drought; and an increase in various mosquito-borne diseases. Moreover, El Salvador is currently "one of the most deadly countries in the world,"⁸ with widespread gang activity and one of the highest homicide rates on earth.⁹ According to a recent report by Doctors Without Borders/Médecins Sans Frontières

¹ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*, U.S. Agency for International Development (USAID), Sep. 7, 2001.

² *AFSC El Salvador earthquake response: Two years later - An assessment and report*, American Friends Service Committee, May 15, 2003.

³ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

⁴ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*; *AFSC El Salvador earthquake response: Two years later - An assessment and report*.

⁵ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, United Nations Economic Commission for Latin America and the Caribbean (ECLAC), p.306-308, 2003.

⁶ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

⁷ Weiss Fagen, Patricia, *El Salvador: A case study in the role of the affected state in humanitarian action*, Humanitarian Policy Group, Overseas Development Institute, p.4-6, Mar. 2008.

⁸ Fernandes, Deepa, *Will Trump continue Obama's program to aid Central American teens fleeing gangs?*, PRI, May 26, 2017.

⁹ *El Salvador Travel Warning*, U.S. Department of State, Feb. 14, 2017, <https://travel.state.gov/content/passports/en/alertswarnings/el-salvador-travel-warning.html> (last visited Jun. 14, 2017).

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(MSF), “rates of violent death in El Salvador have lately been higher than all countries suffering armed conflict except for Syria.”¹⁰

2001 Earthquakes: Damages and Recovery

The 2001 earthquakes caused significant damage to housing and exacerbated El Salvador’s pre-existing housing deficit.¹¹ Estimates of the total number of houses damaged or destroyed by the earthquakes vary, ranging from approximately 276,000 to 334,000.¹² International donors supported the reconstruction and repair of homes in El Salvador, including by providing temporary and permanent homes, as well as millions of dollars in loans to support housing reconstruction efforts and improve housing conditions.¹³ Despite these efforts, according to Habitat for Humanity, El Salvador has a housing deficit¹⁴ that affects over 944,000 families (approximately 60% of families in the country).¹⁵ A January 2016 report by a Salvadoran media outlet found individuals living in homes in San Salvador (El Salvador’s capital city) which were declared uninhabitable due to structural damage from the 2001 earthquakes or their locations in areas at high risk from landslides or the potential collapse of walls.¹⁶

The 2001 earthquakes also caused significant damage to educational facilities and disruptions to El Salvador’s education system. The earthquakes damaged or destroyed 1,516 educational facilities; damages were estimated at \$63.9 million.¹⁷ The start of the school year was also delayed until repairs could be made to existing facilities or temporary facilities could be provided.¹⁸ While schools have been reconstructed and repaired—including via the U.S. Agency for International

¹⁰ *Forced to Flee Central America's Northern Triangle: A Neglected Humanitarian Crisis*, Doctors Without Borders/Médecins Sans Frontières (MSF), p. 9, May 2017.

¹¹ *Quarterly Performance Report: Accelerated Housing Reconstruction Activity (AHORA)*, CHF International, p. 1, Oct. 31, 2004.

¹² *Quarterly Performance Report: Accelerated Housing Reconstruction Activity (AHORA)*, p.1; *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

¹³ *El Salvador – Disaster Response*, U.S. Agency for International Development, Nov. 7, 2016, <https://www.usaid.gov/el-salvador/disaster-response>, (last visited Jun. 14, 2017); *Earthquake Reconstruction Program Close Out (August 10, 2005)*, U.S. Embassy San Salvador, Aug. 10, 2005; *El Salvador – Disaster Response; ES0148: Emergency Project for El Salvador*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=es0148>, (last visited Jun. 14, 2017); *ES0150: Emergency Project El Salvador II*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=es0150&page=4>, (last visited Jun. 14, 2017); *ES0087: Housing Program*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=es0087>, (last visited Jun. 14, 2017); *ES-L1022 : Housing Program and Integral Improvement of Urban Informal Settlements*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1022>, (last visited Jun. 14, 2017).

¹⁴ According to Habitat for Humanity, the more than 944,000 families which comprise El Salvador’s housing deficit, or shortage, “live in inadequate housing.” See *Habitat for Humanity El Salvador*, Habitat for Humanity, <http://www.habitat.org/where-we-build/el-salvador>, (last visited Jun. 12, 2017). Furthermore, Habitat for Humanity has noted that, “when referring to a housing deficit in Latin America, it is more suffice to say that, while many people have a roof over their head they lack basic elements of adequate housing—such as water and sanitation—that permit them to live in peace and security.” See *Housing need - Latin America and the Caribbean*, Habitat for Humanity, <https://www.habitat.org/lac-en/the-need> (last visited Jun. 21, 2017).

¹⁵ *Habitat for Humanity El Salvador*, Habitat for Humanity, <http://www.habitat.org/where-we-build/el-salvador>, (last visited Jun. 12, 2017).

¹⁶ Joma, Susana, *Edificios dañados por los terremotos aún son amenaza*, *El Diario de Hoy* (El Sal.), Jan. 11, 2016.

¹⁷ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.103.

¹⁸ *Ibid.*

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Development's (USAID) Earthquake Reconstruction Program—in January 2016 a Salvadoran media outlet reported that certain buildings and schools damaged by the 2001 earthquakes had not yet been repaired or rebuilt.¹⁹ In one school that had not yet been repaired in the municipality of Chinameca, students were still taking classes in temporary classrooms.²⁰ A school in the municipality of El Congo possessed structural damage that could pose risks during future earthquakes, while a school in Santa Ana was not fully functional despite efforts at repairing the damages from the 2001 earthquakes.²¹

The 2001 earthquakes also severely damaged El Salvador's medical infrastructure. Per the World Bank, 113 of 361 government health facilities were damaged, "which removed from service more than 2,000 hospital beds and reduced the hospitals' capacity by 25 percent."²² According to the Pan-American Health Organization (PAHO) and the World Health Organization (WHO), reconstruction and rehabilitation of health facilities was estimated to cost \$162 million.²³ Moreover, El Salvador faced other health challenges after the earthquakes, including the limited capacity and managerial resources of its public health system, vector-borne diseases, and maternal and child health issues.²⁴ With the assistance of the World Bank, four hospitals destroyed by the 2001 earthquakes were rebuilt by June 2011 (although it reportedly took nearly a decade for reconstruction and repairs to begin).²⁵

The 2001 earthquakes also caused damage to water and sanitation services in El Salvador. Damage to water storage tanks and distribution systems contributed to the loss of access to drinking water for approximately 500,000 urban residents and more than 75,000 inhabitants of rural areas.²⁶ Many latrines were also significantly damaged or completely destroyed.²⁷ Damages to drinking water and sanitation systems were estimated at \$16.3 million.²⁸ According to the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the international community provided one million dollars in emergency assistance for water and sanitation in the aftermath of the earthquakes.²⁹ Tanker trucks and potable water treatment equipment were used to provide emergency relief, while government authorities worked to repair damaged water systems and restore service as quickly as possible.³⁰

The 2001 earthquakes and ensuing aftershocks damaged some of the country's main highways and rendered smaller roads impassable.³¹ Seaports and the country's main international airport also suffered damages.³² According to ECLAC, damages from the earthquakes to transportation

¹⁹ *El Salvador – Disaster Response*; Joma.

²⁰ Joma.

²¹ *Ibid.*

²² *El Salvador's fight against disaster*, The World Bank, Nov. 12, 2013.

²³ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

²⁴ *El Salvador's fight against disaster*.

²⁵ *Gobierno inaugura último de cuatro hospitales dañados por terremotos de 2001*, Agencia EFE, Jun. 30, 2011.

²⁶ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.164.

²⁷ *Ibid.*, p.165.

²⁸ *Ibid.*

²⁹ *Ibid.*, p.164.

³⁰ *Ibid.*

³¹ *IDB approves first phase of \$105 million line of credit to improve road system in El Salvador*, Inter-American Development Bank, Apr. 11, 2001.

³² *Crónicas de desastres: Terremotos en El Salvador 2001*, Pan-American Health Organization, p.36, Jun. 30, 2002.

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infrastructure—estimated at \$433 million—increased cargo and commuter travel times.³³ Since the 2001 earthquakes, the Inter-American Development Bank (IDB) has approved a series of programs to support repairs to infrastructure and improvements to El Salvador's road network.³⁴ Yet, in 2013, the IDB reported that only 26% of roads in El Salvador were paved.³⁵ Moreover, per IHS Jane's, "due to poor levels of maintenance, El Salvador's road network (even the main highways) is constantly vulnerable to adverse climatic conditions."³⁶

Subsequent Natural Disasters

El Salvador remains vulnerable to recurrent natural disasters and various natural hazards, including earthquakes, volcanic activity, hurricanes, tropical depressions and storms, floods, landslides, heavy rain, and severe droughts.³⁷ According to the 2017 Global Climate Risk Index, El Salvador ranked as the 15th most affected country in the world by extreme weather events from 1996 to 2015; during this time, El Salvador averaged \$282 million in damages per year—equivalent to 0.7% of its GDP.³⁸ USAID has cited United Nations Development Programme (UNDP) reports which indicate that "88.7 percent of El Salvador's territory is susceptible to severe impacts of natural disasters and approximately 95.4 percent of El Salvador's population is at some risk."³⁹

Hydro-meteorological events—including hurricanes, tropical depressions and storms, heavy rains, and flooding—have caused significant damage in El Salvador.⁴⁰ According to the United Nations Office for Project Services (UNOPS), El Salvador remains exposed to a "growing number of tropical

³³ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.306, 314.

³⁴ IDB approves first phase of \$105 million line of credit to improve road system in El Salvador; ES0129 : Sustainable Rural Roads Program, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES0129>, (last visited Jun. 14, 2017); ES-L1001 : Multiphase Program for Sustainable Roads in Rural Areas Phase II, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1001>, (last visited Jun. 14, 2017); ES-L1045 : Sustainable Roads for Development, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1045>, (last visited Jun. 14, 2017); ES-L1050 : Transportation Program for the San Salvador Metropolitan Area, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1050>, (last visited Jun. 14, 2017); ES-L1061 : Rural connectivity program for the northern and eastern zones, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1061>, (last visited Jun. 14, 2017); ES-L1085 : Mesoamerican Pacific Corridor Improvement Program, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1085>, (last visited Jun. 14, 2017).

³⁵ *Perfil de Proyecto: El Salvador - Programa de Mejoramiento del Corredor Pacífico Mesoamérica (ES-L1085)*, Inter-American Development Bank, p. 2, Jul. 31, 2013, <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=37938223>, (last visited Jun. 14, 2017).

³⁶ *El Salvador > Infrastructure*, IHS Jane's Sentinel Security Assessment, Apr. 10, 2017, <http://janes.ihs.com/CentralAmericaCaribbean/Display/1302180>, (last visited Jun. 14, 2017).

³⁷ *Crónicas de desastres: Terremotos en El Salvador 2001*, p.9.; *WFP El Salvador | Brief Reporting period: 01 January – 31 March 2015*, World Food Programme, p.2, Mar. 31, 2015; *WFP El Salvador Country Brief*, World Food Programme, p.2, Apr. 2017; Stevens, Elizabeth, *In El Salvador, a struggle to survive El Niño*, Oxfam, Feb. 8, 2016; *WFP El Salvador | Brief Reporting period: 01 October – 31 December 2015*, World Food Programme, p.2, Dec. 31, 2015; *El Salvador - Natural Disasters*, Gov.UK, <https://www.gov.uk/foreign-travel-advice/el-salvador/natural-disasters> (last visited Jun. 8, 2017); *Supporting resilient infrastructure in El Salvador*, UNOPS, Oct. 23, 2015.

³⁸ Kreft, Sönke, Eckstein, David and Melchior, Inga, *Global Climate Risk Index 2017*, Germanwatch, p. 23, Nov. 2016.

³⁹ *El Salvador – Disaster Response*.

⁴⁰ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, Oxfam, p.6, Nov. 2014.

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storms and hurricanes from the Pacific and Atlantic Oceans.”⁴¹ During the rainy season—which “normally runs from June to November, coinciding with the hurricane season in the Caribbean”⁴²—El Salvador is impacted by heavy rains and thunderstorms which can cause landslides and flooding,⁴³ negatively impact infrastructure, and “place the lives and livelihoods of those living in vulnerable urban areas at risk.”⁴⁴

For instance, in May 2005, Hurricane Adrian hit the coast of El Salvador, killing two people and causing the evacuation of up to 20,000 residents.⁴⁵ In October 2005, Hurricane Stan caused flooding and landslides, leaving entire communities covered in mud.⁴⁶ Hurricane Felix affected 560 families in September 2007,⁴⁷ while Hurricane Ida killed at least 124 people and left 60 missing in ensuing mudslides and flooding in November 2009.⁴⁸ Tropical Storm Agatha killed nine people in May 2010.⁴⁹

In September and October 2011, Tropical Depression 12-E brought approximately 59 inches of rain in under a week (more than Hurricane Mitch in 1998),⁵⁰ and flooded approximately 10% of El Salvador’s territory.⁵¹ Heavy rains caused 132 rivers to overflow and 1,303 landslides, killing 35 people and contributing to the evacuation of nearly 60,000 people from over 160 communities.⁵² Moreover, 690 schools, 201 health centers, and 93 roads and highways were damaged; 35 bridges and 1,537 homes were damaged or destroyed; and 18,562 homes were flooded as a result of the storm.⁵³ ECLAC estimated that Tropical Depression 12-E caused damages of more than \$900 million in El Salvador.⁵⁴

In June 2013, Tropical Storm Barry caused flooding in El Salvador, killing two people.⁵⁵ High waves produced by tropical storms in the Southern Hemisphere caused damage along El Salvador’s coastline in May 2015, forcing the evacuation of more than 1,300 people and leaving one person missing.⁵⁶ In October 2015, heavy rains produced flooding and landslides across El Salvador; four people were killed, more than 200 homes were damaged, and schools were closed throughout the

⁴¹ *Supporting resilient infrastructure in El Salvador*.

⁴² *El Salvador - Natural Disasters*.

⁴³ *Ibid.*

⁴⁴ *Supporting resilient infrastructure in El Salvador*.

⁴⁵ *Hurricane Adrian hits El Salvador*, BBC News, May 20, 2005.

⁴⁶ Planas, Monica, *Red Cross works to relieve hurricane Stan’s effect in El Salvador*, International Federation of Red Cross and Red Crescent Societies, Oct. 26, 2005, <http://www.ifrc.org/en/news-and-media/news-stories/international/red-cross-works-to-relieve-hurricane-stans-effect-in-el-salvador/>, (last visited Jun. 14, 2017).

⁴⁷ *Latin America and the Caribbean - Hurricane Season 2007 Fact Sheet #9 (FY 2008)*, USAID, Feb. 29, 2008.

⁴⁸ *Hurricane Kills 124 in El Salvador*, Reuters, Nov. 8, 2009.

⁴⁹ *Agatha leaves 82 dead in Guatemala, El Salvador*, CNN, May 30, 2010.

⁵⁰ *Tropical Depression 12-E, Emergency appeal n° MDRSV004 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.3, Feb. 13, 2014.

⁵¹ *Informe Preliminar - Evaluación de daños y pérdidas en El Salvador ocasionados por la Depresión Tropical 12E*, Gobierno de El Salvador & Comisión Económica para América Latina (CEPAL), p.5, Oct. 2011.

⁵² *Tropical Depression 12-E, Emergency appeal n° MDRSV004 Final Report*, p.3.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ Stewart, Stacy R., *Tropical Storm Barry (AL022013), 17-20 June 2013*, National Hurricane Center, Oct. 7, 2013.

⁵⁶ *El Salvador: Storm Surge Emergency Plan of Action (EPoA) DREF Operation n° MDRSV008*, International Federation of Red Cross and Red Crescent Societies, p.1-2, May 15, 2015.

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country.⁵⁷ Heavy rains again caused flooding, landslides, and/or damage to property in November 2015, and in June, July, and September of 2016.⁵⁸ In October 2016, heavy rains once again caused floods and landslides; over 160 homes were damaged and two people were killed.⁵⁹

In June 2017, several days of heavy rainfall caused floods and landslides; four people were killed, nearly 300 were displaced, and over 200 homes were damaged.⁶⁰ In early October 2017, Tropical Storm Nate impacted El Salvador, leaving nine people dead and one missing.⁶¹ In late October 2017, Tropical Storm Selma brought heavy rain and flooding that damaged homes and schools.⁶²

A prolonged regional drought—“one of the most severe in the history of Central America”—has affected El Salvador in recent years, particularly in regions of the country located in the “Dry Corridor”⁶³ of Central America.⁶⁴ The drought—which started in 2012, was intensified by El

⁵⁷ *Heavy rains leave four dead in El Salvador*, Agence France-Presse, Oct. 19, 2015; *Suspenden clases por lluvias en todo el país*, La Prensa Gráfica (El Sal.), Oct. 19, 2015.

⁵⁸ *Quebrada obstruida y lluvias causan daños en 50 viviendas*, Diario El Mundo (El Sal.), Nov. 4, 2015; *Al menos 49 viviendas afectadas por lluvias en Usulután*, La Prensa Gráfica (El Sal.), Nov. 21, 2015; *El Salvador reportó 3 viviendas derrumbadas y 43 anegadas por lluvias*, La Prensa Gráfica (El Sal.), Jun. 25, 2016; *Lluvias provocaron 68 incidentes en ocho departamentos*, La Prensa Gráfica (El Sal.), Jul. 9, 2016; *19 viviendas en Apopa fueron inundadas*, La Prensa Gráfica (El Sal.), Jul. 30, 2016; *Lluvias dejan derrumbes e inundaciones en calles al interior del país*, La Prensa Gráfica (El Sal.), Sep. 24, 2016.

⁵⁹ *El Salvador – Severe Weather (Redhum, SNET, Local Media) (ECHO Daily Flash of 24 October 2016)*, European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations, Oct. 24, 2016.

⁶⁰ *El Salvador - Floods (Dirección General de Protección Civil, SNET, Local Media) (ECHO Daily Flash of 20 June 2017)*, European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations, Jun. 20, 2017.

⁶¹ *Nate Kills At Least 20 in Central America, Tracks Toward US*, VOA News, Oct. 6, 2017; *El Salvador - Tormenta Tropical Nate (8 de Octubre del 2017) 13:30 horas*, Cruz Roja Salvadoreña, Oct. 8, 2017.

⁶² *Escuelas dañadas por la tormenta Selma suben a 21*, Diario El Mundo (El Sal.), Oct. 31, 2017; *Selma deja 49 albergados y siete escuelas dañadas*, Diario El Mundo (El Sal.), Oct. 30, 2017.

⁶³ According to a report published by the Food and Agricultural Organization of the United Nations (FAO) on Central America's “Dry Corridor”: “The term dry corridor, although it points to a climatic phenomenon, has an ecological basis: it defines a group of ecosystems that combine in the ecoregion of dry tropical forest in Central America, which starts in Chiapas, Mexico, and in a strip of land, contains the lowlands of the Pacific slope and much of the central pre-mountain region of Guatemala, El Salvador, Honduras, Nicaragua, and part of Costa Rica (up to Guanacaste); in Honduras, it also includes fragments which approach the Caribbean coast.” See van der Zee Arias, Amparo, et. al, *Estudio de caracterización del Corredor Seco Centroamericano*, FAO, p.8, Dec. 2012. Another FAO report defines the “Dry Corridor” as: “an imprecise geographical demarcation defined by a zone with climatic characteristics of dry tropical forest, with a marked and prolonged dry season (*verano*), and where there is a latent risk of recurring drought during the reduced rainy season (*invierno*), which could occur due to the late arrival of the rainy season, an extension of the dry season, or a premature end of the rainy season.” See Peralta Rodriguez, Orlando, et. al, *Buenas prácticas para la seguridad alimentaria y la gestión de riesgos*, FAO, p.8, Feb. 2012.

⁶⁴ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.1, Oct. 6, 2015; *REDLAC Weekly Note on Emergencies - Latin America & the Caribbean - Year 8 – Volume 430*, UNOCHA, Nov. 16, 2015.

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Niño,⁶⁵ and most severely impacted eastern regions of El Salvador—caused crop losses, food insecurity, limited or no access to drinking water, and income loss in affected areas.⁶⁶

In 2014, approximately 384,000 people, 105 municipalities in 12 departments, and 65% of agricultural land were impacted by the drought.⁶⁷ Significant crop losses were reported—including 30% of corn and 90% of bean production—which contributed to increased food prices and declining food reserves.⁶⁸ Losses from the drought in 2014 were estimated at more than \$70 million.⁶⁹ By December 2014, more than 85,000 people were affected by food insecurity,⁷⁰ and an estimated 56% of families affected by the drought had “adopted one or more coping mechanisms, such as selling their farm tools and animals” to address their lack of food security.⁷¹

The regional drought became even more severe in 2015, “surpassing in size and impact the situation faced in 2014.”⁷² According to the International Federation of Red Cross and Red Crescent Societies (IFRC), “2015 was one of El Salvador’s three driest years since recordkeeping began in the country.”⁷³ El Salvador’s Ministry of the Environment and Natural Resources (MARN) reported that the 2015 May-June-July trimester was the driest in the country’s recorded history.⁷⁴ The impact of the drought on the Salvadoran economy increased in 2015 in comparison to 2014, and was estimated at \$100 million.⁷⁵ Per the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), an estimated 825,000 people were affected by the drought in El Salvador as of October 2015, including 192,000 people in need of immediate food assistance.⁷⁶ In addition, at least 102,000 farmers were impacted by crop losses, and 60% of the maize (corn) crop was lost.⁷⁷ In September 2015, the World Food Programme reported that more than 50% of affected households

⁶⁵ El Niño, or the El Niño-Southern Oscillation (ENSO), is a “climate pattern that describes the unusual warming of surface waters along the tropical west coast of South America. El Niño has an impact on ocean temperatures, the speed and strength of ocean currents, the health of coastal fisheries, and local weather from Australia to South America,” including Central America. See *El Niño/El Niño-Southern Oscillation (ENSO)*, National Geographic, Education, <http://education.nationalgeographic.com/encyclopedia/el-nino/>, (last visited Jun. 14, 2017).

⁶⁶ *Emergency Plan of Action Final Report - El Salvador: Drought*, International Federation of Red Cross and Red Crescent Societies, p.1, Apr. 22, 2016; *Water and sanitation: UN expert calls on the El Salvador to protect the most disadvantaged*, UN Human Rights Council, May 18, 2016; Rudamas, Salomón, *Próximos cuatro meses de lluvias intensas por Niña*, Diaro El Mundo (El Sal.), July 20, 2016; Stevens..

⁶⁷ *Global Emergency Overview - December 2014*, ACAPS, p.112, Dec. 16, 2014.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ *Drought in Central America: Situation Report No. 01 (as of December 10, 2014)*, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.3, Dec. 10, 2014.

⁷¹ *The Drought Impacts the Food Security of More than 35,000 Families in El Salvador*, World Food Programme, Nov. 20, 2014, <http://www.wfp.org/news/news-release/drought-impacts-food-security-more-35000-families-el-salvador>, (last visited Jun. 14, 2017).

