

EXHIBIT

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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

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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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**Country Conditions Related to Temporary Protected Status:
El Salvador, Honduras, Nicaragua¹**

El Salvador

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 2020.²

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% lower than normal; an estimated 170,000 people were suffering from food insecurity. By July 2016, as many as 700,000 people (11% 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, 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

¹ Country conditions have been excerpted from the draft TPS decision memos for the Acting Secretary as of October 13, 2017.

² *Trading Economics*, El Salvador GDP, available at: <https://tradingeconomics.com/el-salvador/gdp>

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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% 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% 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.

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.³

Honduras

³ 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-stat-2016.pdf>; <https://www.ice.gov/sites/default/files/documents/Report2016/fy2013removalStats.pdf>; <https://www.ice.gov/doclib/about/offices/eo/pdf/2014-ice-immigration-removals.pdf>; <https://www.ice.gov/doclib/about/offices/eo/pdf/2013-ice-immigration-removals.pdf>.

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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 GDP is projected to trend around 4.10% by the end of this quarter.⁴ The GDP in Honduras averaged \$5.69 billion (USD) from 1960 until 2016, reaching an all-time high of \$21.52 USD billion in 2016.⁵

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's history. As of June 2016, over 2 million Hondurans – approximately 25% 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.

Honduras 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, negatively impacting people's livelihoods and the country's economy. Additionally, beginning in 2014, Honduras has experienced an outbreak of tens of thousands of cases of mosquito-borne illnesses, including chikungunya, dengue, and Zika.

Gang violence, drug trafficking, weak institutions, corruption, and impunity, among other factors, have contributed to extraordinarily high levels of violence in Honduras (the "murder capital" of the world in 2012 and 2013). Honduras's homicide rate has remained among the highest in the world in recent years. Although the homicide rate peaked in 2011 at a rate of 86.5 homicides per 100,000 people, in 2016 the country's homicide rate was still 59 per 100,000, which was almost identical to the 2015 rate. This number has fluctuated over the years, however, with a rate of 61.47 per 100,000 in 2003, 93.21 per 100,000 in 2011, and 74.56 per

⁴ *Trading Economics*, "Honduras GDP Annual Growth Rate: Forecast," available at: <https://tradingeconomics.com/honduras/gdp>

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

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100,000 in 2013. By way of comparison, Jamaica's homicide rates have similarly fluctuated but have seen years higher than Honduras' (62.51 in 2005, 44.79 in 2006, and 58.57 in 2007). 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 have trended downward in 2017, with the Honduran government reporting a 24% reduction for the first 8 months of the year as compared to the same period in 2016. Over the last two years, the Honduran government has made unprecedented investments in its National Police (HNP) and Public Ministry (PM). A police reform commission was established in April 2016 to investigate corruption. By January 2017, 18% of police officers in Honduras had been fired, and the commission's mandate extended until 2018. The government combined \$30 million of its own fundings with \$50 million in Inter-American Development Bank loan funds to renovate police stations, increase capacity in its academies, purchase equipment, and furnish crime labs with satellite locations. In September of 2016, the HNP Investigative Division (DPI) replaced its "historically inept and corrupt predecessor" and has expanded its jurisdiction. As a result, all five major urban areas in the country have DPI satellites. The DPI has recently begun investigating crimes in Tegucigalpa. Despite these improvements,⁶ Honduras' two largest cities, San Pedro Sula and Tegucigalpa, still rank among the most violent cities in the world. Over 200,000 people have been internally displaced in Honduras due to the violence. But, again, Honduras is not alone in that regard. Additionally, while the U.S. Department of State has a current travel warning for Honduras due to the high crime rate, the United Kingdom states that "[m]ost visits to Honduras are trouble free."

In terms of Honduras' political environment, citizens and international observers alike have recognized several significant improvements to the electoral system, including electronic scanning and transmission of vote tally sheets and the distribution of national identification cards by the National Registry of persons rather than by political parties.⁷ They noted that the country's past presidential election was transparent, credible, and reflective of the will of the electorate.⁸ Additionally, as of August 2016, the Human Rights Office of the Honduran Armed Forces reported that 4,500 service members received human rights training as part of its ongoing pledge to reduce crime and corruption.⁹

⁶ U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (2016), "Honduras," available at <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol1/253271.htm>.

⁷ United States Department of State (2016) "Country Reports on Human Rights Practices for 2016," available at: <https://www.state.gov/documents/organization/265808.pdf> on p. 20.

⁸ United States Department of State (2016), "Country Reports on Human Rights Practices for 2016," available at: <https://www.state.gov/documents/organization/265808.pdf> on p. 1.

⁹ United States Department of State (2016), "Country Reports on Human Rights Practices for 2016," available at: <https://www.state.gov/documents/organization/265808.pdf> on p. 11.

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The U.S. Government works to repatriate individuals back to Honduras. During the Obama administration's second term alone, ICE removed over 120,000 individuals to Honduras.¹⁰

Nicaragua

Hurricane Mitch killed over 3,000, and affected nearly 868,000, Nicaraguans. Landslides and floods destroyed villages and caused extensive damage to the country's infrastructure and agricultural sector. Recovery from the storm 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.

Nicaragua received a significant amount of international aid to assist in its Hurricane Mitch-related recovery efforts, and many reconstruction projects have now been completed. Although Nicaragua reportedly continues to have one of the highest housing deficits in Central America, hundreds of homes destroyed by the storm have been rebuilt. The Second Land Administration Project covers 6 of the 15 Departments in the country and has helped over 430,000 people benefit from better property rights regulations. More than 67,000 families have received legal documents for their properties, of which more than 43,000 are new land titles.¹¹ Significant aid was dedicated to repairing roads, and access to drinking water and sanitation has improved. Over 200 kilometers of roads have been constructed, benefitting around 460,000 people. More than 168,000 people have benefitted from access to reliable water supplies and sanitation services as a result of international aid-based projects.

The Second Educational Sector Support Project—an International Development Assistance (IDA) project—provided 1.4 million textbooks to 225,000 primary students of the poorest regions of the country, which represent 25% of the national enrollment in primary education.¹² All 'afro-descendant and indigenous primary students in the Caribbean Coast received textbooks in their native languages for the first time ever.

The GDP in Nicaragua reached an all-time high of \$13.23 billion (USD) in 2016 and is expected to reach \$13.48 billion by the end of this quarter. Within a long-term context, the GDP in Nicaragua is projected to increase to about \$15.67 in 2020.¹³ Additionally, the World Bank reported that, despite global economic turbulence, Nicaragua has stood out for maintaining growth levels above the average for Latin America and the Caribbean as a result of disciplined macroeconomic policies, combined with a steady expansion of exports and foreign direct

¹⁰From 2013-2016 120,047 individuals were removed to Honduras. This total is the cumulative number of removals found in the following reports: <https://www.ice.gov/sites/default/files/documents/Report/2016/removal-status-2016.pdf>; <https://www.ice.gov/sites/default/files/documents/Report/2016/fy2015removalStats.pdf>; <https://www.ice.gov/doclib/about/offices/eiro/pdf/2013-ice-immigration-removals.pdf>; <https://www.ice.gov/doclib/about/offices/eiro/pdf/2012-ice-immigration-removals.pdf>.

¹¹ World Bank, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>.

¹² World Bank, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>.

¹³ Trading Economics, "Nicaragua GDP", available at: <https://tradingeconomics.com/nicaragua/gdp>.

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investment. Nicaragua ranks second among countries in Central America with favorable prospects for foreign direct investment and trade.¹⁴

A prolonged and severe regional drought has impacted Nicaragua, causing crop losses, food insecurity, water shortages, and income loss in affected areas. By June of 2016, over 300,000 people were in need of food assistance. The 2017 growing season has demonstrated slightly improved conditions, allowing normal development of basic grain crops. Nicaragua 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, in recent years, Nicaragua has experienced an outbreak of thousands of cases of mosquito-borne illnesses, including chikungunya, dengue, and Zika.

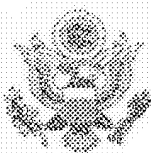
In stark contrast to its neighbors to the north, Nicaragua lacks high levels of crime and violence. Nicaragua's homicide rate declined to 7 homicides per 100,000 inhabitants in 2016, slightly higher than the worldwide average of 5.3 homicides per 100,000 inhabitants in 2015 (the most recent year available), and significantly lower than El Salvador's rate of 81.2 per 100,000 in 2016 and Honduras' rate of 59 per 100,000. There has been some significant, but isolated, violence along Nicaragua's Caribbean coast since 2015 relating to conflict over land between indigenous communities and settlers, and violence against women remains widespread. However, on the whole, crime rates are low, police are viewed positively and focus on preventing crime and violence, and transnational gangs and drug trafficking are largely absent from the country.

The U.S. Government works to repatriate individuals back to Nicaragua. During the Obama administration's second term alone, ICE removed over 4,300 individuals to Nicaragua.¹⁵ The U.S. Department of State does not have a current travel warning for Nicaragua, and the United Kingdom states that "most visits to Nicaragua are trouble free."

¹⁴ World Bank, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>

¹⁵ From 2013-2016, 4,311 individuals were removed to Nicaragua. 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/2016/2013removalStats.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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THE SECRETARY OF STATE

WASHINGTON

October 31, 2017

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

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

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 Bureau 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.

periodic review

(A) review conditions of the foreign state ... shall determine whether the conditions for such designation ... continue to be met

(C) if AA does not determine that a foreign state no longer meets the conditions for designation under para (1)

(i) Ongoing armed conflict & due to such conflict return would pose a serious threat to their personal safety

B(i) there has been disaster resulting in substantial, but temporary, disruption in living conditions

(ii) the foreign state is unable, temporarily, to handle adequately the return of to the state of aliens (and)

(iii) the state has officially requested designation

(C) finds that there exists extraordinary extemp conditions that prevent aliens from returning to the states in safety

not a diaspora or but (ii) exist

must be a ground of designation??

meets path out of Congress

defense / enforcement

SENSITIVE BUT UNCLASSIFIED(SBU) DEPARTMENT OF STATE RECOMMENDATION REGARDING
TEMPORARY PROTECTED STATUS (TPS) FOR NICARAGUA – 2017I. 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 have ceased to exist. Attorney General Janet Reno originally designated Nicaragua for Temporary Protected Status (TPS) effective January 5, 1999, on the grounds of environmental disaster. The original designation reads, “Hurricane Mitch swept through Central America causing severe flooding and associated damage in Nicaragua. Based on a thorough review by the Departments of State and Justice, the Attorney General finds that, due to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Nicaragua is unable, temporarily, to handle adequately the return of Nicaraguan nationals” (64 FR 526). Subsequent Attorneys General and Secretaries of the Department of Homeland Security have extended TPS for Nicaragua 13 times in 18-month increments, most recently effective July 6, 2016. This extension cited not only Hurricane Mitch, but subsequent environmental disasters that have caused additional damage and exacerbated the persisting disruptions caused by Hurricane Mitch, including: (1) heavy rains and extensive flooding in October 2014, May 2015, and June 2015; (2) significant earthquakes in April and October 2014; (3) 426 eruptions of the Telica volcano between early-May and late-July 2015; and (4) a prolonged regional drought and coffee rust epidemic (81 FR 30325).

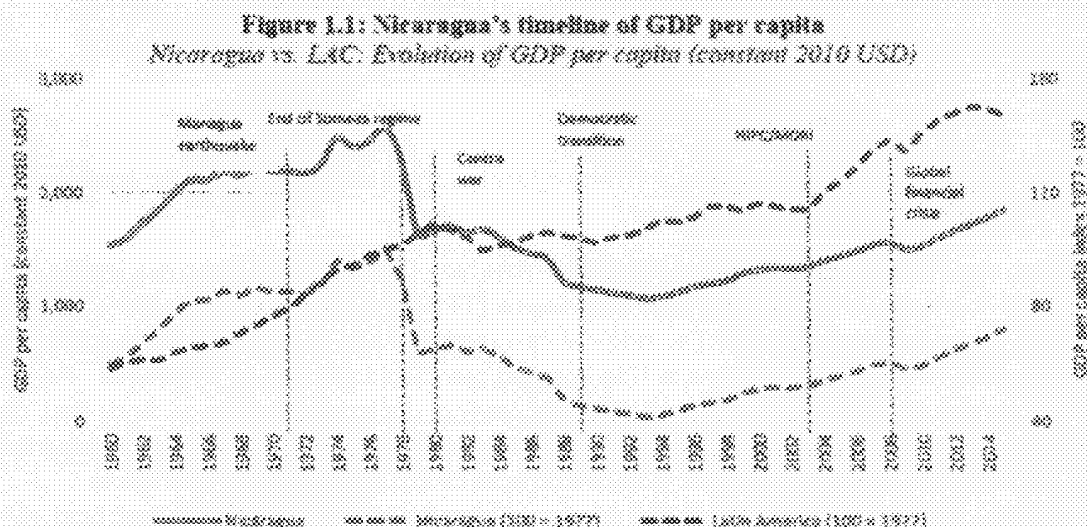
(SBU) Nicaragua is prone to severe weather and seismic events, and has suffered significant political turmoil over the last 40 years, which has made it difficult to recover fully from weather and seismic events. While Nicaragua has never fully rebuilt and recovered from Hurricane Mitch, the disruption of living conditions attributable to Mitch 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 storm have stabilized and people are able to conduct their daily activities without impediments related to the damage of Mitch. In addition, the overall Nicaraguan economy has strengthened due to increased foreign direct investment and exports of textiles and commodities, which improves Nicaragua’s ability to handle the return of its nationals. Nicaragua’s GDP has averaged over five percent growth since 2010, and was 4.7 percent in 2016, some of the highest and most consistent growth rates in the region. Nicaragua’s GDP per capita (controlled for inflation) is higher today than in 1998, although its GDP has not fully recovered from the country’s civil war in the 1980s (see chart below).

(SBU) We assess that the conditions in Nicaragua that caused it to be designated for TPS on the basis of the environmental disaster – i.e., the substantial disruption of living conditions caused by Hurricane Mitch, which rendered Nicaragua temporarily unable to adequately handle the return of its nationals and habitual residents, no longer exist.

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-2-



A. *Armed conflict*

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

(U) N/A.

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

(U) N/A.

B. *Environmental Disaster*

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

(U) Yes. Nicaragua's location makes it vulnerable to extreme weather and seismic events. In 1998, Hurricane Mitch hit the Atlantic coast of Nicaragua with devastating results. The hurricane adversely impacted two million people, causing significant suffering and damage estimated at \$1.5 billion. The 2017 Global Climate Risk index lists Nicaragua as fourth in the world among countries most affected by extreme weather events. Hurricane Mitch, for example, was preceded and followed by a series of tropical storms and hurricanes that adversely affected the living conditions of Nicaraguans. In 2007, Hurricane Felix caused significant damage, particularly to the Caribbean Coast. In 2009, Tropical Storm Alma left more than 25,000 people homeless. Collectively, these storms contributed to poor living conditions and infrastructure in affected areas.

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-3-

(U) In addition, over the past four years Nicaragua has experienced prolonged drought, which has also disrupted living conditions. The drought has endangered the country's food security, with the greatest impact among households in poor rural communities. The lack of rain has led to reduced water table levels and levels in lakes, rivers, streams, and wells. There has been a reduction in water flow to communities, with some wells completely drying up.

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

(SBU) No. Nicaragua has stabilized from previous disruptions, and while Nicaragua has been experiencing a prolonged drought, we assess that the disruption of living conditions attributable specifically to Hurricane Mitch should no longer be regarded as "substantial." This is because the government has demonstrated its ability to provide basic services to its citizens.

(SBU) For example, while it remains the second poorest country in the Western Hemisphere, the Government of Nicaragua is actively seeking to increase economic growth by supporting and promoting foreign investment. The government has been working to improve access to remote communities and has built new roads in many of the areas affected by Mitch, including the first paved road to connect the Pacific side of the country to the Caribbean Coast, which is nearly completed. In addition, electrification of the country has increased from 50 percent of the country in 2007 to 90 percent today. Internet access is also now widely available in Nicaraguan municipalities, thanks to foreign direct investment in the telecommunications sector, which has fueled the expansion of 3G mobile coverage and broadband networks throughout the country. Public infrastructure investment has been a high priority for the government and has been growing in the last two years.

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

(SBU) No. Although the country remains poor and it would be challenging for returnees to find good jobs, we assess the government of Nicaragua would nevertheless be able to handle adequately the return of the approximately 5,349 TPS beneficiaries and potentially their family members.

(U) Despite a regression in building democratic institutions and lack of good governance, the Nicaraguan economy continued to show positive top-line economic results, including GDP growth of 4.7 percent in 2016. Despite this growth, Nicaragua outranks only Haiti in the Western Hemisphere in terms of GDP per capita. Poverty remains a significant issue: four in 10 Nicaraguans live on less than \$2.50 per day, and one in seven rural Nicaraguans live on less than \$1.20 per day (according to 2016 Nicaraguan government statistics). The nominal average private sector wage was \$323 per month in November 2016, which covered 73.7 percent of the standard basket of consumer goods for a family of six.

