

EXHIBIT 125



U.S. Citizenship
and Immigration
Services

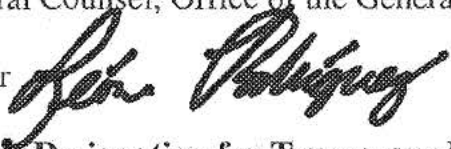
APR 21 2016

DECISION

MEMORANDUM FOR THE SECRETARY

THROUGH: Alan Bersin, Assistant Secretary for International Affairs and Chief
Diplomatic Officer, Office of Policy

Stevan E. Bunnell, General Counsel, Office of the General Counsel

FROM: León Rodríguez, Director 

SUBJECT: Extension of Nicaragua's Designation for Temporary Protected
Status

Purpose: Nicaragua's existing designation for Temporary Protected Status (TPS) will expire on July 5, 2016. 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 and, if so, the length of an extension of the designation.¹

Accordingly, U.S. Citizenship and Immigration Services (USCIS) has completed a review of the conditions in Nicaragua. As a result of this review, USCIS recommends that you extend Nicaragua's designation for TPS for 18 months, from July 6, 2016 through January 5, 2018, because Hurricane Mitch and subsequent environmental disasters have substantially disrupted living conditions, such that Nicaragua remains, temporarily, unable to handle adequately the return of its nationals.² As part of the review process, USCIS has consulted with the Department of State (DOS). DOS also recommends an extension of Nicaragua's designation for TPS and has indicated that the Nicaraguan government continues to support the designation. The recommended extension would permit current Nicaraguan TPS beneficiaries to maintain their status through January 5, 2018.

¹ See Immigration and Nationality Act (INA) § 244(b)(3)(A). See also Attachment A: Temporary Protected Status Legal Authority.

² In addition to nationals of Nicaragua, individuals having no nationality who last habitually resided in Nicaragua may also be eligible for TPS under Nicaragua's designation. See INA § 244(a)(1). As such, references to nationals of Nicaragua in this memorandum should be read to include individuals having no nationality who last habitually resided in Nicaragua.

Background: Following the destruction wrought by Hurricane Mitch, which struck Nicaragua in October of 1998, the Attorney General designated Nicaragua for TPS on January 5, 1999, on environmental disaster grounds.³ Nicaragua's designation has been extended 12 times since the 1999 designation, with the most recent extension announced on October 16, 2014.⁴ 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 5,368 Nicaraguan TPS beneficiaries.⁵

Both USCIS and DOS have conducted an in-depth review of conditions in Nicaragua. The country condition reports, upon which this recommendation to extend is based, can be found in Attachments B and C. Since Hurricane Mitch, the Government of Nicaragua, with the support of extensive foreign aid, has enacted reconstruction projects throughout the country. Although many of these projects have been completed, Nicaragua continues to suffer residual effects of Hurricane Mitch, and subsequent disasters have caused additional damage and added to the country's fragility. The regions most devastated by Hurricane Mitch, the mountainous north and the isolated Caribbean coast, continue to be the poorest and least developed in the country. Nicaragua is particularly vulnerable to recurring natural disasters and the impact of climate change, and its resilience to such threats is severely limited by poverty, lack of infrastructure, and governance challenges.

Since the last extension of Nicaragua's TPS designation, Nicaragua has experienced a series of environmental disasters that has exacerbated the persisting disruptions caused by Hurricane Mitch and significantly compromised Nicaragua's ability to adequately handle the return of its nationals. Nicaragua suffered from heavy rains and extensive flooding in October 2014, May 2015, and June 2015. Significant earthquakes struck in Nicaragua and off its coast in April and October of 2014. Between early May and late July 2015, the Telica volcano erupted 426 times, causing respiratory problems in neighboring communities. Much of the country is suffering from a prolonged regional drought, which, combined with the coffee rust epidemic in Central America, has negatively impacted livelihoods and food security.

Hurricane Mitch and subsequent environmental disasters have deleteriously affected Nicaragua's infrastructure. Only a fraction of the 41,000 homes that were damaged or

³ See Designation of Nicaragua Under Temporary Protected Status, 64 FR 526 (Jan. 5, 1999).

⁴ See Extension of the Designation of Nicaragua for Temporary Protected Status, 79 FR 62176 (Oct. 16, 2014).

⁵ This total 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., approximately 1,627 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 USCIS expects to re-register for TPS is lower than the total number of current beneficiaries. Based on statistics from the last re-registration period, USCIS estimates that approximately 2,550 re-registration applications will be filed if Nicaragua's designation for TPS is extended.

destroyed by Hurricane Mitch have been reconstructed. Heavy rains, flooding, and earthquakes have continued to destroy or degrade the country's housing stock, leaving Nicaragua with a chronic housing deficit. Transportation infrastructure in the regions hardest hit by Hurricane Mitch has not been properly rehabilitated since the storm and has been damaged by subsequent flooding. Only 12 percent of Nicaragua's roads are paved, representing the lowest percentage in Central America. Damage to many schools and health care facilities caused by Hurricane Mitch continues to go unrepaired.