⁷² *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.1.

⁷³ *Emergency Plan of Action Final Report - El Salvador: Drought*, International Federation of Red Cross and Red Crescent Societies, p.2, May 25, 2017.

⁷⁴ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.2.

⁷⁵ *2015–2016 El Niño - Early action and response for agriculture, food security and nutrition*, Food and Agriculture Organization of the United Nations, p.18, Nov. 11, 2015.

⁷⁶ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.2.

⁷⁷ *Global Emergency Overview - December 2015*, ACAPS, p.141-142, Dec. 22, 2015; *Central America Dry Corridor Situation Report - June 2016*, Food and Agriculture Organization of the United Nations, Jun. 29, 2016; *2015–2016 El Niño - Early action and response for agriculture, food security and nutrition*, Food and Agriculture Organization of the United Nations, p.18, Dec. 14, 2015.

had resorted to coping strategies to address a lack of food security, including reducing the size and number of meals, limiting expenditures on and selling productive assets, borrowing food, and using savings or credit to purchase food.⁷⁸

El Niño and the associated drought continued to impact the country in 2016,⁷⁹ during which “irregular rains were registered in El Salvador for the fifth consecutive year.”⁸⁰ In June 2016, the Food and Agriculture Organization of the United Nations (FAO) reported that river levels were “20 to 60 percent lower than normal.”⁸¹ By July 2016, as many as 700,000 people—11% of the population—were affected by the drought,⁸² while an estimated 170,000 people were suffering from food insecurity as of early June.⁸³ In November 2017, the Famine Early Warning Systems Network (FEWS NET) reported that the poorest households in the Dry Corridor had not fully recovered from strategies adopted to satisfy their basic needs following four consecutive years of damage to basic grain crop production.⁸⁴

El Salvador has also been impacted by a regional coffee rust⁸⁵ epidemic which has caused crop loss and declining coffee production throughout Central America since the epidemic began in 2012.⁸⁶ Coffee production is a significant component of El Salvador’s economy, accounting for 7.5 percent of total exports between 1995 and 2012, and generating an estimated 650,000 direct and indirect jobs.⁸⁷ The 2013-2014 coffee harvest in El Salvador was the least productive in 100 years,⁸⁸ and an estimated 100,000 farmers directly dependent on the Salvadoran coffee industry lost their jobs in 2014.⁸⁹ In addition to affecting small-scale coffee producers, the coffee rust epidemic has also impacted the ability of day laborers to find employment in the coffee industry.⁹⁰ By October 2014,

⁷⁸ *Initial Analysis of the Impact of the Drought on Food Security in Guatemala, El Salvador, and Honduras -September 2015*, World Food Programme-Latin America and the Caribbean, p.3, Sep.24, 2015.

⁷⁹ *El Salvador prevé que el fenómeno de El Niño llegue “débil” en agosto*, EFE, May 15, 2017.

⁸⁰ *Emergency Plan of Action Final Report - El Salvador: Drought*, International Federation of Red Cross and Red Crescent Societies, p.2, May 25, 2017.

⁸¹ *Central America Dry Corridor Situation Report - June 2016*.

⁸² *It's Not Over: El Niño's Impact on Children*, UN Children’s Fund (UNICEF), p.8, Jul. 2016; *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.21, Sep. 21, 2016.

⁸³ *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.19, Jun. 2, 2016.

⁸⁴ *Resultados de cosechas de Postrera en promedio, con daños focalizados por exceso de lluvia*, Famine Early Warning Systems Network (FEWS NET), Nov. 2017, <http://www.fews.net/central-america-and-caribbean/key-message-update/november-2017> (last visited Dec. 12, 2017).

⁸⁵ According to an academic study of the coffee rust crises in Colombia and Central America: “Coffee rust is caused by the fungus *Hemileia vastatrix*, an obligate parasite that affects the living leaves of the genus *Coffea*... The disease causes defoliation that, when acute, can lead to the death of branches and heavy crop losses.” See J. Avelino et. al., *The coffee rust crises in Colombia and Central America (2008–2013): impacts, plausible causes and proposed solutions*, Food Security, Vol. 7, Iss. 2, p.304, April 2015.

⁸⁶ Malkin, Elisabeth, *A Coffee Crop Withers: Fungus Cripples Coffee Production Across Central America*, New York Times, May 5, 2014; Sang, Dorothy, *International coffee day: a devastating plague of coffee rust that is leaving communities hungry and desperate*, Save the Children, Sep. 29, 2014, <http://blogs.savethechildren.org.uk/2014/09/international-coffee-day-a-devastating-plague-of-coffee-rust-that-is-leaving-communities-hungry-and-desperate/>, (last visited Jun. 15, 2017); *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.18-19, Mar. 9, 2016.

⁸⁷ Ayala, Edgardo, *Coffee Rust Aggravates Poverty in Rural El Salvador*, Inter Press Service, Dec. 18, 2015.

⁸⁸ Aleman, Uveli, *Cosecha de café 15/16 no superaría los 600,000 quintales por la sequía*, Diario El Mundo (El Sal.), Sep. 26, 2015.

⁸⁹ *Global Emergency Overview – December 2014*, p.112.

⁹⁰ *Global Emergency Overview – April 2016*, ACAPS, p.159, Apr. 19, 2016.

an estimated 655,000 people in Honduras, Nicaragua, and El Salvador were considered food insecure due to the coffee rust epidemic.⁹¹ In March 2016, UNOCHA reported that El Salvador remained “heavily affected” by the coffee rust outbreak.⁹²

Due to its location between two tectonic plates, El Salvador remains vulnerable to earthquakes, and damages resulting from seismic activity have affected the country in recent years.⁹³ For instance, between December 17, 2006 and January 15, 2007, a total of 1,039 earthquakes impacted the department of Ahuachapán, damaging more than 3,000 homes and affecting over 16,000 people.⁹⁴ On October 14, 2014, a 7.3 magnitude earthquake damaged homes and schools, and killed one person.⁹⁵ In October 2015, there were over 1,000 earthquakes in the country in a single week; these earthquakes caused minor damages to some homes.⁹⁶

El Salvador has 23 active volcanoes, and has recently been impacted by volcanic activity.⁹⁷ In early October 2005, the Ilamatepec volcano erupted, killing two people and forcing the evacuation of more than 2,000 people.⁹⁸ Evacuees were forced to “remain in poorly prepared shelters for over two months due to persistent volcanic activity.”⁹⁹ On December 29, 2013, the Chaparrastique volcano erupted, spewing volcanic ash and sulfur dioxide gas that necessitated the evacuation of 63,079 people from surrounding areas, caused air pollution that increased health risks, restricted access to water sources, and impacted livestock and farming activities.¹⁰⁰ The Chaparrastique volcano remained active throughout 2014, with 16 reported eruptions of ash and gas during the first nine months of the year.¹⁰¹ In May 2014, over 1,000 people were evacuated due to an increase in the volcanic activity of Chaparrastique.¹⁰² In 2015, eruptions of sulfur dioxide gas by Chaparrastique in January and February caused respiratory problems for the surrounding population;¹⁰³ additional eruptions and volcanic activity were reported in April, July, and August.¹⁰⁴ The Chaparrastique volcano remained active in 2016, erupting, emitting gas, and increasing its seismic activity at various points during the year.¹⁰⁵

⁹¹ *Global Emergency Overview – December 2014*, p.112.

⁹² *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.18, Mar. 9, 2016

⁹³ Bell, Maya, *El Salvador Exists On The Edge*, Orlando Sentinel, Feb. 16, 2001.

⁹⁴ *El Salvador: Seismic Swarm DREF Bulletin no. MDRSV001 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.2, Jul. 23, 2007.

⁹⁵ Renteria, Nelson, *Powerful earthquake strikes off El Salvador, one dead*, Reuters, Oct. 14, 2014; *MINED: 13 centros educativos con daños menores por sismo*, La Prensa Gráfica (El Sal.), Oct. 14, 2014.

⁹⁶ *REDLAC Weekly Note on Emergencies - Latin America & the Caribbean - Year 8 – Volume 424*, UNOCHA, Oct. 6, 2015.

⁹⁷ *El Salvador's most active volcano erupts*, Reuters, Dec. 29, 2013.

⁹⁸ *El Salvador volcano causes chaos*, BBC News, Oct. 2, 2005.

⁹⁹ Weiss Fagen, p.7.

¹⁰⁰ *El Salvador: Volcanic eruption Emergency Plan of Action (EPoA) DREF Operation MDRSV006 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.1-2, Oct. 17, 2014.

¹⁰¹ *Volcán salvadoreño completa un año de actividad eruptiva*, Redhum, Dec. 29, 2014.

¹⁰² *El Salvador evacuates 1,000 people near volcano*, Associated Press, May 20, 2014.

¹⁰³ Lazo, Flor, *Gases del volcán impactan salud en comunidades*, La Prensa Gráfica (El Sal.), Feb. 4, 2015.

¹⁰⁴ Sosa, Bryon, *Otra emanación de gases del volcán Chaparrastique*, La Prensa Gráfica (El Sal.), Jul. 17, 2015; *Informe Especial No. 79 El volcán Chaparrastique continúa presentando cambios en su comportamiento*, Government of El Salvador, Aug. 26, 2015.

¹⁰⁵ Calderón, Beatriz, *Registran incremento en actividad sísmica de volcán Chaparrastique*, La Prensa Gráfica (El Sal.), Apr. 4, 2016; *Protección Civil descarta afectaciones en personas por gases expulsados por volcán Chaparrastique*, Diario Co Latino (El Sal.), Jan. 13, 2016; Mendoza, Insy, *Volcán Chaparrastique hizo nueva expulsión de cenizas*, El Diario de Hoy, Jun. 18, 2016.

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Environmental and social conditions have contributed to a dramatic outbreak of mosquito-borne diseases in El Salvador in recent years.¹⁰⁶ In January 2016, the Salvadoran government issued a national alert against the *Aedes aegypti* mosquito in an attempt to “curb the transmission of three viruses carried by the mosquito: dengue, chikungunya and Zika.”¹⁰⁷ El Salvador became the first country in Central America to suffer an outbreak of chikungunya, which began in June 2014.¹⁰⁸ In 2014 and 2015, there were over 198,000 suspected or confirmed cases of chikungunya.¹⁰⁹ In addition, in 2014 and 2015, El Salvador witnessed nearly 130,000 suspected, probable or confirmed cases of dengue.¹¹⁰ Zika was first reported in El Salvador in late 2015, and suspected cases have been reported in all 14 of the country’s departments.¹¹¹ The majority of Zika cases in El Salvador occurred in late 2015 and early 2016, with 1,144 cases reported per week in early January 2016.¹¹² In response to the surge of Zika cases, in mid-January 2016 a Salvadoran government official urged women to “avoid getting pregnant until 2018 to avoid their children developing birth defects” from Zika.¹¹³

Violence

Homicide levels have skyrocketed in El Salvador since the collapse of a 2012 truce between factions of the rival Mara Salvatrucha (MS-13) and Barrio 18 street gangs in 2014.¹¹⁴ Various factors have been cited as causes of rising levels of violence in the country, including competition between gang factions and internal gang purges, gangs’ targeting of and attacks against security forces, and the harsh anti-gang tactics used by the Salvadoran government, including allegations of summary executions by security forces and their alleged participation in death squads.¹¹⁵

In 2015, with more than 6,650 murders—more per day than during the country’s 12 year civil war (1979-1992)¹¹⁶—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.¹¹⁷ While El Salvador’s homicide rate

¹⁰⁶ *El Salvador: Chikungunya and dengue fever outbreak DREF Final Report Operation n° MDRSV007*, International Federation of Red Cross and Red Crescent Societies, p. 2, Jun. 23, 2015.

¹⁰⁷ *El Salvador issues alert against illness-bearing mosquitoes*, Agence France-Presse, Jan. 12, 2016.

¹⁰⁸ *El Salvador: Chikungunya and dengue fever outbreak DREF Final Report Operation n° MDRSV007*, p. 2.

¹⁰⁹ *Number of reported cases of Chikungunya Fever in the Americas - Cumulative Cases (October 23, 2015)*, Pan-American Health Organization/World Health Organization, Oct. 23, 2015; *Number of reported cases of Chikungunya Fever in the Americas - Cumulative Cases (May 13, 2016)*, Pan-American Health Organization/World Health Organization, May, 13, 2016.

¹¹⁰ *2015: Number of Reported Cases of Dengue and Severe Dengue (SD) in the Americas, by Country - August 26, 2016 (EW 52)*, Pan-American Health Organization/World Health Organization, Aug. 26, 2016 ; *2014: Number of Reported Cases of Dengue and Severe Dengue (SD) in the Americas, by Country - March 20, 2015 (EW 53)*, Pan-American Health Organization/World Health Organization, May 5, 2015.

¹¹¹ Partlow, Joshua, *As Zika virus spreads, El Salvador asks women not to get pregnant until 2018*, Washington Post, Jan. 22, 2016; *Zika-Epidemiological Report: El Salvador*, Pan-American Health Organization/World Health Organization, Mar. 2, 2017.

¹¹² *Zika-Epidemiological Report: El Salvador*.

¹¹³ *El Salvador urges against pregnancies until 2018 as Zika virus spreads*, Reuters, Jan. 21, 2016.

¹¹⁴ Gagne, David, *InSight Crime's 2015 Latin America Homicide Round-up*, InSight Crime, Jan. 14, 2016.

¹¹⁵ Daugherty, Arron, *El Salvador is Most Violent Nation in Western Hemisphere*, InSight Crime, Jan. 4, 2016.

¹¹⁶ Martinez, Oscar, *Living Within the Boundaries of El Salvador's Gang 'War'*, InSight Crime, Jan. 7, 2016.

¹¹⁷ *El Salvador becomes world's most deadly country outside a war zone*, AFP, Jan. 5, 2016; Martínez, Óscar, Lemus, Efren, Martínez, Carlos and Sontag, Deborah, *Killers on a Shoestring: Inside the Gangs of El Salvador*, The New York Times, Nov. 20, 2016.

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declined to 81.2 per 100,000 in 2016,¹¹⁸ El Salvador nevertheless remained the “most deadly country in the world after Syria.”¹¹⁹ Although the Salvadoran government attributes the aforementioned drop to a renewed offensive against gangs, the gangs claim that a nonaggression pact amongst MS-13 and the two main factions of Barrio 18 is responsible for the decline.¹²⁰

During the first 11 months of 2017, there were 3,621 homicides in El Salvador—a reduction of 27% compared to the same period in 2016.¹²¹ However, violence remains cyclical, and has spiked in recent months; September and October have been the most violent months of 2017, with 435 and 452 murders, respectively.¹²² The Salvadoran government’s security policies have reportedly “unleashed a new spiral of violence” between gangs and security forces.¹²³ In September 2017, InSight Crime reported that “clashes between security forces and gangs in El Salvador have begun to resemble a low-intensity conflict, which has brought with it the types of human rights abuses often seen in warzones.”¹²⁴ Following a visit to the country in November 2017, the United Nations High Commissioner for Human Rights stated that “the level of violence in El Salvador remains shockingly high.”¹²⁵

Factions of MS-13 and Barrio 18 are present in all of El Salvador’s 14 departments and at least 94% of municipalities, and are able to exert their influence and undertake activities throughout all of El Salvador.¹²⁶ Gangs in El Salvador “regularly prey on communities, kidnapping residents and demanding extortion payments.”¹²⁷ In certain areas, authorities “have lost control over territory to gangs,” who are able to “exercise full control of the daily life” of inhabitants.¹²⁸ Gangs use violence, direct threats, and the creation of a general state of fear to restrict individual behavior and ensure social complicity in areas under their territorial control.¹²⁹ For instance, individuals living in an area controlled by one gang can be harmed or killed solely for entering the territory of a rival gang,

¹¹⁸ Gagne, David, *InSight Crime's 2016 Latin America Homicide Round-up*, InSight Crime, Jan. 16, 2017.

¹¹⁹ Lakhani, Nina, *We fear soldiers more than gangsters: El Salvador's 'iron fist' policy turns deadly*, The Guardian, Feb. 6, 2017.

¹²⁰ *El Salvador, considered deadliest nation in 2015, sees drop in homicides and violence*, Associated Press, Jul. 3, 2016.

¹²¹ López, Jaime, *Autoridades confirman 58 homicidios en el inicio diciembre*, El Diario de Hoy (El Sal.), Dec. 4, 2017.

¹²² Asmann, Parker, *El Salvador Must 'Bleed More' to Force Reckoning: Barrio 18 Member*, InSight Crime, Nov. 30, 2017; *El Salvador logra reducir violencia homicida en lo que va de 2017*, AFP, Dec. 6, 2017.

¹²³ Lemus, Efrén, *El Salvador: from dialogue to death*, OpenDemocracy, Dec. 4, 2017, <https://www.opendemocracy.net/democraciaabierto/efren-lemus/el-salvador-from-dialogue-to-death> (last visited Dec. 12, 2017).

¹²⁴ Clavel, Tristan, *El Salvador Police Running 'Clandestine Jails': Report*, InSight Crime, Sep. 20, 2017.

¹²⁵ *Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to El Salvador*, Office of the United Nations High Commissioner for Human Rights (OHCHR), Nov. 17, 2017.

¹²⁶ Martínez, *Living Within the Boundaries of El Salvador's Gang 'War': El Salvador: Information Gathering Mission Report - Part 1 - Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption*, Canada: Immigration and Refugee Board of Canada, Sep. 2016.; Martínez, Lemus, Martínez, and Sontag.

¹²⁷ Partlow, Joshua, *Trump wants to deport MS-13 gang members. El Salvador is dreading their return.*, Washington Post, May 24, 2017.

¹²⁸ *El Salvador: Information Gathering Mission Report - Part 1 - Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption*.

¹²⁹ Martínez, *Living Within the Boundaries of El Salvador's Gang 'War'*; Gaborit, Mauricio, Zetino Duarte, Mario, Orellana, Carlos Iván, and Brioso, Larissa, *El Salvador*, Universidad Centroamericana “José Simeón Cañas,” p.174-175, in *Childhood and Migration in Central and North America: Causes, Policies, Practices, and Challenges*, Center for Gender & Refugee Studies and Universidad Nacional de Lanus, Feb. 2015.

effectively restricting residents' ability to work, attend school, travel, and visit family.¹³⁰ Gang recruitment of youth has dramatically increased since the collapse of the truce; active gang members are reportedly now as young as 11 years old, while children as young as 8 years old reportedly serve as lookouts.¹³¹

According to the U.S. Department of State's Bureau of Diplomatic Security, in El Salvador "crimes of every type routinely occur, and crime is unpredictable, gang-centric, and characterized by violence directed against both known victims and targets of opportunity."¹³² Extortion, usually committed by gangs, is pervasive and affects broad segments of society.¹³³ Extortion is the most important source of revenue for gangs,¹³⁴ who extort approximately 70% of businesses,¹³⁵ and subject individuals who refuse to pay extortion to "threats and violence against them, as well as against their employees, business partners and family members."¹³⁶ According to a 2016 poll, nearly 25% of Salvadorans "were victims of crime in 2015."¹³⁷ However, many Salvadorans have little confidence in the police, which, along with threats and fears of retaliation from gangs, hinders cooperation with law enforcement.¹³⁸ In gang controlled neighborhoods, many residents do not talk to the police due to threats from gangs and a fear of retaliation.¹³⁹

Since 2014, the Salvadoran government has responded to increasing gang violence and threats by intensifying security measures and "hardening its rhetoric towards the gangs."¹⁴⁰ The Salvadoran government has "deployed thousands of extra police officers and soldiers to hunt down gang members," and has limited access to prisons in an attempt to restrict gangs' communications.¹⁴¹ Gangs have increased levels of violence and targeted security forces in an attempt to "force the government's hand in restarting negotiations that could lead to a truce."¹⁴² In April 2016, in

¹³⁰ Martinez, *Living Within the Boundaries of El Salvador's Gang 'War'*; Martinez, Oscar, *Driving Across the Borders of El Salvador's Gang Territory*, InSight Crime, Jan. 11, 2016.

¹³¹ Martinez, Carlos, *El Salvador: More Weapons, More Recruits, More Chaos*, InSight Crime, Sep. 29, 2015; *El Salvador: Information Gathering Mission Report - Part 1 - Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption*.

¹³² *El Salvador 2017 Crime & Safety Report*, U.S. Department of State, Bureau of Diplomatic Security, Feb. 22, 2017.

¹³³ *El Salvador: Information Gathering Mission Report - Part 1 - Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption*; Home Sweet Home? Honduras, Guatemala and El Salvador's Role in a Deepening Refugee Crisis, Amnesty International, p.21, 2016 ; *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*, p.9, 30-31.

¹³⁴ Lohmuller, Michael, *El Salvador's Gangs & Prevailing Gang Paradigms in a Post-Truce Context*, InSight Crime, p.5, 2015.

¹³⁵ Martinez, Lemus, Martínez, and Sontag.

¹³⁶ *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*, p.31.

¹³⁷ *El Salvador 2017 Crime & Safety Report*.

¹³⁸ Romero, Fernando, *Encuesta del IUDOP refleja reprobación para el Gobierno*, La Prensa Gráfica (El Sal.), Jan. 7, 2016; Aguilar, Jeannette, *The Perception of Security and Confidence in Public Institutions: Baseline for the Partnership for Growth Joint Country Action Plan*, IUDOP, p.69-70, Mar. 2013; Martinez, *Living Within the Boundaries of El Salvador's Gang 'War'*.

¹³⁹ Martinez, *Living Within the Boundaries of El Salvador's Gang 'War'*.

¹⁴⁰ Lohmuller, *El Salvador's Gangs & Prevailing Gang Paradigms in a Post-Truce Context*, p.11-12; Valencia Caravantes, Daniel, *Wanted: Police Willing to Go to War in El Salvador*, InSight Crime, Feb. 10, 2015; Hernandez, Alan, *El Salvador Cops and Soldiers Are Executing Gang Members and Pretending They Didn't Do It*, Official Says, Vice News, Apr. 26, 2016.

¹⁴¹ Partlow, *Trump wants to deport MS-13 gang members. El Salvador is dreading their return*.

¹⁴² Tabor, Sam, *El Salvador Govt, Gangs Locked in Deadly Game of Chicken*, InSight Crime, Jul. 30, 2015.