(U) The Government of Nicaragua is actively seeking to increase economic growth by supporting and promoting foreign investment. The government emphasizes its pragmatic management of the economy through a model of consensus and dialogue with private sector and labor representatives. A key draw for investors is Nicaragua's relatively low-cost and young labor force, with approximately 75 percent of the country under 39 years old. Nicaragua is a

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party to the Central America-Dominican Republic Free Trade Agreement (CAFTA-DR) and enjoys a strong trade relationship with the United States.

(U) Nicaragua remains significantly less affected by crime and gang-related violence than its northern neighbors. The homicide rate is seven per 100,000 inhabitants, significantly lower than other countries in the region. Its relative security has helped to attract tourism and foreign investment.

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

(U) The Government of Nicaragua has not recently communicated its support for an extension or re-designation of TPS to the U.S. 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) The Government of Nicaragua continues to consolidate power and close democratic space. President Ortega now enjoys solid control over all four branches of government -- Executive, Legislative, Judicial, and Electoral -- to include the Supreme Court of Justice, the Supreme Electoral Council, and a super-majority in the National Assembly. Most recently, in 2016, the ruling Sandinista National Liberation Front party eliminated any meaningful, independent opposition from competing in the November 6 national elections and effectively removed the system of checks and balances for electoral oversight.

(SBU) The Government of Nicaragua continues to speak out strongly against U.S. activities in the region and terminates Nicaraguan government employees and party members who have unauthorized contact with anyone from the U.S. Embassy. Local employees at the U.S. Embassy suffer constant discrimination and harassment because of their employment. Political party committees in each neighborhood monitor the activities of everyone in the community and report to political and security leaders. It is possible that returnees from the United States would suffer some level of discrimination and harassment.

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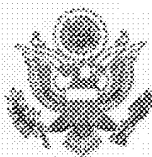
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III. Recommendation

(SBU) Since the grounds for Nicaragua's January 5, 1999, designation for TPS on the basis of environmental disaster no longer exist, the Department recommends that should the Acting DHS Secretary decide to terminate TPS for Nicaragua, that such a termination not take immediate effect and TPS benefits continue for an additional 18 months beyond the end of the current designation for the purpose of orderly transition. Since 1999, Nicaraguan nationals have had TPS, and during that time, many started families, opened businesses, and bought houses and properties. This period of transition would provide them and their family members time to prepare for their departures from the United States and as a result, also decrease the probability that these former beneficiaries would attempt to remain without status.

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THE SECRETARY OF STATE

WASHINGTON

October 31, 2017

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

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

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

-2-

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.

REM

I thank you in advance for including the Department of State's Bureau 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
Rex W. Tillerson

Enclosures:

As stated.

11/1
CoS Kelly discussion w/ Rex
problem of our own making by not following
intent of Congress
- law doesn't provide for conversion, specifically
prohibits
- asked Amb Shannon to work w/ policy planning just these
to develop leg framework for Congress 4 countries?
to fix
Clean criteria of merit based immigrant
process for green card basis

[RC leg agenda to fix this]

Bad guy, but had guy ready to fix it.

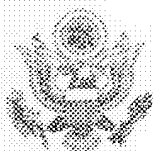
Attachment A - Temporary Protected Status (TPS) Legal Authority

Pursuant to section 244(b)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1254a(h)(1), the Secretary of Homeland Security, 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).

At least 60 days before the expiration of a TPS designation, the Secretary, after consultations 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)-(C); 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, he or she must terminate the designation. *See* INA § 244(b)(3)(B); 8 U.S.C. § 1254a(b)(3)(B). Although the Secretary must make the determination on extension or termination at least 60 days before the expiration of the TPS designation, publication of the required *Federal Register* notice announcing the decision must be "on a timely basis." *See* INA § 244(b)(3)(A), 8 U.S.C. § 1254a(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. part § 244. 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); 8 U.S.C. § 1254a(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 lead to lawful permanent residence or confer any other 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

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

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

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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

-2-

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.



U.S. Citizenship and
Immigration Services

\slb\ SERVICE LAW BOOKS MENU \ IMMIGRATION AND NATIONALITY ACT \ INA: ACT 244 -
TEMPORARY PROTECTED STATUS

[Previous Document](#) | [Next Document](#)

INA: ACT 244 - TEMPORARY PROTECTED STATUS

Sec. 244. 1 [8 U.S.C. 1254]

(a) Granting of Status -

(1) In general.-In the case of an alien who is a national of a foreign state designated under subsection (b) (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state) and who meets the requirements of subsection (c), the Attorney General, in accordance with this section-

(A) may grant the alien temporary protected status in the United States and shall not remove the alien from the United States during the period in which such status is in effect, and

(B) shall authorize the alien to engage in employment in the United States and provide the alien with an "employment authorized" endorsement or other appropriate work permit.

(2) Duration of work authorization.-Work authorization provided under this section shall be effective throughout the period the alien is in temporary protected status under this section.

(3) Notice.-

(A) Upon the granting of temporary protected status under this section, the Attorney General shall provide the alien with information concerning such status under this section.

(B) If, at the time of initiation of a removal proceeding against an alien, the foreign state (of which the alien is a national) is designated under subsection (b), the Attorney General shall promptly notify the alien of the temporary protected status that may be available under this section.

(C) If, at the time of designation of a foreign state under subsection (b), an alien (who is a national of such state) is in a removal proceeding under this title, the Attorney General shall promptly notify the alien of the temporary protected status that may be available under this section.

(D) Notices under this paragraph shall be provided in a form and language that the alien can understand.

(4) Temporary treatment for eligible aliens -

(A) In the case of an alien who can establish a prima facie case of eligibility for benefits under paragraph (1), but for the fact that the period of registration under subsection (c)(1)(A)(iv) has not begun, until the alien has had a reasonable opportunity to register during the first 30 days of such period, the Attorney General shall provide for the benefits of paragraph (1).

(B) In the case of an alien who establishes a prima facie case of eligibility for benefits under paragraph (1), until a final determination with respect to the alien's eligibility for such benefits under paragraph (1) has been made, the alien shall be provided such benefits

(5) Clarification.-Nothing in this section shall be construed as authorizing the Attorney General to deny temporary protected status to an alien based on the alien's immigration status or to require any alien, as a condition of being granted such status, either to relinquish nonimmigrant or other status the alien may have or to execute any waiver of other rights under this Act. The granting of temporary protected status under this section shall not be considered to be inconsistent with the granting of nonimmigrant status under this Act.

(b) Designations.-

(1) In general.-The Attorney General, after consultation with appropriate agencies of the Government, may designate any foreign state (or any part of such foreign state) under this subsection only if-

(A) the Attorney General finds that there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety,

(B) the Attorney General finds that-

(i) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,

(ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and

(iii) the foreign state officially has requested designation under this subparagraph; or

(C) the Attorney General finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the Attorney General finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.

A designation of a foreign state (or part of such foreign state) under this paragraph shall not become effective unless notice of the designation (including a statement of the findings under this paragraph and the effective date of the designation) is published in the Federal Register. In such notice, the Attorney General shall also state an estimate of the number of nationals of the foreign state designated who are (or within the effective period of the designation are likely to become) eligible for temporary protected status under this section and their immigration status in the United States.

(2) Effective period of designation for foreign states.-The designation of a foreign state (or part of such foreign state) under paragraph (1) shall-

(A) take effect upon the date of publication of the designation under such paragraph, or such later date as the Attorney General may specify in the notice published under such paragraph, and

(B) shall remain in effect until the effective date of the termination of the designation under paragraph (3)(B). For purposes of this section, the initial period of designation of a foreign state (or part thereof) under paragraph (1) is the period, specified by the Attorney General, of not less than 6 months and not more than 18 months.

(3) Periodic review, terminations, and extensions of designations.-

(A) Periodic review.-At least 60 days before end of the initial period of designation, and any extended period of designation, of a foreign state (or part thereof) under this section the Attorney General, after consultation with appropriate agencies of the Government, shall review the conditions in the foreign state (or part of such foreign state) for which a designation is in effect under this subsection and shall determine whether the conditions for such designation under this subsection continue to be met. The Attorney General shall provide on a timely basis for the publication of notice of each such determination (including the basis for the determination, and, in the case of an affirmative determination, the period of extension of designation under subparagraph (C)) in the Federal Register.

(B) Termination of designation.-If the Attorney General determines under subparagraph (A) that a foreign state (or part of such foreign state) no longer continues to meet the conditions for designation under paragraph (1), the Attorney General shall terminate the designation by publishing notice in the Federal Register of the determination under this subparagraph (including the basis for the determination). Such termination is effective in accordance with subsection (d) (3), but shall not be effective earlier than 60 days after the date the notice is published or, if later, the expiration of the most recent previous extension under subparagraph (C).

(C) Extension of designation.-If the Attorney General does not determine under subparagraph (A) that a foreign state (or part of such foreign state) no longer meets the conditions for designation under paragraph (1), the period of designation of the foreign state is extended for an additional period of 6 months (or, in the discretion of the Attorney General, a period of 12 or 18 months).

(4) Information concerning protected status at time of designations.-At the time of a designation of a foreign state under this subsection, the Attorney General shall make available information respecting the temporary protected status made available to aliens who are nationals of such designated foreign state.

(5) Review.-

(A) Designations.-There is no judicial review of any determination of the Attorney General

Tom & Zack

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entirely my decision
decision will be criticized
will say bad things
Caudas n. 4 entries
no longer exist
getless fed. bureaucrats have estate J

what we should do
Honduras

Nicaragua - end

extremely
disappointed
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El Salvador

went up U.S. Congress & give
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n

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with respect to the designation, or termination or extension of a designation, of a foreign state under this subsection.

(B) Application to individuals.-The Attorney General shall establish an administrative procedure for the review of the denial of benefits to aliens under this subsection. Such procedure shall not prevent an alien from asserting protection under this section in removal proceedings if the alien demonstrates that the alien is a national of a state designated under paragraph (1).

(c) Aliens Eligible for Temporary Protected Status -

(1) In general.-

(A) Nationals of designated foreign states.-Subject to paragraph (3), an alien, who is a national of a state designated under subsection (b)(1) (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state), meets the requirements of this paragraph only if-

(i) the alien has been continuously physically present in the United States since the effective date of the most recent designation of that state;

(ii) the alien has continuously resided in the United States since such date as the Attorney General may designate;

(iii) the alien is admissible as an immigrant, except as otherwise provided under paragraph (2)(A), and is not ineligible for temporary protected status under paragraph (2)(B); and

(iv) to the extent and in a manner which the Attorney General establishes, the alien registers for the temporary protected status under this section during a registration period of not less than 180 days.

(B) Registration fee.-The Attorney General may require payment of a reasonable fee as a condition of registering an alien under subparagraph (A)(iv) (including providing an alien with an "employment authorized" endorsement or other appropriate work permit under this section). The amount of any such fee shall not exceed \$50. In the case of aliens registered pursuant to a designation under this section made after July 17, 1991, the Attorney General may impose a separate, additional fee for providing an alien with documentation of work authorization. Notwithstanding section 3302 of title 31, United States Code, all fees collected under this subparagraph shall be credited to the appropriation to be used in carrying out this section.

FOR OFFICIAL USE ONLY

TEMPORARY PROTECTED STATUS MEETING

October 13, 2017

Objective:

- The purpose of this meeting is to review the current status of Temporary Protected Status (TPS) designations, extensions, and/or terminations.
- The objective is to discuss policy options related to TPS designations and implementation under the Administration.
- Included within this overview is a specific objective to discuss considerations for the upcoming TPS designation decisions regarding Honduras, Nicaragua and El Salvador.

Agenda:

- L. Francis Cissna, Director of USCIS, will lead and facilitate this internal briefing.
- Summary of the authorities and parameters of TPS designations;
- Overview of the countries currently designated for TPS;
- Overview of considerations for the forthcoming TPS decisions regarding the Central American countries.

Key Messages

Under the Immigration and Nationality Act (INA), the Secretary of Homeland Security, after consultation with appropriate U.S. Government agencies, may designate a foreign country (or any part of such foreign country) for TPS if the conditions in the foreign country fall into one, or more, of three statutory categories, generally described as (1) ongoing armed conflict, (2) environmental disasters, or (3) extraordinary and temporary conditions.

If the Secretary determines that country conditions support a TPS designation, he or she may provide for an initial designation, redesignation, or extension of 6 to 18 months. Conversely, if country conditions do not support a TPS (re)designation or extension, TPS shall be terminated.

When the Secretary designates, redesignates, or extends TPS for a country, he or she establishes the dates from which a TPS applicant must have continuously resided in and been continuously physically present in the United States in order to be eligible for TPS under the particular country designation.

By establishing these "continuous residence" and "continuous physical presence" dates in accordance with the TPS statute, the Secretary is able to afford temporary protection to the most appropriate group of individuals from the designated country.

Key Issues:**DHS Priorities for the Meeting**

- Currently, there are 10 countries designated for TPS (*see* Attachment A).
 - Of these 10 countries, one (Sudan) will have their TPS designations terminate on November 2, 2018.

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- Of the remaining nine countries, five (El Salvador, Haiti, Honduras, Nicaragua, and Syria) have TPS designations scheduled to expire within the next six months.
- As of September 30, 2017, there were approximately 435,048 TPS beneficiaries (see Attachment B).
 - Approximately 75 percent had a pre-TPS immigration status that was unknown or unreported.
 - Approximately 13 percent had a pre-TPS immigration status of Entry-without-Inspection (EWI).
 - Approximately 60 percent were nationals of El Salvador.

Issues Likely to be Raised

- TPS, generally, does not lead to legal permanent resident (LPR) status. When the Secretary terminates a country's TPS designation, beneficiaries return to the same immigration status they possessed before TPS (unless that status has since expired or been terminated) or to any other status they may have obtained while registered for TPS.
 - Pursuant to a 1991 legal opinion from legacy-INS, in certain circumstances, TPS beneficiaries can pursue LPR status. Under a hypothetical scenario, the summary of conclusions stated:
 - An alien who entered the United States without inspection is ineligible for adjustment of status. A grant of temporary protected status would not make the alien eligible.
 - Departure and return under advance parole would relieve an alien of ineligibility for adjustment only if the alien is classified as an immediate relative or as a special immigrant.
 - On March 31, 2017, the Ninth Circuit Court of Appeals held that under the TPS statute, a TPS recipient is deemed to be in lawful status and thereby has satisfied the requirements to become a nonimmigrant, including inspection and admission, for the purposes of adjustment of status.
 - The panel held that the TPS beneficiary, Jesus Ramirez, a national of El Salvador who came to the United States in 1999 and was granted TPS in 2001, was therefore eligible to obtain lawful permanent residence.

Attachments:

- A. USCIS List of Countries Currently Designated for TPS (as of September 30, 2017)
- B. USCIS List of Individuals Currently Designated for TPS (as of September 30, 2017)
- C. USCIS Overview of Considerations for the upcoming Central American TPS
- D. Participant List

Staff Responsible for Briefing Memo: Eric B. Johnson, Policy Analyst, PLCY, [REDACTED]
 Jared Culver, Policy Analyst, PLCY, [REDACTED]

Reviewed and approved by: Briana Petyo, Acting Chief of Staff, PLCY, [REDACTED]

OGC Reviewer: Jotham Allen, Deputy Chief of Staff, OGC, [REDACTED]

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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-NICARAGUA-00000132.0005

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**TEMPORARY PROTECTED STATUS MEETING
Participant List**

Acting Secretary Duke

Chad Wolf, Chief of Staff

James Nealon, Assistant Secretary for International Affairs, PLCY

Michael Dougherty, Assistant Secretary Border Immigration and Trade, PLCY

Briana Petyo, Deputy Chief of Staff, PLCY

Francis Cissna, Director, USCIS

Dimple Shah, Deputy General Counsel, OGC

Christina McDonald, Associate General Counsel, OGC

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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;
 - Honduras -- approximately 86,000; and
 - Nicaragua -- approximately 5,350.
- 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.

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).

At least 60 days before the expiration of a TPS designation, the Secretary, after consultations 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, he must terminate the designation. See INA § 244(b)(3)(B); 8 U.S.C. § 1254a(b)(3)(B). Although the Secretary must make his determination on extension or termination at least 60 days before the expiration of the TPS designation, publication of the required *Federal Register* notice announcing his decision must be "on a timely basis." See INA § 244(h)(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) 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 lead to lawful permanent residence or confer any other 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.

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Office of Intelligence and Analysis

INTELLIGENCE ASSESSMENT

2 November 2017

(U) Border Security**(U) Implications for TPS Expiring for Beneficiaries from El Salvador, Honduras, Haiti, and Nicaragua**

(U//FOUO) **Scope.** This Intelligence Assessment provides an overview of how the approximately 434,000 Temporary Protected Status (TPS) beneficiaries from El Salvador, Honduras, Haiti, and Nicaragua would respond these protections were to expire in the second quarter of FY 2018.^{1,2} The Assessment focuses on the homeland security implications of expiring TPS protections, including the possibility of former beneficiaries returning illegally after deportation and other operational considerations involving law enforcement, economic, and other concerns. It is intended for US policy makers, Intelligence Community partners, and state, local, tribal, and territorial law enforcement partners. The information cutoff date for this assessment is 24 October 2017.