Options:

1. Extend Nicaragua's Designation for TPS

The review of conditions in Nicaragua demonstrates that the statutorily required conditions supporting Nicaragua's designation for TPS continue to be met, as Hurricane Mitch and subsequent environmental disasters have substantially disrupted living conditions such that Nicaragua remains unable, temporarily, to handle adequately the return of its nationals. Although the United States is returning certain Nicaraguan nationals to Nicaragua in accordance with policy priorities, environmental disasters have significantly compromised Nicaragua's capacity to receive and reintegrate returning nationals by damaging infrastructure and limiting the availability of housing, food, and employment opportunities. Additionally, the Nicaraguan government continues to support the TPS designation. Thus, an 18-month extension of Nicaragua's designation for TPS is recommended by both USCIS and DOS. This extension of Nicaragua's designation for TPS would permit current Nicaraguan TPS beneficiaries to re-register for TPS and remain in the United States with work authorization through January 5, 2018.

2. Terminate Nicaragua's Designation for TPS

The conditions in Nicaragua demonstrate that the statutory requirements for an extension of TPS on environmental grounds continue to be met. Termination of Nicaragua's designation would potentially result in the return of Nicaraguan TPS beneficiaries to Nicaragua at a time when living conditions continue to be disrupted by environmental disasters and Nicaragua is unable, temporarily, to handle adequately the return of its nationals. Neither USCIS nor DOS recommends the termination of Nicaragua's designation for TPS.

3. Redesignate Nicaragua for TPS

Similarly, neither USCIS nor DOS recommends that Nicaragua be redesignated for TPS. Redesignation would allow the continuous residence and the continuous physical presence dates to be advanced, expanding TPS eligibility to individuals who entered the United States after the current continuous residence date of December 30, 1998, and the current continuous physical presence date of January 5, 1999. Redesignation is typically

recommended when country conditions have significantly changed or deteriorated since the last designation and there is a need to offer protection to individuals who have arrived in the United States after the existing continuous residence and physical presence dates. The Office of Immigration Statistics has estimated that redesignation of Nicaragua could result in roughly 80,000 Nicaraguans in the United States with TPS eligibility.⁶ Although the conditions supporting Nicaragua's designation for TPS persist, they do not show a need for redesignation at this time.

Timeliness: You are required to make a decision regarding extension or termination of TPS for Nicaragua at least 60 days prior to the expiration of the current designation and to provide timely notice of your decision through publication in the *Federal Register*.⁷ A decision by May 6, 2016, which is 60 days prior to the July 5, 2016, expiration of Nicaragua's current designation, will comply with this requirement and will facilitate timely publication of notice by the target publication date of May 16, 2016. If you do not make a decision at least 60 days prior to the expiration of the current designation (i.e., by May 6, 2016), then Nicaragua's designation must automatically be extended for a minimum of 6 months.⁸

Recommendation: Following interagency consultation with DOS and a thorough review of the conditions in Nicaragua, USCIS recommends that you extend Nicaragua's designation for TPS for 18 months, from July 6, 2016 through January 5, 2018, because Hurricane Mitch and subsequent environmental disasters have substantially disrupted living conditions such that Nicaragua remains unable, temporarily, to handle adequately the return of its nationals.

Approve/date _____ Disapprove/date _____

Modify/date _____ Needs discussion/date _____

Attachments:

- Attachment A: Temporary Protected Status Legal Authority
- Attachment B: USCIS RAIO Research Unit Report on Conditions in Nicaragua
- Attachment C: Department of State Recommendation Regarding Extension of Temporary Protected Status for Nicaragua

⁶ This number includes current beneficiaries.

⁷ See INA § 244(b)(3)(A).

⁸ See INA § 244(b)(3)(A), (C).

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 consultation with appropriate agencies of the Government, must review the conditions in a foreign State designated for TPS to determine whether the conditions for the TPS designation continue to be met and, if so, the length of an extension of the TPS designation. *See* INA § 244(b)(3)(A); 8 U.S.C. § 1254a(b)(3)(A)-(C). If the Secretary determines that the foreign State no longer meets the conditions for the TPS designation, the Secretary must terminate the designation. *See* INA § 244(b)(3)(B); 8 U.S.C. § 1254a(b)(3)(B). Although the Secretary must make a 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). There is also an automatic, minimum 6-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 CFR § 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 CFR §§ 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.

U.S. Citizenship
and Immigration
Services**TEMPORARY PROTECTED STATUS CONSIDERATIONS: NICARAGUA
AUGUST 2015****BACKGROUND**

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 damages 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

Since Hurricane Mitch, the Government of Nicaragua, with the support of extensive foreign aid, enacted various reconstruction projects throughout the country. Although various projects have been completed, subsequent natural disasters have caused extensive damages in Nicaragua – the poorest and least developed country in Central America and the second poorest in the Western hemisphere.⁵

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 percent of those affected were women, and 45.7 percent 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 Aug. 15, 2015).