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response to “a series of repressive extraordinary measures” by the government, gangs reportedly “succeeded in forming a coordinating mechanism and agreed to stop the killing of rival gang members.”¹⁴³ As confrontations between gangs and security forces have increased, members of the police and military have been accused of participating in death squads and committing extra-judicial executions of alleged gang members.¹⁴⁴

Violence against women—including violence committed by gang members and domestic violence—is widespread and represents a serious problem in El Salvador.¹⁴⁵ El Salvador reportedly has the highest rate of femicide—the killing of women—in the world,¹⁴⁶ and its female homicide rate “increased by 60% between 2008 and 2015.”¹⁴⁷ The rate of sexual abuse against women in El Salvador is high, and “female children and adolescents face twice the rate of sexual abuse as do adult women.”¹⁴⁸ Violence against women and domestic violence are underreported due to a lack of confidence in the justice system and fears of reprisals (especially from gang members).¹⁴⁹

The Salvadoran government is reportedly unable to ensure the safety of many deportees or returnees,¹⁵⁰ who are often “unable to blend in” with the local population and may be subject to extortion, kidnapping, and/or retribution from gang members.¹⁵¹ Although a vast majority of deportees/returnees lack criminal records, these individuals are often stigmatized and associated with crime and delinquency.¹⁵² Accordingly, many deportees/returnees suffer from discrimination and face significant challenges related to reintegration.¹⁵³ Government assistance and resources for deportees/returnees are reportedly limited.¹⁵⁴

Summary

El Salvador suffered catastrophic damage as a result of the 2001 earthquakes. While the international community responded to the disaster with a substantial amount of aid, and reconstruction projects have been completed, El Salvador’s recovery has been encumbered by subsequent natural disasters and high levels of violence. El Salvador remains vulnerable to recurrent

¹⁴³ Martinez, Carlos, *Gangs Find Common Ground in El Salvador Crackdown*, InSight Crime, Jul. 11, 2016.

¹⁴⁴ Lohmuller, Michael, *El Salvador Police Implicated in Murder-for-Hire Network*, InSight Crime, May 20, 2016; Hernandez, *Authorities in El Salvador arrest five police officers and five civilians for death squad case*, Associated Press, Jul. 9, 2016; King, Quenton, *El Salvador Police Accused of Two Extrajudicial Massacres*, InSight Crime, Apr. 26, 2016.

¹⁴⁵ UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*, p.37; *El Salvador: Information Gathering Mission Report - Part 2: The Situation of Women Victims of Violence and of Sexual Minorities in El Salvador*, Canada: Immigration and Refugee Board of Canada, Sep. 2016.

¹⁴⁶ *Femicide: A Global Problem*, Small Arms Survey, Number 14, Feb. 2012; *El Salvador: Information Gathering Mission Report - Part 2: The Situation of Women Victims of Violence and of Sexual Minorities in El Salvador*.

¹⁴⁷ *Home Sweet Home? Honduras, Guatemala and El Salvador’s Role in a Deepening Refugee Crisis*, p.6.

¹⁴⁸ Gaborit et. al, p.180.

¹⁴⁹ *El Salvador: Information Gathering Mission Report - Part 2: The Situation of Women Victims of Violence and of Sexual Minorities in El Salvador*.

¹⁵⁰ Weiss, Jessica and Patiño, Andrea, *The deportees who want to 'Make El Salvador Great Again'*, Univision News, Nov. 11, 2017.

¹⁵¹ Tallet, Olivia, P., *Strangers in their own homelands*, Houston Chronicle, Nov. 28, 2017.

¹⁵² Weiss and Patiño; *UN Migration Agency, USAID Build Protective Environments for Returnees to El Salvador*, International Organization for Migration, Aug. 18, 2017.

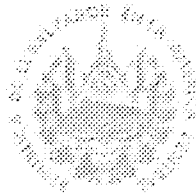
¹⁵³ Tallet; Weiss and Patiño; *UN Migration Agency, USAID Build Protective Environments for Returnees to El Salvador*.

¹⁵⁴ Tallet; Weiss and Patiño.

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natural disasters and environmental concerns—many of which have occurred in recent years; these include hurricanes and tropical storms, floods and heavy rains, a severe drought, a coffee rust outbreak, seismic and volcanic activity, and an outbreak of mosquito-borne diseases. El Salvador has also witnessed staggering levels of violence—mainly related to gang activity and the state’s response—and possesses pervasive and high levels of gender-based violence.



Ministerio de Relaciones Exteriores

Hugo Martínez
Ministro

Antiguo Cuscatlán, 22 de agosto de 2017.

SEÑORA SECRETARIA A.I.:

Tengo el honor de dirigirme a Su Excelencia, destacando en primer lugar, los fuertes lazos de amistad y cooperación existentes entre nuestros pueblos y gobiernos; vínculos que se han forjado a lo largo de nuestra historia, llegando a desempeñar hoy en día, un papel fundamental y de profunda incidencia en nuestro desarrollo económico y social.

Su Excelencia, en este contexto me permito expresarle que en la actualidad, 190,152 salvadoreños están amparados bajo el Estatus de Protección Temporal (TPS) y que dicho beneficio ha posibilitado a este grupo de compatriotas insertarse en importantes áreas de la economía estadounidense y transformarse en parte de la fuerza productiva de su país, aportando con ello al desarrollo económico de los Estados Unidos y de El Salvador.

El Salvador ha hecho esfuerzos en los últimos años para lograr mayor seguridad y prosperidad con el apoyo de los Estados Unidos en el marco del Plan de la Alianza para la Prosperidad del Triángulo Norte, y aunque dichas acciones están rindiendo ya algunos frutos, incluso en la disminución de la migración irregular, nuestro país enfrenta aún muchos desafíos en el campo de la seguridad, la economía y aquellos derivados de catástrofes naturales como terremotos, depresiones tropicales y más recientemente sequías.

En virtud de lo anterior, recurrimos a la cooperación de su Gobierno, con el propósito de solicitarle la extensión del Estatus de Protección Temporal (TPS), el cual finaliza el 8 de marzo de 2018. Asimismo, no omito manifestarle que el Gobierno de El Salvador se encuentra trabajando decididamente en superar las causas estructurales de la migración irregular, promoviendo las capacidades de nuestros ciudadanos, el desarrollo productivo, la seguridad y el fortalecimiento de las instituciones del Estado.

En espera que la presente solicitud sea considerada positivamente por su Honorable Gobierno, aprovecho la oportunidad para renovar las muestras de mi alta y distinguida consideración.

EXCELENTÍSIMA SEÑORA
ELAINE C. DUKE
SECRETARIA A.I.
DEPARTAMENTO DE SEGURIDAD
NACIONAL (DHS),
ESTADOS UNIDOS DE AMÉRICA,
WASHINGTON, D.C.

[Official seal of the Republic of El Salvador in Central America]

[Ministry of Foreign Relations]

Hugo Martínez

Minister

Antiguo Cuscatlán

August 22, 2017

MADAM ACTING SECRETARY:

It is my honor to address Your Excellency and to begin this letter by emphasizing the strong ties of friendship and cooperation that exist between our peoples and governments; Which have forged a long history of our history and have now played a fundamental role in our economic and social development.

Your Excellency, in this context, I would like to express to you that at present, 190,152 Salvadorans are covered under the Temporary Protection Status (TPS). This benefit has enabled some of my compatriots to insert themselves in important areas of the U.S. economy and become part of it, thus contributing to the economic development of both the United States and El Salvador.

In recent years, El Salvador has made the effort to achieve greater security and prosperity with the support of the United States under the North Triangle Prosperity Plan. Though these actions are yielding some benefits – including decreasing irregular migration– our country still faces many challenges related to security, the economy and natural disasters such as earthquakes, tropical depressions and recent droughts.

In light of the aforementioned, I would like to request your Government's help in extending the Temporary Protected Status (TPS), which expires on March 8, 2018. I would also like to inform you that the Government of El Salvador is working hard to overcome the structural causes of irregular migration by fostering the skills of our citizens, sustainable development, security and strengthening state institutions.

Pending your government's positive consideration of the present request, I would like to take this opportunity to renew the assurances of my highest consideration and esteem.

[Signature]

[Official Stamp of the Ministry of Foreign Relations]

HER EXCELLENCY
ELAINE C. DUKE
ACTING SECRETARY
U.S. DEPARTMENT OF HOMELAND SECURITY (DHS)
WASHINGTON, D.C.
UNITED STATES

Withheld as Privileged



Ministerio de Relaciones Exteriores

Hugo Martínez
Ministro

Antiguo Cuscatlán, 22 de agosto de 2017.

SEÑORA SECRETARIA A.I.:

Tengo el honor de dirigirme a Su Excelencia, destacando en primer lugar, los fuertes lazos de amistad y cooperación existentes entre nuestros pueblos y gobiernos; vínculos que se han forjado a lo largo de nuestra historia, llegando a desempeñar hoy en día, un papel fundamental y de profunda incidencia en nuestro desarrollo económico y social.


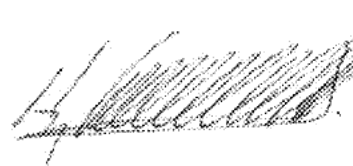
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El Salvador ha hecho esfuerzos en los últimos años para lograr mayor seguridad y prosperidad con el apoyo de los Estados Unidos en el marco del Plan de la Alianza para la Prosperidad del Triángulo Norte, y aunque dichas acciones están rindiendo ya algunos frutos, incluso en la disminución de la migración irregular, nuestro país enfrenta aún muchos desafíos en el campo de la seguridad, la economía y aquellos derivados de catástrofes naturales como terremotos, depresiones tropicales y más recientemente sequías.

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En espera que la presente solicitud sea considerada positivamente por su Honorable Gobierno, aprovecho la oportunidad para renovarle las muestras de mi alta y distinguida consideración.

EXCELENTÍSIMA SEÑORA
ELAINE C. DUKE
SECRETARIA A.I.
DEPARTAMENTO DE SEGURIDAD
NACIONAL (DHS),
ESTADOS UNIDOS DE AMÉRICA,
WASHINGTON, D.C.





Homeland
Security

October 31, 2017

MEMORANDUM FOR THE DEPUTY CHIEF OF STAFF

FROM: Scott Krause

SUBJECT: TPS Recommendations for El Salvador, Honduras, and Nicaragua

U.S. Citizenship and Immigration Services (USCIS) prepared this package outlining their recommendations for granting Temporary Protected Status (TPS) to El Salvador, Honduras, and Nicaragua. The Office of Policy (PLCY) non-concurred with USCIS' recommendation and provided a decision memo summarizing their standpoint.

Upon review of PLCY's memo, the Office of General Counsel (OGC) [REDACTED]

[REDACTED]

PLCY responded to OGC's [REDACTED]

[REDACTED]

As requested, ESEC packaged the USCIS decision memo, including PLCY's memo explaining their non-concurrence.

Attachments

October 31, 2017

**Homeland
Security****DECISION**

MEMORANDUM FOR THE ACTING SECRETARY

FROM: James D. Nealon
Assistant Secretary for International Affairs
Office of Strategy, Policy, and Plans

SUBJECT: Designation of Temporary Protected Status for Honduras,
Nicaragua, and El Salvador

Purpose: To seek your approval to extend the designation of Temporary Protected Status (TPS) for Honduras, Nicaragua, and El Salvador for 18 months.

Context:**Humanitarian Reasons**

In the cases of Honduras and Nicaragua, TPS beneficiaries have by definition been in the United States since at least December 30, 1998; in the case of El Salvador, since at least February 13, 2001. In many cases, TPS recipients have been here longer. In all cases, TPS recipients are not felons – a serious criminal record disqualifies an applicant from TPS status. In addition, data shows that TPS recipients have a very high workforce participation rate, much higher than the national average. TPS recipients have jobs, have gotten married, have many thousands of American citizen children (Salvadorans alone are estimated to have 100,000 American citizen children), work legally in great numbers, pay taxes, own homes, own businesses, and live the American dream minus a path to citizenship. While TPS was always meant to be temporary, it makes no sense to send people back to their country of origin after 20 years or more. Finally, if TPS were terminated we would be taking more than 300,000 people who currently have status and taking them out of status and into the shadows. That is not in our interest.

Working Against Ourselves

The United States is currently investing approximately 700 million dollars annually in Central America, aimed at mitigating the push factors of migration. (Most of this money is directed to Honduras, El Salvador, and Guatemala as Nicaragua receives very little U.S. assistance). The point of this assistance is to reduce the very high levels of violence, improve governance and weak institutions like the police and courts, and create economic opportunities such that Central Americans see their futures at home and not in the United States. Much of this assistance is aimed, directly or indirectly, at improving the ability of these countries to re-integrate their citizens. In the case of Honduras, for example, they received approximately 80,000 returnees in both 2015 and 2016. While willing partners, this massive influx of returnees puts a huge burden

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on employment (large scale unemployment is compounded by the fact that almost 70 percent of Hondurans work in the gray economy), and other weak institutions and services. Adding a huge influx of TPS beneficiaries and their families would strain their system even more and possibly spur further irregular migration to the United States. It is not in our interest to work against ourselves.

Foreign Policy Considerations

For the past three years, we have been deeply engaged with Central America to change the dynamics on the ground that drive migration to the United States. Honduras and El Salvador are very willing partners, and are now investing their own resources to work closely with us to stop the flow of migrants. It is very much in our interest that they continue to do so. Results have been very positive, though there is still a very long way to go. Violence has been reduced, though it is still at intolerably high levels; weak institutions like the police and courts have been bolstered, but they are still very weak and incapable of protecting their own citizens; corruption is still endemic; and their economies are still not capable of creating sufficient jobs and opportunity for their young and growing populations. We are still years away from a Central America in which people see their futures at home and not in the United States, but we are on a path to sustainable growth and improvement. It would not be in the U.S. interest to jeopardize our cooperation and partnership by terminating TPS at this time. Whether it is our intention or not, termination of TPS will send a strong signal that we do not value our partnership, and will lead El Salvador and Honduras to re-evaluate the benefits of their relationship with us. It could affect their policy on removals, which is currently very cooperative; and could also lead them to question policies that are important to us but less important to them, such as extraditions. And finally, and most importantly, it might cause them to re-evaluate their very strong cooperation in trying to curtail irregular migration to the United States.

I would add that Honduras has a Presidential election on November 27, and renewal or not of TPS is an issue in the campaign seen by some as a measuring stick for U.S. – Honduran.

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Recommendation: I recommend that you extend designation of TPS for Honduras, El Salvador, and Nicaragua for 18 months from the date of your decision.

Approve/date _____ Disapprove/date _____

Modify/date _____ Needs discussion/date _____

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (M51 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

December 20, 2017

DECISION MEMORANDUM FOR THE SECRETARY

FROM:

L. Francis Cissna
Director

LFC

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 conditions in the country no longer meet the statutory requirements 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 shall 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 related to 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 has consulted with the Department of State (DOS). DOS assesses that El Salvador no longer meets the conditions required for continued designation for TPS, and Secretary Tillerson recommends termination with a delayed effective date of 18 months to provide for an orderly wind down (see Attachment B).²

El Salvador's TPS Designation: On March 9, 2001, then Attorney General Ashcroft 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.³

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 DOS sent its country conditions report and Secretary Tillerson's recommendation to DHS on October 31, 2017. In conjunction with USCIS' December 2017 update of this memorandum, USCIS asked DOS whether it wished to update its country conditions report or recommendation. On December 13, 2017, DOS confirmed that Secretary Tillerson's October 31 recommendation stands, as State assesses that conditions have not changed since that time.

³ See Designation of El Salvador Under Temporary Protected Status Program, 66 FR 14214 (Mar. 9, 2001).

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The reason for El Salvador's designation for TPS stated in the Federal Register at the time of the initial designation was that due to earthquakes on January 13, February 13, and February 17 of 2001, "the Attorney General has determined that, due to the environmental disaster and substantial disruption of living conditions caused by the earthquakes, El Salvador is 'unable, temporarily, to handle adequately the return' of its nationals." The Federal Register notice specifically cited that the earthquakes resulted in at least 1,100 deaths, 7,859 injuries, over 2,500 missing, and had displaced an estimated 1.3 million persons out of a population of 6.2 million—over 80,000 of whom were living in temporary camps. The 2001 notice also stated that "approximately 220,000 homes, 1,696 schools, and 856 public buildings have been damaged or destroyed. Earthquake-caused losses in housing, infrastructure, and the agricultural sector exceed \$2.8 billion."

At the time, the Attorney General estimated that there would be no more than 150,000 nationals of El Salvador in the United States who would be eligible for TPS. El Salvador's designation has been continuously extended since the 2001 designation, with the most recent extension announced on July 8, 2016.⁴

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 262,500 Salvadoran TPS beneficiaries. Approximately 186,700 individuals re-registered for TPS under El Salvador's last extension.⁵

Current Country Conditions

USCIS and DOS have each conducted in-depth reviews of conditions in El Salvador. The country condition reports, upon which USCIS' assessment and recommendation are based, can be found in Attachments B and C.

As noted in the Federal Register notice announcing El Salvador's initial designation, the 2001 earthquakes that formed the basis for El Salvador's designation killed, injured, and displaced large numbers of persons, in addition to causing 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 environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, volcanic and seismic activity, a prolonged and severe regional drought that is impacting food security, and an increase in various mosquito-borne diseases.

Following the 2001 earthquake, 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. Accordingly, many reconstruction projects have now been completed. Damaged

⁴ See Extension of the Designation of El Salvador for Temporary Protected Status, 81 FR 44645 (July 8, 2016).

⁵ 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.

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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 Salvadoran government has estimated that the country's unemployment rate was 7 percent in 2014, 2015, and 2016.⁶ 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 \$27.3 billion (USD) by the end of 2017. El Salvador's GDP is projected to increase to about \$28.6 billion in 2020.⁷

Apart from the environmental conditions related to the 2001 earthquake, El Salvador has been affected by a regional drought over the last several years. The drought 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 below normal and an estimated 170,000 people were suffering from food insecurity. The 2017 growing season has, however, demonstrated slightly improved conditions, allowing normal development of basic grain crops. El Salvador has also experienced an outbreak of hundreds of thousands of cases of mosquito-borne illnesses since 2014.

Although El Salvador's current TPS designation is under the "environmental disaster" prong of the TPS statute, the country is experiencing widespread gang activity and one of the highest homicide rates in the world. 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. While the homicide rates remain extremely high in El Salvador, they have continued to trend downward in 2017, with 3,621 homicides reported during the first 11 months of the year—a 27 percent reduction as compared to the same period in 2016.

While internal violence and gang activity are not conditions that led to El Salvador's TPS designation, criminal gangs operate throughout the country. The gangs prey on residents and recruit youth, demanding extortion payments or committing violence against those who refuse. But, El Salvador is not alone with respect to the level and nature of criminal activities. 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." 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).

⁶ MINEC y DIGESTYC presentan principales resultados de la EHPM 2016, Dirección General de Estadísticas y Censos (DIGESTYC), <http://www.digestic.gob.sv/index.php/novedades/noticias/767-ministerio-de-economia-y-digestyc-presentan-principales-resultados-de-la-encuesta-de-hogares-de-propositos-multiples-2016.html> (last visited Oct. 19, 2017); Alemán, Uvelí, *Más de 2,000 ingresan a las filas del desempleo y crece el trabajo precario*, El Mundo (El Sal.), Oct. 20, 2016.

⁷ *Trading Economics*, El Salvador GDP, available at: <https://tradingeconomics.com/el-salvador/gdp>.

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The U.S. Department of State has a current travel warning for El Salvador due to the high crime rate. Crimes are underreported due to Salvadorans' low confidence in the police and justice system, as well as threats and fears of reprisals from gangs. 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. The Salvadoran government has, however, 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.

It should be noted, however, the U.S. Government has been repatriating 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.⁸ ICE removed 20,538 Salvadorans in Fiscal Year 2016 and 18,838 in Fiscal Year 2017.⁹ Government assistance and resources for returnees are reportedly limited, but the Salvadoran government, U.S. Government, and international organizations are working cooperatively to improve security and economic opportunity in El Salvador to lay the groundwork for an eventual return of many Salvadorans from the United States.

Options

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

Although USCIS assesses the conditions linked to the 2001 earthquakes do not support an extension of El Salvador's designation, 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. As noted in the country condition report summary, the review of conditions in El Salvador indicates that reconstruction and recovery efforts relating to the earthquakes have largely been completed. Although, as noted, subsequent environmental challenges 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 of the factors, the conditions in El Salvador no longer support its TPS designation on the basis of the 2001 earthquakes.

However, an argument could be made that subsequent and, in some cases, ongoing environmental challenges – in particular, the prolonged, severe drought, and mosquito-borne disease outbreak – and other conditions have sufficiently hindered recovery such that a substantial disruption in living conditions endures. Under this counterpoint, based upon conditions subsequent to the earthquake, El Salvador continues to be unable to handle the return of its nationals, and extension is justified.

⁸ 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/Report2016/removal-stats-2016.pdf>; <https://www.ice.gov/sites/default/files/documents/Report2016/fy2015removalStats.pdf>; <https://www.ice.gov/doclib/about/offices/era/pdf/2014-ice-immigration-removals.pdf>; <https://www.ice.gov/doclib/about/offices/era/pdf/2013-ice-immigration-removals.pdf>.

⁹ U.S. Immigration and Customs Enforcement, "Fiscal Year 2017 ICE Enforcement and Removal Operations Report", available at: <https://www.ice.gov/sites/default/files/documents/Report2017/iceEndOfYearFY2017.pdf>.

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To that point, the Government of El Salvador has requested that its TPS designation be extended (see Attachment D).

Should the decision be made to extend based upon these subsequent challenges hindering recovery, from an operational perspective, extension periods of less than 12 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) Terminate El Salvador's Designation for TPS

If you determine that conditions in El Salvador no longer meet the statutory requirements for its TPS designation, you must terminate TPS for El Salvador. Termination would end TPS benefits for existing Salvadoran TPS beneficiaries. Upon the termination of TPS benefits, former beneficiaries without another immigration status would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence). As explained above, USCIS assesses that termination is warranted because reconstruction efforts relating to the 2001 earthquakes have largely been completed and current challenges cannot be directly tied to damage from the earthquakes. Given that the U.S. Government removed more than 90,000 individuals to El Salvador in the last 4 years, it can be argued that the country is able to handle adequately the return of its nationals.

If you decide to terminate El Salvador's designation, you may determine the appropriate effective date of the termination. In doing so, you have the option to provide for an orderly transition period (e.g., 6, 12, or 18 months) after which TPS benefits will end. Note: the effective date of termination may not be earlier than 60 days after the date the Federal Register notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

Delaying the effective date would provide those beneficiaries without any other immigration status a reasonable amount of time following the announcement of termination of the designation to plan and prepare for their departure from the United States, of particular importance for this population given the extended length of time Salvadoran TPS beneficiaries have been living in the United States. Delaying the effective date would also allow El Salvador time to prepare for and absorb those of its nationals who choose to leave the United States in a more orderly fashion -- a concern heightened by the large size of El Salvador's TPS population. DOS assesses that El Salvador remains unable to handle adequately the precipitous return of its nationals, and therefore recommends that the effective date of a termination be delayed, specifically, by 18 months to allow El Salvador much needed time to reabsorb its nationals, and permit TPS holders time to close out their affairs in the United States.

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3) *Redesignate El Salvador for TPS*

In addition to making a decision to terminate or extend El Salvador's TPS designation, you could also consider redesignating the country for TPS. A decision to redesignate a country for TPS, unlike termination or extension, is entirely at your discretion; if the statutory conditions are met, you may, but do not have to, redesignate a country for TPS. While one could argue that widespread violence warrants a new TPS designation, it is not advised. Such a basis is not explicitly contemplated by the statute outside of an armed conflict and would raise questions about the temporary need for protection given the continuing and universal challenge that crime and violence present worldwide.