(U) Prepared by the Office of Intelligence and Analysis (I&A), [REDACTED]

(U) Key Judgment

(U//FOUO) I&A judges that former TPS beneficiaries from all four countries choosing to illegally return to the United States likely would have the personal and economic motivation and the financial means to pay smugglers to assist them. I&A assesses that TPS beneficiaries from El Salvador and Honduras who are returned to their home countries would have the highest rates of illegal return migration due to these countries' established routes for illicit travel and entry at the US Southwest Border. Beneficiaries from Haiti will have more moderate levels of illegal return migration due to well-established maritime deterrence methods. Beneficiaries from Nicaragua may have some illegal return migration due to prevalent economic and social issues there; however, its smaller TPS population would represent a lower impact on DHS interests.

(U) Key Assumptions

(U//FOUO) Our analysis assumes that host nations would begin to receive repatriated citizens within 6 to 12 months of TPS expiration, and that a significant portion of beneficiaries would not pursue status adjustment, such as seeking asylum or student visas, to remain in the United States.

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(U//FOUO) We assume that former TPS holders would not migrate in significant numbers to Canada or Mexico prior to being deported from or voluntarily leaving the United States.

- » (U//FOUO) Family and economic ties to the United States likely would motivate repatriated TPS holders to return to the United States, possibly via illegal migration. Many TPS beneficiaries from El Salvador, Honduras, Haiti, and Nicaragua have lived continuously in the United States since the late 1990s, according to [REDACTED].³⁴ TPS beneficiaries made up 80 percent of the labor force, are parents to hundreds of thousands of United States citizen children, and maintain strong economic ties to the United States through home and business ownership, according to the Center for Migration Studies, a US-based think tank and educational institute that studies international migration.³⁵
- » (U//LES) Honduras and El Salvador migrants take well-established overland routes to attempt to access the US Southwest Border illicitly using trains, buses, taxis, and personal cars. Trips take an average of 10 to 21 days and cost up to \$8,000, according to a body of [REDACTED] reporting from 2014 to 2017.³⁶⁻³⁸ Former TPS beneficiaries deported from the United States to Honduras and El Salvador could easily use these routes to return almost immediately to the United States; additionally, they likely have the means to pay any associated smuggling costs because of the income they earned while living and working in the United States, according to [REDACTED] research.³⁹
- » (U//LES) Since consistent USCG patrolling has successfully deterred migrants from traveling on maritime routes, many are resorting to overland routes to the US Southwest Border via South and Central America, according to a body of [REDACTED] reporting.^{15,16,17,18} [REDACTED] assessed in February 2017 that Haitian maritime migration levels are likely to remain constant through FY 2019, barring any change to US immigration policy, a significant natural disaster, or major degradation of security conditions.¹⁹
- » (U//LES) Like other Central Americans, Nicaraguan migrants also take overland routes to reach the US Southwest Border, but the number of Nicaraguan migrants who traveled illegally to the United States compared to those from Northern Triangle countries was relatively low, with less than 1,500 total encounters per year in both FY 2016 and FY 2017, according to [REDACTED] data.^{20,21,22,23}

(U) What is Temporary Protected Status (TPS)?

(U) The Secretary of Homeland Security may designate a foreign country for Temporary Protected Status (TPS) due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. USCIS may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the United States. Eligible individuals without nationality who last resided in the designated country may also be granted TPS.²⁴

³⁴ (U//FOUO) In FY 2016, the total encounters (apprehensions and inadmissibles) for Nicaraguan nationals were 1,347; in FY 2017, the total encounter number was 1,139, according to CBP statistics.

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(U) TPS Expiration: DHS's Operational and Tactical Considerations

(U//FOUO) [REDACTED]: Analysts noted that all TPS beneficiaries losing protected status could seek to adjust their status to prevent deportation. These adjustments include, but are not limited to, other LPR applications, asylum claims, student visas, and non-immigrant visas. Any TPS beneficiary eligible for removal could be sponsored for LPR status by a US citizen child over the age of 21. Given that the average TPS beneficiary is in their mid-forties, many may have US citizen children old enough to assist them in adjusting to LPR status. [REDACTED] analysts also noted that the number of beneficiaries registered does not necessarily reflect the total number of individuals eligible for removal, as many have already adjusted their legal status and have not updated their records with the agency. Any TPS beneficiaries who illegally immigrate to a third nation (such as Canada) would not automatically lose TPS in the United States; however, without advanced permission to leave the country, they would likely be stopped at the border and not allowed to re-enter the United States.^{24,25}

(U//LES) [REDACTED] data shows 240,255 removals processed in FY 2016, at a total cost of \$4.23 billion. The average cost for a removal in FY 2016 was \$11,869 per person, with individuals remaining in detention for an average of 34.9 days. As of 25 September 2017, there were 203 authorized detention facilities in the United States with an average daily population of 38,107.²⁶ Based on current [REDACTED] priorities, loss of TPS benefits alone would not meet the threshold for targeted removal unless individuals are found to be a national security threat, convicted of criminal acts, or previously in removal proceedings before TPS was originally designated.

(U//FOUO) **State and Local Perspective:** [REDACTED] reported many [REDACTED] offices commenting that, if TPS expired for any of the four countries, the impact on both federal operations and state-level interests would be dependent on whether the expiration dates were concurrent or staggered. The Massachusetts [REDACTED] indicated that while the repeal of TPS extensions would increase cost and workload for United States law enforcement, the [REDACTED] office in the state could handle the increase without major issues. The [REDACTED] offices in North Carolina and Florida indicated that they would not have adequate facilities to house any extra deportees, and they might be burdened by the costs associated with the monitoring of parolees, to include GPS ankle monitors and additional staffing needed to support these services. The [REDACTED] office in North Carolina cited the extra burden that TPS expiring would likely have on the federal immigration court system, suggesting that for those without a criminal record, the average wait time for a hearing date would likely be between 12 and 18 months. The [REDACTED] offices in Florida, Georgia, and New York indicated that TPS expiration would have a generally low or unknown impact on state tax revenue and social services due to uncertainties over the size of areas of responsibility, prioritization of removals, timelines for work authorization removal, and differing local demographics. Some polled states indicated that other economic impacts would most likely be felt at the local level.^{27,28}

(U) Alternative Analysis

- » (U//FOUO) I&A considered the possibility that former TPS beneficiaries returning to their home countries would remain there because they perceive US immigration policy as a barrier to returning to the United States. We also could have overestimated the effect that pull factors (the economy, familial and social ties) would have on their decision to return to the United States. If true, our estimates on return migration would be lowered, as would the potential impact to DHS personnel and resources.
- » (U//FOUO) I&A considered the possibility that former TPS beneficiaries would travel to a third nation such as Canada or Mexico. This scenario, if true, was deemed to have no DHS equities.
- » (U//FOUO) I&A considered the possibility that a large number of TPS beneficiaries would legally adjust status in the United States.²⁹ This alternative assumes beneficiaries' knowledge of their legal options to adjust status and could impact wait times for the USCIS case load and federal immigration court. I&A currently lacks data to forecast this scenario.
- » (U//FOUO) I&A considered the possibility that TPS beneficiaries could respond to TPS expiration by staying in the United States illegally rather than attempting to adjust status or departing to their home countries. If true, former TPS beneficiaries would contribute to the pool of illegal overstays already residing in the United States, and would burden ICE removal operations depending on prioritization. I&A currently lacks data to forecast this scenario.

(U) Tracked by: HSEC-3

²⁹ (U) Examples of ways TPS beneficiaries could adjust their status include asylum claims, marriage to a US citizen, applications for LPR status, and applications for non-immigrant visas.

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DHS INTERNAL ONLY(U) Appendix A:
TPS Overview El Salvador

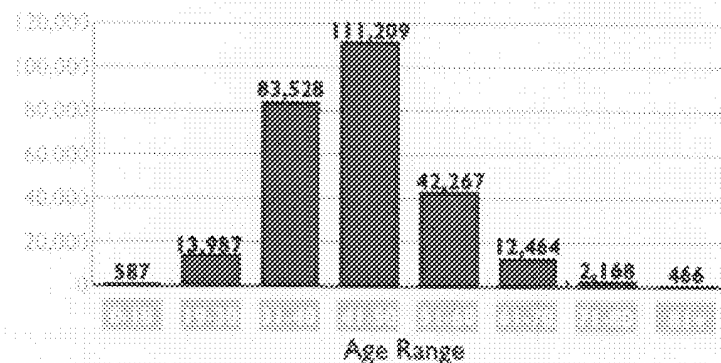
(U//SBU) El Salvador received TPS designation in 2001 after two earthquakes caused serious damage to the country's housing and security. The country, which experienced subsequent environmental disasters preventing beneficiaries from returning, received its most recent TPS extension in July 2016, expiring on 9 March 2018. El Salvador will continue to lobby for a TPS extension, almost certainly on the grounds that multiple factors (limited immigration infrastructure, underdeveloped economy, environmental problems) lower its reabsorption capacity for potential returnees.^{29,30,31,32}

(U//FOUO) I&A assesses that, if TPS were to expire, well-established family ties in the United States and a host of push factors in El Salvador, such as poor job prospects, gang-related violence, and potentially poor living conditions at home, would lead to high levels of illegal return migration among returnees. Should they decide to return illegally, existing smuggling routes to the US Southwest border would facilitate their return to the United States.^{33,34,35,36}

(U) Registered TPS Beneficiaries in the United States presented by age and location as of 2 October 2017.³⁷

(U) Salvadoran TPS Beneficiaries by Age

*Data Source: USCIS



(U//FOUO) Top States and Cities for Salvadoran TPS Holders			
December 2017			
Top State	Top City	Top State	Top City
California	66,318	Los Angeles, CA	19,399
Texas	48,497	Houston, TX	18,057
New York	32,396	Silver Spring, MD	4,266
Virginia	25,496	Dallas, TX	4,024
Maryland	24,255	Bronxville, NY	4,022
Other States	67,991	Other Cities	227,385
TPS National Total: 312,413			

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DHS INTERNAL ONLY**(U//FOUO) Push Factors Increase Potential Illegal Return Migration to the United States**

- » (U) Family ties would certainly lure repatriated TPS beneficiaries back to the United States. TPS holders from El Salvador have some 192,000 US citizen children, while 34 percent have mortgages.³⁸
- » (U//SBU) TPS returnees likely would have difficulties finding employment in El Salvador. The country created only 12,000 out of the 60,000 jobs needed in 2016, according to [REDACTED].³⁹ Nearly 85 percent of TPS holders from El Salvador have a median household income of \$50,000 in the United States, according to estimates by the Center for Migration Studies of New York.⁴⁰ In comparison, the United Nations reports that Salvadorans earn an average of \$4,100 annually.⁴¹
- » (U//SBU) Gang-related violence is a dominant push factor for emigration from El Salvador, which would likely continue for any TPS beneficiaries returning to the country. El Salvador has the world's highest homicide rate outside of war zones; 81 per 100,000 people were killed in 2017, caused by increasing gang-on-gang violence.⁴²
- » (U) TPS returnees would face recurring natural disasters and a government unable to recover from them, making living conditions uninhabitable. El Salvador ranks second in the world for risk exposure to two or more environmental hazards, according to the World Bank—resulting in an estimated 2.5 percent loss in annual GDP and further delay of economic development.⁴³ On 7 July 2017, [REDACTED] recommended the extension of TPS, noting El Salvador's slow economic and social recovery from the 2001 earthquakes, as well as their vulnerability to future environmental disasters.⁴⁴

(U) Host Nation Justifications to Extend TPS

- » (U//SBU) Receiving thousands of returned citizens would overwhelm the government's limited migration infrastructure. Despite passing legislation to improve information sharing concerning returned gang members from the United States, El Salvador's migrant reintegration system remains limited, including a single long-term migration center located in San Salvador that can only facilitate up to 200 individuals per day.⁴⁵⁻⁴⁶ While the center successfully processed approximately 52,560 returning migrants and families in December 2016, embassy reports convey that the center does not have enough resources to meet the needs of returning TPS deportees.⁴⁷
- » (U//SBU) El Salvador lacks the financial resources to invest in the reintegration of a returning TPS population. TPS beneficiaries provide necessary remittances to families in El Salvador to supplement food and living expenses, creating a cycle of tax-free income that promotes unemployment and limits funding for social services.^{48,49} In 2015, [REDACTED] reporting noted that remittances from the United States (\$4.27 billion) were four times greater than El Salvador's public investment (\$1.02 billion), and 10 times higher than foreign direct investment (\$429 million), further preventing economic development, increasing remittance dependency, driving emigration from El Salvador, and increasing crime.^{50,51}
- » (U//SBU) Environmental and health challenges, according to [REDACTED] in El Salvador, render El Salvador unable to handle the return of its citizens from the United States.⁵²⁻⁵³ Salvadorans face high instances of tropical diseases, respiratory illnesses, and traffic-related mortality rates in the region, according to the World Bank, diverting national expenditures from improving immigration and security programming.⁵⁴

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TPS Overview Honduras

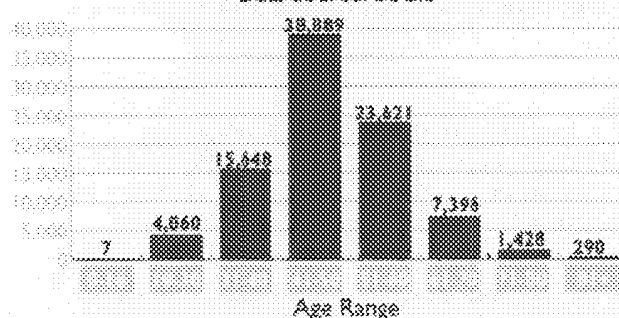
(U//SBU) Honduras received TPS designation in early 1999 in the aftermath of Hurricane Mitch, which killed 5,657 and displaced 1.1 million people. It received its most recent extension in 2016, as additional natural disasters and pandemic illnesses have prevented the country from recovering. With its TPS expiring on 5 January 2018, Honduras will continue lobbying for a TPS extension, likely on the grounds that multiple factors—including a limited migration infrastructure, lack of resources, and national focus on stopping violent crime—will limit its ability to accept returning citizens.^{55,56}

(U//FOUO) I&A assesses that if TPS were to expire, well-established family ties in the United States and a host of push factors in Honduras, such as poor living conditions and fear of gang violence, would very likely lead to high levels of illegal return migration amongst deported beneficiaries. Should these migrants decide to return illegally, existing smuggling routes to the US Southwest border would facilitate their return to the United States.⁵⁷⁻⁵⁸

(U) Registered TPS Beneficiaries in the United States presented by age and location as of 2 October 2017.⁵⁹

(U) Honduran TPS Beneficiaries by Age

*Data Source: USCIS



(Appendix B) Top States and Cities for Honduran TPS Holders as of 2 October 2017			
Top State	Count Percentage	Top City	City Percentage
Florida	17,096	Miami, FL	8,198
California	14,131	Houston, TX	6,780
Texas	13,858	Los Angeles, CA	4,348
North Carolina	5,320	Bronx, NY	1,337
New Jersey	5,237	Dallas, TX	1,145
Other States	18,712	Other Cities	70,118
Total Beneficiaries: 113,546			

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UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE
DHS INTERNAL ONLY**(U//FOUO) Push Factors Increase Potential Illegal Return Migration to the United States**

- » (U) Family ties would certainly motivate repatriated TPS beneficiaries to migrate back to the United States. TPS holders from Honduras have nearly 55,000 US citizen children; over 20 percent have mortgages; and over 75 percent have a median household income of \$40,000, according to estimates by the Center for Migration Studies of New York.⁶⁰ By comparison, the United Nations reports that Hondurans earn an average of \$2,500 per year in their home country.⁶¹
- » (U//SBU) Hondurans remain dependent on remittances sent from family members working in the United States—another factor likely to prompt their return to the United States. Remittances comprise nearly 20 percent of the Honduran GDP, according to [REDACTED].^{62,63}
- » (U) Honduras' inadequate living conditions could prompt emigration. The government has been unable to reconstruct much of the Honduran infrastructure due to the 2009 economic crisis and subsequent tropical storms in 2010 and 2011. As of 2013, nearly 40 percent of households did not have electricity and 15 percent had no access to clean water, which increased food and waterborne illnesses, according to the World Bank.⁶⁴ On 29 June 2017, [REDACTED] recommended the extension of TPS because of Honduras' slow economic and social recovery from Hurricane Mitch, as well as their vulnerability to future environmental disasters.⁶⁵
- » (U//SBU) Honduras' insecurities would likely drive migration to the United States for TPS returnees, who are accustomed to the lower crime rates of the United States. While homicide rates in Honduras have decreased since 2011, [REDACTED] and UN reports note that the country ranks as the second most dangerous in the region, with 56 per 100,000 people killed. [REDACTED] also report that the country likely would need additional time to formalize initial investments in security reform and infrastructure to decrease illegal migration.^{66,67,68}