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/lac/ni/> (last visited Aug. 15, 2015); *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*. According to a USAID source, overall damages in U.S. dollars were \$1.5 billion, while the Government of Nicaragua assessed damages in U.S. dollars at \$1.3 billion.

⁵ *The World Factbook: Nicaragua*, Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>, (last visited Aug. 30, 2015); *Human Development Index Report (2013)*, United Nations Development Programme, p. 143, 2013.

LOSS OF LIFE AND HOUSING DAMAGES

Hurricane Mitch killed 3,045 people in Nicaragua.⁶ Of this amount, 2,513 died in a landslide when a portion of the Casita volcano's cone broke off.⁷ The runoff immediately wiped out the towns of El Porvenir and Rolando Rodríguez in Chinandega department.⁸

The Government of Nicaragua estimated that Mitch destroyed 23,854 homes and damaged an additional 17,566.⁹ Housing reconstruction costs were estimated at \$143.7 million.¹⁰ The following table indicates the extent of housing damages by region:¹¹

Departments	Houses Damaged	Houses Destroyed	Total
Matriz, Nueva Segovia, Estelí	6,312	5,117	11,429
Chinandega, León	4,003	7,675	11,678
Managua	1,053	1,587	2,640
Granada, Rivas, Masaya, Carazo	1,100	705	1,805
Boaco, Chontales	156	97	253
Matagalpa, Jinotega	3,204	4,527	7,731
N. Autonomous Region	1,460	3,480	4,940
S. Autonomous Region	278	666	944
Total	17,566	23,854	41,420

DAMAGES TO TRANSPORTATION INFRASTRUCTURE

Damages to roads and bridges accounted for approximately 60 percent of Hurricane Mitch-related reconstruction costs.¹² Approximately 1,500 kilometers of paved and 6,500 kilometers of unpaved roads were damaged, while 3,800 meters of bridges were damaged or destroyed.¹³ As a result, the country's main cities were physically disconnected from smaller towns and

⁶ Nicaragua: *Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid. 1,500 kilometers and 6,500 kilometers account for 83 percent and 39 percent of all paved and unpaved roads in Nicaragua at the time of Hurricane Mitch, respectively.

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communities.¹⁴ The capital city of Managua, for example, was left disconnected from cities in the northern, central, and western regions of the country, compromising communication and the movement of people and commercial goods.¹⁵ Road and bridge reconstruction and rehabilitation costs were estimated at \$804 million.¹⁶

DAMAGES TO EDUCATIONAL AND MEDICAL FACILITIES

Estimates of schools damaged vary. The Government of Nicaragua reported that Hurricane Mitch destroyed 296 schools and damaged 216 more.¹⁷ More than 294,000 textbooks were destroyed and 555 teachers were left homeless or injured, contributing to damages totaling \$43.7 million.¹⁸ Other sources, however, indicated that approximately 340 schools were damaged.¹⁹

School enrollment rates have increased in the aftermath of Hurricane Mitch.²⁰ According to data collected by the World Bank, net primary school enrollment rates in Nicaragua increased from 77 percent in 1999 to 92 percent in 2010.²¹ While school enrollment rates have increased, reports indicate that infrastructure problems still remain in Nicaraguan schools.²² A 2010 study by the Ombudsman for the Defense of Human Rights of Nicaragua, which surveyed 123 schools in 12 departments across the country, found that the vast majority of schools surveyed had serious damage to their infrastructure; 66 percent of surveyed schools required immediate repairs to roofs, electrical systems, and potable water and sanitation systems, while 70 percent of schools lacked access to potable water.²³ In the Atlantic autonomous region, 100 percent of schools had not received any maintenance during the previous 16 years.²⁴

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.²⁵ However, an alternate source reports that 90 health centers, 40 health posts, and six hospitals suffered damages.²⁶ The health facilities in

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ 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.

²⁰ Nicaragua, World DataBank, The World Bank, <http://data.worldbank.org/country/nicaragua?display=default> (last visited Aug. 17, 2015).

²¹ Ibid.

²² *Inversión en infraestructura en escuelas públicas de primaria y secundaria en Nicaragua*, Instituto de Estudios Estratégicos y Políticas Públicas, p.15-16, May 24, 2011.

²³ Ibid.

²⁴ Ibid.

²⁵ *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*.

²⁶ Christoplos, et. al, p.14.