Timeliness: You are required to provide timely notice of whether existing TPS designations will be extended or terminated through publication in the *Federal Register*.¹⁰ Your earliest decision will facilitate publication of notice in the *Federal Register* sufficiently in advance of the March 9, 2018 expiration of El Salvador's designation, providing predictability and clarity to beneficiaries and their employers. By statute, if you do not make a decision at least 60 days before the expiration of the current designation (i.e., by January 8, 2018), El Salvador's designation will automatically be extended for a minimum of 6 months.¹¹

¹⁰ See INA § 244(b)(3)(A).

¹¹ See INA § 244(b)(3)(A), (C).

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Recommendation: Upon consideration of all of the factors, users recommends that you terminate El Salvador's existing designation for TPS based on the 2001 earthquakes. If you decide to terminate, users recommends terminating with an effective date delayed by 6, 12, or 18 months to permit an orderly transition. This would permit current Salvadoran TPS beneficiaries to continue to remain and work in the United States through July 5, 2018; January 5, 2019; or July 5, 2019, respectively.

Decision:

1. Extend: Extend El Salvador's existing designation for (circle one):

6 months

12 months

18 months

Approve/date _____

2. Terminate: Terminate El Salvador's designation with an orderly transition period of (circle one or specify period):

6 months

12 months

18 months

Other _____

Approve/date 1/8/18

3. Terminate and Redesignate: Terminate El Salvador's existing designation and simultaneously redesignate El Salvador:

Specify duration of redesignation (6-18 months): _____

Specify continuous residence date for eligibility under redesignation (currently February 13, 2001): _____

Approve/date _____

Attachments:

Attachment A: Temporary Protected Status Legal Authority

Attachment B: October 31, 2017 DOS Country Condition Assessment and Recommendation from Secretary Tillerson

Attachment C: December 2017 USCIS RAIO Research Unit Report on Conditions in El Salvador

Attachment D: August 2017 Letter from Government of El Salvador in Support of Temporary Protected Status Extension

Attachment E: Temporary Protected Status Vetting Process



U.S. Citizenship
and Immigration
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TEMPORARY PROTECTED STATUS CONSIDERATIONS: EL SALVADOR JUNE 2017

Overview

El Salvador was granted Temporary Protected Status following a series of earthquakes in 2001. The first earthquake, on January 13, registered 7.6 on the Richter Scale; the second, on February 13, had a magnitude of 6.6.¹ Over 3,000 aftershocks hit El Salvador in the aftermath of these earthquakes, including those with 5.1 and 5.6 magnitudes in late February 2001.² Together, the earthquakes caused the death of over 1,000 people and injured more than 8,000.³ Over 1.5 million people—approximately 25% of the population—were affected.⁴ Total damages and losses were estimated at \$1.6 billion—approximately 12% of El Salvador's gross domestic product (GDP).⁵ The Government of El Salvador estimated that reconstruction would cost over \$2.8 billion.⁶

In response to the devastation, various countries, international organizations, non-governmental organizations, and the Salvadoran diaspora provided aid and assistance to support El Salvador's recovery.⁷ El Salvador's recovery to date has been slow and encumbered by subsequent natural disasters and environmental concerns, including: hurricanes and tropical storms; heavy rains and flooding; volcanic and seismic activity; a coffee rust epidemic; a prolonged and severe drought; and an increase in various mosquito-borne diseases. Moreover, El Salvador is currently "one of the most deadly countries in the world,"⁸ with widespread gang activity and one of the highest homicide rates on earth.⁹ According to a recent report by Doctors Without Borders/Médecins Sans Frontières

¹ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*, U.S. Agency for International Development (USAID), Sep. 7, 2001.

² *AFSC El Salvador earthquake response: Two years later - An assessment and report*, American Friends Service Committee, May 15, 2003.

³ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

⁴ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*; *AFSC El Salvador earthquake response: Two years later - An assessment and report*.

⁵ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, United Nations Economic Commission for Latin America and the Caribbean (ECLAC), p.306-308, 2003.

⁶ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

⁷ Weiss Fagen, Patricia, *El Salvador: A case study in the role of the affected state in humanitarian action*, Humanitarian Policy Group, Overseas Development Institute, p.4-6, Mar. 2008.

⁸ Fernandes, Deepa, *Will Trump continue Obama's program to aid Central American teens fleeing gangs?*, PRI, May 26, 2017.

⁹ *El Salvador Travel Warning*, U.S. Department of State, Feb. 14, 2017,

<https://travel.state.gov/content/passports/en/alertswarnings/el-salvador-travel-warning.html> (last visited Jun. 14, 2017).

Temporary Protected Status Considerations: El Salvador

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(MSF), “rates of violent death in El Salvador have lately been higher than all countries suffering armed conflict except for Syria.”¹⁰

2001 Earthquakes: Damages and Recovery

The 2001 earthquakes caused significant damage to housing and exacerbated El Salvador’s pre-existing housing deficit.¹¹ Estimates of the total number of houses damaged or destroyed by the earthquakes vary, ranging from approximately 276,000 to 334,000.¹² International donors supported the reconstruction and repair of homes in El Salvador, including by providing temporary and permanent homes, as well as millions of dollars in loans to support housing reconstruction efforts and improve housing conditions.¹³ Despite these efforts, according to Habitat for Humanity, El Salvador has a housing deficit¹⁴ that affects over 944,000 families (approximately 60% of families in the country).¹⁵ A January 2016 report by a Salvadoran media outlet found individuals living in homes in San Salvador (El Salvador’s capital city) which were declared uninhabitable due to structural damage from the 2001 earthquakes or their locations in areas at high risk from landslides or the potential collapse of walls.¹⁶

The 2001 earthquakes also caused significant damage to educational facilities and disruptions to El Salvador’s education system. The earthquakes damaged or destroyed 1,516 educational facilities; damages were estimated at \$63.9 million.¹⁷ The start of the school year was also delayed until

¹⁰ *Forced to Flee Central America's Northern Triangle: A Neglected Humanitarian Crisis*, Doctors Without Borders/Médecins Sans Frontières (MSF), p. 9, May 2017.

¹¹ *Quarterly Performance Report: Accelerated Housing Reconstruction Activity (AHORA)*, CHF International, p. 1, Oct. 31, 2004.

¹² *Quarterly Performance Report: Accelerated Housing Reconstruction Activity (AHORA)*, p.1; *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

¹³ *El Salvador – Disaster Response*, U.S. Agency for International Development, Nov. 7, 2016, <https://www.usaid.gov/el-salvador/disaster-response>, (last visited Jun. 14, 2017); *Earthquake Reconstruction Program Close Out (August 10, 2005)*, U.S. Embassy San Salvador, Aug. 10, 2005; *El Salvador – Disaster Response; ES0148: Emergency Project for El Salvador*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=es0148>, (last visited Jun. 14, 2017); *ES0150: Emergency Project El Salvador II*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=es0150&page=4>, (last visited Jun. 14, 2017); *ES0087: Housing Program*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=es0087>, (last visited Jun. 14, 2017); *ES-L1022 : Housing Program and Integral Improvement of Urban Informal Settlements*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1022>, (last visited Jun. 14, 2017).

¹⁴ According to Habitat for Humanity, the more than 944,000 families which comprise El Salvador’s housing deficit, or shortage, “live in inadequate housing.” See *Habitat for Humanity El Salvador*, Habitat for Humanity, <http://www.habitat.org/where-we-build/el-salvador>, (last visited Jun. 12, 2017). Furthermore, Habitat for Humanity has noted that, “when referring to a housing deficit in Latin America, it is more suffice to say that, while many people have a roof over their head they lack basic elements of adequate housing—such as water and sanitation—that permit them to live in peace and security.” See *Housing need - Latin America and the Caribbean*, Habitat for Humanity, <https://www.habitat.org/lac-en/the-need> (last visited Jun. 21, 2017).

¹⁵ *Habitat for Humanity El Salvador*, Habitat for Humanity, <http://www.habitat.org/where-we-build/el-salvador>, (last visited Jun. 12, 2017).

¹⁶ Joma, Susana, *Edificios dañados por los terremotos aún son amenaza*, *El Diario de Hoy* (El Sal.), Jan. 11, 2016.

¹⁷ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.103.

repairs could be made to existing facilities or temporary facilities could be provided.¹⁸ While schools have been reconstructed and repaired—including via the U.S. Agency for International Development’s (USAID) Earthquake Reconstruction Program—in January 2016 a Salvadoran media outlet reported that certain buildings and schools damaged by the 2001 earthquakes had not yet been repaired or rebuilt.¹⁹ In one school that had not yet been repaired in the municipality of Chinameca, students were still taking classes in temporary classrooms.²⁰ A school in the municipality of El Congo possessed structural damage that could pose risks during future earthquakes, while a school in Santa Ana was not fully functional despite efforts at repairing the damages from the 2001 earthquakes.²¹

The 2001 earthquakes also severely damaged El Salvador’s medical infrastructure. Per the World Bank, 113 of 361 government health facilities were damaged, “which removed from service more than 2,000 hospital beds and reduced the hospitals’ capacity by 25 percent.”²² According to the Pan-American Health Organization (PAHO) and the World Health Organization (WHO), reconstruction and rehabilitation of health facilities was estimated to cost \$162 million.²³ Moreover, El Salvador faced other health challenges after the earthquakes, including the limited capacity and managerial resources of its public health system, vector-borne diseases, and maternal and child health issues.²⁴ With the assistance of the World Bank, four hospitals destroyed by the 2001 earthquakes were rebuilt by June 2011 (although it reportedly took nearly a decade for reconstruction and repairs to begin).²⁵

The 2001 earthquakes also caused damage to water and sanitation services in El Salvador. Damage to water storage tanks and distribution systems contributed to the loss of access to drinking water for approximately 500,000 urban residents and more than 75,000 inhabitants of rural areas.²⁶ Many latrines were also significantly damaged or completely destroyed.²⁷ Damages to drinking water and sanitation systems were estimated at \$16.3 million.²⁸ According to the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the international community provided one million dollars in emergency assistance for water and sanitation in the aftermath of the earthquakes.²⁹ Tanker trucks and potable water treatment equipment were used to provide emergency relief, while government authorities worked to repair damaged water systems and restore service as quickly as possible.³⁰

¹⁸ *Ibid.*

¹⁹ *El Salvador – Disaster Response*; Joma.

²⁰ Joma.

²¹ *Ibid.*

²² *El Salvador’s fight against disaster*, The World Bank, Nov. 12, 2013.

²³ *El Salvador Earthquakes: Final Fact Sheet (FY 2001)*.

²⁴ *El Salvador’s fight against disaster*.

²⁵ *Gobierno inaugura último de cuatro hospitales dañados por terremotos de 2001*, Agencia EFE, Jun. 30, 2011.

²⁶ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.164.

²⁷ *Ibid.*, p.165.

²⁸ *Ibid.*

²⁹ *Ibid.*, p.164.

³⁰ *Ibid.*

The 2001 earthquakes and ensuing aftershocks damaged some of the country's main highways and rendered smaller roads impassable.³¹ Seaports and the country's main international airport also suffered damages.³² According to ECLAC, damages from the earthquakes to transportation infrastructure—estimated at \$433 million—increased cargo and commuter travel times.³³ Since the 2001 earthquakes, the Inter-American Development Bank (IDB) has approved a series of programs to support repairs to infrastructure and improvements to El Salvador's road network.³⁴ Yet, in 2013, the IDB reported that only 26% of roads in El Salvador were paved.³⁵ Moreover, per IHS Jane's, "due to poor levels of maintenance, El Salvador's road network (even the main highways) is constantly vulnerable to adverse climatic conditions."³⁶

Subsequent Natural Disasters

El Salvador remains vulnerable to recurrent natural disasters and various natural hazards, including earthquakes, volcanic activity, hurricanes, tropical depressions and storms, floods, landslides, heavy rain, and severe droughts.³⁷ According to the 2017 Global Climate Risk Index, El Salvador ranked as the 15th most affected country in the world by extreme weather events from 1996 to 2015; during this time, El Salvador averaged \$282 million in damages per year—equivalent to 0.7% of its GDP.³⁸ USAID has cited United Nations Development Programme (UNDP) reports which indicate that

³¹ IDB approves first phase of \$105 million line of credit to improve road system in El Salvador, Inter-American Development Bank, Apr. 11, 2001.

³² *Crónicas de desastres: Terremotos en El Salvador 2001*, Pan-American Health Organization, p.36, Jun. 30, 2002.

³³ *Handbook for Estimating the Socio-economic and Environmental Effects of Disasters*, p.306, 314.

³⁴ IDB approves first phase of \$105 million line of credit to improve road system in El Salvador; ES0129 : Sustainable Rural Roads Program, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES0129>, (last visited Jun. 14, 2017); ES-L1001 : Multiphase Program for Sustainable Roads in Rural Areas Phase II, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1001>, (last visited Jun. 14, 2017); ES-L1045 : Sustainable Roads for Development, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1045>, (last visited Jun. 14, 2017); ES-L1050 : Transportation Program for the San Salvador Metropolitan Area, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1050>, (last visited Jun. 14, 2017); ES-L1061 : Rural connectivity program for the northern and eastern zones, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1061>, (last visited Jun. 14, 2017); ES-L1085 : Mesoamerican Pacific Corridor Improvement Program, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title.1303.html?id=ES-L1085>, (last visited Jun. 14, 2017).

³⁵ *Perfil de Proyecto: El Salvador - Programa de Mejoramiento del Corredor Pacífico Mesoamérica (ES-L1085)*, Inter-American Development Bank, p. 2, Jul. 31, 2013, <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=37938223>, (last visited Jun. 14, 2017).

³⁶ *El Salvador > Infrastructure*, IHS Jane's Sentinel Security Assessment, Apr. 10, 2017, <http://janes.ihs.com/CentralAmericaCaribbean/Display/1302180>, (last visited Jun. 14, 2017).

³⁷ *Crónicas de desastres: Terremotos en El Salvador 2001*, p.9.; WFP El Salvador | Brief Reporting period: 01 January – 31 March 2015, World Food Programme, p.2, Mar. 31, 2015; WFP El Salvador Country Brief, World Food Programme, p.2, Apr. 2017; Stevens, Elizabeth, *In El Salvador, a struggle to survive El Niño*, Oxfam, Feb. 8, 2016; WFP El Salvador | Brief Reporting period: 01 October – 31 December 2015, World Food Programme, p.2, Dec. 31, 2015; *El Salvador - Natural Disasters*, Gov.UK, <https://www.gov.uk/foreign-travel-advice/el-salvador/natural-disasters> (last visited Jun. 8, 2017); *Supporting resilient infrastructure in El Salvador*, UNOPS, Oct. 23, 2015.

³⁸ Kreft, Sönke, Eckstein, David and Melchior, Inga, *Global Climate Risk Index 2017*, Germanwatch, p. 23, Nov. 2016.

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“88.7 percent of El Salvador’s territory is susceptible to severe impacts of natural disasters and approximately 95.4 percent of El Salvador’s population is at some risk.”³⁹

Hydro-meteorological events—including hurricanes, tropical depressions and storms, heavy rains, and flooding—have caused significant damage in El Salvador.⁴⁰ According to the United Nations Office for Project Services (UNOPS), El Salvador remains exposed to a “growing number of tropical storms and hurricanes from the Pacific and Atlantic Oceans.”⁴¹ During the rainy season—which “normally runs from June to November, coinciding with the hurricane season in the Caribbean”⁴²—El Salvador is impacted by heavy rains and thunderstorms which can cause landslides and flooding,⁴³ negatively impact infrastructure, and “place the lives and livelihoods of those living in vulnerable urban areas at risk.”⁴⁴

For instance, in May 2005, Hurricane Adrian hit the coast of El Salvador, killing two people and causing the evacuation of up to 20,000 residents.⁴⁵ In October 2005, Hurricane Stan caused flooding and landslides, leaving entire communities covered in mud.⁴⁶ Hurricane Felix affected 560 families in September 2007,⁴⁷ while Hurricane Ida killed at least 124 people and left 60 missing in ensuing mudslides and flooding in November 2009.⁴⁸ Tropical Storm Agatha killed nine people in May 2010.⁴⁹

In September and October 2011, Tropical Depression 12-E brought approximately 59 inches of rain in under a week (more than Hurricane Mitch in 1998),⁵⁰ and flooded approximately 10% of El Salvador’s territory.⁵¹ Heavy rains caused 132 rivers to overflow and 1,303 landslides, killing 35 people and contributing to the evacuation of nearly 60,000 people from over 160 communities.⁵² Moreover, 690 schools, 201 health centers, and 93 roads and highways were damaged; 35 bridges and 1,537 homes were damaged or destroyed; and 18,562 homes were flooded as a result of the

³⁹ *El Salvador – Disaster Response*.

⁴⁰ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, Oxfam, p.6, Nov. 2014.

⁴¹ *Supporting resilient infrastructure in El Salvador*.

⁴² *El Salvador - Natural Disasters*.

⁴³ *Ibid.*

⁴⁴ *Supporting resilient infrastructure in El Salvador*.

⁴⁵ *Hurricane Adrian hits El Salvador*, BBC News, May 20, 2005.

⁴⁶ Planas, Monica, *Red Cross works to relieve hurricane Stan’s effect in El Salvador*, International Federation of Red Cross and Red Crescent Societies, Oct. 26, 2005, <http://www.ifrc.org/en/news-and-media/news-stories/international/red-cross-works-to-relieve-hurricane-stans-effect-in-el-salvador/>, (last visited Jun. 14, 2017).

⁴⁷ *Latin America and the Caribbean - Hurricane Season 2007 Fact Sheet #9 (FY 2008)*, USAID, Feb. 29, 2008.

⁴⁸ *Hurricane Kills 124 in El Salvador*, Reuters, Nov. 8, 2009.

⁴⁹ *Agatha leaves 82 dead in Guatemala, El Salvador*, CNN, May 30, 2010.

⁵⁰ *Tropical Depression 12-E, Emergency appeal n° MDRSV004 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.3, Feb. 13, 2014.

⁵¹ *Informe Preliminar - Evaluación de daños y pérdidas en El Salvador ocasionados por la Depresión Tropical 12E*, Gobierno de El Salvador & Comisión Económica para América Latina (CEPAL), p.5, Oct. 2011.

⁵² *Tropical Depression 12-E, Emergency appeal n° MDRSV004 Final Report*, p.3.

storm.⁵³ ECLAC estimated that Tropical Depression 12-E caused damages of more than \$900 million in El Salvador.⁵⁴

In June 2013, Tropical Storm Barry caused flooding in El Salvador, killing two people.⁵⁵ High waves produced by tropical storms in the Southern Hemisphere caused damage along El Salvador's coastline in May 2015, forcing the evacuation of more than 1,300 people and leaving one person missing.⁵⁶ In October 2015, heavy rains produced flooding and landslides across El Salvador; four people were killed, more than 200 homes were damaged, and schools were closed throughout the country.⁵⁷ Heavy rains again caused flooding, landslides, and/or damage to property in November 2015, and in June, July, and September of 2016.⁵⁸ In October 2016, heavy rains once again caused floods and landslides; over 160 homes were damaged and two people were killed.⁵⁹

A prolonged regional drought—"one of the most severe in the history of Central America"—has affected El Salvador in recent years, particularly in regions of the country located in the "Dry Corridor"⁶⁰ of Central America.⁶¹ Since it began in El Salvador in 2012, the drought—which has been intensified by El Niño⁶² and has been most severe in the eastern regions of the country—has

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Stewart, Stacy R., *Tropical Storm Barry (AL022013), 17-20 June 2013*, National Hurricane Center, Oct. 7, 2013.

⁵⁶ *El Salvador: Storm Surge Emergency Plan of Action (EPoA) DREF Operation n° MDRSV008*, International Federation of Red Cross and Red Crescent Societies, p.1-2, May 15, 2015.

⁵⁷ *Heavy rains leave four dead in El Salvador*, Agence France-Presse, Oct. 19, 2015; *Suspenden clases por lluvias en todo el país*, La Prensa Gráfica (El Sal.), Oct. 19, 2015.

⁵⁸ *Quebrada obstruida y lluvias causan daños en 50 viviendas*, Diario El Mundo (El Sal.), Nov. 4, 2015; *Al menos 49 viviendas afectadas por lluvias en Usulután*, La Prensa Gráfica (El Sal.), Nov. 21, 2015; *El Salvador reportó 3 viviendas derrumbadas y 43 anegadas por lluvias*, La Prensa Gráfica (El Sal.), Jun. 25, 2016; *Lluvias provocaron 68 incidentes en ocho departamentos*, La Prensa Gráfica (El Sal.), Jul. 9, 2016; *19 viviendas en Apopa fueron inundadas*, La Prensa Gráfica (El Sal.), Jul. 30, 2016; *Lluvias dejan derrumbes e inundaciones en calles al interior del país*, La Prensa Gráfica (El Sal.), Sep. 24, 2016.

⁵⁹ *El Salvador – Severe Weather (Redhum, SNET, Local Media) (ECHO Daily Flash of 24 October 2016)*, European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations, Oct. 24, 2016.

⁶⁰ According to a report published by the Food and Agricultural Organization of the United Nations (FAO) on Central America's "Dry Corridor": "The term dry corridor, although it points to a climatic phenomenon, has an ecological basis: it defines a group of ecosystems that combine in the ecoregion of dry tropical forest in Central America, which starts in Chiapas, Mexico, and in a strip of land, contains the lowlands of the Pacific slope and much of the central pre-mountain region of Guatemala, El Salvador, Honduras, Nicaragua, and part of Costa Rica (up to Guanacaste); in Honduras, it also includes fragments which approach the Caribbean coast." See van der Zee Arias, Amparo, et. al, *Estudio de caracterización del Corredor Seco Centroamericano*, FAO, p.8, Dec. 2012. Another FAO report defines the "Dry Corridor" as: "an imprecise geographical demarcation defined by a zone with climatic characteristics of dry tropical forest, with a marked and prolonged dry season (*verano*), and where there is a latent risk of recurring drought during the reduced rainy season (*invierno*), which could occur due to the late arrival of the rainy season, an extension of the dry season, or a premature end of the rainy season." See Peralta Rodriguez, Orlando, et. al, *Buenas prácticas para la seguridad alimentaria y la gestión de riesgos*, FAO, p.8, Feb. 2012.

⁶¹ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.1, Oct. 6, 2015; *REDLAC Weekly Note on Emergencies - Latin America & the Caribbean - Year 8 – Volume 430*, UNOCHA, Nov. 16, 2015.

⁶² El Niño, or the El Niño-Southern Oscillation (ENSO), is a "climate pattern that describes the unusual warming of surface waters along the tropical west coast of South America. El Niño has an impact on ocean temperatures, the speed and strength of ocean currents, the health of coastal fisheries, and local weather from Australia to South America."