(U) Host Nation Justifications to Extend TPS

- » (U//SBU) Limited migration infrastructure and social programs reduces Honduras' ability to support returning citizens. Honduras continues to have reintegration challenges, according to the World Bank, due to widespread corruption within public services, inadequate nutrition resources, and deficient government presence in rural areas, where 45 percent of citizens reside. In the past year, the country has improved its ability to accept some returning citizens. [REDACTED] by opening migration centers in three urban areas.^{69,70,71}
- » (U//SBU) The Honduran Government lacks the ability to provide resources to agencies charged with integrating repatriated citizens. Honduras has one of the weakest economies in Latin America, according to [REDACTED] and World Bank reports, and it is unlikely to improve in the near future because of limited investment opportunities, decreasing labor participation, and ineffective tax collection services.^{72,73}
- » (U//SBU) The Government of Honduras views reintegration of returned citizens as a lower priority and focuses most of its resources on reducing gang violence and other domestic challenges. As part of a regional effort to stabilize migration, Honduras prioritized reducing corruption, battling gangs, and strengthening security services. Such initiatives would likely require long-term funding and political will, and, according to [REDACTED] accommodating 91,000 TPS compatriots would prevent success.^{74,75}

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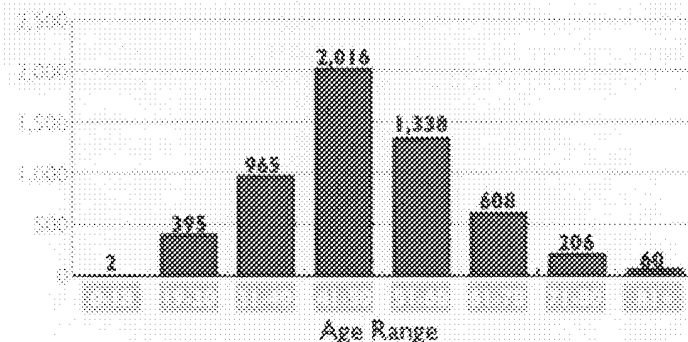
UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE
DHS INTERNAL ONLY(U) Appendix D:
TPS Overview Nicaragua

(U//SBU) Nicaragua received TPS designation in January 1999 after Hurricane Mitch and flooding caused severe damage and disruption to living conditions. TPS designation has been continually extended because of subsequent natural disasters, including extensive flooding, two earthquakes, 426 eruptions of the Telica volcano, a prolonged regional drought, and a coffee rust epidemic. TPS status is set to expire 5 January 2018.¹⁰⁹

(U//FOUO) I&A assesses that the Government of Nicaragua would not request a new TPS extension because the government appears uninterested in engaging with the United States and is probably capable of reintegrating the considerably small population of TPS holders back into the country. However, if TPS were to expire, I&A assesses that decades-long economic and family ties to the United States, as well as a host of push factors—including low employment opportunities and a corrupt government system—would lead to high illegal return migration among deported beneficiaries.

(U//FOUO) Registered TPS Beneficiaries in the United States presented by age and location as of 2 Oct 2017.¹¹⁰

(U) Nicaraguan TPS Beneficiaries by Age
*Data Source: USCIS



Nicaraguan TPS Status and Cities for Nicaraguan TPS Holders (as of 2 Oct 2017)			
Top States	Total Beneficiaries	Top Cities	City Beneficiaries
Florida	2,613	Miami, FL	1,694
California	1,817	Hayash, FL	279
Texas	464	Houston, TX	197
New York	180	Los Angeles, CA	134
New Jersey	156	San Francisco, CA	68
Other States	1,204	Other States	1,219
Total Beneficiaries: 5,543			

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UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE
DHS INTERNAL ONLY**(U//FOUO) Push Factors Increase Potential Illegal Return Migration to the United States**

- » (U//SBU) Deported TPS holders are unlikely to find work in Nicaragua comparable to US employment, prompting them to return to the United States. In Nicaragua, over 75 of Nicaraguans work exclusively in informal jobs without official contracts or benefits and are highly vulnerable to employer exploitation, according to [REDACTED].¹¹¹
- » (U//SBU) Migrant returnees would return to Nicaragua with major infrastructure and lack of employment opportunities due to reduced international investment. Significant international aid to Nicaragua's economy and infrastructure was recently suspended following the government's non-transparent and flawed 2011 elections.¹¹²
- » (U) Nicaraguan returnees face fewer security challenges than neighboring countries with high violence levels. Nicaragua's top military official stated in September that Nicaragua has lower levels of crime and drug seizures than neighboring countries, and experts in Nicaragua assert that the transnational gang La Mara Salvatrucha (MS-13) does not have a significant presence there, according to a pro-US Latin American media report.^{113,114}
- » (U//SBU) Returning TPS holders would find a more authoritarian country in Nicaragua, which could push newly arriving TPS holders to leave. The Nicaraguan presidential administration continues to consolidate power, according to [REDACTED]. In 2016, President Ortega and his wife, the Vice President, openly manipulated the political system to guarantee reelection. Additionally, in 2016, the government increased harassment and intimidation of NGOs, political opposition, and civil society organizations, according to the same report.¹¹⁵

(U) Host Nation Justifications to Extend TPS

- » (U//SBU) The current Nicaraguan administration does not appear to be interested in lobbying for TPS despite significant economic and security challenges. Latin American media reported in July that Roger Castano, the Permanent Commission for Human Rights who lobbied for TPS extension for Central Americans, said that President Ortega's administration "has not shown interest in his compatriots settled in the United States."^{116,117} [REDACTED] in Managua noted in July 2017 that Nicaragua's extreme weather and drought no longer met the threshold for special protected status.¹¹⁸

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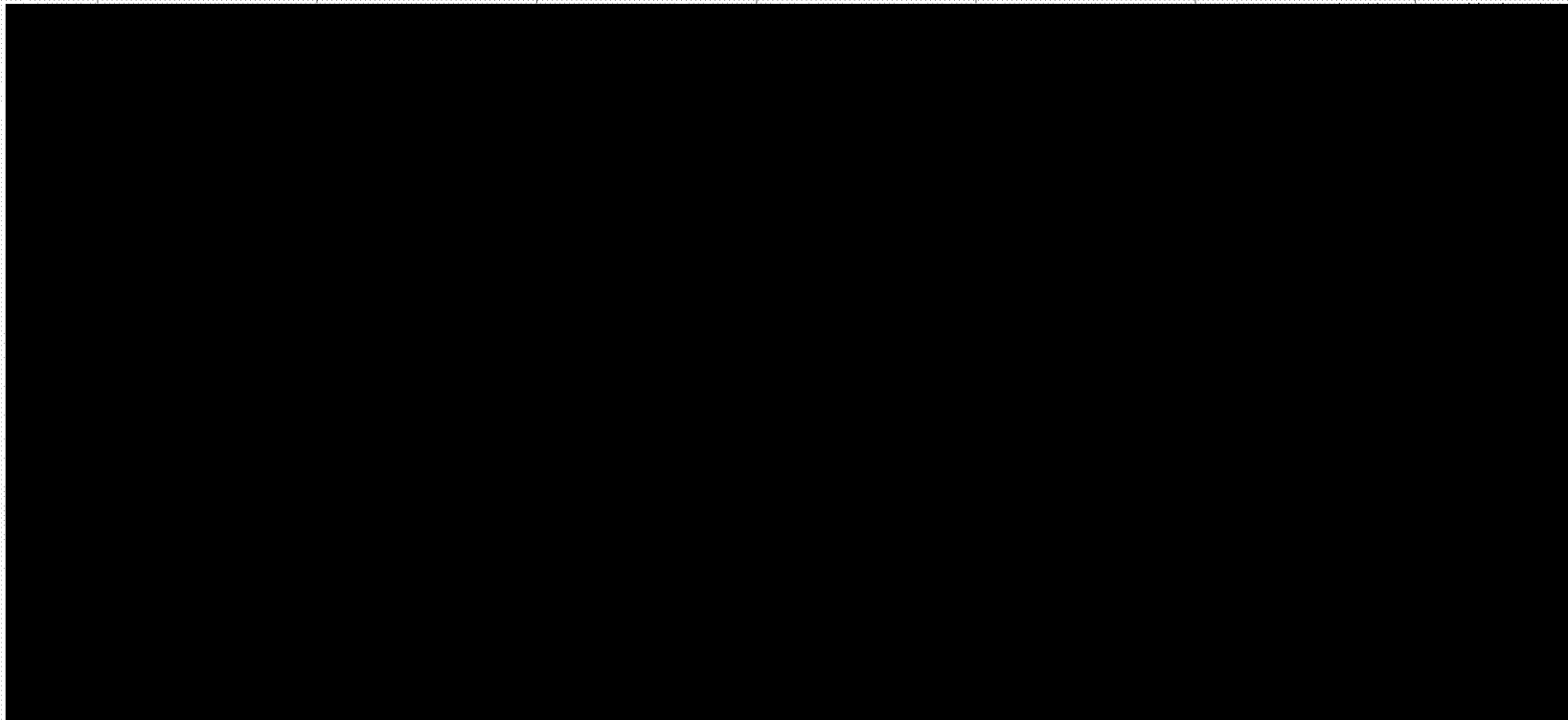
(U) Source Summary Statement

(U//LES) This Assessment relies heavily upon [REDACTED] NGO, and foreign media reporting to assess current and past economic, social, and environmental challenges, and to assess likely future impacts of TPS expiring for beneficiaries from four Western Hemisphere countries. I&A has **medium confidence** in our assessment of the potential return migration of TPS beneficiaries, as migration trends are susceptible to public perceptions, misinformation, and individual family decisions. This Assessment could have benefited from more reporting to corroborate [REDACTED] and open source reporting on the countries' motivations for TPS extension and their capabilities for reintegrating returning migrants. I&A also concedes that the [REDACTED] and media sources used could have been influenced by host nation priorities. I&A received policy and operational insight and some statistics from [REDACTED] which we considered reliable because of the agencies' firsthand access and experience with TPS and the deportation process. Additionally, we received identical information from [REDACTED] outreach to state and local contacts, which we incorporated in the country-specific deep dive sections and in the operational box, which we consider reliable but incomplete. We did not have sufficient time to pursue responses from at least two states that have a large majority of TPS holders—California and Texas—but still received a good survey of operational considerations from five states with sizeable TPS populations: Florida, Georgia, Massachusetts, New York, and North Carolina.

(U) [Journal | Robert Warren and Donald Kerwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti | July 2017 | 578-592 | 121 Sep 2017 :1]

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- ²⁶ [Online Publication | RIN 1615-ZB53 | United States Government Publishing Office | Federal Register: Extension of the Designation of El Salvador for Temporary Protected Status | 8 Jul 2016 | 44645-44651 | www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-15802.pdf | 14 September 2017 |]
- ³⁰ [Online Publication | RIN 1615-ZB53 | United States Government Publishing Office | Federal Register: Extension of the Designation of El Salvador for Temporary Protected Status | 8 Jul 2016 | 44645-44651 | www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-15802.pdf | 14 September 2017 |]
- ³¹ [Online Publication | The World Bank Group | Systematic Country Diagnostic | El Salvador: Building on Strengths for a New Generation | May 2015 | x | www.worldbank.org | 20 Sep 2017 |]



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- [REDACTED]
- ³⁷ [(U) (Journal) | Robert Warren and Donald Kerwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti. | July 2017 | 578-582 | | 09/21/2017 |]
- ³⁸ [(U) (Journal) | Robert Warren and Donald Kerwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti. | July 2017 | 578-582 | | 09/21/2017 |]
- [REDACTED]

- ³⁹ [(U) (Journal) | Robert Warren and Donald Kerwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti. | July 2017 | 578-582 | | 09/21/2017 |]
- ⁴⁰ [Online Publication | United Nations | El Salvador Profile | 2017 | | n/a | data.un.org/countryprofile.aspx?cname=El%20Salvador | 17 October 2017 |]
- [REDACTED]

- ⁴¹ [Online Publication | The World Bank Group | Systematic Country Diagnostic | El Salvador: Building on Strengths for a New Generation | May 2015 | | x | www.worldbank.org | 20 Sep 2017 |]
- [REDACTED]

- ⁴² [Internet Site | International Organization for Migration | Press Release | IOM Launches Reconstruction of Migration Center | 3 July 2015 | N/A | www.iom.int/news/iom-launches-reconstruction-migrant-reception-center-el-salvador | 26 September 2017 | IOM is the United Nations Migration Center]
- [REDACTED]

- ⁴³ [Online Publication | 2017 World Health Statistics | 2017 World Health Statistics | 2017 | 59-72 | www.who.int | 26 September 2017 |]
- [REDACTED]

- ⁴⁴ [Online Publication | The World Bank Group | Systematic Country Diagnostic | El Salvador: Building on Strengths for a New Generation | May 2015 | | iii, ix | www.worldbank.org | 20 September 2017 |]

- ⁴⁵ [Online Publication | USCIS | United States Government Publishing Office | Extension of the Designation of Honduras for Temporary Protected Status | 16 May 2016 | 30331-30337 | www.gpo.gov/fdsys/pkg/FR2016-05-16/pdf/2016-11306.pdf | 13 Sep 2017 |]
- [REDACTED]

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[REDACTED]

⁶⁹ [(U) [Journal] | Robert Warren and Donald Kerwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti | July 2017 | 578-592 | | 21 Sep 2017 |]

⁶⁰ [(U) [Journal] | Robert Warren and Donald Kerwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti | July 2017 | 578-592 | | 21 Sep 2017 |]

⁶¹ [Online Publication | United Nations | Honduras Profile | 2017 | | n/a | data.un.org/countryprofile.aspx?cname=Honduras | 17 Oct 2017 |]

⁶² [Online Publication | World Bank Group | Systematic Country Diagnostic | Honduras: Unlocking Economic Potential for Greater Opportunities | 2016 | 13 | www.worldbank.org | 20 Sep 2017 |]

[REDACTED]

⁶³ [Online Publication | World Bank Group | Systematic Country Diagnostic | Honduras: Unlocking Economic Potential for Greater Opportunities | 2016 | 13 | www.worldbank.org | 20 Sep 2017 |]

[REDACTED]

⁶⁴ [Internet Site | United Nations Office of Drugs and Crime (UNODC) | World Bank Data Open Data | UNODC Intentional Homicide Statistics Database | Periodically | N/A | data.worldbank.org/indicator/VC.IHR.PSRG.P5?end=2015&locations=US-SV-HN&start=1995&view=chart | 26 Sep 2017 | The World Bank displays open license data from international data bases, including the United Nations Office of Drugs and Crime (UNODC) Intentional Homicide Statistics |]

[REDACTED]

[Online Publication | World Bank Group | Systematic Country Diagnostic | Honduras: Unlocking Economic Potential for Greater Opportunities | 2016 | 13 | www.worldbank.org | 20 Sep 2017 |]

⁷⁰ [Online Publication | World Bank Group | Systematic Country Diagnostic | Honduras: Unlocking Economic Potential for Greater Opportunities | 2016 | 13 | www.worldbank.org | 20 Sep 2017 |]

⁷¹ [STATE | TEGUCIGALPA 000648 | GUIDE ID: 1008/4c9347 | 11 July 2017 | | (U//SBU) HONDURAS: QUARTERLY UPDATE ON U.S. STRATEGY FOR CENTRAL America | | (U//SBU) | (U//SBU) |]

⁷² [STATE | TEGUCIGALPA 0618 | | June 29, 2017 | June 29, 2017 | Honduras: Temporary Protected Status Recommendation | | (U//SBU) | (U//SBU) |]

⁷³ [Online Publication | World Bank Group | Systematic Country Diagnostic | Honduras: Unlocking Economic Potential for Greater Opportunities | 2016 | 13 | www.worldbank.org | 20 September 2017 |]

⁷⁴ [STATE | TEGUCIGALPA 0618 | | June 29, 2017 | June 29, 2017 | Honduras: Temporary Protected Status Recommendation | | (U//SBU) | (U//SBU) |]

⁷⁵ [STATE | 17 TEGUCIGALPA 914 | GUIDE ID: 1008/4hcxxr | 26 Sep 2017 | | (U//SBU) Honduras: Quarterly Update on U.S. Strategy for Central America | | (U//SBU) | (U//SBU) |]

⁷⁶ [(U) [Internet Site | CIA | The World Factbook | 13 June 2017 | 08 Sep 2017 | | https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html | 21 Sep 2017 |]

⁷⁷ [OSE | LAR2017080382932280 | GUIDE ID: 1002/44944fbc-513e-432d-bcf8-7024d148b4b | 6 Aug 2017 | | (U) Deportations Loom in Dominican Republic for Haitian Migrants | | (UNCLASSIFIED) | (UNCLASSIFIED) |]

⁷⁸ [STATE | PORT AU PRINCE 000138 | GUIDE ID: 1008/1y5chp | 29 January 2011 | | (U) SUBJECT: HAITI CHOLERA OUTBREAK: USAID/DART DEMOBILIZATION AND TRANSITION | | (UNCLASSIFIED) | (UNCLASSIFIED) |]

⁷⁹ [STATE | PORT AU PRINCE 003585 | GUIDE ID: 1008/43bfzk | 11 Oct 2016 | | (U//SBU) HAITI: HURRICANE MATTHEW SITUATION REPORT 14 | | (U//SBU) | (U//SBU) |]