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the departments of Managua, León, Estelí, and Chinandega suffered the most damages.²⁷ The estimated cost to repair these facilities was \$21 million.²⁸ In 2012, the Inter-American Development Bank approved \$56.2 million in financing for the construction and rehabilitation of 80 health care centers.²⁹

DISRUPTION TO FOOD AND WATER ACCESS

Damages from Hurricane Mitch to the agricultural sector, comprised of the internal consumption and export markets, impacted the agricultural economy and local food access.³⁰ The bean, corn, and rice crops, all destined for domestic consumption, suffered estimated losses of 71 percent, 51 percent, and 28 percent, respectively.³¹ Similarly, crops destined for the export market, including sesame, peanuts, and bananas, saw losses of 65 percent, 27 percent, and 18 percent, respectively.³² 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.³³

The hurricane also damaged 79 potable water and 9 sewage treatment systems.³⁴ In the urban sector, 24 water uptake systems, 20 wells, 67 water pump stations, and 52 kilometers of pipes were damaged.³⁵ In the rural sector, approximately 634 wells were damaged.³⁶ Overall, damage from Hurricane Mitch caused a 40-percent reduction in water service, affecting close to a million people.³⁷

Despite the impact of Hurricane Mitch, access to drinking water and sanitation has increased in Nicaragua in the long-term.³⁸ 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 percent of the Nicaraguan population had access to an improved drinking water source, while an estimated 68 percent had access to improved sanitation facilities; in 1995—the last year of survey data before Hurricane Mitch—76 percent had access to an improved drinking water source, while only 49 percent had access to improved sanitation facilities.³⁹

²⁷ *Nicaragua: Huracán Mitch Daños, Costos, Acciones de Rehabilitación del Gobierno y la Cooperación Internacional*.

²⁸ *Ibid.*

²⁹ *Nicaragua to improve health care for 2.3 million people with assistance from IDB*, Inter-American Development Bank, Sept. 26, 2012.

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *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/?tx_displaycontroller%5Bregion%5D=&tx_displaycontroller%5Bsearch_word%5D=nicaragua&tx_displaycontroller%5Btype%5D=country_files, (last visited Sep. 15, 2015).

³⁹ *Ibid.*

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REHABILITATION AND REPAIR

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,⁴⁰ and local authorities, with the assistance of various small Spanish non-governmental organizations (NGO), built 300 homes in the municipality of Ocotal.⁴¹ These programs, however, represent a mere fraction of the more than 41,000 homes that were damaged or destroyed, exacerbating Nicaragua's chronic housing deficit.⁴²

A significant amount of aid was dedicated to repairing and improving road infrastructure. The Inter-American Development Bank, for example, authorized two loans totaling \$85 million for rehabilitation of the Pan-American Highway and the San Lorenzo to Muhan road.⁴³ In 2004, the Inter-American Development Bank granted an additional \$40 million for road improvement projects.⁴⁴ Similarly, the World Bank funded rehabilitation and maintenance projects for third and fourth roads, which are typically rural and unpaved.⁴⁵ Although these projects have been completed, only 12 percent of Nicaragua's roads are paved, representing the lowest percentage in Central America.⁴⁶

In addition, significant improvements have been made to water and sanitation systems. In 1999, the Inter-American Development Bank authorized a loan for \$13.9 million to modernize potable water and sanitation systems.⁴⁷ In 2000, the Inter-American Development Bank followed up with a \$15 million loan to implement sanitation programs in Lake Managua.⁴⁸ By 2001, according to a report drafted by a contractor working for USAID, 2,692 water supply systems,

⁴⁰ *Rebuilding after Hurricane Mitch: Housing reconstruction in Honduras and Nicaragua*, International Federation of Red Cross and Red Crescent Societies, p.3, 2007.

⁴¹ *Reconstrucción post-Mitch en Nicaragua*, EcoSur, Aug. 2009, <http://www.ecosur.org/ediciones-antteriores/105/455-reconstruccion-post-mitch-en-nicaragua>, (last visited Sep. 15, 2015).

⁴² 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 8 out of 10 Nicaraguans.

⁴³ *NI0099: Panamerican Highway Rehabilitation*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title,1303.html?id=NI0099> (last visited Aug. 12, 2015);

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 Aug. 12, 2015).

⁴⁴ *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 Aug. 12, 2015).

⁴⁵ *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).

⁴⁶ *Nicaragua > Infrastructure*, IHS' Jane's Sentinel Security Assessment, <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1302302&Pubabbrev=CAC> (last visited Aug. 12, 2015).

⁴⁷ *NI0097: Modernization Potable Water/Sanitation*, Inter-American Development Bank, <http://www.iadb.org/en/projects/project-description-title,1303.html?id=NI0097>, (last visited Aug. 12, 2015).

⁴⁸ *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 Aug. 12, 2015).

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7,226 household latrines, and 295 wells had been constructed.⁴⁹ In 2001, the Nicaraguan Aqueducts and Sewage Company reported that 46 percent of the rural population (1.2 million people) had access to safe water – 13 percent more than in 1998.⁵⁰ In 2006, the Inter-American Development Bank approved a loan in the amount of \$30 million to provide potable water service to an additional 80,000 people and to strengthen the maintenance capacity of the national water and sanitation company.⁵¹ The Inter-American Development Bank has continued to fund potable water and sanitation improvement projects, most recently a 2010 loan in the amount of \$30 million to increase coverage of potable water and sanitation services.⁵²

POST-HURRICANE MITCH ENVIRONMENTAL DISASTERS

Nicaragua is vulnerable to recurring natural disasters, including hurricanes, severe storms and flooding, volcanic activity, and earthquakes.⁵³ Nicaragua is also particularly vulnerable to the impact of climate change; according to the Global Climate Risk index, Nicaragua ranks 4th in the world in exposure to climate risks over the past 20 years.⁵⁴ Both strong seasonal rains and a prolonged drought in the section of Nicaragua located in Central America's "Dry Corridor"⁵⁵ have plagued the country in recent years.⁵⁶

Since Hurricane Mitch, various hurricanes, tropical depressions, and tropical storms have made landfall in Nicaragua. In November 2001, Hurricane Michelle damaged or destroyed

⁴⁹ 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, Dec. 2001.