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caused crop losses, food insecurity, limited or no access to drinking water, and income loss in affected areas.⁶³

In 2014, approximately 384,000 people, 105 municipalities in 12 departments, and 65% of agricultural land were impacted by the drought.⁶⁴ Significant crop losses were reported—including 30% of corn and 90% of bean production—which contributed to increased food prices and declining food reserves.⁶⁵ Losses from the drought in 2014 were estimated at more than \$70 million.⁶⁶ By December 2014, more than 85,000 people were affected by food insecurity,⁶⁷ and an estimated 56% of families affected by the drought had “adopted one or more coping mechanisms, such as selling their farm tools and animals” to address their lack of food security.⁶⁸

The regional drought became even more severe in 2015, “surpassing in size and impact the situation faced in 2014.”⁶⁹ According to the International Federation of Red Cross and Red Crescent Societies (IFRC), “2015 was one of El Salvador’s three driest years since recordkeeping began in the country.”⁷⁰ El Salvador’s Ministry of the Environment and Natural Resources (MARN) reported that the 2015 May-June-July trimester was the driest in the country’s recorded history.⁷¹ The impact of the drought on the Salvadoran economy increased in 2015 in comparison to 2014, and was estimated at \$100 million.⁷² Per the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), an estimated 825,000 people were affected by the drought in El Salvador as of October 2015, including 192,000 people in need of immediate food assistance.⁷³ In addition, at least 102,000 farmers were impacted by crop losses, and 60% of the maize (corn) crop was lost.⁷⁴ In September 2015, the World Food Programme reported that more than 50% of affected households had resorted to coping strategies to address a lack of food security, including reducing the size and

including Central America. See *El Niño/El Niño-Southern Oscillation (ENSO)*, National Geographic, Education, <http://education.nationalgeographic.com/encyclopedia/el-nino/>, (last visited Jun. 14, 2017).

⁶³ *Emergency Plan of Action Final Report - El Salvador: Drought*, International Federation of Red Cross and Red Crescent Societies, p.1, Apr. 22, 2016; *Water and sanitation: UN expert calls on the El Salvador to protect the most disadvantaged*, UN Human Rights Council, May 18, 2016; Rudamas, Salomón, *Próximos cuatro meses de lluvias intensas por Niña*, Diaro El Mundo (El Sal.), July 20, 2016; Stevens..

⁶⁴ *Global Emergency Overview - December 2014*, ACAPS, p.112, Dec. 16, 2014.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Drought in Central America: Situation Report No. 01 (as of December 10, 2014)*, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.3, Dec. 10, 2014.

⁶⁸ *The Drought Impacts the Food Security of More than 35,000 Families in El Salvador*, World Food Programme, Nov. 20, 2014, <http://www.wfp.org/news/news-release/drought-impacts-food-security-more-35000-families-el-salvador>, (last visited Jun. 14, 2017).

⁶⁹ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.1.

⁷⁰ *Emergency Plan of Action Final Report - El Salvador: Drought*, International Federation of Red Cross and Red Crescent Societies, p.2, May 25, 2017.

⁷¹ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.2.

⁷² *2015–2016 El Niño - Early action and response for agriculture, food security and nutrition*, Food and Agriculture Organization of the United Nations, p.18, Nov. 11, 2015.

⁷³ *Drought in Central America in 2015 - Situation Report (as of October 6, 2015)*, p.2.

⁷⁴ *Global Emergency Overview - December 2015*, ACAPS, p.141-142, Dec. 22, 2015; *Central America Dry Corridor Situation Report - June 2016*, Food and Agriculture Organization of the United Nations, Jun. 29, 2016 ; *2015–2016 El Niño - Early action and response for agriculture, food security and nutrition*, Food and Agriculture Organization of the United Nations, p.18, Dec. 14, 2015.

number of meals, limiting expenditures on and selling productive assets, borrowing food, and using savings or credit to purchase food.⁷⁵

El Niño and the associated drought continued to impact the country in 2016,⁷⁶ during which “irregular rains were registered in El Salvador for the fifth consecutive year.”⁷⁷ In June 2016, the Food and Agriculture Organization of the United Nations (FAO) reported that river levels were “20 to 60 percent lower than normal.”⁷⁸ By July 2016, as many as 700,000 people—11% of the population—were affected by the drought,⁷⁹ while an estimated 170,000 people were suffering from food insecurity as of early June.⁸⁰

El Salvador has also been impacted by a regional coffee rust⁸¹ epidemic which has caused crop loss and declining coffee production throughout Central America since the epidemic began in 2012.⁸² Coffee production is a significant component of El Salvador’s economy, accounting for 7.5 percent of total exports between 1995 and 2012, and generating an estimated 650,000 direct and indirect jobs.⁸³ The 2013-2014 coffee harvest in El Salvador was the least productive in 100 years,⁸⁴ and an estimated 100,000 farmers directly dependent on the Salvadoran coffee industry lost their jobs in 2014.⁸⁵ In addition to affecting small-scale coffee producers, the coffee rust epidemic has also impacted the ability of day laborers to find employment in the coffee industry.⁸⁶ By October 2014, an estimated 655,000 people in Honduras, Nicaragua, and El Salvador were considered food insecure due to the coffee rust epidemic.⁸⁷ In March 2016, UNOCHA reported that El Salvador remained “heavily affected” by the coffee rust outbreak.⁸⁸

⁷⁵ *Initial Analysis of the Impact of the Drought on Food Security in Guatemala, El Salvador, and Honduras -September 2015*, World Food Programme-Latin America and the Caribbean, p.3, Sep.24, 2015.

⁷⁶ *El Salvador prevé que el fenómeno de El Niño llegue “débil” en agosto*, EFE, May 15, 2017.

⁷⁷ *Emergency Plan of Action Final Report - El Salvador: Drought*, International Federation of Red Cross and Red Crescent Societies, p.2, May 25, 2017.

⁷⁸ *Central America Dry Corridor Situation Report - June 2016*.

⁷⁹ *It's Not Over: El Niño's Impact on Children*, UN Children’s Fund (UNICEF), p.8, Jul. 2016; *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.21, Sep. 21, 2016.

⁸⁰ *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.19, Jun. 2, 2016.

⁸¹ According to an academic study of the coffee rust crises in Colombia and Central America: “Coffee rust is caused by the fungus *Hemileia vastatrix*, an obligate parasite that affects the living leaves of the genus *Coffea*... The disease causes defoliation that, when acute, can lead to the death of branches and heavy crop losses.” See J. Avelino et. al., *The coffee rust crises in Colombia and Central America (2008–2013): impacts, plausible causes and proposed solutions*, Food Security, Vol. 7, Iss. 2, p.304, April 2015.

⁸² Malkin, Elisabeth, *A Coffee Crop Withers: Fungus Cripples Coffee Production Across Central America*, New York Times, May 5, 2014; Sang, Dorothy, *International coffee day: a devastating plague of coffee rust that is leaving communities hungry and desperate*, Save the Children, Sep. 29, 2014, <http://blogs.savethechildren.org.uk/2014/09/international-coffee-day-a-devastating-plague-of-coffee-rust-that-is-leaving-communities-hungry-and-desperate/>, (last visited Jun. 15, 2017); *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.18-19, Mar. 9, 2016.

⁸³ Ayala, Edgardo, *Coffee Rust Aggravates Poverty in Rural El Salvador*, Inter Press Service, Dec. 18, 2015.

⁸⁴ Aleman, Uveli, *Cosecha de café 15/16 no superaría los 600,000 quintales por la sequía*, Diario El Mundo (El Sal.), Sep. 26, 2015.

⁸⁵ *Global Emergency Overview – December 2014*, p.112.

⁸⁶ *Global Emergency Overview – April 2016*, ACAPS, p.159, Apr. 19, 2016.

⁸⁷ *Global Emergency Overview – December 2014*, p.112.

⁸⁸ *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.18, Mar. 9, 2016

Due to its location between two tectonic plates, El Salvador remains vulnerable to earthquakes, and damages resulting from seismic activity have affected the country in recent years.⁸⁹ For instance, between December 17, 2006 and January 15, 2007, a total of 1,039 earthquakes impacted the department of Ahuachapán, damaging more than 3,000 homes and affecting over 16,000 people.⁹⁰ On October 14, 2014, a 7.3 magnitude earthquake damaged homes and schools, and killed one person.⁹¹ In October 2015, there were over 1,000 earthquakes in the country in a single week; these earthquakes caused minor damages to some homes.⁹²

El Salvador has 23 active volcanoes, and has recently been impacted by volcanic activity.⁹³ In early October 2005, the Ilamatepec volcano erupted, killing two people and forcing the evacuation of more than 2,000 people.⁹⁴ Evacuees were forced to “remain in poorly prepared shelters for over two months due to persistent volcanic activity.”⁹⁵ On December 29, 2013, the Chaparrastique volcano erupted, spewing volcanic ash and sulfur dioxide gas that necessitated the evacuation of 63,079 people from surrounding areas, caused air pollution that increased health risks, restricted access to water sources, and impacted livestock and farming activities.⁹⁶ The Chaparrastique volcano remained active throughout 2014, with 16 reported eruptions of ash and gas during the first nine months of the year.⁹⁷ In May 2014, over 1,000 people were evacuated due to an increase in the volcanic activity of Chaparrastique.⁹⁸ In 2015, eruptions of sulfur dioxide gas by Chaparrastique in January and February caused respiratory problems for the surrounding population;⁹⁹ additional eruptions and volcanic activity were reported in April, July, and August.¹⁰⁰ The Chaparrastique volcano remained active in 2016, erupting, emitting gas, and increasing its seismic activity at various points during the year.¹⁰¹

⁸⁹ Bell, Maya, *El Salvador Exists On The Edge*, Orlando Sentinel, Feb. 16, 2001.

⁹⁰ *El Salvador: Seismic Swarm DREF Bulletin no. MDRSV001 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.2, Jul. 23, 2007.

⁹¹ Renteria, Nelson, *Powerful earthquake strikes off El Salvador, one dead*, Reuters, Oct. 14, 2014; *MINED: 13 centros educativos con daños menores por sismo*, La Prensa Gráfica (El Sal.), Oct. 14, 2014.

⁹² *REDLAC Weekly Note on Emergencies - Latin America & the Caribbean - Year 8 – Volume 424*, UNOCHA, Oct. 6, 2015.

⁹³ *El Salvador's most active volcano erupts*, Reuters, Dec. 29, 2013.

⁹⁴ *El Salvador volcano causes chaos*, BBC News, Oct. 2, 2005.

⁹⁵ Weiss Fagen, p.7.

⁹⁶ *El Salvador: Volcanic eruption Emergency Plan of Action (EPoA) DREF Operation MDRSV006 Final Report*, International Federation of Red Cross and Red Crescent Societies, p.1-2, Oct. 17, 2014.

⁹⁷ *Volcán salvadoreño completa un año de actividad eruptiva*, Redhum, Dec. 29, 2014.

⁹⁸ *El Salvador evacuates 1,000 people near volcano*, Associated Press, May 20, 2014.

⁹⁹ Lazo, Flor, *Gases del volcán impactan salud en comunidades*, La Prensa Gráfica (El Sal.), Feb. 4, 2015.

¹⁰⁰ Sosa, Bryon, *Otra emanación de gases del volcán Chaparrastique*, La Prensa Gráfica (El Sal.), Jul. 17, 2015; *Informe Especial No. 79 El volcán Chaparrastique continúa presentando cambios en su comportamiento*, Government of El Salvador, Aug. 26, 2015.

¹⁰¹ Calderón, Beatriz, *Registran incremento en actividad sísmica de volcán Chaparrastique*, La Prensa Gráfica (El Sal.), Apr. 4, 2016; *Protección Civil descarta afectaciones en personas por gases expulsados por volcán Chaparrastique*, Diario Co Latino (El Sal.), Jan. 13, 2016; Mendoza, Insy, *Volcán Chaparrastique hizo nueva expulsión de cenizas*, El Diario de Hoy, Jun. 18, 2016.

Environmental and social conditions have contributed to a dramatic outbreak of mosquito-borne diseases in El Salvador in recent years.¹⁰² In January 2016, the Salvadoran government issued a national alert against the *Aedes aegypti* mosquito in an attempt to “curb the transmission of three viruses carried by the mosquito: dengue, chikungunya and Zika.”¹⁰³ El Salvador became the first country in Central America to suffer an outbreak of chikungunya, which began in June 2014.¹⁰⁴ In 2014 and 2015, there were over 198,000 suspected or confirmed cases of chikungunya.¹⁰⁵ In addition, in 2014 and 2015, El Salvador witnessed nearly 130,000 suspected, probable or confirmed cases of dengue.¹⁰⁶ Zika was first reported in El Salvador in late 2015, and suspected cases have been reported in all 14 of the country’s departments.¹⁰⁷ The majority of Zika cases in El Salvador occurred in late 2015 and early 2016, with 1,144 cases reported per week in early January 2016.¹⁰⁸ In response to the surge of Zika cases, in mid-January 2016 a Salvadoran government official urged women to “avoid getting pregnant until 2018 to avoid their children developing birth defects” from Zika.¹⁰⁹

Violence

Homicide levels have skyrocketed in El Salvador since the collapse of a 2012 truce between factions of the rival Mara Salvatrucha (MS-13) and Barrio 18 street gangs in 2014.¹¹⁰ Various factors have been cited as causes of rising levels of violence in the country, including competition between gang factions and internal gang purges, gangs’ targeting of and attacks against security forces, and the harsh anti-gang tactics used by the Salvadoran government, including allegations of summary executions by security forces and their alleged participation in death squads.¹¹¹

In 2015, with more than 6,650 murders—more per day than during the country’s 12 year civil war (1979-1992)¹¹²—El Salvador was the most violent country in the world outside of a war zone, with

¹⁰² *El Salvador: Chikungunya and dengue fever outbreak DREF Final Report Operation n° MDRSV007*, International Federation of Red Cross and Red Crescent Societies, p. 2, Jun. 23, 2015.

¹⁰³ *El Salvador issues alert against illness-bearing mosquitoes*, Agence France-Presse, Jan. 12, 2016.

¹⁰⁴ *El Salvador: Chikungunya and dengue fever outbreak DREF Final Report Operation n° MDRSV007*, p. 2.

¹⁰⁵ *Number of reported cases of Chikungunya Fever in the Americas - Cumulative Cases (October 23, 2015)*, Pan-American Health Organization/World Health Organization, Oct. 23, 2015; *Number of reported cases of Chikungunya Fever in the Americas - Cumulative Cases (May 13, 2016)*, Pan-American Health Organization/World Health Organization, May, 13, 2016.

¹⁰⁶ *2015: Number of Reported Cases of Dengue and Severe Dengue (SD) in the Americas, by Country - August 26, 2016 (EW 52)*, Pan-American Health Organization/World Health Organization, Aug. 26, 2016; *2014: Number of Reported Cases of Dengue and Severe Dengue (SD) in the Americas, by Country - March 20, 2015 (EW 53)*, Pan-American Health Organization/World Health Organization, May 5, 2015.

¹⁰⁷ Partlow, Joshua, *As Zika virus spreads, El Salvador asks women not to get pregnant until 2018*, Washington Post, Jan. 22, 2016; *Zika-Epidemiological Report: El Salvador*, Pan-American Health Organization/World Health Organization, Mar. 2, 2017.

¹⁰⁸ *Zika-Epidemiological Report: El Salvador*.

¹⁰⁹ *El Salvador urges against pregnancies until 2018 as Zika virus spreads*, Reuters, Jan. 21, 2016.

¹¹⁰ Gagne, David, *InSight Crime's 2015 Latin America Homicide Round-up*, InSight Crime, Jan. 14, 2016.

¹¹¹ Daugherty, Arron, *El Salvador is Most Violent Nation in Western Hemisphere*, InSight Crime, Jan. 4, 2016.

¹¹² Martinez, Oscar, *Living Within the Boundaries of El Salvador's Gang 'War'*, InSight Crime, Jan. 7, 2016.

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a homicide rate of 103 murders per 100,000 inhabitants.¹¹³ While El Salvador's homicide rate declined to 81.2 per 100,000 in 2016,¹¹⁴ El Salvador nevertheless remained the "most deadly country in the world after Syria."¹¹⁵ Although the Salvadoran government attributes the aforementioned drop to a renewed offensive against gangs, the gangs claim that a nonaggression pact amongst MS-13 and the two main factions of Barrio 18 is responsible for the decline.¹¹⁶ While the number of homicides declined by "52.5 percent in the first four months of 2017 compared with the same period last year,"¹¹⁷ a May 2017 article by the *Washington Post* found that Salvadoran officials remain worried that "gangs could quietly be strengthening or reorganizing."¹¹⁸ The aforementioned article also discussed Salvadoran officials' concerns that an influx of deported gang members from the United States could lead to an increase in violence.¹¹⁹

Factions of MS-13 and Barrio 18 are present in all of El Salvador's 14 departments and at least 94% of municipalities, and are able to exert their influence and undertake activities throughout all of El Salvador.¹²⁰ Gangs in El Salvador "regularly prey on communities, kidnapping residents and demanding extortion payments."¹²¹ In certain areas, authorities "have lost control over territory to gangs," who are able to "exercise full control of the daily life" of inhabitants.¹²² Gangs use violence, direct threats, and the creation of a general state of fear to restrict individual behavior and ensure social complicity in areas under their territorial control.¹²³ For instance, individuals living in an area controlled by one gang can be harmed or killed solely for entering the territory of a rival gang, effectively restricting residents' ability to work, attend school, travel, and visit family.¹²⁴ Gang recruitment of youth has dramatically increased since the collapse of the truce; active gang members

¹¹³ *El Salvador becomes world's most deadly country outside a war zone*, AFP, Jan. 5, 2016; Martínez, Óscar, Lemus, Efrén, Martínez, Carlos and Sontag, Deborah, *Killers on a Shoestring: Inside the Gangs of El Salvador*, The New York Times, Nov. 20, 2016.

¹¹⁴ Gagne, David, *InSight Crime's 2016 Latin America Homicide Round-up*, InSight Crime, Jan. 16, 2017.

¹¹⁵ Lakhani, Nina, *'We fear soldiers more than gangsters': El Salvador's 'iron fist' policy turns deadly*, The Guardian, Feb. 6, 2017.

¹¹⁶ *El Salvador, considered deadliest nation in 2015, sees drop in homicides and violence*, Associated Press, Jul. 3, 2016.

¹¹⁷ *El Salvador Homicides Down by Half; Crackdown Credited*, Reuters, May 4, 2017.

¹¹⁸ Partlow, Joshua, *Trump wants to deport MS-13 gang members. El Salvador is dreading their return.*, Washington Post, May 24, 2017.

¹¹⁹ *Ibid.*

¹²⁰ Martínez, *Living Within the Boundaries of El Salvador's Gang 'War'*; *El Salvador: Information Gathering Mission Report - Part 1 - Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption*, Canada: Immigration and Refugee Board of Canada, Sep. 2016.; Martínez, Lemus, Martínez, and Sontag.

¹²¹ Partlow, *Trump wants to deport MS-13 gang members. El Salvador is dreading their return.*

¹²² *El Salvador: Information Gathering Mission Report - Part 1 - Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption.*

¹²³ Martínez, *Living Within the Boundaries of El Salvador's Gang 'War'*; Gaborit, Mauricio, Zetino Duarte, Mario, Orellana, Carlos Iván, and Brioso, Larissa, *El Salvador*, Universidad Centroamericana "José Simeón Cañas," p.174-175, in *Childhood and Migration in Central and North America: Causes, Policies, Practices, and Challenges*, Center for Gender & Refugee Studies and Universidad Nacional de Lanus, Feb. 2015.

¹²⁴ Martínez, *Living Within the Boundaries of El Salvador's Gang 'War'*; Martínez, Oscar, *Driving Across the Borders of El Salvador's Gang Territory*, InSight Crime, Jan. 11, 2016.

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are reportedly now as young as 11 years old, while children as young as 8 years old reportedly serve as lookouts.¹²⁵

According to the U.S. Department of State's Bureau of Diplomatic Security, in El Salvador "crimes of every type routinely occur, and crime is unpredictable, gang-centric, and characterized by violence directed against both known victims and targets of opportunity."¹²⁶ Extortion, usually committed by gangs, is pervasive and affects broad segments of society.¹²⁷ Extortion is the most important source of revenue for gangs,¹²⁸ who extort approximately 70% of businesses,¹²⁹ and subject individuals who refuse to pay extortion to "threats and violence against them, as well as against their employees, business partners and family members."¹³⁰ According to a 2016 poll, nearly 25% of Salvadorans "were victims of crime in 2015."¹³¹ However, many Salvadorans have little confidence in the police, which, along with threats and fears of retaliation from gangs, hinders cooperation with law enforcement.¹³² In gang controlled neighborhoods, many residents do not talk to the police due to threats from gangs and a fear of retaliation.¹³³

Since 2014, the Salvadoran government has responded to increasing gang violence and threats by intensifying security measures and "hardening its rhetoric towards the gangs."¹³⁴ The Salvadoran government has "deployed thousands of extra police officers and soldiers to hunt down gang members," and has limited access to prisons in an attempt to restrict gangs' communications.¹³⁵ Gangs have increased levels of violence and targeted security forces in an attempt to "force the government's hand in restarting negotiations that could lead to a truce."¹³⁶ In April 2016, in response to "a series of repressive extraordinary measures" by the government, gangs reportedly "succeeded in forming a coordinating mechanism and agreed to stop the killing of rival gang

¹²⁵ Martinez, Carlos, *El Salvador: More Weapons, More Recruits, More Chaos*, InSight Crime, Sep. 29, 2015; *El Salvador: Information Gathering Mission Report - Part 1 - Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption*.

¹²⁶ *El Salvador 2017 Crime & Safety Report*, U.S. Department of State, Bureau of Diplomatic Security, Feb. 22, 2017.

¹²⁷ *El Salvador: Information Gathering Mission Report - Part 1 - Gangs in El Salvador and the Situation of Witnesses of Crime and Corruption; Home Sweet Home? Honduras, Guatemala and El Salvador's Role in a Deepening Refugee Crisis*, Amnesty International, p.21, 2016 ; *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*, p.9, 30-31.

¹²⁸ Lohmuller, Michael, *El Salvador's Gangs & Prevailing Gang Paradigms in a Post-Truce Context*, InSight Crime, p.5, 2015.

¹²⁹ Martínez, Lemus, Martínez, and Sontag.

¹³⁰ *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*, p.31.

¹³¹ *El Salvador 2017 Crime & Safety Report*.

¹³² Romero, Fernando, *Encuesta del IUDOP refleja reprobación para el Gobierno*, La Prensa Gráfica (El Sal.), Jan. 7, 2016; Aguilar, Jeannette, *The Perception of Security and Confidence in Public Institutions: Baseline for the Partnership for Growth Joint Country Action Plan*, IUDOP, p.69-70, Mar. 2013; Martinez, *Living Within the Boundaries of El Salvador's Gang 'War'*.

¹³³ Martinez, *Living Within the Boundaries of El Salvador's Gang 'War'*.