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[REDACTED]

⁸¹ [OSE | LAW2017090467056773 | GUIDE ID: 1002/4e9cd2bf-5609-4058-aa41-e15e7540e954 | 5 Sep 2017 | | (U) Haitian Government Increases Efforts To Extend Temporary Protected Status | | (UNCLASSIFIED) | (UNCLASSIFIED) |]

[REDACTED]

⁸² [OSE | LAR2017052278342241 | GUIDE ID: 1002/4e8f4d36-e20e-4c1e-9dde-6f96496119d7 | 23 May 2017 | | (U) Haitian Government Request Temporary Protection Status Renewal in Washington | | (UNCLASSIFIED) | (UNCLASSIFIED) |]

⁸⁴ (U) [Journal | Robert Warren and Donald Kerwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti | July 2017 | 578-592 | | 21 Sep 2017 |]

[REDACTED]

⁸⁵ (U) [Journal | Robert Warren and Donald Kerwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti | July 2017 | 578-592 | | 21 Sep 2017 |]

[REDACTED]

⁸⁶ [OSE | LAR2017052278342241 | GUIDE ID: 1002/4e8f4d36-e20e-4c1e-9dde-6f96496119d7 | 23 May 2017 | | (U) Haitian Government Request Temporary Protection Status Renewal in Washington | | (UNCLASSIFIED) | (UNCLASSIFIED) |]

[REDACTED]

⁸⁷ [OSE | LAR2017052278342241 | GUIDE ID: 1002/4e8f4d36-e20e-4c1e-9dde-6f96496119d7 | 23 May 2017 | | (U) Haitian Government Request Temporary Protection Status Renewal in Washington | | (UNCLASSIFIED) | (UNCLASSIFIED) |]

[REDACTED]

⁸⁸ [OSE | LAR2017082182410564 | GUIDE ID: 1002/340dfb0a-7860-4712-9c90-36abe602c112 | 25 August 2017 | | (U) Haiti: Economist Labossiere Labels 2017-2018 Budget 'Decellful' | | (UNCLASSIFIED) | (UNCLASSIFIED) |]

[REDACTED]

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- ¹⁰¹ [OSE | LAR2017071774194189 | GUIDE ID: 1002/1cfc78ce-2d01-4869-bc63-5e5906a01302 | 18 July 2017 | | (U) Haiti: Editorial Criticizes Bigger Budget for National Assembly Than for Health | | (UNCLASSIFIED) | (UNCLASSIFIED) |]
- ¹⁰² [OSE | LAW2017090467604683 | GUIDE ID: 1002/73d8715a-88f9-4546-8346-706311587270 | 5 September 2017 | | (U) Haiti: PHTK Senator Joseph Strongly Criticizes Moise Over Draft Budget | | (UNCLASSIFIED) | (UNCLASSIFIED) |]
- [REDACTED]
- ¹⁰³ [OSE | LAR2017071771876888 | GUIDE ID: 1002/691c8314-1763-4697-b62b-59fa2cb49175 | 18 July 2017 | | (U) Haiti: Hospitals Remain Paralyzed As Health Workers Continue Strike Unsatisfied With Wage Increase | | (UNCLASSIFIED) | (UNCLASSIFIED) |]
- [REDACTED]
- ¹⁰⁶ [OSE | LAR2017091268196811 | GUIDE ID: 1002/5c04248d-9bd2-4d7c-857a-a268aebcd88a8 | 14 June 2017 | | (U//FOUO) Haiti: Profile of New Cabinet Members | | (U//FOUO) | (U//FOUO) |]
- ¹⁰⁷ [OSE | LAR2017042775832921 | GUIDE ID: 1002/ad86cb38-0523-4729-b097-05e4e841193a | 28 April 2017 | | (U) Editorial Says Guy Philippe Pleads Guilty Highlighting Haiti's Weak Judicial Institutions | | (UNCLASSIFIED) | (UNCLASSIFIED) |]
- ¹⁰⁸ [OSE | LAR2017071772736871 | GUIDE ID: 1002/bac10f45-cd6c-4ee8-867c-1715b5a58a0e | 18 July 2017 | | (U) Haiti: Former Prime Minister Lamothe Rejects Unfounded Accusations in Senator Latortue's Report | | (UNCLASSIFIED) | (UNCLASSIFIED) |]
- [REDACTED]
- [REDACTED]
- ¹¹⁰ (U) [Journal | Robert Warren and Donald Kenwin - Center for Migration Studies | Journal on Migration and Human Security | A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti | July 2017 | 578-592 | | 21 Sep 2017 |]
- [REDACTED]
- ¹¹³ [OSE | LAW2017091260887916 | GUIDE ID: 1002/b27bf6cc-33af-4c55-9462-8f0aef7d5fdb | 15 September 2017 | | (U) Experts Say Mara Salvatrucha Organization Does Not Operate in Nicaragua | | (UNCLASSIFIED) | (UNCLASSIFIED) |]
- ¹¹⁴ [OSE | LAW2017090658667716 | GUIDE ID: 1002/27eef148-75c7-4dda-9f67-81c258950f0e | 6 September 2017 | | (U) Revision: Nicaragua: Report Asserts Existence of Large-Scale Drug Trafficking Operations | | (UNCLASSIFIED) | (UNCLASSIFIED) |]
- [REDACTED]
- [REDACTED]
- ¹¹⁷ [OSE | LAR2017072468818967 | GUIDE ID: 1002/55f8500-1745-4b6f-b130-9117c094f8a8 | 27 July 2017 | | (U) Nicaragua: Thousands of Migrants On Edge Over Possible Expiration of TPS | | (UNCLASSIFIED) | (UNCLASSIFIED) |]
- [REDACTED]

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SUMMARY: TPS DESIGNATIONS FOR EL SALVADOR, HONDURAS, AND NICARAGUA

CS 17-6549 WF 1152685 TYPE OF ACTION: ASI SIGNATURE

DEPARTMENT OF HOMELAND SECURITY		OFFICE OF RECORDS		SUBMISSIONS OFFICE	
RECORDS OF OPERATIONS AND APPROVAL		CS 17-6549		WF 1152685	
COMPONENT TASKED: USCIS	DRAFT DUE DATE: N/A		DRAFT RECEIVED DATE: N/A		
DATE SUBMITTED TO FO: 10/31/2017	DATE PACKAGED: 10/31/2017		DATE APPROVED/SIGNED:		

SUMMARY OF DOCUMENT: TPS DESIGNATIONS FOR EL SALVADOR, HONDURAS, AND NICARAGUA
 POLICY MEMO IS UNDER PCA.

ATTACHMENTS:

- TAB 1: ACTION MEMORANDUM - EL SALVADOR TPS
- TAB 2: TPS CONSIDERATIONS: EL SALVADOR (JUNE 2017)
- TAB 3: ACTION MEMORANDUM - HONDURAS TPS
- TAB 4: TPS CONSIDERATIONS: HONDURAS (APRIL 2017)
- TAB 5: ACTION MEMORANDUM - NICARAGUA TPS
- TAB 6: TPS CONSIDERATIONS - NICARAGUA (APRIL 2017)
- TAB 7: ATTACHMENT - TPS LEGAL AUTHORITY

REVIEWED	DATE	CREATED BY	DATE
MGMT/LAURIE BOULDEN	10/27/2017	ICE/MATHEW BRODMAN	10/30/2017
OGC/DIMPLE SHAH*	10/31/2017	PLCY/JAMES NEALON* (NON-CONCUR WITH USCIS RECOMMENDATION)	10/31/2017
FO STAFF/NICHOLE LILLIBRIDGE	10/31/2017		

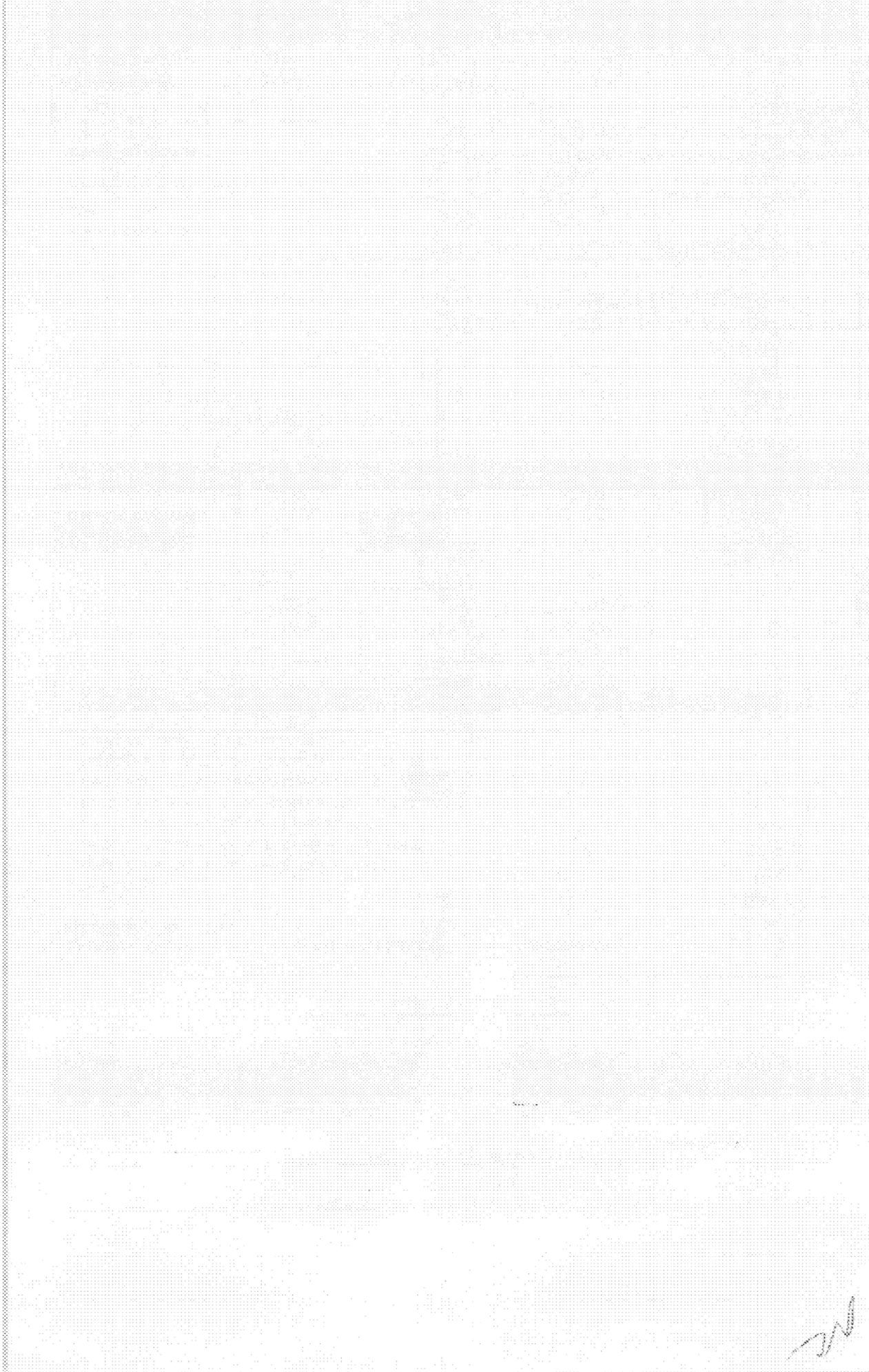
SIGNATURE NEEDED	N/A	REASON
BY DATE		

OFFICE	SIGNATURE	DATE	COMMENTS
EXECUTIVE SECRETARY	<i>[Signature]</i>	10/31/17	
S2 - CHIEF OF STAFF	<i>KVS</i>	10/31	
SOPDDS	<i>CS</i>	11/1	Policy memo is not taken into account. Policy memo is not taken into account. Policy memo is not taken into account.
S1 - DEPUTY CHIEF OF STAFF			El Salvador decision not needed until Jan. Haiti not in this package. Stronger case for team Nicaragua. Hon + 9.5.
ACTING CHIEF OF STAFF			Case is weaker. Concerns of ongoing security operations memo. Reviewing Electronically. impacted if this is not done well.
ACTING SECRETARY	<i>CS</i>	11/30	Separable by early
AFTER REVIEW RETURN TO:			TELEPHONE
AMANDA BOOTH-COLSON, COMPONENT LIAISON COORDINATOR, EXECUTIVE SECRETARIAT			

APPROVED FOR AUTOPEN: Yes No DATE AND INITIALS FOR AUTOPEN APPROVAL:

AR-NICARAGUA-00000137

DPP_00003585



PRE-DECISIONAL/DELIBERATIVE

U.S. Department of Homeland Security
Washington, DC 20528

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

Subject: Designation of TPS for Honduras, Nicaragua, and El Salvador

Page 2

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.

Subject: Designation of TPS for Honduras, Nicaragua, and El Salvador
Page 3

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 _____

EXECUTIVE CORRESPONDENCE
Washington, DC 20535



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 (POLY) non-concurred with USCIS' recommendation and provided a decision memo summarizing their standpoint.

Upon review of POLY's memo, the Office of General Counsel (OGC) [REDACTED] with POLY's explanation:

[REDACTED]

POLY responded to OGC's [REDACTED]

[REDACTED]

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

Attachments

DO NOT WRITE ON THIS COVER AS IT IS INTENDED FOR RE-USE
RETURN IT WITH THE FILE COPIES TO ORIGINATING OFFICE

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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 F x C

SUBJECT:

Nicaragua's Designation for Temporary Protected Status

Purpose: Nicaragua's 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 Nicaragua and is presenting options and a recommendation for your consideration. In summary, USCIS assesses that, although Nicaragua continues to face development challenges, the country suffers few remaining residual effects of Hurricane Mitch, which formed the basis of Nicaragua's designation for TPS in 1999. Accordingly, USCIS recommends that you terminate Nicaragua's 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.

Nicaragua's TPS Designation: On January 5, 1999, then Attorney General Reno designated Nicaragua for TPS on environmental disaster grounds, specifically, because of the devastation caused by Hurricane Mitch in October of 1998.²

The reason for Nicaragua's designation for TPS stated in the Federal Register at the time of the initial designation was that "*Hurricane Mitch swept through Central America causing severe flooding and associated damage in Nicaragua. ...[D]ue to the environmental disaster and*

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 Nicaragua Under Temporary Protected Status, 64 FR 529 (Jan. 5, 1999).

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substantial disruption of living conditions caused by Hurricane Mitch, Nicaragua is unable, temporarily, to handle adequately the return of Nicaraguan nationals."

At the time, the Attorney General estimated that there would be no more than 45,000 to 70,000 nationals of Nicaragua in the United States who would be eligible for TPS.

Nicaragua's 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 Nicaragua's 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 5,300 Nicaraguan TPS beneficiaries. Approximately 2,300 individuals re-registered for TPS under Nicaragua's last extension.⁴

Current Country Conditions

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

Hurricane Mitch killed over 3,000, and affected nearly 868,000 Nicaraguans. Landslides and floods destroyed villages and caused extensive damage to the country's infrastructure and agricultural sector.

Nicaragua received a significant amount of international aid to assist in its Hurricane Mitch-related recovery efforts, and many reconstruction projects have now been completed. Although Nicaragua reportedly continues to have one of the highest housing deficits in Central America, hundreds of homes destroyed by the storm have been rebuilt. The Second Land Administration Project covers 6 of the 15 Departments in the country and has helped over 430,000 people benefit from better property rights regulations. More than 67,000 families have received legal documents for their properties, of which more than 43,000 are new land titles.⁵ Significant aid was dedicated to repairing roads, and access to drinking water and sanitation has improved. Over 200 kilometers of roads have been constructed, benefitting around 460,000 people. More than 168,000 people have benefitted from access to reliable water supplies and sanitation services as a result of international aid-based projects.

The Second Educational Sector Support Project—an International Development Assistance (IDA) project—provided 1.4 million textbooks to 225,000 primary students of the poorest regions of the country, which represent 25percent of the national enrollment in primary education.⁶ All 'afro-

³ See Extension of the Designation of Nicaragua for Temporary Protected Status, 81 FR 30325 (May 16, 2016).

⁴ The total number of beneficiaries represents all individuals who have been granted TPS since Nicaragua's 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 1,600 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 World Bank, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>

⁶ World Bank, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>

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descendant and indigenous primary students in the Caribbean Coast received textbooks in their native languages for the first time ever.

The Gross Domestic Product (GDP) in Nicaragua reached an all-time high of \$13.23 billion (USD) in 2016 and is expected to reach \$13.48 billion by the end of this quarter. Within a long-term context, the GDP in Nicaragua is projected to increase to about \$15.67 in 2020.⁷ Additionally, the World Bank reported that, despite global economic turbulence, Nicaragua has stood out for maintaining growth levels above the average for Latin America and the Caribbean as a result of disciplined macroeconomic policies, combined with a steady expansion of exports and foreign direct investment. Nicaragua ranks second among countries in Central America with favorable prospects for foreign direct investment and trade.⁸ In August 2017, the Nicaraguan government reported that 96 percent of the population was employed.⁹

Recovery from Hurricane Mitch has, however, been slow and encumbered by subsequent environmental challenges. A regional drought has recently impacted Nicaragua, causing crop losses, food insecurity, water shortages, and income loss in affected areas. By June of 2016, over 300,000 people were in need of food assistance. The 2017 growing season has demonstrated slightly improved conditions, allowing normal development of basic grain crops. Nicaragua has also been affected recently by a regional coffee rust epidemic, which has caused crop loss and declining coffee production throughout Central America since 2012, leading to job loss and food insecurity. Additionally, in recent years, Nicaragua has experienced an outbreak of thousands of cases of mosquito-borne illnesses, including chikungunya, dengue, and Zika.