⁵⁰ *Ibid*, p.16.

⁵¹ *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 Aug. 12, 2015); *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,5597.html> (last visited Aug. 12, 2015).

⁵² *Nicaragua will improve water and sanitation services with IDB support*, Inter-American Development Bank, Dec. 3, 2010.

⁵³ *Foreign Travel Advice – Nicaragua: Natural Disasters*, GOV.UK, <https://www.gov.uk/foreign-travel-advice/nicaragua/natural-disasters> (last visited Aug. 8, 2015).

⁵⁴ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, Oxfam, p.6, Nov. 2014.

⁵⁵ According to a report published by the Food and Agricultural Organization of the United Nations (FAO) on Central America's "Dry Corridor": "The term dry corridor, although it points to a climatic phenomenon, has an ecological basis: it defines a group of ecosystems that combine in the ecoregion of dry tropical forest in Central America, which starts in Chiapas, Mexico, and in a strip of land, contains the lowlands of the Pacific slope and much of the central pre-mountain region of Guatemala, El Salvador, Honduras, Nicaragua, and part of Costa Rica (up to Guanacaste); in Honduras, it also includes fragments which approach the Caribbean coast." See van der Zee Arias, Amparo, et. al, *Estudio de caracterización del Corredor Seco Centroamericano*, FAO, p.8, Dec. 2012. Another FAO report defines the "Dry Corridor" as: "an imprecise geographical demarcation defined by a zone with climatic characteristics of dry tropical forest, with a marked and prolonged dry season (*verano*), and where there is a latent risk of recurring drought during the reduced rainy season (*invierno*), which could occur due to the late arrival of the rainy season, an extension of the dry season, or a premature end of the rainy season." See Peralta Rodriguez, Orlando, et. al, *Buenas prácticas para la seguridad alimentaria y la gestión de riesgos*, FAO, p.8, Feb. 2012.

⁵⁶ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, p.3.

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3,349 houses, 7 bridges, and 7,000 hectares of crops;⁵⁷ in September 2007, Hurricane Felix, a category 5 storm, killed over 100 and damaged or destroyed an estimated 16,400 houses;⁵⁸ in May 2008, Tropical Storm Alma damaged 7 Pacific coast departments, leaving 3 people dead and 10 missing, and damaging “most major roads, water wells and latrines” in the department of Leon;⁵⁹ in October 2008, Tropical Depression 16 brought intense rains that left four people dead and affected 10,633 people in 8 departments;⁶⁰ 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.⁶¹

More recently, in October 2011, heavy rains linked to Tropical Depression 12E produced flooding and landslides throughout the country.⁶² An assessment carried out by the Government of Nicaragua found that 87 of 153 municipalities suffered damages, and nearly 149,000 people were affected by damages to their property, crops, and other livelihoods.⁶³ A total of 8,924 homes were flooded; 1,235 were partially destroyed, and 335 were completely destroyed.⁶⁴ Damages and losses associated with Tropical Depression 12E totaled \$445 million, or 6.8 percent of gross domestic product in 2010.⁶⁵ In June and July of 2013, tropical storms and heavy seasonal rain resulted in 15 deaths, widespread flooding, and 12,000 people affected.⁶⁶

During 2014 and 2015, a series of storms producing heavy rain and flooding caused significant damage and loss of life. In July 2014, heavy rains and flooding in the center and Caribbean regions of the country affected 1,015 people, caused the death of 3 others, and damaged or destroyed 205 homes.⁶⁷ 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.⁶⁸ Heavy rains and flooding also affected 1,075 people and damaged 215 homes in May 2015,⁶⁹ and caused even more damage in June 2015, when rain and flooding impacted 11 of 17 departments, affecting over 35,000 people and causing 6 deaths.⁷⁰

⁵⁷ *Hurricane Michelle - Honduras / Nicaragua OCHA Situation Report No. 11*, UNOCHA, Nov. 19, 2001.

⁵⁸ *Emergency Operation, Nicaragua 10700*, World Food Programme, p.1, (undated); *Latin America and the Caribbean – Hurricane Season 2007, Fact Sheet #8*, USAID, p.1, Sept. 21, 2007.

⁵⁹ *Costa Rica and Nicaragua: Tropical Storm Alma*, International Federation of Red Cross and Red Crescent Societies, Jun. 5, 2009.