¹³⁴ Lohmuller, *El Salvador's Gangs & Prevailing Gang Paradigms in a Post-Truce Context*, p.11-12; Valencia Caravantes, Daniel, *Wanted: Police Willing to Go to War in El Salvador*, InSight Crime, Feb. 10, 2015; Hernandez, Alan, *El Salvador Cops and Soldiers Are Executing Gang Members and Pretending They Didn't Do It, Official Says*, Vice News, Apr. 26, 2016.

¹³⁵ Partlow, *Trump wants to deport MS-13 gang members. El Salvador is dreading their return*

¹³⁶ Tabor, Sam, *El Salvador Govt, Gangs Locked in Deadly Game of Chicken*, InSight Crime, Jul. 30, 2015.

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members.”¹³⁷ As confrontations between gangs and security forces have increased, members of the police and military have been accused of participating in death squads and committing extra-judicial executions of alleged gang members.¹³⁸

Violence against women—including violence committed by gang members and domestic violence—is widespread and represents a serious problem in El Salvador.¹³⁹ El Salvador reportedly has the highest rate of femicide—the killing of women—in the world,¹⁴⁰ and its female homicide rate “increased by 60% between 2008 and 2015.”¹⁴¹ The rate of sexual abuse against women in El Salvador is high, and “female children and adolescents face twice the rate of sexual abuse as do adult women.”¹⁴² Violence against women and domestic violence are underreported due to a lack of confidence in the justice system and fears of reprisals (especially from gang members).¹⁴³

Summary

El Salvador suffered catastrophic damage as a result of the 2001 earthquakes. While the international community responded to the disaster with a substantial amount of aid, and reconstruction projects have been completed, El Salvador has not fully recovered from these natural disasters. El Salvador remains vulnerable to recurrent natural disasters and environmental concerns—many of which have occurred in recent years; these include hurricanes and tropical storms, floods and heavy rains, a severe drought, a coffee rust outbreak, seismic and volcanic activity, and an outbreak of mosquito-borne diseases. El Salvador has also witnessed staggering levels of violence—mainly related to gang activity and the state’s response—and possesses pervasive and high levels of gender-based violence.

¹³⁷ Martinez, Carlos, *Gangs Find Common Ground in El Salvador Crackdown*, InSight Crime, Jul. 11, 2016.

¹³⁸ Lohmuller, Michael, *El Salvador Police Implicated in Murder-for-Hire Network*, InSight Crime, May 20, 2016; Hernandez, *Authorities in El Salvador arrest five police officers and five civilians for death squad case*, Associated Press, Jul. 9, 2016; King, Quenton, *El Salvador Police Accused of Two Extrajudicial Massacres*, InSight Crime, Apr. 26, 2016.

¹³⁹ UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*, p.37; *El Salvador: Information Gathering Mission Report - Part 2: The Situation of Women Victims of Violence and of Sexual Minorities in El Salvador*, Canada: Immigration and Refugee Board of Canada, Sep. 2016.

¹⁴⁰ *Femicide: A Global Problem*, Small Arms Survey, Number 14, Feb. 2012; *El Salvador: Information Gathering Mission Report - Part 2: The Situation of Women Victims of Violence and of Sexual Minorities in El Salvador*.

¹⁴¹ *Home Sweet Home? Honduras, Guatemala and El Salvador’s Role in a Deepening Refugee Crisis*, p.6.

¹⁴² Gaborit et. al, p.180.

¹⁴³ *El Salvador: Information Gathering Mission Report - Part 2: The Situation of Women Victims of Violence and of Sexual Minorities in El Salvador*.

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TPS Addendum – Updates
Last Updated: October 19, 2017

According to the World Bank, El Salvador “continues to suffer from persistent low levels of growth, which between 2010 and 2016 only averaged 1.9%.”¹⁴⁴ Urban poverty has increased in recent years, while the country’s fiscal situation has “progressively deteriorated.”¹⁴⁵ High levels of crime and violence threaten economic growth by increasing the cost of doing business, negatively impacting investment decisions, and limiting job creation.¹⁴⁶ The Salvadoran government has estimated that the country’s unemployment rate was 7% in 2014, 2015, and 2016.¹⁴⁷ Underemployment is high, estimated at 31% in 2014 and 34.9% in 2015.¹⁴⁸

In its most recent travel warning, the U.S. Department of State warned U.S. citizens to “carefully consider the risks of travel to El Salvador due to the high rates of crime and violence. El Salvador has one of the highest homicide levels in the world and crimes such as extortion, assault and robbery are common.”¹⁴⁹ In a 2017 report, the World Economic Forum ranked El Salvador 105th out of 136 countries in its travel and tourism competitiveness index, including 134th in regards to safety and security.¹⁵⁰ In 2015, El Salvador ranked 91st out of 141 countries in the overall rankings.¹⁵¹

(1) Any updates on crime/violence in 2017 for each of the three countries. Also, in particular, the El Salvador report gives statistics for January-April of 2017, noting the number of homicides was half what it was for the same period the year prior. Would be helpful to know whether that reduction has held;

According to Salvadoran government authorities, from January 1 to August 31, 2017, there were 2,434 murders in El Salvador—a 36.5% reduction from the same period in 2016, when 3,836 people

¹⁴⁴ El Salvador Overview, The World Bank, Oct. 10, 2017, <http://www.worldbank.org/en/country/elsalvador/overview> (last visited Oct. 19, 2017).

¹⁴⁵ El Salvador Overview, The World Bank, Oct. 10, 2017, <http://www.worldbank.org/en/country/elsalvador/overview> (last visited Oct. 19, 2017).

¹⁴⁶ El Salvador Overview, The World Bank, Oct. 10, 2017, <http://www.worldbank.org/en/country/elsalvador/overview> (last visited Oct. 19, 2017).

¹⁴⁷ MINEC y DIGESTYC presentan principales resultados de la EHPM 2016, Dirección General de Estadísticas y Censos (DIGESTYC), <http://www.digestyc.gob.sv/index.php/novedades/noticias/767-ministerio-de-economia-y-digestyc-presentan-principales-resultados-de-la-encuesta-de-hogares-de-propositos-multiples-2016.html> (last visited Oct. 19, 2017); Alemán, Uveli, *Más de 2,000 ingresan a las filas del desempleo y crece el trabajo precario*, El Mundo (El Sal.), Oct. 20, 2016.

¹⁴⁸ Alemán, Uveli, *Más de 2,000 ingresan a las filas del desempleo y crece el trabajo precario*, El Mundo (El Sal.), Oct. 20, 2016; *The World Factbook – El Salvador*, Central Intelligence Agency, Oct. 10, 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/es.html> (last visited Oct. 19, 2017).

¹⁴⁹ El Salvador Travel Warning, U.S. Department of State, Feb. 14, 2017, <https://travel.state.gov/content/passports/en/alertswarnings/el-salvador-travel-warning.html> (last visited Oct. 19, 2017).

¹⁵⁰ *The Travel & Tourism Competitiveness Report 2017*, World Economic Forum, 2017.

¹⁵¹ *The Travel & Tourism Competitiveness Report 2017*, World Economic Forum, 2017.

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were killed.¹⁵² During the first three months of the year, there was an average of 9 homicides per day.¹⁵³ Between January 1 and August 20, there was an average of 10.05 homicides per day.¹⁵⁴ In June 2017, InSight Crime reported that, despite a declining homicide rate, “gangs in El Salvador continue to wield significant control in many areas of the country, despite a heavy-handed, years-long campaign aimed at wiping out these criminal groups.”¹⁵⁵ In addition, El Salvador has also “repeatedly suffered from short spikes in homicides linked to temporary escalations in gang-related violence.”¹⁵⁶

In Honduras, from January 1 to August 23, 2017, there were a reported 2,548 murders—a 24% reduction from the same time period in 2016, when 3,356 people were killed.¹⁵⁷ In May 2017, the Thomson Reuters Foundation reported that, “With one of the world’s highest murder rates, Honduras is struggling to contain drug-fueled gang violence and organized crime.”¹⁵⁸ In September 2017, Nicaragua’s police chief reported that the country’s homicide rate from August 2016 to July 2017 was 6 homicides per 100,000 people—the lowest rate in the last 16 years.¹⁵⁹

(2) Any updates on the drought conditions for the three countries;

In July 2017, the World Food Programme (WFP) reported the following on food security in Central America:

Four years of consecutive drought (2014-2017) in parts of Central America (the zone known as Dry Corridor) have negatively affected food production and income opportunities for vulnerable people, with increased food insecurity among subsistence farmers, day labourers and their families.

The cumulative effect has reduced productive assets, disrupted livelihoods and caused irregular emigration to the USA, as the preliminary results of a recent WFP study reveals. Over the past four years, households in the Dry Corridor have had to increasingly rely on negative consumption and livelihood coping strategies with increasing levels of emergency coping strategies...

In Honduras, the cumulative effects of four years of drought have significantly undermined the food security of the most vulnerable subsistence farmers and agricultural laborers in the dry corridor...On 19 June 2017, the Government of

¹⁵² Morales, Napoleón, Ramírez Landaverde: “Al mes de agosto los homicidios se han reducido en un 36.5%”, Diario la Pagina (El Sal.), Sep. 2, 2017.

¹⁵³ Morales, Napoleón, 10.05 salvadoreños mueren a diario en El Salvador, Diario la Pagina (El Sal.), Aug. 21, 2017.

¹⁵⁴ Morales, Napoleón, 10.05 salvadoreños mueren a diario en El Salvador, Diario la Pagina (El Sal.), Aug. 21, 2017.

¹⁵⁵ Goi, Leonardo, Barrio 18 Extortion Scheme Casts Doubt on El Salvador Govt Security Narrative, InSight Crime, Jun. 19, 2017.

¹⁵⁶ Clavel, Tristan, Spike in Attacks on Security Force Families as El Salvador Violence Declines, InSight Crime, Jun. 13, 2017.

¹⁵⁷ Honduras: Van 808 homicidios menos que 2016, La Prensa (Hon.), Aug. 26, 2017.

¹⁵⁸ Moloney, Anastasia, Hundreds flee gang warfare in Honduras' murder city, Thomson Reuters Foundation, May 15, 2017.

¹⁵⁹ La tasa de homicidios en Nicaragua baja de 8 a 6 por cada 100.000 habitantes, Agencia EFE, Sep. 12, 2017.

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Honduras declared state of emergency, up to 31 December 2017, to the national agricultural productive sector and has identified 77 municipalities in urgent need for assistance.¹⁶⁰

An August 2017 study conducted by a group of international organizations “found a correlation between prolonged droughts in El Salvador, Guatemala and Honduras – exacerbated by El Niño phenomenon from 2014 to 2016 – and the increase in irregular migration from these countries to the United States.”¹⁶¹ The aforementioned study focused on El Salvador, Guatemala and Honduras, particularly the parts of these countries located in the Dry Corridor.¹⁶²

In an August 2017 report on El Salvador, Honduras, and Nicaragua, the Famine Early Warning Systems Network (FEWS NET) reported that:

Despite below average accumulated rainfall in parts of southern Honduras and El Salvador, and northeastern Nicaragua during the *Primera* [April-September]¹⁶³ growing season, the consistent distribution and lack of an extended period of drought has allowed normal development of basic grain crops in almost all of the region, including for small farmers in areas of the dry corridor affected by low production during various years.¹⁶⁴

(3) Updates on the coffee rust epidemic. We noted “continues to recover” language, which seems to imply it’s concluded or is concluding or improving, at least?

In an August 2017 report on El Salvador, Honduras, and Nicaragua, the Famine Early Warning Systems Network (FEWS NET) reported that:

The prevalence of coffee rust is at its lowest point since the rust outbreak in 2012. However, the production and generation of employment in El Salvador and Nicaragua has not fully recovered, due to the impact of the rust during several years and the low prices of coffee during the same period, limiting the incentives for investment in the sector. In addition, there exists the risk of an increase in the prevalence of rust during the remainder of the year, due to favorable climatic conditions for this pest.¹⁶⁵

¹⁶⁰ World Food Programme Food Security Update Central America—July 2017, The World Food Programme, Jul. 2017.

¹⁶¹ Emigration and food insecurity in Central American 'dry corridor' focus of new UN-backed study, UN News Centre, Aug. 23, 2017.

¹⁶² Food Security and Emigration: Why people flee and the impact on family members left behind in El Salvador, Guatemala and Honduras, International Organization for Migration, International Fund for Agricultural Development, Inter-American Development Bank, Organization of American States, World Food Programme, p.5, Aug. 2017.

¹⁶³ Central America and Caribbean Price Bulletin, Famine Early Warning Systems Network (FEWS NET), p.1, Aug. 2017.

¹⁶⁴ El Salvador, Honduras y Nicaragua: Actualización de monitoreo remoto, Famine Early Warning Systems Network (FEWS NET), p.1, Aug. 2017.

¹⁶⁵ El Salvador, Honduras y Nicaragua: Actualización de monitoreo remoto, Famine Early Warning Systems Network (FEWS NET), p.1, Aug. 2017.

(4) Any updates on the mosquito-borne disease outbreak?

In late August 2017, Salvadoran government officials reported that there had been a “noticeable” decrease in the number of cases of dengue, chikungunya and Zika in 2017.¹⁶⁶ As of early September 2017, there had been a 96% reduction in suspected cases of Zika (from 7,370 through early September 2016 to 335 during the same time period in 2017); a 92% reduction in suspected cases of chikungunya (from 5,745 to 437); and a 60% reduction in suspected cases of dengue (from 7,177 to 2,902).¹⁶⁷

Honduras witnessed a decline in the number of cases of Zika, chikungunya, and dengue through late June 2017 compared to the same period of time in 2016.¹⁶⁸ During this time period, Zika cases were down 97% (from 25,401 to 280), chikungunya cases declined 96% (from 12,053 to 249), and cases of dengue declined 81% (from 15,259 to 2,894).¹⁶⁹

The Pan American Health Organization/World Health Organization reported in late June 2017 that “During 2017, transmission of Zika continues in Nicaragua with less intensity compared to the large outbreak reported in 2016.”¹⁷⁰ Through mid-May 2017, there were 389 suspected cases and 5 confirmed cases of Zika, compared to 546 suspected and 192 confirmed cases during the same period in 2016.¹⁷¹ In addition, by mid-May 2017, there were 22,963 suspected and 1,047 confirmed cases of dengue—“a 14% increase in suspected cases and a 52% decrease in confirmed cases compared to the same period in 2016.”¹⁷² Finally, through mid-May 2017, there had been a total of 337 suspected and 8 confirmed cases of chikungunya, compared to 5,437 suspected and 403 confirmed cases during the same period the previous year.¹⁷³

(5) Finally, could we get some basic economic data/trends for the three countries? There is always interest in that from higher levels, we’ve found.

GDP growth (annual %)¹⁷⁴

¹⁶⁶ Reportan un descenso de casos de dengue, zika y chikungunya, La Prensa Gráfica (El Sal.), Aug. 23, 2017.

¹⁶⁷ Boletín Epidemiológico Semana 36 | (del 03 al 09 de Septiembre de 2017), Ministerio de Salud (El Sal.), Sep. 15, 2017.

¹⁶⁸ Disminuyen los casos de zika, dengue y chikungunya, Secretaria de Salud (Hon.), Jul. 7, 2017.

¹⁶⁹ Disminuyen los casos de zika, dengue y chikungunya, Secretaria de Salud (Hon.), Jul. 7, 2017.

¹⁷⁰ Zika - Epidemiological Report Nicaragua, Pan American Health Organization / World Health Organization, p.1, Jun. 2017.

¹⁷¹ Zika - Epidemiological Report Nicaragua, Pan American Health Organization / World Health Organization, p.1-2, Jun. 2017.

¹⁷² Zika - Epidemiological Report Nicaragua, Pan American Health Organization / World Health Organization, p.2, Jun. 2017.

¹⁷³ Zika - Epidemiological Report Nicaragua, Pan American Health Organization / World Health Organization, p.2, Jun. 2017.

¹⁷⁴ GDP growth (annual %), World Development Indicators, The World Bank, 2017,

<http://databank.worldbank.org/data/reports.aspx?source=2&series=NY.GDP.PCAP.CD&country=NIC,SLV,HND#>

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	2012	2013	2014	2015	2016
El Salvador	1.9	1.8	1.4	2.3	2.4
Honduras	4.1	2.8	3.1	3.6	3.6
Nicaragua	6.5	4.9	4.8	4.9	4.7

Select Economic Indicators

	El Salvador	Honduras	Nicaragua
GDP Per Capita (current US\$) (2016) ¹⁷⁵	\$4,224	\$2,361	\$2,151
Poverty headcount ratio at national poverty lines (% of population) (2014) ¹⁷⁶	31.8%	62.8%	29.6%
Unemployment, total (% of total labor force) (modeled ILO estimate) (2016) ¹⁷⁷	6.3%	6.3%	5.9%
Personal remittances, received (% of GDP) (2016) ¹⁷⁸	17.1%	17.9%	9.6%

(last visited Sep. 19, 2017).

¹⁷⁵ GDP Per Capita (current US\$), World Development Indicators, The World Bank,

<http://databank.worldbank.org/data/reports.aspx?source=2&series=NY.GDP.PCAP.CD&country=NIC.SLV.HND> (last visited Sep. 19, 2017).

¹⁷⁶ Poverty headcount ratio at national poverty lines (% of population), World Development Indicators, The World Bank, 2017, <http://databank.worldbank.org/data/reports.aspx?source=2&series=SI.POV.NAHC&country=HND.SLV.NIC> (last visited Sep. 19, 2017)

¹⁷⁷ Unemployment, total (% of total labor force) (modeled ILO estimate), World Development Indicators, The World Bank, 2017, <http://databank.worldbank.org/data/reports.aspx?source=2&series=NY.GDP.PCAP.CD&country=NIC.SLV.HND#> (last visited Sep. 19, 2017).

¹⁷⁸ Personal remittances, received (% of GDP), World Development Indicators, The World Bank, 2017, <http://databank.worldbank.org/data/reports.aspx?source=2&series=BX.TRF.PWKR.DT.GD.ZS&country=NIC.SLV.HN> (last visited Sep. 19, 2017).

PRE-DECISIONAL / DELIBERATIVE

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



U.S. Citizenship
 and Immigration
 Services

December 20, 2017

DECISION MEMORANDUM FOR THE SECRETARY

FROM:

L. Francis Cissna
 Director

2 FNC

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 conditions in the country no longer meet the statutory requirements 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 shall 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 related to 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 has consulted with the Department of State (DOS). DOS assesses that El Salvador no longer meets the conditions required for continued designation for TPS, and Secretary Tillerson recommends termination with a delayed effective date of 18 months to provide for an orderly wind down (see Attachment B).²

El Salvador's TPS Designation: On March 9, 2001, then Attorney General Ashcroft 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.³

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 DOS sent its country conditions report and Secretary Tillerson's recommendation to DHS on October 31, 2017. In conjunction with USCIS' December 2017 update of this memorandum, USCIS asked DOS whether it wished to update its country conditions report or recommendation. On December 13, 2017, DOS confirmed that Secretary Tillerson's October 31 recommendation stands, as State assesses that conditions have not changed since that time.

³ See Designation of El Salvador Under Temporary Protected Status Program, 66 FR 14214 (Mar. 9, 2001).

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El Salvador's Designation for Temporary Protected Status

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PRE-DECISIONAL / DELIBERATIVE

The reason for El Salvador's designation for TPS stated in the Federal Register at the time of the initial designation was that due to earthquakes on January 13, February 13, and February 17 of 2001, "the Attorney General has determined that, due to the environmental disaster and substantial disruption of living conditions caused by the earthquakes, El Salvador is 'unable, temporarily, to handle adequately the return' of its nationals." The Federal Register notice specifically cited that the earthquakes resulted in at least 1,100 deaths, 7,859 injuries, over 2,500 missing, and had displaced an estimated 1.3 million persons out of a population of 6.2 million—over 80,000 of whom were living in temporary camps. The 2001 notice also stated that "approximately 220,000 homes, 1,696 schools, and 856 public buildings have been damaged or destroyed. Earthquake-caused losses in housing, infrastructure, and the agricultural sector exceed \$2.8 billion."

At the time, the Attorney General estimated that there would be no more than 150,000 nationals of El Salvador in the United States who would be eligible for TPS. El Salvador's designation has been continuously extended since the 2001 designation, with the most recent extension announced on July 8, 2016.⁴

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 262,500 Salvadoran TPS beneficiaries. Approximately 186,700 individuals re-registered for TPS under El Salvador's last extension.⁵

Current Country Conditions

USCIS and DOS have each conducted in-depth reviews of conditions in El Salvador. The country condition reports, upon which USCIS' assessment and recommendation are based, can be found in Attachments B and C.

As noted in the Federal Register notice announcing El Salvador's initial designation, the 2001 earthquakes that formed the basis for El Salvador's designation killed, injured, and displaced large numbers of persons, in addition to causing 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 environmental challenges, including hurricanes and tropical storms, heavy rains and flooding, volcanic and seismic activity, a prolonged and severe regional drought that is impacting food security, and an increase in various mosquito-borne diseases.

Following the 2001 earthquake, 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. Accordingly, many reconstruction projects have now been completed. Damaged

⁴ See Extension of the Designation of El Salvador for Temporary Protected Status, 81 FR 44645 (July 8, 2016).

⁵ 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.

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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 Salvadoran government has estimated that the country's unemployment rate was 7 percent in 2014, 2015, and 2016.⁶ 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 \$27.3 billion (USD) by the end of 2017. El Salvador's GDP is projected to increase to about \$28.6 billion in 2020.⁷

Apart from the environmental conditions related to the 2001 earthquake, El Salvador has been affected by a regional drought over the last several years. The drought 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 below normal and an estimated 170,000 people were suffering from food insecurity. The 2017 growing season has, however, demonstrated slightly improved conditions, allowing normal development of basic grain crops. El Salvador has also experienced an outbreak of hundreds of thousands of cases of mosquito-borne illnesses since 2014.

Although El Salvador's current TPS designation is under the "environmental disaster" prong of the TPS statute, the country is experiencing widespread gang activity and one of the highest homicide rates in the world. 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. While the homicide rates remain extremely high in El Salvador, they have continued to trend downward in 2017, with 3,621 homicides reported during the first 11 months of the year—a 27 percent reduction as compared to the same period in 2016.

While internal violence and gang activity are not conditions that led to El Salvador's TPS designation, criminal gangs operate throughout the country. The gangs prey on residents and recruit youth, demanding extortion payments or committing violence against those who refuse. But, El Salvador is not alone with respect to the level and nature of criminal activities. 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." 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).

⁶ MINEC y DIGESTYC presentan principales resultados de la EHPM 2016, Dirección General de Estadísticas y Censos (DIGESTYC), <http://www.digestyc.gob.sv/index.php/novedades/noticias/767-ministerio-de-economia-y-digestyc-presentan-principales-resultados-de-la-encuesta-de-hogares-de-propositos-multiples-2016.html> (last visited Oct. 19, 2017); Alemán, Uvelli, Más de 2.000 ingresan a las filas del desempleo y crece el trabajo precario, *El Mundo* (El Sal.), Oct. 20, 2016.