In addition, in stark contrast to its neighbors to the north, Nicaragua also lacks high levels of crime and violence. Nicaragua's homicide rate declined to 7 homicides per 100,000 inhabitants in 2016, slightly higher than the worldwide average of 5.3 homicides per 100,000 inhabitants in 2015 (the most recent year available), and significantly lower than El Salvador's rate of 81.2 per 100,000 in 2016 and Honduras' rate of 59 per 100,000. There has been some significant, but isolated, violence along Nicaragua's Caribbean coast since 2015 relating to conflict over land between indigenous communities and settlers, and violence against women remains widespread. However, on the whole, crime rates are low, police are viewed positively and focus on preventing crime and violence, and transnational gangs and drug trafficking are largely absent from the country.

The U.S. Department of State does not have a current travel warning for Nicaragua, and the United Kingdom states that "most visits to Nicaragua are trouble free."

Finally, the U.S. Government works to repatriate individuals back to Nicaragua. During the Obama administration's second term alone, Immigration and Customs Enforcement (ICE) removed over 4,300 individuals to Nicaragua.¹⁰ The U.S. removed, on average, over 2,300 individuals to Nicaragua each year in FY2010-2012.

⁷ *Trading Economics*, "Nicaragua GDP", available at: <https://tradingeconomics.com/nicaragua/gdp>

⁸ *World Bank*, "World Bank in Nicaragua", available at: <http://www.worldbank.org/en/country/nicaragua/overview>

⁹ Alvarez Hidalgo, Wendy, *Crecimiento económico mella poco en el subempico*, La Prensa (Ni.), Aug. 8, 2017.

¹⁰ From 2013-2016, 4,311 individuals were removed to Nicaragua. This total is the cumulative number of removals found in the following reports: <https://www.ice.dhs.gov/sites/default/files/documents/Report%202016/removal-stats-2016.pdf>; <https://www.ice.dhs.gov/sites/default/files/documents/Report%202016/FY2016%20Summary%20Stats.pdf>; <https://www.ice.dhs.gov/doclib/about/offices/eiro/pdf/2014-ice-immigration-removals.pdf>; <https://www.ice.dhs.gov/doclib/about/offices/eiro/pdf/2013-ice-immigration-removals.pdf>

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Options1) *Extend Nicaragua's Designation for TPS*

Under the TPS statute, if you determine that the statutory conditions for TPS designation are met, then TPS designation will be extended for an additional period of 6 months, or in your discretion 12, or 18 months. Nicaragua was initially designated for TPS in 1999 as a result of the damage caused by Hurricane Mitch. The review of conditions in Nicaragua indicates that reconstruction and recovery efforts relating to the storm have largely been completed. Although subsequent environmental challenges hampered Nicaragua's recovery and development, Nicaragua's current challenges cannot be directly tied to destruction stemming from Hurricane Mitch. Therefore, USCIS assesses that, on balance, conditions in Nicaragua no longer support its TPS designation on the basis of Hurricane Mitch.

Although USCIS assesses otherwise, an argument could be made that the subsequent and, in some cases, ongoing environmental challenges -- in particular, the prolonged, severe drought, coffee rust epidemic, and mosquito-borne disease outbreak -- have sufficiently hindered recovery that a substantial disruption in living conditions endures. Under this assessment, Nicaragua continues to be unable to handle the return of its nationals, and extension is justified. USCIS is not aware of a request for extension of Nicaragua's TPS designation from the Government of Nicaragua.

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 Nicaragua's designation for TPS would permit Nicaraguan TPS beneficiaries to re-register for TPS and remain in the United States with work authorization through January or July 5, 2019, respectively.

2) *Terminate Nicaragua's Designation for TPS*

If you determine that Nicaragua no longer continues to meet the statutory requirements for its TPS designation, you must terminate TPS for Nicaragua. Termination would end TPS benefits for existing Nicaraguan 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 recovery and reconstruction efforts relating to Hurricane Mitch have largely been completed and current challenges cannot be directly tied to damage from the storm.

If you decide to terminate Nicaragua'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

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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 Nicaraguan TPS beneficiaries have been living in the United States. Delaying the effective date would also allow Nicaragua time to prepare for and absorb its nationals in a more orderly fashion. 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.

3) *Redesignate Nicaragua for TPS*

In addition to making a decision to terminate or extend Nicaragua'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. Nicaragua has experienced numerous environmental challenges in recent years, including hurricanes, tropical storms, floods, volcanic and seismic activity, drought, mosquito-borne illnesses, and a coffee rust epidemic that continue to pose challenges for Nicaragua. However, the scale and effects of these events do not appear to be on par with those that would typically support a country's designation for TPS. Additionally, Nicaragua is not experiencing the same high levels of violence and citizen insecurity as its northern neighbors. In light of these considerations, USCIS does not assess there to be a strong basis for redesignating Nicaragua for TPS.

4) *No Decision/Automatic Extension*

If you do not make a determination about whether Nicaragua'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 of 12 or 18 months). You could affirmatively choose not to make a decision about whether the conditions supporting Nicaragua's designation continue to be met and announce the automatic extension of 6 (or 12 or 18) months, noting that you or your successor will then review conditions prior to the expiration of that extension.

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Timeliness: You are required to provide timely notice of whether existing TPS designations will be extended or terminated through publication in the *Federal Register*.¹¹ Your earliest decision will facilitate publication of notice in the *Federal Register* sufficiently in advance of the January 5, 2018 expiration of Nicaragua'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 November 6, 2017), then Nicaragua's designation will automatically be extended for a minimum of 6 months.¹²

Recommendation: USCIS recommends that you terminate Nicaragua's designation for TPS with an effective date delayed by 6, 12, or 18 months to permit an orderly transition. This would permit current Nicaraguan 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 Nicaragua's existing designation for (circle one):*

6 months

12 months

18 months

Approve/date _____

2. Terminate: *Terminate Nicaragua'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 Nicaragua's existing designation and simultaneously redesignate Nicaragua:*

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

Specify continuous residence date for eligibility under redesignation (currently December 30, 1998): _____

Approve/date _____

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

6 months

12 months

18 months

Approve/date _____

¹¹ See INA § 244(b)(3)(A).

¹² See INA § 244(b)(3)(A), (C).

U.S. Department of Homeland Security

U.S. Citizenship
and Immigration
Services

TEMPORARY PROTECTED STATUS CONSIDERATIONS: NICARAGUA APRIL 2017

Hurricane Mitch: Damages and Recovery

Hurricane Mitch made landfall in Nicaragua in October 1998. The storm killed 3,045 people, and 885 were reported missing.¹ The devastation caused by Hurricane Mitch affected nearly 868,000 people.² Landslides and floods destroyed entire villages and caused extensive damage to the transportation network, housing, medical and educational facilities, water supply and sanitation facilities, and the agricultural sector.³ Overall damage estimates ranged between \$1.3 to \$1.5 billion.⁴

As of May 1999, the Government of Nicaragua estimated that Hurricane Mitch destroyed 23,854 homes and damaged an additional 17,566.⁵ Housing reconstruction costs were estimated at \$143.7 million.⁶ Damages to roads and bridges accounted for approximately 60% of Hurricane Mitch-related reconstruction costs.⁷ Approximately 1,500 kilometers of paved and 6,500

¹ *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*, Reunión del Grupo Consultivo, May 25-28, 1999.

² *Ibid.* (Past Refugee, Asylum and International Operations (RAIO) reports stated that two million people were affected by Hurricane Mitch, citing to a URL hosted by the National Climatic Data Center. This report, however, cites to a figure produced by the Government of Nicaragua at the Consultative Group Meeting for the Reconstruction and Transformation of Central America held in Stockholm, Sweden in May 1999. The purpose of the Consultative Group Meeting was to raise aid for countries devastated by Hurricane Mitch. In its efforts to obtain aid, the Government of Nicaragua produced a precise figure further broken down by region. For example, the storm affected 867,752 people, with 448,209 of the victims residing in Region II (comprised of León and Chinandega departments) and 190,577 residing in Region VI (comprised of Matagalpa and Jinotega departments). The government estimated that 50.1% of those affected were women, and 45.7% were minors under age 14. This RAIO report cites to the Government of Nicaragua figure). See also: *Mitch: The Deadliest Atlantic Hurricane Since 1780*, National Climatic Data Center, <http://lwf.ncdc.noaa.gov/oa/reports/mitch/mitch.html> (last visited Apr. 14, 2017).

³ *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*.

⁴ *Nicaragua Overview*, U.S. Agency for International Development (USAID), <http://web.archive.org/web/20110606154439/http://www.usaid.gov/pubs/bj2001/jac/ni/> (last visited Apr. 14, 2017). According to a USAID source, overall damages were US\$1.5 billion. The Government of Nicaragua assessed damages at US\$1.3 billion. See *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*.

⁵ *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*.

⁶ *Ibid.*

⁷ *Ibid.*

Temporary Protected Status Considerations: Nicaragua
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kilometers of unpaved roads were damaged, while 3,800 meters of bridges were damaged or destroyed.⁸ As a result, the country's main cities were physically disconnected from smaller towns and communities.⁹ Road and bridge reconstruction and rehabilitation costs were estimated at \$804 million.¹⁰

Estimates of schools damaged vary. The Government of Nicaragua reported that Hurricane Mitch destroyed 296 schools and damaged 216 more.¹¹ More than 294,000 textbooks were destroyed and 555 teachers were left homeless or injured, contributing to damages totaling \$43.7 million.¹² An alternate source, however, indicated that approximately 340 schools were damaged.¹³

Likewise, estimates of damages to health infrastructure vary. According to the Government of Nicaragua, a total of 102 health units were damaged or destroyed by Hurricane Mitch, including one hospital, 30 health centers, and 71 health posts.¹⁴ However, an alternate source reports that 90 health centers, 40 health posts, and six hospitals suffered damages.¹⁵

Damages from Hurricane Mitch to the agricultural sector, comprised of the internal consumption and export markets, impacted the agricultural economy and local food access.¹⁶ The bean, corn, and rice crops, all destined for domestic consumption, suffered estimated losses of 71%, 51%, and 28%, respectively.¹⁷ Similarly, crops destined for the export market, including sesame, peanuts, and bananas, saw losses of 65%, 27%, and 18%, respectively.¹⁸ In addition, an estimated 77,000 cattle, 21,509 horses, 97,121 pigs, and 222,736 poultry were lost in the storm, contributing to a decrease in the overall food supply.¹⁹

The hurricane also damaged 79 potable water and nine sewage treatment systems.²⁰ In the urban sector, 24 water uptake systems, 20 wells, 67 water pump stations, and 52 kilometers of pipes were damaged.²¹ In the rural sector, approximately 634 wells were damaged.²² Overall, damage

⁸ Ibid. 1,500 kilometers and 6,500 kilometers account for 83% and 39% of all paved and unpaved roads in Nicaragua at the time of Hurricane Mitch, respectively.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Christoplos, Ian, et al., *Learning From Recovery After Hurricane Mitch: Experience From Nicaragua*, International Federation of Red Cross and Red Crescent Societies, p. 14, 2009.

¹⁴ *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*.

¹⁵ Christoplos, et. al, p.14.

¹⁶ *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

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from Hurricane Mitch caused a 40% reduction in water service, affecting close to a million people.²³

The international community and the Government of Nicaragua helped to repair the damage and destruction left behind by Hurricane Mitch. For example, the Canadian Red Cross and the United Nations Development Programme collaborated to build 1,300 homes,²⁴ and local authorities, with the assistance of various small Spanish non-governmental organizations (NGOs), built 300 homes in the municipality of Ocotal.²⁵ These programs, however, represent a mere fraction of the more than 41,000 homes that were damaged or destroyed.²⁶ Nicaragua reportedly has one of the highest housing deficits in Central America, with a need for “957,000 new houses and home improvements”—only 50% of which is covered by the private and public sectors.²⁷

A significant amount of aid was dedicated to repairing and improving road infrastructure, including various projects to rehabilitate, maintain and improve roads funded by the Inter-American Development Bank and the World Bank.²⁸ However, transportation infrastructure in Nicaragua remains “poor and often suffers damage from tropical storms and hurricanes,” with public protests related to poor road conditions occasionally occurring.²⁹

Despite the impact of Hurricane Mitch, access to drinking water and sanitation has increased in Nicaragua in the long-term.³⁰ Nicaragua has benefited from various loans from the Inter-

²³ Ibid.

²⁴ *Rebuilding after Hurricane Mitch: Housing reconstruction in Honduras and Nicaragua*, International Federation of Red Cross and Red Crescent Societies, p.3, 2007.

²⁵ *Reconstrucción post-Mitch en Nicaragua*, EcoSur, Aug. 2009, <http://www.ecosur.org/ediciones-antteriores/105/455-reconstruccion-post-mitch-en-nicaragua>, (last visited Apr. 14, 2017).

²⁶ Gómez, Rosa Julia, *Salud en la Vivienda en los Países que Conforman la Red Interamericana de Centros de Salud en la Vivienda: El Caso de Nicaragua*, Organización Panamericana de la Salud, p.22, Mar. 2000. The pre-Mitch housing shortage in Nicaragua was estimated at 594,000 housing units, affecting 3.6 million people, or eight out of 10 Nicaraguans.

²⁷ *Habitat for Humanity in Nicaragua*, Habitat for Humanity, <https://www.habitat.org/where-we-build/nicaragua>, (last visited Apr. 6, 2017).

²⁸ *NI0099: Panamerican Highway Rehabilitation*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title,1303.html?id=NI0099> (last visited Apr. 14, 2017); *NI0146: Road Rehabilitation San Lorenzo-Muhan*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title,1303.html?id=NI0146> (last visited Apr. 14, 2017); *NI0170: PPP Road Program for Competitiveness*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title,1303.html?id=NI0170> (last visited Apr. 14, 2017); *Nicaragua: Third Roads Rehabilitation and Maintenance Project*, World Bank, Dec. 18, 2000; *Nicaragua: Fourth Roads Rehabilitation and Maintenance Project*, World Bank, Mar. 27, 2015 (see complete report).

²⁹ *Nicaragua > Infrastructure*, Jane's Sentinel Security Assessment - Central America And The Caribbean, Feb. 3, 2017, <http://janes-ids.com/janes/Display/1302392> (last visited Apr. 6, 2017).

³⁰ *Estimates on the use of water sources and sanitation facilities – Nicaragua*, WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation, Jun. 2015, http://www.wssinfo.org/documents/2tx_displaycontroller%5Bregion%5D=&tx_displaycontroller%5Bsearch_word%5D=nicaragua&tx_displaycontroller%5Btype%5D=country_files, (last visited Apr. 14, 2017).

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American Development Bank to improve its water and sanitation systems.³¹ According to the World Health Organization/United Nations Children's Fund (WHO/UNICEF) Joint Monitoring Programme for Water Supply and Sanitation, as of 2015, an estimated 87% of the Nicaraguan population had access to an improved drinking water source, while an estimated 68% had access to improved sanitation facilities; in 1995—the last year of survey data before Hurricane Mitch—76% had access to an improved drinking water source, while only 49% had access to improved sanitation facilities.³²

Post-Hurricane Mitch Environmental Disasters

Nicaragua is “vulnerable to recurrent natural disasters,”³³ including hurricanes, severe storms and flooding, landslides, significant volcanic activity, and destructive earthquakes.³⁴ According to the 2017 Global Climate Risk Index, Nicaragua ranked as the 4th most affected country in the world by extreme weather events from 1996 to 2015; during this time, Nicaragua averaged \$234.7 million in damages per year, and witnessed over 3,200 total fatalities from extreme weather events.³⁵ Per the World Food Programme, Nicaragua's vulnerability to natural disasters hinders its progress in addressing both poverty and food security.³⁶ Both strong seasonal rains

³¹ NI0097: *Modernization Potable Water/Sanitation*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title,1303.html?id=NI0097>, (last visited Apr. 14, 2017); NI0142: *Implementation Sanitation Measures Managua Lake*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title,1303.html?id=NI0142>, (last visited Apr. 14, 2017); Lockwood, Harold et al., *Activity Report 106, Nicaragua: Rural Water Supply, Sanitation, and Environmental Health Program*, U.S. Agency for International Development (USAID) Environmental Health Project, p. 15-16, Dec. 2001; NI-L1017: *Potable Water and Sanitation Investment Program*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title,1303.html?id=NI-L1017> (last visited Apr. 14, 2017); *Water and sanitation company extends services and increases efficiency*, Inter-American Development Bank, <http://www.iadb.org/en/mapamericas/nicaragua/water-and-sanitation-company-extends-services-and-increases-efficiency,5507.html> (last visited Apr. 14, 2017); *Nicaragua will improve water and sanitation services with IDB support*, Inter-American Development Bank, Dec. 3, 2010.