⁶⁰ *Final Report - Central America: Floods*, International Federation of Red Cross and Red Crescent Societies, Oct. 29, 2009.

⁶¹ *Nicaragua: Floods*, International Federation of Red Cross and Red Crescent Societies, Nov. 11, 2009.

⁶² *Nicaragua: Flash Appeal Revision*, UNOCHA, p.1, 2011.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, p.7.

⁶⁵ *Ibid.*

⁶⁶ *Nicaragua: Floods – June 2013*, ReliefWeb, <http://reliefweb.int/disaster/fi-2013-000085-nic> (last visited Aug. 12, 2015).

⁶⁷ *Tres muertos y 1,015 personas afectadas por fuertes lluvias en Nicaragua*, *El Nuevo Diario* (Nic.), Jul. 14, 2014.

⁶⁸ *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.

⁶⁹ *Más de mil afectados por lluvias*, *Nuevo Diario* (Nic.), May 1, 2015.

⁷⁰ *Heavy rains in Nicaragua leave six dead*, *Agence France-Presse*, Jun. 15, 2015.

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A prolonged regional drought—the worst in 30 years—which began in July 2014 has impacted 2.5 million people in Central America, including an estimated 460,000 in Nicaragua.⁷¹ Linked to the El Niño Southern Oscillation,⁷² 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 1 million people.⁷³ According to Oxfam, over 268,000 families in Nicaragua's “dry corridor” were affected by crop loss by November 2014.⁷⁴ In response to the drought, in 2014 the Government of Nicaragua sent emergency aid, including food, water, and medicine, to the region.⁷⁵

However, the impact of the drought extends beyond the country's “dry corridor,” as an estimated 112 of 156 municipalities in Nicaragua “have reported damage or loss of crops due to the drought,”⁷⁶ including the loss of 1 million bushels of rice and maize, and the death of 5,000 cattle.⁷⁷ In November 2014, Oxfam reported that the drought was affecting the food security of 100,000 people in Nicaragua.⁷⁸ Despite having the most abundant water sources in Central America, Nicaragua is currently facing a nationwide water shortage due to the drought, a lack of investment in the water system, poor water management, soil erosion, deforestation, and climate change.⁷⁹

Damages resulting from other natural disasters, such as volcanic and seismic activity, have also affected Nicaragua. In December 2009, the Concepcion volcano erupted, releasing gas and smoke and causing ash to fall on nearby villages.⁸⁰ 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.⁸¹ Between early May and late July 2015, the Telica volcano erupted 426 times;⁸² 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.⁸³

⁷¹ *Global Emergency Overview – March 2015*, ACAPS, p.112, Mar. 24, 2015.

⁷² 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, Jose Adan, *El Niño Triggers Drought, Food Crisis in Nicaragua*, Inter Press Service, Jul. 10, 2014.

⁷³ Silva, Jose Adan, *Thirsty in Nicaragua, the Country Where ‘Agua’ Is Part of Its Name*, Inter Press Service, Jun. 4, 2015.

⁷⁴ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, p.6.

⁷⁵ Silva (Thirsty in Nicaragua).

⁷⁶ *Global Emergency Overview – November 2014*, p.120.

⁷⁷ *Global Emergency Overview – March 2015*, p.112.

⁷⁸ *From Words to Facts: Acting on Climate Change in Central America, Action and Financing, Now!*, p.15.

⁷⁹ Silva (Thirsty in Nicaragua).

⁸⁰ *Volcano eruption covers villages in ash*, ABC News, Dec. 11, 2009.

⁸¹ *Thousands evacuate as Nicaragua volcano spews ash*, ABC News, Sep. 8, 2012.

⁸² *Ineter: el Volcán Concepción retoma sus explosiones*, La Jornada (Nic.), Jul. 28, 2015.

⁸³ *Más de 2 mil afectados por cenizas y gases del Telica*, El Nuevo Diario (Nic.), May 12, 2015.

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In June 2013, a 6.6 magnitude earthquake off the coast of Nicaragua triggered a tsunami warning and caused structural damage near its epicenter.⁸⁴ 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 2 weeks following the original earthquake on April 10.⁸⁵ The earthquakes affected 24,025 people and damaged 2,952 homes.⁸⁶ In response to a 7.4 magnitude earthquake in October 2014, 100,000 people were evacuated from coastal areas.⁸⁷

Nicaragua has also been impacted by a regional coffee rust⁸⁸ epidemic, which has caused crop loss and declining coffee production throughout Central America in recent years.⁸⁹ Over 2 million people have been affected by coffee rust in Central America, which has been “ruining the livelihoods of communities in Guatemala, El Salvador, Honduras, and Nicaragua.”⁹⁰ By October 2014, an estimated 655,000 people in Honduras, Nicaragua, and El Salvador were considered food insecure due to the coffee rust epidemic.⁹¹

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, and other severe weather patterns related to climate change. 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.

⁸⁴ *Sismos dejan personas lesionadas y daños leves en Nicaragua*, La Prensa (Pan.), Jun. 15, 2013.