⁷ *Trading Economics*, El Salvador GDP, available at: <https://tradingeconomics.com/el-salvador/gdp>.

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The U.S. Department of State has a current travel warning for El Salvador due to the high crime rate. Crimes are underreported due to Salvadorans' low confidence in the police and justice system, as well as threats and fears of reprisals from gangs. 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. The Salvadoran government has, however, 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.

It should be noted, however, the U.S. Government has been repatriating 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.⁸ ICE removed 20,538 Salvadorans in Fiscal Year 2016 and 18,838 in Fiscal Year 2017.⁹ Government assistance and resources for returnees are reportedly limited, but the Salvadoran government, U.S. Government, and international organizations are working cooperatively to improve security and economic opportunity in El Salvador to lay the groundwork for an eventual return of many Salvadorans from the United States.

Options1) *Extend El Salvador's Designation for TPS*

Although USCIS assesses the conditions linked to the 2001 earthquakes do not support an extension of El Salvador's designation, 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. As noted in the country condition report summary, the review of conditions in El Salvador indicates that reconstruction and recovery efforts relating to the earthquakes have largely been completed. Although, as noted, subsequent environmental challenges 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 of the factors, the conditions in El Salvador no longer support its TPS designation on the basis of the 2001 earthquakes.

However, an argument could be made that subsequent and, in some cases, ongoing environmental challenges – in particular, the prolonged, severe drought, and mosquito-borne disease outbreak – and other conditions have sufficiently hindered recovery such that a substantial disruption in living conditions endures. Under this counterpoint, based upon conditions subsequent to the earthquake, El Salvador continues to be unable to handle the return of its nationals, and extension is justified.

⁸ 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/ero/pdf/2014-ice-immigration-removals.pdf>; <https://www.ice.gov/doclib/about/offices/ero/pdf/2013-ice-immigration-removals.pdf>.

⁹ U.S. Immigration and Customs Enforcement, "Fiscal Year 2017 ICE Enforcement and Removal Operations Report", available at: <https://www.ice.gov/sites/default/files/documents/Report/2017/iceEndOfYearFY2017.pdf>.

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To that point, the Government of El Salvador has requested that its TPS designation be extended (see Attachment D).

Should the decision be made to extend based upon these subsequent challenges hindering recovery, from an operational perspective, extension periods of less than 12 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) Terminate El Salvador's Designation for TPS

If you determine that conditions in El Salvador no longer meet the statutory requirements for its TPS designation, you must terminate TPS for El Salvador. Termination would end TPS benefits for existing Salvadoran TPS beneficiaries. Upon the termination of TPS benefits, former beneficiaries without another immigration status would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence). As explained above, USCIS assesses that termination is warranted because reconstruction efforts relating to the 2001 earthquakes have largely been completed and current challenges cannot be directly tied to damage from the earthquakes. Given that the U.S. Government removed more than 90,000 individuals to El Salvador in the last 4 years, it can be argued that the country is able to handle adequately the return of its nationals.

If you decide to terminate El Salvador's designation, you may determine the appropriate effective date of the termination. In doing so, you have the option to provide for an orderly transition period (e.g., 6, 12, or 18 months) after which TPS benefits will end. Note: the effective date of termination may not be earlier than 60 days after the date the Federal Register notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

Delaying the effective date would provide those beneficiaries without any other immigration status a reasonable amount of time following the announcement of termination of the designation to plan and prepare for their departure from the United States, of particular importance for this population given the extended length of time Salvadoran TPS beneficiaries have been living in the United States. Delaying the effective date would also allow El Salvador time to prepare for and absorb those of its nationals who choose to leave the United States in a more orderly fashion – a concern heightened by the large size of El Salvador's TPS population. DOS assesses that El Salvador remains unable to handle adequately the precipitous return of its nationals, and therefore recommends that the effective date of a termination be delayed, specifically, by 18 months to allow El Salvador much needed time to reabsorb its nationals, and permit TPS holders time to close out their affairs in the United States.

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3) *Redesignate El Salvador for TPS*

In addition to making a decision to terminate or extend El Salvador's TPS designation, you could also consider redesignating the country for TPS. A decision to redesignate a country for TPS, unlike termination or extension, is entirely at your discretion; if the statutory conditions are met, you may, but do not have to, redesignate a country for TPS. While one could argue that widespread violence warrants a new TPS designation, it is not advised. Such a basis is not explicitly contemplated by the statute outside of an armed conflict and would raise questions about the temporary need for protection given the continuing and universal challenge that crime and violence present worldwide.

Timeliness: You are required to provide timely notice of whether existing TPS designations will be extended or terminated through publication in the *Federal Register*.¹⁰ Your earliest decision will facilitate publication of notice in the *Federal Register* sufficiently in advance of the March 9, 2018 expiration of El Salvador's designation, providing predictability and clarity to beneficiaries and their employers. By statute, if you do not make a decision at least 60 days before the expiration of the current designation (i.e., by January 8, 2018), El Salvador's designation will automatically be extended for a minimum of 6 months.¹¹

¹⁰ See INA § 244(b)(3)(A).

¹¹ See INA § 244(b)(3)(A), (C).

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Recommendation: Upon consideration of all of the factors, users recommends that you terminate El Salvador's existing designation for TPS based on the 2001 earthquakes. If you decide to terminate, users recommends terminating with an effective date delayed by 6, 12, or 18 months to permit an orderly transition. This would permit current Salvadoran TPS beneficiaries to continue to remain and work in the United States through July 5, 2018; January 5, 2019; or July 5, 2019, respectively.

Decision:

1. Extend: *Extend El Salvador's existing designation for (circle one):*

6 months

12 months

18 months

Approve/date _____

2. Terminate: *Terminate El Salvador's designation with an orderly transition period of (circle one or specify period):*

6 months

12 months

18 months

Other _____

Approve/date _____

3. Terminate and Redesignate: *Terminate El Salvador's existing designation and simultaneously redesignate El Salvador:*

Specify duration of redesignation (6-18 months): _____

Specify continuous residence date for eligibility under redesignation (currently February 13, 2001): _____

Approve/date _____

Attachments:

Attachment A: Temporary Protected Status Legal Authority

Attachment B: October 31, 2017 DOS Country Condition Assessment and Recommendation from Secretary Tillerson

Attachment C: December 2017 USCIS RAO Research Unit Report on Conditions in El Salvador

Attachment D: August 2017 Letter from Government of El Salvador in Support of Temporary Protected Status Extension

Attachment E: Temporary Protected Status Vetting Process

USCIS Notice: Termination of the Designation of El Salvador for Temporary Protected Status

_____ Approve the notice, approve submission of the notice to the Office of Management and Budget (OMB), and approve publication of the notice in the *Federal Register* following OMB clearance.

_____ Disapprove the notice, disapprove submission of the notice to OMB, and disapprove publication of the notice in the *Federal Register*.

_____ Modify per further instructions.

_____ Needs discussion.

Date

PRE-DECISIONAL/DELIBERATIVE

Extension of Haiti's Designation for Temporary Protected Status

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+ pos.
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 with
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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Extension of Haiti's Designation for Temporary Protected Status

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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.

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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 is 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.

Haitiangov

Small In.

* Moise -
Rebuild strong
information, aviation,
medical.

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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 2nd time.

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
Page 2

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 2009)
Washington, DC 20529-2009

**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

They can return in safety

80,000 repat. 1/2 from us/mexico

We have ceo from them. diplo answer box

We will jeopardize that ceo.

new & original

DED: full foreign parties on vials no more

What ones regulars

Comment [KEA1]: Placeholder to insert State's recommendation if/when we receive it.

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

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.

Drafted on: October 10, 2017

AR-EL_SALVADOR-00000072-14

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 5 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.

Drafted on: October 10, 2017



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
Page 2

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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El Salvador's Designation for Temporary Protected Status
Page 3

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

El Salvador's Designation for Temporary Protected Status
Page 4

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/2016/152013removalStats.pdf>, <https://www.ice.gov/doclib/about/offices/ero/pdf/2014-ice-immigration-removals.pdf>, <https://www.ice.gov/doclib/about/offices/ero/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 2001)
Washington, DC 20529-2001

**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
Page 2

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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① Backlog in prisons

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⑩ engagement

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areas.

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③ age
demographics

⑫ #s each renewal period.

⑬ backlog
what should my message be?
how many backlog?
what can I tell them?

Evangelical
Immigration
Table

Council for Christian Colleges
and Universities

Ethics and Religious Liberty
Commission of the Southern
Baptist Convention

Korean Churches for
Community Development/Faith
and Community Empowerment

National Association of
Evangelicals

National Hispanic Christian
Leadership Conference

The Wesleyan Church

World Relief

November 1, 2017

Acting Secretary of Homeland Security Elaine Duke
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, DC 20016

Dear Acting Secretary Duke,

As leaders serving and representing millions of evangelical Christians through our respective denominations, churches, colleges, universities, and ministries, we are writing to respectfully ask you to consider extending the Temporary Protected Status (TPS) designation that has been granted by past administrations for nationals of several countries, including Honduras, Nicaragua, Haiti, and El Salvador, each of which requires your decision to renew or terminate the status within the coming weeks or months. **We believe that reform of the TPS program is needed and warranted. Accordingly, we urge you to extend the TPS designation for Honduras, Nicaragua, Haiti, and El Salvador to provide Congress time to provide needed reforms to the TPS program.**

Our concern is driven by our Christian faith and our commitment to the Scriptures, which speak clearly and frequently to God's concern for those who are vulnerable, specifically including immigrants and the poor. Each of these individuals, from a biblical perspective, is endowed with inherent dignity as a person made in God's image, and each is a neighbor whom Jesus commands us to love. The Bible also teaches us that God has established families as the fundamental building block of healthy societies, and we are concerned with the separation of families that withdrawing TPS at this time would likely entail.

The roughly 300,000 individuals from these four countries who currently are lawfully present under TPS protections each voluntarily came forward at the invitation of the federal government, passed a criminal background check (and in many cases multiple subsequent background checks with each renewal), and have demonstrated that they are economically self-sufficient, as they do not qualify for federal means-test public benefits. They contribute significantly to our national economy, including contributing roughly \$7 billion in Social Security and Medicare taxes over the past decade and much more as consumers, employees in critical sectors of our economy, and entrepreneurs.

These individuals are now firmly established parts of our communities, including many who are members of our local churches and students within our colleges. Most Central Americans granted TPS have been present in the United States for twenty years or more, and they have put down roots here. Most are parents of one or more U.S. citizen children; if these parents were to be deported or simply no longer be authorized to work, it would create a significant strain on these U.S. citizen children and other immediate family members—and on both public and private social support systems for which these citizen children would qualify.

Withdrawal of TPS at this time—without a long-term, legislative resolution of these individuals' situation—would also have a significantly negative impact on the countries to which these immigrants would potentially be returned. Several of

The Evangelical Immigration Table
www.EvangelicalImmigrationTable.com

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Evangelical Immigration Table

Council for Christian Colleges
and Universities

Ethics and Religious Liberty
Commission of the Southern
Baptist Convention

Korean Churches for
Community Development/Faith
and Community Empowerment

National Association of
Evangelicals

National Hispanic Christian
Leadership Conference

The Wesleyan Church

World Relief

our organizations operate or support ministries in Central America and/or Haiti, and our colleagues there are deeply concerned about the impact of a withdrawal of TPS on the country as a whole, each of which is facing challenges of poverty and violence.

While the Central American countries were initially designated with TPS status because of natural disasters more than 15 years ago, El Salvador and Honduras have competed in recent years for the ignominious title of the highest civilian homicide rate of any country in the world. Haiti, initially designated with TPS after the horrific earthquake of 2010, has recently been hit by several severe hurricanes. In each of these cases, the countries face chronic unemployment and underemployment, dynamics that would likely be exacerbated by a sudden insertion of residents who have lived abroad for many years, harming the poorest of the poor.

When Congress created the TPS program in 1990, it was envisioned as a way for the federal government to provide safe haven on a temporary basis in situations when returning individuals to a country devastated by natural disaster or manmade violence would be inhumane. Regrettably, many of these countries remain unsafe even after many years. In any case, we are working with Congress to make needed reforms to the TPS program. The situations of long-term recipients of TPS states are complex and demand a legislative solution. We urge you to renew the TPS designation for Honduras, Nicaragua, Haiti, and El Salvador to allow Congress to develop such a solution.

Sincerely,

Leith Anderson, President, National Association of Evangelicals

Scott Arbeiter, President, World Relief

Shirley V. Hoogstra, President, Council for Christian Colleges and Universities

Hyepin Im, President & CEO, Korean Churches for Community Development

Jo Anne Lyon, Ambassador, General Superintendent Emerita, The Wesleyan Church

Russell Moore, President, Ethics & Religious Liberty Commission of the Southern Baptist Convention

Samuel Rodriguez, President, National Hispanic Christian Leadership Conference

From: Jacobson, Donald E [REDACTED]
Sent: Tuesday, November 7, 2017 9:10 AM
To: Dogu, Laura F (Managua) [REDACTED]; Nealon, James
[REDACTED]; Fulton, Heide Bronke (Tegucigalpa)
Subject: RE: Host Nation Notification
Attach: 17-SAN SALVADOR-1328.eml.pdf

The attached cable from Embassy San Salvador provides a nice analysis of the challenges dual national kids will have when/if their families move back to El Salvador. A similar analysis for Nicaragua and Honduras would be quite useful.

As with the case of El Salvador (and as we saw in Mexico, Laura), the answer is probably to ensure that the dual national kids get their Nicaraguan/Honduran citizenship documented at a consulate in the United States before they return to their parents' country of origin.

Providing Spanish as a Foreign Language classes will also be important to help the kids adjust to the schools.

Best,
Don

From: Dogu, Laura F (Managua)
Sent: Tuesday, November 07, 2017 8:15 AM
To: Nealon, James; Fulton, Heide Bronke (Tegucigalpa)
Cc: Jacobson, Donald E
Subject: Re: Host Nation Notification

I received a phone call later last night from the VP. It was clear she had been in touch with Honduras at a minimum plus the Nicaraguan Ambassador in the US. She asked me for more info on the migrants who would need to return since they were unaware of them. They were interested in figuring out what skills they had so they could utilize this higher skilled workforce when they come back. Also wanted to make sure the Consulates were ready to assist with travel documents, etc. I said I would ask but did not know if there was anything we could share. I am 99 percent sure PII type info is off limits but do we at least know states where we think most are located?

We also discussed whether it would be easy to enroll children in school if they returned with parents. I will go into that more today but they seem very willing to work with us. I will see if USAID can work with COSEP, the business chamber chambers, or even AmCham, to look at job placement programs like they have done before. Not sure if this will be possible or not.

Laura

Sent from my BlackBerry 10 smartphone.

From: Dogu, Laura F (Managua)
Sent: Monday, November 6, 2017 6:37 PM
To: Nealon, James; Manes, Jean E; Fulton, Heide Bronke (Tegucigalpa)
Cc: Jacobson, Donald E
Subject: Re: Host Nation Notification

Notified Nicaraguan VP Murillo of termination and 12 month timeline. She asked about Honduras and I told her each country is different and I didn't know. She knows info will be public in the next hour.

Laura

Sent from my BlackBerry 10 smartphone.

From: Nealon, James
Sent: Monday, November 6, 2017 6:28 PM
To: Manes, Jean E; Fulton, Heide Bronke (Tegucigalpa); Dogu, Laura F (Managua)
Cc: Jacobson, Donald E
Subject: FW: Host Nation Notification

AMBs please see talking points before talking to host government. Nicaragua now 12 months for example. Do not share talking points - they are for your use with your contacts.

From: Hoffman, Jonathan
Sent: Monday, November 06, 2017 7:21:03 PM
To: Ashe, Christopher C; Lansing, Christyn; Claffey, Lauren; Houlton, Tyler; Talbot, Joanne; Nealon, James; Petyo, Briana; Batla, Traci; Cloe, David; Corbin, Susan; Phillips, James M; Cassidy, Ben; Ries, Lora L; Alfonso, Angelica M; Nuebel Kovarik, Kathy; Neufeld, Donald W; Higgins, Jennifer B; Shah, Dimple; Barsa, John; Washington, Karinda; Hayden, Matt; Clark, Alaina; Ditto, Jessica E; Picard, Vincent; Ferre, Helen; Barraza, Lydia B; Raymond, Kedenard M; WHA-Press; Cox, Edward J; WHA-CEN Country Desk Officers; Harris, Cheryl; Hefright, Brook E; Giulia.R.Giannangeli; Greenan, Robert J; Paul.J.Miller; Jacobson, Donald E
Subject: RE: Host Nation Notification

All,

Please see attached the decision memos on TPS Honduras and TPS Nicaragua. Everyone is go to make notifications. Please review the attached PAG before making notifications.

TPS Nicaragua will be terminated with a 12 month delay.

No decision has been made on TPS Honduras at this time and the current designation will be automatically extended for six months.

We will be hosting a press call at 8:00 pm.

Please let me know if you have any questions.

Jonathan

-----Original Message-----

From: Ashe, Christopher C
Sent: Monday, November 6, 2017 6:31 PM
To: Hoffman, Jonathan; Lansing, Christyn; Claffey, Lauren
; Houlton, Tyler; Talbot, Joanne; Nealon, James; Petyo, Briana; Batla, Traci; Cloe, David; Corbin, Susan; Phillips, James M; Cassidy, Ben; Ries, Lora L; Alfonso, Angelica M; Nuebel Kovarik, Kathy; Neufeld, Donald W; Higgins, Jennifer B; Shah, Dimple; Barsa, John; Washington, Karinda; Hayden, Matt; Clark, Alaina; Ditto, Jessica E; Picard, Vincent; Ferre, Helen; Barraza, Lydia B; Raymond, Kedenard M; WHA-Press; Cox, Edward J; WHA-CEN Country Desk Officers; Harris, Cheryl; Hefright, Brook E; Giulia.R.Giannangeli; Greenan, Robert J; Paul.J.Miller; Jacobson, Donald E
Subject: Host Nation Notification

Hi All,

We have not started host notifications pending receipt of a copy of the S1 signed order. We are assuming that is still forthcoming or were we expected to contact host governments when we received the press guidance package and use that?

Just want to make sure we are not missing something or misheard when we should make down range contact.

Just let us know. It's your show - and we want to make sure we execute correctly to support the roll-out.

Thanks,

Chris

Christopher C. Ashe

Acting Director - Office of International Migration Bureau of Population, Migration, and Refugees United States Department of State

From: Hoffman, Jonathan

Sent: Monday, November 6, 2017 4:34 PM

To: Lansing, Christyn; Claffey, Lauren; Houlton, Tyler; Talbot, Joanne; Nealon, James; Petyo, Briana; Batla, Traci; Cloe, David; Corbin, Susan; Phillips, James M; Cassidy, Ben; Ries, Lora L; Alfonso, Angelica M; Nuebel Kovarik, Kathy; Neufeld, Donald W; Higgins, Jennifer B; Shah, Dimple; Barsa, John; Washington, Karinda; Hayden, Matt; Clark, Alaina; Ditto, Jessica E; Picard, Vincent; Ferre, Helen; Barraza, Lydia B; Raymond, Kedenard M; WHA-Press; Cox, Edward J; WHA-CEN Country Desk Officers; Harris, Cheryl; Hefright, Brook E; Ashe, Christopher C; Giulia.R.Giannangel; [REDACTED] Greenan, Robert J; Paul.J.Miller; [REDACTED]
Subject: RE: Draft TPS PAG

This goes without saying, but this document is for internal US Gov use only and should not be shared beyond this chain. We would really appreciate the opportunity to share with our foreign partners the decision before it is leaked.

Thank you.

From: Lansing, Christyn

Sent: Monday, November 6, 2017 4:31 PM

To: Hoffman, Jonathan; Claffey, Lauren; Houlton, Tyler; Talbot, Joanne; Nealon, James; Petyo, Briana; Batla, Traci; Cloe, David; Corbin, Susan; Phillips, James M; Cassidy, Ben; Ries, Lora L; Alfonso, Angelica M; Nuebel Kovarik, Kathy; Neufeld, Donald W; Higgins, Jennifer B; Shah, Dimple; Barsa, John; Washington, Karinda; Hayden, Matt; Clark, Alaina; Ditto, Jessica E; Picard, Vincent; Ferre, Helen; BarrazaLE; RaymondKM; WHAPress; CoxEJ; WHA-CENCountryDeskOfficers; HarrisC; hefrightbe; AsheCC; Giulia.R.Giannangel; GreenanRJ; Paul.J.Miller; Lansing, Christyn

Subject: Draft TPS PAG

Hello – Attached is the draft public affairs guidance for TPS.

If you have any major edits, please consolidate within your organization and send in one document to me. State- please let us know if you will have an SME joining the media call.

We will use this chain to provide updates on the timeline for this evening.

Thank you!

Christyn

Christyn Lansing

Office of Public Affairs

U.S. Department of Homeland Security

From: SMART Archive
Sent: 11/3/2017 2:46:28 PM
To: SMART Core
Subject: U.S. Citizen Children Accompanying Departing TPS and DACA Parents Face Challenges

UNCLASSIFIED



MRN: 17 SAN SALVADOR 1328
Date/DTG: Nov 03, 2017 / 031846Z NOV 17
From: AMEMBASSY SAN SALVADOR
Action: WASHDC, SECSTATE ROUTINE
E.O.: 13526
TAGS: CASC, PREL, SMIG, KOCI, SV
Subject: U.S. Citizen Children Accompanying Departing TPS and DACA Parents Face Challenges

1. (U) Summary: Approximately 200,000 Salvadoran citizens are residing in the United States under Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA). The future of those programs is unknown and with this uncertainty, the Government of El Salvador (GOES) is bracing for the return of many of its citizens and some of their estimated 192,700 U.S. born children. These U.S. citizen children will need access to multiple social services in El Salvador; however the GOES and its institutions must overcome significant hurdles to meet the potential demand. End Summary.

Legal Rights

2. (U) In April 2009, the Salvadoran government approved the Law of Integral Protection of Children and Adolescents (LEPINA) with the main goal of guaranteeing every child's right to education, access to healthcare, and a safe family environment. This law applies to all children, up to age 18, that reside in El Salvador regardless of nationality.

Salvadoran Citizenship

3. (U) El Salvador has liberal policies for the transmission of citizenship to the children born abroad to Salvadoran parents. El Salvador permits dual U.S./Salvadoran citizenship. U.S. citizen children who document their Salvadoran citizenship face fewer administrative barriers in accessing education, health care, and other social services. However, they are subject to El Salvador's strict laws regarding the travel of minors, which require both parents' permission for the child to leave the country. Children who remain in El Salvador past their 18th birthday are required to document their Salvadoran citizenship in order to receive an official identification card.

Education

4. (U) Non-Salvadoran citizens have access to free public school education in El Salvador. However enrollment requirements for children who start their education outside of El Salvador are complex. Students must provide an apostilled birth certificate with a notarized translation or their U.S. passport. Enrollees also need to present apostilled school transcripts and notarized translations.