³² *Estimates on the use of water sources and sanitation facilities – Nicaragua*.

³³ WFP *Nicaragua Country Brief*, World Food Programme, p.2, Jun. 2016; *The World Factbook – Nicaragua*, CIA, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>, (last visited Apr. 18, 2017).

³⁴ *Foreign Travel Advice – Nicaragua: Natural Disasters*, GOV.UK, <https://www.gov.uk/foreign-travel-advice/nicaragua/natural-disasters> (last visited Apr. 16, 2017).

³⁵ Kreft, Sönke, Eckstein, David and Melchior, Inga, *Global Climate Risk Index 2017*, Germanwatch, p. 5-6, Nov. 2016.

³⁶ WFP *Nicaragua Country Brief*, World Food Programme, p.2, Feb. 2017.

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and a prolonged drought in the section of Nicaragua located in Central America's "Dry Corridor"³⁷ have plagued the country in recent years.³⁸

Since Hurricane Mitch, various hurricanes, tropical depressions, and tropical storms have made landfall in Nicaragua—a country which is prone to flooding.³⁹ In November 2001, Hurricane Michelle damaged or destroyed 3,349 houses, seven bridges, and 7,000 hectares of crops;⁴⁰ in September 2007, Hurricane Felix, a category 5 storm, killed over 100 and damaged or destroyed an estimated 16,400 houses;⁴¹ in May 2008, Tropical Storm Alma damaged seven Pacific coast departments, leaving three people dead and 10 missing, and damaging "most major roads, water wells and latrines" in the department of Leon in western Nicaragua;⁴² in October 2008, Tropical Depression 16 brought intense rains that left four people dead and affected 10,633 people in eight departments;⁴³ and in November 2009, Hurricane Ida, a category 1 storm, brought heavy rains and winds to the northern coast of Nicaragua, causing damage to 875 homes, contaminating 300 wells, and affecting over 13,000 people.⁴⁴

More recently, in October 2011, heavy rains linked to Tropical Depression 12E produced flooding and landslides throughout the country.⁴⁵ An assessment carried out by the Government of Nicaragua found that 87 of 153 municipalities⁴⁶ suffered damages, and nearly 149,000 people were affected by damages to their property, crops, and other livelihoods.⁴⁷ A total of 8,924

³⁷ 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 Rodríguez, Orlando, et. al, *Buenas prácticas para la seguridad alimentaria y la gestión de riesgos*, FAO, p.8, Feb. 2012.

³⁸ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, Oxfam, p.3, Nov. 2014.

³⁹ *Central America - Drought in El Salvador, Guatemala, Honduras and Nicaragua*, ACAPS, p.5, Sep. 29, 2015.

⁴⁰ *Hurricane Michelle - Honduras / Nicaragua OCHA Situation Report No. 11*, UNOCHA, Nov. 19, 2001.

⁴¹ *Emergency Operation, Nicaragua 10700*, World Food Programme, p.1, http://ene.wfp.org/operations/current_operations/project_docs/107000.pdf (last visited Apr. 17, 2017); *Latin America and the Caribbean - Hurricane Season 2007, Fact Sheet #8*, USAID, p.1, Sept. 12, 2007.

⁴² *Costa Rica and Nicaragua: Tropical Storm Alma*, International Federation of Red Cross and Red Crescent Societies, Jan. 5, 2009.

⁴³ *Final Report - Central America: Floods*, International Federation of Red Cross and Red Crescent Societies, Oct. 29, 2009.

⁴⁴ *Nicaragua: Floods*, International Federation of Red Cross and Red Crescent Societies, Nov. 11, 2009.

⁴⁵ *Nicaragua: Flash Appeal Revision*, UNOCHA, p.1, 2011.

⁴⁶ Nicaragua is divided administratively into 15 departments and two autonomous regions, which are sub-divided into 153 municipalities. See *Artículo 16 de Ley No. 503, Reforma a la Ley No. 59, Ley de División Política Administrativa*, Asamblea Nacional de la República de Nicaragua, Feb. 3, 2005.

⁴⁷ *Nicaragua: Flash Appeal Revision*, UNOCHA, p.1, 2011.

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homes were flooded; 1,235 were partially destroyed, and 335 were completely destroyed.⁴⁸ Damages and losses associated with Tropical Depression 12E totaled \$445 million, or 6.8% of gross domestic product in 2010.⁴⁹ In June and July of 2013, tropical storms and heavy seasonal rain resulted in 15 deaths, widespread flooding, and 12,000 people affected.⁵⁰

During 2014 and 2015, a series of storms producing heavy rain and flooding caused significant damage and loss of life in Nicaragua. In July 2014, heavy rains and flooding in the center and Caribbean regions of the country affected 1,015 people, caused the death of three others, and damaged or destroyed 205 homes.⁵¹ Prolonged rain and flooding in October 2014 impacted close to 65,000 people, causing 33 deaths, destroying 4,500 homes, and leaving 33,000 people homeless.⁵² Heavy rains and flooding also affected 1,075 people and damaged 215 homes in May 2015,⁵³ and caused even more damage in June, when rain and flooding impacted 11 of 17 departments, affecting over 35,000 people and causing six deaths.⁵⁴ At least 20 people were killed during the 2015 rainy season.⁵⁵

In 2016, heavy rains and wind once again caused damage and flooding in Nicaragua.⁵⁶ In July, more than 8,900 people were affected, 3,900 people were evacuated, and nearly 1,700 homes were flooded due to heavy rains and flooding.⁵⁷ In November 2016, Hurricane Otto—a category 2 storm—damaged 817 and destroyed 120 homes, and necessitated the evacuation of over 11,600 people.⁵⁸

⁴⁸ Ibid, p.7.

⁴⁹ Ibid.

⁵⁰ *Nicaragua: Floods – June 2013*, ReliefWeb, <http://reliefweb.int/disaster/fl-2013-000085-nic> (last visited Apr. 17, 2017).

⁵¹ *Tres muertos y 1,015 personas afectadas por fuertes lluvias en Nicaragua*, El Nuevo Diario (Nic.), Jul. 14, 2014.

⁵² *Afectados por las fuertes lluvias ascienden a 64,360*, Redhum, Nov. 11, 2014; *Global Emergency Overview – November 2014*, ACAPS, p.120, Nov. 11, 2014; *Nicaragua flooding leaves 24 dead*, Agence France-Presse, Oct. 19, 2014.

⁵³ *Más de mil afectados por lluvias*, Nuevo Diario (Nic.), May 1, 2015.

⁵⁴ *Heavy rains in Nicaragua leave six dead*, Agence France-Presse, Jun. 15, 2015.

⁵⁵ *Al menos 20 muertos por temporada de lluvias en Nicaragua*, Government of Nicaragua, Oct. 24, 2015.

⁵⁶ *Gobierno atiende a familias afectadas por fuertes vientos en Malpaisillo*, Government of Nicaragua, Apr. 27, 2016; *REDLAC Weekly Note on Emergencies Latin America & The Caribbean – Year 9 – Volume 451*, UNOCHA, May 10, 2016; *Monitoring Emergencies: Nicaragua – 06/01/2016: 509 people affected by rain*, Pan American Health Organization, Jun. 1, 2016; *Rios crecidos y zonas incomunicadas por las lluvias*, El Nuevo Diario (Nica.), Jun. 6, 2016; *Monitoring Emergencies: Nicaragua – 07/12/2016: 1,781 families have been affected in 9 municipalities due to flooding – Update*, Pan American Health Organization, Jul. 12, 2016; *Monitoring Emergencies: Nicaragua – 12/13/2016: Strong rains affect the Southern Caribbean region*, Pan American Health Organization, Dec. 13, 2016; *Más de 900 familias afectadas por lluvias*, Redhum, Oct. 22, 2016.

⁵⁷ *Monitoring Emergencies: Nicaragua – 07/12/2016: 1,781 families have been affected in 9 municipalities due to flooding – Update*, World events - ECHO Daily Map | 12/07/2016, European Commission Humanitarian Aid Office, Jul. 12, 2016.

⁵⁸ *Humanitarian Bulletin – Latin America and the Caribbean*, UNOCHA, p.2, Nov-Dec. 2016; *Huracán Otto provoca daños en 817 viviendas*, Redhum, Nov. 29, 2016; *Rosario presenta informe sobre respuesta a familias afectadas por el huracán Otto*, Redhum, Nov. 28, 2016.

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Consecutive years of drought (from November 2013 to April 2016)⁵⁹ have negatively impacted agriculture, fishing, and hydroelectric energy production in Nicaragua.⁶⁰ Linked to the El Niño Southern Oscillation (ENSO),⁶¹ the drought has had the most significant impact in the country's "so-called 'dry corridor'—an arid region in the northeast and centre of Nicaragua encompassing 33 of the country's 153 municipalities, characterized by low rainfall and high poverty levels" with a population of over one million people.⁶²

In 2014, the impact of the drought extended beyond the country's Dry Corridor, as an estimated 112 of 156 municipalities in Nicaragua reported damages or losses to crops.⁶³ By November 2014, over 268,000 families in the Dry Corridor were affected by crop loss,⁶⁴ and the drought was affecting the food security of 100,000 people in the country.⁶⁵

By February 2015, the drought had contributed to the loss of 1 million bushels of rice and maize, and the death of 5,000 cattle.⁶⁶ Despite having the most abundant water sources in Central America, in the summer of 2015 Nicaragua was reportedly facing a nationwide water shortage due to the impact of the drought, a lack of investment in its water system, poor water management, soil erosion, deforestation, and climate change.⁶⁷ By November 2015, Nicaragua had lost between 50 and 75 percent of its production of basic grains in the Dry Corridor, while an estimated 23% of all cattle in the country were at risk of being impacted by the drought.⁶⁸

The impact of the multi-year drought continued to be felt in 2016. The Dry Corridor remained the most impacted area of Nicaragua; in March 2016, Inter Press Service cited a study indicating that the region had lost 100 percent of its harvests and 90 percent of its water sources due to the drought.⁶⁹ Declining food production "led to food insecurity and a decline in household incomes in the region's rural areas."⁷⁰ By June 2016, over 302,000 people were in need of food assistance in Nicaragua.⁷¹ While Nicaragua received more rainfall in 2016 in comparison to previous years, the increase was reportedly insufficient to support a full recovery of surface and subterranean

⁵⁹ Situación "muy grave" con 40 pozos comunitarios secos en Occidente, La Prensa (Nic.), Feb. 16, 2017.

⁶⁰ Rios, Julia, *In drought-hit central Nicaragua, water 'is like looking for gold'*, Agence France-Presse, Apr. 7, 2016; Silva, José Adán, *Cambio climático seca a Nicaragua*, Inter Press Service, Mar. 30, 2016.

⁶¹ The El Niño Southern Oscillation, more commonly known as El Niño, is a "weather cycle that periodically causes drought on the western Pacific seaboard and the centre of the country, in contrast with seasonal flooding in the north and the eastern Caribbean coast." See Silva, José Adán, *El Niño Triggers Drought, Food Crisis in Nicaragua*, Inter Press Service, Jul. 10, 2014.

⁶² Silva, José Adán, *Thirsty in Nicaragua, the Country Where 'Agua' Is Part of Its Name*, Inter Press Service, Jun. 4, 2015.

⁶³ *Global Emergency Overview – November 2014*, p.120.

⁶⁴ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, p.6.

⁶⁵ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, p.15.

⁶⁶ *Global Emergency Overview – March 2015*, ACAPS, p.112, Mar. 24, 2015.

⁶⁷ Silva, *Thirsty in Nicaragua*.

⁶⁸ *Latin America and the Caribbean - Weekly Note on Emergencies*, UNOCHA, p.2, Nov. 2, 2015.

⁶⁹ Silva, *Cambio climático seca a Nicaragua*.

⁷⁰ *IFAD to provide \$20.5 million to boost sustainable agriculture in Dry Corridor in Nicaragua*, International Fund for Agricultural Development, Nov. 29, 2016.

⁷¹ *WFP Nicaragua Country Brief - June 2016*, World Food Programme, Jun. 2016.

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water sources impacted by the drought.⁷² As a result, at the start of the dry season in February 2017, certain communities in the Dry Corridor were already feeling the impact of the scarcity of water.⁷³

Damages resulting from other natural disasters, such as volcanic and seismic activity, have also affected Nicaragua. In September 2012, the eruption of the San Cristobal volcano—one of the most active in the country—prompted the evacuation of hundreds of residents from surrounding areas.⁷⁴ Between early May and late July 2015, the Telica volcano erupted 426 times;⁷⁵ residents of neighboring communities—over 2,000 of whom were affected—reported respiratory problems due to the release of volcanic gas and ash, and expressed fears of larger eruptions.⁷⁶ Six of the country's 18 volcanoes were active in 2016, including the Momotombo volcano, which—after more than 110 years of inactivity—erupted more than 400 times from December 2015 to April 2016, and remained constantly active through November.⁷⁷

In June 2013, a 6.6 magnitude earthquake off the coast of Nicaragua triggered a tsunami warning and caused structural damage near its epicenter.⁷⁸ On April 10, 2014, a significant 6.2 magnitude earthquake, originating in Lake Managua, struck the country, followed by subsequent 6.2 and 6.7 magnitude earthquakes the next day; in total, there were over 535 seismic events in less than two weeks following the original earthquake on April 10.⁷⁹ The earthquakes affected 24,025 people and damaged 2,952 homes.⁸⁰ In response to a 7.4 magnitude earthquake in October 2014, 100,000 people were evacuated from coastal areas.⁸¹ A 6.1 magnitude earthquake in June 2016 caused landslides, power outages, and damaged over 3,000 homes.⁸²

Nicaragua has also been impacted by a regional coffee rust⁸³ epidemic, which has caused crop loss and declining coffee production throughout Central America in recent years.⁸⁴ By October

⁷² Situación "muy grave" con 40 pozos comunitarios secos en Occidente.

⁷³ Corredor Seco otra vez afectado por sequía, La Prensa (Nic.), Feb. 17, 2017.

⁷⁴ Thousands evacuate as Nicaragua volcano spews ash, ABC News, Sep. 8, 2012.

⁷⁵ Ineter: el Volcán Concepción retoma sus explosiones, La Jornada (Nic.), Jul. 28, 2015.

⁷⁶ Más de 2 mil afectados por cenizas y gases del Telica, El Nuevo Diario (Nic.), May 12, 2015.

⁷⁷ En Nicaragua vulcanólogos estadounidenses para estudiar el Momotombo, Government of Nicaragua, Apr. 10, 2016; Ineter pronostica baja probabilidad de actividad sísmica relevante, Government of Nicaragua, Mar. 2, 2016; Nicaragua sin sustos volcánicos, Government of Nicaragua, Mar. 7, 2016; Monitoring Emergencies: Nicaragua-11/18/2016: Momotombo Volcano presents abundant gas emissions, Pan American Health Organization, Nov. 18, 2016.

⁷⁸ Sismos dejan personas lesionadas y daños leves en Nicaragua, La Prensa (Pan.), Jun. 15, 2013.

⁷⁹ Nicaragua. Terremoto. Reporte de Situación N°. 7, UNOCHA, p.1-3, Apr. 25, 2014.

⁸⁰ Ibid, p.1.

⁸¹ Global Emergency Overview – November 2014, p.120.

⁸² REDLAC Weekly Note on Emergencies Latin America & The Caribbean - Year 9 - Volume 456, UNOCHA, June 13, 2016.

⁸³ 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.

⁸⁴ Malkin, Elisabeth, *Coffee Crop Withers: Fungus Cripples Coffee Production Across Central America*, New York Times, May 5, 2014.

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2014, an estimated 655,000 people in Honduras, Nicaragua, and El Salvador were considered food insecure due to the coffee rust epidemic.⁸⁵ As of March 2016, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) reported that coffee production in Nicaragua continued to recover from the outbreak.⁸⁶

In recent years, Nicaragua has been impacted by various mosquito-borne diseases, including Zika, dengue fever, and chikungunya.⁸⁷ In August 2015, Nicaraguan authorities declared a "state of emergency and health alert for the increase of cases of chikungunya and dengue."⁸⁸ In 2016, there were "88,320 probable dengue cases (incidence rate of 1,411 cases per 100,000 population), including 6,599 confirmed cases."⁸⁹ Through the first half of 2016, Nicaragua reported 4,675 suspected and 682 confirmed case of chikungunya.⁹⁰ Since first being detected in the country in early 2016, there have been 2,055 confirmed cases of Zika in Nicaragua as of early January 2017.⁹¹

Violence and Conflict

Nicaragua lacks the high levels of crime and violence which are evident in El Salvador, Honduras, and Guatemala. In general, Nicaragua "has a relatively low crime rate, an absence of transnational gangs and a generally trusted police force that focuses on crime prevention."⁹²

In 2016, Nicaragua's homicide rate slightly declined to 7 murders per 100,000 inhabitants—its lowest rate in over 15 years, and slightly higher than the 2013 global average of 6.2 per 100,000.⁹³ According to InSight Crime, much of Nicaragua was "virtually violence-free" in 2016, as "65 percent of the country's 153 municipalities registered either one or zero homicides" during the year.⁹⁴ Regions along Nicaragua's Caribbean coast have higher homicide rates than the rest of the country due to the presence of organized crime and drug trafficking in these areas.⁹⁵

Since 2015, violence has increased along Nicaragua's Caribbean coast due to conflict over land between indigenous communities and *mestizo* (Nicaraguans of mixed Spanish and Native

⁸⁵ *Global Emergency Overview – November 2014*, p.120.