⁸⁵ *Nicaragua, Terremoto. Reporte de Situación N° 7*, UNOCHA, p.1-3, Apr. 25, 2014.

⁸⁶ *Ibid.*, p.1.

⁸⁷ *Global Emergency Overview – November 2014*, p.120.

⁸⁸ 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.

⁸⁹ Malkin, Elisabeth, *Coffee Crop Withers: Fungus Cripples Coffee Production Across Central America*, New York Times, May 5, 2014.

⁹⁰ Sang, Dorothy, *International coffee day: a devastating plague of coffee rust that is leaving communities hungry and desperate*, Save the Children, Sep. 29, 2014, <http://blogs.savethechildren.org.uk/2014/09/international-coffee-day-a-devastating-plague-of-coffee-rust-that-is-leaving-communities-hungry-and-desperate/>, (last visited Aug. 11, 2015).

⁹¹ *Global Emergency Overview – November 2014*, p.120.

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ADDITIONAL TEMPORARY PROTECTED STATUS CONSIDERATIONS FEBRUARY 2016

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 2014, Nicaragua’s homicide rate fell to 8 murders per 100,000 inhabitants—its lowest rate in the last 15 years, and slightly higher than the 2013 global average of 6.2 per 100,000.⁹³ Nearly 80 percent of homicides were the result of personal disputes.⁹⁴ Regions along the country’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

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.”⁹⁶ However, in a 2013 survey, only 3 percent of Nicaraguans said that crime was the country’s most pressing issue.⁹⁷

Nicaragua has been generally free from the high levels of gang violence afflicting El Salvador, Guatemala, and Honduras.⁹⁸ While Nicaragua has a significant amount of gang members, the presence of Barrio 18 and Mara Salvatrucha is limited.⁹⁹ Gangs in Nicaragua are comparatively smaller and more localized, and “there’s virtually no extortion in Nicaragua from criminal gangs of the kind rampant in the Central American nations to the north.”¹⁰⁰ Community policing and other government efforts have been effective in limiting the impact and growth of local gangs.¹⁰¹

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

⁹³ *Global Study on Homicide 2013*, p.14; Gagne, *InSight Crime’s 2015 Latin America Homicide Round-up*.

⁹⁴ Gagne, *InSight Crime’s 2015 Latin America Homicide Round-up*.

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

⁹⁶ *Nicaragua 2014 Crime and Safety Report*, Bureau of Diplomatic Security, U.S. Department of State, May 12, 2014; *Nicaragua 2015 Crime and Safety Report*, Bureau of Diplomatic Security, U.S. Department of State, June 12, 2015.

⁹⁷ Replogle.

⁹⁸ *Freedom in the World 2015 - Nicaragua*, Freedom House, Mar. 31, 2015.

⁹⁹ Ribando Seelke, Clare, *Gangs in Central America*, Congressional Research Service, p.3-4, Feb. 20, 2014.

¹⁰⁰ 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.

¹⁰¹ Replogle.

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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.¹⁰² Security forces are generally less corrupt than their counterparts in El Salvador, Guatemala, and Honduras.¹⁰³ The police even have a positive image amongst the population; the national police director has consistently ranked as the most popular public figure in the country, with an approval rating of 80 percent in a 2014 poll.¹⁰⁴

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.”¹⁰⁵ In addition, non-governmental organizations and the media have reported that police allegedly protected or gave preferential treatment to pro-government demonstrators while disrupting or failing to protect opposition groups from harassment or attacks.¹⁰⁶ Police presence is limited outside of major urban areas, particularly in regions along the Caribbean coast.¹⁰⁷

The U.S. Department of State reported that, according to Nicaraguan non-governmental organizations, violence against women remained high in 2014, with both the amount and severity of violence increasing significantly over the past 7 years.¹⁰⁸ Casa Alianza, an organization working with street children and sex workers, has reported that one in three women in Nicaragua have suffered physical abuse.¹⁰⁹ Per Amnesty International, “rape and sexual abuse are widespread in Nicaragua, and the majority of victims are young.”¹¹⁰ Underreporting and the failure to enforce existing laws against domestic violence and rape have contributed to widespread impunity and rising levels of violence.¹¹¹

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ *Country Reports on Human Rights Practices for 2014: Nicaragua*, U.S. Department of State, 2015.

¹⁰⁶ Ibid.

¹⁰⁷ *Nicaragua 2014 Crime and Safety Report*.

¹⁰⁸ *Country Reports on Human Rights Practices for 2014: Nicaragua*.

¹⁰⁹ Klibanoff, Eleanor, *Nicaragua: These Women Had Dreams*, The Pulitzer Center, Aug. 16, 2013.

¹¹⁰ *Listen to their Voice and Act: Stop the Rape and Sexual Abuse of Girls in Nicaragua*, Amnesty International, Nov. 25, 2010.

¹¹¹ *Country Reports on Human Rights Practices for 2014: Nicaragua*.