5. (U) Students with proper documentation can expect a 10 to 12 week enrollment process. Students without the proper documentation will face a several month long administrative process and additional placement testing. The cost of shipping, local notary, and translation services normally exceeds \$500 per child. Children starting their education in El Salvador are not subject to this requirement. Currently the Ministry of Education assists an average of 200 foreign students per year, 20 of whom are U.S. citizens. There are 229 U.S. citizen children are enrolled in public school in El

Salvador. Given the potential number of returnees, any significant increase would add further stress on a strained education system.

Health Care

6. (U) All residents of El Salvador, including non-citizens, are guaranteed healthcare through El Salvador’s socialized medical system. Free medical services are offered through The Solidarity Fund for Health (FOSALUD), a network of government funded hospitals and clinics. In addition to the free healthcare offered through FOSALUD, many U.S. citizen children will also fall under the Institute of Salvadoran Social Security (ISSS), an autonomous government entity that is financed by GOES, employers, and laborers. Children under the age of 12, whose parents are part of ISSS, will be eligible for free care through ISSS in addition to the free healthcare offered to everyone, regardless of age, via FOSALUD.

7. (U) To access these services, U.S. citizen children of Salvadoran citizens will need to present a birth certificate or identity document along with the identification of the parent or guardian. Lifesaving, emergency medical services are provided regardless of lack of documentation.

Comment:

8. (U) Due to the many administrative hurdles that U.S. citizen children will face upon arrival in El Salvador, it is critical that families address the documentation requirements prior to departing the United States. We should encourage the GOES to disseminate this information to Salvadoran citizens. The Interagency should also seek to inform the parents of U.S. citizens returning to El Salvador of these requirements.

Signature:	MANES
<hr/>	
Drafted By:	SAN SALVADOR:Edwards, Kathryn
Cleared By:	POL(Info):Archibald, Amy E DHS(Info):De La Rosa, Alvin (San Salvador) CONS/AG:Carr, David R POL:Haas, Anaida
Approved By:	CONS/AG:O'Brien, Brendan J (San Salvador)
Released By:	SAN SALVADOR:Carr, David R
<hr/>	
Dissemination Rule:	Archive Copy

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(U//SBU) EL SALVADOR: TEMPORARY PROTECTED STATUS RECOMMENDATION

Dates:

Date Published: 07-Jul-2017 16:33:00

Date Received: 07-Jul-2017 16:37:00

FM AMEMBASSY SAN SALVADOR
 TO RUEHC/SECSTATE WASHDC
 INFO RUEILBQ/NCTC WASHINGTON DC
 RUEAIIA/CIA WASHINGTON DC
 RUEABND/DRUG ENFORCEMENT ADMIN HQ WASHINGTON DC
 RUEKJCS/SECDEF WASHINGTON DC
 RHMCSUU/JOINT STAFF WASHINGTON DC
 RHMCSUU/HQ EPA WASHINGTON DC
 RHMCSUU/DEPT OF HOMELAND SECURITY WASHINGTON DC
 RUILAAA/HQ ICE INTEL WASHINGTON DC
 RHMCSUU/NGA WASHINGTON DC
 RUETIAA/DIRNSA FT GEORGE G MEADE MD
 RUEPTRS/DEPT OF TREASURY WASHINGTON DC
 RUOIAAA/COMDT COGARD WASHINGTON DC
 RUEPWDC/DA AMHS WASHINGTON DC
 RUEADRO/HQ ICE ERO WASHINGTON DC
 BT

(U//SBU) E.O. 13526: N/A

SUBJECT: EL SALVADOR: TEMPORARY PROTECTED STATUS RECOMMENDATION

The U.S. Mission to El Salvador submits the following recommendation for the extension of the Temporary Protected Status designation.

I. Statutory Basis for Designation

A. Armed conflict: Is the foreign state currently involved in an ongoing, internal, armed conflict? If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?

(U) No

B. Environmental Disaster: Has the foreign state in question recently experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?

(U) Yes

(SBU) El Salvador declared a drought emergency in 2016, after multiple years of low rainfall. Agriculture accounts for 10 percent of GDP but 20% of employment, mostly low-wage and subsistence earners who are otherwise likely to migrate illegally. The drought was particularly acute in the eastern region of the country, where a disproportionately large number of Salvadorans in the United States, including TPS beneficiaries, originate. The drought led to the loss of staple and export crops, and the death of thousands of cattle. The sugarcane industry suffered irreversible damage to 20 percent of

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cropland. The coffee industry lost over 40,000 jobs, equivalent to half the sector employment, as production fell by half after the coffee rust outbreak in the region. Sugar and coffee are the two largest agricultural products in the sector.

C. Is the foreign state unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?

(U) Yes

(SBU) El Salvador continues to suffer from serious security and economic challenges, and could not adequately handle the return of an additional 195,000 TPS beneficiaries and potentially their family members, including a significant number of American citizen children. Homicide rates in 2016 were the highest in the world outside a war zone and growth the lowest in the region, creating a climate of fear and hopelessness that continues to drive migrants north. In 2016, the United States deported 21,000 Salvadorans while Mexico deported 31,000, for a total of 52,000 returned. The Government of El Salvador cannot provide basic services for the deported migrants and the economy cannot create sufficient jobs to employ them. The deportation of the TPS population to El Salvador (population 6.1 million) would result in a concentration of TPS Salvadorans seven times higher than in Haiti, and three-and-a-half-times higher than in Honduras. The return of this population would be counterproductive to U.S. national interests and is likely to accelerate illegal migration.

(SBU) Crime in El Salvador keeps the country at the top of the list of most violent nations outside war zones. The homicide rate in 2016 was 81 per 100,000, compared to 7 per 100,000 in Nicaragua. El Salvador has experienced the worst GDP growth rate in the region for 10 straight years and is only projected to reach 2.4 percent growth for 2017, which is largely due to growth in remittances from the United States and low oil prices. Without remittance growth or with higher oil costs, economic growth would have been negative. El Salvador needs to create approximately 60,000 new jobs every year to meet the needs of its current population, yet was only able to create approximately 12,000 jobs in 2016.

(SBU) According to a survey by the University of Kansas, the median age of TPS holders is 43 years and approximately 61% have no children left in Central America. These deportees would need to compete with locals to find scarce jobs in order to support themselves and their families legally. El Salvador does not have adequate social services to keep these families out of poverty. Older returnees, many of whom did not complete a primary school education, would face particular challenges in finding employment in El Salvador. The lack of legitimate employment opportunities is likely to push some repatriated TPS holders, or their younger family members, into the gangs or other illicit employment.

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D. Has the foreign state officially requested TPS for its nationals in the United States?

(U) Yes. On June 15, in a meeting with Vice President Pence at the Conference on Prosperity and Security in Central America, Salvadoran Vice President Ortiz requested an extension of TPS. Extension of TPS is the single highest foreign policy priority of the Salvadoran government.

II. Extraordinary and Temporary Conditions

A. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?

(U) Yes

(SBU) El Salvador has experienced the highest homicide rate of any country in the world for the past two years (excluding war zones), at 81 homicides per 100,000 inhabitants in 2016. With significant U.S. assistance, the government is working to reassert control in the highest crime municipalities. However, the government needs more time to implement its anti-gang strategies and reduce homicides to below critical levels.

(SBU) The surge in gang violence in El Salvador, and other gang-related crime, drives internal displacement and remains a major driver of immigration to the United States. The Internal Displacement Monitoring Centre estimates that nearly 220,000 Salvadorans were forced to flee violence in 2016. This puts the country second in terms of the number of new displacements relative to population size, after Syria.

(SBU) Fear of crime also keeps many immigrants from returning to El Salvador, even if they have the economic means to support themselves. Parents in many communities in El Salvador fear that boys may be targeted for gang recruitment and girls may be forced into sexual relations with gang members. Many parents in El Salvador refuse to even send their children to school out of fear of the gangs. The Salvadoran teachers union on January 13 reported that 60,000 students (or 5 percent of the student population) did not register for the 2017 school year, most likely due to fear of gang recruitment or that their children could be in danger crossing the boundaries of gang territory. U.S.-born American citizen children of TPS recipients would be particularly vulnerable to security threats, as well as challenges registering for basic services upon their return to El Salvador.

B. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?

(U) No

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(SBU) The U.S. national interest in El Salvador continues to be fighting transnational crime and reducing illegal migration through improving security, promoting prosperity, and strengthening institutions. While those lines of efforts have begun to bear fruit, including in the falling homicide rate, an influx of 195,000 deportees and others could overwhelm our efforts and endanger those objectives. Permitting Salvadorans to remain temporarily in the United States would be in the national interest because it would give the Salvadoran government time to continue implementing security and other policies that could improve conditions on the ground.

(SBU) The Salvadoran government also cooperates with U.S. law enforcement in a variety of fields, including investigating transnational gang crime, extraditing criminals, and interdicting drugs. Information sharing on MS-13 gang activity between the two governments has led to major takedowns in the United States. In 2016, El Salvador seized 12.2 metric tons of cocaine more than five times the amount seized the previous year; El Salvador has been particularly active on maritime seizures of illegal narcotics. Much of this effort centers on the Cooperative Security Location at Comalapa Airport, where U.S. surveillance flights track movements of narcotics in the Pacific, but the lease must be renegotiated before 2020. Since 2010, extradition of criminals wanted to the United States has been another example of ongoing cooperation. More recently, the government of El Salvador opened negotiations with the United States on a detainee transfer agreement to permit the rapid movement of interdicted drug traffickers in the Pacific to U.S. custody for prosecution, a major objective of the U.S. Department of Justice. The deportation of the TPS population in the United States would create tension with the Salvadoran government, and could jeopardize cooperation in these critical areas.

III. Discretionary Factors

What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?

(SBU) The Salvadoran government currently works closely with DHS to facilitate the deportation of Salvadorans to the United States accepting additional deportation flights and expediting the issuance of temporary travel documents to returnees. El Salvador has also demonstrated willingness to combat illegal migration through the creation of a Border Intelligence and Coordination Center, deploying Salvadoran officers to McAllen, Texas, to screen incoming migrants for gang ties and making Salvadoran arrest and investigation records available to DHS and local law enforcement agencies throughout the United States.

IV. Recommendation

(SBU) Extending TPS for El Salvador is in the U.S. national interest. A sudden termination of TPS for El Salvador would undermine additional cooperation to tackle the root causes of illegal migration and overwhelm the country's ability to absorb returnees. The drivers

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of illegal migration remain acute, but there is a path to address them. However, the government of El Salvador needs more time with the assistance of the United States and other international partners to make sustainable gains. Further, a termination of TPS could undermine U.S.-Salvadoran efforts on a range of issues of mutual concern and fighting transnational criminal organizations, such as MS-13. Based on these factors, we recommend that TPS for El Salvador be renewed.

MANES

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MRN: 17 TEGUCIGALPA 618
 Date/DTG: Jun 29, 2017
 From: AMEMBASSY TEGUCIGALPA
 Action: WASHDC, SECSTATE ROUTINE
 E.O.: 13526
 Captions: SENSITIVE
 Subject: Honduras: Temporary Protected Status Recommendation

The U.S. Mission to Honduras submits the following recommendation for the extension of the Temporary Protected Status designation.

I. Statutory Basis for Designation

A. *Armed conflict: Is the foreign state currently involved in an ongoing, internal, armed conflict? If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?*

(U) No

B. *Environmental disaster: Has the foreign state in question recently experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?*

(U) No

C. *Is the foreign state unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?*

(SBU) Yes

Honduras continues to suffer from the same serious security and economic challenges that have led many recipients of TPS to remain in the United States, and spurred even more to migrate there since TPS was granted. The GOH already receives approximately 40,000 deportees from the U.S. and another 40,000 from Mexico each year. Conditions in Honduras are slowly improving, but by any objective measure the situation remains critical. Given that most Hondurans who migrate do so for economic reasons, adding tens of thousands of deportees to an economy that is not prepared to integrate them will only exacerbate the principal cause of irregular migration. This would impose severe burdens on a cooperative but underresourced GOH and be counterproductive to U.S. interests.

D. *Has the foreign state officially requested TPS for its nationals in the United States?*

(U) On June 15, while attending the Conference on Prosperity and Security in Central America, President Hernandez met with Vice President Pence and requested an extension.

II. Extraordinary and Temporary Conditions

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- A. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?*

(U) Yes

Despite recent statistical improvements, Honduras continues to have one of the highest murder rates in the world for a country not at war, currently estimated to be 58 per 100,000 inhabitants. This was not always the case, and continues to represent an extraordinary circumstances created by a combination of gang activity, drug trafficking, and poor economic conditions. To the extent that efforts by the GOH and the international community are helping to bring down this rate, it is a temporary condition that can change with continued implementation of improved security and economic policies. For example, the country is conducting an aggressive purge of its police force to remove corrupt and criminals elements; 20 percent of the police force has already been removed, proof both of the GOH's political will to address serious problems and its current inability to carry out its primary mission -- to enforce the rule of law and protect the lives of its citizens. There is currently only limited government presence in many parts of the country, including in coastal regions where many Hondurans with TPS previously resided and where transnational criminal organizations currently exert disproportionate influence.

- B. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?*

(SBU) No

Permitting Hondurans to remain temporarily in the U.S. would be in the U.S. national interest because it would give the GOH the time and space to continue implementing policies and making reforms that offer the real possibility of significantly improving conditions on the ground in Honduras. Improved conditions would give Hondurans at home, especially young people, an incentive to continue to seek their fortunes in their own country, and would make it more likely that Hondurans in the U.S., whether there illegally or under TPS, would return to their homeland voluntarily. Extending TPS would also help preserve the strong bilateral relations that currently exist between the United States and Honduras, making it more likely that the GOH would continue to cooperate with the USG on a wide range of issues. These issues include strictly bilateral ones, such as the extradition of major narcotics traffickers to the United States, as well as international ones, such as the current crisis in Venezuela, on which the GOH has been particularly supportive. As noted in our response to Question I.B.2., the rapid return of many additional Hondurans who currently hold TPS could overwhelm the GOH's ability to properly reintegrate them and make it more likely they would attempt to return to the United States.

III. Discretionary Factors

What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?

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(SBU) Honduras is a solid and consistent partner of the United States. The GOH has shown itself exceptionally willing to proactively address concerns related to irregular migration, investing time, money, and political capital in trying to keep its citizens in Honduras. The GOH regularly runs media campaigns to discourage unauthorized migration, and works to welcome back its citizens with open arms.

IV. Recommendation

(SBU) Precipitously terminating TPS for Hondurans would create significant strains in currently excellent, mutually-beneficial U.S.-Honduras relations. It would risk overwhelming Honduras' system for reintegrating returned migrants and could hamper the GOH's ability to effectively cooperate with the United States on a wide range of issues. Honduras continues to struggle with serious security and economic problems that cannot be solved overnight, but which the GOH has demonstrated the political will to address. Giving the GOH more time and space to improve conditions in Honduras is directly in the U.S. national interest, since it would reduce incentives for unauthorized migration and encourage continued bilateral cooperation on other national security issues, including the fight against transnational criminal organizations. Based on these factors, we recommend that TPS for Hondurans be renewed.

MINIMIZE CONSIDERED

Signature:

Fulton

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004034

THE WHITE HOUSE

WASHINGTON

November 3, 2017

MEMORANDUM FOR

MS. LISA D. KENNA
Executive Secretary
Department of State

MS. SARAH H. SANDERS
Assistant to the President
and Press Secretary

MS. TASHINA GAUHAR
Associate Deputy Attorney
General
Department of Justice

MR. ANDREW BREMBERG
Assistant to the President
and Director of the Domestic
Policy Council

MR. SCOTT KRAUSE
Executive Secretary
Department of Homeland Security

MR. MARC SHORT
Assistant to the President
and Director of Legislative
Affairs

GEN JOHN F. KELLY, USMC (RET)
Assistant to the President
and Chief of Staff

MR. JOHN EISENBERG
Deputy Assistant to the
President and Deputy
Counsel to the President

MS. KIRSTJEN NIELSEN
Assistant to the President
and Principal Deputy Chief of
Staff

SUBJECT: Principals Small Group Meeting on Temporary
Protected Status

There will be a Principals Small Group meeting on Temporary Protected States on Friday, November 3, 2017, from 9:15 - 10:00 a.m. in the White House Situation Room. An agenda is attached at Tab A. A discussion paper is attached at Tab B. **Please pass the attached to Principals.** If you have any questions, please contact Scott Oudkirk at [REDACTED] [REDACTED]

Jan J. Kellogg for

LTG (Ret) J. Keith Kellogg
Executive Secretary and Chief of Staff
National Security Council

Attachments

Tab A Agenda

Tab B Discussion Paper on Temporary Protected Status (NSC)

004034

RESTRICTED PRINCIPALS COMMITTEE MEETING
ON TEMPORARY PROTECTED STATUS

DATE: November 3, 2017
LOCATION: White House Situation Room
TIME: 9:15-10:00 AM

AGENDA

- I. Overview of Temporary Protected StatusDHS
- II. Discussion of Extension and Termination OptionsALL
- III. Recommendations and ImplementationALL

TAB B

004034

DISCUSSION PAPER FOR
PRINCIPALS SMALL GROUP MEETING ON TEMPORARY PROTECTIVE STATUS

Purpose

To coordinate the conditions and process for terminating temporary protected status (TPS) for aliens from El Salvador, Honduras, Nicaragua, and Haiti. The Acting Secretary of Homeland Security must make a decision by Monday, November 6, 2017.

Background

TPS, legislated by Congress in 1990 as Section 244 of the Immigration and Nationality Act (INA), was designed as a humanitarian response tool to shelter aliens present in the United States whose countries suffer from either an ongoing armed conflict or natural disaster. Although the INA stipulates that TPS be temporary, in the cases of these four countries, successive administrations have routinely extended it. TPS, although not providing a durable legal status in the United States, allows its beneficiaries to gain work authorization and otherwise live fully integrated lives here. Over the course of the beneficiaries' many years residing in the United States, many have had U.S. citizen children and established extensive ties to their local communities.

Nine countries are designated for TPS and approximately 435,000 individuals benefit. The total number of beneficiaries for the four countries under immediate consideration is approximately 413,500 people or 95 percent of all TPS beneficiaries in the United States (Tab A). Honduras and Nicaragua received TPS designation in 1999 as a result of Hurricane Mitch. El Salvador and Haiti received their designation in 2001 and 2010, respectively after earthquakes. Although a decision on El Salvador is not required until January, the Acting Secretary of Homeland Security intends to handle all three Central American countries simultaneously in light of their shared geography and the similar predicates. The deadline for a determination on Haiti's TPS is on November 23, 2017, supporting a case for setting a unified course of action for all four countries simultaneously.

Discussion

INA Section 244(b)(3)(A) requires the Acting Secretary of Homeland Security to determine 60 days before the expiration of a country's TPS period of designation whether to extend or terminate the status based on an evaluation of the conditions that initially warranted granting TPS. The Department of Homeland Security (DHS) conducts its own assessment of country conditions, but the law also requires consultation with appropriate agencies, which for TPS has customarily resulted in the Secretary of State providing an assessment and recommendation. The Acting Secretary of Homeland Security is not obliged to concur with the Secretary of State's recommendations but often does. Extensions may be for a period not less than six months and not more than 18 months.

In addition to the option of terminating or extending TPS, there are two other possibilities. The INA allows a re-designation, which can redefine the rationale for the designation based on changed but still extraordinary and temporary conditions in the foreign state or redefine which aliens present in the United States are eligible to benefit. INA Section 244(b)(3)(C) also permits the Secretary of Homeland Security not to make a determination, which would automatically extend TPS for six-months or, at her discretion, up to 18 months.

In the cases of El Salvador, Honduras, Nicaragua, and Haiti, the temporary conditions that arose out of natural disasters and supported TPS designations have long ceased to exist. The Secretary of State assessed that conditions in all four countries no longer support TPS designations and recommended terminations with an effective date 18 months later to allow affected parties to arrange for an orderly exit and return. INA Section 244(d) (3) permits the Acting Secretary of Homeland Security to delay the effective date of termination to provide for an orderly transition period for beneficiaries. The Acting Secretary of Homeland Security took that approach when she terminated TPS for Sudan in September 2017 with an effective date in November 2018.

Recommendation

Terminate with an effective date of January 5, 2019 and engage Congress to pass a comprehensive immigration reform to include a merit based entry system. A 12 month delay in the effective termination date would allow for an orderly transition period for beneficiaries. Moreover, it would allow Congress time to act and to factor the fate of TPS beneficiaries into legislation. While many TPS beneficiaries may not qualify for legal status under a merit based system, Congress could craft alternatives to allow members of this group to remain. The Administration could signal its support for such a resolution provided Congress enact needed immigration reforms.

Extending TPS for any or all of the four countries would prolong the distortion between the temporary protections that TPS was designed to provide and current circumstances. It would also lengthen the period during which beneficiaries would deepen their connections to the United States, making any future resolution of their status in the United States more complicated. Redesignation is not a viable option because the challenges all four countries face are long-term political, security, and economic deficiencies and are unrelated to ongoing armed conflict or natural disasters.

ATTACHMENT

Tab A Temporary Protective Status: Countries, Beneficiaries, and Key Dates

Who?

Temporary Protective Status:
Designated Countries, Beneficiaries, and Key Dates

<u>Country</u>	<u>Number of Beneficiaries</u>	<u>Target Decision & Federal Register Notice Publication</u>	<u>Expiration Date</u>
Honduras (1999)	86,163	11/06/2017	01/05/2018
Nicaragua (1999)	5,349	11/06/2017	01/05/2018
El Salvador (2001)	263,282	11/06/2017	03/09/2018
Haiti (2010)	58,706	11/23/2017	01/22/2018
Syria (2012)	6,177	01/30/2018	03/31/2018
Nepal (2015)	12,967	04/25/2018	06/24/2018
Yemen (2015)	819	07/05/2018	09/03/2018
Somalia (1991)	497	07/19/2018	09/17/2018
S. Sudan (2011)	49	03/03/2019	05/02/2019

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRISTA RAMOS, *et al.*,

Plaintiffs,

v.

KIRSTJEN NIELSEN, *et al.*,

Defendants.

Case No. 3:18-cv-01554-EMC

ADMINISTRATIVE RECORD

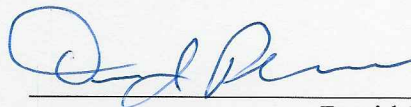
ADMINISTRATIVE RECORD

No. 3:18-cv-1554

1 I, David J. Palmer, Chief of Staff, Office of the General Counsel at the United
2 States Department of Homeland Security, certify that the attached is a true, correct and
3 complete copy of the updated Administrative Record pertaining to the Secretary
4 Nielsen's decision to terminate the Temporary Protected Status for El Salvador.

5
6 Dated: September 5, 2018

7 Respectfully submitted,

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9 

10 David J. Palmer
11 Chief of Staff, Office of the General Counsel
12 Department of Homeland Security
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ADMINISTRATIVE RECORD

No. 3:18-cv-1554