⁸⁶ *El Niño: Overview of Impact, Projected Humanitarian Needs, and Responses*, UNOCHA, p.18, Mar. 9, 2016.

⁸⁷ *Latin America and the Caribbean: Weekly Note on Emergencies*, UNOCHA, Jul. 4, 2016.

⁸⁸ *Latin America and the Caribbean: Weekly Note on Emergencies*, UNOCHA, Aug. 17, 2015.

⁸⁹ *Zika - Epidemiological Report: Nicaragua*, Pan-American Health Organization, Feb. 27, 2017.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² Replogle, Jill, *Why Nicaraguan Kids Aren't Fleeing To U.S.*, KPBS, Jul. 29, 2014.

⁹³ *Global Study on Homicide 2013*, United Nations Office on Drugs and Crime, p.13, March 2014; Gagne, David, *InSight Crime's 2013 Latin America Homicide Round-up*, InSight Crime, Jan. 14, 2016; Gagne, David, *InSight Crime's 2016 Homicide Round-up*, InSight Crime, Jan. 16, 2017.

⁹⁴ Gagne, *InSight Crime's 2016 Homicide Round-up*.

⁹⁵ Lohmuller, Michael, *Is Nicaragua as Effective at Deterring Drug Trafficking as it Claims?*, InSight Crime, Apr. 3, 2014.

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American descent) settlers from other areas of the country.⁹⁶ Driven by cheap land, the promise of timber and gold, and drought in other parts of the country, thousands of non-indigenous Nicaraguans have moved into the ancestral lands of indigenous communities in recent years.⁹⁷ The influx of settlers has “unleashed a deadly conflict” over the territory of the indigenous Miskito people,⁹⁸ who argue that their land has been illegally sold or taken by settlers.⁹⁹ Murders, rapes, abductions, beatings, beheadings, the burning of villages, and forced displacement have all been reported.¹⁰⁰ Hundreds have reportedly been killed,¹⁰¹ and more than 3,000 Miskitos have reportedly been displaced¹⁰²—many of whom fled to informal refugee camps in Honduras “where they live without any official humanitarian aid.”¹⁰³ Both the Miskitos and the settlers feel that the Nicaraguan government “has abandoned them,”¹⁰⁴ allowing both the “the settling and the violence to continue unabated.”¹⁰⁵ In addition, both sides claim that there “has been no investigation into the crimes, and police often refuse to register their complaints.”¹⁰⁶

While the U.S. Department of State’s Bureau of Diplomatic Security has reported that Nicaragua has “low overall reported crime rates,” particularly in comparison to neighboring countries like Honduras, general crime is nevertheless “a persistent risk for residents and visitors alike.”¹⁰⁷ However, less than 5% of Nicaraguans view crime as the most pressing problem in the country.¹⁰⁸

Nicaragua has been generally free from the high levels of gang violence afflicting El Salvador, Guatemala, and Honduras.¹⁰⁹ While Nicaragua has a “significant presence of local gangs,” there are relatively few members of Barrio 18 and Mara Salvatrucha in the country in comparison to El Salvador, Honduras, and Guatemala.¹¹⁰ Gangs in Nicaragua are comparatively smaller and more localized, and “there’s virtually no extortion in Nicaragua from criminal gangs of the kind

⁹⁶ *Deadly Nicaragua Land Conflict Displaces Hundreds*, Associated Press, Sep. 30, 2015; Carrere, Michelle, *Nicaragua’s hidden war*, IRIN, Oct. 4, 2016; Robles, Frances, *Nicaragua Dispute Over Indigenous Land Erupts in Wave of Killings*, New York Times, Oct. 16, 2016; Galanova, Mira, *Lush heartlands of Nicaragua’s Miskito people spark deadly land disputes*, The Guardian, Mar. 1, 2017.

⁹⁷ *Deadly Nicaragua Land Conflict Displaces Hundreds*; Carrere; Robles; Galanova.

⁹⁸ Carrere.

⁹⁹ Robles; Carrere.

¹⁰⁰ *Deadly Nicaragua Land Conflict Displaces Hundreds*; Carrere; Robles; Galanova.

¹⁰¹ Robles.

¹⁰² Carrere.

¹⁰³ Galanova.

¹⁰⁴ Carrere.

¹⁰⁵ Robles.

¹⁰⁶ Galanova.

¹⁰⁷ *Nicaragua 2014 Crime and Safety Report*, Bureau of Diplomatic Security, U.S. Department of State, May 12, 2014. See also *Nicaragua 2015 Crime and Safety Report*, Bureau of Diplomatic Security, U.S. Department of State, June 12, 2015; *Nicaragua 2016 Crime & Safety Report*, Bureau of Diplomatic Security, U.S. Department of State, April 15, 2016.

¹⁰⁸ Gagne, David, *Why Is Nicaragua 7 Times Less Violent Than Honduras?*, InSight Crime, Aug. 29, 2016.

¹⁰⁹ *Freedom in the World 2016 - Nicaragua*, Freedom House, Jun. 26, 2016.

¹¹⁰ Ribando Seelke, Clare, *Gangs in Central America*, Congressional Research Service, p.3-4, Aug. 29, 2016.

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rampant in the Central American nations to the north.”¹¹¹ Community policing and other government efforts have been effective in limiting the impact and growth of local gangs.¹¹²

Violent drug trafficking organizations—pervasive in a country like Honduras—are “largely absent” in Nicaragua.¹¹³ Nevertheless, Nicaragua remains an important transit route for drug trafficking, particularly the North and South Caribbean Autonomous Regions, which have higher crime and unemployment rates than the country at large.¹¹⁴

Police in Nicaragua focus on community policing and work with neighborhood watch groups, citizens, and community organizations to prevent crime and violence and help at-risk youth.¹¹⁵ Security forces are generally less corrupt than their counterparts in El Salvador, Guatemala, and Honduras.¹¹⁶ The police even have a positive image amongst the population, with a 79% approval rate.¹¹⁷ In addition, the national police director has consistently ranked as the most popular public figure in the country, with an approval rating of 80% in a 2014 poll.¹¹⁸

Nevertheless, the U.S. Department of State has cited reports that “police frequently abused suspects during arrest, used excessive force, and engaged in degrading treatment.”¹¹⁹ Police presence is extremely limited outside of major urban areas, particularly in regions along the Caribbean coast.¹²⁰ Police also lack the necessary resources to effectively respond to crimes in progress.¹²¹

The U.S. Department of State reported that, according to Nicaraguan non-governmental organizations, violence against women remained high in 2016.¹²² Casa Alianza, an organization working with street children and sex workers, has reported that one in three women in Nicaragua have suffered physical abuse.¹²³ Per Amnesty International, “rape and sexual abuse are widespread in Nicaragua, and the majority of victims are young.”¹²⁴ Underreporting and the failure to enforce existing laws against rape have contributed to widespread impunity for this crime.¹²⁵

¹¹¹ Replogle; Wilkinson, Tracy, *Few Nicaraguans among Central America's exodus to U.S.*, Los Angeles Times, Aug. 30, 2014; Johnson, Tim, *Nicaraguans, safe at home, feel little reason to flee to U.S.*, McClatchy, Aug. 18, 2014.

¹¹² Replogle.

¹¹³ Gagne, *Why Is Nicaragua 7 Times Less Violent Than Honduras?*

¹¹⁴ 2016 *International Narcotics Control Strategy Report (INCSR) - Nicaragua*, U.S. Department of State, Mar. 2016.

¹¹⁵ Replogle.

¹¹⁶ *Ibid.*

¹¹⁷ Replogle; Gagne, *Why Is Nicaragua 7 Times Less Violent Than Honduras?*.

¹¹⁸ Replogle.

¹¹⁹ *Country Reports on Human Rights Practices for 2016: Nicaragua*, U.S. Department of State, Mar. 2016.

¹²⁰ *Nicaragua 2016 Crime & Safety Report*.

¹²¹ *Ibid.*

¹²² *Country Reports on Human Rights Practices for 2016: Nicaragua*.

¹²³ Klibanoff, Eleanor, *Nicaragua: These Women Had Dreams*, The Pulitzer Center, Aug. 16, 2013.

¹²⁴ *Listen to their Voice and Act: Stop the Rape and Sexual Abuse of Girls in Nicaragua*, Amnesty International, Nov. 25, 2010.

¹²⁵ *Country Reports on Human Rights Practices for 2016: Nicaragua*.

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Summary

Hurricane Mitch devastated Nicaragua in 1998, causing over a billion dollars in damages to the country's infrastructure, economic activities, and people. While the international community responded to the disaster with an unprecedented amount of aid, and reconstruction projects have been completed, Nicaragua 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 seasonal rains, volcanic and seismic activity, drought, mosquito-borne illnesses, coffee rust, and other extreme weather events. These and other environmental issues continue to pose challenges for Nicaragua as it seeks to promote economic development for its citizens and minimize the humanitarian impact of natural disasters like Hurricane Mitch. While Nicaragua has lower homicide and crime rates, a general lack of transnational gangs, and less corrupt security forces than its northern neighbors, it is nevertheless facing various security challenges, including armed conflict over land and high rates of violence against women.

TPS Addendum – Updates
Last Updated: October 19, 2017

According to the World Bank, Nicaragua “has stood out for maintaining growth levels above the average for Latin America and the Caribbean” in recent years.¹²⁶ Although poverty declined from 2009 to 2014, it nevertheless “remains high,” and Nicaragua is “still one of Latin America’s least developed countries, where access to basic services is a daily challenge.”¹²⁷ In August 2017, the Nicaraguan government reported that 96% of the population was employed, and 42.6% of the population was underemployed as of the first quarter of 2017.¹²⁸ A Nicaraguan news outlet claimed that these statistics could not be verified because the Nicaraguan government had not published the underlying quarterly data on unemployment since the end of 2012.¹²⁹

The U.S. Department of State does not currently have an active travel alert or travel warning for Nicaragua.¹³⁰ In a 2017 report, the World Economic Forum ranked Nicaragua 92nd out of 136 countries in its travel and tourism competitiveness index, including 65th in regards to safety and security.¹³¹ In 2015, Nicaragua ranked 92nd out of 141 countries in the overall rankings.¹³²

- (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 were killed.¹³³ During the first three months of the year, there was an average of 9 homicides per day.¹³⁴ Between January 1 and August 20, there was an average of 10.05

¹²⁶ Nicaragua Overview, The World Bank, Oct. 10, 2017, <http://www.worldbank.org/en/country/nicaragua/overview> (last visited Oct. 19, 2017).

¹²⁷ Nicaragua Overview, The World Bank, Oct. 10, 2017, <http://www.worldbank.org/en/country/nicaragua/overview> (last visited Oct. 19, 2017).

¹²⁸ Alvarez Hidalgo, Wendy, Crecimiento económico mella poco en el subempleo, La Prensa (Ni.), Aug. 8, 2017.

¹²⁹ Alvarez Hidalgo, Wendy, Crecimiento económico mella poco en el subempleo, La Prensa (Ni.), Aug. 8, 2017.

¹³⁰ Safety & Security Messages, U.S. Embassy in Nicaragua, <https://ni.usembassy.gov/it-s-citizen-services/security-and-travel-information/> (last visited Oct. 19, 2017).

¹³¹ The Travel & Tourism Competitiveness Report 2017, World Economic Forum, 2017.

¹³² The Travel & Tourism Competitiveness Report 2017, World Economic Forum, 2017.

¹³³ 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.

¹³⁴ Morales, Napoleón, 10.05 salvadoreños mueren a diario en El Salvador, Diario la Pagina (El Sal.), Aug. 21, 2017.

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homicides per day.¹³⁵ 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.”¹³⁶ In addition, El Salvador has also “repeatedly suffered from short spikes in homicides linked to temporary escalations in gang-related violence.”¹³⁷

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.¹³⁸ 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.”¹³⁹ 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.¹⁴⁰

(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 Honduras declared state of emergency, up to 31 December 2017, to the national

¹³⁵ Morales, Napoleón, 10.05 salvadoreños mueren a diario en El Salvador, Diario la Pagina (El Sal.), Aug. 21, 2017.

¹³⁶ Goi, Leonardo, Barrio 18 Extortion Scheme Casts Doubt on El Salvador Govt Security Narrative, InSight Crime, Jun. 19, 2017.

¹³⁷ Clavel, Tristan, Spike in Attacks on Security Force Families as El Salvador Violence Declines, InSight Crime, Jun. 13, 2017.

¹³⁸ Honduras: Van 808 homicidios menos que 2016, La Prensa (Hon.), Aug. 26, 2017.

¹³⁹ Moloney, Anastasia, Hundreds flee gang warfare in Honduras’ murder city, Thomson Reuters Foundation, May 15, 2017.

¹⁴⁰ 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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agricultural productive sector and has identified 77 municipalities in urgent need for assistance.¹⁴¹

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.”¹⁴² The aforementioned study focused on El Salvador, Guatemala and Honduras, particularly the parts of these countries located in the Dry Corridor.¹⁴³

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]¹⁴⁴ 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.¹⁴⁵

(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.¹⁴⁶

¹⁴¹ World Food Programme Food Security Update Central America—July 2017, The World Food Programme, Jul. 2017.

¹⁴² Emigration and food insecurity in Central American ‘dry corridor’ focus of new UN-backed study, UN News Centre, Aug. 23, 2017.

¹⁴³ 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.

¹⁴⁴ Central America and Caribbean Price Bulletin, Famine Early Warning Systems Network (FEWS NET), p.1, Aug. 2017.

¹⁴⁵ El Salvador, Honduras y Nicaragua: Actualización de monitoreo remoto, Famine Early Warning Systems Network (FEWS NET), p.1, Aug. 2017.

¹⁴⁶ 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 2017.¹⁴⁷ 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).¹⁴⁸

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 2016.¹⁴⁹ 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).¹⁵⁰

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.”¹⁵¹ 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 2016.¹⁵² 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.”¹⁵³ 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.¹⁵⁴

(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.

¹⁴⁷ Reportan un descenso de casos de dengue, zika y chikungunya, La Prensa Gráfica (El Sal.), Aug. 23, 2017.

¹⁴⁸ Boletín Epidemiológico Semana 36 | (del 03 al 09 de Septiembre de 2017), Ministerio de Salud (El Sal.), Sep. 15, 2017.

¹⁴⁹ Disminuyen los casos de zika, dengue y chikungunya, Secretaría de Salud (Hon.), Jul. 7, 2017.

¹⁵⁰ Disminuyen los casos de zika, dengue y chikungunya, Secretaría de Salud (Hon.), Jul. 7, 2017.

¹⁵¹ Zika - Epidemiological Report Nicaragua, Pan American Health Organization / World Health Organization, p.1, Jun. 2017.

¹⁵² Zika - Epidemiological Report Nicaragua, Pan American Health Organization / World Health Organization, p.1-2, Jun. 2017.

¹⁵³ Zika - Epidemiological Report Nicaragua, Pan American Health Organization / World Health Organization, p.2, Jun. 2017.

¹⁵⁴ Zika - Epidemiological Report Nicaragua, Pan American Health Organization / World Health Organization, p.2, Jun. 2017.

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GDP growth (annual %)¹⁵⁵

	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) ¹⁵⁶	\$4,224	\$2,361	\$2,151
Poverty headcount ratio at national poverty lines (% of population) (2014) ¹⁵⁷	31.8%	62.8%	29.6%
Unemployment, total (% of total labor force) (modeled ILO estimate) (2016) ¹⁵⁸	6.3%	6.3%	5.9%
Personal remittances, received (% of GDP) (2016) ¹⁵⁹	17.1%	17.9%	9.6%

¹⁵⁵ 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> (last visited Sep. 19, 2017).

¹⁵⁶ 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).

¹⁵⁷ 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=SL.POV.NAHC&country=HND,SLV,NIC> (last visited Sep. 19, 2017).

¹⁵⁸ 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).

¹⁵⁹ 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,HND> (last visited Sep. 19, 2017).

Attachment - 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).

At least 60 days before the expiration of a TPS designation, the Secretary, after consultations 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, he must terminate the designation. See INA § 244(b)(3)(B); 8 U.S.C. § 1254a(b)(3)(B). Although the Secretary must make his determination on extension or termination at least 60 days before the expiration of the TPS designation, publication of the required *Federal Register* notice announcing his 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) 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 lead to lawful permanent residence or confer any other 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.

*True or
false?
Ques?
Automatic
extension for
USCIS
administrators?*

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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 Acting Secretary
4 Duke's decision to terminate the Temporary Protected Status for Nicaragua.

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