THE SECRETARY OF STATE
WASHINGTON

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December 2, 2015

The Honorable
Jeh Charles Johnson
Secretary of Homeland Security
Washington, DC 20528

Dear Mr. Secretary:

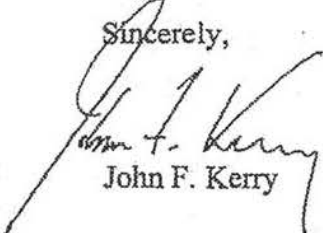
Temporary Protected Status (TPS) was granted to Nicaragua effective January 5, 1999, due to the environmental disaster caused by Hurricane Mitch and is currently set to expire July 5, 2016, unless extended. The Department of State has evaluated Nicaragua's current conditions to help inform your decision regarding an extension of this designation. Based on our assessment, Nicaragua continues to suffer from the residual effects of Hurricane Mitch, and subsequent disasters have compounded the country's fragility. Nicaragua continues to be unable to handle adequately the return of the approximately 4,300 Nicaraguans who currently benefit from TPS in the United States.

Since Hurricane Mitch in 1998, Nicaragua continued to experience setbacks from a series of environmental events that have significantly impeded recovery. The 2013 Global Climate Risk Index places Nicaragua fourth in its list of countries most affected by extreme weather events between 1993 and 2012. The regions most devastated by Mitch, the mountainous north and isolated Caribbean coast, continue to be the poorest and least developed in the country. Concerns regarding risks to the country's water supply have grown and agricultural difficulties continue, most recently due to a drought caused by the El Niño phenomenon, threatening Nicaragua's food security. Weak and poorly constructed infrastructure in the affected areas continues to be a significant barrier to wide-scale recovery.

The political, fiscal, and employment situation in Nicaragua remains poor, and adding the current TPS holders from the United States into the Nicaraguan economy at this time could exacerbate levels of poverty, food insecurity and its population's vulnerability generally.

Given the facts enumerated above, we believe conditions warranting the designation still exist. Enclosed is the Department of State's assessment of country conditions in Nicaragua as they relate to the statutory requirements of TPS. Based on that assessment, I recommend you extend TPS for Nicaragua for an additional 18 months.

Sincerely,


John F. Kerry

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Assessment Regarding Extension of the Designation of
Temporary Protected Status for Nicaragua

I. Statutory Basis for Designation

A. *Armed conflict*

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

No.

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

N/A.

B. *Environmental Disaster*

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

Yes.

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

Yes. The effects of Hurricane Mitch, which prompted the January 5, 1999 designation of Nicaragua for Temporary Protected Status (TPS), continue to disrupt living conditions in Nicaragua. Hurricane Mitch brought extensive rainfall and severe flooding to Nicaragua, leaving two million people suffering the storm's direct effects. Total damage was estimated at \$1.5 billion.

The regions most devastated by Mitch, the mountainous north and isolated Caribbean coast, continue to be the poorest and least developed in the country. The 2013 Global Climate Risk Index places Nicaragua fourth in its list of countries most affected by extreme weather events between 1993 and 2012. Subsequent environmental events have significantly compounded the initial devastation and disruption of living conditions. In 2010, Tropical Storm Matthew caused 70 fatalities and upwards of \$10 million in damage. In 2009, Tropical Storm Alma left more than 25,000 people homeless. In 2007, Hurricane Felix was also disastrous, particularly to the Caribbean coast, and damage was estimated at

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environment in which the return of the 4,300 Nicaraguan nationals currently under TPS could be adequately absorbed. Nicaragua's relative poverty is not improving, and its economy is decelerating, with GDP growth expected to be 3.9 percent in 2015, down from 4.5 percent in 2014. This growth is insufficient to raise the approximately 42 percent of the population, which lives in poverty (according to a 2012 World Bank study) above the poverty line. The Nicaraguan government reported 6.8 percent unemployment in 2014; however, many experts estimate roughly two-thirds of those employed are in the informal sector, where wages are low, hours irregular, labor rights questionable, and social safety nets virtually nonexistent. Even those in the formal sector face significant challenges, since approximately only 38 percent of the "canasta basica" or basket of consumer goods is covered by the minimum wage.

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

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?
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?
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?

Political tension throughout the country also contributed to a disruption in living conditions. This was most visible in the conduct of deeply flawed electoral processes in 2008, 2011, and 2012, as well as in a series of non-transparent political maneuvers ranging from presidential reelection to appointments in the supreme electoral council and the supreme court. In 2014, the national assembly passed sweeping reforms

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to the constitution, military, and Nicaraguan national police, significantly reshaping the country's political landscape and further consolidating power in the executive office. International observers from the Organization of American States and the European Union described the 2011 national elections as a flawed, non-transparent process was full of irregularities. The supreme electoral council, four years later, has not yet published the full results of the election as prescribed by Nicaragua's electoral law. The most recent municipal elections saw an increase in the levels of political tension, as well as sporadic post-electoral violence.

III. Recommendation

For the factors enumerated above, the Department recommends TPS be extended for Nicaragua for 18 months.

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